



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

24 August 2016

Trial Day 444

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Dec-2016, 10:35

CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Doreen CHEN
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KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHEN	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOUMJIAN	English
Mr. LIV Sovanna	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Ms. SOU Sotheavy (2-TCCP-224)	Khmer
The President (YA Sokhan)	Khmer

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

2 (Court opens at 0859H)

3 MR. PRESIDENT:

4 Please be seated. The Court is in session.

5 Today, the Chamber continues to hear testimony of civil party Sou
6 Sotheavy, and after it concludes, it begins to hear testimony of
7 another civil party, that is, 2-TCCP-264.

8 Mr. Em Hoy, please report the attendance of the parties and other
9 individuals to today's proceedings.

10 [09.00.42]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case
13 are present.

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

17 Civil party who is to conclude his testimony today, that is, Sou
18 Sotheavy, is present in the courtroom.

19 Today, we also have a reserve civil party, 2-TCCP-264.

20 Thank you.

21 [09.01.41]

22 MR. PRESIDENT:

23 Thank you, Mr. Em Hoy. The Chamber now decides on the request by
24 Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea, dated 24 August

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1 2016, which states that, due to his health, that is, headache,
2 back pain, he cannot sit or concentrate for long. And in order to
3 effectively participate in future hearings, he requests to waive
4 his rights to be present at the 24 August 2016 hearing.

5 He advises that his counsel advised him about the consequence of
6 this waiver, that in no way it can be construed as a waiver of
7 his rights to be tried fairly or to challenge evidence presented
8 to or admitted by this Court at any time during this trial.

9 Having seen the medical report of Nuon Chea by the duty doctor
10 for the accused at the ECCC, dated 24 August 2016, which notes
11 that Nuon Chea has back pain and feels dizzy and recommends that
12 the Chamber shall grant him his request so that he can follow the
13 proceedings remotely from the holding cell downstairs.

14 [09.03.10]

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

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

22 And the Chamber would like now to hand the floor to the
23 Co-Prosecutor to put question to the civil party.

24 [09.04.00]

25 QUESTIONING BY MR. KOUMJIAN RESUMES:

3

1 Good morning, Your Honours, counsel, and Madam Witness (sic).

2 Q. I'd like to switch topics a bit today and ask you some
3 questions about your detention at various facilities that you
4 talked about in prior statements.

5 You mentioned a place where you were detained at Krang Chey
6 (phonetic), if I'm pronouncing it correctly. Can you tell us
7 approximately when and for how long you were at that -- detained
8 there at Krang Chey (phonetic)?

9 [09.04.44]

10 MR. SENG LEANG:

11 It's not Krang Chey (phonetic), but Krang Chheh.

12 MS. SOU SOTHEAVY:

13 A. I was detained at Krang Chheh <in Angk Khnaor commune>. It was
14 a refashion centre of the commune, and I cannot recall the date
15 of the detention. I was detained there for quite a long time.

16 BY MR. KOUMJIAN:

17 Q. Do you recall what you saw when you walked in? In one of your
18 statements, you talked about that.

19 Do you recall anything on the wall?

20 MS. SOU SOTHEAVY:

21 A. On the first day that we arrived, we knew that we would be
22 sent to the interrogation place, and there, they hanged hammers,
23 whips, tools to remove nails <and so on>. And if we were asked
24 about letter "A", we had to respond about letter "A". And if they
25 asked about "B", we had to respond about "B".

4

1 [09.06.04]

2 Q. Did you ever hear other people being interrogated and -- well,
3 first let me ask you that.

4 Were you aware of others being detained being interrogated?

5 A. I didn't witness the torture myself. There was a torture
6 place. However, at midnight, I could hear the screaming, so this
7 means that the interrogation did not take place during the
8 daytime or in late evening, and it was conducted at midnight.

9 Q. What kind of people were detained? Do you know why the
10 prisoners were detained at that facility?

11 A. In fact, I did not know the kinds of people who were detained
12 there. There were all kinds of people, men, women, transgenders.
13 However, we were placed in different detention pits. I could only
14 speak about those who were detained in the same pit, and the area
15 <in Krang Chheh> was pretty big.

16 [09.07.40]

17 Q. When you say "a pit", can you briefly describe what you mean?

18 A. That refashion centre or prison <in Krang Chheh> was not held
19 <in concrete house, at a school,> at a pagoda or at a temple. In
20 fact, they dug a pit about five <square> metres deep, then they
21 laid some <palm trees> in there<, they built stairs to climb up
22 from there> and <they covered it with dirt and> some leaves <in
23 order to block the water from flowing in>.

24 Q. Where was this located, Krang Chheh? Can you tell us what
25 province it was in, or district?

5

1 A. Krang Chheh was located in Angk Khnaor commune during the Pol
2 Pot regime, and now it is in Bourei Cholsar district. Previously,
3 it was in <Angk Khnaor commune,> Kaoh Andaet <district> of Takeo
4 province.

5 Q. So it was in Takeo province, if I understand correctly.

6 Now, did you subsequently get sent to -- excuse me. One question
7 about that. Let me move on, sorry.

8 Did you subsequently get sent to another prison at Phnom Sanlong?

9 [09.09.27]

10 MR. PRESIDENT:

11 Counsel for Khieu Samphan, you have the floor.

12 MS. GUISSSE:

13 Thank you, Mr. President.

14 I'm listening carefully to the questions put by the Co-Prosecutor
15 <for the past few minutes>, and I note that the detention centres
16 that he's bringing up do not fall within the scope of the trial.

17 It's true that, in the context of his statement of suffering, the
18 civil party can speak about the totality of the facts, but here,
19 <we're talking about questions on the facts. So> I'm objecting to
20 what the prosecutor is putting questions regarding facts that do
21 not fall within the Severance Order, in any case.

22 [09.10.15]

23 MR. KOUMJIAN:

24 Your Honours, it's the Prosecution position, and key to our case,
25 that the torture of individuals, the detention of innocent

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1 people, classification as "enemies" and executions was part of a
2 national policy, and that's why these national leaders, Khieu
3 Samphan and Nuon Chea, are responsible for these crimes.
4 Now, if the Defence is willing to stipulate that this was a
5 national policy, I don't need to go into it. But if they are, as
6 sometimes claimed, at least by Nuon Chea, that these were local
7 decisions, then I think it's important that we at least briefly
8 describe what happened around the country. And I do promise to be
9 very brief. I only have a few minutes left.

10 [09.11.05]

11 MS. GUISSÉ:

12 Well, let me answer very briefly. The question is not what the
13 Co-Prosecutor wishes to deal with, but why the Chamber is linked
14 to what it's seized of. So, if the Chamber is not seized of these
15 facts, we should not talk about them.

16 It's very clear<, you gave a list of> which security centres fall
17 within the scope of the trial, so if we're going to follow the
18 Co-Prosecutor's logic, we can speak about everything<, all the
19 time>. In that case, there's no point having a Severance Order or
20 a Closing Order.

21 JUDGE FENZ:

22 I think we can shorten the debate. We have had a practice so far
23 that as long as it is brief and doesn't go into details, we allow
24 those questions against the background of the national policy
25 issue, so we hope the prosecutor speaks to his promise to remain

1 brief.

2 [09.12.06]

3 BY MR. KOU MJIAN:

4 Q. Sir (sic), were you detained at Phnom Sanlong, and where was
5 that located?

6 MS. SOU SOTHEAVY:

7 A. I cannot recall the date because I remained detained in a
8 prison and I could not see the daylight much. And we were allowed
9 outside very -- for very limited period of time. I was
10 transferred from Kraing Chheh to Phnom Sanlong prison, and it was
11 still located in Takeo province. <It belonged to the commune.>

12 Q. At that prison, can you briefly describe the conditions that
13 you saw?

14 A. During the Pol Pot regime, while I was detained at Sanlong --
15 Phnom Sanlong prison, there was a cave, and I believe the cave
16 has been dismantled or damaged because later on I went there <to
17 conduct a ritual,> the cave was no longer there.

18 At the time while I was detained, I was ordered to break rock for
19 one cubic metre per day, and I did not know where the broken
20 rocks were sent to. And if we could not achieve the work quota,
21 we would be deprived of food for that day.

22 [09.13.52]

23 Q. Did people sleep on beds at night, or how were your
24 accommodations were at the night time?

25 A. There was no single bed for each of us. They laid bamboo on

1 the ground and we slept on it, and then our ankles would be
2 shackled underneath. We slept in a row on this bamboo.

3 Q. What kinds -- do you know why people were detained at that
4 prison? Did you ever learn what the allegations against them
5 were?

6 A. We did not know about the offences because by that time, we
7 stuck to the principle of being silent <because we were guarded
8 by militiamen and security guards there while working>, and we
9 kept focusing on breaking the rock to -- in order to achieve one
10 cubic metre per hectare so that we could eat. And we did not dare
11 ask one another what mistake that person committed. We were
12 afraid of being killed.

13 Q. Did anyone disappear when you were there from the -- that
14 prison?

15 MR. PRESIDENT:

16 Counsel for Khieu Samphan, you have the floor.

17 [09.15.50]

18 MS. GUISSÉ:

19 Mr. President, I object again for the same reasons as I presented
20 earlier. We are speaking about the detailed conditions in a
21 security centre that does not fall within the scope of the trial,
22 so I object.

23 JUDGE FENZ:

24 How many more questions to the security centre?

25 MR. KOUMJIAN:

1 A couple. One or two, I believe.

2 But Your Honours, this is tied in -- there's previous statements
3 from witnesses about this being part of a purge, and I'd also
4 point out that all of this occurred -- all of these witnesses
5 experienced in what Michael Vickery, expert, often cited by the
6 Defence called the "Pol Pot zone par excellence", the Southwest,
7 so it's all very relevant to the national policies.

8 So sir (sic) -- if I could --

9 JUDGE FENZ:

10 Go ahead, yes.

11 [09.16.48]

12 BY MR. KOUMJIAN:

13 Q. If I could just ask you, tell us, did people disappear, and
14 how do you know?

15 MS. SOU SOTHEAVY:

16 A. The issue of disappearance happened <on a regular basis>.
17 Sometimes people disappeared every two or three days, and maybe
18 we presumed that the person got sick. And we didn't dare to ask
19 about the disappearance. And of course, <during the Pol Pot
20 regime,> we knew that when a person disappeared, it means the
21 person was sent for study session and that the term to go for a
22 study session had a different connotation from the current
23 definition of that phrase.

24 Q. Did you ever go outside and see or smell anything?

25 [09.18.02]

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1 A. At the mountain where we were detained, we did not witness
2 anything strange because the execution site <> was held <> on
3 hill to the west of the mountain. I knew that the hill was the
4 execution site later on, as when people went there to conduct a
5 ritual or ceremony. People disappeared during my detention, and I
6 did not know whether they were sent to be killed at that hill or
7 they were sent for study session elsewhere. And when we heard
8 that people were sent for study sessions, it means that they
9 disappeared.

10 Q. Okay. I'm finished asking you in particular about the security
11 centres.

12 I want to ask you about all of your experiences during the DK
13 period in that Southwest Zone area, Takeo or Kandal. Can you tell
14 us, did you encounter ethnic Vietnamese people, and do you know
15 what happened to them during the regime?

16 [09.19.28]

17 A. In Takeo province, I lived in the cooperative a short period
18 of time only, as I spent a lot of times in a mobile unit. And
19 then I was detained in the prisons, and I did not know about the
20 advancement of the attack by the Vietnamese troops. After I was
21 released from Sanlong prison, I was sent to live in Kandal
22 province, and I did not observe any Vietnamese people living
23 there. Maybe they had been executed earlier, but after the middle
24 part of the regime when I was in Kandal province, I did not
25 witness or see any Vietnamese people. However, I saw Cham people.

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11

1 Q. Okay. Thank you.

2 Sir (sic), what about former Lon Nol soldiers? Did you see how
3 the regime, when you were there between '75 and '79, treated
4 former Lon Nol soldiers or even the families of people who had
5 family members who had been Lon Nol soldiers?

6 A. I did not know much about the family situation of other
7 people. I only knew about my own family members, and I suffered
8 from the losses of my family members. <My elder brothers were
9 former Lon Nol soldiers.> My father was also a former Lon Nol
10 soldier, and my family members had all been killed, including my
11 distant cousin and distant relatives.

12 [09.21.15]

13 When you are members of the families who had members who were
14 former soldiers, they had been killed. Sixteen of my family
15 members and relatives were killed. My father was a former
16 soldier. I, myself, was <also> a soldier before 1975, <but I
17 behaved differently so I was not investigated. However,> some of
18 my family members and relatives were also soldiers and they were
19 all killed because they were accused of being soldiers or
20 connected to family members who were soldiers.

21 Q. How did the Khmer Rouge learn whether people had family
22 members who had been Lon Nol soldiers?

23 A. There was no need for anyone to report to the authority
24 because my father's relatives were officials for forestry and,
25 later on, <in 1970,> they became soldiers. Some of them were

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1 officers, military officers. They were -- some members were also
2 intellectuals, and that's why they knew about that. And that was
3 the reason leading to their death.

4 They conducted their research and they knew that members of my
5 family were soldiers and were former teachers, and they were the
6 target of being killed.

7 [09.23.05]

8 Q. Did you ever witness whether -- Madam, did you ever witness
9 whether soldiers -- whether the Khmer Rouge kept lists or
10 collected biographies of ordinary people such as your family
11 members?

12 A. Not only for the ordinary people, some Base People also had to
13 make their biographies. My family members, including my mother
14 and father, were honest because they hoped that he would be
15 returned to his military function and that he could seize
16 Cambodians. They were honest. And as for some of my siblings,
17 when the regime fell, we went to various parts of Cambodia, and
18 none survived.

19 Q. One other question, sir (sic): When you were in Sanlong
20 prison, did you ever hear about Krang Ta Chan prison in Tram Kak
21 district?

22 [09.24.56]

23 A. I briefly knew about Krang Ta Chan prison in Tram Kak. After I
24 was transferred from Sanlong prison in order to go to Kandal
25 province, I was sent overnight to stay at Krang Ta Chan prison

13

1 because, at that time, the Vietnamese troops almost advanced to
2 the area.

3 I was detained there for one night only, but I was not allowed to
4 stay inside the prison there.

5 Q. So you were actually kept outside of the prison, but near it.

6 Is that -- do I understand correctly?

7 Inside the gates, perhaps, but outside the buildings, or could
8 you explain?

9 A. Yes, that is correct. I was sent there as a deposittee for
10 overnight, and I heard security people said that there were no
11 detainees there, but I knew -- I knew that it was a prison
12 because I had been detained in other places. So they sent me <>
13 to stay with security people there. However, I was not handcuffed
14 as people from Sanlong prison told the security force there that
15 I committed only minor offence. And by the next morning, I left
16 the area.

17 [09.26.40]

18 Q. Okay. Thank you.

19 So if you don't know the answer to this question, please tell us.

20 But do you know whether people disappeared or how they were
21 treated at Krang Ta Chan prison?

22 A. I did not ask how they were treated. As I said, I was there
23 overnight only. Then by the time I arrived there from Sanlong
24 prison, it was nightfall and I did not know much because by next
25 morning, security force took me to Kandal province.

14

1 I asked the people there, and they said that there were no
2 prisoners being detained there. <They secretly hid it.> And only
3 later on when I visited Krang Ta Chan, some of my family -- I
4 found out that some of my family members and relatives were
5 killed there at Krang Ta Chan. <That's why I said that the
6 situation in Krang Ta Chan was worse than the situation in Krang
7 Chheh and Sanlong.>

8 MR. KOUMJIAN:

9 Thank you, Madam Witness.

10 Thank you, Your Honours. I have no further questions, and I don't
11 believe my colleague does, either.

12 MR. PRESIDENT:

13 I'd like to hand the floor now to the defence team for Nuon Chea.

14 [09.28.25]

15 QUESTIONING BY MR. LIV SOVANNA:

16 Thank you, Mr. President. Good morning, Your Honours. Good
17 morning, everyone.

18 Q. And good morning, Madam Civil Party.

19 My name is Liv Sovanna. I'm the National Counsel for Nuon Chea's
20 defence, and I have some questions to put to you.

21 I'd like to ask some questions in relation to your background.

22 Yesterday, you stated that, prior to 1975, you were a singer in a
23 bar. However, just then, you just stated that you were a former
24 Lon Nol soldier. Did you perform any other tasks or did you have
25 any other jobs besides these two, for example, a movie actor?

15

1 MS. SOU SOTHEAVY:

2 A. No, I was not a movie actor due to my appearance, but I was a
3 singer, as I could sing and I could also perform in a traditional
4 theatre. I did not involve in filming.

5 I was a soldier, and that happened prior to 1970. I was a soldier
6 during 1968 or '69. I was a medic in the army. Of course, it was
7 a lengthy background and, in short, I could say that the entire
8 members of my family were either soldiers or teachers. And I was
9 a bit different from the rest of my family members, as my
10 education was rather limited.

11 I finished my <upper secondary> education in 1960, and then I
12 engaged in my study in the school of arts.

13 [09.30.30]

14 Q. Thank you.

15 I move on to other areas, that is, in relation to the period
16 prior to your marriage.

17 <In the hearing yesterday, you> said that in February 1977, there
18 was a policy that people were required to get married, and you
19 stated that you were forced to get married. Can you describe to
20 the Chamber about the marriage policy and the regulations on
21 marriage?

22 [09.31.08]

23 A. I made mention of the marriage regulation yesterday, that it
24 started from February 1977, and I also stated yesterday that I
25 only heard about the arrangement for people to get married by

16

1 that month, that youths were required to get married. <I was not
2 forced to get marriage yet.> And only later on, I knew that the
3 policy actually existed when I was forced to cut my hair. And
4 finally, it happened.

5 A few months after, <> I was forced to get married, <they asked
6 me> whether I consented to the marriage. And I told the Court
7 about <> that my mother was very old and if I got married, who's
8 going to look after my mother. And I was told that Angkar would
9 take -- would look after my mother and that Angkar required me to
10 get married. And I kept asking for a delay. And that happened
11 during the initial period.

12 And finally, I got married by force in August 1977, and between
13 February to August, I had been threatened on several occasions. I
14 was threatened that I would be killed or I would be sent for
15 study sessions, but I cannot recall all the details.

16 JUDGE FENZ:

17 Counsel, please avoid repetitive questions. We've heard all of
18 that. I don't want to get into the same thing we had yesterday.
19 Please, no questions that have already been answered.

20 [09.33.18]

21 BY MR. LIV SOVANNA:

22 Q. Yesterday, I heard you stated that you were forced, so who
23 forced you?

24 JUDGE FENZ:

25 Sorry, we have heard that, Counsel. If you have specific

17

1 questions that go beyond what we have heard yesterday, ask them.

2 But we are not here to hear the same story again and again.

3 MS. CHEN:

4 Good morning, Mr. President. Is it working?

5 Good morning, Mr. President. Good morning, Judges. It's our

6 understanding that it's Nuon Chea's fundamental right to test the

7 evidence against him, and sometimes the way to do that is

8 eliciting questions which may sound repetitive in nature, but

9 sometimes we have different answers. We heard that earlier this

10 week.

11 [09.34.25]

12 I think, on occasion, I asked the exact same questions as the

13 International Co-Prosecutor and got different answers. We think

14 that this is our fundamental right. And in any case, my

15 understanding is my colleague's questions are, with some nuances,

16 different to the questions that have already been asked and are

17 intended to test the evidence. We think this is perfectly within

18 Mr. Nuon Chea's fundamental human rights.

19 JUDGE FENZ:

20 As I've mentioned yesterday, obviously there is a right of the

21 Defence to test the evidence. On the other hand, repetitive

22 questions are forbidden under the law. And I didn't see any

23 nuance. I've heard the same questions I've heard yesterday, so

24 convince me that there are nuances.

25 I don't -- I don't go with what you said it must be allowed to

18

1 ask the same question again and again until we get different
2 answers. Otherwise, the prohibition against repetitive questions
3 wouldn't make sense.

4 [09.35.20]

5 So to clarify that, repetitive questions are forbidden, 87.3.
6 That's -- that's the law. If there are nuances, by all means. I
7 didn't hear any nuances so far.

8 BY MR. LIV SOVANNA:

9 Thank you, Madam Judge. Perhaps I did not get the answers
10 yesterday.

11 Yesterday, I did not hear the name of the unit chief who <> was
12 the person who forced the civil party, so I'm here to elicit
13 evidence so that the Chamber has full information. And I will
14 move forward if you are prohibiting me from asking such a
15 question.

16 Q. Mr. Civil Party (sic), concerning the policies about the
17 marriage, where and when did you hear such policies?

18 [09.36.24]

19 MS. SOU SOTHEAVY:

20 A. I told you yesterday already, 17 April People were not
21 regularly invited to a meeting. When they were called to a
22 meeting, that's mean they were to be killed or they would be
23 used. So the meeting that we were invited to was the day that we
24 had to get married. Although the Chamber prohibited me from
25 telling the name, I would tell you now.

19

1 I did not know the names -- the name or names of the one or ones
2 who forced me. And concerning Ta Mok, the leader of the country
3 was -- used a different name. And Pol Pot had an official name,
4 that is, Saloth Sar, so I could not tell you the exact names.
5 Some of those people were referred to by <"Ta", "Yeay",> "Uncle"
6 and cadre.

7 What I am answering here, I am courageous <and I am> responsible
8 for what I said. I only tell the truth.

9 [09.37.48]

10 Q. Thank you.

11 Yesterday, you made mention that you and your wife had a prior
12 discussion before the marriage. You were -- you told her <to wear
13 the scarf on her head> and <you would wrap the scarf around your
14 neck>. So what did your wife respond to you when you told her
15 about using scarf?

16 A. It is difficult for me to inform <> you, Mr. Lawyer. I told
17 you already that my wife and I were living in the <nearby>
18 village and in the same unit. We were orphans. We had pity on one
19 another, so I took <a> chance to have a prior discussion. And if
20 it was found out, we would have been killed.

21 I told my wife to wear the scarf on her head, and I would wrap
22 the scarf around my neck. <In case something happened, it would
23 be easier for us to look for each other.> I told you and the
24 Chamber already yesterday, and if you still did not get the
25 answer, I do not know how to help you.

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1 [09.39.18]

2 Q. My apology, Mr. Civil Party. I want to know about the response
3 from your wife.

4 So what was her response when you made such a request to her to
5 wear the scarf on her head?

6 A. I told her about that, but at the time, she kept silent
7 because she was a shy woman. I told her that we were orphans, we
8 had no parents, so we should do like what we discussed.
9 I did not have chance to chit-chat with her like the present
10 situation when we go and discuss and chit-chat at Koh Pich or
11 Riverside.

12 As I said, I told my would-be wife to wear the scarf on her head,
13 and I would wrap the scarf around my neck. And I did not have
14 chance to have a casual conversation or chit-chat with her. I was
15 so painful at the time.

16 [09.40.43]

17 Q. Thank you.

18 Yesterday, you stated that the marriage was arranged for you --
19 for both the New and Old People. You stated that your <wife, who
20 was a> unit chief <> in charge of the 17 April, so what was <>
21 her origin or was <> she from 17 April People <or the Old People>
22 group?

23 A. You repeated your question, Mr. Lawyer, and for me, during the
24 marriage, I was matched with the 17 April female, so you asked me
25 the same question.

21

1 You asked about the would-be wife that I had to marry. In fact,
2 we could only marry a man or woman from the same group, that is,
3 17 April or 18 April People, respectively.

4 It <> is a repetitive question, however, I am happy to answer any
5 kind of respective <> questions.

6 [09.42.15]

7 Q. And my next question, how many people were under the charge of
8 the unit chief?

9 A. I do not know, Mr. Lawyer. I do not know how many people under
10 the responsibility of a <> female unit chief. <I was not even
11 allowed to be near their place. I only knew that she was a unit
12 chief> I do not know how many groups were divided into.

13 At the time, I did not have a right to stand and have a casual
14 conversation, and the same applies to the unit chief. I did not
15 have time or have right to discuss with my mother.

16 I do not know, Mr. Lawyer, how many people were under the
17 responsibility of the female unit chief or male unit chief. They
18 had respective number of people to be control of. And even the
19 unit chief themselves did not dare to poke into one another
20 business. They had different tasks to perform.

21 Men and women did not dare to discuss with one another, even in
22 the same unit. If we were found to have discussion with one
23 another, we would be considered having moral -- committing moral
24 offences.

25 [09.43.55]

1 MR. PRESIDENT:

2 Mr. Civil Party, you may only respond to the limit of the
3 question. The answer saying no or yes is considered your answer
4 already.

5 You may now proceed, lawyer.

6 BY MR. LIV SOVANNA:

7 I would like to resume my questioning, Mr. President.

8 Q. Yesterday, you stated that during the <> wedding ceremony,
9 there was lamp post or lighting on the small hill. Was that
10 lighting turned on regularly <or was it turned on only on the
11 wedding ceremony>?

12 MS. SOU SOTHEAVY:

13 A. I did not know whether the electricity or lighting was used on
14 a daily basis, but on that day, there was electricity or lighting
15 in the ceremony.

16 Q. Yesterday, you stated that you were required to stand in two
17 rows and you were <> the seventh <in the> row. The first and
18 second row were Base -- Old People. So during the time, were
19 people required to stand in rows mixing with one another? So how
20 was the division of groups?

21 A. New People were to get married with New People, and the Old
22 were <> to marry the Old People. <I was the seventh in the row.>
23 And I was already considered or assigned to marry which woman.

24 [09.46.05]

25 Q. At the time, you stated that there were 107 couples, and 80 of

1 which were New People. So I would like to ask you how many row <>
2 were there at the time? Were there only two rows, or how many
3 rows?

4 A. The Old People were told to stand in their own <two> rows, and
5 we<, the New People,> were required to stand in our own <two>
6 rows.

7 Q. In the ceremony, the wedding ceremony, you yesterday told that
8 commune chief, cooperative chiefs and village chiefs were
9 attending the ceremony. Did some of those people address the
10 crowd?

11 A. I told you already, speeches were made. They said Angkar was
12 happy to marry a wife or a <husband> to you, and in order to
13 return gratitude, as children, you had to get married. And we
14 were required to produce children <because there were less
15 people>.

16 Q. Did one person address the crowd, or were there many attendees
17 or people addressing the crowd, and do <> you recall the names?

18 A. I cannot recall their names. I said already I do not recall
19 the names of any chiefs. If I see them, I would recognize.

20 However, at the time, I would -- I <do not know> their names
21 <because they were called differently from time to time>.

22 [09.48.45]

23 Q. So how many people, again, addressed the crowd: one, two or
24 three?

25 A. To my best knowledge, there was only one person addressing the

24

1 crowd. That person was referred to as "Ta", <he was a district
2 chief> and he grabbed the microphone and spoke at the time.

3 Q. I would like to know, to your observation, were the people who
4 were to get married use scarves as well?

5 A. You are talking about the children or scarves?

6 Q. You stated that you had a scarf wrapping around your neck and
7 your wife wearing the krama on her head. I would like to know
8 whether other people used scarves as well at the time.

9 A. Regarding krama or scarves, <during the Pol Pot regime,>
10 children had kramas as well, so everyone had them.

11 [09.50.38]

12 Q. On the wedding day, where did those couples place their
13 kramas? Could you elaborate about that?

14 A. I find it difficult to explain you, Mr. Lawyer. They wrapped
15 kramas around their necks.

16 Q. What about the women? Did they also wrap krama or scarves
17 around their necks as well?

18 A. I told the Chamber already that all of us wrapped krama or
19 scarves around their necks. However, we used a <> different way
20 to wear krama<, I told my wife to wear it on her> head.

21 Q. When you were required to queue, did you, at the time, <> look
22 for your wife?

23 A. If I was not looking for her, how could I find where she was?
24 So <> I was looking at her at the time.

25 [09.52.40]

1 Q. Because there were 80 couples standing in lines, I would like
2 to know the position of her standing. Did she stand in front of
3 the rows or lines, in the middle or at the back?

4 A. Not 80 couples, Mr. Lawyer. Please state it correctly. There
5 were <117> couples, 80 of which were the 17 April People. Not 80
6 couples were to get married, so it is difficult for me to answer
7 your question if you are asking about 80 couples, I will now
8 answer the question accordingly.

9 I, at the time, was looking at her to see where she was standing.

10 Q. Let me clarify that point. <> I used the term "80 couples"
11 because you stated that <> the couples were put in two groups.
12 One was the 17 April group and the other one was the older people
13 group.

14 So could you clarify that for the Chamber? How many groups were
15 required to queue at the time?

16 A. I informed the Chamber already, 80 couples were standing close
17 to each other and we were required to have two lines. <And there
18 were two other lines for the Base People.>

19 [09.54.47]

20 Q. I am certain now, so my question is about <the> position of
21 your wife at the time.

22 Where <> was she standing? Did she stand in front of the line, in
23 front of other, in the middle or at the back?

24 A. We were standing close to one another.

25 Q. Concerning the lines, were the lines <of women and men> close

1 to one another and could you clarify that for me when you stated
2 that you two were standing close to one another?

3 A. I do not know how to explain that to you. I told you already
4 that there were two lines, and <> my wife <and I> were standing
5 close to one another. So what else can I tell you?

6 Q. For example, you stated that you were <> the seventh <in the>
7 row, so counting from the front, you were <> the seventh. So can
8 you tell the Chamber about your wife position at the time? Where
9 was she?

10 A. I told the Court already yesterday that I was standing in <the
11 seventh of the row>. After <> our names were called, I and my
12 wife were going to number 7. And before the time, we would stand
13 in different lines. So I was the seventh couple who were called
14 by Angkar to make a resolution at the time.

15 [09.57.11]

16 Q. Thank you very much. I understand it now.

17 So can you tell the Chamber about the distance between you and
18 your wife at the time? So how far were you standing from one
19 another?

20 A. We were one or two metres apart.

21 Q. I am now asking you about the time after your marriage.
22 Yesterday, you told the Chamber already; however, I would like
23 you to tell the exact time period. How long after your marriage
24 did you consummate your marriage, to your recollection?

25 A. I do not recall the exact date. It was long after the marriage

1 that I consummated my marriage.

2 Q. If you compared to the months, do you recall how many months
3 after the marriage?

4 MR. PRESIDENT:

5 Mr. Civil Party (sic), please wait for the microphone to turn on
6 before you answer.

7 [09.59.06]

8 MS. SOU SOTHEAVY:

9 I do not recall when I consummated the marriage. I did not have
10 time to even count the days or time. I was, at the time, waiting
11 for the day to come.

12 BY MR. LIV SOVANNA:

13 Q. Yesterday, you stated that you were called to be questioned
14 from time to time because you did not agree to consummate the
15 marriage or sleep with your wife. Do you recall how many times
16 were you called to be questioned before you decided to consummate
17 your marriage?

18 MS. SOU SOTHEAVY:

19 A. I was repeatedly <called> by the group chief to study session
20 from time to time, and that happened to my wife as well. I cannot
21 recall how many times I was called.

22 Q. Besides that, <> were there any action taken against you?

23 A. I do not know what kind of actions to be taken against me.

24 Lastly, my wife <and I> were given alcohol to drink. During the
25 Khmer Rouge time, I did not have any watch or clock to time.

1 [10.01.26]

2 Q. Yesterday, you testified that after you were given wine to
3 drink, you and your wife got drunk and, as a result, you
4 consummated the marriage. Can you tell the Chamber whether the
5 consummation that night was voluntary and based on both <> your
6 feeling and your wife's feeling?

7 A. I cannot tell you the intimate moment of the consummation.

8 Q. I'd like to ask about your feeling before you consummated the
9 marriage, whether the consummation was voluntary. What led you to
10 have or to consummate the marriage with your wife on that
11 particular occasion?

12 A. I testified yesterday on this point. And as I testified
13 yesterday, I did not have any feeling for any woman. And if you
14 listen to me carefully, you'd understand about the nature of a
15 transgender person like myself, and what I did was out of fear of
16 being killed.

17 [10.03.14]

18 Q. So you consummated the marriage because you were afraid of
19 being killed. And why did you think that if you failed to
20 consummate the marriage, you would be killed? What were the
21 reasons behind your thinking?

22 A. Please repeat your question.

23 Q. You just mentioned that you consummated the marriage because
24 you feared that you would be killed. And my question to you is:
25 What were the reasons that led you to consummate the marriage?

1 And if you failed to do so, what were the reasons that would lead
2 you to have such fear of being killed?

3 A. It is difficult for me to respond to your question. I
4 testified earlier that we were called for re-education and, of
5 course, they had measures for us if we failed to do so.

6 [10.04.50]

7 Q. You said you were called for meetings for re-educations on a
8 number of occasions. And what I asked was about the measure, and
9 you said the last resort for them was to provide you with wine so
10 that you could drink it with your wife.

11 What about other measures? What was behind your thinking that
12 they would have other measures for you?

13 A. The measures they had taken against me was to send me for
14 education and for study sessions, and I was threatened that if I
15 did not consummate the marriage, I would be killed. And after
16 they gave us the wine to drink, we drank it and we then
17 consummated the marriage.

18 And please stop asking about the consummation of the marriage.

19 What else can I say? I've said it all.

20 Q. Yesterday, you said that you had a number of friends who were
21 transgender and that they were ordered to get married. They
22 refused, so they hanged themselves or they committed suicide.

23 Were they from the same unit that you were in?

24 A. No, we were not in the same mobile unit, and they were in an
25 adjacent commune<, but we worked nearby>.

1 [10.07.06]

2 Q. Do you recall their names?

3 A. No, I can't recall their names because they were in a
4 different mobile unit and commune. I only knew that they were
5 transgenders like myself.

6 Q. Did you have a chance to see them or to talk to them often?

7 A. During this current time, I could speak or see anyone freely,
8 but during the Khmer Rouge, I did not even have time to have meal
9 properly or to relieve myself properly, let alone to have time to
10 chit-chat with other people.

11 Q. If you did not have much time to speak to them, how did you
12 learn that they hanged themselves or they took pills to kill
13 themselves?

14 A. As I said, we were working nearby and it is unavoidable that
15 we would learn something from another group that was working
16 nearby.

17 [10.09.00]

18 Q. Did you learn of the event after you had married, or was it
19 before?

20 A. I testified yesterday that I had known about that before I got
21 married.

22 Q. You knew that they either hanged themselves or they took pills
23 to kill themselves. How did you know that they committed suicide
24 because they refused to get married?

25 A. People spread the news around. People spoke about it. I

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1 learned through those people.

2 Q. And do you know the person who told you about that? What was
3 the person's name, or was it a person -- was the person chief of
4 a unit or a member of the unit?

5 A. During the Khmer Rouge regime, if we had liberty to go around
6 and ask about people's position that would be ideal, but during
7 the Khmer Rouge, I only heard about this. And I did not know
8 about the name or the position of the person who spoke about the
9 matter.

10 MR. PRESIDENT:

11 The Court will take a 20-minute break from now.

12 (Court recesses from 1011H to 1031H)

13 MR. PRESIDENT:

14 Please be seated.

15 You may now resume your questioning, counsel for Mr. Nuon Chea.

16 MR. LIV SOVANNA:

17 Thank you.

18 MR. PICH ANG:

19 Mr. President?

20 MR. PRESIDENT:

21 You may now proceed, National Lead Co-Lawyer for civil parties.

22 [10.32.28]

23 MR. PICH ANG:

24 Mr. President, I have a request in relation to the upcoming civil
25 party 2-TCCP-264. The upcoming <civil party>, 2-TCCP-264, is

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1 available in the court premises. However, there is a health issue
2 with her and that health issue remains today. She is now under
3 the examination of the ECCC physician and to my knowledge, she is
4 not able to testify today before the Chamber. Again, she is now
5 under the constant examination of the ECCC duty doctor. Please
6 consider our request, Mr. President.

7 MR. PRESIDENT:

8 Yes. The Chamber will take that into consideration.

9 [10.33.39]

10 BY MR. LIV SOVANNA:

11 Thank you, Mr. President. I would like to resume my questioning.

12 Q. Good morning again, Mr. Civil Party (sic). I am now discussing
13 with you the case of a transgender person who hung himself and
14 swallowed the poison and, as a result, that person died because
15 that person was forced to get married.

16 Can you inform the Chamber how did you know that the person
17 swallowed a poison made from <resin> and as a result that person
18 died? Can you tell the Chamber how did you learn that information
19 or what was the source of your information?

20 [10.34.47]

21 MS. SOU SOTHEAVY:

22 A. I told the Chamber already. The co-workers working close to us
23 <> told me. There was a transgender drinking the poisonous water
24 and as a result, that person died. And then I asked: Why? And I
25 was told it was because that person was forced to get married <at

1 the commune>. I, at the time, did not discuss in detail about the
2 cause of her death or any other information.

3 Q. Thank you. Concerning the one or ones who told you, what was
4 his or her name or their names?

5 A. I told repeatedly the Chamber that I do not recall the name or
6 names.

7 Q. Thank you. I am now proceeding to another topic in relation to
8 one of your friends in the circle of singers who used to work
9 with you before <17 April> 1975.

10 How many persons named Saray?

11 [10.36.30]

12 MR. PRESIDENT:

13 Mr. Civil Party (sic), please see the mic -- wait for the
14 microphone before you speak.

15 MS. SOU SOUTHEAVY:

16 There were two Sarays. One died in a room. That person was shot
17 by the Khmer Rouge inside the room. <Only> Sinath and I could
18 make an escape on the 17 April <>. Roatha and other people died
19 in that room. <All four of them died.>

20 BY MR. LIV SOVANNA:

21 Q. Thank you. Allow me to make a clarification with you about the
22 advancement or the attack of the Vietnamese. You said <> that you
23 were deposited at Krang Ta Chan. When was that?

24 [10.37.52]

25 MS. SOU SOUTHEAVY:

34

1 A. I stayed at that place for one night and at the time I did not
2 know that the location was Krang Ta Chan. I asked the militiaman
3 and I was told that the location was Krang Ta Chan, and the next
4 morning we left. <I did not see any prisoner there.> In my
5 feeling, upon my arrival or my departure -- in fact, I spent time
6 walking <with the militiaman from Sanlong to that place> for a
7 short period of time.

8 Q. I would like to know about the year. Which year did <> the
9 Vietnamese attack into the country?

10 A. It was in <> late 1978 or <> early 1979 that when there was an
11 advancement or attack by the Vietnamese and I was placed at Krang
12 Ta Chan. I was placed there temporarily. I was not detained there
13 <> before I was transferred to <Kandal province>.

14 [10.39.15]

15 BY MR. LIV SOVANNA:

16 Q. You stated that it happened in <late> 1978. Which month was
17 that?

18 MS. SOU SOUTHEAVY:

19 A. I cannot recall the month, exact month of that 1978. All I can
20 recall is that it happened in <> late 1978.

21 Q. I would like to backtrack a little bit. During the marriage,
22 wedding, <> did the wedding happen after you were released from
23 Sanlong prison or that marriage happened during the detention at
24 Sanlong prison?

25 MR. PRESIDENT:

1 Mr. Civil Party, please wait for the operation of the microphone
2 before you testify.

3 MS. SOU SOTHEAVY:

4 I got married in Kandal province in August 1977.

5 [10.40.28]

6 BY MR. LIV SOVANNA:

7 Q. Were you detained at Sanlong prison before your marriage or
8 after it?

9 MR. PRESIDENT:

10 Again, you are reminded, Mr. Civil Party (sic), to wait for the
11 microphone before you answer.

12 MS. SOU SOTHEAVY:

13 A. I got married in Kandal province after I was transferred from
14 a province. I misspoke the year. In fact, I arrived at Kandal
15 province in <> 1977 and I was once relocated in <early> 1976 from
16 Takeo to Kandal province. It was after I left Krang Ta Chan to
17 Kandal province that I got married and then the marriage happened
18 in <> August <1977>. My apology.

19 [10.41.50]

20 BY MR. LIV SOVANNA:

21 Q. You made mention that you were placed temporarily at a
22 location close to Krang Ta Chan prison in late 1976. And you also
23 stated that you were placed at that location during the
24 advancement or the attack by the Vietnamese. Did you hear the
25 gunfire and where did the attack <by the Vietnamese> happen?

1 MS. SOU SOTHEAVY:

2 A. I did not personally hear the gunfire. However, the one who
3 sent me to that location said that the Vietnamese attacked into
4 the country. So I was needed to be sent to Kandal province. So I
5 spent a night at that location. And, at first, I did not know the
6 name of the location. Only after I asked the militiaman was I
7 told that the location was Krang Ta Chan and then I realized that
8 I was <> at that location for one night.

9 Q. I would like to discuss another topic. You answered yesterday
10 and also this morning. Earlier this morning you stated that you
11 lost 15 relatives or siblings and one biological mother. I would
12 like to know whether the 15 relatives were your distant relatives
13 or your direct siblings.

14 A. They were my siblings. I did not include the distant or close
15 relatives. <That> included my biological parents.

16 [10.44.05]

17 Q. How many siblings did you have altogether?

18 A. Fifteen, including me. And if I included my parents, the total
19 number reached 17 and only one was female. The rest were male.

20 Q. Thank you. Do you recall all the names, all the 14 names of
21 your siblings who died?

22 MR. PRESIDENT:

23 Mr. Civil -- Madam Civil Party, please wait for the microphone
24 before you speak.

25 MS. SOU SOTHEAVY:

1 A. I could recall some of their names. Frankly speaking, my
2 memory is not good. My eldest brother is Yat (phonetic) and then
3 Yung (phonetic), Yeng (phonetic), sister Yan (phonetic), sister
4 Yoeun (phonetic) and my younger siblings were Ya (phonetic), Yong
5 (phonetic) and I cannot recall my other younger siblings. And my
6 name is Vy.

7 I cannot recall all the names, Mr. Lawyer, since I <> had so many
8 siblings.

9 [10.45.59]

10 MR. LIV SOVANNA:

11 Thank you, Mr. Civil Party (sic).

12 Mr. President, I would like to cede the floor for my
13 international colleague.

14 MR. PRESIDENT:

15 You may now proceed, International Lawyer for Nuon Chea.

16 QUESTIONING BY MS. CHEN:

17 Q. Good morning, civil party. I just have a few follow-up
18 questions. I won't be long, maybe 15 minutes. At this point of
19 the questioning, we are obviously going to be revisiting things
20 that we've already discussed. But I am asking you, slightly
21 different questions about everything, so please bear with me as
22 we go through.

23 [10.46.29]

24 So my first question is in relation to your wife during the DK,
25 Ieng Roatha and my question relates to something that you said

1 yesterday afternoon at 15.08 to the civil party lawyers.
2 And this is what you said. You said that you knew your wife
3 because you were in the mobile unit. She was an orphan and did
4 not have parents or siblings. The condition was the same for you.
5 Although you knew each other, you never spoke to one another
6 until that day. You decided to talk to her although you did not
7 know until -- although you did not know that it was the day of
8 the marriage. After you were lined up, you were told it was the
9 marriage day.

10 So here is my first question: How did you know about your wife's
11 personal history that she was an orphan?

12 [10.47.33]

13 MS. SOU SOTHEAVY:

14 A. We had known each other before that since we were in the same
15 mobile unit. We were allowed to visit the village once in every
16 10 days and that was the time when I saw her and I asked her how
17 many siblings did she have? She told me that she was an orphan.

18 Q. Did I understand correctly that you met and spoke to your wife
19 before the marriage day?

20 A. We had known each other long before the marriage and it was
21 only after that I had known her that made me brave enough to go
22 and speak to her immediately before the marriage about the
23 wearing of scarf on her head.

24 Q. Okay. This morning under your testimony to my colleague,
25 discussing whether you consented to marriage - and I think this

1 is talking about the first marriage proposal -- you told the
2 Court that your mother was very old and, "Who would look after
3 her?" You were told that Angkar would take care of her and
4 require you to get married. You kept asking for a delay. It
5 happened during the initial period. Finally, you got married by
6 force in August 1977 but between February and August 1977, you
7 were threatened many times.

8 [10.49.18]

9 And also yesterday afternoon, under questioning from the civil
10 party lawyers, you said that in 1977 you heard about couples
11 being taken away and killed under the pretext of sending them to
12 study sessions. You realized then that you had to find a woman
13 and pretend to be husband and wife. Here is my question: When did
14 you realize that you had to find a woman to marry?

15 A. Could you repeat the question? Yesterday I did not say that I
16 wanted a wife and I did say that I refused marriage because my
17 mother was sick. Could you repeat the question clearly?

18 [10.50.16]

19 Q. Sure, yes. The question related to the second quote I read to
20 you from yesterday and the quote is that what you said was you
21 realized that you had to "find a woman and pretend to be husband
22 and wife" and you said that that happened in 1977 when you heard
23 about couples being taken away and killed under the pretext of
24 sending them to study sessions. You talked about 1977.

25 My question, more specifically, is if you can pinpoint a specific

1 date. When in 1977 did you realize that you had to find a woman
2 and pretend to be husband and wife?

3 MR. PRESIDENT:

4 You may now proceed, Lead Co-Lawyer for civil parties.

5 MS. GUIRAUD:

6 Thank you, Mr. President.

7 Could our colleague give us a time when the civil party made that
8 statement so that we can follow that up in the transcripts we've
9 received?

10 [10.51.22]

11 BY MS. CHEN:

12 Thank you, Counsel. We don't have the transcript at present
13 because it was delayed in arriving this morning, but my team will
14 get that for me and I can come back to this question. So I will
15 move on for the time being.

16 Q. Civil Party, I am moving on to the next set of questions then
17 and we'll come back to that point.

18 Yesterday at 15.08 approximately, under questioning from the
19 civil party lawyers, you said that after you were lined up you
20 were told it was marriage day.

21 And then also under questioning from the civil party lawyer at
22 approximately 15.14 you said: "None of the 107 couples refused.

23 Some shed tears quietly, especially the women. No one dared voice
24 any verbal refusal."

25 My question here is: Do I understand correctly that while in

1 line, no one could talk?

2 MS. SOU SOTHEAVY:

3 A. Concerning the lining up, as I have just told the lawyer, the
4 Base People were required to stand in two lines and the same
5 applied to the 17 April group. We were silent when we were lined
6 up and while we were standing.

7 [10.52.56]

8 Q. Thank you. Yesterday at 15.10 approximately, under questioning
9 from the civil party lawyers, you were describing again that
10 happened in the line, and this is what we've recorded you as
11 saying:

12 "The men were in a line. The women were in another line." Then
13 you played a game of hide and seek. You suspected that that was
14 going to happen and that is why you told the woman -- I presume
15 this is your future wife -- to wear a scarf around her head and
16 while you wore a scarf around your neck. It was not completely
17 dark. You could feel her and that is how you got hold of her
18 hand.

19 Civil Party, my question: If you were not able to speak while in
20 line, how were you able to speak to your wife about wearing
21 scarves?

22 [10.54.03]

23 A. I would like to tell you that I <did not use the word
24 "playing> hide and seek" <in a literal term>, but I was trying to
25 use it <to refer to the marriage ceremony, that it was like

1 playing hide and seek>. And I discussed with my would-be wife
2 about the wrapping of scarf around my neck and wearing the scarf
3 on her head <> before that. It was not immediately before the
4 ceremony on the day. I did take chance to go and discuss with my
5 would-be partner before that.

6 <The> discussion did not happen during the ceremony that day and
7 I did not say that <we played> hide and seek at the time but the
8 marriage itself was like a hide and seek game.

9 [10.55.16]

10 Q. Okay. So let me see if we understand each other.

11 You are saying that you spoke to your wife just before you lined
12 up. Yesterday, at approximately 15.08 you said, after you were
13 lined up you were told it was marriage day. So you coordinated
14 with her before hearing that you were going to be married?

15 A. I did discuss with her, but that happened before the meeting
16 or the marriage day. <I knew that> other people were required to
17 marry on a specific day, <so> I <took> the opportunity to discuss
18 with her in advance. We had known about the plan of the marriage
19 by Angkar since February but before -- and before the marriage
20 <>, I did have a discussion with her.

21 We had learned that something would happen because my instincts
22 told me. No one came to tell me exactly of what was going to
23 happen. My instincts or feelings told me and, at the time, I took
24 courage to discuss with my would-be partner about wearing scarf
25 around my neck and her wearing scarf on her head. So my instincts

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1 told me that the wedding would happen very soon.

2 And during the marriage <ceremony>, I did not dare to discuss
3 with her because I was afraid of <death>.

4 [10.57.22]

5 Q. Okay. Let's go back now to the marriage ceremony and the two
6 lines and the couples getting married. I've heard some discussion
7 about you saying that there were 107 couples overall, 80 of which
8 were -- 80 couples of which were 17 April People.

9 The first question: How did you know that there were 107 couples
10 exactly?

11 A. Lawyer, in fact, there were 117 couples. I did say 117, not
12 107, 80 couples of which were the 17 April People. Yesterday I
13 did speak of that. I recall it very well there were 117 couples,
14 not 107 couples.

15 [10.58.33]

16 Q. So the question is: How did you know that?

17 A. How could I not know about that? Because the announcement was
18 made stating that specific -- certain couples were to get
19 married, among which certain couples were from 17 April group and
20 I was called after the 6th <couple>. So I considered myself the
21 seventh couples to get married.

22 Q. Moving to my next line of questions now.

23 Yesterday at 15.22 you were talking about what happened
24 immediately after the marriage ceremony and this is what we've
25 recorded you as saying: You said that you went to your elder

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1 in-laws house, the house which had belonged to your deceased
2 mother. The house was not high off from the ground. When you went
3 there at 10 to 11 at night, you were chit-chatting with your
4 in-law and your wife and you saw shadows under the house. And in
5 the morning you saw marks of people under the house. While
6 unmarried, they would crawl under the house to see if you were
7 agents of CIA or KGB. This time, however, they wanted to see if
8 you were consummating the marriage or not.

9 [11.00.16]

10 My question is the following: How do you know that they were
11 monitoring if you were consummating the marriage and not
12 monitoring something else; for example, general security or
13 whether you were an agent of CIA or KGB?

14 A. After the marriage at 10 or 11 p.m., I sat and discussed with
15 my in-law, my relative in-law at houses at a rural area. The
16 floor was made out of bamboo. So we could perhaps at least see
17 the shadows and I did see them crawling like snakes.

18 Q. So you saw them--

19 MR. KOUMJIAN:

20 Your Honours, if I could just suggest, I think counsel does not
21 have the transcript but it was sent this morning. So I'd like to
22 correct a little bit what her notes, what she read. The witness,
23 according to the transcript, the draft transcript that I have,
24 did not say he saw marks. He said: "However, in the morning we
25 saw a mass of people crawling under the house and then we knew

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1 immediately that they came to spy on us." That's what the draft
2 transcript in English says. And that's at 15.23.

3 [11.02.03]

4 BY MS. DOREEN CHEN:

5 Thank you, Mr. Prosecutor.

6 Q. So you are saying that there are people under the house. How
7 do you know what they were looking for?

8 MS. SOU SOTHEAVY:

9 A. They came to monitor us once in every two or three days. And
10 we did not stay at home very regularly, <we usually stayed at the
11 mobile unit> and after the event occurring I saw the marks or
12 footprints under the house. So I am telling the Court based on
13 what I saw and what I recall.

14 And I realized and thought that they may have come to spy us.
15 That is why I discussed that with my wife and talked to her that
16 we were under surveillance.

17 [11.03.13]

18 Q. Civil Party, the part of your quote that I wanted to focus on
19 was the very last part.

20 Prosecutor, you might correct me if I am quoting this
21 incorrectly. What we have recorded was that you said was, "While
22 unmarried they would crawl under the house in order to see if you
23 were agents of CIA or KGB. This time they wanted to see if you
24 were consummating the marriage or not."

25 What I am asking you is, you've made comments there about what

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1 the militia were intending to do when they were crawling under
2 the house, what they were trying to look for. What I am asking
3 is: How do you know they were looking to see if you were having
4 sex and not looking to see if you were enemies, for example?

5 A. At the beginning when we were unmarried, every few days they
6 would come to monitor us and that meant former soldiers,
7 teachers, intellectuals or agents of CIA or KGB were under
8 constant monitoring and they would monitor us every few days. But
9 after we got married they would come to monitor us in order to
10 check whether we consummated the marriage.

11 [11.04.58]

12 Q. I might try it a different way. Civil Party, did you ever hear
13 of an order to the militia to monitor whether you were
14 consummating the marriage?

15 A. Nobody had to order anybody but it was a duty of the
16 militiamen to monitor us.

17 Q. And that was your understanding?

18 A. Yes, that's my thinking but <> their activities and actions
19 conformed to my thinking. When I was unmarried they came to
20 monitor us whether we were a thief, a former soldier<, an
21 intellectual> or a CIA or a KGB agent. That's my personal
22 thinking. But their actions seemed to reveal that. And after I
23 had a wife, they came to monitor whether I consummated or slept
24 with my wife.

25 [11.06.21]

1 Q. The last line of questioning; I just have a few questions
2 left, and this is going back to talking about your wife.
3 Yesterday at approximately 15.27 we heard you say that throughout
4 your life that, the time that you slept with your wife was the
5 only time that you had sexual intercourse. After consummating
6 that marriage only that one time, the couple were separated.
7 Then a little later you say, then they sent you to live in Tuk
8 (phonetic) in Ta Pek (phonetic) mountain to break rocks and you
9 could then meet every 10 days.
10 The first question is just a point of clarification. Did you mean
11 that this was the only time that you had sex with a woman?
12 MR. PRESIDENT:
13 Civil Party, please observe the microphone.
14 MS. SOU SOTHEAVY:
15 A. It is difficult for me to respond to your question. I said
16 that I did not like women and I did that because of the Pol Pot
17 regime. Like now, I am by myself but I don't have any feeling for
18 any women. And that's why I said that I did not have any feelings
19 to have sexual intercourse with a woman. And that was the only
20 time that I had sexual intercourse with a woman< because I was
21 afraid of death,> and it's also because I was under the effects
22 of alcohol.
23 [11.08.00]
24 BY MS. DOREEN CHIN:
25 Q. That's very clear.

1 Now, moving on beyond that first incident, you go on to say that
2 you met approximately every 10 days. My question is: How long did
3 this continue?

4 MS. SOU SOTHEAVY:

5 A. It varied, and I could not say how long. For a period of those
6 every 10 days, I came to see my wife but it is not a fixed period
7 of 10 days. Sometimes I came to the house to quickly meet with my
8 wife and I subsequently returned to my workplace. And for the
9 next 10 days, sometimes I came, but sometimes I missed it as I
10 was sent to a mobile unit <at Tumpeaek (phonetic) mountain> to
11 break rock whilst my wife was sent to the female mobile unit and
12 engaging in other work assignments.

13 [11.09.11]

14 Q. And did you continue to meet each other throughout the DK
15 period or did you lose touch at some point during the DK period?

16 A. I lost contact when it was time but my wife was about to
17 deliver the baby. I did not return home because by that time I
18 was so over-exhausted from breaking rock and that I found it very
19 difficult to achieve the work quota of one cubic metre per day at
20 that particular point in time.

21 Q. Just my last question. I am not sure if I heard this
22 correctly. I think I heard you say that it would vary every 10
23 days, maybe longer, maybe shorter how often you would see each
24 other. When you saw each other, how long was it for? Was it one
25 night, two nights; can you tell me?

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1 A. If I were to stay for two nights then I would be sent away and
2 killed. I was allowed to stay overnight, but I did not stay
3 overnight as I testified yesterday. Every ten <> days when I came
4 to visit her, I arrived at about 3 or 4 o'clock in the afternoon
5 and I was with her until about 6 o'clock. Then I return to my
6 worksite. I did not stay for a night or two.

7 [11.11.03]

8 MS. CHEN:

9 Thank you for your patience, Civil Party.

10 Mr. President, I have no further questions.

11 MR. PRESIDENT:

12 Thank you, Counsel.

13 And I would like now to hand the floor to the defence team for
14 Khieu Samphan.

15 [11.11.27]

16 QUESTIONING BY MR. KONG SAM ONN:

17 Thank you, Mr. President.

18 Good morning, Mr. President, Your Honours and everyone.

19 Q. And good morning, Civil Party. I have some questions to put to
20 you. I would like to ask you about the places that you lived or
21 stayed permanently, but there is no need for you to describe the
22 locations where you temporarily stayed.

23 Can you tell the Chamber how many locations that you actually
24 stayed during the DK period?

25 MS. SOU SOTHEAVY:

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1 A. Please, clarify your question. Are you asking me to repeat
2 what I stated in my victim information form? I lived in a number
3 of locations.

4 [11.12.32]

5 Q. I would like to ask you about the locations where you stayed
6 or lived for a longer period of time and there is no need for you
7 to mention the transit areas; for example, like you said this
8 morning you stayed overnight in Krang Ta Chan.

9 So please tell the Court the locations where you lived and
10 worked.

11 A. First, I left Phnom Penh and I stayed at Champa pagoda for
12 several nights, and on the 30th of that month -- and I knew that
13 it was the 30 -- that is, the 30 of May because I heard through
14 the announcements.

15 [11.13.42]

16 Second, I -- allow me to say about the locations where I rather
17 permanently stayed. The second place was in <Kantuot Thum
18 village,> Tralach commune. That is my native commune and I stayed
19 there for 10 nights. Then I was sent to <Por Peach to> live at a
20 mobile unit.

21 After that I was sent to Snam Krapeu commune, Kong Pisei
22 district. But I did not mention that in my victim information
23 form. I only mentioned Chek <village>, Doung <commune,> Bati
24 district and <in fact> most of the time I spent my life living in
25 prisons.

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1 Q. Amongst the places that you worked, can you tell the Court
2 which locations where you worked outside the most?

3 A. I knew people when I worked at Veal Por Peach. There were a
4 number of hills there and there were about 1,000 families of New
5 People. So we went around to find food to eat and that's how I
6 communicated with people.

7 Second, I was in Snam Krapeu commune for a short period of time.
8 Then I was put in prison. And after that I came to live in <Check
9 village,> DOUNG commune, <> Bati district and <in Tumpeaek
10 (phonetic) mountain, and> I became to know some people there.

11 [11.16.05]

12 Q. In <Veal> Por Peach <or> commune of Snam Krapeu or Chek
13 (phonetic) commune, did you get to know other transgender people
14 like yourself? <Earlier, you mentioned about the transgender
15 people.>

16 A. There were <many> transgender people like myself. However, I
17 cannot specify <> the number except those who were close to me,
18 that is, those who used to live together with me during the Lon
19 Nol regime. They were close to me. <There were two or three of
20 them.> As for other transgender people, I only knew them but I
21 did not have any contact with them.

22 [11.17.08]

23 Q. You said that there were <many> transgender people. Can you
24 provide an estimate as to the number?

25 A. I cannot give you an exact number. I did not meet them as a

1 group of five or 10. Sometimes I went to this area, that area.
2 Then I could see one and of course we could recognize one another
3 immediately because we were in the same gender. So I cannot tell
4 you how many there were. But I met one or two here and there and,
5 to my estimation there were quite a number of transgender people
6 that I had met.

7 Q. I would like to ask you about a man named Soan (phonetic) whom
8 you had a love affair with after your marriage. Besides his role
9 as the unit chief, did you know whether this man had other roles
10 or functions?

11 A. It was not Soan (phonetic) but <his> name is Sorn who was a
12 unit chief in Sanlong prison. As for his other roles, I did not
13 know, but I knew that he frequently came to the rock breaking
14 location and he was my partner.

15 [11.19.25]

16 Q. How did you know about his role and responsibility and how did
17 you find an opportunity to meet with him?

18 A. I did not try to search about his exact position but he came
19 to the rock breaking area and he ordered his subordinates to do
20 this and that. And I presumed that he was chief of big cell unit
21 although I did not know his exact role. From what I observed, his
22 subordinates respected him. <Therefore, I concluded that he was
23 the chief of a unit.>

24 Q. You also said about your ex-wife, that is, Roatha that she was
25 chief of a unit. But you also mentioned that you did not know

1 about her role. What about the role of the militiamen in the
2 cooperative or in union or in the village or commune that you
3 lived? Did you know about their roles?

4 [11.21.06]

5 A. As my wife, as I said, was a unit chief of the 17 April People
6 mobile unit because we lived together and I knew. And in the
7 village, of course, we came to know that this person was chief of
8 this cooperative or that cooperative.

9 And as for Sorn, because Sorn came to the rock breaking area
10 where I worked, then I knew that he was in a leadership position
11 and he himself never told me that he was a unit chief. But from
12 my observations, I concluded that he was chief of a unit since he
13 issued orders to his subordinates.

14 Q. My question is in relation to the role of the militiamen. Can
15 you tell the Chamber who actually supervised those militiamen?

16 A. I did not know who supervised them. They only refer to them as
17 the village militia or the commune militiamen. So if <> they were
18 the village militiamen, it meant they would be under the
19 authority of the village. Likewise, if they were at a commune
20 level they would be under the supervision of the commune.

21 And as for Sorn, I said he was a unit chief but I did not know of
22 his precise position.

23 [11.22.50]

24 Q. Mr. President, I'd like to read an excerpt from document

25 E3/5729 at Khmer, ERN 00279735; and English is at 00279718 to 19;

1 and French, 00845996. In this document I would like to get a
2 clarification from you, Civil Party, and allow me to read: "They
3 asked the children to go and to monitor us under our house every
4 night." End of quote.

5 Can you tell the Chamber the discrepancies in your testimony
6 since this morning you specified that militiamen came or crawled
7 under your house to monitor you? So please tell the Chamber
8 whether the people that you referred to whether they were the
9 militiamen or they were the children?

10 A. Counsel, from what I could observe they were adults but they
11 were pretty young. That's why sometimes I said that they were
12 children. Of course they were not infants. They were young adults
13 or adolescents and usually people who were in the militiamen
14 <aged> about 12 to 13 years old.

15 [11.25.35]

16 Q. How did you know that members of the military aged between 12
17 to 13 years old?

18 A. Although they did not tell me that they were 12 or 13 years
19 old, from their physical appearance I could say that they were
20 about that age because when they were carrying rifles, the cannon
21 of the rifles actually touch the ground. And from the house, when
22 I looked under the house I could see that they were young
23 <because they were short>.

24 Q. Did you know them before?

25 A. I did not know them clearly. However, probably they knew me

1 very clearly. That's why they came to monitor us at our house.

2 During the daytime, they were normal and at nighttime maybe they
3 came under people's house to monitor their activities.

4 [11.27.12]

5 Q. Earlier you testified that after the marriage you stayed
6 overnight and then you returned. You had to return to work for 10
7 days. So can you tell the Chamber how frequent were you being
8 monitored?

9 A. On the issue of monitoring, I knew that I was under monitor.
10 As I said, when we were sleeping together they crawled under the
11 house and from the gaps I could observe that there were people
12 under the house.

13 Q. I would like to ask you about the wedding ceremony of yours
14 and you have testified at length regarding this event. You made
15 mention of the participation of the commune chief and the village
16 chief.

17 Can you tell the Chamber -- and before that please allow me to
18 give you a quote from your statement, that is, E3/4609; at
19 question and answer 53 you said that "there were no presence of
20 the village and commune chiefs". However, yesterday at 15.44 you
21 testified that "I saw the district and the commune committees and
22 the chief of youth" but that you did not know their names.

23 Can you tell the Chamber which version is correct?

24 [11.30.15]

25 A. During the wedding ceremony, there were people who were at the

1 podium who gave speeches about Angkar that we had to have our
2 gratitude towards Angkar and that we had to fulfil the
3 requirements of Angkar to produce more population and that I did
4 not know who were the district committees or who were the commune
5 committee. And that's what I said. However, I only knew that they
6 were the committee members or the committee representative of
7 this commune or this district. And, indeed, they were present
8 during the ceremony.

9 Q. You said that people said that they were the district
10 committee and for that reason you knew that they were the
11 district committee. Who told you about that?

12 A. When the person came to make the speech about Angkar that
13 Angkar required us to get married and that we had to pay tribute
14 to Angkar, to bear children in order to increase the amount of
15 the population. And the person who made the speech represent --
16 or made an announcement about himself, <that> he was from the
17 district <>.

18 [11.32.05]

19 Q. Then allow me to my <first> question. Why in your first
20 statement you said that the commune or the district committees
21 were not present and later on you made mention that they were
22 present? Can you tell the Chamber the discrepancies in your
23 statement?

24 [11.32.35]

25 A. I said the latter is the correct one because when they made a

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1 speech they introduced it themselves. And previously, the
2 statement I made was not proper because later on when they
3 introduced themselves; for example, they were representative of
4 the district youths. Then I recalled that.

5 And if you think my statement is not correct, of course that is
6 your understanding, but I stand by my later version.

7 [11.33.20]

8 MR. PRESIDENT:

9 Thank you, Counsel. It is now a convenient time for our lunch
10 break.

11 We will take a break now and resume at 1.30 this afternoon.

12 And Madam Civil Party, it is now time for lunch break. You may
13 rest and please return to the courtroom at 1.30.

14 JUDGE FENZ:

15 Yes. Could I just ask a very short question of organization? Are
16 there more questions from the Khieu Samphan team?

17 You're not sure if -- yes, are there more? Yes.

18 MR. KONG SAM ONN:

19 Yes. We have some more questions.

20 MR. PRESIDENT:

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

24 The Court is now in recess.

25 (Court recesses from 1134H to 1329H)

1 MR. PRESIDENT:

2 Please be seated.

3 The Court is now in session and the floor is given back to the
4 defence lawyer for Mr. Khieu Samphan to resume the questioning.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President, and good afternoon the Chamber.

7 BY MR. KONG SAM ONN:

8 Q. Good afternoon, as well, Mr. Civil Party. I would like to have
9 some follow-up questions continuing from the break time in
10 relation to the marriage and also the fact that you were under
11 surveillance by the militia.

12 This morning, you also testified and answered a question put by
13 the defence team for Mr. Nuon Chea that you were not aware of the
14 fact that other couples were under monitored by the militiamen as
15 you were. Did you recall that?

16 [13.21.29]

17 MS. SOU SOTHEAVY:

18 A. I was not aware if other couples were under also surveillance
19 as me since I did not have time to discuss with them.

20 Q. Thank you. Concerning the role or duties of the unit chief --
21 and I recall that I asked you some question in relation to this
22 matter -- and I would like to ask you also about the cooperative
23 where you, the marriage, was held for you with Roatha.
24 How many unit chiefs were there in the cooperative or the
25 commune?

1 A. I do not know how many unit chiefs were there in the entire
2 commune.

3 [13.32.38]

4 Q. Thank you. Do you recall what type of units there were in the
5 commune?

6 A. Within Khmer Rouge Angkar, there were always unit chief or
7 groups. For example, the unit chief who was in charge of raising
8 livestock or pigs and when we asked for salt or any kind of meat,
9 <> we were told to go and ask the respective unit chiefs.

10 I do not know how many unit chiefs there were in the entire
11 commune. No one knew for sure. No matter they were New or Old
12 People, they did not know how many unit chiefs there were in the
13 commune and their roles.

14 Q. Thank you. Could you clarify for the Court the differences of
15 role between the unit chiefs and group chiefs? Were they the same
16 group -- were they within the same group or were they within
17 different groups?

18 A. I do not know or who was who and who was the unit chief of
19 unit group. All I know is that there were unit chiefs. I never
20 used the word "group chief" in fact. As I were told, there were
21 unit chiefs.

22 [13.34.36]

23 Q. Thank you.

24 Mr. President, may I seek your leave reading document E3/4609 at
25 question and answer 54? Let me quote:

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1 "During the night we did not have sex with one another. We slept
2 on different sides and the unit chief assigned a militiaman -- or
3 militiamen to come and conduct surveillance under the house."

4 <End of quote.>

5 I have some questions to put to you, Mr. Civil Party (sic).
6 How did you know that militiamen or men/man were assigned to
7 conduct surveillance under your house?

8 A. I told you already that I frequently used the word "unit
9 chiefs". The militiamen went under my house to conduct
10 surveillance so it is for sure that they were assigned by the
11 unit chiefs.

12 [13.36.08]

13 Q. Thank you. In the course of your testimony here about your
14 gender, you made mention that you are a transgender -- you are a
15 transgender man.

16 During the DK, did you disclose this issue -- that is your gender
17 -- to them or did you conceal it?

18 A. If I had disclosed my identity or gender that I was a
19 transgender man, loving the same sex, I would have been killed
20 and you did not have time to cross-exam me today.

21 Q. Thank you.

22 Concerning your former wife, Roatha, when did she learn that you
23 were a transgender man?

24 A. After the marriage, after that time I told her that I was a
25 transgender man, I did not love the opposite sex. And before

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1 that, I did not have time to see her or discuss with her.

2 Q. You stated earlier that you did not have time to discuss with
3 your wife and you also stated that you met her once in every 10
4 days and you did not discuss much during the meeting with her.

5 Did you know or were you aware that your former wife was not
6 satisfied with the fact that you were such a transgender man and
7 then she went to disclose this particular issue to the village or
8 commune chief and also to the public about that?

9 [13.39.00]

10 A. She did not have any regret <> that she did not have affairs
11 with me. <She did not report me to Angkar.> I had discussions
12 with her during the time when I told her to wear the scarf on her
13 head and I wore my scarf around my neck. At the time, perhaps she
14 may have found out about my gender.

15 Q. Did she <tell you that> she <did not> feel regret for having
16 learned such information? <Or was this just your assumption at
17 the time?>

18 A. She never told me whether she was not happy about that. <I
19 concluded that myself because usually whenever we met, she smiled
20 at me.>

21 Q. Thank you.

22 Since you are a Cambodian citizen, I would like to discuss about
23 the wedding rituals or ceremonies in the country.

24 Did you know in the past regime, that is, before the 17 April
25 1975, that there were marriage ceremony held traditionally? Did

1 you know how was marriage ceremony tradition organized?

2 [13.41.18]

3 A. You would know about the traditions before 1975. I do not need
4 to tell you about the traditions or customs in the wedding
5 ceremony or Party.

6 The tradition during the Pol Pot time were different. People were
7 forced to get married and, at the present day, Khmer <> has their
8 own tradition and custom in terms of marriage. The people in
9 general know about Cambodian culture and tradition in terms of
10 marriage.

11 I do not know if the foreigner -- perhaps the foreigners may not
12 have known about the tradition or culture in Cambodia in relation
13 to marriage.

14 Q. Could you tell, to the limit of your knowledge, about the
15 culture and tradition of Cambodia in relation to marriage because
16 here we have foreign Judges and parties?

17 A. If you want me to indicate the customs and culture of Cambodia
18 in relation to marriage, the <Khmer> tradition and culture is
19 very good.

20 Before proposing, a -- before going to propose a marriage for the
21 son, the families should find out about the background of the
22 family -- of each family. <If the girl agrees, the marriage would
23 happen. There would be an engagement, the man would put a ring on
24 the woman's finger.>

25 And during the ceremony tradition the first day, there was --

1 there is a sermon or preaching by the -- by monks, and the second
2 day <and the third day,> we have sets of tradition and ritual,
3 for example, "ptem" or wedding procession, so on and so forth.
4 [13.43.45]

5 In the Pol Pot's time, there were no sermon preached by monks and
6 there were no wedding procession. We were given with the black
7 clothing, black rubber sandals and scarves, and we were forced.
8 Q. Have you ever heard that family -- usually the family marry
9 off the son and daughter and it is dependent on the parents who
10 decides the marriages for children; have you ever heard of that?
11 [13.44.35]

12 A. Yes, I have heard of it since it is our culture. And if a son
13 wants to marry a girl or woman, then the son can tell the mother
14 or the father.

15 Some children are more or less forced by the parents to get
16 married although they do not like the would-be partner, but that
17 was different in the Khmer Rouge time. <During the regime, there
18 was no ceremony according to the tradition and culture. They did
19 not ask the couples about their feelings at all. It depended on
20 them to decide who would be matched with whom.>

21 Q. Thank you. I want you to tell the Chamber whether or not you
22 have learn about the principles or policies in relation to
23 marriage <during the DK>.

24 <Before the marriage, did> you ever receive policies or
25 instruction about marriage? Was there any discussion within your

1 unit in relation to marriage?

2 A. I do not really get your question, Mr. Counsel, because the
3 sound of the equipment -- the equipment is not clear for me. I
4 could hear ringing in my ear.

5 Q. I would like to repeat my question. I want you to tell the
6 Court if whether or not you learnt about the policies or
7 principles in relation to marriage.

8 Did you happen to hear the policies or principles in relation to
9 the marriage in a meeting or at your commune? What were the
10 conditions for a person to be able to get married?

11 [13.47.16]

12 A. Concerning the meetings or instructions, I, myself, never
13 attended any meetings. However, the marriage organized for youth,
14 female and male youth at the time, was learned from one another
15 and the marriage planned was initiated in February 1977.

16 And I learned it clearly when they came to cut my hair short. And
17 from that time onwards, I started to feel that it was also time
18 that I was to get married. And I talked to myself, I did not want
19 to pay any attention or want to get married, but it was
20 unavoidable for me and I was afraid of being killed, that is why
21 I did what they asked me to do.

22 Q. Thank you.

23 I would like to quote, Mr. President, from a document, <E3/765>,
24 at ERN in Khmer, 00376493 through 94; French, 00540024 through
25 25; and English, 00539994.

1 [13.49.10]

2 Judges have heard the excerpt on the different occasion, but I

3 would like to quote it again for the civil party response:

4 "Number 6: Do not violate against any women. That is to say, do

5 not commit any moral offences against either men or woman because

6 that would impact on our integrity and influence as revolutionary

7 and also it would impact on the clean tradition culture of our

8 people."

9 That is one point.

10 Another -- "On another hand, if we have touched or committed

11 moral offences which usually -- which are usually committed by

12 the enemies, we would be influenced by the enemies and it would

13 have impacts on the revolution. For marriage, there are no

14 obstacles as long as they are based on the <two> principle of the

15 Party:

16 1). Consent from both parties.

17 2). Consent from the collective.

18 Next-There are no reasons that we will commit moral offences if

19 we comply with the principles."

20 [13.51.01]

21 Mr. Civil Party, you have heard the 12 principles quoted by me --

22 some of them I mean. Did you ever hear the similar principles

23 applied during the DK? Or what is your reaction after listening

24 to the reading of the quoted principles?

25 MS. SOU SOTHEAVY:

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1 A. This is the first time that I have heard the principles; this
2 is the first time. I have never heard of them before.

3 Q. Thank you. What is your reaction against the principles?

4 JUDGE FENZ:

5 Counsel, I generally have a problem with this general question

6 "what's your reaction to" something he has never heard before.

7 If you want to ask a specific question, that's fine, but what do
8 we mean with "what's your reaction?" In what sense?

9 [13.52.54]

10 MR. KONG SAM ONN:

11 The civil party may not have heard the principles during the DK
12 and after reading of the principles the civil party have heard of
13 them, so I would like to know his (sic) reaction about the
14 principles.

15 MS. SOU SOTHEAVY:

16 I have no reaction because the principles were not learned by me
17 back then and I have never <been> taught of them. I am now 78
18 years-old. I do not have any reaction against the principle since
19 <> it is almost time that I will pass away and I do not <even>
20 have any hatred or angers against the accused.

21 [13.53.58]

22 BY MR. KONG SAM ONN:

23 Q. The word "reaction" here does not mean -- does not refer to
24 the hatred or anger by you. I want to know your reaction in
25 relation to the principles, which you said that you have never

1 heard of them before but if -- now -- if you do not have any
2 reaction, that is fine, Mr. Civil Party.
3 I still have some further questions in relation to the couples
4 whose marriage was organized for them. This morning, you stated
5 that there were 117 couples to get married and 80 couple of which
6 were the 17 April People. You reacted this morning that you did
7 not say 107 but 117. I've read your statement this morning --
8 yesterday at around 3.47 in the afternoon you, yourself, stated
9 that there were 107 couples instead of 117.

10 There is slight -- a slight difference in number, but I do want
11 your clarification of how many couple -- how many couples were
12 there at the marriage ceremony?

13 [13.56.02]

14 MS. SOU SOTHEAVY:

15 A. I would like to declare before this Chamber that I have never
16 mentioned the number of 107 couples. I did say that there were
17 117 couples and 80 couples of which were from the 17 April group,
18 and I was the seventh couple to get married.

19 I declare, solemnly declare, before this Court that I will be
20 defeated if I am talking something that is not true. I recall
21 that I did mention the number 117 not 107.

22 Q. Thank you very much, Mr. Civil Party.

23 I would like to ask you about your relatives or siblings you
24 mentioned this morning as well.

25 You made mention about your in-law, elder sister in-law, and that

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1 in-law gave information in relation to your daughter. Do you
2 recall that?

3 A. Yes. I told the Court already that my elder sister-in-law told
4 me that I had a daughter and that in-law <who> is a widow as
5 well. <Her husband was taken away to be killed.>

6 I told the Court this morning as well that I had two female
7 siblings and 13 male siblings, so the sister-in-law was my elder
8 sister-in-law.

9 [13.58.20]

10 Q. So the in-law was related to you not your wife; is that
11 correct?

12 A. I do not really get your questions clearly, but what I can
13 catch your question is about the fact that I -- she was related
14 to me or to my wife.

15 I told you repeatedly that my wife was an orphan, so that in-law
16 was related to me. My brothers <were> taken away for execution,
17 so that <> sister-in-law <was> related to me.

18 Q. I clarify this point because, you know, in Khmer term it's not
19 clear when you use the word "bong thlay".

20 Thank you very, Mr. Civil Party (sic).

21 Mr. President, I have no further questions.

22 [13.59.39]

23 MR. PRESIDENT:

24 Thank you very much, Mr. Civil Party (sic).

25 Madam Civil Party, as a civil party you may at the final stage

1 make a victim impact statement in relation to injury inflicted on
2 you by the accused Khieu Samphan and Nuon Chea on 17 April --
3 from 17 April 1975 up to 6 January 1979.

4 You may also state about the material injury and physical as well
5 as mental injury on you which has had impacts until today and
6 that made you -- makes you apply the application to be a civil
7 party.

8 And if you wish to make a victim impact statements, you may now
9 do so or you are allowed to put questions to the accused through
10 the Chamber.

11 You may now proceed if you wish.

12 MS. SOU SOTHEAVY:

13 I do not have any question to put to the accused since it will
14 not benefit me or it will benefit because last time I heard that
15 questions were put to them but never respond to them directly.

16 However, I feel the most pain for the losses of my siblings, of
17 my parents. I saw two of my siblings who were tied up and walked
18 in front of me, and I lodged a complaint before this Court in
19 order to express the suffering that I received. Also,<> I still
20 have scars, that is the physical injuries from the regime.

21 [14.01.54]

22 I lost everything. I lost the warmth of the family and there is
23 nothing else important than that. I had wept for a long time
24 until my tear dried up. And what happened under the regime of 3
25 years 8 months <and 20 days> period, I cannot forget about it.

1 Everybody knows what happened during the regime, but for me I
2 suffered the most. I was looked down upon. I was forced to get
3 married. I was sexually abused due to my transgender nature. I
4 <have had memory> lost <issue>. I had physical injury. And this
5 is just what I remembered and still more that I might have lost
6 count of what happened. I have poor eyesight due to the injury
7 and also my right leg is handicapped from the chains that I was
8 put on during my imprisonment.

9 <Nothing can ever compensate for all the suffering I have had
10 endured.> I want to express this suffering and harms so that
11 people understand that I suffered. I suffered from those acts.
12 And I know my day is coming soon since I'm now 78 years old.
13 There is nothing else for me during this life. Maybe this is the
14 karma that I received from what I did in my previous condition or
15 life.

16 [14.03.46]

17 MR. PRESIDENT:

18 Thank you, Madam Civil Party. And the hearing of testimony of
19 Madam Sou Sotheavy is now concluded, and the Chamber is grateful
20 of your testimony as a civil party. You may be excused.
21 And Court officer, please work with WESU to arrange for this
22 civil party to return to her residence or wherever she wishes to
23 return to.

24 The Chamber would like to inform the parties and the public that
25 Civil Party 2-TCCP-264 who is supposed to testify today has

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1 fallen ill last night and is not better yet until now.

2 The Chamber therefore is not able to hear the testimony of this
3 civil party today and we'll hear her tomorrow.

4 [14.05.27]

5 In light of the uncertainty of the health condition of
6 2-TCCP-264, the Chamber has asked WESU to bring to the Court the
7 next civil party, that is 2-TCCP-232, as back up for tomorrow.

8 Should 2-TCCP-264 be unavailable to testify, the parties shall
9 therefore be prepared to start the questioning of 2-TCCP-232 from
10 tomorrow morning.

11 Please be informed and be on time.

12 The Chamber will adjourn the proceedings today.

13 And security personnel, you are instructed to take the two
14 accused, Nuon Chea and Khieu Samphan, back to the detention
15 facility and have them returned to attend the proceedings
16 tomorrow, 25 August 2016 before 9 o'clock.

17 The Court is now adjourned.

18 (Court adjourns at 1406H)

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