



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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Trial Day 470

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ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Dec-2016, 14:50

CMS/CFO: Sann Rada

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-859	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
Mr. LOR Chunthy	Khmer
Mr. LYSAK	English
Ms. NGET Chat (2-TCCP-1067)	Khmer
The President (NIL Nonn)	Khmer
Ms. SAY Naroeun (2-TCCP-1068)	Khmer
Ms. SIN Soworn	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony on impact

6 statements of two civil parties <related to the marriage

7 arrangement>. After the conclusion, we begin hearing testimony of

8 a witness, 2-TCW-859, in relation to <the characteristics of>

9 armed conflict.

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

11 other individuals to today's proceedings.

12 [09.03.56]

13 THE GREFFIER:

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

15 are present.

16 Mr. Nuon Chea <on the other hand> is present in the holding cell

17 downstairs. He has waived his right to be present in the

18 courtroom <today>. The waiver has been delivered to the greffier.

19 The civil parties who are to testify on impact statements, namely

20 Nget Chat, and TPO staff Bun Lemhuor are present. And the

21 upcoming civil party, 2-TCCP-1068, is waiting to be called by the

22 Chamber.

23 And after the conclusions of the impact statements by the two

24 civil parties, we have a reserve witness, 2-TCW-859, who confirms

25 that, to his best knowledge, he has no relationship, by blood or

2

1 by law, to any of the two accused, that is, Nuon Chea and Khieu
2 Samphan, or to any of the civil parties admitted in this case.
3 The witness will take an oath this morning before he appears.
4 Thank you.

5 09.05.28]

6 MR. PRESIDENT:

7 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
8 request by Nuon Chea.

9 The Chamber has received a waiver from Nuon Chea, dated 25th
10 October 2016, which states that, due to his health, that is,
11 headache, back pain, he cannot sit or concentrate for long. And
12 in order to effectively participate in future hearings, he
13 requests to waive his right to be present at the 25th October
14 2016 hearing.

15 Having seen the medical report of Nuon Chea by the duty doctor
16 for the accused at the ECCC, dated 25th October 2016, which notes
17 that, today, Nuon Chea has a lower back pain when he sits for
18 long and recommends that the Chamber shall grant him his request
19 so that he can follow the proceedings remotely from the holding
20 cell downstairs.

21 [09.06.27]

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

3

1 The Chamber instructs the AV Unit personnel to link the
2 proceedings to the room downstairs so that Nuon Chea can follow.

3 That applies for the whole day.

4 I now hand the floor to the Lead Co-Lawyer and the assigned
5 lawyer for civil parties to put questions to this civil party.

6 And your remaining time is <only> 15 minutes.

7 [09.07.15]

8 QUESTIONING BY MR. LOR CHUNTHY RESUMES:

9 Thank you, Mr. President. Good morning everyone in and around the
10 courtroom.

11 My name is Lor Chunthy, and I'll continue putting further
12 questions from where I left off yesterday to civil party Nget
13 Chat.

14 Q. And Madam Nget Chat, we left off yesterday at the questions
15 where you said you got married and, after that, you were sent to
16 live in a cottage.

17 Can you tell the Chamber, how long did you remain living in that
18 cottage?

19 MS. NGET CHAT:

20 A. I cannot recall how many days I lived in that cottage.

21 However, it was for a few days only. <His wife was killed and so
22 was> my husband <> and I was so afraid, I <quietly> kept lying
23 there<; I dared not make noise>.

24 <Because> I noticed that militiamen were walking nearby and I was
25 afraid that they would eavesdrop and hear me saying something or

4

1 that I did not respect the revolution and would be sent to the
2 upper level. So I was <quietly> lying there with <that> person.
3 [09.08.56]

4 Q. Allow me to backtrack a little bit.

5 Yesterday, when I asked you about the wedding event and how many
6 couples were there and how many participants and who they were
7 and whether they were unit chiefs or group chiefs, can you please
8 elaborate on this, and if you can recall their names, also say
9 so.

10 A. On the day that I was sent to get married, in that afternoon I
11 was told not to go to work and that I had to go the rear
12 battlefield. <Uncle Sun> led me there to Boeng Khnar, and I saw
13 about 10 couples. They were men and women. And I could not
14 identify them clearly because it started to get dark already.

15 Q. At what time the wedding started?

16 A. It was organized and started in the evening.

17 [09.10.37]

18 Q. Who actually participated in that wedding event?

19 A. Some people actually had been there before me. I <only> know
20 Pou Sun, who took me there. However, on that day, there was an
21 announcement that there were 10 couples whom <I did not know>.

22 Q. And who was this Pou Sun?

23 A. He was an organizer or maybe a battlefield committee. He was
24 the one who <frequently> went back and forth for this
25 arrangement.

5

1 Q. And during the event, did anyone make a speech or was there
2 anyone who stood up and make a commitment?

3 A. There was an Angkar person whose name I do not know. The
4 person made an announcement that for brothers and uncles and
5 aunties, you are married by Angkar, and you had to obey the
6 Angkar instructions and that we were not allowed to protest.
7 Whoever was assigned to <you> as a husband or wife, then <you>
8 had to marry that person. <This is what he said.>

9 [09.12.35]

10 Q. What was your observation in relation to relatives of the
11 married couples? Did they participate?

12 A. My elder sibling was at Khnar Totueng, too, but my sibling did
13 not attend because we <did not know about the plan of the
14 arranged marriage. Also we> were at various battlefields, and
15 none of my relatives or family members knew that I got married
16 that day, including my mother.

17 It was Angkar who made the determination for me to get married.

18 Q. Was the wedding organized according to the Khmer tradition?

19 A. When I was there, there was no particular setup for that.

20 <There were chairs for> a man and a woman who was match up, then
21 they sat next to each other. <I saw nothing besides these.>

22 Q. Do you recall when the wedding took place or, if you cannot do
23 that, can you recall in which season it took place?

24 A. I do not know the year. However, the announcement was made
25 that it was in August 1978. That is the announcement that was

6

1 made<; that's what I recalled>. But personally, as I was a 17
2 April Person, I did not know the actual month or year. However, I
3 recall that announcement, that it was in August '78.

4 [09.14.46]

5 Q. So the wedding took place after they sent your husband to
6 collect corn, so he's been away for a few days, then you were
7 arranged to get married.

8 What was your feeling like at that time?

9 A. My body shook, my heart was pumping blood quickly. However, I
10 dared not to weep. And when we were told to make a commitment, I
11 just said what I was told to do. I almost fainted.

12 I had <> great pity from my husband. <He said, "you could travel
13 from Rumlech but now you refuse to go and collect corn">. <He
14 pulled my hand, but I would not go.> He also wanted the children
15 to go, too. And my child cried because my child did not want to
16 go with him and wanted to stay with me.

17 <Seeing that,> the unit chief called him to go, and my husband
18 was the first person in that row going away.

19 Q. And what was the reason that you decided not to go along?

20 A. At around noon time after I returned from my battlefield, I
21 was standing alone because my husband actually went to collect my
22 child from school, and I was asked why I was standing there.
23 Then <in about the distance of 10 metres,> I was questioned why I
24 came. And I said that I followed my husband, and they <also>
25 asked about my mother. And I said my mother was at Rumlech. Then

7

1 I was told that when my husband arrives, then I <must> not follow
2 him, <wait for next time>.

3 <To hear this, I felt happy because I wanted to visit my parents
4 since they were old>, when I was <living at Khnar Totueng,> I was
5 not allowed <to visit them>.

6 [09.17.45]

7 Q. One day, the militia group took you to a worksite. And can you
8 tell the Chamber what happened to you or to your friends?

9 A. After my husband was taken away, I was led to a different
10 direction. And there were <old> women who were there raising
11 pigs, and I was asked to sleep there with my two children.

12 I did not yet fall asleep that night. Then, suddenly, people
13 appeared and I saw those four or five militiamen. Some of them
14 were carrying knives.

15 Q. Allow me to interrupt, Madam Civil Party. My question is that
16 after your husband was taken away, at one point militiamen came
17 to take you. Can you tell the Chamber, where were you taken to?

18 [09.18.45]

19 A. I was told that Comrade Chat, you needed to go to a worksite
20 where elder women raised pigs. And there were about 20 people who
21 were <walking> together with my husband in the other direction.

22 Q. This is my last question.

23 Besides the event that you described, that is, when you were
24 separated from your husband, and that you were forced to marry
25 another man without your knowledge, can you tell the Chamber the

8

1 pain or the suffering that you endured?

2 A. I endured the pain the most. I told my children that it was a
3 great misery, and it stays inside me. <Without my children stayed
4 late at school, I would have been dead.> And even at the moment,
5 I have a heart problem because every time when I think of the
6 times that my husband was taken away, I almost stopped breathing.
7 I also have lower back pain.

8 [09.20.50]

9 MR. LOR CHUNTHY:

10 Thank you, Mr. President. I am conclude my -- Mr. President, and
11 I conclude my question.

12 MR. PRESIDENT:

13 Thank you.

14 And now I hand the floor to the Co-Prosecutor. You have 15
15 minutes.

16 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President. <Good morning, your Honours.> Good
18 morning to all parties.

19 Q. Good morning, Madam Civil Party. I don't have much time, and
20 many questions, and a few points to clarify with you.

21 And there's one thing I didn't understand quite well is, after
22 the death of your husband, when you were asked to get married
23 again, did you first refuse to do that, or not?

24 MS. NGET CHAT:

25 A. I did not dare to refuse since I was afraid.

1 [09.21.55]

2 Q. Before the OCIJ, you said in document E3/9790 at answer 82:

3 "Ten days after the execution of the Svay Rieng people, they
4 forced me to get married, but I refused."

5 And at answer 92, you said the following: "If you wish to speak
6 about rape, I was a victim of a rape once. Since I was <still>
7 refusing to get married, they decided to send me back. And they
8 tried to rape me, but I managed to escape."

9 And you were speaking about a comrade by the name of Rin. So does
10 this refresh your memory, and can you clarify if what you told
11 the Investigating Judges is correct, that is to say, the day of
12 the wedding, you did not refuse, but you said, however, that you
13 did refuse <this marriage even the day before the wedding,> to
14 get remarried <to your second husband>?

15 [09.23.07]

16 A. What I said is that we were sent to Ruk Paek (phonetic)
17 battlefield, and the other person was Rim (phonetic). And there
18 were only the two of us. Then Rim (phonetic) was sent to the
19 other side of mount hill, and I did not know whether she was
20 actually raped because I could not see. Then a person came to
21 seize me and I asked for forgiveness because I said that I had a
22 period and please, don't hurt me. And the militiamen did not do
23 anything else.

24 Q. So did this episode take place just before your marriage with
25 your second husband?

10

1 A. Yes, that happened after I got married.

2 Q. You said yes, but my question was if this happened before your
3 second marriage.

4 So was it before or afterwards?

5 A. It happened after I got married. That's when I was sent to Ruk
6 Paek (phonetic) to be squad leader there <with comrade Rim>. And
7 there were some females from Svay Rieng who were under my
8 management, and there were about 20 of them. And some people who
9 knew one another said that they liked me to be their chief. And I
10 told them about my background and I said that I was also a 17
11 April Person.

12 But later on, four or five of them that were taken away at a time
13 and, in the end, none was left.

14 [09.25.32]

15 Q. Fine. I'm going to focus on your marriage first.

16 Do you know <who decided>, <if> your superior decided or the
17 authorities on site -- that is to say in Bakan district -- to
18 <arrange> your second marriage so quickly after the execution of
19 your first husband, <who was Khmer Krom>? Why was it important
20 for the authorities to <arrange> this marriage <and that you did>
21 not to remain a widow for too long? Why was it important also for
22 your second husband, <also widowed,> to get married again, too?
23 <Do you know why?>

24 A. I was called by Pou Sun to go to get married at Boeng Khnar.

25 Q. Thank you.

11

1 During the ceremony, you said that there was a representative of
2 Angkar. Did this representative make you understand that you had
3 to consummate your marriage or, <using the phrasing of that
4 time>, to get along "well with your husband"?

5 [09.27.06]

6 MR. PRESIDENT:

7 Civil party, please hold on.

8 And Counsel Anta Guisse, you have the floor.

9 MS. GUISSSE:

10 Yes, thank you.

11 I object to the way that the question has been phrased. That's
12 his interpretation that "getting along well with your husband"
13 means consummating the marriage, so I object to the way that this
14 question has been phrased.

15 [09.27.30]

16 MR. DE WILDE D'ESTMAEL:

17 This is something that <we have> heard often, but I will rephrase
18 it.

19 Q. So the authorities who were at the ceremony who were there
20 representing Angkar, did they make you understand that you had to
21 consummate your marriage with your new husband?

22 MS. NGET CHAT:

23 A. I was told to consummate the marriage and that we had to
24 commit to one another and to produce as many children as
25 possible. And how could I do that because I was so skinny and I

12

1 only had gruel to eat?

2 I did not have any strength inside me. However, I did not dare to
3 say anything. I just kept making commitment saying the words that
4 I were told to say or to clap my hands.

5 [09.28.26]

6 Q. And did the Angkar representative tell you why couples had to
7 bear as many children as possible? What was the aim for this?

8 A. He said that in order <> to serve Angkar so that Angkar would
9 have stock of children. And we ate gruel at that time <so we
10 needed to work harder to produce> for Angkar.

11 And how could we do that? We produced a lot of <rice>, but we
12 ourselves never had any cooked rice to eat. <We ate only gruel,
13 corns and sweet potatoes.>

14 Q. Apart from your marriage, were there any other marriages at
15 the time when you were in Rumlech commune and Bakan district?

16 A. I did not know if there were other marriages or any other
17 couples who got married, but I only knew that during my wedding,
18 there were 10 couples.

19 Q. I asked you this question because in document D22/2152/1;
20 English, 00546329; there is a summary of your statement, which
21 reads as follows in English:

22 "There was also the forced marriage of young people and then they
23 were taken to be killed about 20 days after the marriage." End of
24 quote.

25 Do you recall having said that and having spoken about that?

1 [09.30.48]

2 A. I knew that my sibling-in-law was in the youth unit and my
3 sibling-in-law was also taken to get married <before the
4 execution>, but I did not know <how many couples in that time>.
5 <After that, she refused to consummate and they did not get
6 along. I did not check on her. We were in the same unit, I slept
7 near her, but I did not dare check on her.> I told my
8 sibling-in-law to work hard and to refashion oneself in order to
9 survive, <and later on,> my sibling-in-law was <taken away, and>
10 killed.

11 Q. I would like us to now talk about your first husband and his
12 family.

13 How old were you when you got married to him, that is, <Sien>
14 Yen, and <about> how long before the arrival of the Khmer Rouge
15 in 1975?

16 A. I got married in 1971, and we had two children together. Up
17 until 1974, we had two children.

18 Q. You stated that your husband was Khmer Krom and that his
19 family<, which> had settled in the region for a very long time<,
20 was also Khmer Krom>.

21 Do you know whether your husband, <his family, and all the other
22 Khmer Krom in the Bakan district> considered <themselves> as
23 Vietnamese or as a Cambodian?

24 A. He was a Khmer Krom. I did not know about the biography of my
25 father-in-law, but for my husband, he was born in <Rung Ta Kok

14

1 village>.

2 [09.33.15]

3 Q. Did he have Cambodian identification papers, or not?

4 A. No, he did not have an ID card. He did not have <even a piece
5 of paper> with him when he was taken away to be killed.

6 What I knew about him is that he was an ethnic Khmer Krom.

7 Q. Now, regarding all those Khmer Krom who settled there, you
8 said<, if I am not mistaken, that> they were settled at the
9 cooperative of Khnar Totueng<, according to the Khmer Rouge>.

10 MR. PRESIDENT:

11 The floor is given to the defence counsel for Khieu Samphan.

12 MS. GUISSSE:

13 Thank you, Mr. President.

14 I have to intervene again because I see the Co-Prosecutor is
15 moving towards the issue of the Khmer Krom, and let me remind the
16 Chamber that is not part of the scope of Case 002/02, so I object
17 to this line of questioning the Co-Prosecutor continues to ask.

18 [09.34.35]

19 MR. DE WILDE D'ESTMAEL:

20 If I may respond, it is important for the civil party, who lost
21 her husband and in-laws. And my second question is what was the
22 perception of the Khmer Rouge regarding this Khmer Krom group.
23 Were they <people who were> considered as being close to the
24 Vietnamese or <being Vietnamese>?

25 I believe that this question is, therefore, <pertinent and>

15

1 relevant.

2 [09.35.10]

3 MS. GUIRAUD:

4 <Sir --> Good morning, everyone. May I make a clarification here
5 because I have <re-read> the decisions of the Chamber regarding
6 the issue of the Khmer Krom prior to the testimony of this civil
7 party. I believe the Chamber was clear on this subject, and
8 <that> the Defence has misinterpreted the decisions of the
9 Chamber.

10 If I refer to document E1/262 as well as to document E1/304 in
11 which the Chamber has set out its oral decision stating as
12 follows. It's dated on the 12th of February 2015 that the Chamber
13 will have to rule on what can be considered as being part of the
14 group of Vietnamese, that is to say, that they are people of
15 Vietnamese nationality or those who are perceived as Vietnamese.
16 So the Chamber indicates that the issue of the Khmer Krom will be
17 relevant in that perspective.

18 And when it rendered its decision on the 25th of May 2015 on the
19 issue of the Khmer Krom, E1/304, it stated as follows, <and I
20 quote>:

21 [09.36.38]

22 "The evidence regarding the Khmer Krom may, nevertheless, be
23 relevant in light of other issues that fall within the scope of
24 Case 002/02, for example, the historic and political context of
25 the case and other alleged crimes that are part of the scope of

16

1 the trial, <for which> some of the victims would be Khmer Krom."

2 The only issue excluded by the Chamber in this trial is the

3 persecution and the genocide of the Khmer Krom as a distinct

4 group, but as for the rest, the evidence is absolutely admissible

5 and can be heard by the Chamber, so the persecution of the Khmer

6 Krom as a specific group, no. The genocide of the Khmer Krom as a

7 specific group, no.

8 Nevertheless, the Chamber has to hear and can hear testimony on

9 the Khmer Krom, so none of the decisions that you've rendered

10 prevent the witness, nor the civil parties, nor experts <from

11 addressing> this issue.

12 That is what we clearly understand from the two oral decisions

13 you rendered on the subject.

14 [09.37.57]

15 MR. KOPPE:

16 Mr. President, if I may respond.

17 I believe the decision of the Chamber in respect of the targeting

18 of Khmer Krom people is crystal clear. In effect, the Civil Party

19 Lead Co-Lawyer is making a request to reconsider your decision.

20 There's no need -- no new circumstances to do so, so I think the

21 decision is clear and should stay clear.

22 Also, for our client, he should know whether he should defend

23 himself against charges of targeting the Khmer Krom.

24 In addition, I don't understand the argument. As a matter of

25 example, Ieng Sary himself was Khmer Krom.

17

1 How does the nationality or the fact where someone comes from tie
2 into the accusation of the targeting of the Vietnamese? Because
3 that is what is in the scope. Trying through a back door to get
4 the alleged targeting of the Khmer Krom in the back door of the
5 persecution of the Vietnamese is unwarranted, especially at this
6 late stage of the trial proceedings.

7 [09.39.20]

8 MS. GUIRAUD:

9 Before my colleague of the Defence intervenes, I don't know
10 whether I was not properly translated --

11 MR. PRESIDENT:

12 I give the floor to Counsel Anta Guisse first.

13 MS. GUISSSE:

14 Yes, Mr. President. Perhaps I should be allowed to complete my
15 objection made a while ago and to cite a point of law that we
16 rely on as the Khieu Samphan team.

17 All the proceedings before this Chamber have <systematically>
18 dealt with recurrent issues regarding the issue of relevance when
19 the issues <do not fall> within the scope of Case 002/02.

20 [09.40.11]

21 We <have often held this debate before this Chamber, and pointed
22 out that we> are in <a Chamber that is based on civil law, and in
23 any case>, we are seized with a Closing Order with specific facts
24 and referrals before this Chamber with specific facts, with a
25 Severance Order which focuses on specific facts. And I must say

18

1 that, from a legal standpoint, we must <get to the bottom of>
2 this issue because it will have an incidence on what <we> will
3 have to <defend> when we write our closing <arguments -- this
4 issue of the pertinence> elements that do not fall within the
5 scope of the case, <or> elements <that are not the result> of the
6 crimes that are dealt with in the Closing Order. <So I am
7 bringing this point up specifically in regard to the issue of the
8 Khmer Krom, but> it is also valid as regards other issues. <And I
9 think that here we are dealing with> a legal point that is <very
10 much> in dispute, <for what follows in the case, and within the
11 framework of the closing arguments>.

12 [09.41.20]

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, if I may respond.

15 I had not even asked my question, so to object before a question
16 is even asked is not proper.

17 Secondly, the issue is whether, from the standpoint of the Khmer
18 Rouge, the Khmer Krom in that district were considered as
19 Vietnamese or not. That is a relevant question and, as such, it
20 should fall under the element of crimes of genocide against the
21 Vietnamese.

22 <It is important for us to examine the> view of Democratic
23 Kampuchea, and not only from the point of view of the victim <or
24 his or her status as such>. <Notably, this> issue was the subject
25 of your first decision, <you spoke about it, and it is only one

19

1 question that I plan on putting to the civil party,> whether <or
2 not> she knows how they were viewed from the standpoint of the
3 Khmer Rouge. That is the only question, and I would like you to
4 allow me to ask it.

5 [09.42.22]

6 MR. PRESIDENT:

7 The Chamber overrules the objection by the defence counsel.

8 Therefore, the Co-Prosecution can ask the question.

9 And the civil party, you are instructed to give the answer.

10 And the Co-Prosecution, your time is expired.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. My question, therefore, is as follows.

13 MS. NGET CHAT:

14 A. I did not get your question, so please repeat it.

15 [09.43.02]

16 Q. Precisely, that is the question I was going to ask.

17 Now, the Khmer Krom were assembled at Khnar Totueng cooperative<,

18 including your husband and all of his relatives, do> you know

19 whether, from the standpoint of the Khmer Rouge, whether they

20 were considered as Cambodians or as Vietnamese? Furthermore, what

21 were they accused of -- what were they suspected of at the time?

22 MR. KOPPE:

23 Mr. President, I object to this question. This is such a wrong

24 question on so many levels.

25 First of all, he's asking to speculate. Secondly, who is the

20

1 Khmer Rouge?

2 I mean, are we still talking about the Khmer Rouge nine years
3 after the start of this case? It -- I cannot even begin -- this
4 question should really be prohibited.

5 [09.44.05]

6 MR. PRESIDENT:

7 The objection is reasonable.

8 The Deputy Co-Prosecutor, your time is expired.

9 Now I give the floor to the defence counsel for Nuon Chea.

10 [09.44.28]

11 QUESTIONING BY MR. LIV SOVANNA:

12 Thank you, Mr. President. And good morning, Your Honours and
13 parties.

14 Q. And Madam Civil Party, my name is Liv Sovanna, the national
15 defence counsel for Nuon Chea. I have some questions to put to
16 you.

17 First, I would like to know about your first marriage. You said
18 that you got married in 1971. How old were you then?

19 MS. NGET CHAT:

20 A. I was 15 years old because my mother heard that females would
21 be arrested and she was afraid. Therefore, she arranged for me to
22 get married soon.

23 Q. Was your marriage come out of your parents' decision or your
24 own decisions?

25 A. My parents asked me whether I wanted to get married, and we

1 all decided together.

2 Q. Did you know your husband before your marriage day, and if you
3 knew him before your marriage day, how many months it?

4 A. I knew him for a long time because my elder sister got married
5 to his elder brother, <Yen (phonetic)>. <And I got married to
6 Yen's (phonetic) younger brother-in-law called Roeun (phonetic).>
7 [09.46.35]

8 Q. I would like you to clarify on a point that the Deputy
9 Co-Prosecutor asked you, but you did not give a full answer.
10 You said that you did not oppose on the day that you were
11 arranged to get married, but based on your statement in the
12 interviews <with OCIJ> in document E3/9790 at answer 93, you said
13 that, "I went with Comrade <Rin because I refused to get
14 married.>" and then you were told that <> if you opposed, you
15 will be sent to the upper level.

16 So my question to you is, did you oppose when you were told that?

17 A. Yes, I refused<,> but I did not dare to protest openly because
18 I was afraid, although I refused <in front of Comrade Rin;
19 however, comrade Rin told me that "you cannot refuse it,"> I
20 <then> accepted to<>.

21 Q. What was the role of Comrade Rin?

22 A. Comrade Rin was the committee of the battlefield. I knew that
23 Rin was the committee of the battlefield <but I did not know
24 Rin's specific role>. That was what people in my unit referred to
25 that person.

1 [09.48.35]

2 Q. How many people with the name Rin in your unit?

3 A. I knew only that Comrade Rin. When I was evacuated to Khnar
4 Totueng, I did not spend long time there, so I knew only that
5 Comrade Rin.

6 Q. You said earlier that Comrade Rin who involving the incident
7 of a woman who was taken away to be raped <by a militiaman>, was
8 it the same Rin or different person?

9 A. <They> were two different. The militiamen was the one who took
10 me, but did not tell me where I would be taken to, and I was
11 taken by the militiamen along with my friend, Comrade Rim, not
12 Rin. <Comrade Rim was my neighbour.>

13 Q. Yesterday, you said that if you did not agree to get married,
14 you would be sent to work at the upper level.

15 Can you explain what kind of work were you supposed to do at the
16 upper level?

17 [09.50.15]

18 A. No, I was not sent away yet. That was only what they told me,
19 that if I refused, I would be sent to the upper level <but I did
20 not know what it was>.

21 With the case of my husband, he was <> told <> to collect corn
22 but, instead, he was taken away and killed. <For me, if I refused
23 to marry, I would have been sent to the upper level which I have
24 no idea about it.>

25 Q. To jog your memory, I would like to quote from document

23

1 E3/9790 at question 95: "After you were forced to get married and
2 then you refused, what did they do to you?"

3 You answered that you were sent to work at the upper level with
4 Rin.

5 And on question 96, they asked you: "Where were you sent to
6 work?"

7 And your answer: "I was sent to work at Preaek Chik."

8 So do you still recall your answers?

9 A. I forget some of them. I get older now, and I also have a
10 heart disease <and felt nervous>. And my second husband was also
11 quite old, and I was also very busy with my work. We did not pay
12 much attention to each other, and I <as a result> forget a lot
13 now.

14 [09.51.50]

15 Q. Can you recall now that back at that time, you refused and you
16 were sent to work at Preaek Chik?

17 A. I went to work at Preaek Chik. I was assigned to <ride water
18 wheel and do> the dry rice farming, and we went into the water
19 and got the bundle of rice seedlings and put them onto the
20 embankment to be used for transplanting.

21 Q. You said that you refused to get married one time; is that
22 correct?

23 A. Yes. I refused, but I refused secretly. I did not dare to do
24 it openly because I was afraid. I did not do any open protests
25 because you know that, during the regime, if anyone dared to

1 oppose or refused, we would be in trouble.

2 [09.53.08]

3 Q. In your record of interview, you said that you refused. And
4 after you refused, you were sent to work at the upper level. That
5 was at Preaek Chik.

6 So does that refresh your memory that you did refuse and then you
7 were sent to work at Preaek Chik?

8 A. As I answered already, that because I am often ill, I am
9 forgetful now. I can remember only some aspect of it and forget
10 other aspects. I can recall only about the incident involving my
11 husband, who was dragged away from me and my children.

12 During the regime, I was also sick and did not have sufficient
13 food to eat.

14 Q. To refresh your memory, I would like to quote from the same
15 document, that is, E3/9790, at question 97. You said that:

16 "At first, <they forced me to do it, but> I refused, but my
17 friends tried to convince me to get married. And I also thought
18 about my own safety <and my children's safety>. And for this
19 reason, I agreed to get married."

20 So can you recall that you decided to get married because you
21 were convinced by your friends?

22 [09.54.46]

23 A. Yes. My friends persuaded me. They said, Chat, "You should
24 agree to get married because you cannot oppose. If you oppose,
25 there would be problem <in the future>. You <on the other hand>

25

1 have children, so you should think about their destinies". So I
2 agree.

3 Q. So you decided to get married with your second husband out of
4 the persuasion of your friends; is that correct?

5 A. Yes, that's correct.

6 Q. What were the names of your friends?

7 A. I have many friends: Comrade Rorm (phonetic), Mak (phonetic),
8 <Rim,> Comrade Pat (phonetic).

9 Q. Which one of your friends who persuaded you to get married?

10 A. I did not get your question.

11 [09.56.13]

12 Q. I wanted to know which one of your friends who persuaded you
13 to get married.

14 A. It was Comrade Rim.

15 MR. LIV SOVANNA:

16 Thank you, Madam Civil Party.

17 Thank you, Mr. President. I have no more questions.

18 MR. PRESIDENT:

19 Thank you.

20 Last, the Chamber gives the floor to the defence counsel for
21 Khieu Samphan.

22 [09.56.48]

23 QUESTIONING BY MR. KONG SAM ONN:

24 Thank you, Mr. President. I have one short question related to
25 the time of her second marriage.

26

1 Q. Yesterday, you said that after four or five days that your
2 husband had been taken away you were required to get married
3 again.

4 I want to know whether it's four or five days after the
5 disappearance of your husband, or it was longer than that.

6 MS. NGET CHAT:

7 A. It was four or five days after my husband had been taken away.
8 All the Khmer Krom were all collected and taken away. I was still
9 <weeping> at the loss of my husband, and I was <sent> to get
10 married.

11 Q. But in document <E3/6451> at page Khmer <00546324; I could not
12 find in English.>

13 THE KHMER INTERPRETER:

14 I did not get the ERN number.

15 [09.58.09]

16 JUDGE FENZ:

17 Counsel, please repeat the ERN. The translator didn't get it.

18 BY MR. KONG SAM ONN:

19 Q. Let me confirm again, 00546324. It was in Khmer language. And

20 I try to find the English <and French> ERN, and we will give
21 later on. And let me quote:

22 "After they killed my husband for 20 days, the cooperative forced
23 me to marry a new husband." End of quote.

24 Can you recall that this is your words that you gave in the
25 document, you said that it was 20 days after the death of your

27

1 husband, but here in your testimony, you said it was four or five
2 days.

3 So can you explain about these discrepancies?

4 A. At that time, I did not write down. I only gave the
5 estimation. It was not long after he was taken away to be killed
6 that I was required to get married. I did not write down the
7 date<; that was just my estimation>.

8 [09.59.52]

9 Q. So that mean you did not remember clearly about the exact
10 timeframe; is that correct?

11 A. I did not recall it clearly because I was sick and, worse than
12 that, I was so exhausted and so overwhelmed with my work, but I
13 can say that it was four or five days after his disappearance.
14 My husband was taken away in early August, and just some days
15 later, I was arranged to get married.

16 Q. A while ago, in your response to Nuon Chea's counsel, you said
17 that you refused it and, at one point, your friend tries to
18 encourage you to get married. So it meant that there is a gap
19 between the time that you were notified and the times that you
20 decided to get married. Am I correct?

21 A. I cannot recall that clearly. I forgot many things, and my
22 memory does not serve me well. And every time I think about it,
23 my heart is pounding.

24 [10.01.22]

25 MR. KONG SAM ONN:

1 Thank you.

2 And Mr. President, I said that I would give the ERN number in the
3 foreign languages, but it seems that this document only exists in
4 Khmer language. And I have no further question.

5 MR. PRESIDENT:

6 Thank you.

7 And Counsel Anta Guisse, you have the floor.

8 QUESTIONING BY MS. GUISSÉ:

9 Thank you, Mr. President. I only have a few short questions.

10 Q. Good morning, <Madam> Civil Party. I would like to put to you
11 a question of clarification.

12 You said earlier that, at one point during the DK period, you
13 were the leader of a unit.

14 So can you tell us who entrusted you with this position and who
15 was your direct superior when you were a unit leader?

16 [10.02.25]

17 MS. NGET CHAT:

18 A. I was not a unit leader, but I was a squad leader, which meant
19 that I control lesser number of people because at the time when
20 we were there, then I was assigned to be a squad leader. <> Since
21 I was a 17 April Person, I was not allowed to be a unit leader.

22 Q. I apologize for my mistake.

23 So therefore, who asked you to be a squad leader, and who was
24 your direct superior?

25 A. I do not recall the name. And as I said, my memory does not

1 serve me well.

2 The only thing that I knew that I was assigned to be a squad
3 leader, and I was not sure who actually -- I cannot recall,
4 actually, who assigned me.

5 [10.03.34]

6 Q. My question is, during the DK period, aside from your direct
7 superior and possibly from those who were in charge of your
8 commune, are you aware of who was in charge of your sector, of
9 your district, etc.?

10 Did you have any kind of contact with people aside from the
11 direct local people in charge with whom you were working?

12 A. I only knew Pou Mei and Pou Sun, <> the battlefield
13 committee<, who frequently participated in the meetings>.
14 <They were> the ones who conducted meetings and who asked us to
15 make commitment and asked us to achieve the work quota. <More
16 than any other persons>, I saw <Pou Mei frequently held the
17 meetings>.

18 [10.04.50]

19 Q. And in order to be clear about this, aside from these two
20 people, you did not know the people in charge of your location at
21 a higher level.

22 A. I did not know them that well.

23 Q. When you used the word "Khmer Rouge", whom are you referring
24 to? Are you referring to these two specific people, or are you
25 speaking about other people?

30

1 A. I only saw Pou Sun and Bong Mei, the battlefield committee. As
2 for the small unit leader, it was another person <named Nhoeng
3 (phonetic)>, but there, Pou Sun and Bong Mei were the senior
4 leaders in my area. And they went around in the battlefields.

5 [10.06. 06]

6 Q. And my last question now: Did you consider your unit leaders
7 as Khmer Rouge?

8 A. I did not know <what kind of Khmer>, but what I knew is that
9 they were my unit chiefs. They worked like us as well, although
10 they were the one who gave us instructions.

11 MS. GUISSÉ:

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

13 MR. PRESIDENT:

14 Thank you, counsel.

15 And Madam Nget Chat, do you wish to make any summary regarding
16 your statement?

17 [10.07.05]

18 MS. NGET CHAT:

19 I'd like to make a few comment.

20 My husband was a Khmer Krom <who> did not make any mistake, and
21 he was sent for refashioning. He tried to achieve his work quota,
22 but somehow he was taken away and killed.

23 I pitied -- I pitied my husband the most. Even the last night
24 when I recalled what happened, it seems that he's still with me.
25 It's like he's with me all the time. It's like he's still living

31

1 with me.

2 That is all what I want to say.

3 MR. PRESIDENT:

4 Thank you. And the hearing of the impact statement of the civil
5 party is concluded.

6 And Madam Civil Party, the Chamber is grateful of your testimony,
7 and we wish you all the very best. You may now return to your
8 residence or wherever you wish to go to.

9 And Mr. Bun Lemhuor, the Chamber is grateful of your assistance.

10 And the hearing of the impact statement of this civil party is
11 concluded, and you may be excused as well.

12 The Chamber will take a break now and resume at 25 past 10.00.

13 The Court stands in recess.

14 (Court recesses from 1008H to 1027H)

15 MR. PRESIDENT:

16 Please be seated.

17 Court officer, please usher the last civil party together with
18 TPO staff into the courtroom.

19 (Civil party enters the courtroom)

20 [10.29.12]

21 QUESTIONING BY MR. PRESIDENT:

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

23 MS. SAY NAROEUN:

24 A. My name is Say Naroeun.

25 Q. Say Naroeun or Say Saroeun (phonetic)?

1 A. Say Naroeun.

2 Q. Thank you, Madam Say Naroeun.

3 What is your date of birth?

4 A. I was born on the 7 of August 1955.

5 [10.30.00]

6 Q. Thank you.

7 Where is your place of birth?

8 A. I was born in Svay Teab village, Svay Teab commune, Chamkar

9 Leu district <>. During the old regime, they call Bos Chek Prey
10 (phonetic) district.

11 Q. What about your current address?

12 A. My current address is at Prammat Dei village, Svay Teab
13 sub-district, Chamkar Leu district.

14 Q. Thank you.

15 What is your current occupation?

16 A. I do rice farming, and I also spend time looking after my
17 grandchildren.

18 [10.30.55]

19 Q. What are the names of your parents?

20 A. My father's name is Say Chhang (phonetic). My mother's name is
21 Suong Ren (phonetic).

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

24 A. My husband's name is Suong Pheun. We have nine children, but
25 two died, so we have seven children left.

1 MR. PRESIDENT:

2 You come into this courtroom to express your harm <> and
3 suffering <during the DK period> that is related to your civil
4 party application. <With the request,> the Lead Co-Lawyer for
5 civil party will take the floor to ask you question <pertaining
6 to these matters> first, but the Chamber will also give you the
7 opportunity at the end of the hearing to talk about your harm and
8 suffering.

9 Now I give the floor to the Lead Co-Lawyer for civil party to
10 pose questions to the civil party <related to the matters as
11 agreed for the hearing>.

12 Now you may have the floor.

13 [10.32.25]

14 QUESTIONING BY MS. SIN SOWORN:

15 Thank you, Mr. President. My name is Sin Soworn, the lawyer for
16 civil party. I have a number of questions to put to the civil
17 party.

18 Q. Madam Civil Party, good morning. I have a number of questions
19 to put to you related to the <> suffering that were inflicted
20 upon you during DK regime.

21 My first question to you is that on the 17 April of 1975, where
22 were you and your family evacuated to, and what <were> you
23 <assigned to> do?

24 MS. SAY NAROEUN:

25 A. On the 17 of April 1975, I was evacuated from Svay Teab

34

1 village to Au Teuk Tracheak (phonetic) village of Au Nuong
2 (phonetic) commune, Sar Hok Pi (phonetic) district of Kampong
3 Cham province.

4 [10.33.37]

5 Q. Were you allowed to live together with your family, and what
6 <were> you <assigned to> do?

7 A. After the evacuation, to live in <Prey Au Nuong (phonetic),>
8 Au Teuk Tracheak (phonetic) village, I was separated from my
9 family <> to clear the <big> forest in order to create new
10 villages in Au Nuong (phonetic) commune. I was separated from my
11 family to live in <> worksite<s> in Au Nuong (phonetic)
12 <forest>. And we were in the mobile units.

13 In each unit, there were around 20 to 30 women.

14 At Au Nuong (phonetic) forest, I was facing a lot of suffering
15 <as a woman.> I lived in the forest, and I was assigned to clear
16 the forest in order to turn the clear forest land into new
17 villages. And we were not given <> good equipment to cut the
18 trees<; only knives and axes were provided; and at that forest>
19 trees were big. It was so difficult to cut them down.

20 [10.35.00]

21 The working condition was terrible. The living condition was
22 terrible <and so was the dining condition>. And as a woman, I
23 found it very difficult to live there. For example, when I had
24 periods, I did not have anything to assist <myself as a woman>.
25 And talking about the eating, in one day, they gave 10 tins of

1 rice for every unit of 20 to 30 members. <It was delivered by a
2 female comrade to that worksite.>

3 My life was terrible. I had terrible hardship. I wonder why they
4 used me to cut big trees, but they did not give me sufficient
5 food to eat. They give 10 tins of rice for <countless> people to
6 eat, and we did not even have <proper> shelter to live.

7 Q. You experienced a very terrible living condition. How did you
8 feel?

9 A. I felt upset and worried. I <also> was separated from my
10 parents<. Soon after the evacuation, I was> put in the mobile
11 units. And I was assigned to live in the forest.

12 I was fearful of wild animals. The forest were big while our unit
13 consisted of only 20 to 30 members, so every time we slept, we
14 always felt fearful. Sometime because of the fear, my heart were
15 almost stop beating.

16 [10.37.06]

17 Q. Thank you.

18 When did you get married?

19 A. I got married in 1975.

20 Q. Can you tell us about your marriage during DK regime in 1975?

21 What happened at that time?

22 A. I got married in 1975. I lived at the worksite. I was in the
23 female mobile unit.

24 One day, I was called to join the assembly meeting. It was at Au
25 Thma (phonetic) village.

36

1 It was at the time while I was building the dam<, it was called
2 Koma (phonetic) Dam in Veal Tuok (phonetic) village.> so I
3 followed the unit chief. And when I arrived at the rest place,
4 the unit chief told me not to wear pants to the assembly but,
5 instead, to wear "sampot" or skirts. So I wore black skirts and
6 had a black <shirt> and had a "krama" around my neck.
7 So I followed my unit chief all the way to <Au> Thma <(phonetic)
8 village>. And when we arrived at <Au> Thma (phonetic), I saw many
9 people were already there.
10 [10.39.00
11 So I asked the unit chief, "Comrade, why are there many people
12 here?" And she answer, "You will know soon because people from
13 the upper level come to preside over the assembly."
14 And I walked in and I saw men sitting in one row and women
15 sitting in one row. I was suspicious, but I did not dare to ask
16 any question.
17 And I looked around, and then I saw a woman who I was familiar
18 with from Au Teuk Tracheak (phonetic) village, but I did not have
19 time to talk to her because we were not allowed to talk to each
20 other. We were told to sit quiet.
21 I saw some of the people I was familiar with, but I did not talk
22 to them, so we were quiet and sit still.
23 Later on, people from the upper level opened the assembly
24 meeting. And they asked us to stand up and make the commitments,
25 so each couple were required to make the commitment.

1 So I started to know that perhaps it was a marriage ceremony, so
2 I started to feel fearful. My body was trembling. My body was
3 cold because I was so fearful.

4 I kept on sitting still, but I knew that the condition inside my
5 body was strange.

6 So each couple there were called out to make commitment, one
7 after another. <I felt so fearful.>

8 [10.41.03]

9 MR. PRESIDENT:

10 Please turn on the microphone.

11 BY MS. SIN SOWORN:

12 Q. You were called to join the assembly meeting but, later on,
13 you knew that you were brought there to get married. I want to
14 know how many couples were arranged to get married on the day
15 with you and whether your parents attended the ceremony.

16 MS. SAY NAROEUN:

17 A. When I was called to make the commitment on that day, none of
18 my relatives and parent attended it because they called me from
19 the worksite. So how could my parents and relatives <in the
20 cooperatives> knew about this?

21 [10.41.54]

22 And because of this, I felt suffered. How come I was working at
23 the worksite and they called me to get married. My parents worked
24 hard to bring me up. And when is the time for me to get married,
25 how come that they could not know about this? They did not know

1 that I got married <because I went to carry labour at worksites.>

2 Q. How many couples?

3 A. Sixty couples <from the entire district>. <>There were 60
4 couples. Two couples from my village.

5 Q. How did you feel about your marriage because it was not
6 attended by your parents and relatives?

7 A. I felt painful because <like cattle,> we were paired up
8 without knowing each other. I did not know anything about the
9 background of <that> husband, whether he was a kind person or
10 brutal person. We did not know each other beforehand.

11 On that day, we were paired up like the way they pair up
12 <cattle>.

13 Q. Did you like your spouse, I mean the man who were matched up
14 with you by Angkar?

15 A. How could I like him? Because we did not know each other
16 beforehand. We loved each other only when we had some prior
17 relationships with each other. <But we were paired up, how could
18 I love him?> I did not love him at all.

19 [10.44.30]

20 Q. Can you tell us about what happened on the first night after
21 you made the commitment of your marriage?

22 Did you consummate the marriage with your husband?

23 A. Allow me to tell you about what happened after I made the
24 commitment.

25 I was given a shelter to sleep in. There were many shelters built

1 for the newlywed couples, and the shelter had thatch roof and
2 thatch wall.

3 The militiamen brought the two of us to the small shelter. Then I
4 sat down with my hand holding my knees and then I heard the
5 footsteps walking back and forth. I felt fearful and I tried to
6 look out through the thatch wall. I saw between six and seven
7 militiamen walking back and forth.

8 [10.46.03]

9 It was night time. I could not count the number clearly, but I
10 can say it was around six militiamen.

11 When I saw them approaching my shelter, I closed the wall, and
12 then I kept sitting quietly.

13 Then I heard the seemingly running or walking fast footstep. Then
14 I look through the wall and I saw the militiamen about 50 metres
15 away from my shelter.

16 I saw two militiamen <walking in the front but I did not know how
17 many were at the back, they> took a couple from <a> shelter away.

18 After the militiamen took the couple away, I kept on looking, and
19 about half an hour later, I saw the two militiamen came back. But
20 I but I did not see the couple coming back with them.

21 I concluded that perhaps the couple did not get along with each
22 other. That's why they were taken away from the shelter. The
23 militiamen continued patrolling and then, some minutes later,
24 they took away another couple.

25 <At that point,> I thought to myself <that I must live longer>

40

1 although my body was trembling, I agreed to give my body to my
2 husband because I saw the militiamen walking <the two couples out
3 from their shelters>, and I was <in fear>.

4 [10.48.09]

5 Q. How did you feel when you consummated your marriage with the
6 man whom you did not love?

7 A. I felt difficult in to breathe in my heart because in my whole
8 life, I never encountered such an incident. And as a Khmer woman,
9 nothing is more important than our body. Although I was fearful
10 and trembling, I thought to myself that I had to give my body to
11 my husband in order to fulfil the requirement of Angkar. <It was
12 so painful for me.>

13 Q. During the time when you made the commitment, were there any
14 people from the leadership who presided over the ceremony? And
15 did those people in the leadership give any instruction to the
16 couples?

17 [10.49.44]

18 A. Yes, there were. The sector committee and the district
19 committee and the commune chiefs, and also the unit chiefs, there
20 were many unit chiefs, but I knew only the district committee,
21 <the chief of the big unit> and the chief of Sar-62, or S-62. I
22 did not know the <sector committee>.

23 The Angkar called out each couple to make the commitment. <Prior
24 to the commitment,> they instructed us that we had to obey what
25 Angkar assigned us to do and have to repeat what the <Angkar>

41

1 said. And we had to love each other from the time onward and had
2 to work hard to produce rice <from this quota to that quota> and
3 to produce babies, as many as possible, in order to meet the
4 targets of Angkar. <The Angkar needed more people to> defend our
5 country better.

6 So that was the instruction from the upper level people. We had
7 to repeat those words.

8 Q. Madam Civil Party, please give your answer short and answer
9 according to my question.

10 After your marriage, how many day did you spend with your
11 husband?

12 A. Three days.

13 [10.51.27]

14 Q. Three days.

15 So what happened after the three days? You and your husband
16 separated from each other to your respective units, or what? And
17 how many days or months later that you were allowed to meet each
18 other again?

19 A. After the three days that we spent time together, we were
20 required to go back to our respective units and like once in
21 every one week, we were allowed to meet each other again <at my
22 mother's house.>

23 Q. After you had spent three days with each other and then, one
24 week later, you were allowed to meet each other at your mother's
25 house.

1 At that time, when your parents and relatives knew about your
2 marriage, how did they feel?

3 A. They felt painful. They felt regretful because their child
4 whom they brought up, they did not have the opportunity to attend
5 the wedding ceremony. <They became sick because of this. To them,
6 it was unacceptable>.

7 [10.53.07]

8 Q. During the time when you consummated the marriage with your
9 husband, did you become pregnant?

10 A. Yes, I had a child. I became pregnant and I had a morning
11 sickness. Despite my morning sickness, I was still required to
12 work <with insufficient food>. And usually, as a pregnant woman,
13 you would usually feel that you want to eat something, but I did
14 not have the food to eat <as desired>. <My> morning sickness
15 became very severe, <but> husband <was> working at a different
16 worksite.

17 Q. Did the pregnancy come as a result of your own planning or by
18 accident? <And in your opinion, was it good to have a child in
19 that time?>

20 A. My pregnancy was not out of my decision or planning, but it
21 was the target by Angkar that we were required to produce
22 children. I really did not want to be pregnant because I felt
23 uncertain about what would happen when the baby were born. <But I
24 did not know what to do.>

25 [10.54.55]

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1 Q. Talking about your first baby, I mean the one that you had
2 morning sickness, did that baby survive and live until nowadays
3 (sic)?

4 A. My baby <did> not survive. After I was six months pregnant, I
5 had a malaria. I did not have any medicines or medical treatment
6 <for prenatal care>. And when I became nine months, 10 days
7 pregnant, my baby died.

8 <With that black regime, my> baby died because I had had a
9 malaria and I did not receive any medicine or medical treatment.
10 I asked them for medicine, but they gave me only the rabbit
11 pellets.

12 <I even did not see my baby when he/she> died. I felt pitiful for
13 <him/her>. I did not know when my baby died. I felt suffered
14 terribly.

15 <Though I did not plan to have a baby, as a mother, I loved the
16 child. But at the end, I did not see his/her face even one bit.>
17 And this is the things that made me really suffered and I cannot
18 forget about it.

19 Q. Because of your suffering, as a result of your loss of your
20 child, after you had lost your child after you had delivered the
21 baby and the baby died, how many months were you allowed to take
22 a rest before <> you were sent back to work <at the worksite>?

23 [10.57.24]

24 MR. PRESIDENT:

25 Please hold on.

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1 Please allow her time to calm herself down.

2 (Short pause)

3 [10.58.00]

4 MR. PRESIDENT:

5 Counsel, please repeat your question.

6 BY MS. SIN SOWORN:

7 Thank you, Mr. President.

8 Q. After you had delivered the baby and the baby died, how many
9 months did Angkar allow you to take a rest before you were sent
10 back to work?

11 MS. SAY NAROEUN:

12 A. I was allowed to take a rest, but I was not allowed to take a
13 rest at my home. I was allowed to take a rest at the <handicraft
14 workshop at the kitchen> where the elderly women <worked>, and I
15 was allowed to take a rest for one week.

16 [10.58.56]

17 Q. Did you have a second pregnancy <during the DK regime>?

18 A. After my first pregnancy and the baby died and then I became
19 pregnant again, and the baby was born in 1977, and he survived
20 until now.

21 Q. Is the health condition of the baby good, I mean from the time
22 he was born until now?

23 A. My second baby who was born in 1977 has not had a good health
24 condition. He's thin<> because after a few months that I
25 delivered the baby, I went to work at the worksite. I did not

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1 have time to breast fed him. He stayed with the elderly women at
2 the <handicraft> venue. I met him at 11<:30> or 12 night time.
3 <So my second child suffered so much during that regime; at this
4 point,> I did not want to have <any> baby during the regime<, it
5 was so harsh>, but I had no choice.

6 My child <was> thin and did not have enough food to eat.

7 [11.00.24]

8 Q. You lost your beloved child who died after you carried the
9 baby in your womb for nine months <and ten days and that child
10 died during the delivery>. Besides the loss of your beloved
11 child, did you lose any of <beloved> your family members or
12 relatives during Democratic Kampuchea?

13 A. Yes. I lost my uncle's families composed of 11 members, and
14 they all died at Chamkar Svay Chanty (phonetic).

15 Q. After the loss of your child and then you learned that 11
16 members of your relatives also died, did it add more pain to the
17 pain that you endured?

18 A. Yes, it pained me the most. And I remember this till my last
19 day of my life. <Not only I lost my beloved child, but also> I
20 lost 11 members, and <you asked me how painful it was for me? It
21 was extremely painful for me. This happened> due to the dark
22 regime of <> three years, eight months <and twenty days>.
23 And as I said, I will remember this until the day I die.

24 Q. The dark regime has passed for over 30 years, and at present,
25 do you still remember the loss of your <beloved> child or the

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1 loss of your 11 members relatives <who unjustly lost their lives
2 in that DK regime>?

3 A. I cannot forget it. When I look at my second child, he reminds
4 me of the suffering that I endured. I remember it, and I can
5 never forget it.

6 [11.02.54]

7 MR. PRESIDENT:

8 Counsel, your time has expired.

9 MS. SIN SOWORN:

10 Thank you, Mr. President, and thank you, Madam Civil Party.

11 MR. PRESIDENT:

12 I'd like now to hand the floor to the Co-Prosecutors to put
13 question to this civil party.

14 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President.

16 Q. Madam Civil Party, I will have about 15 minutes of questions
17 to put to you, and I will ask you to please listen to them
18 carefully and to answer them clearly.

19 You said that you did not know your husband before you married
20 him. But had you seen him <already>? Did he come from the same
21 region as you, or did he come from somewhere else?

22 MS. SAY NAROEUN:

23 A. He came from another area.

24 [11.03.55]

25 Q. Was he a civilian or was he a service man?

1 A. <Before> I did not know of his background. However, after our
2 marriage, he told me during the <Khmer> liberation day he was a
3 soldier.

4 Q. Do you know if he knew that he was going to get married, or
5 was he surprised just as you were when the ceremony was
6 organized?

7 A. Later on, he told me when he was called to make a commitment
8 he was not aware of the arrangement.

9 [11.05.01]

10 Q. When you ended up with the 59 other couples at the ceremony
11 and you understood that it was <a marriage -- >your marriage,
12 that was taking place as well, did you think about refusing to
13 get married?

14 A. Yes. I protested for the first time before I was asked to make
15 a commitment. I was the only person who called to this Office
16 S-62, and the chairman <Khorn (phonetic)> called me to go there
17 alone.

18 He said that "Comrade Say Naroeun, you are here to marry to a
19 handicapped soldier who was wounded in the front battlefield."
20 Then there were two handicapped soldiers who lost their legs up
21 to the knees<, were sitting on wheelchair>. I was so shocked to
22 see them <that> I shouted <in that office>. <At> the time, I
23 forgot about the risk of being killed and I protested that I
24 would not marry such a person. <I categorically denied this.>
25 Later on, another comrade came to me and asked me to return to

1 the worksite.

2 So that was the first time, and I protested it. And when I
3 returned, I felt scared of what I did because at that time, I
4 just simply did it because I saw the handicapped people. At that
5 time, I shouted and I protested it.

6 [11.06.54]

7 And the second time, I was asked again to make the commitment. I
8 protested it by the upper echelon <said> the historical wheel was
9 moving forward and if somebody interferes with his arm or legs,
10 then the arm or leg will be broken. <Angkar had the pineapple
11 eyes; you could not hide anything from the Angkar.>

12 Q. How much time went by between your first spontaneous refusal
13 <to this marriage with a handicapped individual> and your
14 marriage, the second -- or let's say the second ceremony?

15 A. For the first time, I made my protest, then I was sent to the
16 worksite. And about two months later, I was asked to make a
17 commitment again.

18 Q. During the wedding ceremony, were you explicitly asked or in a
19 <roundabout> way, to consummate the marriage?

20 A. No<, it was not devious>. The announcement was made for me,
21 and I was asked to repeat the words, that is, to bear as many
22 children as possible since Angkar needed people to defend the
23 motherland.

24 [11.08.48]

25 Q. When you heard that you had to bear as many children as

1 possible, did you therefore think that it was then necessary to
2 consummate the marriage in order to make this possible?

3 A. I thought that if I did not consummate the marriage with my
4 husband, then I might risk being taken away and killed because
5 <once or twice> I already <> protested <>. And I also saw with my
6 own eyes some couples who were led away by the militiamen. <For>
7 that reason, I decided to consummate the marriage with my
8 husband.

9 Q. After the three-day initial period, were you happy to see your
10 husband each time he would come see you?

11 Did you agree then to continue consummating the marriage or did
12 this, on the contrary, upset you <or> did you have other
13 feelings?

14 [11.10.21]

15 A. When he came to meet me, that is, after a week, we were
16 allowed to spend a night together. <At that exact night,> I did
17 not have any good or excited feeling toward him at all. My
18 feeling was that I did not want to live with him. However, since
19 everything was over, then I just let myself go in a natural way
20 <of> a man and a woman.

21 Q. You said that you did not want to become pregnant, but when
22 you became pregnant, did you enjoy better living conditions than
23 the other women? Did you work less, did you eat more? Did you
24 have any time to rest?

25 A. No. It became even more difficult for me when I became

1 pregnant. I could not eat the mixed gruel. Sometimes I vomited
2 after I consumed the gruel. It was a very difficult period during
3 this pregnancy.

4 I became so skinny and I was not allowed to rest. I had to work.
5 <In that regime,> if somebody got sick, then we were accused of
6 being sick psychologically. <No rest!>

7 [11.12.08]

8 Q. Given these circumstances and the death of your first baby,
9 when you understood that you were pregnant the second time, were
10 you anguished because of this?

11 A. Yes, I was anguished. And for my second pregnancy, I worked
12 even harder <than the first one>. And I had a fear every day
13 during the second pregnancy because I was afraid that the baby
14 would die, as in the case of my first baby. However, in late '77
15 I delivered my child, who was very skinny due to lack of
16 nutrition. Luckily, the child survived and he's still living now.

17 Q. I am almost done.

18 Among your friends of the same age as you <from your village,
19 from your commune,> or among the members of your family, did some
20 of these people also get married under the DK regime? And if that
21 is the case, can you explain to us under which circumstances
22 these people got married?

23 A. In late 1978, my younger sibling was arranged to get married
24 in an event where 60 couples got married. And that happened to my
25 blood younger sibling. And there were no relatives attending the

1 wedding as well.

2 [11.13.10]

3 Q. And did this younger sibling tell you how the marriage took
4 place? Was <their> marriage similar to the marriage that you
5 underwent in terms of ceremony, etc.?

6 And can you tell us if this sibling also agreed to get married?

7 A. Yes, the marriage took place under the same condition. And it
8 might even be worse because during my wedding that it happened in
9 1975, that is, not long after Phnom Penh had been liberated, and
10 I suffered already. So it would be worse for those who married in
11 late '78 because by that time, many, many people had been
12 <massacred>. And I <suffered> the most by that time.

13 Q. And can you tell us, please, who this sibling was, who this
14 younger sibling was? Was she a sister or was he your brother, and
15 where did this sibling get married?

16 A. It was my younger sister, and the marriage took place at the
17 place where I got married, that is, at Au Thma (phonetic).

18 [11.15.50]

19 Q. Based on what you said to the President, you are still married
20 with Mr. Suong Phin with whom you were forced to get married
21 under the DK regime.

22 So why, after 1979, did you decide to stay with him?

23 A. After the liberation year, I decided to remain in the
24 relationship because I had pity for my child, who was born during
25 the war time. <On the other hand, I am a> Cambodian woman, I do

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1 not want to see my child having a second father or for me to have
2 a second husband. And for that reason, I remained in the
3 relationship, although my feeling hurt.

4 Everything was done for the sake of my child, and I tried to
5 survive with the pains that I carry every day.

6 MR. DE WILDE D'ESTMAEL:

7 Thank you very much for having answered my questions.

8 We have no further questions, Mr. President.

9 [11.17.20]

10 MR. PRESIDENT:

11 Thank you.

12 And the floor is now given to Nuon Chea's defence.

13 QUESTIONING BY MR. LIV SOVANNA:

14 Thank you, Mr. President. Again, good morning, everyone.

15 Q. Good morning, Madam Civil Party. My name is Liv Sovanna. I'm
16 the national counsel for Nuon Chea's defence, and I have some
17 questions to put to you.

18 In the area that you live, when was the area liberated, that is,
19 when Democratic Kampuchea liberated your area?

20 MS. SAY NAROEUN:

21 A. I cannot recall it. However, it happened in around 1975.

22 <However,> on 17 April '75, I was evacuated from my native
23 village to <the Au Nuong (phonetic)> village.

24 [11.18.31]

25 Q. In order to refresh your memory, I refer to document E3/5009,

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1 which is the Victim Information Form. Khmer ERN is at 00559307,

2 and there is no English translation. You state the following:

3 "In 1974, my family worked at Au Teuk Tracheak (phonetic)

4 village, Udong commune, and we were forced to work non-stop. And

5 we were given insufficient food to eat."

6 So in this document, you mentioned the year of 1974 that you were

7 <already> forced to work in Au Teuk Tracheak (phonetic) village

8 and not in your native village.

9 Does that jog your memory as to when your area was liberated?

10 [11.19.39]

11 A. I cannot recall it because when I was at Au Teuk Tracheak

12 (phonetic), that is, after I was evacuated, and that happened

13 after the liberation. And in late 1974, I <still> lived and

14 worked in village mobile units, that is, building dams and dike.

15 Q. So when you build dam and dike in late 1974, did you work in

16 the liberated zone or in the <Lon Nol> government-controlled

17 zone?

18 A. I built dam and raised dike in late 1974, and that was still

19 under the Lon Nol regime. At that time, Phnom Penh had not yet

20 been liberated.

21 Later on, I was sent to work at Au Teuk Tracheak (phonetic)

22 village<, Au Nuong (phonetic) commune>, and I also did the same

23 kind of work.

24 Q. My question is not about when Phnom Penh was liberated. I want

25 to ask about the village where you lived and as to when it was

1 liberated.

2 And at that time, was it still under the control of the Lon Nol
3 government, or was it under the control of those liberated group?

4 A. I'd like to clarify the following. When I arrived at Au Teuk
5 Tracheak (phonetic) village, that is, I was there for a few days,
6 and Phnom Penh was liberated.

7 [11.21.43]

8 Q. You made mention that you were <married> in 1975. And do you
9 recall the actual date of your wedding?

10 A. I cannot recall it. During the regime, I did not have any
11 calendar to refer to.

12 Q. Do you recall whether it happened during a rainy season or a
13 dry season, or was it towards the end of the year?

14 A. If you ask about the season, I can recall it, but I cannot
15 recall the date. And it happened during the windy season.

16 Q. In response to the prosecutor question, you said that you were
17 sent to see someone and that you were instructed to marry a
18 handicapped person who lost his legs. You protested it, and then
19 you returned to work at the worksite.

20 Did you return to the same worksite or did you go to another
21 worksite?

22 A. No, it was not the same worksite because Office S-62 had many
23 worksites.

24 [11.23.38]

25 Q. My question is specific, that is, after you made your protest

1 known, were you instructed to return to work at the place where
2 you previously worked?

3 A. After I made my protest, I was sent to work at <a worksite in>
4 Chambak Meas <village>. I was there for two to three weeks, and
5 then I was transferred to build a dam in another worksite at
6 <Koma (phonetic) Dam in> Veal Touk (phonetic) village.

7 Q. When you were forced to get married for the first time, you
8 made your protest and nothing happened. Then why did you not make
9 a protest again for the second arrangement?

10 A. I did. I did make my protest, but the unit chief told me not
11 to say anything and to shut my mouth. I said that I did not want
12 to get married because I did not know the man, but the unit chief
13 who used to control my work in all worksites instructed me to
14 follow Angkar's instructions and not to make any protest.
15 So as I said, my first protest was spontaneous. And for the
16 second time, I made my protest again but I was warned that if I
17 made a spontaneous protest or shouted again, then I would risk
18 myself.

19 [11.25.40]

20 Q. For your second time that you made your protest, how many days
21 it happened before the actual wedding day?

22 A. It happened when I walked and arrived at Au Thma (phonetic)
23 wedding venue. How could I make any protest earlier because I
24 didn't know about the arrangement?

25 Q. A while ago, you said that people who chaired the wedding,

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1 including the district committee whom you knew; can you tell what
2 is their names and whether the person was male or female?

3 A. It was Comrade Moeun (phonetic). And Khorn (phonetic) was in
4 charge of our office, S-62. <Comrade> Chen (phonetic) was the
5 commune chief. <Comrade> Ry (phonetic) was my unit chief. And Ry
6 (phonetic) was the only female. The rest were all men.

7 [11.26.58]

8 Q. Was <Comrade Moeun (phonetic)> the district chief or deputy
9 chief, or a member of the district committee?

10 A. I did not know whether he was the secretary of the district
11 committee or not. I only knew that Moeun (phonetic) was chief in
12 the district. He was the top leader in the district.

13 Q. And please tell the Court the district name.

14 A. It's district S-62.

15 Q. Does it have a proper name or does it only have this code,
16 S-62?

17 A. I did not know because when I was evacuated to the area, we
18 were told that we were there at Office S-62, district S-62, Au
19 Nuong (phonetic) commune.

20 Q. And also, a while ago you said that you saw two couples led
21 away by militiamen.

22 Did you <see the faces of> the couples as well as the militiamen
23 who took the two couples away that night?

24 A. I did not see their faces because it was night time. They used
25 a bamboo torch so I could see some light <simmering>, <also it

1 was rather far; thus> I could not see the faces clearly.

2 Q. If you could not see their faces, how could you conclude that
3 those people were the newlywed couples?

4 [11.29.13]

5 A. Because when I looked through the crack of the wall, I knew
6 that the rooms that I stayed was only for newlywed couples
7 building.

8 Q. And how come you only made mention of this point now and why
9 in your document, E3/5009, at Khmer ERN 00559307, you did not
10 mention this? You only mentioned that:

11 "At night time, militiamen came to eavesdrop at the houses, as
12 they wanted to know whether we obeyed the instructions from
13 Angkar. If they knew that we did not follow the instructions of
14 Angkar, then they would take measures against us."

15 Why in that Victim Information Form you did not make mention that
16 that night, militiamen took people away? Could you clarify it?

17 [11.30.28]

18 A. Allow me to clarify it.

19 When I lodged my first complaint and, subsequently, I cannot
20 recall every single detail for 24 hours per day since I sometimes
21 forget. And later on, it came back to me and I recalls that
22 during the time there were militia men and people were led away.
23 But during the time that I filled that application form, I cannot
24 recall it <because I am getting older>.

25 Q. Yes. In the document, you made mention about the militiamen.

1 And how come such important point was not mentioned in that
2 application form?

3 A. I forgot about it because I could only recall about the
4 militiamen, but later on, I recall that when the militiamen went
5 to the area, two couples were led away.

6 And for that reason, I asked for Supplementary Information Form
7 <since I forgot some previous points>.

8 Q. Due to the interests of time, allow me to ask you my last
9 question.

10 A while ago, you stated that you lost 11 relatives. Why in your
11 Victim Information Form, again E3/5009 in Section C, where you
12 were asked about harms and sufferings and losses that you
13 endured, you did not mention that 11 of your relatives lost their
14 lives. And how come only now you mentioned that you lost 11
15 relatives and you failed to mention this point when you applied
16 as a civil party in this case?

17 [11.32.47]

18 A. When I applied as a civil party, I firstly focused about my
19 suffering and my forced marriage and, later on, I learned that,
20 as a victim, due to the loss of relatives during the regime I
21 made another <subsequent> application to add that fact to it.
22 In my first application, I made mention that I suffered from
23 forced marriage. And, later on, through my discussion with some
24 organizations to ask whether victims of the regime who lost their
25 relatives what they could do, is it possible to add that fact to

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1 the previous application, so I consulted with other organizations
2 since I did not understand the process that well. Then I made my
3 supplementary application form.

4 [11.34.00]

5 MR. LIV SOVANNA:

6 And in the interests of time, <and for the sake of> proper
7 record, in document E3/5009, civil party does not also make
8 mention of the forced marriage as harm she suffered.

9 And President, I don't have any more question.

10 MR. PRESIDENT:

11 What about Khieu Samphan's defence? Do you have any questions to
12 put to this civil party?

13 MR. KONG SAM ONN:

14 Mr. President, I don't have any further questions -- or any
15 questions to put to the civil party.

16 MR. PRESIDENT:

17 Thank you.

18 And Madam Say Naroeun, the Chamber is grateful of your presence,
19 and the hearing of the impact statement is now concluded. And we
20 wish you good health and good luck.

21 And one last point, Madam Civil Party. If you wish to make a
22 statement, you can do so now <as you were informed from the
23 beginning>.

24 [11.35.16]

25 MS. SAY NAROEUN:

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1 Mr. President, I have two questions to put.

2 The first question is <> I'd like Mr. President to direct it to
3 the accused why they used people like animals and they were given
4 insufficient food to eat. What about the rice that people work
5 day and night to produce, where is it, or where was it sent to?

6 And my second question, why there was such law to force people to
7 marry others whom they never knew, why there was such law because
8 love came out of the feeling and not from such law.

9 These are the two questions, Mr. President. Thank you.

10 [11.36.22]

11 MR. PRESIDENT:

12 Are you asking me as the President of the Chamber or are you
13 asking the accused through me?

14 MS. SAY NAROEUN:

15 Mr. President, <my apology,> I put the question to the accused
16 through you, the President.

17 MR. PRESIDENT:

18 Thank you.

19 And Madam Say Naroeun, the Chamber wishes to inform you that in
20 the substantive proceedings in Case 002/02 from the early period,
21 Nuon Chea and Khieu Samphan exercised their right to remain
22 silent. And also, on the 8 of January 2015, the accused
23 reaffirmed their position. And so far, the Chamber has not
24 received any information as they change their position regarding
25 the right to remain silent. And the Chamber cannot compel the

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1 accused to answer any questions based on national and
2 international laws. And that is also stipulated in the Internal
3 Rules of the ECCC.

4 [11.37.43]

5 And the Chamber is grateful of your testimony.

6 The hearing of the impact statement is concluded, and you may
7 return to your residence or wherever you wish to go to.

8 And the Chamber is also grateful to Mr. Bun Lemhuor for your
9 assistance to the civil parties during the impact statement. And
10 you also may be excused.

11 The Chamber will take a break now and return at 1.30 this
12 afternoon to continue our proceedings.

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

16 The Court stands in recess.

17 (Court recesses from 1138H to 1333H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Chamber is back in session and this afternoon, the Chamber
21 <in this afternoon> will hear the testimony of witness 2-TCW-859
22 related to the nature of the armed conflict.

23 And the Chamber noted that this witness related to the ongoing
24 investigation of a separate case and the <OCIJ> consider this
25 witness in Category A <among the three categories in the

1 memorandum> and therefore, <please look into the document
2 E319/35; and request that this witness's pseudonym be used for
3 the sake of confidentiality within the investigation process >.
4 <The Chamber finds that such measures are appropriate.> And the
5 instruction here need to be balanced between the public
6 discussion of evidence at trial and the need to protect the
7 integrity of the investigations and safeguard the witness;
8 therefore, parties, please be informed that they need to stick to
9 the principle in the instruction in <the document of E319/7 in
10 displaying various documents for cases> .

11 [13.35.22]

12 And before the invitation of the witness into this courtroom, the
13 Chamber would like to issue the oral ruling <on the request of
14 the International Co-Prosecutors>.

15 The Chamber notes that the International Co-Prosecutor has filed
16 a request <for admission into evidence of eight documents,>
17 pursuant to Internal Rule 87.3 and 87.4 <of the Internal Rule>
18 document E319/56. One document sought for admission, E319/56.3.2,
19 is a Written Record of Interview of witness 2-TCW-859 from Case
20 003, who is scheduled to begin his testimony today.

21 [13.36.16]

22 The Chamber further notes that consolidated responses by the Nuon
23 Chea defence and Khieu Samphan defence to the International
24 Co-Prosecutor's <, pursuant to> 87.3 and 87.4 <of the Internal
25 Rule> requests, that is, documents E319/56 and E319/58, were

1 filed on Monday, 10 October 2016 in which they do not oppose the
2 admission of E319/56.3.2.

3 The Trial Chamber recalls its practices to admit into evidence
4 all prior statements of civil parties or witnesses who appear
5 before it pursuant to Internal Rules 87.3 and 87.4. It is in the
6 interests of ascertaining the truths that the Chamber and parties
7 have access to all the statements of civil parties and witnesses
8 who will be heard in Case 002/02. The Chamber, therefore, admits
9 document E319/56.3.2 into evidence and assigns it document number
10 E3/10713.

11 Court officer, please usher witness 2-TCW-859 into the courtroom.

12 And also please invite his duty counsel into the courtroom.

13 (The witness enters the courtroom)

14 [13.38.07]

15 MS. GUISSÉ:

16 Thank you, Mr. President. Before the witness is ushered in, I
17 would like to <ask> the Chamber to clarify something. I am saying
18 this by memory because I <don't> have the decision of the
19 Co-Investigating Judges <before me>, <but is> 'Category A' has
20 <in regards to> <not mentioning elements> relating to the family
21 <exclusively, or are there any other restrictions?>

22 We should bear in mind that there are a number of references to
23 transcripts from the first trial, I want to be sure that I will
24 be able to refer to the duties of the witness; otherwise, it will
25 be somewhat complicated to <keep it short>. <So, I would like

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1 clarification.> I don't know what the Co-Investigating Judges
2 said regarding Category A witnesses. I would like the Chamber to
3 refresh my memory on that.

4 [13.38.38]

5 JUDGE LAVERGNE:

6 You don't have the references of the memo in question, per
7 chance, or if another party had the reference to that memo, it
8 would facilitate our exchanges.

9 JUDGE FENZ:

10 Well, if you have it -- you still have questions after you have
11 it.

12 MS. GUISSSE:

13 <Perhaps I'd have fewer questions if I had it>, but <we'll try
14 to> start, I will rely on the vigilance of the <Prosecutors to
15 object if my questions> stray out of the framework. <I'll do
16 that.>

17 I'll allow the Chamber to start and <I'll take a seat>.

18 (Short pause)

19 [13.41.42]

20 JUDGE FENZ:

21 Can you start with something which doesn't have an impact on the
22 personal data and we will, in the meanwhile, recheck or does that
23 not work, just to save time? If not, you'll have -- we'll have to
24 check it.

25 MS. GUISSSE:

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1 It will all depend on the extent of <what is considered personal
2 data>, but regarding the <positions> of the witness between 1975
3 and 1979, <that is exactly the reason for which he was summoned.>
4 <Yes,> the witness testified in <an> open session in Case 002/01
5 <but, there's> the problem of overlap between the Chamber -- <the
6 interests of the Chamber> and <the interests> of the
7 Co-Investigating Judges. <I will try to -->
8 Mr. President, do you have any preliminary questions to put to
9 the witness or I can start?
10 [13.43.10]
11 MR. PRESIDENT:
12 Good afternoon, Mr. Witness.
13 In this proceeding, you requested for a duty counsel and the
14 Chamber, through the WESU, assigned Madam Sok Socheata as the
15 duty counsel for you.
16 And also, through the request from the OCIJ office that we will
17 use only the pseudonym <which is 2-TCW-859. In general, you are
18 referred> as the witness and parties in this courtroom <>. The
19 Chamber -- including the Chamber, itself, and parties are not
20 allowed to address you by name.
21 Court officer, please take this document and show it to the
22 witness. Please show this document to the witness so that he can
23 have a look at the highlighted parts -- the highlighted parts in
24 orange.
25 (Short pause)

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1 [13.45.02]

2 QUESTIONING BY THE PRESIDENT:

3 Q. Mr. Witness, the Chamber would like you to have a look at your
4 identification, that is, in document E3/4593; in Khmer, ERN
5 <00485621>; and English, <00513312>; and French, <00520455>. The
6 Chamber would like you to have a look at the highlighted parts in
7 orange that are the information about your names, your parents'
8 names, your address, your occupations, your wife's name <and the
9 number of your children> whether the information are correct.

10 After you have looked at them and then you just tell us whether
11 it's correct or incorrect and if any information is incorrect and
12 then tell us which part and then we can have a look at it; for
13 example, the names of your father or your current address.

14 MR. CHUON THY:

15 A. The name of my father is wrong. The name should be Chhe
16 (phonetic), <not Chheng (phonetic)>.

17 [13.46.43]

18 MR. PRESIDENT:

19 Please go and assist him, especially with the name.

20 Please wait.

21 (Short pause)

22 [13.47.51]

23 BY THE PRESIDENT:

24 Q. Thank you for clarifying on the point. In the original
25 document, it was spelled like that. So you requested for the

1 omission of letters "ng," yes? Is that correct?

2 MR. CHUON THY:

3 A. Yes, please.

4 Q. Based on the greffier report that, to your best of knowledge,
5 none of your father, mother, or relatives are related to Khieu
6 Samphan and Nuon Chea or the civil party admitted in this case;
7 is this information correct?

8 A. Yes, it's correct.

9 Q. Thank you.

10 And before you came into this courtroom, have you already taken
11 an oath before the Iron Club Statue?

12 A. Yes.

13 [13.48.57]

14 Q. Thank you. Now, we would like to inform you of your rights and
15 obligation as a witness in this courtroom.

16 As your right -- about your rights: As a witness in the
17 proceedings before the Chamber, you may refuse to respond to any
18 question or to make any comment, which may incriminate you. That
19 is your right against self-incrimination.

20 About your obligations: As a witness in the proceedings before
21 the Chamber, you must respond to any questions by the Bench or
22 relevant parties except where your respond or comment to those
23 questions might incriminate you as the Chamber has just informed
24 you of your rights. As a witness, you must tell the truth that
25 you have known, heard, seen, remembered, experienced, or observed

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1 directly about an event or occurrence relevant to the questions
2 that the Bench or parties pose to you.

3 Mr. Witness, have you ever provided interviews to the
4 investigators from the OCIJ and if so, how many times and where
5 did they take place?

6 A. I provided my interview here two times.

7 [13.50.27]

8 Q. Thank you. Before you came to testify here, have you reviewed
9 the statements of your interviews in order to refresh your
10 recollection?

11 A. Yes, I have reviewed them.

12 Q. To your knowledge, can you tell us whether the statements that
13 you have reviewed are -- were consistent with the statements that
14 you provided during your interviews?

15 A. Yes, I have reviewed and read them, but I noticed that some
16 <points> were not appropriate. For example, I was in Division 1
17 of the <West> Zone.

18 [13.51.39]

19 <>

20 MR. CHUON THY:

21 A. But I was sent to the <border> and I did not know the names of
22 the commanders there. <That was the difference.>

23 BY THE PRESIDENT:

24 Q. So generally, do you notice that the information were
25 consistent with what you gave during the interviews with the

1 investigators?

2 MR. CHUON THY:

3 A. Not consistent.

4 [13.52.19]

5 Q. What do you mean by not consistent or not appropriate? I want
6 to know whether the documents that you were given to review --
7 whether they were generally consistent with what you gave during
8 the interviews or there was only just minor discrepancies?

9 A. Generally, they are consistent, but there are some minor
10 discrepancies.

11 MR. PRESIDENT:

12 Thank you.

13 In the hearing of this testimony of this witness, pursuant to
14 Rule 91bis of the Internal Rules, the Chamber provide the floor
15 to the Khieu Samphan defence team to put question, first, before
16 other parties and the Khieu Samphan team together with the Nuon
17 Chea defence team have three sessions to put question to this
18 witness.

19 You may now proceed.

20 [13.53.34]

21 MS. GUISSSE:

22 Thank you, Mr. President. In the meantime, I've been able to find
23 the decision of the Co-Investigating Judges and it is document
24 E319/56 and it's paragraph 7, subparagraph C and it appears that
25 it is stated therein that there is an exception for this witness

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1 <like for> others, <and that> there is no problem with using the
2 name.

3 So I'll give the ERN in English <so that everybody can look it
4 up>, 01321198, and it appears that it follows the same
5 <structure> as Sao Sarun, who <already> testified in his own name
6 before the Chamber.

7 I can see Judge Lavergne shaking his head to mean that, <a
8 priori>, he's not in agreement with me. I <will leave you> to
9 look at the decision, <but under> paragraph 7, subparagraph C, <I
10 see that there are exceptions>.

11 [13.54.55]

12 <JUGE LAVERGNE:>

13 <I believe there is a decision -->

14 MR. KOPPE:

15 And in addition, Mr. President, if I may, the evidence of this
16 witness, we have counted it as being used 19 times in a public
17 judgment and in addition, this witness has testified in open
18 court. So does that mean, presumably, we cannot refer to the
19 actual date of his testimony when we refer to his transcript? If
20 not, that would be a bit strange.

21 JUDGE FENZ:

22 Generally, Category A -- and that was the original category
23 session -- means only pseudonyms, no names; that -- that's the
24 only restriction.

25 You, apparently, have a decision -- I have to check -- that

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1 recharacterizes some witnesses, no?

2 MS. GUISSÉ:

3 [13.55.52]

4 As a matter of fact, it is true that the document I referred to
5 is not a decision of the Co-Investigating Judges, but <from> the
6 submissions of the Co-Prosecutors. <But, I believe that they
7 gather recommendations issued by> the Co-Investigating Judges,
8 <sorry - the International co-Investigating Judge>. <Perhaps>
9 they could enlighten us on this point. But that is what I
10 understand as emanating from <these submissions,> E319/56. It
11 emerges from that document that there <were exceptions> for
12 certain witnesses, <notably for> this one. Let me repeat the ERN
13 in English, 01321198.

14 MR. PRESIDENT:

15 The floor is given to the Deputy Co-Prosecutor.

16 MR. LYSÄK:

17 Thank you, Mr. President. I see where, in our submission, we seem
18 to indicate that there was an exception for this witness. What I
19 -- it'll take me probably just two minutes to try and look at
20 that order that came from the Investigating Judges just to
21 confirm that, but Counsel is correct that we at least indicated
22 in our filing that there seemed to be an exception for this
23 witness, but I will check that.

24 [13.57.27]

25 JUDGE FENZ:

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1 And I remember there was a time when there was a
2 recharacterization came down and he said, "From now on, there are
3 only Category A." But as I said, Category A, as such, and I think
4 that's a safe thing; it's the maximum. It means no names, just
5 pseudonyms. I think on the basis of that, until we know more, you
6 can go ahead. No name, just pseudonym until further notice. I
7 don't think anybody says he's in a higher category.

8 MS. GUISSÉ:

9 The question of the name doesn't pose so much of a problem; it
10 is, rather, the issue of the position of that person. I will try
11 and that was the reason for that appeal before the Chamber; it
12 had to deal with the functions for the position. Okay.

13 MR. PRESIDENT:

14 It's not a problem. You are not prohibited from touching on other
15 aspect, only with the name that you need to use the pseudonym.

16 [13.58.43]

17 QUESTIONING BY MS. GUISSÉ:

18 Good afternoon, Witness, your indulgence for starting late.

19 My name is Anta Guisse. I'm international co-counsel for Mr.

20 Khieu Samphan. I have a few questions to put to you, essentially,

21 on your experience in the course of your participation in the

22 fighting against Vietnam in your capacity as a soldier. You have

23 already appeared before this Chamber in Case 002/01, so I will

24 limit myself to follow-up questions, bearing in mind that when

25 everything is said and done, you'll have to remind the Chamber

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1 about your experiences <in the military>.

2 [13.59.41]

3 Q. You stated in Case 002/01 that you joined the revolution,
4 first of all, as an ordinary combatant and you were subsequently
5 promoted. Can you tell the Chamber or can you remind the Chamber
6 of the different positions that you held between 1975 and 1979,
7 that is, the date on which the Vietnamese arrived in Cambodia?

8 MR. CHUON THY:

9 A. I clarified the matter in my first interview regarding my role
10 and position and I do not have anything else to add to what I
11 have stated earlier.

12 Q. I'll try to be more precise. Is it accurate that four months
13 after the liberation of Phnom Penh, you were promoted to the
14 grade of battalion commander and I refer to the hearing of 24
15 April 2013 at around 11.42.03?

16 A. Three or four months after the liberation, I was promoted to
17 head a <battalion>.

18 [14.01.42]

19 Q. Still in this hearing, which was part of 002/01, you had said
20 that following the liberation of Phnom Penh, you undertook
21 agricultural and road reparation works and that it was only in
22 '78 that you were sent to Svay Rieng to the border; that was in
23 June 1978, to be more precise; is that accurate?

24 A. Yes, it is.

25 Q. Also during that hearing, you spoke of the time when you were

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1 assigned to Svay Rieng and you said that happened at a meeting in
2 Kampong Chhnang -- and here I refer to the hearing of 24 April at
3 9.46 <AM> -- and you said that it was during a meeting where Pol
4 Pot was speaking as secretary general of the CPK that you had <a
5 conversation> with him and he told you to go as quickly as
6 possible to Svay Rieng; does that also correspond with what you
7 remember?

8 A. Yes, I recall that and that is <true>.

9 Q. Can you tell us who was your direct supervisor at that time?

10 A. My commander was Pet Soeung, the commander of Division 1.

11 [14.03.55]

12 Q. My question, which is more precise, concerning what you may
13 have said in Case 002/01 is to find out if during this meeting or
14 just before arriving in Svay Rieng, did you receive detailed
15 information about the situation you would find when you got to
16 that place?

17 A. Could you please rephrase your question?

18 Q. No problem. You said that you spoke with Pol Pot and he told
19 you to go to Svay Rieng. During that discussion with Pol Pot or
20 with Ta Soeung or anyone else, did anyone give you some sort of
21 briefing on the situation you would find in Svay Rieng?

22 A. After I received the instruction, I took the soldiers to Svay
23 Rieng because, at that time, we were told that "Yvon" soldiers
24 had reached Svay Rieng and that we had to bring the soldiers to
25 the border area <for defense>.

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1 [14.05.39]

2 Q. You say "at that time", can you please clarify; do you mean
3 that was when you arrived at Svay Rieng that you received this
4 information or was it earlier, when you were <talking> with Pol
5 Pot or <while you were> gathering your forces to move to Svay
6 Rieng?

7 A. Pol Pot called me to see him and brief me about the border
8 situation and then I was assigned to take the soldiers there to
9 protect the area.

10 Q. During this briefing --

11 MR. PRESIDENT:

12 <International> Deputy Co-Prosecutor, you have the floor.

13 [14.06.32]

14 MR. LYSAK:

15 My apologies for interrupting, but I'll just be brief.

16 And further to what I indicated, I've checked the authorization
17 that came from OCIJ and, indeed, there's specific provision for
18 this witness that -- and a couple of others that: "No measures
19 are required to protect the identity or contents of their
20 evidence." So it does seem that in the order that came, there was
21 no requirement that this witness' name be kept confidential.

22 This is the order from Case 003, D132, paragraphs 54 and
23 paragraph 57D for your reference, Your Honours.

24 JUDGE FENZ:

25 Sorry, does this not refer to the paragraph B in 319/35 which

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1 says Category B witnesses are those who need additional
2 protective measures to ensure the confidentiality, meaning that
3 those who don't are A witnesses? No, okay.

4 [14.07.40]

5 MR. LYSAK:

6 No, the -- in the order, they say that for the other witnesses,
7 they're essentially Category A; they can be used, but they can't
8 use their names. But for these, it then lists an exception for.

9 MR. PRESIDENT:

10 Judge Lavergne, you have the floor.

11 JUDGE LAVERGNE:

12 Yes, thank you, Mr. President.

13 Mr. Co-Prosecutor, can you please repeat <the reference number of
14 this decision>? I heard D4; <but that seemed a bit off>. Is it
15 really D4 or is it another reference?

16 [14.08.27]

17 MR. LYSAK:

18 Judge, I'm looking at the order in Case 003, so I was giving a
19 Case 003 -- a file number, so it was a D number.

20 I don't know whether we -- I know we used to provide to Your
21 Honours, at least, the underlying order, but I'm trying to see if
22 that -- if that has a case -- a file 002 number. But I wanted to
23 let you know right away, at least, that the order is pretty clear
24 on this and I'm assuming we've maintained our practice of giving
25 you the authorized -- authorizing order, but I don't have the

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1 case file number for that right now -- the case file 002 number.

2 [14.09.12]

3 BY MS. GUISSÉ:

4 Things should move more smoothly then, Mr. Witness. Please excuse
5 us for this interruption once again.

6 Q. You had said that you had a briefing with Pol Pot, <who>
7 explained to you the situation. During this briefing, <were> <Ta
8 Soeung> and Son Sen present?

9 MR. CHUON THY:

10 A. During the meeting, there was Soeung and myself. As for Son
11 Sen and others, I did not know <them yet>, at that time, and that
12 was also the time that I started to know Pol Pot.

13 Q. So during this meeting with Pol Pot and Ta Soeung, did they
14 outline a history of the various attacks that had taken place
15 before your arrival in Svay Rieng?

16 A. He did not know that; what he knew is that the "Yvon" troops
17 had reached Svay Rieng and that I should bring soldiers there in
18 order to counter their advancement.

19 [14.10.55]

20 Q. You said that you gathered together soldiers in order to go to
21 that site; can you tell us how many soldiers you brought together
22 and where you went to find them?

23 A. I gathered soldiers from three battalions, that is, from those
24 battalions under my direct supervision and there were almost
25 1,000 of them.

1 Q. And can you tell us how you got to the area they were
2 stationed at to collect them and then how you got to Svay Rieng?

3 A. Each unit had a commander, so I instruct the commander to
4 gather the forces and then I set the time and the venue for the
5 gathering.

6 Q. How did you make contact with these commanders; did you send
7 messengers; was it by telegram, and where were these different
8 battalions stationed?

9 A. The battalions communicated via messengers since they did not
10 use a radio, so messengers were used to gather the forces and
11 those soldiers had been stationing along National Road Number 4<,
12 from Veal Renh> up to Stung Chr<al> (phonetic), <Steung Samraong
13 (phonetic)> area.

14 [14.13.27]

15 Q. In your WRI before the OCIJ, E3/4593, whereas answer 14 you
16 say the following:

17 "Right away, I <got a Land Rover and I> went to Prey Nub and Koh
18 Kong in order to gather men. <We gathered forces both via> car
19 and canoe and then we brought them together at Prey Nub
20 <(phonetic)> via Phnom Penh to go towards Svay Rieng. At 6:30 AM,
21 more than 10 GMC convoys of forces left Prey Nub headed to Svay
22 Rieng, passing by Phnom Penh.> We did not stop at Phnom Penh and
23 we arrived in Svay Rieng at approximately 2.30 in the morning."
24 End quote.

25 Does that correspond to your recollection of how the operation

1 was carried out and were your men <effectively> stationed at Prey
2 Nub <(phonetic)> and Koh Kong?

3 A. Parts of your questions are right and other parts are wrong.

4 My soldiers were stationed in Prey Nub<. That was in Veal Renh in
5 Prey Nub District> and not in Koh Kong. After I gathered the
6 forces, then <at 6:00 a.m.,> we left for Svay Rieng.

7 [14.15.22]

8 Q. Can you tell us what situation you found when you arrived at
9 Svay Rieng?

10 A. When we arrived in Svay Rieng, we were told which battlefields
11 that we should engage ourself in along the border area. We did
12 not even have time to rest; we had to go <to> the battlefields
13 and to dig trenches.

14 Q. In my interpretation, I heard, "We were shown the <front, the>
15 battlefield"; can you tell me who introduced you to that area?

16 A. It was Ren, that is, the son-in-law of Ta Mok, who showed me
17 the <battle> area.

18 Q. Can you clarify for the Chamber: What were <his> functions;
19 what <was> Ren's <post>?

20 A. When I arrived, I was told that he was overall in charge of
21 all the battlefields in Svay Rieng, so all the soldiers who
22 arrived in Svay Rieng would be under his supervision.

23 Q. So you, also, when you arrived, were placed under his
24 supervision; is that correct?

25 A. Yes, it was.

1 [14.17.38]

2 Q. And what was the regiment or division you belonged to once you
3 arrived in Svay Rieng?

4 Was Ta Soeung still your supervisor in addition to Ren or had you
5 completely changed who your superior was as of the time you
6 arrived in Svay Rieng?

7 A. After I arrived in Svay Rieng, I did not see Ta Soeung and
8 <only Ta> Ren was the one who organized everything. You could
9 also say that it means that I had a new chief <because I did not
10 see Ta Soeung there>.

11 Q. Aside from Ren, did you see other <soldiers, other> military
12 authorities, and when Ren <received> you, did he have soldiers
13 with him?

14 A. When I arrived in Svay Rieng, Ren came to see me and to show
15 me the areas that we had to prepare ourselves. And when he came,
16 there were a few people who came along with him.

17 [14.19.17]

18 Q. When you say "some people", can you tell us about how many
19 and, if you know, what their positions were?

20 A. The two or three people who came with him; I didn't know them,
21 nor their position. Even Ren, that was the first time that I met
22 him and I was told that he was in charge of those battlefields.

23 Q. You said that as soon as you arrived, you were ordered to dig
24 trenches. Can you tell us how long, after your arrival, <fighting
25 broke out> with Vietnamese troops?

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1 A. We dug trenches and we prepared ourselves for the encroachment
2 of those <Yvon's> troops into our territory. <Then> we would
3 defend our territory. <If not, we would not fight.>

4 Q. You talk about the troops who made an incursion into your
5 territory. When you discussed with Ren, did he tell you what the
6 date of the most recent incursion <that took place> before you
7 arrived at Svay Rieng was?

8 A. Ren did not tell me <specifically> as to when the Vietnamese
9 <entered> into our territory; however, he <made> clear that we
10 had to defend our territory if there was an incursion from the
11 Vietnamese troops.

12 [14.21.33]

13 Q. When you arrived, was there a civilian population presence at
14 Svay Rieng?

15 A. When we arrived, we did not see any civilians there, not even
16 a single civilian; there were only soldiers.

17 Q. Do you know when the civilian population left Svay Rieng; is
18 that information that you were given during your military
19 briefings?

20 A. When I met with Pol Pot, he did not tell me as to when the
21 civilians left <>. What he said was that the "Yvon" troops had
22 entered Svay Rieng and that we should send our troops to counter
23 them.

24 [14.22.50]

25 Q. You, yourself, arrived with approximately 1,000 men, you said.

1 Do you remember what the other regiments and brigades were that
2 were at Svay Rieng at that time?

3 A. I do not recall the battalion's or the regiment's numbers
4 stationed in Svay Rieng and I do not know whether any of them are
5 still alive. <And I cannot recall all of their names because> it
6 had been so many years ago.

7 Q. I understand very well that it's very difficult to remember
8 everything, so I'm going to see if I can refresh your memory.
9 Still looking at your WRI E3/4593, answer 15, and this is what
10 you say.

11 "Ren was the overall head of military forces stationed at Svay
12 Rieng. At the time, he was the commander of a division. The
13 brigades that were under command of the division were: <brigade>
14 703, <of which> Sung, who had come from the Southwest, was the
15 commander. There was also <brigade> 340 commanded by me and Thi
16 Pousse <was my deputy commander>."

17 I'll stop for a moment on the quotation because when you were
18 heard by this Court; you said that there was an error, that the
19 other person who was in charge of <brigade> 340 was Thi Pousse
20 and that you -- you were his deputy commander; <is that so?> Do
21 you confirm this?

22 A. Thi Pousse was the commander and I was his deputy.

23 [14.25.38]

24 Q. And <as I indicated on <brigade> 703 and> Sung, does this
25 refresh your memory that he was the commander of <brigade> 703?

1 A. Yes, I only heard it through the announcements <>. I did not
2 know this person, nor did I meet him. They made an announcement
3 about his name who was commander of <703> division.

4 Q. I'm still continuing with answer 15 of your WRI and you also
5 said, "<Brigade> 460, commanded by Phan, from Southeast Zone, and
6 Soy was his deputy." And I'll pause here again; does that refresh
7 your memory and do you remember this <brigade>, 460?

8 A. Yes, I heard that announcement; however, as I stated earlier,
9 they were in the Southwest Zone and I didn't know them before.
10 However, the announcement was made about these number of
11 divisions and about their names, although, I did not know them
12 before.

13 [14.27.28]

14 Q. And finally, still in answer 15, you said, <brigade> 221 was
15 the intervention unit commanded by Ieng Phan, from the Southwest
16 Zone, and Sokh Chhean was his deputy. And there, again, does that
17 refresh your memory and, as before, are these people who you
18 didn't know, but you were informed of their posts?

19 A. I did not know these people or their names; however, as I
20 said, I only heard the announcement about their names and
21 positions. They were in the Southwest while, I, myself, from the
22 West Zone.

23 Q. These forces were present at Svay Rieng and my question is to
24 know if you collaborated with these various divisions in the
25 context of the combat you had carried out?

1 A. Regarding the cooperation, yes, we were assigned different
2 spearheads to take charge of; for example, for my unit, I was
3 assigned a stretch of 2 kilometers along the border, so it seems
4 <not much cooperation, but> each unit had to be responsible for
5 its own spearhead.

6 [14.29.20]

7 Q. Still in your WRI, in answer 14; the previous one, you say
8 that when you arrived at Svay Rieng, this is what you say: "Ren
9 told me to outline my plan of attack so that I could <implement
10 it>." End quote.

11 Could you please clarify what this plan of attack was and with
12 who you were meant to develop it?

13 A. The combat plan was developed together with my fighting forces
14 and no one else assisted us in this combat plan.

15 Q. So if I understand correctly, even if Ren was your superior,
16 you were the one who proposed to him the plan that was to be
17 carried out <on the ground>; is that correct?

18 A. There was no overall plan. In my capacity as a commander, I,
19 myself, had to come up with a combat plans to counter the attack
20 and that I had to be responsible for my segment and I was sure of
21 how to implement my plan.

22 [14.31.05]

23 Q. Did you remain in Svay Rieng up to the arrival of the
24 Vietnamese?

25 A. I was at Svay Rieng until the Vietnamese pushed in.

1 Q. Between the time when you arrived in June 1978 and the time of
2 the Vietnamese incursion, can you tell the Chamber whether you
3 had any meetings with Son Sen?

4 A. At that time, I met Ren and Ren asked me to his workplace and
5 I met Son Sen there once. He asked us <> brief<ly> about the
6 situation <and the frontline soldiers>.

7 Q. As part of the preparation of your combat plan, did you always
8 prepare your plans alone or did you receive instructions or
9 orders from Son Sen at any point in time?

10 A. Regarding the planning of the combat, <we already discussed
11 and so,> we did not have time to meet each other often because we
12 were in the hot battlefield. So, each unit that was responsible
13 for each segment of the border had to be responsible and if there
14 were the <enemies> coming in, we had to counterattack them. <I
15 did not have much time to meet the upper echelon, we, however,
16 could meet occasionally. Thing had to be gone through the chain
17 of commands.>

18 [14.33.26]

19 Q. Can you tell the Chamber on what date and in what month you
20 engaged in fighting for the first time in Svay Rieng? You <said
21 that you> arrived in June 1978; when did you <have to> confront
22 the Vietnamese?

23 A. It was two or three days after we arrived <in June> and then
24 we started to fight. We started <our counterattack against their>
25 further advancing.

1 Q. Precisely, you state that you stopped them from advancing
2 forward; how did the initial fighting start, <two or> three days
3 after your arrival in Svay Rieng? When did you see the Vietnamese
4 troops; where were they positioned and what did you do?

5 A. I cannot recall the time, but we saw the Vietnamese soldiers
6 coming in in front of us because <Svay Rieng is the border area,
7 which is quite close to Vietnam. So they came through those
8 positions; so we tried to hold our fort just like others did>.

9 [14.35.12]

10 Q. Were you able to find out how many of them there were and can
11 you indicate what kind of weaponry they had; <were they infantry
12 regiments>; were there <tanks>? Can you specify this point?

13 A. The Vietnamese soldiers who attacked us, I cannot tell you how
14 many of them, but I can tell you that they possessed all kinds of
15 weapons. <They possessed both tanks and artilleries.> I did not
16 grasp the numbers of the Vietnamese soldiers.

17 Q. When you say "all kinds of weapons", can you be more specific?
18 You were a soldier; <were you able to recognize which types of
19 weapons they had?>

20 A. They had <105 mm,> 120 mm, <30 mm,> 37 mm; they had all kinds
21 of machine guns.

22 Q. And on your side, that is, on the side of your forces, did you
23 have similar weapons; were they as advanced or <did you have
24 weapons> of <lesser> quality?

25 A. For the weapons, it was not much different. For me, I

1 <commanded> only the infantry force. For the artillery units or
2 the heavy weapons units, the DK regime had other commanders to be
3 in charge of.

4 [14.37.35]

5 Q. Were the other divisions far away from where you were? Was
6 there a place where there was more intense fighting <or> where it
7 was necessary to deploy more powerful weapons?

8 A. Allow me to clarify: When there was intense fighting from the
9 Vietnamese, it depended on the commander of each segment of the
10 border; if they needed reinforcement with regards to heavy
11 weapons and then they would <call for that support>.

12 Q. How were you communicating and who would you ask to send you
13 reinforcements in case of need?

14 A. Allow me to clarify that my unit did not need the
15 reinforcement troops; we could resolve the situation by
16 ourselves. <We were deployed in line to> launch the
17 counterattacks<. So we did not need reinforcement troops>.

18 Q. You state that "we could counterattack"; did there come a time
19 when you were the ones who took the initiative to attack the
20 Vietnamese troops?

21 A. We received the order from the commander, at the very first
22 stage, that if the Vietnamese came into our territory, we had to
23 attack them. <This is the duty. When someone encroached our
24 territory, we had to fight.>

25 [14.40.07]

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1 Q. So if I understand you correctly, it was only when the
2 Vietnamese crossed the border and entered Cambodian territory
3 that you could attack them; is that correct?

4 A. Yes.

5 MS. GUISSÉ:

6 Mr. President, I see it is 20 minutes to 3.00 <PM>. <Perhaps> it
7 is time for us to take a break.

8 MR. PRESIDENT:

9 Thank you. Now, I give the floor to the Deputy Co-Prosecutor.

10 [14.40.43]

11 MR. LYSAK:

12 I thank you, Mr. President.

13 Just to further respond on the issue of the status of this
14 witness: My understanding is that when the decision is issued in
15 the Case 003 or Case 004, the Trial Chamber is sent a copy.
16 You're shown on the -- so I -- you're shown as being -- receiving
17 these decisions on a phase. I don't know whether that happens in
18 practice, but you are shown, so we're not including it as an
19 exhibit to our filing.

20 What we do do is we indicate in the motion and we also in the --
21 in the chart of the witnesses, we have a column, I see, in which
22 we list their status and for this witness, it indicates no
23 pseudonym required and it can be an open session.

24 [14.41.43]

25 MR. PRESIDENT:

1 Thank you.

2 It is now convenient time for a break. The Chamber will take a
3 break from now until 3 o'clock.

4 Court officer, please assist the witness at the waiting room
5 during the break time and invite him back, together with his duty
6 counsel, to the courtroom at 3 o'clock.

7 The Court is now in recess.

8 (Court recesses from 1442H to 1504H)

9 MR. PRESIDENT:

10 Please be seated.

11 The Court is now back in session and before I hand the floor to
12 the defence counsel for Khieu Samphan, the Chamber would like to
13 clarify the <OCIJ> decision in relation to this witness,
14 2-TCW-859.

15 On 16 August 2016, the International Co-Investigating Judge
16 issued some protective measures for witnesses, including
17 2-TCW-859, and in paragraph 54, this witness shall not have any
18 protective measures in term of his identity and for that reason,
19 parties can use his names and his identities and this witness
20 name is Chuon Thy for that purpose.

21 And now, I hand the floor, once again, to the defence counsel for
22 Khieu Samphan to put further questions to the witness.

23 15.06.25]

24 BY MS. GUISSÉ:

25 Thank you, Mr. President.

1 Q. Mr. Chuon Thy, you spoke about your first meeting with Pol Pot
2 in June 1978. I'd like to go back, a little bit, to see if you
3 had the opportunity before seeing him to listen to his speeches
4 on the radio.

5 MR. CHUON THY:

6 A. As for Pol Pot's speech, I did not hear it. And, when I met
7 him, that was the first time that I met him and saw him in
8 person. I saw him <on the day> I was working in Kampong Chhnang.

9 Q. Without having heard the speeches, before you arrived at Svay
10 Rieng, in the context of your activities as a soldier in charge
11 of civilian, agricultural, and road construction missions, did
12 you ever receive any information at the end of 1977 about a
13 Vietnamese incursion into Cambodian territory; does that remind
14 you of anything?

15 [15.08.32]

16 A. Before 1977, I attended meetings but it was not chaired by Pol
17 Pot; it was by my commanders. He spoke about neighbouring
18 countries that wanted to encroach into our territory.

19 At that time, although I was a soldier, I still engaged more in
20 the rice production and only when the Vietnamese troops incurred
21 in '78, that is, the "Yvon" troops, incurred into our territory
22 and we <gathered troops to go, and we knew that Vietnam, our
23 neighbour, was attacking our country>.

24 Q. <You just mentioned> an incursion in 1978; you have no memory
25 of an incursion at the end of 1977?

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1 A. No, I was not aware of <the Vietnamese> incursion <in '72
2 (sic)> because I was further back to the west away<, so I could
3 not grasp it>.

4 Q. Were you aware of a break in diplomatic relations with Vietnam
5 and a possible declaration of war by Democratic Kampuchea?

6 A. Regarding any diplomatic matter, I did not have any
7 understanding about it. As for the announcement on the attacking
8 of the "Yuon", there was no such announcement either; however,
9 we<, soldiers,> were told to defend our territory and we were
10 there in order to defend our territory and if there was any
11 incursion, we had to contain them.

12 [15.11.00]

13 Q. You spoke of the fact that you were in charge of an area at a
14 distance of <2> kilometres <on> the border. I'd like to read to
15 you an excerpt from a speech by Pol Pot which is <dated> a bit
16 before you arrived <to your duty station>, but which talks about
17 the way in which the DK troops were able to fight and which
18 weaponry they had at their disposal. I will then be asking
19 questions to find out if, when you were at Svay Rieng, the
20 situation was similar.

21 The excerpt of the speech that I would like to read is in <an
22 issue of 'Revolutionary Flag'> of April '78, E3/4604, and the
23 excerpt in question <is> in French, ERN 00520345; in Khmer, it's
24 0064714; and in English, 00519835.

25 And while the parties are looking for this passage, on the first

1 question, you indicated during your testimony in Case 002/01 that
2 you had copies of <'Revolutionary Flag'>; do you remember having
3 read speeches by Pol Pot in a copy of <'Revolutionary Flag'>?

4 A. I did say that I read the "Flag" magazine; however, it did not
5 have any text about the incursion by neighbouring countries. The
6 content of the magazines was to focus our direction <on
7 defending> the country <and becoming good citizens> and it did
8 not talk about the fighting with the neighbouring countries.

9 [15.13.44]

10 Q. I will, therefore, read the excerpt that I mentioned earlier;
11 in French, it's the last paragraph at the end of the page. This
12 is how Pol Pot describes combat and the way in which DK was
13 organized at the end of 1977. Here is what he says:

14 "We carried out small-scale attacks by dividing the forces into
15 groups. The groups were divided into teams. <We had infiltrated
16 the enemy> while attacking them. Of course, we're only talking
17 about groups, but they were <lead unit> groups. We had at our
18 disposal B40, M79s, AKs, anti-tank mines, triggered mines and
19 grenades, so we had quite a lot of equipment. Our group, that
20 infiltrated the enemy in order to attack them from inside, <was>
21 quite powerful. Our men were able to fight against the tanks.
22 They were able to do this by using mines, B40s, and fighting
23 infantry with AKs or mines." End quote.

24 [15.15.30]

25 My first question: I would like to know in the context of your

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1 plan of attack on the ground, did you form small groups in order
2 to carry out attacks or did you receive any such instructions?

3 And I'm asking this question particularly <because --> and it's a
4 passage that I will come back to later, because there was also a
5 question of the disparity in number of the DK soldiers and those
6 of the Vietnamese troops.

7 So had you adapted your plan of attack and military techniques to
8 account for this disparity in numbers?

9 A. That is what we could estimate because there <was already> a
10 disparity in the population between the Khmer and the "Yuon".
11 <So, he> knew that the "Yuon" would have more weapons than us;
12 however, we were the owners of the territory so that we could
13 deploy our own strategy, <such as guerrilla warfare,> by planting
14 mines. We could not use our actual forces to fight against their
15 large number of forces.

16 When we were in the actual battlefields, we did not <receive> of
17 the plans from the upper level or to communicate with the upper
18 level <because we did not have radio communications>. We had to
19 be independent in our own spearhead and tried to <> stop their
20 advancement.

21 [15.17.28]

22 Q. When you say we didn't wait for plans from above, do you mean
23 that during the entire time of your presence in Svay Rieng, the
24 essence of your strategy was determined by you, <yourself>?

25 A. The combat strategy I deployed was the ones that I learned

1 successively, so I noted them by heart and I implemented them.

2 Q. And when you say that you had learned it, you're talking about
3 <the earlier fighting,> before April 1975 or are you talking
4 about something else?

5 A. I learned that strategy since 1970. We studied the combat
6 strategies and other tactics <> successive<ly>.

7 [15.19.17]

8 Q. Specifically concerning this tactic, I would like to cite
9 another passage from the same speech. So it's E3/4604; the ERN in
10 French is 00520348; in Khmer, the ERN 0064716 -- I'm sorry,
11 that's 7 -- and the ERN in English is 00519836. This is, a
12 priori, still Pol Pot speaking and this is what he says:

13 "People want us to believe that we <would> never be able to
14 conquer them because Vietnam has 50 <million> inhabitants while
15 we only have 8 million. Don't believe the others when they say
16 that we will never be able to conquer Vietnam because the 'Yvon'
17 army has more than a million soldiers and that our army only has
18 close to 100,000 soldiers. This is our logic because we haven't
19 understood exactly why we won the war historically and we haven't
20 understood -- what strategy allowed us to win the war. Concerning
21 our strategy, how <did we> fight in order to claim victory? How
22 <were> we able to solve problems? The 'Yvon' army has almost a
23 million soldiers while we, we only have about 100,000 soldiers,
24 therefore we only have about a tenth of their manpower in <our>
25 army. <Seriously, our troops are one tenth the size of theirs.>

1 How <must> we solve this problem in order to win the war? Our
2 method for solving this problem consists of using small forces in
3 order to <vanquish> larger forces. <For the> small <to> vanquish
4 the large, this small number needs to know how to use their
5 modest forces in order to attack correctly and conquer the larger
6 force. As I explained to you earlier, this is the policy of one
7 against 30. If the one against 30 is applied, we will be able to
8 fight for 700 years and we will always be victorious, but if we
9 don't wage war in this way, we will not be victorious. If we
10 <were overwhelmed> by the fact that Vietnam has 50 million
11 inhabitants against our eight million, we would never be able to
12 win. We would have <already> surrendered to them." End quote.
13 <I am drawing a parallel between what you just mentioned and this
14 excerpt from Pol Pot's speech. And my question is as follows:
15 when you saw him before heading to Svay Rieng,> did Pol Pot speak
16 about this disparity of troops? <Did he give you> instructions on
17 the way to manage the troops once you had gotten there? And <did
18 he ask you> to draw inspiration from the battles that you waged
19 before '75?

20 [15.23.08]

21 A. When I came to meet Pol Pot in Kampong Chhnang before my
22 departure to Svay Rieng, he did not give much details because
23 there were <a> person <> in charge of the general staff<, Pet
24 Soeung,> brief<ed> us about that. Of course, we had to compare
25 the forces on the "Yuon" side and the forces on our side.

1 And I did not hear about the forces, that is, one against 30. Of
2 course, if the forces came in overwhelming number, we would lose
3 because Pol Pot was not <fighting at the battlefield>. <Soldiers
4 were also afraid of death.> If we were overwhelmed, <> we would
5 <flee>.

6 Q. I would also like to see with you if a certain number of
7 <locations> refresh your memory concerning the various clashes
8 that might have occurred during the time that you were at Svay
9 Rieng.

10 But, first, I would like to see if there was any communication of
11 information between the various <brigades> and regiments and, if
12 so, how did this occur?

13 [15.24.55]

14 A. Regarding the surrounding units, we do not exchange
15 information with them. We could hear <only> gunfight and we could
16 see each other. Only once in a while, Ta Ren would come to give
17 us some information to <boost our morale> in order to <curb> any
18 advancement, and there was nothing much more than that.

19 Q. Did you receive information on the positions of the enemy?

20 A. No, I did not.

21 Q. I'm asking you this because in <your WRI,> E3/4593, in answer
22 19, you speak of the telegrams that you received and you say
23 this:

24 "I have already received telegrams concerning the plans and
25 activities of the armed forces, but only at the level of division

1 or brigade. And <all the contents were> decoded <based on>
2 original telegrams that had been written <using the> secret code.
3 They weren't communicated to any <leaders> other than myself. The
4 <telegrams only> spoke of enemy activities."

5 Does this refresh your memory and did you have telegrams that
6 talked about enemy activities?

7 A. Yes, I recall that. We received the plan, that is Ta Soeung,
8 the divisional commander, and then he forwarded it to me for the
9 dissemination within my unit.

10 [15.27.20]

11 Q. And <are we> in agreement that this occurred when you were at
12 Svay Rieng?

13 A. No, I received it <> before I went to Svay Rieng. The plan had
14 been prepared for us before we departed to Svay Rieng and, later
15 on, I was sent to meet him in person and to meet Pol Pot in
16 person before I <left> with my troops. <Right after> we were in
17 Svay Rieng, I had no further contact with Pol Pot.

18 Q. So you did then have a bit more detailed information about the
19 situation on the ground <before> your discussion with Pol Pot.

20 So I want to see if some of the documents we have in the case
21 file will refresh your memory on the information that you might
22 have had via these telegrams.

23 I'm particularly interested in the period just before your
24 arrival in Svay Rieng, so April and May of 1978. And the first
25 document I'm interested in is E3/946. The ERN in French is

1 00332727; in English, it is 00185205; and in Khmer, 00021015.

2 First of all, I'd like to know if you remember in the context of
3 the information you received if you remember fighting, attacks
4 that occurred at Prey (phonetic) Tonle?

5 [15.30.02]

6 A. I am not familiar with the location that you mention, Prey
7 (phonetic) Tonle.

8 MR. KONG SAM ONN:

9 Allow me to clarify the pronunciation, it's Preah Tonle.

10 MR. CHUON THY:

11 A. No, my battlefield was not at Preah Tonle.

12 BY MS. GUISSSE:

13 Q. My question is different. I'm not asking you if you fought at
14 Preah Tonle but if before arriving in Svay Rieng anyone had
15 talked to you about <this place> and, <perhaps> to be more
16 <thorough>, I will read this excerpt of a telegram which talks
17 about this area.

18 [15.30.57]

19 It's a telegram sent on 26 April '78 to <diferent> uncles --

20 Nuon, Van, Vorn, the Office, <and Archives>. It's in paragraph 2

21 -- <rather> paragraph 1 also; it says:

22 "The situation is the same as reported to you this morning.

23 <Adding to the enemies, precisely> at Preah Tonle, they <launched
24 a surprise attack on the Thlork (phonetic) bridge, moving toward
25 the> house letter '<Sa>' <and skimmed by Preah Prum Derm

1 (phonetic), via Kakk (phonetic), but once> they arrived <to the
2 north of> Kakk, the canals were closed and they were stuck."

3 I'm continuing with paragraph 3: "They launched attacks from the
4 front but we killed many of them in the clash and they were not
5 able to move in. There were eighteen tanks pushing from Comrade
6 Mon's <sector> heading north towards Ta Ey. The remaining
7 elements wanted to enter via Koki Saom to save their troops being
8 trapped north of Kakk."

9 Paragraph 5: "Some residents were injured and killed at Preah
10 Tonle as well when <the> enemy launched a <surprise> attack. We
11 have <already> taken measures to save them." End quote.

12 [15.32.57]

13 So my question is, this is a report on a particular attack which
14 took place at Preah Tonle. Do you remember anyone having talked
15 to you about this attack in April 1978 when you were given
16 information on the East Zone where you were going to be posted?

17 MR. CHUON THY:

18 A. Allow me to clarify. The names of the battlefields that you
19 raised, I can tell you that I did not know any of them <which
20 include Boeng Tonle (phonetic)>, and I did not receive any
21 instruction regarding them.

22 Q. I would like us to look another document to ascertain whether
23 other names would refresh your memory, be it by way of
24 information that was provided prior to your arrival in
25 <June>1978, or to find out whether those are areas where you

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1 engaged in fighting and on which you received information by
2 virtue of your position at Svay Rieng.

3 [15.34.33]

4 And I'm referring to document E3/862. It is a situational report
5 on the entire sector and the entire regions (unintelligible) <for
6 the first week> in May 1978. The ERN in French is 00814597; ERN
7 is Khmer, 00021019; and ERN in English, 00185207 and <section
8 one> <reads: "National defense situation".

9 "The enemy from the outside: In Region 24, we have wiped clean
10 the land-swallowing enemy <Vietnamese by chasing them from the
11 border zones>. We constantly attack and push them. The enemy has
12 retreated further from the border.

13 "In Region 23, the <enemies> that had invaded our territory
14 beginning from April 26 <have been surrounded by our armed
15 forces>. The enemy have shrunk <into> three <zones>:

16 "1. At the location east of Bos Khleang pagoda, Bosh Morn
17 <commune>, Samraong district.

18 "2. At Kakk <village>, Svay Rumpear <commune>, Prasat district.

19 "3. At Ta Ney village, Banteay Krang <commune>, Kampong Rou
20 district.

21 "The situation of the <activities>: Their tanks <move> up and
22 down at the border <near> Veal village in Samraong district.

23 "They shelled many rounds <and heavy artillery on the communes of
24 Popel, Chak, and Sangkae.>

25 "In Kampong Ro district, they fired and shelled onto our people

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1 <who> were harvesting rice crops." End of quote.

2 [15.36.58]

3 Does this reading of the situational report in May 1978 refresh
4 your memory as to things that were told to you before your
5 arrival in June 1978?

6 And do the various places I have mentioned in the quotation - and
7 <maybe> my colleague <Kong Sam Onn> will give you the correct
8 pronunciation of the names in Khmer <to ensure they aren't
9 butchered> -- <but> are these places that you came across as part
10 of your military operations or <in information you could have
11 received in this regard>?

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. Let me read the name of the locations.
14 One is to the east of Wat Bos Phlang <, Bos Mon commune, Samraong
15 district,> and other one at Kak in Svay Rumpear <commune, Prasout
16 (phonetic) district>. And another one at Ta Ney <village, Banteay
17 Krang commune> of Kampong Rou district.

18 So according to the interpretation, there was discrepancy
19 regarding the first location <at Wat Bos Phlang, Bos Mon commune,
20 Samraong district>.

21 [15.38.22]

22 MR. CHUON THY:

23 Let me clarify about the locations <of battlefields that you just
24 mentioned, in August,> I was not there yet. <I did not leave my
25 post yet.> As I told you, I arrived <in Svay Rieng,> I saw

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1 soldiers <had finished their fight> and <> the Vietnamese
2 <enemies already retreated. I could not grasp the battlefield
3 situation because I arrived late>.

4 BY MS. GUISSÉ:

5 Q. There may have been a problem in the translation, but the
6 document I refer to <mention> May 1978 and I specifically refer
7 to that period because it is close to the time when you arrived
8 in Svay Rieng.

9 I understand from your answer that the place names ring a bell
10 and you do recall that, indeed, the forces of Democratic
11 Kampuchea were deployed at those locations. Is that what I should
12 gather from your answer?

13 [15.39.37]

14 MR. CHUON THY:

15 A. At that time, they had already pushed them to the east. <You
16 are right, there were some forces being stationed there>, <our
17 forces were considered as> reinforcement force.

18 Q. Very well. And this information as to the effect that they had
19 been <pushed back to the east>, is that information you received
20 before you arrived in Svay Rieng or <did> you obtain that
21 information when you got there?

22 A. I received the plan and the plan touched on one aspect that
23 the "Yvon" had arrived in Svay Rieng but they had already been
24 pushed <back, and our troops came as a reinforcement. I want to
25 be clear at this point. But at the point of troop withdrawal to

1 the east, I do not know>.

2 [15.40.56]

3 Q. I would like you to clarify something on this point. We have
4 talked of the events of May 1978 and the fact that the Vietnamese
5 troops had been pushed back. As part of the information you
6 received,
7 were you told whether there had been other Vietnamese incursions
8 prior to 1978 and in the course of 1977, did you receive that
9 information or not?

10 A. I did not receive any information about that.

11 Q. A while ago, I read out to you your answer, answer number 15,
12 in your statement E3/4593. In that document, mention is made of
13 other <brigade> commanders and you pointed out that you had heard
14 certain names.

15 My question to you is whether while you were at Svay Rieng, you
16 obtained information on <brigade> 221. Let us start with that
17 <brigade.> <Did you have any way> to <follow> where those
18 commanders were positioned <and> where they were positioned
19 <during their battles along> the border zone <they were
20 protecting>?

21 A. Allow me to answer about the situation that happened under the
22 perimeter of each unit. I could <control> situation <at my>
23 perimeter of my unit but <I did> not <know> about other units.
24 <As I told you, those units came from different regions.>
25 I only heard about the names of those units, but I did not meet

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1 the leadership of those units. I only heard them mention that
2 this particular unit was led by these <or those> people <>, but I
3 never met the leadership of those units. <Related to the
4 cooperation, we had nothing much to cooperate. Just like what
5 stated earlier, we> only focused on the situation under my own
6 perimeter of the unit. <We could not help others.>

7 [15.44.01]

8 Q. Does that mean that you did not have any coordinated military
9 operations and that each person <always> stayed in their
10 territory and there was no circulation of information?

11 A. We were independent. If the enemy attack<ed> us in a tense
12 fashion<, with our limited forces, we had to fight and retreated
13 when necessary; this was our strategy>.

14 Q. You pointed out that prior to your arrival in Svay Rieng, you
15 had been <sent on> civilian missions as part of construction and
16 agricultural works. <During your <examination> before this Court>
17 on 24 April 2013, during the hearing of that day - 002/01
18 proceedings -- <document E1/183.1, you responded that - this was
19 in regards to your mission and the fact that you had recovered --
20 >

21 THE ENGLISH INTERPRETER:

22 The name of the document wasn't heard, Mr. President, may --
23 perhaps counsel should repeat it.

24 [15.45.39]

25 JUDGE FENZ:

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1 Sorry; the name of the document wasn't audible for the
2 interpreters, so if you would please repeat it.

3 BY MS. GUISSÉ:

4 Q. It is a record of interview of 24 April 2013 hearing, E1/183.1
5 at about 15.52.42, you state in that document that after three
6 years <of having been> demobilized you took up arms again. And
7 this is what you state in that document:

8 "After the war, all the weapons were stored and we had to do
9 farming, and when Vietnam <declared> war <and> invaded us, the
10 soldiers were mobilized. It took a lot of time to mobilize the
11 troops and it was too late because when we were ready, the
12 Vietnamese were already in Cambodian territory." End of quote.

13 [15.46.55]

14 I would like to know whether during the three years when you were
15 demobilized, did you receive information regarding the fact that
16 Kampuchea intended to attack Vietnam and that you would be
17 mobilized as part of that attack?

18 MR. CHUON THY:

19 A. Allow me to clarify. At the time after the war ended, <some>
20 soldiers put down guns and engaged in agricultural work <to
21 support themselves>, but not all soldiers put down guns, only
22 some put down guns while others still remain defending the border
23 areas. <Like my unit, we were still on guard;> when we received
24 the information that the "Yvon" entered our territory and then I
25 <could immediately> mobilize my force <in order to counterattack

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1 the "Yuon" at the border in the east>. So not all soldiers were
2 demobilized, only some of them.

3 [15.48.29]

4 Q. I have indeed understood that only some of the soldiers were
5 demobilized, but my question is as follows: While you were going
6 about your civilian duties, did you receive information that
7 Democratic Kampuchea planned to attack Vietnam, or <did you> you
8 only intervene because you were attacked?

9 A. At that time, the leadership of DK regime did not have any
10 policy to attack Vietnam, <as I stated earlier,> but because they
11 entered our territory, we had to attack them, but we <saw that
12 we> could not defeat them. <It was impossible for seven to eight
13 million to defeat fifty million>. We <therefore were just to keep
14 them from coming in,> it is like they entered our homes so we had
15 to defend ourselves. <Not to take some action, we would have
16 considered ourselves quite inferior.>

17 Q. You, yourself, personally, when did you flee when the
18 Vietnamese entered Cambodian territory, do you recall the exact
19 date?

20 A. I fled in late 1978 because, at that time, the "Yuon" pushed
21 us so hard and my force and I dispersed and fled. <I could not
22 remember the exact date but> it was in late 1978. It was in late
23 1978 early 1979. We fled because we lost the war. <They came all
24 over our country.>

25 [15.50.54]

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1 Q. In your statement E3/4593, answer number 20, the <last>
2 question that was put to you by the Co-Investigating Judges was
3 as follows: "What suggestions would you like to make regarding
4 the trial of senior Khmer Rouge leaders?"

5 And this was your answer: "I have no suggestions to make because
6 that is of no interest to me. That story is full of inextricable
7 links and if I had to talk about it, I would have to start from
8 the very beginning and go to the end, and that <would not only>
9 concern the period <while> the Khmer Rouge regime was in power."
10 What do you mean by this "story is full of inextricable links";
11 can you explain that?

12 A. You ask me to talk about the period between 1975 and 1979.
13 It's difficult to talk about the situation <because the war
14 started from 1975.> Within the scope of this period because the
15 story has connections with situation before that time period.
16 [15.52.30]

17 Q. I would like us now to deal with the last point in your
18 testimony and it has to do with the issue of marriages <that> you
19 <addressed> before the Co-Investigating Judges. Before putting
20 more general questions to you, I would like you to point out to
21 the Chamber when you got married and where.

22 A. I got married in 1979 at Longveaek. It's Longveaek <fort> in
23 Kampong Chhnang province.

24 Q. I have heard through the interpretation that you got married
25 in 1979. <Can you specify whether that> was after the Democratic

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1 Kampuchea period? And secondly, the interpreter did not
2 understand where exactly you got married.

3 A. Allow me to clarify. The person who interviewed me about my
4 marriage, I told him or her that I got married in 1976. <But
5 he/she did not ask me the location of my marriage; now I tell you
6 the place. It was in Longveaek fort. And> it was in 1976 not
7 1979, because in 1979, we already lost the war to Vietnam, we had
8 no time to arrange for the marriage.

9 [15.54.32]

10 Q. Very well then. You got married in 1976. Can you tell the
11 Chamber where you got married?

12 A. <I told you already that m>y marriage took place at Longveaek.

13 Q. Was Longveaek indeed where you were stationed before you
14 arrived in Svay Rieng? Is that correct?

15 A. Yes, Longveaek was my base, the area where my unit was based
16 <before we left for Svay Rieng>.

17 Q. Can you tell the Chamber how your marriage was organized; who
18 chose your <wife> and how the ceremony was organized? Can you
19 also say whether you had to request <an authorization> before you
20 could be married?

21 A. The marriage at that time was arranged with my wife, and my
22 wife survived until now. The marriage took place out of our
23 volunteerism. It was not forced. <That time,> I proposed to <Ta
24 Soeung, the Division Commander who> organized the marriage for
25 us<. If we felt in love with someone, we could make a proposal to

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1 the upper level to organize a marriage for us with this or that
2 person. In the ceremony, there was some refreshment and food>,
3 but my marriage was not attended by my parents. It was <> a
4 simple ceremony in which we held each other hands< , and the
5 ceremony itself was held with the presence of the responsible
6 superiors>.

7 Q. You stated that you made a request to the upper echelon. What
8 echelon are you referring to?

9 A. That is <Pet> Soeung, the commander of my division.

10 [15.56.58]

11 Q. And to which unit did your <wife> belong? Was she also a
12 soldier?

13 A. My wife was an ordinary civilian.

14 Q. You stated at the hearing of 24 April 2013, document E1/183.1,
15 that is during the proceedings shortly before 10.03.30, this is
16 what you stated:

17 "In some units, the chiefs had to cross-check who wanted to get
18 married beforehand <but> the marriages <were> arranged with the
19 approval of the <husband and wife>. <There were no constraints>
20 and we got married voluntarily."

21 My question to you is as follows. In the case of your marriage,
22 how was your consent verified and who verified it?

23 A. It's difficult for me to answer, but allow me to answer now.
24 The relationships between men and women were not strict. People
25 could interact with each other and if they <fell in love with>

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1 each other, they could propose to their respective unit leaders
2 to arrange marriage for them and the marriage took place without
3 any force.

4 [15.59.10]

5 Q. You stated that you made a request to your chief; how about
6 your <wife>? Did she, herself, make a request to her own unit
7 chief to get married>?

8 A. I had met my wife and we understood each other. We loved each
9 other, and then I requested to my leader. And my leader asked me
10 which unit my wife belonged to and then he contacted the
11 respective unit leader for the marriage to take place.

12 [16.00.11]

13 MS. GUISSÉ:

14 Mr. President, I see the time now is 4 p.m. Perhaps this is the
15 appropriate time for us to adjourn.

16 MR. PRESIDENT:

17 Thank you.

18 It is now convenient time for the adjournment. The Chamber will
19 resume its hearing tomorrow, Wednesday 26 October 2016 at 9 a.m.
20 The hearing tomorrow, we continue to conclude the hearing of the
21 testimony of Chuon Thy, and we will also hear the testimony of
22 2-TCW-1045.

23 Thank you, Mr. Chuon Thy. The hearing of your testimony as a
24 witness has not yet concluded. You are therefore invited to come
25 back tomorrow at 9 a.m.

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1 Madam Sok Socheata, the duty counsel, the Chamber also wish to
2 invite you to come back to this courtroom tomorrow.
3 Court officer, in collaboration with WESU, please make necessary
4 transport arrangements to send the witness to where he is staying
5 and invite him back to the courtroom tomorrow at 9 a.m.
6 Security personnel are instructed to bring Khieu Samphan and Nuon
7 Chea back to the <ECCC> detention facility and have them returned
8 to the courtroom tomorrow morning before 9 a.m.
9 The Court is now adjourned.
10 (Court adjourns at 1601H)

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