



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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13 October 2016
Trial Day 464

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

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I N D E X

Ms. PEN Sochan (2-TCCP-298)

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Mr. CHEAL Choeun (2-TCW-960)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. CHEAL Choeun (2-TCW-960)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Ms. PEN Sochan (2-TCCP-298)	Khmer
Mr. PICH Ang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

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

6 the current civil party<, Ms. Pen Sochan> and begins hearing

7 testimony of witness 2-TCW-960.

8 Mr. Em Hoy, please report the attendance of the parties and other

9 individuals to today's proceedings.

10 [09.03.01]

11 THE GREFFIER:

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

13 are present except Mr. Liv Sovanna, the national counsel for Nuon

14 Chea, who is absent for health reasons.

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

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

17 been delivered to the greffier.

18 The civil party who is to conclude her testimony today, that is,

19 Pen Sochan, is present in the courtroom.

20 Today we have a reserve witness, 2-TCW-960, who confirms that, to

21 his best knowledge, he has no relationship, by blood or by law,

22 to any of the two accused, that is, Nuon Chea and Khieu Samphan,

23 or to any of the civil parties admitted in this case. The witness

24 will take an oath before the Iron Club Statue this morning.

25 Thank you.

2

1 [09.04.14]

2 MR. PRESIDENT:

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

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

11 Having seen the medical report of Nuon Chea by the duty doctor
12 for the accused at the ECCC, dated 13 October 2016, which notes
13 that, today, Nuon Chea has a lower back pain and feels dizzy when
14 he sits for long and recommends that the Chamber shall grant him
15 his request so that he can follow the proceedings remotely from
16 the holding cell downstairs.

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

21 [09.05.30]

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

24 That applies for the whole day.

25 Before I hand the floor to the defence teams, I'd like to hand

3

1 the floor first to Judge Fenz to put some questions to the civil
2 party.

3 Judge Fenz, you have the floor.

4 QUESTIONING BY JUDGE FENZ:

5 Thank you, President, and good morning, everybody.

6 Q. I have just very few questions, and the objective of these
7 questions is to find out if the authorities that were involved in
8 arranging your wedding knew your age. So, a couple of questions
9 in this direction.

10 [09.06.16]

11 You told us yesterday at the time of your wedding your were 15 or
12 16 years old. Do I remember that correctly?

13 MS. PEN SOCHAN:

14 A. Yes, that is correct.

15 Q. You also told us at one time that you were in a children's
16 unit. First of all, do I remember that correctly?

17 And secondly, if so, were you in a children unit at the time of
18 your wedding?

19 A. No, I was sent to a mobile unit from the children unit, and I
20 was there for three months.

21 Q. Okay. Let me clarify that.

22 At the time of your wedding, you were in which unit?

23 A. I was in a mobile unit.

24 [09.07.32]

25 Q. Was there a specific age range in this mobile unit, or were

4

1 people of all ages in this unit?

2 A. At that time, they did not limit the age range. We were sent
3 to the mobile unit.

4 Q. And did I understand you correctly, you were in this mobile
5 unit for three months before and after you were in the children
6 unit, or did I misunderstand?

7 A. I was in a children unit, and when they thought that I was
8 mature enough, then they were sent to -- we were sent to a mobile
9 unit where Om was in charge<, in Daeum Roka village>.

10 Q. I understand.

11 Can you tell us the age range of the children's unit? How old
12 were people who were in the children's unit?

13 A. They were around 14 to 15 years old.

14 [09.09.02]

15 Q. And generally, when you were sent to a mobile unit, you said
16 that's when people thought or the authority thought you were
17 mature enough.

18 Now, how did they determine you were mature enough? Did they say,
19 "Now you are 15 years old; therefore, you go?" or did they say,
20 "You look mature enough; therefore, you now go to the mobile
21 unit?", or do you know how the authorities decided when to move
22 people from a children's unit to, in your case, a mobile unit?

23 A. At that time, the chief held a meeting and they said that for
24 those of us who were taller or bigger, then we would be required
25 to be transferred to a mobile unit so that we could add more

5

1 forces to the mobile unit.

2 So they came to the school and to check upon us whether some of
3 us were -- would be big enough to be transferred to the mobile
4 unit, and when we were there at the school, we did not study, but
5 we had to cut "kantreang khet" tree leaves to make fertilizers,
6 so they inquired with the teachers there about us. And our
7 teachers said there were a few of us, so that we were instructed
8 to prepare our belonging, that is, backpack, although I did not
9 have any. I only had the clothes where -- I was wearing, and a
10 krama , when I left.

11 [09.10.48]

12 Q. As far as you know, the decision was not made based on the
13 age, but on your physical appearance and development.

14 A. They said that we could carry the "kantreang khet" tree leaves
15 and that we were bigger among the children, so we were sent off
16 by our teachers to the mobile unit.

17 Q. Now, that brings me to my original questions, question which
18 is: Did the authorities at the time of your wedding know how old
19 you were?

20 Let me first ask you, do you know -- or did they ask you how old
21 you were?

22 A. No, they did not ask me about my age. If they said, I would
23 have told them, but they did not.

24 [09.12.02]

25 Q. That brings me to my second question. Did you tell them, did

6

1 you say -- you told us yesterday you said, "I didn't want to be
2 married; I'm not mature enough".

3 Did you ever say, "I don't want to be married because I'm only 15
4 or 16"? We had a similar story from a previous witness. Or did
5 you never mention your age?

6 A. They never paid attention to our age. They called us to go and
7 then we realized what would happen, and then when we were there,
8 we were given a set of clothes and they said that -- they told us
9 that the Angkar required us to get married.

10 Q. To the best of your knowledge, do you know if there was any
11 age limit when it came to marriages, how old -- was there any
12 rule or any practice that people above or below a certain age
13 should or should not be married or, as far as you know, the age
14 issue didn't come in?

15 A. During the regime, we were not informed in advance and they
16 did not ask us anything in advance. And there were no elder
17 people<, parents or wiseman for the ceremony> involved in the
18 wedding <like the weddings in Cambodia today>.

19 [09.13.46]

20 Q. I think my question mightn't have been clear.

21 Do you know if there was, for instance, a rule which said females
22 have at least to be, let's say, 18 years old to be married?

23 A. During the regime, there was no such law. As I stated, we were
24 told that it was Angkar's determination for us to get married.

25 I was pretty young at the time, <I had no rights> and I did not

7

1 know whose idea was it that we were forced to get married.

2 Q. And perhaps an additional question. I know you were very
3 young, but -- and just if you know. Before the regime, how old
4 were girls when they got married; before the Khmer Rouge regime?

5 A. I did <not pay attention to> that. I didn't know at what age
6 that they would get married.

7 [09.15.02]

8 JUDGE FENZ:

9 That's fine.

10 That concludes my questions.

11 MR. PRESIDENT:

12 Thank you, Judge Fenz.

13 I now hand the floor to the defence team for Nuon Chea to put
14 questions to the civil party.

15 You have the floor.

16 QUESTIONING BY MR. KOPPE:

17 Thank you, Mr. President. Good morning, Your Honours, counsel.

18 Q. Good morning, Madam Civil Party. I have some follow-up
19 questions first before I move to your wedding.

20 And I would like to ask you first about your participation in a
21 documentary called "Red Wedding".

22 You said yesterday, if I understood correctly, that before you
23 participated in the filming process, you were interviewed by a
24 civil party lawyer. And you said that the civil party lawyers did
25 not introduce you to the filmmakers, and that you wrote victim

8

1 information -- victim information form. And then you said, "And
2 maybe because I said I was young, they came to engage me".

3 Did I understand it correctly, what you said yesterday?

4 [09.17.08]

5 MS. PEN SOCHAN:

6 A. Yes, that's what I said.

7 Q. Now, in the film, you are in the process of writing your civil
8 party application. You're discussing with your friend, Chean
9 (phonetic), what you have to answer to certain questions, and you
10 also say that your youngest son, who received higher education,
11 helped you with your civil party application form.

12 Is that correct? Did that -- was that filmed, you writing your
13 civil party application?

14 [09.18.12]

15 JUDGE FENZ:

16 While the witness is thinking, for the record, the reference, the
17 reference in the film?

18 BY MR. KOPPE:

19 Yes. You mean the exact minute? I will get back to you on this.

20 Q. So on various occasions in the film, you are seen as being in
21 the process of writing your civil party application. Is that
22 correct?

23 MS. PEN SOCHAN:

24 A. Yes, that is correct.

25 Q. But can you explain to me how it is possible that you were

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1 interviewed by a civil party lawyer before you participated in
2 the filming process?

3 A. At that time, they looked for people who got married under the
4 Khmer Rouge regime and who were mistreated. And I thought myself
5 that I got married under the Khmer Rouge, so I then lodged or
6 made my civil party application through my lawyer.

7 [09.20.00]

8 Q. But did you do that before the film or while the film was
9 being shot?

10 A. I was interviewed before the film was made.

11 Q. So when one can see you being busy with filing your civil
12 party application form, that isn't real but, rather, staged, so
13 to put it, because you had already filled in your form. Is that
14 correct?

15 A. I already filled my form, then I participated in the filming
16 process.

17 Q. And just to be clear, the director of the film asked you to --

18 MR. PRESIDENT:

19 Counsel, please hold on.

20 And Deputy Co-Prosecutor, you have the floor.

21 [09.21.23]

22 MR. BOYLE:

23 Just for clarity's sake, the civil party has filed multiple
24 forms, and I think when we're referring to "your form", we need
25 to know -- and on multiple dates. Some occurred prior to the

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1 making of the film; some occurred after the making of the film by
2 the dates on the documents themselves, and so I think we need
3 some clarity as to, you know, which forms she's discussing.

4 BY MR. KOPPE:

5 I understand the remarks.

6 Q. Ms. Civil Party, do you recall which form it was that the
7 director asked you or -- no, let me rephrase.

8 Do you know which form it was that we can -- that you filled in
9 that we can see in the film and that you discussed with your best
10 friend?

11 MS. PEN SOCHAN:

12 A. I recalled that they came to take filming, that is, after they
13 learned that I lodged my civil party application because I got
14 married when I was 14 or 15 years old. And allow me to say that I
15 lodged my forms on a number of occasions, and I did not plan that
16 the video filming was shot when I engaged in one of my form
17 because my main purpose was to lodge the form concerning my
18 marriage under the Khmer Rouge regime. And that's after I learned
19 that the Court will trial the Khmer Rouge leaders. And since I
20 was a victim, I'd like to engage in the process.

21 [09.23.22]

22 Q. It is correct that there are multiple forms, but do you recall
23 which one it was that your son assisted you in writing and which
24 one it was that you discussed with your friend?

25 A. I do not recall it at the time. I lodged the form and, indeed,

11

1 I asked my son <> to assist me. And I did not know when the video
2 or filming took place. I, indeed, discussed the matter with my
3 friend, but I cannot recall when it took place.

4 Q. Let me move on, Ms. Civil Party.

5 Another question: Did any of the filmmakers or anyone involved in
6 the film give you money for your participation or offer you some
7 form of financial compensation for your participation in the
8 film?

9 [09.24.47]

10 A. Regarding the film, I did not receive any money or benefit
11 from it. Since I, myself, wanted to become a civil party, that
12 was my own initiative and I had to do it. And I do not mind that
13 the filming would take place regarding the process.

14 Q. Now, one other question in relation to your participation in
15 the film.

16 What made you say yesterday that you were introduced to the
17 filmmakers, "Maybe because I said I was young"?

18 A. That's what I said.

19 Q. I understand. But what made you conclude or think that it was
20 because you were young the filmmakers engaged you?

21 A. They contacted me and asked me whether I would like to
22 participate in the filming process, and that they wanted me to
23 tell the truth about what happened to me under the Khmer Rouge
24 regime. And for that reason, I volunteered to take part.

25 [09.26.32]

12

1 Q. And in that conversation or in subsequent conversations, they
2 said, "We are interested in your story because you were young at
3 the time"?

4 A. Yes, that is correct.

5 Q. And did they explain why they thought that was an interesting
6 component for their film?

7 A. It was important because I was under age, and that I had to
8 lodge my form with the Khmer Rouge Tribunal and to take part in
9 the film so that the younger generation know what happened <in
10 the dictatorial regime>. And I, myself, wanted to do that.

11 Q. Fine. I will move on, Madam Civil Party.

12 Before I go back to the film and the events that you described,
13 let me ask you the question about not your first marriage but,
14 rather, your second marriage.

15 [09.28.08]

16 Yesterday, you spoke about your six children and in the film, one
17 can see your two daughters and your son from your second
18 marriage. What is it that you can tell us about your second
19 husband?

20 A. I don't understand your question. <Could you clarify it?>

21 Q. How was your marriage? How did your second husband treat you?
22 Just anything that you would be willing to tell us about your
23 second marriage.

24 A. Yes. I got married and they sought permission from my parents.

25 I do not recall the year of my marriage. I got married to him,

13

1 and we have six children, five daughters and one youngest son.

2 <The youngest one is 15 years old.>

3 And actually, <my husband> passed away when my youngest son was
4 three years old -- three months <old>, and now my <> child is 25
5 years old.

6 Q. In the film at 19 minutes, 28 and 19 minutes, 35 seconds, you
7 said that you were happy with your husband, but that he died. Is
8 that correct? Did you say that in the film?

9 A. Yes, that's what I said.

10 [09.30.20]

11 Q. You were happy with your second husband. You talked to your
12 children on camera about your second husband. But did he beat you
13 or did he somehow abuse you?

14 A. During that time, he mistreated me, and that's what I said on
15 the video. He was a soldier, and he had many other women, so he
16 hurt me psychologically. And I became a widow since my youngest
17 son was three months old <until he was 25 years old>. So I was a
18 victim under the Khmer Rouge regime and then I became a victim
19 again under my second husband <in the current regime>.

20 And I swear to myself that I would never remarried again, and I
21 had to take care of all my <six> children, <a nephew, and my
22 mother> by myself. I had to work in the rice field during the
23 farming season and, after that, I had to sell <mangos and
24 oranges> in order to support my family and my children by myself.
25 <I have suffered too much.>

14

1 [09.31.55]

2 Q. Madam Civil Party, let me read to you an excerpt from what you
3 -- from your story, that is, from a book, E3/9197. I don't seem
4 to have an ERN on this particular page. I will get -- give that
5 to you in a second.

6 It's on page 15 of the book so that you can read along. Here, it
7 says, and I quote:

8 "Her second husband was a soldier who had separated from the
9 woman he had married during the KR era, and the happy time, the
10 time of love, understanding and intimacy did not last for many
11 years. The relationship became sour when they had their third
12 child. She was beaten and abused sexually and emotionally because
13 her husband committed adultery. Ms. Sochan and all her children
14 had to live with her mother.

15 "Living in a violent marriage, Ms. Sochan described the violence
16 against her as being threatened with gunshot to the air and on
17 the ground and/or pointed at her head. Her husband died in 1993."

18 What I read to you, is that a correct reflection of your second
19 marriage?

20 JUDGE FENZ:

21 Before she answers, I think it might help her if you tell her who
22 said that about her. She doesn't know about the ERNs.

23 [09.34.10]

24 MR. KOPPE:

25 No, she -- I understand. She said that herself, apparently, to

15

1 the person who made the book. This is her story.

2 JUDGE FENZ:

3 But why don't you tell her what the book is and who wrote it?

4 Also for the public.

5 MR. KOPPE:

6 It is a book consisting of various stories of people -- women who
7 were married. It's called, "The Past and the Present of Forced
8 Marriage Survivors".

9 Meanwhile, I have for you the English ERN. It's 00992331. It
10 consists, including other stories, her story.

11 [09.34.56]

12 BY MR. KOPPE:

13 Q. So Madam Civil Party, what I just read to you about your
14 second marriage, is that a correct reflection of what happened?

15 MS. PEN SOCHAN:

16 A. That is correct.

17 Q. Did you say the same thing to the filmmaker about your second
18 marriage?

19 A. I did say that.

20 Q. Have you seen the whole film back?

21 A. After the film was shot, I did not review the entire film. And
22 one year later, I asked a copy of the CD <> through my lawyer.

23 [09.36.08]

24 Q. Did the filmmaker cut from the documentary your story about
25 the second marriage or -- because I'm a bit puzzled because when

16

1 you look at the -- when you watch the film, it seems that you
2 were happy in your second marriage.

3 A. When the film was shot, I don't think that they cut from the
4 documentary. I was happy at the time to talk so that my children
5 learn how difficulty I endured.

6 Q. Well, it must have been a deleted scene on the cutting room
7 floor, then.

8 Let me move on to the film again, to another excerpt at 32
9 minutes and 12 seconds. There, you have a conversation with the
10 sister of your first husband. Is that correct?

11 A. It <> is not correct. In fact, <she> was my elder
12 sister-in-law, rather.

13 Q. Yes. So the sister of your first husband; correct?

14 A. That is correct.

15 [09.38.25]

16 Q. And can you tell a bit more about her? Who is she, and what
17 did she do between 1975 and '79?

18 A. I do not know where she was living. What I know is that she
19 was the chief of the mobile unit. I met her once on Pchum Ben Day
20 at the pagoda. I had been -- I thought that she had passed away,
21 but then, accidentally, I saw her at the pagoda.

22 I had a chit-chat with her and asked her where she was living at
23 the time. And she told me that she <was living in Bak Meaek. And
24 then I <told her that I would go to visit> her house to ask her
25 about <my marriage in> the Khmer Rouge. <I asked her if she knew

1 about my wedding> and <when I met her,> she told me that she
2 never saw me at the Khmer Rouge time. And she did not <ask me to
3 marry her younger brother either. It was the arrangement of the
4 Angkar. She did not know anything. She was not aware that her
5 younger brother got married to me. When I asked her about that
6 marriage, she> was surprised at the time. <And> she told me that
7 she did not know where <and when her younger brother died>.

8 Q. In the film, you can see that you are on the bike going to
9 her, and she's apparently staying at Bak Meaek. Is that correct?

10 A. When I met her, I dressed in white clothes at the pagoda, but
11 on the day that I met her, I did not wear white clothes. I wore
12 dark brown clothes, in fact.

13 [09.40.34]

14 Q. I understand. But it was the filmmaker who asked you to step
15 on the bike and go to Bak Meaek and talk to the sister of your
16 first husband; correct?

17 A. In my mind, I was not really satisfied with what she had told
18 me at the beginning. That is why I went to see her once again, so
19 that I could file that complaint. And the filmmakers went to
20 shoot the film at the place where we met, and also, the film was
21 shot while I was riding the bicycle as well.

22 Q. Now, the scene when you speak to the sister of your first
23 husband has, as an English translation, the following words or
24 sentences. You call her the former head of a unit, and then she
25 says:

18

1 "My brother was a member of the 'kon kang' (phonetic) mobile
2 unit. Then he was sent to a cooperative where he joined the
3 ploughing unit. During his marriage, there were many couples. I
4 am not the one who chose you or proposed to marry you, no. I was
5 only informed of the wedding day. Comrade Om informed me, who I
6 worked with."

7 Now, that's what she says on camera. And indeed, you do not
8 believe what she says here.

9 Can you explain to the Chamber why it is that you don't believe
10 her when she says this?

11 [09.42.45]

12 JUDGE FENZ:

13 Your staff is working on providing the references for that, too.

14 MR. KOPPE:

15 Yes, I just did. It's 32 minutes and 12 seconds on the -- on that
16 video, and further.

17 MS. GUIRAUD:

18 Mr. President, if I may take the liberty, I just have an
19 observation, but the Chamber, of course, will decide what's
20 necessary. But wouldn't it be more easy to show the excerpt of
21 the documentary in Khmer <each time> so that she can also
22 understand <what is being said> it in her mother tongue? Which
23 would, therefore, avoid having a translation filter because
24 you're reading the sub-titles <in English>, as I understood.
25 So wouldn't it be better, maybe, to show the excerpts <the way we

19

1 did yesterday,> so that she may be able to re-place herself in
2 the documentary and listen to herself in her own language?
3 I think this is more logical but, of course, I will rely on the
4 Chamber's wisdom.

5 [09.43.49]

6 MR. KOPPE:

7 I do not disagree with the suggestion; however, I have not
8 prepared any showing of this particular clip.

9 JUDGE FENZ:

10 Perhaps you can postpone the question and get back to it once you
11 have prepared it.

12 MR. KOPPE:

13 I suppose. Well, I understand your suggestion, but it is -

14 JUDGE FENZ:

15 It is valid given the language. And I remember -- I'm not sure
16 here, but sometimes the English versions of what has been said in
17 the documentaries are also summarizing as opposed to -- I don't
18 know if it happened here. I think there is a valid concern with
19 going through two translations in the end. The first, she says
20 something in Khmer, something comes in English with a sub-title
21 and it's translated from what you say the sub-title was into
22 Khmer again.

23 [09.44.53]

24 BY MR. KOPPE:

25 I understand, but it's the beginning of a much longer set of

20

1 questions because it goes to your questions as well following up
2 who was the person to propose or to arrange the marriage.

3 Q. But if -- let me step away from the actual clip and let me ask
4 a question in general, Ms. Civil Party.

5 Is -- did you think at one point in time that it was the sister
6 of your first husband who was the one who proposed to marry you
7 and her brother?

8 MS. PEN SOCHAN:

9 A. When I met her at the pagoda, in my mind I thought like that.
10 And then I rode my bicycle to the field where she was harvesting,
11 asking her for confirmation.

12 [09.46.26]

13 Q. Now, why was it that you thought that it was the sister of
14 your first husband who wanted her brother to marry you? Why?

15 A. During that time, it was a dictatorial regime, <I did not ask
16 her. So in the current regime> I decided to go and see her to
17 find the truth whether my husband loved me <> with his own heart
18 or it was the proposed marriage by the <Party>. So I had to go to
19 see her to ask for sure. <She told me that she did not know about
20 my marriage. I was also told that my first husband did not love
21 me with his heart either. Her answer cleared my doubt.>

22 Q. That's an interesting answer, but I'm not sure if it's an
23 answer to my specific question.

24 Why did you think it was the sister of your first husband who
25 wanted you to marry her brother? Why her? Why she?

1 A. It --

2 [09.47.59]

3 MR. PICH ANG:

4 Mr. President, the civil party did not say that she thought her
5 elder sister-in-law proposed the marriage. She was in doubt and
6 she wanted to know if her elder sister was the one who proposed
7 the marriage <for> her brother. So it is not like what the
8 defence counsel summarized.

9 BY MR. KOPPE:

10 The civil party accepted that when I told her that she appeared
11 not to believe the sister of her first husband, but I'm happy to
12 reformulate.

13 Q. Is it correct, Madam Civil Party, that you thought at one
14 point in time that it was the sister of your first husband who
15 wanted you to marry her brother and, if yes, is it correct that
16 when she said no, you didn't believe her?

17 MS. PEN SOCHAN:

18 A. When I met her, I received the answer from her like what I
19 told you, and then <it cleared my doubt.> I considered the regime
20 as a dictatorial one.

21 [09.49.57]

22 Q. That doesn't answer the question, but I'll move on to the next
23 woman.

24 The sister of your first husband seems to say that it wasn't her,
25 but a woman called Om in the film -- the credits at the end of

1 the film, Pof Moeun (phonetic) alias Om.

2 Can you describe for us your meeting with Om? Who was Om,
3 exactly?

4 A. There is no one named Moeun (phonetic). Om was, in fact, the
5 mobile unit chief. I did not mention about Moeun (phonetic).

6 Q. No, that's a bit confusing. But at the credits, she is
7 identified as Pof Moeun (phonetic), also known as Om.

8 So let me move on. At one point in time yesterday, we saw the
9 clip. You can be seen talking to Om; correct? And if yes, who was
10 she?

11 [09.51.38]

12 A. I was, indeed, talking to Om. She was my once mobile unit
13 chief. The filmmakers wanted to find the truth if I was talking
14 the truth, and then I <was> asked if Om <is> alive. <I told them
15 that Om is still alive. They wanted to meet Om. I told them that
16 it was up to them.> And I <also said that I can accompany the
17 filmmakers to see Om. <However, I felt really like losing
18 consciousness when I see Om's face because> I was beaten with the
19 back of the hoe <by Om>, and <I was fed up when I saw Om's face.
20 After meeting with Om, I became very sick.>

21 Q. And was Om in charge of the mobile unit that you worked in
22 together with the sister of your first husband? Were the two of
23 them in charge of the mobile unit?

24 A. Om was the chief of <> my mobile unit. She was <the deputy> in
25 the unit. And as for whom was above or below her, <it> was out of

1 my realm of knowledge since I did not <have rights to> ask them
2 about that. <I only knew that Om was the chief of the unit who
3 mistreated me.>

4 [09.53.00]

5 Q. But is it correct that Om worked together with the sister of
6 your husband? Were they in charge, both of them, in -- of the
7 mobile unit?

8 A. I noticed there was the presence of Om <when I got married>; I
9 was told that she was the mobile unit chief, and I decided to go
10 and asked her when the film was being shot.

11 Q. Let me move on. I don't have that much time any more, Madam
12 Civil Party.

13 But when you watch the film and when you see at the -- on the
14 film that you start speaking to Om, the film seems to say that
15 you are actually not looking for Om, but for her husband. And is
16 Oeun the husband of Om? Is that correct?

17 A. That is not correct. Om was a widow and Oeun was higher in
18 rank above Om. And Oeun, in fact, was not married to Om. So it is
19 not correct.

20 [09.54.46]

21 Q. Then I understand it, but then who was the village chief that
22 you were looking for who wasn't home and then Om came to meet
23 you?

24 Is Om married to the village chief?

25 A. I do not really understand your question. I was not looking

1 for the village chief. Oeun was the committee in the village, and
2 he was riding the horse at the time, and hit -- beating me. And I
3 did not mixing my statements in the film. <I have no answer for
4 this question.>

5 Q. Very well.

6 At one point in time, do you recall you are discussing your
7 marriage and what happened after the wedding during one of the
8 nights? You're discussing this with her. Do you recall that on
9 the -- do you recall discussing this on film?

10 A. Regarding the first night, I <discussed with whom --> Could
11 you read the <> name again?

12 [09.56.33]

13 Q. No. My question is: Do you recall that filmmaker was there
14 when you discussed with Om what had happened during your wedding
15 night?

16 A. I did not discuss the first night of my marriage with Om.

17 After the marriage, my husband met a militiaman, and the
18 militiaman explained some things to him that my husband and I
19 became husband and wife so my husband could do whatever he
20 wanted.

21 And after the marriage, I did not discuss anything with Om, and I
22 did not say that in the film, to my recollection.

23 Q. Did you show some picture or photo to Om while the filmmaker
24 was filming?

25 A. Yes, I showed the photo where I was -- when my clothes were

25

1 taken off and my hands and legs were held at the time. <It was my
2 true life story.> I was talking about the truth in the film. <The
3 film was made based on a real life story. At that time, I asked
4 if people> who were living in the <dictatorial> regime
5 experienced the difficulty as I did.

6 Q. Who gave you this photo, this picture that you showed to Om?
7 [09.58.40]

8 MS. GUIRAUD:

9 Well, this was an observation 10 minutes ago. Now it's an
10 objection.

11 So can the Chamber please ask our colleague to please show the
12 excerpts because we're facing the same problem again?

13 JUDGE FENZ:

14 I agree. You're trying to dance around the necessity to actually
15 show the films.

16 MR. KOPPE:

17 Well, then, I would suggest that we watch the whole film because
18 --

19 JUDGE FENZ:

20 No, but why don't you simply change chairs, you prepare the
21 excerpts and she goes in and -

22 [09.59.10]

23 MR. KOPPE:

24 Well, the thing is, I asked her whether she showed a photo, and
25 she said yes.

1 JUDGE FENZ:

2 But now we are discussing the photo, and it would be interesting
3 for us to see --

4 MR. KOPPE:

5 I understand that, but --

6 JUDGE FENZ:

7 --the whole thing.

8 MR. KOPPE:

9 --for me, it's not necessary.

10 [09.59.22]

11 JUDGE FENZ:

12 And for her, too.

13 Well, then -- so you're saying this is not necessary now?

14 MR. KOPPE:

15 For me, it's not necessary because she just acknowledged that she
16 showed a photo or picture of her being presumably violated --

17 JUDGE FENZ:

18 But shouldn't --

19 MR. KOPPE:

20 --to Om.

21 JUDGE FENZ:

22 --we all know if this is the picture we are talking about and the
23 situation we are talking about?

24 MR. KOPPE:

25 Well, I'm not that far yet, and I don't need the film to ask her.

1 I think the only thing I'm interested in is why she showed this
2 photo and who gave this photo to her.

3 (Judges deliberate)

4 [10.01.25]

5 MR. PRESIDENT:

6 Counsel Koppe, please show the relevant timing of the video clip
7 that you wish to question the civil party so that the parties,
8 the Bench and the civil party herself know what is going on. And
9 that is also for the proper transcript.

10 MR. KOPPE:

11 Well, the photo can -- the photo is extensively -- can be seen
12 extensively on the footage. It's at 41 minutes and 10 seconds.

13 JUDGE FENZ:

14 No, I think there was -- let me clarify the ruling first because
15 I think there was a translation issue.

16 The decision of the Bench is, objection is sustained and counsel
17 is ordered when he confronts the witness with something from the
18 film to show the relevant part of the film.

19 [10.02.26]

20 MR. KOPPE:

21 That's fine, but I would like to at least be on record that I
22 find it quite incredible that only on Tuesday we were informed
23 that this civil party is, in fact, the main character of the
24 film, "Red Wedding". I have no idea why the civil parties came up
25 so late with this crucial information.

28

1 However, we did our best to watch the whole video, and if you now
2 instruct me to show every single piece of that video, I would
3 like to request to get more time so that I can follow my
4 questions and proceed with my -- the way I would like to question
5 this particular witness.

6 Again, I have no problem at all with showing that photo. It's
7 just because of the very late nature of informing us of this
8 crucial element, this is where we are at.

9 [10.03.38]

10 MS. GUIRAUD:

11 <An objection for the transcript>, let me respond as regards the
12 <court record>. That <film> has been present on <a list> since
13 2012, and it is nothing new. <For several years now, many people
14 in this courtroom,> perhaps not Mr. Koppe, <but many people,
15 have known> that this witness, <Mrs.> Pen Sochan, is the main
16 character in <the film, "Red Wedding">. We <didn't hide
17 anything>. We just informed the parties <on Tuesday morning> that
18 we were going to use <excerpts> from that documentary for <her>
19 testimony <that same day>, but the fact that she is the main
20 character in the film has been known for four years now. And all
21 the <people present in> this courtroom <should be> aware of that.
22 Nothing is hidden.

23 MR. KOPPE:

24 Well -

25 [10.04.45]

1 JUDGE FENZ:

2 Can I -- in order not to lose more time on this debate -- I think
3 we know it. There is a request to give more time. How much more
4 time?

5 MR. KOPPE:

6 Well, it's -- I don't think it's -- I suppose we could do it in
7 the break now to find at least this picture that I'm talking
8 about, or --

9 JUDGE FENZ:

10 Well, the order is -- I don't know where you go, but the order is
11 obviously for all subsequent times when you confront her with
12 parts from the video.

13 MR. KOPPE:

14 Then it's a good moment to break anyway. Let me liaise with the
15 AV Unit to make sure that I can play the clip not only of the
16 photo, but also the conversation with the sister of --

17 JUDGE FENZ:

18 How much more time, all together?

19 [10.05.35]

20 MR. KOPPE:

21 No, we can do it right after the break, so that --

22 JUDGE FENZ:

23 I meant how much more additional time.

24 MR. KOPPE:

25 Well, I need -- I need 30 more minutes, 35 more minutes to

30

1 question her.

2 JUDGE FENZ:

3 Can I ask the Khieu Samphan team, would that still fit within the
4 now allotted time, or -

5 [10.06.03]

6 MS. GUISSÉ:

7 I do not have my colleague's questionnaire with me, so I do not
8 know the topics he'll deal with. If he's asking for 35 minutes of
9 supplementary time, may I request that we should have the 35
10 minutes for the entire defence team, and that would spill over
11 into the afternoon. As far as I'm concerned, if we can finish a
12 little earlier, we can do that, but if we have additional time,
13 35 minutes, <that would have us begin after the recess,> we would
14 request that that time be granted early in the afternoon. And if
15 we can end earlier than that, we will do so.

16 MS. GUIRAUD:

17 Mr. President, while you're deliberating, may I make a remark for
18 the record because I have just cross-checked, and the documentary
19 was admitted by the Chamber in June 2015. That is to correct the
20 date. It was produced in 2012 and admitted by the Chamber in June
21 2015.

22 MR. PRESIDENT:

23 It is now time for a break. We'll take a break now and resume at
24 10.30.

25 The Court is now in recess.

31

1 (Court recesses from 1007H to 1029H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Court is now in session and the Chamber decides to give more
5 time to the Defence -- the two defence teams, 15 minutes. And
6 today, the hearings will last until 11.45 so that we can conclude
7 the hearing of this testimony of this civil party.

8 And now the floor is given to the defence team for Mr. Nuon Chea,
9 Koppe, to resume the questioning.

10 [10.30.49]

11 BY MR. KOPPE:

12 Thank you, Mr. President.

13 I would, with your leave, like to request the AV Unit to show two
14 clips in a row first.

15 The first clip is the conversation between the civil party and
16 the sister of her first husband. That is from 31 minutes, 22
17 seconds till 34 minutes and 26 seconds. And then the second clip,
18 Mr. President, is from 41.00 till 43, and that's her discussion
19 or conversation, rather, with Om when she shows this particular
20 photo.

21 So in order to speed up things, with your leave, the two clips in
22 a row.

23 [10.31.54]

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 And AV Unit, please show the video clip as requested by the
2 Defence Counsel Koppe.

3 [10.32.10]

4 (Audio-visual presentation)

5 [10.35.35]

6 MR. KOPPE:

7 Maybe it didn't come across for the AV Unit. The second clip,
8 please play it now on the screen.

9 Thank you.

10 [10.35.50]

11 (Audio-visual presentation)

12 [10.38.00]

13 MR. KOPPE:

14 Maybe we should have a moment, Mr. President.

15 (Short pause)

16 [10.38.28]

17 JUDGE FENZ:

18 Mrs. Civil Party, when you feel confident to talk to us again or
19 calm enough, please let us know.

20 For the record, the civil party is crying.

21 (Short pause)

22 [10.38.55]

23 MS. PEN SOCHAN:

24 I can talk. I'm okay.

25 BY MR. KOPPE:

1 Q. Madam Civil Party, before the break, I asked you about the
2 picture that you showed to Om. In the film, you can see that you
3 say this picture is real. My question was when we stopped, who
4 gave you this picture?

5 [10.39.41]

6 MS. PEN SOCHAN:

7 A. Mr. President, this picture <illustrated> when I experienced
8 such ordeal. <I was asked to act that scene so that they could
9 take a photo but I felt too embarrassed to do that. Therefore, I
10 requested them to get it painted instead. In fact,> there were no
11 two men holding my legs <at that time>. Only my hands were tied
12 at the time, and my husband <ripped off my clothes and> raped me.
13 And this picture was shown to me as the -- to show that it was my
14 case.

15 In fact, <there were five> militiamen <and they> did not hold my
16 legs <but standing and watching as I was being raped. That naked
17 body is mine.> During the time, <> my hands <> were tied up <to
18 the wall> and I was raped. And <the standing militiamen> told
19 <me> that I had to obey Angkar, and if I had protested, I would
20 have been killed. <Then they laughed and walked away.>

21 In fact, this picture was asked by me to draw it so that I could
22 show to the mobile unit chief to ask some further questions. And
23 <as you heard from the video,> they did like that to me, and if I
24 had protested, I would have been killed.

25 Q. And did you ask the filmmaker to make this picture?

1 A. Yes, <I was asked to act like what I experienced so that they
2 could take a photo but I did not want to do it. Hence,> I asked
3 people to draw the picture that the authoritarian regime
4 mistreated me. I wanted to show to the foreign guests and also
5 the courts to see what I experienced.

6 [10.41.41]

7 Q. Now my question is the following, and correct me if I'm wrong,
8 but it seems from the footage that Om is being told by you that
9 this scene that she sees has taken place at Veal Tbaeng
10 (phonetic).

11 Did you say to Om when you showed that picture that this scene
12 that it describes took place at Veal Tbaeng (phonetic)?

13 A. It happened at Veal Tbaeng (phonetic).

14 Q. Now, in that same clip, you also speak about canteen. And in
15 other testimony, you spoke about little houses where you spent
16 your first night.

17 Is that at Veal Tbaeng (phonetic), or can you explain that a bit
18 to me?

19 A. Yes, it was at Veal Tbaeng (phonetic).

20 Q. So you spent your first night and your second night with your
21 husband at Veal Tbaeng (phonetic); is that correct?

22 A. That is correct.

23 Q. And what was Veal Tbaeng (phonetic)?

24 A. I did not mention Veal Tbaeng (phonetic) but I did say that it
25 happened at Pralay Rumdeng village.

1 [10.43 48]

2 Q. That was my understanding, but what is Veal Tbaeng (phonetic)?

3 Where is Veal Tbaeng (phonetic)?

4 A. Rumdeng village was the site of the <17 April> Dam when we
5 were told to carry dirt <12 cube metres a day> at the time. <I
6 never completed it.> And at the location, that dam was built by
7 the <female unit and in the Khmer Rouge regime it was called the>
8 special force.

9 Q. Maybe I'm not clear in my questions, Ms. Civil Party.

10 Om seems to think that what you showed her took place at Veal
11 Tbaeng (phonetic). What is Veal Tbaeng? Is that a town, was that
12 a security centre? What is Veal Tbaeng (phonetic)?

13 A. After we got married at Daeum Roka, we were sent to that
14 location and scene of the event happened at that location. <It
15 was not a division but actually it> was the <female unit> where
16 the authoritarian regime <controlled>, and 10 people could eat
17 only a can of rice. And we were told to carry the dirt one cubic
18 metre deep and <> 12 metre long <in a day. If we did not complete
19 our work, we would be sent to re-education. If we did, we would
20 be rewarded with a cooked chicken etc.>

21 [10.45.47]

22 Q. Let me see if I understand what you're saying, Madam Civil
23 Party.

24 Yesterday, you spoke about your first and second wedding night.

25 What happened there is not the same as what happened to you at

1 Veal Tbaeng (phonetic) and what you showed to Om; correct?

2 A. I did not mention the name of Veal Tbaeng (phonetic) in the
3 film, Mr. President.

4 Q. Maybe there's something not correct with the translation, but
5 according to the English sub-titles, Om uses the words "Veal
6 Tbaeng" (phonetic). It seems that she is under the impression
7 that the scene depicted on the photo that you said happened to
8 you took place at Veal Tbaeng (phonetic); correct?

9 MR. BOYLE:

10 It appears that counsel is asking for speculation as to the civil
11 party's understanding of what Om was saying at the time, so I
12 think --

13 JUDGE FENZ:

14 I'm not sure. I think he's referring to something Om says on
15 tape.

16 Is that correct?

17 [10.47.23]

18 MR. KOPPE:

19 Om, in her -- in the conversation speaks about Veal Tbaeng
20 (phonetic), so it's not speculation. It's in the direct
21 conversation itself, so --

22 MR. BOYLE:

23 I saw the term "Veal Tbaeng" (phonetic), but I'm not sure what
24 the -- whether the question is asking just did she say the word
25 "Veal Tbaeng" (phonetic) or did she believe these took place.

1 MR. KOPPE:

2 I'm --

3 MR. BOYLE:

4 Those are two very different questions.

5 [10.47.40]

6 BY MR. KOPPE:

7 I'm happy to be more specific. Let me rephrase.

8 Q. Madam Civil Party, in the scene in the film where you speak

9 with Om about Veal Tbaeng (phonetic) -- about -- where you showed

10 a photo, she mentions Veal Tbaeng (phonetic).

11 Is it your understanding that the scene that you described for

12 her took place at Veal Tbaeng (phonetic)? Is that also what Om

13 thought?

14 JUDGE FENZ:

15 He's asking for a speculation.

16 You ask her to know what the other one thought or to tell us what

17 the other one thought.

18 BY MR. KOPPE:

19 But this is a direct conversation. Om, we can all see that,

20 mentions Veal Tbaeng (phonetic) in the scene where she's shown a

21 photo. So let me rephrase again.

22 Q. Did you tell Om that the picture that you showed her, that

23 that took place at Veal Tbaeng (phonetic)?

24 MS. PEN SOCHAN:

25 A. No, I did not tell her that.

1 [10.49.03]

2 Q. Then my next question is: Did you hear Om speak about Veal
3 Tbaeng (phonetic) in that clip I showed you and, if yes, do you
4 know why she referred to Veal Tbaeng (phonetic)?

5 A. Veal Tbaeng (phonetic) was the location where she controlled,
6 and she was <also> the actual killer.

7 Q. I would have to read -- read back the transcript, but correct
8 me if I'm wrong. You didn't mean to imply that the scene on the
9 photo took place at Veal Tbaeng (phonetic); correct or false?

10 A. It did not happen at Veal Tbaeng (phonetic). In fact, it
11 happened at Daeum Roka village. I, to my recollection, made
12 mention of Pralay Rumdeng, and I would like to say that I never
13 talk of Veal Tbaeng (phonetic).

14 Q. Very well. I'll leave it at that, Ms. Civil Party.

15 One follow-up question in relation to the first clip: you now saw
16 your conversation with the sister of your first husband, Tak Sat.
17 Let me ask you concretely, why did you feel humiliated by what
18 she had told you in that specific conversation?

19 [10.51.22]

20 A. On the day when I talked and also filed the complaint, it was
21 better not to see them rather than -- it is better not to see
22 them. <I felt very humiliated after the meeting.> And she told me
23 that she did not propose to her brother to marry me. She learned
24 this information from other. <She heard about it from Om.> And I
25 believe that, Mr. President, and everyone heard from the film.

1 Q. I understand. But what was it that made you feel humiliated?
2 What was it that made you apparently not believe what she had
3 told you?

4 A. <Because> I am a Khmer or Cambodian woman, and when I asked
5 some question to them and then received such answers, it is very
6 embarrassing to me. <I am very disappointed.> I wanted to find
7 the truth and then the answers were given to me, and it's
8 humiliating to me.

9 Q. I understand. But was it humiliating because she lied,
10 according to you?

11 A. That is her business. I do not know how to respond to your
12 question.

13 [10.53.04]

14 Q. Let me move on.

15 Mr. President, with your leave, I would like to show the third
16 and last clip, that is, between 9.40 and 11.30. This is the clip
17 where she speaks about the events during her first wedding night.

18 MR. PRESIDENT:

19 AV Unit, please show the relevant video clip as requested by
20 Counsel Koppe.

21 Please project it on the screen.

22 [10.53.50]

23 (Audio-Visual presentation - (video))

24 [10.55.55]

25 BY MR. KOPPE:

40

1 Q. Madam Civil Party, I have only a few questions in relation to
2 this clip. My colleague will ask you some more questions.
3 There's two specific things I would like to ask you. In this
4 clip, we can see, we can hear that it was your husband who "asked
5 them to spy on us". Was it your husband who asked this?

6 MS. PEN SOCHAN:

7 A. At the time, <it was in the dictatorial regime> --

8 MR. PICH ANG:

9 Mr. President, I read the sub-title in English and listened to
10 the Khmer version, and it did not say that the husband asked <>
11 the militiamen to spy on them.

12 MR. PRESIDENT:

13 Counsel, please reformulate your question.

14 In the film, it does not say that her husband asked the
15 militiaman to spy on them. And if you are sure, please quote the
16 exact statement from the document so that you can show to the
17 parties.

18 [10.57.38]

19 MR. KOPPE:

20 I presume -- I cannot verify this, that civil party lawyer is
21 right. However, in English, we hear this.

22 JUDGE FENZ:

23 If you want to verify it, we have to replay. That's the only way,
24 or do you drop your question?

25 MR. KOPPE:

41

1 Yes. Because it's at the very beginning, I think. If -- with your
2 leave, Mr. President, we could replay it again and only the first
3 minute or so, and then maybe the interpreters can listen along.

4 MR. PRESIDENT:

5 AV Unit, please replay the relevant video clip. So this is the
6 last play.

7 [10.58.40]

8 (Audio-visual presentation)

9 [Interpretation from Khmer to English]: We were told to get
10 married. I do not know what their purpose is. The first night, I
11 was held and my clothes were ripped off. And militiaman spied on
12 us. My hands were tied up and to the back of my head, and my
13 clothes were torn off. At the time, I wore two pants.

14 My clothes were torn off and my body was held at the time. And
15 for the second night, the uncle came to help me."

16 (End of Audio-visual presentation)

17 [10.59.25]

18 BY MR. KOPPE:

19 Then I withdraw my question. I was, of course, dependent on the
20 English sub-titles.

21 Q. Madam Civil Party, then let me turn to my other question in
22 relation to this clip.

23 You said that the first night, your husband grabbed you and
24 ripped your clothes off. You couldn't move. And then at the end,
25 you say, he took all -- he took off all my clothes and then "he

1 managed to hurt me". End of quote.

2 It's not an easy question, I understand, but what did you mean
3 when you said "and he managed to hurt me"?

4 [11.00.22]

5 MR. BOYLE:

6 Just seeking clarification because I'm not sure if we're -- the
7 quote that was just read is referring to the first or the second
8 night, so.

9 BY MR. KOPPE:

10 Well, she's talking about her -- the first night. She says, "The
11 first night, he grabbed me and ripped my clothes off". And in
12 that same sequence of words, she says, "He took off all my
13 clothes and he managed to hurt me".

14 Q. My question, in the English translation, you say "he managed
15 to hurt me". What did you mean when you say that to the
16 filmmaker?

17 [11.01.17]

18 MS. PEN SOCHAN:

19 A. That's the point that hurt me most and that led me to lodge
20 the complaint. And during the filming process, I did what I
21 could, although I cannot recall everything. And before that, I
22 went to earn a living in Thailand for two years and, honestly
23 speaking, I cannot recall everything that I said during the
24 filming.

25 I lodged my complaint so that I want the Court to find me justice

1 and to find justice for the younger generation as well <> against
2 the authoritarian regime.

3 And what I mentioned in my complaint is that my memory does not
4 serve me that well at present. Sometimes I forget a lot. I forget
5 here and there, and sometimes I forget where I left my money. And
6 I have to take regular medicine in order to assist me with my
7 poor health. <I cannot recall everything.>

8 So please try not to repeat your questioning again because I
9 answered most of the questions regarding my marriage yesterday.
10 <I do not want to recall that sad story again.>

11 [11.02.34]

12 Q. Madam Civil Party, let me ask it in another way, and more
13 concretely.

14 Did you and your husband have sexual intercourse on the first
15 wedding night?

16 A. No, we did not. If it is stated so in the video clip, probably
17 that's a mistake. But I -- it is better to refer to my complaint.
18 And I cannot recall everything that I said in the video.

19 Q. I will move away from this subject, and my colleague will ask
20 you probably some more questions.

21 Ms. Civil Party, the woman that you speak to in that last clip,
22 is that your friend, Chhean (phonetic)?

23 A. There is no name by Chhin (phonetic), but the name is Chhean
24 (phonetic).

25 Q. I apologize for my -- more for my pronunciation.

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1 Was she your best friend during DK, and is it correct that your
2 children call her "mom", and vice versa?

3 A. Yes. Under the regime, she stole a piece of potato for me, so
4 she sacrificed herself for me, and I loved her for that. We
5 befriended, although she was older than me, and we became friends
6 since.

7 I recall clearly that when I was very hungry, she went to steal a
8 potato and gave it to me. <She is my friend.>

9 [11.04.47]

10 Q. One question -- I have many others, but one question. Did you
11 and your friend, Chhean (phonetic), have many conversations among
12 each other about what happened during both prospective wedding
13 nights?

14 A. No, we didn't talk much. She came to visit me that night, and
15 my children were not with us, so we sat in front of the house and
16 we talked a little bit as what you could see in the video.

17 Q. Very well.

18 My last question -- my time is running up, Madam Civil Party.

19 Is there anyone that you know of who is still alive today who can
20 somehow corroborate or confirm your story? I mean anyone of the
21 12 couples that were -- wed with you, maybe a militiaman who is
22 still alive, any friends?

23 Is there anyone who would be able to somehow, even on parts of
24 your story, to confirm or corroborate what you have told us?

25 [11.06.35]

45

1 MR. BOYLE:

2 Just a point of clarification, if he's referring to parts of any
3 -- any part of the evidence that the civil party gave, the video
4 includes many discussions with other people that, on the video,
5 corroborate parts of what she has described, so --

6 BY MR. KOPPE:

7 I'm happy to formulate it in the sense that any other one than
8 the persons that one can see on the video.

9 Q. So I'm not speaking about Om or the sister of your brother,
10 but anyone else who could confirm somehow what has happened to
11 you.

12 [11.07.29]

13 MS. PEN SOCHAN:

14 A. No, there is none. And there is only me who can do that
15 because I did not know who liked me and who thought of me during
16 the regime. We did not dare to befriend anyone during the regime.
17 During that regime, if I called someone "bong", then my -- I
18 would be beheaded.

19 MR. KOPPE:

20 I have to stop, Mr. President. Thank you.

21 MR. PRESIDENT:

22 I now hand the floor to the defence team for Khieu Samphan to put
23 question to the civil party.

24 [11.08.15]

25 QUESTIONING BY MR. KONG SAM ONN:

1 Thank you, Mr. President.

2 Q. Good morning, Madam Civil Party. I have some additional
3 questions to put to you, in particular in relation to your age
4 when you got married.

5 Yesterday, you testified that you got married about five to six
6 months before the arrival of the Vietnamese in 1979. You also
7 stated that, at the time, you were between 15 to 16 years old.
8 However, in your <application,> document, E3/6034A, you made
9 mention that you were 14 years old. And that is at 00579598 in
10 Khmer, and English is at <00891280, in French at 00900952>.
11 So please clarify the difference in your form and what you
12 testified in this Court.

13 [11.09.45]

14 MR. BOYLE:

15 Sorry. Just for clarification, that ERN number for that document,
16 she states, "I was forced to get married at the age of 15", in
17 English, at least.

18 MR. KONG SAM ONN:

19 I do not know about what you just said. In English, it is at
20 00891280. That is document E3/4779.

21 (Short pause)

22 [11.11.05]

23 MR. KONG SAM ONN:

24 In document E3/6034A at ERN 00579598, that is on the first page,
25 and I believe the English is also on the same first page.

1 MR. BOYLE:

2 Again, at that ERN, which is -- I've heard a couple of different
3 document numbers now, but the document number I believe you just
4 referenced, the last one, was E3/6034A. That ERN that you listed
5 states that she "was forced to get married at the age of 15".

6 [11.12.08]

7 BY MR. KONG SAM ONN:

8 Allow me to add, in fact, there are two documents. Another
9 document is also existing in Khmer. It's E3/6034B, and it appears
10 on the first page as well. In document <01049457>, she mentioned
11 that "I got married at the age of 14."

12 Q. So in this series of documents, she mentions that she got
13 married at various ages, 14, 15 and 16, respectively. And I'd
14 like to get clarification from the civil party why there is such
15 a discrepancy.

16 MS. PEN SOCHAN:

17 A. I did not mention that it was 14 years old. <If I said 12, it
18 refers to 12 couples and 14 refers to 14 couples.> However, I
19 stated that it was either 15 or 16 years old. <I did not state
20 that I was 14 years old. When> I was 14 years old<,> I was still
21 with my mother.

22 Q. So you do not recognize the document E3/6034B, which is the
23 Supplementary Information Form of you, made on 29 June 2013. Do
24 you deny that document?

25 A. I said that I denied it because I did not mention the age of

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1 14 years old. I mentioned the number of couples who got married.
2 It was either 12 or 14 couples. Maybe somebody who wrote down the
3 complaint made a mistake. <Twelve or 14 refers to the number of
4 married couples.> That's what I said at the time, and I can
5 recall that.

6 [11.14.22]

7 JUDGE FENZ:

8 Do you read and write?

9 MS. PEN SOCHAN:

10 No, I don't. And after I lodged the complaint, I did not review
11 it. But I spoke about the number 13 or 14 when I referred to the
12 number of couples.

13 As for my age, it was 15 or 16 years old because when I was 14
14 years old, I was still with my mother.

15 BY MR. KONG SAM ONN:

16 Q. However, yesterday when you responded to your Lead Co-Lawyer,
17 you said that there were 12 couples who got wed that day,
18 including yourself, and it is not 14. So I don't believe this is
19 a number that refer to the number of couples who got married. Am
20 I correct?

21 MS. PEN SOCHAN:

22 A. Yes, I spoke about the 12 couples. However, when I lodged my
23 complaint, I referred to 14 couples. And maybe the person made a
24 mistake and used the 14 as my age. <My age was 15 or 16 years
25 old. Please double check that.>

1 [11.15.52]

2 Q. I'd like now to refer to the period that you lived with your
3 first husband. <Could you -->

4 JUDGE FENZ:

5 Just reading the documentary reference, actually, she says at one
6 point, "I was only 16 years old" at the time of the marriage.

7 This is 1143726 (sic), or am I in the wrong document now?

8 MR. KOPPE:

9 E3/6034B.

10 JUDGE FENZ:

11 Yes.

12 MR. KOPPE:

13 It says on English, ERN 01143732 that she was 14.

14 [11.16.32]

15 JUDGE FENZ:

16 Yes, but on the lower -- further down, she says 16 years old. So
17 on -- as I said, on 1143726 (sic), she mentions in the narrative,
18 "I was only 16 years old".

19 Anyway, that's --

20 BY MR. SONG SAM ONN:

21 Q. Allow me to continue in the interests of time.

22 And Madam Civil Party, I'd like to ask you about the time that
23 you lived with your first husband. How long did you live with him
24 before you left him?

25 MS. PEN SOCHAN:

50

1 A. I already answered that question yesterday.

2 [11.17.27]

3 Q. Can you please tell the Chamber how long?

4 A. Yesterday, I answered that question, and I also made mention
5 of it in the video clip, so I do not know what else should I say.

6 And as I said, I am illiterate and my memory does not serve me
7 well, and I cannot think of the proper answer to that question.

8 MR. PRESIDENT:

9 Madam Civil Party, the counsel wanted to know how long did you
10 live with your first husband before you separated. It is a simple
11 question and, of course, this is related to your personal living,
12 and I don't believe it is that difficult for you to remember.

13 Could you please answer the counsel's question?

14 MS. PEN SOCHAN:

15 A. We did not live together after we got married since he went to
16 his ploughing unit while I, myself, went to carry human
17 excrements to make fertilizer. He slept at a separate place, and
18 during the initial three days, I did not work in Daeum Roka
19 village.

20 And as I said, I only saw his face for a period of three days.

21 [11.19.12]

22 BY MR. KONG SAM ONN:

23 Q. Thank you.

24 Can you tell the Chamber the date, that is, the date that you
25 parted your husband, that is, you fled to see your mother at her

1 house? Do you recall when that happened?

2 MS. PEN SOCHAN:

3 A. Yes, I can recall that. I fled to my mother.

4 Q. And do you recall the exact date when it happened?

5 A. Yes, I can.

6 Q. Please answer.

7 A. I remember that I went to my mother to ask for help, and I met
8 her for about three hours.< I told her that I was bleeding -->

9 [11.20.11]

10 Q. Yes, we have heard that, but I want to know as to when, that
11 is, the date, the specific date that you went to see your mother.
12 And you said that was the period that you parted ways from your
13 first husband.

14 A. It happened on the fourth night.

15 Q. Does it mean that on the fourth night, you ran to your mother
16 and then you returned?

17 Did you return to your same sleeping quarter, or did you return
18 elsewhere?

19 A. I did not return to my original unit, but I went to Pralay
20 Rumdeng field to look for Chhean (phonetic), whom I used to work
21 with. And you can see that also in the video clip.

22 Q. Are you familiar with Prey Thom? What is it?

23 A. Prey Thom and Pralay Rumdeng is the same. Some people refer to
24 it as Prey Thom, while others refer to it as Pralay Rumdeng
25 because a big <17 April Dam> was built in that area.

1 [11.22.06]

2 Q. You said that you went to Pralay Rumdeng in order to meet a
3 friend. Am I correct?

4 A. Yes, I went to look for my friend.

5 Q. However, in document E3/4779 at ERN that I mentioned earlier,
6 that is, Khmer, 00499825; French, 00900952; English, 00891280;
7 you stated, and allow me to quote:

8 "I continued to Prey Thom to live with my uncle named Khom. I
9 stayed there for a while." End of quote.

10 Can you clarify to the Chamber because in the document, you said
11 that you went to live with your uncle, and now you just said you
12 went to look for your friend.

13 A. Khom was at Daeum Roka, who helped me. However, at Pralay
14 Rumdeng, I did not mention that my uncle lives there because I
15 went there to look for my friend since no one could help me
16 during the fourth night.

17 [11.24.05]

18 Q. You used the word "Ruk Pek" (phonetic) village. Do you know
19 the location of that village,
20 Ruk Pek (phonetic)? And that is in the same document that I
21 referred to. That is a line below what I just quoted.

22 A. I did not know Ruk Pek (phonetic) or maybe I forget about it.

23 Q. And do you have an aunt named An?

24 A. Yes, aunt named An and uncle named Khom, but I did not mention
25 that they lived in the area that you mentioned.

1 Q. In <> your statement, you said that you went to Ruk Pek
2 (phonetic) village and you stayed with your aunt named An for one
3 night. Does that refresh your memory that you made mention of
4 this point in your complaint?

5 A. I recall my aunt named An, but I never lived in Ruk Pek
6 (phonetic) or made mention of Ruk Pek (phonetic) in my complaint.
7 Maybe someone who wrote it down made a mistake.

8 [11.25.44]

9 MR. KONG SAM ONN:

10 I don't have further question, Mr. President, and I'd like to
11 hand the floor to my colleague.

12 QUESTIONING BY MS. GUISSÉ:

13 Q. Good morning, Mrs. Pen Sochan. My name is Anta Guisse. I am
14 International Co-Counsel for Mr. Khieu Samphan, and I'd like to
15 put some additional questions to you.

16 <You mentioned that you had filled out documents several times,
17 so I wanted to discuss with you the various times you filled out
18 documents to participate in this trial>. We have <on> file <an
19 initial document from> 26 of August of 2009, document E3/4779. We
20 have a second document dated 29th of June 2010, document
21 E3/6034A.

22 We have another document dated 29 June 2013, document E3/6034B.

23 And we also have a document that was referred to by Counsel Koppe
24 a while ago. It's a collection of testimonies in which your story
25 appears, and it is document E305/13.23.5 dated October 2012.

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1 My first question is whether you do recall filling out a first
2 form in 2009 and providing supplementary information regarding
3 this trial in 2010 and 2013. Does this refresh your memory?

4 MS. PEN SOCHAN:

5 A. What are these documents?

6 [11.27.48]

7 Q. The first document dated 2009 is the Victim Information Form.
8 The second document of June 2010 is the Supplementary Information
9 Form, and the third document dated the 29th of June 2013 is also
10 a Supplementary Information Form.

11 Does this refresh your memory?

12 A. I lodged a number of complaints. I do not know the content --
13 the exact content of each complaint. And this matter happened
14 <many> years ago, so I cannot recall precisely what I mentioned
15 in those complaints.

16 [11.28.43]

17 Q. I do understand that you may not remember specifically what
18 you stated. But do you agree that you related events that
19 occurred in your life and you referred to the reasons why you
20 lodged a complaint before this Tribunal?

21 A. I recall that I lodged my complaints. That's what I can
22 recall. And when I come to testify here, I was summoned by my
23 lawyer.

24 Q. Fine. So this is, indeed, a point I would like to question you
25 about.

55

1 So when you filed your first complaint, as you said, before this
2 Court, were you accompanied by a lawyer or did you fill out your
3 first form in 2009 alone?

4 JUDGE FENZ:

5 We're getting a translation "filling out alone". This cannot
6 happen with somebody who hasn't -- who can't read and write, but
7 perhaps it's a translation issue.

8 [11.30.11]

9 BY MS. GUISSÉ:

10 Q. Well, let me put my question to you again.

11 You said that you complained before the Court through your
12 lawyer, so my question is: When you filled out your first form,
13 did you fill it out with the assistance of your lawyer?

14 MS. PEN SOCHAN:

15 A. I had a lawyer, but it was my youngest son who helped me
16 writing the complaint. And that is also mentioned in the video
17 clip.

18 I told about my background to my son, who wrote it down.

19 Q. In this process, did he read out the form to you again, the
20 form that you filled out with his assistance?

21 A. After writing, my son read it back to me in some parts. And I
22 have filed the complaint <through my son at Sala Trapeang Chong
23 and he sent it through a bus to my lawyer.>

24 [11.31.58]

25 Q. You said that he read over certain parts for you. Did he read

1 over the part in which you speak about your <wedding night>, and
2 the following nights?

3 A. It was read back to me, but I could not recall well which
4 pages he read back to me and what parts he read <because it
5 happened a long time ago. The Khmer Rouge Tribunal has been
6 running for many years.>

7 I went to Thailand to earn a living, and my memory started to get
8 worse. I had to go to Thailand to earn a living. Otherwise, I did
9 not have something to eat. And later on, <during the Pchum Ben
10 festival, I returned to Cambodia, and> I was invited to come and
11 testify by the lawyer. I was not prepared, in fact.

12 I was in Thailand to earn a living. I did not verify the
13 statements in the document. I depended on my lawyer and also on
14 the Courts. I do not recall all what I said.

15 [11.33.15]

16 Q. Well, I'm putting this question to you because in the first
17 document from 2009, E3/4779, this is what is indicated regarding
18 the first night, and I will quote at French, ERN 009009501 --
19 <sorry,> 00900951. English, 00891280; and Khmer, 00499825:

20 "And the first night, I did not <agree> to make love with my
21 husband. I begged him not to hurt me. That night, he did not
22 force me. However, militiamen were monitoring us to see if there
23 was someone who was objecting to the marriage organized by the
24 Angkar. Then, suddenly, the second night, they summoned my
25 husband to a meeting, and when he returned, he forced me. He

1 slapped me when I refused. Then he tried to force me, but I
2 managed to escape. I ran to ask help from my uncle who lived
3 nearby." End of quote.

4 So now regarding the first two nights, in this document of 2009
5 you say that the first night he left you alone because you begged
6 him, and the second night, however, your uncle helped you.

7 So before this Chamber, you said that the first night he
8 apparently tied you up and that he harmed you. He even slapped
9 you, but he did not rape you <that night>, you said.

10 So can you tell the Chamber what's the true story?

11 A. I did make mention of some points. In fact, it was <not> on
12 <the second night but> the third <one> that my hands were tied.

13 [11.35.48]

14 Q. Fine. So, on the first night, your husband did not tie you up.
15 Is that correct?

16 A. That is correct because there was a heavy rain on that day and
17 it was almost time to work.

18 Q. Well, I have a question, in fact, regarding this time to go to
19 work which you spoke about.

20 When you answered a question from my colleague, I understood that
21 during those three days you said that you had not gone to work.

22 However, yesterday, when you spoke specifically about this first
23 night, you said that you heard at 2 a.m. a whistle and that <you
24 lined up> to go work.

25 So can you tell us if, yes or no, during those three days, you

1 went to work?

2 A. I gave my responses. I did not --

3 MR. PRESIDENT:

4 Please hold on.

5 And you may now proceed, Pich Ang.

6 [11.37.09]

7 MR. PICH ANG:

8 What I heard in Khmer from the lawyer that the civil party
9 responded to the question that the -- during the three days, the
10 civil party did not go to work. And from my -- to my
11 recollection, I did not recall that the civil party did say like
12 what the counsel stated. And if there is any point stating -- if
13 there is any point in the transcript, please give us the
14 reference.

15 BY MS. GUISSÉ:

16 Q. Well, yesterday, a little bit after 2.33.54 in the afternoon,
17 you said: "I begged him. I begged him for his mercy. He fell
18 asleep. At 2 o'clock in the morning when I heard the whistle, I
19 went to stand in line with the others."

20 So can you specify what you mean by this when you say that you
21 went to stand in line with the others? Where was it, and what was
22 it to do?

23 [11.38.18]

24 JUDGE FENZ:

25 May I just interrupt so we clarify that? I think what counsel

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1 wanted is the reference to, obviously, where you were referring
2 to Counsel Koppe or somebody else that she had said it at time
3 that she hadn't gone to work during these three days.

4 MS. GUISSÉ:

5 Well, the reference is what she said today, so I do not have the
6 <references. I do not have the exact draft - of what she said
7 today. But I am speaking before all of the parties>. I heard
8 today that she said that she did not go to work during those
9 three days. <So,> I'm referring to yesterday's transcripts where,
10 at 2.33.54 in the afternoon, she said that she heard the whistle
11 and, therefore, that she went to stand in line because that meant
12 that she had to start working.

13 So my question is, after the whistle blew and when she stood in
14 line, was it to go work?

15 [11.39.18]

16 MR. PICH ANG:

17 Mr. President, yesterday and today, I have not heard that the
18 civil party did not go <> to work during the three days.

19 MR. PRESIDENT:

20 Please do not interrupt the questioning time of the Defence
21 Counsel for Mr. Khieu Samphan. This time we are hearing the
22 testimonies of the civil party, and we do not recall sometimes
23 what the civil party said. We have to ask for confirmation.

24 You may now proceed, Counsel Anta Guisse.

25 [11.39.57]

1 BY MS. GUISSÉ:

2 Q. So therefore, I heard today, and I insist <that it is in my
3 notes>, that you did not work during those three days. So my
4 question is: Did you work during those three days; yes or no?

5 MS. PEN SOCHAN:

6 A. I can give my response. I did not say that I did not go to
7 work during the three days. I did say that I heard a whistle at 2
8 a.m. in the morning and I had to stand in row to go and carry
9 <the human excrement> fertilizer <>. During the testimonies, I
10 did not say that I did not go to work.

11 Again, at 2 a.m., I heard the whistle and I stood in rows and
12 then went to work.

13 Q. Fine. You said that you <were subject to a re-education
14 session> by your unit chief after your first night; is that
15 correct?

16 A. Yes.

17 Q. In your first 2009 statement which I mentioned to you earlier,
18 document E3/4779, you do not speak about any <re-education>
19 sessions. You speak, however, about meetings, which your husband
20 apparently was summoned to.

21 So do you remember if you spoke about <being subject to
22 re-education sessions> in one of your previous statements?

23 A. I stated about the refashioning. And as for the case of my
24 husband, <I was not aware of it because we were living
25 separately, 3 kilometre away. I was refashioned for two days.>

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1 [11.42.47]

2 Q. Whether it be in document E3/4779 or document E3/6034A or
3 document E3/6034, which are your supplementary statements, you
4 did not speak about this <re-education session>, so did you speak
5 about it and maybe did the people who wrote up this record forgot
6 to include it?

7 A. I stated yesterday and today I did not know how the record was
8 recorded. And I did say about the refashioning.

9 Q. I do not have much time left, so I have to move ahead.

10 Do you remember taking part in the <collective> book that was
11 published in October 2012, <titled "The Past and the Present of
12 Forced Marriage Survivors">? Do you remember having spoken to
13 someone and having told that person your account so that that
14 account <could be included in the collective book>?

15 A. Regarding that book, I would like to ask for a clarification
16 where you got the book from.

17 [11.44.46]

18 Q. Well, we obtained it because it's on the case file, and your
19 name appears in it, Ms. Pen Sochan, 51 years old. And let me read
20 out the page in English, which is 00992330 of document
21 E305/13.23.5. And you are described. You are 51 years old, living
22 in Boeng Chhuk village, <Khnar Totueng commune,> Bakan district
23 in Pursat province; and "<She's a poor peasant and a> widow with
24 six children, five girls and a boy <who is the youngest>".

25 I'm sorry for not having warned the interpreters that I was going

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1 to <switch> languages, but this is a document that was placed on
2 the case file. I don't know if it's on the list of the Lead
3 Co-Lawyers. But in any case, it's a book that appeared in October
4 2012.

5 So do you remember having taken part in the book <or> having told
6 someone about your personal story <so that it would be published
7 in> this book about forced marriages?

8 A. I could recall, but there is a mistake there. <I do not have
9 six sons. Actually> I had six children, five daughters and one
10 son. And it was the other way round what I heard from you. <My
11 son is the youngest.>

12 [11.46.25]

13 Q. Maybe there was an interpretation issue or maybe I didn't put
14 the question properly. But it's written, indeed, five daughters
15 and one son.

16 In any case, in this document, this is what is indicated, and I
17 will read it out in English.

18 First, it is specified that when you got married, you were the
19 youngest among the people getting married.

20 So is it true that you were the youngest person at the ceremony
21 when you got married?

22 A. Yes, I was the youngest at the time.

23 Q. Do you know how old the other people were, the other women who
24 got married? <Let's talk about the women.>

25 A. I do not know their age. There was no calendar for us to

1 consult with at the time.

2 [11.47.48]

3 Q. Well, my time is soon up, so I'd like to move on to another
4 document.

5 You said in your statement of 29 June 2010, E3/6034A, that in
6 1977 you were forced to get married, and you were only 15 years
7 <old>. So is this a date that you provided or is this an error
8 committed by your lawyers or by the people who wrote up your
9 statements?

10 A. I did not know which year it was. All I can recall is that I
11 got married before the Vietnamese came into the country five or
12 six months before that. We did not have any calendar to consult
13 with, and no one was there to tell us about the date, month or
14 year. <I cannot recall it.>

15 Q. One point of clarification that I'd like to bring up. <You
16 corrected the statement you made yesterday.> You said today that
17 it was during the third night that your husband tied you up.

18 So my question is: In the room where you were tied up, were you
19 alone with your husband or was there someone else in that room?

20 A. On that day, there were five <> militiamen, that's what I
21 included in what I told yesterday. They were -- they were
22 standing watching us, and <> they shouted at us that we had to
23 make children for Angkar. <That's what I said yesterday.>

24 [11.49.53]

25 MR. PICH ANG:

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1 Mr. President, yesterday I did not hear from the civil party
2 stating that she wanted to correct that she was not tied up on
3 the first day but, in fact, on the third day. And if there is any
4 transcript for reference, I would like to have that from counsel.

5 BY MS. GUISSÉ:

6 I didn't say yesterday. I said earlier, when you were answering
7 my questions in which I confronted her with her <own initial>
8 statement. And today, she corrected herself. She said that it was
9 not on the first night that she was tied up by her husband, but
10 on the third night.

11 That's what she said today<, a few minutes ago>, not yesterday.

12 Q. So since I don't have much time, let me wrap up.

13 So if I understood your answer well, you said that during that
14 third night when your husband tied you up, the militiamen were in
15 the same room as you. Is that correct?

16 [11.51.11]

17 MS. PEN SOCHAN:

18 A. That is correct. And they were standing in the front.

19 MR. PRESIDENT:

20 Please listen to the question carefully. The counsel wanted to
21 know if the militiamen were also there in the same room <while
22 you were sleeping with your husband. How big was the room that
23 could fit five militiamen? Or were they outside and they saw you
24 and your husband consummating the marriage?>

25 MS. PEN SOCHAN:

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1 I already clarified for the Court that the militiamen were in the
2 front. They were not in the same room, and they were standing in
3 front of my hut at the time. There was a bed and the room was
4 small.

5 I did not say that they were in the same room as we were.

6 [11.52.11]

7 BY MS. GUISSÉ:

8 Q. I had understood otherwise <in the translation>.

9 <And where were the - you say "they were in front". Where were
10 they exactly,> in relation to the hut? Were they <in front of>
11 the door? When you say "in front", in front of what?

12 MS. PEN SOCHAN:

13 A. They was on the way. They were in front of the entrance of the
14 hut. They were standing there. There was a door, and then they
15 were before the door. And I was inside the hut.

16 And the walls of the hut were made of thatch. The walls were not
17 completely closed.

18 Again, they were standing on the entrance leading to the door of
19 the hut.

20 [11.53.17]

21 Q. I see that my time is up, so this will be my last question,
22 and I can't do otherwise.

23 I put this question to you because in your document, E3/4779 at
24 French, ERN 00900952; at English, ERN 00891280; and at Khmer, ERN
25 00499825; this is what is said:

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1 "He grabbed my hands and managed to rape me. I tried to escape
2 this rape <with all the strength I could muster>, but I wasn't
3 successful. And furthermore, the militiamen were under the house
4 to monitor us." End of quote.

5 So does this refresh your memory, and can you tell the Chamber
6 where, exactly, were the militiamen? Were they under the house or
7 were they <at> the door <at the entrance>?

8 A. I talked about it yesterday. They were standing at the
9 entrance of the hut.

10 Q. So this is an error in the first document that I've just
11 quoted from, the first document that you filled out in 2009.

12 A. I filled in that form, and as I told you, I have five
13 daughters and one son. And in the document, from what I heard, it
14 says I have five sons, one daughter, so it's not correct at all.

15 MR. PRESIDENT:

16 What's going on? Do you want to address something, Co-Prosecutor?

17 [11.55.32]

18 MR. BOYLE:

19 Yes, Mr. President. In addition to the fact that we are now 10
20 minutes over the additional 15 minutes that were given to the
21 defence teams, I'd just like to point out that there is a
22 difference of translation between what I heard the English of the
23 French, which said "underneath the house", and the English
24 version of that same document, which said "from the ground
25 floor". So it's not necessarily clear that the translation that

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1 counsel's relying on to indicate that there might have been an
2 error in this regard is accurate.

3 MS. GUISSÉ:

4 My Khmer-speaking colleagues tell me that in Khmer it means
5 "under the house", yes.

6 So we will base ourselves on the Khmer original.

7 And thank you, Mr. President, for these extra minutes, and I'm
8 going to now close my examination.

9 [11.56.50]

10 MR. PRESIDENT:

11 I thank you very much, Mrs. Pen Sochan.

12 Now you may make the victim impact statement, that is, your
13 sufferings which you experienced during the DK <relates to the
14 accused, Khieu Samphan and Nuon Chea>. And if you may want to do
15 so, please proceed.

16 MS. PEN SOCHAN:

17 During the regime, I had a lot of sufferings as a Cambodian
18 child. I was born as a woman, but I did not have a formal
19 wedding. I was forced, in fact.

20 I was raped, and I was suffering bodily. And I had blood coming
21 out of my body.

22 I was hit by the <> back of the hoe <> and I still have the scar
23 on my head nowadays. I had a swollen ankle. I could not even walk
24 to work. And I was whipped by a man on a horse, and I collapsed
25 <and fell into the water.>.

1 [11.58.22]

2 <> I am a victim, and I want to file the complaint against the
3 accused. I want the younger generation to know what was going on.
4 And at the time, I was suffering. I lost my father, my mother and
5 also four other siblings were suffering from the bad ordeal.

6 <My head was wounded,> I have <to take> psychotic medicines every
7 day <with the support from TPO>. I have <to use> them

8 <regularly>. <However, I am not allowed to keep the medicine.>

9 During that authoritarian regime, I had suffered a lot. And <>
10 after the regime, I met a bad husband. Then I continued to suffer
11 a lot. <I lost relatives and grandparents. They were killed. We
12 were misled by their propaganda that we needed to put our clothes
13 on and join the army. They appealed to us to dress up and get on
14 a car to go to work in the Royal Palace. After that they
15 disappeared.> I loved my father. He never beat me. I do not know
16 where he was killed.

17 Regarding my cousins, they were all educated. They were taken
18 away and killed.

19 How this authoritarian country did such bad things to its own
20 people? We lost a lot in the regime. We lost relatives and
21 cousin. A can of rice <> was given to us for a group of 30
22 people.

23 [12.00.32]

24 I lost my relatives. I lost my property and my house. My mother
25 had a swollen disease in the Khmer Rouge time and, later on,

1 after we lived in a peaceful country, she passed away.

2 At the moment, I am a widow with six children. <> I have been in
3 a foreign country to make a living for two years. <I don't have a
4 house.> I have never had a happy life.

5 <I visited my child's house and> I was invited and summoned by my
6 lawyer to come here. I do not have more to say, but one question
7 to put to the accused through Mr. President.

8 I would like to ask the accused the question: Why people whom we
9 did not know each other were matched up to get married? What was
10 it for?

11 And the second question is as follows. Why people were put under
12 forced labour and other people were killed, even the educated
13 people?

14 [12.01.55]

15 I would like to put these questions to the accused through the
16 President why they did such things to us.

17 I would like to ask for reparations to have the pagodas and
18 schools built so that the younger generation are informed of what
19 had happened. I would like them to be educated, to have education
20 not to be in the same situation like me that I am not educated.

21 And I do not want <> the authoritarian regime to come back in
22 this country.

23 I would like to ask this question to the accused through Mr.
24 President.

25 [12.02.50]

1 MR. PRESIDENT:

2 I am grateful to you, Madam Civil Party.

3 <The Chamber would like to inform you that after the hearing on
4 the> 8th January 2015, the <two> accused exercised the right to
5 remain silent, and they still continue to exercise this right.

6 And until the Chamber is informed by their defence counsel for
7 the accused that they resort to answer the question, then the
8 Chamber may allow them to respond.

9 And it is incumbent on the defence counsel to inform the Chamber
10 that the accused have changed their position and agree to provide
11 their responses to the questions.

12 [12.03.44]

13 Again, as of now, the Chamber is not informed that the co-accused
14 have changed their position and has agreed to provide their
15 answers. Under the domestic and international laws, the Chamber
16 <> cannot force the accused to provide responses to the question
17 as -- in the case that they exercise the right to remain silent.

18 I am again grateful to you, Madam Sochan for coming here to give
19 the victim impact statement and also to provide the Chamber with
20 your sufferings.

21 The hearing of your statement has now come to an end. Your
22 statements will contribute to the ascertainment of the truth. You
23 may now be excused.

24 You may return to your residence or to any place where you wish
25 to go. I wish you good health, good luck and prosperity.

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1 [12.04.45]

2 Court officer, please work with the WESU unit to send the civil
3 party to her residence or to any destination she wishes to go.

4 In the afternoon, the Chamber will proceed to hear 2-TCW-960. And
5 this civil -- the witness will be assisted by the duty counsel,
6 Sok Socheata, please be informed.

7 And it is now time for lunch break. The Chamber will resume its
8 hearing at 1.30.

9 Security personnel are instructed to bring Mr. Khieu Samphan to
10 the room downstairs and please bring him back into the courtroom
11 in the afternoon before 1.30.

12 The Court is now in recess.

13 (Court recesses from 1205H to 1331H)

14 MR. PRESIDENT:

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

16 This afternoon, the Chamber will hear 2-TCW-960; however, before
17 proceeding to hear this witness, the Chamber would like now to
18 issue rulings in relation to the requests of parties and then
19 proceed to hear the submissions of parties.

20 [13.32.45]

21 The first ruling is on the request of the Co-Prosecutor --

22 International Co-Prosecutor to admit documents from Cases 003 and
23 004 pursuant to Rule 87.3 and 87.4; E319/52 and E319/58.

24 The Chamber has been informed by emails on 10 and 12 October
25 2016, that the International Co-Prosecutor intends to use the

1 statements contained in documents E319/52.3.1, E319/52.3.3, and
2 E319/58.2.4, in the course of the upcoming hearing of witness
3 2-TCW-960 scheduled to testify today.

4 [13.33.50]

5 These documents are the subject of the International
6 Co-Prosecutor's requests, E319/52 and E319/58 <are> pursuant to
7 Internal Rule 87.4 and 87.3 filed on 25 July and 1st September
8 2016, respectively. A Trial Chamber decision on this request is
9 current -- is currently pending. In view of witness 2-TCW-960's
10 imminent appearance, the Chamber will rule on the admission of
11 these three documents now.

12 The Chamber notes that the Khieu Samphan defence filed a response
13 to E319/52 on 29 August 2016, objecting to the admission of
14 document E319/52.3.1 and E319/52.3.3.

15 The Chamber further notes that counsel-related responses by the
16 Nuon Chea defence and Khieu Samphan defence to the
17 <International> Co-Prosecutor's <> requests, <pursuant to the
18 Internal Rule 87.4,> E319/56 and E319/58 were filed on Monday,
19 10 October 2016, in which they objected to the admission of
20 E319/58.2.4.

21 [13.35.33]

22 The admission into evidence of documents E319/52.3.1,
23 E319/52.3.3, and E319/58.2.4 is opposed on the grounds of
24 untimeliness and irrelevance. Having considered the submissions
25 of the parties, the Chamber, noting the requirements of Internal

1 Rule 87.3 and 4, decides to admit the following documents into
2 evidence and assigns them document number in brackets; E319/52.3.1
3 in bracket (E3/10682) and its attachment E319/52.3.1A in bracket
4 (E3/10682A), E319/52.3.3 in bracket (E3/10683), E319/58.2.4 in
5 bracket (E3/10684). The written reasons will follow in due
6 course.

7 [13.37.26]

8 The Chamber further wishes to admit, on its own motion, document
9 E319/52.2.17, Written Record of Interview of witness 2-TCW-960.
10 Document E319/52.2.17 contains five attachments, all of which are
11 <> photographs; E319/52.2.17.1 through 5.

12 The Chamber recalls its practice to admit into evidence all prior
13 statements of civil parties, all witnesses who appear before it
14 pursuant to Internal Rules 87.3 and 4. The Chamber, therefore, in
15 the interests of justice, admits into evident document
16 E319/52.2.17 and its five attachments and assigns them document
17 numbers E3/10681 and E3/10681.1 through 5 respectively.

18 [13.39.04]

19 The second ruling is on the Lead Co-Lawyer's request for an
20 additional day for the impact hearings. The Trial Chamber is
21 seized of the Lead Co-Lawyer's submission of the list of civil
22 parties to testify during the hearings on harms suffered for the
23 fifth segment of Case 002/02, that is, document E315/1/7, which
24 includes a request for one additional day for these hearings on
25 the basis that the Chamber is no longer hearing civil party

1 2-TCCP-264, and that none of the parties would be prejudiced by
2 this request.

3 The Khieu Samphan defence filed its response on 12 October 2016
4 objecting to the request.

5 The Chamber recalls that on 28 June 2016, it notified that the
6 parties <> that civil parties will be accorded one day instead of
7 two days for the harm suffered hearings on the trial topic of
8 Regulation of Marriage, noting the large number of civil parties
9 selected; document E421.

10 [13.40.45]

11 While the Chamber notes the civil -- the Lead Co-Lawyer's
12 submission that civil party 2-TCCP-264 has since been found unfit
13 to testify for medical reasons and has been withdrawn from the
14 list of appearances <> in relation to the trial topic of
15 Regulation of Marriage, document E29/493/2, <the Chamber> also
16 notes that it has added civil parties 2-TCCP-283 and 2-TCCP-1064
17 to its list.

18 Overall, 16 civil parties have testified or will testify during
19 the course of Case 002/02 on this topic, nine of whom are
20 appearing during the segment on Regulation of Marriage. The
21 Chamber, therefore, finds that its original reasoning allocating
22 one day to this hearing is still valid and it denies the Lead
23 Co-Lawyer's request for an additional day. The Chamber orders
24 Lead Co-Lawyers to file a revised submission of the list of civil
25 parties to testify during the hearings on harms suffered for the

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1 fifth segment with a proposed schedule of one day.

2 [13.42.37]

3 Next, the Chamber is intended to hear the oral submissions on the
4 request of defence Nuon Chea <> in accordance with <Internal>
5 Rule 87.4. The Chamber is seized of the request of defence team
6 for Nuon Chea under Internal Rule <> 87.4 to admit <8> documents
7 into evidences and the request under Internal Rule 93 in relation
8 to the two documents on the expert 2-TCE-98 which <> were filed
9 on 11 October 2016, document E445/1. In the schedule, the Chamber
10 is intended to hear 2-TCE-98 next week.

11 On 12 October 2016, the Chamber has -- the Chamber informed
12 parties that the Chamber is intended to hear oral argument or
13 submission of parties in relation to the request, E445/1 today
14 after the conclusion of the testimony of Pen Sochan.

15 Now, the Chamber is hearing the oral submission and responses of
16 the parties in relation to the request. The floor is first given
17 to the defence team for Mr. Khieu Samphan to respond to the
18 request of Mr. Nuon Chea defence team. You may now proceed.

19 [13.44.24]

20 MS. GUISSSE:

21 Thank you, Mr. President.

22 In principle, we do not object to the application made by our
23 colleague of the Nuon Chea team. The elements they want to tender
24 into evidence are relevant to the testimony of the expert who
25 will appear subsequently.

1 As regards to time, we do not have any difficulties because we
2 <have known for some time> that the Chamber <had> scheduled that
3 witness. So all we have to do is to make some additional
4 submissions on document number 8, which <I believe> will be the
5 most in dispute.

6 [13.45.11]

7 <Because these are the> letters by late Norodom Sihanouk in
8 respect of which an Rule 87.4 application had already been made
9 <during the interrogation of expert witness Mr. Hinton> and the
10 Chamber had rejected that application initially on the grounds
11 that <this correspondence was dated after> 1979 and was therefore
12 not relevant.

13 As regards the schedule of the expert's testimony regarding
14 <armed conflict, and in particular> the geopolitical situation
15 <of the region> at the time and relations with Vietnam, on this
16 particular <point> -- on these particular documents as part of
17 the first Rule 87.4 application, we had endorsed it because we
18 were of the view that the discussions with the expert would be
19 interesting as regards King Norodom Sihanouk's speeches regarding
20 Vietnam, in general, and the different positions that he held in
21 the course of time.

22 <Though they are dated after 1979, these> letters by <Norodom>
23 Sihanouk relate to a time when relations between Cambodia and
24 Vietnam were very important and they also correspond to the <time
25 period which falls under the> scope of this trial. And as part of

1 the general discussion on geopolitics regarding the
2 <stakeholders> at the time and the <challenges and> the different
3 strategies of <both> countries, it appears that those discussions
4 are particularly <pertinent and will contribute to the
5 discussion>.

6 [13.46.53]

7 And once more, we will be discussing these matters with an expert
8 who worked on the Soviet archives and who focused on the
9 <stakeholders> of that period, Norodom Sihanouk being <one> of
10 those <stakeholders>. And the speeches that <he> delivered
11 before, during, and after Democratic Kampuchea are <overall>
12 relevant <to> the discussion. <And I think that, even if the
13 Chamber initially - because> they refer <specifically> to the
14 term "Yuon" <in the speeches --> the Chamber had held the view
15 that it wasn't relevant <within the scope of> the discussion with
16 expert <witness> Hinton, and as regards the <discussion with the
17 upcoming> expert <witness>, we believe that it will be a useful
18 element in the discussions we'll have with him. At least, we, the
19 Khieu Samphan defence team, consider it relevant.

20 These are, by and large, my submissions on <this document list>,
21 Number 8, which concerns Norodom Sihanouk.

22 [13.48.01]

23 As for the rest of the matter, I will refer to the submission
24 made by the Nuon Chea defence team <given how recently the expert
25 witness was scheduled, there is no reason not to admit them into

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1 evidence.>

2 MR. PRESIDENT:

3 Thank you.

4 And it is now time for the deputy co-prosecutors to respond to
5 the request -- International Co-Prosecutor, rather, to respond;
6 my apology. So you may now respond to the request of Mr. Nuon
7 Chea defence team.

8 [13.48.53]

9 MR. KOUMJIAN:

10 Thank you, Mr. President.

11 First, we respond with the proviso that we haven't had a chance
12 to study these documents in depth. I think they were filed one or
13 two days ago. We were notified of them, I think, on the 11th and
14 it's about 300 pages.

15 But in general, we know the Chamber's practice on granting 87.4s
16 for documents that were available before the start of the trial
17 as all of these are. We would note that all of them have some
18 relevance. Our view is that none of them are exculpatory; that's
19 one of the factors Your Honours consider.

20 Many of them are authored by the expert who's coming to testify
21 and in line with the general practice about witnesses, we would
22 not object to the admission of any of the documents authored by
23 the expert. So I think that would be the first attachment, the
24 second, the third, the sixth.

25 13.49.59]

1 We would object, as of no real relevance, the other documents
2 with the exception of the last; the eighth, which counsel for
3 Khieu Samphan just addressed which are various letters from
4 Sihanouk, His Majesty, to the Vietnamese government.

5 These are certainly relevant; however, we would ask that if they
6 are admitted, in line with the prior ruling of Your Honours that
7 rebuttal evidence could be considered when new evidence is
8 admitted, that three additional documents come in. We sent those
9 by email because we think it's important to present the views of
10 King Norodom Sihanouk in a fair and in total and not selectively
11 and these other articles, I think, add a more complex, a more
12 complete picture of the views of Norodom Sihanouk, particularly
13 towards the Democratic Kampuchea regime itself.

14 So that is our submission. Thank you.

15 [13.51.07]

16 MR. PRESIDENT:

17 Thank you.

18 And now Lead Co-Lawyer for civil parties to respond to the
19 request of the defence team.

20 MS. GUIRAUD:

21 Thank you, Mr. President. We will rely on the discretion of the
22 Chamber.

23 MR. PRESIDENT:

24 The Chamber is grateful to all parties for -- and now you have
25 the floor first, Koppe.

1 MR. KOPPE:

2 Thank you. Sorry for interrupting, Mr. President.

3 In its response, the prosecutor also--

4 JUDGE FENZ:

5 Made a... made a request of rebuttalling. I think we should give--

6 MR. KOPPE:

7 Yes.

8 [13.52.06]

9 JUDGE FENZ:

10 --the floor--

11 MR. KOPPE:

12 Yes. Yes.

13 JUDGE FENZ:

14 --to the parties too.

15 MR. KOPPE:

16 Yes.

17 JUDGE FENZ:

18 So and you're addressing that now.

19 MR. KOPPE:

20 Yes, I am. Yes, that's the request sent by email, I believe,

21 today, introduced as a -- as rebuttal evidence. I think that's

22 new in this Court. Two things -- two formal responses, Mr.

23 President.

24 [13.52.34]

25 First of all, the Chamber set a very strict deadline for filing

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1 any new documents under Rule 87. That deadline was set this
2 Tuesday. As you have observed, we followed that deadline
3 strictly, but the Prosecution has not. Now, calling it rebuttal
4 evidence doesn't change that because this is a very old
5 discussion that's going on in this courtroom. They could have
6 anticipated that -- or they -- as a matter of fact, they could
7 know that Morris extensively discusses late King Father
8 Sihanouk's position. So the mere fact remains that the
9 Prosecution is too late with its request.

10 [13.53.38]

11 Secondly, the three documents are three "Washington Post"
12 articles written by Elizabeth Becker in January 1979. Although,
13 we see the relevance, as such, of the documents, I would like to
14 remind the Chamber that we have filed recently two 87 requests,
15 all in relation to the armed conflict with Vietnam, requesting --
16 requesting 28 documents to be admitted in total. However,
17 although we do not have your reasoning yet -- it was an oral
18 decision -- I would like to remind the Chamber that publications
19 of another expert, Nayan Chanda, in the "Far Eastern Economic
20 Review", which are more or less the same type of articles; the
21 request to have those admitted were rejected by the Chamber,
22 presumably because they were known quite a long time and we
23 should have filed that request earlier.
24 If that is, indeed, the reasoning, as I-- as I said earlier, I
25 don't know, but I presume then under that same reasoning, the

1 Chamber should now reject those two articles from Elizabeth
2 Becker.

3 [13.55.31]

4 JUDGE FENZ:

5 The very short comment: When it comes to the rebuttal-evidence
6 thing, I don't want to be too extensive on that, but I refer
7 counsel to our decision E421/4 where we allowed it under certain
8 circumstances.

9 MS. GUISSÉ:

10 Thank you, Mr. President. Very briefly as regards to the
11 Co-Prosecutor's application: As I pointed out earlier, the issue
12 of the <correspondence> and the position of Norodom Sihanouk had
13 been dealt with previously by the defence teams. It is true that
14 if the Prosecution had been of the view that the position of King
15 Sihanouk was very important, they should have done so at the
16 time. They didn't do so then.

17 [13.56.29]

18 Now, I do not know whether the Chamber views the matter as one of
19 probative value, but the documents that the Nuon Chea defence
20 team is seeking to tender into evidence are from Norodom Sihanouk
21 directly. Now, they're <just articles and> commentaries by
22 Elizabeth Becker on the position of <Norodom> Sihanouk as part of
23 the relevance <and importance of his> position. <From the
24 perspective of the defence, we obviously place importance upon
25 documents that have come from the parties themselves. Now, the>

1 Chamber <will> determine its importance, but this is a topic that
2 is very important for the Prosecution, that was not the case in
3 the past.

4 When I look at the responses that were <given> when we requested
5 that prior speeches and <correspondence> be tendered into
6 evidence, the Prosecution was of the view that it wasn't
7 relevant, so I would like the Chamber to take into consideration
8 this past <positions> of the Prosecution.

9 [13.57.40]

10 MR. KOUMJIAN:

11 I rose to my feet earlier just to make the point that Judge Fenz
12 made. My recollection was that the decision of Your Honours
13 specifically allowed the Prosecution to make additional 87.4s
14 after the 1st of September only if it is in rebuttal to new
15 evidence admitted. And in our view, these views are not just
16 Elizabeth Becker's commentary; they are and include direct
17 quotations from, at the time, Prince Norodom Sihanouk about his
18 views, about what happened to him during the DK period.

19 So we think to -- for the Chamber to have a complete picture of
20 his views, it would be in the interests of the truth to admit,
21 additionally, these articles in addition to the letters.

22 Thank you.

23 MS. GUISSÉ:

24 Mr. President, yes, it is not a response to the Prosecution; it
25 is an application. I do not know what the position of the Chamber

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1 will be regarding new documents to be presented by the
2 Prosecution, but if the decision of the Chamber were to admit
3 <them>; I would like to file an application <before the
4 Co-Prosecutors>.

5 [13.59.06]

6 And in the three articles that were disclosed, I see on the first
7 page of each document, I see that it's a note on <it being one
8 out of> 27 documents. I understand <from skimming> the three
9 articles that this is a series of articles on Norodom Sihanouk
10 written by Elizabeth Becker, so there are several articles on the
11 subject. So if the Chamber were to admit those articles, we've
12 not been able to find them during the lunch break online, but all
13 of the series of articles would have to be looked at to see
14 whether there are any other issues raised in the quotations of
15 Sihanouk.

16 I don't know whether I am clear enough. When the documents were
17 provided by the Prosecution <we see the number - document number
18 9 of> 27 -- number 7 <of> 27, number 10 <of> 27, which appears to
19 indicate that there would be other articles on the same subject
20 and we've not been able to find them online. So this is a
21 supplemental application I would like to make <if necessary>.

22 JUDGE FENZ:

23 I'm not sure I completely followed the application, so perhaps we
24 take it step by step. You said it is in case the Chamber makes
25 certain decisions, so perhaps we wait for the application for the

1 decision of the Chamber, yes.

2 [14.00.52]

3 MR. KOUMJIAN:

4 Maybe just to assist counsel or Your Honours, I -- my

5 understanding of the 27 -- 7 of 27 is somebody went to the

6 "Washington Post" website, put in some search terms and they

7 produced 27 documents. I don't know what exactly those search

8 terms were and these are three of the 27 documents.

9 The document -- the eighth document that counsel's has asked for

10 was, of course, the subject of E396/4 where it was rejected and

11 it -- it's being asked for again.

12 Our request for these three articles to be admitted is only

13 provided that the Defence application to admit its last document

14 and Sihanouk's letters is admitted.

15 Thank you.

16 [14.01.45]

17 MR. PRESIDENT:

18 Thank you, parties. The Chamber will make decision on these

19 matters in due course.

20 Court officer, please usher witness and duty counsel into the

21 courtroom.

22 (The witness enters the courtroom)

23 [14.02.41]

24 MR. PRESIDENT:

25 Judge Lavergne, you have the floor.

1 JUDGE LAVERGNE:

2 Thank you, Mr. President.

3 Just a point of clarification for the parties before we start
4 hearing the testimony of the next witness. The Chamber,
5 therefore, has declared admissible the WRIs E3/10683 and E3/10684
6 and the person who was heard is going to benefit from extended
7 protection measures from the OCIJ and if the parties wish to
8 refer to the identify of this person, a pseudonym will have to be
9 used and the pseudonym is 2-TCW-1066.

10 Furthermore, I'd like to add that if the parties wish to read
11 excerpts from these WRIs, this will have to be done in camera.

12 [14.04.04]

13 QUESTIONING BY THE PRESIDENT:

14 Q. Good afternoon, Mr. Witness. What is your name?

15 MR. CHEAL CHOEUN:

16 A. My name is Mr. Cheal Choeun.

17 Q. Thank you, Mr. Cheal Choeun. When were you born? <Do you
18 remember?>

19 A. I was born on 27 August 1952.

20 [14.04.40]

21 Q. Thank you. And where were you born?

22 A. I was from Prasat village, Svay Doun Keo commune, Bakan
23 district, Pursat province.

24 Q. And where is your current address?

25 A. Currently, I live in Ou Ta Paong, Bakan district, Pursat

1 province.

2 Q. What is your current occupation?

3 A. I am a rice farmer.

4 Q. What are the names of your parents?

5 A. My father is Cheal and my mother is Pel Keng.

6 Q. What is the name of your wife and how many children do you
7 have?

8 A. My wife is Sokh Sang and we have seven children.

9 Q. Thank you, Mr. Cheal Choeun.

10 The greffier made an oral report this morning that you are not
11 related by blood or by law to any of the two accused, that is,
12 Nuon Chea and Khieu Samphan, or to any of the civil parties
13 admitted in this case; is the report accurate?

14 A. Yes, it is.

15 [14.06.41]

16 Q. Have you taken an oath before you appear before the Chamber?

17 A. Yes, I have.

18 MR. PRESIDENT:

19 The Chamber now would like to inform you of your rights and
20 obligations as a witness.

21 Regarding your rights: As a witness in the proceedings before the
22 Chamber, you may refuse to respond to any question or to make any
23 comment, which may incriminate you. That is your right against
24 self-incrimination.

25 [14.07.20]

1 For your obligations: As a witness in the proceedings before the
2 Chamber, you must respond to any questions by the Bench or
3 relevant parties except where your response or comment to those
4 questions may incriminate you as the Chamber has just informed
5 you of your right as a witness. You must tell the truth that you
6 have known, heard, seen, remembered, experienced, or observed
7 directly about an event or occurrence relevant to the questions
8 that the Bench or parties pose to you.

9 BY MR. PRESIDENT:

10 Q. And Mr. Cheal Choeun, have you been interviewed by OCIJ
11 investigators and during the past years and if so, how many
12 times?

13 MR. CHEAL CHOEUN:

14 A. I was interviewed once.

15 Q. And when did it happen and where?

16 A. I came to this Court, although I, myself, <have> never been in
17 this courtroom itself. <It was done in the Judge's office.>

18 [14.08.50]

19 Q. Thank you. And before your appearance, have you reviewed or
20 read the written record of your interview in order to refresh
21 your memory?

22 A. Yes, I read it.

23 Q. Thank you. And to your best knowledge, can you tell the
24 Chamber whether the written record of your interview that you
25 have read is consistent with what you told the interviewer?

1 A. Yes, it is.

2 MR. PRESIDENT:

3 Thank you. And Mr. Cheal Choeun, during the proceedings, you are
4 assisted by a duty counsel, which is assigned to you by WESU per
5 your request, and we have Mrs. Sok Socheata who is sitting next
6 to you.

7 And I'd like to hand the floor now to Judge Lavergne to put
8 question to this witness.

9 [14.10.21]

10 QUESTIONING BY JUDGE LAVERGNE:

11 Thank you, Mr. President.

12 Good afternoon, Witness. I am Judge Lavergne and I'm going to put
13 a few questions to you this afternoon.

14 Q. Witness, can you tell us if during the DK period; that is to
15 say, after 17 April 1975, if you were part of the Revolutionary
16 Army of Kampuchea; were you a soldier in that army?

17 MR. CHEAL CHOEUN:

18 A. At that time, I was not a full-right soldier since I was a
19 monk from 1970 to 1975.

20 Q. We will get back later, maybe, to your past as a monk. For the
21 moment I'd like to focus on, however, the fact if you were a
22 soldier or not and as of when, if you were, and until when were
23 you a soldier and what were your duties, what rank did you have
24 and what were your activities as a soldier?

25 [14.12.00]

1 A. In 1975, after I left the monkhood, I lived in my native
2 village and due to the difficult living condition, I fled to
3 Battambang. Over there, at Ou Sralau, I knew people and I was
4 told to stay there and that happened after the peace period.
5 I was not sure of my exact duty when I was there because I was
6 told to work there and the next day, I was given a weapon to
7 carry <and a bullet container>. I was also given a mosquito net.

8 Q. So when you were given a weapon and when you were given a
9 mosquito net, then you knew that you had joined a military unit;
10 is that the case and if yes, which military unit were you part
11 of?

12 A. When I stayed there, I knew that I was in Unit 35 and in
13 Battalion <> 18.

14 Q. Can you tell us how many people there were in Battalion 18 and
15 was this battalion part of a regiment or of a division?

16 A. I did not know the regiment and the division because I was
17 there for a short period of time only. I only was there because I
18 was staffed to remain living there and then I was in that Unit
19 35, Battalion 18, but I did not know the number for the regiment
20 or the division.

21 [14.14.38]

22 Q. Can you tell us what the name was of your company commander
23 and can you tell us if your unit was attached to the district, or
24 to the region, or to the zone, if you know?

25 A. Unit 35 was under the supervision of the zone. I do not

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1 remember the company number; however, I knew that <Roeut>
2 (phonetic) was in charge of that company.

3 Q. So you're telling us that your unit was part of the zone. So
4 when you speak about zone, you <are> referring to the Northwest
5 Zone, I suppose, and how did you know that your unit depended on
6 the zone?

7 A. I knew that because we were told that we were part of the
8 zoned army.

9 [14.16.11]

10 Q. You just said, I believe, that the person in charge of your
11 company was called Roeun (phonetic); however, in your WRI
12 E3/10681, you mention a so-named Vo euth, so can you tell us if
13 this is Vo euth or Roeun (phonetic) as the company commander?

14 A. His name was <Roeut> (phonetic).

15 Q. And do you remember the names of other high-ranking people
16 outside of Roeun (phonetic) in your unit?

17 A. I do not recall their names. I only know the names of the
18 platoon leader who stopped me to stay there and his name was
19 Doeun.

20 Q. How long did you remain in Unit 35?

21 A. I was there for a -- about a month.

22 [14.18.00]

23 Q. And what happened during the month when you were in Unit 35;
24 did anything special happen?

25 A. I was told to go to provide protection to soldiers who were

1 sent to receive Samdech.

2 Q. And I imagine that you're referring to events that occurred at
3 Phnom Thipakdei mountain?

4 A. Yes.

5 Q. Fine. We'll get back to these events a little later on.
6 Can you simply, however, tell us who gave you the order to
7 accompany these soldiers and whom did you meet as the
8 higher-ranking people <at that time>?

9 A. At that time, Doeun, who was the unit's chief, told us to
10 prepare ourself to go and to provide protection.

11 [14.19.32]

12 Q. Now, on site, did you meet someone by the name of Saroeun
13 alias Ren?

14 A. At that time, I did not see him. I only heard other people
15 talking about him, but personally, I did not see him.

16 Q. So what did you hear when you were there regarding Ren, or
17 Saroeun alias Ren; what did you hear about him?

18 A. When the soldiers arrived, I heard guns being fired and people
19 said Saroeun alias Ren shot them from behind.

20 Q. Fine, we will get back to this event later. But now, I would
21 like to focus on Saroeun's duties; do you know what his rank was?
22 You said in your WRI that he was, if I'm not mistaken, a division
23 commander, so can you confirm that he was a division commander?

24 A. At that time, I heard soldiers who were there said that he was
25 from the division.

1 [14.21.43]

2 Q. And do you know which division this was and if he was heading
3 that division or did he belong to the sector or to the zone?

4 A. I am unsure about that. I did not know whether there were
5 other people above him.

6 Q. And do you know if he's alive or if he died?

7 A. During the period of the three years regime, I heard people
8 saying that he was taken away, but I did not know where he was
9 taken to.

10 Q. Fine. Do you have more information regarding the military
11 organization within the Northwest Zone; do you know how many
12 divisions there were, how many regiments there were stationed in
13 the Northwest Zone?

14 <A. I did not know -->

15 [14.23.22]

16 MR. PRESIDENT:

17 Please hold on and Counsel Koppe, you have the floor.

18 MR. KOPPE:

19 Yes, thank you, Mr. President.

20 For the record, I believe it is necessary that we object to the
21 questions from Judge Lavergne and presumably, his following
22 questions and allow me to explain that.

23 We object for reasons of the possible appeal, if that ever comes,
24 in 002/02. The reason are the following: In a month from now, the
25 Supreme Court Chamber will render its decision as to events that

1 happened at Tuol Po Chrey.

2 As everyone knows in this courtroom, Tuol Po Chrey was a central
3 -- one of the central issues in 002/01. Tuol Po Chrey is
4 mentioned in his WRI; however, in 002/01, we didn't only discuss
5 Tuol Po Chrey, but of course, all -- also the command structures
6 within the Northwest Zone at the time. If we are now going
7 further in this direction, we might, at least to an important
8 extent be retrying 002/01 when it comes to Tuol Po Chrey.

9 [14.25.10]

10 I would like to remind the Chamber of objections that were made
11 by the -- by us during the hearings of 2 and 3 February of this
12 year where we were asking questions about the evacuation in Phnom
13 Penh and it was then that Mr. President, on the 3rd of February
14 on around 10.56, told the Lead Co-Lawyer: "Lead Co-Lawyer, in
15 fact, your question may be related to the scope of 002/01 which
16 was already concluded."

17 Here we are having a different scope for the proceedings in Case
18 002/02 and it may be a waste of time. Only a limited number of
19 questions were allowed in relation to the scope and as you
20 observed, there were several objections from other parties on the
21 other side of the Bench in relation to the questions which are
22 outside the scope of Case 002/02. That was the President.

23 The objection earlier of the Prosecution was on the 2nd of
24 February and then Judge Fenz reminded me, actually, "Counsel, I
25 guess the confusion is because if your follow-up question is

1 about the evacuation of civilians, then we have a problem with
2 the scope."

3 [14.26.56]

4 Now, the response could be we are dealing with the treatment of
5 Lon Nol soldiers and Lon Nol policy. That is up for debate, but
6 that's your ruling so far.

7 However, now, we are getting very, very close, almost immediately
8 applying these standard to something which is now under the
9 judgment of the Supreme Court Chamber. So it is not only because
10 we might be discussing Tuol Po Chrey, it is exactly what happened
11 in April '75 in the Northwest Zone; what it's command structures
12 was that is going to be subject of the appeal judgment.

13 [14.27.48]

14 So now, retrying this in this courtroom is something that we need
15 to object to, albeit for appeal reasons later. So even if this
16 witness is going to be testifying about the fate of Lon Nol
17 soldiers; not necessarily at Tuol Po Chrey, it is so closely
18 connected to what this Trial Chamber has tried -- has adjudicated
19 in 002/01 that we believe that these questions should not be
20 asked and that's why we object.

21 JUDGE LAVERGNE:

22 Just a point of clarification: So did I put one single question
23 regarding what happened at Tuol Po Chrey; yes or no? I don't
24 think so. Did I put one single question regarding the evacuation
25 of Phnom Penh? Unless we are not <listening to the same thing>, I

1 don't think so.

2 The question that I put to this witness regarded the military
3 organization when he was a soldier within the Northwest Zone. So
4 I still don't understand the objection.

5 [14.29.20]

6 MR. KOPPE:

7 But you will be addressing and lead -- you have been asking
8 questions leading up to almost similar events as to Tuol Po Chrey
9 and that is why we believe this witness is here so that he can
10 add new evidence as to what exactly happened in the aftermath of
11 the liberation in the Northwest Zone.

12 And you can look at it in a very narrow sense; I'm not talking
13 about Tuol Po Chrey, or as we believe, you should view it in a
14 broader sense; it's not only Tuol Po Chrey or whatever he's going
15 to be testifying to, it's also about structures in the Northwest
16 Zone and how the Northwest Zone was related to the Centre. That
17 is exactly what the Supreme Court Chamber will be giving its
18 judgment on in a month from now.

19 [14.30.10]

20 JUDGE FENZ:

21 Sorry, is your real problem, Counsel, that is said today could
22 have an impact on the Supreme Court judgement or I -- because I
23 find it a bit difficult to follow--

24 MR. KOPPE:

25 Of course.

1 JUDGE FENZ:

2 --the argument.

3 MR. KOPPE:

4 Of course. I might -- I may remind the Chamber that Judge Milart
5 asked Toit questions about events that were very similar,
6 allegedly, to Tuol Po Chrey. So this whole chain of events and
7 the way the command was structured in the Northwest Zone is
8 something that we are now anticipating a judgment for.

9 [14.30.52]

10 JUDGE FENZ:

11 So let's put it down to the essentials. What you're saying is
12 you're objecting to a question in one trial because it might have
13 an impact in an -- on a -- in a pending appeal -- on a pending
14 appeal?

15 MR. KOPPE:

16 It's outside the scope and we have tried this. This -- the issue
17 of what happened in Northwest Zone has been subject of 2 --
18 002/01; that's why I refer to earlier events in the testimony of
19 Meas Voeun where a similar discussion arose in -- but then in
20 relation to the evacuation and what happened to civilians during
21 the evacuation.

22 MR. KOUMJIAN:

23 Thank you.

24 Your Honours, in response to Counsel's statement that the reason
25 the witness is here is because of the massacre that he's going to

1 testify about of Lon Nol soldiers, he's here because counsel, the
2 defence for Nuon Chea, requested him and only withdrew the
3 request; I believe it was Monday.

4 [14.32.04]

5 The witness speaks about several points; first, as counsel
6 acknowledges, his evidence is relevant to the policy of targeting
7 Lon Nol officers, which is within the scope of Case 002/02. He
8 also will speak on the Regulation of Marriages, we expect, and on
9 these -- the persecution of Buddhists. So that's why he's
10 relevant.

11 The WRI specifically says this witness told the investigators he
12 was not at Tuol Po Chrey.

13 But in any event, first, I make a promise; the Prosecution is not
14 going to attempt to admit this witness' testimony on the appeal
15 of 002/02, the judgment of -- for which we've been waiting a
16 couple of years for and is expected next month, so it can't
17 possibly harm the Defence.

18 And the implication that the Judges would be influenced by
19 testimony not part of the record, counsel cited testimony of a
20 witness who testified on the appeal; again at the request of the
21 Defence, which is part of the appeal record. Case 002/02 evidence
22 clearly is not part of the appeal record and there's no reason to
23 believe that the Judges of the Supreme Court will consider
24 evidence outside of the record, which is clearly improper for
25 them to do.

1 So thank you, Your Honours.

2 [14.33.36]

3 MR. KOPPE:

4 A very quick response, if I may. The Supreme Court Chamber was
5 provided with the WRI of this witness because of the
6 Prosecution's obligation to disclose it to the Supreme Court
7 Chamber. So under that same obligation, you can promise whatever
8 you would like, Mr. Prosecutor, but you have to provide it to the
9 Supreme Court Chamber.

10 MR. KOUMJIAN:

11 Well, I could be wrong about that, but I'm -- perhaps Counsel can
12 tell me when we did that because it doesn't fit the criteria that
13 I understood of the Supreme Court. My mic's not -- I -- it's -- I
14 certainly won't swear to it. Perhaps Counsel has it, but it would
15 not have fit the criteria for disclosure that the Defence -- that
16 the Supreme Court had ordered.

17 [14.34.44]

18 MS. GUIRAUD:

19 Mr. President, I have some very brief remarks because I haven't
20 understood the objection of Counsel Koppe. But what is obvious is
21 that the <Appeals Court holds closed debates>, so I do not
22 understand the <problem or the objection, so I will refrain from
23 making any remarks.>

24 (Judges deliberate)

25 [14.36.10]

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1 MR. PRESIDENT:

2 The Chamber overrules the objection put by the defence team for
3 Mr. Nuon Chea, Koppe, because the objection is unreasonable on
4 the basis of law.

5 You may now go on, Judge Lavergne.

6 JUDGE LAVERGNE:

7 Just for purposes of clarification, because I'm not sure that the
8 translation in French was clear, the objections raised by Mr.
9 Koppe are not well founded; <for this reason,> the objection is
10 <overruled>.

11 [14.36.57]

12 BY JUDGE LAVERGNE:

13 Q. Witness, I will read out to you <from> a WRI with title,
14 "Record of the <Standing Committee's Visit> to the Northwest
15 Zone." It's document E3/216 and this record is dated 20th to the
16 24th of <August> 1975, and the relevant ERNs are as follows: in
17 French, 00343375; in Khmer, 00008486; and in English, 00850974;
18 and this is what is stated on it.

19 "The zone army <was divided into> two brigades: one on the
20 <border> and in Sisophon, and the other at the rear. A brigade is
21 assigned into 10 battalions with 350 men each.

22 "In the sectors near the border, T1, T3, and T5, an arrangement
23 of two battalions each comprised of 500 to 600 men <per
24 battalion> has been made. <In a district, there are -->"

25 I believe in English it reads as follows -- it's not clear in

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1 French, but in English it is, "There is <one> company in one
2 district, while an interior sector has one battalion."

3 Does what I have just read out to you correspond to what you were
4 able to find out regarding the military structure in the
5 Northwest Zone or <is that subject beyond your knowledge>?

6 [14.39.06]

7 MR. CHEAL CHOEUN:

8 A. <It> is beyond my knowledge on this particular point <because>
9 I was there <for a short time. It was about a month. Then I was
10 reassigned to work as a> railroad worker <>.

11 Q. I will revisit your activities as <a railway> worker in that
12 area. <For now, what I want to know, is the following: You said
13 your> unit was part of the zone; do you know the superiors, the
14 officials of the Northwest Zone?

15 A. The leader at the zone, his name was Ros Nhim. I never met him
16 personally. I did not know his face, I have <only heard> of his
17 name.

18 Q. What was the highest rank you held in the army; were you a
19 platoon chief; were you unit chief, or did you hold any ranks
20 higher than those?

21 A. I do not understand the question. You are asking me or you're
22 asking me about other individuals?

23 [14.41.18]

24 Q. I am talking of you, sir. Were you a simple soldier or you had
25 a rank in the army and if yes, what was the highest rank you ever

1 attained?

2 A. I was simply a private. I never received any rank. I was there
3 roughly one month. I never became the chief.

4 Q. You have told us that you never saw Ros Nhim; however, did you
5 ever receive any instructions from Ros Nhim?

6 A. I never received any order from him, but I was <only> under
7 his command at the Northwest Zone.

8 Q. As part of your duties as a soldier, did you ever have to take
9 part in activities relating to the transportation of weapons <or>
10 ammunition with a view to storing them in warehouses?

11 A. Never.

12 [14.43.28]

13 Q. And yet you stated in your record of interview, and it is
14 document E3/10681, that when you were a rail -- railway worker
15 and you said that at the time you were still a soldier and this
16 is what you state and it is answer number 76 and I'll read it in
17 English.

18 "There, I was still a soldier. After I had been at the railway
19 station for one month, they assigned me to carry weapons to be
20 stored in the warehouse."

21 Question: "When they assigned you to carry weapons to be stored
22 in the warehouse, were you still receiving orders from a military
23 commander?"

24 "Réponse": "No, I was not. I did not have the right to receive
25 orders from anyone."

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1 Now, do these answers remind you of anything; do they jog your
2 memory and if yes, can you clarify what you meant?

3 [14.45.05]

4 A. <I was assigned to work as a railway worker.> Upon my arrival,
5 the immediate supervisor told me to deliver the weapons <to> the
6 warehouse and after that I did not know where the weapons were
7 kept. I was only told that I had to deliver the weapons at that
8 place and later on, I did not know where the weapons were stored.

9 Q. In concrete terms, you transported those weapons from where up
10 to what location and if I understand you correctly, that happened
11 in 1975; is that the case?

12 A. Regarding the weapons, weapons had to be collected from
13 houses, and then delivered to Pheap's and my rifle or weapon was
14 also given to that individual who were there to receive.

15 Q. And who was Pheap? Who was Pheap?

16 (Short pause)

17 [14.47.39]

18 MR. PRESIDENT:

19 Could you hear me<, Mr. Witness>? The gadget runs out of battery?

20 (Short pause)

21 [14.48.14]

22 BY JUDGE LAVERGNE:

23 Q. Witness, can you hear me?

24 MR. CHEAL CHOEUN:

25 A. I can hear you now.

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1 Q. Well, you have spoken of a person called Pheap; can you tell
2 the Chamber who Pheap was and where did you take the weapons you
3 transported and to what location did you transport them; was it
4 somewhere else? Was it Battambang or somewhere else?

5 A. <When> I was sent to work as a railroad worker and Pheap was
6 in charge of me. He told me to gather the weapons and keep them
7 in the warehouse and those who owned the weapons or rifles had to
8 hand over them <to him at his house next to the railway station.>

9 [14.49.28]

10 MR. PRESIDENT:

11 It is now <time> for a break. The Chamber will take a short break
12 from now until five past 3.00.

13 Court officer, please find a proper waiting room for the witness
14 during the break time and please invite him back into the
15 courtroom, together with the duty counsel, at five past 3.00.

16 The Court is now in recess.

17 (Court recesses from 1449H to 1508H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Court is now back in session and again, the floor is given to
21 Judge Lavergne to continue putting further questions to the
22 witness.

23 BY JUDGE LAVERGNE:

24 Thank you, Mr. President.

25 Q. Witness, you just were telling me that so-named Pheap gave you

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1 the orders to go look for weapons and ammunition to bring them to
2 a warehouse. I understood that, according to you, Pheap was the
3 person in charge of the railway unit in which you were one of the
4 workers. So can you tell us if you know what the aim of this
5 transportation of weapons and ammo was to the warehouses; what
6 was the purpose of this?

7 [15.09.36]

8 MR. CHEAL CHOEUN:

9 A. I do not know where the weapons were transported to or the
10 purpose of storing those weapons. We were told that since we were
11 the railroad workers, there was no need for us to carry weapons
12 and since we were no longer soldiers. That's what we were told.

13 Q. So these weapons were weapons that in the past were borne by
14 soldiers who had been disarmed because they had been assigned to
15 more civilian tasks, tasks that did not require weapons; is that
16 what I should understand?

17 A. The weapons were taken from former soldiers who were sent to
18 work as railroad workers.

19 [15.10.55]

20 Q. Fine. At one point in time, when you were a soldier and when
21 you worked for the railway <or afterwards>, did you ever hear
22 about <plans for rebellion>; about <plans> entailing the
23 involvement of certain cadres in the Northwest Zone and for them
24 to rebel against the Centre?

25 A. I did not hear about such plan; however, the person who was in

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1 charge of the railroad workers instructed the workers there
2 regardless of their status, whether they were 17 April People or
3 Base People, that we had to engage in military training in our
4 respective units. We were subdivided into smaller groups to
5 engage in such exercise and we did not allow for other people
6 know about such exercise.

7 [15.12.22]

8 Q. So you underwent military training; can you tell us when it
9 took place and do you know what the purpose was of this training;
10 was it to reinforce the country's defence or was there another
11 reason for this?

12 A. At that time, we were not told specifically the objective of
13 the training. We were told to undergo the training and not to let
14 other units know about our training; for example, those who
15 worked in the commerce section and those who works in the
16 factories.

17 We were subdivided into smaller groups and we engage in such
18 military training nearby within the facility of our unit and we
19 did not allow other units to know about the training and the
20 training took place in the late afternoon and it lasted about
21 half an hour daily.

22 Q. So the fact that you were told not to speak about this; was
23 this something exceptional or generally speaking, were you
24 obliged to keep secrecy regarding the activities that you were
25 entrusted with?

1 [15.14.23]

2 A. To my observation, we were exceptional, that is, we, the
3 railroad workers' unit, was required to undertake such training
4 while other units did not have to and we were not told any -- of
5 any specific reason to engage in such exercise; however, we were
6 told to keep it a secret.

7 Q. During this period, were you ever in contact with communist
8 groups <from Thailand?> And did you ever go to Thailand in order
9 to transport goods or equipment?

10 A. No, I never did that. I was a part of the railroad workers and
11 I was not a part of the road builders or the transporters.
12 We were required to work for segments of the railway station,
13 that is, from the railway station in Battambang to the north
14 direction, that is 8 kilometres away to that direction and 8
15 kilometres to the east direction. And our group only concentrated
16 on these 16 kilometres stretch.

17 [15.16.24]

18 Q. Can you tell us how long the military training lasted? Did it
19 last for a long time because at one moment you said that you were
20 a soldier while still working for the railway unit?

21 So what was your exact <status>; were you a soldier or were you a
22 civilian assigned to the railway unit?

23 A. I was a civilian.

24 Q. So if I'm not mistaken, at one point in your statement you
25 said that you were manufacturing bombs. So did you take part in a

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1 bomb or explosive manufacturing workshop?

2 A. No, I did not. I never manufactured any bomb. I was a railroad
3 worker until the arrival of the Vietnamese.

4 [15.18.00]

5 Q. In your Written Record of Interview at answer 121, you said
6 that: "During that regime, I was making bombs, and they also
7 assigned my group to work in that section."

8 So I understood that you were speaking about the railway units
9 going from Kbal Khmaoch to Ou Sralau. So you are telling us today
10 that this was not the case, that you were not <manufacturing>
11 bombs, you did not make any explosives. Is that what you're
12 telling us?

13 A. I did not involve in any such task. I worked on the railway,
14 that is, from Kbal Khmaoch toward Battambang and from Battambang
15 to Ou Sralau. I actually worked on the railway and the bridge,
16 the crossing bridge. If the bridge was broken, we fixed it first
17 before we built the railroad, and that was my main task.

18 [15.19.26]

19 Q. Thank you for these clarifications. Now, I would like to ask
20 you if during these last years, if you were <in contact> with
21 film directors, people <that might have come to see you or> that
22 you might have met because they wanted to make <movies or>
23 documentary films?

24 A. Yes, the film producer made a contact with me and I was
25 required to go along with them.

1 Q. Can you describe these people to us? Do you remember their
2 names?

3 A. I did not know the person clearly. His name was Sambath and he
4 was with a foreigner whose name I cannot pronounce.

5 Q. So if I say that his name was Rob Lemkin, does that somehow
6 jog your memory?

7 A. Yes, when you said that name I recalled it. He was the
8 filmmaker with Sambath.

9 Q. Do you remember when exactly you met these people; what was
10 the date?

11 A. I do not recall it. I did not pay much attention to that,
12 however, the two came to make a film.

13 [15.22.00]

14 Q. You said earlier, if I understood well, that you accompanied
15 these people. Can you tell us where you <accompanied them>, with
16 what purpose, and how many times you travelled with them?

17 A. I don't recall that clearly; however, if the filming was
18 nearby, I was asked to assist them in finding the venue or the
19 location for shooting and I was contacted throughout the filming
20 process.

21 Q. Do you remember if you went to Thailand with <these> film
22 directors?

23 A. Yes, I recall that.

24 Q. And what happened over there in Thailand?

25 A. Nothing happened when we arrived. At one location, the two

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1 people who accompanied Sambath were interviewed. I was also
2 interviewed but I did not know anything so I did not know what to
3 tell them. However, I went along with them.

4 [15.24.17]

5 JUDGE LAVERGNE:

6 Fine. Mr. President, I'm going to ask to screen an excerpt of the
7 video "Enemies of the People" which is indexed E186.1R in the
8 part called in English "Additional Footage: Videoconference
9 Victims and Perpetrators".

10 This is an excerpt that begins at minute 5 and 22 seconds, so if
11 the AV Unit could please be so kind as to screen this excerpt.

12 MR. PRESIDENT:

13 AV Unit, please play the segment requested by Judge Lavergne.

14 [15.25.20]

15 (Audio-visual presentation in Khmer)

16 [15.26.00]

17 BY JUDGE LAVERGNE:

18 Q. Witness, please do not mention the names of the people who
19 were attending that meeting if you know these people. But can
20 you, however, simply tell us if you recognize yourself in this
21 excerpt? And if that is the case, are you the person speaking?

22 MR. CHEAL CHOEUEN:

23 A. Yes, it's me that is the person who speaks.

24 [15.26.41]

25 MR. KOUMJIAN:

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1 Your Honours, I just wanted to let you know -- at least in the
2 Prosecution side -- we had nothing on our screens, and we're
3 familiar with the segment played so we don't need it replayed,
4 but perhaps there's a technical issue with our screens. I don't
5 know if anyone else -- the others had it? None of the --
6 apparently -- the Prosecution side got it, thank you.

7 [15.27.09]

8 JUDGE LAVERGNE:

9 Was the Defence able to see the video excerpt? So if you do not
10 object <to> this, maybe we could proceed.

11 BY JUDGE LAVERGNE:

12 Q. Witness, can you tell us what happened, if you remember,
13 during that meeting? Can we say that there was, on one hand
14 people who were living abroad, and, on the other hand, there was
15 a group of three people who were former Khmer Rouge soldiers or
16 cadres? <Do you want me to repeat my -->

17 MR. CHEAL CHOEUN:

18 A. I do not fully get your question.

19 [15.28.10]

20 Q. Would you like me to repeat my question? Fine.

21 So what was the purpose of that meeting in which we see you? What
22 was this meeting about; what was the purpose of that meeting?
23 You're speaking to certain people. To whom are you speaking?

24 A. When I speak, in fact, I speak to a group of overseas Khmer
25 people. They were emotional about what happened during the three

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1 years' regime and when they put the question to the two <people>
2 who were on <the trip with me>, I responded to the question and I
3 told them what happened during the regime.

4 Q. Very well. Without giving the names of the two other persons
5 who attended the meeting with you, can we say that those were
6 persons who had either participated or been in charge of the
7 execution of prisoners during the Democratic Kampuchea regime?

8 [15.29.55]

9 A. The two people to -- what I know about them, that is when they
10 were interviewed by the team of producers -- and allow me to say
11 that I did not know them during the three years' period since we
12 lived in different provinces. <They lived in Pursat and I was in
13 Battambang.>

14 When they took part in the filming process and after they were
15 interviewed -- and allow me to clarify I was not there when they
16 were interviewed, only later on they told me about them so I knew
17 about what happened about what they did during the regime.

18 Q. And did you know whether those persons had executed prisoners
19 or were in charge of the execution of prisoners?

20 A. After they were interviewed, that is what they told me. They
21 said that they did all those things.

22 Q. Very well. Let us return to the <film directors>. You have
23 told us that you knew them. Can you tell us whether, at any point
24 in time, you were offered money to participate in the production
25 of that film?

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1 A. They did say that. After they produced the film, they would
2 provide some; however, I never received anything from them as of
3 now.

4 [15.32.23]

5 Q. Right. I will now read out to you a document. It is an extract
6 from a book written by Gina Chon and Thet Sambath and it is
7 titled in English, "Behind the Killing Fields". And this
8 document's reference number is E3/4202 and the relevant ERN in
9 English and -- is as follows, 00757532; in French, 00849437 to
10 38; and in Khmer, 00858343; and this is what is stated therein:

11 "<Ros Nhim> gave an order to Cheal Choeun, a commander of a
12 regiment, <to contact the Thai communists,> who stored rice,
13 dried fish and stored weapons for them up until when they would
14 launch an attack. He sent the goods to Thailand at night."

15 And here he quotes what Cheal Choeun said. "'I was very
16 disappointed that our plan failed', Cheal Choeun declared in an
17 interview. 'When I was in a re-education camp, I regretted the
18 fact that we have not been the first to attack. I would have
19 preferred to die fighting in order to implement the plan rather
20 than to stay in a camp'."

21 Now, Witness, <have you> heard what I have just read out? <Did
22 you> make statements that correspond to what I have just read
23 out?

24 [15.35.10]

25 MR. KOPPE:

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1 Yes -- I'm not sure if it's an objection but at least it's an
2 observation.

3 I would like to remind the Chamber of its memo to all parties,
4 E29/489/1, a memo of 27 September in which filmmaker Lemkin
5 says--

6 JUDGE LAVERGNE:

7 <Look, if you have some comments on the veracity of what may be -
8 come out of the book, perhaps> it's better <to let> the witness
9 to respond first. <I don't want you to> try to influence the
10 witness's answer.

11 MR. KOPPE:

12 Yes, but he didn't say it.

13 JUDGE LAVERGNE:

14 <I think the> question is perfectly clear, and I think the
15 witness is in a position to answer the question.

16 [15.36.32]

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. I would like to make my observation
19 regarding the names concerned. I heard the name in Khmer was not
20 pronounced clearly, <Chael Chhoeun> (phonetic) in the document,
21 not Cheal Chhoeun (phonetic). The name is <Chael Chhoeun>
22 (phonetic).

23 JUDGE FENZ:

24 The only question that has been asked to this witness, if he ever
25 said that. So none of the comments I have heard have any bearing

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1 on this very question.

2 Can we please go ahead?

3 BY JUDGE LAVERGNE:

4 Let me also recall that the original version of this book is in
5 English and not in Khmer. <So what I am reading makes sense.>

6 Q. Witness, would you like me to read out to you the <passage>
7 again? Do you remember the question? <Can you answer my
8 question>, and does it correspond to what you said?

9 [15.37.46]

10 MR. CHEAL CHOEUN:

11 A. No. Concerning that name, I have never heard of it, no.

12 MR. PRESIDENT:

13 Cheal Choeun, have you ever heard the name <Chael Chhoeun>
14 (phonetic)?

15 MR. CHEAL CHOEUN:

16 No, I never know this guy. I have never heard of the name and I
17 do not recognize him or her.

18 [15.38.18]

19 JUDGE FENZ:

20 Can we please answer the question? Did you ever say something --
21 or did you ever say what the Judge just read to you? The answer
22 is yes or no.

23 Do you remember what he said or do you want it to be re-read?

24 MR. CHEAL CHOEUN:

25 I would like Judge to read it again.

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1 BY JUDGE LAVERGNE:

2 Q. Very well. So <excerpt> of the book by Gina Chon and Thet
3 Sambath:

4 "Ros Nhim instructed Cheal Choeun, a division commander, to
5 contact Thai communists who would store rice, dried fish and
6 weapons for them until they staged their attack. They transported
7 the goods to Thailand at night" and here Cheal Choeun's words are
8 quoted and this is what he stated: "'I was very sorry our plan
9 was not successful', Cheal Choeun said in an interview. 'When I
10 was detained in a re-education camp, I <was sorry we> had not
11 been the first to attack. I would have preferred to die in battle
12 implementing this plan than stay in the camp'."

13 Once more, does this correspond to the statements that you made?

14 [15.40.35]

15 MR. CHEAL CHOEUN:

16 A. No, it does not. It does not. It is not consistent.

17 Q. Very well. Were you held in a camp referred to as a
18 "re-education camp" in this document? And, if yes, at what time
19 and why?

20 A. I was never held in the so-called re-fashion camp. I was a
21 railroad worker until the Vietnamese came into the country. I was
22 never detained in any camps.

23 Q. Well, thank you for this clarification.

24 I would like us to now talk about what happened when you were a
25 soldier and were given a weapon.

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1 [15.41.38]

2 MR. KOPPE:

3 Thank you, Mr. President. This is exactly what I anticipated
4 would happen now. The public that is following these proceedings
5 is left in the dark as to what one of the other two filmmakers
6 said is that this particular person never actually said that and
7 that Thet Sambath mixed this person up with someone else.
8 So I need that to be on record so that the public who is
9 following these -- this interrogation, this examination, is very
10 well aware of what's happening.

11 JUDGE LAVERGNE:

12 Counsel Koppe, if you have anything specific to quote in which
13 <Rob> Lemkin says Cheal Choeun <did not say something attributed
14 to him>, then tell us. <We want to know. I don't know.> Do you
15 have any specific references to provide to us?

16 [15.42.57]

17 MR. KOPPE:

18 If you had let me finish my earlier observation, I was referring
19 to your own memo in which you refer to an email of Rob Lemkin of
20 1 September 2016 where he specifically says In Toun (phonetic)
21 and Cheal Choeun are: "Incorrectly named on pages 104 and 106,
22 respectively, of 'Behind the Killing Fields', a book I had
23 nothing to do with."
24 So he is telling you that whatever Thet Sambath has addressed to
25 Cheal Choeun is incorrect. So it's only fair, also to the

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1 witness, that it is crystal clear that Thet Sambath incorrectly
2 attributed this particular quote to this witness.

3 MR. KOUMJIAN:

4 I don't have that email in front of me, but I just recall that it
5 was my understanding that when he said they were incorrectly
6 named, he was indicating that he did not have the authority to
7 name these individuals if they were promised confidentiality.
8 That's how I interpreted it, but it does not say anywhere in the
9 email that somebody else said that.

10 JUDGE FENZ:

11 Can we just go ahead and, Counsel, you will raise all of that in
12 all its entirety when it's your turn.

13 [15.44.28]

14 MR. KOPPE:

15 It's very unfair what you're doing, not only toward this witness
16 but also toward the filmmakers. It should be completely
17 transparent as to what is happening. This is your memo
18 incorporating the email of Robert Lemkin. You sent that to all
19 parties and now you're saying, that, well, I -- we don't know
20 about this memo. It's your memo, it's not mine.

21 JUDGE FENZ:

22 We're not saying we don't know about this memo. What I am saying
23 is, raise this when it is your turn. Nobody's hindering you.

24 MR. KOPPE:

25 This -- what does this witness have to do with whatever Thet

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1 Sambath wrote in his book?

2 [15.45.08]

3 BY JUDGE LAVERGNE:

4 He knows what we are talking about, that that is why I am putting
5 questions to him. We will have the opportunity to revisit the
6 matter.

7 Q. I would like us to move to another subject. But I would like
8 us now to talk about your experience now, Witness, when you were
9 a soldier and when you were asked to accompany soldiers in order
10 for them to welcome Samdech Euv.

11 Can you tell us when that event occurred and who were the
12 soldiers you had to accompany?

13 MR. CHEAL CHOEUN:

14 A. The guards were sent to the location first and they were told
15 that to guard the soldiers who were welcoming Samdech. At the
16 time when the soldiers were on their foot, we heard the gunfires
17 behind the lines of soldier and <there was a person who was in
18 charge there ordered> the guards <to shoot.> That is all I know.

19 [15.47.07]

20 Q. Who were the soldiers you accompanied? Were they Khmer Rouge
21 soldiers or Lon Nol soldiers and what were their ranks and where
22 did they come from?

23 MS. GUISSSE:

24 Excuse me, Judge Lavergne. In your previous question you asked
25 for the date of the event and the witness did not answer that

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1 question. It is important in order for us to know <so that we may
2 understand which soldiers he's referring to.>

3 BY JUDGE LAVERGNE:

4 Q. Let us start with that then. On what date did that event
5 occur?

6 MR. CHEAL CHOEUN:

7 A. It occurred after the Khmer Rouge won the victory in the
8 period of 1975.

9 [15.48.20]

10 Q. And who were the soldiers who had to be accompanied?

11 A. It was Lon Nol soldiers.

12 Q. Was it long after the 17 April 1975 or shortly after 17 April
13 1975; do you recall that?

14 A. Immediately after we had peace, the event occurred. Again,
15 immediately after we had peace, people were evacuated from the
16 cities and those soldiers were told to go and welcome Samdech.
17 We did not know <> the plan, their plan, to get the soldiers and
18 commit such things against them.

19 Q. Where were those soldiers?

20 MR. PRESIDENT:

21 What's going on, Anta Guisse?

22 [15.50.02]

23 MS. GUISSÉ:

24 Yes, I'm sorry I have to intervene now<, but it> is appropriate
25 to intervene given the previous answers given by the witness. The

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1 witness has said that <he is speaking of> events regarding
2 soldiers immediately after the victory of 17 April 1975 and at
3 the time of the evacuation of the towns.

4 Here, in light of what the witness has just said, we are dealing
5 with events of Case 002/01 and not within the scope of Case
6 002/02. I say this remark and I think the Chamber should take
7 that into account.

8 JUDGE LAVERGNE:

9 <Ms. Guisse, when did> the Democratic Kampuchea regime start? On
10 the 17 April 1975 or later?<>

11 MS. GUISSÉ:

12 <As regards the events that occurred while the cities were being
13 evacuated>, I believe in your Severance Order and the manner in
14 which the case has proceeded, all that has to do with the
15 <evacuation of the cities and related matters was> part of the
16 scope of Case 002/01.

17 [15.51.13]

18 JUDGE LAVERGNE:

19 I think I can proceed?

20 MR. PRESIDENT:

21 Yes, you may continue.

22 BY JUDGE LAVERGNE:

23 Q. Very well. Where were those soldiers located, the soldiers you
24 had to accompany?

25 MR. CHEAL CHOEUN:

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1 A. They were transported from Battambang.

2 Q. And you have stated that they were Lon Nol soldiers. Did you
3 know their ranks?

4 A. I am not sure on this matter. Later on, people said that they
5 had ranks. I, myself, do not know or what type of ranks they
6 held.

7 Q. And was your assignment, Witness, to take care of those
8 soldiers or something else? What were your duties? What were you
9 assigned to do?

10 A. Those who were sent to accompany those soldiers were told that
11 they had to protect <> those soldiers in order that they could
12 receive and welcome Samdech.

13 [15.53.30]

14 Q. Excuse me, <but what did you want to protect them from>?

15 A. When we were there -- some of them, rather, were privates and
16 we <were not aware of the event in advance>, we were only told
17 that we had to accompany those soldiers to welcome Samdech. And
18 Saroeun alias Ren, together with his workmates, fire at those
19 soldiers. <And after that he ordered the guards to fire at the
20 soldiers.>

21 Immediately after we had peace, I was at Ou Sralau and I had
22 never been in the battlefields. I was terrified at the time and
23 there was a person from the company coming to kick me at the
24 time. And by that time, all those soldiers were fired at. I was
25 kicked by that man because I did not get my gun ready and fire at

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1 those soldiers.

2 As I said, by then<> all those soldiers were already fired and
3 <fell on the ground>, after being told that I had to fire, I just
4 <> pulled the trigger and fired. <I just followed the order. I
5 fired the whole magazine. But before I could pull the trigger, I
6 was kicked because I was nervous since I had never been in the
7 battlefield. The sound of the shooting was too noisy. I could not
8 identify where it was from.>

9 [15.55.24]

10 Q. For the sake of clarity, as regards the soldiers you
11 accompanied, were they armed, I mean the Lon Nol troops? Did they
12 have weapons or <did> only the Khmer Rouge troops <have> weapons?

13 A. Only Khmer Rouge soldiers had weapons but not the Lon Nol
14 soldiers. They were -- the Lon Nol soldiers were only in uniform
15 but they were not armed.

16 Q. How many Lon Nol soldiers did you see being transported there?

17 A. I do not know how many of them being transported there. Based
18 on my assumption when I saw them walking, there were around <> 50
19 soldiers.

20 Q. Was the transportation by means of trucks and, if yes, how
21 many trucks were used for transporting those persons?

22 A. These soldiers <> were transported on trucks. I, myself, did
23 not witness the trucks. They were walking from National Road
24 Number 5 toward <Street 64 to Thepadei Mountain.>

25 [15.58.12]

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1 Q. Do you know what happened thereafter? Do you know what became
2 of the bodies of the persons who were executed?

3 A. Later on, I do not know what they did to those soldiers.

4 <After the incidence, the guards> were chased away <immediately.

5 They were not allowed to stay there>. They were told to go back

6 to the National Road Number 5 and board the vehicles or trucks in

7 order to return <to Moung district.> .

8 Q. Did that happen only once in only one day or on several

9 occasions or a period of several days?

10 A. I know <that> only one event<>.

11 [15.59.32]

12 Q. And did you hear, even though you may not have attended or

13 witnessed it, did you know whether <this happened again with>

14 other soldiers <being> transported on another occasion?

15 A. No, I don't, and I have never heard of that.

16 When I was sent to Moung one day, I asked them, I asked Doeun, my

17 acquaintance, I asked him why those soldiers were transported to

18 that location and were treated that way, and the reply is that

19 why I needed to know.

20 And I believe that <> it was a bad question, so I was silent. And

21 a few days later, I was removed and sent to be a railroad worker.

22 While I was being sent to the railroad location, I was still

23 armed. It was only after I was at the railroad site <where> the

24 weapon <was> removed from me and I was <told to keep the weapon>

25 in a house <there>.

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1 And from that time onward, I was working and living as a railroad
2 worker until the entry of the Vietnamese.

3 [16.01.36]

4 Q. When you worked as a railroad worker, did you note if there
5 were people who had been arrested, people who would disappear?

6 And if yes, as of when did you observe such events happening?

7 A. When I was there, initially, I cannot recall the date, and <>
8 I did not think of or try to find out when it was, Pheap told me
9 to get the weapons and store them at the warehouse. There was one
10 name disappeared. In fact, Pheap disappeared at <night time in>
11 the initial stage and the day after Pheap's wife told me that he
12 <was taken away>.

13 And, later on, <Ta Nil (phonetic)>, the chief of the railroad
14 unit in charge the location from Svay Doun Keo <to Poipet> also
15 disappeared. He was called to join the study session and then
16 disappeared.

17 Then Ta Hoeun (phonetic) alias Mom from Pursat was invited to
18 have an overall responsibility at Battambang. Shortly before the
19 Vietnamese came into the country, that Mom, that person named Mom
20 <was> also <invited to join the study session and> disappeared <>
21 as well.

22 So I know that three individuals named by me disappeared, but I
23 do not know where they disappeared.

24 [16.03.50]

25 Q. Fine. Can you simply tell us if the first disappearances

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1 happened before Ta Mok's arrival in the Northwest Zone? And if
2 you remember, when did these first disappearances happen?

3 A. Pheap disappeared before the arrival of Ta Mok. As for Ta Nil
4 (phonetic), he also disappeared before Ta Mok arrived.

5 Later on, I heard of the name Ta Mok, that he arrived at the
6 Northwest and then it was a time when Ta Mom disappeared, so Ta
7 Mom was the last one who disappeared after Ta Mok was there.

8 Q. Did you ever have an opportunity to meet Ta Mok and, if yes,
9 did you hear speeches that he made or statements that he made?

10 A. I, myself, never met him. I heard of his name. I heard that he
11 was there. I was never at the meetings where he made speeches. I
12 heard that he was there and I did not know where he was located.

13 [16.05.50]

14 Q. One last question: When people were arrested, were the other
15 people <then> summoned to be told that the person who had been
16 arrested was a traitor?

17 A. After the disappearances, there was an announcement that those
18 people were traitors. This is what I know. It was said that all
19 of them were traitors.

20 JUDGE LAVERGNE:

21 Fine, Mr. President. Given the time, I believe that we should
22 adjourn.

23 MR. PRESIDENT:

24 Thank you. Thank you also, Mr. Witness.

25 It is now time for the adjournment, and the Chamber will resume

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1 its hearing on Monday, 17 October 2016 at 9 a.m.

2 [16.06.58]

3 And on Monday, the Chamber will continue to hear the testimony of
4 Cheal Choeun to its conclusion and then proceed to hear
5 2-TCW-1037. Please be informed and be on time.

6 I am grateful to you, Mr. Witness. The hearing of your testimony
7 as a witness has not come to an end yet. You are therefore
8 invited to come here and testify again on Monday, and Sok
9 Socheata, the duty counsel, is also invited to appear before the
10 Chamber on Monday next week as well.

11 Court officer, please work with the WESU unit to send the witness
12 back to the place where he is staying at the moment and please
13 invite him back into the courtroom on Monday at 9 a.m.

14 Security personnel are instructed to bring the two accused, Nuon
15 Chea and Khieu Samphan, back to the ECCC's detention facility and
16 have them returned into the courtroom on Monday, 17 October 2016
17 before 9 a.m.

18 The Court is now adjourned.

19 (Court adjourns at 1608H)

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