



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

27 January 2015

Trial Day 234

Before the Judges: NIL Nonn, Presiding  
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MR. EM PHOEUNG (2-TCW-954)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CHOU KOEMLAN (2-TCCP-238)	Khmer
MR. EM PHOEUNG (2-TCW-954)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SUON VISAL	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue to hear the testimony of the  
6 civil party, Chou Koemlan. And after her conclusion, we will hear  
7 the testimony of another witness, 2-TCW-954.

8 The greffier, could you report the attendance of the Parties and  
9 individuals to today's proceedings?

10 [09.06.14]

11 THE GREFFIER:

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

14 As for Nuon Chea, he's present in the holding cell downstairs. He  
15 <waived his right> to be present <>in the Court. His waiver has  
16 been delivered to the greffier.

17 And the civil party, Chou Koemlan, is already present in the  
18 Court.

19 And the next witness -- that is, 2-TCW-954, has confirmed that to  
20 his knowledge, he has no relationship or affiliation to any of  
21 the two Accused; namely, Nuon Chea, and <Khieu Samphan>, nor to  
22 any of the civil parties admitted in this case. This witness  
23 already took an oath before the statute on the 26th January 2015.  
24 He will be in the waiting room at <10> o'clock this morning.

25 [09.07.20]

1 MR. PRESIDENT:

2 Thank you.

3 We will now decide on the request made by the Accused, Nuon Chea.  
4 Nuon Chea has submitted his waiver, dated 27th January 2015. Due  
5 to his health, he cannot sit for long in the courtroom and also  
6 it's because of his back ache. He cannot concentrate, and in  
7 order for the future days of proceedings to be more effective, he  
8 wishes to waive his right to be present in the courtroom. And  
9 it's also for today's proceedings -- that is, 27th January 2015,  
10 and he has been advised by his counsel that, to waive his rights  
11 does not mean <that he waives his right> to a fair trial.

12 The Chamber also reviewed the medical report by a duty doctor at  
13 the ECCC, dated 27th January 2015, who noted that the health  
14 condition of Nuon Chea remains unchanged but he cannot sit for  
15 long and he recommends that the Chamber should allow him to  
16 follow the proceedings from the holding cell downstairs. And  
17 based on these reasons, and pursuant to Internal Rule 81.5, the  
18 Chamber grants Nuon Chea's request so that he can follow the  
19 proceedings from a holding cell downstairs through an  
20 audio-visual communication for the whole day -- proceedings  
21 today.

22 And the AV Unit, you are instructed to connect the proceedings to  
23 the holding cells downstairs so that Nuon Chea can follow the  
24 proceedings, and that applies for today's proceedings.

25 [09.09.43]

3

1 The Chamber will give the floor to the defence teams to put  
2 questions to the civil party and before that, I'd like to enquire  
3 from Judges of the Bench if you have questions to be put to this  
4 civil party. And Judge Fenz, you have the floor.

5 QUESTIONING BY JUDGE FENZ:

6 Thank you. Good morning. I have a couple of additional questions  
7 relating to the encounter you described yesterday with Pol Pot,  
8 Khieu Samphan, Nuon Chea and Ta Mok at the place you were working  
9 and digging. Before I ask the questions, I want to stress a  
10 point: I will ask some questions which might be difficult to  
11 answer after 40 years, so if you don't remember something, please  
12 tell us. Don't try and guess.

13 Q. Back to this meeting. You told us yesterday you met Pol Pot,  
14 Khieu Samphan, Nuon Chea and Ta Mok while you were digging. Now,  
15 was this the only time, on that day, when you saw these people or  
16 did you see them multiple times?

17 [09.11.29]

18 MS. CHOU KOEMLAN:

19 A. I saw them one time when I was digging a canal and they came  
20 to visit the worksite.

21 Q. Can you tell us, if possible, how long you saw them at that  
22 time? A few minutes? Half an hour? Half a day? If you remember.

23 A. I saw them for about 15 minutes when they stepped out of their  
24 vehicle to the worksite.

25 Q. Do you still remember how far you were from them when you saw

4

1    them stepping out of the vehicle? What the distance was?

2    A. It was pretty close. It's about from the distance where I am  
3    now to the Bench. They were on the road and I was in the canal  
4    and the canal was not that far from the road.

5    [09.13.01]

6    Q. For the record, we had somebody from the Administration  
7    measure distances in this courtroom. We will put this on the case  
8    file; that makes further references easier. For the time being,  
9    they told us that the distance between the place the civil party  
10   is sitting and the Bench is about nine metres. Could you hear  
11   what these people were talking, if they were talking?

12   A. Yes, I could hear everything. They said that we should start  
13   to dig the canal deeper in order to irrigate the water from Ou  
14   Chambak through that area down to the rice fields west of the  
15   railway station to Veal Charong (phonetic) and to Leay Bour, and  
16   that we should try to harvest three to six tonnes of rice produce  
17   per hectare. And Ta Mok also said that at that time they were  
18   distributing palm juice for them to drink and Ta Mok said the  
19   palm juice should be a bit <> sweeter.

20   Q. Were these people addressing you or were they talking among  
21   each others?

22   A. They were talking amongst themselves, except for Ta Mok. Ta  
23   Mok was talking to us -- the workers -- and to the unit chief. As  
24   for them, they were talking amongst themselves while they were  
25   walking to inspect the worksite and sometimes they were standing

5

1 at one spot for a moment and then they walked further.

2 [09.15.04]

3 Q. Had you been -- you and your co-workers -- been assembled  
4 there to meet those people or did you just happen to be there?

5 A. All the workers were working at the canal and there were many,  
6 many workers there at the time. <I did not know the exact  
7 number.>

8 Q. To be clear, but they were working? They were not assembled to  
9 listen what any of those people had to tell them?

10 A. Yes. In fact, we were working but my unit <and the youth unit  
11 were> at the front<>. As for other units, for the couples with  
12 babies and children, they were further <back> and only our  
13 unit<s, the widow unit and the youth unit, were> at the front and  
14 I was the first one there so I saw them clearly.

15 Q. Now I have a couple of questions as to how you recognised,  
16 specifically, Khieu Samphan and Nuon Chea. I'll start with Khieu  
17 Samphan.

18 You said yesterday two things, or I noted down two things. You  
19 first said that he had been pointed out to you or identified by a  
20 unit chief who said, "This is Khieu Samphan", and a bit later,  
21 you said you had also seen a picture of Khieu Samphan a couple of  
22 years earlier. Now my question is first to the picture. Can you  
23 tell us how long -- how many years or months before this incident  
24 you saw the picture, if you remember?

25 [09.17.39]



1 A. I saw his picture during the Sangkum Reastr Niyum regime. At  
2 that time he was a people's representative working in the  
3 National Assembly.

4 Q. Again, I don't want to put words into your mouth so I'm asking  
5 again, can you tell us how many years were in between the time  
6 you saw this picture and the time you met him at this worksite?  
7 If you can, if you can't, tell me you don't remember.

8 A. It was a pretty long time so there were several years because  
9 when I saw him, it was during the King's regime but his face --  
10 his facial feature does not change much. I saw him later in 1992,  
11 and it remained the same as when I saw him at the worksite.

12 [09.19.00]

13 Q. Can you tell us when on this day the unit chief actually told  
14 you this is Khieu Samphan? Was this before the meeting or after  
15 the meeting or while you saw him?

16 A. While he was walking along the canals that we were working on,  
17 my unit chief said that was Khieu Samphan, and that was Pol Pot  
18 and they came to inspect the workers. The unit chief and the  
19 commune committee, they also accompanied <them> while <they were>  
20 walking towards the West.

21 Q. My last question related to Khieu Samphan is -- I'm trying to  
22 find an easy way to frame this or to -- would you -- this is  
23 speculation. Did you recognise him from the photo independently  
24 from what the unit chief told you? Or did you just remember you  
25 had seen a photo after the unit chief told you this is Khieu

1 Samphan among other people?

2 A. I think it all happened at the same time. During the Khmer  
3 Rouge regime he was one of the leaders as he travelled in a  
4 vehicle and I think that went together well with my encounter  
5 with him in the previous regime.

6 [09.21.14]

7 Q. I'm now turning to Nuon Chea. You told us he has been pointed  
8 out to you by the unit chief. Have you seen him or a picture of  
9 him previously to this time?

10 A. He pointed his finger at the canal and he said that we need to  
11 try to dig the canal as quickly as possible in order to pump the  
12 water through that canal to irrigate the rice farms further to  
13 the west so that we could gather three tonnes to six tonnes of  
14 rice produce per hectare. <He pointed to no one, but to inform us  
15 to expedite our work of dirt carrying.>

16 Q. I think there's a translation issue. Let me try again.

17 I want to know if you have seen Nuon Chea or a picture of Nuon  
18 Chea before this encounter at the worksite.

19 A. I did not know him, nor see him, but the village chief and the  
20 unit chief told me when he came together <with Mr. Khieu Samphan>  
21 to inspect the worksite but I had not seen him before.

22 Q. Just to be clear, you now mentioned the village chief  
23 additionally. Is this the same person as the unit chief or were  
24 there two different people who pointed Nuon Chea out to you? Or  
25 is it a translation issue?

1 [09.23.24]

2 A. It was the unit chief and the village chief and there were  
3 three of them per one village. The unit chief would lead the  
4 workers to the field and the village chief would remain at the  
5 village to manage the people in the village. But, <at times of  
6 fieldwork>, both the village chief and the unit chief were  
7 together.

8 Q. And both independently pointed out at least Nuon Chea to you  
9 -- as being Nuon Chea? Each of it said it?

10 A. It was the unit chief. In fact after they had left and at  
11 lunch time we were gathered for a meeting and he told us that the  
12 upper Angkar had just come to visit us in order to strengthen our  
13 strength to quickly complete the building of the canal in order  
14 to move to another worksite. And that happened during the lunch  
15 time meeting. We were gathered into different unit and each unit  
16 composed about 30 workers and there were several groups of these  
17 units during the meeting. And, of course, I saw the three of them  
18 previously -- that is, before the meeting.

19 [09.25.21]

20 Q. Who told you that at the meeting? The village chief or the  
21 unit chief?

22 A. It was the unit chief, named Oeun, and the village chief named  
23 Chim (phonetic).

24 Q. They were both at the meeting?

25 A. They were there <to inspect the units. The unit chief went to

1 inspect units,> and the village chief <worked with us>.

2 Q. And this is when the village chief mentioned the names? This  
3 was the occasion when the village chief mentioned the names --  
4 this meeting? I mean the names of Khieu Samphan, Nuon Chea, et  
5 cetera.

6 A. When we met them we were told the three figures, or the three  
7 men, were the leaders. We were told once at the time and then we  
8 were told again during the meeting.

9 Q. And their names were mentioned too or was it just said these  
10 are the leaders?

11 A. Yes. We were also told the names, that they represent the  
12 leaders of Cambodia and that their rank or status was equivalent  
13 to the King in the previous regime. <This is what we were told  
14 about.>

15 [09.27.34]

16 Q. Thank you. I have no further questions.

17 MR PRESIDENT:

18 Judge Lavergne, you now have the floor.

19 QUESTIONING BY JUDGE LAVERGNE:

20 Thank you, Mr. President. Good morning Madam Koemlan. I have a  
21 few follow-up questions to put to you.

22 Q. Firstly, with respect to the worksite that was visited, could  
23 you please tell us if the worksite was quite at a distance from  
24 Leay Bour <cooperative? Where was it situated exactly? W>as it <>  
25 close <to this cooperative or> was it <> a few kilometres away<>?

1 MS. CHOU KOEMLAN:

2 A. The worksite was about four kilometres away.

3 [09.28.32]

4 Q. You yourself, madam, you lived in a village that <depended on>  
5 Leay Bour or <were you living on the actual site of the  
6 cooperative>? Yesterday it seems to me that you talked about Leay  
7 Bour cooperative as a model cooperative and I believe that I  
8 heard you say that there was a place called K-1, but I'm not  
9 entirely sure.

10 A. I referred to the K-1 which was a model cooperative <for Base  
11 People>. My unit was for New People -- that is, the 17 April  
12 People. We were based in various huts to the south of the commune  
13 office and there was also a common dining hall.

14 Q. Therefore, you yourself lived at K-1 <> or did you live <>  
15 <elsewhere>?

16 A. I was in the third unit -- or the K-3 unit and that unit was  
17 for the 17 April People.

18 Q. Can you please describe to us what the living conditions were?  
19 Did you live in huts or did you live <in houses with a tile  
20 roof,> in <> stilt house<s, small> <> balcon<ies>? <> Did  
21 everyone live in the same type of accommodation?

22 A. Actually we were New People. I lived under the yard. I lived  
23 in the yard with just roof. <The Base People had longer houses.>  
24 And as for our places for living, it was very small. It was a  
25 small hut so we slept close to each other. And as for food

11

1 rations, it was also different, as I mentioned already yesterday.

2 [09.31.28]

3 Q. And can you describe to us what lodgings were offered to the  
4 people living at K-1 and who were those people? Were they huts or  
5 houses?

6 A. K-1 was a tiled house. It was a model house. The commune  
7 committee lived in that K-1 -- the tiled house. And as for us,  
8 <workers,> we lived in different place<s>.

9 Q. And those model houses, were they really very different? So,  
10 were they not standard houses? What was the difference between  
11 <your> huts <> and the house of the village chief?

12 A. As for the model house, it was made out of wood. As for the  
13 walls -- and it was a -- there was tiled roof. <Only commune and  
14 district committee lived there.> And as for us, our roof was made  
15 out of coconut leaves or sugar palm leaves. I walked on the road  
16 where the model house was situated. I was walking on the road  
17 frequently<, as I took my children to a hospital at the north of  
18 the commune office.>

19 [09.33.29]

20 Q. Did the people living in those model houses have <a small>  
21 garden<> on which they could farm vegetables <or have animals>?

22 A. <At the model house,> they did not raise any <animal> there.  
23 <The unit chiefs and the chiefs of committee went with the mobile  
24 unit in the front.> <Commune committee, Nao (phonetic), Sim  
25 (phonetic), who were> in women units<, went with the mobile unit

1 in the front,> so no one raised <animals there>. And as for food  
2 rations, as I said, it was different from food that we, New  
3 People, had. <They were model cooperative>

4 Q. Do you know where Ta Mok lived? Did he live at K-1, close to  
5 K-1, or elsewhere?

6 A. Ta Mok lived in his house in Takeo province on the road  
7 towards <Baray pagoda>, near a lake west of <the road>. His house  
8 was big and it looked very nice. There was a garden actually in  
9 his house.

10 Q. Were there any schools at the cooperative and who <was able  
11 to> go to that school?

12 A. There were teachers. As for school, there were no proper  
13 schools. There was a place with sugar palm leaves roof. And as  
14 for children, they were allowed to go to study and children were  
15 <taught to sing the song of> commitments for Khmer Rouge. And as  
16 for study, for education, the Khmer Rouge did not teach about  
17 literature <or any Khmer culture>.

18 [09.36.04]

19 Q. You talked about a refectory. Can you tell us how many people  
20 ate <their meals communally>? Did all the people in the  
21 cooperative eat together or there were several <> refectories<?  
22 How did it work?>

23 A. As for common dining hall <in the cooperative>, we had some  
24 meals<,> four of us in one group<,> we had some meals together  
25 and there was a pot of soup and we could have only a spoonful of

1 rice and after we finished our meals, then we can -- we could not  
2 have additional dish or meals. So male and female, we had the  
3 same amount of meals: a spoonful of rice with a pot of soup for  
4 four of us in a group.

5 Q. I have properly understood that you ate in groups. If you put  
6 all the groups together, how many people would that be? Do you  
7 have an idea or you do not know?

8 A. I did not know. I did not count the number who were eating in  
9 common dining hall. Villagers -- all villagers had their meal in  
10 that common dining hall and for some, they took meals or dishes  
11 to their home to eat.

12 [09.38.07]

13 Q. You talked about the visit by the leaders which you witnessed.  
14 Did you see other visitors who came to the <Leay Bour>  
15 cooperative?

16 A. No, only the three leaders. I saw only the three leaders who  
17 went to the cooperative and we finished working in our  
18 cooperative in just -- for 10 to 15 days and after that we moved  
19 to work in another place <near the village>.

20 Q. In order for what you've said to be well understood, you did  
21 not see any delegations <composed of>Westerners, nor did you  
22 witness any other <delegations composed of> Chinese or any other  
23 <foreigners>?

24 A. I saw once -- I saw them once while I was -- while I strived  
25 for my work in the fields. There were foreigners. They came to



14

1 take photos of us while we were in the fields. <They would take  
2 with them these photos to their countries.> It was told by my  
3 <unit> chief.

4 [09.40.00]

5 Q. <So, you saw them just> once? Do you recall? Is it the chief  
6 of the commune who told you about that or it is something that  
7 you witnessed with your own eyes? And on what date was that?

8 A. While I was transplanting in the fields, at the time, it was  
9 in 1976, and there was a foreign photographer. I could not know  
10 who he or she was. As for the photographer, he or she was taking  
11 photos. I saw that person. My unit chief just told me that we had  
12 to transplant in order -- orderly so that the photographer could  
13 take photos.

14 Q. Now, a while ago you said that the head of your unit was  
15 called Oeun. You also talked of a village chief called Chin  
16 (phonetic). Can you give us the names of any other officials,  
17 whether they were <at> the cooperative <level> or at the  
18 <district> level <>?

19 A. As for village chief <in Pou Preah Sang>, his name was Choeun  
20 (phonetic). He was the first village chief. His name was Choeun  
21 (phonetic). And after our huts had been built, the village chief  
22 was changed. Choeun (phonetic) was replaced by Ta Vet, the new  
23 village chief. And when I was moved to unit -- to K-3, the chiefs  
24 were Oeun, Chim (phonetic), <Orn> (phonetic), district, commune,  
25 and village committee: Ta Hounh, Ta Nouv, Ta Ke (phonetic), Ta Po

15

1 (phonetic) were all senior. And the district committee was Ta  
2 San.

3 [09.42.52]

4 Q. Did Ta San visit the cooperative regularly? Did you see him on  
5 several occasions?

6 A. I saw Ta San district committee frequently because I was --  
7 while I was digging the canals in the village, I also could see  
8 him and when I was digging canals in <the village or along> the  
9 National Road, I could also see Ta San. <He lived in Angk Ta Saom  
10 but he frequently visited Leay Bour.>

11 Q. Did you see a Chinese circus visit Leay Bour or did anyone  
12 talk to you about <a> visit by the Chinese circus?

13 A. As for Chinese circus, actually we could not go to have -- to  
14 see the circus <because we were 17 April People>, only the  
15 commune chief or unit chief<> could go to see the circus.

16 Q. Last question, madam.

17 Was there a pagoda on the site of Leay Bour cooperative? And if  
18 yes, what became of it?

19 [09.44.47]

20 A. In DK period, the pagoda in Leay Bour was turned into a place  
21 for keeping children's -- children. And prisoners were also kept  
22 in that pagoda -- in Leay Bour Pagoda. There were <many places,  
23 including temples,> schools, <monasteries>, <and> the pagoda  
24 became the prison. But nowadays, the pagoda is improving.

25 Q. Thank you, Witness. I have no further questions for you.

16

1 MR. PRESIDENT:

2 The Chamber now hands over the floor to Nuon Chea counsel to put  
3 questions to this civil party. You may now proceed.

4 QUESTIONING BY MR. SUON VISAL:

5 Mr. President, Your Honours, everyone in and around the  
6 courtroom, good morning.

7 Madam Chou Koemlan, I am the counsel for Mr. Nuon Chea. I would  
8 like to ask about the working conditions in your cooperatives,  
9 the killings in that area<, and the marriage>.

10 [09.46.34]

11 Q. First about cooperative.

12 During the time you were evacuated from Phnom Penh and upon  
13 arrival in Leay Bour <commune>, were you immediately put in a  
14 cooperative or did you first live in your family?

15 MS. CHOU KOEMLAN:

16 A. When we first arrived, there was no communal eating yet. We  
17 could eat individually. We had corn in our meal and after a few  
18 months, our kitchen utensils were collected and put in collective  
19 belongings and then communal eating applied.

20 Q. Did you remember when communal eating started?

21 A. Communal eating actually started at the time when we were  
22 asked to go to transplant in August -- August 1975.

23 Q. Thank you, madam.

24 In your village, how many Phnom Penh residents were there in your  
25 village?

1 A. As Phnom Penh residents in my village, there were many of them  
2 and some were from Takeo.

3 [09.48.25]

4 Q. You said there were many. How many of them? Did you know?

5 A. I did not know how many family households in my village. As  
6 for my family, there were six or seven members and there were  
7 other family members. And there were only few Base People. Those  
8 <few 18 April> People <were> in charge of 17 April People -- that  
9 is, us.

10 Q. When you arrived in your place, were there is -- were there  
11 separation between the New and Base People in the living  
12 condition?

13 A. There was no distinction actually, concerning living  
14 conditions, but we lived close to each other. As I said, Base  
15 People, they had extra meal at their home and as for New People,  
16 we did not have that.

17 Q. Thank you. Yesterday you said that when you did not have any  
18 food, you could use a sarong or skirt to barter for food; is that  
19 correct?

20 A. Actually, we did this this secretly, and we bartered with  
21 those who lived close to us. And we could get the rice to cook  
22 secretly and carefully, to avoid the militiamen seeing our  
23 cooking. <We could do that with only the most trusted.>

24 [09.50.36]

25 Q. Thank you. You could barter such skirts or sarongs with

1 <food>, and what about other people? Could they do like what you  
2 did?

3 A. Yes, they could. In the first year when we there, we could  
4 barter sarong with the food. In 1976, '77 or '78, we could not  
5 barter things with foods. It was only in 1975 that we could  
6 barter our sarong with food. Otherwise, we would be killed.

7 Q. My question is: You could barter sarong with meals, and what  
8 about other people, Base People, could they do like what you did?

9 A. I did not know. They lived in their separate houses, far from  
10 us, far from me. I did not know about that, but for us, for me, I  
11 could barter skirts with rice so that I could use rice to cook  
12 for my meal.

13 [09.52.11]

14 Q. So, when you did not have enough food, villagers -- people in  
15 your village could barter things for rice or for meals; is that  
16 correct?

17 A. Yes, as I could - as I told you, in 1975, when we just arrived  
18 at that place, we could barter things with meals. From 1976  
19 onward, we could not barter things for meals. <It became strict;  
20 we could no longer barter.> At night time, if a militiaman could  
21 see lights or fire at our place, they would come to our house and  
22 ask what were we doing. <We told them that we boiled water to  
23 safeguard diarrhoea.>

24 Q. Thank you. My next question concerns working conditions.

25 When you arrived there, you were put in a cooperative. Were there

1 a separation concerning the working conditions?

2 A. Actually, we worked together, and for Base People, <the 18  
3 April People,> would keep an eye on New People. They would  
4 observe whether New People are complaining <against their line,  
5 such as> food, <and> work. And if New People mistakenly said  
6 something, we would be taken to a study session, or to be  
7 refashioned. So, Base People, they were in charge of New People.

8 [09.54.27]

9 Q. I would like to remind you what I -- the question that I asked  
10 you. You should pay attention to the question that I asked you,  
11 to save my time. I know that you gave answers already to Lead  
12 Co-Lawyer, and also to the Co-Prosecutor, so please be in brief  
13 for your answer.

14 When you were sick, were you allowed to take leave?

15 A. If I was allowed to rest, it was fine for me. It would be  
16 good. <The problem was we were not allowed to take leave.>  
17 Actually, we -- if we rested for a half day and then we would  
18 have to go back to work. If we did not turn ourselves up, then we  
19 would be -- that the -- we would be in danger.

20 Q. Yesterday you said that when you <or your children> were sick,  
21 you could have a rest;<however, they did not provide you enough  
22 food;> is that correct?

23 A. <It was not so,> when our baby was sick, we could rest. But  
24 our food was not given, so we would eat the food given to the  
25 baby.

1 Q. My next question: Yesterday you said that you deliver a baby,  
2 and you had maternal leave, so -- is that correct?

3 A. Actually, when we deliver a baby, we would have time to rest,  
4 because we had to take care of ourselves. After 27 days of my  
5 delivery, I went back to work.

6 [09.56.46]

7 Q. Thank you. You said yesterday that because you had a small  
8 baby, you did not do the work as other people did. You worked  
9 only from the morning until 10 a.m.; was that correct?

10 A. Yes, because I had a small baby. I deliver -- I just delivered  
11 the baby for just 27 days, so I was asked to work only until 10  
12 or 10.30 in the morning.

13 Q. Thank you. What about other women? That they had the baby,  
14 like you, so did they have the same rights as you?

15 A. Actually, for New People, the 17 April People, only me who was  
16 the one who delivered the baby. For others, they did not have any  
17 babies. Later on, some women delivered the baby, and they could  
18 take maternal leave longer than me. They could rest for one month  
19 or one month and a few days.

20 [09.58.10]

21 Q. Thank you. I move to a new topic in relation to the killings  
22 of people.

23 You said that you had a nephew, and he was killed because he was  
24 known as being a son of a former civil servant<, and his wife was  
25 the one who disembowelled him>. Is that true?

1 A. Yes, that is true.

2 Q. When you mentioned about your nephew, you said you were told  
3 about the event of disembowelment, and you did not witness that  
4 incident. Is that correct?

5 A. The grandmother of my nephew saw the incident, because she was  
6 living close to the commerce <and social office>.

7 Q. My question is different from that. Did you witness the  
8 incident by yourself? Or were you told about that?

9 A. I did not witness the incident.

10 Q. Thank you. That was the answer I want.

11 You also said that when anyone had the connection in the former  
12 regimes, they would be killed; is that correct?

13 A. Yes, it is correct.

14 [10.00.12]

15 Q. Thank you. I have another question.

16 In your testimony yesterday, you mentioned that your father was a  
17 former civil servant in the previous regime, and also in the Lon  
18 Nol regime. What was his position? What did he do?

19 A. He was the chief of <commune> in Leay Bour.

20 Q. And where did he live during the Khmer Rouge regime?

21 A. Yes, he -- I lived with him, together. But he was taken away  
22 for study sessions twice, in order to make him being able to work  
23 with them. But he <categorically> refused, and at the end, he  
24 would make us baskets for workers.

25 Q. <At that time,> the militia, or the soldiers, they did not



1 arrest your father and imprison him; is that correct?

2 A. The commune chief, Ta Hounh and Ta Nouv, came to speak to him  
3 at his house, and requested him to work for Angkar, and that he  
4 would be given the same duties that he did previously. But he  
5 refused. He told them he had high blood pressure and he could not  
6 do it.

7 [10.02.08]

8 Q. Yesterday you also stated in this Court, to the question by  
9 the Prosecution, that all the villagers, during the time that you  
10 lived there until the fall of the regime in '79, only two people  
11 had been arrested. Am I correct?

12 A. That happened at the K-3 unit. Two workers were arrested, and  
13 many more people were arrested to the north of the commune  
14 office, and it happened in 1975.

15 Q. Now, I move on to another topic -- that is, on marriage.  
16 Yesterday you also stated in this Court that in your community,  
17 there were only two couples married. When did that happen?

18 A. It was held at night time, after we rested from carrying the  
19 earth.

20 Q. How that marriage was organized?

21 A. We were called to a meeting, <the appointed males and females>  
22 were instructed to make a resolution -- that is, both for the  
23 future husbands and the future wives. And in fact, there were  
24 three couples, not two.

25 [10.03.50]

1 Q. Did you participate in that ceremony?

2 A. Yes, I did.

3 Q. Could you recall their names?

4 A. They were -- two couples were 17 April People, and one couple  
5 was Base People: Chan (phonetic), So Kiem (phonetic), that's the  
6 names of the 17 April People, and for the base person, named Top  
7 (phonetic), who was a former kindergarten teacher.

8 Q. You only named three persons. What are the other three names?

9 A. Another man, named <Keo Chheang> (phonetic), and another Base  
10 person, named Khla (phonetic). And another one was by the named  
11 Heng (phonetic). I think it sounds - yes, Heng (phonetic), a man.

12 [10.05.09]

13 Q. In that marriage ceremony, did any leaders participate?

14 A. It was the unit chief and the village chief <together three to  
15 four people>. In fact, there were three or four village chiefs  
16 who attended that ceremony.

17 Q. Before that marriage, and before you actually went to live in  
18 that community, did the cooperative chief or any leader make any  
19 announcement that any youth who wanted to marry needs to follow a  
20 certain process or procedure? Did anyone make such an  
21 announcement?

22 A. No, we did not have a right to choose our partner. It was the  
23 unit chief who discussed with the village chief, and after that,  
24 we were called for a meeting. Then, those who were chosen would  
25 be announced, and that they had to make a resolution. Mainly they

24

1 were widows, both for men and for women, as in the case of Top  
2 (phonetic), who was a Base person, a former kindergarten teacher.  
3 They selected another Base person to marry him. <New People had  
4 no right.> So, they were <>forced to marry.

5 [10.06.45]

6 Q. You stated that you did not participate or attend that  
7 meeting. How did you know about this?

8 A. I went to look at those events when they were instructed to  
9 make a resolution and I saw that the three couples stood and made  
10 that resolution.

11 Q. How did you know they were forced to marry, because you did  
12 not attend the meeting organized by their unit chief?

13 A. Next day we knew, because they were not happy with one  
14 another, and they complained about their partner. But they said  
15 that they had to make a resolution under the instruction of  
16 Angkar. They had to do that in order to survive.

17 Q. My next question is related to the arrest of Vietnamese and  
18 the two families of Kampuchea Krom origin.

19 In your community, did they make any announcements that any  
20 Vietnamese or Khmer Krom had to be cleansed?

21 A. Yes, we were told that Vietnamese<,> if there were any living  
22 in the village<,> they had to be gathered and sent back to their  
23 country. They cleansed them, and then they had to be sent to  
24 their country.

25 [10.08.41]

1 Q. But they did not make any general announcement that they had  
2 to be killed. In fact, they said that they had to be sent back to  
3 Vietnam. Am I correct?

4 A. Yes. The unit chief told them that they had to be returned to  
5 their country via Tram Kak and Kampot, and via the river. But  
6 after they had left, or had gone, through whispering, the Base  
7 People told us that was a lie, that was not true. They were in  
8 fact sent for study sessions.

9 Q. So, you said that they went for study sessions. You did not  
10 learn this first hand, but in fact, you were told. Am I correct?

11 A. The Base People knew the truth. That's why they told us that,  
12 in fact, they were not sent to their country, and that was a lie.

13 [10.09.59]

14 Q. My question is that you only heard this through second-hand  
15 information. Am I correct?

16 A. During the meetings in the village, I heard them saying that  
17 whenever we work, we should not interfere with the historical  
18 wheel. <Whoever interfered would be smashed.>

19 Q. I think that is not my question. My question is that you  
20 learnt that the two Vietnamese were killed or were re-educated.  
21 You learnt that after they had left <for> their country. Am I  
22 correct?

23 I do not have any further questions, Mr. President, and my  
24 colleagues will put further questions.

25 MR. PRESIDENT:

1 The time is appropriate for a short break. We will take a break  
2 and return at 30 past 10.00.

3 Court officer, could you make arrangement for the civil party  
4 during the short break, and have her returned to the courtroom at  
5 10.30?

6 (Court recesses from 1011H to 1032H)

7 MR. PRESIDENT:

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

9 Before giving the floor to International Counsel for Mr. Noun  
10 Chea to put further questions for civil party, the Chamber is now  
11 issuing its oral ruling on fitness of the Accused.

12 The Trial Chamber now issues its oral ruling on the fitness of  
13 both Accused to stand trial.

14 Pursuant to Rule 32, the Chamber appointed two experts to assess  
15 whether the Accused remain fit to stand trial. Dr. Chan Kin Ming,  
16 a geriatrician; and Dr. Huot Lina, a psychiatrist; examined and  
17 assessed both Accused on 19 and 20 January 2015.

18 [10.34.37]

19 On 23 January 2015, the Chamber heard the experts' evidence in  
20 open court given in response to the Chamber's questions posed by  
21 the Parties.

22 Having considered the experts' evidence and their fitness  
23 assessment reports, the Court finds that both Accused, Noun Chea  
24 and Khieu Samphan, remain fit to stand trial. Each Accused  
25 retains the capacity to participate meaningfully in his own

1 defence and to understand the essential of the proceedings. As  
2 advised by the experts, the Chamber will order appropriate  
3 testing and monitoring of the Accused's conditions. As part of  
4 its ruling, the Chamber also revises its current sitting  
5 schedule.

6 Given Khieu Samphan's current health, the experts advised the  
7 Chamber to shorten the typical Court day in order to include  
8 longer breaks. Therefore, beginning today, 27 January 2015, the  
9 Chamber will begin proceedings at 9 a.m., and adjourn for lunch  
10 at 11.30 a.m. The Chamber will resume proceedings at 1.30 p.m.,  
11 and adjourn at 4 p.m. Beginning 2 February 2015, the Trial  
12 Chamber will generally sit four days a week on Monday through  
13 Thursday when possible. A revised schedule and order of call for  
14 witnesses, experts, and civil parties to be heard during the  
15 current trial session will be circulated to the Parties.

16 [10.36.59]

17 The Chamber will issue separate written decision on each of the  
18 Accused witness to stand trial in due course.

19 Now, the Chamber hands over the floor to International Counsel  
20 for Mr. Nuon Chea to put further questions for Madam Civil Party.

21 You may now proceed.

22 QUESTIONING BY MR. KOPPE:

23 Good morning, Madam Koemlan. My name is Victor Koppe. I am the  
24 International Lawyer for Nuon Chea. I have some questions for you  
25 this morning.

1 Q. You were born in 1951 in Leay Bour village. Did you grow up in  
2 that village? In other words, before you went to Phnom Penh, did  
3 you live there? Did you go to school? Can you tell me little bit  
4 about that, please?

5 MS. CHOU KOEMLAN:

6 A. I lived in Leay Bour commune since I was young and I also grew  
7 up there. After I got married, I came to live in Phnom Penh.

8 [10.38.30]

9 Q. I understood it correctly that you were married at the age of  
10 19? So, you got married in 1970? And, you moved to Phnom Penh in  
11 1972? That is correct, right?

12 A. You are correct.

13 Q. Did your brothers and sisters grow up the same way as you did?

14 A. My elder sisters lived in Leay Bour. After they got married,  
15 they came to live in Phnom Penh. Two of my elder sisters lived in  
16 Phnom Penh after their marriage and one of my elder sisters lived  
17 in the province.

18 Q. Your father was commune chief. Do you know when he became --  
19 which year he became the commune chief in Leay Bour?

20 A. He was commune chief when I was very young. He was in that  
21 position when I was too young. When he was single, he was a  
22 clerk. And after his marriage to my mother for a few years, he  
23 became the commune chief.

24 [10.40.26]

25 Q. Do you know whether he was also born or grew up in Leay Bour

1 village?

2 A. My father was born in Leay Bour commune in different village  
3 from my birth place. He was born <near the rail road>. After he  
4 got married to my mother, he came to live in the same village<.>

5 Q. Madam Koemlan, how about your mother? Was she also born in  
6 Leay Bour commune and did she also grow up there?

7 A. Yes, my mother was born in commune Leay Bour. As for my  
8 mother, I already told you that he was born in Leay Bour commune  
9 but in different village from me.

10 Q. And, how about your father and how about your mother? Did they  
11 have brothers and sisters living in Leay Bour commune?

12 A. Their siblings live in Leay Bour. They were all deceased and  
13 my mother passed away in nineteen-eighty -- my father passed away  
14 in 1986 and my mother passed away in <2001>.

15 [10.42.20]

16 Q. But the siblings of your father and mother, did they live in  
17 that same commune, let's say, in the years that you were living  
18 there as well?

19 A. In the Sangkum Reastr Niyum regime, they lived in that commune  
20 and after Lon Nol time, they were separated from each other. The  
21 sibling of my father went into jungle, some of them. And as for  
22 the sibling for my mother, they came to live in Takeo province<,  
23 then in Phnom Penh>.

24 Q. When you got married, when you were 19, do you remember  
25 whether at your wedding there were many cousins, nephews, and



1 nieces from Leay Bour commune?

2 A. No. The guests were Phnom Penh residents. Only older people  
3 who were my relatives, they came to join my wedding. And most of  
4 guests were from Phnom Penh.

5 Q. How about your husband, Madam Koemlan, Suos Dim, was he born  
6 as you in Leay Bour village?

7 A. My husband, he was in the same village, in the same commune.  
8 We <were also relatives>.

9 [10.44.30]

10 Q. Do you know whether he, like yourself, until he married you,  
11 grew up in Leay Bour?

12 A. He studied, he got education. First, he worked in Kampong  
13 Chhnang province. After that, he worked in Phnom Penh. <In> Lon  
14 Nol period, he worked in Phnom Penh.

15 Q. Is it correct that you and your husband moved to Phnom Penh in  
16 1972?

17 A. Yes, you are right.

18 Q. And to summarise, would it be fair -- would it be accurate if  
19 I tell you that both you and your husband lived in Leay Bour  
20 village up until 1972, the year you moved to Phnom Penh?

21 A. No, my husband worked in Kampong Chhnang and Kampong Speu  
22 provinces, and after that he came to live in Phnom Penh. When I  
23 moved to Phnom Penh, I got married with him in 1972 in Phnom  
24 Penh. And then, at the time, he worked and I stayed home with my  
25 parents.

1 [10.46.16]

2 Q. Do you know, Madam Koemlan, when your husband became a Captain  
3 in the Lon Nol army or maybe even a Major?

4 A. Yes, I knew. He first was a Captain and after that he got the  
5 rank as a Major. At the time, the Phnom Penh fell, when he became  
6 a Major.

7 Q. So, in April '75, when you, together with your husband,  
8 together with your father, together with your siblings, moved  
9 back, he was a Major; is that correct?

10 A. Yes, it is correct.

11 Q. The reason I am asking you these questions is the following,  
12 Madam Koemlan: I am trying to understand your position, the  
13 position of your husband, and the position of your family. You  
14 said on various occasions, that you were considered to be New  
15 People because you came from Phnom Penh on 17 April '75. Yet, on  
16 the other hand, it seemed that you and your family went back to  
17 the place where you grew up. How did people know that you were in  
18 fact a New person and not a Base person who had been living there  
19 practically all her life?

20 A. Yes, everyone knew.

21 [10.48.38]

22 Q. But your family had lived in Leay Bour village. You were grown  
23 up there. You, I'm sure, knew many people, former classmates,  
24 former girlfriends; how was it that people decided that you were  
25 a New person and not, in fact, a Base person?

1 A. They knew that we lived in Phnom Penh<, and> we <lived in  
2 Takeo>, we were New People. If we went into jungle, we would be  
3 considered a Base People.

4 Q. But you didn't have, let's say for instance, an identity card,  
5 which said that you were a New person or you weren't obliged to  
6 have something with you or wear something that would indicate  
7 that you are a New person. So, my question would be: How did that  
8 go in practice? How would people in-charge know--

9 MR. PRESIDENT:

10 Please hold on, Mr. Koppe. There was no translation a while ago.  
11 Court officer, you are instructed to facilitate with <ITU>.

12 (Short pause)

13 [10.50.51]

14 MR. PRESIDENT:

15 You may now resume your questioning, Mr. Victor Koppe.

16 BY MR. KOPPE:

17 Thank you, President.

18 Q. My question to you, Madam Koemlan, is: How, in daily life,  
19 would people working for the authorities, in fact, know or  
20 understand that you were a New person rather than a Base person?

21 MS. CHOU KOEMLAN:

22 A. We were <reportedly> New People because we were sent to <Unit  
23 3,> the place in Leay Bour. We were the enemy because my husband  
24 had just been arrested and we were considered New People. There  
25 were many New People; not only my family was considered New

1 People <, stayed in that Unit 3.>

2 [10.52.09]

3 Q. But, if you were, let's say, walking in Leay Bour village and  
4 somebody would ask you who you are, then you would be able to  
5 tell that you were born there, you grew up there, you went to  
6 school there, your family lives there. So, how would they --  
7 these authorities -- still be able to determine that you are a  
8 New person?

9 A. Those who lived close to commune <office>, they knew my  
10 father. My father's name was Chou Tim. I could not hide his  
11 biography. He lived in Phnom Penh with his children. He went from  
12 Takeo and moved to live in Phnom Penh.

13 Q. I will move on, Madam Koemlan; a question about the death of  
14 your daughter.

15 Would you be able to remember, when exactly after 17 April, that  
16 happened?

17 A. It was in 1976.

18 Q. Do you remember how old your child was when she passed away?

19 A. She was three years old.

20 [10.54.02]

21 Q. And, if I understood your testimony correctly, you said that  
22 she died because of starvation. She didn't have enough to eat; is  
23 that correct?

24 A. Yes, because she was deprived of food. As a result, she became  
25 sick and after that she passed away.

1 Q. That is a very tragic event, Madam Koemlan. But, I'm trying to  
2 understand, how it was possible for you not to find any food in  
3 the direct area, an area of the country where you grew up, where  
4 you had many family members, who never left for Phnom Penh,  
5 maybe? Would you be able to tell us, how it was not possible for  
6 you to find food for your three-year old daughter?

7 A. in 1976, we could not go to search for any food to eat. First,  
8 my daughter got measles and after that she lost her hair. She was  
9 admitted into hospital and there was no medicine. That is why she  
10 passed away. And, the original cause of her death was the result  
11 of having no food to eat. She, you know, scavenged food in the  
12 dirt. And, it was very dirty.

13 [10.56.12]

14 Q. But you're saying your three-year old daughter was hungry. Did  
15 you not try, when you saw that, to ask for food with people that  
16 you knew from the area?

17 May be I should stop for a second.

18 A. I am very saddened of this tragic event.

19 Q. I understand that very well, Madam Koemlan, and I understand  
20 very well that these are difficult questions that I'm asking. But  
21 I'm trying to find out whether your child died of starvation or  
22 maybe possibly of the measles or of another reason. Would you be  
23 able to tell us if you tried to find food with family members or  
24 people that you knew from the area?

25 A. After she got sick, she could not eat anything. She could not

1 eat rice. And we did not have any extra food for her. There was  
2 no medicine at the time.

3 [10.58.05]

4 Q. But, would it be fair to say -- correct to say if your  
5 daughter would have been able to eat, she would have continued to  
6 live? Let me rephrase my question. Was it, she didn't eat because  
7 there was not enough food in the commune or because your child  
8 wasn't able to eat, physically?

9 A. Although we had meal or food for her to eat, she could not eat  
10 because she was sick and there was no medicine <, in particular,>  
11 to treat and cure her. She passed away because there was no  
12 medicine and she could not eat.

13 Q. I'll finish this difficult subject, Madam Koemlan. But, would  
14 it be fair if I say to you that maybe your daughter died because  
15 of the measles and not because of lack of food?

16 A. It was the combined cause of my daughter's death. First, she  
17 did not have enough food to eat. She got measles and she was  
18 weak.

19 Q. What about your other children, Madam Koemlan? Did they have  
20 enough to eat?

21 A. As for my other children, they lived in children unit. I lived  
22 in the village and I did not have enough food. And as for my  
23 children, I believe they did not have enough food to eat as well,  
24 in children unit.

25 [11.00.32]

1 Q. I'll move on to another subject, Madam Koemlan, and that is  
2 the arrest of your husband. You gave some testimony earlier about  
3 that event. I'm not entirely sure which date -- around which date  
4 it was that he was taken away. <Do you remember?>

5 A. Yes, I do. He was taken at 9 o'clock at night in 1975, that is  
6 about three or four months after we reached the village.

7 Q. So, that would be August '75? Would that be correct?

8 A. Yes, that is correct. I think it was in August when they took  
9 him away. I was sent to the K-3 unit when it was the  
10 transplanting season.

11 Q. Did I understand correctly? You said that they took him to  
12 K-3?

13 A. It was <kang, not Kor,>-Bei or the third unit. It belongs to  
14 the village and we were to the south of the commune office. And  
15 further down that, it was the fourth unit, or in Khmer, you say  
16 <kang>-Boun. And, I was in the third unit or <kang>-Bei.

17 [11.02.55]

18 Q. Maybe it's the translation or maybe I am not understanding you  
19 correctly, but is it your testimony that your husband, when they  
20 took him away, was sent to K-3?

21 A. My husband was taken away for study session meant he was  
22 killed, not to K-3. He was killed to the west of Leay Bour  
23 Pagoda. And after he had been killed, I was sent to <kang>-Bei or  
24 the third unit.

25 Q. In your witness statement, E3/5635, ERN 00678302, at the

1 background, you say that your husband was arrested and sent to be  
2 re-educated. What exactly did you mean when you gave that  
3 statement?

4 A. They arrested him and sent him for re-education. But, that was  
5 only a lie. He was actually tied with a rope. His hands were tied  
6 to the back of his back. And his siblings saw what happened, even  
7 his mother. <All of them were 18 April People, they dared not do>  
8 anything to intervene.

9 [11.04.42]

10 Q. What exactly did they tell you that they saw?

11 A. They were the Base People, so they knew what happened. They  
12 told me that my husband had been killed. His hands were tied  
13 behind his back. And he was walked by people who had a gun and he  
14 was killed. And I wept <all night> when I was told that.

15 Q. I beg your pardon, Madam Koemlan, but that's something that I  
16 just don't understand. You are saying that these people knew  
17 because they were the Base People. Technically, you weren't a  
18 Base person, but you were just as much local in that area as the  
19 other people, so can you explain to us how they know, and you  
20 didn't?

21 A. I was a New person who just left Phnom Penh. I did not even  
22 know what to be re-educated means, but for the Base People, they  
23 knew it very well. When someone was sent for re-education, it  
24 means that person would be sent to be killed; and for serious  
25 offenders, they will be killed nearby; and for the less serious



1 offence prisoners, they will be sent to be detained somewhere,  
2 and they will be forced to engage in hard labour and later on  
3 they would be smashed. And for high ranking officials, they would  
4 have been killed nearby and not to be sent for any re-education  
5 further. And I learnt of that information through the Base  
6 People.

7 [11.07.01]

8 Q. Did anybody ever tell you that he or she saw with his own  
9 eyes, with her own eyes, the killing of your husband?

10 A. They told me personally only after the fall of the regime  
11 that my husband was killed to the west of Wat Bour (phonetic)  
12 pagoda, and that person learnt of that event from her <father>,  
13 and she told me about it that he was killed near a til tree. <It  
14 was a long time since 1979,> and I only learned that, as I said,  
15 only in <'90>. And by the time I learnt of that information,  
16 those people who involved in the killing of my husband were  
17 afraid so they either fled away from the village or they hid  
18 themselves somewhere, and they might have fled to live in  
19 Battambang Province or in Moan<g> (phonetic) area. But, as a  
20 Cambodian, it is not my intention to seek any revenge against  
21 those people although I knew that they involved in the killing of  
22 my husband. I don't want to <seek revenge because I fear of sin>.

23 [11.09.05]

24 Q. Do you know when in 1979 it was that you heard that your  
25 husband had been killed?

1 A. It was quite long after. Let me clarify, in fact, in 1979,  
2 they did not tell me yet, and from my recollection, maybe they  
3 told me in <1989> or 1990. I cannot recall it exactly.

4 Q. Yesterday, if I understood you correctly, Madam Koemlan, you  
5 testified that after they took your husband away from your home  
6 that you heard three shots being fired. Maybe I misunderstood,  
7 but it seemed that you wanted to give testimony to the effect  
8 that right on the spot your husband was killed. Is it maybe now  
9 your testimony that you -- let me ask you a question; what is  
10 your testimony as to the events that led to your -- the killing  
11 of your husband?

12 A. I knew about the three shots being fired after they took my  
13 husband away. The people who took him away, there were three of  
14 them and one had a rifle. When they walked him away they did not  
15 tie him up yet. And when they reach a coconut tree near the house  
16 of his mother and other siblings, they took a rope from a cow and  
17 tied his hands behind his back. The mother wept and as a result  
18 she later on died in the 1976.

19 [11.11.41]

20 Q. To finish this line of questioning, would it be accurate if I  
21 say that the three shots that you heard had nothing to do with  
22 the fate of your husband?

23 A. Because the shots related to the killing because I saw them  
24 carrying a rifle and not only they shot my husband to dead, as I  
25 was told <by the Base People>, they also used a hoe to force him

1 to dig a pit before they actually killed him.

2 Q. But if that were the case, Madam Koemlan, would it be correct  
3 if I tell you that you would have heard already in August '75  
4 what had happened to your husband?

5 A. Yes, the event took place in 1975, and as a result, he left me  
6 behind as a widow.

7 [11.13.10]

8 Q. I will move on to another subject, Madam Koemlan, and that's  
9 the visit of upper echelon leaders that you gave testimony  
10 earlier to. I have a few follow up questions.

11 Did -- what exactly were the words of the unit chief to you  
12 telling you or explaining you that one of those persons that you  
13 saw was a man called Nuon Chea?

14 A. The unit chief told us that the upper echelon leaders of  
15 Cambodia -- that is, Democratic Kampuchea came from Phnom Penh  
16 and they were senior leaders. They came to visit the base and  
17 that we had to work without making any complaint, and that we had  
18 to work actively.

19 Q. Did the unit chief tell you what the functions were of those  
20 men that you saw? What positions they had?

21 A. Yes. They were leaders of Democratic Kampuchea regime. They  
22 were the Khmer Rouge.

23 Q. But my question is whether the unit chief told you which  
24 positions within the government they had as leaders?

25 A. Their positions were the leaders of the entire Democratic

1 Kampuchea regime. The unit chief told us that the three people  
2 were the leaders of Democratic Kampuchea regime throughout the  
3 country, and they worked every day based on the instructions of  
4 Angkar.

5 [11.15.38]

6 Q. But Madam Koemlan also right now in Cambodia you have people  
7 who are Prime Minister, Chairman of the Senate, Minister of  
8 Foreign Affairs, that type of function, I mean, did the unit  
9 chief tell you anything of the functions, the positions, rather,  
10 of these men?

11 A. No, he did not speak about the positions of those men. We were  
12 only told that they were the senior leaders of the entire country  
13 and their rank was equivalent to that of the King in the previous  
14 regime.

15 Q. Do you remember the name that the unit chief used to tell you  
16 that this leader was Nuon Chea?

17 A. They said they were Pol Pot, Khieu Samphan, and Nuon Chea.

18 Q. So the unit chief used the name "Nuon Chea", correct?

19 A. Yes.

20 Q. Madam Koemlan, do you know the name of Vorn Vet?

21 A. No, I don't recognize this name.

22 [11.17.45]

23 Q. Do you know the name Son Sen?

24 A. I had heard of that name. However, I only heard of that name  
25 after the fall of the regime.

1 Q. Do you know the name So Phim?

2 A. I only heard of that name in this <present time>. Not during  
3 the previous regime.

4 Q. Do you remember, Madam Witness, when Nuon Chea formally  
5 announced that it was in fact the Communist Party of Kampuchea  
6 that was ruling the country, and not Angkar?

7 A. All the Base People knew that Pol Pot, Nuon Chea and Khieu  
8 Samphan were leaders of <> Kampuchea. They had the authority to  
9 control everything, and they were the one who assigned the work  
10 plans to the subordinates, and they were the initiators of a work  
11 plan.

12 [11.19.30]

13 Q. Madam Koemlan, it's very important if you give testimony to  
14 tell the Court the things that you remembered then and not the  
15 things that you heard after '79. So do you -- are you able to  
16 recall, excuse me, what you remembered in 1977? Do you remember  
17 any events sometime that year that it became known that wasn't  
18 Angkar that was ruling the country, but in fact the Communist  
19 Party of Kampuchea?

20 A. I recall that they were Angkar, and they were the leaders of  
21 the Communist Party of Kampuchea. Everybody talked about that,  
22 and we heard about it in 1975, 1977, that they were senior  
23 leaders.

24 Q. So is it your testimony that you knew already in '75 and '76  
25 that Nuon Chea was one of the leaders?

1 A. Nuon Chea, Khieu Samphan and Pol Pot, they were at the  
2 ministerial level; as for Ta Mok, he was at the provincial level.

3 [11.21.30]

4 Q. Madam Koemlan, would it surprise you if I would tell you that  
5 almost nobody in the world knew about Nuon Chea until, at the  
6 earliest, November '77?

7 MR. PRESIDENT:

8 Witness, you are not -- you do not need to respond to this  
9 question because this question wants to elicit the proposition or  
10 assumption that you have to make. <>

11 BY MR. KOPPE:

12 I agree, Mr. President. I will move on, but not without ending  
13 with my final question.

14 Q. Would it be possible that the leaders that you saw in February  
15 '77 were leaders, maybe, but that after '79, you figured that  
16 these leaders must be Pol Pot, Nuon Chea and Ta Mok? Would that  
17 be a possibility?

18 MS. CHOU KOEMLAN:

19 A. Because I saw them coming to inspect the work site and I knew  
20 them. So I knew that they were leaders of Democratic Kampuchea  
21 regime.

22 [11.23.23]

23 Q. Thank you, Madam Koemlan. Can I ask you some short, very  
24 different questions? One question would be to you; Klai Kroaem:  
25 where is that?

1 A. No, I am not familiar with Svay Krohuem (phonetic).

2 Q. Maybe it's my pronunciation. I refer, for the Parties, to  
3 paragraph 14 of E3/5635 -- that is, the Witness Statement of the  
4 civil party. And point 14, she says -- ERN 00678304: "I saw  
5 several people arrested and sent to Klai Kroaeum."

6 My question to you is: Where is Klai Kroaeum?

7 A. I was in Leay Bour commune, but I did not hear about Svay  
8 Krohuem (phonetic). Is Svay Krohuem (phonetic) in Kien Svay  
9 district? I am not at all familiar with it.

10 MR. KOPPE:

11 Mr. President, with your leave, maybe if the Khmer interpreter  
12 has the actual E3 document in front of him, on paragraph 14, I am  
13 reading the English version: Klai Kroaeum. But I'm not quite sure  
14 if that's translated or interpreted properly.

15 [11.25.33]

16 MR. PRESIDENT:

17 The National Counsel for Nuon Chea's defence team, could you help  
18 your counterpart, and maybe you can pronounce it in Khmer  
19 language?

20 MR. KOPPE:

21 Klai Kroaeum.

22 BY MR. KOPPE:

23 Q. You wrote it yourself, Madam Witness. "I saw several people  
24 arrested and sent to Klai Kroaeum."

25 MR. PRESIDENT:

1 National Counsel, can you try to find a document in Khmer, rather  
2 than to read the English translation? Can you please look at the  
3 actual Khmer language? Because through the interpretation, I am  
4 also unclear.

5 [11.26.49]

6 MR. SON ARUN:

7 Mr. President, in the Khmer language, it's called Khla Krohuem.

8 MR. KOPPE:

9 Khla Krohuem.

10 MR. PRESIDENT:

11 Khla Krohuem; is that correct? And civil party, are you familiar  
12 with this name?

13 MS. CHOU KOEMLAN:

14 I only familiar with Khla Krohuem and Krang Ta Chan.

15 [11.27.50]

16 BY MR. KOPPE:

17 My question to you, Madam Witness, civil party is, where is Khla  
18 Krohuem?

19 MS. CHOU KOEMLAN:

20 A. I had never been there. I was been only Krang Ta Chan. I only  
21 heard of that name, Khla Krohuem. As for Krang Ta Chan, I have  
22 been there rather frequently.

23 Q. But in your Witness Statement under paragraph 14, you said, "I  
24 saw several people arrested and sent to Klai Kroaeum." Is it your  
25 testimony that you don't actually know where that is?



1 A. I heard of Khla Krohuem, which was located to the west of Angk  
2 Ta Saom. As for Krang Ta Chan, I heard about it and I learnt of  
3 the location as I was told by the Base People. And those people  
4 they have been sent -- or they were sent to Krang Ta Chan.

5 [11.29.22]

6 Q. Have you heard, if, maybe, your husband was either sent to  
7 Krang Ta Chan or Khla Krohuem?

8 A. No, he would not be sent there as my husband was accused of  
9 being a traitor and opposed Angkar as he held a rank. And when  
10 they took him away, they held a rifle and a hoe, and I learnt of  
11 that information through his mother and his other sibling. As for  
12 my -- another elder brother when he was tied up and sent away, it  
13 was likely that he would have been sent to that location that you  
14 mentioned.<My brother was Hean Chaohy (phonetic).>

15 Q. It's almost time; I have a last question. We might have  
16 translation issues with that because I understand that we have  
17 possibly three versions of something. I refer to D22/250211. That  
18 is the report on civil party application, ERN 00550930, entry 31.  
19 On that piece of paper, there is a box called "alleged harm", and  
20 in the English version, it says, "The applicant suffers from  
21 psychological trauma as a result of losing her husband". And then  
22 it says, "She lost her hand during work in the Khmer Rouge  
23 regime". Now, I understand the Khmer version talks about losing a  
24 finger and the French version talks about losing an arm. So my  
25 question to you is: What exactly happened to you during the Khmer

1 Rouge regime physically with your finger, hand or arm? Would you  
2 be able to explain to us?

3 [11.31.53]

4 A. That is the truth. I lost my finger not during the time that  
5 the Khmer Rouge engaged in fighting. In fact I lost it during a  
6 harvest season after 17 April 1975. At that time, wherever we  
7 arrived, we would go to the rice field and harvest the rice. And  
8 we had to grind it. And at that time, the grinder had failed and  
9 then it cut my<> finger<>.

10 MR. PRESIDENT:

11 Did it happen after 17 April 1975 or <7 January> 1979? Could you  
12 clarify that?

13 MS. CHOU KOEMLAN:

14 A. <> It's after 7 January 1979. <It is my confusion.>

15 MR. KOPPE:

16 Maybe not necessary now any more but just let the record reflect  
17 that the civil party showed the finger of one of her hands and  
18 not as wrongly translated: her actual hand or even her arm.

19 [11.33.29]

20 MR. PRESIDENT:

21 Thank you, Counsel. The time is appropriate for a lunch break. We  
22 will take a break now and return at 1.30 this afternoon.

23 And Court officer, could you assist this civil party during the  
24 lunch break and invite her to return to the courtroom before  
25 1.30.

1 And security personnel, please take Nuon Chea to the holding cell  
2 downstairs. And as for Khieu Samphan, bring him to the courtroom  
3 before 1.30.

4 The Court is now in recess.

5 (Court recesses from 1134H to 1330H)

6 MR. PRESIDENT:

7 Please be seated. The Court is now back in session.

8 And the Chamber would like again to give the floor to Khieu  
9 Samphan's defence to put questions to this civil party. You may  
10 proceed.

11 [13.31.35]

12 QUESTIONING BY MS. GUISSÉ:

13 Thank you, President.

14 Good afternoon, Madam Chou Koemlan. My name is Anta Guissé. I am  
15 Mr. Khieu Samphan's International Co-Lawyer. In that capacity, I  
16 shall be asking you some follow-up questions and some  
17 clarifications regarding your testimony <before this Chamber>. I  
18 realise that a few questions that I will put to you have already  
19 been asked by the Judges and by my learned <colleague>, the  
20 lawyer for Mr. Nuon Chea. So I will be brief. I will be asking  
21 you some very specific questions in order to elicit specific  
22 answers. If you do not understand my questions, please do not  
23 hesitate in asking me to repeat. But I would ask that you do your  
24 utmost <to keep your answers brief > because time is of the  
25 essence.

1 [13.32.41]

2 Q. To begin, I basically want to return to the incident of 1977,  
3 the incident that you raised, during which you stated that you  
4 saw four Khmer Rouge <> leaders visit the work site at which you  
5 <worked>. My first question is <in relation to> the date<.> In  
6 response to the civil party Lead Co-Lawyer's question, you stated  
7 that it was in February, March, April<, or May> 1977. Is my  
8 understanding of your testimony correct?

9 MS. CHOU KOEMLAN:

10 A. Yes, that is correct.

11 Q. We therefore agree that the tasks that you carried out  
12 consisted of digging <a> canal <in anticipation of> the wet  
13 season, and that <> the digging of the canal took place during  
14 the dry season. <Is that correct?>

15 A. The canal was dug in order to preserve the water -- to  
16 irrigate the rice field whenever we needed it. We hoped during  
17 the dry season there will be water in that canal.

18 [13.34.30]

19 Q. However, from the point at which you began <digging> the  
20 canal, it was during the dry season; is that correct?

21 A. Yes, that is correct.

22 Q. A while ago, in response to a question put to you by my  
23 colleague from the Nuon Chea defence <team>, you stated that you  
24 helped in the building of the canal during an approximate  
25 fortnight, <10 days> or 15 days. Following that, you <> moved to

1 a different work site; is that correct?

2 A. Yes, that is correct.

3 Q. Madam Civil Party, as far as the time frame that we  
4 <mentioned>, that is, February, March, April<, May>, I'm just  
5 wondering if <there is a way to> trigger your memory<. I would  
6 like to ask you whether> you recall -- before <working on the  
7 canal where> you said that you saw the four Khmer Rouge  
8 <representatives> -- <if> you worked on other canals during the  
9 same period or during that dry season? Or was it the first <>  
10 canal that you <worked on>?

11 [13.36.18]

12 A. <It was several times, not the first time,> we also dug canals  
13 for rice dykes around the village. So we actually engaged in  
14 various canal diggings at the village, at the unit<, near Prey  
15 Leu>. And also, we dug canals along some roads, and also we dug  
16 canals near the water pumping station.

17 Q. Do you remember what you did first among those various jobs?  
18 <Was it> in February, <or was it rather in May, these other jobs>  
19 -- <> during the time frame that you have specified?

20 A. The first time that we dug canal, it was after we harvested  
21 the rice. So we both dug canal and also we fix the rice dykes  
22 around those rice fields in the village. And after that, we dug -  
23 we engaged in digging bigger canal near the main National Road.

24 [13.37.48]

25 Q. Thank you for that detail. However, my question was: During

51

1 the period between February and May, the same period that you  
2 talked about before this Chamber, by recalling the various <jobs>  
3 that you undertook, could you say that you saw the leaders  
4 somewhere in February or somewhere closer to May?

5 A. It's been a long time and I cannot say for sure whether it's  
6 closer to February or to May. I recall that we began digging the  
7 canal during a dry season and after we completed that, then our  
8 unit moved further to another work site. And that happened in  
9 1977.

10 Q. Do you remember engaging <in> any telephone conversations with  
11 the <Legal Aid Office> of Cambodia in <January> 2011?

12 Apparently, there <wa>s a <translation> issue. I'll repeat my  
13 question.

14 Madam, do you remember having any telephone <calls> with an  
15 individual from <the> Legal Aid Office of> Cambodia in January  
16 2011?

17 A. I was interviewed by a telephone. Yes.

18 [13.40.03]

19 MS. GUISSÉ:

20 With leave of the Chamber, Mr. President, I wish to put before  
21 you a Khmer version of the report< of these telephone calls> in  
22 order to refresh the memory of Madam Civil Party. Yes, I can  
23 certainly give you the reference number: E3/5635, ERN in French,  
24 <00898378> - or ERN in English <> 00678302; and ERN in Khmer,  
25 00897420.

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 Court officer, could you deliver the document from the defence  
4 counsel for the civil party's examination?

5 [13.41.26]

6 BY MS. GUISSÉ:

7 Q. On the first page of the document, you see that there is a  
8 compilation of three telephone calls. This document is a  
9 compilation of three telephone calls that the <legal> assistant  
10 working in the Legal Aid Cambodia office had recorded. The  
11 document is divided by topic and <numbered by> paragraph. I don't  
12 believe that I need to refer to the ERN <each time>; I'll simply  
13 refer you to the <> paragraph<; and I would like you to read the  
14 beginning of paragraph> 18. The following was noted by the person  
15 who interviewed you on the telephone:

16 "<O>ne day in February 1977, I saw Pol Pot, Noun Chea, Khieu  
17 Samphan and Ta Mok (the four leaders) on my worksite<. O>n th<at>  
18 day I was working on <the irrigation> canal work that we were  
19 assigned to <build> in < Prey Leu at the> Tram Kak <cooperative,  
20 Takeo district>." End of quote.

21 Madam Civil Party, my question to you is this: Was your memory  
22 more vivid and fresh in 2011, since the date, as noted by the  
23 person who was speaking with you on the telephone, is a more  
24 accurate reflection of what you told the person that day?

25 MS. CHOU KOEMLAN:

1 A. <No,> I was interviewed by telephone <>at Ou Chambak station,  
2 <but the phone reception was bad,> and here it refers to Prey  
3 Leu, but I did not speak about Prey Leu, I talked <only> about Ou  
4 Chambak<, where I met them>.

5 [13.43.40]

6 Q. Am I therefore to understand that the <information> contained  
7 in this document <is> erroneous; is that correct?

8 A. The fact that I saw Khieu Samphan, that was correct. But the  
9 location was not at Prey Leu. Of course, I was at Prey Leu, but  
10 when I worked at Prey Leu, I did not see the leaders. When I met  
11 them, it was Ou Chambak.

12 Q. And as far as the date is concerned, the phrasing "one day in  
13 February 1977", <does that correspond to> what you said or is  
14 this information wrong?

15 A. Through the telephone interview, I stated that I cannot  
16 recollect the date well. Either it was in February or March or  
17 April or May, because it's been a long time <20 or 30 years ago>.  
18 And I said probably it was in <dry season>, and the location they  
19 mentioned here is incorrect, but I did meet those leaders.

20 Q. Am I therefore to understand that the person who wrote this  
21 <compilation also provided> erroneous information in this  
22 document? Is that what you're saying before the Chamber?

23 [13.45.32]

24 A. I want to say that that document was the result of a telephone  
25 interview and sometimes the voice was not that clear.



1 Q. Therefore, you told the person that it could have been in  
2 February, March, April or May, and the person simply heard  
3 February. <Do we agree on the fact> that you told the person that  
4 you were uncertain of the dates and this was not recorded<?>

5 A. Yes, because that happened a long time ago. I could not  
6 recollect it well whether it was in March or in May.

7 Q. Madam Civil Party, I just want to return to a statement that  
8 you made before the Chamber. You said that your chief of unit, Ta  
9 Oeun, was the one who informed you of the arrival of the leaders.  
10 My first question<, which wasn't necessarily clear in the  
11 translation,>: Was Ta Oeun a male or a female?

12 A. Of course, Ta Oeun was a man. He was <a unit chief> in charge  
13 of our unit and he was also in a position to liaise with the  
14 commerce section at the commune office. He was a male person.

15 [13.47.46]

16 Q. Can it be said then that you knew that these four individuals  
17 were going to visit the worksite the night before they actually  
18 arrived?

19 A. I agreed that on that day I went to work and I was not aware  
20 that they would be coming to inspect the worksite.

21 Q. So, if I understand correctly, it was only on the day of the  
22 arrival of the four leaders that you learned of their arrival, if  
23 I'm to understand your statement.

24 A. <Yes, that is correct.>

25 Q. I'd like to take you to paragraph 20 of the same document you

1 have before you. It reads as follows: "As for Pol Pot, Noun Chea  
2 and Ta Mok, I had not previously seen them. However, I knew who  
3 they were, because the day before the four leaders came to my  
4 worksite, my mobile <group> chief told me that the four leaders  
5 were coming to visit the worksite and we should work very hard at  
6 planting the rice when they visited." End of quote.

7 Now, based on the document, one gathers that you were informed of  
8 the arrival of the four leaders the day before. Now, is this a  
9 mistake made by the person who recorded your statement?

10 [13.49.53]

11 A. That is not consistent with what I said during the telephone  
12 interview. Because, I had known Ta Mok a long time ago, and I saw  
13 him frequently before Khieu Samphan and Noun Chea came to visit  
14 the worksite. I believed during the telephone interview the  
15 person who was on the other side could not hear my voice clearly  
16 and probably that leads to this incorrectness in recording my  
17 statement. <I knew Ta Mok a long time ago> because I saw Ta Mok  
18 very frequently<, when he went around the places to inspect in  
19 '77>.

20 Q. I am going to ask you a question that has nothing to do with  
21 your statement. Following that, did you learn if there were any  
22 meetings dedicated to organizing the visit before the visit  
23 actually occurred? Did <> your chief of unit <or anyone else from  
24 the cooperative or the commune> tell you that there were any  
25 preparatory meetings in view of the imminent arrival of the

1 leaders?

2 [13.51.25]

3 A. No, there was no such meeting taken place, because if they  
4 were to tell us that, probably they were afraid or concerned that  
5 we, the 17 April People, would have issues. And I only saw them  
6 on the day that I was working at the worksite.

7 Q. I want to go back to the very day that you said you saw them  
8 on the worksite. If I am to understand your statement, you saw  
9 the car in which the leaders were being transported arrive along  
10 the road, <next to the area where> you were working. <Is that  
11 correct?>

12 A. Yes, that's true. And the vehicle's colour was black.

13 Q. And am I correct in understanding that there was only one  
14 single vehicle?

15 A. There were two vehicles, but I recall that at that time, the  
16 interviewer did not ask me about the number of cars. In fact, the  
17 leaders were in a black vehicle and Ta Mok was in a Jeep.

18 [13.53.01]

19 Q. Therefore, <if I understood correctly,> you saw two vehicles:  
20 one black vehicle in which there was Ta Mok<, Pol Pot, and Khieu  
21 Samphan> -- or rather, there was Noun Chea, Pol Pot and Khieu  
22 Samphan, and a Jeep, in which Ta Mok was travelling; is that  
23 correct?

24 A. Yes, that is correct.

25 Q. Earlier on, Judge Lavergne asked you if there were any

1 foreigners who visited the worksite. I would like to know if on  
2 that day that you saw the two vehicles, <aside from the leaders  
3 and> aside from Ta Mok, <> were any other individuals present<?>

4 In the vehicles where you <said you> saw <Noun Chea, Pol Pot and  
5 Khieu Samphan>, were there any other people accompanying them?

6 A. Because the cars' windows were tinted black, we could not see  
7 through. I did not know whether there was a chauffeur in the  
8 vehicle or not. <I only saw three of them when they came out of  
9 the car.>

10 [13.54.37]

11 Q. And in Ta Mok's vehicle, were there other people?

12 A. I couldn't see through the vehicle's mirrors. These cars were  
13 supposed to transport senior leaders, so the windows were tinted  
14 black. And from the position that I was standing in the canal, I  
15 couldn't see through those glasses<, since the car was far away  
16 from us>. I only saw them when they came down and walked near the  
17 canal.

18 Q. Would it be right to say that the only people you saw come out  
19 of the vehicles were Pol Pot, Noun Chea, Khieu Samphan and Ta  
20 Mok; is that correct?

21 A. Yes. I saw only the four of them and that is correct.

22 Q. Earlier on, in response to a question put to you by Judge  
23 Fenz, you stated that you saw these people for no longer than  
24 about 15 minutes; is that correct?

25 A. I saw them for about 15 minutes when they were standing near

1 where I was working and while they were having palm juice. After  
2 that, they walked away while talking amongst themselves.

3 [13.56.45]

4 Q. I -- and please correct me if I'm wrong -- I gathered that  
5 following this very short visit to the worksite, there was a  
6 meeting to which the local leaders were invited; is that correct?

7 A. The chiefs -- for example, the unit's chief called all the  
8 workers, including the 17 April People <and the Base People> to  
9 go for a meeting. It was them who gathered the workers for a  
10 meeting. <It was> not <>a meeting <for the unit chiefs>. In the  
11 meeting, they instructed us to strengthen our stance in order to  
12 follow the "leap forward" movement principle.

13 Q. Now I understand you were referring to a meeting that happened  
14 after the visit. It is the same meeting that you talked about  
15 earlier. It was either during or just before lunch. But that's  
16 not the meeting I'm referring to. I'd like to know if <you know>,  
17 following the visit of the four leaders, if there was a meeting  
18 to which you were not <invited>. I<f there> was a meeting between  
19 the<se> leaders and local <leaders>.

20 [13.58.37]

21 A. The meeting that my unit's chief, my village chief, and the  
22 youth chief, as well as the committees at various level, they  
23 held a meeting somewhere, maybe under a tree, I did not know, but  
24 those chiefs actually followed and accompanied the leaders.  
25 However, they went away for only a brief moment, because later

1 on, the various unit's chiefs returned to the worksite, absent  
2 the commune and the district committees. As far as I know, the  
3 district and the commune committees actually went to the Leay  
4 Bour commune office and the Kor-Muoy <cooperative> or the first  
5 unit, and I believe the <three> leaders also went to Kor-Muoy  
6 there.

7 Q. Okay. I just want to parse <through things because you gave a  
8 lot of information>. First question: You said that there was a  
9 meeting taking place under a tree. Did you see the leaders and  
10 local leaders head towards the tree or is it something that you  
11 learned only afterwards?

12 A. I knew it on that day, because when the <group> chief and the  
13 unit chief returned, they spoke about having a meeting under a  
14 mango tree with the leaders. However, they did not reveal the  
15 content of that meeting. And then, during the lunch break, we  
16 were called for a meeting by our <group> and unit chiefs.

17 [14.01.08]

18 Q. Very well. I would like to focus on the meeting you did not  
19 attend and which <was mentioned by> your unit head <or> the <>  
20 persons who talked to you about it. My first question is as  
21 follows: A while ago, you referred to a number names, a number of  
22 duties and responsibilities, without <me having properly  
23 understood> exactly <who was who and> who did what. I would like  
24 you to clarify that matter. You talked of a certain person called  
25 Ta San. My question is this: Do you have <his> full name and what

1 <exactly was his position>?

2 A. <He was> Ta San, I do not know his surname. He was the  
3 district committee. Before <> Khmer Rouge period, he was a  
4 teacher.

5 Q. And do you have his full name?

6 A. I do not know his full name. He moved to live in Anlong Veng,  
7 and now I heard that he is deceased.

8 [14.02.44]

9 Q. You also mentioned a person by the name of Ta Hounh<>.

10 That is on paragraph 25 of the witness's statement, for the  
11 interpreters.

12 Do you know Ta Hounh's full name and his exact position, the  
13 position he occupied?

14 A. Ta Hounh. He was the commune chief, supervised Ta Nouv. Ta  
15 Nouv was in charge of military. Again, as for others, I do not  
16 know. I just know these two people, their names. They were  
17 commune committee.

18 Q. Do you know Ta Hounh's full name?

19 A. Because he was a senior, he was only referred to as Ta Hounh.  
20 Surname was not referred to at the time. And Ta was used to refer  
21 to senior people, and I just know that his name was Ta Hounh.

22 [14.04.35]

23 Q. You also mentioned a person by the name of Ta Nouv, and that  
24 is spelled in paragraph 25, interpreters.

25 My question is: Do you know his full name and the exact position

1 he held?

2 A. Ta Nouv, he worked in the commune with Ta Hounh. I do not know  
3 his full name. He was referred to Ta Nouv, and everyone was  
4 afraid of Ta Nouv. When they saw Ta Nouv, people would just work  
5 hard<er> because Ta Nouv, he was <rather harsh>.

6 Q. You also mentioned Ta Oeun, who was your unit head. Do you  
7 know his full name?

8 A. Actually, we do not know their family names. Ta Oeun, he was  
9 the chief of K-3. I was never told about surname.

10 Q. A while ago, you stated that that meeting was also attended by  
11 the youth head. Do you remember the name of that person?

12 A. As for chief of youth units, the name was -- his name was Bo  
13 (phonetic) -- Comrade Bo (phonetic).

14 [14.06.47]

15 Q. Regarding these persons whose names I've just given, Ta San,  
16 Ta Hounh, Ta Nouv, Ta Oeun -- I crave your indulgence for not  
17 pronouncing them correctly. Do you know whether all those persons  
18 attended the meeting you referred to with the four leaders under  
19 the mango tree?

20 A. I was told about this. I was a new person. I only worked. And  
21 a Base person told me about this.

22 Q. Do you know who exactly told you about it?

23 A. Oeun, the chief of the unit told me about this, about the  
24 meeting. He told that the meeting was held under the mango tree.

25 So, I was told after he was back from the meeting



1 Q. And was it Ta Oeun who told you of the presence of <Ta San, Ta  
2 Hounh, Ta Noui (phonetic), and> Ta Nouv<>?

3 A. Yes, that is correct.

4 Q. Still regarding the names of officials in the area <that> you  
5 <remember>, do you know a person by the name <Kit>?

6 A. I do not catch up with your question. The name <Kit>, I appear  
7 not to know this person?

8 [14.09.12]

9 Q. For the interpreters, the <Kit> I'm referring to is K-<i>-t.  
10 My question is whether you know a person called <Kit>, who  
11 exercised some functions in that area.

12 A. No, I do not know this person. He or she was not in my place.

13 Q. Did you know a person called Chim? C-h-i-m<, for the  
14 interpreters>.

15 A. Yes, he was the village chief in my area.

16 Q. And do you know his full name?

17 A. I do not know his full name; he was referred to as Uncle Chim.  
18 He was in the village committees, and he was not senior. As for  
19 the senior people, I already mentioned the names.

20 Q. And do you know whether he attended the meeting under the  
21 mango tree?

22 A. He, Ta Oeun and Ta Chim joined the meeting. They were there.

23 Ta Chim was <> at the west of the Champa pagoda<, at the west of  
24 Angk Roka>. He was away from the place where I lived.

25 [14.11.34]

1 Q. Still on this matter, is it Ta Oeun who told you of the  
2 presence of Ta Chim at that meeting?

3 A. Yes. I agree with this.

4 MS. GUISSÉ:

5 Thank you, madam.

6 I do not have any further questions for the witness, Mr.

7 President. I will now give the floor to my learned colleague.

8 MR. PRESIDENT:

9 Thank you. Now Mr. Kong Sam Onn, you may now proceed.

10 QUESTIONING BY MR. KONG SAM ONN:

11 Thank you, Mr. President.

12 Good afternoon, Madam Civil Party. My name is Kong Sam Onn, I  
13 have a few questions.

14 Q. I would like to know your name. Your name is Chou Koemleng  
15 (phonetic) or Chou Koemlan? Could you clarify it?

16 [14.12.38]

17 MS. CHOU KOEMLAN:

18 A. My name is Chou Koemlan; my elder's name is Chou Koemleng  
19 (phonetic). She lived on National Road Number 1. Actually, while  
20 I was giving the interview, she was sitting close to me, that is  
21 why her name appears.

22 Q. In document E3/5635, your name should be written as Chou  
23 Koemlan, not Chou Koemleng (phonetic); is that correct?

24 THE INTERPRETER:

25 No answer from the civil party.

1 BY MR. KONG SAM ONN:

2 Q. This morning< oh sorry, it was yesterday,> I heard you said  
3 one sentence -- that is, "mind your own business". Did you  
4 remember you said this sentence?

5 [14.13.55]

6 MS. CHOU KOEMLAN:

7 A. Yes, I recall that. "Minding our own business", during Khmer  
8 Rouge time, it was said very frequently about this sentence --  
9 these words.

10 Q. Could you give the meaning -- the definition of this sentence?  
11 Could you explain it?

12 A. Yes, I could. "Minding our own business" is that no one can  
13 help others -- father, mother, siblings -- they could not help  
14 anyone in their family. Those who made mistakes would be arrested  
15 and taken away, that is why Khmer Rouge used the term "minding  
16 our business".

17 Q. Did this sentence associate with any work you did at the time,  
18 during the Khmer Rouge period?

19 A. Since the time I lived in the Khmer Rouge period, I always  
20 heard this sentence. Anyone invented the term -- I do not know  
21 who invented the sentence or term. My superior, the unit chief,  
22 perhaps they had us in a meeting and told us about this sentence.

23 [14.15.45]

24 Q. Could you tell the Court when were you told about "minding  
25 your business"?

1 A. We had an ordinary meeting once every ten days and a big  
2 meeting was held once a month. This sentence -- this phrase --  
3 was always mentioned.

4 Q. When did you hear this sentence, this phrase?

5 A. When I was in the territory of the Khmer Rouge period. It was  
6 in 1975.

7 Q. Thank you. Concerning the phrase, how was it understood by the  
8 people in general in your place?

9 A. This phrase was a scary <and shocked> phrase. No one can help  
10 anyone else.

11 [14.17.10]

12 Q. Thank you.

13 Yesterday, at around 11.30 a.m., you mentioned the name Vannara  
14 (phonetic) and you said that Vannara (phonetic) went to steal a  
15 potato, and after that he was arrested. Could you tell The Court  
16 how long after his arrest did you know that this person was taken  
17 away? That this person was killed, rather?

18 A. My elder sibling told me, it was a long time after he was  
19 taken away and killed. My elder sibling at Samraong (phonetic)  
20 told me <over> 15 days later, after he disappeared. I was told  
21 that this Vannara (phonetic) stole potatoes quite often and  
22 <then> he was arrested <and killed>.

23 Q. Thank you. How long was it after he was arrested and killed  
24 that you knew about the event?

25 A. Actually, this person was<,> for example<,> he was arrested

1 today, and the day after, he was killed. <They would not keep  
2 long.> My elder sibling told me that after the arrest, the person  
3 was never kept for long.

4 [14.19.01]

5 Q. Did you know who killed him?

6 A. Those who were at Sector 107, and I lived in <Sector 105.> <It  
7 was> a different sector, so I do not know who killed this person.

8 Q. Thank you.

9 Concerning your husband, where was your husband's birthplace?

10 A. His birthplace was in Leay Bour <commune>, Tram Kak district,  
11 Takeo province.

12 Q. Was it in the same birthplace as yours?

13 A. Yes, it was in the same birthplace as mine.

14 Q. Your husband lived in Leay Bour <commune>, Tram Kak district,  
15 Takeo province, so how long did he live there before he left the  
16 place?

17 A. Before he left to live in Phnom Penh or before he was taken  
18 away and killed?

19 [14.20.20]

20 Q. Before he left to live in Phnom Penh.

21 A. Before he left to live in Phnom Penh, he lived in - he studied  
22 in Leay Bour, and after that he <became a monk> and <then he took  
23 a test to get a job>, following which he went to live in Kampong  
24 Speu, Kampong Chhnang and Phnom Penh.

25 Q. Do you remember the year that he left to work?

1 A. I do not recall it exactly. I was very young when he left for  
2 work. I was about 10 years old at the time.

3 Q. Did your husband ever go to visit his birthplace after he left  
4 the area?

5 A. After he left from his area, he normally came to visit his  
6 birthplace <before the Khmer Rouge regime>.

7 Q. This morning you mentioned that your husband was a soldier; is  
8 that correct?

9 A. He was a soldier in the Lon Nol period. Before that, in  
10 Sangkum Reastr Niyum, he was a policeman. He learned about law in  
11 relation to military medics. And so, <during the Lon Nol regime,>  
12 because he had some education in relation to medicine in the  
13 military field, he was asked to be a military medic.

14 [14.22.28]

15 Q. Your husband was a police, and after that, he was a soldier.  
16 How long was he in those positions?

17 A. He was in those positions for a long period of time, from 1960  
18 -- perhaps 1965 or '66 or '64.

19 Q. Thank you. So, from my understanding, he was in those  
20 positions at least 10 years; is that correct?

21 A. Yes, that is correct.

22 Q. Thank you. The villagers living in the birthplace of your  
23 husband, did they know about your husband's background?

24 A. Yes, they knew very clearly. Base People, New People knew my  
25 husband's background. They knew that my husband was a soldier in

1 the Lon Nol period and a policeman in Sangkum Reastr Niyum.  
2 Everyone knew, including New and Base People<, because they were  
3 from the same place>.

4 [14.24.00]

5 Q. Thank you.

6 From my understanding, this morning, you answered a question to  
7 the Bench. You said that your husband was arrested after ranks  
8 was found in his clothes bag. <Did you say so?>

9 A. Yes<,I did.> In his bag, there was a <photo of him in his>  
10 soldier uniform and insignia <in his pocket>.

11 Q. So, it was the photo with your husband in military uniform was  
12 found; is that correct?

13 A. A photo depicting my husband with his uniform was found, and  
14 <at night>, he was arrested.

15 Q. Thank you. Could you explain to the Court why did the  
16 villagers know about your husband's background after he left the  
17 area<?> <When you were evacuated from Phnom Penh to Leay Bour  
18 commune till the time they found his photo, they did not do  
19 anything to you and your husband,> so could you explain why only  
20 after it was found out that your husband was a soldier and  
21 policeman that you were -- that he was mistreated?

22 A. I would like to clarify my answer. First, we were asked about  
23 our biography and we did not tell them that my husband was a  
24 military medic. We told them that my husband was a medic -- a  
25 doctor -- in the Preah Ket Melea Hospital<, Borei Keila>. So

1 there was no issue with him. We lived at the north of -- and  
2 after that, we were moved to a place north of Leay Bour  
3 <commune>. A search was conducted <one more time> and a photo was  
4 found in the pocket of my husband's shirt. The children collected  
5 the clothes, put together in a bag. And in the pocket of the  
6 shirt, there was a photo and it was found out that my husband was  
7 a soldier, so we did not tell about the background at first. <So  
8 they took him at night.>

9 [14.27.20]

10 Q. You said that there were New People coming to the place, so  
11 who were you referring to? <New cadre or New People?>

12 A. New People here, I want to mean New People -- that is, the 17  
13 April People<, from Phnom Penh>. There were Base People already  
14 there. Base People came to search our belongings before we could  
15 live in the area.

16 Q. Thank you. Could you explain, or could you clarify about the  
17 17 April People? I have heard you say about 17 April and also 18  
18 April People. So, what were you referring to, concerning 18 April  
19 People? What kind of them?

20 A. 18 April People were Base People and 17 April people were New  
21 People. <They called us, 'Tmot Sey (phonetic)'\>

22 Q. I do not understand what you said<, 'Tmot Sey'\>. Could you  
23 clarify it?

24 A. <Brand New,> New People. There were New People. So, we were  
25 New People, and some were completely New People, as they were



1 referred to.

2 [14.29.28]

3 Q. I would like to move to another topic, which you explained to  
4 The Chamber about a lady who dared to disembowel her husband. Do  
5 you recall <that case>?

6 A. Yes, I recall it. This lady disembowelled her husband.

7 Q. You explained to the Court already that you knew this incident  
8 from the grandmother of the one who was disembowelled. When did  
9 you know about this incident? Was it after this person was  
10 arrested and disembowelled? Or, could you explain about this?

11 A. I knew when Takeo fell, and after that, Vietnam liberated the  
12 country. The grandmother came to tell about the incident to my  
13 mother <in the peace time which> was in 1980, '81 or '82.

14 Q. Thank you. Let me confirm your statement that you were aware  
15 of that incident in 1982 and not during the time that the  
16 incident took place; am I correct?

17 A. Yes, that is correct. I only was aware about it in 1981/82,  
18 when she came to tell my mother about it.

19 [14.31.43]

20 Q. I would like to move on to another topic -- that is, when you  
21 said you saw the Khmer Rouge leaders coming to visit the work  
22 site where you were working. In your response to the  
23 International Counsel of Khieu Samphan, you said that there were  
24 two vehicles and one was for Ta Mok and the other one was where  
25 Pol Pot, Khieu Samphan and Noun Chea were sitting. And that Ta

1 Mok's vehicle was <a jeep car>, and that you could not see  
2 through the inside due to the tinted black window. Can you tell  
3 us how far were those two vehicles parking from your -- from  
4 where you were standing?

5 A. The distance was about 100 metres. Ta Mok was alone when he  
6 stepped out of that vehicle.

7 Q. So, the distance from you and the two vehicles were about 100  
8 metres and Ta Mok was the only one in that jeep? There was no  
9 chauffeur or driver for him? Am I correct to say that?

10 A. Yes, that is correct.

11 [14.33.28]

12 Q. Was Ta Mok's vehicle having the windows on the sides and also  
13 on the back?

14 A. <Jeep had no glass windows>, there was only the front glass.

15 Q. So, when you -- in your response to Anta Guissé, counsel, you  
16 did not refer to Ta Mok's vehicle; am I correct?

17 A. I referred to the black vehicle where the senior leaders of  
18 the Democratic Kampuchea regime sat and the jeep <belonged to> Ta  
19 Mok <>. <You asked about the black car. So I answered that.>

20 Q. From a 100 metre distance --

21 MR. PRESIDENT:

22 Counsel, could you leave sufficient pause between question and  
23 answer session so that the interpreters could provide proper  
24 interpretation for the record. You may now proceed.

25 MR. KONG SAM ONN:

1 Thank you, Mr. President.

2 [14.34.52]

3 BY MR. KONG SAM ONN:

4 Q. Can you tell us regarding the two vehicles that were parking  
5 about 100 metre distance from you, how were they parked?

6 MS. CHOU KOEMLAN:

7 A. They were parked at the roadside, around the bend of the  
8 <National> Road <2 from Phnom Penh>.

9 Q. On - was it -- were they parked on National Road 2 or another  
10 side road?

11 A. No. The cars were parked on the National Road <2>, and to the  
12 west was the direction of Tram Kak. So, the cars were parked  
13 facing to the west, to Tram Kak area.

14 Q. You stated that the location where the cars were parked were  
15 from <>west <to east> direction -- that is, leaving from the  
16 provincial town of Takeo to the Angk Ta Saom direction; am I  
17 correct?

18 A. Yes, that is correct.

19 [14.36.29]

20 Q. So, wasn't it not from Phnom Penh turning toward Takeo?

21 A. No, it was not. It was toward the direction of Leay Bour  
22 commune -- that is <Unit 1>, facing the west.

23 Q. Can you tell us the location <from the intersection of  
24 National Road 2,> where the Junction 1 was heading towards the  
25 Takeo provincial town and the other one to the other direction?

1 Where were the cars actually parked? Was it immediately at the  
2 middle of the junction or was it toward the other side of the  
3 road?

4 A. The cars were parked near the direction of the Takeo province.  
5 From the Leay Bour commune office, it was in the middle, between  
6 Takeo provincial town and Angk Ta Saom.

7 Q. The cars were parked facing north -- facing west, rather; am I  
8 correct?

9 A. Yes.

10 Q. Did you see anyone else besides the two vehicles, who might  
11 have come later or earlier than the two vehicles? Maybe 10-20  
12 minutes early or <half an hour> later <in the same morning of>  
13 that day? Did you see another group of visitors who might have  
14 come early or later?

15 A. No. I did not. There was no traffic on the road, except the ox  
16 carts carrying other stuff. There were no <motors, bikes or cars>  
17 on that particular day. <It was quite empty.>

18 [14.38.55]

19 Q. When the cars stopped and parked, did you see the two vehicles  
20 came to a standstill and parked? Or you only saw, when you saw  
21 the people coming out of the vehicles?

22 A. I saw the two cars coming from the north, and it became slower  
23 and it stopped. I saw them, while other workers also saw them,  
24 then they stepped out of the vehicles.

25 Q. When the vehicles were approaching, who were you with at your

1 work site? Were you together with some co-workers?

2 A. There were many because we were all workers. There were those  
3 who were digging the soil, others who were carrying the soil.

4 Q. Did they also pay attention to the approaching vehicles and  
5 did they say anything about those vehicles?

6 [14.40.32]

7 A. As I stated earlier, we were talking and we were told the  
8 leaders of the Democratic Kampuchea regime came from Phnom Penh  
9 and their status was that of the head of the country. And they  
10 came to inspect the model work site, because Leay Bour was a  
11 model cooperative and we produced good rice product.

12 Q. Can you recall who said that? Or was everybody saying the same  
13 thing?

14 A. It was the <group> chief, the unit chief and the village chief  
15 who said that.

16 Q. So, it was the <group> chief, unit chief and the village  
17 chief, the three of them. Were there more? More than these three?

18 A. In one group -- in one <group>, here was a <group> chief, and  
19 then there was a village chief who travelled between various  
20 units, because for a <group> of 10, there would be a <group>  
21 chief. And sometimes there were 12 members in a <group>.

22 Q. I would like to know about the number of people who spoke  
23 about leaders coming to inspect the work site from Phnom Penh.

24 How many people did say that? Can you tell the Court?

25 A. Yes, I can. It was the unit chief and the village chief.

1 [14.42.29]

2 Q. They said it. And the <group> chief did not say it; am I  
3 correct?

4 A. The <group> chief also said it.

5 Q. Did they say the same thing at the same time or they took  
6 turns to say this in sequence?

7 A. They spoke about the same time. I mean, at the time that those  
8 leaders came to inspect the work site.

9 MR. PRESIDENT:

10 Thank you, Counsel. The time is appropriate for a short break.

11 We'll take a break for now and return at 3 o'clock to resume our  
12 hearing.

13 Court officer, please assist the civil party during the break and  
14 have her returned to the courtroom before we recommence at 3  
15 o'clock.

16 The Court is now in recess.

17 (Court recesses from 1443H to 1501H)

18 MR. PRESIDENT:

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

20 The Chamber now gives the floor to counsel for Mr. Khieu Samphan  
21 to put further questions for Madam Civil Party.

22 International Co-Prosecutor, you may now proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you and Good afternoon Mr. President. I am <questioning  
25 the> duration of the defence's cross examination because it is

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1 already 2 hours and 40 <minutes> that they've been using to cross  
2 examine the <civil party>, <while our team> used <2 hours and 10  
3 minutes, which corresponds to precisely 2 segments>. So, it  
4 appears that the Defence has already exceeded their time and I'm  
5 wondering whether they intend to <continue much longer>. So, I  
6 would like you to rule on this matter because I have noticed that  
7 they have gone well beyond the time allotted to them. <Thank  
8 you.>

9 [15.03.11]

10 MR. PRESIDENT:

11 I gave more time for the Defence for questioning because the  
12 Bench used <50> minutes of the Defence time that is why we gave  
13 more time to the defence counsel. You may now proceed.

14 BY MR. KONG SAM ONN:

15 Q. I now continue my question. Before break, we discussed about  
16 the visit of Khmer Rouge leader in your worksite. We also  
17 discussed -- in particular, we discussed, about the time when the  
18 vehicle came to a stop. There were three or four leaders at the  
19 time, including Ta Mok. Did they arrive at the same time or one  
20 vehicle came earlier or later?

21 MS. CHOU KOEMLAN:

22 A. When I glanced at the vehicle, I saw two vehicles at the same  
23 time parking at the place. Ta Mok's vehicle was behind the other  
24 leader's vehicle.

25 [15.04.39]

1 Q. After the vehicle stopped, you saw all those people came out  
2 of the vehicle at the same time; is that correct?

3 A. Yes, that is correct.

4 Q. After they came out of the <cars>, where did they head to?  
5 They were heading to the north or to the south of the road?

6 A. They were walking from the north<, the right side,> and they  
7 were talking among themselves. Leaders were talking to Ta Mok.

8 Q. Did they -- were they heading northwards?

9 A. They were heading westwards<.> They were walking on the right  
10 side of the road and my worksite was to the north of the road.

11 [15.06.02]

12 Q. Let me clarify your answer. At the time the four leaders came  
13 out of their vehicle, they were heading westwards. So they were  
14 walking on <roadside of> the National Road <>; is that correct?

15 A. They were walking from the National Road side towards the road  
16 of the canal <near the workers>.

17 Q. Thank you. So they were walking from the National Road and  
18 heading to the canal. So where was the canal situated? <Was it  
19 from south to north or from west to east?>

20 A. So, again, they were walking westwards towards the dam. The  
21 dam that we built was big so they were walking from the National  
22 Road side down to that dam.

23 Q. Thank you. You said they were heading westward, they were  
24 walking westward. They were walking on the road in parallel to  
25 the National Road or they were crossing the National Road towards



1 another sub-road?

2 A. They were walking on a sub-road in parallel to the National  
3 Road. Actually I clarified my answer many times. I mentioned my  
4 statement three times already.

5 [15.08.05]

6 Q. I do not understand your answer clearly that is why I seek  
7 your clarification. You said they were walking from National Road  
8 down to the road close to the canal. So, if there is no sub-road  
9 connecting National Road to the dam, so they could not reach that  
10 sub-road. So that is why my question concerning the sub-road,  
11 whether it was in parallel to the National Road or whether it was  
12 crossing the National Road?

13 A. The National Road was above and then they were walking down to  
14 the dam and the dam, which is the road -- was long -- the  
15 National Road, so they were walking from National Road towards  
16 the dam which we were making.

17 Q. Thank you. You mean the dam was long or in parallel to  
18 National Road; is that correct?

19 A. Yes, you are right.

20 [15.09.37]

21 Q. Thank you. So how far was it from his vehicle towards the dam?  
22 I was talking about the time that they were walking. So how far  
23 was that from your vehicles to the dam road?

24 A. I saw they were coming out of their vehicle and after that  
25 they were walking past me and towards -- to the west. At that

1 time, I no longer glanced at them. They were walking past the  
2 workers there.

3 [15.10.35]

4 MR. PRESIDENT:

5 Counsel, you have five more minutes to put your question.

6 BY MR. KONG SAM ONN:

7 Thank you.

8 Q. Did you see anyone receiving these four leaders?

9 MS. CHOU KOEMLAN:

10 A. Yes. Youth units, chief of youth units, <group> units, and  
11 <group>s' chief. They were in the first row, and after that,  
12 other chiefs standing behind to receive leaders.

13 [15.11.24]

14 Q. So, were those people coming to receive leaders at their  
15 vehicles or were leaders walking towards them?

16 A. After leaders came out of their vehicles, the chief of youth  
17 units went and approached those leaders. After a while, from the  
18 time the leaders came out of the vehicles, the chief of youth  
19 units approached them.

20 Q. So you said that, they came out of their vehicles for a while  
21 and after that you saw chief of youth units went to receive them.  
22 So how far was it from the vehicle to the place where chief of  
23 youth units was standing?

24 A. It was <>from the place where I was sitting to the door over  
25 there and leaders were received by chiefs<, so that they could

1 inspect the canal parallel to the National Road>.

2 [15.12.55]

3 Q. Could you clarify a bit for me, during the time what were you  
4 doing with your co-workers in your units?

5 A. I answered many times already. I was digging canal, I was  
6 carrying earth.

7 Q. Thank you very much. In document E3 --

8 MR. PRESIDENT:

9 Do you have any observation? You should stand up and object to  
10 the question asked by counsel a bit earlier.

11 MS. GUIRAUD:

12 Thank you, Mr. President. We are no longer talking of repetitive  
13 questions but super repetitive questions. The <civil party> has  
14 responded to th<is type of> question at least three<, four> times  
15 <since she's been here>. So, may I request the Chamber to remind  
16 the counsel of the importance of asking questions that are not  
17 too repetitive to the civil party?

18 [15.14.16]

19 MR. PRESIDENT:

20 Lead Co-Lawyer, you have the right to object to the question put  
21 by the other parties without needing to rely on the discretion of  
22 the Chamber to object the question. As of now, I just heard you  
23 said the questions are repetitive. The Chamber gave you the right  
24 to put your objection against questions by other parties. After  
25 that, the Chamber will deliberate and decide.

1 You may now proceed, counsel for the defence.

2 BY MR. KONG SAM ONN:

3 Q. The document you were given by my learned friend is E3/5635,  
4 paragraph <20>; I would like to read for you.

5 "I never saw Pol Pot, Nuon Chea and Ta Mok before. But I knew who  
6 were they, because the day before, the four leaders came to my  
7 worksite <for one day>, my mobile <group> chief told me the four  
8 leaders were coming to visit the worksite and we should work very  
9 hard at planting the rice when they visited."

10 In <this text>, you mentioned about planting the rice, not  
11 digging the canal. Could you clarify for me which one is your  
12 true answer?

13 [15.16.09]

14 MS. CHOU KOEMLAN:

15 A. I did not say I was planting the rice. I objected to the  
16 statement you just read. I was asked to digging the canal. People  
17 working in the village or commune, they were transplanting --  
18 they were planting the rice. As for me, I was digging canal.

19 Q. Your commune or your unit chief told you about the visit of  
20 the leaders in Khmer Rouge period, and they used the term "four  
21 leaders". Did they use the term "leaders" or they use the term  
22 "Angkar"? So which one of the two did your unit mention, whether  
23 "Angkar" or "leaders"?

24 A. My chief of the unit told me that upper echelon -- the  
25 superior -- came to the place to strengthen our strengths.

1 [15.17.28]

2 MR. PRESIDENT:

3 You ran out of time, Mr. Kong Sam Onn

4 Madam Chou Koemlan, on behalf of the civil party, you have the

5 right to present the facts in relation to the facts accused

6 against Mr. Khieu Samphan and Mr. Nun Chea and which affects your

7 personal - which affects you. And you can also state about the

8 injuries, physically, mentally, as a direct result of the crimes,

9 if you wish to do so.

10 MS. CHOU KOEMLAN:

11 My name is Chou Koemlan. Thank you, Mr. President.

12 Your Honours, everyone in and around the courtroom, on 17th April

13 1975, I was in my house cooking rice during which Khmer Rouge

14 <army> came. They were in their vehicles and loudspeakers were

15 broadcasting to announce that people living in Phnom Penh need to

16 pack their belongings and clothes and leave Phnom Penh. They

17 could only have pot and rice to eat along the way. They would

18 leave Phnom Penh for just three to five days and we were

19 prohibited from bringing any valuables and I, at that time,

20 brought rice and pots so that I could cook along the way.

21 [15.20.05]

22 My ageing parents were with me. My <children and my> elder

23 sibling, <and my in-laws; each had four children. I had two other

24 younger brothers >, together with other family members, we left

25 our house and we thought that we were asked to leave just for

1 three days so we left all valuables in our house so we left our  
2 house empty handed with just a bag of clothes. We could only  
3 bring our mats, our mosquito nets along <for use along the way>.  
4 After we left just for a short distance, I could see the children  
5 <army> drove vehicle very fast<; they did not put a brake;  
6 causing the death of those> people who were walking. I was very  
7 scared at that time. I kept walking and stopped at a tree. I was  
8 sitting under the tree and ate rice. <It was very slow.> My  
9 ageing father had hypertension when I reached<, Tram Kak  
10 district,> Angk Ta Saom at the west <of May First Chambak  
11 (phonetic) School.><There,> we ran out of rice <within 22 days>.  
12 [15.21.44]  
13 We <spent 22> days <>to travel to Tram Kak. <At Poti Sang  
14 (phonetic); our first place,> we did not have anything to eat <>  
15 and we were given maize to eat and sometime we could not eat and  
16 we were saddened by the event and the Revolution gave us nothing  
17 and I do not how did they carry out such a Revolution.  
18 After a few days, <in Angk Neareay,> my husband was tied up and  
19 taken to be killed and I was transferred out of the village since  
20 they saw me weeping almost every day. I was sent to live in the  
21 south of the commune office. There I delivered a son. I was asked  
22 -- and I was tortured by asking me to do labour. <They did not  
23 care about my postnatal condition at all.> After delivery, my son  
24 for just 27 days, I was asked to go back to harvest in the field.  
25 I could not describe <these gruesome> sufferings. I was asked to

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1 harvest the rice, and, at that time, I was also asked to eat  
2 communally. I had to scavenge for <faeces> in the ground <in  
3 order to dry it and make fertiliser out of it>, since I had just  
4 delivered my baby so I could collect <fertiliser,> some leaves to  
5 dry it up <and put it in a pit.> <When it was the time for  
6 transplantation,> I was also asked to carry fertiliser into the  
7 field. It was very difficult for me at that time.

8 [15.24.18]

9 During the transplanting season, I was sick because I had an  
10 <ulcer (sic)> in my foot and I could hardly do the transplanting  
11 at the time. <There was no medicine. I had to transplant the rice  
12 even when I was sick.> After the transplanting season, I had to  
13 go to uproot plants <at Prey Leu>. I had to go to clear plants so  
14 that we could plant potato and grow also beans and sugar plants.  
15 So I was asked to do all kind of work <not long after I delivered  
16 my baby>. I was walking past the forest and I could see bodies --  
17 decomposing bodies along the road. I did not know where these  
18 people were taken from and killed.

19 After I was asked to work at the place, I was asked to go to  
20 harvest and after that, I need to dig the canal. So, as I said, I  
21 had to do various kinds of work. I did not have any free time for  
22 15 days or for one month. So we would be moved to another place  
23 after we completed work in one certain area. I <personally> could  
24 not forget this kind of hardship and suffering.

25 [15.26.15]

1 I found out later about my elder sibling, <my brother who ran to  
2 Vietnam and got killed, my> nephew and niece who were killed  
3 because some of my nephew went to steal potato, to uproot potato  
4 and one of my <> nephew<s> was killed because he <> was  
5 mistakenly saying that he <> missed <his mom at the village>. <He  
6 was taken away and disappeared up to now.> <His name was Chanthy  
7 (phonetic).> So I could see that Khmer people killed Khmer  
8 people. How could they carry out such a revolution? They  
9 liberated the country; they wanted people to have equal right.  
10 They wanted to liberate the country from US imperialists. Why did  
11 they commit killings if they liberated the country to provide  
12 more food for people, to allow people to practice <Buddhist>  
13 religion, to improve culture, I think it is wise for them and how  
14 could they carry out such revolution <and let people get mass  
15 starvation>. Why they destroyed school, destroyed Buddhism.  
16 Pagodas were turned into prisons of innocents.

17 [15.28.06]

18 I want to know what have they considered about their action and I  
19 have learnt that the Accused does not confess or admit what they  
20 have done. They said that they did not commit the killing. So why  
21 did they dare to say that they do not know about <such> the  
22 killing. They do not kill people. Killing people does not happen  
23 just now. Killing people did not happen just for a short period  
24 of time rather, it was -- people were killed during the period of  
25 three years, eight months and 20 days. And why did they say they



1 did not know about the killing? I would like to put the question  
2 to the Chamber for the answer. I would like the Court to find  
3 justice for everyone. I lost my belongings were destroyed <in  
4 Phnom Penh>. My three houses were destroyed. A small vehicle I  
5 had, at that time, was also gone. I <built> my family from empty  
6 hands and now I <end up in poverty>. Please, I implore the Court  
7 to find justice and to clarify all my doubts in mind.

8 Thank you very much for your time.

9 [15.29.50]

10 MR. PRESIDENT:

11 The last two sentences that you spoke are the questions that you  
12 raised to the two Accused; am I correct?

13 MS. CHOU KOEMLAN:

14 Yes, that is correct.

15 MR PRESIDENT:

16 Madam Chou Koemlan, the Chamber noted that during the hearing of  
17 8th January 2015, the two Accused continued to exercise their  
18 right to remain silent. Except as and when the Court receives  
19 explicit information from the Accused or of their defence counsel  
20 otherwise. And the Accused and the counsels are instructed by the  
21 Chamber to notify in an effective manner if the Accused change  
22 their mind and agree to respond to the questions at anytime  
23 during the proceedings to the questions asked by the Chamber and  
24 the Parties. So far the Chamber has not received any change of  
25 their position regarding the right to remain silent by the

1 Accused.

2 [15.31.34]

3 So, for that reason, at this stage, the Accused are not required  
4 to respond to your questions since they exercise their rights to  
5 remain silent. And the Chamber is grateful of your testimony  
6 before this Court and hearing of your testimony as a civil party  
7 has come to a conclusion and you may be excused from -- to remain  
8 in the courtroom and return to wherever you wish to go. And we  
9 wish you a safer trip.

10 Court officer, in cooperation with WESU, could you assist in the  
11 transportation of the civil party to wherever she wishes to go  
12 to.

13 (Civil Party Chou Koemlan discharged)

14 [15.33.04]

15 Court officer, could you usher the witness, 2-TCW-954, into the  
16 court room.

17 (Witness 2-TCW-954 enters courtroom)

18 [15.34.45]

19 QUESTIONING BY THE PRESIDENT:

20 Q. Reverend, is your name Em Phoeung?

21 MR. EM PHOEUNG:

22 A. Yes, I am Em Phoeung.

23 Q. Reverend, can you tell the Chamber when you were born?

24 Please observe when there is a red light on the tip of the  
25 microphone, that means the microphone is operational and you may

1 proceed so that your voice will go through the proper system for  
2 the interpreters in the booth upstairs.

3 When were you born, Reverend?

4 A. I was born in January 1938.

5 [15.37.20]

6 Q. Which pagoda are you staying and what kind of position are you  
7 holding in that pagoda?

8 Again, Reverend, please wait until the light on the tip of the  
9 microphone turns red before you can speak; otherwise, your voice  
10 will not go through the system.

11 Let me ask again: Which pagoda are you staying at the moment and  
12 which position are you holding in that pagoda?

13 A. I am staying at Chum Kriel Pagoda in Kampot Province. I am  
14 currently the Provincial Monk Chief of Kampot.

15 Q. What is your father's name?

16 Again, Reverend, what is your father's name?

17 A. Em Leang. He passed away.

18 Q. And your mother's name?

19 A. Min Neng. She passed away?

20 [15.39.08]

21 Q. According to the oral report by the greffier this morning, to  
22 your best knowledge and ability, you do not have any relatives or  
23 in-laws who have been recognized or admitted as a witness or  
24 civil party in this case; is this correct?

25 Again, Reverend, the greffier reported that, to your knowledge,

1 you do not have your father, or mother, or children or sisters,  
2 or brothers or in-laws who have been admitted as a civil party in  
3 Case 002; is this information correct?

4 A. Yes, it is.

5 Q. And that you are already took an oath before you present in  
6 this courtroom; am I correct?

7 A. Yes, I did. I already took an oath.

8 [15.40.30]

9 MR. PRESIDENT:

10 The Chamber would like to inform you, Reverend, for your  
11 testimony in this courtroom, as a witness to testify before this  
12 Court, you may refuse to respond to any question that may  
13 incriminate you, that is your right against self-incrimination.  
14 And as for your obligation as a witness during the proceedings  
15 before this Court, you shall respond to any questions put to you  
16 by the Bench or by any of the parties, except when you consider  
17 that your response or comment may incriminate you as I just  
18 stated earlier.

19 And also, as a witness, you must only tell the truth, that you  
20 have known, have heard, have witnessed or have remembered or  
21 experienced or observed personally of any events related to the  
22 questions posed to you by the Bench or any of the parties.

23 [15.41.46]

24 BY THE PRESIDENT:

25 Q. Have you been interviewed by investigators of the Office of

1 the Co-Investigating Judges of this Extraordinary Chambers in the  
2 Courts of Cambodia? If so, how many times? And where were you  
3 interviewed?

4 MR. EM PHOEUNG:

5 A. I was interviewed at Chum Kriel Pagoda.

6 Q. Before your appearance before this Chamber, have you reviewed  
7 your previous written records of interviews that you made with  
8 the investigators of the Office of the Co-Investigating Judges in  
9 order to refresh your memory?

10 A. Yes, I have.

11 Q. And to your best knowledge, can you tell the Court that the  
12 written records that you have reviewed to refresh your memory are  
13 consistent with your responses that you provided during your  
14 interviews with the investigators?

15 A. Yes, they are consistent.

16 [15.43.36]

17 Q. According to the information that the Chamber received from  
18 WESU that you cannot come to testify on Thursday, the 29th --  
19 that is, the day after tomorrow. Is this information correct or  
20 are you able to attend the hearing on that day?

21 A. I cannot come to testify on that day because I have a meeting  
22 at the provincial town on that day. <It was a religious matter.>  
23 I've been very busy this month.

24 Q. When will be the appropriate time that you are able to come to  
25 testify? And based on our schedule, you will be required only to

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1 be here for only one day. Can you tell the Chamber?

2 A. You may set the date so that I can come to the Court.

3 Q. So, are you allowing us <, the Chamber,> to set a schedule or  
4 a date for you to come and testify except the 29th -- that is,  
5 the day after tomorrow? Is that correct?

6 A. Yes, but not during the big Buddhist holidays Meak Bochea.

7 [15.45.41]

8 Q. And when will that be, Reverend, the Meak Bochea or the major  
9 Buddhist holiday?

10 A. It was the third Meak Bochea and it occurs in February, and  
11 besides that I cannot attend the Court hearing.

12 (Judges deliberate)

13 [15.46.48]

14 MR. PRESIDENT:

15 Due to this request, I will consult with -- the Chamber will  
16 consult with WESU so that we will set an appropriate schedule for  
17 you to come to the Court to provide your testimony in the coming  
18 week.

19 The time is appropriate for today's adjournment because we only  
20 have little time left for today's proceeding and we will resume  
21 the hearing the day after tomorrow -- that is, Thursday, 29th  
22 January 2015, commencing from 9 o'clock in the morning.

23 The Chamber would like to inform the parties and the public that,  
24 on that day, the Chamber will hear the testimony of witness  
25 2-TCW-834.

1 We will adjourn today's hearing now and resume on Thursday <29th  
2 January 2015.>

3 And Court officer, could you assist the reverend, Em Phoeung, in  
4 cooperation with WESU for his return to his respective residence.

5 And Reverend, we will notify you of a new schedule.

6 And, security personnel, you are instructed to take the two  
7 Accused <, Khieu Samphan and Nuon Chea,> back to the detention

8 facility and have them returned to attend the proceedings on

9 Thursday, 29th January 2015.

10 The Court is now adjourned.

11 (Court adjourned at 1548H)

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