



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

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

2 April 2015
Trial Day 268

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

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For Court Management Section:
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I N D E X

HEARINGS ON VICTIM IMPACT

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BENG BOEUN (2-TCCP-981)	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. IEM YEN (2-TCCP-985)	Khmer
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSE	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SREA RATTANAK	Khmer
Mr. SAM SOKONG	Khmer
MR. THANN THIM (2-TCCP-288)	Khmer
MS. YEM KHONNY (2-TCCP-983)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0913H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue to hear the testimony and the
6 statement of suffering and impact by four civil parties. And to
7 start with, we will hear the remaining testimony of Iem Yen.

8 And <the Greffier,> Ms. Se Kolvuthy, could you report the
9 attendance of the Parties and individuals to today's proceedings?

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case
12 are present, except Mr. Son Arun, counsel for Nuon Chea, who is
13 absent <> today, and will be absent tomorrow as he has a personal
14 engagement. As for Nuon Chea, he is present in the holding cell
15 downstairs, as he requests to waive his rights to be present in
16 the main courtroom. His waiver has been delivered to the
17 Greffier. And there are four civil parties who will testify
18 today, and Madam Iem Yen will conclude her remaining testimony.
19 Then we will <hear the testimony of the civil parties>
20 2-TCCP-288, <2-TCCP-981> and then <2-TCCP-983>. Thank you.

21 [09.15.20]

22 MR. PRESIDENT:

23 Thank you. The Chamber will now decide on the request of Nuon
24 Chea. The Chamber has received a waiver from Nuon Chea, dated 2nd
25 April 2015. He confirms that, due to his poor health -- that is,

2

1 back pain, headache and that he cannot sit for long, and in order
2 to effectively participate in the future hearings, he requests to
3 waive his rights to participate in and be present at the 2nd
4 April 2015. He has been informed by his counsel that in no way it
5 can be construed as a waiver of his rights to be tried fairly, or
6 to challenge evidence presented or admitted to this Court at any
7 time during this trial.

8 Having seen the medical report by the duty doctor for the Accused
9 at the ECCC, dated 2nd April 2015, who notes that Nuon Chea has a
10 chronic back pain when he sits for long, and recommends that the
11 Chamber so grant him his request, so that he can follow the
12 proceedings remotely from a holding cell downstairs. Based on the
13 above information, and pursuant to Rule 81.5 of the ECCC Internal
14 Rules, the Chamber grants Nuon Chea his request to follow the
15 proceedings remotely from a holding cell downstairs, via an
16 audio-visual means for today's proceedings, as he waives his
17 direct presence in the courtroom.

18 [09.17.01]

19 The AV unit personnel is instructed to link the proceedings to
20 the room downstairs, so that Nuon Chea can participate in and
21 follow today's proceedings remotely.

22 And the Chamber would like to hand the floor to the
23 Co-Prosecutors to put questions to this civil party, Madam Iem
24 Yen. You have the floor.

25 MR. SREA RATTANAK:

1 Good morning, Mr. President, and good morning everyone in and
2 around the courtroom. In fact, yesterday the <Co-Prosecutors>
3 wanted to put some questions to the civil party. However, after
4 we consulted, then we decided not to put the questions to the
5 civil party. And we would like to have the time to put the
6 questions to another civil party, that is, 2-TCCP-288, as we
7 deemed this witness statement is more important for the
8 Prosecution.

9 MR. PRESIDENT:

10 <Thank you.> And the Defence teams, do you have any questions to
11 be put to this civil party? And we can start from Nuon Chea's
12 defence first.

13 [09.18.39]

14 QUESTIONING BY MR. KOPPE:

15 Thank you, Mr. President. Good morning, Your Honours. Yes, I have
16 a few questions for the civil party.

17 Q. Good morning, Madam Civil Party. I have a few follow-up
18 questions regarding your testimony yesterday. Yesterday, I heard
19 you say that you were arrested and arrested again. You used these
20 words. Would you be able to tell us what you meant when you said
21 these words, that you were arrested again and again?

22 MS. IEM YEN:

23 A. Yesterday, I said that I was arrested and re-arrested. The
24 first time I ran away from my unit, and I was arrested and
25 mistreated. For the second time, when I was picking up the cow

1 <and pig> dung and I was hungry, so I stole the cassava, and I
2 was arrested for the second time.

3 [09.19.50]

4 Q. So you -- when you say the words 'arrested', what exactly do
5 you mean with that?

6 A. I meant I was arrested. For the first arrest, I was with the
7 children's unit, and due to the hard work condition, I ran away
8 from the unit. And then the unit chief arrested me, and I meant I
9 was then sent back to the children's unit. And I was tortured
10 there, and forced to work harder in the children's unit.

11 Q. I will ask you some questions about the events that you
12 describe as torture, but my asking -- my reason for asking the
13 earlier question is if you would be able to describe what you
14 meant with the word "arrested". Were you brought to a sort of
15 police station for investigation? Were you asked questions? If
16 yes, where were you brought to? Could you be a little more
17 specific?

18 A. When I said I was arrested, was that at that time I was rather
19 young. And I ran away from the unit, and I was taken back into
20 that children's unit at the work site. And I was not taken to any
21 police station <or security centre>.

22 Q. I understand that after you ran away, they took you back to
23 your unit, but I'm not still quite sure why you call it -- why
24 you use the word "arrested"?

25 A. I used the word "arrested" because I was arrested. There was a

1 unit chief, a group chief, who arrested me and who then dragged
2 me back into the children's unit. I was physically dragged into
3 the children's unit site.

4 [09.22.36]

5 Q. Very well, Madam Civil Party. I would like now to ask you a
6 few follow-up questions on the events that you said happened
7 after they dragged you back the second time, I believe. When you
8 were buried in -- when your body was buried in the ground and
9 your head was still up. Who was it that did that to you? Do you
10 remember?

11 A. I was arrested and buried neck deep. It was the unit chief,
12 named Rom (phonetic), who did the act of <> burying me up to the
13 neck.

14 [09.23.31]

15 Q. How old is Rom (phonetic) at the -- how old was Rom (phonetic)
16 at the time? Do you remember?

17 A. I did not know how old Rom (phonetic) was. I did not dare <to>
18 ask how old the unit chief was. I was a young child, and of
19 course the person was my superior. I did not dare even <to> look
20 at the face. I just kept on working.

21 Q. Do you know whether Rom (phonetic) had any authority to do
22 that to you? Did he talk to somebody before he did that to you?
23 Can you give us some more details?

24 A. When the unit chief buried me, I did not know whether the
25 person sought authority from anybody else. I only knew that the

1 person was my unit chief, and he did that.

2 Q. And do you remember whether he did that immediately to you
3 after you were captured after your escape? Or was there some
4 period of time in-between?

5 A. After I ran away from the unit, I was arrested, and then I was
6 taken back into the unit. I was immediately, straight away,
7 buried. And I was there for about two to three hours before I was
8 pulled out.

9 Q. So would it be fair to say that this was an immediate action
10 of your unit chief, Rom (phonetic), against you after your
11 running away?

12 A. Yes, that is correct. The unit chief did that immediately
13 after I was arrested.

14 Q. What kind of person was this Rom (phonetic)? Can you describe
15 him a little bit for us?

16 A. I could not describe the character of Rom (phonetic). I simply
17 knew Rom (phonetic) was my unit chief.

18 [09.26.36]

19 Q. Do you know whether Rom (phonetic) was a member of the CPK,
20 the Communist Party of Kampuchea?

21 A. No, I did not know whether Rom (phonetic) was a member or not.
22 As I said, I only knew that Rom was my unit chief.

23 Q. Do you know whether Rom (phonetic) was punished afterwards for
24 having buried you?

25 A. Whether Rom (phonetic) was punished or not, I was not aware of

1 that.

2 Q. Do you remember around what time this incident happened to
3 you?

4 [09.28.01]

5 A. It happened at around 4 or 5 o'clock in the afternoon.

6 Q. Would you be able to remember the month or a year when it
7 happened?

8 A. At that time I was young, and I could not recall the date or
9 the year well.

10 Q. Would you be able to remember the exact place, the exact --
11 yes, the exact place where this happened? Where was it? In which
12 village or which cooperative? Do you remember?

13 A. When I was buried, I was at Ang Khchau village. However, I
14 cannot recall the commune or the district.

15 Q. But do you remember the exact spot in this village, where this
16 happened?

17 A. It happened right at where the children's unit <> was.

18 Q. And where was that?

19 A. It was located in Ang Khchau village.

20 Q. I understood that from your previous answer, Madam Civil
21 Party. But where exactly was it that this thing happened?

22 A. As I said, it happened in Ang Khchau village, and when I was
23 tied for the other arrest, it was at Ta Kuy (phonetic) dam. Or
24 it's called Prey Kuy (phonetic) forest. And that location was
25 where the children's unit also worked.

1 [09.30.43]

2 Q. Let me try one last time, Madam Civil Party. I understand it
3 happened in a village, but can you tell us where in the village
4 exactly this happened? Was it close to a pagoda? Close to
5 something?

6 A. There was no pagoda near there. We were in a children's unit
7 near Ta Kuy (phonetic), and that's where the event took place.

8 Q. Very well, Madam Civil Party. I have some last questions. You
9 said yesterday that you were not allowed to attend school. Can
10 you tell us who said that to you, that you were not allowed to go
11 to school?

12 A. When I said that I didn't go to school, nobody told us that we
13 could <> go to school. And yesterday, I said that I did not have
14 the opportunity to go to school.

15 [09.32.20]

16 Q. But who was it, if you remember, that told you that you would
17 not be allowed to go to school?

18 A. Nobody told me that. When I thought about what happened, I
19 knew that I didn't have a chance to go to school.

20 Q. Madam Civil Party, we heard witnesses, and we have evidence in
21 the case file that children were able to go to school, attend
22 classes, learn mathematics, language, etc. So, I'm trying to
23 understand why you didn't go to school between 1975 and '79.

24 MR. PRESIDENT:

25 <> Madam Civil Party, please wait. And the Co-Prosecutor, you

1 have the floor.

2 MR. DE WILDE D'ESTMAEL:

3 Thank you. <Good morning>, Mr. President. Good morning to Your
4 Honours. It appears that when the defence Lawyer is saying that
5 the children were allowed to go to school, that it is a bit
6 exaggerated in relation to what we have heard during these
7 hearings previously. We never really spoke about schools. We said
8 that at times <certain> lessons were given in <certain> villages,
9 <which by no means can be construed as a widespread practice>. So
10 <I believe that, in this regard, the counsel> maybe <should
11 reformulate> the question <>in a more cautious way. Thank you.

12 [09.43.19]

13 MR. KOPPE:

14 Mr. President, if I may reply? I believe we have the testimony of
15 Ta San. We have on the case file education folders, or books, so
16 I believe it would be correct to say that there was indeed an
17 effort, a substantial effort, being made to educate children. Not
18 always in school buildings, that is correct, but that is probably
19 because of the war, the civil war, before. But I think I can
20 fairly state that there was education, primary and secondary
21 education, going on. So, I think I should be able to ask this
22 question to the civil party.

23 (Judges deliberate)

24 [09.36.30]

25 MR. PRESIDENT:

10

1 You may proceed, Judge Claudia Fenz.

2 JUDGE FENZ:

3 At this stage of the proceedings, any conclusions as to whether
4 there was a school system and to what extent, is certainly
5 premature. But questions as to whether she went to school or not
6 are allowed. So, I suggest -- we suggest you go ahead with the
7 questions, without summing up your understanding of the previous
8 evidence.

9 BY MR. KOPPE:

10 The summing up was only in reaction, Judge Fenz, to the
11 objection.

12 Q. Madam Civil Party, you said yesterday that you weren't allowed
13 to go to school, and then I asked you the question, "Who told you
14 that you couldn't go to school?" I'm not sure if you answered
15 that question. You were able to think a bit about it some more.
16 Who told you, do you remember, that you weren't allowed to go to
17 school?

18 MS. IEM YEN:

19 A. Yesterday, I said that I could not go to school. No one told
20 me that I could not go to school. At that time there were no
21 schools. I did not know that there were any schools. What I did
22 was working.

23 [09.37.50]

24 Q. Do you know of any children who did go to school at the time?

25 A. I did not see any children go to school. The children in the

11

1 same unit as mine, they were working. They were going to collect
2 the cow dung <and soil of termite mound>.

3 Q. Another subject, and I think that's my last subject, Madam
4 Civil Party. I think you said yesterday that you worked at
5 night-time. What do you mean when you said that you worked at
6 night-time?

7 A. Yesterday I did not say that I was working at night. I was
8 working during the daytime, and at night-time, we changed the
9 units.

10 [09.39.11]

11 MR. KOPPE:

12 I apologize, Madam Civil Party. Then I understood your answer
13 wrongly. Thank you very much.

14 MR. PRESIDENT:

15 Thank you very much. I now give the floor to the defence team for
16 Mr. Khieu Samphan.

17 QUESTIONING BY MR. KONG SAM ONN:

18 Thank you very much, Mr. President.

19 Q. Madam Civil Party, I have several questions for clarification.

20 My first question is what is your father's name?

21 MS. IEM YEN:

22 A. My father's name is Mom Proh (phonetic).

23 Q. Thank you. In the victim information form, you wrote that your
24 father's name is Chao Proh (phonetic). So the name Chao Proh
25 (phonetic) is not right. Is that correct?

12

1 A. My father's name, I put my father's name as Chao Proh
2 (phonetic) because at that time my father lived in the lower part
3 of the country, and my mother lived in the upper part of the
4 country. And at the current time my father's name was referred to
5 as Mom Proh (phonetic).

6 [09.40.59]

7 Q. What is your mother's name?

8 A. My mother's old name was Neang Yuon (phonetic), but now her
9 name is Om Yuon (phonetic).

10 Q. Thank you. In your victim information form, you stated that
11 you are Khmer Kampuchea Krom. Did you have this nationality
12 before?

13 A. I asked my parents in the past that where I was born, and I
14 was told that I was born in Kampuchea Krom.

15 [09.41.56]

16 Q. Do you know your birthplace in Kampuchea Krom?

17 A. I know my birthplace.

18 Q. Could you please answer to my question. What is your
19 birthplace?

20 A. I was born in Roleang (phonetic) village, Choleang (phonetic)
21 commune, Svay Tong (phonetic) district and Anyang (phonetic)
22 province.

23 Q. Thank you. What about your ID card? That is, <D22/2161>. The
24 ERN is 0010341819. <There was a mistake in interpreting, >I would
25 like to clarify the document number again. That is, D22/2161. In

13

1 this document, there is an ID card of Madam Iem Yen. In the ID
2 card itself, it's stated the birthplace of Madam Civil Party is
3 in <Tuol Pongro (phonetic) village,> Saom commune, Kiri Vong
4 district, Takeo province. What could you say about the
5 inconsistency in relation to your birthplace?

6 A. I stated earlier that before, I said I was born in <Kampuchea>
7 Krom, and nowadays I am living in <Cambodia>. That is why I am
8 using the current address.

9 Q. Do you understand the meaning of the birthplace? Actually, you
10 could not have two different birthplaces. So, how could you say
11 about this?

12 A. My original birthplace was in Kampuchea Krom, but <> I am now
13 living in the current address. That is why I am using it as my
14 birthplace.

15 Q. Did you decide to use <> the current address as your
16 birthplace by yourself? Or what prompted you to do so?

17 [09.15.09]

18 A. From my thinking, I am now living in <Cambodia>, and since we
19 are living here already, we need to use the address in
20 <Cambodia>.

21 Q. I would like to ask another question in relation to the time
22 after 1975. So, where did you live after the 17th April 1975?

23 A. After 1975, I lived in Trapeang Thum village. In 1975 I lived
24 in Trapeang Thum Khang Cheung village.

25 [09.46.14]

1 Q. Did you ever live in Vietnam in 1975?

2 A. In 1975, I was not living in Vietnam. I was living in Trapeang
3 Thum Khang Cheung village.

4 Q. So, how long were you living in that above-mentioned village?

5 A. I was living in Trapeang Thum village <permanently as> I moved
6 from <one place> to <another> until the liberation in 1979.

7 Q. I would like to read your statement from Document E3/4930. ERN
8 in Khmer is 00579111. English ERN is 00923153. I quote: "In
9 mid-1976, when the Khmer Rouge had the exchange programme to
10 exchange Khmer with Vietnamese, my family of six members, and
11 hundreds of other Khmer families in Kampuchea Krom, were arrested
12 <by the Vietnamese authority,> and sent to Phnum Den <border
13 checkpoint> ." Do you recall that you gave this statement?

14 A. I actually gave a statement, but I do not recall well about
15 the exchange programme.

16 Q. The problem here is that, did you ever live in Vietnam in the
17 period of 1975 and 1976, or did you not ever live in Vietnam? You
18 stated earlier that you have never lived in Vietnam. Does this
19 mean that the statement you gave earlier is not correct? Is that
20 true?

21 A. I do not get your question.

22 Q. The problem here is, there are two different statements about
23 the period of 1975 and 1976. You said earlier -- you stated here
24 earlier that you were living in Trapeang Thum Khang Cheung
25 village. And there was another statement saying that you were in

15

1 Vietnam in that period. I would like to know which statement is
2 correct? You testified earlier before the Chamber that in 1975
3 you were living in Cambodia, not in Vietnam. Could you clarify
4 this for the Court? Which statement is correct?

5 [09.50.46]

6 A. I would like to tell the Court that in 1975 I was not living
7 in Vietnam. It was my mistake. I was actually living in Trapeang
8 Thum Khang Cheung village at that time.

9 Q. Thank you very much. In relation to another point, <> I heard
10 you mentioned Ta Kuy (phonetic) dam. However, in the information
11 <> in your statement, document D22/2161, at Khmer ERN, 00546430;
12 English ERN is at, 01069536; in that document, you stated that,
13 <I> quote: "In 1978, they transferred me to live in Ta Suy dam
14 until the liberation day." I would like to seek your
15 clarification, whether it is Ta Kuy (phonetic) dam or Ta Suy dam?

16 [09.52.28]

17 A. At that time, I was at Ta Suy dam. It was also called Ta Kuy
18 (phonetic). I did not know the exact name of that place, but I
19 heard people call it Ta Suy dam. That is why I call it Ta Suy
20 dam.

21 Q. Could you tell the Court whether the two names were used at
22 that time? Or only one name was used at the time?

23 A. People mostly <referred to> it as Ta Suy dam.

24 Q. Thank you. In relation to the workers in your unit, you stated
25 yesterday that you were in a mobile unit. Could you clarify for

1 the Court whether you were in a mobile unit or were you in <> a
2 children's unit? Because in the document I quoted earlier, you
3 said that you were in a children's unit. So, could you clarify
4 for the Court whether you were in a mobile unit or you were in a
5 children's unit?

6 A. I would like to clarify for the Court that, concerning the
7 mobile units and children's units, they were different units. As
8 for my children's unit, we were forced to work, as those who were
9 in the mobile units.

10 Q. You mention a person by the name Rom (phonetic), and you said
11 that he was the unit chief. Were you ever transferred from one
12 unit to another unit?

13 [09.55.04]

14 A. I was transferred into a different unit, but I was supervised
15 by the same unit chief. And units were in the same village, or in
16 villages close by.

17 Q. Thank you. Did you know a person by the name Chau Ny?

18 A. I know a person named Chau Ny.

19 Q. When do you -- When did you get to know this individual?

20 A. I do not recall when I got to know this individual. I do not
21 know. I am illiterate.

22 Q. Do you recall that you had any contact or relations with Chau
23 Ny at the time that you filed the victim <application> form?

24 [09.56.36]

25 A. I contacted this individual <about filing the victim

1 information form>.

2 Q. Could you explain for the Court what did Chau Ny assist you in
3 filling <> this victim information form?

4 MR. PRESIDENT:

5 Please wait, Madam Civil Party. You may now proceed, Lead
6 Co-Lawyer.

7 MS. GUIRAUD:

8 Thank you, Mr. President. I think we're really going beyond the
9 scope of the suffering <and the facts>. And we've also <gone>
10 beyond the <speaking> time <typically allotted>. So, of course,
11 <I understand> there might be an obsession on the Defence's side
12 <with> Chau Ny. I <obviously> have no problem with the <fact that
13 questions are being asked>, but-- <when they are put> in such a
14 repetitive way, I think that becomes an issue.

15 MR. KONG SAM ONN:

16 Mr. President, I mentioned the person by the name <of> Chau Ny
17 many times <to the civil party>, because this individual has
18 <relationship> with those who had been living in Kampuchea Krom,
19 and I am doubtful why there is Chau Ny's name <as witness> in
20 almost every victim information form. This is a big -- a serious
21 question for us <in relation to the accuracy of the documents
22 prepared by the person by the name of Chau Ny>. And it is
23 doubtful whether the Court is believing in the information which
24 was assisted by Chau Ny to fill in. And, as we can see, there is
25 the name Chau Ny in almost every document of victim information.

18

1 That's why I raise this matter before, Your Honour.

2 [09.58.45]

3 MR. PRESIDENT:

4 You may now proceed, Mr. Koppe.

5 MR. KOPPE:

6 Thank you very much for giving me the opportunity to intervene in
7 this discussion. I might be mistaken, and I stand corrected if
8 I'm wrong, but it seems the third time that we're having a civil
9 party here claiming to be a Khmer Krom, but in fact is born in
10 Kampuchea, in Cambodia. Now, it's -- I realize it's too early to
11 make any -- any even preliminary conclusions, but it seems odd
12 that the people, the civil parties, who are claiming in their
13 applications to be Khmer Krom, are in fact not Khmer Krom at all.
14 So, I think maybe it is appropriate if the Chamber requests the
15 civil party Lawyers as to what's going on here.

16 [09.59.45]

17 MS. GUISSÉ:

18 Mr. President, may I please add to <my colleagues' observations>?
19 Simply, to answer my colleague's objection. It's true, <I've done
20 it myself during a previous examination of a witness in which- in
21 whose form the name "Chau Ny" also appeared.> And when we -- when
22 we confront them <with the> victim information forms <during the
23 hearings>, there are differences <precisely> with regards to the
24 fact of being Khmer Krom or not. But I don't think that this line
25 of questioning makes us lose time <at all>. I think this is part

19

1 of the elements that will be necessary to <examine the> probative
2 value <or the overall credibility> of the civil parties'
3 testimonies. So maybe we spend a bit of time on this, but it's
4 because this name is on the documents that have been provided to
5 us <about the civil parties in question>.

6 [10.00.38]

7 MS. GUIRAUD:

8 To add to this, Mr. President, it's a fact that the name Chau Ny
9 appears, indeed, on many victims' information forms. That's a
10 fact, of course, and that is not hidden <at all> because he was
11 referred to as a witness when these <victim information> forms
12 were filed with the Co-Investigating Judges, so it's on the basis
13 of these <forms and the> identity documents that <were furnished
14 by the victims at the time> that the <Office of the>
15 Co-Investigating Judges <issued their decision on the
16 admissibility of their application as a civil party.> These
17 decisions were made at the end of 2010. The Defence back then
18 could have appealed <> each one of their decisions <on their
19 admissibility as civil parties>. So now, if the Chamber believes
20 that it's relevant to put questions <> about Chau Ny and about
21 the information in the documents that we're presenting <before
22 the Chamber> to support the civil parties' testimonies. I have no
23 <objection to> that, Mr. President.

24 [10.02.06]

25 MS. GUISSÉ:

1 With your leave, Mr. President, a little point of clarification.
2 The question is not whether we challenge the admissibility <or
3 not>, <but> we have documents <that we had at the time>. We had
4 not yet heard the civil parties. When the civil parties come to
5 the Court, they give different information from what is in the
6 <testimonies> that we had <at the time of the investigation> and
7 <when I say "we had" I say so in a general manner, because we
8 were not physically present during the investigation--> <but> in
9 any case, it's only during the hearing today that we see these
10 discrepancies and it's only during the hearings that we can put
11 these kinds of questions, <that is all.> So please do not
12 criticise us for not having done <things> which we could <not>
13 have done at the time of <the> investigation.

14 (Judges deliberate)

15 [10.04.24]

16 MR. PRESIDENT:

17 Judge Lavergne, you have the floor.

18 JUDGE LAVERGNE:

19 Yes. Thank you, Mr. President.

20 Maybe to clarify things a bit, Counsel Guiraud, could you please
21 tell the Chamber what is <Mr.> Chau Ny's exact role with regards
22 <to the help he can offer> to the <victims> when they <prepare
23 to> file their <civil party> applications?

24 MS. GUIRAUD:

25 I cannot tell you right now since I <am new to> this courtroom

21

1 <and I do not have all the elements in place>. I <personally> do
2 not know Mr. Chau Ny. Of course, I can inform myself and provide
3 that information to the Chamber maybe this afternoon if I can--
4 <manage to provide you with precise information by then>. But I
5 have no problems in terms of the principle <> to inform the
6 Chamber <and the parties> about the role that Chau Ny <played> as
7 well as the <one played by> intermediary organisations; <because
8 in any case, most of these were possible as a result of the
9 intervention of intermediary organisations, or in more concrete
10 terms,> NGOs that assisted the victims when they applied to
11 become civil parties. So there is nothing surprising to see a
12 name come up <> in a systematic way, as well as the name of <a
13 certain> NGO. Because, at the time, the Court did not have enough
14 funds to guarantee <what we refer to> outreach <activities and>
15 so, the NGOs took <on this responsibility> to go meet the civil
16 parties so that they <could apply to become> civil parties. If
17 the Chamber wishes me to be more specific about the different
18 intermediary organisations and the different people within these
19 organisations that played a role in the gathering of the
20 information for the civil party applications, of course I accept
21 to do so. And I might even do so this afternoon if I have the
22 elements in hand, otherwise I can do so tomorrow.

23 [10.06.26]

24 JUDGE LAVERGNE:

25 <Very well.> Unless I'm mistaken, Mr. Chau Ny already <testified

1 before this Chamber>, and he testified as a civil party and
2 unless I'm mistaken, <but please do feel free to verify this,> he
3 is an active member of an organisation defending the interests of
4 <people who come from or live in Kampuchea> Krom, <but> <we are
5 of course interested in having> this information <> be confirmed.
6 Also I would like to specify that all of these elements are on
7 the case file and are perfectly accessible to the Parties. <And
8 that-->

9 <MS. GUISSSE:>

10 But it should be clear we never challenged Mr. Chau Ny's position
11 as a civil party. That has to be clear in the record.

12 <>

13 [10.07.32]

14 MR. PRESIDENT:

15 Defence Counsel, you may continue.

16 BY MR. KONG SAM ONN:

17 Q. Madam Civil Party, before we were intervenes, my last question
18 to you was about the assistance provided to you in filling out
19 your victim information form by Chau Ny. My question to you is
20 that did Chau Ny provide you with assistance or provide you a
21 consultation in the preparation of the victim information form
22 for you to apply as a civil party in this case?

23 MS. IEM YEN:

24 A. Chau Ny and I met and he did not give me anything except he
25 gave me some guidance on how to apply as a civil party, and as I

1 wanted to lodge my complaint, then I proceeded with my
2 application as I suffered from what happened <to me when I worked
3 in the child unit>.

4 [10.08.53]

5 Q. Thank you. Actually, <> who actually went <> to look out for
6 you, or went <> to see you? Was Chau Ny by himself in seeking you
7 out or was it somebody else?

8 A. There was no one else. I simply met him.

9 Q. My question to you is that; how did you initiate your contact
10 with Chau Ny <> in the preparation for your application?

11 A. Mr. Chau Ny gave me some guidance on how to apply as a civil
12 party due to the suffering I received. So after he told me that,
13 I told him that I wanted to apply as a civil party.

14 [10.10.00]

15 Q. In relation to the information you provided in the victim
16 information form, did you provide that information by yourself or
17 was it somehow assisted by Chau Ny?

18 A. I don't really get your question well. But what I recall is
19 that he asked me whether I suffered from the Khmer Rouge regime.
20 But <> Counsel, could you please <repeat> your question?

21 Q. My question to you is the following. Regarding the information
22 contained in your victim information form, did you provide that
23 information or did you <get> any advice from Chau Ny before you
24 were able to provide information in that victim information form?

25 A. The information contained within that form was produced by

1 myself after I tried to recall what happened. <It was not the
2 information given by Chau Ny.>

3 Q. Can you explain to the Chamber, why there are discrepancies
4 <between> what contained in the form and <> what you are
5 testifying before this Chamber?

6 A. As I said, I cannot recall well. I cannot recall all the
7 information that I put onto the form. <Sometimes, my memory
8 serves me well, sometimes, not.>

9 [10.12.10]

10 Q. Were you given any advice by anybody else besides Mr. Chau Ny?

11 A. No, there was nobody else. I only met Chau Ny when he told me
12 about making my application.

13 MR. KONG SAM ONN:

14 Thank you. And Mr. President, I don't have any further questions.

15 [10.12.57]

16 MR. PRESIDENT:

17 Madam Iem Yen, the Chamber is grateful for your presence and for
18 your statement of suffering and harms inflicted upon you during
19 the Democratic Kampuchea regime. And your testimony is now
20 concluded, and you may be excused from the courtroom, and go to
21 wherever you wish to go.

22 And Court officer in collaboration with WESU, please make
23 necessary transportation for Madam Iem Yen, to return to wherever
24 she wishes to go <or> to her residence, and the Chamber is also
25 grateful of TPO staff.

25

1 It is now convenient to take a short break. And we'll resume at
2 10.30 <a.m.> when we will hear the statement of suffering and
3 harms of <> another civil party that is 2-TCCP-288.

4 And the Lead Co-Lawyers for Civil Parties, you are instructed to
5 provide precise information to the Chamber regarding Mr. Chau Ny
6 and the civil parties. The Court is now in recess.

7 (Court recesses from 1014H to 1033H)

8 MR. PRESIDENT:

9 < Please be seated. The Court is now back in session. The Court
10 officer is instructed to invite the civil party 2-TCCP-288 and
11 the TPO staff into the courtroom.> The Chamber wishes to inform
12 all Parties that during the questioning of the civil parties in
13 relation to the victim impact statements, I encourage you all to
14 focus your questions <only> on victim impact and if facts coming
15 out of the statement of sufferings, <only> these facts can be
16 questioned. And please focus and concentrate your questions on
17 those facts arising out of the statements and you are invited to
18 focus on the statement of the victim as well. There is no way
19 that the Trial Chamber can include any civil party which have
20 been already admitted by <> the judges. The Pre-Trial Chamber and
21 the Co-Investigating Judges have already decided on the civil
22 party <applications> already.

23 [10.35.00]

24 QUESTIONING BY THE PRESIDENT:

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

1 MR. THANN THIM:

2 A. Thank you Mr. President. My name is Thann Thim.

3 Q. Mr. Thann Thim, when were you born?

4 A. I was born on the 4th of April 1945.

5 Q. <What is> your current address? Please wait, Mr. Civil Party,
6 for the microphone to be activated.

7 A. I am living in <Tuol Pongro> village, Saom commune, Kiri Vong
8 district, in Takeo province.

9 Q. Thank you very much. What is your current occupation?

10 A. I am a <> rice farmer.

11 Q. What is your father's name?

12 A. My father's name is Man Thann (phonetic).

13 Q. And what about your mother -- what is her name?

14 [10.36.40]

15 A. Her name is Preas At (phonetic).

16 Q. What is your wife's name and how many children do you have
17 together?

18 A. My wife's name is <Hin Paun> (phonetic). We have six children
19 together.

20 [10.37.08]

21 MR. PRESIDENT:

22 Thank you very much, Mr. Thann Thim. As a civil party in the
23 hearing, the Chamber will give the floor to you to make your
24 victim impact statement which you have experienced as the result
25 of the injuries which have been inflicted upon you and you will

1 make a victim impact statement as well concerning the crimes
2 committed by the Accused, Nuon Chea and Khieu Samphan. The
3 statement you will be made is related to the crimes which were
4 committed in the period of <> 17 April 1975 to 6 January 1979.
5 The Chamber will now give the floor to the Lead <Co-Lawyers for
6 civil parties> to put <questions> to this civil party in relation
7 to the impacts that this civil party underwent. You may now
8 proceed.

9 [10.38.38]

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Thank you very much Mr. President, Your Honours. Good morning
12 everyone and good morning Mr. Thann Thim. My name is Lor Chunthy
13 <from Legal Aid of Cambodia>. I am one of the <lawyers> for civil
14 party. I have several questions in relation to the sufferings
15 that you experienced.

16 Q. My first question is on the 17th April 1975, where did you
17 live?

18 MR. THANN THIM:

19 A. On the 17th of April 1975 I lived in the refugee camp in <Ou
20 Baek K'am>, Phnom Penh.

21 Q. Thank you. On that day, was there any incident happening
22 afterward?

23 A. After the victory of Pol Pot, I was evacuated to live in <Svay
24 Voa> village, <Kampeaeng> commune, Kiri Vong district, Takeo
25 province.

1 Q. Thank you. When you settled in with <Svay Voa> village, <>
2 together with your family<, what> kind of work were you assigned
3 to do?

4 A. After <we had been evacuated to Svay Voa village>, I was asked
5 <> to do the farming. I was asked to <collect the soil from the
6 termite mound> and paddle the water wheels. We had six cattles
7 for the ploughing in <> a plot of one hectare land<. We had to
8 work the land so that it was ready for other people to transplant
9 seedlings>.

10 [10.41.46]

11 Q. Thank you very much. Then in 1976, where did you work?

12 A. In 1976, I was evacuated again to live in <Chi Mreak> village,
13 <Kampeaeng> commune, Kiri Vong district, Takeo province <where> I
14 was asked to plough the fields <with only three pairs of oxen.> I
15 was asked to <collect the soil from the termite mound> and also
16 to paddle the water wheel <as well>.

17 Q. <What> about in 1978, where were you moved? In what unit were
18 you moved? <What happened in that year?>

19 A. In 1977, I was again evacuated to live in Trapeang Trav
20 village, Trapeang Thom Kang Chen (phonetic) commune, Tram Kak
21 district, Takeo province. At that time, I was asked to work in
22 the ox cart <transportation> unit. One day, my unit was asked to
23 carry and transport <logs from Pnum Boh Ta Pong> (phonetic) and
24 upon our arrival at <7 p.m. or 8 p.m.>, we were asked to unload
25 the timbers at our unit. When we were at our unit <,> we had

1 gruel, <and just before> we were about to sleep. And when we was
2 about to sleep -- when we was about to lay ourselves on the
3 floors, the unit chief <named Ta Pon (phonetic)> came to me and
4 asked me to <take him to> a meeting. I was thinking <to myself
5 that> that, normally, the 17th of April People had never been
6 <invited by the Base People> to a meeting. After I was called, I
7 came down from my house and this individual was walking in front
8 of me and I was following him. <He said he wanted me to accompany
9 him to a meeting. In fact, he was taking me to> the militia
10 station. <Upon arrival at their station,> four <or five>
11 militiamen came out<>. I was held tightly and <they> tied <my>
12 hands behind my back <with three layers of rope>. I thought that
13 I would die after that time with no guilt. <Then> I was beaten. I
14 was interrogated. I was asked <what I was doing when I was in
15 Phnom Penh>. I was asked to tell the truth.

16 [10.46.21]

17 They asked such question to me immorally. They <> called me
18 contemptible and I was asked what I did in Phnom Penh. <They
19 asked me whether I was a soldier.> In my response, I said I was
20 never a former soldier. I was a worker to collect firewood for
21 sale, even I was in the refugee camp I was only a worker there.
22 After the beating by one another, the question was put on me
23 again and again about my previous occupation and I was threatened
24 that I would not be released if I did not tell <them the> truth.
25 And once again, I told them that I was only a worker who went to

1 find and collect the firewood for sale.
2 [10.47.25]
3 And after beating and interrogation, I was transported on a horse
4 cart to Angk Roka <> -- to Angk Roka market. I believed that Angk
5 Roka market was used as the <district> office -- their office at
6 that time. I was kicked and I fell off the horse cart. And they
7 told a man by the name <of Ta Ruos> (phonetic) <>-- they told Ta
8 <Ruos> (phonetic) about me and Ta <Ruos> (phonetic) had a beard
9 and moustache. Ta Ruos (phonetic) took <a> rifle, AK rifle, and
10 asked me to walk past the field <westward>. I was walking in
11 front of Ta Ruos (phonetic). He was alone at that time. Once
12 again, <I was thinking to myself> that I would be killed with
13 just a shot<, and I would die happily>. And I was walking past
14 the field west of Angk Roka market. At that time, I saw <>the
15 light came<> out of a lantern and I thought that that place
16 <could have been a> killing site. <When we got closer, I saw> a
17 hall there. There was a hall there in the prison office and the
18 hall wall was made out of wood. Ta <Meng> (phonetic) was the
19 prison chief. Ta <Meng> unlocked the door and I was pushed into
20 the cell. <There were voices> of people in the cell and the light
21 was turned on -- the lantern was turned on and <> shackles were
22 brought in and <then they> shackled <> both of my ankles. And
23 there was an iron rod putting below the shackles and at that
24 time, my hands were tied behind my back and I could not shackle
25 myself and seeing that, they shackled me with the rod below it.

1 And after I was shackled, my hands were untied. <Although after
2 they had untied my hands, I did not feel them anymore due to the
3 fact that they had been tied behind my back for quite sometimes>.

4 [10.51.06]

5 I was upset at that time. I did not commit any <wrongdoings;>
6 however I was taken to be tortured. I was seriously tortured.
7 Only if I had guilt, I would dare to accept and admit my guilt,
8 however, as I said, I was not guilty. I was put there day and
9 night without releasing to go anywhere else. I was put in that
10 place for a period of three months. For <> the prisoner who had
11 already been there, one of you ankles was shackled. As for me,
12 the new prisoner, both of my ankles were shackled so it was very
13 hard for me to <move and> sleep.

14 [10.52.20]

15 Q. Thank you very much, Mr. Civil Party. You stated just now that
16 there was a <> unit chief, his name was <Pon> (phonetic). You
17 mentioned about the militiamen who came to arrest you so what
18 were their names? Can you tell the Court?

19 A. Ta Se was the leader of the militia men. He was quite young at
20 that time and as for four other militia men, I did not know their
21 names.

22 Q. Thank you. You said that after you were arrested and then you
23 were tied and you were also beaten so what did they use to beat
24 you?

25 A. I was beaten with the bamboo stick. It's about the size of my

1 <> lower arm. So I was beaten with this kind of bamboo stick
2 <when> I was interrogated.

3 Q. Thank you. When you were beaten, you said that <> you were
4 beaten by <them> one <after> another so how did they beat you?

5 A. They beat me one after another. After one was tired, another
6 man came in to beat me until I passed out. After I got conscious,
7 <> I was transported on a horse cart to Angk Roka and <> I was
8 detained there.

9 [10.54.40]

10 Q. How did you know that you were sent to Angk Roka? How did you
11 come to know <the name of> the place?

12 A. At first, I did not know that the place was Angk Roka. After I
13 was detained within that place and after three months of my
14 detention, I knew the place. <And thank you, Mr. Lawyer, for
15 asking me the question.> Since you asked me now about this, I am
16 telling you that at first I did not know that the place was <the
17 district office located in the area of> Angk Roka <market>. After
18 my release, I was asked to dig a pond in front of Angk Roka
19 market and at that time I knew that the place was Angk Roka.
20 Someone told me about <the name of Angk Roka market>.

21 Q. Thank you. You stated that upon your arrival at Angk Roka, you
22 knew a person by the name <Meng> (phonetic). This individual was
23 the prison chief. <Besides> him, did you know <anyone> else?

24 A. Upon my arrival at the prison, and after the three months in
25 detention, day and night, <> during my detention I did not know

1 anyone but after I was released I knew that <Meng> (phonetic) was
2 the prison chief and there <were Nouv> (phonetic) and Cheung
3 (phonetic) -- three of them were at the prison. Three of them
4 were working at the prison.

5 [10.56.59]

6 Q. Thank you. During the time that you were in Angk Roka, you
7 said that <> your ankles were shackled. <Was> only one of your
8 ankles shackled or were both of your ankles shackled? And what
9 about food ration<>? How was your food ration<>? Did anything
10 happen to you during your detention? Were you beaten while you
11 were detained?

12 A. When I was detained within that place I was not beaten up. I
13 was put in the cell in the prison and I was shackled. I was not
14 beaten up. As for food ration<>, I had just a few grains of
15 <gruel made out of> cold rice. Actually, they used the cold rice
16 to cook gruel and <> I could have the gruel <with> a few rice
17 grains only.

18 Q. Thank you very much. You said that both of your ankles were
19 shackled so how long were you shackled? How painful was it and
20 did you sustain any wound or injury on your ankles as the result
21 of your being shackled?

22 A. Thank you very much, Mr. Civil Party Lawyer. I was in the
23 prison for a certain period of time and they used the iron rod
24 combined with the shackles to detain me. The older prisoners were
25 released to work while I was being detained and I was shackled

1 with the iron rod put below my ankles. They used the iron rod to
2 put in the ring of the shackle and <> they <did not pay attention
3 and> missed the ring and the iron rod hit my ankle.

4 [11.00.09]

5 I was bleeding at that time. It was so hurt. There <> was no
6 medicines to cure my wound and the injury sustained till today.

7 If you do not believe me, I can show you. And as of today, if I
8 am sitting for too long, my ankle would be swelling.

9 Q. Thank you. When you were shackled and as you said, they didn't
10 pay attention or didn't care about you and when they inserted or
11 removed the iron rod it inflicted wound on your ankle. Can you
12 tell the Court about the pains that you suffered during that
13 time?

14 [11.01.26]

15 A. The pain inflicted upon me at that time was indescribable. I
16 didn't think that I could survive. I suffered the pain physically
17 and emotionally. We could not even relieve ourselves properly.

18 And since I was born, I never experienced such pain until the
19 time of the Khmer Rouge regime. We were put into row, feet to
20 feet, and the female was placed on one row and the male prisoners
21 were put on another row and there was <an aisle in-between>. And
22 it was very, very difficult for us to relieve ourselves. <Since
23 both of my ankles were shackled, it became even worse for my case
24 when it comes to relieving myself.> There was a pot for us to
25 relieve in and then we had to adjust ourselves and our ankles in

1 order to be able to put the container underneath to relieve
2 oneself. And as I just said, I thought I would die and in fact,
3 one prisoner, who was nearby me, died from the lack of food and
4 his body remained there for two nights and three days before it
5 was removed. And he died as I said, due to hunger. His name was
6 Pat (phonetic). He was just lying next to me before he died and
7 that also made me think that my turn would come soon.

8 [11.03.42]

9 Q. Thank you. And facing such a horrible condition in the prison,
10 as you just described, and when you were put into that detention
11 building, were there other prisoners there before you were put
12 into that building, and were <women and> children detained
13 <there>?

14 A. In that building, there were female prisoners and as I
15 described, female prisoners were put into a row and <> the male
16 prisoners<> were put into another row and we were feet to feet
17 and from my recollection, there were about 10 male prisoners and
18 there were roughly about 10 female prisoners. There was another
19 female prisoner. She was shackled and she had a young baby whom
20 she breastfed and I did not know the reason for her detention. I
21 could not imagine why she was detained there with her young baby.

22 [11.05.20]

23 Q. Thank you. After you were arrested and placed in that
24 detention building, was your wife or family members informed of
25 your arrest?

1 A. My family members did not know anything about my arrest, not
2 even the neighbours. When they noticed that I disappeared, they
3 thought that I died. But incidentally, I met a young women -- she
4 was asked to go and work at the Tuol <Truos> (phonetic) canal <>
5 and she saw me carrying dirt near the road, as I was asked to dig
6 <and> carry the earth in order to <>build a pond<.> I was ordered
7 to carry three cubic metres of earth per day. And when she saw me
8 carrying dirt from building a pond, she talked to me briefly but
9 besides that I had no any contact with my family members or with
10 anybody else.

11 Q. Thank you. Did you lose any family members during that regime
12 or did you lose any property, namely your house? Or did you
13 suffer from any emotional harm?

14 [11.07.37]

15 A. Of course, the loss did happen. As for the property, I did not
16 bring along much when we were forced to leave Phnom Penh. And
17 then all the property that I had was confiscated and when I was
18 put into the prison, the only thing I had was just a <pair of
19 trousers> and a shirt that I was wearing.

20 Q. Thank you. And finally, do you wish to make any statement <>or
21 <do> you have any requests for the Chamber?

22 A. I have two questions that I'd like to put to the two Accused
23 in their capacity as the leaders of that regime.

24 Q. Mr. Civil Party, if you wish to make a request or to put a
25 question to the Accused, you need to make it through the

1 President of the Chamber.

2 A. My request is for the Judges and the officials of the Court to
3 find me justice. First of all, I suffered physical injury and my
4 health is not as strong as it's supposed to be and the important
5 thing is <> for the Bench to find me justice.

6 [11.10.36]

7 Q. You haven't answered my previous question as whether you lost
8 any family members during the regime?

9 A. My family members survived and when the ammunition warehouse
10 <at Trapeang Thum> exploded we were released and when the
11 Vietnamese entered Cambodia, then they did not monitor us anymore
12 and I did not lose any family members.

13 Q. Thank you. And I just said that if you have any questions to
14 be put to the Accused, you can do that through the President of
15 the Chamber, if you have any questions.

16 (Short pause)

17 [11.12.20]

18 A. I have two questions. The first question is the following: do
19 you, the two Accused, acknowledge that there was a security
20 centre at Angk Roka? I was detained there and that is the truth.
21 I did not fabricate this story. And my second question is the
22 following: do you accept the responsibility and can you explain
23 about the crimes that were committed? These are the two questions
24 that I have.

25 MR. LOR CHUNTHY:

1 Thank you and I don't have any further questions Mr. President.

2 MR. PRESIDENT:

3 The Chamber wishes to inform Mr. Thann Thim that after
4 ascertaining the position of both Accused on 8th January 2015
5 regarding the exercise the right to remain silent, the Chamber
6 notes that the two Accused maintain their express position unless
7 and until such time the Chamber is expressly informed otherwise
8 by the Co-Accused or their counsels. It is therefore incumbent
9 upon them to inform the Chamber, in a timely and official manner,
10 should the Accused resolve to waive their right to remain silent
11 and be willing to respond to questions by the Bench or relevant
12 Parties at any stage of the proceedings. However, as of today,
13 the Chamber is not informed that the Co-Accused have changed
14 their express position and that agreed to provide their responses
15 to questions. And I'd like to inform Mr. Thann Thim about the
16 questions that he put to the Accused. And I'd like now to hand
17 the floor to the Co-Prosecutors to put questions to this civil
18 party regarding the statement of suffering and harms. <You may
19 have the floor.>

20 [11.15.00]

21 MR. DE WILDE D'ESTMAEL:

22 Thank you Mr. President. Just to let you know, we will have quite
23 a few questions to put <to the civil party> regarding two topics
24 in particular, first his detention at Angk Roka which he
25 <already> spoke about and also then his transfer from Kiri Vong

1 district to Tram Kak district. <We can't-->

2 MR. PRESIDENT:

3 Court officer, could you check with the AV Unit about the

4 interpretation system? <Where is Mr. Uch Arun?>

5 The <>International <Deputy> Co-Prosecutor, you can resume.

6 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

7 Thank you Mr. President. As I was saying, we will have quite a

8 few questions to put to the civil party regarding, essentially,

9 two topics -- his detention <at the prison of-->

10 MR. PRESIDENT:

11 There is no interpretation at all. Could you, Court officer,

12 please check with the AV unit?

13 (Technical problem)

14 MR. PRESIDENT:

15 The <> International <Deputy> Co-Prosecutor, please switch to

16 another microphone. Don't use that one.

17 [11.17.08]

18 MR. DE WILDE D'ESTMAEL:

19 Thank you Mr. President. As I was saying, contrary to the other

20 civil parties who <have, during the last two days-->

21 MR. PRESIDENT:

22 I think there is still a technical glitch.

23 (Technical problem)

24 [11.18.52]

25 MR. DE WILDE D'ESTMAEL:

40

1 Mr. President, I hope now everything is working. As I was saying,
2 contrary to the other civil parties, who <will> very briefly
3 <examine> during these two days, <Civil Party> Thann Thim, who is
4 here present today, <we will be questioning him> at length, in
5 particular regarding two topics -- his detention at Angk Roka
6 <prison> as well as his transfer from Kiri Vong district to Tram
7 Kak district so therefore, I don't believe I will be able to
8 finish before <the> 11.30 <break>. So I'm going to react to what
9 you said earlier on and first of all speak about the Angk Roka
10 prison.

11 MR. PRESIDENT:

12 Counsel Koppe, you have the floor.

13 MR. KOPPE:

14 Thank you Mr. President. I think I would agree with the
15 Co-Prosecutor in the sense that I think this is a potentially
16 very interesting witness who could tell us many things about his
17 experiences and I have actually no objection, in itself, to the
18 intended questions from the Prosecution. However, if we can now
19 all agree in this courtroom, that we are far away going from
20 hearing civil parties simply on victim impact, then I would be
21 happy and we can just treat this civil party, who is giving very
22 interesting testimony, as a proper witness. And -- so if we can
23 all agree on this. This is actually my point -- we are not
24 talking any more about civil impact at all, we're talking about a
25 very interesting witness who could give very interesting

1 testimony.

2 [11.21.00]

3 (Judges deliberate)

4 MR. PRESIDENT:

5 And the International Deputy Co-Prosecutor, you can proceed. And
6 in fact, the Chamber reminded all the Parties this morning that
7 we have limited time to hear the statement of impact and it will
8 only happen today and tomorrow so frame your questions
9 accordingly. And we still have six more civil parties to go
10 through.

11 [11.21.34]

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. Thank you. My first question, <Civil Party> -- and I didn't
14 hear any answer with regard to the topic I'm going to question
15 you about. So when you were arrested when you were in Trapeang
16 <Thum Khang Cheung> commune, what were you accused of? Why were
17 you arrested?

18 MR. THANN THIM:

19 A. I was arrested because my elder daughter was in the unit and
20 she ran away together with Iem Yen, who testified before me. In
21 fact, they stole sugar cane from the unit and she was arrested
22 and beaten and she was forced to confess that I was a former
23 lieutenant in Phnom Penh and <>she <confessed that because she
24 was naïve> and then I was arrested for that reason.

25 [11.22.52]

1 Q. Thank you for this answer. I would like to <obtain
2 clarification on the period of your arrest and> the period of
3 your detention -- you said <earlier> that you were detained for
4 three months, so did you remain at Angk Roka prison until the
5 Vietnamese arrived?

6 A. When the Vietnamese arrived and fought against the Khmer
7 Rouge, then the ammunition depot <in Trapeang Thum Khang Cheung>
8 got caught in a fire and exploded <but I was not released yet.>

9 Q. Fine. And that is how you were able to run away. Are you sure
10 you stayed for three months there, or maybe you stayed longer, or
11 for a shorter period of time <perhaps>?

12 A. I remained in detention not for exactly three months. When I
13 said I was there for three months, it means when I was there day
14 and night for three months and of course, prisoners were not
15 allowed to be detained freely. We were let out to work in the
16 field. Initially, I was detained day and night in the building
17 for three months and after the three month period, <Meng>
18 (phonetic) questioned or interrogated me again about where I was
19 during the '70, '72 '74 and '75 and I responded accordingly and
20 after the three month period I was let to work outside in the
21 field. And this does not mean I was released after the
22 <three-month> detention. I was detained in 1978 until the time
23 the Vietnamese attacked.

24 [11.25.18]

25 Q. So you were detained for about how long according to this

1 system, when you <working during the day and I believe, you> were
2 detained during the <> night -- so <how many months> did you
3 remain in that situation?

4 A. The total period of my detention actually <was the entire year
5 of> 1978 and I was put in the detention building day and night
6 for three months. Then those who were detained previously were
7 let out to work during the daytime and then they were brought
8 back into the building at night time. And one day, when those
9 previous prisoners were let out to work in the morning, then
10 <Meng> (phonetic) interrogated me and after the interrogation
11 period was over then I was allowed to go and work outside. And
12 allow me to speak freely and truthfully here, initially, when I
13 was allowed to work outside, I was asked to carry water to water
14 the vegetables near the prison building and at that time I did
15 not have <anything> to wear. I walked <barefoot> and it was very
16 painful since it was very hot, but because I wanted to survive so
17 I worked hard by watering the vegetables nearby the prison
18 building. I went to carry the water from a pond nearby.

19 [11.27.25]

20 Q. Well, to conclude with this period, can you tell me if it's so
21 that you stayed at Angk Roka <prison, working,> for several
22 months while being detained at night?

23 A. At night time we were put back into the detention building and
24 we were shackled, and only during the daytime that we were let
25 out to work and in the evening then we were put back and shackled

1 in the building.

2 Q. Thank you. Now I would like to go back to the whole process
3 that brought you to Angk Roka. You said that you arrived at Angk
4 Roka market and you were <> entrusted to someone by the name Ruos
5 (phonetic) -- and in Document E3/5034 on page 2, you said that
6 Ruos (phonetic), R-U-O-S, was a militia chief. How did you get to
7 know his name and <>position?

8 [11.28.58]

9 A. I did not know whether he was the militia chief at the
10 district level or at <district-level army,> but I saw him
11 carrying an <AK-47> rifle <when he walked me into the prison.>

12 Q. Was he the one who told you that his name was Ruos or was it
13 someone else who told you that?

14 A. At the beginning, I did not know that was his name but after I
15 had stayed there during the day and night time and then when I
16 was allowed to work during the daytime, I was told about his
17 name.

18 Q. Thank you. Was it the same <Ruos> who accompanied you to Angk
19 Roka or <was it> someone else?

20 A. The person who took me from Trapeang Thom commune or from the
21 village where I stayed was <Se> (phonetic), not <Ruos>
22 (phonetic). And I was taken from the village and then I was
23 handed over to Ta <Ruos> (phonetic). And let me <clarify this
24 point, Se> (phonetic) was a commune militiaman <who> took me to
25 Ta <Ruos> (phonetic) and <Ta Ruos> (phonetic), from my

1 understanding, was probably at the <district> militia level and
2 <> he had an AK-47 rifle <when he> took me into the detention
3 building.

4 MR. PRESIDENT:

5 Thank you Deputy Co-Prosecutor and thank you Mr. Civil Party. It
6 is time for a recess. We will recess now and resume at 1.30 this
7 afternoon. And Court officer, please assist this civil party
8 during the lunch break and invite him, as well as the TPO staff,
9 to the courtroom this afternoon at 1.30. And security personnel,
10 you are instructed to take Khieu Samphan back into the waiting
11 room downstairs and have him back into the courtroom this
12 afternoon before 1.30.

13 The Court is now in recess.

14 (Court recesses from 1131H to 1330H)

15 [13.30.58]

16 MR. PRESIDENT:

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

18 And for this afternoon's the proceeding, the Chamber would like
19 to inform the Parties that for the question <and> answer session
20 to this civil party, please use the pace of your speaking as we
21 are in shortage of <French and English> interpreters for this
22 afternoon. So please speak slowly.

23 And the Lead Co-Lawyer for the civil parties, you have the floor.

24 MS. GUIRAUD:

25 Thank you, Mr. President. I am informed of what the Chamber would

1 like us to do regarding Mr. Chau Ny, <so> I <am ready to provide
2 the information> as <concisely as> possible. There have been 14
3 intermediate organisations that have been charged to assist
4 victims to become civil parties; one of these associations is the
5 Khmer Kampuchea Krom Human Rights Association. This association
6 has assisted 191 victims to become civil parties throughout the
7 national territory of Cambodia. Mr. Chau Ny has worked for that
8 association and <he has been-- > I will quote his position in
9 English as it was communicated to me during the lunch break.
10 He was a <member of the> outreach and complaints <staff> in 2008
11 and 2009 <and for part of 2010, for a period that> we were not
12 able to confirm <> with certainty, <but in any case, it is very
13 likely it was> up to <mid-2010 and> he held that position for the
14 province of Takeo. And that is why he <participated--> assisted
15 the civil parties in applying to become civil parties in that
16 province. And we have 23 civil parties' applications from Takeo
17 province, which were filed thanks to the assistance of that
18 association, including that of Mr. Chau Ny, himself. And Mr. Chau
19 Ny is mentioned <by name> in 22 civil party applications from
20 Takeo province. And <the reason> why his name appears
21 systematically in victim's information sheets <> is because those
22 forms were drafted in such a manner by the victims support
23 section <> which <required> that a witness was able to sign the
24 <victims'> information sheet alongside the victim him or herself.
25 That is what I have to submit regarding Mr. Chau Ny.

1 [13.34.24]

2 But we have a series of additional information that you'll find
3 on the case file and <that> we have all <used during these
4 hearings>. Most of these documents were filed in the second part
5 of 2010 and as regards supplementary information of the civil
6 parties being heard today and who are from the Takeo province, it
7 is <>the victims unit in this Court which <was responsible at the
8 time for collating> all that information and I must say that
9 during that period our section <> was not in charge <nor was it
10 involved in> <this process in any way>. This is the <information
11 I was able to gather during the lunch break. If the Chamber
12 requires> further information, I am available to provide it.

13 [13.35.23]

14 To conclude, I would like to remind the Chamber that it is
15 absolutely fundamental for us that the eight civil parties be
16 heard between today and tomorrow. We have <suffered a delay in
17 our schedule>. In addition <to> Mr. Thann Thim, <it is essential
18 that> another civil party should be heard <in full> today in
19 order that we should be able to hear four civil parties tomorrow.
20 <So--> in any case it is essential for us to make sure that the
21 civil parties, who <are here, who> have been in Phnom Penh since
22 <the> day before yesterday, be allowed to speak. And to answer
23 the question asked by my learned friend Koppe, <for us,> this is
24 not a normal hearing it is <clearly> an exceptional hearing that
25 is aimed at enabling the civil parties <> to express themselves

1 on their <opinions or their> sufferings and it is --<once
2 again>-- absolutely necessary <for us> that these eight civil
3 parties <be allowed to speak before the Chamber> in light <of>
4 the schedule that we presented to the Chamber<>. Thank you, Mr.
5 President.

6 MR. PRESIDENT:

7 To accommodate your observation request, I think you, the Lead
8 Co-Lawyers for Civil Parties, have to reduce your time first,
9 namely reduce to 30 minutes and then accordingly all the Parties
10 all reduce their questioning time, if we were to do that.
11 The floor is once again given to the Prosecution. You may
12 proceed, <the> International <Deputy> Co-Prosecutor.

13 [13.37.06]

14 BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. I will try to <focus directly on the
16 most important aspects and to> be concise and clear in my
17 <questioning> <>. Before the <lunch> break, Mr. Civil Party, you
18 said that <on your> arrival at Angk Roka there were about 10 men
19 and 10 women there. In the document we have before us, E3/5035,
20 you made mention of about 100 prisoners and in the record of an
21 interview given to the Co-Investigating Judges and the reference
22 is, E319/12.3.8, in answer 77, you said that there was 70
23 prisoners. Can you tell us whether the number of prisoners at
24 Angk Roka changed with time, did it increase in the course of
25 time?

1 [13.38.14]

2 MR. THANN THIM:

3 A. Regarding the prisoners held at Angk Roka, prisoners were
4 brought in from time to time and when the new ones brought in,
5 the existing ones, some of them were taken out, <> they were tied
6 up and taken out. <I kept my eyes on the occurrences in the
7 prison through the gap between the wooden walls of the prison. Ta
8 Nouv was the person to made the string from the midrib of the
9 palm leaves.> Usually they would tie one prisoner at a time and
10 let out in the direction toward Damrei Romeal mountain, although
11 I did not know the exact location where those prisoners were
12 taken to. So over time the number of prisoners reduced as some of
13 them were taken out.

14 Q. You said a while ago that Meng interrogated you at a point in
15 time, was there a specific location for interrogations outside of
16 <> the room in which the prisoners were detained?

17 A. Meng (phonetic) interrogated me when other prisoners were let
18 out to work in the field and I was alone then they removed the
19 iron rod, then the rings dropped and then I was unshackled and
20 taken to a building where the guards stayed, and that was the
21 place I was interrogated. I was not interrogated in the detention
22 building but at a nearby building where the guards stayed.

23 Q. Thank you. Were you able to speak to your co-detainees at the
24 time? Were you able to find out why the other prisoners at Angk
25 Roka had been arrested and detained?

1 [13.40.44]

2 A. I only spoke to those fellow prisoners whom I knew. For
3 example, a teacher by the name of <Kan> (phonetic) and a person
4 Achar <Moek> (phonetic). Achar <Moek> told me that he was
5 monitored every day and he was asked what he did at Phnom Penh
6 and as for the teacher it was the same thing and he said that he
7 was a teacher in Phnom Penh. And I did not know what kind of
8 wrongdoings they committed as I did not ask them about that and a
9 day or two later they were taken out, outside I mean, and I did
10 not know where they were taken to.

11 [13.41.40]

12 Q. You stated that the guards and cadres at Angk Roka took
13 prisoners towards the <> Damrei Romeal mountain and you told the
14 Co-Investigating Judges <during the hearing I believe> that you
15 thought that they were taken there to be executed. What is the
16 basis for your statement that you thought those people were going
17 to be executed<>?

18 A. I peeped through the wooden wall as there was a gap that I
19 could peep through and I saw those prisoners being tied and they
20 were taken out one at a time after each of them was tied up. I
21 did not know where they were taken to but from my location, I
22 presumed that they were taken to the direction of Damrei Romeal
23 Mountain, though I did not have any concrete evidence to prove
24 that as I was being detained in the detention building. I only
25 saw that they were tied up and taken out.

1 Q. Regarding the person you've just mentioned -- that is, the
2 teacher, Kan, can you tell us whether you knew his name and his
3 age at that time <or> the name of his wife?

4 A. As for teacher <Kan>, I knew him well as he used to teach me
5 and he was around 70 years old <or> a little bit <older> than
6 that.

7 Q. Does the name Peou Kan ring a bell to you, <he> was married to
8 a woman called Pen Yem and he was from Saom commune, <> Kiri Vong
9 district, does that name ring a bell to you?

10 A. No, that name, Peou Kan, does not ring a bell to me.

11 Q. While you were detained at Angk Roka, did you know a person by
12 the name Nun, N-U-N? He had come from District <59> and had gone
13 to live in Trapeang Thum North.

14 A. The name Nun also does not ring a bell to me. I did not know
15 which village that person resided. It could be <> that person
16 <>resided in another village within the same commune.

17 [13.45.06]

18 Q. On the record we have, document E3/4093, <that--> I am <not
19 going> to show <it to> the witness <just now>, I would like <to
20 ask preliminary questions> on this subject, if <Counsel> would
21 allow me to do so.

22 [13.45.33]

23 MR. PRESIDENT:

24 Counsel Koppe, you have the floor.

25 MR. KOPPE:

1 Thank you, Mr. President. Good afternoon, Your Honours. May I
2 make a suggestion and suggest that we stop asking questions on
3 the facts to this witness and ask this witness if he would be
4 prepared to come back at one point in time to give proper and
5 full testimony. I believe he's a relevant witness; he gives, so
6 far, very coherent answers; there are a lot of things I would
7 like to ask him as well. Also considering the remarks of the
8 civil party Lawyers and the Trial Chamber itself, wouldn't it be
9 an idea to just now focus on the civil impact and recall this
10 person as a proper witness.

11 MR. PRESIDENT:

12 I believe the Chamber reminded all the Parties clearly that the
13 questions or points towards the suffering and harm of the civil
14 party, except in the case that the harm and suffering are
15 connected to certain facts. And as for the time allocation, we
16 don't have much time left for the additional six civil parties
17 that are still remain <for tomorrow. Earlier, the Lead Co-Lawyer
18 for Civil Parties also requested for additional time.> And if you
19 keep questioning civil party -- this civil party on facts then he
20 should categorised as a witness and not as a civil party who is
21 making a statement of harm and suffering before this Chamber.

22 MR. DE WILDE D'ESTMAEL:

23 Perhaps before you gather to deliberate, Mr. President, I am
24 basing myself on the suffering he endured at Angk Roka prison and
25 on this basis I am trying to establish the credibility of this

1 witness <> and I'm also trying to confront the witness with
2 certain <facts that we heard here> and to ask whether he knows
3 certain persons <who spent time> at that prison. So, I believe my
4 questions are relevant, Mr. President.

5 (Judges deliberate)

6 [13.49.53]

7 MR. PRESIDENT:

8 Counsel Koppe, if my understanding is correct, you suggest that
9 this civil party shall be summoned again as a witness to provide
10 his testimony as he seems to know a lot. And the Chamber would
11 like to clarify this matter clearly so please if you have other
12 reasons to support your submissions, do so now.

13 [13.50.20]

14 MR. KOPPE:

15 I think, Mr. President, as an exact summary of my request, I
16 think this is indeed a very relevant witness and he should come
17 back at another time that we have more possibility to question
18 him. So yes, I agree with your summary fully. This is our
19 request.

20 MR. PRESIDENT:

21 And what about the Defence team for Khieu Samphan, do you wish to
22 make any observation on this matter?

23 MS. GUISSÉ:

24 We <are not making any specific request for this witness to> be
25 brought back, but if the Co-Prosecutors intend to <use> him as a

1 factual witness and not only as a person testifying about his
2 suffering, then we <would obviously expect to> be allowed to
3 examine the witness on the same footing as any other witness who
4 is testifying facts.

5 MR. PRESIDENT:

6 Thank you. The <> International <Deputy> Co-Prosecutor, would you
7 like to make any observations?

8 MR. DE WILDE D'ESTMAEL:

9 Yes, Mr. President. As you of course know, this civil party was
10 on <> the Prosecution's <reserve> witness list since -- <a long
11 time ago,> June 2014, and that is why we would like to ask some
12 <> additional questions since this person is <the only> one <as
13 far as I know> of the victims who <were> at Angk Roka <to have>
14 survived <or in any case, to> testify. Nevertheless, we do not
15 think <the civil party> should be called back<>, we'll complete
16 our examination in 10 minutes or 15 minutes at the very most --
17 and I think it is possible for us to proceed bearing in mind that
18 what he says has to do with the sufferings that <this civil
19 party> experienced.

20 [13.52.38]

21 MR. PRESIDENT:

22 And what about the Lead Co-Lawyers for the Civil Parties, do you
23 wish to make any observation?

24 MS. GUIRAUD:

25 We do not support the application by the Nuon Chea defence

1 requesting that the Chamber should recall the civil party to come
2 back and testify to facts, but we will rely on the wisdom of the
3 Chamber. <I was very clear on what our aim was: that> all the
4 civil parties who have been proposed to be heard by the Chamber
5 at a time we thought was particularly opportune for the civil
6 parties. We have made efforts to adjust our schedules so that the
7 two civil parties were heard yesterday; <so, that is our>
8 priority. Now, I understand that both the Prosecution and the
9 Defence <have> priorities, so it is up to the Chamber to consider
10 the application made by <different> Parties, but <in any case,
11 our priority is for those eight people we have set forward are
12 able to come and> testify <>with regard to their sufferings<>.
13 [13.53.58]

14 MR. PRESIDENT:

15 Thank you. And as for the <International> Deputy <>Co-Prosecutor,
16 you stated that you need 10 or 15 minutes more to conclude your
17 question and if that is the case and if you think of the time
18 that you and the Lead Co-Lawyer spent this morning, you have to
19 make sure that Defence should have an equal time to be allotted
20 to them. So if that is the case then it is going to drag on with
21 the remaining civil parties. <Please reconsider this point if you
22 wish to request for additional 15 minutes.>

23 JUDGE FENZ:

24 I am trying to be practical here. It won't be possible to hear
25 this civil party to the full extent that might be necessary,

1 safeguarding the rights of everybody to ask questions on one hand
2 and to hear all the other civil parties that has been here on the
3 other hand till Friday. So, we'll have to find a practical
4 arrangement for that. Now, is there any objection against
5 recalling this civil party, which arguably might have valuable
6 factual information, at a later stage. Is there an objection,
7 because then we could go ahead with the others?

8 [13.55.30]

9 MS. GUIRAUD:

10 No objection. And after discussing the matter with my learned
11 colleague <who is the> lawyer of the civil parties, we don't
12 object to recalling this civil party to testify, if the Chamber
13 deems it necessary.

14 (Judges deliberate)

15 [13.56.36]

16 MR. PRESIDENT:

17 After having heard the request by the Nuon Chea defence and the
18 observation from other Parties and after we, the Judges of the
19 Bench discussed, the Chamber now decides to adjourn the hearing
20 of this civil party in regards to the statement of suffering and
21 harm. He will be heard again in due course when he will be
22 summoned again as a factual witness and then he can respond to
23 questions on facts and he can also express his statement of
24 suffering and harm in his capacity as a civil party.

25 Mr. Thann Thim, the Chamber is grateful of your time. And we will

1 adjourn your statement of suffering and harm now and the Chamber
2 will reschedule an appropriate time so that you will be invited
3 to appear before this Court again to provide your knowledge
4 regard certain facts and you will be recalled as <a civil party>
5 and you may be now excused from the courtroom.

6 Court Officer, please make necessary arrangement with WESU, to
7 return Mr. Thann Thim back to his residence or wherever he wishes
8 to go. And the TPO staff, please remain seated in the courtroom
9 as we will call another civil party -- that is, 2TCCP-981.

10 And Court officer please usher the other civil party -- that is,
11 2-TCCP-981, into the courtroom in order to make her statement of
12 impact and suffering.

13 (Civil party enters courtroom)

14 [14.00.39]

15 QUESTIONING BY THE PRESIDENT:

16 Q. Good afternoon, <Mr.> Civil Party, what is your name please?

17 (Technical problem)

18 [14.01.25]

19 BY THE PRESIDENT:

20 Q. So, what is your name please?

21 MR. BENG BOEUN:

22 A. I am Beng Bouen.

23 Q. Thank you. What is your date of birth?

24 A. I was born on 12 December 1944. Well, my real birth date in
25 fact is, 1939.

1 Q. What is your current address?

2 A. I live in the village <4, Dang Tong commune, Khemarak Phumin
3 (phonetic) city> in Koh Kong province.

4 [14.02.19]

5 Q. What is your occupation?

6 A. I was a school teacher, now I am retired.

7 Q. What is your father's name, and what is your mother's name,
8 your natural father and your natural mother?

9 A. My father was called Tri <Beng> (phonetic) and my mother Va
10 Beoun (phonetic)

11 Q. What is your wife's name and how many children do you have?

12 A. My <late> wife <was> Teng Eng, she is deceased. I have three
13 children <with her.> I married again and <>with my new wife, we
14 have <one child>.

15 MR. PRESIDENT:

16 Thank you very much. As a civil party before the Chamber, gives
17 you the possibility of making a statement on the harm you
18 suffered, whether the harm be physical or whether this be
19 material, as a result of the crimes committed during the
20 Democratic Kampuchea Regime <between 17 April 1975 and 6 January
21 1979>, which led you to join as civil party. As a civil party you
22 are entitled to make a statement on the alleged crimes -- on the
23 effect of the alleged crimes on you as a victim. You can make a
24 statement about the sufferings you endured during the Democratic
25 Kampuchea period which led you to join as a civil party in order

1 to seek reparation as a direct consequence of the crimes.

2 Counsel for the civil parties, you have the floor.

3 QUESTIONING BY MR. LOR CHUNTHY:

4 Good afternoon, Mr. President, Your Honours. Good afternoon, Mr.

5 Beng Boeun. I am Mr. Lor Chunthy, I am a civil party lawyer and I

6 work for Legal Aid of Cambodia. I would like put a few questions

7 to you relative to the suffering you endured during the Khmer

8 Rouge regime.

9 Q. To begin with, I would like to know <>where were you on 17

10 April 1975?

11 MR. BENG BOEUN:

12 A. In 1975, I was in Phnom Penh.

13 [14.06.05]

14 Q. Thank you. On 17 April, when you were at home, did you see

15 anything special happening in Phnom Penh on that day?

16 [14.06.42]

17 A. I was at Office Number 5 -- that is to say, at the military

18 record office that was an office dedicated to producing military

19 <newspaper and magazine> and I met Mr. Maesi Chon (phonetic) at

20 <> the military radio station on 17 April. And he asked me

21 questions, he asked me where he could find the keys to enter the

22 radio broadcasting rooms, he said I wasn't working there, he

23 threatened me, he said he was going to kill me with his pistol

24 and I was very afraid of the Khmer Rouge soldiers. <There were

25 two Khmer Rouge soldiers at that time who> held him back so he

1 couldn't shoot at me and when I looked at a car on street, I saw
2 a <woman with a silk scarf on her head and her legs on the
3 steering wheel of the car> and two Khmer Rouge soldiers held Mr.
4 Maesi Chon (phonetic) back. <They got on the car and left the
5 place. They went to the national radio station at> Wat Phnom, I
6 heard Maesi Chon (phonetic) <saying> a few words, <> -- calling
7 the army stationed in the provinces to lay down their arms and
8 come up with peace negotiations and then after that I heard
9 nothing. Then I heard a voice saying, <"We> came here by force
10 and we came here with our soldiers and we came here not to
11 negotiate <for peace." Having heard that announcement, my body
12 was trembling and then my family and I prepared to leave the
13 place but we had not yet left Phnom Penh.>

14 Q. Thank you. You said that you had not yet left Phnom Penh. So,
15 when did you leave Phnom Penh?

16 A. I left Phnom Penh on 18 April, at 10 o'clock in the morning
17 and as I left Phnom Penh I was thinking, I was <counting the days
18 because we were told by soldiers to leave Phnom Penh just for
19 three days in order for them to re-organize the city. Therefore,
20 we left Phnom Penh slowly because we were> taking time <> to
21 assess the situation.

22 Q. Thank you. And when you arrived at Steung Kampong Tram
23 (phonetic), did you see anything special happen?

24 A. After several days I arrived at Steung Kampong Tram (phonetic)
25 and the soldiers asked us to stop there because the bridge had

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1 blown up and they gave us each a can of rice. And once we crossed
2 the river, we cooked our food and then they forced us to continue
3 travelling in order to meet Angkar.

4 Q. Thank you. And when you were forced to go meet Angkar, did the
5 Khmer Rouge soldiers ask you questions about your personal
6 history -- that is to say, who was doing what and who was an
7 officer, <and those who held positions would be sent> back to
8 assume their respective duties?

9 [14.11.20]

10 A. I was at the Tuol Kruos pagoda. I met my uncle and there the
11 Khmer Rouge asked us what we did in the past and they told us <>
12 that <they would send us back to resume our positions in Phnom
13 Penh>. My uncle <tapped> me to stop talking <because> I wanted to
14 tell them truth of course. <Some people told me that Angkar was
15 sending them back to work> Phnom Penh <to resume their duties.
16 They smiled and waved their hands at me as the sign of saying
17 goodbye. Then> the Khmer Rouge <soldiers> told us to go in a
18 different direction, whereas the others were travelling in
19 another direction.

20 [14.12.30]

21 Q. <Thank you.> In mid-1976, where did you go?

22 A. After that I went to Svay Chal, Kong Pisei district at my
23 uncle's place where I spent three nights and three days, with my
24 family too. And then my uncle told me to leave his house early in
25 the morning because his <son>-in-law was a Khmer Rouge <village>

1 leader, so he told me to leave. <Eng> (phonetic) went to a
2 meeting where it was decided <> to take my family to be executed.
3 So therefore, I left <the village in the early morning> as he
4 told me to do so.

5 Q. Thank you. Once you arrived at your final destination, what
6 were you assigned to do?

7 A. I went to <Thmar> Keo (phonetic) village, <Nhaeng Nhang
8 commune,> Tram Kak district, where I met my <parents-in-law> who
9 were Base People and they told me <hide> anything <we were
10 bringing along> and then later the village chief came to see us
11 to ask us if we had <any Mido wristwatch> or other kinds of
12 jewellery and I said no, I <had> nothing <including military
13 uniform> and at that moment, we were separated and we were sent
14 to a village where there were Vietnamese and Chinese <and Khmer.
15 It was in Tram Kak district.>

16 Q. Thank you. When you went to harvest rice during the dry
17 season, what did you see?

18 A. During the dry season rice harvest, I was placed in a mobile
19 unit and our job was to <transplant> the <seedlings> and to
20 <paddle> the water <wheel to feed water into paddy fields> and I
21 <met and worked with> my little brother-in-law <everyday> and
22 then I lost him, I missed him very much and that was really heart
23 breaking. His disappearance really, really saddened me. I was
24 saying to myself back then, I <would> be the next in line to die
25 soon.

1 Q. Thank you. Can you provide details concerning the
2 disappearance of your <younger> brother-in-law?

3 [14.16.59]

4 A. The unit chief had asked questions and had joked with him and
5 then therefore my brother-in-law said that he <also> knew how to
6 drive a car, how to fly a plane, that he knew how to type <a
7 typewriter> and since he knew how to do everything, apparently,
8 <several> days later he disappeared forever. That's why, because
9 he knew how to do everything and later my neighbours, who liked
10 me very much, told me that anyone who knew how to do anything
11 would not be <kept> by the Khmer Rouge and that's why he
12 disappeared.

13 [14.17.58]

14 Q. Thank you. After <returning from engaging in> the dry season
15 <rice farming> and when you went back to the village, did you see
16 anything special happen?

17 A. After the dry season rice <farming> I was sent to the village
18 where I was assigned to tend the cows, to chop wood and as I was
19 tending cows, <another younger> brother-in-law on my wife's side
20 climbed up a coconut tree and he saw me and he threw a coconut to
21 me from the top of the tree. And <> when he climbed down, he was
22 taken away and <I did not know as to where he was taken. When> I
23 arrived at the cooperative I saw him all tied up <with his hands
24 behind his back> in the burning sun and my son said to me -- my
25 son came back home crying and then he <told me and his wife that

1 her husband,> my brother-in-law<, Bou (phonetic) had been
2 arrested and being taken away. She then> went to beg the Khmer
3 Rouge to release her husband and the Khmer Rouge said, "No, don't
4 cry, I am simply arresting the enemy; <or do you want to come
5 with the enemy?". My mother-in-law gave my brother a blanket,
6 but> the Khmer Rouge <took it from him and threw it away, and
7 they> even pushed <her away> and <later on> they <took him> away,
8 I don't know where they went.

9 Q. Thank you. What was the reason, why was he taken away, was he
10 taken away because he picked the coconut?

11 A. Yes, yes. As far as I know it's -- that was the reason. The
12 Base People were saying back then that everything belonged to
13 everybody and <there was no private property. He was considered
14 as enemy> because he threw a coconut to me. <Then> he was
15 arrested and taken away.

16 Q. Thank you. One day you were accused of moral misconduct. Was
17 this accusation grounded?

18 [14.21.29]

19 A. After replanting the rice, I was sent to the ploughing unit
20 and after ploughing I hitched cows and then I left the village<.
21 At that time> my <mother-in-law > told me that I had to go see
22 <my younger sister-in-law and ask her to visit her as she was
23 sick at home. Then> I met my <younger sister-in-law along the way
24 while she> was looking for vegetables. <And I told her to go to
25 visit my mother-in-law who was sick> at home and then my unit

1 chief <with an axe> took me into the forest. <He accused me of
2 having moral misconduct.> He was holding his axe. And I begged
3 him for quite a while and then he accepted <my request and> let
4 me go<. However, he> threatened me that he would kill me if I did
5 that again. <I said that "I swore on my mother's head that I
6 would not commit that offence again and I said that if that
7 happens, then you can take me away where you wish to take me to."
8 [14.22.56]

9 Q. At Tumnup (phonetic) Ou Saray -- that is to say, the Ou Saray
10 dam, your father-in-law died there. <What events did you notice
11 at that time>?

12 A. After the ploughing, I was assigned to the <Ou Saray> dam site
13 where I met my <elder sister>-in-law and after two days my <elder
14 sister-in-law, who was the team leader,> received a note
15 indicating that <my> father-in-law was ill and therefore <she>
16 asked <for> leave to go see him. I was a New Person and she was
17 the Base Person. However her> request was rejected and <she was
18 told that her visit would not make her father fully recovered.
19 Hence she> could not <visit my father-in-law. The> next day we
20 learnt that he died and therefore my <elder sister>-in-law hugged
21 me <and we wept together. While we> were weeping<many> people
22 were <standing around and> looking at us.<>

23 Q. Do you wish to say anything with regard to the suffering you
24 endured, as you said earlier on, because of the loss of your two
25 brother-in-laws and also because of the fact that you did not

1 have a chance to see your father-in-law? <How> do you feel now in
2 that regard?

3 A. I don't understand why my brother-in-law was taken away
4 without being informed of what offence he had committed and I was
5 not told that, "Well, listen, we're taking away your
6 brother-in-law". For example, you see nothing was said when a
7 coconut was stolen, they did not say that it <was> an offence
8 that should not be committed, but in the case of my
9 brother-in-law for example, he loved me, so why were we not
10 allowed to go and see someone who was ill? <In relation to my
11 father-in-law case, why> weren't we allowed to go see someone who
12 was about to die? So, this is why I'm suffering still a lot.
13 <Recalling the sad events makes me felt like things are happening
14 in front of me.>

15 Q. Now, with regard to the theft of the coconut, did the lack of
16 food, or was the lack of food the cause of this theft? What was
17 the food ration like when you were in the mobile unit, for
18 example?

19 [14.27.43]

20 A. In the mobile unit and elsewhere there was not enough food. We
21 had to work a lot to harvest all of the land around us and when
22 we ate, the Khmer Rouge would watch over us, they would circle us
23 and they would ask us if there was enough to eat or not and if we
24 said that there was not enough to eat well, then we were brought
25 away to be executed.

1 [14.28.28]

2 Q. What were the working conditions like?

3 A. In the morning when they rang the bell, we had to leave for
4 work and there was another -- they rang the bell again for lunch
5 break and in the evening after dinner we had to go <dig holes for
6 planting> bananas or coconuts and it was only at night <around 10
7 p.m.> we could sleep and even as we were sleeping we were
8 watched. My mother-in-law told me to say nothing and to keep
9 quiet at night, since they watched us on a constant basis. <One
10 day, I poured a full bedpan urine on the militiamen while they
11 were spying underneath my house> and I <pretended> to insult my
12 son <for making the mess>.

13 Q. <Thank you.> What did you experience in late 1978?

14 A. Towards the later part of the regime I was assigned to grow
15 vegetable with the elder people and then I was asked to attend a
16 meeting at Chamkar Siem (phonetic). They had a plan for a second
17 meeting and that we would be in a <happy> environment <with lots
18 of fun, as everyone including> all the sick people and for those
19 who could not walk <would be invited to> the meeting and it was
20 chaired by the district chief<. The> district chief said that
21 <they would schedule the next meeting then> we would live in
22 prosperity. Three or four days after the meeting, the Base People
23 <were aware that they would prepare the Khmer noodle> for us to
24 eat as they poisoned the noodles <in order to kill us>.

25 Q. And what about your children at that time, what were they

1 assigned to do?

2 A. One <of my children> was in a children unit to carry
3 fertilizer for the rice field and one day he carried it a little
4 bit over the assigned rice field and the unit chief threatened
5 him that he took it to the enemy. <Consequently, he was beaten
6 and kicked. I was also nearby and witnessed what was being done
7 to my own son but I could not do anything about it.> As for me I
8 was constantly in a mobile <unit and a ploughing> unit depending
9 on whatever they wanted me to work at.

10 MR. LOR CHUNTHY:

11 Thank you. Mr. Civil Party. If you wish, you can request the
12 President or the Chamber to grant you your requests or questions
13 to the Accused. Mr. President, I don't have any further questions
14 for this civil party.

15 [14.32.46]

16 Mr. Civil Party, I have just informed you if you have any
17 questions to be put to the Accused you can do it through the
18 Chamber, President, if you have any. Thank you.

19 [14.33.28]

20 MR. BENG BOEUN:

21 I don't have any questions.

22 MR. PRESIDENT:

23 Thank you, Mr. Civil Party and the Chamber would now like to give
24 the floor to the Co-Prosecutors.

25 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

1 Thank you, Mr. President. I do not have many questions to ask
2 this civil party. Rather a few follow up <or clarification>
3 questions. On the case file, we have your <civil party
4 application> form, <reference> E3/4719, and what I did not hear
5 today is the names of <> all the victims in your family. Maybe,
6 you can mention their names because with translations we hear
7 brother-in-law whereas it can be sister-in-law. So, <I'm not sure
8 and I would like to> clarify all of this a little bit <with you>.
9 You spoke, first of all, about a brother-in-law when you were
10 harvesting rice during the dry season, if I understood well, a
11 brother-in-law who had been arrested because they had discovered
12 that he knew how to drive. Can you give us his exact name please?

13 MR. BENG BOEUN:

14 A. <When we were farming the dry season rice,> it was my younger
15 brother-in-law by the name of Vuth (phonetic) <who claimed to
16 know how to drive and do many other things>.

17 Q. Did you indeed say Vuth (phonetic), <is that correct>?

18 A. Yes, the name was Vuth (phonetic).

19 Q. How about the one who was arrested for harvesting coconuts,
20 what was his name?

21 A. In fact the name was Bou (phonetic) and he was also my younger
22 brother-in-law.

23 Q. And there was a sister-in-law called Ny (phonetic), <is that
24 correct?> Was she also arrested?

25 A. It was my elder sister-in-law and her name was not Ny

1 (phonetic), her name was Norn (phonetic). <She was my> elder
2 sister-in-law.

3 [14.36.32]

4 Q. Thank you. A while ago, you referred to your living conditions
5 at Nhaeng Nhang, in Nhaeng Nhang commune and in your civil party
6 application form, you wrote that the Khmer Rouge separated people
7 according to their ethnicity, the Chinese lived with the Chinese
8 and the "Yuon" lived with the "Yuon". How about you yourself? Did
9 you live with the New People or did you live with the Base
10 People?

11 [14.37.09]

12 MR. PRESIDENT:

13 Civil Party, please wait. And Counsel Kong Sam Onn, you have the
14 floor.

15 MR. KONG SAM ONN:

16 Mr. President, I would like to provide my observation regarding
17 the summary made by the <> International <Deputy> Co-Prosecutor.
18 To my recollection, the civil party stated that a mixture of
19 various nationalities <was> put <to live together in the village>
20 including Cham, Vietnamese and Chinese and in fact they were not
21 <separated> into various groups. Thank you.

22 BY MR. DE WILDE D'ESTMAEL:

23 Mr. President, perhaps the civil party could enlighten us on the
24 basis of the document we have; E3/4719, and it is <the> second
25 page of <the> French summary, 00898351. There may be an error,

1 but in any case it was indicated <that> the Khmer Rouge separated
2 people according to their ethnic groups, is that correct Mr.
3 Civil Party? Were the people mixed <together> or were they
4 separated according to their ethnicity?

5 MR. BENG BOEUN:

6 A. When I initially arrived we were placed mingled together but
7 later on we were separated into various ethnic groups<. I was
8 with> the Chinese ethnicity group and the Vietnamese ethnicity
9 group.

10 Q. Thank you. As far as you <are> concerned, was the population
11 categorised, was there some kind of separation between the Khmer
12 and on the one hand the Base People and the New People on the
13 other?

14 A. Yes, the categorisation actually happened. As my
15 parents-in-law were the Base People, so they were put separately
16 from where I was<.> I was put in Trapeang Ampeak village which I
17 lived near the Chinese and Vietnamese ethnicity groups. <Khmer
18 group lived in a different village.>

19 [14.39.53]

20 Q. And can you tell us who led all those groups, the New People
21 <group>, the Chinese ethnic group and the Vietnamese ethnic
22 group? Were those people led by the members of their respective
23 groups, or it was the New People who led them? I beg your pardon,
24 I referred to the Base People, were the Chinese ethnic group, the
25 Base People or the Vietnamese ethnic group <led by people from

1 their respective groups or did Base People lead these groups>?

2 [14.40.35]

3 A. They divided us into various groups and as for the leaders
4 they were all Base People although I did not know them all.

5 Q. During your stay at Tram Kak district, in Nhaeng Nhang commune
6 and in the mobile unit would you say that the living and working
7 conditions progressively improved or deteriorated as time went
8 on?

9 A. As to the nature of work in the mobile unit, of course it did
10 not improve as it was extremely intensive work and our mobile
11 unit engaged in rice farming and in building a dam, which was
12 <six-metre> tall, so all kinds of works we were engaged in were
13 of an extensive hard work. <We were ordered to cheer up when the
14 delegation visited the worksite.>

15 Q. <Last question, Mr.> Civil Party. It is stated in your civil
16 party application form that in Nhaeng Nhang, the Khmer Rouge told
17 you that they were going to send the Vietnamese to the "Yuon"
18 territory in exchange for native Khmers. What do you know
19 <exactly> about such an exchange, <and when would it have> taken
20 place?

21 A. I cannot recall the year. But I lived near a Vietnamese family
22 and I was told that Angkar would send the Vietnamese back to
23 their country although I did not know about the exchange
24 programme and before that family left, although they spoke with
25 accents, they told me that they were allowed to return back to

1 their country. And then we were separated from one and another
2 and then the husband and wife left and then another family came
3 to claim that house.

4 Q. Do you know whether they arrived at their destination? Did
5 they return to Vietnam or you are not aware of that?

6 A. They were sent but we would not know. We could not know
7 whether they were actually sent back to Vietnam. Even the Base
8 People<> did not know that -- whether they were sent back to
9 Vietnam or not. <I was the New Person; therefore, I was not aware
10 of it.>

11 MR. DE WILDE D'ESTMAEL:

12 Q. <Thank you,> Mr. Civil Party. I have no further questions, <>
13 Mr. President.

14 [14.43.53]

15 MR. PRESIDENT:

16 Thank you. The time is convenient for a short break. We will take
17 a break now and return at five to 3.00 to resume our proceedings.

18 Court officer, please assist the civil party during this short
19 break and invite him as well as the TPO staff back into the
20 courtroom at five to 3.00.

21 The Court is now in recess.

22 (Court recesses from 1444H to 1459H)

23 MR. PRESIDENT:

24 Please be seated. The Court is back in session.

25 Nuon Chea defence lawyer, you have the floor.

1 [14.59.27]

2 QUESTIONING BY MR. KOPPE:

3 Mr. Civil Party, I have a few follow-up questions for you. And my
4 first question relates to one of your brothers-in-law who was --
5 who had been climbing the coconut tree, and subsequently, so you
6 said, had been arrested for stealing -- for trying to steal a
7 coconut. Did anybody tell you that that was the reason for his
8 arrest?

9 MR. BENG BOEUN:

10 A. They whispered to me the reasons. And since I came to the
11 cooperative, I saw him from behind. And then my son came to see
12 me and he said that his uncle Bou (phonetic) had been arrested.
13 And I told him to tell that to his aunt, <who was Bou's wife>. So
14 she came to beg the Khmer Rouge<, but they told her not to cry as
15 they were just taking the enemy away. And> they pushed <his wife>
16 away and <took him> away.

17 [15.01.04]

18 Q. I'm not sure if I understand everything that you just said,
19 Mr. Civil Party. My question is; did anybody tell you, anybody
20 with authority, be it a unit chief or be it a sub-district chief
21 or anybody with authority, why your brother had been arrested?

22 A. No local authority told me why. But some of the Base children
23 -- Base People children told me why he had been arrested.

24 Q. And did they tell you how they knew the reason why he was
25 arrested?

1 A. They knew the reasons because they were Base People children,
2 and they knew that the people who were taken away <would be>
3 executed. And they <told me that> my brother had been <taken>
4 away.

5 Q. Could you explain to the Chamber why it is that Base People or
6 base children were in a position to know reasons for arrest of
7 your brother-in-law?

8 [15.03.04]

9 A. Well, it was their parents who told them why. And as I knew
10 that they were Base People, I would behave well. So therefore,
11 they <trusted me and> told everything to me in secret.

12 Q. Mr. Civil Party, would it be possible that you are in fact
13 speculating about the arrest of your brother-in-law, that in
14 reality you do not know the reason why he was arrested?

15 A. No, I was not speculating. I saw this with my own eyes. <When
16 my brother climbed down the coconut tree, he was attested and
17 then taken to> the cooperative, and I arrived just afterwards.
18 <My son also told me about the arrest of Bou>. I actually saw
19 this arrest.

20 Q. I'm not disputing that you saw his arrest but I was asking if
21 you knew the reason for his arrest. And if I understood your
22 answer correctly, you said it was the parents of the base
23 children who would know. But let me follow up on this. Do you
24 know how the Base People of those children knew the reason for
25 the arrest of your brother-in-law?

1 A. Well, they knew it because they walked <past> the cooperative,
2 and everybody could see this scene. And I arrived a little bit
3 later, and everybody was pointing at them and saying, "Yes, you
4 see they're being arrested".

5 [15.05.15]

6 Q. Let me turn to your -- to the other brother-in-law. If I
7 understood correctly, you were saying he was arrested because he
8 had told one of the Khmer Rouge cadres that he was able to drive
9 a car, fly a plane and do everything. In relation to this
10 brother-in-law, did anybody with a position of authority tell you
11 in person why this other brother-in-law was arrested?

12 A. I am not aware of this. But I believe that it is possible <it>
13 happened while the mobile unit <chief ordered him to tend> cows.
14 And he disappeared without any reason. So, I never saw him come
15 back. <When I was planting rice in the dry season, I observed
16 that when people disappeared, they never came back. Therefore>, I
17 concluded that he had been indeed, taken away to be executed.

18 Q. That, Mr. Civil Party, seems to be another possible
19 speculation on your part. But my question is would it be fair to
20 summarise the testimony that you just gave, when I say that you
21 actually do not know the reason for the arrest of your other
22 brother-in-law?

23 [15.07.05]

24 A. Well, my conclusion is well founded because <if someone had
25 disappeared from> the dry season <rice-farming worksite, he or

1 she would have been gone forever. Through my observation, if 10
2 people had disappeared, none of them would have returned>.

3 Q. Maybe it's because I'm not asking my questions clearly, Mr.
4 Civil Party. I wasn't asking you about what possibly happened
5 eventually to your brothers-in-law, but I was asking you if you
6 had any knowledge, real knowledge, about the reasons for their
7 arrest. Would it be fair to say that you do not have knowledge as
8 to the reasons of their arrests, but that you are in fact
9 speculating or you have been speculating?

10 A. When I'm saying this to you, it is because I was told that
11 anyone who had more education than the Khmer Rouge had to be
12 <taken> away, to be re-educated. And these people disappeared
13 forever. And my brother-in-law claimed that he knew how to do
14 everything. And that's why he disappeared in the end. It is <>
15 because he was boasting maybe, and that's why he disappeared
16 forever.

17 [15.09.03]

18 Q. Have you actually seen with your own eyes what happened to
19 both brothers-in-law? Or did they just go away at one day, taken
20 away at one day, and you never saw them again? Is that -- is that
21 what is your testimony?

22 A. When one was taken away, <and he or she never returned,> that
23 meant that they died <>. Everyone told me in secret that they had
24 been taken away to be killed. And that is what they told me in
25 secret. <And I just kept the secret to myself.>

1 Q. Mr. Civil Party, what you should try to understand -- it is
2 difficult, I realise -- is that what is relevant is what you have
3 seen yourself with your own eyes. And my question is, have you
4 with your own eyes seen yourself what happened -- what happened
5 to both brothers-in-law?

6 A. I saw <one of> my brothers-in-law being arrested. <I was
7 referring to the one who climbed up the coconut tree.> But with
8 regard to the one who was arrested during the dry season rice
9 <farming>, <I did not>. Well, I could have guessed that <he>
10 would die because anyone who was taken off the worksites would
11 disappear. And it was the same for those who <were ordered to>
12 tend <>the cows.

13 [15.11.12]

14 Q. While, Mr. Civil Party, on the chair that you are sitting on
15 now, only the person that was sitting on that chair before you
16 are seated--

17 MR. PRESIDENT:

18 <Counsel Koppe, can you move on to another series of questions.
19 The Civil Party already answered your question...There was an
20 interpretation problem.>

21 (Pause)

22 Counsel Koppe, can you move on to another series of questions. We
23 have understood his answer. He was aware of the disappearance of
24 a brother-in-law, but he does not know why he disappeared. He
25 just concluded why. So his answer was clear, I believe. And you

1 asked the same questions several times. So what are you trying to
2 do? Are trying to just extend your speech time here or what's the
3 purpose here?

4 BY MR. KOPPE:

5 No, I'm not, Mr. President. I will move on -- that is, the answer
6 that you gave just before the break, Mr. Civil Party, on dividing
7 people based on their ethnicity. And you said that Chinese people
8 were put together with other Chinese people. Can you give us some
9 more details as to how this went about? And how was that
10 organised -- how did that happen?

11 [15.13.24]

12 MR. BENG BOEUN:

13 A. With regard to the splitting of the different people, first,
14 people would stay together in their families.<Then they separated
15 the Khmer, Chinese and Vietnamese groups.> And then the New
16 People would gather together, and then the Chinese and the
17 Vietnamese would gather together. <I was placed in the Chinese
18 and Vietnamese village.>

19 Q. But can you tell me how the Khmer Rouge cadres did that? Did
20 they announce something to the effect "all Chinese assemble at
21 this point"? Did people have something in their identity cards
22 that indicated that they were Chinese? Can you give us some
23 insight as to how this division went according to you?

24 [15.14.25]

25 A. New People were identified or Chinese Khmer were also

1 identified, they had <fairer skin complexion>. And they could
2 also recognise their accents. And the Vietnamese, for example,
3 also have very clear accents and have <fair skin complexion>. And
4 since, I'm Chinese Khmer, I was put in the group of the Chinese
5 Khmer.

6 Q. This is the first time, I think, I'm hearing evidence like
7 this. Mr. Civil Party, can you explain to us how you were
8 identified by the particular cadre, as having a Chinese descent.
9 You said something about your -- the colour of your skin. How
10 else was this cadre able to make that distinction?

11 A. Well, my family, my wife, and myself, we are mixed bloods. <My
12 wife was a Sino-Khmer, and she> also <spoke> Khmer with an
13 accent. That's why we were put into a group of Sino-Khmer.

14 Q. I'm still puzzled with -- I'm still trying to find out, Mr.
15 Civil Party, how that went about. How did they realise that you
16 spoke with an accent or that your wife spoke with an accent, and
17 that they put you subsequently in a group of Chinese? Can you be
18 a little concrete as to exactly how this happened?

19 [15.16.52]

20 A. All I can tell you is, my mother-in-law and my <father>
21 in-law<> were Base People <but they were half-blood Chinese. They
22 were selling Chinese noodle. And my father-in-law> spoke Khmer <>
23 with an accent. And that's why they knew that I was <half-blood>
24 Chinese. My father was Tri Beng (phonetic), and that is a Chinese
25 first name. And this is why I was sent to the village for the

1 Vietnamese and for the Chinese.

2 MR. PRESIDENT:

3 Counsel Koppe, please put questions in relation to the harm
4 suffered by the civil party. Please move on to another topic
5 because your questions are not relevant.

6 MR. KOPPE:

7 Fine, Mr. President. I have no more questions.

8 MR. PRESIDENT:

9 Please Counsel <for Khieu Samphan team>, put your questions to
10 the civil party.

11 [15.18.31]

12 QUESTIONING BY MR. KONG SAM ONN:

13 Thank you, Mr. President.

14 Q. <Mr.> Civil Party, I have a <> few follow-up questions. First
15 of all, I would like to know what your native province is. Is it
16 Takeo or is it Kampong Speu?

17 MR. BENG BOEUN:

18 A. Kampong Speu.

19 Q. Thank you. I have a document here. It is a victim's
20 information form, E3/4719. And at point 3, mention is made of
21 your place of birth, <Prey Kdei village, Skuh commune,> Samraong
22 Tong <district>, it is; Takeo province, that's what I read. So is
23 it, your birth place, Prey Kdei in Takeo province?

24 A. Yes, indeed. It is Prey Kdei village, <Skuh commune,> Samraong
25 Tong district in Kampong Speu province and not Takeo province.

1 [15.20.08]

2 Q. So this means that the information here, <> with regard to
3 your place of birth in document E3/4719 is inaccurate; is that
4 the case?

5 A. Yes, indeed.

6 Q. Earlier, when you were speaking about Norn (phonetic), you
7 said that she was your sister-in-law; is that the case?

8 A. My <younger in-laws> was not called Norn (phonetic). <They
9 were rather> Vuth (phonetic) <and> Bou (phonetic).

10 A. Thank you. So what is the link with Norn (phonetic)? Who is
11 Norn (phonetic) in relation to you?

12 A. He was the militia chief in the village. And he would order
13 people to dig pits, to plant banana trees and coconut trees <at
14 night>. And he <misled some> people <by ordering them go> to
15 transport coconuts and other things <at night and> the people who
16 received orders from him<> disappeared forever.

17 Q. When did you marry again? Because you said to the Chamber
18 earlier on that you were married twice.

19 [15.22.04]

20 A. I don't remember exactly. I was 22 years old back then. And
21 later, my wife died, and then I married another woman in 1984.

22 Q. Thank you. So, Vuth (phonetic) and Bou (phonetic), you <said>
23 they were your brothers-in-law. So are they brothers of your
24 first or of your second wife?

25 A. Vuth (phonetic) and Bou (phonetic) are the little brothers of

1 my first wife.

2 Q. Thank you. So may I say that both were therefore the former
3 <younger> brothers-in-law?

4 A. Yes, you could say it that way.

5 Q. So, Bou (phonetic) and Vuth (phonetic) were therefore your
6 former brothers-in-law; is that really the case?

7 A. Yes, indeed.

8 Q. Thank you. Now with regard to your statement in which you
9 speak about when you arrived in Tram Kak. And when you speak
10 about Tram Kak, are you referring to the village or to the
11 commune or to the district?

12 [15.24.35]

13 A. I'm speaking about the village of Thma Kaev <in Tram Kak>.

14 Q. So when you say Tram Kak village, in fact, what you wanted to
15 say was Thma Kaev village; is that the case?

16 A. Yes. Tram Kak village is by the roadside and Thma Kaev village
17 is <> to the south of <the road>. So <I> had to go through Tram
18 Kak village in order to arrive at Thma Kaev village.

19 Q. So are we speaking here about Thma Kaev where the <Chinese
20 and> Vietnamese were separated from the Cambodians?

21 A. Yes, it is indeed in that village that the Vietnamese were
22 separated from the Cambodians.

23 Q. Earlier, when you answered Counsel Koppe's question, you said
24 that this was in connection with Cambodians with Chinese blood or
25 whose grandparents were Chinese; is that the case?

1 [15.26.24]

2 A. Yes. Normally speaking, when we had Chinese blood, we were
3 sent to the Chinese village or to the Vietnamese village.

4 Q. Thank you. So, the Chinese and the Vietnamese were living
5 together and they were both separated from the Cambodians; is
6 that what you mean?

7 A. Yes, they were separated from the Cambodians because they were
8 all New People. That's why they were separated from the
9 Cambodians.

10 Q. Thank you. Now with regard to Cambodians from the New People,
11 where were they living? Were they sent to the new village for the
12 Vietnamese or for the Chinese, or were they sent to the village
13 for the Cambodians?

14 MR. PRESIDENT:

15 I don't see the connection here between your questions and the
16 harm suffered by the civil party. <Could you explain, Counsel?>

17 MR. KONG SAM ONN:

18 Well, <Mr. President. The> civil party said that he was living in
19 the Chinese and Vietnamese village. And my questions are trying
20 to shed light on the different kinds of treatment meted out to
21 the Base People and to the New People.

22 [15.28.29]

23 MR. PRESIDENT:

24 Counsel, you should focus on the suffering, on the harm endured
25 as a result of what the civil party went through.

1 MR. KOPPE:

2 I think maybe, Mr.--

3 MR. PRESIDENT:

4 Please sit down. Please sit down. You do not have the floor.

5 MR. KONG SAM ONN:

6 Mr. President, would you allow the civil party to respond to my
7 question?

8 MR. PRESIDENT:

9 No. And Mr. Civil Party, you do not need to respond to that
10 question.

11 MR. KONG SAM ONN:

12 I don't have any further question then. Thank you<, Mr.
13 President.>

14 [15.29.38]

15 MR. PRESIDENT:

16 Mr. Beng Boeun, the Chamber is grateful for your presence in
17 providing your statement of suffering and harms that you claimed
18 that you suffered under the Democratic Kampuchea regime. And now,
19 you can actually return to your place of residence or wherever
20 you wish to go to. And we wish you a safe journey.

21 Court officer, in collaboration with WESU, please make necessary
22 arrangement to transport the Civil Party to his residence or
23 wherever he wishes to go to. And the TPO staff, please remain
24 seated and the Chamber will hear another statement of suffering
25 and harm by another civil party -- that is, 2-TCCP-883.

1 (Pause)

2 And Counsel Koppe, you have the floor.

3 MR. KOPPE:

4 Yes, Mr. President. I would like to make an observation in
5 reaction to your ruling that we should not be asking questions to
6 the civil party. I just -- we just had a quick look at the
7 judgement in Case 002/01. This particular civil party is used
8 four times as evidence for crucial findings within the judgement.
9 One of them is the execution of Lon Nol soldiers and officials.
10 So, it's not that we are wasting time just to ask questions
11 because we don't have anything better to do. This civil party who
12 has been answering questions was a material witness--

13 [15.31.27]

14 MR. PRESIDENT:

15 I notice that there is a new TPO staff then, thank you for <>
16 your assistance. And you may be excused.

17 And Counsel Koppe, are you criticising the Chamber? Did we not
18 allow you to put question to any particular civil party?

19 MR. KOPPE:

20 Well, that is exactly what I was doing, Mr. President. I was
21 criticising you for cutting us off.

22 MR. PRESIDENT:

23 We actually instructed you not to do so. You will not be allowed
24 the floor to do that. We already gave you a right to put question
25 to the civil party, and your time was used. And you just cannot

1 take the floor <arbitrarily>.

2 (Civil party enters courtroom)

3 [15.32.54]

4 QUESTIONING BY THE PRESIDENT:

5 Good afternoon, Madam Civil Party. What is your name?

6 MS. YEM KHONNY:

7 A. My name is Yem Khonny.

8 Q. When were you born?

9 A. I cannot recall it, since I am illiterate.

10 Q. How old are you? And Madam Civil Party, please wait for the

11 red colour on the tip of the microphone. Please, when you hear a

12 question, try to listen carefully and consider it before you

13 provide your response. And by that time, you will see a red light

14 on the tip of the microphone, and it means that you are ready to

15 respond. Again, how old are you, Madam Civil Party?

16 [15.34.02]

17 A. I am 38 years old.

18 Q. <What> is your current address?

19 A. In fact, I was born in Kampuchea Krom.

20 Q. What is your current occupation?

21 A. I am a rice farmer.

22 Q. What is your father's name?

23 A. His name is Yann (phonetic).

24 Q. And your mother's name?

25 A. Her name is <Veth> (phonetic).

1 [15.35.13]

2 Q. Are you married? If so, what is your husband's name?

3 A. His name is Set <Salot> (phonetic), but he passed away.

4 Q. How many children do you have?

5 A. I have six children.

6 MR. PRESIDENT:

7 During the proceeding, Madam Civil Party, you may make a
8 statement of suffering and harm, if any, which could be physical,
9 material, or mental injury that assisted as direct consequences
10 of the crimes which were inflicted upon you during the Democratic
11 Kampuchea, resulting in your civil party application to claim
12 collective and moral reparations, and which happened from the
13 17th April 1975 to the 6th of January 1979.

14 And as requested by the Lead Co-Lawyers for Civil Parties, the
15 floor will be provided to the Lead Co-Lawyers to put questions to
16 you regarding your suffering and harms during the Democratic
17 Kampuchea regime. The floor is yours, Counsel for civil parties.

18 [15.36.55]

19 QUESTIONING BY MR. SAM SOKONG:

20 Thank you, Mr. President. And good afternoon, Madam Yem Khonny.

21 Before I put some <questions> to you, I'd like to get a
22 clarification about your age. In your response to the President
23 question, you said that you were 38 years old. Can you recall the
24 year that you were born?

25 MS. YEM KHONNY:

1 A. I cannot recall it, as I do not know how to read or write.

2 Q. During the Khmer Rouge regime -- that is, the Democratic
3 Kampuchea regime, can you recall how old were you?

4 A. I was 14 years old.

5 Q. Thank you. On the 17 April 1975, which was the day of
6 liberation, where were you?

7 A. I was at Prey Khab (phonetic).

8 [15.38.37]

9 Q. Which province was Prey Khab (phonetic) located in?

10 A. I did not know which province. I only knew the area was called
11 Prey Khab (phonetic).

12 Q. Why were you at Prey Khab (phonetic) at that particular time?

13 A. I was transferred from <> Krom to that area.

14 Q. Do you know the reasons you were transferred from Krom? When
15 you <mentioned of> Krom, you <were referring> to <Kampuchea> Krom
16 area; am I correct in saying that?

17 A. Yes, I was transferred from <>Kampuchea Krom area.

18 Q. And did you the reasons that you were transferred from
19 <Kampuchea> Krom area to that Prey Khab (phonetic)?

20 A. My mother told us to go to Khmer Loeu or the upper part of
21 Cambodia as there was abundant of food. So we followed her along,
22 and we came through Phnom Den of the mountain. Then we were put
23 onto a <truck> and sent to Prey Khab (phonetic).

24 [15.40.23]

25 Q. Can you tell the Court what were you assigned to do at the

1 Prey Khab (phonetic)?

2 A. Initially, I was assigned to carry cow dung and to <chop
3 "Kantreang Khet" plants>. And then ground it and took it to the
4 rice field. And at the rice field, there was <a> termite mound.
5 We had to <smash the mound, and> carry the <soil of the> termite
6 mound and to place them onto the rice field. And we had to do it
7 based on the daily quota. For example, one termite mound had to
8 -- we had to dig one termite mound within three days. We
9 <stopped> working when the bell was rung <at 12 O'clock>.

10 Q. In regard to your living condition at Prey Khab (phonetic),
11 what was it like? For example, in terms of food and food ration.

12 A. We were given rice gruel. And on the next day, it was gruel
13 mixed with cassava, and sometimes, it was rice gruel mixed with
14 other vegetable. And sometimes, it was mixed with water lily.

15 Q. The food that was provided to you, was it sufficient for you?

16 A. If we were to say that it was not sufficient, we would be
17 mistreated. And when we were asked whether it was enough, we said
18 yes. And when we were asked whether it was delicious, and we said
19 yes. But in fact, it was on the contrary. <We had to give them
20 good answers in order to survive.>

21 [15.42.54]

22 Q. When you were there at that time -- that means when you were
23 14 years old, were you allowed to live with your parents or were
24 you separated?

25 A. Initially, I was allowed to live with my family members, with

1 my grandmother. But later on, I was separated into a group, in a
2 unit. And my siblings were put into other units as well as my
3 mother, she was placed in another unit.

4 Q. As for the contact with your family members, can you describe
5 how was it done?

6 A. I was separated from my family members and I requested to
7 visit my family, but I was scolded, that I did not yet finish my
8 work and I wanted to go to visit my family members and I was not
9 allowed. But I told them I <missed> my family members, my
10 parents, my siblings, my grandmother. And I sought permission for
11 half a day visit. And then I was told if I wanted to do that,
12 they gave me <a pair of> baskets to go and to dig the termite
13 mound instead.

14 [15.44.32]

15 Q. When you sought permission not to visit your family, was your
16 request actually granted?

17 A. No, it was not. I was not allowed to go. So I did not see my
18 family members. At that time, because I recently separated from
19 my parents, at night time, I wept. And <>they joked at me that I
20 could just continue weeping and maybe I wish that I would see my
21 family members.

22 Q. From that day onward until the day of the liberation, did you
23 ever have any chance to go and visit your family?

24 A. At that time, no, I did not have a chance. And later on, I
25 asked their permission to see my parents. And then I met my aunt

1 and I looked for my parents. And then I was told that I should go
2 to look for them in the village. And I was told that they were
3 sent to Srae Ronoung. So I went to Srae Ronoung to look for them
4 and I found them there.

5 [15.46.11]

6 Q. When you actually found them, did you stay with them? If so,
7 for how long?

8 A. I stayed there for about a week, then I was separated and
9 placed into another unit in a cooperative to the east of Srae
10 Ronoung. They actually had a long building, and I was allowed to
11 sleep together with other girls. And for boys, they slept into a
12 separate row. And then we were assigned to work again, for
13 example, to carry a <pair of basket each> and to collect cow
14 dung. And we had to walk in line to gather the cow dung. And for
15 example, if the 10 of us collected the cow dung, then we could
16 not go and empty our <baskets>. We had to wait until all the
17 girls finished collecting the cow dung.

18 Q. During the DK regime, which is also known as the Khmer Rouge
19 regime, did you lose any family members?

20 [15.47.39]

21 A. I lost my mother, my grandmother and my siblings, totalling
22 six altogether. They actually came to my children unit at the
23 cooperative whether I wanted to return to my native village, and
24 I said no, I don't want to go because going there or staying here
25 was the same. But then I noticed something. I noticed maybe my

1 mother said that she wanted to go to our native village. And for
2 that, I was anxious and then I asked them my permission from
3 comrade Nhiet (phonetic) that I wanted to visit my mother because
4 she was sick -- I told them a lie. But then, they said that if I
5 could go and treat my mother, then I would be allowed to. But
6 after a while, I was allowed to. And then, I met a woman who was
7 a Base Person, who told me that those people were called to a
8 meeting. And I told her that I wanted to see my mother. And she
9 said that I better not go there because it was too risky. And I
10 said, why? And she told me, maybe I would be accused as being a
11 spy because I was walking alone. So I was afraid, then I
12 <returned>. And then I continued working, carrying the basket to
13 carry the soil. I tried to work hard because I didn't want to be
14 mistreated. And at noon time, the bell was rang, so we had to eat
15 our meal. And I hoped that I could have a better gruel, but in
16 fact it was not a rice gruel given to us; it was <>water lily
17 gruel. <There was even no salt in the gruel.> I was so saddened.
18 [15.49.49]
19 And then, they would walk around and ask us whether the food was
20 delicious. Of course everybody just tried to lie by saying that
21 the food was delicious. And after I finished the meal, I tried to
22 sneak out and to run to my mother's house. And I met my aunt by
23 the name of Lim (phonetic). And she scolded me that why I wanted
24 to go there because they said that in a few days, if we wanted to
25 return to our native village, then we would be allowed to. And

1 because my mother wanted to go, she raised her hand. Then she was
2 placed at one side. And my aunt asked why I didn't follow my
3 mother to go back to our native village. I said, <> I didn't want
4 to go. And then, my mother and the rest of the family members
5 were placed on the truck together with many other people. And
6 they travelled and they disappeared since. And then there was
7 only I remained. I did not know what happened to them or what
8 their fate was; whether they were sick or they were sent
9 somewhere. Because of that, I became ill and <> stayed at the
10 cooperative. And then, I was accused of lying to be ill. So I
11 lost my mother, my grandmother, and the siblings.

12 Today, from that time until today, I have been living alone. And
13 I remember my aunt's advice that I should just keep working as my
14 parents were sent back to our native village, and that I should
15 just do what I was asked to do and not to protest or refuse. And
16 if it was sleeping time, then I should just sleep and don't do
17 anything else and that I should just concentrate on working. And
18 I took her advice, and as a result, I survived and I am here
19 today.

20 [15.52.23]

21 Q. Can you also tell the Chamber about your family members? For
22 example, your mother, your grandmother, and your siblings, can
23 you describe to the Court their names?

24 A. My father's was Yann (phonetic), my mother was <Veth>
25 (phonetic), and Youh (phonetic) was my grandmother, Houn

1 (phonetic) was my <elder> sister, Run (phonetic) was my <younger>
2 brother, and another <younger> brother was Soun (phonetic), and
3 another one was Youn (phonetic), and there was another one,
4 <Yeth>. And they were all taken away. And <> they all left me
5 behind. At my unit, at the worksite, I was asked again whether I
6 was interested in going back to my native village. And I said no.
7 Because wherever I go, the situation would be the same.

8 [15.53.51]

9 MR. SAM SOKONG:

10 I don't have any further question for you, Madam Civil Party.
11 However, allow me to inform you, if you have a request or you
12 have questions for the Accused, you can put it through the
13 Chamber to seek the permission from the President. And Mr.
14 President, I don't have any further questions for this Civil
15 Party.

16 MS. YEM KHONNY:

17 The only thing that I recall is the suffering and the loss of my
18 family members. If I could see them together, I would feel warm.
19 But they had all gone and I could not depend on anyone. When I
20 went to visit my aunt at her house and because I could not eat my
21 fill, I picked <an eggplant>. In fact, it was a quiet time. But
22 suddenly, a man came out of a forest, and then he beat me up. And
23 there was a scar remained on my right shoulder. And I <begged>
24 him, "please don't beat me up because I was hungry. And probably,
25 your children were also hungry". And then he stopped and he

1 stared at me and asked where I was heading to. And I told him
2 that I was heading towards my aunt's house. And he told me to
3 drop the eggplant. So I did, and then I left. And I went to my
4 aunt's house. And my aunt blamed me again, why I return again.
5 And she asked whether I was asked I wanted to return to my native
6 village. And I said, yes I was, but I refuse to go. And because I
7 did not have any other relatives, that's why I came to visit her.
8 [15.56.35]

9 THE PRESIDENT:

10 Madam Civil Party, do you have any questions that you would like
11 to ask? Or whether you have other sufferings you would like to
12 mention?

13 [15.56.49]

14 MS. YEM KHONNY:

15 A. My main suffering is the loss of my parents and the loss of my
16 siblings. I feel so saddened when I look at other people. They
17 have their families, they have their parents and their siblings.
18 For me, I am by myself. And I <tried> to work hard in order to
19 survive until the fall of the regime. Then I went to look for my
20 aunt, and my aunt took me back to my village. Actually, it took
21 us several days before we could reach the border. And my aunt
22 asked me <> not to cross the border but to remain with my aunt at
23 Preal village, Saom commune, Kiri Vong district, Takeo province.
24 And because I no longer have my parents, I decided to live with
25 my aunt. So, I tried to work in order to earn a little bit of

1 living to live together with my aunt. I went to gather and carry
2 firewood in exchange for some little money <at Phnom Den and I
3 gave all the money to my aunt.>

4 [15.58.23]

5 MR. PRESIDENT:

6 Today's proceeding has come to an adjournment. The Chamber will
7 adjourn now and resume tomorrow morning -- that is, the 3rd April
8 2015, commencing from 9 o'clock in the morning. And tomorrow, the
9 Chamber will continue to hear the statement of sufferings and
10 harms by civil parties, starting from Khonny and 2-TCCP-293,
11 <2-TCCP-256> and <2-TCCP-984>. This is for the Parties and the
12 general public.

13 And Ms. Yem Khonny, the Chamber is grateful for your presence to
14 provide statement of harms and sufferings. However, it is not yet
15 concluded and you are once again invited to return to this
16 courtroom tomorrow morning at 9 o'clock.

17 And court officer, please make necessary arrangement for the
18 civil party to return to her place of residence in collaboration
19 with WESU, and have her return to the courtroom before 9 o'clock
20 in the morning tomorrow.

21 And the Chamber would like to thank the TPO staff for your
22 assistance to the civil party. And you are again invited to
23 return tomorrow morning.

24 And security personnel, you are instructed to take Nuon Chea and
25 Khieu Samphan back to the <ECCC> detention facility and have them

1 back to the courtroom tomorrow morning before 9 o'clock.

2 The Court is now adjourned.

3 (Court adjourns at 1600H)

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