

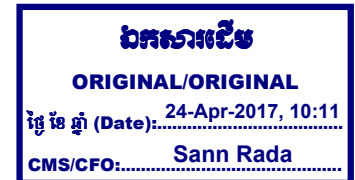


អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance



TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 February 2016

Trial Day 374

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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SON Arun
KONG Sam Onn

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For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Travis FARR
SENG Leang
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

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List of Speakers:

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Speaker	Language
Mr. BUN Lemhuor	Khmer
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KIM Mengkhy	Khmer
Mr. KONG Sam Onn	Khmer
Mr. LIV Sovanna	Khmer
Mr. LOR Chunthy	Khmer
Mr. MAN Sles (2-TCCP-263)	Khmer
Mr. MEU Peou (2-TCCP-1013)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. SIENG Chanthy (2-TCCP-1015)	Khmer
Mr. SON Arun	Khmer
Mr. SREA Rattanak	Khmer

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 For today, tomorrow and after tomorrow's proceedings, the Chamber
6 will hear the statements of harms and sufferings by some civil
7 parties who claimed they suffered during the Democratic Kampuchea
8 regime in relation to the treatment of the target groups, that
9 is, the Cham, the Vietnamese and the former <Khmer Republic's>
10 officials.

11 There are five civil parties who will provide the statement. One
12 is <2-TCCP-1013, 2-TCCP-263, 2-TCCP-1014, 2-TCCP-1015>, and
13 lastly, 2-TCCP-259. The first civil party who will provide a
14 statement of suffering this morning is 2-TCCP-1013.

15 <The greffier,> Ms. Se Kolvuthy, please report the attendance of
16 the parties and other individuals to today's proceedings.

17 [09.05.01]

18 THE GREFFIER:

19 Mr. President, for today's proceedings, all parties to this case
20 are present except counsel Victor Koppe, the International
21 Defence Counsel for Nuon Chea, who is absent without reasons.
22 Anta Guisse, the International Counsel for Khieu Samphan, is
23 absent for personal reasons.

24 Mr. Nuon Chea is present in the holding cell downstairs. He has
25 waived his right to be present in the courtroom. The waiver has

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1 been delivered to the greffier.

2 The civil party who is to provide his statement of harm and
3 suffering today is <2-TCCP-1013> for the first one, and we will
4 have another party this afternoon, that is, 2-TCCP-263.

5 We also have the presence of the support staff from TPO <to sit
6 next to the civil party in order to assist him>, and they are
7 ready to be called, Mr. President.

8 MR. PRESIDENT:

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

11 The Chamber has received a waiver from Nuon Chea dated 29
12 February 2016, which states that, due to his health, headache,
13 back pain, he cannot sit or concentrate for long. And in order to
14 effectively participate in future hearings, he requests to waive
15 his right to participate in and be present at the 29 February
16 2016 hearing.

17 He affirms that his counsel has advised him about the
18 consequences of this waiver, that it cannot in any account be
19 construed as a waiver of his rights to be tried fairly or to
20 challenge evidence presented to or admitted by this Court at any
21 time during this trial.

22 [09.07.10]

23 Having seen the medical report of Nuon Chea by the duty doctor
24 for the accused at the ECCC dated 29 February 2016, which notes
25 that Nuon Chea has back pain and feels dizzy when he sits for

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1 long or when he moves and recommends that the Chamber grant him
2 his request so that he can follow the proceedings remotely from
3 the holding cell downstairs.

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

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

10 This applies to the whole day.

11 Court officer, please usher the civil party, 2-TCCP-1013, as well
12 as the TPO support staff, into the courtroom.

13 (Short pause)

14 [09.09.47]

15 QUESTIONING BY THE PRESIDENT:

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

17 MR. MEU PEOU:

18 A. My name is Meu Peou. I'm from Kraol Krabei <village>, Trapeang
19 Chong commune, Bakan district, Pursat province.

20 Q. When were you born?

21 A. I was born on 1st February 1961.

22 Q. What is your current occupation?

23 A. I am a farmer.

24 Q. What are the names of your parents?

25 A. My father is Ismael (phonetic) and my mother is Los Nop.

1 [09.10.45]

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

3 A. Man Isma (phonetic) is my wife, and we have four children.

4 MR. PRESIDENT:

5 The Chamber wishes to inform the parties and the public that, for
6 the proceedings to hear the statement of harm and suffering of
7 civil parties through <>the witness and expert support section,
8 we have coordinated the presence of TPO staff to lend his support
9 to the civil party so that the civil party can provide his or her
10 statement of harm and suffering.

11 And this morning, we have Mr. Bun Lemhour, who is a TPO staff and
12 is sitting next to the civil party.

13 [09.12.03]

14 And Mr. Meu Peou, as a civil party in the proceedings before this
15 Chamber, you may make a statement of harm and suffering, if any,
16 concerning the crimes which are alleged against the two accused,
17 Nuon Chea and Khieu Samphan, and have suffered by you during the
18 Democratic Kampuchea resulting in your civil party application to
19 claim collective and moral reparation for physical, material or
20 mental injuries as direct consequences of those crimes. And that
21 is for the period between, 17 April 1975 <and> 6 January 1979.

22 And this is in particular in relation to the treatment of the
23 targeted groups of the Cham, the Vietnamese and the former
24 officials of the Khmer Republic regime.

25 And first, before we start, the Chamber wishes to inquire from

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1 the Lead Co-Lawyers <for civil parties> if you intend the civil
2 party to make his own statement of harm and suffering or you wish
3 to put the questions to the civil party so the civil party can
4 respond to those questions as you have requested in the previous
5 proceedings.

6 [09.13.48]

7 MR. PICH ANG:

8 Good morning, Mr. President, Your Honours. Good morning, everyone
9 in and around the courtroom.

10 For civil party Meu Peou, and for the other four civil parties
11 who will make their statement of harms and sufferings, we would
12 like to seek your permission for smooth proceedings to be in the
13 form of question and answer session. And we also would like to
14 inform the Chamber that the civil party also have some questions
15 to be put to the Accused.

16 And we designated Lor Chunthy the civil party lawyer to put
17 questions to the civil party, with your permission.

18 MR. PRESIDENT:

19 The request is granted, and the assigned civil party <lawyer> can
20 put the questions to this civil party first before other parties.
21 And you may proceed.

22 [09.15.04]

23 QUESTIONING BY MR. LOR CHUNTHY:

24 Thank you, Mr. President. Good morning, Your Honours. Good
25 morning, everyone in and around the courtroom.

6

1 Q. Good morning, Mr. Meu Peou. My name is Lor Chunthy. I'm also
2 your legal representative, and I'd like to put some questions to
3 you, chiefly in relation to your experience during the period of
4 Democratic Kampuchea regime, that is, from the 17 April 1975 to
5 the 6th January 1979.

6 From your own experience living through the regime and also as a
7 Cham person, I'd like to put the following questions to you.

8 Can you describe the suffering that you received during the
9 period of Democratic Kampuchea regime?

10 [09.16.51]

11 MR. MEU PEOU:

12 A. Thank you for your question. I'd like to answer.

13 The Khmer Rouge took control of the country in 1975. They
14 mistreated the Cham people. They forced the Cham people to
15 abandon their religion, their personal properties, belongings and
16 their relatives.

17 I was forced to evacuate my native village. Also, during the
18 Khmer Rouge regime, I was forced to separate from my family
19 members, from my relatives, from my native village as well.

20 There was no proper form of living condition, no proper
21 schooling, no religion. I was by myself without my parents or my
22 family members. I was at the mercy of Angkar, and they did not
23 provide me <with> sufficient food to eat, and I had to work
24 according to the orders of Angkar. I had to work day and night,
25 and I became so skinny and bony because of the lack of food and

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1 the hard labour. And if I could not finish the work schedule,
2 then I would be deprived of very little gruel that I was given.
3 Life was so miserable.

4 [09.18.47]

5 At the time, I was still a young boy, between 13 to 14 years old.
6 I was by myself without my parents, and I had to live under a
7 tree without proper accommodation. I slept in the open. Sometimes
8 I suffered from rain and mosquito bites. Life was so miserable.

9 Q. You stated that, for the Cham people, they were separated from
10 their family members.

11 Could you tell the Chamber how the process was carried out?

12 A. Thank you for the question.

13 We were separated from our family members to go and live in
14 various battlefields and to work whatever was ordered by Angkar.
15 We were forced to abandon our <religion> and not to use our Cham
16 language. If anyone spoke our language, Angkar would take that
17 person away and executed him or her, and that terrified us. We
18 had nothing to hang onto during the regime.

19 Q. I just put a question to you in relation to your previous
20 response that you were separated from your family members and
21 that the villagers' practice was banned.

22 Was there any formal declaration on these prohibitions and acts
23 and, if so, from which level?

24 [09.21.17]

25 A. Thank you for the question. Allow me to backtrack a little

1 bit.

2 In 1975, the cooperative made an announcement for the Cham people
3 to cut their hair short and not to cover -- not to use scarf to
4 cover their head and that we were forced not to live in a group,
5 and we were evacuated from one village to another or from one
6 cooperative to the next. And that was the time that I lost
7 contact with my family members.

8 Q. Can you tell the Chamber when such announcement was made and
9 the location? Was it announced in a village or in a particular
10 cooperative?

11 [09.22.25]

12 A. The <> announcement was made in Antak Kouy (phonetic)
13 <village, Khmar (phonetic) commune> in Bakan district, Pursat
14 province. The announcement made by the Khmer Rouge was done right
15 there in the village, and my family was evacuated to Tram Seh
16 cooperative.

17 I remained for only a few days in the cooperative, then Angkar
18 sent me to dig canal and to build dams.

19 Q. What happened to you after such an announcement had been made,
20 in particular in relation to your religious practice? Did it have
21 an impact on the Cham people as a whole and on you in particular?

22 A. It really impacted the Cham people. The Khmer Rouge forced the
23 Cham people to eat pork and to force the Cham people to do
24 whatever the Khmer people did. And that was the most difficult
25 thing for the Cham people, as we lost our own identities, lost

1 our religion and our body became so thin.

2 We were mistreated and persecuted in every way. During the period
3 of three years, eight months and 20 days, my life was so
4 miserable for many reasons. Mainly, I was still a young boy, and
5 I lost my strength physically and mentally.

6 [09.24.50]

7 They pointed a gun at me, accusing me of betraying Angkar. They
8 had three AK-47s and two M-17 pointing at me that I was accused
9 of being a traitor of Angkar, as I stole rice. <In fact, I was
10 innocent.>

11 They beat me up freely, without mercy, and I still suffered such
12 injury at present. <My> hands were tied behind my back and I was
13 pulled by horse. And if I could not run and catch up with the
14 horse, I was beaten. <I was eventually sent to Trach Kraol where
15 I was badly mistreated, and imprisoned, and provided with no
16 food.>

17 I was given only very thin gruel to eat, and was forced to work
18 very hard to dig dirt, to take out tree stumps. And if any worker
19 fell to the ground <from fatigue>, that person would be beaten
20 up. <And they would continue to beat that person until he got
21 up.>

22 The situation was so miserable. I was by myself as a young boy
23 <and detained in a prison>. I did not have any family members
24 living with me, and we were not allowed to speak to one another.
25 <If we talked to each other, we would be accused of plotting

10

1 something. I could not even know the names of those inmates.>

2 [09.26.22]

3 <>We only addressed to one another as "Comrade". <One could get
4 killed if he did not address others as comrades. It is hard to
5 describe such a feeling of pain. They also tortured us
6 psychologically.>

7 And they also killed people in front of us during the meeting in
8 order to intimidate us, and they warn us that if anyone betrayed
9 Angkar, that person would be killed as an example of the person
10 being killed during the meeting. And that scared me mentally <as
11 I was only a young boy>. And I was only thinking of the day that
12 my turn would come. <In these days, whenever I think of those
13 events, they are still fresh in mind. At that time, I was just
14 waiting for my death. I was desperate.>

15 During the entire period of Democratic Kampuchea regime, I did
16 not <see> my parents. I only heard that they were forced to eat
17 thin gruel and, later on, due to lack of food, my father died
18 first. And I did not even know where he died. I did not see him
19 during his last breath. <Furthermore, I was imprisoned. At that
20 time, I was very determined. I devoted everything to the Angkar.>

21 I <had> to eat pork, and <whatsoever required by the Angkar>
22 because I was so scared, I had to force myself to eat pork so
23 that I could survive.

24 Q. <Thank you.> You have testified that you suffered from the
25 loss of your family members. Can you tell the Chamber how many of

11

1 your family members perished during the regime?

2 A. <Thank you.> I lost many family members, including my father<,
3 grandparents, uncles, aunts> and relatives totaling 17
4 altogether. <I never saw them again.> I also lost my <lovely>
5 nieces and nephews during the period. And that gave me much pain,
6 and the pain and the suffering stayed with me at the present
7 time.

8 Q. <Thank you.> You have stated that you lost 17 of your family
9 members and relatives. Can you tell the Chamber the circumstances
10 of their death, in particular, the death of your father?

11 [09.29.41]

12 A. My father died because he was a Cham person who adhered to his
13 religious practice, and he didn't abandon his religion when he
14 was forced by Angkar. They forced him to eat pork, but he
15 refused, so Angkar gave him a last warning that he had to eat
16 pork. And if he could not eat pork, then there would be nothing
17 for him to eat.

18 My father refused to eat pork, and he only drank water. And he
19 had to <secretly> find tree leaves in the forest to eat, and that
20 was terrible for him, living in such a situation. I would think
21 that it would be better <>if they were to kill him and not to
22 allow him to suffer such a terrible circumstance. <They used his
23 case as an example to scare other Cham people.>

24 [09.31.13]

25 That was the time that his body became so emaciated. He also was

1 by himself, and he died alone without the presence of any family
2 member. I did not even know where he was buried.

3 I heard of his death, and I sought permission from Angkar <>to go
4 <to see his body>, but I was told that, "Comrade, your father
5 died". And I said that was the reason that I wanted to go and
6 visit him. And then I was scolded that I was not part of the unit
7 to bury <the dead so let other people do the job>.

8 So my request was refused. I was only told that my father died,
9 but I was not allowed to go and see his dead body. <Instead, they
10 asked me to continue to work. I learnt about the death of my
11 father from my unit chief.>

12 Q. Thank you. After your father died, did you receive any
13 information that your relatives could hold the ceremonies based
14 on your religion for your dead father?

15 A. Thank you. After he passed away, no one of my relatives went
16 to hold any ceremony for my father's funeral. During the regime,
17 there was no religion, there was no ceremony held for any dead
18 people. And I was <> at my location working, so there was a unit
19 responsible for <burying> the <dead>.

20 Some of my relatives were not aware that my father had passed
21 away. We were separated from one another. It was a misery.

22 [09.33.44]

23 Q. Thank you. Could you elaborate a little bit more in relation
24 to <any of> your <prominent> relatives who lost their lives,
25 particularly your relatives who were suffering from the misery

13

1 and who had been killed by the Khmer Rouge, if you know?

2 A. Thank you. My uncle was accused <of having> betrayed Angkar.

3 He was arrested as a result and, later on, he was killed. He was
4 chopped into pieces alive, and <> his body <was> salted.

5 The child of my great-uncle, <Torm Malei (phonetic)>, knew about
6 his death. <My uncle used to take care of me.> Torture was
7 inflicted on him. He was suffering from a great deal of misery
8 before he died.

9 Q. Thank you. Regarding the torture which was inflicted on him,
10 was he tortured in the same village where you settled?

11 [09.35.50]

12 A. He was tortured in Ta Lou village, Ta Lou commune, Bakan
13 district, Pursat province.

14 Q. Thank you. I want you to describe the event when you were
15 detained. What was the name of the detention facility at that
16 place?

17 A. I was detained in Trach Kraol detention facility. And at that
18 location, I witnessed a killing of a woman. That woman was
19 accused of committing moral offence. She was asked to take off
20 her clothes, and <>her body was cut open <from vagina to womb.>
21 I was a prisoner at the time, and I was asked to stand and look
22 at the killing of that woman. And at the time, I could not see
23 whether that woman was pregnant. There was blood everywhere after
24 her body was cut open. The liver was taken out of the body, and
25 that liver was cooked for meal. <They scared me that if I

14

1 betrayed, my liver would be cooked for meal as well.>

2 I was so scary at that time since I was a young boy, so I had to
3 abandon everything, even my name. I did not use my name, <E1>
4 Mohamed, but instead, I was preferred to use Meu Peou. <I hid my
5 identity because> I was a prisoner at the time.

6 If they happened to know that I was a Cham person, I would be in
7 a very difficult situation at that time, so I had to abandon the
8 <> using of my name, and I had to do everything for the sake of
9 my life. I was chained at daytime <while working>, and I was
10 shackled at nighttime as well.

11 [09.38.53]

12 I was so young at the time, so I could not catch up with the
13 other while walking, and I was used as an animal. So I had to
14 bear the situation no matter what happened to me.

15 And the killing was based on no reasons. People were killed. They
16 were asked -- we were asked to stand and look at the execution.
17 If we had cried at the time, we would have been killed.

18 I had to bear the situation no matter what happened. Every time
19 there was a killing, we, <prisoners,> all of us<, the young and
20 the old>, were called to the execution place to witness the
21 incident. They did not care whether we were so young at the time.

22 [09.40.09]

23 And <> the shackles were taken off from our ankles, we were
24 forced to go to work. And if we did not want to go to work, we
25 would be kicked and beaten.

15

1 We were allowed to sleep on the floor and ground <with empty
2 stomach>. We were not allowed to talk to one another. If we
3 happened to talk very loudly, we would be in a dangerous
4 situation. <We would be accused of planning an attempt to escape
5 the prison.>

6 About 40 of us were together in the detention facility, but we
7 did not know each other and we had not known one another's names.

8 Q. Thank you. I have heard the description of the incidents and
9 the misery you have described, so could you tell the location
10 where that misery happened and <the> year <>it <happened>?

11 A. In late 1977 and early 1980 (sic), I was arrested and placed
12 in Trach Kraol detention facility in Trang cooperative.

13 Q. Thank you. You have just stated that it was in late 1977 and
14 early 19-something, but I could not hear it clearly. So could you
15 state the year once again, please?

16 A. It happened in late 1977 and early 1978.

17 Q. Thank you. You made mention that you were arrested and
18 detained in that prison or detention facility. You also stated
19 that you were shackled at nighttime. And what about during the
20 daytime, were you chained?

21 [09.42.50]

22 A. Thank you. During the nighttime, I was shackled. And in the
23 daytime, I was released to go to work. And the chain was locked
24 to our ankle, and we were linked to one another.

25 Q. Thank you. So while you were working, you were also chained.

1 Is that true?

2 A. I <> was shackled in nighttime, and while I was working during
3 the daytime, I was also chained. <> I was chained at my ankle
4 with another person. <If the chain got stuck and anyone of us
5 fell down on the ground, we would be beaten to get up.> During
6 the daytime, as I said, I was chained, and I was also shackled at
7 nighttime.

8 Q. Thank you. Once again, could you please mention the location
9 where you were detained and what about the meal or food ration
10 given to the prisoners? How much food were prisoners given?

11 [09.44.50]

12 A. I was arrested in Trang cooperative, and then detained at
13 Trach Kraol detention facility. It was about 10 kilometres away
14 from my <village>.

15 As for food ration, <> there was only watery porridge for all of
16 us. We received one ladle of watery porridge, and if one dared to
17 say that they did not have enough food to eat, <> they would be
18 accused of <> betraying the Angkar, and that person would be
19 arrested and placed in a meeting for others to criticize.

20 So during the time, as I said, I was trying to do my utmost for
21 the sake of my life. I had to abandon everything out of me <in
22 order to survive.>

23 Q. Thank you. I would like to backtrack a little bit. During the
24 regime, as you said, you were a young boy. Did you receive any
25 education when you were young?

1 A. Thank you. <In that regime, schools> were closed down. There
2 were no teachers and professors, no relatives, no parents living
3 with all of us. We had to do the labour as assigned. So we
4 suffered from miserable life, and I, at the time, imagined that
5 others were wearing nice clothes, short trousers and white shirt,
6 perhaps. But for me, I had to do hard labour.
7 I was so skinny and bony. And during that regime, I could not
8 sleep well at night and I did not have time to take a rest during
9 the daytime. So it was a misery for me, and particularly I was so
10 pity on my families who had suffered the same experience. So it
11 was a misery.

12 [09.48.04]

13 Q. You stated that there were no schools. So what was the
14 consequence due to the fact that there were no schoolings?

15 A. We had no education so as a consequence, it happened to our
16 family and, in particular, the whole society. We received no
17 education, so because of this, it affected my family and the
18 whole society after 1979. And I regret that I had not received
19 any information, and it impact -- it had great impact on my
20 livelihood because of no education. No matter how hard we try, no
21 matter what kind of things we did, we had no better life compared
22 to <others> who have received education. <Because of no
23 education, my daily survival is a struggle.>

24 [09.49.53]

25 Q. Thank you. You stated that there was an announcement of

18

1 dispersing Cham communities. Do you recall who made such an
2 announcement, and how were Cham people separated from one
3 another? Could you tell the Court about such announcement?

4 A. Thank you. The announcement was made, but I cannot tell the
5 Court <as to> who made the announcement. And it was said that the
6 announcement was made by the chief of a cooperative in a meeting.
7 We were told that the announcement was made in a meeting by the
8 cooperative chief. We were told to leave our native villages. We
9 had to abandon our belongings, houses, lands that we owned. We
10 had to be on our own with nothing so the belongings and
11 properties that my parents had reserved for all of us, for my
12 family, <were all confiscated by the Khmer Rouge>. So it caused a
13 great misery and impact on me and my relatives, so I inherited
14 nothing from my parents because of this regime.

15 Q. <Thank you.> So how was your family categorized?

16 [09.52.23]

17 A. My family was categorized as a capitalist family, and we were
18 considered Cham people. We were dispersed from being in one
19 group. <My family was not the capitalist. We just had an ordinary
20 house like others did.> During the Khmer Rouge, if Khmer Rouge
21 had known that we had many cattle and <> personal belongings,
22 those belongings and properties had to be <abandoned>. We were
23 told to abandon our properties and everything.

24 Q. Was your family considered Base People or New People? So once
25 again, what <> group were your family members put into?

1 [09.53.41]

2 A. <Like other Cham families, my> family, during the Khmer Rouge
3 regime, was put in a group below the 17 April People group. We
4 were put to live <> under the surveillance <of the Angkar>. We
5 were considered <imperialist-feudalists> and capitalists.

6 I did not know what that meant at the time, since I was a young
7 boy <I was happy when I heard that>. What I knew is that my
8 family members were forcibly transferred from our native to live
9 in <Tram Seh (phonetic)> cooperative where there were no <other>
10 Cham people.

11 Q. Before 17 April 1975, did you live in a village where there
12 were Cham people living there?

13 A. Thank you. War erupted before the time. We went to live in a
14 village with our Cham people. We <escaped> from the location
15 where there were bombings and where there were shelling, but at
16 our location before 17 April 1975, we could practise our religion
17 and use our language.

18 Q. What about later on? Were all of you in that community forced
19 to leave <after 17 April>?

20 A. Thank you. After 17 April 1975, villagers and my relatives had
21 to leave our native village. No one resided any longer in that
22 village. We were told to leave for different locations, and women
23 were told to have their hair cut short and to live in a normal
24 life as Khmer people. And we were told to eat whatever Khmer
25 people ate. We were told to abandon properties. Those who did not

20

1 abandon their belongings and did not leave their villages, they
2 would be killed by Angkar.

3 Q. Thank you. I want to <> ask for a clarification from you.

4 After you were told to evacuate yourself from your village were
5 all of you, together with Cham people, told to live in different
6 places, or were all of you told to live in one same place?

7 [09.57.33]

8 A. Thank you. We were not allowed to live in one same place. My
9 family was told to live in <Tram Seh which was> different
10 location from others, so we were sent to different location for
11 different work.

12 Some people were put in mobile units, and the elderly was put in
13 a different group. So we were put in different cooperatives. No
14 one could live and reside in same location. <And although we
15 lived in the same cooperative, we were assigned to work on
16 different tasks.>

17 Q. My last question, Mr. Civil Party, for you. I know that you
18 have still suffered from that great misery, as you said. So what
19 was the misery that made you unforgettable?

20 [09.59.04]

21 A. Regarding the misery which impacted until today, it was the
22 education, the education that I have had never enjoyed in my life
23 and also the properties that I should have inherited from my
24 parents.

25 Education is the most important property for every human being.

21

1 For me, I <did not receive any form of> education, so it had a
2 great impact on me until today.

3 Q. Coming back to mental suffering, so what is the mental
4 suffering you suffered until today?

5 A. This kind of suffering was like a shadow following me every
6 day. I regret that I have had no education.

7 Secondly, I was detained in a prison where people were killed in
8 front of me. Every time I close my eye, I <recall> those past
9 <experiences>. I <> am so terrified as of now when recalling
10 those kind of incidents.

11 Q. Can you speak your own Cham language as of now?

12 A. For everyday conversation, I could speak better Khmer than
13 Cham.

14 MR. LOR CHUNTHY:

15 Mr. President, I conclude my questioning. Thank you.

16 MR. PRESIDENT:

17 Thank you. The floor is now given to other parties, first to the
18 Co-Prosecutors, to put the questions to this civil party, if you
19 have any. You may proceed.

20 [10.02.27]

21 QUESTIONING BY MR. SREA RATTANAK:

22 Good morning, Mr. President, Your Honours. Good morning, everyone
23 in and around the courtroom.

24 Q. And good morning, Mr. Civil Party. My name is Srea Rattanak, a
25 <>National <Deputy> Co-Prosecutor. I have some questions that I

22

1 would like to put to you in relation to the killings and your
2 personal experience, between 1975 <and> 1979.

3 From what you have told the Court today through your answering to
4 questions by the lawyer for civil party, you said that you were
5 evacuated to Tram Seh cooperative. Can you tell the Court which
6 year that you were evacuated to that cooperative?

7 [10.03.32]

8 MR. MEU PEOU:

9 A. On 17 April 1975, I was evacuated from my village to live in
10 Tram Seh cooperative.

11 Q. How long did you remain living in that cooperative before you
12 were moved to another location, or did you remain living in that
13 cooperative from 1975 to 1979?

14 A. In late 1975, my family was evacuated to live in Me Tuek
15 cooperative.

16 Q. What was Tram Seh cooperative located in?

17 A. Originally, it was located in Chhmar (phonetic) commune,
18 although I did not know what the commune was known during the
19 Khmer Rouge regime. However, it was in Bakan district, Pursat
20 province.

21 Q. You also have testified before the Chamber the execution of
22 people through various meetings organized by the Khmer Rouge in
23 order to intimidate the people and to show that people who made
24 mistake would be punished that way.

25 Besides the open executions during the meetings, did you witness

1 any other executions?

2 A. I used to see dead bodies, though I did not know <as to> who
3 executed them or for what reasons.

4 [10.06.24]

5 Q. While you were in Tram Seh cooperative, did you witness any
6 killings?

7 A. In Tram Seh cooperative, I only knew that Cham people who came
8 from other locations, possibly from Phnom Penh, to live in Tram
9 Seh cooperative, the entire family of that Cham was killed.

10 Q. Where did you witness the execution of those family members?

11 A. I did not witness the execution. However, when I went to work,
12 I saw their dead bodies in a rice field.

13 [10.08.10]

14 Q. In document <E319/13.3.41>, from question 24 to question 30,
15 in particular in question and answer 30, <> in relation to your
16 response to the questions before the OCIJ -- and allow me to
17 quote some of these questions.

18 Question 24: "In 1975, were there any group of people who were
19 targeted by the Khmer Rouge?"

20 Answer: "Muslim people were evacuated from probably Kilometre No.
21 9 <in Phnom Penh> who were accused of betraying Angkar, and they
22 were taken away and executed."

23 Question 25: "Did this event happen in Tram Seh cooperative in
24 1975?"

25 Answer: "Yes."

24

1 And further down to Question 28, you were asked, "What did you
2 see?" And you said:

3 "I saw the Khmer Rouge killing people, but I did not dare to stay
4 there for long, and I moved away from the area."

5 And Mr. Civil Party, from your responses in this WRI, you stated
6 that you witnessed the killing, but just then, you said that you
7 did not witness any killing.

8 Can you please clarify the matter before the Chamber which answer
9 is the correct one?

10 A. Regarding the Muslim -- one Muslim family from that Kilometre
11 <No. 6> village, I did not witness <they were being killed>, but
12 I witnessed the killing of other <families. Again, I did not know
13 as to who killed them.> And as I said, I only saw the dead bodies
14 and then I fled away, as I was afraid that the Khmer Rouge
15 militia spotted me, and I would be arrested and killed.

16 [10.10.39]

17 Q. So your statement in this document is in reference to the
18 killing -- another killing of a Cham family, and that Cham family
19 possibly came from Kilometre No. 9. And on another occasion, you
20 saw a killing of another family<>, but you only witnessed it
21 briefly. Is that correct?

22 MR. PRESIDENT:

23 National Counsel for Nuon Chea, you may proceed.

24 MR. LIV SOVANNA:

25 Mr. President, I would like to object to this question by the

1 National <Deputy> Co-Prosecutor, as the civil party already
2 testified that he did not witness the killing of the Cham family
3 from Kilometre Number <6, but the killings of other families>.
4 And the Co-Prosecutor put it to the civil party that he witnessed
5 the execution of two Cham families.

6 [10.11.45]

7 BY MR. SREA RATTANAK:

8 Allow me to rephrase my question, then.

9 Q. Mr. Civil Party, could you please tell the Court -- or to
10 clarify this matter, as you have testified that you saw a killing
11 of a Cham family and that you also saw dead bodies of a Cham
12 family from Kilometre No. <6>. Is that correct?

13 MR. MEU PEOU:

14 A. When you refer to a Muslim family who was evacuated to Tram
15 Seh cooperative <in 1975> together with two families from my
16 village, the first family was taken away and killed. Second, I
17 saw another group of Muslim people who were being killed by the
18 Khmer Rouge.

19 I did not witness the killing clearly, but I saw the attire worn
20 by the Cham people and then I fled from the area, as I was afraid
21 that the Khmer Rouge militia would spot me and kill me.

22 Q. Could you please tell the Court only what you witnessed? Where
23 did you witness that?

24 A. It was called Tuol Sleng, or Sleng Hill. And another killing
25 was in a rice field not far from that Tuol Sleng.

1 [10.13.48]

2 Q. I'd like to make it clear, Mr. Civil Party, on one hand, you
3 saw only dead bodies and, on another account or occasion, you saw
4 people being executed with your own eyes. And I'd like you to
5 only refer to the account where you witnessed it personally. Can
6 you tell the Chamber when that happened, and where?

7 A. I <accidentally> witnessed the execution at Tuol Sleng, or
8 Sleng Hill. And at that time, <> I did not remain there for long
9 because I was afraid the Khmer Rouge militia would see me and
10 would accuse me of being a traitor.

11 [10.15.00]

12 MR. PRESIDENT:

13 Thank you, National <Deputy> Co-Prosecutor. It is now convenient
14 for us to take a short break.

15 We'll take a break now and resume at 10.30 a.m.

16 Court officer -- where is the court officer? Could you please
17 assist the civil party and the TPO staff during the break time
18 and invite them back into the courtroom at 10.30 a.m.

19 The Court is now in recess.

20 (Court recesses from 1015H to 1032H)

21 MR. PRESIDENT:

22 Please be seated. The Chamber is now back in session.

23 And we give the floor to the Co-Prosecutions to resume
24 questioning to the civil party. You may now proceed.

25 BY MR. SREA RATTANAK:

1 Q. Before the break, you told the Chamber that <> you witnessed
2 the incident taking place at Tuol Sleng, or Sleng Hill. So where
3 was that place?

4 MR. MEU PEOU:

5 A. Tuol Sleng was in <Khmaer> (phonetic) commune, Bakan district,
6 Pursat province.

7 [10.33.14]

8 Q. Based on what you witnessed, the incident took place in the
9 building, in a house or in the open field?

10 A. It took place in the forest.

11 Q. So when did it happen, whether it happened at nighttime or
12 daytime?

13 A. It took place at around 3 o'clock in the afternoon.

14 Q. How far was it from the place you stood and the place where
15 the incident was unfolding?

16 A. It was about 50 <metres> away.

17 Q. So the distance was around 50 metres. So could you see
18 everything clearly? <And what did you see?>

19 [10.34.55]

20 A. I did not see it clearly. When the execution was taking place,
21 I just saw it for a little while, and then I left.

22 Q. Could you please elaborate about the event of what you
23 witnessed, although the time that you witnessed was really short?

24 So what did you really see?

25 A. At that time, <> I did not see things clearly because it was

1 forested area. I saw the militia men were executing the people.

2 Q. I would like to know how the execution was taking place.

3 A. I saw they <use> a stick to kill the people, but I had no idea
4 whether the club was a bamboo club or was something else.

5 Q. So what about the executioners? Who were they?

6 A. No, I did not know who they were, which group they came from.
7 I only knew that they were the Khmer Rouge militia men.

8 Q. How many of them were involved in the killing at that time?

9 A. From the distance, I could not tell you how many militiamen <>
10 there <were> at that time.

11 Q. So besides the activity taking place, did you hear any sounds
12 or voice coming from the place?

13 [10.37.35]

14 A. I did not spend long time witnessing the event. I did not hear
15 the voice because I was there for <a> short time, and I left.

16 Q. So how many victims were there at that time?

17 A. I did not know <as to> how many victims <> there <were>
18 because I did not dare to get close to the site.

19 Q. You did not know the specific numbers, but could you estimate,
20 let's say, the groups consisted of three or four people based on
21 your witnessing?

22 A. When I witnessed the event, there were more than five people.

23 [10.38.52]

24 Q. You said that those victims were a group of Muslims. How did
25 you know that they were Muslim?

1 A. I identified them through their clothes.

2 Q. Could you please be more specific about this time? I asked you
3 about what you witnessed. So you saw their clothes or you saw
4 something else?

5 A. I did not witness <> when they were dressing or the clothes
6 that they were wearing. I only saw their bags of clothes
7 <scattered all over that place. I saw their white caps, scarves
8 and krama>. That's why I came to the conclusion that they were
9 Muslim.

10 Q. As for another event that you witnessed dead bodies, and you
11 said earlier that the -- they were brought from Kilometre No. 6.
12 So how many dead <bodies> did you see?

13 A. There were around four or five dead bodies, and I was not
14 clear about how many more dead bodies were there. I heard <from
15 other children that the people> who were killed were <Cham>
16 brought from the neighbouring <houses> of my house.

17 Q. Could you please elaborate the events around your witnessing
18 the dead bodies? Were those dead bodies left unburied, or what,
19 that you could come to your conclusion that they were Muslim?

20 A. During the regime, when <people were> alleged <for> betrayal,
21 they <would be> killed and <left those> dead <bodies in the open
22 field or forest>. They just simply left <them> unburied.

23 [10.42.11]

24 Q. So where did you witness the dead bodies?

25 A. I saw the dead bodies near Tuol Sleng where <>people <were

1 brought for execution>.

2 Q. What <> specific location <did you see those bodies,> was it
3 in a building, in a forest or in <> paddy fields?

4 A. Tuol Sleng had a paddy field nearby. <Those family members
5 were taken to the paddy field, and> executed <there>.

6 Q. Now I <would like to> move to another topic related to what
7 you witnessed.

8 During Democratic Kampuchea regime, <>did you know <what>
9 happened to Islam religious leaders or those who were Islamic
10 scholars?

11 [10.43.51]

12 A. Religious scholars of Islam were taken away and killed during
13 the Khmer Rouge regime, but I did not know where they were killed
14 or where they were detained. But <> I <just> knew <> that <if
15 they happened to know any> religious <scholar> in Islam, they
16 <would be taken away and> killed. That was what I knew.

17 Q. Could you give examples of any individuals who were religious
18 scholars or religious <teachers> of Islam who were taken away and
19 killed during that regime?

20 A. Now let me backtrack. I talked about a family earlier. A
21 family whose house was nearby my house were taken away and
22 killed, and that family knew a lot about Islam religion and
23 culture. And that's the reason they were taken away and killed.

24 MR. SREA RATTANAK:

25 (Microphone not activated)

1 MR. PRESIDENT:

2 Please turn on the microphone.

3 [10.45.44]

4 BY MR. SREA RATTANAK:

5 Q. In the same document, document <E319/13.3.41>, <from questions
6 36 to 39> the investigator asked you <> whether there <were imams
7 during the Khmer Rouge regime, and you answered that <imams and
8 tuons> were taken away. Imam means religious scholars, and tuon
9 mean religious teacher.

10 So my question -- so the question was, at that time, did you
11 witness the killing of imam and tuon?

12 MR. KONG SAM ONN:

13 In <> the document, it's written imam.

14 [10.46.46]

15 BY MR. SREA RATTANAK:

16 I'm sorry. I did not know the -- how is pronounced exactly. You
17 could correct me later. But based on my reading, it's called
18 imam.

19 Your answer was that you did not witness the event with your
20 eyes, but you said that your relatives <who> were <well-educated
21 in Islam were> all killed during the regime. The question was,
22 "Where <were> your <relatives> killed?"

23 Answer: "<I knew about this after the Khmer Rouge.> They were
24 <taken away and> killed at Damrei Sa."

25 Question: "Where was Damrei Sa?"

1 Answer: "Damrei Sa was in <Kandieng district>."

2 Q. So my question is that you mentioned that your relatives who
3 were knowledgeable in Islam were all killed. Were they imam or
4 tuon?

5 A. In Islam, <an> imam <is> responsible for leading the prayer in
6 the mosque. <He usually stands at the front of others.> As for
7 <a> tuon, <he is a> religious teacher<. I heard that> they were
8 evacuated, and all of them were killed <at Damrei Sa>. I did not
9 witness the event myself, but I heard from other people.

10 Q. You told the Chamber that you lost your relatives, and there
11 were 17 of them. So the imam and tuon, <> who you just mentioned
12 earlier, were they part of the 17 people who were killed?

13 A. I lost 17 members of my relatives, and some of <them> were
14 <imams> and tuons.

15 [10.49.28]

16 Q. Now let me move to another topic about the Lon Nol soldiers.
17 Did you know anything about what happened to the Lon Nol soldiers
18 during Democratic Kampuchea regime?

19 A. At that time, I was too young to know about what happened to
20 the Lon Nol soldiers, and I did not pay much attention to that
21 matter, either.

22 Q. Did you encounter any incident involving the Lon Nol soldiers?
23 Did you have any relationship with the Lon Nol soldiers?

24 A. No, I did not know.

25 Q. In the same document, <E319/3.3.41> , at question number 40,

1 the question to you was:

2 "As for the Lon Nol soldiers or Lon Nol officials, did anything
3 happen to them when the Khmer Rouge came to power?"

4 Your answer was you witnessed around 30 to 40 dead bodies. You
5 gave such an answer to the interviewer. Was it based on what you
6 really saw, or what?

7 A. Yes, I <saw> their uniforms, their military uniforms
8 <including their metal hats>. And they were killed, but I did not
9 know or see the weapons that were used to kill them <because
10 their bodies were decomposed.>

11 <Angkar ordered me to tend water buffalos at Tram Seh (phonetic)
12 cooperative and Tuol Kaoh Ta Kan (phonetic)>, and I <just> saw <>
13 the <decomposing> bodies<>.

14 [10.52.22]

15 Q. So <>you saw the dead <bodies> at Tuol <Kaoh> Ta Kan
16 (phonetic). So where <was> that location<>? <> I mean the village
17 and the commune where the location <>was in.

18 A. It was in Tram Seh cooperative, <Khmaer> (phonetic) <commune>
19 and Bakan district, Pursat province. And there was a hill
20 <so-called Tuol Kaoh Ta Kan (phonetic)>.

21 MR. PRESIDENT:

22 <The National Deputy Co-Prosecutor,> The <parties were> allocated
23 25 minutes to put <questions> to the civil party. <You have used
24 all your allocated time.>

25 MR. SREA RATTANAK:

34

1 So how <much time> left for me -- for my party<, Mr. President>?

2 [10.53.22]

3 MR. PRESIDENT:

4 You have used all your time, all the time allocated <25 minutes>

5 to your team, so now we give the floor to other parties. <>

6 Now the Chamber gives the floor to the Defence Counsel. And first

7 we give the floor to the Defence Counsel for Mr. Nuon Chea to put

8 questions to the civil party, if you have any.

9 QUESTIONING BY MR. LIV SOVANN:

10 Thank you, Mr. President. And thank you, parties in the

11 <courtroom>. And good morning, Mr. Civil Party. My name is Liv

12 Sovanna, and I <am a National Co-Counsel for> Mr. Nuon Chea in

13 this courtroom. I have a number of questions to put to you.

14 Q. You said a while ago that you were separated from your parents

15 and you were sent to the children unit. My question is whether

16 the Khmer children at that time were also separated from their

17 parents just like you.

18 [10.54.34]

19 MR. MEU PEOU:

20 A. <Thank you.> Khmer children were also separated from their

21 <parents>, but we were different. The Khmer children, they were

22 in the children unit with <other> Khmer children, but <>I was

23 <the only Cham boy in the unit>.

24 Q. Could you be, please, more specific on this when you say that

25 you were <the only Cham boy? Did you live with other Khmer

1 children?>

2 A. <Thank you.> Khmer children were separated from their parents,
3 and they put in the children unit where they could spend time
4 with other Khmer children. But for me as a Cham child, I spent
5 time in the <Khmer> children unit, but there was only me who was
6 a Cham child. <There was no other Cham boy in the unit.>

7 Q. <Thank you.> So you said that you were the only Cham child in
8 the children unit. Does that mean <> there was only one Cham
9 family <in the village or were there any other reasons>?

10 A. During <the> Khmer Rouge regime, <as long as they were the
11 Cham, it did not matter whether they were> adults, children or
12 old people, they <would be segregated> from <the group. The Cham
13 people were not allowed to live together>.

14 [10.56.22]

15 Q. You said that <> Khmer children were also placed in the Khmer
16 children unit and you, as a Cham child, were also placed in the
17 Khmer children unit. My question <is, why were you> sent to be in
18 the Khmer children unit <? Was it> because there <was only you in
19 that cooperative? Were there other> Cham children <in the
20 cooperative and how were they treated>?

21 A. There were many Cham children at that time, but Angkar did not
22 allow Cham children to stay in the same unit. Although we had
23 many Cham children, we were separated. We were not allowed to be
24 in the same unit. <We were placed in a separate unit.>

25 Q. How many children units were there in your cooperative?

1 A. I did not know about the Khmer Rouge structure at that time,
2 but I knew that <there were still three religious teachers> in
3 Tram Seh cooperative<, and> in my unit, there was only me who was
4 a Cham child.

5 [10.58.11]

6 Q. So in Tram Seh cooperative<>, there <was> only one Cham child
7 in your <> unit, and that was you. Is that correct?

8 A. Yes, there was only me who was a Cham child. As for the other
9 children in the unit, they were Khmer children.

10 Q. So I could draw the conclusion that there was only one Cham
11 child, and that was you, in the children unit was because, in the
12 whole village, there was only one Cham child. Is that correct?

13 A. <Thank you.> I could not accept this conclusion. There were
14 many Cham children <in the villages attached to that
15 cooperative>, but they could not assembled and stay together.
16 They were placed in various units, and they were not allowed to
17 stay together. <Cham family or individual was singled out.>

18 Q. I did not ask about other cooperatives<>. I <was> only
19 <referring> to the Tram Seh cooperative <where you lived>. And
20 you said that in that cooperative, there was only one Cham child
21 in the children unit, and that was you. <You lived and worked
22 there with other Khmer children.> I did not ask about any <other>
23 cooperatives. You said that Cham children were not allowed to
24 stay together, and you said that <> in your unit, there was only
25 you alone.

1 Is it because you were the only Cham child in your cooperative of
2 Tram Seh?

3 A. In my children unit, I was the only Cham child, although I did
4 not know <as to> how many Cham people were living in the area.

5 [11.00.45]

6 Q. <As of> 17 April 1975, how old were you?

7 A. I was born in 1961, so I was around 13 to 14 years old.

8 Q. Before 1975, did you attend any school and, if so, at which
9 grade?

10 A. I studied at <grade> 1 <compared to> the current educational
11 system.

12 Q. Can you tell the Chamber how come you were 14 years old and
13 you were in Grade 1?

14 A. The reason I was in Grade 1 because of the lack of school at
15 the time, and I had to tend our family's <cattle>.

16 [11.02.24]

17 Q. A while ago, you said that you lacked education because the
18 Democratic Kampuchea regime didn't allow you to study. And now
19 you just stated that the previous regime, you did not have an
20 opportunity to attend schooling as well. Can you clarify whether
21 your lack of education was partly the result of your lack of
22 schooling prior to 1975?

23 A. I did not study between 1970 <and> '75, due to the eruption of
24 war.

25 Q. You have also testified that your family was evacuated on 17

1 April 1975. Besides your family, were there any other Khmer
2 families from your village who were evacuated?

3 A. Not only my family was evacuated, but <also my> neighbouring
4 Khmer families<, the Base People,> were <also evacuated to take
5 charge of us.> And for us, we were <evacuated from the villages
6 and> regarded as the 17 April People.

7 Q. Does it mean that the evacuation from your village included
8 both the Cham and the Khmer people?

9 A. The evacuation of the people included both the Cham and the
10 Khmer people. However, the Khmer Base People were evacuated and
11 they were tasked to take charge of the so-called 17 April People,
12 including myself. And generally, the 17 April People were
13 evacuated to go and engage in hard labour, as some of the Khmer
14 Base People were evacuated <and some of them became the chiefs of
15 the unit, cooperative and sector in order> to take charge of the
16 17 April People in their village or sector level capacity.

17 [11.05.24]

18 Q. A while ago, you testified that Angkar forced your father to
19 eat pork. However, he refused. And you also said Angkar only had
20 pork to eat, and if he didn't eat, then there was nothing else
21 that Angkar had for your father to eat. So your father was not
22 taken away and killed, although he refused to eat pork<?>

23 A. Angkar did not take him away and killed at the time, but
24 Angkar mistreated him and put him in a miserable situation. And
25 he became emaciated. He refused to eat the pork, and Angkar

1 tortured him in that way until the day he died. It was the same
2 killing, although this form of killing took longer than the
3 immediate end to his life.

4 [11.06.45]

5 Q. You also stated that you saw the bodies of a Muslim family who
6 <were> your <neighbours> and that you witnessed it at the area
7 called Tuol Sleng. And you also said other children also told you
8 that they were the bodies of a Cham family who <lived> in your
9 neighbouring surrounding. Did you know that they were Cham
10 because you were told by other children?

11 A. I knew not because I was told by other children. However, I
12 witnessed the dead bodies myself after they had been executed.
13 And then a child running to me and told me that the Cham family
14 had just been executed <there and asked me whether I had seen the
15 bodies>.

16 Q. Can you tell the Chamber the condition of the dead bodies?
17 Were they <decomposing>?

18 A. Actually, the <bodies> passed the stage of decomposition. They
19 were shriveled, and I noticed their identities when I saw bags of
20 clothing scattered in the area, including sarong. Usually, a Cham
21 or Muslim religious people would go with a bag of their
22 traditional attire.

23 Q. Are you referring to the <attires> that were on the dead
24 bodies, or are you referring to <separate attires>?

25 A. I refer first to the attires on their dead bodies as well as,

1 secondly, a bag of clothes and their <white> caps <like the one I
2 am wearing> and their long shirts and sarongs. And I also saw
3 head scarves for Cham women.

4 [11.09.08]

5 Q. Can you try to recall in what year or month you witnessed that
6 incident?

7 A. I cannot recall that clearly.

8 Q. <How> many months after the 17 April 1975 did you witness that
9 incident?

10 A. I cannot recall the particular day or month. I saw their dead
11 bodies in 1975.

12 Q. In the area that you lived, were Cham people allowed to wear
13 their traditional attire and that's why you saw those dead bodies
14 in their traditional clothing?

15 A. <I did not see them in their> traditional attire. However, I
16 saw the traditional attire in the bags scattered in that area.

17 [11.10.43]

18 Q. Just a while ago, you testified that <> you saw the
19 traditional sarong, head scarves and <caps on the bodies>. That's
20 why I asked you whether those dead bodies were in traditional
21 attire or not. And now, you just said that you saw those
22 traditional <attires> in the bags of clothing scattered nearby.
23 Which version is correct?

24 A. I forget to clarify one thing. After they died, I saw the
25 clothing they -- they wore, but they were not wearing traditional

1 attire. The traditional attires were with the bags scattered
2 around.

3 Q. So your previous response that the dead bodies were with cap
4 and traditional clothing is not correct? Is that your statement?

5 A. What I can say is this, maybe I spoke rather too fast. They
6 actually wore normal clothing when they were killed. As for the
7 <caps>, the long <shirts> and sarongs, head scarves, they were
8 the belonging that they were taken along with. And after they
9 were killed, their <clothes> were scattered in the area.

10 [11.12.40]

11 Q. Also, a while ago, you stated that you saw a group of Muslim
12 who were killed at the vicinity of Tuol Sleng, or Sleng Hill. Did
13 you recognize that they were Muslim? Is it because of the
14 traditional clothing nearby? Is that your previous statement?

15 And you also claimed that Tuol Sleng was an execution site.

16 Please tell the Chamber whether those people who were killed were
17 all Cham or were they all Khmer, or was it a mixture of Khmer and
18 Cham people? And about the clothing, did you see the clothing
19 after they were taken or stripped off the dead bodies, or were
20 they <parts> of the <clothing> in the bags?

21 A. I knew that they were a group of Cham people who were killed
22 <in the forest> at Tuol Sleng. I did not stand there and witness
23 the entire execution, and I knew that they were Cham from my
24 observation of the scattered objects and clothing.

25 [11.14.17]

1 Q. How could you come to a conclusion that the scattered things
2 and clothing belonged to the group of people who were killed?
3 Because you said that it was an execution site. It means people
4 had been killed there previously.

5 A. I conclude that they were the group because they were not the
6 last group who were killed at Tuol Sleng. They were killed in
7 1975, so they were the first group who <were> killed <there>. And
8 that's why I drew my conclusion that the scattered things and
9 clothing belonged to <those Cham people>.

10 Q. How long were you detained at Trach Kraol <office>?

11 A. I was detained at Trach Kraol in late 1977 or early 1978.

12 Q. Were you detained from late 1977 to early 1978? Is that your
13 statement?

14 A. Yes.

15 Q. What was the reason for your detention?

16 A. The militia accused me of committing something against Angkar,
17 that is, that I stole rice grains from Angkar. And <they said I
18 was the enemy of the Angkar> that is the reason for my arrest and
19 subsequent detention.

20 Q. Were you released in early 1978 and, if so, were you given any
21 reason for your release?

22 A. No one released me <but I did not want to talk about it>. In
23 1979, when the country fell, villagers came to <cut the shackles
24 to release> me.

25 [11.17.32]

1 Q. Just a while ago, you stated that you were detained in Trach
2 Kraol centre from late 1977 to early 1978. However, you change.
3 Now you said that you were released only after <> 7 January 1979.
4 Which version is correct?

5 A. <Thank you, Mr. President.> What I want to say is that I was
6 accused in late 1977, and I was put in prison in 1978. And I
7 remained in prison until early <1979>. <No one released me from
8 the prison. I left the prison by myself. I had been detained than
9 a year.>

10 Q. I would like now to refer to your VIF, that is, document
11 D22/1078. And at page 5 -- and the document only exists in the
12 Khmer language. You stated that "In October <1978>, that is,
13 <when> the rice was about to get ripe, <at a cooperative in>
14 Trang commune, Me Tuek district, <>Bakan district, Pursat
15 province<, I saw a person stealing the rice grain, but I did not
16 report about it. Later> the Khmer Rouge <militiaman> arrested
17 <that person> and <another militiaman named Oeung> (phonetic)
18 arrested me, as I was accused of failing to inform Angkar about
19 that. <Militiaman named> <Pouch> (phonetic) sent me to be
20 detained at Trach Kraol centre."

21 [11.19.19]

22 Based on your VIF, you said that you were arrested in October
23 1978, and the reason was not that you actually stole the rice
24 grains, but you failed to report those people who stole the rice
25 grain.

1 Please tell the Chamber which version is correct.

2 A. Allow me to clarify the matter. I was working that day, and I
3 said that I was arrested in late 1977, that is, <in> October '77,
4 when the rice was about to get ripe.

5 I saw people stealing rice grains at the time, and I did not dare
6 to report it. I was ploughing the field at the time. I did not
7 know from when they monitored my activity and they accused my
8 group of collaborating <with> the enemy and of betraying Angkar,
9 that I saw the enemy stealing the rice grains and I failed to
10 report that.

11 Q. In the interests of time, I'd like to put the last question to
12 you. Among your family members, can you tell the Court how many
13 siblings did you have?

14 A. I have four siblings.

15 [11.21.08]

16 Q. During the Democratic Kampuchea regime, did your four siblings
17 survive?

18 A. They survived, and I only lost my father.

19 Q. You said that you lost 17 family members, including your
20 relatives. Can you tell the Chamber, did most of them die from
21 illness or from lack of food, or from any other reasons?

22 A. Amongst the 17, some died from lack of food. <Some> died from
23 malaria, while others were killed <by cutting their bodies open
24 and salted.>

25 MR. LIV SOVANNA:

1 Thank you, Mr. Civil Party and Mr. President. I conclude my
2 questioning.

3 [11.22.34]

4 MR. PRESIDENT:

5 Thank you. The floor is now given to the defence team for Khieu
6 Samphan.

7 QUESTIONING BY MR. KONG SAM ONN:

8 Thank you, Mr. President. Good morning, Your Honours, and
9 everyone. Good morning, Mr. Civil Party.

10 Q. I have a question to put to you in relation to the location
11 that you were detained after the arrest. You made mention of this
12 fact in your testimony today as well as in your previous written
13 record of interview and your Victim Information Form that you
14 were detained in a security centre called Trach Kraol. Can you
15 tell the Chamber the exact location of that security centre?

16 MR. MEU PEOU:

17 A. Trach Kraol security centre was located in the area that I
18 could not recall the village or commune because it was located <>
19 in a pagoda. However, I knew that it was situated in Bakan
20 district, Pursat province.

21 Q. How did you know that it was called security centre?

22 A. The area was strictly guarded, and it was the area that I,
23 myself, was detained.

24 [11.24.31]

25 Q. Are you aware that the Trach Kraol security centre was part of

1 the facts in the Closing Order forwarded by the Co-Investigating
2 Judges?

3 MR. PRESIDENT:

4 Lead Co-Lawyer, you have the floor.

5 MR. PICH ANG:

6 Mr. President, Counsel Kong Sam Onn put a question to this civil
7 party whether Trach Kraol security centre was part of the Closing
8 Order of the Investigating Judges. We are in a position that the
9 civil party is not familiar with the content of the Closing Order
10 or the scopes of the investigation, and this question shall not
11 be put to the civil party.

12 [11.25.40]

13 MR. KONG SAM ONN:

14 Allow me to respond briefly, as the civil party is a party to the
15 proceedings. For that reason, this question is appropriate. He is
16 the person who claims to be a civil party, and if a civil party
17 is not familiar with the facts he is involved, then it is at your
18 discretion to consider whether it is appropriate or not.

19 MR. PRESIDENT:

20 The objection by the Lead Co-Lawyer is overruled, as the question
21 is permissible.

22 And Civil Party, you may respond. If you know, you say yes. If
23 you do not, you just say no.

24 MR. MEU PEOU:

25 A. No, I do not know about that.

1 BY MR. KONG SAM ONN:

2 Q. If I put to you that <> in the Closing Order of the
3 Co-Investigating Judges in Case 002 there is no mentioning at all
4 of Trach Kraol security centre, what is your reaction to this?

5 A. People who were nearby also acknowledged the existence of
6 Trach Kraol security centre and other witnesses also acknowledged
7 that, so I don't have any reaction to your statement.

8 [11.27.30]

9 Q. My question is not to reject your statement that Trach Kraol
10 was a security centre. What I put to you is that Trach Kraol
11 security centre is not part of the scope of Case 002, as it is
12 not in the Closing Order of the Co-Investigating Judges.

13 So I'd like to get your reaction to this statement that your
14 experience is not part of the facts within the Closing Order, as
15 Trach Kraol security centre is not part of it.

16 [11.28.22]

17 MR. PRESIDENT:

18 That is a complicated legal matter, and if you were to object to
19 this, you should have done it from the beginning of the statement
20 of harm and suffering by this civil party. Civil parties who
21 applied for status in this proceeding and admitted <> by the
22 OCIJ, they are considered the civil parties and, for that reason,
23 you should put question in relation to general practice or policy
24 on the treatment of the Democratic Kampuchea toward the Cham
25 people, in particular in relation to this civil party. And that

1 is the fact of the purpose of hearing the statement of harm and
2 suffering and that has been put by the <International>
3 Co-Prosecutor as well.

4 This civil party is not obligated to respond to that kind of
5 complex legal question.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. I conclude my questioning.

8 MR. PRESIDENT:

9 Mr. Meu Peou, we are informed that you would like to put
10 questions to the accused. If you so wish, at the end of your
11 testimony, you may put question <>to the Accused; however, you
12 cannot put a question directly. You have to put the questions
13 through us, the President or the Chamber. And if you wish to do
14 so, you have the chance now.

15 Please observe the microphone.

16 [11.30.20]

17 MR. MEU PEOU:

18 Mr. President, I have two questions. I'd like to ask the Accused
19 the following questions: 1. Why <did> the Accused <mistreat> the
20 Cham people so terribly<? And 2: Why> did they force the closure
21 of the religious practice?

22 MR. PRESIDENT:

23 Thank you, Mr. Meu Peou.

24 Pursuant to Rule 21.1(d) of the ECCC Internal Rules which states
25 that at all <stages> of the proceedings, the Chamber shall inform

1 the Accused of their rights to remain silent in response to any
2 questions and on 8 January 2015, the two Accused <confirmed>
3 their position to <remain> silent.

4 And at that time, the Chamber noticed that the two Accused still
5 maintained their express position. Unless and until such time,
6 the Chamber is expressly informed otherwise by the Co-Accused or
7 their counsels.

8 [11.31.59]

9 Also, the Chamber informs the Accused and their <counsels> that
10 they shall inform the Chamber in a timely and effective manner
11 should the Accused resolve to waive their rights to remain silent
12 and be willing to respond to questions by the Bench or relevant
13 parties at any stage of the proceedings.

14 As of today, however, the Chamber is not informed that the
15 Co-Accused have changed their express position and thus agreed to
16 provide their responses to questions. And the Chamber is not in a
17 position to compel the Accused to respond when they exercise
18 their rights to remain silent. The law does not allow the Chamber
19 to force the Accused to respond to questions.

20 [11.33.13]

21 And Mr. Meu Peou, the Chamber is grateful <to> your testimony.
22 The hearing on your statement of harm and suffering, as a civil
23 party, that you claimed you suffered under the Democratic
24 Kampuchea regime is now concluded.
25 Your testimony may contribute to ascertainment of the truth in

50

1 this case and your presence in this courtroom is no longer
2 required so you can return to your home, residence or wherever
3 you wish to go to. The Chamber wishes you all the very best. You
4 may now be excused.

5 And Mr. Bun Lemhuor, the TPO staff, the Chamber would like to
6 thank you for your support given to the civil party during his
7 statement <>of harm and suffering.

8 And Mr. Bun Lemhour shall return to the courtroom for the
9 statement of suffering of civil party 2-TCCP-263 this afternoon.
10 Court Officer, in collaboration with WESU, please arrange
11 transportation for Meu Peou to return to his place of residence
12 or wherever he wishes to return to.

13 This afternoon, the Chamber will hear statement of harm and
14 suffering of civil party 2-TCCP-263.

15 [11.34.56]

16 It is now appropriate for our lunch break. The Chamber will take
17 a break now and resume at 1.30 this afternoon, to continue our
18 proceedings.

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

22 The Court is now adjourned.

23 (Court recesses from 1135H to 1332H)

24 MR. PRESIDENT:

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

1 Court officer, please usher <2-TCCP-263>, together with the TPO
2 staff, into the courtroom.

3 (The witness enters courtroom)

4 [13.33.44]

5 QUESTIONING BY THE PRESIDENT:

6 Q. Good afternoon, Mr. Civil Party. What is your name?

7 MR. MAN SLES:

8 A. My name is Man Sles.

9 Q. Do you recall when you were born?

10 A. I can only recall the year, but not the day and the month. I
11 was born in 1945.

12 Q. Thank you. And what is your current address?

13 A. I am residing in Village 5, Svay Khleang Commune, Krouch
14 Chhmar District, Kampong Cham Province.

15 [13.34.45]

16 Q. What is your occupation?

17 A. I am aging now. I do not have any occupation, but <> I am
18 living under <> the support of my children.

19 Q. What are your parents' names?

20 A. Ta Man (phonetic) is my father's and my mother's name is Sos
21 Sla Mas.

22 Q. And what about your wife, what is her name and how many
23 children do you have together?

24 A. My wife's name is Mat Kocha (phonetic). We have two children
25 together.

1 [13.35.53]

2 MR. PRESIDENT:

3 Thank you. Once again, this civil party is assisted by Bun
4 Lemhuor, a TPO staff, to assist him mentally and physically
5 during the hearings of his suffering.

6 Mr. <> Man Sles, as a civil party, you may make a victims impact
7 statement, if any, concerning the crimes which are alleged
8 against the two Accused and also harms suffered by you during the
9 Democratic Kampuchea resulting in your civil party application to
10 claim collective and moral reparations for physical, material or
11 mental injuries as direct consequences of those crimes. And these
12 crimes are alleged against the two accused, Nuon Chea and Khieu
13 Samphan. And these crimes were committed during the period of 17
14 April 1975 up to the 6th of January 1979.

15 And during the hearing of the victim impacts testimony and as
16 requested by the Lead Co-Lawyer for civil parties, the Chamber
17 will now give the floor to the Lead Co-Lawyers for civil parties
18 to put questions to this civil party about the <harm> and
19 sufferings endured by him in relation to the treatment of Cham
20 people.

21 [13.37.44]

22 MR. PICH ANG:

23 Good afternoon, Mr. President. Once again, may I cede the floor
24 for lawyer Kim Mengkhy to put questions to this civil party and
25 Kim Mengkhy is the lawyer representing this civil party?

1 MR. PRESIDENT:

2 Yeah, you may now proceed, Kim Mengkhy.

3 [13.38.07]

4 QUESTIONING BY MR. KIM MENGKHY:

5 Good afternoon, Mr. President, thank you very much. And good
6 afternoon, Your Honours, and everyone in and around the
7 courtroom. As <> far as you are concerned, I am the lawyer for
8 Man Sles and I will put questions to him in relation to the
9 suffering endured by Cham people.

10 Before I put the questions to you, <> I would like to ask some
11 preliminary questions.

12 Q. First, I know that you are having the abdominal pain. I would
13 like to know whether you can provide your testimony in this
14 hearing.

15 MR. MAN SLES:

16 A. It's <> fine, lawyer, since I want to <testify before> the
17 Chamber, particularly in relation to the sufferings which was
18 inflicted by the Khmer Rouge.

19 Q. Thank you. I will put short and simple questions and please
20 focus and pay attention to my specific questions. My first
21 question is <> as follow: In relation to the suffering <>
22 happening to Cham people in <Village 5,> Svay Khleang <commune,
23 Krouch Chhmar district, Kampong Cham province during the year of
24 1975>, so could you tell the Court what was the suffering
25 inflicted on Cham people?

1 [13.40.09]

2 A. <First,> Khmer Rouge came to my village and worked with the
3 village chief. <Second, we>, Cham people, were told and
4 instructed <the Cham women> to cut <their> hair short and we were
5 not allowed to pray. <Third, we> were prohibited from going up
6 into our houses to find <the> Korans - <the> holy books <of the
7 Muslim>.

8 Q. What else did you endure during the Democratic Kampuchea and
9 also, what was the suffering inflicted on other Cham people
10 beside what you described?

11 A. At that time, Khmer Rouge people arrested the religious
12 leaders, hakim, haji, <Deputy Assist> and <tuon> and among them,
13 there was my father.

14 [13.41.52]

15 Q. Regarding the arrests of Cham people, and I would like to
16 focus, in particular, the arrest of your father, what infraction
17 or mistakes which led to the arrest of your father and what was
18 the impact on you and your family after the arrest of your
19 father?

20 A. My father was working the field behind the village during
21 which the Khmer Rouge arrested him<, tied his hands behind his
22 back> and <> put him on a horse cart. He was taken to the
23 district <office>. Later on, my siblings and my mother, including
24 me<>felt so sorry for my father and we were weeping secretly <at
25 night>, not allowing <our> neighbours to know that we were not

1 happy with that incident.

2 Q. After your father had been arrested, where were you and your
3 family members sent to?

4 <MR. PRESIDENT:>

5 <Please observe the microphone, Mr. Civil Party, before you
6 speak.>

7 <MR. MAN SLES:>

8 A. As I said, my father had been arrested and he was sent to the
9 district hall. Since that time, we have never seen him again. We
10 missed <> him so terribly and every time we and Cham people are
11 holding the religious ceremony, there is no presence of my
12 father<, the head of my family>.

13 Q. Was there persecution inflicted on you and family members
14 beside the arrest of your father?

15 MR. PRESIDENT:

16 Please observe the microphone, Mr. Civil Party, before you speak.

17 [13.44.40]

18 MR. MAN SLES:

19 During the time, the youth group banged the drum and the water
20 buckets in order to call the Cham people to rise up and resist
21 the Khmer Rouge since we came to understand that we no longer
22 could survive and <> we had to resist for the survival of our
23 religion.

24 BY MR. KIM MENGKHY:

25 Q. After the rebellion or resistance, what was the response to

1 that rebellion?

2 [13.45.37]

3 MR. MAN SLES:

4 A. I was engaged in the rebellion<, and armed with> machetes and

5 I was joining with others <but I was at the back line>. Many

6 people, I mean both side; we, Cham people, and Khmer Rouge, died

7 during the rebellion, but not many Khmer Rouge died since they

8 were armed with weapons, more than all of us.

9 After one day and one night of rebellion, we, Cham people, laid

10 down the weapons and we were defeated and Khmer Rouge mobilized

11 all of us into <> tobacco <kilns, while women> and children were

12 put in <Daem Chrei (phonetic)> pagoda.

13 We, then, were deprived of meal. We were <provided with> only a

14 <small> bowl of watery porridge <per day. We were so pale. And>

15 during that -- while I was detained, I missed my family members

16 and siblings <who were detained at the pagoda>. I did not know,

17 at the time, how sufferings they were <enduring>. Perhaps, they

18 <were going> through the sufferings as I <was experiencing> at

19 that time. We were separated from each other after the rebellion.

20 Q. Thank you. You stated that you were arrested and placed <> in

21 a tobacco kiln and did they allow you to sleep properly or was

22 that place sanitary enough for you to stay and were windows and

23 door closed completely?

24 A. At that tobacco chamber or kiln, there was enough space, but

25 there was no sanitation at all. The place was full of <cats' and>

1 dogs' excrement and while we were there, <and in the meantime,
2 the Khmer Rouge took our biography one at a time> one after
3 another, and people kept disappearing <every night> and it was
4 lucky for me to survive.

5 [13.48.34]

6 Q. Thank you. You stated that names were registered and biography
7 was collected and after that biography taken, people disappeared,
8 so could you elaborate what happened next after biography was
9 taken?

10 A. <Thank you. During the> making and collecting <of>
11 biography<,> they <were> trying to search for the ringleaders of
12 the rebellion <> and as I said, I was lucky <that they did not
13 call my name so that I manage> to survive.

14 Q. At that time, were you so worried since you were called to
15 declare your biography <like others>?

16 A. <By that time, we had already fallen into their> trap<.> I did
17 not think of myself <anymore>; I was worrying <about> my family
18 members <who were detained at the pagoda> and in particular, my
19 wife who <> had <just> delivered <a three-month> baby<> baby and
20 I was so worried about her and my family members. <I just broke
21 down to cry for fear that they could also be mistreated the way I
22 was being mistreated.>

23 [13.50.36]

24 Q. You stated that you were so worried about your wife and family
25 members and when did you stop worrying?

1 A. I felt a bit relieved 10 <or 15> days later<> because I was
2 allowed to <get> together with my family members and wife. And
3 after we met, we were sent to live in Stueng Trang district,
4 Soupheas <village>. My wife and I, together with the three-month
5 infant, were together.

6 For my mother and my <three> other siblings<> were sent to Roka
7 Khnaor. We were not allowed to stay together.

8 Q. You stated that you felt a bit relieved later on, but <> let
9 me ask you about your physical strength <>and your wife and
10 others. So were you strong enough, physically?

11 A. I told the Court already, my wife, my infant, and me were so
12 pale; we were so skinny and bony. And for my infant, his or her
13 head <was> bigger than <>the body.

14 Then I was sent to Soupheas <village>, Stueng Trang district with
15 my wife and the infant. After we arrived, Angkar, at that place,
16 asked our background; what I did in the past regime and in reply,
17 I said I was a fisherman. <> My wife was sent to work in the
18 field <like other women> and as for my infant; he or she was sent
19 to stay with the <grannies>.

20 [13.54.04]

21 Q. You went to work in Stueng Trang District. Were you entitled
22 to contact with your wife and were you able to visit your wife
23 and your infant regularly?

24 MR. PRESIDENT:

25 Please, listen to the question carefully and wait until you see

1 the light on the microphone; during which, you can also think of
2 the answer to respond to the question.

3 MR. MAN SLES:

4 I was assigned to the fishing unit <along the Mekong> river. I
5 would visit my wife once or two times a year and two times at
6 most per year. I could visit my <wife, not my> infant only at
7 night time. Why? Since my wife had to <>work <from dawn to dusk;
8 therefore,> I could see <her> only at night time. My wife, as I
9 said, was so bony and skinny. <I could hardly recognize her. She
10 looked like a sick person.> For my infant, his or her head was
11 bigger than the body.

12 [13.55.58]

13 BY KIM MENGKHY:

14 Q. Thank you. You have just stated that you would see your wife
15 once a year and particularly, only at night time. Were you
16 worried when you saw her and at that time, did you think what you
17 wanted to do for your future?

18 MR. PRESIDENT:

19 Please hold on, Mr. Civil Party. You have the floor now, Kong Sam
20 Onn.

21 MR. KONG SAM ONN:

22 Mr. President, I would like to register my objection. The lawyer
23 for civil party is asking the civil party to answer about what
24 the civil party wanted to do for the future and also what <>he
25 <thought> about the past. <We are here talking about the direct

60

1 impact on him rather than> seeking the facts of what <he was
2 thinking> at that time.

3 [13.57.12]

4 MR. PICH ANG:

5 <Mr. President,> I don't think there is any problem with the
6 question put by the lawyer because the lawyer for civil party
7 wanted to address the Court about the sentiment and also about
8 the mental feeling and suffering <> which happened to him, so
9 <there is no> issue with the question asked by the lawyer for
10 civil party, so I would like to seek permission to allow the
11 civil party to answer.

12 MR. PRESIDENT:

13 The objection is overruled. The question is allowed. <Lawyer>
14 Mengkhy, could you please reformulate your question?

15 [13.58.04]

16 BY MR. KIM MENGKHY:

17 Thank you, Mr. President.

18 Q. My question earlier is about your worry and about your future.
19 I did not ask you <> about your future, at that time<> but I want
20 to ask <> you about whether or not you wanted to visit her, once
21 again, after the first meeting since you were only allowed to
22 meet your wife not occasionally. <What was your feeling the
23 moment that we saw your wife in such a restricted manner?>

24 MR. MAN SLES:

25 A. I felt that I would die one day since I <had to endure all

1 types of> hardship; I was not allowed to have enough food and I
2 was prohibited from practicing my religion.

3 Q. Thank you. I would like to ask you about the tasks which were
4 under your responsibility <during the regime>. What <> were the
5 working conditions like for you and for others<? Were they>so
6 hard<?>

7 A. While we were fishing together, there were four of us in a
8 group. We had a boat and among the <> four of us, there was one
9 Khmer <Rouge person> who was in charge of the boat<, and the
10 three others were Cham. He was the one who monitored> us <> and
11 <asked us to catch as many> fish <as possible for the cooking
12 hall>. We had to fish day and night and there was only one-hour
13 break for us and we would go fishing early in the morning. There
14 was no rest <during the> day time, but for night time, we had a
15 one <or one and a half> hour <of> rest <at> night time.

16 [14.01.01]

17 Q. Thank you for your response, but I am really unsure about
18 that. You said you would be allowed to rest for an hour <or one
19 and a half hour>. Does it mean that you had to rest for one hour
20 or so and then you returned <> to go fishing again?

21 A. When I said we were allowed to rest, it means that we were not
22 allowed to <go ashore>, but we actually rested on the boat for an
23 hour or <one and a half hour> and then we had to start fishing
24 again <at around 2.00 a.m., and would not stop until the next
25 morning>. And the same pattern of work occurred after we had our

1 meal. <The same routine was repeated on a daily basis.>

2 Q. For your food consumption, were you given sufficient food to
3 eat? For example, the fish that you caught, <> were you given
4 <any> fish <to eat>?

5 [14.02.35]

6 A. We, the group of four, were given four small fish to eat; that
7 is, the fish that we caught, and the fish that were given to us
8 were small, the size of a toe -- a big toe <or a bit bigger than
9 that>. So for a group of four, we were given four small fish.

10 Q. I <would like> now <to> move on to another topic <> in
11 relation to <your> occasional visits <to see> your <wife>. Can
12 you tell the Chamber of your feeling when you met your family
13 members?

14 A. One day, I was assigned to find strings to fix the fishing net
15 and I took the chance to quietly go to visit my mother and my
16 three younger siblings; however, <by that time,> my three
17 siblings <had already been> sent to a <worksite> and my mother
18 was working near the house. I met her for a brief moment as I was
19 afraid that I would be spotted.

20 And on a separate occasion -- again, I was asked to find string
21 to fix the fishing net -- I went to visit them again and I didn't
22 see them, so I asked the villagers and I <was> told that my
23 mother and three younger siblings <had been> sent away and
24 killed.

25 [14.05.30]

1 Q. Upon receiving the news that your family members <had>
2 disappeared or killed, how did you feel?

3 A. First of all, I lost my father and later on, I lost my mother
4 and three younger siblings, so this was a compounded effect on
5 top of the loss of my father. When I returned to my fishing area,
6 I wept quietly and <> my colleagues asked what happened to me and
7 <> I lied to them that I had an abdominal pain. <I was crying
8 like a child.>

9 (Short pause)

10 [14.07.03]

11 Q. You stated that your father, your mother, and siblings were
12 killed. Can you tell the Chamber about your wife and your child;
13 what happened to them while you were not with them? Please tell
14 the Chamber news that you received about your wife and your
15 child.

16 A. When I first went to visit my mother, she told me that my
17 younger siblings <had already been> sent to work at the
18 <worksite> and that they became so emaciated and that I would
19 hardly recognize them if I were to see them.

20 For the second time I went to visit her again <but> I did not see
21 them and as I said, when I returned, I wept like a child. And
22 when I was asked why I wept, I <lied to> my chief and
23 <co-workers> that I had an abdominal pain.

24 MR. KIM MENGKHY:

25 Thank you, Mr. Civil Party. I would like to hand the floor to Mr.

1 Pich Ang, the National Lead Co-Lawyer, to put further questions
2 to you.

3 [14.09.03]

4 QUESTIONING BY MR. PICH ANG:

5 Mr. President, I'd like to put some questions to the civil party.

6 Q. And good afternoon, Mr. Man Sles. I only have a few
7 supplementary questions to put to you in addition to the
8 questions asked by <Mr. Kim> Mengkhy. Can you tell the Chamber,
9 in your name as <an> Islamic religious follower, how important is
10 religion to you as well as to the general Cham people?

11 A. We<, Muslims,> actually <pray> five times per day in our name
12 as the Islamic followers and we would never miss any occasion
13 despite any business schedule. And if we miss a pray time, for
14 instance, we could substitute it by another pray time for that
15 particular day. Otherwise, we would be <> committing a sin<, and
16 go to hell>.

17 [14.10.45]

18 Q. In your response to the question by Kim Mengkhy, you stated
19 that you did not practice your Islamic religion <since> 1975 <or
20 before that>. How did you feel when you could not practice your
21 Islamic religion?

22 A. As I have just stated, due to the abolishment of the Islamic
23 religion, the Cham people in my village rebelled <for the
24 survival of our religion. It was a life and death rebellion.>

25 Q. Did you secretly practice your Islamic religion <during the

1 regime>?

2 A. Occasionally I secretly prayed <at night> when it was quiet.

3 <I did not dare to pray during the day time because> I was

4 concerned that I would be tracked or monitored by the Khmer

5 Rouge.

6 [14.12.37]

7 Q. You said you were concerned that you would be monitored by the

8 Khmer Rouge militia. Did you ever experience any Khmer Rouge

9 militia coming to track you or to monitor your activity?

10 A. I saw them patrolling <along> the street but I did not know

11 whether they came under the house to listen to us.

12 Q. <Thank you.> And what about your language? Were you allowed to

13 speak your Cham native language freely?

14 A. From that day onward <we> did not dare to speak our language

15 and of course when we did not see them we would quietly speak our

16 language.

17 Q. <Thank you.> What about the food regime? Were you forced to

18 eat food that you should not eat and if so could you elaborate a

19 bit more?

20 A. We, the Cham people, were prohibited from eating pork but when

21 they cooked food or they cooked gruel they actually put pork with

22 oil in the gruel. And when we were given pork with gruel we

23 actually tried to get rid of the soup and ate only the rice. Some

24 people could not bear <the smell of the pork> while others tried

25 to eat in order to survive. <I drank only the soup for survival.>

1 [14.15.13]

2 Q. Now, I would like to talk about your <family> living
3 conditions in Soupheas. Can you tell the Chamber what happened to
4 you and your family or to other Cham families while you were
5 living in Soupheas?

6 A. I was separated from my other family members. I was forced to
7 over work and I was given little food to eat. As for my wife, I
8 was never allowed to meet her during the daytime and only at
9 nightfall I could once in a while see my wife. That was the same
10 for my child and that was the time I felt devastated. I felt so
11 pity for my child and my wife.

12 Q. Could you tell the Court the living conditions of your wife
13 and child in Soupheas?

14 [14.17.00]

15 THE PRESIDENT:

16 Please observe the microphone, Civil Party.

17 MR. MAN SLES:

18 A. She was given the same food rations as the rest. It was not
19 sufficient. Some of the people hid some rice in their house or
20 they could cook this rice and eat. However, for my wife she did
21 not have any spare rice hidden in the house. Some of the people
22 would find supplementary food with leaves.

23 BY MR. PICH ANG:

24 Q. Did you know or did your wife tell you about the living
25 conditions of other Cham people in Soupheas and what happened to

1 them?

2 MR. MAN SLES:

3 A. When <> we were evacuated to <Soupheas village>, I saw other
4 Cham people who were evacuated from other <villages and there
5 were no other Cham people from my own village> in <the area>.

6 [14.18.34]

7 Q. Maybe this is my last question to you. Currently you are
8 living in Svay Khleang. Can you tell the Chamber when did you
9 return to live in Svay Khleang and upon your return did you see
10 any of your relatives or any of the Cham people returning to live
11 in Svay Khleang?

12 A. When the war ended, we returned to our native village. There
13 were several other families who returned to live in my village as
14 well. As for the native villagers who used to live there, there
15 were only about 50 per cent of them returned and there were
16 <also> other <people> who came from other villages> to live in
17 Svay Khleang.

18 Q. Did you know how many Cham people living in Svay Khleang prior
19 to 17 April 1975?

20 [14.20.11]

21 A. There were about 800 to 1,000 Cham families living in Svay
22 Khleang at the time. This is my personal conclusion only as I did
23 not have any statistics or real figures but from what I <learned
24 from Haji and Hakim,> there were about 1,000 Cham families.

25 Q. I believe this is my last question. You spoke about haji and

1 hakim who were the religious elders in Svay Khleang. Upon your
2 return to Svay Khleang did you see <many> of these religious
3 figures, including tuons and <imams> return?

4 <MR. PRESIDENT>

5 <Mr. Civil Party, Please observe the microphone.>

6 MR. MAN SLES:

7 A. When I returned more than half of the Cham people did not
8 return, including many of the religious elders. Only later on
9 there were <junior> tuons <and hakims> who continued the practice
10 from the previous tuons and religious figures.

11 Q. Actually, my international colleague has a question that I
12 would like to put to you, and allow me to do that.

13 From 1979 until the time that tuons, imams and hakims were
14 elected in your village, can you tell us how many months or years
15 before such people were elected <> in your village?

16 [14.22.39]

17 A. When the Khmer Rouge regime fell the religious elders passed
18 away as well, so younger children actually went to study <in>
19 Saudi <Arabia> or in Malaysia who continued their religious
20 practice and then <> there were tuons <>who started teaching
21 <Islam> as well as the Khmer and the English languages to the
22 people.

23 Q. My question is about the year that they actually came to your
24 village. Can you recall?

25 A. It happened in 1989.

1 MR. PICH ANG:

2 Thank you, Mr. Civil Party, for answering my questions.

3 And Mr. President, I conclude my session now. Thank you.

4 THE PRESIDENT:

5 Thank you. I would like now to hand the floor to the

6 Co-Prosecutors to put questions to the Civil Party if you have

7 any. You may proceed.

8 [14.24.05]

9 QUESTIONING BY MR. FARR:

10 Thank you, Mr. President.

11 Q. Good afternoon, Mr. Man Sles. My name is Travis Farr and I am

12 counsel for the Prosecution and I will have a few questions for

13 you as well this afternoon.

14 You were just talking about issues related to the practice of

15 Islam during the Khmer Rouge period. Can you tell the Court

16 whether there was a mosque in Svay Khleang and if so what

17 happened to it during the Khmer Rouge era?

18 MR. MAN SLES:

19 A. Thank you for asking the question. At that time no one went to

20 pray at the mosque as the Khmer Rouge prohibited us from doing so

21 and actually <cattle> were put in the mosque as well as tobacco

22 was stocked in the mosque.

23 Q. Thank you for that answer. I would like to move to another

24 topic now, back to the arrest of your father which you have

25 already described for us a little bit. But can you describe that

1 event for the Court in more detail, please?

2 A. They came to arrest him while he was working in the field,
3 that is, at the cornfield that is behind the house. The Khmer
4 Rouge came to arrest him and accused him of being an enemy.

5 [14.26.00]

6 Q. And was anyone else arrested with him in that cornfield at the
7 time that he was arrested?

8 A. Yes, there were others who were arrested together with my
9 father. In fact, about 50 to 60 people were arrested at the time.
10 Later on all of them were released except five <people> including
11 my father. I did not know the names of the other four individuals
12 although I knew they were living in the same village.

13 Q. And to start with that big group of 50 people that you just
14 mentioned, were all of those 50 people who were initially
15 arrested, were they all Cham or was it a mix of Cham and Khmer?

16 A. They were all Cham people. There was no Khmer among the
17 arrestees.

18 Q. And just so we are clear on the timing, did this arrest happen
19 before the rebellion in Svay Khleang or after the rebellion in
20 Svay Khleang?

21 [14.27.43]

22 A. It happened before the rebellion.

23 Q. So in this group of 50 people that was initially arrested,
24 were there both men and women or was it only men?

25 A. There were men, women and children aged from five and above.

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1 So it was a combination of men, women and children.

2 Q. And can you estimate for us how many women and how many
3 children there were in that group of 50?

4 A. There were not many children and there were more adult
5 people<. There were teenagers whose aged 15 years old and above.>

6 Q. Okay. So can you tell us who carried out the arrest? Who
7 arrested these 50 people?

8 A. <Thank you.> It was the Khmer Rouge who made the arrest. They
9 wore black uniforms and a krama scarf around the neck. I did not
10 know <what their positions> were, but I only knew that they were
11 Khmer Rouge.

12 Q. Were you among this group of 50 people that was arrested at
13 that time?

14 [14.29.53]

15 A. Yes, I was amongst the 50. However, I was subsequently
16 released.

17 Q. And can you tell us where was the group held from the initial
18 arrest until the point at which the majority of the group was
19 released?

20 A. We were arrested in the plantation fields. We were then tied
21 up and placed to be under the house of the Khmer people. About a
22 week after we were released and only five <people> were <tied and
23 > placed on <a> horse cart <> and taken away and amongst the five
24 was my father.

25 [14.31.01]

1 Q. Did your father have any position of seniority or importance
2 in your village?

3 A. He was the second assistant.

4 Q. You have called him the second assistant. Can you explain a
5 bit more, a second assistant; to whom or for what?

6 A. Hakim was the chief. Then there was a first deputy and my
7 father was the second deputy or second assistant. When the chief
8 was not available then the first deputy or assistant or the
9 second assistant would act in the capacity of the chief. And the
10 chief, here I refer to hakim who was the religious leader in the
11 village.

12 Q. Okay. Thank you for that clarification. What about the other
13 four men who were taken away at the same time your father was
14 taken away? Did they have any position of seniority in the
15 village or any position of importance?

16 A. Five of them had been arrested and my father was <amongst> the
17 group. They have never returned after the arrests.

18 [14.33.59]

19 Q. I just want to ask you about something in your civil party
20 application. This is document E3/6714, and the page number in
21 English is, 01089919; in Khmer, 00563974 to 75; and in French
22 01137854.

23 And this is you are describing this event and you say much of
24 what you have told us now that a big group was arrested and then
25 all but five were released. And you say -- but what you say about

1 these five men is that these five men were senior persons working
2 in the village including a village chief and a deputy of the
3 religion clan, "That village chief named Kao and my cousin named
4 Ly Mein."

5 Hearing that, does that refresh your memory regarding the
6 identity of some of those other men and their positions of
7 seniority?

8 [14.34.22]

9 A. There was a person by the name <of> Kao and Ly Mein that was
10 another person. Ly Mein, that person was my cousin. Ly Mein was
11 working in the village. And for Kao, he was the village chief.

12 Q. And just so the record is clear, those men were among the
13 group of five that was taken away with your father; correct?

14 A. That is true.

15 Q. Okay. Thank you for you that. Now, I think you have told us
16 they were taken in the direction of the district hall. Can you
17 tell us where the district hall was?

18 [14.34.33]

19 A. It was located in Krouch Chhmar. The district office was
20 belonging to Krouch Chhmar District.

21 Q. And following that day on which you saw your father taken away
22 in that cart, did you ever learn anything else about what
23 happened to him after that?

24 A. After my father had been arrested and his hands were tied
25 behind his back, he was put onto a horse cart and he has

1 disappeared ever since then. They <>, I mean the other four,
2 never returned.

3 Q. Okay. Thank you for that. I want to -- well, okay. So you told
4 us that this arrest happened before the rebellion. Can you tell
5 us whether there were any other arrests that you were aware of
6 that happened before the rebellion in Svay Khleang?

7 [14.37.10]

8 A. <Thank you.> Regarding the arrest, the arrest had occurred
9 from 1973 <through> 1975, at which there was a rebellion.

10 Q. And this may be a difficult question, but are you able to
11 estimate how many people from Svay Khleang were arrested in total
12 before the rebellion, so adding together everyone who was
13 arrested in '73, '74 and '75 up through the rebellion can you
14 estimate how many people that would have been? Was it 10, was it
15 100, was it 200?

16 [14.38.02]

17 A. I cannot give you the estimate. I was simply an ordinary
18 citizen. I cannot recognize all of them, their faces. I did not
19 have the figure. I did not have the figure at the time but what I
20 know is that many people kept disappearing.

21 Q. Okay. Thank you for that. So turning now to the rebellion can
22 you tell us how the villagers in Svay Khleang, what --

23 THE PRESIDENT:

24 Please hold on. Greffier, what is going on with the lawyer for
25 Nuon Chea, Son Arun? Where is he now?

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1 (Short pause)

2 [14.39.45]

3 THE PRESIDENT:

4 I noticed there is no presence of lawyers for Nuon Chea and it is
5 now appropriate time for a short break. The Chamber will take a
6 short break from now to five to 3.00.

7 Court officer, please assist the Civil Party during the break
8 time and please invite him together with the TPO staff back into
9 the courtroom at five to 3.00.

10 The Court is now in recess.

11 (Court recesses from 1440H to 1457H)

12 THE PRESIDENT:

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

14 And the floor is given to the International Deputy Co-Prosecutor
15 to resume his questioning. You may now proceed.

16 [14.58.26]

17 BY MR. FARR:

18 Thank you, Mr. President.

19 Q. Mr. Man Sles, earlier when you were answering questions from
20 the Civil Party lawyer you indicated that one of the reasons for
21 the rebellion was the fact that the Cham people were not allowed
22 to practice Islam. Can you tell us if there were any other
23 reasons for the decision to rebel?

24 THE PRESIDENT:

25 Please hold on, Civil Party.

1 You have the floor now, Kong Sam Onn.

2 [14.59.12]

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. I have an observation on the question
5 put by the International Deputy Co-Prosecutor particularly in
6 relation to the rebellion in general. The question is directed to
7 the rebellion and, as far as the Chamber is concerned, this
8 hearing is to hear the victim impact testimony. It's not about
9 the specific fact that it is a rebellion. So that is my
10 observation, Mr. President.

11 MR. PRESIDENT:

12 The question is allowed <> if the civil party is aware of the
13 facts and also the impacts resulting from the suffering and if
14 the civil party is aware, that is fine. The facts now is before
15 the Chamber.

16 BY MR. FARR:

17 Q. And perhaps I will just rephrase my question in a more simple
18 way. Can you tell us all of the reasons that the villagers in
19 Svay Khleang decided to rebel?

20 [15.00.50]

21 MR. MAN SLES:

22 A. Thank you. <We> decided to <rise up against the Khmer Rouge>
23 because <they> killed <many> Cham people. <Therefore, we decided
24 to rebel in the whole village.>

25 Q. Okay, thank you. So I'd like to turn now to the period after

1 the rebellion and the day in which the population of Svay Khleang
2 was evacuated or forced out of the village. Can you tell us if
3 you know who it was that organized that evacuation?

4 [15.01.53]

5 A. <During the rebellion, there were soldiers in black uniform
6 and they were> armed with <guns. We> were evacuated from our
7 village<>. Men <>were placed in the tobacco kiln and <>women
8 <>they were placed in <Daem Chrei (phonetic)> pagoda. <The two
9 locations were about one kilometre away from each other.>

10 Q. I just want to ask you quickly about one sentence in your
11 civil party application. This is actually the last sentence of
12 the application so that should make it easy to find. You say,
13 quote, "I only knew that the commune chief named Long and his
14 subordinate Peng Heng, they were both killed by their Khmer Rouge
15 friends, were the persons who took the evacuees away." Unquote.
16 So can you tell me, do you know whether they were involved in the
17 evacuation of Svay Khleang and, if so, can you tell us who those
18 two people were?

19 A. Peng Heng and Long were <the ones who> were working in the
20 village. I heard a different name from you. Only Peng Heng and
21 Long were working in the village. <At that time, the> Central
22 <Zone soldiers came to the village. Both of them would have been
23 killed if the Eastern Zone soldiers had come to> my village<.>

24 Q. And can you tell us -- those were the two names that you just
25 mentioned were the ones I was trying to say. Were those two

1 people involved in the evacuation of Svay Khleang?

2 A. The two individuals were in charge of my village. One was the
3 chief and another one was the deputy chief <of the commune>. Long
4 was the chief of the <commune> and Peng Heng was the deputy
5 <chief>.

6 [15.04.45]

7 Q. Okay. Thank you. The last thing I wanted to ask you about is
8 what you have heard about the killing of your mother and your
9 three siblings. I know that this is something you heard from
10 villagers. You have told us that, but can you tell us in as much
11 detail as you remember what they told you about where your mother
12 and siblings were taken and how they were killed?

13 A. I can recall that. I went to talk to the villagers <but they>
14 did not talk much to me. I was talking to them for perhaps two
15 minutes and I was told that my mother and siblings were sent to
16 <>be killed <at a place called Boeng Kachaut (phonetic) in Stueng
17 Trang district, which was not far from Stueng Trang town>.

18 Q. And did the villagers say how they knew that your family
19 members had been sent away to be killed?

20 [15.06.20]

21 A. Those villagers <did not talk> much <to me because they were
22 afraid.>. They said <> my mother and siblings were sent to Stueng
23 Trang district to be killed<. They were taken on a motorboat> and
24 the killing happened at Boeng <Kachaut> (phonetic). <>

25 Q. Did they tell you anything about the method of killing whether

1 they had been shot or beaten to death or drowned or anything like
2 that?

3 A. Thank you. I do not know the method of killing. I was told
4 that my mother and my three siblings were sent away from the
5 village to Stueng Trang District and the specific location of the
6 killing was Boeng <Kachaut> (phonetic). The villagers did not say
7 that my mother and my three siblings were killed by gunshots or
8 whatever means.

9 MR. FARR:

10 Okay. Thank you for answering my questions, Mr. Civil Party. I
11 know these are difficult things to discuss, so I appreciate your
12 patience.

13 Mr. President, no further questions.

14 MR. PRESIDENT:

15 Thank you. Now, the floor is given to the defence teams. First,
16 starting from the defence team for Mr. Nuon Chea, to put
17 questions to this civil party if any.

18 [15.08.28]

19 QUESTIONING BY MR. SON ARUN:

20 My name is Son Arun, <> the defence counsel for Mr. Nuon Chea.
21 Good afternoon, Mr. Civil Party. Good afternoon, Mr. President
22 and Your Honours.

23 Q. I do not have many questions, perhaps two or three, to ask
24 you, Mr. Civil Party.

25 There was a rebellion of Cham people <> in late 1975 in Svay

1 village. Do you know why Cham people rebelled against the Khmer
2 Rouge? As you know, Khmer Rouge had just <won> the victory <over
3 the Lon Nol>and Cham people had no weapons at that time. So why
4 <did> Cham people <decide> to rebel against the hard-won victory
5 by the Khmer Rouge?

6 [15.09.50]

7 MR. MAN SLES:

8 A. <First, it> was because <many> Cham people had been killed.
9 <Second,> we were not allowed to practice our religion, the
10 religion of our Allah. For this reason we rebelled against the
11 Khmer Rouge for the sake of <our religion> and Cham people as a
12 whole. <We were no longer afraid of death.>

13 Q. Thank you. In the period of rebellion how many of you
14 participated in it?

15 A. I <knew> very well about the rebellion since I was residing in
16 the village<. All> of us, from that village<,> rebelled against
17 the Khmer Rouge. Only the young children and women who had just
18 delivered the babies, with young infants, did not join the
19 rebellion.

20 Q. Were you actively engaged in that rebellion; is that true?

21 A. <That's not true. I was not in the front line. I was actually
22 in the back line.>

23 MR. PRESIDENT:

24 Please, Court officer, move the microphone <closer> to the civil
25 party, particularly to the other side of the civil party<>.

1 [15.12.05]

2 BY MR. SON ARUN:

3 Q. Mr. Civil Party, could you repeat your answer since I could
4 not get it well?

5 MR. MAN SLES:

6 A. Could you repeat your question instead, lawyer? I do not
7 really get it.

8 Q. Let me reformulate the question. During the rebellion were you
9 actively involved in the rebellion of one day and a half?

10 A. I have told you already, lawyer, I did participate in the
11 rebellion but <> my role was to reinforce others who were in the
12 front line. <I was in the back line.>

13 [15.13.20]

14 Q. Thank you. Could you briefly tell the Chamber about the
15 incident at the time, so how large was the rebellion between the
16 Khmer Rouge and Cham people?

17 A. Yes, Mr. Lawyer, I can tell you briefly. It was like a
18 battlefield where the two sides of soldiers were engaged in the
19 war. Cham people had only machetes or knives to rebel for the
20 sake of Allah. They <dared> to lose their lives although many
21 Cham people had died. Similarly, Khmer Rouge also died but they
22 died in a small number.

23 Q. During the attack between the Khmer Rouge and Cham people and,
24 as you said, Khmer Rouge were armed with <guns> and Cham people
25 had only machetes or knives in hands <>, did all of you foresee

1 that you would lose the battle because of light weapons possessed
2 by Cham people? Did you personally foresee that?

3 A. I am of the opinion that although I did not rebel I would die
4 anyway since there was pressure from time to time and more
5 extensively on Cham people. Cham people had been arrested to be
6 killed <one after another>. Because of this, Cham people stood up
7 and rebelled. They <were not afraid to be killed>. They had to
8 rebel for the sake of our <religion and> Holy God, or Allah.

9 [15.16.22]

10 Q. Based on the document the rebellion happened in late 1975. You
11 stated that Khmer Rouge had mistreated people before 1975.

12 Because of that mistreatment <after> the victory of Khmer Rouge,
13 Cham people decided that only rebellion could prevent such
14 mistreatment. Was that your thinking and was that Cham's people
15 thinking at the time?

16 A. I had a different understanding from what you have now. <It
17 would be meaningless if we allowed the> Khmer Rouge <to continue
18 to> kill us<. We would be more satisfied to be killed for the
19 sake of our belief> and, in particular, the Holy Allah. <We did
20 not regret anything. It was useless to live in such a condition,
21 anyway.> We had to rebel <because each time> four or five Cham
22 people had been arrested < and it happened every night>.

23 [1518.16]

24 Q. Khmer Rouge people had arrested three, four or five Cham
25 people <every night>. Do you know the reason <the> Khmer Rouge

1 mistreated Cham people and arrested Cham people?

2 A. It is my little understanding that <> they wanted to eradicate
3 Cham <race from> Cambodia.

4 Q. You stated that they want to eradicate or exterminate Cham
5 people <from> Cambodia. Is that true what I summarized?

6 A. That is correct.

7 Q. You stated that Khmer Rouge wanted to exterminate Cham
8 people<. However,> in the past regimes, in Sihanouk regime and
9 Lon Nol regime, Cham people were not exterminated, so do you know
10 <as to> why <the Cham people were killed during the Khmer Rouge>?

11 A. I can give my response. In the previous regimes, no
12 discrimination, no racial discrimination; schools were open for
13 everyone including Cham people. Cham language <was> allowed to be
14 taught at school. English also was allowed to learn. In contrast,
15 Khmer Rouge did not allow us to learn our own language. Young
16 children were forced to collect cow dung. Only some people could
17 get education through <> a very minimal extent.

18 [15.20.55]

19 Q. Thank you. To my knowledge and based on the Khmer Rouge
20 documents, as you said, schools were everywhere in the country in
21 the previous regimes. During the Khmer Rouge, based on the
22 documents and evidence before the Chamber, schools did not exist.
23 Schools had not yet established at the time since the new
24 government had just come into control. I believe <> it was a
25 misunderstanding of Cham people that schools were closed down.

1 <Cham children were not allowed to go to school. That was a total
2 misunderstanding. Then they decided to stage a rebellion. So
3 what is your thought about this?>

4 [15.21.52]

5 MR. PRESIDENT:

6 <Counsel, I think your question is> far beyond what you should
7 ask. <How come could you draw a conclusion that it was the
8 misunderstanding of the Cham people who rebelled against the
9 Khmer Rouge control? Is this purely your own understanding or
10 what?> So please, focus on facts if you want to ask about
11 specific facts and if you want to know about the suffering
12 experienced by the civil party, please go specifically to that
13 suffering <but not such a philosophical presumption. Nobody knows
14 whether the rebellion was right or wrong yet. It could be wrong
15 in this regime, but it might be right in another regime. Only on
16 the Cham people staged rebellions, but other ethnic groups around
17 the globe would also stage rebellions to support their belief to
18 demand for certain things. Their rebellion at a certain time may
19 fail, but it could inspire their young generations continue to
20 fight for their cause. It is not appropriate when you put blame
21 on them.>

22 So please, lawyer, rephrase, reformulate your question and be
23 specific on the questions.

24 MR. SON ARUN:

25 From what I heard, the civil party said, <the> Cham people <were>

1 angry with the Khmer Rouge < because the Khmer Rouge killed
2 people including children -->

3 MR. PRESIDENT:

4 You <pointed out> that the civil party <was wrong. Are you
5 blaming the Cham people who had been killed by the Khmer Rouge
6 that they were wrong? I just wanted you to rephrase your
7 questions by avoiding pointing out someone is wrong. There is no>
8 justification <for what you raised>. It's not appropriate.

9 MR. SON ARUN:

10 Thank you, Mr. President. I am concluded with my questioning.

11 THE PRESIDENT:

12 Now, the floor is given to the Defence Counsel for Mr. Khieu
13 Samphan.

14 [15.24.16]

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. We have no questions.

17 THE PRESIDENT:

18 Now, Mr. Man Sles, do you wish to make a victim impact statement
19 or do you have any questions to put to the accused through me,
20 the President? If so, please proceed.

21 [15.25.06]

22 MR. MAN SLES:

23 Thank you, Mr. President. I may have two or three questions. The
24 questions are as follows: Question number one: Why did Khmer
25 Rouge hate Cham people?

1 Number two: Why <did> Khmer Rouge want to exterminate Cham
2 people?

3 The third question: In relation to <Islam,> why did Khmer Rouge
4 consider that Allah religion a reactionary or feudalism religion?

5 THE PRESIDENT:

6 Thank you. Mr. Man Sles, in accordance with Internal Rule 21.1(d)
7 of the ECCC at all stages of the proceedings the Chamber must
8 inform the accused of their rights to remain silent in relation
9 to the questions put to them.

10 On 8 January 2015, the accused made and expressed right to remain
11 silent. After ascertaining the position of both Accused, the
12 Chamber notes that the two Accused maintain their expressed
13 position unless and until such time the Chamber is expressly
14 informed otherwise by the Co-Accused or their counsels. It is
15 therefore incumbent upon them to inform the Chamber in a timely
16 and efficient manner should the Accused resolve to waive the
17 rights to remain silent and be willing to respond to questions by
18 the Bench or relevant parties at any stage of the proceedings.

19 [15.27.26]

20 As of today the Chamber is not informed that the Accused have
21 changed their expressed position and thus agrees to provide their
22 responses to questions.

23 And the Chamber wants to indicate that there is no provision
24 allowing the Chamber to force the Accused to give their
25 responses.

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1 The Chamber is grateful to you, Mr. Man Sles, for your statements
2 of victim impact and also your suffering, which you stated that
3 you endured during the Democratic Kampuchea. It is now the
4 conclusion of your suffering statement hearing. You may now be
5 excused. You may return to your residence or to anywhere you wish
6 to go. I wish you all the best. Good luck, good health and
7 prosperity.

8 [15.29.00]

9 Thank you, Mr. Bun Lemhuor, TPO staff.

10 The hearing of victim impact statement is now concluded.

11 The Chamber is now continuing to hear <the testimony of the civil
12 party> 2-TCCP-1015. So you are asked to <> remain seated during
13 the hearing of victim impact statement <until the end of this
14 afternoon session>.

15 Court officer, please help work with the WESU to send Mr. Man
16 Sles back to his residence or to anywhere he wishes to go, and
17 please invite 2-TCCP-1015 into the courtroom.

18 You can now leave the courtroom, Mr. Man Sles.

19 (Witness exits the courtroom)

20 [15.30.30]

21 MR. PRESIDENT:

22 I -- the Chamber forgets telling parties a while ago -- in fact,
23 <2-TCCP-1014> is scheduled to be here first, but because of
24 health reason<. The ECCC medical staff are monitoring the health
25 condition of the civil party 2-TCCP-1014. Therefore> the Chamber

1 decided to change<> the schedule and decides to hear 2-TCCP -1015
2 instead. Please be informed.

3 Is there any issue or problem with you, Lead Co-Lawyers for Civil
4 Parties, because of the change of the schedule to hear this civil
5 party first?

6 [15.31.49]

7 MR. PICH ANG:

8 Good afternoon once again, Mr. President. There is no particular
9 issue although there is a change in the schedule.

10 And I asked this civil party and I was told <> that she is ready
11 and Marie Guiraud is in charge of putting question to this civil
12 party.

13 Thank you, Mr. President.

14 QUESTIONING BY THE PRESIDENT:

15 Thank you. Madam Civil Party, what is your name?

16 [15.32.25]

17 MS. SIENG CHANTHY:

18 A. My name is Sieng Chanthly.

19 Q. Thank you, Madam Sieng Chanthly.

20 Could you tell us when were you born?

21 A. I was born on <14 April 1963>.

22 Q. <What> is your current address?

23 A. In Chong Preaek Village, Svay Rieng Commune, Svay Rieng
24 Province.

25 Q. What is your current occupation?

1 A. I <> work in the Ministry of Agriculture.

2 Q. What is the name of your husband and how many children do you
3 have?

4 A. I got divorced. I have one son.

5 [15.33.49]

6 MR. PRESIDENT:

7 Thank you, Madam Sieng Chanthy. As a civil party in this Chamber,
8 you may make a victim's impact statement, if any, concerning the
9 crimes which are alleged against the two accused, Nuon Chea and
10 Khieu Samphan, and harm suffered by you during the Democratic
11 Kampuchea regime between 17 April 1975 and <6> January 1979,
12 resulting in your civil party application to claim collective and
13 moral reparation for physical, material, or mental injuries as
14 direct consequences of those crimes.

15 And based on the request by the Lead <Co-Lawyers> for civil
16 <parties>, the Chamber gives the floor to the Lead <Co-Lawyers>
17 for civil parties to put questions to the civil party, related to
18 the harm and suffering that inflicted on her.

19 So if you have any questions, please proceed.

20 [15.35.16]

21 QUESTIONING BY MS. GUIRAUD:

22 Thank you-- <thank you,> Mr. President.

23 Good afternoon, everyone. And good afternoon, Madam Civil Party.

24 I will be the person putting questions to you this afternoon.

25 Q. You have been summoned to testify in regard to sufferings you

1 endured as a result of the treatment of <the> Vietnamese.

2 <Therefore,> I will put some specific questions to you on that
3 subject and on the sufferings you endured during the period of
4 Democratic Kampuchea.

5 In your civil party application, you <mentioned> as <moral> harm
6 endured -- and I'm referring <here> to document D22/366 -- <>
7 your father's suicide, following the threats made against him by
8 the Khmer Rouge, <and that this constituted moral> harm, <that>
9 you suffered during the period Democratic Kampuchea.

10 I would therefore like you to explain to the Chamber under what
11 circumstances your father was <driven to do this>, and how <his>
12 suicide affected you?

13 MS. SIENG CHANTHY:

14 A. Let me tell the Chamber about what happened to my <Vietnamese>
15 families.

16 My father <was> a Vietnamese. My <grandparents> were Vietnamese
17 living in Cambodia. In 1975, after 17 April of 1975, the Khmer
18 Rouge evacuated my family across Ou Smach (phonetic) Bridge, to
19 Chhuk Sa village<, Chheu Teal commune, Svay Chrum district> that
20 was the hometown of my parents.

21 When we arrived at the hometown of my parents, we<,> the 17 April
22 People,<> we were looked down by the <Base> People. They accused
23 us of being feudalist capitalist and of being Vietnamese
24 half-blooded. <My father could not bear such intimidation from
25 day-to-day. About 15 days later, he left Chhuk Sa village for

1 Ruessei Prey village, Chamlang commune, Svay Chrum district in
2 Svay Rieng province.>

3 [15.38.03]

4 <After, we had travelled> around <15> or 20 days which I could
5 not remember <clearly, we met> my <two brothers> were also
6 evacuated from Phnom Penh<. They were soldier and policeman.
7 Having settled there for 10 or 20 days, they were> sent to join
8 the study session. <They were released> about five or six month
9 later<. Then they were forced to work hard in the village.>

10 [15.39.07]

11 And later on in 1976 <or> 1977, <during the transplanting season
12 at around four or five in the afternoon, I saw two military men
13 coming to arrest my brother <, Chantha (phonetic) who had been
14 relocated from Ruessei Prei to Basak> and they tied him up and
15 walked him away. <He was beaten and ordered to run after a bike.
16 I saw him and he> shouted to me to tell my parents that he was
17 arrested. I did not dare to tell about this arrest to my mother
18 because my mother was sick. <She had shortness of breath.>
19 About half-month later, someone stole chickens in my village and
20 <> that person was taken to the district office<. After that
21 person was released, he told me that my brother Chantha
22 (phonetic) had been sent to the district office. I saw the arrest
23 of my brother and he was tied and ordered to run after a bike.
24 Anyone who saw him would pick up a stick and beat him. He was
25 beaten like animal.> I could recall what happened to him as of

1 now.

2 Later in 1977 -- and I cannot tell the exact month -- before the
3 attack into the country by Vietnamese troops, <> villagers had
4 been once again evacuated out of the village. On the way, we saw
5 <>people <who were being taken for study session. They were>
6 tied-up and there among the group there was my brother, elder
7 brother, and my mother at the time ran to my elder brother so
8 that she could give the rice to him. <But she did not reach him
9 as it was someone who took that rice from her.>

10 Seeing that, the <militiamen> kept beating my elder brother <with
11 a bamboo stick>. My mother at the time was running following the
12 elder brother and she was crying, shouting that, "I really wanted
13 to give the rice to you, my beloved son, but I cannot <reach
14 you>." My mother who was crying so terribly since she felt <>
15 pity for my elder brother. My father, at the time, <hugged my
16 mother and> consoled my mother not to cry <, otherwise the Khmer
17 Rouge would keep beating my elder brother.>

18 [15.42.09]

19 <Having stayed in Doun Leaeb for 10 days, the Vietnamese>
20 withdrew <their troops. After that ,we> were sent to Svay <K'aer
21 village, Ta Suos commune, Svay Chrum district>. At the time <the
22 cooperative put us in> the first group, the special force group,
23 and we worked in that group during the day-time and had to return
24 back to our shelter or location at night-time.
25 My father <> was in charge of planting vegetables so he was not

1 allowed to return home or location where we slept every night.

2 <Only my mother and I were allowed to return to our shelter.>

3 [15.43.15]

4 One day, I was sent to harvest rice about three or four

5 kilometres away from my house. My <elder> brother, <Chanthan>

6 (phonetic), was with me, but at the time during a mealtime, I did

7 not see him and I wanted to ask others about his presence but I

8 was prevented from asking.

9 When I returned home, I asked my father and mother and <I was

10 told that> my <> elder brother was sent to carry belongings of

11 the militiamen. <He was taken to be killed.> Four people had been

12 <taken>. After hearing this, I could not speak anything but wept

13 and hugged my parents crying.

14 After a few days, the three Vietnamese families in my village,

15 two families among the three were taken away. <The first family

16 they took was of a military major who had a Vietnamese wife>. Two

17 daughters from that Vietnamese family were raped and my father

18 was so terrified <when he saw the rape. He came and told my

19 mother that he saw the two daughters of Major Thun (phonetic)

20 being raped. He said he did not want to live anymore as he looked

21 totally different from others. He said he> did not want those

22 people to take <him> away <and kill him. He said it would be a

23 painful death, and that he would rather> commit suicide. My

24 <mother then begged him> not to commit suicide <at that time, and

25 she suggested that he may do it only when they came for him.>

1 [15.45.29]
2 My father <had attempted to> commit suicide <twice>. He wanted to
3 hang himself with the krama or scarf. And my mother implored my
4 father not to commit suicide<, and suggested that he may do it
5 only when they came for him. My father kept saying that he could
6 no longer bear the condition. He could not even eat>. My father
7 was so skinny at that time and I asked him why. He said he could
8 not eat <and he was so frightened>. And at the time, <when the
9 cooperative chiefs saw my father, they always said> that my
10 father<, Ta Thoeung (phonetic) was a pure> Vietnamese, <and he
11 was a Vietnamese puppet. He> had a fair complexion <which was
12 different from others. My father> was so terrified <and he dared
13 not look at their faces.>
14 <One> day at night-time, my father told <my mother> that when he
15 died he wanted to be buried and <> he said that after he died,
16 perhaps <the six children> could still survive since all of us
17 had black eyes, <and our skin was like others>.
18 I <kept imploring> my father <to stay with us, and not> go
19 anywhere <or> leave us behind. He <told me> that <I was the
20 biggest> daughter <around since my> two <elder sisters had
21 already been> sent away to work <in a mobile unit, and he asked
22 me to love and> take care of <my> younger <siblings after he
23 would be gone. He was so different that he was willing go alone>.
24 One <> week after my <elder sibling passed away>, my father
25 committed suicide. He hung himself <to> a <plum> tree <with a

1 rope used to tie cattle>. At the time while he was committing
2 suicide, I <was> sent away to <harvest rice> in the field <which
3 was about four kilometres from the village. My three younger
4 brothers were there>.

5 [15.48.05]

6 <That> morning at around 8 a.m., <villagers asked> my mother and
7 everyone to look at the <plum> tree <located to the north of the
8 village. Having heard that,> my mother realized that it <must be>
9 her husband<. She dropped everything and ran towards the tree
10 since she knew it clearly that it must be her husband. When she
11 got to the tree,> villagers <suggested that the rope be> cut <so
12 that his body would fall onto the ground>, but my mother implored
13 <others> not to cut off the branch, but to take <his body> off
14 the branch <accordingly>.

15 After they took off my father from the tree, <> the krama was
16 untied and the body of my father was <> laid on the ground, the
17 Khmer Rouge <> told everyone to drag <his> body along <the
18 embankment and bury it>. But <mother> implored <the Khmer Rouge
19 and she said my father had never opposed the Revolution. He was
20 terrified because his son had been taken away and killed seven
21 days ago and two Vietnamese families were also killed. He did not
22 want to die the way his son was, and that's why he> committed
23 suicide because he wanted <his six other children> to survive.
24 <He committed suicide for his children to live.>

25 <Before> my <father's body was> buried<, they made a> coffin <out

1 of> the palm leaves to cover him <but> his legs <>were <still
2 exposed. My mother told me that his> body <was not> fully covered
3 <by the> <palm-leave> coffin.

4 Not long, two days, three days or perhaps 10 days later I could
5 not recall it well since I was young at the time, I was whispered
6 by a villager, but first I want to backtrack a little bit. I want
7 <>to tell the Court about my elder sibling, <Chantha>, who was<,
8 detained at Ta Suos district office. It was the time> before my
9 father died.

10 [15.51.10]

11 While I was walking<> on the embankment <on the way to work>, my
12 elder brother was <among those who were being taken for an
13 education session. I did not recognize him as he was so thin.> He
14 called to me <by> my <nick> name <of> Amia (phonetic). <I then
15 knew it was him immediately, and I asked him as to how he was so
16 skinny.> He asked me whether I had tobacco. He wanted to have
17 some tobacco <to smoke>.

18 My mother knew that my <elder brother> was working close to the
19 place where we <worked> and she <brought along some> tobacco with
20 her <in her armpit> so that she <would> drop <it> off <there for>
21 my elder sibling <to> pick it up. In fact, my elder brother
22 thought that rice would be wrapped secretly <for> him to eat, but
23 my mother did not dare to wrap the rice because she was afraid
24 that <he would be mistreated again.>

25 [15.52.34]

1 <After meeting my elder brother, my mother> went back home. She
2 <> drank water and she was choked with water, almost died at the
3 time. <It was like she was dying.> She asked me for help and
4 after a while she was relieved.

5 This is the truth. I am not telling lies to this Court. It is the
6 truth. It is the misery <that> my family <went through>. It is
7 really the misery that I have experienced in my life.

8 And, later on, and when -- after my father had passed away, my
9 mother <> detained herself in the house <for three months>. She
10 did not want to go <anywhere or meet anyone. She kept crying> in
11 the house. She <refused to> eat <or she ate> very little <>rice
12 <when I fed her>. She <attempted> to commit suicide after my
13 father had died. I <then kept imploring> her <to stay with us
14 and> not leave us behind <as my father had already gone. I told
15 her that we, her children were still young, that we would not
16 have anyone to depend on, and that together we had to endure the
17 condition>.

18 My mother was crying every time. She was crying almost every day.
19 Sometime she cried and she -- because she cried too much, there
20 was no more tears out of her eyes while crying. And there was
21 sometimes when she yawned, her jaw was locked.

22 MR. BUN LEMHUOR:

23 Are you relieved, Madam Civil Party?

24 BY MS. GUIRAUD:

25 Madam Civil Party--

1 [15.55.35]

2 MR. PRESIDENT:

3 Please hold on, Civil Party, and observe microphone.

4 MS. SIENG CHANTHY:

5 After the body of my father had been buried -- in fact, at the
6 time I was not there to see and after I returned from harvesting
7 rice, I met my younger sibling <who was 6 or 7 years of age
8 looked> very sad, and I talked to her but she replied nothing.
9 She did not say anything to me.

10 [15.56.14]

11 When <>I walked into the house, my mother told me to go and find
12 rice to eat and I was asked to go <into> kitchen hall to fetch
13 rice for my younger siblings to eat. When I reached kitchen hall,
14 everyone was staring at me, and I was thinking at the time that
15 it was the time for my family members, we perhaps would be taken
16 away on that day. And I pat <> the back of my neck, and I <was
17 thinking to myself of the spot on the back of my neck where I
18 would be chopped with a machete. I was thinking that I would be
19 killed with just a strike of machete or be shot with a rifle.>
20 <I went to the kitchen and asked for some rice for my mother and
21 siblings.> And a little while later<, my mother told me that my
22 father had passed away. The moment I heard that I was shocked as
23 my elder brother had just been killed some days ago. I could not
24 even cry>. I could not describe the feeling <at that time>. I was
25 not able to cry. I <felt such a feeling and the moment that I was

1 not able to cry>. I was quiet and stiff. My mother kept weeping
2 and <I hugged her. It was <getting dark and my mother handed a>
3 cigarette lighter <> to me to light the <torch> so that the house
4 was <illuminated. Only when I received the lighter from my mother
5 did I start breaking down>. In fact, <it was my father who would
6 hand to me> that cigarette lighter <every evening to light the
7 torch. He would hand it to me and asked me to light the lamp or
8 torch every evening. So the moment I received the lighter from my
9 mother,> I realized that I no <longer had a person to call>
10 father<>. I had no father now. I was talking to myself that I was
11 half-blooded Vietnamese and I did not know when it was my time to
12 be taken away. <When I saw the sun rising in the early morning, I
13 told myself that I survived another day. However, at 2 p.m. or 3
14 p.m.> I was scared that I would be taken away <and> killed.

15 [15.58.37]

16 <No one> talked to me while I was working. I was carrying earth
17 myself alone and I carried the basket full of earth at the side
18 of waist<, while my co-workers were working in pair.> And <no-one
19 talked> to me. <In Pol Pot regime, my name was Ya (phonetic). I
20 asked <>my co-workers <for the reasons that> they did not <talk
21 to me>. <They said that, "my parents and family members did not
22 want me to talk to you, Ya (phonetic) because they <were> afraid
23 that I would be taken away to be killed <as well for having
24 associated with> you, Ya (phonetic) <because you were a
25 half-blooded> Vietnamese."

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1 <Therefore, I worked alone, but they worked in pair. I ate alone.
2 Why did they discriminate Vietnamese in that regime?> Although I
3 was half-blooded Vietnamese <.> I could not <even> speak <a word
4 in> Vietnamese language.

5 [15.59.45]

6 During the time that I lived in Pol Pot regime, I lived in a
7 fearful situation every day. I was afraid that I would be taken
8 away and killed.

9 While I <am> describing this story to you, this experience to
10 you, <>I feel <like> it is <a> fresh <occurrence> in front of me
11 now. <It is like a movie screening about the miseries that I
12 experienced in Pol Pot regime. I lost my beloved father and my
13 two elder brothers who suffered miserably from the tortures.>
14 Today, even when a theft or an offender is arrested and beaten in
15 front of me, I do not dare to look at that incident since it
16 reminds me of what <was> happening to my brother <who was being
17 beaten right before me>. This feeling <has haunted> me <forever>.

18 MR. PRESIDENT:

19 Thank you, Madam Sieng Chanthy. The hearing of victim impact
20 statement and sufferings of you as a civil party has not come to
21 an end yet. You are therefore invited to be here once again to
22 state your statement and statement of suffering tomorrow at 9
23 a.m.

24 Thank you, Bun Lemhuor, TPO staff, for being here and assist the
25 civil party in the testimony of statement of sufferings <of the

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1 civil party Sieng Chanthy.>

2 <You> may now be excused.

3 Court officer, please work with WESU to send Madam Sieng Chanthy
4 back to <> the place where she is staying right now, and please
5 invite her back into the courtroom tomorrow at 9 a.m.

6 It is now an appropriate time for the adjournment. The Chamber
7 will resume its Hearing tomorrow, 1 March 2016, at 9 a.m.

8 [16.02.31]

9 Tomorrow, the Chamber will continue hearing the suffering of
10 Sieng Chanthy and then 2-TCCP-1014.

11 Please be informed and please be on time.

12 Security personnel are instructed to bring the two Accused back
13 to the ECCC detention facility and please have them returned into
14 the courtroom tomorrow before 9 a.m.

15 The Court is now adjourned.

16 (Court adjourns at 1603H)

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