



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

25 August 2016

Trial Day 445

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Jan-22, 11:30

CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Doreen CHEN
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Roger PHILLIPS

Lawyers for the Civil Parties:
CHET Vanly
Marie GUIRAUD
PICH Ang
SIN Sowon
VEN Pov

For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Travis FARR
Coman KENNY
Nicholas KOUMJIAN
SENG Leang
SREA Rattanak

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

Mr. YOS Phal (2-TCCP-232)

Questioning by The President (YA Sokhan) page 8

Questioning by Ms. GUIRAUD..... page 11

Questioning by Mr. KENNY page 34

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHEN	English
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KENNY	English
Mr. KONG Sam Onn	Khmer
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (YA Sokhan)	Khmer
Mr. YOS Phal (2-TCCP-232)	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear testimony of a civil party, namely,
6 2-TCCP-232. This is because the health condition of 2-TCCP-264 is
7 still not good, and that is based on the medical report, which
8 states that the civil party cannot testify, as he still needs
9 medical treatment.

10 Ms. Chea Sivhoang, please report the attendance of the parties
11 and other individuals to today's proceedings.

12 THE GREFFIER:

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

15 Mr. Nuon Chea is present in the holding cell downstairs. He has
16 waived his rights to be present in the courtroom. The waiver has
17 been delivered to the greffier.

18 The witness -- the civil party, rather, who is to testify today,
19 2-TCCP-232, is ready to be called by the Chamber. And there is no
20 reserve witness today.

21 [09.06.08]

22 MR. PRESIDENT:

23 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
24 request by Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea, dated 25 August

2

1 2016, which states that due to his health, that is, headache,
2 back pain, he cannot sit or concentrate for long and in order to
3 effectively participate in future hearings, he requests to waive
4 his right to be present at the 25th August 2016 hearing.

5 He advises that his counsel advised him about the consequences of
6 this waiver, that in no way it can be construed as a waiver of
7 his rights to be tried fairly or to challenge evidence presented
8 to or admitted by this Court at any time during this trial.

9 Having seen the medical report of Nuon Chea by the duty doctor
10 for the accused at the ECCC, dated 25 August 2016, which notes
11 that Nuon Chea has a chronic back pain and it becomes severe when
12 he sits for long and recommends that the Chamber shall grant him
13 his request so that he can follow the proceedings remotely from
14 the holding cell downstairs. Based on the above information and
15 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
16 grants Nuon Chea his request to follow today's proceedings
17 remotely from the holding cell downstairs via an audio-visual
18 means.

19 The Chamber instructs the AV Unit personnel to link the
20 proceedings to the room downstairs so that Nuon Chea can follow.
21 That applies for the whole day.

22 [09.08.21]

23 The Chamber received information that the defence team for Khieu
24 Samphan -- from the defence team for Khieu Samphan via an email
25 that they want to -- regarding -- to make an oral submission

3

1 regarding the memorandum issued by the Chamber yesterday, that
2 is, <E2327/4/5 (sic)>. And I'd like now to hand the floor to the
3 defence team for Khieu Samphan to make that submission.

4 You may proceed.

5 [09.09.17]

6 MS. GUISSÉ:

7 Thank you, Mr. President. Good morning. Good morning to all of
8 you. A few very short remarks and requests.

9 Yesterday we received a memo from the Chamber, E327/4/5, in which
10 we were informed that the Chamber obtained a certain number of
11 documents from an American university coming from Vietnamese
12 archives, which <a priori> arrived recently, apparently,
13 following a request that was made three years ago, however. And
14 the Chamber is asking us to make observations on the
15 admissibility of these <potential> documents before the 30th of
16 August, that is to say, within the next five days.

17 And the Chamber is also telling us that other documents are being
18 translated and that we might have other observations to make
19 before the <15th> of September.

20 So my first request is to say that the 30th of August, as a date,
21 even if we understand that the Chamber wants to act fast <because
22 things are moving forward,> but concretely speaking, in terms of
23 organization, it will not be possible for us to file submissions
24 regarding the admissibility of these documents by 30th of August.
25 Because we have to read these documents and we have other things

4

1 to take care of, of course, too. Knowing that we're dealing with
2 a segment where there's practically one witness testifying every
3 day and we have to also prepare the testimony of an expert who's
4 going to come very soon, so the 30th of August is not manageable
5 for us <on the Defence>.

6 [09.10.57]

7 So we would like to see with the Chamber if it would be possible
8 to change this deadline. Maybe we should establish the <same>
9 deadline for all documents, because since we're going to be
10 speaking about admissibility, I think that observations will be
11 the <similar>, pretty much, based on what we're going to read.
12 And I'd like to let you know that these are translations of
13 translations. There are only four documents that will be in
14 French, as far as I understand, so that's an extra difficulty for
15 us, so we have to, therefore, work on translations of
16 translations and we have to make observations that are complete
17 <and useful> on that basis. So regarding the 30th of August as a
18 deadline, it appears impossible to us, so we are kindly
19 requesting the Chamber to maybe revise that deadline.

20 [09.11.54]

21 And I'm also now taking advantage of the opportunity given to me
22 right now to speak. The Chamber told us during the last TMM, that
23 the Chamber did not oppose the deadline of the 30th of September
24 to address all the 87.4 requests made before the 1st of September
25 coming from the Co-Prosecution, but since the decision has not

5

1 yet been <officially> issued we would like to know if the
2 decision will be issued soon. Because as far as our <team's>
3 organization and as far as the sharing of the work within our
4 team, that's also going to have an effect.

5 So, these are the two points that we want to raise, reminding you
6 that, in our team, based on the way we divide our <work>, there
7 are things that can be done by people who are not present at the
8 hearing at certain times, but we, as lawyers <are> present in the
9 courtroom every day, <and> there are certain things that we
10 cannot do. So the deadlines set by the Chamber have to take into
11 account that reality in terms of the <Defence team's
12 organization>.

13 So those are the brief observations I wanted to make with regard
14 to the request we want to make this morning.

15 [09.13.15]

16 MR. PRESIDENT:

17 Co-Prosecutor, you have the floor.

18 MR. DE WILDE D'ESTMAEL:

19 Good morning, Mr. President. Good morning, Your Honours. Good
20 morning to all parties.

21 We do not have much to say. We are going to rely on the Chamber's
22 wisdom regarding the request to postpone the deadline for the
23 observations relative to the documents coming from Vietnam.
24 Whether it be 30th of August or 15th of September <2016>, in both
25 cases we will rely on the Chamber's wisdom as far as we are

6

1 concerned.

2 I simply would like to signal to the Chamber, that it might be
3 necessary to review the table that provides the detail of the
4 different documents that are annexed because, as far as I see,
5 there are a certain number of documents that do not correspond to
6 the annexed elements, so we have problems, in particular, with
7 regard to document 5, E327/4/5.1.

8 [09.14.31]

9 The list in the table<, in document 5,> does not seem to
10 correspond to the English ERNs, which should be annexed. In any
11 case, the title does not match, and it's rather a document that's
12 available, 01313105 to 106, that seems to match document 6,
13 rather.

14 Furthermore, in this table we see that there are a certain number
15 of titles that do not seem to correspond to the annexed
16 documents, in particular, a certain number of dates that do not
17 seem line up. For example, document 7, which is titled in English
18 "A meeting of the Standing Committee Office of Pol Pot assigning
19 work on 4th of February '76", the annex mentions 1974.

20 At number 8, the document -- it does not seem that the annex
21 matches with the document, either.

22 And number 10, the title of the document "A Conference of 870
23 from the 1st until the 5th of October of 1979" and, in reality,
24 when we open the document, we see that it's October 1975, and not
25 October 1979.

7

1 [09.16.01]

2 So there might be a few revisions to make with regard to this
3 table but, in any case, regarding the requests formulated by the
4 defence, well, then, we will rely on the Chamber's wisdom. And if
5 you tell us that the deadline remains the 30th of August, well,
6 then we will make our observations for that deadline. And if it's
7 15th of September, we will also <adapt to that>.

8 Thank you.

9 MR. PRESIDENT:

10 Lead Co-Lawyer, you have the floor.

11 MS. GUIRAUD:

12 Thank you, Mr. President. Good morning to all of you.

13 No specific observations coming from the civil parties. We will
14 rely on the Chamber's wisdom.

15 [09.16.54]

16 MR. PRESIDENT:

17 Counsel for Nuon Chea, you have the floor.

18 MS. CHEN:

19 Good morning, Mr. President, Judges and parties.

20 Just to quickly say that we second the Khieu Samphan team's
21 request. We are in the same position. For us, it's just a
22 logistical impossibility at this point to be able to file these
23 responses in time. My team's given me a list of the things that
24 we have to do.

25 We have one filing due to you on Monday, two on Wednesday, a list

8

1 of documents for an expert on Wednesday. The Prosecution filed
2 two filings this week which we'll need to respond to as well in a
3 short time, and we have any number of other things to do. And
4 then in addition, obviously, we have these ongoing witnesses.
5 As my learned counsel said, there's a new witness every day. One
6 of those next week is one of our witnesses, so -- and we have --
7 I'm not sure if this is something you're aware of. We have more
8 than half the drafting team here in Court with us, so
9 logistically, it's just -- it's just not possible for us to
10 manage it all in time. So we'd be grateful for your consideration
11 in this regard.

12 Thank you.

13 [09.18.02]

14 MR. PRESIDENT:

15 Thank you, all parties, for your observation.

16 Court officer, please ask the civil party, 2-TCCP-232, into the
17 courtroom.

18 (Civil party enters the courtroom)

19 [09.19.26]

20 QUESTIONING BY THE PRESIDENT:

21 Before we begin to hear testimony of the civil party, the Chamber
22 notes that the civil party has been interviewed in an ongoing
23 investigation in a separate case. The International
24 Co-Investigating Judge put the civil party into Group A amongst
25 the three groups in his memorandum, E319/35, and requests that

1 pseudonym shall be used to refer to this civil party in order to
2 maintain the confidentiality of the ongoing investigation. And
3 the Chamber deems such measure is appropriate according to the
4 law.

5 And the Chamber also notes the publicity of the hearing as well
6 as the integrity of the ongoing investigation, and parties are
7 reminded to adhere strictly to the memorandum E319/7 in relation
8 to the use of disclosure materials from other cases.

9 Q. And Mr. Civil Party, in the proceedings before this Chamber
10 and in accordance with the request by the Co-Investigating Judge,
11 you only shall be referred to by pseudonym, that is, 2-TCCP-232.
12 And generally, parties will refer to you as a civil party. And
13 please be assured that the Chamber will not allow the parties, as
14 well as Judges of the bench, to use your name or your family name
15 in this proceeding.

16 [09.21.15]

17 And Mr. Civil Party, we would like you to refer to your
18 identification information in document E3/5733, in Khmer,
19 document <00461845 (sic)> to <00411855>; English, 00850849 to 50;
20 and there is no French translation of the relevant pages. Please
21 refer to the section highlighted in orange in terms of your name,
22 nationality, date of birth, place of birth, occupation, the names
23 of your parents, your wife and the number of children and whether
24 such information is correct.

25 And after you review it, please simply say "yes" or "no".

10

1 (Short pause)

2 [09.22.50]

3 MR. YOS PHAL:

4 A. The information is correct, Mr. President.

5 Q. Mr. Civil Party, you are summoned as a civil party in the
6 proceedings before this Chamber, and, toward the conclusion of
7 your testimony, you will be given an opportunity to make a
8 statement of harm and suffering as a result of crimes that
9 happened to you during the Democratic Kampuchea period. And Mr.
10 Civil Party, have you been interviewed by OCIJ investigators? If
11 so, how many times, when and where?

12 [09.23.40]

13 A. I met with the Co-Investigating Judge at my house on one
14 occasion, and I came to testify here on another occasion.

15 Q. Thank you. And before you appeared, have you reviewed or read
16 the written records of your statements that you provided to OCIJ
17 investigators in order to refresh your memory?

18 A. Yes, I read the statements on several occasions.

19 Q. Thank you. And to the best of your knowledge and recollection,
20 can you tell the Chamber whether the written records of your
21 statements that you have read are consistent with what you told
22 the OCIJ investigators?

23 A. Yes, they are.

24 [09.24.50]

25 Q. Thank you. Pursuant to Rule 91 bis of the ECCC Internal Rules,

11

1 the Chamber hands the floor first to the Lead Co-Lawyers for
2 civil parties to put question to this civil party. And the
3 combined time for the Lead Co-Lawyers and the Co-Prosecutors are
4 two Court sessions.

5 You may proceed.

6 QUESTIONING BY MS. GUIRAUD:

7 Thank you, Mr. President. Good morning, Civil Party. I'm going to
8 put questions to you this morning on your wedding during the DK
9 period.

10 Q. And I'm going to start with this first question, which is were
11 you married during the DK regime?

12 MR. YOS PHAL:

13 A. During the period of Democratic Kampuchea regime, I was not
14 properly married. And I was forced to marry.

15 [09.26.08]

16 Q. Can you tell us where this marriage, <which> as you said <was
17 forced>, took place; in which commune, which district and which
18 province?

19 A. The forced marriage took place at Ang Poun (phonetic) in Prey
20 Ampek (phonetic) village, Srangae commune, Treang district, Takeo
21 province.

22 Q. Can you explain to the Chamber where you came from before you
23 arrived in that commune?

24 A. I'd like to inform the counsel that I arrived in the commune,
25 but I was already part of the district mobile unit. I came from

12

1 Roneam commune to Srangae commune within the same district of
2 Treang in Takeo province.

3 Q. Were you considered as a New Person, someone from the New
4 People?

5 A. Yes, I was considered a New Person.

6 Q. Do you remember the year or the period when your wedding took
7 place?

8 A. I got married in around mid-1978.

9 [09.28.26]

10 Q. Thank you. When you were questioned by the OCIJ, and I'm
11 referring here to document E3/4611, at answer number 6 in all
12 three languages, you said that you got married at the end of
13 1978.

14 So can you provide us with more details? You're telling us middle
15 of 1978, but you said end of 1978, so is there an element, maybe,
16 that might refresh your memory?

17 Do you remember, for example, if it was during the dry season or
18 during the rainy season in 1978?

19 A. When I was forced to marry, it was the start of the rainy
20 season. There was some water in the rice field at that time. So
21 the marriage took place in between mid and late 1978, although I
22 cannot recall the -- the exact month, as it happened 37 or 38
23 years ago. And currently, my memory does not serve me that well.

24 [09.30.09]

25 Q. You said a while ago that you were part of the New People.

13

1 What was your occupation before the liberation of the country in
2 April 1975?

3 A. Yes. When the country was liberated in 1975, on that day, I
4 was happy -- I was happy when it was 9 a.m. in the morning. But
5 when it was 3 p.m., I became very upset when the Khmer Rouge
6 evicted us out of Phnom Penh. I saw dead bodies everywhere. I
7 felt unhappy.

8 Q. Thank you, Civil Party. My question was, actually, what was
9 your occupation, what was your work prior to April 1975?

10 A. Before 1975, I was a student at Takeo high school. And later
11 on, I became a policeman in Phnom Penh. The office was based at
12 the Chaktomuk town hall.

13 Q. Were the Khmer Rouge cadres in your village and your commune
14 aware of your past as a police officer <in 1978, before your
15 marriage>?

16 A. Concisely speaking, before 1978 -- before 1978-75, <> the
17 Khmer Rouge cadre were not aware that I was a policeman. They
18 only knew that I was a student and a monk. If they <were> aware
19 that I was a policeman, I would not come to testify today. <I
20 would have disappeared.>

21 Q. Were you married or engaged, before mid-1978, when you got
22 married?

23 [09.33.25]

24 A. Before the Khmer Rouge required me to get married, I had been
25 already engaged. I had a fiancée. We loved each other so much. We

14

1 were prepared to get married, but the circumstances did not allow
2 us to do so because the Khmer Rouge did not allow me to get
3 married to my fiancée.

4 Q. Can you tell the Court about your fiancée? What was her name?
5 When did you meet her, and was she with you in that village and
6 commune in 1978? And had she <gone with you>?

7 A. Yes, I can elaborate on this.

8 The woman was an orphan, but she had a business skill. Because I
9 was a student at the Takeo high school and I noticed that she had
10 business skills, I loved her and I proposed to her parents and
11 relatives. Her parents and relatives agreed to my proposal.

12 We -- we loved each other, and we became engaged. And we loved
13 each other with our heart.

14 Whenever we had food, we would share with each other. We hoped
15 that, in the future, we would live together as husband and wife.

16 [09.35.47]

17 Q. Was she with you in the same village and commune in mid-1978,
18 when you were forced to get married, to echo the words you've
19 used? Was she at the same place with you?

20 A. At that time, I was in the district mobile unit, District 107.
21 She was also in the same mobile district unit, 107, but she was
22 in a female unit while I was in the male unit. And we could not
23 contact each other because, at that time, if we had relationship
24 with each other, especially love relationship, we -- the unit
25 chiefs would not spare us. We would be smashed. Therefore, we did

15

1 not meet each other. I only knew that I was in the male unit
2 while she was in the female unit.

3 Q. Can you explain to the Chamber how you <learnt> that you had
4 to get married?

5 [09.37.30]

6 A. I was aware of my marriage because, at that time, the
7 Vietnamese soldiers attacked Takeo province. They entered about
8 40 kilometres into our territory, and they considered me as
9 having good biography because when I worked, I worked hard
10 carrying <dirt>. They saw I had a thin physical appearance. It
11 was a bony figure.

12 The chief of the unit said that, "Comrade, you are mature now.
13 Angkar want to arrange family for you." I was quiet when he --
14 when the unit chief told me like that. I did not dare to refuse.
15 I was scared.

16 Q. When did you hear of the existence of the person who was going
17 to be your wife?

18 [09.39.30]

19 A. I was not aware of her. Only the people in the female unit
20 would know about that. As for the people in the male unit, they
21 did not know anything about that.

22 I would like to tell about an event. One day, they place 10 men
23 from the mobile -- male mobile unit and 10 women from the female
24 unit to stand in opposite to each other, and when the men smiled
25 and talked to the women, the men were taken away and smashed. So

16

1 we did not dare to talk. We -- we only focused on our work.

2 Even the women were our siblings, we would not dare to talk. We
3 would not dare to talk to them because the militia men would
4 arrest us if they saw us talking to women.

5 Q. Did you try to propose as a wife your fiancée who was with you
6 in the mobile unit?

7 A. I never proposed that. I never proposed that because I was
8 terrified. I only focused on my work for the revolution. Whatever
9 assigned to me, I followed the order. Because I was a New Person,
10 I did not have the right to speak. Only the Old People or the
11 Base People had such rights to propose or to speak. During DK
12 regime, I had no rights at all to speak.

13 Q. You stated a while ago that you had not known the identity of
14 your wife before your marriage. Can you explain to the Chamber
15 when you met your wife and when it was explained to you that she
16 was <in fact> going to become your wife?

17 [09.42.32]

18 A. I never saw her before. When they required us to match with
19 each other and to commit to each other, I was the 42nd couples. I
20 did not even see her at that time, although she was standing
21 nearby me. I was not familiar about her appearance because I did
22 not dare to look at her. I felt so scared of my unit chief.

23 Q. Thank you, Civil Party. When you were interviewed by the OCIJ
24 still with regard to answer number 6, and it's still document
25 E3/4611, you stated, and let me quote what you said, that you had

17

1 told Ry, your unit chief, that you had a fiancée, and this is
2 what you stated:

3 "Ry asked whether my fiancée had a family, <or> siblings, who had
4 been smashed by Angkar. I told Ry that my fiancée's <older
5 brother> was a soldier and <that he had been> smashed by Angkar.
6 Ry told me that I could not marry her. Ry told me that if I were
7 a child of Angkar, Angkar thus <would> select a woman <for me to>
8 marry." End of quote.

9 Is this something you recall today, that you spoke to Ry <about>
10 the <fact that you had a> fiancée?

11 Can you somewhat explain to the Chamber what happened thereafter?

12 [09.44.45]

13 A. Yes, I can tell the Chamber. When Unit Chief Ry called me to
14 meet him while I was carrying the earth from the higher area to
15 the lower area, his mention -- his messenger came to call me that
16 the unit chief wanted to meet me. I put the basket down and I
17 went to meet him. <I kneeled down before him.>

18 The unit chief asked me, "Comrade, do you want to get married?" I
19 answered, "It depends on you, Brother."

20 Then Ry continued the question, "Comrade, do you have a fiancée?"

21 I answered, "Yes, I do." He asked, "Where is your fiancée?" I
22 answered, "She's in the same village with mine."

23 He asked, "Does your fiancée have any relatives who were smashed
24 by Angkar?" I said, "One of her brothers was smashed by Angkar."

25 Ry then asked me another question, "If Angkar smashed members of

18

1 her relatives, you cannot get married to that woman. Some days
2 later, you will all -- you would -- you would also be killed like
3 the relatives of that woman because members of her families were
4 under investigating -- were under investigation by Angkar, so you
5 have to change your mind now. Now you are the son of Angkar. What
6 do you think? Do you want to die or do you want to live? If you
7 get married to that woman, you will die because when we dig the
8 grass, we have to dig out the root."

9 [09.47.20]

10 So he forced me to answer quickly because there are many other
11 people which he would need to talk to. And I told him that I was
12 the son of Angkar, so it depended on him now to decide on my
13 behalf. Because I was so terrified, I was afraid that I and that
14 woman would be killed and my relatives would also be killed, I
15 gave my answer that I was the son of Angkar.
16 And then he asked me again, "Are you the son of Angkar?" And then
17 I confirmed my answer, "Yes, I am the son of Angkar." He asked me
18 three times, "Are you the son of Angkar?" and I kept answering
19 the same, "Yes."
20 And then he recorded my answer into his notebook. He put number
21 1, number 2, number 3 in the notebook. I had to agree with him.
22 If I said otherwise, if I did not follow the instruction from
23 him, I would be sent to prison. Therefore, I had to answer like
24 that so that I would survive. That's my answer.

25 [09.48.45]

19

1 Q. Thank you for these explanations. Before talking of the
2 ceremony as such, during which you <met> your wife, can you tell
3 me whether there was a time when there was a meeting before the
4 ceremony during which you were <told you were going to> be
5 married?

6 A. No, there was not any important meetings. They simply called
7 three or four males and they told us that, "Comrades, you are
8 mature now, so I will arrange marriage for you because you do
9 good jobs." And that's what they said to us. Because we were so
10 overwhelmed with our work with digging canal and carrying earth,
11 they told us that, "You did good works. In the near future, we
12 will arrange marriage for you."

13 [09.50.04]

14 Q. Thank you. The reason why I'm putting this question to you is
15 that in your supplementary information sheet, E3/4612; the ERN in
16 French is 00938428; in Khmer, 00580746 to 47; and in English,
17 00861858; it is stated as follows, and I would like to know
18 whether it tallies with what you can remember or not. This is
19 what is stated in the document<, and I quote>.

20 "One day, the unit heads, Put and Ry, summoned me to attend a
21 meeting attended by 50 men and 50 women. The unit head, Put, said
22 that we were Angkar's children and that we had reached the age to
23 be married. 'Angkar will marry you. You have to respect Angkar's
24 decision. If you refuse, you will be exterminated as those from
25 Sector 33.'"

20

1 And it is stated in the document that that happened three
2 <months> before the day of the marriage. "We did not know who was
3 going to get married to whom."

4 [09.59.30]

5 <Mr.> Civil Party, my question to you is as follows. You have
6 referred to a meeting with three or four men. In this document,
7 mention is made of 50 men and 50 women. Mention is also made of
8 an example given by Put and Ry regarding Sector 33. And you
9 stated that a meeting was held three months before the marriage.
10 Does this refresh your memory? Is it in line with what you can
11 recall today, what you have to tell the Chamber?

12 A. During the three months, Ry told me long time ago, but I would
13 like to tell about the identity of Comrade Put. Put was the
14 district -- was like the district chief. He was in charge of the
15 youth group in my district during that time.

16 [09.52.54]

17 He said that the 50 couples, 50 male, 50 females, "You are all
18 the children of Angkar so you have to obey Angkar." He said so
19 during the commitment at the marriage ceremony. Put said that,
20 "Because you are the children of Angkar, you are not allowed to
21 reject." Because at -- he raised an example of what happened in
22 Sector 33 in Kampong Speu province where the woman <from Prasat
23 Phnum Da (phonetic), Phnum Borei, Angkor Borei district, Takeo
24 province,> had an ugly husband and the handsome man had an ugly
25 woman. And the beautiful woman prayed to a Neakta for her husband

1 to die and the handsome man prayed to the Neakta for his wife to
2 die. And when the chief of Sector 33 were aware of this, he said
3 that, "If all of you followed the examples of those people in
4 Sector 33, you all would be smashed. So both the beautiful ones
5 and the ugly ones would be smashed if you follow the examples of
6 those people."

7 I was also aware of this incident, because when <I was in a
8 mobile unit,> I went into the forest in <the east of Phnum
9 Borei>, I saw skeletons of human being. I thought that those
10 skeletons belonged to the -- the males and female -- and females
11 who were killed.

12 [09.55.13]

13 Q. Thank you. Let us return, if you will, to the very day of the
14 marriage. Can you explain to the Chamber how the ceremony
15 unfolded?

16 <What time> was it held, and where? Who presided over the
17 meeting, if you do recall? How were the couples aligned
18 physically <in the room>? In the whole, what can you tell us
19 regarding that ceremony?

20 A. One day, at night time, Ry, the unit chief, told his
21 messengers to tell all youths, but that this -- but the marriage
22 ceremony took place on a hill called Ta Ang Poun (phonetic) in
23 Prey Ampek (phonetic) village, <Srangae commune, Treang
24 district,> Takeo province. They built a long makeshift cottage
25 and another small makeshift cottage for Put and the unit chief of

22

1 the -- the unit chief of the female units. I was not aware of the
2 leader of the female unit. I was only aware of Put.
3 They called 50 males to stand in lines according to numbers from
4 1 to 50, and they educated the men that, "Today, all of you would
5 be married by Angkar." And they gave instructions in many
6 aspects; for example, you have to follow Angkar, Angkar is your
7 parent, no one is above Angkar.
8 And after that, they separated the 50 into groups of 10. And Ry
9 and other unit chiefs stand -- were standing around the ceremony
10 place.
11 [09.58.02]
12 And then Put, the unit chief, told to Comrade Pet, also the
13 leader of the female unit, to bring the 10 females from the group
14 of 50. And then other unit chiefs came to take microphone to
15 speak in order to educate the couples to commit to each other, to
16 love to each other and then they called on, one by one, to come
17 out and to commit to their marriage.
18 And they had -- they had to say that, "I love her. I would live
19 with her." And then the woman also was called out one by one to
20 say the same thing.
21 So, the person who was standing at the first of the line, number
22 1, came out first and then followed by the person who was
23 standing in the second and then the third. I was in the -- the
24 42nd couple. When it came to my turn, I also came out just like
25 those people who did it before me.

1 [09.59.42]

2 Among the groups that were matched by Angkar, some of them got
3 their -- their loved one. Perhaps they had good biography that
4 they were matched with their loved one. As for me, I did not know
5 about my -- my spouse. I did not dare to look at her face.

6 When it came to my turn, I came out and made a commitment that,
7 "I thank Angkar, Angkar is my parent. I would -- I will follow
8 whatever Angkar order me to do."

9 And the chief of the unit ordered the other couples to make the
10 same commitment, to make the commitment short and precise just
11 like mine.

12 Q. Thank you. When did you learn about the identity and the name
13 of the person who became your wife that day?

14 A. After I got married, the unit chief sent us to our respective
15 units. And next day, the members of the unit, including myself,
16 went to raise dyke system or to dig canal or to flatten the soil,
17 and we work all day that day. And at night time, after we had our
18 meal and they made some beds for vegetable and Ry told us to
19 stand along those beds, and so I did. And this female, Pet,
20 brought along our wives to the rows where we were standing.

21 [10.02.27]

22 Then they instructed us to go together and to find a place to
23 sleep. And they -- the place where we were going to sleep were
24 small, but there was no choice, so I had to follow the
25 instruction of the unit chief. And I then slept there together

24

1 with my wife, but we were -- we considered one another as
2 siblings and I did not touch her.
3 And of course, during the regime, we were all emaciated and
4 nobody had any sexual feeling for one another due to the
5 exhaustion. And since we were introduced to one another when it
6 was night time, we could hardly recognize each other, and only
7 next morning that we could see our -- one another clearly. But by
8 that time, we had to return to our respective workplaces.
9 And the unit chief told me to remain at where we slept in order
10 to build the ground properly and to make -- make a makeshift
11 cottage so that the walls could be properly made.

12 [10.04.10]

13 Q. Thank you for these specifications. I'd like to backtrack a
14 little bit now and have you react on the wedding ceremony. Was
15 this ceremony similar to the wedding ceremonies you might have
16 attended before or after the DK regime? And if that's not the
17 case, can you explain the differences between the ceremonies you
18 attended before and after the DK regime and the one during which
19 you were married on that day in the middle of 1978?

20 A. During the previous regimes, that is, the regimes of Samdech
21 Sihanouk and the Lon Nol regime, the marriage ceremonies were so
22 contrasting to the one that I did because during those regimes,
23 the grooms had to go and ask permission from the bride's side by
24 making an offering -- abundance of offering. And there had to be
25 a band to go along and there had to be attendants and

1 participation from the relatives who would come to bless them.

2 And then the bride's side would look at the groom's side and

3 whether they were a match.

4 However, the situation was different under the Khmer Rouge

5 regime. It was cruel. I was forced to marry and I, myself, did

6 not even have a proper clothing. I only had the clothes that I

7 was wearing, and <they were> stained with mud and dirt and <they

8 were> torn. The scarf I had was also torn and I, myself, was so

9 skinny.

10 [10.06.45]

11 And if you look at the surrounding, I did not see any of my

12 relatives. There were only cruel unit chiefs who were there just

13 to be ready to finish us off. And they did not have any gift for

14 us but clubs and knives. And if we were not to follow the

15 instructions of Angkar properly, then that would be the end of

16 our life.

17 And I really disliked such a regime. I really dislike it. I do

18 not want to see such a regime returned.

19 As I said, I did not have any proper clothing, only had a torn

20 piece of clothes that I was wearing. It was so miserable, and I

21 -- it was unfortunate that I happened during such a beast regime.

22 [10.07.46]

23 Every time I think of what happened, I find it difficult to

24 breathe. And that put a lot of stress on me emotionally and

25 physically. And I still hate myself that I was born and suffered

1 during such a beast regime.

2 Although the marriage took place, it was out of force. There was
3 no love involved at all. And it was organized according to their
4 own thinking. I was part of the New People, and we were under
5 constant surveillance. We were treated so inhumanely. And I do
6 not know what else I can say from what I had just said.

7 Materially, we were -- it was so scarce for us, and physically, I
8 was so emaciated during the regime I can survive. <Nowadays,> I
9 look healthy. That's all I can say now.

10 Now the wedding ceremony is well organized and there is nothing
11 to compare to the dark period that I went through during the DK
12 regime. It -- it was like we were living in hell. Physically, we
13 looked so miserable and our face was so pale. Everybody looked so
14 emaciated. You could see actually blood veins all over the body.
15 <And we had to continue working in order to survive.>

16 MR. PRESIDENT:

17 Thank you, counsel. The Chamber will take a 20-minute break from
18 now.

19 (Court recesses from 1010H to 1034H)

20 MR. PRESIDENT:

21 You may be seated. The Chamber is now back in session.

22 Before the continuing of the questions to the civil party, the
23 Chamber would like to give an oral hearing in relation to the
24 Khieu Samphan defence request regarding document E327/4/5.

25 The Chamber clarifies that it may decide to admit on its own

1 motion some or all of the documents noted in the memorandum. The
2 Chamber grants the Khieu Samphan defence request for an extension
3 of time. All parties shall file their observations on the
4 admissibility of the documents, noted in the memorandum, on or
5 before 15 September 2016.

6 The decision on the remaining requests will be decided in due
7 course.

8 Now, I give the floor to the Lead Co-Lawyer for civil party to
9 continue questions to the civil party.

10 [10.36.57]

11 BY MS. GUIRAUD:

12 Thank you, Mr. President.

13 Q. Mr. Civil Party, I have a few additional questions for you.
14 You explained the ceremony to us. Do you recall who the 50
15 couples that got married on that day with you, were? Were all
16 those men and women from mobile units? What do you have to say
17 about the men and women who were with you on that day?

18 MR. YOS PHAL:

19 A. Among the 50 couples, all were from the mobile units. No one
20 else came to participate except the youths from the female and
21 the male units. The age range was around <23>, 24 <or> 25 but
22 they looked old because they were skinny.

23 Q. Did anyone refuse to get married on that day?

24 A. No one dared to refuse. If anyone dared to refuse, he or she
25 will -- would disappear.

1 [10.38.59]

2 Q. You talked to us about that ceremony. You said that people
3 were emaciated and wearing rags. Can you describe to us the
4 atmosphere at that ceremony? What was the atmosphere between the
5 couples, the men and the women on that day?

6 A. Among the 50 couples, I had no idea whether any men or women
7 had prior relationships with each other. I only knew that some of
8 them had good biographies. They were matched with their loved
9 ones. I realized about this matter only after the wedding
10 ceremony finished. I did not dare to ask much about this because
11 as a New Person I was afraid I would be accused as a spy.

12 Q. Can you give us <the> name or the names and details about the
13 person who became your wife, <was she also from> the New People?
14 What do you have to say about the person you got married to on
15 that day?

16 [10.40.55]

17 A. When I was committing to the marriage, I did not know her. I
18 started to know her face only after the female unit chief,
19 Comrade Pet, brought her to meet me at -- in the evening. In the
20 next morning I started to see her face more clearly but we soon
21 parted from each other to our respective workplaces and we ate
22 separately.

23 Later on, one month later, Put, the unit chief, issued a letter
24 to send me to a commune. I cannot recall the name of that commune
25 now. It <was> called a ploughing unit in Takeo province and there

1 were three couples. One couple was Chinese and the two couples
2 were Khmer. The Chinese <couples> named Try (phonetic) <and Neang
3 Huoy (phonetic), Cheam (phonetic) and Pech (phonetic)>.

4 And I and my wife met the commune chief. We were brought to meet
5 the commune chief by the messenger. The messenger told the chief
6 that, "Now the children of Angkar came to meet you. You had to
7 keep them because Angkar gave them to you."

8 At the commune chief -- at the commune the chief gave the
9 remaining food he left to the Angkar children to eat.

10 So the three couples were given each shelter. In the shelter,
11 there was a bed and the shelter also had a door. We lived there.
12 When we lived there, there were also the commune militiamen who
13 came to monitor on us every night.

14 [10.43.57]

15 The commune chief also distributed <ploughs and> cows to us but
16 the cows were considered non-graded cows or low-quality cows. I
17 was happy to receive the cows. I took the cows to eat grass. I
18 needed to take care of the cows well because the cows, which were
19 distributed to me, were skinny.

20 I also worked with the elder men in the cooperatives.

21 I took care of my wife and considered her just like sibling. And
22 I told her that if the commune chief asked about our living she
23 needed to told -- she needed to tell her that we loved each other
24 and we considered each other husband and wife. If we did not tell
25 him like that we would not survive.

30

1 And every time we came back home, both of us slept deeply because
2 we were so exhausted from our work. We worked from morning till
3 night. Our work consisted of many things, ploughing the field,
4 carrying earth and feeding the cows. <And we did not receive
5 enough food.> So we were so exhausted we slept deeply. And in the
6 morning we got up and went back to work.

7 [10.45.56]

8 Q. What was your wife's name and was she a member of the New
9 People as well?

10 A. My wife's name was Sok Khat. She was also a New Person. She --
11 she -- her siblings were not smashed by Angkar.

12 Q. Thank you. In document E3/5733, which is your civil party
13 application and the ERN in French is 00942172; in Khmer, 00411856
14 to 57; and in English, <00850851>; it is stated that you were
15 married to a person called Chan, C-H-A-N. Is this an error on the
16 document or your wife's name was also Chan?

17 A. Chan was not my wife's name. I think it was written wrongly,
18 but in my area there was a person named Chan. She helped me. She
19 told me to follow Angkar's order. But that person was the chief
20 of the unit.

21 Q. Were you the first man your wife had known or had she had
22 other relationships or other fiancés before she <met you and> got
23 married to you?

24 [10.48.34]

25 A. After our marriage, I only knew that my wife was a New Person.

1 Her parents were deceased. She had no fiancé.

2 Q. Were you the subject of some monitoring to ascertain whether
3 you consummated the marriage?

4 A. When I was in the mobile unit and after the marriage, Comrade
5 Pet brought my wife to me. Then there was the messengers of Ry
6 and Put who came to <monitor> us regularly.

7 And after I left the mobile unit to join the cooperative to the
8 south of Takeo province, there were also militiamen from the
9 cooperative who kept monitoring us. They monitored us about once
10 or twice. <But someone> told them that how could I have
11 intercourse because I was so exhausted and skinny?

12 [10.50.13]

13 And people at the cooperatives who had good health when they saw
14 me were in bad health and skinny appearance like that, they told
15 me to eat more in order to increase my energy.

16 So, when I went ploughing the paddy field and I caught frogs and
17 crabs, I ate the frogs and crabs. I did not dare to find any
18 other food because I felt afraid that I would be arrested. That's
19 all for my answer.

20 Q. Thank you. You have told us that you were forced to get
21 married and that you did not love the woman you got married to.

22 Did you try to be separated from one another after the marriage?

23 So we are still talking about the situation during the Democratic
24 Kampuchea regime.

25 A. Frankly speaking, at that time during DK regime we were still

1 terrified. Because we were afraid we had to say that we loved
2 each other. If we said that we wanted to get separated both of us
3 would be killed. So we did not dare to say that we would get
4 divorced. We had to say that we loved each other. We would live
5 with each other forever.

6 Q. I have a few questions left, Mr. Civil Party. Did you remain
7 with your wife after the end of the Democratic Kampuchea regime
8 in 1979 and thereafter?

9 [10.53.00]

10 A. Frankly speaking, in 1979, at that time it was after the
11 liberation day. We remained living with each other but we were
12 not yet reunited with our parents and siblings. So we were still
13 together at that time because of the pressure from parents and
14 siblings who convinced us that we should live together because
15 each side of us, I mean I and my wife, were innocent people,
16 people who committed good deeds; we should love each other and
17 take each other as husband and wife. We should not get divorced.
18 We should live with each other.

19 And under such circumstances it took me many days to consider
20 about this. And I also noticed that my wife was always committing
21 good deeds to me and to my family members <siblings and relatives>.
22 < So I started to feel pity on her and love her and we had children together >
23 Later on, my wife became sick. She was severely sick. The doctor
24 asked me and he told me that I could no longer live with her. I
25 had to help her to recover from her illness but I cannot live

33

1 with her as husband and wife to produce any more children because
2 of the disease that she had. As a result, we were separated and
3 then I got married with another woman.

4 [10.55.47]

5 Q. Thank you. I have one last question for you.

6 This morning you talked about your fiancée. Did you hear anything
7 about your <fiancée> during your marriage, during the Democratic
8 Kampuchea regime or after the Democratic Kampuchea regime?

9 A. After the collapse of DK regime, I met her. I took her hand
10 and I hugged her. Each of us wept because -- and we told each
11 other that in this life we needed to make good merits. Maybe from
12 our previous life we did not make enough good merits. So, we have
13 to make good merits in this life so that in the future life we
14 would be together. We kept weeping while hugging each other. We
15 understood each other and we had a lot of good memories with each
16 other like riding bicycles together.

17 We wished to be together but unfortunately we were not allowed to
18 live together. So, we told each other to make good merits so that
19 we would accumulate good merits.

20 [10.57.35]

21 MS. GUIRAUD:

22 Thank you, Mr. Civil Party.

23 Thank you, Mr. President. I have no further questions for the --
24 for the civil party. And I now give the floor to the
25 Co-Prosecutors.

1 MR. PRESIDENT:

2 Thank you, Madam Lead Co-Lawyer for civil party.

3 The floor is now given to the Co-Prosecutor.

4 [10.57.58]

5 QUESTIONING BY MR. KENNY:

6 Thank you, and good morning, Mr. President; Your Honours,
7 counsel.

8 Q. And good morning, Mr. Civil Party. My name is Coman Kenny and
9 I will be asking you some questions on behalf of the
10 Co-Prosecutors about the events and experience that have brought
11 you here today.

12 I'd like to begin, Mr. Civil Party, by asking a couple of
13 follow-up questions about your marriage in 1978. You mentioned
14 this morning that you were told by your unit chief that you could
15 not marry your fiancé because her brother had been smashed and
16 that the unit chief used the phrase "when we pull out the grass
17 we have to pull out the weed". Could you tell the Court, Mr.
18 Civil Party, what did you understand by this statement?

19 MR. YOS PHAL:

20 A. The unit chief told us like that, that if I still wanted to
21 take the woman, whose brother was smashed by Angkar, I would not
22 be allowed to marry her. Because, if I married her, and because
23 her brother was smashed and if the woman got married to me, I
24 also would be smashed because the whole family would be smashed.
25 He compared it to digging the grass. They had to dig out the

1 roots.

2 [11.00.04]

3 Q. Mr. Civil Party, you also mentioned that the unit chief had
4 also used as a threat that people had been smashed in Sector 33,
5 in relation to not accepting that they were going to be married.

6 Mr. Civil Party, how did you know about this story of what
7 happened in Sector 33?

8 A. The unit chief Put who was the biggest -- who was the top
9 chief of the mobile unit in Treang district <or District 107>
10 said, "You, all comrades, you could observe that if you were the
11 children of Angkar then I would organize the marriage for you
12 all."

13 In Sector 33, in Kampong Speu province, that is, in <Prasat Phnum
14 Da (phonetic),> Angkor Borei <district>, the unit chief married
15 pretty women to un-handsome men and, likewise, the handsome men
16 were married to un-pretty women. Literate men or educated men
17 would be married with uneducated women and vice-versa. And those
18 people were not happy so they went to prayer before a sacred
19 object. They wished their husbands to die.

20 [11.02.01]

21 And the same thing applies to the handsome men. They prayed that
22 their wives would die. And subsequently <they> were all killed
23 <after their unit chiefs knew about that> and we, the 50 couples,
24 were told by unit chief Put about what happened in Sector 33.

25 Q. And Mr. Civil Party, you mentioned that you yourself had found

1 skeletons in a forest. Could you tell us where exactly that
2 forest was?

3 A. The skeleton remains that I found was when I went to work at
4 the Tumnop Prawatesas (phonetic), historical dam. It was built
5 across the river from Mongkol Borei mountain to the south
6 direction and it turned to Borei Chulesa (phonetic) and the area
7 was an extensive lake.

8 The unit chief ordered us to carry dirt, to build the dam and I
9 went around to pick some lotuses to fill my stomach. And to the
10 east of the mountain, members from the female unit told us that
11 they found a lot of skeleton remains to the eastern part of the
12 mountain and that's how I knew that people had been killed there.

13 [11.03.53]

14 But personally, I only saw the area from a distance and I saw the
15 white colour of the skeleton remains but I did not dare to
16 approach the area as I was accused of being an enemy. And the
17 area was not far from the Cambodian-Vietnamese border.

18 Q. You also mentioned, Mr. Civil Party, that you assumed that
19 these skeletons were the victims of what had occurred in Sector
20 33. Could you tell the Court what it was that made you think
21 those skeletons were the people who had been killed in Sector 33?

22 A. Since I personally did not see the act of the execution,
23 however from a distance I could see those skeletons as skeletal
24 remains. And when I put one and one together as the unit chief
25 Put spoke about the killing in Sector 33, I made that conclusion.

1 [11.05.22]

2 Q. Thank you, Mr. Civil Party.

3 You mentioned that you told your wife of the need -- if anybody
4 asked her -- that she needed to say that you love each other and
5 that you considered each other to be husband and wife. Did that
6 include having to talk about sexual relations between you?

7 A. Of course, I did not speak about that to everyone. I only
8 spoke amongst us, that is, the two of us that if we were asked
9 about our sexual intercourse we had to tell them that we did. But
10 if we were not asked then there was no need to mention that.
11 However, apparently we had to act that we were like husband and
12 wife. But I did not go around telling everyone about our
13 relationship. Of course, at the time, from what appeared they
14 considered us as loved one another.

15 Q. Can I ask, Mr. Civil Party, what was it that made you feel
16 that you had to tell your wife that -- that if anybody had asked
17 whether you had sexual relations that she would have to tell them
18 that you did? What was it that made you feel that had to be said?

19 [11.07.24]

20 A. It's not difficult to respond to your question. If we were not
21 to tell them about that it means that we did not love one another
22 and as a result we would be taken away and killed. And if we told
23 them that we loved one another and that we had sexual intercourse
24 with one another then we would be spared.

25 Q. You also mentioned, Mr. Civil Party, that militiamen were

1 monitoring the area each night. Do you know if they were
2 monitoring to check whether you were having sexual relations?

3 A. Yes, militiamen did come to monitor us. However, they were
4 standing outside and they could not see through the walls of the
5 house. I did not hear them saying anything although they came to
6 the vicinity of the house. They tried to listen to us and later
7 on they went away.

8 And neighbours said that they spoke to those militiamen that we
9 were emaciated and that we easily slept through the night.

10 [11.08.57]

11 Q. Mr. Civil Party, you mentioned that some people were allowed
12 to choose and to marry the ones that they loved. How did you
13 yourself know about this?

14 A. About other couples, although they were New People, but if
15 none of their relatives or family members had been smashed and
16 that if they were fiancés then they could marry one another. If
17 the men or man had his relatives smashed then the man would not
18 be allowed to marry a woman whose relative had not been smashed,
19 and if the family members from both sides had been smashed then
20 they were allowed then they were allowed to marry one another.
21 And that's all I knew.

22 Q. But as far as you know, was that choice only coming from the
23 man or was that also a choice for women as well?

24 A. Regarding the choice, if the man and the woman did not have
25 any of their relatives smashed then they could marry one another.

1 However, if their biographies mentioned that some family members
2 have been smashed, then the person could not marry the one that
3 the family members had not been smashed.

4 [11.11.10]

5 Q. I'd like to move now, Mr. Civil Party, to ask you about your
6 experience. You joined the Khmer Rouge regime as a former
7 policeman in the Lon Nol area.

8 Mr. Civil Party, were you aware of any efforts by the Khmer Rouge
9 to locate members of the former Lon Nol administration such as
10 policemen or soldiers?

11 A. I don't really get your question. Please rephrase it.

12 Q. I beg your pardon, Mr. Civil Party. Having been a former
13 policeman yourself did you -- were you involved or did you see or
14 hear of any instances when the Khmer Rouge were seeking -- they
15 were looking out for people who had worked under the Lon Nol
16 regime either as soldiers or policemen?

17 [11.12.24]

18 A. Yes, I know about that. In my mobile unit, the unit chief
19 himself tried to search for the background of unit members. If
20 someone said that person was a policeman or a former soldier then
21 that would be noted. And from what I knew, the same process was
22 conducted at the village.

23 As for me, somebody reported that I was a former policeman in
24 Phnom Penh during the Lon Nol regime. Somebody actually
25 pinpointed me out and I was afraid about that. However, I kept

40

1 denying and I said I was a student and I was a former monk.

2 And I was asked if I was a former monk then I should be able to
3 recite some scripts. And I was asked to do that, and that's what
4 I did.

5 Then there was a Base elder woman who was also a chief. She told
6 me that to her knowledge that I had been a student and a monk and
7 that I should restrain myself from saying that I was a policeman
8 or a soldier; otherwise, I would be smashed. Those who were
9 soldiers or policemen had been smashed by 1978.

10 [11.14.14]

11 And another unit chief named Sok (phonetic), from my village,
12 knew also that I was a student and a former monk, but none from
13 my village knew that I was a former policeman in Phnom Penh and
14 for that reason I could conceal my biography.

15 When I left Phnom Penh and arrived in Trapeang Snao in Kampong
16 Cham province, I was detained in Ph'av district and only those
17 ranked officers had been executed. For the low rank and file
18 policemen or soldiers, we were allowed to live in the villages.

19 A man<, Long Sinuon (phonetic),> told me that I should not tell
20 them that I was a policeman and he himself was a colonel but he
21 said that he was a labour worker.

22 And in Trapeang Snao village we told them that we were workers
23 and for that reason we were allowed to live. Otherwise, if we
24 were to tell them that we were soldiers or policemen we would be
25 smashed.

41

1 [11.15.45]

2 Q. Mr. Civil Party, in Ph'av district, you have mentioned the
3 execution of soldiers of a certain rank. How did you know about
4 this?

5 A. I testified in Case 001 about that, because I personally
6 witnessed it. And I, amongst those ranked officers, were ordered
7 to write our own biographies and that we had to submit the
8 biography to those chiefs of the Khmer Rouge.

9 So for those first and second lieutenants they were put in one
10 group and taken <to the south of Ph'av mountain>, and for us, the
11 low, the rank and file soldiers or policemen, were allowed to
12 disperse into villages.

13 And I witnessed the event clearly and those ranked officers
14 including a colonel were transported one by one on a motorbike
15 away.

16 Q. Thank you, Mr. Civil Party. Could you -- I realize that you
17 have mentioned your testimony in Case 002/01 but as this is a new
18 proceedings we also have to go through it again.

19 Can you explain in relation to that incident of certain ranks,
20 how those individuals were initially identified before they had
21 to give their biography?

22 [11.17.49]

23 A. After I left Phnom Penh and arrived in Ph'av district, those
24 people who went on a propaganda drive for the Khmer Rouge spoke
25 so sweetly. And they said that anyone who was a ranked officer

1 from the second lieutenant to colonel were required by Angkar in
2 order to return to their respective offices because it was
3 difficult in order to train the people to become ranked officers.
4 So please state that clearly about that. And if you were a
5 rickshaw driver you have to say so, but you cannot tell that you
6 are a colonel.

7 And such an appeal, such propaganda by chiefs of the Khmer Rouge
8 at that location was so sweet. And as a result, people succumbed
9 to it and they mentioned that they were second lieutenant, first
10 lieutenant or military police. There was a man who also said that
11 his son was also a military police.

12 And those ranked officers were subsequently detained. And those
13 people succumbed to the sweet propaganda by the Khmer Rouge
14 clique.

15 [11.19.37]

16 As another person<, Yun Bin,> who came to testify here, that
17 Angkar requires to tie them up and people just simply allowed
18 them to do that because they succumbed to the sweet propaganda
19 and the pretext and the lies used by those Khmer Rouge people.

20 And I would like to reiterate that I do not wish to see the
21 return of such a dirty regime. I despised it very much. It was so
22 immoral.

23 Some of them were so very well-educated, but they killed their
24 own people with their bamboo clubs and they forced people to
25 marry one another and they kept the good women for themselves,

1 for example, those unit chiefs. As for us we had to follow their
2 orders and we had to be separated from the ones that we loved.
3 That's all I can say.

4 Q. Thank you, Mr. Civil Party. Just continuing with that
5 particular incident, so the propaganda of the Khmer Rouge put out
6 a call for individuals of a certain rank, and you say that those
7 of a certain rank identified themselves as such. Can you please
8 tell the Court what happened at that point? Once people had
9 identified themselves and answered to the propaganda; as you say,
10 had identified themselves of being a certain rank under the Lon
11 Nol regime, what happened then?

12 [11.21.55]

13 A. As I stated, I testified in Case 002/01 on this point.
14 However, since you asked me again then allow me to repeat it.
15 When I was in Ph'av district, there was this propaganda committee
16 and, as I said, their words were so sweet. And at that time they
17 did not show us that they arrested this person or that person. It
18 seemed that they made an appeal to us gently.
19 And of course we also loved our nation and that the nation needed
20 us, needed soldiers. And they said for those comrades who came
21 from the city and who had expertise then, please, inform Angkar
22 and Angkar would pinpoint the proper work in relation to our
23 expertise.

24 [11.23.00]

25 But in the end they all had been smashed. But it was the

44

1 propaganda that made them have the love for their country. And,
2 frankly, they told them about their rank, for example, a second
3 lieutenant or a first lieutenant, etc. and that's because of the
4 sweet propaganda that drove them, as well as because of their
5 love for their country and to respond to the needs of the country
6 to have soldiers.

7 Q. Thank you, Mr. Civil Party. Again, I appreciate that you have
8 answered these questions in Case 002/01 but we do have to ask
9 these questions and answer them again, please.

10 So in between those individuals identifying themselves of a
11 certain rank and higher, and before their execution, what
12 happened? Can you describe the events leading up to that?

13 A. Before they were taken away for execution, they were
14 instructed to write their own biography by themselves and that
15 they had to mention which rank they received from what year to
16 what year and which military unit they were attached to.

17 And those who came to give them instructions to write their
18 biographies appeared to be humble. They smiled.

19 [11.24.42]

20 As for those who rode the CL motorcycles, there were five CL
21 motorcycles. They came with their broad smiles. And at that
22 location there were armed Khmer Rouge soldiers who were also so
23 friendly and smiled. So, nobody ever thought that they were sent
24 for a re-education and they were smashed.

25 So they were transported <to the south of Ph'av mountain> on

45

1 those bicycles with the book and pen. However, every five minutes
2 also the motorcycles returned.

3 And when I was in my mobile unit I was the sole survivor out of
4 the 100 members of the unit since I said that I was a student.

5 And I survived.

6 [11.25.45]

7 When people were sent for this assignment or that assignment, for
8 example, a group of 10 to go and clear the forest or to go and
9 climb the palm trees, in fact they were sent to a detention
10 centre <Wat Cheung Chab (phonetic) near Takeo province>. And
11 later on their clothes were brought back <to the mobile unit>.
12 Then we realized that they had been killed.

13 So, those rank officers in Ph'av, those who ranked from second
14 lieutenant to colonel, were killed. And they were killed in
15 around May 1975, in Ph'av. So they were killed about a month
16 after we left Phnom Penh. They were not sent for study sessions
17 but in fact they were killed in those former B-52 crates.

18 Q. And just to clarify, Mr. Civil Party, when those officers of a
19 certain rank were filling out their biographies, were you amongst
20 that group at the time? Were you within that group of people who
21 were filling out the biographies?

22 A. Yes. I told them -- I told them that I was a reserve
23 candidate. But the Khmer Rouge themselves did not understand the
24 words "reserve candidate." However, in the biography they wrote
25 that I was a private and, of course, I also observed that they

1 <wrote> the ranked officers in their biographies, for example,
2 second lieutenant or a colonel.

3 Q. Thank you, Mr. Civil Party. I just have a couple of more
4 questions.

5 Did you yourself fill out a biography at this time?

6 A. Yes, I did.

7 [11.28.12]

8 Q. And what did you write in that biography about -- about your
9 previous occupation?

10 A. I wrote that I studied and that I was a monk and that I was a
11 reserve candidate for the Lon Nol government, that is, a reserve
12 policeman. And it was the word "reserve" that allowed me to
13 survive, that I was spared.

14 Q. Mr. Civil Party, why did you conceal your background? What had
15 you seen or heard to make you think that it was necessary to lie
16 about your background?

17 [11.29.26]

18 A. I did not lie but I wrote the truth that I was a reserve
19 policeman for the government because at that time their appeal
20 was so sweet, so tempting and that I wrote the truth. I told the
21 Khmer Rouge the truth.

22 Q. Final question, Mr. Civil Party. Did you understand from what
23 you had seen that if persons identified themselves in their
24 biographies of a certain rank that they would be taken away as a
25 result?

1 A. Allow me to mention two points.

2 MR. PRESIDENT:

3 Civil party, please hold on.

4 And Counsel for Khieu Samphan, you have the floor.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President.

7 I would like to object to the last question. It is a hypothetical
8 question since he used the word "if, if". So I object to that.

9 JUDGE FENZ:

10 We have a language issue. Rephrase, please.

11 [11.31.10]

12 BY MR. KENNY:

13 Thank you, Your Honour.

14 Q. Mr. Civil Party, was it your understanding that the contents
15 of a biography, from what you had seen from others of a certain
16 rank who were being honest about what they wrote in their
17 biographies of their position in the Lon Nol administration, did
18 you think that because of what they had written they were taken
19 away?

20 MR. YOS PHAL:

21 A. Indeed, that is what happened; those who wrote their honest
22 biographies were taken away, that is, those with ranks from
23 second lieutenant to colonel. And that's what happened in Ph'av.
24 And when I came to Takeo if I were to write my biography as a
25 policeman then I would <have been killed>.

1 [11.32.21]

2 MR. KENNY:

3 Thank you, Mr. Civil Party.

4 Your Honours, the Co-Prosecutors have no further questions.

5 MR. PRESIDENT:

6 Thank you, Co-Prosecutor.

7 It is now time for our lunch break. We will take a break now and
8 resume at 1.30 this afternoon to continue our proceedings.

9 And Mr. Civil Party, you may also rest and please return to the
10 courtroom at 1.30.

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

14 The Court stands in recess.

15 (Court recesses from 1133H to 1333H)

16 MR. PRESIDENT:

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

18 A while ago, the Chamber receive an email from the Co-Prosecution
19 to make an observation on the OCIJ related to a civil party, and
20 now I give the floor to the Co-Prosecution. Please make your
21 observations short.

22 [13.34.15]

23 MR. KOUMJIAN:

24 Thank you, Mr. President, Your Honours, Counsel.

25 The Co-Prosecutors wish to make it clear on the record that we

49

1 believe that there is no basis for the witness to be testifying
2 not using his full name and real name.

3 It is our understanding that the witness has no problem with his
4 testimony being public and his name being public. If he objected,
5 I certainly would agree that his name should be protected, but my
6 understanding is the gentleman is not seeking to keep his
7 identity private.

8 [13.34.55]

9 I understand the Court has received other communications, but it
10 is for this Trial Chamber alone to decide, under the law, whether
11 the presumption for a public trial should be overridden by a --
12 for -- by good cause such as the protection of a witness's
13 privacy or safety.

14 This witness has no need, as far as we've determined, as far as
15 anything that I've seen submitted to the Court, to have his
16 privacy or safety protected. He's willing to testify in public
17 and as a principle throughout the Trial, I think all proceedings
18 should be in public, absent good cause, that this Chamber finds.
19 It has to be found by this Chamber based upon reasons that this
20 Chamber knows of and you can give on the record. Thank you.

21 And I believe the civil party lawyers are not in disagreement
22 with me.

23 MR. PRESIDENT:

24 The floor is given to the Lead Co-Lawyer for Civil Parties.

25 [13.36.08]

1 MS. GUIRAUD:

2 Thank you, Mr. President. First of all, we're not talking about a
3 witness but a civil party. And we believe it is important to
4 recall that there is a difference between a witness and a civil
5 party in this Chamber.

6 Next, we have also looked at the memos of the OCIJ and the
7 responses by the Chamber on the disclosure of materials from
8 Cases 003 and 004 and the classification that was proposed.

9 On this issue, we would like to add our understanding, that the
10 fact that the OCIJ asked the Chamber to respect a certain number
11 of classifications. The parties had the opportunity to express
12 themselves regarding these classifications and, at the end of an
13 oral debate, the Chamber decided to adopt the proposal of
14 classification that was put forth by the OCIJ.

15 [13.37.15]

16 And it is following this recommendation and accepting the
17 criteria of the OCIJ, that this civil party, at this time, is
18 testifying under a pseudonym without his real name being revealed
19 to the public.

20 So, we're relying on the judgement of the Chamber, understanding
21 that this civil party may not have a problem with his identity
22 being revealed since he already testified in Case Number 002/01
23 and that there are certain elements concerning his identity
24 available on the <Court's> website. The video, the transcription
25 and the audio file <of Case 002/01> are currently available on

51

1 the Court's website, therefore the civil party has no objection
2 as to the anonymity being lifted today so that he can testify
3 under his own name.

4 Now, it is up to the Chamber to see if this situation corresponds
5 with what was decided concerning the disclosure of materials of
6 Cases 003 and 004.

7 MR. PRESIDENT:

8 The floor is given to the Defence Counsel for Nuon Chea.

9 MS. CHEN:

10 To ask questions of the civil party or to respond to this issue?

11 As a general principle, we would agree that all proceedings
12 should be public.

13 MR. PRESIDENT:

14 We need your response.

15 [13.38.57]

16 MS CHEN:

17 Just to simply say that as a general principle, we would agree
18 that all proceedings should be public. But we have no other
19 observations on this matter.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President. I would like to give my observation.

22 Regarding the publicity of the proceeding it is necessary for the
23 fair trial and the ascertaining of the truth.

24 I also notice that the civil party in this courtroom, he has his
25 lawyers who give him advice on the legal aspects and -- of the

52

1 proceeding. The publicity of his testimony, here, can be advised
2 by his counsel, therefore if the civil party wish to have his
3 testimony public in this courtroom, there is nothing concerning.
4 And for the status between civil party and witness can be
5 differentiated, therefore -- it depends on the Mr. President, for
6 your own wisdoms.

7 [13.40.40]

8 MR. PRESIDENT:

9 Thank you, Counsel.

10 JUDGE LAVERGNE:

11 Thank you, Mr. President. First of all, I think it is clear
12 following these observations that this hearing is public, we have
13 made it public. The only question that was brought up by the
14 Co-Prosecutors was the use of a pseudonym.
15 And I must admit that this is an issue that seems a bit curious
16 to me at this stage of discussions. I wonder why we waited
17 <until> the testimony of this civil party to raise this question.
18 It seems to me that the conditions of the hearing, whether it's
19 <a> civil party or the witness, concerned by <communication of>
20 materials of Cases 003 and 004 are known at the point when the
21 OCIJ renders their decision which sets the conditions for the
22 hearing of the witnesses and civil parties concerned. So, at the
23 outset we know if a civil party can be heard with or without the
24 use of a pseudonym.
25 The second point is that these conditions are set, not

1 necessarily as a measure of protection for the civil party or
2 witness, but also in order to maintain the integrity of the
3 investigation. And we have decided that this measure was raised
4 by the OCIJ and the Chamber would not modify it.

5 So my question is, does the Office of the Co-Prosecutors or any
6 other party, have submitted these observations to the OCIJ and,
7 if so, when, and <why was no pseudonym given?> At this stage,
8 <is> it appropriate for the Chamber to <consider this question?>.

9 [13.42.57]

10 MR. KOUMJIAN:

11 Thank you. I believe that frames the issues very well.

12 First of all, I cannot say off the top of my head that we
13 submitted on this issue. We certainly did not suggest a pseudonym
14 to OCIJ. I'd also say regarding the timing, I don't think it's --
15 the issue is what OCIJ decides, it's what, Your Honours, decide
16 for two reasons.

17 First of all, the Pre-Trial Chamber has made clear in a ruling,
18 which I should have mentioned earlier, D309/6, D309/6, an appeal
19 from the Co-Prosecutors about prior rulings of the
20 Co-Investigating Judges, that the Co-Investigating Judges cannot
21 impose conditions affecting the publicity of the Trial. That is
22 solely a matter for the Chamber before which the hearings are
23 taking place. They can, of course, provide suggestions with
24 reasons.

25 In regards to litigating this issue of pseudonyms before the

1 OCIJ, another reason it's not appropriate is that most of the
2 parties, or half of the parties to this proceeding that are
3 affected by the Trial, are not present. And that is the defence
4 of Khieu Samphan, the defence of Nuon Chea and, in fact, the lead
5 co-lawyers who are not part of any other case than this case.
6 And, thirdly, I think this is the appropriate time because the
7 most important thing to us is what this witness -- excuse me, I
8 apologize for using the word "witness" -- the civil party who's
9 testifying wants. If he came here and said because of the
10 intimate nature of what he's going to discuss he does not want
11 his name public, I would certainly understand and fully support
12 his or any other victim's decision. But if a victim comes forward
13 and bravely says I want to testify in public, we also fully
14 support that and we think that's in the interests of the Court,
15 of the public and of the history.

16 [13.45.02]

17 JUDGE FENZ:

18 Can I just make one point? I think -- and you didn't respond to
19 that part -- I think it was the understanding that the
20 Investigating Judge has asked for these measures not exclusively
21 or not only as protective measures for a witness obviously, but
22 to ensure the integrity of his investigation.
23 Now, we are in no position to know how, giving the name of a
24 certain witness or not giving it, impacts on the integrity of his
25 investigation. This is why we said, that's basically something we

1 can't litigate here.

2 Having said that, you have mentioned a decision, if this decision
3 of the Appeals Court for the Co-Investigating Judge has said all
4 of these suggestions are null and void, then let's read a
5 decision and start the debate from there.

6 But, again, it's not too much an issue of protective measures,
7 obviously we know the rules for that, but of the integrity of the
8 investigation which is an issue explicitly raised by him as a
9 reason for that.

10 MR. KOUMJIAN:

11 And that is a perfectly legitimate issue. The Pre-Trial Chamber
12 appeal decision certainly does not say throw out the window the
13 OCIJs decisions or recommendations but says they are not
14 conditions. These are recommendations, and it's up to, Your
15 Honours, based on reasons and solely, Your Honours,
16 responsibility based on reasons, to give a reasoned decision to
17 overcome, if that's appropriate, the presumption of a fully
18 public trial.

19 [13.46.42]

20 In regards to, for example, in particular this witness's name, I,
21 frankly, can think of absolutely no way that his name being
22 public affects the integrity of any other investigation. I say
23 that honestly and I don't believe the decision from the -- that,
24 Your Honours, received from OCIJ provides a reason which, if Your
25 Honours are going to base your decision on their belief that it

1 affects the integrity, it has to be reasoned. They have to
2 provide you with a reason and that's how I read the Pre-Trial
3 Chamber decision in D309/6.

4 MR. PRESIDENT:

5 Thank you. Now I give the floor to the Defence Counsel for Nuon
6 Chea to put questions to the civil party. You may proceed.

7 MS. CHEN:

8 Mr. President, we have no questions for this civil party.

9 [13.47.57]

10 MR. PRESIDENT:

11 The Defence -- the floor is given to the Defence Counsel for
12 Khieu Samphan.

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. The defence team for representing Khieu
15 Samphan do not have questions for the civil party.

16 MR. PRESIDENT:

17 Thank you, Counsels.

18 Mr. Civil Party, as a civil party in this courtroom you may make
19 a Victims Impact Statement, if any, concerning the crimes which
20 are alleged against the two accused, Nuon Chea and Khieu Samphan,
21 and harms inflicted upon you during the Democratic Kampuchea from
22 17 April 1975 to 6 January 1979, resulting in your Civil Party
23 Application to claim collective and moral reparations for
24 physical, material, or mental injuries as direct consequences of
25 those crimes.

1 Should you have any questions or statement to make, you can do so
2 in this courtroom or you can pose your questions to the two
3 accused through the Chamber.

4 [13.49.39]

5 MR. YOS PHAL:

6 Thank you, Mr. President.

7 In 1975, I was a policeman in Phnom Penh. I hoped that I would
8 remain a policeman serving my country, but my purpose did not
9 materialize. I was evacuated from the city on 17 April 1975.

10 I had so many suffering. After I left Phnom Penh, I suffered a
11 lot. I slept along the road. I did not have enough food to eat.

12 When I became sick in Kampong Cham province, I had a fever and I
13 did not have medicine to take. I picked up "sdao" leaves and
14 pounded them and mixed them with water and I drank them, then I
15 continued on my journey.

16 [13.51.10]

17 When I reach Ph'av, I went into an office of the Ph'av district
18 military office in Ph'av district. They arrested me and brought
19 me into the office <because I was a policeman>. At that place,
20 they surrounded me. There were Khmer Rouge soldiers guarding the
21 place for many layers, many layers of guards. <I was ordered to
22 draw up my biography,> I was not allowed to go outside, but
23 fortunately I survived.

24 I left that detention office and I continued my journey along the
25 road. I was evacuated from Kampong Cham to Takeo province. When I

1 arrive in Takeo province, I met my relatives. At that time, my
2 aunt named Yoan told me that "antit" (phonetic) Nat, who was a
3 military police, and <Him (phonetic,)> who was a marine soldier
4 at Chrouy Changva, both of them were taken away by the Khmer
5 Rouge. So two of my <cousins> were killed.
6 She whispered to me that you should not talk about your
7 background as a policeman because your fate would be same like
8 Nat and Him (phonetic), so you better say you are a student. So I
9 followed her advice.
10 The next morning, another aunt of mine name <Kom> (phonetic) took
11 me to see my parents near Ta Muong village prison in <Angkor Chey
12 district,> Kampot province.
13 Over there, the village chief, the Khmer Rouge village chief,
14 came to check me. He inspected my clothes. I had some money from
15 the Lon Nol regime with me. I also possessed a student ID card,
16 student in <grade> three. For the other cards of my final years
17 in school, I have already thrown it away.
18 [13.54.23]
19 I had also thrown away my policeman ID card. So they did not
20 cause any harm to me at that time.
21 But at night-time, I slept and there were military men came to
22 spy on me because they knew that I came from Phnom Penh. I was so
23 terrified. I was so worried.
24 During day-time, my mother told me that I should not talk
25 anything when I slept because otherwise I would be taken to Ta

1 Muong office, and let me tell you about "munti Ta Muong" or Ta
2 Muong office.

3 I was there for about half-month and I saw New People from Phnom
4 Penh was sent to Ta Muong office and they disappeared and never
5 returned.

6 [13.55.27]

7 Later on, they kept on spying on me and they wanted to find
8 reasons to kill me because I was considered as the New Person
9 from Phnom Penh. <But they did not know my identity as a
10 policeman.> They constantly spied on me.

11 At that time, there was a brother who was a villager. He told my
12 parents to take me away from the place, that we should go back to
13 our native homeland otherwise the whole family would be killed,
14 because you <had> a son from Phnom Penh. And I would like to tell
15 you that my parents had been evacuated to live near the Ta Muong
16 office. So when I arrived, their biographies became degraded.

17 Later on, the Khmer Rouge allowed me to go from Ta Muong office
18 to Lor Ach Sva (phonetic) village in Kampot province. It was
19 bordered at Takeo province. Over there, my pens and books were
20 confiscated, because they said that in the near future I would be
21 sent to study. When I hear this -- when I heard this I was so
22 terrified because I knew that I would be killed.

23 Later on, I moved to live in Takeo province. I lived in a mobile
24 unit. They did not give me enough food to eat. They gave me only
25 a little gruel. And at free time, I went to take the morning

60

1 glory and I ate the morning glory raw. I did not cook it. That
2 was when I was at the commune mobile unit. So, during that time,
3 I did not have enough food to eat. I was skinny and my health was
4 also poor. I had a fever and then I stayed at the commune
5 hospital and the commune hospital gave me only the medicines that
6 made from cassava. My mother had some jewellery left and she used
7 the jewellery in exchange for some medicines for me. I took those
8 medicines and I became recovered.

9 [13.58.40]

10 Later on, I was sent to the mobile unit of District 107 and over
11 there I was very <skinny>. Although I was thin, I was put in a
12 special unit and that unit was in charge of making earth-carrying
13 baskets and I also had to carry earth <30 to 40 kilograms for
14 each side>. Although it was so heavy I needed to do it, otherwise
15 I would be in trouble. So I tried to carry earth although both of
16 my legs were swollen and I was so hungry. When I was carrying
17 earth I did not walk fast like other people. I walked slowly.

18 [13.59.43]

19 And, later on, a unit chief named Vung, who was also in the
20 village of Roneam commune, he was sent to spy on me <and my
21 parents>. And he also asked my parents what was my job, what did
22 I do, and my parent answered that my son was a monk <and a
23 student>. And my parents also took away all the documents about
24 me and they burnt all those documents because they were afraid
25 that by keeping those document I would be in trouble.

61

1 She grew some tobacco plant and gave that to Vung, the unit
2 chief, and she also gave him some jewellery because he had been
3 questioned on several occasions on the accusation that I was a
4 former policeman, but she kept denying and she said that I was
5 only a student and a monk.

6 Later on, I was assigned to work <in> the Eastern part of Takeo
7 provincial town, and I had a blanket with me but they seized it
8 from me. I didn't dare to protest. I kept on working at that
9 location and physically I was weak. I was emaciated but I didn't
10 dare to protest against the work given to me by the unit chief.

11 By 1978, in around April of that year, the unit chief, Ry, called
12 me to meet him and spoke about the marriage that I was forced to
13 as I testified earlier today.

14 I felt so sorrowful that I could not marry my fiancée whom I
15 loved and I wanted to live with her for life. It was like the
16 fruit was about <to ripen> and then it was picked and taken away
17 from me and I had no right to protest against that.

18 [14.02.30]

19 I felt a heavy pain in my chest, and even now when I think about
20 it it's beyond belief. And I scolded myself, how come I was born
21 during such a terrible period of time.

22 And that I had to have her as my wife, but I was separated from
23 her. My love for her could not be described in words. We used to
24 go everywhere together, to a religious ceremony together, to made
25 an offering together. There were so memories between us. But, in

62

1 the end, I lost her. Although later on I was married, I still had
2 feeling for her and I was wondering why I was so unfairly
3 treated. Even after I forced to marry, I did not love my married
4 wife.

5 [14.03.50]

6 And about a <> month after I got married, my father became so
7 severely sick and he was transported by the Khmer Rouge to a
8 hospital in Sambuor commune in Treang district. It was a district
9 hospital and my father's body was swollen. He was hungry. He
10 asked for food, then they actually use water from a big jar and
11 injected that water in him. He had seizure and, as a result, he
12 died.

13 This add further pain to what I had suffered. In my life, I only
14 had a father and when I lost my father and when I went to the
15 site where he got buried, it was so painful.

16 And not long after my aunt who came from transplanting the rice
17 fell down and died. And another uncle was accused of being a
18 soldier of a previous regime. He was sent away and killed. It's
19 suffering, one after another, that I was inflicted upon.

20 And, please, Mr. President, I urge you to prevent such
21 occurrence, to prevent the return of such a regime.

22 I concede that my life is a pitiful life. It's a life without
23 freedom. And now I am old, although now I have freedom but it's
24 too late. Throughout the entire life, I <have> only <carried>
25 with me the pains, the sorrows and the sufferings.

63

1 That's all I wish to say, Mr. President.

2 [14.06.17]

3 MR. PRESIDENT:

4 And, civil party, do you wish to put any questions?

5 MR. YOS PHAL:

6 My first question is the following. I refer to Khmer Rouge

7 <leaders,> starting from unit chief up to the top leaders, that

8 they could choose their life partners, and how could Cambodian

9 people be deprived of such right?

10 Second question. Why Angkar did not allow me to marry my fiancée?

11 She did commit any mistake. It was her elder brother who was

12 accused of committing a mistake against the Angkar's policy.

13 These are the two questions, Mr. President.

14 [14.07.36]

15 MR. PRESIDENT:

16 Thank you, civil party. And please be informed that, thus far,

17 the two accused still exercise their right to remain silent.

18 And the hearing of testimony of civil party, 2-TCCP-232, is now

19 concluded and, Mr. Civil Party, the Chamber is grateful of your

20 time and testimony as a civil party. You may be excused from the

21 courtroom.

22 And, court officer, please work with WESU to make transport

23 arrangement for the civil party to return to his residence or

24 wherever he wishes to go to.

25 And I'd like to hand the floor to Judge Fenz.

64

1 JUDGE FENZ:

2 This is basically to ensure the prosecutors that we'll obviously
3 deliberate on the issues you have raised. We'll review the
4 decision D309/6 and get back to you in due time.

5 Let me just clarify I have understood your request correctly.

6 You're basically requesting to ignore the categories, the
7 requests for categorization and the accompanying measures by the
8 Co-Investigating Judges, provided they are not either based on
9 protective measures or specifically reasoned in case the reason
10 is integrity of the investigation.

11 Did I summarize that correctly?

12 [14.09.17]

13 MR. KOUMJIAN:

14 I wouldn't use the word "ignore" but I agree that you should
15 consider them to the extent that they give reasons for why the
16 integrity of the investigation could be affected or protective
17 measures necessary.

18 And, again, we're only requesting the lifting of pseudonym for
19 those witnesses who also do not request a pseudonym. If the
20 witness requests it, we would support the witness.

21 JUDGE FENZ:

22 Is this exclusively dealing with the pseudonyms because that's a
23 bigger issue? I mean, these disclosures come, basically, under
24 the condition that we respect the three categories and the
25 accompanying measures that the Co-Investigating Judge suggests in

1 each case.

2 So are we discussing a revival of the whole scheme or are we only
3 discussing the very limited issue of Category A civil parties or
4 witnesses, which usually only means pseudonym instead of name?

5 MR. KOUMJIAN:

6 My suggestion is, our position is, that when, Your Honours, get
7 disclosures with these indications from the OCIJ that protective
8 measures or even closed session should be used, you would
9 evaluate that. If the reasons are lacking, I think it would be
10 certainly possible to ask -- to mention that to OCIJ and ask if
11 they have further information they could provide as to why they
12 believe the measure is necessary.

13 But absent reasons for the protective measures or closed session,
14 our position is that the law requires you to have the proceedings
15 in public. The accused, and we say the public and ourselves, are
16 entitled to a public trial.

17 [14.11.11]

18 JUDGE FENZ:

19 And so far we haven't had a case where we have shut-out the
20 public, so.

21 MR. KOUMJIAN:

22 That's absolutely correct. And I would just point out that there
23 was one, as you know, a couple of witnesses where there was
24 closed session. I believe I'm allowed to say that. Some the
25 transcripts have been redacted and made public. We don't think --

66

1 I could be missing something, but I don't see what was gained by
2 that other than the public losing the opportunity to hear very
3 critical evidence.

4 [14.11.54]

5 MR. PRESIDENT:

6 The Chamber will adjourn today's proceedings now and resume on
7 Monday 29 August 2016, commencing from 9 o'clock in the morning.

8 On Monday, the Chamber will hear civil party 2-TCCP-219, and the
9 scheduling for next week's proceedings will be sent to parties in
10 due course. Please be on time.

11 Security personnel, you are instructed to take the two accused,
12 Nuon Chea and Khieu Samphan, back to the detention facility and
13 have them returned to attend the proceedings on Monday <29 August
14 2016> before 9 o'clock.

15 The Court is now adjourned.

16 (Court adjourns at 1412H)

17

18

19

20

21

22

23

24

25