



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

**ឯកសារដើម**  
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04 June 2013  
Trial Day 187

Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
THOU Mony

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## I N D E X

## HEARINGS ON VICTIM IMPACT

## MS. BAY SOPHANY (TCCP-4)

Questioning by the President .....	page 3
Questioning by Ms. Sarkarati .....	page 6
Questioning by Mr. De Wilde D'Estmael.....	page 27
Questioning by Ms. Sarkarati resumes.....	page 35
Questioning by Mr. Son Arun .....	page 39

## MR. SOEUN SOVANDY (TCCP-145)

Questioning by the President .....	page 50
Questioning by Mr. Sam Sokong .....	page 55
Questioning by Mr. Chan Dararasmey .....	page 72
Questioning by Ms. Guissé .....	page 79

## MS. SENG SIVUTHA (TCCP-141)

Questioning by the President .....	page 91
Questioning by Mr. Jacomy .....	page 92
Questioning by Mr. Chan Dararasmey .....	page 111

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MS. BAY SOPHANY (TCCP-4)	Khmer
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. JACOMY	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PICH ANG	Khmer
MR. SAM SOKONG	Khmer
MS. SARKARATI	English
MS. SENG SIVUTHA (TCCP-141)	Khmer
MR. SOEUN SOVANDY (TCCP-145)	Khmer
MR. SON ARUN	Khmer

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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 the statements of sufferings, harms  
6 and impact by three civil parties.

7 And before we proceed on the hearing of the statements of  
8 suffering by those three civil parties, the Chamber would like to  
9 inform all the parties to this case that for today's proceedings  
10 and the subsequent days, Judge You Ottara, who is the national  
11 judge, is absent due to his health. And after the consultation  
12 with the sitting Judges of the Trial Chamber, we decided to  
13 appoint Judge Thou Mony, the Reserve National Judge, in place of  
14 Judge You Ottara's seat until such time that he returns to the  
15 Bench. That is based on Rule 79.4 of the ECCC Internal Rules.

16 [09.06.43]

17 The parties and the public are also informed that Judge Claudia  
18 Fenz, the International Reserve Judge, is absent today and the  
19 following days due to her urgent personal business.

20 And due to time difference between Cambodia and the United States  
21 and as we actually scheduled to hear a witness - a civil party,  
22 in fact, tomorrow, and the 6th, and the 7th of June 2013 through  
23 a video-link, the sitting time for tomorrow is at 8.30 a.m., and  
24 we will recess at 11.30. And for the afternoon session, it will  
25 be unchanged, as we will have a witness appear in person for the

2

1 afternoon session.

2 Also, for Friday afternoon – that is, the 7th of June 2013 – the  
3 Chamber will commence the afternoon session at 1.00 p.m. and will  
4 adjourn at 3.30 p.m.

5 Mr. Dav Ansan, could you report the attendance of the parties and  
6 individuals to today's proceedings?

7 [09.08.45]

8 THE GREFFIER:

9 Mr. President, all parties to the case are present and Nuon Chea  
10 is present in the holding cell downstairs based on the decision  
11 of the Trial Chamber in relation to his health.

12 The three civil parties who are to make their statements of  
13 sufferings today; namely, TCCP-4, TCCP- 145, and lastly TCCP-141,  
14 are present and awaiting to be called by the Chamber.

15 Thank you.

16 MR. PRESIDENT:

17 Thank you.

18 And before we invite the civil party into the courtroom, we would  
19 like to enquire from the Lead Co-Lawyers as for the process of  
20 hearing the statements of the three civil parties.

21 Did you have any request to be made for the procedural purpose?

22 [09.10.04]

23 MR. PICH ANG:

24 Good morning, Mr. President, Your Honours. For the three civil  
25 parties, we will process as follows.

3

1 For TCCP-4, Ms. Nushin Sarkarati will question the civil party.  
2 She will briefly make a statement and put the questions to the  
3 civil party.

4 As for the second civil party - that is, TCCP-145, that civil  
5 party will be questioned by the assigned lawyer, Sam Sokong. This  
6 civil party will express a statement of suffering and if deemed  
7 necessary, the assigned lawyer will put the questions to this  
8 civil party.

9 And for the last civil party, that civil party will be questioned  
10 by Emmanuel, the assigned lawyer. The assigned lawyer will first  
11 confirm about the documents and then put the questions to the  
12 civil party.

13 Thank you.

14 The three civil parties all have questions for the Accused.

15 MR. PRESIDENT:

16 Thank you.

17 Court Officer, could you invite the civil party, TCCP-4, into the  
18 courtroom?

19 (Civil Party Bay Sophany enters the courtroom)

20 [09.13.35]

21 QUESTIONING BY THE PRESIDENT:

22 Good morning, Madam Civil Party.

23 Q. May we know your name?

24 MS. BAY SOPHANY:

25 A. Good morning, Mr. President. My name is Sophany Bay.

4

1 Q. How old are you?

2 A. I am 67 years old.

3 Q. Where were you born?

4 A. I was born in Kampong Chhnang province.

5 [09.14.34]

6 Q. Thank you. Where is your current address?

7 A. I live in San Jose in California, America.

8 Q. What are the names of your parents?

9 A. My father's is Hoy Nhim (phonetic), and my mother is Sing Sin  
10 (phonetic).

11 Q. Are you married? If so, what is his name and how many children  
12 do you have?

13 A. I am married; his name is Sarit Bay, and we have three  
14 children: one son and two daughters.

15 MR. PRESIDENT:

16 Thank you.

17 As a civil party before this Court, you are given an opportunity  
18 to make a statement of sufferings inflicted upon you materially,  
19 emotionally and physically, which are the direct result of the  
20 crimes and which led you to become a civil party in this case -  
21 the crimes that have been charged against the two Accused - that  
22 is, Nuon Chea and Khieu Samphan - and which took place during the  
23 Democratic Kampuchea regime from the 17 April 1975 to the 6 of  
24 January 1979.

25 You will first be questioned by your civil party lawyer and you

5

1 will then have the opportunity to make your statement on  
2 sufferings and impact.

3 The floor is now given to the assigned lawyer for civil party to  
4 put questions to this civil party. You may proceed.

5 [09.17.11]

6 MS. SARKARATI:

7 Thank you, Your Honour. If I may make a brief introduction before  
8 I begin my questions.

9 Your Honour, Ms. Sophany Bay is a direct victim of the forced  
10 evacuation of Phnom Penh. She submitted her victim information to  
11 the Courts, that's document number D22/3850. Her Victim  
12 Information Form was written in both Khmer and English, and  
13 that's available at ERN 00571050 through 75; the French ERN is  
14 00846057 through 72; the Khmer translation is at 00865219 through  
15 26; and the English translation is 00867203 through 11.

16 She was admitted by OCIJ as a victim of the forced transfer from  
17 Phnom Penh. Her testimony today will detail her experience under  
18 the Khmer Rouge regime and the resulting impact of these  
19 traumatic events. We will hear that as a mother alone with her  
20 children on the day of the evacuation, Ms. Bay was forced to flee  
21 her home with her six-month old baby and her two small children  
22 with only one small pack of clothes, milk and water to sustain  
23 them. Her testimony today will describe the harms she and her  
24 children endured during the march out of Phnom Penh and the  
25 devastating loss of all three children as a result of the regime.

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1 [09.18.55]

2 Ms. Bay left Cambodia in 1983, where she was reunited with her  
3 husband. She will explain that even though she left Cambodia and  
4 now resides in the U.S., her suffering continues to this day. At  
5 present she's a mental health counsellor at the Gardner Mental  
6 Health Centre in San Jose, California. This is a clinic that was  
7 created as a special program to assist victims of the Khmer Rouge  
8 regime in that county and have been identified as having  
9 overwhelming mental health problems related to trauma.

10 Ms. Bay will explain that her symptoms are not unique; she sees  
11 the same symptoms amongst her clients and the community around  
12 her. Ms. Bay will explain that not only did the war tear apart  
13 her community, it left her and her husband childless, without an  
14 extended family and with a feeling of hopelessness and isolation  
15 that endures to this day.

16 Your Honour, at this time, I'd like to pose some questions to the  
17 civil party regarding her relevant experience under the Khmer  
18 Rouge, if I may.

19 [09.20.11]

20 QUESTIONING BY MS. SARKARATI:

21 Good morning, Ms. Bay.

22 Q. Before we begin talking about your experiences under the Khmer  
23 Rouge, will you first describe to the Court what your life was  
24 like before April 1975?

25 MS. BAY SOPHANY:

7

1 A. Good morning, Counsel, and good morning, Mr. President and  
2 Your Honours.

3 Today, I'm grateful that I could travel from the United States to  
4 appear before this Court and to have the opportunity to make my  
5 statement of sufferings regarding what we suffered under the  
6 Khmer Rouge regime from 1975 to late 1978.

7 Before the 17 April 1975, I was living in Phnom Penh. I was a  
8 teacher and my husband at the time was the lieutenant-colonel and  
9 was the youngest brother of Chumteav Kheng, the first wife of the  
10 Marshall Lon Nol. I had three children, the eldest son was  
11 Sophanouvong Bay, alias Paul, and my daughter's name was Botum  
12 Kunthea Bay, alias Pine, and my two-month baby at the time was  
13 Lilavodey, alias Pomme. I was living with my husband and my  
14 family. And in late 1974, my husband was assigned by Lon Nol  
15 government to study in Fort Benning in Columbus, Georgia, for the  
16 senior official military role and I was living with my three  
17 children in Phnom Penh at the time.

18 [09.22.37]

19 Q. And can you tell the Court what happened to you on April 17,  
20 1975?

21 A. On the 17 April 1975, Khmer Rouge soldiers entered Phnom Penh.  
22 They were walking everywhere along the streets, they were  
23 dressing in black uniform and every one of them, male and female,  
24 were armed. They had stern facial expression and those Khmer  
25 Rouge soldiers began firing shots into the air and chase the

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1 people to immediately leave their houses and Phnom Penh. I was  
2 terrified; I could not imagine that they would do that. I carried  
3 my youngest child, and together with my two other children I  
4 could not manage to carry any much belonging. So I only got  
5 clothes for each of my child and some milk and milk bottles, and  
6 I placed them all in a carry bag that I used to use it for going  
7 to school.

8 [09.24.19]

9 And I had to leave urgently as we were repeatedly chased and  
10 warned by the Khmer Rouge soldiers. And they said that the  
11 Americans would drop the bomb very soon and that we would only  
12 leave for three days. I had to leave, if not and if the Khmer  
13 Rouge soldiers enter my house, I would be killed or - I could not  
14 imagine what would happen because I had photos of my husband in  
15 the military uniform displayed in the house, as well as the  
16 photos of my related family members of Marshall Lon Nol. So,  
17 together with my three children and a bag filled with clothes, I  
18 went to my other sister-in-law's house whose husband was the  
19 wife's minister of the general mobilization named Van Sarin. But  
20 the Khmer Rouge stopped me from proceeding forward. For that  
21 reason, I had to leave where I was pointed to. I did not know  
22 where I should head to, everybody was confused. So I just kept  
23 going along with the rest, along the side streets reaching the  
24 main streets. And the road was fully crowded; each step took a  
25 long time to move forward. And I was on the main road near

1 Chamkar Mon and we were heading in the directions instructed by  
2 the Khmer Rouge, so we reached Kbal Thnal and then Chbar Ampov.  
3 [09.26.25]

4 And along the road, as I observed on the day, the scene was  
5 pitiful. I saw dead bodies, the bodies of the Lon Nol soldiers,  
6 the bodies of elder people, the body of children and pregnant  
7 women. And another scene that I witnessed was that of the  
8 disabled people and those people who still had oxygen in their  
9 nostril. And if you can recall, that was the hot season, the hot  
10 month in Cambodia, and we had to travel under the heat of the  
11 sun. We kept moving very slowly under the heat of the sun,  
12 together with my three children. I held on very tight to my  
13 children as I was afraid I might lose them. So we walked crossing  
14 Kbal Thnal, crossing through Chbar Ampov and then we were heading  
15 toward Traeuy Sla. The journey took us several days before we  
16 could leave Phnom Penh. We had to stop and rested at empty houses  
17 belongs to Chinese families, and we would just stay at any empty  
18 houses as the rest of the travellers did.

19 [09.28.18]

20 So we just kept going and one time we reached an area where there  
21 were a lot of mango trees. It was raining that day and I had  
22 nothing to protect my children, so we took refuge under a mango  
23 tree. We were all soaked. I had my young baby close to my chest  
24 and I covered the baby with my body, and in the morning we were  
25 chased to go further by the Khmer Rouge soldiers. And from that

1 day, my young baby – that is my daughter, became sick. That was  
2 because of the impact of being soaked under the rain and because  
3 of the extreme heat. She got fever, and my two other children  
4 also got fever and myself I also got fever. But we had to force  
5 ourselves to move as instructed by the Khmer Rouge and we did not  
6 know – we did not have any destination in mind. Later on we  
7 reached Traeuy Sla and my children's situation became worse, so I  
8 decided to stay in that Traeuy Sla village. We went to take  
9 refuge under the house of the Base People. Those Base People had  
10 pity on us because they saw I had young children, so they gave us  
11 some food.

12 [09.30.27]

13 But the Khmer Rouge soldiers reprimanded the Base People and  
14 instructed them to stop giving food to us. And we were chased to  
15 move, to stay far away from the Base People because of my  
16 distinct social class, as I was treated as the New Person, the 17  
17 April Person, and the villagers were considered the Base People.  
18 So the Khmer Rouge soldiers chased me away – chased us away to  
19 the end of the – to the outskirts of the village and – tried to  
20 build our shed by ourselves. My youngest baby was becoming even  
21 seriously sick. But because the Khmer Rouge soldiers threatened  
22 us, I had to go into the forest and to pick the palm tree leaves  
23 with my two elder children and they were still pretty small at  
24 the time, and then I borrowed a knife and cut some tree branches,  
25 and then I – that's the ground and erect those palm tree leaves

11

1 as our shelter. But I could not stay there for long as my  
2 daughter became seriously sick. With me I had a diamond ring  
3 which was a gift from my elder sister-in-law when I got married,  
4 so I exchanged that diamond ring for some medicine with the Base  
5 People.

6 [09.32.28]

7 Initially I exchanged for 25 cans of rice and then I exchanged  
8 the rice with aspirin. I got 10 tablets of aspirin and other  
9 medicine for the treatment of my children and myself. But the  
10 medicine could not improve the condition of my children,  
11 especially my young daughter. She got dysentery; she could not  
12 eat anything as she would throw up when she ate anything. So I  
13 went around looking for anyone who had the medical experience to  
14 help my children. One villager then advised me to walk about four  
15 or five kilometres from the village and that I would find a  
16 military hospital. So I went along by carrying my daughter and  
17 with the other two children. I saw a male soldier and I was told  
18 that he was the medic, I begged that military medic asking him to  
19 save my children. I told him that my children got fever and  
20 dysentery and would not take anything. The medic asked me to  
21 bring along my children and there were a few beds, and I was  
22 asked to put my young baby on the bed. Then he came back with  
23 some kind of medicine and he injected my baby on the skin on top  
24 of the skull. I did not dare ask what it was. Upon the time he  
25 took away the needle, my youngest child got seizures and passed

12

1 away. I cried. That was the first time that I witnessed such a  
2 tragedy in my life. I packed my baby and we all cried.

3 [09.35.12]

4 In the afternoon I carried the dead body of my youngest daughter  
5 to bury in the forest nearby. I carried the dead body to the  
6 forest nearby and then I buried her myself. There were only two  
7 people help me dig the pit, and I put the dead body in the pit.  
8 And I put a wooden post on the grave so that I could recognize it  
9 later on. At that time, I was very confused, I was in a state of  
10 confusion, I could not do anything, I became very forgetful. And  
11 since then the Khmer Rouge soldiers made me to work extremely  
12 hard from morning till night. I had to plant corn. My two other  
13 kids stay at home, nobody took care of them, they stayed at home  
14 alone and I had to go to the corn field to work. And upon my  
15 return at home, I did not see my two kids. I was very, very  
16 shocked; I had to try to look for my kids. And then a few minutes  
17 later they came back home, I was happy. They carried with them  
18 two small branch of trees and then my younger sister told me that  
19 she used this small branch of tree to dig something - to look for  
20 something for it.

21 [09.37.04]

22 And they told me every day about what they had to do and I was  
23 very shocked upon hearing what they had to do during the daytime,  
24 so I decided to leave the place. I decided - I attempted to leave  
25 the place twice, but I could not do it because I was eventually

1 arrested by the Khmer Rouge soldier. And upon arresting me, the  
2 Khmer Rouge warned me not to attempt to leave the place, I had to  
3 stay on. And then on the third attempt, I could leave the place,  
4 I had to take a small boat over there crossing the river, and  
5 then I went to another village. At that time, I got to that  
6 village and then there was a truck taking the Chinese back to  
7 Phnom Penh in order to plant vegetables, and I begged them to get  
8 on the truck by themselves and then they asked me, I was not  
9 Chinese, why did I get on the truck? I begged them to kindly give  
10 me the lift to Phnom Penh. So, at that time when we got to Phnom  
11 Penh the place where they grow vegetable, they did not ask the  
12 people to leave the truck, they continued to take us to Tuol  
13 Slaeng Pagoda near Kampong Kantuot.

14 [09.38.36]

15 Over there, there was a military base; it was a battalion and  
16 there were many Khmer Rouge soldiers, they were wearing black  
17 uniform and they were fully armed. They came to take us from the  
18 truck and then they brought us to an empty house. And people were  
19 packed in that house at that time, it was completely dense with  
20 people, it was like a bunch of banana, people were staying in  
21 such a dense house. And then the Khmer Rouge made the people to  
22 clear the bushes and forest in order to clear the forest for  
23 farming. We had to do it, it was a very difficult job, we got  
24 stung by insects and we had to work until we could clear the  
25 forest for farming. And then after we had cleared the forest,

14

1 they made us to plough the field. At that time, they did not use  
2 buffalos or any animals to plough the fields; they used human  
3 labour to plough the field. And those who resist going or those  
4 who pretend to be lazy, they would be beaten instantly, they  
5 harshly beat them.

6 [09.40.14]

7 I had to work over there. It was in that place that my son, Paul  
8 Sophanouvong - one day my son asked to follow me to work - he did  
9 not want to stay at home - then, the Khmer Rouge soldier did not  
10 allow my son to follow me to the rice field. Two Khmer Rouge  
11 soldiers then took my son out, and then one of the Khmer Rouge  
12 soldier put a gun inside my son's mouth. My son was crying, but  
13 he still did not drop; but he was crying very, very hard. The  
14 Khmer Rouge told my son and me that my son was not a Cambodian  
15 son, he was an American son, he was an imperialist son. "Look at  
16 him." He was crying but his tear did not drop out. Then the Khmer  
17 Rouge soldier told me that he would not kill my son but he had to  
18 threaten him so that he would not follow me to work. Then one of  
19 the other soldiers of the Khmer Rouge pointed the guns at my  
20 back, pushing me to go to work. I begged them for mercy. I begged  
21 them not to kill my son. If they'd killed my son they had better  
22 killed me, I told them at that time. And he took a scarf to tie  
23 my son's hand together. My son was screaming very hard at that  
24 time, but of course his tears did not come out. He put my son in  
25 a small pond, my son was still screaming.

15

1 [09.42.06]

2 And as for my daughter, she did not want to follow me, but she  
3 wanted to follow her brother. So I had no choice but to go to  
4 work, so I had to continue walking. But while walking, I turned  
5 back to look at my son, what would happen to my son. Then when I  
6 looked at them and then my son and the daughter decided to run  
7 after me, and they - when they got to me he fell down, he could  
8 not say anything, he just fell down on my feet. And my daughter -  
9 my son could not say anything because he had lost all of his  
10 energy and words and then my daughter told me everything. And  
11 then I untied my son, then I saw the bleeding on the hands, I  
12 felt very, very sorrowful at that time. And since then my two  
13 children body got swollen and then they got very sick and the  
14 situation only got worse each day.

15 [09.43.25]

16 The Khmer Rouge did not give us food to eat. Every day I only  
17 received only a cup of watery gruel for the adult. As for kids,  
18 they were given only half of a cup of watery gruel.

19 I, at that time, had one watch with me, a Seiko brand. I had  
20 hidden it somewhere along my waist. I took this wrist watch to  
21 exchange for some medicine from the villagers. I got some vitamin  
22 B1. I received only eight tablets of vitamin B1 in exchange for  
23 this wrist watch. And upon getting these pills, I administered  
24 them to my children, but the situation - the condition of my  
25 children did not get better because their bodies were swollen all

1 over.

2 [09.44.50]

3 And then the Khmer Rouge soldiers sent me to another military  
4 base, 320. This base was known as 320. At that place, the Khmer  
5 Rouge soldiers made me to work very hard. I had to carry earth  
6 every day; they wanted to build a dam over there. I stayed there  
7 for three months. Then they continued to send me to another new  
8 place, which I did not know its whereabouts. And then the Khmer  
9 Rouge soldier took a biography of me, I told them that I was a  
10 former teacher but the Khmer Rouge soldier did not believe in me  
11 and then they stared at me with a very stern impression. They  
12 said that I was not a teacher; I was a TV commentator during the  
13 Lon Nol regime. From that day onward, the Khmer Rouge undertook  
14 surveillance on my activity day and night.

15 [09.45.50]

16 Then they took me and my children, as well as others, to be  
17 located somewhere in Chisor Mountain. Over there we had to work  
18 extremely hard. We had to break the stones and we had to stay in  
19 very miserable huts. We had to work extremely hard breaking  
20 rocks. We worked all the time, whenever the Khmer Rouge asked us  
21 to work, we had to work, there is now working hours for us. It  
22 was in that place that my son got even worse and I ran out of any  
23 medicine at all. I had no idea what to do with my sick son. And  
24 in addition, the Khmer Rouge soldiers starved us; they did not  
25 give us any food to eat at all. When we stayed there for two

17

1 days, we had nothing to eat; we only ate the wild plant leave. We  
2 boiled them and then ate the wild plant leave. And I also begged  
3 some people for some rice - that I begged other people for -  
4 together with some palm fruit that I picked along the way, and  
5 then I prepared that for the food at that time.

6 [09.47.26]

7 And then on that night when we were so starving, we did not have  
8 anything to eat but the plant leaf, I cried very painfully. I  
9 hugged my two children. I did not know actually while that night  
10 I hug my son, I did not know when my son passed away. And the  
11 next morning when I got up, I saw my son, he was motionless, his  
12 body temperature got very cold and I did not know. I tried to  
13 open the eyes of my son, I tried to feel him on the nose, but  
14 then I realized that my son had already passed away. It was a  
15 very miserable thing in my life, we had nothing to eat. I believe  
16 that we die because of starvation.

17 And in the afternoon I carried the dead body of my son myself to  
18 bury, nobody help us, only some people who took pity on our  
19 family, they helped us to dig the pit to bury our son. I buried  
20 my son somewhere near the foothill of Chisor Mountain, and then I  
21 put a stone - and I carved a stone myself, just carved the name  
22 of my son, Paul - I put it on the grave of my son. Then when I  
23 came back home, my only daughter at home she got sick and very,  
24 very sick. And at that time she - her condition was very terrible  
25 and then I could not do anything to help. I did not have any

1 medicine to administer, anything.

2 [09.49.31]

3 And eventually my daughter, my only daughter died. And my  
4 daughter, my last daughter who dies, she was a very clever  
5 daughter. She is only five at that time but she continued to talk  
6 to me until she dies. She told me that "Mommy, please take me to  
7 the doctor, please give me some medicine, I wanted to live with  
8 you, I want to stay with you, I did not want to go away from  
9 you." And then just minutes later she told me that "Mommy, Pine  
10 would not survive, would not live with you. When will our father  
11 come back from the United States? Why did he stay so long in the  
12 United States? You, mommy, have to find father." And then she  
13 died immediately. Then when my last daughter dies, I became  
14 almost insane, I could not do anything. This was the last time  
15 that I had nothing left for my life. I became almost insane, I  
16 did not talk to anybody; I cry myself. I wanted to die with my  
17 children because I had nothing left, I had nothing left. My  
18 children were all dead. After that miserable period, I became  
19 almost insane myself, and some people even called me "Neang  
20 Badacha", a sorrowful lady.

21 [09.51.05]

22 This was the tragedy in our family. It was the consequence of the  
23 Khmer Rouge regime. They died because of the Khmer Rouge soldier.  
24 And I would like to appeal to the Court to find justice, and I  
25 would like everyone in this Court to understand my sorrowful

1 life.

2 Q. Your Honour, at this time, I'd like to display a photograph on  
3 the screen. This is in the case file under document number  
4 E285.1.1, that's ERN 00910047.

5 Ms. Bay, do you recognize this photograph?

6 A. Yes. This is the photo of my youngest daughter, Lilavodey,  
7 alias Pomme. I also bring this hardcopy photo with me. This is  
8 the photo of my youngest daughter; she was injected on her head  
9 by the Khmer Rouge medic, and then she died instantly after that.  
10 She was the first daughter to die.

11 [09.52.40]

12 Q. And how did you know that the person that injected her head  
13 was Khmer Rouge?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Civil Party, please hold on until the microphone is activated.

17 MS. BAY SOPHANY:

18 A. Because the villager told me that this was the hospital of the  
19 Khmer Rouge.

20 BY MS. SARKARATI:

21 Q. Thank you. And do you have any other photographs of your  
22 children to this day?

23 MS. BAY SOPHANY:

24 A. No, I do not have any other photo. This is the only single  
25 photo that I sent to my husband in the United States just a week

20

1 prior to the Khmer Rouge entering Phnom Penh. That's why he only  
2 had this photo with him and I do not have any other photos of my  
3 other children, the Khmer Rouge destroyed all of them.

4 [09.54.04]

5 Q. Thank you, Ms. Bay. Now, at the end of the war, how many  
6 members of your family survived?

7 A. When the Khmer Rouge regime was over, I had nothing left,  
8 completely nothing left. I had to try to look for my parents in  
9 Kampong Chhnang, but they all disappear. I saw no one; I saw  
10 empty land and only palm trees. I asked the villager, the  
11 villager told me that the Khmer Rouge had exterminated my family;  
12 they had killed my father first. I had to look for my family on  
13 my husband's side, but again, they were all killed. They  
14 exterminated my family, both on my side and my husband's side. I  
15 had nobody left, I had no relative left, I only had my husband  
16 who resides in the United States.

17 Q. Thank you, Ms. Bay. Now, I'd like to ask you a few questions  
18 now if I may, about the impact of these traumatic experiences on  
19 your life.

20 MR. PRESIDENT:

21 Counsel, please be reminded that you have only four minutes left,  
22 including the questions you put and the response from the civil  
23 party.

24 [09.55.46]

25 BY MS. SARKARATI:

21

1 Thank you, Your Honour.

2 Q. Can you describe to us how your experience under the Khmer  
3 Rouge affected your health?

4 MS. BAY SOPHANY:

5 A. After I reunited with my husband in 1983 – my husband was a  
6 handicapped person – and because of the suffering I sustained  
7 from the Khmer Rouge regime, I became mentally sick. I also had  
8 some disease with me as well, I always had nightmare and I – at  
9 night sometime I had nightmare, I scream. I live in a traumatic  
10 life because of this tragedy during the Khmer Rouge regime until  
11 today. I still have nightmare of the atrocity of the Khmer Rouge  
12 regime. At night I would dream of the Khmer Rouge soldier chasing  
13 me and trying to kill me.

14 [09.57.14]

15 MS. SARKARATI:

16 Your Honour, since we have an extra one and a half hours today,  
17 would you mind if I take a few more minutes to question this  
18 civil party?

19 MR. PRESIDENT:

20 Your request is not granted because she will have to respond to  
21 the questions, as well. And I don't think that you have used the  
22 time effectively.

23 MS. SARKARATI:

24 Can I ask another quick question and I will ask Ms. Bay if she  
25 can answer the question very quickly?

1 And Ms. Bay, what other symptom -

2 MR. PRESIDENT:

3 We have not yet granted your request. Of course you are now  
4 granted with the last question for this civil party.

5 [09.58.33]

6 MS. SARKARATI:

7 Your Honour, after my question, Ms. Bay also has just two  
8 questions that she'd like to pose to the Accused, if she may.

9 MR. PRESIDENT:

10 You may proceed to put the question. Otherwise, your time will be  
11 up.

12 As I say, the time for the civil party to put the question to the  
13 Accused, we will grant that time. Of course the civil party will  
14 have time to put the question to the Accused. We understand the  
15 importance for the civil party to put the question to the  
16 Accused, that's why we remind parties - and you in particular -  
17 to put the question effectively so that you will make the best  
18 use of Court time.

19 Thank you.

20 [09.59.31]

21 BY MS. SARKARATI:

22 Thank you, Your Honour.

23 Q. Ms. Bay, can you quickly describe for us what other symptoms  
24 you experienced after you returned from the fall of the Khmer  
25 Rouge?

1 MS. BAY SOPHANY:

2 A. As I said earlier, following the Khmer Rouge regime, I have  
3 had psychological impacts. And of course physical suffering, I  
4 also sustained it, I got wounded on my leg and I became very  
5 weak, my health was not as good as before and at night I had  
6 nightmare. This was the trauma I actually sustained as a  
7 consequence of the Khmer Rouge regime.

8 MS. SARKARATI:

9 Your Honour, may I ask one further question of this civil party?

10 [10.00.44]

11 MR. PRESIDENT:

12 You are not-

13 Civil Party, if you have questions for the Accused, you may  
14 proceed.

15 MS. BAY SOPHANY:

16 Mr. President, I thank you for giving me the opportunity. I do  
17 have questions to be put to the Accused. I have three questions  
18 actually.

19 The first question is the following: Mr. Khieu Samphan and Mr.

20 Nuon Chea, you were the leaders leading the country and the

21 regime of the Democratic Kampuchea, were you aware that the Khmer  
22 Rouge killed children, even the youngest children, including

23 mine? My second question: Were you aware that the Khmer Rouge

24 soldiers went around mistreating children, interrogating children

25 and forced children to tell the stories of their parents? And did

24

1 you order those Khmer Rouge to behave in such a way?

2 [10.02.04]

3 And here is my third question: If you were not aware of it, if  
4 you did not order for such conduct by the Khmer Rouge, who  
5 actually did it? Who actually gave the order?

6 And I would like the response from you as the leaders of the  
7 regime at the time.

8 Thank you.

9 MR. PRESIDENT:

10 In principle, your questions have to be put through the  
11 President.

12 And as Mr. Khieu Samphan is present in this courtroom, I will now  
13 redirect the questions to Mr. Khieu Samphan first, and then Mr.  
14 Nuon Chea.

15 Khieu Samphan, you may proceed.

16 [10.03.09]

17 MR. KHIEU SAMPHAN:

18 Good morning, Mr. President. Good morning, Your Honours, and good  
19 morning, everyone in and around the courtroom and my national  
20 compatriots who are present here today, and good morning, Madam  
21 Bay Sophany. I would like to respond to your questions.

22 First of all, I would like to inform you that I am not the leader  
23 of the Democratic Kampuchea regime. Although I was labelled as  
24 the Head of State, I did not have any authority.

25 And to respond to your question whether I was aware that children

25

1 were killed by the Khmer Rouge soldiers – and allow me to  
2 apologize, I did not know anything at all and that is the truth.  
3 I did not know anything at all regarding this matter.

4 [10.04.45]

5 And to respond to your second question that why children were  
6 mistreated and interrogated and were those Khmer Rouge soldiers  
7 given instructions to do so? To respond to this second question,  
8 I would say I did not know about this matter. To my knowledge,  
9 there was no such order, not at all.

10 And to respond to your last question – but before that allow me  
11 to add to your second question – I personally did not give any  
12 order to any soldiers to do so. I did not have any authority over  
13 the military, not even a smallest group of soldiers. And  
14 personally, I am not that crude and illiterate person like that.

15 [10.06.26]

16 And for your third question that you asked whether if I did not  
17 know, who knew about that? You said you went to Traeuy Sla, this  
18 means that the person who was responsible for that sector was the  
19 one who had the authority to do so; this is my understanding.

20 So I, myself, would oppose such cruel and crazy act, but I really  
21 regret that I did not know about this matter and that is all.

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 Thank you.

25 The questions by the civil party are now redirected to Nuon Chea.

26

1 And Nuon Chea, you may respond to the questions.

2 Mr. Nuon Chea, can you hear us? If so, can you respond to the  
3 questions put to you by the civil party Bay Sophany?

4 [10.08.37]

5 MR. NUON CHEA:

6 Good morning everyone in and around the courtroom; and good  
7 morning, Mr. President; and good morning, Madam Sophany, if I can  
8 recall your name correctly.

9 Allow me to express my sorrow and regret for the loss of lives of  
10 your family members, as mentioned by you this morning. And allow  
11 me to contribute to the condolences and to express my condolences  
12 to the loss. Allow me to clearly state that Democratic Kampuchea  
13 did not have any policy to kill its own people. On the contrary,  
14 it only had the policy to rescue and to build the people to  
15 become good citizens, to become the compatriots and to be loving  
16 one another.

17 And as in the case of your children, the Democratic Kampuchea  
18 regime did not have any policy to kill children, young children.

19 And allow me to reiterate that point clearly and please allow me  
20 to share the sorrow of the loss of your family members.

21 And that's all, Mr. President.

22 [10.10.23]

23 MR. PRESIDENT:

24 Thank you.

25 The floor is now given to the Prosecution to put questions to the

1 civil party. You may proceed. You have 10 minutes to do so.

2 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

3 Thank you very much, Mr. President. Good morning, Your Honours.

4 Good morning to all parties, and good morning to you, Madam Civil  
5 Party.

6 We unfortunately have very little time at our disposal and yet  
7 your story is extremely rich in detail and quite lengthy.

8 Therefore, I will ask only a few supplementary questions and do  
9 my best to avoid reviving your personal pain and agony.

10 Q. In a letter addressed to Mr. Al Santoli, you stated that you  
11 lost many members from your side of the family - from your  
12 husband's side of the family and that they had departed in order  
13 to be executed. I wish to know how you learned of that  
14 occurrence, how you learned of those events? And if you know  
15 whether or not they were identified as members of Mr. Lon Nol's  
16 extended family?

17 [10.12.01]

18 MS. BAY SOPHANY:

19 A. I received the information from the villagers who were from  
20 the native village of my mother-in-law. When the Khmer Rouge  
21 chased people away from their houses, my in-law families all went  
22 toward their native village - that is in Run village in Takeo  
23 province. So they knew of the backgrounds of my in-law families  
24 very well, that my father-in-law was the father-in-law of  
25 Marshall Lon Nol. They knew about the occupation of my elder

1 brother-in-law as well.

2 Q. And were several members – were several of your in-laws  
3 members of Lon Nol's army or did several of your in-laws serve as  
4 officials for the Lon Nol regime?

5 A. The relatives of my husband's side were mainly public servants  
6 and they were senior government officials. For that reason, the  
7 burden was placed on the Lon Nol extended families. Even on my  
8 side, my parents who were living in Kampong Chhnang were killed  
9 because they were the in-law of the Marshall Lon Nol's  
10 father-in-law, and the Khmer Rouge knew about that.

11 [10.13.40]

12 Q. Thank you. You've also told this Court that many of your  
13 husband's friends who also served as public servants or soldiers  
14 for the Lon Nol regime, had perished under the Khmer Rouge  
15 regime. Based on your observation, were those public servants  
16 specifically sought out and targeted by the Khmer Rouge during  
17 the 1975 to 1979 era?

18 A. I am not sure about the chasing and the killing, but I knew  
19 for sure that the Khmer Rouge people killed Lon Nol soldiers, in  
20 particular the military officers who were in a rank similar to  
21 that of my husband. And there were only a few surviving military  
22 officials who are currently living in the United States and a few  
23 are living here in Cambodia.

24 [10.14.56]

25 Q. I wish to return to the topic of the treatment that was meted

1 out to the April 17 People when they were sent to forced labour.  
2 You stated that when villagers were providing your children some  
3 food out of the generosity of their hearts, the Khmer Rouge had  
4 prohibited them from doing so. Did the Khmer Rouge ever describe  
5 or provide reasons as to why there was different treatment based  
6 on different categories of people? And did they ever explain why  
7 April 17 People were segregated from the Base People?

8 A. That is true. The Khmer Rouge told me clearly that my social  
9 class was different from that of the Base People in the village.  
10 I was told that I was considered the New People, the 17 April  
11 People, while the villagers were considered Base People and I  
12 should be separated from the Base People.

13 Q. And were the Base People and 17 April People treated in the  
14 same manner regardless of the village that they lived in, in  
15 terms of housing, health care they were given, food they were  
16 given, treatment or even in the manner in which they disappeared?  
17 [10.16.37]

18 A. Yes, there was a huge difference. The Base People who were  
19 considered to live in a liberated zone, they had more than what  
20 we had, they had sufficient rice to eat. We, the 17 April People,  
21 only ate watery gruel with a few grains of rice and we only had  
22 salt to eat. And sometimes we were given very little dry fish or  
23 fermented fish, but mainly we only ate with salt. And sometimes  
24 we were starved. As in the case of the death of my son, we were  
25 not given sufficient food and my son died. And what we had at

1 that time was only rice bran and tree leaves in the pot. How  
2 could we survive with rice bran? The rice brand was meant for  
3 pigs to eat. But we had to resort to eating rice bran and tree  
4 leaves.

5 Q. In the same documents that I referenced to earlier, D22/3850,  
6 you stated, Madam Civil Party, on ERN French page 00860741; ERN  
7 in English, 867208; and in Khmer, 0057164; you state the  
8 following: "I, for one, stayed there in order to break stones and  
9 I was treated as a prisoner of war. The word 'prisoner of war'  
10 was used by the Khmer Rouge regarding the 17 April People."  
11 Why is this so, Madam?

12 A. We were treated as the New People, the 17 April People. We had  
13 a different social class compared to the Base People. While we  
14 were working, we were watched by armed people. Even during the  
15 night time when we were sleeping, people would be walking around  
16 and monitoring us. We were forced to break rock and to achieve  
17 three "tauv" of rocks per day for road construction. I was  
18 wounded in my leg and I was forced to break a big rock. And at  
19 the time, Mr. President and Your Honours, I did not have any  
20 medicine for the treatment of my leg. The wound became worse and  
21 infected and I could not walk, but I had to move myself to go and  
22 break rock, otherwise my ration would be withdrawn, so I had to  
23 work while I was sick. And the only thing that I could use for  
24 the treatment of my wound was to pick the tobacco remains that  
25 was thrown away by the Khmer Rouge and I used it for the

1 treatment of my wound.

2 [10.20.47]

3 Q. Thank you. Unfortunately, I do not have enough time to delve  
4 further into that matter. However, I do have two remaining  
5 questions or subjects that you raised in the same document,  
6 concerning a woman who was severely beaten and punished by the  
7 Khmer Rouge because one of her children had denounced that she  
8 stole a pumpkin. And you stated that the woman was the wife of  
9 the unit chief, and it was explained that she was not beaten as  
10 an individual, but she was being beaten on behalf of the regime,  
11 on behalf of Angkar as a way of retaliating against imperialism -  
12 capitalist.

13 Were you able to sense the sense of mistrust and defiance that  
14 the leaders felt against people such as yourself, members of the  
15 bourgeois class?

16 A. That is true. A woman whose husband was a former soldier and  
17 who was breaking rock next to me was - that while the mother was  
18 breaking rock, the children who were left behind in the village  
19 were beaten up and interrogated. They were asked whether - or  
20 what the parents were doing during the former regime and whether  
21 they stole anything from Angkar.

22 [10.22.27]

23 When I returned from breaking rock, I saw at the back of my  
24 children - they actually used a charcoal chalk to draw or write  
25 something on the back of my children. And I noticed they did that

1 almost every day, because when I returned from work my children  
2 waved and they told me that they were beaten and asked about the  
3 occupation of the father and the mother and whether I stole  
4 anything. And I told my two children whatever they were asked,  
5 "Don't ever say that your father was a military officer and lived  
6 in the United States. And you have to remember that, otherwise,  
7 if you tell them, then you will be killed, and so would I; I will  
8 be killed, as well."

9 So, although my children were beaten up by the Khmer Rouge every  
10 day - as they were asked about my husband and I - my children  
11 maintained that they did not know anything. And I told them that  
12 they should say that my husband was a teacher and that we were  
13 separated and that's all they should reply to the Khmer Rouge.  
14 And they remembered the phrase and they always replied the same  
15 thing and for that reason, I survived here today.

16 [10.24.03]

17 But for that woman who was breaking rock nearby me, the children  
18 of the woman were asked and they were scared and then they told  
19 the Khmer Rouge soldiers that, "One day my mother hid a pumpkin."  
20 So the Khmer Rouge soldiers went around looking for a pumpkin and  
21 they couldn't find it. So they used a piece of wood each and  
22 began beating that woman. They tied her hands to the back and  
23 asked her to stand on her knees, she was beaten up and she  
24 protested that she did not steal anything. But they kept beating  
25 and beating and they even kicked her in the chest. The woman -

1 the Khmer Rouge female who was pregnant also kicked her chest and  
2 scolded her that she was an imperialist and she was a capitalist,  
3 and they kept beating her. So the mother was beaten up in front  
4 of me at the rock quarry and we – the ones who were breaking rock  
5 at the time – were told by the Khmer Rouge that the woman was  
6 beaten up because she was the enemy and she stole stuff and eat.  
7 We could not do anything, we kept our head down and we were  
8 encouraged to beat that woman. Even if I had to die, I would not  
9 lay my hand on her.

10 This is the kind of mistreatment conducted by the Khmer Rouge  
11 towards the 17 April People.

12 [10.26.13]

13 Q. Thank you. And one final question, as follows: Concerning the  
14 treatment awaiting the April 17 People, by the end of the war and  
15 just prior to the Vietnamese invasion, what were the village  
16 chiefs saying or doing to the 17 April People?

17 MR. PRESIDENT:

18 Prosecutor, could you repeat your question, as there seems to  
19 have no interpretation in the other two languages?

20 BY MR. DE WILDE D'ESTMAEL:

21 Yes, certainly, Mr. President.

22 Q. Concerning the fate that awaited the 17 April People, a  
23 significant event that you raised in your written statement is  
24 that as the Vietnamese troops were arriving at the end of 1978,  
25 what were the village chiefs asking of the April 17 People?

34

1 Apparently they were ordered to dig something. Can you please  
2 further elaborate?

3 [10.27.44]

4 MS. BAY SOPHANY:

5 A. Toward the end of the regime, upon the imminent arrival of the  
6 Vietnamese troop, Khmer Rouge soldiers forced us, the 17 April  
7 People - as that was the stage that the 17 April People were  
8 placed in a separate village and that village was named the "17  
9 April Village" - we were forced to dig a pit each, which was 2  
10 metres wide, and the width was dependent on the number of the  
11 family members. I asked the Khmer Rouge why I was asked to dig a  
12 pit and I was told that it was meant for fertilizer. And I told  
13 the Khmer Rouge that I did not have any fertilizer to put in the  
14 pit and I was by myself and I was sent to the front by the Khmer  
15 Rouge. But they kept asking me to dig a pit. It was 2 metres by  
16 0.5 metre and 1 metre deep. But I did not complete it because the  
17 Vietnamese troop arrived.

18 [10.29.13]

19 MR. DE WILDE D'ESTMAEL:

20 Thank you very much, Madam Civil Party, for having answered my  
21 questions. I have no further questions to put to you.

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 The floor is now given to Nuon Chea's team to put questions to  
25 this civil party. You may proceed.

35

1 Do you have any issue to raise?

2 MS. SARKARATI:

3 Your Honour, as Ms. Bay has flown all the way from the United  
4 States and she has very valuable information on the impact of her  
5 suffering, we ask for just five more minutes for the civil  
6 parties to pose the questions on suffering to her.

7 (Judges deliberate)

8 [10.31.26]

9 MR. PRESIDENT:

10 You are granted with the time to put the question to the civil  
11 party. You have five minutes.

12 QUESTIONING BY MS. SARKARATI RESUMES:

13 Thank you very much, Your Honour.

14 Q. Ms. Bay, I just have three more questions for you.

15 You described to us that you have symptoms such as nightmares,  
16 did any of these symptoms change when you left Cambodia and came  
17 to the United States?

18 MS. BAY SOPHANY:

19 A. This symptom has stayed with me until today and I am - even  
20 though I arrived in the United States, but the traumatic  
21 experience still follow me because when I got to the United  
22 States, I look at the children of American family, I recall the  
23 time when I had with my family why my children were so  
24 unfortunate. American family and children had access to  
25 education; they live a happy life in the family. But my family's

1 life was a complete different.

2 [10.32.50]

3 I still recall the time when my children talked to me; I remember  
4 every words they said to me. Whenever I recall that moment, I  
5 felt traumatic, I could not hold my tear. My tear runs now  
6 immediately whenever I recall the past sorrowful experience in  
7 our family, particularly the tragic death of my children during  
8 the Khmer Rouge period.

9 Q. And did you have any more children at the end of the war?

10 A. I do not have - I do not have any children, following the  
11 collapse of the regime. And as I said, my health got -  
12 deteriorated during the Khmer Rouge regime. As a woman, I did not  
13 have any haemorrhage (sic) and I was living like a man. I did not  
14 have - my sexual health did not allow me to have any other  
15 children.

16 Q. Now, Ms. Bay, we're aware that you're a mental health  
17 counsellor at the Gardner Health Centre and that you work with  
18 Cambodian victims of the Khmer Rouge regime. Can you tell us what  
19 problems you see amongst these victims that are living in the  
20 U.S. today?

21 [10.34.43]

22 A. It is true. In the present job I am holding, I provide mental  
23 counselling to the people, particularly refugees - Cambodian  
24 refugees in particular, under the Cambodian Program, the  
25 Cambodian refugees who have brought along with them the traumatic

1 life that they had come across during the Khmer Rouge regime.  
2 Each and every family of the Cambodian refugee had suffered  
3 traumatic experience during that period. No family was spared  
4 from the atrocity. That's why I have been working to assist  
5 Cambodian family by providing mental counselling, particularly to  
6 Cambodian families who do not make a good living in the United  
7 States. We provide them counselling, not only to reconcile them  
8 for the traumatic experience they have come across, but also the  
9 life pressure that they have had when they resided in the United  
10 States. Those Cambodian-American families described to me their  
11 suffering during the regime, as well the pressures that they  
12 have, particularly those who are at the elderly stage in life.  
13 [10.36.19]

14 They had come across the Khmer Rouge regime; they had quite  
15 similar sufferings as I have had. They told me about nightmare  
16 that they had. I believe them completely because I myself  
17 experienced that. I still have nightmare until today. I have  
18 never had any good dream, I have never had dream of a glorious  
19 life in the United States. I have never dreamed or resettling in  
20 the United States. I only dream of the Khmer Rouge chasing after  
21 me for my life.

22 Q. And this suffering you describe, how has it affected their  
23 lives in the United States, their ability to adapt to life in the  
24 United States?

25 A. Are you talking about Cambodian American families or myself?

1 Q. Both of you.

2 A. They have suffered mental suffering. As everyone might be well  
3 aware that the Khmer Rouge regime took place some 30 years ago,  
4 however, the mental state of mind of Cambodian people who came  
5 across this regime, both the average Cambodian family and myself,  
6 we still have this mental suffering.

7 [10.38.22]

8 Q. Thank you, Ms. Bay. And as a victim living in the United  
9 States, can you tell us quickly, why did you apply to be a civil  
10 party in Case 002?

11 A. The suffering I have had cannot be compensated, my tears  
12 continue to drop. I would like to appeal to the Court to find  
13 justice, to find justice for my dead children, to my family who  
14 were killed by the Khmer Rouge. None of my family members  
15 survived the regime. If those dead family members do not find  
16 justice, I believe that I will not be able to die at peace. As a  
17 mother, as a daughter of my parents and a mother of my children,  
18 I want to find justice for them. And not until the justice is  
19 done for them, I am not feeling at peace. I would like to ask the  
20 Court to find justice for the victims. I have been waiting for a  
21 long time for the justice to be brought to us, and I want to see  
22 justice. And I want to see today, and today is what I have been  
23 waiting for.

24 Thank you.

25 [10.39.57]

1 MS. SARKARATI:

2 Thank you, Ms. Bay.

3 And thank you, Your Honours. I have no further questions.

4 MR. PRESIDENT:

5 Thank you.

6 The time is now appropriate for adjournment. The Chamber will

7 adjourn for 20 minutes, and we will resume at 11.00.

8 Court Officer, please assist the civil party during the break and

9 have her returned to this courtroom by 11.00.

10 The Court is now adjourned.

11 (Court recesses from 1040H to 1100H)

12 MR. PRESIDENT:

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

14 And the floor is given to Nuon Chea's defence to put questions to

15 this civil party. You may take the floor.

16 QUESTIONING BY MR. SON ARUN:

17 Good morning, Your Honours, Mr. President.

18 And good morning once again, Bay Sophany. My name is Son Arun,

19 defence counsellor for Nuon Chea. I have some questions for you

20 this morning. Due to the limited time that I have, I shall be

21 brief.

22 Q. On the 17 April 1975, where were you?

23 [11.02.10]

24 MS. BAY SOPHANY:

25 A. On the 17 April 1975, I was in Phnom Penh near the area of

1 Chamkar Mon.

2 Q. Thank you. On that day – that is, the 17 April 1975, the Khmer  
3 Rouge soldiers came to your house; what time was it?

4 A. On the 17 April 1975, the Khmer Rouge soldiers did not enter  
5 my house, but they were shooting into the air and chasing the  
6 people – that is my neighbours – to immediately leave their  
7 houses. They fired shots into the air and chased us to go away in  
8 three days because the Americans would drop bomb. I was shocked  
9 upon hearing that, so I could no longer stay in my house. In  
10 addition, I could not stay long and waiting for the Khmer Rouge  
11 to enter my house and saw the photos of my husband who was the  
12 senior military official in military uniform, as well as the  
13 photos of my extended families of Marshall Lon Nol.

14 [11.03.42]

15 Q. Thank you. The Khmer Rouge did not directly chase you to go  
16 away from your house but it did so to your neighbours; is that  
17 correct?

18 A. They were about to come to my house because they were  
19 approaching from my neighbouring houses and they would come to my  
20 house soon. For that reason, I decided to leave my house  
21 immediately. That was the case that they chase everybody to leave  
22 the house.

23 Q. As you said, they did not chase you and your family, but they  
24 did so to your neighbours. But it was your understanding that it  
25 was unavoidable that they would chase you from your house; is

41

1 this correct?

2 A. The Khmer Rouge chased people from every house and they were  
3 about to come to my house. For that reason, I had to leave my  
4 house because I was very sure that they would come to my house  
5 soon.

6 [11.05.10]

7 Q. Allow me to clarify this point. When they were about to  
8 approach you and your house, how far were they and how many  
9 houses were in between?

10 A. (Microphone not activated)

11 MR. PRESIDENT:

12 Madam Civil Party, please pause a bit until you see the red light  
13 on the microphone.

14 MS. BAY SOPHANY:

15 A. It was just one house down, then it will be my house. For that  
16 reason, I was very shocked. I did not gather much belonging and  
17 had to leave with my children.

18 BY MR. SON ARUN:

19 Thank you.

20 Q. Does this mean you left Phnom Penh on your own free will and  
21 not by the Khmer Rouge; is this correct?

22 [11.06.18]

23 MS. BAY SOPHANY:

24 A. I did not leave my house on my own free will. Who would do  
25 that? It's because of the act by the Khmer Rouge soldiers. They

42

1 fired shots into the air and they chased people to go away from  
2 their house and insisted the Americans would drop bomb. And that  
3 was the statement that scared everyone. So although they did not  
4 come to my house yet – and of course I would be afraid for them  
5 to come to my house and see the photos of my husband and families  
6 – I had to leave. If they were to enter my house and saw the  
7 photos and while I was there, then there would be big trouble for  
8 me.

9 Q. Yes, I understand your point. Allow me to move forward.  
10 When the Khmer Rouge were one house down from your house, did you  
11 observe that they were threatening your neighbours or they were  
12 in an ordinary normal character or behaviour?

13 [11.07.47]

14 MR. PRESIDENT:

15 Civil Party, please wait.

16 The assigned counsel for civil party, you may proceed.

17 MS. SARKARATI:

18 Thank you, Your Honour.

19 This line of questioning is repetitive, and at this point I  
20 believe the defence counsel is badgering our witness.

21 MR. SON ARUN:

22 Allow me to respond. I am a defence counsel and we haven't yet  
23 questioned or completed the questions of this civil party, and  
24 that is the right of the defence counsel to only focus on one  
25 particular matter or to put it in a segmented based on our

1 approach. And if, of course, the civil party cannot respond, that  
2 would be at the discretion of the Bench.

3 [11.08.51]

4 MR. PRESIDENT:

5 The objection raised by the assigned counsel for civil party is  
6 not sustained.

7 The Civil Party, you are instructed to respond to the question  
8 put to you by the defence counsel.

9 It seems that the civil party cannot recall the last question put  
10 to her.

11 Defence Counsel, please repeat your last question.

12 BY MR. SON ARUN:

13 In order to save time as we only have 10 minutes, I move on.

14 Q. When you saw the Khmer Rouge approaching your house, what did  
15 you observe? Were they in - were they behaving in a cruel manner  
16 or was their behaviour normal? And what were they wearing? At  
17 that time, what was the environment like?

18 [11.10.32]

19 MS. BAY SOPHANY:

20 A. They were of stern facial expressions, they stared at us, they  
21 threatened everyone to leave the house. They fired shots into the  
22 air and they shouted for everyone to leave the house, otherwise  
23 the Americans would drop the bombs and that we had to leave the  
24 houses for three days. So they were not in a humble manner, they  
25 were of a cruel nature and they wore black uniform.

44

1 Q. Thank you. You were not chased from your house but from your  
2 response it looks very clear that they did so to you and that you  
3 saw them as threatening and they're firing shots into the air.

4 When they were near your house, did you hear them shouting  
5 directly? And how come you seem to be very sure on your response?

6 A. I was very sure because the house was not far from my house. I  
7 heard everything. I heard the loud shouting by the Khmer Rouge  
8 chasing people to go away from their house. It was not the gentle  
9 voice. And of course, this is compounded by the facts that they  
10 fired shots into the air. And that is the fact.

11 [11.12.04]

12 Q. Thank you.

13 When you evacuated yourself from Phnom Penh, you reached a  
14 certain location and you ran out of rice and food and everything  
15 else. And you only had a ring which was a gift from your in-laws,  
16 so you changed it for rice and later on you changed it for  
17 medicine, if I am not mistaken. My question is: When you did the  
18 bartering - that is, from rice to medicine - who did you exchange  
19 it with, and where?

20 MR. PRESIDENT:

21 Civil Party, please pause.

22 The assigned counsel for civil party, you may proceed.

23 MS. SARKARATI:

24 Your Honour, the defence counsel just assumed a fact that was not  
25 given in her testimony. He just claimed that Ms. Bay evacuated

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1 herself, when she has clearly repeated over and over again that  
2 she had heard orders telling people to leave the city and there  
3 were gunshots.

4 She did not evacuate herself nor has she ever made this  
5 statement, so we would appreciate it if you didn't pose this in a  
6 question to her when she has not made that testimony.

7 [11.13.41]

8 MR. SON ARUN:

9 The objection raised by the assigned counsel is not to the point  
10 that I said. This is a new fact. She said she had a diamond  
11 earring which was a gift from her in-law and in a row of  
12 exchanges, she got the medicine. And my question is: Whom did she  
13 exchange it with, and where? That is my main point of the  
14 question.

15 MR. PRESIDENT:

16 Assigned counsel for civil parties, you may proceed.

17 And Madam Civil Party, please wait.

18 MS. SARKARATI:

19 Your Honour, I'm objecting to the form of the question. He began  
20 the question by assuming a fact that wasn't in Ms. Bay's  
21 testimony. He said, "When you evacuated yourself," and then he  
22 proceeded with the remainder of his question. We're objecting to  
23 that form of question that he posed to her.

24 [11.15.01]

25 MR. PRESIDENT:

1 The objection is not sustained.

2 Civil Party, you are instructed to respond to the last question  
3 put to you by the defence counsel.

4 MS. BAY SOPHANY:

5 A. I exchanged my ring and it was done secretly with the  
6 villagers in that village. That was the Traeuy Sla village.

7 BY MR. SON ARUN:

8 Q. Were those villagers the New 17 April People or were they the  
9 Base People in the village?

10 MS. BAY SOPHANY:

11 A. (Microphone not activated)

12 MR. PRESIDENT:

13 Madam Civil Party, please observe a slight pause before you  
14 respond.

15 [11.16.03]

16 MS. BAY SOPHANY:

17 A. Those were the villagers who had been living in that Traeuy  
18 Sla village. They had pity on me and they gave us food. And I  
19 exchanged the ring with them secretly without the knowledge of  
20 the Khmer Rouge.

21 BY MR. SON ARUN:

22 Q. My point is: What kind of people did you exchange the ring  
23 with, were they the Base People or were they the New People like  
24 yourself?

25 MS. BAY SOPHANY:

1 A. They were not the New People; they were the old people or the  
2 Base People, as they were called at the time.

3 Q. If they were the Base People, how did they know that your ring  
4 was of a great value and agreed to exchange it for rice?

5 A. They knew it very well because they were not the people who  
6 never knew the city. They were of a kind of a wealthy status who  
7 lived in the village. They knew the gold and the diamond very  
8 well.

9 [11.18.08]

10 Q. This morning you stated before this Court that before the  
11 arrival of the Vietnamese you were asked to dig a pit which was 2  
12 times 0.5 with a one-metre depth. Why were you asked to dig the  
13 pit? Were you given any reasons for digging the pit?

14 A. You are mistaken. It's not the Vietnamese who asked me to dig  
15 the pit, it was the Khmer Rouge. It was the chief and the deputy  
16 chief of the village who forced the people to dig pits for each  
17 family.

18 Q. I apologize if I made a mistake in my question. But in fact my  
19 question was prior to the arrival of the Vietnamese; the Khmer  
20 Rouge at the time asked you and the family to dig the pit. Were  
21 you given reasons for digging the pit?

22 A. I did not have any family members remained with me; I was by  
23 myself as my children all died. I was living in the 17 April  
24 village at the time and the persons who asked me to dig the pit  
25 were the chief and the deputy chief of the village. And each

1 family was asked to dig a pit.

2 [11.19.54]

3 And as I was by myself, I was also asked to dig a pit and I asked  
4 why. And the Khmer Rouge soldiers told me that although I was by  
5 myself, I was considered a family on my own. And I was asked to  
6 dig the pit which was 2 metre long, half a metre wide and 1 metre  
7 deep. But I did not complete the digging because the Vietnamese  
8 arrived.

9 Q. This is my last question. You told the Court this morning that  
10 your health is not that great and your memory doesn't serve you  
11 well and you have chronic mental trauma. If you have all these  
12 symptoms and conditions, how could you work in an organization to  
13 assist other women in mental health?

14 MR. PRESIDENT:

15 The assigned counsel for civil party, you may proceed.

16 [11.21.03]

17 MS. SARKARATI:

18 Your Honour, Ms. Bay never said in her testimony that her memory  
19 was not good. We would really ask that the defence counsel stop  
20 assuming facts that aren't in the evidence when he's posing his  
21 questions to Ms. Bay.

22 MR. SON ARUN:

23 As a defence counsel, I am entitled to ask even the smaller  
24 detail from the civil party in order to make sure the statement  
25 she makes is truthful or not. That is my point.

1 MR. PRESIDENT:

2 Counsel, it seems that you don't really follow the proceedings  
3 and the procedural practice in this Court. You can only object  
4 once to the same point, not twice. And your objection is  
5 sustained.

6 The question put by the defence counsel isn't related to the  
7 facts being processed before this Court. For that reason, Civil  
8 Party, you are instructed not to respond to the last question.

9 [11.22.39]

10 And the time is now up for the Nuon Chea's defence, and the floor  
11 is therefore given to Khieu Samphan's defence.

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. Good morning, Your Honours and good  
14 morning, Madam Civil Party.

15 On behalf of my client, Khieu Samphan, I do not have any  
16 questions for this civil party.

17 MR. PRESIDENT:

18 Thank you.

19 And thank you, Madam Bay Sophany. The hearing of your statement  
20 of sufferings and harm and testimony has now concluded. You may  
21 be excused from this Court. And your statement of suffering and  
22 harm and testimony may contribute to ascertaining the truth in  
23 this case and we wish you good health and good luck, and you may  
24 return to your residence.

25 [11.23.48]

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1 Court Officer, in collaboration with WESU, please assist Madam  
2 Bay Sophany for her return to her residence or wherever she  
3 wishes to go to.

4 You may now leave the courtroom, Madam Bay Sophany.

5 (Civil Party Bay Sophany exits the courtroom)

6 Court Officer, could you invite the civil party TCCP-145 into the  
7 courtroom?

8 (Civil Party Soeun Sovandy enters the courtroom)

9 [11.26.45]

10 QUESTIONING BY THE PRESIDENT:

11 Good morning, Mr. Civil Party.

12 Q. What is your name?

13 MR. SOEUN SOVANDY:

14 A. My name is Soeun Sovandy.

15 Q. Thank you. Is it Sovandy or Sovany?

16 A. (Microphone not activated)

17 Q. Mr. Sovandy, please observe a slight pause between the  
18 question and answer session so that your response can be  
19 interpreted. And please observe the red light on the tip of the  
20 microphone which indicates that it is activated and your voice  
21 will therefore go through the voice distribution system for the  
22 party and for the public, as well as for the interpreters, as  
23 your voice will be interpreted into other languages.

24 How old are you?

25 A. I am 57 years old.

1 [11.27.59]

2 Q. Where were you born?

3 A. I was born at Daeum Kor market, Kbal Mean Chey, Phsar Daeum  
4 Kor market - that is in Phnom Penh.

5 Q. Where is your current address?

6 A. I live in Boeng Veaeng village, Reang Kesei sub-district,  
7 Sangkae district, Battambang province.

8 Q. What is your occupation?

9 A. I am a rice farmer. I work in the rice fields.

10 Q. What are the names of your parents?

11 A. My father is Mok Chen (phonetic), and my mother is Kim Leanh  
12 (phonetic).

13 [11.29.15]

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

15 A. My wife is Soeun Sophai (phonetic). We only have one child.

16 MR. PRESIDENT:

17 Thank you, Mr. Soeun Sovandy.

18 As a civil party before this Court, you are given an opportunity  
19 to make your statement of suffering and harm and any impact  
20 inflicted upon you materially, physically and psychologically,  
21 which are the direct results of the crimes that occurred and  
22 which led you to become a civil party in this case, the crimes  
23 which have been charged against the two Accused - that is, Nuon  
24 Chea and Khieu Samphan - and which occurred during the Democratic  
25 Kampuchea regime, from the 17 April 1975 to the 6 January 1979.

1 You may proceed.

2 [11.30.53]

3 MR. SOEUN SOVANDY:

4 In 1975, on the 17 of April, I was evacuated through Kbal Thnal,  
5 all the way to Chbar Ampov, and then finally I reached S'ang,  
6 Kaoh Touch (phonetic). When I was being evacuated, my parents and  
7 my older siblings had left earlier, and I had to stay behind at  
8 home with my older sister, and then a week later I was evacuated.  
9 When they were evacuating us, they used force to move us out of  
10 our house on the pretext that we would leave for a few days in  
11 order to reorganize Phnom Penh, and then we would be returning to  
12 our homes. So we left our house and we were looking for my  
13 parents because when - before they left, they told me that if I  
14 looked for them along the river bank I would find them. But then  
15 I tried to look for them anywhere, but I could not find them. I  
16 only saw dead bodies along the street. I just went on and on  
17 aimlessly.

18 [11.32.33]

19 They told us that we would go to a place where Angkar designated  
20 for us and they told us that Angkar had plentiful food for us to  
21 eat, we would have sufficient things to eat. Unlike Lon Nol  
22 regime, we had to pay for everything. Over there we did not have  
23 to pay anything, but we had a lot of things to eat.

24 Then I was looking for my parents. I told people along the ways  
25 and then they told me that my parents were sent back to welcome

1 Samdech Sihanouk. I wanted to return back home, but I was not  
2 allowed to do so. They told me that I must not return home or I  
3 would be killed. So they told me that those who were supposedly  
4 sent to welcome Samdech Sihanouk was meant to die. So, eventually  
5 they put me in the work site. On the early days, they distributed  
6 some food for us, rice, two cans of rice for us. But once we got  
7 fully into the work site, they no longer gave us rice. Instead we  
8 had to eat communally; we were given only a few ladles of watery  
9 gruel for us to eat.

10 [11.34.01]

11 At that time, it was a prison without wall; we had to work very  
12 hard. They forced us to work extremely hard. And as for our food  
13 ration, the watery gruel was purely water and if they saw us -  
14 some vegetable inside our gruel, then they would beat us. If you  
15 only got one mango, they would beat us with the whip of the  
16 weapon. They discriminated against us saying that we were from  
17 the feudalist family, we were from the city, we were from - we  
18 were the city people, we were capitalists, so they discriminated  
19 against us. They said that it serve us well when we came to the  
20 countryside enduring starvation. That's what they mocked at us.  
21 And in addition, I was from Kampuchea Krom but I had resided in  
22 Cambodia for a long time, so I did not carry the accent of  
23 Kampuchea Krom people. And my parents were of course from  
24 Kampuchea Krom, they still had strong accent of Kampuchea Krom,  
25 so they always accused me of being a Kampuchea Krom. At that

1 time, they rounded people from Kampuchea Krom and then they were  
2 all executed.  
3 [11.35.52]  
4 They rounded them up in different location and then they told me  
5 that those people who had been rounded up were taken to do the  
6 plantation or farming somewhere else. But in reality those people  
7 were all killed; they accused them of being Vietnamese. But in  
8 reality they were not because they had resided in Cambodia for a  
9 long time during the Sangkum Reastr Niyum time. But they carry  
10 certain surnames which follow the Vietnamese tradition and then  
11 they accused them of being Vietnamese. And when they were talking  
12 and chatting with each other, sometimes they expressed themselves  
13 in Vietnamese; then they were accused of being Vietnamese. For  
14 example, if they had some action which was the tradition of  
15 Vietnamese, then they would be accused of being Vietnamese. Upon  
16 hearing any Vietnamese sound accent, those people would be  
17 considered Vietnamese and they would be destined for smashing.  
18 They said that the Kampuchea Krom People were the agent of the  
19 Vietnamese, they were the agent of the CIA. During the Khmer  
20 Republic, there were soldiers supported by the Kampuchea Krom  
21 people, and my uncles were from Kampuchea Krom. They were  
22 soldiers of the Khmer Republic. And some of - other uncles worked  
23 for the late Son Sann. And other relatives of mine from Rumlech,  
24 Boeung Khnar, and other places also worked for the Republic  
25 Khmer.

55

1 [11.38.18]

2 And I actually tried to look for my relatives in Reang Kesei  
3 commune, and I actually continued to look for my parents  
4 everywhere, including the various refugee sites along the border  
5 too, but I was despaired. I could not find them.

6 I actually worked as a soldier myself, but my intention was to  
7 look for my relatives and my parents, but it was very hopeless. I  
8 decided to return to Kampuchea Krom. I looked for the relatives  
9 of my father's, but I could not find anyone. They were all  
10 killed.

11 I witnessed by my own eyes that the Khmer Kampuchea Krom were  
12 indiscriminately killed during that time.

13 So this is my statement of the events at that time.

14 As for the suffering I endured, it was beyond words can describe  
15 because it was like the suffering sustained by other victims. We  
16 ate virtually everything at that time, including insects.

17 [11.40.05]

18 MR. PRESIDENT:

19 In order to speed up the proceedings, I now hand over the floor  
20 to the lawyers to put the questions to the civil party.

21 QUESTIONING BY MR. SAM SOKONG:

22 Thank you, Mr. President. And good morning, Mr. Soeun Sovandy.

23 Q. According to your statement earlier, you said that your family  
24 was forcibly evacuated from Phnom Penh around a week earlier  
25 before you left. Can you tell the Court the reason why your

1 family had to leave earlier - a week earlier and then you stayed  
2 behind in Phnom Penh a week later before you left?

3 [11.40.49]

4 MR. SOEUN SOVANDY:

5 A. My parents asked me to stay behind to look after the house  
6 with my eldest sister, Muy Hi (phonetic). So we had to look after  
7 the house. At that time, we did not even expect that we would be  
8 evacuated or we would be required to leave our house. We did not  
9 imagine that that situation would happen but at that time, the  
10 situation was completely different. They pointed guns at us, so  
11 we had no choice but to leave our house, somehow, was even  
12 attacked by rocket-propelled grenades.

13 And I had to leave our house looking for my parents, but it was  
14 only hopeless along the way. I could not find anything. They only  
15 told me that my parents had already returned to Phnom Penh to  
16 welcome Samdech.

17 Q. You say that when the Khmer Rouge troops entered Phnom Penh  
18 there were exchanges of fires and gunfire. So, when the Khmer  
19 Rouge entered your house, did they come as soldiers and did they  
20 force you to leave your house at gunpoint?

21 [11.42.20]

22 A. Yes, of course, they forcibly evacuated us out of our house.  
23 They forced us to leave our house by threat. So, they actually  
24 threatened us with the bombardment by Americans on the city. They  
25 said that we had to leave our house. Otherwise, we would be

1 killed by the bombardment. They said that if we did not believe  
2 them, we would look at the street; everyone were packing and  
3 leaving the city. And then when we looked outside, of course, we  
4 saw people marching along the street, carrying foodstuff and  
5 other things out of the city. So, they were fearful of being  
6 bombarded by Americans.

7 Q. In the course of evacuation, when you were being evacuated out  
8 of Phnom Penh, you left the city one week after your family. So,  
9 when you were leaving the city, what was the situation like along  
10 the way?

11 [11.43.39]

12 A. Along the way, I witnessed corpses scattered along the street  
13 and they were killed during the exchange of fires and just a few  
14 weeks before that, they were lured to return to Phnom Penh on the  
15 pretext that they would welcome the return of Prince Sihanouk.  
16 And then I also witnessed the bulldozer removing and burying the  
17 dead bodies. They just pushed the dead bodies into the pits.  
18 Particularly along the riverbank, you would see corpses over  
19 there. We did not even go to fetch the water to drink from the  
20 river because we saw dead bodies inside. We only got the water  
21 from the wells nearby.

22 Q. Concerning your evacuation, what suffering did you endure in  
23 the course of evacuation and what was your feeling of being  
24 evacuated at that time?

25 A. At that time, I did not imagine that these things would happen

1 and I saw dead bodies along the street. I did not know who these  
2 people were, and they told us - actually, they encouraged us to  
3 move forward saying that we would reach a place where we had  
4 plenty of things to eat over there.

5 Then I thought that probably I would reach that place. Before we  
6 left Phnom Penh, they also told us the same thing. They told us  
7 that, unlike the Lon Nol regimes, we had to pay for food. We had,  
8 for example, 5 riels per bowl of noodles. Then over there we  
9 would pay only 2 riels per bowl of noodle. So, we would have a  
10 lot of things to eat over there.

11 [11.46.04]

12 Q. Concerning your evacuation, you said you did not meet with  
13 your parents. What was your feeling like at that time when you  
14 did not meet your parents? You actually tried to meet with them.  
15 You did not know the fate of your parents at that time. What was  
16 your feeling like at the time?

17 A. I was completely despaired at that time. I was around 17 or 18  
18 years old. I did not have that - I was actually terrified when I  
19 saw the dead bodies along the way. And when I got to the  
20 worksite, I realized that the situation would be different. It  
21 was not as what they told me because we had to work very hard.  
22 And there was segregation among people in the worksite, too;  
23 those who were considered the 17 April People had to work very  
24 hard and had nothing to eat.

25 [11.47.33]

1 Q. When you were marching out of Phnom Penh along the way until  
2 you reached S'ang, Kaoh Thum, when you were on the move, were  
3 your biographies taken by the Khmer Rouge?

4 A. Well, at that time, I had my biography written. There was a  
5 man from the former Ministry of Veteran Affairs. He saw me  
6 carrying water for him. He whispered to me that I must not reveal  
7 my true biography; for example, I must not tell them that my  
8 parents were the former officials of the previous regime or my  
9 life would be in danger. I should only tell them that, "Your  
10 parents were farmers. If you ever told them that your parents  
11 were officials, you would be killed". So that's what he whispered  
12 to me.

13 So I told them that I was the son of farmers. I was minding  
14 cattle and then B-52 dropped and killed all the animals, so I had  
15 to come with them.

16 So they asked me to stay in one side-

17 [11.49.08]

18 Q. Well, I would like to interrupt you. I need to move to a more  
19 specific point.

20 You told the Court earlier that, at that time, in your village or  
21 in your cooperative, people were segregated. They were named 17  
22 April People or New People or Khmer Krom People.

23 So can you enlighten the Court, when the Khmer Rouge learned that  
24 certain groups of people were Khmer Krom or the 17 April People,  
25 what was their living condition like and what was the overall

60

1 treatment of these people like?

2 A. When they took the biography of the people, they actually  
3 could recognize the actions of people from Kampuchea Krom. So,  
4 upon knowing that they were from Kampuchea Krom, then they would  
5 classify them or group them in one particular group. And then  
6 they would assign them for a certain work.

7 And we thought to ourselves that we would be in a problem. We did  
8 not know our fate actually. On that day, I wanted to join with  
9 that team as well, but some people told me that I must not join  
10 that group. And then the next day later, that group of people  
11 were evacuated - were executed, rather.

12 [11.51.10]

13 Q. You told the Court that you lost your parents and relatives.  
14 Do you happen to know when they all disappeared and what actually  
15 happened to them; do you know that?

16 A. At that time, I think that there was some sort of purges. They  
17 tried to segregate between the 17 April People, the 18 April  
18 People, and Kampuchea Krom People.

19 So there was a clear segregation. There was no mix of Cambodian  
20 people. The 17 April People cannot stay with the 18 April People.  
21 So there was a clear segregation in the group of people. I think  
22 that that was the approach that they mobilized in order to  
23 clearly divide the people.

24 I was there. At that time, there was a sense of hatred against  
25 those with Vietnamese action.

1 [11.52.32]

2 Q. You knew that your parents and relatives died. Do you know  
3 when they died and why they died?

4 A. When I was on the way, actually, to S'ang, Preaek Touch, I was  
5 told by people that my parents had already returned to Phnom Penh  
6 to welcome Samdech Sihanouk.

7 Before I left the city, not only my parents left but other  
8 families also left. So when we were there, people told me that my  
9 parents and relatives had already returned to Phnom Penh. Those  
10 people were considered educated people, so they had to return to  
11 Phnom Penh to welcome Samdech Sihanouk, so that he would  
12 reorganize the structure in the government because he was the  
13 former official. And then, they disappeared and they told us that  
14 they were all killed, but I did not know where they were  
15 executed.

16 [11.54.16]

17 Q. I know that you're holding photos in your hands. What is your  
18 intention of bringing these photos to the Court?

19 A. This is a photo of my family that we took in Kampuchea Krom.  
20 This was our family photo. This is my father. Next to my father  
21 is my mother; my aunt; and Soeun Sovanna (phonetic); Soeun  
22 Sovanny (phonetic); Soeun Sovandy - that is me; and the little  
23 baby held by my mother is Soeun Sovann Doeun (phonetic). This is  
24 my uncle. He was a Lambretta driver in Oulampik, but they were  
25 all killed.

1 My uncle, Tech Long Oeung Kich (phonetic), was sent later during  
2 the Lon Nol administration. The Lon Nol soldiers and the  
3 American soldiers were sending them for fighting. They were  
4 there.

5 [11.55.44]

6 Then when I came back to Cambodia, people told me that they were  
7 all killed in Tonle Bet when they got on-board a boat. They were  
8 told that they would be returned to Kampuchea Krom, but their  
9 boat was shelled and eventually they were all killed in Tonle  
10 Bet.

11 Q. Can you describe the suffering as a result of the loss of your  
12 family members? Does your suffering still sustain until today?

13 A. I would like to ask the Chamber, and I would also like to ask  
14 Mr. Nuon Chea and Mr. Khieu Samphan -

15 Q. Of course, you will be given the opportunity to put the  
16 questions, but I would like to know the state of suffering you  
17 have sustained as a result of the loss of your beloved family,  
18 your relatives and your parents. I know that of course you had  
19 great pains after losing them, but does this pain continue until  
20 today for you?

21 [11.57.39]

22 A. Concerning the suffering, in the past, I had great suffering,  
23 but until today it subsides gradually because of - because the  
24 time has lapsed. But when looking back to the past, of course, I  
25 had great suffering and I wanted justice immediately, at that

63

1 times, and now it has been many years, but whatever it is, I am  
2 happy with what we are doing now. We are trying to find justice  
3 and I hope that if the justice is done, then my suffering will  
4 subside.

5 I believe that if we really want to dwell on this, then Cambodia  
6 would not be at peace; we will continue to face unrest.

7 You know, in Cambodian history, at that time, people talk about  
8 Vietcong. Vietcong was fighting, but actually, when we went into  
9 the forest fighting, it was not between us and Vietcong, but it  
10 was between Khmer and Khmer.

11 [11.59.04]

12 Q. When you filed your application to join as a civil party, what  
13 was your intention of your application to join as a civil party?

14 And as far as the reparation is concerned, what claims are you  
15 trying to request to the Court to be awarded as reparation for  
16 you?

17 A. As for reparation, first and foremost, in order to reduce the  
18 level of suffering I have, I would like the Court to order the  
19 constructions of school, of road, as well as stupa in the  
20 pagodas, so that people can pay tribute to the Khmer Kampuchea  
21 Krom who were killed at that time because, at that times, the  
22 levels of crimes they committed were so barbaric; even a small  
23 baby were also killed. They were crushed into a tree trunk, at  
24 that time, so this was a barbaric act and we - those people  
25 should be punished.

64

1 MR. SAM SOKONG:

2 Now this is the opportunity for you to put the questions to the  
3 Co-Accused or any particular Accused.

4 And with that, I thank you very much for coming to testify in  
5 Court today.

6 [12.01.06]

7 MR. PRESIDENT:

8 Mr. Sovandy, thank you.

9 You have – if you have question for the Co-Accused, you may put  
10 the questions. However, you have to put the questions through us,  
11 the Chamber, then we will refer the question to the Accused. That  
12 is the procedure that is provided for in the Cambodian law as  
13 well as the Internal Rules applicable before this Chamber.

14 You may proceed.

15 MR. SOEUN SOVANDY:

16 I would like to ask some questions to Mr. Nuon Chea and Mr. Khieu  
17 Samphan.

18 My first question is: Why were the Khmer Krom people rounded up,  
19 purged, and then smashed and why were they accused of Cambodian –  
20 them of being Cambodian with Vietnamese heart?

21 My second question: Did – were you involved in the policy making  
22 that led to the killing and suffering of Cambodian people during  
23 that regime?

24 The third question: If you happened to return to lead this regime  
25 again, would you do it differently?

65

1 [12.03.06]

2 MR. PRESIDENT:

3 Thank you, Mr. Sovandy.

4 Now I refer your three questions to the Co-Accused and I have to  
5 refer your question to Mr. Khieu Samphan first to respond to your  
6 questions and followed by Mr. Nuon Chea.

7 Counsel - International Counsel for Mr. Nuon Chea, you may  
8 proceed.

9 MR. KOPPE:

10 Thank you. Thank you, Mr. President. Good morning, Your Honours.  
11 Although I don't object to questions raised by the civil parties,  
12 I do note and I would like to observe that the first question is  
13 far outside of the scope of the - of the present trial. I'm not  
14 sure if questions of scope of the trial are questions which the  
15 Defence can raise, but I do note that the persecution of the  
16 Kampuchea Krom is not part of this trial.

17 [12.04.22]

18 MR. PRESIDENT:

19 National Counsel for Mr. Khieu Samphan, you may proceed.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President.

22 In addition to my esteemed colleague for Mr. Nuon Chea, I would  
23 like to touch on question number 3 that the civil party is asking  
24 questions that elicit assumptions or speculation, so I believe  
25 that this question is not appropriate. Therefore, I submit that

66

1 the Chamber reject the last question posed by the civil party.

2 [12.05.15]

3 MR. PRESIDENT:

4 Thank you.

5 And the Counsel for Mr. Nuon Chea, do you have similar  
6 observation or do you share the observation of the defence team  
7 for Mr. Khieu Samphan concerning the third question posed by the  
8 civil party?

9 MR. KOPPE:

10 Mr. President, I see the hypothetical nature and the - and the  
11 speculation character of that question. I think my client will  
12 also be able to see that. We limit our objections to the first  
13 question.

14 MR. PRESIDENT:

15 Counsel for the civil party, you may proceed.

16 [12.06.08]

17 MR. SAM SOKONG:

18 Mr. President, concerning the first question posed by the civil  
19 party concerning the rounding up or the purges for execution or  
20 the accusation of the Cambodian body with the Vietnamese heart, I  
21 believe that this is utterly within the scope of the hearing and  
22 I believe that he is the civil party and it is an opportunity for  
23 him to state his suffering and it also the times that he should  
24 put the question to the Accused. This is what he has always  
25 wanted to do.

67

1 And as for the third question, I don't think that the third  
2 question elicit any speculation. I think that this question is  
3 appropriate in the sense that if he would lead this regime again,  
4 whether or not he would choose to do it differently.

5 Thank you.

6 (Judges deliberate)

7 [12.09.58]

8 MR. PRESIDENT:

9 The Chamber rules on the objection by the defence team.

10 On the first question, the Chamber wishes to advise that  
11 according to the direction in relation to the hearing of the  
12 suffering and harms sustained by the civil party, the Chamber  
13 grants the opportunity for the civil party to state the suffering  
14 and harms he or she sustained during the Democratic Kampuchea  
15 period from the 17 of April 1975 to the 6 of January 1979. For  
16 this reason, the question is considered appropriate. The Chamber  
17 - the civil party has put the question to the Co-Accused, and the  
18 Co-Accused are directed to respond to the question.

19 As for the third question, this question concerns directly and  
20 indirectly to the suffering of the civil party and this  
21 opportunity is considered to be the opportunity that the civil  
22 party can put the question to the Accused. Therefore, it depends  
23 on the Accused themselves, whether they would choose to respond  
24 to the question.

25 Therefore, I refer the question to Mr. Khieu Samphan, first, to

68

1 respond to the question put by the civil party, followed by Mr.  
2 Nuon Chea.

3 You may proceed.

4 [12.11.58]

5 MR. KHIEU SAMPHAN:

6 Mr. Soeun Sovandy, I am pleased to respond to your three  
7 questions.

8 Your first question: Why did the Khmer Rouge segregate the  
9 Kampuchea Krom people and then eventually take them for  
10 execution? To the best of my knowledge, that was not the case. To  
11 the best of my knowledge, at that time, the leaders of the Khmer  
12 Rouge had the plan to mobilize the forces, the national forces,  
13 including Kampuchea Krom people, too, in order to defend our  
14 country from being aggressed by Vietnam. There was no policy;  
15 there was no suggestion, whatsoever, to segregate the people.

16 As for your second question, whether or not I was remorseful that  
17 I created a policy that led to the indescribable - indescribable  
18 suffering of the Cambodian people, I would like to respond to you  
19 as follow. I have never taken part in forming such a policy  
20 because, in my life, never have I imagined that I would form any  
21 policy to kill anyone, especially Cambodian people.

22 [12.14.53]

23 As for your third question - if I can return to that period, what  
24 (sic) would I behave? - my - your last question is rather  
25 difficult to answer, for one fact is that we cannot return to the

1 past. When we get old, we are old; we cannot return.  
2 But let's say, if we can rewind the clock and return to the past,  
3 what would I choose to do? If I could rewind the clock and go  
4 back to the past, I would demand that the sufferings that  
5 Cambodian people had endured be known to the leaders and to  
6 others and I would demand categorically that the Communist Party  
7 of Kampuchea redirect its direction to its original plan when it  
8 was incepted.

9 During its inception, the Communist Party Kampuchea set a  
10 direction that Cambodia had to be independent, peace and  
11 prosperity, people enjoyed their life and people have happiness  
12 and our plan was to ensure the surplus of agricultural production  
13 so that we could export in exchange for some necessary  
14 commodities such as medicines and other stuff.

15 [12.17.21]

16 At that time, Cambodian people were lack of medicines. So the  
17 life-necessity commodities were very important, medicines and  
18 other important stuff in - for everyday life. That was the first  
19 priority.

20 And then after that we would bring in factories and manufacturing  
21 and production so that Cambodia would gradually become  
22 industrialized. That was the original plan and direction of the  
23 Party. That's what I had known, but what you had described that I  
24 did not know, I can tell you frankly that I did not know the  
25 atrocity committed and the pains people sustained.

70

1 I would like to ask you for your understanding on my situation.  
2 I have told you the truth. I have told you to the best of my  
3 knowledge. I know that even though I tell you to the best of my  
4 knowledge, you are not still satisfied, but I cannot tell you any  
5 further because that is what I know and I only tell you what I  
6 know.

7 Thank you.

8 [12.18.44]

9 MR. PRESIDENT:

10 Court officer is now instructed to change the disc.

11 Next, I refer the questions put by the civil party to the accused  
12 Nuon Chea to respond. Mr. Nuon Chea, you may proceed.

13 MR. NUON CHEA:

14 May it please the Court, my respect to Mr. President and Your  
15 Honours. I am Nuon Chea. I would like to respond to Mr. Sovandy  
16 as follow.

17 First and foremost, the Democratic Kampuchea did not have any  
18 policy whatsoever to segregate people. There was no policy to  
19 divide people or categorize people as Khmer Kampuchea Krom or  
20 Khmer people. We consider Cambodian people as Cambodian people in  
21 order to defend our country. Therefore, at that time, Democratic  
22 Kampuchea considered Khmer Kampuchea Krom as Cambodian people.

23 [12.21.05]

24 This is my honest answer to your question. There was no reason to  
25 segregate Cambodian people from the Khmer Kampuchea Krom. We

71

1 never accused them of being Cambodian body with Vietnamese heart.  
2 This is the first respond to your question.  
3 Number 2. As I said in my first point, to my knowledge, the  
4 second question relates to the first question.  
5 And as for the third question, it has been around 38 years  
6 already since then. Now, if we could go back to the past, what  
7 would be the policy of the Democratic Kampuchea? I would say that  
8 it varied depend on the situation of the country. As the leaders,  
9 we had to find policy to prosper the country, so there was -  
10 there is no possibility of returning to the past, but it varied  
11 depending on the situation.  
12 Thank you.  
13 [12.22.30]  
14 MR. PRESIDENT:  
15 Thank you, Mr. Sovandy.  
16 The time is now appropriate for lunch adjournment. The Chamber  
17 will adjourn now and resume at 1.30 this afternoon. And this  
18 afternoon, the Chamber will hear your statement of sufferings and  
19 harm and another civil party this afternoon.  
20 And, Court Officer, please assist the civil party during the  
21 break and have him returned to this courtroom before 1.30.  
22 Security guards are instructed to bring Mr. Khieu Samphan to the  
23 holding cell downstairs and have him returned in this courtroom  
24 before 1.30 this afternoon.  
25 The Court is now adjourned.

1 (Court recesses from 1223H to 1333H)

2 MR. PRESIDENT:

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

4 The floor is now given to the Prosecution to put questions to the  
5 civil party. You may proceed.

6 QUESTIONING BY MR. CHAN DARARASMEY:

7 Thank you, Mr. President. Good afternoon, Your Honours, and good  
8 afternoon everyone and good afternoon Mr. Soeun Sovandy.

9 My name is Chan Dararasmey, the National Deputy Co-Prosecutor of  
10 this Khmer Rouge Tribunal. I'm going to ask you some questions on  
11 behalf of the Prosecution.

12 Q. Could you tell the Court the occupation of your father before  
13 the 17 April 1975?

14 MR. SOEUN SOVANDY:

15 A. He was a military officer of the Lon Nol regime and he worked  
16 with Son Sann at the time.

17 [13.35.05]

18 Q. What was his rank and which unit was he attached to?

19 A. To my understanding, he was a captain.

20 Q. What (sic) did your mother earn her living prior to 17 April  
21 1975?

22 A. She was a merchant. In fact, she sold grocery just at a stall  
23 in front of the house.

24 Q. This morning you confirmed that one of your uncles named Tieng  
25 Kech, he was a soldier of the Khmer Republic regime - that is,

1 the Lon Nol regime. What rank was he at the time and which unit  
2 was he attached to?

3 A. Tieng Kech, my uncle, was a lieutenant colonel. He stationed  
4 at Sleng Pagoda as part of the 47th Unit - that is, the "Mike  
5 Force" force. And another uncle, Tech Long (phonetic), he was a  
6 colonel and they both in the same unit - that is, Division 47.  
7 They were of the Kampuchea Krom origin led by Son Ngoc Thanh.

8 Q. When you boarded a boat in Kampong Cham at Tonle Bet, was your  
9 uncle on the boat as well?

10 [13.37.52]

11 A. He was probably on the boat as he was a military officer and  
12 his subordinates and him shall be there on the boat as there was  
13 a war at Tonle Bet in Kampong Cham. And after they reach an  
14 agreement, then they boarded the boat for the journey to  
15 Kampuchea Krom and there were probably hundreds of them on the  
16 boat. However, the boat was shelled and sank. All died.

17 Q. When that boat was shelled at Tonle Bet in Kampong Cham, were  
18 the Lon Nol soldiers on the boat or were there several of them or  
19 just civilians on the boat?

20 A. I did not witness it with my own eyes as I was in Phnom Penh,  
21 but it was likely the case.

22 Q. When you were evacuated from Phnom Penh by the Khmer Rouge  
23 soldiers, did - could the people refuse to leave?

24 A. People could not refuse to leave as the soldiers were armed  
25 and if someone refused to leave that person would be shot dead at

1 the house, and it happened at the nearby houses near my house;  
2 some houses had the rocket launchers fired into and by witnessing  
3 that, I decided to leave.

4 [13.40.21]

5 So I packed some rice and I went along with the other people. If  
6 I were to leave, I would probably die. They were cruel and mean.

7 Q. When people were being - being evacuated and while they were  
8 on the road, did the Khmer Rouge actually have their people to  
9 monitor or to track down people while they were travelling en  
10 route and did they threaten the people while they were  
11 travelling?

12 A. During the evacuation, we were actually forced to move quickly  
13 as Americans would drop bombs from their B-52 planes and that  
14 Phnom Penh would be smashed to pieces by a nuclear bomb and they  
15 were forced - and we were forced to move - to go and following  
16 Angkar instruction that we would meet with Angkar, but we did not  
17 know who Angkar was.

18 We could not spend the money that we had and along the road, we  
19 tried to barter for things. We exchanged the clothing that we had  
20 or the gold that we had for food.

21 [13.42.21]

22 Q. When people were evacuated from Phnom Penh by the Khmer Rouge,  
23 did the Khmer Rouge give instruction to the people or did they  
24 assist the pregnant women, the children, the disabled people, or  
25 those who could not walk, for instance, the elderly? Did they

75

1 have any measures – such measures during the evacuation?

2 A. During the evacuation, initially there were some people who  
3 had the medical knowledge would assist each other, but when we  
4 were at the Angkar places, there was no medicine given and what  
5 we were given were only those rabbit drop pellets and they use  
6 coconut juice as IV fluid.

7 Q. When you reach your last destination in S'ang district and  
8 during your living there, did you witness any strategy that  
9 happened to the people in the S'ang district and did you meet any  
10 of the Khmer Rouge leadership in S'ang district and if so, what  
11 did they tell you?

12 A. At the place where I lived, I did not meet any of them as I  
13 went to work outside and I came only back into the village to get  
14 my gruel ration.

15 [13.44.31]

16 And if people were requested to go and work in the farm  
17 sometimes, it meant that they would not survive; that they would  
18 be killed. And some people were actually guarded to dig their own  
19 pits and later on, they were killed. I refer to those Kampuchea  
20 Krom people. And they were walked in lines, line by line, and it  
21 happened around 6 or 7 p.m. so that not many people could observe  
22 that.

23 Q. Thank you, Mr. Soeun Sovandy.

24 As the time is limited, I will only ask you two more questions.

25 Can you tell the Court why you had to flee from Cambodia and went

1 to Vietnam in late 1978?

2 A. As I thought that one day it would be my turn to be killed  
3 because, at that time, the Bophea people were being killed every  
4 day. So we thought that we would not be spared and we were only  
5 waiting for the day to be killed and for that reason, we decided  
6 to swim across the river to seek help from the Vietnamese side.

7 [13.46.11]

8 And, yes, upon arriving in Vietnam, some Vietnamese fishermen  
9 actually assisted us, and they were actually spies for the  
10 Vietnamese, and then they sent bigger boats to rescue us.

11 And then we told them that the Pol Pot group killed a lot of  
12 people and that the Khmer people killed the Khmer people and for  
13 that reason, we would seek refuge in their land.

14 And at that time, they could also witness how skinny we was and  
15 we were actually shocked to see their country; to see everything  
16 was kind of normal with the market, but when we looked back it  
17 was despair and hopelessness.

18 We did not have any freedom to do anything. We could not even  
19 walk across from one side of the street to the other. We were  
20 only - we were confined to only travel between where we stay and  
21 where we worked. It was a prison without walls.

22 [13.47.42]

23 Q. You - based on the document, you left Cambodia in 1977 and  
24 upon your arrival, you would enjoy your freedom of speech, your  
25 freedom to travel which was contrary to the situation back in the

1 Democratic Kampuchea regime. Did you think the Cambodian people  
2 living in Cambodia at that time had the same right and freedom as  
3 you had in Vietnam because you were the one who experienced the  
4 situation itself; could you tell the Court?

5 A. People were deprived of their freedom. I could not say about  
6 the Base People or about themselves, but for the evacuees, like  
7 myself, there was no freedom whatsoever. We were confined between  
8 the place we worked and the place we stayed.

9 And sometime we stole a potato and even we would not be able to  
10 eat it and allow people to saw us eating. Otherwise, we would be  
11 accused of betraying the collective.

12 And another instance, sometime we tried to put extra leaves, tree  
13 leaves, into the watery gruel as a supplement, but we were not  
14 allowed to do that even for the younger Khmer Rouge people; the  
15 13 or the 14 people, they would even kick the bowl that we ate.

16 [13.49.39]

17 But upon arriving in Vietnam, the situation was contrasting;  
18 there was a market, and at that time, I actually consumed three -  
19 three bowls of noodle at one time. And when I look back, it was  
20 so pitiful for the situation in Cambodia and for the people who  
21 were forced to work and they knew only nothing but working and  
22 there was no market; nothing at all, and that was extremely  
23 opposite of the initial liberation as after the liberation, we  
24 applauded. We were so happy; we thought that peace would arrived,  
25 but it was the opposite.

78

1 It seems that we were imprisoned; imprisoned in a prison without  
2 walls. We were deprived of rice and were given only watery gruel.  
3 And we would not even allowed to supplement the watery gruel with  
4 tree leaves.

5 I actually picked a mango and I almost lost my life for that. I  
6 was accused that I betrayed the collective; that I picked that  
7 mango without requesting or informing the Angkar, and I was  
8 blamed by this young soldier who actually drag their - his rifle.  
9 The situation was indescribable.

10 [13.51.35]

11 MR. CHAN DARARASMEY:

12 Thank you, Mr. Soeun Sovandy. On behalf of the Prosecution, I  
13 thank you very much for answering the questions and I hope that  
14 your responses would contribute to ascertaining the truth and I  
15 wish you all the very best. Thank you, Mr. Sovandy.

16 And thank you, Mr. President. I have no further questions for  
17 this civil party.

18 MR. PRESIDENT:

19 The floor is now given to Nuon Chea's defence to put questions to  
20 this civil party. You may proceed.

21 MR. SON ARUN:

22 Mr. President, we, the counsel for Nuon Chea, do not have any  
23 question for this civil party. Thank you.

24 MR. PRESIDENT:

25 Thank you.

79

1 The floor is then given to Khieu Samphan's defence to put  
2 questions to this civil party. You may proceed.

3 [13.52.32]

4 QUESTIONING BY MS. GUISSÉ:

5 Thank you, Mr. President. Good afternoon, Your Honours. Good  
6 afternoon to all the parties and good morning – good afternoon,  
7 Civil Party.

8 My name is Anta Guissé. I am international co-counsel for Mr.  
9 Khieu Samphan and in this capacity, I wish to put some questions  
10 to you for purposes of clarification and I will be very brief. In  
11 any case, we will not have much time.

12 Q. I understand, Mr. Civil Party, that when on the 17th of April  
13 1975 you had to leave your home, you were with your sister at  
14 home, at the time, and I have also understood from your  
15 explanations that your parents and younger brothers and sisters  
16 had left your home a week before. Did I understand your testimony  
17 correctly?

18 MR. SOEUN SOVANDY:

19 A. Yes, that is correct for the evacuation, and I already stated  
20 that earlier today.

21 Q. Let me point out from – that I'm asking for these  
22 clarifications because in the form you filled initially – the  
23 reference is as follows: In English – by the way, it's document  
24 D22/2745/1 in English and 27 in Khmer and in – and the ERN is as  
25 follows: in English, it's 00556030 and in Khmer, it is 00556039

1 and it continues on the following page.

2 [13.55.02]

3 My question, for purposes of clarification, is raised because  
4 when you read the first form, you understand that the entire  
5 family left on the same day. I also noticed that in the  
6 supplemental information form, which you appear to have rectified  
7 or corrected, and it is the following document in French,  
8 00909167 and in Khmer, it is 00579163 and in English, 00865120.

9 In this supplementary document, this is what you state in French:

10 "When the Khmer Rouge arrived in 1975, I was living with my  
11 sister in Phnom Penh."

12 The problem I have with this information and which is why I need  
13 your clarifications is that in the first form, for which I gave  
14 the reference number, you described the facts as follows. In any  
15 case, this is what we find on the form. You stated that you had  
16 been separated from your family; you and your sister, along the  
17 road.

18 [13.56.38]

19 So my question to you is this: When were you separated from your  
20 family; was that on the road or you were separated, quite simply,  
21 because your parents had left before the 17th of April 1975?

22 A. They actually had left one week earlier; that's why we were  
23 separated. And when I left with my elder sister and when we  
24 reached the Angkar place, then she was separated from me as she  
25 was moved to a mobile unit and I moved to another mobile unit.

1 Q. So, in specific terms, my question to you is as follows: If  
2 your parents left one week before the 17th of April, why did they  
3 leave? Were they forced to leave?

4 A. They were forced to leave. At that time, they were told that  
5 they – they should leave for a short period of time until they  
6 prepared Phnom Penh and then they would be allowed to return in a  
7 month or so and for that reason, my parents asked me to stay  
8 behind at the house. But later on, everybody was asked to leave.  
9 Otherwise, we would be killed by the bomb dropping by the  
10 American planes.

11 [13.58.52]

12 Q. Very well, but one week before the 17th of April 1975, the  
13 Khmer Rouge had not yet arrived in Phnom Penh, so my question to  
14 you is this: Who forced your parents to leave their home at that  
15 time, since you state that that was one week before you were  
16 evacuated. One week before you were evacuated, your parents left.  
17 Who forced them to leave at that time?

18 A. Here, I talked about the events that took place after the  
19 liberation of Phnom Penh. I did not talk about the date prior to  
20 arrival of the Khmer Rouge.  
21 After Phnom Penh got liberated, people were chased to leave Phnom  
22 Penh. I talk about the day that they were chased from Phnom Penh  
23 and the point that they had left earlier because we were told  
24 that we would be – we would have to go only temporarily and that  
25 we will be allowed to come back, but I cannot recall for sure the

1 date that we left.

2 [14.00.30]

3 I could only recall that, at that time, the Khmer Rouge were  
4 everywhere in Phnom Penh. Some of them could not even drive a  
5 motorbike. They wanted to ride - to drive it, but they fell down.  
6 They did not even know how to use a pen, but they tried to put a  
7 pen in their upper pocket. And I saw goats and materials being  
8 transported busily in Phnom Penh at the time.

9 Here, I refer to the period that - that they had already entered  
10 the Phnom Penh and the people were chased to leave Phnom Penh. I  
11 cannot recall the specific date.

12 Q. There's a matter that I do not fully understand. Pardon me.

13 You're saying that you don't recall the exact date and yet, this  
14 morning, all of the questions that were put to you were based on  
15 the premise of things happening as of April 17th 1975. Am I to  
16 understand that you nor your sister left Phnom Penh on April 17th  
17 1975 or - but afterwards; is that what I am to conclude?

18 [14.02.14]

19 A. I describe it based on the event that unfolded on the  
20 liberation day, on the 17 of April 1975, when people were  
21 evacuated out of Phnom Penh. And when they evacuated Phnom Penh,  
22 they told us that we would leave for a short period of time. We  
23 would leave for two or three days and then we would return to  
24 Phnom Penh because they need to organize the city. So people left  
25 in stages; some people left earlier and other left later. And

1 then they threatened the people with the American bombardment in  
2 the city, so we had to leave.

3 Q. Yes, Mr. Civil Party, I understood that quite clearly.

4 However, my issue lies with the date on which you left and your  
5 parents left. You stated that your parents departed one week  
6 prior to your departure, so either they left before – they left  
7 seven days before April 17th 1975 because you had left on April  
8 17th 1975.

9 [14.03.43]

10 Do you understand my question because when you say that you left  
11 on the same date as your parents or not, it would be two  
12 different occasions, but my question is if you stayed at your  
13 residence after 1975 – after April 17th 1975, after liberation –  
14 did you stay for one week, after the liberation of Phnom Penh, at  
15 your home?

16 A. Yes, that is correct as I stated in my testimony earlier. I  
17 think that I have made myself clear with that. I do not recall  
18 the exact date because it has been so many years since then. At  
19 that time, I was 17 years of age and now I am 57 or 58 already. I  
20 have forgotten some of the events.

21 There were a lot of issues, a lot of events, at that time, and I  
22 had to move here and there; I could not remember every detail.  
23 And I have separated with my relatives. I had to leave from one  
24 place to another in search of my relatives. I went to various  
25 refugee camps, but I could not find any of my relatives there.

84

1 [14.05.07]

2 And I was - I was from a soldier family from the Lon Nol regime.

3 I wanted to be soldier myself and I was - I wanted to be in

4 paramilitary official and I wanted to find out why we, as family,

5 had to separate. I was looking for my relatives, but I could find

6 none of them and even overseas, I did not find that they were

7 living or residing in any countries.

8 Q. In the interests of absolutely clarity, and this is my final

9 question in an attempt for clarity, are you stating that you

10 remained at your family residence after the Khmer Rouge soldiers,

11 that you described this morning, had ordered you to leave the

12 City of Phnom Penh? Did you stay in spite of the order? That is

13 my question.

14 A. Yes, that is correct. They forced us to leave our home, but I

15 stayed on and then it was until they threaten us and I heard

16 gunfire, as well, and I then had to leave.

17 MR. PRESIDENT:

18 Lead Co-Lawyer for the civil party, is there any issue? You may

19 proceed.

20 [14.07.06]

21 MR. PICH ANG:

22 Thank you, Mr. President.

23 I think that the question and answers are not consistent.

24 According to my listening to the French channel, during - at the

25 question was whether or not he was with his family after the 17

1 of April 1975, the week after that, but in Khmer is - it seems  
2 that he was - he and his family was in Phnom Penh or not, so I  
3 think it is not clear. In order to make it clear for everyone, I  
4 think that we need to clarify this because I believe that his  
5 statement does not respond to the question by Counsel, so I would  
6 like to suggest that Counsel put the question again for the  
7 clarity's sake.

8 Thank you, Mr. President.

9 BY MS. GUISSÉ:

10 I'm not entirely sure what was said in Khmer. However, what I did  
11 say, it was perhaps not properly conveyed, so yes, let's try and  
12 achieve clarity.

13 [14.08.28]

14 Q. Mr. Civil Party, today at this hearing, you have stated that  
15 your parents and your younger siblings left your family residence  
16 one week before you, sir, left Phnom Penh, before you left your  
17 house. Is this correct and have I understood accurately? Did your  
18 parents leave Phnom Penh one week before you did?

19 MR. SOEUN SOVANDY:

20 A. Yes, that is correct.

21 Q. And did they leave on the day that the Khmer Rouge entered  
22 Phnom Penh, the day of the liberation of Phnom Penh?

23 A. Yes, that is correct.

24 Q. Therefore, since you left one week after your parents, would  
25 it be accurate to say that you left one week after the liberation

1 of Phnom Penh?

2 [14.09.51]

3 A. Yes, because they told us that we would leave the city for a  
4 period of time until they organized - reorganized the city, then  
5 we would come back. So I and my younger sister had to stay back  
6 to look after our house hoping that our parents would return home  
7 after they have reorganized the city, but in reality, they never  
8 returned, so it was not in my - it was not only my families, but  
9 the other families in the city, as well, had to leave. At that  
10 time, they had no choice. Otherwise, they would - their life  
11 would be in - in real danger, so they had to leave. And nobody  
12 dare protest; those who dare protest, they would confront the  
13 gunshot (sic) instantly.

14 Q. From the time of liberation and from the time your parents  
15 left your family home and from the time that you, yourself, left  
16 your family home with your sister, if I understand correctly, you  
17 had stayed the entire at your home. You never left or exited at  
18 any point in time; is that correct?

19 [14.11.32]

20 A. Yes, I had to leave. I had to leave my house. Otherwise, I  
21 would be gunned down over there. They warn us that if I resist  
22 leaving, I would be killed in Phnom Penh because Americans would  
23 bombard the city soon, so we had no choice but leave the city. We  
24 had to. And then after that, we heard gun fires from every  
25 direction of the city. I did not know what was going on, so

1 everyone had to leave the house.

2 And as for my parents, before they left, they told me that if I  
3 left the house, I should look for them somewhere along the river  
4 – riverbank, but I followed them anyway, but I could not find  
5 them. When I was being evacuated, I was only told by others that  
6 my parent had already returned to Phnom Penh to welcome Prince –  
7 the prince, at that time, but I did not know where they were  
8 killed.

9 Q. I'm not sure if this was a matter of interpretation, but that  
10 wasn't my question. I wanted to know from the time that your  
11 parents left on the day of liberation and from the time that you,  
12 sir, left which based on your statement was one week after  
13 liberation, did you – had you been staying at your house the  
14 entire time or did you ever leave?

15 [14.13.12]

16 A. Yes, I was evacuated out of my house and then I had to look  
17 for them along the river.

18 MR. PRESIDENT:

19 That is the question, Mr. Sovandy. I clarify the question for  
20 you. Your parents left you a week earlier and during that period,  
21 you stay in your family residence. It was only one week after  
22 your parents' departure did you leave your house, so the question  
23 for you is that from the time when your parent left your house  
24 until the day when you departed your house, did you ever go out  
25 anywhere outside of your house or not.

88

1 MR. SOEUN SOVANDY:

2 A. After my parents' departure, I simply walked around my  
3 neighbourhood. I saw people carrying their belongings and other  
4 stuff out of Phnom Penh and I was rather afraid, at that time, so  
5 I prepared my stuff, as well, and then I went out looking for my  
6 parents.

7 [14.15.00]

8 BY MS. GUISSÉ:

9 Q. Mr. Civil Party, I wish to know whether the scenes that you've  
10 described, of Khmer Rouge soldiers firing gunshots, happened on  
11 the day that your parents left Phnom Penh on the same day as the  
12 liberation of Phnom Penh or if they occurred seven days after  
13 April 17th 1975. Did you witness that scene on the day of your  
14 parents' departure or on the day of your own departure?

15 MR. SOEUN SOVANDY:

16 A. I witnessed that scene. I witnessed the Khmer Rouge soldiers  
17 threaten the people. They shoot their guns into the air to deter  
18 people to leave the city and I then decided to leave my house to  
19 look for my parents. I had to look for them along the riverbank.

20 Q. One final attempt before I conclude, Mr. President.

21 On the day that you left, one week after your parents' departure,  
22 on that same day were there other people among Phnom Penh  
23 residents who were in the midst of leaving Phnom Penh or were you  
24 and your sister the only people to leave Phnom Penh on that day?

25 [14.17.00]

1 A. I saw - I saw many other people walking or marching out of the  
2 city. I saw people walking along the street in - in lines. At  
3 that time, we were evacuated along National Road Number 1 to  
4 Chbar Ampov and it was very crowded along the road. And people  
5 started to leaving the city. Some were walking their bicycles,  
6 other were on their motorbike. It was very crowded, indeed, on  
7 that day along the road.

8 Q. And to be crystal clear, the scene that you describe happened  
9 on the day that you departed with your sister; is this correct?

10 A. Yes, they left altogether. They had to leave; they had no  
11 choice. They were forcibly moved out of the city. And I - when I  
12 was leaving the city, I saw people walking along the street. It  
13 was very crowded. I think I have answered this question.

14 Of course, some people left earlier and others left later because  
15 people told - they told us that we would leave the city for a  
16 period of time, so people started to leave; some left earlier and  
17 others left later. That was the situation at the time.

18 MS. GUISSÉ:

19 Mr. President, on that, I hereby conclude my questioning of the  
20 civil party. I wish to thank him for having attempted to answer  
21 my questions. Thank you.

22 [14.19.15]

23 MR. PRESIDENT:

24 Thank you.

25 Thank you, Mr. Soeun Sovandy. The hearing of your statement of

1 suffering and harm has come to an end now and your presence  
2 before the Chamber is no longer needed. Your statement of  
3 suffering and harm as well as your testimony will contribute to  
4 ascertaining the truth. I thank you, Mr. Soeun Sovandy, and I  
5 wish you the best of luck.

6 And court officer is instructed to coordinate with the WESU unit  
7 to arrange the transport of Mr. Soeun Sovandy to any direction he  
8 wish to go or to his home.

9 Mr. Soeun Sovandy, you are now released. You can go back home.

10 (Civil Party Soeun Sovandy exits the courtroom)

11 Court Officer, please usher in the other civil party for today's  
12 hearing, TCCP-141.

13 (Civil Party Seng Sivutha enters the courtroom)

14 [14.22.42]

15 In the proceedings, on hearing the testimony and the statement of  
16 suffering of this - of the civil party, due to the fact that this  
17 particular civil party has problem with her eyesight, the Chamber  
18 wishes to advise parties and members of the public that the  
19 Chamber will grant Madam Chhay Marideth, the members of - the  
20 staff member of the TPO organization, to sit beside this  
21 particular civil party to assist her whenever there is a need of  
22 assistance when she is testifying and stating her suffering and  
23 harm from the crimes.

24 And I wish to also advise the assistant that you should advise

25 Madam TC - Civil Party accordingly, concerning the equipment and

1 facilities that is in use in order, to ensure the smooth  
2 proceedings.

3 [14.24.02]

4 QUESTIONING BY THE PRESIDENT:

5 Good afternoon, Civil Party.

6 Q. What is your name?

7 MS. SENG SIVUTHA:

8 A. My name is Seng Sivutha.

9 Q. How old are you, Ms. Seng Sivutha?

10 A. I am 47 years old.

11 Q. Where is your place of birth?

12 A. Now, I live in Takeo in Pou village, Kiri Vong district, Takeo  
13 province.

14 Q. What about your place of birth?

15 A. I was born in Takeo province.

16 [14.25.02]

17 Q. What is your occupation?

18 A. I do not have any occupation because I am blind.

19 Q. What is your parents' occupation? And what are their names?

20 A. My father was Prum Tam (phonetic), and my mother was Mao Phan  
21 (phonetic).

22 Q. Thank you, Ms. Seng Sivutha. Are you married?

23 A. I got married in 1982.

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

25 A. I have four children. My husband's name is Chea Thoeun

1 (phonetic).

2 MR. PRESIDENT:

3 Thank you, Madam Seng Sivutha.

4 In your capacity as the civil party before the proceedings, the  
5 Chamber will grant you the opportunity to state your suffering or  
6 harms that were inflicted on you materially, physically, or  
7 psychologically which was the direct or indirect result of the  
8 crimes committed during that period that led to you filing an  
9 application to join as the civil party to the proceeding  
10 concerning the crime alleged against the Co-Accused, Nuon Chea  
11 and Khieu Samphan. And these sufferings and harms were the result  
12 of the crimes allegedly committed during the period of the  
13 Democratic Kampuchea from the 17 of April 1975 to the 6 of  
14 January 1979.

15 [14.27.08]

16 And your counsel wishes to put questions to you before you make  
17 any statements, so I would like to give the floor to the counsel  
18 to put question to you first and then, after that, you may make  
19 your statement concerning your suffering as well as your harms  
20 that the Chamber has already advise you.

21 And now I hand over the floor to the counsel who was delegated by  
22 the Lead Co-Lawyers for the civil party to put the question to  
23 you. You may proceed, Counsel.

24 QUESTIONING BY MR. JACOMY:

25 Thank you, Mr. President, good afternoon. Good afternoon to all

1 those present in the courtroom.

2 I'm a civil party lawyer representing Madam Sivutha and, as you  
3 have seen, she has been admitted as a civil party to this trial  
4 as part of the Tram Kak cooperative. She cannot see.

5 I will be making reference to two documents, D22/3805 and  
6 E9/32.216.

7 Madam Seng, good afternoon. Thank you for being here with us this  
8 afternoon. I wish to put a few questions to you concerning your  
9 experience under the Khmer Rouge regime. You will then be given  
10 the opportunity to ask the Accused a certain number of questions.

11 Q. My first question to you concerns your sight. You are unable  
12 to see. You are blind. And you have stated in your civil party  
13 application that you lost your sight because of the Khmer Rouge.  
14 Can you please tell this Chamber how that happened?

15 [14.29.26]

16 MS. SENG SIVUTHA:

17 A. The reason my eyes went blind was that during the three years,  
18 eight month, and 20 day period, I was forced to collect pigs'  
19 excrement in a deep pit and I had to carry more than 20 baskets  
20 for each turn. I became exhausted with sufficient - with  
21 insufficient food to eat and I had to climb out of the pit  
22 carrying the pig excrement. I fainted and then I fell down. And  
23 the person who was carrying the pig excrement behind me actually  
24 stepped on me and I was hit with a shoulder carry pole. They  
25 later tied me up to a tree and they beat me up. I cried. They

1 kept beating and then they hit my left eye.

2 Later on, they collected the fertilizer stored in a warehouse. I  
3 cried. I tried to collect my own share and put it into the  
4 warehouse. I could not do anything that late evening, so I went  
5 for my porridge ration.

6 [14.30.57]

7 Actually, my left eye was very painful, at the time, and the tear  
8 dropped at night and in the morning, I could not go to work  
9 because of the pain in my - in my eye, so I went to meet with my  
10 grandfather and the rest of the family were not in. I saw him on  
11 the stack of hay and asking him to - and asked him to look at my  
12 eye. And he asked me what happened; why it became so red, and he  
13 was told that I was beaten with a rope. And he told me to warm it  
14 with a soaked scarf, but I could not - he could not have me  
15 follow as he has to work with the hay. And then he asked me to  
16 carry the cow dung back to my mobile unit.

17 At that time, I was pretty young. I was around 11 years old when  
18 that happened and I would not know what would happen to my eye  
19 later on. I thought it could be treated, but there was no medical  
20 treatment and whenever I wash my face, it was so painful; I  
21 struggled to work with the extreme pain on my left eye.

22 [14.32.36]

23 And later on, I decided to go and meet my mother, but my mother  
24 was not there. So I carried the pain in my eye with me and on the  
25 liberation day in 1979, I learned that my left eye was completely

1 damaged as, at the time, I met or I reunited with my parents and  
2 they noticed that my left eye was smaller than the right eye. My  
3 mother looked at it and she knew that there was a small spot on  
4 the iris and that she said she would purchase medicine from  
5 Vietnam and then use it on my eye, but it didn't get any better,  
6 so it became worse each day.

7 And I actually attended school in 1980. I was in class, but my  
8 tear from my left eye kept flowing. And at that time, even on my  
9 right-hand side, things became a blur; I could not read the  
10 letters on the blackboard clearly.

11 And people made a joke out of me at the time. They asked me - I  
12 have a one-eye girl. I was ashamed of that so I decided to quit  
13 school and came to sell small stuff with my grandmother.

14 And in 1982, I got married and by that time, my left eye was  
15 completely gone and my right eye became worse. The tear kept  
16 flowing and I could not see things properly.

17 [14.34.55]

18 Let me go back a little bit. In fact, in 1980, my grandmother  
19 took me to the Chinese hospital Pet Chin here and I was told that  
20 my left eye could not be recovered. So, there was no hope in  
21 recovering my left eye and, unfortunately, my right eye became  
22 worse and the treatment - despite the treatment, it did not get  
23 any better.

24 And as I said earlier, I got married in 1982. I tried my best to  
25 earn a living, and to treat my right eye to continuously - in

1 hopes that it would get better. And in 1995, it became more worse  
2 and, in fact, I went to the Andoung (phonetic) Hospital and to  
3 get rid of my left eye and put a superficial one and I was told  
4 that the right eye could not be fully recovered as it was badly  
5 infected by the left eye.

6 It was so depressing because I now learned that I could become a  
7 blind woman forever for the rest of my life.

8 Despite the treatment, it didn't get any better and by 2008,  
9 both went completely blind.

10 [14.36.30]

11 When I became completely blind, my husband left me as he said I  
12 would not be able to – that he could not be able to stay with me  
13 because I could not do anything for him, so he went for another  
14 woman. The situation was devastating. I could not have anyone to  
15 support me and I had to raise my four children including their  
16 education. My 17-year son had to work for the construction and  
17 the rest had to work, as well, and my three year old child had to  
18 walk with me every day. The situation was extremely difficult.

19 Let me go back a little bit. In fact, on the 17 April 1975, I was  
20 pretty young back then; I was only nine years old when we were  
21 evacuated from Phnom Penh. The situation was terrible. My  
22 grandmother tied my hand to my younger sibling, so that's we  
23 would not get lost as there were crowded of people leaving Phnom  
24 Penh. So our hands were tied together and she walked us along the  
25 way.

1 [14.38.02]

2 I saw dead people along – dead bodies along the road. Sometimes I  
3 had to walk crossing the dead bodies. Sometimes I became so  
4 exhausted and thirsty under the extreme heat. And we could only  
5 eat with one hand because the other hand was tied to one another.  
6 And we just kept walking and by nightfall, we reached the place  
7 where we could rest.

8 We reached Chbar Ampov Bridge toward Nirouth Pagoda and Kok  
9 Krabei Pagoda. And then we reached the National Road Number 3,  
10 and we saw a GMC truck. I did not know which party it belongs to.  
11 Then we asked to board the truck in order to go to the  
12 countryside. I heard my grandparents asking why we were put on to  
13 the truck for going to the province because we were told that we  
14 would only leave Phnom Penh for a short period of time, but we  
15 did not dare to protest. So, we boarded the truck and it took us  
16 to Ta Meaeng Mountain in Takeo province in Sector 109.

17 [14.39.49]

18 Not for long as we stayed in the village, we were sent to a unit  
19 – a mobile unit in Chi Koam (sic). The situation there was  
20 miserable. I was young and I was used to – and I was assigned to  
21 work day and night to collect grass, to transplant seedlings, and  
22 at 4 a.m., to carry the seedlings for older people to transplant  
23 it.

24 At that time, I did not know what leeches were; I thought leeches  
25 were for consumption. And I asked a lady and the lady told me

1 that we could fry it. Out of my stupidity, I went into the pond.  
2 I got all the leeches, but when I came up, the lady ran away and  
3 I, by then, learned that it was scary to have the leeches on your  
4 body.

5 In my mind, I decided not to go and work again, but I could not  
6 protest; I was forced to work. And I was – and my ration was  
7 actually withdrawn, at some point, and then I decided to flee  
8 into the forest and I was in the forest for five or six months  
9 without any food.

10 [14.41.10]

11 I slept on top of the tree without anything beside the clothing  
12 on my body and without any food. I could just eat whatever I  
13 could find; tree leaves, cucumber, or any other vegetable or  
14 snail. Sometime I ate the raw snail. Sometimes I ate grass and  
15 sometime I crawl into a rice field and ate the rice grains there  
16 and because I was afraid that people would see me, I would eat  
17 sand as well. It was extremely difficult and I could not put it  
18 in words.

19 I was later sent to Sector 105 – that is, Tram Kak district in  
20 Trapeang Thum Khang Cheung. That was also the miserable period  
21 again as I was in the mobile unit and I had to water five beds of  
22 vegetable. It was a very long bed and I had to carry the water  
23 from the pond to water those five beds of vegetable. In order to  
24 get the water from the pond, they had this tree trunk where I had  
25 to walk up and down and it was slippery. I tried my best and by

1 the end of each day, I was relieved that I could finish it.

2 [14.42.59]

3 One day I slipped and I fell into the pond. They did not blame  
4 me, but just ask me to keep working. I had a fever and I was  
5 exhausted. I had nothing to eat and I was very hungry and I  
6 decided to eat an orange. There was an orange tree near where I  
7 watered the vegetable. After I finish eating it, as I did not  
8 throw away the outer skin, and I was spotted by my unit's chief.  
9 He - the person smelt my mouth and smelt the orange and asked me  
10 whether I picked the orange or ate the orange - but the words,  
11 they were not this pleasant. And I said that I did not pick any  
12 orange or eat it. The person did not believe it and used the  
13 scarf to wrap around my neck and suffocated me. I - my tongue  
14 almost stuck out. I could not speak. I was suffocating. My tears  
15 dropped and I told them - told the person the truth, that I, in  
16 fact, picked a lemon - [not an orange, corrects the interpreter].  
17 The person tightened my neck again, but later on, the children of  
18 the Base People backed the person and asked the person to stop  
19 mistreating me because I was hungry; that's why I stole that  
20 lemon. I was then released and warned that I could not pick any  
21 lemon anymore, so I went to continue working by watering the  
22 table - the vegetable again.

23 [14.45.15]

24 I faced extreme difficulties during that three year, eight month,  
25 and 20 day regime as we were in the children's unit, but we

100

1 worked as hard as the adult. And we were not given sufficient  
2 food; we were given a ladle of gruel sometimes mixed with corn or  
3 potato. And I never used to eat this kind of food, but I had to  
4 do it; it was out of hunger.

5 And at night, I had to sleep alone. Sometime I had to sleep on  
6 the dining table, on the ground, on palm tree. We did not having  
7 any soap for washing ourselves. There was no clean water. And  
8 sometimes we had food to eat; sometime we were deprived of food.  
9 My - I developed a skin rash everywhere all over my body. My feet  
10 were swollen; I could hardly walk, so I had to use a scarf to  
11 tighten it to lift it up to support me so that I could walk.

12 [14.46.43]

13 I also had a (unintelligible) and at night time, when I was  
14 sleeping by myself, I kept weeping. I wanted to run to my house,  
15 but I could not because if I ran to my house I would not meet my  
16 parents there as they were not there. They were sent to separate  
17 cooperatives including my elder sister, so I decided to remain in  
18 the children's unit and to face those difficulties.

19 I was beaten up. I was not given food. I slept without a mat or a  
20 mosquito net. I did not have any other spare clothing besides the  
21 clothes on my body, and I had lice all over my skin and body. At  
22 night time, sometimes we had to attend the criticism and  
23 self-criticism meetings and I did not know what it was about. I  
24 just talk about this or that because they said I had to stand and  
25 criticize somebody. Otherwise, I would be criticized for just

101

1 minor mistakes that I had - for example, I could be a bit slow in  
2 fulfilling my workload for the day. And I was pretty young back  
3 then. I just kept criticizing this person or that person and in  
4 their turn, I was criticized. And sometime I was wrong in my  
5 criticism and I was beaten up for that.

6 And that was extremely unpleasant as I was criticized despite my  
7 effort in achieving the workload that I was given. And sometimes  
8 even if I was sick, I had to work.

9 [14.49.40]

10 And by 1979, I became happy because I knew that I survived, but  
11 unfortunately, my eyes became useless as I was completely blind.  
12 And later on, I was abandoned by my husband, and I could not earn  
13 a living as ordinary people and that's the challenge that I have  
14 to have to bear with me for the rest of my life.

15 Q. Thank you, Madam Seng, for sharing this experience with us, as  
16 well as the suffering you endured.

17 I wish to put a few additional questions to you on what happened  
18 to you in that cooperative. You were very young at the time. You  
19 told us you were only 11 and children of your age were forced to  
20 work as hard as adults. You stated in your written statement that  
21 you carried faeces. Can you explain to us what you had to do at  
22 the time and what it meant to you?

23 [14.51.16]

24 A. I was an 11-year-old girl and I was forced to work with human  
25 waste and the animal excrement and to carry them and store them

102

1 in a shed. And sometimes, I was asked to collect cow dungs from  
2 the rice fields and I had to collect 80 kilograms per day.  
3 And for collecting the pig excrement, then I would be monitored  
4 by the unit's chief and I had to collect the pigs' excrement from  
5 a deep pit. I was scared and it was waist deep. And at night  
6 time, I could not sleep that well because of the rash on my skin.  
7 And when we were given food, for example, a piece of potato, I  
8 would not be allowed to get out of the pit and I would be  
9 standing in the pit and get the potato and eat it. There was no  
10 hygiene at all. I was eating my food while I was in the  
11 pig-excrement pit. My whole body was stunk, but I could not do  
12 anything or protest and I had to force myself to work so that I  
13 would not be blamed.

14 Q. Were you given soap, at the time, to wash yourself with?

15 A. No, there was no soap at the time. There was no soap to wash  
16 my body or my hair. And we did not have any spare clothes. We  
17 only have the - had the clothes on - that we were wearing.

18 [14.53.37]

19 Upon taking the fertilizer to the shed, then I would go to the  
20 pond to wash myself there and then I would come out of the pond  
21 to stand and dry myself under the sun.

22 Q. You were - you've told us that you were forced to work even  
23 when you were sick, when you had fever. Were you given any  
24 medicines when you were sick?

25 A. When I had a fever, headache, I was not given any medicine. We

103

1 would not be even allowed to rest when we were sick and, in fact,  
2 we did not dare tell them that we were sick. If we were sick, we  
3 would not be given any medicine for the treatment.

4 Q. Thank you, Ms. Seng.

5 I would like us to now talk about the death of your younger  
6 sister. You explained in your written statement that she died for  
7 lack of medicines. Can you explain to the Court what all that was  
8 all about?

9 [14.55.21]

10 A. My younger sister had a fever and she got the rash on her  
11 body. There was no medicine for her treatment and nobody who  
12 would take care of her. She became emaciated, and she was left  
13 unattended in a hammock. And there was no food for her, not even  
14 watery gruel, and her condition became worse. And later on, my  
15 mother took her to the hospital in the hope that there would be  
16 medicine for her, but unfortunately, there was no medicine given  
17 to her and unfortunately, my younger sister died.

18 Q. Thank you, Ms. Seng.

19 Apart from losing your sight, do you suffer from any other  
20 illnesses as a result of the events you endured at the time?

21 A. Currently, I have a lot of medical problems. I have poor  
22 hearing. It was the result from my blindness and it became  
23 sensitive. And sometimes, I have difficulty breathing.

24 [14.57.06]

25 And I find it difficult to survive and live when I became blind.

104

1 Sometimes, I wanted to kill myself by taking poisonous drug, but  
2 my elder sister and my mother advised me not to think that way  
3 and that I should continue living in order to raise my children.  
4 Currently, I have no ability to go for medical treatment or to  
5 buy any medicine for the treatment. There have been several  
6 symptoms happening with me. At night time, I have nightmares and  
7 my body trembles when there is a loud noise and sometimes I  
8 become short-tempered and then I have to hit my children or one  
9 of my children.

10 MR. PRESIDENT:

11 Thank you, Counsel, and thank you, Civil Party.

12 We will take a 15-minute break and we shall resume at five past  
13 3.00 so that we can continue the proceeding.

14 Court Officer, could you assist this civil party and this TPO  
15 staff during the break and have them returned to the courtroom at  
16 five past 3.00?

17 (Court recesses from 1458H to 1517H)

18 MR. PRESIDENT:

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

20 I hand over the floor to the civil party lawyer to put the  
21 questions to the civil party, and the Chamber wishes to advise  
22 counsel that the time you have left is 15 minutes, inclusive of  
23 the question and answer.

24 BY MR. JACOMY:

25 Thank you for that, Mr. President.

105

1 Q. Madam Seng, in the 15 minutes that we have remaining, I wish  
2 to return very briefly to the topic of the evacuation of Phnom  
3 Penh and, secondly, your life in the village of Ta Meaeng.  
4 You stated that during the evacuation of Phnom Penh you saw many  
5 elderly people, many sick and infirm along the road. Can you  
6 please tell us exactly what you saw? Were they abandoned on the  
7 side of the road or were there any people who were providing care  
8 during the journey?

9 [15.19.21]

10 MS. SENG SIVUTHA:

11 A. When we were evacuated out of Phnom Penh, I encounter numerous  
12 things. When on the morning we left Phnom Penh we saw a lot of  
13 corpses along the road. The dead bodies were scattered  
14 everywhere, and along the roads I also - some people who were  
15 dying, they - particularly the elderly, they were deserted. They  
16 were actually sitting there helplessly and they were really  
17 dying. Some of them were crying bitterly, looking for their  
18 children and relatives.

19 [15.20.19]

20 I saw an old man, he was lying on the road. He was almost  
21 motionless. He could not really move his body, and I saw that  
22 there were ants crawling all over his body and went into his eye,  
23 and I saw the tear came out of his eyes. And when I was walking  
24 and witnessing this misery, I could not hold my tears. I saw dead  
25 bodies everywhere and people were dying along the street. I also

106

1 once stepped on dead bodies. I sometime walk over the dead body.

2 Q. Thank you, Madam Seng. Earlier on, you stated that you were  
3 separated from your family. Can you please tell the Court when  
4 you were separated from them, what affect it had on you, and what  
5 age you were when you were separated from your family?

6 A. I was separated from my family when I got to Ta Meaeng  
7 village, District 109, Takeo province. At that time I was  
8 assigned to a different unit, and my parents were also separated  
9 and assigned to different units.

10 [15.22.02]

11 And I was sent to the unit, I was very young, I was nine years  
12 old when I left Phnom Penh. When I got to that unit I stayed in  
13 Kampeaeng Pagoda. I did not have spare clothes to change; I only  
14 had a pack of clothes on my vest (phonetic). And it was during  
15 rainy season over there at the time and I got very cold at night  
16 and I missed parents and my grandparents dearly. Whenever I woke  
17 up I could not hold my tears.

18 I could not, however, return to my village because I was forced  
19 to move forward. I had to keep on walking. At the time, I got to  
20 Chrak Chi Koam commune. I missed my parents dearly because never  
21 had I separated from my parents and I had to work with the  
22 elderly people, with the older people, and I did not have enough  
23 food to eat. I only ate watery gruel at that time and I had no  
24 sibling, I had no family members around. So, I cried every night,  
25 but I - no matter how hard I cried and I could never return back

1 home.

2 [15.23.34]

3 Q. Thank you, Madam Seng. In the village of Ta Meaeng where you  
4 lived after you were deported from Phnom Penh, were there several  
5 categories of people and, if so, what were the distinct  
6 categories?

7 A. During the three years, eight months and 20 days, the 17 April  
8 People like me, we had to live a miserable life because we had a  
9 little food ration indeed, but as for the Base People, they had  
10 different food ration but I did not know exactly how much they  
11 got but they ate in a different place.

12 And as for the work assignment as well, they had different  
13 workload assigned to them. And as for us, the 17 April People,  
14 were given different workloads and they order us. Of course, the  
15 Base People also worked at that time but their work assignment  
16 was different from us.

17 [15.25.00]

18 Q. Thank you, Madam Seng. You stated that you also took part in  
19 self-criticism sessions and that if you ever misled or said  
20 something false, you were beaten. When or how would you be  
21 accused of saying something false?

22 A. When we were in Chrak Chi Koam unit, upon returning from our  
23 field work at around eight o'clock in the evening, we did not go  
24 to bed at that time. We would be summoned for a meeting and there  
25 was criticism and self-criticism session. And in that session I

108

1 was normally criticised by others, that I was afraid of leeches  
2 and I was slow in completing my work assignment. So at that time  
3 I was very young, was too young to know much things, so whenever  
4 they criticised me I would criticise them back. So I was, as a  
5 consequence, beaten by the unit chief when I did not speak  
6 properly at that time.

7 [15.26.17]

8 Q. Madam Seng, I have one final question for you. What do you  
9 expect of this tribunal today?

10 A. This opportunity I am expecting that this tribunal, the Khmer  
11 Rouge tribunal, move forward expeditiously and I am also pleased  
12 that I have an opportunity to come and testify before the  
13 Chamber. And I would also like to say in front of the Chamber  
14 that during the period of the Democratic Kampuchea I lost my  
15 eyesight. Who is going to help me in my life? I am all alone. I  
16 am very lonely and nobody helps me out.

17 MR. JACOMY:

18 Thank you, Madam Seng, I have no further questions. I know to  
19 what extent it was very difficult for you to testify today and we  
20 are very grateful.

21 Mr. President, I believe that Madam Seng wishes to address the  
22 Accused with two brief questions, with your leave?

23 [15.27.50]

24 MR. PRESIDENT:

25 Yes, Madam Sivutha, you may proceed with your question. However,

109

1 you have to ask your question through the President of the  
2 Chamber. You may not address to the Accused directly. So you may  
3 proceed putting the question through me.

4 MS. SENG SIVUTHA:

5 I have two questions. My first question: Why did the regime  
6 leaders at that time force children, underage children, to work  
7 like adults at that time?

8 My second question: I know that during that regime people had  
9 cultivated rice. They had surplus of rice production, but why  
10 didn't they give sufficient food for people to eat?

11 [15.28.40]

12 MR. PRESIDENT:

13 Thank you, Madam. I will refer your two questions to the  
14 Co-Accused.

15 First, I refer these questions to Mr. Khieu Samphan. Mr. Khieu  
16 Samphan, you may proceed.

17 MR. KHIEU SAMPHAN:

18 Good afternoon, Mr. President, Your Honours. Good afternoon,  
19 everyone in the courtroom, and good afternoon, Madam Seng  
20 Sivutha.

21 The events that you have described actually shocked me. I did not  
22 have even the slightest knowledge that minors were used to work  
23 as adults, as just stated. You were only 11 years old and you  
24 were asked to go down the pit of the pig excrement and to carry  
25 the pig excrement. You fell down and you were beaten up until you

110

1 lost your eyesight. Your feet were swollen, you could not walk  
2 properly and you were still asked to continue working. I could  
3 not even imagine such a situation would happen. That is my first  
4 response to your first question.

5 [15.30.56]

6 You stated that you tried your best to cultivate the products and  
7 gain a surplus, and why you were starved. The initial situation  
8 was difficult, but gradually year-by-year the situation improved  
9 markedly and for that you, as well as other Cambodian people who  
10 worked very hard, should be given sufficient food. And how come  
11 people were starved and what happened to the rice? I cannot give  
12 you that answer and my apology for that. Thank you, Mr.

13 President.

14 MR. PRESIDENT:

15 Thank you.

16 We will now redirect the questions to Mr. Nuon Chea so that you  
17 can respond to the questions.

18 I notice the counsel for Nuon Chea, Mr. Koppe, on his feet. You  
19 may proceed.

20 MR. KOPPE:

21 Thank you, Mr. President. Our client has instructed us to tell  
22 you that he doesn't want to answer this question because he's  
23 tired.

24 [15.32.50]

25 MR. PRESIDENT:

111

1 Thank you, Counsel.

2 The floor is now given to the Prosecution to put questions to  
3 this civil party. You may proceed.

4 QUESTIONING BY MR. CHAN DARARASMEY:

5 Good afternoon, Mr. President, Your Honours, and good afternoon  
6 everyone.

7 And, good afternoon, Madam Seng Sivutha. My name is Chan  
8 Dararasmeay. I am the National Deputy Co-Prosecutor of this Khmer  
9 Rouge tribunal and I have some questions for you on behalf of the  
10 Prosecution.

11 Q. Could you clarify to the Court, when you were sent to live in  
12 the Cambodiana Hotel in Phnom Penh between 1972 to 1975, what was  
13 the living condition at the time?

14 [15.34.00]

15 MS. SENG SIVUTHA:

16 A. In 1972 I came to live in the Cambodiana Hotel. I was  
17 considered as a refugee and at that time there was the United  
18 Nations and the American organization who fed us with food, and  
19 we were given sufficient stuff for living - food, rice, our daily  
20 consumption, bed, bed sheet, mosquito net etc. My family lived  
21 there and we found it a happy living condition. My elder sister  
22 and I were studying and we were supported by the organization  
23 with food and books. So the living condition there was good, as  
24 we were supported by the American Red Cross organization.

25 Q. Comparing the living the condition under the Khmer Rouge

112

1 regime and your living condition at the Cambodiana Hotel, what is  
2 your impression?

3 [15.35.38]

4 A. If I had to compare the living conditions that I lived before  
5 and after the three-years, eight-month period, it was like the  
6 sky and the earth. It was completely different. Under the Khmer  
7 Rouge I could not attend school, I did not enjoy the comfort of  
8 my parents and I had to live separately from my parents. We were  
9 not given sufficient food and we had to find supplement for the  
10 food that we were given. So you could not compare the situation  
11 between these two conditions or events.

12 Q. When you were asked to leave Phnom Penh through the  
13 evacuation, what kinds of orders were given to you by the Khmer  
14 Rouge soldiers? And could you refuse the orders or the orders  
15 were absolute that you had to leave?

16 A. I was pretty young and I did not know about the event clearly.  
17 What I recall was that in the morning the soldiers arrived, and I  
18 did not even know they were the Khmer Rouge soldiers, I only knew  
19 they were the liberation soldiers and they came to liberate the  
20 people from Phnom Penh and that people from Phnom Penh should  
21 leave - people who came to liberate Phnom Penh told the people  
22 there to leave it temporarily, that they would have to clean up  
23 the capitalist groups first and after they cleansed the city then  
24 people will be allowed to return.

25 [15.37.37]

113

1 Q. When you were evacuated from Phnom Penh and on route, did the  
2 Khmer Rouge monitor or track down the people who were being  
3 evacuated from their departure until they reached the  
4 destination?

5 A. I could not observe that, clearly as I was young, but I heard  
6 the announcement on the mobile loudspeaker on the vehicle, that  
7 people were asked to return to where they were and not - and to  
8 just keep moving in the direction that people were heading and  
9 not to travel in the opposite direction. So we kept walking along  
10 with other people and we would rest where we could, together with  
11 other people, but we would not be allowed to stop for long as we  
12 only had to stop for cooking food and after that we had to eat  
13 quickly and continue our journey.

14 Q. Did you hear, or can you still recall, that the Khmer Rouge  
15 used the words "Angkar", "feudalism", "capitalism",  
16 "imperialism", or "the 17 April People"? And if you can recall it  
17 or if you heard it, did you know what those terms mean?

18 A. I did not know about, for example, the Issarak soldiers. I  
19 only knew that during the regime I heard the words "capitalism",  
20 "capitalist", "reactionary", "the 17 April People", etc., and the  
21 17 April People were considered the capitalist. I, myself, was  
22 scolded as a 17 April Person and as a feudalist.

23 [15.40.05]

24 Q. Can you tell the Court why you were sent to Sector 109 in  
25 Takeo province?

114

1 A. I did not know back then, but people who were living in Phnom  
2 Penh if we were travelling along National Road Number 3 then we  
3 will be started to go toward Takeo and that is to Sector 109. And  
4 other people travelling different national roads will be taken to  
5 different sectors.

6 So while we reached Tonle Bati we were forced to the board the  
7 GMC truck and we were taken to the countryside.

8 Q. In your document you stated that you were also sent to Sector  
9 105. You were sent and worked there. What was the difference  
10 between Sector 109 and 105?

11 A. In fact, there was no difference between the two sectors. The  
12 situation and the conditions were the same, that is, hard labour  
13 and insufficient food. We were treated the same, so I believe it  
14 came out from one same policy.

15 [15.41.50]

16 Q. You said that you lost your grandmother and grandfather. Can  
17 you tell the Court the reasons for the loss of their lives?

18 A. I lost my parents and a large number of my family and  
19 relatives. I did not know whether they were taken and killed or  
20 they starved to death, but before the liberation of Phnom Penh we  
21 usually visited one another or we went to the theatre together,  
22 but upon the 17 April 1975 we were separated.

23 And at the end of the regime my grandmother and I were waiting  
24 for our relatives to arrive at our native village, but we did not  
25 see any other family members coming to the native village.

115

1 Q. Due to the time limit I have two more questions for you. In  
2 the area where you lived, were you treated as human being? Were  
3 you given your freedom to live?

4 [15.43.25]

5 A. Referring to the freedom to live as a human being; that did  
6 not happen. We would be monitored day and night. Even while we  
7 were sleeping at night somebody would come under our bed and  
8 listen to what we would say. They built small houses and in a row  
9 of houses and we would have to sleep in those houses in the  
10 smaller rooms, so there was no freedom at all under the Khmer  
11 Rouge regime.

12 Q. This is my last question. In your document you said there was  
13 a children's unit and you worked in that children's unit. What do  
14 you mean by "a children's unit"? And what sufferings that the  
15 Khmer Rouge inflict upon you and upon other Cambodian people?

16 [15.44.46]

17 A. We were gathered into a children's unit and, of course, I did  
18 not understand why there was such a unit; why young children were  
19 gathered up and put into a unit and worked as adults. And in the  
20 village there was actually another children's unit in the  
21 village, so regardless of where we were we were asked to work as  
22 adults in the children's unit. So the purpose of the unit was to  
23 separate the male children and the female children, and we were  
24 put in separate units.

25 And it's because of the three year, eight month, 20 day regime; I

116

1 suffered the bitterness, the suffering. I lost my eyesight in  
2 both eyes.

3 MR. CHAN DARARASMEY:

4 Madam Seng Sivutha, on behalf of the Prosecution I am grateful  
5 for your detailed response in this proceeding, and I hope your  
6 responses would contribute to ascertaining the truth. And I wish  
7 you all the very best. Thank you.

8 Mr. President, I do not have any further questions for this civil  
9 party.

10 [15.46.23]

11 MR. PRESIDENT:

12 Thank you.

13 The floor is now given to Nuon Chea's defence to put questions to  
14 this civil party. You may proceed.

15 MR. KOPPE:

16 Mr. President, we have no questions.

17 MR. PRESIDENT:

18 Thank you.

19 Lastly, the floor is given to Khieu Samphan's defence to put  
20 questions to this civil party.

21 MS. GUISSÉ:

22 Thank you, Mr. President. We do not have any questions for this  
23 civil party either. Thank you.

24 MR. PRESIDENT:

25 Thank you.

117

1 Thank you, Madam Seng Sivutha. The hearing of your statement of  
2 sufferings and impact and testimony has now concluded, and you  
3 may be excused from this Court. Your statement of suffering,  
4 harms and impact and testimony may contribute to finding the  
5 truth in this case. And we wish you good health and good luck and  
6 you may return.

7 Court Officer, in collaboration with WESU, could you assist the  
8 civil party, Seng Sivutha, to return to her residence or wherever  
9 she wishes to go?

10 And we also thank you too, Madam Chhay Marideth, representative  
11 from TPO, for your assistance given to this civil party.

12 The proceeding today is now concluded. We will adjourn the  
13 hearing today and resume tomorrow, commencing from 8.30 a.m.

14 Tomorrow we will hear the testimony of a witness and an expert.

15 The witness will be testifying in the morning session via  
16 video-link as he is in the United States. And in the afternoon we  
17 will hear the testimony of an expert - that is, TCE-12.

18 Security guards, you are instructed to take the two Accused back  
19 to the detention facility and have them returned to the courtroom  
20 tomorrow morning prior to 8.30. As for Nuon Chea, bring him to  
21 the holding cell downstairs which is equipped with audio-visual  
22 equipment for him to participate in the proceeding.

23 The Court is now adjourned.

24 (Court adjourns at 1549H)

25