

**Kingdom of Cambodia
Nation Religion King**



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ឯកសារទទួល DOCUMENT RECEIVED/DOCUMENT REÇU ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/date de réception): 27-Jan-2010, 08:37 ឈ្មោះ (Name/heure): Chanthan Phok

Appendix A

- Office of the Co-Prosecutors
- Office of the Co-Investigating Judges

Case File No: 002/19-09-2007-ECCC-OCIJ

ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់ខ្មែរ CERTIFIED COPY/COPIE CERTIFIÉE CONFORME ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវតាមច្បាប់ (Certified Date /Date de certification): 27-Jan-2010 Chanthan Phok
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Victim Information Form

PART A

PERSONAL INFORMATION ABOUT THE VICTIM

1. Name(s) and first name: BENG Boeun (បេង ហៀន)	2. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
3. Place of Birth: Prey Kdei (ព្រៃក្តី) Village, Skuh (ស្កុះ) Commune, Samraong Tong (សំរោងទង) District, Takeo Province	4. Nationality: Khmer-Islam
5. Age/Date of Birth (if known dd/mm/yyyy): 12/12/1944 56 years old	6. Occupation: Teacher
7. Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widow/Widower <input type="checkbox"/> Other	
8. Father's or Tutor's Name: BENG	Mother's Name: Bin
9. How many dependants do you have? <i>Please write number.</i> four	
10. Have you ever had any disability or disabilities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please specify:	
11. Which of the following proof of identity do you have? <i>Please indicate the number.</i>	
Type of proof of identity	Number or other reference
<input type="checkbox"/> Passport	
<input type="checkbox"/> Driver's licence	
<input checked="" type="checkbox"/> Identity card (such as students, employees)	140009345
<input type="checkbox"/> Letter from Local Authority	
<input type="checkbox"/> Camp registration card	
<input type="checkbox"/> Card from humanitarian agency (such as UNHCR, WFP)	
<input type="checkbox"/> Tax document	
<input type="checkbox"/> Voting card	
<input type="checkbox"/> Other	
<input type="checkbox"/> None	

FOR VICTIMS UNIT USE ONLY
Application:

<input type="checkbox"/> Witness	<input type="checkbox"/> Complaint	<input type="checkbox"/> Civil Party Application
Action:		
<input type="checkbox"/> Co-Prosecutors	<input type="checkbox"/> Co-investigating Judges	

12. Please complete all that apply to you.	
<input checked="" type="checkbox"/> Current address <input type="checkbox"/> If you do not have a specific address, please provide your last residence	
Number/Plot:	Street:
Group/Village: [REDACTED]	Commune: [REDACTED]
District: [REDACTED]	Province/City: [REDACTED]
Country: Cambodia	
13. Contact address. <i>Please tick as appropriate.</i>	
<input type="checkbox"/> I would like to be contacted at the address mentioned in question 12.	
<input type="checkbox"/> I would like to be contacted through a person acting on my behalf:	
<input type="checkbox"/> Lawyer:	<input type="checkbox"/> Victims Association:
<input checked="" type="checkbox"/> I would like to be contacted at the following address C/O:	
Number/Plot: [REDACTED]	Street: [REDACTED]
Group/Village:	Commune: [REDACTED]
District: [REDACTED]	Province/City: [REDACTED]
Country: Cambodia	
<input checked="" type="checkbox"/> I would like to be contacted at the following telephone number: [REDACTED]	
Have you already submitted a complaint or an application for civil party participation to the ECCC or other places?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, please indicate what form of application, where and when:	
Form of application	
Place:	Day Month Year

PART B**INFORMATION ABOUT THE ALLEGED CRIME(S)**

Please attach answers to this section on a separate sheet of paper if necessary.

1. Please provide details of crime(s).
Location (<i>village, district, area, zone</i>):
- The KR evacuated me and my entire family from Phnom Penh (I don't remember the village, subdistrict and district). We travelled on foot for more than a month, passing through Băk Kâ Pagoda (unknown village, subdistrict, district) and Kandal Province, Kampong Speu Province, and continued on across Svay Chal (ស្វយចាល) Village, Svay Chal Commune, Kampong Pisei District, Kampong Speu Province, before reaching Thma Kaev Village, Nhenh Nhang Subdistrict, Tram Kak District, Takeo Province.
-The KR military commander Nâm (ណាំ) orders to take my sister in laws Bau (ប៊ូ) and Ny, saying that they were being taken to go look for and catch chickens during the night. Actually, they were taken and killed at Thma Kaev Village. Half a month later the KR took my brother in law Vuth (វុត) away and killed him in that same village; they accused him of being an enemy who had betrayed The Organization since my brother in law had taken a coconut for someone else to eat.

Date (dd/mm/yyyy):

- The KR evacuated me and my entire family from Phnom Penh (I don't remember the village, subdistrict and district). We travelled on foot for more than a month. We passed through Băk Kâ Pagoda (unknown village, subdistrict, district) between Kandal Province and Kampong Speu Province and continued on across Svay Chal (ស្វយចាល) Village, Svay Chal Commune, Kampong Pisei District, Kampong Speu Province, before reaching Thma Kaev (ធ្មាកែវ) Village, Nhenh Nhang Subdistrict, Tram Kak District, Takeo Province.

- In 1977 KR military commander Nâm (ណាំ) issued orders to take my sister in laws Bau (ប៉ូ) and Ny, saying that they were being taken to go catch chickens during the night. Actually, they were taken away and killed at Thma Kaev Village. Half a month later the KR took my brother in law Vuth (វ៉ុត) away and killed him in that same village; they accused him of being an enemy who had betrayed The Organization because my brother in law had given a coconut to me.

Description of Crime(s) (*what crimes occurred and how they occurred*): In the KR era I lost a total of five people:

1. My little brother **Vuth**, farmer
2. My little sister **Bau**, farmer
3. My little sister **Ny**, farmer
5. My mother in law **Mích**, farmer
6. My father in law **Tēng**, farmer

In 1973, I, my wife **Ēng**, my son **BENG Lina**, and my daughter **BENG Phanny** lived at a place for the elderly and crippled in the Tuol Kouk area of Phnom Penh. We lived with my brother in law **Smèt**, who was a merchant, and his wife **Peou** and their four children, **Păn** and three others whose names I don't remember. Later my wife and I and our son and daughter lived north of Phsar Thmei in Phnom Penh; I was working selling books at a military post led by Mr. **HUL Sovannau** and Mr. **SÂ Sovann Chan** when the Khmer Rouge entered Phnom Penh. I was assigned to guard the post by myself. I saw the Lon Nol military commander **MEI Sithân** with two revolvers on his belt accompanied by three Khmer Rouge soldiers (names unknown) -- a female driver, a male with an American 1 M BA and another male with an M16, walking him toward my place I was guarding. The Khmer Rouge shouted, "Where are the keys kept?" Mr. **MEI Sithân** pulled his gun intending to shoot me but the Khmer Rouge stopped him. Then the Khmer Rouge led **MEI Sithân** to the national radio station and shouted an announcement on the radio "All Lon Nol soldiers in every province throw down your arms and negotiate. Then the Khmer Rouge pulled **MEI Sithân** away and announced "We did not come here to negotiate. We came by way of blood and sweat and the muzzle of a gun." The Khmer Rouge told me to leave immediately so they could organize the city and they were afraid the Americans would bomb in the next several minutes. Those that left in time escaped. Those who did not leave in time were killed by the Khmer Rouge on the spot. The Khmer Rouge made it clear that they permitted just one set of belongings, one shoulder-carry pole, to be taken along. Those who transported their belongings in cars or *reimak* trailers were killed by the Khmer Rouge. When we saw the confusion filling the streets of the city, my family and many other people unwillingly left our residences and walked along National Highway 3. When reached Bak Kâ Pagoda (unknown village, subdistrict, district) between Kandal and Kampong Speu provinces, the Khmer Rouge questioned us for our backgrounds saying that whatever anyone had done before, they would be assigned back to do that again. Everyone who replied that they had been teachers, doctors, soldiers, persons of rank were segregated out by the Khmer Rouge and were sent away and killed. As for me, since I had met up with my uncle Chea and his wife Phuong and they were "old people" and had told me not to answer truthfully and to say I was a peasant, a farmer, my group and some others continued on our journey to Svay Chal Village, Svay Chal Commune, Kong Pisei District, Kampong Speu Province, where we met another uncle **Mao** and his wife. They told us "Plant a kapok tree", meaning not to talk too much. "Answer with a word, and know how to lie some too." My father had a son in law named **Ēng** whose son **Nhíp** was a Khmer Rouge village chairman. He attended a meeting to take me, my wife and the two children and the other people to introduce us to a Khmer Rouge leader there. The Khmer Rouge intended to take us away and kill us. Uncle **Mao** secretly liberated my family and several other people away from the village during the morning and we headed for Thma Kaev Village, Nheng Nhang Commune, Tram Kak District, Takeo Province where we met father in law **Tēng**, mother in law **Mích**, in laws **Sean**, **Man**, **Vuoy**, **Yi**, and son **Det**, and they told the Khmer Rouge about our presence in the village. The Khmer Rouge searched us, saying that they were afraid we had weapons or explosives. They took one wristwatch. The gold belonging to the other people was gathered up, but the Khmer Rouge did not take money because money was not used. The Khmer Rouge divided people by ethnicity: the Chinese lived with the Chinese; the Yuon lived with the Yuon. We were assigned to live in a solidarity cooperative where the males lived separately from the females. The male youths lived together; the female youths lived together; the widows lived together; the children lived together. The married people were called the Peasant Unit. The widows were called the Concentration Unit. After these divisions were completed, the Khmer Rouge told us that they were sending the Vietnamese back to Yuon territory in exchange for ethnic Khmer. The Chinese would be exchanged for Khmer in China. Actually there was no news of their welfare after the exchange; they disappeared. There was one large cooking pan of gruel per 50-60 person unit. The Khmer Rouge asked if it was tasty, if we were full. The people did not dare respond at all. I was sent to a ploughing unit. Sometime the Khmer Rouge ordered us to dig feeder canals. At night we put up paddy dike systems. Sometimes we dug large canals. There was constant monitoring by the Khmer Rouge militia. One day in the rainy season when I was ploughing a rice paddy, a Khmer Rouge militiaman approached me and asked, "What did you do before, comrade? Tell me the truth." I said I was a rice farmer. "And the wound? Were you a soldier?" I replied that I had been a *reimak* trailer driver and a soldier had accidentally discharged his gun and shot me. When we walked by one another in front of both males and females, the Khmer Rouge forbid us from looking at one another or saying anything at all. This even applied relatives passing one another on the raid. When my sister in law **Bau** greeted me with a word or two, a Khmer Rouge suddenly asked me, "What did you say to that female? Be careful or you will be taken away and killed." Afterwards, when I was walking and encountered my wife, I did not dare look at her and I even walked about 20 meters away from her. A Khmer Rouge saw that and laughed at me in scorn, saying that I knew how to respect women's rights. During the 1977 rainy season, the Khmer Rouge District Com **Phâl** and another one, **Nâm** (a militia leader and killer), sent me to plough with the old men (names unknown) in the vegetable unit. During the night, the Khmer Rouge selected a unit

(Continued on page 9)

2. Who do you believe is responsible for these crime(s) and why you believe this? <i>Please answer to the extent possible.</i>	
<ul style="list-style-type: none"> - KHIEU Samphan - IENG Sary - IENG Thirith - NUON Chea 	
Because they were the high-level Khmer Rouge leadership	
3. Were you a victim of these crime(s)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Were you a witness to these crime(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Do you know any other victims or witnesses to these crime(s)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>(If yes (and if you can), please give their names and addresses, unless you know that they wish to remain anonymous, or it would put the applicant or anyone else at risk):</i>	
<ul style="list-style-type: none"> - BENG Lina, now living at Preaek Kdei Village, Skuh Commune, Samrong Tong District, Takeo Province - BENG Phanny, now living at Koh Kapi Village, Koh Kapi Commune, Koh Kong District, Koh Kong Province - Chea, now living at Preaek Kdei Village, Skuh Commune, Samrong Tong District, Takeo Province - Phuong, now living at Preaek Kdei Village, Skuh Commune, Samrong Tong District, Takeo Province - MEI Sithân in Phnom Penh (location unknown). Whether he is dead or alive is unknown. 	
6. Do you have any relationship with these witnesses (are they family members, neighbours, friends, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>(If yes, please indicate):</i>	
<ul style="list-style-type: none"> - BENG Lina, my son who lived with me during the Khmer Rouge era - BENG Phanny, my daughter who lived with me during the Khmer Rouge regime - Chea, my uncle who lived with me during the Khmer Rouge era - Phuong, my aunt who lived with me during the Khmer Rouge era - MEI Sithân, a Lon Nol military commander. Whether he is dead or alive is unknown. 	
In order for Civil Party action to be admissible, the injury must be: a) physical, material or psychological; b) the direct consequence of the offence, personal and have actually come into being.	

PART C

APPLICATION TO BE JOINED AS A CIVIL PARTY

<i>You should only complete this Part if you wish to be joined as a Civil Party to a judicial investigation</i>	
1. Please indicate the proceedings to which you wish to be joined: Investigation stage Case File No: 002/19-09-2007-ECCC-OCIJ	
2. Please state the injury, loss or harm you have suffered, and give a brief description (such as physical injury, mental pain and anguish, loss of or damage to property):	
Psychological damages:	
<ul style="list-style-type: none"> - The Khmer Rouge forcibly evacuated me and my family from our home. - The Khmer Rouge killed my mother in law and father in law, and my brother and sister in law died horribly. - They used power to frighten me and they took away all my rights and freedoms, like the right of speech. 	
Material damages:	
<ul style="list-style-type: none"> - Overwork, not enough food, torture for no true reason - The Loss of two houses, one radio, million of riels, and five chi of gold. 	
3. Were you examined by a doctor after the event or events occurred?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Did you receive any medical or psychological treatment?	<input type="checkbox"/> Yes <input type="checkbox"/> No


5. If yes, do you have any records regarding any medical or psychological treatment? Yes No
If yes, please tick as appropriate and provide a photocopy, if available.
 Medical report from doctor, hospital or health centre X-rays Prescriptions/Invoices for medicines
 Other. *Please specify:* None

6. Does your condition persist today? Yes No
If yes, please give details:
- Living today, when I think too much about the Khmer Rouge regime, my emotions are difficult. I miss and pity my relatives and friends who lost their lives. This cause me too have headaches. I never want to encounter anything like that again.

7. Do you have any preference as to the form of collective or moral reparation that you would like to obtain? Yes No
If yes, please give details:
Collective reparations:
- I want a hospital and center for the elderly in Koh Kong Province.
- I want a mental hospital in every province and city to treat the illnesses of the victims of the Khmer Rouge who have been handicapped. I also ask that the Khmer Rouge leadership publicly apologize to the citizens of Cambodia.

PART D**SIGNATURES**

1. SIGNATURE OF THE VICTIM
Please sign or add your fingerprint and date this Form, whether or not someone is acting on your behalf or assisting you in filling in this Form.
 I hereby declare that:
 - To the best of my knowledge and belief, the information I have given in the present Form is correct, otherwise I will be liable under the applicable law.
 - I wish to participate in proceedings before the ECCC as: a witness a complainant a civil party
If you answered "civil party", please ensure that you have filled in Part C above

Location: 
 Day: 30 Month: January Year: 2009
Signature or fingerprint of the victim and name

Witnessed by/Signature :SI Sokunthea Signature: [Thumbprint] BENG Boeun.....

2. SIGNATURE OF THE PERSON ACTING ON BEHALF OF THE VICTIM AND CONSENT OF THE VICTIM

Consent of the victim:

I,

Print name of the victim

consent to

*Print name of the person acting on behalf of the victim, in the capacity of
to act on my behalf in making this application.*

Location:

Day:

Month:

Year:

Signature or fingerprint of a person acting on behalf of the victim and name

Witnessed by/Signature:

Signature:

Before submitting this Application Form, please review it and tick the following as appropriate:

 I have attached the following documents in support of this Form:

- 1.
- 2.
- 3.

 I have signed or added my fingerprint on every page of this Form as well as any other documents accompanying it.

Please indicate total number of pages of this Form including additional pages and photocopies of documentation:

Victim:	Person acting on behalf of the victim:
<input type="checkbox"/> I have provided a photocopy of proof of identity in response to Question 11 of Part A. <input type="checkbox"/> I have provided contact information in response to Question 13 of Part A. <input type="checkbox"/> I have signed or added my fingerprint on the first box in Part E.	<input type="checkbox"/> I have signed or added my fingerprint on the second box in Part E.

NOTE

Once the ECCC receives your Form, you will receive an acknowledgement. This acknowledgement will provide you with a registration number that you should use when communicating with the Court. If you send additional information to the Court, please use this registration number to ensure your application is properly updated. Please note that criminal proceedings take time and it may be a while before the ECCC judges make a decision on your application.

This Form and the process of applying are free of charge.

Victims Unit may be contacted at the address below or by email at victimsunit@eccc.gov.kh

(Continued from page 5)

to go plant coconuts and bananas. Then the militia commander **Nâm** selected the names of my sister in laws **Bau** and **Ny** and two other people (names unknown); a total of four were selected. I volunteered to go too, but the Khmer Rouge did not permit that because my name had not yet been called. They said that they were taking those four persons to catch chickens nearby Thma Kaev Village. The next morning one of the base people (name unknown) said that my two sisters in law had been killed the previous night. The Khmer Rouge monitored my unit during each of the coming nights while we worked until 10 p.m. Half a month later in 1977, the Khmer Rouge had my brother in law **Vuth** go around picking coconuts in Thma Kaev Village. He gave me a coconut. The Khmer Rouge learned of this and killed him. My mother in law and my wife cried, and the Khmer Rouge said not to cry, not to feel sorry for him because he was an enemy. Acts such as this frightened me even more, and I did not dare meet with my family. Ten days after my brother in law was killed, the Khmer Rouge called a lifestyle meeting and brought up the principle of the Great Leap, had us respect The Organization's principles, and had us resolve to grow rice on every inch of land. After the meeting the Khmer Rouge permitted husbands and wives to meet for one night. I did not meet my wife. I told my wife that we were legally married, and that meeting like that was like secretly meeting a woman outside the marriage. Later on, when I was plowing, the Khmer Rouge forbade hitting the cattle. If anyone broke and plow or hit the cattle, the Khmer Rouge would kill them. The cow I was using had no strength to pull the plow and it walked slowly. One of the Khmer Rouge (name unknown) came to plow in my place and hit my cow all over its body, then exchanged it with another. Life was hard. The Khmer Rouge killed people one after another until the Vietnamese army came to liberate us. In early 1979 **Nâm**, the Khmer Rouge militia commander, came to ask my forgiveness, and I was not angry with him because he had only been under the orders of upper echelon. Later I travelled with my family back home to Prey Sdei Village, Skuh Commune, Samraong Tong District, Takeo Province. My wife **Ēng** told me that my father in law **Tēng** and my mother in law **Mích** had fallen ill because the Khmer Rouge had starved them for many days. They got no treatment, and they died in late 1977 at Thma Kaev Village, Nhenh Nhang Commune, Tram Kak District, Takeo Province.