



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 September 2015

Trial Day 320

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

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KHIEU Samphan

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LIV Sovanna
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Trial Chamber Greffiers/Legal Officers:
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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHAO Lang (2-TCCP-992)	Khmer
Mr. DE WILDE D'ESTMAEL	Khmer
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LIV Sovanna	Khmer
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Ms. NUON Narom (2-TCCP-991)	Khmer
Mr. PICH Ang	Khmer

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 For today and tomorrow's proceedings, the Trial Chamber will hear
6 statements of harms and sufferings by certain civil parties
7 during the Democratic Kampuchea period in relation to the facts
8 at Trapeang Thma and 1st January Dams. There are four of them
9 2-TCCP-991, 992, 993, and lastly 2-TCCP-994. The said civil
10 parties who will come, firstly will be the 2-TCW-991. Greffier,
11 Mr. Em Hoy, please report the attendance of the Parties and other
12 individuals at today's proceedings.

13 [09.03.31]

14 THE GREFFIER:

15 Mr. President, for today's proceedings, all Parties to this case
16 are present. Mr. Nuon Chea is present in the holding cell
17 downstairs. He has waived his right to be present in the
18 courtroom. The waiver has been delivered to the greffier. A civil
19 party who is to present her statement of harms and sufferings
20 include 2-TCCP-991, 992, 993 and 994, respectively. The four
21 civil parties are present awaiting to be called by the Chamber.
22 Thank you.

23 [09.04.40]

24 MR. PRESIDENT:

25 Thank you, Mr. Em Hoy. The Chamber now decides on the request by

1 Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea, dated 1st
3 September 2015, which states that due to his health, headache,
4 back pain, he cannot sit or concentrate for long and in order to
5 effectively participate in future hearings he requests to waive
6 his right to participate in and be present at the 1st September
7 2015 hearing. He has been advised by his counsels that in no
8 means it can -- the waiver can be construed as a waiver of his
9 rights to be tried fairly or to challenge evidence presented to
10 or admitted by the Court at any time during the Trial.

11 [09.05.39]

12 Having seen the medical report of Nuon Chea, by the duty doctor
13 for the Accused at the ECCC dated 1st September 2015, who notes
14 that Nuon Chea has chronic back pain when he sits for long and
15 recommends that the Chamber grant him his request so that he can
16 follow the proceedings remotely from the holding cell downstairs.
17 Based on the above information and pursuant to Rule 81.5 of the
18 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
19 follow today's proceedings remotely from the holding cell
20 downstairs via audio-visual means.

21 The AV unit is instructed to link the proceedings to the room
22 downstairs so that he can follow the proceedings. That applies
23 for the whole day.

24 And before questions are put to the civil party, and noting the
25 objection by the Co-Defence Counsel for Mr. Khieu Samphan in

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1 relation to the use of document E319/25.3.24, which was a
2 submission by the Lead Co-Lawyers for civil parties on the 25th
3 August 2015, that is Annex A of document E319/31, the Chamber
4 would like to inquire with the Lead Co-Lawyers for civil parties
5 whether you still maintain your position on the use of the said
6 document -- that is, E319/25.3.24, after the said civil party has
7 been -- the civil party to 2-TCCP-995 has been removed from the
8 list for the statements of harms and sufferings.

9 [09.07.40]

10 MS. GUIRAUD:

11 Thank you, Mr. President, and good morning to everyone. Good
12 morning to the Parties. We have seen the findings or the
13 conclusions of the Khieu Samphan team and we have no objections
14 to those submissions, to the extent that we have presented
15 pertinent documents on the five civil parties. One of the civil
16 parties who had to testify before this Chamber today has had to
17 cancel that appointment in the last minute so there is no
18 problem, as far as we are concerned, regarding documents
19 concerning that civil party. That party should not be considered
20 as admitted by the Chamber. We have followed the recommendations
21 of the Chamber on the need to file a motion.

22 (Short pause)

23 [09.09.10]

24 MR. PRESIDENT:

25 The Lead Co-Lawyer for civil party you may continue.

1 MS. GUIRAUD:

2 Let me simplify matters. We have included that document since
3 that civil party was supposed to appear and to testify before
4 this Chamber. We have informed the Chamber and the Parties on
5 Friday that that civil party was not available. We are in the
6 hands of the Chamber as to whether that document should be
7 admitted into evidence or not. Be that as it may, we do not
8 intend to use that document to the extent that the civil party
9 will not be appearing to testify before this Chamber during these
10 hearings on the impact of the crimes. I hope I have clarified the
11 situation as far as the civil parties are concerned.

12 MR. PRESIDENT:

13 Thank you. The Chamber would also like to inform the Parties and
14 the public that for the afternoon session, before we continue our
15 proceedings, the Chamber will resolve the issues concerning the
16 key documents that were heard last week.

17 Court officer please usher civil party to 2-TCCP-992 into the
18 courtroom for the presentation of statements of harms and
19 sufferings as well as the TPO staff.

20 MS. GUIRAUD:

21 [09.11.26]

22 Mr. President, I would like you to clarify something while the
23 civil party is sitting down. You have said that you will discuss
24 key documents this afternoon, if I understood you correctly. In
25 any case, that is what I heard through French interpretation.

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1 This matter should be clarified because we would need to prepare
2 ourselves if the Chamber were to decide to hold hearings on key
3 documents today, since this information has not been provided to
4 us earlier, I mean to the Parties earlier.

5 MR. PRESIDENT:

6 Thank you. Maybe it's my mistake. However, allow me to clarify
7 the matter. In fact, the matters had been decided by the Chamber
8 on the issues of the key documents, so that the key document
9 presentation can be scheduled in due course and once all those
10 issues involved are ironed out and for that reason for this
11 afternoon session, we will provide such decision on those issues.
12 So there is no debate on the key document presentation this
13 afternoon, just to make clear.

14 [09.13.05]

15 QUESTIONING BY THE PRESIDENT:

16 Good morning, Madam Civil Party.

17 Q. What is your name?

18 MS. NUON NAROM:

19 A. Good morning, Your Honours. Good morning lawyers and everyone.

20 My name is Nuon Narom. I was born in 1956 at Chamkar Leu
21 district, Kampong Cham province.

22 Q. Thank you. Where is your current address? And Madam Civil
23 Party, please observe the microphone.

24 A. At present, I live in Phnom Penh.

25 Q. And what is your current occupation?

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1 A. In the 1980s, I worked for the SPK ministry. However currently
2 I stay at home.

3 [09.14.35]

4 MR. PRESIDENT:

5 Court Officer, could you please observe the photographer. Is he
6 authorized to take photos in the courtroom? Please make that
7 inquiry with the photographer.

8 BY THE PRESIDENT:

9 Q. What are the names of your parents, Madam Civil Party?

10 MS. NUON NAROM:

11 A. My father is Uy Chheum (phonetic) and my mother is Nuo Yeam
12 (phonetic).

13 Q. Thank you. And what is the name of your husband and how many
14 children do you have together?

15 A. Her -- my husband's name is Pich Anin (phonetic). We have two
16 children together, that is one son and one daughter.

17 [09.15.50]

18 MR. PRESIDENT:

19 Thank you.

20 The Chamber would also like to inform the Parties and the public
21 that for the proceedings of hearing the statements of harms and
22 sufferings by some civil parties, the Chamber has arranged a
23 representative of TPO staff to provide support to them during the
24 time that they are here to make their statements of harms and
25 sufferings. We have Madam Chhay Marideth this morning, who is

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1 here on behalf of TPO.

2 And, Madam Civil Party, the Chamber will hand you the floor to
3 make your statement of harms and sufferings that inflicted upon
4 you physically, materially and emotionally, which are the direct
5 result of the crimes and which led you to become a civil party in
6 this case, that is in relation to the two Accused, Nuon Chea and
7 Khieu Samphan, that you think that their acts directly have had
8 an impact upon you for the period of 17 April 1975 to 6 January
9 1979. And I notice the International Lead Co-Lawyer is on her
10 feet and you may proceed.

11 [09.17.30]

12 MS. GUIRAUD:

13 Thank you Mr. President.

14 As we did during the last hearing on the statement of the impact
15 of the crimes, we would wish as civil party Lawyers to put some
16 questions to the civil party to guide her testimony on the harm
17 suffered. So I would like to put to the civil party some
18 questions to enable her to focus her testimony on the harm
19 suffered as we have always done during these hearings. May I
20 therefore request your leave Mr. President, to proceed as we have
21 done customarily to put some questions to the civil party during
22 her testimony?

23 MR. PRESIDENT:

24 As a matter of practice, the civil party is given the floor to
25 make a statement of harm and sufferings. However it was the

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1 choice of the Lead Co-Lawyers for civil parties to proceed the
2 way that you requested because certain civil parties cannot make
3 statements on their own. And in fact, the Chamber entertains the
4 two options so far. However, first, we need to adhere to our
5 initial practice, that is to give the floor to the civil party to
6 make the impact statement, and if that is the case it will be
7 more authentic in the presentation of the statements of harms and
8 sufferings. However, if she cannot make it then we will entertain
9 your request as the second option. And if we decide just to
10 entertain your -- your option it may start we left out the first
11 option as a practice as certain civil parties are capable of make
12 their own statements of harms and sufferings, so that they would
13 feel at ease in doing so.

14 [09.19.43]

15 For that reason we adhere to our practice and proceedings and if
16 you wish to select this second option for this civil party, of
17 course we will give you that choice. So, it is up to you whether
18 to -- to give the floor to the statement, for the civil parties
19 to make statement, or you can decide to put the questions to the
20 civil party. And that is the proceedings and strictly speaking,
21 the proceeding is for the civil party to make such a statement,
22 and only in case that she is not capable of doing so, then we
23 will give you the floor to put questions to her. And the Chamber
24 will entertain your request now so that you can put questions to
25 the civil party in lieu of the statement of harms and sufferings.

1 And you may proceed.

2 [09.20.54]

3 MS. GUIRAUD:

4 Thank you, Mr. President. The reason why I would like to put
5 questions to the civil party is that we have been requested to
6 make sure that the civil parties focus on harm relating to a
7 specific site, but we would wish to assist the civil party, to
8 assist the Party, the Chamber and the Party so that everyone
9 should understand the history, the background of this civil party
10 and her experiences on the specific sites. And that is why I
11 would like to start by asking questions to lay the foundation so
12 that everyone can understand the background of this civil party
13 and the reasons why she was brought to work on the first
14 worksite.

15 MR. PRESIDENT:

16 We give you the floor already so there is no need for lengthy
17 explanation from you. And if you decide to put questions to her,
18 of course, the floor is yours.

19 [09.20.54]

20 QUESTIONING BY MS. GUIRAUD:

21 Thank you Mr. President. Good morning, Madam Civil Party.

22 Q. The first question I would like to put to you, is being asked
23 for purposes of clarification. Since you signed your civil party
24 application with a different name, a name that is different from
25 the name you just gave the President of the Chamber today. I am

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1 referring to document E3-4909, the name indicated in that
2 document is as follows, and I crave your indulgence if I
3 pronounce it inappropriately; Uy Samna. Can you tell us what that
4 name is?

5 MS. NUON NAROM:

6 A. Thank you. Uy Samna is my native name -- that is, when I was
7 born I was given that name. However, after 1979, while I were
8 living with my relatives, I use -- I continued using two names,
9 that name and the Narom name. And when I registered the name, and
10 when I was not there on the day of the registration, then my
11 relatives put Nuon as my surname on the registration. And that is
12 the case.

13 [09.23.44]

14 Q. Thank you. Where did you reside on the 17th April 1975, how
15 old were you at the time and with which of your family members
16 were you living at the time?

17 A. In 1975, I was evacuated to live in Phnom Penh, to live with
18 my distant relative in Phnom Penh. However due to severe
19 bombardment I went to take refuge in Wat Koh pagoda. And on the
20 17 April 1975, we were together and we were evacuated via
21 Monivong Boulevard, crossing Chbar Ampov bridge and then we
22 reached Kien Svay. While we were en route crossing the Chbar
23 Ampov bridge, the situation was extremely difficult as I had
24 several of younger relatives and nephews who were seven or eight
25 years old and it took us hours before we could cross the bridge

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1 and arrive at Kdei Ta Koy pagoda. We rested there overnight and
2 my in-laws went to look for water to cook the rice for our
3 nephews. We remained staying there for four or five days, then we
4 decided to continue our journey to Kien Svay. However the road
5 was too crowded we could hardly move and we stayed overnight.

6 [09.25.45]

7 The next day at 10 a.m. we arrived at Kien Svay and we were
8 ordered by Khmer Rouge to board a motor boat to Preaek Pou. We
9 were given lunch at Preaek Pou then Khmer Rouge took us again --
10 that is, my family and other families, to Suong, at the Ta Pao
11 (phonetic) village in Suong, and we were separated into various
12 villages. My siblings were placed in other -- in other villages
13 while I was allowed to stay with my mother. A few days later my
14 in-laws -- that is, my sister's husband and one of my nephew were
15 taken away for re-education. After two months I was sent to
16 Trapeang Phlong, Kraek Chimoan and we were there for four or five
17 months and we were sent to Chamkar Leu -- that is, to Bei
18 village, still in Kampong Cham province. And about two or three
19 months later, I was by myself and ever since to enrol into a
20 mobile unit at the Lvea Leu pagoda. I was in that mobile unit in
21 1977 -- that is, January 1977, if I recall the date correctly,
22 then I was sent to build the 1st January Dam.

23 [09.27.33]

24 Once I'd arrived at the 1st January Dam worksite, a long shelter
25 had been made already in the middle of the rice field and it was

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1 a roofed with hedge -- with hay, and we were instructed to work
2 day and night without any rest. And we also had to work at night
3 as we were told during the meetings that we had to work harder in
4 order for the dam to be completed before the rainy season
5 started.

6 The situation was rather arduous. We had not enough food to eat.
7 And as I said the situation was extremely difficult and for us
8 women we need proper sanitation but on the contrary we only had a
9 pair of clothes on ourselves. We had to work day and night and
10 even when we were sick we were not allowed to rest. And they said
11 that if you are sick you still have to go to work and if you fall
12 on the ground at the worksite then you would be allowed to rest.
13 If we were considered to be inactive or lazy, that person would
14 disappear and there -- there were many workers from where I
15 worked disappeared. For that reason despite my illness I didn't
16 dare to rest. I had to work. And we did not have proper drinking
17 water to drink, but there was no such luxury.

18 [09.29.29]

19 During the times that I worked there, we were allowed to rest for
20 a brief period of time then a whistle was blown so that we has to
21 get up from the building and then we had to go and work. And the
22 spot that I worked was near the Chinit river and the shelter that
23 is the sleeping quarters that is about three kilometres from the
24 worksite and we had to walk every day. And as for the sanitation,
25 no, there was no sanitation. There were so many flies. And some

1 Base People could take some salt from the kitchen and shared with
2 us, so sometimes we have a few pellets of salt to supplement the
3 food that we ate. And the soup was terrible. It was cooked in a
4 large pot with very little veggie and meat. And we could only
5 rest for a brief period of time then we had to work again, and
6 then we returned in the late afternoon for dinner, we had a quick
7 dinner. Then we had to return to the worksite to continue working
8 at night time. I was about 18 or 19 years old at the time and we
9 had to carry the earth through the night.

10 [09.31.24]

11 The skin on my shoulder peeled from heavy load of earth on the
12 basket. Then sometimes during the night we were instructed to
13 return to the sleeping quarter and sometimes we had to attend a
14 meeting, and that happened every few nights, then we could sleep.
15 But it was only a few hours before we was woken up again by a
16 whistle blow. There was a stream nearby the sleeping quarter and
17 we used the water from that stream. And of course cows were --
18 cows and buffalos were walked also in that stream. We also washed
19 our clothes and took bath there. There was no sanitation at all.
20 We tried to survive with whatever we had and we rarely took a
21 bath because we only had the clothes that we put on.

22 [09.32.46]

23 When we were carrying the dirt in the open sun, we could have
24 water but the water was muddy and it was brought to us. We had to
25 drink although it was not clean water. At night time I sometimes

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1 dreamt that I could have a cold water to drink.
2 The meetings would be held once in every two days and we were
3 told that if we were not in -- active and we would obstruct the
4 wheel of the history, although that we were sick we had to go to
5 work. Some of my colleagues, four or five of them, they had night
6 blindness. At night time I was the one who led them to work. And
7 later on there was a plan that we could have a rest, once in
8 every ten days. And I, at one time I -- I could observe that the
9 water was dirty and looked very green, the water that we drank.
10 One day my colleagues and I went into the forest to catch frogs
11 and ants so that we could cook them for food to eat. During the
12 six or seven month periods of my work days, I bore the situation.
13 It was a very hard work. And when the -- our worksite were moved
14 close to a stream they put the bamboo stick on the stream so that
15 we could cross it to another side. The work condition was very
16 harsh. We had no necessities -- necessary tools to help us.
17 During the day time we had to pick up some thnung leaves and put
18 in our mouth to feel our stomach so the six or seven month period
19 during that time was very difficult for me. I lived in another
20 place from my mother's worksite.
21 [09.35.58]
22 I witnessed that some of my colleagues were mistreated although
23 they were really sick and these colleagues were not allowed to
24 take rest. They verbally challenged or refused the assignment and
25 they were beaten at that time, so for me I had to try my best to

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1 work. Some of my colleagues, those four or five were beaten and
2 they were instructed to carry dirt they were given with a big
3 earth basket to carry dirt. I could not say anything. But it was
4 painful in my heart. I was doing my utmost at that time, I had to
5 work. Women had periods and they had cramps in their abdomen.
6 They need sanitation but we were deprived of this. We were
7 treated as animals.

8 At night times we starved and at that time I was working with my
9 colleagues so many of them, all of them were diseased, and at
10 night-time when we were working -- when we were working I could
11 observe there was some leaves and fruits I asked my colleagues
12 whether those kinds of leaves were edible.

13 [09.38.22]

14 I missed my mother, I had no information about my mother and
15 siblings. I did not know at that time where they were living. I
16 was living in an open field with no houses surrounding and I did
17 not know at that time the name of that location where I was
18 living. At night times when I went to sleep I had to use whatever
19 clothes to use as the sleeping mat and I would also use hay for
20 my sleeping mat. I also used my krama or scarf to cover my ears
21 so insects would not go into my ears. I don't -- I don't think I
22 had many hours to sleep at night. I had to wake up very quickly
23 after I heard the whistle blown.

24 At that time I worked until the rainy season. And the roof was
25 leaking and the water would go through the roof during the rainy

16

1 season. I mean the roof of my sleeping quarter. In July when
2 there were heavy rains, we could hardly do our work. At that time
3 I was -- I fell sick. I had a high temperature and I was tremble.
4 I could not walk to Lvea village. At that time I asked for a ride
5 on the cart. I met my mother, I asked my mother so that I could
6 be allowed to go back to live with my mother. When I saw my
7 mother at that time she was skinny.

8 [09.40.54]

9 I was seriously sick at that time I was not allowed to stay in
10 the village, I was referred to a hospital in the pagoda. I had
11 cramps in my abdomen. Even a little water in my stomach -- even I
12 drank a little water I could feel the pain. I was hospitalized
13 for two weeks. Two weeks later I felt better. My mother was with
14 me at the hospital and when I recovered from the disease I asked
15 the permission to stay with my mother in the village. But I could
16 stay there for a period of two months, after which I was sent
17 back to a mobile unit to work in a farm.

18 I was growing vegetable or doing rice farming. Sometimes I was
19 asked to go and pick up maize or corns. One day I saw the chief
20 of Phum Bei village. And at that time the biography was
21 collected, my mother was asked whether some of my family members
22 went to the East Zone. At that time my family, my mother and I
23 responded frankly and we told them that we were sent to Phlong
24 village in Kampong Cham.

25 [09.42.56]

17

1 In 1978 perhaps in July or August I was assigned to work in a
2 plantation picking up corns. One day I was asked to -- I was told
3 to collect rice at a pagoda. When I was standing at the kitchen,
4 Mom (phonetic), who was in the mobile unit, told us that our
5 parents had been taken away to be killed. I lost my spirits and I
6 almost dropped the container from my hands and I asked Mom
7 (phonetic) when our parents had been taken away and Mom
8 (phonetic) told me that they had been taken away in the morning.
9 It was late for us to go back and help them. One person in the
10 kitchen at that time knew that I did not have lunch -- have meal
11 yet, so I was offered meal but I could not eat I was staying in a
12 very quiet place crying and weeping. Four or five days later,
13 children of the parents who had been taken away were also collect
14 -- were also taken away.

15 [09.44.56]

16 We -- some of us at that time were told to pick up the beans
17 because during that time beans were ripe and everyone was
18 thinking that it would be our time to be taken away. I was in
19 monks cell at that time, I wore a pair of sandals and I wore a
20 set of clothes. When I was coming back to work I saw the village
21 chief who was holding a long knife. At that time, I was going to
22 the plantation to pick corns. I told an individual at the corn
23 plantation that it was my time now. And that person told me that
24 we could not escape anywhere else.

25 I spent some time during my work at that time to go to my

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1 relative's place. I met my relative that I had permission one day
2 to visit her. When I met her at her house, she went to cook food
3 for me. Her house was roofed with leaves. When I was at her house
4 I saw the youth chief who was -- who were walking around and I
5 knew at that time that they were looking for me. A few minutes
6 later I went to my relative's mother's house to ask for medicine.
7 I was given with some medicines to have. At the back of the house
8 -- at the back of her house there was a farm raising pigs. I was
9 hiding myself at that farm. There were many childrens at that
10 time crying and playing. I was hiding until the sunset. I could
11 not go anywhere else because I was afraid. It was almost dark and
12 I decided to go back to my mobile unit. I was -- while I was
13 returning to corn plantation, I met with one of my colleague and
14 she asked me where I was in the morning everyone was looking for
15 me. I told her that I went to my relative's house.

16 [09.49.07]

17 When it was dark, I went into a pagoda. Meng (phonetic) -- I met
18 Meng (phonetic) and Meng (phonetic) had a permission to visit her
19 house for one night. I met her and I -- she asked me where I was
20 going. I told her that I was going back to the mobile unit. She
21 told me not to go and I was told that some people in my mobile
22 unit had been taken away. I did not know where to go at that time
23 so I decided to go to one of my colleague's house and I met my
24 colleague at that time. And I met my aunt at that time and she
25 offered me a stay at night time. And at that time I -- she asked

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1 me whether I had a meal already. I was offered a meal or dinner
2 at that time. My aunt asked me about my mother where she was at
3 that time. I replied that my mother was fine. My aunt offered me
4 the dinner at that time. I did not have a dinner for a few days
5 already but I did not feel hungry at all. I spent a night at my
6 aunt's house and when I -- and in the morning when I heard the
7 rooster sound I left the house and I was trying to go back to my
8 mobile unit.

9 [09.51.36]

10 I went on a -- I went via a road passing the headwork or
11 spillway. I was looking around to make sure that no one could see
12 me. When I reached the corn plantation, I stepped on spikes. I
13 fell to the ground and the spike tore my clothes. And,
14 subsequently I reached a field. There was no one at that time.
15 Upon my arrival at that field -- Cheng (phonetic) -- after I
16 arrived at that field I went to Cheng's (phonetic) house. I asked
17 Cheng (phonetic) to go and pick up some morning glories so that I
18 could boil the morning glory. I really wanted to die at that
19 time. And while I was boiling the morning glory, the village
20 chief and militia chiefs asked for my cousin and I told them that
21 she was not at the house. And the village chief and youth chief
22 met me and asked me where I was going why I was staying at that
23 house. I told them that I had just left the hospital and now I
24 was visiting my cousin's house. And they -- after they discussed
25 with me they told me that they would go to see the sangkat chief.

20

1 And in the afternoon sangkat chief, together with the two people,
2 came to my cousin's house and asked me whether I had come from
3 the East Zone. I told them I was from Bei village. They then
4 responded that they would call someone from Village Three to
5 fetch me back. And a few moments later I drank the morning glory
6 water.

7 [09.54.38]

8 Later on they came back again and gave me a meal. They told me to
9 be loyal to Angkar to avoid any incident happening to me. The
10 sangkat chief came from time to time to ask me about the
11 situation. At that time I was -- I was poisonous. At that time I
12 had a poisonous morning glory water and I was not well. The
13 sangkat chief at that time told me that, please do not feel
14 worried and please make sure that I would like, he confirmed that
15 I would be safe and sound. He or she told me to stay in that
16 house and to rest.

17 Frankly, the sangkat chief was related to my aunt and later on my
18 aunt arrived at that house and I received a meal. I was allowed
19 to stay at my cousin's house for a few months, five or six
20 months. But one day there was the arrest was attempted to -- at
21 one time they wanted to arrest me and I was trying to jump off
22 the house at that time. In 1979 I was told that there were no
23 longer killings and arrests so I was lucky then to survive.

24 [09.57.17]

25 Although I survived the period I was very lonely. I endured

21

1 hardship. And I have no goal in my life after the regime. I have
2 no relatives, I am alone. I am very lonely. In 1982, my relatives
3 who went to work in Phnom Penh asked me to come and live with
4 them and I registered my name in the SPK ministry. My life was
5 bitter in the regime. In 1986, my husband who worked in the
6 agricultural ministry married me and we have been in married --
7 marriage until now. We have two children, one son and one
8 daughter.

9 Q. Thank you, Madam Civil Party. I am running out of time a
10 little bit and I would like to ask you what do you feel when you
11 think about that period?

12 [09.59.24]

13 A. I feel pain. I would like to put questions to the Accused
14 through the President of the Chamber. If I permit the following
15 questions, the purpose of evacuation of people from cities and
16 that later on they were being used, that they were overworked,
17 what was the purpose of that? And as you knew there was war
18 before that and then you evacuated them back into their hometowns
19 and instead you accused them of being enemies, what was the
20 purpose of that? I had young nephews, there were seven or eight
21 of them who were still very young and innocent and their lives
22 were lost. And you, you killed so many people again and again.
23 You killed your own people. What was the purpose of that? Did you
24 want to replace the Khmer people by another group of people?

25 [10.01.19]

22

1 In my area there was a serious aerial bombardment and the scars
2 of the bombs still remain today. People were very scared and we
3 did not dare to live in hometown so we went to take refuge in
4 Phnom Penh city, but when we returned to our hometown we were
5 accused of being enemies. This is a real case of "Catch-42"
6 (sic). We have no chance. And we were accused of being CIA agents
7 in the network etc. We didn't know anything about that. And you
8 ordered the Base People to mistreat us; to monitor us, to
9 eavesdrop on us and to monitor our every activity.

10 MR. PRESIDENT:

11 Madam Nuon Narom. You finish your questions that you wish to put
12 to the Accused?

13 [10.03.19]

14 MS. NUON NAROM:

15 I only have these two questions, Mr. President.

16 MR. PRESIDENT:

17 Madam Civil Party, the Chamber wishes to inform you that after
18 ascertaining the position of both Accused on 8 January 2015,
19 regarding exercise of the right to remain silent, the Chamber
20 notes that the Accused maintains their expressed positions unless
21 and until such time as the Chamber is expressly informed
22 otherwise, by the Co-Accused or their counsels. It is therefore
23 incumbent upon them to inform the Chamber in a timely and
24 efficient manner, should the Accused resolve to waive the right
25 to remain silent and be willing to respond to questions by the

23

1 Bench or relevant Parties at any stage of the proceedings.
2 As of today the Chamber is not informed that the Co-Accused have
3 changed their expressed position and thus agreed to provide their
4 responses to questions. For that reason the Chamber cannot order
5 the Accused to answer your two questions, as they maintain their
6 -- the exercise of their rights to remain silent. And Lead
7 Co-Lawyer do you have any more questions to put to the Accused?

8 [10.04.08]

9 MS. GUIRAUD:

10 Not to the Accused, no. We do not have any questions for the
11 civil party either. She has spoken very well and we now give the
12 floor to the other Parties.

13 MR. PRESIDENT:

14 Thank you. And it is now appropriate time for a short break. We
15 take a break now and return at 10.30.

16 Court officer please see that the civil party during the break
17 time invite her as well as the TPO staff back into the courtroom
18 at 10.30.

19 The Court is now in recess.

20 (Court recesses from 1006H to 1031H)

21 MR. PRESIDENT:

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

23 And I would like to give the floor to other Parties, starting
24 first from the Co-Prosecutor. I would like to know whether
25 Co-Prosecutors have some questions to put to this civil party. If

24

1 you have, you may now proceed.

2 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

3 Q. Thank you, Mr. President. Thank you, Your Honours. Good

4 morning to all Parties. We indeed have some questions to put to

5 Madam Civil Party. My name is Vincent de Wilde, and I'm going to

6 therefore put questions to you on behalf of the Co-Prosecutors.

7 First of all, I would like to thank you for having come here to

8 share your experience with us. This is very useful. And I'm going

9 to put to you a few questions about the 1st January Dam. If you

10 know the answers, please provide them. If you don't, then -- or

11 if you don't remember, please let us know.

12 First you spoke about the fact that you had spent several months

13 over there. Can you tell us what kind of people made up the

14 working groups at the 1st January Dam? Were there New People like

15 you or were there Base People?

16 [10.33.33]

17 MS. NUON NAROM:

18 A. Thank you. There were New People and Base People over there.

19 Q. And who held the senior positions, such as unit chief,

20 battalion chief, unit chief? Were they -- did any New People have

21 such positions?

22 A. No.

23 Q. And can you explain to us what your day-to-day work was about

24 at the worksite? Were you obliged to dig dirt? Did you have to

25 build dykes? Or did you have to do other things as well?

1 [10.34.38]

2 A. Regarding my tasks, I was tasked with carrying dirt. I was not
3 assigned to dig dirt. It was only male workers who did that job.

4 Q. And were you subjected to quotas? For example, were you
5 obliged to transport a certain number of cubic metres of soil per
6 day?

7 A. When I was first at that place, one and a half cubic metres of
8 soil was assigned to female workers, and for male workers, they
9 received two cubic metres of soil. And at some worksites, there
10 were no set quotas for all of us, but male and female shared the
11 work. Males usually did the digging job and females the carrying
12 job.

13 Q. Were you obliged to meet this quota and reach this quantity of
14 1.5 cubic metres of soil per day?

15 A. I had to meet the daily quota. We -- I never -- I usually, I
16 had to meet the work quota, and if I could not, my work
17 colleagues would help me to complete it.

18 Q. Can you describe in detail the daily hardship you experienced
19 when you were transporting soil? You said that your -- that
20 because of the shoulder poles, your skin started coming off. And
21 can you give us other details regarding the hardship you went
22 through when you were working?

23 [10.37.33]

24 A. Thank you. The work was too hard to explain. I have never gone
25 through that kind of experience in relation to dirt-carrying. My

1 skin on the shoulders came off, and I had to change the carrying.
2 I had to, at one time carry the dirt on my left shoulder, and at
3 another time, on the right shoulder. I had to bear the situation,
4 although there was too much pain. I was on an offensive for the
5 daily work. I had to do my best to survive.

6 Q. Thank you. So, over which distance did you have to carry these
7 baskets before emptying them out? And can you tell us what the
8 weight was of these two baskets, more or less?

9 A. Regarding the distance, it depended on the place where we
10 emptied the dirt. Sometimes, I had to carry up to 20 or 30 metres
11 to empty the dirt. It depended.

12 [10.39.39]

13 Q. And do you have an idea of the weight of these baskets when
14 they were filled with dirt?

15 A. I am not able to give the estimates. From my estimates, the
16 load was about 20 kilogrammes on one basket.

17 Q. What was the physical appearance of the workers on site after
18 a few weeks or a few months, at the site, including your physical
19 appearance? What was it like?

20 A. A few months later, my physical appearance was in bad shape. I
21 was skinnier, my strength became weaker and weaker. Not only me
22 was in that bad shape, other workers had the same situation. For
23 chiefs, unit chiefs, they had a normal shape because they did not
24 do the digging or carrying work.

25 Q. You said earlier that you were helping people who were

1 suffering from night blindness. So, can you tell us what the
2 causes were of this night blindness? And why were so many people
3 suffering from night blindness?

4 A. I do not know either the reason why they had night blindness.
5 I was tasked to lead the way for the night-blind people. We
6 sometimes were assigned to work at night. There were many of them
7 who had night blindness when we left our sangkat. I do not know
8 the reason why they had that kind of disease -- that is, night
9 blindness.

10 [10.42.43]

11 Q. Wasn't it dangerous for them to work at night since they
12 couldn't see much?

13 A. At night, there were light posts on the dam, so there was
14 light enough for us to work. However, en route there were no
15 lights, and the people who had night blindness had to follow me
16 to reach the worksite.

17 Q. Fine. And were you being watched on the worksite? Were guards,
18 militiamen, watching over you?

19 A. Yes, there were a few of them. Not many. The unit chiefs were
20 together with us while we were working. They were watching all of
21 us, to see those who were active and inactive at work.

22 [10.44.12]

23 Q. And did your unit chief speak to you on the worksite about
24 enemies of the revolution? And if that was the case, who was
25 considered, at the worksite, as an enemy of the revolution?

1 A. After we returned from work at night, meetings were held in
2 every two days to warn those who were lazy. And the lazy ones
3 were considered the enemies of the regime. And those lazy people
4 were considered the ones who obstructed the wheel of the history,
5 and everyone had to catch up with the speed of the wheel.

6 Q. You spoke about the fact that the lazy people were beaten. Who
7 would beat them, and how? What would they use to beat them?

8 MR. PRESIDENT:

9 Please hold on, Civil Party. You have the floor now, Counsel Kong
10 Sam Onn.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. From my notes, I heard that those
13 people were not beaten, but they were only considered the lazy
14 ones, and they had to catch up with the speed of the wheel.
15 That's what I heard from the civil party.

16 [10.46.20]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. My notes are different, Mr. President. I saw that they were
19 mistreated when they were ill, that they were not allowed to
20 stop, and that they were beaten. So that can provide some
21 clarification. So, my question again: is it true that certain
22 people were beaten for not having worked? And if they were
23 beaten, who would beat them? And how would they beat them? With
24 what means?

25 MS. NUON NAROM:

1 A. I was not referring to the lazy ones, but I made mention about
2 those who fell sick. One of them fell sick at that time, and that
3 person requested to take rest. But the request was rejected, and
4 the shoulder pole was used to beat that person. And her name was
5 Eng (phonetic). When she went to work, two cubic metres of soil
6 was given to her to complete, and big earth-carrying baskets were
7 provided to her to carry earth. And she was told that if she
8 could not finish the work, there was no meal for her.

9 [10.48.00]

10 Q. And who beat this person? Was it a militiaman? Or were they
11 unit chiefs? Can you tell us who the people were who beat this
12 person?

13 A. Thank you. It was a group chief who was with us, monitoring
14 all of us. She was a female chief.

15 Q. Thank you. Did workers ever faint? Or did they ever collapse
16 because they were exhausted? And I'm speaking about in your unit.

17 A. Within my unit, yes, of course. Some people fainted or
18 collapsed. Hammocks were used to carry those who fainted, so that
19 they could be carried back to the sleeping quarter.

20 Q. And did anyone die in your mobile unit when you were there?

21 [10.49.39]

22 A. While we were working at that place for the period of six or
23 seven months, no one died. Some of my colleagues whispered to me
24 that three or four of co-workers disappeared. Danet (phonetic),
25 who was the newcomer, or New Person, disappeared. She looked very

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1 pretty, like a "Miss of the World". It was said that she was the
2 daughter of a former -- in the former regime. She disappeared
3 after the work at that place completed.

4 Q. Maybe I have two to three small questions to put to you again.
5 In your unit, were there any Cham women who were working at the
6 1st January Dam site? Or Khmer Islam, as it is said here.

7 A. It appears that there were no Cham people, or Muslim people,
8 at the mobile unit. However, in Bei village there were Cham
9 people. Once again, there were no Cham or Khmer Islam at the
10 mobile unit.

11 Q. And at the 1st January Dam site, did you enjoy any rights or
12 freedoms as a worker? Or did you have to submit yourself entirely
13 to the orders that were given to you?

14 [10.51.56]

15 A. At the 1st January Dam worksite, workers had no rights, not
16 any rights at all. One day I fell sick. I sought the permission
17 to take a rest, but it was rejected. One of my colleagues at that
18 time was also sick. That person was separated from me for quite
19 long, and I met her accidentally at the worksite, and I asked her
20 where she was -- where she had been working. She told me that she
21 had been working at Kampong Thma. And at that time, the lady
22 where I met at the worksite, asked me to go together to her hall.
23 When we returned to the worksite, we were asked where we had been
24 to. And Vorn (phonetic), who was my colleague at that time, told
25 that person, the chief, that we went to our hall. She was beaten,

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1 and her hands were tied to her back. She was beaten. I witnessed
2 the incident in front of me. I said nothing. I did not reply to
3 the question. She, my colleague, was warned at that time that she
4 was not allowed to go anywhere besides the worksite.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you very much, Madam Civil Party, for having answered my
7 questions. We have no further questions, Mr. President.

8 [10.54.20]

9 MR. PRESIDENT:

10 Thank you. What about the defence teams? Do you have questions to
11 put to the civil party regarding harms and suffering of the civil
12 party? If you have, you may now proceed, starting first from
13 defence team for Mr. Nuon Chea.

14 QUESTIONING BY MR. KOPPE:

15 Q. Thank you, Mr. President. Good morning, Madam Civil Party. I
16 have a few questions that I would like to put to you this
17 morning. Can you tell us how many females, how many women, were
18 in your unit?

19 MS. NUON NAROM:

20 A. I do not remember it. At the 1st January Dam worksite, the
21 whole -- people from the whole sangkat had to work there. I know
22 well my neighbours -- my people, people living in my sangkat. The
23 hall that we slept in was long, and we slept in the same hall.
24 So, I cannot give you the estimate of how many people were from
25 my sangkat.

1 [10.56.04]

2 Q. But were you yourself in a female unit?

3 A. Yes, it is true.

4 Q. Are you able to make an estimate as to how many women there
5 were in your unit? Would there be about a hundred, for instance?

6 A. From my estimates -- I can give you the estimates. When we
7 went to work, we walked past the forest, and two chiefs were
8 leading us to work. And to my estimate, there were about 20 of us
9 within my unit.

10 Q. And all 20 women in your unit were from the same village; is
11 that correct?

12 A. More than 20 of them were from the same sangkat, but from
13 different villages. There were a few villages within Lvea
14 sangkat, so perhaps five or six female workers from my unit were
15 from my village.

16 [10.58.16]

17 Q. Is my understanding correct that it was a woman who was
18 leading the unit of the women? It was a woman who was instructing
19 all the workers -- all the female workers?

20 A. Regarding my sangkat, there were two chiefs who were in charge
21 of us. Two of them were female.

22 Q. And what were the names of these two women?

23 A. One was comrade Vat (phonetic), and another, comrade Ly
24 (phonetic).

25 Q. And were comrades Vat (phonetic) and Ly (phonetic) responsible

1 for things like food, sleeping gear -- those kinds of things.

2 Were they the ones responsible for the workers' food, etc.?

3 A. Both of them were not responsible for food. However, they were
4 monitoring workers at the worksite. Usually, food was under
5 responsibility of the chef.

6 [11.00.24]

7 Q. But in the morning, after you and your co-workers had woken
8 up, who gave you instructions? Who told you where to start and
9 where to go to? Who was it that gave you the instructions?

10 A. We worked at the worksite -- that is, to carry the soil to
11 block the water flow at the river. It was Vat, the unit chief,
12 who whistled -- who blew the whistle to wake us up.

13 Q. Was that Ing (phonetic) or Eng (phonetic), the one you
14 mentioned before?

15 A. No, Eng (phonetic) was simply a New Person. Vat (phonetic) was
16 the unit chief who gave us instruction as to what time we had to
17 wake up, and who was the one who inflicted the torture upon the
18 workers.

19 Q. Let me try it differently, Madam Civil Party. When you became
20 sick while working at the dam and you had to go to the hospital,
21 to whom did you ask permission to go to the hospital? To whom did
22 you ask permission to lie down, or to be able to be sick? Who did
23 you concretely ask this question to?

24 [11.02.37]

25 A. When we were sick, we sought permission from our unit chief.

1 And then subsequently, the unit chief would send us to take rest
2 at the makeshift hospital in a pagoda. A pagoda area was turned
3 into a makeshift hospital at that time.

4 Q. And who was this particular unit chief who said that you could
5 go to the makeshift hospital at the pagoda?

6 A. In -- for workers from my village, we were under the control
7 of a group chief, and we would first seek permission from her --
8 that is, the group chief. Then we would be sent for treatment at
9 the hospital.

10 Q. But my question was: what was her name? What was the name of
11 the woman who said you can go to the hospital?

12 A. It was comrade Youen (phonetic) who was a group chief. Youen
13 (phonetic) was female.

14 [11.04.17]

15 Q. And can you explain to us a little bit how that went? You felt
16 sick at one particular day, and did you then ask comrade Youen
17 (phonetic) that you could rest? And if yes, what happened
18 subsequently?

19 A. When I was sick, and that happened before the completion of
20 the 1st January Dam worksite, I had fever. And when I returned to
21 the sleeping quarter, I could not walk. So, I asked for
22 permission to board an ox cart, and I sought permission to return
23 to the village to meet with my mother. Then I was instructed to
24 return to the mobile unit, and my group chief sent me for
25 treatment at the hospital.

35

1 Q. And when you asked this from Youen (phonetic), to go on an ox
2 cart to the hospital, did she immediately grant that request?

3 A. In the real situation when we were apparently sick from high
4 fever, the group chief saw that and would forward such a report
5 to the unit chief.

6 [11.06.15]

7 Q. But in your case, when you felt sick -- when you fell sick,
8 did she immediately allow you to go on an ox cart to the
9 hospital?

10 A. When I returned from the 1st January Dam worksite, I was sent
11 to the makeshift hospital in the pagoda. I remained there for
12 about 10 days, but the situation did not improve, so I was sent
13 to the district hospital on an ox cart.

14 Q. You said you felt sick, you filed a request, and then you were
15 sent to the makeshift hospital and subsequently to the district
16 hospital. What happened to the person that you just talked about,
17 who also felt sick but subsequently the request was rejected?
18 What happened there?

19 [11.07.37]

20 A. I think you misunderstood me. When I was sick, first I
21 returned to the village -- that is, after the completion of the
22 work at the dam worksite. Then I returned to my mobile unit, and
23 of course, I was based in the pagoda. And also in the compound of
24 the pagoda -- that is, in the main temple, a makeshift hospital
25 was erected there. And based on the real situation, group chiefs

1 would send the workers to that makeshift hospital inside the
2 pagoda for treatment.

3 Q. Maybe I didn't hear it well, Madam Civil Party, but I thought
4 that before the break, you had spoken about some person who fell
5 sick, requested to be hospitalized. The request got rejected, and
6 then got beaten. I thought you told that story.

7 A. I don't think I mentioned about a sick person at the worksite.
8 I talked about comrade Eng (phonetic), who had abdominal pain,
9 who sought permission to rest but the permission was denied. She
10 only sought permission to rest for one day, but that was denied.
11 And she said that I was actually sick. She was then beaten. She
12 was forced to overwork -- that is, to work an extra load. And
13 that's what I spoke of this morning -- that is, about this person
14 who was sick at the worksite.

15 [11.09.50]

16 Q. I understand. Were you ever yourself beaten while working at
17 the dam site?

18 A. No, I was never beaten. As I said, I was afraid. Despite some
19 days I was not feeling well, I decided not to seek permission to
20 rest. I had to go to work. During the six month period that I was
21 at the dam worksite, I actually rested for only two or three
22 times from sickness. But when I was just fairly unwell, I did not
23 dare to ask permission. I had to force myself to work. Only on
24 the day that I was seriously sick, and I actually looked very
25 sick, then I was allowed to rest. And besides that, I had to

1 complete the work quota, as I was afraid that I would be
2 criticized for less work.

3 Q. Do you know as to why you were never beaten, but Eng
4 (phonetic) was beaten? Do you know the difference in treatment,
5 what the reason was?

6 [11.11.28]

7 A. I cannot tell you the difference, because I was not her. I can
8 only speak about myself. Sometimes, I was feeling unwell, from
9 exhaustion, and I sought permission. And sometimes it was denied,
10 so I had to force myself to go to work, since I was afraid. And
11 that actually did happen.

12 Q. Is my understanding correct that Eng (phonetic) was the only
13 example of your sangkat or commune being beaten? Or were there
14 others as well?

15 A. In that long building, there were many workers, and I cannot
16 remember that. I only recall those who stayed near me. We were
17 not allowed to walk freely, or to discuss with other workers,
18 even if we lived in the same shelter. I could only see and be
19 acquainted with a few workers who slept next to me.

20 Q. Let me know go to the period that you had been sent to the
21 hospital, and that you were in the district hospital. Did I
22 understand correctly that, once you got better at the district
23 hospital, you were not resent to the dam, but that you were
24 instructed to do light work in a farm?

25 [11.13.47]

1 A. When I returned from the district hospital, I was still
2 feeling tired, and I sought permission from my unit chief to stay
3 with my mother. Subsequently, I stayed with her for a few weeks.
4 My mother actually asked permission for me to stay there as well.
5 And when I was staying with her, she cooked water for me to
6 drink, as at that time I had an infection in my stomach. And
7 about 20 days after I stayed with my parent, the group chief came
8 to tell me that I had to return to the mobile unit. And
9 subsequently, I had to engage in plantation, about two kilometres
10 from where I stayed.

11 Q. When you say 'plantation', do you mean that light work in the
12 farm that you just referred to? So no more carrying dirt at the
13 dam; is that correct?

14 A. By that time, my mobile unit was not sent to that worksite
15 anymore. Instead, we worked in plantation or in the rice fields.

16 Q. Just now, Madam Civil Party, on a question from the
17 Prosecution, you said that no one died, at least to what you have
18 been able to observe, at the dam. Did you observe anybody being
19 -- or getting injured by an accident?

20 [11.16.12]

21 A. Yes, I did. The youth were digging the ground, and actually
22 they made a hole under the ground and the soil collapsed. And I
23 actually saw that.

24 Q. I am looking at the time. I have a last question, one or two
25 last questions, Madam Civil Party. In your civil party

1 application, you said that -- you seem to say that you somehow
2 were targeted, because "you were an easterner", somebody from the
3 east. Can you explain that a little bit to us?

4 A. When I returned from the 1st January Dam worksite, I was in a
5 mobile unit for a few months. And one day, when I returned to the
6 village, I saw the group chiefs, who were taking notes and names
7 of New People. And they asked my mother whether, when we were
8 evacuated from Phnom Penh, we crossed the East Zone. And were
9 told no, but we were transported by the Khmer Rouge to the first
10 area, and then to Chamkar Leu, in Kampong Cham province. And that
11 later on, for five months later, some of the people from the East
12 Zone were taken away and killed. And to be frank, at that time we
13 did not know anything at all about this event, about any
14 rebellious attempt or activity, and I have learnt that fact only
15 after. As for my family, we were all females, and there were
16 eight of us. Some of the members were young, ranging from three
17 to 12 years old, and we didn't know anything at all about the
18 nature of the East Zone, or about being a secret agent.

19 [11.19.02]

20 Q. Have you heard anything about this later? At a later stage,
21 either at the end of '78 or even after '79?

22 A. After an attempt to kill was made, I fled to my cousin's
23 village, which was about seven or eight kilometres from my
24 village, and I stayed there for about a month. And I saw people
25 were evacuated from the East Zone. Actually, I heard about these

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1 people coming from the East Zone, as people were whispering to
2 one another. And they said that those East Zone people were taken
3 away and killed. And that's the time I heard about the evacuation
4 of these people from the East Zone, and taken away and killed. I
5 think it was the fact that we told them that we were evacuated to
6 the East Zone, and we were thought to be the East Zone people,
7 and that they attempted to kill my family.

8 [11.20.38]

9 Q. I understand from your Civil Party application, that your
10 brothers-in-law were members of the former Lon Nol army. Do you
11 know whether they were involved in the East Zone rebellion?

12 A. I actually made my statement this morning, that when we were
13 transported by the Khmer Rouge to Suong, we were placed in an
14 area, and they came to tell us that we had to cut our hair and to
15 trim our fingernails, and that we had to tell them the truth
16 about our past employment. And ever member of my family told them
17 the truth. And of course, you should know even if you are now
18 defending the Khmer Rouge, at that time you do not see -- you did
19 not see any male youth walking on the street -- that is, during
20 the late period of the Lon Nol regime, as those male youths were
21 arrested to join the army. My brother-in-law was a former
22 soldier, and another one was a medic at the combat hospital. And
23 they told them the truth about their previous employment.

24 MR. KOPPE:

25 Thank you, Mr. President.

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1 MR. PRESIDENT:

2 Thank you. The floor is now given to the defence team for Khieu
3 Samphan. You may proceed, Counsel.

4 [11.22.26]

5 QUESTIONING BY MS. GUISSÉ:

6 Q. Thank you, Mr. President. Good morning, everyone. Good
7 morning, Madam Civil Party. My name is Anta Guisse, and I am
8 International Co-Counsel for Mr. Khieu Samphan, and I have a very
9 few short questions for purposes of clarification. When you were
10 at the 1st January Dam worksite, you stated, and forgive me for
11 my pronunciation, you said that you worked under the orders of
12 two group leaders who are women, called Vat (phonetic) and Ly
13 (phonetic). Did I properly understand your testimony?

14 MS. NUON NAROM:

15 A. Yes, that is correct.

16 Q. My question is to find out whether on a daily basis, you met
17 with other chiefs who are higher than Vat (phonetic) and Ly
18 (phonetic) -- that is, unit leaders who are above Vat (phonetic)
19 and Ly (phonetic)?

20 [11.23.43]

21 A. I am unsure about your question. Could you please specify the
22 time period? You talk about the present time, or when?

23 Q. Let me start all over again. There must have been an
24 interpretation problem. During the time you spent working at the
25 1st January Dam worksite, you worked under the orders of Vat

1 (phonetic) and Ly (phonetic), and you confirmed that point. My
2 question is whether you knew the direct chief of Vat (phonetic)
3 and Ly (phonetic)? The direct supervisor of Vat (phonetic) and Ly
4 (phonetic)?

5 A. At the worksite, I only knew the two individuals. And of
6 course, there were other higher hierarchy leaders there.

7 Q. So it is therefore correct to say that you were never in
8 direct contact with the superiors of Vat (phonetic) and Ly
9 (phonetic)?

10 A. Yes, that is correct. We didn't have any capacity to make such
11 communication. We only focused on the work assigned to us.

12 Q. In answering questions put to you by the Co-Prosecutor and Mr.
13 Koppe, you talked of the case of one of your colleagues who was
14 beaten up by a chief. I did not quite understand whether you were
15 talking of Youen (phonetic) or someone else. You mentioned a name
16 Youen (phonetic) as a person who beat up Eng (phonetic). Can you
17 confirm that point, please?

18 [11.26.05]

19 A. At the worksite, there were two chiefs, Vat (phonetic) and Ly
20 (phonetic). And Youen (phonetic) was a group chief, who was not
21 at the worksite. Vat (phonetic) was the one who beat the worker.
22 He (sic) was leading in this field than comrade Ly (phonetic).

23 Q. I was asking you to clarify this point because the
24 interpretation was not properly understood. You pointed out that
25 that person called Vat (phonetic) was group leader, was a person

1 who beat Eng (phonetic); is that correct?

2 [11.27.10]

3 A. Yes, that is correct.

4 Q. Is it correct to say that at that time, Vat (phonetic) did not
5 seek the permission of anyone in order to beat Eng (phonetic),
6 and that that person took that decision as group leader? Let me
7 rephrase the question for purposes of clarity. Can you say that
8 on the day Vat (phonetic) beat Eng (phonetic), she was alone as
9 group leader on the worksite?

10 A. Yes, that is correct. Mobile unit workers -- that is, my
11 mobile unit was assigned to the 1st January Dam worksite to be
12 under the supervision of these two individuals. They were the
13 decision-makers, as far as I understood.

14 Q. Last point: you said that in the case of persons falling sick
15 or swooning on the worksite, there were people who transported
16 the sick whenever there was a problem. Can you tell us who those
17 people were?

18 A. It was the youth, the male youth, who carried those workers.
19 They were assigned to carry those workers.

20 Q. And these young people, were they people who were working at
21 the worksite, digging soil? Or were they only assigned to
22 transport people in hammocks?

23 [11.29.28]

24 A. No group of workers was specifically assigned to carry people.
25 In fact, they were workers at the worksite. They were the one who

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1 digging soil, like us. Nobody was allowed to stand idle at the
2 time. Everybody had to work -- that is, to keep focus on the work
3 alone. However, sometimes they were assigned to carry the sick
4 worker.

5 MS. GUISSÉ:

6 Thank you for this clarification. Mr. President, I have no
7 further questions.

8 [11.30.17]

9 MR. PRESIDENT:

10 Thank you. Madam Nuon Narom, the Chamber is grateful of your
11 testimony on the impact statement that you claimed you were -- it
12 was inflicted upon you. You may now be excused from the
13 courtroom. Madam TPO staff, the Chamber thanks you for your
14 support during the testimony of this civil party.

15 And the Chamber would like to inform the Parties and the public
16 that this afternoon, the Chamber will hear a statement of
17 sufferings of another civil party -- that is, 2-TCCP-992. And
18 subsequently, we will hear statements of the other two civil
19 parties as scheduled, depending on the pace of the statements.

20 It is now appropriate for a lunch break. We will take a break now
21 and resume at 1.30 this afternoon. Security personnel, you are
22 instructed to take Khieu Samphan to the waiting room downstairs,
23 and have him return to attend the proceedings this afternoon
24 before 1.30.

25 The Court is now in recess.

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1 (Court recesses from 1131H to 1329H)

2 MR. PRESIDENT:

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

4 This afternoon the Chamber will continue to hear the victim
5 impact statements of civil parties, including 2-TCCP-992. Before
6 we invite the said civil party into the courtroom to express his
7 or her victim impact statement, the Chamber would like to issue a
8 ruling in relation to the matters -- preliminary issue raised
9 last week.

10 On 26 August 2015, the Trial Chamber began a key document hearing
11 in relation to the trial topic of worksites. As reiterated in the
12 Chamber's memorandum -- E315/1 -- the purpose of such hearings is
13 to provide the Parties with an opportunity to present documents
14 they consider to be particularly relevant to each topic. See also
15 E170, E288/1/1.

16 [13.31.21]

17 During the presentation by the Office of the Co-Prosecutors,
18 International Counsel for Nuon Chea objected to the presentation
19 of written records of interview obtained by the Office of the
20 Co-Investigating Judges. Subsequently counsel for both Nuon Chea
21 and Khieu Samphan abandoned the courtroom.

22 On 27 August 2015, the Chamber requested each defence team to
23 provide the legal basis for its abandonment of the courtroom the
24 previous day. See also E361. Neither of the defence teams were
25 able to provide any valid legal basis for this conduct.

1 International Counsel for Nuon Chea admitted that his departure
2 from the Court was indeed without any legal justification.
3 Counsel for Nuon Chea justified their walkout based on their
4 objection to the Co-Prosecutor's ability to present written
5 records of interview during the key document hearings. They
6 submit that these should not be considered documents for the
7 purpose of key document hearings. Transcript 27 August 2015,
8 pages 51, 52, draft.

9 [13.33.22]

10 The Chamber reiterates that during the key document hearings,
11 Parties may refer to any documents already admitted in case
12 002/02. While Parties may be expected to reply more heavily upon
13 contemporaneous documents rather than written records of
14 interview in the context of these hearings, the Chamber has never
15 excluded reference to written records of interview. The Chamber
16 reminds the parties that as document evidence need not
17 necessarily be tendered during the examination of individuals
18 appearing before the Chamber, these hearings are intended to
19 assist the Chamber and the Parties in identifying those documents
20 particularly relevant to the Trial and also serve to provide a
21 public accessibility to the documentary aspect of the Trial, Case
22 002/01, Judgment, paragraphs 67, 68.

23 [13.34.41]

24 To ensure adversarial debate, all parties are permitted to
25 comment on the documents presented by the other Parties.

1 The Chamber emphasises that the submissions made by the parties
2 during the proceedings, including key document hearings, will be
3 taken into consideration at the conclusion of the hearing of the
4 evidence in the Case 002/02 when assessing all evidence admitted
5 at the trial and in accordance with the criteria set forth in its
6 relevant jurisprudence. With regards to written records of
7 interview and civil party application, as the Chamber has
8 indicated previously, the absence of oral testimony and
9 opportunity for confrontation are relevant considerations in
10 assessing what, if any, probative value and weight may be
11 accorded to any written records of interview and to civil party
12 applications admitted in place of oral testimony. See for example
13 E96/7 and E299.

14 [13.36.17]

15 Accordingly, the Chamber reiterates its previous ruling during
16 the key document hearings, that Nuon Chea objection to the
17 presentation of written records of interview during said hearings
18 is unfounded.

19 Separately, the Khieu Samphan defence oral submission raised
20 other concerns regarding issues related to on-going disclosure
21 from Cases 003 and 004. In particular International Counsel for
22 Khieu Samphan demanded that the Chamber address the request made
23 in its "Conclusions de la defence de monsieur Khieu Samphan sur
24 l'obligation de communication des co-procureurs", E363, filed on
25 28 August 2015. The Chamber notes that some of the issues raised

1 in that document had already been addressed by the Trial Chamber
2 in its guidelines on the disclosure of Cases 003 and 004 civil
3 party applications in Case 002/02, a courtesy copy of which was
4 distributed to the Parties in advance of the hearing on 24 August
5 2015.

6 [13.37.48]

7 The Chamber will address the other issues raised therein after
8 receiving responses from the other Parties.

9 The Khieu Samphan defence also specifically objected to the
10 Co-Prosecutors' presenting of 18 written records of interview
11 from Cases 003 and 004 during the key document hearing on 26
12 August 2015. As already indicated during the same hearing on 17
13 July 2015, the Chamber granted a written motion filed by the
14 Co-Prosecutors on 25th May 2015 for these written records to be
15 admitted in Case 002/02 as new evidence pursuant to Internal
16 Rules 87.3 and 4, see E319/22/1.

17 The Chamber notes that the Khieu Samphan defence remained silent,
18 refraining from raising any objection to the Co-Prosecutors'
19 motion. Accordingly the Co-Prosecutors will be permitted to
20 present these written records during the key document hearing.

21 [13.39.20]

22 The Khieu Samphan defence also objected to the presentation of
23 documents D195.7 and E342.1. The Co-Prosecutors have subsequently
24 indicated that they will not be presenting document E342.1. The
25 Chamber notes that document D195.7 has not been admitted in Case

1 002/02, accordingly the Co-Prosecutors will not be permitted to
2 present the document during the key document hearing.

3 The Judges of this Trial recognise the difficulties and stresses
4 involved for all the Parties in this very long and complicated
5 proceeding. The Chamber has and will continue to address to the
6 best of its ability all issues that arise in a fair and
7 consistent manner. The Chamber has and will continue to allow
8 every Party the opportunity to be fully heard in an appropriate
9 manner and on appropriate and relevant issues.

10 During the session on 27 August 2015, some disparaging statements
11 were made by Mr. Koppe and directed to members of the Trial
12 panel. While the Tribunal respects Mr. Koppe's right to have his
13 opinions and his rights to free speech, some of those comments
14 that were made in Court appear to overstep the bounds of
15 legitimate courtroom behaviour. The Chamber is in the process of
16 considering what action would be appropriate to take in this
17 matter.

18 [13.41.19]

19 Mr. Koppe himself acknowledged that his conduct would in some
20 jurisdictions constitute the misconduct known as contempt of
21 court. The Chamber wishes first to offer Mr. Koppe an opportunity
22 to correct his behaviour and notes that if he fails to do so, the
23 Chamber will have no choice but to take some action. The Chamber
24 will notify the parties further on this situation in due course
25 of time.

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1 Finally based on assurances regarding Court attendance provided
2 on 27 August 2015 by counsels for both defence teams, the Trial
3 Chamber does not consider it necessary to take any action at this
4 time with respect to the Co-Prosecutors' request regarding the
5 future course of the key document hearing relating to worksites,
6 document E360.

7 Now we proceed to hearing of victim impact statement. Court
8 officer, please invite 2-TCCP-992 into the courtroom. And this
9 civil party will come to express her suffering.

10 (Civil party enters the courtroom)

11 [13.44.00]

12 QUESTIONING BY THE PRESIDENT:

13 Q. Good afternoon, Madam Civil Party, what is your name?

14 MS. CHAO LANG:

15 A. Good afternoon, Mr. President. My name is Chao Lang. I was
16 born on 1st January 1951. My birth village was at Chrang Chamreh
17 village, Ruessei Keo quarter, Phnom Penh city. Currently I am
18 living in Kaoh Khyang village, Ou Chrov quarter, Prey Nob
19 district, Preah Sihanouk city.

20 Q. Thank you. Can you tell the Court what your parents' names
21 were?

22 A. Mr. President, my father's name is Chao Sang, and my mother's
23 Sim Sokhom. My father was a former soldier at Prasat military
24 barracks in Svay Rieng province.

25 Q. Thank you. What about your husband, what is his name and how

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1 many children do you have?

2 A. Mr. President, my husband's name is Kheum Khom (phonetic). I
3 have three children: two sons and one daughter. I am divorced. We
4 have been divorced for almost 30 years.

5 [13.46.24]

6 Q. So does it mean that nowadays you are a widow?

7 A. Yes, Mr. President.

8 MR. PRESIDENT:

9 Thank you. The Chamber would like to inform the public and
10 Parties that during this victim's impact statement, the Chamber
11 contacted TPO and now Madam Marideth is here accompanying the
12 civil party during the time that this civil party is expressing
13 her victim impact statement. The staff from TPO is here to
14 support psychologically to the civil party during the time that
15 the civil party is expressing her sufferings and injuries in the
16 Democratic Kampuchea.
17 Madam Chao Lang, as a civil party you may make a victim impact
18 statement, if any, concerning the crimes which are alleged, and
19 you also given an opportunity to express harms suffered by you
20 during Democratic Kampuchea resulting in your civil party
21 application to claim collective and moral reparations for
22 physical, material or mental injuries as direct consequences to
23 those crimes which are alleged against the two Accused: Nuon Chea
24 and Khieu Samphan. And these crimes happened between 17 April
25 1975 and 6 January 1979. So please, Madam Civil Party, focus your

1 statement on worksite -- that is, Trapeang Thma Dam worksite, and
2 please express what you have stated in your civil party
3 application.

4 According to the request of the civil party lawyers, the Chamber
5 now gives the floor first to Lead Co-Lawyers in relation to harm
6 suffered by Madam Chao Lang. You may now proceed.

7 [13.49.18]

8 MR. PICH ANG:

9 Mr. President, the Civil Party will not express her suffering in
10 relation to the Trapeang Thma Dam worksite. You may have
11 confused, Mr. President.

12 MR. PRESIDENT:

13 Yes, I may have confused. It has something to do with the 1st
14 January Dam worksite. You may now proceed.

15 Madam Chao Lang, could you please tell the Court how you want to
16 proceed, how you want to express the impact statement? Do you
17 want to express the sufferings now or do you want to leave to
18 your lawyers to put questions to you in relation to the topic
19 before us? There are two options. Number one is to allow the
20 civil party to express the suffering by him or herself, and if
21 you want to resort to option number one you can do so, but you
22 have to tell your Civil Party Lead Co-Lawyers to understand about
23 this option. Or option two, you can leave to your Lead Co-Lawyers
24 to put questions to you in relation to the sufferings you endured
25 during that time. So these are the two options that we have

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1 applied so far.

2 [13.51.37]

3 MS. CHAO LANG

4 I would like to allow my civil party lawyer to put questions to
5 me.

6 MR. PRESIDENT:

7 You may now proceed, Lead Co-Lawyer for civil party.

8 MR. PICH ANG:

9 Mr. President, now I would like to cede the floor for Lawyer Lor
10 Chunthy to put questions to this civil party.

11 MR. PRESIDENT:

12 You may now proceed, Lawyer Lor Chunthy.

13 [13.52.08]

14 QUESTIONING BY MR. LOR CHUNTHY:

15 Good afternoon, Mr. President. Thank you very much. Good
16 afternoon, Your Honours, everyone in and around the courtroom.

17 Good afternoon, Madam Chao Lang. I am civil party lawyer. I will
18 have a few questions to put to you in relation to the 1st January
19 Dam worksite.

20 Q. First I would like you to tell the Court about the period
21 before 1975, before 17 April 1975, shortly before that time.

22 Where were you?

23 [13.53.05]

24 MS. CHAO LANG

25 A. Good afternoon, Mr. Lawyer. Thank you very much.

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1 Prior to 1975, one month before the Khmer New Year, I was working
2 in the hospital -- 404 -- in Siem Reap province. Before the fall
3 of the regime, I met a person who was in charge of storing
4 explosives in Siem Reap. He (sic) was a colonel. She was a
5 Filipino colonel and at that time she told me to seek leave so
6 that I could go to visit my house; that Filipino understood that
7 the Khmer Rouge would defeat Phnom Penh and after the Khmer Rouge
8 was able to defeat Phnom Penh, the whole country would be
9 controlled by the Khmer Rouge. That Filipino colonel told me to
10 ask permission to visit my parents in advance, so that I could
11 stay with my parents and she also instructed me to hide
12 completely my biography. I was told that after the Khmer Rouge
13 defeated the former regime they would search for those who worked
14 in the former regime and after their backgrounds had been found
15 out, they would be killed. In my understand -- to my knowledge at
16 the time, I believed that the Khmer Rouge would not kill us. So I
17 went to Phnom Penh, I met my parents at Sangkat Number 4. Fifteen
18 days later, a friend of my parents came to ask me to go to Kien
19 Svay and play the traditional games and I arrived at Kien Svay on
20 the 13th April 1975. It was a happy game at that time, and later
21 on, on 17 April 1975, while I was playing traditional games, it
22 was a chaotic situation and someone came to tell me that why were
23 you all playing the game, why are not all of you run away because
24 the Khmer Rouge defeated the former regime already.

25 [13.56.35]

1 I heard gunfire and because of this, I escaped to Kaoh Phos
2 (phonetic). The day after, I came back to Dei Edth. While the
3 country was in chaos, I noticed that my father was wounded during
4 the fighting of Lon Nol with Khmer Rouge to depose the King
5 Norodom Sihanouk. At that time I thought I would have chance to
6 meet my parents, so I went through the crowds and I went past
7 Champa so that I could go back to see my parents.

8 I witnessed the incident that there was a shooting, a shooting of
9 people. I was among the crowd and I was trying to make an escape
10 to avoid the bullets. Two of them fell down -- two people fell
11 down to the ground and I was trying to escape the bullets and
12 when I reached the bank of the river I could see that former
13 soldiers in Lon Nol regime were also killed because those former
14 soldiers did not agree to take off their clothes. So it is true
15 what the Filipino colonel told me after when I learned about the
16 incident.

17 Q. So what did you observe? What situation did you observe from
18 the time that you were trying to escape until the time that you
19 reached the 1st January Dam worksite?

20 [13.59.08]

21 A. I would like to tell the Court as follows. At the time I
22 returned from Dei Edth, I spent time in Champa pagoda. I thought
23 I was not able to go back to Phnom Penh because at that time
24 there was shooting and it frightened me. I spent time, I spent
25 two months at Dei Edth living in the village, having banana stump

1 soup and because I could not bear the situation I decided to
2 travel alone directing towards Svay Rieng province. I was on foot
3 alone and I was trying to evade -- to encounter the militiamen.
4 And at that time I encountered militiamen and I was asked where I
5 was going. I told the militiamen I wanted to go to Svay Rieng to
6 meet my parents. That militiaman told me to go back otherwise I
7 would be assigned to carry dirt. I implore the militiaman so that
8 I could go back to see my parents. I was not allowed to go to
9 Svay Rieng, however, I was doing my best to go through -- go past
10 the villages and try to reach Svay Rieng.

11 [14.01.12]

12 I saw old cars parked up on the ferry crossing the Neak Loeang
13 (phonetic) river, so I went under one of those cars and I hid
14 myself there and I could observe many footsteps walking around on
15 the ferry. Luckily I crossed Neak Loeang (phonetic) to the other
16 side of the river. I did not see any 17 April People there on the
17 other side, and I saw only Khmer Rouge soldiers. I met them and
18 they asked where I was heading to. I told them that, "Comrade, I
19 heard that my parents have arrived in Svay Rieng and I was
20 heading to meet them." They said that I could rest overnight but
21 I said no, I didn't want to, as I needed to hurry to meet them.

22 [14.02.27]

23 Q. My apologies; due to time constraint, allow me to put
24 questions to you. Did you meet your parents when you arrived in
25 Svay Rieng?

1 A. While I was en route, I did not meet my parents, in fact it
2 was a lie that I told them so that I could go and search for my
3 parents. I didn't meet them, but I met my nephew in Bak Pring
4 village in Svay Rieng province. My father used to work in the Bak
5 Pring village, so the Base People there knew him, so they kept
6 silent about the background of my father, and in fact the 17
7 April People were instructed to go to a new land in the rural
8 area in order to engage in the agricultural production. Anyone
9 who wished to go could also go. I thought that I had to go; I
10 could not stay in Bak Pring village. In the expectation that I
11 would meet my parents at the new land, therefore my sister and
12 her family, including her husband and children were put onto an
13 ox cart. And I myself also went onto that ox cart. And we were on
14 the way. There were more than 10 ox carts en route and we arrived
15 at Ou Kanseng village after a few days and nights and we were
16 placed at various houses of the Base People in that village. Upon
17 our arrival, there was no food to eat and I could find a crab,
18 then I ate that crab with the rice that I was given by the Base
19 People. We were given actually a can of rice.

20 I was there only for a short period of time and I was put into
21 the regular mobile unit. I recall that a person named Khoem Sam
22 Ol (phonetic) and Khoem Pho (phonetic) and Khoem Pon (phonetic)
23 and myself, Chao Lang, were placed in the so-called regular
24 mobile unit.

25 [14.05.57]

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1 Q. Allow me to interrupt, Madam Civil Party. When you were put on
2 an ox cart with your relatives, where did they drop you off and
3 when did they send you to the 1st January Dam worksite?

4 A. We arrived at Ou Kanseng village and we remained there shortly
5 after I was placed into the Sector 42 mobile unit, then I was
6 sent to the 1st January Dam worksite. At our initial arrival at
7 the dam worksite, I couldn't -- I did not know in which village
8 it was. What I can recall is that, it was near the main road, the
9 national main road. And we were forced to carry earth day and
10 night at the worksite.

11 MR. LOR CHUNTHY:

12 Mr. President, I'd like to make presentation of video clip. It is
13 E3/33014R. It's only a brief video clip. We seek your permission,
14 Mr. President.

15 [14.07.47]

16 MR. PRESIDENT:

17 Yes, you may proceed, Counsel. AV Unit, please, play the video
18 clip as requested by the lawyer for civil parties.

19 (Presentation of audio-visual document)

20 [14.08.22]

21 BY MR. LOR CHUNTHY:

22 Q. Madam Civil Party, from the short video clip, do you recognize
23 that that was the worksite you worked during the regime?

24 MS. CHAO LANG:

25 A. That is the location that I worked during the regime. When I

1 was in transit to carry dirt at the worksite, the working
2 condition was extremely difficult. Sometimes the carrying pole
3 was broken and we had no replacement, so I used another stick to
4 tie the broken pole and continued working. Sometimes, I
5 overworked. It was beyond my physical strength. Whatever I --
6 whatever work to be done, I had to do it in order to avoid being
7 killed. And usually after we returned from the daily work
8 routine, we attended small meetings in order to engage in the
9 so-called criticism and self-criticism meetings to reflect on the
10 achievement of the day. And to me, of course such reflection is
11 good, because we would know that it means that we could say the
12 person was active or that person was not active, and I did not
13 expect that the non-active workers would disappear. And one day I
14 actually criticized the group chief. I said, "Comrade Female, you
15 were a group chief and you blew whistle at about 4 o'clock in the
16 morning. And actually when I came out from my sleeping quarter,
17 the group chief was actually still lying in bed. And if you were
18 to blow a whistle, you should come out as an example for us to
19 follow, but instead you blew a whistle while you were still lying
20 under your mosquito net." Later on, I realized the mistake I
21 made. They said that so far no 17 April Person ever criticized a
22 group chief or a unit chief. I did not know what to do, but I did
23 it in good faith. I believed criticism meant to reflect our poor
24 performance so that we could strive better. And I never thought
25 that such criticism or self-criticism led to disappearance.

1 [14.12.20]

2 And in my case, I criticized the group chief, but for some
3 reason, I did not disappear. Allow me to stress that I actually
4 worked extremely hard at the dam construction site. I became so
5 emaciated, I did not have any physical strength, but I had to
6 keep on working in order to avoid being killed. Later on, I was
7 given a permission to have a one day visit to Ou Kanseng village.
8 And my apology, Mr. President, I cannot recall that period or
9 that day. I simply recalled that I was allowed one day off to
10 visit the cooperative. And upon my arrival at Ou Kanseng village,
11 the Base People there asked me why I came, because my relatives
12 had been sent away and killed.

13 [14.13.54]

14 They said that my elder sibling had been taken away and killed. I
15 asked them what mistake my relatives made, and they told me that
16 they were accused of being Khmer Sar or White Khmer. And I said,
17 why, because they had salt to eat. And as far as I understood and
18 I learnt, my relatives obtained salt in exchange of a wrist
19 watch. And I asked the Base People there how my relatives were
20 killed. And I was told that my elder sister and her husband were
21 chained to an ox cart, the three year-old-child was also chained
22 and they dragged her crossing the forest. How terrible it was for
23 a three-year-old child. If they were to kill them, why did they
24 have to torture them by chaining them and dragging them behind an
25 ox cart. How terrible it was for my elder sister and her child

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1 before they died. I myself upon hearing that almost fainted. All
2 my hopes and expectations disappeared. My knees trembled and
3 became weak. And those people told me that I better leave quickly
4 otherwise I might have been implicated. I didn't stay there for
5 one day as authorized. So I returned. I feared that I would be
6 implicated. I was afraid that they saw me weeping and I was
7 accused, so I returned.

8 [14.17.07]

9 And once again, I tried to work as hard as I could and I did not
10 dare to do any activity that might raise suspicion. One day, I
11 had high fever, I became unconscious, and when I woke up I was in
12 a small room in a hospital. I did not know when I was sent there.
13 There was no food. There was no gruel or rice. And when I woke
14 up, I could feel the high temperature. And when the work finished
15 at 5 p.m., Comrade Pho requested to come and visit me, because
16 Pho was afraid that I would die from the high temperature. And
17 Pho requested to stay overnight with me. At the moment, this Pho,
18 or Khoem Pho (phonetic) lives in Canada, and at that time she was
19 authorized to stay with me overnight. She picked some kapok tree
20 leaves and she ground it and put in a container. It was a soldier
21 container and asked me to drink it. And she also used the
22 remaining leaves on my body in order to get rid of the high
23 fever. However, the high fever remained, and in early morning,
24 Comrade Pho had to return to work. Then she begged the medical
25 staff there for better medicine than those rabbit drop like

1 pellets. Then they gave one pill. And in fact, because of my
2 medical background, I identified that the pill that was given was
3 an aspirin. So I mixed that aspirin with the kapok tree leaves,
4 and subsequently the high temperature was subsided. Although it
5 was not completely subsided, I had to return to carry dirt at the
6 worksite again.

7 [14.20.56]

8 Later on, during the almost harvest season at the area of the 100
9 rice fields, certain members of the mobile unit had to be
10 reassigned, including myself. Then we were assigned to harvest at
11 the so-called 100 rice fields. The temperature was extremely hot
12 and there was no drinking water and we were not given sufficient
13 food to eat. We had to search for drinking water. It was
14 extremely difficult to get any water that we could drink. And
15 while we were still working in the rice field, we had to pick the
16 morning glory, including its fruits, so that we could use it as
17 our food. We had to boil it. Then when we were given gruel, we
18 mixed the morning glory that we had cooked previously with the
19 gruel. And once the harvest was completed, we were allowed to
20 visit the cooperative.

21 When I arrived at the cooperative, we were given rice of green
22 bean and a bit of sugar so that we could boil it. And so we
23 thought that we were grateful that we were given this green bean,
24 as well as sugar, and for that reason, I decided not to return.
25 However, the nine of us who were allowed to visit the cooperative

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1 did not want to return, but they came to instruct us to return.
2 And we refused to return and we said that we would remain with
3 the villagers at the cooperative, even if we were to be killed.
4 And we were told that Angkar came to urge us to return, but we
5 refused.

6 [14.24.00]

7 And we said that to live or to die, we would remain with the
8 villagers in the cooperative. Then we were warned that we were
9 urged by Angkar to return and we did not return. And then had to
10 be careful, maybe next time it would be our turn to beg Angkar.
11 Despite the warning, we decided not to return. Then they went up
12 to the cooperative chief who was instructed to call us to a
13 meeting. We thought that the cooperative chief would only call us
14 to a meeting and we did not expect that we were to be chained
15 during that meeting. So I went to the meeting and when we arrived
16 in the room, they immediately started putting chains on every one
17 of us. Then they walked us through the night back to the 100 rice
18 fields area. They warned us not to flee. They said that maybe
19 only the men could flee, but for us the women could not flee and
20 that we would be shot dead. So no one attempted to flee. And they
21 walked us throughout the night and by about midnight, we arrived
22 at the 100 rice fields area.

23 [14.25.58]

24 By the time of our arrival there, we lost our hope and we thought
25 it would be our turn to die. Then they instructed the cook to

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1 cook some rice for us and gave us also dry fish. And that would
2 also -- made us feel that if this could be our last meal. So we
3 ate our fill. And when we finished that late dinner, they
4 educated us. They said that you comrades are lucky that Angkar
5 did not take you anywhere; it's because of your hard work. And
6 Angkar sees that and Angkar gives us this rice to eat and that we
7 should be grateful to Angkar.

8 After that ordeal, we were reassigned from the 100 rice fields to
9 another canal construction in Veal Speu or to grow kapok trees in
10 Bos Khnaor, and we had to make trips to those areas. And sometime
11 while I was working, I actually fell asleep and fell onto the
12 ground, so I had to wake up and started walking again. And before
13 the dawn broke, I fell a few times. And lastly we arrived in Bos
14 Khnaor. We were instructed to plant kapok trees and we had to use
15 -- rather, cotton trees. And they had to use pesticide day and
16 night on the young cotton trees. And sometimes I was asked to
17 carry lightbulbs for those people who sprayed the trees. And it's
18 because of darkness, sometimes I fell. So sometimes I fell into a
19 ditch and the workers came to drag me out.

20 [14.29.00]

21 Q. Thank you, Madam Civil Party. When you were at the 1st January
22 Dam worksite, what kinds of facts or things that you could
23 observe that stick in your memory?

24 A. Thank you for your reminder, Mr. Lawyer. When I was at the 1st
25 January Dam worksite, I remember some events that were painful

1 and that I remember. When I was sick, I was by myself; there was
2 no relative nearby, and I did not expect that I could survive,
3 not at all.

4 And another painful memory is the insufficient food. With the
5 lack of food, I became emaciated. My skin was so pale. I had to
6 work until 10.00 or 11 o'clock through the night. The workers had
7 returned to the sleeping quarters and only I and Khoem Pho
8 (phonetic) remained at the worksite. I had to guide Khoem Pho
9 (phonetic) because she had night blindness. I had to guide her
10 every night, and it was extremely difficult and tiring, as it
11 means that I had to sleep late every night. So, I met with the
12 leadership level while I was guiding her to the sleeping quarter,
13 and there were three of them there. And I thought that I had to
14 allow them to know that Khoem Pho (phonetic) had night blindness.
15 So when I was guiding her approaching them, I let Kim Pho
16 (phonetic) go and Kim Pho (phonetic) went, initially stumbled
17 onto the three men. And then they asked her why she did that and
18 she said that she could not see through the night. And they asked
19 her why she was allowed to work despite her night blindness. And
20 then I said that it was very difficult for her, and I myself had
21 to guide her every night. Then these three men leadership told us
22 to inform the group chief not to allow her to work at night. So
23 it was lucky for Khoem Pho (phonetic) from that day onwards she
24 did not have to work through the night. And that was the reason
25 that Kim Pho (phonetic) requested for permission to stay

1 overnight with me when I was seriously sick from high
2 temperature.

3 [14.32.58]

4 And as I said earlier, a meeting was held every three days or
5 every week in order to reinforce our commitment to work. And that
6 we had to say we commit ourselves to fulfil the work plan set out
7 by Angkar and that we had to achieve it one hundred per cent and
8 long live the great leap forward.

9 In the meetings, we were warned that you all comrades, the wheel
10 of the history is moving ahead and it is not moving backward. Any
11 comrade that dares to obstruct or to block the wheel would be in
12 trouble. Everyone was committed to complete and accomplish the
13 work quota set out by Angkar.

14 Q. I would like to ask you another point. While you were working
15 at the 1st January Dam worksite, did you observe or witness any
16 other incidents where one of your colleagues was arrested?

17 A. I do not know that my colleague, one of them was arrested. All
18 I know is that everyone had the same or almost knowledge that I
19 had. What we know at the time is to focus on our work to avoid
20 being arrested. While working, we were looking around. And from
21 time to time, one would disappear.

22 Q. What about Song (phonetic) and her relatives?

23 [14.35.37]

24 A. I would like to tell you, Mr. Lawyer, regarding Song
25 (phonetic). Song (phonetic), at the time, did not work or stay at

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1 the dam worksite. She was living in the cotton plantation. Now I
2 would like to backtrack a little bit. Cotton was grown in the
3 plantation. One day, Comrade Chan (phonetic), as she was called,
4 was a tae kwon do performer.

5 Q. Madam Civil Party, now you are moving to mention about the
6 cotton plantation, not the 1st January Dam worksite. I have a
7 question for you. Were you married at the time while working at
8 the dam worksite?

9 A. I may not have covered the full story. After I had good
10 performance in my work, I was forced to marry my husband, who I
11 did not love at that time. I was told that "Comrade, please go to
12 your place." And I asked that person why I needed to go to my
13 place. In reply, that person said the marriage was arranged for
14 me. At the time, I told the person how could I go and get
15 married, because I had no clothes, no new clothes. That person
16 told me that a new set of clothes would be given to me. And that
17 person warned me not to refuse the marriage; otherwise, it would
18 be trouble for me.

19 [14.38.13]

20 When I arrived at my place or sleeping quarter, a krama and a set
21 of clothes were given to me and I was told to get ready for the
22 marriage. The marriage was arranged, and I was asked to hold
23 hands with my husband in the marriage. It was not easy for me at
24 the time, because the candidate, the one whom I would get married
25 and I did not love each other in advance. So, we spent a little

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1 bit time to -- there and hold each other's hand. After we held
2 each other's hand in the marriage, we were allowed to stay
3 together for three nights, after which we were sent back to work.
4 On the first night, when I met with my husband, I said nothing.
5 Why? Because there was a militiaman breaking the wall of my place
6 to see or they were eavesdropping. So my husband and I decided to
7 keep silent and we did not dare to move our bodies. After three
8 nights, we were separated. Women had to -- married women and
9 married men had to stay in different places, and we were assigned
10 to grow the cotton. The husband was working in a different place
11 growing the cotton and we were not allowed to see each other.

12 [14.40.30]

13 Q. What about your family--

14 MR. PRESIDENT:

15 Thank you, Mr. Lawyer. Thank you, Madam Civil Party. It is now
16 time for a short break. We will take a break from now until 3
17 o'clock.

18 Court officers, please find the proper waiting room for this
19 civil party and please invite her back together with the TPO
20 staff into the courtroom at 3 p.m.

21 The Court is now in recess.

22 (Court recesses from 1441H to 1500H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is back in session and again the floor is given to the

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1 Lead Co-Lawyers to put further questions to the civil party for
2 her statement of sufferings. And please, be precise and brief as
3 possible as the time is almost running out and we need to give
4 the time to other Parties as well. Thank you.

5 BY MR. LOR CHUNTHY:

6 Thank you, Mr. President, for your reminding and I only have a
7 few last questions to be put to the civil party.

8 Q. Before the break I asked you, Madam Civil Party, about your
9 family members. Did you lose any of your family members,
10 including your mother and your father?

11 [15.02.01]

12 MS. CHAO LANG:

13 A. Thank you, Mr. Lawyer. Before I talk about my mother and
14 father I would like to add some information regarding the 1st
15 January Dam worksite. I recalled that one day a truck full of
16 cement bags arrived and workers from the mobile unit, including
17 myself, volunteered to go and to carry those cement bags off the
18 truck. And there were two female workers, including myself, and
19 three male workers. And in fact, I could not carry the cement bag
20 and put it on my shoulder so a male worker helped me to put it on
21 my shoulder and we could empty the truck by about 4.00 or 5
22 o'clock in the afternoon. And actually, I hurt my back badly
23 before we could finish off those cement bags from the truck.
24 And now allow me to return to my family members; namely, my
25 mother and father. Actually my father who was by himself without

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1 the rest of us wandered and actually arrived in Kampong Cham; he
2 was arrested and subsequently killed. I was living with my
3 siblings in Pursat province. My mother became sick and before she
4 died, she begged for the washing water of the rice grains so that
5 she could drink it and could regain some strength. However, even
6 the waste water from rinsing the rice grain was not given to her.
7 How regretful it was for my mother, how cheap was her life even
8 when she begged for the waste water, she was not allowed and as a
9 result she died. What was the Khmer Rouge leadership thinking
10 about? Did they give value at all to my mother's life and to
11 other Cambodian lives who lost their lives during the regime? Or
12 at least, they should give value of the life of a cattle. But
13 this is even lower than that. Just waste water was not allowed to
14 give to her. She begged for that water until her last breath and
15 that's what happened to my father and my mother.

16 [15.05.55]

17 When I was in Bos Khnaor, we were called to board a truck; they
18 were 20 male youths and 20 female youths. We were instructed to
19 board the truck in order to harvest corn. Actually while we were
20 en route, Vorn jumped out of the truck and ran into the forest
21 and currently he lives in France. He survived the ordeal.
22 Actually the night that he fled, he came to ask me about his wife
23 and I told him that actually next day his wife was told to go and
24 harvest corns again. He later on fled to the forest and my turn
25 would come for the third day of harvesting corn but we were told

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1 that the corn harvest had to be postponed per instruction from
2 Angkar.

3 MR. PICH ANG:

4 Thank you, Madam Civil Party. In the interest of time, the Lead
5 Co-Lawyer section wishes to thank you. And Mr. President, we cede
6 the floor to other Parties.

7 [15.07.32]

8 MR. PRESIDENT:

9 Thank you. The Chamber would like now to hand the floor to the
10 Co-Prosecutors to put questions to this civil party if you wish
11 to do so -- that is, in relation to her harm and suffering
12 inflicted upon her during the regime. You may proceed.

13 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

14 Q. Thank you, Mr. President. Good afternoon, Madam Civil Party.

15 My name is Vincent De Wilde and I'll put some questions to you on
16 behalf of the Co-Prosecutors. They will mainly be focused on the
17 1st January Dam, but before proceeding, since your history has
18 not been completely related to us, I'll ask you very quickly to
19 tell us what happened to your younger brother and younger sister.

20 Pardon me, Chao Samnang and Chao Sovannarith, your younger
21 brothers, can you explain to us what happened to them?

22 MS. CHAO LANG:

23 A. Yes, I can do that. My two younger brothers died from illness.
24 Both of them died from illness and my mother died from starvation
25 compounded by her illness.

1 [15.09.35]

2 Q. Thank you. I would like us to revisit the issue of your
3 marriage before talking about the working conditions on the 1st
4 January Dam worksite. Is it correct to say that after you got
5 married you never returned to the 1st January Dam worksite, if I
6 properly understood your testimony?

7 A. Yes, that is correct.

8 Q. A while ago you said that you were warned on the site of the
9 1st January Dam that you must not refuse to get married. Can you
10 tell us who warned you not to refuse to get married?

11 A. It was the unit chief and group chief.

12 [15.10.40]

13 Q. Once you arrived on the ceremonial grounds, you made a solemn
14 declaration to be committed to the marriage, can you tell us who
15 presided over that ceremony? Was any speech delivered on that
16 occasion?

17 A. At that time the sector committee made a speech, here I refer
18 to Sector 42 committee. He made a speech and said that all
19 comrades had to achieve 100 per cent the work plan set out by
20 Angkar. He also said that the wheel of history moved forward and
21 will not move backward. For that reason, it is incumbent upon us
22 to achieve the work plan set out by Angkar. Then we made the
23 so-called solemn declaration to abide by the line of Angkar and
24 to achieve 100 per cent of the work plan set out by Angkar and
25 then we said "Long Live the great leap forward".

1 Q. You talked about tasks assigned by Angkar, when you got
2 married what tasks were assigned to you, what was expected of the
3 married couple?

4 [15.13.17]

5 A. My apology. In fact I think I made a mistake, I just spoke
6 about the 1st January Dam worksite.

7 As for the commitment we had to make for the wedding ceremony, we
8 were instructed to make a solemn declaration that we recognise
9 each other as husband and wife and that we had to follow the line
10 of Angkar and follow whatever directions or instructions set out
11 by Angkar; namely, the task of building dam or digging canal, we
12 had to commit ourselves to follow such work plan through and to
13 fulfil such work plans.

14 Q. I put this question to you because in the supplementary
15 information sheet, which is in document D22/339A, I believe in
16 Khmer, 00586027; and in English, 01098624. It is stated that the
17 authorities had told you that you had to get married in order to
18 make babies for Angkar. Is that something that was said to you
19 and do you confirm that?

20 A. I don't think I made that statement. I don't think about
21 making babies at all; however, we were instructed to make our
22 commitment to the work plan of Angkar.

23 [15.15.30]

24 Q. When you were at the 1st January Dam worksite and member of
25 the mobile brigade of Sector 42, how was work organised, was

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1 there a military structure and if so what was that structure
2 composed of, if you do remember?

3 A. Allow me to clarify the matter. In fact, I did not know
4 whether the mobile unit belongs to the army or not; however,
5 there was an announcement that we were part of the Sector 42
6 mobile unit and actually three sectors involved in the building
7 of the dam, Sector 41, 42 and 43 respectively.

8 Q. And how many people were in your unit and what were the
9 echelons above your unit?

10 A. I only know two individuals, namely, Comrade Kim and Comrade
11 Srin (phonetic). Comrade Srin (phonetic) was our unit chief --
12 actually Comrade Srin (phonetic) died during the regime because
13 of the accusation of a moral affair.

14 Q. And what was Comrade Kim's functions?

15 A. I am not 100 per cent; however, from my recollection, Comrade
16 Kim was in charge of the Sector 42 mobile unit.

17 [15.18.09]

18 Q. For purposes of clarification, a while ago you talked about
19 day work and you said that you got to work very early at 4 a.m.
20 in the morning and you worked up to 5 p.m. and the work was split
21 into two parts and you said you worked at night from 22.00 hours
22 to 23.00 hours and that you had to guide Kham Ou (phonetic).

23 Apart from your work as a guide, did you also have to transport
24 earth during the night or in the evening?

25 A. At night-time when we finished carrying the dirt, I had to

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1 hold hand of Kham Pho (phonetic) and guided her to the sleeping
2 quarter and by the time we arrived at the sleeping quarter, we
3 did not do anything else because it was almost midnight already.
4 I was so exhausted; I just fell on to the floor and I was not yet
5 in my deep sleep and I was woken by the whistle blowing.

6 Q. How many cubic metres of earth did the workers in your unit
7 have to transport a day?

8 [15.20.06]

9 A. I cannot recall that precisely, I have lost part of my
10 recollection because I worked at various locations and the work
11 quota varied. Usually the work quota is two cubic metres per each
12 worker but we had to work in a team of three and we had to help
13 our peer within the team if one were not to complete the work
14 quota for that day.

15 Q. That is a subject that is of particular interest to me because
16 you explained that you worked as a military medical worker under
17 Lon Nol, which means that you have some medical skills. Can you
18 tell us about the quality of health care provided to workers on
19 the 1st January Dam worksite by healthcare workers on that site?

20 A. In fact I saved a patient's life and the person actually is
21 still living in Tuol Tumpung area at present time. She was so
22 emaciated while she was still staying in the hospital and
23 actually the medical staff was in a rush at the time to try to
24 inject her with some liquid as she was gasping for air and then I
25 offered my hand -- that is, to put the needle into her vein as

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1 the medical staff could not do it, and luckily, I could manage to
2 put the needle in so the serum could flow through and then I
3 begged that medical staff not to report that I had some medical
4 experience to her superior. And as I said, that woman survived
5 and she is now selling jewellery at Tuol Tumpung market.

6 [15.23.09]

7 Q. Were those healthcare workers of that era correctly trained
8 and did they have sufficient medicines for treating workers,
9 particularly those who were taken ill on the worksite?

10 A. To my knowledge, no. To my knowledge, there was no medicine
11 that was effective for such treatment. I did not know the medical
12 condition of that woman but apparently she was so skinny and I
13 noticed that the medical staff was trying her best to insert the
14 needle in but she failed to do so. So, from my observation, that
15 medical staff did not receive any proper training in this area
16 because she could not even manage to insert a needle into the
17 vein of a patient.

18 Q. Thank you. A while ago you talked about disappearances; you
19 said that during meetings you did not know that those who were
20 criticised disappeared thereafter. While you used to sleep, did
21 you observe any disappearances or during the day while you were
22 working, did you also observe that some persons, notably
23 colleagues of yours, disappeared regularly?

24 [15.25.15]

25 A. People disappeared after the criticism and self-criticism

1 meetings. People disappeared continuously; however, what we heard
2 was that this worker or that worker was not that active in
3 carrying out the work. For that reason, he or she was sent for
4 re-education. But we did not know what happened to that worker
5 and the worker never re-appeared, and that happened continuously.

6 Q. Perhaps these are the last two questions. Was the worksite
7 monitored? As you went about doing your daily work, were you
8 monitored?

9 A. On the issue of monitoring, not only it happened at the 1st
10 January Dam worksite, but also happened elsewhere. We had to be
11 very mindful of what we said, whether we whispered to one another
12 or we signalled to one another. Even a sibling saw one another
13 working nearby did not dare speaking to one another. I myself was
14 on my own but I was working there without any relatives.

15 Q. Were there any people who tried to flee from the worksite at
16 the time or did you yourself think of fleeing given the living
17 conditions and working conditions on that worksite?

18 [15.27.43]

19 A. Actually I made an attempt to flee the worksite. I was, as I
20 said earlier, allowed to visit the works, the cooperatives, but
21 actually such authorisation was given only to Base People, but I
22 actually saw a permission or authorisation letter and I noticed
23 the signature of Comrade Kim on that letter, so I made a fake
24 letter with a similar signature to go to the cooperative and
25 that, as a result, I obtained rice and sugar. So I made the fake

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1 letter and I could do that. I managed to do that.

2 Q. Could you please specify when that happened, was that before
3 you started working on the 1st January Dam worksite or after its
4 construction and if such a thing happened, was your absence
5 noticed?

6 A. Yes, my absence was noticed. I went away from the worksite
7 once in a while because I knew that sooner or later I would die,
8 the day would come so I had to do that before I died. I knew that
9 I might die but I had to fake the letter to present it to the
10 military at the cooperative in order to obtain some rice and
11 sugar. I did that in order to survive for that period of time
12 although I knew that I would die sooner or later and I did not
13 dare to remain longer at the cooperative as I knew once I arrived
14 at the worksite, I would be criticised.

15 [15.30.32]

16 MR. DE WILDE D'ESTMAEL:

17 Thank you. I don't believe I have much time left so I'm going to
18 stop here. On behalf of the Prosecution, thank you very much,
19 Madam Civil Party.

20 MR. PRESIDENT:

21 Thank you. Now, the floor is given to the defence teams for the
22 Accused, starting first with the defence team for Mr. Nuon Chea,
23 you may put questions to the civil party in relation to
24 sufferings endured by the civil party, you may now proceed.

25 QUESTIONING BY MR. LIV SOVANNA:

1 Good afternoon, Mr. President, Your Honours, everyone in and
2 around the courtroom. My name is Liv Sovanna. I am the lawyer for
3 Mr. Nuon Chea.

4 Q. Good afternoon, Madam Civil Party. I will have some questions
5 to put to you. You made mention that you have three children,
6 could you tell the Court when they were born?

7 [15.31.46]

8 MS. CHAO LANG:

9 A. Thank you, Lawyer. My first child was born in 1980, and second
10 one was born in 1983, and the last child was born in 1985.

11 Q. When did you divorce your husband?

12 A. I divorced my husband in -- perhaps in 1988 or 1989.

13 Q. Can you tell the Court the reason you divorced your husband?

14 A. Thank you, Mr. Lawyer. The reason of the divorce is that we
15 were forced to get married during the Khmer Rouge period and our
16 -- my parents -- our parents were not satisfied with our marriage
17 and my parents-in-law were not satisfied with me; they wanted to
18 have a better daughter-in-law perhaps, and this the reason why I
19 divorced my husband.

20 [15.34.40]

21 Q. So is it true to say that your divorce resulted from family
22 problem and this divorce does not result from your relationship?

23 A. In my opinion, the divorce was caused by our forced marriage
24 in the Khmer Rouge time. I do not know whether my opinion is
25 right or wrong, Mr. Lawyer.

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1 Q. You made mention that you divorced your husband because of
2 family situation or problem and because the in-law family looked
3 down on you and they said you were an orphan. Could you expand a
4 little bit more on this?

5 A. The cause of the divorce was the forced marriage in the Khmer
6 Rouge period and another cause of the divorce was the family
7 trouble. My in-law considered me as an orphan, as a person
8 without clear goal and direction so I decided to leave the house
9 and divorce my husband.

10 Q. You made mention that the cause of the reason, one of it was
11 the forced marriage in Khmer Rouge time. If it was because of the
12 forced marriage in the Khmer Rouge period, why did you not
13 divorce your husband immediately after the fall of the regime in
14 1979?

15 [15.37.50]

16 A. I would like to clarify this point for you, Mr. Lawyer, why I
17 did not immediately divorce my husband after the fall of the
18 regime. I could not be able to make a decision at that time
19 because I had no idea where I was going and I did not know what
20 would happen to me. I was not aware whether or not I would meet
21 my relatives or family members and it is the same for my husband.
22 After we found our family members of my husband side and we went
23 to his birth village, built a house to live in. At the time my
24 husband changed his mind to have a wealthier wife. I meant my
25 in-laws family wanted a wealthier wife for my husband. The

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1 divorce was not because of our relationship, it was because the
2 in-law family was not satisfied with me, was not happy with me
3 and that is why I decided to leave the house and divorce my
4 husband.

5 [15.39.38]

6 Q. Do you recall whether you have filled in the victim
7 information form?

8 A. Yes, I have filled in the victim information form.

9 Q. Does the information in the form reflect what you stated
10 before this Court?

11 A. Yes. Why not? So it is my account in the victim information
12 form and the account was written in the information form.

13 Q. In your first application form, you made no mention about the
14 forced marriage; why did this happen?

15 A. The information about the forced marriage was not put in the
16 victim information form because there were no questions asking me
17 about the forced marriage. Later on I was asked about my marriage
18 and in my reply I said I got married in Khmer Rouge time. Yes, of
19 course, I did not fill in the information in relation to my
20 marriage, my first marriage in the first form, but in the second
21 one I actually put in the information.

22 [15.42.00]

23 Q. Before the break you stated that you were a medical staff in
24 Battambang province in the former regime. However, in the victim
25 information form, document D22/339, and D22/39.1 at French, ERN

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1 00846972; Khmer, ERN 00484949: "Before 1975, I lived in Svay
2 Rieng. I was a medic. I lived with my four siblings. I was the
3 first in the family and I have other siblings: Chao Samnang, Chao
4 Sovannarith. I, Chao Lang, was a medic, medical staff at Prasat
5 military barrack."

6 Can you tell the Court why the statement in the victim
7 information form is not consistent with what you have told the
8 Court?

9 A. Mr. Lawyer, I never stated that I was a medical staff at
10 Prasat military barrack. It is true that I was working as a
11 medical staff in Siem Reap province. The hospital at the time was
12 known as Quatre Cent Quatre Hospital or 404 Hospital. I never
13 mentioned that I was working at Prasat at all. I was a student at
14 the time in Svay Rieng. In 1972, I moved to work in Siem Reap
15 province.

16 [15.44.59]

17 Q. Let me clarify this point with you. In the same document, you
18 stated that you were evacuated from Svay Rieng and you were
19 transferred to Phnom Penh in 1975. However, little bit before --
20 earlier you stated that you were moving to live in Svay Rieng and
21 in the document you stated that you stayed together with your
22 family members and during the fall of the regime you, together
23 with your family members, were travelling to Phnom Penh, so why
24 is the answer not consistent with what you have told the Court?

25 MR. PRESIDENT:

1 You may now proceed, Counsel Pich Ang.

2 MR. PICH ANG:

3 Good afternoon, Mr. President. National Lawyer for Nuon Chea
4 referred to the victim information form without specifying ERN
5 numbers in three languages, so please, Mr. President, ask
6 National Lawyer to provide references.

7 [15.46.36]

8 BY MR. LIV SOVANNA:

9 ERN in Khmer -- in English and French are the same -- 00484835 --
10 that is, Khmer ERN. I quote:

11 "In April 1975, Khmer Rouge defeated Lon Nol regime completely.
12 I, Chao Lang, recalled what Korado Damit told me to hide
13 background. I and my father laid down the weapon and my father
14 took off the military uniform and mingled with the villagers. A
15 few days later, Khmer Rouge with black clothes came to tell the
16 villagers that all of -- all comrades, 'now the Khmer Rouge
17 controlled the country and you were all required to live in the
18 rural areas in the provinces to do rice farming for the
19 development of the country'. At 9 a.m., everyone left Svay Rieng
20 for Phnom Penh via Neak Loeang." It is in the same page -- ERN
21 number.

22 "When we arrived in Phnom Penh, everyone went to find rice to
23 cook and my father, Chao Sang, went to find food supply so that
24 we could use on the way to Svay Rieng and my father told my
25 mother to look after the children so that they did not wander

1 off."

2 [15.48.30]

3 So can you explain to the Court about the inconsistency in your
4 victim application form? You stated that you were separated --
5 you were not staying together with your family members during
6 evacuation. However, in the application form, you made mention
7 that you and your family members were together?

8 MS. CHAO LANG:

9 A. Let me clarify the point for you. It is not true what you have
10 quoted so I told the Court in the morning already it is my true
11 account. I visited Kien Svay a few days before the Khmer New
12 Year. I played -- I was playing traditional game "bos angkunh" at
13 the time. My parents were staying together in Phnom Penh. When
14 the country almost fell to Khmer Rouge, my father was trying to
15 find me at Dei Edth and he came to tell me to withdraw all the
16 money from Khmer bank.

17 [15.50.14]

18 Q. Madam Civil Party, I would like to know about evacuation. You
19 made mention in this Court that you were not staying together
20 with your family members during the evacuation. However, in the
21 victim information form you made mention that you were with your
22 parents and siblings and you also stated that your father went to
23 Kampong Cham where he was arrested and your mother was living in
24 Pursat with your siblings. Once again in your victim information
25 form you stated -- I quote:

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1 "I Chao Lang and my mother Sim Sokhom were walking very slowly
2 waiting for my father Chao Sang to arrive. However, we did not
3 see our father. Chao Sang, my father disappeared. Perhaps because
4 he was arrested by Khmer Rouge; he was in his uniform. We at the
5 time travelled until we reached Kampong Cham and upon on our
6 arrival, Khmer Rouge divided people into groups and put in
7 different villages so that they were able to control all people.
8 My family was asked to live in Chamkar Leu, Kampong Cham
9 province."

10 Once again, why are there many consistencies within the
11 information -- application form -- or, rather, in the victim
12 information form?

13 [15.52.14]

14 A. I did not state about the point you have just said -- that is,
15 I was together with my family members. I recall very well the
16 time when I met my husband and after that time I was separated
17 from my family members.

18 MR. LIV SOVANNA:

19 Thank you, Civil Party. I am concluded with my line of
20 questioning, Mr. President.

21 MR. PRESIDENT:

22 Now the Chamber gives the floor to the defence team for Mr. Khieu
23 Samphan. You may proceed.

24 QUESTIONING BY MS. GUISSÉ:

25 Q. Thank you, Mr. President. Good afternoon, Madam Civil Party.

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1 My name is Anta Guissé, and I am the International Co-Counsel of
2 Khieu Samphan and I'm going to put a few questions for
3 clarification in relation to your testimony. I'm first going to
4 focus on the period when you worked on the 1st January Dam and
5 you spoke about an incident that took place with your colleague
6 who was suffering from night blindness and you said that it's
7 thanks to the involvement of three leaders that instructions were
8 given to the group chief to have your colleague not work at
9 night. Did I understand your testimony properly?

10 [15.54.10]

11 MS. CHAO LANG:

12 A. Yes, it is true.

13 Q. And do you remember the names of these three people who
14 intervened?

15 A. What I can recall is that the three individuals were the
16 senior leaders. Why I said so, because they used the scarves --
17 beautiful scarf -- to wrap around their necks and I can
18 understand that those who had beautiful scarves to wrap around
19 their necks had high-ranking positions.

20 Q. And did you know their names.

21 A. I do not know their names. However, I knew that -- I know that
22 they were in high-ranking position -- that is, when they had
23 sealed scarves around the necks, they held high position.

24 [15.55.54]

25 Q. And did you know if they had any position at the commune or

1 district level or elsewhere?

2 A. Let me clarify the point for you. To my knowledge, I heard
3 clearly from my unit chief or group chiefs that on that day, the
4 senior leaders or people came to visit the place, the area where
5 I worked and I noticed there were three of them at the worksite.

6 Q. And did you see senior leaders on several occasions when you
7 were working on the 1st January Dam site?

8 A. It was only once when I saw the senior leaders; it was the
9 time also when I guided the one who had the night blindness.

10 Q. And did you know Pol Pot back then when you were working at
11 the 1st January Dam site?

12 A. At the time I did not know. However, I heard people say Pol
13 Pot came to visit the site, I did not know that guy, Pol Pot, at
14 the time.

15 [15.58.07]

16 Q. I'm telling you this, madam, because in your statement, E --
17 well, in your application, E3/5965, in French, 00846972; Khmer,
18 00484836; there is no English translation. Apparently I have to
19 give the ERNs again, so in Khmer, 00484836; and there is no
20 English version of this document, but the content of this
21 document can be found in document E319/27.4.13 and in the
22 English, ERN 01098616, and this is what you say in the French
23 version.[Free translation] "Every month, Pol Pot would travel
24 once or twice to the worksite where he told us that we had to
25 work hard for our country." So my question is the following: Did

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1 you see during the time when you worked at the dam site, Pol Pot
2 coming every month to encourage you to work hard for your
3 country?

4 A. Although Pol Pot was there at the worksite on a frequent basis
5 or not, I did not know him personally and also I did not know his
6 physical appearance. I did not know how many times he visited the
7 worksite. Group and unit chiefs told us that we had to work hard
8 on the day because big Angkar came to visit the site and meetings
9 were convened within Sector 42 to encourage us to work hard as I
10 stated earlier before this Court.

11 [16.01.06]

12 Q. My question is more specific: when you filled out your
13 application, you said that Pol Pot would come every month to the
14 1st January Dam worksite.

15 A. Let me tell you, Madam Lawyer. I made mention very clearly
16 that I said that Pol Pot perhaps went to the worksite three times
17 only and I told you already that I did not know Pol Pot
18 personally, I did not know his physical appearance at the time. I
19 only knew that there were people from the Centre office coming to
20 the site and there were meetings convened during the time of the
21 visit. If I am not mistaken, the meetings were convened very
22 frequently at the district level. As for Pol Pot, he may have
23 visited the site a few times but I did not know anything else at
24 the time.

25 Q. If I understand well, when you filled out your application you

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1 said that it is possible that Pol Pot came, but when I read the
2 document we get the impression that you actually saw him visiting
3 the site. So please correct me if I am wrong. You spoke about the
4 possibility of Pol Pot's presence at the site; is that correct?

5 [16.03.34]

6 A. I would like to clarify the point for you, lawyer. A group and
7 unit chiefs told me that Pol Pot came to visit the site on that
8 day and I was told that he was in a senior position. And I did
9 not know Pol Pot personally, as I told you; I heard group and
10 unit chiefs tell me about the visit that Pol Pot came. Once
11 again, I heard from someone else, the unit and group chiefs. I
12 did not know Pol Pot personally; I did not know even his face.

13 Q. Fine, so you're speaking to me about one visit. So what I'm
14 trying to understand is why in your application in French and in
15 Khmer, in any case it is written down that he came once or twice
16 to the worksite, once or twice a month in fact. So my question
17 is: You are not the one who has -- where does that information
18 come from, you did not provide that information?

19 A. Let me clarify the point once again. At the 1st January Dam
20 worksite, while I was working there, I did not work there on a
21 permanent basis. Someone told me about the visit, the visit of
22 Pol Pot, someone told me on the day that Pol Pot came to the
23 place. I noticed that there were three peoples on the stage and
24 someone told me specifically on that day that one among them was
25 Pol Pot.

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1 [16.06.00]

2 Q. Thank you for this clarification. Now again I need some
3 clarification in relation to what you just told us, I believe
4 that you were saying at the beginning of your statement that you
5 had worked with a Filipino woman and this morning I understood
6 that she was a colonel who was in charge of storing explosives,
7 so can you confirm this to me?

8 A. I can tell you once again about that person, Korado Damit: she
9 was a colonel; she was in charge of explosives, all kinds of
10 explosives; restoring (sic) them in the warehouse. He (sic) was
11 the one who was tasked with monitoring the transportation of
12 explosive from the aircraft into the warehouse.

13 Q. Was it a man or a woman?

14 A. I would like to make it clear. He was male; he was a colonel;
15 his age was about 51 or 52 years old at the time. His bureau or
16 office was close to that -- close to my office. I learnt that the
17 person was in charge of explosives from aYaem (phonetic), who was
18 a captain. I was the step-daughter -- I was the god daughter of
19 Yaem (phonetic) at the time. So I learnt the background of the
20 Filipino colonel from Yaem (phonetic) the captain, who was my
21 adoptive father.

22 [16.08.56]

23 Q. I am telling you this, madam, because in your statement E3 --
24 or in any case in your VIF, E3/5695, Khmer, ERN 00484834; English
25 -- the considered translation at document E319/27.4.13 at ERN

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1 01098615. Unfortunately there is no French translation so I'm
2 going to read out what you wrote in your statement in English. "I
3 was working cooperatively with a female Filipino medical doctor
4 whose name was Korado Damit. In March 1975, due to the social
5 unrest inside the country, Korado Damit went back to the
6 Philippines, her own country." End of quote. So my question is:
7 Was this person coming from the Philippines truly a colonel in
8 charge of storing ammunition or was she just a medic with whom
9 you had worked? I'm told that there might be a mistake in the
10 Khmer translation so let me repeat. My question is: Was this
11 Filipino woman or person, a man maybe, in charge of transporting
12 ammunition or was she a female medic with whom you worked inside
13 the military hospital?

14 [16.11.25]

15 A. To be clear for everyone, I was a medical staff at the time at
16 404 hospital and Korado Damit was the one who was in charge of
17 ammunition or explosive transported from the United States and he
18 was monitoring the transportation of explosive into the
19 warehouse. His office was at one side close to the hospital. The
20 hospital was separated in two parts and his office was close to
21 the hospital. That colonel was a friend of my adoptive father,
22 Peng Yaem (phonetic), the captain. He was not a medical staff; he
23 was a colonel in charge of storing explosives or ammunition.

24 Q. And do we agree that this happened in 1975, during the first
25 quarter of 1975; is that correct?

1 A. Yes.

2 MS. GUISSÉ:

3 Mr. President, I am aware that it is almost quarter past 4.00, I
4 still have five minutes of question so I can finish so that it is
5 not necessary to bring the civil party back tomorrow.

6 [16.13.35]

7 MR. PRESIDENT:

8 You may proceed with your line, with your questioning until you
9 conclude it.

10 And Court officer, please communicate the information to the
11 concerned offices and Chamber so that transportation are
12 available to transport staff back to town. You may now proceed.

13 BY MS. GUISSÉ:

14 Q. Thank you, Mr. President. I am going to try to be short.

15 So I would like to get back to the period when you were working
16 at the 1st January Dam site and you spoke about a period during
17 which you became ill and you suffered from fever and you spoke
18 about the assistance of Kham Pho (phonetic), who was suffering
19 from night blindness and you told us that she had produced some
20 kind of remedy on the paste of kapok leaves. Now since you
21 apparently have a medical background, were these traditional
22 methods -- can you tell us whether these traditional methods were
23 frequent in Cambodia back then?

24 [16.14.58]

25 MS. CHAO LANG:

1 A. We had no choice at that time. No modern medicines; only the
2 so called rabbit dropping pellets were available at the time.
3 Based on our experience as a medical staff, we had no choice but
4 resort to those kinds of traditional healings. I was trying to
5 drink the water made out of kapok leaves; later on I could
6 recover from the illness. Whether I trusted in the traditional
7 medicine at the time, I had to drink the traditional medicine. I
8 believed that the water made out of kapok leaves could partially
9 heal my disease at that time but I believe in modern medicine
10 better.

11 Q. Well regarding this I understood from your statement earlier
12 that you also had taken traditional pills and then you also spoke
13 about aspirin, saying that you saw aspirin, so can you tell us
14 who gave you this aspirin and if this aspirin was given to you by
15 the medics who were at the site back then?

16 [16.17.06]

17 A. The medic was on standby at the worksite. With the help of
18 aspirin tablet, it could cure my disease. I was in a serious
19 situation at that time in relation to my disease and Pho put up
20 her hands together and begged for the aspirin tablet for me. No
21 one recognised the medicine at the time but I had the experience
22 and I could recognise that the tablet was aspirin. Let me tell
23 you, it was very difficult to find modern medicines, including
24 aspirin. It was luck, it was my fortune to have the medicine
25 aspirin.

1 Q. And this would be my last point. You said that you had been
2 sent for re-education with two comrades after having refused to
3 leave a cooperative and in your statement, E3/5965, you say and I
4 will refer to the English version from document E319/27.4.13 at
5 English, ERN 01098616; and I'm going to quote in English and you
6 speak about the moment when you return to your mother's and you
7 say that you left your post for three days and when you came
8 back, this is what you say and I'm going to quote in English:
9 "When I arrived at the unit, the three chiefs of the unit, one of
10 whom was Ta Kim, called me to be re-educated." So my question is
11 the following: Were you subjected to re-education several times,
12 that is to say, when you refused to leave the cooperative and the
13 second time when you went to see your mother without leave or is
14 there here -- a mix up here in your VIF?

15 [16.20.32]

16 A. They came to take me back, the purpose was not to re-educate
17 me but to encourage me back to work. I was chained at the time
18 and I was reprimanded from the morning until the evening. At the
19 time that they came to collect me they lied to me that they
20 wanted me to be at the meeting but in fact they wanted me to go
21 back and work in the cooperative.

22 Q. I understood that, I understood that you had to leave the
23 cooperative, but my question this would be last one if your
24 answer is clear: So when you returned from visiting your mother
25 for three days, were you subjected to re-education or not?

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1 A. I was walked back to their place and meal dinner was given to
2 me. I was reprimanded at that time. I was refashioned and they
3 said, "You, comrade, stop doing such a thing later on. Now,
4 Angkar backed you to go back to work. Make sure you are careful.
5 Next time it will be your time to back Angkar, not Angkar backing
6 you". So it was said at that time.

7 [16.22.33]

8 MS. GUISSÉ:

9 Mr. President, given that my time has run out, I will stop now.

10 MR. PRESIDENT:

11 Thank you, Lawyer. It is now time for the adjournment and the
12 Chamber will continue its hearing tomorrow on 2nd September 2015.
13 You may now proceed, Counsel Pich Ang, as I noticed you are on
14 your feet.

15 MR. PICH ANG:

16 Mr. President, my apologies to interrupt you but you have not yet
17 given the floor to civil party to put questions to the Accused.

18 MR. PRESIDENT:

19 Chao Lang, you have the floor now if you have any questions to
20 put to the Accused through the President of the Chamber -- that
21 is, me. You may now proceed.

22 [16.23.44]

23 MS. CHAO LANG:

24 Thank you, Mr. President. Good afternoon, once again Mr.
25 President and Your Honours. I have two questions to ask the

1 Accused.

2 Khieu Samphan stated that he did not wish to evacuate and kill
3 people so who made the decision to kill all of them?

4 Number two: Khieu Samphan made mention that he did not want to
5 talk to those who did not want to listen. Did he mean that the
6 victims; did he refer to the victims?

7 [16.24.38]

8 MR. PRESIDENT:

9 Thank you, Madam Chao Lang. The Chamber wishes to inform you that
10 after ascertaining the position of both Accused on 8 January 2015
11 regarding the exercise of the right to remain silent, the Chamber
12 notes that the two Accused maintained their expressed positions,
13 unless and until such time as the Chamber is expressly informed
14 otherwise by the Co-Accused or their counsels. It is therefore
15 incumbent upon them to inform the Chamber in a timely and
16 efficient manner should the Accused resolve to waive their right
17 to remain silent and be willing to respond to questions by the
18 Bench or relevant Parties at any stage of the proceedings. As of
19 today, the Chamber is not informed that the Co-Accused have
20 changed their expressed position and thus agreed to provide their
21 responses to the questions.

22 [16.25.48]

23 The Chamber would like to adjourn its hearing today and it may
24 continue the hearing tomorrow on 2nd September 2015, the Chamber
25 will continue to hear the victim impact statements of 2-TCCP-993

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1 and 994 in relation to Trapeang Thma worksite.

2 Thank you, Madam Chao Lang. Thank you for coming here to express
3 the impacts and the injuries you said you experienced during the
4 Democratic Kampuchea, in particular in relation to the 1st
5 January Dam worksite.

6 Court officers, please work with WESU to send Madam Chao Lang
7 back to the desired destination or to any place she is intending
8 to go.

9 Thank you, Madam Chhay Marideth; you may now be excused.

10 Security personnel are instructed to bring back the two Accused
11 to the detention facility of the ECCC and have them returned
12 tomorrow at 9 a.m.

13 The Court is now adjourned.

14 (Court adjourns at 1627H)

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