



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 August 2016  
Trial Day 438

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 26-Jan-2017, 12:10  
CMS/CFO: Sann Rada

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

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KHIEU Samphan

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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
Mr. CHAU Khim (2-TCCP-1050)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HONG Kimsuon	Khmer
Judge LAVERGNE	French
Mr. KIM Mengkhy	Khmer
Ms. KAUN Sunthara (2-TCCP-1051)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LIV Sovanna	Khmer
Mr. LOR Chunthy	Khmer
Mr. PICH Ang	Khmer
The President (YA Sokhan)	Khmer
Mr. YUN Bin (2-TCCP-233)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the statements of harm and  
6 suffering from three civil parties 2-TCCP-233, 2-TCCP-1051 and  
7 2-TCCP-1050.

8 Ms. Se Kolvuthy, please report the attendance of the parties and  
9 other individuals to today's proceedings.

10 [09.02.05]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case  
13 are present except Mr. Pich Ang, the National Lead Co-Lawyer for  
14 civil parties who informs the Chamber that he will be a little  
15 bit late this morning.

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

19 The civil parties who are to testify by making statements of harm  
20 and suffering; namely, 2-TCCP-233, 1051 and 1050, are present to  
21 be called by the Chamber.

22 And Mr. Bun Lemhuor, TPO staff, will sit next to the civil  
23 parties during their testimony and they are ready to be called by  
24 the Chamber.

25 [09.03.22]

1 MR. PRESIDENT:

2 The Chamber now decides on the request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 15 August  
4 2016, which states that, due to his health, that is, headache,  
5 back pain, he cannot sit or concentrate for long. And in order to  
6 effectively participate in future hearings, he requests to waive  
7 his right to be present at the 15 August 2016 hearing.

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

12 [09.04.15]

13 Having seen the medical report of Nuon Chea by the duty doctor  
14 for the accused at the ECCC, dated 15 August 2016, which notes  
15 that Nuon Chea has chronic back pain and it becomes severe when  
16 he sits for long, and recommends that the Chamber shall grant him  
17 his request so that he can follow the proceedings remotely from  
18 the holding cell downstairs.

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

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

25 That applies for the whole day.

3

1 Court officer, could you usher civil party 2-TCCP-233 as well as  
2 the TPO staff, Mr. Bun Lemhuor, into the courtroom?

3 (Short pause)

4 (The civil party enters the courtroom)

5 [09.06.31]

6 QUESTIONING BY THE PRESIDENT:

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

8 MR. YUN BIN:

9 A. My name is Yun Bin.

10 Q. Do you recall when you were born?

11 A. I was born on 7 October 1955.

12 Q. Where is your current address?

13 A. I lived in Ou Reang Ov district, Tboung Khmum province.

14 Q. What is your current occupation?

15 A. I am a rice farmer and I work <on a> plantation.

16 Q. What are the names of your parents?

17 A. My father is Nhem <Yun> and my mother is Chhay Eng (phonetic).

18 [09.07.52]

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

20 A. My wife is Kan Saviy (phonetic). We have four children, that  
21 is, two sons and two daughters.

22 MR. PRESIDENT:

23 Thank you.

24 Mr. Yun Bin, as a civil party during the proceedings before this  
25 Chamber, you may make a statement of harm and suffering in

4

1 relation to the alleged crimes against the two accused, that is  
2 Nuon Chea and Khieu Samphan, that <took place> during the  
3 Democratic Kampuchea and that led you to file a civil party  
4 application to claim collective and moral reparations for  
5 physical, material, or mental injuries as direct consequences of  
6 those crimes.

7 And before we proceed, the Chamber would like to inquire from the  
8 Lead Co-Lawyers for civil parties the modality that you prefer to  
9 use during this statement of harm and suffering by this civil  
10 party, whether he is going to read his own statement or he is  
11 going to be questioned?

12 [09.09.30]

13 MS. GUIRAUD:

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

15 It is our colleague, Lor Chunthy, who is going to put questions  
16 to the civil party, with your leave.

17 MR. PRESIDENT:

18 Thank you, Lead Co-Lawyer for civil parties.

19 And counsel for civil party, you may proceed with questioning  
20 this civil party.

21 [09.10.15]

22 QUESTIONING BY MR. LOR CHUNTHY:

23 Thank you, Mr. President. Good morning, Your Honours. Good

24 morning, parties to the proceedings, and good morning everyone in  
25 and around the courtroom.

1 Q. And good morning, Mr. Yun Bin.

2 My name is Lor Chunthy. I am a civil party lawyer and I will put  
3 some questions to you in relation to your experience during the  
4 Democratic Kampuchea regime, that is, between 17 April 1975 and 6  
5 January 1979.

6 And Mr. Yun Bin, to start with, can you tell the Chamber where  
7 you lived before 17 April 1975?

8 MR. YUN BIN:

9 A. I lived in Tuol Mean Chey village, Preah Theat commune.

10 Q. And after 17 April 1975, where did you live?

11 A. I lived in Tuol Mean Chey village, Preah Theat commune.

12 [09.12.31]

13 Q. Thank you. Does it mean that you remained living in the same  
14 village and were you assigned to work anywhere, that is, after  
15 the country fell on 17 April 1975?

16 A. We were gathered into a mobile unit and sent to live in Koh  
17 Tonsay or Tonsay Island.

18 Q. Upon your arrival at Koh Tonsay, what work <was> assigned to  
19 you?

20 A. We were assigned to work in the rice fields, to work in a  
21 plantation, to dig and build canals and dykes.

22 [09.13.52]

23 Q. While you worked in those worksites, can you tell the Chamber  
24 were there any particular events that happened to you?

25 A. I was assigned to clear forest and to transplant rice

6

1 seedlings and to reproduce three tonnes of rice per hectare.

2 Q. While you were working in the worksite, was there anyone at  
3 one point in time that called you to go somewhere?

4 A. While I was <clearing grass at> a peanut plantation, I was  
5 called to go for a study session.

6 Q. And did you know at the time the person who came to call you?

7 A. It was Pok (phonetic). He was 16 years old and he was a  
8 militiaman.

9 [09.16.21]

10 Q. Did Pok (phonetic) come to call only you to go for the study  
11 session or were other people also called?

12 A. In my village, San Ban, Sat Deop and myself were the only  
13 three that he called.

14 Q. What did he exactly tell you? Did he tell you under whose  
15 order that he came to call you?

16 A. He said that the order came from the commune chief named Leav  
17 and we were told that we did not need to bring our belongings  
18 along.

19 Q. Did you have to go to your house first or what happened or  
20 where were you sent to?

21 A. We were called to go to the Preah Theat commune office and, as  
22 I said, the commune chief named Leav.

23 [09.18.02]

24 Q. And what did you observe upon your arrival at the commune  
25 office? Did you see any other people there?

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

7

1 A. When I arrived at the commune office I saw six other youths  
2 who came from Srae Mien <village>, Thmei Leu village, Thmei  
3 Kandal village, and from Phnum <village>.

4 Q. So it means that after you arrived at the commune office, they  
5 had been there already. And how many of you all together were at  
6 the commune office?

7 A. There were nine of us all together.

8 Q. Did you receive instructions to remain there and wait for  
9 someone to arrive?

10 A. They brought in a horse cart and transported us to Peam Cheang  
11 (phonetic).

12 Q. When you were transported in a horse cart to Peam Cheang  
13 (phonetic), were you all put into this horse cart or were there  
14 many trips in order to accommodate all of you?

15 A. We were all bunched into this horse cart all together.

16 [09.20.47]

17 Q. And did you know what time you arrived at Peam Cheang  
18 (phonetic)?

19 A. We arrived at Peam Cheang (phonetic) at around 10 o'clock.

20 Q. What did you observe upon your arrival? Can you describe a bit  
21 further?

22 A. I saw many southwest people. They wore a black uniforms and  
23 white and blue <scarves>. There were four or five of them.

24 Q. Upon your initial arrival what did this southwest group of  
25 people do to you?

1 A. They noted our names<, our positions,> and from which commune  
2 and village we came. They put that information into a book.

3 Q. Were then you instructed to wait? And if so, you have to wait  
4 for what, for whom?

5 A. They said that we should not be scared. In fact, we would be  
6 brought in for a study session for four or five days and that we  
7 would be returned, and that we would be placed into a <one square  
8 kilometre> location where <four loud speakers were placed there  
9 and> we would be taught and that the Party would never kill any  
10 person.

11 [09.23.12]

12 Q. You did not answer my question. I asked whether you were  
13 instructed to sit and wait for something or wait for someone.

14 A. We were told to wait for a vehicle to arrive. Then we would be  
15 put onto the vehicle to go for a study session.

16 Q. And how long did you have to wait before that vehicle arrived?

17 A. We waited until about 7 o'clock at night and they were  
18 complaining about the vehicle that did not yet arrive at the  
19 time.

20 Q. And upon the arrival of the vehicle, did you board the vehicle  
21 immediately or what happened?

22 A. They -- <at> that time, they <had not tied> us up yet, and  
23 later on they said that Angkar requested to tie us up because  
24 they were afraid that we might conceal a knife or any weapon on  
25 our <bodies>.

1 Q. After your group was tied, what did they do next?

2 A. Our hands were tied behind our backs and then they walked us  
3 to a vehicle, which was about 20 metres away from us. They then  
4 threw us onto that vehicle.

5 [09.25.52]

6 Q. After you were thrown onto the vehicle, what did you observe?

7 A. When I was in that vehicle, there were many people there. The  
8 vehicle was about half full. I saw people who were topless and  
9 they wore only shorts, and I saw blood on their bodies.

10 Q. Can you tell the Chamber in detail about how you felt upon  
11 seeing that?

12 A. I was so scared as I was afraid that we would be taken away  
13 and killed. My heart was pounding and my hands were tied. I was  
14 so scared and I knew that I would be taken away and killed and I  
15 tried to remove the rope that my hands were tied to.

16 Q. When you were so frightened that you wanted to loosen the  
17 ties, what happened?

18 A. They pulled me and they wanted to hit me with a rifle butt,  
19 but the other one said that I would be killed anyway. So then  
20 they used another jute rope to double the tie.

21 [09.28.42]

22 Q. So it means that they tied another layer of a rope? And if  
23 that is the case, were you the only one who was double-tied?

24 A. All of us, the nine of us were tied; another layer, including  
25 the women.

10

1 Q. And in the vehicle that you were in, can you tell the Chamber  
2 from your observation how many women were there?

3 A. There were four women.

4 Q. And how many people were there all together on that vehicle?

5 A. From what I could see, there were about 40 of us.

6 Q. And when the truck departed, can you tell the Chamber where  
7 you were taken to or did you know where you were taken to before  
8 the vehicle stopped?

9 A. It took us about 15 minutes to arrive at the place where we  
10 would be executed.

11 [09.30.55]

12 Q. So when the truck arrived there, what did they do? Whether  
13 they asked the people on the truck to get off or they walked the  
14 people?

15 A. <The women who were at the back of the vehicle were taken way>  
16 first <one by one>.

17 Q. When it's time for your turn, what did they do to you?

18 A. They kicked me off the truck and walked me. There were four or  
19 five of them who accompanied me.

20 Q. Where did they walk you to and what did they do to you? Please  
21 elaborate on this aspect.

22 [09.32.29]

23 A. They walked me and there were also some others who were  
24 guarding me. And they walked me to the south and when we arrived  
25 at the execution site, <they told me to sit down so I did, and

11

1 then> they beat me <on the head> with an axe and <I fell down on  
2 the ground, blood was everywhere, and then> I lost consciousness.  
3 And during my unconsciousness, <I felt like> I ran to tell my  
4 parents that, in fact, they did not take me to study; they took  
5 me to be executed.

6 And a while later I regained my consciousness and there were  
7 <three or> four <> people on top of my body. And at that time, I  
8 saw many dead people all around me. Some of <> the bodies were  
9 swollen and with worms. <I did not know what type of pit it was  
10 because it was night time.>

11 [09.33.40]

12 So when I regained the consciousness, I tried to relieve myself  
13 from the <rope>. And finally, <because of the blood and the oil  
14 from the dead bodies,> I managed to get <> rid of the <rope>. <I  
15 listened to the soldiers executing other people.>

16 At that time, I heard the Khmer Rouge soldiers ordering the  
17 people to be executed to sit down and they beat <the heads of  
18 those people> with the sound "phu-phu" (phonetic) and the people  
19 who were killed fell down <on me and their blood was everywhere  
20 in> the <pit>. So all the males were executed first and the last  
21 ones were the females.

22 And I thought to myself, they took the females out of the truck  
23 first. Why they killed the females last?

24 And after they beat all the females into the <pit, among the 40  
25 people who were executed,> some of them who fell into the <pit>

12

1 did not die yet. They were still <alive> and they shouted for  
2 help from their parents. <It was too noisy and made my ears  
3 hurt.>

4 [09.35.04]

5 And I stayed in <there> listening, listening to what would happen  
6 next because some of the people who were beat and pushed into the  
7 <pit> were still <alive> and were shouting for help from their  
8 parents. <Some of them got their throats slit.> It was at that  
9 time after they finished all -- beating all the people who were  
10 brought to the execution site, they shouted -- they shouted at  
11 those who were still <alive> in <there>: "Why <do> you keep  
12 shouting?" <I knew they might have a plan to end us once and for  
13 all, so I moved deeper into the pit. Then> a grenade <was thrown>  
14 into the <pit> to finish off those who were still <alive> in  
15 <there>.

16 [09.36.19]

17 And after that first grenade blasted, there was still a few  
18 <people> in <there> who survived. <They kept shouting for their  
19 mothers.> So <> another grenade <was thrown> into the <pit> and  
20 then there was silence, no more noise. There was only me in the  
21 <pit> who still survived and I tried to listen -- to listen to  
22 them. And I heard the sound of their vehicles going back.  
23 So after the truck <left>, I tried my best to get myself out of  
24 the <pit>. I tried to look for any survivors in <there> but there  
25 were no one survived. There was only me, alone.

13

1 So I tried my best to climb up the <pit>. I did not know whether  
2 that <pit> was a well or was a toilet because <that pit was deep  
3 and> the smell in <there> was so stinky.

4 So there were swollen bodies <decomposing> in the <pit>.

5 [09.37.52]

6 And I tried to ask for anyone who may have survived but there was  
7 no one survived because the grenade blast destroyed their bodies.

8 So I told myself that I had to try my best to climb up the <pit>,  
9 but after several attempts I could not. So finally, I tried to  
10 put the dead bodies on top of each other so that I could step on  
11 them to climb up the <pit>.

12 I realized that I had three cuts on the back of my head when they  
13 beat me. <Before I lost consciousness, I was aware that I had one  
14 cut. After many attempts to climb up the pit, I kept falling  
15 down.> I tried to pray to my parents and my ancestors to help me  
16 out of the <pit>. And I tried to step on the dead bodies to climb  
17 up the <pit>.

18 [09.39.05]

19 And at the time that I was climbing up, I was also trying to  
20 listen to the sound outside. And I heard the sound of footsteps  
21 coming <closer> to the <pit>. <I realised that they came to check  
22 the pit in the morning.>

23 So <> I concealed myself beneath the dead bodies <and I pretended  
24 to be dead>.

25 And one of the Khmer Rouge soldiers who came said that, "It seems

14

1 that there <are> survivors in <there>." So he threw another  
2 grenade into the <pit>.

3 (Short pause)

4 [09.41.23]

5 MR. YUN BIN:

6 When they threw the grenade in the morning into the <pit>, the  
7 grenade affected the bodies on top of me but <did> not affect me.  
8 <I did not move.> And the Khmer Rouge put soil into the <pit and  
9 I was almost out of breath>. <Later,> I tried to climb up and to  
10 have a look if they were still there. I would ask them to throw  
11 grenades at me or to shoot at me. But they were not <> there  
12 <anymore>. They were not there.

13 So I attempted to climb up again. And there <was> a lot of blood  
14 on the soil that the Khmer Rouge put into the <pit>. <I was about  
15 six or seven meters deep in the pit.>

16 I swore to myself that I would try to survive. I asked the souls  
17 of those who died in the <pit> to help me to survive and I asked  
18 for their souls to help me to get out of the <pit>. And I  
19 promised to them that I would find justice for them because they  
20 cheated us. They said that we would be taken to study. <What  
21 mistake did I make?>

22 (Short pause)

23 [09.43.43]

24 MR. YUN BIN:

25 They told us that we would be sent to study but instead sent us

15

1 to be killed. So I told all the souls of the dead bodies in the  
2 <pit> that when I -- if I managed to escape from <there>, I would  
3 find justice for them.

4 So I told myself that I would try to climb up three times and if  
5 the three attempts failed, I would shout out to them, asking them  
6 to come back and shoot at me or blast my body with <a grenade  
7 because there was only me who still survived in the pit.>  
8 So after I prayed like that, I tried to climb up by using my  
9 hands <upward> and my legs <backward> and my back against the  
10 wall <>. And after <the first> attempt <up to four or five metres  
11 height,> I fell down, so I became very frustrated. I was in great  
12 despair.

13 [09.45.18]

14 QUESTIONING BY MS. GUIRAUD:

15 Q. Civil Party, perhaps I have one last question to ask you in  
16 order to conclude this <initial session>. And please tell me if  
17 you don't feel up to answering this question.

18 Can you explain to the Chamber what were the physical and  
19 psychological effects of the event that you have just described,  
20 and <do> you still today have physical and psychological scars  
21 following this event?

22 MR. YUN BIN:

23 A. Let me finish my story. When I attempted again, it seems that  
24 the dead bodies of my comrades pushed me from below and I managed  
25 to escape the <pit>. And when I escaped the <pit>, I realized

16

1 that <> in fact, it was the French toilet. <I saw Peam Cheang  
2 (phonetic) factory in the front. I peeked at it, and> I saw two  
3 Khmer Rouge soldiers <stood guard> about 100 metres away and I  
4 tried to walk backwards.

5 [09.46.59]

6 There were <three> wounds on my head.

7 At that time I -- after I walked into that banana plantation, I  
8 started to run. <I was trying to run home, but> I saw the Khmer  
9 Rouge walking in the distance so I thought to myself if those  
10 Khmer Rouge saw me <in that condition,> they would arrest me <>  
11 again. So I tried to conceal myself. I was so hungry at that time  
12 while my head was still bleeding. I tried to find tree leaves to  
13 eat but I could not eat well because my mouth was swollen and <my  
14 jaw was stiff>.

15 [09.48.02]

16 <I was waiting for the time that> I <would> arrive <> home <so  
17 that> I <could tell> my parents that they did not take me to  
18 study. In fact, they took me to be executed. <I hid myself there  
19 until around 4 p.m.>, I saw a small boy, age around <14 to 15>  
20 who were herding the cows and I asked him why <he> came here and  
21 he told me that he came to herd the cows. <He saw my head  
22 bleeding. I walked to the road and I saw no one and nothing  
23 there.>

24 My apologies. I would like to tell you that on the way that I  
25 escaped, I saw a horse cart that was also transporting people to

1 be killed. <Those people had their hands tied behind their backs,  
2 and the people who guarded them were armed.>  
3 So I kept on waiting and waiting until there was no <one>  
4 travelling on the road. And then I continued my journey <home>.  
5 The boy who herded the cows told the Khmer Rouge and they came to  
6 chase me <around one kilometre behind>. So I ran into the banana  
7 plantation. I ran to the north. And once I got into the banana  
8 plantation, I changed the direction of my escape to the south.  
9 <And they kept running northward.> And I kept on running and  
10 running. <When they could not find me, they drove their trucks  
11 and motorbikes to find me.>  
12 [09.50.02]  
13 I hid myself in the forest and waited until night time. I was so  
14 hungry at that time.  
15 I encountered the <long> bean plantation so I collected some  
16 beans to eat. <When I was picking the bean to eat,> I saw the  
17 <spirit> of my mother <in front of me> and she told me <that I  
18 would not be able to escape if I ate the bean> -- she told me to  
19 keep on running. <I bit a piece of bean, but I could not chew  
20 it.>  
21 <At night> I walked with great difficulty through the jungle  
22 <because I was afraid they would see me>.  
23 Finally, I arrived at a small cottage of Ta Nol. I could not make  
24 my journey forward anymore because my body was so weak and smelly  
25 and my head was swollen. <I asked him for shelter. After I had a

18

1 rest for a while> and I heard a voice that telling me, "Get up.  
2 Get up. Continue your journey because they are coming". <I jumped  
3 down the cottage. But I did not see anyone.>  
4 When I looked to the east I saw some glimpse of light. <I thought  
5 that if I arrived home at daytime, I would be recaptured and  
6 taken away to be killed again.> So I walked across the small  
7 stream and I took off my shirt to wash the shirt in the stream  
8 and to clean my body. <I put the wet shirt on my head> and then I  
9 continued my journey. It was about 100 metres. <It was still  
10 dark, but I decided to go home anyway.>

11 [09.52.33]

12 And I felt itchy in my head because worms were trying to get  
13 inside the wounds on my head. So I used my hand to touch  
14 something soft on my head and I realized that those soft things  
15 were in fact worms. So I told myself that I had to get home.  
16 Otherwise, I would die on the way.  
17 <While I was walking, I fell into a canal.> It took me about half  
18 an hour <> to climb up <from that canal> and <I> continued my  
19 journey until I arrived at my home and I knocked on the door of  
20 my home and called to my father to open the <door> and asked him  
21 to help get the worms out of my head. He told -- he asked me:  
22 "You told me that you went to study; why <did> you come back  
23 home?" I told him that they did not take me to study. In fact,  
24 they took me to be killed.  
25 At that time, my father <poured> petrol on the wounds of my head

1 <in order to get rid of the worms>, and he tried to hide me in  
2 the house by arranging a mosquito net and putting me inside that  
3 mosquito net.

4 [09.54.33]

5 I had a stepmother. Her siblings <> were taken away to be killed  
6 with me. I told her that those people were taken away to be  
7 killed. <I told her to tell her brother not to go because he  
8 would be taken away to be killed, she then went to tell her elder  
9 brother that and he said, "The Party would never take people away  
10 to be killed."> And <then he was> taken away <and> disappeared  
11 until nowadays.

12 I concealed myself inside the house and I received <rice> from my  
13 stepmother who brought <the leftover rice> from the kitchen hall.  
14 And those people at the kitchen hall asked my stepmother why she  
15 took the food and she told them that she took the food to give to  
16 the dogs. And I got only one small bowl of rice to eat with salt.  
17 <>

18 [09.55.54]

19 And my father was so <scared>. Each time before he went out to  
20 work, he walked two or three times around the house <crying>. He  
21 told me that I had to hide myself inside the house because if  
22 they <found> out that I was inside, the whole family would be  
23 killed.

24 My father brought in Chhkae Sreng (phonetic) and Lahong Kwang  
25 (phonetic) and put them into the bamboo tube and put the bamboo

20

1 tube on the fire in order to be used to heal my wounds <twice a  
2 day, in the morning and evening.>

3 [09.56.47]

4 My father became ill. Since my return from the execution site on  
5 the 25th of May <1978> until late '78, they evicted people in my  
6 village to Kampong Thom and some of my villagers escaped into the  
7 forest, into the flooded forest.

8 So I hid myself with my father in the forest. And because his  
9 illness became severe, he died in the forest.

10 [09.57.44]

11 Q. Civil Party, to conclude this first part of your hearing, I  
12 would like to ask you one last question.

13 In your civil party application, you indicated in E3/4802, <in  
14 response to question> 6 <for the parties>, that when you <think>  
15 of the things that you recounted to the Court today, that  
16 memories <haunt> you each time that you go by the places where  
17 the Khmer Rouge tortured you. And you indicated: "I'm anxious. I  
18 <suffer from fainting> and I <don't dare> pass by the <place in  
19 question>."

20 Can you tell us what suffering you still experience at this time  
21 when you think back on the events that you described to the  
22 Chamber today?

23 [09.58.55]

24 A. When I was in the village and after 1979, people asked me to  
25 go to see the execution site, but I was scared to go there

21

1 because each time, when I approached that site, I almost fainted  
2 because I could not hold my feelings when I saw the site<, I  
3 could not hold myself back because it actually happened to me>.  
4 All the people who were taken away with me all died, except me  
5 alone who survived. I was sorrowful and terrified. Each time I  
6 thought about that event, I told myself that I could not go back  
7 to that execution site because it always haunted me, make me  
8 scared <forever>.

9 Q. Thank you, Civil Party.

10 And maybe a last question, Mr. President, if you please allow me  
11 to.

12 You spoke about your wounds on your head. Do you still, today,  
13 have physical scars of this event?

14 A. Yes. There are three scars on my head and they remain until  
15 today.

16 [10.01.10]

17 MS. GUIRAUD:

18 Thank you, Civil Party.

19 Thank you, Mr. President. We will now give the floor to the other  
20 parties.

21 MR. PRESIDENT:

22 Thank you, and I hand the floor to the Co-Prosecutors.

23 [10.01.32]

24 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

25 Thank you. Good morning, Mr. President. Good morning, Your

1 Honours; Good morning to all parties.

2 Q. Good morning, Civil Party. I know that it's difficult for you  
3 to remember what happened and, therefore, I'm going to start with  
4 questions that are not directly tied to the episode of your  
5 survival in this <pit>.

6 First, can you tell us if, in your commune of Preah Theat in Ou  
7 Reang district, <during the Khmer Rouge regime,> were <there> New  
8 People, as well as Cham <who were> sent <to settle> there; did  
9 you see <those people there>?

10 A. In my village, there were no New People. New People were  
11 living in the other villages and there were no Cham as well  
12 living in my village.

13 [10.02.52]

14 Q. What do you know about the New People who were settled in  
15 other villages? What did the Khmer Rouge do with them; did they  
16 treat them in a special way or not?

17 A. New People were taken away and killed at a well called Ta  
18 <Khao> Sien (phonetic). It was in <Preah Theat commune>. They  
19 were all killed in that well.

20 Q. Were all the New People killed or only certain categories of  
21 the New People?

22 A. They were New People. Also there were former medics who were  
23 arrested and some people were also arrested from mobile units and  
24 so they were all killed. I did not witness this, I only heard  
25 from other people <talking> about that.

1 And people said that at the well of <Ta> Khao Sien (phonetic), it  
2 was filled with bodies, and some <beautiful> women were raped  
3 before they were killed, and their bodies were laid naked and  
4 lying in that well.

5 [10.04.46]

6 Q. What about the former soldiers and civil servants of Lon Nol,  
7 were they particularly targeted by the Khmer Rouge back then?

8 A. I do not know about the former soldiers.

9 Q. In your supplementary information form, <E3/6147a> , you said  
10 that you met the Khmer Rouge leader So Phim. It's at Khmer, page  
11 00581460; French, <01139790>; and English, 01069283.

12 Can you tell us under which circumstances you met So Phim and was  
13 it during a meeting; was it during a gathering, or was it during  
14 another kind of event?

15 A. I met him a long time ago and that happened before the regime  
16 took control of the country. And the year was around '74 or '75.

17 [10.06.22]

18 Q. During the regime, after 17 April 1975, did you meet your  
19 district chief during meetings or the region chief of Region 22?

20 A. No, I did not because, at that time, I was hiding inside a  
21 house and I never went out.

22 Q. Yes, but I was speaking about the moment when you were the  
23 deputy chief of the mobile unit in your commune of Preah Theat,  
24 and you were therefore the deputy leader of the mobile unit of  
25 Koh Tonsay.

1 So then, did you meet any leaders in the sector?

2 A. No, I did not.

3 Q. Can you tell us what happened to the head of the mobile unit,  
4 the one who appointed you to be deputy chief? I think his name  
5 was Samet. What happened to him?

6 A. He had been taken away and killed before I was taken away. <He  
7 disappeared.>

8 [10.08.14]

9 Q. And do you know which group took him away?

10 A. I did not know which group took him because, at that time, he  
11 was called out and I did not know who took him away.

12 Q. Earlier you said that at the execution site where you were  
13 thrown into this <pit>, there were people from the southwest. Do  
14 you remember when the cadres of the southwest arrived in your  
15 sector, in the East Zone?

16 A. They came three or four months before I was taken away.

17 Q. In your civil party application, E3/4802 at Khmer, page  
18 00516888; French, 00950201; and English, 00916885; you provided  
19 us with a specific year, and I quote:

20 "In 1977, I saw <newcomers arriving in the district. They were  
21 persons from the Southwest who did not have clear accents. From  
22 when these people arrived, they started to check our backgrounds  
23 such as our previous positions and functions. Persons who used to  
24 be district chiefs, sector committee members, or troop commanders  
25 would be called to be re-educated, but those people never

1 returned".> End of quote.

2 [10.10.42]

3 Must I therefore understand from what you said in this form that  
4 before you were <taken> away on 25 May 1978, there had already  
5 been purges of local cadres that were carried out by people from  
6 the southwest?

7 A. Yes, they were the southwest group people.

8 MR. PRESIDENT:

9 It is now convenient for a 15-minute break. We will take a break  
10 now and resume after.

11 And Court officer, please assist the civil party during the break  
12 time and invite him as well as the TPO staff back into the  
13 courtroom before we resume the proceedings.

14 The Court is now in recess.

15 (Court recesses from 1011H to 1027H)

16 MR. PRESIDENT:

17 Please be seated.

18 The Court is now back in session, and I once again hand the floor  
19 to the Co-Prosecutor, and you only have 10 more minutes to finish  
20 your questioning.

21 [10.28.10]

22 BY MR. DE WILDE D'ESTMAEL:

23 Thank you very much, Mr. President. I think I will only need five  
24 or six minutes.

25 Q. Mr. Civil Party, you said earlier that when you were put into

26

1 the truck, which took you away not to a training session but to  
2 be executed, that your hands were tied. I think you also spoke  
3 about the <offenses> you were accused of. At least in your civil  
4 party application, 00516889 in Khmer; in English, 00916885; and  
5 in French, 00950202; this is what you said about the 25th of May  
6 1978, and I quote:

7 "The people from the Southwest Zone said to us, '<As you are all  
8 guilty,> allow me to tie up your hands in case you have knives or  
9 grenades.'" "

10 And a bit further, you said:

11 "Angkar does not trust you." End quote.

12 Did you ever find out what the exact <offenses> you were accused  
13 of were, all of you, the nine people that had been arrested, and  
14 why Angkar no longer trusted you?

15 MR. YUN BIN:

16 A. They did not accuse me of any wrongdoing. The Southwest Zone  
17 forces told us that, "Brother, we needed to tie you up because  
18 our Angkar did not trust you."

19 (10.30.40)

20 Q. Did you ever hear the Southwest cadres or army talk about the  
21 fact that So Phim and the other leaders of the East Zone were  
22 traitors to the country or the Party?

23 A. Yes, I heard some of such stories, but I heard from word of  
24 mouth.

25 Q. So you were taken away with two other people from your

27

1 village, San Ban, I believe, and Sat Deop, along with another six  
2 persons that you noted, from another village but in the same  
3 commune.

4 So these eight other people, were they simple villagers, simple  
5 residents or were they young cadres a bit like you, you were  
6 deputy leader of the mobile unit. Did they also have such  
7 responsibilities or not?

8 A. Yes, they were deputies <or chiefs> of a company or unit.

9 [10.32.08]

10 Q. So after having escaped death on the 25th of May 1978 and  
11 <hiding at your father's house>, did you ever find out, in one  
12 way or another, if the purges <and> arrests continued during the  
13 following months, the months that followed May 1978, in the  
14 <East> Zone?

15 A. Because I was hiding inside a house, <inside the mosquito  
16 net.> I only heard about those arrests from word of mouth.

17 Q. And my next question -- because there's something that I  
18 didn't understand when I was reading the Supplementary  
19 Information Form, E3/6147a. I don't think I've given the ERNs  
20 because there's practically just one page there.

21 When exactly were you married; was it between 17 April 1975 and  
22 the 7th of January 1979 or was it during another period?

23 A. I got married after I was taken away to be killed. It was  
24 almost 1979.

25 [10.34.08]

28

1 Q. So almost in 1979. You said at the end of 1978, you were  
2 hiding in the forest, and your father died at around that time.  
3 So what were the circumstances that this marriage took place in?  
4 Was it in the forest, outside of the forest? Could you clarify a  
5 bit more the date or the period?

6 A. The marriage took place at my house <secretly>. I had my  
7 fiancée a long time ago. So when I returned to my home, I asked  
8 my stepmother to ask her whether she still loved me and wanted to  
9 marry me, because <> I was having wounds on my head <and I could  
10 not do any work>. And she agreed, so the marriage took place  
11 secretly at my home <three or four months after I returned>.

12 Q. So then, was this an "official" marriage? Were there Khmer  
13 Rouge present or did this take place just among your family at  
14 the house?

15 A. It was a secret marriage.

16 [10.35.54]

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. Civil Party. I have no further questions.

19 MR. PRESIDENT:

20 Thank you, Co-Prosecutor.

21 Now, I would like to give the floor to the defence counsel for  
22 Nuon Chea to put questions to the civil party, and you have 15  
23 minutes.

24 (10.36.18)

25 QUESTIONING BY MR. KOPPE:

1 Thank you, Mr. President.

2 Good morning, Civil Party. Both, my national colleague and I,  
3 have some questions for you.

4 Q. Let me start by asking you first how you are certain that the  
5 day the events took place that you described this morning was the  
6 25th of May 1978.

7 MR. YUN BIN:

8 A. I remember the date because on that day, I had a watch on my  
9 wrist. <I noted that day.> It happened on the 25th of May.

10 Q. Do you know whether something else also happened on the 25th  
11 of May 1978?

12 A. I don't know <anything> else. I knew only that on the 25th of  
13 May, I was called to study.

14 [10.37.55]

15 Q. Are you aware that the 25th of May 1978, is a very important  
16 day in the East Zone?

17 A. I don't know. What I remembered was that the date shown on my  
18 watch was 25th, and I wrote in my notebook that it was 25th May  
19 1978.

20 Q. Do you know whether, on that day, there was massive fighting  
21 between East Zone forces and Centre forces?

22 A. No, I did not know.

23 Q. Have you not heard that day or other days sounds of heavy  
24 fighting?

25 A. Yes, I heard sporadic fighting nearby, but I had no idea

1 whether it was large scale fighting.

2 [10.39.45]

3 Q. Let me read to you an excerpt from an interview that one of  
4 the East Zone district leaders gave to the scholar called Stephen  
5 Heder. That is document E3/387; English, ERN 00350224; Khmer,  
6 00379509; and French, 00441443.

7 "But we fought to liberate those who Pol Pot forces had arrested  
8 but we failed. On the morning of 25 May, the fighting broke out  
9 in the area of Thnal Totueng, where there were a few crossroads,  
10 one to Ou Reang Ov, the other to Tonle Bet, Suong. The fighting  
11 broke out there was conducted by the forces of handicap people  
12 within the area who were about to be arrested. In the same  
13 morning, another fight happened in the area of Tonle Bet  
14 conducted by the forces of the commerce office of the Zone.  
15 Thereafter, another fighting broke out in the area of Chong  
16 Angkrang lathe factory of the Zone."

17 And Ouk Bunchhoeun continues to talk about massive fighting; so  
18 does Heng Samrin and so does Chea Sim.

19 Are you sure that the day that you remembered is because of your  
20 watch or is it because of the massive fighting that started  
21 between the East Zone forces and the other forces?

22 [10.42.07]

23 A. I knew the date because of my watch; I did not know about the  
24 fighting that you have just mentioned. On that particular date, I  
25 was arrested and sent out.

31

1 Q. Had you or the others that you described earlier this morning  
2 engaged in battle? Were you involved in the fighting yourself as  
3 a deputy chief of mobile forces?

4 A. I was the deputy of the mobile unit, but it was not a military  
5 unit. It was simply a youth mobile unit.

6 Q. I understand, but were you or others somehow involved in the  
7 battle, in the armed conflict with the Centre forces?

8 A. No, I was not aware of it.

9 Q. You spoke earlier about So Phim. You told the Chamber that you  
10 had met him in '74. On what occasion did you meet So Phim; what  
11 was the reason that you saw him?

12 A. At that time, I was driving a horse cart to transport resin.  
13 <He used to call those who transported resin to attend a meeting  
14 about our tasks.>

15 [10.44.18]

16 Q. Did you meet So Phim afterwards, before the 25th of May 1978?

17 A. No, I have never met him again.

18 Q. Do you know what happened to So Phim on the 3rd of June 1978?

19 A. No, I did not know because I was based at the mobile unit. And  
20 after the 25th, I remained hiding in the house.

21 Q. How did you know that the soldiers who were involved in the  
22 events that you described this morning were from the Southwest  
23 Zone? Did you know any of them?

24 A. They spoke with <an> accent. They did not speak in the same  
25 way as us. So I concluded that those who speak with such an

1 accent were from the Southwest Zone.

2 Q. Can you explain the difference between accents of soldiers  
3 coming from places like Kampot or Takeo differ from accents from  
4 people who come from where you are from?

5 A. I do not know. I do not know which province or district they  
6 came from. I only knew that they came from the Southwest Zone  
7 <because of their accent>.

8 [10.46.50]

9 Q. I understand that that's what you said but can you explain  
10 what the difference is in accent between those people and forces  
11 from the East Zone?

12 A. They spoke with an accent. I mean those who came from the  
13 Southwest Zone, and that was the difference.

14 Q. Do you remember something specific, the use of a certain word  
15 that made you conclude that those soldiers from the south were  
16 from the Southwest Zone and not soldiers from the East Zone?

17 A. I cannot recall any other thing about them. I only recall that  
18 they spoke with an accent.

19 Q. My last question is: Is there anyone who can somehow  
20 corroborate the events that you described this morning? Is there  
21 anyone who can confirm the things that you described this morning  
22 or are you the only one that can testify as to the things that  
23 happened to you?

24 A. Only I, alone, knew about this. No one else knew about it.

25 [10.49.07]

1 MR. KOPPE:

2 My national colleague has some more questions.

3 [10.49.15]

4 MR. PRESIDENT:

5 The floor is given to the National Counsel.

6 QUESTIONING BY MR. LIV SOVANNA:

7 Q. Good morning, parties in the Chamber, and good morning, Mr.

8 Civil Party. My name is Liv Sovanna. I am the National Counsel in

9 the Defence team for Nuon Chea. I have a number of questions to  
10 put to you.

11 The first one is after my colleague raised the question about the

12 accent -- the speaking with accents, could you please give an

13 example of particular words that they spoke with a different

14 accent from yours?

15 MR. YUN BIN:

16 A. They spoke with an accent, but I had no idea whether that

17 accent is linked to a particular place or district.

18 [10.50.26]

19 Q. Could you please give us one or two examples of words which

20 they spoke with a different accent from your place?

21 A. People in my area did not speak with that kind of accent.

22 Those who speak with that kind of accent were those from the

23 Southwest Zone.

24 So people say that those who speak with a different accent were

25 from the Southwest Zone because all of us in that area speak with

1 a different accent.

2 Q. When you knew that those who speak with a different accent  
3 were those from the Southwest Zone, you knew about this after  
4 1979 or during the DK regime?

5 A. I knew when they took me away to be killed and they spoke with  
6 me with a different accent.

7 [10.51.48]

8 Q. Now, I turn my question to something about your marriage. When  
9 you got married to your wife, was your wife in the mobile unit or  
10 was she working in the village?

11 A. She was in the mobile unit, but the marriage took place in the  
12 village and it took place nearly the time that the country was  
13 liberated.

14 Q. In document <E3/6147a>; ERN Khmer, 00581459; English, 00 --  
15 sorry, <01069283>; and French, 01139790, in that document, you  
16 mentioned that there were 20 pairs of couples who were arranged  
17 to marry. I would like to know that among the 20 couples, were  
18 they all from the same village with you or from different  
19 villages?

20 A. The 20 couples were from different villages <in a commune>.

21 [10.53.55]

22 Q. Can you remember the date of your marriage and how many  
23 couples were arranged to marry in your village on that day?

24 A. It was a secret marriage because I just returned from the  
25 execution event and I was still recovering from my wounds. There

35

1 were no <announcements of how many> couples <were there>. There  
2 were only a few older people attending my marriage. <Only the  
3 couple and their parents were there.>

4 MR. PRESIDENT:

5 Counsel, your question is outside the scope.

6 MR. LIV SOVANNA:

7 Because I would like to clarify <> the questions raised by the  
8 Co-Prosecutors about the marriage <which was a secret one> and  
9 that's why I added some more questions focusing on his marriage.

10 [10.55.19]

11 MR. PRESIDENT:

12 But the <civil party> came here to give the statement on his harm  
13 and suffering. And your time is also running out, Counsel.

14 MR. LIV SOVANNA:

15 (Microphone not activated)

16 [10.55.50]

17 MR. PRESIDENT:

18 Counsel, please turn on the microphone.

19 BY MR. LIV SOVANNA:

20 Q. A while ago, you mentioned that those who were arrested from  
21 your village along with you were deputies <or chiefs> of <units>.  
22 And there were also others who were arrested from other villages,  
23 especially Comrade <Chhit>. What was the position of Comrade  
24 <Chhit> <in the Democratic Kampuchea Regime>?

25 MR. PRESIDENT:

36

1 Civil Party, please wait until your microphone is activated.

2 MR. YUN BIN:

3 A. Comrade <Chhit> was the deputy of the mobile unit.

4 [10.56.38]

5 BY MR. LIV SOVANNA:

6 Q. What about Comrade <Him?>

7 MR. YUN BIN:

8 A. There <was> no Comrade Heum <Him,> but there were only Comrade  
9 <Khmoen>, a unit chief,> and Comrade <Chhit,> <Comrade Khan and  
10 Comrade (Deop), who were <> deputies of the mobile unit, and  
11 Comrade <Phat>, Comrade Him> and Comrade <Phan> who were <chiefs>  
12 of the mobile unit.

13 Q. A while ago, you said that there were New People and <former>  
14 medics who were also taken away with you. So how many New People  
15 were taken away with you?

16 A. No, there weren't; there were only <those of> us who were  
17 deputies <and chiefs> of mobile units and those who were brought  
18 from the upper regions.

19 [10.57.48]

20 Q. But a while ago, you also mentioned that New People and medics  
21 were also taken <away> to be killed.

22 A. It was later on, toward the time when the country was almost  
23 liberated. <They were executed in Preah Theat commune at the well  
24 of Ta Khao Sien (phonetic).>

25 MR. PRESIDENT:

1 Counsel you have -- your time has run out.

2 Now, I give the floor to the defence counsel for Khieu Samphan.

3 You may now proceed.

4 Counsel, you have 15 minutes.

5 [10.58.40]

6 QUESTIONING BY MS. GUISSÉ:

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

8 Good morning, Civil Party. I have a few questions of

9 clarification to put to you.

10 Q. You said that after having succeeded in escaping, after having

11 been arrested and taken away to the <pit> that you <escaped

12 from>, you said that you returned to your parents' village and

13 that you hid there, so did I understand your testimony properly?

14 MR. YUN BIN:

15 A. Yes, that is correct.

16 Q. Did you remain hiding at your parents' until January 1979

17 until the Vietnamese arrived?

18 A. I remained hiding and I heard people said that the Khmer Rouge

19 would come in to kill us, so I <came out of> the house and

20 allowed myself to be seen by people who lived nearby.

21 Q. I don't understand very clearly. When was that; what was the

22 exact date when you left your home?

23 A. Please, repeat your question; I'm not really sure when you

24 said "I left the house".

25 [11.00.50]

1 Q. In my French translation, I heard that you remained hiding,  
2 but that at one point, you left your home and that people were  
3 able to see you. So my question was: When did you leave your  
4 parents' home and when were the people able to see you then?

5 A. It was in late 1978, because by that time, some areas were  
6 occupied by those liberation groups and they also knew that the  
7 regime killed people. So this happened before the fall of the  
8 regime in 1979.

9 Q. Again, to try to understand more clearly, when you arrived,  
10 you said, therefore, that you stayed at your parents' and that  
11 your marriage was secret and took place in your parents' home;  
12 did I understand your testimony properly?

13 A. Yes, that is correct. I got married not long after the regime  
14 fell - rather, before the regime fell.

15 Q. When you got married, were you still hiding? So this is not  
16 when you showed yourself to the rest of the people, if I  
17 understood correctly.

18 A. Yes, by that time, people knew me and they came to see me that  
19 I was the sole survivor from that ordeal.

20 [11.03.33]

21 Q. Well, I need more clarification. When you say that the people  
22 knew me, you mean, only your family knew that you were there and  
23 the rest of the village knew that you were hiding at your  
24 parents' <house?>

25 A. Because they knew that I survived the execution, so people did

1 not believe the Southwest group and by that time, their actions  
2 were known everywhere, that is, toward the end of the regime. <I  
3 showed up and got married to let people know that I was still  
4 alive.> And <some> people who lived in the village <> knew about  
5 my ordeal.

6 Q. And those in charge of your village and those in charge of  
7 your commune, were these people from the southwest or were these  
8 people from your sector?

9 A. The commune chief, towards the end of the regime, was a  
10 southwest person and <for the new village chief, he> was someone  
11 who was illiterate<, loyal> and who was appointed to lead the  
12 <village>.

13 [11.05.37]

14 Q. And this commune chief from the southwest, was he aware that  
15 you were at your parents' before the Vietnamese arrived?

16 A. No, the commune chief did not know about that.

17 Q. And what about the village chief?

18 A. The village chief knew about it.

19 Q. And now regarding the last point of my questions: You spoke,  
20 therefore, about your marriage. You said that your marriage was  
21 secret and at the same time, in document E3/6147a, which was  
22 quoted by my colleague earlier, in Khmer, 00581460; French, ERN  
23 01139790; English, ERN 01069283; you say that there were 20  
24 couples getting married that day. So my question is: Was this a  
25 secret marriage or was this a collective marriage?

1 A. There were <not many> couples during the marriage<,> it was a  
2 private ceremony.

3 [11.07.55]

4 Q. And who conducted the marriages; was the village chief  
5 present?

6 A. No, only parents from both sides present and there were a few  
7 elders.

8 Q. And so this marriage of the 20 couples took place at your  
9 parents' home, correct?

10 A. The 20-couple marriage was held at the commune's office.

11 <People from all villages were married there.>

12 Q. So my question is: Why are you saying that the marriage was  
13 secret if the marriages took place at the commune office?

14 A. The marriage was not in secret because the announcement was  
15 made throughout the commune; here, I refer to the 20-couple  
16 marriage ceremony <before I was taken away>. But for my marriage,  
17 it was private; I was not part of the 20-couple marriage and  
18 during my private marriage, there were only a few people present.

19 [11.10.04]

20 Q. Fine, so when you say in your supplementary information form

21 --and I'd like to quote here -- "I got married during the Khmer  
22 Rouge regime and it was not by force; I volunteered myself.

23 During the collective marriages, there were 20 couples." End of  
24 quote.

25 So does that mean that this -- what is written down here is not

1 correct?

2 A. The 20 couple marriage took place earlier; that is, before I  
3 was taken away and killed, and the marriage took place at the  
4 commune office and at the time, two or three couples were  
5 gathered from each village and they were then arranged to marry  
6 at the commune chief.

7 As for my marriage, it was private and it was conducted later on,  
8 almost towards the end of the regime; that is, near 1979.

9 [11.11.23]

10 Q. So my question, therefore, remains the same. When it's written  
11 in the statement, "During the collective marriage, there were 20  
12 couples", this is false, erroneous; correct?

13 JUDGE FENZ:

14 But, I'm not sure, Counsel, I follow because one sentence -- I  
15 didn't look at it myself, but I listened to you. The first  
16 sentence deals with his own marriage. The second sentence deals  
17 with a collective marriage. Is there one sentence which actually  
18 binds the two and says, "I was part of the collective marriage"?

19 MS. GUISSÉ:

20 Well, in my translation in French, in any case, what I read in  
21 French and I'll quote again, "I got married during the Khmer  
22 Rouge regime, but it was not by force; I volunteered myself. That  
23 day, we were 20 couples to get married." So I am just noting what  
24 appears to be a blatant contradiction here.

25 MR. PRESIDENT:

1 The Co-Prosecutor, you have the floor.

2 [11.12.34]

3 MR. DE WILDE D' ESTMAEL:

4 Thank you, Mr. President. I believe there is a translation issue  
5 because in English, it's not quite the same thing. Let me quote  
6 what is stated in English at page 01069283.

7 JUDGE FENZ:

8 Wouldn't it be more interesting to read the Khmer, which was the  
9 original language translated, so then it's clarified?

10 MR. DE WILDE D'ESTMAEL:

11 Well, just to finish with what I was saying.

12 "I got married during the Khmer Rouge regime, but it was not by  
13 force. I volunteered myself."

14 And then there's another sentence. "During the collective  
15 marriage, there were 20 couples."

16 So maybe in Khmer, someone.

17 MR. PRESIDENT:

18 Lead Co-Lawyer for civil parties, you have the floor.

19 [11.13.43]

20 MR. PICH ANG:

21 Mr. President, allow me to read an excerpt from his statement in  
22 Khmer.

23 "I got married during the Khmer Rouge regime and I was not  
24 forced; I volunteered. During the collective marriage, there were  
25 20 couples. At that time, I actually asked her if she minded my

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1 scars that I had and she agreed to marry me. My relatives did not  
2 force me to get married."

3 Thank you.

4 MR. PRESIDENT:

5 And counsel for Khieu Samphan, you may resume your questioning.

6 BY MS. GUISSÉ:

7 Well, I will stop here under the circumstances.

8 [11.14.47]

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 And Mr. Yun Bin, toward the conclusion of your testimony, do you  
12 wish to make any statement regarding your harm and suffering or  
13 do you wish to put questions to the Accused through me, the  
14 President of the Chamber? If you wish to do so, now is your  
15 chance.

16 [11.15.20]

17 MR. YUN BIN:

18 I'd like to ask them because during the regime, we were told to  
19 go for study sessions and why were <we> lied to, why were we  
20 taken for execution?

21 We worked in a mobile unit and as I said, it was a <youth> mobile  
22 unit and not a military unit. So again, my question to them is  
23 that why <did> they use the pretext that we were sent for study  
24 session, but instead, we were taken to be executed?

25 [11.16.07]

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1 MR. PRESIDENT:

2 The Chamber wishes to inform you that so far, the accused  
3 remained to exercise their rights to remain silent.

4 And Mr. Yun Bin, the Chamber is grateful of your statement of  
5 harm and suffering that you allege you suffered during the  
6 Democratic Kampuchea regime in relation to the internal purges  
7 segment. You may be excused.

8 And the Chamber is also grateful of Mr. Bun Lemhuor, the TPO  
9 staff, for your assistance. You are also excused.

10 And Court officer, please work with WESU to return to -- Mr. Yun  
11 Bin to his residence or wherever he wishes to go to. You two may  
12 leave the courtroom.

13 And Court officer, please, next, usher civil party, 2-TCCP-1051  
14 into the courtroom.

15 (The civil party enters courtroom)

16 [11.18.32]

17 QUESTIONING BY THE PRESIDENT:

18 Q. Good morning, Madam Civil Party. What is your name?

19 And please wait for the microphone to be operational before you  
20 respond.

21 MS. KAUN SUNTHARA:

22 A. My name is Kaun Sunthara.

23 Q. And when were you born?

24 A. I was born on the 16 of November 1952.

25 Q. And where is your current address?

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1 A. I live in Kampong Speu province in Runlounng Prakhleah village,  
2 Sopoar Tep commune, Chbar Mon district.

3 Q. And what is your current occupation?

4 A. I am a retiree and before that, I was a teacher.

5 [11.19.48]

6 Q. What are the names of your parents?

7 A. Kan Vat is my father and Chheng Phon is my mother.

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

9 A. Yun Puch is my husband and I have two children.

10 MR. PRESIDENT:

11 Thank you.

12 And Madam Kaun Sunthara, as a civil party in the proceedings  
13 before this Chamber, you may make a statement of harm and  
14 suffering in relation to the crimes alleged against the two  
15 accused, that is, Nuon Chea and Khieu Samphan, which were  
16 inflicted upon you during the Democratic Kampuchea regime and  
17 that led you to become a civil party in this case, to claim  
18 collective and moral reparations from the accused for physical,  
19 material, or mental injuries as a direct consequences of those  
20 crimes.

21 And the Chamber hands the floor, first, to the Lead Co-Lawyers  
22 for civil parties to put questions to this civil party. You may  
23 proceed.

24 [11.21.33]

25 MR. PICH ANG:

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1 Good morning, Mr. President. I seek your leave to cede the floor  
2 to Mr. Hong Kimsuon, the civil party lawyer, to put questions to  
3 Madam Kaun Sunthara.

4 MR. PRESIDENT:

5 Civil Party Lawyer, you have the floor.

6 QUESTIONING BY MR. HONG KIMSUON:

7 Thank you, Mr. President. Good morning, Your Honours, and good  
8 morning, everyone.

9 My name is Hong Kimsuon. I'm a lawyer for civil parties. <I am  
10 also a lawyer at the Cambodian Defense Project.> I'd like to put  
11 some questions to Madam Kaun Sunthara in relation to her  
12 statement of harm and suffering.

13 Q. And, Madam Civil Party, could you describe, briefly, in  
14 relation to your living condition prior to 17 April 1975; namely,  
15 where you lived and what you did?

16 MS. KAUN SUNTHARA:

17 A. Before 17 April 1975, I lived in Sangkat number Lech Pram in  
18 Phnom Penh.

19 [11.22.54]

20 Q. Thank you. Were you living with your family and how many  
21 members all together?

22 A. There were five members in my family; namely, my parents and  
23 my elder brother, my elder sister, and myself.

24 Q. Besides your parents, were your elder siblings married?

25 A. My elder brother got married and for that reason, he left us

1 and lived with his wife. My elder sister had three children and  
2 she was living in the same house <with me>. I, myself, had a  
3 child and my second child was on the way, since I was pregnant,  
4 and I was living with my parents.

5 [11.23.55]

6 Q. And on 17 April 1975, that is, the day the Khmer Rouge took  
7 control of Phnom Penh city, did you leave the city or did you go  
8 anywhere else?

9 A. On the 18 April, we left our house in Sangkat Lech Pram and we  
10 walked along the riverbank and <we> reached S'ang district in  
11 Kandal province. We were told to return to live in Setbou  
12 commune.

13 Q. You said that it was on the 18 of April; are you sure it was  
14 the 18 and not the 17?

15 A. We were told to leave on the 17th, but my family stayed  
16 overnight and only the next morning, that is, the 18, we left our  
17 house and we did not bring much belongings with us.

18 Q. You said you were married and you had a daughter and another  
19 one was on the way. Can you tell the Chamber, how many months  
20 were you into a pregnancy?

21 A. I cannot recall that clearly. I was almost due; I was about  
22 eight or nine months pregnant.

23 [11.25.35]

24 Q. And where did you deliver your baby then?

25 A. When we arrived in S'ang, we were told to return to live in

1 Setbou commune, so we cut trees -- cut bamboo trees to make a  
2 makeshift cottage and a few days later, I delivered my second  
3 child, that is, my son. Two midwives came to assist my delivery  
4 and they were pretty young; they were about 12 years old.

5 Q. You said midwives who were about 12 years old, came to help  
6 you during your delivery. Were they trained -- were they trained  
7 midwives?

8 A. They did not really know much. There was my elder sister who  
9 were there to -- was there to assist me and it was a safe  
10 delivery.

11 Q. Were you provided with medicine or facility to assist you and  
12 your newborn child?

13 A. No, there was none and the midwives came empty handed. We had  
14 some medicine with us, but we were not even allowed to use it. In  
15 fact, I had some medicine and some syringes with me and they were  
16 taken away from me and I did not even have the traditional  
17 medicine to assist me or to build firewood to help me after the  
18 delivery.

19 [11.27.45]

20 Q. What about your newborn child; did you have enough breast milk  
21 to feed him?

22 A. I did not have much breast milk, so I picked some roluos  
23 (phonetic) tree leaves from the fences outside the house. I  
24 cooked it with salt in order for me to have enough milk to feed  
25 my son. Unfortunately, he did not live long. When he was about

1 two years old, he could not even walk; he was so emaciated and as  
2 a result, he died.

3 Q. And can you recall in which year that he died?

4 A. My first child died in 1977 in around June '77. As for my  
5 second child, died also in September of that year.

6 [11.28.57]

7 Q. You spoke about the first and the second child; can you tell  
8 the Chamber the names of your child and how old they were when  
9 they died?

10 A. My first daughter was Puch Thary. She was five years old. She  
11 attracted dysentery and she -- her body was swollen. When I went  
12 to work, she was left with someone to look after and when I  
13 returned, I saw her eating snail and other things. I actually  
14 slapped her not to eat this food and I believe it's the cause of  
15 malnutrition that she became severely sick.

16 When she was <a little> sick, I asked for permission to take her  
17 to the hospital, but it was denied and only when she became so  
18 seriously sick, was <I> allowed to take her to the hospital and a  
19 while after, she died. That is in relation to my first child.

20 Again, for my second child, only after he became very seriously  
21 sick and became unconscious, I was allowed to take him to the  
22 hospital, but the medic could not save him.

23 [11.30.22]

24 Q. You spoke about your first and second child who died from lack  
25 of medicine or from lack of food. When your child or children

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1 became sick, did your husband try to help them?

2 A. In 1976, men were separated from women and they were placed in  
3 a mobile unit at a further distance from where we lived and only  
4 about every 10 days, they were allowed to return home.

5 When my first child was sick or died, <> my husband did not know  
6 and only later on, when he returned, he didn't see my child and  
7 asked where she was or whether I beat her and then she died, but  
8 I told <him>, "No, she died from sickness."

9 Again, for my second child, he was not aware of the death of my  
10 second child since he was in a mobile unit. He hoped that <> our  
11 second child would survive.

12 Q. My next question is also about your husband. When your second  
13 child, who was a son, and died when he was two years old, did  
14 your husband come to see your son before his death?

15 [11.32.06]

16 A. No, he did not come to see the children despite the severe  
17 illness of the children. He was busy working and he even <was>  
18 not aware that the child died. He disappeared on the same day  
19 that the child died.

20 After my child's death, I left the hospital and came back to work  
21 at the worksite and there were male workers working on the  
22 embankment and I tried to look at one of -- one by one and I did  
23 not see him. So, during the break time, I went to the male group  
24 and asked for him and those men <whispered to me> that my husband  
25 was taken away yesterday and they had no idea where he would be

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1 taken to. So I told myself that, oh, he disappeared on the same  
2 day that my child died.

3 MR. HONG KIMSUON:

4 It's -- I think it's time for the break.

5 [11.33.24]

6 MR. PRESIDENT:

7 It is now convenient time for a break and I would like to remind  
8 the -- rather, to inform the counsel that you have 15 minutes  
9 left for the next session.

10 The Chamber will take a break from now until 1.30.

11 Please be informed, the afternoon session, we will continue to  
12 hear the statement on harm and suffering of Civil Party Kaun  
13 Sunthara. Madam Kaun Sunthara, your hearing of this -- of your  
14 statement has not concluded yet; therefore, we would like to  
15 invite you back into the courtroom at 1.30.

16 Security officer, please assist Khieu Samphan to the holding cell  
17 downstairs and bring him back into the courtroom before 1.30.

18 The Court is now in recess.

19 (Court recesses from 1134H to 1329H)

20 MR. PRESIDENT:

21 Please be seated.

22 The Court is now back in session and I would like to give the  
23 floor to the Lead Co-Lawyer for civil party to resume questioning  
24 the civil party.

25 [13.30.43]

1 BY MR. HONG KIMSUON:

2 Thank you. Mr. President. Now, I continue my question to Madam  
3 Kaun Sunthara.

4 Madam Kaun Sunthara, I have a number of questions to put to you.

5 This morning, I asked you about your husband, who <was> arrested,  
6 and your children who died.

7 Q. In your civil party application, you described that you had a  
8 brother, Chim Lang and <a sister-in-law,> Orm Yindony, and your  
9 niece. Can you tell the Chamber what happened to them and how did  
10 you feel?

11 [13.31.37]

12 MS. KAUN SUNTHARA:

13 A. My <elder> brother was an engineer, graduating from Techno  
14 (phonetic) <in> the first <class>. When he was evicted, he was  
15 evicted to Koh Krabei and later on, he was sent back to the city  
16 to Phsar Touch <to manage the electricity>.

17 I received the news about him through his friends who met him.

18 They told me that my brother was still alive. He was sent back to  
19 Phnom Penh. I was hopeful to hear that because I thought that at  
20 least my brother would survive.

21 But <about a month> after <the fall of the regime in> 1979, I  
22 heard the news that my brother was killed at Tuol Sleng. It was  
23 at dinner time that I received such news. My tears dropped down  
24 and my heart kept pounding upon hearing the news.

25 I walked about <16> kilometres <from the rice field> to arrive at

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1 the provincial centre of Kampong Speu and I hitch-hiked on a  
2 truck to Tuol Sleng and my friend accompanied me to see the  
3 photos being displayed at Tuol Sleng, <I saw my brother's and my  
4 sister-in-law's pictures there> but I did not see my two nieces  
5 who were adopted by him and brought along with him to Phnom Penh.  
6 I felt shocked because my brother was a very sweet brother. He  
7 took care of us well and he liked musical instruments. So, at the  
8 time, when I heard the musical instrument -- the sound from  
9 musical instruments <from that time>, my tears came out and I was  
10 very sorrowful for him. Whenever I thought of other people's  
11 brothers, I thought about my own brother. <Whenever I see other  
12 people's parents, I think of mine.> I have felt suffered until  
13 nowadays.

14 [13.34.06]

15 Q. Related to your brother -- sorry, related to your  
16 sister-in-law, is her name Orm Yindony or Orm Yindory (phonetic)?  
17 Could <> you repeat your answer?

18 A. Her name is Orm Yindony.

19 Q. Now, my question is about your parents. What happened to them  
20 during DK regime or during the Khmer Rouge regime?

21 A. My father went to work along with other elder men in the  
22 village. One day in 1977, probably in February of the year, the  
23 elder men were gathered up and sent to cut the bamboo trees. My  
24 father brought along with him a kettle, but he has disappeared  
25 since then.

1 [13.35.30]

2 Q. What about your mother; what happened to her?

3 A. My mother died of illness, but before her death, she felt sick  
4 for a long time at the worksite and they did not send her to the  
5 hospital.

6 When my mother was sent to the <commune> hospital, it was at the  
7 time when I took my two sick children to the district hospital.

8 <My mother was sent to the commune hospital.> When one of my  
9 child died and I walked past the commune hospital, I met her. I  
10 met her only once and we spent about one or two hours with each  
11 other. <At the time, one of my children had died and the other  
12 one was still alive,> I showed my <> child to her and I have  
13 never received any more news from her since then.

14 I learned from other people that she died and I could not ask  
15 permission from <them> to go and see my mother because they said  
16 that I was not a medic and if I went to see her, I could not help  
17 her anyway and it wasted the time for work. <I had not seen her  
18 for many months.>

19 [13.36.48]

20 Q. So beside your parents, were there any siblings of yours who  
21 disappeared or who were taken away to be killed?

22 A. My brother-in-law, who was a professor at Chompuvan School, in  
23 April 1977, one evening at the worksite, <someone> called him  
24 out. He asked him: "Thol, don't you have any more tobacco? You  
25 should go to get tobacco." <He did not have a scarf with him so

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1 his friend lent him one. After he was walking for a while,> they  
2 used a scarf to tie him up. And I learned about his arrest  
3 through his friends who had a wife working with me and she  
4 <whispered to> me that my brother-in-law <had been> taken away to  
5 be killed. I wept and I was -- and I <felt> sick <and I could not  
6 continue carrying dirt that night>. And my sister told me not to  
7 cry, <not to let my mother know about it, but when we returned to  
8 our hut,> my mother wept <because> she learned about the news  
9 that <another> one of her <children> disappeared.

10 MR. HONG KIMSUON:

11 Mr. President, because <the documents relate to Ms. Kaun  
12 Sunthara's elder brother,> -- I would like to get your permission  
13 to display the document of Madam Kaun Sunthara brothers; it's  
14 E3/8607<, ERN 00088716, in Khmer; 01303367 to 72, in English>.  
15 The document is about the names of prisoners who were brought  
16 from Takhmau. <There is the name Chim Lang, serial number 30.>

17 [13.39.17]

18 MR. PRESIDENT:

19 <AV Unit>, please display the documents on the screen.

20 BY MR. HONG KIMSUON:

21 Q. Madam Kaun Sunthara, here's the name Chim Lang, who was based  
22 at Phsar Touch, and he was an electric engineer.

23 Have you ever seen this document?

24 MS. KAUN SUNTHARA:

25 A. Yes, I have seen this document in the book that listed the

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1 names of those who were killed at Tuol Sleng Prison.

2 MR. HONG KIMSUON:

3 Mr. President, I would like to display two more documents; it's  
4 <E3/10061>, with ERN number 01012805. It only exists in Khmer  
5 language.

6 [13.40.27]

7 MR. PRESIDENT:

8 AV Unit Officer, display the document on the screen.

9 MR. HONG KIMSUON:

10 The document has only two <pages>.

11 Another document is <E3/9842;> with <> ERN number <01009876 to  
12 01009981, ERN in English (sic) is 01009961>.

13 MR. PRESIDENT:

14 AV Unit Officer, display the document on the screen.

15 [13.41.35]

16 BY HONG KIMSUON:

17 Q. Madam Kaun Sunthara, this is the name of Orm Yindory  
18 (phonetic); that's why I asked you earlier whether the name was  
19 <Orm Yindory (phonetic)> or Orm Yindony.

20 MS. KAUN SUNTHARA:

21 A. The name is Orm Yindony. When I saw in the book, it was  
22 written "Orm Yindony".

23 Q. Thank you. Because another document also contained the  
24 pictures that I received; I received this document from Madam  
25 Kaun Sunthara.

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1 Mr. President, could I also have this document displayed?

2 (Short pause)

3 [13.42.49]

4 MR. PRESIDENT:

5 I would like to seek opinion from other parties whether you think  
6 that the <document> should be <displayed>.

7 MR. KONG SAM ONN:

8 I think the document can be displayed, but it should be given the  
9 identification number.

10 BY MR. HONG KIMSUON:

11 The document mentioned that it's about the biographies of the  
12 detainees. The document is D22/18/5 and the ERN number is  
13 <00211408>; English, ERN is <00234047>; in French, 00289730. It's  
14 about the names of Orm Yindony, her biography at S-21.

15 Q. Madam Civil Party, do you have those photos?

16 MR. HONG SIMSUON:

17 Could I give these photos to her?

18 [13.44.15]

19 MR. PRESIDENT:

20 Court officer, please show the photos to her.

21 BY MR. HONG KIMSUON:

22 Q. Can you confirm with us that this is really the photos of your  
23 <sister in-law>?

24 MS. KAUN SUNTHARA:

25 A. Yes, it was <her> photo <>.

1 [13.44.46]

2 Q. Now, my question is about your feelings. After you learned  
3 about the loss of Chim Lang and your sister-in-law and your  
4 parents, <your children> and your siblings <> who died, how did  
5 you feel at that time? <How do you feel now?>

6 A. I <have> missed them all very much. It <seems like> a fresh  
7 memory to me <although it happened almost 40 years ago>. I still  
8 <think> of my parents. When I <see elderly> people going to  
9 pagodas, I <think> of my parents.

10 All my siblings were innocent and sweet people and when I <see>  
11 other people's children, I also <think> of my own children and  
12 the children of the people I saw, they had their own children, so  
13 whenever I thought of my own children, my tears came out.

14 Whenever I feel sick, no one take care of me and I <have> always  
15 remembered <that damned> regime <that makes me lonely nowadays>.

16 [13.46.23]

17 Q. Thank you. After you survived the regime, do you have any  
18 illness as a result of your psychological trauma?

19 A. Because I had small children during the regime and they used  
20 me to engage in intensive labour to dig canal, I was required to  
21 dig three cubic metre of earth in one day, and at night time,  
22 they also required me to work and when I was sick, I asked for  
23 permission to have a rest, but they did not allow. So caused <me>  
24 illness <I still suffer from>. <Their rice was very stiff and  
25 full of corn.> I <have had> a stomach ache until now and there

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1 <were> rashes on my body and they did not allow me to get out of  
2 the paddy fields <before the time was up>. So up until now, I  
3 <have had stomach and intestine problems and my arms and> my legs  
4 are still <in pain. Last month, I could not walk for about two  
5 weeks,> and up until nowadays, I still receive treatment as a  
6 result of the illness that cause from that regime.

7 [13.48.08]

8 MR. HONG KIMSUON:

9 I have no more questions to put to <her>, Mr. President.

10 MR. PRESIDENT:

11 Thank you, Lead Co-Lawyer for civil party.

12 Now, I give the floor to the Co-Prosecutors to put questions to  
13 the civil party.

14 And you have 15 minutes.

15 [13.48.30]

16 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President.

18 Thank you, Civil Party. I have several questions to ask you on  
19 behalf of the Prosecution.

20 First, concerning the members of your family who were arrested or  
21 who disappeared, but were not brought to S-21. So I'm talking  
22 about your father, Kan Vat, first of all.

23 Q. What was your father's occupation before the 17th of April  
24 1975, and, did he work under the Lon Nol regime in Phnom Penh?

25 MS. KAUN SUNTHARA:

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1 A. Before 1975, my father was a customs officer. He was a customs  
2 officer affiliated with the water department -- correction, with  
3 the taxation office.

4 [13.49.45]

5 Q. After 1975, did he <have to draft his biography, and if so,  
6 what did he indicate on his biography as his former profession?>

7 A. In Setbou commune that I lived, he did not reveal <> his job  
8 in his biography, but because he was a male, I can say that many  
9 men were taken away to study, especially the 'New' men, except  
10 the Base People.

11 Q. Do you know if the Khmer Rouge were able to find out or found  
12 out about the past occupation of your father as a civil servant;  
13 do you have any information on that or do you not know if the  
14 Khmer Rouge knew about that?

15 A. No, I did not know. They did not know, but still they took my  
16 father away.

17 Q. Concerning Em Thol, your brother-in-law, you said that he had  
18 been a teacher at the Chompuvan High School and at the Buddhist  
19 High School; do you know why he was arrested and executed by the  
20 Khmer Rouge?

21 A. He was an innocent person and he gave an innocent answer that  
22 he was a professor, but at my place, even the vegetable growers  
23 were also taken away <as long as they were men>.

24 [13.51.59]

25 Q. And Yun Puch, your husband, when he was arrested in September

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1 1977, did you find out for exactly what reason he was arrested?

2 A. No, I did not know the specific reason behind his arrest  
3 because we lived separately. He worked at the mobile unit, while  
4 I was with my sick children at the hospital. We were separated  
5 from each other and we did not see each other for about one  
6 month.

7 Q. Did you learn later if he had been considered an enemy of the  
8 regime?

9 A. Yes, before they arrested us, they usually accused us of being  
10 enemy. I heard that he was arrested and sent to be tempered at  
11 Koh Kor. I learned the account from those who came from Koh Kor  
12 that on the <7> January 1979, they closed the office and they  
13 threw the grenade inside that office; that's why I thought that  
14 all of them who were inside were probably killed.

15 [13.53.43]

16 Q. I would like to read what you said in E3/4671, your civil  
17 party application. It's at 00250788 in French; in Khmer,  
18 00211395; and in English, 00239762; and I quote: "In the month of  
19 November 1977, my family -- <which by that point> only my sister  
20 and myself, two <nephews> and I <were left>, along with other  
21 widows whose husbands had been killed -- were <sent> by the Khmer  
22 Rouge organization to Koh Tuek Vil in the same district, S'ang  
23 district. This was a site for re-education of widows and their  
24 children. I and the other wives were considered to be wives of  
25 the <enemies> that the organization had smashed and we were

1 treated like prisoners." End quote.

2 What did you mean that you were considered prisoners as wives of  
3 enemies; what were your <living> conditions in Koh Tuek Vil?

4 [13.55.20]

5 A. Yes, it was late 1977, when I was sent to Koh Kor. There were  
6 many women and children whose husbands had been taken away. They  
7 said that we were related to the enemy, so when we arrived at  
8 that island, they forced us to do heavy work. So they deprived us  
9 of our food and forced us to work hard. They gave us only the  
10 watery porridge and there were many people <who> died at that  
11 place, including children and elder people. They accused us of  
12 being the wives <and children> of the enemy.

13 Q. You said that you had no more news of the two children of your  
14 brother Chim Lang and his wife. You said that those were adopted  
15 children. So you had no more news at that time; did you, at any  
16 time later, re-establish contact or did you see these children  
17 again?

18 A. No, I have never met them. I try to search for their photos at  
19 Tuol Sleng. I went to Tuol Sleng three times, but I did not find  
20 their photos and even the photos of my sister-in-law and brother  
21 also disappeared. I saw them during my two trips there, but  
22 during the third trip, I did not find their photos <anymore>.

23 [13.57.18]

24 Q. In the document that the civil party presented, D22/18/5, the  
25 biography of <detainee,> Orm Yindony, it is indicated that <she>

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1 entered S-21; that means Tuol Sleng, from S-21D on the 8th of  
2 November 1976. Does this period of November '76 correspond to the  
3 period when your brother and sister-in-law disappeared or were  
4 they arrested well before that time? So we're talking here about  
5 November 1976, were they arrested then or had they been arrested  
6 well before that?

7 A. I knew beforehand that they would be taken to Phsar Touch, but  
8 I did not know when they were sent to Tuol Sleng. Only after the  
9 regime collapsed, I learned from my brother's father-in-law who  
10 said that they were sent to Tuol Sleng. And later on, I went to  
11 Tuol Sleng and I saw <> the dates that they were brought into  
12 Tuol Sleng and the dates were recorded in the book. <But I didn't  
13 know the dates that they were arrested.>

14 [13.59.03]

15 Q. In order to really establish this date, there's a document  
16 that we haven't heard of before, E3/8607. This is a list from  
17 S-21 entitled "Prisoners to be taken <from> the electricity  
18 segment of Takhmau, 20 February 1976." So in English, it's on  
19 01303367 and the name of your brother is on the next page, so in  
20 Khmer, it's on 00088716.

21 Does this <surprise> you that he was transferred from Takhmau as  
22 of 20 February 1976, which is towards the beginning of the Khmer  
23 Rouge regime?

24 A. Yes, I have <just> seen it. I was surprised. They were brought  
25 into the prison since February, so during <the> months <that>

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1 they were there, they were tortured. I thought that my brother  
2 would have been tortured at Tuol Sleng.

3 Whenever I taught <> about the regime and my tears came out, I  
4 only learned about their deaths at the prison only after the  
5 regime collapsed in 1979.

6 [14.01.08]

7 Q. There are other documents on the case file but there's one  
8 document that might interest the Chamber as well as you; it's  
9 document E3/3187, because it mentions the execution date of Orm  
10 Yindony.

11 And, this is a table that is titled, "List of Prisoners who were  
12 executed between 1 November 1976 and 15 November 1976". And we  
13 can find the reference <in> Khmer <on> page 00008844; and <in>  
14 English, on page 00874397.

15 This table is also copied a bit further and Orm Yindony's name is  
16 also found on page 00874404 in English.

17 And therefore, at entry number 17, we can see the name of your  
18 sister-in-law and it is indicated that she came from S-21D,  
19 probably Prey Sar, therefore, and that she was Chim Lang's wife  
20 who was an electricity worker at Plant 1, entry date 8 November  
21 1976, execution date the next day, 9 November 1976 therefore. End  
22 of quote.

23 So did you know that your sister-in-law was also considered as a  
24 person working for the electricity department as your brother?

25 [14.03.05]

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1 A. No, I was not aware of that; however, I knew that, from what I  
2 read, she was kept for one night and next day, she was executed.  
3 As for my elder brother, they kept him for several months and he  
4 was subject to severe torture; he was questioned whether he was  
5 part of a CIA network.

6 But for my elder sister-in-law, they did not torture her much  
7 because she <stayed there> only for one night.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Civil Party. We have no further questions for you.

10 [14.03.59]

11 MR. PRESIDENT:

12 Thank you, deputy co-prosecutor.

13 I now hand the floor to the defence counsel for Nuon Chea if you  
14 have question to put to the civil party and you have 15 minutes.

15 MR. KOPPE:

16 We have no questions, Your Honour.

17 MR. PRESIDENT:

18 And what about Khieu Samphan's counsel?

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. The defence team for Khieu Samphan do  
21 not have any question for this civil party.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 And Madam Kaun Sunthara, it was the conclusion of your testimony.

25 Do you <> wish to make any statement or do you have any questions

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1 that you wish to put to the accused through me, the President of  
2 the Trial Chamber? If you wish to do so, you may proceed.

3 [14.05.06]

4 MS. KAUN SUNTHARA:

5 As for the harm and suffering I <went through> under the regime,  
6 I still feel so <offended> by what happened. I felt so lonely and  
7 the pain remains with me.

8 And I'd like to ask the accused <a> question about my father, my  
9 <husband, my sisters and> brothers<>, why they had to kill them  
10 all in such a <cruel> way? That is my first question.

11 And my second question is the following: Why <are> those senior  
12 leaders cowards and <are they> not to be responsible for such  
13 mass killings?

14 These are my questions, Your Honour. And Mr. President, may I  
15 also make a request?

16 [14.06.13]

17 MR. PRESIDENT:

18 And what request do you wish to make, Madam Civil Party?

19 MS. KAUN SUNTHARA:

20 In Kampong Speu province, where I live, at Popei Phnum Pagoda  
21 (phonetic), there are skeleton remains and skulls which are  
22 stored in a stupa; however, the stupa is getting very old and I  
23 wish to have it rebuilt or refurbished so that those skeleton  
24 remains can be stored.

25 And I also like to build a library there to store archive for

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1 documents related to the Khmer Rouge regime so that younger  
2 generations can study and understand about the past because the  
3 young generations find it very difficult to believe what happened  
4 and every time I receive a document from the DK regime, I show to  
5 those young children so that they understand it.

6 [14.07.16]

7 MR. PRESIDENT:

8 Madam Civil Party, the Chamber wishes to inform you that, so far,  
9 the accused are still exercising their right to remain silent.  
10 And the Chamber is grateful of your testimony, Madam Civil Party,  
11 Kaun Sunthara, regarding the harms that you claim you suffered  
12 under the Democratic Kampuchea regime, in relation to S-21  
13 security centre. It is now concluded and you may be excused.

14 (Short pause)

15 [14.08.08]

16 MR. PRESIDENT:

17 The Chamber now proceeds to hear the statement of harm and  
18 suffering of another civil party, that is, 2-TCCP-1050.  
19 And the Court officer, please usher the civil party 2-TCCP-1050,  
20 as well as Bun Lemhuor, the TPO staff, into the courtroom.

21 (Short pause)

22 (Civil Party 2-TCCP-1050 enters courtroom)

23 [14.10.11]

24 QUESTIONING BY THE PRESIDENT:

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

1 And Mr. Civil Party, please observe the microphone before you  
2 respond.

3 MR. CHAU KHIM:

4 A. My name is Chau Khim.

5 Q. Thank you. And when were you born?

6 A. I was born on 18 May 1938.

7 Q. Where is your current residence?

8 A. I live <at> my nephew's house. However, I also reside in  
9 <Cambodia and> France.

10 Q. And what are the names of your parents?

11 A. My father is Chau San and my mother is Neang Kan. Both are  
12 deceased.

13 [14.11.47]

14 Q. Mr. Bun Lemhuor, please adjust the microphone so that he can  
15 see the red light on the tip of the microphone.

16 How many children do you have?

17 A. I have one son and one daughter.

18 MR. PRESIDENT:

19 Mr. Chau Khim, as a civil party in the proceedings before the  
20 Chamber, you may make a statement of harm and sufferings related  
21 to the crimes alleged against the two accused, Nuon Chea and  
22 Khieu Samphan, and which happened during the period of Democratic  
23 Kampuchea regime and which resulted in your civil party  
24 application to claim collective and moral reparations from the  
25 accused for physical, material or mental injuries as direct

1 consequences of those crimes.

2 And the Chamber hands the floor to the Lead Co-Lawyers for civil  
3 parties to put questions to this civil party.

4 [14.13.10]

5 MR. PICH:

6 Good afternoon, Mr. President, Your Honours. With your  
7 permission, I cede the floor to Counsel Kim Mengkhy to put  
8 questions to this civil party, Chau Khim. Thank you.

9 MR. PRESIDENT:

10 Lawyer for civil parties, you have the floor.

11 QUESTIONING BY MR. KIM MENGKHY:

12 Thank you, Mr. President. Good afternoon, Mr. President, Your  
13 Honours, everyone in and around the courtroom.

14 My name is Kim Mengkhy. I am one of the lawyers from the Lawyers  
15 Without Borders in France and I am also a civil party lawyer for  
16 this civil party since Case 001, and I have some questions to put  
17 to the civil party.

18 Q. And my first question to you is the following, Mr. Civil  
19 Party. What is your feeling when you think of what happened  
20 during the Democratic Kampuchea regime?

21 MR. CHAU KHIM:

22 A. Good afternoon, everyone. Good afternoon, Mr. and Mrs.  
23 Prosecutors, all the victims and everyone who is following the  
24 trial proceedings at this stage.

25 Today I am honoured to be called by the Trial Chamber in the

1 Extraordinary Chambers in the Courts of Cambodia to make my  
2 statement of harm and suffering for the loss of my father, my two  
3 siblings as well as my elder brother Chau Seng during the  
4 genocidal regime of the Khmer Rouge.

5 [14.15.40]

6 The main suffering that I received are the result of the loss of  
7 my father, who was 76 years old, who had high blood pressure and  
8 died. And it was also compounded by intensive work and lack of  
9 food <and treatment>. He died <in 1976> in Kampong Chrey  
10 district.

11 As for my two siblings, Chau Sokh Yun and Neang Kimvan, they were  
12 members of a mobile unit and I do not know where they died, and  
13 they died probably in late 1976.

14 As for Chau Seng, he returned to his country, back <on 19>  
15 December 1975 from overseas. He came along with other Khmer  
16 expatriates. And by July 1976, Angkar let him write a letter to  
17 his wife so that she could also return to the country.  
18 He was then sent to the East Zone, that is, to Suong district. In  
19 August 1976, he was sent to the economic section under the  
20 supervision of the Ministry of Public Affairs -- Foreign Affairs  
21 and Van Piny was in charge. <He was the deputy there, and> Hor  
22 Namhong and Svay Bory were members. In February '77, he arrived  
23 at K-16 in Boeng Trabaek and Angkar educated them to change their  
24 old habits and to transform themselves to the habit of the  
25 regime.

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1 [14.17.41]

2 Based on the order from Pol Pot, Chau Seng was arrested. And this  
3 is based on Duch's confession as well as in his document. Pol Pot  
4 ordered his arrest in November 1977 and at S-21, his name was  
5 changed to Chen Suon <alias San> and that appears on the list.  
6 It's because Chau Seng was a famous person and that was to  
7 conceal his real identity.

8 Duch kept him alive and provided him sufficient food and  
9 accommodation. Duch wanted to pay gratitude to him, and that is  
10 what Duch stated.

11 During his <> detention, that is, <from November '77> until  
12 February '78, the Khmer Rouge forced him to write <> confessions  
13 <12 times> totalling 200 pages before Nuon Chea ordered him to be  
14 smashed. And this is based on the document, the surviving  
15 document <at the DC-Cam>.

16 <For me and the family,> the great loss of my older brother, Chau  
17 Seng, as well as my father, means the loss of core people in my  
18 family and we suffered greatly from such <a> loss and nothing can  
19 compare to our loss.

20 [14.19.41]

21 <We became poor.> We lost our hope. We lost our future and we did  
22 not have someone <to> be in charge of our family. And for Chau  
23 Seng's family, his wife was a French woman and they had children  
24 and she still refused to accept the death of her husband Chau  
25 Seng. Her suffering could not be described in words.

1 As for the nation, the loss of Chau Seng is the loss of an  
2 intellectual who loved the nation and who was an elite, a  
3 progressive person, who participated actively in the building of  
4 society during the Sangkum Reastr Niyum from 1956 to 1968.  
5 And, Your Honours, I would like to provide a brief biography of  
6 my elder brother as follows. He was born in 1929 in Kampuchea  
7 Krom and he came to study in Phnom Penh and further he studied in  
8 France in 1948. He received a degree in French Literature, and  
9 also he received his degree in psychology and pedagogy <from the  
10 Université de Montpellier>.  
11 [14.21.22]  
12 <From> 1956 to 1957, he was a professor at a pedagogical school.  
13 And in 1958, he was a chief of cabinet and later on became an MP  
14 in Phnom Penh and deputy president of the National Assembly.  
15 Between 1958 <and> '60, he was the state secretary of the  
16 Ministry of Education. And from '60 to '62, he was Minister of  
17 <Information>. And from '62 to '64, he was Minister of Commerce.  
18 From '64 to '66, he was chief cabinet of Samdech Sihanouk.  
19 In his state officer capacity, in 1967 he was senior <minister>  
20 of the Ministry of Commerce and Economics <> from 1958 to '62,  
21 and from '62 to '66, he became an MP for the second mandate.  
22 He was also an editor in a number of newspapers, including  
23 <"Réalités Cambodgiennes", "La Dépêche du Cambodge",>  
24 "Nationaliste", "Le Sangkum" and "Kambuja" of the Sangkum Reastr  
25 Niyum. He was also chairperson of the journalist and press

1 association.

2 [14.23.00]

3 And from '68 to '70, he fled to France due to a threat from Lon  
4 Nol. And from '70 to '75, he was minister in charge of the  
5 special commission -- special missions of the GRUNK under the  
6 leadership of Samdech Sihanouk. And on <19> December, he returned  
7 to Cambodia to rebuild the country.

8 As his blood younger brother, the arbitrary killing of my elder  
9 brother gave us so much pain. I try to seek the truth everywhere.

10 From the day Vietnamese came to take control of Kampuchea, I  
11 asked his acquaintances who survived, namely Ieng Kunsaky, Sao  
12 Kim Hong, and General Duong Sam Ol, Kim Khoan, who used to live  
13 with him in Boeng Trabaek, who told me that one day while he was  
14 picking morning glory, a jeep arrived and he was taken away in  
15 that jeep and nobody dared to ask where he was taken to.

16 [14.24.39]

17 They thought that he would be taken to work at the Ministry of  
18 Foreign Affairs with Ieng Sary. And in 1982, when Ieng Sary came  
19 on a mission to <Paris,> France, who informed the Khmer overseas  
20 about the domestic situation, I sought permission to speak to  
21 Ieng Sary regarding the disappearance of my elder brother.  
22 He told me that at Boeng Trabaek, people were put into three  
23 groups: those former embassy staff, former students and former  
24 public servants. And he said that amongst those people in the  
25 three groups, Angkar assigned one cadre Uk (phonetic) Savon to be

1 in charge.

2 And one day, Chea San , "truong" (phonetic) Methavy, <Norodom  
3 Phurissara> and people started disappearing, including Van Piny.  
4 Then, he caught the person in charge, Savon, to give him the  
5 answer and he said that the person were killed -- they were sent  
6 to kill at Chamkar Leu, but the truth is they were sent to S-21.  
7 [14.26.04]

8 Later on, he said Savon was an infiltrated enemy, <infiltrated>  
9 by the enemy in order to kill the intellectuals. And, as a  
10 result, later on, Savon was taken away and executed.

11 Due to the disappearance of former embassy staff, Savon was  
12 questioned about the disappearances and later on he ordered those  
13 embassy staff to be returned. And as I said, he said that Savon  
14 was an agent infiltrated by the enemy. And before the arrival of  
15 the Vietnamese into Cambodia, Savon was arrested and killed by  
16 the Khmer Rouge.

17 And finally, I'd like to make a request to the Trial Chamber to  
18 ask Nuon Chea questions why he ordered Duch to kill my elder  
19 brother, Chau Seng. What was his mistake? What did he <do> wrong  
20 to the Khmer Rouge?

21 And I'd like to ask Khieu Samphan why the Khmer Rouge killed  
22 intellectuals or expatriates who returned to Cambodia to rebuild  
23 the country. And from Ong Thong Hoeun, an author of, "I Believe  
24 the Khmer Rouge", said that <there were 277> people who came from  
25 France and United States and who died at Boeng Trabaek <>.

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1 Thank you, Mr. President.

2 [14.28.19]

3 Q. Thank you, Mr. Civil Party for your rather detailed statement  
4 in relation to the events that you experienced. And I'd like to  
5 focus on one particular point. And of course you are here mainly  
6 as a result of the great loss of your elder brother, that is,  
7 Chau Seng.

8 You said that you have tried to search for the truth everywhere.

9 And of course you've been here since Case 001 and for that reason  
10 I focus my questions on this point regarding your attempts to  
11 receive some information from this case, as well as from the  
12 previous case.

13 So can you tell the Chamber what you have learned so far in  
14 relation to your elder brother, Chau Seng, and his contact with  
15 the Khmer Rouge regime and the result that led him to being  
16 executed during the regime?

17 [14.29.45]

18 A. Thanks to the Khmer Rouge Tribunal, I <have> received a lot of  
19 information because I have tried many, many places to search for  
20 his information and I look for Chau Seng's name at S-21, but it  
21 was not there. And only later, when Duch testified on 19 August  
22 <1909 (sic)>, and Duch said that Chau Seng's name was changed at  
23 S-21 to Chen Suon.

24 And I tried to search for that information <at DC-CAM> and then I  
25 came across the 200-page confession. And the Khmer Rouge accused

1 him of not <being involved> in the revolution since he was a  
2 student until the time that he worked in collaboration with  
3 Samdech Sihanouk for over a period of 10 years and that he never  
4 thought of <revolutionary> involvement.

5 He was accused of being a secret agent for France, for <the> CIA,  
6 and there was no such evidence to prove it at all. I did not know  
7 why the Khmer Rouge had such a <vendetta> against him. And that  
8 is also a question that I'd like to put to Nuon Chea and Khieu  
9 Samphan. What <did> my elder brother Chau Seng <do> that led him  
10 to being killed?

11 [14.31.35]

12 Q. I would like you to talk about the relationship of your  
13 brother Chau Seng with the leaders of Khmer Rouge and Samdech  
14 Sihanouk after the coup d'état. What was the relationship of him  
15 with Khmer Rouge leaders and with Samdech Sihanouk? Do you know  
16 any details about this?

17 A. I know clearly because I followed <it> since he left Cambodia  
18 for France in 1968, he stopped doing politics because over there  
19 in Paris, he focused on his studies<, he was doing Ph.D in French  
20 literature>. Because when he left, the right wing won the  
21 election so he could not stay. <They were going to kill him.  
22 Sihanouk suggested he leave Cambodia.> That's why he left for  
23 France.

24 And after the coup took place in 1970, Samdech Penn Nouth <>  
25 asked him to come back to <help manage the> struggle against Lon

1 Nol. And he contributed a lot to the Khmer Rouge movement because  
2 he went to various countries <such as Latin America, Africa> to  
3 speak on behalf of the movement <>. And he asked those countries  
4 to recognize the movement.

5 [14.33.40]

6 So he made a lot of contributions to the movement, but no one  
7 understood why the Khmer Rouge killed the intellectuals. And such  
8 questions <are still being asked>, why <did> the Khmer Rouge kill  
9 the intellectual people who committed no wrongdoing?

10 My apologies. They were brought in and killed. The Khmer Rouge  
11 did not know the value of their knowledge. For example, those who  
12 <had> studied engineering. <Hundreds of intellectuals were killed  
13 in the Khmer Rouge regime.> Thank you.

14 Q. Thank you. Could I put more questions to you or do you need  
15 some time for break?

16 Do you know whether Chau Seng had any disagreement or conflict  
17 with any Khmer Rouge leaders, in particular about the ways the  
18 regime led the country?

19 A. When he worked in Sangkum Reastr Niyum, when he was the  
20 Secretary General, he never had any conflict against the Khmer  
21 Rouge. <In the newspaper, "La Dépêche", he wrote in defence of>  
22 Hu Nim, Hou Youn, and Khieu Samphan. Those people were accused  
23 and he said that the accusation was baseless.

24 Chau Seng had never had any conflict with the Khmer Rouge. If he  
25 had any conflict with the Khmer Rouge, he would not have returned

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1 to help them rebuild the country <in 1975>. <He left his children  
2 and wife behind.> He came back to help the Khmer Rouge to gain  
3 victory on the 17 April 1975.

4 [14.36.50]

5 Q. I would like to quote your writing, which was written in your  
6 application. You wrote that your brother was an intelligent  
7 person.

8 "He was a progressive person. He was a patriotic person and he  
9 <was> determined to serve the country. He loved justice. My  
10 brother should not have died in such a worthless way. He came  
11 back to help the country, but instead he was unexpectedly killed.  
12 He should not have died along with other intellectuals in such a  
13 tragic way." End of quote.

14 I quoted this statement because I would like to ask you a  
15 question. So how did you intend to portray your feeling that you  
16 mentioned that the good people were killed?

17 [14.38.16]

18 A. My answer is like the following: Chau Seng was probably envied  
19 by other people<, by the Khmer Rouge>. He was not a communist. He  
20 was a progressive. Duch was also aware of this because Duch was  
21 his student <in the Pedagogy School>.

22 <From> 1960 to '68, he was a very famous person. He was widely  
23 known. Chau Seng was not a partisan person. He was simply a <>  
24 very knowledgeable person who came from France because he <was>  
25 educated in France <from 1940 (sic) to 1957 (sic)>.

1 He <> had been minister for 10 years and he contributed a lot.  
2 And it was like what Duch testified, that he contributed a lot to  
3 the education of professors and teachers in the country.  
4 And when he was in charge of the agriculture, he also contributed  
5 a lot. He was not a corrupt person because, initially,  
6 surrounding the Samdech were the feudalist people, but when he  
7 joined the team, he tried to clear <this> out <for the sake of  
8 Khmer society>. Many people loved him during the regime and he  
9 was widely known. He was known to be a patriotic person and it's  
10 difficult to find such a person in that regime.

11 [14.40.30]

12 He helped a lot. He <even> helped the Khmer Rouge. <When> he was  
13 the minister, he helped Khieu Samphan <to work at the Ministry of  
14 Commerce>. But the people in the right wing were not happy with  
15 this. <So, Khieu Samphan could not stay in that position.> He was  
16 not an ambitious person because when we came from Kampuchea Krom,  
17 <we were peasants,> we were not from the family of the elite.  
18 So that's why I try to find justice for him to pay my gratitude  
19 to him. <Without him, I would have always been a peasant in  
20 Kampuchea Krom.> And my <younger> brother <and I> were encouraged  
21 by him to work hard, to study hard in France.

22 Q. I have my last question and then I will give the floor to my  
23 colleague to continue other questions. So how do you want the  
24 Khmer Rouge leaders who were related in this case to be  
25 responsible for the loss of your family members?

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1 A. For me, many Khmer Rouge leaders already passed away,  
2 including Ieng Sary. There <> are only two alive and they should  
3 cooperate and answer because the Cambodian society nearly  
4 disappeared <during the regime>. The <division> in society is so,  
5 so <big> between the rich and the poor.

6 The Khmer Rouge needs to be responsible for what they committed  
7 during the regime and I would like Nuon Chea and Khieu Samphan to  
8 confess and to give us the answers why they killed the  
9 intellectuals.

10 They did not do anything wrong, but they were taken away to be  
11 killed <at Boeng Trabaek with baseless accusations.> So the two  
12 surviving senior leaders need <> to be responsible.

13 MR. PRESIDENT:

14 Civil party lawyers, you have no time left. It is now convenient  
15 time for a break and we will take a 15-minute break from now.

16 (Court recesses from 1443H to 1459H)

17 MR. PRESIDENT:

18 Please be seated.

19 I now hand the floor to the Co-Prosecutors to put question to the  
20 civil party. You have the floor.

21 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President.

23 Good afternoon, Civil Party. My name is Vincent De Wilde and I'm  
24 going to put a few questions to you for about 15 to 20 minutes on  
25 behalf of the Co-Prosecutors.

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1 I don't have that many questions because the questions that I  
2 prepared are essentially focused on the place where your brother  
3 was killed because, <initially>, you said in your civil party  
4 application that you believed that your brother was killed at  
5 Chamkar Leu. Now, you specified that it was <indeed> at S-21.

6 Q. So just one question regarding the place where you were during  
7 the DK regime because I couldn't find the answer to that question  
8 in the <case file>. So where were you between 1975 and 1979?

9 [15.01.50]

10 MR. CHAU KHIM:

11 A. I received a scholarship to study in France because by that  
12 time I was already a <veterinary physician> and I received a  
13 scholarship to become a professor, pedagogical professor. So I  
14 left Cambodia in 1974 and I have been working in France for  
15 almost 30 years as a veterinarian.

16 So I was not in the country, but I <was> constantly following the  
17 situation in Cambodia. I also put particular focus on what  
18 happened to my elder brother Chau Seng <because he was important  
19 to me>.

20 Q. You also said that as of 1970, your brother travelled a lot.  
21 Apparently he went to Russia, he went to Europe, to Africa, was  
22 he disappointed for not having been able to return to Cambodia,  
23 physically speaking, even before December 1975?

24 He was essentially based in China, if I saw <correctly>, did he  
25 speak to you then about his feelings in relation to the fact that

1 he could not travel to Cambodia back then?

2 A. Chau Seng could not return to Cambodia before Samdech  
3 Sihanouk. However, he returned not long after the King arrived.  
4 He arrived in Cambodia in <15> December 1975.

5 [15.03.52]

6 Q. Your brother was a minister, as you said, under Sihanouk.  
7 Then, he was a member of the Politburo, of the FUNK, of the  
8 movement at the Paris mission. He was a special envoy of Sihanouk  
9 abroad before 17 April 1975.

10 And what exactly were his motivations to return to Cambodia?

11 Didn't he believe that there might be a difference between  
12 theory, that is to say, being in China with Sihanouk, what he  
13 might have learned there, and what was really happening on the  
14 field with the Khmer Rouge and not only ministers from the GRUNK  
15 and the FUNK? Didn't he understand that there would be this  
16 difference and what urged him to return?

17 A. The reason for his return is his love for the country. He  
18 thought of the country and he of course joined the resistance  
19 with Sihanouk since the 1970s. But nobody, <even Samdech  
20 Sihanouk,> could ever imagine that the Khmer Rouge had such a  
21 plan.

22 [15.05.46]

23 He said goodbye to his wife and children. And of course at that  
24 time, he called all the relatives and siblings for a feast and he  
25 said that he would return to Cambodia and he did not want any

1 power or position from the Khmer Rouge, but he would like to come  
2 to help the country and that he would <be involved> in the  
3 diplomatic mission.

4 For that reason, he <left> his French wife and children behind in  
5 order to return to Cambodia to build the country. And that was  
6 his honour to return.

7 And he was not afraid of anything and he did not want to demand  
8 for anything for himself. And he was part of a resistance  
9 movement long before that. And, of course, he had to continue  
10 that movement. <It never occurred to us that the Khmer Rouge  
11 could be that cruel.>

12 [15.06.50]

13 Q. Well, I would like to read out only one press article from the  
14 French wire service AFP. It's an excerpt of document E3/118 and  
15 therefore this is a FBIS document, which is entitled "Chau Seng:  
16 No blood bath to take place in Phnom Penh."

17 These pages have not been translated. I would simply like to read  
18 what he said because, apparently, in April, he seemed quite  
19 convinced with the euphoria of the upcoming victory that he was  
20 quite convinced by the Khmer Rouge movement and this is what he  
21 says on April 12th in Paris, and I will quote in English:

22 "Chau Seng, Special Envoy of Prince Norodom Sihanouk of Cambodia,  
23 said here today there would be no bloodbath if the Red Khmers  
24 captured Phnom Penh. 'We shall punish the traitors', he said,  
25 'the super-traitors who are condemned to death as the Nazis were

1 by the allies, but we practice a policy of broad national union.  
2 The others can join and they will be citizens like everyone else.  
3 All Cambodians have their place in the national community'."

4 [15.08.35]

5 And then further down, he added:

6 "Cambodians are a grateful people. They do not forget  
7 benefactions accorded to them, but they rarely forget misdeeds  
8 they have been subjected to. We shall not forget those who have  
9 supported us from the beginning nor shall we forget those who  
10 have done us much harm." End of quote.

11 [15.09.19]

12 In April 1975, therefore, do you believe that he was mistaken  
13 when he gave this press conference when he speaks about the  
14 super-traitors who are already condemned to death or about the  
15 fact of not forgetting who were the allies of the movement and  
16 who weren't?

17 A. In my opinion, he was not aware of that. If he knew that they  
18 <would> deceive him and they <would> betray him, he would not  
19 have returned. But he did not have any clue about that. He came  
20 in good faith since the country needed intellectuals because in  
21 the Khmer Rouge <forces>, there <was a> handful intellectuals and  
22 for that reason, hundreds of intellectuals came from France to  
23 assist the country.

24 But, in reality, they were accused of being traitors and killed.

25 <I don't understand> and that's why I want to ask this question

1 to Nuon Chea and Khieu Samphan.

2 [15.10.54]

3 Q. Before we turn to the confessions, which I would like you to  
4 authenticate, do you know why your brother was removed from Boeng  
5 Trabaek to be sent to S-21?

6 <I imagine you> spoke to certain people who knew your brother,  
7 Chau Seng. I imagine you spoke to Ieng Sary. Were you able to  
8 obtain elements of information that allow you to understand why  
9 he was removed from Boeng Trabaek?

10 A. Regarding his removal from Boeng Trabaek, I met Ieng Kunsaky,  
11 who used to live with my brother in Boeng Trabaek. He said that  
12 one day a jeep came to pick him up while he was actually picking  
13 water lily and <said> that he was required by Angkar. And people  
14 at Boeng Trabaek did not dare to ask where he was going to  
15 although they hoped that he would be sent to work with Ieng Sary  
16 at the Ministry of Foreign Affairs.

17 [15.12.22]

18 During Duch's testimony, he was not fully aware of the whereabouts  
19 of Chau Seng, <but> he was actually brought directly from Boeng  
20 Trabaek to S-21 and, from what I <heard from the previous  
21 hearings>, Duch did not know that Chau Seng was brought directly  
22 from Boeng Trabaek to S-21.

23 Q. Regarding this, regarding the reasons for the arrest, I'd like  
24 to read out why Ieng Sary said to Steve Heder<, a researcher>.

25 This is in document E3/89 and I note here that I don't have the

1 ERNs available, I'll provide them later. So I apologize.

2 Well, this is what Ieng Sary said, speaking about the people who  
3 joined the CIA or who were linked to the Vietnamese:

4 "For certain people, I said that they did not join, that was just  
5 an invention. That means they did not join the CIA. This was an  
6 invention. Like Chau Seng, I said from the beginning that he  
7 should not be killed, he was not a spy <or anything>, but <he was  
8 rather undisciplined in how he expressed himself>. He spoke about  
9 all of this without paying much attention. He was an intellectual  
10 from the beginning who <had> returned from abroad, so therefore  
11 he was not at all a secret agent of the French. This person was  
12 not very disciplined. He was acting that way, even in the days of  
13 the Sangkum Reastr Niyum. But when he returned I wanted to help  
14 him<, too>."

15 [15.14.09]

16 "He just said, and I quote, 'If you asked me to stack-up the  
17 earth, I said I will bring some tractors from France'. And then  
18 in <a half hour or just> 15 minutes, it will be done and it will  
19 not be necessary to stack-up the earth like that'. He was accused  
20 of being an opponent to the revolution and of being a secret  
21 agent of the French but I did not believe that." End of quote.

22 So was your brother that way, that is to say, he would speak out  
23 his mind, generally speaking, and in particular in terms of  
24 politics?

25 A. In my opinion, <and> I lived with him <as of> 1966 when I

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1 returned from France, he did not belong to any entity <nor was he  
2 an> agent for France. And the Khmer Rouge accused him of working  
3 along with Sihanouk for the interests and benefit of the French  
4 government, but that was not true. Although he cooperated with  
5 the French authorities, it was not at the detriment to Cambodia.  
6 He was chief of the cabinet for Samdech Sihanouk and he had  
7 nothing to do with any secret work or <being a> secret agent <or  
8 CIA>. They used such <a> pretext in order to kill him.

9 [15.16.10]

10 Q. Thank you.

11 MR. DE WILDE D'ESTMAEL:

12 And with the Chamber's leave, I would like to provide to you --  
13 not the totality, but certain pages of the confessions of Chen  
14 Suon alias San at S-21. This is document E3/10609, just for  
15 identification purposes.

16 [15.16.41]

17 MR. PRESIDENT:

18 Court officer, please take the document and hand it to the civil  
19 party.

20 BY MR. DE WILDE D'ESTMAEL:

21 Q. So these are the first pages of his confessions, pages 1 to  
22 39. So the first page bears number 00246843 as ERN and it's  
23 indicated that <an individual named> Chen Suon alias San, 50  
24 years old, returned to Cambodia on 19 December 1975 and that he  
25 was arrested in November 1977.

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1 Can you leaf through these pages and tell us if you can recognize  
2 this handwriting and, in particular, if you could tell us whether  
3 or not this is your brother's handwriting?

4 MR. CHAU KHIM:

5 A. I obtained this document from DC-Cam and I truly believe that  
6 is his document because I recognize his handwriting, and his  
7 handwriting is very much similar to mine.

8 This confession was written by him and it ran into 200 pages. I  
9 read through his confession and the accusation by the Khmer Rouge  
10 was baseless because it was his <belief> that the revolution  
11 movement had to continue.

12 [15.18.39]

13 And, as you said, he was a person who spoke freely and as you  
14 read in the case of using tractors. <Even when Phurissara> said  
15 that it would be nice to have a coffee, a cup of coffee, after a  
16 meal and that was a kind of a thing that caught the attention of  
17 the Khmer Rouge and that he would be accused of being a traitor  
18 for such <a> small thing.

19 Q. You're right when you say that Duch spoke about your brother,  
20 Chau Seng. He spoke about it in particular on 2 April 2012 before  
21 this Chamber, document E1/57.1, and he said at 11.36.49 that day,  
22 and I quote:

23 [15.19.36]

24 "Before conducting an arrest at Foreign Affairs, it was necessary  
25 to obtain Ieng Sary's decision. There was only one single

1 exception, which I spoke about earlier, it was Chau Seng who was  
2 arrested under a false name without Ieng Sary knowing it."

3 A bit later at 11.44.27, he said:

4 "Chau Seng was incriminated in confessions. In August 1977, Son  
5 Sen said that Chau Seng should be sent to S-21. Therefore Chau  
6 Seng was interrogated and then a superior decided that he had to  
7 be liquidated and this person was Nuon Chea." End of quote.

8 And, finally, to finish off with the quotes, in the WRI E3/60,  
9 Kaing Guek Eav alias Duch again said at French page 00195614 to  
10 15; English, 00195604 to 05; and I will provide the Khmer ERN  
11 later to the Chamber, and he said

12 [15.21.01]

13 "Son Sen called me to announce to me the imminent arrest of Chau  
14 Seng alias San, who was the founder of the southern group  
15 Pedagogical Institute for the Training of Teachers, asking me to  
16 keep this information secret and to record the detainee under the  
17 name of Chen Suon. This happened in August 1977, and three days  
18 later, I started working with Nuon Chea, who confirmed the secret  
19 nature of the information, telling me that even if someone from  
20 the Foreign Ministry came to ask for information, <I was> to  
21 answer that -- "Brother Van <should> ask Brother Number Two."

22 [15.21.54]

23 So, are these statements by Duch, were they confirmed by elements  
24 that you obtained yourself through your <brother's close  
25 associates>, or there was only Duch's statements that allowed

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1 you, as well as the confessions themselves, to understand that  
2 your brother was detained at S-21 under the name of Chen Suon?

3 A. I obtained information from Duch's testimony. As for those  
4 people who used to stay at Boeng Trabaek, they did not know  
5 anything at all about his arrest, but through Duch's testimony, I  
6 could find the relevant confession and I obtained it from DC-Cam.  
7 So <when he was> arrested, they did not dare to ask about where  
8 my brother was sent to, they only thought that my brother was  
9 sent to work with Ieng Sary, and the same thing happened to Van  
10 Piny and Van Piny had been arrested before <my brother's> arrest.  
11 <Or maybe they were arrested on the same day.>

12 [15.23.31]

13 However, the date of the arrest is different. Duch said it was on  
14 8th August, however, in this document he was actually arrested in  
15 November. So there is a discrepancy <between> this document and  
16 the testimony of Duch. However, the date of the arrest on this  
17 document is more accurate.

18 [15.24.02]

19 MR. DE WILDE D'ESTMAEL:

20 Thank you. I believe that I've come to the end of my time so I  
21 will stop now, Mr. President.

22 MR. PRESIDENT:

23 Thank you, Co-Prosecutor.

24 I now hand the floor first to Judge Lavergne.

25 QUESTIONING BY JUDGE LAVERGNE:

1 Thank you, Mr. President.

2 Good afternoon, Civil Party. I would like to put a question to  
3 you regarding the relations between <your brother,> Chau Seng and  
4 the Khmer Rouge leaders, in particular Khieu Samphan.

5 Q. What kind of relationship existed between both of these  
6 people? Were they friendly and trusting relations, and do you  
7 know if when Chau Seng was in France he was in touch with Khieu  
8 Samphan?

9 [15.25.08]

10 MR. CHAU KHIM:

11 A. Allow me to respond. Chau Seng and Khieu Samphan were close  
12 friends. Chau Seng studied literature and <Khieu Samphan> studied  
13 law in the same university<, Montpellier>.

14 That is why I would seek permission to put a question to Khieu  
15 Samphan regarding my brother, Chau Seng, because they were two  
16 close friends. And when he was a minister during the Sangkum  
17 Reastr Niyum, he helped Khieu Samphan to work at the <Ministry of  
18 Commerce>. However, at that time, he could not live and work  
19 there because of the right-wing group. And, for that, reason,  
20 Khieu Samphan submitted his resignation.

21 [15.26.01]

22 So, again, allow me to say that Khieu Samphan and my brother were  
23 close friends. They studied at the same university, and <it was>  
24 only in 1958, <that Khieu Samphan> went to another university <at  
25 the> Sorbonne, and during that period of time, there were only a

1 few Khmer students who studied <in each province> in France. <He  
2 was very close to Khieu Samphan.>

3 Q. And when your brother was part of the GRUNK, <was he ever  
4 taken to meet> Khieu Samphan, whether it be in France or Beijing  
5 or elsewhere?

6 A. <He and> Khieu Samphan met since they were at Montpellier  
7 together, that is, during 1947 or '48, and they remained together  
8 at the same university until 1958.

9 And I did not know for sure about his contact when he was a  
10 minister in charge of the Special Envoy, however, I believe that  
11 he had an opportunity to meet with Khieu Samphan in Beijing.

12 [15.27.40]

13 Q. And do you know if, when he returned to Cambodia, Democratic  
14 Kampuchea in 1975, do you know if he had an opportunity to meet  
15 Khieu Samphan?

16 A. I am not sure about that, however, usually Khmer Rouge leaders  
17 would not allow students or people from overseas to meet them.  
18 Probably they refused to recognize them, so I <cannot clarify>  
19 that he <met> with him <in> 1975.

20 Even Hu Nim, Hu Nim was his close friend as well, and I <do> not  
21 know why he was killed. Maybe he was a part of Hu Nim's network,  
22 <> maybe that's what they accused him of, and maybe only Khieu  
23 Samphan who could shed light on that.

24 Q. And after 1979, did you, yourself, have an opportunity to meet  
25 or to contact Khieu Samphan or did Khieu Samphan try to contact

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1 the family of his friend to exchange news, to possibly <tell him  
2 things he could know>? Was there any contact between Khieu  
3 Samphan and your family after 1979?

4 A. Personally, I did not have any opportunity to meet with Khieu  
5 Samphan; however, a friend of mine met with Khieu Samphan and,  
6 later on, conveyed the message to me. It was Tan <Bun> Suy  
7 (phonetic) and he met him in France and probably Khieu Samphan  
8 could also answer that question.

9 [15.30.06]

10 JUDGE LAVERGNE:

11 Thank you, I have no further questions for you, sir.

12 MR. PRESIDENT:

13 Thank you, Judge.

14 And now the floor is given to the defence counsel for Nuon Chea  
15 to put questions to the civil party.

16 [15.30.29]

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President.

19 Q. Good afternoon, Mr. Civil Party. I have a few follow-up  
20 questions for you. I'm the lawyer for Nuon Chea.

21 Just to be sure, can you confirm that your brother was a special  
22 representative of the late King Father for the FUNK, the Front  
23 uni national du Kampuchéa, and, if yes, do you know whether he  
24 also was a member of the Standing Committee of the FUNK?

25 MR. CHAU KHIM:

1 A. In my opinion, he joined the Front because Samdech asked  
2 Samdech Penn Nouth to bring my brother from Montpellier <> to  
3 help Samdech. <During the coup in the '70s, he was asked to go to  
4 Beijing to help Samdech> and he was promoted to be the minister  
5 in charge of the Special Mission.

6 [15.32.06]

7 Q. But do you know whether he was, in fact, a member of the  
8 Standing Committee of the FUNK; whether he was a spokesperson  
9 outside of Cambodia before 1975 for the FUNK?

10 A. He was the minister in charge of Special Mission. I do not  
11 know whether he was a spokesperson for the FUNK, but he was  
12 definitely with Samdech at that time. His name and his photos  
13 <were> with Samdech. This is a photo of him with Samdech in  
14 Paris. <If you> would like to have a look at it, I can show it to  
15 you. It's a photo of him with Samdech <when he had a press  
16 conference with him.>

17 Q. Do you know whether he spoke to the international press on the  
18 17th of April 1975 in Paris, proclaiming the big success of the  
19 17 April liberation?

20 A. I know because, at that time, I was also in France. It was in  
21 1977 (sic), I was in France.

22 Q. My question was whether he was the spokesperson on behalf of  
23 the FUNK in Paris on the 17 April '75 proclaiming the triumph  
24 and/or the liberation of Phnom Penh. So I'm talking about '75,  
25 April '75.

1 A. Yes, definitely, he was the representative of Samdech in  
2 Paris. Therefore, he gave the press conference to the  
3 international media and it was he who was in charge of that.  
4 [15.35.15]

5 Q. And do you know whether a bit before that in March '75, he  
6 also spoke on behalf of the FUNK, discussing the decision to  
7 execute the seven super-traitors?

8 A. I am not clear about this. I don't know about this issue.

9 Q. Do you know whether he, in March or earlier, discussed with  
10 international media the setting-up of committees in the liberated  
11 zones?

12 A. I was not aware of this matter. Some of the issues were beyond  
13 my knowledge because I was not with him all the time. He went  
14 back-and-forth between Beijing and Paris.

15 Q. Are you aware of the fact that his arrest and detention was  
16 also presumably discussed in 1979, during the trial before the  
17 People's Revolutionary Tribunal in Phnom Penh -- the trial  
18 against Ieng Sary and Pol Pot?

19 A. Yes, I learn about it through newspaper.

20 [15.37.29]

21 Q. Do you know that his name appears on a list of important  
22 culprits -- "important culprits" -- and that he -- that is,  
23 document E3/1993 on English, ERN 00064840; Khmer, 00796751;  
24 French, 00795339 -- he's mentioned as executive member of the  
25 Front abroad and if he is listed as number 21 of people belonging

1 to the Ministry of Foreign Affairs?

2 A. I do not understand your question.

3 Q. Let me ask it differently. Do you know why he was considered  
4 an important suspect or an important culprit within S-21  
5 apparently?

6 A. I do not know.

7 Q. Did I hear you say earlier that, at one point in time, after  
8 your brother had returned he was in the East Zone; did I hear you  
9 say East Zone?

10 A. Yes, that's correct.

11 [15.39.35]

12 Q. And what was it that he was doing in the East Zone? Do you  
13 have any first-hand knowledge about that?

14 A. When he was sent to the Suong, he did not do anything, he was  
15 educated along with other intellectuals when he was placed at  
16 Suong, but he did not stay there for long. He was sent back to  
17 Phnom Penh.

18 Q. How do you know he was in Suong in the East Zone?

19 A. He wrote a letter to his wife -- he wrote two letters to his  
20 wife <who lived in France>. He told his wife that Angkar allowed  
21 him to write letters to her, and in the letter he said that he  
22 was educated in Suong and, later on, he was sent back to Phnom  
23 Penh.

24 [15.41.05]

25 Q. Did he mention in his letters the leader of the East Zone and

1 the person who had his headquarters there in Suong, So Phim?

2 A. He did not mention that because the letter was reviewed by  
3 Angkar so he could not write anything he wished. <He mentioned  
4 his health condition.> He did not touch on any other aspects.

5 Q. But what -- was his letter reviewed by the authorities in  
6 Suong; in other words, by the East Zone authorities?

7 A. Yes, that's definitely true because the letter was sent via  
8 the diplomatic cable -- correction, diplomatic pouch -- to his  
9 wife. He sent two letters. <He did ask his wife to come, but it  
10 was a rather complicated issue back then, so it did not happen.>

11 Q. Why did you say a bit earlier that you thought he might have  
12 been a member of "Hu Nim's network"; why did you say that?

13 A. Because Hu Nim and <him> were close friends. Hu Nim sent a  
14 photo to him when Hu Nim was still in the Front because both of  
15 them were very close to each other.

16 [15.43.15]

17 Q. I understand, but you use the word "Hu Nim's network". Why did  
18 you use that word "network", the word "network"?

19 A. Because the Khmer Rouge usually arrested people based on the  
20 networks; for example, Koy Thuon's network, Hu Nim's network, So  
21 Phim's network. So they arrested people based on the networks.

22 Q. Are you saying that your brother was arrested because he was  
23 in Hu Nim's network?

24 A. It was the supplementary reason. I do not know clearly about  
25 the exact reason behind the arrest. So that aspect was perhaps

1 the supplementary aspect, not the main one, not the main factor.

2 Q. Did your brother ever mention to you or in his letters what he  
3 thought about Vietnam and Vietnam's foreign policy?

4 A. He rarely said about that. He once <said> that the Vietnamese  
5 told the Khmer Rouge <> not to occupy Phnom Penh yet, <to> wait  
6 until the Vietnamese entered Saigon and they would help the Khmer  
7 Rouge to take over Phnom Penh.

8 And the Vietnamese praised the Khmer Rouge because the Khmer  
9 Rouge could evict people out of Phnom Penh while the Vietnamese  
10 could not do the same like the Khmer Rouge.

11 [15.45.40]

12 Q. Let me move onto another subject. Earlier, I believe I heard  
13 you say the name Hor Namhong. Who is he?

14 A. Hor Namhong, at that time he was an Ambassador <to> Cuba.  
15 After the coup in 1970, he joined Samdech. He did not join the  
16 Khmer Rouge but he joined Samdech. I had his document. He  
17 confessed that they, <Chau Seng, Van Piny and he,> were together  
18 at Boeng Trabaek because the office there were places <at B-32>  
19 for the gathering up of the embassy staff.

20 And when Chau Seng <and Van Piny> were taken out to be killed, <>  
21 he became the chief. He became the chief of the embassy section.

22 And another one, Penn Nhach, the son of Penn Nouth, he was the  
23 deputy. I did not know whether he cooperated with Vorn  
24 (phonetic), who <was> accused by Ieng Sary <of being> an  
25 infiltrated <Vietnamese> agent. I do <not> know anything else

1 beyond this.

2 [15.47.30]

3 Q. In your interview -- I believe it was with DC-Cam, and there's  
4 only a Khmer version, so there's no English translation -- that  
5 is, D22/289.5; Khmer, page 00481409; you said -- and I have the  
6 original quote here for you if you would like my Cambodian  
7 colleague to read it back to you -- but you said that: "Hor  
8 Namhong was in Boeng Trabaek; that's why we have the case between  
9 Sam Rainsy and Hor Namhong on Boeng Trabaek."

10 Is that what you said to DC-Cam? And if yes, what did you mean  
11 with it?

12 A. Hor Namhong confessed by himself. He was not in charge of the  
13 whole Boeng Trabaek, he was simply in charge of the embassy staff  
14 section.

15 Rainsy perhaps mistakenly accused him <of being> in charge of the  
16 whole Boeng Trabaek, but, in fact, at Boeng Trabek there were  
17 three sections: one section is the embassy staff, students from  
18 abroad, and the staff from the former regime.

19 So after the arrests of Chau Seng <and Van Piny, he thought they  
20 were sent to work at the embassy. Then he> was promoted to be the  
21 chief and Penn Nhach, the son of Penn Nouth, was his deputy.

22 [15.49.46]

23 MR. PRESIDENT:

24 Counsel, your time has run out.

25 BY MR. KOPPE:

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1 Yes, yes, I know, but the Khieu Samphan team doesn't have any  
2 questions so, with your leave, I will use their time. I only have  
3 two or three more minutes anyway.

4 Q. Mr. Civil Party, you, yourself, obviously were not in--

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 [15.50.14]

8 BY MR. KOPPE:

9 Thank you, Mr. President.

10 Q. Obviously you, yourself, were not in Boeng Trabaek, but a  
11 civil party who testified last week, she was, and let me read to  
12 you what she said last Thursday at about 15.51. She says:

13 "When I was at Boeng Trabaek, Hor Namhong was the chief of Boeng  
14 Trabaek office. He was the chief. He divided the assignments  
15 among groups. That's what I knew. So he was responsible for  
16 dividing the assignments among groups. He was not a prisoner."

17 End of quote.

18 Is that something that you can confirm, what this civil party --  
19 maybe you even know her -- Madam Ros Chuor Siy testified to last  
20 week?

21 MR. PRESIDENT:

22 The floor is given to the Co-Prosecutor.

23 [15.51.35]

24 MR. DE WILDE D'ESTMAEL:

25 I think that the Defence should also mention that at the time of

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1 the interrogation of that civil party, this distinction was not  
2 made by the Defence between these three different sections and  
3 <it did not seek out where this civil party was within these  
4 three sections, nor> in which other section Hor Namhong was  
5 located. So, <with this caveat,> I think that it is <a> valid  
6 <question,> but in no case can it be considered to concern all of  
7 Boeng Trabaek. Thank you.

8 MR. KOPPE:

9 I know that the witness -- or the civil party last week made that  
10 distinction. I think it's a very clear distinction. As a matter  
11 of fact, Hor Namhong himself made that distinction as well.  
12 But the question remains the same. I don't really understand the  
13 objection.

14 [15.52.29]

15 BY MR. KOPPE:

16 Q. But can you somehow confirm what the civil party testified to  
17 and what I read out to you?

18 MR. CHAU KHIM:

19 A. I think she was not aware of the structural divisions at Boeng  
20 Trabaek because the whole office was divided into sections; the  
21 diplomatic sections, student sections <etc.>, and <a chief and a  
22 deputy were assigned to each section. He was not in charge of the  
23 whole Boeng Trabaek.> I based my statement on the written report  
24 by Hor Namhong <in French>.

25 Q. I understand that he is, even today, in the newspaper

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1 vehemently denying his position at Boeng Trabaek, but let me ask  
2 you a last question.

3 We have also East German documents from the Stasi indicating that  
4 Hor Namhong himself agreed that he was a prisoner and a chief,  
5 but he also said that in 1979 he was accused of being an  
6 accomplice of Ieng Sary. Have you ever heard this, either then or  
7 later?

8 A. I was not aware of this issue. I only learnt later on about  
9 the matter with Ieng Sary, but many of the former embassy staff  
10 were already killed.

11 [15.54.42]

12 Q. I suppose this is my very last question. Do you know whether  
13 Hor Namhong had anything to do with the decision to have your  
14 brother sent from Boeng Trabaek to S-21?

15 A. I don't think so because he came later on. Initially, my  
16 brother was the chief. <Van Piny was the deputy.> And after my  
17 brother along with the others were taken away, then he was  
18 promoted to be in charge and <I am not sure whether he had any  
19 connections to> Savon, <who> was said to be the infiltrated agent  
20 at Boeng Trabaek.

21 MR. KOPPE:

22 Thank you very much, Mr. Civil Party.

23 I have no further questions for him, Mr. President.

24 MR. PRESIDENT:

25 Thank you, Counsel. The floor is now given to the Co-Prosecutor.

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1 [15.56.06]

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. It's simply to give you the ERNs that

4 were missing. The interviewer of Ieng Sary was Steve Heder,

5 E3/89. The excerpt that I read was on page 18 and 19 in French,

6 00332698 through 99. In English, it's on page 19 to 20, ERN

7 00417617 to 18, and in Khmer, pages 24 and 25 at 00062475 through

8 76. And, finally, the WRI of Kaing Guek Eav<, alias Duch>, E3/60.

9 The excerpt that I read in Khmer is 00195596. Thank you.

10 MR. PRESIDENT:

11 Thank you.

12 Defence counsel for Khieu Samphan, don't you have any questions?

13 [15.57.25]

14 MR. KONG SAM ONN:

15 Thank you, President. Our team has no questions.

16 MR. PRESIDENT:

17 Thank you.

18 Mr. Civil Party, when you answered to the Lead Co-Lawyer for

19 civil party, you already raised the question that you wished to

20 put to the Accused. Now, I would like to know whether you still

21 want to put questions to the Accused.

22 [15.57.50]

23 MR. CHAU KHIM:

24 I maintain my stance of sticking to the questions I asked

25 earlier. I want them to answer <> clearly where my brother, Chau

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1 Seng, <was> killed<, when> and why, because Duch testified  
2 clearly about his killing place, <but I want them to confirm it>.  
3 And another question is about the killing of the intellectuals. I  
4 want to know why they killed the intellectuals. I want to get  
5 clear answers on these questions.

6 I also want to ask Khieu Samphan if Your Honour grant me the  
7 permission. Thank you.

8 MR. PRESIDENT:

9 Yes, you can put your question to the Accused through the  
10 Chamber.

11 Yes, you may proceed with your question, Civil Party.

12 MR. CHAU KHIM:

13 Mr. Khieu Samphan, I would like to ask you a question--

14 MR. PRESIDENT:

15 Mr. Civil Party, you need to ask the question to the Accused  
16 through the Chamber.

17 [15.59.45]

18 MR. CHAU KHIM:

19 Mr. Chau Seng was his close friend. Did he do anything wrong? Did  
20 he betray the revolution? And why he was taken away to be killed?  
21 That's one question.

22 And another one <for Nuon Chea>, whether he ordered the killing  
23 of Chau Seng and accused him of being a CIA agent or spy?

24 MR. PRESIDENT:

25 Thank you, Mr. Civil Party.

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1 The Chamber wish to inform Mr. Civil Party that up until now the  
2 Accused remained exercising his right to remain silent,  
3 therefore, Mr. Civil Party, please be informed.

4 [16.00.47]

5 The Chamber would like to thank <Mr. Chau Khim> for your  
6 statements on the harm and suffering inflicting upon you that you  
7 said that you experienced during DK regime related to the crimes  
8 committed at S-21.

9 Your presence at the Chamber is no longer required; therefore,  
10 you may be excused.

11 Lawyer Bun Lemhuor, you are also excused from the Chamber.

12 The hearing for today is adjourned and the hearing tomorrow start  
13 from 9 o'clock. The hearing is about the key documents  
14 presentation.

15 Security officer, please take Khieu Samphan and Nuon Chea back to  
16 the ECCC's detention facility and please bring them back to the  
17 courtroom on Tuesday, 16 August 2016 before 9 o'clock.

18 The Court is now adjourned.

19 (Court adjourns at 1601H)

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*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*