



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

31 August 2016

Trial Day 448

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Anta GUISSÉ
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For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Dale LYSAK
SREA Rattanak

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

Ms. CHEA Dieb (2-TCCP-286)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHEA Dieb (2-TCCP-286)	Khmer
Ms. CHEN	English
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
Mr. LYSAK	English
Ms. PHAN Him (2-TCW-914)	Khmer
Mr. PICH Ang	Khmer
The President (YA Sokhan)	Khmer

1

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

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear remaining testimony of Civil

6 Party Chea Dieb, and after her conclusion, we begin hearing

7 testimony of a witness, 2-TCW-914.

8 Greffier, please report the attendance of the parties and other

9 individuals to today's proceedings.

10 [08.59.48]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case

13 are present except Mr. Liv Sovanna, the national defence counsel

14 for Nuon Chea, who is absent today for personal reasons.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has

16 waived his rights to be present in the courtroom. The waiver has

17 been delivered to the greffier.

18 The civil party who is to conclude her testimony today, that is,

19 Madam Chea Dieb, as well as Sun Solidat, the TPO staff, are

20 present in the courtroom.

21 The upcoming witness, 2-TCW-914, confirms that, to the best

22 knowledge and ability, the witness has no relationship, by blood

23 or by law, to any of the two accused, that is, Nuon Chea and

24 Khieu Samphan, or to any of the civil parties admitted in this

25 case.

2

1 The witness will take an oath before the Iron Club Statue this
2 morning.

3 Thank you.

4 [09.00.58]

5 MR. PRESIDENT:

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

7 The Chamber has received a waiver from Nuon Chea, dated 31st
8 August 2016, which states that, due to his health, that is,
9 headache, back pain, he cannot sit or concentrate for long. And
10 in order to effectively participate in future hearings, he
11 requests to waive his right to be present at the 31st August 2016
12 hearing.

13 He advises that his counsel has advised him about the consequence
14 of this waiver, that in no way it can be construed as a waiver of
15 his rights to be tried fairly or to challenge evidence presented
16 to or admitted by this Court at any time during this trial.

17 [09.01.56]

18 Having seen the medical report of Nuon Chea by the duty doctor
19 for the accused at ECCC, dated 31st August 2016, which notes that
20 Nuon Chea has back pain when he sits for long and recommends that
21 the Chamber shall grant him his request so that he can follow the
22 proceedings remotely from the holding cell downstairs. Based on
23 the above information and pursuant to Rule 81.5 of the ECCC
24 Internal Rules, the Chamber grants Nuon Chea his request to
25 follow today's proceedings remotely from the holding cell

3

1 downstairs via an audio-visual means.

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

5 And now I'd like to hand the floor to Judge Lavergne.

6 [09.03.17

7 QUESTIONING BY JUDGE LAVERGNE:

8 Thank you, Mr. President. I will have a few follow-up questions
9 to put to the civil party before giving the floor to the Defence.

10 Q. Madam Civil Party, yesterday, you talked about your meetings
11 with Khieu Samphan on two occasions. You stated that, on the one
12 hand, you saw him attending a meeting at the Borei Keila stadium.
13 You also stated that you saw him, and it appears that it was at
14 the Ounalom pagoda where he conducted, for an entire day, a
15 training session for youths drawn from mobile units. And I
16 understood that those youths were going to work for the Ministry
17 of Commerce.

18 Did I properly understand what you stated yesterday?

19 MS. CHEA DIEB:

20 A. Yes, that is correct.

21 Q. Very well. You stated that on those two occasions when you saw
22 Mr. Khieu Samphan were both on 1975.

23 And may I request you to confirm whether you are sure of that
24 chronology? Was it, indeed, in 1975 that you saw Mr. Khieu
25 Samphan on both occasions?

4

1 A. I met him on two occasions. However, I did not have any
2 calendar to refer to. For that reason, I am not sure about the
3 month. However, as for the year, it is likely that the two
4 occasions happened in late '75 or early '76.

5 [09.05.32]

6 Q. Very well.

7 Regarding the meeting at the Ounalom pagoda, was it for members
8 of the Ministry of Commerce, or who were supposed to attend that
9 meeting, precisely? <Who was the public that participated in the
10 meeting>?

11 A. There were all combatants from the Ministry of Commerce from
12 Phnom Penh who attended the meeting. However, only a few
13 representatives from each unit from the Ministry of Commerce were
14 sent to attend the meeting <at Wat Ounalom>.

15 Q. Do you recall whether, during that period, Koy Thuon had
16 already been arrested?

17 A. I am not sure about Koy Thuon. I knew of his arrest, but I
18 can't recall as to when he was arrested.

19 [09.06.49]

20 Q. Very well.

21 Regarding the meeting at the Borei Keila stadium, you stated
22 that, during that meeting, they talked about the Hu Nim and Hou
23 Youn trials. Can you provide further detail as to what you meant
24 by that?

25 How did you know that it was the trial of Hu Nim and Hou Youn?

5

1 A. On the day that I went and when I arrived at Borei Keila,
2 actually, we rested for a day and the meeting was held the next
3 day. And it was held in a theatre, and an announcement was made
4 that Hu Nim and Hou Youn would be tried that day. And Om Khieu
5 Samphan was present during the day. However, when I was there, I
6 saw only two messengers of Hou Youn and Hu Nim, but the two did
7 not -- were not present there. Only the messengers spoke, and
8 they spoke about the backgrounds of Hu Nim and Hou Youn.
9 Later on, I was not well since I had a fever. Then I was sent to
10 rest at a hospital. <I did not stay until the end of the
11 meeting.>

12 [09.08.31]

13 Q. What was Khieu Samphan's role at the time? Were there any
14 other leaders in attendance? What other details do you recall?

15 A. I only knew Om Khieu Samphan, and not the rest. There were a
16 number of people who were there, but I did not know them. And as
17 I said, I didn't stay there till the end since I had a fever and
18 I was sent to hospital.

19 Q. Now, if I understood you correctly, you said that the
20 testimony of the messengers of Hou Youn and Hu Nim were heard.
21 Did I properly understand what I heard in French? You said that
22 <it didn't necessarily take place> at Borei Keila stadium, but at
23 a theatre.

24 Was it at a theatre or at the Borei Keila stadium?

25 A. It was at the Borei Keila stadium.

6

1 [09.09.50]

2 Q. And how many people attended that session during which the
3 witnesses gave their testimonies? How many persons were present?

4 A. There were many. It was a full crowd. There were also military
5 personnel who attended the meeting, but I did not know them.

6 Q. And what was Khieu Samphan's exact role?

7 A. I do not know of his exact position. However, he was sitting
8 at the podium. But I had no idea about his function. I only knew
9 that I saw him there.

10 Q. Was he alone on the podium, or there were other persons with
11 him?

12 A. There were other people whom I did not know.

13 Q. And did Khieu Samphan and the other persons put any questions
14 to the messengers of Hu Nim and Hou Youn?

15 A. Initially, questions were put to the messengers. However,
16 after the messengers started speaking, they did not put any
17 further question. And as I said, I left early.

18 [09.11.44]

19 Q. So you said that it had been announced that the trial of Hu
20 Nim and Hou Youn would take place. Did you wait for a day before
21 the meeting was held and, prior to that, was it announced that
22 other topics would be broached? Was it announced that there would
23 be a political training session to be conducted? <Or> were you
24 surprised to hear that there was going to be the trial of Hu Nim
25 and Hou Youn?

7

1 A. We arrived on the day and we rested and nobody said anything.
2 And the meeting or the trial happened the next day. And we did
3 not know anything before we actually attended the meeting.

4 Q. So prior to your arrival, you had no idea as to the reason why
5 you were convened to attend that meeting and it was only in the
6 last minute that you were told that that trial was going to take
7 place. Did I properly understand your testimony?

8 A. Yes, that is correct. We did not know anything beforehand, and
9 only when we were there, we knew that Hu Nim and Hou Youn were
10 put on trial.

11 [09.13.18]

12 Q. Was there any time when you saw Hu Nim and Hou Youn appear
13 before Khieu Samphan or before a tribunal?

14 A. No, I did not see them. And I only saw their messengers.

15 Q. And did you know whether, subsequently, a judgement was
16 delivered as part of that trial?

17 What was the outcome of the hearing of the messengers of Hu Nim
18 and Hou Youn? <Do you know if> anything <happened> thereafter?

19 A. I did not hear such announcement later on.

20 Q. I put all these questions to you because it appears that there
21 are problems with the dates. You referred to a meeting that was
22 held in late 1975. I believe that was under the supervision of
23 the Party, but I believe that Hu Nim was arrested in 1977. So
24 there may be some difficulties in that regard, and that is why
25 I'm putting the question to you again.

8

1 Are you sure of the date 1975?

2 [09.15.04]

3 A. As I have stated, it may happened in late '75 or early '76,
4 but I am not sure as to the day and the month. But the truth is,
5 I attended the meeting and that happened in either late '75 or
6 early '76. And as for the arrest of those people, I did not know.

7 Q. Regarding Pol Pot's visit to the workshops, was that visit
8 completely unforeseeable, or you had been informed in advance
9 that an important personality was going to visit the workshops?

10 A. I did not know that Pol Pot went to visit Korea, and I only
11 saw him in the documentary where it was shown that he went to
12 visit Korea.

13 Q. Yes. Did you, indeed, see Pol Pot visit the workshop in which
14 you were working?

15 I understood that you watched a documentary in which Pol Pot was
16 shown visiting Korea. That is one thing. But yesterday you stated
17 that you, yourself, saw Pol Pot. And my question to you is as
18 follows: Before you saw Pol Pot, were you informed that an
19 important personality was going to visit the workshop?

20 [09.17.08]

21 A. Nobody told me anything. It just happened that I saw him when
22 I was sewing clothes. He was standing in front of me and he asked
23 me whether I ate my fill with <one> bread that was given <per
24 day>. And I said, "No, that was not sufficient. Sometimes I have
25 to eat morning glory."

9

1 He did not say anything else. Then he moved on, and I continued
2 sewing my clothes -- the clothes. And next day, we were given two
3 breads: one for the morning and one for the evening.
4 I only saw him with a few other individuals, and he was not
5 escorted with bodyguards.

6 JUDGE LAVERGNE:

7 Very well. Thank you, Madam Civil Party, for these
8 clarifications. I have no further questions.

9 MR. PRESIDENT:

10 Thank you, Judge.

11 And I'd like to hand the floor now to the defence team for Nuon
12 Chea.

13 [09.18.18]

14 QUESTIONING BY MS. CHEN:

15 Good morning, Mr. President, Judges, parties.

16 Q. Good morning, Madam Civil Party. Today I'll be asking you
17 questions that will revisit what we've already discussed
18 yesterday, but I'll be looking at them from a different
19 perspective, so please bear with me. I'll also be refreshing your
20 memory along the way with things that you said yesterday.
21 Because of the current focus of the trial, we'll be spending most
22 of our time discussing experiences related to your marriage, but
23 first I would like to start by looking at some of the other
24 experiences you've already described.
25 So my first line of questioning is in relation to your work with

10

1 the war spoils unit that you spoke about yesterday. And
2 yesterday, before questions to your civil party lawyers at 13.44,
3 this is what you said.

4 [09.19.08]

5 Your big group was in charge of transporting the things from
6 people's houses. One day, when you collected those spoils of war,
7 some of your forces transported silver things. Those silver
8 things were collected from the Royal Palace, but you did not go
9 to the Royal Palace. You simply helped organize those things
10 after they were collected.

11 There was a statue collected from a factory. There were many
12 different kinds of statues. Some were full length, and they were
13 brought to stay in a house.

14 My first question in this regard is: You've mentioned Apsara
15 statues and silver things. Do you remember what other types of
16 war spoils were collected and stored?

17 MS. CHEA DIEB:

18 A. The war spoils that we collected including Apsara statues, and
19 they were made of silver. There were other silverwares, including
20 those fruits. <They were loaded into trucks. We collected a lot
21 of those. The whole warehouse was full of them.> And the Apsara
22 statues were of human size. And after we gathered those
23 silverwares, then we were instructed to collect belongings and
24 properties from empty houses to store in the warehouse. And later
25 on, they would be sent to cooperatives.

11

1 [09.20.44]

2 Q. Do you remember whether religious artefacts were ever
3 collected?

4 A. I only knew of silverwares, and there was no gold.

5 Q. Do you know what was supposed to happen to the war spoils
6 after they were brought to stay in a house?

7 A. I did not know. We placed them in the warehouse, we closed the
8 door and then we engaged in other assignments. And I did not know
9 where they would be taken to.

10 Q. Moving to my second line of questioning, I would like to now
11 talk a little bit about your experience immediately upon arriving
12 in Phnom Penh after 17 April 1975.

13 Yesterday, at 14.29 in questions from the prosecutor, you said
14 that when you first joined, it was Battalion 401, but you did not
15 know which regiment it belonged to because there was only one
16 female battalion.

17 Can you tell me the name of the division to which your battalion
18 belonged?

19 [09.22.10]

20 A. I did not know which division we belonged to; I was a member
21 of a female battalion. That's all I knew.

22 Q. Did you know the names of any major leaders, for example, the
23 division leader?

24 A. I only recall the chief of the -- my battalion, Chum<, Seou>
25 and Than, that is, deputy and the member <respectively>.

12

1 Q. Yesterday, at 13.44 in questions from your civil party lawyer,
2 you said that when you entered Phnom Penh, you stayed to the
3 north of Wat Phnom. You stayed at the houses of people that were
4 empty.

5 So you've mentioned Wat Phnom. Do you know if your battalion had
6 an office at Wat Phnom?

7 A. We stayed together at those houses and, later on, we were
8 split into units and then I stayed at the Calmette Hospital. And
9 another unit was sent to the military, one to Kampong Som, and my
10 unit was sent to Commerce.

11 [09.23.50]

12 Q. Did I understand well, then, that you and your colleagues in
13 the battalion, and your leaders, all stayed in the area
14 surrounding Wat Phnom?

15 A. Yes, that is correct.

16 Q. Madam Civil Party, I would like to now read to your testimony
17 of another witness who's already testified in this trial who's
18 also talked about staying near Wat Phnom as part of a military
19 division.

20 Mr. President, this is the transcript with the document number
21 E1/320.1. It's a transcript from the 23rd of June 2015, and the
22 name of the witness is Sem Hoern.

23 Madam Civil Party, at 9.52 on the 23rd of June 2015, this
24 witness, Sem Hoern, refers to the existence of a Division 310
25 office at Wat Phnom. He refers, as I said, to this office at Wat

13

1 Phnom belonging to a division named 310.

2 Does this refresh your memory about the name of the division to
3 which your battalion belonged?

4 A. No, that does not jog my memory at all. <I have never heard of
5 it.>

6 [09.25.28]

7 Q. I'll try one more time with a different fact that he mentioned
8 on a different day.

9 Mr. President, this is the transcript E1/317.1. It's the
10 transcript from the 17th of June 2015. This is from the same
11 witness, Sem Hoern.

12 Madam Civil Party, at 15.48 on that day, this witness, Sem
13 Hoern, says, "It was Oeun who was the commander of the
14 division."

15 Now, I know you've only -- you've mentioned that you can only
16 recall the names Chun (phonetic) and Phan (phonetic) as names of
17 leaders. Does the name Oeun ring a bell to you?

18 A. No, it doesn't.

19 [09.26.18]

20 Q. No problem.

21 Let's talk a little bit now about your role when you were with
22 the military.

23 So in addition to working with the war spoils unit, yesterday you
24 testified about having another role. And this is what you said
25 that I would like to discuss now.

14

1 Before your civil party lawyers at 13.43, you said that you were
2 at the suburban area of Phnom Penh. You transferred ammunition,
3 dead bodies of the soldiers and wounded soldiers, but you also
4 participated in fighting other combatants.

5 A little bit later, before the Co-Prosecutor, at 14.26, you said
6 that when you joined the revolution, you were part of the female
7 combatant unit. You were part of the transportation to carry the
8 wounded from the battlefield. You carried the wounded, the dead
9 and the ammunition. Here's my question.

10 So you've mentioned transporting wounded and dead people and
11 ammunition. Did you ever transport anything else, for example,
12 the weapons for the ammunition?

13 [09.27.27]

14 A. At the battlefield, my task was to carry ammunition to the
15 front and carry the wounded and the dead to the back, but I never
16 carried any weapons; only ammunitions were carried to the front.
17 And when we returned, we carried either the wounded or the dead
18 soldiers.

19 Q. Okay. So you've mentioned now the battlefield and the front,
20 and I'm wondering if you can be a bit more specific.

21 So regarding transporting ammunition, where, specifically, were
22 you transporting ammunition from and to? Can you give me any
23 locations?

24 A. The rear battlefield was to the north of Prasith mountain, and
25 we took them to the front battlefield. I did not know the exact

15

1 names of village or commune because it was in the forest in that
2 area.

3 Q. How long -- can you estimate how long it might have taken for
4 you to, let's say, take ammunition from your location to the
5 front battlefield?

6 [09.29.03]

7 A. It did <> not take that long. We carried them in the evening,
8 and by night time, <> we delivered them to an office <that was
9 located behind the battlefront line>, and then we returned <to
10 the rear>.

11 So the process took <several> hours, and usually we returned at
12 about 12 midnight. And we did not remain staying at the front.

13 Q. Do you remember what kind of ammunition you transported?

14 A. Ammunitions include <B, H> and bullets in the form of .41 or
15 .42, .60, .80. We stored them at the office, and then we
16 returned.

17 Q. Do you remember, by any chance, where that office was?

18 A. I knew that it was located to the north of Trapeang Kak or
19 Trapeang Prey, that is, to the north of Prasith mountain, but I
20 did not know its village name. It was located in a forest.

21 [09.30.58]

22 Q. My last question on this topic is: Did you ever transport
23 ammunition further distances, for example, to the provinces?

24 And I can be more specific. Madam Civil Party, your homeland, as
25 I understand, is Kampong Cham. Did you ever transport ammunition

16

1 to Kampong Cham?

2 A. No, never. I only transported the ammunition to the places
3 where the fighting was <> going on. And we would carry all the
4 ammunition based <> on the ability that we could take them to.

5 Q. Okay. I'm going to move on to a related topic now, and I would
6 like to ask you a little bit about your experience, if any,
7 participating in meetings of your battalion.

8 So to refresh your memory a little bit, yesterday, before your
9 civil party lawyers at 13.44, you said that when you entered
10 Phnom Penh, you stayed to the north of Wat Phnom. I've already
11 quoted this to you before. You stayed at houses of people that
12 were empty and then, later on, you were moved to Calmette.

13 My question is: while you were staying at Wat Phnom and later at
14 Calmette, did you ever attend any meetings of your battalion?

15 [09.32.30]

16 A. No meetings since the time I was there. There was a meeting
17 concerning changing our office or location. I learned about the
18 division of battalions <into three locations> and then that was
19 the time when I was transferred elsewhere.

20 Q. Did I understand correctly that you attended this meeting at
21 which changing of the office was discussed?

22 A. There was one meeting among all of us, all the members of the
23 battalion. That meeting was to inform that all of us were to be
24 divided into units, <one was sent to the military> and one was
25 <sent> to <> Kampong Thom. Another one was to the Commerce. And

17

1 the day after, we left to our directions.

2 <Members in my unit were sent to various locations, some went to
3 Ou Ruessei or Daeum Kor Market,> some went to Tuol Tumpung,
4 others went to Kampuchea Krom locations. We were divided into
5 groups, and we were stationed at different locations in Phnom
6 Penh.

7 [09.33.50]

8 Q. Do you remember if there were any other topics of discussion
9 at this meeting?

10 A. No. We were informed about the division of forces on that day.

11 Q. Okay. Now I'm moving to my next line of questioning, and I'm
12 going to discuss with you briefly the experience you mentioned
13 yesterday about being interrogated.

14 So at 15.48, in answer to a question from the Co-Prosecutor, you
15 were asked by the Co-Prosecutor whether you were accused of
16 having ties to Lon Nol or whether it was actually Koy Thuon alias
17 Touch, who you had mentioned.

18 And your answer was -- you said that you did not know. They only
19 said that you were connected to the leadership. It was not only
20 you alone. All the people who were transported there in those
21 kinds of vehicles were alleged to have those kinds of
22 connections.

23 I'm interested in what you said about being accused of being
24 connected to the leadership. Did your interrogators give you any
25 more details about what you were accused of?

18

1 [09.35.15]

2 A. I do not know about that. I do not know about the link or the
3 network that I was involved in.

4 Q. And then with questions about what happened after the
5 interrogation, you said to the Co-Prosecutor at approximately
6 15.45 yesterday that you stayed at that location for a while and
7 then you went to Voat Slaeng, where you were assigned to dig
8 canals and build dykes.

9 Were you told why you were being transferred to Voat Slaeng after
10 having been interrogated?

11 A. After the interrogation, I was transferred to Stung Kantuot.

12 And I was asked at Stung Kantuot why we were sent to that
13 location. And we told that person that we <did> not know. And
14 <they told us> that it was the decision or influence of the
15 leaders. In fact, at the time, there were many leaders across the
16 country.

17 I do not know any <> senior leaders. I know only the chief of my
18 <unit>.

19 [09.36.52]

20 Q. Okay. I'm going to go back a little bit to something I quoted
21 to you just before. At 15.48, you said to the Co-Prosecutors:

22 "All the people who were transported there in those kinds of
23 vehicles were alleged to have those kinds of connections."

24 So just my last question on this topic is, the people with whom
25 you were transferred from Voat Slaeng to Stung Kantuot, were they

19

1 all accused of having those kinds of connections?

2 A. They did not say that. They said that we were influenced by
3 the leaders. When we were asked, all of us told that we <did> not
4 know the reason, and they said that we were influenced by the
5 leaders. And I do not know any leaders at all.

6 Q. And do I understand correctly that they did not mention any
7 specific names of leaders who were to have influenced you?

8 A. No. They said that we were influenced by the leaders. They did
9 not mention very clearly the specific names of those leaders.

10 [09.38.14]

11 Q. I'm now going to move to my next line of questioning, and now
12 we will start to talk about your marriage.

13 My first question in this regard is that, yesterday, you
14 mentioned the name Phan (phonetic). In answers to your civil
15 party lawyer at 13.51, you said that the person who arranged for
16 your marriage was Phan (phonetic), your immediate supervisor.

17 My question: You said that Phan (phonetic) was your immediate
18 supervisor. Was Phan (phonetic) your unit chief?

19 A. Phan (phonetic) was the unit chief of the male. In fact, he
20 was in charge of male and female in the war spoils unit. In fact,
21 he was the one who asked me about the marriage.

22 Q. And you said that this person was your immediate supervisor,
23 so is he the person that you reported to daily and is he the
24 person that gave you orders daily?

25 [09.39.25]

20

1 A. I was within the group. When there were -- when there was a
2 meeting, I needed to go. And usually, chief -- chiefs would hold
3 meeting among themselves. And as for the meeting among all of us,
4 we -- that meeting -- those meeting was to inform us about how to
5 work in a proper manner. And usually the meetings concerned the
6 mistakes that we were -- we committed as well.

7 Q. And your work assignments day to day, were they usually given
8 to you by Phan (phonetic)?

9 A. Yes, Phan (phonetic) generally assigned the work. Wherever we
10 worked were assigned -- was assigned by Phan (phonetic).

11 Q. Okay. Yesterday, we spoke quite a lot about your refusal to
12 get married on multiple occasions. So I would now like to as you
13 some follow-up questions about this.

14 So at 15.22, in answer to the Co-Prosecutors, you said that the
15 first time when you refused, you made it before the chief where
16 you lived. A few days later, you were asked again. A few days
17 later -- oh, sorry. Three or four days later, you were asked
18 again. A few days later, you were asked again, and then the chief
19 sent you to meet with an uncle in the office.

20 [09.41.02]

21 A few minutes later, you said to the Co-Prosecutors at 15.26,
22 after you made several refusals, you thought about that since
23 others seemed not to dare to refuse. You did not dare because you
24 were afraid of being accused of something. For the first time,
25 you were accused of having a fiancé. Then another time, you were

21

1 accused of having a boyfriend at another ministry. And then you
2 thought that, since Angkar had the eyes of a pineapple, they
3 could check.

4 My first question, I want to check if I've understood your
5 testimony well. Is it correct that the first time when you
6 refused to be married, you were accused at that time of having a
7 fiancé?

8 [09.41.55]

9 A. That is correct. The first time I was called and asked, the
10 messenger came to ask me <>, and he asked me at the time. But
11 before he put the question, he praised me that I did good work
12 and I contributed much to Angkar, so the Angkar was grateful to
13 me, so they needed to arrange the marriage for me. <I refused and
14 said that I was quite young and he should arrange the marriages
15 for those who were older than me first.>

16 And after speaking for a while, he said that I had a fiancé at
17 home. I refused that I did not have any -- I did not have fiancé
18 at my home village. If I had had one, I would have visited him
19 from time to time <in the past three years>.

20 <When I refused to get married for the second time,> then he said
21 that I had a boyfriend at the ministry. I also refused that. And
22 I asked him to conduct surveillance if he did not believe me.

23 <He said he would not ask me for the third time about it.> A few
24 days later, I was told to go and see uncle <at the office>, and
25 then I decided to go <to Ou Ruessei Market>. I did not see Mr.

1 Khuon (phonetic), <the chief,> but I met Chhum (phonetic) and
2 <Monh (phonetic), they were the deputy and the member there>. The
3 two <> individuals spoke with me on that day, and <it was not
4 just me there. There were other people who were arranged to be
5 married there as well>. On that day, I started to think <> that I
6 did not want to refuse any other proposals because others did not
7 refuse the marriage, so I had to submit myself to the request by
8 Angkar.

9 [09.43.45]

10 Q. I'll come back to that next meeting in just a minute, but just
11 to follow up with one more question.

12 So your chief accused you of having a fiancé and then having a
13 boyfriend, and then you said he could conduct surveillance on you
14 to check. Am I correct?

15 A. That is correct. Angkar <> had pineapple eyes, and if Angkar
16 did not believe me, <then put me under surveillance, and> Angkar
17 should do whatever it wanted and then a measure could be taken
18 against me <if I lied about it>. <Then he stopped talking to me
19 about the matter and he sent me to the office.>

20 Q. Okay. So just on that point, what was your chief's response
21 when you told him to conduct surveillance on you?

22 A. When I said that, he was silent. He said nothing. I told him
23 to conduct surveillance. If I had committed moral offences, I
24 would agree to accept any punishment. And after that, he was
25 silent.

1 [09.45.01]

2 Q. Okay. So now let's talk about this meeting with the two uncles
3 that you spoke of.

4 In addition to what you've just said now, yesterday at 15.25 to
5 the Co-Prosecutors, you were talking about this meeting with the
6 two uncles. I heard the names as Monh (phonetic) and Chhum
7 (phonetic). I'm not sure if I'm correct. And then this is what
8 you said to the prosecutor.

9 When you arrived, the two uncles did not threaten you. They spoke
10 nice words. They said that not only you were supposed to get
11 married; other cadres were supposed to get married as well.

12 And then a minute later to the Co-Prosecutors at 15.26, you said
13 that after you made several refusals, you thought about that,
14 since the others seemed not to dare to refuse. You did not dare
15 because you were afraid of being accused of something.

16 My question is: What made you think that you would be accused of
17 something?

18 A. They asked me. I was not frightened, and if they had accused
19 me of anything, I would not have been afraid of the accusation
20 because I did not make any mistake. At the time, I refused since
21 I knew that I did not make any mistakes.

22 [09.46.31]

23 Q. Okay. And then yesterday at 15.26 before the Co-Prosecutors,
24 you said that you met with the two uncles, they spoke nice words,
25 and you knew you could not make any refusals.

24

1 Now, you said yesterday that the uncles spoke nice words, and
2 you've said just now that you were not frightened of them. How
3 was it that you concluded that you could not make any more
4 refusals to be married?

5 A. I could not refuse because I had refused on two occasions
6 already, so that was the third time. So how could I find words --
7 other words to refuse? Others did not refuse, so I started to
8 feel frightened. And I told them to do whatever they wanted. They
9 could organize the marriage for me as Angkar wished. I did not
10 have any words to refuse.

11 [09.47.53]

12 Q. Okay. Let's talk a little bit about your parents.

13 Yesterday, at 13.54, in answer to a question from your civil
14 party lawyer about whether your parents or relatives were
15 consulted in the decision about your marriage, you said you never
16 consulted with your parents and siblings because they were living
17 far away from you. You wanted to ask for permission to visit
18 them, but they did not allow you to do so.

19 Now, I'm not sure I understood this well. After you were
20 requested to get married, did you, in fact, ask for permission to
21 visit your parents?

22 A. I asked the permission to go and see my siblings and parents,
23 but the request was rejected because Angkar was my parents, as
24 they said. At the time, no one had <> time or freedom to go home
25 and visit family members. From 1975 or 1976, no one could go home

25

1 and visit their family.

2 And my husband who became a soldier in 1971 and '72 never went
3 home to visit the family members. And after we got out of the
4 regime, we learned that we lost our family members and relatives.

5 [09.49.35]

6 Q. Let me just ask you a follow-up question on this.

7 So yesterday at 13.56 in answer to question from the civil party
8 lawyers, you described how there were 12 couples who got married
9 at the same time as you. Among the 12 couples, you knew three
10 couples. And I recorded the names as Sai (phonetic), Tha
11 (phonetic), Sao (phonetic), Vy (phonetic), Chi (phonetic) and
12 Leang (phonetic).

13 Now, among those three couples that you knew, do you know if any
14 of them consulted with their parents or other relatives before
15 getting married?

16 A. No. When I saw them and discussed with them, they said that
17 they did not go to consult with the family members and parents.
18 The 12 couples, they never went to ask any opinions from parents
19 or family or relatives or siblings.

20 [09.50.40]

21 Q. Thank you.

22 Moving to my next line of questioning about your marriage, I
23 would like to talk to you briefly about your age.

24 Yesterday, at 14.02 in answer to questions from your civil party
25 lawyer, you said that, at the time that you were married, you

1 were 19, your husband was 26.

2 Madam Civil Party, on your ID card, your date of birth is
3 recorded as the 7th of April 1954. To your understanding, is this
4 date of birth accurate?

5 A. All I know is that I was born in 1954. When I was told to get
6 married, I did not know well how old I was at the time. I
7 presumed that I was 19 or 20. I did not know how to count my age.
8 But at the time, I presumed that I was perhaps 19 or 20 years old
9 when I got married.

10 Q. So to check on this, were you married during the Democratic
11 Kampuchea period, according to your memory?

12 A. Yes, I got married in the DK.

13 [09.52.20]

14 Q. Thank you.

15 Moving to my next line of questions, just a few brief follow-up
16 questions. This is regarding handicapped soldiers who you
17 mentioned briefly yesterday.

18 At 13.59 in answering a question from your civil party lawyer,
19 you spoke about your husband. You said that he had a problem with
20 one of his legs; he could not walk properly.

21 You've also talked about your husband being a soldier. Do you
22 know if his leg injury was related to his military service?

23 A. The injury had something to do <> with the war. That was why
24 he was sent to stay in the handicapped unit. Those who got
25 injured and <> were handicapped were sent to that unit to do

1 light work.

2 Q. Just about that handicapped unit, now that you've mentioned
3 it, do you know if they were from the same division as you,
4 broadly?

5 A. They were from divisions of the North Zone.

6 [09.53.45]

7 Q. Okay. And just another follow-up question about this.

8 So yesterday, at 13.57 in answer to questions from your civil
9 party lawyers, you described a little about the handicapped
10 soldiers, and this is what you said:

11 "Among the 12 couples, the female side were also female
12 combatants. The male side were also male combatants, but the male
13 combatants were all handicapped. Because they could not fight the
14 enemy any longer, they were brought in to get married. Some lost
15 hands, some had one eye blind. All were handicapped soldiers."
16 My question, Madam Civil Party, how did you know that because the
17 handicapped soldiers were brought in to get married -- how did
18 you know that -- sorry. Let me start again.

19 How did you know that the handicapped soldiers were brought in to
20 get married because they could not fight the enemy any longer, as
21 you said?

22 [09.54.56]

23 A. I did not know that some of those who were to get married were
24 handicapped <>. I learned about that on the day of marriage.

25 Those handicapped soldiers, some of them whom I know, came on a

1 truck transporting ammunition, but before that, I did not know
2 that the female had to get married to the handicapped men.

3 Q. I think my question may have been unclear before. I'm sorry.
4 What you had said to your civil party lawyers yesterday at 13.57
5 was because they, the handicapped soldiers, could not fight the
6 enemy any longer, they were brought in to get married. And my
7 question is: How did you know that the reason that they were
8 brought in to get married is because they could not fight any
9 longer?

10 [09.56.08]

11 A. I do not know whether they no longer had ability to fight in
12 the war. I learned that those people were handicapped on the date
13 of marriage. Other than that, I do not know.

14 What I know is that the handicapped men were from divisions or
15 regiments of the North Zone. Some soldiers who could not fight in
16 the war any longer were put in one specific unit. At the time,
17 there were others handicapped soldiers.

18 Q. And did you know anything more about that handicapped unit?
19 For example, did you know where it was located?

20 A. The location was to the east of Wat Phsar Chas. The houses
21 could accommodate handicapped soldiers. Later on, they were sent
22 to Workshops and Commerce and the Repairing Unit, and some were
23 sent to units responsible for building houses, so these people
24 were divided into the units or group based on the ability of
25 their work they could perform after they were handicapped.

1 Q. And you might not know this, but I'll just try anyway.

2 Do you happen to know the unit number of the handicapped unit?

3 A. I do not know.

4 [09.58.06]

5 Q. Okay. Moving now to my next line of questions, just very few
6 questions now about your wedding ceremony.

7 My first question is: Among the other couples at your wedding
8 ceremony, do you know if any of their parents or relatives
9 attended the wedding ceremony?

10 A. No. <None of them> came to attend the marriage ceremony.

11 Q. And my second question on this, and that's my only question on
12 this point: Did you ever see with your own eyes any other wedding
13 ceremonies other than the one that you, yourself, participated
14 in?

15 A. No, I do not know. I <never participated in> other marriage
16 ceremonies.

17 [09.59.11]

18 Q. Thank you.

19 I'm now up to my second-last line of questioning, and these are
20 some questions about morality during the DK period.

21 Yesterday, at 15.08, in questions from the Co-Prosecutors, you
22 said that during the Khmer Rouge regime, the discipline was very
23 strict. You were not allowed to engage in any moral affairs. If
24 such moral offence happened, maybe only a small amount happened
25 and they could take measures to prevent such occurrence.

30

1 What I'm wondering is, did you ever hear if the Party had a
2 formal rule about moral offences?

3 A. Yes, they have moral rules, that is, we were asked to be
4 clean. And I learned that the children of the leadership were
5 <separated> from one another. And after the <separation>, if they
6 did not have any mistakes toward one another, I mean moral
7 mistakes, they were allowed to get together.

8 Q. And now I would like to ask you about a moral rule that was
9 published in the "Revolutionary Youth" publication.

10 Mr. President, this is the October 1978 issue. It's document
11 E3/765. The ERNs in English are 00539994; in Khmer, 00376493 to
12 4; and in French, 00540024 to 5.

13 [10.01.27]

14 Madam Civil Party, this publication records the following
15 principle of the Communist Party of Kampuchea. It's principle 6,
16 and it is, "Do not behave in any way that violates females."

17 Does this sound like something you ever heard during the DK
18 period?

19 A. No, I did not hear that. However, we were prohibited from
20 committing any moral misconduct.

21 Q. And you were told about that by your unit chief?

22 A. Yes, and the matter was reiterated at every meeting, and that
23 male and female youth should stay clear from moral misconduct.

24 [10.02.40]

25 Q. Thank you.

31

1 Now I'm moving to my last line of questioning, so we're almost
2 done here. These questions are about the consummation of your
3 marriage.

4 Madam Civil Party, yesterday at 14.07 in answer to questions from
5 your civil party lawyer, you said that -- and you were asked
6 about whose choice it was to consummate the marriage. You said
7 about your husband that it was his choice.

8 My question is: Can you elaborate on this answer? I mean, more
9 specifically, what did your husband say or do right before the
10 first time you had sex with each other?

11 A. He said that if we still did not get well together or get
12 along together, then we would be mistreated. That's all what he
13 said.

14 Q. Did he say how he knew that?

15 A. He knew it during the first night that we stayed together and
16 that we were under monitoring, as we all could hear footsteps
17 going up the staircase or the ladder. And I had been aware of
18 that previously.

19 [10.04.16]

20 Q. Coming to that point, yesterday at 14.04, in answer to
21 questions from your civil party lawyers, you were talking about
22 what happened after the wedding ceremony and you said that when
23 you went to rest at Tuol Tumpung market, one person told you to
24 be careful because you were under monitor. Then you described
25 what you've just said now, the three couples stayed together in

1 one house. At night time, you listened and you could hear the
2 footsteps.

3 They went up the ladder to try to listen to you. They went up the
4 staircase and they became quiet. You, yourselves, did not make
5 any sound.

6 A couple of follow-up questions on this: The first one is, you
7 said that someone told you to be careful because you were under
8 monitor. Who was this person who warned you?

9 A. It was the elder woman who cooked, who worked in the kitchen
10 at the location where I worked. She says that I should be careful
11 because we were under monitor since we did not like our husbands,
12 and it turned out to be true at night time since I could hear
13 footsteps going up the staircase. And I became so quiet in order
14 to listen to the footsteps outside. And after a while, I could
15 hear the footsteps going down.

16 [10.05.50]

17 Q. Do you -- did you ever find out who these people were who were
18 monitoring you?

19 A. No, I did not. It was dark and I did not dare to open the door
20 to see. <We stayed still and quiet> . We were scared.

21 Q. My last question: Did you ever hear of an order to monitor
22 newlywed couples to determine whether they were consummating
23 their marriage? I'm speaking of an order here.

24 A. I had heard people saying about that, but personally, I only
25 experienced it after the marriage. Previously, I had heard that

1 married women were subject to be monitored by the militia group,
2 and it did happen to me after I got married.

3 Q. Okay. You've just spoken about a militia group. Did -- was
4 there a militia group in that location at Tuol Tumpung market
5 where you stayed?

6 A. There were bodyguards of the chief of the place where I
7 worked, and they were used by the chief to conduct the monitoring
8 activities. But I did not know them since we stayed at separate
9 locations, and the chief supervised both male and female units.
10 [10.07.42]

11 Q. Okay. So you've described a few duties there, guarding the
12 chief and monitoring activities.

13 Do you know if these militia had any other general duties to
14 perform?

15 A. They also were assigned to gather war spoils from houses, but
16 when they got other assignments, they would go to carry out those
17 assignments. But usually they worked together like us.

18 Q. So did they have general security guarding duties, as far as
19 you knew?

20 A. Generally, they did not stand guard at any location. And from
21 my observation, during the daytime they worked as we did, but for
22 night time, I did not know much about their assignment. But as I
23 said, that night I could hear footsteps.

24 And previously, I had heard people speaking about the monitoring
25 and it turned out to be true during that night for me.

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1 [10.09.12]

2 Q. And just let me confirm one last point.

3 You said that you heard footsteps, but if I understood well, you
4 said that you did not find out who it was. Is that correct?

5 A. Yes, that is correct. I did not know who they were.

6 MS. CHEN:

7 Thank you for your patience, Madam Civil Party.

8 Mr. President, I have no further questions.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 I'd like to hand the floor now to Judge Fenz.

12 [10.09.52]

13 QUESTIONING BY JUDGE FENZ:

14 Thank you. I have two or three follow-up questions, actually,
15 following up counsel's questioning, and they have to do with this
16 notion of moral misconduct.

17 Q. You told us that, in the first meeting that led up to your
18 eventual marriage, friendly cadre came and essentially accused
19 you of moral misconduct because you had boyfriend or a fiancé.
20 Now, you were eager to prove that this is not correct and said,
21 "No, it's not correct and please check on me. You can check
22 that."

23 Now, my question to you is: What happened to people who had a
24 boyfriend or a fiancé, which was not arranged by the Party?

25 MS. CHEA DIEB:

1 A. As I have stated, people involved in moral misconduct, there
2 was a couple at my place. However, they were children of the
3 leaders<>. Then they were split up and, after a period of time,
4 they were reunited and they were married off. That was the only
5 incident that I knew of.

6 [10.11.25]

7 Q. Why were you eager to prove that moral misconduct hasn't
8 happened? In your case; sorry.

9 A. Personally, I never committed any moral misconduct. I never
10 played around with anyone. But when the chief asked me, he seemed
11 to threaten me in that regard, but I stood firm that I never
12 involved in any moral misconduct because that's the truth.

13 Q. I understand that, and we have heard from counsel that moral
14 misconduct was a serious issue under the regime.

15 Now, you said you had the feeling he threatened you. Why would it
16 be a threat if the only thing that happened was that you were
17 separated from your partner for a while and then allowed to be
18 together?

19 What did other things happen in cases of moral misconduct?

20 A. It is difficult to say as to what might happen during the
21 regime. If people were accused of moral misconduct, the person
22 would be taken away and disappeared. And the only incidence that
23 I saw that they did not disappear and they were married off was
24 the one that I spoke about.

25 They were split up and the woman stayed at my place and the man

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1 <> was sent to Chraing Chamres. And after a period of time, the
2 woman was taken to be reunited with the man and they were married
3 off. That's all I heard, but I did not attend their wedding.

4 [10.13.34]

5 Q. So do I understand you correctly, the normal reaction to moral
6 misconduct was that people disappeared, but you know where one
7 case where this was not the case and it ended in marriage?

8 Did I understand you correctly?

9 A. Personally, I only witnessed that case. And before that, I had
10 not witnessed anything. And that couple was married during a
11 night time.

12 Q. Let me get back to the first part of your answer where you
13 said people disappeared, that people who conducted moral
14 misconduct disappeared. Forget at the moment the one couple who
15 married.

16 How did you know that people disappeared who committed moral
17 misconduct? Is this something you heard? Obviously, you didn't
18 witness this; is it something you heard, you read, people talked
19 about, or what's the source of your knowledge?

20 [10.14.58]

21 A. I did not witness that. I only heard of people involved in
22 moral misconducts and disappeared. I only heard people saying
23 about this but, personally, I did not witness it.

24 Q. I understand. And that leads me to another question.

25 When you were asked why you eventually agreed to your own

1 marriage after two refusals, you said because -- roughly "Because
2 as all the others didn't dare refuse" and you said, "I was afraid
3 I would be accused of something".

4 Now, very clear question. Were you -- but you didn't specify.
5 Were you afraid you would be accused of moral -- you would be
6 again accused of moral misconduct if you didn't agree or is --
7 was this not the case?

8 A. Personally, I was afraid because some people may try to find
9 mistakes that I might have made. <In general, when people could
10 not make us listen or do whatever they wanted us to do, they
11 would try to accuse us of doing something wrong.> Of course, if
12 people spoke about any act or any actions that we <were>
13 involved, then it would be heard <by> the chief and the chief
14 would use that against us <although we did not really do it>. <So
15 I agreed to the proposal because I was afraid.>

16 [10.16.35]

17 Q. I'll try one last time.

18 I understand you were afraid of being accused of something. Can
19 you be more specific of what you were afraid to be accused?

20 Anything or one specific thing, or was it just a vague fear, "If
21 I don't marry, they'll find something to accuse me"?

22 A. <During the regime,> it is difficult to say about the mistakes
23 that we might have made. I, myself, did not commit any moral
24 misconduct and, if I were to accuse of committing it, then they
25 would not ask for the reasons why I did it. Then I would be sent

1 to the upper level. And if the chief informed the upper level,
2 the upper level would believe the chief and they would not ask
3 for justification from members.

4 [10.17.38]

5 They did not ask for the reasons for any commission of any
6 misconduct. As long as it was reported to the upper level, then
7 people would be sent. They never come to ask, "Comrade, you were
8 accused of moral misconduct. What was your justification?" No,
9 they would not do that. The person would be removed.

10 Q. So what you are saying, accusations were enough for people to
11 be removed, accusations of moral misconduct. Is that correct?

12 A. Yes, that is correct. If there was a report to the upper
13 level, the upper level would believe in the report and we would
14 not be asked for any justification. Then the person would be
15 removed, although I did not know where such person would be sent
16 to. However, I only heard about this because, at my place, no one
17 had been removed for this matter.

18 [10.18.45]

19 Q. And again, were you afraid this would happen to you?

20 A. Yes, I was afraid. I was afraid of such accusation. I was
21 afraid that I might be accused of committing a moral misconduct
22 or of any treacherous activity. And for that reason, I did not
23 dare to make any further refusal.

24 JUDGE FENZ:

25 Thank you.

1 MR. PRESIDENT:

2 Thank you, Judge.

3 It is now time for a break. The Chamber will take a 20-minute
4 break from now.

5 (Court recesses from 1019H to 1037H)

6 MR. PRESIDENT:

7 Please be seated.

8 And the floor is now given to the defence for Mr. Khieu Samphan
9 to put questions to the civil party. You may now proceed.

10 [10.38.23]

11 QUESTIONING BY MS. GUISSÉ:

12 Thank you, Mr. President. Good morning to everyone.

13 Q. Good morning, Madam Civil Party. My name is Anta Guisse. I am
14 the co-defence lawyer for Mr. Khieu Samphan, and in that capacity
15 I would like to ask you <some additional> questions.

16 Concerning the first question that was posed by Judge Lavergne, I
17 would like to review what he brought up, the chronology <you
18 described>. You came to Phnom Penh the 17th of April, or a bit
19 after the 17th of April, and you were assigned to different
20 places. You had different assignments.

21 And you said that, in Phnom Penh, you saw Khieu Samphan two
22 times, and you gave a first version indicating that the first
23 time was at Wat Ounalom and the second time was at Borei Keila.
24 And then a second time, yesterday, at 15.03, you corrected
25 yourself, saying that you had made a mistake, that it was in

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1 1975, but the second time that you met him was at the Ounalom
2 pagoda and so the first time was the Borei Keila stadium.

3 Do you confirm this, and have I understood your testimony
4 correctly?

5 [10.39.56]

6 MS. CHEA DIEB:

7 A. What do you want me to answer your question? I do not really
8 get it.

9 Q. Yes, it was a bit long, I admit. I will try to state it more
10 concisely.

11 You arrived <in Phnom Penh> on the 17th of April 1975 or a bit
12 after that. Did I understand that correctly?

13 A. I entered Phnom Penh after 17 April 1975, a bit long after 17
14 April 1975. In fact, I entered Phnom Penh in April 1975, but I do
15 not know how many days after the 17th.

16 Q. No problem. April 1975 is an excellent point of departure as a
17 reference point.

18 So yesterday, you indicated that you were correcting your first
19 statement. Yesterday, at 15.03, and I quote, you've indicated,
20 when you were talking about Khieu Samphan:

21 [10.41.06]

22 "I met him the first time at the Borei Keila stadium in 1975. I
23 made a mistake earlier. The second time I met him was at the
24 Ounalom pagoda where he was chairing a conference which was aimed
25 at youth. This was a conference that lasted the entire day." End

41

1 quote.

2 My first question to try to orient you is: Do you remember how
3 long after your arrival in Phnom Penh you got married?

4 A. I do not recall the day, the month and year. I cannot recall
5 whether it was in 1975 or 1976. As I said, <> I was not good at
6 remembering the date while I was in Phnom Penh in the Khmer Rouge
7 time.

8 Q. In your first victim information form, document <E3 --
9 319/45.4.8>, that this was the first form that you filled out in
10 order to become a party to the trial which dates from 14 October
11 2009. And perhaps you <had> some fresher memories. You said the
12 following -- and it's the ERN 01139644 in English; in Khmer,
13 01049379; and there is no French translation for this section.
14 And you talk about your arrival in 1975 to Phnom Penh, and you
15 say the following, in English:

16 [10.43.20]

17 "After six months of working there, they arranged for me to get
18 married to Sa Thoeun, who was then 26 years old." End quote.

19 Does this refresh your memory about the fact that your marriage
20 took place about six months after your arrival in Phnom Penh?

21 MR. DE WILDE D'ESTMAEL:

22 Mr. President.

23 MR. PRESIDENT:

24 You may now proceed, Mr. Co-Prosecutor.

25 [10.44.06]

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President.

3 I have an objection to this question because it seems to me that
4 the quote that was made concerns six months of work at a specific
5 place. It doesn't mean six months of work in Phnom Penh.

6 Here, perhaps, it's less precise than the testimony that we had
7 or the additional information that we had. But, she makes
8 reference to the fact that she was working at the Ou Ruessei
9 market, and the quote that <counsel gave just after that>, said
10 "After six months of working there, they arranged for me to get
11 married to Sa Thoeun".

12 So she did not say that it was six months after arriving in Phnom
13 Penh, but six months after having started at the Ou Ruessei
14 market. And so I think the question needs to be rephrased.

15 BY MS. GUISSSE:

16 That is no problem.

17 Q. Madam Civil Party, do you remember how much time passed
18 between when you arrived in Phnom Penh and the time you started
19 working at the Ou Ruessei market?

20 [10.45.25]

21 MS. CHEA DIEB:

22 A. I cannot recall that.

23 Q. Without remembering exactly, are you able to say if it was a
24 long time after you arrived in Phnom Penh or if it was shortly
25 after, maybe just a week or two, a month or two after your

1 arrival in Phnom Penh?

2 A. It was a bit long after, after I arrived in Phnom Penh. I was
3 familiar with several places after I arrived at Phnom Penh when I
4 got married. As I said, I cannot recall the exact date of my
5 marriage.

6 Q. And when you say it was "a bit long", a bit long for you, what
7 does that mean? Is it several weeks, one month, two months?
8 Can you explain what you mean when you say "a bit long"?

9 A. To my recollection and assumption, after I worked and took
10 rest in Phnom Penh for seven months, I got married. Six or seven
11 months.

12 [10.46.56]

13 Q. So I understand from your answer that you got married six or
14 seven months after arriving in Phnom Penh, which corresponds with
15 what you said in your previous statement, which is that you got
16 married in 1975.

17 Now that we have a time range that's a bit more defined, my
18 question is: Do you remember if the first time that you saw Khieu
19 Samphan, according to your statement, which is at Wat Ounalom,
20 was it before or after your marriage?

21 A. It was before the marriage.

22 Q. And the second time when you said you saw Khieu Samphan at
23 Borei Keila stadium at Hou Youn and Hu Nim's trial, would you say
24 that was before or after your marriage?

25 MR. DE WILDE D'ESTMAEL:

1 Mr. President.

2 [10.48.15]

3 MR. PRESIDENT:

4 You may now proceed, Mr. Co-Prosecutor.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President.

7 I have no objection to the question in and of itself, but just to
8 the wording because <earlier>, the Co-International Lawyer took
9 pains to read from the witness statement <from yesterday's
10 hearing,> where <the civil party> said that she had seen Khieu
11 Samphan first at Borei Keila and then at Ounalom pagoda, so this
12 time, once again, it's been reversed. So I don't know if that was
13 done on purpose or not. Perhaps we need to reclarify. But in the
14 previous question, it was said the first time you saw him,
15 therefore, at Ounalom pagoda, and then the second time at Borei
16 Keila, so I think that maybe we need to pay attention to this.
17 Thank you.

18 [10.49.10]

19 BY MS. GUISSÉ:

20 Yes, I'm sorry. That was an error. So I will start again.

21 Q. Do you remember the first time that you saw Mr. Khieu Samphan?

22 You say that you saw him for the first time at Wat Ounalom. No.

23 No. Borei Keila.

24 The first time you saw Khieu Samphan, was it before or after your
25 marriage that you saw Khieu Samphan for the first time at Borei

1 Keila stadium?

2 MS. CHEA DIEB:

3 A. I met him before the marriage. Long after that, I got married.

4 I cannot recall how many months after that event when I got
5 married.

6 Q. So am I mistaken if I conclude from what you said that both
7 times that you say you saw Mr. Khieu Samphan were before your
8 marriage? Is that correct?

9 A. That is correct. The two times were before my marriage.

10 [10.50.40]

11 Q. And still attempting to find a time orientation, between the
12 first time that you saw Mr. Khieu Samphan and the second time
13 when you saw him, can you estimate how much time passed between
14 those two times that you saw him<, that is> at Borei Keila for
15 Hou Youn and Hu Nim's trial, and the second time at Ounalom
16 pagoda? Do you remember how much time passed between those two
17 events?

18 A. I cannot recall how much time passed. At the first time that I
19 met him, I was at Phsar Chas and the second time <at Wat
20 Ounalom>, it was when I was already at Phsar Tuol Tumpung.
21 However, I cannot recall how much time passed in between the two
22 occasions.

23 [10.51.53]

24 Q. Therefore, I would like to turn to this first event. Judge
25 Lavergne, posed several questions in this regard earlier, and so

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1 I would like to add some <additional> clarifying questions.

2 My first question: At the Ounalom pagoda, meeting where you said
3 it was Hou Youn and Hu Nim's trial, who invited you to attend
4 that meeting or trial?

5 MR. PRESIDENT:

6 You may now proceed, Lead Co-Lawyer for civil parties.

7 MR. PICH ANG:

8 Mr. President, I think it is a confusing question put by the
9 counsel for Mr. Khieu Samphan. For the first meeting, Khieu
10 Samphan mentioned about the trial. And for the second time, it
11 was about the marriage.

12 BY MS. GUISSSE:

13 Yes. In fact, I started with an error and then I continued with
14 it, so I will re-clarify.

15 Q. Your first meeting, the first time you saw Khieu Samphan, you
16 said that it was at Borei Keila where the trial took place of Hou
17 Youn and Hu Nim. Is that correct?

18 Can you tell me who was the person who invited you to <the
19 meeting> at the Borei Keila stadium<, according to> your
20 statement to the Chamber?

21 [10.54.02]

22 MS. CHEA DIEB:

23 A. I did not remember who invited me. However, in the morning on
24 that day, I was called to board a vehicle, and I was so scared at
25 the time. Upon my arrival, I saw other people, so I felt

1 released.

2 I was not informed in advance before the meeting at Borei Keila.

3 Q. Which unit were you a member of at the time of this meeting,
4 of this summons?

5 A. I was there at Phsar Chas transporting goods.

6 Q. Who was your direct supervisor at that time?

7 A. My direct supervisor at Phsar Chas was <Monh> (phonetic).

8 Q. Were you the only from your unit to go to that meeting?

9 A. It was only me.

10 [10.55.55]

11 Q. And was your chief of unit also present?

12 A. He was not there. No one went to the meeting. It was only me
13 who was there.

14 I was a bit frightened at first. However, upon my arrival, I saw
15 other people, I started to feel <> relieved.

16 Q. In your unit for gathering spoils of war, did you have a
17 particular role or function?

18 A. I was working in the group. I was simply a member of that
19 group. He saw <> me firm and serious, so he would send me to any
20 other places when he wanted.

21 Q. And your supervisor, Monh (phonetic), did he explain to you
22 when you were the only one to be sent to this meeting and why he,
23 himself, did not go to this meeting?

24 A. He did not say anything, and I did not ask him, either. Upon
25 the arrival of that vehicle, my name was called and I was asked

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1 to board the vehicle, so I did not ask any reasons.

2 [10.58.10]

3 Q. How long did this meeting or trial at Borei Keila last?

4 I have understood from your testimony this morning that you left
5 before it ended, so perhaps I'll reword my question.

6 How much time did you spend there?

7 A. I was in the meeting, and then the announcement was directed
8 to the messengers to make speeches, <and then my fever was acting
9 up> and I was sent out. At the time, Khieu Samphan was there on
10 the stage.

11 I could only hear the speeches of the messengers. Then I felt
12 tremble, so I was sent out of the venue. <I did not listen to his
13 speech. It was around 8 or 9 o'clock at that time.> I was there
14 perhaps for one hour, so I left.

15 Q. This first time that you saw Khieu Samphan, how did you know
16 that it was Khieu Samphan <at> the podium?

17 A. I could recognize him well.

18 [10.59.40]

19 Q. And before this first time at Borei Keila, had you seen him
20 before?

21 A. I had never met him before, and other people also told me that
22 the person was Khieu Samphan, so I could recognize him. Before
23 the time, I had never met him.

24 Q. If I properly understand your testimony, it is because other
25 persons near you told you that it was Khieu Samphan that you

1 thought that the person was, indeed, Khieu Samphan. Is that
2 correct?

3 A. I understood that I was familiar with his face. In my mind, I
4 thought he was Khieu Samphan. And the announcement was made. It
5 was said the person was Khieu Samphan in the announcement.

6 Q. And who made that announcement?

7 A. I did not know the person. There was a person who made an
8 announcement, but I did not know that person.

9 Q. And did that person also announce the position Khieu Samphan
10 held at that time?

11 A. The person made an announcement that Om Khieu Samphan was an
12 advisor, and I did not know what it meant by that.

13 [11.01.48]

14 Q. Was that the only word that was uttered, "advisor", they did
15 not say advisor in what area?

16 A. No. That was the announcement. Then the announcement was all
17 about other topics.

18 Q. I understood from your testimony this morning that you did say
19 that there were other persons who were present at Borei Keila
20 stadium <at the time,> and who were on the podium. Were those
21 persons also introduced?

22 A. Yes, there was an introduction of those people, but I did not
23 know them and I forget their names. There were other people
24 sitting at the podium.

25 Q. Although you may not remember their names, were their duties

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1 announced, that is, the positions held by those persons?

2 A. I do not recall that because, as I said, at the time I was
3 unwell and I could only recall about him.

4 [11.03.28]

5 Q. So you stayed at that place for an hour. Can you clarify this?

6 When you say it was at the Borei Keila stadium, was it at a place
7 outside of the stadium or it was at a place that was closed?

8 A. It was in a hall so people attending the meeting in that hall,
9 and it was crowded. There were soldiers there as well.

10 Q. Can you specify where in the hall you were located? Were you
11 at the front, in the middle or at the back?

12 A. I was in the middle, and I could see him clearly. Even when
13 the messengers spoke, I could see them. However, after I felt
14 unwell, I was sent to hospital.

15 Q. And as regards those messengers, you no longer recall their
16 names. Is that correct?

17 A. No, I cannot recall any of their names.

18 Q. And as regards the configuration of the podium, were those
19 messengers on the podium, or they were somewhere else?

20 A. They were standing at the front of the podium.

21 [11.05.35]

22 Q. Was it also in the announcements that you heard that those
23 persons were messengers of Hu Nim and Hou Youn?

24 A. Yes, they announced that the two were the messengers of Hu Nim
25 and Hou Youn, and without such announcement, I would not have

1 known about them.

2 Q. Apart from yourself, who was from the unit for recovering war
3 booty, did you know where the <other people> present at that
4 meeting came from?

5 A. Participants in the event were from other areas. I did not
6 know which units they came from. I only knew about my unit, that
7 is, the war spoils unit.

8 [11.07.02]

9 Q. If I understand correctly, no announcement was made as regards
10 the origins of the participants. Is that correct?

11 A. That is correct. There were no such announcements.

12 Q. From your statement this morning, I understood that both
13 messengers referred to the biographies of Hou Youn and Hu Nim.
14 When you say that they referred to their biographies, can you be
15 more specific?

16 Can you, therefore, tell the Chamber what you recall?

17 A. While I was there, one of the messengers said that he
18 mistreated people. That's all I could understand about it.
19 However, he spoke about other things, but I cannot recall them
20 now.

21 Q. I would like also to talk about the second time you <say you>
22 saw Khieu Samphan, that is, at the Ounalom pagoda.
23 Same question as the one I asked before, who invited you to that
24 meeting?

25 A. It was the chief at my place, that is, Phan (phonetic), when I

1 was at Tuol Tumpung market. And there were people from other
2 spearheads who attended that assembly in Ounalom pagoda. There
3 were hundreds of people.

4 [11.09.09]

5 Q. And on that occasion, were all the members of your unit
6 present, or you were the only one from your unit who attended
7 that meeting?

8 A. From each spearhead, about 10 people were instructed to attend
9 the meeting. And as I said, the hall was full.

10 Q. Can you describe the place, <you say it was in> the pagoda,
11 how it was arranged?

12 A. The meeting was held <> at the lower level of a temple. As for
13 the arrangement, there were chairs and tables which filled the
14 hall, that is, the hall underneath the temple. The temple was a
15 two-storey temple, and the meeting was held <> on the lower
16 level.

17 [11.10.32]

18 Q. And how many <speakers> were <there> on that day?

19 I understood that the meeting went on for the whole day. How many
20 people took the floor?

21 A. I do not understand when you use the Khmer "via kmun".

22 However, what happened is that he took the floor, and other
23 people also took the floor. And since there were minority groups
24 who were attending that one day assembly, then there were
25 interpreters who would interpret each speech into the minority

1 languages. And I seemed to notice that he took the floor the
2 most.

3 Q. And when you say that other <people> were present, do you
4 recall whether <they> were introduced, and if you do not know
5 their name, can you at least tell the Chamber what their
6 positions were?

7 A. Participants were chiefs from various spearheads, and him. And
8 there were no one else.

9 Q. And your chief, Phan (phonetic), was therefore present<, I
10 assume>. Is that correct?

11 A. Yes. Phan (phonetic) was present, and Om Monh (phonetic) was
12 also present at the assembly.

13 However, they did not take the floor. They were sitting there and
14 listened.

15 [11.12.41]

16 Q. Now I would like us to talk about a third point you raised. In
17 answer to questions put to you by the Co-Prosecutor, you referred
18 to your stay at the Chrey Dom pagoda at Chaom Chau.

19 I didn't quite understand under what circumstances you arrived at
20 the Chrey Dom pagoda. Chrey Dom.

21 Yesterday, at the hearing shortly after 15.51.41, you stated that
22 you fled from Samraong Torng to go to the Chrey Dom pagoda. Did I
23 properly understand your testimony? Did you flee?

24 A. I ran from Samraong Torng district because, previously, I was
25 at the Slaeng pagoda and the leader was arrested and we from

1 Slaeng pagoda were removed to live in a cooperative in Samraong
2 Torng district. And when we were there, we were split into -- to
3 live in various villages. And there were four or five of us for
4 each village.

5 [11.14.31]

6 And one day, some of us disappeared from a nearby village since
7 they were called during the night time. And later on, I heard
8 that people kept disappearing, and we were afraid that we would
9 be killed by the cooperatives. Then we decided to run to Chrey
10 Dom pagoda.

11 And as I stated yesterday that Chrey Dom pagoda was under the
12 supervision of Khieu Samphan, but when I was on the ground at the
13 pagoda, I did not see him there. I stayed there for two weeks,
14 but I did not see him. And I only heard other people who said
15 that the pagoda was under his supervision.

16 I remained living in the pagoda for a fortnight, then I was
17 transferred to Pech Nil along with other people. And there were
18 about 10 of us at the time.

19 Q. My first question is as follows: What was the kind of work
20 done at the Chrey Dom pagoda?

21 A. Some of us at Chrey Dom pagoda were sent to work in the rice
22 fields, while other were assigned to grow vegetable. And I was
23 amongst the group who were sent to grow vegetable in front of the
24 pagoda.

25 [11.16.12]

1 Q. Who told you that that pagoda was meant for cultivating
2 vegetables and that it was under the supervision of Khieu
3 Samphan?

4 A. Person who was in charge in the area and who only had one arm
5 said about this, although I cannot recall his name. And it was
6 them who actually encouraged us to flee because on the day of the
7 New Year, we came to visit the pagoda and we met with those
8 comrades, and they said that if our life over there was
9 difficult, then we should run and join them in living in the
10 pagoda.

11 And we did that. We ran from Samraong Torng district and we
12 arrived at Chrey Dom pagoda, and we left the area at 12 <o'clock
13 at night>, and by dawn, we arrived.

14 [11.17.23]

15 Q. So if I understood you correctly, it was the chief of the
16 Chrey Dom pagoda who encouraged you to flee to where you were. Is
17 that what I should understand? Was it the chief, or someone else?

18 A. It was the chief who encouraged us to flee, and when we
19 arrived there, next morning, two messengers came to ask him
20 whether he saw a group of about 10 women who ran away. And he
21 actually joke with those messengers that if you found about 10
22 women, how could you take them all back.

23 And at that time, we were hiding in the house of that chief. And
24 he actually told the messengers that he did not see any of us.

25 Q. And when you had that discussion before you fled on that day,

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1 that is, New Year's day, and the chief advised you to flee, did
2 he tell you that living conditions in that pagoda were better
3 than they were where you were staying before?

4 A. Yes. He said that if we came to live in the pagoda, then there
5 was no killing and that we would be received and that we should
6 not feel scared. And that's why we decided <> to flee.

7 [11.19.29]

8 Q. Now I would like us to talk about documents we have available
9 as part of your civil party application. We have an initial form
10 of the 14th of October 2009, and it's document E319/45.4.8. And
11 the ERN in Khmer is 01049379, and in English the ERN is 01139644.
12 This document is dated 14th of October 2009. And my first
13 question is as follows: Do you recall that it was in 2009 that
14 you filled out a form to participate in this trial?

15 A. Yes, I remember that I filled in such an application, but I
16 cannot recall the date.

17 Q. We also have a second form. It is a supplementary information
18 form, and this time around, it is dated the 29th of June 2013.

19 So it is same document, E319/45.4.8. And this time, the ERN in
20 Khmer is 01049384, and the ERN in English is 01139647. There is
21 no ERN in French.

22 We have this document and, in it, you are providing supplementary
23 information on your biography. And it's dated the 29th of June
24 2013.

25 Does it remind you of anything, and do you recall that, in 2013,

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1 you provided supplementary information to be tendered before this
2 Tribunal?

3 [11.22.00]

4 A. I cannot recall whether I made that supplementary information.
5 I cannot recall that.

6 MR. PICH ANG:

7 My apology, Mr. President. I'd like you to instruct the counsel
8 to provide the ERN number again.

9 MR. PRESIDENT:

10 Counsel, please provide the ERN numbers again.

11 BY MS. GUISSSE:

12 No problem with that. If I made an error, the Khmer is 01049384
13 and in English, it is 01139647. And let me point out that the
14 civil party's signature is in the following ERN in Khmer, which
15 ends with 85. This supplementary information was provided in
16 2013. Then we have another supplementary information form of 28th
17 of May 2014 under document E3/5010a, so 5010a.

18 [11.23.40]

19 Q. My first question is as follows: Whereas you had provided an
20 initial statement in 2009, a supplementary information form in
21 2013, why did you refer to Khieu Samphan for the first time only
22 in May 2014, that is, May 2014?

23 MS. CHEA DIEB:

24 A. I did not know how many times that I provided information.
25 Maybe I did not mention everything during my initial application

1 and then I provided supplementary information later on. But I
2 cannot recall the details.

3 Q. To your mind, at the time, the meeting with an official,
4 someone like Khieu Samphan, was that something rather rare<, or
5 was it a frequent occurrence>?

6 A. It was a rare occasion; not many leaders who would come to
7 visit us and only when there was a special occasion, then we
8 could see him.

9 [11.25.40]

10 Q. My question is all the more important in that context. Why did
11 you not refer to that meeting with Khieu Samphan in respect of
12 which you said he spoke and encouraged women aged 19 and above to
13 get married? Why did you not refer to that when you talked about
14 your marriage in your prior statements, that is, prior to 2014?

15 <A. I do not know.>

16 MR. PRESIDENT:

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

18 MS. GUIRAUD:

19 Thank you. I regret having to interrupt my colleague. <Just a
20 clarification.> It is somewhat difficult to find a certain
21 document; document E319/45.4.8. That is the supplementary
22 information form, dated June 2013, which is quoted by our
23 colleague. It's <in fact> a document that was from <another
24 investigation> from Case 004 and, <a priori, her client is> not
25 part of <that investigation>, but this is a sequence of documents

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1 and <not all of them are from that case,> some of these documents
2 were disclosed by the OCP and they're from Case 004 with suspects
3 who are <naturally> being <-- or different investigations>.

4 I just wanted to inform the Chamber of the sequence in which the
5 different documents were provided. We have victim's information
6 sheet<, so a civil party application> for the second trial
7 segment and then we have the second document <from 2013 which is
8 supplemental information> which was disclosed by the prosecutors
9 as part of Case 004; then we have <supplemental information>
10 dated 2014 <in case file 002>.

11 [11.27.52]

12 BY MS. GUISSÉ:

13 I'm being told that the second document is <has a specific E3
14 given by the Chamber, and it is> E3/5010b <for the transcript>.

15 Q. My question remains the same: As part of the supplementary
16 information that you provided and in particular, the first victim
17 information form you provided, why did you not talk about this
18 particularly rare event, since you did say that you did not meet
19 with the leaders regularly? Why was it only in May 2014 that you
20 refer to that meeting for the first time?

21 MS. CHEA DIEB:

22 A. I do not know what to say.

23 [11.29.04]

24 MS. GUISSÉ:

25 Mr. President, according to my calculations, taking into account

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1 a question put by Judge Lavergne and the questions asked by the
2 Honourable Judge Fenz, we still have a few minutes after the
3 lunch break. If you would like, I would like to end here and
4 continue after the lunch break.

5 JUDGE FENZ:

6 How many minutes is a few minutes?

7 MS. GUISSÉ:

8 According to my calculations, we have, at the very least, 15
9 minutes.

10 MR. PRESIDENT:

11 And you may continue, Counsel.

12 [11.30.00]

13 BY MS. GUISSÉ:

14 Q. So you are indicating that you did not know -- the other point
15 that I wanted to address with you; in fact, is that during this
16 testimony, you have indicated, this time, for the first time in
17 this Chamber that you had also met Ieng Sary and that you had
18 also met Pol Pot, in addition to Khieu Samphan, <who> you
19 mentioned in May 2014 for the first time.

20 So my question remains the same: Why are you talking about these
21 meetings for the first time today in 2016 to the Chamber,
22 <whereas> as you say it is a rare event, and why did you not
23 mention them in the first victim information that you provided?

24 MS. CHEA DIEB:

25 A. I said about that, but I cannot recall the date of the

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1 application forms that I filled and when I testified, I recalled
2 what happened.

3 [11.31.32]

4 Q. In your first <civil party application> that I mentioned
5 earlier -- so ERN in Khmer, 01049379; the ERN in English,
6 01139644 and the following pages, so it's the central summary, so
7 in this document E319/45.4.8, you don't talk about Khieu Samphan,
8 Ieng Sary, or Pol Pot. Moreover, in this first document, you do
9 not talk about your interrogation in a room where <there were
10 allegedly> weapons and tools either, and during <which> you were
11 supposedly asked about your affiliations. You didn't talk about
12 this at all.

13 Can you tell us why you did not mention this, at all, the first
14 time when you asked to be admitted as a civil party?

15 MR. PRESIDENT:

16 Civil Party, please hold on and Lead Co-Lawyer for civil parties,
17 you have the floor.

18 MS. GUIRAUD:

19 Thank you, Mr. President. It's not an objection and I think that
20 the civil party is capable of answering herself, but just a piece
21 of information for the Chamber, the parties, and the public.

22 To recall that these victim information forms are generally
23 collected by NGOs, non-government organizations; they are not
24 collected by court officers <or investigators,> and therefore,
25 from one NGO to another, the various questions and the content of

1 the civil party statements can vary.

2 [11.33.44]

3 As well, I think the Chamber is very well informed as to the
4 disparity that can exist in these <civil party applications>,
5 given the various NGOs which collect them, and <depending on> the
6 information that the NGOs had at their disposal when they met
7 with the victims.

8 I know that the Chamber is aware of all this and I hope that it
9 will keep all of this in mind when listening to the response of
10 the civil party and I, again, think she's perfectly capable of
11 explaining why the meetings with Khieu Samphan and <other events
12 were> not mentioned in 2009 when meeting with the NGOs.

13 [11.34.31]

14 MS. GUISSÉ:

15 This is not the first time I've heard that <from the civil
16 parties>. I do understand it; however, most of the time, when
17 there's a problem with the victim information form, it's not of
18 this type. This is something that was signed, in fact, by the
19 civil party.

20 So I think that my question is even more appropriate because
21 including in the supplementary information form <from May> 2014
22 where we assume there is no problem of an NGO being involved, the
23 civil party was assisted in filling out the supplementary
24 information form and in May 2014, the civil party did not mention
25 Ieng Sary or Pol Pot at that time<, either>.

1 BY MS. GUISSÉ:

2 Q. So my question to you, Madam Civil Party, is: Why <is it that>
3 on the first form or the supplementary information form of May
4 2014 -- why in neither of those, did you talk about those
5 meetings with the other leaders of Democratic Kampuchea?

6 MS. CHEA DIEB:

7 A. Regarding the filling of the application form, actually I
8 filled in on a number of occasions, but I did not know who
9 actually were responsible for each occasions since I filled it in
10 quite a long time ago.

11 [11.36.12]

12 Q. The reason I'm asking you these questions, Madam Civil Party,
13 is that today <in the Chamber> and also in 2014, you have raised
14 many new elements, so we're wondering about the accuracy, if we
15 can say that, of your memories.
16 <I say this because this morning, when answering His Honour Judge
17 Lavergne, you stated that>
18 during the visit with Pol Pot, there was no escort or bodyguard,
19 <whereas> we understood, but yesterday at <15.57.01>, you said
20 that you didn't see anyone except his bodyguards accompanying Pol
21 Pot. So in your memories in the successive meetings, whether it's
22 with Ieng Sary, Pol Pot, or Khieu Samphan, do you not think that
23 the time that <has> passed, perhaps does not allow you to have
24 clear memories of what happened and that it's for this reason
25 that you didn't mention these meetings <on your first form, that

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1 is, on your first victim statement> in 2009, which was closer to
2 the events?

3 [11.37.44]

4 MR. PRESIDENT:

5 Co-Prosecutor, you have the floor.

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, I think that's a very long question and the origin
8 of it is simply a contradiction that the co-lawyer believes she
9 might have observed for the visit with Pol Pot. I think perhaps
10 it could be split into several parts; for example: Were there or
11 not bodyguards with Pol Pot? To then <use this possible
12 contradiction to> draw a broad conclusion about the state of the
13 <civil party's> memory <is a step that should not be taken.
14 Statements by the civil parties have been> very clear up to this
15 point. I think the question that the Defence could have asked,
16 since she's insisting on these forms --

17 (Microphones overlapping)

18 [11.38.36]

19 MS. GUISSSE:

20 Excuse me. Excuse me, Mr. President.

21 MR. DE WILDE D'ESTMAEL:

22 The question is <whether the civil party knows> how to read <or
23 not. If she knows how to read> and write. This is a question that
24 was not <asked> and I think it's important to understand if the
25 person -- didn't sign it because a signature was mentioned, but

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1 she just put her fingerprint on it. So I think that, at the very
2 beginning, it would be useful to know if this person knows how to
3 read or write and also to separate the questions that were asked
4 by the Defence.

5 [11.39.05]

6 MS. GUISSÉ:

7 <This statement is very out of place.> I think that this is a way
8 of a pleading; it's not an objection. At a time where I am
9 highlighting certain contradictions and asking legitimate Defence
10 questions, it's normal that as a lawyer representing Mr. Khieu
11 Samphan that I ask questions because a civil party who never
12 before mentioned in her statements of 2009, the presence <of> or
13 meeting with Khieu Samphan, suddenly in May 2014, just after the
14 <new charges -- the> definition of Case 002/02, comes to mention
15 her meeting with Khieu Samphan.

16 It's very normal for me to ask questions; it's not up to the
17 Co-Prosecutors or the Co-Lawyers for the <civil parties> to
18 answer the question <for the civil party. She can express
19 herself>. I'm just asking the civil party very coherent questions
20 and I don't see why today one would ask me to ask different
21 questions than the ones that I wish to ask.

22 JUDGE FENZ:

23 I don't think anybody's trying to prevent you just from anything.
24 I just wonder if the civil party has followed any of what
25 happened in the last seven or eight minutes. So let me try to

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1 tailor it and by all means, follow up on that, if you feel this
2 is not enough.

3 [11.40.23]

4 QUESTIONING BY JUDGE FENZ RESUMES:

5 Q. Counsel has pointed out that you haven't mentioned the
6 meetings with Khieu Samphan until 2014. Now, the question is: Are
7 you sure that these meetings have happened?

8 MS. CHEA DIEB:

9 A. I did meet him on two occasions.

10 Q. And can you give us a reason why you didn't mention that
11 before 2014? If you can't give a reason say I can't; if you can,
12 please do.

13 A. I did not know who came to me with the civil <> application
14 form. I only knew when my lawyer assisted me with the information
15 form.

16 Q. This is not the question; the question is: Can you tell us why
17 you didn't mention the visit or the encounter with Khieu Samphan
18 before 2014?

19 A. I did not know who helped me with the application form. If I
20 were the one who filled in, then I should have included such
21 information; but I cannot recall who filled that in and the only
22 thing that I recall is <when> I <filled> it with my lawyer. <I
23 have been asked to fill in many forms.>

24 [11.42.23]

25 Q. And do you remember today -- I'm just asking; do you remember

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1 if you told your lawyer that you met Khieu Samphan or was this
2 never an issue? Was this never mentioned until 2014?

3 A. In 2014, when I worked with my lawyer, I told my lawyer about
4 it. Previously, I did not know; maybe I have forgotten or maybe I
5 have said about it. I cannot say.

6 Q. So the long and short, you don't know why you didn't mention
7 it before 2014; is this correct? You didn't even know if you
8 mentioned it.

9 A. Yes, I did not know whether I have mentioned it or not.

10 [11.43.32]

11 QUESTIONING BY MS. GUISSÉ RESUMES:

12 Q. So my last point, which flows from your preceding answers, is
13 that you indicated or you mentioned to your lawyer during <your>
14 May 2014 statement, but it's only today, before the Chamber for
15 this first time, that you mentioned a second meeting where you
16 allegedly saw, at the Borei Keila stadium, Mr. Khieu Samphan.
17 This also does not appear in your May 2014 statement.

18 So once again, I ask: Are you sure of your memories when you're
19 talking about these meetings?

20 Judge Lavergne brought this up and we <heard> you say that you
21 <place> Hou Youn and Hu Nim's trial as having taken place in
22 1975, although we have in the case file two lists, and I'm
23 looking at E3/8463, the S-21 list, where in number 2 on this list
24 the name of Hu Nim appears as having been <arrested at S-21, or
25 in any case> having entered S-21 on 10 April 1977.

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1 And we have another document from OCIJ, document E3/1060 --
2 10604, where Hu Nim appears at number 1959 and where he's listed
3 as being the minister of propaganda before his arrest. So the
4 probability of a trial of Hu Nim before the end of 1975 appears
5 to be not very probable.

6 So <I stand by> my question, which I will repeat: Are you certain
7 that your memories are accurate and that there's not, perhaps,
8 some confusion in how you're remembering the events?

9 [11.45.44]

10 MS. CHEA DIEB:

11 A. I said I cannot recall for certainty whether it happened in
12 1975 or '76. As for the day and the month, I cannot recall it at
13 all. And on that day, I only saw messengers, but not Hu Nim and
14 Hou Youn.

15 Q. So in fact, I've understood that you don't remember the date,
16 but you said several times that these meetings took place in
17 1975. You placed your marriage before 1975 and you <place these
18 two meetings before your marriage, so even without remembering
19 the dates, you have given us a time frame that> still poses a
20 problem vis-à-vis the document that I've just mentioned.

21 MR. DE WILDE D'ESTMAEL:

22 Mr. President.

23 MR. PRESIDENT:

24 Co-Prosecutor, you have the floor.

25 [11.46.55]

1 MR. DE WILDE D'ESTMAEL:

2 I'm not <objecting to the question>, but I <think I> see a
3 problem in the first document that was cited. We do not feel that
4 this is the document where Hu Nim is at number 2, so if this is
5 E3/8463 of S-21, <number 2,> this is a list of <prisoners> who
6 were smashed on 27 May 1978, <and at number 2 we find someone
7 named Suos Sadin.> So perhaps the Defence could give us the
8 proper <reference where Hu Nim's name appears.>

9 MS. GUISSÉ:

10 The document I printed from ZyLAB is E3/8463; in French, the ERN
11 is 01302439; in Khmer, ERN 00015997; and there's no French
12 translation, so the ERN that I gave for French is actually
13 English. So <under number 2 on the list, on the document I
14 printed from ZyLAB, 8463> Hu Nim<'s name appears>.

15 And <in the interest of the completeness of the debate,> I would
16 like to recall that in document E3/1502, which is a FBIS
17 document, a press release from Hu Nim on 14 April 1976 is
18 mentioned.

19 So my question remains the same regarding the fact that the civil
20 party placed these two meetings in 1975 because they were before
21 her marriage.

22 [11.48.45]

23 MR. PRESIDENT:

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

25 MS. GUIRAUD:

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1 Thank you, Mr. President, an observation<, I am not objecting to
2 the question, but for us to have complete information, it seems
3 that when> Judge Lavergne questioned the civil party this
4 morning, she said that these meetings took place at the end of
5 1975 or the beginning of 1976, so in the beginning of the
6 morning, she did mention 1976. Then on the insistent questioning
7 <by our colleague>, later in the morning, she succeeded in having
8 to place them in 1975.

9 I think that everyone in this room knows that the civil party is
10 a bit confused about the dates. She did indicate <to Judge
11 Lavergne> that they were in <late> 1975 or 1976, and then she
12 shortened the period, but she also indicated -- for the clarity
13 <and completeness> of the discussion, she also said that 1976 was
14 a possible date for the meetings in answering Judge Lavergne's
15 questions this very morning.

16 [11.49.57]

17 MR. PRESIDENT:

18 Counsel, it is now a better time for the break. The Chamber will
19 take the break now and resume at 1.30 this afternoon to continue
20 our proceedings.

21 Security personnel, you are instructed to take Khieu Samphan to
22 the waiting room downstairs and have him returned to attend the
23 proceedings this afternoon before 1.30.

24 (Court recesses from 1150H to 1330H)

25 MR. PRESIDENT:

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1 Please be seated.

2 The Court is now in session and the defence team for Mr. Khieu
3 Samphan, you have no more time to put questions <> to the civil
4 party <>.

5 Madam Civil Party, as a civil party before the Chamber, you may
6 make victim impact statement in relation to the crimes alleged
7 against the two accused, Nuon Chea and Khieu Samphan, and which
8 was inflicted on you during the Democratic Kampuchea, that is, 17
9 April 1975 up to 6 January 1979, and you may also tell the
10 Chamber about the injuries you experienced and underwent in the
11 regime and you still sustained the injury as of today.

12 And if you wish to do so, you may now proceed to make victim
13 impact statement before the Chamber or you may alternatively, put
14 the questions to the accused through the Chamber.

15 [13.33.10]

16 MS. CHEA DIEB:

17 Mr. President, I would like to inform the Chamber the sufferings
18 that I underwent from <17 April 1975 until 1979>.

19 It was so painful, particularly when I was forced to get married.

20 I was <taking care of myself, since I was young until I became
21 mature, I said goodbye to my parents to go join the revolution in
22 order to help build the country, but as a result,> I got married
23 without the consent and agreement from my parents and siblings.

24 And it was so painful <for me>, as well, because I lost my

25 relatives and siblings during the Pol Pot time and Khmer Rouge

1 time. My biological sibling, my elder sister, who took care of
2 the younger siblings, that is, feeding <> and taking <care of>
3 all of us <when our parents went to work the field>, died in the
4 period. She lost her life. After <> she got married and had
5 children, all of her five children were killed in <Sralau Tong at
6 the border of> Kampong Thom. It is so painful.

7 As for my third younger brother, he went to work at the cotton
8 plantation and one day, he was called by his friend to cut the
9 coconut trees. At the time, he saw the men and -- a man and a
10 woman committed moral offence. He ran back to his home and saw
11 his mother and told the mother <that he would be killed because
12 he saw> the lady and the man <were> having sex with one another
13 and the day after, he was arrested and <detained at Svay Teab
14 pagoda> at that time, he was <detained> with another man and the
15 man was trying to help <untying> him. <My brother offered to
16 untie him, but he said no, because he was too old and he told my
17 brother to run because he was still young. My brother then ran to
18 my aunt/uncle's house. He hid himself in the toilet at night.
19 During the daytime, he slept near my 90-year-old grandfather in a
20 small hut. Later on, he was afraid he might get caught and the
21 whole family would be in trouble, so he left. He went to Stueng
22 Trang to my uncle's house. His clothes were all torn up. He was
23 re-captured that night. He was stripped of his clothes and he was
24 tied to a tamarind tree. His light skin became dark. His face was
25 hit with rubber shoes. My mother was crying as she did not know

1 how to help her own son.>

2 [13.36.23]

3 Later on, my younger brother was thrown into the well. <We were
4 told that the way he jumped into a well was interesting, but when
5 we asked where the well was, they did not tell us.>

6 After the regime, in 1979 up to the present time, when I am
7 working in the field, I still recall of my younger brother and
8 all my relatives who died in the period <and I could not continue
9 working>. It is so painful to me, Mr. President. After the fall
10 of the regime, what I have had is the pain with me <> until
11 today.

12 <> It is unforgettable the bad experience that I went through.

13 [13.38.04]

14 Lastly, I have some questions to put to the accused through the
15 Chamber. My question is: Why people were made to work like
16 animals and why weren't <people> given enough food to eat because
17 there was huge production of rice? <Some were starved to death.>
18 Another question is: During the Khmer Rouge time, I was living in
19 Phnom Penh. <In any meeting or study session,> the Khmer Rouge
20 <leaders said that people who were born during> the Khmer Rouge
21 time <were not influenced by anybody and did not affiliate with
22 any political tendency, but during the present time, when> I went
23 to Tuol Sleng; <when> I went to Choeung Ek<,> I saw <a lot of
24 children's skulls>, so why were all they killed in that period
25 <since they were too young to understand anything at the time>?

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1 MR. PRESIDENT:

2 Thank you very much, Madam Civil Party. The Chamber would like to
3 inform you that the accused <> are still exercising <> their
4 rights to remain silent. Please be informed.

5 The hearing of your victim impact statement has now come to an
6 end. The Chamber is grateful to your time and you may now be
7 excused.

8 Court officers, please work with the WESU Unit to send the civil
9 party back to her residence.

10 (Civil party exits the courtroom)

11 [13.40.29]

12 MR. PRESIDENT:

13 Court officer, please invite the witness, 2-TCW-914, into the
14 courtroom.

15 (Short pause)

16 (The witness enters the courtroom)

17 [13.41.47]

18 QUESTIONING BY THE PRESIDENT:

19 Q. Good afternoon, Madam Witness. What is your name?

20 MS. PHAN HIM:

21 A. My name is Phan Him.

22 Q. When were you born and where?

23 A. I was born in Ba Krong village, Kouk Rovieng commune, Cheung
24 Prey district, Kampong Cham province.

25 Q. Do you recall when you were born?

1 A. I cannot recall it.

2 Q. How old are you <> this year?

3 A. I am 60 years old.

4 Q. Where is -- where you living now?

5 A. I am living in Ba Krong village, Kouk Rovieng commune, Cheung
6 Prey district, Kampong Cham province.

7 [13.42.52]

8 Q. What is your occupation?

9 A. Nowadays, <I do not have any land for farming.> I am a small
10 vendor and I have a tricycle <for> making a living.

11 Q. What are your parents' names?

12 A. My father's name is Preng Pham (phonetic) and my mother's name
13 is Sim Yem (phonetic).

14 Q. And what about your husband; what is his name? How many
15 children do you have?

16 A. My husband's name is Kung Chhoeun (phonetic) and revolutionary
17 name in the Pol Pot's time is Phan Sarath (phonetic). I have six
18 children and the eldest child died in 2000.

19 [13.44.00]

20 Q. Thank you, Madam Witness. The greffiers make the reports that
21 you have no relationship by blood or by law to the two accused,
22 Khieu Samphan and Nuon Chea, in this case; is that true?

23 A. Yes, that is true.

24 Q. Have you already taken an oath before the Iron Club Statue
25 before the appearance?

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1 A. I took an oath before the Iron Club Statue already.

2 [13.44.52]

3 MR. PRESIDENT:

4 Now, I am informing you of your rights and obligations as a
5 witness.

6 Your rights: Madam Phan Him, as a witness in the proceedings
7 before the Chamber, you may refuse to respond to any question or
8 to make any comment which may incriminate you. That is your right
9 against self-incrimination.

10 Your obligation: As a witness, you must respond to any questions
11 by the Bench or relevant parties, except where your response or
12 comments to those questions may incriminate you as the Chamber
13 has just informed you of your right.

14 You, as a witness, must tell the truth that you have known,
15 heard, seen, remembered, experienced, or observed directly about
16 an event or occurrence relevant to the questions that the Bench
17 or parties pose to you.

18 [13.46.04]

19 BY MR. PRESIDENT:

20 Q. Madam Phan Him, have you ever been interviewed by the
21 investigators of the OCIJ; if so, how many times have you been
22 interviewed?

23 MS. PHAN HIM:

24 A. I was once interviewed at my house, Mr. President.

25 Q. Thank you, Madam Witness.

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1 Before the appearance in the courtroom, have you already read or
2 has someone read to you the written record of the interview by
3 the investigator of the OCIJ to refresh your memory?

4 A. I read it already, Mr. President. I can recall some, but not
5 all.

6 [13.47.07]

7 Q. To your best knowledge, does the written record or WRI
8 correspond to what you told the investigator at the time?

9 A. I read the record that I was interviewed last year. What I can
10 say is that I can recall some.

11 MR. PRESIDENT:

12 Thank you, Madam Witness. <Based on the pursuant> Internal Rule
13 91bis of the ECCC, the floor is given first, to the Co-Prosecutor
14 to put question to the witness and the combined time for Mr.
15 Co-Prosecutor and the Lead Co-Lawyers for civil party is two
16 sessions. You may now proceed.

17 MR LYSAK:

18 Thank you, Mr. President. Good afternoon, counsel.

19 Good afternoon, Madam Witness. I'm from the Co-Prosecutor's
20 office. I'll be asking you some questions this afternoon and I
21 wanted to start with some questions just about your background,
22 your positions before and during the Khmer Rouge regime.

23 And with your leave, Mr. President, the DC-Cam interview of the
24 witness also includes her Democratic Kampuchea biography. This is
25 part of E3/9318 -- E3/9318; Khmer, 00057998 through 58000; it's

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1 in Khmer only. With your leave, may I provide the witness'
2 biography to her?

3 MR. PRESIDENT:

4 (No interpretation)

5 [13.50.25]

6 QUESTIONING BY MR. LYSAK:

7 Q. Madam Witness, can I ask; are you able to read the biography
8 yourself today?

9 (Short pause)

10 [13.51.40]

11 MR. PRESIDENT:

12 Madam Civil Party (sic), could you read and write or could you
13 read the document by yourself?

14 (Short pause)

15 [13.52.16]

16 MR. PRESIDENT:

17 Madam Witness, please wait for the microphone to turn on before
18 you speak.

19 JUDGE FENZ:

20 Madam, it's an easy question. Can you read and write? Don't do
21 anything at the moment; answer the question. Can you read and
22 write?

23 MS. PHAN HIM:

24 I am not good at writing.

25 JUDGE FENZ:

1 About reading; can you read?

2 MS. PHAN HIM:

3 I can read some.

4 [13.53.03]

5 BY MR. LYSAK:

6 Q. Okay, thank you, Madam Witness. The part of the biography I'd
7 like you to focus on is this chart that's on the second page.

8 This is, for the record, Khmer page 00057998 -- and there is a
9 list of positions you held starting in 1973 through to October
10 1977 and you've testified about this in your DC-Cam interview,
11 but I just wanted to ask you a few follow-up questions to confirm
12 what -- the timing of what you did during these periods.

13 First, your biography indicates that you joined the revolution on
14 28 September 1973 and at that time, you began working in Chhuk
15 commune at a commerce office; is that correct?

16 [13.54.23]

17 MS. PHAN HIM:

18 A. That is correct. It was in Chhuk <village,> Kouk Rovieng
19 commune.

20 Q. And then if we continue through here, there's an indication --
21 your biography indicates that in January 1975 you were assigned
22 to the military to Battalion 306. Is that consistent with your
23 recollection? Was it January 1975 when you were assigned to a
24 military unit, Battalion 306?

25 A. I can recall that it happened on 8 January 1975. On that day,

1 I went to the battlefield to carry the wounded soldiers.

2 [13.55.35]

3 Q. And on the same page, it records your first position after the
4 start of the Khmer Rouge regime and it indicates that on the 27th
5 of May 1975, you were assigned to the warehouse in the city or
6 municipal commerce.

7 Can you tell the Court after 17 April 1975, were you -- did you
8 remain in Phnom Penh and were you assigned to a number of the
9 city commerce offices over the next two years?

10 A. After the fall of Phnom Penh in 1975, I was sent to do the
11 cleaning at Phsar Thmei. After I cleansed the area and collected
12 all the war spoils, I was tasked with the responsibility -- I was
13 assigned to take care of the warehouse to supply the food to
14 workers. That happened <in May> 1975.

15 Q. And your biography indicates that in August 1975, you began
16 working at a bakery called the K-19 office, which you have
17 described in your interview. And then what I wanted to ask you
18 about, the next position which is recorded for, it looks like the
19 23rd of March 1976, indicates that you were assigned to again
20 part of the city commerce, something called "Logistics Support".

21 [13.57.46]

22 My question to you: Can you describe for us where it was that you
23 worked after you left the K-19 bakery? What did you do after
24 leaving the K-19 office?

25 A. When I was in charge of the Commerce warehouse, there were so

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1 many staff members. So I was removed to work at the bakery <at
2 K-19> near "stat chas" (phonetic) or old stadium. I was there
3 working for a long period of time. Then because they had no staff
4 to transport and deliver food to the factory workers, I was
5 reassigned to Phsar Thmei.

6 Q. And the next entry in your biography is for May, what appears
7 to be 23 or 13 May 1977 where it indicates that you began in a
8 position in the Commerce Ministry at children's education.

9 You have talked about this in your interview as well. What I
10 wanted to ask you about, you describe in your interview how
11 before being sent to this children's unit you were sent to a
12 tempering site at Pochentong for a period.

13 Looking at your biography, are you able to tell us when it was
14 that you were sent to this tempering site in Pochentong?

15 [13.59.42]

16 A. When I was working at the logistics<,> during that period, the
17 people from the north who were accused of traitors were not
18 arrested yet. At the time, <we were sent to Pochentong which was
19 in front of R-1> factory. It was a tempering place where I was
20 forced to work day and night digging dark canals and building
21 dykes <without having enough food to eat>. And the dam remains
22 standing today.

23 One day, <> one vehicle came to pick <people> up and <took them
24 to the west,> the vehicle was closely covered. <The vehicle came
25 again after about 10 days.>

1 <One day,> when the driver or the people in the vehicle arrived,
2 those people asked us to <pick> the vegetables <that were just
3 sprayed with chemical> and cook the vegetables for all of us to
4 eat.

5 And some of my colleagues collapsed and fainted after eating the
6 vegetables, the cooked vegetables. And the sick were sent to a
7 hospital. <I think it was Calmette Hospital. I cannot fully
8 recall the name of the hospital.>

9 [14.01.34]

10 <After we were discharged from the hospital, we then> were
11 accused of poisoning the workers and I was so doubtful. <> I had
12 some doubts at the time because, I and my colleagues did not
13 poison the workers. These people in the vehicles came <again
14 after a few days> and called people to board the vehicle and the
15 vehicle left the place. My colleagues and I were in doubt because
16 we did not know where the people were sent to.

17 One day I asked those guys and that where the people were sent
18 to. We were told that those people were sent to Kantuot --
19 Kampong Kantuot. And I asked why? They said because they wanted
20 those people to go and see their parents.

21 One day, the vehicle came to collect my colleagues and I, but it
22 was lucky that, on that day I was packing my luggage <>. So I did
23 not arrive in time, because the vehicle was full<, they told me
24 to wait until next time. The next time they came, I was late
25 again so I was pushed back and asked to wait until tomorrow

1 because the vehicle was full at the time.>

2 And the day after, the vehicle came again and people from the
3 north were arrested because these people were accused of being
4 traitors. <So I got lucky and I was not sent to Kampong Kantuot.>

5 [14.03.11]

6 After this arrest, all of us were sent to Phsar Thmei and we were
7 sent to join a <denouncing> session <near> Phsar Chas. And the
8 content of the meeting was about the traitors from the north and
9 the name Koy Thuon was mentioned.

10 During the meeting, Comrade Kheng (phonetic) was asked to stand
11 up and make a speech. Kheng (phonetic) made mention that Koy
12 Thuon was <> single during the time <he was chief of the Art
13 program> and Kheng (phonetic) was <called to a place and> raped
14 <by him>. <After he raped Kheng (phonetic) for a few times, he
15 arranged a marriage for Kheng (phonetic).> And <then> the husband
16 of Kheng (phonetic) was sent to Kampong Som.

17 And Comrade Kheng (phonetic) and her husband <were> allowed to
18 see each other once <a month>.

19 One day, the husband of Kheng (phonetic) came to visit her and
20 she cried. The husband asked why she did not reply and was
21 silent.

22 [14.04.55]

23 During the time, Kamai (phonetic) was <Koy Thuon's personal
24 assistant and she was> assigned to conduct surveillance on Kheng
25 (phonetic) and <> Kamai (phonetic) felt pity on Kheng (phonetic),

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1 she told Kheng's (phonetic) husband about the rape.

2 Q. Madam Witness, can I stop you for a moment? I will come back
3 because I want to talk about this criticism session and meeting
4 later. Before we get to that, I want to just go back to the
5 period you were at the tempering site for a moment. So this is
6 the tempering site where you were building dams and digging
7 canals near Pochentong.

8 Can you tell us approximately, how long were you at this
9 tempering site? How many months were you there?

10 A. I was there for a period of four to five months. At that
11 location, I was tempered. We were given only gruel mixed with
12 corn or sometimes rice cooked with beans and we were tasked to
13 dig canals or to build dams. We had to do whatever work that was
14 assigned to us.

15 [14.06.25]

16 Q. And you've indicated that you were returned from this
17 tempering site to Phnom Penh to Phsar Thmei to this criticism
18 session. You've indicated that in your interview that shortly
19 after returning to Phnom Penh, you were assigned to teach
20 children.

21 And if we look at your biography, the date -- it records the date
22 you were assigned to children's education as the 20 or 13th of
23 May 1977. Is that consistent with your memory? Was it in May 1977
24 that you were returned from the tempering site and then assigned
25 to the -- to teach children?

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1 A. We were not transferred immediately. Before that, we were sent
2 to join the session of denouncing the traitors. We were there for
3 a week. Then we were sent to teach children at Ruessei Keo, and I
4 was there to teach the children at Russei Keo.

5 The situation was rather quiet at Russei Keo and there were some
6 soldiers from Chrouy Changva bridge who came at night time to
7 steal rice and food from the warehouse. Even if the warehouse was
8 locked, they climbed the wall to steal the rice. And one day,
9 they came to our sleeping quarters, they took our scarves,
10 sandals and kettle. They stole all those things, since it's quiet
11 that Angkar reassigned us to Tuol Tumpung to teach the children
12 again.

13 [14.08.30]

14 Q. Okay, thank you. And then the last position that it's recorded
15 in your biography is for October 1977, perhaps the 16th of
16 October 1977 when you were assigned to a mobile unit in the
17 Commerce Ministry.

18 You've described the work you did in this mobile unit as being
19 part of a by-product selection unit. Can you explain to the
20 Court, when you were assigned to this unit in October 1977, where
21 did you work? Where were you located?

22 A. When I came to teach children at Tuol Tumpung, I spent about a
23 month there. Then I was reassigned to a mobile unit, which was
24 located near Tuol Tumpung pagoda.

25 At that location, I was tasked to select by -- to make by-product

1 selection, including sesame seeds and other base fruits. We had
2 to make sure that they were in good quality and quantity for
3 export. And we had to work day and night to make those by-product
4 selections.

5 There were also tiger bones, elephant bones, and we had to make
6 sure that they were clean. We packed them up and then they were
7 sent to Kampong Som for export.

8 But I did not know whether they were actually sent overseas. We
9 only knew that they were sent to Kampong Som.

10 [14.10.40]

11 Q. And Madam Witness, for those who are not familiar with the
12 location, can you explain where Tuol Tumpung is located? Is it in
13 Phnom Penh?

14 A. I, myself, am not that familiar with the location, that is,
15 the Tuol Tumpung.

16 I only knew that we were located to the east part of Tuol Tumpung
17 pagoda, that is, to reside at those empty houses.

18 Q. Was it in the city of Phnom Penh, Madam Witness, and how far
19 was it from the location that you had worked before as either
20 Phsar Thmei or the school where you taught the children?

21 A. Tuol Tumpung was a bit far from Phsar Thmei or Central Market.
22 It was about one kilometre away from Phsar Thmei and I used to
23 ride a bicycle to Tuol Tumpung.

24 [14.11.57]

25 Q. Now, the last thing I want to ask or confirm about your

1 biography, the last date is the October 1977 position. The
2 biography itself doesn't have a date.

3 But as of the time of this biography, you were still identified
4 as single. And we are going to talk in a little bit about your
5 marriage. But is -- am I correct that as of at least October
6 1977, you were still single and it was not until later on towards
7 the end of the regime that you were married; is that correct?

8 A. When I was in that mobile unit, it was from 1977 to '78 and by
9 November '78, I got married and I went to live with my husband at
10 the Ministry of Finance.

11 [14.13.08]

12 Q. All right. We'll come back. I am going to ask you a number of
13 questions about your marriage. I want to ask a few questions
14 about Tuol Tumpung and the Commerce positions that you worked in.
15 During the time you were working at Tuol Tumpung from 1977 to
16 '78, was it part or was it under the Ministry of Commerce and, if
17 so, who was the head of Commerce at that time?

18 A. I was at the by-product selection unit in Tuol Tumpung and at
19 that time, Ta Hong supervised us. And after I got married I went
20 to my husband's side and Ta Rith was superior than Ta Hong.

21 However, he was part of the Ministry of Foreign Affairs or
22 something. He was in charge of the import and export section.
23 But <before I got married>, I was at the by-product selection
24 unit for exporting those goods overseas.

25 Q. And did you know what Ta Hong's position was?

1 MR. PRESIDENT:

2 Witness, please observe the microphone. You should speak only
3 after you see the red light.

4 [14.15.03]

5 MS. PHAN HIM:

6 At that time he was in charge of the domestic affairs and he was
7 the deputy of Ta Rith. Ta Rith was in charge of both internal and
8 external domestic affairs from what I understand and he was above
9 Ta Hong.

10 BY MR. LYSAK:

11 Q. And did you know who it was that Ta Rith reported to? Did you
12 know who the senior leaders of the Party were that Ta Rith
13 reported to?

14 MS. PHAN HIM:

15 A. I did not know about that. I was an ordinary person so I did
16 not know to whom he reported.

17 [14.15.58]

18 Q. I want to read to you, Madam Witness, some testimony we've
19 heard in this case from a man named Sar Kimlomouth. He was in the
20 import/export side of commerce as well, a director or a deputy
21 director of a foreign trade bank. He testified here on the 31st
22 of May 2012, reference E1/79.1 about 14.33 in the afternoon.
23 He was discussing the commerce reports that were sent from Ta
24 Rith to Vorn Vet and Khieu Samphan alias Hem, and this is what he
25 said -- quote:

1 "[...] as routines subordinates at the Commerce Committee had to
2 report to the superiors whose names appear as Bong Vorn and Bong
3 Hem."

4 Question: "So, just to confirm I understand that correctly, that
5 would mean that Bong Hem and Bong Vorn were the superiors of the
6 Ministry of Commerce; is that correct?"

7 Answer: Yes, it is."

8 My first question, Madam Witness, this man who testified here,
9 Sar Kimlomouth, did you ever -- did you know a cadre named
10 Lomouth at Commerce?

11 [14.17.43]

12 MR. PRESIDENT:

13 Witness, please hold on.

14 And counsel for Khieu Samphan, you have the floor.

15 MS. GUISSSE:

16 Thank you, Mr. President. I have no objection to the question. If
17 it is clarified well that, in the context of this statement, Sar
18 Kimlomouth was not talking about things that he knew of, but
19 conclusions that he had drawn based on documents that were
20 presented to him during the hearing by Co-Investigators of the
21 OCIJ, this <is very clear in his statement after his interview
22 that he> didn't have direct knowledge of these facts. He was
23 drawing conclusions. So, to present things such that this person
24 allegedly had knowledge of these things at the time, is
25 erroneous.

1 BY MR. LYSAK:

2 Q. Madam Witness, Sar Kimlomouth, did you ever hear of this
3 person from your husband or while you were at Commerce?

4 [14.18.49]

5 MS. PHAN HIM:

6 A. After I got married in November 1978, I was sent to live at Ta
7 Rith's location and I knew this person although I did not know
8 which position he held since I was there for a short period of
9 time. I was there only for about three or four months. Then the
10 "Yuon" troops entered and we were separated.

11 And before that, I worked at Tuol Tumpung and for that reason I
12 did not know which position he held. I went there only after I
13 got married and I knew this Sar Kimlomouth, though I did not know
14 the position the person held since I was there for a brief period
15 of time.

16 [14.19.51]

17 Q. During the time that you were living with your husband towards
18 the end of the regime, living where Ta Rith and Lomouth were, did
19 you ever hear anyone talk about what Khieu Samphan's role was in
20 relation to Commerce?

21 A. No, I did not know if Khieu Samphan had any contact with Ta
22 Rith in terms of Commerce.

23 Q. Do you know whether during the time you worked at Tuol
24 Tumpung, do you know whether Khieu Samphan ever visited the
25 warehouses there?

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1 A. No, I never saw him. I only saw Ta Rith who came to do the
2 inspection for a brief period of time. Then he returned. I never
3 knew Ta Khieu Samphan or saw him there.

4 Q. And just so I'm -- we're clear, Khieu Samphan's revolutionary
5 alias was Hem. Did you ever hear of a Brother Hem coming to visit
6 the state warehouses at Tuol Tumpung?

7 A. No. Since I started working at the by-products selection unit,
8 I never heard of Hem coming to the location. I only saw Ta Rith
9 and Ta Hong.

10 [14.21.44]

11 Q. I want to now, Madam Witness, turn to the subject of your
12 marriage. Can you tell the Court, please, how it is that you came
13 about that you were married during the Khmer Rouge regime?

14 A. I would like to talk about my marriage in November 1978. All
15 people in my group they actually got engaged a month or two
16 previously or before. But for me, I was asked that evening <and
17 the marriage was held the next morning> and I refused.

18 But I was told that despite my refusal, Angkar would assign me to
19 have a husband and if I violated the discipline, then I had to be
20 careful with myself. I kept quiet and, next morning, I was given
21 a set of clothes. And that's when the wedding ceremony was
22 organized. There were 21 couples and I was the last couple.

23 Q. Now, you have just indicated, as you did in your interview
24 that you were told by someone that you were to be married. You
25 refused but you were told that you had to be married. Who is it

1 that told you that you had to be married? Who was it from
2 Commerce who told you this?

3 [14.23.40]

4 A. There was a deputy chief, Im (phonetic), who was from the
5 ministry of Ta Rith and this person came to ask me at night and I
6 refused the proposal because I wanted to serve the Party. But I
7 was told that, "Comrade, despite your refusal, Angkar still go
8 ahead with the organization and that I should not violate any of
9 the discipline." And after that I kept quiet.

10 The next morning, a vehicle and came and dropped us some clothes,
11 a scarf, a <bottle of toothpaste, a bag of detergent> and a piece
12 of soap. And in the afternoon, we were instructed to attend an
13 assembly in a hall and that's where the wedding ceremony was
14 organized.

15 When I was there, we were instructed to sit in a row separately
16 from the men. We were then asked to stand and to salute the
17 Party's flag.

18 Ta Hong and Ta Rith were there. Then they called out each pair to
19 hold hands, to announce them husband and wife and that they could
20 sit together. Then they gave some instructions to live together
21 as husband and wife, to love one another and to strive to work
22 hard for the Party and the people. And after that, we were let
23 out to have meals.

24 [14.25.27]

25 Q. When was it that you first learned who you were to be married

1 to? Did they tell you that the night before or was it not until
2 the next day at the wedding ceremony where you learned who you
3 were going to be married to?

4 A. I knew it a day before the wedding ceremony. I was asked in
5 the <evening> and next day the wedding was organized. <I refused
6 to get married but it was not successful.> As I said, in the next
7 morning, a vehicle came and some clothes were distributed to us.
8 And <> that day, we were told not to work; and rest, as we would
9 have to involve in the marriage ceremony <. At about 2 o'clock,
10 we were called to the place.>

11 Q. And the man that you were told that you were to marry, was
12 this someone that you wanted to marry, someone you knew and
13 loved?

14 A. The man who later became my husband and who <> was not known
15 to me. And he did not know me as well. He was with Ta Rith's
16 office and he was the one who worked with the list. And when we
17 sent for study sessions on the 10th or the 30th of the month,
18 then I saw him. At that time a fan fuse broke and he was asked to
19 fix it.

20 I saw him but I did not pay attention to him because, at that
21 time, he did not make any proposal to me.

22 [14.27.24]

23 Q. Now, you've indicated here that you didn't want to get
24 married. You've told the deputy chief that you didn't want to get
25 married.

1 Why -- can you explain why it is that you went ahead with this
2 marriage when you didn't want to get married? You talked about
3 fear of discipline. Can you explain why it is that you went ahead
4 and got married even though you didn't want to?

5 A. At that time I did not want to have a husband and that's why I
6 refused. Since 1975, I kept refusing but by 1978, I could no
7 longer do that. I wanted to be by myself and I did not want to
8 get married. But on that day, despite my refusal, I was warned
9 that despite my objection, Angkar would organize it and that I
10 had to respect the disciplines by Angkar. And with that, I became
11 quiet.

12 [14.29.03]

13 Q. A few questions about the ceremony: You've indicated that you
14 were taken to a hall. Can you -- do you know where this hall was
15 where you were married? Was this at Tuol Tumpung or was it
16 somewhere at the Ministry of Commerce? Where was it that you were
17 taken to be married?

18 A. It was like a classroom which was used for study sessions for
19 every 10th and <20th> days of the month because workers were sent
20 for study sessions <regarding loss and gain in business> on every
21 10th and <20th> day of the month. <>

22 And that school was to the east of the Tuol Tumpung pagoda and it
23 was located within the vicinities of those houses.

24 Q. Now, you've indicated that there were 21 other couples who
25 were married with you at the same time. You also stated that

1 commerce minister Ta Rith was present, as well as his deputy.
2 Were there any other people who attended these marriages and, if
3 so, how many other people and who are the other people who were
4 present?

5 [14.30.47]

6 A. During the wedding ceremony, Ta Hong and Ta Rith were the
7 dignitaries since they had leading roles there. Then there were a
8 few unit chiefs for the females who participated in the ceremony
9 as well.

10 Q. Were your parents or any of your relatives present at your
11 wedding?

12 A. My family members were not there and my parents were not aware
13 of my marriage. There were the would-be husbands and wives,
14 together with the organizers of the wedding. Ta Rith, Ta Hong and
15 <> two of our direct supervisors were there. My parents were not
16 aware of my marriage.

17 Q. And who was it that conducted the ceremony? Who is it that
18 spoke when you were married?

19 A. Ta Rith addressed the wedding. He was standing up, explaining
20 us and educating us to love and be loyal to Angkar and the Party.

21 [14.32.50]

22 Q. Can you tell us what happened after you were married?

23 A. After the marriage, I was living at Ta Rith's location for
24 three or four months. Then the Vietnamese advanced into the
25 country. Later on, I was sent to live at the northwest on the

1 sixth day of my marriage. There was big fighting on <the 7th day>
2 and I was then going to Kampong Chhnang and further down to
3 Pursat.

4 Q. Okay, my apologies. My question wasn't specific enough. I was
5 speaking of the day that you were married. After you were
6 married, were you told that you had to go live with your husband?
7 Can you tell us what happened that day after you were married?

8 A. When I was told to get married, <> after the marriage, in
9 fact, I was told that my husband would come to visit me once a
10 week. However, it was different. After the marriage, I was told
11 to prepare my stuff and go to live with my husband. Then I was
12 assigned <by Ta Rith> to work at the kitchen and my husband was
13 assigned to do his tasks.

14 [14.35.00]

15 MR. LYSAK:

16 Mr. President, this is a convenient breaking point.

17 MR. PRESIDENT:

18 Thank you, Mr. Co-Prosecutor.

19 It is now break time. The Court will take a 20-minute break from
20 now on.

21 (Court recesses from 1435H to 1454H)

22 MR. PRESIDENT:

23 Please be seated.

24 The Chamber once again hands the floor to the Co-Prosecutor.

25 BY MR. LYSAK:

1 Thank you, Mr. President.

2 Q. Madam Witness, in this courtroom on the 27th of May 2013, we
3 heard the following statement from Khieu Samphan. This is at
4 14.58 in E1/197.1. Khieu Samphan said -- I quote:

5 "On the issue of forced marriage, I did not know anything at all
6 because at the offices around Phnom Penh, no such event
7 happened." End of quote.

8 [14.56.00]

9 You've described for us already your group marriage. I want to
10 ask you some questions now about whether there were other
11 marriages you were aware of at the Ministry of Commerce.

12 First, can you tell us when you worked at Tuol Tumpung from 1977
13 to '78, how many people in total worked at the Tuol Tumpung
14 warehouses?

15 A. At the Tuol Tumpung office, there <was a> male mobile unit and
16 there was also a female mobile unit <>. And the male mobile unit
17 was tasked to do the by-product selection of kapok seeds <in Tuol
18 Tumpung pagoda> and another part of the group was for carrying <>
19 goods onto vehicles.

20 [14.57.26]

21 Q. And can I clarify: did you work at the state warehouses or
22 were the -- were your mobile units separate from the warehouses?

23 A. No, we did not work at the state warehouse. We were part of
24 the domestic commerce, and the state warehouse group <> was at
25 Kilometre 6 location.

1 Q. So, do I understand correctly that there were -- as far as you
2 knew, there were no warehouses used to store products at Tuol
3 Tumpung?

4 A. There was a warehouse to store the by-products including
5 sesame and tiger bones and peanuts. After we cleaned those
6 products, we stored them in the warehouse and when the vehicle
7 arrived, the products would be transported onto the vehicles and
8 the vehicles would head to Kampong Som.

9 [14.59.04]

10 Q. Okay. Thank you for clarifying that.

11 You've talked about your own marriage that involved 21 couples.
12 Were you aware of other marriages of people, either people who
13 worked at Tuol Tumpung or people who worked elsewhere in
14 commerce?

15 A. The 21 couples included those from the export section. There
16 were two, that is, one was my husband and <another person, and>
17 there were also three other individuals from his department and a
18 few of them came to get married at my place at Tuol Tumpung.

19 And I referred to the two individuals from the Finance who came
20 to marry women at my location at Tuol Tumpung. And as I said, the
21 total number of the couples was 21.

22 Q. My question may not have been clear. My question was: Were you
23 aware of other marriage ceremonies, other couples who were
24 married in addition to the 21 couples who were -- whose marriage
25 was arranged at the time you were married?

1 MR. PRESIDENT:

2 Civil Party -- Witness, please respond again. When you spoke, the
3 microphone was not yet operational.

4 [15.01.08]

5 MS. PHAN HIM:

6 A. I was not aware about this matter from other units.

7 BY MR. LYSAK:

8 Q. Let me ask you about some evidence that has come from a former
9 chief of one of the state warehouses, a man, Ruos Suy, who's
10 testified in this Court before. He's given an OCIJ interview in
11 which he describes his involvement in organizing marriages at the
12 state warehouses.

13 And this is, Your Honours, E3/10620. That's E3/10620 at answer
14 75, and this is what he testified to -- I quote:

15 "There was a plan which required the unit or the warehouse
16 ministry to have 100 couples married per month. The marriage age
17 was over 20 years old."

18 And at answers 77 to 78 of his statement -- quote: "The marriages
19 began in 1976 but strict measures were implemented from 1977.

20 However, I am not sure of the dates."

21 Question: "What do you mean by strict measures?"

22 Answer: "I mean that 100 couples per month had to get married."

23 End of quote.

24 [15.02.54]

25 This comes from someone who was a chief of a state warehouse.

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1 My question to you: Did you ever hear about a plan by which 100
2 couples had to be married per month and did you know this person
3 Suy, from the state warehouses?

4 MS. PHAN HIM:

5 A. No, I was not aware of that. As I stated, the state warehouse
6 was far from where I worked. It was located at Kilometre Number
7 6.

8 Q. I asked you -- I asked you before whether Khieu Samphan ever
9 came to visit Tuol Tumpung. Were you aware of any study sessions
10 or training sessions that were led by Khieu Samphan for workers
11 from the state warehouse or the Ministry of Commerce?

12 [15.04.09]

13 MR. PRESIDENT:

14 Counsel for Khieu Samphan, you have the floor.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I object to this question as this
17 witness has testified that she does not know Khieu Samphan, so
18 activity -- any activities related to Khieu Samphan could not be
19 said by this witness besides her presumption.

20 MR. LYSAK:

21 Mr. President, I think that was the point of my question to find
22 out whether she's heard or knows anything on another subject, a
23 different subject to what I asked her before, which is: did she
24 hear of Khieu Samphan conducting study sessions or training
25 meetings?

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1 [15.0.03]

2 MR. PRESIDENT:

3 The objection is overruled and Co-Prosecutor, you may resume your
4 questioning.

5 BY MR. LYSAK:

6 Q. Did you ever hear, Madam Witness, of Khieu Samphan of
7 conducting study sessions or training meetings for Commerce
8 workers?

9 MS. PHAN HIM:

10 A. No, I did not know about that.

11 [15.05.30]

12 Q. Well, I want to -- I want to ask you about some testimony that
13 we heard yesterday from a -- and this morning also from a female
14 civil party in this case who worked for the Ministry of Commerce
15 and was also forced to marry. Yesterday at 13.47 to 13.50, she
16 testified about a study session conducted by Khieu Samphan at the
17 Ounalom pagoda at which he told a group of male and female youths
18 the following. I quote, and this is referring to Khieu Samphan:

19 "He said that all female cadres need to work for the state and
20 those with the age from 19 -- from above 19 from all ministries
21 need to be arranged to get married. We should not keep them
22 unmarried. He said that they should be married -- get married so
23 they would produce children and when they produce children, we
24 will have more force to defend our territory." End of quote.

25 Madam Witness, did you ever hear of a policy like this from any

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1 Party leaders, Ta Rith, Khieu Samphan, anyone else? Does this
2 refresh your recollection?

3 A. No, I was not aware of the matter that you have just raised.
4 [15.07.21]

5 Q. And before I move on to my next subject, I need to ask you
6 also about another subject that the civil party testified to
7 yesterday as this involves Tuol Tumpung. Yesterday at about 14.04
8 in the afternoon, she testified that on the night she was
9 married, she and the other couples were sent to stay in a house
10 at the Tuol Tumpung market and she described what took place that
11 night as follows -- quote:

12 "When I went to rest at Tuol Tumpung market, one person told me
13 that I should be careful because we were under monitor. The three
14 couples stayed in three separate rooms in one house and at night
15 time, I tried to listen and I could hear the footsteps. And they
16 actually went up the ladder to try to listen to us. They were the
17 militia people." End of quote.

18 Madam Witness, did you ever hear while you were at Tuol Tumpung,
19 did you hear of couples being monitored after they were married
20 by militia?

21 A. No, I did not hear anything about that because after I got
22 married I moved to the finance section.

23 Q. The other 20 couples that were married with you, did they --
24 any of them come and stay where you were located or did they
25 remain in Tuol Tumpung?

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1 A. The 21 couples who got married on the day that I got
2 married<, > four of them went to live at Finance Ministry while
3 the rest of the couples remained living to the eastern part of
4 the Tuol Tumpung pagoda, that is, remained with the mobile unit
5 stationed there.

6 [15.09.51]

7 Q. Okay, thank you. I am going to turn now to a different
8 subject, something you talked about in your DC-Cam interview.
9 Can you tell the Court whether you attended any political
10 education meetings during the regime at which Nuon Chea provided
11 instruction and, if so, can you describe that meeting for the
12 Court?

13 A. During the period that I lived in the regime, we were called
14 for a meeting at Borei Keila and Ta Nuon Chea was the instructor
15 on the topic of striving to work for the Party, and that we
16 should respect the Party and the Party's disciplines, that we
17 should work hard to produce good products to achieve always three
18 tonnes of rice yield per hectare.

19 [15.11.17]

20 Q. Okay, one -- a first question just to clarify. Earlier this
21 afternoon you talked about a week-long session that you called a
22 session denouncing traitors that took place immediately after you
23 were returned to Phnom Penh from the tempering site.
24 Was the meeting at which Nuon Chea spoke part of that week-long
25 session or was this a different occasion?

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1 A. When we were called to a meeting, and that meeting took place
2 after I got married in 1978.

3 Q. Just I want to be clear. The meeting at which at Borei Keila
4 where Nuon Chea spoke was -- it was not until after you were
5 married; is that correct?

6 A. It happened after I got married.

7 Q. And did Nuon Chea, at this meeting, talk about arrests of
8 traitors and, if so, what did he say?

9 A. It happened many years ago and I cannot recall much. What I
10 recall is that we were told to respect the disciplines of Angkar
11 to increase the production, to respect the Party and to respect
12 their leadership.

13 [15.13.28]

14 Q. Let me read to you, Madam Witness, an excerpt of what you said
15 to DC-Cam about this meeting. This is in your interview E3/9318
16 at Khmer, ERN 00058269 through 270; English, 00679670; French,
17 00611552; quote -- I quote your statement here, Madam Witness.

18 Question: "Did you ever attend the Party's anniversary?"

19 Answer: "Yes, I did. I attended the session when some perceived
20 traitors from the north were arrested. They said they would start
21 arresting people to wipe out all traitors. We were asked to go to
22 Borei Keila where a meeting was held. We were made to listen in
23 the meeting in which the work on reconstruction of the country
24 and increasing production from one tonne a hectare to three
25 tonnes were lectured. They educated us to strive to work hard and

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1 that all traitors were arrested and we should not be worried
2 anymore."

3 Question: "Who were in attendance? Who were giving the speech?"

4 Answer: "Nuon Chea."

5 Question: "What year was that?"

6 Answer: "1977."

7 [15.15.17]

8 Question: "Did you remember who the north people were who were
9 perceived as traitors?"

10 Answer: "The contemptible Koy Thuon's group and the contemptible
11 Nhem and other names I cannot recall." End of quote.

12 Does that refresh your memory, Madam Witness? Do you remember
13 Nuon Chea talking about arrests of traitors from Koy Thuon's
14 group?

15 A. I cannot recall that. It happened a long time ago.

16 Q. Now, you told DC-Cam that this meeting was in 1977. Are you
17 sure it was in 1978 (sic) or is it possible that your memory on
18 this isn't good and that it was in 1977 when this meeting took
19 place?

20 A. During the meeting where the announcement was made about the
21 traitorous people from the north and that happened in '77, and I
22 got married in '78, and then a fortnight after I attended another
23 meeting or study session and later on the "Yuong" troops arrived.

24 [15.16.50]

25 Q. So if I understand, there was the meetings where there was

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1 announcement about the North Zone traitors and that took place in
2 1977. Was this the same meeting you talked about, described as a
3 week-long session denouncing the traitors and, if so, where did
4 this meeting that talked about the week-long or talked about the
5 North Zone traitors, where did this take place?

6 A. When I attended the study session with him in Borei Keila in
7 1972 (sic), there was no announcement about the traitor, Koy
8 Thuon. However, when I attended the study session <at the City
9 Hall> near Phsar Chas, they announced about the traitors Koy
10 Thuon, <Chhoeun (phonetic)> and Nhem, and a few others who had
11 all been arrested.

12 Q. And who conducted the study session at Phsar Chas that talked
13 about Koy Thuon and others?

14 A. It was Ta Hong who opened the session.

15 [15.18.27]

16 Q. And just so we're clear, you are referring to Ta Hong, the
17 person who was the deputy of the commerce minister Ta Rith; is
18 that right?

19 A. Yes, he <was> from Ministry of Commerce. Before he went to
20 Tuol Tumpung, he was in charge of the location at Phsar Chas.

21 Q. And you described this before as a week-long session. Was Ta
22 Hong the only one who gave speeches during this week or did
23 others also? Did any other Party leaders also talk?

24 A. It was Ta Hong who provided instructions. There was no one
25 else.

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1 Q. And how many people attended this meeting where Ta Hong talked
2 about, among other things, the traitors from the North Zone?

3 A. There were many participants. There were participants from
4 Commerce, Phsar Thmei and Phsar Chas. There was a mobile unit at
5 Phsar Chas as well but I was not a part of it. And during that
6 meeting, it was a full crowd as there were many participants. <I
7 did not know how many Ministries got involved.>

8 [15.20.25]

9 Q. And so just to be sure I understand correctly, there was one
10 meeting that was held, a week-long meeting held in 1977 after you
11 returned from the tempering site presided over by Ta Hong and
12 then there was a different meeting in 1978 at Borei Keila led by
13 Nuon Chea; is that correct?

14 A. At that one study session, it was led by Nuon Chea.

15 Q. And how long was the study session that was led by Nuon Chea
16 in Borei Keila?

17 A. It was a one-day study session.

18 Q. And who were the people who attended this study session? How
19 many people and who were they?

20 A. For the study session that lasted for one day, again, it was a
21 full crowd as the hall was fully occupied. There were many people
22 and I only knew that people from the import and export sections
23 also participated in the session.

24 [15.21.10]

25 Q. Thank you, Madam Witness.

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1 One point I want to ask you about before I move on, the same
2 supervisor from one of the state warehouses, Ruos Suy, has
3 testified regarding study sessions he attended at Borei Keila
4 that were presided over by Nuon Chea and in his OCIJ statement,
5 this is E3/469; Khmer, 00172052; English, 00205113; the French,
6 00524390 through 91; he has stated as follows -- quote:

7 "In the 1977 study session, Nuon Chea played the tape recording
8 of the confession of Koy Thuon." End of quote.

9 Does that ring a bell with you at all, Madam Witness? Did -- were
10 you, at either of the meetings you went to, did anyone play a
11 recording of Koy Thuon's confession or did you ever hear from
12 other people at the Commerce who heard the playing of that
13 recording?

14 A. No, I did not know about the playing <of a recording> of Koy
15 Thuon's confession.

16 [15.24.04]

17 Q. I want to ask you a few questions now about arrests or
18 disappearances of your fellow workers during the regime,
19 particularly in 1977 and 1978. Can you tell us either during the
20 time you were at the tempering site near Pochentong or while you
21 were working for Commerce in Phnom Penh, did you ever see people
22 being taken away to be arrested and, if so, can you describe for
23 the Court what you witnessed?

24 A. When those traitors had been arrested and a day or two after I
25 attended a study session, at Phsar Thmei, where my group stayed,

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1 at night time a vehicle arrived and people with weapons got off
2 the vehicle. They made the arrests and put people back onto the
3 vehicle and the vehicle left. We were afraid <and hid in the
4 house. We> did not know <where> those people who had been
5 arrested <were> sent to.

6 [15.25.33]

7 Q. And can you just tell -- can you tell us where was it that you
8 saw these people being arrested and put onto the truck?

9 A. It happened in front of the office at Phsar Thmei. As I said,
10 the vehicle stopped, people jumped out of the vehicle, went
11 <inside> the house and made the arrest. We saw it, we were scared
12 and we remained staying in the house and we did not know what
13 happened to those who were <> arrested.

14 Q. And is this something that happened during the same week when
15 you were having the study sessions that you described as
16 denouncing traitors, led by Ta Hong? Were these arrests during
17 that week or was this at a different time?

18 A. That event occurred a few days after the study session. Maybe
19 because the traitorous people from the north had not all been
20 arrested yet.

21 So, the vehicle came <at night>, arrests were made and people who
22 were arrested were put on the vehicle and left, and we remained
23 staying in the house since we were afraid.

24 [15.27.14]

25 Q. How many people were arrested and put on this truck?

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1 A. Only next morning we learnt that two cadres, Phy and Doeun
2 disappeared and Doeun was in charge of the distribution lists for
3 the state market. And Phy was above the Commerce at Phsar Thmei.

4 Q. Who is it that informed you that these were the two people who
5 had been arrested?

6 A. It was his wife. Next morning, his wife <said> that her
7 husband had been arrested during the night time. We heard it but
8 I did not ask her for details since we were also afraid. I did
9 not want to ask for any details.

10 [15.28.28]

11 Q. Okay, let me -- I want to get some clarification on something
12 you said in your DC-Cam interview, E3/9318. Your Honours, this is
13 at Khmer, 00058271; English, 00679672; French, 00611554.

14 And in this part of your interview you were describing the period
15 you were at the tempering site near Pochentong. I quote; this is
16 what you said - quote:

17 "I was tempered by building the dykes and canals. We worked to
18 the north of the road in the paddy fields near the railroad. I
19 would see people being taken away by trucks almost every day."

20 End of quote.

21 Does that refresh your memory, Madam Witness? Did you -- during
22 the time -- this is not before you were returned to Phnom Penh --
23 did you see people being arrested and put into trucks at the
24 tempering site near Pochentong?

25 A. That was the location I was tempered and members of my unit

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1 were arrested. In the evening, an enclosed vehicle arrived. They
2 had a list of names, they called out the names, and they rushed
3 to call those who could not even pack their belongings.

4 And that vehicle left. It was not a truck, it was an enclosed
5 vehicle but not a truck, and then it headed towards the west and
6 disappeared.

7 And then we were afraid. We thought that our turn would be next.

8 [15.30.49]

9 Q. And you said in your DC-Cam interview that this happened
10 almost every day; is that correct, Madam Witness?

11 A. As I have stated earlier, a few days, four or five days later,
12 the vehicle arrived again at around 6 or 7 p.m. Then people were
13 put onto the truck and <> the vehicle left, and four or five days
14 later, the vehicle returned but, at that time, although my name
15 was called, the vehicle was full and then I was told to wait for
16 next turn.

17 And when I asked where they were sent to, they said that they
18 were sent to an office in Kampong Kantuot so that they would
19 reunite with their parents.

20 [15.31.53]

21 Q. Thank you, Madam Witness. One more short subject to cover with
22 you then -- but I want to go back just for one moment to the -- a
23 meeting in Borei Keila chaired by Nuon Chea.

24 In your DC-Cam interview, E3/9318; English, 00679667; Khmer,
25 00058266; French, 00611549 through 550; you're discussing the

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1 meeting at Borei Keila chaired by Nuon Chea and at one point in
2 your description of that meeting you said -- I quote: "We were
3 given handouts." End of quote.

4 Do you remember what the handouts were that were distributed at
5 the meeting that was chaired by Nuon Chea?

6 A. I did not receive the booklet. Perhaps the booklets may have
7 been given to the participants <and they ran out> but I, myself,
8 did not receive a copy of it.

9 Q. The last subject I wanted to ask you about today is something
10 you talked about in your interview.

11 Did you, yourself, have any relatives who were arrested and
12 killed during the Khmer Rouge regime?

13 A. I had biological sibling, relative, an aunt who were killed in
14 1977. My elder <brother> was accused of being a soldier for one
15 month. Family members of my aunt's were taken away. They were
16 accused of being a feudalist. All <of her> family members were
17 killed.

18 Back then, I was in Phnom Penh. I did not know that they were all
19 taken away and killed. It was only after <the fall of the Khmer
20 Rouge regime> I returned home did I know that they were all
21 killed.

22 [15.34.48]

23 Q. Your brother, when you say that he was accused of being a
24 soldier, had he been a soldier during the Lon Nol regime?

25 A. He was a soldier in Lon Nol's time. In fact, he was forced to

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1 be a soldier. He did not join the army voluntarily. He did not
2 receive a salary after one month of service, then he went to
3 consult with my father about that<. My father suggested he had to
4 make a decision by himself> and after the discussion, he <fled>.

5 Q. And was it just your brother who was killed or was -- what
6 happened to your brother's wife and son?

7 A. All of them had been arrested. The foetus was also taken away.
8 His wife was pregnant. She was taken away. She found it difficult
9 to walk at the time, so they dragged her onto the vehicle.
10 Four families were arrested and sent away. And <> three or four
11 families of my aunt's were also taken away after their evacuation
12 from Phnom Penh.

13 [15.36.54]

14 Q. You indicate in your interview that your brother, his pregnant
15 wife, and their son were all taken away and killed. How old was
16 their son, how old was their child that was taken away?

17 A. I do not really know their age because I already left my
18 village.

19 Q. And you've already mentioned that this is something you
20 learned when you returned to your home village after the regime.
21 Just so we're clear, who is it that told you what had happened to
22 your brother and his family?

23 A. My mother, upon my arrival at home, my mother told about what
24 had happened to my elder brother.

25 MR. LYSAK:

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1 Thank you very much for your time, Madam Witness.

2 We have no further questions, Mr. President.

3 [15.38.25]

4 MR. PRESIDENT:

5 Thank you very much, Mr. Co-Prosecutor.

6 And now the floor is given to Lead Co-Lawyer for civil parties.

7 You may now proceed.

8 QUESTIONING BY MS. GUIRAUD:

9 Thank you, Mr. President.

10 Good afternoon, Madam Witness. My name is Marie Guiraud and I

11 represent the consolidated group of victims who join this trial

12 as civil parties.

13 Q. I have a few short follow-up questions regarding your marriage
14 in 1978.

15 You explained the ceremony and the vow you took on that day. You
16 have explained that Ta Rith presided over that ceremony.

17 Did anyone tell you on that day that you had to consummate your
18 marriage?

19 [15.39.35]

20 MS. PHAN HIM:

21 A. No one told me about that; however, I was transferred from

22 Tuol Tumpung to the place where my husband was living <at the

23 Ministry of Finance>. He was living in a small room. No one, in

24 fact, told me about what to do after marriage.

25 Q. Can you tell the Chamber whether you and your husband

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1 consummated the marriage after the ceremony when you joined him
2 in the little room in which he was living in the <Ministry of
3 Finance>? Did you live as husband and wife?

4 A. After the marriage, we did not consummate the marriage right
5 away. It was only after half-a-month or one month did we
6 consummate the marriage. At first, we did not have any feeling
7 toward one another and we did not love one another.

8 [15.41.00]

9 Q. Thank you for this clarification.

10 When you decided to consummate the marriage, 15 days or a month
11 later, was it a joint decision taken by you and your husband?

12 A. He started to mention about his background at the birth
13 village. He <> said he <was> separated from his family members
14 and his mother had no food to eat <and they died>. I started to
15 feel a pity on him, so we started to live as husband and wife.

16 Q. Did you have any children with your husband during the
17 Democratic Kampuchea regime? Did you become pregnant during the
18 Democratic Kampuchea regime?

19 A. No, I was not pregnant. When I was living in the refugee camp
20 that I was pregnant.

21 Q. And did you, at any point in time while you were still living
22 with your husband in 1978 at the <Ministry of Finance> hear any
23 remarks or questions because, precisely, you were not <pregnant>?
24 Were there any recommendations or instructions during sessions
25 regarding women who got married and who didn't become pregnant?

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1 [15.43.01]

2 A. No such discussion; no education about that particular matter.
3 Some couples, after their marriage, <> some women got pregnant
4 right away, but some other were pregnant later on.

5 Q. This will be my last question and I will give the floor to my
6 colleague who will have some follow-up questions.

7 For how long did you live with your husband after your marriage?

8 A. For more than three months; I stayed with him <until
9 November,> up until <> the Vietnamese advanced into the country
10 in January. <We were separated for a while and then> I met him
11 again at Thai-Cambodian border.

12 Q. And did you stay with your husband after the regime ended in
13 1979 and thereafter?

14 A. After the Khmer Rouge regime, I met him in the territory of
15 Thailand and we continued to live together.

16 [15.45.11]

17 MS. GUIRAUD:

18 Thank you, Madam Witness.

19 I have no further questions. I believe my colleague, Lor Chunthy,
20 has a few questions for the witness, Mr. President.

21 MR. PRESIDENT:

22 You may now proceed, lawyer for civil parties.

23 QUESTIONING BY MR. LOR CHUNTHY:

24 Thank you, Mr. President. Good afternoon, the Chamber. My name is
25 Lor Chunthy. I am a lawyer from Legal Aid of Cambodia. I am one

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1 of the civil party lawyers.

2 Q. I would like to put some follow-up questions.

3 Before the wedding day, how long were you informed of the planned
4 marriage? How did you learn about your marriage?

5 MS. PHAN HIM:

6 A. Before the wedding, the 20 couples knew about the planned
7 marriage one month before and, for me, I knew about the planned
8 marriage of me the evening before the wedding ceremony taking
9 place.

10 [15.46.46]

11 Q. What did they tell you about the planned marriage? Did they
12 tell you to respect the plan that Angkar organized?

13 A. I was told that Angkar wanted to marry me to a man and I said
14 I did not want to get married. Then I was told again about the
15 principle or plan or rule of Angkar that I had to get married. <I
16 said that I respected the principles or rules of Angkar but I did
17 not want to get married.> So I was told that I had to get ready
18 in the morning so that someone would come <to deliver clothes to>
19 me<. I did not dare to refuse and the clothes were delivered to
20 me the next morning.>

21 Q. Thank you very much, Madam Witness. You made mention about the
22 rules of Angkar. What does this mean?

23 A. I was told to respect and adhere to the disciplines of Angkar.
24 The disciplines were the rule or lines of the Party that we had
25 to follow.

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1 [15.48.30]

2 Q. Did you have to adhere to the discipline or the line of the
3 Party? Were you afraid of the line or disciplines of the Party?

4 A. I had to adhere to the line, the Party's line, or disciplines
5 of the Party because I was afraid that I would be taken away.

6 Q. During the marriage where 21 couples were arranged -- where
7 the marriage of the 21 couples were arranged, you stated that you
8 stayed together with your husband, and other couples were living
9 at Tuol Tumpung.

10 Did you receive any information that the other couples were
11 getting along with one another?

12 A. After the wedding, those who were living at Tuol Tumpung were
13 living happily together and they were running away together <to
14 Thailand> during the time that the Vietnamese were advancing into
15 the country.

16 [15.50.22]

17 Q. I would like to backtrack a little bit, Madam Witness. You
18 made mention that you were a small vendor at the <Ministry of
19 Commerce> . What do you mean by that? Were there vendors during
20 the DK and was there a trade?

21 A. You asked me about the period when I was a vendor at Phsar
22 Thmei or which period of time did you want to know?

23 Q. I want to know about the period when you were a vendor <at
24 Phsar Thmei> at a later stage.

25 A. When I was a vendor at Phsar Thmei warehouse I, in fact, was

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1 not a vendor, I was there responsible for delivering goods to
2 workers. Pigs were raised at Chrang Chamreh (phonetic) or Office
3 <K-31>, and cows were raised there as well.

4 And on the delivery dates, there were vehicles coming to my
5 warehouse and I had to register in the inventory <> how many
6 kilogrammes of pork or fish or dried fish I received. So I was
7 there responsible for weighing the beef, pork, dried fish for
8 <workers to take it to their respective units>.

9 And if there was remainder of beef, pork, fresh fish or dry fish,
10 I had to send to Pochentong to keep in a refrigerator or freezer.
11 In fact, there was no exchange of money at the time or exchange
12 of currency.

13 [15.52.40]

14 Q. You stated that there was one time you went to teach children.
15 What did you teach the children about? Were there textbooks? And
16 how many children did you teach?

17 A. When I was first teaching children at the district office,
18 there was a textbook that is Khmer literature; there was only one
19 textbook. And as for children, they had only boards to write on.
20 There were no books for them to write.

21 Q. Where were the children from? Were those children from the
22 villages or did they belong to the cadres working at different
23 locations?

24 A. I did not know at the time. Some children were the children of
25 the evacuees because their parents <> died, so they became

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1 orphaned and then they were sent to the <children's> unit.

2 [15.54.15]

3 Q. I thank you very much. I still have two more questions to put
4 to you.

5 My first question is about your background. You stated that you
6 left your birth village and stayed in different locations from
7 1975 to '79.

8 Did you have time to visit your home at your village?

9 A. After the fall of the regime in 1979, I visited my house once
10 and my elderly parents were there at home. My <young siblings>
11 and <elder> sisters were already working in the mobile unit.
12 However, we did not eat collectively at the time, I mean in 1975.
13 <We ate at home.>

14 [15.55.30]

15 Q. <Did you visit them later on?> What about the wedding
16 ceremony, did they come to attend your wedding ceremony?

17 A. I did not go to visit my house <> after I had left, but there
18 was one time that I went to visit my house. Leng (phonetic)
19 became a psychotic person and was sent to <study> in Ounalom
20 pagoda. A Pi (phonetic) was the chief of that unit in Wat
21 Ounalom.

22 <>A Pi (phonetic), in fact, had a package of clothes for that
23 psychotic person and one day he searched in the backpack and he
24 found a snake and <Leng (phonetic)> became a very psychotic
25 person -- became a very psychotic person afterwards. <He spoke a

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1 lot of nonsense. One day, Lonh (phonetic), the chief there, heard
2 him saying nonsense and> he accused Leng (phonetic) of being an
3 enemy.

4 At the time, I was staying in the house and Leng (phonetic) was
5 asked <why he was talking nonsense like> a crazy person. Then
6 Leng (phonetic) <started crossing his legs> and he said that he
7 was a member of "Youth League".

8 Leng (phonetic) then <> approached Lonh (phonetic) and strangled
9 <him> (phonetic), so I intervened at the time and I chased Lonh
10 (phonetic) away. Seeing that, he came toward me and wanted to
11 beat me.

12 [15.57.34]

13 From that time onward, I started to realize that he became a
14 psychotic person and everyone at the location accused him of
15 being enemy because he had said that he wanted to become a senior
16 person. So from time to time, he became even psychotic, even
17 crazy. He took off his clothes and walked around, so everyone
18 decided to put him in a room on the upper floor of the building.
19 Then he was sent to a hospital <17> and there, at the place, he
20 bit and hit the staff members at the hospital. He was chained and
21 after staying in the hospital for a while, we received
22 information that we had to go and collect him back.

23 So I had to go and collect Leng (phonetic). When he saw me, he
24 approached me and he hugged me. He was then talking to me that I
25 did not give him food to eat, so he asked me to take <> him

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1 along.

2 After I took him to my location, Pi (phonetic) arrested him and
3 detained him on -- in a room on the upper level.

4 [15.59.18]

5 Q. So what happened next? So please describe it briefly.

6 A. I was told to take him to Prey Char <pagoda in my district> to
7 treat him to become a stable person. I went with him to Prey Char
8 <> on two occasions and <the second time, after I sent him there,
9 I visited my house for a short period and I came back>.

10 And after that time, we were requested to live in a collective
11 community.

12 <MR. LOR CHUNTHY:>

13 <Thank you, Mr. President, I have no further question.>

14 MR. PRESIDENT:

15 It is now time for the adjournment.

16 The Chamber will resume its hearing tomorrow on <Thursday,> 1
17 September 2016, at 9 a.m.

18 Madam Witness, the hearing of your testimony has not come to an
19 end yet. You are therefore invited to come here again to testify
20 tomorrow.

21 And the staff member who supports the witness, please also come.

22 [16.00.35]

23 The Chamber would like to inform the parties that after the
24 conclusion of the testimony of this witness, the Chamber will
25 hear the submission of parties in relation to 2-TCE-93.

*Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 448
Case No. 002/19-09-2007-ECCC/TC
31 August 2016*

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1 Security personnel are instructed to bring Mr. Khieu Samphan and
2 Nuon Chea back to the ECCC's detention facility and have them
3 returned tomorrow on <Thursday,> 1 September 2016, before 9 a.m.
4 The Court is now adjourned.
5 (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.