



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC REDACTED

Case File N° 002/19-09-2007-ECCC/TC

5 September 2016  
Trial Day 450

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Jan-2017, 08:00
CMS/CFO: Sann Rada

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

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KHIEU Samphan

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LIV Sovanna  
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For Court Management Section:  
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## I N D E X

## MS. NOP NGIM (2-TCW-1002)

Questioning by The President (YA Sokhan) .....	page 29
Questioning by Mr. KOUMJIAN .....	page 32
Questioning by Ms. GUIRAUD.....	page 50
Questioning by Mr. PICH Ang.....	page 53
Questioning by Judge LAVERGNE.....	page 59
Questioning by Mr. LIV Sovanna .....	page 67
Questioning by Judge FENZ.....	page 80
Questioning by Ms. CHEN.....	page 83
Questioning by Ms. GUISSE.....	page 107
Questioning by Mr. KONG Sam Onn .....	page 110

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHEN	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
Ms. NOP Ngim (2-TCW-1002)	Khmer
Mr. PICH Ang	Khmer
Mr. SMITH	English
The President (YA Sokhan)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear oral responses to three requests  
6 pursuant to Rule <47.4 (sic)> with regards to the testimony of  
7 2-TCE-82. And after that, we begin hearing testimony of a  
8 witness, that is, 2-TCW-1002.

9 And Mr. Em Hoy, please report the attendance of the parties and  
10 other individuals to today's proceedings.

11 [09.02.00]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case  
14 are present except Calvin Saunders, who is absent due to traffic  
15 congestion. He will be a little bit late this morning.

16 And Counsel Pich Ang is also absent.

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

20 The witness who is to testify today, namely, 2-TCW-1002, confirms  
21 that, to her best knowledge, she has no relationship, by blood or  
22 by law, to any of the two accused, that is, Nuon Chea and Khieu  
23 Samphan, or to any of the civil parties admitted in this case.

24 The witness took an oath before the Iron Club Statue this morning  
25 and is ready to be called by the Chamber.

2

1 Thank you.

2 [09.03.12]

3 MR. PRESIDENT:

4 Thank you, Mr. Em Hoy. The Chamber now decides on the request by  
5 Nuon Chea.

6 The Chamber has received a waiver from Nuon Chea, dated 5  
7 September 2016, which states that, due to his health, that is,  
8 headache, back pain, he cannot sit or concentrate for long. And  
9 in order to effectively participate in future hearings, he  
10 requests to waive his right to be present at the 5th September  
11 2016 hearing.

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

16 [09.04.06]

17 Having seen the medical report of Nuon Chea by the duty doctor  
18 for the accused at ECCC, dated 5 September 2016, which notes that  
19 Nuon Chea has a back pain when he sits for long and recommends  
20 that the Chamber shall grant him his request so that he can  
21 follow the proceedings remotely from the holding cell downstairs.  
22 Based on the above information and pursuant to Rule 81.5 of the  
23 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
24 follow today's proceedings remotely from the holding cell  
25 downstairs via an audio-visual means.

3

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

4 And before we proceed to hear testimony of witness 2-TCW-1002,  
5 the Chamber wishes to hear oral responses from parties to the  
6 three requests made pursuant to Rule -- Internal Rule 87.4 with  
7 regard to the testimony of 2-TCE-82.

8 [09.05.35]

9 On the 31st of August <2016,> the Co-Prosecutor requests to admit  
10 into evidence two documents made by expert 2-TCE-82, E331/1. The  
11 first is the study made by 2-TCE-82 regarding the gender  
12 violation during Democratic Kampuchea, and the second document is  
13 in regard to the pregnancy under the regime. And the two  
14 documents are available on ZyLAB. And ERN in English is at  
15 01322766 to <01322839> and <01322840> to 93.

16 On the same day, Khieu Samphan's defence also submitted, pursuant  
17 to Rule 87.4, to admit into evidence the biography of expert  
18 2-TCE-82, as well as five separate documents that they wish to  
19 use during the testimony of expert 2-TCE-82, that is, document  
20 E331/2.

21 Nuon Chea defence also submitted, pursuant to Internal Rule 87.4  
22 and Rule 93 in relation to the expert on the same day, that is,  
23 document E331/3. Defence would like to use two documents and to  
24 admit them into <evidence. The first document> is the work  
25 history of the expert, and the second document is his report on

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1 forced marriage <during the conflict> in Sierra Leone <which> was  
2 <authored by Zainab> Bangura and Christina <Solomon>.

3 [09.07.43]

4 Since 2-TCE-82 will appear shortly, the Chamber wishes to hear  
5 oral responses from parties on the admissibility of these  
6 documents.

7 And first, I'd like to hand the floor to the Co-Prosecutors to  
8 respond to this request. You have the floor.

9 MR. SMITH:

10 Good morning, Mr. President. Good morning, Your Honours. Good  
11 morning, counsel.

12 In relation to the Khieu Samphan's request to admit six  
13 documents, the Prosecution has no objections to those documents  
14 being admitted. We believe they're relevant at least in a  
15 contextual sense.

16 [09.08.32]

17 In relation to the request of Nuon Chea to admit two documents,  
18 the CV of the expert and also the article in relation to forced  
19 marriage in Sierra Leone, bearing in mind I think counsel would  
20 like to question the witness on some issues that arise on that,  
21 we have no objection -- objections to those being admitted.

22 With the -- so perhaps, then, if we just move to the Rule 93  
23 request from Nuon Chea, generally, we object to their request for  
24 the underlying documents that relate to the expert's report. And  
25 the main reason we object, firstly, because the application is

5

1 untimely. It's extremely late.

2 Secondly, it's really impossible to fill the request in the time  
3 that the Defence have allowed for the -- in the time the Defence  
4 have requested that the documents be provided to the Court. And  
5 thirdly, these documents underlying the research are not required  
6 to be produced as a general legal principle in relation to this  
7 expert's testimony.

8 [09.10.04]

9 And perhaps, firstly, if I could just state what the Defence are  
10 requesting. They're requesting the interviews that led to the  
11 report on gender violence in the DK period. They're requesting  
12 100 records of interviews that were taken by the expert and  
13 others. They're requesting 1,500 initial interviews undertaken by  
14 other people from the Cambodian Defenders Project, so that's  
15 1,600 interviews in total so far. And they're also requesting  
16 another 600 interviews conducted by university students that  
17 related to these issues of sexual violence, of gender-based  
18 violence during the DK period and also in relation to forced  
19 marriage and sexual violence within forced marriage.

20 So in total, the Defence are asking for about 2,200 interviews.

21 It's likely that most of them would be in Khmer.

22 And so this request was made last Wednesday, on the 31st of  
23 August. The expert is appearing on the 13th of September. So the  
24 vast of this material, the 2,200 documents to be supplied to the  
25 Court within -- in fact, they've asked for them to be supplied,

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1 at the latest, by seven days before the expert testifies which,  
2 in fact, is tomorrow. So they've asked for five days for this  
3 request to be fulfilled.

4 We submit that the request is very untimely and that it was clear  
5 from, you know, five years ago that the Prosecution was putting  
6 this report on the list to be admitted as evidence.

7 [09.12.12]

8 It was clear from 2014, that the Prosecution and civil party  
9 lawyers were requesting that this expert, in fact, testify before  
10 the Chamber. It was clear from the 3rd of June this year when the  
11 Senior Legal Officer from the Trial Chamber sent an email stating  
12 the witnesses and the experts that it would call for this segment  
13 on regulation of marriage. That was three months ago. And one of  
14 those individuals to be called was this expert.

15 And then, on the 23rd of August, the Chamber came out with a  
16 decision that this individual would, in fact, be designated as an  
17 expert, and yet with all of that notice, the application for  
18 2,200 documents appears 13 days before the expert testifies and,  
19 secondly, asked that the material be provided not later than  
20 seven days before, so five days for this whole issue to be  
21 resolved.

22 [09.13.28]

23 So, our submission is, the request is extremely untimely, and --  
24 for a couple of reasons:

25 One, of those 2,200 people, each of those persons would need to

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1 be spoken to or somehow the information be considered as to  
2 whether or not they would be happy with that information to be  
3 provided to the Trial Chamber, especially bearing in mind the  
4 interviews are in relation to sexual violence, which is obviously  
5 quite a personal and sensitive matter for many of these -- many  
6 of these interviewees.

7 So one way or another, the expert would have to resolve that  
8 confidentiality issue, go back or certainly at least make an  
9 assessment of whether or not this material should be provided if,  
10 in fact, confidentiality was given to these witnesses when they  
11 provided this information back in 2000, 2006.

12 [09.14.43]

13 Secondly, if confidentiality could -- was allowed that this  
14 information could be released to the Chamber, with -- it would  
15 likely be required to have many redactions to the material. And  
16 to redact 2,200 interviews to remove identifying features of that  
17 particular witness, if that was a concern for the expert, that  
18 would take quite a significant amount of time.

19 And then thirdly, as most of the information would be in Khmer in  
20 terms of being able to review this material to determine if  
21 there's any relevance in relation to the expert that can't  
22 otherwise be dealt with through cross-examination, that would  
23 take quite a deal of time, and it may well include summary  
24 translations.

25 So we generally object that this request is very, very untimely.

8

1 If they wanted this to happen, this should have happened a long  
2 time ago and the request should have been made to the Chamber.  
3 And the second point I mentioned, they're wanting all of this  
4 done within five days, which is tomorrow, so it's impossible to  
5 fulfil this request so, obviously, the request is starting to  
6 become moot.

7 And then thirdly, the -- in terms of more of a substantive issue,  
8 the Defence raised the issue that international jurisprudence at  
9 other tribunals require that sort of all underlying sources of an  
10 expert report be made available to the parties.

11 [09.16.43]

12 That may well be true in expert reports that are produced for the  
13 Court for the purpose of dealing with an issue in the Court, but  
14 in relation to books and articles that have been produced  
15 retroactively well before the proceedings commenced and not  
16 necessarily for the purpose of legal proceedings, there's no  
17 legal requirement that every underlying source that was used to  
18 form that opinion or form the basis of that book or that article  
19 be provided. And the reason for that, of course, is that it would  
20 create -- it would almost bring the proceedings to a halt.

21 Just imagine if, for every book, every article that was placed on  
22 the case file, every underlying source had to be made available.  
23 It would virtually be impossible to achieve. And it's far too  
24 onerous for the expert, in fact, to do that.

25 [09.17.46]

1 In terms of the question of weight, in -- as far as experts'  
2 prior articles, books, etc., that can be tested through  
3 cross-examination, through asking the expert about her sources,  
4 the methods they used in coming to the opinion. And if Your  
5 Honours find that those -- that type of information falls short  
6 of what you think is required for a credible opinion, then Your  
7 Honours can weight that out in the process.

8 Your Honours have always said that expert opinions are given the  
9 same assessment as any other evidence when determining its  
10 reliability.

11 So perhaps -- maybe one exception to this objection could be that  
12 the specific excerpts or the specific sources that are referred  
13 to in the expert's book -- it's, in fact, a 50-page book or a  
14 40-page book. The specific excerpts that relate to the Chapter 3,  
15 "Forced marriage and sexual violence within forced marriage",  
16 those specific excerpts, the Prosecution has no objection to  
17 perhaps those interviews from which those excerpts were extracted  
18 -- and there is no name of the -- of the witness, nor location  
19 from where the witness came. We have no objection to those  
20 statements being made available, subject to the expert speaking  
21 to the people that provided those statements.

22 [09.19.50]

23 And it looks like -- from Chapter 3, it looks like about 14  
24 people. We have no objection to that as long as the  
25 confidentiality issues can be considered. And clearly, there

10

1 won't be the time, probably, before the witness testifies, but  
2 certainly at some point shortly before or shortly after.

3 We have no objection to that because they are direct sources that  
4 are used by the expert in relation to the issue of forced  
5 marriage and sexual violence within forced marriage.

6 And we would also not object to the excerpts or the interviews  
7 from which the excerpts were taken in -- and placed in the other  
8 report from Ms. Toy-Cronin, and that document number is E3/3416.

9 [09.20.42]

10 She also has a report, a short report, on sexual violence during  
11 the DK period, and she also has a short section on forced  
12 marriage and sexual violence within forced marriage. And within  
13 that short section, she -- she extracts or places excerpts from  
14 those statements, and it appears to be about 14 or so witnesses  
15 from that study that these excerpts came from.

16 So combined, we have no objection to those specific underlying  
17 sources in the particular sections in both of those documents.

18 But it also should be remembered that the documents relate to  
19 sexual violence in the Democratic Kampuchea period, more broadly,  
20 and forced marriage and sexual violence within forced marriage is  
21 probably a 10 or 15 per cent portion of that report.

22 And so to provide all documents and interviews in 2,200 documents  
23 that would be going to show other matters like sexual violence in  
24 Cambodia, in Democratic Kampuchea more generally, is less  
25 relevant, of course, to that of forced marriage and sexual

11

1 violence in forced marriage for which the expert is being called  
2 to testify.

3 So Your Honours, that's all the comments I have at the moment,  
4 and I can answer questions if Your Honour has any.

5 [09.22.20]

6 MR. PRESIDENT:

7 Thank you, Co-Prosecutor.

8 And now I'd like to hand the floor to the Lead Co-Lawyers for  
9 civil parties to respond to those submissions.

10 MS. GUIRAUD:

11 Thank you, Mr. President. Good morning, everyone.

12 We will defer to the wisdom of the Chamber on these various  
13 requests. In any case, given the comments of the Office of the  
14 Co-Prosecutors this morning, we would hope that the date for the  
15 hearing <of> this <expert's testimony> would be maintained and  
16 that the hearing would not be delayed given the <different>  
17 requests of the Defence and the <position expressed> by the  
18 Co-Prosecutors this morning.

19 On the substance of these requests, whether they are based on  
20 87.4 or <93> of the Internal Rules, we defer to the wisdom of the  
21 Chamber.

22 Thank you.

23 [09.23.39]

24 MR. PRESIDENT:

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

12

1 And now I would like to hand the floor to the defence team for  
2 Nuon Chea to respond to these oral observation or response.

3 MS. CHEN:

4 Thank you, Mr. President. Good morning. Good morning, Judges,  
5 parties and everyone in the courtroom.

6 I'm going to first deal with the Prosecution's Rule 87 request  
7 and then address the comments that the Prosecution has made with  
8 respect to our Rule 87 and Rule 93 requests.

9 [09.24.10]

10 As far as the Prosecution's request is concerned, we think that  
11 the documents that they've asked for are relevant insofar as they  
12 relate to the charges in our case, which the Chamber recently  
13 clarified in your decision of E306/7/3. So we're talking about  
14 the regulation of marriage and the charge of rape within this  
15 context.

16 So to that end, we would say that only aspects of the documents  
17 that are directly relating to the charges should be admitted.

18 From what we've seen, as regards the first document, which is on  
19 gender-based violence against minorities during the DK, we think  
20 that the Chamber should admit pages 41 to 50 on forced marriage,  
21 and Chapters 2 to 3 on methodology.

22 For the second document, "Motherhood at War", we think the  
23 relevant chapters appear to be Chapter 1 on marriage, Chapter 2,  
24 "Marriage prior to the DK", Chapter 5 on forced marriage, Chapter  
25 8 at page 73 regarding abortion in the context of forced

13

1 marriage, and Chapter 12, which is about marriage after the DK.

2 [09.25.18]

3 What we would say is that if the documents are more widely  
4 admitted and the Prosecution is permitted to question the expert  
5 on topics that, generally speaking, go beyond the precise scope  
6 of our case, then we would require more time to review the  
7 documents and prepare our questions in response.

8 Now, what that would look like, we think, would be either  
9 additional time to prepare or, perhaps this is a bit more  
10 convenient, recalling the expert witness at some later point. And  
11 perhaps what we would suggest in this case is that we would split  
12 up her testimony, which is 1.5 days at the moment, across perhaps  
13 two days. Maybe one day next week, and then half a day at a later  
14 point in time.

15 So those are our responses insofar as the Prosecution's Rule 87  
16 is concerned.

17 [09.26.04]

18 Now, with regards to our own Rule 87 and, more particularly, our  
19 Rule 93 request, the starting point of the discussion, we think,  
20 has to be that the material we are requesting, in our view, forms  
21 the basis of this expert's expertise. I'm just going to refer you  
22 briefly to paragraph 23 of our request where we discuss this.

23 As we said, we do not have any access to any of the sources or  
24 underlying information of the two reports which constitute the  
25 core of the -- of the work and expertise of this expert. As we

14

1 said, there's international jurisprudence that states that  
2 experts must provide sufficient information as to the methodology  
3 used and the sources upon which they make their statements.  
4 What we're faced with at the moment, as we've already said in  
5 that -- in that written motion, is that we're faced with two  
6 reports containing incriminating information, quotes from  
7 anonymous individuals without having access to the underlying  
8 information, the identity of the individuals or their geographic  
9 location at the time, and without knowing the context in which  
10 the facts alleged in the report took place.

11 [09.27.14]

12 The result is, at the end of the day, that Mr. Nuon Chea is  
13 effectively prevented from exercising his right to cross-examine  
14 and challenge the evidence since he's deprived of the most  
15 elementary information to do so. In effect, without the sources  
16 that we're asking for, we're essentially relying on the account  
17 of an individual who was not there at the time and who is  
18 relaying accounts of others and then reaching far-reaching  
19 conclusions on the basis of those accounts.

20 Now, just in response to some of the points raised by the  
21 prosecutor, with respect to timeliness, we were respecting the  
22 deadline that was provided by the Trial Chamber.

23 In terms of the practicalities of fulfilling the request, we  
24 simply don't know if it's impossible. That's for the expert to  
25 tell us, we think. And paragraph 25 of our motion, which is

15

1 redacted, provides more specifics, but in generality, suffice it  
2 to say that it appears that the expert is able to provide  
3 information quickly when asked to do so.

4 Now, also given that the information is surely compiled and  
5 digested for the expert in order to have reduced them into these  
6 publications, we suspect that perhaps it is quite accessible. We  
7 also note that, from our understanding, much of the information  
8 is already available in English.

9 [09.28.36]

10 And with respect to the 1,500 documents, we understand that  
11 they're not interviews as such, but surveys, so that information  
12 may also be a little more easily digestible.

13 In terms of why we're asking for that information, I've given you  
14 the general idea, but just to point out some more specifics as  
15 well, these appear in paragraphs 20 and 21 of our request.

16 As we've said, it appears that the two studies that are admitted  
17 into evidence are relying on two types of sources. One is the  
18 interview of about 100 persons out of 1,500 people who were  
19 initially surveyed, and then it seems that these 100 people  
20 provided personal stories about their experience with  
21 gender-based violence during the DK.

22 [09.29.20]

23 There's also separately -- in the report that was written by  
24 Bridgette Toy-Cronin, it also appears that that is based on the  
25 accounts of 100 survivors of the DK who are identified through

16

1 this same survey. We don't understand if that's the same 100 or a  
2 different 100 and, in any case, we don't really have that  
3 underlying information. But it seems to us that this would be  
4 useful not only in terms of getting more detail of those -- of  
5 those interviews initially conducted, but to understand better  
6 the survey methodology, to understand how they were selected,  
7 whether they were fairly selected and what that looked like in  
8 terms of a broader sample as well. So it's about methodology  
9 here.

10 The second point is we note that there's a reliance on about 600  
11 interviews, which were conducted by approximately 200 students at  
12 Pannasastra University regarding gender-based violence during the  
13 DK. And that -- those 600 interviews appear to have been absorbed  
14 into the document, which is E3/2959. Again, methodology issues  
15 come up. Again, it would be interesting to compare what's in  
16 those documents to compare how the 600 were chosen and so on. Two  
17 hundred students, I think, is a lot of people to be conducting  
18 these interviews, so it would be interesting to see how well the  
19 data is quality controlled and so on and so on.

20 [09.30.41]

21 Suffice it to say, we think that this evidence is very important.  
22 Now, as to whether or not the request is becoming moot, yes, we  
23 are aware that the one week would expire as of tomorrow. Now, as  
24 we said in response to the Prosecution's motion, we would suggest  
25 that perhaps the solution be that we split up the expert's

17

1 testimony across two periods, so perhaps have one day next week  
2 and then we have a half a day at some later point where we could  
3 continue these issues -- the discussion.

4 So perhaps what we could do is proceed on the current basis,  
5 receive, review the material and then continue further questions  
6 at a later point in time. That would seem to cause minimum  
7 disruption to the Trial Chamber's schedule.

8 Thank you very much.

9 [09.31.31]

10 MR. PRESIDENT:

11 Thank you very much, counsel for Mr. Nuon Chea.

12 You may now proceed, counsel for Mr. Khieu Samphan.

13 MS. GUISSÉ:

14 Thank you, Mr. President. Good morning, everyone.

15 First remark in response to the Co-Prosecutor's application, I  
16 fully endorse the remarks made by my colleague as regards the  
17 relevant parts of the documents that the Co-Prosecutors would  
18 like to have admitted. However, there will be some slight  
19 differences as to what is being requested.

20 Clearly we are in a case in which the charges are very specific,  
21 so there's no point in examining an expert on points that are not  
22 mentioned in the charges, so we <do not> ask for additional time  
23 to talk about the charges; <we merely> request that <only> parts  
24 relating to the regulation of marriages be admitted into evidence  
25 and placed before the Chamber.

18

1 [09.32.41]

2 We have asked in our application that all the documents be  
3 tendered into evidence because it is not <that simple to> split  
4 them, but <we selected the parts> in respect of which <we> would  
5 like to examine the expert. And I think that is how <we should>  
6 proceed.

7 I say so all the more so with firmness, because when we received  
8 the lists of the OCP and the ERNs they intend to use for  
9 examining the expert, <we> noted that <both> documents were  
10 mentioned <in their entirety>, the ERN <is applicable to the  
11 entirety of both documents>. And under these circumstances, we  
12 <believe that in fact there is a problem>. <We are not going to  
13 talk and use up the short> time allotted to the expert <to  
14 discuss matters that> are not part of the charges against the  
15 accused. So this is the first remark I would like to make. As  
16 regards the details of the relevant parts, we fully endorse the  
17 remarks of the Nuon Chea team.

18 [09.33.36]

19 As regards the Nuon Chea defence application regarding elements  
20 that underpin the expert's report and <obviously> the interviews,  
21 <through> the experts who have appeared before this Chamber and  
22 who specialize in that area of social sciences, <I believe to  
23 have understood that> there are obviously <applicable> rules of  
24 confidentiality and things that we don't have access to, so in  
25 that regard, we will not ask the experts to violate their

19

1 obligations in terms of confidentiality.

2 <However,> since the Co-Prosecutors have raised the issues of

3 timelines and the interests in disclosing the documents, let me

4 remind the Chamber that if, indeed, as the prosecutors have

5 pointed out, the main issue will <be how much weight you can give

6 to this expert testimony. The question of the elements and way

7 the interviews were approached, and above all, how they were

8 chosen,> is something extremely important <in your assessment.>

9 So whether it is before the appearance or after the appearance of

10 the expert, we need to have the <possibility of access to>

11 elements related to the interviews; how they were conducted,

12 <where they were conducted,> who conducted them. These are very

13 relevant matters for assessing the probative value of the

14 elements that are studied by the expert<, whether before or after

15 the expert's appearance>.

16 [09.35.26]

17 I must point out that I suppose, as my colleague has said, <that>

18 the expert, <who I don't believe speaks> Khmer<, worked on the

19 working documents and summaries that were completed. So before

20 saying that things are impossible,> I believe the first stage

21 <should> therefore, be to ask the expert to tell us what

22 documents are at <his> or her disposal <right now>, and <then> we

23 will have to look at the different stages <to go through and see

24 how to use these documents. But in any case, if everyone agrees

25 to say that the matter of probative value and assessment -- as

20

1 well as the choice of the parts of the interviews that were used  
2 -- are useful elements for assessing expertise in general, I  
3 believe that whenever these documents can be provided, they would  
4 be useful for all of the parties, particularly the Defence.>

5 That is what I would like to tell the Chamber at this point in  
6 time.

7 In any case, the methodology and the <choice of> which elements  
8 <included in> the report <and which were not retained, that were  
9 rejected, are of interest for the Defence and our examination of  
10 the expert witness.>

11 [09.36.45]

12 MR. PRESIDENT:

13 You may now proceed, Judge Lavergne.

14 JUDGE LAVERGNE:

15 Thank you, Mr. President.

16 I would like to make one <request> to the Nuon Chea defence team.

17 You have asked that the report of an expert be admitted into  
18 evidence, and that report was provided to the prosecutors<, which  
19 was submitted to> the Special Court for Sierra Leone, and <that  
20 report> has to do with forced marriage <during the> conflict in  
21 Sierra Leone.

22 Can you explain the relevance of this to forced marriages in  
23 Cambodia? Why are you requesting that this document be admitted  
24 into evidence?

25 [09.37.46]

21

1 MS. CHEN:

2 Thank you, Judge.

3 Regarding the Sierra Leone report, first of all, we understand  
4 that the Special Court for Sierra Leone is the only international  
5 criminal jurisdiction to this day to consider charges of forced  
6 marriage so, in a sense, it's of generally relevant.

7 Now, the first report on which the expert worked on sexual  
8 violence within Democratic Kampuchea compares the situation  
9 within the DK to Sierra Leone, and we would like to talk about  
10 with the expert -- about this report with the expert. And the  
11 reason is that we think that this would better help us to  
12 understand the expert's position on the DK and to situate the  
13 situation in our case within the wider international  
14 jurisprudence on forced marriage, which would be useful, in  
15 particular, for legal submissions that we would make at the end  
16 of the case.

17 [09.38.44]

18 MR. PRESIDENT:

19 You may now proceed, counsel for Mr. Khieu Samphan.

20 MS. GUISSSE:

21 Yes. I would like to correct something I said a while ago.  
22 It appears that the expert speaks Khmer. <But since there were  
23 collective reports, and the people who drafted them do not speak  
24 Khmer,> so the <English version of the> documents used should be  
25 made available to the parties. That is the correction I wanted to

1 make.

2 MR. PRESIDENT:

3 You have the floor now, Lead Co-Lawyer for civil parties.

4 MS. GUIRAUD:

5 Thank you, Mr. President.

6 I would like to make a brief remark following the submissions  
7 made by our colleague of the Nuon Chea defence team regarding the  
8 decision issued by the Chamber recently relating to clarification  
9 of the scope of the trial as far as rape committed at <Krang Ta  
10 Chan, Tram Kak, and> S-21, and it <is decision E306/7/3>.

11 [09.39.57]

12 We, the civil parties, think that that decision would  
13 <effectively end> the proceedings, and it opens a deadline of one  
14 month for appeals <according to the instant appeal procedure>, so  
15 we'd like to inform the Chamber and parties that we are  
16 formulating an appeal of that decision before the Supreme Court  
17 since it is a decision that we do not understand, so we are  
18 unable to explain <it> to the civil parties because we do not  
19 understand that decision.

20 We have asked for a clarification of the scope of the trial. The  
21 Chamber has rejected a request for recharacterization, which is  
22 not <at all> what we're asking for, and in the face of such  
23 misunderstanding, we've decided to prepare an appeal.

24 This is a decision, therefore, that's not definitive, and the  
25 Chamber remains seized of the acts of rape at S-21, Krang Ta Chan

23

1 and Tram Kak insofar as the Supreme Court has not ruled on the  
2 appeal that we intend to file within a month, so we would like to  
3 reserve the right to be able to put questions to the expert on a  
4 number of <chapters in her> work relating to rape in those  
5 security centres.

6 [09.41.22]

7 I have seized the opportunity to make these remarks now in order  
8 that the Chamber may be informed of our position and in order  
9 that, if I decide to put questions to the expert on the issue of  
10 rape in security centres, any objections could be resolved as  
11 efficiently and as expeditiously as possible.

12 In any case, as far as the civil parties are concerned, the  
13 decision will not change as regards the scope of the trial. The  
14 accused are <being> tried <today> for rape at Tram Kak, Krang Ta  
15 Chan and at S-21.

16 I thank you.

17 MR. PRESIDENT:

18 Counsel, you are raising the same issue, or extra ones?

19 [09.42.15]

20 MS. GUISSÉ:

21 I would like to remark to the last remark made by the civil  
22 parties.

23 MR. PRESIDENT:

24 You may now proceed.

25 MS. GUISSÉ:

24

1 Very briefly, Mr. President, I would like to point out that we've  
2 taken note of the decision to appeal the decision, that is, by  
3 the Civil Party Lead Co-Lawyers. In any case, if there's an  
4 appeal that is pending, <right now> the only party that <holds  
5 that> position on the seizure of the Supreme Court Chamber are  
6 the civil parties, <as we await> the decision of the Chamber<, we  
7 should maintain the Chamber's decision as it is.> And if your  
8 decision were to be <overturned> by the Supreme Court Chamber, at  
9 that stage, it will <still> be possible to recall the expert on  
10 issues that, <a priori, at least for all of the other parties, do  
11 not> concern the scope of this trial.

12 [09.43.22]

13 To avoid <problems with> objections, <etc., only the charges  
14 concerned by the Chamber's decision should be examined, and, at a  
15 later stage, if your decision were rendered null, the experts  
16 should be able to come back to discuss the other elements.>

17 That is what I wanted to tell the Chamber.

18 MR. PRESIDENT:

19 <Lead Co-Lawyer for civil parties,> I would like to close the  
20 floor for the discussion on this issue now.

21 I have already informed you that you are not allowed to make  
22 another observation.

23 MS. GUIRAUD:

24 The translation in French was not clear. That is why I am on my  
25 feet. But I take note of your decision to close the discussion on

25

1 the subject.

2 Thank you, Mr. President.

3 [09.44.43]

4 MR. PRESIDENT:

5 <Mr. Co-Prosecutor,> I would like to close the discussion on the  
6 subject now because it -- the parties have the right to appeal.

7 MR. SMITH:

8 Your Honour, if you want to close the discussion, that's fine. In  
9 fact, what I was -- what I was just going to briefly respond to  
10 was the responses in relation to the Rule 93 request by Nuon Chea  
11 and the 87.4 request, and that would just be one or two minutes,  
12 if Your Honour would allow me. Not about the appeal issue.

13 MR. PRESIDENT:

14 You may now proceed.

15 [09.45.30]

16 MR. SMITH:

17 Thank you, Mr. President.

18 Just perhaps a couple of quick follow-ups from the replies from  
19 Nuon Chea and Khieu Samphan defence in relation to -- firstly in  
20 relation to the deadline for Rule 93 requests.

21 Nuon Chea's defence has stated that there was a deadline for Rule  
22 93 requests of the 31st of August. That's not correct. There was  
23 a deadline for Rule 87.4 requests, and that's putting evidence  
24 before the Chamber.

25 Any request in relation to a request for additional

1 investigations, that did not have a deadline of that day, and for  
2 that to be a successful process, the Defence would have needed to  
3 engage Your Honours on that issue a long time earlier. And I've  
4 discussed the reason how that was possible.

5 In relation to only parts of the reports by the Prosecution being  
6 submitted, what we would say is that Your Honours treat all of  
7 the documents on the case file and the ones that the Defence have  
8 put forward as a whole, and obviously only admit evidence of  
9 those documents where they relate to the issues in the trial.

10 [09.46.52]

11 Sometimes that -- issues like that that may be relevant -- may,  
12 in fact, appear in sort of different pages throughout --  
13 throughout the book.

14 Nuon Chea's defence, the only basis of the expertise of this  
15 expert, TCE-82, is on the basis of the reports that she produced  
16 in 2006. That's not correct. Your Honours can see that the expert  
17 has actually produced further material in relation to forced  
18 marriage and rape within forced marriage in reports like the ones  
19 we've submitted since that time, so it's not the only basis of  
20 her expertise.

21 Secondly, the Defence are asking for some of the statements or  
22 the locations of the witnesses that appear as excerpts in these  
23 two reports. We've got no objection that those questions be asked  
24 of the expert and we've got no objections that the expert provide  
25 that information on the sources that are explicitly mentioned in

1 her report.  
2 [09.48.08]  
3 Nuon Chea's defence claim that they can't challenge the evidence  
4 of the expert. That's very much what the process of  
5 cross-examination is about, to question the expert on her sources  
6 that she used, the method of how they went about the research.  
7 If there's any outstanding questions after cross-examination that  
8 would lead Your Honours to believe that further material may be  
9 required, that's when that assessment could be made, but it  
10 certainly can't be made now, particularly in the shortness of  
11 time that the Defence have allowed for this information to be  
12 handed over.  
13 I think the proposal of splitting up the witness -- witness'  
14 evidence; I don't think that's very workable. It's on the basis  
15 of Nuon Chea's late request that potentially we could get into  
16 that situation, and the trial shouldn't be impeded by late  
17 requests from counsel for these types of matters.  
18 If, at the end of the day, after hearing the expertise and the  
19 evidence of the witness -- the expert, after cross-examination,  
20 Your Honours feel that some more information should be provided,  
21 well, then, we're in Your Honour's hands for that and then the  
22 expert can be called back. But to split up testimony is not a  
23 good use of time. It creates problems with what matters are being  
24 discussed and what is not being discussed, so I would ask that  
25 you not -- certainly not postpone the date for the expert's

1 testimony.

2 [09.50.02]

3 MR. PRESIDENT:

4 Thank you very much, Mr. Co-Prosecutor and all the parties who  
5 have submitted the observation on the subject. And the ruling  
6 will be issued as soon as possible for the -- hearing the  
7 testimony of 2-TCE-82.

8 And now the Chamber starts to hear 2-TCW-1002, and the hearing of  
9 the witness' testimony will be conducted in closed session since  
10 the witness has been interviewed in the <other> ongoing Cases.

11 And this witness is within the category of C witnesses, so the  
12 hearing of his or her testimony will be conducted in closed  
13 session in order to ensure the <confidentiality> of the  
14 investigation, <document E319/35.>

15 After hearing the submissions of parties <>, the Chamber now  
16 decides to hear the witness in closed session in accordance with  
17 the inter memorandum, <E319/35/6>.

18 AV Unit is instructed to disconnect the video and voice from the  
19 public gallery and also the press room, and also the video feed  
20 for the ECCC.

21 Court officer is instructed to bring in 2-TCW-1002 into the  
22 courtroom.

23 (End of public session)

24 [09.52.15]

25 (Beginning of closed session)

1 [09.55.40]

2 QUESTIONING BY THE PRESIDENT:

3 Q. Good morning, Madam Witness. What is your name?

4 MS. NOP NGIM:

5 A. My name is Nop Ngim.

6 Q. Thank you.

7 When were you born?

8 Madam Witness, please only answer after the microphone turns on.

9 How old are you today, this year?

10 A. I am 50 (sic) or 66 years old. I do not recall it. <I am

11 illiterate.>

12 [09.56.25]

13 Q. Where <are you living nowadays>?

14 A. <In Pursat province> -- I am living in Veal Veang <district.>

15 Q. What is your occupation?

16 A. I do not recall the date.

17 Q. What is your occupation?

18 A. I am a growing cassava and beans, white beans.

19 Q. What are your parents' names?

20 A. They are all deceased. My mother's name is Prak Nget, and my

21 father's name is Nob Yi (phonetic).

22 [09.57.42]

23 Q. Thank you.

24 And what about your husband? What is his name, and how many

25 children do you have together?

1 A. I have two children.

2 Q. Can you read and write?

3 A. I cannot read or write.

4 Q. Thank you, Madam Witness.

5 The greffier made the report that you have no relationship, by  
6 blood or by law, to any of the two accused, Nuon Chea or Khieu  
7 Samphan, or to any of the civil parties admitted in this case. Is  
8 that true?

9 A. I have heard of his name, but I did not see him before.

10 [09.58.48]

11 Q. And the greffier also made the report that you have already  
12 taken an oath before the Iron Club Statue before the appearance  
13 in the courtroom; is that correct?

14 A. Yes, I have already taken an oath.

15 Q. I am now informing you of your rights and obligations as a  
16 witness before the Chamber.

17 Your rights: As a witness in the proceedings before the Chamber,  
18 you may refuse to respond to any question or to make any comment  
19 with -- which may incriminate you, your right against  
20 self-incrimination.

21 Your obligations: As a witness in the proceedings before the  
22 Chamber, you must respond to any questions by the Bench or  
23 relevant parties except where your response or comment to these  
24 questions may incriminate you, as the Chamber has just informed  
25 you of your rights.

31

1 [10.00.00]

2 As a witness, you must tell the truth that you have known, heard,  
3 seen, remembered, experienced or observed directly about an event  
4 or occurrence relevant to the questions that the Bench or parties  
5 pose to you.

6 Madam Nop Nim, have you ever interviewed or provided any  
7 interviews to the investigators of the OCIJ before? If so, how  
8 many times did they take this, and where?

9 A. Three times, and four times <including> today.

10 Q. Thank you, Madam Witness.

11 Before you are here, have you reviewed, read or listened to the  
12 reading of the written records of interview to refresh your  
13 memory?

14 Madam Witness, please wait for the microphone to operate.

15 A. I cannot recall all of the interviews. They happened a long  
16 time ago. <My memory does not serve me well.>

17 Q. Thank you very much.

18 To your best recollection, do the written records of the  
19 interview you read or review correspond to what you told the  
20 investigators of the OCIJ before?

21 A. I may have forgotten some parts of the written records, and I  
22 cannot read and write, as I said, so please apologize me, Mr.  
23 President.

24 [10.02.10]

25 MR. PRESIDENT:

1 In questioning the witness, <pursuant to Rule 91bis of the  
2 Internal Rules,> the floor is first given to the Co-Prosecutor  
3 before other parties. And the combined time for Co-Prosecutors  
4 and Lead Co-Lawyers for civil parties is two sessions.

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

6 QUESTIONING BY MR. KOUMJIAN:

7 Q. Good morning, Madam Witness.

8 Is it correct that you were born in Tram Kak district?

9 MS. NOP NGIM:

10 A. Yes, that is correct.

11 [10.02.54]

12 Q. Can you tell us, briefly, what you were doing after the Lon  
13 Nol coup during the civil war in Cambodia from 1975 - '70 to  
14 1975?

15 A. I was at Srae Ambel or salt field, and I was a former soldier  
16 during the Lon Nol regime. I was in the female unit. And later  
17 on, I worked in the salt field.

18 It happened many, many years ago, and my apology if I cannot  
19 recall everything.

20 Q. When you say that you were a former soldier during the Lon Nol  
21 period, were you a soldier for the Lon Nol government or for the  
22 Khmer Rouge?

23 MR. PRESIDENT:

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

1 MS. NOP NGIM:

2 A. I was a Khmer Rouge soldier.

3 [10.04.25]

4 MR. KOUMJIAN:

5 Q. Okay. I want to move, then, to the period after April 1975,  
6 after Phnom Penh fell to the Khmer Rouge.

7 You've talked about being at a salt field. Were you there after  
8 the fall of Phnom Penh, after the victory of the Khmer Rouge in  
9 April 1975?

10 MS. NOP NGIM:

11 A. In 1975, I was sent to Phnum Den, or Den mountain. And in  
12 1977, I was sent to Srae Ambel or the salt field.

13 Q. Okay. When you were a soldier for the Khmer Rouge, which  
14 commander did you serve under? Do you know who was the top  
15 commander that you served under?

16 A. It was Ta Mok who was the commander.

17 [10.05.42]

18 Q. When you were sent to the salt field, who sent you there?

19 A. It was also Ta Mok.

20 Q. Where is that salt field? Is that in the Southwest Zone?

21 A. The salt field was located in Kampot <and Kep> province.

22 Q. Did you have a job supervising some of the workers at the salt  
23 field?

24 A. Are you referring to a group or unit of 50 people. I -- maybe  
25 my previous answer was not correct. I was in <Angkaol (phonetic)>

1 salt field, <> there were many parts of salt field<, but it was  
2 in the same unit>.

3 Q. I didn't quite understand your answer.

4 Is it correct that you supervised a group of 50 people, is that  
5 what you're saying, that there were others above you?

6 A. I was assigned to be a member of the 50-person unit, and above  
7 us there were also other units with more people in.

8 Q. Was one of your supervisors someone named Khim, a woman named  
9 Khim?

10 A. Yes, there was.

11 [10.07.49]

12 Q. When you were at the salt field, was -- did Khim get married?

13 A. She got married in Samlout -- oh, I apologize. I got confused.  
14 She got married with her husband, and I did not know where she  
15 went to. And she got married at the salt field.

16 Q. Who, if anyone -- tell us about that marriage. Did anyone  
17 arrange it?

18 A. Only a few of us got married at the salt field, and not  
19 everyone got married while we were at the salt field. <It was  
20 long time ago.>

21 Q. Okay. Please try to listen to the question. I'm only asking  
22 now about Khim.

23 And perhaps -- forget the salt field. First let me ask you: was  
24 Khim married perhaps in Phnum Den? Was -- do you recall a Khim  
25 getting married?

35

1 A. She got married at the salt field, but I did not witness the  
2 marriage. And after she got married, she came to work. And at the  
3 time, we were all at the salt field. As I said, my memory does  
4 not serve me well.

5 [10.09.36]

6 Q. Okay. Did she get married in Phnom Penh, and did someone  
7 arrange that marriage?

8 MR. PRESIDENT:

9 Madam Witness, please observe the microphone.

10 MS. NOP NGIM:

11 A. At that time, they just took people to get married. And even  
12 if you did not want to, you had to if you were required to get  
13 married.

14 MR. PRESIDENT:

15 Thank you, Co-Prosecutor. It is now convenient for a morning  
16 break.

17 We'll take a 20-minute break from now.

18 (Court recesses from 1010H to 1030H)

19 MR. PRESIDENT:

20 Please be seated.

21 You may now resume your questioning, Mr. Co-Prosecutor.

22 BY MR. KOUMJIAN:

23 Q. Madam Witness, do you recall that, about five years ago, a man  
24 named Long Dany came to your village and interviewed you and your  
25 husband? He was from the DC-Cam organization. He talked to you

1 about what happened in your life.

2 MS. NOP NGIM:

3 A. Yes, I was interviewed. I was questioned about the place where  
4 I first lived and the unit where I first worked. I told him that,  
5 in 1972 or '73, I was the Khmer Rouge soldier.

6 [10.31.50]

7 Q. I don't want to take time to go through everything you said  
8 because we have a transcript of 90 pages, but I want to come back  
9 to Khim and her marriage. You just told us that people were  
10 forced to get married.

11 This is what you told Long Dany. And Your Honours, I'm reading  
12 from E3/9087. The ERN in Khmer is 00733821, and in English it's  
13 01155586. And it's -- there's no French translation. You said  
14 that:

15 "Khim was in Phnum Den. After the fall of Phnom Penh, Uncle took  
16 her to get married in Phnom Penh."

17 And Dany asked you, "She married in Phnom Penh?"

18 You said, "Yes. She married Huo, Chinese."

19 Is that correct? Do you recall that, that Khim was taken to Phnom  
20 Penh to marry Huo?

21 A. She was at the salt field and then she was brought to Phnom  
22 Penh, and married Huo, the Chinese descent. <The Chinese knew  
23 Khmer well.>That is all I know.

24 She asked me -- I was asked why I knew about the marriage. I told  
25 Long Dany that, during the time, female usually talked to one

1 another about one's marriage. <They were forced to get married.>

2 [10.33.47]

3 Q. You said, "Uncle took her to get married". Who was the Uncle  
4 that took her to get married in Phnom Penh?

5 A. Uncle Mok.

6 Q. And when you say Huo was Chinese, was he from China or was he  
7 -- do you know, was he a Cambodian who was just of Chinese  
8 descent? What did you mean by saying he was Chinese?

9 A. He was not from China. He was living in Cambodia. He had a  
10 white complexion. That is why everyone said he was Chinese. <But  
11 he was of Chinese descent.>

12 Q. Did Khim know Huo before the -- Ta Mok arranged the marriage?

13 A. They did not know each other in advance.

14 [10.35.00]

15 Q. Okay. Thank you.

16 So now I want to move on to what happened when you left the salt  
17 field.

18 When you left the salt field in Kandal province, Southwest Zone,  
19 where did you go?

20 A. After the salt field, Uncle Mok put me on the train to the  
21 northwest, that is, Battambang. I was brought to Battambang. I  
22 did not know where I was sent to at the time. I had to follow  
23 what I was ordered to do since I was the subordinate.

24 Q. When Ta Mok sent you to Battambang, did he send you alone or  
25 were there other people from your area, your zone, sent along

38

1 with you?

2 THE KHMER INTERPRETER:

3 Mic is not on.

4 MR. PRESIDENT:

5 Madam Witness, please only speak after the mic turns on.

6 MS. NOP NGIM:

7 A. I was brought together with perhaps 300 people <from Srae  
8 Ambel>. Almost all of the cadres from the salt field were brought  
9 to Battambang. <I never knew Battambang before. I just followed  
10 the order.>

11 <By the way,> my name is not Nhim (phonetic). My name is Ngim, so  
12 please address me by Ngim, not Nhim (phonetic).

13 [10.36.50]

14 BY MR. KOUMJIAN:

15 Q. Thank you.

16 Now, when you went to Battambang, was Ta Mok living there  
17 himself?

18 MS. NOP NGIM:

19 A. He was first at Takeo, and he went to Battambang back and  
20 forth. He was my superior. <I did not have the full knowledge  
21 about him.>

22 Q. Did he have a house in Battambang when you arrived there?

23 A. Yes, he had a house in Battambang.

24 Q. What did Ta Mok tell you and the others about why you were  
25 being sent to Battambang?

1 A. We went in a large group by a train. I was told that I was to  
2 be sent to Battambang, Samlout district.

3 [10.38.14]

4 Q. What position did Ta Mok put you in in Samlout district?

5 A. I was there for six or seven months. Then -- in fact, I was  
6 there for six or seven months with Leng. I worked with Leng in  
7 the district. I was the subordinate since I could not read and  
8 write. <I just followed the order.>

9 Q. What was Leng's position?

10 A. <She> was in charge of district. <She> was chief of the  
11 district.

12 Q. Just so we're clear, Leng was a woman. Is that correct?

13 A. Yes, she was a woman.

14 Q. So were you then the deputy secretary?

15 A. Yes, I was working with her.

16 [10.39.42]

17 Q. Did Ta Mok give you any instructions about how to do that job?

18 A. He instructed me to work hard, to perform my best duties so  
19 that people had enough food to eat since the district was quite  
20 new to me and also quite new to other people. And I was told to  
21 allow people to eat rice and -- eat porridge and also rice; not  
22 just porridge.

23 Q. Where was Leng from? Was she also from outside of the  
24 northwest?

25 A. <She> was from Takeo, Kampot -- or Kampot province. And then

1 <she> was sent from Takeo or Kampot to Battambang.

2 Q. Who did she report to, Leng, as a district secretary? Who was  
3 her boss or bosses?

4 A. The sector chief.

5 Q. What was his or her name?

6 A. Tith<, the chief of Sector 1. I knew him.>

7 [10.41.32]

8 Q. Was Tith also from the Southwest Zone?

9 A. He was from the southwest.

10 Q. And who did Tith report to? Who was Tith's boss?

11 A. I do not know since I was a low level cadre. I do not know  
12 where he would report to. <I knew only Tith.>

13 Q. Let me ask you about something that I'm sure you do remember.

14 Did you get married when you were there in Samlout?

15 A. I got married in Samlout among other 40 couples. <The wedding  
16 ceremony was held in three hours.> And those people were put in  
17 the group to get married. Some of them even cried during the  
18 wedding. <Some ran away. Two people ran away.>

19 Q. Were you one of those that cried during or before or after the  
20 wedding?

21 A. I also cried. I was disappointed, very disappointed since I  
22 had never seen my would-be husband before the marriage day,  
23 although we were in the army. But if I had had -- if I had  
24 refused, I would have been killed, so I had to bear the  
25 situation. <However,> we loved one another after the marriage.

1 [10.43.35]

2 Q. Do you recall the date of the wedding?

3 A. I got married in 1978 in the period where the rice plant is  
4 growing. I cannot recall the exact month when I got married. What  
5 I can say is that it was in 1978.

6 And I guess perhaps it is written in the document about the date  
7 or month of my marriage.

8 My apology. I cannot recall the exact month.

9 Q. That's fine.

10 Maybe just to help us a little bit, do you recall how many months  
11 before the Vietnamese came and took over the area it was that you  
12 got married, or years? It was some months or some years before  
13 the Vietnamese came?

14 A. I was living in Samlout. I was there for nine months, and  
15 perhaps one year, and then I fled.

16 My apology, Mr. Co-Prosecutor. I may have forgotten some of the  
17 stories. I am sometime confused.

18 [10.45.36]

19 Q. Okay. We're talking about 38 years ago, so we all understand  
20 that that was a long time ago.

21 But one's wedding is something that, often, people remember.

22 So tell us a little bit more about what happened. You said there  
23 were 40 couples.

24 In your own words, can you explain to us how it happened that the  
25 40 couples were introduced and married on the same day?

1 A. We were -- we were made to sit separately, male and female,  
2 and then we were called to hold each other's hands and voice our  
3 commitment or resolution. We had to make our resolution before  
4 the Party and Angkar by holding our hands.

5 Q. Okay. By the way, would it be correct that you had a very good  
6 biography according to the standards of that time, that you  
7 didn't come from a rich family, you didn't have anyone in the Lon  
8 Nol army in your family? Is that correct, or not?

9 Was your biography very good?

10 A. That is correct. We were allowed to get married because we had  
11 biographies. My husband and I had good biographies. That's why we  
12 were matched.

13 Both of us did not have feeling toward one another at the  
14 beginning, but since we were put into the marriage, our marriage  
15 was organized, then we had to love each other after the wedding.  
16 <If we ran away, we would be killed in that regime. I told you  
17 the truth.>

18 [10.47.52]

19 Q. And the 40 men, where did they come from? Can you explain a  
20 bit about the 40 men that were part of this wedding?

21 A. They were from a different part of the countries. Most of them  
22 were from Takeo and Kampot. They were from different parts of the  
23 countries.

24 Q. Were they from a special unit? Did they share something in  
25 common?

1 A. They were -- some of them were handicapped from Phnom Penh,  
2 some lost their eye, some lost their limbs. And for my husband,  
3 he lost one eye.

4 Q. Was your husband's vision impaired in the eye he didn't lose?  
5 Did he have trouble seeing?

6 [10.49.18]

7 MR. PRESIDENT:

8 Madam Civil Party (sic), please observe the mic before you speak.

9 MS. NOP NGIM:

10 A. One of my husband eyes was impaired. Only after he wears the  
11 eyeglasses, he could see.

12 MR. KOUMJIAN:

13 Q. Okay. Thank you.

14 And the 40 women, where did they come from? Was there a  
15 particular unit?

16 MS. NOP NGIM:

17 A. <They were> also from the salt field, or Srae Ambel, and got  
18 married at Samlout.

19 Two people were trying to escape from the wedding venue because  
20 they did not want to get married. <They were young. They jumped  
21 off the window.>

22 [10.50.31]

23 Q. And were they allowed not to get married and, if so, why?

24 A. All of -- all of us had to agree to get married, although we  
25 had not known one another before. We had to love one another. And

44

1 the two people who had refused did not get married on the day,  
2 and they did not have <spouses>. <They were too young; therefore,  
3 they were spared. >

4 Q. How old were the two women that did not get married?

5 A. They were 16 years old, and only people older were allowed to  
6 get married. And at the time, <all of them> got angry <and  
7 disappointed>.

8 Q. Who got angry?

9 A. Everyone got angry, frankly speaking. Everyone got angry  
10 because we were asked to get married. All women got angry.

11 Q. Were the two 16 year olds excused because of their age from  
12 getting married?

13 A. That is true. It was said that the two women was too young,  
14 and the two were allowed to stay in the house, not to allow to go  
15 anywhere else but to work. <They did not run anywhere but to  
16 their houses and worked as usual after that.>

17 [10.53.10]

18 Q. When you and the others came from the southwest, from Takeo  
19 and Kandal, what happened to the cadre that had been there  
20 before, the northwest cadre?

21 A. I did not know. We had to go after we were transferred to that  
22 location. <I had no idea at that time. I just followed the  
23 order.> Some became cadres in different villages and  
24 communes, <because> the old cadres, the previous cadres, were said  
25 that they were traitors because they did not allow people to eat.

45

1 I was there for perhaps one year. Then the Vietnamese or the  
2 "Yuon" came into the country, so we had to flee.

3 Q. Who told you that the Northwest cadre were traitors?

4 A. Uncle Mok. Uncle Mok told us. And we had to plant the <Deum  
5 Kor> (phonetic) tree or we had to keep <silent> after having  
6 heard that.

7 Q. Did these cadres disappear?

8 A. He said the cadres were there long time ago, but when I  
9 arrived, I did not see anyone of the old or previous cadres. I  
10 heard only what he said about what I told you. <I said the  
11 truth.>

12 [10.55.25]

13 Q. Did Ta Mok tell you or give you instructions about what to do  
14 with enemies that opposed Angkar?

15 A. We were told not to allow the agents to invade or enemies to  
16 invade. We were instructed not to allow others to attack us. <We  
17 had to be on high alert at night.> We had to be wise and not  
18 allow the enemies to come in.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED].

24 [REDACTED]

25 [REDACTED]

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [10.57.23]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 Q. Now, you told us that you were there in Samlout about one year
- 13 before the Vietnamese came. Now, before the Vietnamese came, was
- 14 there fighting, were there battles going on, or were things quiet
- 15 in Samlout and in the Northwest Zone?
- 16 A. There was no fighting there, but, at the time, all of us had
- 17 to flee toward Thailand in 1979. We did not have any specific
- 18 directions to flee to. We had to just flee.
- 19 Q. When you first arrived in Samlout, who was the head of the
- 20 zone?
- 21 A. I did not know the secretary of the zone, and all I know is
- 22 that the -- Uncle Mok was in charge of the zone who sent us from
- 23 Srae Ambel, or the salt field.
- 24 [10.59.24]
- 25 Q. Did you ever hear of people talk about Ros Nhim?

1 A. Ros Nhim. I heard people talk about the name from one another,  
2 <but I did not pay attention about him>. I have heard of the  
3 name, but I did not know his face.

4 Q. So when you and the others from the Southwest Zone arrived and  
5 took positions in the northwest, did you report to Ta Mok or Ros  
6 Nhim?

7 A. I did not see Ros Nhim when I was there. I did not know him  
8 personally. I heard of his name. I heard people mentioning his  
9 name from one <person to> another.

10 Q. Going back a bit, Leng, the woman you said was the district  
11 secretary, was she also forced to marry a handicapped soldier in  
12 that same group wedding?

13 [11.00.52]

14 A. Leng was the one who forced people to get married. However,  
15 Leng got instructions from Ta Mok and, as a result, 40 couples  
16 were selected to get married and the ceremony lasted for only  
17 about three to four hours. And I was very upset, and we all were  
18 very upset and we didn't eat meals for three or few days after  
19 the ceremony. We were all forced to get married. <We did not want  
20 to get married at that time.>

21 Q. So was Leng also forced to marry a handicapped soldier?

22 A. Yes, she was forced, too, and she didn't dare to do anything.  
23 She just kept her mouth shut as well -- as we were all at the  
24 time because we were instructed to do so.

25 Q. By the way, when you were in the northwest, were -- was rice

1 grown and then shipped to the Centre? Do you know if there were  
2 any requirements to ship rice to the Centre?

3 A. Yes, rice was produced in the Northwest Zone, but I did not  
4 know the details of the rice yield or where it was sent to.

5 Q. Do you know if rice was sent by train from the northwest,  
6 Battambang, to Phnom Penh?

7 A. No, I do not know about that.

8 [11.03.00]

9 Q. Did you receive instructions about how much rice had to be  
10 grown or sent somewhere?

11 A. We produced rice and we kept some for ourself, and some was  
12 sent away. But I did not know whether the rice yield was  
13 distributed to other cooperatives.

14 Q. As far as you knew, did some of the cadre starve people while  
15 sending rice to the upper echelon?

16 A. I was in Samlout district, and none did not have -- none -- or  
17 from what I observed, everybody had food to eat. We all worked  
18 mutually, and we could eat our fill. Of course, sometimes for  
19 some seasons, we did not have rice to eat. We had to have it  
20 mixed with <corn. It was not always sufficient for all seasons.>

21 Q. Let me ask you about something, then, that you said to Long  
22 Dany. So in Khmer, the ERN is 00733838, and in English it's  
23 01155611. So I'd like you to listen to what they recorded you  
24 saying and tell -- explain this to me. You said -- you were  
25 talking about cadre at the lower level. You said:

1 [11.04.55]

2 "When they wished to promote their image, they starved the  
3 people. They rationed the people to porridge. Rice and unhusked  
4 rice remained."

5 And Dany asked, "Where did they take the remainder of the rice?"

6 And you said, "They did send the remainder of the rice and the  
7 unhusked rice to the upper echelon."

8 So do you know if part of the starvation was because of rice  
9 being sent to the upper echelon?

10 A. Some of the rice was sent to the upper echelon, while some  
11 were kept for our consumption. However, I did not know as to  
12 which level it was sent to. <I cannot recall the whole story  
13 because it happened a long time ago. <My apologies.>

14 Q. Did you attend any trainings in Phnom Penh?

15 A. No, not in Phnom Penh.

16 Q. Did you ever see Khieu Samphan or Nuon Chea visiting the  
17 northwest or ever hear about that?

18 A. I only heard of their names. I heard of Khieu Samphan's name,  
19 but I did not know them. I was at a lower level, and I was not  
20 allowed to know them. And I did not know them.

21 As I said, I only heard of their names.

22 [11.06.50]

23 Q. So just one question I forgot to ask you that my colleague  
24 reminded me.

25 At the ceremony of the wedding of these 38 couples that got

50

1 married, who was present? Was Ta Mok or Ta Tith present for the  
2 ceremony?

3 A. It was Ta Mok who actually organized the wedding for us, and a  
4 few days after the ceremony, Ta Tith came to ask how we were all  
5 going or anybody did not consent to living together, and he  
6 advised us to live together happily. <He also advised us to do  
7 good things.>

8 MR. KOUMJIAN:

9 Thank you very much, Madam Witness.

10 Your Honours, I don't have further questions.

11 [11.07.54]

12 MR. PRESIDENT:

13 Thank you, Co-Prosecutor.

14 And now I hand the floor to the Lead Co-Lawyers for civil parties  
15 if you wish to put questions to this witness.

16 QUESTIONING BY MS. GUIRAUD:

17 Thank you, Mr. President.

18 Q. I have several very brief follow-up questions to ask of you,  
19 Madam Witness.

20 Good morning. My name is Marie Guiraud, and I am the lawyer  
21 representing the collective of the civil parties in this trial. I  
22 have several questions on the marriages during the Democratic  
23 Kampuchea regime.

24 You have just indicated that Ta Mok was present during your own  
25 marriage. What, exactly, was his role during the ceremony, and

51

1 did he deliver a speech? Can you tell us what you remember about  
2 the presence and the action of Ta Mok during your marriage  
3 ceremony?

4 MS. NOP NGIM:

5 A. He organized the marriage for us. He gave us advice. And what  
6 I knew is that he came from Takeo, that is, from the northwest.  
7 He advised us to go along well together and not to fight <with>  
8 each other.

9 [11.09.47]

10 Q. This advice to get along together and to not fight with each  
11 other, was this advice given on the day that the marriage  
12 ceremony took place, or was it before or after the ceremony?

13 A. It was on the day of the ceremony. And after the ceremony was  
14 about to conclude, he gave those advices to all of us.

15 Q. And when you say that he gave advice to you to get along well  
16 together and to not fight, did this imply to you that you should  
17 have sexual relations with the person you had been married to?

18 A. They also monitored us. They used militiamen to monitor us,  
19 but because there was <no problem> between us, then everything  
20 was okay.

21 [11.11.18]

22 Q. I am not sure that I heard the end of the sentence in the  
23 interpretation of that. Perhaps I can ask you a follow-up  
24 question to try to make up for that.

25 When you say that you were monitored, can you explain to the

1 Chamber when, exactly, you were monitored? Was it the evening of  
2 the marriage ceremony or the following days? What can you give us  
3 regarding the details or an explanation of what this monitoring  
4 consisted of?

5 A. A few nights after our marriage, they monitored our  
6 activities. And since we went along well, nothing happened.

7 Q. Can you explain to us the specific living conditions that you  
8 had with your spouse after the marriage?

9 A. Can you clarify your question; was it after the marriage or  
10 before? If you spoke about after the marriage, what else we could  
11 do because Angkar organized us to get married. Then we had to  
12 live together so that we could live together as husband and wife  
13 and probably, later on, have children.

14 [11.13.12]

15 Q. Had you heard, before your marriage, that you would have to  
16 produce children within the context of this marriage; is this  
17 something that you heard about before the ceremony?

18 A. I don't really get your question and at that time, just to  
19 remind you, I was pretty young and <naive at that time. I did not  
20 want to get married and I wanted to run away. But there was no  
21 choice so I had to bear with the arrangement.> As I repeat myself  
22 on a number of occasions, there -- I had no options but to go  
23 along with Angkar's plan.

24 Q. I understand your answer, Madam <Witness>. You have been clear  
25 up to this point, so perhaps it was my question that was not

53

1 clear. Before you got married, or on the day of the ceremony, did  
2 a cadre tell you that you needed to get married in order to  
3 produce children for Angkar; is that something that you heard  
4 before the marriage ceremony or during the marriage ceremony?

5 A. We spoke to one another and actually, we made jokes that since  
6 Angkar organized the marriages for us, <when we had children, we  
7 would send them to Angkar.>

8 [11.15.00]

9 Q. So what you're saying that needing to produce children for  
10 Angkar, is that something that you heard someone say; someone  
11 like Ta Mok, for example, who presided over the marriage ceremony  
12 or is that something you heard one of those people say or is this  
13 just a conclusion that you drew by yourselves?

14 A. It's all what we thought about; we just spoke among ourself on  
15 this topic and I didn't mention anything to that effect in my  
16 previous interview. And what happened, at this time, was that we  
17 spoke among ourselves.

18 MS. GUIRAUD:

19 Thank you, Madam Witness; I don't have any further questions.

20 I don't know if my Co-Counsel <Ang Pich> has any questions. I  
21 will leave the floor to him, <Mr. President>.

22 MR. PRESIDENT:

23 National Lead Co-Lawyer, you have the floor.

24 [11.16.20]

25 QUESTIONING BY MR. PICH ANG:

1 Good morning, Your Honours. Good morning, everyone in and around  
2 the courtroom and good morning, Madam <Witness.> I have some  
3 supplementary questions to put to you.

4 Q. When you were in Kampot, what was your position? Since I'm a  
5 bit late this morning, maybe I missed <some> parts of your  
6 response.

7 MS. NOP NGIM:

8 A. When I was at the salt field, I was assigned to be a chief of  
9 50-person unit.

10 [11.17.09]

11 Q. Thank you and now, I recall you actually testified to that  
12 effect.

13 At the place where you worked or at the co-operative where you  
14 lived, can you tell the Chamber whether, at that time, marriages  
15 took place?

16 A. No, there was only one marriage ceremony that I participated,  
17 but you talk about the people; yes, people got marriage at their  
18 co-operatives.

19 Q. Did you attend the wedding ceremonies of those people?

20 A. At that time, only when they fell in love with one another,  
21 then we would organize the marriage for them. It was not like  
22 when we were in our unit when we were force to get married.

23 Q. When you got married in Samlout -- and you just stated that Ta  
24 Mok was the one who organized the marriage -- can you tell the  
25 Chamber whom Ta Mok instructed to arrange the marriage?

55

1 A. I repeated myself that it was Ta Mok, himself, who organized  
2 the marriages for us, who actually instructed us to hold hand. It  
3 was he who organized the marriage and as I said, he gave his  
4 advice and instructions also during the marriage ceremony.

5 [11.19.05]

6 Q. And before the day of your marriage, had you been told that  
7 you would be married on that particular day?

8 A. None of us was aware of anything on the day of the marriage.  
9 Even for the men's side, they did not know that they had to marry  
10 that day. They actually brought the <men> and matched us off. And  
11 those male combatants, they were there only for two or three  
12 nights, then they were married off.

13 Q. Can you tell the Chamber actual when, exactly, you knew that  
14 you were one of those couples to get married; was it on the day  
15 of the marriage or was it just a few hours before you got  
16 married?

17 A. I did not know, at all, about the marriage and I was wondering  
18 why we were called to attend a meeting and in fact, I did not go  
19 first, then I was told that I should go; otherwise, Uncle would  
20 get upset, so I went. <I did not know that was a wedding day.>

21 Q. Who told you to go to attend that meeting?

22 A. It was people in my unit. We spoke to one another about the  
23 meeting and for that reason, we decided to go to attend the  
24 meeting, but it turn out it was a marriage.

25 [11.20.48]

1 Q. What was the position of the person who told you to attend the  
2 meeting? I refer to members of your unit who told you to go to  
3 attend that meeting.

4 A. No, they were just members of the unit.

5 Q. What about other people, besides you, were they in the same  
6 situation as you did; that they were aware only of their marriage  
7 when they actually arrived at the place?

8 A. None of us was aware of the marriage. All of those 39 couples  
9 were not aware that they had to marry that day.

10 Q. And upon your arrival, did you know who actually organize the  
11 ceremony besides Ta Mok?

12 A. He was the one <who> organized the marriage for us there. He  
13 was present there and there was <no one> else but him.

14 Q. And had you known Ta Mok before?

15 A. Yes, I had known him before.

16 [11.22.20]

17 Q. During the ceremony, were you required to make a resolution or  
18 to commit yourself, that is, for your couple and for other  
19 couples?

20 A. Each couple had to make a commitment that since Angkar  
21 organized the marriage for us that we had to respect the  
22 organizational structure to respect Angkar's <order> and everyone  
23 repeated the same message.

24 Q. Regarding the clothes that you were wearing, did you wear your  
25 ordinary, everyday clothes or were you allowed to change clothes

1 for your wedding day?

2 A. No, we wore black uniformed; there was nothing new and it's  
3 the same thing for the men; they all <wore> black clothes.

4 Q. Was the wedding ceremony organized according to the Khmer  
5 tradition, that is, participants were your relatives or the  
6 elders?

7 A. No, none of us had any relatives or siblings attended the  
8 wedding ceremony; only some members of the female unit from the  
9 salt field attended the ceremony. There was no relative.

10 [11.24.12]

11 Q. What about the men's sides, that is, the 39 or 40 of them, did  
12 you know where they came from and if they were handicapped  
13 soldiers, did you know the battlefields they participated in  
14 before they became handicapped?

15 A. I did not know about those handicapped people or where they  
16 came <from>. I only knew that a few of them came from Takeo  
17 together with a few other women. Since I also came from Takeo, so  
18 I knew about that and of course, I did not know which  
19 battlefields they attended and that they became injured.

20 Q. You said when you arrived at the place, then you realized that  
21 you were required to get married and the ceremony was not held  
22 according to tradition and there was no participation of your  
23 relatives or elders. Can you tell the Chamber about your feeling,  
24 at the time, that you had to attend -- that you had to get  
25 married in that particular setting?

1 A. I did not have any other feeling besides upset. I was upset,  
2 but I did not think of having my parents present there because  
3 everybody was in the same situation.

4 [11.26.09]

5 Q. This may be my last question. Have you ever spoken about your  
6 forced marriage, under the Khmer Rouge regime, to your children?

7 A. It is difficult to say. How could I tell them? Even my  
8 siblings, my parents did not know that I got married, none of  
9 them.

10 Q. I mean that, at a later stage, when your children are grown  
11 up, have you ever told them about your wedding?

12 A. Maybe I misunderstood your question. Yes, I did. I told my  
13 children that we were not properly married; there was no music;  
14 there was no band and it was not held according to tradition and  
15 the children understand because that's what happened during the  
16 regime.

17 [11.27.22]

18 Q. This is my last question. Can you tell the Chamber whether it  
19 was your wish that you want your marriage to be held according to  
20 tradition?

21 A. Frankly speaking, of course, in my heart, I wanted my marriage  
22 to be held according to the tradition, but how could I do? I had  
23 no choice. I wanted it to be held according to our practice, but  
24 I had no choice.

25 MR. PICH ANG:

1 Thank you, Madam Witness, for answering my questions.

2 And Mr. President, I am done.

3 MR. PRESIDENT:

4 Thank you, Counsel.

5 It's now a convenient time for our lunch break. We take a break  
6 now and resume at 1.30 this afternoon to continue our  
7 proceedings.

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

11 The Court is now in recess.

12 (Court recesses from 1128H to 1328H)

13 MR. PRESIDENT:

14 Please be seated.

15 The defence counsel for -- Judge Lavergne, you may now proceed  
16 first.

17 QUESTIONING BY JUDGE LAVERGNE:

18 Thank you, Mr. President. I will not be very long; I have only a  
19 few questions to put to this witness.

20 Q. Madam, this morning, you told the Chamber that after your  
21 marriage, you observed that militiamen came to monitor the  
22 situation to find out whether you were on good terms with your  
23 husband. How did you know that militiamen came to <monitor> you?  
24 Did you see them; did you hear them speak and did you have any  
25 discussions with them?

1 MS. NOP NGIM:

2 A. Militiamen may have conducted surveillance on me, I believe.

3 [13.30.30]

4 Q. My question is as follows: What made you think that militiamen  
5 came to monitor you? Did you see them; did you hear them speak or  
6 are there any other reasons that made you think that they came to  
7 <monitor> you?

8 A. I knew that they came to monitor me because <we saw them at  
9 night.> We discussed among ourself that we had to be careful  
10 since the militiamen came to watch over us.

11 Q. Were those militiamen from the Samlout district? Who was their  
12 leader; who issued orders to them?

13 A. I did not know. I did not know where their -- where their  
14 chief were located and I, myself, did not know who were their  
15 chiefs. We were scared of them. We were in solidarity.

16 [13.32.05]

17 Q. And why were you afraid of them; did you see any militiamen  
18 carry out any arrests; were there any persons who disappeared  
19 among you?

20 A. I did not see people arrested, but we felt frightened of them.  
21 I did not know them well, as for the militiamen, since I was not  
22 there for long, <I was there for less than a year>.

23 Q. Where were those militiamen from; had they already been there  
24 before you arrived or there were militiamen who came from the  
25 Southwest Zone as well?

61

1 A. All of those militiamen did not come from the southwest. <We  
2 women, were sent from the southwest.> The militiamen were the  
3 children of the villagers in the -- in that location. <I did not  
4 know them.>

5 We were frightened of them, but I, myself, did not witness any  
6 arrest of people by those militiamen. The militiamen came to  
7 watch over us whether or not we consummated our marriage.

8 [13.33.55]

9 Q. And how old were those militiamen?

10 A. I did not know how old they were -- how old they were. Some  
11 were big and -- some were -- some were old, some were young; I  
12 did not ask them how old they were.

13 Q. And according to you, how old were the youngest among them?

14 A. Seventeen or 18 years old.

15 Q. And how old were the youngest spouses? You talked of young  
16 girls who were age 16, two girls who were not married; were there  
17 any other girls age 16 or under 16 who got married?

18 A. The oldest, perhaps, were 25 or 30 years old and the youngest  
19 was 16 or 17. I got married when I was 28 at the time.

20 Q. And how old were the husbands; were they also as young as  
21 those you referred to or were <they> older <in general,> and how  
22 old were they, if they were older?

23 [13.35.47]

24 A. Eighteen years old -- 18-year-old women were not allowed to  
25 get married; only people over 20 years old were allowed to get

1 married. Some husbands were younger than the wives; <for example,  
2 my husband is one year younger than me> and some wife -- some  
3 wives were younger than the husbands, one or two year old younger  
4 or older.

5 Q. I do not know whether I have received the interpretation of  
6 your entire answer, madam, but what I heard was that you did say  
7 that a woman was not authorized to get married if she wasn't aged  
8 over 18; however, you said, <just> a while ago, that some of the  
9 married women were aged between 16 and 17.

10 Now, what is your answer; could women be married as of 16 or 17  
11 years of age, or they had to get married only at 18 and were  
12 there any particular instructions regarding women who were aged  
13 under 18?

14 A. Men who were 18, 19, 20, 25 were allowed to get married and  
15 the same applied to women. Usually women under -- women who were  
16 16 years old were not allowed to get married, but only those who  
17 were above 20 years old were allowed to get married. That was  
18 said in that period.

19 [13.38.07]

20 Q. You have stated that you, yourself, had a good biography and  
21 that your husband also had a good biography. What do you have to  
22 say regarding the significance of biographies as far as the  
23 arrangements of marriages was concerned? For instance, could  
24 someone from the New People's group get married to someone from  
25 the Base People's group, or <were> marriages prepared depending

1 on the origin of the partners involved in those marriages? What  
2 do you have to say regarding that subject?

3 A. Concerning the marriage, those men and women were put in the  
4 groups and the marriages were organized, <no matter where you  
5 were from, or which unit or zone you were from. We were married  
6 off. However,> some couples <had> loved each other before the  
7 marriage and they were allowed to get married.

8 [13.39.47]

9 Q. Madam, this morning, you told us that your husband had <a>  
10 good biography, same as yourself; was biography a factor that was  
11 taken into consideration to determine who had to get married to  
12 whom? Do you understand my question?

13 A. They reviewed the biographies and I and my husband were living  
14 close to one another, so we were matched. We were from the poor  
15 background, so we were considered to have the same biography, but  
16 it -- the -- we did not have perfect or the best biographies  
17 among all of them. Usually they reviewed the biographies and  
18 people who lived close to one another or who were living in  
19 adjacent villages were allowed to get married to one another.

20 Q. According to you, madam, could your marriage have been  
21 arranged with a New Person; was that something that could have  
22 been possible?

23 A. I did not really know exactly whether New People were allowed  
24 to get married with different categories of people. The  
25 handicapped people were matched with the women, at the time; as

64

1 for New People, I did not know about that.

2 [13.42.05]

3 Q. And were there other categories of people with whom there may  
4 have been difficulties; to the best of your recollection, could  
5 people from Kampuchea Krom or from Vietnam get married to Khmers?

6 A. When I was living there, I did not see Kampuchea Krom people  
7 were getting married with other groups of people.

8 Q. How about Vietnamese <or> Cham, did you observe the presence  
9 of people of Vietnamese or Cham origin?

10 A. We did not see the presence of Cham or Kampuchea Krom people;  
11 there were only Khmer people over there. There were no Kampuchea  
12 Krom <or other ethnic groups.>

13 [13.43.22]

14 Q. And according to you, who examined the lists of men and women  
15 and who decided who was going to get married to whom; was it Ta  
16 Mok, himself, or someone else? So do you know who took the  
17 decision -- who took the decision, in concrete terms, to arrange  
18 the marriages?

19 A. To my understanding, it was Ta Mok who matched us. I did not  
20 know when he collected the biographies; I did not know about  
21 that. He came to marry us. <I am telling the truth.>

22 Q. And if I understood what you said this morning correctly, you  
23 did say that among the handicapped soldiers <there> were soldiers  
24 from the Takeo region; others from Kampot, but you also talked of  
25 others who hailed from other regions in Kampuchea. According to

65

1 you, were those handicapped soldiers sent to Samlout from all  
2 over the country with the sole objective of having them married,  
3 or there were other reasons why soldiers from all over the  
4 country were sent to Samlout?

5 A. They were sent for marriages. As for the handicapped soldiers,  
6 handicapped soldiers were also from Takhmau, Kampong Speu, Takeo,  
7 and Kampot and I learned this through my discussion with them.

8 <The majority of them were from Takeo.>

9 And for those who were sent for the purposes of marriages, I did  
10 not know whether they were Kampuchea Krom or Vietnamese, but for  
11 physical appearances; I could say that they were Khmer people  
12 <who were brought there by Ta Mok>, not Kampuchea Krom or other  
13 nationalities.

14 [13.46.15]

15 Q. Do you know whether, among those husbands, there were husbands  
16 from other regions, that is, other than the Southwest region?

17 A. They were from <> the Southwest Zone; all of them were the  
18 Southwest Zoners. They were not from different part of the  
19 country or from different zones. We were all together from the  
20 same zone and were transferred to that location.

21 Q. What became of the husbands; did they remain in Democratic  
22 Kampuchea with their <wives> throughout the period or <did they  
23 leave>?

24 A. They remained as husbands and wives throughout the period.  
25 Some couples separated from one another during the fleeing in

66

1 1979 and some remained husbands and wives.

2 [13.47.58]

3 Q. Do you know whether, among the couples that were married, some  
4 were not able to <get along> or others had to be subjected to  
5 <re-education> sessions; did you hear of anything of the sort?

6 A. Nothing happened in my location. No such incident happened at  
7 my location and I did not hear such incidents occurred at other  
8 location as well. All of us were trying hard to adhere to the  
9 disciplines of Angkar and nothing happened at my location. I did  
10 not know whether such incidents did happen in other locations.

11 Q. And did you hear of any cases of moral misconduct and if yes,  
12 what were those cases of moral misconduct and what became of  
13 those accused of moral misconduct?

14 A. They were subject to education if they were found to commit  
15 moral misconducts. <At my location where> I was living there for  
16 less than a year; I did not witness that people were arrested and  
17 smashed, but for those who committed moral misconducts; they were  
18 subject to education or study sessions. <That's what I saw.>

19 [13.50.15]

20 Q. And what did moral misconduct consist of, did it entail having  
21 sexual intercourse with someone with whom you were not married;  
22 is that the meaning of moral misconduct?

23 A. Loving one another was considered that misconduct and if it  
24 was known to the superiors, that -- the measures would be taken  
25 against them. And some people had loved one another before the

67

1 marriage and they were considered to have committed moral  
2 misconducts. <There was no such case at my location, but it  
3 happened at other locations. After they were re-educated>, all of  
4 these people were not sent away for execution or smashed.

5 JUDGE LAVERGNE:

6 Very well. Thank you, madam; I have no further questions for you.

7 MR. PRESIDENT:

8 Thank you very much, Judge Lavergne.

9 You may now have the floor, counsel for Mr. Nuon Chea.

10 [13.51.40]

11 QUESTIONING BY MR. LIV SOVANNA:

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

14 Good afternoon, Madam Witness. My name is Liv Sovanna. I am the  
15 National Co-Lawyer for Mr. Nuon Chea. I have some sets of  
16 question to put to you and I would like to have a follow-up  
17 question about moral misconduct.

18 Q. You made mention that moral misconduct means loving one  
19 another before the marriage. What do you mean by that; does it  
20 cover the fact that the couple got sex with one another to  
21 constitute a moral offence or just feeling loved to one -- toward  
22 one another is also considered moral misconduct?

23 A. When they slept with one another, they were considered to have  
24 committed a moral misconduct, but if they worked closely with one  
25 another or they were in solidarity; they were not considered to

68

1 have committed moral misconducts.

2 [13.53.14]

3 Q. Does this mean that only when they have had sex with one  
4 another, they were considered to have committed moral misconduct;  
5 is that correct?

6 A. Yes, that is correct.

7 Q. You also said that women who were <under> 16 years old were  
8 not allowed to get married. You were a cadre in the regime. I  
9 would like to put a question to you: did you ever hear the  
10 principle or guideline about the age of marriage?

11 A. For women, they had to be 18, 19, 20, or 21 years old when  
12 they got -- they could get married and as for men, they had to be  
13 over 20 years old.

14 Q. So the lowest age of marriage for women was 18 years old; is  
15 that correct?

16 A. That is correct.

17 [13.54.55]

18 Q. Thank you. My next question is about your observation and your  
19 experience in the regime. While you were the deputy secretary of  
20 the district, did you observe or <attend> the marriage ceremony  
21 <other than> for the 40 couples?

22 A. (Microphone not activated)

23 [13.55.40]

24 MR. PRESIDENT:

25 Madam Witness, please wait for the microphone to turn on before

1 you speak.

2 Court officers, please raise the witness microphone a bit higher  
3 so that the <Chamber> can observe the red light of the  
4 microphone.

5 (Short pause)

6 [13.56.19]

7 MR. PRESIDENT:

8 Lawyer, could you repeat your question.

9 BY MR. LIV SOVANNA:

10 Thank you, Mr. President.

11 Q. Madam Witness, I would like to know about your observation or  
12 your experience in the regime. Did you ever participate or  
13 observe any other marriages beside the 40 couples you made  
14 mention?

15 MS. NOP NGIM:

16 A. I -- my marriage was organized by Ta Mok.

17 [13.57.02]

18 Q. My apology, perhaps the question was not clear to you; I would  
19 like to know about other marriages beside yours. As the deputy  
20 secretary of a district at the time, did you ever notice or  
21 participate in organizing the marriages for other couples?

22 A. I did not participate in the organization of the marriages for  
23 children of villagers or for my unit. Usually only chief --  
24 chiefs had the authorization to organize the marriages for the  
25 would-be husbands and wives. Samlout villagers -- I mean children

1 of Samlout villagers, only one or two couples got married at the  
2 time.

3 Q. You said that only chiefs had authorization to organize  
4 marriages for those people; who are you referring to?

5 A. I was referring to <> Leng at Samlout district <> and I was  
6 not permitted to organize marriages for those people since I was  
7 illiterate.

8 [13.58.53]

9 Q. Thank you very much, Madam Witness. Before the marriages  
10 organized by Leng, how were the marriages organized?

11 A. (Microphone not activated)

12 [13.59.20]

13 MR. PRESIDENT:

14 Madam Witness, could you please observe the microphone before you  
15 speak?

16 MS. NOP NGIM:

17 A. When the children of the people loved one another, then  
18 marriages were organized; although I, personally, did not attend  
19 those events.

20 BY MR. LIV SOVANNA:

21 Q. And can you explain to the Chamber what you mean when you say  
22 that when they agreed to one another and then the district would  
23 organize their marriages?

24 MS. NOP NGIM:

25 A. It means that the consent was from both parents from both

71

1 sides, then the children could get married when Leng group  
2 authorized and Leng's group would organize such marriages. As I  
3 said, I did not attend those ceremonies.

4 [14.00.27]

5 Q. Does it mean that the children of the people had the rights to  
6 choose the spouse of their own choice and then they proposed or  
7 sought authorization from the district authority; is that  
8 correct?

9 A. Yes. When they consented to one another, they would come to  
10 the district to ask for authority and then the district would  
11 organize that; however, it was a fast-pace arrangement <or  
12 wedding ceremony>.

13 Q. And after the marriages -- after the marriage, did your  
14 husband tell you that he was the one who proposed you; that he  
15 had observed you for a while before the marriage or did he not?

16 A. No, he didn't say anything about that, nor did I say anything  
17 and no one made any proposal. As I said, we were matched up and  
18 we did not make any proposal and we were not boyfriend or  
19 girlfriend. We did not even see one another before the day.

20 [14.01.55]

21 Q. In order to refresh your memory, Mr. President, I'd like to  
22 refer to her previous statement - rather, DC-Cam statement of the  
23 husband. It is E3/9110 at Khmer, 00734877; English, 01063385;  
24 French, 01309460.

25 Madam Witness, please listen to the excerpt of your husband's

1 testimony:

2 "I got married in 1978."

3 Question: "Did you like her or did you observe her before the  
4 marriage or was it Angkar who organized it?"

5 Answer: "I liked her and Ta Mok allowed me to select my wife. I  
6 was not forced."

7 Question: "Did Ta Mok attend the ceremony?"

8 Answer: "No, he did not. He assigned his subordinates to organize  
9 the marriages but they brought a lot of women for us to choose  
10 and when we liked someone, then we had to tell the authority and  
11 then the chief of the female unit was informed as to which unit  
12 member was liked by the male member."

13 Question: "What was the process like?"

14 Answer: "Then on the day of our marriage, once the names were  
15 informed, then those people would organize and we would sit at  
16 opposing table." End of quote.

17 And Madam Witness, after you have heard this excerpt from your  
18 husband's statement, does it jog your memory that he had observed  
19 you before the marriage and that he made a proposal?

20 [14.04.35]

21 A. No, he never made any proposal to me and I did not love him  
22 before, before the marriage. He was with his respective unit  
23 while I was with my unit. He never made any proposal to me. If he  
24 did, I would refuse.

25 Q. And after the marriage, your husband never told you about

1 that; am I correct?

2 A. No, he never said anything in this regard, never at all. He  
3 never said that he had loved me or that he had observed me before  
4 the marriage and that is the truth.

5 Q. Allow me to go to the day of your marriage. <In the morning,>  
6 you said that there were two women.

7 MR. PRESIDENT:

8 The floor is given to the Lead Co-Lawyer for civil parties.

9 [14.05.55]

10 MS. GUIRAUD:

11 Thank you, Mr. President, just a request to my colleague for  
12 clarification.

13 Can you please give us again the document number? We didn't note  
14 it correctly, and if we could also have the name of the husband  
15 of the witness so that we can verify it. Thank you.

16 MR. KOUMJIAN:

17 I could assist; it's E3/9310. I believe that counsel is quoting  
18 from and the husband's name Preab Kab.

19 MS. CHEN:

20 Same thing, but different; it's E3/9110. The ERN in English was  
21 01063385; in Khmer, 00734877; in French, 01309460.

22 MR. PRESIDENT:

23 Counsel, you may resume your questioning.

24 [14.07.20]

25 BY MR. LIV SOVANNA:

1 Thank you, Mr. President.

2 Q. Madam Witness, on the day of your marriage, you said that  
3 there were two women who ran away and refused to get married and  
4 you also said that they were 16 years old. However, not long ago  
5 you said that the principle was for the women at the very least  
6 18 years old who could get married.

7 Can you tell the Chamber how you knew that the two women were 16  
8 years old?

9 MS. NOP NGIM:

10 A. The two women who ran away, I did not know their real age.  
11 However, they said that they were 16 years old and Uncle Mok said  
12 that since they were too young, then it's okay for them to run  
13 away because they were still very young. That's how I knew about  
14 their age.

15 [14.08.48]

16 Q. Who said that they were 16 years old?

17 A. They themselves who ran away and who were supposed to get  
18 married on the day that I got married. They were the ones who  
19 said that they were 16 years old.

20 Q. Madam Witness, please try to recall as to when they said that  
21 they were 16 years old. Were -- did they say it during the  
22 process of the ceremony or after they had run away?

23 A. Two days after the marriage ceremony, they said that they were  
24 16 years old and I knew about this since they said it.

25 Q. And on the day of the marriage, nobody knew how old they were;

75

1 is that correct?

2 A. Yes, because on the day, nobody asked about our age, <we were  
3 matched to marry off as I mentioned earlier> and that <is the>  
4 truth, they were young <and nobody asked about their age>.

5 Q. On the day of your marriage besides the two women who ran  
6 away, did anyone refuse to get married?

7 A. Nobody dared to refuse or to ask any questions. Nobody dared  
8 to do that. We kept quiet and we did what the uncle asked us to  
9 do.

10 [14.10.56]

11 Q. Why didn't there -- why you didn't dare to refuse?

12 MR. PRESIDENT:

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

15 MS. NOP NGIM:

16 A. Personally, I was afraid. I didn't dare to refuse. As I have  
17 said from the outset, I was afraid of the law at the time.

18 BY MR. LIV SOVANNA:

19 Q. Could you please <clarify what you just mentioned>? What were  
20 you afraid of? Were you afraid of being killed, being criticized  
21 or of being -- of losing your position?

22 MS. NOP NGIM:

23 A. I was afraid of being arrested and sent for re-education or  
24 that I was criticized and I didn't want that.

25 [14.12.12]

1 Q. And from your observations and experience, did you see any  
2 couples who refused to get married and what happened to them  
3 next? Were they sent for study session or were they arrested?

4 A. We were all afraid, but if somebody did anything wrong, then  
5 the person would be arrested. <Sorry I forgot your question. My  
6 memory is not good.>

7 Q. Did you ever see someone who refused to get married and what  
8 happened to that individual? Did you ever encounter that?

9 A. Personally, I did not see anyone who was arrested as a result  
10 of that. However, everyone was so afraid, was afraid of the law.  
11 That's all I can respond to your question.

12 Q. And what did the law state? Can you tell the Chamber?

13 A. They had the law like what we have at present but I cannot say  
14 anything much about the law or the customs they followed.

15 [14.14.26]

16 Q. You testified that you were afraid of militiamen eavesdropping  
17 on you. Can you tell the Chamber, after you got married, did you  
18 ever see militiamen come to your place to eavesdrop on you or to  
19 monitor your activity?

20 A. I was afraid of the militiamen because there was a group of  
21 militiamen at my place. I was afraid that they would come to  
22 eavesdrop on us and, for that reason, we went along pretty well  
23 with one another. And if we were to break any rule, then we would  
24 be called for study session. If we refused to sleep with one  
25 another, we would be called for education. <We were afraid of

1 that.>

2 And that's how I felt at the time.

3 [14.15.26]

4 Q. In order to refresh your memory, Mr. President, I'd like to  
5 refer to her previous statement before the Co-Investigating  
6 Judge. That is document E3/9819.

7 At question and answer 70, you were asked that: "There were  
8 reports saying that the couples who were forced to get married  
9 during the Khmer Rouge regime were monitored at night to see  
10 whether or not they had sexual intercourse. Did this also happen  
11 in Samlout district?"

12 At answer 70, that is, your answer, you mentioned that, "No one  
13 monitored us."

14 And Madam Witness, does this jog your memory that -- whether  
15 there were instructions for militiamen to monitor the newlywed  
16 couples?

17 A. It happened 30 or 40 years ago so I cannot recall everything  
18 and I cannot recall details in this regard.

19 JUDGE FENZ:

20 Counsel, perhaps I misunderstood it but she has constantly said  
21 she was afraid to be monitored but she didn't say she actually  
22 saw somebody who monitored her. At least, that's how I understood  
23 today's statement. So I don't see a contradiction.

24 [14.17.20]

25 BY MR. LIV SOVANNA:

78

1 Thank you, Judge. However, what I read out is her previous  
2 interview before the Co-Investigating Judge. I'd like to verify  
3 with her because in her previous statement, it said no one  
4 monitored her and that's why I wonder whether this would jog her  
5 memory.

6 Q. And Madam Witness, can you recall whether no one actually  
7 monitored you, which is consistent with your previous statement?

8 MS. NOP NGIM:

9 A. My response is that I was afraid. I was afraid that I would be  
10 monitored and if not, of course that would be good. But I was  
11 afraid of being monitored.

12 And as I said, it happened 40 years ago and I cannot recall it.  
13 And please, my apology if I cannot recall all the details.

14 [14.18.35]

15 Q. That is all right.

16 And did you ever hear the district secretary Leng or anyone who  
17 gave instruction that after the marriage, militiamen would be  
18 deployed to monitor those newlywed couples? Did you ever hear  
19 such instruction?

20 A. She never mentioned that at all, <I never heard about it  
21 either> and that is the truth.

22 Q. My question is in relation to your first consummation of your  
23 marriage. Were you forced by your husband to consummate your  
24 marriage or did you consent to that sexual intercourse?

25 A. Personally, I was not forced and, as I said <my husband was

1 not forced either>, we both abided by the organizational  
2 disciplines. <I cannot say about other couples. But> I could only  
3 say about our couple. <We did not force one another.>

4 Q. I'd like to ask about your observations of other couples. Did  
5 those couples remain in their husband and wife relationship?

6 A. All of them were living together as husbands and wives. I  
7 refer to those who married on the day that I got married and no  
8 one got divorced.

9 [14.20.55]

10 Q. And what happened after 1979, the day after you fled the  
11 "Yuon" troops? Have you ever met any couple who got married on  
12 the day that you got married?

13 A. On the day that we fled, everyone fled <for their own lives>  
14 and I did not know who fled where. My husband and I fled to <the  
15 unit in Bavel> and <we> separated from those people and, so far,  
16 I do not know if anyone survives.

17 Q. I'd like to ask about your superior, Khim. This morning, you  
18 said Khim was sent to get married in Phnom Penh and in your  
19 response to the Co-Prosecutor, you said it was Ta Mok who made  
20 that arrangement. However, in your previous statement with  
21 DC-Cam, that is, document E3/9087 at Khmer, ERN 00733821; and  
22 English is at 01155586; and there is no French translation; you  
23 said, Bong Khim was at Den mountain. He -- the person was taken  
24 to Phnom Penh by his -- by her uncle to get married.

25 And can you tell the Court about this uncle? Do you refer to Ta

80

1 Mok or to somebody else?

2 [14.23.05]

3 A. She was at the <salt> field and <> Uncle <Mok> took her to get  
4 married. She was not from Phnum Den mountain; she was from the  
5 salt field and she was taken <by Ta Mok> to get married in Phnom  
6 Penh and it was Bong Khim, not Bong Khoem (phonetic).

7 Q. When you referred to uncle in your previous interview, did you  
8 refer to Ta Mok or refer to another uncle?

9 A. I was in Phnum Den in 1974 and Leng was not at Phnum Den. And  
10 I cannot recall which uncle I referred to.

11 MR. LIV SOVANNA:

12 I have no further questions and, Mr. President, I'd like to hand  
13 the floor to my colleague.

14 And thank you, Madam Witness.

15 [14.24.17]

16 QUESTIONING BY JUDGE FENZ:

17 Q. Just before you start that just one short question. It's not  
18 terribly important but it came up when counsel was asking  
19 questions.

20 This is about the two 16-year olds who ran away from the forced  
21 marriage - or, from the marriage and about whom Ta Mok said,  
22 "Leave them alone. They are only 16."

23 Now, you said that the couple were -- couples were matched on the  
24 basis of their biography. Wouldn't the birth date be in the  
25 biography?

1 MS. NOP NGIM:

2 A. No, they did not check the date of birth. They just matched  
3 people off. They did not check where they came from or their date  
4 of birth. <They knew the place of birth, village and district,  
5 but they did not know the date of birth.>

6 [14.25.20]

7 Q. Perhaps I misunderstood what you said about the biography. Is  
8 it correct that you said they were matched on the basis of a  
9 biography? Do we refer to a written biography or to what they  
10 knew about people?

11 A. There was no biography. However, we had to make a monthly  
12 biography, for example from <> which village they came, and as  
13 for these male and female youths who got to get married, we were  
14 not required to tell about our date of birth.

15 Q. Okay. So how did -- if there was a rule that people were only  
16 to be married from a certain age but at the same time you were  
17 not asked your age, how could this be done? Do you understand my  
18 question?

19 A. For men, the age was up to 25; and for women, the age range  
20 could be <20> or 18, <19> and above.

21 [14.26.55]

22 Q. I have understood that part but how did the authorities know  
23 that a man was up to 25 and the woman was older than 20 if the  
24 question wasn't asked how old they were?

25 A. I did not know about that. Maybe they quietly made the

82

1 observation or they reviewed the biography. But usually they  
2 would come to inquire about our age at our respective unit. For  
3 example, they would ask how old I was and then I would reply  
4 about my age<, 21 or 22 years old.>

5 Q. So you were asked your age after all or were you not before  
6 you married?

7 A. No, I was not. I was selected to marry my husband and I was  
8 not asked how old I was.

9 Q. So basically, you don't know how the authorities knew your  
10 age; is this correct? Because if you don't write a written bio or  
11 ask a person, what other means are there to find out how old the  
12 person is?

13 A. I did not know about that. I did not know the source of the  
14 age that they required. As in my case, I knew that my biography  
15 matched with my husband and <I am older than my husband.>

16 Q. One last question: Can you tell me exactly when the two  
17 16-year old girls ran away; before the ceremony, during the  
18 ceremony or after the ceremony?

19 A. It was during the ceremony they ran away, that is, <when we  
20 were holding hands> before they were called to be declared as  
21 husbands and wives.

22 [14.29.25]

23 Q. So they were standing in rows, husbands and wives, and then  
24 suddenly the two girls ran away? Is this how it was?

25 A. Yes, they ran away. They went to stay at their homes and

1 nobody did anything to them.

2 Q. And it was also during the ceremony that Ta Mok said, "Let  
3 them be. They are just 16" or later?

4 A. It was Ta Mok who said that. Of course, nobody dared to say  
5 anything on his behalf.

6 Q. I understand that but when did he say this? So we have the  
7 ceremony. The girls run away. Does Ta Mok say immediately leave  
8 them alone, or did he say it later?

9 A. It's about two or three hours after they had ran away. He said  
10 that allowed them to run because they were <too> young. And we  
11 just kept quiet after that.

12 JUDGE FENZ:

13 Thank you.

14 [14.30.50]

15 QUESTIONING BY MS. CHEN:

16 Q. Good afternoon, Madam Witness. I just have a number of  
17 questions following on from my colleague, Liv Sovanna.

18 You have spoken a lot about marriage today so I will probably be  
19 avoiding that subject.

20 And I'd like to talk to you now about a few other subjects that  
21 you mentioned in your testimony today and in your written  
22 statements. The first thing I would like to discuss with you is  
23 about living and working conditions.

24 [14.31.19]

25 So today, you briefly discussed this. You were talking about Srae

1 Ambel and Samlout and at 10.39 to the Prosecution, you said that  
2 Ta Mok instructed you to work hard, to perform your best duties,  
3 so that people had enough food to eat. Since the district was  
4 quite new to you and also quite new to other people, you were  
5 told to allow people to eat porridge and also rice, not just  
6 porridge.

7 So my first questions to you are about what you heard from Ta Mok  
8 concerning the working and living conditions of the people. I  
9 would like to take you back to something that you said in your  
10 statement to DC-Cam, to Long Dany of DC-Cam regarding your time  
11 in the Srae Ambel salt field.

12 [14.32.02]

13 Mr. President, this is document E3/9087 and the ERNs are 01155593  
14 to 4 in English and in Khmer, 00733826 to 7, and there is no  
15 French.

16 Madam Witness, you were talking to Long Dany about carrying salt  
17 while working at the salt fields and this is what you said to him  
18 -- quote:

19 "Someone known to be ill would not be called to do her job. A  
20 sick person was allowed to act as a sick person."

21 And then Dany says to you: "A sick person was allowed to be a  
22 sick person?"

23 And you: "That is correct."

24 Dany: "Did Ta Mok give such instructions?"

25 And you answered: "Yes. He said if someone is sick, do not use

1 her."

2 Dany asked: "Did he tell you that?"

3 And then you said: "Yes, we had to follow him."

4 [14.32.57]

5 So here is my question. So you said that Ta Mok gave you  
6 instructions not to use people for work when they were sick. Did  
7 you personally receive those instructions from him at a meeting  
8 or through an order?

9 MR. PRESIDENT:

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

11 MS. GUIRAUD:

12 Thank you, Mr. President. I have a remark to make. If I properly  
13 understood counsel, and if the questions have to do with Srae  
14 Ambel, I'd <simply> like to remind the Chamber that that site  
15 appears to have been excluded from Case 002/02 because it is one  
16 of the sites that are still to be studied in <a> possible  
17 subsequent case 03. So for that reason, that site is not part of  
18 the scope of Case 002/02.

19 (Short pause)

20 [14.34.38]

21 MS. DOREEN CHEN:

22 Mr. President, may I make some brief remarks in response?

23 (Judges deliberate)

24 [14.35.16]

25 JUDGE FENZ:

86

1 Oh, okay. You wanted to make a further statement or a  
2 clarification?

3 MS. CHEN:

4 Just very briefly, we are aware that it's outside of the  
5 crime-based scope. I am only intending to ask three questions on  
6 it. That's based on your earlier ruling that we can ask a few  
7 general questions when it goes to policy. The policy of the  
8 living and working conditions is something that's charged in our  
9 case. Srae Ambel was also charged in Case 002 previously before  
10 it was severed out of the case.

11 And, more generally, we've spoken a lot in the first trial  
12 statement about Ta Mok and his policies. We were speaking about  
13 the Southwest Zone there. Yes, I understand we were specifically  
14 speaking about the different areas within the Southwest Zone but  
15 this can go generally towards Ta Mok.

16 In any case, I was only going to ask three questions.

17 [14.36.07]

18 MR. PRESIDENT:

19 You have the floor now, Judge Lavergne.

20 JUDGE LAVERGNE:

21 Do you have an idea of the number of documents related to working  
22 conditions in the salt fields in this case? Because if we start a  
23 debate on the subject, I believe we are going to <wind up  
24 spending a lot of time on it>.

25 MS. DOREEN CHEN:

1 My question was simply whether or not she had heard an order from  
2 Ta Mok. The witness has spoken in general about speaking with Ta  
3 Mok, I understand, personally on several occasions. So it was  
4 just of interest to me whether or not on this particular occasion  
5 she heard an order from him.

6 If you would like me to move on, I can do so.

7 [14.37.04]

8 MR. PRESIDENT:

9 You are allowed to put such questions.

10 BY MS. DOREEN CHEN:

11 I will be very brief.

12 Q. Madam Witness, I don't know if you recall the question. What I  
13 was asking you is you said that Ta Mok gave you instructions not  
14 to use people for work when they were sick. Did you personally  
15 receive those instructions from him at a meeting or through an  
16 order?

17 MS. NOP NGIM:

18 A. There were no meetings. He walked to our location and he told  
19 us that. He said that for those who were sick were not allowed to  
20 go to work. If they were sick and carried salt, then that would  
21 cause their fingers <and toes to swell>.

22 [14.37.53]

23 Q. Did he say what those sick people should do instead?

24 A. They did not go to work since they were allowed to not go to  
25 work.

88

1 Q. And I promised only three questions. This is the third  
2 question.

3 Do you remember when you received those instructions from Ta Mok?

4 A. Ta Mok told that. That's what I heard from him.

5 Q. This is while you were working in the Srae Ambel salt fields;  
6 yes?

7 A. Yes. <There was no meeting.>

8 [14.38.43]

9 MS. CHEN:

10 This might be a convenient time to break, Mr. President.

11 MR. PRESIDENT:

12 Thank you, Lawyer, and the Chamber will take a 20-minute break  
13 from now on.

14 The Court is now in recess.

15 (Court recesses from 1439H to 1457H)

16 MR. PRESIDENT:

17 Please be seated. Again, the floor is given to counsel for Nuon  
18 Chea.

19 MS. CHEN:

20 Q. Good afternoon again, Madam Witness. I am now going to move on  
21 to a different line of questions and what I would like to talk to  
22 you about is the reason that Ta Mok sent you to the Northwest  
23 Zone. This is something that you already discussed with the  
24 prosecutor this morning, and this is what you said to him.

25 [14.58.50]

1 At 10.29, you said: "Ta Mok instructed [you] to work hard, to  
2 perform [your] best duties so that the people had enough food to  
3 eat since the district was quite new to you and also quite new to  
4 other people. [You] were told to allow people to eat porridge and  
5 also rice, not just porridge."

6 A few minutes later at 10.53 in answer from another question from  
7 the prosecutor when talking about what happened to the cadres  
8 formerly in the Northwest Zone, you said: "The older cadres were  
9 said to be traitors because they did not allow people to eat."

10 Madam Witness, my question is, according to your understanding,  
11 did Ta Mok assign you to work in Samlout because the previous  
12 cadres in the area had mistreated people by not giving them  
13 enough food to eat?

14 MS. NOP NGIM:

15 A. <I do not understand the interpretation.> I do not know what  
16 to respond.

17 [15.00.14]

18 MR. PRESIDENT:

19 Counsel, please put the question again since the witness does not  
20 understand it.

21 BY MS. CHEN:

22 Q. Madam Witness, I was reading you a quote from your testimony  
23 earlier this morning to the prosecutor and you had said that the  
24 older cadres in the Northwest Zone were said to be traitors  
25 because they did not allow the people to eat.

90

1 So I just wanted to check. According to your understanding, were  
2 you assigned to work in Samlout because of this because the  
3 previous cadres in the area had mistreated the people by not  
4 giving them enough food to eat?

5 MS. NOP NGIM:

6 A. No. I do not hear anything. How can I respond to your  
7 question?

8 (Short pause)

9 [15.01.59]

10 MS. CHEN:

11 Q. Hello, Madam Witness. Can you hear me now?

12 MS. NOP NGIM:

13 A. Yes. Yes, I can hear you.

14 Q. Okay. Perhaps I better start again.

15 So what I was wanting to ask you about was the reasons that Ta  
16 Mok initially sent you to the Northwest Zone. You talked a little  
17 bit with the prosecutor about this earlier this morning, and I  
18 will just read back to you what I have recorded you as saying. At  
19 10.39, you said Ta Mok instructed you to work hard, to perform  
20 your best duties so that the people had enough food to eat since  
21 the district was quite new to you and also quite new to other  
22 people. You were told to allow people to eat porridge and also  
23 rice, not just porridge.

24 15.02.43]

25 A few minutes later at 10.53, you're talking about what happened

91

1 to the cadres formerly from the Northwest Zone and you said: "The  
2 older cadres were said to be traitors because they did not allow  
3 people to eat."

4 So my question was I wanted to check your understanding.

5 According to your understanding, was the reason that you were  
6 assigned to Samlout district because the previous cadre in the  
7 area had mistreated the people by not giving them enough food to  
8 eat; according to your understanding?

9 A. Yes, we were sent to Samlout because they said that those  
10 people were traitors against the residents of Samlout <as I  
11 stated this morning>. And he told us to provide people with gruel  
12 or rice and I cannot recall all the points you raised in your  
13 question. <I forgot your question. It was too long.> Please make  
14 your question brief.

15 [15.04.00]

16 Q. Thank you. I'll do my best.

17 I want to try to read back to you things that you said in Court  
18 or in the documents to try to position you in my questions since  
19 I am asking you about a lot of different things. But I will  
20 definitely try to do my best and be brief.

21 There is something that you said about this topic in your DC-Cam  
22 statement that I didn't hear today, so I wanted to check that  
23 with you. This is the interview that you gave five years ago to  
24 Long Dany.

25 Mr. President, the document is E3/9087 and the ERNs in English

1 are 01155598; and in Khmer, 00733829; and there is no French.

2 Madam Witness, here is what I am going to ask you about. So Long

3 Dany asked you, "Why did Ta Mok tell you to go to Samlout?" And

4 then you said to him - quote: "He said the group of the

5 contemptible Phim are traitors."

6 [15.05.05]

7 A little later you said, "People are not allowed to eat cooked

8 rice. Even rice plates are not available. People eat cooked rice

9 with their hands. He has collected all the plates. He is a

10 traitor and people are not allowed to pick up coconuts for food."

11 Madam Witness, my question--

12 MR. KOUMJIAN:

13 Excuse me, Your Honours. It seems counsel--

14 MR. PRESIDENT:

15 Yes, you can proceed.

16 MR. KOUMJIAN:

17 Excuse me.

18 <MS. NOP NGIM:>

19 <Yes, he did say that.>

20 MR. PRESIDENT:

21 Witness, please hold on.

22 [15.05.42]

23 MR. KOUMJIAN:

24 Thank you.

25 Counsel admitted a sentence from the answer that explains who

1 Phim -- which Phim the witness is talking about. From the context  
2 of the entire interview, it is clear, and she says in this  
3 sentence, "The contemptible Phim who has been assigned by Angkar  
4 to Samlout is a traitor."

5 So she was talking about the former district secretary Phim, so  
6 the witness is not or Your Honours are not confused.

7 BY MS. CHEN:

8 Thank you, Mr. Prosecutor. Just by way of response, I was not  
9 trying to mislead the witness. I am just trying to keep the  
10 question open to see what she remembers now and I was trying to  
11 follow her request to be brief.

12 Q. Madam Witness, my question was: Do you recall who this person  
13 Phim was? Was it, indeed, the person that the prosecutor  
14 mentioned?

15 [15.07.11]

16 MS. NOP NGIM:

17 A. I only knew that he was in Samlout district and I didn't know  
18 whether he was secretary or not. I did not meet him and I only  
19 heard of his name when Ta Mok spoke about it. And he may be the  
20 chief of Samlout district. <Ta Mok said that.> That's all I know.

21 Q. Okay. Let's move on to another line of questions. I am still  
22 talking about Samlout and I am still talking about food. But what  
23 I want to talk about now is the discussion that you had this  
24 morning with the prosecutor about food being sent to the upper  
25 echelon.

94

1 You said a few things. The ones that I have highlighted are as  
2 follows: At 11.03 you said that you produced rice. You kept some  
3 for yourself; some were sent away. You did not know whether the  
4 rice yield was distributed to other cooperatives.

5 [15.07.43]

6 And then two minutes later you say at 11.05, "Some of the rice was  
7 sent to the upper echelon while some was kept for [your]  
8 consumption but [you] did not know at which level it was sent  
9 to."

10 Madam Witness, as you might recall, the prosecutor read you a  
11 quote from your DC-Cam statement this morning regarding the  
12 question of rice being sent to the upper echelon and then you  
13 gave those answers. So what I would like to do is read you that  
14 quotation in this case more fully so that I can ask you some  
15 questions about it.

16 Mr. President, it's still the same document number, E3/9087 and  
17 the ERNs the prosecutor read from were 01155611 in English,  
18 00733839 to 40 in Khmer, and there was no French.

19 So this is the part that the prosecutor had read to you, Madam  
20 Witness. You had said: "When they wished to promote their image  
21 they starved the people. They rationed the people to porridge.  
22 Rice and unhusked rice remained."

23 And then a little later you say the following: "They did send the  
24 remainder of the rice and the unhusked rice to the upper  
25 echelons."

1 [15.09.02]

2 JUDGE FENZ:

3 Do you follow, Witness?

4 Because I think she just commented, and I'm not sure if this  
5 wasn't confusion.

6 Are you following what the defence counsel is saying?

7 MS. NOP NGIM:

8 A. Regarding the rice that we produced, I don't know whether it  
9 was kept at the cooperative or it was sent elsewhere. <I did not  
10 investigate it.>

11 [15.09.31]

12 BY MS. CHEN:

13 Q. Okay, Madam Witness. I would like to read back to you  
14 something else that you said in your DC-Cam statement that was  
15 not read out to you by the prosecutor this morning when you were  
16 talking to DC-Cam about the lower echelons wishing to promote  
17 their image and starving the people.

18 At that time, Long Dany asked you the question: "You have  
19 mentioned that there were a small number of people who died. Why  
20 did a great number of people die? Was this caused by the lower  
21 echelons?"

22 Your answer to Long Dany was -- and this is what I am going to  
23 ask you about -- you said to him, "The lower echelons were very  
24 arrogant. They wished to promote their image so they starved the  
25 people."

1 My question is as follows: What did you mean when you said that  
2 the lower echelons were very arrogant and starved the people to  
3 promote their image?

4 [15.11.01]

5 MS. NOP NGIM:

6 A. I did not hear what you said; not at all.

7 Q. I am just not sure; is that a technical issue or just my  
8 question is too long?

9 JUDGE FENZ:

10 I understand she doesn't hear.

11 BY MS. CHEN:

12 Q. Madam Witness, can you hear me now?

13 MS. NOP NGIM:

14 A. No.

15 Q. How about now?

16 A. Yes.

17 Q. Well, I was reading you a long quotation from your DC-Cam  
18 statement, but the point was that you had said to DC-Cam lower  
19 echelons were very arrogant and starved the people to promote  
20 their image. So my question was: what did you mean by that?

21 [15.12.41]

22 A. And that's what I said. Some of them wanted to promote their  
23 image so they didn't give enough food to the people but for me I  
24 didn't want my -- to promote my image but to allow the people to  
25 live so I gave people sufficient food.

1 Q. From your understanding, was this action of starving the  
2 people to promote their image action undertaken by the cadre of  
3 the Northwest Zone in Samlout before you arrived?

4 A. I did not know about the previous cadres before I arrived  
5 <Samlout>. I only heard of this Phim and, as I stated this  
6 morning, I did not meet him and I only heard of his name.

7 Q. Do you know if this Phim was brought to the Northwest Zone by  
8 Ta Mok or was he there already?

9 A. I did not know where he came from. Even when Ta Mok arrived,  
10 he was not there. And as I said, I only heard of his name. I did  
11 not know him. Those people who came <to Samlout with me> did not  
12 know him as well.

13 [15.14.15]

14 Q. And did you ever hear of any other similar kinds of incidents  
15 where cadres from the lower echelon sought to promote their image  
16 by starving the people or doing something else to make the people  
17 suffer?

18 A. My group did not do that but I could not say about other  
19 groups. Maybe they wanted to make a comparison and of course in  
20 each unit there were these kinds of people as well and we had to  
21 try to prevent them from doing that.

22 Q. Thank you, Madam Witness. I'm now going to ask you questions  
23 about a related topic but slightly different.

24 And my first question in this regard is, do you know somebody  
25 named Ieng Thirith?

1 A. No. I did not know anyone by that name. There was someone  
2 named Rith who was a messenger. Leng had a messenger named Rith  
3 in Samlout but there was no cadre by that name.

4 [15.15.52]

5 Q. Do you remember who the Minister for Social Affairs was during  
6 DK?

7 A. I did not know the minister. I only knew people at lower  
8 cadres, so not the ministerial <level>.

9 Q. No problem, Madam Witness.

10 What I would like to do is read you part of a statement by a  
11 woman named Ieng Thirith, who was formerly the Minister for  
12 Social Affairs in the DK. I am not asking if you knew her or  
13 anything like that.

14 She describes a visit that she undertook to the Northwest Zone  
15 and her observations about the living and working conditions in  
16 the Northwest Zone. So what I am going to do is read you two  
17 paragraphs from her interview just to put this information into  
18 your mind and then I would like to ask you for your reaction.

19 Mr. President, this is document E3/659. The references in English  
20 are 00182322; in Khmer, they are 00741117 to 8; and in French,  
21 they are 00743047.

22 So Madam Witness, this is the account of Ieng Thirith's visit to  
23 the Northwest Zone that I am going to ask you about -- quote:

24 [15.17.40]

25 "I was traveling in order to see the conditions of the people and

99

1 at that time when I came back in Phnom Penh, I reported to our  
2 leaders that there was something queer in some provinces. For  
3 example, in Battambang I saw something very queer that they made  
4 people, all people going to the rice fields very far from the  
5 village and that they have no home, and I saw that they have no  
6 home and they are all ill. I have reported to my leaders about  
7 that."

8 A little bit later she says this -- quote: "At the time, I told  
9 my leader there is something wrong in that province because I  
10 know the directives of the prime minister; not young, not old  
11 people, not pregnant women, not women feeding babies and not  
12 small children, but I saw everybody there in the rice fields in  
13 open air, nothing and with the sun, very hot sun. I saw many  
14 people ill of diarrhoea and malaria so I reported it to him."  
15 So that is the comment made by Ieng Thirith, the Minister for  
16 Social Affairs, and now here is my question regarding her  
17 comment. You said that when you were transferred to Samlout you  
18 were told of food shortages in Samlout. Did Ta Mok or anyone else  
19 tell you about other problems in the area, for example, problems  
20 like those described by Ieng Thirith?

21 [15.19.30]

22 MR. PRESIDENT:

23 Witness, please hold on.

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

25 MS. GUIRAUD:

100

1 Thank you, Mr. President. I'm sorry for interrupting my  
2 colleague. Could you give us the date of Ieng Thirith's visit?

3 That could be relevant<, insofar as -->

4 BY MS. CHEN:

5 I believe it's 1976 and then an investigation was conducted in  
6 1977.

7 Q. So Madam Witness, that was my question: Did Ta Mok or anyone  
8 else tell you about any problems in the Northwest Zone that were  
9 similar to those that wear described by Ieng Thirith?

10 [15.20.35]

11 MS. NOP NGIM:

12 A. I did not know this Ta Ieng Thirith and, as I said, at my  
13 workplace there was a female named Rith, that is, at the salt  
14 field.

15 Q. Let me ask you differently. No problem.

16 When you first arrived in Samlout, did you observe any poor  
17 living or working conditions of the people that were there?

18 A. They did not have food to eat. <When we arrived there, people  
19 told us that they> used ashes mixed with water to make it salty  
20 so that they would use it for the food.

21 And again, as for this Ta Ieng Thirith, I do not know this person  
22 and at my workplace, there was a person named Rith, <in Srae  
23 Ambel>. That's all I can say about this person.

24 [15.21.32]

25 Q. That's fine. I'll move onto my next line of questions.

101

1 We talked briefly about Phim, the cadre that had been in charge  
2 of Samlout. Did you ever hear what he had done with the food  
3 instead of giving it to the people in the area?

4 A. I did not know anything about that because I had just arrived  
5 in the area. I heard that people did not have rice to eat and  
6 they only had gruel to eat and they did not have sufficient food.  
7 I only heard about that. And that's -- in fact, coconuts were  
8 still on the coconut trees but they were not allowed to pick.  
9 <However, after we arrived, people were allowed to eat coconuts.>

10 Q. That's fine, Madam Witness.

11 Just to see if I can jog your memory, did you ever hear about the  
12 former cadres in the Northwest Zone creating hidden stores of  
13 food supplies for any reason? To be clear, food that they did not  
14 give to the people.

15 A. I did not see where they stored the food. <I never  
16 investigated it,> so I could not tell you about it. <We ate what  
17 we were provided. We did not hide any food>.

18 [15.23.30]

19 Q. Okay. Let me move on to my next line of questions.

20 This morning, you spoke a little bit about a person named Ros  
21 Nhim. At 10.59, you told the prosecutor you heard people talk  
22 about the name Ros Nhim among one another. You heard of the name,  
23 but you did not know his face.

24 At 11 o'clock you said to the prosecutor regarding whether you  
25 reported to Ta Mok or Ros Nhim, you said that you did not see Ros

102

1 Nhim when you were there, you did not know him personally. You  
2 heard of his name, you heard people mention his name from one  
3 another.

4 Now, I just want to briefly ask you some questions about  
5 something that you said in your DC-Cam statement, which is a  
6 little bit different to what you said today.

7 Mr. President, still E3/9087. The ERN in English is 01155603, in  
8 English; and in Khmer, it's 00733833.

9 [15.24.35]

10 This is what Dany asked you: "And how about Ta Nhim?"

11 You said: "I do not know where Ta Nhim went. I only saw his face.  
12 Ta Nhim stayed at home."

13 Dany asked: "When you arrived in Battambang province, did you see  
14 Ta Nhim?"

15 Your answer: "Yes, I did."

16 Dany said: "Where did you see Ta Nhim?"

17 And you said: "I saw him in Battambang province."

18 So, Madam Witness, what I'm wondering is, in your DC-Cam  
19 statement you talked about someone called Ta Nhim who you said  
20 that you saw in Battambang province. Is this Ta Nhim the same  
21 person that you discussed with the prosecutor today named Ros  
22 Nhim?

23 [15.25.30]

24 MS. NOP NGIM:

25 A. I never made that statement. I only spoke about Ta Mok. I do

103

1 not know Ros Nhim, I only heard of his name when people spoke  
2 about him. <I think you are confused.> I stated this morning as  
3 well that I did not know Ros Nhim and I only heard of his name. I  
4 only knew Ta Mok.

5 Q. Okay. That must be my misunderstanding.

6 Another question on this point: Did you -- did you ever hear of  
7 any other names by which Ros Nhim might have been known?

8 A. I did not know this person, not at all. And, as I said, I only  
9 heard of his name and if I know him, I would say yes, I know him,  
10 I do not have anything to hide.

11 Q. And I'm not suggesting that you are. I'm just curious -- we're  
12 very curious on our team about this person, Ros Nhim.

13 I'm going to move to another line of questions. Did you ever hear  
14 anything about a plan by Northwest Zone cadres to prepare a  
15 rebellion against Pol Pot?

16 A. No, not anything in this regard, not at all. I was at a very  
17 low level and <I was only assigned> to tend the cattle and to  
18 carry salt. I did not know about this plan.

19 [15.27.15]

20 Q. No problem, Madam Witness. You testified this morning to the  
21 Co-Prosecutors that you attended meetings where enemies were  
22 discussed and you were asked to be vigilant and monitor and  
23 surveil potential enemies.

24 In this regard, I just want to read to you the testimony of  
25 another witness on our case file and see if what he says about

104

1 the enemy situation sounds like something that you may have heard  
2 during one of those meetings.

3 Mr. President, I'm referring to E3/9579. It's a written record of  
4 interview of a witness whose identity is confidential and the  
5 pseudonym of the witness is 2-TCW-1038. And I'm going to read to  
6 the witness from question and answer 13.

7 [15.28.09]

8 Madam Witness, this is what this other person has talked about  
9 regarding the situation of enemies in the Northwest Zone. Here's  
10 the question to him:

11 "Did you know why the southwest cadres came to replace the  
12 northwest cadres?"

13 And this is what the person says in response - quote: "They had  
14 been accused of being affiliated with the Viet Minh Khmer Rouge,  
15 and the East Zone committee chief, So Phim. These two zones had  
16 turned against Pol Pot. According to my observations, the Khmer  
17 Rouge was apparently composed of three or four groups. The first  
18 group was the Viet Minh. The second group was the nationalistic  
19 Khmer Rouge. The third was the Sihanouk Khmer Rouge and the  
20 fourth group was the Khmer Rouge from China, including Pol Pot."

21 Madam Witness, did you ever hear of similar accusations that  
22 Northwest Zone cadres were affiliated with the East Zone and its  
23 zone chief, So Phim?

24 A. No, I did not know anything about that. I never knew about  
25 such a situation, and that is the truth. I did not know anything

105

1 about this situation at all.

2 [15.29.44]

3 Q. And did you ever hear about the existence of factions within  
4 the Khmer Rouge?

5 A. Allow me to be frank here. I did not know anything in this  
6 regard, not at all. I did not know about any faction. I was  
7 illiterate, how would they allow such an illiterate person like  
8 me to know anything about that.

9 Q. No problem at all. And now I'm up to my very last set of  
10 questions and this is about an incident you described in your  
11 DC-Cam statement about the arrest of an enemy. So this relates to  
12 something that you discussed earlier with the prosecutor but this  
13 incident never came up in your testimony. So I just want to ask  
14 you a few questions about this.

15 Mr. President, E3/9087 and the ERNs are 01155613 to 5 in English,  
16 00733840 to 1 in Khmer and there is no French.

17 [15.31.06]

18 Madam Witness, this is the event that you're describing to Long  
19 Dany:

20 Long Dany asks you: "When you were there, did you arrest those  
21 who committed offences to be re-educated?"

22 And this is what you answered to him: "We spied on Ta Vun and  
23 found that he had a secret place on Phnum Leu mountain. He held  
24 secret meetings. He betrayed us; therefore, he was also arrested  
25 and taken to be re-educated."

106

1 Madam Witness, you talked about someone named Ta Vun holding  
2 secret meetings. Do you recall what those secret meetings were  
3 about?

4 MR. PRESIDENT:

5 Please hold on, Madam Witness. You have the floor now, Lead  
6 Co-Lawyer for civil parties.

7 MR. PICH ANG:

8 Mr. President, I would like to correct the pronunciation of the  
9 person which -- whom had -- whom the counsel has just mentioned.  
10 The name is <not Ta> Voeun <but Ta Vun>.

11 [15.32.28]

12 BY MS. CHEN:

13 My apologies for that, Ta Vun.

14 Q. Madam Witness, you talked about Ta Vun holding secret  
15 meetings. Do you recall what those secret meetings were about?  
16 Please forgive my mispronunciation.

17 MS. NOP NGIM:

18 A. He did not say anything but he encouraged all of us to be in  
19 solidarity. <> He was the chief of a cooperative a long time ago.  
20 <He did not say anything much. His name is Vun not Voeun>  
21 (phonetic).

22 Q. I'm not sure I understood from your answer that Ta Vun -- did  
23 you attend the secret meetings?

24 A. He held a meeting, a secret one, but I was not there. The  
25 content of the meeting was to advise us to be vigilant and to be

107

1 careful of enemies; not to allow those enemies to cause any harms  
2 on us.

3 I was not there in the meeting and I was not involved in the  
4 discussion. Ta Vun was the chief of the commune a long time ago.

5 I had just arrived at the location and, later on, we fled to  
6 different directions.

7 [15.34.05]

8 Q. In your statement you said that Ta Vun -- hope I'm pronouncing  
9 this correctly -- betrayed you. Therefore, he was also arrested  
10 and taken to be re-educated.

11 Did you ever hear from anybody what this betrayal involved?

12 A. He did not betray. We monitored one another, we watched over  
13 one another. He did not betray.

14 MS. CHEN:

15 Thank you very much for your patience, Madam Witness.

16 Mr. President, I have no further questions.

17 MR. PRESIDENT:

18 Thank you, Counsel. And the defence counsel for Mr. Khieu

19 Samphan, you can now proceed.

20 [15.35.05]

21 QUESTIONING BY MS. GUISSÉ:

22 Thank you, Mr. President.

23 Q. Good afternoon, Witness. My name is Anta Guisse. I am

24 International Co-Counsel for Mr. Khieu Samphan. I have only a few

25 questions to put to you for purposes of clarification. And my

108

1 colleague, Mr. Kong Sam Onn, will also have a few questions to  
2 put to you.

3 I would like to return to an issue discussed with Judge Lavergne  
4 a while ago. You stated -- and it was more precise when you  
5 responded to a question put by my colleague -- that after your  
6 marriage you don't <know whether you were> monitored, but that  
7 you were afraid of being monitored. Did I properly understand  
8 your testimony?

9 MS. NOP NGIM:

10 A. That is correct what you said. I was afraid of being  
11 monitored.

12 [15.36.07]

13 Q. And in answer to a question put to you by Judge Lavergne, you  
14 referred to the presence at Samlout of militiamen and you said  
15 that they were the children of people who lived in the locality,  
16 that village, and that <they> were <the ones who formed that>  
17 militia <which was present> in that area before your arrival. Did  
18 I properly understand your testimony?

19 A. The militiamen were -- had been there a long time ago. They  
20 were the children of the Base People and they were already there  
21 before my arrival. I was -- I felt afraid of them.

22 Q. So my question flows from what you have just confirmed. If I  
23 properly understood you, you arrived in Samlout as a member of  
24 the district committee, the deputy district secretary.

25 Did your position not give you hierarchical power over those

109

1 militias?

2 A. No, I did not dare to challenge them. <In my capacity, I could  
3 not do anything.> I was not involved in any political work.

4 Q. Should I understand that the district committee did not have  
5 any <links with -- or rather, was not able to> command authority  
6 over the village chiefs and possibly the militias?

7 A. Some of them were in solidarity, but some were not. Most of  
8 the time, they kept in contact. They were in communication.

9 [15.38.26]

10 Q. Let me try to properly understand your statement. <When> you  
11 say that "some of them were in solidarity". <Who was in>  
12 solidarity <and> with whom?

13 A. They were -- we were in solidarity within the commune and  
14 districts. We were in good cooperation. We had to cooperate with  
15 one another in good faith.

16 Q. Very well. In that context, therefore, my question to you is  
17 as follows: Why were you therefore afraid of the militias <who>  
18 you said that were children of inhabitants of the commune and  
19 who, <a priori>, also worked in the commune?

20 <Were there people who did not get along within the commune>?

21 A. I was afraid of them. We were cooperating with one another  
22 since they secured the security for us, but I felt afraid of  
23 them. I just felt afraid of them.

24 [15.40.08]

25 Q. The last point before I give the floor to my colleague. I

110

1 believe you said that you got married a few months prior to the  
2 arrival of the Vietnamese. I also understand that you <referred>  
3 to the year 1978 and if I look at my notes, that was a time when  
4 the rice shoots were shooting out. <Even if you don't remember  
5 the exact month,> do you mean the last half of <1979 -- excuse  
6 me,> 1978?

7 A. I got married in June 1978 and then I fled <when the  
8 Vietnamese entered Cambodia>. I cannot recall the exact month  
9 when I fled. I got married in August -- 1978, but I cannot recall  
10 the month. I cannot recall it. It happened a long time ago, so  
11 that's why my answer is confusing.

12 MS. GUISSÉ:

13 I have no further questions, Mr. President, and I give the floor  
14 to my colleague.

15 MR. PRESIDENT:

16 Thank you very much, Counsel, and you have the floor now,  
17 National Co-Lawyer for Mr. Khieu Samphan.

18 [15.41.54]

19 QUESTIONING BY MR. KONG SAM ONN:

20 Thank you, Mr. President. Good afternoon, the Chamber.

21 Good afternoon, Madam Witness. My name is Kong Sam Onn. I am the  
22 National Co-Lawyer for Mr. Khieu Samphan. I have just a few  
23 questions to put to you for clarification.

24 Q. In -- this afternoon, you made mention about the fact that you  
25 had to adhere to the organizational structure and also the

111

1 disciplines of the regime.

2 You stated that you -- the marriage was organized for you that's  
3 why you decided to get married, and you also stated that if your  
4 husband had come to propose the marriage to you, you would have  
5 refused. <Do you remember that?>

6 MS. NOP NGIM:

7 A. Yes, I could recall that. If he had come to propose the  
8 marriage to me, I would have not agreed to get married because,  
9 at the time, I did not want to get married. <Life was so  
10 difficult. But> the marriage was organized for me. <I did not  
11 know about the marriage. My husband did not know either.> Again,  
12 if I -- he had proposed the marriage, I would not have agreed.

13 [15.43.10]

14 Q. I thank you very much.

15 How could you do -- if -- would you receive any measure or action  
16 for not agreeing to get married at the time?

17 MR. PRESIDENT:

18 Madam Witness, please observe the microphone before you speak.

19 MS. NOP NGIM:

20 A. Back then, if he had proposed the marriage to me, I would have  
21 refused the marriage because I was in difficult situation.

22 <Having children was difficult to flee.> I had to roll sleeves of  
23 my shirt and also my trousers <every day, every month> and I had  
24 to carry my child <and flee>. I was in difficult situation. I  
25 would have refused the marriage if he had proposed that to me

112

1 personally.

2 [15.44.22]

3 BY MR. KONG SAM ONN:

4 Q. Thank you. Can you clarify for the Chamber about the fact that  
5 you had to adhere to the disciplines or organizational structure  
6 of the regime? What would it benefit to you when you adhere to  
7 the disciplines of the regime at the time?

8 MS. NOP NGIM:

9 A. I had to do whatever work I was assigned to. I did not dare to  
10 refuse the assignment. I had to respect the assignments by  
11 Angkar. <They did not kill us because we were obedient.> If I had  
12 refused the assignments, something would have happened against  
13 me. That was my thought at the time.

14 Q. Thank you. You often use the term or phrase that you were  
15 "matched up". Could you explain the Chamber what does this mean?

16 [15.45.45]

17 JUDGE FENZ:

18 Sorry, Counsel, it would appear that we are getting slightly  
19 repetitious. I think we really have heard that of the questioning  
20 through your national -- through your national colleague from the  
21 Nuon Chea team in great details how the matching worked. So, if  
22 you have an additional question that hasn't been answered, fine,  
23 but--

24 MR. KONG SAM ONN:

25 Thank you, Judge. I heard the word used in Khmer "matched", "chab

113

1 dak" (phonetic) or matched-up, but in English I heard she was  
2 <forced to get married>. To me, in Khmer, it means matched-up or  
3 pairing the two together. And I believe that the other parties  
4 may have heard the word <forced>, so it may contradict with what  
5 the witness said in Khmer.

6 For this reason, I would like to clarify the point with the  
7 witness.

8 JUDGE FENZ:

9 I haven't heard anything like "possibly", but if this is a  
10 language issue, it's identified as such, let's try if we can  
11 clarify it.

12 [15.47.18]

13 MR. KONG SAM ONN:

14 So I would like to make a clarification on the pairing-up and  
15 also I would like to learn or hear the experience underwent by  
16 the witness. So may I proceed?

17 MR. PRESIDENT:

18 Yes, you may now proceed.

19 Madam Witness, do you hear the question? If you understand, you  
20 can now answer it.

21 MS. NOP NGIM:

22 A. I can provide the answer. Pairing-up or <forced to get married  
23 means the same thing>. So the word they use at the time  
24 "pairing-up", "matching-up" or forced to get married, these words  
25 were used in similar context.

114

1 [15.48.30]

2 BY MR. KONG SAM ONN:

3 Q. Thank you. And you made mention about the fact that you had to  
4 adhere to the assignments by Angkar, or disciplines by Angkar.

5 You did not refuse any assignments. You also made mention about  
6 the two girls running away during the marriage ceremony.

7 At the time, why didn't you follow suit the girls who were  
8 running away?

9 MS. NOP NGIM:

10 A. I did not run away. They were young, they did not think of the  
11 matter thoroughly so they decided to run away. I had to respect  
12 the Angkar and <I would be in trouble if I refused the marriage  
13 arrangement> at the time, <because> I was quite senior or mature  
14 so I had to agree with what Angkar decided.

15 Q. So I can sum up that you did not like the marriage organized  
16 by Angkar but, at the time, you did not show to Angkar that you  
17 were not satisfied with the organization of the marriage. Is that  
18 true?

19 A. That is true. I did not refuse the regulation of the marriage.  
20 I was mature. I was mature so I did not refuse the regulation of  
21 the marriage. <I did not think I would get anything from opposing  
22 what Angkar decided.> I had to agree with it to get married and  
23 take care of one another.

24 [15.50.44]

25 MR. KONG SAM ONN:

115

1 Thank you, Madam Witness.

2 Mr. President, I have no more questions.

3 MR. PRESIDENT:

4 Thank you, Lawyer.

5 The hearing of the testimony of Nop Ngim has now come to an end.

6 I thank you very much, Madam Nop Ngim, for coming here to testify  
7 as a witness today. You may now be excused.

8 [15.51.05]

9 Court officer, please work with WESU unit to send this witness to  
10 her residence.

11 And the hearing will resume tomorrow on 6 September 2016 at 9  
12 a.m. Tomorrow the Chamber will hold the Key Documents Hearing by  
13 the Co-Prosecutors and the Lead Co-Lawyers for civil parties.

14 Please be informed and be on time.

15 Security personnel are instructed to bring Mr. Nuon Chea and  
16 Khieu Samphan back to the ECCC's detention facility and have them  
17 returned into the courtroom on 6 September 2016 before 9 a.m.

18 The Court is now adjourned.

19 (Court adjourns at 1551H)

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