



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 August 2016

Trial Day 443



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

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KHIEU Samphan

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I N D E X

2-TCCP-274

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Ms. SOU Sotheavy (2-TCCP-224)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCCP-274	Khmer
Ms. CHEN	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOUMJIAN	English
Mr. LIV Sovanna	Khmer
Mr. LYSAK	English
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Ms. SOU Sotheavy (2-TCCP-224)	Khmer
The President (YA Sokhan)	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of civil party
6 2-TCCP-274 in relation to the regulation on marriage. And after,
7 we'll hear testimony of another civil party, that is, 2-TCCP-224.
8 Ms. Chea Sivhoang, please report the attendance of the parties
9 and other individuals to today's proceedings.

10 THE GREFFIER:

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

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

16 The witness who is to conclude her testimony today, that is,
17 2-TCCP-274, is in the courtroom. And the upcoming civil party,
18 namely, 2-TCCP-224, is waiting in the room downstairs.

19 [09.03.29]

20 MR. PRESIDENT:

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

22 The Chamber has received a waiver from Nuon Chea dated 23rd
23 August 2016 which states that, due to his health, that is,
24 headache, back pain, he cannot sit or concentrate for long. And
25 in order to effectively participate in future hearings, he

2

1 requests to waive his rights to be present at the 23rd August
2 2016 hearing.

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

7 Having seen the medical report of Nuon Chea by the duty doctor
8 for the accused at ECCC, dated 23rd August 2016, which notes that
9 Nuon Chea has back pain and feels dizzy when he sits for long and
10 recommends that the Chamber shall grant him his request so that
11 he can follow the proceedings remotely from the holding cell
12 downstairs.

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

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

20 And the Chamber now hands the floor to the Lead Co-Lawyers for
21 civil parties to put further questions to the civil party. You
22 may proceed.

23 [09.05.27]

24 QUESTIONING BY MR. HONG KIMSUON RESUMES:

25 Good morning, Mr. President. Good morning, everyone. And good

1 morning, Madam Civil Party.

2 Q. I'll continue from where we left off yesterday, that is, in
3 relation to the wedding ceremony where you were matched to your
4 husband.

5 Yesterday, I questioned you about the electricity, whether it was
6 used during the night time. And yesterday, you said that you were
7 informed about your proposed marriage on the same day that you
8 got married. Can you tell the Chamber before the day of your
9 marriage, either it's a day or two before or a week earlier, were
10 you ever told about the arrangement for you to get married or
11 about anyone in your unit to get married?

12 [09.06.45]

13 2-TCCP-274

14 A. One day before the wedding day, I was told that I was
15 proposed. And on the day itself, the man was not the one that
16 proposed to me. It was another man.

17 Q. You said you were -- you were initially informed about that,
18 you were proposed by someone. What was the name of that man?

19 MR. PRESIDENT:

20 Madam Civil Party, please observe the microphone. You should
21 speak only when you see the red light on the tip.

22 2-TCCP-274:

23 At that time, he was known as Om Phon (phonetic). When he came to
24 visit me, he noticed me, and he proposed to me. However, on the
25 day that I got married, it was another man.

1 [09.07.54]

2 BY MR. HONG KIMSUON:

3 Q. Can you tell the Chamber the name again of the -- the name of
4 the man that got married with you on that day?

5 2-TCCP-274:

6 A. His name was Nhien.

7 Q. And on the night of the wedding, did Angkar or the organizer
8 of the wedding ceremony allow you to return to your unit?

9 A. No, I was not. I was instructed to stay there.

10 [09.08.47]

11 Q. You mean you were instructed to stay there. Where was the
12 place?

13 A. It was at "munti knong" (phonetic).

14 Q. And on the night of the wedding, were you given any
15 instruction, what you should do or whether you had to consummate
16 your marriage?

17 A. We were instructed to stay in the room, so I entered the room
18 and rest -- rested there.

19 Q. What about other newlywed couples?

20 A. They stayed in different rooms.

21 Q. Once again, Madam Civil Party, were you given any instruction
22 to consummate the marriage that night?

23 A. I was not instructed anything. However, when I entered the
24 room, my husband was there.

25 Q. And during the first night that you stayed together, what did

1 your husband do? Did he -- did he make an advancement and try to
2 consummate the marriage?

3 A. At that time, we didn't talk much. He just slept with me. I
4 was <frightened>. I resisted his advance. He was upset, so he
5 went out of the room and informed <his chief who was > his
6 <direct> military commander.

7 Q. Why did you resist your husband that night?

8 A. Because I disliked him, and he -- he didn't try to console me
9 or to comfort me at all. He simply wanted to <rape> me
10 <violently>.

11 [09.11.33]

12 Q. You said that you resisted, then your husband left the room.
13 Where did he go to?

14 A. He went to report the matter to his chief.

15 Q. And what was the name of the chief?

16 A. He was known as Comrade Phan.

17 Q. And that night, can you tell the Chamber when -- if you
18 actually consummated the marriage?

19 A. No, not that night.

20 Q. How did you know that your husband made such a complaint to
21 his superior, Comrade Phan?

22 [09.12.36]

23 A. He complained that I did not consummate the marriage with him.
24 Then Comrade Phan called me to see him.

25 Q. And when did that happen?

1 A. It was that night that I was called.

2 Q. Where did Comrade Phan ask you to go and see him, and what did
3 he tell you?

4 A. I was called to a <quiet> room <>, and when I was in the room,
5 I was questioned why I didn't consent to have sex with my
6 husband. <He did not ask me further, then> he simply forced upon
7 me and raped me in that very room.

8 Q. You spoke about the fact that you were raped. Who actually
9 raped you? Was it Comrade Phan or was it your husband?

10 A. It was Comrade Phan.

11 Q. What did he say before he actually raped you?

12 A. <He said that if he raped me and I told others, I would
13 be shot dead and clubbed to death. Then I had to remarry
14 another husband. He raped me and warned me not to tell
15 others.>

16 [09.14.42]

17 Q. And a moment prior to his rape, what did he actually tell you
18 and that you still continued to resist him?

19 A. He used strong words, military type words on me. And I didn't
20 dare to protest. I had to bite my mouth -- bite my lip and shed
21 my tear, but I didn't dare to make any noise because I was afraid
22 that I would be killed if I made any noise.

23 Q. If you said if -- you said if you were to object, you were
24 afraid that you would be killed. Were there any prior instances
25 where you saw such cases?

7

1 [09.15.51]

2 A. I had a cousin named Heng Vanny, alias Voeun. She was forced
3 to marry a husband. She refused for one or two times, and she was
4 taken away and killed. And in the afternoon of the day she was
5 killed, I noticed that somebody was wearing her shirt because I
6 noticed that her name tag was on that shirt.

7 Q. So during the Democratic Kampuchea regime, you had a relative
8 who was killed because she refused to get married. Is that
9 correct?

10 A. Yes.

11 Q. After you were threatened and resulted in you being raped, did
12 you return to live with your husband and did you continue to live
13 with your husband and, if so, where?

14 A. He remained in the military unit while I was transferred back
15 to my old civilian Unit 7.

16 Q. Did you later come to live together?

17 A. Between 10 to 15 days, we were allowed to meet each other.

18 Q. And when you met each other during that allowed period, did
19 you consummate the marriage?

20 A. Yes, we did. I was afraid that I was being monitored because
21 when we came there were seven or eight others who also came and I
22 was afraid that I was being monitored.

23 [09.18.26]

24 Q. Does it mean that when your husband came to live with you that
25 you two were under monitoring?

8

1 A. They came to work in that office and, at night time, the
2 guards monitored us. And if we did not consummate our marriage,
3 then measures would be taken. And for that reason, I agreed to
4 sleep with my husband because, during the night time, I went
5 downstairs -- went out the house to relieve myself, and I noticed
6 that there were militiamen there.

7 Q. How many times did you -- were you allowed to meet with your
8 husband?

9 A. Every time he came to see me, then we had sex. But I did not
10 really feel that it was a husband and wife relationship. My
11 husband did what he <was ordered> to do.

12 Q. During the period that you were in the relationship with that
13 husband, did you bear any child?

14 [09.20.29]

15 A. Yes, I did. In early 1978, I had a child, and the child was
16 born in late '78.

17 Q. When did you become pregnant?

18 A. I cannot recall that because it was difficult to know what day
19 it was. I knew that I became pregnant, either in '77 or '78, and
20 the child was born in 1978, that is, in late 1978. But I cannot
21 give you the exact date.

22 Q. After you became pregnant, did you have morning sickness like
23 normally it happens to other pregnant women?

24 A. Yes. It started since I was one month pregnant. I became
25 fatigued. I felt so exhausted, sometimes, while I was working, I

9

1 felt dizzy, so I had to get hold of a <rubber> tree while I was
2 working in the rubber plantation and I had to find other things
3 to eat because I could not eat the given rice. And the child did
4 not move much <until the 7th month of pregnancy>.

5 Q. And when you had morning sickness, did you receive any
6 supplementary food?

7 A. No, there wasn't any. I would be glad enough to have
8 sufficient gruel to eat.

9 Q. You said that you were seven months pregnant and you didn't
10 feel the movement of your foetus. Am I correct in understanding
11 this?

12 [09.23.05]

13 A. Yes. I did not feel the movement. I was sent to a hospital for
14 a check-up and was told that the <foetus> was very weak.

15 Q. Were you allowed to take some time off during your later
16 pregnancy?

17 A. No, I was not. And if I could not work, they would mark that I
18 was absent for laziness, so I had to try my best to work to tap
19 rubber <in> the rubber plantation.

20 Q. During your pregnancy, was your husband aware of that and, if
21 so, did he try to find any supplementary food or fruit for you to
22 eat?

23 [09.24.05]

24 A. There wasn't any supplementary food or cake or anything, and
25 my husband was living separately from me. And only after I

10

1 delivered my baby, he was allowed to come and visit me and my
2 baby for a day or two.

3 Q. During your delivery, did you deliver your baby at your house,
4 or in a cooperative or at a hospital? Were you assisted by a
5 midwife?

6 A. After I delivered a baby, there was a medic who sent me to
7 rest on a bed. It was an ordinary bed, and then a fire was built
8 underneath and I had to warm myself up on that bed. Nobody else
9 came to assist me.

10 Q. Did you deliver your baby in a hospital and, if so, what kind
11 of hospital? Were you provided with a proper bedding, with proper
12 medicine <and medical facilities>?

13 A. There was this so-called serum in an orange bottle, and I was
14 injected with that serum. And the pills that I received were
15 rabbit drop-like pills, and the hospital, it was kind of
16 makeshift cottage where they store corn.

17 Q. What about your newly-born child? Was the child healthy? Was
18 the weight sufficient for a newly-delivered baby?

19 [09.26.42]

20 A. The baby was so small. However, at the time, there was no
21 scale to weigh the baby and nobody came to look after me.

22 Q. During your child delivery, were you given material or cloth
23 to wrap your baby or to clean the blood or were you given this
24 facility to aid you during your delivery?

25 A. No, there wasn't. I was not given any cotton, and as for the

11

1 cloth to wrap my baby, I actually got it when I requested to go
2 to visit my home before the delivery because, at that time,
3 clothing and -- clothing was so scarce.

4 Q. And after the baby delivery, how was your health and the
5 health of your baby?

6 [09.28.04]

7 A. The baby was not in good health, and I, myself, did not have
8 breast milk to feed due to the lack of food. However, the baby
9 tried to drink the little milk that I had.

10 Q. And when did your husband come to visit you?

11 A. He came to visit me at the unit where I delivered the baby. He
12 was so busy with his unit. However, he came to visit me and he
13 brought me some traditional medicine for me to drink.

14 Q. How many days were you allowed to rest after you delivered
15 your baby?

16 A. I was allowed to rest for a week or fortnight. Then I was
17 allowed to clear weeds, and I had to take my baby with me while I
18 was working.

19 Q. Did you continue to live as a husband and wife with your
20 husband until the fall of the DK regime in '79?

21 A. No. When they came into Chamkar Leu district, we fled
22 separately. I fled to Kampong Thom province. And when a tractor
23 came to Chamkar Leu, I did not see my husband, so I boarded at
24 the back of the tractor and left. And only three years later, I
25 met him.

12

1 Q. You said when they came to the area. Whom are you referring
2 to?

3 [09.30.45]

4 A. When Vietnamese entered Cambodia, they came along with tanks
5 and we were fleeing to Kampong Thom province. I was with my baby,
6 and my husband was carrying some belongings. And then we
7 separated from one another during that journey.

8 The Vietnamese troops came with some vehicles and tanks, and that
9 happened in late '78 or early '79.

10 Q. You said that you separated each other first and, later on,
11 you reunited, so how long it was before you became reunited?

12 A. It was for about three years before we reunited.

13 Q. You said earlier that during the marriage, you did not love
14 him. But why after the Vietnamese entered Cambodia and then he
15 came back to you and you accepted him?

16 [09.31.58]

17 A. My parents, <parents-in-law> and the elders in the village
18 tried to convince me to accept him. <We reunited. However, he
19 passed away three years later.>

20 Q. Because you survived until now, do you have anything that made
21 you feel happy again or refresh your life?

22 A. After we met each other again, I did not feel any happy
23 because I was busy raising my child up, but recently, I -- my
24 life became revitalized again because my child has grown up and
25 the organization <TPO> has helped me with the psychology --

1 psychology.

2 MR. HONG KIMSUON:

3 Mr. President, I have no more questions to put to this civil
4 party.

5 MR. PRESIDENT:

6 The floor is given to the Lead Co-Lawyer for civil party, the
7 international side.

8 QUESTIONING BY MS. GUIRAUD:

9 Thank you, Mr. President, and good morning to all of you. I have
10 three follow-up questions, in fact, and then I will give the
11 floor to the Co-Prosecutors.

12 Q. Good morning, Civil Party. You said yesterday afternoon just
13 before the end of the hearing that your husband was someone who
14 was ugly. That's what we heard in French. Was your husband a
15 soldier?

16 [09.34.14]

17 2-TCCP-274:

18 A. At that time, they did not call soldier. They called military.
19 He had an ugly appearance, with big eyes. I did not love him. I
20 did -- because he was not familiar to me.

21 Q. You said yesterday that he spoke with an accent. What kind of
22 accent? What was your husband's origin?

23 A. He was ethnic Khmer, but he came from the upper region and he
24 spoke with an accent similar to the ethnic Kouy.

25 Q. Was your husband handicapped in any way? Independently from

14

1 the fact that he wasn't very good looking, was he suffering from
2 any kind of physical handicap?

3 [09.35.28]

4 A. His -- he had poor eyesight and his limbs was not proper, and
5 he could not walk properly like us.

6 Q. Had he been wounded in fighting or was he someone who was
7 disabled at birth? Did you know that <then>?

8 A. He was at the battlefield, but I did not ask him whether he
9 had any injury. So I had no knowledge about whether he had injury
10 or not, because I never asked him about that.

11 Q. Thank you. This morning, you spoke about rapes that you were a
12 victim of. This is the first time you're speaking about rape. You
13 did not speak about rape in the documents that you filed before
14 this Court to join as a civil party.

15 So then can you tell the Court why you are speaking about these
16 instances of rape today?

17 A. I did not include that point, but -- because it came -- it
18 just came to my mind now, and so I would like to add that point
19 in.

20 [09.37.21]

21 Q. Did I understand your testimony this morning properly, <> that
22 you were a victim of two instances of rape, the first <by> Phan,
23 who was also the person who chaired the wedding ceremony, and
24 another rape <by the man> with whom you were married?

25 So did I understand your testimony this morning properly?

15

1 A. Yes.

2 Q. And just to be sure about this, Civil Party, when you speak
3 about your husband raping you, when did this rape take place?

4 A. After Phan raped me and when I returned back to my unit, and
5 about 10 to 15 days later, we were allowed to meet each other and
6 that happened.

7 [09.38.46]

8 MS. GUIRAUD:

9 Thank you, Civil Party. I have no questions, Mr. President.

10 MR. PRESIDENT:

11 Next I give the floor to the Co-Prosecutor to put questions to
12 the civil party.

13 QUESTIONING BY MR. LYSAK:

14 Thank you, Mr. President. Good morning, Madam Civil Party. I
15 wanted to ask a few follow-up questions first about the unit that
16 you worked for during the regime.

17 Q. You stated yesterday that you were in the union -- union or
18 Village 7 in Chamkar Leu district. When you say you were in the
19 union, were you a worker at a rubber plantation?

20 2-TCCP-274:

21 A. At that place, they did not call us workers. They call us
22 unionists of the rubber plantation.

23 Q. Okay. And the rubber plantation, was this the zone rubber
24 plantation at Chamkar Andoung?

25 A. It was the part of the Chamkar Andoung.

16

1 Q. Did you know who the chairman of that rubber plantation was?

2 [09.40.41]

3 A. The chief of the rubber plantation was Chhen Soeng (phonetic).

4 And for the person in charge of <logistics at> the "munti knong"

5 (phonetic) was called Ta Sat. So I knew only that he was in

6 charge of "munti knong" (phonetic), but what else related to him,

7 I had no knowledge.

8 Q. But did you -- Madam Civil Party, did you ever hear of a

9 person named Ta Chim who would come from the Southwest Zone and

10 was assigned to take charge of the zone rubber plantations?

11 A. After Ta Sat disappeared, Ta Chim, who came from the -- came

12 from the east, he -- he came to take in charge of the place.

13 Q. And do you remember what year it was that Ta Chim came to take

14 control of the place?

15 [09.42.12]

16 A. I cannot recall it well. It was probably in 1977 or '78. It

17 was probably around that year. He came to control that place, but

18 I cannot recall it well. It was almost the time when the

19 Vietnamese entered Cambodia. Just a few months before the

20 Vietnamese entered Cambodia. <I do not know his face. I only

21 heard of his name.>

22 Q. And let me ask you a few follow-up questions about the man you

23 were forced to marry. You've indicated he was in the military. Do

24 you know whether -- whether his military unit was part of the

25 zone, sector or district military?

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

17

1 A. It was the branch of the military <at "munti knong"
2 (phonetic)>, and that group consisted of many people which were
3 based at the -- based at the rubber plantation. And those group
4 of people were called military based at the rubber plantation.

5 Q. And do you know why there was a military unit based at the
6 rubber plantation?

7 A. I don't know about their specific name, but people referred to
8 them as the military based at the rubber plantation. In Chamkar
9 Leu district of Region 304, there's a military unit, and that
10 military unit was relatively big.

11 Q. Thank you, Madam Civil Party.

12 You mentioned this morning your cousin, Heng Vanny, and how she
13 was taken away and killed after she refused to marry. Can you
14 just clarify for us, your cousin, Heng Vanny, was it before you
15 were married that this happened to her or was it after your
16 marriage that this happened to your cousin?

17 [09.45.30]

18 A. Before our marriage, Vanny told me that her mother was taken
19 away to be killed because she was accused of being network of
20 <traitors>. And then she was arranged to get married, but she
21 refused. And then she was taken away and, a few days later, we
22 realized that she was taken away<, raped and> killed.

23 Q. And did your cousin, Heng Vanny, did she live in the same
24 village and unit as you?

25 A. She was not with me. She was in a different village, but we --

18

1 we were close to each other. The villages were close to each
2 other, so we saw each other often. And she came to leave her
3 luggage with me, and then, later on, she took her belonging away
4 with her.

5 [09.46.48]

6 Q. The last subject I want to ask you about, Madam Civil Party,
7 is some other relatives of yours who you identify in your civil
8 party application who you say were arrested and killed during the
9 Khmer Rouge regime.

10 Specifically, in your Supplementary Information Form that you
11 signed on the 28th of May 2014, document E3/6011A, you wrote the
12 following, quote:

13 "My aunt, Sam Yun, Heng Roeun, her son-in-law, Heng Vanna and her
14 grandchild San were all imprisoned in Tuol Sleng prison or
15 Choeung Ek prison where all of them were killed." End of quote.

16 Can you tell us how you came to know that these relatives of
17 yours were imprisoned at Tuol Sleng?

18 A. I did not know clearly about the imprisonment at Tuol Sleng,
19 but I heard from people that if people were taken to Phnom Penh,
20 they would be imprisoned and die there. And the -- the whole
21 family died in Phnom Penh.

22 But when I came to Phnom Penh, I came to Tuol Sleng. I did not
23 find them because I simply visited the ground floor of the Tuol
24 Sleng prisons building. I did not go up the -- to the upper floor
25 of the buildings. <They died during the Pol Pot regime.>

19

1 [09.49.07]

2 Q. Thank you, Madam Civil Party.

3 I found two names in the OCIJ S-21 list. This is E3/10604. Two
4 names that seem to match the names that you've provided.

5 Your Honours, number 800 -- I'm sorry, 8467, 8467, on the OCIJ
6 list is a 54 year old female, Sam Yun, from the state industry
7 Ministry who entered S-21 on the 12th of February 1978, and was
8 executed on 11 May 1978. She's described as follows, quote:

9 "Lives with her child in Ruessei Keo technical school. Coming
10 with her daughter, Heng Na, who lived in Ruessei Keo technical
11 school."

12 [09.50.16]

13 And number 1947 on the OCIJ list is Heng Na, alias Yin, who also
14 entered S-21 on the same date, the 12th of February 1978, and is
15 described as a combatant of production at the Ruessei Keo
16 technical school.

17 Madam Civil Party -- with your leave, Madam President -- I'd like
18 to show you the underlying, or one of the underlying,
19 contemporaneous S-21 records for these two people to have you
20 confirm whether these are, in fact, two of your relatives.

21 Mr. President, I'd like to provide to the witness -- I'm sorry,
22 to the civil party document E3/10450, E3/10450, which is an S-21
23 list of people entering on the 12th of February 1978.

24 MR. PRESIDENT:

25 Court officer, please bring the document to be shown to the civil

1 party and read them to her because she cannot read.

2 BY MR. LYSAK:

3 Q. And for the record, the two names, it's the first page of this
4 list that I want to ask you about. The first page of E3/10450
5 contains the names of two people who entered S-21 on 12 February
6 1978, Sam Yun and Heng Na.

7 Do you recognize these two people, Madam Civil Party? Are these
8 two of the relatives of yours who you identified in your
9 Supplementary Information Form?

10 [09.52.37]

11 2-TCCP-274:

12 A. Yes, that was the names.

13 Q. Your aunt, Sam Yun, can you tell us a little bit about her,
14 what she did before and during the Khmer Rouge regime?

15 A. During the old regime in Chamkar Leu district, she remained
16 working in Chamkar Leu district and then, in 1975, she got
17 separated from us and, since then, she disappeared. Later on, the
18 whole family of my aunt disappeared.

19 She began working in 1970-71, and then in 1975, she relocated to
20 work in Phnom Penh. She -- I heard sometimes she talked about her
21 relationship with Khieu Samphan.

22 [09.53.58]

23 Q. What did she say about her relationship with Khieu Samphan?

24 A. I did not know clearly, but she told me that, in 1972, Khieu
25 Samphan came to a meeting at Popreng pagoda, and everyone were

21

1 called to that meeting. And there was around 400 to 500 people
2 attended the meeting at Popreng pagoda in 1972.

3 Q. And did your aunt have a position in the Khmer Rouge while she
4 was still in Chamkar Leu district, that is, before she went to
5 Phnom Penh, and if so, can you tell us what her position was in
6 Chamkar Leu district?

7 A. Initially, she worked secretly, and that started since 1967.
8 But I did not know clearly about what she was actually doing, but
9 I heard from her about her relationship with Khieu Samphan and
10 then, later on, she was relocated to work in Phnom Penh. And I
11 did not know which part of Phnom Penh she worked because we had
12 lost contact with each other since then.

13 Q. And do I understand correctly, was it when the Khmer Rouge
14 took control of Phnom Penh in April 1975? Was that when your aunt
15 to work in Phnom Penh?

16 [09.56.15]

17 A. Yes, it was around that time. Because it happened long time
18 ago, I may not recall it well.

19 MR. LYSAK:

20 Thank you, Madam Civil Party. My colleague has a few follow-up
21 questions for you as well.

22 QUESTIONING BY MR. SENG LEANG:

23 Good morning, Mr. President and parties and the Bench. My name is
24 Seng Leang, the National Deputy Co-Prosecutor. I have only some
25 -- a few questions to put to you, Madam Civil Party.

1 Q. This morning, you talked about your aunt and your cousin and a
2 number of your relatives who were killed. So besides your aunt
3 and your -- the relative that you mentioned, were there any other
4 relatives of yours who were also killed during the regime?

5 [09.57.30]

6 2-TCCP-274:

7 A. My brother also disappeared. My nephew also disappeared. I do
8 not know whether he was killed or not.

9 Q. Do you have a sister named Voeun (phonetic)?

10 A. In fact, <Voeun (phonetic)> and Ny were the same person.

11 Q. I have another question related to your life. At the place
12 that you mentioned, Union Village 7, was life there easy or
13 difficult?

14 A. It was difficult because we lived in a shelter. The shelters
15 were small, similar to the shelter that farmers build to guard
16 their paddy fields. Life was -- was very difficult. It's
17 different from life nowadays, because during the regime, they
18 gave us food only when we went out to work. If we did not go out
19 to work, they would not give us food and they would <punish> us
20 <>.

21 Q. Talking about your time shift, so when did you begin to work
22 and when you end your work?

23 [09.59.28]

24 A. We woke -- we got up at 3.00 a.m. to tap the rubber resin, and
25 then in the morning, we cleaned the rubbish at the -- at the

23

1 resin building. And then, at <9.00 a.m.> or 10.00 a.m., we
2 collected the resin and then we waited for -- for the truck to
3 come to load the resin onto the truck, and then <at 12.00,> it's
4 time for lunch.

5 Q. You said that during that time, you were pregnant and you were
6 required to work. You could not take time to rest. Why couldn't
7 you ask for rest time?

8 A. I ask for resting time, but they did not allow. Only when I
9 delivered the baby, they allowed me to take leave for about 10 to
10 15 days, and then I was required to go back to work.

11 Q. So did you ask for permission to rest, but it was denied<, is
12 that correct>?

13 A. I was allowed to rest a few days before the delivery of my
14 baby, and after the delivery, I was allowed to rest for 10 to 15
15 days.

16 [10.00.58]

17 Q. I refer to the time that you were seven months pregnant and
18 that you did not feel for the movement of your baby. Were you
19 allowed to rest at that particular point in time?

20 A. I actually asked for permission to rest, but it was denied, so
21 I had to continue working. I was not allowed to rest at all, and
22 only when it was almost the day of the delivery, I was allowed to
23 rest for a few days.

24 MR. SENG LEANG:

25 Thank you, Madam Civil Party, for answering my question.

24

1 And Mr. President, I am done.

2 MR. PRESIDENT:

3 Thank you. The Chamber will take a 20 minutes break from now.

4 (Court recesses from 1002H to 1026H)

5 MR. PRESIDENT:

6 Please be seated. The Court is now back in session.

7 Before we proceed to hear the testimony of the civil party, the

8 Chamber issues an oral ruling on the request to admit civil party

9 applications on Internal Rules 87.3 and 87.4.

10 On the 22nd August 2016, the Chamber notes that the Nuon Chea

11 defence filed a written request under Internal Rule 87.4, that

12 is, document E430, for the admission into evidence of four

13 documents. Two of the documents are excerpts of the civil party

14 application of 2-TCCP-274, that is, document E319/45.4.11, and

15 the other two documents are excerpts of the civil party

16 application of <2-TCCP-281 (sic)>, that is, document E319/45.4.8.

17 [10.28.15]

18 The Chamber notes that the Nuon Chea defence has indicated that

19 it may use the excerpts from document E319/45.4.11, to question

20 2-TCCP-274, who will be giving her testimony today. The Chamber

21 further notes that part of the proposed document E319/45.4.11, is

22 already contained within admitted document E3/6011, which is also

23 the civil party application of 2-TCCP-274. The excerpts sought

24 for admission by the Nuon Chea defence are additional parts of

25 the said civil party application.

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1 [10.29.17]

2 The Chamber recalls its practice to admit into evidence all prior
3 statements of civil parties or witnesses who appear before it
4 pursuant to Internal Rules 87.3 and 87.4. It is in the interests
5 of ascertaining the truth that the Chamber and parties have
6 access to all of the statements of civil parties and witnesses
7 who will be heard in Case 002/02.

8 The Chamber therefore grants the Nuon Chea defence's request to
9 admit into evidence the proposed excerpts of document
10 E319/45.4.11, namely, ERN in Khmer, 01027323 through to 25; and
11 English, 01143513 through to 14. And the Chamber assigns then,
12 combined, document number E3/6011B.

13 The Chamber will issue its decision on the remainder of the
14 request in due course.

15 Now I would like to hand the floor to the defence team for Nuon
16 Chea to put questions to the civil party.

17 [10.30.50]

18 QUESTIONING BY MR. LIV SOVANNA:

19 Good morning, Mr. President. Good morning, parties.

20 Q. My name is Liv Sovanna, the National Lawyer in the defence
21 team for Nuon Chea. I have a number of questions to put to you.

22 First I would like to know about the backgrounds of your
23 relationship with you and your first husband, whether your first
24 husband lived in the same village and commune with you or
25 different village and commune.

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1 2-TCCP-274:

2 A. My first husband lived in Cheyyou village, Spueu commune,
3 Chamkar Leu district. I lived in Ta Ong village, Ta Ong commune.

4 [10.31.40]

5 Q. How far was it between his village and your village?

6 A. I cannot estimate it. It's -- they are far away from each
7 other. It's -- the distance is probably between here and Kampong
8 Cham.

9 Q. Did you and your husband know each other before your marriage?

10 A. We did not know each other before our marriage. It's different
11 from youth nowadays who knew each other before marriage.

12 Q. So how could the marriage <take> place?

13 A. Our parents arranged us to get marriage. It's different from
14 youth nowadays.

15 Q. When you met your husband for the first time, was it on the
16 day of your marriage, or what?

17 A. It was on our engagement day.

18 Q. How old was you at that time?

19 A. I was around 15 -- a little bit more than 15 years old.

20 Between 15 and 16 years old. I was rather young.

21 [10.34.42]

22 Q. Was the decision of marriage yours or your parents?

23 A. My parent's decision.

24 Q. Did you refuse to get married when your parents proposed that?

25 A. No, I did not dare to do so.

1 Q. Why didn't you dare to refuse?

2 A. Because at that time, we -- we had to follow our parents'
3 decision, so if our parents decided to marry us to ?someone?, we
4 had to follow their decision. ?They said: "It' s a wise child who
5 knows her mother".? It's different from nowadays.

6 Q. So what year was it that you got married?

7 [10.35.18]

8 A. It was -- based on my estimation, it was around 1968 or 1969,
9 but I cannot recall it well because it happened a long time ago.

10 Q. After your marriage, during the night of your -- the first
11 night of your marriage, did you love your husband?

12 A. Because my parents decided for our marriage, so we had to
13 follow them. Because they trusted in the man and they loved the
14 man, that's why they decided to marry me to him.

15 Q. Now, I move my question to the period of DK regime.

16 Before your marriage during DK regime, based on your observation,
17 did you see any other couples who were arranged by Angkar for the
18 marriage?

19 A. I heard about such marriage, but I did not witness the event
20 myself because I was busy working. I heard from people about such
21 arranged marriage during the regime.

22 Q. What about your unit, whether there were any people who were
23 arranged by Angkar to get married <before you>?

24 A. Yes, there were. But after their marriages, they relocated to
25 somewhere else. For example, if their husbands were based at

1 Village 2, the wife moved to join the husband at Village 2.

2 [10.37.55]

3 Q. Earlier, you mentioned that if both side agreed, they would
4 propose to Angkar to arrange marriage for them. So what do you
5 mean by when they agreed to love each other?

6 A. They proposed through Angkar that -- that they loved the other
7 side, and if the other side agreed and then the -- the marriage
8 took place. So in this case, it was not a forced marriage. It was
9 a voluntary one.

10 Q. So based on what you said, can I say that the man and the
11 woman can ask each other first whether they love each other or
12 not and, if yes, they could propose through Angkar? Is that
13 correct?

14 A. No, it's not like that. The man proposed to the chief of the
15 women, and the chief of the women would ask the woman. It was not
16 like they -- both of them had relationship first.

17 [10.39.31]

18 Q. So that meant if a man loved a woman, the man would propose to
19 the chief of the women. And did you ever see such case at your
20 unit?

21 A. I witnessed only one case, the person that I told you earlier.
22 I did not have time to follow other cases because I was so busy
23 with my work.

24 Q. Beside that person, did you observe or see the arranged
25 marriage of people in units that were nearby yours?

1 A. I was not so much interested in that because I just focus on
2 my work and focus on myself. I knew only about that one case,
3 nothing else. As you were aware, at that time, people were busy
4 with working and, after work, they came back for a short rest and
5 then went back to work.

6 Q. Before the break time, you talked about your cousin named Heng
7 <Vanny> whom was forced to get married. Who was she forced to get
8 married to?

9 A. She was forced to get married to Vuth (phonetic) <>. She <did
10 not> love him, and she did not want to get married to Comrade
11 Vuth (phonetic).

12 [10.41.27]

13 Q. When she told you, was that before your marriage or after your
14 marriage?

15 A. She told me before my marriage. She was forced to get married
16 before me. My marriage took place later on.

17 Q. Also before the break time, you mentioned that your <cousin
18 (sic) was> taken away to be killed because he was alleged of
19 being part of the network of <traitors>. Can you tell us what
20 year it was when she was taken away to be killed?

21 A. It was in 1978, but I don't know whether it was at the
22 beginning, the middle or the end of the year. <I cannot recall
23 it.>

24 [10.42.33]

25 Q. Mr. President, I would like to quote her answer in document --

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1 in the victim information form, E3/6011A, ERN in Khmer, 01003356;
2 in English, 01137890; French, 01030293. I would like to quote
3 now.

4 "My <niece>, Heng Vanny, in late 1978, Phan transported <her> by
5 vehicle to the military base." End of quote.

6 I would like to ask you, Madam Civil Party, whether you remember
7 the specific year when your <sibling (sic) was> taken away.

8 A. It was in 1978, but I do not remember whether it was at the
9 beginning, the middle or at the end of the year. I cannot recall
10 it well because now I am old.

11 Q. In your answer that I just read to you earlier, you said that
12 it was at the end of 1978, so is that ring a bell to you?

13 A. Probably. It was confusing. It was probably at the beginning
14 or the middle of 1978 because my marriage also took place in 1978
15 <after> she was taken away to be killed. So, I think it was
16 confusing, and I would like to apologize if I were -- it was my
17 mistake to give such an answer.

18 Q. Now I move my question to focus on your marriage. Who came to
19 propose to you for the marriage between you and your husband?

20 [10.44.38]

21 A. Initially, it was Phon (phonetic), Om Phon (phonetic), who
22 came to ask me whether I agree to get married to the man. I did
23 not -- I did not answer his proposal yet. And then Angkar came to
24 ask me to get married, and I did not know whom I would get
25 married to.

1 Q. Who came to propose to you? What was his name, what was his
2 position?

3 MR. PRESIDENT:

4 Madam Civil Party, please wait until the tip of the microphone
5 turns red.

6 2-TCCP-274:

7 At that time, he came to ask me, but I was not interested much in
8 the proposal. And later on, Chhen (phonetic), the unit chief,
9 came to ask me.

10 [10.46.58]

11 BY MR. LIV SOVANNA:

12 Q. So based on your statement, Phon (phonetic) came to propose
13 you to get married to him. Is that correct?

14 2-TCCP-274:

15 A. Yes, that's correct.

16 Q. Did you reply to his proposal?

17 A. I did not respond in length, but I thought myself that if he
18 proposed, I would agree. But when the marriage took place, it was
19 not him.

20 Q. Later on, did you ever see Phon (phonetic) again, and did he
21 tell you the reason why he proposed to marry you?

22 A. No, I did not meet him again because I was arranged to get
23 married to another man.

24 Q. You also said earlier that your unit chief came to ask you, so
25 what did the chief ask you about?

32

1 A. The unit chief did not come to ask me. I said that the chief
2 of the unit told me to go to the wedding place.

3 Q. So what was the name of that unit chief?

4 [10.49.11]

5 A. Comrade Chhen (phonetic).

6 Q. Was the unit chief the chief of the cooperative or chief of
7 village or chief of commune?

8 A. The unit chief was in control of the whole Village 7, and he
9 was -- and that person was called the unit chief. But at my
10 place, <it> was called the union <>.

11 Q. Was that person a man or a woman?

12 A. A man.

13 Q. When you worked at the union, beside the chief of Village 7,
14 was there any other people who leading you to work, or was there
15 only him alone?

16 A. There were groups chiefs, unit chiefs. There were hundreds of
17 people who worked at that time. It was not 10 or 20 people.

18 [10.51.09]

19 Q. What was the name of the direct supervisor of you? Was he a
20 man or a woman?

21 A. The name -- the person was Ne (phonetic). I can recall only
22 that name.

23 Q. Ne (phonetic), a woman or a man?

24 A. Woman.

25 Q. When you were told to go to the wedding, was Ne (phonetic)

1 also present?

2 A. No, no, it -- she was not there. It was the unit who came to
3 tell me.

4 Q. What were you doing when you were told that?

5 A. I was tapping the resin.

6 Q. During DK regime, did you ever attend meetings?

7 A. There were regular meetings at the unit. There were -- I never
8 attended any big meeting. If I went there, I only went there for
9 a short time and then came back to my unit, so I can say that I
10 attended the regular unit base meetings.

11 [10.53.37]

12 Q. So when you attended the big meeting for a short time, did you
13 ever hear the announcement about the <12 Moral Principles> of the
14 revolution?

15 A. Yes, I heard such announcement. They talked about the morality
16 and about those who committed the moral offences, and they were
17 arrested to be re-educated. <But I never committed any moral
18 offenses.>

19 Q. Besides moral offences, do you remember any other morality
20 <principles>? I mean the 12 moral <principles>.

21 A. No, I cannot remember them all because it took place a long
22 time ago, so I cannot remember everything.

23 [10.54.49]

24 Q. Mr. President, I would like to quote from document E3/765,
25 about youth magazine, <Issue 10,> dated October 1978. This

34

1 related about the 12 moral <principles>, and I would like to read
2 the sixth point about the -- the banning to commit any offences
3 against women. And the document has the ERN number in Khmer,
4 <00510493> (sic) ; English, <00539994>; French, <00540024>
5 through 25.

6 And I would like to quote, "Overall, don't <do anything that
7 impacts male-female morality,> because it will <impact our honor
8 and our influence as revolutionaries and impact the clean and
9 pure and dignified traditions> of our people."

10 And related to marriage in the same ERN number, I would like to
11 quote:

12 "Related to the current marriage, there was no problem as long as
13 we stick to the two <principles> of the Angkar <namely first if>
14 both <sides> agree, and second point, the collective agrees<, and
15 then it is done>. <Why should this impact male-female morality?>"
16 End of quote.

17 So after my reading of <these principles> to you, did you ever
18 hear the announcements of <them> during that regime?

19 A. Yes, I heard about it. I heard about it, but I did not
20 remember it well.

21 Q. When you heard so and when you were arranged to get married,
22 you said that you <did not like the man. Why did you not refuse
23 given the principles that> the marriage took place only when
24 there were agreement from both sides?

25 [10.57.56]

1 A. When they wanted to force us to marry, they <just> forced us
2 <to do so>. Initially, it was like that policy, that both <sides>
3 had to agree first, but at the time of my marriage, it was an
4 absolutist practice. They forced us to marry. It was like what I
5 told you earlier.

6 Q. Now, back to your story. When the unit chief came to tell you,
7 did you protest it or disagree with him?

8 A. Yes, I protested, but he said that I must go because it was
9 the order from Angkar.

10 Q. How many times did you protest to him? Did you end your
11 protest after you heard him saying that you must go or you kept
12 on protesting again and again?

13 [10.59.28]

14 A. I did not protest many times. I protested only one time, but
15 he said that I must go, so I went there by following his order. I
16 went out on the exact day that he required me to go. That was the
17 practice during DK regime.

18 Q. Did you have time to consult with your parents or your
19 relatives before you went to get married?

20 A. My <parents> were not aware of my marriage because she lived
21 at a different place from mine. I did not have time to go and
22 invite my parents and sibling to join my wedding.

23 Q. Can you tell the Chamber if you recall in which year that you
24 got married?

25 A. I got married in 1978. However, I cannot recall whether it was

36

1 in early, mid or late. But I believe it was in early '78 because
2 by late '78, I delivered my child.

3 Q. Mr. President, I'd like to read the statement of the civil
4 party, that is, from her supplementary victim information form,
5 document E3/6011A. ERN in Khmer is at 01003356; and English,
6 01137890; and French, 01030293; in which she made mention of the
7 following point, and I quote:

8 "In 1977, Heng Vanny, alias Voeun, was forced to get married but
9 she refused. Therefore, she was called by Angkar for re-education
10 on several occasions. I was also forced to get married in 1977,
11 but I initially refused, but finally forced myself to follow the
12 order." End of quote.

13 And Madam, can you specify again whether you got married in 1977
14 or in 1978?

15 [11.03.04]

16 A. It was in 1978, and maybe I made a mistake in my previous
17 statement when I mentioned that it was '77, because I had a child
18 in late '78. And my apology for this mistake.

19 Q. That is all right. And let me continue and move on to the day
20 of your marriage.

21 You testified yesterday that there were 12 couples, and can you
22 tell the Chamber whether women of all those 12 couples were
23 widows or some of them were single women?

24 A. I did not know whether they were unmarried or they were
25 widows. I did not ask around because those women did not come

1 from the same village. There was only one couple from one
2 village.

3 [11.04.23]

4 Q. So amongst the 12 couples that got married on that day, did
5 you know any of the couples that got married on that same day?

6 A. As I said, I did not know them. And we were from different
7 villages, and we did not have any contact with one another. I did
8 not know any man or woman. I only saw them briefly during the
9 marriage reception.

10 Q. And after the marriage took place and until now, have you made
11 any contact or come across any of those couples who got married
12 on that day?

13 A. No. I do not know where they are, and probably I do not
14 recognize them if I see them.

15 Q. Before the break, you stated that you were given a room to
16 rest that night. Can you tell the Chamber whether you were given
17 a room as part of a house?

18 A. It was <> a separate house.

19 Q. Before the break, you said that during that night, you did not
20 have sex with your husband and, in the morning, he reported the
21 matter to his chief, Phan. Subsequently, Phan called you to meet
22 him.

23 Can you tell the Chamber how many days after <the marriage> that
24 Phan called you to see him?

25 A. This morning, I testified that I was called that night, that

1 is, after my husband reported the matter to his chief. And that
2 happened on the very same night.

3 [11.07.17]

4 Q. So you -- he called you to see him on the very same night of
5 your marriage or on the night subsequent -- or subsequent night?

6 A. It was on the night of the marriage.

7 Q. Who came to call you out, and when was it?

8 A. At that time, I did not know what time it was, but Comrade
9 Phan came to call me to go and see him because my husband
10 complained that I did not consummate the marriage with him.

11 Q. What was the distance between the room that you stayed and the
12 place that Phan called you to see him?

13 [11.08.27]

14 A. I cannot recall the distance. It was not that far. There were
15 some trees and bamboo trees in between. It was neither close nor
16 far from where I stayed that night.

17 Q. When you arrived at Phan's place, was your husband there?

18 A. No, he was not. Actually, he was staying in the room.

19 Q. When you left the house, was he in the room with you or was he
20 somewhere else?

21 A. When I was leaving, he was there in the room. And after I
22 left, I could not say whether he was in the room or whether he
23 went somewhere else.

24 Q. Did your husband know that Phan called you to meet him at his
25 place?

1 A. If he would not report to Phan, then what was the purpose of
2 Phan calling me to see him?

3 Q. I'd like to clarify the point. When Phan came to call you to
4 his place, was your husband present in the same room that you
5 were in or in the same house that you were in?

6 A. He was there, because when he went to see Phan, he came and
7 then Phan came to call me to go to see him. And I did not know
8 what he wanted me for. I just followed him.

9 Q. And when you arrived at Phan's place, who else was there?

10 [11.11.12]

11 A. He was there by himself, and then there was a table and a
12 chair in a quiet room. No one else was present in that room. And
13 also, there was a bed there and he was sitting in a chair near a
14 table.

15 Q. Upon your arrival, what were you asked?

16 A. I was asked the reasons that I refused to consummate the
17 marriage, and then I told him the reasons and then he forced upon
18 me and he wanted to -- to rape me. I resisted, but I failed. And
19 he had a pistol with <him>. And I was afraid that I <would> be
20 killed. For that reason, I let him raped me. And that was also
21 the reason that I decided to live with my husband because I was
22 afraid that I would be killed.

23 Q. And were you aware that the fact that he raped you was a
24 serial -- serious offence under the DK regime?

25 [11.12.54]

40

1 A. Of course it was a serious offence, but who could I tell of
2 the offence? If I were to tell someone, then I, myself, would be
3 dead. Nobody could help me. He was a person in authority. Who
4 could dare to challenge him?

5 I never told such a story to anyone, but now it is time for me to
6 speak it out. Even my blood siblings, I have never told them
7 about this intimate affair. This is the first day that I spill it
8 out that during the regime, there were cruel people and there
9 were innocent people. There were bad and good people.

10 Q. Allow me to move on. And when you returned back to your room
11 that night, did you talk to your husband and, if so, what did you
12 talk to him about?

13 A. No, we did not talk about anything because we argued and we
14 simply slept and the next morning, I went to my unit and he went
15 to his unit. That's what I testified yesterday as well.

16 Q. And when was the next meeting between you and your husband?

17 A. It took place about 10 or 15 days after.

18 [11.15.02]

19 Q. And what did he tell you when you later met?

20 A. He didn't say anything much because I was already raped, and I
21 was so afraid that I would be killed because the rape was a
22 warning to me. And also, that -- the night that we met, I went
23 down to relieve myself and I noticed the presence of some
24 <military> men, so I knew that they were monitoring us. That's
25 why I decided to sleep with him.

41

1 Q. And when you went up to the house, what happened next?

2 A. Nothing happened because everything's finished. I told him
3 that there were soldiers on the ground.

4 [11.16.20]

5 Q. Can you clarify it a bit further? What did your husband ask
6 you when you went up to the house, and what did he do to you or
7 what happened?

8 A. We didn't talk much. We spoke about our disagreement and I
9 told him that I disliked him. I did not speak much, and that is
10 my habit. I did not like talking or speaking, saying anything <>
11 when I'm in bed.

12 Q. Mr. President, I'd like to quote her previous statement, that
13 is, from document E3/6011 at Khmer, ERN 00496721 -- 20 to 21; and
14 English and French -- there is no French or no English
15 translation. In the document, she state that:

16 "In 1978, I was pregnant and delivered a baby girl, Suong Lai
17 Iet, and the baby was a result of my marriage. In fact, after the
18 marriage, I refused to consummate the marriage and, about a year
19 later, that is, in 1977, I agreed to consummate the marriage. And
20 not long after, I became pregnant." End of quote.

21 And Madam, can you try to recall that you consummated the
22 marriage with your husband that is almost a year after your
23 marriage and that it took place in 1977? Does that jog your
24 memory?

25 [11.18.53]

1 A. I have stated from the beginning that I made a mistake when I
2 referred to the year of 1977. In fact, the event took place in
3 1978. And when I agreed to consummate the marriage with him, it
4 was at the later part, and then I became pregnant thereafter.

5 Q. You said you did not consummate the marriage on the night of
6 your marriage, and about 10 or 15 days later, you met him once
7 more and that you slept with him. But in the statement that I
8 just read out, you said about a year after, you agreed to
9 consummate the marriage with him.

10 So can you tell the Chamber which version is correct?

11 A. Counsel, I said that after I was forced to have sex, 10 or 15
12 days after, I was allowed to meet my husband and if I were not to
13 have sex with him, then I would be taken and raped again. And we
14 did not meet each other every day. It happened about a month or
15 two after.

16 [11.20.30]

17 Q. I'd like to pinpoint the exact year because in your previous
18 statement, you said that you consummated the marriage only about
19 a year after your marriage day. So please tell the Court which
20 version is the correct one.

21 A. Maybe I made a mistake in my previous statement, and of course
22 when I'm asked so many questions, I'm confused. My memory does
23 not serve me that well. I also have problem with my memory. I am
24 also old, so when you ask me back and forth, it's confusing.
25 Of course, when you reach my age, you tend to make some mistake

1 due to your memory lapse. Maybe in my previous statement, I
2 wrongly indicated the year of 1977, but, as I stated, after I was
3 raped by the chief, later on, I agreed to allow my husband to
4 sleep with me. And that is the truth, and I apologize regarding
5 the year. Maybe I made a mistake in my previous statement when I
6 mentioned 1977.

7 And as I said, when I am asked many question back and forth, it
8 gets confused.

9 [11.21.58]

10 Q. My apology as well, Madam Civil Party, because your statement
11 was made <on the 4th of August> 2009, and it has been, what,
12 seven years now. That's why I'd like to ask you to try to
13 remember whether the statement that you made in <2009>, which is
14 closer to the event -- to the date of the event, is more accurate
15 than to now, which is seven years later. Which version is the
16 correct one?

17 Please try to recall when you consummated the marriage with your
18 husband. Was it about a year after the marriage day, or was it a
19 fortnight after?

20 A. It was not immediately after the marriage day, but I cannot
21 tell you how long or how many months or year. I may make -- I
22 might made a mistake in my previous statement or the interviewer
23 made a mistake because I noticed that there are some mistakes in
24 my previous statement.

25 And again, my apology if I make mistake. And now I don't feel

1 that well. I get confused and I feel a bit dizzy when you ask me
2 back and forth about the event.

3 [11.23.43]

4 Q. My apology as well. However, this is my legal duty to put such
5 questions to you. And I hope you understand it. Again allow me to
6 reiterate my point regarding your first consummation with your
7 husband. You said that you did not resist him because when you
8 went downstairs to relieve yourself, you saw some soldiers under
9 the house. And when you went up -- up to the house, although you
10 didn't argue with him, but did you physically resisted?

11 A. We did not argue because although he was a soldier, he was
12 also afraid when I told him that there were soldiers under the
13 house. And in the morning, he went to his place and I went to my
14 place, and he returned to see me again in about a month. And
15 probably that was the time that we also had sex.

16 Q. When you went downstairs to relieve yourself and you saw
17 soldiers, can you tell the Chamber, how far were the soldiers
18 from your house?

19 A. They were nearby, but as I stated, it's not my habit to talk
20 in bed. Even with my first husband, I did not talk to him in bed.
21 They were there trying to listen to what we say, but I did not
22 say anything so they could not hear anything.

23 Q. I'd like to ask you about their positions. How far were they
24 from the house?

25 [11.26.10]

1 A. I have just told you, they were nearby. They were not that
2 far. They were not like 10 metres away, no. They were within the
3 vicinity of the house. Although I noticed their presence ?when I
4 came down the house?, I pretended not to see them, so I went back
5 up the house after.

6 ?They did not ask me anything nor did I ask them anything. They
7 were not chiefs but subordinates so they were not that cruel.
8 They simply eavesdropped? on us ? and they did not think of it as
9 it was important. They? were staying under the house and not far
10 from the house.

11 Q. Regarding the house that you were staying, can you tell the
12 Chamber the height of the house?

13 A. As I said, they made small houses, and the house was not that
14 high from the ground. There were only three staircases. And it
15 was not that big. It was small <with a thatch roof>, as a
16 makeshift shed where you used to guard the rice field and to
17 chase away the sparrows.

18 [11.27.36]

19 Q. So the house that you stayed, it was a thatch roof. And what
20 about the floor? What was the floor made from?

21 A. The floor was made from bamboo. It was not a proper wooden
22 floor. And such house, you know at the time, that is, thatched
23 roof house with bamboo floor, was a luxury.

24 Q. And what about the walls of the house, thatch walls? Were
25 there any gaps where people could see through?

1 A. They were newly built houses, so the walls were fully enclosed
2 and there was no gap. As for the window, the window was pretty
3 high, so from the ground you could not see inside the house. I
4 don't know what else I can say. It happened like 40 years ago.
5 How could I describe a particular detail regarding those small
6 houses?

7 As I said, it was a small house and it was not that high from the
8 ground. There was only three staircases. And they use thatch and
9 barks from the trees as walls.

10 [11.29.18]

11 Q. Before the lunch break, I would like to ask another point.
12 You said that night you agreed to consummate the marriage with
13 your husband. And why did you think that it was a rape when you
14 agreed to consummate the marriage that night?

15 A. You did not understand me clearly. I stated yesterday that
16 immediately after I got married when we went to the room he
17 forced upon me. He wanted to rape me but I resisted him. And for
18 that reason he went to make that a plea to Phan, his chief and
19 Phan called me to meet him.

20 So that was what happened on the night of the marriage and not
21 later on when I met him for another time because for the first --
22 for that night I did not love him, so I did not allow him to have
23 sex with me.

24 Q. And for the second time that you slept with him did you have
25 sex with him voluntarily?

1 [11.30.52]

2 A. For the second encounter we didn't make any move. He did not
3 do anything because we were afraid that we were under monitoring.
4 That's what I have said repeatedly. You keep asking me back and
5 forth, but I believe my statement is in chronological order.

6 Q. I have another question before the break. Madam, can you tell
7 the Chamber at which point that you have sex with your husband?

8 A. It was a month later, not during the first or the second
9 encounters. Only later on that when I was so afraid -- I was so
10 afraid so I agreed to sleep with him. But it did not happen for
11 the first or the second encounter. But I cannot tell you how many
12 months after or which year that it happened. What I can recall
13 and tell you is that by late '78 I delivered my child. It
14 happened so many years ago. And I believe when you are this young
15 you may not recall all the details.

16 MR. LIV SOVANNA:

17 Q. Thank you.

18 MR. PRESIDENT:

19 It is now appropriate for a lunch break. We will take the break
20 now and resume at 1:30 this afternoon to continue our
21 proceedings.

22 Madam Civil Party, you may rest and please return to the
23 courtroom at 1:30.

24 Security personnel, you are instructed to take Khieu Samphan to
25 the waiting room downstairs and have him return to attend the

1 proceedings this afternoon before 1.30.

2 The Court stands in recess.

3 (Court recesses from 1132H to 1329H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Chamber gives the floor to defence counsel to Nuon Chea to
7 continue putting further questions.

8 MR. LIV SOVANNA:

9 I just want to thank you, Mr. President. And good afternoon, the
10 Chamber. Counsel, good afternoon.

11 Madam Civil Party, before the lunch break we talked about your
12 first sexual intercourse with your husband. You said that you did
13 not have sex with him during the second encounter with him. So
14 when exactly did you -- did you start to have the first sexual
15 intercourse with him? I mean how many months after your marriage
16 that you have sex with him for the first time?

17 2-TCCP-274:

18 A. It was about one or two months later on that I had sex with
19 him because if I refused to do so I would be taken away and
20 killed because I saw soldiers guarding around my house.

21 Q. So it was one or two months later on. So during the one month
22 or two months' period did your -- did the chief of your husband
23 ask you to go and receive any reprimand <for the second or the
24 third time>?

25 MR. PRESIDENT:

1 Madam Civil Party, please wait until the tip of the microphone
2 turns red. I give the floor to the Lead Co-Lawyer for civil
3 party.

4 MS. GUIRAUD:

5 Thank you, Mr. President. I only heard the French translation of
6 the first part of <my colleague's> question and I found that
7 question very repetitive because <I think> that he has asked the
8 same question <about 10 times>. So regarding the date, I think
9 the civil party was very clear about this before the lunchbreak
10 and she doesn't remember exactly when this happened in terms of
11 dates. She <herself> even said that there might be an error in
12 her civil party application <document>. I think we all agree to
13 that here.

14 So it was regarding the first part of the question: When did she
15 have sexual intercourse for the first time with her husband? I
16 think that this question is repetitive because our colleague has
17 been putting that question to her at least 10 times and the civil
18 party explained that she was not able to remember precisely when
19 that happened.

20 [13.33.14]

21 MR. LIV SOVANNA:

22 Mr. President, in response to my last question the civil party
23 said that it was two or one month or two months after her
24 marriage that she had sex with her husband. And my question to
25 her was that during the one month and two months' period did the

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1 chief of her husband ask her to meet him <again> in which he
2 would reprimand her.

3 MR. PRESIDENT:

4 Counsel can proceed with the question.

5 BY MR. LIV SOVANNA:

6 Thank you, Mr. President.

7 Q. Madam Civil Party, so during the one month or two months'
8 period that you did not have sex with your husband yet, did the
9 chief of your husband ask you to meet him <again>, in which he
10 reprimanded you?

11 2-TCCP-274:

12 A. No. We were far away from each other and we were busy with our
13 work and during the one or two months' period we did not have
14 time to see each other. Only later on that we saw -- we met each
15 other. And during the bad times, I had to agree because if we --
16 if I kept on refusing I would be taken away to be killed. But I
17 can tell you that I could not remember the specific date when we
18 had sex.

19 [13.34.47]

20 Q. Can you tell us about the day when you had sex what was the
21 activity of your husband and what was your activity?

22 A. I did not shout nor did I protest because I was frightened. So
23 I agreed to -- I finally agreed to let him do it.
24 But I was so upset. I was so angry that I was forced to get
25 married. So when you ask me about such questions it reminded me

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1 of that period. I felt so upset about it.

2 Q. You said that you were -- you stayed still because you were
3 frightened<, what made you frightened>?

4 [13.36.01]

5 JUDGE FENZ:

6 I am sorry. Even though the objection hasn't been raised now, but
7 I think we have heard that now a couple of times, Counsel.

8 I understand there is a need for a vigorous examination but given
9 what you are talking about there is also a certain need for
10 sensitivity and if you don't agree with that, at least to keep to
11 the rules which say don't repeat questions that have already been
12 answered. So kindly keep that in mind for the rest of the
13 examination.

14 BY MR. LIV SOVANNA:

15 Thank you, Judge.

16 Now, is -- my question is about the time when you started to be
17 pregnant. So how many months later on after you had sex that you
18 started to be pregnant?

19 2-TCCP-274:

20 A. As I told you this morning that in late 1977, early 1978<, I
21 consummated the marriage>. And in late 1978 I delivered my baby
22 but I could not recall exactly when I started to have sex.

23 Q. Do you remember the exact month when you delivered the baby? I
24 mean the month in 1978.

25 [13.37.46]

52

1 A. No, I cannot recall it. I simply put the <"chhnam> masanh"
2 (phonetic) or <the year of the snake or the year of the horse>
3 but <I did not remember> the exact month when my daughter was
4 born. When people ask me about the date when my daughter was
5 born, I told them that I did not remember because at that time I
6 gave birth to my daughter without the presence of my relatives.

7 Q. When the Vietnamese came to liberate in 7 January 1979, how
8 old was your daughter?

9 A. She was still small. But I do not remember how old she was
10 because at that time I was so busy and so overwhelmed with moving
11 around because the situation covered the -- that time was
12 chaotic.

13 [13.39.08]

14 Q. During the time when you stayed with your husband, did your
15 husband show any expression of love towards you?

16 A. Later on he consoled me, but to me I remained unchanged. Even
17 he has already passed away I still feel that I remain unchanged.
18 My husband was not a talkative person. He spoke with an accent
19 and sometimes I could not understand him. It was what like -- it
20 was what I told you earlier.

21 Q. Husband -- was your husband the one who proposed to you or he
22 did not propose at all, I mean for the marriage?

23 A. As I told you earlier that each of us <did not know.>

24 JUDGE FENZ:

25 Sorry, repetitious, next question. Getting tired. We are getting

1 tired, counsel. Don't repeat. That has nothing to do with
2 sensitivity. That's the law.

3 BY MR. LIV SOVANNA:

4 Q. This morning you said that you separated from your husband for
5 three years and later on you got reunited with him and your
6 parents and relatives convinced you to live with him because both
7 of you had child together.

8 So, my question to you is you're living with him again after your
9 reunion with him. Was it your own decision or was it the pressure
10 from your family?

11 [13.41.15]

12 2-TCCP-274:

13 A. After three years we started to feel normal towards each
14 other. You asked me this question in the morning and I already
15 gave you the answer that after we got separated for three years
16 and then we reunited, we simply lived together and felt normal
17 because I was not -- I did not talk much and my husband also did
18 not talk much.

19 MR. LIV SOVANNA:

20 Mr. President, my colleague has a few questions to put to the
21 civil party.

22 [13.41.52]

23 MR. PRESIDENT:

24 The Chamber would like to ask to the Defence Counsel for Nuon
25 Chea did -- have you discussed with the Defence Counsel for Khieu

1 Samphan about time allocation?

2 MS. DOREEN CHIN:

3 Yes, Mr. President, we have.

4 MR. PRESIDENT:

5 Yes, you may proceed now.

6 QUESTIONING BY MS. CHEN:

7 Good afternoon, Mr. President, Judges, parties. Good afternoon,

8 Madam Civil Party. I just have a few follow-up questions. I won't

9 be long so please bear with me.

10 Q. My first questions relate to something that you were

11 discussing just before lunchtime with my co-lawyer, Liv Sovanna,

12 about guards monitoring you. You also talked earlier this morning

13 to your lawyers about the fact that at nights the guards

14 monitored you and if you did not consummate your marriage,

15 measures would be taken.

16 My question is, how did you know measures would be taken if you

17 did not consummate your marriage?

18 [13.43.18]

19 2-TCCP-274:

20 A. If we did not consume the marriage, my husband would report

21 this to his boss. At that time they did not address each other as

22 sweethearts or lovers. They simply called each other "cadre",

23 correction, "comrade".

24 Q. Okay. And then shifting focus to the militiamen who you said

25 were watching you, first a general question. Do you know what

1 their general duties were in the village?

2 A. I do not know how to answer <that. The militiamen <were called
3 militiamen while the soldiers were called soldiers. They were
4 deployed to guard the villages and communes. After a marriage
5 took place, they spied on the married couples while they were
6 monitoring situations for any problems in the units at villages
7 and communes. At that time after I got married, they came to spy
8 on us at our place>. I do not know how to give any more answer
9 beyond this and I feel that the question is repetitious.

10 [13.44.38]

11 Q. Well, perhaps I'm not making myself clear. What I'm trying to
12 understand is you described them as militiamen. So what kind of
13 things did they do every day? For example, were they guarding the
14 village, providing security and doing other things, running
15 errands, do you know?

16 A. They did their work at their respective units and I do not
17 know much about their units.

18 Q. Thank you, Madam Civil Party. I might just try it a different
19 way to see if this makes a difference.

20 How did you know that the militiamen were specifically there to
21 monitor whether you and your husband were having sex and were not
22 just monitoring security in the village? Did they say something
23 to you? Did you hear something about this?

24 A. When I came down to relieve myself, I saw them sitting and
25 because I -- there were instances of my case that I disagreed, so

1 I concluded that they came to monitor whether we consummated the
2 marriage.

3 Q. Okay. So just to be sure, did you ever hear about an order to
4 the militiamen to monitor whether couples were having sex in your
5 village?

6 [13.46.53]

7 A. Yes. There were cases when people did not consummate the
8 marriage. And I find it difficult to give any more answers
9 because I feel that if I continue to give the answers, the answer
10 would be repetitious.

11 Q. I understand, Madam Civil Party. I will move on to my next
12 line of questions now.

13 I know we have discussed this at length but I am just going to
14 ask a few different questions now, just a few concerning what you
15 knew about what happened to your cousin Heng Vanny. And these are
16 my questions.

17 [13.47.36]

18 So this morning you spoke to the prosecutors about Heng Vanny
19 telling you that her mother had been taken away to be killed
20 because she was accused of being the network of the enemy. And
21 you also said that Heng Vanny lived in a nearby village so you
22 saw each other often and could speak to each other.

23 My first question just relates to that last part. How was it that
24 you saw each other often even though you didn't live in the same
25 village? Were you free to move around and meet each other?

1 A. We did not have freedom or rights to move -- move around. But
2 because we worked close to each other, for example, when I tapped
3 the resins, our village <was> on one side of the road and her
4 village <was> on another side of the road so we accidentally met
5 each other. So when we saw each other we tried to approach each
6 other to talk to each other.

7 Q. Thank you, Madam Civil Party.

8 And then later this morning, you told the International
9 Co-Prosecutor that your cousin told you -- Heng Vanny told you
10 that she was arranged to get married and she refused. And then
11 later you heard that she was taken away and you realized that she
12 was taken to be killed.

13 My question is did someone tell you why your cousin Heng Vanny
14 was taken away?

15 [13.49.34]

16 A. When she was taken away, I heard from other people that she
17 had disappeared. During the meeting I saw a comrade wearing her
18 clothes and during that meeting I saw the tag on the pocket of
19 his shirt and I recognized that it was hers, so I concluded that
20 my cousin was killed.

21 Q. Thank you. I am now going to ask you a couple of questions
22 concerning information in your supplementary information form
23 that was attached to your civil party application.

24 Mr. President, I will be quoting from E3/6011A and it was quoted
25 by the Prosecution earlier this morning and also by my colleague,

1 Liv Sovanna. The ERNs I will be quoting from are, in English,
2 01137890; in Khmer, 01003356; and in French, 01030293.
3 Madam Civil Party, as I just mentioned, this is a section of your
4 supplementary information form that my colleague has already
5 discussed with you before the lunch break. But now I would like
6 to ask you some different questions in this regard. So in order
7 to do that I am just going to re-read you the quotes so that you
8 have it fresh in your mind.

9 And this is the quote: "In 1977 Heng Vanny, alias Voeun, was
10 forced to get married but she refused. Therefore, she was called
11 by Angkar for re-education on several occasions."

12 And then a little later it says, quote: "In 1978, Heng Vanny, my
13 niece, was taken by car by Phan to Chamkar Svay Chanty, where the
14 three soldiers raped and killed her. I was told about this and
15 shown my niece's clothes." Unquote.

16 Now, Madam Civil Party, I know you have already discussed when
17 these events happened and I am not going to ask you more about
18 that. What I am interested in is the part where you said that you
19 were told about what happened to your niece and shown her
20 clothes. Who told you what happened to your niece?

21 A. In late 1977 and early 1978, when she was taken away by Phan,
22 because I used that road often and I heard from people telling me
23 that your cousin <was> taken away and she was <raped and then>
24 killed. And they told me that the vehicle of Comrade Phan took
25 her. And the person who told me said that it was true; it was

1 real. The person told me when I walked past his or her place and
2 he or she told me about that. And I think that my cousin really
3 died because from then until now I have never met her or received
4 any news about her.

5 [13.53.31]

6 Q. Thank you, Madam Civil Party. You just mentioned now about the
7 car of Phan and that's what my other questions were relating to.
8 In your lawyer's first questions today, and then in your
9 discussion with my co-lawyer, I heard you discussing how you
10 first refused to have sex with your husband, then he went and he
11 spoke to his chief who was named Phan and then this person named
12 Phan came to see you and raped you.

13 My question is as follows: Is this the same Phan as the Phan who
14 you identified as taking your cousin to Chamka Svay Chanty where
15 three soldiers killed her?

16 [13.54.25]

17 A. Yes, it was the same Phan because he was the chief and he was
18 in authority and no one dared to do anything with him. Later on
19 he also disappeared. So it was the same Phan, the same Pan that
20 caused harm to me and caused harm to my cousin.

21 Q. And my last question on this point. Your cousin, you said, was
22 in a different village to you. Do you know how it was that Phan
23 knew her?

24 A. I was aware because the villagers knew that I was related to
25 my cousin. So they told me because they saw -- because they saw

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1 Phan taking her away. Phan himself did not know that I was
2 related to my cousin but the villagers who told me knew that my
3 cousin and I are relatives.

4 Q. Thank you, Madam Civil Party. I just have a few minutes' worth
5 of questions left, and this is my last line of questioning.
6 This is about the discussion that you had earlier this morning
7 with the international civil party lawyers about why you were
8 only speaking about your experience, your personal experience of
9 being raped today. I have to ask you, can you elaborate on how it
10 was that it is only today that we are hearing about this?

11 [13.56.40]

12 A. <I told you already in the morning that I did not recall it back then. Then when I
13 was asked I recalled the suffering. So I spoke about it and that is my additional wording.
14 I did not actually mention about it at the time since my memory did not serve me well.>

15 Q. So why did you not speak about it before today? Did something
16 trigger you to raise it today where you didn't want to tell us
17 before today? That's my final question.

18 MR. PRESIDENT:

19 Hold on, Madam Civil Party.

20 I give the floor to the Lead Co-Lawyer for civil party.

21 [13.57.32]

22 MR. PICH ANG:

23 Good afternoon, Mr. President. I think the question is
24 repetitious and Madam Marie Guiraud has already <put> such
25 questions <to the civil party>.

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1 JUDGE FENZ:

2 I think it might not be clear in the translation. The witness has
3 explained to us why she didn't mention it previously. What
4 counsel wants to know why she mentions it today?

5 Do you understand that correctly? It's very similar but not
6 exactly the same. So why do you mention it today?

7 MR. HONG KIMSUON:

8 Mr. President, with your leave, because I was the one who started
9 the questions, in the word "romloph" or rape; in fact, she did
10 not forget about the rape but she just used a different word in
11 Khmer.

12 And I would like to refer to a document, "So I agree to the force
13 from my husband and other people." So at that time she used such
14 words to describe the situation but now she used the word "rape".
15 But in Khmer language they used the words "force from husband and
16 other people".

17 MR. PRESIDENT:

18 Now, the Defence Counsel, you may proceed with your line of
19 questions.

20 [13.59.47]

21 MS. DOREEN CHIN:

22 Sorry. It doesn't -- that's fine, Mr. President. I have no
23 further questions. Thank you.

24 MR. PRESIDENT:

25 The floor is given to the Defence Counsel for Khieu Samphan.

1 QUESTIONING BY MR. KONG SAM ONN:

2 Thank you, Mr. President. Good afternoon, Your Honours. Good
3 afternoon, parties and good afternoon, Madam Civil Party. My name
4 Kong Sam Onn. I am the national lawyer for Khieu Samphan and I
5 only have some supplementary questions to put to you.

6 Q. Could you please pronounce the proper name of your aunt to the
7 Court?

8 [14.00.48]

9 2-TCCP-274:

10 A. Her name is Sam Yun. However, she might be known by other
11 aliases.

12 Q. Thank you. So your aunt's name is Sam Yun and do you have
13 other aunts?

14 A. No, I don't. But as I said, my aunt had her native name of Sam
15 Yun and she may be known by other aliases.

16 Q. Is it Sam Yun or Sam Yon?

17 A. I told the interviewer Sam Yon but maybe the interviewer wrote
18 it as Sam Yun.

19 Q. I am trying to ask you whether the name is Sam Yon (phonetic)
20 or Sam Yun (phonetic) not Som Yun (phonetic).

21 A. The name is Sam Yun but I don't know how it is spelled in the
22 statement.

23 Q. And do you have another aunt by the name of Sam Yun or whether
24 this aunt of yours had her alias as Sam Yun?

25 A. My aunt's name is Sam Yun and I have <a mother> by the name of

1 Sam Yon (phonetic).

2 [14.03.09]

3 Q. I'd like to ask you some more questions about your aunt. Can
4 you tell the Chamber when did you last meet her?

5 A. I met her last in Phnom Penh. My elder brother took me to
6 Phnom Penh and I saw her for a brief moment. I did not know the
7 exact location because I was young but it was somewhere in Phnom
8 Penh and I met her briefly only.

9 Q. And what year was that?

10 A. It was in 1975, after the liberation day.

11 Q. What was her situation like when you met your aunt?

12 [14.04.28]

13 A. I did not observe her situation. I only asked her about how
14 she was doing. She said she was doing okay and she -- she looked
15 normal because when I met her it's just days after Phnom Penh had
16 been liberated and I did not meet her for a long time.

17 Q. What was her physical appearance?

18 A. She was normal and that was the same physical shape that I
19 remembered. She <was neither fat nor skinny.>

20 Q. Did she lose any eye or did she lose a limb or was she a deaf
21 person?

22 A. She was a normal person.

23 Q. Mr. President, I'd like to read an excerpt from <E3/6011A> at
24 Khmer, ERN 01003355; English, 01137889; French, 01030292. And
25 allow me to quote the following statement:

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

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1 "One day in 1970 or <1976 (sic)>, my aunt was suspected of being
2 affiliated with the Khmer Rouge, that is, Khieu Samphan. At that
3 time In Tam faction arrested her. She was tortured and
4 interrogated severely until she died."

5 MR. PRESIDENT:

6 Counsel, please hold on.

7 And lawyer for civil parties, you have the floor.

8 [14.07.52]

9 MR. HONG KIMSUON:

10 Thank you, Mr. President. I don't have any objection but I'd like
11 to clarify the document. In fact the document that -- the excerpt
12 should be for the year 1970 or 1971 and not 1970 or 1976.

13 BY MR. KONG SAM ONN:

14 Maybe it's a slip of my tongue. It should read, "One day in 1970
15 or 1971". Allow me to continue the excerpt. "At that time In Tam
16 faction arrested her she was severely tortured until she died."

17 And this part is difficult for me to read. And it reads that:

18 "She became disabled and she was also blind because of the
19 torture. She was tortured in order to clarify the relationship
20 between her," Sam Yun, "and Khieu Samphan." End of quote.

21 Q. And Madam Civil Party, in your statement that I just read out,
22 does it jog your memory? You actually signed this statement on 28
23 May 2014.

24 [14.10.06]

25 2-TCCP-274:

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1 A. Yes, I recall that statement. During 1970 and 1971 In Tam did
2 not arrest my aunt but they came to arrest my mother although my
3 aunt frequently came to visit my house. And my mother was the
4 elder sister and my mother's name is Sam Yon and my aunt's name
5 is Sam Yun and the name sounds pretty much familiar.

6 And as a result, my mother was taken away and tortured at that
7 location. She was accused of hiding her sibling and they were
8 asking her of her whereabouts, and they asked her about the
9 relationship between Khieu Samphan and her.

10 Q. Thank you. And are you saying that now you change your
11 statement from the one that you provided on the 28th of May 2014?
12 [14.11.22]

13 A. No, I do not change my statement. Maybe the interviewer or
14 note taker made a mistake. It was not my aunt who was arrested.
15 She fled away, but my mother, the elder sister of my aunt, got
16 arrested.

17 I can recall that vividly and I did not make that mistake. It
18 could be the mistake of the note taker or the interviewer because
19 I referred to two individuals. One was my mother and the other
20 one, the other one was my aunt.

21 Q. I have another question to put to you in relation to Khieu
22 Samphan.

23 MR. PRESIDENT:

24 Lawyer for civil parties, you have the floor.

25 [14.12.31]

1 MR. HONG KIMSUON:

2 Thank you, Mr. President. I do not object to the question.
3 However, I'd like to clarify the excerpt from counsel. If he
4 reads a bit further it would reach the point where she mentions
5 about her aunt's relationship to Khieu Samphan. "That's why In
6 Tam side tortured my mother and she became disabled for her whole
7 life." So here there is a distinction between her mother and her
8 aunt.

9 MR. PRESIDENT:

10 Counsel for Khieu Samphan, you may continue.

11 BY MR. KONG SAM ONN:

12 Thank you. In fact, the excerpt that I read out is correct. She
13 refers to her aunt and not her mother. If Madam Civil Party does
14 not make a mistake, maybe it is a mistake by then note taker.
15 However, it is clear that the word "aunt" is used in her
16 statement.

17 Q. And Madam Civil Party, did you know or did you have any
18 relationship with Khieu Samphan in particular between 1970 to
19 '75? Here I refer to your personal experience.

20 [14.14.25]

21 2-TCCP-274:

22 A. No, I did not, but my aunt worked in Chamkar Leu district. She
23 used to say that in 1971 or '72, although I may be unclear about
24 the year, Khieu Samphan went for his propaganda drive in Popreng
25 pagoda, but I cannot recall the exact date. However, it happened

1 in around 1971 or '72, that Khieu Samphan dressed in black
2 clothes and he was wearing a red scarf or krama. And there were
3 about 500 to 600 participants. At that time I did not participate
4 in the meeting and I was a distance away.

5 Q. Could you clarify your statement? Because you just said that
6 it was your aunt who had a relationship with Khieu Samphan and
7 that she told you about the meeting, or did you personally
8 participate in the event that is in that meeting in Popreng
9 pagoda?

10 [14.15.54]

11 A. People were told about that and then people spoke to each
12 other amongst their group members that we should go to attend a
13 meeting in Wat Popreng since Khieu Samphan came. So people would
14 go to that pagoda. Some went there by -- on bicycles. Some went
15 there on foot.

16 Q. My question is the following. Did you personally participate
17 in the meeting or did you know about the meeting in Popreng
18 pagoda through your aunt?

19 A. I did go to the meeting and I even saw Khieu Samphan there.
20 However, I was a distance away from the podium since the temple
21 was huge and I stood outside the temple.

22 Q. And do you recall the content of that meeting? What was
23 discussed during the meeting?

24 A. I cannot recall the content and I cannot recall any requests
25 or proposals, although I knew that Khieu Samphan was there. And

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1 this happened a long, long time ago since 1971 or 1972.

2 Q. In relation to your position, you stated earlier that you
3 worked at the rubber plantation and you also worked as a medic.

4 Did you have any particular function or title when you worked as
5 a medic or you worked as part of the Union Unit 07 at a rubber
6 plantation?

7 [14.18.25]

8 A. I myself was not a full-fledged medic. I was only used when
9 the medic was not available because I knew some -- I had some
10 experience in medicine. But I was not an official or trained
11 medic. In the unit I was an ordinary member.

12 MR. KONG SAM ONN:

13 Thank you, Madam Civil Party.

14 And Mr. President, I don't have any further questions.

15 [14.19.00]

16 MR. PRESIDENT:

17 Thank you.

18 And Madam Civil Party, as a civil party before the Chamber, you
19 may make a statement of harm and suffering in relation to the
20 crimes alleged against the two accused, that is, Nuon Chea and
21 Khieu Samphan which were inflicted upon you during the Democratic
22 Kampuchea regime from 17 April 1975 to 6 January 1979. And that
23 is the harms for physical, material or mental injuries as direct
24 consequences of those crimes and which resulted in your civil
25 party application to claim collective and moral reparations. If

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1 you wish to do so, you may make that statement before the Chamber
2 and if you have questions that you wish to put to the accused,
3 you may do so through the Chamber.

4 2-TCCP-274:

5 I'd like to ask Khieu Samphan the following question: What is his
6 relationship between him and my aunt, Sam Yun and why was she
7 taken away and killed at Tuol Sleng since she worked with him?
8 And that is all, Mr. President.

9 [14.20.52]

10 MR. PRESIDENT:

11 Madam Civil Party, the Chamber wishes to inform you that, so far,
12 the two accused still exercise their right to remain silent.

13 Please be informed.

14 And the hearing of testimony of civil party 2-TCCP-274, is now
15 concluded.

16 And Madam Civil Party, the Chamber is grateful for your testimony
17 as a civil party. You may leave the Court.

18 Court officer, please work with WESU to make transport
19 arrangements for the civil party to return to her residence or
20 wherever she wishes to return.

21 (Civil party exits courtroom)

22 [14.21.47]

23 MR. PRESIDENT:

24 Next, the Chamber will hear testimony of another civil party,
25 that is, 2-TCCP-224.

1 And Court officer, please usher civil party 2-TCCP-224, into the
2 courtroom.

3 (Civil party enters courtroom)

4 [14.22.51]

5 QUESTIONING BY THE PRESIDENT:

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

7 MS. SOU SOTHEAVY:

8 A. My name is Sou Sotheavy.

9 Q. When were you born?

10 A. I was born on 8 December 1940.

11 Q. Where were you born?

12 A. It was in Kantuot Thum village, Tralach commune, Treang
13 district, Takeo province.

14 Q. Where is your current address and what is your current
15 occupation?

16 A. Currently I live in the same native village and I am a rice
17 farmer.

18 Q. What are the names of your parents? And civil party, please
19 observe the microphone. You should speak only when you see the
20 red light on the tip.

21 A. My father is Sou Voath (phonetic) and my mother is Kauv Sokun.
22 Both died during the Pol Pot regime.

23 [14.24.31]

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

25 A. Her name is Ieng Rotha and we have one child, although we

1 separated since 1979.

2 Q. And Mr. Sou Sotheavy, you are invited to be here as a civil
3 party and toward the conclusion of your testimony, you are given
4 an opportunity to make an impact statement concerning the crimes,
5 which are alleged against the two accused and that happened
6 during the Democratic Kampuchea regime, if you wish to do so.

7 And civil party, have you been interviewed by investigators from
8 the Office of the Co-Investigating Judges? If so, how many times,
9 when and where?

10 [14.25.40]

11 A. I have been interviewed on a number of occasions by
12 representatives of the Khmer Rouge tribunal. However, I cannot
13 recall how many times. I came to testify here for one time.

14 Q. And before your appearance have you reviewed or read the
15 written records of your interview with investigators in order to
16 refresh your memory?

17 A. I still recall everything although it happened more than 30
18 years ago. It is like a record on the computer. My memory is
19 still vivid.

20 Q. To your best knowledge and ability, can you tell the Chamber
21 whether the written records of your statements that you have read
22 to refresh your memory, are consistent with the statements you
23 provided to the investigators?

24 A. They are consistent.

25 MR. PRESIDENT:

1 Thank you.

2 Pursuant to Rule 91bis of the ECCC Internal Rules, the Chamber
3 will hand the floor first to the Lead Co-Lawyers to put the
4 questions before other parties, and the combined time for the
5 Lead Co-Lawyers for civil parties and the Co-Prosecutors are two
6 court sessions.

7 You may proceed.

8 [14.27.36]

9 QUESTIONING BY MS. GUIRAUD:

10 Thank you, Mr. President. Good afternoon. Good afternoon, Civil
11 Party.

12 Q. I have a few questions to put to you this afternoon, mainly on
13 your marriage during the DK regime. And before I do this, and so
14 that everyone may understand who you are, I would like to refer
15 to document E3/4607; French, ERN 00845987; English, 00279712;
16 Khmer, 00279728; a document in which it is indicated that you are
17 a transgender woman. Which means -- <and I quote,> "We are women
18 born with the physical attributes of the opposite sex, which we
19 do not identify with.

20 Civil Party, can you confirm that in April 1975, you were a
21 transgendered woman?

22 [14.29.10]

23 MS. SOU SOTHEAVY:

24 A. In 1975, during the Lon Nol regime I did not change my sex;
25 even today. However, it's the physical attributes; that I do not

1 love women. <I love men.> It's just a feeling and I am in the
2 third group and we are known as transgender.

3 Q. Thank you. When the Khmer Rouge liberated the country in April
4 1975, did you look like a man or was your physical appearance
5 that of a woman? Did you dress like a man or did you dress like a
6 woman?

7 A. I started dressing as a woman since I was 10 years old.
8 Everywhere I went I continued dressing like a woman. Even in
9 1975, when I was evacuated to the countryside, I tried to conceal
10 my identity.

11 However, when I arrived in my native village, since I was known
12 by my relatives and the Base People, I took off my clothes that I
13 was wearing, although I refused to cut my hair.

14 Q. And at one point in time during the DK regime did you have to
15 cut your hair?

16 [14.31.20]

17 A. When I was evacuated from Sanlong mountain, it was a
18 re-education prison, my hair was not cut yet. Only when I arrived
19 at the destination where I settled down with the villagers that
20 they told me that the Old and the New People would be required to
21 marry and then they sent in soldiers to cut my hair.

22 Q. And as of then, under the DK regime, were you considered as a
23 member of the New People?

24 A. I was considered since <17> April 1975, because I was
25 considered as the <17> April people, not like the Old People.

1 Q. Did you get married during the DK period?

2 [14.32.49]

3 A. After I was evacuated from Phnom Sanlong, from the prison, I
4 was relocated to Chek village of Doung commune, in Bati district.
5 During the Khmer Rouge regime it was within Kandal province, but
6 now it's part of Takeo province. I was asked to get married but I
7 refused.

8 Q. Do you remember approximately the date when you were asked to
9 get married? Do you remember the date when you arrived in Chek
10 village?

11 A. When I arrived in Chek village of Doung commune it was early
12 1977. They did not identify who should get married to whom yet.
13 They simply made the announcement that sooner or later there
14 would be a marriage organized.

15 And in February they forced me to get married. Finally in
16 <August> 1977, the marriage took place.

17 Q. You said earlier that you were asked to get married a first
18 time but that you refused. Can you tell us who asked you to get
19 married and how and why you refused back then to do so?

20 A. It was the unit chief who forced me, threatened me to marry.
21 If I did not agree, I would be taken to study. I would be taken
22 to be killed. But I told the person that my mother was quite old
23 and she could not move around. So I begged for his pardon to keep
24 me to look after my mother.

25 Q. And when you asked this unit chief to not get married, what

1 was his reaction?

2 [14.35.46]

3 A. The Khmer Rouge never compromised with us and they never used
4 good words with us. They did not say anything but later on they
5 moved me to study at the commune. And I felt very difficult to
6 talk about this because every time I talk about this I feel so
7 tense, because every time that we protested or disagreed with
8 them we were threatened that we would be taken away to be killed.

9 Q. You said earlier that you wanted to take care of your mother
10 who was aged. Was your mother with you in Chek village and were
11 there other members of your family in that same village?

12 [14.37.09]

13 A. All my family members <were> gone except my old mother. Later
14 on my mother was also taken away to be killed. They accused my
15 mother of being lazy and <unable to> work. She was taken away and
16 she disappeared since then. At that time I felt that whatever
17 happened I would accept it. My in-law told me that I had to agree
18 because if I continued to refuse I also would be taken away to be
19 killed. I kept on refusing to get married because I never loved
20 women. I love only men. That is my nature since I was born.

21 Q. Was your mother taken away, as you said, before or after your
22 marriage?

23 A. She was taken away toward the day I got married. But I could
24 not identify the place where she was killed. Doung villagers told
25 me that my family members were all taken away to be killed. I

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1 only -- what I could do was only conducting the religious rituals
2 to pray for their souls.

3 Q. Civil party, I am going to continue putting questions to you
4 but if you need to take a break, I think you can tell us and the
5 President will of course consider that.

6 So were you informed of the reasons you had to get married? Were
7 you explained why you had to get married?

8 A. They did not tell us any reason. They simply forced me to get
9 married.

10 I could not move anywhere because Ta Pek mountain, it was an
11 isolated place. It was the place where they kept the 17 April
12 People and the people without any relatives. And I myself as a
13 transgender woman was also placed there.

14 I was required to break the rock and I must make sure that I
15 could break one cubic metre of rock a day. Otherwise, I would not
16 be given food to eat.

17 [14.40.36]

18 MR. PRESIDENT:

19 It is now an appropriate time for a break. The Chamber will take
20 a 20 minute break.

21 The Court is now in recess.

22 (Court recesses from 1440H to 1459H)

23 MR. PRESIDENT:

24 Please be seated.

25 I would like now to hand the floor again to the Lead Co-Lawyer

1 for civil parties.

2 BY MS. GUIRAUD:

3 Thank you, Mr. President.

4 Civil party, I will continue. Were you informed of the day when
5 you were going to get married?

6 [15.00.21]

7 MS. SOU SOTHEAVY:

8 A. No. I was not informed of the day of marriage. And I was
9 called on that very day while I was breaking rock. I was told
10 that I would get married. I was at Svay Chrum hill breaking rock
11 and I was called together with other workers.

12 Actually, initially they didn't inform us. They allowed us to
13 chit-chat for a while.

14 And I came to know a woman who was supposed to get married on
15 that day as well and we said both of us were orphans we did not
16 have any parents and that we were also the 17 April People and
17 that we should consent to marriage.

18 Because I suspected that we would be required to get married on
19 that particular day, and it came out as true. Actually, I asked
20 her that we should consent to one another and that we should
21 signal one another so that we would be paired. And I told her to
22 have a scarf on her head while I was wearing a scarf around my
23 neck. And she followed my instruction and she was sitting there.

24 By 6 o'clock in the afternoon everybody came, including chief of
25 the unit, the chief of the commune and our villages and that is

1 when the ceremony started.

2 [15.02.27]

3 Q. Who summoned you and how many members of your unit were
4 summoned at the same time <as> you were?

5 A. It was the unit chief and respective unit chiefs who came to
6 call us, that is, both male and female members of the unit. And
7 we simply followed them. Nobody actually came to tell us at the
8 worksite that we had to get married that day. We were told to go
9 and gather in Svay Kom (phonetic), alias Svay Chrum hill. That's
10 the place where we were gathered and that's usually where the
11 meetings were held by leadership and usually they had meals
12 there.

13 So we followed our respective unit chiefs to the location and I
14 did not know how many people actually went. Only on the -- during
15 the ceremony that I knew how many couples were supposed to get
16 married.

17 [15.03.54]

18 Q. At the time, did you work in a mobile unit? Did I understand
19 you correctly, when you said that you were breaking rocks? Were
20 you a member of a mobile unit?

21 A. Yes, I was. I was a member of a mobile unit. We were required
22 to break rocks at Ta Pek mountain. There was nothing else that we
23 could do there besides breaking rock. We were required to break
24 one cubic metre of rock per day or two.

25 Q. Did I understand your testimony correctly, if you say that you

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1 were summoned and the same day at 6 p.m. the marriage ceremony
2 took place? Did I correctly understand your testimony?

3 A. The unit chief called us from our work site around 3 o'clock
4 in the afternoon and when we arrived there we just sat there. And
5 at around 6 or 7 o'clock at night we were required to line up and
6 we were wondering what was happening. We noticed that there were
7 female youths as well but we did not dare to ask them. We thought
8 that we were sent for a study session and only when we were in a
9 line then the chief made the announcement.

10 [15.05.50]

11 Q. And what did the chief say at that time when you were already
12 lined up? Do you remember what he said to you?

13 A. Yes, I still remember it very well. I will remember it until I
14 die because that was a point that cause me the most pain. They
15 made an announcement that, "The population of Cambodia is not
16 that great and for us, male and female youths we strive to work
17 best. And for that reason Angkar required us to get married to
18 increase the population." That's why we knew that that was the
19 day that we were forced to get married.

20 And as I said, I suspected that that was the day because I heard
21 people in the village talking about the marriage celebration that
22 day. But I did not know who would be the couples. That rumour was
23 in February and the marriage day itself was in August.

24 [15.07.11]

25 Q. Do you remember the number of couples that were married that

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1 day, or if you don't remember the exact number can you give us a
2 <general> idea of the number of couples?

3 A. I can give you the precise number. As I said, I recall the
4 event very clearly and I cannot forget it. There were 107 couples
5 all together and there were 80 couples who were 17 April People
6 and I was the seventh couple in the row. I remember that vividly.

7 Q. Did you know your spouse before meeting her on the day of the
8 marriage? You explained that you met her shortly before the
9 beginning of the ceremony. Did you know this person beforehand?

10 A. I knew her because we were in the mobile unit. Sometimes we
11 met while we were working. She was an orphan. She did not have
12 any parents or siblings. The conditions was the same for me. I
13 was an orphan and I did not have parents or siblings.
14 Although we knew each other, we never spoke to one another except
15 on that day. That day I decided to talk to her, although I did
16 not know that that was the day of the marriage except after we
17 were lined up, then we were told that that was the marriage day.

18 [15.09.26]

19 Q. Was the chief -- <and> the one who presided over the marriage
20 ceremony -- the person who designated that this would be your
21 spouse? And <more concretely,> can you tell me how <couples were
22 paired off> on that day?

23 A. At that time there was no such arrangement that these men had
24 to marry this woman. No, we were not told about that.

25 We were in a line and the women were in a separate line, then

1 they played a game similar to hide-and-peek. They actually
2 switched off the light and that we had to feel a woman in another
3 -- on another line and I suspected that -- that what's going to
4 happen.

5 That's why I spoke to the woman and that I asked her to put a
6 scarf on her head and that I had to wear a scarf around my neck.
7 So after I patted the woman -- of course, it was not completely
8 dark, but I could feel her and then I got hold of her hand and
9 she got hold of mine.

10 [15.11.15]

11 Q. Did you have to take some kind of a vow or pronounce something
12 during this ceremony?

13 A. We had to make a resolution. There were two Base People and
14 four 17 April People. It meant that there were six couples and
15 since I was the next couple, I were called to make the
16 resolution. That's why I recall it vividly, that I was the
17 seventh couple.

18 I do not recall the words that they spoke during the resolution,
19 but for me I had to follow them in order to survive so that they
20 had trust in us, and that we -- the trust that we loved one
21 another and that we had to follow Angkar. We had gratitude for
22 Angkar who organized the marriage for us and that we would become
23 husband and wife and produce children as required by Angkar.
24 That's the resolution that I made. Then they clapped their hands.

25 Q. At the time on the day of the marriage, did you feel that you

1 had the opportunity to refuse to get married?

2 [15.12.58]

3 A. No, I could not refuse. That was the time that we had to
4 follow them.

5 Previously, I heard about the arrange marriage in late '76 or
6 early '77, and several of those couples were taken away and
7 killed under the pretext of sending them for study sessions.

8 And I had to find a woman and pretended to be husband wife,
9 although I did not have a feeling for that woman at all, and what
10 I did was to survive and the -- that woman understood me, that I
11 was in that fashion and that's why she agreed to our arrangement.

12 Q. Did any one of the persons present that day for the marriage
13 ceremony refuse to get married on that day? You said that there
14 were 107 couples. Among these people, were there any who refused
15 to get married?

16 [15.14.21]

17 A. There was none of the 107 couples who refused, however, we
18 could see that some people shed their tears quietly, especially
19 the women. As for men, some of them also wept although they did
20 not dare to speak out.

21 Most of the women shed their tears. I did not know about their
22 personal feeling, but that's what I observed, but nobody dare to
23 make any verbal refusal to the arrangement.

24 Q. And you, what were your feelings on that day at that time
25 during the ceremony? What was your <state of mind>?

1 A. I did not feel anything because, as I said, I had spoken to
2 her. We made our arrangement that she had to wear a scarf on her
3 head and that I had to wear a scarf on -- around my neck so that
4 we would find one another and that, in the end, I achieved my
5 objective.

6 Q. Could you describe the marriage ceremony and tell us if that
7 ceremony was different from the marriages that you were able to
8 attend before Democratic Kampuchea or after Democratic Kampuchea?
9 Were people dressed in the same way; was there music; were there
10 flowers? Can you explain to us a little bit how the ceremony was
11 organized?

12 [15.16.23]

13 A. That wedding ceremony was not organized according to the Khmer
14 tradition at all. That wedding ceremony was held according to
15 Angkar's <absolute> plan and we were forced.
16 There was nothing played over a loudspeaker. In fact, there was a
17 small loudspeaker, which was used to relay instructions to the
18 people who had to marry.

19 Q. And when you talked about the small loudspeaker and the
20 instructions, are you talking about what you spoke of earlier,
21 that is to say the orders that were given to you to pledge
22 allegiance to Angkar and to produce children for Angkar; is that
23 what you're talking about, these instructions?

24 [15.17.35]

25 A. They spoke about producing children for Angkar, having respect

1 for Angkar, and anybody who betrayed Angkar would be smashed and
2 that if we did not follow Angkar's instructions, we would be
3 smashed. So the marriage was not organized according to the
4 traditions. We were forced to get married.

5 Q. A while ago, you spoke of the presence of the heads of the
6 unit and the head of the commune during the marriage ceremony.
7 Who presided over the ceremony? If there was someone presiding
8 over the ceremony, who was it?

9 A. I do not know who presided over the ceremony. The person was
10 in senior leadership. I only call him Comrade Om, that is, uncle,
11 but I did not know of his real position. But I saw the commune
12 chief came together with unit chiefs and the unit chief of the
13 woman that I married to was also in charge of the 17 April
14 People.

15 And there were those chiefs who came in a group. They dressed in
16 the nice colours clothing, but for us we wore black clothes, some
17 were torn and some were stained with mud as we came from the
18 field. And the scarf that I wore was old and unwashed, so you
19 could imagine that we were forced, we were compelled to get
20 married.

21 [15.19.44]

22 Q. What can you tell us about the person whom you married? I
23 think you gave the name Rotha, earlier. I've understood that she
24 was in a mobile unit with you and, if I understood you correctly,
25 you just said that she was a unit chief. What can you tell the

1 Court about this person; who was she and where did she come from?

2 A. I did not know where the person came from, but the person was
3 from a nearby village. It was in the same commune, that is from
4 Doung village. I was in Chek village, however, we belonged to the
5 same commune, that is, Doung commune, but I did not know where
6 the person originally came from.

7 As for the role of the unit chief of the female, the unit was
8 based in <Boeng Mhach (phonetic)> while we, the male unit, was
9 based at the <Ta Pek> mountain to break rocks. And we were
10 allowed to visit the village every 10 days, and that's when we
11 met one another.

12 [15.21.20]

13 Q. What -- how old was your wife? Did you have the same age or
14 was there an age difference between you?

15 A. I did not know how old she was at the time. She is 50
16 something by now and I am 70 something by now, so I was older
17 than her. She was around 20 something while I was 30 something,
18 during 1977.

19 Q. Thank you. Can you explain to the Court what happened the
20 first night after the marriage ceremony?

21 A. We -- after the conclusion, we were instructed to return to
22 our respective houses and for those who did not have houses, they
23 returned to their mobile unit.

24 For me, I went to my elder in-laws' house, that is the house
25 belongs to my deceased mother, so I returned to that house.

1 However, the house at the time was not built high off the ground.
2 Probably, it was about one metre high off the ground and when we
3 went onto the house at around ten or eleven o'clock at night when
4 I was chit-chatting with my elder in-law and my wife, we looked
5 to the -- we looked under the house and we saw movement of
6 shadows although we did not know who they were.

7 However, in the morning we saw mass of people crawling under the
8 house and then we knew immediately that they came to spy on us
9 because while we were unmarried they crawled under the house to
10 make -- to listen whether we were agents of CIA or KGB.

11 And, after we got married, they did the same but this time they
12 wanted to make sure whether we consummated the marriage or not.

13 [15.24.14]

14 Q. And can you tell the Chamber if the marriage with Rotha was
15 consummated, at least that first night, and then we'll <talk>
16 about later?

17 A. No, we did not consummate the marriage <on the first night>,
18 and it continued for several weeks that we were taken for study
19 sessions. We were questioned whether we had consummated the
20 marriage and we said, yes, we had, and then they said, no, they
21 did not believe me because I was a transgender and how could I
22 sleep with my wife. And I told them, if not, then you could have
23 a look at my genital, but they did not do that.

24 [15.25.07]

25 As for my wife, she was in a female unit. She was also grilled on

1 that point whether she consummated the marriage and she said, of
2 course, yes.

3 So we were questioned on both sides and they warned if I did not
4 consummate and if they find out, then we would be smashed. But I
5 told them that we did. We were threatened repeatedly until we
6 decided to consummate the marriage.

7 One day, the village chief who liked me, who considered me as his
8 relative, gave me some wine. Then I drank the wine with my wife
9 together and we got drunk, and then I said that, "If we do not
10 consummate the marriage today then one day if they would find out
11 and we would be killed and that we run out of lies." And she said
12 that we should do anything in order to survive.

13 And then, under the effect of the alcohol, my mood changed and
14 that's how I consummated the marriage.

15 [15.26.42]

16 Q. Was that the first time that you had had such relations with a
17 woman?

18 A. Throughout my life, that was the only time I had sexual
19 intercourse, so far, that was the only time -- I am 70 years-old
20 something and that was the only time that I had sexual
21 intercourse, and I swear to the Chamber that that is the truth.

22 Q. Can you explain to the Chamber what was the frequency with
23 which you saw your spouse, and once the marriage had been
24 pronounced, did you live together? Did you meet each other at
25 certain times of the week or the month? How frequently did you

1 see your spouse? Can you explain to us a little bit how the
2 marriage between you and Rotha continued from day-to-day?

3 [15.28.06]

4 A. After the marriage and after I consummated the marriage for
5 one time after I got drunk, we were separated and maybe they
6 found out that we had intercourse with one another after we got
7 drunk. The way they spied on us that night and we did not pay
8 attention to that. They knew that we slept with another and then
9 they sent me to live in Tuk (phonetic) in Ta Pek Mountain to
10 break rock, and every 10 days we were allowed to meet each other.
11 But I did not have any sex with her because I became so tired
12 after I worked from the work site and I never even had a feeling
13 about sex and I did not even notice that my wife became pregnant.
14 And at six o'clock in the evening I said goodbye to her and I
15 returned to the work site and, of course, my wife understood
16 that. She could see through my poor physical condition that my
17 kneecaps were as big as my head, and how could somebody had any
18 feeling about sex. We were trying to survive.
19 My wife and I, we were the only person in our family line
20 because, by 1979, we both were trying to find any remaining
21 relatives everywhere, but we failed.
22 Even today, I am living just for the sake of being alive. In
23 fact, I should have been -- half of my body should have been
24 paralyzed from hypertension sometimes ago, and I like to express
25 all the pains that I have before this Chamber.

1 [15.30.28]

2 Q. You said that your wife became pregnant, so did she deliver
3 <the child> and, if yes, can you tell the Court what happened to
4 the child? Did you see your child? What can you tell us about the
5 child?

6 MR. PRESIDENT:

7 Madam Civil Party, please wait until the tip of the microphone
8 turns red.

9 MS. SOU SOTHEAVY:

10 I was not aware that my wife was pregnant until she delivered,
11 but my in-law came to tell me that my wife delivered a daughter
12 and that the baby -- the female baby was beautiful.

13 I did not have time to go and visit her because I was required to
14 break <one cubic metre of> rock <per day; otherwise, we would not
15 be given rice to eat>. I really wanted to go home to see the face
16 of my child, but I could not walk.

17 [15.31.58]

18 BY MS. GUIRARD:

19 Q. Did you ever think about separating from Rotha and were there
20 couples that would break apart back then when they were not
21 satisfied with their marriage?

22 MS. SOU SOTHEAVY:

23 A. Yes, there were some couples, which got separated. They were
24 taken away for study session and they disappeared, they never
25 returned to the village. They were said that they were taken

1 away to be educated, but they never returned. Only about 10
2 percent of those who married on the same day with me survived.
3 Occasionally, I met one of them.

4 Q. So if I understood your testimony properly, a certain number
5 of people who were married -- or who got married at the same time
6 as you during that ceremony in August 1977 -- disappeared because
7 they tried to separate from their spouses after the wedding
8 ceremony. Do I understand your testimony properly?

9 A. People had the right to get divorced only in 1979, but during
10 the Khmer Rouge regime they did not have the right to get
11 divorced. They simply disappeared because they were required to
12 go for study session.

13 [15.34.06]

14 Q. You spoke to us about the daughter you had with <Ieng> Rotha.
15 Do you remember more-or-less when she was born and have you
16 received any news from her since?

17 A. Since the baby was born until nowadays, I have never received
18 any news about her. Since the collapse of the regime in 1979
19 until now, I have never received any news about her.

20 Q. Do have any news from <Ieng> Rotha, your wife?

21 A. For my wife, I don't know whether she's still alive. And if
22 she's still alive, I don't know where she live. I also try to
23 search for my daughter and my wife, but I could not find them.
24 Since 1980, until now, I tried to search for them but I could not
25 find them although I am a transgender but I have sympathetic

1 feeling toward them and try to locate them but I could not find
2 them.

3 [15.36.02]

4 Q. And my last question, Civil Party, when you think about this
5 marriage, about those events, what do you feel with the 40 years
6 <of> distance between the ceremony of August '77 and today? Can
7 you share with the Chamber what you feel when you think about
8 those events?

9 A. As I said a little while earlier that although I was a
10 transgender, I had a child like other people, and it was -- it
11 was tragic that we got separated from each other. It was painful
12 for me. Although I did not love woman, I still feel sympathy
13 toward my child.

14 When we were re-educated together, I felt frightened. I try hard
15 to find them, but I cannot. Since my health was good until now my
16 health was poor, I have always thought about them.

17 MS. GUIRARD:

18 Thank you, Civil Party.

19 Thank you, Mr. President, I have no further questions.

20 MR. PRESIDENT:

21 Thank you, Madam Lawyer. Now I give the floor to the

22 Co-Prosecutor.

23 [15.37.55]

24 QUESTIONING BY MR. KOUMJIAN:

25 Q. Good afternoon, Madam Witness. Thank you very much for coming.

1 I have a few questions I hope that you can help us to better
2 understand the situation of what happened so long ago at a time
3 that was so different from today. So you mentioned that there
4 were over 100 couples involved in the ceremony where you got
5 married; so over 200 individuals.

6 Can you tell us the age range, the best you could estimate, how
7 old or how young these men, women, boys or girls were?

8 MS. SOU SOTHEAVY:

9 A. Based on my knowledge and observation, they were -- their age
10 were nearly equal. I was a bit older than my wife. Many of them
11 were young, but not too young. So they were roughly between 20
12 and 30s for the men.

13 [15.39.22]

14 Q. Okay. Thank you. And you described a process where there were
15 two lines. You said it was -- is it correct that it was evening,
16 the sun had gone. Is that correct -- or was it still dusk?

17 A. It was the time when the sun set. We were required to stand
18 up. We could not <sit> down. If we want to stand -- to sit down
19 we <had> to put our flip-flop beneath us, but we were asked to
20 stand up in line.

21 Q. And then you described a process, if I understood correctly,
22 where the two lines were asked to walk towards each other and
23 grab someone from the other line; in other words, a man and a
24 woman to touch each other. Is that correct, to pair off?

25 A. When we were required to stand in lines and then they started

1 to turn off the electricity and when the electricity was off,
2 they required us to touch each other. They did not tell us to hug
3 each other, but simply to touch to find our partner.

4 [15.41.17]

5 Q. Now, at some point did the lights go back on?

6 A. After we identified our partner and then the electricity came
7 back, I felt satisfied because I was able to find my own partner,
8 but some other couples were not. Some of them wept, including men
9 and women, they kept weeping.

10 Q. Was there any possibility for someone to say no, my
11 boyfriend/my girlfriend is this other person, I want to change
12 the arrangement?

13 A. We even did not dare to cough, we did not dare to talk because
14 if we talked, we would be disappeared, so we had to accept but
15 with expression of weeping, tears coming down.

16 [15.42.57]

17 Q. You indicated that there were people in bright coloured
18 clothing, better clothing than the clothing you workers from the
19 mobile brigade were wearing.

20 Were any of those people, to your knowledge, from outside of your
21 commune? Were there any leaders at a higher level, as far as you
22 could tell, present at the ceremony?

23 A. Talking about clothes, as I told you earlier, it -- we wore
24 the clothes from the paddy fields. Our clothes <were> dirty, and
25 as for my clothes, it was also dirty because I just came back

1 from breaking the rock and even the scarf was smelly.

2 I saw the district chief<, > the commune chief and <the> chief <of
3 the youth unit> but I did not know their names.

4 Q. Do you -- in any of your experiences during the regime, did
5 you ever see the visit of people at a higher level, from a zone
6 leader or someone from the Centre?

7 A. I saw them when I joined the <construction> of the Tumnu
8 <Provoattesas> (phonetic), Angkor Borei<, Kaoh Andaet>. I saw Ta
9 Mok and Ta Saom (phonetic). I knew them. I also saw Ta Chan
10 (phonetic). I was familiar with the three people. But for other
11 leaders, for example, Pol Pot, I never saw them. I saw only Ta
12 Mok, Ta Saom (phonetic) and Ta Chan. (phonetic)

13 Q. Where did you see Ta Mok?

14 [15.45.25]

15 A. The dam was called the Historic Dam. It's from Angkor Borei
16 through to <Kaoh Andaet> and they came to inspect the dam. I saw
17 them while I was carrying the <dirt>. I did not have much time to
18 look at them because I had to carry <dirt> back and forth.

19 Q. Now, you mentioned -- going back to the forced marriage -- you
20 mentioned that before your marriage you had heard of these
21 arranged marriages taking place. Can you tell us a little bit
22 more about that? Had you ever witnessed a forced marriage or
23 arranged marriage ceremony previously?

24 A. When I was at Tralach commune, of Treang district, Takeo
25 province, I also witnessed the marriage of handicapped people

1 from the military. They had leg and hand handicaps. They got
2 married to the Old Base People and they had tables and chairs for
3 the wedding. It's different from the wedding of the 17 April
4 People.

5 [15.47.07]

6 In my wedding ceremony, there were 107 couples, and among those
7 80 were -- 80 couples were the 17 April People. Because I was
8 short, I stood at the front and my couple was assigned as the
9 seventh couples.

10 Q. The marriage of the handicapped people that you witnessed --
11 and I believe you said soldiers -- can you tell us was that
12 handicapped marrying non-handicapped or was it handicapped
13 marrying each other?

14 A. They did not get married to handicapped women. They got
15 married to the women who were considered as loyal to the Party.
16 The woman was at the rear battle. They were not visible. They
17 were chiefs of cooperatives, they were medics at the
18 cooperatives.

19 When the soldiers with disabilities sent back from the
20 battlefields, they got married to those women, and those women
21 even -- even though they were the 18 <> People, <the Base
22 People,> they did not dare to refuse.

23 [15.48.43]

24 Q. Do you know who chose these women for -- did the women have a
25 choice, if you know, in that ceremony? Or was it, again, were

1 they told to marry various handicapped soldiers?

2 A. I saw the disable soldiers coming to get married. It was not a
3 -- it was not forced. The women were asked to get married to
4 those disable soldiers and none of them dare to refuse. But it
5 was just a smaller numbers of couples. It was different from the
6 17 April People's wedding.

7 I did not hear the words of threat or intimidation during the
8 wedding of the disable soldiers with the Base women. It was
9 different from the wedding of the 17 April People.

10 [15.49.56]

11 Q. Okay, I'll come back in a moment to why people didn't refuse,
12 that's very important.

13 But, first, let me ask you, do you know of the experiences of
14 other transgender persons and that you knew before the April
15 1975, and whether they were forced to get married during the DK
16 regime?

17 A. When I was at my native homeland in 1975 and '76, there were
18 cases of forced marriage but the transgender people would refuse
19 even though they had to commit suicide. They would commit suicide
20 by drinking the poisonous substance. They refused to get married.
21 But because I had an old mother and after my mother died, I felt
22 that I was the only -- I was lonely in this world.

23 Q. Of the transgender persons that you knew before the fall of
24 Phnom Penh in April 1975, can you tell us, if you know, did most
25 of them survive, did half of them survive? What percentage of

1 them, in your experience of those you knew, survive the regime?

2 A. All my friends who sang with me in the bars disappeared,
3 including Dy, Phala, Roatha, Saray, all gone. They were shot at
4 the -- at our rent house. Only Sinath and I survived.

5 But, later on, I got separated from her when we were relocated to
6 different villages. As for other friends of mine died at the
7 <Old> stadium. They were shot dead there and I never met any one
8 of them again.

9 [15.52.36]

10 Q. Okay, thank you. And what about brothers and sisters, siblings
11 of yours. Can you first tell us how many you had at the start of
12 the regime in April 1975, and tell us how many -- if you know if
13 any were forced to be married or if any died during the regime?

14 A. Fifteen of my family members, including my parents, all gone.
15 No-one survived. All of them were killed. I witnessed with my own
16 eyes two of them who were tied up. They were sent away, they were
17 sent away to study. Only I survived until now.

18 [15.53.43]

19 Q. Okay, thank you, Mr. Witness.

20 Now, I'm coming back to some important questions when you're
21 ready. Let me just take a pause for a moment.

22 You just let me know. Take your time, let me know if you'd like
23 to continue now or if you really don't feel like you can, perhaps
24 we can ask to adjourn now; we only have a few minutes left.

25 A. It's okay now, you can continue your questions.

1 Q. Okay, thank you very much. You mentioned in talking about the
2 ceremony that you were told that Angkar wants to increase the
3 population and I'm interested in you explaining to us, at that
4 time, what was told to you about who was Angkar?

5 A. I did not know who they were. Everyone who appeared said they
6 were Angkar. So everyone were Angkar including the chief of the
7 commune, the chief of the unit, so I could not identify who was
8 really the Angkar because everyone who was in authority were
9 called Angkar.

10 Q. Did you hear people talk about the Party?

11 A. My apology that I cannot give any answer about the Party,
12 Communist Party. I was simply a 17 April People, who were sent to
13 reside with the other 17 April People.

14 [15.56.23]

15 Q. Thank you very much. That's fine. All we want is what you do
16 know. If you don't know, that's fine.

17 But there's something important I'd like you to explain because
18 we weren't there and I think it's a very different place that you
19 were in 40 years ago.

20 When you say you could not refuse, that all those 107 couples
21 no-one said no because you said you were afraid you'd be taken
22 away and be killed. Why? What was it -- what had you seen? What
23 was it like that made people feel that if Angkar suggested they
24 get married that they had to do that, that they had no choice?

25 [15.57.20]

1 A. All of them were in a tense situation. They were
2 psychologically tense, but they did not dare to speak because
3 their relatives and parents would educate them to grow the
4 so-called "kor tree" (phonetic) <or to be silent. If you were
5 known to be knowledgeable, you would be killed.>
6 So, for example in my case when I was assigned to give the food
7 to the pigs, I simply followed the order. I did not dare to speak
8 out because we were the 17 April People and they would accuse us
9 of being members of CIA or KGB, but we had to live with it. We
10 did not dare to speak out or protest and we must make sure that
11 we would not steal anything because if they saw us stealing
12 things we would be accused of being thieves. But thief was a less
13 crime than the image of being CIA member or KGB or intellectuals.
14 Q. In your experience -- and maybe this will be the last question
15 -- in your experience, so we understand, what did people do, what
16 kind of evidence did they rely on to accuse people of being KGB
17 or CIA? Who could be accused of that and for what reason?
18 A. They had no concrete evidence to accuse us. If they wished for
19 a person to die, they simply said the person was a KGB agent. And
20 if they really wanted a person to die, they would accuse that
21 person of being a CIA or KGB member or even an intellectual
22 person although that person may not be able to read and write. So
23 everything -- everything was on the tip of their mouth and if we
24 wanted to survive, we had to be quiet.
25 MR. PRESIDENT:

100

1 Thank you, Co-Prosecutor.

2 It is now time for the adjournment. The Chamber will resume its
3 hearing tomorrow, 24 August 2016, at nine o'clock.

4 Madam Sotheavy, the hearing of your testimony has not yet
5 concluded. You are therefore invited to come back tomorrow at 9
6 a.m.

7 The hearing tomorrow, the Chamber will continue to hear the
8 testimony of Madam Sotheavy and we will hear the testimony of
9 2-TCCP-264.

10 Security personnel are instructed to bring Khieu Samphan and Nuon
11 Chea back to the detention facility and have them returned to the
12 courtroom tomorrow morning before 9 a.m.

13 The Court is now adjourned.

14 (Court adjourns at 1601H)

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