



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 30-Oct-2012, 15:20
CMS/CFO: Uch Arun

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 October 2012
Trial Day 121

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Andrew Ianuzzi
ANG Udom
Michael KARNAVAS
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
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Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

CHAN Dararasmey
Vincent De Wilde D'Estmael

PICH Ang
Élisabeth SIMONNEAU-FORT
SAM Sokong
TY Srinna
VEN Pov
LOR Chunthy
HONG Kimsuon

For Court Management Section:

UCH Arun
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. CHAN DARARASMEY	Khmer
MR. CHUM SOKHA (TCCP-25)	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SON ARUN	Khmer
MS. SIMONNEAU-FORT	French
MS. TY SRINNA	Khmer
MR. VERCKEN	French
MS. YIM SOVANN (TCCP-169)	Khmer

1

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 Before I hand the floor to the civil party to express her sorrow,

6 we invite the greffier, Duch Phary, to report the participants --

7 the attendance of the individuals and parties to the proceeding.

8 [09.07.39]

9 THE GREFFIER:

10 Mr. President, in today's proceedings, all parties are present,

11 except the accused Ieng Sary, who is absent due to his health.

12 However, based on his letter of waiver document E237, he requests

13 to waive his direct presence in hearing the testimony of this

14 civil party.

15 He also waives his hearing of TCCP 25 that the Chamber will hear

16 after this civil party. That civil party is also awaiting to be

17 called.

18 MR. PRESIDENT:

19 Thank you.

20 We would like now to give the floor to Civil Party Yim Sovann so

21 that you can make your personal statement, expressing your sorrow

22 during your times under the Democratic Kampuchea. In your

23 capacity as a civil party, you have the right to do so if you

24 wish. You may proceed.

25 [09.09.11]

2

1 I notice the Lead Co-Lawyer for civil party is on his feet. You
2 may proceed.

3 MR. PICH ANG:

4 Good morning, Mr. President, Your Honours. Good morning, everyone
5 in and around the courtroom. I took consultation with other civil
6 party lawyers and my colleague, and we decided to make a
7 submission to the Chamber that all civil parties to be summoned
8 in Case 002 as a whole or 002/01 – that they shall also be
9 allowed to make statements concerning harms occurred for the
10 entire Case 002. That is our submission.

11 And if Mr. President wishes to elaborate further on the reasons
12 behind this submission, I am obliged to do so.

13 MR. PRESIDENT:

14 Yes, you may do so.

15 [09.10.37]

16 MR. PICH ANG:

17 (No interpretation)

18 MR. PRESIDENT:

19 National Counsel Son Arun, you may proceed.

20 MR. SON ARUN:

21 I would like to object the submission by the Lead Co-Lawyer for
22 civil parties -- for the civil party to make such a statement.
23 The civil party has full rights to appear before the Chamber;
24 then there is no need for the lawyers for civil parties to
25 encourage the civil party to make this or that statement. The

3

1 civil party can decide to do so if she wishes.

2 MR. PRESIDENT:

3 Thank you for your concern.

4 [09.11.31]

5 Let me now hear the reasons for the submission by the Lead
6 Co-Lawyer for civil parties. The Chamber will then consider that
7 reason.

8 We will then give the floor to other parties as well to respond
9 to the submission and reasons given by the Lead Co-Lawyer for
10 civil parties before the Chamber decides on this issue, so then
11 it will be clear for everyone.

12 Lead Co-Lawyer for civil parties, you may proceed.

13 MR. PICH ANG:

14 Thank you once again, Mr. President, Your Honours. National
15 Defence Counsel Son Arun wishes to object--

16 [09.12.38]

17 MR. PRESIDENT:

18 Lead Co-Lawyer for civil parties, you are not allowed the floor
19 to respond to Son Arun's objection. We are giving you the floor
20 so that you can give us the reasons for your submission. Then
21 other parties will be given opportunity to respond or to make
22 comments to your submission and the reasons so that the Chamber
23 will have all the reasons and the responses as the basis for our
24 decision, and we can then rule once on this matter rather than to
25 have it drag on again and again.

1 MR. PICH ANG:

2 Thank you, Mr. President. The reasons for the submission are the
3 following.

4 Civil parties are summonsed to appear before this Chamber in the
5 segment of Case 002/01 concerning the forced movement of phase 1
6 and phase 2 and Tuol Po Chrey. It means that the harms that this
7 or other civil parties may make are limited to that portion only,
8 but we wish that all civil parties who appear before this Chamber
9 could give the statements of harm concerning the entire Case 002.
10 So it is better for them to express such statement rather than
11 try to limit their harm to the portion of the case, because they
12 are not legal experts.

13 [09.14.37]

14 In addition, their sorrow and harm are both physical and
15 psychological, which are part of the whole Case 002, and it is
16 extremely difficult for them to limit that harm, physical or
17 psychological, to a portion of this case.

18 And if the civil party is given such opportunity to make a
19 statement before this Chamber, it is important for that civil
20 party to make a complete statement, and that would make that
21 civil party feel better.

22 And it is also an image for other civil parties and victims to
23 understand that an opportunity is given to such a civil party to
24 express their statement in whole.

25 So, such a complete statement by the civil party before this

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1 Chamber is important in this regard and it can also contribute to
2 the national reconciliation and that the victims and civil
3 parties are satisfied with the proceedings before this Chamber.

4 [09.16.07]

5 And, in fact, the civil parties present the facts related to Case
6 002/01, but if they can have the opportunity to express the harms
7 concerned, the entire Case 002, it would not take much time --
8 much of the Court's time; it may only take 10 to 15 minutes for
9 each civil party to express such additional statement, and that
10 would satisfy both the civil parties as well as the victims of
11 the regime.

12 These are some of the reasons we would like to Chamber to
13 consider and grant the civil parties to express a statement not
14 limited to the portion of Case 002/01, but to the entire Case
15 002.

16 And I'd like my counterpart to further supplement my submission
17 and reasons.

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 [09.17.15]

21 MS. SIMMONEAU-FORT:

22 Good morning, Mr. President, Your Honours. Good morning to
23 everyone. I would like to simply add a few words to what my
24 learned colleague has just stated.

25 I must say that it is quite obvious that civil parties that wish

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1 to express their suffering globally, without being asked to cut
2 it into bits and pieces, is an impossible exercise for her. We
3 are dealing with victims who are dealing with different facts, so
4 we cannot cut what they say into bits and pieces. We cannot
5 separate the nightmare of forced transfers and the nightmare of
6 executions. We have mental trauma as a result of executions on
7 the road and other facts. This is global suffering endured by
8 civil parties following a series of events that account of what
9 they are going through today.

10 To ask a civil party who wishes to express suffering or to talk
11 about material prejudice is something that you cannot cut up into
12 bits of pieces. It would be impossible to do so. So we should
13 allow them to express their suffering globally and not make them
14 go through this impossible exercise of splitting what they have
15 to say.

16 [09.18.39]

17 MR. PRESIDENT:

18 Thank you.

19 Now, the Prosecution has the floor. You may proceed.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you. Good morning, Mr. President, Your Honours, and good
22 morning to all the parties and to the public. I endorse the
23 opinion of the civil parties.

24 As a matter of fact, the civil party applications were deemed
25 admissible for the entire Case 002, and as it has been stated, to

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1 separate the suffering and the prejudice between the first phase
2 of trial number 2 and the rest of the case would appear to be
3 completely artificial to me.

4 [09.19.24]

5 Suffering cannot be compartmentalized as one would want to do. We
6 cannot ask the civil parties to limit their suffering of what
7 they have to say to the immediate -- to the evacuation and
8 forcible movements. We are not asking the civil parties to talk
9 about the prejudice suffered, but we are talking about the
10 suffering that they endured, and that they should share that with
11 the public.

12 We are not dealing with a witness statement, but it is a
13 statement that is limited to the prejudice and the suffering, and
14 I think we should be more open to hearing the civil parties on
15 the suffering -- they suffered throughout the case file and --
16 rather than try to limit it.

17 Perhaps my learned colleague has something to add.

18 MR. CHAN DARARASMEY:

19 Good morning, Mr. President, Your Honours. Good morning, everyone
20 in and around the courtroom. I endorse the comment made by my
21 colleague. It is reasonable that the opportunity shall be given
22 to the civil party to express such a statement.

23 It is important for the proceedings before this Chamber, for the
24 public to understand clearly the reasons and the sorrows behind
25 the application and statement by the civil parties, and it is

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1 also going to satisfy the feeling of the civil parties as well as
2 the victims. For that reason, the Chamber should grant such
3 opportunity to the civil parties.

4 [09.21.21]

5 MR. PRESIDENT:

6 Son Arun, you may proceed.

7 MR. SON ARUN:

8 Once again, good morning, Mr. President, Your Honours. The
9 reasons and the endorsement by the Prosecution are one idea that
10 the Prosecution as well as the civil parties' lawyers should
11 instruct the civil party before his or her appearance before this
12 Chamber.

13 What has been said this morning is actually the duty of the
14 Bench, not of the civil party lawyers.

15 For that reason, I do not support this idea, as the civil party
16 shall not be led to do this or do that by the counsel.

17 [09.22.27]

18 So I am of my opinion that before the witness appears before this
19 Chamber - rather, the civil party before this Chamber, the civil
20 party would have consulted already with his or her counsel and
21 not to discuss such a matter before this Chamber or try to use
22 this time for her or for him to recollect the events that
23 happened.

24 Thank you.

25 MR. PRESIDENT:

1 Thank you.

2 International Counsel for Defence, you may proceed.

3 MR. IANUZZI:

4 Thank you, Mr. President. Good morning, everyone. And I hope
5 everyone had a pleasant weekend. I just have a few points to add
6 to what my colleague, Major Son Arun, just said.

7 First of all, I think we should absolutely dispense once and for
8 all with the notion that there's going to be another trial in
9 Case 002. Clearly, we're stuck with Case 002/001. That is the
10 trial we're hearing now, and there will never be another one. I
11 think everyone agrees with that.

12 [09.23.40]

13 The second point I'd like to make. Just as it's very difficult to
14 compartmentalize suffering, it's equally difficult to
15 compartmentalize issues with respect to what has taken place over
16 the course of four years. Our client has been cut off on several
17 occasions, has not been permitted to talk about contextual items,
18 things that may relate to one thing, things that may relate to
19 another thing. He's been forced -- forced to compartmentalize his
20 comments in this Court - he, as a party.

21 So I would just invite the Chamber, in deciding this request, to
22 take into consideration the serious -- serious limitations that
23 have been placed on Nuon Chea's participation in these
24 proceedings. He has been shut down by the Chamber on numerous
25 occasions. He has not been allowed to say what he believes --

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1 what he believes is relevant to his defence case.

2 So, again, just to make the point very clear, I appreciate and I
3 accept that it's difficult to compartmentalize suffering. It is
4 equally difficult to compartmentalize context, events that have
5 taken place. You can't slice things up in little units in
6 mini-trials, as it were, and say, "This is relevant; this isn't
7 relevant; this is not relevant". We need to see things in
8 context.

9 [09.25.13]

10 So those are our submissions.

11 If the civil parties are going to be given the leeway to talk
12 about everything that's happened to them, allegedly, then we
13 would submit our clients should be given, as parties -- as
14 parties to the proceedings, our clients should be given equal
15 leeway.

16 Thank you.

17 MR. PRESIDENT:

18 National Counsel for Khieu Samphan, you may proceed.

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. Good morning, Your Honours. I strongly
21 object to the submission and reasons given by the Lead Co-Lawyers
22 for civil party.

23 We already worked on portions of the Case 002, and such a new
24 submission for the civil parties to express their suffering
25 concerning the portion before this Chamber -- that is, Case

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1 002/01 -- and which are not related to this portion, if it is so
2 granted, then it is a joke for this Chamber, because the Chamber
3 only has the proceeding before it -- the portion relevant to Case
4 002/01, and not the entire Case 002 -- and that would severely
5 have an impact on the right of the Accused, as the Accused has
6 not yet made such a statement or defence related to other
7 portions of this class, for instance 002/02.

8 [09.27.16]

9 And the comments made by the Prosecution, that it is to satisfy
10 the grounds by -- raised by the civil party lawyers is
11 unreasonable. We need to have a fair proceeding before this
12 Chamber that is fair for every parties of the proceeding, and not
13 just to make one or other party happy or satisfied.

14 For that reason, as we all know, the Severance Order has
15 sufficient ground to adhere to without further amendment, and if
16 there is such permission to grant, then such a Severance Order
17 needs to be revisited.

18 Thank you.

19 MR. PRESIDENT:

20 Thank you.

21 International Defence Counsel for Khieu Samphan, you may proceed.

22 MR. VERCKEN:

23 Thank you, Mr. President. I believe, in fact, that the question
24 that is raised this morning is an important question, and I have
25 the feeling that in the end the civil parties are trying to

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1 provoke with -- provoke what they're trying to avoid. That is to
2 say, their clients -- their clients, who are not yet victims, I'd
3 like to remind this, by complainants -- their clients are going
4 to come to the dock, and they're going to describe facts, and
5 then they are going to go beyond on these facts to describe the
6 harm suffered.

7 [09.29.13]

8 Obviously, the facts we're going to come to will be facts that
9 will make them lose credibility because the victims will describe
10 harm suffered that -- and that seems to be the case, a priori --
11 that will go beyond the consequences of the facts that they would
12 have described.

13 So, therefore, this is another way, dear colleagues, of breaking
14 up the suffering of your clients.

15 And so the only solution in the end is maybe the following step
16 of this process -- would be to have their clients testify on the
17 totality of the facts in the Closing Order. That is the logical
18 result or consequence of what has been proposed to you today.

19 And what I believe now is that satisfying the needs of the
20 victims here -- and who still are complainants, and I'd like to
21 remind you of this -- is, of course, important, but sticking to
22 judicial logic is even more important.

23 The civil party is telling you: "Our clients are victims of a
24 regime." First of all, they are complainants still, as well, in
25 the same way the accused persons are still accused persons;

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1 they're presumed innocent, they're not yet convicted, and they
2 only represent themselves before you; they do not yet represent
3 the regime that we're trying to base ourselves on to encompass
4 the totality of the Closing Order in this trial and to – and to
5 orient this trial little by little to a broader trial than the
6 trial whose contours you defined previously.

7 [09.31.28]

8 I believe that you have set limits with the Severance Order --
9 and it is hard to stand by the Severance Order, I agree, because
10 it's a judicial challenge, indeed, to suddenly reduce a trial to
11 certain facts only, but -- and today, of course, you have to
12 resist the temptation -- even if you want to please complainants,
13 you have to resist the temptation of letting this trial slide
14 again towards the initial Closing Order. You must state -- stick
15 to your grounds, even if the ground is not that stable, but in
16 any case, you have to stick to your ground of your decision to
17 sever this trial, and this is how fundamental law will be abided
18 by.

19 [09.32.27]

20 MR. PRESIDENT:

21 Thank you.

22 Counsel for Mr. Ieng Sary, you may now proceed.

23 MR. ANG UDOM:

24 Thank you, Mr. President and Your Honours. I have been taken by
25 surprise -- a very big surprise -- that such submissions were

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1 made this morning. To me, such submissions should have already
2 been made in advance and that -- we should have been informed
3 before they brought before the Chamber, like what we did in Case
4 File 001.

5 Allow me to remind parties that before we -- anyone is allowed to
6 express suffering, there must be assertions concerning the
7 crimes. And here the Severance Order already states clearly the
8 fragment of the crimes related to be debated. We have to discuss
9 about the cause and effect. You can't discuss the effect without
10 learning first about the cause.

11 [09.33.47]

12 Now, we are talking about the first phase of transfer or second
13 transfer. Please stick to these two phases. How can a civil party
14 is expected to voice his or her suffering concerning phase 3
15 which has not yet been debated? Because it's the effect of the
16 cause, so you can't really talk about the effect when you never
17 been able to lay down -- or lay out the course first, and it is
18 not reasonable to do that.

19 And, secondly, with regard to some crimes, some witnesses may be
20 here, taking the stand to talk about various crimes allegedly to
21 have been committed before the Chamber. And with that, I feel if
22 we do not stay put into the confined portion of the segment of
23 the trial, the statement of suffering would not be relevant.

24 However, we are of the opinion that we are in the hands of the
25 Chamber, and only the Bench would be the -- in best position to

1 make such a decision.

2 [09.35.21]

3 MR. PRESIDENT:

4 Lead Co-Lawyer for the civil parties, you may now proceed.

5 MR. PICH ANG:

6 Thank you, Mr. President and Your Honours. Allow me to respond
7 briefly to what my learned colleagues and the defence have been
8 arguing.

9 Now, in reality, practically, you look at the civil parties
10 before us; here she is the fourth civil parties to take the
11 stand, and she is here to express her suffering concerning the
12 segment of this trial, Case File 002/1. However, she finds it
13 difficult to limit her statement of suffering to only particular
14 fragment of the trial because she is not a legal expert.

15 And like in the previous civil party, he was disappointed by the
16 way the Chamber did not allow him to globally or fully express
17 his harms, so he decided to cut short his expression of his
18 suffering because of that.

19 [09.36.56]

20 And on top of this, the civil parties will be here to talk only
21 briefly the prejudice or harms because it's part of how to heal
22 the wound, how to make their grief be healed. And for that, a
23 civil party shall be allowed to express in details their full
24 suffering. If they are only limited to only say a few things,
25 like their expression of their suffering is cut into bits and

16

1 pieces, I'm afraid they will not be encouraged to speak before
2 the Chamber to express such suffering.

3 To me, it does no harm to the Chamber by allowing any civil party
4 to fully express his or her suffering, because the Chamber has
5 already allowed a few of the civil parties to do so. And my
6 client before the Chamber today has filed her complaint to join
7 as a civil party and that -- her complaint covers the whole Case
8 File 002. And since this is the opportunity for her to be here
9 with us, once and for all, she should be allowed to take this
10 opportunity to express her full suffering.

11 [09.39.03]

12 We do not know whether there is such Case File 002/3 or 4. We are
13 now having more than 2,000 civil parties admitted before the
14 Chamber. We, perhaps, cannot see that each and every one will be
15 able to give full expression of suffering. So, perhaps this
16 opportunity would be best for this civil party to fully say what
17 she wishes to say concerning her expression of suffering.

18 And Mr. Ang Udom stated that he was taken by surprise. To me,
19 what kind of surprise it was, it is now up to the Chamber or the
20 Bench to decide upon.

21 And thank you very much, Mr. President and Your Honours, for the
22 floor given.

23 (Judges deliberate)

24 [09.48.58]

25 MR. PRESIDENT:

17

1 The Chamber would like now to hand over to Judge Lavergne to
2 respond to the submission made by Lead Co-Lawyers for the civil
3 parties concerning their request to allow the civil party to
4 express her suffering. We hope we can have the problem solved by
5 Judge Lavergne.

6 You may now proceed.

7 JUDGE LAVERGNE:

8 Yes, thank you, Mr. President. The Chamber notes that the problem
9 that was raised this morning is a problem that's rather generic
10 and covers all of the civil parties. And for this reason, the
11 Chamber will request the Civil Party Lead Co-Lawyers to file a
12 submission in writing to present their position, and then the
13 Chamber will consider whether it will be necessary to request
14 such submissions from other parties.

15 [09.50.12]

16 But we have to make a decision now for this witness, and this
17 will be the practice we will follow until the Chamber rules on
18 the written submissions.

19 But now the Chamber feels it is wise to allow the civil party to
20 express herself on the totality of the suffering that is relevant
21 to Case 002. However, if the other parties feel that some of the
22 statements made by the civil party are irrelevant, the parties
23 will be given the opportunity, once the civil party has finished
24 with her statement, to raise the points and to address the
25 elements of the statement that seem irrelevant.

1 I hope that all of this is clear.

2 So, now, for now, we will let the civil party express herself
3 freely, under the condition that what she states is relevant to
4 the case at hand.

5 [09.51.30]

6 And I specify that the written submission we are requesting will
7 have to be filed before the end of the week.

8 MR. PICH ANG:

9 I thank you very much, Your Honour, for this.

10 MR. PRESIDENT:

11 You may proceed, Counsel.

12 MS. SIMONNEAU-FORT:

13 Yes. Mr. President, I simply would like to ask Ms. Yim Sovann to
14 make her statement as the Chamber requested her to do so, to --
15 and I'd like to ask her to use the documents that she may feel
16 are useful to her statement.

17 Ms. Yim Sovann, you can make your statement and you can use the
18 document that you have prepared to this effect.

19 [09.52.48]

20 MR. PRESIDENT:

21 Ms. Yim Sovann, you may now proceed. Please express your
22 suffering, the suffers -- the suffering you had during the Khmer
23 Rouge regime.

24 MS. YIM SOVANN:

25 I thank you very much, indeed, Mr. President and Your Honours,

1 for allowing me this opportunity to read out my expression of
2 suffering.

3 From 1975 to 1976, I was mistreated. I was accused of being a 17
4 of April Person. Although I was falling sick, I was still forced
5 to work. I was very young at that time. I worked at cooperatives;
6 the cooperatives that I had been working after I had been
7 evacuated by Phnom Penh. I had to work and live in Pou Ban (sic)
8 commune, Kaoh Thum District.

9 [09.54.29]

10 As one of the 17 People (sic), I was accused by the Base People
11 as an enemy. I did not have enough to eat. I was given very
12 little food and I had no strength to work but still was forced to
13 work. I started to pick some grains of corns, and with that I was
14 accused of being an enemy. I kept crying every now and then
15 because I had suffered a great deal from this ordeal.

16 I later was transferred to the Women Mobile Unit. I was still
17 very sick, but they gave me only a ladle -- a full ladle of
18 porridge, and I was allowed to be home for only very few minutes.
19 When I - when I was at home, I was accused of being too liberal.
20 And every now and -- every time I recall the moment, I am
21 traumatized, and I am always shocked to recollect the events, the
22 times when I were forced to work days and nights. I am a good
23 person; I was forcing myself to commit some petty crimes by
24 stealing to survive.

25 Secondly, before the evacuation of the 1976, I was accused of

1 stealing the rice. I was accused of being a bad person, and I was
2 asked to harvest rice in other location, and I was accused of
3 being lazy and I deserved to die. They gave me only very little
4 food. And at one point, before the second phase of evacuation, I
5 said to myself, if I was not allowed to go and see my parents, I
6 would die anyway. And I lost everything. I lost my properties,
7 cattle, and the farmland.

8 [09.57.54]

9 In 1978, my father, Touch Sum, my father's cousin and nephew and
10 my sister were all executed by the Khmer Rouge at Office 07. They
11 were killed at night, after having been accused of being enemies.
12 And I could not cry, although I wanted to cry when I saw them
13 being walked away, when their hands were bound behind their back.
14 I dared not cry out loud because I was so intimidated; I had to
15 hide the tears.

16 We were terrified every time when the night fell. The Khmer Rouge
17 had a slogan to -- as it reads, when they dig the grass, they had
18 to root out all the roots of the grasses. And by that, we were
19 very frightened. We had encountered a lot of obstacles and
20 difficulties every time during the regime.

21 When I saw my father being arrested and his hands being tied up
22 by the Khmer Rouge militia, I was shocked and traumatized and I
23 could feel the pain.

24 And I still have been living with this trauma and I have been
25 admitted to the Khmer-Soviet Friendship Hospital every now and

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1 then to make sure I can move on with all the trauma I have had,
2 having witnessed the atrocity and the act of cruelty committed by
3 the Khmer Rouge towards my family members and myself.

4 [10.00.56]

5 I have been living in the society where I have had a lot of
6 suffering. I have not been well educated. I have faced
7 difficulties and all of the bad things that happened to me. I
8 have been deprived of all my education, the dreams that I would
9 like to be highly educated. But these dreams were destroyed by
10 the darkest period of the Khmer Rouge.

11 Due to that psychological impact, I tried to find peace by
12 looking for the Buddhist discipline. I became a monk and, partly,
13 I resolved the issues -- I became a nun, rather. And with the
14 existence and the trial of those immoral people before this
15 Court, I am fully confident that the trial will be fair and just
16 -- that is, for the prosecution of those leaders -- so that
17 justice can be served to all Cambodians who suffered misfortune
18 under such society and regime.

19 And on behalf of the victims and all civil parties, I have
20 nothing further to add but that peace is the only means for us to
21 look forward to.

22 And before my appearance before this Court, I did not ever
23 imagine that I would be given such opportunity. But now, with my
24 appearance before this National and International Court, I am
25 grateful to this Court and I hope that you find justice both for

22

1 me and for the Cambodian people -- that is, those victims and
2 civil parties.

3 [10.03.46]

4 I have suffered psychological suffering for so long and I did not
5 have the opportunity to express such suffering. And I am one of
6 those victims and civil parties who suffered such trauma in
7 between 1975 to 1979, and it made me see clearly the right and
8 the wrong path. And, once again, I strongly believed that this
9 hybrid tribunal would find the right and the wrong and the
10 justice and that the psychological wound by the victims and the
11 civil parties would be cured.

12 This is all my statement. And I wish to thank this hybrid
13 tribunal. And I'm grateful, Your Honour, Mr. President.

14 MR. PRESIDENT:

15 Thank you.

16 Any parties wish to make observations regarding the statement of
17 suffering by this civil party?

18 [10.05.15]

19 National Defence Counsel for Ieng Sary, you may proceed.

20 MR. ANG UDOM:

21 I observed two points.

22 First, that the civil party shed her tears, though I do not know
23 exactly the reason for the tears.

24 And it is unfortunate that she has experienced misfortune
25 throughout her life. It does not strictly indicate that such

23

1 suffering only existed within the regime of Democratic Kampuchea
2 or before -- or prior to that regime. It is unclear to me. But,
3 of course, we have heard the suffering that she expressed.
4 These are my two observations, Mr. President.

5 MR. PRESIDENT:

6 Thank you.

7 National Defence Counsel for Nuon Chea, you may proceed.

8 [10.06.28]

9 MR. SON ARUN:

10 Thank you, Mr. President. Once again, good morning, Your Honours.
11 Ms. Civil Party, may I ask you a question that is regarding the
12 letter that you just read? Is it your own handwritten note or was
13 it prepared for you? If so, by whom?

14 MR. PRESIDENT:

15 I believe you were not here and you probably did not liaise with
16 your international counterpart. In fact, on Friday afternoon, the
17 Lead Co-Lawyers for civil parties requested that such a statement
18 shall be made or prepared in writing and that the Chamber granted
19 such a request.

20 MR. SON ARUN:

21 I'd just like to check with the civil party whether she, herself,
22 prepared that note or whether it was prepared for her.

23 [10.07.39]

24 MR. PRESIDENT:

25 That is not important, Counsel. The Chamber granted the Lead

1 Co-Lawyers for civil parties to prepare or to assist the civil
2 party in preparing such as statement as we made our ruling on
3 Friday afternoon.

4 MR. SON ARUN:

5 Thank you.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. I'd like to make a general observation
8 regarding the statement of suffering.

9 I noted that some wordings were unclear, for instance the use of
10 the word "victims" in exchange of "civil parties". This shows
11 that it is inappropriate to use so because so far the Chamber has
12 not yet adjudicated on any of the Accused. So the word "victims"
13 cannot be used in this instance.

14 [10.08.42]

15 In another instance, if the word "victims" are (sic) used, does
16 it mean that this Chamber extends its judicial power to
17 adjudicate or prosecute the entire regime of Democratic Kampuchea
18 or, rather, a limited number of the Accused in this courtroom? If
19 Democratic Kampuchea regime is prosecuted, that is a separate
20 matter and it is not related to just a few accused before this
21 Chamber, for instance including my client, Khieu Samphan. He, of
22 course, rejects the charges against him by the Prosecution, so he
23 defends himself, but not the regime.

24 So this point shall be clarified clearly by the Chamber in order
25 to avoid misunderstanding as to the responsibilities of

25

1 individual person or the responsibilities of a regime.

2 Another point as I observed also relates to the wording used by
3 the civil party, that the "Base People" was spoken by the civil
4 party as the "18 April People". I noticed that as well on Friday
5 last week. It could be a misunderstanding by this civil party or
6 she may misspeak.

7 [10.10.27]

8 The civil party also spoke about the loss of properties or the
9 cattle, etc. That is an individual matter. She can of course
10 express a such statement, but the consequence is that if there is
11 a legal demand by the -- by law that the civil party can express
12 such a loss, then proper documents shall be attached to such a
13 claim or statement in order to support -- in order to support the
14 existence of such harm or losses. It cannot be considered that a
15 spoken work to that extent can be considered without a proper
16 supporting ground.

17 Another point that the civil party expressed, that she's happy
18 that the "immoral people" are being prosecuted by this Chamber,
19 such a wording is very inappropriate and of course it has an
20 impact on the status of the Accused.

21 Thank you.

22 MR. PRESIDENT:

23 Thank you, Ms. Yim Sovann.

24 [10.12.02]

25 The Lead Co-Lawyer for civil parties, do you have anything else

1 to add?

2 In fact, the floor cannot be given to you to reply to the
3 response by the defence teams. You already made your submission
4 and the grounds given this morning, and the Chamber will rule on
5 that matter in due course.

6 Can you please state your ground for being on your feet, Lead
7 Co-Lawyers?

8 MS. SIMONNEAU-FORT:

9 Yes, Mr. President, I would simply like to make some remarks on
10 the remarks that have been made because I deemed it necessary to
11 do so. I would like to make some comments on the last remarks,
12 not on what you decided a while ago, but just what you - what was
13 remarked on by the Defence.

14 [10.13.03]

15 MR. PRESIDENT:

16 What the Chamber would like to inform you is the consequence of
17 our discussion regarding your request and submission as to delay
18 the time and the schedule. And, in fact, you should have thought
19 of that request earlier from the beginning of the proceeding,
20 rather than using this Court time of hearing the testimony of the
21 civil party, because the schedule has been set out clearly by the
22 Chamber, and as just then the floor was given to the defence
23 teams to make their observations regarding the statement made by
24 the civil party.

25 So we are uncertain whether your wishes -- you wish to make your

1 response now or whether you wish to include that in your final
2 submission.

3 Anyway, you can proceed with your subject matter, as you're on
4 your feet already.

5 [10.14.40]

6 MS. SIMONNEAU-FORT:

7 Thank you, Mr. President. I think that, insofar as the civil
8 parties have the floor in these proceedings, they are given time,
9 and I don't think we are unduly taking advantage of the time
10 allotted to us.

11 The civil parties make very pertinent remarks, and we should at
12 least have the decency of respecting what people say. Let me
13 point out that these people were recognized as victims and as
14 civil parties, which means that they endured facts, and we
15 shouldn't mix that up with guilt, which is something that we
16 agree on.

17 But the character of civil parties as victims has been
18 recognized, and I would like us to recognize that for the future
19 so that my learned friends may give these civil parties the
20 opportunity to express themselves, because in our tribunal, the
21 position of civil parties is something that we take pride in.
22 And I thank you.

23 [10.15.50]

24 MR. PRESIDENT:

25 The Prosecution, you may proceed.

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. I will be very brief. Mine is only a
3 general remark.

4 I think that it is important to hear the remarks of the civil --
5 of the Defence regarding the sufferings endured by the civil
6 parties. That should be done once the civil parties have left the
7 courtroom so that they may not be embarrassed.

8 The Defence have gone beyond what Judge Lavergne requested that
9 they should do -- that is, they were not supposed to make
10 comments on facts that were not pertinent. And I find that they
11 have made comments that are out of place and I believe that, out
12 of deference for the civil parties -- we hope that the Chamber
13 will take its decision as quickly as possible to the effect that
14 the civil parties should not have to hear the remarks of the
15 defence regarding the sufferings that they have endured. I thank
16 you.

17 [10.17.05]

18 MR. PRESIDENT:

19 Co-Prosecutor, you may proceed.

20 MR. CHAN DARARASMEY:

21 Thank you, Mr. President. I noticed the observations made by the
22 defence teams. I request that the defence teams - the defence
23 teams shall not make such an observation in -- before the civil
24 party.

25 The civil party, of course, suffered harm physically and/or

1 psychologically. If in the future such observations are to be
2 made, it should be made in the absence of the civil party.

3 Thank you.

4 MR. PRESIDENT:

5 Ms. Yim Sovann, the hearing of your testimony has now concluded,
6 and you are excused so that you can return to wherever you wish
7 or to your residence. The Chamber is grateful of your testimony.
8 Court Officer, in coordination with WESU, please arrange for the
9 transportation of the civil party to wherever she wishes to go or
10 to return to her residence.

11 The time is now appropriate for a break. We will take a break and
12 return at 20 to 11.00.

13 THE GREFFIER:

14 (No interpretation)

15 (Court recesses from 1018H to 1043H)

16 MR. PRESIDENT:

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

18 For this session, we will hear the testimony of TCCP-25. And the
19 parties are reminded that the Chamber received the request by
20 Ieng Sary, E237, through his counsel, to waive his direct
21 presence in the hearing of the testimony of 10 witnesses and six
22 civil parties, including TCCP-25.

23 And, as reported by the treating doctor from the Khmer-Soviet
24 Friendship Hospital dated 9 October 2012 -- on the 19th, rather,
25 he is being treated at the Intensive Care at that hospital, and

1 as he requests to waive his direct presence in the hearing of the
2 testimony of certain witnesses and civil parties due to his
3 health concerns, that he is being treated at the hospital but
4 that he is physically and psychologically able to -- abled to
5 observe the proceeding, the Chamber therefore decides to hear the
6 testimony of this TCCP-25 in the absence of the presence of the
7 Accused, based on the relevant internal rule of the ECCC. And we
8 will proceed with his absence.

9 Court Officer, can you invite TCCP-25 into the courtroom?

10 (Witness enters courtroom)

11 [10.47.35]

12 QUESTIONING BY THE PRESIDENT:

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

14 MR. CHUM SOKHA:

15 A. My name is Chum Sokha.

16 Q. Thank you. Mr. Chum Sokha, can you tell the Chamber your date
17 of birth?

18 A. I was born on the 1st of January 1955.

19 Q. Thank you. Where is your place of birth?

20 A. I was born at Tboung Kdei village, Damrei Puon commune, Prey
21 Veng district, Prey Veng province.

22 Q. Thank you. Where is your current address?

23 A. I live in Preaek Dach village, Preaek Dach commune, Leuk Daek
24 district, Kandal province.

25 Q. Thank you. What is your father's name?

1 A. His name is Chum Sarun.

2 [10.48.59]

3 Q. And your mother's?

4 A. Her name is Khut Phan.

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

6 A. My wife's name is Tauch Kanha. We have three children -- one
7 son and two daughters.

8 MR. PRESIDENT:

9 Thank you.

10 Pursuant to Internal Rule 91bis, the Trial Chamber will give the
11 floor to the Lead Co-Lawyers for civil parties to first question
12 this civil party, Chum Sokha. The Lead Co-Lawyers for civil
13 parties and the prosecutors have one full morning or afternoon
14 session to question this civil party.

15 Mr. Chum Sokha, you are also reminded that in your capacity as a
16 civil party, you have the right to describe to the Chamber the
17 situation and the suffering and harms incurred, both physical, or
18 psychological, or material, which is -- directly or indirectly
19 occurred during the regime, and has an impact on you, and which
20 leads you to become a civil party in corresponds (sic) with the
21 facts alleged against the Accused -- that is, for the events
22 happened during the Democratic Kampuchea regime. That is your
23 right if you wish to do so.

24 [10.51.13]

25 The floor is now given to the Lead Co-Lawyers for civil parties

1 to put questions to this civil party. You may proceed.

2 MR. PICH ANG:

3 Thank you, Mr. President, Your Honours. Ty Srinna, the lawyer for
4 civil parties, is assigned to put questions to this civil party.

5 We seek your permission, Mr. President.

6 MR. PRESIDENT:

7 Yes, we grant that permission. You may proceed.

8 QUESTIONING BY MS. TY SRINNA:

9 Good morning, Mr. President, Your Honours. Good morning,
10 everyone. Good morning, Mr. Chum Sokha. I have some questions for
11 you.

12 Q. First, I'd like to ask you regarding the events occurred prior
13 to 1975.

14 Where were you before that date?

15 [10.52.30]

16 MR. CHUM SOKHA:

17 A. Before 1975, I lived at Pochentong.

18 Q. How old were you back then?

19 A. I was 20 years old.

20 Q. What were your parents doing for a living back then?

21 A. My father was a military officer in Phnom Penh, and my mother
22 was a housewife.

23 Q. Regarding events before 1975, my question is the following:

24 Did you ever hear about the war between the Lon Nol soldiers and
25 the Khmer Rouge forces? If so, when did it start, if you can

1 recall it?

2 A. Based on my recollection, it occurred in 1970 and continued up
3 to 1975.

4 Q. What were the situations like back then?

5 A. At that time, the Lon Nol soldiers and the Khmer Rouge
6 soldiers were fighting to control the area, and the fighting took
7 place every day. We heard gunshot and shelling and every day we
8 saw wounded people, and those people who died, and people who
9 were sent for treatment at hospital.

10 [10.54.58]

11 Q. Can you recall when the Khmer Rouge soldiers entered Phnom
12 Penh?

13 A. On the morning of April 1975, at the location where I lived,
14 at 9 a.m., I saw the Khmer Rouge soldiers enter Phnom Penh.

15 Q. Did the Khmer Rouge soldiers enter Phnom Penh from all
16 directions or only from the direction where you lived?

17 A. Based on the situations prior to the arrival of the Khmer
18 Rouge soldiers, based - also based on the information broadcast
19 and from the sounds of the gun fires, they came from all
20 directions around Phnom Penh.

21 Q. When the Khmer Rouge soldiers entered Phnom Penh on 17 April
22 1975, what kind of situation did you observe?

23 A. Could you please repeat your question?

24 Q. I'll rephrase my question, then. On 17 April 1975, as you
25 said, the Khmer Rouge soldiers entered Phnom Penh from all

1 directions.

2 My question is that: At that time, what situation did you
3 observe?

4 [10.57.09]

5 A. On 17 April 1975, at 9 a.m., I heard a gun fired from the west
6 direction where I live and I saw civilians went up and down; some
7 were fleeing, some were standing along the roadside. The majority
8 of them were standing along the roadside. There were also the Lon
9 Nol soldiers who fled. They took off some of their uniforms. Some
10 of them were holding the white flag along the road, including
11 myself. And at 9 a.m., I saw the Khmer Rouge soldiers carrying
12 all kinds of weapons, and some of them were wearing pants, some
13 of them were dirtied with mud and carrying guns and have the
14 scarf on their head. They also had grenade launchers, and I also
15 saw some grenades exploded near the concrete houses and the
16 pantries. And a bit later I saw armour tanks and some military
17 trucks.

18 Q. What kinds of activities did the Khmer Rouge soldiers engage
19 in, if you can recall?

20 [10.58.01]

21 A. After the troops went ahead from where I was standing, as I
22 was standing with other people and some Lon Nol soldiers who were
23 holding and waving their white flag, there was a Khmer Rouge
24 soldier speaking on the loud speaker, announcing that, "The people
25 living in Phnom Penh, you can do whatever you wish or engage in

1 your business", and that Angkar would only prosecute the seven
2 traitors, including Lon Nol, Sirik Matak, Cheng Heng, and a few
3 others. They make such an announcement up and down on a loud
4 speaker at the place where I was standing.

5 Q. Let me go back a little bit regarding the shelling into Phnom
6 Penh by the Khmer Rouge soldiers.

7 Were there civilian casualties from the shelling?

8 A. Before -- a little bit before 9 a.m., there were shelling, but
9 it was sporadic. It -- the place where I lived, there were no
10 casualties. However, the shelling was about 100 metres or 200
11 metres away from where I stood; I could see the smoke, but I did
12 not see any casualty, as at that time I was concerned about my
13 own safety.

14 [11.01.16]

15 Q. What were you doing when the Khmer Rouge soldiers entered? Did
16 your family members prepare themselves?

17 A. Personally, I was standing along the roadside to receive and
18 to congratulate the soldiers who just entered Phnom Penh. My
19 father did the same and my mother was cooking inside the house.

20 Q. What was your feeling back then - back then? Were you happy to
21 receive the liberated soldiers?

22 A. The war had taken place for a few years before that date, so
23 we were happy to see those soldiers come into liberate the city,
24 and that we would have peace, and that we would not have to face
25 the war again, so that we stood there raising white flags to

1 congratulate the liberation soldiers. So, I was alongside with
2 other civilians.

3 Q. So, people were greeting the liberation forces?

4 Let me rephrase my question: When did they start chasing the
5 people out of the city of Phnom Penh, if you can recall?

6 [11.03.24]

7 A. It was about 3 o'clock in the afternoon. There was a group of
8 soldiers who were speaking on a mobile loud speaker that people
9 had to leave Phnom Penh urgently because very soon there could be
10 an aerial bombardment by the United States, so Angkar requested
11 all the people to leave Phnom Penh City for three days and that
12 they needed to leave the city urgently.

13 Q. Did you know the reason for the announcement by the Khmer
14 Rouge forces for the people to leave the city?

15 A. As I just said, the reason for the people to leave Phnom Penh
16 is that they had to leave the city because there would be aerial
17 bombardment by the United States forces. And also they said that
18 they -- there was still enemies in the city and that the Angkar
19 needed to cleanse them from the city.

20 At that time, Angkar used the word "Nhum" -- that is the word for
21 the -- it's a Buddhist term -- as well as the words "Mit Mit", or
22 "Comrade", and they required us to leave the city for three days
23 only.

24 Q. At that time, did you want to leave based on the announcement
25 --that is, to leave for three days?

1 [11.05.51]

2 A. It was a difficult situation because there was no clear
3 direction for us to go to; they only made an announcement for us
4 to leave the city. My parents and my grandparents discussed among
5 themselves that it would be difficult for us to leave if we did
6 not where to go to, but we decided that we could not stay because
7 we were required by Angkar to leave, as they made such an
8 announcement repeatedly. So, we had to leave.

9 Q. When you left your house, which direction did you take, and
10 what the situation was like?

11 A. When my family left the house, we followed National Road
12 Number 4 -- that is the Pochentong Road -- and from my
13 recollection, when we left, it was around 6.30 or 7 o'clock in
14 the evening. At that time, it was not crowded; maybe we were
15 amongst the first to leave.

16 Q. When you were on the road, what kind of situation did you
17 observe?

18 A. Initially, the situation that I never saw before was that I
19 saw dead bodies along the roadside, but due to the darkness and
20 -- I could only see the dead bodies when there were the lights
21 from the vehicles. And I saw the smoke, I saw the damaged houses
22 and the burned bodies around the vicinity of the Pochentong
23 Airport, also in front of the transport department.

24 [11.08.42]

25 Q. You said that you travelled during the night along National

1 Road Number 4. Did you and your family happen to come to any
2 incident or -- what was the situation like in regard to your
3 family?

4 A. We left along National Road Number 4 towards the west
5 direction. When we reached Chaom Chau, we were stopped by Angkar.
6 They did not allow us to travel by National Road Number 4, as
7 there were still enemies, and we were instructed to leave
8 following National Road Number 3.

9 Actually, during the daytime, when the Khmer Rouge soldiers
10 entered Phnom Penh, they were looking for drivers so that the
11 Khmer Rouge soldiers could travel and observe the situation in
12 the city. And as -- my father knew how to drive, so he drove
13 those liberation forces by driving that jeep. And when he
14 returned, he returned with that jeep. And upon hearing the
15 announcement by Angkar that we had to leave Phnom Penh -- so we
16 had some of our belongings, we put them onto that jeep, together
17 with my grandparents, and we left with that Jeep. So, as I said,
18 we were among the first to leave the city.

19 [11.10.48]

20 And then we rested near Saen Dei vicinity for one night. We
21 actually rested along the roadside. So we slept on the mat on the
22 ground. That night, I saw a few people in civilian clothes coming
23 to check the belongings of our family, and they requested to take
24 away two sets of clothes, so we gave the clothes to them. We did
25 not know what they wanted to do with the clothes, and we presumed

1 that they were the Khmer Rouge soldiers.

2 In the morning, on the next day, we continued on National Road
3 Number 3, but we could not start that car, so we pushed it along
4 the road. We pushed it up to Kampong Tuol, and we rested there
5 and we cooked our food. And if I can recall correctly, we stayed
6 overnight there and we left again next morning.

7 My father and my uncle discussed whether we should bring along
8 the car that we could not start, because we had to help it across
9 a stream and we did not know about the situation on the other
10 side of the stream.

11 [11.12.35]

12 And then he could started the car -- we could start the car again
13 and he reached the other side of the stream, and there was a
14 checkpoint by the liberation forces on the other side -- that is
15 still near the Kampong Tuol, near the current petrol station. It
16 was, back then, still a petrol station. And by that time, Angkar
17 requested to take away that jeep vehicle from us, as they said
18 that the jeep belongs to the imperialists and that the jeep was a
19 spoil of war, and that we would not be allowed to use it and that
20 we had to proceed on foot.

21 And they also requested that my father and my uncle -- to
22 register their names at a table near that petrol station. There
23 was a work group there who questioned the evacuees. So, men aged
24 from 30 and above were questioned and registered on the list. So
25 my father and my uncle by the name of Meak went to that table, as

1 my mother, myself, my sister, my uncles, and my grandparents went
2 ahead with the belongings that we had. So, we proceeded on foot,
3 and my father and uncle were left behind.

4 [11.14.23]

5 We walked about 2 kilometres before my father and my uncle could
6 catch up. I asked him why it took him so long, and he said that,
7 "In fact, I was supposed to be detained and tied, but I noticed
8 that a lot of people were tied up, so I fled" -- actually, they
9 used thread, it's a white and red thread to tie people in a line
10 -- and that -- he asked us to hurry to go ahead. So, at that
11 Kampong Tuol petrol station, they had a table to question men,
12 and they would detain some people there, as my father informed me
13 when he joined us later.

14 So, we then arrived at Angk Kduoch Pagoda. We stayed at that
15 pagoda for several days, as my younger sister could not walk, as
16 her legs were swollen.

17 At that Angk Kduoch Pagoda, where we stayed, Angkar came to tell
18 us that whoever wished to return to the native village, that
19 Angkar would allow us to go, so there was no need for us to
20 proceed to anywhere but to our native village. And my father's
21 village was in Tboung Kdei village, Damrei Puon commune, Prey
22 Veng district, and Prey Veng province.

23 Let me return a little bit. Before we arrived at that pagoda, I
24 saw dead bodies who were -- covered alongside the National Road
25 -- that road. They -- it could be the patients. They were covered

1 with old mat and leaves. And in fact, the next morning, the road
2 was very crowded, as more people were travelling along the road,
3 and I concluded that the dead bodies belonged to those people who
4 left Phnom Penh and they could not make any burial ceremony as
5 they were instructed by Angkar just to proceed along the road.

6 [11.17.15]

7 So, after we rested at Angk Kduoch Pagoda for a while, then we
8 continued our journey. In fact, the entrance to Angk Kduoch was
9 along the national road, but it took a while to go to the pagoda
10 itself along the railway track. Then we were instructed that we
11 should proceed to the pagoda itself so that rice would be
12 distributed by Angkar, but we needed to register our names and
13 occupations before the rice could be distributed. And for those
14 people who used to work in Phnom Penh, they would be allowed to
15 return later to work again in Phnom Penh.

16 But as my father was aware of the situation back in Kampong Tuol,
17 he did not register his name, so we continued our journey. As for
18 my sister -- my younger sister, she still had problem with her
19 legs, so my mother had to exchange our jewellery and good clothes
20 in exchange for my sister to be put onto a cart so that she
21 needed not to walk.

22 [11.18.45]

23 Then we reached a village near a lake in Bati, but I cannot
24 recall the name of the village. We stayed there overnight, and
25 next morning we continued our journey, crossing the Bati Temple.

1 Then we went to Boeng Khyang village.

2 I then witnessed the liberations forces walked a line of people
3 who were tied up with a white and red thread. So, they were
4 walked in the opposite direction, and there were two lines; each
5 was about -- more than 10 people. And one of the liberation force
6 soldier walked in front, and another one -- another soldier
7 walked at the back of the line. And those people who were walked
8 were tied by their thumb, and some were tied with their arms tied
9 to their back. So, when my father witnessed that, he was shocked
10 and he advised us to walk quickly. From my observation, my father
11 was very afraid that he could be implicated. So, I saw with my
12 own eyes that people were walked.

13 And later on, when I asked the villagers what the - what the name
14 of the village was, I was told that it was called Thmei village.
15 It was where I walked passed to S'ang Phnom. So, my family stayed
16 at that lake for one or two hours, as we had to find some shell
17 from the lake to cook. And then we rested for one night at the
18 S'ang Mountain, and then we were instructed by Angkar to move on
19 and we did so in the next morning.

20 [11.21.27]

21 We then reached a pagoda near the riverside. It is now known as
22 Prey Touch Pagoda in S'ang district.

23 Q. Let me interrupt you, civil party. There is one point in your
24 description that I like you to specify further. You said that
25 there was an announcement on the loudspeaker that the people

1 should leave the city for three days, and after that they could
2 return. Is that a true statement by yours?

3 A. Yes, that was indeed an announcement.

4 Q. So, when your family members as well as other people leaving
5 the city for three days -- did your family, indeed, intend to
6 return to Phnom Penh?

7 A. In fact, my grandparents asked the comrade - that's the word
8 they used back then -- whether they could return because we had
9 left for more than three days. And then Angkar said that we had
10 to leave for seven days because Angkar had not cleansed the city
11 properly yet. So, then, we kept -- continued walking further. We
12 were not allowed to stay in one place.

13 [11.23.11]

14 Q. Who, actually, did not allow you to return to Phnom Penh, if
15 you can recall? Were they civilian from the Lon Nol side or --
16 who were they?

17 A. From I could observe, they wore a uniform with car-tire thongs
18 and a scarf. They could be an official from the liberation
19 soldiers, because the areas that we walked past were the
20 liberated zones.

21 Q. Thank you.

22 There is another point that you said that you saw people who were
23 tied in a line -- in fact, that your father told you that. Did he
24 tell you whether they were ordinary civilians?

25 A. As my father told me, those people were the Lon Nol soldiers.

1 So, when they questioned people and people told them that they
2 were the Lon Nol soldiers, then they would be detained and tied
3 up.

4 Q. You also said you saw a line of people walk from the opposite
5 direction when you were talking. Were they civilians?

6 A. Some of them were wearing military uniforms, some were wearing
7 civilian clothing -- civilian shirt, pants -- and some even wear
8 -- wore the underwear, as I observed.

9 [11.25.22]

10 Q. When you saw those people tied up and walk in one line, were
11 they led by a militia or were they led by somebody in particular?

12 A. As I stated earlier, there were only two people controlling
13 the line. There was one leading the line of those people who were
14 tied up. They were wearing a beret. They were wearing black
15 uniforms and car-tire thongs and they were also holding a gun.
16 There was only one person carrying a gun -- that is, the one who
17 walked behind.

18 Q. Can you recall, when did you see that -- in what year?

19 A. It was in 1975, during the fall of Phnom Penh, maybe about a
20 fortnight after the fall of Phnom Penh -- between 10 days to a
21 fortnight.

22 Q. My next question is in regard to your journey and food. What
23 was the journey like? Was it comfortable? What was it like for
24 you, your family, and for other people?

25 [11.27.11]

1 A. It was very difficult for my family, in particular for the
2 resting place, because wherever we stopped, we would rest on the
3 ground; we could not go into the people's houses, we could only
4 rest along the roadside. And if we could not find drinking water
5 or water to cook the rice, we had to try to locate a pond or a
6 lake nearby so that we can use the water. And we could carry some
7 rice with us, but we needed to find water to cook the rice.

8 Q. Regarding your journey out of the city, were there people
9 guarding along the road when you travelled?

10 A. No, there were no people guarding along the road. If we were
11 to be instructed, suddenly there appeared two or three people
12 coming to make such announcement. Sometimes I observed they
13 carried a gun, or sometimes they carried a knife, and they were
14 wearing black uniforms.

15 Q. Regarding the prohibition of the circulation of currency,
16 which is the next topic, during the initial evacuation, did they
17 make an announcement on the prohibition of the currency
18 circulation?

19 [11.29.20]

20 A. As I recall, when we left Phnom Penh, they actually stopped
21 using the money at Sleng Pagoda in Kandal Stueng district. I saw
22 a Chinese transporting a truck full of pigs, and then that
23 Chinese sold the pork near that pagoda and sold the (?) and he
24 got a lot of money. And in late afternoon I heard the
25 announcement that there would be no circulation of money anymore.

1 Then that was the time that I concluded that there was no longer
2 money circulation. And that happened about two or three days
3 after the fall of Phnom Penh.

4 Q. Do you still recall who actually banned the circulation of
5 money?

6 A. People at the base, people whom I talked about wearing
7 uniformed and wearing red chequered scarves, they said money no
8 longer was circulated. Although you would like to buy something,
9 you would never be able to exchange the commodities with the
10 money any more.

11 Q. What about the people's feeling at that time?

12 A. At Wat Sleng, we noted that there were a lot of people --
13 people did not express very well; they only whispered to one
14 another about the banning of the money. That's all. They did not
15 say this out loud.

16 [11.31.47]

17 Q. You talked about Sleng Pagoda. Where is it?

18 A. Sleng Pagoda is in Kandal Stueng district. I don't know which
19 location. It is just near Kampong Tuol vicinity.

20 Q. As to your trip, when you were walking on the roads -- can you
21 tell the Chamber, please, at which point were people stopped and
22 checked about their backgrounds -- for example, whether they were
23 affiliated with the Lon Nol regime?

24 A. As indicated, we were stopped and checked when we reached
25 Kampong Tuol location. My father had learned about this in

1 advance. That's why he escaped before he was checked. He knew
2 that if he didn't do so, he would be arrested after people
3 learned about his background. We then went all the way to Tboung
4 Kdei village, and more -- further checking was conducted there,
5 and my father's background was then revealed. And 10 days after
6 we approached that village, the cousin of my brother and his
7 friends had already been taken to the study sessions.

8 Q. How long did it take for you to travel all the way to your
9 hometown after the evacuation?

10 A. From Phnom Penh to my hometown, including the time to rest and
11 travel, it took us about a month.

12 [11.34.44]

13 At first, we did not go all the way to Tboung Kdei village. We --
14 our family, indeed, was made to stay at Boeng Antong of Me Sang
15 district before we headed to my hometown. After that, Angkar made
16 an announcement, saying that wherever we were from or belonged,
17 then we could go there, after all. And my father and other
18 members of the other families also took the advantage of such a
19 permission to go to our respective hometowns.

20 Q. When you reached your hometown, what was your impression about
21 the situation back then, as opposed to that in Phnom Penh?

22 A. In Tboung Kdei village, my first impression was about the
23 communication, our relations with our relatives, morality. My
24 father used to be loved and liked by everyone in the village, but by
25 the time I arrived in the village this time, indeed, an uncle of

1 mine who loved my father very much in the previous time came to
2 my father and tapped him on the should and say how he were --
3 asked him how he was. Normally, he could never do that; he should
4 have paid great respect to my father by clasping his both hands
5 as a gesture of respect. He only asked, this time, my father --
6 just this question, and that's all. And other people did not show
7 some kind of affection or relation to my father. So, people were
8 rather quiet and reserved.

9 [11.37.47]

10 Q. When you got to your hometown, how was your stay arranged? Did
11 you have to find your own place to stay, or was all this
12 organized for you?

13 A. At first, my father got to a house of his cousin, and he
14 talked to Angkar, asking Angkar to allow him and the family to
15 stay at that big house, and we were allowed to do so.

16 Q. You talked about Angkar, and that their permission was -- and
17 you asked for -- there was a time when Angkar was asked for
18 permission to stay in the house. But please be more precise. Was
19 Angkar already established before you went there?

20 A. When I got there, we learned that cooperatives had already
21 been established, because I noted that there were heads of the
22 cooperatives and group leaders. And our family member was made to
23 join each different group. For example, my parent would be asked
24 to live in a separate group, as opposed to mine.

25 Q. What kind of work were you tasked with doing? And what did

1 your parents do?

2 [11.39.56]

3 A. Upon arriving, the heads of the cooperatives convened a
4 meeting where all the evacuees came, and we were instructed on
5 how we had to do our work, to dig canals. And my mother had to
6 work elsewhere. My grandfather was tasked with - with the
7 craftwork of the rope, and my nephews were tasked with collecting
8 cow dungs. So, everyone had different tasks. We met only during
9 lunch break, briefly. After that, we had to break up and only to
10 meet again when night fell.

11 Q. You talked about the cooperatives. Can you please tell the
12 Chamber whether you recall any organizational structure of the
13 cooperatives and the Khmer Rouge?

14 MR. IANUZZI:

15 Excuse me, Your Honour?

16 MR. PRESIDENT:

17 Counsel, you may proceed.

18 [11.41.37]

19 MR. IANUZZI:

20 I apologize for interrupting. This is in line with the
21 intervention that I made on Friday. Perhaps what I need -- or
22 what we all need is a clarification.

23 As I understand it, the crime bases, the crime sites, the crimes
24 -- the alleged crimes that are at issue in this trial are two
25 discrete population movements and one distinct security centre,

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1 not what happened after a population movement, when people were
2 settled. That's how I understand. And you will correct me if I'm
3 wrong, but I understand that the crimes that have been alleged
4 with respect to the population transfer are those alleged crimes
5 that may have happened during the transfer, and not once those
6 individuals were resettled. That's my understanding.

7 So, if that's correct, I would object on relevance at this stage.

8 [11.42.44]

9 MS. TY SRINNA:

10 With Mr. President's leave, I would like to respond to this
11 submission by counsel for the - for the Accused.

12 My question is relevant to the facts. The President has already
13 made it clear that civil party is allowed to give testimony or to
14 take the stand on the facts during the period of 1975 to 1977.

15 So, the question is relevant to those facts, and that -- the
16 question is also relevant to the Closing Order concerning the
17 structure of the lower level of the Khmer Rouge. And I can say
18 that the fragment or the segment of this trial covers the scope
19 of my line of questioning.

20 I believe that the Chamber will allow me to continue putting
21 questions -- this kind of questions I put to the civil party and
22 allow the civil party to respond.

23 And with this, my colleague also would like to have a few words,
24 as well.

25 MR. PRESIDENT:

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1 National Lead Co-Lawyer for the civil party, you may proceed.

2 MR. PICH ANG:

3 Thank you, Mr. President and Your Honours. The scope of this
4 trial is more about the first and second phase of the evacuation
5 or forced transfer. This scope is not limited to where people
6 could be evacuated to.

7 [11.45.00]

8 What we are discussing before us today is about the evacuation,
9 and we are here with a civil party who has suffered or who was
10 perhaps intimidated because he was evacuated from the city to the
11 countryside or to a base -- and the base, that was the place
12 where the Base People lived, and then the New People came in.
13 So, these facts involve the recollection of this civil party, and
14 he is best to take the stand.

15 MR. PRESIDENT:

16 Counsel for Mr. Nuon Chea, you may now proceed.

17 MR. IANUZZI:

18 Thank you, Mr. President. If I could just reply very briefly, my
19 understanding was that the civil parties would indeed be
20 permitted to talk about the harm they suffered in their statement
21 at the end of their testimony, and that pending a decision on the
22 written motion that's about to be filed by the Civil Party
23 Co-Lawyers -- that pending a decision on that, they will be given
24 a wide latitude with respect to the statement of their suffering,
25 that they made at the end, as we saw this morning with the

1 previous civil party.

2 [11.46.35]

3 However, with respect to the examination by the parties, it is my
4 understanding -- and I do think I'm correct -- that it's to be
5 limited to the crime base. And the crime base at this -- at issue
6 in this trial, there are three: the first population movement,
7 the second population movement, and the recently added security
8 centre.

9 So, clearly, this witness' testimony -- this civil party's
10 testimony -- falls within that first area -- the evacuation from
11 Phnom Penh. We've -- we're beyond that now. We're now into an
12 area where we've arrived at the base where this civil party ended
13 up, at the conclusion of the evacuation. It's no longer relevant,
14 factually, for the examination.

15 Of course, at the end, pending that decision, when it comes time
16 for this individual -- this gentleman to speak about his harm,
17 then he will be given the latitude that Your Honour mentioned --
18 that Judge Lavergne mentioned this morning.

19 So, that's our position. We're into crime-based witnesses now; we
20 should stick to the facts that are relevant with respect to those
21 crime bases. This is not a civil -- this civil party has not been
22 called to give testimony about administrative structures, about
23 communication structures, about military structures; this
24 individual -- this civil party has been called to give testimony
25 about the evacuation of Phnom Penh. So, again, just to be clear,

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1 that is the limit of the relevance, I would say.

2 (Judges deliberate)

3 [11.53.35]

4 MR. PRESIDENT:

5 I would like now to hand over to Judge Cartwright. Please, you
6 may proceed.

7 JUDGE CARTWRIGHT:

8 Counsel for the civil parties, the Court's -- the Chamber's
9 ruling is that the primary focus of any information from civil
10 parties or, indeed, any witness must be on Case 002/01.
11 If there is other background information, it must be kept to the
12 absolute minimum, and we ask you to rephrase your question to the
13 civil party accordingly. Thank you.

14 BY MS. TY SRINNA:

15 I thank you very much, Your Honour.

16 Q. I would like to rephrase the question as follows: Mr. Chum
17 Sokha, when you reached your hometown, was there any arrangement
18 made concerning how your family would be treated? For example,
19 were you treated as the newcomers or were you treated as the Base
20 People?

21 MR. IANUZZI:

22 Objection, Your Honour.

23 [11.55.35]

24 Again, I think -- and I'm just trying to be very rigorous in
25 terms of how we're proceeding here. If the crime base is -- and

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1 I'm using that term loosely, I think everyone understands what
2 I'm saying -- if the crime base is the evacuation of Phnom Penh
3 and the crimes are alleged to have been committed during the
4 evacuation of Phnom Penh, then what happened, if anything, once
5 people were settled at the end of that alleged evacuation is
6 wholly irrelevant. It's wholly irrelevant.

7 Judge Cartwright mentioned background. I would say that
8 background would be -- would relate to things that happened prior
9 to the evacuation, on the way, during -- you know, en route, as
10 we would say. But once we've reached the end of the line, we're
11 moving into a different area.

12 What happened at this particular location, this civil party's
13 village -- what happened there, that's another area; that's
14 another crime site; that's another issue; that's not the
15 evacuation of Phnom Penh. The evacuation of Phnom Penh is from
16 Phnom Penh to wherever an individual may have ended up.

17 And, again, I'm just thinking about what happened in this
18 courtroom on Friday. I think rigour -- rigour -- is what we need
19 in this courtroom - rigour -- a rigorous application of rules,
20 not the--

21 (Judges deliberate)

22 [11.57.55]

23 MR. PRESIDENT:

24 Judge Cartwright, you may now proceed.

25 JUDGE CARTWRIGHT:

1 Mr. Ianuzzi, you were cut off because the Chamber fully
2 understood your point; there was no need to keep expanding on it
3 and repeating it.

4 So, I will remind the counsel for the civil party that you are to
5 focus only on the facts in Case 002/01. Other information that
6 falls outside that factual basis must be kept to the absolute
7 minimum. We are only trying the facts in this case. So, please
8 make sure that your civil party does not, in response to your
9 questions, expand beyond that framework.

10 Have I made myself clear?

11 [11.59.07]

12 MS. TY SRINNA:

13 Your Honour, I may wish to seek some clarification on this,
14 please.

15 My view concerning the facts at issue in the scope of Case File
16 002/01 covers the administrative structure and -- both the
17 upper-echelon administrative structures and lower and also the
18 popular -- population movements first and second stage. That's
19 what I understood from the instruction from the Chamber.

20 In light of that, I still feel that the questions I am putting
21 are relevant. We may ask a question; if the evacuation did not
22 take place, he would not be forced to move to his hometown. So I
23 am still convinced that he was forced to move to the location
24 where he did not want to go, and I would like to ask the Chamber
25 whether I am allowed to put these questions concerning the cause

1 and effect of the evacuation of the population from Phnom Penh.

2 [12.01.13]

3 JUDGE CARTWRIGHT:

4 What your questions seem to be leading towards was what happened
5 to this civil party after the evacuation of Phnom Penh. That is
6 not relevant, unless what happened to him falls within the
7 current facts in Case 002/01.

8 So, I hope that this is now clear.

9 And I see Madam Simonneau-Fort may be about to offer some
10 guidance as well. Thank you, I would appreciate that.

11 MS. SIMONNEAU-FORT:

12 Thank you, Your Honour. What I think is that my learned colleague
13 is saying that, as of time -- insofar as we're looking at forced
14 transfer 1 and forced transfer 2, it is impossible not to look at
15 what happened between the two transfers, because transfer number
16 2 is necessarily related to transfer - transfer number 1 and also
17 to the intermediate period. So it is indispensable that -- for us
18 to consider the two types of transfers, we should consider the
19 question or the issue of the absolute minimum referred to by you,
20 the Judge. So these issues as absolutely indispensable when we
21 are talking of transfer number 2.

22 [12.02.52]

23 MR. PRESIDENT:

24 International Co-Prosecutor, if you would like to have a few
25 words on this, you may now have the floor.

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. I tried to rise earlier, before you
3 took your decision, but it was not possible for me to make my
4 submission then. I would like to add a point, because it appears
5 that Nuon Chea's defence is voluntarily restricting or
6 circumscribing the scope of this trial.

7 It is nevertheless interesting to know, with regard to the
8 immediate consequences of the forced transfers. What I mean is
9 that we should know what became of those persons who were
10 regarded as 17 April People -- on their arrival, were measures
11 taken against them to distinguish them from the others, and what
12 happened to them -- as it is important to know what happened to
13 civil servants and Lon Nol soldiers, when they were identified as
14 such in the villages in which they arrived, if they hadn't been
15 discovered before. These are immediate consequences of the
16 evacuation -- that is, the first phase of the forced transfers.
17 And this trial is about that.

18 [12.04.15]

19 I am speaking after your decision, but it appears that, insofar
20 as we are dealing with those issues, we should be tolerant and
21 flexible to allow civil parties to answer questions on those
22 issues.

23 MR. PRESIDENT:

24 Counsel, you may proceed.

25 MR. IANUZZI:

1 Thank you, Mr. President. Just two brief points -- one a general
2 point.

3 I don't think the Severance Order said anything about population
4 movements 1 and 2, and subsequent events, and what happened after
5 the fact. If we move into that area, we might as well just try
6 the case as originally pleaded by the Co-Prosecutors. The
7 Severance Order was very clear: population movements 1 and 2;
8 recently, we've had a third crime site added.

9 We can't say that, because Thursday follows Wednesday, it's
10 relevant to the week. If the week is cut off at Wednesday, then
11 the week ends at Wednesday. That's my general point.

12 [12.05.20]

13 My specific point, with respect to what my colleague for the
14 civil parties mentioned about linking the two population
15 movements -- I would accept that if the facts bear that out, but
16 anyone who's read this civil party statement will know that this
17 civil party ended in this particular village and stayed there --
18 and stayed there, according to the statement, until the end of
19 1978. So, I accept that in theory -- I accept that formulation,
20 in theory, if the civil party lawyers are able to make a
21 connection to the second population transfer -- that's absolutely
22 fine, I could hardly object to that. But it seems to me, at least
23 from the face of the civil party statement, that there is no
24 connection, factually, to the second population transfer. So I
25 would object on that ground.

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1 So, again, just -- I'm not going to repeat myself, Judge
2 Cartwright, but I do think we need a measure of clarity in
3 dealing with the witnesses, going forward. Thank you.

4 (Judges deliberate)

5 [12.06.46]

6 MR. PRESIDENT:

7 Since it is now appropriate time for lunch adjournment, the
8 Chamber will adjourn for -- now until 1.30.

9 Court officer is now instructed to assist the civil party during
10 the lunch adjournment and have him return to the courtroom by
11 1.30 p.m.

12 Counsel, you may now proceed.

13 MR. IANUZZI:

14 Thank you, Mr. President. My last point for this morning is a
15 standard application.

16 Nuon Chea is suffering from a headache, a backache, and a general
17 lack of concentration and, for those three reasons, would like to
18 retire to the holding cell for the afternoon.

19 Thank you very much.

20 [12.07.44]

21 MR. PRESIDENT:

22 Thank you, Counsel.

23 The Chamber notes the request by Mr. Nuon Chea through his
24 counsel, in which Mr. Nuon Chea has requested that he be allowed
25 to observe the proceedings from the holding cell, due to his

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1 health concern that he cannot remain seated in this courtroom.

2 The Chamber therefore grants such requested and asks that

3 counsels for Mr. Nuon Chea submit such waiver to the Chamber, the

4 waiver that is signed or given thumbprint by Mr. Nuon Chea. Mr.

5 Nuon Chea is now allowed to observe the proceedings from his

6 holding cell.

7 And the AV Unit is now instructed to ensure that the AV link is

8 connected to Mr. Nuon Chea's holding cell so that Mr. Nuon Chea

9 can observe the proceedings from there for the remainder of the

10 day.

11 Security personnel are now instructed to bring Mr. Nuon Chea and

12 Khieu Samphan to their respective holding cells and have Mr.

13 Khieu Samphan return to the courtroom when the next session

14 resumes.

15 The Court is adjourned.

16 THE GREFFIER:

17 (No interpretation)

18 (Court recesses from 1209H to 1333H)

19 MR. PRESIDENT:

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

21 Before I once again hand the floor to the Lead Co-lawyers for

22 civil parties to put more questions to this civil party, I'd like

23 to give the floor to Judge Lavergne to clarify the matters

24 arising this morning.

25 Judge Lavergne, please take the floor.

1 [13.34.49]

2 JUDGE LAVERGNE:

3 Yes, thank you, Mr. President.

4 First of all, I would like to remind the Civil Party Lead
5 Co-lawyers and all parties that the witnesses or civil parties
6 who will be testifying before this Chamber have to focus on facts
7 that are the basis for Case 002/01.

8 Consequently, regarding the witness in the dock today, his
9 testimony has to focus, essentially, on facts relating to the
10 evacuation of Phnom Penh -- that is, forced transfer number 1;
11 and other facts included are killings of officers of the Khmer
12 Republic, whether that is joined the evacuation of Phnom Penh or
13 upon the arrival of the evacuees. So, some facts that have been
14 referred to by the witness fall within the framework of this
15 trial.

16 [13.36.10]

17 Beyond that, we should recall that forcible movements number 2
18 concern movements during 1975, 1976, and 1977, but they do not
19 concern population movements that occurred during 1978. These
20 movements of people from the East Zone towards other zones in
21 Cambodia are part of the transfer number 3. So, strictly
22 speaking, we do not envisage examining the witness or civil
23 parties on these facts.

24 However, the Chamber has made a distinction between witnesses and
25 civil parties and the Chamber has admitted that civil parties may

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1 speak to sufferings they endured. And, in this regard, they have
2 been given some flexibility and latitude so they can speak about
3 facts that are part of the first trial segment, but other facts
4 taking into account the limits and exceptions made, and the
5 expression of suffering should be concise and should not be
6 excessive.

7 I hope that this clarifies the scope of examination of this civil
8 party.

9 And now I give the floor to the Civil Party Lead Co-lawyer.

10 [13.37.51]

11 MR. PICH ANG:

12 Good afternoon, Mr. President, Your Honours, everyone in and
13 around the courtroom. I may not understand fully what has been
14 clarified by Judge Lavergne. Your Honour said that the killings
15 of the former regimes at the location where the civil party
16 arrived--

17 My question is: When the civilians arrived at a certain point and
18 then those people were persecuted because they were considered
19 New People, could these facts be put into a form of question
20 either to the civil parties or to any of the witnesses of the
21 Court?

22 JUDGE LAVERGNE:

23 Now, if we strictly limit ourselves to evidential -- to the
24 evidence concerning 002, I think we'll find the facts in the
25 annex following the severance. We have amended a number of facts

1 since then.

2 Now, to answer your question clearly regarding killings of
3 persons because of their status as officers of the Khmer
4 Republic, this is provided for in paragraph 1317 in the Closing
5 Order, and that is why I say that these -- this category doesn't
6 pose any problem.

7 [13.39.55]

8 However, regarding civil parties, I think that they can speak
9 about their sufferings with regard to the consequences that they
10 may have endured on account of the evacuation of Phnom Penh. For
11 instance, provided would not go into too many details, it is
12 possible that a civil party may say he or she suffered on account
13 of work that he or she had to do. But, again, this should be done
14 in a succinct manner, in a concise manner, and we shouldn't go
15 into too many details.

16 MR. PICH ANG:

17 I heard on the headset a word Your Honour said both in Khmer and
18 in French language. You talked about the killing of the military
19 officers as stated in a paragraph of the Closing Order, and as
20 for other victims who were the New People, it was mentioned in
21 paragraph 274 of the Closing Order that is regarding the arrival
22 of the New People, the questioning of the biography at the
23 destination, as well as the -- placing those new people in the
24 cooperatives. This is particularly related to the second phase.
25 Can we also touch upon these facts as stated in the Closing

1 Order?

2 [13.41.58]

3 JUDGE LAVERGNE:

4 I have not understood, but maybe I'm wrong. I didn't understand
5 that the presence of civil parties was concerned by movement
6 number 2 -- or transfer number 2. I think they were concerned
7 mainly by the transfer number 1. So, I do not think the reference
8 to paragraph 274 is appropriate.

9 But, again, the Chamber is not opposed to having civil parties
10 talk about the consequences of the evacuations of Phnom Penh. The
11 only condition is that they should be concise.

12 MR. PRESIDENT:

13 Counsel Michael Karnavas, you may proceed.

14 [13.42.52]

15 MR. KARNAVAS:

16 Good afternoon, Mr. President. Good afternoon, Your Honours. I'll
17 be very brief because I seem to be somewhat confused, as well.

18 It would appear that the civil parties wish at times to treat --
19 the lawyers for the civil parties, that is -- to treat civil
20 parties as fact witnesses, and at other times as civil parties.

21 So, as fact witnesses, of course they get to testify not being
22 under oath, but yes - but yet get all the facts that are
23 unrelated to them being civil parties, and then treat them as
24 civil parties when it comes to their particular situation. And I
25 think that's what was mentioned earlier this morning -- at least

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1 that was my understanding from the Nuon Chea team.

2 And so we do need some clarification. And the parameters should
3 be if the civil parties -- in my estimation, civil parties should
4 be talking about their particular circumstances and not in
5 general about facts. Otherwise, they are fact witnesses and
6 should be placed under oath and treated as such.

7 Thank you.

8 [13.44.03]

9 MR. PRESIDENT:

10 Judge Lavergne, please take the floor.

11 JUDGE LAVERGNE:

12 Yes, thank you, Mr. President. Very briefly, to respond to
13 Counsel Karnavas, perhaps he could liaise with counsel who are
14 more familiar with the civil law system.

15 But a civil party testifies on facts -- or to facts and sheds
16 light before the Chamber on any suffering he or she may have
17 endured. So, a civil party may do both.

18 It is difficult to say that at this point in time it will be
19 factual evidence, and then, at another time, it will be
20 suffering, because some facts are linked to suffering. So we
21 cannot split what the civil party has to say between facts and
22 suffering, so a civil party can testify both to facts and
23 suffering.

24 [13.45.12]

25 MR. IANUZZI:

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1 Good afternoon, everyone. Good afternoon, everyone. Isn't that
2 what we just did with the previous civil party? Didn't he or she
3 testify to facts and then testified to suffering? Isn't that what
4 just happened?

5 And I'm - and I'm speaking to you, Judge Lavergne. I'm not trying
6 to be critical, but you just said we can't separate the two
7 issues. But isn't that, in fact, exactly what we did with the
8 previous civil party? We had an exchange, an examination as to
9 facts, and then we had a recitation -- this morning, in fact --
10 on the sole issue of suffering.

11 So, I don't mean to be difficult, but that has actually made a
12 bit more confusing for me now. So perhaps you could clarify that
13 for me.

14 JUDGE LAVERGNE:

15 With your leave, I would say that the Chamber would like us to
16 stop wasting time.

17 The civil parties may express themselves on their sufferings at a
18 point A or point B. I don't think it is very important. What is
19 important is that they be authorized to do so.

20 [13.46.36]

21 And whether questions will make the distinction between facts and
22 suffering is not really important, but we want to avoid a
23 situation in which the civil party will dwell at length on the
24 sufferings or the facts, so that we avoid difficulties.

25 MR. IANUZZI:

1 Thank you, Judge Lavergne. That's clear now.

2 I just raised that point because my colleague was chastised this
3 morning for making an intervention at what was deemed by the
4 President an inopportune time.

5 So, again, I'm just trying to get it straight so that we know
6 exactly what's happening or what we're allowed to do and when
7 we're allowed to do it, because my colleague, Major Son Arun,
8 stood up this morning and attempted to make an intervention and
9 he was chastised by the President for not paying attention, not
10 liaising with international counsel as to what happened on
11 Friday.

12 So, again, for me, as always for us, it's a matter of clarity. We
13 just want to know what's happening in this courtroom, when we're
14 allowed to participate, how we're supposed to participate, that
15 kind of a thing. I'm not trying to be difficult; I'm just trying
16 to have it clear in my mind.

17 Thank you.

18 [13.48.02]

19 MR. PRESIDENT:

20 Judge Lavergne, please take the floor.

21 JUDGE LAVERGNE:

22 I thought I was clear enough, but it appears that that is not the
23 case.

24 I think that you may ask questions after the civil parties, so I
25 think you can ask questions on everything that transpires during

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1 the examination. There's no problem with that, but again, if we
2 are talking of points that are purely related to suffering, that
3 would not necessarily be pertinent.

4 So I think we should reserve that for the period after the
5 examination-in-chief.

6 MR. PRESIDENT:

7 Lawyer for civil parties, you may continue your questions.

8 BY MS. TY SRINNA:

9 Thank you, Mr. President. Allow me to continue my questioning of
10 this civil party.

11 Q. This morning you stated some facts related to your uncle upon
12 his arrival at his native village, that he was arrested.

13 My question is the following: What happened to him initially,
14 when he arrived at his native village?

15 [13.49.57]

16 MR. CHUM SOKHA:

17 A. I had two uncles, by the name of Meak and Son. I did not know
18 much about Uncle Son, but as for Uncle Meak, I knew some facts.

19 Both of them had been arrested before my arrival.

20 Uncle Meak had been arrested and put in the detention facility to
21 the south of the village. And when he was led out to work, he was
22 one of the many prisoners who were forced to work in the rice
23 field. So, he was detained at the security centre at Samraong
24 village. He was forced to dig the earth and to pull the plough
25 and he was actually used as in place of a cow to pull the plough.

1 That's what I saw from a distance when he was working in the rice
2 field to the south of the village.

3 Q. Allow me to clarify. He was used to plough in place of a cow.
4 Is it to plough the rice field?

5 A. One day, he was walked by the Angkar to pull the plough from
6 the Samraong village to my village, which was the Kdei village.
7 So, he was used to guard the firewood as well. I saw him both
8 when he left and when he returned, as he walked past in front of
9 my house. He was carrying the yoke of the oxcart, and another
10 prisoner was used on the other side of the yoke, and there was
11 another prisoner pushing the cart, and they were monitored by
12 militia.

13 [13.52.35]

14 Q. Did you know the reason for his arrest?

15 A. Like my father, he had a connection with the Lon Nol regime,
16 as he was a military officer. In fact, he had stayed in the
17 Liberated Zone for two years and he was being tracked down and
18 arrested, so he fled with my father. And upon his arrival in the
19 village, they already knew about his background, and for that
20 reason he was arrested.

21 Q. You said your uncle's case was similar to that of your
22 father's.

23 My question is: What happened to your father?

24 A. As I stated this morning, upon arrival at his native village,
25 my father had to do the work as instructed by Angkar. He worked

1 for 10 days, and on the last day he was taken for re-education. I
2 did not know about that. Only later, when I returned from my
3 work, I was told that he was taken for re-education. So he
4 disappeared.

5 [13.54.06]

6 And later on I learned that because of his connection as a
7 military officer, he was tempered and forced to work hard in a
8 security centre in Trapeang Leak Kbal, to the east of my Kdei
9 village. First, he was put in Bati Pagoda. I was informed of that
10 by the base person.

11 So, those people who had a connection with the previous Lon Nol
12 regime, including military officers, agents, or intelligence
13 officers, or high-ranking officers, were put in that pagoda.
14 Ordinary people were not allowed to enter that pagoda. And they
15 were shackled in that pagoda, and later on they were led to
16 another village.

17 Q. Upon hearing that your father was arrested, and shackled in
18 the security centre, and tortured, what was your feeling back
19 then? And how about your mother? What was her feeling like?

20 A. As a son who used to live with my father and that -- when he
21 left without saying goodbye, I felt sad and missed him very much.
22 When I heard that he was at Trapeang Leak Kbal village, besides
23 working in the vicinity nearby, I tried to see him through the
24 bamboo trees, but I could not see him. I really missed him very
25 much and I shed my tears.

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1 [13.56.13]

2 And I also had very pity – very pity on my mother. I understand
3 that she did not speak anything, but she was very, very sad.

4 At that time, we knew that whatever came out of our mouths would
5 reach the ears of Angkar and we would be arrested, so we dare not
6 speak about anything. When someone was taken for re-education, it
7 meant that person would be taken away, and we only learned of
8 that from the Base People who liked us and who told us secretly
9 about that.

10 Even today, when I think of him, I feel very sad.

11 (Short pause)

12 MR. PRESIDENT:

13 Mr. Chum Sokha, would you like to take a short break or you can
14 continue?

15 MR. CHUM SOKHA:

16 It's okay, Mr. President. I'll recompose myself.

17 MR. CHUM SOKHA:

18 A. Even at the present day, when there is a ceremony or a
19 religious celebration, I think of him and of the fact that he
20 just lost, that we all lost him. In fact, we wanted to do
21 anything, as well (sic) as we could survive the regime.

22 [13.59.08]

23 BY MS. TY SRINNA:

24 May I put more questions to you?

25 Q. Let me return to your case. Upon your arrival at the native

1 village, what were you asked to do?

2 MR. CHUM SOKHA:

3 A. Upon my arrival, I was placed in the cooperative, and that --
4 I had to work on a daily basis starting from 7 a.m. in the
5 morning, to dig canal, to build a dam to the west of the village,
6 and sometimes I was asked to cut the palm tree leaves, to work
7 the rice fields. I did all kinds of work I was asked to do.

8 [14.00.30]

9 And I was asked also to make fertilizer -- that is, a natural
10 fertilizer and the fertilizer from human faeces. In the morning,
11 I was asked to carry the urine and the faeces from each house in
12 order to make fertilizer. At that time, during the Khmer Rouge
13 regime, we were instructed by Angkar to save the urine and the
14 faeces during the night in order to be collected in the morning
15 to make fertilizer. So, I carried those faeces and urine every
16 morning.

17 And if there was no faeces in a bucket of that particular house,
18 that person would be criticized because they needed it to make
19 fertilizer.

20 And, as you know, fresh faeces really stink, and sometimes we
21 were asked dig up old faeces as well in order to decompose it to
22 make fertilizer.

23 The 17 April People and one of the Base People who was - who was
24 rather retarded was asked to work with me to carry the faeces.

25 And because the faeces was -- stunk too much, we used a

1 handkerchief or scarf to block our nose, and we were criticized
2 by that.

3 [14.02.27]

4 They scolded us and they used us as animals during the time. And
5 in the evening, when we mixed the faeces, then we had to dry it,
6 and then we had to collect it again by hand. And when we had to
7 use it in a rice field, we had to use our hands to spread that
8 natural fertilizer, as well.

9 One time, when I contracted malaria, I was still used to go and
10 transport wood from Khang Chak Mean (phonetic), the cart capsized
11 a few times, and I was still under the influence of malaria, and
12 I did not have any medicine to take.

13 I used herbal medicine to treat malaria. As for the medic--

14 MR. PRESIDENT:

15 The International Defence Counsel for Nuon Chea, you may proceed.

16 MR. IANUZZI:

17 Thank you, Mr. President. And, again, I'm sorry to interrupt; I
18 know I'm going to be presented as the bad guy here; I'm trying
19 very hard to keep us within the bounds of relevance.

20 And, just let me say to you, Mr. Civil Party, I'm very sorry that
21 these things, that you're relating now, happened to you, as you
22 say they have.

23 [14.04.14]

24 We are well within an area now, and we have been for the last 10
25 minutes, of forced labour. Forced labour is not part of this

1 trial. Now, let me just try and make a point.

2 MR. PRESIDENT:

3 Could you please be more precise on any particular question, or
4 portion of the question you take issue with because you are not
5 here -- you're not supposed to give any instruction to the civil
6 party before the Chamber; you may address any particular portion
7 of the question, or question itself, that you object, and the
8 Chamber believe that -- by that, we will be able to rule upon
9 such objection.

10 And, please be reminded that no party in this proceeding is
11 entitled to have the floor to instruct any civil party giving
12 testimony before the Chamber.

13 [14.05.25]

14 MR. IANUZZI:

15 Thank you, Mr. President. Let me just correct the record; I was
16 simply registering -- I was simply framing my comments, and I did
17 address the civil party. I just wanted him to know that I wasn't
18 interrupting his testimony without grounds. So, let me just
19 clarify that, I was not instructing him; I was not instructing
20 him in any way, I would never do that. I'm making an objection
21 and the objection is based on relevance.

22 What we have, in this trial, as Judge Lavergne has just told us,
23 is a crime base about forced evacuation from Phnom Penh to
24 certain locations. And Judge Lavergne also told us, that we would
25 be able to explore what happened immediately to people upon

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1 arrival in those locations, for example, were they targeted
2 because they were former members of the Lon Nol regime. Now, what
3 those people then did for days, weeks, months after that, it's
4 not relevant. That's forced labour; forced labour is not part of
5 this trial.

6 [14.06.36]

7 And, again, let me try and make a point. Civil parties, as we're
8 reminded very often, are parties. That means they have a
9 relationship with their counsel. So, just as we are directed to
10 focus our submissions, focus our clients, focus our presentations
11 in Court, the civil party lawyers should be equally instructed to
12 focus their clients. So, as I understand it, the gentleman
13 sitting here, is a client of somebody across the stage there; so,
14 they have a relationship, and that should be clear. We're well
15 outside the scope of the evacuation of Phnom Penh now. This is
16 why I raised the point earlier, and, again, Mr. Civil Party, I
17 apologize for interrupting your testimony.

18 MR. PRESIDENT:

19 Counsel for the Civil Party, would you wish to respond to the
20 objection by counsel for Mr. Nuon Chea?

21 [14.07.34]

22 MS. TY SRINNA:

23 Thank you, Mr. President. I may wish to respond briefly to the
24 objection by counsel for Mr. Nuon Chea. If I'm not mistaken, I
25 remember clearly that Judge Lavergne already ruled clearly that

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1 the questions are relevant to the evacuation for first phase and
2 second phase, and that civil party counsel shall also be putting
3 relevant questions to the civil party.

4 Civil party has a different status than a witness, and the civil
5 party before us today, experienced the event of the evacuation.

6 And my questions were not very detailed, or specific; I was just
7 asking him about what happened to him after he had been evacuated
8 to a location that he did not want to be placed.

9 So, these events are interrelated. With that, I do not understand
10 why counsel took issue with that; I do not know whether he
11 misunderstood my position -- or, perhaps, the ruling by Judge
12 Lavergne was not well taken. So, I would like to ask the Chamber,
13 in particular, Mr. President, to see whether I may proceed with
14 the further questions.

15 [14.09.42]

16 MR. PRESIDENT:

17 The response has already been made. And, counsel for Nuon Chea
18 already made appropriate observation. With that, we would like to
19 ask that counsel for the civil parties to limit the questions to
20 a specific period of time, and that the question should not be
21 straying away from this period, otherwise, we would be now
22 discussing about the facts that are covering all the entire
23 period of Democratic Kampuchea.

24 And, the Chamber understands that the period of evacuation, or
25 people who were in different locations, could be there in

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1 different period of time; some could have been there for a few
2 weeks; some would have to travel several days before they reached
3 the destination of the evacuation – of the destination. So, civil
4 party is now testifying about the evacuation, which is part of
5 the third phase from the Southwest.

6 [14.11.20]

7 So, what the Chamber wants from counsel is more about making
8 precise questions with regard to the scope of this period of
9 time.

10 BY MS. TY SRINNA:

11 Thank you, Mr. President.

12 Q. I may have to go back a little bit with my next question to
13 you. It is about what happened during the early days, when the
14 Khmer Rouge captured Phnom Penh.

15 My question is: Where did you live, at that time? Do you still
16 remember where you were?

17 MR. CHUM SOKHA:

18 A. I lived at Pochentong, but the fightings were fierce. The
19 Khmer Rouge attacked the location; in light of that, my family
20 decided to relocate to Borei Keila location. It was a kind of
21 camp where people could take refuge, so, we were there at Borei
22 Keila.

23 [14.13.16]

24 Q. Could you describe to us, what you saw happening at Borei
25 Keila?

1 A. At Borei Keila, I already indicated earlier on, I worked as a
2 Lon Nol soldier. On the eve of 16 of April, we went into Phnom
3 Penh and I went to my parents' home, and on the morning of 17
4 April, at about 7.00 a.m., I walked to a hospital and, my
5 parents' hat was there. It was a military hospital; the hospital
6 for treating sick patients, and it was also volleyball court.
7 And, it is now the TV 5 station; and I saw wounded people, and
8 medics who were busy treating people. The injured people were
9 those soldiers who were Khmer Rouge soldiers, and also the Lon
10 Nol soldiers. I saw two Khmer Rouge soldiers who got injured,
11 their arms and legs were severely injured, and I walked there and
12 I asked what kind of medicine -- rather, I noted that one of the
13 injured Khmer Rouge soldier asked the medic what kind of medicine
14 he would be prescribed or, offered; then, the medic say that the
15 medicine belonged to the American -- or, American medicine, and
16 although he was severely injured, he denied such -- of receiving
17 such medicine because he believed that the medicine belonged to
18 the imperialists; and he would not be treated with such
19 medicines, no matter what.

20 [14.15.53]

21 And, I also witnessed more wounded people coming into the
22 hospital. At about 9.00 a.m., the Khmer Rouge troop fully covered
23 - or captured Phnom Penh, and after a while, I also walked back
24 to the hospital. By then, there was no medic left except those
25 dying patients. And, the Khmer Rouge injured soldiers were

1 nowhere to be found, again. So, the patients were left
2 unattended, and left to die. Thank you.

3 Q. When the Khmer Rouge arrived, was there any attention – or
4 medical attention being offered to the remaining patients, or
5 wounded people?

6 A. As stated, in the morning when I was at the hospital, I saw
7 the former Lon Nol medics treating patients, but when the Khmer
8 Rouge troops came, no medics left, except the dying patients or
9 seriously injured patients and some bodies lying there in the
10 hospital ward.

11 [14.17.45]

12 Q. Did the Khmer Rouge soldiers offer medical assistance to the
13 patients at the hospital?

14 A. No, they didn't. There was no Khmer Rouge medic being seen at
15 the hospital, it was left with only the patients.

16 Q. I have only a few last questions to put to you.

17 Having lived through the Democratic Kampuchea regime – or, I
18 would like to rephrase the question, in other words, when you
19 arrived, your hometown, what happened to you?

20 A. Upon arriving my hometown in Tboung Kdei village, Angkar made
21 me work digging canals, doing farming, ploughing the paddy
22 fields, and the most difficult time I remember was when I fell
23 seriously; I couldn't sit up for several months, and I was
24 offered only two meals of very thin porridge, rice porridge a
25 day; and I was not offered any proper medicine except the kind of

1 medicines that was normally known as the "rabbit pellets".

2 [14.20.04]

3 And, for the injection, they gave me some kind of injection from
4 a kind of liquid in a bottle. I was very hungry and very sick,
5 and I also had to work. I worked until 10.00 p.m. every day. So,
6 I could say that I had to work more than 12 hours a day.

7 Q. I have a final question to you. Have you ever heard of any
8 person, for example, including Pol Pot, Ieng Sary, Nuon Chea,
9 Khieu Samphan?

10 A. I have heard of their names, and I used to see them, as well,
11 because at the village, a loud speaker would be hoisted on the
12 top of the tamarind tree, and we could hear radio broadcast; the
13 broadcast about the political line; the Party's lines; and, the
14 composition of the National Assembly would be also broadcast on
15 the radio. And, we heard Pol Pot worked as the Secretary of the
16 Party, and we heard the names of other ministers of various
17 ministries, including the names of Mr. Khieu Samphan, Ieng Sary
18 and Nuon Chea.

19 [14.22.20]

20 And, we also noted that by 1978, the names of Pol Pot, Ieng Sary,
21 Nuon Chea, were written on the leaflets distributed from the air
22 by an airplane. And, these leaflets were about the National
23 Liberation Fronts, and they were talking about the genocide
24 clique like Pol Pot, like Khieu Samphan and these individuals.

25 Q. Thank you very much, Mr. Civil Party. I have no more

1 questions, but I would like to have a request to be put before
2 the Chamber.

3 The Civil Party has written a diary; the diary that he wrote in
4 to three parts. The diary has already been placed into the case
5 file; may I humbly ask that the Chamber refer to the book -- or
6 the diary under D22/110.1?

7 MR. PRESIDENT:

8 Counsel Ty Srinna, could you please repeat the ERN number?

9 MS. TY SRINNA:

10 This document, which is the diary of this civil party, part 1 is
11 under ERN 00359558 through 00359683.

12 [14.24.51]

13 Part 2, under ERN - rather, D22/110.2, ERN 00359684 through
14 00359698 -- 10.

15 The part 3 is under D22/110.3 under ERN 00359811 through
16 00359880. I apologize that I have not yet located the English and
17 French versions of the document, but with this, may I ask that
18 the document be translated into these two languages for court
19 reference?

20 The book he wrote gives a more detailed information about his
21 accounts than what he is saying in the Court. And, due to the
22 fact that the segments of the trial are separated, we note that
23 he is not able to deliberately -- or to give more details than
24 what he has written in his - like what he has written in his
25 diary; and I have no more questions. And, I thank you very much,

1 indeed, Your Honours. I would like to now cede the floor to my
2 colleague.

3 [14.26.53]

4 MR. PRESIDENT:

5 Counsel Simonneau-Fort, you may now proceed.

6 QUESTIONING BY MS. SIMONNEAU-FORT:

7 Thank you, Mr. President. Just a few questions to follow-up on
8 what was already put to this gentleman.

9 Q. Sir, you said that you were asked to leave Phnom Penh because
10 the city was going to be bombed. You also said that you would be
11 back three days later. Now, clearly you did not come back, and
12 you stayed in a village. But were you told why you were not going
13 to come back to Phnom Penh?

14 MR. CHUM SOKHA:

15 A. First, Angkar asked us to leave Phnom Penh for three days,
16 factually, but mid-way my grandparents asked Angkar when we would
17 be allowed to be back, and the response was that, after seven
18 days, then we would be allowed to be back after the enemies had
19 been cleared. But the next seven days, the same question was
20 asked, but then we were not returned to the city, but allowed to
21 go to our villages.

22 So, the three day they promised became three years, eight months
23 and 20 days. And, we could never contest; we could never seek
24 further clarification on that. We just listened to their orders,
25 and we kept moving from one location to another.

1 [14.28.47]

2 And, when we reached our village, we knew that the plan was not
3 that the people had to be evacuated because we were to be bombed.
4 In fact, we were called to leave the city to help do farming
5 according to the Angkar's plan, the three hectares - rather,
6 three tonnes per hectare production plan.

7 Q. Thank you. Just a minute ago, you were talking about the Base
8 People, and you used that particular term, "Base People", but
9 what exactly do you mean by the term?

10 [14.29.39]

11 A. The "Base People" refers to those people who had lived in the
12 liberated zones since the war, between 1970 to 1975.

13 Q. And, you who transferred from Phnom Penh, what term was used
14 to describe you?

15 A. People who were evacuated from Phnom Penh were considered the
16 displaced people or the evacuees or the 17 April People.

17 Q. Thank you. Was there any difference in the way the 17th of
18 April People were treated compared to the Base People?

19 A. There was a difference between the Base People and the 17
20 April People for the period between 1975 to 1978; there was a
21 complete difference between these two. 17 people -- 17 April
22 People were those who were evacuated from various towns and
23 cities, namely, Phnom Penh, or the provincial town of Prey Veng,
24 or from Neak Loeung. The 17 April People usually arrived at the
25 destination with their bare hands, so they had to go to the

1 forest to cut the tree or bamboo to build houses.

2 [14.31.56]

3 As for the rice ration, the Base People were allowed to keep the
4 rice or unhusk rice at their house, but the 17 April People were
5 not allowed to keep the rice at where they stayed. Also, there
6 was a restriction on speech. Base People could speak about the
7 devotion of Angkar, but the 17 April People were not allowed to
8 do so, and they were not allowed to speak about any folk tales,
9 or to mention the King, or to say anything regarding the
10 imperialists. If we were heard talking about that then, we would
11 be criticized, and we would be monitored by the Base People; and,
12 there were various groups including the militia and the female
13 groups, who would monitor our activities; whether we work hard,
14 whether we sacrificed personal belongings or property.

15 It means that we had to sacrifice everything. We had to get rid
16 of all the property, and we should only have a very minimum
17 clothing, with us; just a set of clothing, a blanket and just one
18 or two utensil, including an old cooking pot or a small bowl or a
19 spoon, but Base People would be able to use better utilities.

20 [14.33.58]

21 Also, there was a restriction on movement; Base People could walk
22 rather freely, but for Base People (sic), we could not walk or go
23 across to another village without the authority from Angkar. And,
24 if we wanted, we had to secretly walk to another village during
25 the break, for instance.

1 Q. Thank you very much for giving us those details, sir, and
2 those precise explanations. Can I ask you if Angkar explained its
3 policies to you; what exactly they were planning and were there
4 meetings at which all of this was explained to you?

5 A. Every evening, there had to be a meeting, a group meeting as
6 instructed by Angkar. It was called a Livelihood Meeting where we
7 criticized ourselves, criticized one another and whether we
8 achieved the quota set by Angkar; and, if we did not finish the
9 quota, what was the reason for the failure; and, that we had to
10 commit ourselves to the plan set forth by Angkar.

11 [14.35.33]

12 We would be criticized on the spot if we failed to adhere to the
13 plans by Angkar; we would be alleged of not allowing Angkar, or
14 to interfere with the historical will of Angkar. And, if we put
15 our hand or leg into such historical will, it would be broken.
16 For instance, if there is a bucket of rice, it would still be
17 called a bucket of rice if one or two grains is lost, or
18 dispensed.

19 So, we had to work very hard in order to achieve the quota or
20 three tonnes per hectare rice production; we had to build the dam
21 for water irrigation into the rice field. So, we had to love
22 Angkar, absolutely.

23 MR. PRESIDENT:

24 You may proceed, Counsel.

25 MR. IANUZZI:

1 Thank you, Mr. President. Sorry; it sound like a broken record
2 today, but this is very much with -- what I'm concerned about.
3 Perhaps if the questions would have been placed in time, because
4 I have no idea whether the lengthy answer the witness just gave,
5 related to his time on the road, between Phnom Penh and his
6 arrival at his village, or, the time from his arrival going
7 forward to a certain period. There was no framing of the question
8 in time.

9 [14.37.11]

10 So, we did hear something about rice production; we did hear
11 something about dam building; we heard quite a bit in that
12 answer, so, perhaps, again, if the questions could be framed
13 precisely so we know if we're talking about prior to the
14 evacuation, en route, or immediately afterward, immediately upon
15 arrival, which I accept is, as you've said, within. But after
16 that, again, we're getting outside the scope of the trial.

17 MR. PRESIDENT:

18 The Lead Co-Lawyer for Civil Party, if you wish to respond to the
19 objection raised by the Defence Counsel, you may proceed.

20 MS. SIMMONEAU-FORT:

21 Mr. President, all I would say is that it is obvious that the
22 witness was talking about the time when he left the village after
23 the forced transfer. So, our question is to know the objectives
24 of the transfer and what happened after the forced transfer. I
25 have no further questions, Mr. President. I thank you also for

1 giving me the floor. This civil party has shed light on the
2 matters before this Chamber.

3 MR. PRESIDENT:

4 The International Defence Counsel for Nuon Chea, you may proceed.

5 MR. IANUZZI:

6 Thank you, Mr. President. Again, I'm -- we're working with a
7 record, so in terms of what's obvious and what's not obvious, I
8 think, it needs to be said. So we need dates, we need timeframes,
9 that's what we're dealing with. It wasn't at all obvious to me.
10 So again, I'm not trying to be difficult but I'm talking about
11 precision and rigour and something that when we go back to look
12 at the record when it comes time to make final submission, when
13 it comes time for Your Honours to assess this material, nobody's
14 going to say 18 months from now, two years from now, oh, it's
15 obvious. It's not on the record.

16 (Judges deliberate)

17 [14.40.07]

18 MR. PRESIDENT:

19 The Chamber would like to inquire with the Prosecution as how
20 much time you need to put questions to this civil party?

21 MR. CHAN DARARASMEY:

22 Mr. President, the Prosecution needs only 30 to 40 minutes to put
23 questions to this civil party.

24 MR. PRESIDENT:

25 Thank you.

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1 The time is now appropriate for a short break. We will take a
2 20-minute break and return at 3.00 p.m.

3 THE GREFFIER:

4 (No interpretation)

5 (Court recesses from 1440H to 1504H)

6 MR. PRESIDENT:

7 Please be seated.

8 The Court is now back in session and we would like to hand over
9 to the Prosecution to proceed with their questions, if they would
10 wish to do so, to the civil party.

11 MR. CHAN DARARASMEY:

12 Thank you, Mr. President and Your Honours. To save time and
13 without further ado we already discussed with the prosecutors
14 that the prosecutor will be putting questions, but only one
15 person representing the Prosecution putting questions to the
16 civil party, and I (sic) will be the one who is making -- or
17 putting these questions.

18 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

19 Q. Thank you, Mr. President.

20 Civil Party, I would like to ask you a few questions about your
21 past and more specifically about the evacuation of Phnom Penh and
22 your travel to your village.

23 [15.06.01]

24 My first question is to ask as of when did you work as a soldier
25 in the army of the Khmer Republic? You said just now that you

1 were enlisted under Lon Nol.

2 MR. CHUM SOKHA:

3 A. Thank you, Mr. Co-Prosecutor. I worked as a soldier starting
4 from 1972, perhaps in September all the way until Phnom Penh
5 broke.

6 Q. Thank you. And which particular division or unit were you
7 working in at that stage.

8 A. I was under the aviation -- or the air force unit, it's a
9 battalion 3, company 3, stationed at the airport, currently the
10 Phnom Penh International Airport.

11 Q. Thank you. I believe I heard this morning that you said that
12 your father and yourself, a Lon Nol soldier, were dressed in
13 civilian clothes when the Khmer Rouge came to Phnom Penh in 1975.
14 Was that on purpose?

15 [15.08.01]

16 A. The reason I dressed in civilian clothes, because a few days
17 after the fall of Phnom Penh we retreated and I had to flee. And
18 being afraid that the Khmer Rouge would know that I worked as a
19 soldier, I had to remove my military uniform and dressed in
20 civilian clothes.

21 Q. Thank you. Now, I heard a few days after the fall of Phnom
22 Penh, but I would assume that you really meant a few days before
23 the fall of Phnom Penh; can you just confirm that for me?

24 A. Could you repeat that question again?

25 Q. Yes. In the translation that I heard in French, you took off

1 your uniform because a few days after the fall of Phnom Penh, you
2 were fleeing the advances of the Khmer Rouge forces. Now, I think
3 that we're talking about a few days before and not after; can I,
4 therefore, assume that there was an error in the translation?

5 [15.09.50]

6 A. I wore civilian clothes on the morning of the 17th of April
7 1975, just a few hours before the Khmer Rouge captured Phnom
8 Penh.

9 Q. Thank you. As a cautionary measure, did you do other things
10 apart from hiding your uniform? Did you, for example, take care
11 to conceal or destroy any kind of documents or evidence that
12 might have established that you were, in fact, enlisted as a
13 soldier under Lon Nol?

14 A. Yes, I did. I fled with my gun and M-16 rifle from my friend.
15 I had to have them buried along with the handgun belonged to my
16 father. And some of the uniforms had to be taken off and I -- I
17 could manage to bring just a pair of uniform with me, but then
18 the Khmer Rouge spotted the -- them and asked to have them. They
19 did not do anything to me except asking for the uniform.

20 [15.11.42]

21 Q. Thank you. Which units of the Khmer Rouge troops came into
22 Borei Keila on that day in April 1975? Do you know which regiment
23 it was?

24 A. I'm afraid I don't know, but I know for sure that they were
25 from the East.

1 Q. Thank you. This morning you talked about sporadic gun fire
2 that you heard and grenade and rocket explosions during the
3 morning before the Khmer Rouge actually got into Phnom Penh. Can
4 you tell us if there was also fighting when they came into the
5 town; was there resistance to the Lon Nol -- by the Lon Nol
6 forces or did they simply give up there and then?

7 A. So far as I saw, there was no fighting because the Lon Nol
8 soldiers already surrendered their arms. I could see their
9 weapons were stacking on the roadsides and they were told by the
10 Phnom Penh dwellers that they had to discard their weapons and
11 they listened. Many of them had to remove their uniforms and
12 disarm and there was no fighting, although every now and then
13 there would be a kind of bombs dropped by the Khmer Rouge.

14 [15.13.54]

15 Q. This morning you said you saw corpses along Route Number 4
16 coming out of Phnom Penh, as you went towards Pochentong Airport,
17 often illuminated by car headlights. Now, between Borei Keila and
18 the airport, did you also notice other corpses?

19 A. I only saw the corpses just across from the airport and near
20 Kampong Tuol. In front of the airport, it used to be the
21 battlefield. The fierce fighting happened there and the Lon Nol
22 soldiers at the vicinity were defeated and many were killed by
23 the Khmer Rouge soldiers and I could see their bodies lying
24 inside the military base. And when we were travelling, I could
25 also see more bodies, and it is obvious that these people died

1 because they were in the strong battlefields.

2 Q. Thank you. Just now you said that when the Khmer Rouge came
3 into Phnom Penh, the population demonstrated a certain elation.
4 On the other side of Phnom Penh – or, rather, on the other side,
5 did the forces, themselves, share some joy with the local
6 population?

7 A. The Khmer Rouge soldiers wore a fierce impression -- facial
8 impressions. One -- we could see that parts of their pants were
9 rolled up, and they walked and appealed to the public, and they
10 were very firm in their expression, so they did not show any kind
11 of joyful moment and they did not share such a joy. And they even
12 shot at people right in front of me, those who came to get the
13 rice.

14 [15.17.20]

15 Q. Were the people wounded by the Khmer Rouge after they had
16 broken into Phnom Penh?

17 A. Some were wounded and killed because the people tried to loot
18 the rice stored in the warehouse and they were met by the forces
19 and a lot of people who had been trying to go into the warehouse
20 to loot the rice were then shot at. Many got injured and died.
21 And I could get a sack of rice and ran away with it.

22 Q. From what you saw of the attitude of the Khmer Rouge when they
23 came into the city and their rapport with the population that was
24 receiving them so joyously, would you say that they were pretty
25 mistrustful vis-à-vis the population or simply rather reserved?

1 A. The people of Phnom Penh and those who lived in my location
2 were not trusted by the Khmer Rouge. We had already been regarded
3 as enemies all along and they did not manage or did not wish to
4 contact with us at all.

5 [15.19.42]

6 Q. When you said that they didn't want any kind of contact, we
7 were considered as enemies; are you talking about the entire
8 population of Phnom Penh or certain segments of that population?

9 A. I am referring to all the people in Phnom Penh. We were
10 regarded as enemies, those who still had some influence of the
11 imperialists -- American imperialist.

12 Q. Were you given any details about why you were thought of as
13 enemies? Did the Khmer Rouge give any explanation about that?

14 A. It was a general regard. They treated us as enemies. First,
15 they only presumed that we were enemies, but if we committed any
16 small wrongdoing, then we were really enemies - or, the internal
17 enemies as they claimed.

18 [15.21.31]

19 Q. Thank you. This morning you told us that at 9 o'clock in the
20 morning on the 17th of April 1975, the Khmer Rouge announced that
21 there was nothing to be afraid of, that you could continue with
22 your jobs and occupations, and that Angkar would only be going
23 after the seven traitors. Had you already heard about these seven
24 traitors before the Khmer Rouge came into Phnom Penh?

25 A. Yes, I had, but I do not recollect all the names although I

1 still remember that they were people like In Tam, Sirik Matak,
2 Cheng Heng, Lon Nol, and a few others that I cannot recall.

3 Q. And how did you hear about this idea of the seven traitors
4 before the 17th of April 1975? Did you hear about them on the
5 radio and if so, on what radio channel or if not, through what
6 particular means did you hear about that?

7 A. Can you please repeat the question? Are you asking me whether
8 I heard about this from the Khmer Rouge or from the Lon Nol side?

9 [15.23.20]

10 Q. No, did you hear it from the Khmer Rouge before the 17th of
11 April '75, for example, through radio stations that you received
12 in Phnom Penh or did you only hear about the whole concept after
13 the 17th of April?

14 A. I heard about this through radio broadcast because I tune into
15 the Khmer Rouge radio broadcast and every now and then, I would
16 hear those names being read out on the broadcasts.

17 Q. Thank you. There is one thing I want to be clear about. Just
18 now you were talking about the fact that at 9 o'clock, the Khmer
19 Rouge announced that only the seven traitors would be pursued and
20 then at 3 o'clock in the afternoon, you heard that you had to
21 evacuate the city. Now, can you confirm those two times because
22 in the French transcript, there may be a translation mistake so I
23 just need to be sure about this, so tell us at what moment the
24 Khmer Rouge were talking about the traitors and at what time
25 precisely they were saying that Phnom Penh had to be evacuated?

1 A. At about 3 p.m., we heard from the announcement that people
2 had to leave Phnom Penh for three days because if we didn't do
3 so, we would be bombed by the Americans.

4 [15.25.40]

5 Q. Thank you. This morning you said that apart from the threat of
6 U.S. bombing, Angkar had also said that the city needed to be
7 cleansed of its enemies. Now, when you were talking about this,
8 were you referring to the entire population or specific enemies
9 of Angkar?

10 A. Through the announcements, we heard in general about the
11 enemies and this term did not refer particularly to the soldiers.

12 Q. When the Khmer Rouge broadcast the order to evacuate the city
13 in order to avoid bombing by the U.S., did you feel and your
14 family feel that that was a credible justification for the
15 evacuation?

16 A. No, it wasn't entirely the case, however, we knew that the
17 Khmer Rouge were very determined and they -- when they said
18 something, they meant it. They had been fighting to free us from
19 the war and asking us to leave the city for three days, so for
20 us, it was not a big deal.

21 [15.28.10]

22 Q. When the Khmer Rouge came into the city, did you feel that
23 their attitude and the way in which they gave that order left you
24 with any choice about staying or leaving?

25 A. I was too young, but I could rely on the decision made by my

1 father and grandparents and they chose to leave as been ordered,
2 so as a young, obedient kid, I had to follow my parents and
3 grandparents wherever they went.

4 Q. Did you see or hear any city dwellers in Phnom Penh disputing
5 the order to evacuate by saying, for example, that they were
6 ready to run the risk of being bombed by the Americans? Were
7 there any scenes of that kind or did you leave too soon to
8 witness anything of that sort?

9 A. As I stated this morning, from 3 p.m. until the time I left,
10 was a short period of time and my parents and family had means to
11 leave the city as quick as possible, so we left too soon to
12 witness such a thing. And our family had to be ahead during the
13 evacuation and by the time we reached one destination, only the
14 few hours later or the next morning that we saw more people of -
15 kept coming in.

16 [15.31.02]

17 Q. At any stage in the evacuation and during your subsequent
18 travels, did you see any former Lon Nol soldiers wearing their
19 uniform, going on their journeys unimpeded or were the only ones
20 you saw, the ones you saw -- you mentioned just now saying that
21 they were tied with their hands behind their backs and walking in
22 double file?

23 A. I saw people who were tied up. That was the once incident that
24 I witnessed. There were no Lon Nol soldiers wearing the military
25 uniforms walking among the people, but there were, of course, Lon

1 Nol soldiers walking amongst the people wearing civilian clothes.

2 Q. At the time the order was issued that the town be evacuated,
3 did you and your family members fear the orders that were issued?

4 A. Yes, we feared intensely and we kept silent during our journey
5 and we only asked when we were really wondering a lot about
6 something. My uncle, Meak, used to live in the liberated zone for
7 a few years, and that he was wanted and then he fled to the Lon
8 Nol side and then became a Lon Nol military officer. And his
9 biography was learned and then they were seeking for him again.

10 And we talked about it amongst our family members in order tried
11 to be -- to avoid him being persecuted by the Khmer Rouge.

12 [15.33.36]

13 Q. Thank you. Please clarify this for me. During the trip, did
14 you travel with your uncle, Meak, or he had gone before you on
15 his way to your native village?

16 A. My uncle, after avoiding the arrest at Kampong Tuol, he joined
17 us and his wife on the trip to the Angk Kduoch Pagoda where we
18 stayed, as my younger sister could not walk, but he did not wait
19 for us so he went ahead with his wife.

20 Also, I'd like to add that I had another younger uncle by the
21 name of Muth and he used to work for the Khmer Rouge, as well,
22 but then he fled to live in -- to come and live in Phnom Penh, so
23 he knew a lot about the Khmer Rouge.

24 [15.34.52]

25 Q. At the time you left Phnom Penh, at the time of the order for

1 the evacuation, did the Khmer Rouge give you any information as
2 to the personal effects you could take along with you? Knowing
3 that you were to be away for three days, were you told to take as
4 much personal belongings as possible or the minimum or something
5 between the two?

6 A. There was an announcement for us to leave and not to carry
7 many belongings; that we should only carry minimum belonging as
8 we only had to leave for three days and then we had to return.
9 There was a public announcement to that effect.

10 Q. To properly understand the logic of the Khmer Rouge, if indeed
11 the Americans were threatening to bomb the town, to destroy the
12 town and your homes, did you ask yourself whether it was logical
13 to take the minimum, whereas, your houses were perhaps going to
14 be destroyed?

15 A. I thought about that. Actually, a fortnight before the fall of
16 Phnom Penh, there was a U.S. plane. It dropped some food for the
17 people who were circled by the Khmer Rouge forces near the
18 outskirts of Phnom Penh, and I did not believe that the U.S.
19 planes would bombard Phnom Penh when Phnom Penh fell because they
20 only recently just dropped food for the people in Phnom Penh.
21 That was how I thought at the time.

22 [15.37.10]

23 Q. You were initially told that you were going to be away for
24 three days and finally you were told that you would be away for
25 seven days. This morning, I also understood that the Khmer Rouge

1 told you to go back to your villages of origin. Was it possible
2 for you to get to your native villages in three days or in seven
3 days on foot?

4 A. When we were told to leave for three days, actually it passed
5 three days already as when -- when we rested at Angk Kduoch
6 Pagoda, it was either on the third or on the fourth days already
7 as we had to wait for my younger sister to have recovered from
8 her swollen legs. And then we were instructed not to stay, but to
9 move -- to return to our native village.

10 [15.38.21]

11 Q. Thank you. I will now put a few questions to you regarding the
12 organization of the evacuation by the new Khmer Rouge authority.
13 Had the Khmer Rouge made provision for buses, taxis, or other
14 means of transportation for those who had to leave Phnom Penh?

15 A. The leaving from Phnom Penh was done at own's ability. When I
16 arrived at Bat Boeng (phonetic) commune at the Bat Boeng
17 (phonetic) Pagoda, there was a vehicle which was captured by the
18 Khmer Rouge soldiers and we were transported on that vehicle to
19 Samraong district. That was the only occasion that we were
20 transported on that vehicle.

21 Q. Had the Khmer Rouge prepared any venues where you could be
22 housed during the journey at any point in time?

23 A. We decided to rest along the road by ourselves. Sometime, we
24 had to stay at the entrance to the pagoda or sometimes, under the
25 tree. Nobody gave us specific instructions as to where we should

1 gather and rest.

2 [15.40.19]

3 Q. Thank you. Was the measure for the evacuation of Phnom Penh
4 also applicable to persons who were vulnerable and could not move
5 about such as the elderly, little children, or the sick and the
6 hospitalized?

7 A. The elderly and the children, I hoped that they would be taken
8 care of by their family members. But for the patients, nobody
9 took care of them; they would stay there and -- or they would die
10 and -- or they would bleed to death. Two of my relatives, my
11 uncle and his wife who were wounded, they had to stay on the mat
12 on the day Phnom Penh fell and they were abandoned. And I was
13 told that they were gathered up and abandoned and taken away and
14 left somewhere, but we did not know what happened or where they
15 were thrown.

16 [15.41.58]

17 Q. Thank you. I am coming to my last -- my last question. Before
18 your arrival in Tboung Kdei village, how many New People arrived
19 in the village following the evacuation of Phnom Penh and other
20 towns? Can you give us an approximate number of 17 April People
21 who were in your village and in the surrounding villages?

22 A. There were several families of the 17 April People; I could
23 not count them all. I only knew more about the -- my family
24 members and my relatives. It's been more than 30 years and I
25 could not recall of how many families.

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1 And for the second movement, some of the families were moved
2 again from my village, including some family members on my wife's
3 side. And one of my uncles -- the uncles of my wife found some
4 excuses so that they were allowed to stay in the village.

5 Q. Thank you. Apart from your father and two uncles who, as you
6 say, were members of the Khmer Republican Army and who were
7 arrested, were they among the persons evacuated from Phnom Penh
8 who got to your village? Were there any other former Lon Nol
9 soldiers who are arrested and who disappeared indefinitely?

10 A. There were several in my village; my father, my two uncles, my
11 father-in-law and his younger brother, and there were four other
12 individuals in my village as well. They were former soldiers.

13 [15.44.19]

14 Q. Thank you. These are my very last questions. You stated a
15 while ago that upon your arrival in your village, your family
16 members and neighbours did not show sufficient friendship and
17 love for you and your family members. Do you know why they were
18 rather defiant towards you and your family members, your
19 immediate family members?

20 A. As far as I knew, the 17 April People were considered the
21 oppressing class or the capitalist or the feudalist or the
22 comprador class and not loyal to the revolution and that we -- we
23 were considered to exploit the people. Even at the base, they
24 were categorized in various categories. They were considered the
25 Base People, the lower Base People, for instance, because there

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1 were some Cambodian Chinese, as well, who were living in the
2 base. They were part of the Base People, but they're at a lower
3 class and they were also monitored.

4 [15.45.52]

5 As for the pure Base People, they were those poor peasants and
6 they could not speak much, they only could say that is or this is
7 for that, for instance, and they were the poorest and they were
8 trusted and they were promoted to be militia. So I repeat, even
9 at the base level, there were various categories of those people
10 and the pure one, as I said, was the one who were absolute.

11 And for other people who had a bigger house, then they will be
12 required to dismantle half of their houses in order to build a
13 shed or to build a warehouse for fertilizer. And for the other
14 half-erected house, they had to manage it amongst themselves to
15 form a new house. So that's how people were categorized at the
16 time.

17 Q. Thank you very much, Mr. Civil Party, for your very clear
18 clarifications and your time. It will be very useful for the
19 Chamber.

20 [15.47.17]

21 Mr. President, I have no further questions for the civil party.

22 MR. PRESIDENT:

23 Thank you.

24 Next, the Chamber would like to give the floor to the defence
25 teams, starting from Nuon Chea's defence, to put question to this

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1 civil party if you wish to do so.

2 MR IANUZZI:

3 Thank you, Mr. President. We have no questions for the civil
4 party.

5 Thank you, Mr. Civil Party, for coming to give your evidence.

6 Thank you.

7 MR. PRESIDENT:

8 Thank you, Counsel.

9 [15.48.04]

10 Next, we'd like to give the floor to Ieng Sary's defence to put
11 questions to this civil party if you wish to do so.

12 MR. ANG UDOM:

13 Mr. President, Your Honours, and everyone and good afternoon, Mr.

14 Chum Sokha. I and my colleague, Michael Karnavas, the defence

15 lawyers for Ieng Sary, do not have any questions for you. We

16 thank you and grateful for giving testimony to this Court in

17 order to ascertain the truth.

18 Thank you, Mr. President.

19 MR. PRESIDENT:

20 Thank you.

21 I'd like now to give the floor to Khieu Samphan's defence to put

22 questions to this civil party if you wish to do so.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. Good afternoon, Your Honours. Good

25 afternoon, everyone in and around the courtroom. On behalf of

1 Khieu Samphan, we, the defence team, do not have any question for
2 this civil party.

3 [15.49.16]

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you.

7 Mr. Chum Sokha, as a civil party, you have the right to express
8 your suffering that you have experienced during Democratic
9 Kampuchea regime, as we informed you this morning, and if you
10 wish to do so.

11 MR. CHUM SOKHA:

12 First of all, good afternoon, Mr. President, Your Honours. I'd
13 like to describe the events that I experienced through the Khmer
14 Rouge regime emotionally, physically, and materially.

15 [15.50.23]

16 The reason for my submission of my application to the Khmer Rouge
17 Tribunal is that my family members and myself suffered great loss
18 and harm under the Khmer Rouge regime. We suffered physically
19 from the beginning, nearly from the time that we left Phnom Penh.
20 We used to live in a house, but then we were asked to leave and
21 to leave to stay in the open. That was difficult. I was 20 years
22 old at the time. I was rather mature. But I had my younger
23 siblings and my grandparents; they suffered a great deal. It took
24 us one month to walk on foot from Phnom Penh to the destination
25 so we suffered from the trip, suffered from -- as we were

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1 deprived of proper sleeping place, food, as we had to find stones
2 in order to make a stove for cooking, to find water to cook our
3 food and there was no proper food. We had to find crab in the
4 rice field. And that was during the dry season and it was very
5 difficult to find crab and if we reach a lake or a pond, we try
6 to find shell or some kind of food there.

7 My younger sibling had her feet swollen and we did not bring
8 along any medicine and there was no medic to treat -- to treat
9 her, so we had to try to find leaves -- herbal leaves to treat
10 her swollen legs and feet.

11 [15.52.56]

12 As for myself, I was forced to work day and night. I was forced
13 to work for 14 -- for -- from 12 to 14 hours per day. I was asked
14 to make human fertilizer, to gather faeces from a -- from a
15 makeshift lemon tree. It was fresh faeces and it was very
16 stinking and we were also asked to gather faeces from all toilets
17 from all houses and we had to carry that. We also had to carry
18 urine as well. And I was asked to work on that for almost half a
19 year. So every day I had to smell the stinking faeces and urine
20 and my fingers and fingernails were stained with the faeces and
21 the urine. At that time, there was no soap to properly clean the
22 hands. We had to use the ashes, but the smell remained.

23 [15.54.40]

24 We were also mistreated during working on that fertilizer. We
25 were scolded that we were not loyal to Angkar, that we could not

1 stand the smell, and that we were not cleanse from the influence
2 of the imperialists. Even when we used the scarf to cover our
3 nose, we were criticized. They were so hard on us in this regard.
4 And when I was sick, as I was contracted by malaria, usually I
5 should be allowed to stay at home and rest, but no, I was asked
6 to work in the rice field. So I was also asked to transport wood
7 from Krabau and I had to transport back three or four logs while
8 I was still having malaria. It was so pitiful. The cart capsized
9 a few times so I had to put the logs back on the cart. These are
10 just some of the points of my suffering under the regime.

11 And I also was forced to engage in rice farming, all kinds of
12 rice farming. And when I was sick, there was no medical
13 treatment. And when I went to the herbal curer, I was only given
14 a rabbit pellet to swallow. They used dispensed gun shell as a
15 mould as they put this kind of rabbit pellet in it and I was
16 given that kind of tablet. However, later on I recovered, but I
17 did not know what actually cured me; whether it's from that
18 rabbit pellet or from the herbal medicine that I took. Even at
19 present, I had problem with my liver and with my stomach. It
20 could be the effect from that time.

21 [15.57.26]

22 We were asked to build -- to make dyke or to build dam, as well,
23 and we had to complete the daily quota of 2 to 3 cubic metres.
24 And if we could achieve the 2 to 3 cubic metres per day, next day
25 it would increase to 7 -- to 5 cubic metres and next day it would

1 be 7. The dam was high and wide so we tried very hard from dusk
2 to dawn, and we were so fatigued. And when we finished, in the
3 late afternoon, we did not have rice to eat; we only had thick
4 gruel with morning -- with morning glory soup. We could only have
5 one or two pieces of chicken or a few small fishes in a large pot
6 of soup.

7 [15.58.35]

8 I can recall that in 1976, Angkar only gave us one corn per day
9 as a food ration and sometime the food is so small, it is very
10 difficult to fill our stomach from this small corn. So for -- for
11 each meal we only could eat half of the corn, and we worked very
12 hard with this insufficient food. The situation was really
13 horrible. My knees were larger than my head. Sometime, when I was
14 ploughing the rice field, I could hardly keep up with the cow's
15 pace.

16 And in the evening, during the meeting, we were asked to try to
17 work hard to achieve the plan by Angkar in a Great Leap Forward
18 fashion that we should achieve the 3 tonnes per hectare plan and
19 that we should progress better than the Angkar period. And we
20 were not allowed to find any other food besides the food ration
21 given to us by Angkar, but sometimes we had to force ourself to
22 find other thing to eat to survive. Sometime, we had to -- to eat
23 tree leaves. We used the tree leaves to mix with the saltwater
24 and we ate that. Actually, when we went to the kitchen, we asked
25 them for some grains of salt and we said the soup was not salty

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1 enough, but in fact we used it to mix with the tree leaves and
2 ate the tree leaves. I was so skinny. And later my wife said,
3 "How could I stay with you? You look like a very old, skinny --
4 skinny, old man". I was skinny and very old because of the lack
5 of food.

6 [16.01.08]

7 I was also asked to dig a canal at Damrei Puon. It was a 10-metre
8 dip toward the head of the canal and the canal was about 2 to 3
9 kilometres long. The people from the entire district was gathered
10 up to dig the canal and we were given two meals per day and we
11 started working from early morning up to 11. We had a rest and we
12 started again from 1 to 5 and later on we had to work at night
13 until 10 or 11. We were given rice, at the time, but the soup was
14 very watery. During the time that we dug the canal, the Angkar
15 made an announcement that we would be given three meals per day
16 -- that is, the gruel in the morning, the rice for lunch, the
17 rice for dinner, and every week we would have a dessert, but no,
18 in fact, we only were offered two meals per day. And during the
19 rainy season or transplanted season, we only had watery gruel to
20 eat.

21 [16.02.35]

22 They did not care about our health, that we did not have enough
23 food to eat. And on one day, there was this Party commemoration
24 that was held during the Pchum Ben period, and Angkar would cook
25 dry rice and then there would be pork and beef, and then there

1 was a big meeting for us to attend. And after the conclusion of
2 the meeting, we were allowed to go into the kitchen and we tried
3 to fill our stomach with the rice that we hardly ate and with the
4 proper food and we fill our stomach. But because we had -- never
5 had a chance to eat that much, half of the villagers had
6 diarrhoea at night and then we were accused that we were -- that
7 we pretended to be lazy, to be sick rather than trying to treat
8 us. We were accused of being lazy, that we had proper food to
9 eat, and then that we had this diarrhoea and that we deserved to
10 eat watery gruel. The hard work, in combination with the
11 insufficient food, led many of us to deteriorate in our health.
12 And we did not have enough time to sleep because at night, we
13 stopped working at 10 p.m. and by the time we returned to our
14 house, wash ourselves, it was 11 and we had to wake up at 4 a.m.
15 as the bell would be rang by that time. Some of us had to go to
16 the field or to prepare the cows for the ploughing so we did not
17 have enough time to sleep.

18 Despite working that hard, we were still forced by Angkar to work
19 harder -- to work harder and to love Angkar absolutely. But on
20 the contrary, Angkar did not love us absolutely.

21 [16.05.24]

22 On top of this, I had suffered dearly when I was arrested and
23 detained at a security centre in Ba Phnum district. In captivity,
24 I was shackled and my hands were bound behind my back and I was
25 interrogated. I had been left or abandoned for three days when

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1 the shackles were still on, the ties were still on after such
2 interrogation, and no one could tell me anything why I had to
3 remain like that. I talked -- I asked a security guard about
4 this, but I did not get response other than being beaten up. And
5 during the interrogation, I would be beaten every now and then.
6 After each question, I would be beaten so I had been beaten all
7 over my body except my back, and I did not commit any wrongdoing
8 at all. I was just implicated in the event when So Phim had a
9 problem and I was just in the wrong time -- at the wrong place at
10 the wrong time, and I was detained along with my friend for one
11 month. I was shackled for the entire period, and I finally
12 couldn't stand no more and I asked a security guard to allow me
13 to work with other people instead of being shackled and kept in
14 the detention facility for longer.

15 [16.08.08]

16 So I can say that I have been mentally or psychologically and
17 physically suffering from the harms and I can't describe them all
18 in my words how painful this ordeal was. And I, at the same time,
19 been very saddened by the loss of my relatives. My father and my
20 parents, every time I think about them, I can't stop crying. If
21 my father were to live until this day, none of my family member
22 would have had so much difficulties in their life like this. My
23 mother had been fragile by -- emotionally by the loss of her
24 husband. And I also have had a lot of problems mentally having
25 seen how my brothers and sisters living their poor life because

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1 the -- we were not properly cared like what we were when our
2 parents are still alive. To that effect, we were not properly
3 educated.

4 Even these days, I still see Khmer Rouge soldiers fighting with
5 me, chasing me in my dreams, and I would wake up to the nightmare
6 almost every night. I have been traumatized by the events. Every
7 time I heard about the fighting, I would recollect the Khmer
8 Rouge, the fighting during the Khmer Rouge time. I think I don't
9 have -- I don't know how I can put all this suffering into words.

10 [16.11.28]

11 When it comes to material harms, at the Kampong Kdei location,
12 when I was there, people treated us badly because they regarded
13 us as those who brought trouble, those who came to steal their
14 food. And finally, they decided to send me for execution, but my
15 grandfather could beg them to spare me and luckily I was spared.
16 Indeed, they say that we were there to destroy them, to bring
17 hardship to them. And I left Phnom Penh with very little
18 belongings. But the Khmer Rouge destroyed everything. I rose
19 through different ranks in my capacity as a soldier, but the
20 Khmer Rouge stole everything from me. And when I went to that
21 location, as I indicated, they did not welcome us.
22 After leaving our home, the only thing we knew was that we would
23 never be back and we have lost the property. And at a later date,
24 when people returned to the city, those who came to occupy our
25 property would claim the ownership of the property and we had no

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1 choice but to let it go.

2 [16.13.58]

3 As to the living condition during that time, we had nothing but
4 the very few wooden poles that we put together to form a bed
5 where we could sleep at night. And after exposure to the sunlight
6 and rains, these makeshift or improvised bed couldn't hold us no
7 more. And later on, we could manage to bring some trees to build
8 a small hut, but the hut is -- or was not properly built and we
9 had to barely -- we had a lot of difficulties.

10 And to conclude, I can say that because of the Khmer Rouge, I
11 have lost almost everything. So finally, I would like to humbly
12 request as follows: I would like the Chamber to prosecute the
13 former senior leaders of the Khmer Rouge who have inflicted
14 tortures and mistreatment on to my families and that they shall
15 be punished to commensurate with their wrongdoings and crimes
16 they have committed.

17 And at the same time, I would like the Chamber to investigate to
18 see whether the accused person have any belonging or property and
19 that if so, we would like our counsels to manage them so that
20 they could also be returned to the victims.

21 [16.16.38]

22 And finally, I would like to appeal to the Chamber to make sure
23 the trial proceedings are concluded completely and successfully.

24 Thank you very much.

25 MR. PRESIDENT:

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1 (Microphone not activated)

2 MR. PRESIDENT:

3 Thank you very much, Mr. Chum Sokha. Your testimony has now come
4 to an end and you are now excused. You may return to your home
5 and Court officer is now instructed to assist with the WESU to
6 make sure that Mr. Chum Sokha is returned home safe and sound.
7 Mr. Chum Sokha, you may be led now out of this room by our Court
8 officer and we thank you very much, indeed, for your time.

9 (Witness excused)

10 [16.18.14]

11 MR. PRESIDENT:

12 Does any party to the proceedings wish to make -- have any
13 comment or to be heard? If not, then the Chamber would like to
14 conclude the session now and the next session will be resumed by
15 tomorrow at 9 a.m.

16 For tomorrow's sessions, the Chamber will be hearing the
17 testimonies of TCCP-606, the questions to be put first by the
18 Lead Co-Lawyers for the civil party before other parties for the
19 proceeding.

20 Security personnel are now instructed to bring Mr. Nuon Chea and
21 Khieu Samphan back to the detention facility and have them
22 returned to the courtroom tomorrow before 9 a.m.

23 The Court is adjourned.

24 (Court adjourns at 1619H)

25