



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

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22 November 2012

Trial Day 132

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

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I N D E X

MR. MEAS SARAN (TCCP-82)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. IANUZZI	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MS. MARTINEAU	French
MR. MEAS SARAN (TCCP-82)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. OR RY (TCCP-105)	Khmer
MS. SIMONNEAU-FORT	French
MS. TY SRINNA	Khmer

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

2 (Court opens at 0925H)

3 MR. PRESIDENT:

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

5 As scheduled, today we will continue to hear the testimony of the  
6 civil party, Meas Saran, and another reserve civil party -- that  
7 is, TCCP 105.

8 Ms. Se Kolvuthy, could you report the attendance of the parties  
9 and individuals to the proceeding?

10 [09.26.34]

11 THE GREFFIER:

12 Mr. President, all parties to the proceeding are present, except  
13 the accused, Ieng Sary, who is absent due to his health. However,  
14 based on his limited waiver, document E237/1, he requests to  
15 waive his direct presence in the hearing of certain testimonies  
16 of civil parties, including TCCP 82, who will be -- continue to  
17 be heard by the Trial Chamber, as well as TCCP 105, who will be  
18 heard after the conclusion of the testimony of TCCP 82.

19 Mr. Michael Karnavas, the international counsel for Ieng Sary, is  
20 absent due to his personal commitment.

21 TCCP 82 is present in the courtroom.

22 And TCCP 105 is present in the waiting room awaiting the Trial  
23 Chamber's invitation.

24 MR. PRESIDENT:

25 Thank you.

2

1 The floor is now given to the assigned lawyer for civil parties  
2 to continue putting questions to this civil party. You may  
3 proceed.

4 [09.28.07]

5 QUESTIONING BY MS. MARTINEAU RESUMES:

6 Thank you, Mr. President. Good morning, Mr. President, ladies and  
7 gentlemen, Your Honours. Good morning to all of you in this  
8 courtroom, and good morning, Mr. Meas Saran. We are going to  
9 speak about your personal history again and what happened to you  
10 after this obligation to leave your work in Phnom Penh as  
11 thousands of other people who were evacuated from Phnom Penh on  
12 17 April and on 18 April 1975.

13 Q. You explained to us that you -- and you were able to cross the  
14 Monivong Bridge in the end, although there were many, many  
15 people, and you were hoping to return home after two to three  
16 days and you felt that would be possible. You told us that you  
17 noticed that this was all made up and that this was not possible,  
18 and then you waited some more. You didn't answer the call of the  
19 Khmer Rouge asking officials and servicemen to return to the city  
20 and you stayed there for -- around this bridge, the Monivong  
21 Bridge, with other people.

22 [09.29.32]

23 So my question is the following: Why did you stay there? Why  
24 didn't you continue heading south, whereas your family was living  
25 in the province of Svay Rieng and you were leaving?

1 MR. MEAS SARAN:

2 A. Good morning, Mr. President. Allow me to respond to this  
3 question.

4 My wife never knew my native village as we got married in Srei  
5 Saophoan and we did not go to Svay Rieng province. So I did not  
6 imagine that my wife would go to my native village, and I made a  
7 decision to locate my wife in her native village.

8 Q. When did you decide to go down to your wife's native village,  
9 because you told us that you stayed for several days on the  
10 riverside after the Monivong Bridge, so what made you decide then  
11 to move on?

12 [09.31.36]

13 A. So, initially, we were instructed to leave Phnom Penh for  
14 three days, and during these three days it was so difficult while  
15 we were en route, and then we crossed the Monivong Bridge. After  
16 the three days passed, and there was still a large number of  
17 people on the other side of the bridge, I was still waiting for  
18 my wife, and I still had a hope that I would be allowed to return  
19 after the three days period. I was very worried about my wife as  
20 she was pregnant and she did not know Phnom Penh that well.

21 And after the three days passed, I was looking for my wife among  
22 the crowd of people who were still crossing the bridge. In the  
23 end I became hopeless and I had to find any means in order to  
24 find my wife in her native village.

25 Q. Maybe I wasn't quite clear enough. The question is, at some

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1 point in time you decided to leave the riverbank; in other words,  
2 something happened. Did you take this decision on your own; if  
3 so, why? After the three days in which you felt so disappointed  
4 and you weren't able to get back into Phnom Penh then you took  
5 the subsequent decision. Can you tell us about that?

6 [09.33.47]

7 A. My apology, Mr. President. I only heard the French language  
8 through my headset, not the Khmer language.

9 (Short pause)

10 [09.34.55]

11 Q. Perhaps I should ask the question again so that you can  
12 understand me fully.

13 What I was asking was: Was there some kind of event which made  
14 you decide to leave the riverbank? You wanted to go towards your  
15 wife's village, but how did you make this decision to leave the  
16 riverbank, and when you went, were you alone or with other  
17 people?

18 A. After the three days passed, there was an announcement on the  
19 loudspeaker from Phnom Penh appealing for officials to return to  
20 work in Phnom Penh, and I saw some people returning to Phnom  
21 Penh, but those people when they went to Phnom Penh they went by  
22 themselves without members of their family, and I didn't see them  
23 return.

24 [09.36.05]

25 And with that, I thought something wrong happened in Phnom Penh,

5

1 and I was concerned about that issue, and also I was concerned  
2 about my wife, so I decided to go and look for my wife. And that  
3 was the reason why I decided to look for my wife. And I also saw  
4 some dead bodies at the bridge, and that I did not see those  
5 people who returned to Phnom Penh come back to their family  
6 members who were waiting.

7 And while I was at Kbal Thnal, I was not given any food to eat.  
8 And I believe some other people who were there with me also  
9 decided to return to their native villages.

10 Q. So, if I get this right, you left with other people in order  
11 to try and get back to your wife's native village. In your  
12 complaint, ERN French, 00362204; Khmer, 00362176; English,  
13 00362196; and here you tell us that you took Route 6 and you went  
14 through Kampong Thom, Siem Reap, reached Battambang and,  
15 eventually, your wife's village, which is near Srei Saophoan.

16 [09.38.26]

17 So the question is this: When you took that route, were you  
18 travelling with other people who had been with you on the  
19 riverbank? And how did the first stage of the journey go? Can you  
20 describe your journey when you started walking along National  
21 Road Number 6?

22 A. I decided to leave National Road Number 1 -- that is, from the  
23 other side of the Monivong Bridge. There was another group of  
24 people who also wanted to leave and the people who were there had  
25 a boat, and then we asked them to take us across, but they did



6

1 not guarantee that they would take us across the river in  
2 exchange for some money. But at that time we did not have money;  
3 we had some gold. And those people also had a motorbike.

4 [09.40.06]

5 And then we crossed the river to the other side of Chrouy Changva  
6 Bridge, and there was no people there at Chrouy Changva, it was  
7 empty. And along that road -- that is, Road Number 6 -- there was  
8 some Khmer Rouge travelling on motorbikes, travelling up and  
9 down, and they were armed. So I travelled on that National Road  
10 up to the junction to go to Preaek Kdam and to Siem Reap.

11 And while I was en route I saw other people travelling on foot as  
12 well. I didn't know them, but at that time I had some rice and  
13 some sugar that I took from the warehouse in Kbal Thnal. I put  
14 them on the motorbike and I pushed that motorbike up to Bati.

15 And during my journey from that road juncture to Bati, I saw  
16 Khmer Rouge soldiers travelling on trucks and on motorbikes  
17 toward Phnom Penh and some were travelling on the opposite  
18 direction. Those soldiers, however, did not ask me any questions  
19 or ask where I was heading to. However, upon reaching Bati, there  
20 was a checkpoint and I was questioned amongst other people. We  
21 were questioned one by one and that was the time that the Khmer  
22 Rouge requested the motorbike that we were pushed -- that we  
23 pushed from Phnom Penh with some other belongings on that  
24 motorbike.

25 [09.42.17]

7

1 So that's what happened at Bati, and later after they took away  
2 our motorbike -- in fact, the Khmer Rouge said they did not want  
3 the motorbike, they only wanted the battery from the motorbike so  
4 that they could use it to hook up to a radio to listen. So then I  
5 took back the motorbike and I made it into a pushcart.

6 Then there were villagers who came from their villages to the  
7 National Road. Of course, at the National Road I saw empty houses  
8 and there were no people there. So, since the motorbike could not  
9 go without the battery, I turn it into a pushcart by using some  
10 other wood so that it could carry more goods. And those people  
11 who travelled along with me also put their belongings onto that  
12 cart.

13 As for the villagers who came to see us, they asked us whether we  
14 have any fuel or any medicine. So I exchanged what we had for  
15 rice. I gave them the medicine. There were about six or seven of  
16 them who came to meet us in order to look for water can be --  
17 could be exchanged. So I exchanged what we had for rice and for  
18 sugar.

19 [09.44.35]

20 And at that time I did not ask them any questions, but they told  
21 us about the living condition there, and they told us that we had  
22 to be careful and not to do anything silly, especially not to  
23 interact with women. And that was the first time that I heard of  
24 the word "Angkar". The word "Angkar" was heard but it was at  
25 Ph'av. And, of course, I did not bother much about whether I

8

1 should interact with any women as I was still looking for my  
2 wife.

3 And after that, there was a checkpoint where we were stopped and  
4 questioned. And from my observation from the time that we left  
5 Ph'av, those people who were -- who had been asked kept  
6 disappearing gradually, and I clearly recall that. There was one  
7 senior military officer who concealed his identity. His name was  
8 Suong (phonetic), and he travelled by covering his face with a  
9 scarf and of course he had a worrying look on his face.

10 [09.46.25]

11 Through each state of being questioned -- as we were questioned  
12 in detail as to where our native village was and what work that  
13 we did in Phnom Penh -- as in my case, I was asked where I was  
14 born, what my parents' names was, whether I was married or not,  
15 and whether I worked.

16 And, Mr. President, at that time I told them lies. I told them  
17 that I was a taxi driver, but in fact I never -- I had never  
18 driven any taxi up to then. So I lied to them and that I told  
19 them that my village was just the next village, and I was allowed  
20 to go, but for others they were not lucky and they were taken.  
21 We were not the villagers and there were no other villagers  
22 nearby there. There were only soldiers. So we were questioned and  
23 some of us were taken away but I did not know what happened to  
24 them. And that process continued until I arrived at my wife's  
25 native village.

1 My apology for talking a bit long to respond to this question.

2 [09.48.05]

3 Q. Mr. Meas Saran, you've just told us that you lied. Why did you  
4 lie? Why did you tell lies to the Khmer Rouge when they asked you  
5 who you were and what your job was?

6 A. Frankly speaking, I did not trust them. I did not trust them  
7 because I observed that people who were called to return to Phnom  
8 Penh they never returned, and I knew that they -- I did not trust  
9 them because they talk about the imminent bombardment and that we  
10 had to be evacuated for three days only, but they lied, that did  
11 not happen.

12 And of course, if people were allowed to leave Phnom Penh and  
13 allowed to return then people would survive, but that did not  
14 happen. So, with all this reasoning behind, I decided that I have  
15 to lie to them, and that's the reason behind this.

16 [09.49.30]

17 Q. Before you reached your wife's village, you went through  
18 Kampong Thom, Siem Reap, and other towns. In what sort of a state  
19 were those places in? Did anything in particular strike you?

20 A. I crossed Kampong Thom province and Siem Reap province, and  
21 along the road that I travelled there were no villagers, there  
22 were only groups of soldiers here and there, and in the  
23 provincial town there were only empty houses. I stayed for quite  
24 some time in Kampong Thom as we were questioned by the Khmer  
25 Rouge and there were no people in the provincial town, there were

1 only soldiers.

2 And those people who -- and I saw some people who wait. And let  
3 me repeat once again. In the provincial town of Kampong Thom and  
4 Siem Reap, there were no people, no villagers. And amongst the  
5 groups that I travelled with, we were instructed to move forward  
6 and not to stay in those empty houses.

7 [09.51.08]

8 Q. When you got to the village, you went to your in-laws, your  
9 wife was not there. What happened next? And did you think the  
10 village had changed? Did you have to go and declare yourself  
11 somewhere? How did all of that work out?

12 A. When I arrived at that village, my mother-in-law cried because  
13 she did not see my wife. And I, myself, I was also disappointed  
14 as I did not see my wife and we were asked to live separately.  
15 There were those native villagers and there were other villagers  
16 who came from Mongkol Borei and Sisophon. My mother-in-law told  
17 me that Angkar had eyes everywhere and that I -- she told me to  
18 go and present myself to Angkar. And on my first day, I did do  
19 that -- that I was a nurse at the Preah Ket Mealea Hospital, and  
20 that my wife was living in that native village and I was looking  
21 for my wife. And that's what I told him; I told him the truth  
22 because my mother in-law told me to tell him the truth.

23 [09.53.12]

24 Q. And apart from that, you were known in the village. In your  
25 narrative, you say that very shortly afterwards -- two or three

11

1 days later -- you received a visit from that village chief saying  
2 that he was coming to look for medicines -- it's the same ERN as  
3 before -- and you were asked to go and select some drugs and  
4 medicines and then you were taken off -- placed before some Khmer  
5 Rouge people, and you were told that you were going to be sent  
6 back to your home because the villagers were going to take action  
7 with the Khmer Rouge. And then, three days later you were  
8 summoned, with all of the village, to a meeting. Now, can you  
9 tell us briefly -- we're rather short of time here -- what  
10 actually happened there and how -- when all is said and done --  
11 you were arrested after having been released, you were arrested  
12 again two days later; can you give us an overview of how those  
13 few days after your arrival went?

14 A. Allow me to respond briefly to this question, Mr. President.  
15 Upon my arrival, I told them the truth that I was a nurse at the  
16 Preah Ket Mealea Hospital, and three days later, at 10 p.m., the  
17 chief of the village came to call me to go and look at the  
18 medicine that they received from China. And I immediately  
19 realized that something was going on as I was called at 10  
20 o'clock at night, but I decided to go along with the chief of the  
21 village. Upon we reach the border of the village, they arrested  
22 me and tied me up and the killing place was to the west of the  
23 village. Those students who were living in the village, and who  
24 came from the province or town or city, came to appeal to them  
25 that I should not be killed, I should be sent for re-education,

1     instead.

2     [09.56.13]

3     And there were a number of those villagers who came to appeal to  
4     the Khmer Rouge group. And, at that time, the Khmer Rouge  
5     discussed amongst themselves; and then they came and they said -  
6     they showed a B-40 rocket launcher and they warned those  
7     villagers that they had to guarantee that I would not flee;  
8     otherwise just one rocket launcher would kill them all. So, I  
9     returned back to the village, and three days later, a large group  
10    of soldiers came to arrest me again, and took me to Sisophon.

11    [09.56.56]

12    And before I left the village, I saw one of them carrying a club,  
13    and I thought that they would beat me with that club. And I was  
14    put in the prison in Sisophon.

15    Q. In your narrative, you say that others, as well, were taken to  
16    Sisophon in the military truck, that there were 10 or 12 families  
17    that were also arrested and taken away. Tell us, please, who  
18    those families were.

19    A. Those 12 families were also called to go and I was also called  
20    to go with them. And the 12 families were not the native  
21    villagers, they came from the city, as well, and probably they  
22    came to the village during the time that I came, as well. And I  
23    talked about families, I refer to the wife, the husband, and  
24    their children; and I recall that there was one man who is living  
25    in Switzerland today, he was also called. So we were all put onto

1 a truck. And amongst the 12 families, there were two couples who  
2 did not have any kid.

3 [09.58.49]

4 Q. And then, when you got to Sisophon, you said that at the  
5 beginning you were put in the Lycée, in a classroom that had been  
6 requisitioned and turned into a detention centre, and two or  
7 three days after that, you were summoned and beaten in order to  
8 get a confession out of you. Can you tell us what happened at  
9 that juncture and if the same treatment was meted out to  
10 everybody -- in other words, if they were seeking confessions  
11 from everybody?

12 A. When I was placed in a room with the other 12 families at the  
13 Lycée in Sisophon, on the third night I was summoned -- indeed,  
14 during the two previous night's there was raining cat and dog.  
15 And I was summoned to be questioned, interrogated; I was asked  
16 whether I got married, where I was born, and my occupation.  
17 I didn't understand about this because when I told them that I  
18 worked as a nurse, or a doctor, then I was beaten, severely. And  
19 they accused me of being an American doctor and they tortured me,  
20 time and again.

21 [10.00.43]

22 And later on I was dragged to another location. I didn't know I  
23 was dragged because I went unconscious on several occasions  
24 during the ordeal. My shirt was torn apart. And that did not  
25 happen only to me, other people were also treated like that. And



14

1 I have no idea what happened to other members of the 12 families  
2 who ended up being there with me on that day.

3 Q. You also explained that at the end of this terrible episode in  
4 this high school in Sisophon, everyone was taken to a room in  
5 order to be re-educated. Can you tell us a bit about what this  
6 re-education was?

7 A. Well, when I regained consciousness, I could see that fewer  
8 people left in the room and a few days later, another group was  
9 seen coming in at night. And there was an army jeep coming with  
10 soldiers and it was raining hard, again and I was summoned to a  
11 room where we were placed. And the senior person of the group  
12 produced a piece of paper, starting to call out names, and I  
13 happened to be the first person to be called. And then they asked  
14 me whether I was terrified; they didn't ask me any other  
15 questions other than this. And I was indeed terrified and I did  
16 say that to them, they could see me.

17 [10.03.16]

18 And the people who talked during that time was -- the topic of  
19 the discussion was about the rich and the poor, and also the  
20 revolution in France, in 1889, and we were lectured on this. They  
21 talked at length about this. I didn't understand why we were told  
22 all about this. And these people, to my belief, were educated  
23 people.

24 Q. So, in the end, this Khmer Rouge leader gave the order to  
25 release you and then you returned to the village. But when you

15

1 returned to the village, what happened? Were you treated as the  
2 villagers, or were you, as you said earlier, cast aside because  
3 you did not belong to the same category as the villagers?

4 [10.04.28]

5 A. Upon returning, frankly, at the beginning I did not imagine  
6 that I would be allowed to return. I could have been killed. I  
7 then was transferred to a location near the main -- the National  
8 Road and then a soldier told me, or other villagers, to go home.  
9 Rumour was already spread about my death; people didn't believe  
10 that I could come back home. And, when I was there, no one among  
11 the villagers dare come to see me. I do not know why, but they  
12 perhaps were very terrified.

13 Q. This will be one of my last questions, Mr. Meas Saran.

14 So you returned to the village and you stayed there until May  
15 1978, and then you decided to leave because you were told that  
16 you were going to be arrested, as you told us, and that you would  
17 be killed. So, between the moment when you returned, and the  
18 moment you left the village, did you lead the life of the  
19 peasants, of the Base People in that village; or were you among  
20 these Base People or did they place you in another category which  
21 was later called the New People, which you speak about in your  
22 account. Did you have the feeling that you were alienated or that  
23 you were treated in a way that was different from the way the  
24 villagers were treated?

25 [10.06.37]

16

1 A. You mentioned about other villagers; I had no idea what  
2 happened to these villagers because I couldn't move about freely.  
3 But allow me to express clearly that, there were people who came  
4 from Mongkol Borei, and also from Phnom Penh, who were placed  
5 together in a group. Again, discussion was not allowed and people  
6 had no gut to even converse with one another, and, in particular,  
7 since I came from Sisophon prison, I was a kind of object that  
8 posed some kind of risk to them being associated with me. So, no  
9 one would want to converse or to talk anything to me; and I lived  
10 in a place where there was a grandfather who advised me, on  
11 several issues, including my safety; he asked me to keep silent  
12 and to, of course, be very careful when speaking.

13 Q. So, after you returned, were there meetings, first of all, in  
14 these meetings that you were obliged to attend during the day, or  
15 in the evening? And did you see people being arrested? Yes,  
16 indeed, did you see people being arrested?

17 A. I would only talk about what I saw and upon returning saw  
18 people being made to dig the canals and this worksite was near  
19 the village. But at the same time, when I was asked to tend the  
20 ducks, I had also been made to dig the canals, and at that  
21 moment, I saw a person being arrested. I knew this person before;  
22 he was a soldier and he was removed after being arrested at the  
23 worksite.

24 [10.09.58]

25 That man, after knowing that he had - he was to be removed, he

17

1 was very weak, mentally weak, and terrified. And on another  
2 occasion, I saw another man who had an affair with a woman, who  
3 had to be arrested and executed right in front of the meeting.  
4 The meeting was convened every late afternoon, and the topic of  
5 the meeting would just be business as usual, for example, about  
6 the rice production, about how many hectares of rice per hectare;  
7 things like that. And I was also asked to express my sincerity  
8 and loyalty of being honest and commitment during each meeting.  
9 And we were supposed to be able to say things out loud, for  
10 example, when we made our commitment, then we had to make sure  
11 that our composure was really strong and firm, and say that we  
12 hated the American imperialists, or go down to hell the  
13 Americans, but that one person who was on his feet was not good  
14 at doing that, and he was about to be in big trouble.

15 [10.11.42]

16 MS. MARTINEAU:

17 Thank you, Mr. Meas Saran, I will stop here. Thank you.

18 I am now going to give the floor to the prosecutors. Thank you.

19 MR. PRESIDENT:

20 Mr. Co-Prosecutor, you may now proceed.

21 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. And good morning to you, as well as to  
23 all of the parties, and to the public, and to you, Mr. Meas  
24 Saran. My name is Vincent De Wilde, and I'm going to put  
25 questions to you on behalf of the Co-Prosecutors' Office, and

18

1 this should take me about 20 to 25 minutes and -- if the civil  
2 party answers my questions precisely. So, I'm going to focus  
3 essentially on what happened during the evacuation.

4 Q. And, first of all, I will ask you questions about the surgical  
5 centre where you said that you treated injured people up to the  
6 17th of April. Could you call this an emergency ward; would this  
7 be called an emergency ward today?

8 [10.13.18]

9 MR. MEAS SARAN:

10 A. At Borei Keila, at that time, I was working at a surgical  
11 centre; there were five surgical sections that were meant to  
12 receive wounded people. This is the first place where the wounded  
13 would be admitted to, and we received both students, student  
14 trainees who came to practice their skills there. So, they were  
15 indeed, students or interns.

16 Q. Thank you. You spoke about the five operating theatres, often,  
17 but were there other wards in this centre, such as anaesthesia,  
18 radiology, or was there only one place where people would be  
19 operated?

20 A. At these five operating theatres, the kind of medicines you  
21 mentioned, were available. Indeed before people were operated on,  
22 they had to be administered these kinds of medicines, so they  
23 were there. I have to say that they were available and that there  
24 was no section where women gave birth to their babies. There were  
25 only sections to receive the wounded.

1 [10.15.32]

2 Q. Thank you. Now, I'd like to know -- because you said last time  
3 that there were 50 beds on the ground floor. What was the total  
4 amount of available beds in that centre; were there also beds on  
5 the upper floors?

6 A. At Borei Keila, it was only meant for football - for  
7 basketball, and it was surrounded by the war. And now, they use  
8 the place for boxing ring. And, at that time, there were hospital  
9 beds -- I can't count all the beds, but these beds were only for  
10 the wounded people, and their family members who accompanied them  
11 to the place. And upstairs, it was on the 17th of April, people  
12 who died during the evening of the 16th of April would be left  
13 unattended there.

14 Q. You also told us last week that there were many injured people  
15 who kept on coming on the 17th of April, as well as during the  
16 night of April 16th to April 17th, and that there were also  
17 injured people lying on the floor in the corridors. So, can you  
18 give us an idea of how many injured people there were in the  
19 centre, in the surgical centre on the morning of 17 April 1975?  
20 If you don't know the exact number, I understand, but please give  
21 us just an idea.

22 [10.17.43]

23 A. There were five sections for receiving the wounded, and on the  
24 16 of April, there were bombs dropped at Daeum Meah (phonetic)  
25 Market. People got injured and sent there, and I cannot remember

20

1    them -- the number of the patients -- but each centre kept  
2    receiving the wounded and the beds could not accompany or  
3    accommodate all the wounded and we had to make use the floor for  
4    incoming patients and wounded people.

5    Q. Thank you. So, among all of these injured people, how many of  
6    them were able to move about on their own despite their injuries  
7    -- or how many people needed continuous assistance and who could  
8    not move about on their own?

9    A. People who were on the beds or whom I saw were received and I  
10   saw them. Those -- some people were not seriously injured and  
11   they could move about. Some got injured by the legs who, indeed,  
12   could not walk and they could remain in the beds. And I may also  
13   wish to recall the event of a young child who was seriously  
14   injured, the seven-year-old child, who told me that he got  
15   injured by the bomb. And that child was lying on the ground and I  
16   couldn't save the person when he or she was evacuated from the  
17   hospital.

18   [10.20.30]

19   Q. Thank you. Last week you also said that certain families came  
20   to the hospital to take away with them some people who were  
21   lightly injured. But as far as you know, were all families able  
22   to come to the surgical centre? Were all of these families  
23   contacted in time?

24   A. On the morning of 17 April when we were told that we had to  
25   leave, the people who were in the hospital were -- or started to

21

1 panic, and some who could walk then would walk out. Some had to  
2 be in the beds where they were being pushed. I don't know where  
3 they could go because they couldn't walk and I did not know where  
4 the beds could be pushed further.

5 [10.22.03]

6 Q. Thank you.

7 As a nurse, you dedicated your life to treating people, to saving  
8 lives, and were you shocked by the Khmer Rouge order to evacuate  
9 Borei Keila totally, including evacuating people who were very  
10 seriously injured?

11 A. I decided to become a doctor, and my mother did tell me to  
12 become a doctor, not a soldier. And I dedicated my life helping  
13 the people, the patients, including the wounded Khmer Rouge  
14 soldiers. Two of them were treated by me.

15 And I, at the moment when I was asked to leave the city, had a  
16 difficult feeling because at that time I thought that the sick or  
17 the wounded would be well assisted during the evacuation, but at  
18 the same time I was not clear in my mind whether these people  
19 were properly treated because I still recall the event when a  
20 girl who got seriously injured, begging, asking me to help her  
21 out and I could -- I was also helpless and I indeed was obliged  
22 to help her as a doctor, but I couldn't help her beyond what I  
23 could at that time.

24 [10.24.06]

25 Q. Thank you. Last week you also said that you were still hoping,



22

1 at around 10 o'clock in the morning, that the Khmer Rouge would  
2 continue administering treatment to the patients. You had this  
3 idea that it would be -- it was not believable that the Khmer  
4 Rouge would let the situation be the way it was.

5 So, before you left the surgical centre, did you see Khmer Rouge  
6 medical staff arrive at the centre and take charge of treating  
7 the patients?

8 A. At that time, none of the Khmer Rouge medical staff or soldier  
9 would be there to take charge of the hospital.

10 I did not know what happened after this, but during that time it  
11 was sure that no one was seen to be there to assist the medical  
12 staff during the evacuation.

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, with your leave, I would like to read out  
15 excerpts, short excerpts, of Nuon Chea's examination during the  
16 hearing of 30 January 2012 regarding the evacuation of Phnom  
17 Penh. And the questions put to him by the Co-Prosecutors are  
18 based on the decision of the Central Committee taken in June 1974  
19 to evacuate Phnom Penh.

20 [10.25.42]

21 This is document E1/35.1, E1/35.1, and this is the transcript of  
22 the hearing of 30 January 2012, and I'm going to read three short  
23 excerpts before I put the necessary questions to the civil party.  
24 The first passage in Khmer is on page 23 at 09.57 and ERN is  
25 00773623, in French page 19, ERN 00--

1 MR. PRESIDENT:

2 Mr. Co-Prosecutor, could you repeat the numbers again, as that --  
3 they were not properly rendered?

4 [10.26.39]

5 BY MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President. Okay, I will proceed a bit slower.

7 So the Khmer ERN is 00773623; French, on page 19, ERN 00775545;  
8 and English, page 18, ERN 00775448.

9 So a question is being put to the Accused: "I understand that a  
10 committee had been created but when the Central Committee took  
11 its decision in 1974, the decision was to evacuate all of the --  
12 was it to evacuate all of the inhabitants of Phnom Penh?"

13 Nuon Chea answers: "Yes, that's true, but in a temporary manner  
14 because we were watching the situation closely and there was  
15 conflict at the time." End of quote.

16 So the second excerpt, it's on the following page. So, Khmer,  
17 page 24, at 10 o'clock; French, page 20; and English, page 19.

18 So the question that is put by the Co-Prosecutor: "The Central  
19 Committee decided all inhabitants had to be evacuated. This  
20 means, therefore, that the injured also had to be evacuated from  
21 Phnom Penh. Is that so?"

22 [10.28.16]

23 Answer -- and I quote: "Everyone was evacuated. So those people  
24 who had bicycles had to help the others and those who had more  
25 strength had to help those who were weaker so that they could

24

1 leave the city." End of quote.

2 And the third passage is at 10.01, French, Khmer ERN, same page,  
3 same ERN, and in English it's on page 20.

4 So the question that is put: "The Central Committee made its  
5 decision to evacuate all the residents of Phnom Penh. Did you  
6 make any effort to determine how many hospitals there were in  
7 Phnom Penh and how many patients were in those hospitals?"

8 [10.29.14]

9 And the accused answers -- and I quote: "We did not think about  
10 that, Mr. President. How could we think about that because the  
11 situation was dire."

12 And Nuon Chea continues, giving a long description here, but this  
13 is the passage I'd like to concentrate on. So my question is the  
14 following.

15 Q. Mr. Meas Saran, did you see Khmer Rouge, on 17 April, send  
16 vehicles such -- or any forms of transportation means such as  
17 bicycles or cars to Borei Keila to evacuate the injured, or did  
18 you see them try to organize the transportation of the injured by  
19 asking the ordinary citizens to help the injured with whatever  
20 transportation means were available to them? Did you see the  
21 Khmer Rouge do that?

22 MR. MEAS SARAN:

23 A. Allow me to report to you, Mr. President, of what I witnessed  
24 on 17 April.

25 [10.30.35]

25

1 There was no Khmer Rouge coming to give any assistance on that  
2 day. There was none of them.

3 Q. Thank you. You were told that the hospital and the city had to  
4 be evacuated so as to save your own lives from an imminent  
5 bombardment by the U.S. Is it not rather paradoxical that at the  
6 same time as needing to save your lives from the bombing you also  
7 had to sacrifice the patients in the hospital?

8 So, at that juncture, did you ask yourselves if there wasn't  
9 something a little bit contradictory about that and did that  
10 generate any particular doubt in your mind about orders dispensed  
11 by the Khmer Rouge?

12 [10.31.46]

13 MR. PRESIDENT:

14 The Civil Party, please wait.

15 The Defence Counsel for Khieu Samphan, you may proceed.

16 MS. GUISSÉ:

17 Thank you very much, Mr. President. And good morning, Your  
18 Honours. Good morning to the parties.

19 So far I have remained seated. I don't want to level objections  
20 here. I know that we're listening to something special from a  
21 civil party, but I do have to object to this last question from  
22 the Co-Prosecutor.

23 It's a complicated question and it also encourages the civil  
24 party to express an opinion that is not based on his personal  
25 experience but what he might have thought about this or that on

26

1 the basis of etc, etc.

2 So there are a lot of "ifs" in this particular question and I  
3 don't think it is connected directly to what the witness himself  
4 has experienced. He's being asked to extrapolate, and even from a  
5 civil party I don't think this procedure is acceptable.

6 [10.33.02]

7 MR. DE WILDE D'ESTMAEL:

8 Mr. President, what I'm trying to find out is if when these  
9 things happened, if the civil party had that particular reaction  
10 vis-à-vis what was happening. Did he have the time to have this  
11 kind of thought or was he completely unable to think in those  
12 terms.

13 This is not inappropriate. We're on the 17 April here and I'm  
14 asking the civil party to put himself mentally back into the  
15 situation and to tell us what he thought then.

16 MS. MARTINEAU:

17 Mr. President, may I add something?

18 [10.33.50]

19 MR. PRESIDENT:

20 The International Counsel for Nuon Chea, are you referring to the  
21 subject being discussed?

22 MR. IANUZZI:

23 Good morning, Mr. President, and good morning, everyone. I am  
24 indeed.

25 What I wanted to say -- what I wanted to say is, I wanted to

27

1 support my colleague's intervention and I wanted to support the  
2 very last thing that the Co-Prosecutor said. It's relevant to  
3 know what's in the witness's -- excuse me, the civil party's  
4 mind, and to simply ask him, "What was in your mind?" Not to put  
5 paradoxes as it was phrased in his mind. So simply ask him what  
6 was in his mind.

7 That's all I want to say. Thank you.

8 MR. PRESIDENT:

9 The objection and the ground for the objection is valid.

10 The Civil Party, you are not required to respond to the last  
11 question.

12 I notice the assigned lawyer for civil parties on her feet, and  
13 that matter has been already ruled.

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President.

16 [10.35.12]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Civil party, you told us that all of the patients in the  
19 hospital, in the operating theatre, had to evacuate, and last  
20 week you told us that the evacuation was not properly organized  
21 by the Khmer Rouge and that nothing had been done to provide  
22 assistance to those being evacuated.

23 Now you're a nurse, tell us, can you, what the foreseeable  
24 consequences were of this kind of evacuation for the weakest  
25 patients and the most serious patients on the basis of their

28

1 physical state? Were they ready to undertake a long trek in the  
2 April heat without any particular form of care?  
3 [10.36.14]

4 MR. MEAS SARAN:

5 A. In my capacity as a medical staff, it was my obligation.  
6 Frankly speaking, I felt uncomfortable to leave the patients  
7 behind. I could not do anything more. In my mind if I left them  
8 behind: one, they would die; and, two, if the Khmer Rouge would  
9 come to help them then they would survive.

10 But the thing is: how could I assist them in my capacity? I  
11 couldn't help them much and when I left I left with an uneasy  
12 feeling as some people had already gone before I left, and I was  
13 still thinking about my wife. So I felt uneasy when I left  
14 because I left the patients behind, in particular the young girl,  
15 and I'm still haunted by her image.

16 Q. Thank you. Let us move on from the operating theatre.  
17 You're now outside in the street, and last week you told us that  
18 people in the street had said that you had to leave for three  
19 days, otherwise the bombs would fall down from the sky from the  
20 U.S. But did you hear any other justifications coming from the  
21 Khmer Rouge about why you had to leave the city or was that the  
22 only reason you were given?

23 [10.38.26]

24 A. While I was still at Borei Keila and I heard the instruction  
25 that we had to leave because, at that time, it was still unclear

1 as who actually gave the instructions to us. There were crowds of  
2 people and we were told that we had to leave. Everyone had to  
3 leave because there would be bombardment, and for me, of course,  
4 I was scared of bombardment.

5 So we were scared that we had to leave for three days to avoid  
6 the bombardment and, of course, I believed -- I believed it, but  
7 as it happened no bomb was dropped. And I was thinking that, in  
8 fact, they told us a lie. I thought to myself that no bomb was  
9 dropped during the three-day period and I, myself, believe in  
10 that.

11 Q. Thank you.

12 Last week you told us, in E144.1 of 14 November 2012 -- Khmer ERN  
13 00861402; in French, it's page 113; and in English, it's page 109  
14 -- and you said: "We were all told not to take too many things  
15 with us because we were only leaving for three days."

16 [10.40.23]

17 Now, who was giving the orders not to take too many things?

18 A. We were told to leave for three days. I heard that from those  
19 people who come in -- who were coming from upstairs and those who  
20 came from the other side on my floor, but I could not see exactly  
21 who actually gave instructions.

22 They told me that they were told by the soldiers that we had to  
23 leave for three days, and they told me not to take many things  
24 with me because we had only to leave for three days.

25 So, Mr. President, I could not tell you exactly as -- who



30

1 actually spoke those words as I only heard it through other  
2 people. I was not told by any particular individual.

3 Q. Thank you. Why, when you went back home, did you only take a  
4 shirt of your wife's and no other valuables or even a car?

5 [10.42.12]

6 A. Allow me to respond briefly.

7 My wife was still at the Pasteur Library because on that night I  
8 was on the guard duty, so I could not allow my wife to be alone  
9 at our house near the Moha Motrey pagoda. I, at that time, tried  
10 to go and see my wife at the house but I was not allowed to go as  
11 there was fighting going on from that direction, and I was told  
12 not to go there.

13 So I went on the other direction and I entered my house. I had a  
14 bottle of aspirins. It was a 1,000 tablet aspirin. I took that  
15 one, along with my wife's shirt. I was scared as the neighbours  
16 had already left. So I also brought along my wife's necklace with  
17 these other two stuff. It was already quiet, as many neighbours  
18 had already gone and I did not think I should bring more things  
19 because it was for only three days.

20 MR. PRESIDENT:

21 The Prosecutor, can you inform us if you need more time to  
22 conclude?

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, ideally, I would need another five to 10 minutes.

25 I don't know if you wish me to continue now or perhaps after a

1 break?

2 [10.43.57]

3 MR. PRESIDENT:

4 The time is appropriate for a break. We shall take a 20-minute  
5 break and return at 11 a.m.

6 Court Officer, could you assist the civil party during the break  
7 and have him returned to the courtroom at 11 a.m.?

8 I notice the international counsel for Nuon Chea is on his feet.

9 You may proceed.

10 MR. IANUZZI:

11 Thank you, Mr. President. I've just been informed that our client  
12 is unwell. He's suffering from a lack of concentration, a  
13 headache, a backache and possibly high blood pressure. He would  
14 like to retire to the holding cell for the remainder of the day,  
15 and we will produce whatever waiver is necessary.

16 (Judges deliberate)

17 [10.45.03]

18 MR. PRESIDENT:

19 Has his health been checked by the treating doctor yet?

20 MR. IANUZZI:

21 Well, Your Honour, you know the answer to that question, you've  
22 seen him in court all morning. Obviously, no, the answer is no,  
23 he has not been checked by the treating physician, he's been  
24 sitting behind me all morning as you are well aware.

25 (Judges deliberate)

1 [10.46.15]

2 MR. IANUZZI:

3 Perhaps it's a good idea to ask the doctor. I'm not sure if the  
4 doctor has seen Mr. Nuon Chea early this morning or last night or  
5 any time in the near future, but perhaps it's a good idea to ask  
6 the doctor as I think he's here.

7 MR. PRESIDENT:

8 During the break, the doctor will check the health of Mr. Nuon  
9 Chea and inform the Chamber immediately, and the Chamber will  
10 decide on this issue after we return.

11 MR. IANUZZI:

12 Thank you.

13 THE GREFFIER:

14 (No interpretation)

15 (Court recesses from 1047H to 1106H)

16 MR. PRESIDENT:

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

18 Before I hand the floor to the prosecutor to continue putting  
19 questions to this civil party, the Chamber will now rule on the  
20 request by Nuon Chea.

21 Upon having the request by Nuon Chea through his defence counsel  
22 to follow the proceeding through a remote means for the remainder  
23 of the day due to his health reasons -- that is, lumbago,  
24 headache -- and that he cannot concentrate in the courtroom. The  
25 request is backed by the medical report by the treating doctor of

1 Mr. Nuon Chea and other Accused at the ECCC detention facility.

2 [11.07.44]

3 He observes that Nuon Chea has a headache, has backache, and high  
4 blood pressure, and recommends that the Chamber shall allow him  
5 to follow the proceedings through a remote means. The request by  
6 Nuon Chea is reasoned so that the Chamber decides to grant him  
7 the request so that he can be allowed to follow the proceedings  
8 from a holding cell downstairs, from today until the conclusion  
9 of this afternoon's session.

10 The Chamber require the defence team to deliver the waiver from  
11 Nuon Chea immediately.

12 And the AV Unit, you're instructed to link the proceedings to the  
13 holding cell downstairs so that Nuon Chea can follow it. That  
14 applies for the remainder of today's proceeding.

15 [11.09.00]

16 Security guards, you're instructed to take Mr. Nuon Chea to the  
17 room downstairs so that he can follow the proceedings.

18 The floor is now given to the prosecutor. You have 10 more  
19 minutes.

20 BY MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. I will share these 10 minutes with my  
22 colleague.

23 Q. You said earlier and last week, Mr. Meas Saran, that you had  
24 seen two bodies on the left-hand side of the Monivong Bridge  
25 before you crossed it. Were you sufficiently close to these

1 bodies to see if these bodies were wearing civilian clothes or  
2 army clothes?

3 MR. MEAS SARAN:

4 A. The two bodies on the left side of the Monivong Bridge were  
5 dressed in civilian clothes. They did not dress in army uniforms  
6 and they were both male.

7 [11.10.48]

8 Q. And since you were a nurse and since you were used to seeing  
9 injured people or even bodies --so, according to what you see --  
10 saw, could you see -- were there any traces of bullets or any  
11 other element that might have given you an idea of why these  
12 people had died?

13 A. The bodies that I saw on the left side of the Monivong Bridge,  
14 they were not placed on the ground properly. They were kind of in  
15 an awkward position, so I could not say for sure that I had to go  
16 there and see whether they died because of the bullets or not.

17 Q. I would like to quote now from your application, D22/118 --  
18 that is to say -- and this is a very short sentence. In Khmer  
19 it's on page 4, ERN 00362176, 00362176; and in English it's on  
20 page 3, 00362196; and in French it's on page 3, 00363304. And  
21 here you are speaking about the moment when you left Phnom Penh  
22 and when you are travelling to Sisophon during your long journey,  
23 and you said that: "Along the road I saw many, many dead people  
24 and I did not know why they had died."

25 [11.13.16]

1 So why are you saying that these people died without reason?

2 A. I stated that people died because I saw them die near the  
3 bridge and along my -- along the road that I travelled, I did not  
4 see any dead bodies along the road. I only saw people who were  
5 travelling with me were taken away.

6 Q. Thank you for this clarification. I have one last question to  
7 put to you.

8 You told us last week that your wife, who was with your child,  
9 had spent the night on Pasteur Street with relatives so that she  
10 would not be all alone. And, later on, did you get any news from  
11 these relatives?

12 And second question: Were these relatives -- or did these  
13 relatives say anything about what had happened to your wife, if  
14 you saw your relatives again?

15 [11.14.41]

16 A. I did not actually reach the house where my wife was staying  
17 on Pasteur Road, so I did not meet her nor any other members of  
18 the families. In fact, there were other families living in that  
19 house and I did not meet any of them until the present time. I  
20 have not received any news, any further news from them until now.

21 Q. So, after 1979, did you get any kind of information about the  
22 fate of your wife during the evacuation? You never heard anything  
23 about what had happened to her in one way or the other?

24 A. Since that day that it -- the day that I left, I have not  
25 received any news -- that is, from that year until today. I did

36

1 not know about the fate of my wife, even if she had to crawl home  
2 she would have reached home by now.

3 [11.16.15]

4 MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. Meas Saran.

6 I will now give the floor to my colleague for the few remaining  
7 questions. Thank you.

8 QUESTIONING BY MR. CHAN DARARASMEY:

9 Good morning, Mr. President, Your Honours. Good morning, everyone  
10 in and around the courtroom.

11 Good morning, Mr. Meas Saran. My name is Chan Dararasmey. I'm the  
12 Deputy Co-Prosecutor. I only have six remaining questions in  
13 addition to what have been asked by my colleague.

14 [11.16.56]

15 Q. You just stated that when you reached your house you only took  
16 the necklace, the wife -- your wife's shirt and the aspirin  
17 tablets. My question is: why did you bring the aspirin tablets  
18 with you?

19 MR. MEAS SARAN:

20 A. Please repeat your question.

21 Q. You said that you reached your house and you did not see your  
22 wife, so you only take your wife's shirt, gold, and the aspirin  
23 tablets.

24 My question is: Why did you have to bring the aspirin tablets  
25 along?

1 A. In my house, I believe that the aspirin tablets could be used  
2 when I travelled, so I just decided that I had to take it along  
3 and that tablets were close to hand so I simply brought it along.  
4 [11.18.27]

5 Q. When people were evacuated from Phnom Penh, did you see any  
6 other people protesting against the evacuation by the Khmer  
7 Rouge, or did you yourself protest against the evacuation by the  
8 Khmer Rouge soldiers?

9 A. When I left, the Khmer Rouge who were on the road, either  
10 travelling or walking, did not communicate with us or -- nor did  
11 they instruct us what to do. We had to leave because we were  
12 asked to do so.

13 And could you please repeat your question again as I am not 100  
14 per cent sure?

15 Q. When there was an order for the Phnom Penh residents to leave,  
16 did any of the people protest against such order, or did you  
17 personally protest against such order, or if you asked for any  
18 reason for such order?

19 [11.19.53]

20 A. At that time, I did not see anyone who protested against the  
21 order. I, myself, I did not do it and I was scared as well. So I  
22 did not see anyone protested against the order.

23 Q. Thank you. You also said when you were placed in the temporary  
24 location and there was an exchange of food with the medicine that  
25 you had, what would happen if you were caught by Angkar during



1 such a transaction, or were such exchange allowed by Angkar?

2 A. I could not know whether there would be discipline imposed by  
3 Angkar. However, when we already left Ph'av, there were some  
4 other people looking for gasoline or looking for lighters, and,  
5 at that time, I had the gasoline, so I exchanged it with those  
6 people, and those six or seven people, they were kind of vigilant  
7 and careful, and after the exchange they left.

8 Q. Thank you.

9 This is my fourth question: When the Khmer Rouge arrived at the  
10 hospital where you work, did you hear them talking to the medical  
11 staff or to yourself about the evacuation or about anything else?

12 [11.21.58]

13 A. I did not receive any order from the Khmer Rouge soldiers to  
14 leave. However, the people from the back, on the floor, and those  
15 from other blocks, were -- had said that they were asked to leave  
16 by the Khmer Rouge soldiers.

17 Q. Besides that, did the Khmer Rouge say anything else?

18 A. I did not know whether they spoke about anything else as I did  
19 not have any contact with the Khmer Rouge soldiers.

20 I also saw the Khmer Rouge soldiers on the street, but they did  
21 not speak to us.

22 Q. Thank you.

23 This is my fifth question: What were the reasons that caused you  
24 or other people to believe the Khmer Rouge soldiers that you had  
25 to leave for three days only and then you would be allowed to

1 return to Phnom Penh?

2 [11.23.15]

3 A. They said that we had to leave for three days only in order to  
4 avoid the bombardment by the Americans and I believed in what we  
5 were told because it could turn out to be true and I was scared.  
6 So I left.

7 Q. Thank you.

8 Due to the time limitation, this is my last question: During the  
9 time that you were en route from Phnom Penh to the provinces,  
10 while you were en route or at the location where you lived, did  
11 you or any other evacuees see any of the Khmer Rouge leaders who  
12 made an announcement at any location?

13 [11.24.23]

14 A. During the time that we were travelling from Phnom Penh to the  
15 road junction, the Khmer Rouge soldiers who walked in groups did  
16 not speak to us. They only spoke to us when we were questioned by  
17 them and then they would tell us whether we were allowed to  
18 proceed further. Through my observation, it seems that they  
19 separated themselves with various -- into various groups and I  
20 did not know how they classified us into various groups. But they  
21 only spoke to us when they questioned us.

22 And while I was in the prison, they came to speak to me -- that  
23 is, while I was at the Srei Saophoan prison.

24 Q. Did you see any of the Khmer Rouge leaders, namely Nuon Chea,  
25 Khieu Samphan, Ieng Sary, or Ieng Thirith during the time?

1 A. I never saw any of them. And those people who questioned me  
2 during the time that I was in prison, I did not know them.

3 [11.25.45]

4 MR. CHAN DARARASMEY:

5 Thank you, Mr. Meas Saran. I indeed thank you for responding to  
6 my questions and my colleague's questions and I hope that your  
7 response would contribute to ascertaining the truth, and I wish  
8 you all the best and bon voyage.

9 Thank you, Mr. President.

10 MR. PRESIDENT:

11 Thank you.

12 The floor is now given to Nuon Chea's defence--

13 Correction; since the Judges of the Bench have some questions to  
14 put to the civil party, Judge Lavergne, you may proceed.

15 QUESTIONING BY JUDGE LAVERGNE:

16 Yes. Thank you, Mr. President. I will have a very short question.

17 Q. Mr. Meas Saran, I would like to speak to you as a nurse and

18 I'd like you to tell me a little bit about the condition the  
19 population was in, in Phnom Penh on 17 April 1975. What can you  
20 tell us about this?

21 [11.27.03]

22 Was -- were the people vulnerable or were they made more fragile  
23 because of the situation? Were there a lot of refugees, for  
24 example? Were there any risks of disease?

25 MR. MEAS SARAN:

1 A. In Phnom Penh, during the last few days, more and more people  
2 came into the city and there were also more wounded people who  
3 were being admitted to the Borei Keila Hospital.

4 Your Honour, could you repeat the last part of your question  
5 please?

6 Q. Yes. I was asking you if the population was facing a risk of  
7 diseases such as cholera, for example.

8 A. At that time, no. I was at Borei Keila compound, and we only  
9 received the wounded people. However, there was no epidemic  
10 disease at the time.

11 [11.28.55]

12 Q. Now, in terms of medical care, did you feel that you were  
13 lacking supplies, or lacking medicine to address the needs of the  
14 population?

15 A. At my section, there were insufficient tools and materials to  
16 respond to the treatment of the wounded. But I tried to locate  
17 the bandages for the wounded, but we did not have sufficient  
18 bandages, so there was insufficient material for the treatment of  
19 the wounded.

20 Q. And a final question that may seem naive to you, but from your  
21 standpoint, from what you yourself witnessed, did the evacuation  
22 from Phnom Penh improve the situation, which was the situation  
23 characterized by shortages and privations, or did it make it  
24 worse?

25 A. Your Honours, we left on the 17 of April. Everyone had to

1 leave the capital and I had to leave on National Road Number 1. I  
2 did not know to which direction other people would be leaving the  
3 city.

4 The situation was difficult because there were too many people  
5 and the food were scarce and the movement was not good, so  
6 everything was in much difficulty.

7 [11.31.25]

8 Q. Let's turn to the refugees. You said just now that there were  
9 more and more refugees coming into Phnom Penh in the days before  
10 the 17th of April. How were these people treated? Were they  
11 cordoned off into certain areas? Were there detention camps, even  
12 concentration camps, for them? Did you hear any talk of measures  
13 of that nature?

14 A. I am afraid I do not quite understand the question. However, I  
15 may respond that when the people had coming -- had been coming to  
16 the city, we could see that the capital city was so much crowded  
17 and life was not easy. The state tried to create a place. Like  
18 the place I worked, they improvised the hospital ground, for  
19 example, making use of the Borei Keila for treating wounded  
20 people and a lot more people kept coming to the city.

21 Q. Yes. Really, what I was asking was if you knew if any of these  
22 refugees had been put in special places where they would be  
23 detained.

24 A. No such thing happened. No one was said that they would be  
25 detained somewhere.

1 Q. Last question. Now, I want to talk about the food supplies.

2 What can you tell us about the food situation in Phnom Penh? Were  
3 there already shortages and if so, what were the effects on the  
4 population? Did everybody more or less have enough to eat? What  
5 were the circumstances?

6 [11.34.18]

7 A. During the last few days in Phnom Penh, foodstuff were very  
8 expensive. It was getting more and more difficult to access to  
9 these foods, rice, and since more and more people kept coming to  
10 the city, the food supply was less and the price increased and  
11 accessibility to these foods is more -- was more difficult.

12 Q. In Phnom Penh or outside the city, when you were going through  
13 that evacuation experience, did you see any kind of organization  
14 set up to feed people -- feed these evacuees?

15 A. Since I had left the Monivong Bridge, I did not notice any  
16 Khmer Rouge soldier offer me anything. Even when I reached my  
17 hometown, no one would come to assist us.

18 JUDGE LAVERGNE:

19 Thank you very much, sir, for all of those answers. I don't have  
20 anything else I wish to ask you.

21 [11.36.22]

22 MR. PRESIDENT:

23 Thank you, Judge Lavergne.

24 We would like to hand over to counsels for Mr. Nuon Chea to put  
25 questions to the civil party if they would wish to do so.

1 QUESTIONING BY MR. IANUZZI:

2 Thank you, Mr. President. Good morning, Mr. Civil Party, Mr. Meas  
3 Saran. I'm one of the lawyers for Nuon Chea and I do have some  
4 questions for you today. I shouldn't take too long. I certainly  
5 -- just to give everyone an idea, I won't finish before the lunch  
6 break.

7 So just let me start, if I may, Mr. Civil Party, by giving you a  
8 sort of a road map of the questions and the areas I'd like to  
9 cover today.

10 [11.37.03]

11 First of all, I'd like to discuss partially what you've just been  
12 discussing with Judge Lavergne and certainly some of the things  
13 you've said to the other parties, the state of Phnom Penh prior  
14 to the takeover by the Khmer Rouge. Secondly, I'd liked to  
15 discuss, briefly, what you've talked about in terms of the  
16 justification offered for the evacuation. And then, finally, I  
17 have some miscellaneous matters, so let me get started.

18 Q. And just to briefly recapitulate what you've said already so I  
19 have -- I have everything clearly in my mind, you attended  
20 medical school in Phnom Penh from 1969 until 1972; is that  
21 correct?

22 MR. MEAS SARAN:

23 A. Yes, it is.

24 Q. Thank you. And, incidentally, where did you live prior to  
25 1969?

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1 A. I was born in Svay Rieng province and I studied medicine in  
2 Phnom Penh. Before 1969, I came from Svay Rieng to stay in Phnom  
3 Penh near the Moha Motrey Pagoda.

4 Q. Thank you, Mr. Witness -- or Mr. Civil Party; excuse me. And I  
5 apologize if this has been asked already, but I just want to  
6 clarify. So then, when did you first arrive in the city of Phnom  
7 Penh if you remember?

8 A. I first arrived in Phnom Penh when I started at medical  
9 school. It was early 1969 when I started the medical sessions.  
10 Indeed, I came to Phnom Penh only after I passed the high school  
11 exam and it was early 1969.

12 [11.39.23]

13 Q. Very good. Thank you very much. And then, after you completed  
14 medical school -- tell me if I have you correctly -- from 1972  
15 until 1973, you worked at the Preah Ket Melea Hospital in Phnom  
16 Penh?

17 A. Yes, it is correct.

18 Q. Thank you very much. And then, in 1963, if I have you  
19 correctly, you joined the military and you were assigned to  
20 Sisophon for approximately 18 months; is that correct?

21 A. It was not in 1963. It was in 1973. If so, it is correct.  
22 Indeed, I was there as -- as a soldier. It's an obligation and I  
23 had been in the army for 18 months.

24 [11.40.37]

25 Q. Thank you, Mr. Civil Party. I -- it's indeed what I meant,



1 1973; I apologize if I misspoke.

2 And then, after that stage in the military, you returned to Phnom  
3 Penh; is that correct, in late 1974?

4 A. Yes, it is.

5 Q. Thank you. And again, one -- one last bit to confirm. You  
6 remained in Phnom Penh from late 1974 until April 1975 working as  
7 a medic -- as sort of a triage medic; I think you described it,  
8 at Borei Keila.

9 A. Yes, it is clear and correct.

10 Q. Thank you, Mr. Civil Party. So would you agree with me, is it  
11 -- is it fair to say that barring those 18 months that you were  
12 at Sisophon, except for those 18 months, you personally observed  
13 and experienced, firsthand, the living conditions in Phnom Penh  
14 -- in the city of Phnom Penh up until April 1975?

15 A. Can you please repeat that question?

16 Q. I'm sorry, Mr. Civil Party, I will repeat the question.

17 Is it fair to say that from 1969 until April 1975, barring the 18  
18 months, except for the 18 months that you spent in Sisophon, you,  
19 yourself, personally experienced and observed the living  
20 conditions in Phnom Penh firsthand?

21 [11.42.48]

22 A. I came to Phnom Penh by early 1969 when I attended the medical  
23 school and I noted the living condition in Phnom Penh until the  
24 time when I approached Sisophon. So, during this interval, I  
25 already witnessed what had happened during those days.

1 Q. Thank you, Mr. Civil Party.

2 Now, I'd like to move to some specific questions about those  
3 conditions and about your own personal experience of them and I'm  
4 going to limit myself to Phnom Penh -- to your time in Phnom  
5 Penh. I'm not going to ask you any questions about your time in  
6 Sisophon.

7 [11.43.33]

8 Just picking up on a line of questioning that was begun by Judge  
9 Lavergne, based on your experience, based on your own personal  
10 experience, would you agree -- would you agree that the civil war  
11 that raged in Phnom Penh between the Lon Nol regime and the Khmer  
12 Rouge from approximately 1970 to 1975, would you agree that that  
13 civil war along with the previous U.S. bombing campaign had a  
14 negative impact on the amount of food, in particular rice, that  
15 Cambodia was capable of cultivating in the early seventies? In  
16 other words, were the food shortages that you briefly discussed  
17 with Judge Lavergne, were they partially, in some way -- in any  
18 way, associated with the civil war and/or the American bombing of  
19 Cambodia, to your knowledge?

20 A. Mr. President, the question is rather long and I am afraid I  
21 cannot respond to that long piece. Can you rephrase it to a  
22 shorter version?

23 Q. I will indeed; I apologize. It was quite long and a bit  
24 convoluted, I admit.

25 You spoke earlier with Judge Lavergne about food shortages in

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1 Phnom Penh. Is it your experience, based on what you observed and  
2 experienced in Cambodia, that those food shortages may have been  
3 the result of the civil war -- the Lon Nol regime civil war with  
4 the Khmer Rouge and/or the previous bombing of the country by the  
5 United States of America? Did those two events, in other words,  
6 have any impact; a negative one, in particular, on the food  
7 situation in Cambodia?

8 Hold on, Mr. Civil Party.

9 MR. PRESIDENT:

10 Civil Party, could you please hold on?

11 And, Co-Prosecutor, you may now proceed.

12 [11.46.01]

13 MR. DE WILDE D'ESTMAEL:

14 Very briefly, Mr. President, it seems as if it's a very long  
15 question going from 1969 to 1975.

16 The civil party talked about shortages in the days prior to the  
17 17th of April 1975 and he was saying that the prices had gone up  
18 and it was difficult to buy rice. It seems that there is some way  
19 of being a little bit more precise in the time scale -- the  
20 timeframe that is concerned by this question.

21 [11.46.29]

22 BY MR. IANUZZI:

23 I will certainly take my colleague's suggestion.

24 Q. Let me -- let me break it up for you, then. You did discuss,  
25 already, food shortages -- sorry, are you not getting it, Mr.

1 Civil Party? Ah, no translation.

2 MR. PRESIDENT:

3 There was no Khmer rendition.

4 MR. IANUZZI:

5 Let me try again. I'm waiting.

6 MR. PRESIDENT:

7 Judge Cartwright, you may now proceed.

8 JUDGE CARTWRIGHT:

9 Thank you, President, just a very brief comment to counsel. Your  
10 questions are being asked too fast and are far too complicated  
11 for the translation to be useful for the civil party.

12 [11.47.48]

13 MR. IANUZZI:

14 Thank you, Judge Cartwright; I'll take note of that. And as I was  
15 saying, I agree with what my colleague just said, so I will break  
16 up the question.

17 BY MR. IANUZZI:

18 Q. Mr. Civil Party, you discussed certain food shortages, a  
19 serious increase in the price of food, I believe you said,  
20 immediately prior to the Khmer Rouge takeover of Phnom Penh.

21 Based on your own experience, let's say prior to the time you  
22 went to Sisophon, so let's say from 1972 until 1973, were there  
23 any food shortages at that time that you noticed?

24 [11.48.41]

25 MR. MEAS SARAN:

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1 A. Mr. President, indeed, the current question is easier to  
2 respond.

3 When I was attending school in Phnom Penh, I noted that foods  
4 were still available. There were no shortages of food, but the  
5 price of the food increased each day and each day it became more  
6 and more difficult to get more food.

7 Q. Indeed, thank you, Mr. Civil Party. So, just so I have that  
8 clearly in my mind, prior to your time in Sisophon, you noticed  
9 steep increases in the price of food in Phnom Penh.

10 A. Yes, it is correct to say that life was difficult. I do not  
11 say that there were no food, but it became more difficult to  
12 access to the food because more people kept coming to the city,  
13 so the number of people outnumbered the quantity of food  
14 available at that time.

15 Q. Thank you, Mr. Civil Party, and I will endeavour to keep my  
16 questions short and more to the point.

17 [11.50.20]

18 Keeping with that theme -- keeping with that particular theme and  
19 again -- again, picking up on a discussion you've already had  
20 with Judge Lavergne, you did mention last week, in your  
21 testimony, an influx of people into Phnom Penh. A lot of refugees  
22 came to Phnom Penh, I believe you said, and that's what you  
23 discussed with Judge Lavergne. Could you elaborate on that a bit?  
24 Why were refugees coming into Phnom Penh? Why were so many  
25 refugees coming into Phnom Penh?

1 A. Khmer Rouge forces were approaching Phnom Penh, so people who  
2 were living at the -- at the outskirts of Phnom Penh had to take  
3 refuge in the capital city.

4 And my school is close to the pagoda. The pagoda was full of  
5 refugees and monks, so for that, I could say more and more people  
6 kept coming to the city. It was a great influx of people to the  
7 capital city when the Khmer Rouge forces kept pushing closer to  
8 the vicinity of the city, so the city was full of population. And  
9 each house had to accommodate more newcomers. For example, my  
10 wife's house had to accommodate six to seven families.

11 [11.52.15]

12 Q. Thank you, Mr. Civil Party. And is there any way you could  
13 describe a little bit more the magnitude -- that is, the size of  
14 that influx? You've just described it in great detail. Let me try  
15 and put it this way: Would you agree -- would you agree, as some  
16 have said, that the population of the city by April 1975 had more  
17 than doubled? Are you able to make that assessment?

18 A. I agree with the account. Indeed, the population of Phnom Penh  
19 had more than doubled because people in the city had to receive  
20 newcomers.

21 MR. PRESIDENT:

22 We happen to have experienced some technical glitch because we  
23 didn't hear the sound properly.

24 Mr. Meas Saran, you may repeat what you just responded because it  
25 was most likely that your message did not get through.

1 MR. MEAS SARAN:

2 Thank you, Mr. President, my apologies. I was saying that I agree  
3 with the account that the population of Phnom Penh had more than  
4 doubled. Perhaps, more than that; even triple, because I could  
5 see that at each home in the city, we could see more members.  
6 Like at the home of my wife, we had to receive six to seven  
7 families. And also I noted that at Moha Motrey Pagoda, the pagoda  
8 complex was filled with people, so I could say that this  
9 statistic is even more than what you state; even it's not double,  
10 but triple.

11 BY MR. IANUZZI:

12 Q. Thank you, Mr. Civil Party.

13 [11.54.37]

14 Now, turning a bit closer to your own area of expertise -- that  
15 is, the healthcare area, and again, just picking up on some lines  
16 of questioning that have begun already: Is it fair to say that  
17 prior to your departure to Sisophon -- that is, by 1973, the city  
18 was already facing serious healthcare problems in terms of  
19 availability of supplies at the hospitals and things like that?

20 MR. MEAS SARAN:

21 A. Before I left Phnom Penh for Sisophon -- and allow me to go  
22 back a little bit to the time when I left school. It was 1972  
23 when I graduated and worked at Preah Ket Melea Hospital. At that  
24 time, the medicine was no short of supply and we did not have any  
25 difficulties finding any medicine, so I can say that it is fair

1 to say that medicine was adequate, but the food was more  
2 expensive.

3 Q. Thank you, Mr. Civil Party.

4 What about the housing situation in Phnom Penh around that same  
5 time? When the refugees had started to come into the city, where  
6 were these people living?

7 A. At each pagoda, there were a lot of people. Moha Motrey  
8 Pagoda, which located near my home, was a site where I could see  
9 a lot of people there and I can also recall having noted that a  
10 lot of family members had to take refuge in a small home, so I  
11 can say that there were a lot of people coming to share the same  
12 house at that time.

13 [11.57.23]

14 Q. Thank you, Mr. Civil Party. And is it fair to say that by  
15 April 1975, many people -- many, many people in Phnom Penh were  
16 without housing, without work, and completely dependent on  
17 outside assistance or assistance from other people like pagodas,  
18 friends, family, things like that?

19 Hold on, there's an objection.

20 MR. PRESIDENT:

21 Civil Party, could you please hold on?

22 And, International Co-Prosecutor, you may now proceed.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President.

25 [11.58.07]



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1 So far I haven't heard many questions from the Nuon Chea defence  
2 that began with anything other than "is it fair to say that". It  
3 seems to me that this could be considered as somewhat suggestive.  
4 So, if that first part of the question could be removed and if  
5 open questions could be put to the civil party?

6 We don't intend to oppose them, but it is this wording that is  
7 used every single time that does appear somewhat suggestive,  
8 thank you, or perhaps leading.

9 MR. IANUZZI:

10 Well, I would just say, very briefly, that the witness has --  
11 excuse me, the civil party has shown his ability -- indeed, he's  
12 done it -- has shown his ability to agree or disagree with  
13 whatever proposition I've been putting to the civil party.  
14 Now, it is obviously imperative that the Defence be permitted to  
15 put its case through its questioning and I think that this kind  
16 of questioning has been allowed for some time in this courtroom  
17 and that we've moved away from these kinds of objections. There's  
18 absolutely nothing wrong, in my submission, with putting a  
19 proposition to a witness or a civil party; that is a part of the  
20 Defence case, and asking whether or not the witness or the civil  
21 party agrees, disagrees, partially agrees, what have you, with  
22 that assessment. So I think it's a perfectly acceptable  
23 technique.

24 The witness is obviously an intelligent individual. He's capable  
25 of dealing with these kinds of questions as he has proved this

1 morning.

2 (Judges deliberate)

3 [12.00.25]

4 MR. PRESIDENT:

5 The observation made by the International Co-Prosecutor  
6 concerning the line of questioning by Nuon Chea counsel is  
7 appropriate.

8 Counsel for Nuon Chea is now instructed not to put leading  
9 questions and counsel is also advised not to solicit responses  
10 from the civil party that is rather speculative. And the Chamber  
11 wishes to again advise counsel to refrain from putting those  
12 questions.

13 MR. IANUZZI:

14 Thank you, Mr. President.

15 If I could just ask for a brief clarification so that I may  
16 perhaps -- perhaps reformulate some of my questions after lunch?

17 [12.01.27]

18 Are you saying -- are you saying that the Defence is not allowed,  
19 not permitted, to put key portions of our case, which have long  
20 been part of the case file, which were raised as early as 2008,  
21 are you saying that we're not allowed to put aspects of our case  
22 to civil parties and witnesses and that we must always ask  
23 open-ended questions? Because, I think, anyone who's been  
24 observing these proceedings over these -- this last year will see  
25 that the Defence has been given this leeway in the past.

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1 This is how the Defence puts its case. This is how Defence asks  
2 questions of witnesses and civil parties. This  
3 leading/non-leading distinction, I was under the impression that  
4 that has rightly been dispensed with ages ago. There is no  
5 prohibition on leading questions in any civil law system in the  
6 world and certainly in common law systems, leading questions are  
7 a key tool in a defence arsenal. So, again, I need some  
8 clarification and preferably some legal support. What exactly are  
9 you telling me, please?

10 [12.02.58]

11 MR. PRESIDENT:

12 Exactly; here we are applying the civil law tradition.

13 And, secondly, questions that are leading in nature are  
14 prohibited. Parties to the proceedings are not allowed to pose  
15 any of these questions from the very beginning.

16 Thirdly, questions that are posed by parties in which parties are  
17 making their own conclusion or speculation and soliciting such  
18 consistent responses from the civil parties or witnesses are  
19 banned and they are not allowed, indeed, in the civil law  
20 tradition and we also are guided by the agreement - by the  
21 agreement and also the Internal Rules so that the application of  
22 the laws are consistent with what already stated in such rules  
23 and agreement.

24 MR. IANUZZI:

25 Thank you, Mr. President. Thank you for that, Mr. President. I

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1 understand what you've just said.

2 [12.04.20]

3 In response to that, perhaps I could make a brief -- a very brief  
4 request. I would ask that perhaps over the lunch break, this  
5 Chamber could produce evidence that there exists a single, civil  
6 law jurisdiction in the entire world that prohibits leading  
7 questions and I would like to see that jurisprudence because I  
8 don't think it exists.

9 Leading questions are -- to use an expression my friend, Mr.  
10 Karnavas, is fond of -- part and parcel of witness examination.  
11 It's how questions are asked. Judge Lavergne asks leading  
12 questions. The Prosecution asks leading questions all the time.  
13 Everyone on this side of the stage, from time -

14 [12.05.08]

15 MR. PRESIDENT:

16 The decision has already been made and questions that are leading  
17 are not allowed in the context of these proceedings and we have  
18 done so from the very beginning.

19 Parties who take issue with the line of questioning that are  
20 leading in nature always have their objections sustained and the  
21 Chamber will maintain this position all along. As long as parties  
22 have good ground to oppose any questions that are leading, then,  
23 the Chamber will rule such objection sustained.

24 And we have conducted the hearings from the beginning until  
25 today, it has already been a year in the proceedings and we hope

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1 such issue should not have happened at this time. It should have  
2 happened at the very beginning or early days during the  
3 proceedings where the Chamber would take the opportunity to have  
4 them addressed properly.

5 [12.06.44]

6 We thank you, the Civil Party, very much.

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

9 Court officer is now instructed to assist the civil party during  
10 the adjournment and have him returned to the courtroom when the  
11 next session resumes.

12 Security personnel are now instructed to bring Mr. Khieu Samphan  
13 back to his holding cell and have him returned to the courtroom  
14 before the next session resumes.

15 The Court is adjourned.

16 THE GREFFIER:

17 (No interpretation)

18 (Court recesses from 1207H to 1334H)

19 MR. PRESIDENT:

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

21 The floor is given to Nuon Chea's defence to continue putting  
22 questions to this civil party. You may proceed.

23 Defence Counsel, please wait. I notice the prosecutor is on his  
24 feet.

25 You may proceed.

1 [13.34.40]

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. Before we continue our debate, I would  
4 like to clarify very briefly our position just so that there's no  
5 misunderstanding about the objection that was raised just before  
6 lunch.

7 The objection was certainly not designed to make a blanket  
8 interdiction on any questions starting "is it right to state  
9 that" or "is it fair to say that", but the more recent questions  
10 are -- were not really rooted in objective issues that could be  
11 put to a civil party, who is not an expert, and they were open to  
12 a degree of speculation within the response, and that is not  
13 something that a civil party should be doing above and beyond the  
14 limits of his own personal experience and knowledge.

15 And I wanted to just to clarify that so that there was no  
16 misinterpretation of what it was I was attempting to say. Thank  
17 you.

18 MR. PRESIDENT:

19 The International Defence Counsel for Nuon Chea, you may now  
20 proceed.

21 [13.36.01]

22 MR. IANUZZI:

23 Thank you, Mr. President. Good afternoon, everyone. And thank you  
24 for that clarification from the OCP. I do take the point.

25 I would just like to note for the record that it is our position

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1 that this particular civil party is competent to testify about  
2 the conditions, the prevailing conditions in Phnom Penh between  
3 1969 and 1975, in particular as they relate to healthcare issues,  
4 but also, in a more general sense, as he was living here during  
5 that time, except of course for the 18 months that he was not in  
6 Phnom Penh.

7 BY MR. IANUZZI:

8 Good Afternoon, Mr. Civil Party. I'm going to pick up -- I will  
9 pick up where I left off, roughly, this morning, and I just have  
10 a few more questions left for you about the first topic that I  
11 identified, the one that we started with this morning, the state  
12 of Phnom Penh prior to 1975.

13 Q. This morning, you -- in response to a question my colleague  
14 across the stage asked you, you said that at Borei Keila, where  
15 you were doing that triage work that you described, you said that  
16 there was a shortage of beds there and that you didn't have all  
17 the necessary supplies and materials that you needed. Is that a  
18 correct summary of what you told my colleague this morning?

19 [13.37.42]

20 MR. MEAS SARAN:

21 A. I did not talk about the lack of hospital beds; I stated that  
22 there were about 50 beds in the Borei Keila Hospital. However,  
23 there were more patients than the beds, and they were mainly the  
24 wounded. That's what I stated. So, I did not talk about the lack  
25 of beds.

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1 Q. Thank you for that clarification. So, just so I understand  
2 you, there were not enough beds for all the wounded -- there were  
3 more wounded than beds?

4 A. Borei Keila is not a proper hospital like the Soviet Hospital  
5 and it could only accommodate about 50 beds. And due to the large  
6 number of the wounded, some patients had to lie on the grounds.

7 Q. Thank you for that, Mr. Civil Party. And that leads me to my  
8 next question. You just mentioned the Khmer-Soviet Hospital.  
9 Earlier in your testimony, you refer to Preah Ket Mealea, where I  
10 believe you told us that you worked. What about those two  
11 institutions? Based on your experience, did they have enough  
12 beds? In other words, were there enough beds at those hospitals  
13 to accommodate all the people who needed care, if you know the  
14 answer to that question?

15 [13.39.35]

16 A. I can tell you that I arrived in Phnom Penh in late 1974 or  
17 early 1975 and I did not return to my previous work place; I  
18 remained at the Borei Keila. And as I stated, there were about 50  
19 beds in the Borei Keila. As at the Khmer-Soviet Friendship  
20 Hospital, it was a large hospital, and I had no knowledge about  
21 the number of beds.

22 Q. Very well. Thank you, Mr. Civil Party.  
23 What about the number of doctors that were present at that time  
24 -- from 1974, let's say, to 1975? You, yourself, have told us  
25 that you were trained as a nurse and then worked as a medic. What



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1 about the number of trained physicians, trained medical doctors  
2 available -- or practising, I should say, in Phnom Penh when you  
3 came back in 1974? Could you tell us anything about that?

4 [13.40.54]

5 A. At Borei Keila, where I worked, there were enough physicians.  
6 There were five surgeons in the operative theatres, and there  
7 were other medical staff. After the 18-month work, they all came  
8 to Borei Keila, and as I said, there were sufficient medical  
9 staff and there were also medical student trainees. I do not talk  
10 about the Preah Ket Mealea, but I talk about the place where I  
11 worked. So, there were sufficient medical staff and physicians.

12 Q. Thank you, Mr. Civil Party. So, just to reiterate and make  
13 sure I have it clearly, you are talking specifically and  
14 exclusively about the Triage Unit at Borei Keila?

15 A. Yes, that is correct.

16 Q. Thank you very much.

17 Based on your experience -- and this could be either prior to  
18 your time in Sisophon or after, when you came back in 1974 -- had  
19 you heard or were you familiar with instances of medical doctors,  
20 physicians -- trained medical doctors, trained physicians leaving  
21 Cambodia, leaving the country to practise elsewhere, for example  
22 Europe -- other countries outside of Cambodia?

23 [13.42.55]

24 A. I had no knowledge about that. However, I can tell you that  
25 they have trained physicians at the operating theatres. But

1 whether there were any other trained doctors or physicians going  
2 abroad, it's beyond my knowledge.

3 Q. Thank you. And if you don't mind, would you just repeat for me  
4 one more time so I have it clearly? How many trained physicians  
5 and surgeons were with you at Borei Keila?

6 A. Mr. President, at the Borei Keila, there were five operating  
7 theatres. And there was not only one surgeon working in those  
8 operating theatres; there were surgeons, and there were other  
9 medical staff, and there were assistants, and there were also  
10 student trainees - medical student trainees who also assisted in  
11 our work. So, I could not give you the exact figures of the  
12 medical staff working in that triage.

13 [13.44.28]

14 Q. Thank you, Mr. Civil Party.

15 If I could back to something that you told us earlier about the  
16 food situation in Phnom Penh, you mentioned that prices of food  
17 in particular rice were quite high already in 1973, before you  
18 left for Sisophon, and then, when you returned, they were even  
19 higher.

20 I would now, with leave of the Chamber, like to put a quotation  
21 to the witness - to the civil party from a document. This is an  
22 excerpt of a book by Michael Vickery and it's called "Cambodia  
23 1975-1982."

24 Now, expecting some resistance from my colleagues and, perhaps,  
25 from the Judges, I would like to reiterate something that the

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1 Prosecution stated last time this issue came up. And I believe -  
2 and I will be corrected if I am wrong, I'm sure, by my  
3 colleagues, but the position was that such material that is the  
4 scholarly or commentator research done by individuals on  
5 particular issues could be used - could be used if there's a  
6 direct nexus to the witness on the stand.

7 Now, what I have in front of me is a page of Mr. Vickery's book,  
8 and it relates specifically to something that the civil party has  
9 been discussing, so there is a direct nexus.

10 I would simply like to put the passage to the civil party and see  
11 what, if anything, he has to say about it. May I do that?

12 [13.46.22]

13 MR. PRESIDENT:

14 Can you provide the particulars of the document before we decide  
15 on this issue? That's including the document number and the ERN  
16 number or the page of the document so that all the parties can  
17 know the status of the document and whether they intent to object  
18 to that document or not. So, this is a common practise that you  
19 should have learned by now.

20 MR. IANUZZI:

21 Thank you, Mr. President. Indeed, I will do that.

22 As I've said, it's a well-known book; everyone is familiar with  
23 this document. I assume you are familiar with the document; it's  
24 been on the case file for quite some time. It's a book by Michael  
25 Vickery; it's called "Cambodia 1975-1982". It has a document

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1 number of D222/1.17. It was published in 1984. As far as I know,  
2 it's not completely available in all languages. It's certainly  
3 been available in English for a long time; it's been on the case  
4 file for many, many years, in fact. The page I have in mind is  
5 English ERN 00396999, and that's page 84 of the book itself--

6 Excuse me?

7 [13.47.55]

8 JUDGE CARTWRIGHT:

9 I just want you to repeat the number, please, and speak a little  
10 more slowly, please.

11 BY MR. IANUZZI:

12 I'll try and speak even more slowly. ERN 00396999 -- and that's  
13 page 84 of the book itself.

14 Q. So, if I may, Mr. Civil Party, I'm simply going to read a  
15 passage to you, and then I would invite you to comment on it if  
16 you are able to make any comments based on your own person  
17 experience. And if you're not, then I will completely accept  
18 that. So let me read this--

19 MR. PRESIDENT:

20 Defence Counsel, please wait.

21 (Judges deliberate)

22 [13.49.57]

23 Has the document been requested to be placed before the case  
24 filed by Nuon Chea's defence team or by any of the parties?

25 MR. IANUZZI:

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1 Indeed, Your Honour, quite a long time ago--

2 Excuse me; indeed, Your Honour, quite a long time ago.

3 MR. PRESIDENT:

4 I wonder, if the document has been placed before - in the case  
5 file before this Chamber, why the document only exists in one  
6 language. Can you provide some explanation to that?

7 [13.50.40]

8 MR. IANUZZI:

9 I have no idea why that is the case, but I will tell you that  
10 this is a foundational document that has been used since before  
11 the beginning of this tribunal. It was relied upon during the  
12 judicial investigation.

13 On the 31st of January 2012, we attached it - that is, the Nuon  
14 Chea defence team attached it to an annex which is titled "List  
15 of Documents to Be Put Before the Chamber During the First  
16 Mini-Trial" -- so that's 31 January 2012, that's E131/1/13.1.  
17 I believe the document was referenced even prior to that. I'm  
18 looking now at the cover submissions of that annex, which  
19 contained a footnote which goes back as far as 14 November 2011,  
20 when, I think, we made reference to this document before the  
21 Trial Chamber.

22 So I'm sure everyone on the stage is familiar with Michael  
23 Vickery's book. I can't imagine that anybody is taken by  
24 surprise.

25 Oh, and I did put it on the interface a few days ago -- strike

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1 that; our case manager put it on the interface.

2 (Judges deliberate)

3 [13.52.43]

4 MR. PRESIDENT:

5 Judge Cartwright, please take the floor.

6 JUDGE CARTWRIGHT:

7 Thank you, President.

8 I am informed by the greffier that this particular book or page  
9 was included in the prosecutors' annexes to be put before the  
10 Chamber.

11 Can you give us - put some light on this? Because, as everyone  
12 knows, putting it on the -- daily trial portion of the file is  
13 not notification in the usual sense. So, perhaps the prosecutors  
14 can assist here - "interface" was the word I was looking for.

15 Thank you.

16 [13.53.29]

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Madam Judge.

19 Indeed, we did put this book on our list of documents of April  
20 2011, and it was also on the list of documents of July 2011 --  
21 documents concerning this first trial segment.

22 As to whether we will object or not, I think that first we need  
23 to hear which extract is going to be quoted. Indeed, the Chamber  
24 did believe there should be a direct nexus between what has -  
25 what is read from an author and the person being questioned, as

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1 the Defence mentioned. Now, if we are questioning a civil party,  
2 we would have no objection if the passage is read out if there is  
3 an obvious and direct nexus with what the civil party has said.  
4 In such an instance, we would not stand in opposition.

5 (Judges deliberate)

6 [13.55.01]

7 MR. PRESIDENT:

8 The Defence Counsel, you may proceed.

9 BY MR. IANUZZI:

10 Thank you, Mr. President. And I assure you this is the only  
11 passage I'd like to read out and I will be very brief -- I'm  
12 quoting:

13 "By 1974 the rice supply for Phnom Penh was only about one-third  
14 the quantity required; and after September of that year," that  
15 would be 1974, again, "the average head of a household was not  
16 earning enough to buy the minimum requirements, even supposing it  
17 to be available. In February of 1975 a family was only allowed  
18 2.75 kg per person for ten days at the subsidized price, that is,  
19 270 grams a day, just slightly more than the DK milk tin..." And  
20 that's the end of the quotation.

21 [13.55.55]

22 Q. Again, if I just repeat my question for you, Mr. Civil Party  
23 -- and again, please, if you don't know the answer, please tell  
24 me. Does that passage that I just read - does that conform to  
25 your understanding of the situation in Phnom Penh in 1974 and

1 early 1975, in addition to what you've told us already this  
2 morning?

3 MR. MEAS SARAN:

4 A. In response to this question, I can say that during the time  
5 that I was living in Phnom Penh, I did not hear about allowing -  
6 being allowed to buy 2 kilograms of rice. However, at that time,  
7 the price of goods was increased due to the difficulty of  
8 bringing goods into Phnom Penh. And maybe this author was not  
9 living in Phnom Penh and could not know the real situation in  
10 Phnom Penh back then.

11 [13.57.03]

12 Q. Thank you for that answer, Mr. Civil Party. And one last  
13 follow up question to that: During your entire time - or not your  
14 entire time, but during your time in Phnom Penh, were you working  
15 for the government -- the Lon Nol Government?

16 A. In 1969, I started engaging in medical study, and I completed  
17 in 1972 or 73. Then I worked at Preah Ket Mealea Hospital. Then I  
18 went to Sisophon. Of course I was part of the government  
19 employees, as I worked for the State.

20 Q. Thank you. Thank you, Mr. Civil Party. That's all I wanted to  
21 know about that.

22 Then, maybe, let me ask you another question related to that.

23 Based on your own experience, were the conditions - those -- for  
24 example, the increased price of rice for perhaps people who were  
25 not working for the government -- was that, as some have said,



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1 compounded - that is to say, made worse -- by the incompetence  
2 and corruption of that very government that you worked for --  
3 that is, the Lon Nol Government?

4 [13.58.47]

5 A. Mr. Defence Counsel, I am here not to respond to that kind of  
6 question. I can tell you from my experience of the regime, but I  
7 am not here to give you an analysis on what you just asked.

8 But if you ask me whether the situation was difficult, based on  
9 my experience I could respond to that because I was in Phnom Penh  
10 before its fall.

11 Q. Perhaps it didn't come through clearly. You were indeed  
12 working with the Lon Nol Government, as you said; that's correct?

13 A. I think I will also have to ask you a question. A person who  
14 works in the State -- and then, if you worked for that State, you  
15 may ask who was the leader of the country or which government was  
16 in power from that period of time.

17 [14.00.06]

18 MR. PRESIDENT:

19 Civil Party, you are instructed to respond to the question,  
20 indeed. If you do not wish to respond to any of the questions,  
21 then you have the right not to do that. And - but if you can,  
22 please respond to the question. But don't ask question to  
23 counsel. Because your response is relevant to what you have  
24 experienced during that time. And if you don't know about this,  
25 you just say you don't know and that your knowledge is limited to

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1 what you know; you may say so.

2 BY MR. IANUZZI:

3 Q. And, Mr. Civil Party, if I may, let me very clear: I'm not  
4 attempting to criticize you in any way for anything that you have  
5 done. I'm simply trying to ask you some factual questions. So, I  
6 hope - if it seemed like I was attempting to criticize you, I  
7 apologize for that; I certainly wasn't.

8 So, I'll just repeat my question: Based on your experience  
9 working for the Lon Nol Government, would you agree with what  
10 others have said, that the incompetence and corruption of that  
11 regime - not you, of that regime -- compounded - that is, made  
12 worse -- the living conditions in Phnom Penh prior to April 1975?

13 [14.01.51]

14 MR. MEAS SARAN:

15 A. The question is not relevant to my presence at this Chamber at  
16 that time. And I would not be asked a question why -- what  
17 happened before the fall of Phnom Penh.

18 Q. Well, I sincerely do not wish to argue with you, Mr. Civil  
19 Party, but if I may remind you, since last week you have indeed  
20 been answering many questions about what happened prior to the  
21 fall of Phnom Penh, so I'm not quite sure I understand your last  
22 statement. You answered questions by the civil party co-lawyer  
23 about pre-1975 events; you answered questions by the Prosecution  
24 about those same events; you answered questions by Judge  
25 Lavergne; and you've even answered some of my questions. So I'm

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1 not quite sure I understand your last comment.

2 Is it that - is it that you do not wish to discuss the  
3 incompetence and corruption of the Lon Nol regime in particular?  
4 Is that your complaint?

5 [14.03.17]

6 A. Indeed, you put a question to me, but my response is that what  
7 I saw in Phnom Penh prior to the capture of the city by the Khmer  
8 Rouge is - is what I would like to tell the Chamber. And you now  
9 - because I already made clear to myself that, if I still live, I  
10 will have to take the stand and tell the Chamber all about this.

11 Q. Okay.

12 Let me try another question related to this topic.

13 Just last week, your Prime Minister requested the United States  
14 Government to forgive certain Lon Nol era debt because, as he put  
15 it, "the money was used by a Pro-American government in the 1970s  
16 to repress its own people". So, in particular, the last part of  
17 that sentence, that "the money was used [...] to repress its own  
18 people". Do you agree in any sense with that assessment?

19 And I will ask you not to answer that question because my  
20 colleague is on her feet, presumably to make an objection.

21 [14.05.05]

22 MR. PRESIDENT:

23 Civil Party, please hold on.

24 And, Counsel for the civil parties, you may proceed.

25 MS. MARTINEAU:

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1 Mr. President, I believe that this very interesting question is  
2 not appropriate for today's hearing. I do not believe that Mr.  
3 Meas Saran should be required to analyze the political situation.  
4 And the previous question already led Mr. Meas Saran to take a  
5 position in regard to what was happening under Lon Nol. He was an  
6 official working for the State, and therefore these questions are  
7 not relevant and they should not be put to him, especially the  
8 last question.

9 [14.05.55]

10 MR. IANUZZI:

11 If I may reply - if I may reply very briefly, I am not interested  
12 in the political situation today, with this particular question;  
13 I am interested in Hun Sen's characterization of the previous  
14 regime -- that is, the regime that was in power prior to 1975 --  
15 as a repressive one, as one that used aid money to repress its  
16 own people.

17 Now, I'm sure everyone on the stage is well aware that that is a  
18 fixture of our defence - has been since 2008, if not prior to  
19 that. It's a relevant question, in my submission. It's related in  
20 part to the justifications put forward for the evacuation of  
21 Phnom Penh. Whether or not - whether or not anyone in this  
22 courtroom wishes to rule on them, believe them, what have you,  
23 it's relevant to our position.

24 The prevailing conditions, including - including the way the Lon  
25 Nol Government ran this country prior to 1975 is a relevant

1 contextual consideration.

2 MR. PRESIDENT:

3 The objection by counsel for the civil parties is sustained. The  
4 question is neither relevant nor appropriate before the Chamber  
5 because it is about the question that asks a civil party to give  
6 his own personal opinion, which is not proper for the environment  
7 in this courtroom now.

8 MR. IANUZZI:

9 Well, if I may just add, this civil party has been giving his own  
10 personal opinion since he took the stand. He's giving his  
11 personal experience, personal observations. I'm--

12 [14.08.03]

13 MR. PRESIDENT:

14 We have already ruled upon this.

15 Civil party is now instructed not to respond to that question.

16 BY MR. IANUZZI:

17 Thank you, Mr. President.

18 Q. Mr. Civil Party, I will move on to the next and to the second  
19 area of discussion I mentioned earlier this morning, and that is  
20 the imminent American bombing as a justification for the  
21 evacuation of Phnom Penh. I believe you spent quite a bit of time  
22 discussing that already.

23 First of all, let me preface my question. Before I ask you any  
24 questions, let me say one or two things.

25 [14.08.47]

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1 First of all, as you heard this morning from the quotations read  
2 out in Court by my colleague across the stage, our client, Nuon  
3 Chea, obviously, does not deny his involvement in the evacuation;  
4 in fact, he has made plain that he was involved in that decision.  
5 That is something that we have accepted for a long time. Of  
6 course we accept, as we must, as a historical fact that the  
7 evacuation took place; no one disputes that.

8 And finally, if I just may say, I have absolutely no issue with  
9 the factual rendition that you've given here in this courtroom. I  
10 accept what you've said about your journey from Phnom Penh into  
11 the provinces. I do have one issue - I do have one issue with  
12 respect to this matter, which I'd like to clarify with you.

13 So, if I may now -- just let me reiterate something that you  
14 said. Last week you told us that the reason given to you and to  
15 others for the evacuation of Phnom Penh was that Americans were  
16 about to bombard the city, and you've told us that again today;  
17 that's correct - is that correct? Excuse me.

18 [14.10.07]

19 MR. MEAS SARAN:

20 A. Yes, it is.

21 Q. Thank you. And you also told us - you also told us last week  
22 -- and I believe you mentioned it again today -- that at the time  
23 you accepted that justification - you believed that justification  
24 -- as you said this morning, I think, "it could turn out to be  
25 true" -- but then, later on, you began to develop certain

1 suspicions as to that justification; is that correct?

2 A. Yes, it is correct. And the reason, that I felt that after  
3 three days no bombs fell down from the sky. I could see that it  
4 was part of a lie. And at the same time I also felt suspicious  
5 that although the three days passed, it could have happened  
6 sometime in the future -- who knows.

7 Q. Thank you for that, Mr. Civil Party. And I, of course, accept  
8 that no bombs actually fell -- we all accept that, it's a  
9 historical fact -- after April 1975; no one could say otherwise.  
10 However, what I'm interested in -- and you've just used the word  
11 again -- and now please correct me if I'm wrong, because this is  
12 how it's coming through on my English translation. You used the  
13 word "lie"; that's the English word that I've heard. You've used  
14 it several times last week; you've used it several times this  
15 morning.

16 [14.11.45]

17 So what I would like to ask you is, first of all - first of all:  
18 In what sense did you use that word, "lie"? Did you use it in the  
19 normal English sense that I understand to include a deliberate  
20 intent to deceive people or a deliberate intent to falsify  
21 information? Is that what you meant by lie?

22 A. Three days -- the 17th, the 18th, and the 19th of April --  
23 bombs were not dropped. So, we were told that bombs would fall  
24 down from the sky during this period of time, but after these  
25 three days, such bombs were not dropped, so it, to me, was a kind

1 of deceitful message.

2 Q. Okay. Let me give you an example to try and get at what I'm  
3 trying to get at. Let's just pretend for a moment -- I'm going to  
4 give you a hypothetical example. Let's say I were the mayor of a  
5 particular city and truly believed -I truly believed that a very  
6 damaging hurricane was about to strike that city and do a massive  
7 amount of damage and that I then encouraged - told people to  
8 leave the city, and then, as it happened, the hurricane didn't  
9 come. Would you characterize that as a lie?

10 MR. PRESIDENT:

11 Civil party is now instructed not to respond to the question.  
12 The instruction has already been made clear that any question  
13 that is speculative in nature is not permitted. It has been the  
14 rule all along already.

15 [14.14.06]

16 BY MR. IANUZZI:

17 Q. Well, let me - let me, perhaps, try a more concrete example.  
18 Let's just say that the individual running these procedures  
19 banned so-called leading questions and then leading questions  
20 were asked many times in the courtroom-

21 MR. PRESIDENT:

22 We have already ruled upon this.

23 If you feel that you have no further questions to be posed to the  
24 civil party, then it would be of great assistance to the Chamber  
25 if you cede the floor over to the other counsels.



1 Now we have already ruled upon this, so let's treat this as  
2 jurisprudence for our application of the – of our practice here  
3 before the Chamber.

4 If you still have some other concrete questions that are relevant  
5 to this segment of the trial, you are indeed allowed to proceed.

6 And make sure again that the questions must be falling within the  
7 framework – the context of the first segment of the trial, which  
8 is Case File 002/01. And the questions shall be framed to make  
9 sure that they fall within the knowledge and experience faced by  
10 this civil party before us.

11 [14.15.48]

12 MR. IANUZZI:

13 Thank you, Mr. President.

14 What I'm trying to do now -- what I've been trying to do with the  
15 last two questions – one was cut off, but what I was trying to do  
16 is I'm trying to get at the meaning of the word "lie" as used by  
17 this particular civil party. So that, I would think everything  
18 would accept is obviously relevant. When a witness or a civil  
19 party uses a particular word, what they meant by that word is  
20 clearly – obviously, I would say, a relevant line of inquiry.

21 Forgive me for using the leading-question analogy--

22 [14.16.22]

23 MR. PRESIDENT:

24 You are now advised to proceed to another question instead.

25 This civil party is most likely not a legal practitioner, and

1 perhaps it is not best for him to be here, in his capacity as a  
2 civil party, to elaborate further on legal matters. And we have  
3 already told him that he is here to tell us about what he has  
4 experienced, what he witnessed, and any questions that fall  
5 within this realm would always be allowed.

6 And this morning we also noted that you took issue when the  
7 Co-Prosecutor was putting question concerning the conclusion or  
8 some kind of speculation by the civil party. So, at the same  
9 time, we hope this rule would also be applied when you're on your  
10 feet.

11 BY MR. IANUZZI:

12 Thank you, Mr. President. I was not talking law; I was talking  
13 semantics. But I will move on.

14 Q. Mr. Civil Party, you mentioned this morning that you believed  
15 that justification - that is, the justification that was given to  
16 you by unidentified individuals, that the U.S. - a U.S. bombing  
17 was imminent. And I have you in my notes as saying "it could turn  
18 out to be true". And that answer, "it could turn out to be  
19 truth", was given, I believe, in response to the questions as to  
20 why you initially believed it.

21 So, why, again -- if we could stay with this, why did you  
22 initially believe it? Why did you think that "it could turn out  
23 to be true"?

24 [14.18.44]

25 MR. MEAS SARAN:

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1 A. Mr. President, people who told patients to leave the operating  
2 theatres, they were soldiers who told us that the Americans would  
3 drop bombs and that we had to leave quickly. I was compelled to  
4 leave and I left. And at that time I was thinking to myself that  
5 since the Khmer Rouge were moving closer to - or were seen in  
6 Phnom Penh, that bombs would be dropped on them or on us. So,  
7 this was part of the justification. We -- I believed that the  
8 bombs would be -- not be dropped on civilians, but on the Khmer  
9 Rouge soldiers, and I was convinced, and I felt that it could be  
10 the case.

11 [14.20.04]

12 Q. Thank you, Mr. Civil Party. Let me stay with this topic for  
13 just one more question, and then I'll move on.

14 Would you agree with me - would you agree with me that you have  
15 no direct knowledge -- no direct knowledge as to whether or not  
16 the individuals that gave you that justification actually  
17 believed it? Would you agree with that?

18 A. I am afraid I cannot talk on behalf of the person who told us  
19 about this because I was actually not him.

20 [14.20.50]

21 Q. Very good, Mr. Witness, that's exactly what I hoped you would  
22 say -- excuse me; Mr. Civil Party.

23 I will now move onto my third line of questioning.

24 Actually, if we could just -- before I do that, if we could just  
25 briefly turn -- and I didn't mention this earlier, but let's talk

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1 very briefly, if we may, about the time you spent in transit from  
2 Phnom Penh, to the provinces. Are you able to tell us, are you  
3 able to tell the Chamber, anything about the condition of the  
4 roads that you travelled on?

5 A. Could you please be more precise on which part of the roads  
6 you're referring to?

7 Q. Well, I would ask you to describe the condition of the roads  
8 on your entire journey; did you find those roads intact, were  
9 they in good shape, were there signs of damage, had parts of the  
10 road been destroyed; things like that, did you notice, if you  
11 didn't notice, it's certainly okay?

12 A. Chrouy Changva Bridge was cut off and traffic was not  
13 possible, at that time, from one side to another end of the  
14 bridge, and I had to travel from Dei Edth all the way to  
15 Sisophon. And we were travelling on the same road that had been  
16 travelled by other people before. The difference was that, at  
17 that time, the road was quiet.

18 [14.22.57]

19 Q. Thank you, Mr. Civil Party.

20 And, Your Honours, if I could just note for the record, that I've  
21 been informed by my colleagues that they do not have any question  
22 for the civil party. I will try to wrap up as quickly as I can,  
23 but I do have a few more questions I'd like to ask the civil  
24 party.

25 Mr. Civil Party, as a party to these proceedings, as a party with

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1 rights, as a full rights party to the proceedings shall we say,  
2 are you at all concerned that this Chamber is not materially able  
3 to proceed with the trial at a pace required by the applicable  
4 Human Rights standards? That is to say, are you at all concerned,  
5 with the fact that this Court is apparently running out of money?  
6 [14.24.05]

7 MR. PRESIDENT:

8 Civil party is instructed not to respond to the question as it is  
9 somewhat not relevant.

10 MR. IANUZZI:

11 If I could just state for the record my position on relevance,  
12 the human rights jurisprudence that applies--

13 MR. PRESIDENT:

14 No record is made on this. Please proceed to another question  
15 because we have to ensure that time is wisely spent, and that  
16 counsel is not allowed to use this floor for making any further  
17 record on irrelevance of this question.

18 [14.24.43]

19 BY MR. IANUZZI:

20 Thank you, Mr. President. I will move on.

21 Q. Mr. Civil Party, would you agree that one obvious way to deal  
22 with this problem, would be to ask Mr. Sean Visoth, to give back  
23 some of the many thousands of dollars he stole from the Tribunal,  
24 during his time as director of the Office of Administration? I  
25 believe that was a three-year tenure.

1 [14.25.13]

2 MR. PRESIDENT:

3 This question is yet not relevant, and perhaps you also will have  
4 a problem having stated this statement without justification.

5 And Civil Party is also instructed to only respond to questions  
6 that are relevant to the portion of the trial.

7 And counsel is instructed not to ask any of these questions.

8 Otherwise your mic will be cut off. Again, if you have no more  
9 questions, you even can stop now.

10 BY MR. IANUZZI:

11 Thank you, Mr. President. I was simply basing that question on  
12 what I considered to be a matter of common sense, but I will move  
13 on.

14 Q. Mr. Civil Party, are you familiar --

15 MR. PRESIDENT:

16 Counsel, could you please hold on?

17 (Judges deliberate)

18 [14.27.08]

19 MR. PRESIDENT:

20 Judge Cartwright, you may now proceed.

21 JUDGE CARTWRIGHT:

22 Thank you, President. The Chamber would like to remind counsel  
23 that this civil party is clearly a person who has suffered. He  
24 deserves to be treated with more humanity and respect.

25 And I simply remind you of what the President has said: if you

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1 have no more relevant questions, respectful questions, then  
2 please finish now.

3 Thank you.

4 BY MR. IANUZZI:

5 Thank you, Judge Cartwright.

6 Q. Mr. Civil Party, let me just say, as I've said earlier, I have  
7 no reason to doubt anything that you have told us here. I have  
8 nothing, but the utmost respect for you, as an individual, for  
9 you as a civil party, and for you as someone who obviously  
10 suffered at a period of your life. I want to make that very clear  
11 to counter the insinuation made by Judge Cartwright, that I lack  
12 humanity.

13 [14.28.24]

14 Now, I will turn to one last question, as a party to these  
15 proceedings, as somebody that presumably cares deeply about this  
16 country, are you familiar, or have you read recently, a Human  
17 Rights Watch Report entitled: "Tell Them That I Want to Kill Them  
18 Two Decades of Impunity in Hun Sen's Cambodia"; and I would note  
19 --

20 MR. PRESIDENT:

21 Counsel, your questions strays too far away from what being  
22 debated before the Chamber. We have made it clear time and again,  
23 that only relevant questions are allowed. And we are convinced  
24 that your question is not what the civil party is knowledgeable  
25 to respond and we already advised you on this. We will do our

1 best to make sure that the proceedings are properly conducted,  
2 effectively, as well.

3 [14.29.39]

4 MR. IANUZZI:

5 Thank you, Mr. President. That will be all for me. I would just  
6 like to note for the record, that based on that question, my --

7 MR. PRESIDENT:

8 I believe we made it clear that you are not here to make any  
9 record concerning the irrelevant questions. Civil party is here  
10 before us to give his testimonies and not to respond to  
11 irrelevant questions.

12 MR. IANUZZI:

13 Mr. Civil Party, thank you for answering my questions today.  
14 Thank you for coming to assist the Chamber, and I wish you all  
15 the best.

16 [14.30.18]

17 MR. PRESIDENT:

18 Thank you very much, Civil Party.

19 Next, we would like to proceed to counsels for Mr. Ieng Sary, if  
20 you would like to be heard.

21 MR. ANG UDOM:

22 Good afternoon, Mr. President, Your Honours. Good afternoon to  
23 the Prosecution and my colleagues, and everyone in and around the  
24 courtroom. Good afternoon, Mr. Meas Saran. My name is Ang Udom, I  
25 am the co-counsel for Mr. Ieng Sary, and my international



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1 counterpart is absent this afternoon.

2 I have no questions for you and your presence here today, is much  
3 appreciated and on behalf of Mr. Ieng Sary, I sincerely thank you  
4 for your testimony in contribution to ascertaining the truth and  
5 I wish you all the best for your return.

6 [14.31.38]

7 And, Mr. President, thank you.

8 MR. PRESIDENT:

9 The floor is now given to Khieu Samphan's defence, to put  
10 questions to this civil party, if you wish to do so.

11 MR. KONG SAM ONN:

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

14 On behalf of my client, Mr. Khieu Samphan, I do not have any  
15 questions for this civil party.

16 Thank you.

17 [14.32.07]

18 MR. PRESIDENT:

19 Mr. Meas Saran, as a civil party to the proceeding before this  
20 Chamber, you have the right to make a statement, expressing your  
21 suffering that you experienced during the regime, including both  
22 physical, psychological, as well as material harms or damages  
23 which are the direct consequence of the harms alleged -- and that  
24 is related to the facts alleged against the Accused, Nuon Chea,  
25 Ieng Sary, Khieu Samphan during the entire Democratic Kampuchea

1 regime. If you wish to do so, the floor will be given to you.

2 MR. MEAS SARAN:

3 Mr. President, I sincerely thank you for giving me the  
4 opportunity to do so. The prosecution and the trial of the Khmer  
5 Rouge leaders is the hope that I have held for a long time. I  
6 lost my wife and my family members and I am confident that this  
7 Court will find me justice.

8 [14.33.50]

9 So far, until today, I still do not understand the nature of the  
10 acts committed by the Khmer Rouge, and it is my strong hope that  
11 this Court will find the truth. And I apologize if my request is  
12 not denied, I will request that all the bones or the skeleton  
13 remains that are being displayed at the moment, shall be  
14 cremated. Those bones could also be the bones of my wife, and it  
15 is not appropriate to hold those skeletal remains in a cage for  
16 display. And if the Court can do so, I would very much appreciate  
17 it. However, if it cannot be done, well, that's it, but I still  
18 urge and appeal to the Chamber, to cremate those skeleton remains  
19 according to the Cambodian tradition.

20 They were the remains of those people who were killed; they were  
21 killed by those people. And, of course, this is something humanly  
22 that this Court can do. And it is in my mind, I insist that those  
23 bones shall be cremated according to the tradition, the Cambodian  
24 tradition, and that the ash shall be stored in a stupa as a  
25 symbol for people to recall of what happened.

1 [14.35.42]

2 I dare to speak this out before this Court, and if it's not  
3 appropriate, I would express my humble apology to this Court. I  
4 have lost my wife for so long, and I did not even know what  
5 happened to the child that my wife was carrying at the time. And  
6 if my wife was killed or died, and any of her skeletal remains  
7 are still maintained in the display, then it would not be  
8 appropriate. And if we want the next generation to remember of  
9 what happened during the regime, then the ashes of the cremated  
10 remains shall be stored in a stupa, or something.

11 MR. PRESIDENT:

12 Thank you, Mr. Meas Saran.

13 The hearing of your testimony in the capacity as a civil party  
14 has come to a conclusion. You are now excused and your testimony  
15 will contribute to ascertaining the truth and you can now return  
16 to your residence, or wherever you wish to. And, on behalf of the  
17 Chamber, I wish you a safe trip back home and all the best to  
18 you.

19 Court Officer, in cooperation with WESU unit, please arrange for  
20 the return of Mr. Meas Saran to his residence or wherever he  
21 wishes to do so.

22 And, Mr. Meas Saran, you may now leave the courtroom.

23 Parties and public are informed that for the remainder of this  
24 afternoon's session, we will hear the testimony of the civil  
25 party TCCP-105. However, that will be done after a short break.

1 We will take a break and return at 3 p.m.

2 (Court recesses from 1437H to 1505H)

3 MR. PRESIDENT:

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

5 Court officer is now instructed to call in witness -- rather,

6 civil party TCCP 105 to the courtroom. Counsel for Mr. Ieng Sary,

7 you may proceed.

8 [15.06.03]

9 MR. ANG UDOM:

10 Mr. President, perhaps we have skipped part of the proceedings in

11 which parties are allowed to make any observation concerning the

12 comments by the civil party, the suffering he or she has made.

13 MR. PRESIDENT:

14 Court officer is now instructed indeed to hold on bringing the

15 civil party into the courtroom as counsel perhaps have some

16 observations concerning the testimonies by civil party TCCP 82.

17 Now, the Chamber would like to give the floor to parties who

18 would wish to make any observation concerning the statement made

19 by Mr. Meas Saran.

20 MR. ANG UDOM:

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

22 I would not wish to touch upon straight forward to the statement

23 made by Mr. Meas Saran concerning his suffering, but I wish to

24 make some observations concerning the proceedings, and I may have

25 a few questions and a suggestion.

1 [15.07.37]

2 MR. PRESIDENT:

3 I believe that it is not the opportunity for parties to do that  
4 and it is -- indeed the floor is now given to parties to make any  
5 -- make observations concerning the statement of suffering by the  
6 civil party. Chamber would not wish to hand over to counsels for  
7 any other purposes other than the one I just indicated.

8 MR. ANG UDOM:

9 I thank you, Mr. President. I would not stray away from or may  
10 not touch issues apart from the relevant matter before us. I have  
11 noted briefly that this witness -- rather this civil party talked  
12 about the facts that are not relevant to the segment of the trial  
13 and parties who were putting questions were not cut off.

14 [15.08.52]

15 MR. PRESIDENT:

16 Indeed, it was part of the proceedings. Your comment is not  
17 relevant to the statement of suffering by the civil party. You  
18 are a party to the proceedings. If you noted the irregularity  
19 during such proceedings you were entitled to be on your feet to  
20 take issue with that. The Criminal Procedural Code of Cambodia  
21 allows such opportunity for counsel to do that during the time  
22 when such irrelevant questions were being put to the civil party.  
23 We already heard Mr. Meas Saran concerning his statement of  
24 suffering, and the opportunity for counsels this moment is for  
25 the observation concerning the content of the statement not the

1 procedures or proceedings.

2 MR. ANG UDOM:

3 Thank you, Mr. President. I would not wish to have any  
4 observation concerning the statement, but I do wish to make some  
5 observations concerning the procedures, but I would defer to a  
6 later date to put this.

7 MR. PRESIDENT:

8 Court officer is now instructed to bring in the civil party.

9 (Civil party TCCP-105 enters courtroom)

10 [15.11.26]

11 MR. PRESIDENT:

12 The Chamber wishes to inform the parties to the proceeding and  
13 the public that we received document E237/1 of Mr. Ieng Sary. Mr.  
14 Ieng Sary has waived his right to be present during the  
15 proceedings when the Chamber is hearing the testimonies of some  
16 witnesses and certain civil parties, including TCCP 105, and Mr.  
17 Ieng Sary has waived his right because of his health concerns.

18 [15.12.15]

19 The Chamber, therefore, now hears the testimonies of civil party  
20 TCCP 105 without the presence of Mr. Ieng Sary, pursuant to  
21 Internal Rule 81.5.

22 QUESTIONING BY THE PRESIDENT:

23 Q. Madam Civil Party, what is your name?

24 MS. OR RY:

25 A. Good afternoon, Mr. President. Good afternoon, Your Honours,

1 and good afternoon everyone. I am 50 years old. I live in Kandal  
2 province, Kandal – Khsach Kandal district.

3 Q. May we know your name, please?

4 A. I am Or Ry, Mr. President.

5 Q. Thank you. You already stated your age and where you live.

6 Where were you born?

7 A. I was born in Tboung Damrei commune – or, rather, village,  
8 Kampong Chamlang commune.

9 Q. In which province is that?

10 A. Khsach Kandal district, Kandal province.

11 Q. So you were born at the same place as your current residence;  
12 is that correct?

13 A. Yes, it is, Your Honour.

14 [15.14.27]

15 Q. What do you do for a living?

16 A. I am a farmer.

17 Q. What is your father's name?

18 A. He is Or.

19 Q. Madam Civil Party, please hold on. Wait until you see the red  
20 light on the mic before you proceed to respond to the questions.

21 What is your mother's name?

22 A. She is Phat.

23 Q. Are you married?

24 A. Yes, I am.

25 Q. What is your husband's name? And how many children do you

1 have?

2 [15.15.40]

3 A. His name is Hun Mao. We have four children.

4 MR. PRESIDENT:

5 Thank you.

6 Madam Or Ry, during the proceedings where your testimonies will  
7 be heard, as a civil party, you have the rights to express your  
8 suffering and the injuries you have suffered physically and  
9 mentally, the harms that have been resulted from the crimes as  
10 allegedly committed relevant to this case, and you will be given  
11 the floor to express such suffering at the end of the session of  
12 your testimonies. You may be reminded that you indeed enjoy this  
13 right and you will be given the opportunity to voice your  
14 suffering accordingly.

15 The Chamber wishes to also inform the civil parties that  
16 according to Rule 91bis of the Internal Rules of the ECCC, Lead  
17 Co Lawyers for the civil party will be offered the opportunity  
18 first to pose questions to the civil party, and please be  
19 reminded that Lead Co Lawyers and the Co Prosecutors have half  
20 day of questioning time.

21 You may proceed.

22 [15.17.49]

23 MS. SIMMONEAU-FORT:

24 Thank you, Mr. President. On behalf of our team, it is Counsel Ty  
25 Srinna who will put questions to the civil party.



1 MR. PRESIDENT:

2 Thank you.

3 Counsel Ty Srinna ,you may now proceed.

4 QUESTIONING BY MS. TY SRINNA:

5 I thank you very much indeed, Mr. President. Good afternoon, Your  
6 Honours, and a very good afternoon to you, Madam Or Ry. I have a  
7 few questions to pose to you. And before proceeding to putting  
8 the questions, I would like to ask you a question concerning the  
9 event when the Khmer Rouge captured Phnom Penh.

10 Q. Where did you and your family live during the Lon Nol regime?

11 [15.18.58]

12 MS. OR RY:

13 A. I and my family lived in Phnom Penh.

14 Q. Where was your house located in Phnom Penh at that time?

15 A. It was located at Kilo Number 6.

16 Q. How many people were there in your family?

17 A. There were 11 people.

18 Q. How many siblings do you have? Please tell the Chamber, among  
19 the 11 people, who were they?

20 A. There were 11 people, including my younger siblings, my  
21 parents.

22 Q. What did your parents do for a living at that time?

23 A. They sold beef at the market.

24 Q. Can you please tell the Chamber about your level of  
25 livelihood?

1 A. At that time, we had enough to eat.

2 Q. Before the Khmer Rouge attacked Phnom Penh, two or three  
3 months before the event, had you heard anything about this  
4 attack? For example, had you heard bombs being dropped or  
5 gunfire?

6 [15.21.44]

7 A. I heard mortar shells were dropped into Phnom Penh and we had  
8 to take refuge in a bunker. And on one occasion, my sister, who  
9 sat next to a window, got hit by the shrapnel from a bomb that  
10 was dropped far from my house but she got hit seriously. And  
11 several of my neighbours died because of the bomb. I saw this.  
12 After the bomb was dropped, or it was quiet after no more  
13 fighting, we brought my injured sister to the hospital at the  
14 main hospital in Phnom Penh. I had to be there accompanying my  
15 sister when she was being treated at the hospital.

16 One month later, my mother asked me to bring back my sister  
17 because she felt that the country was in big trouble due to the  
18 fact that there were bombs being dropped every day. My sister was  
19 not yet fully recovered. She had to be assisted to walk home.

20 [15.23.32]

21 A few days later we saw some Khmer Rouge soldiers who already  
22 approached Phnom Penh, and my house was also -- be visited -- was  
23 also visited by the Khmer Rouge soldiers. They came to us asking  
24 us to leave the capital city for three days. We were advised not  
25 to bring with us any belongings because it was a brief moment to

1 leave the city--

2 Q. I apologize to interrupt. You're a little bit -- I learned  
3 that you talked something important which I wish to have a follow  
4 up question before you forget.

5 On one occasion, you said that there was a bomb dropped near your  
6 home and that your sister was seriously injured. Can you please  
7 tell the Chamber your sister's condition?

8 A. When she got hit, she fell onto the ground. And the bomb was  
9 launched from a nearby location. And we, at that time, thought  
10 that our sister could have already been killed by the bomb, but  
11 she was only seriously injured.

12 [15.25.22]

13 Q. You said that your sister was accompanied to a main hospital.  
14 Do you still remember the name of that hospital?

15 A. They called the hospital, in Khmer, "Peth Thom" or the "Big  
16 Hospital", literally.

17 And I noted that a lot of people were wounded and being admitted  
18 to the hospitals. They got injured by the bombs.

19 Q. Were there still doctors or medical staff on duty when your  
20 sister was being treated?

21 A. Yes, there were but only had we been able to offer the medical  
22 staff some money would our injured siblings be treated, and  
23 without money we would not get them cured or treated.

24 Q. I have another follow up question concerning the bomb dropped  
25 near your home and that your home was affected by the bomb and

1 your sister was injured. Who else was injured during the -- by  
2 the bomb?

3 [15.27.22]

4 A. Yes, my neighbour, an elderly person who was sitting and  
5 reading newspaper, was killed instantly by the bomb.

6 Q. Can you tell the Chamber, please, about your feeling, how you  
7 felt at that time?

8 A. We were terrified. Everyone was scared. We had to take refuge  
9 in a trench or bunker every time we heard the bomb being dropped.

10 Q. Were a lot of people killed?

11 A. I don't know what happened far -- further from my home. I was  
12 confined to the location where I lived and I only saw a few  
13 people got injured or killed.

14 Q. When did you learn that your mother -- or your sister  
15 returned? How long had you been at home before the Khmer Rouge  
16 captured the city completely?

17 A. I had been at home for three days only after my sister was  
18 discharged from the hospital before the Khmer Rouge took control  
19 of the city.

20 [15.29.33]

21 Q. During the day when the Khmer Rouge entered Phnom Penh, do you  
22 still remember from which direction the Khmer Rouge soldiers came  
23 to capture Phnom Penh? If you still recollect the event, you may  
24 -- if you're not -- if you don't remember just say so.

25 A. Yes, I can recall that. Three days after the Khmer Rouge

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1 entered, we were herded and asked to leave. So people went to  
2 different directions. As for my family, we headed to my  
3 grandmother's village.

4 Q. Civil Party, please listen to my question carefully. On the  
5 day the Khmer Rouge attacked Phnom Penh, in which direction did  
6 they enter nearby your house?

7 A. They came through Preaek Pnov.

8 Q. Those Khmer Rouge who entered, how many of them altogether, if  
9 you can recall?

10 A. No, I cannot, but there were lines of those soldiers, but I  
11 cannot tell you the exact numbers of those soldiers.

12 [15.31.12]

13 Q. Thank you. Those soldiers who walked in line, what were they  
14 look like?

15 A. They wore black pants and black shirt. They have car tyre  
16 thongs and they have a scarf on their neck -- around their neck.

17 Q. What other activities did they engage in besides walking in  
18 line toward Phnom Penh?

19 A. They walked in line and others did not walk in line but they  
20 went to chase the people to leave the houses. There was an  
21 announcement on the mobile loudspeaker announcing that the people  
22 - the Phnom Penh residents had to leave because they prepared to  
23 clean the city.

24 [15.32.25]

25 Q. When those Khmer Rouge soldiers, as you stated walking in

1 line, and that some of them went into the villages to ask the  
2 people to leave, did they tell the people verbally or did they  
3 carry any gun at the time?

4 A. They carried guns and they used the guns to chase away the  
5 people. They threatened to kill anyone who did not want to leave,  
6 and that we all had to leave during the night or overnight,  
7 rather.

8 Q. Did all the people agree to leave or were there anyone who  
9 refused to leave?

10 A. They left. Of course, some other who did not want to leave  
11 because they were afraid of losing their belongings that they  
12 would leave behind in their houses.

13 And they said that nobody would touch your property, and that we  
14 had to leave, and that we only had to leave for three days and we  
15 could return to our property.

16 Of course, my family, as the rest of other families, did not want  
17 to leave because we did not want to leave our property behind.

18 [15.34.04]

19 Q. When you left your house as instructed, were other people also  
20 leaving together with your family members?

21 A. There were many people leaving together. It was crowded. Other  
22 family members also left. They went in various directions,  
23 probably towards their native villages. As for my family, we had  
24 to cross the river at Preaek Lieb and when we reached the other  
25 side of the river, we gave the money to them for crossing the

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1 river, and myself and some of my younger siblings were hungry and  
2 we wanted to buy something to eat but we were told that money  
3 would not be accepted anymore.

4 Q. You said that you brought the money along and you wanted to  
5 buy something to eat but then the money was no longer circulated.  
6 Can you recall who actually told you that the money would no  
7 longer be used?

8 A. I did not know who actually said that, but I went to buy  
9 something from the Khmer Chinese and the seller refused to accept  
10 the money, and that happened to the rest of other buyers as well.

11 [15.35.39]

12 Q. Besides bringing the money along with you, were your family  
13 members allowed to bring necessary utility with you, for example,  
14 rice, cooking utensils, were you allowed to bring those?

15 A. They told us it was not necessary for us to bring those  
16 utensils and that we could afford to buy stuff along the way and  
17 it would be just heavy stuff for us to bring along as we had to  
18 leave only for three days. So we actually left without bringing  
19 anything and my mother only just delivered the baby and my other  
20 sibling was unwell. So we did not actually bring anything except  
21 the money.

22 Q. When there was a -- when it was announced that money was no  
23 longer used, what was your mother's feeling and your feeling,  
24 because, at that time, your family did not have anything but the  
25 money?

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1 [15.37.05]

2 A. Her feeling was that if money was not accepted, how could I  
3 afford to buy things for my children? They were pretty young. My  
4 siblings were young, I was young as well, and we cried out of  
5 hunger.

6 Q. When your family members were hungry, were any of the Khmer  
7 Rouge soldiers or any of the Khmer Rouge themselves give you any  
8 food?

9 A. None. Nobody gave us anything. We kept walking until we  
10 reached our native village. We took the shortcut but we still  
11 could not manage to get to the village so we had to stop halfway  
12 and we slept in the -- near the lake. We were bitten by  
13 mosquitoes and my younger siblings cried because they were  
14 hungry, and my mother said please be patient, children, until we  
15 reach our native village.

16 Q. How many days did your family spent before reaching the  
17 village?

18 A. We spent one day and one night before we reach our village.  
19 And as I said, during the night we slept in the middle of the  
20 forest. There was no villagers' houses because we thought that we  
21 would reach the village by taking the shortcut, but we did not  
22 accomplish that so we stopped halfway. And of course, we slept on  
23 the ground and we were swamped by mosquitoes.

24 [15.39.42]

25 Q. At that time, was there only your family or were there other



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1 family members as well? And if so, what were their conditions?

2 A. The family -- other families were in the same situation as  
3 mine. Those families who had young children, the children cried  
4 because they were hungry. They had children -- they had money but  
5 the money could not be used to buy food, and my parents were  
6 shocked by that as well.

7 Q. Let me confirm with you. On the day that your family was  
8 evacuated from your house, why did your parents decide to leave?

9 A. Because we were not allowed to stay. They chased us away from  
10 the house. They did not give us the reason for that.

11 Q. Thank you. You stated that you travelled for one day and one  
12 night before you reached your native village. Can you tell us  
13 your -- where was your native village?

14 A. It was at Tboung Damrei village at Kampong Chamlang commune.

15 Q. Upon arrival at that village, where did you stay? Were you  
16 welcomed by the people in that village?

17 [15.41.50]

18 A. When we arrived at our native village, our grandparents  
19 greeted us and gave us food, so we stayed with them for a few  
20 days. And later on, Angkar instructed my mother to go to live in  
21 another house that we had to build that house.

22 Q. What was the situation back in that native village? Were  
23 people classified into the Base People and the newcomers or were  
24 they just not classified into various classes?

25 A. We were newcomers and we were not allowed to mix with the Base

1 People. We, the new – we, the Phnom Penh people, were considered  
2 newcomers.

3 Q. In your native village, was it a Khmer Rouge liberated zone or  
4 was it at the time under the control of the Lon Nol regime?

5 A. My village was already under the control of the Khmer Rouge.

6 [15.43.54]

7 Q. So does it mean that they already classified people into  
8 various classes, for example, the Base People and the New People?

9 A. Yes.

10 Q. What about your family who just arrived at your native  
11 village? Was your family considered Base People or New People?

12 A. My family was considered New People.

13 Q. Then, did you know the reason why your family was considered  
14 New People, and not Base People?

15 A. They said that whoever came from Phnom Penh was considered New  
16 People, and that happens to all the families coming from Phnom  
17 Penh.

18 [15.45.05]

19 Q. Were there any statistics made for new families who arrived at  
20 that village?

21 A. Yes, indeed. New People were registered in a separate list.

22 Q. Who actually made the list for your family?

23 A. It was the unit chief. I was not familiar with the structure  
24 but that's what I heard. I was pretty young back then.

25 Q. After your family stayed in your native village for two to

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1 three days, did you ever hear an announcement appealing for  
2 people to return to Phnom Penh?

3 A. No, I did not hear any such announcement. My family stayed  
4 there and thought that we would be living in peace.

5 Q. Did your families or you, yourself, ever wished that you would  
6 be returned to Phnom Penh after living there for a few days?

7 A. Of course, we eagerly wanted to return as we left our property  
8 behind at our house in Phnom Penh. And when we arrived at our  
9 native village, there was nothing else for us there. There was  
10 insufficient food.

11 [15.47.09]

12 Q. In your native village, was there a food ration for the Base  
13 People or for the New People, or did you all eat communally?

14 A. I did not stay for long in my native village then we were sent  
15 further.

16 Q. Allow me to rephrase my question. Regarding the food ration  
17 that you were given after you were allowed -- you were asked to  
18 leave separately from your grandparent's house, were you given  
19 food? And who actually gave you the food ration?

20 A. It was the unit chief. He gave us the food ration and my  
21 mother was instructed to work to chase away the sparrows from the  
22 rice field and my other siblings were also instructed to do the  
23 same.

24 Q. Was the food ration sufficient?

25 [15.48.49]

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1 A. The ration had to be shared amongst ourselves. Each of us  
2 received three ladles of food and later on only one ladle of food  
3 was given to each of us.

4 Q. By then, were you asked to eat communally or you ate  
5 privately?

6 A. A few days that we lived there, we ate communally.

7 Q. Did you live in your native village until the fall of the Pol  
8 Pot regime?

9 A. I stayed in that village for a short period of time. Then my  
10 family, as well as other families, were ordered to leave.

11 Initially, we thought that upon arrival at our native village,  
12 there we would be reunited with our family members, but on the  
13 contrary, Angkar sent us further from our native village.

14 Q. Did you know where your family was sent to?

15 A. I knew it very clearly back then. We kept walking and walking  
16 until we reach Preaek Ta Meak, then we were received by a boat.

17 Q. Did your parents ask where you would be sent to?

18 A. They did, they did ask where we were sending -- where we were  
19 sent to, and they said that there was no need for us to ask the  
20 question, we just needed to board the boat and we would be taken  
21 to the destination.

22 [15.51.28]

23 Q. Did you know the reason your family was sent further from your  
24 native village?

25 A. They said that New People -- as we were New People we had to

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1 leave. We were not allowed to settle in the native village. We  
2 would be sent to the further areas.

3 Q. So, was there discrimination or the differentiation between  
4 the Old -- the Base People and the New People?

5 A. Yes, indeed. Only the New People were sent away. The Base  
6 People remained.

7 Q. You said that a boat was waiting for your family. How many  
8 boats altogether?

9 A. There were several boats. I could not recall the exact number  
10 and each boat was fully loaded.

11 Q. How big was the boat?

12 [15.53.03]

13 A. It was pretty big because once we boarded the boat we saw a  
14 lot of other people already there.

15 Q. My question is related to the time that you were on the  
16 riverbank before you boarded the boat.

17 Were you guarded back then on the riverbank?

18 A. Yes. I saw armed guards. They were armed militia and they  
19 instructed us to go onto the boat, and upon seeing the guns, we  
20 were afraid so we hurried ourselves onto the boat as we saw other  
21 families were harassed by those armed militia.

22 Q. You said that other family members were threatened, and did  
23 you know the reasons why they were threatened?

24 [15.54.11]

25 A. Because they did not want to leave the village. They wanted to

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1 stay in the village in the hope that they would be allowed to  
2 return to Phnom Penh.

3 Q. Upon boarding the boat, can you tell the Chamber the situation  
4 on board the boat?

5 A. Of course, I can do that.

6 When I got on board the boat, the boat was then covered so it was  
7 in a complete darkness. We did not know which direction the boat  
8 was heading to.

9 Q. Were your family members or other families' members given  
10 food?

11 A. Only after we got off the boat, then we boarded a truck. By  
12 then my family members and other people were given a bread each,  
13 but it was not sufficient for us.

14 [15.55.43]

15 Q. While you were on the boat, were there guards on the boat --  
16 if so, how many?

17 A. There were two guards at the front and two at the rear of the  
18 boat. They were all armed.

19 Q. Did you know the reason for having the armed guards on the  
20 boat?

21 A. They were afraid that the people would flee or would jump out  
22 of the boat, but nobody dared to flee.

23 Q. Did you know to what direction the boat was carrying your  
24 family members and other people?

25 A. It was heading towards Preaek Pnov. I thought that they would

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1 put us on a truck and take us to Phnom Penh, but instead we were  
2 taken by the truck to Pursat and Battambang.

3 Q. Upon arrival at Preaek Pnov, were you received by any other  
4 group of people?

5 A. A truck was waiting for us.

6 Q. Beside a truck, did you see any nearby villagers near Preaek  
7 Pnov coming to see us, to greet us, or to lend a hand to you or  
8 other people getting off the boat?

9 A. No, there was none. There were only trucks waiting for us.

10 [15.57.54]

11 Q. Were there guards on the riverbank upon your arrival?

12 A. Yes, there were guards. Once the boat anchored at the  
13 riverbank, there were guards there and we were instructed to  
14 board a truck and once a truck was loaded that truck left and  
15 people would board another truck.

16 Q. Can you describe the particulars of the truck, if you can  
17 recall?

18 A. It was a caged truck and we all stood. There was no place for  
19 us to sit on the truck.

20 Q. You said that you were given a bread. Who actually gave you  
21 the bread -- that is, for you and for your family members and  
22 other people?

23 A. I did not know. I only knew it was the unit's chief who'd give  
24 us the bread, but I did not know that person.

25 [15.59.22]

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1 Q. Can you tell the Chamber, when people got off the boat, were  
2 there many people getting off the boat or only your family got  
3 off the boat?

4 A. There were many people; not just my family members. Other  
5 families also got off the boat. We were -- we got off, we were  
6 like a flock of people.

7 Q. As to the distribution of bread to the passengers on the boat,  
8 were other materials distributed to your family members or you?

9 A. No, there was not any other things distributed to us other  
10 than a bread for each.

11 Q. You said that trucks were poised to receive you. How many  
12 trucks were there when you got to the place?

13 A. There were a lot of trucks. I don't remember exactly how many  
14 but there were a lot of trucks, a lot of people, because every  
15 time a vessel docking the bank -- the dock -- the ferry place,  
16 then the trucks would come to transport them.

17 Q. What was your recollection of the facial impression of those  
18 people, the passengers, I mean?

19 [16.01.28]

20 A. People were reluctant to be loaded onto the trucks because  
21 they were wanting to return to the city -- to Phnom Penh. They  
22 did not want to leave behind their belongings. But they were  
23 compelled to leave and people who contested would end up being in  
24 big danger.

25 Q. Is it true that people were forced to get on the trucks?



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1 A. It is true that the chiefs of the units and the Khmer Rouge  
2 soldiers who were ready to compel everyone to force -- to be on  
3 -- to get on the trucks.

4 Q. How could you believe that these people who forced people to  
5 be on the trucks were Khmer Rouge soldiers or head of the units?

6 A. They were Khmer Rouge soldiers who mingled with the head of  
7 the units. These people would be there to ask us to get on the  
8 bus - or the trucks.

9 [16.03.01]

10 Q. How were they dressed? How were these people dressed up, for  
11 example, the soldiers and the unit chiefs?

12 A. They wore the same outfits; the black shirts and pants with  
13 the sandals made of the car tyre.

14 And soldiers would be armed when the unit chiefs would not be  
15 armed.

16 Q. People who were transported through the vessels or boats, were  
17 they made to wear the same outfits or clothes as the soldiers and  
18 the unit chiefs?

19 A. My family and I still wore the same clothes; we were not given  
20 the black clothes as yet.

21 MR. PRESIDENT:

22 Thank you, Counsel for the civil parties, and thank you, Civil  
23 Party.

24 It is now an appropriate time for today's adjournment. The  
25 Chamber will adjourn as of now and the next session will be

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1 resumed by tomorrow, at 9 a.m. For tomorrow's sessions, we will  
2 commence by continuing hearing your testimony, Madam Civil Party.  
3 And, Madam Or Ry, please be informed that your testimony has not  
4 yet been concluded and that you are required to come to the  
5 Chamber again tomorrow.

6 [16.05.10]

7 Court officer is now instructed to assist with the WESU unit to  
8 ensure that the civil party is properly accommodated and that she  
9 is returned to the courtroom by 9 a.m. tomorrow morning, 23  
10 November 2012.

11 Security personnel are now instructed to bring Mr. Nuon Chea and  
12 Khieu Samphan back to the detention centre and have them returned  
13 to the courtroom tomorrow, before 9 a.m.

14 The Court is adjourned.

15 THE GREFFIER:

16 (No interpretation)

17 (Court adjourns at 1605H)

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