



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

5 December 2012  
Trial Day 135

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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KHIEU Samphan

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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
MS. CHET VANLY	Khmer
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KIM VANNDY (TCCP-59)	Khmer
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. PECH SREY PHAL (TCCP-108)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MR. SON ARUN	Khmer
MS. TY SRINNA	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 As scheduled, today the Chamber will hear the testimony of a  
6 civil party -- that is, TCCP 108. Mr. Duch Phary, could you  
7 report the attendance of the parties and individuals to today's  
8 proceeding?

9 [09.05.53]

10 THE GREFFIER:

11 Good morning, Mr. President. All parties to discuss are present,  
12 except the accused Ieng Sary, who is present in the holding cell  
13 downstairs due to his health reason.

14 The civil party who has been summoned by the Trial Chamber --  
15 that is, TCCP-108 -- is ready, awaiting to be called by the  
16 Chamber.

17 In today's proceeding, we also have a reserve civil party -- that  
18 is, TCCP-59.

19 Thank you.

20 MR. PRESIDENT:

21 Thank you.

22 Court Officer, could you invite the civil party, TCCP-108, into  
23 the courtroom--

24 Court Officer, please wait.

25 Counsel Michael Karnavas, you may proceed.

2

1 MR. KARNAVAS:

2 Good morning, Mr. President. Good morning, Your Honours, and good  
3 morning to everyone in and around the courtroom. Just three brief  
4 points.

5 [09.07.15]

6 One, consistent with what the Trial Chamber ruled yesterday, we  
7 had our case manager, Mr. So Mosseny, with Mr. Ieng Sary  
8 throughout the day. He has been making notes, and we will be  
9 filing a report on a daily basis of his observations so that  
10 there is a record, at least from the Defence, as to what we were  
11 able to see his condition to be.

12 Secondly, I met with Mr. Ieng Sary today. It's my opinion, as a  
13 layperson, that he is not able -- at this stage of the day, at  
14 least -- to follow the proceedings. I spoke with the doctor. The  
15 doctor was of the opinion that it was difficult to tell whether  
16 he was capable of following the proceedings or not. That's what  
17 the doctor said. So -- I realize that he prepared one report --  
18 the report, basically, that he's more comfortable being down  
19 there, but that comfort does not go to ability to follow the  
20 proceedings.

21 [09.08.27]

22 Thirdly, we understand that the Trial Chamber contacted DSS to  
23 see about replacement of counsel. Let me be very clear, because  
24 yesterday Judge Cartwright, on several occasions, stressed  
25 "international", "international", "international co lawyer" --

3

1 let me be very clear. When I stand up and speak, I don't do so on  
2 my own behalf; I do so on behalf of Mr. Ang Udom as well, as part  
3 of the Ieng Sary team. So what I said yesterday goes not just for  
4 me, but for also Mr. Ang Udom. And I did make it very clear to  
5 DSS that they should not just be looking for one counsel to  
6 replace if the Trial Chamber wishes to replace me, but also they  
7 should be looking for another counsel -- in fact, an entire team  
8 for Mr. Ieng Sary because the entire defence team is behind what  
9 we are doing here. So, if the Trial Chamber somehow is  
10 disenchanted with the way we are presenting our case, please feel  
11 free to inform the DSS to look for an entire team, and not simply  
12 for someone to replace the international co lawyer. Thank you.

13 (Judges deliberate)

14 [09.14.10]

15 MR. PRESIDENT:

16 I'd like to give the floor to Judge Cartwright to respond to the  
17 remarks made by Counsel Michael Karnavas. You may take the floor,  
18 Judge Cartwright.

19 JUDGE CARTWRIGHT:

20 Thank you, President.

21 Mr. Karnavas, two or three observations from the Trial Chamber in  
22 response to your submission a few moments ago.

23 The first is concerning your observations -- or your staff's  
24 observations of Ieng Sary and whether he is able to participate  
25 or not.

4

1 Mr. Karnavas, I know you're a counsel of great seniority, but  
2 it's normal to stand so that I know you're – I know you're  
3 listening and I can get a reaction from you if necessary.

4 MR. KARNAVAS:

5 (Microphone not activated)

6 JUDGE CARTWRIGHT:

7 That's fine.

8 [09.15.08]

9 The first observation is that, as was emphasized yesterday, the  
10 Court, in making any decision concerning Ieng Sary's ability to  
11 participate, will take note, primarily, of medical information.

12 The second two points you made-

13 First, of course, if I seemed to emphasize that the application  
14 was made by you only, that was completely unintentional; I was  
15 responding directly to you because you had made the application.

16 So there's nothing to be inferred from that comment.

17 Thirdly, the legal officers, on behalf of the Trial Chamber, in  
18 reaction to your indication yesterday that if the rulings were  
19 not to your liking you would consider resigning, it was a simple  
20 trial management matter to make sure there was a roster available  
21 -- for available defence lawyers, should that occur. There was  
22 nothing of any significance in that either. And I don't feel that  
23 it needs explanation, but the Trial Chamber is certainly not  
24 looking to replace you arbitrarily. It was a matter that if it  
25 had to do so, then we needed to make sure there was an available

1 roster of qualified people.

2 I hope that clarifies the points for you.

3 And I apologize to the interpreters because I have been speaking  
4 far too fast.

5 Thank you, President.

6 [09.16.37]

7 MR. KARNAVAS:

8 Thank you, Judge Cartwright.

9 There was no -- as I recall, I did not say I would resign; we  
10 were going to walk out. This is common among lawyers who, at  
11 points during proceedings, feel that it is necessary to walk out  
12 of a proceeding where it is in the interest of justice for their  
13 own client. I have yet to resign in a case and abandon a client,  
14 and I do not intend to do that. But I do intend to use all  
15 available means to ensure that my client is -- gets a fair trial,  
16 and if it means walking out, so be it. I hope that it won't come  
17 to that.

18 And in -- on the first point, let me be very clear: we're not  
19 making assessments as to our client's ability, but merely  
20 observations as to what he is observing, for whatever that may be  
21 worth to the Trial Chamber or to the physicians who are not in  
22 the room all the time but merely visit once or twice a day.

23 Thank you. And my deepest apologies for not standing up when  
24 called upon.

25 [09.17.55]



6

1 MR. PRESIDENT:

2 The Prosecution, you may take the floor.

3 MR. RAYNOR:

4 Good morning, Mr. President. Good morning, Your Honours. Can I  
5 raise just one point? And it's about the documentation that the  
6 Court is receiving -- I anticipate, on a daily basis now -- from  
7 the doctor in the holding cell.

8 Mr. Karnavas raises a point that I do think is valid, which is  
9 this: the best information that can come from the doctor to you  
10 is information that touches upon Mr. Ieng Sary's ability to  
11 follow the proceedings, not his comfort.

12 And so can we, please, urge the Court to ensure that the medical  
13 report that comes to the Court each morning is sufficiently  
14 detailed in terms of information about the ability to follow the  
15 proceedings. If that is done on a daily basis and it provides  
16 detailed information to the Court, then I hope, Mr. President,  
17 that you'll be in a position, with valid proper detailed  
18 information as to the ability to follow proceedings, for  
19 proceedings to start each morning.

20 [09.19.26]

21 It's now 20 past 9.00. And if, every morning, we have to litigate  
22 this issue, we are going to lose hours in Court time.

23 So, my submission or request, please, is: Can the Court ensure  
24 that these reports are fully detailed and fully address ability  
25 to following proceedings? Thank you.

1 MR. PRESIDENT:

2 Counsel Ang Udom, you may proceed.

3 MR. ANG UDOM:

4 My respect to venerable monks in the public gallery. Good  
5 morning, Mr. President, Your Honours. Good morning, everyone in  
6 and around the courtroom. I fully support the submission and  
7 request by the Prosecution regarding the ability to follow the  
8 proceedings of my client, Mr. Ieng Sary.

9 [09.20.41]

10 In fact, my client is facing three problems: one is his old age,  
11 as indicated by the expert, Professor John Campbell. And there  
12 are other two issues: one is the physical ability, and the other  
13 is the psychological ability.

14 The report by Dr. Sivutha this morning only states that Mr. Ieng  
15 Sary is fatigued and cannot sit for long, and to me, I am unclear  
16 whether it is related to the first, the second, or the third  
17 issue, but it does not state whether Mr. Ieng Sary can follow the  
18 proceedings.

19 So, if there is a detailed report, then it would assist the  
20 Chamber a great deal. For example, if this is a symptom of the  
21 old age of my client, or whether it is related to his physical  
22 ability, or whether he is fit, mentally, to follow the  
23 proceedings. And this is what we want because, so far, the  
24 medical report by the doctor is unclear as to the specific  
25 details of the status of my client in following the proceedings,

8

1 and if there is such detailed information on a daily basis, that  
2 would assist the Chamber a great deal. Thank you.

3 (Judges deliberate)

4 [09.23.10]

5 MR. PRESIDENT:

6 Court Officer, could you invite the civil party, TCCP-108, into  
7 the courtroom?

8 (Ms. Pech Srey Phal enters courtroom)

9 QUESTIONING BY THE PRESIDENT:

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

11 MS. PECH SREY PHAL:

12 A. Good morning, Mr. President. My name is Pech Srey Phal.

13 Q. Thank you. When were you born, Ms. Pech Srey Phal?

14 A. I was born on the 24 October 1952.

15 Q. Thank you. Where was your place of birth?

16 [09.25.22]

17 A. I was born in Svay Pao village, Svay Pao commune, Sangkae  
18 district, Battambang province.

19 Q. Where is your current address?

20 A. Currently, I live in Kraol Krabei village, Trapeang Chong  
21 commune, Bakan district, Battambang -- Pursat province.

22 Q. What is your current occupation?

23 A. I am the First Assistant Councillor of Trapeang Chong commune,  
24 Bakan district.

25 Q. What is your father's name?

1 A. His name is Pech Nil.

2 Q. What is your mother's name?

3 A. Her name is Ke Kim Y.

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

6 A. Actually, we divorced. And I have two children. Only one child  
7 survived.

8 [09.27.02]

9 MR. PRESIDENT:

10 Thank you.

11 Madam Pech Srey Phal, in your capacity as a civil party in this  
12 case and in the proceedings before this Chamber, at the  
13 conclusion of your testimony you will be given an opportunity to  
14 make a statement of suffering and harms -- physical, material,  
15 and psychological -- inflicted upon you directly or indirectly by  
16 the acts which led you to apply as a civil party in this case and  
17 which are relevant to the facts alleged that they were happened  
18 -- that they happened during the Democratic Kampuchea regime.

19 This information is for you so that you can prepare yourself for  
20 a statement of suffering at the conclusion of your testimony.

21 As for the Lead Co-Lawyers for civil parties, pursuant to Rule  
22 91bis of the Internal Rules of the ECCC, you will be given the  
23 opportunity first to put questions to this civil party. Also,  
24 please be advised the time allocation for the Lead Co-Lawyers and  
25 the civil party is half a day.

10

1 You may proceed.

2 [09.28.50]

3 MR. PICH ANG:

4 Good morning, Mr. President, Your Honours. Chet Vanly, the  
5 national lawyer for civil parties, will be assigned to question  
6 this civil party. Thank you, Mr. President.

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 MS. CHET VANLY:

10 Thank you, Mr. President.

11 First of all, allow me to express my sincere thanks to Mr.  
12 President and Your Honours, and a very good morning to the Bench  
13 and to Madam Pech Srey Phal.

14 I am Chet Vanly, counsel for the civil parties. I have a few  
15 questions to pose to you today. My questions are mainly on the --  
16 refer to the record, the written record of interview of you  
17 before the Co Investigating Judges of the -- document D296/10.  
18 With Mr. President's leave, I would like this document to be  
19 handed to the civil party and that some of the portions of the  
20 relevant portion be put up on the screen please.

21 [09.30.14]

22 MR. PRESIDENT:

23 You may proceed.

24 Court officer is now instructed take the document from Ms. Chet  
25 Vanly and have it handed over to the civil party.

11

1 QUESTIONING BY MS. CHET VANLY:

2 Thank you, Mr. President.

3 Q. I have three main points in my question: first, about the day  
4 before 1975; and, secondly, the first phase of evacuation; and  
5 the third point is about the second evacuation phase.

6 Madam Pech Srey Phal, before 1975, where did you live?

7 MS. PECH SREY PHAL:

8 A. Thank you, Counsel. Before 1975, I lived at Tuol Kork.

9 Q. In which village and commune, please?

10 A. (Microphone not activated)

11 [09.31.20]

12 MR. PRESIDENT:

13 Madam Civil Party, could you please hold on a little bit? Wait  
14 until you see the red light activated on your mic before you  
15 proceed to respond. Otherwise, your message will not be conveyed.

16 MS. PECH SREY PHAL:

17 Thank you, Mr. President.

18 A. Prior to 1975, I lived at Tuol Kork area. I don't remember the  
19 commune -- or "sangkat" -- name. I lived near the Sostan  
20 (phonetic) location.

21 BY MS. CHET VANLY:

22 Q. What did your husband do for a living?

23 MS. PECH SREY PHAL:

24 A. (Microphone not activated)

25 [09.32.03]

1 MR. PRESIDENT:

2 Madam Civil Party, please be reminded again, you need to pause a  
3 bit because it is important that your message is rendered through  
4 interpreting service. Otherwise, you could not be heard.

5 MS. PECH SREY PHAL:

6 A. My husband was a military medic for Lon Nol. He worked near  
7 Calmette Hospital.

8 BY MS. CHET VANLY:

9 Q. Again, prior to 1975, had you ever changed your address?

10 MS. PECH SREY PHAL:

11 A. Before 1975, my family had relocated from Tuol Kork to Khleang  
12 Rumsev location, to the place belonged to my uncle. At that time,  
13 we had to relocate our place because we noted that the situation  
14 in Phnom Penh was rather chaotic and we had to make sure that  
15 every member of the family could unite or live together. That's  
16 why we decided to settle down there at Phsar Daeum Kor.

17 Q. When you lived at Phsar Daeum Kor, could you tell the Chamber,  
18 please, how or what the situation was like?

19 A. Prior to 1975, during the time when we brought our family to  
20 live near Khleang Rumsev location, Phnom Penh situation had been  
21 rather chaotic already. We had noted some new faces, in  
22 particular evacuees who came to Phnom Penh. We see the influx of  
23 new people into the city, and at the same time medicine, food,  
24 and other items were more expensive. It was rather difficult and  
25 chaotic, and we also heard some shells being launched into the

1 capital city.

2 [09.34.47]

3 Every now and then we would hear these bombs dropped in different  
4 areas of the town, also at the former place we lived. And when we  
5 were travelling on the roads, we also noted that some people got  
6 seriously injured and died of the bombardments. And that -- my  
7 father, who was a spy for Lon Nol soldier, and he was a CIA agent  
8 who tried to obtain some information, intelligence, and when he  
9 came home he would tell us that we would not need to go out  
10 unnecessarily because bombs would drop, and it would be better if  
11 we stay home to avoid from being injured. And we had to stay home  
12 and we did not go to school anymore.

13 And at the same time we saw what happened at Daeum Kor Market,  
14 because the market was on fire because people set the fire on the  
15 market, and that happened because the food was scarce and people  
16 found it more and more difficult to get what they needed. So a  
17 lot of people started looting things. There were a lot of  
18 thieves. And also, noting this, there was an assistance from some  
19 outside countries to make sure that foodstuff are provided --  
20 were provided to people in the city.

21 [09.36.36]

22 Q. Apart from this, what else did you see? Did you see a lot of  
23 people get wounded, injured by the bombardments? And was your  
24 husband fully engaged with his task at the hospital?

25 A. Between 14th and 16th of April, my family members could not



14

1 come back home. Even my father had to be very busy at work.  
2 People came to get the medicines from the hospital, and there  
3 were a lot of people wounded in Phnom Penh. So people, in  
4 particular medical staff members, were too busy to go home. And  
5 at different hospital the situation was also very chaotic because  
6 there were a lot of patients, both inside the hospital and  
7 outside. The hospital was filled with wounded people and sick  
8 people.

9 Q. Can you please tell the Chamber about your livelihood? How was  
10 it like?

11 A. We did not have enough to eat because my father, who worked  
12 but didn't earn a decent salary to feed the family -- and we have  
13 a big family; we have 10 members in the family, and my mother  
14 would be selling some Cambodian puddings. And life was difficult,  
15 and when the price of goods increased, we could not manage to buy  
16 anything at all to keep for using in the future.

17 Q. Now, I would like to ask you some questions concerning 1975,  
18 in particular April 1975.

19 [09.38.59]

20 By the time Phnom Penh collapsed or captured by the Khmer Rouge,  
21 where were your family members?

22 A. By the 17th of April 1975, my family was at the same place in  
23 Khleang Rumsev, at my uncle's house. On the same day we heard  
24 people talked over the loud speakers. We heard the announcement.  
25 Indeed, we did not know what would have been said in the

15

1 announcement. But by 10 p.m. -- rather a.m., we came out of our  
2 house to see some soldiers. We did not know that they were Khmer  
3 Rouge soldiers because they wore black clothes with sandals and  
4 were armed. They have the rifles and they put the cannons up into  
5 the air, and some soldiers were carrying some -- like B-42 --  
6 B-40 rocket-launchers. And on the roads, we also saw some Jeeps  
7 packed with soldiers in khaki clothes.

8 [09.40.36]

9 And by the time we reached the road, we heard people say that  
10 Phnom Penh was now liberated and we would be now in peace. So  
11 people at Phsar Daeum Kor and Khleang Rumsev were overjoyed and  
12 congratulated the victory. Some people were very happy because we  
13 had been in war in just the first -- previous few days. Now we --  
14 the war was over, and we really were happy. Some made use of the  
15 white cloths to wave to the people to congratulate such victory.  
16 And at the same time we saw people were walking in line, and then  
17 people were then split up. They were asked to go into small  
18 roads, different small roads, and those people had loudspeakers  
19 and weapons, and announcements were then made over the  
20 loudspeakers that the country was at peace, and everyone had to  
21 pack and leave because -- we had to leave for three days so that  
22 the Khmer Rouge soldiers could reorganize the capital city. And  
23 they said that without leaving the cities within this three-day  
24 period, everyone would be bombarded by the Americans. So, for the  
25 peace, for the safety of the Phnom Penh dwellers, everyone had to

1 leave.

2 [09.42.29]

3 At that time, we were terrified because we were thinking, "How we  
4 could leave?", because my husband was still at the hospital, and  
5 my sister, who got married, was also a soldier for Sostan  
6 (phonetic); she worked at Tuol Kork. And my father worked near  
7 De-En (phonetic) location, and another in-law worked at the  
8 garage. So everyone had to be in different place at the same  
9 time, so we decided not to leave.

10 We pleaded, we asked the soldiers to allow us some more time so  
11 that we can -- could meet our family together, that we would  
12 leave. But then the soldier told us that we had to leave in the  
13 day because, if they came back and then we still stayed at the  
14 same place, we would be in big trouble.

15 And finally we were pushed to leave through Stueng Mean Chey  
16 location -- or direction, and I couldn't go anywhere. For  
17 example, if I would like to meet my father, I had to go to the  
18 direction of Tuol Kork. But I finally decided that everyone was  
19 at different place at the same time; I had to choose to go the  
20 direction where I could see my brother. But then we were stopped  
21 at the bridge because the soldier didn't allow us to cross to the  
22 other side of the river, so we returned, and by 3 p.m. or so, I  
23 was waiting for my husband, my father, and my siblings, but to no  
24 avail. Then the soldiers came to us and warned us to leave the  
25 city or we were -- we would be risk of being shot at.

1 [09.44.26]

2 At that moment we felt that -- look, we were so happy early in  
3 the morning, about 9 a.m., but by 3 p.m. situation changed  
4 completely; we were in shock to learn that things were kind of --  
5 the change was so rapid.

6 And I told myself that I could not leave the city without having  
7 my family members with me, but the Khmer Rouge militia really did  
8 something to scare us. Some people who protested such a move were  
9 beaten with a gun butt, so we had no choice, but we had to leave  
10 with just very few family members. And we departed. We never met  
11 our family members again since the day we left Phnom Penh.

12 Q. What time did you leave Phnom Penh?

13 A. It was about 3 p.m. Just now I said something but I did not  
14 fully say it all.

15 [09.45.48]

16 I would like to also say that when the Khmer Rouge said that we  
17 had to leave city immediately, they said to us that those who  
18 were in the possession of military uniforms or weapons had to  
19 surrender them. And with that I saw a lot of weapons being  
20 packed, and surrendered, and thrown on the roads near the -- my  
21 location. The uniforms were also removed and surrendered. I saw  
22 some men who were bare-chested and who were wearing only shorts.  
23 And some were wearing some military uniform, and when they were  
24 walking on the road, the Khmer Rouge asked them to remove the  
25 clothes and allowed them to go about without wearing any clothes

1 at all.

2 That's what happened during the time when the Khmer Rouge entered  
3 Phnom Penh.

4 Q. When you and your family were prepared to leave the city, did  
5 you manage to bring with you some belongings?

6 A. Since we were told to leave the city for three days only, we  
7 prepared something for the three-day trip. At that time, my  
8 in-law had a car, but he could not use the car, and we wrote a  
9 note on that car, telling other family members that if they would  
10 like to leave, leave to the direction of Stueng Mean Chey because  
11 some other family members were walking along that direction  
12 already. And, again, because we were only supposed to leave the  
13 city for three days, we packed only enough food and foodstuff for  
14 a three-day period and some clothes to make us survive the three  
15 days.

16 [09.48.04]

17 And we went with my elderly grandmother and we had to move about  
18 with the Lambretta car that ran out of gasoline. We had to pack  
19 our luggage on the Lambretta car, and my younger sibling would be  
20 steering behind the wheel, when we were pushing behind.

21 Q. How many children did you have back then? And, all together,  
22 how many people were in your family who were walking out of the  
23 city at that time?

24 A. I had a child, a son who was born for about three to four  
25 months. And at that time we had with us 13 members of the family,

1 including my uncles, and aunts, and grandparents.

2 Q. When leaving Phnom Penh or you home, you were walking on the  
3 direction to Stueng Mean Chey. What did you see during the course  
4 of your journey?

5 [09.49.46]

6 A. During the course of my trip, I saw a lot of people on the  
7 road, and people were marching, walking from the Russian  
8 Hospital. I could see that some people, in particular patients,  
9 were pushed on the hospital beds, when the IV fluid was still  
10 attached to some of them. So, everyone had to move together on  
11 just one road and to one direction, so we could not move about  
12 quickly. Some were seen riding bicycles or taking "cyclos", some  
13 had to carry some belongings, and some had to walk some sick  
14 people all along.

15 The atmosphere was very tense, and the Khmer Rouge soldiers did  
16 not allow us to walk freely. From the Russian Hospital direction,  
17 there were some soldiers escorting the crowd, and at the same  
18 time we were escorted by armed Khmer Rouge soldiers all along.

19 [09.51.26]

20 So, we had to leave through Stueng Mean Chey Bridge, and no one  
21 could go anywhere without permission.

22 Q. During the evacuation, what else did you see? Did you ever see  
23 dead bodies, for example? Did you see some Buddhist monks?

24 A. When we were leaving and by the time we got to Stueng Mean  
25 Chey, we saw some dead people on hospital beds. We believe that

1 these people could have been seriously sick and, because of such  
2 situation, they couldn't make it, and the dead bodies were left  
3 unattended. And some elderly and sick people who could not walk  
4 were escorted and accompanied or walked by their loved ones. It  
5 was a difficult situation.

6 And the children of the sick and elderly people asked the Khmer  
7 Rouge soldiers if they allowed them to stay behind to look after  
8 their elderly family members. At that time, the Khmer Rouge  
9 soldiers responded that those who could walk, walk; those who  
10 could not walk could be assisted -- or left behind because they  
11 did not want this to happen, as this could cause traffic chaos.

12 [09.53.19]

13 And at that time I was also paying greater attention to carrying  
14 my baby and helping my family members. We had to move forward,  
15 and those who could not move had to stay behind, and I do not  
16 know what happened to them.

17 Q. Can you please clarify? When you talked about the Khmer Rouge  
18 soldiers, were they the same Khmer Rouge soldiers who you saw  
19 when you greeted them and congratulated them on the victory they  
20 won over Phnom Penh?

21 A. These soldiers were wearing the same clothes, but I do not  
22 recognize their names. They came in huge numbers. I could only  
23 recognize their outfits -- for example, their black clothes and  
24 caps and the checked - red-checked scarf they wore on their  
25 shoulder, around their neck, and they -- some were wearing some

1 khaki clothes, armed. And many were carrying -- like round of  
2 ammunition, you know, around their bodies. But I don't recognize  
3 their faces.

4 Q. Thank you, Madam.

5 When you were leaving Phnom Penh, did you see whether some people  
6 had to return to the capital city to find their family members?

7 If so, what happened to them?

8 [09.55.20]

9 A. After my family passed the Stueng Mean Chey Bridge and the  
10 market there, I saw three people walking from the opposite  
11 direction. They said they were returning to the capital because  
12 they did not bring along with them their money or their children,  
13 so they asked that they be allowed to return to Phnom Penh to  
14 bring these family members. But they were stopped by the Khmer  
15 Rouge soldiers, who did not allow them to come back. And they  
16 were even threatened; they were told that, "if you step the line,  
17 then you would" -- they would be killed. They were terrified.  
18 Indeed, everyone was afraid to die. So they did not really breach  
19 these instructions and they did not return to the capital city.

20 Q. From your home to Stueng Mean Chey location, where you said,  
21 how long did it take to travel this stretch of road?

22 A. We left at about 3 p.m. in the afternoon, and by the time we  
23 got to Stueng Mean Chey, it already was dark. So the night fell  
24 when we got to Stueng Mean Chey, and we spent our night there, on  
25 the roadside. Some slept on the bed -- in the stalls in the



1 market, and there was no more car or motorbike, so there was no  
2 traffic on the road except people, who could really sleep on the  
3 roads if they wished.

4 [09.57.21]

5 Q. Apart from the announcement that was telling people to leave  
6 city for three days, did you hear anything else, for example were  
7 -- they told you to go to your hometown of your choice?

8 A. After some kilometres from Stueng Mean Chey, before we reached  
9 Chamkar DOUNG, I heard through the loudspeaker that people could  
10 be allowed to go to their hometown if they wished to, but they  
11 were not allowed to return. They had to move forward and find a  
12 way to their hometowns. And we also heard that after three days  
13 people would be allowed to return to the capital city, in  
14 particular those who were former soldiers, officials, teachers,  
15 doctors, because these people were needed to work in Phnom Penh  
16 after the city was finally reorganized. They told us that these  
17 people would be allowed to come back.

18 [09.58.43]

19 However, to let them know whether they go the right people, they  
20 were asked to register their name. At that time, my father didn't  
21 manage to have his name registered. We saw a lot of people coming  
22 together in a crowd to have their names registered because they  
23 were hoping to be returned to Phnom Penh. The Khmer Rouge set a  
24 point where the names of individuals would be registered and  
25 people could be coming and turning themselves, because they were

1 afraid that they could not have their name registered on time and  
2 they would not be allowed to return to Phnom Penh after the three  
3 days.

4 Q. Did you observe those people who registered their names --  
5 were they separated and were they taken somewhere else?

6 [09.59.42]

7 A. Those who registered their names did not proceed further with  
8 us. They were taken by another group. They also told their family  
9 members to proceed further and that once they could get their  
10 work back in Phnom Penh they would go and get their family  
11 members, and they told their family members not to go far from  
12 the outskirts of Phnom Penh and they were not allowed to proceed  
13 further with us. The Khmer Rouge soldiers put them aside. But  
14 that's all how I observed the -- as the situation evolved.

15 Q. Did you know those people who registered their names, were  
16 they public servants, were they Lon Nol soldiers, or were they  
17 doctors, or teachers, or what did the Khmer Rouge soldiers really  
18 want, or would they want staff for a particular ministry?

19 A. From what I knew -- that is, I knew from those family members  
20 who did not have their family members registered, or those who  
21 had their husbands registered their names. Most of them were  
22 teachers and professors, and in one family the wife said my  
23 husband -- that her husband was a rickshaw driver, but he lied  
24 that he was a teacher in order to be returned to Phnom Penh. So I  
25 could say that those people who registered were those public

1 servants of the old regime.

2 [10.01.52]

3 Q. Thank you.

4 While en route, did the Khmer Rouge provide you with food or  
5 medicine -- that is, to you, your family members, and other city  
6 dwellers who left the city?

7 A. While en route during the evacuation, the Khmer Rouge soldiers  
8 did not give us any food, water, or shelter. We left without  
9 bringing sufficient food or belonging with us. So, wherever we  
10 reach in late evening we just rested there. We used tree leaves  
11 to cover the ground and we slept on it, and the food that we  
12 brought with us for a three-day period almost gone, and we did  
13 not cook rice anymore, we only cooked porridge so that we could  
14 save some rice. No medicine, no food, water, or shelter was given  
15 by the Khmer Rouge soldiers.

16 Q. Along the road, and as many of your family members were public  
17 servants, did any of your family members try not to rush ahead so  
18 that they could return to Phnom Penh after three days?

19 A. My family members actually walked slowly in order to wait for  
20 my father and other siblings to catch up with us, but for the  
21 three days period we didn't see them and we were not called to  
22 return after three days. We were only told that we needed to  
23 proceed further and that we would be greeted by Angkar, and by  
24 that time we did not know who "Angkar" was. We thought it could  
25 be a non governmental organization that would assist us. And

1 while we reached Chamkar Doung, we rested there for four to five  
2 days, but the hope to return to Phnom Penh in three days had  
3 gone.

4 [10.04.59]

5 Q. Did you observe the attitude of the Khmer Rouge soldiers? Did  
6 they actually intend to push you to go further or to allow you  
7 stay at a particular location?

8 A. The Khmer Rouge soldiers did not allow us to stay. They always  
9 push us to go further. And another point during our journey is  
10 that although I was rather poor in Phnom Penh I never -- I did  
11 never go without any food. So, actually, during that period of  
12 time I had a relapse after my baby delivery. I had no breast milk  
13 to feed my young baby and I did not have medicine and I did not  
14 also have milk. I could only afford water to feed my baby.  
15 Unfortunately, my baby died during that evacuation, and I did not  
16 even know what to do with my dead baby. I was instructed to bury  
17 my baby in the forest. It was like an animal.

18 [10.06.29]

19 That was the first time for me that I had a baby, because I only  
20 married in 1975 and my baby died. Of course, if I were to live in  
21 Phnom Penh I would afford to raise my baby but I was forced to  
22 evacuate while I only just delivered my baby.

23 Q. While en route, after your baby died, did the Khmer Rouge  
24 cadres or soldiers confiscate any of your personal belonging or  
25 property?

1 A. A bit further after we left Chamkar Doung -- and I was not  
2 familiar with that area -- there was a checkpoint, and then we  
3 were searched. They said that the feudalists needed to abandon  
4 all their personal belongings and properties there. We had to  
5 leave our belongings, as requested by Angkar. And if we hid all  
6 those belongings, we would be referred to as the feudalists; and  
7 if we did not leave the properties, there we would be accused of  
8 enemy of Angkar.

9 [10.08.12]

10 We hid some personal clothing and a kind of medicine, as I  
11 concealed that medicine, but they saw it so they took it away,  
12 and they said that this medicine belonged to the traitors and  
13 that we should not use it. And I actually only could conceal one  
14 tablet under the sleeve of my shirt, but if they actually roll  
15 down my sleeve then they would find it and I would be accused of  
16 being a traitor. So they actually strip off everything from us,  
17 my clothes, my gold, and they said that gold was no longer used  
18 and that we should give it to Angkar.

19 Q. When you continued your journey further, how many days did it  
20 take for you before you reached your destination -- that is, Trab  
21 village?

22 A. I could not say how many days after we left Chamkar Doung, but  
23 after we were stripped of our property, gold, and medicine, about  
24 1 kilometre further we were told that money was no longer  
25 circulated. So those people who were rich who had their bags

1 filled with money, they fell down and became unconscious because  
2 of disappointment, but for us we did not have much money, and at  
3 that time they gathered all the money and burnt it.

4 [10.10.21]

5 So we, at that juncture, thought that we would die because we  
6 only relied on the money and now they burnt the money, so we had  
7 no way of buying food or other stuff, and that we would face  
8 various consequences ahead. That's how we thought when we were  
9 confiscated of all those properties and money, and I did not know  
10 how many days before we reached Trab village.

11 Q. After you left Chamkar DOUNG and until the time that you  
12 reached Trab village, did you unite with your other family  
13 members and your father?

14 A. My father and my husband were actually reunited with us in  
15 Chamkar DOUNG, and then we went together as instructed by Angkar  
16 in the direction they pointed us to go until we reached Prey Trab  
17 village.

18 Q. What was the distance between Prey Trab village and Phnom  
19 Penh, and once you arrived at Prey Trab village did the Khmer  
20 Rouge cadres at Prey Trab greeted -- greet you warmly?

21 [10.12.07]

22 A. The chief of the Prey Trab cooperative, once we arrived, as we  
23 were the newly evacuated people, did not say anything. They  
24 actually organized us to live in various houses and there were  
25 unit chiefs and there were militiamen who instructed us to divide

1 into various groups and to live at various houses. But I didn't  
2 know the name of the chief of the cooperative.

3 Q. When you were at Prey Trab village, did you volunteer to go  
4 into that village or were you instructed by the Khmer Rouge  
5 soldiers to go into that village?

6 A. That destination was determined by the Khmer Rouge soldiers.  
7 We, the evacuees, did not know where to the head to but the Khmer  
8 Rouge soldiers said that was Prey Trab village and that all of us  
9 comrades had to stay there until Angkar reorganized the areas,  
10 then we would be sent further, but in the meantime, we had to  
11 stay at Prey Trab village. And we did not know about the location  
12 at all and we did not have the right to protest against them.

13 [10.13.49]

14 Q. Can you tell us further? When you left Phnom Penh and until  
15 you arrived at Prey Trab village, did you observe any pagodas  
16 along the way? And if so, did you observe any monks in any of the  
17 pagodas?

18 A. While en route, I did not even see a monk. I did not see any  
19 monk in any pagoda that I walked past. It was so quiet, and, of  
20 course, we were wondering what happened thus far.

21 As for my baby who died, I was looking for a monk to pray for the  
22 soul as well but there was no monk in any of the pagoda.

23 Q. Did any of the evacuees rest in the pagoda where there was no  
24 monk?

25 A. At the pagodas along the road, there were of course people

1 resting there, because while we were walking and when it was time  
2 to rest, we would rest in a pagoda if there was any, but then we  
3 were not allowed to wander around. Even when we were resting in a  
4 pagoda we were monitored by armed people.

5 Q. When you arrived initially at the Prey Trab village you were  
6 pledged to live with the Base People. Did they register your  
7 details over there, for example, your occupation?

8 [10.15.52]

9 A. When we were in Prey Trab village, and about one week later --  
10 of course this is just an estimation -- then a meeting was  
11 convened and in that meeting all the 17 April People who were  
12 deposited with the Base People were called to the meeting. And we  
13 were asked that if any of us were soldiers or worked in Phnom  
14 Penh or we were students, intellectuals. So each of us was asked  
15 the questions, and some of us who worked they registered that  
16 they worked.

17 So, as I said earlier, initially there was a checkpoint where  
18 people were asked and questioned, and at that time while we were  
19 asked questions in the meeting, my father did not attend as he  
20 was sick, but actually we did not tell them that any of us worked  
21 and we were asked whether we were Chinese or Vietnamese since we  
22 had a white complexion. We said that no, we were Khmer people.  
23 And some other people said that they worked at the Ministry of  
24 Interior or they were soldiers or work in a particular ministry.

25 [10.17.22]



1 And one of my uncles -- he was not a soldier but in fact he  
2 worked in a Royal Palace but he was -- he had a godson who was a  
3 soldier and he said that I did not want to tell him or to tell  
4 them that I worked in a Royal Palace, but I instead worked as a  
5 soldier so that I could go with my godson. And I told him not to  
6 do so because he did not know how to shoot a gun, but he said  
7 that that's okay his godson would teach him to teach -- to shoot.  
8 So he did tell them that he was soldier and so did his godson and  
9 one of my cousins also said and registered himself as a soldier.  
10 And he said whether he wanted to go along with the uncle and he  
11 said yes.

12 I did not know how many people actually registered their names,  
13 because not only people from Prey Trab village registered their  
14 names, there were people from other villages as well. I heard the  
15 people who registered their names said that it took them three  
16 days to register their names and the total number of people who  
17 registered reached 60, and since there was no longer people  
18 registered they stopped the process after three days.

19 [10.19.08]

20 Q. Do you know what happened to the 60 people who registered  
21 their names?

22 A. Those 60 people who registered their names, after their  
23 registration they were told to stay put in that location and that  
24 they would be taken by a truck back to Phnom Penh to return to  
25 their respective previous employment. So, actually, they were

1 waiting and waiting there and they were not tied up or anything,  
2 there was no surprise.

3 And two days later, we saw the military truck coming into the  
4 village, and then they put a mobile loudspeaker on the truck, and  
5 of course upon hearing the announcement on the loudspeaker I also  
6 came out to check. And they said that the truck will only  
7 transport those people who registered their names to return to  
8 Phnom Penh because Phnom Penh had already been reorganized. So  
9 then they called the names from the list that they registered and  
10 then the truck would leave and I did not know what happened to  
11 them. A while later, another truck came and then names were  
12 called to board the truck and the truck left.

13 [10.20.48]

14 And my father, who had a radio with him -- and he always listened  
15 to the radio about the CIA or other events, and maybe they  
16 noticed that he had a radio, so my family was gathered up and  
17 they said that although my family was not registered that the  
18 family could go in our Lambretta. But the thing is my father's  
19 Lambretta did not have petrol in it, so then they poured half a  
20 litre of petrol into the Lambretta and we were instructed to  
21 follow the truck to go to Phnom Penh. That's what we were told.  
22 And at that time we did not know what would happen to us, so we  
23 gathered all the family members and board the Lambretta and we  
24 followed the truck, and about half away through we ran out of  
25 petrol. So we were sitting and waiting in the Lambretta and then

1 we saw the truck that left, returned, and we were asked why we  
2 did not proceed further and we told them that the Lambretta ran  
3 out of petrol and then we were told to stay put they would return  
4 to pick up three more families from the village and then they  
5 would tow our Lambretta. So we kept waiting.

6 [10.22.36]

7 But, fortunately, we saw a man and I believe he was a base  
8 person, he was riding an oxcart and he asked us questions, and he  
9 asked us what we were waiting for and we said that we were  
10 waiting for a truck to pick up three more families from the  
11 village to return to Phnom Penh. He looked around and then he  
12 whispered to my father that we should just disappear because  
13 those people were not sent to Phnom Penh but they were killed.  
14 And then they gave us some rice cakes or "akao" in Khmer and then  
15 he advised us to flee, but my father said where could we flee  
16 because we did not know the area, and then he told us the  
17 direction where we should go to head that way and that we would  
18 not meet any soldiers.

19 [10.23.36]

20 So we were scared. We only bring with us -- brought with us some  
21 large belongings and we fled because we were afraid that if they  
22 saw us they would kill us. So then we ran, and we ran until  
23 almost midnight and then we arrived at a lake, and I did not know  
24 the name of that lake. Then my father said the water was deep,  
25 that we could not cross, and we had young children and elder

1 mother, and he asked us to wait first and then he would cross the  
2 river with the two young children.

3 Q. Civil Party, please speak slowly so that the interpreter could  
4 render your testimony properly.

5 A. When we reached the Neakta Pramroy Lake, my family could not  
6 cross the lake, so we had to take turn to cross the lake. And I  
7 had a younger sibling sitting on the neck of my father and there  
8 was another sibling on his back. My husband was carrying his  
9 niece and my sister was carrying two of her children, but I was  
10 afraid of the water because I never touched the water before. So  
11 I waited together with my grandmother.

12 When -- just before my husband and father was about to cross the  
13 lake we saw the flashlight and we saw people shouting that there  
14 were people at the lake and that they should rush to check out,  
15 and then we heard sporadic fighting. Well, the flashlight was  
16 here and there near the lake and my husband said that they had to  
17 leave and that I should hide myself with my grandmother. So then  
18 my husband managed to hide us in the bush.

19 [10.26.13]

20 At that time, upon hearing the fighting my grandmother, who was  
21 more than 70 years old, was shocked and unfortunately she died.  
22 So we could not leave her in the open. We drag her to the area  
23 near the bank of the lake. So my husband and the rest crossed the  
24 river while I was hiding.

25 And at that time I was so shocked that I fainted near the dead

1 body of my grandmother and I did not know what happened to my  
2 husband and father and the rest who crossed the river, or crossed  
3 the lake. And about 2 a.m. in early morning I was woken up by the  
4 dew -- actually, my husband returned and said that the rest of  
5 the family members returned but that we could not cross the lake  
6 and if we decided to cross we would be killed and that we had to  
7 go back. At that time, the dead body of my grandmother was left  
8 in the bush. My husband and I had to return through the forest.

9 [10.27.38]

10 Q. Thank you. After you left your dead -- the dead body of your  
11 grandmother, where did you go and could you please make your  
12 response rather briefly and precisely?

13 A. When we left the dead body of my grandmother, we dare walk  
14 only during the night time. So we walked for seven nights and my  
15 body was scratched because we walked through the thick forest and  
16 my intended destination was Kong Ruessei (phonetic) in Kampong  
17 Speu. It was the native village of my father-in-law, and my  
18 father-in-law was the best person in that village and we hoped  
19 that we would feel better when we arrive there.

20 So we walked across the forest for seven nights and we did not  
21 have anything to eat but the leaves of the trees or the wild  
22 fruits and we drank water from the creek. We walked until we  
23 reached Prey Kralanh village, Kong Pisei district, in Kampong  
24 Speu province. Even when we arrived in the village, my husband  
25 did not want me to go into the open so he asked me to hide myself

1 in the forest and he would go to meet his father and a while  
2 later he returned with a black cloth and tyre thong, and he had a  
3 red scarf for me to cover my face and he took me to meet with his  
4 father at his house.

5 [10.29.37]

6 Q. Can you tell us the name of that village and how long did you  
7 stay in that village?

8 A. The village name was Prey Kralanh, Popel sub-district, Kong  
9 Pisei district, Kampong Speu province. I stayed there for only  
10 five days. The reason that we stayed for five days -- because  
11 Angkar was searching for the 17 April People. They conducted the  
12 search throughout the village and they listed all the 17 April  
13 People. My father-in-law hid myself in the mosquito net and he  
14 gave us -- he gave food to me while I was in the mosquito net as  
15 well.

16 [10.30.38]

17 And after a while he said that he could no longer assist us. So,  
18 after five days, we saw ourselves out before the Khmer Rouge  
19 Angkar and we said that we were the evacuees from Phnom Penh and  
20 that we stayed at the house of Long Mai (phonetic) -- and we did  
21 not reveal that he was my father-in-law -- and that we would go  
22 wherever Angkar wishes -- wished us to go.

23 Q. After telling the Khmer Rouge about this, where did the Khmer  
24 Rouge take you to?

25 A. After the Khmer Rouge learned that we were all the Khmer --

1 the 17 April People, we were arranged to stay in one place and  
2 then we transferred to Sgnok Mountain in Kampong Speu. They told  
3 us that we were the 17 April People and to make sure the Angkar  
4 trusted us, we had to be tempered at that mountain. After we were  
5 completely tempered, Angkar would then recognize us and allowed  
6 us to continue working.

7 MR. PRESIDENT:

8 Thank you, Counsel, and thank you, Madam Civil Party.

9 It is now appropriate time for adjournment. The Chamber will  
10 adjourn for 20 minutes. The next session will resume by 10 to  
11 11.00.

12 Court officer is now instructed to assist Madam Civil Party  
13 during the adjournment.

14 THE GREFFIER:

15 (No interpretation)

16 (Court recesses from 1032H to 1054H)

17 MR. PRESIDENT:

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

19 Counsel Ang Udom, you may take the floor.

20 MR. ANG UDOM:

21 Once again, good morning, Mr. President, Your Honours. Good  
22 morning, everyone.

23 I have a remark to make regarding the health of my client, Mr.

24 Ieng Sary. My case manager is downstairs monitoring my client and

25 actually my client, Mr. Ieng Sary, falls asleep since 10 past

1 10.00, and we actually asked for the opinion of the treating  
2 doctor whether my client Mr. Ieng Sary can participate in the  
3 proceedings. However, the doctor is not in a position to make  
4 such a recommendation, as he's not an expert in the psychological  
5 affairs of my client.

6 And we, the counsel for Mr. Ieng Sary -- to call the treating  
7 doctor for further information or to adjourn today's proceeding  
8 until such time that my client, Mr. Ieng Sary, can follow the  
9 proceeding.

10 Thank you, Mr. President.

11 (Judges deliberate)

12 [11.00.06]

13 MR. PRESIDENT:

14 I'd like to give the floor to Judge Cartwright to respond to the  
15 submission made by the national counsel for Mr. Ieng Sary; you  
16 may proceed, Judge Cartwright.

17 JUDGE CARTWRIGHT:

18 Thank you, President.

19 And thank you for your comments, Mr. Ang Udom.

20 The Trial Chamber, as you have noted, has deliberated and  
21 reiterates that its starting point for any assessment of Ieng  
22 Sary's ability to participate in the Trial is the report supplied  
23 by the expert.

24 [11.00.55]

25 It is interesting that you raise the topic of Ieng Sary being



1 asleep this morning. There is a simple solution to that; your  
2 case manager could wake him up. It is not an indication of any  
3 mental health issue, as the expert made very clear, and Ieng Sary  
4 himself has never claimed any mental health inadequacies.

5 Moreover, falling asleep may simply indicate that Ieng Sary has  
6 no direct interest in the testimony of this civil party.

7 The Trial Chamber is confident that the treating doctor will  
8 report to the Chamber if he observes any unusual and extreme  
9 fatigue on Ieng Sary's behalf.

10 President, I hope that covers the summary of our deliberations.

11 MR. PRESIDENT:

12 Thank you, Judge Cartwright.

13 Counsel Ang Udom, you may proceed.

14 [11.02.16]

15 MR. ANG UDOM:

16 Thank you, Judge Cartwright.

17 I do not know whether Mr. Ieng Sary falls asleep because he  
18 wishes to sleep or whether he falls asleep as he is too fatigued  
19 to follow the proceeding.

20 MR. PRESIDENT:

21 The Chamber already ruled on this issue.

22 And we need to rely on the medical report and the experts'  
23 opinion as our base, and it is not possible to base our ruling or  
24 decision on an observation of a lay person. And this is not the  
25 first instance that we made such a ruling. For instance, we also

1 made such a ruling when it comes to the issue of Madam Ieng  
2 Thirith.

3 [11.03.25]

4 MR. ANG UDOM:

5 Thank you, Mr. President.

6 In order to clear the issue, I would like to request the Chamber  
7 to make an urgent assessment by a doctor of my client.

8 As when I went downstairs I saw my client falling asleep, and so  
9 we continue with the proceeding while he is asleep? But it is my  
10 opinion that we should ask for a medical assessment of a treating  
11 doctor. Because if we keep following – if we keep proceeding and  
12 he cannot follow the proceeding, then it is a procedural defect.

13 [11.04.20]

14 MR. PRESIDENT:

15 I notice the defence counsel for Nuon Chea is on his feet. The  
16 Chamber already ruled on this matter. Unless you have a new  
17 matter to be raised before this Chamber, you cannot proceed.

18 MR. IANUZZI:

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

20 I just have one request for clarification as our client also is  
21 often falling asleep. I would like to know if the observation  
22 that Judge Cartwright just made that, Mr. Ieng Sary may be  
23 sleeping due to a lack of interest, is a lay person's opinion or  
24 an expert opinion; and I'm not quite sure why she would make that  
25 conclusion on the record. If an accused person is sleeping –

40

1 well, it's a fact, they're sleeping. So I don't think it's  
2 appropriate to suggest that they're sleeping because of a lack of  
3 interest. I think it's highly inappropriate, it's not an expert  
4 opinion; Judge Cartwright is not a doctor, she's not an expert,  
5 she's a Judge-

6 [11.05.49]

7 MR. PRESIDENT:

8 All the defence counsels, you all have your assistants; and if  
9 any of your clients falls asleep, you should advise your  
10 assistants to wake him up in order to follow the proceeding.  
11 The floor is now given again to the Lead Co-Lawyer to put  
12 question to the civil party. We have actually loss some of your  
13 time, but we will plan it if required.

14 MR. IANUZZI:

15 Mr. President, I'm just-

16 MR. PRESIDENT:

17 Please, be seated; you are not allowed to speak on this matter  
18 again.

19 And if you client falls asleep, please instruct your assistants  
20 to wake him up. And that's the end of the matter.

21 MR. IANUZZI:

22 Could I put that on the record: If you're advising us to wake our  
23 clients up, I would like to know how you propose that we-

24 [11.07.19]

25 MR. PRESIDENT:

1 We made a ruling on this already. Please follow it. I never have  
2 any medical assessment from a doctor regarding a falling asleep  
3 person.

4 The Lawyer for the civil parties, you may proceed.

5 BY MS. CHET VANLY:

6 Thank you, Mr. President. Allow me to resume my questioning of  
7 Madam Civil Party.

8 Q. Before the break, you stated that your father-in-law told you  
9 that he had no ability to hide you so you decided to give  
10 yourself up before Angkar at the base where you stayed. And what  
11 happened? Where did they take you?

12 [11.08.13]

13 MS. PECH SREY PHAL:

14 A. After I showed myself up, the Khmer Rouge Angkar gathered all  
15 the 50 17 April People in Prey Kralanh village, and Angkar  
16 instructed us to go to live up on the top of Sgnok Mountain. They  
17 escorted us to the base of the mountain and we were instructed to  
18 go up the top of the mountain to live there. There was no  
19 shelter, no food, no water, no medicine up the mountain. And we  
20 had to try to survive by ourselves.

21 So the 50 of us who were the 17 April People, once we were at the  
22 top of Sgnok Mountain, we cleared the forest to make shelter. The  
23 Khmer Rouge soldiers did not instruct us to do anything; they  
24 just abandoned us on the top of the mountain without giving us  
25 any food; so all of us on the top of the mountain tried to

1 survive individually. There was no water but on top of the  
2 mountain there was plenty of dew, so then we used our clothes,  
3 our scarfs in the open in order to attract the dew and we fetch  
4 it once in midnight and once again in the early morning.

5 [11.10.02]

6 And as for the food, we ate leaves from the wild trees, and also  
7 we hunted wild boar -- the small ones, we could hunt it -- but  
8 for the big one, sometimes it attacked us back and some died.  
9 Some of us fortunately survived and we could go down the mountain  
10 and some of other people who had their relatives living in the  
11 base village could bring them some rice. And as for us, since my  
12 father-in-law lived in the village, he could bring some rice to  
13 us. And during the time that we were living at the top of the  
14 mountain for about two months, everyone was emaciated.

15 There was then an announcement by Angkar that, "You, all  
16 Comrades, had refashioned yourself so that now you could go down  
17 the mountain to work elsewhere." So we went down the mountain and  
18 some of us were sick because at that time the wild boar died,  
19 people died. So we were living in such a filthy environment  
20 without food. When we came down the mountain, we were like forest  
21 people with long hair.

22 [11.11.47]

23 Q. Thank you. What did they tell you before you were sent to live  
24 at the top of the mountain?

25 A. Before we were sent to the top of the mountain, Angkar said

1 that we had to be refashioned and tempered following the  
2 instructions of Angkar.

3 Q. Thank you.

4 Why only the 17th April People were selected? Were there a  
5 distinction between the Base and the New People?

6 A. At that time, over there, the New People were almost  
7 considered as traitors; the capitalists or the feudalists. And we  
8 were rejected by them. We were accused of being feudalists, had a  
9 tendency toward the Lon Nol or the CIA. But, in fact, we were  
10 ordinary people, but then, they sent us for refashioning and  
11 tempering.

12 [11.13.05]

13 Q. You stated that while you went to the top of the mountain  
14 there were 50 of you, and after a few months living up there, how  
15 many of you survived when you went down the mountain?

16 A. There were only 20 of us. The rest - the 30, they died due to  
17 the attack by wild boar, by starvation, lack of water, or  
18 diseases without any medical treatment.

19 Q. What was the condition of the 20 people who left?

20 A. The surviving 20 people were emaciated. We had stiffed long  
21 hair because there was no water for us to bath. We could hardly  
22 find water to drink, and our knees were even bigger than our  
23 head. We did not have anything to eat but only leaves from wild  
24 trees.

25 [11.14.30]

1 Q. After going down the mountain, did the people who managed the  
2 base send the 20 of you elsewhere?

3 A. When our group went down the mountain -- at the base of the  
4 mountain -- we saw other 17 April People. They were at the base  
5 of the mountain. And then we were told to board a truck and that  
6 we would be taken to work elsewhere in Phnom Penh.

7 Q. Based on what you saw, how many people all together who were  
8 instructed to board the truck?

9 A. There were two trucks transporting us from the base of the  
10 Sgnok Mountain to Phnom Penh. There was a military truck and  
11 there was a smaller truck. And there were 60 of us all together.

12 Q. Before boarding the truck, what were you told? Did they tell  
13 you a specific location in Phnom Penh?

14 A. They only told us to board the truck and to go and work  
15 elsewhere.

16 Q. Upon arriving in Phnom Penh, where were you taken to?

17 [11.16.28]

18 A. Upon arriving in Phnom Penh, as I recall, we were dropped off  
19 at the station in Phnom Penh. We stayed for two nights at the  
20 station and after that I saw the locomotive arriving at the train  
21 station with people in the wagons. I didn't know where they were  
22 transported from. They were instructed to board the train in  
23 order to go to Kampong Chhnang province. While we were on the  
24 train, there were empty cargo wagons and we had to board the  
25 wagon and each wagon was packed. And they used wooden board to

1 block off at the door of each wagon. And in each wagon - or at  
2 least in my wagon, there were three Khmer Rouge soldiers and each  
3 of them was armed.

4 Q. Did you observe whether the people who were on the train, were  
5 they the 17 April People? And how many wagons all together?

6 A. There were four fully loaded wagons, from what I saw, but I  
7 could not see the other wagons ahead as we were not allowed to go  
8 there. But the four wagons that I could see, they were fully  
9 loaded with people. And there was no base person boarding the  
10 train, they were all 17 April People. Some of them were from  
11 Phnom Penh or -- and others were from other provincial towns.

12 [11.18.56]

13 Q. When all the people boarded the train, where did the train  
14 head to and what was the last destination for you?

15 A. When we were packed onto the wagons, the train headed toward  
16 Kampong Chhnang province and we got off at Kampong Chhnang  
17 province. We stayed in Kampong Chhnang for a short period of time  
18 and then there were vehicles from Pursat province coming to  
19 Kampong Chhnang. And they communicated with the soldiers and  
20 militia in Kampong Chhnang and they said that they needed  
21 workforce in Pursat province to dig canals and to build dams and  
22 dykes and they requested the work force from Kampong Chhnang. So  
23 my group, including myself, was required by the Kampong Chhnang  
24 people to go to work in Pursat by going onto a vehicle.

25 Q. While you were on the train, were you distributed any food



1 ration or clothes?

2 A. While we were on board the train nothing was given to us, no  
3 food or clothes; there -- we only had the dry rice crust that we  
4 were given by our relatives from the village. So we only took a  
5 handful and put in our mouths and ate it.

6 [11.21.09]

7 Q. While you were travelling on the train, did you observe anyone  
8 die or anyone trying to run away?

9 A. Nobody could run away because they guarded the door of the  
10 wagon and they used wooden pole to block the door as well. Some  
11 people died in the wagon because they were too exhausted and the  
12 wagon was too packed. Although they died, the train did not stop  
13 for them to be removed and placed outside. When someone died on  
14 the wagon, then the soldiers would push the dead body of the  
15 wagon because, to them, it was just a waste.

16 Q. You said that you arrived in Kampong Chhnang province, which  
17 station did the train stop?

18 A. In Kampong Chhnang, we stopped at Damnak Station.

19 [11.22.43]

20 Q. How long did you stay in Kampong Chhnang province before  
21 heading to Pursat?

22 A. It was a short period of time when I stayed in Kampong Chhnang  
23 province.

24 Q. Those people who got off the train at Kampong Chhnang, what  
25 were they instructed to do?

1 A. In Kampong Chhnang, we were asked to work the rice fields, to  
2 transplant seedlings, to build dykes, to pull seedlings.

3 Q. While you were in the wagon, was it fully packed and there  
4 were no proper seats for you? Can you clarify that?

5 A. In the wagon, the wagon was an empty wagon. It was meant to  
6 carry animals or goats, it was not meant for - it was not  
7 passengers' wagon. And we were asked to get onto the wagon until  
8 it is fully packed. And after it was packed they would use the  
9 wooden stick to block the door.

10 Q. While en route, did the train stop anywhere? What happened if  
11 someone wanted to relieve himself or herself?

12 [11.24.50]

13 A. While we were on the train, if someone wanted to relieve  
14 himself or herself, that person needed to tell the militiamen in  
15 the wagon. Nobody could release himself on the wagon, and if  
16 somebody did so then that person would be shot dead on the spot.  
17 They did not think of us as a clean person, but for us, we did  
18 not mind, but for them they thought we were kind of a stinky  
19 group of people and they did not want to have a bad smell on the  
20 wagon. And if someone wanted to relieve himself or herself, that  
21 person would make a request to the militia men and the train  
22 would not stop immediately, but after a while, it would stop and  
23 the person would get off the train escorted by the militia men.  
24 And after that the person would board the train again.

25 Q. You just stated that you stayed briefly in Kampong Chhnang and

1 then there was a vehicle coming to transport you to work in  
2 Pursat. What kind of vehicle was it and how many people travelled  
3 with you to Pursat? Or did all the people who got off in Kampong  
4 Chhnang went or go to Pursat?

5 [11.26.31]

6 A. All the people who got off in Kampong Chhnang did not go to  
7 Pursat. Some stayed in Kampong Chhnang and some boarded a vehicle  
8 to Pursat. On the day that I went to Pursat -- it was the first  
9 time and then there were three vehicles all together. From what I  
10 could see, there were at least 2,000 people travelling to Pursat.  
11 And on the first day, there were three vehicles and I went on the  
12 first batch and there was still people behind. So, when they  
13 dropped us off in Pursat, they would return to pick more from  
14 Kampong Chhnang but I did not know how many runs they made.

15 Q. When you arrived in Pursat, which village were you sent to and  
16 what tasks were assigned to you?

17 A. Upon arriving in Pursat, we were separated. My husband worked  
18 at the plough unit while I was assigned to work at Stuong  
19 village, Loung cooperative. Over there, I was in the  
20 transplanting unit and my husband was in a ploughing unit.

21 [11.28.10]

22 During the rainy season, I was asked to transplant seedlings and  
23 they said that we had to increase the production about 4 to 5  
24 tonnes per hectare, and 10 of us were required to transplant per  
25 hectare. And there were two people at each side of the dyke to

1 carry a rope. And when the militia men blew a whistle, then the  
2 rope would be raised and we had to quickly transplant the  
3 seedlings in a row. And if somebody transplanted and could not  
4 get up on time when the rope was lifted -- and I mean the rope -  
5 the rope was a hard plastic rope or a kind of a metal rope. And  
6 if we could not get up on time then it would hit our eyes.  
7 One day, somebody who was transplanting nearby me got hit by the  
8 rope, and the eyes bled, and that person fell onto the ground  
9 damaging the seedlings. Then the militia men or the soldiers of  
10 the Khmer rouge who were monitoring us came down into the rice  
11 field and beat that person up, blaming the person of destroying  
12 the seedlings. And they threatened us that we had to work harder  
13 and that was an example for us. We were terrified; even if we  
14 were so tired, we tried to transplant the seedling and tried to  
15 listen to the whistle.

16 [11.30.20]

17 Q. Can you please describe to the Chamber what the food ration  
18 was like? Were people split up or were your family members  
19 allowed to be together?

20 A. At Pursat, I only lived with my husband, my parents, and other  
21 members of the family had to be transported to other location. As  
22 to the food ration, actually, we were offered only a can of rice  
23 for 30 people. They didn't care whether we had enough to eat or  
24 not we were asked to eat this very thin gruel. And the soup would  
25 be nothing but a banana tree used as vegetable and some leaves.

50

1 And we had to make the most of it. And we did never say that we  
2 did not eat our fill. Every time they asked us what the food was  
3 like, we said it was nice, it was delicious. And then we had to  
4 go to work. So we had to eat a can of rice for 30 people each  
5 meal.

6 Q. When people were sick during the time of work, were they  
7 allowed to rest, to be treated and offered some additional food?  
8 [11.32.10]

9 A. When we fell ill -- for example, it happened to me,  
10 personally. I had blisters all over my legs, and I could not walk  
11 to work. I told the chef -- or the cook -- that I could not go to  
12 work. I had to be excused, and I stayed at the place. However,  
13 the head of the group came to the kitchen to tell the cook that  
14 whoever was sick would not be allowed to eat.

15 So, anyone who was sick was deprived of their food, because being  
16 sick means being not able to work, and it was subject to not  
17 being given any food. So, if we could even walk to get the meal  
18 when we were sick, we were accused of pretending to be sick when  
19 being able to walk to get the food. Why not walking to work? So,  
20 when I was admitted -- or some other people who were sick and  
21 admitted to the hospital, they were then brought back to work  
22 because people did not want us to get treated. They were smashed.

23 Q. You were -- mentioned about the term "smashed". What does it  
24 mean?

25 A. (Microphone not activated)

51

1 [11.33.50]

2 MR. PRESIDENT:

3 Civil party appeared to have said something, but the mic was not  
4 activated. Can civil party please repeat?

5 MS. PECH SREY PHAL:

6 A. "Smashed" meant "to kill". It is really precisely clear. No  
7 doubt. And the term "temper" or "refashion" in that sense -- some  
8 people end up being killed because they had to be sent to an  
9 office where they get tempered, tortured. And if they could  
10 refashion themselves, then they could be released. But many end  
11 up being disappeared.

12 BY MS. CHET VANLY:

13 Q. Was there any distinction of food ration between the Old  
14 People and the New?

15 MS. PECH SREY PHAL:

16 A. At my place, there were Old People and the New People. For the  
17 Base People or Old People, they were offered some rice -- steamed  
18 rice. But for the New People, we were allowed to eat only  
19 porridge or thin gruel. On one occasion, because I was so hungry  
20 for steamed rice, I had to crawl and stole -- I had stolen some  
21 rice from the kitchen. Luckily I was not found out about this.  
22 Otherwise, I could have been killed.

23 [11.35.35]

24 MR. PRESIDENT:

25 Time has already been allocated to the civil parties and the

1 Prosecution, and indeed the line of questioning should be  
2 confined to the evacuations during the first and second phase in  
3 the immediate aftermath of the evacuation.

4 And counsel is advised not to go deep into other matters. And  
5 please make sure you discuss with Co-Prosecutors concerning the  
6 time allocation.

7 MR. PICH ANG:

8 Thank you, Mr. President, and Your Honours. We have already  
9 discussed with the Prosecution. The prosecutor may need only 10  
10 to 15 minutes for this. Thank you.

11 MR. PRESIDENT:

12 Thank you.

13 Counsel, you may now proceed.

14 [11.36.30]

15 BY MS. CHET VANLY:

16 Q. Madam Civil Party, can you tell the Chamber, please, what you  
17 saw and what you heard when you were living in Pursat?

18 MS. PECH SREY PHAL:

19 A. At Pursat, I was mistreated by the Khmer Rouge militia. I was  
20 tortured by way of carrying dirt -- like 200 times. And that  
21 because I stole some rice -- and then I was later on asked to  
22 shred some rice. I couldn't take it. I went unconscious because  
23 of -- I felt -- because I felt very fatigued, and I woke up by a  
24 splash of some water. Later on they walked me to be executed at  
25 Tuol Thmei, but I met a man who asked the militia where they took

1 me to. The man said that I betrayed Angkar and subject to be  
2 executed.

3 [11.38.01]

4 That old man, who worked for the commerce for the location, asked  
5 that I could be kept there for a while before being executed. And  
6 later on he came back with another militia -- I mean, the old man  
7 - and said that the matter was already resolved and that I should  
8 be left with that old man. So, luckily, I was saved.

9 Secondly, the people from the East -- in particular, those who  
10 were wearing blue-checked scarfs -- were tied and walked in  
11 line to the dam. And the cook told me that these women who were  
12 tied up were the wives of the husbands of the men who were killed  
13 already, so these women were also walked to be executed. And the  
14 cook told me to disassociate myself from this group. Otherwise, I  
15 could be implicated or killed.

16 [11.39.25]

17 On another occasion, there was a woman -- rather, a young person  
18 who was looking for the mother at the kitchen, but finally he was  
19 taken away to be executed.

20 For the person named Sam and Ny, I did not know what they did  
21 wrong, but when I was picking up some leaves I saw a militiaman  
22 slit open the stomach of comrade Sam, and then a woman was raped  
23 and killed. And I -- it was really painful to me.

24 My family member worked at the Special Unit, and the head of the  
25 cooperative put people in one worksite and fired on them. Many



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1 people died. Among the 75 people, many couldn't make it. Many -  
2 some could escape, and many got injured. And I saw another person  
3 who had been working in several places where I went to, so I  
4 could say that that person by the name Phuon was a senior person  
5 in the Khmer Rouge.

6 Q. Apart from the person by the name Phuon who you believe as the  
7 senior leader, do you know any other senior leaders?

8 [11.41.48]

9 A. I heard of Ta Mok, Ieng Sary, Khieu Samphan, and Nuon Chea. I  
10 never met them. I have heard of -- about them. I heard that the  
11 head of the militia or the cooperative talked about where and  
12 when Mok would be going and working.

13 Q. Who was in charge of the worksite at Pursat, for example, the  
14 head of cooperative or secretaries of zone or sector in your  
15 region?

16 A. People who was in charge of Wat Loung worksite were the  
17 persons by the name Ta Sen, Yeay Kob (phonetic), Yeay Yan  
18 (phonetic), Ta Mean, and Ta Phuon. I rarely see Ta Phuon, but the  
19 rest of the people I mentioned were seen very frequently.

20 Q. Could you describe how Ta Phuon treated the people at your  
21 worksite, in particular when it comes to women?

22 [11.43.25]

23 MR. PRESIDENT:

24 Counsel, could you please be more precise as to which period you  
25 were talking about?

1 We tried to remind you of the timeline, in particular the facts  
2 that -- relevant to the issues being debated, examined. We are  
3 now talking about the events during the first and second phase of  
4 evacuation and the immediate aftermath. We do not wish counsel to  
5 dwell the facts that are far -- or further than this immediate  
6 evacuation phase. The questions do not do any good to the Chamber  
7 at the moment, but it will incite -- they will incite some kind  
8 of objection from counsels.

9 MS. CHET VANLY:

10 Thank you, Mr. President, for reminding me.

11 [11.44.30]

12 I have no further questions to put to the civil party now.

13 MR. PRESIDENT:

14 The Co-Prosecutor, you may now proceed.

15 QUESTIONING BY MR. RAYNOR:

16 Ms. Pech Srey Phal, I've only got a few questions.

17 Q. Can I start, please, by picking up on Mr. President's last  
18 observation? And it's to do with timings. And by that I mean;  
19 what happened in what year?

20 Now, in your statement that you've given in this case, you  
21 obviously spoke about the evacuation of Phnom Penh in April 1975.  
22 I'd like to ask you, please, about the time when you were in a  
23 village that you described in your evidence as being Prey Trab.

24 [11.45.25]

25 Can I check first whether the village was called Prey Trab or

1 Pouk Kuk (phonetic) Trab?

2 MS. PECH SREY PHAL:

3 A. When I went to that village, people at the place called it  
4 Prey Trab. I just repeat. I don't know whether it has a new name  
5 or not.

6 Q. Now, do I have this right: that you were in Prey Trab village  
7 later, in 1975 -- in other words, after April 1975?

8 A. Yes, it is correct. I lived at Prey Trab village after the  
9 17th of April 1975.

10 Q. Thank you.

11 Next, in your statement, you said that the period when you were  
12 on Sgnok mountaintop in Kampong Speu province was in around late  
13 1975 or early 1976; is that correct?

14 A. At the Sgnok village - indeed, I was there by late 1975 and  
15 early 1976.

16 Q. If you can't answer this question, don't worry. But your  
17 birthday is in October. Can you remember where you were for your  
18 birthday in October 1975?

19 A. I never celebrated my birthday, but indeed I was born on the  
20 24th of October 1952. And I was born in Svay Pao village, Svay  
21 Pao commune, Sangkae district of Battambang.

22 [11.48.28]

23 Q. I'm going to move on.

24 In your statement, when you were talking about being in Kampong  
25 Chhnang, you said that you went there in around 1976; is that

1 correct?

2 A. Yes, it is.

3 Q. And in connection with the move from Kampong Chhnang to Pursat  
4 province, you said that this was in 1977; is that correct?

5 A. I don't remember the exact year.

6 Q. You said, in connection with your time in Kampong Chhnang,  
7 that you remained there for approximately a year; is that  
8 correct?

9 A. Yes, it is.

10 Q. So, if you were in Kampong Chhnang in 1976 and you stayed  
11 there for one year, when were you going to Pursat if it was one  
12 year after 1976?

13 [11.50.27]

14 A. After Kampong Chhnang, I headed to Pursat, indeed.

15 Q. I want to ask you some questions, please, about your father  
16 and your husband.

17 Now, you've told the Trial Chamber that your husband was a  
18 military medic for Lon Nol and that your father was a spy for Lon  
19 Nol; is that correct?

20 A. Yes, it is.

21 Q. I want to ask you some clarification questions about the time  
22 when you were at a checkpoint three days after the evacuation of  
23 Phnom Penh when people were asked to register with the Khmer  
24 Rouge soldiers if they were Lon Nol soldiers, former officials,  
25 teachers, or doctors.

1 Roughly, how many people told the Khmer Rouge soldiers that they  
2 were in that category?

3 A. I'm afraid I don't know this.

4 Q. At the time that your registration request was being made,  
5 what was your father thinking or saying, given that he was a Lon  
6 Nol spy?

7 [11.52.30]

8 A. At Prey Trab, at the checkpoint when names were registered, my  
9 father did not go there to have his name registered, because he  
10 was sick. And I, myself, did not go there either because I was --  
11 I did not have any official position back then.

12 Q. I want you to help me on this, please. I understood your  
13 evidence to be this; that in the few days after the evacuation of  
14 Phnom Penh, a few kilometres after, you were at Chamkar DOUNG --  
15 that it was at this point that people were asked to register. Is  
16 that right or is that wrong?

17 A. It is wrong. The request was made not at Chamkar DOUNG, but it  
18 was just a kilometre further than Chamkar DOUNG when people were  
19 asked to have their names registered and telling the details  
20 before they could be returned to work in Phnom Penh.

21 Q. Were people asked this on one occasion or on two separate  
22 occasions?

23 A. I don't know whether such request was made on another  
24 occasion, but I happened to hear that there was such a case.

25 [11.54.32]

1 Q. So, concentrating on the time that you remember, you said that  
2 your father did not attend the meeting where the 17 April People  
3 were called. Why did your father not attend the meeting?

4 A. When the 17 April People were convened to a meeting, and that  
5 my father failed to appear -- because he had a radio and he  
6 listened to the radio very often. He knew about the situation of  
7 the country. And at the same time, he was not very well, so he  
8 could not join the meeting.

9 Q. Was your husband with you and your father at the time of this  
10 meeting?

11 A. During the meeting, my husband did not attend. But as a New  
12 person and as a businesswoman, I attended the meeting. None of my  
13 family members was there. I was there alone. And the meeting was  
14 -- and I think we did not need to go to the meeting to listen to  
15 what being said, as the content of the meeting was broadcast on  
16 the loudspeaker.

17 Q. When it was apparent that the Khmer Rouge wanted to transport  
18 people back to Phnom Penh, were your husband and father keen to  
19 tell the Khmer Rouge that one of them was a military medic, and  
20 the other was a Lon Nol spy?

21 [11.57.08]

22 A. After people whose name had been collected and brought back to  
23 Phnom Penh, my father and husband didn't tell these Khmer Rouge  
24 soldiers about their background or previous occupations. They hid  
25 this -- they concealed their identity.

1 Q. Why?

2 A. Because, first, we did not want to live separately. We learned  
3 that only the husbands who have their names registered would be  
4 brought back to Phnom Penh. Their children would not -- and  
5 spouses -- would not be allowed to come along with them. And as I  
6 told you, my father had some information. He was well-informed of  
7 the situation in the country through his radio -- listening to  
8 radio broadcasts. So he was aware of the risk.

9 Q. The risk of what?

10 A. The risk of what we saw when we left Phnom Penh. We saw the  
11 Khmer Rouge soldiers in black clothes who mistreated the people  
12 all along already.

13 [11.58.54]

14 People were beaten, shot at, and there was no tolerance or  
15 patience to the evacuees. People who fell ill had to be left  
16 unattended, and those who died had to be also left behind. And  
17 when walking, we knew that we would never be returned to Phnom  
18 Penh after three days. We knew that people were telling us a lie.  
19 So we were walking aimlessly to the direction we knew was  
20 nowhere. So we knew from the very beginning that Khmer Rouge  
21 soldiers did not honour their promise.

22 Q. So what were your husband and your father frightened of?

23 A. To put it simply, they were politicians or people who --  
24 interested in politics. They learned that Lon Nol was on the run  
25 and that simple people like them would never be at peace,

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1 although they were willing to return to Phnom Penh. And my  
2 husband was the military medic. He was not in holding a senior  
3 position. He was looking after the drug stores or stocks. But  
4 most importantly, at that time we were trying to reach my  
5 father-in-law hometown because we were convinced at that time  
6 that situation would be better at that place, and we were  
7 determined not to live separately.

8 [12.00.59]

9 Q. Your uncle and cousin who told the Khmer Rouge soldiers that  
10 they themselves were soldiers, and they were taken away -- did  
11 you see them again?

12 A. I saw them on the way when they were on the trucks. Yes, when  
13 my Lambretta car ran out of gasoline, we saw them on the trucks,  
14 and they even talked to us that they would now be going first to  
15 Phnom Penh and they hoped that we would join them later. That's  
16 what we heard from them.

17 Q. Are the uncle and cousins still alive -- well, were they still  
18 alive in 1979?

19 [12.02.22]

20 A. After 1979, my uncle, cousin and other members were nowhere to  
21 be found. They were all killed and -- except some of my relatives  
22 who reunited in Phnom Penh. They told me that all these members  
23 of the family died.

24 Q. The man on the oxcart who told you that people had not been  
25 sent to Phnom Penh who had registered and who told you that those



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1 people had been killed, did he say where they had been killed or  
2 how they had been killed?

3 A. The man in the oxcart didn't tell us how and where the people  
4 had been killed, he only told us not to follow these people  
5 because the people who were sent first had already been all  
6 executed.

7 This gentleman was very kind and generous to us and he believed  
8 in karma and he would ask us not to go to that direction but  
9 escape.

10 [12.04.12]

11 Q. At the time of you going to Pursat, you said that your parents  
12 had to be transferred to another location. Were they still both  
13 alive in 1979?

14 A. Only my mother survived after 1979. My father died during the  
15 period.

16 MR. RAYNOR:

17 Mr. President, I note the time; it's five past 12.00. I only  
18 have, I anticipate, between three to five minutes of further  
19 questioning.

20 Can I ask, Mr. President, if the Chamber wish me to proceed now  
21 or to take a luncheon adjournment and then for a little time to  
22 be allowed?

23 I make that request bearing in mind -- I think we lost 40 minutes  
24 this morning discussing legal issues.

25 MR. PRESIDENT:

1 So, to be clear, how much time would you need, please?

2 MR. RAYNOR:

3 No more than five minutes.

4 MR. PRESIDENT:

5 You may proceed before the lunch adjournment.

6 [12.05.47]

7 BY MR. RAYNOR:

8 Q. Ms. Pech Srey Phal, you spoke about a time when you were on  
9 Sgnok Mountain. Now, you said in your statement when you were  
10 dealing with this period -- and I quote: "When the people came  
11 down to search for food, the Khmer Rouge at the foot of the  
12 mountain shot them dead."

13 Is that correct?

14 MS. PECH SREY PHAL:

15 A. Yes, it is. The Khmer Rouge shot at those people who were  
16 searching food at the foot of the -- searching food in the  
17 village.

18 [12.06.40]

19 This does not mean that all people at the foot of the mountain  
20 were shot, but they shot at those who came down from the mountain  
21 to search for food.

22 Q. And how often would people go down the mountain to search for  
23 food?

24 A. After a few days living there and when the food had run out,  
25 we had to go down to find -- or search for food. We did not know

1 that we would be shot at, but having noted that a few people were  
2 killed, then we were afraid to go down again. However, because of  
3 starvation or because of lack of food, some people had to risk  
4 their lives coming down, and luckily when the militia men did not  
5 see them they survived, but then those who had bad luck would  
6 then end up being executed.

7 Q. I'd like you, please, to concentrate for the next question on  
8 the time when you arrived in Pursat province, from Kampong  
9 Chhnang to Pursat.

10 [12.08.44]

11 You had mentioned the time when you were being taken to be  
12 executed. How long after you arrived in Pursat was that taking  
13 place?

14 A. The Khmer Rouge wanted to take me to be killed during the  
15 harvest season. It was in late 1977.

16 Q. It may be a difficult question. Can you help us on how many  
17 months after you arrived in Pursat that this execution evidence  
18 takes place?

19 A. It was not after some months. We were made to transplant rice  
20 and build the dykes. It was in late 1977 or early 1978 that the  
21 incidents happened because I was accused of running--

22 Q. Please forgive me; I don't mean to be disrespectful, but I  
23 have to intervene at this stage. Ms. Pech Srey Phal, I can only  
24 ask you questions about the things that happened soon after you  
25 arrived in Pursat.

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1 Did this incident, where you thought you were being taken for  
2 execution, happen soon after you arrived at Pursat?

3 [12.11.32]

4 A. No, this did not happen immediately after my arrival at  
5 Pursat. I had been working at Pursat for a year-and-a-half  
6 already because immediately upon arriving at Pursat I was made to  
7 dig canals in Wat Loung. We were not -- people were not executed  
8 but we were not given enough food and we were asked to do hard  
9 work.

10 Q. Because of your answer, I'm not going to ask you any more  
11 questions about that.

12 You've told the Trial Chamber in your evidence that on the  
13 question of tempering or refashioning, some people ended up  
14 getting killed as they were sent to offices where they were  
15 tempered and tortured. Did that happen soon after you arrived in  
16 Pursat?

17 A. No, it didn't, it happened at a later date.

18 MR. RAYNOR:

19 Thank you, Ms. Pech Srey Phal. Can you just bear with me one  
20 moment? Because I'm going to try and save a little time--

21 No, thank you for your time, I have no further questions.

22 [12.13.23]

23 MR. PRESIDENT:

24 Thank you.

25 It is now appropriate time for the lunch adjournment. The Chamber

1 will adjourn until 1.30 p.m.

2 Court officer is now instructed to assist Madam Civil Party  
3 during the adjournment and have her returned into the courtroom  
4 when the next session resumes.

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

6 MR. IANUZZI:

7 Thank you, Mr. President.

8 I've been informed that our client is not feeling well. He's  
9 suffering from a headache, a lack of concentration and a  
10 backache, and for those reasons would request to retire to the  
11 holding cell for the afternoon.

12 And that's our application for this morning. Thank you.

13 [12.14.36]

14 MR. PRESIDENT:

15 The Chamber notes the request made by Mr. Nuon Chea through his  
16 counsel asking that he be allowed to retire to his holding cell  
17 where he can observe the proceedings from there for the remainder  
18 of the day due to his health concerns.

19 The request is substantiated and the Chamber therefore grants  
20 such a request and that Mr. Nuon Chea is now allowed to observe  
21 the proceedings from his holding cell through audio-visual means  
22 for the remainder of the day.

23 Mr. Nuon Chea has expressly waived his right to be present in the  
24 courtroom and the Chamber would like counsel for Mr. Nuon Chea to  
25 produce the waiver, signed or given thumbprint by Mr. Nuon Chea,

1 in due course.

2 AV booth officers are now instructed to ensure that the  
3 audio-visual link is well connected to the holding cell so that  
4 Mr. Nuon Chea can observe the proceedings from there.

5 [12.15.49]

6 Security personnel are now instructed to bring Mr. Nuon Chea and  
7 Khieu Samphan to their respective holding cells and have Mr.  
8 Khieu Samphan returned only to the courtroom when the next  
9 session resumes.

10 The Court is adjourned.

11 (Court recesses from 1216H to 1334H)

12 MR. PRESIDENT:

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

14 The floor is now given to Nuon Chea's defence to put questions to  
15 this civil party. You may proceed.

16 QUESTIONING BY MR. SON ARUN:

17 Good afternoon, Mr. President, Your Honours. Good afternoon,  
18 Madam Pech Srey Phal. I am a lawyer for Mr. Nuon Chea. I have  
19 some questions for you -- only a few.

20 Q. In your interview with the Co Investigating Judges, you stated  
21 that you know how to read and to write. What is your level of  
22 education?

23 MS. PECH SREY PHAL:

24 A. Thank you, Counsel. I completed my Grade 1 -- that is, I  
25 finished my baccalaureate in 1974.

1 Q. Thank you.

2 In your response to the Lead Co-Lawyers, you said that your  
3 father was a spy for Lon Nol regime or a CIA agent. Can you  
4 clarify it a little bit more? Was he a spy or a CIA agent?

5 [13.37.30]

6 A. My father was a spy in the Lon Nol regime. He was not a CIA  
7 agent. He had a minor role in the spy department.

8 Q. In early 1975, did you know back then that the people who fled  
9 into the city -- do you know the number of those people?

10 A. In 1975, before the liberation of the city by the Khmer Rouge  
11 soldiers, I noticed the increase of the city dwellers but I  
12 cannot tell you the exact figures of the number of people living  
13 in Phnom Penh at the time.

14 [13.39.09]

15 Q. Can you say whether the number doubled before that year or  
16 whether it's 1.5?

17 A. Since I am not sure, I decline to respond to this question.

18 Q. Your father was a Lon Nol spy, and this morning you stated  
19 before this Chamber that you received a lot of information from  
20 your father. Did you ever hear your father talking about the  
21 civilians and the soldiers -- that is, the Lon Nol soldiers and  
22 the Khmer Rouge soldiers? Did he tell you the number of  
23 casualties, both civilians and soldiers on both sides?

24 A. I could not grasp the number of the casualties and my father  
25 did not tell me that information.

1 [13.40.57]

2 Q. Did you read the newspapers or magazines where the number of  
3 casualties were printed?

4 A. The living condition in my family was rather low at the time.  
5 We could not afford buying a newspaper, and usually if I could  
6 lay my hand on a newspaper I would usually read a novel, not  
7 anything related to the situation in the country.

8 Q. In your document, D296/10, in your question-answer number 4,  
9 you stated that on the day that the Khmer Rouge soldiers  
10 evacuated people from the city in 1975, and after they shot into  
11 the air, and if the people refused to leave Phnom Penh then the  
12 Khmer Rouge would beat them with a gun butt. You also state that  
13 you witnessed this event personally near Khleang Rumsev Market.  
14 Did you witness that particular event at that location only or  
15 you also witnessed it elsewhere?

16 A. The Khmer Rouge soldiers beat the people who refused to leave  
17 Phnom Penh. I witnessed only one family who was my neighbour, and  
18 while en route, when those people who were trying to return to  
19 Phnom Penh to collect their belongings or other things, they were  
20 stopped by the Khmer Rouge. And also, en route, when a family  
21 member was sick and they wanted to accompany them they were  
22 forced, threatened by the Khmer Rouge soldiers and they also  
23 fired into the air to threaten them to leave. And the scene of  
24 beating the people with a gun butt, I witnessed that near Khleang  
25 Rumsev Market.



1 [13.44.18]

2 Q. My question to you is that whether you only witnessed this  
3 kind of event once or did you see it repeat elsewhere.

4 A. I witnessed it myself only at that one location, and while en  
5 route, as I stated, the scene was different, but there were  
6 beating and threatening because, while en route, I saw guns being  
7 fired into the air and people were whipped. But an exact scene of  
8 beating with a gun butt, I only saw once.

9 Q. In the same document in question-answer 22, you responded in  
10 the last sentence that:

11 "There was another story that I heard from my elder sister named  
12 Pech Phan who lived there that every night they transported  
13 people in oxcarts from the village to be executed. And she also  
14 saw the execution site." That is your statement before the  
15 Co-Investigating Judges.

16 Did your elder sister witness it or did you personally witness  
17 it?

18 [13.46.32]

19 A. It was my elder sister who witnessed it, and she told me.

20 Q. Thank you.

21 In the same document, and in question-answer 23, you stated that:

22 "In 1978 there was a woman by the name of Ny, she was a 17 April  
23 person, and Som committed a moral offence. I did not know how  
24 they committed the moral offence, but one day Bong Chhin had me  
25 pick thnoeng leaves behind Tuol Thmei Hospital and I saw Som was

1 tied at the back and they said that you committed a moral  
2 offence. Then they cut his stomach opened to remove his gall  
3 bladder when he was still alive. They tied his arms at his back  
4 with a -- to a pole.

5 "As for female comrade Ny, they had her take off her clothes and  
6 tied her up. Then a militiaman lightly pressed a tobacco cutting  
7 knife on her neck and the female shouted 'ouch' in pain and the  
8 militiaman asked her that do you feel good. The militiaman kept  
9 doing so until she died. I did not know if the militiamen raped  
10 her or not."

11 [13.49.02]

12 My question is the following: Did you witness that event  
13 personally or were you told of what happened?

14 A. I personally witnessed the event. However, as I stated in that  
15 document, I did not know whether the woman had been raped before  
16 she was tied to the pole by the militiaman. What I witnessed was  
17 when Comrade Som's stomach was cut open and the tobacco cutting  
18 knife was pressed against comrade Ny's neck. I witnessed this by  
19 myself. Nobody told me of what happened.

20 Q. Did you witness it during the day or night time?

21 [13.50.08]

22 A. It happened in the afternoon, not during the day or at night.  
23 It was after our lunch break and actually I was asked to go and  
24 pick the thnoeng leaves behind the Tuol Thmei. So, while I was  
25 walking to pick that thnoeng leaves I did not notice anything. At

1 that time, I heard the shouting so I quietly tried to peek at the  
2 source of the scream. I actually was scared and I tried -- I  
3 wanted to go back but I couldn't move my feet. I was kind of  
4 stuck in that situation.

5 And after that woman died and after I heard the laughing I kind  
6 of gained consciousness and I remained in that position until all  
7 the militiamen had left. Then I could move myself back to the  
8 kitchen without having any leaves.

9 Q. When you witnessed the rape or the killing personally, were  
10 you scared?

11 A. I was terrified.

12 MR. SON ARUN:

13 I have all the questions for you. Thank you, Madam Civil Party.

14 Thank you, Mr. President.

15 MR. PRESIDENT:

16 The floor is now given to Ieng Sary's defence to put questions to  
17 this civil party. You may proceed.

18 [13.52.24]

19 QUESTIONING BY MR. ANG UDOM:

20 Thank you, Mr. President. Once again, good afternoon, Mr.

21 President, Your Honours, and everyone. Good afternoon, Madam Pech

22 Srey Phal. My name is Ang Udom, and to my right is Mr. Michael

23 Karnavas. We are co defence counsel for Mr. Ieng Sary. I only

24 have one question for you.

25 Q. In your response to the questions put to you by the Lead

1 Co-Lawyers that the evacuees on the train -- and that if a person  
2 in any of the wagon relieved himself or herself without informing  
3 the militiamen first, that person would be shot dead or killed --  
4 that is, those militiamen or Khmer Rouge soldiers in the wagon.  
5 You stated that "if"; is it your personal assumption?

6 [13.54.15]

7 MS. PECH SREY PHAL:

8 A. What I stated in my response to the Lead Co-Lawyers I stated  
9 that if anyone relieved himself or herself in the wagon that  
10 person would be shot dead by the militiamen. In fact, it happened  
11 because in some cases it happened and or not happened, but  
12 indeed, it happened in a wagon and a soldier shot that person  
13 dead. And if later on someone wanted to relieve himself, that  
14 person needed to seek permission from the Khmer Rouge soldiers  
15 first.

16 Q. Thank you. My next question is the following: Did you witness  
17 that event by yourself?

18 A. That crime took place in the wagon where I was in. I could not  
19 tell you what happened in other wagons.

20 [13.55.38]

21 Q. How many people were shot dead in that wagon?

22 A. There was only one person, because after that nobody dared to  
23 relieve himself or herself.

24 MR. ANG UDOM:

25 Thank you, Madam Pech Srey Phal. I have no further questions for

1 you. And on behalf of Mr. Ieng Sary, we thank you very much for  
2 your testimony before this Chamber to ascertain the truth and we  
3 wish you all the best and have a safe trip back home.

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you.

7 The floor is now given to Khieu Samphan's defence to put  
8 questions to this civil party.

9 [13.56.31]

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. Good afternoon, everyone, and good  
12 afternoon, Madam Pech Srey Phal. On behalf of my client, Khieu  
13 Samphan, we do not have any questions for you.

14 Thank you, Mr. President.

15 MR. PRESIDENT:

16 Thank you. Thank you, Madam Pech Srey Phal.

17 As indicated at the commencement of your testimony, the Chamber  
18 will give you an opportunity at the conclusion to make a  
19 statement of suffering and harms you suffered during the  
20 Democratic Kampuchea regime if you wish to do so.

21 [13.57.27]

22 MS. PECH SREY PHAL:

23 Mr. President, Your Honours, good afternoon, everyone in and  
24 around the courtroom.

25 I would like to take this opportunity to express my suffering

1 that I suffered during the three years, eight months, 20-day  
2 period. I am privileged to make such a suffering before this  
3 Chamber today.

4 During the regime, the three years, eight months regime, I lost  
5 everything and, instead, I was terrified, emotionally and  
6 physically and it still remains with me today, the crimes that  
7 devastated myself and my family and my entire nation and people.  
8 During the regime, my younger brother who was 14 years old and  
9 out of hunger he stole a pumpkin and he was smashed. That was an  
10 agony that I had to live with. My father, my younger siblings,  
11 although they were not killed -- not executed, they died as a  
12 result of hard work and lack of medicine.

13 And what I cannot forget is that the female youths who live at  
14 Prohoas Kbal Cooperative, the 19 of them, they were raped each  
15 night. Those women were in a special unit. Nineteen of them were  
16 raped each night and on the twentieth night, which was the turn  
17 of my best friend, she told me of what happened, and as a woman  
18 who was raped by the chief of the cooperative or chief of the  
19 sector, that was a real agony. And in this regime that person  
20 would be prosecuted and convicted.

21 [14.00.09]

22 Your Honours, the suffering, the agony could not go away; it  
23 remained with me. However, I urge the ECCC to give the collective  
24 reparation. Of course, we want collective reparation as we are  
25 the civil parties. However, we want it to be realized. There

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1 could be a stupa or there could be a medical centre to support  
2 the victims, to support the civil parties, and the stupa where we  
3 could celebrate the religious ceremony during the water festival  
4 or during the New Year so that we could find peace within  
5 ourselves.

6 Another important point is that who commit a crime shall be  
7 punished. For that reason, I urge Mr. President to find justice,  
8 and not just for myself but for all the victims because I am also  
9 one of the victims.

10 [14.01.26]

11 And please, try to find and to force those senior leaders and  
12 those most responsible to acknowledge the crimes that they  
13 committed during the period of three years and eight months, and  
14 that they acknowledge their plans to devastate the country, to  
15 engage in the mass killing of the people. And I urge Your Honour  
16 to punish them severely, so that it can be used as an example for  
17 the younger generation -- that no one will be spared when they  
18 commit a crime.

19 MR. PRESIDENT:

20 Thank you, Madam Pech Srey Phal.

21 The hearing of your testimony has now come to a conclusion, and  
22 you're excused. Your testimony can contribute to ascertaining the  
23 truth. You may now return to your residence or wherever you wish,  
24 and we wish you all the best, and have a safe trip.

25 [14.02.50]

1 Court Officer, in coordination with WESU, please try to make the  
2 necessary arrangements for the civil party to return to her  
3 residence.

4 Madam Pech Srey Phal, you may now leave the courtroom.

5 (Ms. Pech Srey Phal exits courtroom)

6 MR. PRESIDENT:

7 Next we would like to hand over to counsels and parties to the  
8 proceeding to make some observation with regard to the statement  
9 of suffering made by Madam Civil Party a moment ago, if you would  
10 wish to do so.

11 It appears to the Chamber that there is no such observation, and  
12 the Chamber wishes to also inform the parties that we have  
13 received a response by the Lead Co-Lawyers for the Civil Parties  
14 concerning the civil party TCCPW-213 (sic) that civil parties  
15 would not wish the party to be heard -- rather, the civil party  
16 to be heard.

17 [14.04.36]

18 And counsels for the civil party responded to the question made  
19 by Judge Lavergne yesterday. And that, in the statement,  
20 TCCP-213's testimony is not relevant. And for that reason the  
21 Chamber is not going to hear this civil party's testimony.

22 Next, the Chamber would like to hear the testimony of TCCP-59.

23 Court officer is now instructed to call in the civil party to the  
24 courtroom, please.

25 (Mr. Kim Vanndy enters courtroom)



1 QUESTIONING BY THE PRESIDENT:

2 Good afternoon, Mr. Civil Party.

3 Q. What is your name, please?

4 MR. KIM VANNDY:

5 A. I am Kim Vanndy.

6 Q. Mr. Kim Vanndy, when were you born?

7 A. I was born on the 6th of June 1962.

8 Q. Where were you born?

9 [14.07.15]

10 A. I was born in Angkor Chey village, Angkor Chey commune, Angkor  
11 Chey district of Kampot province.

12 Q. Where do you live?

13 A. I live in village 4, Traeng Trayueng commune, Phnum Sruoch  
14 district, Kampong Speu province.

15 Q. What do you do for a living?

16 A. I am a labourer.

17 Q. What is your father's name?

18 A. He is Kim El.

19 Q. What is your mother's name?

20 A. She is Um Yoeun -- rather -- yes, she is Um Yoeun.

21 [14.08.34]

22 Q. How many brothers and sisters do you have?

23 A. I have five brothers and sisters.

24 Q. Are you married? If so, what is your wife's name?

25 A. Yes, I am. She is Chrouy Srey Mom (phonetic).

1 Q. How many children do you have?

2 A. I have six children.

3 MR. PRESIDENT:

4 Mr. Kim Vandy, as a civil party during these proceedings, you  
5 have the right to express your statement of suffering and the  
6 injuries or the harms that you have suffered -- resulted from the  
7 crimes. You will be given this opportunity to make such statement  
8 at the end of your testimony session. Indeed, the injuries that  
9 you have suffered during the time of the Democratic Kampuchea.  
10 Before concluding your testimony, you will indeed be offered such  
11 opportunity to express your statement of suffering.

12 [14.10.39]

13 The Chamber also wishes to inform the Lead Co-Lawyers for the  
14 civil parties, according to Internal Rules 91bis, Lead Co-Lawyers  
15 will be offered the opportunity to put questions to the civil  
16 party before the other parties to the proceeding. You may now  
17 proceed.

18 MR. PICH ANG:

19 Good afternoon, Mr. President and Your Honours. Counsel Ty Srinna  
20 will be the one who is putting questions to the civil party.

21 Thank you very much, Mr. President and Your Honours.

22 MR. PRESIDENT:

23 Counsel Ty Srinna, you may now proceed.

24 QUESTIONING BY MS. TY SRINNA:

25 Good afternoon, Mr. President and Your Honours. Good morning to

1 you, Mr. Kim Vanndy.

2 [14.11.52]

3 Q. First, I have a few questions concerning your residence during  
4 the Lon Nol regime.

5 Where did your family and you live during the Lon Nol Regime?

6 MR. KIM VANNDY:

7 A. During that regime, I lived in Chrouy Changva. I don't  
8 remember the name of the commune, but it was there at Chrouy  
9 Changva. Perhaps it was in Mukh Kampul district, Kandal province.

10 Q. How many people were there in your family, altogether at that  
11 time?

12 A. I don't remember how many people were there in the entire  
13 family, because two of my brothers disappeared and I lived with  
14 my parents and a cousin and sisters: Srey Dan and Srey Sokunthea.  
15 Both of them are my sisters.

16 Q. What did your parents do for a living during that period?

17 A. During Lon Nol time, my mother was a housewife when my father  
18 was in the navy.

19 Q. What did you do then?

20 A. I was still at school, as a student.

21 Q. Do you still recollect what happened prior to the time when  
22 the Khmer Rouge captured Phnom Penh?

23 [14.14.27]

24 What happened in your neighbourhood?

25 A. I don't remember this exactly, but I saw Lon Nol's soldiers

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1 were engaged in the fighting with the Khmer Rouge soldiers. There  
2 were some helicopters and automatic guns were also seen firing  
3 some rounds from the helicopters. And the fighting was both  
4 during the day and night, and the Khmer Rouge soldiers were based  
5 at Vihear Suork. And near my home, Lon Nol soldiers would be  
6 there. That's what I can recollect.

7 Q. During the fighting between both soldiers -- the Khmer Rouge  
8 and the Lon Nol soldiers -- did you see whether any of your  
9 family members or villagers in your area -- get injured or  
10 wounded?

11 A. None of my family members was injured, but members of the  
12 families who lived next door got injured, although I did not  
13 really go out to see what happened for sure because we had to  
14 take refuge in the bunker or trenches to be safe.

15 [14.16.28]

16 Q. Was your area controlled by the Khmer liberated group or by  
17 the Lon Nol?

18 A. At that time, the Khmer Rouge did not take control of the  
19 area. The vicinity was under the occupation of the Lon Nol  
20 soldiers.

21 Q. You said that you lived in the Chrouy Changva region. When  
22 this happened, did you change your location?

23 A. Yes, we did. We had to relocate. We had to move to my uncle.  
24 Indeed, my uncle told my mother that we would not be safe to stay  
25 at the current location. We had to find a better place -- in

1 particular, moving to his house, because he said that at his  
2 house bombs would not be dropped there. So, after some  
3 consultation with the family members, we finally decided to  
4 relocate to my uncle's house.

5 [14.17.58]

6 Q. Where is his house?

7 A. It was at Santhor Mok location.

8 Q. During the time when you stayed at your uncle's house, and --  
9 do you remember how long had you been there before Phnom Penh was  
10 captured by the Khmer Rouge?

11 A. So far as I remember, I had been living at my uncle's house on  
12 several occasions before Phnom Penh was captured.

13 Q. Could you please state that again for clarity? You said you  
14 had stayed at your uncle's house on two or three -- or, several  
15 occasions. What does that mean?

16 A. First, because of the fighting, we were terrified, so we moved  
17 from our home to my uncle's house. After the fighting was quiet  
18 or there was no longer any fighting, then we would return to our  
19 home. Then there was another fighting. Then we would move there  
20 again, back and forth.

21 [14.19.55]

22 Q. Do you remember when exactly -- the final time you stayed at  
23 your uncle's house, and how soon was that before Phnom Penh was  
24 captured?

25 A. I don't remember how long I stayed at the house before the --

1 before Phnom Penh was captured.

2 But I remembered that, during the last day of the fighting, after  
3 there was no more bombs, at midnight, we travelled to our uncle's  
4 house.

5 Q. I'm afraid I have to repeat this question. You said that you  
6 had to move to your uncle's house when there was no more bombs or  
7 fire, and at night.

8 How long had you stayed at your uncle's house before Phnom Penh  
9 was captured by the Khmer Rouge? Do you understand my question?  
10 If not, please let me know.

11 A. I only spent overnight at my uncle's house. Early in the  
12 morning of the same -- of the next day, at about 6 a.m., I woke  
13 up to see a lot of Khmer Rouge soldiers already entering Phnom  
14 Penh. And I saw my uncle driving a jeep by the American soldiers,  
15 and he parked in front of our house when the Khmer Rouge soldiers  
16 were still marching on the road. And he was shot by one of the  
17 Khmer Rouge soldiers and he collapsed. And the soldier went back  
18 into the group of other soldiers and continued their journey.

19 [14.22.36]

20 Q. Can you describe to the Chamber why your uncle was shot? Did  
21 he engage in any verbal arguments or conversation with the  
22 soldier who shot him before he died?

23 A. I remember briefly because I was in the house when the door  
24 was closed. I heard that the jeep was coming and stopped, and  
25 indeed my uncle, who was driving it -- I didn't pay attention to

1 the conversation between him and the soldier, but I heard the  
2 gunshot, and I opened the door slightly to see that my uncle  
3 already fell down on the ground in blood. But he was wearing  
4 military uniform with some of his ranks still hanging on his  
5 shoulder.

6 Q. What was your uncle doing at that time, or what was his rank?

7 A. I don't remember what rank he was in at that time, but I  
8 remember that my father said that my uncle was a colonel.

9 [14.24.35]

10 Q. Did you witness the moment when your uncle was shot to death?

11 A. I did not see when he was shot, but I heard the gunshot. And  
12 upon hearing this gunshot, I opened the door to see that he was  
13 already falling onto the ground in blood.

14 Q. Do you remember who actually shot him?

15 A. I knew that the guy was a Khmer Rouge soldier, although I  
16 don't know his name.

17 Q. How can you presume that it was the Khmer Rouge soldier who  
18 shot your uncle to death?

19 A. At that time, I saw a Khmer Rouge -- that Khmer Rouge who left  
20 the group, and they were -- he was there saying that that's what  
21 happened to a traitor, so all traitors had to be smashed. That's  
22 what I heard from him. And then I left to the side -- to the  
23 backyard of my house, escaping.

24 Q. Did his wife -- did your uncle's wife come out to see what  
25 happened to her husband?

1 [14.26.29]

2 Do you still remember this?

3 A. I do remember the event, although not in detail. I still  
4 recollect that, at that moment, first, we heard the cries of  
5 people, and everyone had to get out of their home and my uncle's  
6 wife cried sadly because she had to cry on the dead body of her  
7 husband. Because she missed her husband -- she felt very bad that  
8 her husband died. He was a very gentle person.

9 Q. After your uncle was killed, did you know that, at that  
10 moment, people had to be evacuated? Or, in other words, how soon  
11 after the death of your uncle that the population of Phnom Penh  
12 was announced to be evacuated and to leave the city?

13 A. At that time, I did not hear anything. We believed that our  
14 family had to invite some Buddhist monks to chant some dharma or  
15 celebrate -- to, you know, conduct some kind of traditional  
16 ritual ceremony.

17 [14.28.41]

18 But we couldn't find any Buddhist monks, so we decided to go  
19 without such ceremony. And at about 9 a.m. of the same day, we  
20 heard people were shouting on motorbikes on national road -- on  
21 Kampuchea Krom Boulevard. Indeed, we heard that people in the  
22 city had to leave the capital city because the Americans would  
23 drop bombs on us very soon. That's what we heard.

24 Q. Can you recall, back then, when the announcement was made;  
25 what was the particular of the person who made the announcement?



1 What kind of uniform he was wearing, for example? Was he a  
2 soldier -- a Lon Nol soldier, or a soldier from another group?

3 A. The soldier was dressed in a black uniform, having a scarf  
4 around the neck with a beret on the cap. And he was actually  
5 accompanied by another person riding an SL motorbike. And another  
6 person who made an announcement -- he was holding a mobile  
7 loudspeaker. The announcement was for the city-dwellers to leave  
8 the city immediately for three days only. And that was to avoid  
9 the aerial bombardment by the Americans.

10 [14.30.52]

11 And the situation back then was rather confusing. There were  
12 shootings and people died, so we rushed to pack our little  
13 belonging to -- left our house in the hope that we would return  
14 in three days.

15 Q. Did your family leave as announced, or were you all forced to  
16 leave?

17 A. At that time, we hesitated to leave, we were waiting for other  
18 people, whether they would leave or not.

19 Then there was another group of soldiers. They also shouted that  
20 why we were still waiting, why we did not go. They asked us to go  
21 in order to avoid the aerial bombardment. So, upon hearing such  
22 an appeal, we rushed ourself to leave with our little belonging.  
23 That's how I can recall.

24 Q. After being threatened, was any arms used to force people to  
25 leave their homes?

1 A. At the location where I lived, I did not see any threatening  
2 with arms, but a bit further, about 10 to 20 metres away from  
3 where I was, there were a group of people who was gathering and  
4 then there were shots fired into the air to disperse them and  
5 they were urged to move. I heard that faint shouting from a  
6 distance. It could be about 10 metres from where I was. That's  
7 what I can recall.

8 [14.33.25]

9 Q. Did you and your family leave Phnom Penh City immediately and  
10 which direction did you head to?

11 A. My family and my uncle's family -- that is, the wife of my  
12 uncle, we left separately. I was heading toward Chrouy Changva  
13 Bridge toward National Road Number 6, but I cannot recall the  
14 details as which road we took because I was not familiar with all  
15 the roads in Phnom Penh back then.

16 Q. You said you took National Road Number 6 and when you left  
17 your uncle's house in Santhor Mok and while you were in the  
18 vicinity of Chrouy Changva Bridge, did you experience any  
19 particular events during this period of time?

20 [14.35.05]

21 A. While I was travelling on National Road Number 6, the road was  
22 congested with people. It was difficult to move and I saw wounded  
23 people and I could not say for sure whether they were civilians  
24 or they were soldiers. I saw people with bandage. I saw people  
25 with IV injection, but I did not pay much attention to them as I

1 was worried that I would be separated from my family, and we  
2 tried to rush along with other people.

3 Q. Between your uncle's house in Santhor Mok and Chrouy Changva  
4 Bridge, during this stretch of road, did you observe any soldiers  
5 patrolling the road? And what was the general situation back  
6 then, if you can recall?

7 A. While we left our uncle's house, I noticed signs being  
8 displayed. I saw the Khmer Rouge soldiers in black uniform and a  
9 scarf around the neck and a beret. They carried AK-47 rifles or  
10 M-16. They were along the road. They were about 10 metres -- the  
11 distance between each soldier was about 10 metres. However, they  
12 carried their gun pointing to the ground. That's how I observed.  
13 [14.37.35]

14 Q. You stated that some people you saw had a bandage on their  
15 arm. Did you see those people who were patrolling the road;  
16 that's when you said they were standing on the road about 10  
17 metres each, did they pay attention to those wounded people?

18 A. I did not see that those soldiers took care of the wounded.  
19 They were standing still on the road and where it was congested,  
20 they would shout to the people to move quicker so that the one  
21 from behind could follow. But as I observed, they did not pay  
22 attention to the sick.

23 Q. Did you observe that amongst the crowd of people, was the  
24 crowd heading in one direction out of the city or there was  
25 another group heading back in?

1 [14.39.07]

2 A. The majority of the people were heading outside of the city  
3 and only a small number was heading back in; maybe they were lost  
4 or maybe they were trying to find their relatives or try to find  
5 their properties or try to return to their homes to get money. Of  
6 course, that's how I observed, but I did not ask them, so I did  
7 not know the actual reason for them returning back into the city.

8 Q. When you were travelling out of the city toward Chrouy Changva  
9 Bridge, did you see that people refused to leave because they did  
10 not want to abandon their house or their property and if so, what  
11 happened to them?

12 A. I did not seem to see people refuse to leave because they were  
13 afraid of losing their property, but I heard people talking while  
14 we were en route that they did not bring much of the property as  
15 they were rushed to go out for a short period of time. That's how  
16 I can recall.

17 Q. At that point in time, were there any shootings where people  
18 were shot dead or were there any beatings?

19 A. I saw one man, but I did not know him or his name. He was  
20 walking in an opposite direction and he was shouting that he lost  
21 his children and when he approached the Khmer Rouge soldier who  
22 was standing, he asked for the permission to return to find his  
23 children, but the Khmer Rouge soldier shouted back at him to move  
24 ahead. Otherwise, he would be dead, and he used that word "dead"  
25 and by that time, I was not sure what he meant.

1 [14.42.08]

2 And then that man was on his knees begging the Khmer Rouge  
3 soldier, and the Khmer Rouge soldier hit his back with his rifle,  
4 then the man fell on his face on the ground. And later on, that  
5 man walked away in a state of disappointment.

6 And at that time I -- my hand was held by my other family members  
7 and we walked past and I turned back to see what happened.

8 Actually, we were walking quite slowly, and my father urged me  
9 not to look back and just to rush to go along. So then I turned  
10 back and I just rushed along with my family.

11 [14.43.17]

12 MR. PRESIDENT:

13 Thank you.

14 The time is appropriate for a short break. We will take a  
15 20-minute break and return at 3 p.m.

16 Court Officer, could you assist the civil party during the break  
17 and have him returned at 3 p.m.?

18 (Court recesses from 1443H to 1511H)

19 MR. PRESIDENT:

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

21 Counsel for the civil parties, you may now continue.

22 BY MS. TY SRINNA:

23 Thank you very much, Mr. President.

24 Q. I would like to now continue putting a few more questions to  
25 you, Mr. Civil Party. Before we broke, we talked about the

1 situation when you had to relocate from your home to your uncle's  
2 house -- rather to the Chrouy Changva location. I read your  
3 document concerning your civil party application and I wish to  
4 seek some clarification.

5 With Mr. President's leave, I would like document as the civil  
6 party application form, document D22/1352 to be allowed to be  
7 used here.

8 MR. PRESIDENT:

9 You may proceed.

10 [15.13.48]

11 BY MS. TY SRINNA:

12 Thank you, Mr. President. I will refer to document ERN in Khmer,  
13 00526165; English ERN is 00866007. This document is available in  
14 Khmer and English only, unfortunately.

15 [15.14.26]

16 Q. I would read part of the document, the final paragraph, and I  
17 would like Mr. Kim Vanndy to read this carefully and I also seek  
18 your clarification as well.

19 "On the 17 of April 1975 when the Khmer Rouge soldiers who were  
20 dressing in black clothes coming to my village in Phnom Penh,  
21 they shot into the air to scare my family and other people to  
22 leave our home. Indeed, we were asked to move from our home to a  
23 rural area. At that time, my father received some information  
24 that my uncle, Um Yorn, who was my mother's brother, who was a  
25 colonel at that time, was shot at his home, inside his home."

1 I wish to seek some clarification on this particular paragraph.  
2 You said you saw your uncle being shot by the Khmer Rouge. Did  
3 you see your uncle being shot or you heard about this from your  
4 father?

5 MR. KIM VANNDY:

6 A. It was not my father who saw this. At that time, my father was  
7 in his working place, a military base; I did not know where. But  
8 upon hearing the gunshot, I opened the door slightly to see what  
9 happened. And my father later received some information from my  
10 mother after he left his work to my uncle's house. He learned  
11 about this later, but I saw what happened to my uncle first.

12 Q. I also need to seek some clarification if you may help us. You  
13 stated that -- you said that the Khmer Rouge threatened you at  
14 gunpoint to leave your home village. Do you still recollect that  
15 it was on the 17 of April 1975 that you were threatened at  
16 gunpoint at your home village to leave your home or was this  
17 happening at the house of your uncle?

18 A. I'm afraid I don't quite understand your question.

19 [15.17.57]

20 Q. Thank you. I did not make myself clear and I apologize. I seem  
21 to have a slight problem with the understanding of your message.  
22 You indicated that on the 17th of April 1975, when the Khmer  
23 Rouge soldiers dressed in black clothes, came to our village in  
24 Phnom Penh, they shot some -- they fired into the air and  
25 threatened us and other villagers to leave our homes to a rural

1 area. So may I ask for some clarification?

2 [15.18.44]

3 On the 17th of April 1975, was the date when the Khmer Rouge came  
4 to your village; is that correct? Because it appears to us that  
5 the message was not clear. Were you at your uncle's home or were  
6 you at your home village at that time?

7 A. Well, it was on the 16 of April 1975, not 17, and I did not  
8 say exactly that the soldiers belonged to the Khmer Rouge, but  
9 they were wearing black clothes and they shouted to us. They  
10 asked us why we were reluctant to leave our home. I did not pay  
11 attention to them, but my family members said that we could not  
12 move; we could only leave our home when there was no more  
13 fighting. And by midnight -- I think it -- the time when the new  
14 day changed, it was midnight; perhaps, the early hour of the 17th  
15 of April 1975, we left the home.

16 And in the morning, we woke up to the sounds of some people  
17 shouting, saying out loud, and I joined them because I was  
18 excited to hear people were saying -- were too excited on the  
19 street and I joined them. I was very young at that time. I heard  
20 that the soldiers liberated Phnom Penh completely. I saw people  
21 waving white flags and I didn't have white flags to wave. I made  
22 use of my shirt, the shirt -- as a student, you know, a white  
23 shirt hoisted into the air waving as a sign of cheering the  
24 group.

25 [15.21.15]



1 And later on, my father, who had run from his military base to  
2 Santhor Mok area, was stopped by me who -- asked him what kind of  
3 soldiers were wearing in black clothes. My father said that they  
4 were the special forces of the government.

5 I didn't understand much about whether they were the government  
6 or not. I only understood that they were black-clothed military  
7 group who bear -- bore a special name. I stopped asking him some  
8 more questions about this after he already talked to me about  
9 this special force.

10 Q. Thank you. You said you left your home midnight. Where were  
11 you leaving to at that time or leaving for, rather?

12 [15.22.30]

13 A. I was leaving my home in Chrouy Changva for Santhor Mok where  
14 my uncle lived.

15 Q. Thank you. Now, I would like to have some questions concerning  
16 your trip. I asked a few questions already concerning this, but I  
17 have some follow-up questions.

18 How long did it take for you to leave Phnom Penh entirely?

19 A. It took us about half morning to leave from Santhor Mok to  
20 Chrouy Changva Bridge, which is now Cambodian Japanese Friendship  
21 Bridge and we had to walk. We wanted to walk faster, but there  
22 were a lot of people on the road. We were trying to make sure we  
23 can go as far as possible when time passed by.

24 I didn't ask people a lot of questions. When I asked my parents  
25 where we were, they told us that we were at the ferry crossing,

1 the west side of the ferry crossing.

2 Q. You said that there were a lot of people. Did you know where  
3 were these people from? Were they mainly people in Phnom Penh or  
4 were you joined by other group of people from other provinces?

5 A. At that time, I didn't pay great attention to where these  
6 people could have been from, but I believe that they were all  
7 from Phnom Penh.

8 Again, I was a student. I was at -- I was very young. I didn't  
9 pay much attention to this.

10 Q. Did you know where you were heading to or were you guided by  
11 family member or other group of people where you should go?

12 [15.25.33]

13 A. My family had no intention to leave Phnom Penh. We wanted to  
14 remain in the city because we thought that if we had to leave,  
15 then it would not be easy. However, we were convinced by the  
16 other groups of people who were walking out of the city and they  
17 said that -- we were told that we would be leaving the city for  
18 three days only when the city was being cleaned of or empty of  
19 the enemies.

20 [15.26.15]

21 I don't understand much about the term "enemies". I learned a lot  
22 at school, but I did not learn about the definition of the term  
23 "enemies" as they indicated.

24 Q. You said that your family were walking to some direction, but  
25 were you guided by some group of people or soldiers where you

1 should go?

2 A. I think, at that time, we were at one place on the road which  
3 is next to the Chrouy Changva Bridge. There were some soldiers,  
4 four soldiers in total, on both sides of the road and they would  
5 allow people to go past them. And we would listen to them. They  
6 pointed to the direction where they would want us to go, and when  
7 people did not notice where we -- they should go, then the  
8 soldier warned them, "Were you blind? Didn't you see the  
9 direction of the canon of the gun where it pointed to?" Then it  
10 was the direction that we all should go. And I was saying  
11 something because I was not happy about this, but then I was told  
12 not to say anything and we continued walking.

13 Q. Where did you first stop during the trip? Could you tell the  
14 Chamber please, how was life like during the course of your  
15 journey; in particular, when the whole family had to move from  
16 home and was walking on the road to the direction you didn't  
17 know?

18 [15.28.50]

19 A. My parents told us that we had to do our best to go as far as  
20 possible from the capital city because we would like to make sure  
21 we would not be influenced by the high price of food in Phnom  
22 Penh. The further we travel the better. And we didn't bring along  
23 with us a lot of money, but we were convinced that we had some  
24 money, enough money to buy some rice and we also believed that we  
25 could find some food along the road. For example, we could fish

1 for some fish in the ponds and paddy fields. And I -- when we  
2 went further, I asked my father where we got to already and he  
3 told me that we were at the ferry crossing. And I asked him was  
4 there any river then. Then my father said that it was the ferry  
5 crossing and there must be a river. So we spent some time at the  
6 ferry crossing.

7 We did not have with us any mosquito nets or blankets because we  
8 believed that three days we would be back home, so we would not  
9 bring much belonging with us.

10 [15.30.29]

11 Then we reached a place where there was a big tree, big, tall  
12 tree, and we stopped there and we picked some leaves, branch --  
13 small branches of the trees to make the mattress -- to use as the  
14 mattress, improvised mattress, for us to spend overnight there. I  
15 didn't think I could sleep at all, at that time, because at home  
16 we would sleep in the mosquito net. We would not be bitten by any  
17 mosquitoes or insects, but there we did not have -- enjoy this  
18 luxury.

19 And my mother told me to be patient because it wouldn't be long  
20 we would be allowed to return home and enjoy our comfort life as  
21 before. This is what she kept telling me and my cousin to calm  
22 down and be patient and that we could fight on.

23 Q. What was the food like while you were living under the tree  
24 and how long did you stay under the tree? Were you distributed  
25 with any food by the Khmer Rouge while you were there?

1 A. The Khmer Rouge soldiers did not give us anything. My mother  
2 went around borrowing a cooking pot from the villager so that we  
3 could boil water for our instant noodle. The instant noodle  
4 package was made of pepper and there was a symbol of a lobster at  
5 the outside, but I did not know which factory produced that  
6 noodle. So my mother cooked me the instant noodle at the time.

7 [15.33.04]

8 Q. How long did your family live at that ferry crossing?

9 A. My family did not live at that ferry crossing for long. At  
10 dawn, our family actually crossed to the east side of the river  
11 in the hope that we would be able to find a better place to stay  
12 another night.

13 And actually we found a site of the villagers' house and we asked  
14 them to stay there for a night and we were told that there was --  
15 there was no need for us to ask for permission because they were  
16 also evacuees. And we chit-chatted a little bit with those  
17 people, but I, myself, actually did not ask any question. I was  
18 listening to the other people talking to one another.

19 [15.34.26]

20 Of course, in my mind, I was hoping that after three days, I  
21 would return to my school. And as my mother told me that I should  
22 be patient that I would be allowed to return so I could attend my  
23 school after three days.

24 So we stayed another night at east side of the riverbank and then  
25 another night. We waited another night. That was the third night.

1 And we did not see any people travelling back into Phnom Penh and  
2 I started to wonder as to what happened.

3 And my mother went to ask people. Actually, I was not sure  
4 whether the person was a militiaman or a soldier, but that person  
5 was carrying a gun. But that person did not wear a beret, so it  
6 was difficult to identify whether he was a militiaman or a  
7 soldier.

8 And then the person asked my mother where was my mother's native  
9 village and she told him that and then he said that my mother  
10 should return to her native village and that we should pack our  
11 belongings to go there.

12 [15.36.03]

13 So my mother and father seemed to understand the situation a  
14 little bit more and then we asked for the permission to return to  
15 the west side of the river, but we were not allowed and we were  
16 asked to proceed further. So we went along and we reached a  
17 village by the name of Tuol. It could be in Batheay district in  
18 Kampong Cham province. We stayed there for a week also -- or it  
19 could be up to two weeks, and then the people there -- they were  
20 known as the Base People -- they gave us some rice in exchange of  
21 the clothes that we had with us. So we kind of exchanged the  
22 necessity things that we needed with the Base People, including  
23 rice and the cooking pot.

24 And my parents went to talk to the Base People and that we wanted  
25 to stay in that Tuol village. So then my mother went along with

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1 some of the Base People to somewhere, but I did not know where  
2 she went to and a long while later, she returned and said that we  
3 were not allowed to stay in that village because we were the 17  
4 April People and that village had been liberated earlier and they  
5 were referred to as the 18 April People.

6 [15.38.10]

7 To me, I didn't understand the difference. I knew the number, of  
8 course, is 17 and the 18, but I did not understand the difference  
9 between the 17 April People and the 18 April People. But some of  
10 the Base People were kind to us, so they assisted us by lending  
11 two buffalos to tow our cart up to the National Road, then we  
12 were on our own.

13 Then we were on our own with returning to the ferry crossing and  
14 then we crossed the river. However, our movement was rather slow.  
15 And then we actually reached the vicinity of Udong in our hope to  
16 reach Phnom Penh, but we were stopped there near Preaek Kdam, so  
17 we headed toward the Udong Market. We stayed there for a day or  
18 two because we were so exhausted. We travelled for three or four  
19 days and our feet were so tired as we could barely walk.

20 Q. Along the road, where you crossed the river, then to Batheay  
21 and Preaek Kdam, did your family encounter difficulties in terms  
22 of food, shelter or did anyone get sick, and was any assistance  
23 provided by the Base People or the local people or those who  
24 organized the situation?

25 [15.40.40]

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1 A. When we were on the east side, the situation was miserable. We  
2 lacked everything, food and even a cooking pot. We needed to  
3 borrow someone's cooking pot when we needed to cook rice. Because  
4 my mother thought that a sack of instant noodles would last us  
5 for three days when that -- when we should be allowed to return  
6 to Phnom Penh.

7 So we tried to survive from day to day as we hoped that the  
8 situation would not last long. The situation was difficult and  
9 while I was eating, I spoke to my mum that it was a pity for us  
10 to eat in such a situation. There was no meat for us to eat.  
11 And my cousin got a fever and there was no medicine for his  
12 treatment. And no care was given to us by the Base People. So  
13 then we tried to manage the situation by ourselves. We soaked our  
14 scarf with water to reduce his fever.

15 Q. While you were travelling from one place to the next, did you  
16 encounter any checkpoint?

17 [15.42.50]

18 A. No, I did not see any checkpoint. I only saw them on mobile.  
19 They were mobile. They were on foot and sometimes they rode  
20 bicycles. I cannot recall clearly whether they were militiamen or  
21 they were soldiers when they were riding their bicycles. They  
22 were kind of patrolling the road.

23 Q. While en route, did you happen to see any Lon Nol soldiers?

24 A. I did not happen to see any Lon Nol soldiers, but I did see  
25 the dead bodies of Lon Nol soldiers along the road. Those dead



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1 bodies could be the casualty of the fighting because the bodies  
2 were already swollen and there were flies.

3 Q. When you saw those dead bodies of the Lon Nol soldiers, can  
4 you recall where did you see those bodies? Was it somewhere  
5 between Phnom Penh and Preaek Kdam?

6 A. From what I could estimate, it was a little bit further than  
7 Preaek Kdam. I saw three dead bodies of the soldiers on the side  
8 of the road. The body -- the bodies were already swollen.

9 Q. Besides seeing those dead soldiers, did you see any dead  
10 civilians or any civilians wounded along the road?

11 A. I saw one person under a tree. The person was abandoned there.  
12 However, it was a far distance from where I was and I could not  
13 say whether the person was dead or alive. There was a bandage on  
14 the chest and on the other side of the shoulder.

15 [15.46.00]

16 Q. Let me go back a little bit.

17 While you stayed at the ferry crossing, did you see any dead  
18 bodies floating on the river?

19 A. No, I did not because I did not actually go near the  
20 riverbank.

21 Q. You stated that your family was hoping to return to Phnom  
22 Penh. Was there any announcement made for people to return to  
23 Phnom Penh after three days?

24 A. No, there was only an announcement for people to go out or to  
25 go to respective native villages.

1 [15.47.12]

2 There was no such an announcement for people to return to Phnom  
3 Penh. I did not hear such an announcement. What I could hear was  
4 when they made an announcement on the loudspeakers for us to go  
5 out.

6 Q. Earlier, you stated that your family was not allowed to stay  
7 in that village and then you were instructed to go to your native  
8 village in Kampot. How many days did it take you to reach Kampot?

9 A. I did not know how long it took us to go. We kept walking and  
10 walking. When it was nightfall, we stopped and rested or when we  
11 could no longer walk; we rested in that location for a day or  
12 two. And after we gained some strength, we continued, but I could  
13 not tell you how long it took us to go there.

14 The journey was quite a long time to my knowledge and actually I  
15 complained to my parents why it took us so long to reach their  
16 native village. And my parents asked us to be patient and that we  
17 would be in a better position when we reached their native  
18 village. They kind of encouraged us to go along and be patient.  
19 There was no transportation; we were on foot all the time, and  
20 there was no assistance offered by the Khmer Rouge soldiers or  
21 the Base People.

22 [15.49.30]

23 Q. When your family reached the native village, was your family  
24 greeted warmly as your family expected?

25 A. Could you please repeat your question? It was unclear to me.

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1 Q. Your mother told me that you should be patient and that the  
2 situation would be better once you arrived at the native village.  
3 So the question is: When your family reached the native village,  
4 was anyone there ready and waiting to greet you as you expected  
5 or were there any relatives who were there waiting to receive  
6 you?

7 [15.50.42]

8 A. When I arrived at the native village, it was not really our  
9 destination. Actually, the native village was at Angkor Chey, but  
10 we were sent to Palelai district, not Angkor Chey district.

11 However, I did not know the distance between these two districts.  
12 So we were asked to settle in Palelai district.

13 And the Base People there or the 18 April People there were not  
14 friendly to us at all. We had a little bit of our belonging with  
15 us and we wanted to exchange it for food with them, but they  
16 refused.

17 My family, like any other families, were asked to live in that  
18 Palelai district and we were instructed to live in a group and  
19 not to mix with the 18 April People.

20 At that time, the chief of the village, his name was Nau  
21 (phonetic). I still can recall it today. He was in charge of the  
22 17 April People group. And all the 17 April People group asked to  
23 work to the rice field without giving us any tools or any cows.  
24 They asked us to clear the land, but there were no big trees on  
25 the land; there were bushes here and there. And I, myself, had to

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1 clear a 10 square metre in exchange for a can of rice, but my  
2 family could not finish it because in my family, just to mention  
3 my father and my mother, they had to clear 20 square metres of  
4 land already. Then the chief of the village, by the name of Nau  
5 (phonetic), tried a new idea. So then they asked us to work in a  
6 group of family and for my family, we had to clear a 12-square  
7 metre -- metres of land in exchange for a can of rice.

8 I was so -- I felt so pity for my parents. They tried their best  
9 to reach the quota and the rest of other -- the rest of other  
10 families were in the same situation.

11 [15.54.07]

12 And the rice that we were given was inadequate, so we had to  
13 supplement it with fruit and other edible trees. We also ate the  
14 water lily, but in fact, I mistaken it for water lily. It was  
15 known locally as a "skuon". So we actually ate that as well.

16 Q. Thank you. You talked about the Base People and the New  
17 People. What was the food ration for the Base People? Were they  
18 in the same situation?

19 [15.55.21]

20 A. The Base People did not work with us. They worked within their  
21 group. And their rice ration was sufficient. For each of them who  
22 worked would receive a can of rice. So those 18 April People had  
23 sufficient food and they dress in black.

24 Q. Did your family, as a New People, have to go through any new  
25 registration?

1 A. I knew, at the time, there was no registration from any level.  
2 However, only the village chief, Nau (phonetic), who came to  
3 register our family members and he also did the same to other  
4 families.

5 Q. Did you know why they made a registration of family members of  
6 yours?

7 A. From my -- from what I can recall, I did not know for sure the  
8 purpose of such registration. However, as I was curious and I  
9 asked my parents -- and I was told probably they wanted to know  
10 the actual numbers of the people so that it's easier for them to  
11 manage.

12 Q. During the time that you lived there, did anything happen to  
13 your family?

14 [15.58.08]

15 A. Yes. Angkar -- that was the first time I heard of the word and  
16 I didn't know who Angkar was -- we were told that Angkar already  
17 made such an arrangement that we should not have any personal  
18 belonging or property and we were instructed to abandon all our  
19 personal belongings for communal use and that we would eat  
20 communally as well.

21 But even so, the 17 April People would eat in its own group  
22 communally and the 18 April People would do so within their  
23 group, although we ate under the same kitchen hall. So we ate  
24 communally among our group. And then there were -- we were put in  
25 various units -- in mobile units.

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1 Later, my father was arrested. He had his hands tied behind his  
2 back and I witnessed that event with my own eyes. At that time, I  
3 was looking after the cows and I watched what happened. I had an  
4 axe in my hand and I was holding to the cows on the other hand,  
5 but I could not do anything. At that time, my father said -- said  
6 to me, "Please look after yourself, son." He also said that he  
7 would go to the upper level. I was speechless. My tears dropped.

8 [16.00.37]

9 The Khmer Rouge soldier hit my father's head and he bled. They  
10 even laughed that, "Now, you're bleeding and in the old regime,  
11 you would have a bandage to patch it, but now, you can patch it  
12 with sand." My tears flew when I saw that.

13 Q. Did you know the reason for the arrest of your father?

14 A. I could remember that there was a meeting one day and I  
15 believe that was after the dinner. They made an announcement that  
16 tomorrow they would conduct the search in all those houses. I did  
17 not pay much attention and then I went to tend the cows nearby --  
18 in the nearby field.

19 So they started searching the houses of the 17 April People  
20 first. I didn't know the reason for that. And then they found a  
21 photo of my father. In the photo, he was dressed in a navy  
22 uniform near a ship; actually, on a ship. At that time, he was  
23 sent on a mission to Damdam (phonetic) village in Koh Kong  
24 province when the photo was taken. And actually, prior to that,  
25 the village chief asked me what my father did in Phnom Penh. He

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1 said that I should tell him the truth; then he would give me rice  
2 and pork to eat. Then he actually put some rice on a scarf and  
3 some pork there, but I lied. I said that my father was a rickshaw  
4 driver. Whatever he asked or urged, I maintained the same  
5 response. So then he stopped asking and he gave me the rice, so I  
6 ran back home with the rice to give it to my family to cook.

7 [16.03.17]

8 But when they did a search, they found the photo. Then my father  
9 was arrested.

10 Then at that time, some of them actually made a joke out of me.  
11 They said that I was the son of a traitor and that I lied. They  
12 said that the regime was a clean regime, a clean and pure regime,  
13 and that the regime would not accept any capitalists. They spoke  
14 a lot about that, but I cannot recall it all.

15 And at night, because they accused me of being the son of a  
16 traitor, they shackled my feet and they actually beat me and  
17 after one week, they took the shackle away.

18 MR. PRESIDENT:

19 Thank you.

20 The hearing today has come to a conclusion. The Court will now  
21 adjourn and will resume tomorrow morning -- that is, Thursday the  
22 6 of December 2012, starting from 9 a.m.

23 Tomorrow we will continue to hear the testimony of Kim Vandy and  
24 another witness -- that is, TCW-247.

25 [16.05.12]

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1 Mr. Kim Vannady, your testimony has not yet concluded and you're  
2 invited to return tomorrow morning.

3 Court Officer, in cooperation with WESU, could you assist this  
4 civil party to return to his residence and have him returned to  
5 the courtroom tomorrow morning, at 9 a.m.?

6 Security guards, you are instructed to take the three accused  
7 back to the detention facility and have them returned to the  
8 courtroom tomorrow morning, before 9 a.m. And as for Mr. Ieng  
9 Sary, bring him to the holding cell downstairs so that he could  
10 follow the proceedings through audio-visual means.

11 The hearing is now adjourned.

12 (Court adjourns at 1605H)

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