



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Dec-2012, 11:03  
CMS/CFD: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 December 2012

Trial Day 139

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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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MS. AFFONÇO (TCCP-1)	French
MR. ANG UDOM	Khmer
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. DURAND	French
MR. IANUZZI	English
MR. JACOMY	French
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PHAN VAN (TCW-307)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. RIVET	French
MR. SAM SOKONG	Khmer
MS. SIMONNEAU-FORT	French

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 Before we hand the floor over to the Co Prosecutors, Mr. Duch

6 Phary is now directed to report to the Chamber on the current

7 status of the parties to the proceedings, including the witness.

8 THE GREFFIER:

9 (No interpretation, technical problem)

10 THE INTERPRETER:

11 Greffier's mic is activated, but it is not heard; we can't hear

12 anything from the greffier.

13 [09.12.50]

14 MR. PRESIDENT:

15 Mr. Duch Phary, you may now proceed.

16 THE GREFFIER:

17 Good morning, Mr. President. Good morning, Your Honours.

18 During today's session, the 12th of December 2012, all the

19 parties to the proceedings are present, except Mr. Ieng Sary, who

20 is present but in his holding cell downstairs, due to his health

21 concerns.

22 This morning, the Chamber continues hearing the testimony of Mr.

23 Kham Phan, alias Phan Van. During the afternoon session, the

24 Chamber will be hearing the testimony of civil party TCCP-01

25 through video-link from France, where the civil party resides.

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1 From the AV booth officials, the facilities are ready prepared  
2 for such videoconference or testimony through remote  
3 participation.

4 [09.14.14]

5 MR. PRESIDENT:

6 Thank you, Mr. Duch Phary.

7 We would like now to hand over to the Co Prosecutor to continue  
8 putting questions to the witness.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you. Good morning, Mr. President, Honourable Members of the  
11 Bench. Good morning to all present. Good morning to all those  
12 attending in the public gallery, and good morning to you, Mr.  
13 Witness.

14 Mr. President, I just have a brief question - or, rather, a  
15 request to put to you with respect to the allocation of time.  
16 Yesterday, we were given an entire day to share the  
17 cross-examination of this witness with our colleagues from the  
18 civil parties and covering a number of subjects, including  
19 administrative and communication structures, policies vis-à-vis  
20 the enemies, and the acts and conduct of the Accused.

21 [09.15.13]

22 Yesterday, there was an oral decision that was read out during  
23 the afternoon session of yesterday's hearing.

24 I therefore would respectfully request leave to continue our  
25 cross-examination up until 11.30 this morning instead of up until

3

1 this morning's first adjournment.

2 MR. PRESIDENT:

3 (No interpretation)

4 MR. KARNAVAS:

5 Good morning, Mr. President. Good morning, Your Honours, and good  
6 morning to everyone in and around the courtroom.

7 Yesterday, we went 10 minutes past 4 o'clock. It took  
8 approximately 10 minutes for Your Honour to read the oral  
9 decision. Therefore, any time that was lost during the reading  
10 out of the order was gained by the Prosecution when we went over  
11 4 o'clock. Therefore, there is no basis for them to make this  
12 application.

13 [09.16.22]

14 If they want to make it on another reason, such as they need  
15 additional time because they have been, either, not allocated a  
16 sufficient amount of time, or it's taking longer, or whatever,  
17 they can make that submission. But the argument that they have  
18 made right now does not stand to reason because they were given  
19 10 additional minutes after 4 o'clock yesterday.

20 Thank you.

21 MR. DE WILDE D'ESTMAEL:

22 If I may respond, Mr. President, as I said earlier, there are  
23 many subjects to cover. And, yes, we unfortunately have fallen  
24 behind, but we have yet to cover the period during which the  
25 witness worked in Sector 105, and a certain number of questions

4

1 must be put in order to achieve the ascertainment of the truth,  
2 as the witness has already made relevant statements before the  
3 Co-Investigating Judges.

4 I will, therefore, reiterate my request to continue this  
5 cross-examination up until 11.30 rather than 11.00. Thank you.

6 [09.18.01]

7 MR. PRESIDENT:

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

9 MR. PICH ANG:

10 Good morning, Mr. President, Your Honours. I fully concur with  
11 the request -- or the application made by my colleague, the Co  
12 Prosecutor, because the time has already been allocated to the  
13 civil parties and the Co Prosecutors for putting questioning --  
14 questions to this witness, and we believe that we, the civil  
15 parties, only need one hour for that.

16 So, time should be granted to the Prosecution to finish their  
17 questioning.

18 MR. PRESIDENT:

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

20 [09.18.55]

21 MR. IANUZZI:

22 Thank you, Mr. President. Good morning, everyone. I feel as if I  
23 should go on record, only because I did speak to my colleague  
24 across the stage yesterday and I indicated to him that we would  
25 not object to a short extension of time, so long as we, the

5

1 Defence, are given the same leeway.

2 And that has always been our position, and we've gone on record  
3 in the past saying that we do not, in principle, to such  
4 extensions, as long as they're reasoned and as long -- most  
5 importantly, as long as we are given the same degree of  
6 flexibility with respect to our cross-examination.

7 And I say that particularly today because I did mention it to my  
8 colleague yesterday. So I just wanted to put that on the record.

9 Thank you.

10 (Judges deliberate)

11 [09.24.26]

12 MR. PRESIDENT:

13 With regard to the request by the Co Prosecutor, the Chamber will  
14 consider this practically after the first adjournment of this  
15 morning's session and the Chamber will look into the actual  
16 questions being put to the witness, whether -- the certain level  
17 of reference -- relevance before we consider whether more time is  
18 given.

19 And parties to the proceedings are to be advised that during this  
20 afternoon session, from 12 to 1 p.m., there will be a town hall  
21 meeting organized in the public gallery, and then we need some 20  
22 minutes also for the preparation of the testimony through a  
23 video-link. For that, we need to observe some break. And normally  
24 we can continue the proceeding without observing a brief break  
25 because of the technicality of the proceeding concerning the

6

1 recording of the hearing transcript, for example.

2 [09.25.51]

3 And that -- when it comes to the time allocated to parties, in  
4 general, it is our policy that each party will be given equal  
5 time opportunity to put questions to any witness or civil party,  
6 unless a party -- a party refuses to use all the time given or  
7 time may be lost due to some technical difficulties. But the  
8 Chamber is very mindful of these problems.

9 The Chamber would like to now hand over to the prosecutor.

10 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

11 Thank you very much, Mr. President.

12 Q. Mr. Witness, before resuming our line of questioning regarding  
13 exchanges of communication between Sector 105 and the Centre, I  
14 seek a clarification from you with regards to the various periods  
15 during which you worked as a decoder of telegrams, during which  
16 you worked for your father.

17 Yesterday, you stated that after you left B 20, you began working  
18 as a telegram decoder for your father before arriving in Phnom  
19 Kraol. You then stated that you worked as a messenger, you worked  
20 as a driver, you also worked as a security guard, and you also  
21 worked as a decoder of telegrams. This was during the time that  
22 you were at Phnom Kraol. When I made reference to the two  
23 telegrams that were dated on the 26th of October 1976, your  
24 sister, Bou Phan Van (sic), was probably most likely the one who  
25 had decoded the telegram.

7

1 [09.28.13]

2 Can you please tell us about the various periods during which you  
3 worked as a telegram decoder? And more specifically, did you work  
4 as a telegram decoder before your sister took on her duties,  
5 during the time -- during the same time that she was working as a  
6 decoder, or afterwards?

7 MR. PHAN VAN:

8 A. I had worked before my sister came to work at the place. When  
9 she came, I then worked as a driver instead.

10 Q. Very well. And yesterday you testified that your sister had  
11 worked for your father for a short period of time; she decoded  
12 telegrams. And once she completed her work, did you resume her  
13 tasks as a telegram decoder in 1976?

14 A. No, I didn't, but it happened before the war. After the  
15 country was liberated, my sister came to take over from me until  
16 the day when my father passed away. She had been working with him  
17 all along, and I had been working as a driver ever since my  
18 sister took over from me.

19 I already stated in my record of interview.

20 [09.30.27]

21 Q. Thank you. And, despite the fact that you no longer worked  
22 once your sister was replaced, yesterday you recognized some of  
23 the references and formatting of those telegrams were entirely  
24 consistent with the telegrams you decoded during the period in  
25 question. You also confirmed the use of certain titles that your

8

1 father used in addressing certain offices.

2 I wish to show you another telegram. It is E3/1195. This is  
3 telegram number 22, sent by Laing to "Beloved Comrade Pang". It  
4 is dated the 25th of November 1976 and it is copied to Mr. Nuon  
5 Chea. My rationale for presenting this telegram to this witness  
6 is because it contains contents relevant to his family.

7 With your leave, Mr. President, I wish to show this very  
8 particular telegram to the witness and have it projected on the  
9 screen.

10 [09.31.52]

11 MR. PRESIDENT:

12 You may proceed.

13 Court officer is now instructed to obtain the document from the  
14 prosecutor and hand it over to the witness for his examination.

15 BY MR. DE WILDE D'ESTMAEL:

16 Just so that I can ask the witness certain questions, I will read  
17 some extracts, and I'm going to read them in English because the  
18 French version isn't terribly well translated; it's a little bit  
19 ambiguous and it's clearer in English. So, I'll read paragraphs  
20 3, 4, and 5 of the telegram signed by Laing.

21 3 says as follows - [intervention in English] I quote:

22 "I assigned niece/nephew Bou Phan to attend the course on  
23 confidential documents; please help me with that."

24 Point number 4: "I assigned Comrade Khan at the radio [station]

25 to attend the course on radio documentation; Comrade, please help

1 me to process this request."

2 [09.33.04]

3 And 5: "My mother went over to visit her nephews and nieces who  
4 are my children, such as Van Thi Lan and brother/sister Da;

5 kindly help me to process this request. She would like to visit  
6 Phnom Penh. She is old now." [End of intervention in English]

7 Q. I just want to ask, Mr. President, if the reference there to  
8 the niece or nephew, Bou Phan, is in fact a reference to your  
9 sister, Sovan Han, who, according to the telegram, was following  
10 a course on confidential documents.

11 MR. PHAN VAN:

12 A. Yes, that's correct. It was referred to my sister.

13 [09.34.10]

14 Q. Was it normal, under the Khmer Rouge, for a cadre such as your  
15 father to designate his children to things while referring to  
16 "nephews" and "nieces"?

17 A. At the time, parents and children were not allowed to address  
18 each other as father and son or daughters or so. They were  
19 supposed to address them by nephew or nieces.

20 Q. Just to be absolutely clear, who is Comrade Khan, from the  
21 Radio Section, referred to here in the document?

22 A. Khan was in charge of radio station. He was working with my  
23 late father.

24 Q. What about Van Thi Lan and brother/sister Da, as in paragraph  
25 5 of the telegram? Who were they?

10

1 A. Van was my younger biological sibling, Da was also my  
2 biological sibling, and Thi was also my biological sibling.

3 Q. Thank you very much. So, having heard that telegram read to  
4 you, can we say that you confirm its contents -- in other words,  
5 that your grandmother wanted to visit Phnom Penh at the end of  
6 1976?

7 [09.36.38]

8 A. Yes, that is correct. When she returned from Phnom Penh, she  
9 passed away.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you.

12 Mr. President, I would like to show E3/877 to the witness. It's  
13 telegram 54, sent by Chan -- that's the name we had on the first  
14 telegram that we were talking about yesterday. It also contains  
15 Pang's name, but Chan's name -- C h a n -- is there. It dates  
16 from 20th of May and it is to "Beloved and Missed MO-870". The  
17 English translation is incomplete, but we do have a complete  
18 translation in French and, of course, the original in Khmer.  
19 So, I'd like to show this to the witness, if I could, Mr.  
20 President. It concerns Sector 105.

21 [09.37.58]

22 MR. PRESIDENT:

23 You may proceed.

24 Court officer is now instructed to hand over the document to the  
25 witness.

11

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. This document, sent by Chan, concerns the Sector 105 security  
3 situation. I'll read a couple of extracts from it.

4 "On the 12th of May 1977, on the Dak Dam spearhead, a Yuon was  
5 smashed who died on the spot.

6 "On the 18th of May 1977, Division 2 arrested two Yuon on the  
7 Kaev Seima and Srae Preah spearheads. They were just contemptible  
8 Thieuists," there is the "A" in Khmer, meaning they're  
9 contemptible, "one second and one first lieutenant. They asked to  
10 go to France. They said it was dreadful in Vietnam. There were  
11 famines and combats.

12 "On the 13th of May 1977, the sector units sacrificed one and had  
13 another severely wounded when the enemy attacked near the Tou  
14 Chouy (phonetic) Office on the Tou Sra (phonetic) side, 50 metres  
15 from the office. Our assessment is that this was not an enemy  
16 from the outside. We suspect the division, henchmen of the  
17 contemptible Saom and contemptible Chhin." And, again, in the  
18 Khmer, there is the word for "contemptible" for these two  
19 individuals.

20 [09.39.54]

21 "This problem has already been reported to Comrade San. Despite  
22 arrests of Unit 920s, activities continue one after the other,  
23 but we are making arrest after arrest, too.

24 "In 1977, we accompanied specialists in secret codes to the place  
25 where they are trained. We have received a report on the

1 emergence of the cooperative.

2 "P.S.: Concerning the problems of the Vietnamese, a decision has  
3 already been taken."

4 Witness, can you explain what this reference is to Division 2 of  
5 Sector 105? Is this a group within the army, part of the sector,  
6 or something from Division 920?

7 MR. PHAN VAN:

8 A. I do not quite understand your question. Could you please  
9 clarify it?

10 Q. Yes. In this telegram, there's a reference in the French  
11 translation to Division 2. Was Division 2 part of the sector army  
12 that you talked to us about yesterday, led by Sophea, or was it  
13 part of Division 920, in Mondulkiri?

14 [09.42.02]

15 A. I am not clear, but it could have been in Division 920. And as  
16 for the sector, it had its own force attached to the sector, and  
17 division forces were a separate one.

18 Q. There's a reference here to the arrest of Vietnamese, and in  
19 the P.S. it says that a decision has already been made in that  
20 connection. Do you know if decisions about the Vietnamese who  
21 were arrested were taken in Sector 105, or were such decisions  
22 taken at the Centre?

23 A. I do not understand your question.

24 Q. In the telegram, there's a reference to decisions that are  
25 taken about Vietnamese who have been arrested in Keav Seima and

13

1 Srae Preah, affiliated to Comrade Thieu. Now, the decisions about  
2 what was going to happen to these people who were arrested, in  
3 particular the Vietnamese, were these decisions taken in the  
4 sector or in the Party Centre?

5 A. Let me clarify this issue.

6 Of course, there were ongoing war along the borders at that time,  
7 and I followed my father all the time over there. And, of course,  
8 there were arrests of Vietnamese.

9 And as for the decision, it was not up to the sector to decide on  
10 the arrests; the decision had to come from the Centre.

11 [09.44.40]

12 Q. And who took the decision in the Centre and referred it  
13 outwards?

14 A. I do not understand this working procedure, but I only knew  
15 that every action was carried out on the behest of the Centre.

16 Q. Thank you. A last question about this telegram; there's  
17 reference to Chhin, C-h-h-i-n, in the telegram. Is this the same  
18 person you were talking to us about yesterday, the Secretary of  
19 Division 920? Here there's a reference to the "Contemptible  
20 Chhin". Can you enlighten us, please?

21 A. Yes, there was.

22 Q. It says that actions have started by soldiers of 920, but  
23 arrests are being made one after another. Do you know that - if,  
24 in this period of May-June 1977, there were a great number of  
25 arrests in Unit 920?

14

1 [09.46.21]

2 A. I do not recall it well, but many people did disappear at that  
3 time.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you.

6 Mr. President, for the purpose of the transcription, I would  
7 point that on file we have the confession of Mr. Men Meng alias  
8 Chhin, Secretary of Division 920, who was arrested and sent to  
9 S-21 in February 1977. This is confession D175/3.41 -- D175 --  
10 and IS 5.49.

11 There are also two significant lists of S-21 prisoners that I  
12 would like to mention.

13 First document: IS 73, dated 11th of June 1977, which is a list  
14 of S-21 prisoners who had been executed. 80 of them are from  
15 Division 920, who had been smashed on the date of the 10th of  
16 June 1977.

17 Another list of prisoners from S-21 is dated 5th of June 1977;  
18 its code is D175/3.3.0, and it has a list of 90 individuals who  
19 were arrested in Division 920.

20 [09.48.12]

21 There's just one more telegram I would like to show the witness:  
22 E3/1204, dated 27th of August 1977. It is sent by Comrade Chhon  
23 to "Respected and Beloved M-870". It concerns security matters  
24 and the publication of the "Revolutionary Flag" magazines.

25 I'd like to show it to the witness, Mr. President, so that he can

15

1 have a look at it.

2 MR. PRESIDENT:

3 You may proceed.

4 Court Officer, please obtain the document from the prosecutor and  
5 hand it over to the witness.

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. I'll read the first paragraph. It says: "The magazines of  
8 'Party' and 'Revolutionary Flag' which were published from 1975  
9 to 1976 were collected and properly arranged for reading."

10 Witness, how many issues of "Revolutionary Flag" or  
11 "Revolutionary Youth" did Sector 105 from the Centre?

12 A. I do not recall.

13 Q. Did you, yourself, read "Revolutionary Flag" or "Revolutionary  
14 Youth"?

15 [09.50.18]

16 A. No, I didn't. At that time, those magazines were placed at the  
17 cooperatives.

18 Q. All right. So, if I understand correctly, you're saying that  
19 the magazines were distributed to the cooperatives through Sector  
20 105; am I right in that understanding?

21 A. Yes.

22 Q. Thank you.

23 Paragraph 4 of that telegram says: "For the enemy situations in  
24 Kratie, two enemies escaped into, Kaev Seima district. These two  
25 enemies were arrested and sent back to Kratie."

16

1 I would like to know if, at the time, you understood this as  
2 being a normal procedure to send back to the zone people who had  
3 fled from it and who were arrested within Sector 105.

4 A. That I did not know.

5 Q. And in the paragraph 5 it says: "Three people who escaped from  
6 Stung Treng were the real enemies, as they were holding Sihanouk  
7 pictures."

8 Can you tell us if in those days, if you carried a photo of  
9 Sihanouk, that proved that you were an enemy?

10 A. That I am not sure. I did not know whether or not those who  
11 were holding Sihanouk pictures were characterized as enemy. But  
12 the situation at that time was very fragile. In other words, when  
13 we had a slightest suspicion against another person, then that  
14 person would be considered enemy.

15 [09.53.08]

16 Q. Mr. President, that brings me to an end for the questions on  
17 the telegrams.

18 I'd now like to move on to quote an extract from an interview  
19 record with this witness, concerning reports that came out of the  
20 district, within Sector 105. I'd like to read the piece and ask  
21 the questions after. It's E3/58, again -- in other words, the  
22 first record. In Khmer, if I can find it -- well, let me tell you  
23 that in French it's on page 3, and page 3 in English as well, and  
24 in Khmer it's on page 4. Excuse me; ERN 00239936, and it's also  
25 page 3 as well as for -- in Khmer. And it's the second question

1 that is being asked.

2 Here it says: "Most of the time, [that --] the work on building  
3 dams and cannels was reported to 105, as well as school, health,  
4 espionage, good and bad elements, traitors, and so forth were  
5 reported on. Office K-17 often gave instructions and then sent  
6 them out to the district, and they prepared a district  
7 performance report and sent it to the Centre on a daily basis.  
8 With respect to a report on the bad elements, in the first and  
9 second, instructions from Office K-17 was that the person be  
10 re-educated at the base for the first and second offences and be  
11 called for re-education at the Phnom Kraol Dam Security Office  
12 for the third offence. The security office was managed by the  
13 Battalion 2 Chairman, Leng. Those who were brought for  
14 re-education included those who broke discipline, committed  
15 immoral offences, stealing, robbery, and work evasion. In each  
16 case the offender had to prepare a biography. The Centre never  
17 made any order to the K-17 Office for any arrest."

18 [09.56.11]

19 What I would like to know is: At that time, in Sector 105, how  
20 was a determination made to see who was a good or a bad element,  
21 who was an ally, and who was a traitor? What criteria were  
22 applied to sift the good from the bad?

23 A. During that era, as I stated earlier on, those who did not  
24 respect orders were considered pacifists -- enemy, and those who  
25 were -- who had the background as teacher or officials of the

18

1 previous regime -- those were the targets of removal.

2 Q. Have these criteria been determined by your father or by the  
3 Sector 105 Committee, or building on instructions that were sent  
4 out from the Party Centre?

5 A. I did not understand the working procedure very clearly, but  
6 as far as I understood, the sector did not have any discretion to  
7 decide on this -- or such instruction. It had to come from the  
8 Centre.

9 [09.58.04]

10 As for the arrests, as well, the decision had to come from the  
11 Centre. The Centre would issue an invitation letter for  
12 education, and when those people were taken for education, they  
13 literally disappeared.

14 Q. According to instructions from the Centre, were people  
15 transferred from Phnom Kraol Security Centre to Phnom Penh?

16 A. Could you please repeat your question?

17 Q. Yes. By virtue of these instructions that were sent by the  
18 Centre, were people transferred from the Phnom Kraol Security  
19 Centre to Phnom Penh? I'm referring to prisoners.

20 A. No, those prisoners detain at Phnom Kraol were not transferred  
21 because at that time there were no transfer of prisoners from  
22 Phnom Kraol. But, of course, there were summons by the Centre for  
23 those who had to undergo education. So, the Centre would order  
24 the arrest of those who were supposed to be re-educated.

25 Q. Thank you.

1 [10.00.26]

2 I wish to return to the period subsequent to the death of your  
3 father. I don't want to focus on the circumstances surrounding  
4 the death of your father, given the time remaining, but also  
5 because you have highlighted those facts in your written records  
6 of witness interview.

7 Yesterday you stated that Nuon Chea had summoned cadres, ordering  
8 them to take part in re-education training, following which they  
9 disappeared. Are you aware of any summonses that were sent to  
10 your father and Kham Phuon when they were sent -- when they  
11 arrived in Phnom Penh?

12 A. Yes, it is correct.

13 Q. Thank you. Following the death of your father, you stated that  
14 you began working as a driver at K-2. You worked for Ieng Thirith  
15 following a two-month period, during which you planted vegetables  
16 and farmed vegetables. What was the name of the office or  
17 location where Ieng Thirith resided?

18 [10.02.03]

19 A. After my father died, I still planted the vegetable. Then I  
20 was taken to the - to become the driver at K-2.

21 Q. Thank you. And as Ieng Thirith's driver at K-2, can you please  
22 tell the Chamber how often Ieng Thirith met with the other  
23 leaders, such as Pol Pot, Ieng Sary, Nuon Chea, Khieu Samphan,  
24 Son Sen, or others?

25 A. I don't recall this.

20

1 Q. If you do not remember how often she met with all of those  
2 leaders, do you have any recollection as to how often she met  
3 with Nuon Chea?

4 A. How frequent she would meet him, I don't remember. However, it  
5 is for sure that she met him; I don't just remember how many  
6 times she would meet him every month.

7 [10.04.00]

8 Q. And where did the meeting occur?

9 A. I don't remember the place.

10 Q. Thank you.

11 Mr. President, in order to assist the witness in refreshing his  
12 memory, I wish to refer to document E3/447. I will not be quoting  
13 from the ERNs, since the questions and answers are numbered. This  
14 is the third written record of witness interview. I would direct  
15 you to questions 8 and 9.

16 The eighth question is as follows: "Based on your knowledge, what  
17 was the connection between Mr. Nuon Chea and Ms. Ieng Thirith?"

18 The witness provides the following answer -- and I quote: "Both  
19 of them had some kind of connection because they usually had  
20 meeting together twice or three times a month. I knew this  
21 because I was the one who drove Ms. Ieng Thirith to meet him."

22 [10.05.17]

23 Question 9: "Did Ms. Ieng Thirith go to meet Mr. Nuon Chea or did  
24 Mr. Nuon Chea come to meet her at the Ministry of Social Action?"

25 Answer: "He usually asked her to go and meet him at K-3."

1 Question number 10: "What -- was Nuon Chea in charge of--"

2 Or, rather, the answer to question number 10: "The organizational  
3 structure in the regime was bottom up. Some administrative works  
4 had to be reported to Mr. Nuon Chea."

5 Did she meet with him at K-3 at the request of Mr. Nuon Chea? Do  
6 you stand by this statement?

7 A. As I already stated in the record of interview, although I  
8 don't remember this in detail, but I was taking here to K-3,  
9 where I would be stopped and asked to wait outside. They would  
10 meet two to three times each month.

11 [10.06.54]

12 Q. Do you know who Ieng Thirith was accountable to with respect  
13 to the activities of her ministry?

14 A. No, I don't know about this; I only know that I took her there  
15 and back to her place and I would be at the outside.

16 Q. Thank you, Witness. When Ms. Ieng Thirith attended meetings at  
17 K-3 several times a month, did she often travel alone or was she  
18 accompanied by senior cadres from the ministry?

19 A. It depends; sometimes she was on her own, sometimes she was  
20 joined by a cadre or two.

21 Q. And, when you drove Ms. Ieng Thirith to K-3, did you ever see  
22 any other leaders attend those meetings? And, if you did not  
23 witness the leaders attend the meeting, were you ever told  
24 whether other leaders took part in the meetings, aside from Ms.  
25 Ieng Thirith and Mr. Nuon Chea?

1 [10.08.30]

2 A. No, I don't know about this because, as a driver, I would only  
3 drop the passengers at the place and I would only be waiting  
4 outside to receive her. I never entered the -- inside the  
5 premises.

6 Q. Did you see any cars drive by the premises? Waiting outside  
7 the compound, did you ever enter into conversation with other  
8 drivers and talk about the presence -- the potential presence of  
9 other figures?

10 A. No, I never met them.

11 Q. You stated very clearly that Mr. Ieng -- Ms. Ieng Thirith met  
12 with Mr. Nuon Chea at least twice or three times a month. How did  
13 you know that she, indeed, was meeting with Mr. Nuon Chea, if  
14 you, yourself, did not enter K-3?

15 A. At that time, I knew for sure that Uncle Nuon Chea was there.

16 Q. Did Ieng Thirith or other Social Affairs cadres confirm that  
17 they had indeed met with Nuon Chea?

18 A. No, she didn't say so.

19 [10.10.40]

20 Q. I will move to the last of -- the second last subject.  
21 You talked about some of the instructions issued by senior  
22 leaders and you had made a few statements before the  
23 investigators, with regard to the Social Affairs Ministry, and  
24 you stated - and, once again, I will be quoting from E3/447,  
25 question number 7: "Ieng Thirith had the power to nominate staff

1 or to dismiss or purge staff, to organize meetings, and to spy on  
2 medical staff in order to uncover the enemy burrowing from  
3 within."

4 The use of -- "dismissal" and "purge" were used -- were both used  
5 here. Do they mean the same thing at -- did they mean the same  
6 thing at the time you were working?

7 A. I don't understand the actual meaning of the term "purge". But  
8 as a person responsible at the location, I believe that she had  
9 the authority to have anyone removed, but I don't understand or  
10 don't know the level of the authority enjoyed by her, although I  
11 knew for sure that any order would be rendered from higher up,  
12 and Madam Ieng Thirith would not be able to challenge any  
13 instruction or orders rendered from her superior.

14 [10.13.00]

15 So, in principle, at that time, it was up to the upper echelon or  
16 superior who would render any kind of decision, and that -- the  
17 subordinates would have to follow suit. I don't know for sure  
18 what the term "upper echelon" means.

19 Q. In the same interview, you also stated that she had the power  
20 to spy on medical staff in order to uncover the infiltrated  
21 enemy. Does this mean that staff were being monitored?

22 A. The term "monitoring", here, is more about to observe what's  
23 going on and trying to understand the policy -- the working  
24 policy as such.

25 Q. Thank you.

24

1 In several of your written record of witness interviews, you made  
2 reference to the arrest of Sou and Pak, from the Ministry of  
3 Social Affairs. What were the roles of Sou and Pak within the  
4 Ministry of Social Affairs?

5 A. He worked as the Deputy Chief of K-2 or perhaps the Deputy  
6 Chief of the Social Action Office, because there was no official  
7 announcement about his or her title at that time.

8 [10.15.11]

9 Q. Are you referring to Sou or Pak, or are you stating that they  
10 were both working as deputies for Ms. Ieng Thirith at the  
11 Ministry of Social Affairs? Could you please be specific?

12 A. And Sou I was referring to.

13 Q. And what were the duties or roles of the person called Pak?

14 A. She was the head of the Medicine Production Unit; it was known  
15 as P-1 at that time, if I am not mistaken.

16 Q. Did you ever take Sou or Pak to K-7, to the Department of  
17 Messengers?

18 A. Yes, I did, but I used to bring her to that place only on one  
19 occasion. After that, I never saw her again.

20 Q. Are you referring to both individuals? I thought I understood  
21 that you only took one of them. Could you please clarify?

22 [10.17.11]

23 A. Yes, I took them to K-1 (sic) only on one occasion. That's  
24 only once.

25 Q. Very well. So, I understand that you took them to K-1. But did

25

1 you ever take them to K-7? Because what I heard through the  
2 interpretation was K-1. So could you please, Mr. Witness, clarify  
3 as to whether you took them to K-1 or K-7?

4 A. I was saying K-7, indeed.

5 Q. Thank you. Who ordered you to take Sou and/or Pak to K-7?

6 A. Madam Ieng Thirith did that.

7 Q. And did she make it explicit that those two were being  
8 summoned to a meeting?

9 A. There was no confirmation to me whether they would be sent to  
10 the meeting or not. She only told me to bring them to K-7; that's  
11 all.

12 Q. And following that, during the days that followed, did Ms.  
13 Ieng Thirith talk about Sou or Pak during her meetings?

14 [10.19.13]

15 A. Fifteen days after that, a meeting was convened in which Ieng  
16 Thirith was saying that these people were traitors.

17 Q. I wish to quote from your answer to question number 14 in  
18 document E3/447: "Yeay Phea said that those two were traitors.

19 She read from a circular issued by K-3."

20 Which circular is being referred to? And how did you know this?

21 Was it Ieng Thirith who had said so?

22 A. It was Madam Ieng Thirith who said that this was the circular  
23 issued from K-3.

24 Q. And, when you refer to K-3, were you aware of the relations or  
25 communications between K-3 and Office 870?

1 A. No, I don't know.

2 [10.21.09]

3 Q. For the record, Mr. President, I wish to point out that under  
4 IS 5.95, there is the confession of Sin Kun alias Sou, dated the  
5 13th of March 1978, which makes reference to the arrest made on  
6 the 3rd of March 1978.

7 In the list of prisoners of S-21, under E3/1535, listed under  
8 item 25 (sic), there is the name Uy Phirou, alias Pak. He is  
9 registered as having entered S-21 in February 1978.

10 Aside from these two senior cadres who were deputies to Ieng  
11 Thirith, were there many arrests and disappearances from the  
12 Ministry of Social Affairs from 1978 onwards, as of the time that  
13 you began working there?

14 A. I don't think I remember every detail of this. Several people  
15 disappeared, but I don't remember those people.

16 Q. Prior to the disappearances, like cadres from Sector 105, were  
17 they called to meetings, or were there other ways or other  
18 procedures in place that were applied prior to their  
19 disappearance?

20 A. I've indicated, these people would be told to go to study  
21 sessions, after which they had disappeared. And it happened  
22 again, and again, like that.

23 [10.23.47]

24 Q. And, of those who were arrested from the Social Affairs  
25 Ministry and who were called to these study sessions, who from

1 the Ministry of Social Affairs issued those summons, if you know,  
2 sir?

3 A. I don't know about this, although I know for sure that people  
4 kept disappearing. However, whether who issued such order to have  
5 these -- that person removed or taken away, I don't know because  
6 I was a driver, mainly.

7 Q. Thank you. You talked about the many disappearances from the  
8 ministry, the disappearances from factories, from pharmaceutical  
9 factories, from K-2. Given all of those disappearances, did you  
10 note a shortage of qualified cadres because of the great number  
11 of disappearances that were happening?

12 A. Yes, that's what I noted back then; there were less people at  
13 work, and we lacked the workers.

14 [10.25.38]

15 Q. You talked about the work being carried out by the three  
16 daughters of Ieng - Ieng Thirith and Ieng Sary. You talked about:  
17 Minh, who was director of a hospital; Neath, who worked in a  
18 pharmaceutical factory; and Ra. Now, aside from the three  
19 daughters of Ieng Sary and Ieng Thirith, by the end of 1978, were  
20 there still a good number of cadres who were working, or would  
21 you say that the majority of cadres had been purged?

22 A. When I worked with her, these three people, the cadres, still  
23 worked with -- in that place.

24 Q. And one final question, Mr. Witness. You talked about K-7, the  
25 Department of Messengers. It would appear that in one of your

28

1 P.V.s, there is a reference to K-17. Did -- was the Department of  
2 Messengers designated as K-7 or K-17?

3 A. I, myself, am confused. Perhaps I have mistaken K-7 for K-17,  
4 because it is K-17 for sure. I believe it was located near the  
5 riverfront.

6 [10.27.48]

7 Q. Does the confusion stem from the fact that within Sector 105  
8 there was also an office called K-17?

9 A. Yes, I think that's the case.

10 Q. And who was at the head of the Department of Messengers in  
11 Phnom Penh? You talked about Sou and Pak.

12 A. The person by the name of Kou was the chief of that office. I  
13 don't know who could have been his successor. This person's also  
14 known as Kou or Ki.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you very much for that clarification.

17 Mr. Witness, I have no further questions for you. I wish to thank  
18 you for answering all of my questions. I wish to thank you for  
19 your patience.

20 Mr. President, I have no further questions to put to this witness  
21 and would now like to defer to my colleagues from the civil  
22 parties.

23 (Judges deliberate)

24 [10.30.14]

25 MR. PRESIDENT:

1 Counsel Ang Udom, you may now proceed.

2 MR. ANG UDOM:

3 Good morning, Mr. President and Your Honours. Good morning to  
4 everyone in and around the courtroom. I have an observation,  
5 which is really strange observation.

6 The Co-Prosecutor finished his questioning by way of giving some  
7 of his remarks, telling the Chamber that all of his questions are  
8 somehow useful and of relevance. This is really a kind of strange  
9 remark and it should have not happened.

10 The Co-Prosecutor was talking a lot about Madam Ieng Thirith,  
11 although it is obvious to everyone that case involving Ieng  
12 Thirith has already been severed from the current case before us.  
13 When it comes to the administrative structure, perhaps it's  
14 relevant. I do not contest this. However, when it comes to the  
15 charges against Madam Ieng Thirith, this kind of questions  
16 relevant to these charges are somehow irrelevant.

17 [10.31.37]

18 MR. PRESIDENT:

19 Counsel, please be seated.

20 You will -- you would not be allowed to make an observation like  
21 that at this moment. You may do so when your time comes. If you  
22 feel that it is not appropriate when you noted the remark by the  
23 prosecutor, you could do that during the time allocated to you.  
24 We would like now to proceed to Lead Co-Lawyers for the civil  
25 parties.

1 MR. PICH ANG:

2 Good morning, Mr. President. Good morning, Your Honours, and good  
3 morning to everyone. We would like to delegate to Counsel Sam  
4 Sokong and Counsel Isabelle.

5 MR. PRESIDENT:

6 You may proceed.

7 [10.33.09]

8 QUESTIONING BY MR. SAM SOKONG:

9 First and foremost, my respect to President and Your Honours, and  
10 good morning to everyone.

11 Good morning Mr. Kham Phan. I do not have many questions to put  
12 to you, and in the interest of time, I am going to put some  
13 succinct questions to you and I also expect succinct answers from  
14 you as well.

15 Q. Yesterday you responded to a question posed by the Prosecution  
16 and you told the prosecutor that you and your family took refuge  
17 in the jungle. I would like you to enlighten the Court further.  
18 When you took refuge in the forest, what were the prime  
19 motivation of your flee into the forest?

20 MR. PHAN VAN:

21 A. At the time, there was a Resistance Movement. I was very young  
22 at the time, and my late father was one of the resistance  
23 fighters, and the prime motivation was to liberate our country.  
24 That's why there was this national movement taking refuge in the  
25 jungle in order to resist, for the liberation of the country.

1 Q. You say that that was because of the Resistance Movement. What  
2 was the name of this Movement?

3 A. At that time, it was called the National United Front.

4 Q. The National United Front was a national movement, as you put  
5 it. Who was the leader of this Front?

6 [10.35.19]

7 A. It was led by the then Prince Norodom Sihanouk.

8 Q. When you were taking refuge in the jungle together with your  
9 family, how long did you stay in the jungle?

10 A. It was rather long, but I do not recall the exact period when  
11 we stayed over there. I took refuge in the forest when I was very  
12 young, and then I stayed there until I actually understood  
13 everything around me, so it was in -- back in 1970 or so; I  
14 returned.

15 Q. I now come to the time when you came to B-20.

16 And you said you were trained how to typewrite documents. When  
17 you were at B-20, what was your impression of this office,  
18 particularly people around you at this office?

19 A. I did not understand, at the time, that much. I did not know  
20 how people interacted with one another. I was trained how to  
21 typewrite the typewriters and learned how to decode messages and  
22 telegrams. So, I -- upon completion of the training, I returned  
23 to my home village, where I worked as the decoder of telegrams,  
24 and then my sister came to take my place, and I turned to be a  
25 driver.

1 [10.37.19]

2 Q. When you came to B-20, did you know the function of this  
3 office -- what kind of jobs did they do?

4 A. It was a long time ago; I cannot recall it all. But in 1970,  
5 following the coup d'état, those uncles were from Ratanakiri  
6 province, and my father was summoned to study in B-20, and I came  
7 along with him, and I was trained how to decode telegrams, and I  
8 also was tasked to courier messages among leaders. And, once I  
9 completed my training, I returned to my home village to work with  
10 my father, to decode telegrams.

11 Q. When you and your father came to B-20, how long did you stay  
12 there?

13 A. My father did not stay at B-20; I was there alone.

14 Q. When in B-20, apart from B-20, did you see any other satellite  
15 offices within the compound of B-20?

16 [10.38.57]

17 A. In B-20, there were many branches, as you might have already  
18 known the structure, because if you talk in the context of  
19 wartime, there were different administrative structures and  
20 branch offices, for example, the vegetable or the food production  
21 offices and other offices as well. And the compound of B-20 was  
22 very large, and there were some intellectuals who returned from  
23 overseas -- stayed there as well. And during the wartime,  
24 following the coup d'état, the leaders who came all the way from  
25 Ratanakiri had to stop over at B-20.

1 Q. At B-20, you mentioned that there were other branch offices  
2 subordinate to B-20. When you were staying there, did you observe  
3 that there were meetings convened by leaders at B-20?

4 A. B-20 was a place where they convened meetings. It was like a  
5 workshop hall where leaders assembled and discussed matters.

6 Q. When you were staying at B-20, did you happen to know the  
7 policy of the senior leaders, what -- for instance, what did they  
8 want to achieve at B-20?

9 [10.41.00]

10 A. I did not know. I was too young at that time to understand  
11 anything, so I simply did my job as I was instructed.

12 Q. You said that you were one of the trainees undertaking the  
13 course, a typewriting course. When you were undertaking this  
14 course, did they disseminate any information to you? For example,  
15 did they incorporate any ideological training or whatever  
16 training -- political training, for instance -- to you at that  
17 time?

18 A. I do not recall it very well, in terms of theoretical study.  
19 They actually conducted some political training, particularly on  
20 political lines, so on and so forth, and I do not recall them. At  
21 that time, they told us how to overcome our own self, as well.  
22 There were a lot of different kinds of training, and I simply  
23 cannot recall them all because it took place a long time ago.

24 [10.42.22]

25 Q. So, is it fair to say that there were political training, for

1 example on political lines, but you do not recall? Is that  
2 correct?

3 A. Yes.

4 Q. When you were staying at B-20, did you ever hear the policy to  
5 evacuate people out of Phnom Penh city following the victory of  
6 Phnom Penh?

7 A. No, I was not aware of it.

8 Q. Now I come back to your work.

9 Upon completion of your study, you said that you were one of the  
10 typewriters for your father and you were also acting as his  
11 messenger, and then, later on, you handed it over to your elder  
12 sister. Why did you hand it over to your sister? And why did you  
13 then become a driver?

14 [10.43.49]

15 A. At that time, there was no clear cut structure and appointment  
16 and there was no such thing as a professional field of work. It  
17 depended on whatever the upper authority instructed us.

18 When I talk about typewriting training, it was not a professional  
19 training course; I simply learn how to type it. And I took the  
20 course for a short period of time, and then I went back and did  
21 the job for a short period of time, but there was no specific  
22 assignment that I had to stay with this job. It all depended on  
23 the need; so long as the need arose at that time, I had to fulfil  
24 it. And at that time my sister could typewrite it, and I could  
25 drive; that's why she came to take my place, and I had to do a

1 different job -- that was driver.

2 Q. So, now I would like to ask you about the period after 1975.

3 Yesterday you testified, in response to the question by the

4 Prosecution, that following the 17 of April 1975, you moved to

5 Phnom Penh, along with your father, sometimes in June 1975 -

6 rather, in May 1975, and there was a rally in Olympic Stadium. Do

7 you still stand by this statement?

8 [10.45.37]

9 A. Yes, I did. I did come along with my father at the time.

10 Q. When you came with your father and other cadres from the

11 sector, how did you - how did you come to Phnom Penh -- from

12 Sector 105 all the way to Phnom Penh?

13 A. At that time, we took a truck to Kratie province, and then we

14 got off and we took the boat all the way from Kratie province to

15 Phnom Penh.

16 Q. When you got to Phnom Penh and you attended the meeting, how

17 long did the meeting last?

18 A. I do not recall how many days it took; I was very young at

19 that time. I simple came with my father because I wanted to see

20 Phnom Penh. I just wanted to indulge myself.

21 Q. If you do not recall the exact number of days the meeting was

22 held, how long did you stay in Phnom Penh at the time?

23 A. I stayed there for approximately half a month, and then, after

24 that, I went back, bringing along with my some materials as well.

25 [10.47.18]

1 Q. When you came, along with your father, to Phnom Penh to attend  
2 the meeting, how many cadres from Sector 105 accompanied your  
3 father?

4 A. There were many cadres; he did not come alone, he came along  
5 with many other cadres.

6 Q. After returning to Sector 105, you worked as a messenger and a  
7 typewriter for your father. Did your father tell you the details  
8 of the meeting held in Phnom Penh?

9 A. No, he didn't.

10 MR. PRESIDENT:

11 Counsel, please pause for a minute because the AV assistant has  
12 to replace the recorder. And we shall resume shortly.

13 (Short pause)

14 [10.49.14]

15 We shall now resume.

16 Counsel, you may proceed.

17 BY MR. SAM SOKONG:

18 Q. I would like to clarify a bit on the meeting held in May 1975.  
19 Where was the venue of the meeting? Was it held at Olympic  
20 Stadium or somewhere else?

21 MR. PHAN VAN:

22 A. It was held at the Olympic Stadium, and - well, as for the  
23 typewriting, I was not a typewriter; I was a decoder of  
24 telegrams, I helped my father decode telegrams.

25 Q. How did you know that the meeting was held at the Olympic

1 Stadium?

2 A. Well, at that time, there were cadres from every corner of the  
3 country. There were tens of thousands of participants.

4 Q. When the meeting started, did -- the actual meeting was held  
5 inside the compound of the Olympic Stadium or it was outside the  
6 premise of the stadium?

7 [10.51.00]

8 A. No, it was outside the stadium.

9 Q. Now, following the meeting, your father, in his capacity as  
10 the Secretary of Sector 105, had to return to their respective  
11 sector. Did you father convene the sector level meeting in order  
12 to disseminate the outcome of the meeting held in Phnom Penh?

13 A. That I do not know; I do not recall it. But generally the  
14 meeting was convened on a regular basis, and it was normal to  
15 disseminate information in relation to the meeting held  
16 elsewhere.

17 Q. Following the meeting, your father and other cadres returned  
18 to their respective location. Did you observe that there were any  
19 changes to the overall work plan of the sector?

20 A. I do not recall, but at that time the main task was the  
21 increase of agricultural production and everyday activities; that  
22 was it.

23 [10.53.12]

24 Q. You mentioned the cooperative of Sector 105. Do you recall  
25 when that sector cooperative was established?

1 A. I do not recall in Sector 105, but to my recollection,  
2 cooperative was established well before the liberation of Phnom  
3 Penh in 1975.

4 Q. There was an existence of cooperative; people ate communally  
5 at the time. What did people do in the cooperatives, other than  
6 eating communally?

7 A. I do not understand your question.

8 Q. You mentioned that there was an existence of cooperatives, and  
9 in cooperatives, people ate communally. And I would like to know  
10 whether or not this cooperative was under the supervision of the  
11 sector secretary -- that is, your father -- or cooperative was  
12 separate entity independent of the sector.

13 A. Actually, the Sector 105 Office had its own cooperative. They  
14 had a cooperative and they had their communal eating hall  
15 separately. And at the village level, they also had their  
16 cooperatives. And in cooperatives, other than eating communally,  
17 they worked collectively. For example, in the rice fields, they  
18 had to do it all together and they harvest crops and kept it  
19 collectively.

20 [10.55.53]

21 Q. After your father and other cadres returned from the meeting  
22 held in Phnom Penh, did you observe any treatment against the  
23 Vietnamese - the ethnic Vietnamese people? For example, did they  
24 -- you know, force people to get married or so in your location?

25 A. Can you please repeat your question?

1 Q. When your father and other cadres returned from the meeting in  
2 Phnom Penh, was there any treatment against the Vietnamese  
3 people, for example forced marriage of the ethnic Vietnamese or  
4 the people in your location?

5 MR. PRESIDENT:

6 Witness need not answer this question because this is beyond the  
7 scope of the current case. Forced marriage is not within the  
8 confine of Case 002/01. This was enumerated in document  
9 E/124/7.1. Other inhumane acts did not encompass the forced  
10 marriage; it was confined to the population movement, phases 1  
11 and 2.

12 [10.57.48]

13 BY MR. SAM SOKONG:

14 Thank you, Mr. President.

15 Q. I now move on to the next question. In relation to the  
16 security office, you also testified yesterday that in Sector 105  
17 there was one security office under the supervision of your  
18 father, and then, later, there was another. There was Division  
19 920, which was located to Sector 105. Could you enlighten the  
20 Court, the interaction between Division 920 and Sector 105? How  
21 did they interact? And what was the hierarchical structure of  
22 these two entities like?

23 MR. PHAN VAN:

24 A. There was interaction between these two entities, but I do not  
25 understand the detail of their interaction and the hierarchical

1 structure.

2 Q. When you were working as a messenger for your father in Sector  
3 105, did you ever courier messages to other districts subordinate  
4 to Sector 105?

5 [10.59.38]

6 A. Yes, I did.

7 Q. Do you still remember what the message was about? I mean the  
8 message you sent to each district.

9 A. I don't know.

10 Q. The messages you carried to each district, where did you  
11 receive them from?

12 A. Sometimes I got from my father, or sometimes I got from the  
13 head of the offices.

14 Q. Concerning decoding the telegrams, as a telegram decoder, from  
15 whom did you receive such telegrams for decoding?

16 A. I received them from the typist and the radio communicators.

17 MR. SAM SOKONG:

18 Mr. President, I have no further questions to put to this civil -  
19 rather, this witness. However, I would like to cede the floor to  
20 my colleague to continue putting a few more questions.

21 [11.02.07]

22 QUESTIONING BY MS. DURAND:

23 Good morning, Mr. President. Good morning, Your Honours, ladies  
24 and gentlemen.

25 Good morning, Mr. Witness. My name is Isabelle Durand. I am

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1 counsel for the civil parties and I do have a few questions to  
2 put to you.

3 Q. Just now, you stated that you accompanied your father. In May  
4 1975, you two travelled to Phnom Penh to attend a general  
5 assembly taking place in the Olympic Stadium. Can you please  
6 describe to us the state of the city of Phnom Penh in May 1975?

7 MR. PHAN VAN:

8 A. I do not think I understand your question.

9 Q. When you arrived in Phnom Penh -- in May 1975 in Phnom Penh  
10 with your father, what was the state or situation in which the  
11 city was found? Were there people moving about freely? Were their  
12 vehicles driving through the city? Did you find an empty city,  
13 aside from the Olympic Stadium?

14 A. The city was empty; it was very quiet. People did not dare  
15 walk about. There was no car, no motorcycles. There were only a  
16 few soldiers who were seen standing guard at some premises.

17 [11.03.43]

18 Q. And what was the state the city of Phnom Penh was in when you  
19 were working as driver for Ms. Ieng Thirith, in 1978?

20 A. At that time, there were only workers at different ministries  
21 or offices and soldiers who occupied the whole Phnom Penh.

22 Q. In your capacity as driver, how did your typical work day  
23 unfold? Where did you sleep? Where did you take your meals? And  
24 how often did you drive Ms. Ieng Thirith?

25 A. I was offered accommodation at the outside. But, when it comes

1 to eating, we would be asked to eat communally, and I would then  
2 be asked to take Madam Ieng Thirith to, for example, the medicine  
3 production factory.

4 Q. Were you able to discuss with other staff members from the  
5 Ministry of Social Affairs?

6 A. At that time, I did not converse with any of the workers  
7 because, as a driver, my duty was to drive a car.

8 [11.06.32]

9 Q. And why were you unable to discuss with the others?

10 A. I don't understand your question for sure. "Discussion"; are  
11 you referring to just brief conversation with our colleagues? If  
12 so, we could do that. For example, I could chat with colleagues,  
13 but not about other functions.

14 Q. And what did you talk about? What kind of topics did you cover  
15 during those conversations?

16 A. We would ask one another about our wellbeing, where they  
17 lived. It's more about greeting.

18 Q. Were you able to avail yourself of the possibility to exchange  
19 your views on what was happening in Phnom Penh at the time?

20 A. I am afraid not. At that time, no one would dare talk anything  
21 about this. We were very afraid; we had to mind our own business.  
22 We were afraid of being accused of being enemy, and people did  
23 not wish to risk their life talking about politics, at all.

24 [11.08.31]

25 Q. You stated that you accompanied Ms. Ieng Thirith to various

1 locations and you also took her to a pharmaceutical institute.

2 Who was there, exactly? Were there vary many people? Were there  
3 students?

4 A. At the medical school, she would be attending sessions where  
5 new staff members attended the sessions, as well.

6 Q. Were there only staff members from the Social Affairs Minister  
7 (sic) working at the medical school or were there any other  
8 people?

9 A. There were only the medical staff members at the Social Affair  
10 Section.

11 Q. Can you please tell us how communications were exchanged  
12 within and without the Social Affairs Ministry?

13 [11.10.13]

14 A. I don't know things about this because I was a driver, driving  
15 the vehicle, and it was not in my capacity to know about this  
16 communication channel.

17 Q. Do you know if there was a telegram section operating within  
18 the Social Affairs Ministry?

19 A. No.

20 Q. In E3/477, you describe two types of meetings that were held  
21 within the Ministry of Social Affairs. You talked about quarterly  
22 assemblies and you also talked about follow-up meetings. Sir, can  
23 you please tell the Court whether these are indeed two different  
24 and distinct types of meetings?

25 A. These two meetings were separate meetings: the normal meeting

1 and the self-criticism meeting.

2 Q. (Microphone not activated)

3 THE INTERPRETER:

4 Inaudible for interpreter.

5 MR. PRESIDENT:

6 Counsel, activate your mic, please.

7 [11.12.06]

8 BY MS. DURAND:

9 Pardon Me.

10 Q. What happened during the meetings that you described as  
11 routine and usual meetings?

12 MR. PHAN VAN:

13 A. Nothing happened, except that the people would criticize one -  
14 one another.

15 Q. And what would happen during those self-criticism meetings?

16 A. In these meetings, people have to place themselves for being  
17 criticized -- I mean, allow yourself to be criticized by others  
18 in the meeting.

19 [11.13.14]

20 Q. Were decisions taken at the conclusion of those meetings?

21 A. After the meetings, each person who was criticized or whose  
22 mistakes or weaknesses were found in the meeting would then be  
23 asked to commit not to do that again.

24 Q. Was that the sole decision that was made?

25 A. Yes, it is correct.

1 Q. And, of those who were sent to K-7, after what type of meeting  
2 were they transferred to K-7?

3 A. There was no other meetings.

4 Q. In the course of your duties as a driver to Ms. Ieng Thirith,  
5 you drove her to hospitals. Can you please tell us who was being  
6 cared for in those hospitals? Were there soldiers, were there  
7 officers, were there civilians, and were there many patients who  
8 were being cared for in the hospitals?

9 A. At that time, both civilians and soldiers were treated at the  
10 hospital, but the majority of the in-patients were soldiers.  
11 Soldiers who brought from the battlefield from the boarder really  
12 occupied the whole hospital vicinity.

13 [11.15.52]

14 Q. As far as the medical and technical staff are concerned, they  
15 were working in the hospital. Can you please say a few words with  
16 respect to the nationality of the staff and whether or not there  
17 were many staff members working in the hospitals?

18 A. The medical staff were on Khmer nationality, mainly. There  
19 were some experts, as well, who were Chinese.

20 Q. You provided us an account during which Ieng Thirith had been  
21 criticized about the disappearance of staff members from the  
22 hospitals. Can you please describe to us once again that  
23 particular scene?

24 A. How would you expect me to describe all about this? Can you  
25 please be more precise?

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1 [11.17.25]

2 Q. The occurrence was at the Khmer-Soviet friendship Hospital.

3 You noticed Ms. Ieng Thirith being criticized over the  
4 disappearance of technical staff. You had provided this account  
5 in your written record of witness interview.

6 A. At that time, she met with Chinese comrades. But at that time  
7 there were not enough medical staff, and she was criticized over  
8 the disappearance or the shortcoming of the medical staff member,  
9 and I heard them exchange in the conversation but I did not hear  
10 the details of the conversation, although I knew they were  
11 talking briefly about the disappearance of the medical staff.  
12 They didn't appear during the time that the Chinese experts were  
13 there.

14 Q. What decision did Ieng Thirith take in order to replace the  
15 staff members who had disappeared?

16 MR. PRESIDENT:

17 Mr. Witness, please hold on.

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

19 [11.19.08]

20 MR. ANG UDOM:

21 Thank you, Mr. President and Your Honours. Again, I take issue  
22 with this line of questioning.

23 It is irrelevant because Madam Ieng Thirith has been severed from  
24 these case file already, and I think it is a waste of time to  
25 dwell on the matter that is not relevant.

1 MS. DURAND:

2 Mr. President, my questions do not concern Ms. Ieng Thirith  
3 exclusively; they relate to the organization structures in place  
4 in hospitals during the time that she was responsible for  
5 hospitals in her capacity as Minister of Social Affairs.

6 (Judges deliberate)

7 [11.20.12]

8 MR. PRESIDENT:

9 The objection by counsel for Mr. Ieng Sary is sustained.

10 Witness is now instructed not to respond to the question that --  
11 just put by counsel for the civil parties.

12 BY MS. DURAND:

13 Q. We'll just move back to a few previous subjects, Mr. Witness.  
14 You stated that you learned to read and write in Ratanakiri. You  
15 specified that, at B-20, all of the children of cadres had been  
16 sent to that area -- all of the children of cadres who were at  
17 the ranking of chief. You were in Ratanakiri. Can you please tell  
18 us if the other children had received -- or received an  
19 education?

20 MR. PHAN VAN:

21 A. There were quite a number of children who had this  
22 opportunity.

23 Q. Were they -- were they not the children of cadres?

24 A. No, not really. This place was meant to provide education only  
25 to the children of the cadres -- only.

1 [11.24.44]

2 Q. And what about the children of those who were not cadres? What  
3 kind of an education did they receive?

4 A. During that time, there was no proper school; people would  
5 only go to an office in the jungle, and the office would be used  
6 as school.

7 The normal - the children of ordinary villagers would never be  
8 offered such opportunity because the children of the cadres would  
9 only be offered some specific education to understand to count  
10 numbers and certain characters.

11 Q. You testified that there were cooperatives. However, you did  
12 not talk about work camps. Were there any work camps at K-17?

13 A. I do not understand what you mean by saying "work camp". I  
14 would like you to rephrase your question.

15 [11.26.39]

16 Q. To your mind, are "cooperatives" synonymous with "work camps"?  
17 Do you refer to the same thing when you talk about  
18 "cooperatives"? Is a cooperative a work camp?

19 A. A cooperative is more or less a communal eating hall. And,  
20 when it comes to working, people also worked collectively because  
21 there was no private farmland or property. So, for example, in  
22 each single village, there would be a communal eating hall where  
23 people would come and eat communally, and then they would really  
24 do farming collectively, not individually.

25 Q. And were the children who were living in the cooperatives

1 receiving education?

2 A. There was no such education provided to any of the children.

3 MS. DURAND:

4 Thank you very much, Mr. Witness.

5 I have no further questions, Mr. President.

6 MR. PRESIDENT:

7 Fellow Judges of the Bench, would you wish to put some questions  
8 to the witness?

9 Judge Lavergne, you may now proceed.

10 [11.28.30]

11 QUESTIONING BY JUDGE LAVERGNE:

12 Thank you, Mr. President.

13 Q. Witness, I am Judge Lavergne. You have already taken an awful  
14 lot of questions since yesterday, and I just want to follow up on  
15 one or two matters, first about the date when your father died.  
16 Could you give us some rather more precise information about that  
17 particular date?

18 MR. PHAN VAN:

19 A. My father died on the date that I don't exactly remember, but  
20 I know for sure that at that time he was convened to come to  
21 Phnom Penh through a helicopter, along with his two bodyguards,  
22 I, myself, my uncle as well. By the time we arrived at the  
23 Pochentong location, we were picked up by a vehicle, and he and  
24 his two bodyguards came to K-17, and I was allowed to tour the  
25 city because we came from the province. And that's all I know

1 about what happened.

2 [11.30.07]

3 And after he had disappeared to work, in the late afternoon,  
4 after touring the city, I did come to the riverfront to visit the  
5 Royal Palace, and by the time I came home, he already died at the  
6 house. I reported to K-17 about his death, and some people were  
7 assigned immediately to take care of the body of my father. Later  
8 on, there was no proper information, other than that he was  
9 killed by an enemy. But at that time I saw a handgun, the handgun  
10 that my uncle was holding, and a metal bar; and that's the scene  
11 of the incident. And the body of my father was later on taken to  
12 K-17. And that's all I remember.

13 Q. When you talk about your uncle, are you talking about Kham  
14 Phuon?

15 A. Yes.

16 Q. And the version of your uncle's and father's death that seems  
17 to me the most - that seems to be the most plausible one is what?  
18 It was the settlement of a dispute or some kind of intervention  
19 from outside?

20 [11.32.06]

21 MR. IANUZZI:

22 Excuse me, Judge Lavergne; I'd like to object to that question.  
23 It is - it is our position - it is the Nuon Chea team's position  
24 that this witness is here to testify about administrative and  
25 communication structures.

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1 We certainly accept that the date -- the alleged date when an  
2 individual may or may not have been called to Phnom Penh or to  
3 any place is relevant. In fact, I would have asked that same  
4 question myself: When? However, the details of what I believe you  
5 are about to go into are irrelevant to Case 002/01; you're now  
6 moving into an area that has little to do with administrative and  
7 communication structures. I believe -- I believe, and you will  
8 correct me if I'm wrong -- that you're about to discuss a  
9 particular alleged killing that does not form the basis of this  
10 particular trial.

11 So, again -- let me just make that very clear -- I did not object  
12 to the first question you asked because, as I said, I indeed was  
13 going to ask that myself. I, myself, am very curious as to when  
14 exactly that alleged message was sent. However, again, just to  
15 reiterate, everything after that, I believe, is irrelevant to  
16 this trial.

17 Thank you.

18 (Judges deliberate)

19 [11.34.23]

20 MR. PRESIDENT:

21 The objection and the ground for objection by the defence counsel  
22 for Mr. Nuon Chea is not well founded and does not sustain.

23 Witness is now instructed to respond to the question. Otherwise,  
24 I would like to ask the Judge to repeat the question.

25 MR. PHAN VAN:

1 Could you please repeat your last question, Your Honour?

2 BY JUDGE LAVERGNE:

3 Q. Yes, Mr. Witness. I was asking you if, on the basis of your  
4 own knowledge, there is a particular version of events that seems  
5 to you to be more plausible than others, with respect to the  
6 deaths of your father and uncle. Are we talking about a dispute  
7 between the two of them which came to a sorry end, or would say  
8 that there are other reasons behind this?

9 [11.35.31]

10 MR. PHAN VAN:

11 A. Your Honour, I actually do not understand this myself.  
12 If we would think that they had any contradiction or argument, I  
13 do not believe that it was the case because they were siblings  
14 and they were quite close to one another. And, in addition, they  
15 did not possess any guns or weapons at all. When they came here,  
16 they had left behind their belongings, including guns or weapons  
17 as well. And then they were also searched before they were taken  
18 away. So I believe that it was not because of the contradiction  
19 or argument between them.

20 At that time, there was no investigation whatsoever to find out  
21 the course of their death. Normally, if people died, they would  
22 assume that people have died because they had been fighting with  
23 the enemy or so.

24 [11.37.14]

25 Q. But was there an official version of these events? And if so,

1 were your father and your uncle, Kham Phuon, treated in the same  
2 manner? It seems that honours were done to your father, and that  
3 he was cremated, and that his ashes were returned to his home.

4 Was the same treatment meted out for your uncle?

5 A. At that era, I did not understand well. I did not attend the  
6 funeral either. Following their death, I stayed for a short  
7 period of time with Madam Ieng Thirith at Akreiy Ksatr.

8 Q. If you can't tell us precisely what the date was, do you have  
9 a general idea of the time when these events occurred? What year  
10 was it in? Was this at the beginning of the year or was it  
11 towards the end?

12 A. I do not recall the date, exactly, when the event took place.  
13 If I want to find out about it, then I would have to go and ask  
14 my relatives or friends; they might have known the event.

15 Q. Do you know if, when these facts occurred, there were other  
16 people who were victims of purges? Were there other people who  
17 were called to training sessions in Phnom Penh? Were there other  
18 cases of disappearances? And, if there were, can you quote any  
19 names?

20 [11.39.59]

21 A. Following the death of my father--

22 MR. IANUZZI:

23 (Microphone not activated)

24 Is that working now? I was saying I would like to object to that  
25 question for the record; and I apologize for interrupting your

1 testimony, Mr. Witness.

2 Again, purges -- the particulars of alleged purges are not a part  
3 of this case. Those are not the crime bases that we're looking  
4 into. The crime bases in this case -- the underlying crimes are  
5 population transfers. So, of course, we can talk about telegrams  
6 and structures, everything that we have been talking about, but  
7 when we get into the details of alleged purges, I think and I  
8 submit -- and it's our team's submission -- that that is well  
9 outside of the scope of Case 002/01.

10 And I just wanted to put that on the record. I know it seems a  
11 bit strange to object to a question from a person who will decide  
12 on that objection, but I just want to make it for the record.

13 [11.41.24]

14 MR. PRESIDENT:

15 Prosecutor, you may proceed.

16 MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President.

18 I think it would be useful if the Chamber could take a position  
19 on the question of whether matters put by Judges can be objected  
20 to by parties -- that's the first thing. I don't think, actually,  
21 that is the case.

22 Secondly, everybody heard the witness talking about invitations  
23 or convocations sent by Nuon Chea to certain cadres of Sector 105  
24 who then disappeared, and it therefore seems to me that the  
25 question is relevant, but it concerns -- because it concerns

1 purges where, for certain individuals, the issue was instructions  
2 sent out by the Centre.

3 MR. IANUZZI:

4 If I could just respond to that, I agree that the question of  
5 whether or not -- the topic, excuse me, of alleged purges are  
6 contained in correspondence communication. That's obviously  
7 relevant; I can't object to that. However, what I'm objecting to  
8 is an exploration of the details of individual purges, which is,  
9 I believe, the route Judge Lavergne was going down.

10 As to whether or not I'm allowed to object, I certainly will  
11 continue to do that when I find the question objectionable. You  
12 are the Judges, you will decide on the merits of whatever it is I  
13 have to say.

14 Thank you.

15 (Judges deliberate)

16 [11.45.05]

17 MR. PRESIDENT:

18 The objection is not founded.

19 And the Chamber advises the parties that they not object against  
20 a question posed by members of the Bench.

21 Witness is instructed to respond to the question.

22 MR. PHAN VAN:

23 A. I would like to clarify the death of my father.

24 Of course, he died on his bed. And as for my uncle, he died at  
25 the door and he had his gun in his hand. But, when he left for

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1 the place, he did not carry any gun at all. That's why I was a  
2 bit doubtful of the cause of his death.

3 [11.46.26]

4 MR. PRESIDENT:

5 The time is now appropriate for the morning adjournment.

6 Soon, the international side of the Court will conduct a town  
7 hall meeting starting from 12 o'clock, and the Office of  
8 Administration has requested that this room be vacated for the  
9 purpose of the town hall meeting.

10 And the hearing will resume this afternoon, starting from 2.00 in  
11 the afternoon.

12 And this afternoon we are hearing the testimony of TCCP-1 through  
13 video-link from France and we will hand over the floor to the  
14 civil party first.

15 Witness, your testimony this morning is done, and this afternoon  
16 we are not going to hear you. We will resume hearing you tomorrow  
17 morning.

18 Court officer is instructed to facilitate the return of the  
19 witness and his duty counsel and have him back to the courtroom  
20 tomorrow morning for the resumption of the hearing.

21 I note the defence counsel is on his feet. You may proceed,  
22 Counsel.

23 [11.48.05]

24 MR. IANUZZI:

25 Thank you, Mr. President. I've been informed by our client that

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1 he is not feeling well and he would like to spend the afternoon  
2 session in the holding cell. He's suffering from a headache, a  
3 lack of concentration, and back pain.

4 So our application is that he be permitted to spend the afternoon  
5 in the holding cell. Thank you.

6 MR. PRESIDENT:

7 The Chamber notes the request by Mr. Nuon Chea through his  
8 defence counsel, requesting that he be allowed to follow the  
9 proceedings remotely through audio-visual means for the remainder  
10 of today's proceedings, due to his health reason. He cannot  
11 follow the proceedings directly in this courtroom.

12 The Chamber grants the request. Mr. Nuon Chea may follow the  
13 proceedings for the remainder of today's proceedings in the  
14 holding cell downstairs, where the audio-visual link is connected  
15 to him to follow the proceeding.

16 [11.49.16]

17 And Mr. Nuon Chea has waived his right not -- to be present  
18 directly in this courtroom. However, the Chamber requires the  
19 defence team for Mr. Nuon Chea to submit immediately the waiver  
20 of Mr. Ieng Sary (sic) not -- to be present directly in this  
21 courtroom, with his signature or thumbprint.

22 And audio-visual staff are directed to link the proceedings to  
23 the holding cell downstairs, where Mr. Nuon Chea is to follow the  
24 proceedings by remote means.

25 Security guards are instructed to bring Mr. Nuon Chea and Mr.

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1 Khieu Samphan to the holding cell downstairs. This afternoon, Mr.  
2 Nuon Chea is to remain in the holding cell, where he will be  
3 connected through audio-visual link to the hearing in this room,  
4 and Mr. Khieu Samphan is to be brought to this courtroom before 2  
5 o'clock this afternoon.

6 (Court recess from 1150H to 1409H)

7 MR. PRESIDENT:

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

9 During this afternoon's session, the Chamber continues hearing  
10 the testimony of Civil Party Denise Affonço, or civil party  
11 TCCP-1.

12 Good afternoon, Madam Civil Party.

13 MS. AFFONÇO:

14 Good afternoon, Mr. President.

15 [14.11.34]

16 QUESTIONING BY THE PRESIDENT:

17 Madam, I am Nil Nonn, the President of the Trial Chamber. I would  
18 like to ask you a few questions.

19 Q. First, what - what is your name?

20 MS. AFFONÇO:

21 A. My name is Denise Affonço.

22 Q. Thank you, Madam. Can you also please tell the Chamber when  
23 you were born?

24 A. I was born on the 22nd of November 1944, in Phnom Penh.

25 Q. Thank you. Where do you live now?

1 A. I currently reside in France. I live in the South of France,  
2 in Grasse, on Avenue 7 -- on Avenue 7 Des Romes (sic).

3 Q. Thank you. What do you do for a living?

4 A. Mr. President, I am currently retired. I was a civil servant  
5 at the Ministry of Foreign Affairs. I also worked for the  
6 European Union, and I've been retired since 2009.

7 [14.14.00]

8 Q. Can you also tell the Chamber, please, what your parents'  
9 names are?

10 A. My father was called Maurice Lucien Affonço; he was a French  
11 national. And my mother was called Truong Thi Le; she was  
12 Vietnamese.

13 Q. Thank you. What is your current husband's name? And how many  
14 children do you have?

15 A. My husband's name is Robert Herman (phonetic), and we do not  
16 have any children together.

17 Q. Thank you. What is your nationality?

18 A. I am French.

19 Q. Thank you.

20 Madam Affonço, as the civil party before this Chamber, you will  
21 be given the opportunity to make a statement of suffering and the  
22 expression of the harms and injuries inflicted onto you,  
23 including both physical and psychological harms, the harms that  
24 have been resulted directly or indirectly from the crimes--  
25 (Technical problems)

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1 [14.16.47]

2 We would continue this. Indeed, I am reading out something that  
3 you, Madam Affonço, should know.

4 And, indeed, the opportunity would be given to you make such a  
5 statement at the end of your testimony if you would wish to do  
6 so.

7 Do you understand this, Madam Affonço?

8 A. Yes, I understand.

9 Q. Thank you.

10 Madam Affonço, can you also tell the Chamber who sitting next to  
11 you is? Is he your counsel?

12 A. Yes, he is my lawyer. His name is Julien Rivet.

13 MR. RIVET:

14 Good morning, Mr. President.

15 [14.18.08]

16 MR. PRESIDENT:

17 Thank you.

18 Next, the Chamber would like to inform the Lead Co Lawyers for  
19 the civil parties that according to Internal Rule 91bis of the  
20 ECCC, Lead Co-Lawyers for the civil parties will be given the  
21 opportunity to put questions to the civil party first, before the  
22 other parties to the proceedings. Both the Co Prosecutors and the  
23 Lead Co-Lawyers for the civil parties will have this whole  
24 afternoon to put questions.

25 MR. PICH ANG:

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1 Thank you, Mr. President and Your Honours. The undersigned  
2 counsels who will be putting questions to Madam Affonço are  
3 Counsel Sam Sokong and Emmanuel Jacomy.

4 However, I may also wish to inform Mr. President and Your Honours  
5 that Mr. Julien Rivet is now present near Madam Affonço. We would  
6 like to know whether it is required by the Chamber that request  
7 for recognition of this counsel is made?

8 [14.19.42]

9 MR. PRESIDENT:

10 Thank you, Counsel. Indeed, the request should be made as the  
11 procedural formality.

12 However, may the Chamber be advised as to whether this counsel  
13 has already been recognized before the Bar Association of  
14 Cambodia?

15 MR. PICH ANG:

16 Thank you, Mr. President. This counsel has already been in the  
17 team who has been authorized by the -- Madam Denise Affonço, and  
18 counsel has already taken an oath before the Appellate Court.

19 MR. PRESIDENT:

20 If the counsel has already been recognized a -- long ago, what  
21 would be your request now?

22 [14.20.37]

23 MR. PICH ANG:

24 Thank you, Mr. President.

25 Factually, during each and every beginning of the hearing,

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1 recognition would be asked or made -- a request would be made for  
2 recognition of counsel. However, counsel, for the time being is  
3 now present next to Madam Civil Party. We do not know whether it  
4 would be also the same procedural formality that counsel also  
5 need to be recognized or whether it is required or not for the  
6 time being, or should he appear in this Court personally to make  
7 sure that he should be recognized directly, or can we also do  
8 this now.

9 (Judges deliberate)

10 [14.22.12]

11 MR. PRESIDENT:

12 Judge Lavergne, you may now proceed.

13 JUDGE LAVERGNE:

14 Thank you very much, Mr. President. I'm not certain the Chamber  
15 has entirely grasped the situation. Were you asking whether Mr.  
16 Julien Rivet is registered with the Bar here, in Cambodia, or  
17 that he needs to accompany Ms. Denise Affonço? Are you seeking  
18 his accreditation as an international lawyer before the  
19 Extraordinary Chambers of the Courts of Cambodia?

20 MR. PICH ANG:

21 So far, we have not sought any recognition of this counsel as  
22 yet.

23 Counsel Simonneau-Fort would like to shed light on this.

24 MS. SIMONNEAU-FORT:

25 Yes. I shall attempt to clarify matters.

1 [14.23.34]

2 Mr. Julien Rivet is a member of the Cambodian Bar. He has pledged  
3 his allegiance. He has been given a power of attorney by Madam  
4 Denise Affonço, but the attorney who shall be posing questions is  
5 Mr. Emmanuel Jacomy, who works within the same team and who is  
6 also one of the lawyers representing Madam Denise Affonço. I hope  
7 this is clear now.

8 Does the Chamber wish for Mr. Ang Pich to introduce Mr. Julien  
9 Rivet as international counsel as is routinely done, or is this  
10 unnecessary?

11 MR. PRESIDENT:

12 During this stage, counsel who is accompanying Madam Civil Party,  
13 Denise Affonço, is there only to support her and that counsel is  
14 not engaged in putting questions to the civil party. For this  
15 reason, it is not required by the Chamber for recognition to be  
16 made during this stage.

17 So, when he appears before the Chamber in this courtroom, such  
18 recognition will indeed be very much needed.

19 You may proceed.

20 [14.25.51]

21 MR. SAM SOKONG:

22 Very good afternoon, Your Honour – Mr. President, Your Honours,  
23 and good afternoon, Madam Denise Affonço. Do you hear me, Madam?

24 MS. AFFONÇO:

25 Yes, I do hear you, Counsel.

1 QUESTIONING BY MR. SAM SOKONG:

2 Madam Affonço, I have a few questions to put to you. And, during  
3 the first segment of my question, I would like to ask you about  
4 the events prior to 1975.

5 Q. My first question is as follows: Before 1975, April of 1975,  
6 where did you live?

7 [14.27.02]

8 MS. AFFONÇO:

9 A. I was living in Phnom Penh. My address in Phnom Penh was  
10 called Oknha (phonetic); I do not recall very well. I was living  
11 on a street close to the Military Pensions Unit, which was not  
12 far from the Chinese Hospital. However, I'm unable to cite the  
13 exact name of the street I was last residing in when I was living  
14 in Phnom Penh.

15 Q. What did you do for a living during that period of time --  
16 indeed, prior to 1975 of April?

17 A. Before April 1975, I carried out various duties. I was working  
18 as secretary for several companies, and the last position I held  
19 at the time was with the Cultural Service at the Embassy of  
20 France. I began working for the French Embassy in 1973, and up  
21 until 1973, I worked for a private company that was called  
22 Commune Khmer. The company had as its mission to produce  
23 condensed milk.

24 [14.28.44]

25 Q. You stated that you worked at the French Embassy. During the

1 time you had worked--

2 A. Yes, I was with the Cultural Attaché with the Embassy of  
3 France. I was working there as a secretary.

4 Q. Thank you, Madam. With regard to the situation prior to April  
5 1975, can you please describe to the Chamber what you saw to be  
6 the situation in Phnom Penh?

7 A. When Sihanouk fell from power and when Lon Nol, who was pro  
8 American, tumbled from power, the civil war began. From that day  
9 onwards, every single day, we were given orders and requests.  
10 Life became increasingly difficult. Do I continue?  
11 Life and living conditions became increasingly difficult. People  
12 lived in fear. People were awaiting peace; people were awaiting  
13 the end of the war so that peace would finally reign; people were  
14 awaiting the victory of the Khmer Rouge.

15 [14.30.42]

16 From that point onwards, when the Khmer Rouge continued to  
17 pillage cities and the shelling, the city plunged into darkness.  
18 Up until 1972, when I was still working for Commune Khmer, I knew  
19 that we would have very much difficulty in maintaining raw  
20 commodities. It was only at that time that I entered the French  
21 Embassy. Life carried on, but conditions were very difficult.  
22 At the French Embassy, every single day, I was receiving  
23 dispatches -- I was receiving news dispatches. We were being told  
24 that soldiers and warriors were displacing the population and  
25 were destroying villages. I received such alarming news at my

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1 home and I told my husband -- I told the father of my children  
2 this piece of news. He was of Chinese ethnicity and he was a  
3 staunch Communist, and he told me this was only propoganda. And,  
4 because he was listening to radio broadcasts from Peking, he said  
5 that people were happy.

6 [14.32.32]

7 And the situation only worsened, and that was when the French  
8 authorities began instructing their citizens to leave Cambodia.  
9 However, I did not follow the instruction; I decided to stay. I  
10 stayed with the father of my children. I stayed in Cambodia. My  
11 husband believed and was totally convinced that the Communist  
12 regime would not cause any harm unto its people. Therefore, we  
13 stayed and we remained stuck in hell.

14 Q. Thank you, Madam. Another question concerning the period prior  
15 to 1975. You mentioned that you had received information  
16 concerning the evacuation of people and you also learned the  
17 information that people were smashed in certain villages where  
18 they arrived.

19 A. (No interpretation)

20 Q. I would like to repeat my question. You testified earlier that  
21 you had received information when you were working as the  
22 Cultural Attaché of French Embassy. You learned the information  
23 that wherever the Khmer Rouge arrived, they would destroy the --  
24 that village, and you also learned information that people were  
25 to be evacuated. When did you hear that information?

1 [14.35.01]

2 A. At that particular time, I got all my information from Agence  
3 France Presse. Between '73 and '75 -1973 and 1975, I heard this  
4 sort of news, and it got through through the Agence France  
5 Presse, AFP, and it came in on the embassy fax machine.

6 Q. Regarding the information you received from media or from the  
7 embassy fax, aside from the evacuation of people, did you hear  
8 any other news?

9 A. Yes, of course. Every day you saw crowds of people who had  
10 been evacuated from neighbouring villages trooping into town, and  
11 they told us what was happening in their villages. These people  
12 were refugees coming into the capital who were telling us all  
13 about all of this.

14 [14.37.01]

15 Q. Did you know why people were moving toward Phnom Penh? Why  
16 didn't they leave for other directions of the country?

17 A. Because the country was at war all around, and the capital  
18 city was the only place where they could find a certain level of  
19 safety.

20 Q. Thank you, Madam. I have another question concerning the 17 of  
21 April 1975. At the time, you were living in Phnom Penh and you  
22 were working with the Cultural Attaché of the French Embassy in  
23 Phnom Penh. Can you tell the Court, what was the situation like  
24 on the 17 of April 1975? What was the overall situation of Phnom  
25 Penh on the 17 of April 1975?

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1 A. Before the 17th of April 1975, we were having a holiday for  
2 the Chaul Chhnam public holiday on the 14th and 15th of April, so  
3 everybody was at home.

4 And then, on the 17th, that was the day when I was supposed to go  
5 back into the office. And that morning I was getting ready to  
6 leave for the office, and hardly had I left the front door, then  
7 I heard people cheering in the streets and gunfire coming from  
8 everywhere. So I tried to see what was going on and I saw a  
9 deliriously happy crowd that was busy welcoming the liberating  
10 Khmer Rouge troops. Everybody was glad.

11 [14.39.50]

12 But these so called liberation forces, I qualify this today, were  
13 dressed in black. They had extremely callous expressions on their  
14 faces and red eyes, and I thought, "There's danger here." I tried  
15 to tell my husband, "What we can do here is get to the French  
16 Embassy," but it was already impossible to get out because all  
17 the streets had been cut off and everywhere was cordoned off. We  
18 were in the southern part of the capital, and the embassy was in  
19 the north, and it was absolutely impossible to cut through. So we  
20 were cut off. There was no longer any working telephone or any  
21 working communication systems, but everybody seemed to be  
22 extremely pleased because they were saying, "At last, there will  
23 be peace again." Well, that just wasn't the case.

24 Q. Thank you, Madam. On the 17 of April 1975, were the people of  
25 Phnom Penh evacuated?

1 [14.41.20]

2 A. No. No, on the first day, we were still in our houses, because  
3 when they got there, it was 7 or 8 a.m., and on the first day  
4 they left us in our houses.

5 I can remember it was extremely hot and I can remember seeing  
6 this Chinese Communist, the father of my children, going out into  
7 the street with cans of beer to thank these troops for what they  
8 had done. It was only the next day that they actually ordered us  
9 to leave our homes.

10 Q. Thank you. On the 17 of April 1975, can you describe the  
11 situation inside the French Embassy on that day?

12 A. Sir, as I have just said, from the 17th of April 1975, I never  
13 set foot in the French Embassy. I was at home on the morning of  
14 the 17th of April and I had to -- I was meant to go back to the  
15 office, but I never got there.

16 Q. Thank you.

17 For your family members, when were your family members evacuated?

18 [14.43.29]

19 A. We all left the city together. Everybody left together the day  
20 after. The next day, they patrolled through the streets, told us  
21 to pack our luggage - "Don't take too much, you're going to be  
22 leaving your homes for two or three days, you will be coming  
23 back; we want to take you out of range of U.S. bombs. But before  
24 you go, leave us the keys of your houses."

25 As my children's father was an extremely docile individual and

1 who always believed that everything was for the best, we only  
2 took half of the provisions we needed and left some stocks at  
3 home. We left. I took all my things, the children's schoolbooks,  
4 my identity papers, and most of what I owned in terms of personal  
5 goods, and we left the same day.

6 Before we left, I stood in the street in front of the front door,  
7 and we gave them the keys to the house and we said, "Here you  
8 are. This is your house, this is your apartment, here are the  
9 keys," and off we went.

10 [14.45.00]

11 Q. Thank you. You said when you were leaving your house, you saw  
12 Khmer Rouge soldiers. What were they wearing at the time? I mean  
13 the uniform they were wearing.

14 A. We had a Ford car and we took the car. As I said, we wanted to  
15 go north to the embassy, but the roads were cut off, and they  
16 sent us southwards. Just before we got to the Chinese Hospital,  
17 we met with three Khmer soldiers. They were dressed in green --  
18 not in black, but in green -- and they were coming out of a knick  
19 knack shop that they had just pillaged. They had bags that were  
20 full of all sorts of goods -- I don't really know what. There was  
21 also a pharmacy next by. And they stopped our car, and Mr. Seng,  
22 the father of our children, said, "We don't have much more petrol  
23 to advance", and they said, "Well wait there." One of the three  
24 went away and then he came back with some cans of petrol. They  
25 filled up the tanks, loaded their things onto our car, climbed

1 onto the roof and shot into the air. And that was how we got out.

2 [14.46.58]

3 Q. Thank you, Madam. I need to expand further on that, but with  
4 more questions.

5 Before you were evacuated, you saw Khmer Rouge soldiers hanging  
6 around in front of your house. What was their uniform? And were  
7 they armed when they were about to ask you to leave your house?

8 A. They were armed, but they didn't aim their guns at us. Their  
9 orders were very clear. They were dressed in black with red and  
10 white scarves and what we called Ho Chi Minh sandals. But they  
11 were dressed in black and they were armed.

12 Q. When they told you to leave your house, like other Phnom Penh  
13 city dwellers who were asked to leave their houses, did you see  
14 if people resisted this order? What would be the consequence of  
15 resisting such an order?

16 [14.48.52]

17 A. Well, nobody resisted where I lived; everybody did what they  
18 were told. What I did learn afterwards was that some people  
19 stayed behind.

20 I had a school friend, for example, who stayed to wait for her  
21 husband. Her husband never came back, and she, herself, was  
22 executed. She was killed on the spot, and her brothers and  
23 sisters later told me how she died.

24 So, if we hadn't left, they would have taken us for traitors, and  
25 imperialists, and people who were in the pay of the old regime,

1 and they would have massacred us.

2 Q. After you left your house, which direction were you heading  
3 for?

4 A. Once again, it was the three soldiers who were sitting on the  
5 roof of the car who guided us. We left the city by the southern  
6 exit and we headed for Takhmau.

7 Q. When you were guided away out of Phnom Penh through Takhmau,  
8 did you want to go through that direction?

9 [14.51.00]

10 A. Certainly not. I wanted to go to the French Embassy, which was  
11 in the north of the city. You couldn't take the route north.

12 Q. Thank you, Madam.

13 Now, regarding your departure out of Phnom Penh toward the  
14 southern part of Phnom Penh, could you tell the Court the overall  
15 situation of the people who were marching out of the city? What  
16 was the overall condition of those people like?

17 A. It was indescribable chaos. It was extremely hot in the  
18 streets, and here and there you saw people walking on foot, on  
19 bicycles. They were carrying their possessions, walking under the  
20 sun with their children who were crying with them. I wasn't far  
21 from the Chinese Hospital and I saw the sick coming out of the  
22 hospital on stretchers. Everybody was evacuated. Everybody headed  
23 off in that direction. We were all herded in the same direction.

24 [14.52.45]

25 We, in that inferno, had a little bit of luck because we had a

1 car and we, therefore, took a little less time to reach the first  
2 stop-off point than others.

3 But, hardly were we out -- were we out of the city, after  
4 Takhmau, there was a roadblock. The Khmer Rouge asked us for our  
5 identity papers. They searched the car; they threw all the  
6 children's schoolbooks out of the car; they took my passport, and  
7 I told them I was French -- "Here is my French identity card" --  
8 but they took absolutely no account of that whatsoever. They tore  
9 the whole thing to pieces and they said, "As of today, there are  
10 no longer any French or any Vietnamese or any Chinese; everybody  
11 is Khmer. Go forward; Angkar is waiting for you." That was the  
12 first time I heard the word "Angkar". Who was "Angkar"? I didn't  
13 understand, there and then, who "Angkar" was.

14 And we moved forward, and I started to cry, thinking of the  
15 children and all of their schoolbooks, all our memories that had  
16 been destroyed in the space of a few minutes.

17 [14.54.07]

18 The streets were also littered with banknotes. We had a couple of  
19 million riel that we had hid in the schoolbooks, hoping that we  
20 would be able to use them at some stage.

21 When we reached Chamkar Mon, outside in the street we saw a good  
22 many corpses that were rotting.

23 Q. I have my last two questions, and I will then hand over to my  
24 colleague to continue our line of questioning.

25 And I would like to expand further to the question I asked

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1 earlier. You said in -- somewhere in Chamkar Mon, you also saw  
2 the decomposed bodies. Did you recognize the dead bodies? Were  
3 they the officials of the previous regime, or were they the  
4 soldiers killed in the fighting, or what?

5 A. They were the corpses of Lon Nol soldiers.

6 [14.55.36]

7 Q. Thank you, Madam. This is going to be my last question for  
8 now. When you were on the travel from Phnom Penh to Takhmau, you  
9 might have observed the children, or the elderly, or the sick who  
10 were also being evacuated out of the city. Among them, there were  
11 pregnant women as well. Did you observe that those people were  
12 being treated in a better condition than others, taking into  
13 account their conditions?

14 A. Well, everybody was treated in exactly the same way. Those  
15 people had to leave their homes; they had to head off in whatever  
16 direction they were told by the soldiers and they were given no  
17 assistance whatsoever. It was extremely hot. They got no help.  
18 The children who couldn't be carried on their parents' backs or  
19 on bicycles had to trail along behind, and there was absolutely  
20 no assistance offered by the liberation troops, if you want to  
21 call them that whatsoever; no help. It was every man for himself.

22 [14.57.16]

23 MR. SAM SOKONG:

24 Thank you, Madam.

25 And, Mr. President, I do not have any further question. I would

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1 like to hand over to my esteemed colleague.

2 And I take this opportunity to thank Madam Denise Affonço for a  
3 detailed account of the events. Thank you.

4 MS. AFFONÇO:

5 (No interpretation)

6 QUESTIONING BY MR. JACOMY:

7 Thank you, Mr. Sokong.

8 Good afternoon, Mr. President. Good afternoon to the Bench.

9 [14.58.05]

10 Good afternoon, Madam Affonço. My name is Emmanuel Jacomy. I am  
11 civil party lawyer and I would like to also ask you some  
12 questions, beginning with some general questions on the period  
13 before 1975, and then asking you some things about the first  
14 forced transfer, before moving on to the second one.

15 Now, Madam, I'm going to ask some precise questions, so do your  
16 very best to answer precisely because we have relatively little  
17 time. So, if possible, let's stick to the questions and answers  
18 as asked.

19 Q. On some general issues first, this isn't the first time that  
20 you have testified at a trial connected with the events we're  
21 discussing today. Can you please tell us in what other context  
22 you might have testified?

23 [14.59.03]

24 MS. AFFONÇO:

25 A. Good afternoon, Counsel. I can answer that question.

1 In 1979, when the Vietnamese arrived, they organized a trial in  
2 August 1979. I was in Siem Reap. They brought me down to Phnom  
3 Penh to testify in that trial. It was a trial organized in 1975  
4 (sic), in August of that year, and I was summoned to testify.

5 Q. When you testified at that trial, were you asked to say  
6 anything that did not tally with the facts or, on the other hand,  
7 to conceal things that were factual?

8 A. Everything I said in 1979 I said perfectly freely. The only  
9 thing I was told not to say was that the father of my children,  
10 Phou Teang Seng, was a Communist. That was the only detail I was  
11 asked to omit.

12 [15.00.14]

13 Q. And what about the other facts connected with what you  
14 endured? Is there anything else -- was there anything else that  
15 you were asked to conceal?

16 A. Absolutely not; I said only the truth. I was asked to tell  
17 everything that I had gone through and lived through.

18 Q. Thank you.

19 Madam Affonço, you said just now that the situation in Phnom Penh  
20 prior to 1975 was rather difficult. Would you describe the  
21 situation as one of famine?

22 A. I wouldn't say that there was famine because there was still  
23 food to be found. Obviously, supplies were in short supply,  
24 however people were still be able -- were still able to feed  
25 themselves. Famine only befell us in 1975, when the cities were

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1 evacuated, when everybody was sent to the countryside, and when  
2 everybody was forced to engage in hard labour.

3 [15.01.25]

4 Q. Thank you very much.

5 A brief question with respect to your family: You said that your  
6 son was born in 1964, and at the time you were some 30 years of  
7 age; is this correct?

8 A. Yes, that is accurate, Counsel.

9 Q. Can you please tell us who the members of your family were at  
10 the time that you were evacuated? And please give us the ages of  
11 your children at the time.

12 A. The father of my children was approximately 38 years of age.  
13 My sister-in-law was about 36 or 37 years of age. My daughter was  
14 about eight years old. My son was 10 years old; his name is  
15 Jean-Jacques. Jean-Jacques was born in 1964. Jeannie was born in  
16 1976 -- 1967, rather. Leng, the daughter of my sister-in-law,  
17 must have been about 17 years of age. There's another child  
18 that's 12 years of age. I'm sorry; I do not have an exact  
19 recollection of the precise age. There was also the youngest  
20 child who was called Ha and who was five years of age.

21 [15.02.46]

22 Q. Thank you very much.

23 In response to a question posed by my colleague, you said that  
24 you took money, you took schoolbooks, you took some other goods.  
25 Were you able to keep them?

1 A. Not at all; everything was confiscated as of day one, within a  
2 matter of hours. Everything was taken away from us and everything  
3 was destroyed.

4 Q. Thank you.

5 Madam, I wish now to return to the issue of the first village  
6 that you arrived at.

7 You say in your written record of witness interview that you  
8 lived in Kaoh Tuk Veal; is this correct?

9 A. Yes, indeed. It was called Kaoh Tuk Veal. We slept in a pagoda  
10 which was on the island.

11 Q. Thank you. Can you please describe the living conditions in  
12 that village? Can you please tell us if you had enough to eat?  
13 And can you please describe the hygienic conditions?

14 [15.04.18]

15 A. It was the first day after the evacuation. We had the bare  
16 minimum on us. We had some medications that we later bartered.  
17 But upon arrival in Kaoh Tuk Veal, we were forced to get rid of  
18 all of our colourful clothes. We had to get rid of our sandals;  
19 we had to walk barefoot. We had to obey all of the orders that  
20 were being issued by Angkar. We were forced to follow everything  
21 that Angkar said and work in the fields. From that day on, we had  
22 no running water, no electricity; we were living by candlelight.  
23 We were located just in the vicinity of the -- of the river, so  
24 we did have access to the river's waters.

25 And about one week later, we were given some rice and we had to

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1 mix the rice with corn. The chief of the village, who was living  
2 just next to our straw hut, came and visited us and asked how we  
3 were doing. Phou Seng, the father of my children, thought that we  
4 were being given special care, but in fact, he was a spy. In  
5 fact, he was trying to extract any piece of information that he  
6 could get. And Seng spoke extensively.

7 [15.05.57]

8 Q. I understand what you are telling us, Madam. You are telling  
9 us that you were forced to work in that village.

10 Now, your children were with you at the time. Were your children  
11 also forced into hard labour?

12 A. Yes, the children were also forced into working for the  
13 village. They had to clear the forest. My son, for instance, had  
14 to accompany his father and clear land; the youngest and the  
15 other two could stay at home. But already, from that point  
16 onwards, they were suffering from malnourishment.

17 Q. Thank you.

18 During your interview before the Co-Investigating Judges -- and  
19 here I'm referring to D22/36.1 (sic) - 00346934 on the English  
20 ERN pages--

21 MR. PRESIDENT:

22 Counsel, could you please be at a slower pace when reading the  
23 ERN numbers?

24 And you are now advised to also slower your pace and observing  
25 some pause when putting questions and getting the responses from

1 the civil party.

2 [15.07.25]

3 MR. JACOMY:

4 Yes, of course, Mr. President.

5 THE INTERPRETER:

6 The document referred to is D199/15.

7 BY MR. JACOMY:

8 Q. Once again, on the ERN page 00346934, 00346474 in Khmer,

9 Madam, you talk about an open prison that was located in that

10 village. And can you please tell us why you refer to it as an

11 open -- an "open prison"?

12 A. Yes, it was an open prison because we were being deprived of

13 freedom. We were being spied upon. The "chlop", as is referred to

14 in Khmer, were already there. They were monitoring the children.

15 They were asking the children whether their father was armed.

16 [15.08.26]

17 We did not have the right to leave the village. We were living on

18 the island and we were being watched over by the villagers. We

19 were being watched over by the locals and we were also being

20 surveyed by some women, and the men were being monitored by the

21 local men who were, in fact, spies.

22 Q. You were being surveyed by the locals, but were you also being

23 monitored by the Khmer Rouge.

24 A. The villagers had already been converted by the Khmer Rouge.

25 How do I describe this? They had simply been converted; they

1 simply did not bear arms.

2 Q. Thank you.

3 Can you please tell us what happened to the father of your  
4 children in that village?

5 A. Mr. Seng was rather talkative. He had the police commissioner  
6 come to the village and he asked for approval from the village  
7 chief to allow that police commissioner to come to the village.  
8 Every single day, they spoke in English and French and they  
9 carried on with their chats. The police commissioner was the  
10 first to be taken away.

11 [15.10.10]

12 One week later, Khmer Rouge soldiers who bore arms came to the  
13 island and they arrested other men of the village. They arrested  
14 a neighbour who was a teacher and another neighbour who was a  
15 soldier, and we were told -- I was told, "Don't worry, Angkar  
16 just needs some information." That was on the first day.

17 On the second day, I was told, "Don't worry, he's still alive; he  
18 just needs to be reformed. Angkar is simply re-educating him."

19 And I never saw him again. Thirty-two years later, I never  
20 received any news; I never heard anything from him or anything  
21 about him.

22 Q. You stated that your husband had been denounced. Do you know  
23 exactly why he was denounced?

24 A. No, all I was told was that he was denounced, and Mr. Thien  
25 said that he had been disclosed by the police commissioner, but

1 we were never told why.

2 [15.11.42]

3 Q. Thank you, Madam.

4 While you were talking about the village before the  
5 Co-Investigating Judges, you talked about an assembly in a pagoda  
6 called Prey Tuot. And just for the record, I am referring to  
7 D199/15 on page 4 -- in French, 00342181; 00346932 on the  
8 English; and 00349113 in Khmer.

9 Madam Civil Party, can you please provide an account of what  
10 happened during that meeting and what the Khmer Rouge told you?

11 A. Thirty-two years later, that meeting is still etched in my  
12 memory; I can still see that meeting very clearly in my mind.

13 After our arrival in Tuok Veal, we were summoned to a meeting in  
14 a pagoda. All of the refugees, everybody, was summoned to that  
15 meeting. We were transferred from where we were to the pagoda. We  
16 were all gathered there, huddled, sitting on the floor, waiting.

17 [15.13.21]

18 A few moments later, there was a group of officials -- the Khmer  
19 rouge; they were soldiers. They appeared and they began  
20 delivering a speech, singing the praises of Angkar, talking about  
21 Angkar's victory. And afterwards they told us, "For you,  
22 foreigners, before the victory, we told you to get out of the  
23 country. Why didn't you do so? And as for you, Khmers living in  
24 Phnom Penh, you were told to join the front line. Why didn't you  
25 do so? And yet you are here before us now. You are now our

1 prisoners. We're not going to simply point a gun at you and shoot  
2 you; we are going to have you work for us, and we are going to  
3 kill you otherwise." That's what we were told, literally -- words  
4 that I will never forget.

5 They then handed out sheets of paper and they told us, "You are  
6 going to write to us exactly what you did before. Angkar wants to  
7 know what you did in Phnom Penh. What did you do at the factory?  
8 What did you do at Sokilait?" This was the company I was working  
9 for at the time. And I thought, "Well, perhaps if I -- if I  
10 disclose everything, I can go back to Phnom Penh." However, it  
11 was a trap; it was only a way for the Khmer Rouge soldiers to try  
12 and weed out the intellectuals from the others.

13 [15.15.06]

14 Q. Did you see the Khmer Rouge who were presiding over the  
15 meeting on a previous occasion?

16 A. No, never. No, I'd never seen those faces in my life.

17 Q. Were you told if these were significant figures, where they  
18 were from, who they were?

19 A. No, they did not introduce themselves, Counsel. There was no  
20 formal introduction. All they said was that they were speaking on  
21 behalf of Angkar. They were all using pseudonyms. They were all  
22 referring to themselves as "Ta", but they did not identify  
23 themselves by names.

24 Q. Thank you. One final question with respect to your time at the  
25 village: Did you witness any discrimination being meted out

1 amongst various categories of persons?

2 A. In that village, discrimination was not yet rampant or being  
3 applied. It was only in the second camp that there was blatant  
4 discrimination. There was a separation between the New People --  
5 the 17 of April People -- and a clear segregation from the Base  
6 People. And that was only from that point onwards that we were  
7 made aware of the distinctions between the two categories of  
8 people.

9 [15.16.55]

10 Q. But, during your time at Tuk Veal, were you receiving the same  
11 food rations as the other villagers?

12 A. In the first camp, we could not make the distinction. We could  
13 still keep our individual dispositions. We were given a lot of  
14 corn. We were forced to eat corn, but we were able to keep our  
15 own cuisines. And we were only able to subsist because we could  
16 fish from the river. And that was how we were able to survive.  
17 But we did not suffer any discrimination, at least at that point,  
18 between the two peoples.

19 Q. I would like to now address the subject of your departure from  
20 Tuk Veal.

21 Madam, can you please tell us when and in what circumstances you  
22 left the village?

23 [15.18.20]

24 A. Let's just say, suppose that Seng was arrested in July 1975,  
25 and Thien had a list and he told us, "We have received this list

1 from Angkar Leu, and you are on this list to leave." And I said,  
2 "Where? Where am I supposed to go?" And he answered, "You have to  
3 leave." And as I was getting accustomed to life in the village, I  
4 implored him; I said, "Could you please intervene? Could you  
5 please tell your son -- ask your son to let us stay?" And he  
6 said, "My poor child, I cannot do anything. The order comes from  
7 above. Angkar Leu has decided, and not my son. You must leave;  
8 you have no choice. You will not return to Phnom Penh, you will  
9 never return to Phnom Penh. I don't know where they're taking  
10 you. My poor child, you have no choice."

11 And so, the next day, we were forced to take our -- what we had,  
12 go back to the pagoda where we had met earlier, and get herded  
13 onto the trucks to be shipped away.

14 Q. Do you know who else was on the list that Mr. Thien held?

15 A. We were already considered as a family of traitors. There was  
16 also the names of all families of whom the head of the family,  
17 the husbands or men, had already disappeared.

18 [15.20.22]

19 Q. And on that list, were there the names of villagers from Tuk  
20 Veal?

21 A. No, there were only the names of refugees; there was only us.  
22 There were only the names of refugees from Phnom Penh.

23 Q. Thank you. Were you able to take your personal belongings when  
24 you left the village of Kaoh Tuk Veal?

25 A. At that point in time, we didn't have many possessions

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1 remaining because everything had been confiscated. Even the car  
2 that Mr. Seng had left was confiscated and it was given to Mr.  
3 Thien, and he was even told, "If Angkar needs it, here it is." We  
4 had nothing; we had (unintelligible) and a kettle. We had  
5 practically nothing left and we were dressed all in black as was  
6 the order. We only had two sets of clothing. We didn't even have  
7 shoes; we were already walking barefoot. And I had to burn the 2  
8 million riels that I had remaining in order to heat the pot --  
9 the last pot of rice that I was able to cook for my family.

10 [15.22.11]

11 Q. Thank you.

12 Madam, can you please describe to the Chamber the various stages  
13 of your transfer from the time that you left Kaoh Tuk Veal to the  
14 destination of Phnum Lieb, as well as the mode of transportation  
15 used?

16 A. Yes, of course. So, the next day, there were Khmer Rouge  
17 soldiers who were armed. In the streets, there were military  
18 trucks, and we were -- they were waiting for us. And, before we  
19 got onto the trucks, there was a final screening of people. The  
20 daughter of my sister-in-law took out a photo album, and there  
21 was also a photo of my father that had fell to the ground, and I  
22 saw it and I -- and I collapsed in tears and I pleaded, "Please,  
23 let me keep this photo. This is the only souvenir I have  
24 remaining of my father."

25 [15.23.22]

1 And then they herd us onto the truck like cattle. And it must  
2 have been around 9 a.m.; the sun was already out. And, rather  
3 than take a direct route from Kaoh Tuk Veal to Phnom Penh, they  
4 actually took the westerly road, and that took a very long time.  
5 We travelled the entire day without any stops. Everybody needed  
6 to stop. Everybody had pleaded, "Where are you taking us?" But  
7 they didn't say anything; they didn't stop.

8 We couldn't go back to Phnom Penh. It was deserted. I thought we  
9 were going to stop somewhere, and yet we continued towards the  
10 North, but it was closed, and we travelled until nightfall. The  
11 moon was already out, and we didn't have any sense of  
12 orientation.

13 In fact, we had arrived in Pursat, and then they unloaded us --  
14 again, like a herd of animals -- and we were given a can of rice.  
15 But there was no water, there was no light, there were no  
16 candles, there was no water. And then I was instructed to walk  
17 towards the swamp. I took water from the swamp in order to cook  
18 the rice and give it to my children.

19 [15.25.12]

20 There was a person who had died in the vehicle. There were people  
21 who were sick. And by that point, we were already calling them,  
22 "Comrade, this person is unwell, they're going to die." but this  
23 elicited no response. "Where are we going?", we asked them, and  
24 they simply replied, "Angkar will tell you."

25 At Pursat, we waited there for three days, and on the third day,

1 I noticed that we were next to a railway and there was a convoy  
2 there. And then we were told, "You are going to get on those  
3 carts", but we didn't know where we were going--

4 Q. Pardon me for interrupting, Madam Affonço. You stated that  
5 there was no water. Can you please be more specific?

6 A. There was no water; there was just a waterhole. There was a  
7 swamp, but there was no proper, clean water.

8 [15.26.19]

9 Q. So, therefore, you were forced to drink that water?

10 A. Yes. Yes, it was with that water that I boiled water and  
11 cooked rice. And in that water, there was -it was full of human  
12 excrement and it was only in daylight that one could perceive  
13 that.

14 And, when they placed us in the train, once again we were  
15 expecting some information, but then we were told, "No, you're  
16 not going to leave tonight; you're going to sleep in the wagon."  
17 But we -- there was nowhere to lie down; it was full of goods and  
18 merchandise. And so I slept in a sitting position, with my  
19 daughter sitting in my lap.

20 Q. And how long was the journey by train?

21 A. Well, I'm unable to answer that question. All I can say is  
22 that throughout the entire journey, I saw pass before me the  
23 names of villages such as Battambang, but -- and we could see  
24 very well the scenery and the landscapes that we were passing. It  
25 was not closed.

1 [15.28.03]

2 They had assembled the families in "krom" -- one family was a  
3 "krom" -- and we were taken to a mountainous area made up of  
4 Phnum Lieb, Phnum Treyum (phonetic), and Phnom Liap (phonetic).  
5 And there were three elderly men who were dressed in black, and  
6 they were waiting for us. There was Pauk Chhen (phonetic); and I  
7 do not recall the names of the others. Pouk Sem took us to the  
8 village of Phnum Tralach.

9 And from that point onwards, there was a man who was wearing  
10 glasses, and he was told, "Do you need your glasses today?" And  
11 the gentleman said, "Oh, I don't see clearly." And then the  
12 soldier snatched the glasses off his face and trampled on them.  
13 But from the very beginning I knew that this was the -- the start  
14 of hell. But at every stage along the way, we were being promised  
15 paradise and we were being ordered to work and work nonstop.  
16 Q. Ms. Affonço, just to close on this transfer by truck to Pursat  
17 and then by train to Sisophon and then on a tractor to your final  
18 destination, to Phnum Lieb--

19 [15.29.54]

20 A. After that, we had to continue on foot to the village.

21 Q. After these various sections of your journey, was it your  
22 impression that all of this had been planned and organized in  
23 advance?

24 A. Yes, it had been planned in advance. As far as I was  
25 concerned, it was their way to very slowly kill us. It was

1 programmed.

2 We were in a rice exporting country, or at least previously; we  
3 had no rice to eat. A country full of fruit trees; for four  
4 years, I never saw a single orange. We no longer had any  
5 medicines. We had no hygienic products, either; no candles, no  
6 electricity, no water. We lived like people out of the caves.

7 Q. During the transfer, were you supervised by Khmer Rouge  
8 throughout the journey?

9 A. From Serei Sisophon to Pursat, we were in the train and from  
10 Serei Sisophon to Phnum Lieb, they were with us, watching over  
11 us. Once we got to Phnum Lieb, we were handed over to three  
12 village chiefs. Now, those three didn't carry weapons.

13 [15.31.38]

14 It was when we got to Pouk Sem's village that they told me that -  
15 "Henceforth, you are the New People, and we're the Old People."  
16 And that's when they asked the children, my son and daughters, to  
17 take their things because Angkar needed to take them to the  
18 worksites or to do whatever they had to do. And they took away my  
19 children on that very first day. Jean-Jacques was separated from  
20 me. At that moment, I kept my daughter because she was too weak;  
21 she couldn't work. She was one more useless mouth to feed.  
22 All of the people who couldn't work were considered extra mouths  
23 to feed that Angkar didn't need. If they died, it would be no  
24 great loss to Angkar; quite the opposite. That was the basic  
25 lesson we were taught.

1 Q. Can you describe the conditions you were living in in the  
2 village? Can you tell us, in particular, if you had enough to  
3 eat, if the hygienic conditions were adequate, and if you had  
4 medicines for when you were sick?

5 [15.33.08]

6 A. Everything was over by that stage. We were in purgatory in  
7 Kaoh Tuk Veal, but at that last phase, it was genuine hell. We  
8 had no water anymore. In order to get water, we had to march for  
9 kilometres under the sun in order to gather murky water which we  
10 had to boil afterwards, if we could. And we were told to look  
11 after ourselves; and that was it. I never knew how to make rice  
12 without water, but I had to find a way. It was the beginning of  
13 hell.

14 We had no medicines either. We didn't have any medicines for when  
15 we were sick, and this was when we began to get malaria, oedema,  
16 and everything hit us at that stage. There were no doctors. There  
17 was no kind of drugs or treatments available.

18 Q. In your application as a civil party, you say that you caught  
19 malaria and, although you were sick, you were still forced to  
20 work. Now, is that true? And if so, can you tell us about it?

21 [15.34.44]

22 A. The Old People had found out who I was. They called me the old  
23 "barang", or my name, Affonço, became "Fonço", and I was harassed  
24 from dawn to dusk. Even when I had malaria and even when I  
25 couldn't leave the house, they pulled me out, kicked me, and said

1 to me, "Old Fonço, stop pretending to be sick. There's nothing  
2 wrong with you at all. You're going to go out and work." And I  
3 was kicked on my way, even when I was sick.

4 They didn't have any idea of what being ill meant. I was  
5 constantly harassed by these nasty, little Khmer Rouge. And I say  
6 "nasty little" because they were only about age 15 and they were  
7 people totally without any kind of training or education.

8 Q. You say that you were harassed. Did the same thing happen to  
9 those living with you, your family and the people who were with  
10 you in the village?

11 [15.36.08]

12 A. Well, as I said, I no longer saw my son. And the same thing  
13 happened to my sister-in-law; she was forced to go and work when  
14 she was sick. Some people managed to avoid this because they had  
15 a bit of gold to swap and to buy things. Those who still had  
16 jewellery to swap for rice and fish were left -- were left on  
17 their own -- undisturbed, so to speak.

18 Q. When you were ill and your sister-in-law was also ill, what --  
19 how were you able to look after yourself?

20 A. With advice from the villagers, we took bark from the trees  
21 and mixed in some leaves -- jackfruit leaves -- and extracts of  
22 that kind. I didn't have any cardiac oedema and I survived, but  
23 my sister-in-law did and she died. And when a member of your  
24 family dies, nobody comes to take note of the fact; there's no  
25 kind of civil registry. "Ah," they come to the house and they

1 say, "Here's one less mouth that we have to feed", and that was  
2 the only concept they had of the death. We had to bury our own  
3 dead, as well.

4 [15.37.51]

5 My son himself was badly treated. He was so traumatized that even  
6 today he doesn't want to even talk about this period. I can't  
7 bring him to testify, I can't ask him to help me testify because  
8 once, when I found his body covered with the marks where he had  
9 been beaten, and he can't even see scenes of people being beaten  
10 on TV without suffering.

11 Q. Do you know why he was beaten?

12 A. Because, like all children of his age, once he went to find  
13 wood in the forest, and they picked up some wood that had been  
14 already cut by somebody else. The "chlop" caught them, and they  
15 were accused of theft. And they said, "You're going to be  
16 punished as you deserve." And they were taken off to a field  
17 where they had to dig all day without anything to eat or drink,  
18 and then in the evening, they were released.

19 When I saw them coming back home in the evening, they (sic) had  
20 all sorts of scars and marks on his body, but he didn't want to  
21 tell me what had happened to him or what they had done to him.

22 [15.39.19]

23 Q. You said that your sister-in-law died because of the lack of  
24 any kind of care. Did you testify to any other deaths in the  
25 village? And if so, what kind?

1 A. Every day, people died in the village. Every morning, they  
2 were hauling away a corpse. We weren't the only family to lose  
3 people. Other people died, every day, through lack of care, lack  
4 of medicines, because they were sick and nobody was looking after  
5 them, or of hunger and malnutrition, sickness, absence of food.

6 Q. Ms. Affonço, a moment ago you said that in the village the  
7 distinction that was drawn between the New and the Old People was  
8 very obvious. Can you give us some idea of the consequences of  
9 the distinction that was drawn there?

10 A. Well, it was very obvious because -- for example, with the  
11 distribution of rice, we had one portion of rice and they had  
12 two. Their women did not work. They had enough to eat. Their  
13 women also were able to give birth; I saw two pregnant women like  
14 that. And they had enough to eat; we did not have enough to eat.  
15 They had meat and fish; we only had salt with our rice and we  
16 only ate rice porridge. We only had -- we were only entitled to  
17 two meals a day, and each time it was just a ladle of that  
18 porridge. Otherwise, what did we eat? Frogs, grasshoppers, and  
19 scorpions; anything I could pick up in the countryside I ate. We  
20 even ate cockroaches when we found some. We were turned into  
21 animals. We fought over scraps of food with their dogs, and their  
22 dogs had more to eat than we did. Is that what you call "equal  
23 treatment"?

24 [15.42.11]

25 Q. So, you underwent these conditions in the village and you

1 didn't have enough to eat, as a result of which, did you lose  
2 members of your family?

3 A. My sister-in-law--

4 MR. PRESIDENT:

5 Counsel for the Ieng Sary team, you may now proceed.

6 MR. ANG UDOM:

7 Thank you, Mr. President.

8 Correct me if I am wrong, but I am ambivalent as to whether the  
9 civil party's allowed to testify regarding the entire case file  
10 or just particular segment of the trial? If she is allowed to do  
11 so, I would not take issue with this; but, if she is allowed to  
12 testify concerning only the segment of the trial which is Case  
13 File 002/01, then her current testimony is now stepping over that  
14 boundary already.

15 And counsel were asking question about the loss of her family  
16 members. I believe that it would be better if counsel wait until  
17 the moment when she is allowed to give the -- to talk about the  
18 statement of suffering.

19 [15.43.56]

20 MR. JACOMY:

21 I don't think here we are testifying on the entire story. Here,  
22 we're just talking about the immediate effects of the first and  
23 second forced transfer episodes. Ms. Affonço said that the  
24 conditions, and the hygiene, and the food provisions in the  
25 village did have consequences on members of her family, and so

1 I'm asking her what such consequences were.

2 We can make that a little wider, if you wish, and ask her what  
3 the consequences were of such conditions in the village on other  
4 members of her family.

5 MS. AFFONÇO:

6 A. In the village, my sister-in-law was the first to fall ill--

7 MR. PRESIDENT:

8 Madam Civil Party, could you please hold on? The Chamber is now  
9 ruling on the objection by the party.

10 (Judges deliberate)

11 [15.48.32]

12 The objection by counsel for Mr. Ieng Sary with regard to the  
13 line of questioning by counsel for the civil parties is not  
14 substantiated and, therefore, is not sustained because the  
15 account in the civil party's testimony is somewhat what had  
16 happened immediately after the evacuation.

17 Due to a technical issue, as the CD has run out, we would like to  
18 observe a brief pause so that the new CD is replaced; then we  
19 would then proceed.

20 (Short pause)

21 [15.50.00]

22 Madam Civil Party, you are now instructed to respond to the  
23 question just put to you by counsel for the civil parties. You  
24 may proceed.

25 MS. AFFONÇO:

1 A. Yes. I was saying that during that period I lost my  
2 sister-in-law. After that, I lost my daughter, who died of  
3 hunger, because on the morning where she was going to die, the  
4 only thing she asked me was, "Mommy, I want one more bowl of  
5 rice", but there weren't any bowls of rice going that day. A year  
6 -- an hour after she died, my niece also passed away. So, that  
7 day, I had to bury the two bodies myself; nobody came to help us.  
8 And one week after that, it was the elder niece who also passed  
9 away. She died of sheer weakness. She was no longer menstruating  
10 and she died. The third niece also died a week later. I lost all  
11 those family members. And the last small nephew died when he was  
12 slaughtered by the Khmer Rouge because he stole food from Madam  
13 Chem, who was the wife of the village chief.

14 [15.51.47]

15 Q. Thank you, Ms. Affonço.

16 I want to ask you a last question about these events and I want  
17 to quote the record of your interview of your hearing of the 7th  
18 of September 2009. This is document D199/15, and I refer to page  
19 7. The ERN is 00342184 in French, 00346936 in English, and  
20 00349120 in Khmer.

21 And in that interview, you said that: "The Angkar organization or  
22 the Khmer Rouge were very well structured and all decisions were  
23 explained to us as coming from Angkar."

24 You also said--

25 A. (No interpretation)

1 Q. Just let me finish, Madam, and then you can explain this to us  
2 afterwards.

3 But you also said: "I now think that the Khmer Rouge leaders  
4 wanted to eliminate what they called the New People, by letting  
5 us die of hunger and disease."

6 Can you please tell us what brought you to make that statement?

7 A. I said that in 2009 and I maintain today what I said then. I  
8 said the same in 1979 and I stand by that too.

9 [15.53.51]

10 Angkar wanted to eliminate the entire social class of  
11 intellectuals. That was programmed. They had taken a decision to  
12 do so. They were intentionally letting us die of hunger. After  
13 each monsoon, they loaded up the rice stocks from the village,  
14 they left a minimum amount for us to have two bowls of soup or  
15 porridge per day, and they took all the rest away. And we simply  
16 had to comply. Only during the monsoon did we have just about  
17 enough to eat and we had enough strength to finish the harvest.  
18 Once that was over, they took all the rice away that was left. We  
19 were eating gruel and salt, and that was perfectly well  
20 organized. They gave us no treatment, no drugs, no medicines.  
21 That was on purpose. It was carefully premeditated and organized  
22 from A to Z. They were extremely well organized.

23 Q. You say in the same statement that "all of the explanations  
24 for everything came from Angkar." Can you give us a couple of  
25 examples, please?

1 [15.55.23]

2 A. I can't give you a precise example, but every time they  
3 addressed us, it was in the name of Angkar. Everything that they  
4 asked us to do was in the name of Angkar. "Today, Comrade, you're  
5 going to work a little bit harder because Angkar says you must.  
6 Tomorrow you will have three meals. If we can have three harvests  
7 per day, then you will have your meals. We're asking you to build  
8 more dykes; Angkar has decided this is going to be called 'The  
9 Dyke of the Widows' for us."

10 And, in fact, it was by that choice of names that I knew that for  
11 quite a while the father of my children had been dead, because  
12 the only people building that particular dyke were women from  
13 what they called "traitorous families". I was on the team  
14 building the "Widows' Dyke".

15 MR. JACOMY:

16 Thank you, Ms. Affonço.

17 Mr. President, I have no further questions to ask, so I would  
18 like to hand the floor over to the Co-Prosecutors. Thank you.

19 [15.56.46]

20 MR. PRESIDENT:

21 Thank you, Counsel.

22 I would like now to hand over to the Co-Prosecutor.

23 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President. Good afternoon to you and to the  
25 Members of the Bench, to all the parties.

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1 And good afternoon, as well, to you, Ms. Affonço, who is  
2 testifying from France. And we're most grateful to you for doing  
3 that. We have 30 minutes of questions to ask you, divided between  
4 my colleague and myself. I just want to follow up on some of the  
5 details you have given us. Very rich in details your account was,  
6 so I just want to ask for a little bit of clarification.

7 [15.57.35]

8 Q. Coming back to the evacuation of Phnom Penh and even the days  
9 just before, you said that there was constant bombardment,  
10 fighting, shells going off. Were there a good many injured people  
11 in the city's hospitals at the time?

12 MS. AFFONÇO:

13 A. Yes. Every day injured and wounded people came back from the  
14 front. These were Lon Nol troops. They were wounded. The  
15 hospitals were crammed with injured people, wounded people.  
16 I was well aware of the situation because we knew the director of  
17 the Military Pension Fund and we saw him practically every day,  
18 and he was keeping us abreast of what was going on, on the front.

19 Q. You said that you lived near the Chinese Hospital and you saw  
20 the sick being evacuated. As far as you are aware, were all of  
21 the sick evacuated from that hospital?

22 A. Yes, all of the sick were evacuated from that hospital. The  
23 hospital was cleared out. When we got to the hospital, we could  
24 see people coming out of the hospital, which was being completely  
25 emptied of its patients.

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1 [15.59.02]

2 Q. Thank you.

3 You said that on the 17th of April, the population was only too  
4 delighted to welcome the Khmer Rouge soldiers. But how did those  
5 soldiers behave with the population? Did they demonstrate their  
6 happiness and share their feelings with the population or did  
7 they adopt a somewhat different attitude towards the population?

8 A. They looked at the population with disdain. The population's  
9 happiness meant absolutely nothing to them. As I told you, I saw  
10 them. They didn't smile; they looked at us with disdain.

11 Q. When the order was given to evacuate the city, did you hear  
12 the Khmer Rouge shouting the order in the streets, or did they  
13 come to your homes to tell you about the order?

14 [16.00.10]

15 A. They went through the streets. They were shouting the orders  
16 in the streets, and then, individually, they went to each house  
17 and each apartment to repeat the order that we had to evacuate  
18 the city.

19 Q. You said just now that the order was to leave the city for two  
20 or three days because of the risk of U.S. bombing. Did you ever  
21 hear the Khmer Rouge saying, on the morning of 18th of April,  
22 that they had to cleanse and bring order to the city?

23 A. The excuse for us leaving our homes was definitely U.S.  
24 bombing. They said, "The Americans are going to bomb the capital  
25 city; we want to take you to safety, and you have to leave your

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1 homes." That's it.

2 Q. Thank you. You said that they were carrying weapons when they  
3 gave that order to evacuate the city but they didn't aim their  
4 guns at you. And despite the fact that you were not physically  
5 threatened, when the order was given to pack and leave, did you  
6 have any choice, as far as you understood at the time, between  
7 leaving and staying?

8 [16.01.44]

9 A. We had absolutely no choice whatsoever. The order was  
10 extremely clear. They didn't give us any choice at all. They  
11 didn't say, "If you don't want to leave you can stay." No, no,  
12 that was a categorical order; you had to get up and leave your  
13 home.

14 Q. Thank you.

15 In your interview before the Co-Investigating Judges, you stated  
16 in D199/15, on page 3 in the French and English versions and on  
17 page 6 of the Khmer -- ERN 00349101 (sic) -- you said that when  
18 you left Phnom Penh by car, the car was actually too small to  
19 hold all of you and that your rather simple-minded brother had to  
20 follow behind on a bicycle.

21 Can you please tell us what happened to your younger  
22 brother-in-law in April 1975 and if, ever since, you have heard  
23 from him or about him?

24 [16.03.00]

25 A. No, we never saw him again. In the chaotic, calamitous

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1 situation, we lost sight of him. There was already one soldier on  
2 the roof of the car who was insisting that we leave very quickly.  
3 Therefore, the car left very quickly. And the brother was  
4 following by bike. He was also hauling a chicken cage. And ever  
5 since I've never heard from him, I've not heard any news of him.  
6 Already, at the time, he spoke very seldomly and he was rather  
7 simple-minded.

8 Q. You also talked about other vulnerable people, those who had  
9 been evacuated from the hospitals. Did the Khmer Rouge take any  
10 measures to make sure that the vulnerable, the infirm, could  
11 survive the evacuation of Phnom Penh in the high heat of Phnom  
12 Penh? Was there any provision of medical care, any distribution  
13 of water or medication?

14 A. No, Mr. Prosecutor, there was absolutely no assistance being  
15 given by the Khmer Rouge soldiers, no one was helped. No, there  
16 was absolutely no help whatsoever. As I said earlier, it was  
17 every man for himself; no one helped anyone.

18 Q. And so, if it was every man for himself -- and during the time  
19 that you were leaving Phnom Penh by car, did you see people on  
20 foot and who collapsed on the side of the road because they  
21 simply could not carry on and follow the crowds?

22 [16.05.02]

23 A. Yes, yes, there were very many elderly people who were  
24 struggling to walk, but we could not stop to help them. But,  
25 indeed, there were people who were experiencing great difficulty

1 moving.

2 We had no idea where we were going. That was even worse.

3 Q. Thank you.

4 Earlier you talked about the corpses of Lon Nol soldiers you saw

5 at Chamkar Mon. And, once you left Phnom Penh heading towards

6 Takhmau and Tuk Veal, did you see any other dead bodies strewn

7 along the roadside? And were you able to identify those corpses?

8 A. Yes. The first dead body I saw was that of a Lon Nol soldier.

9 I recognized this because he was in uniform. But all along the

10 road, there were other people, such as civilians who had been

11 eliminated, and there were other corpses. But, once again, I

12 repeat, I did not stop; I did not go back on my steps, I did not

13 return on my footsteps to find out why they died or how they

14 died, but I saw corpses strewn along the road.

15 [16.06.41]

16 Q. And those corpses were not in uniform? Were they civilians?

17 A. Indeed, they were civilians.

18 Q. Thank you. And once you arrived at Tuk Veal in April -- on the

19 19th of April -- if I'm not mistaken, you stated that you arrived

20 at Tuk Veal Island on the 20th of April -- were you asked to give

21 your opinion or any feedback prior to your transfer to Tuk Veal?

22 A. No at all. What we thought didn't matter. The village chief

23 came with an entire team and he handpicked everyone who had

24 arrived by car, and he said, "You, you, you, go over there; we're

25 going to take you." We were given absolutely no choice.

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1 Q. Thank you. And the day that you arrived on the island and  
2 during subsequent days, approximately how many families that had  
3 been evacuated from Phnom Penh were selected to live on Tuk Veal  
4 Island?

5 [16.08.01]

6 A. If memory serves me correctly, I believe that there must have  
7 been a dozen or so families on Tuk Veal Island, but I don't have  
8 the exact figure. I'm sorry; I just do not recall, 32 years after  
9 the fact.

10 Q. Thank you. And on the 20th of April, you arrived on Tuk Veal  
11 Island. You had been there for three days - or, rather, this was  
12 the third day after the evacuation. At some point in time, did  
13 any Khmer Rouge soldier or Khmer Rouge official appear before you  
14 and tell you why you would not be returning to Phnom Penh as you  
15 had been originally promised? Did they provide you any  
16 justification?

17 A. No, no one said anything after three days. We received  
18 absolutely no information. The village chief, Mr. Thien -- who I  
19 called Mr. Thien -- provided absolutely no details. And it was  
20 only then, one week later, that we were summoned to the meeting  
21 -- the famous meeting in the pagoda -- and we were announced the  
22 demise that awaited us.

23 [16.09.33]

24 Q. Earlier you stated that there were a certain number of Khmer  
25 Rouge, uncles called Ta Sem, Ta Chhi (phonetic) -- they were

1 Khmer Rouge soldiers. And among them, did anyone speak out during  
2 the meeting in the pagoda at Prey Tuot?

3 A. No, they came to speak but they did not introduce themselves.

4 Q. Thank you. And, during that meeting in the pagoda, you were  
5 told that you were prisoners of Angkar. In addition, you said  
6 that you were in an open prison. And from the 17th of April 1975  
7 to December -- January 1979, from the time of the evacuation to  
8 your time in Tuk Veal to the Northwest, were you able to enjoy  
9 any form of individual or collective freedom or liberty that  
10 would give you the impression that you were not a prisoner of  
11 Angkar?

12 A. I stated that I was in an "open prison", but in fact, we were  
13 their prisoners because everywhere we went, we were weeded-out,  
14 we were recorded and registered, we were ordered not to leave.  
15 Every time that we went to work in the fields, either in the rice  
16 fields or the manioc fields, we were under watch. There was  
17 always somebody behind you, surveying your work, up until you  
18 entered your home.

19 [16.11.40]

20 Q. And earlier you stated that Mr. Chen, in Tuk Veal Island, had  
21 talked about disciplinary codes and the need to dress in black  
22 and carry out certain tasks. Did Mr. Chen enforce the orders of  
23 Angkar?

24 A. We received the "10 Commandments of Angkar". I don't know them  
25 by heart and I'm unable to recite them to you now, but they were

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1 all recommendations, a list of prohibitions. We were told that we  
2 could not beat our own children, that our children had become the  
3 children of Angkar, that we had to work, that we had to engage in  
4 self-criticism. And every single night, at every single meeting,  
5 we had to attend self-criticism sessions. And, in fact, they were  
6 brainwashing sessions. I wrote the recommendations on the palm of  
7 my hand. However, I had to write it phonetically.

8 Q. And among those commandments, were you expected to be  
9 completely submissive to Angkar as an individual and as an  
10 evacuee?

11 [16.13.15]

12 A. Absolutely. From that day onwards, we were the property of  
13 Angkar. That was made crystal clear.

14 Q. Thank you. When Mr. Chen told you to leave because your name  
15 figured on the list and you asked him where, were his orders not  
16 subject to any sort of appeal or challenge?

17 A. Mr. Chen's list came from above and it was a final list; it  
18 was not subject to any appeal or argument. We did not know where  
19 we were going, we did not know of our second destination; we  
20 didn't even know of our third destination.

21 [16.14.15]

22 Q. And, during your transfer towards the Northwest region by  
23 lorry, as you were heading towards Pursat, aside from those who  
24 had travelled from Tuk Veal and who were accompanying you, were  
25 there any people from other areas who were headed in the same

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1 direction and who were part of the same journey?

2 A. Yes, there were some refugees from Phnom Penh. At the time,  
3 they were still called refugees. There were also residents from  
4 other villages in the surrounding area that were there. There  
5 were approximately 10 trucks that were in a motorcade and were  
6 waiting to pick up people.

7 Q. And after your transfer by truck, you arrived in Pursat. And  
8 were there a good number of people who had been transferred or  
9 evacuated and who had actually already been there by the time you  
10 arrived?

11 [16.15.26]

12 A. Yes. In fact, the place was overflowing with people. The place  
13 -- there were people from Phnom Penh and there were people who  
14 had already arrived prior to our arrival.

15 Q. Thank you. And do you know where those people came from? Do  
16 you know where they had been transferred from, if they had indeed  
17 been transferred like you towards Pursat?

18 A. I have no idea. At the time, we weren't concerned with that  
19 matter. My main preoccupation at the time was to make sure that  
20 my children were alright. My daughter was already in the midst of  
21 dying. We didn't think about the outcome of those people, no.

22 Q. In short, what you're telling us with respect to the second  
23 transfer is that you left Tuk Veal because your name was on a  
24 list. It was an order issued by Mr. Chen. You were transported by  
25 truck with other evacuees, and then you were shipped onto a train

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1 and you headed towards Pursat.

2 You were then gathered in a general assembly area, and then you  
3 were screened, and split up, and redistributed to several  
4 villages.

5 [16.17.07]

6 Is it on the basis of those facts that you would say that the -  
7 that the evacuation as planned by the Khmer Rouge was organized  
8 and planned?

9 A. Before Phnum Lieb, there was Sisophon -- we were in Sisophon  
10 and we arrived there by tractor, and at that point they had  
11 regrouped families. There were about 10 families that - that were  
12 subsumed under a "krom", in Khmer. And then a "krom" was taken by  
13 tractor until Phnum Lieb.

14 And from that point onwards, everything was very highly well  
15 organized and highly structured and monitored, but we were still  
16 in the dark; we had absolutely no idea where we would end up. The  
17 children had no idea.

18 Q. And you said, if I'm not mistaken, several times you were  
19 shipped off like packs of animals and herded onto trains and  
20 trucks. Did you receive any form of subsistence during those  
21 journeys -- food or drink?

22 [16.18.29]

23 A. Not at all, not at all. What we fed our children was what we  
24 took ourselves from the pagodas, but while we were travelling  
25 nobody gave us anything, nobody told us where we were going,

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1 nobody told us that we would be stopping to take a break so that  
2 we could fulfil our needs. We were told nothing; we were just  
3 shipped off in the trucks. There was absolutely no assistance  
4 whatsoever.

5 Q. One final question before I cede the floor over to my  
6 colleague. In Phnum Leap, when you were chosen to go to Phnum  
7 Tralach, were you able to manifest or express your opinion? Did  
8 you have any discretion to choose the place where you would go  
9 to?

10 A. Most unfortunately, no. If I had the choice, I would have gone  
11 elsewhere; I would have gone to another world. But we had  
12 absolutely no choice.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you very much, Madam Affonço.

15 I wish now to hand the floor over to my colleague, who will ask  
16 questions for the 10 remaining questions (sic).

17 [16.19.52]

18 MS. AFFONÇO:

19 Thank you very much, Mr. Co-Prosecutor.

20 QUESTIONING BY MR. CHAN DARARASMEY:

21 Good afternoon, Mr. President, Your Honours; and a very good  
22 afternoon to you, Madam Denise Affonço. I am Chan Dararasmey,  
23 National Co-Prosecutor. I have a few follow-up questions.

24 Q. Madam Affonço, can you please tell the Chamber about the  
25 orders for the evacuation of the population of the capital city

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1 of Phnom Penh? Did Khmer Rouge tell you and other people how you  
2 would be evacuated from the city? Were there any kinds of  
3 assistance given to you for the transportation of the people out  
4 of the city?

5 [16.21.12]

6 MS. AFFONÇO:

7 A. When they gave us the order to leave Phnom Penh, as I said and  
8 as I repeat, they simply stated, "You are going to leave for only  
9 two or three days. Do not take too much with you. Take the bare  
10 minimum; you are going to return. Give us your keys." And, when  
11 we left, nobody told us where we were going, nobody told us which  
12 direction we were heading into; we were simply told, "Angkar is  
13 waiting for you." But we were given absolutely no assistance; we  
14 were given absolutely no instructions.

15 Q. Thank you. Did they tell you how you could be transported? Or  
16 were you allowed to bring with you some foodstuff?

17 A. They did not tell us how we would be transported. They simply  
18 said, "You must leave your houses; take the bare minimum." That's  
19 all we had as instructions. But out of precaution, I took a  
20 little bit more, and I was hoping that, by telling them that a  
21 was a French national -- that I could go to the French Embassy,  
22 but that was not the case, because I was with the Chinese, and I  
23 was with some Vietnamese, and I was assimilated, but otherwise I  
24 wanted to go to the embassy.

25 Q. Thank you. Were you and the other members of your family

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1 checked when you were leaving the city?

2 [16.23.54]

3 A. When we left our home and when we were on Monivong Boulevard,  
4 headed towards Takhmau, there were no searches -- at least at  
5 that time. And then, just as we were heading near the end of the  
6 road, there were three soldiers that had asked to come with us.  
7 And it was only at the first posting that they had us exit the  
8 car, brandish our belongings and our identity cards, and I showed  
9 them my consular card, I showed my French passport, and I tried  
10 to show them that I was a French national: "Please let me return  
11 to the French Embassy." They took my papers and they destroyed  
12 everything.

13 Q. What was the Khmer Rouge reaction towards you when learning  
14 that you were a French national and that -- your daughters --  
15 your children, how were they treated?

16 MR. PRESIDENT:

17 Madam Civil Party, could you please hold on?

18 Counsel Karnavas, you may now proceed first.

19 [16.25.15]

20 MR. KARNAVAS:

21 Good afternoon, Mr. President. Good afternoon, Your Honours. Good  
22 afternoon, Witness. My deepest apologies for objecting, but now  
23 four questions -- four out of four -- all repetitive. There is  
24 nothing new.

25 Now, if the gentlemen could kindly take a second or two to look

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1 through his questions. If there's something that hasn't been  
2 asked, he can ask it. Otherwise, I think it's best to just end it  
3 here for the day. But we're not learning anything new and we're  
4 just re traumatizing a traumatized witness. Thank you - a civil  
5 party; pardon me.

6 BY MR. CHAN DARARASMEY:

7 Thank you, Mr. President. I was asking because I would like to  
8 seek some clarification. Otherwise, I would like now to turn to  
9 other questions.

10 Q. Madam Civil Party, during the Khmer Rouge regime, did you  
11 notice that the money still was circulated and -- did you see  
12 that the money was still circulated in the areas where you went?  
13 [16.26.41]

14 MS. AFFONÇO:

15 A. No. When we arrived at Kaoh Tuk Veal, currency had already  
16 been abolished; there was no currency in circulation. People were  
17 operating within a bartering system. There was no currency.

18 Q. Thank you.

19 At Kaoh Tuk Veal, you were forced to hard labour. Do you know  
20 from whom the instructions for people to work that hard could  
21 have been rendered?

22 A. The instructions were coming from Angkar. Angkar said that:  
23 "From this day onwards, you must work. Children must work.  
24 Children may no longer study. Children may no longer play."  
25 My daughter, who had her doll, a Christmas present given to her

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1 at a party at the French Embassy – the doll was taken from her  
2 and thrown on the ground. From that day onwards, children were no  
3 longer able to play.

4 [16.28.19]

5 Q. Thank you.

6 Had you ever met Mr. Ieng Sary, Khieu Samphan, and Nuon Chea  
7 during the time when you worked at Tuk Veal worksite?

8 A. I never even heard the utterance of their names, much less  
9 have met them. I never met them and I never heard their names.

10 Q. Thank you. I have the final question to you, please: Every  
11 time you were convened to a meeting, who did you meet as the  
12 chairman of each meeting? And what was the subject matter of the  
13 meetings?

14 A. Every evening, we began by reciting the commandments, and it  
15 was repeated – at least spoken that we had to obey Angkar and  
16 that we had to perform hard work, and if, during the day, we had  
17 committed any sort of offence, we had to disclose the act, we had  
18 to criticize ourselves before everyone else.

19 [16.29.56]

20 MR. CHAN DARARASMEY:

21 Thank you, Madam Civil Party. Due to time constraints, I would  
22 like to end my questions now.

23 And I thank you very much indeed for your responses. Your  
24 testimony is very useful for our mission to search for the truth.

25 Mr. President, I thank you very much indeed for giving me the

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1 opportunity to put questions to her, and I have no further  
2 questions, indeed.

3 MR. PRESIDENT:

4 Since it is now appropriate time for today's adjournment, the  
5 Chamber will adjourn--

6 (Judges deliberate)

7 [16.31.01]

8 We, the Chamber, would also wish to know -- in particular with  
9 regard videoconference and its technicality, we would like to ask  
10 counsels for the accused person whether they would like to have  
11 some questions to the civil party; if yes, how much time would  
12 they prefer.

13 And we would start to hear from counsel for Mr. Nuon Chea first.

14 MR. PAUW:

15 Thank you, Mr. President. I will have to look through my notes of  
16 today and look at the transcript, but I think I will need about  
17 an hour of questioning tomorrow morning -- tomorrow afternoon,  
18 rather.

19 MR. PRESIDENT:

20 Counsel Ang Udom, you may now proceed.

21 MR. ANG UDOM:

22 Thank you, Mr. President and Your Honours. We, so far, have no  
23 plan to put some questions to the civil party. However, we would  
24 have some reservation if -- after counsels for Mr. Nuon Chea have  
25 put some questions, we may revisit our position to see whether we

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1 have a few questions to clarify, perhaps.

2 [16.32.37]

3 MR. PRESIDENT:

4 Counsel for Mr. Khieu Samphan.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. For the time being, we do not have any  
7 questions we aim to put to the civil party, but we will inform  
8 the Chamber accordingly if we change this position.

9 MR. PRESIDENT:

10 Thank you, Counsels. We are now well-informed.

11 Again, since it is now appropriate time for the adjournment, the  
12 Chamber will adjourn, and the next session will be resumed  
13 tomorrow, by 9 a.m.

14 The Chamber continues to hear the testimony of Witness Phan Van  
15 in the morning, and in the afternoon session the Chamber  
16 continues hearing Madam Civil Party through videoconference.

17 [16.33.34]

18 Madam Denise Affonço, your testimony is not yet concluded. The  
19 Chamber wishes to hear you again during tomorrow afternoon,  
20 Cambodia time, as we do today, and we would like to summon you to  
21 the same place you are now sitting so that you could provide this  
22 testimony again.

23 For today's session, it is now time for the adjournment, and the  
24 Chamber wishes to thank you, Madam Affonço and your counsel, very  
25 much indeed.

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1 MS. AFFONÇO:

2 Thank you, Mr. President.

3 MR. RIVET:

4 (No interpretation)

5 MR. PRESIDENT:

6 Court officer is now instructed to assist with the WESU unit and  
7 the AV booth officers to ensure that tomorrow's session through  
8 videoconference can be properly managed as what we have seen  
9 today.

10 [16.34.52]

11 And security personnel are now instructed to bring all the  
12 accused persons back to the detention centre and have them  
13 returned to the courtroom by 9 a.m. tomorrow, except Mr. Ieng  
14 Sary, who shall only be brought to his holding cell, where -- he  
15 could observe the proceedings from there.

16 The Court is adjourned.

17 (Court adjourns at 1635H)

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