



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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29 May 2013
Trial Day 185

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I N D E X

HEARINGS ON VICTIM IMPACT

MS. THOUCH PHANDARASAR (TCCP-156)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AUBOIN	French
MS. CHAN SOPHEAP (TCCP-7)	Khmer
MS. CHHENG ENG LY (TCCP-13)	Khmer
MS. GUIRAUD	French
MS. HUO CHANTA (TCCP-198)	Khmer
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MR. SENG BUNKHEANG	Khmer
MR. SON ARUN	Khmer
MS. THOUCH PHANDARASAR (TCCP-156)	French
MS. TY SRINNA	Khmer

1

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

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 For today's proceedings, the Chamber will continue to hear the
6 statements by civil parties as scheduled and as parties were
7 informed on Monday this week.

8 Mr. Duch Phary, could you report the attendance of the parties
9 and individuals to today's proceedings?

10 [09.10.16]

11 THE GREFFIER:

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

14 As for Mr. Nuon Chea, he is present in the holding cell
15 downstairs, based on the decision of the Trial Chamber concerning
16 his health.

17 The civil parties who are to testify today are four: the first
18 one is TCCP-156; TCCP-7; TCCP-13; this civil party will testify
19 through audio-visual link from France; and the fourth, TCCP today
20 is TCCP-198. The three civil parties are present and awaiting the
21 call from the Chamber.

22 MR. PRESIDENT:

23 Thank you.

24 Court Officer, could you invite the civil party, TCCP-156, into
25 the courtroom?

2

1 (Civil Party Ms. Thouch Phandarasar enters courtroom)

2 [09.12.20]

3 QUESTIONING BY THE PRESIDENT:

4 Good morning, Madam Civil Party.

5 Q. May we know your name?

6 MS. THOUCH PHANDARASAR:

7 A. [Interpreted from Khmer] My name is Thouch Phandarasar.

8 Q. Thank you, Madam Phandarasar.

9 Madam Civil Party, please observe a small pause before you speak.

10 You need to wait until you see the red light on the tip of the

11 microphone or the console so that your voice will go through the

12 system, in particular, through the interpretation system as your

13 voice will be interpreted simultaneously into English and French

14 and your microphone will be operated by the AV Unit.

15 How old are you?

16 MS. THOUCH PHANDARASAR:

17 [Interpreted from Khmer] Mr. President, I'd like to make a

18 request to Mr. President that I'd like to make my statement in

19 French as all my family members are living in France and they do

20 not speak Khmer and they are waiting to hear my statement in the

21 French language.

22 [09.14.53]

23 MR. PRESIDENT:

24 Please, do so. You can use any of the three languages used in

25 this courtroom. You can speak in French, of course.

1 And, the interpretation booth, please prepare yourself, as the
2 civil party will now testify in French.

3 BY THE PRESIDENT:

4 Q. Can you tell us your age?

5 MS. THOUCH PHANDARASAR:

6 A. I was born on 22 August 1946. I am 67 years old and I am a
7 French citizen. And I'm married and I have three children, and
8 one of them died during the genocide.

9 Q. Where were you born and where is your current residence?

10 A. I was born in Phnom Penh in the third quarter and I was living
11 Tuek Thla with my parents. And currently I live in Paris.

12 [09.16.17]

13 MR. PRESIDENT:

14 Thank you, Madam Touch Phandarasar.

15 As a civil party before this Court, you are given an opportunity
16 to make your statement of sufferings and harms occurred upon you
17 - namely, the physical, material and psychological impact - which
18 are the direct result of the crimes which led you to become a
19 civil party and which have been accused against the two Accused
20 here - that is, Nuon Chea and Khieu Samphan. And that they
21 occurred during the Democratic Kampuchea regime from the 17 April
22 1975 to the 6th of January 1979. And that is the opportunity that
23 we give you as a civil party in this case. You may proceed.

24 [09.17.25]

25 MS. THOUCH PHANDARASAR:

4

1 Yes, I remember 17 April 1975, when the Khmer Rouge entered the
2 city. We were all very, very happy to see a change in regime
3 because we were saying to ourselves that now there was peace; I
4 saw my mother with her white flag smiling and she said: "That's
5 it, that's it, there's peace now. We're no longer going to suffer
6 from war and we're going to put - share our goods with the
7 community." And then we were all very enthusiastic; everyone was
8 joyful. Everyone was so joyful because the war seemed to be over
9 and during the afternoon, at the beginning of the afternoon, the
10 Khmer Rouge soldiers arrived and they asked us to leave. We did
11 not understand why at the beginning.

12 [09.18.20]

13 We didn't understand what was going on; why, why we had to leave.
14 We had to rebuild the country sharing our goods; we were willing
15 to do all that was necessary for that and this Khmer Rouge
16 soldier said to us: "We have to leave. You will only leave for
17 three days because the government is trying to clean-up the
18 city," he said. "So you have to leave so we can clean-up the city
19 and to avoid the bombing."

20 And at the beginning, we were hesitant and then there were
21 neighbours who told us that we have to get ready; there were
22 people out in the street and I was with my parents. We were
23 living in the same building, although we had each an apartment
24 and my parents were also surprised. We were not ready to go and
25 then after about an hour, other soldiers came and then we became

5

1 afraid because the soldiers were very aggressive and they asked
2 us right away to prepare our bags to leave for three days.

3 [09.20.08]

4 So my father, therefore, ordered us to collect our bags and to
5 prepare ourselves to go for a few days and I had two young
6 children with me and two nephews who are already in France, so -
7 but would come back - and there were four children and I tried to
8 gather a bit of clothing, some water and medicine. And then I
9 tied up the four children because there were too many people on
10 the way and I started becoming afraid because people were
11 everywhere. We had two cars and we couldn't proceed. We even had
12 to push the car at one point because there were so many, so many
13 people coming from everywhere and I - it was - my little sister
14 with a little bicycle next to me and she had arrived in the
15 evening. Of course, in the evening we arrived at the road to
16 Sihanoukville.

17 And then, suddenly, I heard a voice saying: "Give me your watch."
18 A very aggressive voice and since I was afraid of losing my
19 children whom I had tied together, then I heard a gunshot, and
20 then I saw a man who had just been killed and that is when I
21 understood that things were very, very serious. We were all very,
22 very afraid.

23 [09.22.29]

24 And then our cars were taken away from us. We also had a dog, a
25 German shepherd. So they confiscated our cars, and my little

6

1 sister gave her bicycle right away to the Khmer Rouge, but the
2 dog didn't want to leave the car. And since we were so afraid, we
3 left all our clothes behind in the car. We only had water and
4 rice to go to Kilometre 13, because at Kilometre 13 we had a
5 little plot and we had a little garden. And we arrived at
6 Kilometre 13 and we spent one night there.

7 The next day we kept on going with the soldiers forcing us to
8 move ahead with the masses of people and then I saw the worst
9 thing of my life. I saw women give birth in the street and I saw
10 sick people in their beds with their drip on the road under the
11 burning sun and I saw people who couldn't walk.

12 [09.24.11]

13 And children were forced to leave their parents behind and you
14 know that we worship our parents. Parents are very sacred to us
15 and when we saw parents separate from their children, it was
16 something that was extremely, extremely hard for Cambodian
17 children. So the soldiers forced us to move on and we spent two
18 to three nights in a village called Angk Romeas. And before we
19 entered the village, the - my grandmother's little nephews came
20 to collect us; they were in the village and they whispered to us,
21 there were three of them and they asked us to destroy of all our
22 administrative documents or I.D. cards so that we would have
23 nothing with us and they said that: "You have to change the name.
24 You're no longer called Darasar. Take a nickname." And it is as
25 of that moment that I have been called Tel, which is still the

1 nickname I have.

2 [09.25.43]

3 So we remained in this village for a little while. In the morning
4 we had to go out into the field to work. Some of the men would go
5 quite a ways away and come back every 10 days and the women were
6 working in the fields close by and every day there were spies
7 watching. And we stayed there for a few days, but it seemed so
8 far to me and the nephews of my grandmother gave us food; gave us
9 rice and cassava. But there were no protein; there was no fish
10 for example - maybe a little bit of sugar which helped us a bit.

11 And then we had to evacuate this village; they asked us to board
12 trucks to Pursat province, first to Kampong Chhnang and then to
13 Pursat and then we took the train and this was a cattle train. We
14 were packed together in these box cars and then we arrived in
15 Phnum Chonhcheang and it's at Phnum Chonhcheang that famine
16 really began; the true famine. So we had to build a shack. They
17 said: "Okay, sort it out." We didn't even have knives or forks or
18 - and we were obliged to bother to have knives so we could cut
19 branches to make these shacks, improvised shacks we could say.

20 [09.28.12]

21 And we started working very early in the morning and we would
22 return very, very late at night. We only - and with very, very
23 little food, only a little full of rice, and the children were
24 very, very hungry. It was the rain season; we were very - we were
25 soaked. And the children ended up in the mud without anything to

8

1 eat and they said, "Why are we coming - why - I want to go home,
2 where we had everything to eat. Why are we in the jungle? I'm
3 hungry." How can you answer that question? Young children, four
4 children.

5 And then the men would go plough the earth. And for the first
6 time I saw my father ploughing the oxcart - ploughing - pulling
7 the oxcart himself. I would see my father age by 10 years in a
8 few days, and this is something unbearable to see. I would see
9 his hair become grey; I would see him pull the plough in the mud.
10 So then I wanted to die. I could not stand this sight and I was
11 given work, as well when we were denounced.

12 [09.30.25]

13 So, the Khmer Rouge came then to collect us very early in the
14 morning. My husband was already ill and he was ill as of the
15 first days; his legs were swollen, so he stayed in the shack and
16 they brought us away; six families together. My grandparents have
17 nine children and I was together with the six families in the
18 village of - from the village of Angk Romeas; we left, the six
19 families together to this place near Battambang and the Khmer
20 Rouge brought us to an unknown place. I thought we would be
21 killed in the rice fields; we were standing in line and the
22 people started working very, very early in the morning. It must
23 have been 5 o'clock or 4.30 in the morning.

24 [09.31.38]

25 And the Khmer Rouge were just watching us, and I was saying to

1 myself, "That's it, they're going to shoot us here". But thank
2 God, they brought us to Boeng Kantuot and then at Boeng Kantuot
3 they questioned us for an entire morning and the group leader
4 called Ta Khon (phonetic), who was with soldiers and women
5 soldiers, as well, and they asked us for our biography. Exactly
6 like what happened at the beginning; people were asking us about
7 our personal history. And we said, "Well, I'm a rice farmer". And
8 we no longer had our documents, as I said. And, you know, we had
9 all been shopkeepers and it was very harsh questioning. They
10 questioned us from early in the morning until late in the
11 afternoon, the same questions over and over again. You just said,
12 "You're the wife of General Thach Sary. We were told that your
13 husband is a doctor, that - and that you-" But we always told the
14 same story: that we are just simple people, ordinary people;
15 traders, shopkeepers.

16 [09.33.16]

17 And at one point, the wife of the general almost broke down. I
18 felt that she wanted to tell the truth, but finally, I shook her
19 up and she gathered her spirits and she remained calm and they
20 released us. It was about 1 o'clock in the afternoon and then
21 they gave us some food. That was fantastic; hard rice, real rice;
22 that was fantastic with dried fish. We really felt that that was
23 something that was extraordinary and I was so hungry. My parents
24 were jumping on the rice. I even heard rumours that we would
25 first be given food and then we would be killed and I was always

10

1 afraid. I ate half of it; I gave half of my ration away. I
2 kneeled down to offer my parents what I thought I would be the
3 last meal, but thank God, they released us and they, however,
4 separated us at about a 2 kilometre distance from each other,
5 from each family.

6 [09.34.59]

7 And the spies started watching us. They sent my parents, who were
8 old, to go work with the teenagers without eating and they
9 couldn't barter for food and my parents, therefore, in 1976 died
10 one after the other; my entire family, in fact, in 1976.

11 (Short pause)

12 MR. PRESIDENT:

13 Counsel, you may proceed.

14 QUESTIONING BY MS. GUIRAUD:

15 Thank you, Mr. President.

16 My name is Marie Guiraud and I'm from the FIDH team and I'm
17 assisting Ms. Feniès in this procedure.

18 At the outset, I would just like to draw your attention to the
19 documents that will enable the Court and the parties to find
20 where they are in this testimony.

21 [09.37.15]

22 She became a civil party in January 2008 and you have her Victim
23 Information Form under D22/189; I'll give you the ERN's for that.
24 In French it's 00279374 to 77; ERN in English is 00847852 to 57;
25 and in Khmer, it's 00404259 to 67.

11

1 Ms. Feniès gave further testimony on the 9th of April 2009, and
2 the English ERN of that is 00852179 to 81; and in French,
3 00584551 to 53.

4 Ms. Feniès has never been heard by the Prosecutor's Office nor by
5 the Co-Investigating Judges and she was met by the OCIJ office
6 under the heading of "Forced Transfer Stage 1".

7 [09.38.53]

8 Q. Now, Madam Feniès, to begin with, good morning. I have just
9 mentioned the documents whereby you became a civil party. Now,
10 have you been able to re-read those documents since then and, if
11 you have, are they accurate or are there some points you might
12 like to give us further details on?

13 MS. THOUCH PHANDARASAR:

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Please hold on; observe the light on the microphone when you
17 speak.

18 MS. THOUCH PHANDARASAR:

19 A. Yes, Counsel, I read the document and I did see that there was
20 a small typing mistake about the rocket that fell on my first
21 house in 1972. They weren't Khmer Rouge rockets; in fact, they
22 were Viet Cong rockets. In the documents it says: "Khmer Rouge
23 shells" and I'd like to have that rectified.

24 BY MS. GUIRAUD:

25 Thank you very much.

12

1 In the remaining time we have, Ms. Feniès, I'm going to be asking
2 you some questions about the impact that everything you described
3 may have had during your life, during the facts themselves and
4 subsequently.

5 [09.40.33]

6 Q. In those opening remarks just now, you talked a great deal
7 about hunger. Was the deprivation of food that you suffered
8 something that had a serious impact on you afterwards and if so,
9 could you please tell us about that?

10 MS. THOUCH PHANDARASAR:

11 A. Yes. After that, after leaving Cambodia in 1979, I became a
12 compulsive eater and I certainly put on a lot of weight. I always
13 long for food. I can do without a great deal of things, comfort,
14 money, whatever, even a roof over my head, but I need to have
15 food.

16 Q. Thank you. In what you said this morning, you told us about
17 your father and the elders and the importance of this in your
18 culture. What are your feelings today about your parents? Does
19 this still strike a particular cord with you today and, if so,
20 tell us about it please?

21 A. In Cambodia, children venerate their parents; they're almost
22 sacred. You don't touch them and to see my parents dying well
23 before they were old, in their fifties, without me being able to
24 give back to them what they gave to me, is something that will
25 never be erased from my life.

1 [09.42.43]

2 The conditions in which they died were not worthy of animals.

3 It's better for animals; they get buried, but my parents died in

4 a way that there are no words to describe; thrown into the ditch

5 naked. I didn't even know the place where he was discarded and I

6 retain a terrible feeling of guilt about this; not having been

7 able to save my parents. If I was perhaps a little braver I might

8 have been able to feed them, bring them some rice or something.

9 You never erase memories like that and that's why I'm here to ask

10 this Court for justice. To give the deceased back their souls so

11 they may live in peace because, right now, I know their souls are

12 lost between the living and the dead and if there is justice that

13 would be an honour to them. That's why I want to come to Court

14 for justice and not just for them; for the two million other

15 Cambodians who disappeared thanks to that Khmer Rouge regime.

16 [09.44.57]

17 MS. GUIRAUD:

18 Thank you, Ms. Feniès. You've told us about your parents and in

19 your opening remarks you also talked about one of your sons who

20 died during that period.

21 Mr. President, may I ask the Court's permission to put on the

22 screens four photographs which will help me to ask some questions

23 to Ms. Feniès about the members of her family who are in the

24 photographs and about how she was able to keep the photographs?

25 The photos were sent around to the parties yesterday. And now,

14

1 sir, I am asking you for your permission to project them on the
2 screens so as to be able to use them in questioning Ms. Feniès.

3 MR. PRESIDENT:

4 Thank you. You may proceed.

5 And I wish to remind the civil party that you have until 10
6 o'clock this morning to make your statement.

7 BY MS. GUIRAUD:

8 Thank you.

9 Q. Madam, you have the picture on your screen – I don't know if
10 everybody else does. And I'd like you to tell the Court and the
11 parties who the people in the photos are.

12 [09.46.34]

13 MS. THOUCH PHANDARASAR:

14 A. He had meningitis. He took a biscuit from the mouth of a dog
15 that the Khmer Rouge had thrown away and then in the evening he
16 had a high temperature and his father who was a doctor, knew that
17 his son had meningitis. We tried to obtain some penicillin in
18 exchange for some jewels, but nobody had any and it was a very
19 hard day when he died. He had been wearing a T-shirt, a yellow
20 T-shirt and it had a slogan on the T-shirt, "If I smile to you,
21 do you smile to me?" And when he died, and I saw written upon his
22 chest: "Will you smile back to me?" while he was on his deathbed;
23 I think any mother would understand the appalling emotion I went
24 through.

25 [09.47.51]

15

1 Q. Madam Feniès, we are going to show more of the photographs and
2 you can tell us if you want to add something or if you would
3 rather not. I do want you to tell the Court and the parties about
4 how you managed to keep these photographs? We're looking at the
5 picture of your son, but there is also a picture of your mother
6 and your husband who died in 1976. Now, can you tell the Court,
7 please, how you were able to keep these photos and whether they
8 are the only items that you have managed to keep from those days
9 or not?

10 A. Yes, I was very careful to hang onto these photographs. They
11 were very dear to me and I wrapped them up in plastic covering
12 and sometimes I hid them on the ground and when I went to work, I
13 took them with me always; and here you see my husband who's a
14 doctor.

15 Q. Ms. Feniès, are these photographs the only memory tokens that
16 you were able to keep from the pre-'75 days?

17 A. Yes. They are the only things.

18 [09.49.54]

19 Q. I have two more questions, Ms. Feniès. I know you have some
20 questions to put to Mr. Khieu Samphan, in particular, and those
21 questions have to be asked in the time we have available to us.

22 So let me ask you now two questions about exile.

23 From your testimony, we have understood that you became a refugee
24 in France in 1979 and it's very important when you're talking
25 about the impact of crimes to understand what exile means; and

16

1 I'd like to ask you to describe to the Court and to the parties,
2 the feelings that you went through when you reached France in
3 1979 with your son, who survived, and with your sister?

4 A. I had three lives in a way. I had a fine life with my parents
5 before the genocide and during the genocide it was sheer hell.
6 Then after, in France, it was a struggle to survive, as well.

7 [09.51.16]

8 I went through periods of terrible solitude because you had to
9 fight for everything; you had to go through your driving test
10 again. You had to do evening classes to obtain the same degrees
11 and diplomas as before; you had to do menial jobs. It was a
12 complete uprooting. I know I had some French culture, but France
13 is an enormous place and I found myself in a world where the
14 transport, the seasons, winter was very difficult. There were
15 strikes; I had to feed a child and a sister and it was very hard
16 for me and I broke down. I went to a psychiatric institution for
17 three months at one point. Psychologically, it was extremely
18 taxing.

19 Q. Thank you, Ms. Feniès.

20 Perhaps one more question before you ask the President if you can
21 put some questions to the Accused.

22 This morning you said you would like to speak in French because
23 your new husband and your son and the members of your family do
24 not speak Khmer, tell me, do you talk about that period now with
25 your children?

17

1 A. Yes, from time to time to my youngest son. But to the elder
2 one, I have never talked about the period; but to the younger
3 one, yes, I do speak about it from time to time, and to my
4 friends and certainly to my husband. We talk about the period a
5 lot, and I think that he is following what's going on in this
6 courtroom live.

7 [09.53.32]

8 Q. Today, Ms. Feniès, who is uppermost in your mind?

9 A. (Microphone not activated)

10 MR. PRESIDENT:

11 Madam, please hold on until you see the light on your mic.

12 MS. THOUCH PHANDARASAR:

13 A. Well, in this courtroom, my first thoughts go to my mother. I
14 didn't see her die. I have an image of my mother imprinted into
15 my mind. She was so hungry, she had almost withered away. She
16 went to the canteen with her rice bowl and she actually staggered
17 and fell on the ground because she was so emaciated and then
18 there she was crawling, picking up grains of rice.

19 And now, mother, I'm telling you that I am bringing this case to
20 the Court for you to bring justice for you.

21 [09.54.55]

22 MS. GUIRAUD:

23 Thank you very much, Madam. I know you had two questions to put
24 to the Accused. These are being circulated in the Court.

25 And I'm not quite sure how we do this, Mr. President, but should

18

1 Ms. Feniès ask – formulate the questions and ask you to put them
2 or should Ms. Feniès ask the questions directly herself? There
3 are two of them, Mr. President.

4 MS. THOUCH PHANDARASAR:

5 Yes, I'd like to ask Mr. Khieu Samphan two questions.

6 Why did the Khmer Rouge focus on the 17th of April People since
7 they had the same status as them?

8 And the second question is: What is the purpose of the
9 self-criticism sessions? I'd like to know the answers to those
10 things.

11 [09.56.12]

12 MR. PRESIDENT:

13 Thank you. And I will refer this questions to Mr. Khieu Samphan
14 so that he can respond to the two questions.

15 Mr. Khieu Samphan, you may proceed.

16 MR. KHIEU SAMPHAN:

17 Thank you, Mr. President. My respect to members of the Bench and
18 everyone in the courtroom, and my respect to national
19 compatriots.

20 Madam Civil Party, first and foremost, I would like to inform you
21 that despite the fact that I did not know the suffering you
22 endured at that time, and by listening to your statement this
23 morning, I myself felt a lot of sorrow. I do understand your
24 great suffering, separating from your family members and you had
25 lost your loved ones. Nevertheless, the two questions you have

1 posed to me are interrelated.

2 The first question was, of course, related to the second one. It
3 relates to the ideology; it was called the Class Struggle
4 Ideology.

5 [09.58.46]

6 I am an intellectual. I was not an idealist (phonetic) of the
7 Communist Party of Kampuchea. And I would also like to inform you
8 that the leaders - some leaders of the Democratic Kampuchea
9 Government, including some members of the Democratic Kampuchea
10 Government, considered me as a highly educated intellectual. They
11 considered my feet not attached to the ground, and I was
12 considered useless. I want to make this point precisely clear for
13 you.

14 Nevertheless, I forced myself to flee Phnom Penh. I took refuge
15 in order to have the protection from the Communist Party of
16 Kampuchea. I stayed with them for one year. And for two years, I
17 had no choice but to join the Communist Party of Kampuchea. And
18 subsequently, I gained some knowledge of their ideology
19 gradually.

20 For these facts, I can only share with you what I had known.

21 According to the theory of the ideological principle of the
22 Communist Party of Kampuchea, revolution had to go through two
23 stages, the first one being the National Revolution - National
24 Democratic Revolution. This was the stage when we had to struggle
25 against the colonialism, the French colonialism and American

1 imperialism. And that was the period that National Forces had to
2 be reunited to reconcile into a resistance force. Whether those
3 people were former capitalists, they were still regarded for
4 their reconciliation for the purpose of resisting and getting rid
5 of the capitalism, which were considered the oppressed class on
6 the peasant's class.

7 [10.02.10]

8 For that reason a lot of Phnom Penh residents at the time joined
9 in the Resistance Movement, and they joined the Movement in
10 various forms, including the process of demonstration and some
11 other activities opposing the Lon Nol regime, and sometimes they
12 collected the money together to buy the medicine for malaria
13 treatments to those who stayed in the jungle. At that time,
14 sympathizers to the Resistance Forces existed almost everywhere
15 throughout Phnom Penh, and the majority of the sympathizers
16 resided in Phnom Penh. Although they might not assisted in
17 material support, they assisted in their sympathy and their
18 emotional support to the resistant movement. That was the first
19 phase.

20 As for the second phase, it was the Socialist Revolution phase
21 and the construction of Communism.

22 [10.03.42]

23 From my recollection, in April or in May, at the Silver Pagoda,
24 that was the first time that a meeting was held by the Central
25 Committee. Pol Pot, in his - representative of the Communist

1 Party of Kampuchea, made an announcement that the victory of the
2 17 April 1975 was indeed the end of the – of the Popular
3 Democratic Revolutionary Movement. It indicated that it's the
4 conclusion of the United Front and of the GRUNK, and that
5 indicated the phase into the Socialist Revolution and the
6 Socialist Reconstruction and the protection of the country.
7 The idea behind Pol Pot's thinking was that the situation at the
8 time was in need of an urgent attention. Vietnam, after they
9 reconciled their countries, they were in no need of Cambodia, and
10 for that they would turn to attack us, so Cambodia had to
11 urgently rebuild our country and not to let the Vietnam catch up
12 and swallow us.

13 So the democratic – the Socialist Revolution and Reconstruction
14 was of the general concept that all the land was no longer of the
15 members of the cooperative belonging or possession; all the land
16 became the property of the cooperatives – that is, the property
17 of the people. Therefore, we build dams and canals in a speedier
18 process so that it doesn't have to have any conflict with any
19 individual pieces of land here or there, because the land was for
20 common use, and that would speed up the process of the
21 construction of dams and canals.

22 [10.06.46]

23 And I, myself, witnessed that in 1976. When I had the opportunity
24 to leave Phnom Penh, I saw canals and dams, including Trapeang
25 Thma dam, and the one to the west of Battambang, whose name I

1 cannot recall; it was of huge size. As for the Trapeang Thma dam,
2 it looked like a sea in the middle of the field where there used
3 to be dry land. And as a result, those dry lands transformed into
4 chequered rice fields to the horizon, and that excited me. And,
5 of course, the saying goes "Whenever there is rice, there is
6 everything". And the people would be fed sufficiently, and the
7 excess would be exported overseas, in particular to our friendly
8 countries, including China, Korea, Yugoslavia, etc., and that in
9 return we would be able to purchase the agricultural products,
10 including hoes, knives, axes, etc., and we could even gradually
11 build our factories with the imported iron, in order to build
12 water gates for the irrigational purposes for the rice fields.
13 [10.08.50]

14 And I, indeed, saw the purchase of those large-scale machineries
15 that is to assist the people. But unluckily, those machineries
16 had not yet been distributed to the people due to the entering
17 into our territory by the Vietnamese forces.

18 And let me repeat again, I was excited when I saw those
19 large-scale dams. But during the course of the proceedings before
20 this Chamber, when I have heard the testimonies of the witnesses,
21 I was so shocked, as I was not aware that the dams, the canals
22 were constructed in exchange of such great loss. I did not know
23 that. And I was also extremely shocked whenever I heard the
24 testimony of any witness or civil party. And this is my words to
25 you.

1 Now, let me return to another issue. And it is because of that
2 understanding they tried to focus on all the forces of the
3 country for the building of the dams and the canals. And, indeed,
4 everyone who came here talked about building dams and canals. And
5 the purpose at the time was not to split the forces inside the
6 country, inside our nation.

7 [10.11.20]

8 As for the regime of criticism and self-criticism meetings, it
9 was within the framework of the ideological principles of social
10 classes and class struggle, in particular for the Party's
11 members. During the popular revolutionary movement, the People's
12 Party had to sacrifice the most in order to be an example to the
13 entire nation, to the entire people, so that those people would
14 join in the Resistance Movement. And in order to form and achieve
15 their due, criticism and self-criticism meetings had to form.
16 And everybody acknowledged that the Democratic of Kampuchea
17 forces were of the high merit. They were contradictory to the
18 forces of the Khmer Serei, who only robbed the people of their
19 property.

20 [10.12.40]

21 As for me personally, I also had to participate in the criticism
22 and self-criticism meetings in order to build myself into a
23 proletariat class - that is, during the phase of the Socialist
24 Construction. But I myself could not get rid of my former class
25 because my mentality was still that of the capitalism and to the

1 semi-capitalism, as I still had funds for my relatives and family
2 members. Of course, I tried to encourage myself to only focus on
3 the only benefit for the nation and that I should sacrifice
4 everything and concentrate my entire endeavour based on the view
5 of the proletarian class, of a poor peasant class and a poor
6 middle peasant class, but personally I could not achieve that,
7 despite some of the leaders who were intellectuals or lower
8 intellectuals and who also went through the class struggles and
9 criticism and self-criticism meetings; they could successfully
10 build themselves - that is, they got rid of their proletarian or
11 their capitalist class and only focus everything on their
12 Resistance Movement for every breath they took. But personally, I
13 could not do that.

14 And these are some of the points that I'd like to convey to you,
15 Madam Civil Party.

16 This is my conclusion, Mr. President.

17 And allow me to apologize if I could not respond to your
18 questions, as I am not the ideologist of the Communist Party of
19 Kampuchea.

20 [10.15.12]

21 MR. PRESIDENT:

22 Thank you.

23 Counsel for civil party, you may proceed.

24 MS. GUIRAUD:

25 Thank you, Mr. President.

25

1 I believe that Ms. Feniès would like to make a very short
2 statement. This would be the last one, only one or two sentences.
3 And I'd like to know if you would give me the permission to allow
4 her to make this very short statement.

5 MR. PRESIDENT:

6 Please wait; I notice the counsel for Nuon Chea is on his feet.
7 You may proceed.

8 [10.15.54]

9 MR. KOPPE:

10 Thank you, Mr. President. Good morning, Your Honours.

11 I'm mindful of the time, but my client has instructed me that he
12 would also like to answer the questions posed by the civil party.
13 I don't know if there is time for that, but if there is, he would
14 like to answer the questions, as well.

15 MR. PRESIDENT:

16 Yes, he may do so.

17 Mr. Nuon Chea, could you please respond to the questions put to
18 you by the civil party - that is, why the Khmer Rouge focused
19 only on the New People, why they were of a different class
20 compared to the rest of the people, as they should be in the same
21 class as the rest of the people and the leaders of Democratic
22 Kampuchea? And for the second question: What is the purpose of
23 criticism and self-criticism?

24 You may respond to these two questions now.

25 [10.17.20]

1 MR. NUON CHEA:

2 Good morning, Mr. President. Good morning, Your Honours. Good
3 morning, all national compatriots inside and outside the country.
4 I would like to respond to the questions although my health is
5 not in a better status, and my response will be that of a benefit
6 to the nation.

7 To start with, allow me to express my respect to all the souls of
8 the Cambodian people and to all the survivors who lost their
9 relatives under the Democratic Kampuchea regime. Although during
10 that regime things were complicated, there were partisans within
11 the country, and although they boasted themselves as Democratic
12 Kampuchea. But I myself, as one of the leaders, I acknowledge the
13 lack in this area. And, once again, allow me to express my regret
14 that the leadership was not of the perfect nature. That is the
15 first instance.

16 [10.18.52]

17 And for my second instance, allow me to respond to the questions.
18 Regarding the categorization of the Base People and the 17 April
19 People, it is my understanding that the purpose of the Communist
20 Party of Kampuchea was that there should be no distinction
21 between the Base People and the 17 April People as we had to
22 reconcile our country, to reunite our country for the purpose of
23 solidarity and to defend our country from the invasion, from the
24 aggression and the expansions of the neighbouring countries, as
25 we're all aware of that. And there is no need for me to explain

1 whose countries they are, our neighbouring countries who had the
2 ambition to invade our country. And that is the biggest risk to
3 our country.

4 In addition to that, I also had the intention to join with the
5 nation and with the compatriots to defend the nation and the
6 people. And I did not hold any request to make a distinction
7 between the Old People and the New People.

8 [10.20.27]

9 And now, on the point of criticism and self-criticism, allow me
10 to clarify it. The purpose of criticism and self-criticism was to
11 eradicate - allow me to say eradicate - to eradicate the bad
12 elements, the non-compatriot element within our self. It is not
13 to get rid of any individuals, but to get rid of the elements -
14 the bad elements within us. So we should not get confused between
15 these two points - even I myself, earlier, I also was confused -
16 and that for the purpose of socialist construction and for the
17 purpose of the solidarity, for the means of the agricultural
18 production. So I think that there have been a lot of confusions
19 in regard to this principle. We gathered all the educational -
20 all the agricultural tools and means, including the land, so that
21 we could build dams, canals, etc., and that is the purpose of
22 that criticism meeting.

23 MR. PRESIDENT:

24 Thank you, Nuon Chea.

25 Next the Chamber would like to give the floor to the civil party

1 to make a brief statement as requested by the counsel. You may
2 proceed.

3 [10.22.20]

4 MR. NUON CHEA:

5 Allow me to continue a little bit further.

6 My family also suffered, and Suon Kaseth was my blood nephew; he
7 died. I was not aware of that. And Pou Yin (phonetic), the
8 teacher, and Sieu Heng, they were all of my relatives. And why
9 should I kill my own people, or my relatives, or my nation? I
10 myself could not even defend or protect my family members,
11 because after the liberation I met my mother; she wept and she
12 said she was pushed to the ground during the evacuation. And she
13 said that, "I was in my native village, why should I be forced to
14 evacuate from my native village?"

15 So allow me to say that under the Democratic Kampuchea regime,
16 there were those bad people as well.

17 MR. PRESIDENT:

18 Thank you, Mr. Nuon Chea. I think your response to the two
19 questions is now sufficient as we are running out of time.

20 So the floor is now given to the civil party to make a brief last
21 statement as requested by her counsel. Madam Thouch Phandarasar,
22 you may proceed.

23 [10.23.50]

24 MS. THOUCH PHANDARASAR:

25 Yes, I would simply like to ask Mr. Khieu Samphan who is a

1 Buddhist and an intellectual like myself, just to pray for the
2 souls of the people who died as well as for those who survived,
3 so that way these people might have a bit of peace. Pray in the
4 Buddhist way, that's all, if you wish to do so.

5 MR. KHIEU SAMPHAN:

6 I was not aware that your relatives and family members met such
7 misery and suffering. And a lot of Cambodian people met such
8 fate, including some of those who were the Base People. They met
9 the misery and the suffering, and I was shocked by that fact.
10 At the same time, I cannot forget the souls of the people and the
11 male and female combatants who crawled under the bombardment of
12 the B-52 in order to liberate Phnom Penh. Those who died were
13 left where they were, and the ones who survived would crawl
14 further to be near the lines of the Lon Nol soldiers in order to
15 avoid the bombardments from the B-52s. They joined the attack,
16 and several of them lost their lives. And I raise my hands to
17 pray and to express my respect with my humbleness to all those
18 brave male and female combatants, as well as the souls of all
19 Cambodian people who died in the circumstances met by the nation
20 - that is, after the end of the American war, it led to the
21 Vietnamese war, and we never had any break of peaceful period
22 during the time. And, once again, I pray to the souls of all the
23 people.

24 [10.27.10]

25 MR. PRESIDENT:

1 Thank you, Khieu Samphan.

2 The floor is now given to the Prosecution to put questions to
3 this civil party. You have 10 minutes.

4 QUESTIONING BY MR. RAYNOR:

5 Mr. President, thank you. Good morning to you, Mr. President, to
6 the Judges of the Tribunal, to my fellow counsel, and in
7 particular to you, Madam Thouch Phandarasar.

8 Q. I'd like to cover if I may, please, two parts of your
9 evidence. The first relates to a person you've spoken about in
10 your evidence, General Thach Sary.

11 Can you please, first of all, describe what relation to you was
12 General Thach Sary?

13 [10.28.17]

14 MS. THOUCH PHANDARASAR:

15 A. General Thach Sary was my cousin by marriage. He married my
16 cousin Neth Naren, so he's my cousin.

17 Q. What happened to him?

18 A. On the day when the Khmer Rouge entered the city, my cousin
19 had left the house and as I heard from another cousin who met us
20 later, he was called up over the radio to go and present himself
21 at the Ministry of Information, and that's where he went. And
22 then the same cousin told me that she actually witnessed my
23 cousin's execution; she told me that.

24 Q. Madam, I've done a search of the case papers in our case and
25 I'd like to check the spelling of this general's name. I'm

31

1 referring to document number E3/276, I only have the extract in
2 English because it was from the United States Department of
3 Archives, the English ERN is 00168021.

4 [10.30.12]

5 And in this document there is a heading talking about the French
6 Press Agency listing generals reportedly executed. It was a
7 broadcast through Hong Kong in English on the 21st of May 1976
8 and the text reads as follows - and I quote:

9 "Bangkok, 21st of May. The Khmer Rouge captured 54 Cambodian
10 generals when they seized Phnom Penh in April 1975 and reportedly
11 executed them, often with their families. The Cambodian
12 Resistance Movement claimed here today."

13 There is then a list of the 54 generals and I'd like to check
14 please, so that we're sure, the spelling on this is as follows
15 for General Thach, T-h-a-c-h, Sary, S-a-r-y. Is that the proper
16 spelling of your cousin, General Thach Sary's name?

17 [10.31.55]

18 A. Yes, it is right, T-h-a-c-h S-a-r-y. He was in charge of
19 General Lon Nol's security detail.

20 Q. When the person informed you that your cousin, General Thach
21 Sary, had been executed, did that person mention any other people
22 being executed on that day who were connected with the Lon Nol
23 regime?

24 A. I don't know any further details, she told me those facts. We
25 held a brief ceremony, we prayed. And that's all I can tell you,

1 I really can't tell you any more than that.

2 Q. I'd like to move on to a separate topic now, which is the time
3 when you've mentioned that you were on trucks going through
4 Kampong Chhnang to Pursat and you described them as cattle
5 trains. Madam, we know that the evacuation of Phnom Penh was on
6 the 17 April 1975. Can you help me please, with how many months
7 later or what time of the year it was when you were on a cattle
8 train going through Pursat?

9 [10.33.51]

10 A. Well, I must say the whole thing seems like an eternity, I
11 can't tell you how long it lasted, 3 months, 25 days; I'm not
12 sure. It was the train they used to deport us, we reached Kampong
13 Chhnang then Pursat and then they took us towards Phnum
14 Chonhcheang; these were the different phases. As for the
15 duration, time barely existed at the time, 20 days seemed like 2
16 months, 35 days could have been a year. A certain amount of time
17 went by, but that's all I can say.

18 Q. Did you have any choice whether to be on that cattle train or
19 not?

20 A. I had no choice whatsoever. We were constantly pushed by the
21 soldiers to get on to the train; the train was jammed packed with
22 people.

23 [10.35.07]

24 Q. Describe the period after you arrived as the time when the
25 true famine began. Can you help me, if you're able to, on how

1 long after you arrived in the forest or the jungle people first
2 started dying?

3 A. When I was in Phnum Chonhcheang, there were already a good
4 deal of health problems, we had nothing to eat, some people tried
5 to gather wild vegetables. I, myself, had a thorn in my thumb and
6 luckily my husband was able to operate on me because the whole
7 thing swelled up and I would have lost it if it had not been to
8 him. I had a high temperature and I wouldn't be here today if he
9 hadn't solved that problem. And hunger had already become
10 widespread by that stage. They didn't give us anything to eat.

11 Q. This is my final question. You've arrived in the jungle. My
12 question is: Did people start dying within hours, within days,
13 within weeks or within months of that arrival in the jungle?

14 A. I saw people who had eaten too many wild plants who got
15 diarrhoea and began to die. But it was in 1976 that people
16 started to expire in large numbers.

17 [10.37.30]

18 MR. RAYNOR:

19 Thank you. I have no further questions.

20 MR. PRESIDENT:

21 Thank you.

22 Now I hand over to the defence team for Mr. Nuon Chea to put the
23 question to the civil party. You may proceed.

24 QUESTIONING BY MR. SON ARUN:

25 Good morning, Mr. President. Good morning, Your Honours, and good

1 morning to everyone.

2 And good morning, Civil Party. I have only two questions, and my
3 international colleagues would have another two questions.

4 Q. My first question to you. You told the Court that: "In 1972 a
5 Viet Cong shell on my house, not on the Khmer Rouge house."

6 So my question to you is: Why did you come to know that the
7 rocket shell was launched by Viet Cong?

8 [10.38.44]

9 MS. THOUCH PHANDARASAR:

10 A. Well, I know this because an original document typewritten in
11 French belonging to my father actually mentioned on the 6 of May
12 that his house was shelled by Viet Cong shells. My father was
13 working under the orders of General Thach Sary; he was prior to
14 that financial director of the Water Administration. And that's
15 the document that I'm basing this statement on. And I still have
16 it in Paris by the way, and I've given a copy of it to my lawyer.

17 Q. Thank you. This is part of the history, it's very important. I
18 would like to follow up to my first question. So, is it fair to
19 say that back in 1972, Viet Cong troops were fighting in
20 Cambodia, there was an existence of Viet Cong and Khmers; was
21 that correct? Because at that time we were fighting - the Khmer
22 Rouge were fighting with Lon Nol and all of a sudden a Viet Cong
23 shell hit your house. So is it fair to say that at that time Viet
24 Cong was actually entering and fighting in Cambodia?

25 [10.40.32]

35

1 A. I refuse to answer that question. I am a civilian; I'm not
2 involved in politics. I leave politics to politicians. I do not
3 know. I base myself on my father's document, that's all.

4 MR. SON ARUN:

5 Thank you.

6 With Mr. President's leave, I would like to request the letter
7 from your father so that it can be kept as part of the historical
8 records. With Mr. President's leave, I would like to submit this
9 request.

10 (Judges deliberate)

11 [10.42.56]

12 MR. PRESIDENT:

13 Thank you. On this request the Chamber wishes to clarify on two
14 points.

15 Civil Party, if you can forward a copy of the document as per the
16 request by the defence team for Mr. Nuon Chea to the Chamber
17 first, is good. That is the first point.

18 And the second point concerning the document as well as question
19 concerning the document are not relevant to the temporal
20 jurisdiction of the proceedings before us, because the temporal
21 jurisdiction of the Khmer Rouge Tribunal is from the 17 of April
22 1975 to the 6 of January 1979.

23 BY MR. SON ARUN:

24 Q. I have one last question for you. Following your statement to
25 the Court this morning, you told the Court that on the 17 of

1 April 1975, back then, the Khmer Rouge evacuated you and your
2 family members from your home and you were being evacuated by
3 groups of soldiers in different uniforms, they forced you to
4 leave your homes.

5 [10.44.41]

6 And then you said that later on there was a different group of
7 soldiers in different kind of uniform told you that you had to
8 leave your house, and they were very aggressive and they told you
9 that you would leave your house for only a few days. I don't know
10 if I summarized your statement correctly, I stand to be
11 corrected.

12 MS. THOUCH PHANDARASAR:

13 A. No, Counsel, you've got this wrong. What I said was that there
14 were groups of Khmer Rouge soldiers, they weren't different types
15 of soldiers; they were all Khmer Rouge soldiers. And I recognized
16 them by the fact that they were in black uniforms and carrying
17 guns. There were no other groups; there were just the Khmer Rouge
18 soldiers.

19 [10.45.44]

20 MR. SON ARUN:

21 Thank you. So I have got only two questions. I think that
22 probably I got it wrong from your statement. Now I do not have
23 any further question. I cede the floor to my international
24 colleague.

25 Thank you, Mr. President.

1 MR. PRESIDENT:

2 Thank you.

3 Counsel, you may proceed.

4 QUESTIONING BY MR. KOPPE:

5 Thank you, Mr. President. I only have a few brief questions to
6 the civil party.

7 Q. Madam Civil Party, you mentioned earlier your cousin from whom
8 you had heard the story that General Thach Sary had been
9 executed. What's the name of your cousin who told you this?

10 [10.46.38]

11 MS. THOUCH PHANDARASAR:

12 A. It was a woman cousin. She was in the military, she was
13 working in her particular section and she passed away two years
14 ago. She came to France, as well, and she passed away in France
15 two years ago.

16 Q. What was her name?

17 A. Yourn - Y-o-u-r-n; Yourn.

18 Q. Do you remember when exactly she told you this story?

19 A. Yes, when we were already in Phnum Chonhcheang in the jungle.

20 Q. Would you be able to say when exactly?

21 A. It was when we were together, when the six families were
22 together in Phnum Chonhcheang.

23 Q. And would you be able to tell which month of which year that
24 was?

25 A. I seem to remember that it was August because it was the rainy

1 season, my children suffered a great deal from the rain; it was
2 the start of August.

3 [10.48.47]

4 MR. KOPPE:

5 Thank you.

6 MR. PRESIDENT:

7 Thank you.

8 Next, I hand over the floor to the defence team for Mr. Khieu
9 Samphan to put the question to the civil party. You may proceed.

10 MR. KONG SAM ONN:

11 Thank you, Mr. President, and good morning to Member of the
12 Bench. And I have a few questions, and my international - I and
13 my international colleagues do not have any question for this
14 civil party. Thank you, Mr. President.

15 [10.49.39]

16 MR. PRESIDENT:

17 Thank you.

18 Thank you, Madam Thouch Phandarasar. The Chamber has already
19 heard your statement of your suffering you endured during the
20 Khmer Rouge period. Your testimony before the Chamber has now
21 come to an end and the Chamber wishes to record this statement
22 and I believe that your statement will contribute to ascertaining
23 the truth in this Chamber. I wish you all the best.

24 And court officer is now instructed to coordinate with the WESU
25 in order to arrange the transport of the civil party back home.

1 Next, the Chamber will hear the testimony and the statement of
2 suffering of TCCP-7. However, the time is now appropriate for a
3 break. The Chamber will adjourn for 15 minutes, and we will
4 resume at five past 11.00.

5 The Court is now adjourned.

6 (Court recesses from 1051H to 1107H)

7 MR. PRESIDENT:

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

9 Court Officer, could you invite the civil party, TCCP-7, into the
10 courtroom?

11 (Civil Party Ms. Chan Sopheap enters courtroom)

12 [11.09.30]

13 QUESTIONING BY THE PRESIDENT:

14 Good morning, Madam Civil Party.

15 Q. May we know your name?

16 MS. CHAN SOPHEAP:

17 A. My name is Chan Sopheap.

18 Q. Thank you. How old are you?

19 A. I am 56 years old this year.

20 Q. Madam Chan Sopheap, please observe a slight pause before you
21 respond to the questions. You need to see the red light on the
22 tip of the microphone or the console, so that your voice will go
23 through the system, so that the interpreters can fully interpret
24 your statement.

25 Where were you born?

1 A. I was born in Quarter 5, Phnom Penh.

2 Q. What is your current address?

3 A. I live in Chamkar Chek Tboung village, Phteah Prey commune,
4 Pursat district, Pursat province.

5 [11.11.02]

6 Q. What is your current occupation?

7 A. Currently, I am a rice farmer. I also work in the commune
8 office.

9 Q. Can you tell the Chamber your father and mother's names?

10 A. My father's name is Chan Sin (phonetic), and my mother's name
11 is Huy Yem (phonetic).

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

14 A. Dea Yorng (phonetic) is my husband's name, and we have five
15 children.

16 [11.12.09]

17 MR. PRESIDENT:

18 Madam Chan Sopheap, as a civil party before this Chamber you are
19 given an opportunity to state your sufferings and harms or impact
20 inflicted upon you materially, physically and psychologically,
21 which are the direct result of the crimes occurred which led you
22 to become a civil party in this case and which have been charged
23 against the two Accused – that is, Nuon Chea and Khieu Samphan,
24 and which occurred during the Democratic Kampuchea regime – that
25 is, from the 17 April 1975 to the 6 of January 1979.

41

1 Lead Co-Lawyers, which lawyers are assigned to question this
2 civil party? You may include all the assigned lawyers for civil
3 parties for today's proceedings.

4 [11.13.27]

5 MR. PICH ANG:

6 Mr. President, for today's proceedings and for the remaining
7 civil parties - that is, TCCP-7 who is present in this courtroom,
8 Ms. Christine Martineau will put questions to her. As for
9 TCCP-13, who will testify via video-link, will be questioned by
10 Pascal Auboin. And for TCCP-198, who is the last civil party for
11 today's proceedings, will be questioned by the Ty Srinna. This is
12 for your information, Mr. President. And first allow Christine
13 Martineau to put questions to this civil party.

14 MR. PRESIDENT:

15 Yes, you may proceed.

16 MS. MARTINEAU:

17 Good morning, Mr. President. Good morning, Your Honours. Good
18 morning to everyone.

19 I simply wanted - before the civil party starts speaking, I
20 simply want to provide all parties the index numbers of both
21 documents. Her complaint, first of all, and it is index
22 D22/3858/1 and the second document is index D22/358/1. And I will
23 provide the ERNs in English and Khmer, possibly - there's not
24 always a French ERN however. So the Khmer ERNs are 00584794 to
25 98, three pages that is to say, it's easier for me to speak about

1 pages however. And the first document D22/3858, the ERN here
2 Khmer is 00571178 to 93; English ERN 00571175 to 77.

3 [11.16.27]

4 Ms. Chan Sopheap was admitted as a civil party after having filed
5 her application in May 2010, on 10 September 2010 – so I am now
6 going to allow the civil party to speak. She survived the entire
7 Khmer Rouge regime; she was 18 years old in 1975 and she survived
8 this tragedy and she will speak to you about it.

9 MR. PRESIDENT:

10 Civil Party, you may proceed.

11 MS. CHAN SOPHEAP:

12 Good morning, Mr. President. Good morning all the lawyers and
13 allow me to proceed.

14 On the 17 April 1975, I, as the rest of the Phnom Penh residents,
15 were immediately forced to evacuate from Phnom Penh. I had 13
16 blood brothers and sisters, including my parents; there were 15
17 of us in total. So I had several younger siblings and the
18 evacuation was very difficult for us.

19 [11.18.11]

20 The war was ended and I hoped that peace would come. But on the
21 contrary, at around 9 a.m., Khmer Rouge soldiers with weapons
22 entered our house and they told us to leave the house for three
23 days as they needed to get rid of the enemy. At that time my
24 parents had prepared our meal and we could not even eat the meal
25 yet, and another group of soldier came to force us to leave

1 urgently as it is imminent that the Americans would drop bombs.
2 Upon hearing that we were all very scared, so we only could
3 manage to bring a bicycle and a motorbike to carry some
4 belongings. And we did not even have the time to eat our rice and
5 we had to bring some hot water containers for the younger
6 siblings. En route the situation was even more difficult. When I
7 reached the Monivong Boulevard I was shocked to see the people en
8 masse, I saw people with the drops (sic) on their hand, some died
9 along the road, some were crying for their children and family
10 members.

11 [11.19.59]

12 As for my family, we gathered everyone and we kept walking. We
13 crossed the Chbar Ampov Bridge and we stayed for three nights at
14 the pagoda there awaiting to return to Phnom Penh. But what they
15 told us was a lie. We were not allowed to return to Phnom Penh
16 and we were forced to move further. My family then came to rest
17 at Kien Svay district and during the six-month period that we
18 stayed there, we experienced great hardship due to the lack of
19 food, the insufficient food and we did not bring enough food with
20 us. And the food that we were given was only rice and corn
21 grains, there was no meat or vegetables. So it was very hard
22 especially for my younger siblings and they lost their weight.
23 And the younger sister did not have any breast milk, so she only
24 could have the liquid gruel and later on she died. We did not
25 have any belongings with her, we only had small money and we

1 could not afford to do anything. And later on the money was no
2 longer used. That was a great burden on me and on my father.

3 [11.21.48]

4 After the six-month period, the Angkar leader there made an
5 announcement that for those people who left Phnom Penh would be
6 allowed to return to Phnom Penh. My father was extremely happy
7 upon hearing that because he was an engineer and when the war
8 ended, they would need the educated people to repair and to
9 rebuild the country. Although people whispered to us that it was
10 a lie, but in his mind he was determined to return to Phnom Penh
11 because of the poor living condition of the children. And if we
12 were to return to Phnom Penh, that would change. At 5 p.m., we
13 boarded a motorboat and there were hundreds of families on that
14 motorboat and we reached the river front in front of the Royal
15 Palace. And when we looked to the west we saw the light
16 reflecting from that direction and we were pretty happy to see
17 that scene, because we knew that now we arrived in Phnom Penh.
18 Everybody on the boat cheered. There was a man who was about 30
19 years old who shouted, "Bravo! Now we arrived in Phnom Penh!"
20 That person was called by the Khmer Rouge outside, and a moment
21 later we heard two shots being fired; that man fell into the
22 water. Upon seeing the situation, everybody became silent. Not
23 even the children - the children also became silent.

24 [11.24.01]

25 In very early morning, the boat arrived in Kampong Chhnang, and

1 we were distributed with three cans of rice. And each can was for
2 three people, and we were there awaiting to be - to board the
3 trucks to Pursat. That was at the junction of the Lieb river
4 station. And then we stopped at Au Lieb in Moung Ruessei
5 district. The situation in my family, as the rest of other
6 families - in particular, for other families who had younger
7 siblings who could not walk - and we were still forced to travel
8 on foot. And we went to live at Prey Totueng village.

9 The situation there was inhumane. There was nothing, no house. It
10 was just plain jungle, and to the south of the road there was an
11 old rice barn. And there were three houses for the district
12 soldiers. Upon arrival there, we were instructed to clear the
13 forest and build our own house. And a meeting was held, and we
14 were instructed that, upon coming to live here - was of a
15 collective nature.

16 [11.25.31]

17 We would eat communally and we would work communally. I and my
18 elder sister were asked to work in the female unit, and my
19 younger siblings - some worked in the children's unit, and the
20 younger ones would stay behind with my parents. My father cleared
21 the land, ploughed the field, and planted some vegetables,
22 including pumpkins. We were asked to build dams and the ration
23 was five cubic meters per day. We were only given a ladle of
24 watery gruel. The situation was miserable. The food was
25 insufficient, and the work was too heavy. I became very sick, and

1 my father asked me to be returned to the house.

2 [11.26.43]

3 When I came home, the situation became even worse. All my younger
4 siblings were emaciated or swollen, because the food there was
5 even worse than I was – with the female unit. Although over at
6 the female unit, I was given a ladle of watery gruel, but at the
7 house there was no (unintelligible) any rice; it was just ruined
8 rice with a little bit of morning glory. We had to manage to eat
9 whatever we had, and we were not allowed to go and find anything
10 else to eat. As you could imagine, over there it was just a field
11 of jungle, and if we were to be caught then we would be treated
12 as an enemy. My siblings could not eat fully, and they could not
13 even sleep because of hunger. I was so pitiful on my younger
14 siblings. They were so hungry, and if they could even have rice
15 with salt to eat, they would be very, very happy.

16 [11.28.08]

17 My parents and myself could not do anything for my younger
18 siblings but to sit and to shed our tears. Next morning, two of
19 my younger siblings died. We did not know what time they passed
20 away. And they continued to die, and my youngest daughter –
21 sister – young – during a mealtime. Before she died, she begged
22 for just a piece of rice to eat. That is a tragedy under the
23 Khmer Rouge regime that I could not ever – I could not forget. We
24 were starved and we were given food like animals.
25 A fortnight later, my father died. In early morning, in fact, I

1 saw him sleeping. I went to wake him up. He opened his eyes and
2 asked me what time it was, and I looked at the sky and I told him
3 it's almost 7 a.m. He closed his eyes, and then he died. He died
4 in his sleep. I could not help him at all.

5 My mother became seriously ill, and I decided to go to the
6 cooperative to send her to a hospital. When they came and saw
7 that my mother was unconscious, then they made a letter
8 authorizing her to go and hospitalize at the Moung hospital. I
9 was happy. At that hospital, she was given some injection and
10 given some rice to eat. When I got the rice, I imagined - I
11 thought of the time - if my siblings were still alive and they
12 were given this kind of rice, then they would not die.

13 [11.30.32]

14 My siblings died out of hunger, not out of any disease. My mother
15 got a little better, and then she was returned. And then I was
16 sent to cultivate rice in Anlong Koum (phonetic). I met my
17 sister. I was terrified. I saw my sister's physical look. She was
18 quite - she was very thin and skinny. She was forced to work, and
19 we did hard labour. Those who work very hard and met their quotas
20 - we were given only one or two watery - ladles of watery rice,
21 at that time. And just a few weeks, I got thinner. And if we
22 could not meet the quotas, we would be beaten. They were very
23 harsh on us. Seeing such great suffering, I decided to tell lies
24 to the unit chief - that our house had thread clothes, and these
25 could be made into a hammock. I told them, and they - in exchange

1 they gave us three cans of rice. And then next morning we left. I
2 actually persuaded my sister to leave with me.

3 My sister could - dare not leave with me, because she got used to
4 walking across the quiet jungle, in the forest, and she once
5 stepped on a landmine as well, and she was very frightened. And I
6 asked her - that there was nothing to be afraid of now. We had to
7 risk our lives, so that - we had to leave.

8 [11.32.34]

9 So with the three cans of rice, we left. When we walked across
10 the forest, we did not know where we were heading for. I did not
11 know where I should be going. I waited for three days for my
12 sister. I did not see her. I did not see her at all. I saw nobody
13 in the forest. I only saw the waste (phonetic) of wolf in the
14 forest. So I waited in the forest, alone, for three days and
15 nights, and then I decided to walk toward the village.

16 When I got back to the village, I did not see my mother. My
17 mother was gone, and I decided to cook the three cans of rice I
18 had with me. I prepared - and then I got very sick at that time,
19 and I decided to go to a hospital - a place where people were
20 being treated - and to my surprise, when I got there, I saw my
21 mother. She was swollen - her body was swollen, and I - a few
22 days later, I decided to leave the hospital.

23 [11.33.47]

24 I did not go anywhere far from the hospital at that time, because
25 I had to know my mother's health status, because she was in

1 critical situation. I did not have anything to eat at that time.
2 What I could eat was the young pumpkins. I could still, at that
3 time. And I - the life was miserable and indescribable. I cooked
4 whatever I could get at that time for myself, simply to survive
5 for the day. And I thought that I could never survive at that
6 time.

7 I changed the - I actually requested the unit chief over there,
8 that I had to travel to another place to meet my uncle. At that
9 time, I told them that I would leave for my uncle. And I told
10 them that the unit chief would ask the other people to take
11 people from other units.

12 I saw Nuon Chea. He was on the bicycle. He was riding there. And
13 then he was asking where I was going. And then he actually told
14 the unit chief at that time that we were under the umbrella of
15 Angkar, so there was no difference. So he actually asked the unit
16 chief to give me some food. I actually, at that time, opened the
17 rice pot and I saw rice over there, and Cambodian sour soup. And
18 I dropped my - I could not hold my tears at that time. I was
19 wondering why these people in this area could have something to
20 eat, while I had gone hungry for many days - or many months
21 already.

22 [11.36.05]

23 I saw the food, but I was so shocked that I could not actually
24 even eat it right away at that time. During the harvesting
25 season, I could recall I went to collect water, and then I saw my

1 sister - my sibling - falling down on the edge of the water. And
2 her leg was swollen. I walked my sister to the hut, and my sister
3 told me that one of my sisters had already died, because she had
4 fallen from a house, and then her head was hit to a hole, and
5 then she died. I was so sorrowful at that time. My siblings died
6 one after another.

7 I had to be punctual when I had to harvest rice. One day, when I
8 returned from my worksite to my hut, I was very shocked when
9 people told me that my sister had already died and they had
10 buried my dead sister. I was very shocked. I could not describe
11 it in words. This was really suffering. I tried to regain my
12 spirit. I tried to work to satisfy them. But, of course, I only
13 had my physical strength, but my spirit was actually away. My
14 soul was taken from me.

15 [11.38.26]

16 A few days later, some villagers who were sent to join me in
17 harvesting crops - they told me that my mother's health condition
18 was critical. I went to my unit chief telling him that I would
19 like to ask for leave to visit my sick mother. And then this
20 village chief actually blamed me, saying I was not a medical
21 doctor. I was not, so I was not allowed to go. And from that day
22 onward, I could never see my mother's face anymore. I was on
23 mobile - they sent me from one place to another to cultivate
24 crops. In 1977, the food regime was not sufficient. We - 10 of us
25 were given only three cans of rice. We only had a few ladles of

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1 watery rice. And we ate communally. We did not have - actually,
2 pot - a rice cooking pot by ourselves. We only have one spoon
3 with us, and we were given only watery rice. And then we had to
4 drink water from the stream nearby - the contaminated stream
5 water.

6 [11.39.50]

7 For months, we would be allowed only one or two days to visit our
8 family. When I went to the village, to my terror, my mother was
9 dead. And this was the last time that all my members in the
10 family were killed. I was alone at that time. I was really
11 lonely, because all my siblings - my family members were all
12 killed, and they all died.

13 They actually punished us all day. We had to meet the quotas;
14 otherwise we would be accused of being the Vietnamese enemy. We
15 were considered feudalists. They contempted us. They threatened
16 to hit us with a hoe. So we had to work extremely hard at that
17 time, beyond any human capacity to handle the hard labour they
18 put down to us.

19 MR. PRESIDENT:

20 Thank you.

21 Counsel, you may proceed.

22 [11.41.16]

23 QUESTIONING BY MS. MARTINEAU:

24 Thank you, Mr. President.

25 Q. Madam, I think it's very painful for you to go through all of

1 these experiences again. You lost 15 members of your family. In
2 addition to your father, when you first arrived in Pursat, and
3 then your elder sister, a younger brother, another elder sister.
4 And I can well understand that having to relive these experiences
5 is something violent for you. If you want, you can tell the
6 Chamber why you were there. Excuse me, why you are here. Why you
7 wanted to bring this complaint against the Khmer Rouge regime. If
8 it's too traumatizing to talk about all of this, let's move to
9 some conclusions. And you will be asked some question, and in
10 that way you can say a little bit more about what attitude the
11 Khmer Rouge leaders took to people like you as well.

12 MS. CHAN SOPHEAP:

13 A. May it please the Court and national and international
14 lawyers, I have one question I would like to put directly to the
15 Co-Accused. I have always wondered why the three years, eight
16 months, and 20 days was so cruel. Why did they do all of this
17 atrocity? I have endured tremendous suffering. It was so painful,
18 that I decided to file my application to join as a civil party. I
19 want the Court to seek justice for my family and for the
20 Cambodian families at large who have lost their loved ones.

21 [11.43.44]

22 I decided to file my application to join as a civil party. I am a
23 surviving witness who witnessed the atrocities by my own eyes. I
24 saw the suffering of Cambodian people. I hope that the testimony
25 - particularly my experience from the Democratic Kampuchea - will

1 contribute to the Court finding justice for the victims. And now
2 I would like to request the Co-Accused to admit their guilt and
3 to apologize to those who died during the period, so that their
4 souls will rest in peace.

5 Q. Madam, you talked to us about your children who were born
6 after 1980, and who fortunately never knew the regime. And often
7 they ask questions, you told me. And they say; "the entire
8 family's dead, but you're alive". And you told me that it was
9 very hard to answer them. But I would like you to voice an answer
10 to that issue, because it's very important for us to know how you
11 survived. What resources you drew upon during the regime, and how
12 you explain to your children what actually happened.

13 [11.45.55]

14 A. Again, my respect to the Judges and everyone. I would like to
15 respond to your question. Of course, my children ask me the same
16 question. According to the description of the suffering I had
17 endured, it was beyond human capacity to bear. And why I could
18 survive during that period - indeed, I endured a lot of
19 sufferings. I had move from one place to another. I had to steal
20 something in order to eat. I did not have any sufficient food to
21 eat. I actually survived on stealing the young pumpkins or
22 watermelons to eat. And I witnessed a lot of suffering of other
23 people as well. When I was working on the rice fields, sometimes
24 I was asked and transferred to help the work site somewhere else.
25 And in the evening, on the way back to our place, we saw people

1 being killed and the dead bodies. And the ladies who came to
2 asked me actually – were killed herself on the hill when we were
3 walking back home. This was really frightening. I could not do
4 anything at the time but to try and work as hard as I could so
5 that I would not be accused of being enemies or being a
6 feudalist.

7 [11.48.03]

8 MR. PRESIDENT:

9 Thank you.

10 Now I hand over the floor to the Co-Accused to respond to the
11 question put by the civil party.

12 Mr. Khieu Samphan, how you would respond to this question by the
13 civil party?

14 And, secondly, the civil party wishes the Co-Accused to make a
15 public apology to those families who have suffered from the
16 regime, so that those who died would rest in peace.

17 You may proceed, Mr. Khieu Samphan.

18 MR. KHIEU SAMPHAN:

19 My respect to the Chamber and to everyone, and my respect to
20 Madam Chan Sochea (sic). I have listened attentively to your
21 statement concerning the suffering you had to endure and the loss
22 of your family members. You lost your lovely parents and
23 children. I am terribly shocked by your statement.

24 [11.49.32]

25 After listening to your statement, it comes to mind that those

1 who inflicted such torturous acts on your family - these people
2 were not ordinary people. They were the cruel people. They were
3 merciless. Those who did not spare on the people's life - they
4 did not even bother to find out what would be good and what would
5 be bad. They did not even leave any time for people to adjust
6 themselves to the situation.

7 Actually, we - I found it terrifying when you said that people
8 were accused of being enemies or people would feign to be sick or
9 feign to be sick or something. These people were really cruel,
10 and they were senseless. Even though I am not a leader of
11 Democratic Kampuchea, I was not the person who made the decision
12 on the political direction of the Democratic Kampuchea, I shared
13 the suffering with you and your family, and I would like to
14 express my sincere sympathy, and I would also like to express my
15 apology to you, your family, and the national compatriots. I made
16 it clear this morning that Cambodian family members who had
17 endured these atrocities - I only want to once again state that
18 those who committed those atrocities were not ordinary people.
19 They were the merciless leaders.

20 [11.51.45]

21 MR. PRESIDENT:

22 I would now hand over to Mr. Nuon Chea to respond to the question
23 put by the civil party or the request made by this civil party.

24 MR. NOUN CHEA:

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

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1 everyone. I am Nuon Chea and I would like to respond to the
2 question put by Madam Chea (sic).

3 I have clarified time and again that Democratic Kampuchea does
4 not have any policy to kill its own people. It does not have any
5 policy whatsoever to deprive people of food. We want our
6 collective - we want to gather our collective force, our national
7 force, in order to prevent our country from being invaded - from
8 being swallowed - by the neighbouring country.

9 [11.53.11]

10 And we had to unite in order to liberate our country from
11 imperialist power. So I would like to take this opportunity to,
12 once again, express my sympathy to those who lost their lives. I
13 would like to also share my condolences with the family, and I
14 would like to reiterate, once again, that the Democratic
15 Kampuchea had a good purpose for the nation and the people alike.
16 Each and every one of us sacrificed our personal happiness. We
17 sacrificed ourselves for our nation, and I would like to once
18 again say that I respect the souls of national compatriots who
19 sacrificed their lives - who lost their lives during that period.

20 MR. PRESIDENT:

21 Thank you, Mr. Nuon Chea.

22 Now, I hand over the floor to prosecutors to put the question to
23 the civil party, if you intend to do so. You may proceed.

24 [11.54.26]

25 QUESTIONING BY MR RAYNOR:

1 Thank you, Mr. President. Good morning to you, Ms. Chan Sopheap.

2 Q. Can I just ask some questions, please, to begin with?

3 About the time when you were transferred from Phnom Penh to Kien
4 Svay; am I right that you remained at Kien Svay for about six
5 months?

6 MS. CHAN SOPHEAP:

7 A. Yes, that is correct.

8 Q. During that six-month period, did any of your siblings die?

9 A. During that period, one of my siblings died. My sister died.

10 Q. What was the name of your sister, and why did she die – or how
11 did she die?

12 A. Sophea. She died because she did not have the breast milk or
13 the milk to drink. At that time, there was no market. We could
14 not find milk anywhere for her to drink. So, at that time, what
15 she had to drink was the watery rice with some little sugar, and
16 then she could not stand that. And eventually she died.

17 [11.56.17]

18 Q. How many other people died during the six-month period at Kien
19 Svay?

20 A. During the period I stayed in Kien Svay, I actually did not
21 pay attention to other family members. I cared for our family
22 members. We could not even help ourselves and our members in the
23 family. During our stay over there, one of my sisters – the only
24 family member at the time died because of the reason I said.

25 Q. There came a time when you then described being on a boat and

1 arriving at Phnom Penh, but then continuing on a journey where
2 you eventually arrived at Ou Kriet village.

3 How did you get from, first of all, Phnom Penh to Kampong
4 Chhnang?

5 A. I left Phnom Penh for Kampong Chhnang – actually, they took
6 there by boat. The New People had to get on board the boat, and
7 they left from Champa Pagoda, and then we went all the way to
8 Kampong Chhnang.

9 [11.58.14]

10 There was one scene that was very scary, and I still had that
11 memory. The Khmer Rouge called out a man and then that man was
12 shot to death, because that man only expressed his happiness when
13 he got to Phnom Penh. He said bravo, we got to Phnom Penh. And
14 then suddenly, this man was called out by the Khmer Rouge and he
15 was shot a few times to death.

16 Q. How did you get from Kampong Chhnang to Ou Kriet?

17 A. When I got off the boat, we were given some rice and we had to
18 wait for a truck. And we got on the truck to Leach somewhere near
19 the railway station over there. And then from there we got on the
20 train. We left Leach in Pursat province to Ou Kriet in Moung
21 Ruessei district.

22 [11.59.18]

23 Q. What were conditions on the train like?

24 A. When we were travelling on the train – this train was
25 separated into wagons, different wagons. And they also carried

1 animals as well. And we had to put our stuff over there. We were
2 not given food or drinks. We had to be responsible by ourselves.
3 So when we got off the truck we had to find the nearby pond in
4 order to collect water to reserve it for ourselves during our
5 travel. And as for rice, when we got to one stop, we were given
6 rice at that particular stop.

7 Q. Did you have a choice whether to be on that train or not?

8 A. No, not at all. I did not have a choice to choose at that
9 time. We were required to go. A military personnel at that time
10 forced us to go, and if we resisted we would be killed, because
11 they were armed with rifles. So we had no choice whether or not
12 we decided to stay or we had to go. So we had to go at that time,
13 because we were fearful of being killed. Because, thus far, we
14 had already witnessed that only a man expressed his joy when he
15 got to Phnom Penh – he was shot to death as a result.

16 [12.01.10]

17 Q. After you arrived in the big forest at Ou Kriet, in Battambang
18 province, who was your first sibling to die after you arrived in
19 the forest?

20 A. When we got to Prey Totueng village – or known as the
21 (unintelligible) – one of my younger brother siblings was killed
22 because of starvation – died because of starvation, rather.

23 Q. You know, in the time when you were at this location, aside
24 from your brother – can you even give us a rough idea how often
25 people were dying from starvation?

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1 A. When we were staying there, it was the hell on earth. My
2 families, and other families who were evacuated over there – they
3 were targeted as feudalists. We were associated with Vietnamese
4 or Chinese descendants, also. Some families lost some members.
5 Within a period of a week, my family member died – some six to
6 seven family members died of starvation. We did not have anything
7 to eat at that time. We only had some wild plants to eat. And
8 after eating those wild plants, some of us suffered from serious
9 diarrhoea, and we died one after another.

10 [12.03.22]

11 MR. RAYNOR:

12 Thank you. I have no more questions.

13 MR. PRESIDENT:

14 Thank you, Mr. Prosecutor.

15 Now, I hand over the floor for the defence team for Mr. Nuon Chea
16 to put the questions to the civil party. You may proceed.

17 MR. SON ARUN:

18 Mr. President, Your Honours, the defence team for Mr. Nuon Chea
19 do not have any questions to put to the civil parties.

20 MR. PRESIDENT:

21 Thank you.

22 Now, I hand over the floor to the defence team of Mr. Khieu
23 Samphan.

24 [12.04.04]

25 QUESTIONING BY MR. KONG SAM ONN:

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1 Thank you, Mr. President. May it please the Court; I have one
2 question to put to the civil party.

3 Q. You said you had witnessed the Khmer Rouge soldiers – shot a
4 man to death on a boat when the boat got to Phnom Penh. How far
5 was it – how far were you from the scene, when the Khmer Rouge
6 soldier shot the man?

7 MS. CHAN SOPHEAP:

8 A. Thank you, Counsel. You would be – you may have been aware
9 that the boat was big. There were hundreds of families – were
10 carried by the boat. And I saw the man quite close to me, because
11 the man who expressed his joy when he got to Phnom Penh –
12 actually, he was sitting by my side. He only stood up and said,
13 "Bravo! We got to Phnom Penh now!" He was only expressing his joy
14 at that time. And then, suddenly, the Khmer Rouge soldier who
15 were guarding at the door gate – he called the man out. I did not
16 know what they were actually talking to each other, but the man
17 asked the man who was sitting beside me at that time – but at the
18 time I could not hear the conversation, because the boat was –
19 engine was really noisy. But then the man was shot.

20 [12.05.40]

21 Q. Can you tell the Court the time difference between the man –
22 when he expressed his joy, and then he was later killed?

23 A. When we left Champa Pagoda by boat, it was about 5 o'clock in
24 the afternoon. I did not have any watch, but when I look back I
25 saw the – it was almost dusk already. And we travelled on the

1 boat until almost dawn. Then we got to Kampong Chhnang at dawn.

2 Q. No, actually, my question is the time between when the man
3 expressed this joy, saying, "bravo, We got to Phnom Penh", and
4 the time when he was shot. I just would like to know the time
5 span between these two incidents. Can you please tell the Court?

6 A. I actually did not pay attention to the time at that time. I
7 was so terrified that I could not remember anything. But I could
8 only recall that the man shouted out with joy that - "bravo, we
9 got to Phnom Penh". And then everyone was surprised - everyone
10 was looking around. And then this man was called out by a Khmer
11 Rouge soldier to a door gate, and then they were talking a few
12 words with each other. And then the man was killed instantly.

13 [12.07.22]

14 I did not actually know exactly the time span between the two
15 incidents. I cannot respond to you in terms of the time span or
16 how many minutes exactly, between the two incidents.

17 Q. Could I say that it was less than five minutes? Is that
18 correct to say so? Could you please repeat your statement,
19 because your mic was not activated just now?

20 A. Yes, it was about five minutes, I think, five minutes' time.

21 [12.07.58]

22 Q. Thank you. Did you observe that the man who called the man
23 you described out - did he have any means of communication to
24 talk to his superiors - for example, down in the boat cabin or
25 not? Or he decided by himself to call this man out and shoot him?

1 A. I did not pay attention to the situation. At that time, I did
2 not know the role of that person either. I only knew that this
3 was the man who ordered the boat to leave the bank of the river.
4 And then he was the man who was standing all the time over there,
5 on the head of the boat.

6 Q. Do you know his role and his name?

7 A. No, I do not know. They did not tell us. They did not tell us
8 his position, but we only knew that he was a Khmer Rouge soldier
9 who was in charge of taking us by the boat.

10 MR. KONG SAM ONN:

11 I do not have any further questions, Mr. President. Thank you.

12 [12.09.33]

13 MR. PRESIDENT:

14 Thank you.

15 Madam Chan Socheat (sic), Thank you. Your statement of suffering
16 you had endured during the Democratic Kampuchea comes to an end.

17 So your testimony is no longer needed. You are released, and we
18 have actually recorded your statement. I believe that your

19 statement will contribute to ascertaining the truth. You are now
20 released, and I wish you the best of luck.

21 Court officer is now instructed to coordinate with the WESU unit
22 to assist the civil party to return to anywhere she wishes to go.

23 For parties, members of the public, this morning we have heard
24 the testimony of two civil parties already, and then this

25 afternoon we are going to resume hearing the testimony of the

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1 TCCP-13 and TCCP-198. And we will resume at 1.20.

2 The time is now appropriate for adjournment. The Chamber will
3 resume at 1.20 this afternoon. Security guards are instructed to
4 bring Mr. Khieu Samphan to the holding cell downstairs and have
5 him returned to this courtroom this afternoon before 1.20.

6 The Court is now adjourned.

7 (Court recesses from 1211H to 1332H)

8 MR. PRESIDENT:

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

10 We will now hear the statements of sufferings and harms or impact
11 by civil party - that is, TCCP-13 - and the testimony will be
12 heard through a video-link. And due to the establishment of the
13 video-link, we were a bit late - that is, we are actually 15
14 minutes behind the schedule.

15 QUESTIONING BY THE PRESIDENT:

16 Hello Madam Civil Party.

17 Q. Is your name Chheng Eng Ly?

18 (Short pause, technical problem)

19 Once again, Hello Madam Civil Party. Is your name Chheng Eng Ly?

20 Madam Civil Party, can you hear me?

21 [13.35.25]

22 MS. CHHENG ENG LY:

23 A. Yes, I can hear you. Thank you.

24 Q. Is your name Chheng Eng Ly?

25 A. Yes.

1 Q. How old are you?

2 A. I am 60 years old.

3 Q. Where were you born?

4 A. I was born in Phnom Penh.

5 Q. Where is your current address?

6 A. I live in Paris. I live at number 19 at rue de
7 l'Étang-de-la-Tour, in Rambouillet.

8 Q. What is your current occupation?

9 A. I live in Paris.

10 [13.36.37]

11 Q. Can you tell us your mother's and father's names?

12 A. My father's is Chheng Seng Kao (phonetic). He passed away.

13 Q. And your mother's name?

14 (Short pause, technical problem)

15 Madam Chheng Eng Ly, do you hear me? What is your mother's name?

16 (Short pause, technical problem)

17 [13.38.27]

18 Q. Madam Civil Party, what is your mother's name?

19 A. Her name is Sokh Eng (phonetic). She also passed away.

20 Q. Are you married?

21 A. I am married.

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

23 A. His name is Chhay Ok Eng (phonetic). We have five children
24 together.

25 MR. PRESIDENT:

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1 Thank you, Madam Chheng Eng Ly.

2 As a civil party before this Court, the Trial Chamber will give
3 you an opportunity to make your statement of sufferings and harms
4 or impact inflicted upon you materially, physically, and
5 psychologically, which are the direct result of the crimes that
6 occurred and which led you to become a civil party in this case,
7 and which have been charged against the two Accused - namely,
8 Nuon Chea and Khieu Samphan - and which occurred under the Khmer
9 Rouge regime from the 17 April 1975 to the 6 January 1979. You
10 may proceed.

11 [13.40.10]

12 MS. CHHENG ENG LY:

13 From the 17 April 1975, there is no need for me to tell everyone;
14 everybody knows the Cambodian people who were evacuated from
15 Phnom Penh-

16 (Short pause, technical problem)

17 MR. PRESIDENT:

18 We would like to inform the parties and the public that there is
19 some technical problems with the establishment of the video-link
20 to France.

21 (Short pause, technical problem)

22 We have a problem with the Internet connection and we may need to
23 wait for another five minutes and we need to wait until the
24 Internet connection is established.

25 (Judges deliberate)

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1 [13.52.49]

2 I think we have waited for quite some time now, and there is
3 still a problem with the Internet connection and after the Bench
4 deliberation, we now decide to replace the hearing of the
5 testimony of this civil party with another civil party - that is,
6 TCCP-198.

7 And we will let the AV Unit deal with the Internet's connection
8 and when it is properly established, we may continue to hear the
9 hearing of the testimony of this one after the conclusion of
10 TCCP-198.

11 Court Officer, could you invite TCCP-198 into the courtroom?

12 (Civil Party Ms. Huo Chantha enters courtroom)

13 [13.55.00]

14 QUESTIONING BY THE PRESIDENT:

15 Good afternoon, Madam Civil Party.

16 Q. What is your name?

17 MS. HUO CHANTHA:

18 A. My name is Huo Chantha. I was born at Kampong Soeng village,
19 Kampong Soeng commune, Ba Phnum district in Prey Veng province.
20 At the moment, I reside in Kandal province.

21 Q. Thank you. How old are you? And what is your current
22 occupation?

23 A. I'm a small merchant. At the moment, I live at my husband's
24 village in Puk Ruessei.

25 Q. How old are you?

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1 A. (Microphone not activated)

2 Q. Madam Chantha, please observe a slight pause until you see the
3 red light on the – your microphone before you speak so that your
4 voice will go through the distribution system; in particular, to
5 the interpretation system as your statement will be
6 simultaneously interpreted into English and French.

7 Please respond to my last question. How old are you?

8 A. I am 60 years old.

9 [13.56.41]

10 Q. What is your mother's name and your father's name?

11 A. My father's name is Huo Han (phonetic) and my mother's name is
12 Kao Ngau (phonetic). Her native village was also from Kampong
13 Soeng.

14 Q. And what is your husband's names? And how many children you
15 have?

16 A. My husband's name is Thoeun Sam Oeun (phonetic); he's a
17 teacher. And we have five children.

18 MR. PRESIDENT:

19 Thank you, Madam Huo Chantha.

20 As a civil party before this Court, the Chamber will give you an
21 opportunity to make your statement of sufferings; the harms or
22 impact inflicted upon you materially, psychologically, and
23 physically which are the direct result of the crimes that
24 occurred and which led you to become a civil party and which are
25 accused (sic) against the two Accused – that is, Nuon Chea and

1 Khieu Samphan – and which occurred during the period of
2 Democratic Kampuchea – that is, from the 17 April 1975 to the 6
3 of January 1979.

4 You may proceed.

5 [13.58.40]

6 MS. HUO CHANTHA:

7 My respect to the hybrid tribunal-

8 MR. PRESIDENT:

9 Please wait. I notice your counsel is on her feet.

10 You may proceed, Counsel.

11 MS. TY SRINNA:

12 Thank you, Mr. President, and good afternoon, Mr. President, Your
13 Honours, and everyone in and around the courtroom.

14 My client wishes to read her statement describing her suffering
15 that she experienced during the Democratic Kampuchea and the loss
16 of her parents and relatives, and the document has been prepared
17 by my client, herself, before her appearance. And if the time
18 remains after the conclusion of her reading of the statement, I
19 have some questions for her.

20 And finally, Mr. President, at the conclusion of her reading of
21 her statement, she has some questions for the Accused, and I seek
22 your permission for my client to read the statement and to put
23 the questions through you to the Accused.

24 [13.59.58]

25 MR. PRESIDENT:

1 Yes, you may do so.

2 Civil Party, you may proceed.

3 MS. HUO CHANTHA:

4 First of all, allow me to express my gratitude to this hybrid
5 Tribunal so that I can express my sufferings through the bitter
6 episode of my life under the Khmer Rouge regime and which its
7 remnant effect of misery is still existing for my children and
8 for myself.

9 Under the Khmer - under the Lon Nol regime, my family was of a
10 rather wealthy status as they had a grocery shop in Kampong Soeng
11 market.

12 I am the fourth child of the nine siblings. My elder three
13 siblings all married and they were these public servants of the
14 Lon Nol regime. They had their plots of land, their houses,
15 motorbikes, and some valuable jewellery in Phnom Penh.

16 [14.01.08]

17 In 1972 I got married and then I came to live on my
18 mother-in-law's site near Kbal Moan Chae market. At that time, my
19 husband was a teacher and our living condition was rather wealthy
20 as we had a motorbike, some jewellery and we had our own house.
21 The situation back then was not as difficult as now. At that
22 time, I did not know what hardship meant.

23 On the 16 of April 1975, it was the last day of the Lon Nol
24 regime. The sounds of gunshots and fire from the Pochentong site
25 and around Phnom Penh kept occurring from dusk to dawn and at 8

1 a.m. on the 17 April of the same year, some of my neighbours were
2 standing raising a white flag and so did our family. We shouted
3 that the war is now ended and the peace has returned.

4 At that time, the black-clad Khmer Rouge soldiers, who were
5 rather young, were walking in lined on the street, but they did
6 not welcome our applaud. They were silent and their - they had
7 this firm facial expression. The happiness did not last long
8 because these black-clad soldiers, who were carrying weapons,
9 shouted to us, "You must leave the city now as they needs to
10 sweep clean the city for three days".

11 [14.03.09]

12 We left along Pochentong Road. The situation was rather confusing
13 for my family, as we did not know what to take and what not. The
14 Khmer Rouge kept threatening us, "You must leave immediately",
15 and they also fire some shots into the air to threaten us. This
16 unanticipated situation caused us confusion and we were scared. I
17 was dizzy. I was trembled. I could not think of anything else. As
18 I could not carry all the belongings, I was afraid of leaving my
19 valuable things behind as I was afraid that we would not be
20 returned and I was afraid that I would be separated from my
21 parents.

22 Along the road, I saw people crowded along the road. Some were
23 driving their vehicles slowly; some were driving their
24 motorbikes; some were walking their bikes; some were carrying
25 stuff on their shoulder and on their heads. The situation was

1 miserable. Some people had the drip on their hand and some women
2 who just delivered their babies were forced to walk under the
3 open eye - open sky and the rains. Some disabled people, old and
4 young people, they were exhausted.

5 [14.04.38]

6 Young children were crying because of their - the feet pain and
7 along the road, I saw the corpses of Lon Nol soldiers dying and
8 scattering. It was a pitiful situation.

9 When we got to Thnal Kaeng, we looked for a place to prepare our
10 food. We went out to collect water. Some of us were preparing for
11 our dinner. That was the first night.

12 I met very unfortunate things; the most unfortunate things in my
13 life that I have never experienced. I - I slept on the road. At
14 that time, I did not have any mat; I slept directly on the
15 ground. I thought to myself why I had to sleep on the ground like
16 this and I was thinking to myself as to when I would be able to
17 return back to my original state of living condition. I thought
18 at first that peace would prevail, but unfortunately thing turned
19 completely different.

20 On that evening, I heard rumours that people - they abolished
21 currency or bank note. I wonder if we did not use bank note, how
22 could we buy foodstuff and what would happen to my saving that I
23 had spent my life saving it. Would then it be a waste at all? I
24 had tried to keep my bank notes, but it turned out to be useless.

25 [14.06.33]

1 The next morning, I rented a boat in order to cross a river to
2 the other side of the riverbank. I saw a crowd of people walking
3 from different directions. When I got there, I continue walking
4 on foot. I reach a pond. When - as soon as we got to the pond,
5 everyone was desperate for the water because they had been tired;
6 they had been thirsty; they had walked under the sunlight the
7 whole day. Then I decided to drink the contaminated water; the
8 water that stink, the water that smelled terrible, but I could
9 not help but drink the water from the pond.

10 And the next morning, we continue our journey until we actually
11 spent a total of 15 days to reach Puk Ruessei village. When we
12 got there, my parents' village house were actually abandoned and
13 we did not have any shelter. In the - at night, we took shelters
14 under one roof without any wall at all and at that night, it
15 rained very heavily. There were storm and lightning. We were very
16 frightened.

17 [14.08.07]

18 And the next morning, we did not even meet the village chief or
19 anyone who came to prepare any shelter for us; our family member
20 tried to find other stuff necessary to build a small hut in order
21 to take shelter. But less than two days when we got there, we
22 were summoned for a meeting. During that meeting, they told us
23 the unit chief and we were supposed to report to the unit chief.
24 Whatever the unit chief assigned us to do, we had to do; we could
25 not resist or - or protest.

1 So it was in June 1975, my family, at that day, we did not yet
2 have our dinners. My brother-in-law, 27 year of age, he had just
3 had a bath and then he was about to have his dinner. He saw two
4 youth call him; they said, "Suon (phonetic), come with me for a
5 meeting". And my brother-in-law did not yet have his dinner. He
6 followed the two men and from that day onwards, I never saw his
7 face.

8 The life was completely miserable. We actually stayed there and
9 without many thing in life.

10 [14.09.40]

11 At that time, the 17 April People, who were staying in Puk
12 Ruessei village, ran out of their food stock and one day, the
13 unit - unit chief gave us around 5 kilos of rice, but the rice
14 actually was almost spoil, husk rice which smelled terrible, but
15 that was the only times they gave us rice.

16 Our - some of our family members brought along with us some
17 belonging, for example, jewelry or watch. We exchanged them for
18 some foodstuff to feed ourselves, but our situation only got
19 worse because every day we had to go without enough food to eat.
20 We had to pick a wild plant and other stuff nearby the place we
21 stay to eat in replace of rice at that time.

22 We had to endure that suffering until we - until the times when
23 we harvested rice. At that time, we were given approximately 20
24 gram of husk rice. And then when this season was over, they
25 actually only provided us a few ladles of watery rice for us. We

1 had stayed there and served Angkar for three years, eight months,
2 and 20 days.

3 [14.11.24]

4 First, they assigned me to harvest rice crops. I did not even
5 have slipper to wear. My sole were actually burned because I
6 walked barefooted for days and months. And I was actually
7 scolded; I was blamed that I was the 17 April People, I did not
8 have the sense of struggle.

9 The next day, they assigned me to harvest "kak" in the river, and
10 it was - in - in the pond and actually it was better because I
11 was barefooted, but unfortunately I saw leeches and I was very
12 frightened. People from Phnom Penh like me, I never seen such an
13 insect and I was very frightened, but I could not come out
14 because I was assigned to do the job.

15 And I was also assigned to mind cattle, as well, and never had I
16 done that before and I was afraid of bulls as well. I was afraid
17 of it attacking me. One day, I was attacked by bulls and - but
18 fortunately I was saved by people who were there at me.

19 And I was also assigned to also pick morning glories, as well, so
20 I was assigned to do all kinds of work without any free time at
21 all for the day. And I had to feed pork - I had to feed pigs, as
22 well, but never had we given pork to eat even though we raise by
23 ourselves.

24 [14.13.32]

25 My - I delivered my baby. I were not allowed to take any

1 maternity leave at all. I had to work. I had to follow their
2 order. When my child was around four months of age, I was asked
3 to prepare fish, dry fish, and then when my child was about six
4 months old, I was assigned to work very hard. They did not allow
5 us to be free even if we had just delivered the baby.
6 At times, they asked us to transplant rice for many hours before
7 we were allowed to come back home to breastfeed our kid.
8 From 11.00 until 5.00 one day, they assigned me to feed pigs and
9 the person who was in charge of pig raising, he was very
10 aggressive and he was not kind to me. He blamed me why I carry
11 only half a bucket of pig feed. One day he pushed me into the pig
12 cage and I was covered with pig waste all over my body. This was
13 the suffering I had encountered. I was discriminated against
14 because I was accused of the 17 April People, and my physical
15 strength diminished by – day by day because I did not have
16 anything to eat.

17 [14.15.52]

18 As for my husband, he was assigned with a pair of ox and every
19 day when he came back home, he was very exhausted. He would lean
20 against the wall for a while before he went for a bath and had
21 dinner. At that time, I was very pitiful for my husband.
22 In 1978 he was not assigned to plough the field. He was assigned
23 to carry earth very far from home. My husband was a person from a
24 decent family in the city. He was not someone who could do that
25 hard labour job, but he was made to do it. He overworked and

1 because of this overwork; he suffered from a problem with his
2 heart.

3 We had encountered these sufferings. We every day thought of our
4 family members' living conditions. We were very desperate every
5 day and night of our family member, and we thought to ourselves,
6 why this regime inflicted torture against the people? Why didn't
7 they allow people to have sufficient food to eat, just rice to
8 eat? Because we had harvested our crops and we know that the rice
9 yield was plentiful; people should have had enough food to eat.

10 [14.17.38]

11 And why didn't they provide sufficient medicine for the patient?
12 They only provide the "rabbit dung" medicine for them to - to
13 take whenever they're sick.

14 So, some of my family members were summoned to a meeting. They -
15 they told us that they would go for training, for re-education,
16 but then these people never returned home.

17 They killed the officials, the civil servants of the Lon Nol
18 administration, and we were questioning to ourselves why this
19 regime killed the former official. We wanted to know who the
20 leaders of this regime was and we - we wanted to know who the
21 leader was and what nationality they were; these were the
22 question we had in our minds all the time. Following the day of
23 work, I always thought to myself as to who led this organization;
24 who led this regime.

25 So, when the 17 of - the 7 of April 1979 arrived, I was very

1 happy. I thought that I would be able to look for my parents.

2 [14.19.00]

3 At that time, my second child was just born and I had to sell six
4 chickens I had raised in order to have some pocket money to go
5 and look for my family members. We packed our food. When I
6 reached Stueng Slout, my heartbeat got faster and I thought to
7 myself whether or not my family members had been killed during
8 the regime and if that was the case and how would I stand this
9 fact if I later discover it.

10 So I met my former village neighbours. I - he told me that I go
11 to this small hut. Actually, the - Niep (phonetic) told - came to
12 me and he hugged me and he told me that my mother and my five
13 siblings were executed during the regime. My mother was executed
14 on the accusation that she had in her possession a lot of gold,
15 and so they took her for execution.

16 Upon hearing this sad news, I was stunned. I could not say
17 anything and the next morning when I woke up, I wanted to die. I
18 really want to follow them, but I heard the crying of my small
19 baby, so I had to - I had to leave. I told myself that I had to
20 leave for my - for my innocent baby.

21 [14.21.07]

22 I would like to tell the Court that I am the fourth child in my
23 family and I am only - the only survivor of whole family of the
24 nine siblings. My grandparents, my parents, and other relatives;
25 22 of them altogether, die due to diseases, starvation, and other

1 causes.

2 As for my uncle by the name of Kok (phonetic), in Kien Svay, he
3 was asked to do the work in the forest and he stepped on the
4 landmine; he was killed, and his four kids were parentless -
5 fatherless from that time onwards.

6 And my other relatives were forced to work extremely hard and one
7 day, he suffered from diarrhoea or cholera and then he died. He
8 left behind six children to date.

9 As for my brother, Huo Hanni (phonetic), he was the aviation
10 soldier. Before 1975, he was dispatched to Thailand for training
11 and following the appeal of Ieng Sary for the intellectual to
12 return to the country to rebuild Cambodia, he decided to return.
13 [14.22.46]

14 And he did not have a chance to meet with his family member upon
15 his return; he was arrested by the Khmer Rouge and he was later
16 executed. He left behind many children.

17 And my second brother, Huo Kim, before the 17 of April 1975, they
18 live in Moan Chae market and then they were evacuated to Prey
19 Veng province. My sister-in-law was four-month pregnant and their
20 parent-in-law and other relatives were asked to stand in the
21 queue and then they were killed with the hoe, one after another.
22 When - my brother, who learned that his wife and relatives were
23 killed, he grabs a knife to look for the murderers and then he
24 was looking for the murderers. And then the people who killed his
25 relative came out and then they were fighting with one another.

1 At that time my brother-in-law were killed by the Khmer Rouge and
2 eventually he died and he was gone forever. And my third brother
3 before the 17 of April 1975 he was a teacher in Phnom Penh. On
4 the 17 of April 1975, his family was evacuated to Long Chen,
5 Takhmau. He was accused of possessing valuable belongings. He did
6 not agree to cede these belongings for communal use and then he
7 -his - the husband was taken away for execution.

8 [14.25.08]

9 And the wife of my brothers begged them for mercy. They begged
10 them not to kill her husband because they have four small
11 children behind, but they did not listen, they were merciless.
12 They killed the husband and the wife; they died together; they
13 killed them. As for my mother, my mother was accused of
14 possessing valuable belonging - namely, gold - and she was
15 accused of not putting these valuable belongings for the
16 cooperative's use. My mother was taken to Kilometre Number 6 and
17 she was detained and she was very hungry, she could not bear it
18 and then she decided to escape from the detention centre. And we
19 - she came to meet with her children and then the Khmer Rouge
20 soldier - people from the detention centre found them and they
21 arrested them and killed them instantly. Six of them were killed
22 in one instance. At the time, it was a horrifying experience;
23 this was sorrowful and very, very horrifying. I cannot put this
24 in words. Who were the leaders of this regime? Why did they allow
25 Khmer to kill Khmer?

1 [14.27.19]

2 I was despaired. I find that I was useless; I had no family
3 members; my parents were all gone. I look at everything around
4 me, everything was meaningless for me; my life is completely
5 meaningless. But I have my husband and two children who support
6 me every time. And soon after my husband suffered from a chronic
7 disease because of the hard work and his condition got worse and
8 I send her to a doctor and then the doctor say that my husband
9 was suffering of a heart problem.

10 And at that time I got even more hopeless for my life, I became
11 completely despaired. I did not want to live anymore and I have
12 the wroth of this regime. My husband tried to teach, and I had to
13 sew clothes and raise pigs in order to save money to send him for
14 treatment. But then his situation never got better; he died in
15 1995. And then later I have three children.

16 I would like the Court and everyone to consider my situation, a
17 widow with five children. I have - my children did not have full
18 concentration on the study because they know our miserable
19 situation.

20 [14.29.29]

21 And we have endured all the sufferings. My family was in disarray
22 because of this regime, never, ever a day had we had any
23 happiness in the family. We never received any help from anyone;
24 we did not receive the warmth of the family. It was so painful
25 for me and I was so angry with that regime. And because of that

1 regime, my entire family was destroyed, and the misery remains
2 with my other five children and who became orphan till today.
3 Personally, I have had some psychiatric problem with hypertension
4 as due to the shock, the terror repeatedly that I experienced
5 from that vicious regime. I tried to sew clothes, to raise
6 poultry in order to resolve our livelihood through such hardship.
7 I tried my best in order to be on my feet today and to be here
8 today in order to find justice for my parents, my relatives, my
9 grand-parents, uncles and aunts. Today I am so excited that I am
10 given the opportunity by this International Court, who crossed
11 the oceans in order to come here to find justice for them and for
12 the Cambodian people who died unjusticely (sic) under that
13 regime. Today this is the day that I have been waiting for more
14 than 30 years with anxiety.

15 [14.31.34]

16 Today I would like to summon the spirit of my parents, my uncles,
17 grand-uncles, aunts and all the relatives totalling in 22 who
18 died under the regime, to be here with me in order to hear the
19 prosecution by this Court of the murderers and to find justice
20 for you all. And I know to be sure that they will be judged when
21 they die.

22 My respect to the Court. I would like to make a request to you or
23 Your Honours, which is the International Court, to judge fairly
24 and justly in proportion to the gravity of the crimes that they
25 have committed inhumanly against the nation and the people with

1 their torture and other cruel acts. The loss of lives unjustified
2 that happened to my family cannot be repaired. I would not
3 exchange just one life of my mother to a bucket of gold, let
4 alone the 22 lives that were lost. The perpetrators and the
5 co-perpetrators who killed my family members shall be punished
6 severely and that they should be punished for the thousand years
7 of their lives and that they should not be reincarnated as human
8 being.

9 [14.33.23]

10 And I'd like to appeal to the true leaders of Democratic
11 Kampuchea, you are now very old and this is the last - the final
12 stage of your life. For that reason, you should be courageous to
13 collect all your strength in order to shed light and tell the
14 truths to all the victims and all the civil parties who are
15 anxious to hear, to find justice and the truth and why your
16 regime exterminate the people.

17 I would appeal repeatedly to all the organizations and
18 institutions throughout the world, as well as the generous
19 donors, to continue providing support to the civil parties who
20 are the victims in proportion to their big loss in order to
21 reconcile their mentality, their psychology and their physical
22 and emotional beings. We are all of senior age and we are being
23 haunted by all kinds of diseases.

24 Finally, in my representation of all the civil parties in Khsach
25 Kandal district, Mukh Kampul district and Angk Snuol district, I

1 would like to make my final submission to this hybrid Tribunal
2 which has spent a great deal of the budget and funds in order to
3 find justice for the Cambodian victims.

4 [14.34.58]

5 Please conduct your investigation of the properties inside and
6 outside the country which might belong to the Accused. And if
7 they were found to be guilty, their property shall be compensated
8 to all the victims who had suffered for more than 30 years. And
9 this Court cannot end its mandate in failure; you must endeavour
10 hard to find justice to the victims.

11 Mr. President, I'd like to put three questions to the Accused.

12 MR. PRESIDENT:

13 Yes, you may do so. You may put your questions through me, the
14 President of the Chamber, and I will redirect your questions to
15 the Accused.

16 You may proceed.

17 MS. HUO CHANTHA:

18 This is my first question and it goes to the two Accused. I want
19 to know that my mother and my older brother who had gold but they
20 did not want to put in the cooperative, is it the policy of the
21 regime that they shall be prosecuted and executed for this act?

22 [14.36.29]

23 And number two, it goes to the two Accused. During the
24 three-years, eight months and 20 days period, every night that
25 you were sleeping and embracing your wives in the air con or a

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1 fan room in the big building, did you ever imagine the situation
2 of the Cambodian people who were crying out in the blood pond,
3 asking to the nature what mistakes they made, why they were
4 killed and the demand for justice? Did you ever imagine that?
5 And my third question to both of you. This morning you tried to
6 respond that you were not aware of the mass killings under the
7 regime. Aren't you ashamed of the younger generation that you
8 were the supreme leaders and you knew nothing at all?

9 That's all, Mr. President.

10 MR. PRESIDENT:

11 Thank you, Madam Huo Chantha.

12 I will now redirect the questions – the three questions by the
13 civil party to the two Accused, first to Khieu Samphan. Please
14 respond to the questions put to you by this civil party.

15 [14.38.22]

16 MR. KHIEU SAMPHAN:

17 Good afternoon, Mr. President and Your Honours. Good afternoon,
18 the whole Court, and good afternoon, Madam Huo Chantha.

19 I have heard your statement and I was shocked. Your statement is
20 similar to that by the previous civil parties. However, I would
21 like to inform you that I am not the leader of the Democratic
22 Kampuchea and I do not understand why such things happened. And
23 before I respond to your question, this is a statement that I
24 like to make it clear to you; I was promoted to be the President
25 of the State to replace Samdech Sihanouk who was the former Head

1 of State. Samdech Sihanouk, who was the former Head of State, did
2 not have any executive authority; I was in a similar situation.
3 And this is for your information, Madam Civil Party.

4 [14.40.26]

5 Now allow me to respond to your questions one by one. Your
6 question is that your mother and your brother had gold but did
7 not put them into the cooperative, and whether the law of the
8 regime was to execute the entire family. To me, that is
9 incorrect. As I stated already, they only needed the agricultural
10 land and products. For example, the land and the factory so that
11 they could be placed for common use in order to expedite the
12 building of the country. And that's what I heard of them speaking
13 in the meeting - that is in the meeting by the Central Committee.
14 But when it comes to the confiscation of personal belongings like
15 namely gold and diamonds, to me it's beyond my understanding.
16 Now, let's go to your second question. Allow me to tell you that
17 I did not have any big villa to live in. You can go and witness
18 it yourself in Pailin, how my wife and I lived. But this is just
19 a minor matter; at least it's for your information.

20 [14.42.41]

21 And because you said that being the leaders, why the leaders did
22 not know anything and why - and that we should be ashamed of the
23 younger generation. But I repeatedly tell you I did not know
24 anything about that. I was the Head of State but it was of a
25 nominal role, I did not have any executive authority. I only

1 represented an independent and sovereign Kampuchea, and that's
2 the limit of it. Let me touch on another issue that I was a
3 member of the Central Committee. I was a candidate member until
4 late 1975 or early 1976 when I became the full fledge member.
5 Although in the Party Statutes it states that the Central
6 Committee was the supreme organization of the entire Party, in
7 the actual practice – and allow me to make it clear to you and to
8 all the Cambodian people as well as to the Court – this is –
9 existed only on paper. And also in the Party Statutes, it also
10 stated that the Central Committee only convened twice per year,
11 and that's the first point. And for the second point, for other
12 members of the Central Committee, they were responsible for
13 various bases, sectors and zones.

14 [14.44.52]

15 Only I, myself, was not responsible for any zone or sector, not
16 even a smallest unit of military. My role was to maintain good
17 liaison with Samdech and to distribute goods to zones and sectors
18 upon their request and based on the approval of the Standing
19 Committee. Therefore, it is clear that I could not know the
20 suffering and the misery as described by you. And you can put the
21 question that I participated in the Standing Committee's meeting.
22 I did participate in the meeting in my capacity as the Head of
23 State as I needed to liaise with friendly countries or the heads
24 of states. And for that reason, I needed to know some matters
25 concerning the development of the country. And for that reason, I

1 was asked to participate in that kind of meeting. And that kind
2 of meeting was a broad meeting for members like myself because
3 for certain meetings I was not allowed to know. And there were a
4 lot of meetings that were held and I was not allowed to know. In
5 particular regarding the meetings concerning the arrests; and
6 this is for your information. And in my response to your question
7 that why I keep saying, "I do not know about this or do not know
8 about that" - and that's for your consideration and for the
9 nation's consideration.

10 [14.47.19]

11 Now, on your third question regarding the class anger, allow me
12 to tell you I was also criticized during the Central Committee's
13 meeting, as I was asked to criticize and self-criticize in order
14 to talk about my class stand and that I should not maintain my
15 capitalist stand that I used to go and study in Paris. I told
16 them, "I tried my best, but it was the nature of my element." And
17 as Nuon Chea stated this morning, the education or the
18 re-fashioning was for the elements, not for the individual. I was
19 not killed but they could not refashion me when it comes to my
20 element, because that was part of me. And this is my response to
21 you and I hope you understand that, that I did not have the
22 authority to make any decisions. And whatever they wanted me to
23 know, they would only allow me to know to that limit and nothing
24 else. And this is my response to your questions.

25 [14.49.14]

1 MR. PRESIDENT:

2 Thank you, Mr. Khieu Samphan.

3 The questions are now redirected to the accused Nuon Chea. And
4 you – please respond to the questions put to you by this civil
5 party.

6 MR. SON ARUN:

7 Good afternoon, Mr. President, and good afternoon, Madam Civil
8 Party. I am the counsel for Nuon Chea. This morning, my client
9 Nuon Chea responded to the questions by the two civil parties,
10 and for this afternoon he's exhausted, he is dizzy, and he cannot
11 think straight. So, for that reason, he cannot consider your
12 questions clearly and he informed me to inform the Chamber that
13 he reserves his right to remain silent until such time that he's
14 in a better position.

15 Thank you.

16 (Judges deliberate)

17 [14.50.56]

18 MR. PRESIDENT:

19 We would like now to give the floor to the Prosecution to put
20 questions to this civil party. You may proceed.

21 MR. RAYNOR:

22 Mr. President, thank you very much. We have no questions.

23 MR. PRESIDENT:

24 Thank you.

25 The floor is now given to Nuon Chea's defence to put questions to

1 this civil party.

2 MR. SON ARUN:

3 Mr. President, our team do not have any question for this civil
4 party. Thank you.

5 MR. PRESIDENT:

6 Thank you.

7 Lastly, the floor is given to Khieu Samphan's defence.

8 [14.51.43]

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. Good afternoon, Your Honours and
11 everyone. On behalf of my client, we do not have any questions
12 for this civil party. Thank you.

13 MR. PRESIDENT:

14 Thank you.

15 Court Officer, could you update the Bench regarding the
16 audio-visual establishment through Internet with our civil party
17 in France?

18 (Short pause)

19 Thank you, Madam Huo Chantha. The hearing of your statement of
20 sufferings, harms, and impact and your testimony has now
21 concluded. You may now be excused from the Court and your
22 statements of impact may contribute to ascertaining the truth in
23 this case. You may return to your residence and we wish you all
24 the best.

25 Court Officer, in collaboration with WESU, please assist the

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1 civil party for her return to her residence or wherever she
2 wishes to go to.

3 [14.53.15]

4 We would also like to inform the parties and the public that we
5 will continue to hear the statement of sufferings, harms and
6 impact by the civil party from France through video-link which
7 was interrupted earlier this afternoon. But we have been informed
8 that the connection has been re-established. However, the time is
9 appropriate for a break. We will take a 15-minute break and
10 return at 10 past 3.00.

11 The Court is now adjourned.

12 (Court recesses from 1453H to 1515H)

13 MR. PRESIDENT:

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

15 We will now continue to hear the statements of suffering by the
16 civil party, Ms. Chheng Eng Ly, through a video-link from France.

17 Hello, Madam Chheng Eng Ly.

18 MS. CHHENG ENG LY:

19 Hello, Mr. President.

20 MR. PRESIDENT:

21 The video-link has now been re-established, and before I hand the
22 floor to you we would like to remind you of one point. Please
23 speak slowly so that the interpreter can properly interpret your
24 statement into English and French simultaneously, and before you
25 respond to the questions put to you, please listen to the

1 questions carefully and observe a slight pause so that your voice
2 will go through the system properly.

3 [15.16.59]

4 And, lastly, please start your statement again. And you may state
5 what you encountered, the hardship or the harms inflicted upon
6 you during the Democratic Kampuchea regime, that is from 17 April
7 1975 to 6 January 1979. And you may state all your experience
8 under the Democratic Kampuchea regime, and you may now proceed.

9 MS. CHHENG ENG LY:

10 First of all, I am thankful to Mr. President and Your Honours for
11 giving me this opportunity.

12 It has been over 30 years that I cannot forget what happened
13 under the Khmer Rouge regime; the mistreatment on more than 2
14 million Cambodian people, including myself.

15 On 17 April 1975, the situation and the cruelty at the time
16 cannot be described in words, and it was beyond anybody's
17 expectation. And they hacked away of a baby who was still
18 breastfeeding and that happened in front of me and it was
19 committed by the Khmer Rouge soldiers. How could you bear the
20 witness to such an event? While en route I saw a lot of people
21 who died along the road. I was leaving Phnom Penh along National
22 Road Number 1 and along the river I saw floating corpses, and
23 that shocked me.

24 [15.19.35]

25 I continued from Kien Svay crossing the river in an attempt to go

1 to Battambang province which was the native place of my parents,
2 but we could not reach the destination as my parents were sick
3 and my siblings' bodies were swollen from malnutrition. We did
4 not have anything with us except the clothes that we wore.
5 Two or three weeks after the 17 April 1975, money was still used
6 and we spent some money to buy something to eat, but later on it
7 could not be used and we were placed in a cooperative. We lived
8 with the deprivation of food and we were only given a ration, and
9 the word "ration" there it means everybody would be given the
10 same thing and that only applied for the New People. And the New
11 People means the 17 April People who were from Phnom Penh and the
12 Old or the Base People were those who were living at their
13 villages.
14 [15.21.10]
15 We were given three ladles of watery gruel only with a few grains
16 of husked rice and a little bit of salt. I never want to recount
17 such an experience. The experience that we faced and that the New
18 People faced - and I can never forget that.
19 Our freedom was deprived. We were not allowed to cry, to love or
20 to speak. At 5 a.m. we were asked to work until noon and then we
21 were given three ladles of gruel. We worked again, and in late
22 evening we were given another three ladles, and then we worked
23 again until about 10.00 or 11.00. But I was not sure of the
24 hours, as we did not have any watch to look at.
25 And the work was hard. We worked during the night, and there was

1 no light. Sometimes we stumbled and fell down. We did not have
2 any shoes to wear and we only have one black clothes that we
3 wore.

4 And when we were sick, there was no medical treatment or medicine
5 provided, and if one was seriously ill that person will be given
6 a "rabbit drop" pellet. It could be a mixture of some rice and
7 some other stuff which was a bit sweet.

8 [15.23.02]

9 Could you imagine living without freedom? I carried a basket of
10 rice or corn on my head, and at that time I was about 21 years
11 old. And, of course, I was still at the age that I could still
12 grow taller but with such a weight on my body I could not grow
13 any taller, and that was the impact of carrying heavy things from
14 that regime.

15 I lived with a friend. I said a friend but that person was
16 someone else who left Phnom Penh. She said that she was thinking
17 of the two younger siblings, that she did not know where they
18 were. And just by saying that phrase, next morning - next early
19 morning - two black-clad soldiers came to us and called the two
20 of us to walk across the rice field. And when we reached a
21 location - but I cannot it - and they asked that person - her
22 name was Moi (phonetic) - to dig a pit of about her size. And
23 imagine that we did not have sufficient food to eat and she has
24 to dig the pit. And because of the exhaustion she could not
25 continue digging the pit. The two Khmer Rouge asked her whether

1 she already finished digging the pit, and then they pushed her
2 into the pit and buried her alive and they said that now we send
3 you to meet with your relatives.

4 [15.25.37]

5 I don't want to cry now, but when I recall it, it seems to be
6 weeping in front of my eyes. She was buried alive, and the two
7 soldiers said to me, "Now you see what happen. Now you return to
8 work." I did not dare to cry. If I cry I would be killed by the
9 two soldiers. I tried not to cry, then I came back to carry
10 husked rice on my head again.

11 I tried to survive and tried to be humble to them. When I
12 returned to my workplace, I did not dare tell anyone there. I was
13 so shocked by seeing that friend buried alive.

14 Later on, I became unconscious and then I was pulled to the side
15 and they tried to massage me to wake me up. Upon gaining my
16 consciousness, I did not even dare to tell them what happened.
17 And when I was unconscious, a medic came with some kind of a
18 bottle of fluid. They were about to inject me. I gained
19 consciousness and I told the medic that it's okay, there is no
20 need for the injection. And, of course, I regained my
21 consciousness based on my mental strength. Every few days I kept
22 falling down because of the over-exhaustion.

23 [15.27.42]

24 Sometimes I thought of committing myself by jumping into the
25 river because we worked on the riverbank because I thought that

1 living in the situation was meaningless. I could not even cry. I
2 could not do anything. The food was insufficient. I did not have
3 any strength. When I went up, or climb up a ladder, I had to
4 climb up not only with my two feet but also with my two hands I
5 was so weak.

6 My mother at the time was staying with me and if I were to die
7 nobody would look after her because for the porridge that was
8 given to me, I try to put either grass or morning glory mixed
9 with a bit of salt into it and I gave it to her. And because of
10 my mother, I decided not to commit suicide by jumping into the
11 river.

12 [15.29.06]

13 I, once again, cannot forget what happened under the Khmer Rouge
14 regime. I abandoned my study and, in fact, I determined to live
15 so that I could see what happened next and to see how far would
16 that Khmer Rouge regime went - rather, go.

17 What they did by killing millions of people were miserable. There
18 was no hygiene, no clothing, no medicine. Everybody got lice all
19 over the body and skin wounds.

20 I wish now to end my statement and I may respond to any questions
21 that are put to me, but allow me to repeat that because of the
22 living through the regime the result is terrible and it still
23 remains with me. And the experience remains with me forever. I
24 could not see anything that is bloody on the TV or on anything, I
25 become so scared.

1 [15.30.54]

2 Even in my capacity as a pharmacist, I never dare look at blood
3 because whenever there is a patient who comes and has a little
4 bit of blood I would ask the other staff to do it. And for any
5 movie that deals with the killing of people, I would avoid it,
6 and I become so shocked when there is a loud noise or a loud bang
7 or a loud group of people. Even with my husband, I cannot stand
8 if he speaks loudly because then it would give me a shock.
9 And these are all the results of my experience living under the
10 regime.

11 MR. PRESIDENT:

12 Thank you, Madam Eng Ly.

13 Now, I hand over the floor to the civil party lawyer to put the
14 question to the civil party. You may proceed, Counsel.

15 QUESTIONING BY MR. AUBOIN:

16 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
17 afternoon to everybody present in the courtroom, and good
18 afternoon to the witness.

19 [15.32.22]

20 Do you hear me?

21 Q. Ms. Eng Chheng, I know it's very difficult for you to bring
22 back to your consciousness this whole period of Democratic
23 Kampuchea. Do you think you could tell the Chamber about the
24 circumstances in which you saw that baby being killed as you were
25 leaving Phnom Penh?

1 MS. CHHENG ENG LY:

2 A. I told the Court earlier that when we were leaving Phnom Penh
3 and we were travelling along National Road Number 1 crossing
4 Monivong Bridge, I saw a crying baby. He was actually crawling
5 over the dead body of his mum. I wanted to carry that baby. I
6 wanted to take the baby.

7 From the time when I wanted to carry the baby and the soldier
8 carried this baby was so brief that I could not actually do
9 anything. But all of a sudden when the soldier carried this baby,
10 they just tore the baby apart. It was a very horrifying scene. I
11 could not imagine any human being who would do that. This was
12 horrifying indeed. Actually, the baby was crying. He was crying
13 because he was very hungry. He did not have any milk to drink. He
14 was crawling on the dead body. I did not want to take this baby
15 because I was also afraid of my own safety, so I did not say
16 anything, I just went on walking.

17 [15.34.52]

18 Q. Thank you for that answer. When you reached the cooperative,
19 what was the first thing you saw?

20 A. My apology, I could not really get the entire question you
21 asked. You mean, when I first got to the cooperative or when I
22 was working in the cooperative?

23 Q. No, when you first reached the cooperative and you saw these
24 lines of people who apparently had rebelled. Could you tell us
25 what you were referring to?

1 A. Well, when I reached the cooperative, it was on the second
2 day. It was in the evening - I cannot recall the exact time - but
3 people who came from Phnom Penh they gathered and they talked to
4 each other that they would plan a protest, a rebellion, against
5 the authority. They wanted to go back to Phnom Penh so that they
6 would have enough food to eat and they would be able to use the
7 bank note as they used to do.

8 [15.36.40]

9 So, at that time, a group of them was initiating the plot to
10 protest. There were around 20 or 20-plus of these men. Actually,
11 they did not use a rope but they used a thread. They actually
12 carried this - actually, they were frogmarched by the Khmer Rouge
13 soldier later using only a small piece of thread tied up to their
14 hand. And then the Khmer Rouge soldiers threatened them,
15 threatened them with gunshot if they would ever protest. You
16 could imagine the situation back then. They only tied them up
17 with only a small piece of thread - string to their hand and they
18 frogmarched them out. I did not know where these people were
19 heading for, but I could only assume that they were all executed
20 afterwards.

21 And then when I reached Roka Kaong I noticed at that time that
22 there were four families who were gathered there. My family was
23 one of them. And among these four families, there was one young
24 boy, he disappeared. He was probably frogmarched with this group
25 of men as well and he never returned.

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1 [15.38.03]

2 So we could not imagine anything, but we could only think to
3 ourselves that these people would be killed then.

4 Q. Thank you for that answer. Can you tell the Court what the
5 impact of seeing that scene was on you?

6 A. When I saw them frogmarch these men out, I was horrified, and
7 I thought to myself that something must have gone wrong and
8 nothing would ever return to normal. To put it simply, these
9 people would not be able to return to their place or they could
10 not return to the place where they came from.

11 And I also thought to myself that there would be execution and
12 the deprivation of freedom. They actually tied those men up
13 together with only a piece of thread, and this was a
14 manifestation of the dictatorship and the cruelty of this regime.

15 [15.40.28]

16 Q. Thank you very much. When you were in the cooperative you said
17 that the working conditions were deplorable. What sort of
18 relations did the head of your unit have with you?

19 A. Our living conditions at that time were described in three
20 categories; those who were in the senior age, middle age, and
21 youth or the younger age. I was in the middle age category at
22 that time. There were around 20 members of us with one unit
23 chief.

24 Can I go on?

25 Q. Yes. But that unit chief, was he kind and considerate towards

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1 you?

2 A. No, no, he was not kind – she, rather, she was of a murderer
3 nature. She was cruel. She was aggressive. Whatever order she put
4 down was very harsh. She did not speak to us politely. Whenever
5 she addressed us she would accuse us of being the 17 April
6 People. She used vulgar language against us. It was not the
7 tradition of Cambodia who address each other by this disgusting
8 language. We normally address each other politely, particularly
9 for Cambodian women. I consider the unit chief was a cruel person
10 – the words of the devil or the words of the ghost.

11 [15.42.48]

12 Q. So, if I'm following you correctly, what you're saying is that
13 your membership of the New People earned you daily insults from
14 the unit chief; is that correct?

15 A. Yes, that is correct, that is correct. Every day we were
16 insulted.

17 Q. You also told us that one morning at dawn you were present at
18 the murder of your teacher friend who was buried alive before
19 your eyes. Can you tell the Court about the consequences of that
20 scene right up to the very day on you, yourself?

21 [15.43.55]

22 A. Upon witnessing the burial of the friend, and I knew that she
23 did not commit any mistake – any serious wrongdoing at all. She
24 only said that she did not know the fate of her two siblings. So
25 I witnessed this lady being buried alive. And I had never seen –

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1 I had never seen at all, in the history of people - burying other
2 people alive. Upon seeing this horrifying scene, I became
3 exhausted, and I could not do anything. I witnessed that, but I
4 could not say - I could not express it in words. That made the
5 situation even worse, because I had this painful scene that I had
6 come across, and then I could not even speak it out.

7 This was very serious. I dare not tell anyone about the scene I
8 witnessed. If I risk my life telling other people about this,
9 then of course my life would be in great danger. So I dare not
10 say anything at that time under this regime. I was not allowed to
11 cry, I was not allowed to smile.

12 [15.45.44]

13 Q. For a good many years, you have now been living in France. Can
14 you tell us if you still suffer from physical and psychological
15 sequela of what happened during the years of Democratic Kampuchea
16 regime?

17 MR. PRESIDENT:

18 Counsel, please be advised that the Internet connection is not
19 functioning now. We need to observe a little pause until the
20 system is back.

21 (Short pause, technical problem)

22 [15.47.15]

23 You may resume now, Counsel.

24 BY MR. AUBOIN:

25 Thank you, Mr. President.

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1 Q. My last question to you: Now, madam, you live in France and
2 you've been living there for quite a few years. Can you tell the
3 Court what the outcome and sequela of everything you went through
4 during the Democratic Kampuchea regime?

5 MS. CHHENG ENG LY:

6 A. Are you talking about the psychological or physical impacts?
7 If you talk about impacts, of course I have a sustained
8 suffering. I have been affected both physically and
9 psychologically. I had to work very hard at that time, when I was
10 very young, so it bears a big consequence on my physical growth.
11 And as for my mental and psychological impacts, it was so severe.
12 I never in my life - had I seen any horrifying scene of torturing
13 people, executing people. I had never seen - or witnessed such a
14 horrifying scene before. And now, as a consequence of this
15 atrocity, I did not want to hear any loud noise or any argument
16 or so.

17 [15.49.23]

18 And when people got into accidents, I dare not even intervene. It
19 was not because I did not want to intervene, but I still had this
20 traumatic experience that I could not actually get involved in
21 the scene of this sort.

22 MR. AUBOIN:

23 Mr. President, I have no further questions.

24 And, Chheng, thank you very much indeed for testifying. I know
25 that these are very difficult things to call to mind, and I'm

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1 very grateful to you for having done so before this Court.

2 MR. PRESIDENT:

3 Thank you.

4 Now, I hand over the floor to the Co-Prosecutor to put the
5 questions to the civil party. You may proceed.

6 [15.50.27]

7 QUESTIONING BY MR. SENG BUNKHEANG:

8 Thank you, Mr. President.

9 First of all, my respect to Mr. President and Your Honours and my
10 fellow colleagues in the courtroom, and good afternoon to the
11 civil party. I am the representative of the Prosecution at the
12 Khmer Rouge Tribunal. I have only a few questions.

13 Q. I wish to seek your clarification; you told the Court earlier
14 that you had travelled - you had left your home and you were
15 heading towards Roka Kaong. Could you please tell the Court of
16 the events that took place before you left for Roka Kaong? What
17 was the reason for you leaving your place to Roka Kaong? Could you
18 please describe the event that unfolded before you left for Roka
19 Kaong?

20 MS. CHHENG ENG LY:

21 A. On the 17 of April 1975, there was a declaration that peace
22 prevailed in Cambodia. And, at that time, I saw the black-clad
23 soldiers forced us to leave our house. I left Phnom Penh - I just
24 went along with others; I did not know where we were heading for.
25 We just went along National Road Number 1. We reached Kbal Thnal,

1 and then we crossed the bridge.

2 [15.52.19]

3 And then we went further until we ran out of any food reserves.

4 We had with us some cash – some bank notes as well. And just a
5 few weeks after that, bank notes could be used. We'd buy certain
6 stuff for us to eat, as well. And we had some clothes with us – a
7 few clothes with us that we could change along the way. And then
8 I thought to myself that, if I continue to stay in Kien Svay, I
9 would end up starving to death-

10 Q. I am sorry, Madam, I would like to interrupt you here. I just
11 would like to make it clear, step by step. I would like to know
12 the events that compelled you to leave your home. You said that
13 black clad soldiers forcibly evacuated you from your home in
14 Phnom Penh. Could you please tell the Court what the condition –
15 what the situation was like at that time, when they were forcing
16 you out of your house?

17 [15.53.30]

18 A. When they got there – well, actually, I, at that time, was
19 residing somewhere along – near Kilometre 6. They forced people
20 to leave, and I had no choice but to leave my house. I reached my
21 aunt's house, and then after that the soldiers forced us to leave
22 our house. We had to comply. They told us at that time that if we
23 did not leave our house, the American bombardment would be
24 imminent. Then we had to leave. So we actually had heard of the
25 bombardment of the Americans, so we had to leave in accordance

1 with the order, because they said they will bombard the city at
2 that time.

3 Q. When you were leaving the city, how many people were leaving?

4 And about your family – how many of them were leaving, and when
5 you were leaving the city, did you notice that there were elderly
6 or young kids along the street?

7 A. I left with my two brothers, and one younger brother, and an
8 elderly mother. We did not bring – we did not have any small
9 children with us.

10 Q. Can you tell the Court about your elderly mother who was
11 forcibly evacuated from Phnom Penh? What was her condition along
12 the road?

13 A. The elderly people at large – and my mother was no exception
14 to this – they were shocked, and they had no choice but to leave
15 their home, because they were actually forced to leave at
16 gunpoint. So they were very shocked indeed.

17 [15.55.44]

18 They were actually shocked, but they were experienced people.
19 They had come across many regimes and many administrations, so
20 they were actually very strong in terms of their spirit. So she
21 actually encouraged us to go along, as ordered.

22 Q. When you were marching out of the city, heading for Roka
23 Kaong, did you observe that there were Khmer Rouge accompanying
24 you or guarding you along the way?

25 A. When I took the boat from Kien Svay, and then travelled to

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1 Roka Kaong, I saw the black-clad soldiers ordering us to move. I
2 did not know where we were heading for exactly, at that time, but
3 they simply ordered us to move on. And we had to move on in
4 accordance with their order, until we reached Roka Kaong.

5 [15.57.00]

6 Q. Earlier on, you also told the Court that, when you were along
7 the way, you also saw corpses scattered and floating in the
8 river. Did you observe whether or not these corpses were ordinary
9 people, or they were soldiers?

10 A. Well, it is quite difficult to respond to this question,
11 because I did not know whether these corpses were ordinary
12 civilians or soldiers, and if they were soldiers whether or not
13 they were soldiers of the Khmer Rouge or Lon Nol soldiers. I did
14 not even have time or chance to look at those dead corpses. And I
15 cannot tell the Court whether or not those corpses were soldiers
16 of Lon Nol or Khmer Rouge soldiers. And I believe that nobody
17 would bother to identify the identity of the corpses.

18 Q. Thank you. Of course, I just would like to know whether or not
19 you know that. If you don't know that, it's fine indeed. I move
20 on to my next question.

21 You also told the Court earlier that when you reached Roka Kaong,
22 you were incorporated into a cooperative. And who inducted you
23 into the cooperative?

24 [15.58.43]

25 A. I do not recall who asked me to join the cooperative, but

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1 there was announcement along the road that the New People – the
2 17 April People from Phnom Penh had to join cooperatives. Those
3 who had any properties, any belongings; they must not hide. They
4 had to surrender those belongings and put them for common use as
5 the property of cooperatives. So they wanted to create a
6 situation – a cooperative where people were equal. Nobody is
7 richer than anybody.

8 MR. SENG BUNKHEANG:

9 Thank you, Madam Civil Party.

10 Mr. President, I have no further question.

11 And I thank you, the Civil Party, for participating in the
12 proceedings in pursuit of ascertaining the truth. Thank you.

13 [15.59.48]

14 MR. PRESIDENT:

15 Thank you.

16 The floor is now given to Nuon Chea's defence to put questions to
17 this civil party if you wish to do so.

18 MR. KOPPE:

19 Thank you, Mr. President. We have no questions.

20 MR. PRESIDENT:

21 Thank you.

22 Lastly, the floor is given to Khieu Samphan's defence.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. On behalf of Mr. Khieu Samphan, I do
25 not have any questions for this civil party. Thank you.

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1 [16.00.23]

2 MR. PRESIDENT:

3 Thank you.

4 Thank you, Madam Chheng Eng Ly. The hearing of your statement of
5 suffering, harms, and impact has now concluded, thus you may now
6 be excused from the hearing of - in this Court. And your
7 statement may contribute to ascertaining the truth, and we wish
8 you all the very best. And, of course, you may return to your
9 residence. And goodbye, Madam Chheng Eng Ly.

10 MS. CHHENG ENG LY:

11 Yes, goodbye, Mr. President.

12 And, of course, I urge the Chamber to find justice for the
13 Cambodia people.

14 [16.01.20]

15 MR. PRESIDENT:

16 Thank you.

17 The hearing today has come to a conclusion, and we will resume
18 tomorrow - that is, Thursday the 30th of March 2013. And from -
19 for tomorrow, we will hear the testimony of the statements of
20 suffering and harms and impacts during the Democratic Kampuchea
21 regime. And we have four civil parties for tomorrow - that is,
22 TCCP-100, TCCP-149, TCCP-170, and lastly TCCP-117.
23 Security guards, you're instructed to take the two Accused back
24 to the detention facility and have them returned to the courtroom
25 tomorrow morning, before 9 a.m. As for Nuon Chea, take him to the

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1 holding cell downstairs, which is equipped with audio-visual
2 communication, so that he can participate in the proceedings.

3 The Court is now adjourned.

4 (Court adjourns at 1602H)

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