



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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30 May 2013
Trial Day 186

Before the Judges:

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

The Accused:

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KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Matteo CRIPPA
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Élisabeth SIMONNEAU-FORT
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CHET Vanly
SIN Soworn
SAM Sokong
LOR Chunthy
TY Srinna

For the Office of the Co-Prosecutors:

SENG Bunkheang
Dale LYSAK

For Court Management Section:

UCH Arun
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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS.CHET VANLY	Khmer
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NOU HOAN (TCCP-100)	Khmer
MR. NUON CHEA	Khmer
MR. PICH ANG	Khmer
MS. PO DINA (TCCP-117)	Khmer
MR. SAM SOKONG	Khmer
MR. SENG BUNKHEANG	Khmer
MR. SON ARUN	Khmer
MS. SOPHAN SOVANY (TCCP-149)	Khmer
MS. TY SRINNA	Khmer
MR. VERCKEN	French
MR. YIM ROUMDOUL (TCCP-170)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today we will hear the statement of sufferings – harms by four
6 civil parties as we indicated yesterday.

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

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case
11 are present except the National Lead Co-Lawyer for civil parties
12 who is absent without giving any reason.

13 As for Nuon Chea, he is present in the holding cell downstairs,
14 pursuant to the decision of the Trial Chamber in relation to his
15 health.

16 As scheduled, the civil parties to testify today are TCCP-100,
17 TCCP-149, TCCP-170, and the fourth one is TCCP-117. The four
18 civil parties are waiting to be called by the Chamber.

19 Thank you.

20 MR. PRESIDENT:

21 Thank you.

22 Court Officer, could you invite the civil party TCCP-100 into the
23 courtroom?

24 (Civil Party Nou Hoan enters the courtroom)

25 [09.04.17]

2

1 QUESTIONING BY THE PRESIDENT:

2 Good morning, Mr. Civil Party.

3 Q. What is your name?

4 MR. NOU HOAN:

5 A. Mr. President, my name is Nou Hoan.

6 Q. Thank you. When were you born and where is your place of
7 birth?

8 A. I was born in Srah Thkov village, Kampong Soeng commune, Preah
9 Sdach district, Prey Veng province. And I am indeed 79 years old
10 by birth, but I changed my age, and in my card I am 74 years old.

11 Q. Where do you currently live?

12 A. I live in Texas, in Houston in the United States of America.

13 Q. Thank you. And what is your father's name and your mother's
14 name?

15 A. My father's name is Nou Chan, and my mother's name is An Plev.

16 Q. Are you married?

17 A. (Microphone not activated)

18 [09.06.08]

19 Q. Mr. Civil Party, please observe a small pause until you see
20 the red light on the microphone so that your voice will go
21 through the distribution system for all parties and for the
22 public. And in particular, it will go through the interpretation
23 system so that your voice will be interpreted simultaneously into
24 English and French. So please observe a slight pause before you
25 respond.

3

1 Are you married? And if so, how many children do you have?

2 A. My wife died in 1998, and I have three children.

3 MR. PRESIDENT:

4 Thank you, Mr. Nou Hoan.

5 As a civil party before this Court, the Trial Chamber will give
6 you an opportunity to express your statement of suffering and
7 harm inflicted upon you materially, physically, and
8 psychologically, and which are the direct result of the crimes
9 occurred and which led you to become a civil party in this case.

10 Those crimes have been charged against the two Accused, namely
11 Nuon Chea and Khieu Samphan, and which occurred during the
12 Democratic Kampuchea regime from the 17th April 1975 to the 6th
13 January 1979. And you may proceed with your statement.

14 Please pause, Mr. Civil Party.

15 The National Lead Co-Lawyer for civil parties, you may proceed.

16 [09.08.40]

17 MR. PICH ANG:

18 Mr. President, for civil party Nou Hoan, lawyer Sam Sokong will
19 be assigned to put questions to him. And for the other civil
20 parties, namely TCCP-149, will be questioned by Chet Vanly. As
21 for TCCP-170, that civil party will be questioned by Chet Vanly
22 as well. And lastly, for TCCP-117, that civil party will be
23 questioned by Ty Srinna. Thank you, Mr. President.

24 MR. PRESIDENT:

25 Thank you.

4

1 Mr. Nou Hoan, you may now proceed with your statement.

2 QUESTIONING BY MR. SAM SOKONG:

3 Thank you, Mr. President.

4 My name is Sam Sokong, representing the civil party Nou Hoan, and
5 Lyma Nguyen is my international counterpart.

6 And before I put the questions to Mr. Nou Hoan, I would like to
7 present some information derived from his Victim Information
8 Form. Mr. Nou Hoan was recognized for his application is Case 002
9 as a victim of forced evacuation. In his application - that is
10 D22/1962 - and that application has been handed to the civil
11 party already.

12 Q. And the information in that information form, does it reflect
13 your true experience?

14 MR. NOU HOAN:

15 A. The information in the form is correct and true.

16 [09.11.27]

17 Q. Thank you.

18 Mr. President, Mr. Nou Hoan is living with his family in the
19 United States, and I would like to express my thanks for his
20 travelling from abroad to testify here today.

21 Q. And I have some questions for you.

22 When you were evacuated from Phnom Penh-

23 MR. PRESIDENT:

24 Counsel for civil party, please specify for which civil party
25 that the assigned lawyer will question first before the civil

5

1 party makes his or her statement? Or which civil party would make
2 the statement first before you put the questions to him or her?

3 As I understand, we gave the floor to the civil party to make the
4 statement, but it seems that now the lawyer for the civil party
5 puts the question first. Please clarify the matter.

6 And secondly, Mr. Civil Party, could you please clearly pronounce
7 your name, is it Hoan or Houn?

8 [09.13.01]

9 MR. NOU HOAN:

10 My name is Hoan, Nou Hoan.

11 MR. PRESIDENT:

12 Because, to me, from the pronunciation by your counsel, he
13 pronounces Houn not Hoan. It seems that he doesn't know you
14 clearly.

15 MR. PICH ANG:

16 Mr. President, for the civil party Nou Hoan, the assigned counsel
17 Sokong will put the question to him first.

18 For the second and third civil parties, they would make their
19 statements first and will be questioned by the assigned counsel.

20 And for the last civil party today - that is TCCP-117 - that
21 civil party will be put the questions first before he or she
22 makes the statement of suffering.

23 [09.14.07]

24 MR. PRESIDENT:

25 Thank you.

6

1 And, Lead Co-Lawyers, you are reminded that you should have
2 informed the Chamber first of the process of this question first
3 and statement later. Otherwise it seems that you are now leading
4 this proceedings and not the Chamber.

5 BY MR. SAM SOKONG:

6 Mr. Nou Hoan, I have some questions for you.

7 Q. Can you describe to the Court what you encountered during the
8 evacuation from Phnom Penh?

9 MR. NOU HOAN:

10 A. The evacuation from Phnom Penh was a new experience that I
11 never encountered before. There was a huge crowd of people en
12 route and it was in the middle of the dry season and the weather
13 was very hot. People were shocked. They did not bring much
14 belongings with them. Some of them did not have any thongs or
15 shoes so they resorted to using banana stalk for their feet.

16 [09.15.48]

17 Some of them lost their children and their families and the
18 situation was chaotic. We did not know where we would go and
19 obtain some food. And there were flies, flies were everywhere
20 like a cloud of bees. That was the time that there was no public
21 hygienic toilets, so we had to resort to going to the forest to
22 relieve ourselves and we saw waste was everywhere. Some people
23 died and left along the street. And those who were sick could not
24 seek any help from anyone. And we were forced by Angkar to just
25 keep going, so some of us would have to leave their sick family

1 members behind. My family also went along National Road Number 1
2 toward Prey Veng province and Svay Reang province and some of us
3 crossed into Vietnam. The main challenge was the lack of food and
4 the lack of medical treatment. We did not know where to go for
5 food or medicine and the money we had was no longer used. And the
6 rice was very expensive and it was measured in a milk can.
7 Everybody faced the same situation during our forced evacuation
8 from Phnom Penh.

9 [09.18.02]

10 Q. Also in relation to the evacuation, did you lose any family
11 members?

12 A. It was unfortunate for me as one of my daughters went missing.
13 My younger in-law who did not have a daughter asked for my
14 younger daughter to stay with them. So during my evacuation I
15 went my way and my younger in-law went a separate way. And for
16 that reason, she went with my younger in-law's family. My younger
17 in-law actually had four children, so together with my younger
18 daughter and one elder mother; there were eight of them
19 altogether. I met a distant relative in 1979 and was told that
20 during the evacuation they went to Kampong Speu. I received
21 information about my daughter - that is after the liberation in
22 1979, and at that time we conducted a religious Buddhist ceremony
23 to pray for those who went missing. We held it near the Orussey
24 market and we kept looking one another for the missing family
25 members.

8

1 [09.19.53]

2 And there was an aunt who told me about this story of my younger
3 in-law as she was in the same cooperative. And she said that one
4 day one of the children was sick and that child was given "rabbit
5 drop" pellets. And there were militia who were standing nearby
6 and for some reason that night the entire family was taken away
7 and executed but the lady did not know where they were killed.
8 That was the information that we learned from that woman, that
9 the entire family was smashed that night because of the word that
10 they said about the "rabbit drop" pellets.

11 MR. SAM SOKONG:

12 Thank you.

13 Mr. President, with your permission, I'd like to show the photos
14 which already have been submitted to Your Honour regarding his
15 daughter. The ERN is 00540951 in Khmer language.

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 [09.12.43]

19 BY MR. SAM SOKONG:

20 Q. Mr. Nou Hoan, in this photo can you tell the Chamber which one
21 is your daughter?

22 MR. NOU HOAN:

23 A. This is the photo of my daughter who went missing in 1975; she
24 was wearing a flower shirt.

25 Q. When she was separated from you during the evacuation from

1 Phnom Penh, how old was she?

2 A. (Microphone not activated)

3 MR. PRESIDENT:

4 Please observe a small pause, Civil Party.

5 MR. NOU HOAN:

6 A. She was around nine or 10 years old at the time.

7 [09.22.56]

8 BY MR. SAM SOKONG:

9 Q. When your daughter was separated from you, what happened to
10 her or to your younger brother-in-law and his family?

11 MR. NOU HOAN:

12 A. As a human being with a conscience, no one, no father or
13 mother or grand-father or grand-mother who doesn't love his or
14 her child. And when the child got sick, of course we would be
15 anxious to find a doctor for her treatment. And the situation was
16 indescribable when my daughter was taken at night and smashed.
17 I'm still thinking of why she was killed and how she was killed
18 amongst with her nephews and cousins. My mind is still
19 unsettling, although I have other children, but it is still my
20 greatest regret for losing my daughter.

21 And my wife, when she was leaving, went to seek help from a
22 fortune teller just in case that one day we would be able to meet
23 her, but she disappeared forever. When we separated she was
24 around nine or 10 years old, so if she's still alive, she would
25 know where to return. But I am sure that the entire family at the

10

1 time - that is, the family of my younger brother-in-law - was
2 killed; no one survived.

3 [09.25.15]

4 And as a father, this is the saddest moment. If my child gets
5 sick, of course I would try to seek the best doctor for the
6 treatment. And she went missing without food or medical treatment
7 and she was gathered at night and executed.

8 Q. What was your feeling when you were separated from your
9 children or family members and did not know what happen to them?

10 A. It was the feeling of sadness, sorrow and regret. And we tried
11 to find all sort of means in order to reconcile my feeling. The
12 image and the feeling of my child or my relatives dying still
13 plays vividly in front of my eyes every time I recall it. We were
14 told that the revolution means to rescue the country and to
15 rebuild the country, but it did not happen that way.

16 [09.27.00]

17 Q. When you knew about the disappearance or the death of your
18 daughter and the death of your younger brother-in-law and his
19 family, how did you feel when you first received the news?

20 A. As I just said, the feeling was unsettling. And allow me to
21 add that I have my younger brother whose entire family was also
22 lost; they worked in the Treasury Department in Svay Reang. And
23 my younger daughter and their children went to return to their
24 native village. And in 1978 they were evacuated to the west and
25 the entire family later on disappeared. I received no news at all

11

1 - that is the mother, the five children, and in fact, the father
2 died in Svay Rieng province immediately after the liberation. So
3 this is an additional burden on top of the news about my younger
4 brother -in-law.

5 And that is in addition to the loss of our property and our house
6 in Kampong Soeng and Preah Sdach district. That house was
7 dismantled completely by Angkar. And it was the area that the
8 Khmer Rouge force came to control earlier as it was near the Neak
9 Loeang area. So the families from there had to evacuate from
10 their native villages to live nearby Neak Loeang or to - went
11 further to take refuge in Phnom Penh. So that house was
12 completely dismantled and another house was burned to ashes near
13 Chbar Ampov Market. It was a wooden house with a zinc roof and it
14 was hit by a shelling and it was burned to the ground.

15 [09.29.45]

16 And all the main documents were burned, including my birth
17 certificate and the birth certificates of my children, the
18 medical records and other important documents. Even at the moment
19 I cannot recall for sure the date of birth of my children because
20 I do not have any birth certificates to refer to. And the
21 precious photos of my family members were all gone. You can't
22 imagine how unsettling my feeling was when those things happened.
23 And the loss that I experienced - not the only loss for me but
24 Cambodian people also experienced similar loss, the separation
25 and the loss of family members during that year of 1975.

1 [09.30.53]

2 Q. Thank you. Now today, can you express your feeling when you
3 come to testify before the Court?

4 A. Mr. President, Your Honours and counsel. Today I am trying to
5 concentrate to respond to the question as well as to testify -
6 the Court - testify to the Court concerning the suffering we have
7 sustained. And I think that I am very fortunate to have an
8 opportunity to speak in front of the Chamber and I thank - I am
9 grateful to the Chamber for granting me to opportunity to address
10 the Chamber on the issue concerning my personal suffering.

11 Q. Concerning reparation, do you intend to request to the Chamber
12 to award any reparation to you in your capacity as the victim of
13 the alleged crimes?

14 A. I have thought of it thus far, that if Cambodia or the United
15 Nations or international community think of awarding any
16 reparation to Cambodia - to the victims, I also understand that
17 there are so many victims, virtually every Cambodian family was
18 the victim of the regime, I could not imagine any financial
19 reparation for the victims. And I believe that even if the
20 financial reparation is awarded, it will not be able to offset
21 the suffering we have sustained. I only hope that I have an
22 opportunity to speak to the Chamber as well as to the Cambodian
23 people in general about my suffering.

24 [09.33.17]

25 And I only hope that we will be able to find justice through this

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1 Chamber. And everyone has been waiting for justice for a long
2 time and they hope that this victim (sic) will be handed down to
3 the victims so that the soul of the victims, those who passed
4 away, those who died during the period as well as the family
5 members of those who died, would feel at peace with the justice.
6 And I hope that this will be the way to heal the suffering of the
7 victims.

8 Q. I do not have any further question for you. But I would like
9 to ask whether or not you have any additional information you
10 wish to entertain - or to enlighten the Court? You may do so.

11 A. I have always been concerned of the time that the Court will
12 spend on adjudicating the case and I would like to actually take
13 this opportunity to ask the question to the Co-Accused. I have
14 only a few questions to put to them directly. And with the leave
15 from the Chamber, I would like to now pose the question to the
16 Co-Accused.

17 [09.34.53]

18 MR. PRESIDENT:

19 You may proceed. You are entitled to put the question to the
20 Co-Accused. However, the question must be put through the
21 President of the Chamber, and I, in the capacity as the President
22 of the Chamber, would refer the question to the Co-Accused to
23 respond to that question.

24 You may proceed.

25 MR. NOU HOAN:

14

1 Thank you, Mr. President and Your Honours.

2 My first question to the Co-Accused, I have followed the
3 proceedings at the Khmer Rouge Tribunal and I have noticed that
4 the Khmer Rouge Tribunal has always refused to respond to
5 questions. And if they answered or responded to the question,
6 they normally say that they knew nothing of what had happened
7 during the period. So I have been wondering to myself that why
8 these leaders responded that they knew nothing, they only say
9 that they tried to defend the national interest. But did they
10 know that the population of Cambodia at that time would decrease
11 year by year?

12 [09.36.25]

13 So, I would like to ask a direct question to them. Did they know
14 that the population of Cambodia decreased? And where were they,
15 where were the leaders of the Democratic Kampuchea?

16 When one leaders of the Democratic Kampuchea were taken away and
17 executed, there was no replacement after the people who were
18 executed, so I was wondering where the leaders of the Democratic
19 Kampuchea were at the time. And they only say that they wanted to
20 develop Cambodia, they wanted to rebuild the country. Why - where
21 were they when all of this atrocity were committed?

22 My second question. They have always said that they want to
23 salvage the country; they want to help restore the country. And,
24 of course, victims so far have already told the Court about their
25 suffering and harms they sustained during the period. For

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1 example, their property were confiscated and destroyed and
2 belongings, such as papers and certificates were taken away. And
3 they also appealed to Cambodian people overseas to return to the
4 country and then they were eventually killed.

5 [09.37.50]

6 So I have always wondered how - what was the rationale behind the
7 argument that they wanted to rebuild the country, but instead
8 they executed the intellectuals? How could they develop a country
9 if they executed the intellectuals, if they killed their own
10 people? I don't understand the reason behind their decisions. So
11 I would like to put this question to the leaders of the
12 Democratic Kampuchea and I hope that they will avail of this
13 opportunity to respond to my question.

14 And finally, I have one final observation - these are my final
15 observations for the Chamber. I thank you very much, Mr.
16 President.

17 MR. PRESIDENT:

18 Mr. Nou Hoan, you should try to make your question brief and
19 succinct, because you have described your situation and your
20 question seemed to be mixed-up. So, your question should be
21 straightforward and succinct so that the Accused can respond to
22 your question appropriately. The two questions you have just
23 asked appears to be rather confused and probably the Accused
24 might not be able to respond to it appropriately.

25 [09.39.28]

16

1 MR. NOU HOAN:

2 During the course of the hearing thus far, the Co-Accused have
3 always said that they knew nothing of what had happened during
4 the Democratic Kampuchea period, they were not responsible for
5 those activities. However, the leaders – some leaders of the
6 Democratic Kampuchea disappeared mysteriously and there were no
7 replacement for them. And if they were executed, did the Khmer
8 Rouge leader know who committed those crimes, who actually took
9 them for execution when they were holding power at that time?

10 [09.40.16]

11 My second question. The Co-Accused also asserted they had
12 sacrificed their personal happiness to safeguard the interest of
13 the country, to protect the nation. But they had killed many
14 Cambodian people, including the intellectuals as well. So how
15 could they claimed that they defend the national interest, they
16 protect the country, so on and so forth, if they killed their own
17 people, including the intellectuals?

18 MR. PRESIDENT:

19 Thank you, Mr. Hoan.

20 I now refer the question to the accused Khieu Samphan first,
21 followed by Mr. Nuon Chea.

22 Mr. Khieu Samphan, can you respond to the two question posed by
23 Mr. Nou Hoan? If you can, you may proceed.

24 MR. KHIEU SAMPHAN:

25 Mr. President, Your Honours, and everyone in the courtroom, and

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1 Mr. Nou Hoan. You lost your beloved daughter, you lost your
2 brother-in-law and you lost other family members. This is another
3 episode of a tragedy happen to a family, and this is another
4 tragedy in addition to the tragedy encountered by other civil
5 parties who have come to testify before this Chamber thus far.

6 [09.42.58]

7 I would like to apologize to you that during the Democratic
8 Kampuchea period I was not aware of the suffering, the great
9 suffering of Cambodian people as you have been describing. Once
10 again, my sincere apology to you and to Cambodian people who
11 suffered.

12 And now I would like to respond to your question. For your first
13 question, you say that the Democratic Kampuchea leader denies
14 knowing what was going on during the Democratic Kampuchea period.
15 I wish to inform you honestly that I did not know. And the reason
16 why I did not know what was going on then, because I was not the
17 effective leader of the regime, I was an intellectual. An
18 intellectual, highly educated intellectual at that time was
19 considered to be somebody of not a firm stance. They only wanted
20 us to know about good things, about progress in the country. And
21 about the atrocities or bad things that had happened in the
22 country, I was not informed of. This is my honest response to
23 your first question.

24 [09.45.07]

25 Secondly, in response to your second question, I joined the

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1 Democratic Kampuchea virtually by accident. And when I joined
2 them, the reason behind my decision to join them was nothing but
3 to help the country. I wanted to mobilize the national forces in
4 order to fight in the war at the time.

5 As you may be well aware, Cambodia at that time was plunged into
6 war and you must have been aware of the situation of our country
7 at the time. So, when I joined the Democratic Kampuchea, I did
8 not actually join them to kill Cambodian people or innocent
9 people. I could not imagine doing that. And the murderer who
10 killed your daughter, your brother-in-law or other relatives, I
11 strongly condemn them and I want them to be brought to justice.
12 We have to find them and bring them to justice. I would like to
13 respond to your question as I have just responded.

14 I thank you, Mr. President.

15 MR. PRESIDENT:

16 Thank you, Mr. Khieu Samphan.

17 How about Mr. Nuon Chea? Would you wish to respond to these two
18 questions? Mr. Nuon Chea, you may proceed.

19 [09.47.26]

20 MR. NUON CHEA:

21 My respect to the President and Your Honours, and my respect to
22 the civil party - I do not recall your name - and my respect to
23 the national compatriots who are either participating in the
24 proceedings or observing the proceedings, both inside the country
25 and outside the country.

1 [09.47.54]

2 First of all, I would like to reiterate once again the role and
3 responsibility I was assigned during the Democratic Kampuchea
4 period, I would like to clarify it as follows. During the period
5 of the Democratic Kampuchea, I was assigned to be the Deputy
6 Secretary of the Communist Party of Kampuchea. And my duty was to
7 - I was in charge of propaganda and education in the Party and I
8 was also in charge of the Chairman of the Committee for the
9 People's Assembly during the Democratic Kampuchea period. As for
10 in the Executive Branch, I had no power whatsoever. So what had
11 happened during the Khmer Rouge period, certain things I was
12 aware but other things I was not aware of.

13 I am not trying to evade justice. I am not trying to evade my
14 responsibility, but I am telling you the truth. And I, of course,
15 was the - one of the leaders of this government, I am not
16 rejecting my responsibility. I share the responsibility as the
17 leaders of this regime. But my role, as I told you, that I had no
18 role in the Executive Branch of the government. In the Party, I
19 was in charge of education and propaganda for the internal Party
20 members. And in the People's Assembly, I was in charge of the
21 Chairman of the Committee of the People's Assembly. But then the
22 Vietnamese troops came to invade Cambodia before I chaired this
23 National Assembly.
24 And, once again, I would like to express my deepest condolences
25 to your relatives, your daughter. And I also express my

20

1 condolences to my family members who also lost their life during
2 that period.

3 [09.50.48]

4 MR. PRESIDENT:

5 Thank you, Mr. Nuon Chea.

6 Mr. Nou Hoan, if you have any final statement you want to make,
7 you may do so.

8 MR. NOU HOAN:

9 My apology, Mr. President, and I would like to take this final
10 moment to address the Chamber that I am grateful to the United
11 Nations and the government of Cambodia for endeavouring to
12 establish the tribunal. I know that the tribunal have encountered
13 challenges and difficulties, but I am very pleased to see the
14 existence and operation of this Court. And I am also grateful to
15 the international community, friends of the Court who have been
16 supporting this tribunal. I hope that this tribunal will achieve
17 its mandate and I will – and the Court will be able to bring
18 justice to the victims. And I am one of the victims who are
19 waiting for the justice and I hope that what I have contributed
20 will be of assistance to the Court.

21 [09.52.01]

22 And finally, I have a short poem, a short – a few words to remind
23 Cambodian people, those who have survived the notorious regime.
24 Do you still remember the suffering that we all had to go through
25 during that period? And with permission from Mr. President, I

1 will proceed with these words.

2 MR. PRESIDENT:

3 You may proceed.

4 MR. NOU HOAN:

5 Personally, I think that the organization – the so-called
6 organization at that time, was a brutal organization. They wanted
7 Cambodian people to live in freedom, in a sovereign state with
8 territorial integrity. You wanted people to have clothes to wear,
9 shoes to wear, but – and a cap to wear as well. But the fact was
10 that this policy does not apply to everyone. In other words,
11 there is no "one size fits all" in their policy. They designed
12 the cap, one size of the cap and then they forced people to
13 actually wear that. And that does not fit with the people. Now we
14 cannot actually cut our feet to fit the shoe, but it should be
15 the other way around.

16 [09.53.57]

17 At that time, they employed the dictatorship, authoritarianism;
18 they forced people to follow their policy. When people were not
19 happy, they did not enjoy the freedom to express their
20 dissatisfaction (sic) of what they have had in life. So it was
21 impossible to make the people to be in line with what they want
22 them to be.

23 And, in addition, at that time the Khmer Rouge, the so-called
24 Organization, raise the slogan which was impossible to accomplish
25 – for example, the great leap forward. Also they want to actually

1 - they want this country to develop in a great leap forward, they
2 cannot step - they cannot take too many steps at a time. And I
3 did not really know how they could achieve this
4 great-leap-forward vision if they actually did not have anything,
5 instead they killed the people. And I - if I, for example,
6 believe in their visions that it was good, but I believe that it
7 is something that will actually - will be counterproductive, it
8 would not lead to the development of the country. According to
9 what they did, it was impossible for the development of the
10 country.

11 [09.55.42]

12 So what was the reasons for their course of action? What they did
13 was impossible for the development. Now, they killed the
14 intellectuals, intellectuals were the future of the nation. They
15 would be the pillar of the nation and if you kill the
16 intellectuals, what makes this country develop? It is impossible.
17 In the 1960s, for Mr. Khieu Samphan, I read news and I heard from
18 words of mouth that he was a clean person, he was not a corrupt
19 official, he was intellectual. I thought that he was the one who
20 defended the country. But I did not understand why he was among a
21 rotten apple in the basket. In Cambodia there is a saying that
22 goes, "If a rotten apple is among other apples in the basket,
23 then the whole basket of apples is considered rotten." And I feel
24 very sorry for you for having participated with them.

25 [09.57.09]

23

1 Finally, I hope that the Court will adjudicate on the case based
2 on the evidence as well as the testimony of surviving witnesses
3 and civil party, so that they would right justice for the victims
4 and the justice for the leaders of the Democratic Kampuchea as
5 well. I hope that the Court will be able to bring justice for all
6 and achieve their mandate.

7 I conclude my statement now, Mr. President. Thank you.

8 MR. PRESIDENT:

9 Thank you, Mr. Nou Hoan.

10 Now I hand over the floor to the prosecutor to put the question
11 to the civil party. You may proceed.

12 QUESTIONING BY MR. SENG BUNKHEANG:

13 Thank you, Mr. President. And good morning, Mr. President, Your
14 Honours, and esteemed colleagues in the courtroom, and good
15 morning, Mr. Nou Hoan.

16 [09.58.20]

17 Mr. Nou Hoan, I am representing the Prosecution. I have only a
18 few questions which I would like to enlighten the Court based on
19 the experience you have come across.

20 Q. Now my first question for you concerns the journey you made
21 which you also told the Court earlier that you left Phnom Penh
22 for Prey Veng province at the time which was your hometown. When
23 you were leaving Phnom Penh for Prey Veng province, were you
24 instructed to head towards that direction or you just went there
25 at your own will?

1 MR. NOU HOAN:

2 A. On this particular point, I was – my family and I were heading
3 toward the eastern side of the city. And at that time I asked the
4 soldiers where I was supposed to head for, then the soldier
5 responded to me that I had to keep on walking. I – actually it
6 took me approximately a month or so to reach that destination.
7 And we were actually waiting at that time upon hearing that Mr.
8 Khieu Samphan would be coming to restore the country and he would
9 reorganize the country. So we were heading toward that direction
10 based on what they asked us to do.

11 [10.00.12]

12 And we actually ran out of rice and food stock as well along the
13 ways. And I also lost one daughter as well. And there were two
14 Khmer Rouge soldiers who were in charge of guarding the trucks
15 who were not allowed to cross the river to the other side by
16 ferry. So I – these two Khmer Rouge soldiers upon seeing the
17 suffering of my family, they prepare food for our family at the
18 time-

19 Q. Allow me to interrupt your response; it's already good enough
20 for my question. Allow me to move on to another question. If you
21 stated before this Court, were you escorted by the Khmer Rouge? I
22 mean you, your family and those who walked.

23 A. In fact, no. In fact, we just moved along. The Khmer Rouge had
24 their respective duties which were beyond our understanding.

25 Q. You stated that you saw Khmer Rouge soldiers along the road

1 that you travelled; is that true?

2 A. Yes, it is.

3 [10.01.58]

4 Q. Also in regards to your travelling, what did you observe the
5 situation of the travellers; did you see people die along the
6 road?

7 A. Some people died and some were about to decompose, so I did
8 not know when they died actually. The situation was confusing
9 along the national road as it was fully crowded. Some people went
10 up and down looking for their family members and some were
11 looking for food for their family.

12 And by the time we arrived in Neak Loeang, the one with some
13 belongings were not allowed to cross the ferry, they had to leave
14 their vehicles behind and they could only walk onto the ferry
15 with their carry-on belongings. And as I said, we did not have
16 any food, so the two Khmer Rouge soldiers helped us and gave us
17 some rice before we crossed the river by ferry to our native
18 village.

19 Q. While en route, was there anyone attempting to return to Phnom
20 Penh? And if so, was that person allowed to return to Phnom Penh?

21 [10.03.48]

22 A. Since we reached Chbar Ampov Pagoda and Champa Pagoda, there
23 was writing on the blackboard that for those who were public
24 servants or police officers or military officers shall register
25 their names so that Angkar will reorganize our country and you

1 shall be returned to Phnom Penh. So some of us went to register
2 their names and they were happy to know that. But for me
3 personally, I thought that that could not be true and awaiting us
4 ahead was only death.

5 Q. Why did you think that by registering the name and that the
6 person would be returned to Phnom Penh and for yourself, why you
7 thought that only death was awaiting for those people?

8 A. At that time, the law in Cambodia was rather strict regarding
9 certain types of documents, namely the communist document. And I,
10 myself, had the opportunity to read some communist doctrines. And
11 based on my experience and on the documents that I read, the
12 situation was not good at all. I noticed some Khmer Rouge
13 soldiers wore uniforms and some did not. And, of course, we
14 observed that for travellers who were spotted as Lon Nol soldiers
15 were taken to one side. So to me that was an indication of danger
16 ahead. And I told my children so stop calling us by "papa" or
17 "mama", but rather than by the Khmer words "father" and "mother".
18 So from that day on, they changed themselves and they did not
19 call us by papa or mama and that we had to adapt our self to the
20 situation.

21 [10.06.32]

22 Q. You said that people were moved aside because they were
23 suspected of being Lon Nol soldiers and did you know what
24 happened to them?

25 A. At that time, there were lots and lots of people and those

1 people who were close to us they went to look for food or water.
2 And when they came back they thought that they saw those people
3 were being taken away and killed. So I learned of the news
4 through the people who were staying nearby us.

5 Q. You also stated before the Chamber that you tried to walk
6 along the road and you heard that Khieu Samphan would return to
7 organize the city. Where did you hear the news?

8 A. At that time, my family was near the Champa Pagoda with some
9 other family who were travelling toward Prey Veng province. Those
10 people knew Khieu Samphan well and they passed on the news that
11 Khieu Samphan would return to Phnom Penh and that he would invite
12 the former civil servants to return. And the daughter of that
13 family was about to give birth, but the husband was not with her
14 as the husband was stationed at Kampong Chhnang.

15 [10.08.19]

16 Q. I might have my last question for you. When you reached your
17 native village in Prey Veng province and upon your arrival, were
18 you organized to be placed in a particular group or in a
19 particular cooperative?

20 A. When we reached our native village, the Khmer Rouge came to
21 search our belongings; they all unpacked our bags so that they
22 could see what we had with us. Any medical equipment - for
23 example, medical equipment or syringes, then would be
24 confiscated. But they did not take away the medicines. And I only
25 stayed for one week in the native village because upon the

1 liberation the people who ran away from the village returned, and
2 then our names were registered and sent to another village which
3 was about three kilometres away. And a week after, and it was
4 around May, people called some names for the study sessions at
5 Preah Sdach office.

6 [10.10.09]

7 Myself and my uncle, who was an engineer, and his younger
8 brother, who was a soldier, and another person, who was also a
9 soldier – they went there but they only stayed there for one
10 night and they were taken away. Only I and my uncle, the
11 engineer, remained, and when we actually went for the study
12 session, I brought along some medicine and I was told by the
13 villagers that there was no need for me to bring along because
14 Angkor would have everything including the medicines.
15 When we were there, I saw about 300 people altogether, including
16 those soldiers from Neak Loeang and Phnom Stueng Trang
17 (phonetic), and it was fully packed, and there were a lot of bed
18 lice on the mat. The situation was miserable. We had to sleep on
19 the ground and when it rained, we had to sit up and there was no
20 food for us except the red corn. And as for the salt, that's for
21 the food, it was just a watery soup and a little bit of salt; so
22 the nutrient was insufficient for everyone and they were
23 emaciated and we were about to die.

24 MR. SENG BUNKHEANG:

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

29

1 this civil party.

2 And, Mr. Nou Hoan, I thank you very much for your time to
3 participate in the proceedings of this Court and that it may
4 contribute to ascertaining the truth and the justice for the
5 victims and the Accused, as you stated this morning.

6 I'm grateful, Mr. President.

7 [10.12.28]

8 MR. PRESIDENT:

9 Thank you.

10 The floor is now given to Nuon Chea's defence to put questions to
11 this civil party.

12 QUESTIONING BY MR. SON ARUN:

13 Good morning, Mr. President, Your Honours, and good morning,
14 everyone, and good morning, Nou Hoan. My name is Son Arun,
15 defence counsel for Nuon Chea. I only have a few questions for
16 you this morning.

17 Q. When you were a student, what was your level of education?

18 MR. NOU HOAN:

19 A. In 1953, I graduated from the primary school and then I went
20 to study at the college in Svay Rieng and upon my completion then
21 I passed the exam to become a worker, an employee in the Health
22 Department.

23 [10.13.47]

24 Q. When you worked for the Ministry of Health, what year was it
25 and what was your title?

1 A. It was from late 1958 to 1975 and I worked in various
2 locations. First I was for the anti-tuberculosis department in
3 Svay Rieng, Prey Veng, Takeo and Kandal Province. Later on, I was
4 transferred to the anti-malaria department working in Kampong
5 Cham Province which was not yet part of the Preah Vihear Province
6 and when I undid my mission there, then I was at Tboung Khmum
7 district in Kampong Cham Province. Then I moved to another
8 department to - for the wound treatment, near the Laos border-
9 Q. Mr. Civil Party, I only wanted your title while you worked for
10 the Ministry of Health, but you already responded to that.

11 Allow me to move on to my next question. Before the evacuation
12 from Phnom Penh, you replied to the prosecutor that you stayed at
13 Preah Sdach district in Prey Veng Province; is that correct?

14 [10.15.54]

15 A. Yes, it is.

16 Q. Before your evacuation from Phnom Penh on the 17 April 1979,
17 and when the Khmer Rouge entered Phnom Penh, what was your
18 observation of the situation? Please make it brief.

19 A. As I stated before this Court, the situation was confusing, it
20 was crowded. People went everywhere from the north to the south
21 direction. We were not instructed to head to any particular
22 direction by the Khmer Rouge or what we should bring along. The
23 situation was really very confusing.

24 Q. Thank you. When the Khmer Rouge forces entered Phnom Penh,
25 what uniform did they wear and what kind of weapons did they

1 carry?

2 A. I only saw the black uniforms - that is a black uniform with
3 car tire thongs, with AK-47 rifles and a barrette.

4 Q. After you arrived in Preah Sdach district, Prey Veng Province,
5 were you evacuated for the second time by the Khmer Rouge? If so,
6 where did you evacuate to?

7 A. No, I was not evacuated elsewhere. I remained in the same
8 cooperative.

9 [10.18.30]

10 Q. This morning you stated before this Court that in your family,
11 you had a daughter, a young daughter who was about nine or 10
12 years old who died. Can you tell us when she died and where?

13 A. As I already stated, she died in Kampong Speu Province, but I
14 cannot recall when she died as I was only informed by a woman
15 while we had the Buddhist ceremony near the Orussey Market.

16 Q. You were separated from your daughter before she died. Is this
17 correct?

18 A. Yes, it is.

19 Q. So you did not know the reason for her death; is that correct?
20 Or did you know it?

21 A. I already stated this morning; I did not know how she was
22 killed. I only knew that the entire family was gathered during
23 the night and I did not know how they were killed or where they
24 were killed.

25 [10.20.13]

1 Q. Can you tell the Court again, based on the information that
2 you learned of the death of your daughter, from whom did you hear
3 and did the person tell you how she died or where she died; or
4 did you ask those questions?

5 A. I already stated before this Court, I was told by a woman who
6 was in the same cooperative as my younger in-law and I met her
7 during the Buddhist ceremony. She said she was from the same
8 cooperative in Kampong Speu Province, but I did not know from
9 which district or commune. And she said she knew my younger
10 brother in-law well; that is Pech Chongkal, as they lived in the
11 same cooperative and who was the former deputy director of a
12 fertilizer in Tuk Meas district. And it was my daughter and my
13 wife who spoke directly with the woman and I was relayed that
14 information because in the deaths of the entire family of my
15 younger brother in-law.

16 [10.21.46]

17 Q. You stated that your - the entire members of your younger
18 brother in-law died. Do you know the reason why they died and
19 where did they die?

20 A. As I already stated, when my younger in-law asked for the
21 permission to return from his worksite to visit the sick daughter
22 and the daughter was given the "rabbit drop" pellet and he said,
23 "With such a 'rabbit drop' pellet, how could my daughter be
24 treated and recovered?" And he did not think that it was a
25 serious statement that he made, but it was heard by the militia;

1 so at night they came to gather everyone from the family and
2 taken away and killed. But I did not know the place that they
3 were killed or when they were killed. And my daughter also died
4 within - together with the members of that family.

5 Q. You knew of or you received information regarding the death of
6 your daughter and the death of the family members of that younger
7 in-law; you only knew about them after 1979 - that is, after the
8 arrival of the Vietnamese troops - or was it before?

9 [10.23.27]

10 A. It was after 1979.

11 MR. SON ARUN:

12 Thank you, and Mr. President.

13 I have no further questions for you. And thank you for your
14 responses to my questions.

15 MR. PRESIDENT:

16 Thank you.

17 The floor is now given to Khieu Samphan's team.

18 QUESTIONING BY MR. KONG SAM ONN:

19 Thank you, Mr. President. Good morning, Your Honours, and good
20 morning, Mr. Nou Hoan. My name is Kong Sam Onn, defence counsel
21 for Khieu Samphan, and I have some questions for you.

22 Q. You stated before this Court that you knew Khieu Samphan
23 during the 1960s, that you heard about his reputation at the
24 time.

25 My question is the following: What did you know of the role of

1 Khieu Samphan during the 1960s?

2 [10.24.47]

3 MR. NOU HOAN:

4 A. First of all, I knew he had a newspaper – had a newspaper
5 called L'Observateur and that under the Sangkum Reastr Niyum
6 regime, he was a people's representative in the National
7 Assembly, and at some stage he became the Secretary of the
8 Commerce Ministry. I heard of his reputation by words of mouth
9 that he was a clean person and he was anti-corruption. And I also
10 heard a rumour, although it's true or not, I only heard of what
11 people said, that one day when he was the secretary of state of
12 the Ministry of Commerce, capitalists bought a new – a brand new
13 Mercedes and left it under his house with the car's key and upon
14 his return from work he asked who's car it belongs to. Then his –
15 the one worked at his house, said this person gave it to him, but
16 then he asked his driver to return the car. Although it is true
17 or not, is beyond my understanding.

18 [10.26.13]

19 Q. Thank you. Can you tell us about the works of Khieu Samphan
20 during the 1960s – that is, in his capacity as a public servant
21 and that you just stated, as the State Secretary of the Ministry
22 of Commerce? What kinds of political issues that he faced at the
23 time?

24 A. I did not know the details regarding this matter as I did not
25 follow this matter closely. I only heard what I just told you.

1 Q. Did you know that Khieu Samphan remained in Cambodia during
2 the 1960s, throughout the 1960s? Allow me to rephrase my question
3 if you do not understand it. What I want to know is, did Khieu
4 Samphan disappear from the public or from other forums, for
5 example, various meetings during the 1960s, and if so, when?

6 A. Counsel, I did not have sufficient information regarding this
7 matter. I only learned it from the newspapers and I could not
8 recall the exact period of the time.

9 Q. Did you know that Khieu Samphan disappeared from Cambodia
10 during that period?

11 A. Through the information on the newspapers, we learned that
12 Khieu Samphan left Phnom Penh for maquis forest and there was
13 nothing else.

14 Q. You referred to maquis forest; what was a maquis forest?

15 A. It is my understanding it is the area under the control of the
16 Khmer Rouge.

17 [10.29.26]

18 Q. Did you know when Khieu Samphan returned?

19 A. I did not know it clearly because after the country fell,
20 everything was confusing so I did not know the details of his
21 return.

22 Q. You gave us some examples concerning one rotten apple would
23 rot other apples in the basket. Can you give us the explanation
24 of this phrase; whom are you referring to when you refer to the
25 apples in the basket?

1 A. Khieu Samphan, himself, acknowledged that he was an
2 intellectual and he was regarded as a soft stands person and this
3 is just the limit of my understanding. But there is a Khmer
4 proverb that one rotten apple would rot all the apples in the
5 basket. This could mean that he was a clean person, a non-corrupt
6 person and how come he could go and live with black hearted
7 groups of the Khmer Rouge. So for that reason, we could infer
8 that he would be also - he would also become a rotten apple.
9 Although even now, Khieu Samphan still claims that he is a clean
10 person, a non-rotten apple, but based on the saying, he's also
11 part of rotten apples in the basket.

12 [10.32.02]

13 Q. Did you know the reason why Khieu Samphan had to force himself
14 to flee into the forest and, as you said, the maquis forest? When
15 you asked the question to Khieu Samphan, Khieu Samphan said it
16 was - kind of happened; kind of incident that he joined the Khmer
17 Rouge movement and for you, yourself, did you know the reasons
18 why - media or press or newspapers or through your friends -
19 regarding the disappearance of Khieu Samphan during the 1960s?

20 A. Well, I did not know much about that, but I heard from the
21 news that he disappeared mysteriously from Phnom Penh. But I did
22 not know the reason for his disappearance.

23 MR. KONG SAM ONN:

24 Thank you, Mr. Nou Hoan.

25 Mr. President, I have no further questions. And my colleagues

1 have a few more questions to ask. Thank you.

2 [10.33.26]

3 QUESTIONING BY MR. VERCKEN:

4 Q. Yes, Civil Party, I have a quick question regarding what you
5 said about information that you had received from people who knew
6 Khieu Samphan and who allegedly said - I don't know if it's
7 possible to locate this moment in time, but they apparently said
8 that Khieu Samphan would return to reorganize the country. You
9 said that after 17 April, you had received words of Khieu Samphan
10 possibly returning.

11 So could you provide us some detail about this and tell us who
12 gave that information to you?

13 MR. NOU HOAN:

14 A. At the time, some of my family members who worked in the
15 Provincial Hall of Prey Veng and were - actually got the
16 information about that. I actually did not understand the
17 situation back then very well, but according to what he said, he
18 asked us to wait for that situation to happen.

19 [10.34.41]

20 And of course, when the Khmer Rouge forced people to leave their
21 homes, they also said that we would leave for a few days - say,
22 for three days or so. That corroborates with what he told me, as
23 well. That's why I believed that that could have been true.

24 That's why we were waiting for that situation to happen.

25 Q. So you were waiting for Khieu Samphan's return to come into

1 Phnom Penh; is that what I should understand?

2 A. I did not know whether or not Cambodian people in the whole
3 country would wait for the arrival of Mr. Khieu Samphan, but
4 people around the camps where I actually were in, they were
5 actually waiting for that situation to happen. But I did not
6 know; I cannot say for other people across the country.

7 [10.35.56]

8 Q. Thank you. You also described a scene during which you wanted
9 to take medicine with you and that was not possible; that was
10 refused to you and since you had worked at the Ministry of
11 Health, I don't exactly know what - in what capacity, but I still
12 would like to understand how you perceived this prohibition to
13 take medicine with you and then the administering of medicine
14 that was medicine. So how did you perceive this situation; you
15 were forbidden from taking medicine that could have been
16 efficient and then you were told to give medicine that was not
17 efficient?

18 A. At that time, I paid greater attention to my job and along the
19 way, people were actually trying to exchange for medicines
20 because they wanted medicines to - for their sick children. We
21 could actually hide with us some medicines, but not every medical
22 facilities, because of - for example, syringe and others could
23 not be hidden; they were confiscated. And they thought that
24 certain modern medicines were considered to be medicine from
25 imperialist countries, so they were subject to confiscation.

1 [10.37.40]

2 So they only administered the so-called "rabbit drop" pill for
3 the sick people. And as for the - you know, the I.V. for people,
4 actually they did not have any precise medicine when they
5 injected into the patient. Normally I see this orange colour
6 fluid in the Mirinda bottle, and they injected it to the people.
7 I did not know whether or not they had any particular medical and
8 scientifically proof medicine or not and, of course, a patient
9 had to risk their life getting injected by this sort of medicine.
10 And for this situation, we were wondering what our country would
11 be ending up in, you know, because we were wondering to
12 ourselves, as a medical personnel ourselves.

13 Q. So, two questions to follow-up what you just said.

14 First, you said that: "I was merely focused on my work." Can you
15 remind us what your work consisted of before Democratic
16 Kampuchea?

17 [10.38.56]

18 A. After I was released on the 27 of October 1975, following my
19 release from the Detention Centre in Preah Sdach and I returned
20 to Prey Veng Province and my main job was farmer. I ploughed the
21 field and cultivated crops. I worked along with the Base People,
22 ploughing the rice field, transplanting rice and cultivating
23 rice. And in 1978, they actually mobilized a youth to the mobile
24 group so they assigned me to carry water to the dining hall and
25 in that dining hall actually, there were approximately 500 people

1 who ate over their communally and I had to carry water to the
2 dining hall. At that time, we had - at that time they mobilized
3 people in the mobile unit in order to do different tasks that
4 they were assigned to. So I was all alone carrying water to the
5 dining hall and after carrying water, I had to do the clean-up,
6 as well, at the dining hall.

7 Q. Thank you.

8 Now we're returning to this issue of medicine. Is it fair to say
9 that this choice that you had to make between the various forms
10 of medicine was an ideological choice?

11 [10.41.10]

12 A. I am of the view that - well, actually, I am not sure whether
13 or not it was an ideological thing. At that time, the Angkar, the
14 Organization said we had to be self-reliant; we must not rely on
15 the Imperialist materials; so this was actually the order, the
16 sentiment of the Angkar. And as for - the sick people who are
17 being hospitalized like this were not of any help at all to the
18 sick.

19 Q. And my last question now. And did you ever notice that people
20 who were higher up in a hierarchy were treated in the same way as
21 the people who were around you, at your level? Was there a
22 difference in the way that people were treated; was this
23 selection between what is known as Imperialistic medicine and
24 medicine to be used was applied to everyone or were there
25 differences in the way this medicine was administered to these

1 people?

2 A. What I witnessed concerning the administration of medicine,
3 normally we had medicine from France and those who had access to
4 modern medicine from France, they had to be extra cautious when
5 using or administering this medicine. In other words, they had to
6 hide it from others – from the Khmer Rouge and, but as for the
7 traditional medicine made of the herbs and things like that, were
8 the – were quite common for other patients in other places, but
9 as for modern medicine, it was quite limited to only certain
10 individuals who could manage to hide them from being seen by
11 Angkar.

12 [10.43.55]

13 MR. VERCKEN:

14 Thank you.

15 MR. PRESIDENT:

16 Thank you.

17 Thank you, Mr. Nou Hoan. Your statement of suffering has now come
18 to a conclusion, and you are now excused from the Court. And I
19 believe that your testimony and statement will contribute to
20 ascertaining the truth, and I thank you very much for your
21 cooperation and I wish you all the best of luck. You may now
22 return back home.

23 And court officer is instructed to coordinate with WESU unit to
24 arrange the transport of the civil party back home.

25 And the Chamber will adjourn for 15 minutes, and we will resume

1 at 11.00.

2 The Court is now adjourned.

3 (Court recesses from 1045H to 1102H)

4 MR. PRESIDENT:

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

6 Court officer could you invite the civil party TCCP-149 to the
7 courtroom.

8 (Civil Party Sophan Sovany enters the courtroom)

9 [11.04.02]

10 QUESTIONING BY THE PRESIDENT:

11 Good morning, Madam Civil Party.

12 Q. What is your name?

13 MS. SOPHAN SOVANY:

14 A. My name is Sophan Sovany.

15 Q. Thank you. How old are you?

16 A. I am 57 years old.

17 Q. Can you tell the Court your place of birth and your current
18 residence?

19 A. I was born in Quarter One in Phnom Penh. Currently I live in
20 Banteay Dei Kraom village, Banteay Dei commune, Kandieng
21 district, Pursat province.

22 Q. What is your current occupation?

23 A. I am a rice farmer.

24 [11.05.18]

25 Q. Can you tell the Court the names of your mother and father,

1 and your husband's name, and the number of children you have?

2 A. My father's name is Sophan Sophai, he passed away. And my
3 mother, Lim Kimsai (phonetic), passed away. And my husband, Nhet
4 – Sovan Nhet Vandeth (phonetic), and we have three children.

5 MR. PRESIDENT:

6 Thank you.

7 Lead Co-Lawyers, what is your request for the hearing on the
8 statements of suffering of this civil party? You made your
9 submission already, but it seems that you decided to change it.
10 Could you please clarify the matter before we proceed with
11 hearing the statement of suffering of this civil party and other
12 civil parties for today's proceedings?

13 [11.06.39]

14 MR. PICH ANG:

15 Mr. President, as we informed you, for this civil party we
16 request to give the opportunity to this civil party to make her
17 statement and if need then we, the civil party lawyers will put a
18 question to her. Likewise, for the next civil party, we request
19 the same procedure is applied.

20 And for the last civil party for today – that is, TCCP-117 – the
21 assigned lawyer will ask the questions first before the statement
22 of suffering is made.

23 MR. PRESIDENT:

24 Thank you.

25 Madam Sophan Sovany, in your capacity as a civil party before

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1 this Chamber, you are given an opportunity to express your
2 statement of suffering and harm inflicted upon you
3 psychologically, physically and materially and which are the
4 direct result of the crimes that occurred and that led you to
5 become a civil party in this case, the crimes which have been
6 charged against the two Accused, namely Nuon Chea and Khieu
7 Samphan, and which occurred during the Democratic Kampuchea
8 regime from the 17 April 1975 to the 6th of January 1979. This is
9 your right as a civil party and this is the opportunity that we
10 give to you. You may proceed.

11 [11.09.00]

12 MS. SOPHAN SOVANY:

13 Good morning, Mr. President. Good morning, Your Honours. Good
14 morning, everyone in the courtroom.

15 On the 17 April 1975, my family and I were living in Srae Sdok
16 village which was in Quarter 1, part of Phnom Penh that is - it
17 was near Kilometre Number 6. On that day I heard the announcement
18 broadcast on the mobile loud speaker that we all had to leave our
19 house because it was imminent that the Americans would drop
20 bombs. Upon hearing that, we did not believe it. So we were on
21 the side road, and we went to the main road, and we heard the
22 same message. So I came back to the house informing my parents
23 and siblings that we had to leave Phnom Penh urgently otherwise
24 Phnom Penh would be bombed by the Americans. And my parents said
25 no don't believe that, now the country enjoyed peace. But

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1 immediately two or three militia came to the front of our house
2 and shouted at us that - "What are we waiting for? Why aren't we
3 packing our stuff and leave? Everybody's leaving; why are you
4 still here?" We were scared upon hearing that. We were never
5 shouted at before, let alone to leave our house.

6 [11.11.11]

7 And it was very difficult for us to do anything. Where would we
8 go to? What food would we have when we leave the house? But we
9 had to follow the announcement. We did not even pack our
10 belonging yet but we heard a few shots fired into the air nearby
11 our house. We became even more scared so we rushed ourselves to
12 leave the house and reach the main road. As my house was located
13 on the side road so we had to leave the side road to reach the
14 main road. The situation at the time was shocking and confusing.
15 The road was packed with people and I did not know where they
16 came from or where they were heading too. The road was fully
17 packed with people, with the sick, and with some transportation
18 including the bicycle, some vehicles, and the rickshaw. People
19 were asking for their relatives and family members. There was one
20 person from another family who raised their hands to beg the
21 Khmer Rouge to return to the back in order to find their family
22 members but the person was refused by the Khmer Rouge soldiers.
23 [11.13.04]
24 The Khmer Rouge soldiers were standing there on a road forcing us
25 to keep moving. They had their weapons. And there were flies,

1 flies were everywhere. And there were dead bodies along the road
2 although I did not know when those people died. Also human
3 excrement was everywhere along the road. From Kilometre Number 6
4 to Prey Pnov, it took us two days. We did not have clean water to
5 drink. We would drink whatever water we could get. And upon
6 reaching Prey Pnov, we were about to cook food for ourselves;
7 Khmer Rouge soldiers made an announcement on the mobile speaker
8 that there would be no market and money would not - cannot be
9 used. So we all were shocked to hear that. We could only live by
10 getting food from the market and without having the market how
11 could we obtain food. Because when we left we did not bring much
12 belonging as we were told we would only leave for three days. So
13 we could only carry only small things that we could carry along.
14 We did not prepare ourselves for our long journey.

15 [11.14.51]

16 So by hearing such an announcement we were shocked and we lost
17 our hope. And I could see other peoples' facial expressions, they
18 were desperate. They threw away their money, some of them burnt
19 it. And then we continue walking for 15 days after we cross the
20 Preaek Kdam by ferry to the other side. My father wanted to take
21 us further to the boarder so that we could escape. It seemed that
22 he knew something but he did not tell us what it was, he only
23 wanted us to cross and to reach the boarder. We almost reached
24 Kampong Thom, but I could not recall the name of that village. We
25 were exhausted.

1 Then we went to take a rest in a pagoda. There was no one inside,
2 there were no monks but the Buddha statues were destroyed. Some
3 of the heads were gone, or the limbs; that's what we saw. And it
4 was very quiet. So we rested in one of the monk residences.
5 And on the second day, in the afternoon, there were four or five
6 militia who came to us and asked us where we were heading to. My
7 father said that we wanted to go to Kampong Thom province to meet
8 with the rest of our family members. And they said, there is no
9 need for us to go there. "If you work here, you still work for
10 Angkar. Even in Kampong Thom, you, Comrade, you still work for
11 Angkar. So, tomorrow you go down and work with the people in the
12 village. They are working very actively, and you still want to go
13 somewhere else."

14 [11.17.08]

15 My father did not reply to that statement he kept silent. And
16 next day the village chief came to us and instructed my family to
17 go and pull the rice seedlings. And surely enough the next day,
18 around 4 or 5 a.m., we were asked to go and pull the rice
19 seedlings.

20 Allow me to tell you that we were of a business family. I did not
21 even know what rice stock looked like, not even the seedlings.

22 But then we were asked to pull the rice seedlings. Of course for
23 those who knew how to do it, they kept going forward. And we did
24 not know how to do it. Then those who went ahead sometimes they
25 threw the rice seedlings to the back and the marsh splashed onto

1 our faces. Some of us cried but my father said don't cry. And he
2 used the muddy water to clean our faces and we kept doing that
3 for four or five days – that is to pull the rice seedlings.

4 [11.18.33]

5 We – our eyes became sore but we just kept doing it. And on the
6 fifth day my father decided to speak to the village chief and
7 asking for permission to go and find his parents in Kampong Thom.
8 The village chief replied that he cannot decide it but he will go
9 to seek permission from another level. Then, a few militia came
10 and scolded my father – that we were of the capitalist nature and
11 did not want to do work assigned by Angkar. And they instructed
12 us to keep working and if we worked good then they would ask our
13 parents to come – the parents of my father to come and visit us.
14 He kept quiet then and he just comforted us to keep working.
15 Next day a man who was a Base Person from the same village had
16 pity on our family and then he told my father secretly that we
17 should prepare our belonging and flee because our family would be
18 killed soon. And my father asked what mistakes did he make, and
19 he told my father that because our family was considered a
20 capitalist and that we did not like to engage in this labour and
21 that he would help us to escape during the night as he had a
22 boat. He was a fisherman. So my father thanked him very much and
23 he warned my father to keep quiet.

24 [11.20.51]

25 And that night, at around 9 or 10 p.m., he came to wake us up and

1 to take us to the boat. It was dark; I did not know where I was.
2 So we went on to the boat and we used tree leaves to cover
3 ourselves while we were crawling in the middle of the boat. And
4 when we left the port we encountered another boat. The person
5 asked the owner of the boat where he went, and he said that he
6 went to Loab (phonetic). We were extremely shocked at the time.
7 If they approach us a bit further they would see us and we would
8 be killed and the boat owner would be killed as well. But thank
9 god the boat did not approach us close enough. So we were happy
10 when the other boat gone.

11 So, the boat owner and my father rode the boat further and
12 further and at one point he stopped and then he advised us to
13 just keep going further into the jungle. So we kept going into
14 the jungle in the middle of nowhere. And mosquitoes were
15 everywhere. In the morning there was dew mixed with all these
16 mosquitoes everywhere, and we dare not to squash the mosquitoes
17 so not to make any noise.

18 [11.23.13]

19 Next morning we saw a man on a palm tree and we asked him to tell
20 us the direction as we told him that we lost our way. So, that
21 man shows us the road to go toward a village. And then we went to
22 the village and we met the village chief but the village chief
23 said that he could not take us because we were the 17 April
24 People. And the people living in that village were the Base
25 People and he told us to go to another village by the name of

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1 Roka Kaong. We thanked him and then we were put into an oxcart
2 with the hay stacked on top to conceal us. There were six or
3 seven of us; we were hiding under the hay. When we reach Roka
4 Kaong village my father asked whether the person knew his nephew
5 who was living in Roka Kaong village and the person knew him.

6 [11.24.29]

7 So, then we met my father's nephew and he said that he could not
8 take us in without the approval of the village chief. So we went
9 to seek permission from the village chief and the village chief
10 said we could stay there and work together with the Base People
11 there. So we stayed at the house of the relative of my father in
12 Roka Kaong village.

13 We ate what we had, we had some food and some rice with us. So we
14 managed to survive. But we could only do it for two days and then
15 we were asked to go and cut "kak". I never knew what "kak" was.
16 Only my father knew what it was but he did not tell us how to cut
17 the core. Because the core is razor sharp on its blade and our
18 hands were bleeding. It was razor sharp, so my younger siblings
19 and I all got our hands bleeding. They were pretty young, so they
20 cried when their hands bled, and my parents were scolded for
21 that. We cut the "kak" for four or five days; then we were called
22 to go to join a meeting so that we could be given the rice and
23 the salt ration.

24 [11.26.20]

25 It would take us 15 days to go and get the salt and rice. But in

1 my family no one was strong enough to go and pick it up and only
2 I could do it. I was pitiful on my father, so I decided to go in
3 his place. I rode the bicycle, and when I reached the salt field,
4 the riding was rough; it was not a smooth road. And I had to
5 complete a return trip within 15 days and I knew nothing at all
6 about the direction to go to the salt field. And upon reaching
7 the salt field I gave the person the letter then I was instructed
8 to pick up the salt as quickly as I could and then return it on
9 my bicycle. I picked up the salt and I glanced around, I saw
10 people who were working in the salt field but they were guarded
11 by armed soldiers. Those armed soldiers were patrolling while the
12 people were working in the salt fields. Then I rush myself and
13 rode the bicycle. I brought along 50 kilograms of salt and of
14 course it was very difficult for me to carry this heavy salt. And
15 as you knew my hands bled from cutting the "kak" and my glands
16 were swollen because of the long journey and of the riding of the
17 bicycle. But I decided to do this because I was pitiful of my
18 parents.

19 [11.28.44]

20 And when I arrived home, I became extremely exhausted, I could
21 not move. And when I showed them the salt, they took the salt
22 away from me, and the person who carried the salt stumbled and
23 fell down and was scolded by the Khmer Rouge soldiers that he did
24 not work properly because of his capitalist nature. And the
25 soldier was whipping the ground with a whip to threaten the

1 person, and I was shocked of seeing that, extremely shocked; I
2 was so afraid. And in return I was only given a small pack of
3 salt and it was about 1 kilogram only. But in fact, when I left,
4 they said that I would be given half of what I could carry and
5 bring back. My father said just keep accepting what we were given
6 and be patient. That's the virtue of the words from my father. He
7 asked us to be patient. And three or four days later there was an
8 announcement that the New People from Roka Kaong village would be
9 transferred to work in the rice field in Pursat and Battambang
10 province. And over there it was abundant with rice as rice was
11 stored in the warehouses there and that we would be able to feed
12 ourselves to the full.

13 [11.30.46]

14 I myself did not believe that, so did my parents; but we had no
15 choice because that was the direction of Angkar that we had to
16 go. So, all the New People had to go, they registered our names
17 and then we boarded a motor boat. We left Roka Kaong to the east
18 side of Prey Remeas. We stopped somewhere there and while we were
19 on the boat we were guarded by Khmer Rouge soldiers. Some young
20 children on the boat cried as they were hungry, so did my younger
21 siblings and they shouted at us to look after the younger
22 siblings otherwise we would be thrown overboard. What kind of
23 words, that was very rude and cruel. I could not imagine such
24 words were used in that regime; we were shocked upon hearing
25 that. So the mother of those children fetched some water from the

1 river and gave the water to the children as she was afraid that
2 the children would be killed.

3 [11.32.20]

4 Then we left the boat and we were put into the GMC trucks, there
5 were three or four trucks waiting for us. And when it was full
6 then they travelled to the railway station. And when we reached
7 the train the wagons were not meant for people, it was for cattle
8 or vehicle. So we were pushed into the wagon, when it was full
9 they closed the door with a piece of wood and we were not allowed
10 to relieve ourselves and the train departed that night. They told
11 the men to stay there, and the women were asked to come down and
12 they point gun at us. And they actually wanted us - they allowed
13 us to actually defecate but we could not even relieve ourselves
14 because we were very frightened at the gun point. So at the time
15 we were in constant fear and when we got to the railway station
16 at Pursat they ask us to get off the train and got on the truck.
17 I did not know - I did not actually have the sense of time of the
18 day. We did not have any watch. We did not have any food to eat,
19 and we went without water. When we reached a place where there
20 was water, whether or not it was contaminated, we drank the
21 water. And when we got to Pursat it was early in the morning and
22 then we got on to the truck we went to a cooperative in Kandieng
23 district.

24 [11.34.24]

25 When we reached there it was Pou Pir cooperative, it was nothing

1 but forest. It was bush - it contained of bushes, but there was -
2 it was not the farm land so we had to clear the bushes in order
3 to do the farming. And we had to build our hut to take shelter.
4 They actually did not build it for us we had to do it all by our
5 self. So my family and I had to do it by ourselves. At that time,
6 they gave us five cans of rice per person. So we have eight
7 members in our family so we received that many cans of rice. And
8 we did not have any vegetables or anything that could be cooked
9 with because it was only bushes over there. So my father was
10 tasked to clear the bushes to make way for farming and my mother
11 was asked to do other jobs in other places. And as for my younger
12 brothers, and older brothers and sisters were in the mobile
13 units. My sister was lucky to be in the mobile unit of the
14 village but I was attached to the mobile unit in the district so
15 I was - we had to separate from one another in the family and
16 this separation was suffering. We did not have any food to eat
17 and we had to leave, stay away from our parents and our beloved
18 brothers and sisters. This was the tragedy in our life.

19 [11.36.27]

20 It was - I could not think of anything but I almost wanted to
21 commit suicide. Whenever I had to leave my parents for the day I
22 could not even say goodbye to them I could only stare into their
23 face with a very sad impression and then we knock our heads and
24 left. There was nothing we could do at the time rather than just
25 staring into each other's eye as we said goodbye. So I stayed

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1 there for approximately four or five months. I actually never
2 return home when I went to join the mobile unit of the district,
3 I had to stay over there for months. And I had to go from one
4 work site to another. And then I got to know one man who
5 whispered to me that my father was being sick and he was being
6 treated at Kandieng district hospital. And he asked me whether or
7 not I could go and visit him for the last time. I was very
8 terrified at that time. I was very sad and I could not say
9 anything. I decided to go to my unit chief begging him for his
10 mercy. I ask him for a leave to go to visit my sick parents.

11 [11.37.50]

12 MR. PRESIDENT:

13 Madam Sovany, please hold on, your Counsel is on her feet.

14 You may proceed, Counsel.

15 MS. CHET VANLY:

16 Thank you, Mr. President. Mr. President, I would like to seek
17 your leave so that I can ask question and talk to my client,
18 because due to the time limitation, I need to make sure that my
19 client is actually be brief.

20 MR. PRESIDENT:

21 Yes, you are right; we are running out of time. So you may go
22 ahead.

23 MS. CHET VANLY:

24 Ms. Sovany, could you please be brief? Because we only have 10
25 minutes left. You may resume your statement, however please be

1 rather brief.

2 [11.38.46]

3 MS. SOPHAN SOVANY:

4 Yes, I will be brief.

5 At the time, I asked for leave from the unit chief but I was not
6 granted leave so at night I decided to escape. I had to risk my
7 life to escape in order to visit my father, my sick father. So I
8 had to cross the stream, the stream was rather shallow it was not
9 deep anywhere but I could successfully cross the stream and then
10 when I got to Kandieng hospital I saw no one on the bed where my
11 father was supposed to be there. And then I was looking for him.
12 I actually asked people over there and they told me that my
13 father was already dead. And then I was asking them, I was crying
14 very loudly and then I asked other people around for my mother.
15 And then they told me that I was not a doctor myself, so I was
16 not in the position to be worried about the health condition of
17 my mother. So, I was crying I could not do anything. So, I could
18 do nothing but return. And a few weeks after that, I learned the
19 news that my sister was also dead because of diseases. And later
20 on I learned the sad news again that my two younger sisters were
21 dead for diseases again. And they later changed my position - or
22 my location. I went to look for my younger brother, he was being
23 sick he could not do anything. Upon seeing me he was very
24 desperate, he came to talk to me in a very soft voice whether or
25 not I have brought any rice for him to eat.

1 [11.41.01]

2 He was begging me for rice, just for a bite of rice. It would be
3 enough for him and I was very depressed. I could not help him,
4 and could not help him what so ever. I did not have anything with
5 myself how could I help him at that time. Then my younger brother
6 died of starvation and disease. And then they transferred me to
7 dig canal and dyke in Kilou (phonetic). When I got there, they
8 gave us the quota of the areas I had to accomplish. For example,
9 if they limited me to complete 10 square meters, I had to
10 complete it by the deadline. And they also wanted to us to share
11 our view, our live view. And they took the cart in order to take
12 us to share our live view in the group. And then I decided that I
13 would not go even if they killed me now I would not go. So I
14 begged the man who was riding the cart that I did not want to go.
15 And then the man said he could not be of any help because he
16 could not even help himself. So, whatever I could do, I should
17 choose to do it by myself.

18 [11.43.07]

19 So, I at that time wondered around and I had to leave the
20 village. I went in to the forest, I did not know where I was
21 heading to, but I just went on walking and walking until I reach
22 Damnak Chheu Kram along the Cardamom Mountains. I ask people over
23 there where it was and they said it was Damnak Chheu Kram and I
24 met the cooperative. And I told the cooperative chief that I was
25 asked to cut wood in the forest but then I lost my way and I

1 ended up here. And then the cooperative allowed me to join the
2 cooperative and I was assigned to dig the canal in that
3 cooperative in Damnak Chheu Kram. But again other there the work
4 condition was harsh. The ground over there was full of rock and
5 we had to break rock in order to make a canal. The work was very
6 hard. We had to carry water from the streams in order to break
7 the rock from the canal in order to make way for the canal. And
8 we used iron rod, it was very heavy. When we hold it and push it
9 to the ground our hands were bleeding and swollen. I looked at my
10 hands they were swollen and it bled. I could not cry, I could not
11 complain, I could not protest; I had no choice but I had to
12 accomplish my job.

13 [11.44.52]

14 Before my father passed away he once told me that I had to
15 struggle, I had to live on in my life so I had to continue to
16 live. I continue to dig the canal, I carried earth, I carried
17 stones and all kinds of hard labour I had to endure. In that work
18 site I witnessed a few events which terrified me for the rest of
19 my life and I will never, never ever forget it for the rest of my
20 life of these events.

21 There was a young woman who was in my cooperative; she was hiding
22 jewellery, a necklace in her pocket somewhere. And then one day
23 when she was digging the earth she dropped it and then the
24 militia - the chief of cooperative noticed it but he said
25 nothing. And then, the next morning, three militia men came and

1 they took her to the forest. And from that time onward we never
2 saw her again. And actually we found out that she was killed. She
3 was executed and she was buried, but her body – her dead body was
4 not fully buried; we could see her leg coming out. And they told
5 us that –they warned us not to be reactionary. We had to get rid
6 of any reactionary behaviour because we should have learned our
7 lesson from the lady who was just executed.

8 [11.47.06]

9 There was another event in that worksite too. There was a lady
10 who was in my cooperative. She got one piece of potatoes, she
11 burnt – she baked the potato but she just got only one or two
12 bites of the baked potato and then the militia men asked her
13 where she got this potato. And then she could not really answer
14 the question. And then she just frogmarched her out and then they
15 blindfolded her and they just knock her to the earth. And then
16 she actually beat her until she was motionless. And then they
17 unfolded that – and then when they open – they actually untied
18 the blindfold as well as the plastic that she was covered with.
19 We saw the blood everywhere and she was taken away. She was
20 dragged away like animal, like dead animal anywhere. So this
21 imagine was very sorrowful for me and I can never forget it. And
22 then they once again take this as an example for all of us. They
23 warn us that if we committed any wrong doing as the lady was
24 doing then we would end up in the same fate.

25 [11.48.49]

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1 There was another lady who committed sexual wrong doing. She got
2 pregnant for seven months; I do not know what had happened to
3 her. And then she told me that she had to return to the
4 cooperative. And then I did not know what she actually had done.
5 She did not go to the cooperative. The next morning three militia
6 men with the hoe and a knife, they frogmarched her to the forest.
7 I decided to follow to observe what would happen to her and I saw
8 that they dig the ground and then they unclothed her and they
9 just beat her with a hoe and she was beaten to death. And then,
10 when she actually fell down on the ground, the foetus in her
11 abdomen was probably reacting, and then the soldier used a knife
12 in order to cut open the women's abdomen. So this was an
13 appalling scene that I could not really, really get rid of my
14 memory. When I got back to my work site there was another event.

15 [11.50.36]

16 It was a unit - she was a unit chief. She was given a quota of
17 work. She had to complete the task for the day otherwise she
18 would be killed. And she could not accomplish the quota - the
19 work quota for her because she sprained her ankle and she could
20 not handle the job. And then in the evening we heard gunshot she
21 was killed instantly in the evening. And she was actually buried
22 in the pit that she actually dug up by herself during the day
23 time that she could not accomplish the work quota imposed by
24 them.

25 I am almost done with this. I saw two trucks carrying people.

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1 They took these two - these people on trucks upwards. I asked
2 them where they took these people too. They told me that they
3 would take these people to work somewhere else. But then these
4 people never returned. But the next morning to my surprise they
5 returned clothes and sandals back to the work site where we
6 worked. And I then realized that these people must have all been
7 killed.

8 [11.52.39]

9 What I would like to inform the Court is that my life has been
10 miserable and unfortunate. I have lost my parents. I have lost my
11 father. From time to time I had to escape from one place to
12 another particularly to visit my parents. And I heard that they
13 were being sick, so I risked my life to flee in order to visit
14 them. But unfortunately they were all dead. My mother ate a wild
15 morning glory known as "trakuon tek" and she got diarrhoea after
16 eating it. And the situation - her condition got worse until she
17 was dead because of this disease. I have lost all my relatives,
18 my siblings, and my parents. I have nothing more left. I have
19 endured all the miserable things in my life. My difficulty, my
20 misery cannot be put in words, it is indescribable.

21 [11.54.10]

22 MR. PRESIDENT:

23 Thank you, Madam Sophan Sovany.

24 Now I hand over the floor to the prosecutor to put the question
25 to Madam Sophan Sovany. You may proceed.

1 QUESTIONING BY MR. LYSAK:

2 Thank you Mr. President, good morning Civil Party. My name is
3 Dale Lysak. I'm from the Co-Prosecutors Office. I have just a
4 couple of questions for you this morning.

5 Q. Your first - your civil party application indicates that when
6 you were in Kandieng district in Pursat, that you were located in
7 a commune called Srae Sdok commune. My first question to you is
8 did you know of a place called Tuol Po Chrey that was in the area
9 of that commune? And if you know of that place what can you tell
10 us about Tuol Po Chrey?

11 [11.55.29]

12 MS. SOPHAN SOVANY:

13 A. I stay in Pou Pir, Kandieng district. Tuol Po Chrey was far
14 from my village. But I know that Tuol Po Chrey was a place where
15 soldiers were taken to be executed over there but I did not know
16 much about this place as you may be well aware that at that time
17 we were not allowed to know anything. We were supposed to know
18 our job; we were supposed to do the job we were required to do.
19 We had to comply with the order that Angkar handed down to us. So
20 I only learn about Tuol Po Chrey, particularly its existence only
21 after 1979.

22 Q. Thank you for that response. My second and the last area I
23 want to ask you about, the Accused in this case claim that one of
24 the reasons they had to move all the people out of Phnom Penh was
25 so they would have enough food to eat. Did you and your family

1 have sufficient food to eat in any of the locations to which you
2 were evacuated?

3 [11.57.28]

4 A. If we had had enough food to eat my parents, my relatives, my
5 siblings would not have died. We did not have anything. We did
6 not have food, we did not have access to medicine; we did not
7 have access to many things in life.

8 MR. LYSAK:

9 I thank you very much for coming here today. I know it's been
10 very difficult. That's all the questions that we have, and we
11 very much appreciate your time.

12 MR. PRESIDENT:

13 Thank you.

14 Now I hand over the floor to the defence team for Mr. Nuon Chea
15 to put the question to this civil party.

16 MR. KOPPE:

17 Mr. President, we don't have any questions.

18 MR. PRESIDENT:

19 Thank you.

20 Next I hand over the floor to the defence team for Khieu Samphan.

21 [11.58.44]

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. On behalf of Mr. Khieu Samphan, I do
24 not have any question to put to this civil party. Thank you.

25 MR. PRESIDENT:

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1 Thank you Counsel. Thank you Madame Sovany. Your testimony and
2 the statement of your suffering have come to an end. You are now
3 released, we have recorded your statement concerning your
4 suffering and your testimony will contribute to ascertaining the
5 truth. I wish you good health and the best luck. And you may now
6 return back home.

7 Court officer is now instructed to coordinate with the WESU unit
8 to assist her in her return to her home or to any direction she
9 wishes to go.

10 [11.59.48]

11 And the Chamber wishes to advise the members of the public and
12 parties that the Chamber this afternoon will resume hearing the
13 testimony and statement of suffering of two more civil parties:
14 TCCP-170 and TCCP-117.

15 The time is now appropriate for lunch adjournment. The Chamber
16 will adjourn now and resume at 1.20.

17 Security guards are now instructed to bring Mr. Khieu Samphan to
18 the holding cell downstairs and have him returned to this
19 courtroom this afternoon before 1.20.

20 The Court is now adjourned.

21 (Court recesses from 1200H to 1322H)

22 MR. PRESIDENT:

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

24 Court Officer, could you invite the civil party TCCP-170 into the
25 courtroom?

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1 (Civil Party Yim Roumdoul enters the courtroom)

2 [13.24.10]

3 QUESTIONING BY THE PRESIDENT:

4 Good afternoon, Mr. Civil Party.

5 Q. May we know your name?

6 MR. YIM ROUMDOUL:

7 A. My name is Yim Roumdoul.

8 Q. Thank you. Can you tell us your date of birth?

9 A. In fact, I was born in 1965. It means I should be 48 this
10 year. However, after 1979 and in order to enrol in my study, the
11 principal of the school changed my year of birth. As such, I am
12 now non-officially born to be 11 August 1969.

13 [13.25.20]

14 Q. Thank you. Where were you born?

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

16 Q. What is your current occupation? And where do you live?

17 A. I am living in Sala Kansaeng village, Svay Dangcum commune,
18 Siem Reap district, Siem Reap province. I am a civil servant.

19 Q. What are the names of your father and mother? And are you
20 married? If so, what is your wife's name and how many children do
21 you have?

22 A. My father's name is Yim Sidareth, and my mother's name is Kim
23 Chhorn. I am married, and we have two children.

24 [13.26.45]

25 MR. PRESIDENT:

1 Thank you, Mr. Yim Roumdoul.

2 As a civil party before this Court, you are given an opportunity
3 to make your statement of sufferings and harms inflicted upon you
4 materially, physically, and psychologically which are the direct
5 result of the crimes that occurred and which led you to become a
6 civil party in this case; the crime which have been charged
7 against the two Accused – namely, Nuon Chea and Khieu Samphan –
8 and which occurred during the Democratic Kampuchea regime from
9 the 17 April 1975 to the 6 of January 1979. You may proceed.

10 MR. YIM ROUMDOUL:

11 First of all, allow me to express my gratitude to Mr. President
12 and the Bench of the Trial Chamber and my respect to the entire
13 Court and to my national and international friends.

14 My name is Yim Roumdoul. I am a former orphan of the Democratic
15 Kampuchea regime. In 1975, when I was 10 years old, I was a child
16 with a proper care of my parents and I was a good child towards
17 my parents and I was in former grade 9.

18 [13.28.38]

19 On the 17 April 1975, the Khmer Rouge took control of Phnom Pen
20 City at 9 a.m., at the Chenla Theatre. And my house was nearby
21 the Chenla Theatre in Tuol Svay Prey, and I can vividly recall
22 the event.

23 When I saw the black-clad Khmer Rouge soldiers entering in Phnom
24 Penh, I applauded with other people. As a child, I did not know
25 anything at all. I only saw a number of soldiers and I was happy

1 and I saw a lot of Cambodian peoples by - displayed by the Khmer
2 Rouge.

3 After I saw such an event, I returned to my house and around 10
4 to 11.30, I heard gunshots being fired along the street near Svay
5 Prey School. I was young back then. I was shocked. I did not know
6 why the - the shots being fired. I saw those black-clad soldiers;
7 some of them rolled their pants up to their knees, and they
8 carried AK-47s and some of them shot into the air. People who
9 were staying in their house were shocked.

10 [13.30.03]

11 I, as a young child, asked my mother what happened. At that time,
12 I called my mother as "mama", not like the word "mother" in Khmer
13 and she replied that she did not know what was happening. A house
14 who - which was opposite of my house was shot into and I recall
15 that there was a soldier from that house, he returned fire. About
16 five minutes later, a group of about five to 10 Khmer Rouge
17 soldiers began firing into that house. I did not know what
18 tragedy happened after. This is one of the events that I'd like
19 to bring to your attention.

20 In the evening my grandparents; in particular, my grandfather,
21 who was paralyzed - partly paralyzed, was in bed and we did not
22 leave Phnom Penh yet. The Khmer Rouge shot into our house; it
23 could be from the M-16 or the AK-47, but we still remained in the
24 house. And a little bit before that my grandmother lit the light
25 and then the Khmer Rouge shot again into the house. It could be a

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1 rocket launcher that came into the house. All of us, including my
2 parents and my uncle, then decided to leave.

3 [13.31.54]

4 Along the road while en route, I walked across Pet Chin toward
5 Monivong Boulevard and next morning, I knew that the dead bodies
6 that I saw during the night was the result of the Khmer Rouge.
7 And when we reach Chbar Ampov at around 7 a.m., the Khmer Rouge
8 stopped us and asked my brother and my elder cousin what - who
9 they were and my brother said he was a student and they demanded
10 for a student I.D., so he showed the I.D. and then we were let to
11 go.

12 After we left Kbal Thnal, we went to my grandfather's house in
13 Preaek Aeng and we stayed there for a few days, but we observed
14 that living there was not acceptable as we did not have food to
15 eat and people died along the road and in the river, so my mother
16 and my elder brother decided to return to my mother's side in
17 Okhna Tei in Kandal province.

18 [13.33.12]

19 After we left Preaek Aeng, which was the native village of my
20 grandfather, the Khmer Rouge village chief in the area in Kaoh
21 Okhna Tei in Khsach Kandal district, Kandal province, did not
22 allow us to remain peaceful because they knew of the background
23 of my father who was a professor and also a senior public
24 servant. We were then evacuated from Kaoh Okhna Tei, Khsach
25 Kandal district, Kandal province to Vihear Suork district in Mae

1 Ban village. I recall that clearly as I walked together with my
2 parents and my family members together with my half-paralyzed
3 grandfather.

4 After living in Mae Ban village, Vihear Suork commune for a few
5 months, the Khmer Rouge soldiers or a village chief, all the
6 people who were evacuated from Mae Ban village, Vihear Suork
7 commune, Khsach Kandal district, Kandal province, and we stopped
8 in Preaek Prasab, in Khsach Kandal district, Kandal province.

9 There I saw several boats and motorboats parking near the
10 riverbank. The Khmer Rouge forced us - that is, my family members
11 - to board a boat travelling to Phnom Penh.

12 [13.34.54]

13 At that time, I did not know what happened in Phnom Penh. I was
14 pretty young, and my memory was not that clear. But upon crossing
15 Phnom Penh through Preaek Pnov and when we arrived in Phnom Penh,
16 it was about 3 p.m. What I saw was just the emptiness and
17 silence. The boat almost capsized as some people who never saw
18 Phnom Penh moved to one side of the boat to look at the Phnom
19 Penh city. We then continued to Preaek Pnov and we arrived there
20 around 7 p.m. and my family and the rest of the evacuees were
21 forced to board vehicles travelling to Pursat province.

22 Upon boarding the truck, the Khmer Rouge pointed the guns at us
23 and my grandfather, who was half paralyzed, was forced to board
24 the truck. My mother said it would be difficult to travel with my
25 half-paralyzed father, but we could not leave him behind and he

1 said that no worry about him; just keep going, but then we
2 decided to lift him up and have him with us for the journey. And
3 then we travelled to Pursat.

4 [13.36.32]

5 When we almost reached Kampong Chhnang, there was a Khmer Rouge
6 truck which caught fire. There were about 10 Khmer Rouge
7 soldiers, who were armed, ran to the scene. I was shocked. I was
8 a young boy. I could not comprehend what was happening around me.
9 We were then evacuated further until we reach Bakan district in
10 Pursat province. It was around 7 a.m. and we got off the truck at
11 Boeng Khnar - Tram Khnar Station. After we got off there, then we
12 were put into ox carts to Prey Mlu village and Me Tuek village in
13 Bakan district in Pursat province.

14 Upon arriving in Me Tuek in Ou Preal village, Me Tuek commune, we
15 separated from one another. As I was assigned to live in a
16 children unit, my mother lived separately. My grandmother and
17 grandfather lived separately and the rest of the family members,
18 including my brother and my uncle, lived separately. It was
19 painful to live in that way as I was never separated from my
20 family member; from my mother or father or brother, but now it
21 happened.

22 [13.38.36]

23 And, Your Honours, when I lived in the children unit, I was
24 tortured like an animal. I was beaten because I stole a potato. I
25 stole a sugar cane because I was hungry as there was no food for

1 me to eat. I was experiencing things that I never experienced
2 before. I was badly mistreated. I was tied up. I was beaten and
3 my eyebrow broke and the marks remain until today.

4 My mother could not have taken care of the children and I ran to
5 the house, but then the militia took me back to the children
6 unit. It was a great suffering separating from my mother and of
7 course, I believe you would all understand the situation if you
8 were in the same boat.

9 Later on, when I was separated from my mother, I was so hungry,
10 so I stole rice seedlings one night and I ate the - the seedlings
11 which were still dirty with mud, but I had to do it. And then I
12 was arrested by a village chief. I was kicked and he then handed
13 over - handed me over to the militia. My mother, at the time, was
14 in a hospital and the militia took me away. My mother did not
15 know what happened to me. My - she asked me what happened to me
16 and I said, "I stole rice seedling and I was arrested by the
17 village chief and I apologized to her".

18 [13.40.51]

19 After I was arrested and tied up, my mother said if - if I was
20 arrested, it was like she was arrested. I was walked by the
21 militia together with my mother to a prison in Me Tuek commune in
22 Bakan Kraham (phonetic) district in Pursat province.

23 I lived in the Me Tuek commune and it was miserable. I was
24 emaciated and I was swollen in part due to the lack of food. I
25 did not have anything to eat. I was beaten unconscious once while

1 I was in prison and in the morning, they interrogated me. I was
2 tortured once again and I, as a child, was forced to engage in
3 heavy work to dig soil, to carry soil, and to transplant rice
4 seedlings.

5 After the torture by the Khmer Rouge soldiers, the Khmer Rouge
6 militia, and the Khmer Rouge leaders, one day the village chief
7 and the leaders held a meeting that if any member of a family
8 fled from a prison, the entire family would be smashed.

9 [13.42.27]

10 I talked about that with my mother and I said if you stay, you
11 would die or if I stay, I would die and I asked for her opinion
12 and she thought that I must flee away and I could not live in the
13 prison.

14 I thought about fleeing and I asked for her opinion again whether
15 she would allow me to escape and she said I must go; if I fled,
16 then I would have a chance to survive, but it meant also that my
17 mother would be killed.

18 And when I escaped from the prison at 8 p.m. during a heavy rain,
19 and when the militia changed shift, and I was young and I was
20 emaciated, so they did not pay much attention to me, I decided to
21 escape that night.

22 I did not know when my mother died. I escaped from prison at
23 around 7 or 8 p.m. under the heavy rain. I did not look back when
24 I was fleeing in order to reach the Ou Preal village where my
25 grandmother was living. I ran across the field where people were

1 buried. I was scared and afraid, but I had to make up my mind to
2 gain my strength to flee.

3 [13.44.26]

4 I met my siblings and my grandmother and told them of the
5 tragedy that happened in the prison. I told my aunt that,
6 "Auntie, mommy asked you to go and to get the belonging that she
7 had with her, the little belonging", but unfortunately when my
8 aunt went to the prison where my mother was detained, she was
9 told that my mother died at 3 a.m. It was painful to hear that.
10 As a - as her son, I wept a lot. I cried and my aunt comforted
11 me. In fact, she almost killed when she was at the prison. She
12 was asked why she went there.

13 I was victimized by the regime under the leadership of Ieng Sary,
14 Pol Pot, Nuon Chea. That was the greatest suffering I
15 experienced.

16 After my mother was killed in the prison, as I was told by my
17 aunt, I thought that I would - they would come after me and kill
18 me as they said they would smash the rest of the family members.

19 [13.46.09]

20 Later on, I left the village and met with my male cousin, who was
21 in the transportation unit, and I asked him to - to stay with him
22 as I had nowhere else to go. My cousin contacted the chief of the
23 transportation unit by the name of Toeu, who actually rescued me
24 because, at that time, they needed someone to herd the buffaloes
25 and the cattle. He decided to keep me in the unit.

1 While living in the transportation unit as a child, there were
2 several attempts to kill me, but it was lucky that Uncle Toeu
3 actually defended me. He told the chief of the militia not to
4 mistreat me because I was young and I knew nothing. At present -
5 actually, Uncle Toeu died. I went to his funeral in Pursat in my
6 name as his godson.

7 I witnessed a number of events while I was living with Uncle Toeu
8 - namely, the torture and the killings, in particular those
9 people who were from Svay Rieng. That happened in 1978 when I was
10 around 11 years old or 12 years old. I saw those people were
11 wearing a scarf notifying that they were from Svay Rieng and the
12 scarf was of a blue and white colour, and they were transported
13 into Me Tuek commune as, at the time, I was herding the water
14 buffalo for Uncle Toeu.

15 [13.48.04]

16 I saw the Svay Rieng people coming to the area and only a few
17 nights later, they were taken and killed in Hong Tuek area - that
18 is in Me Tuek commune. I saw it because when I herded the water
19 buffalo, I saw - I saw what happened and I told Uncle Toeu that -
20 of what I saw and he asked me to keep quiet. I still remember the
21 words by Uncle Toeu and I herded the buffaloes to the other area.
22 Later on, Uncle Toeu was transferred to work somewhere near Tonle
23 Sap - that is, to work on a charcoal production. It was near the
24 Tonle Sap (inaudible).

25 While I was there, I saw another event that a family was taken

1 and killed and there were about six to - five to six members in
2 that family. I was staying in transportation unit with Uncle Toeu
3 and I still herded the water buffaloes and cattle. Under the
4 "reang" tree, the family was executed a few days later. I watched
5 the killing by the Khmer Rouge, and then I ran to tell Uncle Toeu
6 that people were killed at the "reang" tree and he told me the
7 same thing - that is, to ask me to keep quiet.

8 [13.50.17]

9 The next event that I encountered was that a family - a member of
10 a family was raped by the militia. After she was raped, she was
11 killed. I knew of the killing because of the scream and she was
12 killed by the Khmer Rouge. These events were of a painful nature
13 for me as a child who was about 12 years old.

14 Your Honours, what I am stating today to the Chamber, to the
15 nation, and the world is the tragedy, the cruellest tragedy that
16 happened during the Pol Pot regime. It was worse than animals. I
17 lost my father, my mother, my uncle.

18 I want them to give back what they owe me in their names and the
19 leaders of the regime. They have to be responsible for the -
20 those acts. They have to open the new chapter of the history and
21 to reveal the bad things that they act under the Khmer Rouge
22 regime in their names as the leaders.

23 I've been waiting for 34 years for this day, and I have it saved
24 in my brain that I will speak out the bad deeds by those people,
25 if I have the chance to do so, so that the world and the Khmer

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1 people who were victimized know of what happened.

2 [13.52.55]

3 The painful tragedy inflicted upon me as a child, separating me
4 from my parents, deprived me of my education. What was the
5 morality of the leaders? And that's for you, Mr. Khieu Samphan,
6 to think; likewise for Nuon Chea. You are one of the
7 intellectuals; you should consider that and you must dare facing
8 the truth and tell the truth to the nation and the world and you
9 should not feel regret to do so.

10 I apologize to Your Honour as I had to reveal the suffering, the
11 pains that I have kept for so long. My - the torture mark on my
12 eyebrow remains with me today and as a result of the acts
13 undertaken by your gang, by your group, you did not love your
14 nation, but on the contrary, you destroyed your nation.
15 When the world hears the word "Khmer", they are afraid; they are
16 afraid because of the acts committed by people like you.

17 MR. PRESIDENT:

18 Thank you.

19 There is only 12 minute remaining for the time allocation for the
20 Lead Co-Lawyer. If you have any question, you can put a question
21 to your client or any question from your client to the two
22 Accused.

23 [13.54.53]

24 QUESTIONING BY MS. CHET VANLY:

25 Thank you, Mr. President. Good afternoon, Your Honours, and good

1 afternoon everyone. My name is Chet Vanly, lawyer for civil
2 parties, and I have a few questions in addition to what has been
3 stated by Mr. Yim Roumdoul.

4 Q. Can you tell us again the actual position of your father?

5 MR. YIM ROUMDOUL:

6 A. Thank you for the question.

7 My father was Yim Sidareth. He was a professor and a senior
8 military personnel under the - of the Khmer Rouge. On the 16
9 April 1975, he was arrested by the Khmer Rouge. He was actually a
10 commander of Division 16 of the Khmer Rouge force in Banteay Daek
11 barrack. He was arrested on the 16 of April 1975 and he
12 disappeared since.

13 [13.56.06]

14 Q. Thank you.

15 Do you have any request to be made to the Chamber?

16 A. Yes, I do.

17 Mr. President and Your Honours, I would like Mr. Khieu Samphan
18 and Nuon Chea to tell the truth.

19 Q. What I'm asking you is whether you have any request for the
20 Chamber or if you wish to claim for any reparation?

21 A. Thank you, Mr. President, Your Honours.

22 I'd like this Court to find me justice; justice for me and for
23 the entire nation, and to punish the perpetrators proportionate
24 to the gravity of the crimes they committed. They are the ones
25 who are responsible, so that is to deter the other leaders or the

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1 next generation leaders or other world leaders not to – and to
2 set example for them.

3 Q. Do you wish to claim for any reparation?

4 A. I do not wish to claim for any reparation, but I request the
5 Chamber to build a stupa for my mother and father in Kaoh Oknha
6 Tei commune, Khsach Kandal district, Kandal province. That is all
7 what I'm asking for.

8 [13.57.58]

9 Q. Thank you.

10 Do you have any questions to be put to the Accused?

11 A. Mr. President, Your Honours, and the counsels for the defence,
12 I have five questions to be put to the two Accused.

13 MS. CHET VANLY:

14 Mr. President, I seek your permission for my client to put
15 questions to the Accused.

16 MR. PRESIDENT:

17 Mr. Yim Roumdoul, you can put questions to the Accused, but you
18 cannot put the questions directly to them. Your questions should
19 be put through the President of the Chamber – that is, myself. So
20 you put the questions to me and then I will redirect them to the
21 Accused, if they wish to respond to your question, and you may do
22 so now.

23 [13.59.09]

24 MR. YIM ROUMDOUL:

25 Mr. President, Your Honours, I have five questions to be put to

1 Mr. Khieu Samphan and Mr. Nuon Chea.

2 First, are you aware of the arrest and the disappearance of my
3 father, Yim Sidareth, who was a professor and a colonel with his
4 base in Banteay Daek near Neak Loeung?

5 Second question: Have you ever thought of the consequence of the
6 killing or the - or the separations of the family members caused
7 by the Khmer Rouge and by you? Have you awakened and feel regret
8 for your participation in the regime which caused great
9 sufferings to the entire nation and the entire people?

10 My third question: In your capacity as a high intellectuals, do
11 you dare to tell the truth regarding the events that took place
12 under the Khmer Rouge regime, so that the nation, the people, and
13 the world know, in your capacity as your senior leaders and as
14 the high intellectuals and that you gained your popularity
15 because of your intellectuality under the previous regime?

16 [14.00.53]

17 My fourth question: Do you plan to express your sorrow to the
18 world, to the nation, and to myself?

19 The last question: In your capacity as the President of the
20 Presidium - State Presidium, what did you know about the level of
21 the living condition of the people who were - who suffered from
22 hunger, from detentions, arbitrary arrest, and torture and
23 killing under your regime?

24 Mr. President, that is all the - my five questions. I already
25 put.

1 MR. PRESIDENT:

2 Thank you.

3 I refer these five questions from the civil party to the
4 Co-Accused, beginning with Mr. Khieu Samphan first and followed
5 by Mr. Nuon Chea.

6 Mr. Khieu Samphan, you have the floor now.

7 MR. KHIEU SAMPHAN:

8 My respect to the President of the Chamber and my respect to Your
9 Honours, members of the Bench, and my respect to everyone in and
10 around the courtroom.

11 And good afternoon, Mr. Civil Party, Mr. Yim Roudoul.

12 I would like to share with you that if I were you, I'd also had
13 the same sorrow and pain.

14 [14.03.20]

15 For your first question, may I inform you that I had never known
16 your father? I had never known Mr. Yim Sidareth, and I feel
17 extremely sorry for the disappearance and the brutal killing of
18 your father.

19 May I inform you that since I fled the city and took refuge in
20 the forest, I was under the protection of the leaders of the
21 Khmer Rouge up until 1979; therefore, I was living in a condition
22 that was separate from the ordinary residents.

23 From 1970 to 1979, I had to live close to the leaders of the
24 Democratic Kampuchea and my role in the Democratic Kampuchea
25 period was to save my life; never had I known the atrocity

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1 committed by the military commanders and leaders.

2 These notorious acts of those leaders deserve condemnation. I did
3 not know the great suffering of our people. I considered these
4 notorious acts as the act of the crook, and I have already heard
5 the testimony as well as the statement of suffering of other
6 civil parties. Thus far, I do share my condolences with them and
7 their family.

8 [14.06.39]

9 I am not an ideologist of the Communist Party of Kampuchea, but I
10 uphold my idealism - that is, to share with the people, at that
11 time, to help reconstruct our country and develop our country,
12 particularly to ensure that our country is safe and secured.
13 For your second question, once again, I would like to express my
14 sincere condolence with you and I strongly condemned their acts
15 and these perpetrators must be brought to justice and their
16 punishment must be proportionate to the gravity, the silliness,
17 the stupidity of these people.

18 The fact that I joined the Democratic Kampuchea was not to kill
19 Cambodian people; it was not my intention, but it was my
20 determination to help our country, to protect our country, and to
21 develop our country, but unfortunately it turn out to be
22 completely - turn out to be a complete disaster.

23 [14.09.01]

24 I have already told the Court that I will stand by the Court and
25 I will, of course, cooperate with the Court to the best of my

1 ability and knowledge in their pursuit of ascertaining the truth.
2 That's why I am making every effort to respond to each and every
3 question by the civil parties. And I am also prepared to answer
4 to all questions posed by other parties to the proceedings.
5 As for your fourth question, I would like to respond to you as
6 follows: Yesterday, I put my hand together to express my apology
7 to Madam Huo Chantha. And through Madam Huo Chantha, I would like
8 to express my apology to Cambodian people across the country who
9 suffered so far in the regime and today, once again, I would like
10 to express my sincere apology to you. I would like to express my
11 sincere condolences to your family; to you and your families,
12 particularly, your fathers and mothers and other beloved
13 relatives who died during the period. I understand the great
14 suffering you have had to endure.

15 [14.10.41]

16 Question number 5: Looking from outside, people would consider
17 that I was someone of authority. Indeed, at that time, my title
18 was huge, but in reality, I had no power at all. I had no
19 authority whatsoever to order the arrest of anyone.
20 I was working in the top position that I did not know what was
21 going on, on the ground, particularly, ordinary people at the
22 base; I did not know that the people had been tortured and abused
23 and mistreated. I did not know that the people had been detained
24 arbitrarily in the base.
25 And once again, I would like to express my apology. I apologize

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1 from my heart. And I – even though I did not play any role in the
2 decision-making body of the Democratic Kampuchea, as I said this
3 morning, a rotten apple in the basket will ruin the rest.

4 And as a matter of fact, I am not a rotten apple because I did
5 not commit these heinous crimes and those who committed these
6 crimes would be the most stupid person on earth and I would not
7 imagine that anyone could commit such a very serious crime.

8 [14.13.09]

9 MR. PRESIDENT:

10 Thank you.

11 Now, I refer these five questions to Mr. Nuon Chea.

12 MR. NUON CHEA:

13 My respect to the Chamber and the Court.

14 MR. PRESIDENT:

15 Mr. Nuon Chea, please proceed.

16 THE INTERPRETER:

17 It is not audible for the interpreter.

18 MR. PRESIDENT:

19 Mr. Nuon Chea, please hold on because your voice is not being
20 transmitted to the courtroom, so hold on for a moment.

21 (Technical problem)

22 [14.14.43]

23 MR. NUON CHEA:

24 I have commented on the various question posed by the civil
25 parties.

1 Once again, I would like to reiterate that I am responsible for
2 what happened during the period of the Democratic Kampuchea. I am
3 not evading my responsibility. I am bearing the responsibility
4 from my heart. I am being frank with you. In my capacity as a
5 member of the Democratic Kampuchea, I accept the responsibility
6 even though I committed directly or indirectly, but I feel
7 remorseful for the crimes that were committed intentionally or
8 unintentionally and whether or not I had known about it or not
9 known about it and I would like to reiterate that I take the
10 responsibility morally. Morally, I take the responsibility; I
11 need to emphasize, and on this occasion, let me express my
12 sincere condolences to the loss of your family members, Mr.
13 Roudoul. To my recollection, your name is Roudoul.

14 [14.16.25]

15 And I would like to, once again, clarify my role during the
16 Democratic Kampuchea period.

17 Point 1: I was the Deputy Secretary and a permanent or Standing
18 Committee member of the Communist Party of Kampuchea in charge of
19 internal education and propaganda.

20 Point Number 2: I was in charge of the Chairman of the Committee
21 of People's Assembly of Kampuchea. These were my two main roles
22 in - as for the role in the executive branch, I did not have any
23 power or authority in the executive branch and this was - this is
24 the fact and I will leave to the Chamber to find out and decide
25 based on these facts. And what I did in the past was for the

1 interest of my country and people.

2 MR. PRESIDENT:

3 Thank you.

4 Now, I hand over the floor to the prosecutor to put the question
5 to Mr. Roudoul, the civil party. If you have any question to put
6 to them at all, please proceed.

7 [14.18.01]

8 QUESTIONING BY MR. SENG BUNKHEANG:

9 Thank you, Mr. President. Good afternoon, Mr. President, Your
10 Honour, and parties to the proceedings, and everyone in and
11 outside the courtroom.

12 And good afternoon, Mr. Roudoul. Mr. Yim Roudoul, my colleague
13 - my international colleague and I, from the Office of
14 Co-Prosecutors, we have a few questions we would like to seek
15 your clarification. This is to follow up with what you have
16 testified in Court.

17 Earlier on, you said that on the 17 of April 1975, they launched
18 a rocket into your house and the house opposite your house. Can
19 you tell the Court on this particular point, why did they do
20 that? What was the reason behind launching rocket into your
21 house?

22 [14.19.45]

23 MR. YIM ROUMDOUL:

24 A. Thank you, Mr. President, and thank you, the Co-Prosecutor.
25 The event of the attack on my house, I witnessed it by my own

1 eye. At first, the Khmer Rouge soldier just shot the gun into the
2 air in order to threaten the people to leave their house and,
3 actually, there was also exchange of fires, as well, with the
4 resident who actually carried arms as well.

5 Then the Khmer Rouge launch a rocket propeller into the house, so
6 I thought that the person were kill and, at that time, when the
7 exchange of fire erupted, I actually flee for my life as well. I
8 could not actually follow up what had happen – what happened
9 afterwards.

10 Q. You said that the exchange of fire was from the house of a
11 former military commander. Which government or which side of the
12 soldiers was that commander from?

13 A. The house that I actually saw that there was an exchange of
14 fires, I actually visited that house occasionally too because I
15 went to pick some guavas over there during free time when I was
16 young and he was a person with the rank of a colonel at that
17 time.

18 [14.20.40]

19 Q. At that period, to your knowledge, do you know anything about
20 the fate of the soldiers of the previous administration or the
21 civil servants of the previous administration? Do you know
22 anything about their fate when the Khmer Rouge captured Phnom
23 Penh?

24 A. Thank you. Thank you, Mr. Prosecutor. Concerning the event
25 that happened in front of my house, I actually did not know what

1 had happened to the civil servant or soldiers of the Republic
2 Khmer Government, but on the 17 of April 1975, there was a forced
3 evacuation of people at gunpoint. They threatened people to leave
4 their house at gunpoint.

5 Q. Concerning the evacuation, when your family were leaving Phnom
6 Penh on the evacuation order, what was your impression of the
7 situation along the street? Did you witness any people dying on
8 the street? What was your impression? What was the situation
9 like?

10 A. I did witness the event. I was about 10 year plus of age. I
11 witnessed it. Actually, my brother brought a car with him, but it
12 ran out of gasoline, so we actually - when we were going along
13 the ways, we saw a lot of misery.

14 [14.22.44]

15 Some people still had their IVs on their - in their hand and they
16 were still marching out of the city. And I saw sick people. I saw
17 corpses scatter along the street. I saw a few corpses somewhere
18 near Kbal Thnal. The situation was chaotic and it was miserable.

19 I also saw sick people being towed by - in - in a cart. I
20 actually did not know what I could help people. I only saw it.
21 Actually, my family were also - was also victims of this
22 evacuation and we could not be of any helps to others along the
23 street.

24 Q. When you were on the evacuation, did you observe that there
25 was food distribution or protections, or healthcare provided to

1 the people who were being evacuated?

2 A. No, not at all. We did not even have sufficient water to drink
3 let alone the food. My mother brought along with her some bank
4 notes, but when we got to Lvea Aem, it was dumped away because it
5 was of no use. So we had nothing - nothing at all.

6 [14.24.31]

7 Q. When you reached the location where you were supposed to go,
8 did you receive - were you received by anyone, for example
9 village chief or cooperative chief, to join the cooperative, or
10 when you got there, then you stayed at home? Can you please
11 describe the situation?

12 A. When I got to Pursat province in Ou Preal village, Me Tuek
13 commune, Bakan district, Pursat province, the village chief and
14 the child unit separated me from my mother and my older siblings,
15 so I did not stay with them anymore; I was separated from my
16 beloved family. I was forced to leave my family and they also
17 torture me. I still have scars on my eyebrow until today-

18 Q. Let me interrupt you now. Of course, you said that you were
19 evacuated to Pursat and you got on the train before you reach
20 Pursat province, according to your statement earlier, and then
21 you got on the truck too. Can you enlighten the Court when
22 exactly you were evacuated to Pursat and when did you get there?

23 [14.26.18]

24 A. To my recollection, it was in late 1975 or early 1976, if my
25 memory serves me well. As for the exact date, I do not recall.

1 Q. Thank you. That should be enough.

2 On a separate point, when you and your family were being
3 transferred to Pursat province, did they tell you the reason for
4 your transfer? What were you supposed to do over there?

5 A. Thank you. On this issue, I knew nothing about it because I
6 was far too young, at that time. And in addition, I think my
7 mother was not informed of that as well. All she knew was that
8 Angkar required her to go there, and I had to go along with my
9 wife (sic).

10 As for the reason why we were sent there, I did not know; I only
11 knew that when I got there, I received punishment. I had to - I
12 was made to work extremely hard from 7 o'clock in the morning
13 until 12.00, from 1.00 to 7.00, and from 7.00 to 11.00 at night.
14 This was the punishments of hard labours that I had to endure.

15 [14.27.41]

16 Q. Thank you. Can you clarified a little further? When your
17 family was evacuated to Pursat province, do you know how many
18 family members were being evacuated along with your family to
19 Pursat province?

20 A. I cannot come up with the numbers of families who were being
21 evacuated over there, but I could only say that there were lots
22 of them and I was very young, at that time, to come up with any
23 number.

24 Q. Yes, that should be - should be enough. You say that lots of
25 family members.

1 And, in addition, earlier you told the Court that you travelled
2 back and forth – you – in Pursat province from one place to
3 another, so while you were on the move, did you hear or did you
4 actually learn from your parents or guardian about a place called
5 Tuol Po Chrey? Have you ever heard of it at all?

6 A. I never heard of the name Tuol Po Chrey as I was in Bakan
7 district. Tuol Po Chrey was in Kandieng district and I did not
8 have any means of knowing what happened in another district. If I
9 were to go there, I would be killed.

10 [14.29.35]

11 MR. SENG BUNKHEANG:

12 Due to the time limit, I finish my questioning now. And thank
13 you, Mr. Roudoul, for your participation in this Court's
14 proceedings. Thank you.

15 MR. PRESIDENT:

16 Thank you.

17 The floor is now given to Nuon Chea's defence to put questions to
18 this civil party.

19 MR. SON ARUN:

20 Good afternoon, Mr. President, Your Honours, and good afternoon,
21 Mr. Roudoul. On behalf of Mr. Nuon Chea, I do not have any
22 questions for you.

23 Thank you, Mr. President.

24 [14.30.19]

25 MR. PRESIDENT:

1 Thank you.

2 The floor is then given to defence team for Khieu Samphan to put
3 questions to this civil party.

4 MR. KONG SAM ONN:

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

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

8 MR. PRESIDENT:

9 Thank you, Mr. Yim Roumdoul. The hearing of your statement of
10 sufferings, harms, and your testimony is now concluded and you
11 may now be excused from this courtroom.

12 And your statement of sufferings, harms, may contribute to
13 ascertaining the truth in this case.

14 And we wish you all the very best and have a safe trip for your
15 return to your residence.

16 [14.31.25]

17 Court Officer, in collaboration with WESU, please assist Mr. Yim
18 Roumdoul for his return to his residence or wherever he wishes to
19 go to.

20 The time is now appropriate for a short break. We will take a
21 break now and return at 10 to 3.00.

22 The Court is now adjourned.

23 (Court recesses from 1431H to 1450H)

24 MR. PRESIDENT:

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

1 We now proceed to hear the statement of suffering and harms by a
2 civil party - that is TCCP-117.

3 Court Officer, could you invite the civil party into the
4 courtroom?

5 (Civil Party Po Dina enters the courtroom)

6 [14.52.30]

7 QUESTIONING BY MR. PRESIDENT:

8 Good afternoon, Madam Civil Party.

9 Q. What is your name?

10 MS. PO DINA:

11 A. Good afternoon, Mr. President. My name is Po Dina.

12 Q. Thank you. How old are you?

13 A. I am 60 years old.

14 Q. Can you tell us your place of birth?

15 A. I was born in Kaoh Dach commune, Mukh Kampul district, Kandal
16 province.

17 Q. Where is your current address and what is your current
18 occupation?

19 A. I live in Kampong Speu province in Kab Tuk village, Kandaol
20 Dom commune, Chbar Mon district. Currently, I work in a laundry.

21 Q. What are the names of your father and mother?

22 A. My father's name is Koy Po and my mother's name is Preng Ren.

23 [14.54.20]

24 Q. Are you married? If so, how many children?

25 A. My husband passed away and I have one child.

1 MR. PRESIDENT:

2 Thank you. As a civil party before this Court, you are given an
3 opportunity to make a statement of sufferings and harms inflicted
4 upon you materially, psychologically and materially, which are
5 the direct result of the crimes that occurred and that led you to
6 become a civil party in this case. And the crimes which have been
7 charged against the Co-Accused - namely, Nuon Chea and Khieu
8 Samphan - and which occurred during the Democratic Kampuchea
9 regime; that is from 17 April 1975 to 6 January 1979. You may
10 make the statement after you have been questioned by the counsel
11 for civil party. For you, the Lead Co-Lawyer requested the
12 assigned counsel to question you first before you make your
13 statement of sufferings.

14 Now the assigned lawyer, you may proceed.

15 [14.56.20]

16 QUESTIONING BY MS. TY SRINNA:

17 Thank you, Mr. President. Good afternoon, Mr. President, Your
18 Honours and good afternoon everyone. Good afternoon, Madam Po
19 Dina. I have some questions to put to you. I'd like to know a
20 little bit of your background prior to 1975.

21 Q. Before 1975, where did you live?

22 MS. PO DINA:

23 A. Before 1975 I lived near the Thai Embassy near the Royal
24 Palace.

25 Q. You stated that you were married. What was your - what is your

1 husband's name?

2 A. His name is Sao Sarin.

3 Q. What was his occupation?

4 A. (Microphone not activated)

5 [14.57.55]

6 MR. PRESIDENT:

7 Madam Civil Party, please observe a slight pause in between the
8 question and answer session. You should only speak after you see
9 the red light on your microphone, which indicates that the
10 microphone is operational and your voice will go through the
11 voice distribution system.

12 Counsel, put the question again.

13 BY MS. TY SRINNA:

14 Q. I'd like to ask you the name of your husband, and what he did
15 at the time, and where.

16 MS. PO DINA:

17 A. His name is Sao Sarin. He worked in the Thai Embassy near the
18 Royal Palace at the time.

19 Q. You, yourself, what did you do back then?

20 A. I worked in the kitchen in the Thai Embassy.

21 [14.59.10]

22 Q. What was your livelihood? Can you describe to the Court?

23 A. Our living condition was good back then. We did not lack in
24 anything. Everything went smoothly for our family.

25 Q. Now I go to the year 1975. Can you tell the Court of your

1 experience under the Khmer Rouge regime from the start till the
2 end? And if you can do that in details, please do so.

3 A. On the 17 April 1975, Khmer Rouge soldiers entered our house
4 and asking for the owner. And I replied that the owner was not in
5 and that I was the one who guard the house. I was asked
6 repeatedly and I maintained the same response that I was the
7 guard. They did not believe it and they entered the house, they
8 smashed things inside the house. And subsequently my husband
9 heard the noise, he came out and four or five Khmer Rouge
10 soldiers took him by the collar and ask him whether he was the
11 house owner. And my husband said no, he was not the house owner,
12 we were the guards. But the Khmer Rouge did not believe my
13 husband and they said because of his physical body, he did not
14 look like a guard.

15 [15.01.22]

16 So he was beaten with the rifle butt and he was kicked and they
17 asked him to tell them the truth that he was the owner of the
18 house. He maintained his response and I begged them not to
19 mistreat my husband. They did not listen to me. They kept kicking
20 him. It was painful for me to watch it. Then they tied his hands
21 behind his back. I crawled to beg them at their feet to release
22 him. I was so shocked and terrified. After my father - my husband
23 was tied up, they kicked him. And Prince Trung Kantol heard of
24 what happened; he came out and asked them not to mistreat my
25 husband. They did not believe the prince and they kept torturing

1 my husband. It was painful to watch my husband being tortured.
2 Then they decided to release my husband, I unfolded - or untied
3 my husband and soon afterwards they left my house. Then at around
4 eight o'clock at night there was another group of soldiers who
5 came to our house again, they threatened us to leave our house
6 immediately, they need to reorganize the city. We begged them on
7 our knees that we would leave the house, but let us leave in the
8 morning because if I had to leave immediately, then I would not
9 have any belongings with us.

10 [15.03.55]

11 Then those soldiers did not listen to us, they warned us that if
12 we failed to leave immediately they would destroy everything,
13 they threatened our life too. At the time, we had no choice but
14 to leave our house. We had a motorbike with us; we rode on the
15 motorbike all the way to Monivong Bridge. I noticed that there
16 were a lot of people marching out of the city, we could move only
17 for approximately 5 metres or so, we got stuck with the people.
18 But we had to keep on walking. We just went on and went on. We
19 slept on the way and we just went on without knowing where we
20 were heading for. We went on walking until we felt fainted. I
21 felt fainted and my husband also fainted because we were
22 physically weak. We were bitten and on the ways our life was
23 miserable. We stayed one night on the ways and then the next
24 morning we would go on. It took us a few days to get to Preaek
25 Aeng. When we got to Preaek Aeng we heard through the loudspeaker

1 that those who came from Phnom Penh had to come to register their
2 name. Those - some people went to register their names.

3 [15.05.38]

4 And my husband wanted to go and register his name, but I warned
5 him that the situation was not good, so we had better not
6 register our name, we just went on walking. So we kept walking
7 forward, it took us three days to reach Preaek Aeng Pagoda. We
8 stayed overnight at this pagoda, and then, the next morning, we
9 arrived at Chrouy Ta Prum and we were heading for my hometown. My
10 hometown was in Saka Keo (phonetic) Pagoda, through Akreiy Ksatr,
11 Preaek Luong and to Kaoh Dach village, Mukh Kampul district in
12 Kandal province.

13 When we got there, they once again called us for family
14 registration. We registered the members of our family and they
15 categorized us as the 17 April People, they called us the 17
16 April People. They told us that we were the 17 April People so we
17 could not stop over there; we had to go on walking. And I begged
18 them to stay there for some time because we had been tired and
19 they refused. They said that they were - their village was in the
20 state of a shortage of food supply, so we had to go on. So we
21 continue to travel.

22 [15.07.40]

23 Q. Madam, I note that you are going rather fast. Let me ask you a
24 bit of the situation when you actually left Phnom Penh. Did you
25 observe any situation that we - was mentioning here when you were

1 leaving Phnom Penh? Now to make it easy, I would like to ask you,
2 for example any situation like people dying on the street or the
3 food ration you received or the difficulty in general you
4 encountered when you were leaving Phnom Penh.

5 A. We did not have food; we did not have spoon or cooking pot or
6 anything at all to prepare our food along the way. Life was
7 miserable. When we were on our move, we also saw soldiers from
8 the Lon Nol administration were tied up together and they were
9 frogmarched in line. I was very frightened by the scene. I wonder
10 what would happen to my family. We do not have any idea of the
11 fate of our family. We don't know when we will die. But we, of
12 course, saw the dead bodies along the street.

13 [15.09.42]

14 Q. Thank you. You said you reached your hometown. So when you got
15 to your hometown, did you encounter anything in your family or
16 was there anything that caused trouble or difficulty for your
17 family when you first reached your hometown?

18 A. Once I got to my hometown, we did not have any shelter to
19 take. We did not have even a small piece of thatched roof to
20 stay. We did not have any roof over our heads. And as for food
21 supply, we did not have any rice and we did not have any other
22 ingredients for food. We did not - we were helpless and for a few
23 days they would distribute four cans of rice for us, that was the
24 food ration allowed to us. And during the daytime we had to work
25 on the rice fields and then at night we were required to drain

1 water into the rice field.

2 Q. Did you stay in your hometown the entire period of the
3 Democratic Kampuchea or you had to move somewhere else?

4 [15.11.29]

5 A. No. I was not allowed to stay in my hometown for the entire
6 period. In a matter of a month, they would come to take the
7 statistic of my family members and they send us away. We had to
8 get on board the boat and then we disembark the village to
9 somewhere else. So those who were considered the 17 April People
10 had to leave, even though we begged them not to move us anymore.
11 But they said that we were the New People so we had to leave, and
12 those Base People remained in the village. So we had no choice
13 but to register our name. And then they - one night they called
14 the 17 April People to get on board the boat. And one boat carry
15 some 30 to 40 families, there were two decks on the boat. I was
16 in constant fear. I did not know what would happen to me and my
17 family. And they confiscated our belongings, including our
18 motorbike as well. They told us that we must not bring anything
19 along with us. We only brought along the daily necessities. And
20 at that time, I did not even bother to bring along with many
21 belongings, because I, first of all, want to only save my life.

22 [15.13.08]

23 And we, the 17 April People, got on board the boat and we were
24 heading northwards and the boat took us for two hours and then we
25 got to one pier. It was - I did not know the whereabouts of this

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1 pier. And then 20 or 30 family member got off the boat and we got
2 on the truck and they took us away. At that time people were very
3 hungry, they did not have anything to eat, particularly young
4 children. At that time the situation was chaotic and confusing.
5 Nobody knew what was happening. Children were separated from
6 their family and children were crying. And we were actually
7 travelling and we did not know where we would be going. It was in
8 the night, it was dark everywhere, we did not know where we were
9 going. And then the next morning we arrived in Pursat. I asked
10 people where we were now and they told me that this was Pursat
11 province and then I knew that I was in Pursat province. I was
12 quite far from my hometown now. And I got even more terrified by
13 this news. I did not know about the fate of our family. I did not
14 know what my life would end up in Pursat province because I was
15 too far away from my hometown now.

16 [15.14.45]

17 Then the unit chief received us and then they put us in the
18 cooperatives and the groups based on the family divisions. They
19 put us into different cooperatives based on the numbers of family
20 - members in the family. We did not have roof over our head at
21 that time; they actually made us sleep on the earth. We - our
22 living condition got desperate and worse each day. We did not
23 have any shelter. We did not have any food. We do not have any
24 exact location to stay. We have to sleep under the shade of the
25 tree during the day time and then at night we just slept on the

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1 earth. And then for about months I was evacuated to Svay Sa
2 cooperative and over there were around 10 families. We went there
3 and when we got there we do not see any shelter for us at all.
4 Life was completely miserable and the misery came to my family.
5 At that time they assigned my husband to plough the rice field.
6 The first times my husband came, the second time my husband came
7 and the third time he disappeared mysteriously, he never
8 returned. I have lost him ever since. As for my only child-
9 [15.16.32]

10 Q. May I interrupt you before you describe about your life
11 condition over there. I would like to ask you about your husband.
12 You said your husband never returned on the third time he went to
13 ploughing the field. Were you trying to look for him at the time?

14 A. When I did not see my husband, I did not know who to ask for
15 him, where to look for him. I asked people whom I got to know,
16 they told me that they did not know. They only knew that he went
17 to the rice field to do the ploughing. I did not know, I had no
18 idea who to ask for. I had to wait for him for a month or two
19 months later. Then I heard the rumour that my husband were taken
20 for re-education. And upon hearing that sad news, I was shocked.
21 I was waiting for my husband. I waited, waited for him and he
22 never returned. Life was unbearable after hearing this news.
23 [15.18.04]

24 Q. So, back then, do you have any idea why your husband was taken
25 for re-education?

1 A. I heard it through a rumour that my husband was a colonel.
2 They were - they alleged my husband of being a colonel of the
3 previous regime. And then they arrested him and sent him for
4 re-education based on this allegation. But, in fact, my husband
5 was not a colonel, he was not a military personnel. I felt very
6 depressed and I felt despaired because I know that my husband
7 would probably never return. And then militiamen came to
8 eavesdrop me, they actually followed me. They wanted to find out
9 whether or not I was the wife of a colonel. I waited for my
10 husband and I learned from others that once he was sent for
11 re-education, that was destined for death. I fell sick, I fell
12 sick and I was very weak. I got weaker and weaker because I had
13 lost my loved family. I have lost my lovely - my beloved husband.
14 They accused me of being a spouse of a colonel. They mistreated
15 me. They made me work extremely hard day and night. I fell sick,
16 and I fell very sick, so sick that I could not go anywhere to get
17 even the food ration I was supposed to get. I had to make my
18 small six-year-old son to go and fetch the food ration we were
19 given, and then when he came back he carried with him - he - with
20 only small bits of the bean and corns, a few crops of corns and
21 beans. And then when he got close to my house he fell down and
22 then he spill over the bean crops and corn crops and then he was
23 crying so hard because he was afraid that I would blame him, I
24 would beat him. He apologized to me that he had spilled this food
25 ration and I told my son that I would not mind him.

1 [15.21.25]

2 Q. Madam, please, please relax. Do you want to relax for a minute
3 or two to compose yourself? If you need time to relax I will make
4 an application to the President, then you can relax for a few
5 minutes to compose yourself.

6 Can you go on?

7 A. Yes.

8 Q. So I would like to now move on to your son. So after the
9 disappearance of your husband, what happened to your son?

10 A. After learning that my husband died, my son also fell sick. He
11 was sick because of starvation. He did not have food to eat. He
12 became very sick and I did not have any idea how to get medicines
13 for my son. His limbs were swollen and we only had the rabbit
14 dung pill to administer.

15 [15.23.10]

16 I was very pitiful, I was very sorrowful for my son. I know that
17 he was dying, he was dying, I witnessed him. He said he was very
18 starving, he's starving, he begged me for food. He said that he
19 was starving, he could not stand anymore and he died in front of
20 me starving.

21 So after that, my son died of starvation, I feel very painful,
22 it's beyond words can describe. I love my son dearly and he left
23 me and he died in front of me because of starvation. I feel very
24 pity on him. He was starving and as a mother I did not have
25 anything to feed him. I feel resentful and I feel angry with

1 myself that I could not help my son and he had to die because of
2 the starvation. The pain was unbearable upon seeing the death of
3 my child.

4 [15.24.34]

5 Q. Please recompose yourself, Madam Civil Party. I will put
6 another question to you.

7 After the loss of your husband and your son, did you experience
8 any other unfortunate events, and what was the condition in the
9 area that you lived?

10 A. I later heard that my mother became seriously ill. At that
11 time she was looking after the children's unit, so I asked for my
12 permission to visit my mother but my request was denied. They
13 said that I was not a medic and my mother was being looked after
14 by the medical staff and that I should focus on the work assigned
15 to me by Angkar.

16 I made another request but it was turned down again and then,
17 later on, I decided to run at night to visit my mother in the
18 hospital. She passed away and I was not allowed to go near her.
19 She - her dead body was placed on an ox-cart and I requested to
20 bury her body, but my request was turned down again. I requested
21 to see her for the last time but I was not allowed to. I was told
22 that I should not worry about that as she would be buried by the
23 medical staff, and I was chased away.

24 [15.27.13]

25 It was painful not to see my mother for the last time. She was

1 later on placed on an ox-cart amongst several other dead bodies
2 and taken away for burial. I did not know where she was buried.
3 I almost became crazy upon the loss of all my beloved ones. My
4 life is like a woman in the Cambodian folk tale that I lost
5 everyone; my husband, my mother and my son. I no longer had any
6 hope with me. My life would become meaningless as all the
7 valuables to my life – that is, my beloved ones, all left.

8 Q. Madam, please recompose yourself so that we can conclude this
9 session as we only have limited time. My next question to you is
10 the following.

11 After the last of your husband, son and mother, what became of
12 your fate? Did you encounter any other tragedy, or what happened
13 to you after?

14 A. I lost my beloved husband, son and parents. I was then forced
15 to marry another husband, but I refused. That was the time I was
16 beaten and imprisoned. It was a prison without walls. I was
17 seriously beaten up before I was put in the prison.

18 [15.29.55]

19 Q. Were you interrogated at the time?

20 A. I was interrogated and they said that why I was so stubborn
21 and not follow the direction of Angkar, and they warned me that I
22 would be smashed. I did not respond, I kept quiet and they just
23 kept beating me up and detained me.

24 In the prison I witnessed several other events. I saw a man, he
25 was tied up and he was blindfolded with a plastic bag. His hands

1 were tied behind his back and his chest was tied, and he was
2 asked a question whether he was a Lon Nol soldier and he replied
3 no. They kept asking the same question if he was a Lon Nol
4 soldier and he kept replying the same thing. Then they kept
5 beating him up. I was trembling upon seeing the scene. I was
6 scared and shocked.

7 And I, myself, was physically tortured and I - it was painful
8 also for me. Two or three days later when I was sick I was sent
9 to a hospital and about three weeks later when I became a little
10 bit better health-wise - actually, I picked up a piece of paper
11 and then I wrote a request to be transferred to another unit, in
12 a farming unit.

13 [15.32.10]

14 And I stayed in the farming unit for a while before I was
15 transferred to gather rice in Chrey Run, Svay Doun Keo. I then
16 went to Svay Doun Keo near the Chrey Run area, and I was in the
17 area to transport rice up the mountain.

18 I witnessed other events over there. I witnessed with my own eyes
19 that people were arrested and lined up and they were stabbed with
20 bayonets one after another. I was scared and I fled the area and
21 I returned to the place where I stayed, and about a fortnight
22 later I was transferred once again to collect the cow dungs for
23 rice fields.

24 I did whatever I was told and then I saw the East People with the
25 blue scarves on their necks and they asked me to pick the rice

1 grains. I saw the Khmer Rouge soldiers standing in a row and
2 started opening fire at those people from the East. I was hiding
3 myself under a tree. I was trembling and my heart was beating
4 very fast. I did not want to leave the area in case that they
5 would see me, so I kept sitting there under the tree. After the
6 situation went quiet, I quietly left the area.

7 So I returned to my place again and I was given food, and at
8 night-time I was assigned once again to go up the mountain.

9 [15.34.38]

10 And I cannot recall the actual year but the situation at that
11 time was rather confusing. So there was a group of us who went up
12 the Sam San Mountain, but I actually did not want to go as I
13 actually was standing of the north side of the road but the
14 people who were on the south side were gathered up to go up the
15 mountain.

16 Because I refused to go then I was beaten and actually attempted
17 to break my legs and the scars have remained with me today. They
18 beat me up and I became unconscious. I was massaged and assisted
19 by other people and they put me and carried me in a hammock.

20 I suffered a great deal under that dark regime. I suffered
21 mentally and physically. We were instructed to go up the mountain
22 and we stayed up the mountain for a while. And we were asked to
23 dig up the stump trees. And for one stump tree, four of us was
24 assigned to dig it up and we had to complete it. But as we could
25 not complete it, then the four of us were beaten up. I was thrown

1 aside, and my knee was hit with a tree, and it was very painful.

2 Q. Did you make any mistake at the time that you were caught
3 while making that kind of a mistake?

4 A. Later on, I was transferred from the tree stump digging group
5 and then I was put in the plantation group. There were 12 people
6 in that group and we actually made a mistake by going to another
7 area beyond the area where we was assigned to, and then we were
8 arrested and detained and shackled with a chain. And at that
9 prison, upon entering or going out the prison we would be beaten
10 up and we would be shackled by our ankles.

11 [15.38.15]

12 I suffered in that prison for four or five days, and in the
13 morning we were led out to do the work outside and I found the
14 time to escape away and to return to my old unit to tell the
15 unit's chief to return and have the rest of my group members
16 released. I kept experiencing bad events during the regime.

17 Q. You stated that you lost your husband and your son and your
18 mother. Besides these three beloved ones, did you lose any other
19 relatives or family members?

20 A. I also lost my elder brother who also worked at the Thai
21 Embassy; he, his wife, and the children. And another brother who
22 was a naval officer, a colonel in Kampong Chhnang, he also
23 disappeared, and my younger brother disappeared as well. I kept
24 searching for them in 1979. I kept asking for them everywhere. I
25 was told - sometimes I was told that they die, sometimes I was

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1 told that they saw them here or there. And I kept looking for
2 them and I was still hoping that they survived and I - they
3 disappear it seems today.

4 Q. When you kept your hope and tried to search for your family
5 members and you have not found them, what is your feeling?

6 [15.40.41]

7 A. I lost everyone; my husband, my child, my mother and my
8 siblings. I am suffered and I still bear the pains inside me. I
9 almost went psychotic. My memory is not that great any more. My
10 mind is still thinking about the beloved family members who
11 passed away.

12 MR. PRESIDENT:

13 The floor is now given to the Prosecution to put questions to
14 this civil party.

15 MR. LYSAK:

16 Thank you, Mr. President.

17 QUESTIONING BY MR. LYSAK:

18 Good afternoon, Madam Po Dina. I have just a few questions for
19 you this afternoon.

20 Q. First, you mentioned earlier, when you were describing your
21 forced movement from Phnom Penh - you indicated that you saw Lon
22 Nol soldiers who were tied up together and being frogmarched. Can
23 you tell us where it was that you saw this?

24 [15.42.33]

25 MS. PO DINA:

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1 A. I saw Lon Nol soldiers being tied up. That was during the
2 confusing time when everybody was leaving Phnom Penh. It happened
3 at around 4 a.m.

4 Q. And where in Phnom Penh, if you remember, where did you see
5 this?

6 A. Yes, when I saw it, it was near the area of Boeung Snao. While
7 I was walking along the road, they were being walked on the
8 opposite direction - that is, heading toward Phnom Penh.

9 Q. Thank you.

10 The second area that I wanted to ask you about, you mentioned how
11 you were required to register your name or your family's name at
12 some point. Can you tell us, in addition to registering your name
13 when you arrived at certain locations, did you have to provide
14 other information about you and your family, information such as
15 who your relatives were and what you had done prior to 17 April
16 1975?

17 [15.44.43]

18 A. Could you please repeat your question? I don't really get it.

19 Q. You talked a little bit about having to register your name. My
20 question is: Did the Khmer Rouge require other information about
21 you and your family, such as who your relatives were and what you
22 had done before April 1975, what your occupation or job was?

23 A. At that time the announcement was made on the mobile
24 loudspeaker that people who used to work in Phnom Penh should
25 register their names so that they could be returned to Phnom

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1 Penh. But I did not know about the registration. I only heard
2 about the announcement, but I did not want my husband to register
3 because I did not want to be separated from my husband.

4 Q. Was there any time – you indicated that your husband was
5 accused of being a colonel in the Lon Nol regime. Was there any
6 time where the Khmer Rouge found out that you had a brother, a
7 brother who was the colonel in the navy in Kampong Chhnang?

8 [15.46.38]

9 A. I already arrived in Pursat and they actually researched our
10 background. At my native village my husband was accused of being
11 a colonel, and when we were in Pursat they observed the
12 particular feature of my husband and accused him of being a
13 colonel. But, in fact, he only worked as an assistant in the Thai
14 Embassy for my blood elder brother who was indeed a colonel in
15 the navy and stationed in Kampong Chhnang.

16 Q. My last question to you, Madam Po Dina. You indicated that
17 when you got to Pursat – that they did some research into your
18 family background. My last question is: Can you just tell us how
19 it was that they researched your family background? Did you have
20 to provide biographies? Did they come to ask you questions? Can
21 you tell us just a little bit about how that happened?

22 A. When we arrived in Pursat, they researched our background and
23 the background of those who used to be former soldiers. My
24 husband said he was a "motodop" rider and he lies to them. He did
25 not tell them that he worked. That's what he told them.

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1 [15.48.45]

2 MR. LYSAK:

3 Thank you very much, Madam Civil Party, for coming here today and
4 for answering our questions.

5 Mr. President, we have no other questions.

6 MR. PRESIDENT:

7 Thank you.

8 The floor is now given to Nuon Chea's defence to put questions to
9 the civil party. You may proceed.

10 QUESTIONING BY MR. SON ARUN:

11 Good afternoon, Mr. President and Your Honours. I only have two
12 questions for this civil party.

13 Q. Madam Civil Party, you already replied to the questions put to
14 you by the assigned counsel for civil parties, but I was unclear.
15 For the proper transcript, allow me to clarify this matter.

16 When the Khmer Rouge entered Phnom Penh on 17 April 1975, you and
17 your husband worked in Phnom Penh. Where did you work and what
18 was your role?

19 MS. PO DINA:

20 A. On 17 April 1975, I worked at the Thai Embassy with my
21 husband. It was just to the northeast of the Royal Palace.

22 [15.50.51]

23 Q. When the Khmer Rouge entered the house where you worked and
24 you said the Khmer Rouge asked for the owner of the house – and
25 correct me if I am wrong here – and that you replied that you

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1 were not the owner. And, later on, your husband came and he was
2 asked the same question, whether he was the owner, and he replied
3 that he was not. Is this correct?

4 A. Yes, that is correct that we were not the owner. We were the
5 guards of the house, and my husband actually replied to them the
6 same thing, and we told them that the owner was not in.

7 Q. What did you observe of the Khmer Rouge soldiers who entered
8 the house? What kind of clothing or uniform they were wearing?
9 And what about their attitudes towards you and your husband?

10 [15.52.23]

11 A. They entered our house and they were of a cruel nature. They
12 kept shouting, "Who is the owner?" That's how it was said. I came
13 out and I told them that the owner was not in and I am not the
14 owner. And they kept asking, "I'm asking for the owner. Where is
15 the owner?" And they came in and they smashed things inside the
16 house. They destroyed the office equipment within the house which
17 was part of the embassy.

18 As for the uniform, they were wearing black clothing. They had
19 car tyre thongs. They had a scarf on their neck and they were all
20 armed with a rifle. They threatened us and then they beat my
21 husband up. It was painful to see.

22 Q. When your husband was being beaten up and, as you told the
23 Court, there was a person who came down and asked what was
24 happening. Can you clarify who that person was?

25 A. At that time Prince Norodom Kantol, he came from his room and

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1 asked what was happening, and when he saw the situation and that
2 my husband was being tied up, he begged them that my husband was
3 not the house owner and he was only a guard. And that person was
4 Prince Norodom Kantol.

5 Q. You told the Court that you worked in the Thai Embassy with
6 your husband, and why on earth did Prince Norodom Kantol come to
7 intervene?

8 [15.54.52]

9 A. The Khmer Rouge forces, in fact, came to Phnom Penh on 17
10 April 1975, and the Prince ran away from his residence and came
11 to take refuge in the Prince Peou (phonetic) residence. And later
12 on, they were also chased out of the house and we separated from
13 one another then. So, in fact, Prince Kantol had his residence
14 but he left his residence to come to the area.

15 Q. So, does it mean that you worked in the Thai Embassy with your
16 husband, but the house that you were in there belongs to Prince
17 or Princess Peou (phonetic)? Am I correct on this point?

18 A. I actually worked at the Thai Embassy, but the Thai Embassy
19 staff rent - the house belongs to Prince or Princess Peou
20 (phonetic).

21 [15.56.08]

22 Q. Thank you. Did you know what happened to Prince Norodom Kantol
23 after the arrival of the Khmer Rouge? Did the Khmer Rouge do
24 anything to the Prince - that is after what they did to you and
25 your husband?

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1 A. It was night-time, then another group of Khmer Rouge came to
2 chase us away from the house, and that was the time Prince Kantol
3 also left the house. So we separated from one another by that
4 time and I did not know what happened to him and we separated
5 since.

6 Q. Allow me to go back a little bit. When Prince Norodom Kantol
7 came to intervene and made a statement that you and your husband
8 were only the guards of the house, did the Khmer Rouge group and
9 Norodom Kantol interact? Or what happened between them?

10 A. The soldiers did not seem to react to him as he begged them
11 not to mistreat my husband and to release him. That - one of the
12 Khmer Rouge soldiers nodded his head and untied my husband's
13 (unintelligible).

14 [15.57.55]

15 Q. And then there was another group of Khmer Rouge soldiers who
16 entered the house and chased you away. Is this correct?

17 A. At about 8 p.m., another group of soldiers, about five or six
18 of them, they came to chase us away and to leave the house at
19 night. So everybody left and I separated from him since.

20 Q. How did you know Prince Norodom Kantol?

21 A. He came into the house as he was related to Norodom Sihanouk.
22 I did not know very detailed - the details about the Royal Family
23 members as I did not know them all. But because of his status, I
24 had a high respect for him.

25 MR. SON ARUN:

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1 Mr. President, I thank you, and I have no further questions for
2 this civil party.

3 Thank you, Madam Civil Party.

4 [15.59.22]

5 MR. PRESIDENT:

6 Thank you.

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

9 MR. KONG SAM ONN:

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

13 MR. PRESIDENT:

14 Thank you.

15 And thank you, Madam Po Dina. The hearing of your statement of
16 suffering and harms and your testimony has now concluded and you
17 may be excused from the Court. Your statement of harm and
18 suffering and your testimony may contribute to ascertaining the
19 truth in this case, and we wish you all the very best and you may
20 return to your residence.

21 [16.00.31]

22 Court Officer, in collaboration with WESU, please assist the
23 civil party for her return to her residence or wherever she
24 wishes to go.

25 The hearing today has now come to an end. We will adjourn the

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1 hearing today and we'll resume on Tuesday, the 4th of June,
2 commencing from 9 a.m. And for Tuesday's proceedings, we will
3 hear the testimony and the statements of harms and sufferings of
4 the civil parties - three civil parties, in fact - namely,
5 TCCP-4, TCCP-145, and lastly TCCP 141.

6 Tomorrow the Chamber will not have any hearing as there are
7 several issues to be dealt with by the Chamber. And Monday next
8 week is a national holiday for the national side and we take it
9 instead of 1 June, which is the International Children's Day.
10 This information is for the parties and the general public.

11 [16.02.00

12 Security guards, you are instructed to take the two Accused back
13 to the detention facility and have them returned to the courtroom
14 on Tuesday, the 4th of June 2013, before 9 a.m. As for Nuon
15 Chea, take him to the holding cell downstairs, which is equipped
16 with audio-visual equipment for him to participate and follow the
17 proceedings.

18 The Court is now adjourned.

19 (Court adjourns at 1602H)

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