



“If You Tell Them, You Will Be Killed”: Civil Parties’ Stories Heard

By Mary Kozlovski¹

On Tuesday, June 4, 2013, a fourth victim impact hearing was held in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Since last Monday, civil parties have testified about the harm they suffered under the Democratic Kampuchea (DK) regime. Civil party lawyers questioned their clients, while prosecutors and defense attorneys had limited time to examine them on the facts in Case 002. The civil parties who testified on Tuesday were Cambodian-American Bay Sophany, Soeun Sovandy, and Seng Sivutha. Another civil party will be heard earlier than usual at 8:30 a.m. on Wednesday, June 5, as they are testifying via video from the United States.

On June 4, 2013, 600 people from Kampong Cham province’s Kang Meas district attended the hearing, while 25 people from Preah Vihear and Ratanakkiri provinces were brought to the court by the Documentation Center of Cambodia (DC-Cam).² The three civil parties all posed questions to Case 002 defendants Nuon Chea and Khieu Samphan. Khieu Samphan was present in court all day, while Nuon Chea monitored proceedings remotely from a holding cell.

First Civil Party Called to Testify

At the beginning of the hearing, 67-year-old Cambodian-American civil party Bay Sophany was called to the stand. She told Trial Chamber President Nil Nonn that she presently lived in San Jose, California, in the U.S., was married and had three children – one son and two daughters.

Prior to Ms. Sophany’s testimony, International Civil Party Co-Lawyer Nushin Sarkarati stated that her client was a direct victim of the forced evacuation of Phnom Penh, forced to flee her

¹ Cambodia Tribunal Monitor’s daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC’s hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

² DC-Cam is a sponsor of the Cambodia Tribunal Monitor, and its director, Youk Chhang, serves as co-managing editor.

home with her six-month old baby and two small children and only a tiny bundle of clothes, milk, and water. She later lost all three children, Ms. Sarkarati told the court. She said that after the fall of the Khmer Rouge, Ms. Sophany left Cambodia in 1983 and reunited with her husband in the U.S., where she now works as a mental health counselor at the Gardner Mental Health Center in San Jose – created to assist victims of the Khmer Rouge regime with mental health problems related to trauma. “[Ms. Sophany] will explain that her symptoms are not unique – she sees the same symptoms amongst her clients and the community around her,” the lawyer added. “[She] will explain that not only did the war tear apart her community, it left her and her husband childless, without an extended family, and with a feeling of hopelessness and isolation that endures to this day.”

Bay Sophany’s Life before and after April 17, 1975

Under questioning from Ms. Sarkarati about her life prior to April 1975, Ms. Sophany recalled that she lived in Phnom Penh, where she worked as a teacher and her husband was a lieutenant colonel. They had three children. She testified that her husband was the youngest brother of the first wife of General Lon Nol and was assigned by the Lon Nol government to study in the state of Georgia in the U.S. for a senior military role in late 1974. Describing the start of Khmer Rouge rule, Ms. Sophany said that on April 17, 1975, Khmer Rouge soldiers entered Phnom Penh – carrying weapons and wearing black uniforms and stern facial expressions – and began firing shots into the air, pushing people to leave the city immediately. The civil party described how she grabbed her children, along with a bag of milk, milk bottles, and a set of clothes for each of them, as Khmer Rouge soldiers warned residents that the Americans would drop bombs on the city and they must leave for three days. She told the court she had to leave because if soldiers entered her house, she would be killed, due to the photographs of her husband in military uniform and her extended family on display.

After being unable to make it to her elder sister-in-law’s house, Ms. Sophany said, she was moved with others along the crowded streets on the main road near Chamkarmon³ before reaching Chbar Ampov.⁴ She detailed the sight of dead bodies along the road – those of Lon Nol soldiers, elderly people, children, and pregnant women. Reminding the court that it was the hot season in April, Ms. Sophany recalled also seeing disabled people and people with oxygen tubes in their noses.

Fearing that she might lose her children in the crowds, Ms. Sophany testified that they passed Chbar Ampov and headed toward Traoy Sla⁵, taking several days to leave Phnom Penh entirely and sleeping in empty houses along the way. The civil party described a day of pouring rain, during which she and her children crouched under a mango tree but got soaked. The next morning, they were made to continue moving, and she and her children grew sick with fever due to the rain and extreme heat, she recollected. Upon reaching Traoy Sla and taking refuge in a house with some base people, Ms. Sophany said, her children got sicker and people gave them some food, but Khmer Rouge soldiers instructed them to stop and she was told to move away from them. She added that she was treated like a “new person,” or “17 April person.”⁶

³ Chamkarmon is a district in Phnom Penh.

⁴ Chbar Ampov is a market in Phnom Penh.

⁵ Traoy Sla is a village in Phnom Penh province, outside of the city center.

⁶ “New people” and “17 April people” are terms used to refer to people evacuated from cities.

On the village outskirts, Ms. Sophany recalled, she built a shelter from palm leaves; her baby became seriously ill and she exchanged a diamond ring – a wedding gift from her elder sister-in-law – with some base people for 25 cans of rice, which she subsequently traded for ten tablets of aspirin. However, the civil party testified, her baby contracted dysentery and could not eat, vomiting anything she ingested. After searching for someone with medical experience, Ms. Sophany said, a villager advised her to walk four or five kilometers to a military hospital, where a medic injected her baby in the head with an unknown substance. After this injection was administered her baby suffered from a seizure and died, Ms. Sophany recounted, describing to the court how she cried and hugged her child, before burying her in the nearby forest and erecting a wooden stake to mark the location.

At the time, the civil party stated, she grew confused and forgetful, and Khmer Rouge soldiers forced her to work extremely hard planting corn while her children stayed at home with no one to care for them. Ms. Sophany testified that she attempted twice to leave and was stopped by Khmer Rouge soldiers, but she succeeded on her third attempt, taking a small boat to another village and boarding a truck with Chinese people being sent back to Phnom Penh to plant vegetables.⁷ Upon their arrival in the city, however, they were driven to Tuol Sleng pagoda near Kampong Kantuot⁸ where there was a military base and battalion with many armed Khmer Rouge soldiers in black uniforms, she recalled; they were packed into an empty house like “a bunch of bananas” before being made to clear bushes and forest for farming and plow the fields. Ms. Sophany added that it was “difficult” work during which insects stung them and people who resisted or did not work hard enough were harshly beaten.

Ms. Sophany testified that her son one day attempted to follow her to work in the rice fields and was grabbed by two Khmer Rouge soldiers, one of whom put a gun his mouth. She described how her son cried and the soldiers said her son was an “American son,” not a “Cambodian son,” before informing her they would not kill him but had to threaten him so he did not follow her. She said another Khmer Rouge soldier then pointed a gun at her back to make her keep walking and she begged them not to kill her son, whose hands were tied together with a scarf. After she turned to go to work, Ms. Sophany told the court, her son and daughter still ran after her.⁹

From then on, Ms. Sophany testified, her children became swollen and sick; she received only a cup of watery gruel each day while her children got half a cup. The civil party said she had a Seiko wristwatch hidden and exchanged it for some medicine from villagers, who gave her only eight Vitamin B1 tablets that did not help her children. Then, Ms. Sophany stated, she was sent to a military base called “320” for three months, where she was forced to work hard carrying earth to assist in building a dam. She said she was then sent to an unknown location, where the Khmer Rouge took her biography and accused her of being a television commentator during the Lon Nol period. After this incident, Ms. Sophany added, she was kept under surveillance. The

⁷ The section of Ms. Sophany’s testimony where she was describing her departure from the village was unclear in the English translation.

⁸ The precise location of these places is unknown.

⁹ The section of Ms. Sophany’s testimony where she described this incident involving her children was unclear in the English translation.

civil party testified that she and her children, among others, were taken near Phnom Chisor¹⁰, where they had to work “extremely hard” breaking rocks and where her son’s health became worse. Ms. Sophany recalled that she ran out of medicine and the Khmer Rouge soldiers starved them for two days; the family ate only boiled wild plants and she begged people for some rice and picked some palm fruit. Ms. Sophany said:

On that night, when we were so starving, we did not have anything to eat but the plant leaves. I cried very painfully. I hugged my two children. I did not know actually while, at that night, while I hugged my son, I did not know when my son passed away. And the next morning when I got up, I saw my son. He was motionless; his body temperature got very cold. And I did not know. I tried to open the eyes of my son, I tried to feel him on the nose, but then I realised that my son had already passed away.

Ms. Sophany told the court that she buried the body of her son near the foothills of Chisor Mountain and carved his name on a stone. After her son’s death, the civil party recalled, her five-year-old daughter fell ill and she could not help, as she had no medicine. Ms. Sophany said her daughter died, after which she became “almost insane” and did not talk to anybody. “I wanted to die with my children because I had nothing left – my children were all dead,” she said. “They died because of the Khmer Rouge soldiers, and I would like to appeal to the court to find justice.”

A photograph was put on display of a baby lying on its stomach, which the civil party identified as her youngest daughter who died after being injected by a medic at a Khmer Rouge hospital. Ms. Sophany said she had sent the photograph to her husband in the U.S. a week before Phnom Penh fell to the Khmer Rouge. She testified that after the Khmer Rouge era was over, she had no one left; her parents disappeared and villagers in Kampong Chhnang said her father had been killed. The members of her husband’s side of the family were killed, Ms. Sophany informed the court, and she had only her husband left in the U.S. The civil party stated that she became mentally ill as a result of her suffering under the Khmer Rouge regime and still experienced nightmares in which Khmer Rouge soldiers chased and tried to kill her. Physically, Ms. Sophany added, she sustained a wound on her leg.

Accused Respond to Questions from Bay Sophany

At this juncture, Ms. Sophany asked the two accused if they were aware that the Khmer Rouge mistreated and killed young children and interrogated and forced them to tell stories about their parents. Additionally, she inquired if the two men had ordered Khmer Rouge soldiers to behave in such a manner, and if not, who did.



Firstly, Khieu Samphan rose and stated – as he has to civil parties posing questions over the previous week – that he was not a DK leader and though labeled head of state, he had no authority. The accused said he did not know about Khmer Rouge soldiers killing, mistreating or interrogating children, and to his knowledge no such orders were given. He asserted that he had given no such orders, had no authority over the military, and was not cruel. Noting that Ms. Sophany had testified to being in Traoy Sla, Khieu Samphan said the

¹⁰ Phnom Chisor, or Chisor Mountain, is located in Takeo province.

person responsible for that sector was vested with such authority. “I myself would oppose such cruel and crazy acts, but I really regret that I did not know about this matter,” he concluded. Next, Nuon Chea, sitting on a bed in his holding cell, expressed his “sorrow and regret” for Ms. Sophany’s loss. He responded that the DK government had no policy to kill its own people but instead to rescue and build people into good citizens and compatriots who loved one another. Nuon Chea said DK had no policy to kill young children.

Prosecution Quizzes Civil Party about Family and Evacuation

After the responses from Khieu Samphan and Nuon Chea, International Senior Assistant Co-Prosecutor Vincent de Wilde cited a letter¹¹ in which Ms. Sophany said she lost many family members on her husband’s side who had been executed.¹² When asked for her sources, Ms. Sophany replied that she received information from people in her mother-in-law’s native village in Takeo province and the Khmer Rouge knew of her in-laws’ background; her father-in-law was Lon Nol’s father-in-law and they were aware of her elder brother-in-law’s occupation. She testified that most of her husband’s relatives were public servants and senior government officials during the Lon Nol regime, and even her own parents were killed because of their connection to her husband’s relatives. She stated that Khmer Rouge soldiers killed Lon Nol soldiers, in particular those of a similar rank as her husband.

Turning to the classification of people in DK, Mr. de Wilde queried whether the Khmer Rouge ever explained why certain people were treated differently or why 17 April people were segregated from base people. Ms. Sophany answered that the Khmer Rouge said her social class differed from that of base people in her village; she was considered a new, 17 April person. She testified that base people – those who lived in liberated zones – had more than 17 April people; they had sufficient rice while April 17 people had watery gruel with a few grains of rice, some salt, and occasionally a small amount of dried or fermented fish. Ms. Sophany related how they were sometimes starved. Elaborating, Ms. Sophany told the prosecutor:

We were treated as the new people, the 17 April people, which had a different social status or class compared to the base people. While we were working, we were watched by armed people, even during the night time when we were sleeping, people would be walking around and monitoring us.

Ms. Sophany stated that they had to break rocks for road construction and she wounded her leg, which became infected, but she still had to work or her rations would be withdrawn. Mr. de Wilde quoted the document previously mentioned¹³ as saying that a woman was beaten severely to retaliate against imperialism and capitalism because one of her children informed the Khmer Rouge that she had stolen a pumpkin. When asked if she felt the Khmer Rouge’s mistrust of people of her class, Ms. Sophany replied that the woman beaten was married to a former soldier¹⁴ and was breaking rocks next to her, while her children were beaten and interrogated in the village. She described how her own children were beaten and asked about their parents’ occupations under the former regime and whether their parents had stolen anything from Angkar. Ms. Sophany testified that she told her children never to say that their father was a soldier and

¹¹ The nature of this letter is unclear.

¹² Mr. de Wilde’s question was unclear in the English translation.

¹³ This is presumed to be the aforementioned letter.

¹⁴ In Mr. de Wilde’s question, this woman was identified as the wife of the unit chief. However, in her response, Ms. Sophany described her as the wife of a former soldier. Her exact identity was unclear in the English translation.

lived in the U.S. or they would all be killed; instead they told the Khmer Rouge that their father was a teacher and their parents were separated.

When the children of the woman breaking rocks near her told the Khmer Rouge their mother had a pumpkin and they could not find it, the Khmer Rouge – including a pregnant woman – tied her up and beat her, Ms. Sophany recollected, though the woman denied the theft. The civil party said the rest of the people kept their heads down. “We were encouraged to beat that woman; even if I had to die, I would not lay my hand on her,” the civil party added. In response to Mr. de Wilde’s final question, Ms. Sophany testified that toward the end of the regime, the Khmer Rouge forced 17 April people – by then in a designated village – to dig two meter by 0.5 meter pits that were one meter deep, which she was told were intended for fertilizer. However, these pits were not finished because Vietnamese troops arrived, she told the court.

Further Examination by Civil Party Lawyer

Granted an extra five minutes Ms. Sarkarati inquired if any of Ms. Sophany’s trauma symptoms, such as nightmares, changed when she left Cambodia for the U.S. The civil party answered that the symptoms remained, especially because she witnessed the children of American families and thought of her own. “I still recall the time when my children talked to me; I remember every word they said to me,” she said, adding that she could not have more children following the end of the regime due to her health. When asked what problems she saw among Cambodian victims she met at the health center, Ms. Sophany said they brought the trauma of the Khmer Rouge period with them and she provided them with counseling – particularly those who did not make a good living in the U.S. The civil party stated that she could not be compensated for her suffering and appealed to the court to find justice for her children and family killed by the Khmer Rouge. She asserted:

If those dead family members do not find justice, I believe that I will not be able to die at peace. As a mother, as a daughter of my parents, and a mother of my children, I want to find justice for them.

Nuon Chea Defense Cross-Examines Civil Party

Firstly, National Co-Lawyer for Nuon Chea Son Arun pressed Ms. Sophany for detail about the evacuation. In response, Mr. Sophany testified that Khmer Rouge soldiers did not enter her house but were shooting into the air and pushing her neighbors to leave their houses immediately because the Americans would drop bombs; they were one house down and approaching her residence, so she left. When queried if she therefore left Phnom Penh of her own free will, Ms. Sophany disagreed, rhetorically asking, “Who would do that?” Again, the civil party told the court that she left because of the aforementioned actions by Khmer Rouge soldiers. “If they were to enter my house and saw the photos, and while I was there, then there would be big trouble for me,” Ms. Sophany reiterated.

After Mr. Arun posed a query about the soldiers’ behavior, Ms. Sarkarati objected that his questioning was repetitive and he was badgering the civil party. President Nonn instructed Ms. Sophany to respond, and Mr. Arun inquired again about the behavior and appearance of the soldiers. She responded that they were stern and stared at people, threatening everyone to leave their houses for three days or Americans would drop bombs. “They were of a cruel nature, and they wore black uniforms,” she said. When Ms. Sarkarati objected to the start of Mr. Arun’s

question – describing Ms. Sophany as evacuating herself from Phnom Penh – she was overruled. In response to Mr. Arun’s query about people with whom she had exchanged her ring, Ms. Sophany replied that she swapped it secretly with base people in Traoy Sla, whom she said were “kind of wealthy” and knew gold and diamonds well.

Mr. Arun asked Ms. Sophany how she could assist other women with their mental health when she had testified that her health was not great, her memory did “not serve her well,” and she suffered from chronic mental trauma. Ms. Sarkarati interjected again, arguing that the civil party had never testified that her memory was not good and requesting that defense counsel refrain from assuming facts not in evidence. Her objection was sustained, and Ms. Sophany was instructed not to respond.

With this ruling, the Nuon Chea defense ended their cross-examination, and lawyers for Khieu Samphan said they had no questions.

Second Civil Party Details Experience under DK Regime

Civil party Soeun Sovandy, 57, approached the stand and told President Nonn that he was born in Phnom Penh and currently lives in Battambang province’s Sangkhae district. He is a rice farmer and has a wife and one child.

On April 17, 1975, Mr. Sovandy said he was evacuated to Chbar Ampov and onto Sa’ang district¹⁵ after his parents had left earlier. He told the court he stayed behind with his older sister and they were forcibly evacuated a week later¹⁶, after being told that they need only leave for a few days so the Khmer Rouge could organize Phnom Penh. He recalled that they went looking for their parents along the river – as their parents had said – but saw only dead bodies on the streets and wandered aimlessly, told that they would go to a place designated by Angkar, which had plenty of food. Mr. Sovandy testified that he was told along the way that his parents were sent back to welcome Samdech Sihanouk¹⁷ but he was not permitted to return. “They told me that those who were supposedly sent to welcome Samdech Sihanouk [were] meant to die,” he recollected.



Mr. Sovandy stated that he was put in worksite and though in the early days they received food – two cans of rice – later they were not given rice and instead communally ate only a few ladles of watery gruel. He described being forced to work extremely hard and beaten if they had vegetables or mango. The civil party said they were discriminated against and told they were from a feudalist family – “we were the city people; we were capitalists.”

¹⁵ Sa’ang district is located in Kandal province.

¹⁶ Under questioning later by the Khieu Samphan defense, Mr. Sovandy confirmed that his parents left on April 17, 1975, and he and his sister were evacuated a week later.

¹⁷ This is a reference to then Prince Norodom Sihanouk. “Samdech” is a Khmer honorific.

Additionally, Mr. Sovandy stated that he was from Kampuchea Krom¹⁸ and though he had resided in Cambodia for a long time, he was accused of being a Khmer Krom. “At that time they rounded up people from Kampuchea Krom and then they were all executed,” he testified. Mr. Sovandy said Khmer Krom people were accused of being Vietnamese – though they lived in Cambodia under Sangkum Reastr Niyum¹⁹ - because their surnames followed Vietnamese traditions and they sometimes chatted in Vietnamese. He added that Khmer Rouge soldiers said Khmer Krom people were Vietnamese and CIA agents. Mr. Sovandy recollected that under the Khmer Republic some Khmer Krom supported the soldiers, and his Khmer Krom uncles were soldiers under Lon Nol’s regime, along with other relatives who worked for the republic. The civil party described how he tried to search for his relatives and parents, including at the refugee border camps, but could not locate them; he returned to Kampuchea Krom but could not find them there either because they were all killed.²⁰

Lawyer Questions Civil Party Soeun Sovandy

National Civil Party Co-Lawyer Sam Sokon began by inquiring why his family was evacuated from Phnom Penh a week earlier than him. The civil party responded that his parents had asked him to stay behind and look after the house with his older sister and they did not expect that they would be evacuated. “They pointed guns at us, so we had no choice but to leave our house,” he recalled, adding that the soldiers warned them they would be killed by the American bombardment.

Describing their departure, Mr. Sovandy said he viewed corpses scattered along the street of people killed in gunfire exchanges and saw a bulldozer pushing them into pits. “We did not even go to fetch the water to drink from the river because we saw dead bodies inside; we only got the water from the wells nearby,” he added. The civil party recollected his terror at seeing the bodies and his realization, upon arriving at the worksite, that the situation was different from what he had been told. He told the court that people were segregated; those considered 17 April people had to work hard and received no food.

Mr. Sovandy confirmed that while he was leaving Phnom Penh on his way to Sa’ang, his biography was taken. A man from the former ministry of veterans’ affairs whispered to him not to reveal his true identity and not to tell the Khmer Rouge his parents were officials in the previous regime, the civil party said. He followed the man’s advice and told the Khmer Rouge his parents were farmers. Mr. Sovandy stated that the Khmer Rouge could recognize Khmer Krom people, who were subsequently put in particular groups and assigned certain work. “On that day, I wanted to join with that team as well, but some people told me that I must not join that group, and the next day later that group of people were executed,” he testified. When asked how and when his parents and relatives disappeared, Mr. Sovandy replied that he believed there were purges at the time²¹, people were segregated to divide them, and there was a sense of hatred

¹⁸ Kampuchea Krom – or “lower Cambodia” – was an area of southern Vietnam inhabited partly by a minority Cambodian population. Khmer Krom is a name given to people who came from this region.

¹⁹ Sangkum Reastr Niyum was a political movement founded by Norodom Sihanouk, which presided over Cambodia between 1955 and 1970.

²⁰ It was unclear in the English translation which period Mr. Sovandy was referring to, when speaking of his search for his relatives.

²¹ It was unclear in the English translation what time period Mr. Sovandy was referring to.

towards those considered to be Vietnamese.²² He recalled that people told him on the way to Sa'ang district that his parents and relatives – considered “educated people” – had returned to Phnom Penh to welcome Sihanouk but disappeared thereafter. “They told us that they were all killed, but I did not know where they were executed,” he concluded.²³

At this point, Mr. Sovandy stood and presented a photograph taken in Kampuchea Krom, pointing to and identifying his family members, including himself, his parents, and his aunt and uncle. He continued:

They were all killed. My uncle ... was sent later during the Lon Nol administration; the Lon Nol soldiers and American soldiers were sending them for fighting. Then when I came back to Cambodia, people told me that they were all killed in Tonle Bith²⁴ when they got onboard a boat. They were told that they would be returned to Kampuchea Krom, but their boat was shelled and eventually they were all killed in Tonle Bith.²⁵

When pressed about his suffering after losing his family and his reason for applying to be a civil party, Mr. Sovandy stated that his pain had subsided gradually over time but when he looked back he suffered greatly and he hoped that if justice was done his suffering would ease. He said he would like the court to order the construction of schools and roads, as well as a stupa so that people can pay tribute to Khmer Krom killed during the Khmer Rouge period.

Soeun Sovandy Hears Responses from Accused

After Mr. Sokon ended his inquiries, Mr. Sokon asked the co-accused why Khmer Krom were rounded up, purged and smashed and accused of being “Cambodians with Vietnamese heads.” He asked whether the two accused were involved in policy-making that led to the killing and suffering of Cambodian people under DK and whether they would act differently if they could lead the regime again.

International Co-Lawyer for Nuon Chea Victor Koppe argued that the first question regarding Khmer Krom people was outside the scope of the present trial. Then National Co-Lawyer for Khieu Samphan Kong Sam Onn contended that the third question invited speculation and requested its rejection. Mr. Sokon replied that he believed the questions were within the scope of the hearing and it was the civil party’s opportunity to put questions to the accused. After a consultation on the bench, Mr. Sovandy’s questions were permitted, and President Nonn said the accused could decide whether or not to respond.

In response to Mr. Sovandy’s questions, Khieu Samphan said that to the best of his knowledge, it was not the case that the Khmer Rouge segregated Khmer Krom people before executing them. He believed that Khmer Rouge leaders planned to mobilize national forces, including Khmer Krom people, to defend the country from Vietnamese aggression and there was no policy to segregate people. He further answered Mr. Sovandy by saying that he had never participated in forming a policy that led to the “indescribable suffering” of the Cambodian people.

²² Mr. Sovandy’s response was unclear in the English translation.

²³ Ibid.

²⁴ Tonle Bith is a river located in Kampong Cham province.

²⁵ From the English translation, it was not clear which family members were killed on this boat, or specifically when this occurred.

Finally, Khieu Samphan asserted that it was difficult to respond to Mr. Sovandy's last question because one could not return to the past. However, he said if he could "rewind the clock," he would demand that the suffering endured by Cambodian people be known to the leaders and others and that the Communist Party of Kampuchea (CPK) redirect to its original plan. Khieu Samphan affirmed that the original plan was for Cambodia to be independent, peaceful, and prosperous, for people to enjoy their lives, and for the CPK to ensure an agricultural surplus to export and to exchange for commodities such as medicine; thereafter they would bring in factories and Cambodia would gradually become industrialized. "I can tell you frankly that I did not know the atrocity committed and the pain people sustained," he added.

Nuon Chea, reclining in his bed with his head on a pillow, stated that DK did not have a policy to segregate people, including Khmer Krom. "We consider Cambodian people as Cambodian people, in order to defend our country," the defendant said. "At that time DK considered Khmer Kampuchea Krom as Cambodian people." In response to the question of what DK policy would be if he could go back in time, Nuon Chea asserted that it would depend on the situation in the country.

Civil Party Examined by Prosecutor

Under questioning from National Senior Assistant Co-Prosecutor Dararasmey Chan about his parents' background, Mr. Sovandy testified that before April 17, 1975, his father was a captain under the Lon Nol regime and his mother was a merchant who sold groceries at a store in front of their house. His two uncles were a lieutenant colonel and a colonel, respectively, in Division 47 under the Lon Nol regime.²⁶

When asked about the evacuation, Mr. Sovandy confirmed that people could not refuse to leave because the soldiers were armed and they would be shot dead, which had happened near his house. Some houses were fired with rocket launchers, he recalled, so he packed some rice and left along with other people. People were forced to move quickly during the evacuation to avoid American bombing and to follow Angkar's instructions, though they did not know what "Angkar" was, Mr. Sovandy said, adding that they could not use money and had to barter. "We exchanged the clothing that we had or the gold that we had for food," he recollected. Though some people with medical knowledge assisted others en route, at the "Angkar places" there was no medicine, he testified; people were given pellets of rabbit droppings and coconut juice in IV drips. Mr. Sovandy said sometimes if people were asked to work in farms, they were killed, and some dug their own pits and were later killed, like Khmer Krom people. "They were walked in lines, line by line, and it happened around 6 or 7 p.m., so that not many people could observe that," he added.

After Mr. Chan queried why Mr. Sovandy fled Cambodia for Vietnam in late 1978²⁷, the civil party answered that he believed it would be his turn to be killed someday and they therefore decided to swim across the river and seek help from the Vietnamese. Upon arrival, he recounted,

²⁶ Mr. Chan inquired further about the boat Mr. Sovandy's uncle(s) was on in Kampong Cham province, but this exchange was unclear in the English translation.

²⁷ In his next question, Mr. Chan cited a document stating that Mr. Sovandy left Cambodia in 1977. The correct date is uncertain.

they were helped by some Vietnamese fishermen who were spies for the Vietnamese and sent a bigger boat to rescue them. Mr. Sovandy said they told the Vietnamese that the “Pol Pot group” killed many people and they sought refuge in Vietnam, which they were shocked to find was quite normal.²⁸ Describing the conditions in DK, Mr. Sovandy stated that evacuees were deprived of freedom and after stealing a potato, they could not allow people to see them eating it or they would be accused of betraying the collective. The Khmer Rouge would kick their bowls if they tried to add tree leaves to supplement their watery gruel, he recollected; by contrast, Vietnam had markets and he consumed three bowls of noodles a day. He remarked:

It was so pitiful for the situation in Cambodia and for the people who were forced to work, and they knew only nothing but working, and there was no market, nothing at all. And that was extremely opposite of the initial liberation, as after the liberation we applauded. We were so happy; we thought that peace would arrive, but it was the opposite. It seems that we were imprisoned in a prison without walls. We were deprived of rice and given only watery gruel, and we were not even allowed to supplement the watery gruel with tree leaves. I actually picked a mango, and I almost lost my life for that. I was accused that I betrayed the collective, that I picked the mango without requesting or informing the Angkar.

At this point, Mr. Chan ended his questioning of Mr. Sovandy, and the Nuon Chea defense announced that it had no questions.

Khieu Samphan Defense Quizzes Evacuation Date

In a lengthy exchange during which the civil party seemed confused by the questions being put to him, International Co-Lawyer for Khieu Samphan Anta Guissé attempted to ascertain when Mr. Sovandy’s parents had left Phnom Penh and when he and his elder sister had left Phnom Penh. After a string of questions and answers and interventions by National Civil Party Lead Co-Lawyer Pich Ang and President Nonn seeking clarification, Mr. Sovandy confirmed that his parents departed on April 17, 1975, while he and his sister remained in Phnom Penh for about another week before being forced to leave.²⁹

Third Civil Party Speaks of Suffering under DK Regime

Following the conclusion of Mr. Sovandy’s testimony, civil party Seng Sivutha, 47, was called to the stand. Ms. Sivutha informed President Nonn that she was born and currently lives in Takeo province and is unemployed because she is blind. The civil party stated that she was married in 1982 and has four children.

Prompted by International Civil Party Co-Lawyer Emmanuel Jacomy to explain why she stated in her civil party application that she lost her sight because of the Khmer Rouge, Ms. Sivutha said that during that era she was forced to collect pig excrement in a deep pit and became exhausted due to the lack of food. She recalled that when she fainted, the person carrying the excrement behind her stepped on her, and she was later tied to a tree and beaten. During the beating, Ms. Sivutha testified that she was hit on the left eye, which became very painful and prevented her from going to work the next morning.

²⁸ Mr. Sovandy’s response was unclear in the English translation.

²⁹ In the English translation, several of Mr. Sovandy’s replies to Ms. Guissé’s questions were unclear.

The civil party told the court she was about 11 years old at the time and she went to see her grandfather about her eye, who told her to warm it with a soaked rag. She recounted that her eye continued to hurt and there was no medical treatment. After the fall of the Khmer Rouge in 1979, Ms. Sivutha said, she learned that her left eye was damaged and her mother noticed a spot on her iris. At school in 1980, tears kept flowing from her left eye, her right eye became blurred, and she could not read properly, the civil party recollected; people teased her, so she was ashamed and left school. Ms. Sivutha added that she got married in 1982, by which time her left eye was no longer working and her right eye had grown worse because she was told at a hospital that it had been badly infected by her left eye. The civil party stated that her husband left her for another woman after she became fully blind because he said she could not do anything for him, leaving her to raise her four children alone.



Turning back to April 17, 1975, Ms. Sivutha testified that she was nine years old when her family was evacuated from Phnom Penh and her grandmother tied her hand to her younger sibling's so they did not get lost in the crowds. She detailed seeing dead bodies along the road – sometimes having to walk over them – and feeling exhausted and thirsty in the heat. They moved onto National Road 3 and boarded a truck, which took them to Sector 109 in Takeo province, from where they were sent to a mobile unit elsewhere. Ms. Sivutha described being assigned to work collecting grass, transplanting seedlings, and carrying them for older people to transplant. At one point, the civil party said, her ration was withdrawn, and she fled into the forest for several months, surviving on whatever food she could find, including tree leaves, grass, snails, and sometimes rice grains from nearby fields.

Later on, Ms. Sivutha recalled that she was sent to work in a mobile unit in Sector 105 in Tram Kok district³⁰, where she had to water vegetable beds and carry water from a pond. She recollected having a fever and being exhausted and hungry, so she decided to eat an orange³¹ from a nearby tree. Ms. Sivutha testified that the unit chief spotted her and she denied eating the orange; the chief did not believe her and wrapped a scarf around her neck, suffocating her. Children of the base people begged him to stop mistreating her because she was hungry, and she was released and warned not to pick fruit anymore, Ms. Sivutha told the court.

Ms. Sivutha affirmed that those in the children's unit worked as hard as the adults and were not given sufficient food, receiving ladles of gruel that were sometimes mixed with corn or potato. The civil party described sleeping alone and weeping, having no soap or clean water, and being beaten and deprived of food; she developed a skin rash, lice and her feet swelled so that she could hardly walk. She testified that she wanted to run to her house but could not because her parents and elder sister were in separate cooperatives. Sometimes at night, Ms. Sivutha said, she had to attend criticism and self-criticism sessions that she did not understand but she had to stand and criticize someone. The civil party recollected that she was criticized and sometimes beaten when she was wrong in her criticism and had to work even if she was sick.

³⁰ Tram Kok district is located in Takeo province.

³¹ In the English translation, this piece of fruit was later described as a lemon.

Mr. Jacomy pressed Ms. Sivutha for more detail about her experiences in the cooperative. The civil party answered by saying that at the age of 11, she was forced to work with human and animal waste, carrying and storing them in a shed and sometimes collecting cow dung from the rice fields. Ms. Sivutha testified that she had to collect 80 kilograms per day and would be monitored by the unit chief when collecting pig excrement from the pit, in which she was submerged waist deep. She described being unable to sleep well because of her rash and having to receive food, like pieces of potato, while in the pit.

There was no hygiene products, no soap, and no spare clothes, Ms. Sivutha said, adding that she washed herself in the pond and dried under the sun. The civil party told the court when she had a fever, she was not given medicine or permitted to rest and did not dare say she was ill. She recollected that her younger sister had a fever but there was no treatment and she became emaciated and died. Ms. Sivutha detailed her current health problems, including blindness, poor hearing resulting from her blindness, and difficulty breathing. She stated that she sometimes wanted to kill herself but her elder sister and mother advised her not think in such a way and to continue raising her children. The civil party said she also suffers from nightmares and trembling when she hears loud noises and becomes short-tempered and hits her children.

Under questioning about the evacuation of Phnom Penh, Ms. Sivutha testified that she saw many corpses along the road and some people dying, particularly elderly people who were deserted and cried bitterly for their children and relatives. She added:

I saw an old man. He was lying on the road; he was almost motionless. He could not really move his body, and I saw that there were ants crawling all over his body and went into his eyes, and I saw the tears coming out. ... And when I was walking and witnessing this misery, I could not hold my tears.

Continuing her testimony, Ms. Sivutha recounted being separated from her family at the age of nine, when she arrived at Ta Meng village³² in District 109 in Takeo province and was assigned to a different unit. She said she did not have spare clothes to change into; it rained and she was cold and missed her parents and grandparents dearly. Ms. Sivutha stated that she had never been separated from her parents and had to work with elderly people without enough food. Under Khmer Rouge rule, the civil party related that 17 April people like herself lived miserable lives because they had few food rations and different rations and workloads from base people. During criticism and self-criticism sessions, Ms. Sivutha described, she was criticized for being afraid of leeches and slow in completing her work.

In response to questioning about her expectations of the tribunal, Ms. Sivutha replied that she expected the tribunal to proceed expeditiously and was pleased to have the opportunity to speak before the chamber.

Khieu Samphan Responds to Seng Sivutha

At this juncture Ms. Sivutha asked the co-accused why the regime leaders forced children to work like adults and why, if people cultivated a surplus of rice, they were not given sufficient food to eat.

³² The exact spelling of this village name is unclear.

Rising from his seat, Khieu Samphan stated that the events Ms. Sivutha described shocked him and he had no knowledge that minors worked like adults. To her second question, the accused responded that initially the situation was difficult but it gradually improved. Cambodian people, including Ms. Sivutha, who worked hard should have been given sufficient food, he asserted, and he could not say why people were starved or what happened to the rice.

On behalf of Nuon Chea, Mr. Koppe told the chamber his client did not wish to answer because he was tired.

Prosecution Briefly Questions Civil Party

Taking the floor, Mr. Chan sought clarification from Ms. Sivutha about her living conditions when she lived in the Cambodiana Hotel in Phnom Penh between 1972 and 1975. Ms. Sivutha answered that she went to live at the hotel with her family in 1972 as a refugee, and the United Nations and the American Red Cross fed them and supplied them with beds and sheets. As students, she and her sister received food and books, she said. The difference in living conditions then compared with the Khmer Rouge era was “like the sky and the earth,” the civil party stated. “Under the Khmer Rouge, I could not attend school. I did not enjoy the comfort of my parents, and I had to live separately from my parents. We were not given sufficient food, and we had to find supplements for the food that we were given.”

Speaking about the evacuation Ms. Sivutha described the morning arrival of liberation soldiers, who told residents to leave temporarily and return after they cleaned the city of “capitalist groups.” She recounted hearing an announcement on a mobile loudspeaker for people to keep moving along with others; they stopped only to cook food, which they ate quickly before continuing onward. Ms. Sivutha said she heard the words “capitalism,” “reactionary,” and “17 April people,” who were considered capitalist. “I myself was scolded as a 17 April person and as a feudalist,” she added. The civil party described sectors 105 and 109 as having the same conditions, with hard labor and insufficient food.

Prompted about the fate of her family, Ms. Sivutha testified that she lost her parents and a large number of family members and relatives. She said she did not know if they were killed or starved, but they were separated after the liberation; she and her grandmother waited at their native village after the Khmer Rouge fell, but no one came.³³ Ms. Sivutha recollected that they were monitored constantly during the Khmer Rouge period and people would listen to them speaking at night. “There was no freedom at all under the Khmer Rouge regime,” she added. Finally, Ms. Sivutha told the prosecutor there were two children’s units in her village³⁴, one for males and one for females.

After this response, both defense teams informed the chamber that they had no questions for Ms. Sivutha, whose testimony thus concluded. President Nonn adjourned the hearing. Proceedings are set to resume in Case 002 at 8:30 a.m. on Wednesday, June 5, 2013, with the video testimony of a civil party based in the U.S., followed by expert testimony in the afternoon.

³³ Ms. Sivutha’s response was unclear in the English translation.

³⁴ In the English translation, it was unclear which village Ms. Sivutha was referring to.