



**Two Civil Parties Testify on Dire Conditions Surrounding the Evacuation of Phnom Penh**  
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Hearings resumed in the Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Thursday, November 22, 2012, with civil party Meas Saran continuing to offer detailed testimony on a range of issues. In particular, Mr. Saran discussed conditions in Phnom Penh before and during its evacuation, with a particular emphasis on the fate of hospital patients and his experiences of being interrogated, arrested, and tortured by the Khmer Rouge.

Mr. Saran's testimony was interrupted by a number of heated exchanges between the bench and International Co-Counsel for Nuon Chea Andrew Ianuzzi. On one occasion, the president shut down Mr. Ianuzzi's attempt to ask leading questions on the ground that they were not permitted in the Court's jurisdiction, prompting Mr. Ianuzzi to challenge the bench to find any jurisprudence outlawing leading questions anywhere in the world. The president also cut off attempts by Mr. Ianuzzi to discuss corruption at the ECCC and Cambodian Prime Minister Hun Sen's recent request that U.S. President Barack Obama forgive Cambodian debt to the U.S. that was incurred during the Lon Nol regime.

In the final session of the day, a new civil party, Ua Ry, took the stand and began to detail her family's sojourn from Phnom Penh to the provinces as a result of the evacuation of Phnom Penh.

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<sup>1</sup> 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>.

***“I Did Not Trust” the Khmer Rouge: Details of the Civil Party’s Journey out of Phnom Penh***

Intermittent power cuts throughout the ECCC facility delayed the start of proceedings this morning by some 25 minutes. Waiting patiently in the public gallery were 300 high school students from Prey Veng, who had traveled since 5 a.m. in order to attend today’s hearing, as well as French historian and Khmer Rouge expert Henri Locard, who has become a regular fixture in the audience. Defendant Ieng Sary, however, remained absent; due to health reasons, he continues to be confined to the ECCC detention facility.

When proceedings did eventually commence, civil party Meas Saran, a former medic in the Lon Nol regime, returned to the courtroom to resume his testimony, wearing a black ribbon of mourning for the late King Father Norodom Sihanouk. Continuing her questioning of the party, International Co-Lawyer for the civil parties Christine Martineau first directed Mr. Saran’s attention to his earlier testimony concerning events during the evacuation of Phnom Penh, asking why Mr. Saran stayed in the proximity of the Monivong Bridge during the evacuation period instead of continuing south towards his native province of Svay Rieng, where his family members were heading. Mr. Saran responded:

My wife never knew my native village as we got married in Sisophon, and we did not go to Svay Rieng province, so I did not imagine that my wife would go to my native village, and I made a decision to locate my wife in her native village. ...

Initially, we were instead to leave Phnom Penh for three days, and during these three days, it was so difficult while we were en route. Then we crossed the Monivong Bridge. After the three days passed, there were still a large number of people on the other side of the bridge. I was still waiting for my wife, and I still had hope that I would be allowed to return after the three-day period. I was very worried about my wife as she was pregnant and she did not know Phnom Penh that well. After the three days passed, I was looking for my wife among the crowd of people who was still crossing the bridge. In the end, I became hopeless and I had to find any means to find my wife in her native village.

Ms. Martineau pressed further, querying what it was that prompted Mr. Saran to decide to eventually leave the riverbank near Monivong Bridge. The civil party responded:

After the three days passed, there was an announcement on the loudspeaker from Phnom Penh appealing for officials to return to work in Phnom Penh. I saw some people returning to Phnom Penh. But those people went by themselves without members of their families and I did not see them return. With that, I thought something wrong happened in Phnom Penh, and I was concerned about that issue. Also, I was concerned about my wife, so I decided to go and look for my wife. ... I also saw some dead bodies at the bridge, and I did not see the people who returned to Phnom Penh come back to their family members who were waiting. While I was at Kbar Thnal, I was not given any food to eat. I believe that some other people who were with me also decided to return to their native villages.

At this juncture, the civil party lawyer noted that in Mr. Saran's civil party complaint, he had said that he travelled along National Road 6, passing through Kampong Thom, Battambang and Siem Reap to eventually reach his wife's village near Sisophon.<sup>2</sup> Asked to provide further details regarding this journey, Mr. Saran stated:

I decided to leave National Road 1 — that is, from the other side of the Monivong Bridge. There was another group of people who also wanted to leave. The people who were there had a boat. We asked them to take us across, but they did not guarantee that they would take us across the river in exchange for some money. At that time we did not have money but we had some gold. Those people also had a motorbike. Then we crossed the river to the other side of Chroy Changva Bridge.<sup>3</sup> There were no people there; ... it was empty.

Then we were along National Road 6. There were Khmer Rouge there travelling along up and down, and they were armed. ... While I was en route, I saw other people traveling on foot as well. I did not know them, but at that time, I had some rice and some sugar that I took from the warehouse in Kbar Thnal.<sup>4</sup> I put them on the motorbike and I pushed that motorbike up to Batheay.<sup>5</sup> During my journey from that road juncture up to Batheay, I saw Khmer Rouge soldiers traveling on trucks and on motorbike along the road to Phnom Penh, and some were also traveling in the other direction. They did not ask questions as to where I was heading to.

However, upon reaching Batheay, there was a checkpoint;... we were questioned one by one, and that was the time that the Khmer Rouge requested the motorbike that we pushed from Phnom Penh. ... Later, after they took away our motorbike, in fact the Khmer Rouge said they did not want the motorbike; they only wanted the battery from the motorbike so they could hook it up to a radio to listen. So I took back the motorbike, and I made it into a pushcart.

Then there were villagers who came from their villages to the national road. ... Along the national road, I saw empty houses and there were no people there. ... Those people who traveled along with me also put their belongings onto the [converted motorbike] cart. Those villagers who came along to see us asked us if we had any fuel or any medicine, so I exchanged what we had for rice, I gave them the medicine. There were about six or seven of them who came to meet us. ... At that time, I did not ask them any questions, but they told us about the living conditions there. They told us that we had to be careful and not to do anything silly, especially not to interact with women. That was the first time that I heard the word "Angkar". ... Of course, I did not bother much about whether I should interact with any women as I was still looking for my wife.

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<sup>2</sup> Sisophon is a district in Banteay Meanchey province.

<sup>3</sup> This is the bridge colloquially known as the Japanese Bridge.

<sup>4</sup> Kbar Thnal is an area near the Monivong Bridge in Phnom Penh.

<sup>5</sup> Batheay is a district in Kampong Cham province.

After that, there was a checkpoint where we were stopped and questioned. From my observation, from the time that we left Ph'av,<sup>6</sup> those people who had been questioned kept disappearing gradually. I clearly recalled that. There was one senior military officer who concealed his identity. His name was Suong, and he travelled by covering his face with a scarf. Of course, he had a worried look on his face.

Through each stage of being questioned, as we were questioned in detail as to where our native village was and what work we did in Phnom Penh. In my case, I was asked where I was born, what my parents' names was, whether I was married or not, what work I did. Mr. President, I told them lies. I told them I was a taxi driver ... so I lied to them. I told them that my village was just the next village, and I was allowed to go. But for others, they were not lucky and they were taken. We were not the villagers. There were no other villagers nearby there. There were only soldiers. So we were questioned, and some of us were taken away, but I didn't know what happened to them. And that process continued until I arrived at my wife's native village.



*Families evacuate Phnom Penh in April 1975. (Source: Documentation Center of Cambodia)*

Queried as to why he lied to the Khmer Rouge, Mr. Saran replied:

Frankly speaking, I did not trust them. I did not trust them because I saw that people who were called to Phnom Penh never returned. I did not trust them because they talked about the imminent bombardment and that we had to be evacuated for three days only, but they lied. That did not happen. Of course, if

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<sup>6</sup> Ph'av is a location in Batheay district, Kampong Cham province.

people had been allowed to return, they would have survived. But that did not happen. ... So ... I decided I had to lie to them.

As to the state of the towns and villages through which Mr. Saran passed on the way to his wife's village, the civil party recalled:

I crossed Kampong Thom province and Svay Rieng province, and along the road I traveled, there were no villagers. There were only groups of soldiers here and there. In the provincial towns, there were only empty houses. I stayed for some time in Kampong Thom as we were questioned by the Khmer Rouge, and there were no people in the provincial town. There were only soldiers. I saw some people who wept. ... Amongst the groups that I traveled with, we were instructed to move forward and not to stay in those empty houses.

Moving to events that occurred after he arrived at his wife's hometown, Mr. Saran said:

When I arrived at that village, my mother-in-law cried because she did not see my wife. I myself was also disappointed as I did not see my wife. We were asked to live separately. There were those native villagers, and there were other villagers who came from Mongkol Borey and Sisophon.

My mother-in-law told me that Angkar had eyes everywhere, and she told me to present myself to Angkar. On my first day, I did that; I told them I was a nurse at Preah Ketmealea hospital and that my wife was from that native village and that I was looking for my wife. I told them the truth because my mother-in-law told me to tell them the truth.

### ***Civil Party's Arrest, Torture, and Reeducation at the Hands of the Khmer Rouge***

Ms. Martineau detailed how Mr. Saran had previously testified being tasked with selecting medicines, then being sent back to the village to "take action" with the Khmer Rouge, and eventually being arrested. She asked the civil party for more details about these events. He said:

Upon my arrival, I told them the truth: that I was a nurse at the Preah Ketmealea hospital. Three days later, at 10 p.m., the chief of the village called me to look at the medicines they received from China. I immediately realized that something was wrong because I was called at 10 at night, but I decided to go along with the chief of the village.

Upon reaching the border of the village, they arrested me and tied me up. The killing place was to the west of the village. Students who came from the provincial town or village appealed to them that I should not be killed and I should be sent for reeducation instead. There were a number of villagers who came to appeal to the Khmer Rouge group. The Khmer Rouge discussed this among them. They showed a B40 rocket launcher, and then they told the villagers they had to guarantee that I would not flee, otherwise one rocket launcher would kill them all. So I returned to the village.

Three days later, a large group of soldiers came to the village and arrested me to Sisophon. Before leaving the village, I saw one soldier with a club. I thought they would beat me with that club. And I was put in the prison in Sisophon.

Mr. Saran also described the other people who were arrested along with him:

Twelve families were also called to go. I was called to go with them. The 12 families were not native villagers. They came from the city as well. ... When I said families, I referred to wives, husbands, and children ... We were all put onto a truck. Amongst the 12 families, there were two couples who did not have any kids.

Ms. Martineau noted that Mr. Saran had previously testified being imprisoned in a lycée [school] and beaten. Seeking more information about this episode, Mr. Saran described, with an anguished look:

When I was placed in a room at the lycée in Sisophon ... on the third day, I was summoned ... to be questioned, interrogated. I was asked whether I got married, where I was born, my occupation. I didn't understand this because when I told them that I was a nurse, I was beaten severely. They accused me of being an American doctor. They tortured me time and again. Later on, I was dragged to another location. I didn't know I was dragged because I was unconscious on several occasions during my ordeal. ... That did not only happen to me. Other people were treated like that. I did not know what happened to the 12 families who were taken with me.

The civil party then elaborated on the reeducation he was forced to undergo:

When I regained consciousness, I could see that there were fewer people left in the room. A few days later, another group was seen coming in at night, and there was an army jeep coming with soldiers. It was raining hard again. I was summoned to a room where we were placed. The senior person of the group produced a piece of paper starting to call out names. I happened to be the first person to be called. They asked me whether I was terrified. They didn't ask me any other questions other than this. I was indeed terrified and I did say that to them. ...

The people who talked during that time, the topic of discussion was about the rich and the poor, and also the revolution in France in 1789. We were lectured on this. They talked at length about this. I didn't understand why we were told about this. These people, to my belief, were educated people.

Mr. Saran testified that at first he did not believe he would be allowed to return to his wife's native village but then he was permitted to return. He recalled:

I was then transferred to a location near the national road. Then a soldier told other villagers to go home. Rumors had already been spread about my death. People did not believe that I could come back home. When I was there, no one among the villagers dared to come and see me. I do not know why, but they were perhaps very terrified.

How was he treated after this? Ms. Martineau asked. Was he treated in a different way to the native villagers? Mr. Saran responded, gesturing emphatically and looking around the courtroom:

I had no idea what happened to these [other] villagers, because I couldn't move about freely. ... But there were people who came from Mongkol Borey, and also from Phnom Penh, who were placed together in a group. Again, discussion was not allowed. People had no guts to even converse with one another. In particular, since I came from Sisophon prison, I was a kind of object that posed some kind of risk to them being associated with me, so no one would want to converse or to say anything to me. I lived in a place where there was a grandfather who advised me on several issues including my safety. He asked me to keep silent and to of course be very careful when speaking.

“Upon returning,” Mr. Saran continued, “I saw people being made to dig canals” in a worksite near the village. As for his tasks, he said:

I was asked to tend the ducks. I had also been made to dig canals. At that time, I saw a person being arrested. I knew this person before. He was a soldier, and he was removed after being arrested at the worksite. That man, after knowing that he was to be removed, was very weak --- mentally weak and terrified. On another occasion, I saw another man who had an affair with a woman who had to be arrested and executed right in front of the meeting.

The meeting was convened every late afternoon. The topic of the meeting would just be business as usual. For example, about rice production, rice per hectare, things like that. I would also be asked to express my sincerity, loyalty, being honest, during each meeting. We were supposed to say things out loud. ... When we made our commitment, we had to make sure our composure was strong and firm, for example we had to say we hated the American imperialists and say “go to hell” to the Americans.

***Prosecution Elicits Information on Fate of Hospital Patients During Evacuation***

The floor was then given to the Office of the Co-Prosecutors (OCP) to commence their questioning, with International Senior Assistant Co-Prosecutor Vincent de Wilde directing Mr. Saran back to the time of the evacuation of Phnom Penh. First, the prosecutor asked whether his workplace could have been described as an emergency ward. Mr. Saran elaborated:

At Borey Keila at that time, I was working at a surgical center. There were five surgical sections that were meant to receive wounded people. This was the first place that the wounded people would be admitted to.

As to whether there were other wards, for example, for anesthesia or radiology, Mr. Saran added, “At these five operating theaters, the kind of treatments that you mentioned were available. [However,] there was no section where women gave birth, only sections to receive the wounded.” The center “was only meant for basketball” and was surrounded by a wall,” Mr. Saran explained. “Now they use the place as a boxing ring.” The beds in the center were used only for wounded people and family members who accompanied them. “Upstairs, on April 17,” he said, “people who died on the evening of April 16 were left unattended there.”



Mr. de Wilde sought further details on this final point, including the number of injured people present at the hospital on the morning of April 17 and how many could move about freely or alternatively needed continuous care. The civil party replied:

On April 16, there were bombs dropped at Duymex market.<sup>7</sup> People got injured and were sent there. I cannot remember the number of patients, but each center kept receiving the wounded and the beds could not accommodate all the wounded, so we had to use the floor for further incoming wounded people. ...

Some people were not seriously injured and they could move about. Some were injured at their legs, and indeed they could not walk and had to remain in bed. I could recall a seven-year-old child who was seriously injured. She told me that she got injured by a bomb. That child was lying on the ground. I couldn't save that person when I was evacuated from the hospital.

Gesturing while describing what happened next, Mr. Saran stated, “On the morning of April 17, when we were told that we had to leave, the people who were in the hospital were told to walk out.” He recalled that some of the patients in beds had to be pushed.

The civil party elaborated on how he felt about these events as a medical professional:

My mother told me to become a doctor, not a soldier. I dedicated my life to helping the patients, including the wounded Khmer Rouge soldiers. Two of them were treated by me. I, at the moment when I was asked to leave the city, had a difficult feeling, because at that time, I thought that the sick, the wounded, would be well-assisted during the evacuation, but at the same time, I was not clear in my

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<sup>7</sup> This is a market in Phnom Penh.



mind as to whether these people would be properly treated. I could recall a girl who had been seriously injured begging me, asking me to help her out. I was helpless. I was obliged to help her as a doctor, but I couldn't help her beyond what I could at that time.

“At that time,” Mr. Saran went on, “no Khmer Rouge medical staff or soldiers were there to take charge of the hospital. I didn't know what happened after this, but during that time, it was sure that no one was there to assist the medical staff during the evacuation.”

Mr. de Wilde was given leave to read a number of ECCC transcript excerpts to the witness, beginning with the transcript of the hearing from January 30, 2012, in which Nuon Chea was questioned about the creation of the Central Committee and asked whether the decision was to evacuate all inhabitants of Phnom Penh. Mr. Chea had replied that this was true but stated that the evacuation was intended to be temporary and was a result of conflicts at that time.<sup>8</sup> He also noted that this meant that everyone was evacuated, including injured people, who were to be helped so that they could leave the city; however, they did not think about how many patients were in Phnom Penh hospitals because they could not and the situation was dire.

The prosecutor asked the civil party to clarify whether the Khmer Rouge sent transportation to Borey Keila to assist the injured, or asked ordinary civilians to organize necessary assistance. Mr. Saran responded, “There was no Khmer Rouge coming to give any assistance on that day. There was none of them”

This answer prompted Mr. de Wilde to query whether it was “rather paradoxical” that while needing to save his own life from the imminent bombardment, the civil party was also required to sacrifice the lives of people at the hospital. Did this generate any doubt about orders of the Khmer Rouge? Mr. de Wilde asked. International Co-Counsel for Khieu Samphan Anta Guissé objected to this, qualifying that while she was reluctant to “level objections,” Mr. de Wilde's last question was both “complicated” and also encouraged Mr. Saran to express an opinion based on a lot of “ifs” not connected with the civil party's experience. Mr. de Wilde clarified that he was attempting to determine whether Mr. Saran had any such reactions, and this was not inappropriate.

International Co-Counsel for Nuon Chea Andrew Ianuzzi voiced his support of Ms. Guissé's intervention, adding that Mr. de Wilde should be encouraged to discover what was in Mr. Saran's mind but could do so simply by asking what was in his mind, without putting “paradoxes” to him. The president sustained this objection. Mr. de Wilde duly rephrased his question, asking “what the foreseeable consequences were of this kind of evacuation for the weakest patients and the most serious patients ... in the April heat, without any particular form of care.” Mr. Saran responded:

In my capacity as a medical staff, it was my obligation. Frankly speaking, I felt uncomfortable to leave the patients behind. In my mind, if I left them behind, one, they would die, and two, if the Khmer Rouge would come to help them, they

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<sup>8</sup> This transcript has the document number E1/35.1, and the relevant ERNs are 00773623 (in Khmer), 00775448 (in English), and 00775545 (in French).

would survive. But the thing was, how could I assist them in my capacity? I couldn't help them much. When I left, I left with an uneasy feeling ... and I was still thinking about my wife. I felt uneasy when I left, because I left the patients behind, in particular the young girl, and I am still haunted by her image.

Next, Mr. de Wilde asked whether the civil party had been given any other reasons for the evacuation other than the imminent bombardment. Mr. Saran responded:

While I was still at Borey Keila, I heard the instructions that we had to leave. At that time, it was still unclear as to who actually gave the instructions to us. There were crowds of people. We were told that everyone had to leave because there would be bombardments. Of course I was scared that there would be bombardments ... and of course I believed it. But as it happened, no bombs were dropped, and I was thinking that in fact, they told us a lie; I thought to myself that no bombs were dropped during the three day period.

The prosecutor reminded the civil party that in his earlier testimony before the Trial Chamber on November 14, 2012, he had testified that they were told to take few things with them because they were only leaving for three days.<sup>9</sup> Asked who gave that specific order, Mr. Saran responded:

I heard that from those people who were coming from upstairs [at the hospital] and those who came from the other side on my floor, but I could not see exactly who actually gave instructions. They told me that they were told by "the soldiers" that we had to leave for three days. ... Mr. President, I could not tell you exactly who actually spoke those words. ...

My wife was still at Pasteur library. ... I at that time tried to go and see my wife at the house but I was not allowed to go as there was fighting going on in that direction, and I was told not to go there. So I went from another direction to my house. I took a bottle of aspirin ... and one of my wife's shirts. I was scared because at that time, the other neighbors were already gone. So, I took one of my wife's necklaces. It was already quiet. ... I did not think to take other things because I was told it was only going to be for three days.

***Request for Nuon Chea to Retire to the Holding Cell for the Remainder of the Day***

Before adjourning for the mid-morning break, the president gave Mr. Ianuzzi the floor. The latter requested for Nuon Chea to be permitted to return to his holding cell due to health reasons for the remainder of the day, providing they produced the necessary waiver. After conferring briefly with Judges Silvia Cartwright and You Ottara, the president asked Mr. Ianuzzi whether Mr. Chea's health had been checked by the treating physician yet. Mr. Ianuzzi responded that the president already knew the answer to that question, adding, "Obviously no, as he has been sitting behind me all morning, as you are well aware."

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<sup>9</sup> The relevant ERN is 00861402 (in Khmer).



The judges huddled together in brief deliberation. Upon resuming their seats, Mr. Ianuzzi suggested that it may be a good idea to ask the doctor as he was apparently present. Taking up this suggestion, the president advised that during the break, the doctor would examine Mr. Chea's health and inform the Chamber immediately, so that it could decide on the application after the break.

Upon resuming for the second morning session, the president duly advised that Mr. Chea's report was supported by the treating doctor's medical report, who observed that Mr. Chea had a headache, backache, and high blood pressure. The doctor recommended that the Chamber allow Mr. Chea to follow the proceedings by remote means. Therefore, President Nonn advised, the Chamber had granted Mr. Chea's request to follow the proceedings from his holding cell, upon the

immediate delivery of a waiver. The accused was then wheeled from the courtroom.

### ***Dead Bodies and the Fate of the Civil Party's Wife***

Mr. de Wilde resumed his questioning, noting that Mr. Saran had testified to seeing two bodies on the left-hand side of Monivong Bridge before he crossed it. He asked whether Mr. Saran could see how these bodies were clothed. Mr. Saran replied, "The two bodies on the left side of the Monivong Bridge were dressed in civilian clothes. They did not dress in army uniform. They were both male." The prosecutor further queried whether the civil party could see whether there were any traces of bullets or any other elements that could suggest the cause of death. Mr. Saran said, "They were not placed on the ground properly. They were kind of in an awkward position, so I could not say for sure" how they died.

The prosecutor noted that in Mr. Saran's civil party application, he had described seeing "many, many people" dead along the way to Sisophon.<sup>10</sup> Asked for details about this, the civil party clarified, "I stated that people died because I saw them die near the bridge. Along the road that I traveled, I did not see any dead bodies. I only saw people who were travelling with me were taken away."

Moving on to the fate of his wife, the civil party testified, with a somber expression:

I did not actually reach the house where my wife was staying on Pasteur Road, so I did not meet her or any other members of the families. In fact, there were other families living in that house and I did not meet any of them until the present time. I did not receive any further news of them until now. ... Since that day, I have not

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<sup>10</sup> This application has the document number D22/118, and the relevant ERNs are 00362176 (in Khmer), 00362196 (in English), and 00362204 (in French).

received any news, that is, from that day until the present time. Even if she had to crawl home, she would have reached home by now.

***Further Details on Events Before and During the Evacuation of Phnom Penh***

National Senior Co-Prosecutor Chan Dararasmey took over questioning, first asking Mr. Saran why he brought the aspirin tablets with him during the evacuation. The civil party responded, “I believed that the aspirin tablets could be used when I traveled, so I decided that I had to take them along. The tablets were close to hand so I simply brought them along.”

Mr. Dararasmey asked whether the civil party saw anyone protesting the evacuation of Phnom Penh or indeed, participated in such protest. Mr. Saran responded:

The Khmer Rouge soldiers who were travelling along the road did not communicate with us, nor did they instruct us what to do. We had to leave because we were asked to do so. ... At that time, I did not see anyone who protested against the order. I myself did not do it. I was scared as well.

Next, the prosecutor referred to the civil party’s testimony that he bartered for food in exchange for medicine. He asked what would happen if Angkar knew about such exchanges. Mr. Saran denied knowing the answer, elaborating:

I could not know whether there would be discipline imposed by Angkar; however when we left Ph’av, there were some other people looking for gasoline, looking for lighters. At the time, I had gasoline, so I exchanged it with them. Those people were kind of vigilant.

Redirecting the civil party to the arrival of the Khmer Rouge at Preah Ketmealea Hospital, Mr. Dararasmey asked whether the Khmer Rouge talked in detail about the evacuation. Mr. Saran reiterated that he did not personally receive any orders to leave but that others were told to leave. He did not know whether the Khmer Rouge soldiers spoke about anything else as he “did not have any contact with the Khmer Rouge soldiers.” He noted that he also saw Khmer Rouge soldiers on the street but these soldiers did not speak to him.

Mr. Dararasmey asked what made Mr. Saran believe he would be leaving only for three days and would then be permitted to return. The civil party responded, “I believe in what we were told because [bombardments] could turn out to be true and I was scared. So I left.”

Finally, Mr. Dararasmey queried whether the civil party or any other evacuees saw Khmer Rouge leaders making announcements at any location along the road from Phnom Penh to his wife’s



village. Mr. Saran responded, “The Khmer Rouge soldiers who walked in groups did not speak to us. They only spoke to us when we were questioned by them, and then they would tell us when we would be allowed to proceed further.” The prosecutor pressed whether the civil party saw any of the Khmer Rouge leaders, in particular any of the accused or Ieng Thirith. Mr. Saran denied this.

***Conditions of the People of Phnom Penh Before and During the Evacuation***

At this juncture, Judge Jean-Marc Lavergne asked the civil party to elaborate on the condition that the people of Phnom Penh were in during April 1975. Were they fragile? Were there refugees? Were they at risk of diseases such as cholera? Mr. Saran responded:

In Phnom Penh, during the last few days, more and more people came into the city, and there were also more wounded people who were being admitted into the Borey Keila hospital; ... we received only wounded people. There was no epidemic disease at that time.

As to whether Mr. Saran felt he lacked supplies to treat the needs of the population, he agreed, noting that “there were insufficient materials to respond to the needs of the wounded. I tried to locate bandages for the wounded but we did not have sufficient bandages.”

Did the evacuation improve the conditions or make it worse? Judge Lavergne asked. Mr. Saran responded, “The situation was difficult because there were too many people and the food was scarce. Movement was not good, so everything was very difficult.” Asked about the general treatment of refugees arriving into Phnom Penh in the days before the evacuation, including whether they were detained in “special” places, the civil party replied:

When the people had been coming to the city, we could see that the capital was so crowded and life was not easy. The state tried to create a place, for example the place where I worked. The hospital ground ... [was used] for treating people. And a lot more people kept coming into the city. ... No one was told that they would be detained somewhere.

Mr. Saran testified, when prompted, as to the state of the food supplies in Phnom Penh:

During the last few days in Phnom Penh, foodstuff was very expensive. It was getting more and more difficult to access food, rice. Since more and more people kept coming to the city, the food supply was less, the price increased, and accessibility to food was more difficult. ... Since I left the Monivong Bridge, I did not notice any Khmer Rouge soldier offer me anything. Even when I reached my hometown, no one would come to assist us.

***Clarifying Chronological Details of the Civil Party’s Life***

Taking up the examination for the defense, Mr. Ianuzzi indicated to Mr. Saran that he would seek to discuss the state of Phnom Penh prior to the Khmer Rouge takeover, the justifications offered for the evacuation, and some miscellaneous matters. He first asked Mr. Saran to confirm

that the civil party attended medical school in Phnom Penh from 1969 to 1972. The civil party confirmed this, and added, when asked:

Before 1969, I came from Svay Rieng to stay in Phnom Penh near the Moha Montrey pagoda. . . . I first arrived in Phnom Penh when I started at medical school. It was early 1969. Indeed, I came to Phnom Penh only after I passed the high school exam.

Mr. Ianuzzi asked if Mr. Saran was then stationed at Preah Ketmealea Hospital from 1972 to 1973. The civil party confirmed this. The counsel asked whether Mr. Saran joined the military in 1963. Mr. Saran advised that he had in fact joined the army in 1973, as “it was an obligation,” and was stationed at Sisophon. He confirmed that he then returned to Phnom Penh in late 1974, where he worked as a “triage medic.” At this juncture, Mr. Ianuzzi asked whether it was correct to say, then, that from 1969 until April 1975, apart from the 18 months where he was stationed at Sisophon, the civil party “personally experienced and observed the living conditions in Phnom Penh first hand.” Mr. Saran responded that he came to Phnom Penh in “early 1969” and “noted the living conditions” until the time when he went to Sisophon.

This answer prompted the defense counsel to ask whether the civil war between the Lon Nol regime and the Khmer Rouge regime, along with the previous U.S. bombing campaign, resulted from or were associated partially with food shortages in Phnom Penh to his knowledge. Mr. Saran responded that the question was “rather long” and he was afraid he would not be able to respond. Mr. Ianuzzi duly rephrased his question. Before Mr. Saran could respond, however, Mr. de Wilde interjected briefly, arguing that the question was very long, spanning from 1969 to 1975, whereas the civil party had testified about food shortages just prior to April 1975. He suggested that there was a possibility to be more precise about the relevant time period.

Judge Cartwright interjected at this moment that the defense counsel’s questions were being asked “too fast” and were “far too complicated for the translation to be useful to the civil party.” Mr. Ianuzzi acknowledged both Judge Cartwright and Mr. de Wilde’s suggestion, and therefore directed the civil party to the period prior to the time he went to Sisophon, that is, between 1972 and 1973. Mr. Saran responded:

When I was attending school in Phnom Penh, I noted that food was still available. There were no shortages of food. But the price of the food increased each day. Each day it became more and more difficult to get more food. . . . It is correct to say that life was difficult. I did not say that there was no food, but it became more difficult to access food because more people kept coming to the city, so the number of people outnumbered the quantity of food available at that time.

The defense counsel asked Mr. Saran to elaborate on why so many refugees were coming in to Phnom Penh. The civil party testified:

Khmer Rouge forces were approaching Phnom Penh, so people who were living at the outskirts of Phnom Penh had to take refuge in the capital city. My school is close to a pagoda. That pagoda was full of refugees and monks, and based on that,

I could say that more and more people kept coming to the city. There was a great influx to the capital city when the Khmer Rouge kept pushing closer to the city. ... Each house had to accommodate more newcomers. For example, my wife's house had to accommodate six to seven families.

Pressed for the “magnitude” or “size” of the influx, for example, whether he would agree that the population “had more than doubled” by April 1973, Mr. Saran said, turning to face Mr. Ianuzzi directly, “Indeed the population had more than doubled, because people in the city had to receive newcomers.” At this point, the president noted that they had experienced a “technical glitch” and asked the civil party to repeat his testimony, to which Mr. Saran replied:

I was saying that I agreed that the population of Phnom Penh had more than doubled. Perhaps more than that — maybe tripled! ... I noted that Moha Montrey pagoda, the pagoda complex was filled with people, so I could say that the statistic could be even more than what [Mr. Ianuzzi] stated. It more than doubled; it tripled.

As to whether the city was already experiencing problems with medical services at that time, Mr. Saran said:

Before I left Phnom Penh for Sisophon ... it was 1972 when I graduated and worked at Preah Ketmealea Hospital. At that time, the medicine was not short in supply and we did not have difficulties finding any medicine, so it is fair to say that medicine was adequate.

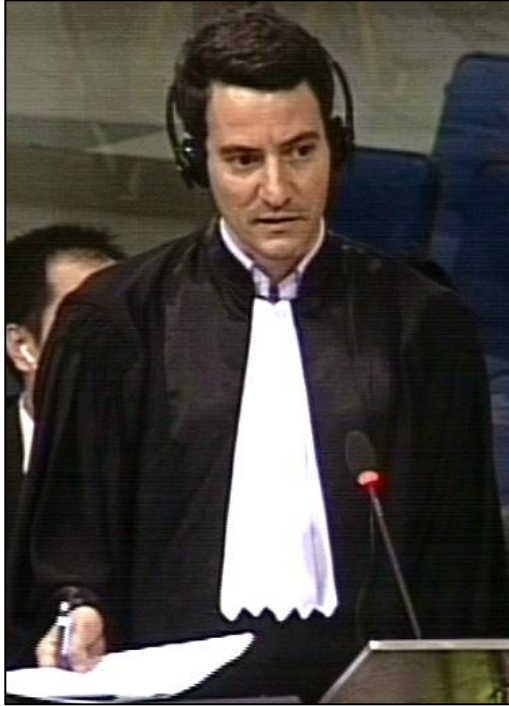
Regarding the housing situation, the civil party testified:

At each pagoda, there were a lot of people. Moha Montrey pagoda, which was located near my home, was a site where I could see a lot of people there. I can also recall, having noted that a lot of families' members had to take refuge in a small home, I can say that there were a lot of people coming to share the same house at that time.

### ***Debate Sparked Over Leading Questions***

Next, Mr. Ianuzzi asked whether “by April 1975, many people were without housing, were without work,” and were completely dependent on outside assistance. This prompted an objection from Mr. de Wilde that he had not heard many questions from the Nuon Chea defense team other than questions beginning with “Is it fair to say.” These questions could appear somewhat suggestive or leading, Mr. de Wilde opined, and he suggested that they be removed. Mr. Ianuzzi responded that Mr. Saran had shown his ability to agree or disagree with propositions that Mr. Ianuzzi had put to him, that it was “imperative” for the defense to be able to put its case, and that these questions were permitted and the court had moved away from these kinds of objections.

The president conferred briefly with Judges Cartwright and Ottara, before responding that Mr. de Wilde's observation was “appropriate.” The president directed Mr. Ianuzzi not to put leading



questions to the civil party or solicit speculative responses from the civil party. At this juncture, Mr. Ianuzzi requested a clarification, asking:

Are you saying that the defense is not permitted to put key portions of our case, which have long been part of the case file ... to civil parties and witnesses, and that we must always ask open-ended questions? Because I think that anyone who has been observing these proceedings over the last year will see that this has been permitted, this is how the defense puts its case. ... There is no prohibition on leading questions anywhere in the world. ... I need some clarification, and preferably some legal support.

The president responded, with a smile, that “here, we are applying civil law;” that leading questions were not permitted; and that questions in which parties were

making their own conclusions, speculating, or soliciting consistent responses from the civil parties “are banned, and they are not allowed, indeed, in the civil law tradition.” He added that the Chamber was guided by “the agreement”<sup>11</sup> and also the ECCC Internal Rules.

In response, Mr. Ianuzzi requested that the Chamber, over its lunch break, produce jurisprudential evidence that leading questions were prohibited in any jurisdiction in the world, since leading questions were “part and parcel” of how questions were asked. However, the president cut the defense counsel off at this point, adamantly stating that leading questions were not permitted and that this had been a consistent practice “from the very beginning,” and that objections to leading questions were “always sustained.” President Nonn went on that the hearings had been conducted for a year and that such issues should not have happened in this manner at this stage of the proceedings, but rather at an earlier stage.

After lunch, the hearing resumed before a new audience of 100 high school students from Takeo province who, like the civil party, were all wearing black ribbons of mourning for King Father Norodom Sihanouk. Before the defense resumed its questioning of the civil party, Mr. de Wilde sought to clarify briefly the OCP’s position with respect to Mr. Ianuzzi’s objection. Mr. de Wilde said that the more recent questions by Mr. Ianuzzi were “not really rooted in objective issues that could be put to a civil party who was not really an expert,” issues which may have been “above and beyond” his knowledge. Mr. Ianuzzi then noted that the position of his team was that the current civil party was competent to testify about the conditions of Phnom Penh prior to the evacuation of Phnom Penh both because he was a health professional and had been residing in Phnom Penh at that time.

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<sup>11</sup> This is presumably a reference to the



***Availability of Hospital Beds to Treat Wounded Patients Before Evacuation of Phnom Penh***

Moving on, Mr. Ianuzzi asked the civil party about his testimony that at Borey Keila, there were insufficient patient beds and supplies with which to treat patients. Mr. Saran clarified:

I did not talk about the lack of hospital beds. I stated that there were about 50 beds in Borey Keila Hospital, but there were more patients than beds. ... Borey Keila is not a proper hospital like the [Khmer Soviet Friendship Hospital]. It could only accommodate about 50 beds, and due to the large number of wounded, some patients had to lie on the ground.

This prompted Mr. Ianuzzi to ask whether there were sufficient beds at the Khmer Soviet Friendship Hospital or the Preah Ketmealea Hospital. Mr. Saran denied any knowledge about that. As to the number of “trained medical doctors” practicing in Phnom Penh when Mr. Saran returned to Phnom Penh from Sisophon in 1974, the civil party testified:

At Borey Keila where I worked, there were enough physicians. There were five surgeons in the operating theaters, and there were other medical staff. After 18 months’ work, they all came to Borey Keila, and there were sufficient medical staff, and there were also medical student trainees. I did not talk about Preah Ketmealea.

Mr. Ianuzzi asked whether the civil party had heard of medical doctors leaving Cambodia to practice elsewhere. The civil party denied any knowledge about this.

***Food Shortages in Phnom Penh and Debate over the Use of Expert Evidence***

At this juncture, the defense counsel returned to the food situation in Phnom Penh, noting the civil party’s testimony that the prices of food rose before he left for Sisophon and then were even higher after he returned. Mr. Ianuzzi then sought to put to the civil party a passage from Michael Vickery’s book *Cambodia: 1975-1982*. Preempting any potential objection from the OCP and perhaps the judges, Mr. Ianuzzi reiterated that the OCP had itself stated that “such material ... could be used if there is a direct nexus to the witness.” In this case, the passage related to something Mr. Saran had said, so there was, he contended, a direct nexus. He therefore asked the Chamber whether he could do so.

The president advised that Mr. Ianuzzi had to note the particulars of the passage so that the parties could know what passage was being referred to and this was a “common practice which you should have learned by now.” Mr. Ianuzzi added that it was a “well-known document” that had been on the case file “for many, many years,”<sup>12</sup> although was not available in languages other than English.

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<sup>12</sup> This book has the document number D222/1.17, and the relevant ERNs are 00396999 (in English).

Mr. Ianuzzi sought to read a passage to the civil party from Mr. Vickery's book, but before he could do so, the Trial Chamber judges gathered together in deliberation. After a moment, the president asked Mr. Ianuzzi whether the document had been requested by any of the parties to be placed on the case file. Mr. Ianuzzi confirmed that it indeed had, and "quite a long time ago." President Nonn then sought Mr. Ianuzzi's enlightenment on why the document was only in English. Mr. Ianuzzi said that he had "no idea" but had been used by the OCP in the initial investigation and attached it to their annex of documents to be used in this trial segment<sup>13</sup> and his case manager had put it on the interface a few days ago.



Judge Cartwright interjected that this book had been included in the OCP's annexes to be added as evidence, and sought further information on this point, because putting the document on the daily interface was not the same as putting the document before the Chamber. Mr. de Wilde responded that the OCP did put this book on its April 2011 list and also its July 2011 list. He added that whether the OCP was going to object to the passage depended upon what it was, and whether it had an obvious and direct nexus. If it did, the OCP would not stand in opposition.

Accordingly, Mr. Ianuzzi read the passage in question:

By 1974, the rice supply for Phnom Penh was only about one-third the quantity required. After September of that year, the average head of a household was not earning enough to buy the minimum requirement, even supposing it to be available. In February 1975, a family was only allowed 2.75 kilograms per person for 10 days at the subsidized price; that is, 270 grams per day, just slightly more than the DK [Democratic Kampuchea] milk tin.

Asked whether this statement conformed to his understanding, the civil party responded:

During the time that I was living in Phnom Penh, I did not hear about being allowed to buy two kilograms of rice. However, at that time, the price of goods was increased due to the difficulty of bringing goods into Phnom Penh. Maybe this author was not living in Phnom Penh and could not know the real situation in Phnom Penh back then.

On a related topic, Mr. Ianuzzi asked the civil party to confirm whether he worked for the Lon Nol government at that time. Mr. Saran responded:

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<sup>13</sup> E131/1/13.1

In 1969, I started engaging in medical studies and I completed these in 1972 or 1973. Then I worked at Preah Ketmealea hospital. Then I went to Sisophon. Of course I was part of the government employees as I worked for the state.

This prompted Mr. Ianuzzi to ask whether the conditions of the people in Phnom Penh were “compounded by the incompetence” of the Lon Nol government. Mr. Saran responded, gesturing emphatically, that he was not here to answer such questions or “give you an analysis on what you just asked.” The civil party then sought to ask Mr. Ianuzzi a question, but the president interjected that the civil party was instructed to respond to Mr. Ianuzzi’s question if he could, and not to ask questions to counsel.

Mr. Ianuzzi sought to clarify that he was not trying to criticize Mr. Saran for anything that he had done and apologized if this was the impression his questions created. He then repeated his question as to whether the incompetence of the Lon Nol regime, not of Mr. Saran, compounded the living conditions prior to 1975. The civil party responded, looking at Mr. Ianuzzi, “The question is not relevant to my presence in this Chamber at that time.” Mr. Ianuzzi reminded Mr. Saran that the civil party had been answering many questions already about the events that happened before 1975. Mr. Saran retorted:

What I saw in Phnom Penh prior to the capture of the city by the Khmer Rouge is what I would like to tell the Chamber. I already made clear to myself that if I still live, I would have to take the stand and tell the Chamber all about this.

***Controversial Territory: Corruption, Bombardments, Lies, and Debt Forgiveness***

At this juncture, Mr. Ianuzzi turned to a different topic, asking the civil party about Prime Minister Hun Sen’s recent request to U.S. President Barack Obama last week to forgive “certain Lon Nol-era debt” to the U.S. incurred during the Lon Nol regime since that money was used by a pro-U.S. government to suppress its own people. This elicited an objection from Ms. Martineau who stated that this “very interesting” question was inappropriate, that the civil party should not be asked to analyze the political situation, and that Mr. Ianuzzi’s previous question was of the same character and not relevant. Mr. Ianuzzi responded that he was not interested in today’s political situation but Hun Sen’s characterization of the previous regime in power prior to 1975 “as a repressive one,” noting that it had been a fixture of his team’s defense of Mr. Chea since 2008 “whether or not anyone in this courtroom wishes to rule on them, believe them, what have you.” Therefore, the way that the Lon Nol regime ran the country was, he asserted, a “relevant contextual consideration.”

Despite Mr. Ianuzzi’s protestations, however, the president sustained the objection by counsel for the civil parties on the ground that Mr. Ianuzzi’s question was neither relevant nor appropriate as a question to be asked to a civil party since it sought for the civil party to give his personal opinion. Mr. Ianuzzi responded, “The civil party has been giving his own personal opinion since he took the stand,” attempting to continue but being cut off by the president, who stated that the Chamber had already ruled on the matter and the civil party should not respond.

Mr. Ianuzzi duly moved on to the imminent American bombardments of Phnom Penh. Before doing so, he noted that his client, Nuon Chea, did not deny his involvement in the evacuation of Phnom Penh; that they did not dispute that the evacuation took place; and that he personally “had no issue” with Mr. Saran’s “factual rendition” as to his journey into the provinces. However, his one issue was that in his testimony during the previous week, Mr. Saran said that the reason he was given for the evacuation of Phnom Penh was that the Americans were going to bombard Phnom Penh. Mr. Saran confirmed this was correct. Mr. Ianuzzi noted that the civil party also told the court that he believed that justification at first but then later on, developed “certain suspicions as to that justification.” The civil party also confirmed that this was correct and that the reason he grew suspicious was because “after three days, no bombs fell down from the sky. I could see that it was part of a lie. At the same time, I also felt suspicious that although three days passed, it could happen sometime in the future.”

Mr. Ianuzzi asked, however, what was meant by the word “lie” and whether this meant a “deliberate intent to falsify information.” Mr. Saran said, “On the three days (April 17, April 18, April 19), we were told that bombs would drop from the sky. But bombs did not fall from the sky. So I took it as part of a lie.”

Mr. Ianuzzi asked the civil party to assume that the defense counsel was the mayor of a city and announced that a very damaging hurricane strike was imminent<sup>14</sup> and therefore instructed his population to leave the city. If the hurricane did not then eventuate, did this mean that the mayor had lied? The president then interrupted that this was a question calling for the civil party to speculate, and such questions were not permitted, in accordance with a rule existing “all along already.” Undeterred, Mr. Ianuzzi presented a following second example to the civil party, stating, “Let’s just say that the individual running these proceedings banned so-called leading questions and then leading questions were asked many times in the courtroom--”. However, the president cut Mr. Ianuzzi off at this point, noting the Chamber had already ruled on this and encouraging Mr. Ianuzzi to cede the floor if he had no more concrete, relevant questions for the civil party, namely questions falling within Case 002/1 and within the civil party’s knowledge.

The defense counsel responded that what he was trying to do was to inquire as to the meaning of the word “lie” as used by this particular civil party, as this was relevant. He continued to speak, but his words were not rendered over the audio-visual connection, with the president interjecting instead to direct Mr. Ianuzzi to move on to a new line of questioning.

Mr. Ianuzzi therefore turned to ask the civil party to clarify again why he initially believed that American bombings “could turn out to be true,” which he had testified as the reason for going along with the evacuation. Mr. Saran responded:

There were soldiers who told us that the Americans would drop bombs and that we had leave quickly. I was compelled to leave, and I left. At that time, I was thinking to myself that since the Khmer Rouge were moving closer or were seen in Phnom Penh, that bombs would be dropped on them or on us, so this was part of the justification. I believed that the bombs would be dropped not on civilians but on the Khmer Rouge soldiers, and I was convinced.

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<sup>14</sup> This is presumably an allusion to the recent landfall of Hurricane Sandy on the east coast of the U.S.

Mr. Ianuzzi inquired whether Mr. Saran agreed that he had no direct knowledge about whether the Khmer Rouge soldiers who told them about the imminent bombings actually believed this would occur. Mr. Saran said that he could not, as he did not speak to these soldiers personally.

Moving on to the evacuation of Phnom Penh itself, the defense counsel asked the civil party whether he noticed the conditions of the road on his journey out of Phnom Penh. Mr. Saran responded:

Chroy Changva Bridge was cut off, and traffic was not possible at that time, from one end to the other end of the bridge ... I had to travel ... all the way to Sisophon. We were traveling on the same road that had been traveled on by other people who had traveled before; the difference was that the road was quiet at that time.

At this juncture, Mr. Ianuzzi asked whether Mr. Saran was “at all concerned” that the Court was unable to proceed with the trial at a pace “acceptable under international human rights standards” and that the Court was “apparently running out of money.” Interjecting with a smile, the president directed the civil party not to respond to the question as it was “somewhat irrelevant.” Mr. Ianuzzi sought to state his position on relevance, seeking to discuss international human rights jurisprudence, but getting cut off by the President, who directed counsel to move on.

Mr. Ianuzzi then asked whether an appropriate way to remedy the situation was to ask Sean Visoth, the former director of the ECCC office of administration, to return some of the “many thousands of dollars” that he stole from the ECCC during his three-year tenure. The president interjected, again with a smile, explaining that this question was also irrelevant and that the civil party should only respond to questions that were relevant. He also cautioned Mr. Ianuzzi not to ask any further irrelevant questions or his microphone would be cut off. Seeking to begin a new line of questioning, Mr. Ianuzzi was cut off by the president as the Trial Chamber judges took the opportunity to huddle in deliberation.

At this juncture, Judge Cartwright sought to remind Mr. Ianuzzi that Mr. Saran had “clearly ... suffered” and deserved to be treated with “more humanity and respect,” and that if Mr. Ianuzzi had no more relevant, respectful questions, he should cease his questioning. Mr. Ianuzzi addressed Mr. Saran and sought to make very clear that he had “nothing but the utmost respect” for him “to counter the insinuation made by Judge Cartwright that I lack humanity.” He then asked Mr. Saran whether he had read the Human Rights Watch report *Tell Them That I Want to Kill Them: Two Decades of Impunity in Hun Sen’s Cambodia*. The president interjected again that this question strayed “too far away from what was being debated before the Chamber.”

Mr. Ianuzzi sought to make a comment for the record but was again cut off by the president, who said he “believed we had made it clear” that this was not Mr. Ianuzzi’s role in the proceedings today. With this, Mr. Ianuzzi concluded his questioning and ceded the floor to his colleagues in the defense. Both National Co-Counsel for Ieng Sary Ang Udom and National Co-Counsel for Khieu Samphan Kong Sam Onn advised that they had no questions for the civil party.

***Civil Party Meas Saran’s Statement of Suffering: Request to Cremate the Bones of Khmer Rouge Victims***

As questioning of the civil party had concluded, the president invited Mr. Saran to give a statement of suffering if he so wished. Mr. Saran’s statement was as follows:

The prosecution and the trial of the Khmer Rouge leaders is the hope that I have held for a long time. I lost my wife and my family members, and I am confident that this court will find me justice. So far, until today, I still do not understand the nature of the acts committed by the Khmer Rouge, and it is my strong hope that this court will find the truth. ...

I will request that all the bones, all the skeletal remains that are being displayed at the moment, shall be cremated. Those bones could also be the bones of my wife, and it is not appropriate to hold those skeletal remains in a cage for display. If the Court can do so I would very much appreciate it. However, if it cannot be done, well, that’s it. But I still urge and appeal to the Chamber to cremate those skeletal remains according to the Cambodian tradition. They were the remains of those people who were killed; they were killed by those people! This is something humane that this Court can do. ... The ash shall be stored in a stupa as a symbol so that the people can recall what happened. I dare to speak this out before this Court, and if it is not appropriate, I would express my humble apologies to this Court.

I have lost my wife for so long, and I did not even know what happened to the child that my wife was carrying at the time. If my wife was killed or died, and any of her skeletal remains are still maintained in the display, then it would not be appropriate. If we want the next generation to remember what happened during the regime, then the ashes of the cremated remains shall be stored in a stupa or something.

***Co-Counsel for Ieng Sary Attempts to Comment on the Testimony of Civil Party Meas Saran***



After the mid-afternoon break, the president sought to bring in a new civil party to testify before the Court. Prior to doing so, however, Mr. Udom noted that the president may have skipped part of the proceedings permitting the parties to give comments concerning Mr. Saran’s statement of suffering. The president duly instructed the court officer not to bring the civil party in, instead giving the floor to parties to make such comments. Mr. Udom stated that he had some observations concerning the proceedings, but not Mr. Saran’s statement of suffering expressly. The president responded that this opportunity was not for such comments but for comments concerning the statement of suffering.

Mr. Udom said that the civil party spoke about facts that were not relevant to the trial; however, the president cut the

defense counsel off on the basis that his comments were relating to the proceedings and not to the statement of suffering. He reminded Mr. Udom that he was a party to the proceedings and was entitled, under the Code of Criminal Procedure of Cambodia, to make such objections during the proceedings. Mr. Udom stated that he had no comments concerning the statement of suffering but the proceedings themselves, and would make these comments at a later date.

***Civil Party Ua Ry Testifies to Events Prior to the Evacuation of Phnom Penh***

Following this exchange, new civil party Ua Ry took the stand, with the president first noting that Ieng Sary had waived his right to be present for her testimony due to health concerns. Aged 50, Ms. Ry is a farmer and was born in Tbong Damrei village, Psach Kandal district, Kandal province, where she currently lives. She is married to Houn Mao and they have four children. The president reminded Ms. Ry that she would have the right to testify about her suffering as a result of the crimes allegedly committed that were part of the Court's case.

National Co-Lawyer for the civil parties Ty Srinna asked the civil party where she and her family lived during the Lon Nol regime. Ms. Ry advised that they lived in Phnom Penh, and that her house was located at Kilometer 6. There were 11 people in her family, "including my younger siblings, [and] my parents." At the time, her parents "sold beef at the market." Asked to describe the family's "level of livelihood," Ms. Ry responded, "At that time, we had enough to eat."

Ms. Srinna asked whether Ms. Ry had heard anything about the Khmer Rouge's attack on Phnom Penh two or three months before the evacuation, for example, hearing bombs falling nearby. Ms. Ry responded:

I heard mortar shells were dropped into Phnom Penh. We had to take refuge in a bunker. On one occasion, my sister, who sat next to a window, got hit by the shrapnel from a bomb that was dropped far from my house, but she got hit seriously. Several of my neighbors died because of the bomb. I saw this. After the bomb was dropped, it was quiet.

After there was no more fighting, we brought my injured sister to the main hospital in Phnom Penh. I had to be there accompanying my sister when she was being treated at the hospital. One month later my mum asked me to bring my sister back because she felt that the country was in big trouble due to the fact that there were bombs being dropped every day. My sister was not fully recovered. ... A few days later we saw Khmer Rouge soldiers approach Phnom Penh. My house was also visited by the Khmer Rouge soldiers. They came to us, asking us to leave the capital city for three days. We were advised not to bring with us any belongings because it was a brief moment to leave the city. ...

When [my sister] got hit, she fell to the ground. The bomb was launched from a nearby location. We at that time thought that our sister may have already been killed by the bomb, but she was only seriously injured. ... They called the hospital [where her sister was taken] Peth Thom.<sup>15</sup> I noted that a lot of people were

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<sup>15</sup> This is a colloquial name for Preah Ketmealea Hospital.

wounded and were being admitted to the hospital. They had been injured by the bombs.

This answer prompted the civil party lawyer to ask Ms. Ry whether there were still doctors or medical staff on duty while her sister was being treated. The civil party confirmed this, but noted that only if they were “able to offer the medical staff some money would our sibling be treated.” Returning to the bombing near the civil party’s home, Ms. Srinna asked who else was injured. Ms. Ry responded, “My neighbor, an elderly person who was sitting and reading a newspaper, was killed instantly by the bomb.” How did Ms. Ry feel at the time? Ms. Srinna asked next. Ms. Ry responded:



We were terrified. Everyone was scared. We had to take refuge in a bunker every time we heard a bomb being dropped. ... I don’t know what happened further from my home. I was confined to the location where I lived and I only saw a few people get injured or killed. ...

I had been at home for three days only after my sister was discharged from the hospital before the Khmer Rouge took control of the city. ... Three days after the Khmer Rouge entered, we were herded and asked to leave, so people went in different directions. As for my family, we headed to my grandmother’s village.

Ms. Srinna sought clarification about the direction from which the Khmer Rouge entered the city. Ms. Ry responded, “They came through Prek Phnov.” She could not, however, remember the exact number of soldiers, although she recalled there were lines of them. As to their appearance, Ms. Ry stated, “They wore black pants and black shirts; they had car tire sandals and scarfs around their necks.” Regarding their activities, Ms. Ry added:

They went to chase the people to leave the houses. There was an announcement on the mobile loudspeaker announcing that Phnom Penh residents had to leave because they prepared to clean the city. ... They carried guns and they used the guns to chase away the people. They threatened to kill anyone who did not want to leave. We all had to leave overnight. ...

Of course, some others who did not want to leave because they were afraid of losing their belonging. They said that nobody would touch your property, and that we had to leave for three days, and then we could return to our property. Of course, my family did not want to leave because we did not want to leave our property behind. ... There were many people leaving together. It was crowded. Other family members also left; they left in many directions, probably towards



their native villages. As for my family, we had to leave across the river to Prek Leap.

As to the use of currency, and the implications of its becoming useless, Ms. Ry testified:

My family was hungry and we wanted to buy something to eat, but they told us that money would not be accepted anymore. ... I did not know who actually [gave] that [order], but I tried to buy something from the Khmer Chinese and the seller refused to accept the money. That happened to the rest of the buyers as well. ...

They told us it was not necessary to bring those utensils and we could buy those things along the way ... so we actually left without bringing anything. ... We did not actually bring anything except money. ...

[My mother's] feeling was, "If money could not be accepted, how could I afford to buy anything for my children?" We were pretty young and we cried as well, for the hunger.

As to the journey back to her native village, Ms. Ry testified:

Nobody gave us anything; ... we had to keep walking; ... we had to stop halfway. We were bitten by mosquitoes and my young siblings cried because they were hungry. My mother said, "Please be patient, children, until we reach our native village." ...

We spent one day and one night before we reached our village. During the night, we slept in the middle of the forest. There was no villagers' houses, because we thought we would reach the village by taking a shortcut. But we did not reach it so we stopped halfway. Of course, we slept on the ground and we were swarmed by mosquitoes.

Other families were in the same situation as mine. Those families who had young children, the children cried because they were hungry. They had money but the money could not be used to buy food. My parents were shocked by that as well.

At this point, Ms. Srinna directed the civil party back to the day on which her family was evacuated, asking why her family chose to evacuate. Ms. Ry stated, "Because we were not allowed to stay! They chased us away from the house. They did not give us a reason for that."

#### ***Details of the Civil Party's Initial Destination during the Evacuation***

Ms. Srinna noted that the civil party had testified travelling for a day and a night to reach her native village. Asked where this village was, Ms. Ry advised that it was Tbong Domrey village. Upon arriving in that village, "our grandparents greeted us and gave us food so we stayed with them for a few days. Later on, Angkar instructed my mother to go to live in another house. We had to build that house."

As to the situation in Tbong Domrey village, Ms. Ry said, “We were newcomers and we were not allowed to mix with the base people. We the Phnom Penh people were considered newcomers.” Ms. Ry confirmed that her village was already under the control of the Khmer Rouge. The people had already been classified into the “new” and “base” people. Her family was considered “new people ... because whoever came from Phnom Penh were considered new people. New people were registered in a separate list [made by] the unit chief; ... that’s what I heard. I was pretty young back then.”

The civil party lawyer asked whether Ms. Ry ever heard, while at that village, announcements advising them that they could return to Phnom Penh. Ms. Ry denied hearing any such announcement, stating:

My family stayed there and thought that we would be living in peace. ... Of course, we eagerly wanted to return, as we left our property behind in our house in Phnom Penh, and when we arrived in our native village, there was nothing for us there. There was insufficient food.

Ms. Srinna then sought for the civil party to elaborate on whether food was rationed between the “new people” and “base people.” Ms. Ry began by responding, “I did not stay for long in my native village. We were sent further,” and then added, when pressed:

It was the unit chief. He gave us the food ration. My mother was instructed to work to chase away the sparrows from the rice field, and my elder siblings were also instructed to do the same ... The ration had to be shared among ourselves. Each of us received three ladles of food, and later on, only one ladle of food was given to each of us ... The few days that we lived there, we ate communally.

As to whether she lived in that village for a long period of time, the civil party disagreed, explaining:

I stayed at that village for a short period of time. Then my family, as well as other families, was ordered to leave. Initially we thought that upon arriving at our native village, that we would be reunited with our family. But on the contrary, Angkar sent us further away from our native village. ... We kept walking and walking until we reached Prek Tamnak. Then we were received by a boat. ... [My parents] did ask where we were being sent to. They said that there was no need for us to ask; ... we just needed to board the boat and we would be taken to the destination.

They said that as we were “new people” we had to leave. We were not allowed to settle in the native village. We would be sent to further areas.

This prompted the civil party to ask whether there was discrimination or differentiation between the “new” and “base” people. “Yes indeed,” Ms. Ry said, “only the new people were sent away. The base people remained.”

### ***Onward Evacuation by Boat and Truck***

Turning back to the boat which received her family, Ms. Ry stated:

There were several boats. I could not remember the exact number. Each boat was fully loaded. ... It was a pretty big [boat] because once we boarded the boat, we saw a lot more people already there. ... I saw armed guards [at the riverbank]. They were militiamen. They instructed us to go onto the boat. Upon seeing the guns, we were afraid, so we hurried ourselves on to the boat as we saw other families harassed by those militiamen.

As to the reasons those families were harassed, Ms. Ry said that this was because “they did not want to leave the village, they wanted to stay at the village in the hope that they would be allowed to return to Phnom Penh.”

Testifying on the situation on board the boat, Ms. Ry said:

When I got on board the boat, the boat was then covered, so it was in complete darkness. We did not know which direction the boat was heading to. ... After we got off the boat, then we boarded a truck. By then, my family members and other people were given a piece of bread each. But it was insufficient for us. ...

There were two guards at the front and two guards at the rear of the boat. They were all armed. ... They were afraid that the people would flee or would jump off the boat, but nobody dared to flee. ...

It was heading towards Prek Phnov. I thought that they would put us on a truck and take us to Phnom Penh, but instead we were taken by the truck to Pursat and Battambang.



Upon arriving in Prek Phnov, the civil party went on, “a truck was waiting for us.” There were no other people waiting to receive or assist them. However, “there were guards” on the riverbank upon their arrival. “Once the boat anchored at the riverbank, there were guards there and they instructed us to board a truck. ... It was a caged truck. We all stood. There was no place for us to sit on the truck.”

Asked who gave the civil party and her family a piece of bread to eat, Ms. Ry said that she did not know but added that she knew the unit chief gave them bread. Ms. Srinna asked whether many people disembarked or just the civil party’s family. The civil party confirmed it was the former, adding, “We were like a flock of people.” Were any other items distributed to the boat passengers? Ms. Srinna asked. Ms. Ry denied

this, stating that “there were no other things distributed to us other than a piece of bread each.”

There were a lot of trucks. I don’t remember exactly how many, but there were a lot of trucks, a lot of people. Because every time a ferry docked at the banks, trucks would come to transport them. ...

People were reluctant to be loaded onto the trucks because they wanted to return to the city, to Phnom Penh. They did not want to leave behind their belongings, but they were compelled to leave. People who contested this would end up being in big danger. ...

Chiefs of the units and the Khmer Rouge soldiers were ready to compel everyone to get on the trucks. ... They were Khmer Rouge soldiers who mingled with the head of the units. These people would be there to ask us to get on the trucks. ... They wore the same outfits: the black shirts and pants with the sandals made of car tires. Soldiers would be armed while the unit chiefs would not be.

The civil party lawyer asked whether people who were transported through the boats were made to wear the same outfits as the soldiers and unit chiefs. Ms. Ry responded that she and her family still wore their clothes and were not given the black clothes of the Khmer Rouge as yet.

The hearings were then adjourned for the day. Hearings will resume at 9 a.m. on Friday, November 23, 2012, with the continued testimony of Ms. Ry.