



*Civil Party Denise Affonço, above, testified via video-link at the ECCC on Wednesday.
(Source: Documentation Center of Cambodia)*

Vivid Civil Party Testimony: How Khmer Rouge Promises of “Paradise” Resulted in “Hell”

By Doreen Chen, Senior Consultant, Destination Justice, and LLM, Columbia Law School¹

“At every stage along the way, we were being promised paradise,” but “it was the beginning of hell,” civil party Denise Affonço powerfully testified in the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Wednesday, December 12, 2012. Testifying via video-link from France, Ms. Affonço, a French national of French-Vietnamese heritage, survived the evacuation of Phnom Penh and the Democratic Kampuchea (DK) period, but witnessed the vast majority of her family members die during that time. In the first day of her testimony, Ms. Affonço testified on issues including the treatment of foreign nationals during the DK period and desperate conditions in Khmer Rouge cooperatives.

During its morning session, the Court continued to hear testimony from witness and former Khmer Rouge messenger Phan Van *alias* Khamphan. In today’s session, the witness elaborated particularly on the treatment meted out to internal enemies in Sector 105; his experiences working as a driver for former ECCC accused person Ieng Thirith while she was the Minister for Social Affairs; and, somewhat controversially, the circumstances surrounding the death of his father Ta Lang, a one-time Sector 105 secretary.

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>.

Delayed Start and Debate Over Time Allocation for the Prosecution

Courtroom proceedings were plagued by a delay of over 10 minutes this morning, with certain microphones appearing not to operate correctly. After the problem was resolved, Trial Chamber Greffier Duch Phary advised that, in keeping with previous recent hearing days, accused person Ieng Sary was participating in the hearings from his holding cell rather than the courtroom pursuant to a Trial Chamber order to this effect in view of Mr. Sary's health issues.²

There was a substantial audience in the public gallery this morning, comprised of 176 students from the Pour un Sourire d'Enfant Institute in Phnom Penh, 100 villagers from Kampong Cham province, and 90 civil parties from 10 provinces around the country, the latter group attending hearings for a second day.

Before continuing his questioning of witness Phan Van *alias* Khamphan,³ International Senior Assistant Co-Prosecutor Vincent de Wilde made an application to the president regarding time allocation. He noted that the Office of the Co-Prosecutors (OCP) and civil party lawyers had been allocated one full day to question Mr. Van and their time allocation had been reduced by Trial Chamber President Nil Nonn's reading of an oral decision of the Trial Chamber before the OCP commenced its questioning of the witness on December 11, 2012. Accordingly, Mr. de Wilde requested that it be permitted to continue questioning the witness until 11:30 a.m. and not 10:40 a.m., the usual time for the mid-morning break.

In response, International Co-Counsel for Ieng Sary Michael Karnavas reminded the court that the hearing had continued 10 minutes beyond the usual adjournment time the previous day, and the president's reading of the decision also took 10 minutes; therefore, any time lost had been regained via the extension of the hearing day. Mr. de Wilde indicated that there were many subjects to cover and certain topics, which were relevant to ascertaining the truth, had yet to be addressed. National Lead Co-Lawyer for the civil parties Pich Ang voiced support for the OCP's application and indicated that the civil party lawyers would require no more than one hour to question the witness.

International Co-Counsel for Nuon Chea Andrew Ianuzzi said that he had spoken to OCP and had indicated that his team would not object to an extension of time, so long as the defense was also "given the same leeway." With this, the Trial Chamber judges huddled in conference. After several minutes, the judges resumed their seats, although the president and Judge Silvia Cartwright continued to confer for a few moments. The president then advised that the Chamber would consider this application after the first morning break at 10:40 a.m.

The president also announced that between 12 p.m. and 1 p.m., there would be a town hall meeting in the public gallery and the Court would need a further 20 minutes to establish the video-link so as to enable the civil party TCCP 1 to testify in the afternoon. With respect to time

² Cambodia Tribunal Monitor's daily blog post detailing this ruling is available at <http://www.cambodiatribunal.org/blog/2012/12/civil-party-%E2%80%9Cwe-were-living-prison-without-walls%E2%80%9D>.

³ Mr. Van began testifying on December 11, 2012. Cambodia Tribunal Monitor's daily blog post of his first day of testimony is available at <http://www.cambodiatribunal.org/blog/2012/12/khmer-rouge-messenger-and-doctor-each-provide-insight-democratic-kampuchea-period>.

allocation, the Court's general approach was that time allocation should be equal as between the parties unless parties did not wish to utilize the full time given or time was lost for technical reasons. The Chamber, he reminded, was "very mindful" of this allocation.

Continued Review of Telegrams To and From Sector 105 and the Center

At last beginning to question the witness, Mr. de Wilde noted the witness had testified that he worked as a driver, messenger, security guard, and decoder of telegrams. He asked the witness to describe the periods in which he had worked as a telegram decoder, particularly in relation to his sister Phan Sovannhan *alias* Bophan, who, as the witness had testified, also worked as a telegram decoder for their father, Ta Lang, the former secretary of autonomous Sector 105. Mr. Van responded that he worked as a telegram decoder before the war; after the country was "liberated," his sister took over as their father's decoder until their father passed away. When his sister took over, Mr. Van began work as a driver instead.



On December 11, 2012, Mr. de Wilde recalled, the witness had testified having not previously seen certain telegrams Mr. de Wilde showed him since those telegrams were sent while his sister was working as a telegram decoder. However, the witness was nevertheless able to recognize the form of the telegram and his father's sign-off.

At this point, the prosecutor was granted leave to show the witness another telegram, *Telegram 22*, sent by Lang to "Beloved Comrade Pang," dated December 1976, and copied to Nuon Chea. Reading from the English version of the telegram,⁴ Mr. de Wilde noted that it indicated that Bophan was assigned to a course on confidential documents, whereas Comrade Kan was assigned to a course on radio documentation, and the telegram author's mother wanted to visit Phnom Penh to see her children.⁵

The prosecutor asked the witness a series of questions seeking clarification on this telegram. Mr. Van confirmed that the reference to "Bophan" was a reference to Phan Sovannhan, and that "at the time, parents and children were not allowed to address each other as [such], they were supposed to refer to each other as nephews and nieces." He advised that Comrade Kan was in charge of the radio station and had worked with the witness's father, and that Van Ty Lang, Da and Thik, who had all been referred to in the telegram, were all his "biological siblings." The witness also confirmed that his grandmother wanted to visit Phnom Penh at the end of 1976.

Following this, Mr. de Wilde sought to show the witness another telegram, *Telegram 57*, addressed to "Beloved MO870" and dating from May 20. This telegram was sent by Cham and concerned Sector 105 security. In particular, it noted that a Yuon⁶ was "smashed," a further two

⁴ The prosecutor indicated that he did so because the French version contained errors.

⁵ This telegram has the document number E3/1195.

⁶ Yuon is a derogatory term used to refer to Vietnamese.

Yuon were arrested, and the sector suffered casualties when the office was attacked. The telegram detailed that internal enemies were thought to have caused these attacks; in particular “division henchmen of the contemptible Song and the contemptible Chhin.” The telegram also referred to Division 2 of Sector 105. Asked what Division 2 was, Mr. Van responded, “I am not clear, but it could have been in Division 920. As for the sector, it had its own force attached to the sector, and division forces were separate.”

A reference to the Vietnamese also appeared on the telegram, as well as a postscript indicating that a decision had already been made in this regard, Mr. de Wilde said. He asked the witness whether he was aware if decisions about such matters would be taken at the sector or at the Center. Mr. Van responded:

Of course, there was an ongoing war along the border at that time, and I followed my father all the time over there. Of course, there were arrests of Vietnamese. As for the decision, it was not up to the sector to decide on the arrest. The decision had to come from the Center. . . . I do not understand the working procedures, but I only knew that every action was carried out on the behest of the Center.

Finally, as for whether the “contemptible Chhin” mentioned in the telegram was the same person as the secretary of Division 920, Mr. Van agreed that this was so.

Was there a great deal of arrests in Division 920 by May and June 1977? Mr. de Wilde queried. “I do not recall it well,” Mr. Van responded, “but many people did disappear at that time.” With this, the prosecutor advised the Chamber that the case file contained:

- An S-21 confession of Meng Maing *alias* Chhin, listed as the secretary of Division 920, dating from February 1977;⁷
- An S-21 prisoner list providing details of 80 people arrested from Division 920 on June 11, 1977;⁸ and
- An S-21 prisoner list dated June 5, 1977 providing details of 90 individuals arrested in Division 920.⁹

Mr. de Wilde was granted leave to show the witness a final telegram. Dated August 27, 1977, this telegram, sent by Comrade Chuon to “Respected and Beloved M870,” concerned security matters and the *Revolutionary Flag* magazine and detailed the collecting of *Revolutionary Flag* and *Revolutionary Youth* issues.¹⁰ The witness testified, when asked, that he could not recall how many issues of these publications were sent to Sector 105. Neither did Mr. Van personally read these publications, as “at the time, those magazines were placed at the cooperatives.” Clarifying what this meant, Mr. Van confirmed that the publications were distributed to cooperatives via Sector 105.

⁷ This confession has the document numbers D175/3.41 and IS5.49.

⁸ This prisoner list has the document number IS73.

⁹ This prisoner list has the document number D175/3.30.

¹⁰ This telegram has the document number E3/1204.

In the telegram, Mr. de Wilde went on, there were details of enemies being sent back to a zone from which they had fled. He asked Mr. Van whether this was a normal practice of the time, but Mr. Van denied any knowledge of this. The telegram also detailed the arrest of three people who were carrying pictures of King Father Norodom Sihanouk. The prosecutor inquired whether such an action would normally lead to a person being considered an enemy. Again, the witness denied any knowledge of this, but explained, “The situation at that time was very fragile. In other words, when we had the slightest suspicion against another person, then that person would be considered an enemy.”

Treatment of Internal Enemies Within Office K-17

The prosecutor was granted permission to read a passage from the record of one of the witness’s interviews with the Office of Co-Investigating Judges (OCIJ). In this passage, the witness detailed reports that were issued by districts in Sector 105, noting that these reports detailed progress on building of dams and canals, education, good and bad elements, and traitors. The reports would be sent to Office K-17 and then sent out to the districts. Office K-17 would prepare a district report and send it to the Center on a daily basis. As for “bad elements,” people would be reeducated at the “base” for the first and second offenses and would be sent to the Phnom Khraol security center for the third offense. Battalion 2 Chairman Leng oversaw this process. People would be sent for reeducation if they broke discipline, committed moral offenses, stole, or evaded work, and would be required to prepare their biography. According to the witness in this passage, the Center never ordered any arrests.¹¹

Mr. de Wilde asked what criteria were used to “sift the good from the bad.” Mr. Van explained:

Those who did not respect others were considered pacifist enemies. Those who had backgrounds as teachers or officials of the previous regime: those were the targets of removal. ... I did not understand the working procedure very clearly, but as far as I understood, the sector did not have any discretion to decide on such instruction. It had to come from the Center. As for the arrests, again the decision had to come from the Center. The Center would issue an invitation letter for education. When those people went for education, they literally disappeared.

Asked whether people were transferred from Phnom Khraol security center to Phnom Penh, Mr. Van denied this, explaining that “at that time, there were no transfers of prisoners from Phnom Khraol. Of course, there were summons from the Center for those who had to undergo education. The center would order the arrests of those who were supposed to be reeducated.”

Witness Recalls His Time as Leng Thirith’s Driver

Mr. de Wilde asked the witness to turn his mind to the circumstances under which his father died, though not the death itself. Instead, the prosecutor asked the witness to focus on his earlier testimony in which he said that Nuon Chea had ordered cadres to take part in reeducation training, following which they were disappeared. Mr. de Wilde asked the witness if he could recall his father and Kham Phuon receiving such summons. The witness confirmed this did happen. Following the death of Mr. Van’s father, Mr. de Wilde noted, the witness then worked

¹¹ This record has the document number E3/58, and the relevant ERN is 00239936 (in Khmer). The relevant passage can be found on page 3 in the English and French versions.

for Ieng Thirith planting vegetables. Asked to elaborate on this time, the witness said, “After my father died, I still planted vegetables. Then I was taken to become a driver at K-2.”

As for how often Ms. Thirith met with senior Khmer Rouge leaders, including Nuon Chea, Ieng Sary, and Khieu Samphan, Mr. Van advised that he could not recall these details, although he could recall that she met Mr. Chea at least “every month” at a location he also could not recall. Mr. de Wilde then reminded the witness that, in one of the records of his OCIJ interview, he had detailed that Ms. Thirith and Mr. Chea met three times a month at K-3, at Mr. Chea’s request.¹² Asked whether he stood by this statement, Mr. Van said, “As I already stated in the record of interview, although I don’t remember this in detail, I was taking her to K-3 where I would be stopped and asked to wait outside. They would meet two to three times each month.” Mr. Van denied any knowledge of the person to whom Ms. Thirith was accountable on the activities of the Ministry of Social Affairs.



As to whether Ms. Thirith traveled alone to these meetings or was joined by any ministry cadres, Mr. Van said, “It depends. Sometimes she was on her own. Sometimes she was joined by a cadre or two.” Did the witness see or hear of any other leaders attending those meetings? Mr. de Wilde queried. The witness denied any knowledge of this, because “as a driver, I would only drop the passengers at the place, and I would only be waiting outside to receive her. I never entered inside the premises.” Neither, Mr. Van said, did he ever chat to other drivers and discuss who was meeting Ms. Thirith.

How did the witness know Ms. Thirith was meeting Mr. Chea if he did not enter K-3? Mr. de Wilde questioned. Mr. Van responded that he “knew for sure that Uncle Nuon Chea was there.” However, he denied that this was because either Ms. Thirith or other cadres advised the witness of this fact.

Removal of Internal Enemies from the Ministry of Social Affairs

In record of one of the witness’s OCIJ interview, the prosecutor continued, the witness had detailed Ms. Thirith’s powers with respect to human resources at the Ministry of Social Affairs, and in particular the discovery of “enemies burrowing from within.”¹³ The prosecutor noted that in this passage, the witness had also discussed “dismissals” and “purges.” Queried as to whether these terms meant the same thing, the witness responded:

I don’t understand the actual meaning of the term “purge,” but as a person responsible at the location I believe she had the authority to have anyone removed. But I don’t know the level of authority enjoyed by her, although I knew

¹² This record has the document number E3/447.

¹³ This record has the document number E3/447.

for sure that any order would be rendered from higher up and Madame Ieng Thirith would not be able to challenge any instructions or orders from her superiors. So, in principle, at that time, it would be up to the “upper echelon” or superiors to render any kind of decision and for the subordinates to follow suit. I don’t know for sure what the term “upper echelon” means.

In the same interview, Mr. de Wilde said, Mr. Van had discussed monitoring. Pressed for further details of what this meant, Mr. Van said, “The term monitoring here is more about observing what is going on and trying to understand the working policy as such.”

Several times in one of his OCIJ interviews, the prosecutor said, Mr. Van had discussed the arrests of two people from the Ministry of Social Affairs named Sou and Pak. Regarding whether he ever took Sou or Pak to K-7, the department of messengers, the witness confirmed this but said he only took Pak there “on one occasion. After that, I never saw her again.” The witness added that he was ordered to take Sou or Pak to K-7 by Ms. Thirith. Asked whether it was made explicit that they were being summoned to a meeting, the witness denied this and added, “She only told me to bring them to K-7. That’s all.”

“Fifteen days after that, a meeting was convened in which Ieng Thirith was saying that these people were traitors,” Mr. Van went on; “Yeay Phea”¹⁴ had discussed Sou and Phak being traitors and had read from a circular issued by K-3.¹⁵ Asked how he knew that Ms. Thirith was reading from that circular, Mr. Van said that this was because Ms. Thirith said so. Did the witness know the relation between K-3 and Office 870? Mr. de Wilde queried. The witness testified that he did not.

At this juncture, the prosecutor advised the Chamber that the case file contains a confession of Sin Phal Kun *alias* Sou dated March 13, 1978,¹⁶ as well as an S-21 prisoner list showing, at number 25, Uy Phirou¹⁷ *alias* Pak, who was registered as entering S-21 in February 1978.¹⁸

Moving on, Mr. de Wilde inquired whether there were many arrests at the Ministry of Social Affairs from 1978 onwards. The witness responded, “I don’t think I remember every detail of this. Several people disappeared, but I don’t remember those people.” As to how cadres were disappeared, Mr. Van explained, “As indicated, these people would be told to go to study sessions, after which they had disappeared. It happened again and again like that.” However, he did not know who issued the summons. Given all of the disappearances within the Ministry, including from pharmaceutical factories and so on, the prosecutor asked, did the witness notice a shortage of qualified cadres? Mr. Van confirmed, “Yes. That’s what I noted back then. There were less people at work and we lacked workers.”

Mr. de Wilde noted that in the witness’s testimony to the OCIJ, he had detailed that Ms. Thirith had three daughters working with her at the Ministry of Social Affairs: Minh, the director of a

¹⁴ Yeay is an honorific meaning grandmother. Phea was reportedly Ieng Thirith’s revolutionary alias.

¹⁵ This record has the document number E3/447.

¹⁶ This confession has the document number IS5.95.

¹⁷ This word was reported as “Pou” in the English translation, but this is believed to be an error.

¹⁸ This prisoner list has the document number E3/1535.

hospital; Mith, who worked in a pharmaceutical factory; and Ra. The prosecutor asked the witness if, by the end of 1978, the “majority of cadres” had been purged. Mr. Van responded that when he worked with Ms. Thirith, these three people also still worked with her.

Finally, Mr. de Wilde asked the witness to clarify whether the department of messengers was designated as K-7 or K-17, as he mentioned it both ways in his OCIJ interview. The witness said he may have been confused but that “it was K-7 for sure. It was located near the riverfront.” The prosecutor queried whether the confusion was because within Sector 105, there was also an office called K-17. The witness agreed this may have been so. Who was the head of the office of messengers? Mr. de Wilde asked. Mr. Van said it was a person named Kou *alias* Ky.

Mr. de Wilde indicated to the Court that he had no further questions and therefore wished to defer to the civil party lawyers to continue with questioning. This prompted the president and Judge Cartwright to confer, before being joined by their colleagues on the bench. The president then gave the floor to National Co-Counsel for Ieng Sary Ang Udom, who was standing. Mr. Udom observed that the prosecutor had finished his questioning by way of giving some remarks and indicating that his remarks were useful or relevant. The defense counsel remarked that this interaction was “strange” and should not happen. In addition, Mr. Udom continued, Mr. de Wilde had discussed Ms. Thirith even though her case had already been severed from the others; he questioned the relevance of this discussion. The president cut Mr. Udom off at this point and advised him to sit, as the time was not appropriate for him to make such comments.

Further Details on Witness’s Time in the Jungle and at Office B-20

Taking over the examination, National co-lawyer for the civil parties Sam Sokon asked the witness to provide further details about his time in the jungle. Mr. Van responded:

At that time, there was a resistance movement. I was very young at that time. My late father was one of the resistance fighters. The prime motivation was to liberate the country. That’s why there was this nationalist movement taking refuge in the jungle ... At that time, [the movement] was called the National United Front. ... It was led by the then-Prince Norodom Sihanouk.

Mr. Sokon asked the witness how long he stayed in the jungle. Mr. Van said he could not recall exactly, but it was “rather long”; he arrived when he was young and “stayed there until I could understand everything around me.”

The lawyer asked the witness for his impressions of Office B-20, where he learned to typewrite. Mr. Van recalled, “I did not understand at that time that much. I did not know how people interacted with one another.” He explained that he was trained to use a typewriter and to decode messages and telegrams; upon completing this training, he returned to his home village where he worked decoding telegrams.

Asked to describe the functions of Office B-20, the witness responded by describing again the training he undertook there. The civil party lawyer then asked Mr. Van to describe any other branches of B-20 he may have seen. Mr. Van responded:

In B-20, there were many branches. ... If we talk in the context of wartime, there were different administrative structures and branch offices, for example, the vegetable or the food production offices or other offices as well. The compound of B-20 was very large. There were some intellectuals who had returned from overseas staying there as well.

“B-20 was a place where they convened meetings. It was like a workshop hall where leaders met and discussed matters,” Mr. Van went on, when pressed by the civil party lawyer as to the functions of this office with respect to the senior leaders. However, Mr. Van could not testify as to what the leaders at B-20 sought to achieve.

As for whether the witness received political training while at B-20, Mr. Van said, “They actually conducted some political training, particularly on political lines, so on and so forth. I do not recall it. They told us how to overcome our own self as well. There were a lot of different trainings and I simply cannot recall them all.” The witness said he did not hear anything regarding the policy to evacuate Phnom Penh while he was at B-20, however.

Next, Mr. Sokon asked why Mr. Van moved on from being a telegram typist and decoder to being a driver, with his sister taking on the typing and decoding work instead. The witness responded:

At the time, there was no clear-cut structure and appointment and no such thing as a professional field of work. It depended on what the upper authorities instructed us. When I talked about typewriting training, it was not a professional course. ... There was no specific assignment that I had to stay with this job. It all depended on the need. If the need at the time arose, it would be fulfilled.

Rally at Olympic Stadium in Phnom Penh

Mr. Van confirmed, when asked, that he attended a rally in Phnom Penh at that time. As for how the witness came to Phnom Penh, Mr. Van explained that he took a truck with others to Kratie province and then took a boat from there to Phnom Penh. The witness could not recall, however, how long the meeting took, only that he stayed in Phnom Penh for approximately “half a month.”

How many cadres from Sector 105 accompanied the witness’s father to the meeting in Phnom Penh? Mr. Sokon asked. “Many,” the witness replied. Next, the civil party lawyer asked if the witness’s father advised the witness about the contents of that meeting. Mr. Van denied this.

At this point, the president advised the civil party lawyer to pause for a moment as the audiovisual team needed to replace the recorder. Returning to the questioning, Mr. Sokon asked the witness to confirm the precise venue of the meeting. Mr. Van said it was held at Olympic Stadium. Asked how he knew this, Mr. Van replied, “At that time, there were cadres from every corner of the country. There were tens of thousands of participants.” The meeting was held outside the stadium, the witness clarified.

Mr. Sokon inquired whether Mr. Van’s father convened a sector-level meeting to disseminate the information conveyed at the rally. Mr. Van denied this, but explained that “generally, meetings

were convened on a regular basis and it was normal to disseminate information on meetings held elsewhere.” In addition, Mr. Van could recall that the main objectives at the time seemed to be “the increase of agricultural production and everyday activities – that was it.”

Establishment of Cooperatives in Sector 105

Mr. Sokon asked the witness whether he could remember when cooperatives were established in Sector 105. The witness could not recall this precisely, but he believed that “Cooperatives were established well before the liberation of Phnom Penh in 1975.” Describing life in the cooperative, Mr. Van explained, “The Sector 105 office had its own cooperative. ... And they had a communal eating hall, separately. At village level, they also had cooperatives. Other than eating communally, they worked communally. For example, at the rice fields, they harvested crops and kept them collectively.”

After the witness’s father returned from the rally in Phnom Penh, Mr. Sokon asked next, was there any ill treatment against ethnic Vietnamese, such as with forced marriages? The president intervened at this point, advising that the witness did not need to answer this question because forced marriage was outside the scope of Case 002/1.¹⁹

Further Clarifications from Civil Party Lawyers on a Range of Issues

Asked to provide further details on the interaction between Division 920 and Sector 105, the witness said, “There was an interaction between these two entities, but I do not understand the details of [this] and the hierarchical structure.”

Mr. Sokon asked if the witness ever had to courier messages to districts subordinate to Sector 105. The witness confirmed this was so but denied any recollection of what these messages were about. However, he could advise that he received these messages from his father, or otherwise from the heads of offices. With respect to the decoding of telegrams, Mr. Sokon asked, from whom did the witness receive telegrams for decoding? The witness answered, “From the typists and the radio decoder.”

International co-lawyer for the civil parties Isabelle Durand took the floor from her colleague at this time and began by redirecting the witness once more to the Olympic Stadium rally in 1975. Asked to describe the state of the city of Phnom Penh at that time, Mr. Van responded, “The city was empty. It was very quiet. People did not dare walk about. There were no cars, no motorcycles. There were only a few soldiers who were seen standing guard at a few premises.” Ms. Durand asked the witness to contrast this with his time working for Ms. Thirith in 1978, Mr. Van said, “At that time, there were only workers at different ministries and officers, and soldiers, who occupied Phnom Penh.”



¹⁹ The memorandum outlining this scope has the document number E124/7.1.

Ms. Durand asked the witness to describe his typical working day as a driver for Ms. Thirith. The witness responded:

I was offered accommodation outside. When it came to eating, we would be asked to eat communally. I would then be asked to take Madame Ieng Thirith to, for example, the medicine production factory. ... At that time, I did not converse with any of the workers, because as a driver, my duty was to drive a car. ... I could chat with colleagues, but not about other functions. ... We would ask one another about our wellbeing, where they lived. It was more about greetings.

“At that time, no one would dare talk” about the state of Phnom Penh, however, Mr. Van went on. This was because “we were very afraid. We had to mind our own business. We were afraid of being accused as an enemy. People did not want to risk their lives talking about politics at all,” he recalled.

Ms. Durand asked the witness to explain how communication was exchanged within and outside the Ministry of Social Affairs. The witness denied any knowledge about this in light of the limitations of his capacity as a driver. He also did not know whether there was a telegram section within that ministry.

Self-Criticisms and Disappearances of Staff of the Ministry of Social Affairs

Moving on, Ms. Durand noted that in one of the records of his OCIJ interview, the witness had described monthly and quarterly meetings.²⁰ Asked to provide further details of these meetings, the witness responded, “These two meetings were separate meetings: the normal meetings and the self-criticism meetings. [At the latter,] people would criticize one another. ... In [the self-criticism] meetings, people had to allow themselves to be criticized by others in the meeting.”

As to whether decisions were taken at the conclusion of those meetings, Mr. Van said, “After the meetings, each person who was criticized or whose mistakes or weaknesses were found at that meeting were asked to commit not to do that again.” He confirmed, when pressed, that this was the sole decision made at these meetings.

Noting the witness had driven Ms. Thirith to hospitals, Ms. Durand asked the witness to provide further details of the patients in the hospital and the staff there. Mr. Van said, “At that time, both civilians and soldiers were treated at the hospital, but the majority of the inpatients were soldiers who were brought from the battlefields at the border. [They] really occupied the whole hospital vicinity.” He continued, “The medical staff was of Khmer nationality, mainly. There were some experts as well who were Chinese.”

As for the disappearance of staff members at the Khmer-Soviet Friendship Hospital, Ms. Durand noted that in the record of the witness’s OCIJ interview, Ms. Thirith had been criticized for the disappearance of technical medical staff. She asked the witness what measures Ms. Thirith took to replace the disappeared staff members. At this juncture, Mr. Udom interjected that it was a “waste of time” to dwell on this irrelevant matter, noting that Ms. Thirith had already been severed from the case. Ms. Durand responded that her questions did not relate exclusively to Ms.

²⁰ This record has the document number E3/447.

Thirith but also to the structure of the hospital. The Trial Chamber judges conferred for a few minutes at this point, after which the president announced that Mr. Udom's objection was sustained and the witness was instructed not to respond to the question.

Education of Children and the Difference Between "Cooperatives" and "Work Camps"

Moving on, the civil party lawyer asked the defendant about his time at Ratanakiri, having been sent there with other children of cadres whose ranks were of chief or above. Asked for more details about this, Mr. Van said, "There were quite a number of children who had this opportunity." As for the education received by normal children who were not children of cadres, Mr. Van said:

During that time, there was no proper school. People would only go to an office in the jungle and the office would be used as a school. The children of ordinary villagers would never be offered such opportunity, because the children of cadres would be offered specific education: to understand, to count numbers, to [recognize] characters.

As for whether there were any "work camps" at Office K-17, and whether "work camps" were synonymous with "cooperatives," Mr. Van explained, "A cooperative is more or less a communal eating hall. When it came to work, people also worked collectively because there was no private farmland and private property."

Judge Lavergne Seeks Further Details on the Deaths of the Witness's Father and Uncle

As the civil party lawyers had completed their examination, Judge Jean-Marc Lavergne began to question the witness, first asking when the witness's father died. Mr. Van said:

My father died on a date that I don't exactly remember, but I know for sure that at that time, he was convened to a meeting in Phnom Penh via helicopter along with two bodyguards, myself, and my uncle as well. By the time we arrived at Pochentong,²¹ he and his two bodyguards were taken to K-17 and I was allowed to tour the city. ... By the time I came home, he already died at the house. I reported to K-17 about his death. Some people were assigned immediately to take care of his body. Later on, there was no proper information other than that an enemy killed him. But at that time, I saw the handgun that my uncle was holding and a metal bar. ... The body of my father was later on taken to K-17, and that's all I remember.

²¹ This is the area in which the Phnom Penh airport is located.

Was the “uncle” Kham Phuon? Judge Lavergne inquired. The witness confirmed this was so. The judge asked the witness for his thoughts on the “most plausible” explanation for his father’s death, prompting an objection by Mr. Ianuzzi. His team’s position, the defense counsel explained, was that Mr. Van was here to testify about administrative and communication structures. He accepted that the date on which an individual was called to Phnom Penh was relevant, however the details beyond this were irrelevant to Case 002/1 and this was moving into an area not relevant to administrative and communication structures. Mr. Ianuzzi believed, he said, that the judge was about to discuss a particular alleged killing that did not relate to the current trial.

Following this interruption, the judges huddled in conference. The president then advised that the objection was not well founded and thus overruled. He instructed the witness to respond to the question. For the witness’s benefit, Judge Lavergne explained that the question was whether, on the basis of the witness’s own knowledge, there was a version of the deaths of his father and uncle that seemed “most plausible.” Mr. Van said:

Your Honor, I actually do not understand this myself. If we thought that they had any contradiction or argument, I do not believe that it was the case because they were siblings and they were quite close to one another. In addition, they did not possess any guns or weapons at all. When they came here, they left behind their belongings and their guns. They were also searched before they were taken away. I believe that it was not because of an ... argument between them. At the time, there was no investigation whatsoever to find out the cause of death. Normally, when people died, they would assume that they died because of fighting with the enemy.

As for whether there was an “official version” of the events, and how his father and uncle were treated upon their death, Mr. Van said, “At that era, I did not understand well. I did not attend the funeral either. Following those days, I stayed for a short period of time with Madame Ieng Thirith.” Did the witness have a general impression of when these events occurred? Judge

Lavergne asked. The witness responded once again that he did not know the exact date.



Judge Lavergne asked if there were other cases of disappearances. The witness began his response with “Following the death of my father--” but was interrupted at this point as Mr. Ianuzzi stood to speak, although his comments were not audible on the microphone, apparently due to a technical issue. When Mr. Ianuzzi’s microphone was reactivated, he explained that he would like to object as purges were not part of this case; the underlying facts for this case were alleged population transfers, and purges were outside the scope of Case 002/1.

Mr. de Wilde added that it would be useful if the Chamber took a position first on whether matters put by judges were

subject to objections by parties. He also argued that it seemed that the question of whether purges were ordered by the Center was relevant. Mr. Ianuzzi clarified that his objection related to the details of individual purges.

All the Trial Chamber judges other than Judge Lavergne huddled in deliberation, the latter resting his chin in his hands expectantly. After some minutes, Judge Lavergne joined his colleagues on the bench. Upon resuming their seats, the president advised that Mr. Ianuzzi's objection was not well founded. In addition, he added emphatically, parties were not to object to questions posed by the bench. Instructed to respond to Judge Lavergne's question, Mr. Van seemed to have forgotten the question, replying instead, "My father died on his bed. As for my uncle, he died at the door. He had his gun in his hand, but when he left for the place, he did not have his gun at all. That's why I was doubtful as to the cause of his death."

The president advised that the Court would be adjourned as the courtroom was required for a town hall meeting of the international side of the Court from 12 p.m. The hearing would resume at 2 p.m. with the testimony of civil party TCCP 1 via video-link from France. The president advised the witness that it would resume hearing his testimony in the morning session on Thursday, December 13, 2012.

Before adjourning the hearing for lunch, the president gave the floor to Mr. Ianuzzi. The defense counsel advised that his client was suffering from a headache, lack of concentration and back pain, and requested for his client to spend the afternoon in the holding cell. The president granted this request, subject to the immediate presentation of Mr. Chea's waiver.

Civil Party Denise Affonço Begins Testifying By Video-Link From France

Taking the floor via video-link from France, French national and civil party Denise Affonço advised that she was born on November 22, 1944, in Phnom Penh. She presently lives in France, in Grasse in the south of France. She has been retired since 2009 and previously worked for the Ministry of Foreign Affairs and the European Union. Her father's name was Maurice Lucien Affonço and her mother's name was Tra Vung Thy Lay. She is of Vietnamese ethnicity. Her current husband's name is Robert Herman and they do not have any children.

The civil party then began to say "Listen--," but the person sitting with her whispered, "Wait," and the civil party stopped speaking.²² Asked who this person is, Ms. Affonço advised that he is her lawyer, Julien Rivé.

At this point, Mr. Ang stood to make an application although the nature of it was initially unclear. The president asked Mr. Ang whether the Bar Association of Cambodia had recognized Mr. Rivé. Mr. Ang advised that it had, upon which the president asked what Mr. Ang wished to request with respect to Mr. Rivé. Mr. Ang advised that normally, recognition was first requested before Mr. Rivé was permitted to assist Ms. Affonço. Was this necessary in this case, and if so, did it need to take place in person in Phnom Penh? he queried of the Court.

The Trial Chamber judges conferred briefly before Judge Lavergne advised Mr. Ang that they were unsure what the issue in question was. Were the civil party lawyers seeking recognition for

²² This was not translated in the English translation but was audible in the French.

Mr. Rivé before the Courts of Cambodia? he asked. Mr. Ang responded that they had not previously sought recognition of Mr. Rivé before the Court. International Lead Co-Lawyer for the civil parties Elisabeth Simonneau Fort explained at this point that the Bar Association of Cambodia had recognized Mr. Rivé but that Mr. Rivé would not be questioning Ms. Affonço; as this role would fall to another lawyer, Emmanuel Jacomy. Mr. Rivé could be heard sighing deeply at this point. In response, the president declared that Mr. Rivé would not need to be recognized by the Court, as he would not be putting questions to Ms. Affonço.

Conditions in Phnom Penh Prior to April 1975: “The City Plunged into Darkness”

Mr. Sokon was then given the floor on behalf of the civil party lawyers. He first asked the civil party where she lived before April 1975. Ms. Affonço responded that she lived in Phnom Penh, on a street not far from the Chinese hospital.²³ As to what she did before April 1975, the civil party responded that she carried out various duties, including working as a secretary for various companies; the final position she held prior to April 1975 was as a secretary with the Cultural Service at the French Embassy, where she began to work in 1973.

Asked to describe what the witness saw in Phnom Penh prior to April 1975, the civil party responded:

When Sihanouk fell from power and when Lon Nol, who was pro-American, tumbled from power ... from that day onwards, every single day, we were given orders and requests. Life became increasingly difficult. ... People lived in fear. People were awaiting peace and the end of the war so that peace would finally reign. People were awaiting the victory of the Khmer Rouge. From that moment onwards, when the Khmer Rouge continued to pillage cities with shelling, the city plunged into darkness.

Up until 1972, when I was still working for Comin Khmere [a company that produced condensed milk], I knew that we would have very much difficulty in maintaining raw commodities. It was only at that time that I entered the French Embassy. ... I was receiving news dispatches. We were being told that soldiers and warriors were dispersing the population to destination villages. I received such alarming news at my home ... and when I told the father of my children this piece of news, he was of Chinese nationality and a staunch Communist. He told me this was only propaganda. ... He said that people were happy.

The situation only worsened, and that was when the French authorities began instructing their citizens to leave Cambodia. However, I did not follow their instructions. I decided to stay. I stayed with the father of my children. ... My husband ... was totally convinced that the Communist regime would not cause any harm to its people. Therefore, we stayed, and we remained stuck in hell.

Next, Mr. Sokon noted that the civil party **had previously testified** about the Khmer Rouge destroying every village in which they arrived and evacuating people at that time. Ms. Affonço

²³ This hospital no longer exists but was formerly situated near the intersection of Monivong and Sihanouk Boulevards in the center of Phnom Penh.

responded, “At that particular time, I got all my information from Agence France Presse. ... Between 1973 and 1975, I heard this sort of news ... through the Agence France Presse. It came in on the embassy fax machine.” She also recalled, “Every day, you saw crowds of people had been evacuated from neighboring villages, trooping into town, and they told us what was happening in their villages. These people were refugees coming into the capital who were telling us all about all of this.”

Why were people moving to Phnom Penh? Mr. Sokon asked. Why not leave the country? Ms. Affonço responded, “Because the country was at war all around, and the capital was the only place where they could find a certain level of safety.”

The Situation in Phnom Penh on April 17, 1975

Prompted to explain the situation in Phnom Penh on April 17, 1975, Ms. Affonço recounted:

Before April 17, 1975, we were having ... a public holiday on April 14 and 15. Then on the 17th, that was the day when I was supposed to go back into the office. When I was getting ready to leave for the office, hardly had I left the front door, then I heard people cheering and gunfire coming from everywhere. ... I saw a deliriously happy crowd that was busy welcoming the liberating Khmer Rouge troops.

But these so-called liberating forces, I qualify this today, were dressed in black. They had extremely callous looks on their faces and red eyes, and I thought, “There’s danger here.” I told my husband that what we could do here was get to the French Embassy ... but everything was cordoned off. ... It was absolutely impossible to cut through. There was no longer any telephone or working communication system. But everyone seemed to be very pleased. They were saying, “At last, there will be peace!” But that just was not the case.

As for whether the people were evacuated that day, the civil party said:

No, the first day, we were still in our houses because when they got there, it was 7 or 8 a.m. and the first day, they left us in our houses. I can remember it was extremely hot, and I can remember this Chinese Communist, the father of my children, going out with cans of beer to thank these troops for what they had done. It was only on the next day that they actually ordered us to leave our homes.

Pressed to describe the situation inside the French Embassy on April 17, Ms. Affonço clarified, “As I have just said, from April 17, 1975, I never set foot in the French Embassy again. I was at home on April 17 and I was meant to go back to the office, but I never got there.”

Evacuation of the Civil Party’s Family

Ms. Affonço was asked to describe her family’s experience evacuating Phnom Penh. She explained, “We all left the city together. Everybody left together the day after [April 17]. The next day, they patrolled through the streets, told us, ‘Don’t take too much, you’re going to be leaving your homes for the next two or three days, we want to take you out of range of the US

bombs. But before you leave, leave us the keys to your home.” She continued, “We only took half the provisions we needed and left some stock at home. We left. I took ... the children’s schoolbooks, my identity papers, most of what I owned in terms of personal goods, and I left the next day. ... We gave them the keys to the house ... and off we went.”

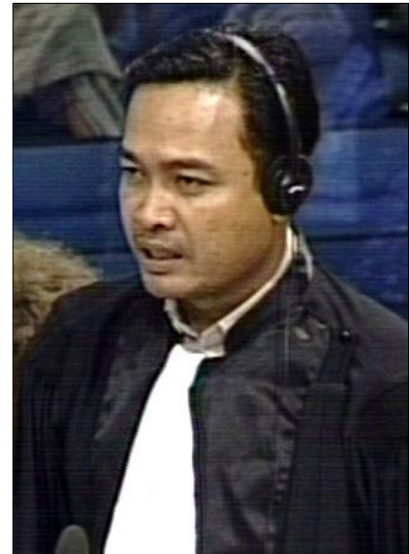
Asked what the Khmer Rouge troops were wearing, Ms. Affonço responded:

We had a car, a Ford car, and we took the car. We wanted to go north to the embassy but the roads were cut off. Just before we got to the Chinese hospital, we met three Khmer Rouge soldiers. They were dressed in green. Not black, but in green. They were coming out of a knickknack shop that they had just pillaged. They had bags of all sorts of goods. ... There was also a pharmacy nearby. They stopped our car. Mr. Seng, the father of my children, said, “We don’t have much petrol to advance.” The Khmer Rouge ... filled our tanks, loaded their things onto our car, got on, and shot from the roof.

Mr. Sokon asked what the Khmer Rouge soldiers hanging around outside the civil party’s home were wearing. Ms. Affonço responded, “They were armed, but they didn’t aim their guns at us. Their orders were very clear. They were dressed in black, with red and white scarves and what we called ‘Ho Chi Minh sandals.’ They were dressed in black, and they were armed.”

As for whether people resisted the Khmer Rouge orders to leave, and what the consequences of that would have been, the civil party responded emphatically:

Where I lived, nobody resisted. Everybody did what they were told. What I did learn afterwards was that some people stayed behind. I had a school friend, for example, and she stayed behind to wait for her husband. But he never came back. And she herself was executed. ... If we hadn’t left, they would have taken us for traitors and imperialists, people of the old regime, and they would have executed us.



The three soldiers sitting on the civil party’s car guided them as to where they had to go. They headed in a southerly direction, towards Ta Khmau, she said. At this time, Mr. Sokon inquired whether the civil party desired to head in that direction. “Not at all!” Ms. Affonço said. “I wanted to go to the French Embassy that was in the north of the city. We couldn’t take the route north.”

“Indescribable Chaos”: Conditions of the Evacuees from Phnom Penh

Asked about the overall condition of the evacuees from Phnom Penh, Ms. Affonço said:

It was indescribable chaos. It was extremely hot in the streets, and here and there you saw people walking on foot, bicycles. They were carrying their possessions,

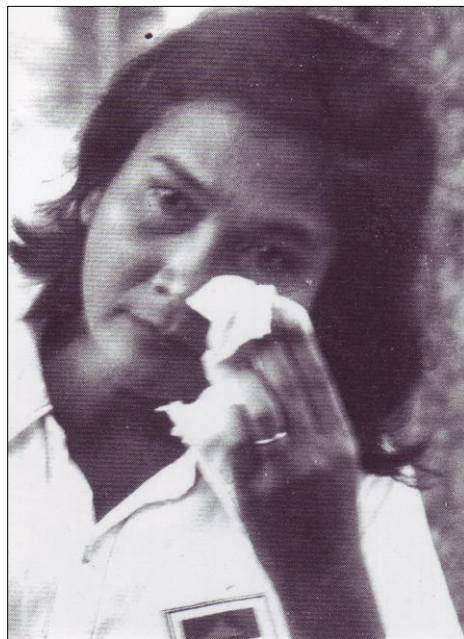
walking under the sun with their children who were crying with them. I wasn't far from the Chinese hospital and I saw people carried out on stretchers. ... We were herded in the same direction. We, in that inferno, had a little bit of luck, because we had a car, so we took a little bit less time to reach the first stop-off point. ...

But after we left the city, there was a roadblock. They asked us for our identity papers. ... They took my passport. I said I was French, "Here is my French identity card," but they took no notice. They tore it into pieces. ... [They said,] "Go forward, Angkar is waiting for you." That was the first time I heard Angkar. Who was Angkar? ... I started to cry. ... All our memories had been destroyed in the space of a few minutes. The streets were also littered with banknotes. When we reached Chamkarmon, we saw a good many corpses that were rotting.

This prompted Mr. Sokon to ask whether the civil party recognized the corpses: were they Lon Nol officials or soldiers killed in fighting? Ms. Affonço responded, "They were the corpses of Lon Nol soldiers."

Finally, the civil party lawyer inquired about whether pregnant women were treated in a better condition than others. The civil party looked incredulous and then responded:

Listen, everybody was treated in exactly the same way. They had to leave their homes. They had to head off in whatever direction they were told by the soldiers, and they got no assistance whatsoever. It was extremely hot ... There was absolutely no assistance offered by the liberation troops, if you wanted to call them that. No help. It was "every man for himself."



*Denise Affonço testifies at the 1979 trial of Pol Pot and Ieng Sary.
(Source: Documentation Center of Cambodia)*

Clarification on Issues Including the Civil Party's Testimony at Leng Sary's 1979 Trial

At this juncture, Mr. Jacomy took the floor. Directing Ms. Affonço to answer precisely, he began by addressing some “general issues.” Noting that this was not the first time in which the civil party had testified in a court on these issues, he asked Ms. Affonço to describe any other such occasions. She recalled, “In 1979, when the Vietnamese arrived, they organized a trial in August 1979. I was in Siem Reap. They brought me down to Phnom Penh to testify in that trial. ... I was summoned to testify.”

Mr. Jacomy inquired whether the civil party was she asked to say anything that “did not tally with the facts.” Ms. Affonço responded, “Everything I said in 1979 I said perfectly freely. The only thing I was told not to say was that the father of my children ... was a Communist. That was the only detail I was asked to omit. She continued, “I said only the truth, I was asked to tell everything that I had gone through and lived through.”

Asked whether she would describe conditions in Phnom Penh immediately prior to the evacuation as a “famine,” Ms. Affonço disagreed and explained, “Obviously supplies were in short supply, however people were still able to feed themselves. Famine only befell us in 1975 when the cities were evacuated, and everyone was sent to the countryside and forced to engage in hard labor.”

She then confirmed, when queried, that her son was born when she was approximately 30. Asked to provide further details concerning the family members who were evacuated with her, and their approximate ages, Ms. Affonço said:

The father of my children was approximately 38 years of age. My sister-in-law was about 37. My daughter was about 10 years old. My son was about eight years old. ... Leng, the daughter of my sister-in-law, must have been about 17 years of age. There was another child ... there was also the youngest child, who was called Ha, and was about five years of age.

Asked whether she was able retain any possessions she had taken with her during the evacuation, Ms. Affonço responded emphatically, “Not at all. Everything was confiscated as of day one, within a matter of hours. ... Everything was taken away from us, and everything was destroyed.”

Civil Party's Initial Destination and the Death of Her Husband

The civil party confirmed that the first place where she arrived was called Koh²⁴ Teuk Vil and they slept there in a pagoda on the island. She described the conditions at that place:

On the first day after the evacuation, we had the bare minimum on us. We had some medications that we later bartered. But upon arrival at Koh Teuk Vil, we were forced to get rid of all our colorful clothes. We had to get rid of our sandals. We had to walk barefoot. ... We had to follow everything that Angkar said, and work in the fields. ... We were located just in the vicinity of the river, so we did have access to the river's waters. About one week later, we were given some rice. We had to mix the rice with corn. The chief of the village ... came and visited us

²⁴ Koh is the Khmer word for island.

and asked us how we were doing. [My husband] thought we were given extra care. But in fact, he was a spy and he was trying to extract all the information he could get. ...

The children were also forced into working for the village. They had to clear the forest. My son, for instance, had to accompany his father and clear the land. The youngest and the other two could stay at home, but already from that point onwards, they were suffering from malnourishment.

Mr. Jacomy noted that in her testimony before the OCIJ, the civil party had described there being an “open prison” located in that village.²⁵ Ms. Affonço explained:

It was an open prison because we were being deprived of freedom. We were being spied upon. The *chhlop*²⁶ were already there. They were monitoring the children. ... We did not have the right to leave the village. We were living on the island and we were being watched over by the villagers ... by the locals. We were monitored by some women, and the men were monitored by some local men. ... The people in the village were already converted by the Khmer Rouge. How do I describe this? They had simply been converted. They simply did not bear arms.

As to what befell her husband there, the civil party described animatedly:

[My husband] Mr. Seng was rather talkative. He had the police commissioner come to the village and he asked for approval from the village chief to allow that police commissioner to come to the village. Every day they spoke in English and French and they carried on with their chats. The police commissioner was the first to be taken away. One week later, Khmer Rouge soldiers who bore arms came to the island and they arrested other men of the village.²⁷ They arrested a neighbor who was a teacher and another man who was a soldier [and my husband]. They were told, I was told, “Don’t worry, Angkar just needs some information.” The next day, I was told, “Don’t worry, he’s still alive. ... Angkar is just reeducating him.” [But] I never heard from him again. Thirty-two years later, I never heard anything from him ... or anything about him.

“All I was told is that he was denounced ... and that he had been disclosed by the police commissioner, but we were never told why,” Ms. Affonço added.

²⁵ This record has the document number D199/15, and the relevant ERNs are 00346474 (in Khmer), 00346934 (in English). The document number was translated as D119/15 in the English translation, but was stated as D199/155 in the original French.

²⁶ This is a term referring to Khmer Rouge militia.

²⁷ In the original French, it appears the civil party said “the men of the police commissioner,” not just “the men of the village.”

Mr. Jacomy asked Ms. Affonço to elaborate on her previous testimony before the OCIJ about a meeting with the Khmer Rouge at around that time.²⁸ The civil party obliged, describing emphatically:

Thirty-two years later, that meeting is still etched in my memory. ... After our arrival on Koh Teuk Vil, we were summoned to a meeting in a pagoda. All of the refugees, everybody, was summoned to that meeting ... We were all gathered there, huddled, sitting on the floor, waiting. A few moments later, the Khmer Rouge soldiers ... appeared. They began to give a speech, singing the praises of Angkar. [They said,] “For you foreigners, before the victory, we told you to get out of the country! Why didn’t you do so? As for you Khmers, you were told to join the army! Why didn’t you do so? We aren’t simply going to point a gun at you and kill you. We want you to work for us.”

They then handed out pieces of paper. They told us, “You are going to tell us what you did before. Angkar wants to know what you did before.” I thought, well perhaps if I disclose everything, I can go back to Phnom Penh. However, it was a trap! It was only a way for the Khmer Rouge to weed out the intellectuals from the others.

The civil party had never seen the Khmer Rouge soldiers giving the speech before and denied being told who they were. She added, “They were all using pseudonyms. They were all referring to themselves as Ta.²⁹ But they did not identify themselves by name.”

Mr. Jacomy asked whether the civil party witnessed any discrimination at Koh Teuk Island. Ms. Affonço denied this, explaining that “in that village, discrimination was not yet rampant or being applied.” She continued to explain, however, that at the second camp where she and her family stayed, the discrimination was “blatant,” adding that “there was separation between the ‘new people,’ the ‘April 17 people,’ and the ‘base people,’” In comparison, she said, “in Koh Teuk Vil we could not make the distinction. We could still keep our individual dispositions. We were given a lot of corn. We were only able to subsist because we were able to fish in the river. But we did not suffer any discrimination, at least at that point, between the two peoples.”

Civil Party’s Transfer to a Second Destination

The civil party lawyer asked Ms. Affonço to describe her departure from the initial destination and subsequent arrival at the second location. The civil party responded:

Let’s just say, suppose that Seng was arrested in July 1975, and Thean [the chief] had a list and he told us, “We have received this list from Angkar Leu. You are on this list to leave.” I said, “Where?” He answered, “You have to leave.” As I was getting accustomed to life in the village, I asked if he could please intervene. ... He said, ... “The order comes from above. Angkar Leu has decided and not my son. You must leave. ... You will not return to Phnom Penh, you will never return

²⁸ This record has the document number D199/15, and the relevant ERNs are 00349113 (in Khmer), 00346932 (in English), and 00342481 (in French).

²⁹ Ta is an honorific signifying grandfather.

to Phnom Penh. My poor child, you have no choice.” So the next day, we were forced to take what we had, go back to the pagoda ... and get herded onto the trucks to be shipped away.

Asked who else was on that list, Ms. Affonço said her whole family was, as they were considered a family of “traitors.” There were also names of other families whose heads of family, husbands, had disappeared. When pressed, the civil party confirmed that the list contained “only the names of refugees from Phnom Penh.”

At that point in time, the civil party had few possessions remaining: “We had nothing” but bottles and a kettle. They were also dressed “all in black, as [per] the order. ... We didn’t even have shoes, we were walking barefoot.” She stressed that she had to burn her remaining two million riels to heat the last pot of rice she cooked for her family. She continued:

The next day, there were Khmer Rouge soldiers who were armed. In the streets, there were military trucks. And they were waiting for us. Before we got onto the trucks, there was a final screening of people. [My niece] took out a photo album, and a photo of my father fell out. I ... was pleading [to keep the photo]. They herded us onto the truck like cattle. It must have been around 9 a.m. The sun was already out, and rather than take a direct route from Koh Teuk Vil to Phnom Penh, they actually took a westerly route. It took a long time. We traveled the whole day without stopping. ...

We couldn’t go back to Phnom Penh. It was deserted. I thought we were going to stop somewhere, and yet we continued towards the north, but it was closed. We traveled until nightfall. The moon was already out. ... We arrived in Tuol Sap.

They unloaded us again. We were given a can of rice. ... I was instructed to walk towards the swamp. I took water from the swamp in order to cook the rice and give it to my children. There was a person who had died in the vehicle. There were people who were sick. This elicited no response. ...

There was no water [at Tuol Sap]. There was just a waterhole, a swamp. But there was no clean water. ... It was with that water that I boiled water and cooked rice, and in that water, it was full of human excrement. ...

When they placed us in the train, once again we were expecting some information. We were told [to] sleep in the wagon, but there was nowhere to lie down ... so I slept in a sitting position with my daughter sitting in my lap. ...

Throughout the entire journey, I saw pass before me the names of villages such as Battambang. We could see very well the scenery and landscapes we were passing. ... They assembled the families in *khom*;³⁰ one family was a *khom*. We were taken to a place made up of Phnom Leap [and two other locations].³¹

³⁰ A *khom* was allegedly a Khmer Rouge-era family unit comprised of members of multiple families.

³¹ Two additional locations were listed, but this was unclear in the English translation.

There was Pok³² Chheng. ... Pok Sim took us to [his] village of Talauk. There was a man with glasses. ... Then the soldier snatched the glasses from his face. ... But from the very beginning, I knew that this was going to be the start of hell, although at every stage along the way, we were being promised paradise, and we were being ordered to work and work non-stop.

Mr. Jacomy asked the witness if, in her view, the evacuation was organized. Ms. Affonço said, “It had been planned in advance as far as I was concerned. It was their way to very slowly kill us. It was programmed.”

“It was the Beginning of Hell”: Desperate Conditions at the Civil Party’s Second Destination
Continuing to narrate her family’s transfer to the second destination, Ms. Affonço said:

Once we got to Phnom Leng, we were handed over to three village chiefs. Those three didn’t carry weapons. It was when we got to Pok Seng’s village that they told me that we were the “new people,” and that’s why they asked my children to take their things, as Angkar needed them to work. ... [My son] Jean-Jacques was taken from me at that moment. I kept my daughter with me, as she was too weak to work. She was “one more mouth to feed.” ... That was the basic lesson we were taught.

As for the conditions in that village, Ms. Affonço described:

Everything was over by that stage. We were in purgatory in Koh Teuk Vil but by that stage, it was genuine hell. We had no water anymore. We had to march under the sun ... to gather murky water that we had to boil afterwards. ... I never knew how to make rice without water, but I had to find a way. It was the beginning of hell.

After an audible whisper from Mr. Rivé, Ms. Affonço said, “I had no medicines either. We didn’t have any medicines for when we were sick, and this was when we began to get malaria, edema. There were no doctors.” Furthermore, Ms. Affonço went on animatedly, at this stage, the “base people” realized she was French, and they called her the “old *barang*.”³³ She explained, “I was harassed from dawn till dusk. Even when I had malaria ... they said that I had to work; they kicked me on my way. ... I was constantly harassed by nasty little Khmer Rouge. I say ‘nasty little’ because they were only about 15 ... without any education.”

The civil party then vividly described conditions at this second destination, explaining:

I no longer saw my son, and the same thing happened to my sister-in-law. She was forced to go work when she was sick. Some people managed to avoid this because they had a little gold they could swap. Those who had jewelry could swap

³² Pok is an honorific signifying father. During the Khmer Rouge regime, this honorific was reportedly used to address people who would be in the position of chief, for example, commune chief.

³³ This is the Khmer word for French, although it is also used at times to mean foreigner in general.

this [for food]. ... With the advice from the villagers, we took bark from the trees and mixed in some leaves, jackfruit leaves, and extracts of that kind. I didn't have any cardiac edema and I survived. But my sister-in-law did and she died. ... They came to the house and said there was one less mouth to feed. ...

My son himself was badly treated. He was traumatized. [Today,] he can't even talk about this time. ... Once I found his body covered with the marks of being beaten ... because like all children of his age, once he went to find wood in the forest. He picked up a piece of wood that had been cut by somebody else. The *chhlop* caught them and said they had to be punished. They were taken to a field and made to dig all day. ... [At the end of the day,] he had marks all over his body, but he didn't want to tell me what they did to him.

Every day people died in the village. Every morning they were hauling away a corpse. We weren't the only family to lose people. Other people died every day through lack of care, lack of medicines, nobody looking after them. [People died of] hunger, malnutrition, sickness, [and] absence of food.

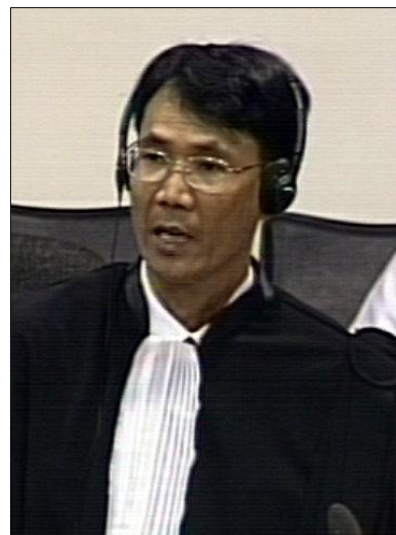
The civil party lawyer asked Ms. Affonço to describe the distinction in the village between “new people” and “old people.” She responded:

It was very obvious because, for example, with the distribution of rice, we had one portion of rice and they had two. Their women did not work. They had enough to eat. Their women were also able to give birth; ... they had meat and fish. We only had salt with our rice. We only ate rice porridge. We were only entitled to two meals a day, and each time it was just a ladle of porridge. ... We ate frogs, grasshoppers and scorpions, everything I could pick up; ... we even ate cockroaches when we found some. ... We fought over scraps of food with their dogs. Their dogs had more to eat than we did. Is that what you call equal treatment?

Deaths in the Civil Party's Family Due to Malnutrition and Illness

Mr. Jacomy asked the civil party whether she lost any family members as a result of lack of food. Before the civil party could respond, Mr. Udom asked whether the civil party was permitted to testify regarding the entire case file or just a particular segment. If it was the latter, then her current testimony overstepped that boundary. Mr. Jacomy responded that the civil party was not testifying about the whole case file but the immediate effects of the first and second transfers. He was asking the civil party about the consequences of those evacuations and the lack of food on her family members.

Without waiting for a ruling, Ms. Affonço responded to the question: “In the village, my sister-in-law was the first to fall ill.” The president then asked the civil party to hold on while the



judges discussed the objection. In the French version, Ms. Affonço could be heard discussing something with Mr. Rivé and gasping in surprise before these sounds were muffled. Meanwhile, the Trial Chamber judges gathered around the president in deliberation. Several minutes later, the president advised that Mr. Udom's objection was not sustained, as the account in the civil party's testimony related to what happened immediately after the evacuation.

In addition, as there was a technical issue, with the CD having run out, the president advised that there would be a brief pause in the proceedings. The president then invited Ms. Affonço to respond. She duly said:

During that period, I lost my sister-in-law. After that, I lost my daughter, who died of hunger. On the morning when she was going to die, the only thing she asked me was "Mummy, I want a bowl of rice," but there were no bowls of rice going that day. That day, my niece also died. I had to bury those two bodies myself. A week later, my elder niece also died. She died of sheer weakness. She was no longer menstruating and she died. The third niece also died a week later. The last small nephew died when he was slaughtered by the Khmer Rouge when he stole food from Madam Thean, who was the wife of the village chief.

Mr. Jacomy referred the civil party to her interview with the OCIJ in which she had said that the Khmer Rouge were very well structured, with all decisions explained to the people as having come from Angkar. According to Mr. Jacomy, Ms. Affonço had also said that she now believed that the Khmer Rouge wanted to eliminate the "'new people' by letting us die of hunger and disease."³⁴ Why, he asked, did she say that? Ms. Affonço explained:

I said the same in 1979 and I stand by that too. Angkar wanted to eliminate the entire social class of intellectuals. That was programmed. They had taken the decision to do so. They were intentionally letting us die of hunger. After each monsoon, they loaded up the rice stocks from the village; they left a minimum amount for us to have two bowls a day and they took the rest away. ... We only had enough to have enough strength to finish the harvest. Then they took the rest away. ... It was carefully premeditated and organized from A to Z.

In the OCIJ interview, Mr. Jacomy noted, Ms. Affonço had said that all explanations came from Angkar. For his final question, Mr. Jacomy asked the civil party how she knew this. Ms. Affonço responded, visibly emotional and teary:

I can't give you a precise example, but every time they addressed us it was in the name of Angkar. "Today, Comrade, you're going to work a little bit harder because Angkar says you must." ... "We're asking you to build more dykes. Angkar has decided to name this dyke the 'Dyke of the Widows.'" It was from that that I knew my husband had died.

³⁴ This record has the document number D199/15, and the relevant ERNs are 00349120 (in Khmer), 00346936 (in English), and 00342184 (in French).

Clarifications Concerning the Civil Party's Experiences of the Evacuation of Phnom Penh

Mr. de Wilde then took the floor. Directing the civil party back to the time of the evacuation of Phnom Penh, he first asked Ms. Affonço whether there were many injured people in the hospitals. The civil party agreed this was so and elaborated that the wounded soldiers in hospitals were “Lon Nol troops. ... The hospitals were crammed with injured people, wounded people.” Next, Mr. de Wilde asked Ms. Affonço if all sick were evacuated from the Chinese hospital. Ms. Affonço confirmed this, saying that the entire hospital was “completely emptied of its patients.”

How did the Khmer Rouge soldiers behave towards the population when the latter was celebrating the liberation? The prosecutor queried. Ms. Affonço replied tersely, “They looked at the population with disdain. The population’s happiness meant absolutely nothing to them. ... They didn’t smile. They looked at us with disdain.”

Ms. Affonço confirmed, when asked, that she heard the Khmer Rouge order to evacuate, elaborating, “They went through the streets. They were shouting the orders in the streets, and then individually, they went to each house to repeat the order that we had to evacuate the city.” However, she denied ever hearing the Khmer Rouge say that the purpose of the evacuation was to “cleanse and bring order” to the city. “The excuse for us leaving our homes was definitely US bombings,” she explained. “They said the Americans were going to bomb the city. ... That’s it.”

Mr. de Wilde noted that the civil party said they did not aim their weapons at people. However, he asked, did the civil party feel she had a choice about whether to leave? Ms. Affonço emphatically denied this, explaining, “We had absolutely no choice whatsoever. The order was extremely clear. They didn’t give us any choice at all. It was a categorical order. You had to get up and leave your home.”

The prosecutor noted that in her interview with the OCIJ, the civil party had described how, during the evacuation, some family members travelled in the car, but her brother-in-law was traveling on foot behind the car.³⁵ Asked to advise the Court of his fate, Ms. Affonço said, “We never saw him again. In the chaotic, calamitous situation, we lost sight of him. There was already one soldier on the roof of the car who was insisting we had to ... The brother was following by bike hauling a chicken cage.” She reiterated that they never saw him again.

Regarding whether the Khmer Rouge took measure to ensure the vulnerable or infirm could survive the evacuation in the high heat of Phnom Penh, Ms. Affonço shook her head vigorously and said, “No, Mr. Prosecutor, there was absolutely no assistance given by the Khmer Rouge soldiers. No. There was absolutely no help given. As I said earlier, it was ‘every man for himself.’ No one helped anyone.”

This prompted Mr. de Wilde to ask if the civil party saw people collapse by the side of the road. She agreed, explaining “Yes, yes, there were very many elderly people who were struggling to walk, but we could not stop to help them. Indeed, there were people who were experiencing great difficulty working.”

³⁵ This record has the document number D199/15, and the relevant ERN is 00349101 (in Khmer).

Redirecting Ms. Affonço back to her testimony of seeing corpses of soldiers at Chamkarmon, Mr. de Wilde asked if she ever saw any other corpses strewn along the roadside on the road to Ta Khmau. She answered:

Yes, the first corpse I saw was that of a Lon Nol soldier. I recognized this because he was in uniform, but all along the road, there were other people such as civilians who had been eliminated. There were other corpses, but once again, I did not stop, I did not retrace my footsteps to find out how or why they died. ... [But] they were civilians.

Further Details of Civil Party's Initial Destination and the "Ten Commandments of Angkar"

The prosecutor sought further details concerning the civil party's time on Koh Teuk Vil. Asked if she was given a choice as to being transferred again, the civil party denied this, stating, "Not at all. What we thought didn't matter. The village chief came with an entire team, and he handpicked everyone who had arrived by car and said ... 'We're going to take you.' We were given absolutely no choice."

As to how many families from Phnom Penh were selected to live on Koh Teuk Vil, Ms. Affonço said, "If memory serves me correctly, there must have been a dozen or so families on Koh Teuk Vil. I'm sorry, I just do not recall 32 years after the fact."

The prosecutor asked whether, after the civil party arrived at Koh Teuk Vil, the Khmer Rouge ever explained why they were not returning to Phnom Penh after three days. The civil party denied this, explaining, "No. No one said anything after three days. We received absolutely no information. The village chief, Mr. Thean, provided absolutely no details. It was only ... one week later that we were summoned to the famous meeting at the pagoda and were advised of the demise that awaited us."

Ms. Affonço had previously testified, Mr. de Wilde went on, that during the meeting in the pagoda, she was told that she was a prisoner of Angkar. The prosecutor inquired whether she felt she was able to exercise any form of individual freedom from April 17, 1975, until January 7, 1979? Denying this, Ms. Affonço elaborated that:

I stated that I was in an open prison, but in fact we were their prisoners, because everywhere we went, we were weeded out; we were recorded and registered; we were ordered not to leave. Every time we were ordered to leave ... we were ordered to be watched. There was always somebody behind you, surveying your work.

Did Thean, the chief of Koh Teuk Vil, enforce the orders of Angkar? Mr. de Wilde asked next. The civil party replied:

We received the ten commandments of Angkar. I don't know them by heart and I can't recite them to you now, but they were all recitations of prohibitions: ... We had to work. We had to engage in self-criticism; every single night, at every single meeting, we had to attend self-criticism sessions. In fact, they were brainwashing

sessions. I wrote the recommendations on the palm of my hand, phonetically. ...
From that day, we were the property of Angkar. That was made crystal clear.

Asked to provide more details about when she was advised that she would be transferred away from Koh Teuk Vil, Ms. Affonço said, “Mr. Thean’s list came from above and it was a final list. It was not subject to any appeal or argument we did not know where we were going. We did not know our second destination. We did not even know our third destination.”

Additional Testimony on the Civil Party’s Transfer to the Second Destination

While being transferred by truck to Pursat, the prosecutor queried next, were there other families from Koh Teuk Vil? The civil party agreed that there were other refugees from Phnom Penh, adding that altogether, “there were approximately 10 trucks that were in a motorcade and were waiting to pick people up.”

Ms. Affonço confirmed, when asked, that upon arriving in Pursat, there were others there who had already been transferred. “In fact,” she said, “the place was already overflowing with people. There were people who had arrived from Phnom Penh and people who had arrived prior to our arrival.” On where those people came from, and whether they had been transferred in the same way as she had, Ms. Affonço said, “I had no idea. At the time, we weren’t concerned with that matter. My main preoccupation was to make sure that my children were alright. My daughter was already in the midst of dying.”

Thus, Mr. de Wilde reviewed, the civil party travelled by truck and then train, finally arriving in Pursat province, where the people were gathered in a general assembly area, and then screened to several villages. Asked whether the civil party felt that overall this transfer was fairly “organized and planned,” Ms. Affonço agreed. She then added:

Before Phnom Leap, there was Sisophon. We arrived there by tractor. At that point, they had regrouped families. There were about 10 families who were subsumed under a *khom*. Then a *khom* was taken by tractor to Phnom Leap. From that point onwards, everything was highly structured and well organized. The children had no idea [what was happening].

Asked whether any food or drink was offered to the evacuees on their journey to the next location, the civil party again appeared to scoff at the suggestion and then responded forcefully, “Not at all! Not at all! What we fed our children was what we took ourselves from the pagodas, but while we were traveling, nobody gave us anything. Nobody told us where we were going. Nobody allowed us to stop so we could relieve ourselves.”

Finally, Mr. de Wilde asked, in Phnom Leap, was the witness able to express her opinion, and make choices for herself? “Most unfortunately, most unfortunately, no,” Ms. Affonço replied. “If I had a choice, I would have gone elsewhere. I would have gone to another world.”

National Co-Prosecutor Revisits Areas of Civil Party’s Testimony

The last person to question Ms. Affonço for the day was National Senior Assistant Co-Prosecutor Chan Dararasmey. For his first question, Mr. Dararasmey asked the civil party to

describe the orders for the evacuation of the population of Phnom Penh, and specifically, whether the Khmer Rouge told her and others how they would be evacuated from the city. Ms. Affonço responded:

When they gave us the order to leave Phnom Penh, as I said and as I repeat, they simply stated, “You are going to leave for only two or three days. Do not take much with you. Take the bare minimum. Give us your keys.” When we left, nobody told us where we were going; ... we were just told, “Angkar is waiting for you.” We were given absolutely no direction. We were given absolutely no assistance.

As for how the witness would be transported and whether she could bring foodstuffs with her, the civil party responded that they did not do so. The Khmer Rouge simply advised her that “you must leave your houses. Take the bare minimum.” She continued, “But out of precaution, I took a little more, and I was hoping that as I was a French national, I could be allowed to go to the embassy. But I was not allowed to do so.”

The prosecutor asked if they were checked while leaving the city. Ms. Affonço responded that when “we were on Monivong Boulevard heading towards Ta Khmau, there were no searches at least at that time. [However,] just as we were nearing the end of the road ... three soldiers asked to come with us.” She again described the scene in which the three soldiers took the car, gesturing animatedly and speaking in an insistent tone.

Mr. Dararasmey asked Ms. Affonço to describe the Khmer Rouge’s reaction upon learning she was French and her children were also. However, before she could respond, Mr. Karnavas interjected, asserting that at this point, all four questions Mr. Dararasmey had asked had been repetitive and the Court was now just “re-traumatizing a traumatized ... civil party.”³⁶ Mr. Dararasmey said that he was asking these questions as he wished to seek some clarifications. However, he offered to ask other questions.

Turning to a new topic, Mr. Dararasmey asked the civil party if she noticed money still being circulated after the Khmer Rouge took power. Shaking her head, Ms. Affonço responded, “No. When we arrived at Koh Teuk Vil, currency had already been abolished. ... People were operating within a bartering system.”

Who, the prosecutor asked next, had ordered people to work so hard at Koh Teuk Vil? The civil party advised, “The instructions were coming from Angkar. Angkar said from this day onwards, you must work. Children must work. Children may no longer study. Children may no longer play.”

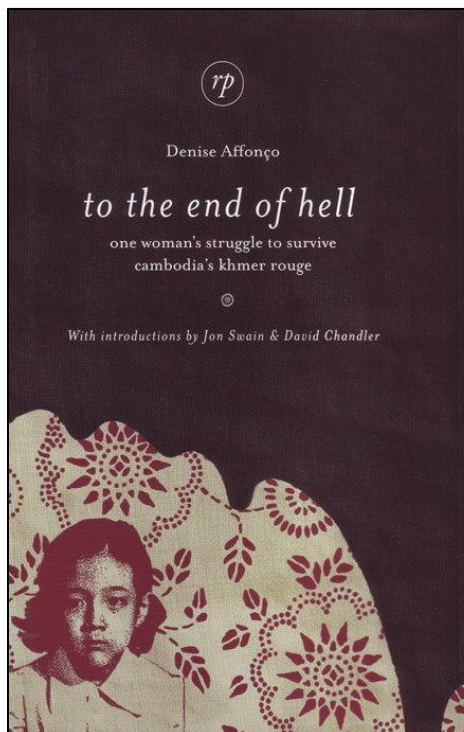
On whether the witness ever met Mr. Sary, Mr. Chea, or Mr. Samphan, Ms. Affonço emphatically denied this, stating, “I never even heard the utterance of their names, much less met them.”

³⁶ Mr. Karnavas had initially identified Ms. Affonço as a victim but quickly changed this to “civil party.”

Finally, Mr. Dararasmey asked the witness chaired each meeting she attended and what the subject matter of the meetings were. Ms. Affonço said, “Every evening, we began by reciting the commandments, and it was repeatedly spoken that we had to obey Angkar; we had to perform hard work. If during the day we had committed any kind of offense, we had to disclose it, we had to criticize ourselves before anyone else.”

At this juncture, there was a momentary pause in the courtroom, with the president appearing to consider a point. The president then advised that the Chamber wished to know, especially with regard to videoconferencing and its technicalities, whether the defense teams would require time to question the civil party. International Co-Counsel for Nuon Chea Jasper Pauw said that he would have to consult his notes but believed he would require approximately an hour for questions. Mr. Udom advised, on the part of the Ieng Sary defense team, that they did not have any plan to ask Ms. Affonço questions although they wished to reserve the right to do so after the Nuon Chea defense team put questions to the witness. National Co-Counsel for Mr. Samphan Kong Sam Onn advised that they did not have any intention to put questions to Ms. Affonço.

The president then adjourned the hearings for the day. Hearings will continue at 9 a.m. on December 13, 2012, with the continued testimony of witness Mr. Van in the morning and civil party Ms. Affonço in the afternoon session.



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Part of the profits from the sale of *To The End of Hell* will be given to the Documentation Center of Cambodia (DC-Cam), where a scholarship has been set up in the name of Denise Affonço's nine-year-old daughter, Jeannie, who starved to death under the Khmer Rouge regime.

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To the End of Hell by Denise Affonço provides additional details of the civil party's life under the Khmer Rouge regime. The Documentation Center of Cambodia is a partner of and contributor to Cambodia Tribunal Monitor.