



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS  
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Case File N° 002/19-09-2007-ECCC/TC

23 November 2012  
Trial Day 133

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

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KHIEU Samphan

Lawyers for the Accused:

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Andrew IANUZZI  
ANG Udom  
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Trial Chamber Greffiers/Legal Officers:

Matteo CRIPPA  
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For the Office of the Co-Prosecutors:

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. CHAU NY (TCCP-187)	Khmer
MS. GUISSÉ	French
MR. IANUZZI	English
MR. KHIEU SAMPHAN	Khmer
MR. KONG PHALLACK	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. MOHAN	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. OR RY (TCCP-105)	Khmer
MR. RAYNOR	English
MS. TY SRINNA	Khmer
MR. VEN POV	Khmer

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber will continue to hear the testimony of the  
6 civil party, and after the conclusion we will commence hearing  
7 the testimony of another civil party, TCCP-187.

8 [09.05.46]

9 Ms. Se Kolvuthy, could you report the attendance of the parties  
10 and individuals to the proceeding?

11 THE GREFFIER:

12 Mr. President, all parties to the proceeding are present except  
13 the accused, Ieng Sary, who is absent due to his health concern.  
14 Due to his limited letter of waiver, E287/1, he waives his direct  
15 presence in hearing the testimonies of certain civil parties,  
16 including TCCP(sic) who is going to be heard again by the Trial  
17 Chamber, as well as TCCP-187 who will be heard next.

18 Mr. Michael Karnavas, the international defence counsel for Ieng  
19 Sary is absent due to his personal commitment, and TCCP-105 is  
20 present in the courtroom. TCCP-187 is waiting to be called by the  
21 Chamber.

22 Mr. Mahdev Mohan, who is the lawyer for civil party and who has  
23 already been recognized by the Bar Association of Cambodia, but  
24 he has not yet been recognized by the Trial Chamber.

25 [09.07.29]

2

1 MR. PRESIDENT:

2 Thank you. The Chamber notices the presence of the lawyer for  
3 civil parties who has not yet been recognized by the Trial  
4 Chamber. We will proceed with the request for the recognition  
5 first before we resume our hearing of the testimony of the civil  
6 party, Madam Or Ry.

7 Pursuant to Internal Rule 22.2(a), the Chamber would like to  
8 invite the National Lead Co-Lawyer to be on his feet to make a  
9 request for the recognition of the international lawyer for civil  
10 parties before this Chamber.

11 MR. VEN POV:

12 Mr. President, good morning, Your Honours. Good morning, everyone  
13 in and around the courtroom.

14 On behalf of the Lead Co-Lawyers for civil parties, I am grateful  
15 to inform the Trial Chamber that this morning we have a new  
16 national lawyer with his ID 583, and his letter has already been  
17 submitted to the Trial Chamber, document E2/15/1.

18 [09.09.25]

19 We also have an international lawyer for civil parties who has  
20 not yet recognized by the Trial Chamber -- that is Mr. Mahdev  
21 Mohan. He is a Singaporean representing the civil parties in the  
22 Access to Justice in Asia group.

23 Mr. Mahdev Mohan is currently a member of the Bar Association of  
24 Singapore and he is also a lawyer in the Supreme Court of  
25 Singapore and he has been recognized by the Bar Association of

3

1 Cambodia on 20 February 2008, and he already took an oath before  
2 the Courts of Appeals of the Kingdom of Cambodia on 28 November  
3 2008.

4 For the aforementioned reasons, on behalf of the Lead Co-Lawyer  
5 for civil parties, I request your recognition of the  
6 international lawyer for civil parties so that he can fulfil his  
7 duty representing his clients before this Chamber.

8 [09.10.42]

9 I am grateful, Your Honour.

10 MR. PRESIDENT:

11 Thank you.

12 Mr. Mahdev Mohan, please stand.

13 Mr. Mahdev Mohan, the Trial Chamber hereby recognizes you as an  
14 international lawyer for civil parties for the purpose of the  
15 proceedings before this Chamber in this case.

16 Pursuant to this recognition, you have the same rights and  
17 privileges as national lawyers for civil parties.

18 You can be seated.

19 I would like now to give the floor once again to the lawyer for  
20 civil parties to put further questions to this civil party. You  
21 may proceed.

22 QUESTIONING BY MS. TY SRINNA RESUMES:

23 Thank you, Mr. President. Once again, good morning, Your Honours.

24 Good morning, Ms. Or Ry. Allow me to resume my questioning.

25 [09.12.04]

4

1 Q. I'd like to clarify some of the responses you made yesterday,  
2 in particular in relation to the situation at the Peth Thom  
3 Hospital.

4 Yesterday you testified before this Chamber that at that Peth  
5 Thom Hospital, there were patients, wounded hospitals(sic) who  
6 lost their legs or arms and who were treated in that hospital.  
7 Can you tell the Chamber who were they; were they civilians or  
8 were they the Lon Nol soldiers or Khmer Rouge soldiers?

9 MS. OR RY:

10 A. They were civilians. They were not Khmer Rouge soldiers, nor  
11 Lon Nol soldiers.

12 Q. Thank you.

13 Yesterday you already talked about being evacuated from the city  
14 and from your house. You also said your mother was in a  
15 post-natal state as she just delivered the baby and you also have  
16 an unwell elder sister.

17 [09.13.40]

18 My question to you is the following: When the Khmer Rouge ordered  
19 your family to leave the house, did your family or your mother  
20 request for their permission to stay until she became better? If  
21 there was such a request, was it allowed -- that is for your  
22 mother or your sister to remain behind until they became better?  
23 Or what was the circumstance?

24 A. My mother said she just delivered the baby and that my elder  
25 sister was injured and that we could not really go, but they

5

1 still insisted that we only had to go for three days and that we  
2 would be allowed to return.

3 Q. Does it mean that they did not allow them to stay behind in  
4 the house?

5 A. Yes, they did not allow them to stay in the house as they had  
6 to cleanse the city.

7 [09.15.03]

8 Q. Thank you. My next question is related to the time that you  
9 got off the boat and ready to be boarded to the truck.

10 Were there many trucks awaiting for the passengers from the boat,  
11 if you can recall?

12 A. I saw trucks but I did not know how many because whenever the  
13 truck was fully loaded, it left and then another one came.

14 Q. How many people were on each truck?

15 A. There were many. The truck was fully loaded but I could not  
16 tell you the exact number. It was a large truck and when it was  
17 fully loaded it departed.

18 Q. At that time, how many drivers altogether and -- or can we say  
19 how many Khmer Rouge people on each truck?

20 [09.16.47]

21 A. There were four of them. There was a driver, a conductor, and  
22 two others staying with us on the truck.

23 Q. The two people who stayed among yourselves, were they armed?

24 A. They carried two guns, each carried one gun.

25 Q. Did you know the direction or the destination where you were



1 transported to on the truck?

2 A. My mother actually asked whether we were sent back to Phnom  
3 Penh and is that -- there was no need for us to know and we would  
4 know when we arrived at the destination.

5 Q. How long did it take for you to be on the truck before you  
6 reached the destination?

7 A. It took us one day before we arrived at Pursat province. We  
8 arrived in late evening and we were received by ox carts.

9 Q. And did you know why the ox carts were waiting for you or  
10 whether they would transport you to somewhere else?

11 A. We were taken by ox carts to various villages, and my family  
12 was sent to Chamkar Ta Pour village.

13 [09.19.38]

14 Q. How people were separated to go to various villages? Was it  
15 only your family that was sent to that village or other families  
16 were also sent to that village?

17 A. There were several other families who were also sent to that  
18 village and we stayed in that village for four to five days, then  
19 we were separated from other family members. The parents would be  
20 separated from us and I was separated from my siblings.

21 Q. Where were you allowed to stay in that village at that time?

22 A. They already built a long house for the families and we were  
23 put into one room.

24 Q. The long house, was it made from concrete or from something  
25 else?

1 [09.20.51]

2 A. It was a bamboo house. Everything was made out of bamboo and  
3 the roof was a thatched roof.

4 Q. Was there a distinction between the Base People and the New  
5 People in that village?

6 A. Yes, the Base People, they lived in their ordinary houses. As  
7 for the New People, we were put into that long house.

8 Q. Regarding food ration or distribution, how was food ration be  
9 distributed?

10 A. When we first arrived we had rice -- that is cooked rice for  
11 lunch, and in the evening we were given porridges and that lasted  
12 for a few days, and later on it was all porridge.

13 Q. Did you -- were you continued to be given the porridge until  
14 the fall of the Pol Pot regime?

15 A. No, that's what happened initially, but later on we only had  
16 watery gruel and we were only given one ladle of watery gruel per  
17 meal.

18 Q. Was the meal sufficient?

19 (Short pause)

20 MR. PRESIDENT:

21 Civil Party, please respond.

22 MS. OR RY:

23 A. The food was not sufficient because for one coconut-shell  
24 ladle was not sufficient. My mother did not have enough to eat  
25 and sometimes I shared what I had with her.

1 [09.23.40]

2 BY MS. TY SRINNA:

3 Q. Your mother was at a post-natal stage. Was she being treated  
4 by the Base People due to her recent baby delivery? Was care  
5 given to her by the village chief or by the unit chief in that  
6 village?

7 MS. OR RY:

8 A. She was sent to work in cleaning the rice but in fact after  
9 that, she got this disease, the sickness from overwork and  
10 exhaustion. Even if she worked with the rice, the food given to  
11 her was not sufficient.

12 Q. Thank you. Did your family members receive any suffering or  
13 mistreatment during the time? Can you describe the situation to  
14 the Chamber?

15 [09.25.19]

16 MR. PRESIDENT:

17 The Chamber has already informed all the parties that the civil  
18 party will be given an opportunity to express the statement of  
19 suffering at the end of her testimony.

20 And we would like to remind the parties as the facts related to  
21 the proceeding before this Chamber are the first and the second  
22 phase of evacuation, so that is -- is the commencement of the  
23 evacuation until the arrival at the destination. And that would  
24 be related to the policy of the first and second phase of  
25 evacuation.

9

1 Civil Party, you do not need to respond to the last question as  
2 you will be given an opportunity to express your statement of  
3 suffering at the end of your testimony, as you were informed by  
4 the Chamber at the start of your testimony.

5 MS. TY SRINNA:

6 Thank you, Mr. President, for your reminder regarding the facts  
7 limited within the scope of the proceeding before this Chamber.  
8 However, I'd like to put some questions to this civil party  
9 regarding her initial arrival at the base and the experience that  
10 she had at the time.

11 [09.27.09]

12 And I'd like to rephrase my question so that it would relate to  
13 her initial arrival at the destination.

14 BY MS. TY SRINNA:

15 Q. Allow me to ask you again regarding the food ration. Was there  
16 a distinction in the food ration between the Base People and the  
17 New People?

18 MS. OR RY:

19 A. In fact, the Old People actually ate communally with the New  
20 People, as we all had to eat at the common dining hall. The only  
21 distinction is that they lived in their own houses while we lived  
22 communally in a long house.

23 Q. What about the workload, was there a difference in workload  
24 for the New People and the Base People?

25 [09.28.28]

10

1 A. We left for work at the same time.

2 Q. When you initially arrived in that village, was there any  
3 registration process for your family members?

4 A. When we arrived, my mother was asked to work with the rice  
5 immediately, and even if my elder sister was injured, she was  
6 asked to work in the kitchen. And as my -- myself, I was ordered  
7 to cut the "kontrieng ket" (phonetic) trees in order to make  
8 fertilizer and my elder in-law was asked to build the canal or  
9 the dyke.

10 Q. Regarding the living conditions in that village, what was your  
11 -- did your family encounter any experience?

12 A. If we were late at work we would be criticized.

13 As for my mother, she would work the whole day from dawn until  
14 dusk and when she came home she would wish to see her children,  
15 but by doing that she was accused of -- she was detained for one  
16 week and she had -- be deprived of her food rations.

17 Q. Do you know why your mother was imprisoned or detained?

18 (Technical problem)

19 [09.31.13]

20 MR. PRESIDENT:

21 We appear to have experienced some technical glitch.

22 Court officer is now instructed to coordinate with the  
23 interpreters to see what is going on.

24 (Short pause)

25 [09.33.18]

11

1 We may continue.

2 And counsel for the civil party is now instructed to repeat the  
3 question because the civil party may have forgotten the question  
4 put to her before.

5 BY MS. TY SRINNA:

6 Thank you, Mr. President.

7 Q. I was asking this question a moment ago: Why -- or did you  
8 know why your mother was detained?

9 MR. PRESIDENT:

10 Civil party, could you please hold on?

11 Counsel for Mr. Ieng Sary, you may proceed.

12 MR. ANG UDOM:

13 Thank you, Mr. President, and thank you, Your Honours. Good  
14 morning to everyone in and around the courtroom.

15 I take issue with this line of questioning because it is not  
16 falling within the scope of this segment of the trials. It would  
17 be better if counsel indicated in her question the timeline so  
18 that we could be on the same page when she posed this question.

19 However, this question appears to be more about the Security  
20 Centre which is not part of this part of the proceedings.

21 MS. TY SRINNA:

22 Mr. President, please allow me to respond to this.

23 [09.34.59]

24 The question I put to her, to the civil party, is relevant  
25 because evacuations of the two phases would include the time when

12

1 this civil party was sent to a province, and, as the result of  
2 these evacuations,  
3 indeed, she had been sent there. So my question is the result of  
4 the evacuations, and for that I would like to ask her what  
5 difficulties the family -- or her family had encountered. For me  
6 - or for us, we feel that without such evacuations the family  
7 would never have to face these hardship.

8 So if it please Your Honours or the Court, I would like the civil  
9 party to be instructed to respond to my question.

10 [09.36.11]

11 MR. PRESIDENT:

12 Counsel, please be reminded that the civil party before us today  
13 is to testify on the evacuations of the first and second phase of  
14 the evacuation. Indeed, we are not here to hear the testimony of  
15 the civil party on all the facts or results of the entire  
16 evacuation that happened across the country. For the time being  
17 we are now discussing the segment of Case File 002/01, and for  
18 that, we are now focusing on the first and the second phase of  
19 the evacuations.

20 And during these two phases of evacuation, we focus on the  
21 implementation of the policy to evacuate the population and also  
22 we look at the immediate arrival of the population after being  
23 evacuated. With that, we would not wish to extend the scope of  
24 the immediate evacuation to cover a period of three or four years  
25 later. By doing so, we are afraid we would infringe the main

13

1 purpose of the immediate evacuation and the first and second  
2 phase of such evacuation.

3 And please be reminded that you are confined to put question only  
4 in these ambit or scope.

5 Counsel for Mr. Ieng Sary was correct that the question should be  
6 rephrased. And her mother was detained at the Security Centre and  
7 counsel made it clear that dates should be precisely indicated as  
8 well to see whether the detention was far from the immediate  
9 evacuation.

10 [09.38.27]

11 MR. IANUZZI:

12 Good morning, everyone. Are you all right, Mr. President? You  
13 seem rather agitated.

14 MR. PRESIDENT:

15 What is your problem? I think we have dealt with the problem that  
16 is not relevant to your comment. We indeed was ruling -- were  
17 ruling on the objection by counsel for Mr. Ieng Sary, and the  
18 issue we were focusing now is on the matter concerning the  
19 question put by counsel for the civil parties.

20 And indeed, as the President and as the Chamber, we would like to  
21 elaborate on the scope of the trial and proceedings and how  
22 questions should be falling within the scope of this first  
23 segment of the trials. That's what we were doing.

24 [09.39.31]

25 MR. IANUZZI:



14

1 Thank you--

2 MR. PRESIDENT:

3 We do not understand how you could be on your feet to intervene  
4 when we were now dealing with the two parties who had taken issue  
5 with the matter, but the Chamber seemed to have been addressing  
6 their issue already and they had no problem with that. But it is  
7 you who had no stake in this argument, then you were on your feet  
8 and made such comment.

9 MR. IANUZZI:

10 (Microphones overlapping)

11 MR. PRESIDENT:

12 We believe that you are not qualified to judge me as the  
13 President and the Trial Chamber Judges.  
14 Counsel for the civil party, you may continue.

15 [09.40.30]

16 BY MS. TY SRINNA:

17 Thank you, Mr. President, for reminding me.

18 Q. I would like to rephrase the question as follows: Madam Civil  
19 Party, you stated that your mother was detained. Was she detained  
20 immediately upon arriving at Pursat?

21 MS. OR RY:

22 A. She had been assigned to work for quite some time already. She  
23 was not detained immediately after arriving at Pursat.

24 Q. I may go back a little bit to the time when you were being  
25 evacuated. Indeed, you had been evacuated from the capital city

15

1 to Pursat province. During this time, tell the Court how was your  
2 family treated?

3 A. We had a lot of difficulties during that time. I could only go  
4 for the whole trip with just piece of bread.

5 Q. You were evacuated first from Phnom Penh and then from your  
6 hometown. Were you told about the purpose of such evacuations?

7 [09.43.25]

8 A. We were told that only the New People would be transferred  
9 from the places. My sick sister, who asked to be allowed to stay  
10 with our grandparents, were not allowed to stay with our  
11 grandparents, she had to also be evacuated because she's a new  
12 person.

13 Q. During your evacuation, did you notice whether some people  
14 died or fell ill?

15 A. There were sick people, but I haven't -- I didn't see people  
16 die. I noted that a lot of sick people had to be evacuated,  
17 including my sister who was sick and she had to be assisted all  
18 along during the evacuation by my family members.

19 [09.44.57]

20 Q. Were evacuees assisted or helped by the unit chiefs or by  
21 people who escorted them?

22 A. No one took any notice even though we -- or people were very  
23 sick; they had to be forced to be moved to the direction intended  
24 for us to go.

25 Q. When arriving in Pursat you emphasize already that the food

16

1 was not sufficient. With that, how could you live on? How could  
2 you make the end meet? For example, how could you find foods to  
3 supplement these meagre rations?

4 [09.46.06]

5 A. We did not manage to find food supplementary. We were given  
6 these very little food ration and that's all we had. I had to  
7 pick up some things to supplement the very little food that we  
8 were offered. I had to eat raw prawns collected from the farms to  
9 supplement my meals.

10 Q. You said, at one point, that you would have shared your food  
11 with your mother. Were you allowed to do that?

12 A. No, I wasn't allowed to come to my mother to share the food  
13 with her. But because I really missed her dearly I knew that I  
14 would be killed by going and see her but I had to do that because  
15 I had to see her. My mother upon seeing me said that I should  
16 never come to see her because it was so risky. And I said that I  
17 missed her - I would like to be with her. And it was - the trip  
18 to see her was at late -- or midnight so no one could see that -  
19 and indeed my purpose of seeing is to share the food with her.  
20 Because I knew that she would not have enough to eat. And I had  
21 to again collect or pick the raw prawns or shrimps to eat a  
22 fresh.

23 [09.48.11]

24 Q. You testified that you would, every now and then, go to see  
25 your mother without letting other people know. But did you know

17

1 the risk or the risk behind this?

2 A. Indeed, if I were – if I were seen going and visiting my  
3 mother I would have been killed or beaten to death. But I never  
4 found out – I was never found out about this.

5 Q. Had you or any of your family members been tortured?

6 A. Angkar asked me to plant cassava tree and I – or did the sweet  
7 potatoes, but I couldn't do that properly. I was beaten severely  
8 until I passed out. I only regain consciousness a short while  
9 later.

10 [09.49.46]

11 Q. Apart from being tortured personally, were such tortures being  
12 inflicted on any other members of your family?

13 MR. PRESIDENT:

14 Civil Party, please hold on.

15 Counsel for Mr. Ieng Sary, you may now proceed.

16 MR. ANG UDOM:

17 My sincere apologies, Mr. President and Your Honours; it appears  
18 to me that the same line of questioning is being posed time and  
19 again. This question is relevant to only the persecution and  
20 tortures and these two facts are not relevant to the issue before  
21 us today. And, with Mr. President's leave, I would like to ask  
22 that counsel be reminded now to put the same line of questioning  
23 again.

24 [09.50.43]

25 BY MS. TY SRINNA:

1 Q. Mr. President and Your Honours, I may rephrase the question:  
2 When you were in Pursat province, did you notice whether people  
3 died or any death?

4 MS. OR RY:

5 A. At the beginning, I did not notice any death but later on  
6 people died of starvation.

7 Q. What made you believe that those who died died because of lack  
8 of food? How could you be certain to say that?

9 A. The food ration was very minimal. We were offered only thin  
10 gruel every day and when we fell ill we were only offered some  
11 rabbits pellets -- kind of medicine, and it didn't help us at  
12 all.

13 Q. Apart from dying of starvation, did you notice that other  
14 people could have died of other causes?

15 [09.52.57]

16 A. My brother and his wife - when his wife was very hungry or  
17 thirsty of sugar juice, he had to climb the palm tree to collect  
18 the palm juice for her. But then he was spotted and executed -  
19 arrested and executed later on for that.

20 Q. Did you see this happening?

21 A. Yes, I did. I saw this when I was walking to work as usual. I  
22 saw my brother on the paddy dyke and he was beaten by a hoe -  
23 with a hoe. And I was about - or I was attempting to help him,  
24 but I was stopped by some other colleagues who said that I would  
25 also be killed if I insisted I go. And I - upon knowing that my

1 brother was beaten to death I told my mother about this. My  
2 mother couldn't believe this -- she was shocked and shed tears.  
3 She could not help my brother either. She was so much shocked by  
4 this sad news.

5 [09.54.48]

6 Q. Do you know who actually killed your brother?

7 A. I was told that the person who killed my brother was a unit  
8 chief. And they accused my brother of being an imperialist.

9 Q. Apart from the execution of your brother, did you notice that  
10 other villagers were also executed?

11 A. Later on people were killed. Not only were people killed - the  
12 whole family of mine. The whole family was executed. The whole  
13 family was killed and planted into a pit. I was pleading, begging  
14 for the life of my mother. But they would never listen to me.  
15 They even said to me to leave the place where my whole family was  
16 being executed. They said that my turn would be on - my day would  
17 be coming very soon that I would also be executed. And I could  
18 hear the cries and I asked them not to kill my young brother who  
19 was very young. And they did not really listen to me. They threw  
20 my little brother into the air to be stabbed by a bayonet. And  
21 they warned me to - that I would also end up being executed,  
22 because they would not want to spare me because if I would leave  
23 I would take revenge at a later date. I was chased - they would  
24 like to kill me the whole night. I could never spend a night near  
25 any villager because they were so afraid that my association

20

1 would - with them would really implicate them. Or if I was shot,  
2 then they could also be impacted by the bullets.

3 [09.58.04]

4 And I also got hit in my - at - I got hit on my bottom by a  
5 bullet. And my auntie also got hit by a bullet. We asked them  
6 some questions why our last family member was executed. We asked  
7 them this question but they said the people were executed and  
8 that there should not be any question at all. Later on when my  
9 younger sibling who was a very hungry, I tried to ask the Khmer  
10 Rouge people for some rice but I was - I was not given anything  
11 other than a handful of salt. And when I was walking back with my  
12 younger sibling, the Khmer Rouge soldiers spotted us and they  
13 said that we too had to be killed because if we were spared then  
14 we would take revenge.

15 [09.53.34]

16 And I, at that time, kneeled down and begged for my life. But, at  
17 the same time, I was very brave; I told them then okay just kill  
18 me then because there's nothing left for me to live in this  
19 world. Because you already made my life - our life a living hell;  
20 you killed all the family member. We were stopped at gun point, I  
21 and my younger sibling were completely terrified but we - we told  
22 ourselves that it would be better off being killed anyway.  
23 However, luckily, we were not executed. We worked our best and we  
24 have lived a very difficult life afterwards.

25 Q. I have one thing that I am unclear of when you responded. You

21

1 said all your family members were killed. Can I ask you how many  
2 people in your family all together?

3 [10.01.03]

4 A. There were 11 of us.

5 Q. How did it happen? Can you describe the situation in details?

6 MR. PRESIDENT:

7 Lawyer for civil party, you have to be specific in your question  
8 as to the date for such a circumstance.

9 And, of course, you are reminded once again that the civil party  
10 will be given a chance to make a statement of suffering, the  
11 suffering under the Democratic Kampuchea Regime. However, parties  
12 are limited to put their questions within the scope of the facts  
13 relevant to the time of the second - or the first and second  
14 phase of evacuation. Otherwise, the responses would not be  
15 considered as part of the current scope of the proceeding.

16 [10.02.23]

17 BY MS. TY SRINNA:

18 Thank you, Mr. President. I have about two more questions to put  
19 to this civil party related to this event.

20 Q. Who actually killed your family members, if you can recall?

21 MS. OR RY:

22 A. It was the Khmer Rouge clique; I witnessed the killing with my  
23 own eyes. It was full moon and they were all armed and they fired  
24 upon my family members.

25 Q. Did you know the reason for the killing of your family?



1 [10.03.04]

2 A. We were evacuated from the house and then we were asked to  
3 sleep in the rice field. I did not know exactly the reason behind  
4 the killing, because they came at night time to kill my mother,  
5 my aunt, and my siblings. I meant all the rest of my family  
6 members.

7 MS. TY SRINNA:

8 I have no further question for you, Madam Civil Party.

9 And thank you, Mr. President, for allowing me to put question to  
10 this civil party.

11 I would like now to cede the floor to the Prosecution.

12 MR. PRESIDENT:

13 The Prosecutor, you may proceed.

14 MR. RAYNOR:

15 Mr. President, we have no question - we have no questions. Thank  
16 you.

17 MR. PRESIDENT:

18 Thank you.

19 The floor is now given to Nuon Chea's defence to put questions to  
20 this civil party. You may proceed.

21 [10.04.32]

22 QUESTIONING BY MR. SON ARUN:

23 Good Morning, Mr. President. Good morning, Your Honours and  
24 everyone. I only have one question for this civil party.

25 Q. In the document D22/3455, in Khmer ERN 0056 - and the Khmer

1 ERN is 00565899; English, 00660730; French, 00861206 -- you  
2 stated that:

3 "I was sent to pull seedlings and transplanted seedlings, and to  
4 deliver the seedlings for transplantation. That was in early  
5 1978, and I did the work until late 1978. And at that time, the  
6 Vietnamese soldiers made their advance almost near Kandieng  
7 district.

8 [10.06.15]

9 "The Khmer Rouge people evacuated us -- that mean the group from  
10 Svay Rieng, Phnom Penh, and myself, to go up the mountain. One  
11 night my family travelled with people from Svay Rieng and we  
12 slept together that night. It was quiet during that night and the  
13 Khmer Rouge group opening fire on my family. My mother and five  
14 of my siblings died. And my youngest brother, who was two years  
15 old back then, was thrown into the air and pierced with the  
16 bayonet. He convulsed and died. As for myself, I was shot at, but  
17 the bullet didn't fire through. For that reason, I survived."  
18 My question is that -- whether you can recall that statement that  
19 you made in that document that I just quoted.

20 MS. OR RY:

21 A. Yes, I can recall that. I did make that statement but it was  
22 not in details, actually I spoke a little bit more than that.

23 Q. My question is whether you can recall this statement, your  
24 statement that I quoted?

25 A. Yes, I can recall it.

1 Q. I have the following question for you.

2 In late 1978, at that time the Vietnamese soldiers advanced  
3 toward Kandieng district. Where was Kandieng district located?

4 [10.08.48]

5 A. I did not know where it was because I was pretty young. I  
6 heard of the name through other older people.

7 Q. Can you tell us Kandieng district is located in which  
8 province? Was it in Prey Veng?

9 A. No, it was not in Prey Veng, it was somewhere in Pursat.

10 Q. Thank you.

11 You have been questioned by the lawyer for civil parties as to  
12 the reason why your family members were killed and you said that  
13 you did not know the exact reason for the killing. My question is  
14 the following:

15 You said that that night was full moon and that the shooters were  
16 the Khmer Rouge. Can you please confirm before this Chamber as  
17 the shooters were Khmer Rouge? Because you stated that by late  
18 1978, the Khmer – the Vietnamese troops advanced toward Kandieng  
19 district.

20 [10.10.23]

21 Were they Khmer Rouge or not? I mean the killers or the shooters.

22 A. They were Khmer Rouge because they knew my mother's name very  
23 well. The Kampuchean troops almost arrived in Kandieng district  
24 but by then people were actually sent to the forest already.

25 Q. I'd like to – you to clarify that. Who were the shooters and

1 whether other family members were also fired upon?

2 A. It was only my family. And as for the rest, they were all  
3 those people from Svay Rieng province. And when we slept there,  
4 there were only my family members, my mother, my siblings, and my  
5 aunt.

6 [10.11.34]

7 Q. Why the Khmer Rouge, at the time, ordered your family to move  
8 and to rest in the rice field? Because you said there were other  
9 family members from Svay Rieng who were also -- went with you but  
10 were not ordered to go to the rice field -- that is, in the  
11 opened rice field.

12 A. All the people were ordered to leave, including the Old People  
13 and the Base People. We were all asked to leave and rest in the  
14 rice field. None was in the village.

15 Q. I already asked you that whether only your family was killed.  
16 Didn't you every wonder why only your family members were killed  
17 and not other people?

18 A. They accused my mother of resting together with the people  
19 from Svay Rieng. For that reason, she was killed, as well as my  
20 family members were also killed. The Svay Rieng people had  
21 already been killed before my family members were killed.

22 [10.13.12]

23 Q. I'd like you to recall of what you already stated before this  
24 Chamber. You said that it was the Khmer Rouge that killed your  
25 family members and that other people were not killed then. That

26

1 was your statement. Now, I'd like you to confirm whether -- was  
2 it only your family that was killed? Or were also other family  
3 members who were ordered to go down from the mountain were also  
4 killed?

5 A. My family members were killed first. And other members were  
6 not yet killed. At that time, only my family members were killed,  
7 as well as those family members from Svay Rieng province.

8 Q. So, does it mean that other people were also killed and not  
9 just only your family members; is that correct?

10 A. Yes.

11 Q. Were many people from Svay Rieng Killed?

12 [10.14.37]

13 A. There were many of them. They were tied up and walked in  
14 lines. They were young men and women and I witnessed that with my  
15 own eyes although I was pretty young back then.

16 Q. How old were you back then?

17 A. I was more than 10 years old.

18 [10.15.05]

19 Q. It means you was quite mature if you were more than 10 years  
20 old.

21 When the Khmer Rouge soldiers forced you to go down to the  
22 mountain, did you hear the voice of the people ordering you to go  
23 down the mountain? Were they the voice or the sound of the  
24 Cambodian people or was it kind of foreign or with an accent or  
25 something?

1 A. The voice was a Khmer voice, ordering us to go down the  
2 mountain, although I did not know whose voice it was. A lot of  
3 people went down and I walked along.

4 Q. Thank you. I have another question for you.

5 You said that they also shot at you, but the bullets did not  
6 fire, and for that reason you survived. Can you recall when your  
7 family members were shot and killed, but that you survived? Can  
8 you try to recall? Or, actually, what happened and why you  
9 survived, and not your family members?

10 A. I did not know why. Actually, I covered my family members.

11 [10.17.09]

12 I rather died rather than allow my mother to be shot and killed.  
13 But I do not know why the bullets missed me.

14 Q. In another document that you made with the victims unit --  
15 that is, document D22/3455A, ERN in Khmer, 00586120; and English,  
16 00858556. And it does not exist in the French language. My  
17 questions is -- or, for the Khmer version.

18 What you stated in that document is a little bit different from  
19 you stated in the previous document. You stated that:

20 "At that time, I lied down, embracing my mother and did not  
21 realize that she already died. I called my mother and my family  
22 members were shot and killed at around 10 p.m. They shot at me,  
23 but the bullets did not fire."

24 [10.18.44]

25 And at another point you stated that:

1 "I suffered a lot and I was really very angry, and they were  
2 afraid that I would take revenge against them. And next morning,  
3 at 9 a.m., they came to shoot me again, but the bullets did not  
4 fire, and I, at that time, covered myself with a scarf."

5 Your statement that they were afraid that you would revenge  
6 against them in the morning; can you tell us why did you think  
7 so? Did you have any weapon? And for that reason that they were  
8 afraid that you would take revenge against them? Can you tell us  
9 on this point?

10 A. I did not know why. They tried to shoot me once or twice, but  
11 they failed. I did not have any weapons to take revenge against  
12 them. I just tried to survive.

13 Q. You have no means to take revenge against those people who  
14 were soldiers and who were armed. I'd like to know the reason --  
15 or, can you tell us the reason why you think that they were  
16 afraid that you would take revenge against them?

17 A. That's what they said. They said that there was no need to  
18 spare my life -- that I should be killed to complete the killing  
19 of the whole family. And that I should be killed or my youngest  
20 brother should also be killed.

21 [10.20.43]

22 But up to today, I have not taken any revenge against anybody.

23 Q. Thank you, once again, Madam Civil Party. Now, I'd like to go  
24 back a little bit.

25 When your families and those people from Svay Rieng were chased

1 to go down the mountain, and when your family members were shot  
2 at, where were you? Or where were you standing in comparison to  
3 the position of your family members?

4 A. At that time, we just left the village for the rice field. And  
5 that was the day that they chased us away to go from the village  
6 to the rice field, during the day time. And at night time they  
7 killed us.

8 Q. When your family members were shot at, it means -- your  
9 parents, your five siblings, yourself, where were you standing  
10 amongst your family members, and why did the bullets miss you?

11 A. I was resting together with my mother and with other siblings.

12 [10.22.12]

13 We were sleeping on the ground in the open, in the rice field  
14 with my parents and my siblings.

15 Q. So, when you were shot at, all of you were sleeping in the  
16 rice field; is that correct?

17 A. Yes, we were sleeping in the rice field.

18 Q. Was only your family sleeping in the rice field, or were those  
19 people from Svay Rieng also sleeping in the rice field nearby?

20 A. They were sleeping nearby us, including those people from Svay  
21 Rieng and the Base People. We were about 10 metres apart from one  
22 another.

23 MR. PRESIDENT:

24 Counsel, your question is far from the facts limited within the  
25 scope of this proceeding. You are referring to the period in late



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1 1978. So, please try to rephrase or reframe your question for the  
2 facts limited within the scope of this proceeding -- that is, in  
3 terms of the first and the second evacuation and the initial  
4 arrival at the destination.

5 [10.23.55]

6 Your question may be related to another portion of the case which  
7 is subject of the later proceeding. And this is also in light of  
8 the previous testimony by the civil party, Meas Saran, who  
9 concluded yesterday that, when he fled to Thailand he was shot at  
10 the neck and later on, he migrated to France. That kind of  
11 information or fact was not part of the scope of the proceeding  
12 -- that is, within the scope of the facts in Case 002/01.

13 MR. SON ARUN:

14 The purpose of my question to this civil party is that -- whether  
15 her testimony now, comparing to her statements made before the  
16 victims unit, is consistent or not.

17 MR. PRESIDENT:

18 Of course, I understand your intention.

19 [10.25.16]

20 For that reason, we allowed you to put questions to her up to  
21 this point. And sometimes I understand the nature of your  
22 questions as well -- the yes or no questions -- but please, be  
23 advised once again to refrain your question to the facts limited  
24 within Case 002/01, and that is the instruction from the  
25 President of this Trial Chamber, so that I can manage this

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1 proceeding effectively and in a timely manner.

2 MR. SON ARUN:

3 Thank you, Mr. President, for your advice and instruction.

4 I do not have any further questions for this civil party. Thank  
5 you, Madam Civil Party, and thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you.

8 Now, the International Counsel for Nuon Chea, you may proceed.

9 [10.26.29]

10 QUESTIONING BY MR. IANUZZI:

11 Thank you, Mr. President. Again, good morning, everyone, and good  
12 morning to you, Madam Civil Party. I do not have very many more  
13 questions -- maybe five or six. I'll try and go as quickly as I  
14 can. Q. First of all, let me just say that I've listened to  
15 everything you've said on the stand, and I'm quite sorry to hear  
16 about the loss of your family. I will ask you questions related  
17 to events that may or may not have taken place prior to April  
18 1975.

19 So, if I could just ask you, so that we can orient ourselves in  
20 time; I understand that you were not born in Phnom Penh. When did  
21 you first move to the city of Phnom Penh?

22 MS. OR RY:

23 A. I cannot recall it. I did not know when my mother moved to the  
24 city. When I grew up, I was in Phnom Penh.

25 Q. And, after growing up in Phnom Penh, was there -- at any point

1 in time prior to the evacuation that you've described, did you  
2 leave Phnom Penh? Or did you live in Phnom Penh from the time you  
3 grew up until you left in April 1975?

4 [10.28.09]

5 A. I was living in Kilometre Number 6 village.

6 Q. Do you recall when that was?

7 A. No, I cannot recall it. I simply knew that when I grew up I  
8 lived in Kilometre Number 6 village. And I did not know when my  
9 parents moved to live in that village.

10 Q. Is it fair to say that you spent multiple years in the city of  
11 Phnom Penh prior to April 1975?

12 A. Yes, you can ask me the question, and then I will respond.

13 Q. Thank you, Madam Civil Party.

14 Let me turn now to some specific questions. Yesterday, we heard  
15 some testimony from another civil party regarding the price of  
16 food -- in particular, rice -- in the city of Phnom Penh. And  
17 that individual described a sharp increase in the price of rice  
18 in the years leading up to April 1975. Could you please tell us,  
19 based on your own experience -- based on your own personal  
20 experience -- what was the price of rice in the years leading up  
21 to April 1975? Was it affordable for most people?

22 A. Yes, it was.

23 [10.30.28]

24 It was affordable for most people.

25 Q. And did it gradually become more and more expensive, as we

1 were told yesterday?

2 A. I don't know, but what I know is that my mother bought the  
3 rice -- the rice that was rather affordable.

4 Q. Very well. Thank you very much for that.

5 What about the number of people living in the city of Phnom Penh?

6 Again, we heard yesterday that the city of Phnom Penh -- the  
7 population of the city increased greatly in the years prior to  
8 April 1975, and the individual who gave testimony yesterday  
9 described that, in his estimation, as a tripling of the  
10 population.

11 What about your experience in Phnom Penh in the years prior to  
12 1975 -- April 1975? Did you notice an increase in the population  
13 of the city?

14 [10.31.54]

15 A. I am afraid I was too young to understand much about the  
16 population increase. I was rather young, and I don't know about  
17 this.

18 Q. Thank you for that, Madam Civil Party.

19 One more question: Do you remember -- do you remember, given your  
20 age -- and possibly you don't so please tell me if you don't --  
21 do you have any recollection of bombs falling on Phnom Penh prior  
22 to 1973? Or you're too young to remember?

23 A. I don't remember this.

24 Q. Thank you very much. And I'm sorry; I said that was my last  
25 question. I have one last question for you. You mentioned

34

1 yesterday an episode at a big hospital -- you called it "The Big  
2 Hospital" -- in Phnom Penh where your sister, I believe you said,  
3 went to receive certain care. And you told us that in order for  
4 her to receive that care, she was required -- or your family was  
5 required -- to pay a sum of money in advance to receiving the  
6 care.

7 [10.33.20]

8 Is that correct? Is that what you told us?

9 A. Yes, it is correct. Because my mother told me that, if you had  
10 money to pay to bribe the doctors, then my daughter -- my sister  
11 would be quickly offered the service, and that she would be  
12 treated.

13 Q. Thank you, Madam Civil Party. I just heard you say -- at  
14 least, this is the way that it came through in the English  
15 translation -- that the money was required to bribe the doctors.  
16 So my next question to you would be, is that -- or do you know --  
17 in your own experience, do you have any knowledge whether or not  
18 that was one of the policies of the Lon Nol government? To  
19 require the population of Phnom Penh to bribe doctors in order to  
20 receive medical care?

21 [10.34.32]

22 If you don't know, that's perfectly fine.

23 A. I don't know. I only know that my mother had to buy some good  
24 medicine to make sure that my sister got recovered quickly.  
25 That's all I know.

1 MR. IANUZZI:

2 Very well. Thank you very much, Madam Civil Party. I appreciate  
3 you answering my questions, and I wish you all the best. Thank  
4 you.

5 MR. PRESIDENT:

6 Next, we would like to cede the floor to counsels for the Ieng  
7 Sary -- for Mr. Ieng Sary, rather.

8 QUESTIONING BY MR. ANG UDOM:

9 Thank you, Mr. President. Thank you, Your Honours. And very good  
10 morning again to everyone in and around the courtroom. Good  
11 morning to you, Madam Or Ry. I am Ang Udom, representing Mr. Ieng  
12 Sary along with my co-colleague. I have only two small questions.  
13 The first question is only for seeking clarification.

14 [10.36.05]

15 Q. I noted that, in your application as a civil party and the  
16 account in your family book, the information is rather  
17 inconsistent. In your family book, document D22/3455 you said  
18 that -- of course, the book is dated 30th of March 1999. As -- in  
19 the relationship in the book, you indicated that you're a wife.  
20 But in the application form -- the Victim Application Form dated  
21 on the 16th of August 2009 -- you say that you're single.  
22 Can you please shed the light on this inconsistency of the  
23 account in your family book and what appears on your application  
24 form to join as a civil party?

25 MS. OR RY:

36

1 A. I don't know what happened to that. I just got married after  
2 the Khmer Rouge regime. I got married not during the Khmer Rouge.

3 Q. In the family book, it reads that you're a wife of Mr. Hun  
4 Mao. However, in your form -- the form to join as a civil party  
5 -- you say you're single.

6 [10.38.07]

7 So which one is the most reliable source of information? So which  
8 one is correct or which one is wrong? Just let us know.

9 MR. PRESIDENT:

10 Civil Party, you are not expected to respond to this question.

11 Since you are here before us, you - you already made it clear  
12 about your marital status and you also were put some questions at  
13 the very beginning about your marital status, and you have made  
14 it clear twice. And the Chamber would not consider that this  
15 piece of document is a piece of evidence -- strong evidence  
16 before the Chamber.

17 BY MR. ANG UDOM:

18 We thank you, Mr. President. I was asking the questions because I  
19 was checking to see whether there is any error in the record of  
20 the civil party.

21 [10.39.10]

22 Q. My last question to you, Madam Civil Party: You talked about  
23 the Base People and the New People. Can you please explain to the  
24 Chamber how you understood the terms to be different?

25 MS. OR RY:

1 A. I don't know because, when I was there, I was regarded as the  
2 New Base People, and the people at the base or the local area  
3 were regarded as the Old Base People.

4 MR. ANG UDOM:

5 With that, I thank you very much, Madam Or Ry. I have no further  
6 questions. On behalf of Mr. Ieng Sary, we are very grateful  
7 indeed to your testimonies. Indeed, your efforts to find -- to  
8 find the truth. And I wish you safe travels.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 Next, we proceed to counsels for Mr. Khieu Samphan to put  
12 questions to Madam Civil Party, if you would wish to do so.

13 MR. GUISSÉ:

14 Good morning, Mr. President. Good morning, Your Honours.

15 [10.40.27]

16 We have no questions for the civil party. Thank you.

17 MR. PRESIDENT:

18 Thank you, Counsels.

19 Thank you, Madam Or Ry. Your testimony sessions now come to a  
20 conclusion. You are now excused. You will be let out of this  
21 courtroom momentarily -- or, rather -- Madam Or Ry, indeed we  
22 should not forget that you have the opportunity to voice or to  
23 express the statement of your suffering. You will be given this  
24 opportunity to do so now, if you wish.

25 MS. OR RY:



1 What I wish to say is that, after leaving Phnom Penh, I have lost  
2 everything, including my house, property. And along the road, I  
3 was not given enough food, and I had lived a very difficult life  
4 until I reached my hometown. When I got there, I thought that I  
5 would be in peace. I would reunite with my parents and  
6 grandparents.

7 [10.42.04]

8 Unfortunately, I was, time and again, transferred until I reached  
9 Pursat province. There, I was tortured, because I was young, I  
10 could not work properly. I could not really be the best at work,  
11 and I was beaten with a hoe, and when I was carrying dirt, they  
12 were beaten -- I was beaten by a pole that I used to carry the  
13 dirt. I was accused of being an imperialist, that I could not  
14 work properly carrying the dirt of the soil. And I was too young.  
15 And the load was too heavy. I couldn't do that. Without being  
16 able to do that, I was accused of being the imperialist. And I  
17 was severely injured. And I -- the impact was huge that I still  
18 live with the scar and these difficulties. I have lost all my  
19 last members of the family. I am now a complete orphan.

20 [10.43.27]

21 I live a very lonely life; very desperate for food. I had to pick  
22 up food left over from others to make my meals, and I had to ask  
23 people for food. Indeed, I asked for food to be offered to my  
24 younger sibling, who was very hungry. Our legs become swollen,  
25 and I got injured and I had difficulty walking. I still live with

1 this very bad trauma all along. And recently, we met -- I just  
2 found my sister. She survives the ordeal, but she got injured,  
3 and the injury makes it impossible for her to live a normal life.  
4 And we feel -- I feel that my life is very miserable. We have  
5 lived a very difficult life because of the regime, and for that I  
6 would like to humbly ask Mr. President and Your Honours to help  
7 find justice for me.

8 MR. PRESIDENT:

9 Once again, we would like to thank you very much, Madam Or Ry.  
10 Your testimony session now comes to a complete conclusion, and  
11 you are indeed excused. Your testimony will be contributing to  
12 the ascertaining of the truth before the Chamber. You may be  
13 ushered by the court officer momentarily, and we wish you all the  
14 very best.

15 [10.45.38]

16 Court officer is now instructed to assist Madam Or Ry and work in  
17 collaboration with the WESU unit to make sure that Madam Or Ry is  
18 safely returned home.

19 You may leave now.

20 Next we would like to cede the floor to parties to the  
21 proceedings who would like to say a few words concerning the  
22 statement of suffering by the civil party. Well, it appears to  
23 the Chamber that there is no such comment. The Chamber would like  
24 to adjourn momentarily and the next session will be resumed by 11  
25 o'clock. When we resume we will be hearing another civil party,

1 TCCP-187.

2 The Court is adjourned.

3 THE GREFFIER:

4 (No interpretation)

5 (Court recesses from 1146H till 1109H)

6 MR. PRESIDENT:

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

8 We will now hear the testimony of the civil party, TCCP-187.

9 Court Officer, could you invite the civil party, TCCP-187 into  
10 the courtroom?

11 (Short pause)

12 The Chamber would like to inform all the parties that we received  
13 a request by Ieng Sary, E187/1, through his defence counsel to  
14 waive his direct presence in the hearing of testimony of 14 civil  
15 parties, including TCCP-187.

16 And as Mr. Ieng Sary request to waive his direct presence in the  
17 hearing of the testimony of certain civil parties due to his  
18 health condition, the Chamber decides to hear the testimony of  
19 the civil party TCCP-187 without the presence of Ieng Sary,  
20 pursuant to Rule 81 sub rule 5 of the Internal Rules of the ECCC.

21 QUESTIONING BY THE PRESIDENT:

22 Q. Good morning, Mr. Civil Party. What is your name?

23 [11.11.44]

24 MR. CHAU NY:

25 A. Mr. President, my name is Chau Ny.

1 Q. Thank you. How old are you, Mr. Chau Ny?

2 A. I am 59 years old.

3 Q. Where were you born?

4 A. I was born at Phnom Pi Village, Chau Lang commune, Svae Tong  
5 district, An Giang province. It was in Kampuchea Krom.

6 Q. Where is your current address?

7 A. I'm living in Kampong village, Preah Bat Choan Chum  
8 sub-district, Kiri Vong district, Takeo province.

9 [11.12.52]

10 Q. What is your father's name?

11 A. His name is Chau Non, and my mother's name is Neang Khinh.

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

13 A. Her name is San Sokong and we have three children.

14 MR. PRESIDENT:

15 Thank you, Mr. Chau Ny.

16 As a civil party ,you are entitled to make a statement of  
17 suffering and the harms suffered -- that is, the harms suffered  
18 materially, psychologically, or physically. And which are the  
19 direct result of the crimes committed during the Democratic  
20 Kampuchea that relate to your application to become civil party  
21 in this case. You will be given this opportunity at the  
22 conclusion of your testimony if you wish to do so. And we will,  
23 of course, tell you when the time is appropriate for such a  
24 statement.

25 Lead Co-Lawyers, pursuant to Rule 91bis, the Trial Chamber will

42

1 give you the floor first to put questions to this civil party.

2 And the time allocation for the Lead Co-Lawyers as well as for  
3 the Prosecution is one full day session. You may proceed.

4 [11.15.16]

5 MR. VEN POV:

6 Mr. President, on behalf of the Lead Co-Lawyers for civil party,  
7 I'd like to seek your permission that we assigned our civil party  
8 lawyers to put questions to this civil party.

9 MR. PRESIDENT:

10 Yes, you may do so.

11 MR. KONG PHALLACK:

12 Good morning, Mr. President, Your Honours. Good morning,  
13 everyone. My name is Kong Phallack. Good morning, Mr. Civil  
14 Party.

15 MR. CHAU NY:

16 Good morning.

17 [11.16.05]

18 QUESTIONING BY MR. KONG PHALLACK:

19 Q. Can you tell your full name to the Court again?

20 MR. CHAU NY:

21 A. My name is Chau Ny.

22 Q. Do you prefer me to refer to you as Mr. Chau Ny, by your full  
23 name, or just as "Uncle"?

24 A. Please refer to my full name.

25 Q. Thank you. And how are you, Mr. Chau Ny?

1 A. I am fine.

2 Q. Have you attended any court proceedings before?

3 A. No, not in the courtroom itself, but I attended in the public  
4 gallery.

5 Q. How are you feeling today?

6 [11.16.59]

7 MR. PRESIDENT:

8 Mr. Lawyer for civil party, the time is valuable. Please go into  
9 the substance concerning the facts limited within the proceeding  
10 in Case 002/01. The floor is not given to you just to make a  
11 chit-chat with the civil party. We are here to expedite the  
12 proceeding in an effective manner as possible as we can. You have  
13 asked three questions which are not substantial.

14 MR. KONG PHALLACK:

15 Thank you, Mr. President.

16 Before I put questions to you regarding the facts in Case 002/01,  
17 if you need to have a glass of water, please feel free to do so.

18 MR. CHAU NY:

19 You may ask questions.

20 BY MR. KONG PHALLACK:

21 Q. You stated before this Chamber that your place of birth was in  
22 Kampuchea Krom. When did you come to Phnom Penh?

23 MR. CHAU NY:

24 A. I left Kampuchea Krom for Phnom Penh in 1970.

25 [11.18.21]

1 Q. What was the reason for travelling to Phnom Penh?

2 A. The purpose of travelling to Phnom Penh was to become a  
3 soldier for the American-backed government.

4 Q. Why did you want to do so?

5 A. Because the soldiers for the American-backed government could  
6 earn a lot of salary to support a family.

7 Q. Did you succeed?

8 A. When I arrived in Phnom Penh, I tried to enlist myself, but my  
9 elder brother-in-law and sister-in-law did not allow me to join.

10 [11.19.30]

11 Q. When you arrived in Phnom Penh, where did you live?

12 A. In Phnom Penh, I lived with my elder sibling.

13 Q. Was your elder sibling your elder brother?

14 A. Yes, my elder brother and my elder sister-in-law.

15 Q. What was his occupation? Did he have any children?

16 A. My elder brother was the -- was a bank officer, a National  
17 Bank officer.

18 Q. How many children did he have?

19 A. He had three children.

20 MR. PRESIDENT:

21 Lawyer for civil parties, you should absorb your knowledge from  
22 your other colleagues in questioning the civil party, and you  
23 should also learn how to pause between the question and answer so  
24 that your question and answer will go through the interpretation  
25 system into English and French.

1 BY MR. KONG PHALLACK:

2 Q. How many children did your brother and sister have? And what  
3 were their names?

4 [11.21.07]

5 MR. CHAU NY:

6 A. He had three children. Chau Soeun (phonetic), the first one;  
7 the second one was Chau Yet (phonetic), and the third one was La  
8 Pang (phonetic).

9 Q. Thank you. In the document -- your documents that we have --  
10 and Mr. President, the document is -- the document is D22/253,  
11 ERN in Khmer is 00421599; 00 -- English is 00478480; the French,  
12 00858939; and -- 937, rather.

13 [11.22.20]

14 In that document, you stated that in -- you lived in the  
15 cooperative for four to five months, and my two nephews became  
16 ill and skinny due to the lack of food and no medical treatment.  
17 Chau Soeun, who was eight years old, died, and four or five  
18 months later, La Pang (phonetic), who was five years old, also  
19 died. The two died in early 1976.

20 You said you only have two nephews in that document, but now you  
21 said you had three nephews; why there is a difference?

22 A. When the application was filled, I talked about my nephews who  
23 died and whom I knew of the date.

24 Q. Does it mean that you only talked about the nephews that died;  
25 is this correct?



1 A. Thank you.

2 Q. I will put some questions to you regarding the events in -- on  
3 the 17 April 1975.

4 Where were you on that day?

5 A. I was at my brother's house behind Olympic Market.

6 Q. Thank you.

7 [11.24.24]

8 What happened to you and to your family? Can you tell the Court?

9 Can you also tell the Court of the events that you, yourself,  
10 knew that happened on the 17 April 1975?

11 A. Mr. President, on 17 April 1975, which was the victorious day  
12 of Democratic Kampuchea who came to take complete control of  
13 Phnom Penh city -- that was the time that the Cambodian -- Phnom  
14 Penh residents came to -- came out to congratulate the victory of  
15 the Democratic Kampuchea group. A lot of people came to greet  
16 them. As for my family, we did not go to greet them.

17 Q. Do you have anything else to add to the event?

18 [11.25.32]

19 A. I did not go out to greet them as I had young nephews to look  
20 after and my elder sibling was unwell.

21 Q. Thank you. How old were your nephews at the time?

22 A. Chau Soeun was seven years old, at the time, and Chau Yet  
23 (phonetic) was six years old and La Pang (phonetic) was four  
24 years old.

25 [11.26.09]

1 Q. Thank you. What happened after 17 April 1975?

2 A. Two or three days after, a group of Khmer Rouge soldiers make  
3 an announcement asking people to leave Phnom Penh. At that time,  
4 I heard gunfire. I also heard the screaming of people looking for  
5 their relatives and friends in their preparation to leave Phnom  
6 Penh.

7 At that time, the Khmer Rouge people were armed. They approached  
8 the front of my brother's house and shouted that we all had to  
9 leave; otherwise, we would be bombarded by the Americans. My  
10 family was rather late and then they continued shouting that why  
11 we were late. We had to leave quickly and we only had to leave  
12 for three days, so there was no need for us to bring any property  
13 or belongings and after that, they pushed my brother.

14 [11.27.52]

15 And I entered the house and made a little -- pack a little  
16 belonging and comforting my two nephews, and I did not bring any  
17 other property. And then I took my nephews, then we left with my  
18 brother.

19 Q. Thank you. Can you describe the event of the -- at the time  
20 that you were leaving Phnom Penh on that day?

21 A. My brother and I were leaving Phnom Penh in anticipation that  
22 we were travelling to our native village. At that time, while en  
23 route, I observed that there were sick people who fell and  
24 sitting on the side of the road, there were dead people and  
25 nobody could help anybody else.

1 Q. Thank you. Which road did you travel on that day?

2 A. I was heading toward National Road Number 2 in anticipation  
3 that I would head to Kampuchea Krom.

4 [11.29.20]

5 Q. Did you arrive in your native village?

6 A. No, I did not.

7 Q. Then where did you reach?

8 A. We walked for about 10 days and then we reach Bati district,  
9 Trapeang Sab commune in Takeo province. Of course, my destination  
10 was to return to my native village in Kampuchea Krom. While I  
11 arrived at Trapeang Sab village, I was told that whoever came  
12 from Kampuchea Krom -- and if we were to reach the border, we  
13 would be killed.

14 Q. And then you made a decision to remain in that location; is  
15 that correct?

16 A. Yes, it is. I decided to remain in Trapeang Sab for a few  
17 days.

18 Q. Before we go to the event at Trapeang Sab, we would like you  
19 to describe to the Chamber concerning the evacuation during the  
20 first 10 days of your trip in the course of the evacuation.

21 Please tell the Chamber about how you were treated and how your  
22 family members, including your nephews, were given to eat. If you  
23 don't remember the details, just briefly tell us anything at all  
24 you remember.

25 [11.31.41]

1 A. Counsel, I don't remember the exact dates, but I can say  
2 briefly that the trip took several days.

3 Q. Thank you. Can you briefly, in a nutshell, tell the Chamber  
4 what you remember about the things or the events you saw, at that  
5 time, during the evacuation?

6 A. We left Phnom Penh for Bati village, Trapeang Sab commune.  
7 Life was very difficult during the course of the evacuation. Our  
8 young members of the family were not used to going to the  
9 countryside or living there. My sister-in-law and other family  
10 members had to carry our nephews and nieces and we could not  
11 carry with us any other belongings other than very basic things  
12 like clothes, like sampot, or sarong.

13 And midway, we could make use of the money, the currency, we  
14 carried with us to trade in with some goods, for example,  
15 foodstuff. We knew that the foodstuffs were very expensive, but  
16 we had to do our best to make sure that the children, the young  
17 people, had something to eat.

18 [11.33.42]

19 Q. Just now, you stated that when you reached Takeo province at  
20 Trapeang Sab commune, you were told that if you were the origins  
21 -- originally from Kampong -- Kampuchea Krom, you would be  
22 returned, but that was a trick. If you told them, you would be  
23 killed. Who told you about this?

24 A. I was very fortunate. I don't remember those who called -- who  
25 told me about this. It was my luck. Luck was on my side that I

1 knew this before it was too late.

2 Q. To the best of your recollection, were those people who told  
3 you were New People like you or were the Base People?

4 A. These people were the Base People.

5 MR. KONG PHALLACK:

6 I thank you very much, Mr. Civil Party.

7 And, Mr. President, and Your Honours, I have no further questions  
8 to put to the civil party, but I would like to cede the floor to  
9 my colleague to proceed with further questions.

10 MR. PRESIDENT:

11 Counsel, you may now proceed.

12 QUESTIONING BY MR. MOHAN:

13 Thank you, Mr. President, Your Honours. Everyone, good morning.

14 [11.35.19]

15 It's an honour and a privilege, Mr. Chau Ny, to be able to lead  
16 your evidence today. So far, our co-counsel, Professor Kong  
17 Phallack, has taken you through what happened just prior to the  
18 Khmer Rouge coming to power as well as the evacuation after 17  
19 April 1975.

20 Q. In response to his earlier questions, you said to him that you  
21 were headed towards Kampuchea Krom when you stopped in Bati  
22 district in Takeo province; is that correct?

23 MR. CHAU NY:

24 A. Yes, it is.

25 Q. And the reason -- one of the reasons that you stopped, as you

1 said earlier, was because someone had advised you that it would  
2 not be advisable to continue on to the border or to Kampuchea  
3 Krom; is that right?

4 [11.36.38]

5 A. Yes, it is correct. If I were not told about this, I would  
6 have already made my trip all the way to the border.

7 Q. Is there anything else that this person told you while you  
8 were in Trapeang Sab commune?

9 A. There were something else. I was also told that as a Khmer  
10 Krom, I had to hide my background as a Khmer Krom.

11 Q. Did you know why you had to hide your identity as a Khmer  
12 Krom?

13 A. Because I felt that I would be killed and concealing my  
14 identity would spare me from being executed. And I changed my  
15 family name also.

16 [11.37.48]

17 Q. What did you change your family name to?

18 A. Ny is still my first name, but my last name is Lun (phonetic);  
19 I changed from Chau.

20 Q. So you changed your surname from Chau to Lun (phonetic), and  
21 as you've told the Court today, your full name is Chau Ny. Is  
22 there any reason why you changed your surname from Chau to Lun  
23 (phonetic)? Would people have known whether this was Khmer Krom?

24 A. Yes, they would because the Khmer Krom people share different  
25 family names. People from Moat Chrouk province would have Chau as

1 the family name and people from Kramuon Sor would use Tang  
2 (phonetic) as the family name and so on and so forth. So people  
3 from different province of Kampuchea Krom would have different  
4 family name and they can be identified according to these  
5 different identification.

6 [11.39.25]

7 Q. Thank you, Mr. Chau Ny. So you've told us so far that for the  
8 time that you were in Trapeang Sab, you concealed your identity  
9 and your families' identity as being Khmer Krom, but did the Base  
10 People, who lived there originally, know that you and your family  
11 were new?

12 A. Those Base People regarded me as the 17 of April People only.  
13 They didn't mention my name.

14 Q. And apart from your family, were there other people who were  
15 17th of April People who were there in Trapeang Sab?

16 A. Yes, there were. There were quite a lot of 17 of April People,  
17 including my family.

18 Q. And how were you and your family and the other 17 of April  
19 People treated by the Base People living there, in Trapeang Sab?

20 A. We were not treated equally. We were not talked to nicely. We  
21 were regarded as the imperialists - or, rather, the capitalists.  
22 They -- we -- they regarded us as those who reaped of the benefit  
23 of the peasants and this kind of language was very often used  
24 against us.

25 [11.41.36]

1 Q. For the time that you lived with your family in Trapeang Sab,  
2 how did you and your family survive because there were three  
3 young children and your elder brother and his wife? How did you  
4 survive for food and water?

5 A. Immediately after the evacuation and upon arriving at the  
6 place about a month after that, we did not have anything to do  
7 yet. We came with us -- we came with some belongings, some  
8 foodstuff, and we had to be moved from one place to another and  
9 we reached a location where there were rail tracks and we had to  
10 head on through the rail tracks.

11 Q. So you've just mentioned to us that you went to a destination  
12 where there was rail tracks. Just bringing you back, for a  
13 moment, Mr. Chau Ny, to Trapeang Sab; while you were living  
14 there, what were your living conditions in Trapeang Sab in Takeo  
15 in Bati district like?

16 A. People at the base did not pay attention to the New People or  
17 the 17 of April People like us and the situation was too  
18 difficult for us to continue living there and we had to do our  
19 best to move out from the location.

20 [11.43.35]

21 Q. So how long were you actually staying in Trapeang Sab commune  
22 in Takeo?

23 A. We were there for a few days only, about 10 to a month -- 10  
24 days to a month.

25 Q. And when you left Trapeang Sab, did you leave together with



1 your family as well?

2 A. Yes, we did. We left the location all together with the whole  
3 family and a few other 17 of April People.

4 Q. Okay. So when you left with your family and other 17 of April  
5 People from Trapeang Sab because of what the Base People had said  
6 to you, where were you going towards? Was it towards Kampuchea  
7 Krom again?

8 A. Allow me to elaborate on this. After coming from Kampuchea  
9 Krom, I went all the way to Phnom Penh, but when I went to  
10 Trapeang Sab, I did not know where else I should go. Having noted  
11 the rail tracks, I just took the advantage of the rail tracks; I  
12 mean going along the rail track to other destination without  
13 knowing where.

14 [11.45.27]

15 Q. Okay. So, to clarify again, for the benefit of the Chamber,  
16 Mr. Chau Ny, are you saying that you knew National Road 2 because  
17 you had originally come from Kampuchea Krom to Phnom Penh  
18 earlier, but at this time, when you're leaving Trapeang Sab to go  
19 back to Phnom Penh, you were not using that route and you were  
20 going wherever you could go together with your family; is that  
21 right?

22 A. Yes, it is correct.

23 Q. So, on this journey, when you had left Trapeang Sab together  
24 with your family and other 17 of April People, how did you  
25 survive because you said you had only the foodstuffs that you had

1 brought from your house, so how did you and your family survive  
2 when you were moving all over when you left Trapeang Sab?

3 A. During the first few months, we did not work, but we had to  
4 exchange our belongings for some food. Indeed, the belongings  
5 could help us exchange with the food and we could survive on  
6 that.

7 Q. How did this affect your family, especially the young children  
8 who were four, seven, and six years old?

9 [11.47.17]

10 A. There was a great impact on my family. It was a very difficult  
11 time. It was the rainy season and my younger members of the  
12 family and us had to be exposed to the wind and the rain in the  
13 open and it was miserable.

14 Q. As you went from place to place finding wherever you could to  
15 get food and clothing, earlier you told us you came across a  
16 railway track; is that correct?

17 A. Yes, it is. We found the railway tracks.

18 Q. And did you and your family start following the railway track  
19 walking back towards Phnom Penh?

20 A. At that time, I discussed this with my family; in particular,  
21 my brother and sister-in-law that we would have to come back to  
22 Phnom Penh.

23 [11.49.05]

24 Q. As you were walking together with your family along this  
25 railway track towards Phnom Penh from Takeo area, were there

1 other people also walking with you or was it only your family?

2 A. There were other people as well. We were joined by other  
3 families.

4 Q. And these other families, were they also 17 April People?

5 A. It is not easy to tell whether these people were purely the 17  
6 of April People or we were joined by some of the Base People as  
7 well.

8 Q. And as you were walking along the railway tracks towards Phnom  
9 Penh, can you describe the conditions for you and your family?

10 How were you able to have food and water and new clothing as you  
11 were making your way towards Phnom Penh along the railway track?

12 [11.50.37]

13 A. As I already stated earlier on, we did not start walking. We  
14 only made use of the possessions -- the belongings that we could  
15 carry along with us to trade for food or for something that could  
16 keep us alive, and we were not yet placed in any of the  
17 cooperatives as yet.

18 Q. Did you manage to reach Phnom Penh as you were walking along  
19 this railway track?

20 A. No, we didn't.

21 Q. And why weren't you able to proceed towards Phnom Penh; were  
22 you stopped?

23 A. Well, we had to observe some rest and we stopped at some  
24 places; I don't remember, but we had to stop on several -- at  
25 several locations, although we knew that we were coming to the

1 Phnom Penh direction.

2 Q. And as your family and you and the other people were walking  
3 towards Phnom Penh, were you ever stopped by any members of the  
4 militia -- the Khmer Rouge militia?

5 A. On this long journey along the rail tracks, we were met by  
6 some people who were wearing black clothes with scarf. We did not  
7 know whether they were soldiers or militia, but we were stopped.  
8 For example, we were stopped to take some rest or we were stopped  
9 and asked not to move forward. We were met by these people on  
10 several occasions.

11 Q. Could you describe the clothing of the militia who met you as  
12 well as whether they -- whether or not they had weapons with  
13 them?

14 [11.53.46]

15 A. These militiamen were wearing black clothes with some scarves  
16 and they were wearing the sandal made of car tire. And they were  
17 mentioning about the 17 of April People, telling us to be  
18 relocated to other locations. And they did not allow us to stop  
19 at one place for long, so we had to be moving all along, and we  
20 did not know where we would be heading to.

21 Q. At any time, did these militia stop you and ask you to get on  
22 to a train?

23 A. After a long walk, we were stopped by some militia. And a few  
24 days later, there was a train coming by and we, at that time,  
25 were forced to board the train.

1 [11.55.16]

2 Q. So Mr. Chau Ny, so far you've told us that there was a very  
3 long journey, that you and your family have been walking and  
4 staying in different places for a long time, so you don't have to  
5 tell the Court the exact date, but for the benefit of the Court,  
6 could you say roughly when was the time period; was it late 1975  
7 or 1976 when you were forced to board on this train that you have  
8 just described?

9 A. When we boarded on the train, I cannot remember the exact  
10 date, but it was -- it took us about one day before we reached  
11 Moung Ruessei Train Station in Battambang province.

12 Q. Before we speak about what happened in Moung Ruessei in  
13 Battambang province, let's come back a little bit so you can tell  
14 the Court about the incident when you and your family were forced  
15 on to the train. Could you describe that situation and were you  
16 ever given a choice by the Khmer Rouge militia to continue  
17 walking? Could you have a choice to say no or did you have to  
18 board that train?

19 A. At that time, no one could resist such order by the militia.

20 Q. And how many militia people met you and your family and others  
21 and forced you to go on the train?

22 [11.57.25]

23 A. There were about 10 people -- 10 of them who forced us on to  
24 the train and they were all armed.

25 Q. Apart from your family and yourself, how many of the other

1 people who were walking with you were also forced on to the  
2 train, roughly?

3 A. There were a lot of people who were forced on to the train  
4 because when the train was coming to the station, it was already  
5 packed with other passengers already.

6 Q. And where was the station where you were forced to go on to  
7 the train? While you were saying you had moved away from Takeo,  
8 you hadn't reached Phnom Penh yet, was this in Kandal area or  
9 other provinces? Did you know where you were forced to go on the  
10 train?

11 A. I don't remember the exact location where we boarded on that  
12 train because we'd never been in that location before and I don't  
13 remember quite well where it was.

14 [11.59.15]

15 Q. On the train itself, were there other Khmer Rouge militia?

16 A. Yes, there were some Khmer Rouge soldiers who were escorting  
17 the train.

18 Q. And did they give you any food or water or your family or the  
19 other people? Were they given any food or water on the train?

20 A. No, we weren't.

21 Q. And on the train, were you allowed to talk to other people?

22 A. Yes, we were, but only to the people who were sitting or  
23 standing close to us.

24 Q. And on the train, did they tell you the destination? Where  
25 were you going?

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1 A. No, they didn't. They didn't tell us where we would be heading  
2 to.

3 Q. Can you describe how you and your family felt at this time  
4 having been forced on to the train and not knowing where you were  
5 going?

6 A. I'm afraid I cannot get your question clearly. Please repeat  
7 it.

8 [12.01.27]

9 Q. Allow me to repeat my question. So my question was -- you have  
10 told us so far that you are on the train. You were not given any  
11 food or water and you were not told where you were going. How did  
12 you and your family feel? Were you afraid? Did you have any  
13 worries?

14 A. When boarding the train, the feeling was mixed. We did not  
15 know whether we would be sent to be executed, but it was an order  
16 by the militia and we had to board on the train, although we know  
17 that we would be destined for death.

18 Q. And please tell the Court what happened when you finally  
19 arrived in Moung Ruessei district in Battambang?

20 A. When we got to Moung Ruessei district and when we got off the  
21 train, we were already received - awaited by some people on some  
22 oxcarts where we would be taken to some cooperatives.

23 [12.03.00]

24 Q. And can you remember the name of the cooperative that you were  
25 taken to and were you taken together with your family?

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1 A. We were taken by the ox carts to the cooperative. At the  
2 beginning, I did not know the exact name of the cooperative, nor  
3 the location where we were taken to. However, a few days later,  
4 we heard people talking about this. They represented themselves as  
5 the people in charge of Ta Heuy cooperative, so I knew that it  
6 was Ta Heuy cooperative.

7 Q. Okay. So before we come to Ta Heuy, can you describe the  
8 living conditions in this cooperative for you and your family?

9 A. After people were brought to the cooperative by the ox carts,  
10 at the beginning, there were a lot of people. Houses -- the shack  
11 houses were built to receive the newcomers. My family and my  
12 elder brother and in-law would be allowed to stay in the same  
13 house as the others. And at that moment, we know that the  
14 cooperative was located in Chak Thum in the Mung Ruessei area of  
15 Battambang.

16 [12.05.15]

17 Q. And when you were in the cooperative with your family, were  
18 there many other people there, who were also there, in that  
19 cooperative, Chak Thum?

20 MR. PRESIDENT:

21 Civil Party, please hold on.

22 Counsel for Mr. Ieng Sary, you may proceed.

23 MR. ANG UDOM:

24 Mr. President, according to document E124.7, cooperative is not  
25 part of the matter to be discussed during these proceedings as



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1 yet. I would like to take issue with the line of questioning  
2 concerning this fact, which is not relevant now.

3 MR. MOHAN:

4 Mr. President, Your Honours, if I may respond?

5 [12.06.22]

6 We aren't going so much into the strictures or the specifics of  
7 the cooperatives, as much as we are speaking about what happened  
8 in the context of forced transfer two, where Mr. Chau Ny has just  
9 mentioned that he was forced on a train and headed to a railway  
10 unit to Battambang, where he was received by Khmer Rouge militia.  
11 If I may proceed, Your Honours.

12 MR. PRESIDENT:

13 Indeed, the objection is not sustained. You may proceed, and  
14 civil party is instructed to respond to the question. We note  
15 that the question is not about the structure of the cooperative,  
16 and it is about the impact of the evacuation -- the immediate  
17 evacuation of the second phase, about the living condition or how  
18 people were treated upon arriving at the cooperatives.

19 [12.07.22]

20 So the Chamber notes that such question is appropriate, and that  
21 it should be proceeded.

22 BY MR. MOHAN:

23 Thank you, Mr. President, Your Honours.

24 Q. Mr. Chau Ny, if I may just repeat my question for

25 clarification sake. So, my question was: While you were in Moung

1 Ruessei district and you and your family and others were in Chak  
2 Thum -- can you describe to the Court your living conditions as  
3 well as the food and any other medicine that was given to you and  
4 your family?

5 MR. CHAU NY:

6 A. At the Chak Thum cooperative, immediately upon arriving the  
7 cooperative, we were not given enough food. We were offered some  
8 thin gruel, and we were treated as the newcomers with very small  
9 bowl of thin gruel. And each family member would also be offered  
10 the same ration. The food was very insufficient. A few months at  
11 the cooperative, my nephews became seriously ill, and there was  
12 no medicine available. Chau Suon got diarrhoea, and when Chau  
13 Suon's father got a sweet corn and -- then he offered it to Chau  
14 Suon. Chau Suon got diarrhoea. He ate the sweetcorn, but then all  
15 the same corn had, you know, passed out and he had to really make  
16 use of his own faeces with the corn again. He ate his own  
17 excrement.

18 [12.09.41]

19 Q. Mr. Chau Ny, before we go further about the direct impact that  
20 your family suffered, which is terrible; can you tell us more  
21 about how many people were held in this Chak Thum cooperative?  
22 Was it crowded? And were they generally all New People -- 17  
23 April people?

24 A. At first, there were a lot of people. The cooperative was very  
25 crowded. But I can't estimate how many people there were,

1 although there were a lot.

2 Q. And were many of these people 17 of April people?

3 A. I cannot say whether all the people were surely 17 of April  
4 People, or mixed with other local people, because we were not  
5 allowed to talk to one another to know about this.

6 [12.11.08]

7 MR. PRESIDENT:

8 Since it is now appropriate time for lunch adjournment, counsel  
9 and the civil party, we may now adjourn for lunch, and the next  
10 session will be resumed by 1.30 p.m.

11 Court officer is now instructed to assist the civil party during  
12 the adjournment and have him returned to the courtroom when we  
13 resume, which is 1.30 p.m.

14 Counsel for Mr. Nuon Chea, you are on your feet. You may now  
15 proceed.

16 MR. IANUZZI:

17 Thank you, Mr. President. I had a discussion with my client at  
18 the coffee break this morning, and he indeed informed me that he  
19 was already suffering from a headache, a backache, and a lack of  
20 concentration. Perhaps Your Honours noticed that at approximately  
21 10 to 10.00 this morning, the doctor came over to examine Nuon  
22 Chea. He had been sleeping, and we were concerned that -- well,  
23 we had no idea why he was sleeping, and we thought that the  
24 doctor should have a look at him.

25 [12.12.17]

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1 I should also note for the record that he has been sleeping for  
2 the last half an hour or so, if not more. So he has not been  
3 following or participating effectively, in any sense, in the  
4 proceedings this morning. We would make our habitual application  
5 that he be permitted to spend the afternoon in the holding cell,  
6 and also we would ask that he be examined by the doctor over the  
7 lunch break to see if there is indeed any special problem today  
8 -- additional problem, I should say.

9 Thank you. Those are our two applications. Thank you.

10 (Judges deliberate)

11 [12.13.07]

12 MR. PRESIDENT:

13 The Chamber notes the request of Mr. Nuon Chea by his counsel, in  
14 which he has asked that he be excused from this courtroom and be  
15 allowed to retire to his holding cell due to his health concern,  
16 and there is an additional request also that the treating doctor  
17 be ordered to inspect or examine Mr. Nuon Chea's health condition  
18 during the lunch adjournment.

19 [12.13.44]

20 The Chamber also notes that the requests are appropriate, and Mr.  
21 Nuon Chea is now allowed to observe the proceedings from his  
22 holding cell downstairs through audio-visual means for the  
23 remainder of the day.

24 Mr. Nuon Chea has expressly waived his right to be present in the  
25 courtroom. The Chamber would like counsels for Mr. Nuon Chea to

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1 produce the waiver given thumbprint or signed by Mr. Nuon Chea in  
2 due course.

3 And AV booth officers are now instructed to ensure that Mr. Nuon  
4 Chea's holding cell is properly connected to the audio-visual  
5 equipment so that he can observe the proceedings from there.

6 And a treating doctor is now instructed to conduct medical  
7 examination on Mr. Nuon Chea during this adjournment. And the  
8 doctor is advised to report to the Chamber through the greffier  
9 of the Trial Chamber before the next session resumes.

10 [12.15.07]

11 Security personnel are now instructed to bring Mr. Nuon Chea and  
12 Khieu Samphan to the -- rather, to their respective holding cell,  
13 and that Mr. Nuon Chea will be there in the holding cell to  
14 observe the proceeding while Mr. Khieu Samphan will have to be  
15 returned to the courtroom by 1.30 p.m.

16 The Court is adjourned.

17 (Court recesses from 1215H to 1334H)

18 MR. PRESIDENT:

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

20 The floor is once again given to the Lead Co Lawyers for civil  
21 party.

22 Could you please inform the Chamber how much time you need?

23 Because the time allocation is also for the Prosecution.

24 [13.35.49]

25 MR. MOHAN:

1 Thank you, Mr. President. We will take about 45 minutes, that's  
2 sufficient.

3 If I may proceed?

4 MR. PRESIDENT:

5 Yes, of course.

6 And what about the Prosecution? Because you only have this  
7 afternoon session before the break and then your time allocation  
8 may be concluded.

9 MR. ADBULHAK:

10 Thank you, Mr. President. We will certainly conclude our  
11 examination within that time slot. I estimate approximately 20 to  
12 30 minutes of questions from our side. Thank you.

13 MR. PRESIDENT:

14 Please try to rearrange the time allocations amongst yourself,  
15 because for you, for the Prosecution and for the Lead Co Lawyers,  
16 your time will conclude at the break session, and not -- there  
17 will be no extension after the break.

18 BY MR. MOHAN:

19 Much obliged, Mr. President, Your Honours.

20 If I may proceed?

21 [13.37.14]

22 Q. Mr. Chau Ny, thank you for your patience so far and for so  
23 clearly answering the questions this morning. Good afternoon and  
24 welcome.

25 When we last spoke you were telling the Court about your time

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1 when you arrived in Moung Ruessei district, in Battambang  
2 province, and your time at Chak Thum cooperative. I have just one  
3 question -- or one or two questions for clarification before we  
4 start talking more about Chak Thum cooperative, and then we will  
5 go into the details of your time and your experience in Chak  
6 Thum.

7 In your earlier responses you told the Court of the time when you  
8 were on the train after you had left Takeo, Trapeang Sab, and  
9 you're walking along the railway lines and you were stopped by  
10 the Khmer Rouge militia and you were forced on the train. You  
11 told the Court that it was a very difficult time for you and your  
12 family and that you felt because you didn't know where you were  
13 going that you may be destined for death; is that correct?

14 [13.39.02]

15 MR. MR. CHAU NY:

16 A. At that time, I didn't know where to go; I didn't have any  
17 particular destination in mind.

18 Q. Thank you. And could you just remind the Court, please, around  
19 the time, because earlier you had mentioned to the Court that  
20 this likely during the second phase of the transfer. So could you  
21 confirm to the Court that when you were forced onto the train by  
22 the Khmer Rouge militia that it was either late 1975 or early  
23 1976, and how did you know that this was around the time period  
24 that you were forced onto the train?

25 A. At that time, it was not an absolute indication. At the time,

1 I thought it was in late '75 or early '76.

2 Q. Thank you.

3 We shall now proceed, Mr. Chau Ny, with a quick recap of what  
4 happened as soon as you arrived in Battambang province.

5 [13.40.30]

6 As you mentioned earlier, because of the conditions, because you  
7 were forced to get onto the train by the militia, and because  
8 they did not tell you or your family where you were going, you  
9 told the Court you thought you were destined for death.

10 When you arrived in Battambang province, you mentioned to us, as  
11 well, that they used oxcarts to transport you to the cooperative.

12 Can you tell us who received you when you arrived in Battambang  
13 province, and describe what they were wearing?

14 A. I did not know whether the person who rode the oxcart was a  
15 militia or an ordinary villager. From my observation, the dress  
16 that they wore and the uniform that the Khmer Rouge soldiers wore  
17 were similar. I mean, they wore black clothing and they had a  
18 scarf around their neck.

19 Q. Thank you. And when you met these people, what did they tell  
20 you and your family and the other people who got off from the  
21 train?

22 [13.42.12]

23 A. At that time, they did not say anything much. We were -- they  
24 asked us to get on the oxcarts.

25 Q. And when you arrived in Chak Thum cooperative, what did the



1 militia tell you then?

2 A. When we arrived at Chak Thum, those militia used bad words  
3 towards the New People. We were considered the 17 April People.  
4 They called us "The Capitalists", they called us "The  
5 Feudalists", and these are the words that they used to call us.  
6 They accused us of ploughing the rice field on the back of the  
7 peasants, and we were later put into separate houses which had  
8 already been built for us.

9 Q. During that time when you first met the militia in Chak Thum  
10 cooperative, did you reveal to them that you were actually Khmer  
11 Krom?

12 A. At that time, I dare not tell them I -- that I was from Khmer  
13 Krom. I concealed my identity and my place of birth since I was  
14 informed of that in Takeo province.

15 [13.44.17]

16 Q. Thank you. So you continued to hide your identity and you had  
17 also changed your surname, as you told us earlier, from Chau to  
18 Lun (phonetic). Did you feel that if the Khmer Rouge militia in  
19 Chak Thum had known that you and your family were Khmer Krom that  
20 you may have been killed?

21 MR. PRESIDENT:

22 Witness, please wait.

23 The National Counsel for Khieu Samphan, you may proceed.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I am objecting to this question, as it

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1 is a speculative question.

2 MR. PRESIDENT:

3 Your objection is appropriate.

4 Civil Party, you're instructed not to respond to the last  
5 question.

6 BY MR. MOHAN:

7 Thank you, Mr. President. I'll rephrase and ask a new line of  
8 questioning.

9 [13.45.24]

10 Q. Mr. Chau Ny, you've confirmed to the Court that you did not  
11 reveal your identity as Khmer Krom and that there were many  
12 terrible things that were being said about the New People when  
13 you were in Chak Thum. Can you describe any public speeches that  
14 were made by the Khmer Rouge militia to you, your family, and  
15 other people in Chak Thum cooperative?

16 MR. CHAU NY:

17 A. When I was at the Chak Thum cooperative, they didn't say  
18 anything else because, by that time, we were asked to focus on  
19 the rice production to gather forces to engage in the production  
20 in order to at least harvest two or three times per year and to  
21 receive the 3 tonnes per hectare plan. So everyone strived their  
22 best to engage in the daily activity in the rice production and  
23 we were forced to work hard. We barely had a time for break.

24 [13.46.50]

25 Q. Can you describe to the Court how much food you were given on

1 a daily basis while you were in Chak Thum for you and your  
2 family?

3 A. In that cooperative, we cannot say about a meal per day, but  
4 per each meal we were only given a very one -- a -- one ladle of  
5 a very watery gruel.

6 Q. Was this enough for you and your family which included the  
7 three young children?

8 A. Of course, at that time, the food was insufficient. We spent a  
9 lot of our strength in the labour work and, of course, the food  
10 given to us was very little, and we cannot compare the strength  
11 that we spent in our work to the food that was given to us.

12 Q. Thank you, Mr. Chau Ny. You have mentioned that it affected  
13 the strength of the people who were engaged in the labour. How  
14 did the lack of food affect the young children in your family,  
15 Chau Soeun (phonetic), Chau Yet (phonetic), and Chau La Pang  
16 (phonetic)?

17 [13.48.40]

18 A. Due to the lack of food my three nephews, including my other  
19 sibling, got sick and died. My nephews, before they died, they  
20 were in a very pitiful state. Even if the food that was coming  
21 out amongst their faeces they ate that food as well. Even for my  
22 brother, before he died, he only beg for a small piece of a  
23 sugar, a palm sugar, but we could not find the palm sugar for him  
24 before he died. And my elder sister-in-law tried to find the  
25 sugar but when she arrived her husband already passed away.

1 Q. We are sorry to have to put you through all of this again, Mr.  
2 Chau Ny, but just for the benefit of the Court and the evidence,  
3 I will ask you a few more questions on this point.

4 You mentioned that the young children, your nephews, and your  
5 elder brother was very sick and passed away. Were they ever given  
6 any medicine by the Khmer Rouge militia in Chak Thum?

7 A. When the young children were sick there was nothing for their  
8 treatment except the rabbit pellet. Whatever diseases or  
9 conditions they were in, the only treatment for them were the  
10 rabbit pellet or the pellet drop. That kind of pellet was given  
11 to all the peasants and nothing else.

12 Q. To the best of your knowledge, did anybody's health improve  
13 because of having the rabbit pellets as medicine?

14 A. Based on what I saw, because when my nephews who got serious  
15 diarrhoea they took that rabbit pellets tablets and three hours  
16 later they died.

17 [13.51.22]

18 Q. Thank you, Mr. Chau Ny.

19 You mentioned earlier to the Court that the Chak Thum cooperative  
20 was led by Ta Heuy; it was originally known as Ta Heuy  
21 cooperative. Can you describe anything that he has said to you or  
22 the other people in the cooperative when he spoke to all of you?

23 A. The language that they used toward the 17 April People were  
24 very unpleasant, nothing else besides that. They kept scolding  
25 us. They accused us of being capitalists, et cetera.

1 Q. Thank you.

2 Mr. Chau Ny, if I can just refer the Court to your statement,  
3 D22/253, this is ERN number in English, 00478480; in Khmer the  
4 ERN number is 00421599--

5 MR. PRESIDENT:

6 Counsel, could you please repeat the document number and the ERN  
7 number slower than your pace so that the interpreter can properly  
8 render to the translation?

9 [13.52.56]

10 BY MR. MOHAN:

11 Much obliged, Your Honour. I will repeat it again. This is the  
12 victim statement, D22/253; ERN number in English, 00478480; ERN  
13 number in Khmer, 00421599; and in French, 00858937.

14 Q. Mr. Chau Ny, in this statement you mentioned that the  
15 cooperative, as you've just told the Court, was led by a man  
16 named Ta Heuy. Ta Heuy, you mentioned, was also known as smiling,  
17 cold murderer. Could you please tell the Court why he had this  
18 nickname and reputation?

19 MR. CHAU NY:

20 A. At that time, I didn't know why he got that nickname, but he  
21 was known as a smiling, cold murderer. And his name was actually  
22 Ta Heuy.

23 Q. And could you describe the living conditions under Ta Heuy  
24 during that time? Would you have either witnessed or heard about  
25 any killings that happened under his leadership, or

1 disappearances?

2 [13.55.19]

3 A. While I was living there I did not personally witness any  
4 killing by him, but I believe the nickname that was given to him,  
5 it would indicate that he had killed people somewhere. But from  
6 my observation, the number of the population in the cooperative  
7 decreased gradually. However, I did not have a personal knowledge  
8 as whether they were transferred somewhere else or they -- the  
9 number decreased because of the death.

10 Q. Thank you, Mr. Chau Ny. So apart from the decrease in the  
11 population in Chak Thum, to the best of your knowledge, what were  
12 the food, water and medical supplies for the other people in  
13 addition to your family? Did anybody have better food, more  
14 water, better medicine, or did everybody have the same as you?

15 [13.56.38]

16 A. Regarding clean water, we never had any clean water. We drank  
17 water from where -- whichever ponds that we could find, and  
18 sometimes we fetched the water from the pond to our house. And,  
19 of course, there was no medicine for our treatment and when we  
20 were sick no medical treatment was provided except the rabbit  
21 pellet.

22 When my elder brother was sick, he didn't want to go to the  
23 hospital because, usually, when people were sick and went to the  
24 hospital they died quicker than staying at home, because when we  
25 went to the hospital the food ration that we received while we

1 worked would be cut off.

2 Q. So to clarify and to repeat just what you said, Mr. Chau Ny,  
3 the food and water that you might receive if you were to go to  
4 the hospital may even be less than ordinary times; is that  
5 correct?

6 A. As for the water, the water we could fetch it from any pond,  
7 but, of course, it was not clean water. When we were thirsty  
8 while we were working, we would go and fetch the water from the  
9 pond, and, of course, there was no medicine for us while we were  
10 sick. And for those people who went to the hospital, their food  
11 ration would be cut off.

12 [13.58.35]

13 Q. Could you tell us roughly how many families were living at  
14 that time or forced to live in Chak Thum? In addition to your  
15 family, how many families were living there?

16 A. As I stated earlier, when we initially arrived at Chak Thum  
17 cooperative, there were a large number of families. It means  
18 there were hundreds of people. There were three rows of houses  
19 but I could not say for sure as to the exact number. But, later  
20 on, the houses were still there but people were no longer living  
21 in those houses, and I did not know what happened to them.

22 [13.59.42]

23 Q. Thank you. You've mentioned that while the houses remained the  
24 number of people who remained who were in that cooperative  
25 steadily decreased.

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1 Mr. Chau Ny, if you could just clarify for us as well, you said  
2 earlier that both Mr. Ta Heuy as well as other KR militia spoke  
3 to the people living in Chak Thum to say that you must change  
4 your capitalist ways and your feudalist ways. What did they mean  
5 by this and why did they want you to change?

6 A. The Khmer Rouge would use this same language to every 17 of  
7 April person. They did not want us to do the things we normally  
8 did.

9 [14.00.54]

10 Q. Did they ever explain to you why they did not want you to do  
11 the things you usually did as 17 of April People and why you were  
12 forced to live in that cooperative?

13 A. At every place, people would be made to live in the  
14 cooperative and no one could escape. That was part of the  
15 Communist Party of Kampuchea's policy that everyone had to live  
16 in the cooperative and no one could contest such policy.

17 MR. PRESIDENT:

18 Counsel, please be reminded again that the scope of the  
19 examination should always be within the evacuation period, of  
20 course the first and the second phase of the evacuation, and the  
21 timeframe shall also be within these contexts as well.

22 [14.02.18]

23 And we hope that questions would only be put to the civil party  
24 concerning the period of about three months during the  
25 evacuation. And the structure of the cooperative, for example, is



1 not part of the segment of the trial as yet.

2 BY MR. MOHAN:

3 Thank you, Your Honour. Much obliged for that reminder. I will  
4 keep my questions strictly within the purview of this phase of  
5 the forced transfer that we're discussing.

6 Q. Mr. Chau Ny, I just have a few more questions for you because  
7 you've been very helpful, I think, to the Court thus far.

8 [14.03.03]

9 You mentioned earlier that the majority of the people who were  
10 living in Chak Thum, who had come with you on the train, and were  
11 transferred, were New People. You've also told the Court that  
12 there were clear discrimination against the New People.

13 My last question on this point would be, you've also said to the  
14 Court that you never revealed your identity as a Khmer Krom; you  
15 continued to hide it as you did in Trapeang Sab village in Takeo.  
16 Did you know of anyone else in Chak Thum who would mention that  
17 they were Khmer Krom? Did anyone else reveal their identity?

18 MR. CHAU NY:

19 A. No, none of us would reveal our identity as a Khmer Krom.

20 Q. In the course of your transfer, when you were asked to be on  
21 the train that went towards Battambang, towards MOUNG RUESSEI, at  
22 any time was there an opportunity for you or your family to not  
23 obey the orders of the Khmer Rouge militia, and did you ever try  
24 to escape?

25 [14.04.48]

1 A. At that time, I did not have the courage to disobey the orders  
2 by the Party. Whatever order it was I had to respect.

3 Q. And was this the same -- from what you know to the best of  
4 your knowledge -- was this the same for the other people in your  
5 family and the others living in Chak Thum together with you? Did  
6 you see anybody being able to leave by their own accord or  
7 escaping?

8 A. No, I haven't seen anyone escaping.

9 Q. Thank you.

10 Mr. Chau Ny, you will have an opportunity later on, as the Court  
11 has kindly indicated, to talk about your suffering, so I will not  
12 go into these details at this point in time. But is there  
13 anything else that you would like to tell us about your time in  
14 Chak Thum in 1976 and 1977 which we should know about in relation  
15 to yourself and your family?

16 [14.06.40]

17 A. At that cooperative, a lot of people died of food shortages  
18 and starvation.

19 MR. MOHAN:

20 Mr. President, Your Honours, in the interests of time and for  
21 efficiency, I shall conclude my questions at this point.

22 MR. PRESIDENT:

23 We thank you, Counsel.

24 We would like now to hand over to the Prosecution to put some  
25 questions to the civil party.

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1 [14.07.25]

2 QUESTIONING BY MR. ABDULHAK:

3 Thank you, Mr. President, and Your Honours, Counsel.

4 Good afternoon, Mr. Chau Ny. My name's Tarik Abdulhak. I am from  
5 the Office of the Co Prosecutors, and I will ask you a few more  
6 questions on behalf of myself and my colleague. And my questions  
7 will relate to your departure from Phnom Penh, firstly, and then  
8 we'll have a few more questions about your transfer to  
9 Battambang.

10 Q. So, if I can return first to the 17th of April. I just want to  
11 clarify one thing first. You told my colleagues earlier that the  
12 Khmer Rouge entered the city on the 17th of April and that after  
13 that there was an announcement that people had to leave. When was  
14 the first time you heard this announcement that you had to leave  
15 the city? Was it on the same day, 17th of April, or was it after  
16 that?

17 MR. CHAU NY:

18 A. I heard this announcement after the 17 of April. I didn't hear  
19 it during the same day of the 17th of April.

20 [14.09.10]

21 Q. And when you saw soldiers that came near your home and ordered  
22 you and your family to depart, was that the day immediately  
23 following the 17th of April? In other words, was that on the 18th  
24 of April or was it some days after, if you recall?

25 A. It was about two or three days afterwards.

1 Q. Thank you. When you were told to leave, could you describe  
2 what was happening in the rest of your neighbourhood? You told us  
3 you lived in an area near the Olympic Market. What was happening  
4 to other people, your neighbours?

5 A. Upon having heard that the Khmer Rouge asked us to leave Phnom  
6 Penh, people in the city panicked and had to find way to get out  
7 of the city. That happened to every family including mine, and we  
8 could not be reluctant to leave the city because we had to leave  
9 the city by the orders.

10 Q. You may have already answered this question, but in order to  
11 remove any uncertainty, based on what you observed, were those  
12 who were sick, for example, or elderly, who may find it difficult  
13 to move, were they permitted to stay?

14 [14.11.16]

15 A. I didn't check at homes when I left Phnom Penh, but by the  
16 time I reached National Road Number 2, I saw the elderly and sick  
17 people who were lying on the road and no one could help them.

18 Q. During that time, the 17th of April and the days following, do  
19 you know or did you see any soldiers or officers belonging to the  
20 Lon Nol government and do you know what they did or what happened  
21 to them?

22 A. On the 17th of April, I saw a few Lon Nol soldiers  
23 congratulate the victory of -- by the Khmer Rouge. However, by  
24 the time I left Phnom Penh, I never saw any of the Khmer -- of  
25 the Lon Nol soldiers again.

1 Q. So during your transfer from Phnom Penh to Takeo, you never  
2 saw any Lon Nol soldiers anymore, is that what you're telling us?  
3 [14.13.08]

4 A. Yes, it is correct.

5 Q. Thank you. Now, you said, when my colleagues were putting  
6 questions to you, that you were told by the Khmer Rouge soldiers  
7 that you had to leave and that the city would be bombarded by the  
8 American Air Force. Was there any bombardment of Phnom Penh  
9 following the 17th of April?

10 A. No, I didn't hear any bombs being dropped, but I did hear some  
11 gunfire. I never heard any bombs dropped by the American  
12 warplanes.

13 Q. Now, you were told that -- you told us earlier this morning  
14 that you would only be required to leave Phnom Penh for three  
15 days to avoid this bombardment, and then later on, en route, you  
16 decided to head for the area known as Kampuchea Krom. During  
17 those days, as there was no bombardment, did you ever ask to  
18 return to Phnom Penh, in light of the fact that there was no  
19 crisis as apparently had been anticipated?

20 A. I'm afraid I cannot quite understand your question. Are you  
21 asking me about the time when I was immediately evacuated from  
22 Phnom Penh or when I was travelling on the railway tracks?

23 [14.15.41]

24 Q. Thank you; it was a confusing question.

25 At any point in the days and weeks following your departure from

1 Phnom Penh, did you ever ask to return to Phnom Penh given that  
2 there had been no bombing?

3 A. I received no news. I did not know or did not receive any news  
4 concerning the bombs dropped or I never knew anything about  
5 whether we would be allowed to return to Phnom Penh, but my  
6 family and I was -- or were attempting to go to our hometown, our  
7 -- to Kampuchea Krom.

8 Q. Thank you. Now, just staying on that topic of your journey  
9 from Phnom Penh, as you travelled along the roads, did you see  
10 Khmer Rouge soldiers along the roads assisting or guiding the  
11 civilians as they were en route from the city?

12 A. No, I didn't. I didn't see any of the Lon Nol soldiers  
13 assisting any of the evacuees.

14 [14.17.37]

15 Q. There might have been a translation issue. My question was  
16 about Khmer Rouge troops, whether there were any Khmer Rouge  
17 troops on the roads as you were walking out of the city towards  
18 Takeo.

19 A. No Khmer Rouge soldier assisted us or provided us with any  
20 food or assistance. We, all together, the evacuees, had to be on  
21 our own.

22 Q. Now, moving on to your next journey when you boarded a train,  
23 which, as you told us, delivered you to Battambang or to Moung  
24 Ruessei district in Battambang, you told us that when you boarded  
25 the train there were already other passengers on the train. Can I

1 ask you first to describe what type of train this was? Was it a  
2 passenger train or a transport train?

3 A. When the train stopped I did not take notice whether the cars  
4 were meant for freight or passengers. However, the car that we  
5 were on, was no goods inside, they were packed with people only.  
6 However, I cannot say whether in other cars there would be goods  
7 or other cargoes, I don't know.

8 [14.20.02]

9 Q. Thank you, if -- and if you can describe for us just the car  
10 that you were in. Was it an ordinary train that is used to carry  
11 passengers? That particular carriage you were on, was it a  
12 carriage that's normally used for passengers or was it a  
13 different type of carriage?

14 A. I frankly did not know which kind of carriage or car would be  
15 used to carry passengers or goods, but we were placed in a car  
16 where we could sit face to face with other passengers.

17 Q. Thank you. Now, were you able to find out where the other  
18 passengers had come from?

19 A. I didn't ask other passengers any question. We were very quiet  
20 and patient. We only listened to the orders and we waited until  
21 the next station that we would be allowed to stop and leave the  
22 train, and the other people who shared the same car did not even  
23 ask us any questions.

24 [14.21.49]

25 Q. You told one of my colleagues earlier that you were not

1 allowed to talk to one another on the train. Can you tell us why  
2 it was that you were unable to talk to the others? Was that a  
3 particular order you were given?

4 A. I still remember very clearly. Indeed, I learned from what I  
5 was told at Takeo I had to be very careful when speaking, because  
6 I speak with dialect. I am originally from Khmer Krom, so the way  
7 I speak is not different - it's not the same as the way ordinary  
8 Cambodian speaks. So if I said anything, people could identify me  
9 immediately that I was originally from Khmer Krom.

10 Q. Now, based on you observed -- on what you observed in those  
11 days, did you understand that those other people that were  
12 travelling were forced to travel like you were, or were they  
13 travelling voluntarily?

14 A. Having noted passengers who shared the same train with me, I  
15 believe that they were passengers like our family.

16 Q. When you say like your family, do you mean that like your  
17 family they were forced to travel to Battambang?

18 A. Yes, that's what I was saying.

19 [14.24.23]

20 Q. And in that group, if you could describe for us, were there  
21 men, women, children, elderly, could you describe that group for  
22 us, the people that you saw?

23 A. There was a mix of -- a mixture of people in -- on the train.  
24 There were elderly people, the young children, and men and women.

25 Q. When you arrived in Battambang, did you ever see more trains



1 or more people come from other parts of the country like you did  
2 on train?

3 A. After leaving the train, to be received by the ox carts, I  
4 never saw what happened again at the train station.

5 [14.25.48]

6 Q. Now, I might be asking you a question you've already answered,  
7 but if you could answer just for the clarity of the record. When  
8 you arrived at Moug Ruessei Station and you disembarked from the  
9 train, were you able to go in any direction that you chose or  
10 were you told to go to a particular cooperative?

11 A. At that time, there was no choice. The ox carts were at the  
12 ready to pick us.

13 Q. And this might be my final question, Mr. Chau Ny. Again, as  
14 you disembarked from the train, were you able to see  
15 approximately how many people there were on that particular  
16 train?

17 A. I can estimate the number to be several thousand.

18 Q. And did all of those several thousand people disembark at the  
19 same stop where you disembarked in Moug Ruessei?

20 A. Some passengers would be transported to my location while  
21 other would continue their journey elsewhere.

22 Q. And as far you were able to observe, were all of those  
23 passengers guarded by Khmer Rouge soldiers?

24 [14.28.10]

25 A. When in the train, there were some people wearing black

1 clothes who were walking past us, every now and then.

2 MR. ABDULHAK:

3 In the interest of time, I'm going to end my questions there.

4 And thank you Mr. Chau Ny, for coming to the Court, and giving  
5 your evidence. We wish you safe travels.

6 And we thank Your Honours for the time allocated to us.

7 MR. PRESIDENT:

8 Judge Lavergne, you may now proceed.

9 QUESTIONING BY JUDGE LAVERGNE:

10 Good afternoon, Mr. Chau Ny. Thank you, Mr. President. Just a few  
11 questions to clarify one or two items.

12 Q. Now, you spoke to us about your fear that it might be  
13 discovered that you were a Cambodian from Kampuchea Krom, and you  
14 told us about how you felt that the Khmer Krom were the object of  
15 a certain kind of discrimination. So, what I am going to ask you  
16 about is, whether that particular fear, existed as of the  
17 evacuation of Phnom Penh, or if it's something that emerged at a  
18 later stage?

19 [14.29.53]

20 MR. CHAU NY:

21 A. Immediately after the liberation, I did not know that the  
22 Khmer Rouge would incriminate against the Khmer Rouge – the Khmer  
23 Krom. Only later when I was transferred, I was fearful of being  
24 incriminated as a Khmer Krom.

25 Q. And before 17 April 1975, were you aware of any kind of

1 possible discrimination, or of any kind of special attitude that  
2 the Khmer Rouge may have vis-à-vis the Khmer Krom; how would the  
3 Khmer Rouge behave, as far as you know?

4 A. Based on what I saw, and what I observed, the Khmer Rouge  
5 people when they were in the forest, they did not discriminate  
6 against any race, or ethnic minority, but once they took complete  
7 control of Phnom Penh, I realized the Khmer Rouge discriminated  
8 against people.

9 [14.31.35]

10 Q. And did you take part in political training sessions, in  
11 self-criticism sessions, where this issue of the Khmer Krom was  
12 brought up; and do you know, possibly why, the Khmer Krom were  
13 being discriminated against?

14 A. No, I did not attend such a meeting.

15 Q. And do you know -- and how do you know why the Khmer Krom were  
16 discriminated against in this way, as far as you know?

17 A. Initially, I did not think that the Khmer Rouge would  
18 discriminate against the Khmer Krom. Even while I was in Takeo,  
19 that I was advised to hide my background. I was still suspicious  
20 about that. Then only after 1979, I went to look for my great  
21 uncle and other relatives who died at Tuol Sleng. I read the  
22 Khmer Rouge regulation, I am - I'm unsure whether it was Article  
23 8 or 9, it stated something to the effects that don't blame  
24 others about the Khmer Krom so that you could be freed.

25 [14.33.40]

1 Q. For the purposes of the record, could you please repeat your  
2 last sentence because it was not interpreted? You told us about  
3 what you had read at Tuol Sleng?

4 A. When people told me in Takeo, I did not pay much attention  
5 regarding the concealment of my Khmer Krom identity. And only  
6 after the liberation in 1979, I went searching for my relatives  
7 and I went inside Tuol Sleng prison searching for the photos of  
8 my relatives, whether they died in Tuol Sleng. And there, I saw  
9 the Khmer Rouge slogan, which was written on the wall -- I  
10 believed it was either Article 8 or 9 -- which states that:  
11 "Don't say that you are the Khmer Rouge so that you can be" -  
12 "don't say that you are the Khmer Krom so that you could be  
13 spared." That's how I saw it there.

14 [14.35.20]

15 Q. I would like to revisit the situation in Phnom Penh on 17  
16 April 1975. As far as I understand, your brother had a position  
17 in the Lon Nol Army, and can you tell us what the military  
18 situation was then, and how did your brother react? Did he try to  
19 hide? Did he receive any special kind of instructions?

20 A. In my application and statement, my brother-in-law was not  
21 serving in the military, he worked in a bank; I never said he was  
22 a Lon Nol soldier.

23 Q. I apologize, it's my mistake. Thank you very much, Civil  
24 Party, I have no further questions to put to you.

25 MR. PRESIDENT:

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1 The time is now appropriate for a short break. We will take a  
2 15-minute break and we shall return at a quarter to - at 10 to  
3 3.00, rather, so that we can resume our hearing.

4 Court Officer, could you assist the civil party during the break  
5 and have him returned to the courtroom at 10 to 3.00.

6 I notice the defence counsel is on his feet. You may proceed.

7 [14.37.33]

8 MR. IANUZZI:

9 Thank you, Mr. President. Good afternoon, everyone. I thought I  
10 may be able to assist the Chamber. We have no questions for the  
11 civil party; I'm informed that my colleagues have no more  
12 questions, just to give you an idea of the timing for the rest of  
13 the day. Thank you.

14 MR. PRESIDENT:

15 Thank you for the information. What about the other two defence  
16 teams?

17 MR. ANG UDOM:

18 As raised by Mr. Ianuzzi, I think it is practical for us to  
19 continue without taking the break, so that we can hear the  
20 statement of suffering by this civil party, as we do not have any  
21 questions for him.

22 [14.38.18]

23 MR. KONG SAM ONN:

24 Mr. President, from the Khieu Samphan's defence team, we do not  
25 have any questions for this civil party.

1 MR. PRESIDENT:

2 Thank you for the information. I think we need to change now,  
3 then we don't need to take a break and we can continue with the  
4 hearing of this testimony of this civil party.

5 Mr. Chau Ny, as you have been advised from the outset, that you  
6 will be given an opportunity to express your suffering and harms  
7 that you received during the Democratic Kampuchea period, if you  
8 wish to do so. You may take the floor.

9 MR. CHAU NY:

10 Mr. President, I would like to put a proposition to Mr.  
11 President, and the Prosecution and some questions for Khieu  
12 Samphan. One of my uncles had some connection with Khieu Samphan.  
13 (Judges deliberate)

14 [14.40.37]

15 MR. PRESIDENT:

16 Defence counsel for Khieu Samphan, you may proceed.

17 MS. GUISSÉ:

18 Thank you, Mr. President. I -- maybe my statement might be a bit  
19 superfluous, but I wish to do so for the purposes of the record.  
20 I believe that it is important for the civil parties to express  
21 themselves before this Chamber, and to express the suffering they  
22 went through. It is, however, not appropriate for them to refer  
23 directly to one of the accused persons like this, and therefore,  
24 the Chamber should be aware of this again. Once again, the  
25 contours of this trial are perfectly clear, so it's important for

1 the civil party -- that we remind the civil party of the rules  
2 that govern this Chamber.

3 [14.41.35]

4 MR. PRESIDENT:

5 The International Lawyer for civil parties, you may proceed.

6 MR. MOHAN:

7 Mr. President, I understand that this maybe unprecedented, but I  
8 also note that there is no preclusion in the Internal Rules,  
9 which prevents a civil party from making a general observation to  
10 the Defence in the cause of his statement on his suffering. So I  
11 would urge Your Honours to allow this to happen. Thank you.

12 MR. PRESIDENT:

13 I think you are now trying to take turns to be on your feet.

14 Now I decide to give the floor to the defence team. And, Mr. Ang  
15 Udom, you may proceed.

16 So, let me finish all the statements from one side ,and please  
17 state it clearly before I give the floor to the other side. And  
18 you just cannot be on your feet at whichever time that you wish  
19 to do so.

20 MR. ANG UDOM:

21 Thank you, Mr. President. My apology for my interruption. I would  
22 like to have a few words for the Chamber's consideration.

23 [14.43.07]

24 In fact, the civil party has the rights to make a statement, but  
25 here before this Court, we also shall consider the right of the

1 accused in case of Khieu Samphan; he exercises his rights to  
2 remain silent and I hope that the Chamber will consider that  
3 right.

4 MR. PRESIDENT:

5 Any other matter to be of concern?

6 The Prosecution, you may proceed.

7 [14.43.36]

8 MR. ABDULHAK:

9 Thank you, Mr. President. We won't take up a lot of time at all.  
10 We want to support our friends' counsel for the civil parties.  
11 We agree there is no prohibition on civil parties making a  
12 general statement as to their suffering. If a statement refers to  
13 one of the Accused, there's absolutely no prohibition on that,  
14 it's for Your Honours to weight the probative value of any  
15 statement given in court. I would note that, of course, accused  
16 have rights to comment on civil party statements in court, and  
17 Your Honours have made that accommodation throughout this trial.

18 [14.44.15]

19 And, finally, as a footnote and a correction to my learned friend  
20 counsel for Ieng Sary, as we understand the position, Mr. Khieu  
21 Samphan is not exercising his right to remain silent, but rather  
22 choosing to give statements, at particular stages in the trial  
23 and decide a particular time at which he may answer questions, in  
24 later stages of the proceedings. Thank you.

25 MR. PRESIDENT:



1 Mr. Khieu Samphan, can you advise the Chamber whether you are  
2 still exercising your rights to remain silent? As you have heard,  
3 this civil party has some questions for you.

4 [14.45.06]

5 MR. KHIEU SAMPHAN:

6 Mr. President, I made my interventions in the past, and as I  
7 recall, I reserve my rights to make comments on the paragraphs  
8 that Mr. President required me to make comments. Nonetheless, I  
9 clearly stated that I wish not to respond to any questions posed  
10 to me. I need to wait for all the presentation of all the  
11 evidence and by the conclusion of the trial, I will eventually  
12 respond to all the questions. And this is my position, I am  
13 grateful, Mr. President.

14 MR. PRESIDENT:

15 Thank you. It is clear that this issue is related to the right  
16 not to respond by the Accused and he expressly indicated his  
17 position. And he still maintains that position; for that reason  
18 there is no need to give the floor to the civil party to put  
19 questions to him.

20 (Judges deliberate)

21 [14.47.09]

22 Civil Party, you can put questions, however, your questions are  
23 to go through me, as the President of this Chamber, then I will  
24 decide whether your question will be redirected to Khieu Samphan,  
25 or not. You cannot put your question directly to the accused,

1 Khieu Samphan.

2 MR. CHAU NY:

3 Mr. President, the questions that I have for Khieu Samphan is  
4 nothing of a revenge nature. My question is the following: On the  
5 17 April 1975 -- that is, "The Liberation", Khieu Samphan wrote a  
6 letter of invitation to my uncle -- that is Chau Sau, to return  
7 to Phnom Penh, and I want to know the reason why? And did Khieu  
8 Samphan eventually meet with my uncle? That is my first question.

9 [14.48.21]

10 And my second question is that the driver of Mr. Chau Sau, in  
11 1979, I met him in Phnom Penh, and he said that when Chau Sau was  
12 evacuated, and upon reaching Preaek Kdam, there were two soldiers  
13 who delivered a letter from Khieu Samphan, to him. And the  
14 content of that letter stated that Mr. Chau Sau is required to  
15 return to Phnom Penh. However, Chau Sau refused. He said that he  
16 would only return to Phnom Penh when all the Phnom Penh residents  
17 were allowed to return.

18 And, subsequently, the two soldiers returned for the second time,  
19 inviting him to come to Phnom Penh again, and he still refused.

20 And from that time onward, Mr. Chau Sau disappeared. My question  
21 to Mr. Khieu Samphan is: Where did he die?

22 [14.49.46]

23 This -- or what I want to know, so if I know where he died, I  
24 would try to find his skeleton remains so that I can make  
25 religious ceremony for his soul.

1 MR. PRESIDENT:

2 Mr. Khieu Samphan, are you in a position to respond to these  
3 questions and whether you know the location where Mr. Chau Sau  
4 died?

5 I put the question to Khieu Samphan, Counsel. The question is not  
6 for you defence counsel, and he has the right whether to respond,  
7 or not to respond.

8 MS. GUISSÉ:

9 Mr. President, I apologize, but I do have something to say.

10 MR. PRESIDENT:

11 Once again, to the question and I put is to put to Khieu Samphan.  
12 Counsel, you may be seated. The floor is now given to Khieu  
13 Samphan, and the Chamber would like to know whether Mr. Khieu  
14 Samphan still reserves his rights to remain silent, or if he  
15 wishes to respond as to where Mr. Chau Sau died.

16 Mr. Khieu Samphan, you may stand.

17 [14.51.15]

18 MS. GUISSÉ:

19 Mr. President, I will--

20 MR. PRESIDENT:

21 The question is put to Mr. Khieu Samphan, and he can respond.

22 MR. KHIEU SAMPHAN:

23 Mr. President, I'd like to ask the question through the  
24 President. If I respond to this question, does it affect my  
25 rights to remain silent? If it does not affect my rights to

1 remain silent, then I can respond.

2 [14.51.52]

3 MR. PRESIDENT:

4 That is your right, Mr. Accused, because you do not expressly  
5 express yourself that you absolutely reserve your rights to  
6 remain silent. You have expressed limited right to remain silent,  
7 so this is your discretion whether you wish to respond to this  
8 question, or you maintain your right to be silent. The decision  
9 is yours.

10 MR. KHIEU SAMPHAN:

11 (No interpretation)

12 MR. PRESIDENT:

13 Mr. Khieu Samphan, could you repeat your statement because I do  
14 not hear it properly and defence counsel for Khieu Samphan,  
15 please remain seated. All parties remain seated; the floor is  
16 given to Mr. Khieu Samphan, alone.

17 MR. IANUZZI:

18 Your Honour, we take great exception to --

19 MR. PRESIDENT:

20 The floor is not given to you, Counsel. Counsel, please be  
21 seated.

22 (Judges deliberate)

23 [14.53.57]

24 Mr. Khieu Samphan, you may proceed.

25 MR. KHIEU SAMPHAN:

1 My apology, I delegate my right to my defence counsel as my  
2 representative, and personally, from the outset that I eventually  
3 will respond to all questions once the hearing on evidence is  
4 concluded, at the end of this trial. That is all.

5 [14.54.47]

6 MR. PRESIDENT:

7 Mr. Civil Party, Mr. Khieu Samphan declines to respond to your  
8 question, as he reserves his rights to remain silent. So, your  
9 questions will not be answered by him, and now, Mr. Civil Party,  
10 do you still wish to make your statement of suffering and the  
11 harms inflicted upon you throughout the Democratic Kampuchea  
12 regime?

13 MR. CHAU NY:

14 Mr. President, I am greatly disappointed, as he declines to  
15 respond to my question; of course, Mr. Khieu Samphan know my  
16 uncle very well. They ate meals together, and of course, he  
17 should know where his skeleton remains is, and he should not  
18 refuse to respond to this question. What I want to know is to  
19 know where he died so that I can take his skeleton remains for  
20 the religious ceremony. And for that reason, even if I am here,  
21 my suffering still remains; it doesn't go away because I don't  
22 have the answer. I am here before this Court of law, and I still  
23 cannot get his response as to where my uncle died.

24 [14.56.34]

25 I personally do not have any revenge against him; I just want to

1 know -- I just want him to tell me where he died, so that I can  
2 go and get his skeleton remains for the religious ceremony. That  
3 is all. And if he doesn't know Chau Sau, I can show him the photo  
4 of Chau Sau.

5 If you no longer remember his facial expression, of course I can  
6 show you the photo, and you should not refuse to see it.

7 [14.57.23]

8 MR. PRESIDENT:

9 Civil Party, do you have anything else to make?

10 MR. CHAU NY:

11 That is all, Mr. President.

12 MR. PRESIDENT:

13 Thank you, indeed, Mr. Chau Ny.

14 And the hearing of your testimony has come to a conclusion. You  
15 are now excused. And your testimony may contribute to  
16 ascertaining the truth and, as a result, you may return to your  
17 residence, or wherever you wish to go. We wish you all the best  
18 and bon voyage.

19 [14.58.02]

20 Court Officer, please, in cooperation with the WESU, make  
21 necessary arrangement for the civil party to return to his  
22 residence or wherever he wishes to go.

23 Mr. Chau Ny, you may now leave the courtroom.

24 (Mr. Chau Ny exits courtroom)

25 The floor is now given to the parties, if you wish to make any

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1 observation regarding the testimony of the civil party, Chau Ny,  
2 who just concluded his testimony.

3 MS. GUISSÉ:

4 I would like to take the floor at this stage, if I may, Mr.  
5 President?

6 MR. PRESIDENT:

7 As I just stated, the floor is given to any party who wishes to  
8 make any observation regarding the testimony of the civil party,  
9 Chau Ny. And whether it is your observation that his responses,  
10 or some of his responses are outside of the scope of the first  
11 limited in Case 002/01, or other matters will not be allowed.  
12 That is the purpose of the floor given for the observation made  
13 by the party to the testimony, if there is any.

14 [15.00.13]

15 MS. GUISSÉ:

16 Precisely, Mr. President, it's about the statement by the civil  
17 party. My first point is that, yes, indeed, there are elements in  
18 the statement -- it was a statement, but the rules are questions  
19 that do not fall within the purview of what the Chamber has said  
20 about statements by civil parties at the conclusion of their  
21 testimony before the Chamber. The statement by the civil party,  
22 did fall outside the framework of trial segment 002/1, but I  
23 would also publicly, like to express my astonishment, indeed  
24 shock, at the procedure that was followed today in the Chamber.  
25 It's not just a matter for the civil party to talk about his

1 suffering, but also to bring probative evidence into a statement,  
2 and apart from the fact that this falls outside the scope of  
3 002/1 of this trial, also it raises a problem connected with the  
4 rights of the defence because, if my understanding is correct,  
5 once a witness' hearing on the facts is completed, we, the  
6 Defence, have no longer any right to ask the civil party any  
7 questions.

8 [15.01.38]

9 So, once the civil party, when making a statement about suffering  
10 to the Chamber, falls outside the framework of a simple  
11 statement, we are bound and gagged because we cannot come back on  
12 issues of probative evidence; because apart from the fact that  
13 they may fall outside the scope of this trial segment, there are  
14 also issues which take my client directly to task.

15 I am a defence lawyer, and yet, in this instance, unable to  
16 question the civil party in return. So, we have a very  
17 significant procedural issue to deal with here. I would like the  
18 Chamber to decide upon it in the future because if, in further  
19 statements by civil parties which come to testify in this  
20 Chamber, we have a series of statements which bring in new  
21 elements about the facts of the period, and we on the Defence  
22 side are unable to ask questions to these same people because we  
23 have reached the conclusion phase of the civil parties'  
24 testimony. That means, once again, that the Defences' right to  
25 ask questions is being curtailed and I do not find that



1 acceptable.

2 [15.03.06]

3 It's an extreme violation of the rights of the defence and  
4 publicly, I wish to stress that particular fact. Once again, it  
5 has never been said before this Chamber that statements by civil  
6 parties were designed for putting questions to the accused; it is  
7 particularly regretful that in this room, we have only Mr. Khieu  
8 Samphan, by virtue of his better health as the only accused  
9 person in the room. And he then is taken to task by one of the  
10 civil parties and that is simply not acceptable in a framework of  
11 normal procedure.

12 [15.03.52]

13 The civil party who was present whilst talking about issues that  
14 were not connected with his particular suffering, but to do with  
15 a particular issue of probative evidence that I, in my position,  
16 have absolutely no capacity, whatsoever, to respond to because  
17 the civil party had reached the end of his statement. I think  
18 that in a criminal court, that is particularly inadmissible and  
19 we cannot accept it.

20 MR. PRESIDENT:

21 National Co-Counsel for Mr. Khieu Samphan, you may have the floor  
22 now.

23 MR. KONG SAM ONN:

24 Thank you, Mr. President. I may have a brief observation  
25 concerning the statement of suffering by the civil party, just

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1 now. He indicated that he would like to pose a question to Mr.  
2 Khieu Samphan, to look for the place where his uncle could have  
3 died. I believe that it is not part of the story being examined  
4 during this segment of the trial of this Court, and the Court is  
5 not obliged to locate the dead body, or where the person could  
6 have died. And there's clue or evidence to prove that Mr. Khieu  
7 Samphan could have been the person who had executed that person,  
8 or who has caused the death of his uncle.

9 [15.05.27]

10 And the reason that the civil party stated about the letter  
11 written by Mr. Khieu Samphan, there is no way to prove that the  
12 letter is genuine, or whether Khieu Samphan has actually written  
13 such letter. So what the civil party indicated, or raised was  
14 baseless and that it falls outside the ambit of the scope of the  
15 proceeding.

16 [15.05.53]

17 MR. PRESIDENT:

18 Counsel, please be seated. We have to deliberate on this first.

19 (Judges deliberate)

20 [15.08.44]

21 We would like to now hand over to Judge Lavergne, to address the  
22 concern raised by counsel for Mr. Khieu Samphan.

23 You may proceed, Judge Lavergne.

24 JUDGE LAVERGNE:

25 Thank you, Mr. President. Let me begin with an observation. The

1 civil party was given the floor to express himself on the subject  
2 of his suffering, and I believe that it was clear for everybody,  
3 that part of the suffering that he wanted to air concerning his  
4 uncle, Mr. Chau Sau, someone who disappeared during the  
5 evacuation of Phnom Penh, and that what he was bringing up was  
6 perfectly relevant to the framework of this part of the case. Now  
7 we are working in a civil law framework here, as well, and as far  
8 as I'm aware, the civil parties are parties, they are allowed to  
9 ask questions and the accused are also entitled to exercise their  
10 right to remain silent.

11 [15.10.02]

12 I do not see in what way the rights of the defence have been  
13 breached. If the civil party's statement was going to bring up  
14 issues about which the defence might have wanted to ask  
15 questions, then indeed, we could have heard a request from you,  
16 to that affect, and we might have perfectly well given you the  
17 floor, but I do not see the interest in the procedure. And I hope  
18 that I have been clear on that.

19 MS. GUISSÉ:

20 Excuse me, Mr. President. I would like to ask Judge Lavergne for  
21 a small point of clarification. Should I, therefore, understand  
22 that when civil parties bring up in their statements new facts  
23 that have not been referred to when they were questioned by the  
24 different parties, if there are new issues that come up, as  
25 indeed was the case in the civil party's hearing we have heard

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1 just now, because at the earlier stage there was never any  
2 reference to this letter written to my client, or the question of  
3 the disappearance of his uncle, subsequent to possible contacts  
4 with my contact; does this mean that in the future we, therefore  
5 are authorized to ask questions after the statement by the civil  
6 party?

7 [15.11.38]

8 And in this particular instance, am I, therefore, entitled to put  
9 further questions to the civil party, outside of what has already  
10 been mentioned in the statement by the civil parties?

11 JUDGE LAVERGNE:

12 I don't think you've ever been denied that right. If it appears  
13 necessary, in seeking the truth, then I think such questions are  
14 fully authorized and acceptable. Therefore, Mr. President, I  
15 would like to ask your permission to ask further questions to the  
16 civil party on what he said about correspondence between somebody  
17 and my client.

18 (Judges deliberate)

19 [15.12.58]

20 MR. PRESIDENT:

21 The Chamber would not wish to continue on this case, as the civil  
22 party has already been excused, and has been returned to his  
23 home. And the accused person has already made clear, that he  
24 would exercise his right to remain silent, precisely.

25 The hearing comes to an end, today. The Chamber would adjourn

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1 now, and the next session will be on Tuesday, the 4th of December  
2 2012. On Tuesday the 4th of December, the Chamber will be hearing  
3 TCCP-188. Questions will be put by the Lead Co-Lawyers for the  
4 civil parties before the other parties. Please be informed.

5 Security personnel are now instructed to bring Mr. Khieu Samphan,  
6 and Nuon Chea, back to the detention centre, and have them  
7 returned to the courtroom by the 4th of December 2012, by 9 a.m.

8 The Court is adjourned.

9 THE GREFFIER:

10 (No interpretation)

11 (Court adjourns at 1514H)

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