



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
ថ្ងៃ ខែ ឆ្នាំ (Date): 12-May-2017, 13:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 December 2015

Trial Day 343

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Trial Chamber Greffiers/Legal Officers:
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For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Nicholas KOUMJIAN
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Mr. PRAK Doeun (2-TCCP-300)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Ms. NGUYEN	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PRAK Doeun (2-TCCP-300)	Khmer
Ms. SAO Sak (2-TCW-886)	Khmer
Mr. SENG Leang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the remaining testimony of civil
6 party Prak Doeun, and begins hearing another witness -- that is,
7 2-TCW-886.

8 And before we proceed, the Chamber wishes to inform the Parties
9 today that Judge You Ottara who is the National Judge is absent
10 for urgent personal matters. And after the Bench deliberated, we
11 <appointed> Judge Thou Mony who is the Reserve National Judge in
12 place of Judge You Ottara for today's <proceedings> as well as
13 until such time that Judge You Ottara returns. And this is
14 pursuant to Rule 79.4 of the ECCC Internal Rules.

15 And today, Judge Fenz is capable to take part in the proceedings
16 due to her improved health. And the greffier, <Ms. Chea
17 Sivhoang,> please report the attendance to the Parties and other
18 individuals at today's proceedings.

19 [09.04.13]

20 THE GREFFIER:

21 Mr. President, for today's proceedings, all Parties to this case
22 are present.

23 Mr. Nuon Chea is present in the holding cell downstairs. He has
24 waived his right to be present in the courtroom. His waiver has
25 been delivered to the greffier.

2

1 The civil party, Mr. Prak Doeun, who is to conclude his testimony
2 today is present in the courtroom.

3 We also have a reserve witness today -- that is, 2-TCW-886 who
4 confirms that to his best ability and knowledge, he has no
5 relationship by blood or by law to any of the two Accused -- that
6 is, Nuon Chea and Khieu Samphan, or to any of the civil parties
7 admitted in this Case. The witness took an oath before the Iron
8 Club Statue yesterday. Thank you.

9 [09.05.13]

10 MR. PRESIDENT:

11 Thank you, Ms. Chea Sivhoang. And the Chamber now decides on the
12 request by Nuon Chea.

13 The Chamber has received a waiver from Nuon Chea dated 3rd
14 December 2015, which states that due to his health: headache,
15 back pain, he cannot sit or concentrate for long, and in order to
16 effectively participate in future hearings, he requests to waive
17 his right to participate in and be present at the 3rd December
18 2015 hearing. Having seen the medical report of Nuon Chea by the
19 duty doctor for the Accused at the ECCC dated 3rd December 2015,
20 which notes that Nuon Chea has back pain and dizziness when he
21 sits for long, and recommends that the Chamber grant him his
22 request so that he can follow the proceedings remotely from the
23 holding cell downstairs.

24 [09.06.15]

25 Based on the above information and pursuant to Rule 81.5 of the

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1 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
2 follow today's proceedings remotely from the holding cell
3 downstairs via audio-visual means. The Chamber instructs the AV
4 Unit personnel to link the proceedings to the room downstairs so
5 that Nuon Chea can follow. This applies to the whole day.

6 The Chamber wishes to hand the floor now to the defence teams to
7 put questions to this civil party. And first, the floor is given
8 to the defence team for Nuon Chea to put questions. You may
9 proceed, Counsel.

10 [09.07.12]

11 QUESTIONING BY MR. KOPPE RESUMES:

12 Thank you, Mr. President. Good morning, Your Honours. Good
13 morning, Counsel. And good morning, Mr. Civil Party.

14 Q. And I would like to start asking you some questions about what
15 you said yesterday. I believe you said that at one point in time,
16 you had been interviewed by investigators. What did you mean when
17 you used the word "investigators"?

18 MR. PRAK DOEUN:

19 A. Please repeat your question since I do not fully get it.

20 Q. You were asked--

21 MS. NGUYEN:

22 Your Honours, the civil party yesterday in his evidence said that
23 he had been interviewed. He never said that he had been
24 interviewed by an investigator. He was not sure who interviewed
25 him. So I think that this question is predicated on an incorrect

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1 basis and it is confusing to the civil party.

2 [09.08.42]

3 BY MR. KOPPE:

4 Well, I don't -- we don't have the official transcript yet but I
5 have noted down what he said: "I cannot recall the names of the
6 investigator." But I'm happy to reformulate or ask an open
7 question.

8 Q. Mr. Civil Party, have you ever been interviewed by
9 investigators of this Court?

10 MR. PRAK DOEUN:

11 A. No, I was not interviewed by the said group. However, I was
12 interviewed by another person. <I thought the interview was just
13 for information.>

14 Q. Have you ever been interviewed by people from an organization
15 called DC-Cam?

16 A. They came to my house and interviewed me, and I told them
17 everything. I told them that I was a victim and I lost my family
18 members. And that's what I told them.

19 Q. Just to make sure that you might not be confusing things,
20 yesterday you were asked questions by one of the civil party
21 lawyers. Was she the one in November 2010 that interviewed you
22 together with another woman?

23 A. Yes, that is correct.

24 [09.10.52]

25 Q. And your interview with your lawyer on the 22nd of November

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1 2010, was it the only interview you ever gave in relation to the
2 events that you described yesterday?

3 A. Yes. I was interviewed <but> I do not recall the date that I
4 was interviewed.

5 Q. This interview conducted by the civil party lawyer who
6 interviewed you yesterday, was that the only talk you had with
7 her before yesterday? Or did she talk to you about the facts also
8 shortly before yesterday?

9 A. I was asked to tell the truth so it can be used as evidence,
10 and that I should not make any mistake in my account of the
11 event. If something happened, then I should tell that that thing
12 happened. And I told the truth.

13 Q. But my question -- I shall rephrase it -- was that you
14 recently speak to the lawyer that interviewed you or examined you
15 yesterday. Did she prepare you for your testimony yesterday?

16 MR. PRESIDENT:

17 Civil Party, please hold on. And the Lead Co-Lawyer for civil
18 parties, you have the floor.

19 [09.13.20]

20 MS. GUIRAUD:

21 Thank you, Mr. President. The manner in which our <colleague>
22 prepared her client<, the number of times she spoke to him etc.,
23 all of that> is entirely confidential<. It's> between her and the
24 witness. And our colleague, Counsel Koppe, <is absolutely not
25 entitled> to know <such details.> We don't ask him how many times

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1 he meets his client and what he <tells himself> and what happens
2 <when they meet>. It's perfectly confidential<. It> seems to me
3 this is a totally inappropriate question. I would ask <you to
4 instruct him to> move on to the next question, please. Thank you.

5 MR. KOPPE:

6 Mr. President, of course, I realize that there is a serious
7 confidentiality matter, and of course I will not ask the civil
8 party what was discussed. But in order to be able to establish
9 the reliability of this civil party, I would like to enquire
10 whether there was a conversation just prior to the testimony
11 yesterday, similar like the interview that was conducted by the
12 civil party lawyer on the 22nd of November 2010. So I'm not going
13 into the content, just I want to know whether he was prepped, yes
14 or no.

15 [09.14.35]

16 JUDGE FENZ:

17 This goes into the content, doesn't it?

18 MR. KOPPE:

19 No. I will obviously not ask the civil party what the lawyer told
20 him; just whether such a conversation took place.

21 MS. NGUYEN:

22 Your Honours, it is clear from the civil party's evidence that he
23 was asked to tell the truth in his evidence and that's what he's
24 done. I think that there needs to be no more about the content or
25 the details of any preparations or conversations between himself

7

1 and his lawyer.

2 (Judges deliberate)

3 [09.15.47]

4 MR. PRESIDENT:

5 The observation and objection raised by the Lead Co-Lawyer is
6 appropriate. And Counsel Koppe, please move on. And you better
7 not ask question regarding the confidential nature of the
8 communication between the lawyer and her client.

9 BY MR. KOPPE:

10 Very well, Mr. President.

11 Q. Mr. Civil Party, did you ever, after '79, speak to national
12 Cambodian investigators, for instance, police officers or other
13 such investigators? So I mean right after '79 in the early 80s.

14 MR. PRAK DOEUN:

15 A. I was asked questions. I was asked how I was mistreated during
16 the regime, how I was starved, etc., and I told them the truth of
17 what happened and how I was mistreated <and tortured>, because
18 that was the fact, and that I was separated from my family
19 members, so that my children were separated to live in separated
20 cooperatives. <I stated that I had separated from my wife and
21 children. And I honestly> told them everything regarding what
22 happened to me and my family.

23 [09.17.37]

24 Q. Just to be sure, were there ever criminal proceedings opened
25 against you in the early 80s in respect of the death of your

8

1 wife?

2 A. I was asked a question and of course, <I was afraid that my
3 information would be used to torture me again. But, I was
4 convinced> that I can tell the person everything and the truth
5 because during the period of this government, I won't be
6 mistreated as I was during the Khmer Rouge regime. <So, I was
7 asked to tell the truth and was told that no one would oppress me
8 anymore. So, I told them the whole story of the suffering I had
9 suffered under the Khmer Rouge regime. I gave them a detailed
10 account of what had happened during the Khmer Rouge time.>

11 Q. Were you ever imprisoned on the basis of accusations of you
12 having done something to your wife?

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, <excuse me>. Good morning, Mr. President. We missed
15 the very end of the interpretation in French of the previous
16 response.<Therefore I think it> would be <> useful <that> the
17 civil party <repeats> what he said just before because the last
18 bit was clipped off <-- because we did not receive any
19 interpretation there>. Thank you.

20 [09.19.15]

21 MR. PRESIDENT:

22 Civil Party, can you repeat your last response?

23 MR. PRAK DOEUN:

24 A. I told the person the truth, then they stopped asking me any
25 more questions. And I was not sure who actually questioned me at

1 the time.

2 JUDGE FENZ:

3 Counsel, just for the record, could you clarify the basis for the
4 questions?

5 MR. KOPPE:

6 I would appreciate it if civil party turns off or puts off his
7 headphones so that I can explain to you why I'm asking this
8 question.

9 JUDGE LAVERGNE:

10 Why?

11 [09.20.32]

12 MR. KOPPE:

13 I don't like -- it doesn't -- it would be inappropriate if the
14 civil party hears the explanation because I will ask him
15 questions about that after this.

16 JUDGE LAVERGNE:

17 Furthermore, Counsel Koppe, <I believe> that there was reference
18 to an interview with DC-Cam<. Unless I am mistaken, and perhaps
19 the parties can correct me,> I haven't seen <any such interview>
20 on the file. Could you please tell us if this exists somewhere
21 <and maybe -- how have you --> and I have to say I really don't
22 quite understand the basis of all of your questions since the
23 start of this <examination>.

24 MR. KOPPE:

25 I had asked him a question whether he ever had talked to national

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1 authorities in the beginning of the 80s, right after '79, which
2 he said he had. That's how I understood his answer. Subsequently,
3 I wanted to ask him whether he was ever imprisoned for
4 accusations in relation to the death of his wife. And then Judge
5 Fenz, you asked me the question why I'm asking this question. I
6 am very happy to explain because the basis for my question is in
7 E3/4989. But I think it would be helpful if the civil party
8 doesn't hear my explanation. But if you're unwilling to instruct
9 the civil party to take off his headphones, then I will explain
10 to you with his headphones.

11 MR. PRESIDENT:

12 Yes, you may proceed, Counsel.

13 [09.22.25]

14 MR. KOPPE:

15 Well, Mr. President, E3/4989, English, ERN 00891034; Khmer,
16 00556218; and French, 00891236. There's a paragraph which the
17 civil party offers as an explanation for something, which is
18 completely out of context and which made me ask him this
19 question. He says and literally I will quote: "I would like to
20 deny that the Khmer Rouge ever forced me to kill my Vietnamese
21 wife in order for me to survive. I swear that this was not true.
22 How could I kill my own wife or children whom I love so much?
23 They started to kill Vietnamese when Vietnamese troops entered
24 Cambodia." Now in relation to other things, he is saying in this
25 same civil party application, that prompted me to enquire whether

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1 he was ever the subject of a criminal investigation right after
2 '79. He, I think, just acknowledged that he did talk to national
3 authorities in the early eighties. He was asked questions about
4 this. So I think it's a fair question which goes directly to the
5 reliability of this civil party.

6 [09.24.31]

7 MR. PRESIDENT:

8 Counsel Pich Ang, you have the floor.

9 MR. PICH ANG:

10 Good morning, Mr. President. Good morning, Your Honours. I think
11 there might be a mistranslation from Khmer into English or
12 French. In the Khmer text, and allow me to quote <and I am asking
13 the interpreters to please translate it accordingly>: "If the
14 principle was to say that if the husband was Khmer<, he shall
15 kill his Vietnamese wife, no there was no such principle>." And I
16 believe this is the extract that Counsel Koppe used. And this
17 does not mean that the husband had to kill the wife. It means
18 that if the husband was Khmer, then the Vietnamese wife would be
19 killed. And this does not mean that the husband himself had to
20 kill his Vietnamese wife. There is nowhere in this document which
21 states that he was imprisoned. Thank you, Mr. President.

22 [09.26.09]

23 MR. PRESIDENT:

24 Counsel Koppe, you may proceed with your questioning.

25 JUDGE FENZ:

12

1 Sorry, may I just suggest something. Because if I understand that
2 correctly, there is allegation that the basis or the translation
3 which is the basis for Counsel Koppe's questions, is incorrect.
4 So before we proceed on the basis of a potentially incorrect
5 translation, an understanding is this is three sentences --
6 couple of sentences.

7 MR. KOPPE:

8 And I'm only triggered actually by the words: "I would like to
9 deny" and "I swear that this was not true." These are the two
10 sentences that triggered me to ask these questions.

11 [09.26.52]

12 JUDGE FENZ:

13 Perhaps we can ask, in the meantime, from one of our interpreters
14 for a proper translation of the three sentences before we
15 proceed.

16 JUDGE LAVERGNE:

17 Moreover, I'd like to <know> where <Mr> Koppe <sees a> reference
18 to <any> criminal investigation<, any taking into custody of> the
19 civil party <>. Is this something that he is inventing? I have to
20 admit that I am really lost here. <> Furthermore, I asked a
21 question about the existence of an interview with DC-Cam, I've
22 not received an answer and I do not understand the basis for the
23 question asked on that topic either.

24 [09.27.48]

25 MR. KOPPE:

13

1 Either there must be something going very wrong in the
2 translation or you fail to understand what has been going on.
3 Judge Lavergne, he said there was no DC-Cam interview, so there
4 is no DC-Cam interview. It was the interview earlier with his
5 lawyer. So that is out of the way. There is no mention obviously
6 of any criminal investigation because that's not in this
7 document. But it was my question whether he was ever involved in
8 criminal proceedings against him. And he never gave an answer to
9 that question. And the reason I'm asking this question is because
10 out of the blue, without any context, in his own statement, he
11 says: "I would like to deny that the Khmer Rouge ever forced to
12 kill my Vietnamese wife. I swear that this was not true." That's
13 what has been going on for the last 20 minutes.

14 (Judges deliberate)

15 [09.29.01]

16 MR. PRESIDENT:

17 Lawyer for civil party, you may proceed. <Go ahead quickly!> I
18 believe we need to move as quickly as possible. This is the last
19 chance that you <have to speak up and make it clear> this
20 morning.

21 [09.29.18]

22 MS. NGUYEN:

23 Just to put what Mr. Koppe is saying into context and Mr. Koppe
24 fails to do this, in accordance with the English version E3/4989,
25 page 3 of 3, what -- the paragraph that Mr. Koppe is relying on

14

1 is preceded by this paragraph. "There was no policy that stated
2 Cambodian husbands had to kill their Vietnamese wives by
3 themselves. The Khmer Rouge actually asked me why I had chosen to
4 get married to a Vietnamese wife and why I had <not> chosen to
5 get married to a Khmer wife when there were plenty of Khmer
6 women. I told them that there was no such ban in the former
7 regimes." And importantly, the preceding paragraph says: "They
8 only asked me this question after they had killed my wife. No
9 people were forced to kill their Vietnamese wives or husbands by
10 themselves. The Khmer Rouge clique was the one who actually
11 killed those Vietnamese wives or husbands." That's the context in
12 which he says, "I did not kill my Vietnamese wife."

13 [09.30.32]

14 MR. KOPPE:

15 No, that's not what he says. He says: "I would like to deny that
16 they ever forced me. I swear that this was not true." I'm not
17 saying that he did, I'm asking only a question whether he was
18 ever involved in criminal proceedings. I think that's a fair
19 question, that's all. If he says no, then I will move on.

20 (Judges deliberate)

21 [09.31.27]

22 MR. PRESIDENT:

23 The booth interpreter, do you have the document available -- that
24 is, document E3/4989? If so, you should do the side translation
25 -- that is, for the last three paragraphs of the document.

15

1 (Short pause)

2 [09.33.27]

3 MR. PRESIDENT:

4 If you read, then there should be a side translation into English
5 and French. In fact, I want the original Khmer text to be side
6 translated into French and English. So please, have the text read
7 out in Khmer and at the same time, an English and French
8 translation shall be done. And the interpreter, Phally, please
9 read the Khmer text again.

10 [09.34.12]

11 THE KHMER INTERPRETER:

12 Let me read the Khmer text again:

13 "<The> principle mentions that <if> the husband is Khmer and that
14 he shall kill his Vietnamese wife, no there was no such
15 principle. If I am asked why I married a Vietnamese wife since
16 there were many Khmer women, I told the Khmer Rouge that, in the
17 previous regimes, nobody prohibited me from doing so. This
18 question was put to me after the Khmer Rouge's <clique> had
19 already killed my wife. Even for other people, no one was forced
20 to kill his or her Vietnamese husband or wife. It was the Khmer
21 Rouge's clique who killed them.

22 On the accusation that the Khmer Rouge's clique forced me to kill
23 my wife so that I would be spared, no there was no such a thing.

24 I swear on this because I loved my wife and children very much.

25 I'd like to clarify that the principle of searching <for> the

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1 Vietnamese to be killed happened when we heard that the
2 Vietnamese <troops> actually attacked Cambodia. After my wife had
3 been killed by the Khmer Rouge's clique in late 1977 or early
4 1978, I remarried another wife named Ruos Sao <Ry>, and we have
5 seven children together. Two of our children died, and now we
6 have seven children altogether from the previous marriage and the
7 current marriage." End of quote of <sight> translation <of
8 paragraph 3>.

9 [09.37.10]

10 MR. KOPPE:

11 Thank you, Mr. President.

12 JUDGE FENZ:

13 I think the translation has clarified that the basis for your
14 questions might have been a mistranslation. Do you understand
15 that correctly? The way I heard it, there is no basis for your
16 question now.

17 [09.37.35]

18 MR. KOPPE:

19 I heard the translation saying basically the same thing, that he
20 was accused of having murdered his own wife, an accusation of
21 which he says, "I swear it wasn't true".

22 The French translation actually -- I just verified -- says the
23 same thing: "Now I hear the word 'accusation', I would like to
24 deny that the Khmer Rouge ever forced to kill my wife. I swear
25 that this was not true." So the two questions that I have: was he

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1 ever accused by the authorities here? Or was he ever imprisoned
2 for the killing of his wife? These are the two questions I would
3 like to ask him. If it's no, two times no, then we can move on.

4 (Judges deliberate)

5 [09.39.24]

6 MR. PRESIDENT:

7 The Chamber does not allow you to put such question to this
8 witness, Mr. Koppe, please move on.

9 BY MR. KOPPE:

10 Mr. Civil Party, have you ever signed a petition in '93 to the
11 government and to the National Assembly?

12 MR. PRAK DOEUN:

13 A. I do not get your question, Counsel.

14 MR. KOPPE:

15 Maybe I should do it differently.

16 Mr. President, I would like to show to the civil party document
17 E3/5476. This is a petition in 1983 with all kinds of demands or
18 requests to the National Assembly. We believe that he is one of
19 the co-signers of this petition. Maybe I can show the Khmer
20 version of this particular petition, ask him subsequently whether
21 this is his signature, and whether he can say something about the
22 content of that petition.

23 MR. PRESIDENT:

24 You are allowed to do so.

25 [09.41.44]

18

1 MR. PRAK DOEUN:

2 A. Actually, there is my signature on this document.

3 BY MR. KOPPE:

4 Q. Would you now be so kind, Mr. Civil Party, and turn to the
5 page where you see this little orange sticker?

6 (Short pause)

7 [09.43.13]

8 MR. PRAK DOEUN:

9 A. After <I reviewed> the document, I <did> not see my name on
10 it.

11 Q. On the actual petition, Mr. President, that is the same
12 document, E3/5476; English, ERN 00824010; Khmer, 00508166;
13 French, 00824010. On that petition, you indeed cannot see your
14 signature but the signature belongs to the petition (sic). And so
15 my question is whether you indeed were one of the persons who
16 signed the petition that you see.

17 Maybe a TPO person can assist the civil party. It's Khmer page
18 00508166.

19 (Short pause)

20 [09.46.06]

21 BY MR. KOPPE:

22 Mr. Civil Party, it's a long time ago, September 1983, that you
23 signed this petition. So I'm -- I fully understand that you don't
24 recall the content. So that's why -- allow me to let you through
25 or to guide you through. First, it's a petition to the National

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1 Assembly of the People's Republic of Kampuchea. And it starts:
2 "We, on behalf of 713 cadres, intellectuals, Buddhist priests,
3 and ordinary people in Baribour district." My first question: Did
4 you sign this petition as a cadre or as an ordinary person, or
5 any of the other two categories?

6 MR. PRAK DOEUN:

7 A. When I put my signature at that time, it was only me who put
8 the signature.

9 [09.47.28]

10 Q. Your name appears in a long list of names, but it seems that
11 713 people signed this petition. And my question is: Did you sign
12 this petition in your capacity as a cadre, as an intellectual, as
13 a Buddhist priest, or as an ordinary person in Baribour district?

14 MR. PRESIDENT:

15 Civil Party, please hold on. You have the floor now, lawyer for
16 civil parties.

17 MS. NGUYEN:

18 Your Honour, there's been no establishment of any fact that he
19 has in fact signed the petition. The evidence from the civil
20 party has not come out that he has signed the petition. So I
21 don't think that that question is an appropriate one to ask,
22 given that that hasn't yet been established.

23 [09.48.35]

24 MR. KOPPE:

25 Well, he recognized his signature. The signature list is part of

20

1 one coherent document, E3/5476. In fact, the petition is attached
2 to another civil party application, someone with the name Kim
3 Samban. He offered this petition to the evidence in this case
4 file, and he signed this, so it seems. And I just want to know in
5 which capacity he signed this particular petition.

6 MR. PRESIDENT:

7 This question is allowed to put to the civil party. The objection
8 of lawyer for civil party is overruled. Mr. Civil Party, please
9 give your response to the question.

10 MR. PRAK DOEUN:

11 A. I would like to tell the Court that perhaps I was confused a
12 while ago. <I did not care about that matter.> I am focussing on
13 my occupation <and business>. And <I admit before the law>.

14 MR. PRESIDENT:

15 Mr. Civil Party, please listen to the questions carefully before
16 you give your responses. So far, you have not responded correctly
17 to the questions put by the Parties. <You have nothing to admit
18 here before this Court.>

19 Mr. Koppe, please put your last question once again.

20 [09.50.43]

21 BY MR. KOPPE:

22 Q. My question was: Do you remember signing this petition in your
23 capacity as a cadre, as an intellectual, as a Buddhist priest, or
24 just as an ordinary person coming from Baribour district?

25 MR. PRAK DOEUN:

21

1 A. When I put my signature, I held no position. At that time, I
2 actually put my signature <by myself>.

3 Q. Behind your signature, you filled in that you are the
4 secretary of Kampong Preah pagoda in Chhnok Tru village; is that
5 correct?

6 A. Yes, that is correct. I was part of the <pagoda> committee
7 <working with> achar <or elderly laymen to support> the pagoda.
8 At that time, I was interested in the petition and I was asked
9 whether I was interested in putting my signature in the petition.
10 And I agreed to put it.

11 [09.52.21]

12 Q. For the benefit of all parties, Mr. President, let me read
13 what this petition is about. It's not only a political petition
14 but it also goes to facts at, for instance, Wat Melum. So it
15 reads as follows:

16 "Petition to the National Assembly of the People's Republic of
17 Kampuchea: We, on behalf of 713 cadres, intellectuals, Buddhist
18 priests, and ordinary people in Baribour district.

19 Having heard the National Assembly's resolution of the People's
20 Republic of Kampuchea during the Fifth Session of the First
21 Legislature, hereby unanimously support the Fifth Session of the
22 First Legislature, scheduling every 20th of May as the Day of
23 Condemnation and Anger against the Pol Pot, Ieng Sary, and Khieu
24 Samphan's Genocidal Regime and lackeys of Beijing, Chinese
25 expansionists, and the open letter of intellectuals and Cambodian

22

1 Buddhist priests on the crimes of the Pol Pot.

2 "At the same time, we, on behalf of 713 cadres, intellectuals,
3 priests, and Cambodian people in Baribour district would like to
4 request the National Assembly of People's Republic of Kampuchea
5 to submit the request to intellectuals and Buddhist priests
6 around the world who love peace and justice. Our 1,352 relatives,
7 namely 1,543 men and 978 women were killed by Pol Pot, Ieng Sary,
8 Khieu Samphan, who were the lackeys of Beijing Chinese
9 expansionists. Various execution techniques were applied, such as
10 slitting throats with a serrated edge of sugar palm frond,
11 cutting the stomach open and filling it with grasses, and burying
12 alive. In addition, children were thrown against tree trunks,
13 people were thrown into wells, and women were raped and their
14 vaginas were violated and so on.

15 "The evidence can be found everywhere, especially at Wat Samdech
16 Mony, Wat Au Lus, Wat Prek Chik, Wat Kruos, Wat Melum, Wat
17 Banteay Thlork in Phsar commune."

18 Having heard part of the content of this petition, do you recall
19 the content? Do you recall reading it before signing?

20 [09.55.33]

21 A. The document was read aloud to me at that time, and <it
22 triggered my anger,> pain and suffering during the Khmer Rouge
23 time. <The reader gave me a precise explanation about what the
24 Khmer Rouge had done or implemented in other pagodas, villages
25 and communes>. And <I found what was said in the document very

23

1 articulate, elaborate, accurate and truthful>.

2 Q. Is it possible that what you described yesterday in respect of
3 what you had heard about the killing, the alleged killing of your
4 child was actually coming from the content of this petition?

5 A. I was allowed to listen and put my signature on the document
6 since I could witness what happened. <It confirmed with what I
7 had witnessed and spotted during the regime. It was truthful.>

8 [09.57.02]

9 Q. Mention is being made of Wat Melum, is that a pagoda in the
10 village of Melum, the commune in the Baribour district?

11 A. Melum, Tuol Roka pagoda was located within Baribour area.

12 Q. What can you tell us about Wat Melum? What happened there?

13 A. When I was asked to prepare the fishing net on one occasion, I
14 was <traveling> along <the road to> that pagoda<. It was a
15 location> where <dishonest> people <or victims from other places>
16 had been killed. And people were <gathered for meetings at Wat
17 Melum then divided and sent to Tuol Roka to be> killed, those
18 people were under accusation. <They were to be murdered.>

19 [09.58.28]

20 Q. I've lost quite some time, so I'll move on. Last question in
21 respect of this petition: What does it mean when words are used
22 that Pol Pot, Ieng Sary, Khieu Samphan were larkies of Beijing,
23 Chinese expansionists? Do you recall what that meant?

24 A. On this point, at the time, I did not understand the meaning
25 of the terms. I heard <the soldiers and> people say that Khmer

1 Rouge were the Chinese <slave>.

2 Q. Let me turn to your civil party application, Mr. Civil Party.

3 You speak about a few alleged CPK cadres. You speak about Comrade

4 Ruos, who was the top unit chief; you speak about female Comrade

5 Hoem; female Comrade Na; and female Comrade Kuon. Why was it that

6 when you signed this application, you called those cadres

7 "comrade"?

8 A. At that time, there was clear evidence. <That's why I signed

9 it up. It contains names of the chiefs who supervised me. First

10 is> Ruos<. He> was the male cadre<. Second is Comrade Hoem. She

11 was a female cadre. Third is Comrade Na. She was a female cadre.

12 Fourth is Comrade Kuon. She was> responsible for economics in the

13 female unit.

14 [10.00.40]

15 Q. Were you a cadre yourself? And is that the reason that you all

16 call them comrades?

17 A. I was simply an ordinary person. I, in the regime, was simply

18 a 17 April person, and I was an ordinary one. <I had no>

19 relationship with the Khmer Rouge.

20 Q. In that same application, you speak about meetings that were

21 held between '75 and '79, meetings that were chaired by Ta Ruos

22 with the participation of Comrade Na, Comrade Hoem, Comrade Kuon

23 and the people. And you said such meetings with everyone's

24 participation were called general meetings. But then you say and

25 I quote literally: "For secret meetings, for example, to prepare

1 a plan to kill someone, participants only included chiefs of unit
2 or chiefs of the cooperative." Now my question is: How did you
3 know that these were the people who had organized secret meetings
4 to kill people?

5 A. I did not know at the time whether people were killed. There
6 was a meeting held <to set out the plan for> those who worked in
7 the <fields and farms,> those who worked in the cooperatives and
8 <those who worked in the> fishing units<, to make fish paste and
9 fermented fish.> And concerning the meeting to plan the execution
10 of those people, I was not invited to attend it. And concerning
11 the <light and heavy> task of the country <in the genocide
12 regime>, I was not involved in it and I did not know about that.
13 <But, I did attend meetings in which chiefs of group and units
14 were appointed.> At that time, I was <made> the group chief of
15 the fishing unit. And concerning the task that I had to perform,
16 I was allowed to be aware of those tasks.

17 [10.03.30]

18 Q. Why was it that the Khmer Rouge regarded you as "the most
19 knowledgeable man" in your unit?

20 A. Let me clarify. <They praised me by saying I> was good at
21 speaking<. So, they told me to call people to attend meetings.
22 They gave me some ideas.> And I myself was not sure whether I was
23 good at <speaking. I did not know myself well. I did not know
24 what the> Khmer Rouge <thought about me. Then, they> assigned me
25 to mobilize people <to attend meetings or to carry out certain

26

1 activities. But, they set out the directions by themselves. I did
2 not have any role and only waited on them. I was only asked to
3 call people for them to control. And, the cadres> appointed <me>
4 to be the group chief of the fishing unit.

5 Q. Why was it that Comrade Ruos "always invited" you to
6 participate as an elder person in the unit in relation to mass
7 weddings?

8 Mr. President, I refer to document <D22/2759/1>; English, ERN
9 00556209. I will present the Khmer and French ERN numbers a
10 little bit later if you allow me. Let me read to you exactly what
11 it says: "Sometimes around 20-25 couples were wedded without any
12 prior announcement, and this was done under the charge of Comrade
13 Ruos who always invited him [you] to participate as an elder
14 person in the unit."

15 Why was it that Comrade Ruos always wanted you present at
16 ceremonies -- wedding ceremonies?

17 [10.06.00]

18 A. The cadre in charge of my unit actually did not call me to
19 attend the meeting. However, the four cadres that I mentioned
20 assigned me to cut trees and make poles. And then the cadre from
21 District 20 called me to meet them. And actually I was afraid
22 that I was called to be killed. However, when I was at the
23 marriage ceremony, I was asked to make a speech about those
24 couples who were arranged to get married by Angkar. And in fact,
25 I was not appointed or assigned in advance to make a speech at

1 all. <At that time, I was very afraid and panicked as I thought
2 they would kill me.>

3 Q. So summarizing testimony, you're saying that you were never
4 yourself a cadre, you never attended secret meetings, and there
5 is no particular reason why you called cadres comrade. And
6 there's no really particular reason or it didn't happen at all
7 that you were always present at wedding ceremonies; is that
8 correct?

9 A. During the Khmer Rouge regime, I did not hold any leading
10 <Khmer Rouge> position at all. I was an ordinary citizen. And <if
11 you don't believe me,> of course, you can ask <Saot (phonetic)>
12 living in Baribour district<. There> are still some people who
13 <can tell you whether I was an ordinary citizen> during the
14 regime. And if I were to hold any position under the Khmer Rouge
15 regime, of course, I would be responsible for any punishment. But
16 I did not.

17 [10.08.07]

18 Q. One last question maybe, Mr. President, before the break. What
19 was the reason that you remarried so quickly after the death of
20 your wife?

21 A. <I had no help.> I worked <as an intelligence agent> for the
22 provincial office and due to my separation and due to the
23 attacking by the Khmer Rouge, actually I took a speed boat
24 belonging to the Vietnamese troop. Then I was sent <from Krakor>
25 to Kampong Boeng and my name was called out. Actually I was

1 afraid of being rearrested, then I presented myself. And then I
2 was appointed to be chief of the commune for 85 families. And
3 about a month after, due to the sporadic attacks by the Khmer
4 Rouge, I requested <the district chief> to be reassigned to
5 Kampong Chhnang provincial town, and I was reassigned to an
6 intelligence office of Division <204, working for both Cambodians
7 and Vietnamese>. Due to the difficult living condition with my
8 children, then I proposed to a widow who <> had <no children>.
9 And for that reason, the marriage was organized for us <by the
10 government>.

11 [10.09.52]

12 Q. Maybe one very last question, if you allow me, Mr. President.
13 Yesterday, you mentioned the names of your children. Is there a
14 reason why the names of your children of your first wife are not
15 the same as your last name or first name? Your name is Prak
16 Doeun, but all your children are called Phav: Phav Chiem, Phav
17 Peou, Phav Uk Hieng. Is there any particular reason for that?

18 A. At that time, I used the name of my grandfather as the
19 surnames for my children beginning with Phav: Phav Kiem, Phav
20 Liem, Phav <Mao (phonetic), Phav Leam, Phav Keam, Phav Long> and
21 my last child's name is Phav Hong Leng. So Phav is the name of my
22 grandfather.

23 [10.11.07]

24 Q. So you yourself were never called Phav; you were always --
25 from the day you were born until now -- Prak Doeun; is that

1 correct?

2 A. Yes, that is correct.

3 MR. PRESIDENT:

4 Thank you. It is now convenient for us to take a short break.

5 We'll take a break now and resume at half past 10.00.

6 Court officer, please assist the witness at the waiting room

7 reserved for witnesses <for this> civil <party>, and invite him

8 as well as the TPO staff back into the courtroom at half past

9 10.00.

10 The Court is now in recess.

11 (Court recesses from 1011H to 1032H)

12 MR. PRESIDENT:

13 Please be seated.

14 The Court is now back in session and the floor is given to the

15 defence team for Mr. Nuon Chea. Perhaps the defence team for Mr.

16 Nuon Chea may have some further questions? You can proceed now.

17 BY MR. KOPPE:

18 Thank you, Mr. President. As a matter of fact, we would like to

19 request some additional time. We have more questions than

20 anticipated, and there was also a long deliberation in relation

21 to one question. So we have two sessions, but the Nuon Chea

22 defence team would like to have an additional 45 minutes.

23 [10.33.18]

24 MR. PRESIDENT:

25 Counsel Anta Guisse, you have the floor.

30

1 MS. GUISSÉ:

2 Yes. Thank you, Mr. President. My colleague Koppe has <just> made
3 a request for the Nuon Chea team. I would like to reiterate my
4 application of yesterday. It will of course depend on the way my
5 colleague's examination of this witness proceeds, <> the subjects
6 that he will broach and whether these subjects resemble my own>.
7 In any case, if he continues after the break, and <asks> for
8 additional time, I'm also <going to need at least the> 20
9 additional minutes <which> you granted to <the parties yesterday,
10 the> the civil party lawyers and the International Co-Prosecutor.
11 Of course, this is an early application. If it turns out that it
12 is not necessary, I will inform you accordingly. <However, as
13 part of our work schedule, I prefer to> point out that, as part
14 of the way these hearings are organized, <I cannot use less than
15 the time that was initially> allotted to me, <if we had> to split
16 the time 50-50 <with the Nuon Chea Defence, and possibly more.
17 It> will all depend on how my colleague's cross-examination of
18 this witness proceeds <in terms of the topics that he will touch
19 upon>.

20 (Judges deliberate)

21 [10.37.25]

22 MR. PRESIDENT:

23 The Chamber provides 10 additional minutes to each defence team.
24 And let me clarify that yesterday, the Chamber used the time of
25 Parties particularly to question the civil party on identities,

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1 so you should not calculate the time used by the Bench with the
2 time used by Parties. Yesterday, it was clear that the Chamber
3 was strict to the time allotted to the Co-Prosecutors and the
4 Co-Lead lawyers for civil parties. So once again, <> the Chamber
5 gives 10 additional minutes to each the defence team.

6 MR. KOPPE:

7 Allow me, Mr. President, to kindly remind the Chamber that this
8 is the only evidence that we will ever hear in relation to the
9 events described. It's a genocide charge. We're not talking about
10 some burglary. We really need to question this particular civil
11 party more than previously anticipated. So I implore you to -

12 [10.38.49]

13 MR. PRESIDENT:

14 Please, resume your questioning. Do not waste the time. You've
15 used 10 minutes already now.

16 BY MR. KOPPE:

17 Q. Mr. Civil Party, your wife's name was Bou Samban; is that
18 correct? And if yes, is that a Khmer name?

19 MR. PRAK DOEUN:

20 A. I asked my parents-in-law that that name was Khmer name, and
21 that name was also used during the time that she was in school.

22 Q. Now you said that you were just as old as your late wife. You
23 were born around the same time. Is it correct that you and her
24 were born not in Cambodia, but in Indochina? An entity then
25 called Indochina?

1 A. Yes, that is true. I asked a question about that. My
2 parents-in-law also told me like what you said, and the elderly
3 within the village also mentioned about this point. During the
4 time that she was in school, she was called by her teacher the
5 name you mentioned. <We studied in the same class. She abandoned
6 her nationality and went to school with that name that her
7 parents had given to her.>

8 [10.40.35]

9 Q. Just to be sure, does that mean that your parents-in-law in
10 1954 became Cambodian citizens as well?

11 A. My parents-in-law did not receive Khmer nationality. Only my
12 wife, who received the Khmer nationality and she had the Khmer
13 name. <She enrolled in school with the Khmer name.>

14 Q. Now, yesterday you spoke about seven mixed families,
15 Vietnamese wives or husbands and Khmer wives and husbands. Can
16 you tell me any of the names of these seven couples?

17 A. I could recall only three names concerning <the seven> Khmer
18 family members <that I mentioned>. It is true that seven families
19 were with me at that time and I can tell you the three names of
20 the Khmer family members if you want.

21 Q. Please do.

22 A. My name was Prak Doeun. My wife's name was Bou Samban. And
23 another person's name was Sok (phonetic) and the wife's name was
24 Touch (phonetic). And Mr. Sok (phonetic) was Vietnamese. And
25 there was another man, and another woman, Ta Len (phonetic) and

1 Yeay Soeun (phonetic). <Soeun> (phonetic) was Khmer, <she is
2 still alive and living in Kampong Samaki (phonetic) at present.>
3 and Ta Len (phonetic) was Vietnamese. He had been taken away and
4 killed, together with my wife. <These are the names of people
5 that I can recall. But, I don't know the names of the other four
6 families. I only saw them at that time.>

7 [10.43.05]

8 Q. How did you know at the time that he and the other woman,
9 Touch (phonetic), that they were Vietnamese? How did you know?

10 A. People said about that <> in my cooperative. <In the past,
11 Khmer women were married to the Vietnamese men in Damnak Reach
12 village, Kampong Chhnang province.> Sok (phonetic) married to a
13 woman of a Vietnamese citizen in Kampong Chhnang, and Ta Len
14 (phonetic) was a <Vietnamese and a technical chief of > the
15 <fishing lots>. Ta Len (phonetic) married <to Soeun (phonetic)>
16 in Damnak <Reach>. I can recall all those <three> names, but I
17 did not know <the names of the other four couples>.

18 Q. So, is it then fair for me to conclude that the source of your
19 knowledge in relation to the ethnicity of seven couples is what
20 you heard from villagers? Is that your source of information?

21 A. Let me clarify. I heard from workers within my cooperative.
22 They talked to one another that this person was Vietnamese, had a
23 Vietnamese wife or husband. I <heard well when the cadres talked
24 at meetings> within my cooperative, and <I kept them in mind>
25 from that time onwards, I realized that some particular

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1 individuals were Cambodian marrying a Vietnamese wife or
2 Vietnamese husband. <I noticed them during the meetings.>
3 [10.45.02]

4 Q. So is it then fair for me to summarize that the ethnicity of
5 these seven Vietnamese people is based on hearsay information
6 from villagers? It is in fact hearsay information?

7 A. Yes, that is true.

8 Q. Do you know how the alleged CPK cadres who were involved, how
9 did they know that the people that you referred to had Vietnamese
10 origins? Do you know how they knew?

11 A. I do not know on this point. When we were mobilized, I
12 realized that those who were mobilized would be taken away and
13 killed. <That's my feeling at that time even though they had not
14 mentioned about it.> I was in doubt at that time. However, when
15 we were re-located, we were not threatened <or bullied. They were
16 gentle. They used very nice words and did not tell us a lie when
17 we> were walked away to the place where they wanted us to go. And
18 I was quite sure at that time that we would be taken away and
19 killed. Concerning my wife, she was weeping along the way <until
20 we reached the location where she was executed>.

21 Q. Just to be clear: is it correct that you don't know how the
22 CPK cadres knew that these seven people were Vietnamese? Is that
23 correct?

24 A. Yes, that is correct.

25 [10.46.56]

1 Q. The events that you describe, Mr. Civil Party, have not been
2 investigated by any investigator of this Court, so we have
3 literally zero corroborating evidence. Could you tell the Court
4 the names of any people who could confirm what you have described
5 today and yesterday? In other words, is any of the seven
6 survivors still alive? If yes, what is her or his name? And where
7 does this person live?

8 A. I have learnt this information since that time. Husbands had
9 been taken away and killed. Two wives survived the period. They
10 are now living in Kampong Chhnang province, in Damnak Reach
11 village. Concerning that two surviving women, their husbands had
12 been taken away and killed; only them survived <> today.

13 [10.48.13]

14 Q. So these two women that you just mentioned, were they part of
15 that group of seven couples or seven families?

16 A. Actually, the two surviving women got married in Sihanouk's
17 time.

18 Q. That was not my question, Mr. Civil Party. My question is
19 whether these two women that you described, were they part of the
20 group of seven families? In other words, can they tell the Court
21 the same thing about the events as you?

22 A. For those who had been taken away, they were killed. Only two
23 women survived the period.

24 Q. One last time, Mr. Civil Party. The two women that you've just
25 described, were they part of that group of seven families? And

1 are they in a position, if you know, to confirm your story?

2 A. Yes, they were part of the group, the seven families.

3 [10.49.49]

4 Q. Do you know their names? And are you willing to give the names
5 to the Chamber, please?

6 A. Soeun (phonetic). I do not know her surname. Her name <> is
7 Soeun (phonetic). And the other woman's name is Touch (phonetic).
8 They are surviving, and they are living now today.

9 Q. And in which village are they living now?

10 A. They are living in Damnak Reach village, close to Kampong
11 Chhnang.

12 Q. Thank you, Mr. Civil Party. And my last subject: you testified
13 that you didn't actually, yourself, witness the alleged killing.
14 However, you say that the next day, Comrade Hoem told you what
15 had happened the day before. Now, can you explain to the Court
16 why it was that Comrade Hoem told you the next day that he had
17 just killed your wife and six or seven or eight others? Why was
18 it that he told you this?

19 A. He did not tell me that he had killed those people who had
20 been taken away. The morning after, he met me and he saw me that
21 I was so sad. He told me at that time that my family members had
22 all been killed. And he suggested me to ask Angkar to remarry <to
23 a Khmer woman>. I was hopeless at the time, after I heard that my
24 family members had been killed. <It was like the sunset. They
25 would not come back to life again. That's my feeling at that

1 time>

2 [10.52.25]

3 Q. Thank you, Mr. Civil Party, but my question was: Did he tell
4 you why he told you this? Why did he give that information to
5 you? It seems that he just basically confessed to participation
6 in a mass execution. Why did he tell you that?

7 A. I did not know why at that time he told me. He was the cadre,
8 and he was the unit chief. I considered him a soldier <because he
9 carried a gun> at that time. He had been relocated from somewhere
10 else to work within my unit. I was thinking and wondering perhaps
11 he was the one who had killed those people, since he knew the
12 information. Since I was afraid for my life, and I was afraid
13 that I would be killed, I did not poke into the matter any longer
14 after I heard that.

15 Q. But apparently he didn't only tell you that your wife was
16 killed, he also told you who was responsible for the actual
17 killing, Comrade Born, and also the way in which your wife and
18 your child, especially your child, were killed. Did he tell you
19 why he told you those details as well?

20 [10.54.15]

21 MR. PRESIDENT:

22 Please hold on, Mr. Civil Party. You have the floor now,
23 International Deputy Co-Prosecutor.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. I think there is a misinterpretation

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1 <of the statements of the civil party>, as was <already> the case
2 with the previous question <>. Of course yesterday, he described
3 how the child was killed, and he said that <> it was Comrade
4 <Hoem> who told him. But I never noted anywhere that Comrade
5 Hoem<, apparently,> said that it was Born who had been the
6 executioner <or> the chief of executions on that day. So I think
7 the question should be more specific or be rephrased, <thank
8 you.>

9 MR. KOPPE:

10 Right now, Mr. President, I am only interested in the reasons for
11 him having acquired hearsay information.

12 JUDGE FENZ:

13 But Counsel, we are listening to the same translation. He said,
14 "I do not know." That's what I heard in English as an answer to
15 your last question.

16 [10.55.27]

17 MR. KOPPE:

18 Well, maybe I've heard -- I didn't hear it. I didn't hear an
19 answer to the question as to why Comrade Hoem also told him the
20 details.

21 JUDGE FENZ:

22 If he didn't know why he talked to him in the first place about
23 the thing, why would he then -- what sense does the question make
24 about details? He says: "I don't know why he told me." That's
25 what I heard in English.

1 MR. KOPPE:

2 Fine, I will move on. As a matter of fact, I'm done.

3 [10.56.32]

4 QUESTIONING BY MS. GUISSÉ:

5 I see that the President has given me the floor. Good morning,

6 Mr. Prak Doeun. My name is Anta Guisse and I am International

7 Counsel for Mr. Khieu Samphan, and it is in this capacity that

8 I'll put some follow-up questions to you. I know it is difficult,

9 but may I request you to be very attentive, and to carefully

10 listen to my questions and answer them concisely because I do not

11 have a lot of time.

12 Q. <If> I remember <correctly> you <said> that you were married

13 at the age of 19. My first question is as follows: After your

14 marriage, did your <parents-in-law> live with you and your wife?

15 MR. PRAK DOEUN:

16 A. At the time, I was living close to <their> house. However, we

17 were living in a separate house. We were living next to each

18 other. We asked after each other>

19 Q. Yesterday, at about 11.28, you said that your father-in-law

20 died under the late Sihanouk regime. Can you be more specific?

21 Was that before or after the Lon Nol coup d'état?

22 A. He died perhaps 10 years <before the> Lon Nol <regime>. My

23 mother-in-law was living, and she passed away during the

24 genocidal regime.

25 [10.58.23]

40

1 Q. And after the death of your father-in-law, did your
2 mother-in-law come to live with you and your wife?

3 A. She was a grocer, selling groceries, and I was living in a
4 separate house. <I also earned a living by selling stuff at
5 home.> As I said, our houses were adjacent to one another.

6 Q. Yesterday, at 11.17, you <also> explained that in 1975 you
7 were transferred to Pech Changvar with your entire family. At
8 that time, did your mother-in-law come <> to live with you?

9 A. After the evacuation <to Pech Changva>, my mother-in-law,
10 together with my whole family, were living together. At that
11 time, we had not been dispersed into different groups yet. Later
12 on, after I had been relocated to a fishing unit, we were
13 separated from each other by the Khmer Rouge. I cannot tell you
14 the exact date when I was relocated to a fishing unit. And later
15 on, I was allowed to live together with my whole family in <Kaoh>
16 Ta Mov <> cooperative.

17 [11.00.02]

18 Q. I indeed noted all that. May I again ask you to carefully
19 listen to my questions because I will ask follow-up questions for
20 clarification purposes later on. But <first listen attentively to
21 my question> and <respond to my specific question>.

22 <So your> mother-in-law lived with you and <the rest of> your
23 family in Pech Changvar. Without recalling the exact date <in>
24 which you were transferred to the fisheries unit in Kaoh Ta Mov,
25 do you remember for how long you stayed at Pech Changvar before

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1 you left alone <for> Kaoh Ta Mov?

2 A. I was allowed to stay there for only a fortnight, and I did
3 not know what happened later to my in-laws<, wife and children>.

4 Q. When you say that you do not know what happened to your
5 mother-in-law, when you were transferred to the fisheries unit,
6 <I've understood> that you were in that unit for one year all by
7 yourself before you <were able to bring your family over>. Did
8 your mother-in-law also join you, <when your family came along,
9 did she come also with you -- I mean with> your wife and
10 children?

11 A. Yes, we were allowed to live together <on a small boat. The
12 whole family lived on that broken boat.>

13 [11.01.55]

14 Q. <I would like to> focus <now> on the fishing unit that you
15 were working in. <Do> you remember who your supervisor was when
16 you first arrived at the fishing unit <fifteen days> after
17 leaving Pech Changvar?

18 A. I was reassigned to go there by the soldiers. At that time we
19 were sent to live in a cooperative, and Ta Ruos was in charge of
20 the male unit, and there were <also> Hoem, Na, <Kuon> and Ruos.
21 There were four of them who were in charge of the entire
22 cooperative where I lived.

23 Q. And were those people in charge, the ones that were there when
24 you <were first transferred to> that fishing unit, <Is that the
25 case? They were the ones you met right at the start?>

42

1 A. Yes, <> the soldiers delivered us to these cadres, and we were
2 received by these cadres into the unit.

3 Q. You said that the fishing unit was attached to a cooperative.
4 Can you tell us the name of the cooperative?

5 A. The cooperative <was> also known as the district fishing unit,
6 and that was what was told by the cadres there, and that name was
7 given by Angkar. <I remember them telling me that I was handed
8 over to the cooperative, the district fishing unit.>

9 [11.04.05]

10 Q. <> And what district are we talking about <>?

11 A. I do not know which district it was. It was <under Baribour>
12 district< in the previous regime>. And <> it was <named Kampong>
13 Samaki (phonetic) <during the Pol Pot's time. It was a commune.
14 In the past, it was called Kampong Preah Kokir.>

15 Q. Let's <> now <talk about the time when you made> the request
16 <> to bring your family to where you were. Yesterday, <at 13:52,>
17 you said that the request was submitted at the end of 1976. Can
18 you tell us who you made the request to?

19 A. I made a request to the unit chief -- that is, Ta Ruos, so
20 that my wife could come to live with us. In fact, I was afraid
21 when I made the request. And before I made the request, I talked
22 to him a little bit. And after I made a request, he said that I
23 should wait for a while since Angkar would organize that for me.
24 <My request was not granted immediately.>

25 [11.05.40]

1 Q. And<, to be specific,> how was <your family's> travel to the
2 island organized<, as I believe I understood that> your fishing
3 unit was <> on an island<. How> was the transfer <of> your family
4 arranged?

5 A. They walked on foot, and there was even no ox cart to
6 transport them, so it was rather difficult for them to walk on
7 foot. <Despite hardships, we kept going ahead.>

8 Q. <But, in Pech Changvar, do you know> who was <informed of the>
9 permission <that was issued for you to bring> your family <>? Do
10 you know how that was arranged?

11 A. I did not know. I only made my request to the unit chief, and
12 I did not know who actually let them come to live with me at the
13 fishing unit. <I only focused on performing my work at the
14 fishing lots.>

15 Q. Yesterday, just before 1.53, you said that "the cadres who
16 were kind-hearted accepted <my> request <to bring back> my
17 <children and my wife>". Now, are we talking about Ta Ruos here
18 as being a kind-hearted cadre?

19 [11.07.17]

20 A. No, it was Comrade Hoem. It was <Comrade> Hoem who said that I
21 should not think about my <children and wife,> as they <would be>
22 smashed<. She told me not to care about that, and that> I should
23 focus on my work at the fishing unit. <Hoem told me that at the
24 fishing lots that Angkar would let my wife come soon.> But the
25 unit chief didn't tell me about that.

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1 Q. Excuse me, Mr. Prak Doeun, we're getting a little bit lost
2 here <in the chronology>. I'm <not> talking about <the time> when
3 <Hoem> told <you of the death of> your <family members;>, I'm
4 talking about the point in time when <your request to bring your
5 family was granted. Yesterday>, a little bit before 1.53, you
6 said that "the cadres who were <kind-hearted> accepted my request
7 for my wife and children to come <back> and live on the island".
8 And so here we're talking about your request <for> your family
9 <to come back with> you. So the question I'm putting to you <is:>
10 Who are <you> talking about when <you say> "kind-hearted cadres"?

11 A. As I said, it was Comrade Hoem. <She> was the only cadre.

12 Q. All right. Just to clarify, because the translation is still
13 not crystal clear,> is Comrade Hoem a man or a woman, please?

14 A. Comrade Hoem was a female comrade.

15 [11.09.02]

16 Q. When your family reached the island, I understand from your
17 testimony that <your wife> worked on a farm. <I heard
18 "cooperative" in French, but I have been made to understand that
19 what you said in Khmer was "farm."> That was about 16 minutes
20 past 2.00. Can you confirm that <>?

21 A. I did not even know when she arrived at the cooperative. When
22 I returned from work, I was told that my wife had arrived, but I
23 did not see her yet. And later on, in late afternoon, I saw her.
24 <We met in the evening when we put up the mosquito net and went
25 to sleep.>

1 Q. Excuse me--

2 MR. PRESIDENT:

3 Mr. Prak Doeun, please respond briefly. You do not need to make a
4 lengthy response, as it will take a longer time, and that may
5 lead to other problems, because whatever you said may be used by
6 the counsel to put further questions to you, and we have reminded
7 you since the start of your testimony.

8 [11.10.22]

9 BY MS. GUISSÉ:

10 Q. Very well. Let me ask you the question again <more precisely.
11 So the precise question was: when> your wife reached the island,
12 did she then go on to work <on> a farm? That's what I understood
13 you saying yesterday at 2.16. <Can you confirm that> while you
14 were in the fishing unit, <> that your wife was working on a
15 farm, planting vegetables?

16 MR. PRAK DOEUN:

17 A. (Microphone not activated).

18 THE KHMER INTERPRETER:

19 The interpreter does not get the response from the civil party.

20 BY MS. GUISSÉ:

21 Q. <> Could you please <repeat the translation, the interpreters
22 did not hear your response?>

23 MR. PRAK DOEUN:

24 A. When my wife arrived, she was assigned to grow vegetables at
25 the cooperative where I lived.

1 [11.11.25]

2 Q. At 18 minutes past 2.00 yesterday, and then once again at
3 around 2.26, you said that during the day you worked in different
4 places, <but> then in the evening, you met together. And I
5 believe I understood <you said> that you were the only one in the
6 fishing unit -- you can make this clear to me -- who was
7 authorized to get together with your family <> in the evening; is
8 that right?

9 A. No, that is not correct. Because we came together with other
10 families and it was not just for my family alone. But we were
11 assigned to work at different locations and sections; for
12 example, the farming and the fishing unit. <Some people made
13 bamboo sheets for fishing.> And there were only three or four
14 people in charge of us all.

15 Q. All right. So everybody was allowed to meet up with their
16 family in the evening; is that correct?

17 A. Yes, that is correct.

18 [11.12.52]

19 Q. Now let me turn to another point. It may have been clarified
20 already this morning, <but I want to be> sure. You said that at
21 one point, Comrade Hoem took you to task for having married a
22 woman of Vietnamese origin, <when> there were a great many
23 Cambodian women. Is it right that the only time she brought that
24 up was after the death of your wife? But before that, when your
25 wife and the rest of your family reached the island, nobody made

1 any particular comment of that kind; is that correct? Can you
2 confirm?

3 A. Yes, that is correct.

4 Q. To my colleague, Counsel Koppe, you said <earlier> that you
5 learnt from rumours <spread by villagers> that other mixed
6 families, with spouses of Vietnamese origin, lived on the island.
7 Did you see these families before the day when you were told to
8 leave the village? Or was it only when you all assembled to leave
9 the place that you actually saw these other people?

10 A. I didn't know from where they gathered those people; then we
11 were evacuated together. And later on, we <knew> one another. And
12 <it occurred to me that> there were seven families all together,
13 and <when they were called and taken away to be killed I found
14 out there were exactly seven families>.

15 [11.15.10]

16 Q. You <say,> "we got to know each other at a later stage". So am
17 I right in thinking that <the day when everyone was> assembled<,
18 that> you didn't yet know those other families?

19 A. Yes, that is correct.

20 Q. I'd now like to look at the question of these rumours about
21 Vietnamese infiltration. In your testimony, there was something I
22 didn't quite understand. How did you hear that there had been
23 Vietnamese infiltration into the country? Yesterday, you answered
24 the Deputy Prosecutor <at 15:50. by> saying that <there were> a
25 group of soldiers <that supposedly asked you questions on the

1 subject>. But let me ask you: was it these soldiers who, for the
2 very first time, raised the question with you of Vietnamese
3 infiltration?

4 A. No. Actually, I learnt from the cadres who were talking
5 amongst themselves, and I overheard them. They said that we would
6 be in trouble <soon> since the Vietnamese troops were now
7 <advancing on> the border. <They> didn't say anything <to the
8 people about this matter . They said to each other that they
9 should hurriedly find ways to escape. In fear of my life, I did
10 not dare to say any word.> I only kept listening to what they
11 said, and I did not know whether that was true or not.

12 [11.16.49]

13 Q. Which cadres are you talking about? <Which cadres did you
14 hear> talking about <the> Vietnamese arriving on the border?

15 A. I heard soldiers. They were pretty young. They were about 18
16 to 20 years old. They were talking among themselves when they
17 were passing me, <I was afraid of them,> so I <did not make any
18 inquiry about that. I only heard them saying a couple of words>.

19 Q. I <didn't understand that fully>. Are we talking about
20 soldiers or cadres from <your> cooperative? Could you please be
21 more precise?

22 A. I noticed that they were wearing the same black clothes, but
23 because they carried weapons, so I presumed that they were
24 soldiers and they were on duty <patrolling while I was making the
25 bamboo sheets for fishing>. And they were speaking to each other,

1 that the Vietnamese troop was approaching the border. <I was so
2 excited and thought I would soon be freed from all misfortunes.>
3 And that was all I heard.

4 [11.18.08]

5 Q. Very well. And when you raised the matter of questions <with
6 the Co-Prosecutor yesterday,> that the soldiers might have asked
7 you about <the possible presence of> Vietnamese in <your>
8 cooperative<,> were you talking about these soldiers or other
9 <soldiers>?

10 A. No, I did not refer to the cadres. I referred to the soldiers
11 who were on duty, and they were passing by me. And I overheard
12 them speaking about that. They didn't come and tell me that
13 information.

14 Q. <I would like to know if perhaps a translation error has
15 occurred but> yesterday at 15.50.04, directly thereafter,> you
16 said that "they asked me if there were Vietnamese in <my>
17 cooperative, and I said I hadn't seen any". Was your answer
18 misunderstood?

19 A. I made two points, and the point that you just said was what I
20 referred to the position of the cadres in the unit. However,
21 regarding this conversation, I referred to a group of soldiers.

22 Q. I'm <> a little befogged here. Can you <then> talk to me about
23 the conversation <among> the cadres <that you heard --> was it
24 the cadres who asked you if there were Vietnamese within the
25 cooperative?

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1 A. Yes, that was the cadres who asked about the number of
2 Vietnamese people living there. And I didn't tell them anything
3 about the Vietnamese, as I was <caring about my life only. I only
4 cared about myself. I did not say anything about other people's
5 matter.>

6 [11.20.35]

7 Q. So,<I will ask the question once again,> which cadres are you
8 talking about? Who were the cadres who asked you <> questions?

9 A. It was Comrade Na who asked me that question.

10 Q. <Can you> tell us if Comrade Na is a man or a woman? And did
11 he or she work with Comrade Hoem?

12 A. Comrade Na, Comrade Hoem, <Kuon>, and Comrade Ruos were
13 working together in the cooperative. And Comrade Na was the one
14 who asked me that question.

15 Q. These cadres you have just named, were <they> responsible for
16 the agriculture unit that your wife was working in as well?

17 A. Yes, that is correct.

18 Q. A while ago, you said that your mother-in-law came to live
19 with you on the island. Was she also working in the cooperative?

20 A. No, she was looking and taking care of the <grandchildren in a
21 boat house>, including my one and a half year old child. <Old
22 people were assigned to look after the boat and grandchildren.>

23 [11.22.30]

24 Q. So these other cadres <that you named>, Na, Hoem and so forth,
25 did they know your mother-in-law? Had they seen her <already>

1 before?

2 A. Yes, they knew her very well in the cooperative, as she was my
3 mother-in-law. And they also knew my wife.

4 Q. This morning, <I'm not sure if this comes down to a
5 translation problem, I would like to clarify. You said that -- I
6 believe this is what one could hear from the French booth in any
7 case --> that you were considered to be a convincing person, and
8 <that is why> you were <at one point> then put in charge of a
9 fishing unit. So, do I understand <your testimony> correctly that
10 at a given point in time you were in charge of a unit or a group?

11 A. No, I wasn't. I was in charge of a group temporarily. They
12 didn't <give> any official <authority to me>. I was <just told
13 to> go and <work> together with <other> few men and look after
14 them when we were there. That was all.

15 [11.24.09]

16 Q. Looking after these people, what precisely did that mean?

17 A. For example, if we were assigned to cut some trees to make
18 poles, then I had to be responsible for achieving that task
19 within this group. <Then, I took the boats out with large nets to
20 do fishing.> And that was all. So usually I would be assigned a
21 provisional role to be in charge of a certain task or assignment
22 for that group.

23 Q. And was that while your wife and mother-in-law were still in
24 the cooperative?

25 A. Yes, that is correct.

1 Q. <We will> now talk about the moment when the mixed families<,
2 as you referred to at the time,> gathered together on the day
3 when you were separated from your family, and <you said,> if my
4 understanding is correct, you were told <to gather> together
5 <because you> were going to be sent elsewhere. I believe you said
6 that you left <-- if I properly recall your statement> -- and
7 this was at <15.25:29> -- you said that "we left at about 6
8 o'clock in the evening, and, <according to my estimations> we
9 reached the destination at half past 3.00". Is it correct then
10 that you walked through the night and reached the destination at
11 half past 3.00 in the morning?

12 A. I do not get your question. Please repeat it.

13 [11.26.32]

14 Q. Yesterday -- I'm <citing> what you said yesterday -- quote:
15 "We left at about 6 o'clock, and by my estimation, we reached our
16 destination at around half past 3.00." So my first question is:
17 What destination are we talking about here?

18 A. We left the cooperative at around 6 p.m. We were not forced to
19 walk faster, but because of the lack of food, and when we were
20 tired, when we reached an area where there was a pond, then we
21 were allowed to rest there. <We were not mistreated on the way.>
22 And by about 3.30 a.m. or 4 a.m., we reached an area where the
23 execution took place.

24 Q. You said that you didn't witness the execution because you
25 were somewhere else. <I would like to> come back to this precise

1 moment when the two groups separated. When that happened, where
2 did your group go to? Where did you stop for the night <on that
3 particular occasion>?

4 A. I was assigned to thresh rice <sheaves> when my wife was taken
5 to Tuol Roka. I was sent to Wat Melum.

6 [11.28.30]

7 Q. Wat Melum was how far away from the place you left at 6
8 o'clock in the evening?

9 A. It is my estimate the distance was about 20 kilometres from
10 the cooperative where I lived to Wat Melum. And we walked through
11 a patchy <and muddy> path. It was not a smooth road. We walked
12 until we reached the location where the killing took place.

13 Q. You <again> talked about Tuol Roka and the execution site. You
14 personally, apparently, were not present at the moment of the
15 execution, and then you said it was Comrade Hoem who told you
16 about this <the day after, did I understand your statement
17 correctly>?

18 A. Yes.

19 Q. Do you know what distance there is between Wat <Melum>, the
20 place where you were working <that day>, and Tuol Roka?

21 A. I can only give you an estimate, since I cannot know the exact
22 distance. I believe it was more than 10 kilometres from Wat Melum
23 to Tuol Roka.

24 [11.30.17]

25 Q. So you reached Wat Melum with the group -- that is, <with

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1 people who were> in your group, and who had been separated from
2 the <second> group. And there, were you received by the
3 cooperative chief of Wat Melum <upon arrival? Were> you still
4 being escorted by the two soldiers who you mentioned yesterday?

5 A. No, I was assigned to thresh rice <sheaves>. And I saw
6 soldiers hanging two CK rifles. And that was the way I was
7 assigned to thresh rice <sheaves>, and I did not dare to ask any
8 question by that time<, for I feared death>.

9 MS. GUISSÉ:

10 Mr. President, <I see that we> have reached 11.30. It may be the
11 time to take a break there. I <want to state that> that there
12 were 10 supplementary minutes <that I heard>. I'm going to be
13 very honest with you: I don't think <it's possible at all that> I
14 can finish in less than 20 minutes <given that> I have <the> two
15 written statements to bring up, or written documents, to raise
16 with Mr. Prak Doeun, and I wanted simply to put my cards on the
17 table and tell you that I will be needing <> more than 10
18 minutes.

19 MR. PRESIDENT:

20 Thank you, Counsel. The time is now convenient for us to take our
21 lunch break. We will take a break now and resume at 1.30 this
22 afternoon.

23 Court officer, please assist the <civil party by providing him
24 with a room to rest at the waiting room reserved for witnesses>
25 during the lunch break, and invite him as well as the TPO staff

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1 back into the courtroom at 1.30 this afternoon.

2 Security personnel, you are instructed to take Khieu Samphan to
3 the waiting room downstairs and have him returned to attend the
4 proceedings this afternoon before 1.30.

5 The Court is now in recess.

6 (Court recesses from 1132H to 1332H)

7 MR. PRESIDENT:

8 Please be seated. The Court is back in session.

9 And the Chamber now hands over the floor to the defence team for
10 Mr. Khieu Samphan to resume questioning.

11 BY MS. GUISSSE:

12 Thank you, Mr. President. <Hello again>, Mr. Prak Doeun. We are
13 <reaching the final stretch of> your examination. When we stopped
14 this morning you were talking about the assembly of mixed
15 families and the fact that you were led to a particular location
16 and then you were split into two groups and your group went to
17 Wat <Melum>, whereas the other group, from what you were able to
18 find out, went towards Tuol Roka. You stated that Wat <Melum>,
19 the place you were transferred to at the time, was approximately
20 10 kilometres from Tuol Roka. My question to you therefore is as
21 follows<:> How far was the location where the two groups were
22 separated from Tuol Roka and from Wat <Melum>?

23 MR. PRAK DOEUN:

24 A. Could you repeat your question, since I do not get it?

25 MR. PRESIDENT:

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1 Please, Counsel, repeat your question. He does not get your
2 question. I do not know whether there is any glitch in relation
3 to his equipment.

4 BY MS. GUISSÉ:

5 Q. Can you hear me, Mr. Prak Doeun? Can you <> understand what
6 I'm saying <now>?

7 [13.34.59]

8 MR. PRAK DOEUN:

9 A. Yes, I could hear you clearly. A while ago I was listening to
10 the foreign language channel.

11 Q. Yes, I understand. Let me put my question to you again. You
12 talked about the place where the two groups that had left the
13 cooperative were separated and you stated that you and your group
14 went towards Wat <Melum> and the other group went towards Tuol
15 Roka where you were subsequently told that executions had been
16 carried out. My question to you is as follows; at the location
17 where the two groups were separated, would you know how far that
18 place was from Tuol Roka for a start?

19 [13.36.02]

20 A. Regarding the distance from Melum to Tuol Roka <pagoda>, it
21 was about 10 kilometres away. I was asked to be stationed on the
22 way towards Melum area and later on I was assigned to thresh the
23 rice <sheaves> about 500 metres away from that area.

24 Q. Very well, perhaps I was the one who wasn't clear. <You>
25 talked about the place where the soldiers accompanying you

1 separated the group into two groups. My question is as follows,
2 how far was that place from where you were separated from Tuol
3 Roka?

4 A. We were divided into groups and my wife was sent away <> from
5 the place where we stopped, it was about 10 kilometres away from
6 that area and for me I was sent to another direction which was
7 about 500 metres away from the stop point.

8 Q. When you say 500 metres from where you had set out, which is
9 what I understood from the interpretation, do you mean the place
10 where the two groups <were> separated was located at a distance
11 of 500 metres from where you were supposed to take care of rice?

12 A. Yes, that is correct.

13 Q. So you stayed put, 500 metres away from where you were
14 separated <in any case>, and the <second> group <was> 10
15 kilometres away from you and that is why you were not able to
16 know what happened subsequently, <apart from what you were told,
17 have I understood correctly>?

18 [13.38.35]

19 A. Yes, that is correct.

20 Q. The other question is as follows. Since you have pointed <out>
21 that <this new location where> you were sent <> to take care of
22 rice supplies was 20 <kilometres> from the cooperative where you
23 were, did the soldiers who accompanied you to that location stay
24 with <you> at that location or they left with the second group or
25 again they went somewhere else, do you know?

1 A. Let me make a clarification. <The soldiers, female comrades
2 and boys divided when we> actually were separated at the place
3 where we first stopped. At the time it was dark so I did not know
4 where they were going.

5 Q. Very well, my question to you therefore is as follows, who
6 told you that the second group went to Tuol Roka, who told you
7 that?

8 A. <Comrade Hoem said that some> people <> were sent to Tuol
9 Roka. When I came to thresh rice <sheaves, I assumed> that
10 perhaps those people had been sent away and killed and concerning
11 the distance from the stop point where the second group was sent
12 to Tuol Roka it was about 10 kilometres away from the stop point,
13 this was my estimate.

14 [13.40.38]

15 Q. My question was, who told you that the second group had gone
16 to Tuol Roka, who is the person or who are the persons who told
17 you that the second group had gone to Tuol Roka?

18 A. Comrade Hoem told me that my family perhaps had been sent away
19 to Tuol Roka and as I said it is <estimated> that the place where
20 my family had been sent to was about 500 metres away from the
21 place where I was sent to thresh the rice <sheaves>.

22 Q. Well, Mr. <Witness -- Mr. Prak Doeun, my apologies>, I am
23 lost because a while ago you stated that the distance from where
24 you threshed rice and the place where you were separated from the
25 other group was 500 metres and that Tuol Roka where executions

1 were allegedly carried out, from what you said, was 10 kilometres
2 away. Please tell me <exactly> which of the versions is the
3 correct one <if I am understanding your statement correctly>?
4 [13.42.10]

5 A. Let me clarify. The group <was> divided into two and <> my
6 estimate <was> that my wife had been sent to Tuol Roka and it was
7 about 10 kilometres away from the first stop point and compared
8 to the first point and the place where I was asked to thresh rice
9 <sheaves>, it was about 500 metres away.

10 Q. I take it then, Mr. Prak Doeun that it was Comrade Hoem who
11 told you of your wife's death and that of your child. And in
12 answer to a question put to you<, I believe> by the International
13 Co-Prosecutor, I believe, and that was yesterday between 2.30 and
14 2.32 p.m. and this is what you stated,
15 "While I was in charge of rice I heard the unit head say that
16 they had been smashed." When you talk of the unit head, are you
17 referring to Comrade Hoem?

18 A. Yes, it was <Hoem> who told me<. She said that my wife had
19 been smashed, and she> advised me not to be interested in <that,
20 but to remain firm to continue serving the revolution. That> was
21 <her> advice.

22 Q. So that is what Comrade Hoem ,who> told you but if I
23 understand you correctly, at that particular time you were in Wat
24 <Melum>, which was another cooperative. Can you therefore explain
25 how come Comrade Hoem, who was at the cooperative you had left,

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1 which was 20 kilometres away from where you were, was at Wat
2 <Melum> cooperative in the morning? Can you explain that to <me>?
3 [13.44.49]

4 A. <She >went the day before. In fact <she> was in charge of the
5 cooperative, however <she> arrived at the place where I was asked
6 to thresh rice <sheaves> a few days before I arrived. <She> only
7 told me at that time and advised me not to miss my family because
8 family members of mine had been sent away and killed. My apology,
9 Mr. President, if I have answered -- not correctly to the <point
10 because I am confused now>.

11 Q. I agree with you. Perhaps the interpreters ,<should note> that
12 Comrade Hoem was a woman. So <she was> sent to Wat <Melum>, that
13 is where you <met her> and that is where you obtained information
14 on what had happened. In an answer to a question put by the
15 Co-Prosecutor and you, <and I believe> my colleague Koppe a while
16 ago <confirmed,> that you heard that a certain <Born>, an
17 apparently well-known executioner was <allegedly involved in <>
18 your family members' death>. Was it Comrade Hoem who gave you
19 that information?

20 [13.46.33]

21 A. No, <she> was not the executioner. <Comrade> Born was very
22 notorious <for> killing people <in Baribour district>. Wherever
23 there were <people to be killed, they would be sent to> Comrade
24 Born <to execute. He was the chief executioner. Those who
25 committed offenses and said wrong words were sent to Comrade Born

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1 to be killed. He had two bodyguards, but I knew neither of them.
2 Whenever people reached him,> Comrade Born would <kill them right
3 away. However,> I did not witness the actual acts of killing by
4 Comrade Born but it was said <people were sent to> Comrade Born<,
5 the executioner, to be killed>.

6 Q. Here again, Mr. Prak Doeun, I am sorry, I know it is <>
7 complicated but please pay particular attention to my questions
8 and my question was as follows. Was it Comrade Hoem who told you
9 of Born's involvement in the killings of your family members as
10 <he> related that <to> you -- was she the person who talked of
11 Comrade Born?

12 [13.47.48]

13 A. Comrade Hoem told me of that information as I told the
14 President. Actually<, I have repeatedly told the Chamber that
15 she> advised me not to miss my family members since my family
16 members had already been smashed <by Angkar. She> advised me to
17 focus on <working hard for Angkar, the Party and collectivism>. I
18 was silent at the time. <I neither said nor responded to her.>
19 Once again Comrade Born was very notorious <throughout Baribour
20 district> since it was said that he was the one who would <> kill
21 people<, who were sent to him>.

22 Q. I'm sorry, I'll have to ask the question for the last time
23 <because it's not clear to me> and I would like you to answer
24 with a yes or a no<, if that is possible>. Was it Comrade Hoem
25 who told you that Born was the person in charge of the killings

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1 of your family members, yes or no?

2 A. No, it was not <Hoem> who told me.

3 Q. So she was not the one who told you, can you tell me who told
4 you of the supposed involvement of Born in those killings?

5 A. Actually it was not Comrade Born who killed my wife. It was a
6 rumour <-- spread among people working in the units and some who
7 passed by and spotted his area --> that wherever there were
8 killings <to take place>, Comrade Born would be there to perform
9 the duty.

10 [13.49.45]

11 Q. Very well. As part of the proceedings before this Chamber you
12 had to fill forms as part of your application to be a civil
13 party<, and> in document <D22/2759/1,> which only exists in one
14 language, that is English, and the ERN 00556210. There is a box
15 in which it is stated in English, alleged to be responsible, that
16 is, the persons you indicated as being responsible for your
17 sufferings as a civil party and you mentioned Comrade Ruos, head
18 of unit and <he> is head of the cooperative you referred to a
19 while ago. Can you tell the Chamber very briefly what he was in
20 charge of, from what you know?

21 A. When I first arrived, Comrade Ruos was the one who was in
22 charge in all the tasks <supervising the units and the
23 cooperative>. Later on there were three other comrades <coming
24 in. As for me, they did not tell me what role I would play. But,
25 there> were <four> cadres <in charge of the cooperative>, there

1 were three <female> and one <male> cadres.

2 Q. Do you consider Ruos as the person <who killed> your family
3 members?

4 A. I did not consider that he was the one who killed my wife. <He
5 was the responsible person. And,> he was the one who ordered the
6 relocation of the seven families. <He asked other people to take
7 those families away. But, I did not know instructions he gave to
8 those people.> I feel pity on him however.

9 [13.52.31]

10 Q. You also stated in the same box Comrade Hoem, group leader,
11 <you told us about> him<. Do> you consider him as the person
12 responsible for the <disappearance of> your family members?

13 A. I do not consider any one of them to be the killers. I was an
14 ordinary citizen at that time and I did not know who <> committed
15 the killings.

16 Q. So if I understand your answer correctly, it is the same for
17 Comrade Na, Kuon and Born.

18 A. Yes, that is correct what you said.

19 Q. I would like us to briefly revisit the issue of marriages. I
20 <believe I> understood you told my colleague that the reason why
21 you were allowed to speak at at least one marriage ceremony, it
22 was because you were a good speaker and you were persuasive and
23 you said although you were not the chief, you were the <acting
24 head of groups or rather the members of your> fishing unit <>.
25 Can it be said that you <were trusted by> the cadres <of your

1 cooperative and the unit in which you were working>?

2 [13.54.47]

3 A. I was not fully trusted however I was tasked with mobilising a
4 few work force namely 10 <or 20> people to the area. <That's all.
5 All tasks were handled by the cadres.>

6 Q. Yet in answer to a question put to you by my colleague a while
7 ago, you said that Ruos regularly asked you to participate in
8 marriage ceremonies, can you tell us whether that happened once
9 or several times?

10 A. I had attended one wedding ceremony. At that time I was going
11 to cut the poles and when I came back I was invited to attend one
12 wedding ceremony. <I was asked to give a speech to married
13 couples during that wedding ceremony.>

14 Q. Was that ceremony at which you saw 20 to 30 couples being
15 married and <if> I understand <correctly,> that that was the only
16 marriage ceremony <> you <attended and during which you> took the
17 floor and delivered a speech?

18 A. I was told that there <were> 25 couples in the wedding
19 ceremony. <That's the only event in which I was asked to give
20 remarks. It's about two or three minutes> and later on I was
21 asked to go back to the place where I worked <on making> the
22 poles.

23 Q. I'm sorry, Mr. Prak Doeun, my question was whether you can
24 confirm whether that that was the only ceremony you <attended>
25 and the only ceremony in which you <gave a speech>?

1 A. I attended one wedding ceremony only.

2 [13.57.09]

3 Q. We're coming to the end of my questions on this witness; that
4 is for the Chamber. I would like us to look at another document
5 <together> which is on the case file and that is your <ECCC>
6 civil party application form and the number is E3/4989. This is
7 the document that was provided to the ECCC and it is the basis on
8 which the Co-Investigating Judges inter alia admitted your civil
9 party application and when you look at the last pages in Khmer,
10 the date is 15th August 2009. My first question to you is,
11 whether you remember having met anyone who assisted <you> in
12 filling out a civil party application form to enable you to
13 participate in this Trial and to whom you may have related your
14 life experiences? Do you recall having signed and put your finger
15 prints on <such a> document dated 15th August 2009?

16 A. At the beginning, as I said, I was not aware of the fact that
17 there were killings and <at that time, my memory was partly good
18 and partly bad.> I cannot recall whether at the time I had put my
19 finger print.

20 [13.59.25]

21 Q. I beg your pardon, Civil Party, without recalling whether you
22 had to put your finger prints on that document, do you recall,
23 <before having met> Lawyer Ms. Lyma Nguyen, who put questions to
24 you yesterday? Before meeting her and another counsel, do you
25 remember meeting other persons who assisted you in filling out

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1 your civil party application form to enable you to participate
2 <as a civil party> in this Trial, does that ring a bell to you?

3 A. Initially there was one person or perhaps two persons coming
4 to my house to seek for information. <Lima came to meet me. Then,
5 they called me to meet them> in Kampong Chhnang province.

6 Q. And for purposes of precision, do we agree that <your counsel,
7 Lyma Nguyen, did not at that point figure among> those persons <>
8 but others, who helped you to fill out that form. <Are we in
9 agreement?>

10 A. I agree <>.

11 Q. My question was whether you do remember whether those persons
12 <> introduced themselves as members of an organisation or the
13 staff of the Tribunal? Do you remember whether those persons were
14 different from your current counsel?

15 A. I was not told where they were from instead I asked them where
16 they were from and in their answer <they> said they wanted to
17 know how many family members including my wife were killed.

18 [14.01.35]

19 Q. So you mean that these people didn't introduce themselves and
20 they didn't tell you why they were asking the questions <nor>
21 that it was part of participation in the Trial before the ECCC?

22 A. Yes, that is true. I, at the beginning -- after a while of
23 chit-chatting, I realised that they wanted to <know> what
24 happened to my family members.

25 Q. But did these people at any stage tell you that the document,

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1 <of which's content> you said you agreed with, was going to be
2 used <to allow you to participate> in this present Trial<. Was>
3 that point of information put across to you?

4 A. No, they did not. They told me <that> I would be sent to the
5 court and I was afraid that I would be punished. <I always have
6 this fear.>

7 [14.03.07]

8 Q. In <this> document, French ERN, 00891035; in Khmer, 00556217;
9 and in English, 00891032; it says the following about your
10 transfer to Kaoh Ta Mov.

11 "After two weeks they said that they were looking for people who
12 knew how to fish, I said that I could do that. So they
13 transferred me and my wife and children to the village of Kaoh Ta
14 Mov, <Kampong Preah Kokir commune,> district of Baribour, where
15 we had to use nets to catch fish in the river and supply the
16 cooperative with food." <End quote.>

17 My <first> question is; is it true that people asked who was
18 capable of fishing and you said you could and <that was>
19 therefore <how> you were transferred?

20 A. Yes, that is correct.

21 Q. In the extract I <just> referred to, it says that, "I was
22 transferred with my wife and children", and the impression one
23 gets is that everybody left at the same time, is that true or was
24 it, as you said in the hearing, that your wife and children
25 joined you a year later?

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1 [14.05.19]

2 A. I was sent there first and I don't know -- several months
3 later my wife was sent to unite with me after I made my request.
4 But I went there earlier.

5 <Q. (No interpretation)>

6 MR. PRESIDENT:

7 Deputy <International> Co-Prosecutor, you have the floor.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President. I don't want to interfere with the
10 questioning by the Defence but yesterday you gave us 20 minutes
11 and we respected the time we were given. I stopped at 4 o'clock
12 precisely. There were <additional> questions that I would <have
13 liked> to have asked and there were matters that were still not
14 clear for the civil party but I could not go into those issues
15 and now we have been going for 35 minutes since lunch time and
16 the Defence had asked for 20 minutes. I'm rather wondering how
17 much longer <she is> going on for and I believe that the rules
18 handed down should be respected on both sides of the Chamber.
19 <That means respecting the time allotted by the Judges.> Thank
20 you.

21 [14.06.43]

22 MS. GUISSÉ:

23 Mr. President, yesterday I did mention to the Chamber that I
24 would need more time than the amount that is normally allocated.
25 I believe that the Chamber is used to the Khieu Samphan's defence

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1 not asking questions that have already been put <by the other
2 parties when we consider that they have been answered clearly.
3 Here> we're in bit of an exception, here we have a <witness or --
4 a> civil party whose written statements, and I'm right at the
5 heart of this part of my questioning, whose written statements
6 <do not necessarily>--

7 MR. PRESIDENT:

8 I think you're almost running out of your time, why there is a
9 need to debate about a time now. Anyway, I'll give you five more
10 minutes.

11 MS. GUISSÉ:

12 Q. Mr. <Witness -- Mr.> Prak Doeun, in ERN <00891033 in
13 English>, and the same as before in the other languages, you say
14 that in this document:

15 "One <day,> Comrade Kuon <summoned> me and asked me if I wanted
16 to leave with my wife<. 'If you do not want to do so, <you shall>
17 collect rice bundles in the rice field <and your> wife <has to>
18 be separated from <you> and sent to work in another place.'" My
19 question is this, is it correct that Kuon talked to you about
20 your transfer <yes or no>?

21 [14.08.41]

22 MR. PRAK DOEUN:

23 A. Yes, that is correct.

24 Q. And do you know if it is also Kuon who assembled the other
25 couples?

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1 A. I did not see it with my own eyes. <> I asked <her> for my
2 child to be with me but <she> said no, and later no and later on
3 <she> said that my wife and child had been executed.

4 Q. Excuse me, Mr. Prak Doeun, but I do have <a> very limited
5 amount of time so please answer the question directly. <Still> in
6 the same document 00891036; and in the English, ERN 00891034; and
7 in Khmer, 00556218; it says that:

8 "Each time there was <a> communal wedding ceremony; I would be
9 invited by the Khmer Rouge unit chief, Ruos, to attend<, whereas>
10 I was just <an ordinary> citizen <and> had no position in that
11 regime but <he> regarded me as the most knowledgeable man in my
12 unit."

13 So when you read that paragraph, it does sound to me as if you
14 attended several collective marriages. Can you therefore confirm
15 to me that you only attended one?

16 [14.10.33]

17 A. I attended only one event.

18 Q. In <a last> document E3/5632, which is an additional statement
19 by you with a note saying that it was prepared after an interview
20 with your lawyer and with a French lawyer, dated <22 November>
21 2010, it says that in <ERN> 00899195 in French; Khmer, 00901538;
22 and I don't have the English <ERN>, yes I do, 00678294; so in
23 this document what you say about the time when you learnt <--
24 about how you learnt> about the death of your family is the
25 following:

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1 "I didn't see my wife being killed because I had been taken
2 somewhere else. <Half> an hour later the unit chief came to see
3 me and said, "Your wife and your in-laws are dead, we've killed
4 them. We kill all the Vietnamese." Now, my question is, was it
5 the next day or half an hour later that this <group> chief came
6 to see you?

7 [14.12.25]

8 A. I was told when <she> came to see me at sunrise, that my wife
9 and child had been smashed. <I was still threshing the rice
10 sheaves at that time.>

11 Q. On the same page, <it is written that> you say that:

12 "The person who brought me this information was Mit Hoem, I think
13 that is the murderer of my wife and my children who can also show
14 us where their remains are." <End quote.>

15 Is it true that you said to your lawyer as part of your interview
16 on that day that you believe that it was Mit Hoem, Comrade Hoem
17 who was responsible for the death of your wife and children?

18 A. In fact, I was told that my wife and child had been smashed
19 but <she> didn't mention that who was the executioner <or whether
20 she killed them herself, for I did not witness it.>

21 [14.13.31]

22 Q. Well the document says, "I think <she> is the murderer of my
23 wife and children." Is it true you said that?

24 A. Yes, that's what I concluded because I did not know at that
25 time what on earth <she> came to tell me about the killing of my

1 wife and child.

2 Q. <Lastly, on the last page, in> the French ERN, 00899196;
3 English, 00678295; and Khmer, 00901539; it says:

4 "Before the execution of my wife and children before <1978>, I
5 was not aware of other executions of Vietnamese apart from the
6 five or six <other> families who were killed in 1978 because they
7 were Vietnamese. I don't know if other executions occurred for
8 the same reasons."

9 Do you confirm that statement?

10 A. Yes I maintain my statement.

11 [14.15.02]

12 Q. Last question. Same ERNs in French and English, and in Khmer,
13 ERN 00901538; after the exchange with your lawyer it says:

14 "In 1977, I had to organise forced marriages; I had received the
15 order to organise collective marriages of 20 to 25 <couples>."

16 The question I'm asking you is <therefore> whether or not you did
17 in fact organise forced marriages, in the plural, and if you
18 received an order to organise <these> forced collective
19 marriages.

20 A. As I stated repeatedly I was called only once and since
21 yesterday I have told the court everything, I do not have
22 anything else to add to what I have testified so far.

23 MS. GUISSÉ:

24 I have no further questions, Mr. President. And I thank you for
25 the <additional> time that was given to me<.>

1 [14.16.28]

2 MR. PRESIDENT:

3 Thank you. And Mr. Prak Doeun, as I informed you, towards the
4 conclusion of your statement you may make a victims impact
5 statement regarding the crimes committed upon you during the
6 Democratic Kampuchea regime <under the reign of> the current two
7 Accused, Nuon Chea and Khieu Samphan, and which led you to file
8 your civil party application to claim collective and moral
9 reparations for physical, material or mental injuries as direct
10 consequences of those crimes <that still exist today>. If you
11 wish to do so, you have the floor now.

12 MR. PRAK DOEUN:

13 My respect to, Mr. President, Your Honours, and all the people in
14 the courtroom. I have been in too much pain for the loss of my
15 wife and children, for the loss of my property including my
16 house. I lost everything. I lost both the children and the wife
17 and I want, Your Honours, to find me justice to provide
18 reparation to me. I almost became crazy for the suffering that I
19 received. I do not wish to make any major reparation claim.
20 However I want something as a legacy <and a history> of what
21 happened to me so <> I want to ask for a Stupa <to keep the
22 remains of those who died> as a symbol of the loss of my wife and
23 my children. Thank you, Mr. President,<> can <you help me to get
24 what I am asking for? I have so much pain and I want to end my
25 life right here and now>.

1 [14.19.00]

2 MR. PRESIDENT:

3 Thank you and do you have any questions that you wish to put to
4 the Accused. If you have you can do it however you can do it
5 through me, the President of the Chamber, you cannot put
6 questions directly to the Accused.

7 MR. PRAK DOEUN:

8 I do not have any questions to the Accused. I only have my
9 statement to make that so far I have almost lost my mind<. I want
10 to ask the royal government of Cambodia and the Chamber to find a
11 solution for me. Now, I have mental problem> and that's mainly
12 due to the suffering I received during the regime and the loss of
13 my wife and children. <I have no further comment.>

14 [14.19.57]

15 MR. PRESIDENT:

16 Thank you, Civil Party, for your testimony as well as the victim
17 impact statement for the crimes that you claimed you suffered
18 under the Democratic Kampuchea<. Your testimony> has now
19 concluded and your testimony can contribute to ascertaining the
20 truth in this case. You may therefore be excused from the
21 courtroom and you may return to your residence or wherever you
22 wish to go to. The Chamber wishes you all the very best.
23 And the Chamber would also like to thank Mr. <Lim Bunhuor>, the
24 TPO staff, for your support provided to this civil party. You may
25 also be excused.

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1 And Court officer in collaboration with WESU please make
2 necessary transportation arrangement for Mr. Prak Doeun to return
3 to his residence or wherever he wishes to go to.

4 (Short pause)

5 [14.21.29]

6 Court officer, please usher the next Witness, that is, 2-TCW-886,
7 into the courtroom.

8 (Witness enters courtroom)

9 [14.22.00]

10 QUESTIONING BY THE PRESIDENT:

11 Q. Good afternoon Madam Witness, what is your name?

12 MS. SAO SAK:

13 Good afternoon, Mr. President. My name is Sao Sak.

14 Q. Thank you, Madam Sao Sak. When were you born?

15 A. No, I <don't remember>. I forget it.

16 Q. How old are you this year then?

17 A. I am 62 years old.

18 Q. Where were you born?

19 [14.24.36]

20 A. I was born in Anlong Trea village

21 <Q. Where is your present commune?

22 <A.> Preaek Chrey commune, Kampong Leav district, Prey Veng
23 province.

24 Q. And where is your current address?

25 A. I still live in Anlong Trea village, Preaek Chrey commune,

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1 <Pou Rieng (sic)> district, Prey Veng province.

2 Q. What is your current occupation?

3 A. I am dry season rice farmer.

4 [14.24.36]

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

6 A. My father is Pung Sao and my mother is Heng Nam, both are
7 deceased.

8 Q. What is the name of your husband and how many children do you
9 have together?

10 A. My husband is Khong Sum, we have seven children altogether and
11 of course my name is Sao Sak. My husband passed away 10 months
12 ago.

13 Q. Madam Sao Sak, the greffier made an oral report this morning
14 that to your best knowledge you have no relationship by blood or
15 by law to the two Accused, Nuon Chea and Khieu Samphan, or any
16 other civil party admitted in this case. Is that information
17 correct?

18 A. Yes, that is correct.

19 Q. Have you taken an oath before the Iron Club statue before your
20 appearance now?

21 A. Yes, I have.

22 [14.26.02]

23 Q. The Chamber would now like to inform you of your rights and
24 obligations as a witness in the proceedings before this Chamber.

25 Regarding your rights, as a witness in the proceedings before the

1 Chamber you may refuse to respond to any question or to make any
2 comment which may incriminate you, that is your right against
3 self-incrimination. As for your obligations as a witness in the
4 proceedings before the Chamber, you must respond to any questions
5 by the Bench or relevant Parties except where your response or
6 comment to those questions may incriminate you and also as a
7 witness you must tell the truth that you have known, heard, seen,
8 remembered, experienced or observed directly about an event or
9 occurrence relevant to the questions that the Bench or Parties
10 pose to you.

11 Madam Sao Sak, have you ever been interviewed by the investigator
12 of the Office of the Co-Investigating Judges, if so, when and
13 where?

14 [14.27.34]

15 A. They came to interview me in my village.

16 Q. Do you recall when and how many times?

17 A. It happened quite a long time ago, I cannot recall it.

18 Q. And how many times have you been interviewed?

19 A. It happened only once.

20 Q. And before you appeared before the Chamber have you read,
21 reviewed or had it read aloud to you, the written record of your
22 interview with that investigator in order to refresh your memory?

23 A. Yes, I read it.

24 Q. And to your best knowledge can you tell Chamber whether
25 the written record of your interview, that you have read in order

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1 to refresh your memory, is consistent with what you provided to
2 the investigator?

3 A. Yes, it is consistent.

4 [14.29.03]

5 MR. PRESIDENT:

6 Pursuant to Rule 91(bis) of the ECCC Internal Rules, the Chamber
7 will hand the floor first to the Co-Prosecutors before other
8 Parties and the combined time for the Co-Prosecutors and the Lead
9 Co-Lawyers for civil parties is two sessions. You may proceed.

10 QUESTIONING BY MR. SENG LEANG:

11 Thank you, Mr. President. Good afternoon, Mr. President, Your
12 Honours, and everyone in and around the courtroom. My name is
13 Seng Leang, the National Deputy Co-Prosecutor and I would like to
14 put some questions to you Madam Witness.

15 Q. And my first question to you is about your <background> before
16 1975, where did you live before that?

17 [14.30.07]

18 MS. SAO SAK:

19 A. Before 1975, I was living in Anlong Trea village, Preaek Chrey
20 commune, Peam Ro <(sic)> district, Prey Veng province.

21 Q. Thank you. Were there any Vietnamese living in your village at
22 that time?

23 A. From 1969 to 1971, there were Vietnamese living <sporadically>
24 in Lvea Aem <(sic) district>, however there were only a few
25 living in Prey Veng and later on they all had been evacuated.

1 Q. What about in your Anlong Trea village, <how many> Vietnamese
2 <families> living there before 1975?

3 A. I do not know about that.

4 Q. Can you tell the Court how people in your area <were>
5 distinguished the difference between the Khmer people and the
6 Vietnamese people?

7 A. The distinction they can see, is that, for example, in my
8 village you would see half bred children for example or a mixed
9 marriage<. Some children had> Cambodian <fathers while others
10 had> Vietnamese <fathers>.

11 Q. How about their accent, I mean how is it different in relation
12 to accents of Khmer and Vietnamese people?

13 A. We can recognise Vietnamese accents since they speak
14 differently from Khmer people.

15 Q. When did Khmer Rouge come to take control of your area?

16 A. They came to control the area in 1975<.>

17 [14.33.01]

18 Q. Before their arrival and after their arrival in 1975, were
19 there any differences of the treatment between on the Khmer and
20 the Vietnamese people?

21 A. I do not get your question, Mr. Co-Prosecutor.

22 Q. I want you tell the Court, since you said that there were
23 Vietnamese in your area before 1975, can you tell the Court, how
24 the Base People regarded Vietnamese people, were there any
25 differences in treatment on the Vietnamese people before 1975 and

1 after 1975?

2 A. Before 1975, we had normal relationship. Later on<, people
3 were evacuated and they> were sorted out, and Vietnamese people
4 were sorted out <and gathered> during the time.

5 [14.34.19]

6 Q. I want you to tell the Court; concerning Vietnamese people, in
7 which particular location did Vietnamese people live?

8 A. <They> were living, mixing up with Khmer people.

9 Q. I want you to tell the Court about your mother, what was her
10 nationality?

11 A. My mother was half-blood Vietnamese.

12 Q. Did she have any relatives and siblings living within your
13 area?

14 A. No. I did not see her relatives or siblings living in the area
15 since I was born.

16 Q. Thank you, Madam. And after 1975, where did you and family
17 live?

18 A. I lived in Anlong Trea village, Preaek Chrey <commune, Peam Ro
19 (sic) district,> Prey Veng province.

20 Q. Were there any Vietnamese people or children living in your
21 area after 1975?

22 A. There were a few families living in my area after that time.

23 Q. Did you know them?

24 A. Yes, I did.

25 Q. Can you tell their names to the Court?

1 [14.36.49]

2 A. The father's name <was> Neang Nat and there was an individual
3 Van Mao.

4 Q. Can you tell the Court when you <got> married and when <> you
5 <had> children?

6 A. I got married in 1969.

7 Q. How many children did you have by 1975?

8 A. I had three children by that time.

9 Q. Thank you, Madam Witness. Coming back to your mother, what did
10 she do during the Democratic Kampuchea?

11 A. She worked in a cooperative and she was tasked with
12 baby-sitting.

13 [14.38.14]

14 Q. She was assigned to look after children and babies, was she
15 working with other people taking care of children and babies?

16 A. There was a group of five to 10 people taking care of children
17 and babies.

18 Q. Concerning the group of people who were taking care of
19 children and babies, were there any of them Vietnamese or
20 half-blood Vietnamese?

21 A. No, it was only my mother who was half-blood Vietnamese.

22 Q. During the Khmer Rouge time, what happened to your mother?

23 A. Later on, my mother was invited and called into a meeting.

24 Q. When was she invited to a meeting?

25 A. It was during the time when she was taking care of babies and

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1 children and at that time when she was called to the meeting, she
2 took my daughter who was her granddaughter with her.

3 Q. When did that happen?

4 A. It was in 1978, <1979>, when my mother was invited to the
5 meeting. I cannot tell you whether it was the exact year.

6 Q. Can you tell the year again, since I did not get it a while
7 ago, what year was it, was it in 1978 or 1979?

8 A. I cannot recall the exact year when she was called into a
9 meeting.

10 [14.40.57]

11 Q. There is a document E3/7780, Khmer ERN, 00233296; English,
12 00235511 - 12; French ERN, <00250600 to 01> . You stated that,
13 you made mention about the event of So Phim<. You said that after
14 that event> your mother was called into a meeting. Did this
15 refresh your memory?

16 A. It is true what you said.

17 Q. Can you tell the Court who invited your mother to a meeting?

18 A. I did not know for sure at that time who came to invite my
19 mother to a meeting. I learnt the information from a militiaman.

20 Q. What was the militiaman's name and what did she or he tell
21 you?

22 A. It was Khon who told me that my mother was called into a
23 meeting in <Krasar Pha'eul (phonetic) village in the southeast of
24 Anlong Trea village>.

25 [14.43.03]

1 Q. Was she detained or was she actually invited to a meeting, can
2 you clarify this point?

3 A. She was detained and at that time I went to bring back my
4 daughter and they granted me the request to get my daughter back.
5 After that time <my mother> disappeared, I do not know where she
6 went.

7 Q. What kind of mistakes did she commit, that <led> to her
8 detention?

9 A. I do not know about that. Anyone who was related to Vietnamese
10 origin would be taken away and killed that is what I learnt.

11 Q. When was the last time that you met your mother?

12 A. It was at 9 p.m., I was told that my mother had been taken
13 away and then I went to see my mother for the last time, she
14 consoled me <by telling me> not <to> think of her since she was
15 getting old and at the time I realised that she would be taken
16 away and killed and a few minutes later I took my daughter back
17 home.

18 Q. Where did you meet your mother at the time, can you tell the
19 Court the exact location when you met your mother?

20 A. It was Krasar <Pha'eul> (phonetic) village where there was a
21 <camp> and that area consisted of villagers <from Preaek Chrey
22 village> who were living and working in <the dry season rice
23 fields in a cooperative>.

24 [14.45.41]

25 Q. Does this mean that you met your mother in Krasar < Pha'eul>

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1 (phonetic) village, is that true? What did you discuss with your
2 mother at the time?

3 A. I did not say anything. I only submitted the request to get my
4 daughter back and if I dared <not> chit-chatting in detail
5 <about> what happened with my mother, I would be in danger. <When
6 we spoke they would catch our mistake.> I was there just to bring
7 back my daughter and I <had to hold back my mouth and mind> with
8 pain and suffering when I saw that.

9 Q. When your mother was detained at Krasar <Pha'eul> (phonetic)
10 village, did you notice there were other people detained over
11 there as well?

12 A. Yes there were other people detained at the area. There was
13 <another> married woman, <the mother of Sinat> who was there.>
14 My mother <was detained there> together with that married woman
15 <>. Her name was Yeun.

16 Q. Are you referring to Neang Nat, another person which -- who
17 was detained there?

18 <A. The microphone is not activating.>

19 <MR. PRESIDENT:>

20 <Hold on.>

21 [14.47.23]

22 A. Neang Nat was the daughter of the married woman who was
23 detained. The married woman who was detained was Yeun and the
24 husband of that married woman <was> Thaong.

25 Q. Did you know the reason why Yeun was detained?

1 A. In fact, <Ta> Thaong<> and Yeun were husband and wife<. Ta>
2 Thaong <had> adopted <Neang Nat as> daughter <since she was
3 born>.

4 Q. Was Yeun detained there at the same time as your mother was?

5 A. Yeun was taken away at the same time as my mother was and they
6 were detained there.

7 Q. What about other members within your mother's group who <were
8 Khmer people> taking care of the babies and children, were <> any
9 other members within your mother's group detained?

10 A. Those grandmothers or "Yeay-Yeay" were still working and
11 taking care of babies after my mother had been taken away and
12 detained. <They were not even aware that my mother had been taken
13 away.>

14 [14.49.20]

15 Q. From the time you met your mother the last time at Krasar
16 <Pha'eul> (phonetic) village; did you have any chance meeting
17 your mother once again?

18 A. I had never seen my mother from that time onwards. I did not
19 even hear any information about my mother <even after the war
20 ended>.

21 Q. What about Yeun who was also detained at that place as well,
22 did you ever meet her again?

23 A. No. The two individuals were killed or died from that time.

24 <Q. Thank you, Madam. Now, I'll get back to-->

25 MR. PRESIDENT:

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1 Thank you, Co-Prosecutor, it is now the break time. The Chamber
2 will take a short break from now until ten past 3.00.

3 Court officer please assist the witness during the break <> and
4 please invite her back to the witness stand at ten past 3.00.

5 The Court is now in recess.

6 (Court recesses from 1450H to 1509H)

7 MR. PRESIDENT:

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

9 And again the floor is given to the Co-Prosecutor to put further
10 questions to the witness. You may proceed.

11 BY MR. SENG LEANG:

12 Q. Thank you, Mr. President. And Madam Witness, I would like to
13 move on to the next topic that is about yourself. During the
14 Khmer Rouge regime were you ever detained?

15 MS. SAO SAK:

16 A. I was sent to Angkor Ang and detained there for a period of
17 ten days.

18 Q. And did you know at the time the reason for being detained
19 there at the Angkor Ang <village>?

20 A. No, I don't.

21 Q. Did you make any mistake before you were detained?

22 A. No, I did not. They simply called me to go.

23 [15.11.13]

24 Q. So you did not <know> the reason for your detention, am I
25 correct in saying that?

1 A. Yes, that is correct.

2 Q. And did you know who actually ordered your detention?

3 A. No, I did not. However the person who took me there was <Morn
4 (phonetic)>.

5 Q. When you were detained, were you the only person detained or
6 were there other people as well?

7 A. I was detained along with my three children.

8 Q. Were there any other people?

9 A. No, there wasn't.

10 [15.12.28]

11 Q. In your document, that is, E3/7780, with a Khmer ERN,
12 00233296; English at, 00235512; and French, <00250601>; you said
13 that:

14 "About five months later Morn (phonetic) called me to meet him at
15 Wat Anlong Trea and in that meeting there was Yeay Che and there
16 were two other men <from Phnom Penh> and Che was a Cham person
17 and was allowed to <go back home>, while myself and the other two
18 men were sent to Ang village <near Chheu Kach mountain in Ba
19 Phnom district>."

20 Does that refresh your memory?

21 A. Yes, I do. However in my previous response I missed that part.

22 In fact, yes we were called to attend a meeting in the pagoda.

23 Q. When you were detained, were you tied?

24 A. No I was not tied but the two men who were the New People from
25 Phnom Penh were tied.

1 Q. Can you tell the Chamber about the Ang village near the Chheu
2 Kach Mountain, what was that location, was it a refashioning
3 centre, what was it?

4 A. No, it was not a refashioning centre; it was a temporary
5 detention place.

6 [15.14.47]

7 Q. What were you ordered to do while you were there at Ang
8 village?

9 A. I was instructed to work in the kitchen, to harvest corn<, to
10 arrange the office> and to clean the compound as well as the
11 kitchen hall.

12 Q. And when were you allowed to return home?

13 A. I was detained there for 10 days. After I was initially
14 questioned then they let me work in the kitchen so the total
15 period that I remained there was 12 days.

16 Q. You said you were questioned, can you tell us a little bit
17 more?

18 A. Yes, I can. I was asked whether my father was Khmer or not and
19 I said he was Khmer and then I was asked, what did he do, I said
20 he was a villager and he did not do anything else.

21 [15.16.18]

22 Q. And did you know why the Khmer Rouge asked about the ethnicity
23 of your father?

24 A. No, I did not.

25 Q. And based on your observation, when you lived through the

1 Khmer Rouge regime, what happened to the Vietnamese people living
2 in your area or the Khmer people who were half bred with the
3 Vietnamese?

4 A. Based on my observation of those mixed families, a Vietnamese
5 father and a Khmer father who had their child, the Vietnamese
6 father had his child taken and killed.

7 Q. Did you witness it or were you told about that?

8 A. In my village people were taken about the time that I was
9 taken away and those were from mixed families. However they had
10 been taken later after I had been taken.

11 Q. And can you tell the Court where they were taken to?

12 A. No, I did not. However they disappeared and never returned.

13 Q. In your area did you ever attend any meeting where the
14 Vietnamese people issue was discussed?

15 A. No, I did not attend such a meeting. Usually in the meetings
16 they spoke about rice production.

17 [15.18.57]

18 Q. Thank you, Madam Witness. I have only one more question to put
19 to you and I ask what happened to the Vietnamese people in your
20 area after 1975, could you please clarify that again? Initially
21 you already said about the Vietnamese people <who> were gathered,
22 could you be a bit more specific?

23 A. I saw them being gathered and they were evacuated to the lower
24 part. As for those who were from the mixed families, they
25 actually were gathered up continuously and they were sent by

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1 boats. So for the mixed families, usually they would be sent one
2 family at a time and they kept disappearing.

3 [15.20.07]

4 Q. And when did that happen, when the Vietnamese people were
5 gathered up and sent to the lower part and what do you mean when
6 you said they were sent to the lower part? <Can you clarify where
7 that was?>

8 A. I did not know, I only heard that they were being sent back to
9 Vietnam. <I did not know where they had been sent to.>

10 Q. So when you said that they were sent to the lower part it
11 means that <they> were sent to Vietnam; am I right?

12 A. They were sent to the lower part and it means that they were
13 sent to Vietnam although we did not know whether they were sent
14 to be killed somewhere and later on <after> my mother <and others
15 were taken away and killed, I learnt that> they were not being
16 sent to Vietnam but in fact they were sent to be killed.

17 Q. Can you tell the Court, when did that happen when was the
18 first group was sent to Vietnam, did it happen immediately after
19 1975 or did it happen a few years after?

20 MR. PRESIDENT:

21 Witness, please observe the microphone.

22 MS. SAO SAK:

23 A. That happened after the event involving So Phim although I
24 cannot recall the exact year.

25 [15.21.41]

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1 BY MR. SENG LEANG:

2 Q. You referred to the event of So Phim and you of course said
3 that that was when your mother was detained. However, what I
4 refer to is about the Vietnamese people who were gathered up and
5 sent to Vietnam, when did that happen, did it happen immediately
6 after 1975?

7 MR. PRESIDENT:

8 Witness, please observe the microphone and Deputy Co-Prosecutor,
9 please be more specific, when you said that after 1975, are you
10 referring to a particular year, it could be 1976 or 1975 or it
11 could be immediately after the 17th April 1975. <You have to be
12 more precise. If it was after 1975 it must have been 1976 or
13 1977.>

14 MR. SENG LEANG:

15 Thank you, Mr. President, for your guidance and let me rephrase
16 it.

17 Q. Madam Witness, could you please tell the Court when did it
18 happen, did it happen immediately after 1975 or did it happen in
19 1976 or 1977?

20 [15.22.56]

21 MS. SAO SAK:

22 A. After I think about this, I think it started gradually from
23 the time of the war with the Lon Nol regime.

24 MR. SENG LEANG:

25 Thank you, Mr. President, I conclude my part and I would like to

1 hand the floor to my International Co-Prosecutor.

2 MR. PRESIDENT:

3 International Co-Prosecutor, then you have the floor.

4 QUESTIONING BY MR. KOUMJIAN:

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

6 Witness, I have a few more questions for you. You mentioned Neang

7 Nat another person from your village, that's someone that you

8 know; is that correct?

9 MS. SAO SAK:

10 A. Yes, I knew her.

11 [15.23.59]

12 Q. And can you explain did Neang Nat also come from a mixed

13 family; was either her father or mother Vietnamese?

14 A. Her mother was Yuon, she was Vietnamese. However she <had been

15 fostered> by a Khmer family since she was born.

16 Q. Did you know some persons Yeay Che and Ta Hang?

17 A. No, I did not know that person.

18 Q. Let me correct, the owners of the house where your mother

19 worked, where the children were taken care of, did you know them?

20 [15.25.14]

21 A. The owner of the house who looked after the children. In fact

22 she looked after the children in the kitchen area not at her

23 house.

24 Q. I want to read to you something from a statement of Neang Nat,

25 and this is E3/7779, and in the English ERN is, 00235504; and

1 Khmer, 00271392 <(sic)>; and French, 00268963. Neang Nat said
2 that:

3 "One day I was studying and my mother was at the new village
4 north of Anlong Trea village. When I left class and was returning
5 to the children's house, the owner of the house Yeay Chea
6 (phonetic) and Ta Hang, whispered to me, 'They took away your
7 mother and the mother of the girl named Sak.'"

8 Madam Witness, do you believe that you are, based on what you've
9 heard, is that referring to you when she refers to Sak?

10 A. I do not get your question, please repeat it.

11 [15.26.58]

12 Q. I'm sorry -- thank you. I am happy, any time you don't
13 understand my question, it's my fault and I'm happy to repeat and
14 explain. So, what I'm reading to you is from an interview of
15 Neang Nat and I want to get your reaction to that. And if
16 anything that you hear is not correct, please explain that to us
17 if you know of any facts that are different. What Neang Nat said
18 is that one day she was studying and her mother was at the new
19 village north of Anlong Trea. When she left class and was
20 returning to the children's house, the owners of the house Yeay
21 Chea (phonetic) and Ta Hang whispered to her and they said to
22 Neang Nat, "They took away your mother and the mother of the girl
23 named Sak."

24 Does that -- do you have any reaction to that based upon what you
25 know about what happened to your mother?

1 A. Yeun, in fact Yeun, <her name was Sas (phonetic) not> Sak, so
2 it refers to the same person. <She was called Yeun.> And the
3 owner of the house where the children stayed was Chea Hang
4 (phonetic) and not Chea Hung (phonetic) and yes what you
5 mentioned is correct. <Children were gathered and taught in the
6 place.> Usually she was known as Yeun although <Sas (phonetic)>
7 was also her name. <People did not often refer to her as Sas
8 (phonetic). They only referred to her as Bong Yeun.>

9 [15.28.51]

10 Q. Just to be clear, what is your name again? What is your name?

11 A. My name is Sao Sak.

12 Q. Now, Ms. Neang Nat went on and said -- told the investigators
13 -- that her seven month old sibling died from lack of breast
14 milk. They had told Neang Nat's mother that they were taking her
15 to a meeting for a short time and she did not need to bring her
16 child. Do you know anything about that, did you know if Neang
17 Nat's mother, Yeun, had a young child that she was not allowed to
18 bring with her when they took her and your mother away?

19 A. I did not know about that. However I knew that she had a young
20 baby.

21 Q. Did you know a woman named Lang and who had a husband named
22 Yuol (phonetic)?

23 A. No I don't. I do not know that woman.

24 Q. Let me have my colleague do the pronunciations correctly in
25 Khmer.

1 MR. SENG LEANG:

2 The two names that my colleague would like you to shed light on
3 are Lang and Eul.

4 BY MR. KOUMJIAN:

5 Q. So, Madam Witness, did you know a Vietnamese woman named Lang
6 and husband named Eul, and if you don't know just tell us?

7 [15.31.04]

8 MS. SAO SAK:

9 A. Yes, I know Lang, she had a husband in <Bak Daok>, but I do
10 not know her husband's <background. I only knew her name.>

11 Q. In the same statement Neang Nat said, "The ethnic woman -- the
12 ethnic Vietnamese woman, Lang, had a husband named Eul. Lang and
13 her six children were all put in a boat and taken away and
14 killed. At the time Lang was pregnant too." Do you know anything
15 about that?

16 A. No, I don't.

17 Q. Thank you. You also mentioned Van Mao that's a person from
18 your village is that correct? Van Mao.

19 A. I know Van Mao he was living close to <me in> my village.

20 Q. And was this a person who had a father whose Vietnamese name
21 Seng Van?

22 [15.32.31]

23 A. I don't know the father. I only know Van Mao.

24 Q. Did you know that Mao was of mixed ethnicity, Vietnamese and
25 Khmer?

1 A. Yes, that is true. Mixed ethnicity, Vietnamese and Khmer.

2 Q. Mao said, and I'm going to read from another statement

3 E3/7761, in Khmer the ERN is 00225221; in French, 00274400; and

4 in English it is 0234120; so again in English, I may have

5 forgotten one zero, 00234120. So, Madam Witness, in this

6 statement Mao says that:

7 "During the Khmer Rouge regime, my father, Van, and Nak's

8 father," I may need my colleague's help but -- Thav --

9 MR. SENG LEANG:

10 Thav.

11 [15.33.59]

12 BY MR. KOUMJIAN:

13 -- Thav. "[...] my father, Van, and Nak's father, Thav, were

14 arrested by the Khmer Rouge, who came by motorboat along the

15 creek, and were taken away." And I'm just skipping a few lines in

16 the interest of time. He says, "They said that they were taking

17 him to study for four or five days and he would return." And then

18 he goes on to say, "I heard the news that my two elder sisters

19 and my one younger brother had been arrested and taken away."

20 Q. Do you know anything about what happened to Mao's father and

21 also the father of Nak?

22 MS. SAO SAK:

23 A. No I don't. I do not know when they were taken away. <I

24 neither saw nor heard about them.> Later on I learnt that they

25 had been taken away.

1 [15.35.05]

2 Q, By the way did you ever hear of a woman who was hit by a truck
3 in your village and died, during the Khmer Rouge time? If no,
4 just say so, if you don't know, that's fine.

5 A. Yes, I do. Mao's mother was hit by truck <and died in> Prey
6 Veng <provincial town> when she was going to find rice to eat.

7 Q. Okay, thank you very much. Did you know a person from your
8 village named Saom Ruos?

9 A. I know Saom Ruos. <Now,> he is deceased.

10 Q. Now, I would like to get your reaction to what he said, he
11 said in his statement E3/5246, in Khmer at, 00225367; and in
12 French at, 00228820; and in English at, 00234111; he told an
13 investigator that -- he was asked if he could describe the
14 Vietnamese families that he knew and he answered:

15 "They killed those connected to the Vietnamese and those
16 connected to So Phim. In the beginning they had killed those
17 connected to Lon Nol and Sihanouk, the officials of the old
18 government. One man named Neang had a wife named Yeun and the
19 wife was taken to be killed, the children were also arrested but
20 escaped."

21 First of all, do you have any reaction to what, based on your
22 experiences, to what Saom Ruos said, that they killed the
23 Vietnamese after first killing all those connected with Lon No
24 Sihanouk and those connected to So Phim? What did you see here in
25 your village?

1 [15.37.49]

2 A. I do not know about the matter since I had many tasks to do
3 when I was assigned to transplant rice <seedlings> I would go
4 away and perform the task <from morning till evening. I left my
5 kids with elderly ladies.> Sometimes I was assigned to paddle the
6 water wheel, make the fermented fish and also make the smoked
7 fish, <grind rice,> so I did not know other matters other than my
8 duties <as I did not have much time walking around in the
9 village>.

10 Q. Okay, thank you. Saom Ruos also mentions in the next sentence
11 that:

12 "In another family in which the husband Thav was mixed
13 Chinese-Vietnamese and the wife Reun was Khmer. Her husband and
14 children were taken to be killed, but one child is still alive."
15 Do you know anything about that?

16 A. Can you mention the name of the father again? What is his
17 name? <Thav? If so, one of children> is <surely> surviving the
18 period. <He is half Chinese and half Vietnamese.>

19 [15.39.18]

20 MR. SENG LEANG:

21 Thav.

22 MS. SAO SAK:

23 <A. Thav?>

24 <MR. SENG LEANG:>

25 <The name is Thav.>

1 MS. SAO SAK:

2 A. <Thav's child did indeed survive, but I do not know if Thav,
3 the father, was taken away to be executed. He disappeared. He was
4 sent off to work somewhere.>

5 BY MR. KOUMJIAN:

6 Q. The father of Thav, do you know his ethnicity, the one who was
7 killed?

8 A. His name was <Heng> (phonetic). The father of <Heng>
9 (phonetic) was ethnically Chinese and the mother was a
10 Vietnamese. <They lived in my village.>

11 Q. Do you know a monk by the name of --

12 MR. SENG LEANG:

13 Lang Hel.

14 BY MR. KOUMJIAN:

15 Q. Do you know this person?

16 [15.40.48]

17 MS. SAO SAK:

18 A. Yes I do. He is deceased. Before, he lived in Baray pagoda.

19 Q. And do you know a Chamkar Kuoy village?

20 MR. SENG LEANG:

21 Chamkar Kuoy.

22 MS. SAO SAK:

23 A. I have heard of the name but I do not know where it is.

24 BY MR. KOUMJIAN:

25 Q. He says in his statement which is E3/5251, Khmer, 00233287;

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1 French, 00251000; and English it is, 00235495; he said that when
2 he got to this village Chamkar Kuoy village, that <they> were
3 asking occupations and selecting people. Those who were Lon Nol
4 soldiers were taken away to study. Did you see anything like that
5 happen in your village after 1975?

6 [15.42.18]

7 MR. KOPPE:

8 Mr. President.

9 MR. PRESIENT:

10 Please hold on Madam Witness. You have the floor now, Mr. Koppe.

11 MR. KOPPE:

12 I was wondering whatever happened to asking open questions. The
13 Prosecution can just ask the witness first, does she know
14 anything about treatment of Lon Nol soldier, does she know
15 anything that happened in a particular village, does she know
16 whether anything happened to a particular person. But not reading
17 out of the blue excerpts from statements. Open questions first
18 and then if necessary, closed questions. I thought that we all
19 agreed on that.

20 [15.43.02]

21 BY MR. KOUMJIAN:

22 Your Honours, I think on this question Counsel is absolutely
23 correct and that's a fair objection.

24 Q. Madam Witness, do you know if in the Khmer Rouge time, after
25 April 1975, were people sorted, were they selected out by

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1 occupations in your villages or the areas that you knew?

2 MS. SAO SAK:

3 A. They were not sorted out. However, they were sent to <Baray
4 and Prey Angkunh> to <do> agriculture <and to cultivate rice>.

5 Q. Did you know any former Lon Nol officials or officers in the
6 Lon Nol army who were in your village or in your area?

7 A. <In my village, no> one was a former soldier within the former
8 regime.

9 [15.44.15]

10 Q. Thank you. And just why I'm discussing this, your own
11 husband's occupation during the Khmer Rouge time, what did he do?

12 A. My husband was involved in the social affairs within the
13 village and later on he went to work <as a soldier> in the Peam
14 Ro.

15 Q. Was he ever a soldier?

16 A. He had never been a soldier. However <when there was a
17 struggle regime> he had been selected to be a soldier. <But, he
18 had never been a soldier in the Lon Nol's regime.>

19 Q. Now, going back to Lang Hel the monk who passed away, Lang
20 Hel, do you know what happened to his wife and children during
21 the 1975 to 1979 period?

22 A. This is what I have heard of, not what I witnessed. The wife
23 and three children of Lang Hel were taken away and killed. <His
24 wife was full term pregnant at that time.> I did not witness the
25 incident, as I said I heard of it.

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1 Q. Thank you. Do you know the ethnicity of the wife who was taken
2 away and killed with her children?

3 A. I do not know on this point. I have heard that they were taken
4 away. I do not know her background.

5 [15.46.41]

6 Q. So from the page of the statement I just read out but moving
7 one page down in Khmer, excuse me the same page in Khmer but at
8 the bottom. I want to read this if it refreshes your
9 recollection. Lang Hel said that if his wife's name was Kem Nam
10 (phonetic) --

11 Mr. SENG LEANG:

12 Kem Neou.

13 BY MR. KOUMJIAN:

14 He said her father was pure ethnic Khmer, her mother was mixed
15 race Vietnamese. Do you know whether -- does that refresh your
16 recollection at all, if not just say you don't know?

17 [15.47.33]

18 A. I do not know his background <because> he lived in Preaek
19 Chrey village, before the time he had been living in Phnom Penh,
20 later on he had been evacuated to my village. As I said I do not
21 know his background.

22 Q. He talks about his wife and children being taken away one day
23 in 1978, and he says when he got to the vicinity Krasar Pha-ael
24 (phonetic). He met his wife and children, his four children and
25 his wife was pregnant. Do you know anything about whether or not

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1 Lang Hel's wife was pregnant when she disappeared?

2 A. Yes, she was <full term> pregnant <> and she went with her
3 four children altogether.

4 Q. Do you know where Baray village is?

5 MR. SENG LEANG:

6 Baray village.

7 BY MR. KOUMJIAN:

8 Q. Do you know that village?

9 MS. SAO SAK:

10 A. Yes, I do. It is near Prey Veng <provincial town>.

11 [15.49.15]

12 Q. Did you hear anything about how Vietnamese were treated in
13 that village during DK regime?

14 MR. KOPPE:

15 Mr. President.

16 MR. PRESIDENT:

17 Please hold on Madam Witness. You have the floor now, Mr. Koppe.

18 MR. KOPPE:

19 Thank you, Mr. President. It is such a general question, 1975,

20 1976. 1977 all the way until of fall of 1977 a completely

21 different situation then Vietnamese troops massively invaded

22 country withdrew in January '78 and in our view the Vietnam

23 initiated rebellion started under the leadership of So Phim.

24 There was internal fighting going on, there was a war going on,

25 so asking the question how were the Vietnamese treated in the

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1 period 1975-1979 is such a general question, let alone whether
2 this witness can answer this particular question from her own
3 experience. So, I think we really should, the Prosecution should
4 really focus much more in detail rather than asking very
5 generally, general sweeping questions.

6 [15.50.51]

7 MR. KOUMJIAN:

8 Your Honours, I am asking wide open questions as counsel
9 suggested. Of course I'm not going into the whole history. For
10 example the Khmer Rouge invasions and atrocities committed across
11 the border in Vietnam, I'm not bringing that up those that
12 provoked various other measures. I'm asking her a wide open
13 question if she knows how Vietnamese people were treated in that
14 village, which is what counsel, asked me to do five minutes ago.

15 (Judges deliberate)

16 [15.51.32]

17 MR. PRESIDENT:

18 The objection or observation by the Defence Counsel, Mr. Koppe is
19 overruled. Madam Witness, please respond to the question put by
20 the International Co-Prosecutor, if you recall it and if you do
21 not recall the question you may ask the Co-Prosecutor to repeat
22 the question.

23 MS. SAO SAK:

24 A. Please repeat your question.

25 MR. KOUMJIAN:

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1 Okay, in the interest of time I'll make it more specific, I hope
2 that Defence doesn't accuse me of leading. Do you know anyone --
3 have you heard whether people of Vietnamese descent were killed
4 in Baray village during the DK regime?

5 [15.52.37]

6 A. I do not know about that since that village was situated a bit
7 far away from mine.

8 Q. In his statement, Lang Hel, the same statement I've read from
9 before but one page additional in all languages, he indicates
10 that he heard that the white complexioned villagers of Baray
11 village, like the children of Ta Son and Yeay Teng had been
12 accused of being Vietnamese and had been taken away and killed
13 and my colleague will correct my pronunciations.

14 MR. SENG LEANG:

15 Ta Son and Yeay Teng.

16 BY MR. KOUMJIAN:

17 Q. Did you ever hear anything about that; if not just tell us you
18 don't know.

19 MR. PRESIDENT:

20 Please wait Madam Witness. You have the floor now, Counsel for
21 Mr. Khieu Samphan.

22 MS. GUISSSE:

23 Yes, Mr. President, I have not objected thus far but what the
24 International Co-Prosecutor is doing is to <read from amongst
25 the> transcripts <statements> of <other> witnesses<. When there

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1 are facts the witness knows, there is no problem, but in view of
2 the witness's previous answer, the question put to her by the
3 Prosecutor is <absolutely irrelevant. So, here we can perhaps
4 save time.> She has said that Baray village was far and she
5 doesn't know what happened and so there is no point in feeding
6 her with information <by reading out> statements that she cannot
7 confirm, since she <has just> said <that> she <didn't> know what
8 happened <there>.

9 [15.54.42]

10 MR. KOUMJIAN:

11 Your Honours, I would just point out that this is -- I've seen it
12 done on both sides quite often, where a witness is then asked,
13 "Does this refresh your recollection?" She said it was far off and
14 it obviously is a long time ago and I have just asked her if what
15 I read to her, she has any recollection. And I've encouraged her
16 to tell us if she does not. I'm not trying to put words in her
17 mouth.

18 MR. PRESIDENT:

19 The objection by defence team for Mr. Khieu Samphan is overruled.
20 Madam Witness, please give the response to the last question put
21 by the Prosecutor, if you recall it.

22 MS. SAO SAK:

23 A. I cannot recall your question, Mr. Co-Prosecutor, and I do not
24 know about the point you mentioned.

25 [15.55.39]

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1 Q. Okay, I'll take that your answers mean that you don't know
2 thank you. That's fine, thank you for your answer. So I'm going
3 to move on. Did you know a man or do you know a man named Khun
4 Mon?

5 MR. SENG LEANG:

6 Khun Mon

7 BY MR. KOUMJIAN:

8 Who was married to a woman of Chinese and Vietnamese descent Seng
9 Huor?

10 MR. SENG LEANG:

11 Seng Huor. He got married with the wife named Seng Huor.

12 MS. SAO SAK:

13 A. His name was Mon, living in Svay Antor district and he married
14 a woman in <Anlong> Trea <village. Her> name is Seng <Huor. I
15 know them. But, after they got married, they went to live in
16 other province. I don't know their real background.> And I <only>
17 know that the person was mixed race, Chinese and Vietnamese.

18 MR. KOUMJIAN:

19 Q. Do you know what happened to this mixed race woman and her
20 siblings?

21 [15.57.12]

22 A. I do not know about that since <we were separated at that
23 time. Some> people went to live in <Chrey Krohuem while others
24 went to live in> Svay Antor and we parted each other.

25 Q. Let me pause for a moment from reading these statements and

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1 ask you that, your mother when she disappeared, was she part of
2 any rebellion?

3 A. No, she was not part of any rebellion. She was quite old at
4 the time. She was merely an ordinary citizen. After I was born I
5 noticed that my mother had no relatives or siblings related to
6 Vietnam and she also had no relatives or siblings living in Phnom
7 Penh <or in the enemy zone. She had no relative. She was on her
8 own.>

9 Q. The other names that we mentioned, we've talked about various
10 people who were part Vietnamese or Vietnamese who disappeared
11 during the regime, do you know if any of them were soldiers or
12 persons engaged in a rebellion?

13 MR. PRESIDENT:

14 You have the floor now, Mr. Koppe.

15 MR. KOPPE:

16 An observation if you allow me, Mr. President. Again, there was
17 fully fledged war going on at that time with Vietnam. The mere
18 arrest or detention of people who were perceived to be Vietnamese
19 is not necessarily unlawful and may I remind the Prosecution that
20 the country that he is from interned and detained every single
21 Japanese person in 1941. So, what is relevant is not the
22 detention itself but to the question whether unlawful killings
23 subsequently happened and that is what we should focus on, not
24 whether there were arrests or her mother was part of the
25 rebellion. Essential issue is what happened in respect of the war

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1 that the Chamber, by the way, itself has established was going on
2 even since April 1975.

3 [16.00.05]

4 MR. KOUMJIAN:

5 Thank you. Your Honours, I would ask that I be given some
6 additional time to respond to very long speaking statements or
7 observations rather than objections. I asked her a simple
8 question that obviously is relevant to what Counsel had pointed
9 out. And let me make one point, since Counsel put this, I believe
10 the detention of people based on their ethnicity is of -- without
11 then proof that they are a clear and present danger, is a
12 violation of International Law. Is the Defence saying it is not,
13 I'm not sure that's the position of Nuon Chea. Is the position of
14 Nuon Chea that they can arrest people simply based on their
15 ethnicity, of being Vietnamese?

16 [16.00.57]

17 MR. PRESIDENT:

18 Madam Witness, please respond to the question.

19 MS. SAO SAK:

20 A. There was no rebellion within my village, there was no -- any
21 movement related to Vietnam.

22 MR. PRESIDENT:

23 International Co-Prosecutor, you can re-formulate your question.

24 I do not know whether the witness responded to your question, you
25 just put a while ago.

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1 MR. KOUMJIAN:

2 Your Honour, I do feel that she responded to my question. I'm
3 satisfied with her response. It's 4 o'clock, if Your Honour
4 wishes to break, this would be a good point.

5 [16.01.52]

6 MR. PRESIDENT:

7 Thank you. Now it is time for the adjournment. The Chamber will
8 adjourn now and the hearing will resume on Monday 7th December
9 2015, at 9 a.m. On Monday the Chamber will <conclude> hearing the
10 testimony of Sao Sak and perhaps we may continue to hear <the
11 testimony of the civil party> 2-TCW-241 concerning the treatment
12 of targeted groups, particularly Vietnamese. <Please be informed
13 and come according to the schedule.>

14 Thank you, Madam Sao Sak, the hearing of your testimony as a
15 <witness> has not come to a conclusion as yet. You are therefore
16 invited to be here once again on Monday 7th December 2015, at 9
17 a.m.

18 Court officer, please work with the WESU unit to send Madam Sao
19 Sak to the place where she is staying right now and please invite
20 her into the courtroom again on Monday 7th December 2015, at 9
21 a.m.

22 Security personnel please send the two Accused back to the
23 detention facility <of the ECCC> and have them return on Monday
24 7th December 2015, before 9 a.m.

25 The Court is now adjourned.

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1 (Court adjourns at 1603H)

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