



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): 11-May-2017, 08:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 December 2015

Trial Day 344

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
LIV Sovanna
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Matthew MCCARTHY

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
Lyma NGUYEN
PICH Ang
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Nicholas KOUMJIAN
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Ms. SAO Sak (2-TCW-886)

Questioning by Mr. KOUMJIAN resumes.....	page 3
Questioning by Ms. GUIRAUD.....	page 10
Questioning by Mr. KOPPE	page 18
Questioning by Ms. GUISSE.....	page 27
Questioning by Mr. KONG Sam Onn	page 30

Mr. CHOEUNG Yaing Chaet (2-TCCP-241)

Questioning by The President (NIL Nonn)	page 32
Questioning by Ms. Nguyen.....	page 34
Questioning by Mr. BOYLE.....	page 74
Questioning by Judge FENZ.....	page 87
Questioning by Mr. KOPPE	page 88

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. CHOEUNG Yaing Chaet (2-TCCP-241)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Mr. KONG Sam Onn	Khmer
Ms. NGUYEN	English
The President (NIL Nonn)	Khmer
Ms. SAO Sak (2-TCW-886)	Khmer
Mr. SENG Leang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 Today the Chamber <concludes the> testimony of witness Sao Sak

6 and begins to hear testimony of a civil party -- that is,

7 2-TCCP-241.

8 <Greffier,> Ms. Chea Sivhoang, please report the attendance of

9 the Parties and other individuals to today's proceedings.

10 GREFFIER:

11 Mr. President, for today's proceedings all Parties to this case

12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his right to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The witness who is to conclude her testimony today -- that is,

17 Madam Sao Sak, is present in the courtroom.

18 We also have a reserve civil party today -- that is, 2-TCCP-241.

19 Thank you.

20 [09.10.56]

21 MR. PRESIDENT:

22 Thank you. And before I hand the floor to the Parties to put

23 questions to this witness, I'll provide the oral ruling per

24 request by Nuon Chea.

25 The Chamber has received a waiver from Nuon Chea, dated 7

2

1 December 2015, which states that due to his health, headache and
2 back pain, he cannot sit or concentrate for long and in order to
3 effectively participate in future hearings, he requests to waive
4 his rights to participate in and be present at the 7 December
5 2015 hearing. He affirms that his counsel has advised him about
6 the consequences of the waiver that it cannot in any account be
7 construed as a waiver of his rights to be tried fairly or to
8 challenge evidence presented to or admitted by this Court at any
9 time during this Trial. Having seen the medical report of Nuon
10 Chea by the duty doctor for the Accused at ECCC dated 7 December
11 2015, which notes that Nuon Chea has back pain when he sits for
12 long and recommends that the Chamber grant him his request so
13 that he can follow the proceedings remotely from the holding cell
14 downstairs. Based on the above information and pursuant to Rule
15 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
16 request to follow today's proceedings remotely from the holding
17 cell downstairs via audio-visual means.

18 The Chamber instructs the AV Unit personnel to link the
19 proceedings to the room downstairs so that Nuon Chea can follow.

20 This applies to the whole day.

21 And now the Chamber hands the floor to the Co-Prosecutor to put
22 questions to the witness and the combined time for both the
23 Co-Prosecutors and the Lead Co-Lawyers for civil parties is one
24 session. You may proceed.

25 [09.13.05]

1 QUESTIONING BY MR. KOUMJIAN RESUMES:

2 Thank you. Good morning, Your Honours, counsel, civil parties,
3 and Madam Witness.

4 Q. Madam Witness, I want to continue to ask you about some other
5 people from your village and area that you may or may not know
6 and whether you have information, either saw or heard information
7 about their fate and continue to tell us if you do have
8 information or if you don't.

9 You mentioned -- I asked you late on Thursday about Khun Mon and
10 his wife, you said you knew them but you didn't know her fate. Do
11 you know what happened Khun Mon's wife's mother Le Thi Hai and
12 her siblings?

13 MS. SAO SAK:

14 A. Which Mon are you referring to, or are you referring to Mon
15 Huor, it's not clear to me?

16 [09.14.22]

17 Q. Thank you. I refer to Khun Mon who had a wife who had a
18 Chinese father Seng and a Vietnamese mother Le Thi Hai. The name
19 of the wife was Seng Huor do you recall that gentleman?

20 A. Yes, I recall that. Seng Huor lived near where I lived and she
21 married Mon and went to live in Svay Antor commune. However I did
22 not <know> about the situation involving their family since <she>
23 moved to live with her husband in another commune.

24 Q. Have you ever seen the wife or her mother, that's Khun Mon's
25 mother-in-law, or the wife's siblings since the Democratic

1 Kampuchea regime?

2 A. We separated after that, that is, after she got married and
3 left the village.

4 Q. Yes, but my question is; all these years later have you ever
5 seen her since 1979?

6 A. No, since we separated I <have> never <seen> her returning to
7 visit the village.

8 [09.16.24]

9 Q. Khun Mon said this in an article, that's, E3/2589, based on
10 his interview with DC-Cam, he said at page in Khmer, 00224670; in
11 French, 00623348; and in English, 00224673; that it was only
12 later that he came to understand the reasons for his wife's
13 arrest.

14 "If a person was related by blood to a Vietnamese, they would be
15 killed. He mentioned his brother-in-law Sen Vann as an example.
16 All his family members were killed except his son named Mao, who
17 hid in a corn field and survived. Khun Mon's relatives and
18 neighbours report that they knew of no mistakes anyone had made,
19 but that Vietnamese wives and children were killed. Mon's
20 mother-in-law Le Thi Hai, sister-in-law Seng Tieng, and
21 brother-in-law Seng Ke were also killed."

22 Do you have any information about that, after hearing that? Is
23 that -- do you recall anything else that you could add?

24 [09.18.09]

25 A. Regarding <Heng> Hai family, I only know <, Van,> who was the

5

1 father <Mao> and he had <Khmer> wife and <his> children were
2 taken away and killed. I do not know anything about <Seng Hai,
3 the> mother <and Mrs> Mon Huor since we separated and I only know
4 about <Van Lai, the father of Van> Mao as I just told you
5 earlier.

6 Q. Okay, thank you. So let me move on then and ask you about a
7 few other persons who were named by Khun Mon. And this is at
8 E3/5325, 00824184, in English; in Khmer, 004551643; and in
9 French, 00869284. Did you know someone, a New Person, called Ta
10 Prunh who had a dark complexion and a Vietnamese wife, does that
11 ring a bell to you?

12 A. No I do not know Ta Prung. I do not know which village he
13 lives in.

14 Q. Okay. One more name going to the next page in all three
15 languages. I might need my colleague to pronounce it.

16 MR. SENG LEANG:

17 Lach Ni.

18 BY MR. KOUMJIAN:

19 Q. Do you know that person?

20 [09.20.37]

21 MS. SAO SAK:

22 A. I do not know Lach Ni; I do not know which village this person
23 lives in.

24 Q. Now, then I'm going to move on and ask you about some other
25 names mentioned by a woman named Yim Muoy.

6

1 MR. SENG LEANG:

2 Yim Muoy.

3 BY MR. KOUMJIAN:

4 And that document E3/7783. Before I ask you these questions, just
5 to see if you know this person, apparently the family had lived
6 Anlong Trea in the 1960s. Her mother's name was Hai and was mixed
7 race Vietnamese. Do you know this woman at all?

8 [09.21.41]

9 MS. SAO SAK:

10 A. I am really not sure; <is> Muoy the daughter of <Grandmother>
11 Hai?

12 Q. Yes.

13 A. I know that Muoy, she got married and moved to live in <Chrey>
14 Krohuem. However, she later on passed away and she had her
15 children still living in Phnom Penh.

16 Q. Do you know what happened to her younger brother, Ke; young
17 sister, Tieng; her mother, Hai; and her younger sister, Huon?

18 A. We separated after 1979, so I do not know about her family
19 situation and we have never met since <then>. I only knew that
20 <Huor> was killed and after that I have not received any news
21 from this family.

22 [09.23.20]

23 Q. Okay. Let me read then from the statement that she gave, and
24 in Khmer this is at page 00238898; in French, 00281807; and in
25 English, 0024216 (sic). She stated that in approximately 1977,

7

1 she went to transplant rice seedlings. All seven of her children
2 lived in the house as normal. Her husband was a tailor in Chrey
3 Krohuem village. She says once a day, during that same year, a
4 man named An, Choek An, a villager at Po Reang (phonetic)
5 village, who went back and forth between there and Svay Antor
6 village, told her husband "All of your wife's family had been
7 taken and killed." Those killed were as follows: Yim Muoy's
8 younger brother Ke, younger sister Tieng, who were working in a
9 mobile unit were killed first. Her mother Hai, her younger sister
10 Houn, the wife of Khun Mon, and three nieces and nephews were
11 killed two or three days later.

12 Do you have any information about that other than, I believe, you
13 told us you heard about one brother?

14 [09.25.23]

15 A. I did not <meet> with them so I cannot tell you anything else.
16 <We> lived in a different village, they lived in Peareang<, in
17 Chrey Krohuem> while I lived in Anlong Trea which was far. Even
18 Mon, in Svay Antor, although it was closer, but I could not go
19 there and during the Khmer Rouge regime we were prohibited from
20 going to another village. <No one dared to cross to other places.
21 We could not communicate or ask after one another.> Every morning
22 when we woke up <and> we had to go to the worksite.

23 Q. Thank you very much, and thank you for explaining to us what
24 you do know and do not know. So I want to ask you then, I
25 believe, just about one more statement and this is from a person

1 who now would be in his seventies named Mom Chheuy his wife's
2 name Neang Phan.

3 MR. SENG LEANG:

4 The name is Mom Chheuy and Neang Phan.

5 BY MR. KOUMJIAN:

6 Q. Those people. Do you know Mom Cheuy (phonetic)?

7 MS. SAO SAK:

8 A. No, that name does not ring a bell; I don't know which village
9 that person lives in.

10 Q. Did you know a midwife in Anlong Trea village named Yeay Doek?

11 MR. SENG LEANG:

12 Yeay Doek.

13 [09.27.17]

14 MS. SAO SAK:

15 A. <That's correct, Yeay Doek and her daughter was> Yeay Ba
16 (phonetic). Doek was the mother of Ba (phonetic)<. Yeay Doek> was
17 a midwife and she actually saved the lives of many people there.
18 She mostly saved villagers in Anlong Trea<, Bak Daok and Veal
19 Prov> and in other villages through her midwifery practice and
20 the knowledge passed on from the mother to the daughter. <Even
21 though she was senior she saved almost all people in Anlong Trea
22 by helping mothers, daughters and granddaughters deliver their
23 births. She was a Khmer traditional midwife.> However she was
24 taken away and killed and nobody knew that she was taken away and
25 killed. Only later we learnt that her house was empty and nobody

1 was there.

2 BY MR. KOUMJIAN:

3 Q. What was her ethnicity, this woman that was taken away and
4 killed?

5 MS. SAO SAK:

6 A. She was Vietnamese originally and <> since I grew up I saw her
7 living in the village although I did not know where she
8 originally came from. However as I said she saved many lives <of
9 Khmer people> in my village.

10 [09.28.43]

11 Q. And the lives that she saved were those people all Vietnamese,
12 what was the ethnicity of those whose lives she saved?

13 A. Regardless of Vietnamese or Khmer ethnicity, whoever came to
14 her for help, she would save them all.

15 Q. Do you recall any period of time when the local cadres from
16 your area Prey Veng were replaced by cadres from another part of
17 Cambodian?

18 A. No, I don't. I saw them coming but I didn't know from where
19 they came. I was an ordinary villager. I only saw them and I did
20 not dare even look at their face, let alone asking them where
21 they came from.

22 Q. Can you explain a bit about what happened when you said you
23 saw them coming, what happened when these other people came?

24 A. We the ordinary villagers, we were not allowed to actually
25 meet them and I spent most of my time in the rice field and I

10

1 only returned to the village for <joint> lunch at 11.30, so I did
2 not know about their activities.

3 [09.30.39]

4 Q. Did these people speak with the same accent as those from your
5 village or with a different accent?

6 A. I did not meet them and did not hear what they said. I met
7 only those from <Preaek Chrey commune and> Anlong Trea. So, only
8 people from those <villages> that I knew that they were Khmer.

9 Q. The disappearance of those who were Vietnamese or part
10 Vietnamese that we've talked about over since Thursday, did this
11 occur, if you know, continue to occur after these people arrived
12 or not, do you know?

13 A. Yes. They disappeared one after another and when the
14 Vietnamese were about to liberate and then there were no more
15 disappearances.

16 [09.32.03]

17 MR. KOUMJIAN:

18 Thank you. Mr. President, I turn over the witness to the civil
19 parties. Thank you very much. Thank you, Madam Witness.

20 MS. SAO SAK:

21 Thank you.

22 MR. PRESIDENT:

23 Thank you. The Lead Lawyer for the civil party, you may now
24 proceed.

25 QUESTIONING BY MS. GUIRAUD:

11

1 Thank you, Mr. President. And good morning to all of you. Good
2 morning, Ms. Witness. My name is Marie Guiraud and I represent
3 the collective of civil parties. And I have a few very short
4 questions to put to you; questions of clarification in relation
5 to what you explained to us last Thursday.

6 Q. You told us on Thursday that there were mixed blood children
7 and children from mixed blood marriages within your village in
8 Anlong Trea and I wanted to know if it was possible to physically
9 recognise the mixed blood children and if that was the case, what
10 were the physical features that <set these children apart from
11 other children>?

12 [09.33.30]

13 MS. SAO SAK:

14 A. In the village -- I knew only about those in Anlong Trea
15 village. Some had wives and some had children and I knew about
16 them. I did not know about those living in other village, I knew
17 only about those living in my village like Van Mao (phonetic). He
18 had a Khmer wife and I knew that he was mixed blood and his
19 child<. Neang Nat was> brought from Vietnam so I knew that she
20 was <married to a Cambodian husband and her children were mixed
21 blood>. So I knew only those in my village I did not know about
22 those in other village.

23 Q. Thank you. I'm putting questions to you only on what happened
24 in your <village, in Anlong Trea>. I would like to know whether
25 it is possible to <physically> recognise persons who were of

12

1 mixed origin or Vietnamese and those who were Khmer, in your
2 village. Did <they look alike?><> <did> they have <similar>
3 physical features or <were> they <> different?

4 [09.34.44]

5 A. Yes, they looked similar. They had dark complexions and I knew
6 that <the> father <of these children was> Vietnamese <and the
7 father of these and those children was> Khmer. <Their mothers
8 were Khmers.>

9 Q. When you say that they were <rather> dark, are you talking of
10 <mixed blood> children or children whose parents were Khmer?

11 A. I refer to their parents. If their parents are ethnic
12 Vietnamese, we say that "Oh they are children of Vietnamese."
13 <White or dark colour is not important. If their fathers were
14 Vietnamese we typically said those children were half "Yuon"
15 because their fathers or mothers were "Yuons". That is a practice
16 from one person to another.>

17 Q. Still, as regards the skin colour, which you referred to, in
18 order to properly understand your testimony, regarding children
19 who were half-caste <> who had Vietnamese parents, were they
20 darker, were they more dark skinned than the others or <did> they
21 have the same skin colour?

22 A. If we talk about their skin, for example, I myself, I look
23 like my mother so I have white skin but like Van Mao, he had dark
24 complexion, he did not look like his father. <He is much darker
25 than I am.> So it doesn't mean that only those who had white skin

13

1 were ethnic Vietnamese children, it did not mean like that.

2 [09.36.48]

3 Q. That is very clear. Thank you. How then, could you -- <within
4 the village itself> -- <tell those> who had one or two Vietnamese
5 parents <apart> from those who had Khmer parents? In Anlong Trea,
6 how would you know who was of Vietnamese origin and who wasn't?

7 A. In my opinion, I thought that the village chief also did some
8 <statistics or made some records> about the ethnicity of the
9 villagers but for me in my village, I knew those who had
10 Vietnamese wives or Vietnamese husbands but in Angkar in the
11 village chief, I think they may have done some <statistics> about
12 the ethnicity of the villagers, that's why people in the higher
13 ranking, in the Angkar, they knew something about the ethnicity
14 of the people in the village. So, I knew about when they got
15 married to ethnic Khmer and <I knew a married couple were barren.
16 They asked for a "Yuon" child to care as a foster daughter.
17 Then,> their history was known to the villagers<,> and people
18 talked about that and that's what all I knew about.

19 Q. When you say that you think the village chief issued a report,
20 is that something you heard of during that period, that there
21 were reports <or lists>?

22 MR. PRESIDENT:

23 <Witness, please hold on. Counsel Koppe, you may have the floor
24 now.>

25 [09.38.48]

14

1 MR. KOPPE:

2 Thank you, Mr. President. Good morning, Your Honours. I wanted to
3 make the observation already a little bit earlier, because I
4 heard the witness say when she was answering the previous
5 question, in my opinion the village chief may have done certain
6 things. I understand the follow up question but I think may
7 bemybe it would be in the benefit for all Parties that the
8 witness be instructed only to say the things that she actually
9 knows rather than giving her opinion on what might have been the
10 case.

11 BY MS. GUIRAUD:

12 That was precisely the thrust of my question, Mr. President. I
13 would like the witness to react by telling us what she knew at
14 the time and <not> what she thought she knew. That <was precisely
15 what my question was based on>. <I believe that thus far I'm
16 abiding by what our colleague pointed out.>

17 Q. <So,> Madam Witness, during that <time>, did you know that the
18 village chief had <compiled> reports, is that information that
19 you had in your possession <at the time>?

20 [09.40.10]

21 MS. SAO SAK:

22 A. When they did the <statistics>, they did about the ethnic
23 Khmer, I did not know about the ethnic Vietnamese.

24 Q. You have talked to us about your mother <on Thursday> and said
25 your mother was half-caste, half Vietnamese. <I would like to

15

1 know: did> your mother speak the Vietnamese language--

2 <Vietnamese>?

3 A. She did not speak Vietnamese but when Vietnamese people talked
4 to her, she understood.

5 Q. On Thursday you talked about other half-caste people who lived
6 in Anlong Trea, do you know whether those persons spoke
7 Vietnamese <or not?>-- during that period, of course.

8 A. All half-blooded children they did not speak Vietnamese, since
9 they were born until now, no one of them could speak Vietnamese.

10 [09.41.28]

11 Q. Thank you. On Thursday, in answer to a question put to you by
12 the National Co-Prosecutor, you explained that the Vietnamese and
13 half-caste people in your village were led away at a point in
14 time to the lower part of Cambodia. And <subsequently you told us
15 that they were> indeed sent to Vietnam. I would like to read out
16 to you what you stated on Thursday and put some questions to you
17 regarding that. You stated at 15.20.15 as follows:

18 "I saw that they were assembled and they were evacuated to the
19 lower region<>. Those who were from mixed <> families were
20 continually assembled and sent away by boat. As for <mixed>
21 families, they sent those <> families one at a time and they kept
22 disappearing." Do you remember making that statement on Thursday?

23 A. Yes I did.

24 Q. Can you explain to the Chamber to the best of your
25 recollection, how those persons were assembled and evacuated?

16

1 What do you remember as regards those events?

2 [09.43.02]

3 A. <I did not witness that.> They assembled people and sent to
4 somewhere. So each family was collected and sent away and they
5 disappeared and <they did not allowed us to see that. Sometimes>
6 they were sent at night time, <sometimes> at day time, I did not
7 know much about this because I worked during the day<. I> only
8 <knew that every two or three days, so and so family disappeared.
9 So, I secretly asked other> people <and they> told me that they
10 were sent away <to the lower area. But, no one knew where they
11 were taken to>.

12 Q. Did you know during that period who assembled <these> people?
13 Were they cadres or militiamen in your village in Anlong Trea or
14 <did> persons <> from outside of the village <come> to organise
15 such evacuations? Do you remember anything about that?

16 A. I did not know about that. I did not know who came to assemble
17 people I just only knew that people disappeared.

18 [09.44.10]

19 Q. Did you at any point in time hear anyone in your village or
20 outside of your village talk of language tests that were
21 conducted to find out whether those persons spoke Vietnamese or
22 not, is that something you <heard people talk about at the time>?

23 A. There were none language tests.

24 Q. On Thursday you stated that the persons who were assembled and
25 evacuated, were evacuated to Vietnam. How did you come by such

17

1 information and <> on what basis <here today> can you say that
2 they were evacuated to Vietnam?

3 A. It's only what I heard from other people say that those people
4 were sent to <the lower area, to> Vietnam.

5 Q. And those persons who told you that, were <people who were>
6 living in Anlong Trea village at the time; did people talk about
7 that in the village <at the time,> that people were evacuated to
8 Vietnam or <> is <that> something you learnt about subsequently
9 after the end of the Democratic Kampuchea regime?

10 A. It's what I heard from the villagers, that those people were
11 evacuated to Vietnam and they were sent back to their home
12 country in Vietnam. So it's what people said.

13 [09.46.08]

14 Q. And this is my last question to you, Madam Witness. You talked
15 of villagers who <supposedly told you that> those persons had
16 returned to Vietnam; did you hear that from a cadre or a
17 militiaman in your village <at the time>, that is, <> that those
18 persons were sent to Vietnam?

19 A. I heard from my fellow villagers that those people were
20 evacuated to <their home country,> Vietnam<,> because the
21 Vietnamese were not allowed to live in Cambodia that's what I
22 heard from fellow villagers.

23 Q. Thank you, Madam Witness. I have no further questions <>, Mr.
24 President. I <would like to point out that I> believe there was
25 <possibly> an error in the French <interpretation> and perhaps I

18

1 should put the question to the witness again.

2 Madam, you <stated that you> heard from the elderly persons in
3 the village that the Vietnamese did not have the right to <live
4 in Vietnam>, is that what you stated or it was an error in the
5 interpretation?

6 A. <The villagers said those> were sent <back> to live in
7 Vietnam. That's only what I said I did not say anything else. I
8 said those <people> were <perhaps sent back to their home
9 country, Vietnam> because they were Vietnamese so they needed to
10 live in their country.

11 MS. GUIRAUD:

12 Perfect. Thank you. <> Thank you, Mr. President.

13 [09.48.00]

14 MR. PRESIDENT:

15 <Now the Chamber gives the floor to the defence counsel teams.>

16 [09.48.19]

17 MR. PRESIDENT:

18 Co-Defence Counsel for Nuon Chea, you may now proceed.

19 (Short pause)

20 [09.48.50]

21 <Mr. Arun, there is a problem with the interpretation.>

22 Now I give the floor to the defence counsel for the Accused, Nuon
23 Chea. You may now proceed with the questions.

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President. And good morning, Madam Witness. I have

19

1 no many questions that I would like to put to you, only a few. I
2 would like to start with the following question.

3 Q. You were born in 1953, that means that you were 17 years old
4 in 1970; is that correct?

5 MS. SAO SAK:

6 A. Yes that's correct.

7 Q. In the period between 1970 and '75, did you ever travel
8 outside of your village, did you, for instance, ever go to Phnom
9 Penh between '70 and '75?

10 A. I did not leave my village during that time; I only <lived> in
11 my village, Anlong Trea.

12 [09.50.20]

13 Q. Did you have family in Phnom Penh or Takeo for instance?

14 A. No, I did not have.

15 Q. Did you know what happened outside of your village between
16 1970 and '75, for instance, with people from Vietnamese
17 ethnicity?

18 A. I did not know about that. I knew only about the evacuation of
19 those people but I did not know about what happened outside the
20 village.

21 Q. Have ever heard your mother speak about mass executions of
22 Vietnamese in 1970 or detention, arrest of many Vietnamese in
23 1970, a campaign with words against Vietnamese; did you hear
24 anything about that?

25 A. I did not know about that.

1 Q. Let me go back to what you said on Thursday at 14 hours 33
2 minutes. The question is -- I think it was a question from the
3 National Co-Prosecutor.

4 "Can you tell the Court how the Base People regarded Vietnamese
5 people, were there any differences in treatment on the Vietnamese
6 people before 1975 and after 1975?"

7 And your answer is I quote: "Before '75, we had normal
8 relationship, later on people were sorted out and Vietnamese
9 people were sorted during that time." End of quote.

10 Now when you gave that answer on Thursday, did you mean or did
11 you limit your answer specifically only to people of Vietnamese
12 origin in your village?

13 [09.53.38]

14 A. Ethnic Vietnamese and ethnic Khmer had no problems in their
15 relationship. When the ethnic Vietnamese were taken out the
16 ethnic Khmer also did not know much about what happened to them.

17 Q. But when you gave your answer last Thursday to the question
18 relating to the treatment of Vietnamese before '75, you were only
19 limiting your answer to what you know that happened in your
20 village, is that correct?

21 A. In my village there was also no strange event taking place.

22 Q. Just to be sure you have never heard of mass executions of
23 Vietnamese during the Lon Nol regime, is that correct?

24 [09.55.06]

25 A. Yes I did not hear about it because it was not something to do

1 with ordinary people, because ordinary people were busy with
2 their living. <They did not care about other matters.>

3 Q. Let me give you one example. The mass execution of 800
4 Vietnamese, labourers, whose bodies were thrown in the Bassac
5 river in 1970, have ever heard of such an event?

6 A. No. I did not hear about it. As I told you that <> I was an
7 ordinary <citizen> so I thought only about how to earn a living
8 for my family and I was also fearful about the bombing at that
9 time.

10 Q. Have you ever heard on the radio that the Lon Nol government
11 admitted to arresting some 30,000 Vietnamese and jailing 7,000 of
12 them under the suspicion of treason?

13 A. No I did not hear about that because my family was poor we did
14 not have a radio.

15 Q. So I presume you also never heard of anything of a mass
16 execution of Vietnamese in Takeo before 1975?

17 [09.56.59]

18 A. I did not hear about it.

19 MS. GUIRAUD:

20 I would like to make an application, Mr. President. Can we have
21 the references of the documents that my colleague is relying on
22 to put these questions to the witness? <Thank you.>

23 BY MR. KOPPE:

24 But of course, Mr. President. But in accordance with the practice
25 I was first asking open questions and then later on I would refer

1 to my source, allow me one last question and then I will refer to
2 where I have my knowledge from.

3 Q. Have you ever heard of anti-Chinese campaigns in Phnom Penh
4 before 1975. Chinese -- people of Chinese descent being
5 threatened with mass executions, have ever heard of that?

6 MS. SAO SAK:

7 A. No I did not. I did not know at all.

8 [09.58.25]

9 Q. Mr. President, I was referring to a book from someone whom the
10 Court considers that she is an expert. The book of Elizabeth
11 Becker, more specifically, that is, E3/20, ERN English, 00237829
12 and 30; Khmer, 00232165 and 66; and French, 00638396 and 97; in
13 which the author discusses the anti-Vietnamese pogroms. The
14 anti-Vietnamese campaigns of Lon Nol, mass executions, mass
15 detention and a threat to the Chinese of having the same fate as
16 Chinese in Indonesia in '65, where they were massively executed
17 by a western -- pro-western government in Indonesia. That's where
18 I have my questions from. But I understand, Madam Witness, that
19 you do not know anything about the treatment of the Vietnamese
20 before 1975, correct?

21 MS. SAO SAK:

22 A. No, I did not know about this.

23 Q. Have you ever heard of something called -- or a magazine or a
24 paper called "Revolutionary Flag"?

25 A. No, I never saw it. I lived in the countryside and I never saw

1 it.

2 Q. Have you ever, between '75 and '79, listened to Radio Phnom
3 Penh?

4 A. Of course not. During the regime people were not allowed to
5 know anything about the news.

6 [10.01.10]

7 Q. But Radio Phnom Penh, I think, was the official broadcast
8 organ of the Democratic Kampuchea government so I think it was
9 allowed for people to listen to Radio Phnom Penh. Did you ever
10 listen to the radio or did you know someone who listened to the
11 radio or the Radio Phnom Penh more specifically?

12 A. No, I did not as I said. In each family we were only thinking
13 of feeding our family members<. I had many children. We> did not
14 think of politics. We were striving to earn living for my
15 children, there were <nine> children that I had, two passed away.
16 <Now, seven of them are alive. So, as the family head,> my main
17 focus is to provide food to the children. After the end of the
18 regime, I strived my best to feed my family members mainly my
19 children. <I did not pay attention on other matters.>

20 [10.02.21]

21 Q. I understand, Madam Witness. Is it then fair for me to say
22 that the only encounter you ever had with functionaries of the
23 Democratic Kampuchea government is or are your interactions with
24 the local cadres from your village? Are they the only
25 representatives of the Democratic Kampuchea government that you

24

1 spoke to or that you had contact with?

2 A. <They were representatives and> cadres in my village. <They
3 said they were in charge of my village.>

4 Q. So, would it then be fair for me to say that you, at the time,
5 had no idea what the policy was of either the Democratic
6 Kampuchea government or the Communist Party of Kampuchea versus
7 the Vietnamese?

8 A. Yes, that is correct. I did not know anything about that.

9 Q. Madam Witness, in your written record of interview, you refer
10 to something that you call, "the events of So Phim". Literally
11 you say on English page, 00235511; Khmer, 00233295 -- sorry 96;
12 and French, 00250600:

13 "As for me I had to pull and transplant rice seedlings, make
14 fermented fish, smoked fish, mill rice and pound rice, according
15 to the season. About one or two years later, there were the
16 events of So Phim and the defeated soldiers and the wives of the
17 former Lon Nol soldiers along with those with tendencies were
18 rounded up and sent to the Centre and disappeared."

19 And my question is specifically about the events of So Phim. What
20 did you mean when you said that to the investigators "the events
21 of So Phim"?

22 [10.05.39]

23 A. After the events of So Phim, that's what it was known, people
24 or the soldiers <were defeated and they> ran back< home> to the
25 village were called to return and those with tendencies as well

1 as the <soldiers from Phnom Penh and> New People were <gathered
2 and> called to attend the re-education, that's all I know.

3 Q. Who was So Phim, Madam Witness?

4 A. I did not know who he was. I only heard of his name.

5 Q. Do you remember what you heard of his name?

6 A. People in the village talked about him about the confusing
7 situation at the time and I did not know anything else besides
8 that.

9 [10.06.54]

10 Q. And do you know what the villagers were speaking about, what
11 did they say, do you recall?

12 A. They did not say anything else. The event took place and died
13 down and nobody knew anything else.

14 Q. Do you recall which sector and in which zone your village was
15 situated before '75 and '79?

16 A. It was Sector 24.

17 Q. And which zone, do you remember?

18 A. No I don't. I only know that it was in Sector 24.

19 Q. Have you ever heard of someone called Heng Samrin?

20 A. I only heard of his name. I did not know his face.

21 Q. And do you remember what he heard about him between '75 and
22 '79 or thereafter?

23 [10.08.58]

24 A. No, I do not know anything else about him, as I said I only
25 heard of his name.

1 Q. Do you know whether there was ever any fighting going on
2 between military troops of the Democratic Kampuchea regime,
3 government and the Vietnamese troops, in other words did you ever
4 hear the sounds of war, guns shooting, cannons shooting, tanks
5 shooting each other, have you ever heard of anything like that?

6 A. No, I did not.

7 Q. My last question Madam Witness, is my understanding correct
8 that you yourself have never witnessed in front of your eyes
9 anyone being killed, you never saw any actual killing of anybody
10 is that correct?

11 [10.10.26]

12 A. Yes, that is correct, since I never saw it.

13 MR. KOPPE:

14 Thank you, Mr. President.

15 MR. PRESIDENT:

16 Thank you, Counsel. It is now convenient to have a short break.

17 We take a break now and resume at 10.30 a.m.

18 Court officer, please assist the witness <to take a rest> at the
19 waiting room reserved for witnesses during break time and invite
20 her back into the courtroom at 10.30 a.m.

21 The Court is now in recess.

22 (Court recesses from 1011H to 1031H)

23 MR. PRESIDENT:

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

25 And once again the floor is given to the defence team for Mr.

1 Khieu Samphan to put questions to this witness. You may now
2 proceed.

3 QUESTIONING BY MS. GUISSÉ:

4 Thank you, Mr. President, good morning. Good morning, Ms. Sao
5 Sak, my name is Anta Guissé and I am International Co-Counsel for
6 Mr. Khieu Samphan and in this capacity I will be putting a few
7 brief questions to you.

8 Q. My first question has to do with an event you mentioned in
9 answer to a question put to you by the National Co-Prosecutor.
10 You stated that you were arrested for about ten days and when you
11 were interviewed by Co-Investigating Judges, you made mention of
12 a number of persons who were also arrested at the same as
13 yourself and you said <there was a certain> "Grandmother <> Che".
14 Can you tell us who that person <was> and how you knew about her?
15 In the interest of <the interpreters>, to, <perhaps> avoid
16 <translation> problems, it is written as C-h-è <in French>, <and
17 her name is on> document is E3/7780.

18 [10.33.06]

19 MR. KONG SAM ONN:

20 The name is Che.

21 MS. SAO SAK:

22 In fact, Yeay Che was called together with me to<>Anlong Trea
23 pagoda.

24 Q. And my question to you was -- who was that person, <excuse
25 me,> and how did you know her?

1 A. Yeay Che was simply an ordinary person in Anlong Trea village;
2 we were living in the same village.

3 Q. In your statement, E3/7780, and the ERN French is, 00250601;
4 ERN in English, 002355112; and the ERN in Khmer is, 00233296; you
5 refer to the ethnic origins of that person. Do you remember<>?

6 A. I do not know the background of that person. That person said
7 she was Cham. We had been living together in the same village. I,
8 at the beginning, did not know whether or not that person was
9 Cham however I knew that the father of that person was ethnically
10 Cham. <Later on she was freed.>

11 [10.35.06]

12 Q. And do you confirm that, as in your case, that person was
13 freed at a point in time? <Is that correct?>

14 A. Yes, later on that person was freed.

15 Q. Still on the same page in French and the same page in English
16 and Khmer the ERN being, 00233297; you refer to a number of
17 <base> cadres <> -- I crave your indulgence for my pronunciation,
18 I have given the ERN numbers so that <interpreters don't get
19 lost>. <You spoke> of Man, Kok, Chhoey and Ny and they are all
20 referred to as base <> cadres. <So,> my first question has to do
21 with Man, what was his position exactly?

22 A. Man was the village chief in Anlong Trea.

23 Q. And was it to that person that you spoke when you were
24 arrested or you spoke to someone else?

25 A. Man invited me to a pagoda. It was only Man who invited me.

1 [10.37.59]

2 Q. So he is the person that you spoke to, is that correct?

3 A. Yes that is correct. It was Man.

4 Q. Do you know who Man's chief was?

5 A. I do not know the immediate supervisor of Man, I knew only
6 Chhoey <was the commune> chief.

7 Q. And can you tell us what Chhoey's exact position was?

8 A. He was the commune chief of Prek Chrey.

9 Q. You also made mention of Kok, what was Kok's <exact> position?

10 A. Village chief, he was the village chief together with Man in
11 Anlong Trea.

12 Q. And lastly Ny, what was his <exact> position?

13 A. He was the chief of militia.

14 Q. A while ago and even <yesterday,> you said on several
15 occasions that you were an ordinary member of the village and you
16 went around doing your work. Is it correct to say that you never
17 attended any meeting with Mon, Kok, Chhoey and Ny?

18 [10.39.13]

19 A. I never attended the meetings but I used to be in the meetings
20 in relation to the discussion of <rice production, transplanting>
21 harvest and the agriculture. In the meeting I was told to
22 increase the production from three tonnes per hectare to six
23 tonnes per hectare.

24 Q. So, a while ago when you answered a question put to you <by my
25 colleague,> the civil party Lead Co-Lawyer, you said that you

30

1 assumed that Man <drafted> reports on the ethnic origins of the
2 members of your village <>. <Do you agree in that this was> only
3 a supposition on your part? That you, <yourself, never saw those
4 reports and that you> were not <sure whether> Man <submitted>
5 reports on people to a chief <whom> you <did not know>, is that
6 correct?

7 A. Yes, that is correct.

8 MS. GUISSÉ:

9 Thank you. I have no further questions for the witness, Mr.
10 President.

11 [10.40.36]

12 QUESTIONING BY MR. KONG SAM ONN:

13 Thank you, Mr. President. Good morning, Witness. This morning you
14 made mention about arrests of Vietnamese and the transfer of them
15 to their home country, that is, Vietnam. Could you tell the Court
16 who told you that Vietnamese were arrested and sent back home?

17 MS. SAO SAK:

18 A. It was not the village chiefs who told us about that, it was
19 <the villagers who> thought that the Vietnamese were arrested and
20 sent back to Vietnam, no one told us about that<.>

21 Q. Who told you about the arrest and transfer of Vietnamese,
22 could you tell the names of those people?

23 A. It was a rumour from one another. When we were in the dining
24 hall, all of us were whispering to one another that Vietnamese
25 had been arrested and sent back to Vietnam. We were afraid after

31

1 hearing that information. I, together with Yeay <Yeut> (phonetic)
2 <and other elderly ladies, working alongside each other, our
3 group chief and group members,> discussed about that matter. <We
4 were saying that> the Vietnamese people <were> arrested and sent
5 back to Vietnam<, their home country>. We learnt from the
6 <grandmothers> or Yeay Yeay in Khmer. <Neither men nor cadres
7 informed us about that.>

8 [10.42.42]

9 Q. When did that happen?

10 A. It was between 1975 <and> 1978, when we were working together
11 in the cooperatives and when we were having meals together
12 collectively <in the cooperative>.

13 Q. Thank you. A while ago you said Ny was militiaman chief. Could
14 you specify about Ny's position whether or not he was the militia
15 chief in the commune or in the village?

16 A. Ny was the chief of militia within my village.

17 MR. KONG SAM ONN:

18 Thank you, Madam Witness. Mr. President, I am done with my
19 questioning.

20 MR. PRESIDENT:

21 Thank you, Madam Sao Sak. The hearing of your testimony as a
22 witness has come to an end. Your testimony will contribute to
23 <the> truth in this case. You may be excused <now>, you may
24 return to your residence or to any destination you wish to go. I
25 wish you good health, good luck and prosperity.

1 Court officer, please work with WESU to send Madam Sao Sak to her
2 residence or to any destination she wishes to go.

3 And next the Chamber will start to hear <the civil party>
4 2-TCCP-241<>.

5 Court officer, please invite <this civil party> into the
6 courtroom.

7 <(Civil Party 2-TCCP-886 leaves the courtroom.)>

8 (Civil party <2-TCCP-241> enters courtroom)

9 [10.46.22]

10 QUESTIONING BY THE PRESIDENT:

11 Good morning, Mr. Civil Party, what is your name?

12 MR. CHOEUING YAING CHAET:

13 A. My name is Choeung Yaing Chaet.

14 Q. Mr. Choeung Yaing Chaet, when were you born?

15 A. I cannot recall it.

16 Q. How old are you this year?

17 A. I am 13 or 14 years old, Mr. President.

18 Q. How old are you this year?

19 A. I am 52 years old, Mr. President.

20 [10.47.15]

21 Q. Thank you, Mr. Choeung Yaing Cheat, where were you born?

22 A. <Ruessei Dangkuoch> village, Prey Kri commune, Kampong Leaeng
23 district.

24 Q. And what is your current address, where are you living now?

25 A. I am living in Kandal village, Kampong Chhnang district,

1 Kampong Chhnang province.

2 Q. What is your current occupation?

3 A. I am a worker, Mr. President.

4 Q. Thank you. Mr. Yaing Chaet, please listen carefully to the
5 question before you give your answer, by doing so you may allow
6 time for interpreters to interpret into three working languages,
7 Khmer, English and French. So you need to pause a little while so
8 that interpreters can fully interpret what you say. What are your
9 parent's names?

10 [10.48.43]

11 A. My father's name is Choeung Yang Sruo and Mother's name is
12 Mieng Thy Korng.

13 Q. What about your wife, what is her name and how many children
14 do you have?

15 A. My current wife's name is <Mieng Yang Noy> (phonetic) and I
16 have 11 children, Mr. President.

17 Q. Mr. Choeung Yaing Chaet, at the end of your testimony as a
18 civil party you are entitled to make a <> statement <on the pain,
19 misery and injuries you suffered> during the Democratic Kampuchea
20 between 17 April 1975 to 6th January 1979 if you wish to do so.

21 Mr. Choeung Yaing Chaet, have you ever <testified or> been
22 interviewed by the investigators of the ECCC's OCIJ?

23 A. Yes. I can recall some <important> information which <was>
24 provided to the investigator, <but> not all of them.

25 Q. I want to know whether you have been interviewed by the

1 investigators of the OCIJ of the ECCC.

2 [10.50.35]

3 A. Yes. Lawyer Sokong is the lawyer who interviewed me and later
4 on, Lawyer Lyma interviewed me.

5 Q. So you did not provide information to the investigators of the
6 OCIJ of the ECCC. In fact you were interviewed by your Lawyers.
7 Mr. Choeung Yaing Chaet, on the basis of Internal Rule 91bis of
8 the Internal Rules, the Chamber gives the floor to the Lead
9 Co-Lawyers to put questions before other Parties. Lead Co-Lawyers
10 and Co-Prosecutors will have two sessions to put questions to
11 this civil party. You may proceed, Lead Co-Lawyer.

12 MS. GUIRAUD:

13 Thank you, Mr. President. It is <our> colleague, Lyma Nguyen, who
14 will put questions to <the> civil party today.

15 MR. PRESIDENT:

16 Yes, you can now proceed, Lawyer.

17 [10.52.07]

18 QUESTIONING BY MS. NGUYEN:

19 Q. Mr. Choeung Yaing Chaet, are you of Vietnamese ethnicity?

20 MR. CHOEUNG YAING CHAET:

21 A. I was ethnically Vietnamese.

22 Q. Are both your parents ethnically Vietnamese?

23 A. Yes, you are right.

24 Q. Now, you mentioned that you were born in Srae Ta Kouy

25 (phonetic) village in Kampong Leaeng district, Kampong Chhnang

1 province; can you tell us where you parents were born?

2 A. Yes, I can tell you. My parents were also born in Ruessei
3 Dangkuoch <village, Prey Kri commune,> Kampong Leaeng district,
4 and I <as well> was born in the same village, commune and
5 district.

6 Q. What language did you speak at home growing up?

7 A. When I lived in that village, I spoke both Khmer and
8 Vietnamese. <But, we spoke Vietnamese at home.>

9 Q. What language did you speak with your parents?

10 [10.53.58]

11 A. I spoke Vietnamese.

12 Q. Did your parents also speak the Khmer language?

13 A. Yes, they could speak Khmer. They lived in a village adjacent
14 to Khmer villages so they also spoke Khmer.

15 MR. PRESIDENT:

16 Madam Lawyer, please turn off your microphone after you put the
17 question and please also pause a little while before you put
18 another question so interpreters can fully interpret <all of what
19 > you say.

20 BY MS. NGUYEN:

21 Q. Certainly, Your Honour, thank you. What level of Khmer
22 language skills did your parents have?

23 [10.55.12]

24 MR. CHOEUNG YAING CHAET:

25 A. They could speak 60 per cent of Khmer.

1 Q. Did your family follow any Vietnamese traditions?

2 A. They practiced Vietnamese religion.

3 Q. And what is the Vietnamese religion?

4 A. They celebrated Vietnamese New Year and the All Souls Day --
5 that is, <Saen Kbal Teuk in Khmer> (phonetic).

6 Q. Now the Vietnamese use a calendar which is a little bit
7 different from the Western calendar and from the Khmer calendar,
8 could you tell us how the Vietnamese calendar is different?

9 A. The calendar of French people is <one month> different from
10 the calendar of the Vietnamese people.

11 Q. How are the calendars different?

12 A. Usually the celebration of any ritual of French calendar is
13 one month before the Chinese calendar.

14 Q. So the Vietnamese calendar is the same as the Chinese
15 calendar?

16 A. Yes, that is right.

17 [10.57.35]

18 Q. Now you said that the calendars were one month different, for
19 example, if today is the 7th of December in the Western calendar,
20 what day is it in the Vietnamese calendar?

21 A. It falls on the 26th of October in Vietnamese calendar.

22 Q. So the Vietnamese calendar has dates that are earlier than the
23 Western calendar; is that correct?

24 A. In fact, it was -- it usually is one month after the
25 celebration according to the Western calendar.

1 Q. Now, Mr. Choeung Yaing Chaet, have you got brothers and
2 sisters, or did you have brothers and sisters?

3 A. Yes, I have siblings. Male and female siblings.

4 Q. Is it correct that in 1975, you had two older brothers and two
5 older sisters and that you were the youngest child in your
6 family?

7 [10.59.30]

8 A. Yes. I have two elder brothers and two elder sisters and I am
9 the youngest in the family.

10 Q. In 1975, you were 13 or 14 years old, is that right?

11 A. Yes, that is right.

12 Q. Do you know when each of your brothers and sisters were born?

13 A. I do not recall the dates of their birth.

14 Q. You told the Court the names of your mother and your father
15 earlier, I'd like you to go through the names of your siblings
16 starting with the oldest brother, what was your oldest brother's
17 name?

18 A. My first eldest brother was Choeung Yang Khauy, my second
19 brother was Choeung Yang Leuy and next other brother was Choeung
20 <Thy Yieng> and fourth one was Choeung <Thy Lit>, then it was me.

21 Q. Your family was ethnic Vietnamese, did any member of your
22 family have Vietnamese nationality?

23 A. My ancestors were Vietnamese and for me I had five siblings.

24 Q. Did any of your family members have Vietnamese nationality or
25 Vietnamese citizenship?

1 [11.02.09]

2 A. At that time I did not reach the age, however my elder two
3 brothers got the age and they received this letter <Laing> Tai
4 (phonetic) -- that is, during the Sangkum Reastr Niyum regime.

5 Q I would just like to move to the issue of your places of
6 residence. You said you were born in Srae Ta Kouy (phonetic)
7 village, how long did you and your family live in this village?

8 A. I lived there and I only moved to Kandal village in 1975. I
9 was in the <Ruessei Dangkuoch> (phonetic) <village> for a long
10 while. However we were mistreated by the Khmer Rouge, then we
11 fled to live near the Kampong Chhnang town.

12 Q. Could you explain how your family was mistreated by the Khmer
13 Rouge in Srae Ta Kouy (phonetic) village?

14 [11.03.40]

15 A. They mistreated us and they said that if we remained living
16 there, every one of us would be killed. For that we were afraid
17 then everyone from the village fled to Kampong Chhnang, including
18 my family and myself.

19 Q. Do you recall the composition of Srae Ta Kouy (phonetic)
20 village, for example, how many Vietnamese families lived there
21 and how many Khmer families?

22 A. There were more than 30 Vietnamese families, however there
23 were more Khmer families living in the village and the commune
24 though I do not know the total number of Khmer families.

25 Q. When you family moved from Srae Ta Kouy (phonetic) village to

1 Kandal village, were there also other families that moved there
2 at the same time?

3 A. Everybody came to Kampong Chhnang, that is, to live in Kandal
4 village. There were Vietnamese families, Khmer families and Cham
5 families coming to live in that village.

6 Q. Now, you said earlier that you were told that if you remained
7 in the village, you would all be killed, could you explain who
8 told you that and who they said it to?

9 A. It was the -- Ta Peang's group who said that. Ta Peang was in
10 charge of Kampong Leaeng district.

11 [11.05.57]

12 Q. Now during the Khmer Rouge times, Kampong Leaeng district was
13 also known as District 18; is that correct?

14 A. Yes.

15 Q. Do you remember the dates or the month that your family moved
16 from Srae Ta Kouy (phonetic) to Kandal village?

17 A. I do not recall the month, however in 1975, I moved to Kampong
18 Chhnang and we stayed there a little bit over a month then we
19 were evacuated to Dar.

20 Q. What did you do during that month at Kandal village?

21 A. I went to catch fish.

22 [11.07.21]

23 Q. You said that you were evacuated to Dar village, could you
24 explain whether your parents actually chose to relocate from
25 Kandal village to Dar village or whether they were forced to?

1 A. By that time we were forced and actually they said that "long
2 live Samdech Euv" and we all had to leave <our houses, if any
3 house remained occupied it would be burnt down. For> those who
4 lived in the river had to go <to Kampong Leaeng district>
5 following the river while those <who lived> on <the ground> had
6 to move by land and for us we went to Dar village.

7 Q. Could you describe what happened during the forced relocation
8 to Dar village?

9 A. We were taken to Dar and we were divided into groups there,
10 some had to go fishing while others had to work on land. <They
11 made the roll call and people had to sign in family by family.>
12 So they divided and they selected certain families to go and
13 catch fish while others <worked> on land.

14 Q. How many families were forcibly relocated to Dar village from
15 Kandal village?

16 A. I cannot recall that. There were many families, there were
17 about 1000 families.

18 Q. Do you recall what the ethnic compositions of those 1000
19 families were who were relocated? Do you know how many of them
20 were Khmer and how many of them were Vietnamese families?

21 A. Since there were many, many families, I cannot recall the
22 ethnic composition. <But, I remember that there were about 1000
23 families of both Khmer and Vietnamese.>

24 [11.09.56]

25 Q. Do you recall whether there were more Vietnamese families than

1 Khmer families in that area?

2 A. It was likely that there were more Vietnamese families.

3 Q. Now how far away was Dar village from Kandal village?

4 A. It was 15 kilometres away or it could be roughly a little bit
5 less than 20 kilometres.

6 Q. And the people, when they were transferred to Dar village, did
7 the Vietnamese people live together with the Khmer people or did
8 they live separately?

9 A. For my group, <that is, Ta Peang's group,> we were all
10 Vietnamese families while another group composed of mixed Khmer
11 and Vietnamese families.

12 Q. Who were the people in charge of Dar village?

13 [11.11.33]

14 A. I don't recall the name of Dar village chief and I only know
15 <that> the Peam <was the most senior> chief in Kampong Leaeng
16 district.

17 Q. You mentioned before that there was a Ta Peang, was he the
18 village chief of Dar commune?

19 A. He was the chief of the Pol Pot group.

20 Q. Now this Dar village, was it still within District 18?

21 A. Yes, Dar was located in District 18.

22 Q. And could you describe where it was geographically, was it on
23 a mountain?

24 A. Yes, Phum Dar was located at a mountain and to the east, it
25 was Kangkaeb mountain and <next> to <it is> Chranouk and to the

1 lower part of Dar village laid Kampong Leaeng district. <Now, it
2 is part of Kampong Leaeng district.>

3 Q. What were the living and working conditions on Dar village at
4 Kangkaeb mountain?

5 A. I lived in Kangkaeb village together with my <male and female>
6 siblings and my parents and I <watched> the <houses> and sheds
7 and I cut the tree stumps every day> and we were <given> a <bowl>
8 of <rice> gruel for the morning, for lunch and for <the evening>
9 and the gruel was mixed with morning glory.

10 Q. What sort of work did you do at the mountain?

11 A. I was asked to <cut> the <tree stumps> to grow <cassava>.

12 [11.14.05]

13 Q. Now how long did your family live at Dar village on Kangkaeb
14 mountain before they were killed?

15 A. It was a bit more than a month.

16 Q. During your family's time on the mountain did they ever
17 suspect that the whole family would be killed?

18 A. No. They never thought about that. <We did not anticipate they
19 would kill us.> If we knew that we were to be killed we would run
20 off into the forest <as it would be more comfortable> to be eaten
21 by a tiger <than having our head blown with an axe or a club by
22 the Khmer Rouge>.

23 Q. Mr. Choeung Yaing Chaet, I would like you to describe in
24 detail the events leading to the death of your family starting
25 from the beginning, could you please tell the Court, when it was

1 the approximate date or month that you family were gathered
2 together and killed? Please take your time.

3 [11.15.58]

4 A. My parents were <cutting the tree stumps> and in fact my
5 father had a fever, I also had fever and next morning there were
6 eight men coming with eight guns and an axe <and a bamboo stick>.
7 They demanded my father to go first and after he left the house<,
8 he> was tied, my mother became unconscious, then each of the
9 family members were tied up by a rope that they used on cows.
10 Then they lined them up into a line and walked them off.

11 Q. So that morning, were all your family members in the house
12 when your father was called to come out by the eight men?

13 A. Yes we were all there and that happened at 8 o'clock in the
14 morning.

15 Q. Could you describe these eight men, where were they from, what
16 were they wearing?

17 A. It was <Ta Peang's> group, they all had black uniforms and
18 they had <scarves> around their <necks>.

19 Q. Were they armed with any weapons?

20 A. The eight of them had eight guns<,> an axe and <a bamboo
21 stick>.

22 Q. Could you describe what they did after they called your father
23 out of the house and after he came out of the house?

24 [11.18.22]

25 A. They took him to <an area> near the pit where they would

1 execute him and it was about 100 metres away near the foothill.

2 However I did not see them kill my parents. When I arrived at the
3 pit, I saw their dead bodies in the pit, that is, the dead bodies
4 of my father, my mother and my siblings.

5 Q. You said -- you said earlier that these men tied your father
6 up and then did the same with the rest of your family. Could you
7 describe the manner in which they tied up your family?

8 A. They tied all the hands behind the back with a rope that they
9 used on cows and all my sisters and brothers were tied up <that
10 way> and then we were lined up in a queue and then they <were>
11 walked into the forest.

12 Q. So did they tie up each member of your family individually or
13 did they also tie them up together in one line?

14 [11.20.03]

15 A. We were tied up individually; however, when we were walked
16 there, we were walked into a single file in order to <prevent>
17 any of <them from> escaping.

18 Q. On this particular day did they do anything similarly with
19 other families?

20 A. As for other families, I could not say. If they had to force
21 to work probably they would be spared and others might have been
22 killed. I had been hit three times by an axe at the nape of my
23 neck<. One of the bones broke> and from that day onward <> -- my
24 memory does not serve me that well. <It hurt me very much.>

25 Q. Just going back to what happened outside your family house;

1 did you see the Khmer Rouge take any other families that day?

2 MR. KOPPE:

3 Mr. President, I object to the word "Khmer Rouge". We either
4 describe very specific people or at least Counsel should do that
5 and refrain from the word "Khmer Rouge", especially when we are
6 dealing in this period '75. So the "Khmer Rouge" as such cannot
7 do anything, it's a physical acts that Counsel is asking for so
8 the witness should describe persons rather than an entity called
9 the "Khmer Rouge".

10 BY MS. NGUYEN:

11 Q. Mr. Choeung Yaing Chaet, you said there were eight cadres with
12 your family that morning, did you see these eight men deal with
13 any other families in a similar way.

14 [11.22.22]

15 MR. CHOEUNG YAING CHAET:

16 A. That day, at 8 o'clock in the morning, a family next door was
17 tied up as well. That family composed of father, mother and two
18 children.

19 Q. Was that family ethnically Vietnamese?

20 A. Yes. They were also Vietnamese.

21 Q. Was that family tied up at the same time that you family was
22 tied up?

23 A. Yes.

24 Q. You said earlier that these eight cadres then walked you about
25 one kilometre away to another place, could you describe the place

1 where they stopped you?

2 [11.23.39]

3 A. They walked us from the house to the forest and the distance
4 was about -- a bit over one kilometre and we were stopped about
5 100 metres from the pit and each of us would be taken one by one
6 to be killed at the pit.

7 Q. During that one hundred metre walk, did any of the cadres say
8 anything to yourself or your family or to the other family?

9 A. No, there were four cadres who were guarding our group and
10 <each of them> would lead us one at a time <to be> killed.

11 Q. Could you describe what this pit looked like, how big was it?

12 A. The pit was three metres wide and <> 2.5 <metres long> and the
13 depth was 1.5 metres.

14 Q. What did the cadre do when you reached this pit?

15 A. As I stated earlier, each of us would be taken there and
16 killed. They would be killed, untied and pushed the person into
17 the pit and when it's my turn I was ordered to kneel down and
18 then they felt my neck and then they used an axe to hit the nape
19 of my neck three times.

20 [11.26.04]

21 Q. Were you the last in your family to be told to kneel by this
22 pit, what order did they take the members of your family?

23 A. I was the last person in my family and by that time all of the
24 eight cadres were there and they presumed that I was dead, then
25 they untied me, they took away the rope and then <they> left.

1 Q. By the time it was turn and as you were kneeling, what could
2 you see inside the pit?

3 A. I only saw four of my family members and not the rest because
4 they stacked on top of another, I saw the dead bodies of my
5 father, my mother and my siblings and I was the last person to be
6 killed and to be dropped into the pit.

7 [11.27.31]

8 Q. Did you see the bodies of any of the other family who were
9 taken with your family that day?

10 A. No, I did not. It was possible that they were stacked up below
11 the dead bodies of my parents. And by the time I was kneeling at
12 the pit I felt dizzy. <I could not see things well because I was
13 the last one, who was beaten and pushed into the pit.>

14 Q. Now you described before, that when it was your turn, you were
15 forced to kneel down on your knees by the pit and one of the
16 cadres pulled your legs from behind you, can you describe what
17 then happened?

18 A. I said that I was ordered to kneel down and after I knelt down
19 they pulled my legs <backward>, by that time I lost my balance
20 and <I fell down in my front and> my head moved forward then they
21 felt the nape of neck, they hit it three times, they dropped me
22 off into the pit and then they untied me.

23 Q. You said before that when you dropped into the pit you had
24 lost consciousness, when did you regain consciousness?

25 A. It was around 4 o'clock in the afternoon when I regained my

48

1 consciousness. I could not walk <out of the pit as> I had a very
2 severe pain at my neck. It was swollen <and my head hurt very
3 badly> then after that I walked day and night<. I finally arrived
4 in Cheung> Krous (phonetic) <commune> and then I entered the
5 house of Ta Ly.

6 [11.29.56]

7 Q. Now, at the time all of this happened, you were only 13 or 14
8 years old, could you let the Court know what it was that you were
9 thinking and feeling at the time that you regained consciousness
10 in this mass grave?

11 A. Frankly speaking, I did not think of anything. I was just
12 reborn. <I was dizzyed.> So I walked that night and I reached the
13 floating Vietnamese village, I saw Ta Ly<'s houseboat. I asked
14 them for accommodation> then <and they> helped me, <they saved
15 me,> they gave some modern medicine and also traditional
16 medicines in order to treat me.

17 Q Who was this Mr. Ta Ly, who helped you?

18 A. Ta Peang's group assigned Ta Ly to live in the floating
19 village in order <> to catch fish and to make fermented fish <and
20 dried fish.> When I reached that <group> I told them that all of
21 my family members had been killed and that <only> I survived,
22 <but my head was wounded,> then he <helped me and> used some tree
23 leaves to treat my swollen neck.

24 [11.31.52]

25 MR. PRESIDENT:

49

1 Thank you, the time is appropriate now for our lunch break; we
2 will take a break now and resume at 1.30 this afternoon.
3 Court officer, please assist the civil party at the waiting room
4 reserved for civil parties and witnesses and invite him back into
5 the courtroom at 1.30 this afternoon.

6 Security personnel, you are instructed to take Khieu Samphan to
7 the waiting room downstairs and have him returned to attend the
8 proceedings in this courtroom before 1.30 p.m.

9 The Court is now in recess.

10 (Court recesses from 1132H to 1333H)

11 MR. PRESIDENT:

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

13 Before I hand over the floor to Lead Co-Lawyer for civil parties
14 to put questions to this civil party, the Chamber would like to
15 issue an oral ruling on a new witness for treatment of the
16 Vietnamese.

17 In order to provide timely notice to the Parties, the Trial
18 Chamber now issues a partial decision on <document> E319/36, the
19 International Co-Prosecutor's request to call for <four>
20 additional witnesses, and to admit several written records of
21 interview listed in Annex J to the motion E319/36.2. The Parties
22 responded to this motion orally during proceedings on 1 December
23 2015. This oral decision is limited to the International
24 Co-Prosecutor's request to call the proposed <witnesses> on the
25 treatment of the Vietnamese whom the OCIJ interviewed in Case

1 003; and the International Co-Prosecutor's request to admit three
2 of the proposed witness newly-disclosed written records of
3 interview from Case 003: E319/23.3.44, E319/23.3.46, and document
4 E319/23.3.47 discussed in paragraphs 11 and 12 of the
5 International Co-Prosecutor's motion.

6 The civil party Lead Co-Lawyers support the International
7 Co-Prosecutor's requests.

8 The Nuon Chea defence <submitted> that, should the Chamber grant
9 the International Co-Prosecutor's requests, the proposed
10 <witnesses> be called to testify only after the Case 003
11 investigation is complete, and that all of the proposed witness
12 recently-disclosed written records of interviews be admitted,
13 including document E319/23.3.45 and document E319/23.3.48.
14 No Party objected to the admission of these additional two
15 written records of interview.

16 [13.37.10]

17 The Khieu Samphan defence objects to the calling the proposed
18 witness, arguing that because the Co-Prosecutors were aware of
19 this witness during the Case 002 investigation, the International
20 Co-Prosecutor's request is tardy. The Khieu Samphan defence also
21 <submitted> that none of the written records of interview
22 proposed by the International Co-Prosecutor should be tendered
23 into evidence before the Case 003 investigation has been
24 completed.

25 The Trial Chamber notes that, although DC-Cam interviewed the

1 proposed witness in 2007, this interview contains minimal
2 information relevant to the treatment of the Vietnamese: see
3 document E3/9092. The written records of interview recently
4 disclosed by the <OCIJ> contain such information in detail. The
5 Chamber is satisfied that this evidence on the treatment of the
6 Vietnamese was not available before the opening of the trial.
7 Consequently, all requests fulfil the requirements of Internal
8 Rule 87.3 and 87.4. The Chamber therefore grants the
9 International Co-Prosecutor's request to call the proposed
10 witness, and assigns him the pseudonym 2-TCW-1000. The Trial
11 Chamber also admits into evidence 2-TCW-1000's written records of
12 interview as requested by both the International Co-Prosecutor
13 and the Defence, namely document E319/23.3.44, E319/23.3.45,
14 E319/23.3.46, E319/23.3.47, and E319/23.3.48.
15 Now, the Chamber gives the floor to Lead Co-Lawyers for civil
16 parties, and you can proceed with your questioning. Please wait,
17 Lawyer. You have the floor first, Mr. Koppe.

18 [13.40.05]

19 MR. KOPPE:

20 Thank you, Mr. President. I have a request for clarification
21 directed to the civil party lawyer, and I'm referring to document
22 E3/5631 on the first page. That's the interview of the civil
23 party with the present lawyer who is interviewing the civil
24 party. And in the English -- and it's also in relation to earlier
25 questions from the civil party lawyer in relation to the

1 Vietnamese calendar versus the Western calendar. On English, page
2 00678292; and Khmer, 0089753; and French, 00898372; I read in
3 English: "At 9.00 -- at 9 o'clock on 17 April 1975, 17 March
4 according to the Western calendar," and then the story about the
5 killing of his family.

6 [13.41.24]

7 So it seems to suggest here that the Western calendar is one
8 month earlier. On the other page it seems to suggest it's
9 something else. But the question is relevant because if it's on
10 the 17th of March '75, technically we are outside the
11 jurisdiction of this Tribunal. And also in relation to the
12 questions that the civil party lawyer asked, I think it would be
13 beneficial to all Parties to know if that is a mistake in the
14 English language in E3/5631.

15 [13.42.12]

16 MS. NGUYEN:

17 Your Honours, when this civil party was questioned earlier about
18 the differences between the Vietnamese calendar and the Western
19 calendar, which is the same as the Khmer calendar, what he did
20 say, which ultimately clarifies the point raised by my learned
21 friend, is that today's date being the 7th of December means that
22 in the Vietnamese calendar, it's the 26th of October. This means
23 that the Vietnamese calendar is always earlier than the Western
24 calendar, and it's my submission that that response ultimately
25 clarifies the inconsistencies that do appear on the supplementary

1 statement, at two parts of the statement, or rather the confusion
2 that arises from the explanation given on the first part, the
3 first page of the supplementary statement, and then the second
4 page, which refers to a different date. It's my submission, Your
5 Honours, that that question has already been clarified in this
6 civil party's earlier answers.

7 MR. KOPPE:

8 I'm sure it's me, but I'm not sure if I understand. My concern
9 is: Is he describing events before the jurisdiction of this
10 Court, being 17 April '75, or is he describing events on 17 April
11 '75? So, I think the Court should know whether the alleged
12 killing of his family took place before the time period that the
13 Court has jurisdiction. That is the only question, I think, which
14 is relevant.

15 [13.44.07]

16 MR. PRESIDENT:

17 Before I give the floor to Lead Co-Lawyer for civil parties, I
18 would like to ask the particular representative of civil parties:
19 I heard that the example referring to December of that year, so I
20 think it is confusing concerning the calendar, and if that is the
21 case, I think the Vietnamese calendar perhaps two months after
22 the Western calendar, not one month after.

23 MS. NGUYEN:

24 Your Honours, it's my understanding that the Vietnamese calendar
25 is -- revolves around the lunar calendar, so it depends on the

1 moon and the phases of the moon, and when the moon is full, or
2 the different phases of the lunar processes. When Mr. Choeung
3 Yaing Chaet says that it's -- that today is the 26th of October,
4 according to the Vietnamese calendar, it does make it just over
5 one month before the date of the Western calendar.

6 [13.45.47]

7 BY JUDGE FENZ:

8 Sorry, I just wanted to ask an additional question to the civil
9 party.

10 Q. Sir, if you answer questions that involve a date or time
11 today, questions that refer to the period '75 to '79, are you
12 answering using the Vietnamese calendar or the Western calendar?
13 Do you understand my question?

14 MR. CHOEUNG YAING CHAET:

15 A. Actually, if we are talking of the Vietnamese calendar, I
16 think it was after the seventh day -- I think it was seven days
17 after the Khmer New Year that I was transferred to another area.
18 So if I refer to the Vietnamese calendar, it was the fourth month
19 of the calendar, one month after the Khmer New Year that my
20 parents had been killed.

21 Q. But more generally, you will be asked dates again, I guess.
22 Will you, if somebody asks you about the period between '75 and
23 '79, and asks you a date, will you answer according to the
24 Vietnamese calendar or to the Western calendar, so we know how to
25 put your answer in perspective, or to understand your answer?

1 A. I am referring to the Vietnamese calendar when I'm talking
2 about that.

3 [13.48.10]

4 JUDGE FENZ:

5 Are we clear now about the relationship between Vietnamese and
6 Khmer calendars? I've heard one month, two months.

7 MR. KOPPE:

8 But the -- the -- sorry to interrupt, Judge Fenz, but the
9 question is: this is a statement from this civil party, which was
10 written down by the civil party lawyer. And here it says that 17
11 April '75 is 17 March '75 here. So then this must be a mistake in
12 that document. And if Ms. Nguyen would be so kind to admit that
13 there's a mistake in that typewritten version of that document,
14 then we're all fine.

15 [13.48.58]

16 MS. NGUYEN:

17 Your Honours, to be perfectly clear, in that document, E3/5631,
18 there are two different references to two different dates. And
19 then, following those references, there is an associated
20 reference to a Vietnamese calendar date. I have to make very
21 clear, Your Honours, that I'm not the witness in this case. I'm
22 not giving the evidence. The evidence is to come from the civil
23 party. Now, in the first reference -- that is, on ERN in English,
24 00678292; and this is French, 00898372; Khmer, 00897513; it does
25 say, "At 9 o'clock on 17 April 1975" -- in brackets "17 March

1 according to the Western calendar", which would suggest that the
2 Western calendar is earlier than the Vietnamese calendar.

3 However, on the next page, which is English, 00678293; Khmer,
4 00897515; French, 00--

5 MR. PRESIDENT:

6 Lawyer, please slow down. Do not speak very fast, otherwise there
7 is an issue with interpretation. We want to have a full
8 interpretation for all Parties. You are here not speaking to
9 yourself, and please leave time for interpreters to interpret in
10 full message.

11 [13.50.43]

12 MS. NGUYEN:

13 On the second page of the English document, and I was just
14 reading the French ERN numbers, 00898373, it says: "In June 1978"
15 and then in brackets it says "that is, July 1975 according to the
16 Western calendar." So, Your Honour, there is on the face of the
17 record an inconsistency in the way that the Vietnamese dates are
18 reflected in relation to the Western dates. There is no
19 contention about the fact that the first page puts it that the
20 Western calendar dates are earlier than the Vietnamese dates, and
21 that the second page puts it that the Western calendar dates are
22 later than the Vietnamese calendar dates. That does create some
23 confusion, but Your Honour, it's my submission that this civil
24 party has already answered the question and particularly so when
25 it was put to him: "What is today's date? And what date is it in

1 the Vietnamese calendar?" And his answer suggested that the
2 Vietnamese dates are earlier than the Western dates.

3 (Judges deliberate)

4 [13.54.00]

5 MR. PRESIDENT:

6 I don't think there is an issue here, so we need to listen
7 carefully and then we can understand it. So you may now proceed,
8 lawyer for the civil party.

9 BY MS. NGUYEN:

10 Q. Thank you, Your Honours. Now, Mr. Choeung Yaing Chaet, just
11 before the lunch break, you were telling the Court about the
12 horrific mass killings of your entire family, of which you were
13 the sole survivor. You said that you managed to get out of the
14 mass grave, and that you found yourself at the house of Mr. Ta
15 Ly, who assisted you. How long were you at Mr. Ta Ly's house? How
16 long did you spend there?

17 MR. CHOEUNG YAING CHAET:

18 A. I stayed at Ta Ly's house for one month <then> someone <told
19 us> that the Vietnamese had to leave by river to Vietnam. At that
20 time, Ta Ly told me to <hide somewhere around his area and he
21 told me to wait and that he would bring me along with him at some
22 point on the way. So, I hid myself in the commune> for two weeks,
23 and <> one month later, Ta Ly left for Vietnam.

24 [13.55.54]

25 Q. When Mr. Ta Ly left for Vietnam, did you come with him?

1 A. He told me <the news, so> I <came> out of the forest. <Then, I
2 entered into his boat's compartment because only eight> members
3 within his family could board the boat and leave for Vietnam<.
4 His family members had all their names precisely listed. Any
5 person whose name was not listed could be allowed to board it and
6 leave. So, I hid myself in the boat's compartment until Ta Ly's
7 boat passed the checkpoint. Then, I came out and sat on the
8 boat>.

9 Q. Was this pursuant to some policy by the Khmer Rouge, or the
10 CPK, or the Democratic Kampuchea, to send people back to Vietnam,
11 or to get Vietnamese people out of Cambodia?

12 A. I do not know about that matter. Ta Ly was able to send us to
13 Vietnam when <Angkar made> an exchange of <salt and> rice with
14 Vietnam. <That's all I know.> At that time, I was able to <go
15 because he hid me> in the boat.

16 Q. Was this Mr. Ta Ly's boat?

17 A. It was Ta Ly's boat. And <> when I walked and reached the
18 intersection of the river, or Tonle Buon Mukh <or the four-faced
19 river>, I was able to board a <ferry>.

20 [13.57.57]

21 Q. Just getting back to the details about Mr. Ta Ly's boat: you
22 said that he had about eight people in his family, and that you
23 went with him in his boat to another place. You said that you had
24 to hide underneath the boat. What was the reason that you had to
25 hide?

1 A. Ta Ly's group of people were allowed to go back to Vietnam.
2 There were only eight members within Ta Ly's family group, but
3 <he got an extra person. If they found me on the boat I would be
4 surely killed and his whole family would be smashed, too. That's
5 why he had asked me> to hide in the boat<'s compartment>, and <I>
6 was able to go with his group. And when we <passed the
7 checkpoint>, I was able to get out from hiding and <helped>
8 paddle the boat.

9 Q. Could you describe the pathway that the boat took, from where
10 Mr. Ly resided to Tonle Buon Mukh?

11 A. We were travelling on a boat, and after we reached Tonle Buon
12 Mukh <in front of the Royal Palace>, we were able to board the
13 <ferry that was already there for the exchange for salt and
14 rice>, and <from Tonle Buon Mukh> we left for Neak Loeang <by
15 boat. Ta Ly was rowing the boat.> At that time, I boarded a
16 <ferry> with about <50 or> 60 more people. <Then, the ferry I was
17 riding departed right away. He left for Neak Loeang, too. But, he
18 still had some talks with the Vietnamese side. But, I did not
19 know exactly what they were talking about. Perhaps, they talked>
20 about the exchange of <salt and> rice with the Vietnam.

21 [14.00.14]

22 Q. Just to clarify: Is Tonle Buon Mukh the same as the place
23 which is called "The Lake of Four Faces"? This being the place in
24 front of the Royal Palace in Phnom Penh; is that the place that
25 you're talking about?

1 A. Yes, I talked about the <confluence of rivers> in front of the
2 Royal Palace.

3 Q. How many days did it take you on the journey on Mr. Ta Ly's
4 boat to get to this tributary at the Tonle Buon Mukh?

5 A. We travelled day and night. We rowed the boat through the
6 night, and we spent three nights before we arrived at <Tonle Buon
7 Mukh>.

8 Q. Now, what happened when you arrived at Tonle Buon Mukh? Were
9 you separated from Mr. Ta Ly at that point?

10 A. When we reached <Tonle Buon Mukh>, there was a ferry that
11 <would take us> to Neak Loeang. So he told me that it's better
12 for me to get on the ferry, otherwise his family would be in
13 danger. So he placed me in the ferry with other people.

14 [14.01.49]

15 Q. Now you said earlier that there were about 60 people on this
16 ferry. Who were the people on the ferry? Were they Vietnamese or
17 were there also Khmer people?

18 A. They were all Vietnamese on the ferry. There was no Khmer.
19 Even <if> Khmer got on the ferry, they would not be allowed to
20 cross. <Even Chinese could not board the ferry.>

21 Q. Who did the ferry belong to?

22 A. Of course, we were in the Khmer Rouge regime, but I did not
23 know whether the ferry <belonged> to the Vietnam -- the
24 Vietnamese, or to the Khmer Rouge. However, it was the Khmer
25 Rouge who <went to protect> the ferry <when it entered at Neak

61

1 Loeang. Then, they contacted with the Vietnamese>.

2 Q. How did the Khmer Rouge identify who they would let onto the
3 ferry?

4 If it might save some time, I'll rephrase that question to: How
5 did the cadres of the CPK or the Democratic Kampuchea identify
6 who they would allow to go on the ferry?

7 [14.03.22]

8 MR. KOPPE:

9 Well, to be historically correct, Mr. President, DK didn't exist.
10 That didn't happen till early '76. CPK didn't announce itself
11 until September '77. The Khmer Rouge was something -- a title
12 that was never used by the CPK. We're actually still in the
13 period of the National Front, so if Counsel wants to be
14 historically accurate, what did the members of the National Front
15 say to the witness?

16 MS. NGUYEN:

17 Your Honour, the evidence from this civil party was that the
18 Khmer Rouge instructed people to get onto the ferry, to engage in
19 this barter process. So he said that it was the Khmer Rouge who
20 instructed them to get onto the ferry. It's my submission that we
21 should go with the identification of who had that role that was
22 given by the civil party.

23 (Judges deliberate)

24 [14.05.02]

25 MR. PRESIDENT:

1 Civil Party Lawyer, you can use that word. In fact, the word
2 "Khmer Rouge" has been commonly used in these proceedings, and is
3 familiar with <this Court and> the public opinion as well. It is
4 up to the Bench to deliberate on the issues, or the definition,
5 or the circumstances of the Khmer Rouge. For example, in this
6 Tribunal, it is commonly known as the Khmer Rouge Tribunal,
7 rather than the ECCC. For that reason, Civil Party Lawyer, you
8 may proceed with the term "Khmer Rouge".

9 BY MS. NGUYEN:

10 Q. Thank you, Your Honours. Mr. Choeung Yaing Chaet, I was just
11 asking you how did the Khmer Rouge identify the people who they
12 would allow to go onto the big ferry?

13 MR. CHOEUNG YAING CHAET:

14 A. People got on the ferry because there were no boats available.
15 <All boats were taken out of the river and put on land.> Boats
16 had been burnt. And some<> people <jumped into the river, ran
17 through the shrubs or muds to> get on the ferry. Others, who
18 actually still had boats, could row the boat <to Neak Loeng>.
19 And of course, they were part of this barter process or programme
20 for salt <and rice>.

21 [14.06.39]

22 Q. You gave evidence just before that only Vietnamese people were
23 on the boat, and that Khmer people were not allowed to go on the
24 boat. You said that the Khmer Rouge instructed who was to go on
25 the boat. So the question is: How did the Khmer Rouge identify

1 who was Vietnamese to allow them to go on the boat, and who was
2 Khmer, to not allow them to go on the boat?

3 MR. PRESIDENT

4 Civil Party, please hold on. And Counsel Kong Sam Onn, you have
5 the floor.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. I believe this is a repetitive question
8 as the civil party already testified how people could get onto
9 the ferry, as those who had a boat could row their boat, to get
10 on the ferry, or to row the boats to Neak Loeang for the barter
11 process. So there is no distinct <clarity> beyond that, and it
12 has already been testified by the civil party.

13 [14.07.55]

14 MS. NGUYEN:

15 Your Honours, I'm afraid that counsel for Khieu Samphan has
16 misconstrued the question, and misconstrued the evidence that has
17 been given so far. Mr. Choeung Yaing Chaet was asked -- Mr.
18 Choeung Yaing Chaet said to the Court that only Vietnamese people
19 were allowed to go on the ferry, and the question is: How did the
20 Khmer Rouge identify who was Vietnamese to allow to go onto the
21 ferry? That question has not yet been answered.

22 MR. PRESIDENT:

23 The objection by Counsel Kong Sam Onn is overruled as this is not
24 a repetitive question, and the Chamber needs to hear the response
25 from the civil party to the good question put to him by the

1 lawyer for civil parties.

2 And Mr. Civil Party, please respond to the last question put to
3 you by the civil party lawyer.

4 [14.09.01]

5 MR. CHOEUNG YAING CHAET:

6 A. They selected people to get on the ferry. They asked who
7 Vietnamese <were>, who Chinese <were>, or who Khmer <were>. So,
8 because Vietnamese people spoke Khmer with accent, then they
9 could identify <concisely>. As for the Khmer people, they could
10 identify them immediately through their facial figures and
11 features. <If they spoke Vietnamese with an accent they were not
12 allowed to get aboard.>

13 BY MS. NGUYEN:

14 Q. What happened to the Khmer people who wanted to go onto the
15 boat? What happened to them?

16 MR. CHOEUNG YAING CHAET:

17 A. Of course, they faced the same difficulty as I did. So for
18 that reason, they wanted to go away, but when they arrived at the
19 ferry, they were not allowed to go. Even some Vietnamese would
20 not be allowed to get on the ferry. <So, they all would die
21 together.> They could use their own boats to go. So everybody had
22 to find his or her own means of going. <In that period of time,
23 if any person survived we felt profoundly excited.>

24 [14.10.19]

25 Q. Now, at the time, you were a 13 or 14-year-old child,

1 travelling alone. Did you know anybody on the boat?

2 A. No, I did not know anyone. I just mingled with the rest <of
3 people, pretending to be one of their children>.

4 Q. Were there any Khmer Rouge cadres on this boat?

5 A. I cannot recall who supervisors <were> or who were not,
6 because they were all wearing black uniforms with a scarf around
7 their neck. However, they did not carry any <gun>.

8 Q. Now, you said earlier that this large boat, the Khmer Rouge
9 boat, went to Neak Loeang in Prey Veng; is that right?

10 A. Yes.

11 Q. How long did it take to travel to Neak Loeang in Prey Veng?

12 A. It was one night and one day before we arrived at Neak Loeang.
13 We <arrived at Neak Loeang> in early morning.

14 [14.11.57]

15 Q. When you arrived at Neak Loeang, what happened to the
16 Vietnamese people on the boat?

17 A. So that they could negotiate with the Vietnamese side, when we
18 got off the ferry they counted heads. And then in exchange, the
19 Vietnamese returned rice and salt. And after that, we were
20 allowed to board the Vietnamese ferry.

21 Q. So, you're saying there was a Vietnamese ferry when you
22 arrived at Neak Loeang. Can you describe what was on the ferry?
23 And who was on that ferry when you first arrived?

24 A. I saw only rice and salt, and nothing else.

25 Q. Were there Vietnamese authorities on that boat? The Vietnamese

1 boat?

2 A. No, there wasn't.

3 Q. You mentioned that on arrival, there was a head count of the
4 people on the Khmer Rouge boat. Who administered the head count?

5 A. The Vietnamese, together with the Cambodian authorities,
6 counted heads. And after they bartered the salt and rice, then we
7 got on the Vietnamese ferry.

8 [14.14.10]

9 Q. Did you see the actual transaction take place -- that is, the
10 trading of salt and rice for Vietnamese persons?

11 A. Yes, I was there, so I witnessed it. I witnessed them
12 <unloading and> transporting rice and salt from the Vietnamese
13 ferry to the Cambodian ferry.

14 Q. In fact, you were one of those who were traded for salt and
15 rice--

16 MR. PRESIDENT:

17 Civil Party, please hold on. And Counsel Koppe, you have the
18 floor.

19 MR. KOPPE:

20 I object to the words "trade" - "traded". What the witness
21 describes is Vietnamese people on the boat, and rice and other
22 materials going back. It doesn't mean that ones are traded for
23 the others. It happens all the time that a van with mail goes to
24 direction A, loads off, and takes something else with them. It
25 doesn't mean that there is trading. That's the conclusion of

1 Counsel. So I think the word "trade" or "trading" is also in the
2 light of the bigger political context, not an accurate
3 description.

4 [14.15.56]

5 MS. NGUYEN:

6 Your Honours, in this civil party's evidence, he has used the
7 term "bartering process" many times. He has said it at least
8 three times, that when he was on the boat, it was for the
9 bartering processes that then took place. The evidence, Your
10 Honour -- and I'm not meaning to go into any submissions, because
11 at the moment we're just listening to the evidence of this civil
12 party -- but the evidence is that Vietnamese people were put on a
13 boat, and that their lives were spared so that there could be a
14 bartering process take place, where they were essentially
15 swapped. You could call it trading, you could call it swapping,
16 you could call it bartering, but they were essentially bartered
17 and swapped for bags of rice and salt. That's the evidence that
18 has come out today.

19 [14.17.01]

20 MR. KOPPE:

21 May I respond, Mr. President? During one of the document
22 presentation hearings -- I think it was in relation to Kraing Ta
23 Chan -- we showed footage of the highest possible ranking
24 delegation of Vietnam coming to Phnom Penh, meeting Pol Pot, Nuon
25 Chea, and other high-ranking members of the CPK. It was in fact

68

1 Party leader Chairman Le Duan who came to Phnom Penh. You saw the
2 footage. You might remember them being shown around in the Silver
3 Pagoda. The relations between Vietnam and the temporary
4 government which was in place at the time was very cordial. So to
5 suggest that these Vietnamese people's lives were saved because
6 rice was needed is a very far-fetched conclusion by this
7 particular counsel, and has no basis whatsoever in the political
8 context in August '75. I think we should limit ourselves to what
9 this witness actually saw. He might have perceived it as a barter
10 or as a trade, but of course it wasn't.

11 MS. NGUYEN:

12 Your Honour, my learned friend--

13 MR. PRESIDENT:

14 Counsel Kong Som Onn, you have the floor.

15 [14.18.35]

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. Based on the facts and the testimonies
18 of the civil party, it seems that this event took place
19 immediately after the victory of 17 April 1975. And at that time,
20 there was no proper administration in the country. What the civil
21 party saw was the transferring from one ferry to the other, and
22 it could be -- it could mean one ferry <belonged> to the
23 Cambodian authorities while the other ferry belonged to the
24 Vietnamese. And he also saw the transportation of rice and salt
25 from the Vietnamese ferry to the Cambodian ferry. This cannot be

1 defined as a bartering or an exchange programme. We have heard
2 other witnesses who testified in this Court about the barter
3 process, either individually or at the base: for example, the
4 bartering of medicines at the Vietnamese border. Thank you.

5 [14.19.54]

6 MR. PRESIDENT:

7 Thank you. I believe you should end your debate on this issue at
8 this point. And Counsel for Civil Parties, please ask your client
9 for his grounds that lead him to conclude that it was a bartering
10 process, firstly. And secondly, if the defence counsel wishes to
11 clarify this matter, of course your <turn> -- your turn will
12 come, and then you can use that opportunity to clarify all the
13 concerns that you have, or to clarify <or challenge> all the
14 issues that might not be clear when the other Party asked. And
15 that is the standing proceeding in this Court.

16 BY MS. NGUYEN:

17 Yes, Your Honour. This is not the time for closing submissions or
18 closing statements. I will move on with getting the civil party
19 to clarify why he characterized it as a barter.

20 Q. Mr. Choeung Yaing Chaet, in your evidence before, you said
21 that there was a bartering process between the Khmer Rouge and
22 the Vietnamese authorities. What made you conclude, or what made
23 you consider that this was a bartering process -- that is, a
24 trading process, or a transaction?

25 MR. CHOEUNG YAING CHAET:

1 A. I heard other Vietnamese people say that: that my life was
2 spared because of the exchange for rice and salt, so that I could
3 go to Vietnam.

4 [14.21.57]

5 Q. Now, when you were on the boat yourself, did you see how many
6 bags of rice and how many bags of salt traded hands?

7 A. I saw <a lot of> rice and salt, but I cannot tell you how many
8 bags there were, because by that time I was instructed to get off
9 the ferry first.

10 Q. What happened when you got off the ferry? What happened after
11 that?

12 A. I got off the ferry, then they did the head counts. And after
13 they did the head counts, then they exchanged the head count
14 number with the bags of rice and salt.

15 Q. So you are saying that after they did a head count of the
16 Vietnamese people off the Khmer Rouge boat, they checked it
17 against the numbers of bags and salt on the Vietnamese boat; is
18 that what you're saying?

19 A. I did not know whether they counted us against the bags of
20 rice or salt, but I did see them carrying the bags <of rice> and
21 salt from the Vietnamese ferry to the Cambodian ferry. And after
22 that, then we were allowed to board the Vietnamese ferry.

23 [14.24.05]

24 Q. When you had boarded the Vietnamese ferry, did everybody who
25 was on the Khmer Rouge ferry go onto that Vietnamese ferry with

1 you?

2 A. No, there was no Khmer getting on that ferry. They were all
3 Vietnamese.

4 Q. Where did that ferry then head off to?

5 A. It headed off toward Vietnam -- that is, toward Chau Doc.

6 Q. And what happened to you and the other Vietnamese people when
7 this ferry arrived in Vietnam?

8 A. When we arrived there, the Vietnamese Angkar allowed us to
9 rest in a Vietnamese school. They distributed rice and cookery
10 for us. They also gave us a <tent, sleeping> mat, and mosquito
11 net.

12 Q. When you say "Vietnamese Angkar", do you mean the Vietnamese
13 government, or the Vietnamese authorities?

14 A. It was the Angkar, or the representative, of Vietnam. I refer
15 to the people who were on the ferry <of the Vietnamese. I did not
16 know who they really were. They spoke Vietnamese with us.> And as
17 I said, when we arrived there, they let us rest <in a school> and
18 gave us <rice, mosquito nets and> cooking utensils.

19 [14.26.15]

20 Q. How long did you stay in Vietnam?

21 A. I stayed in Vietnam until 1982, then I returned to Cambodia.

22 Q. Why did you decide to return to Cambodia?

23 A. Because I had no land to farm, and no place where I <was
24 fisherman>. In Vietnam, <there was no fish to catch>. So I
25 decided to return to <my country,> Cambodia. <Even though my

1 parents had been executed I could not desert my home country>.

2 Q. Did you return to Cambodia by yourself, or did you go with
3 others?

4 A. I came along with other people, because at that time I had
5 nothing. I had no rice, I had no money. So I got on a boat with
6 other people, and I helped them row the boat <to make our ways
7 back home>.

8 [14.27.45]

9 Q. When you came to Cambodia, were you able to present yourself
10 with Cambodian documentation from the previous time that you were
11 in Cambodia?

12 A. I had documents with me when I returned in 1982<. I got that
13 document from Kampong Chhnang province,> but I left it at home. I
14 don't bring it along with me.

15 Q. When you say you left it at home, do you mean you left it back
16 in Cambodia before you left Cambodia?

17 A. When I left Cambodia, I had nothing at all, because everything
18 was burnt -- that is, my house was burnt. I only had a pair of
19 clothes that I was wearing at the time.

20 Q. Now Mr. Choeung Yaing Chaet, you said earlier in your evidence
21 that, as a result of the injuries that you sustained to the back
22 of your head from being beaten with a hammer by Khmer Rouge
23 cadres, you suffer sometimes from memory loss. What sort of
24 things do you forget sometimes?

25 A. My memory doesn't serve me well now. Whenever I feel anxious

1 <and frustrated>, I cannot recall anything. When I think of the
2 pain, it is very difficult for me to bear. I have to speak it
3 out.

4 [14.30.00]

5 Q. Have you ever forgotten what happened to your family? And
6 indeed, have you ever forgotten how you survived the mass killing
7 in 1975?

8 A. In Cambodia, I was given food to eat, I was given morning
9 glory to eat. And then while I was in Vietnam, they gave me rice
10 and they provided me with some necessities only for a few months.
11 <Then, they stopped supporting us.>Then I had to earn a living by
12 myself. And even when I arrived in Cambodia, I still <went>
13 around earning my own living, working as a worker for somebody.
14 <Even now, I still serve as a worker.>

15 Q. Mr. Choeung Yaing Chaet, is everything that you have told the
16 Court today in accordance with your memory about what happened to
17 your family, and how you survived that mass killing?

18 A. I witnessed the execution of my parents and my siblings. It
19 happened right in front of my eyes. But fortunately, despite the
20 three hits with an axe <on the head, breaking one of the bones,>
21 I survived. However, the pain resurfaces when the weather is
22 cold. <I live a very painful life.>

23 [14.32.08]

24 Q. Is what happened to your parents something that you could ever
25 forget?

74

1 A. I cannot forget what happened to me. I really want to ask the
2 perpetrators how they'd be suffering if they had their <parents,
3 wives and children> killed.

4 MS. NGUYEN:

5 Mr. Choeung Yaing Chaet, I believe you will have the time to do
6 that with leave of Mr. President. Thank you for your time today,
7 and that concludes the questions that I have for this civil
8 party.

9 MR. PRESIDENT:

10 The floor is now given to the Co-Prosecutors to put questions to
11 this civil party. You have the floor now.

12 [14.33.28]

13 QUESTIONING BY MR. BOYLE:

14 Thank you, Mr. President. Good afternoon, Your Honours. Good
15 afternoon, Counsel. Good afternoon, Mr. Civil Party. My name is
16 Andrew Boyle. I'm from the Office of the Co-Prosecutors, and I
17 only have a very few questions to follow up on my learned
18 friend's questions.

19 Q. I'd first like to ask you when did the Khmer Rouge arrive in
20 your hometown village?

21 MR. CHOEUNG YAING CHAET:

22 A. I was transferred to Dar village. I can tell you, the
23 Vietnamese calendar, it was in the fifth month of Vietnamese
24 calendar when I noticed their presence. <It's Ta Peang's group
25 that sent us there. Ta Peang was the Khmer Rouge chief in that

1 area.>

2 Q. If I heard you correctly, you said it was in the fifth month
3 of the Vietnamese calendar when you noticed the presence of the
4 Khmer Rouge in your home village. And can you tell us what year
5 that was in?

6 A. It was in 1975.

7 [14.34.50]

8 Q. Thank you very much. My next question is: you mentioned
9 earlier that -- and correct me if I'm incorrect about this -- but
10 I believe you mentioned earlier that there were approximately 30
11 Vietnamese families in your home village, and a greater number of
12 Khmer families. Is that correct?

13 A. Yes. At that time, it was so quiet that we decided to flee to
14 Kandal. <No one evacuated me. But, Ruessei Dangkuoch commune was
15 very quiet at that time. So, we fled to Kampong Chhnang to Kandal
16 village. There were over> 30 families of us. We stayed there for
17 one month when the Khmer New Year fell on -- arrived. At that
18 time, <seven days after the New Year celebrations,> they were
19 saying <to people onshore> that "Long live <Samdech Euv". And> if
20 no one <lived> in the house, then the house would be burnt down.
21 <Then, the people had to flee. Those who had lived on land fled
22 on land while those who had lived in the river fled by boat. Some
23 people could not even flee by boat.>

24 Q. Are you saying that only the Vietnamese families, the 30
25 Vietnamese families, went to Kandal village at that time? That

76

1 the Khmer families did not leave your home village at that time?

2 A. I was living in <Ruessei Dangkuoch> together with 30 families
3 of Vietnamese, and <then, we moved to Kandal village in Kampong
4 Chhnang. But there were so many Vietnamese, Cham and Khmer people
5 already living in Kampong Chhnang. They lived both on land and in
6 the river.>

7 [14.36.58]

8 Q. I was asking about the Khmer families. In addition to the 30
9 Vietnamese families that lived in your home village, were they
10 also -- did they also leave when the Vietnamese families left? Or
11 did they remain in your home village?

12 A. There were 30 families of Vietnamese <who left Ruessei
13 Dangkuoch>. As for Khmer people, they remained living in that
14 area.

15 Q. And I heard you just mention that empty houses were burnt. Are
16 you saying that the houses of the Vietnamese who departed were
17 burnt?

18 A. The fact is that there were houses on land, and there were
19 houses on the river. <They said that "Long Live Samdech Euv."
20 When the houses were deserted they would be burnt down. Then,
21 those> who were living on land <were pushed to go> on land. And
22 for those who were living in houses on the river, they were
23 allowed to <go by boat>. And at that time, they were ordered to
24 leave houses for different destinations in different villages.
25 For example, some people were sent to Dar village. And, after

1 they had left their houses were empty. And they said, "Bravo. Now
2 that all houses were vacant they had to be burnt down".>

3 [14.38.53]

4 Q. Did the members of your village, your home town village, know
5 who in the village was ethnically Vietnamese? And if so, how did
6 they know who was ethnically Vietnamese?

7 A. During that time, everyone, including Vietnamese, Khmer, Cham
8 <and Chinese> people, <was forced to move> out of the villages.
9 Those who were living on land, they had to go and find other
10 areas on land to live on. And for those who were living in
11 floating villages, they had to find other areas to live. <So,
12 some were sent to Chranouk while others were sent to Cheung Kruos
13 (phonetic). They evicted people out of their villages and sent
14 them to live in villages far away in Kampong Chhnang province.
15 Then, people's houses were burnt down. Not every person lived in
16 Kampong Chhnang province.>

17 Q. I apologize. My question was not clear. I was trying to find
18 out if you knew if the members of your village -- whether it was
19 before the arrival of the Khmer Rouge or after -- whether they
20 knew who in the village was ethnically Vietnamese, and who in the
21 village was ethnically Khmer?

22 A. For instance, we had siblings, other siblings, or parents. And
23 the word "lan tay" was used <for our identification>, and that
24 word "lan tay" meant the resident book. <It is the same as the
25 Family Book that we are using at present.>

78

1 MR. PRESIDENT:

2 Thank you. It is now break time, and the Chamber will take a
3 short break from now until 3 p.m.

4 Court officer, please assist civil party during the break time,
5 and please invite him back into the courtroom at 3 p.m.

6 The Court is now in recess.

7 (Court recesses from 1441H to 1501H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court now is back in session and the floor is given to the
11 Deputy Co-Prosecutor to resume your questioning. You may now
12 proceed.

13 BY MR. BOYLE:

14 Q. Thank you, Mr. President. Mr. Civil Party, just before the
15 break, I was asking you about your hometown of Ruessei Dangkuoch,
16 and I was asking you -- and I apologize, I didn't quite
17 understand your last response. I was asking you if it was known
18 amongst the members of your home village, who was ethnically
19 Khmer and who was ethnically Vietnamese.

20 MR. CHOEUNG YAING CHAET:

21 A. I told the Court already. At that time, there <was> "lan tay"
22 paper. "Lan tay" was the family record book at that time. So they
23 knew who were Khmer and who were Vietnamese.

24 [15.03.04]

25 Q. I just want to make sure I understand correctly. There were

1 family record books in your village that were kept that indicated
2 whether certain individuals were ethnically Vietnamese or
3 ethnically Khmer; is that correct?

4 A. <We had those record books during that time. But, our houses>
5 had been burned down, so I had no more family record books. And
6 at that time when I fled, I had only a pair of clothes with me
7 that I was wearing.

8 Q. You mentioned -- what I heard was the word "lan kay"
9 (phonetic) or "lan tay", which I heard you describe as record
10 books or family record books, which would indicate whether an
11 individual was ethnically Vietnamese or ethnically Khmer; is that
12 correct?

13 A. Once again, one would know that the person was ethnically
14 Vietnamese since the "lan tay" or family's record books <stated
15 about that. For Khmer, they did not have "lan tay". In that
16 sense, they could identify who Vietnamese or Khmer were.>

17 Q. And when the Khmer Rouge entered your village, did they have
18 access to these family record books?

19 A. I told the Court already, at the outset, I was living in <my
20 village. Then, they knew that we had lived in> Ruessei Dangkuoch
21 village, <so they evacuated us to live on land>. And <other
22 people were evacuated> by Khmer Rouge <to live in water so that
23 they could catch fish for them>.

24 [15.05.32]

25 Q. Did the Khmer Rouge indicate to you in your home village that

80

1 they knew who was Vietnamese and who was Khmer?

2 A. Yes. Yes, people said that -- it was said that Khmer and
3 Vietnamese had to perform manual labour. <At that time, they used
4 the word "Yuong", not Vietnamese.> As I said, <"Yuong" and Khmer
5 families> had the possession of <different family books. The
6 Vietnamese held> "lan tay", and Khmer people had <different>
7 family record books. <So, that's the difference.>

8 Q. And did the Khmer Rouge look at the "lan tay" or ask to look
9 at the "lan tay" of the families?

10 A. They looked at "lan tay" paper or documents, all of those "lan
11 tays".

12 Q. When you and the other Vietnamese families were being told to
13 leave, were you aware of the Khmer Rouge using any lists of
14 names?

15 [15.07.03]

16 MR. KOPPE:

17 Mr. President, I again object to the-

18 MR. PRESIDENT:

19 Please hold on, Mr. Civil Party. You have the floor now, Koppe.

20 MR. KOPPE:

21 Thank you, Mr. President. I again must object to the words "Khmer
22 Rouge" certainly coming from the Prosecution. This is maybe one
23 thing if the civil party lawyer does it, but "the Khmer Rouge" as
24 such cannot commit or cannot have or do the factual jobs or tasks
25 that have been described. We have to be very specific. I just

1 referred earlier to the meeting the very high-ranking or the
2 possibility the highest-ranking meeting in July or August '75
3 between Vietnam and Pol Pot and Nuon Chea. Obviously there was a
4 completely different thing going on at the highest level. So now
5 to just be very general and speak about the Khmer Rouge
6 specifically when we're talking about March, April, May, June
7 '75, is really not appropriate. So, the Prosecution, at least,
8 should try to be very specific and ask not did the Khmer Rouge do
9 this or do that, but who was it. Was it even a cadre or was it
10 some local person.

11 [15.08.29]

12 MR. BOYLE:

13 Mr. President, if I may respond. Counsel for Nuon Chea has raised
14 this objection multiple times. It has continuously been
15 overruled. It is a term that the witness seems to -- the civil
16 party, I apologize -- seems to understand. If Counsel wants to
17 ask clarification questions later on, he may. But I am satisfied
18 that the civil party is able to understand the terminology that
19 I'm using. And I would ask that I be able to proceed on that
20 basis.

21 MR. PRESIDENT:

22 The objection put by Mr. Koppe is overruled in relation to the
23 term used by Co-Prosecutor. It is a generic term and we have been
24 using this generic term since the outset to refer to the
25 Democratic Kampuchea and also to CPK. And actually as it is known

1 that the term "Khmer Rouge" is referring to the particular group,
2 and the Chamber made mention already that it will consider this
3 term on case by case basis, particularly when it relates to some
4 particular circumstances.

5 You can proceed with your questioning, Co-Prosecutor.

6 [15.09.58]

7 BY MR. BOYLE:

8 Thank you, Mr. President.

9 Q. Mr. Civil Party, I was asking you when yourself and the other
10 Vietnamese families were forced to move villages, were you ever
11 aware of the Khmer Rouge using lists to identify who had to leave
12 the village?

13 MR. CHOEUNG YAING CHAET:

14 A. We -- there were <over> 30 families coming from Ruessei
15 Dangkuoch. <They were not evacuated, but they went there by
16 themselves. We were in Kampong Chhnang during the Khmer New Year
17 celebrations.> Seven days after the Khmer New Year, there was a
18 saying that "Long Live the Samdech Euv". If houses had no one
19 living, those houses would be burned down. And at the time,
20 people were evacuated. <Some were evacuated to live on land while
21 others were sent to live in water. So, they ended up in Cheung
22 Kruos (phonetic) and Dar villages, respectively. Therefore, when
23 we arrived in Dar, our> "lan tay" were looked at. <When they
24 found we were from Ruessei Dangkuoch, they sent us to the
25 mountain.> Those who <were from other villages were sent to live

1 in water. Those who were supposed to go to the mountain they were
2 sent to the mountain>.

3 [15.11.43]

4 Q. Mr. Civil Party, before the day that you have described of the
5 arrest of your family and the arrest of a neighbouring family,
6 and they were taken to be killed, were you aware of any other
7 arrests of Vietnamese families in the village you were living at
8 on the mountain?

9 MR. PRESIDENT:

10 Please hold on, Civil Party. You have the floor now, Koppe.

11 MR. KOPPE:

12 I object to this line of questioning. It seems to suggest or it
13 seems to imply that if the events described by the civil party
14 actually occurred, that his family was arrested because his
15 family was Vietnamese, and that the other families referred to,
16 that these people were arrested because they were Vietnamese.
17 Might have very well be the case that they were arrested and they
18 happened to be Vietnamese. But the question also - questions, by
19 the way, from the civil party lawyer seems to imply that if the
20 events did in fact happen, these killings took place because the
21 people involved were Vietnamese, whereas in fact, Civil Party
22 himself has indicated in his civil party application that he has
23 no idea why his family was arrested in the first place.

24 [15.13.17]

25 MR. BOYLE:

84

1 If I may respond, Mr. President. My question was neutral as to
2 whether the individuals were being arrested because they were
3 Vietnamese. The counsel for Nuon Chea is the one who is imposing
4 on them the interpretation that that is the substance of my
5 question. I simply asked whether he -- the civil party -- was
6 aware of any other individuals or families that were arrested who
7 were Vietnamese. And that is a neutral question that I believe
8 the civil party can answer. If there are -- if the counsel for
9 Nuon Chea would like to ask questions about other arrests, he's
10 of course free to do so.

11 MR. PRESIDENT:

12 The objection by Mr. Koppe is overruled. And I would like to
13 inform the Parties that you should not instruct other Parties how
14 to put questions to civil party or witnesses. I understand that
15 they are aware and know how to put questions to the witnesses and
16 civil party before they came on board.

17 [15.14.44]

18 BY MR. BOYLE:

19 Thank you, Mr. President.

20 Q. Mr. Civil Party, my question was, before the day that yourself
21 and the other Vietnamese families were arrested and taken to be
22 killed, were you aware of any other arrests while you were on the
23 mountains of Vietnamese families?

24 MR. CHOEUNG YAING CHAET:

25 A. <>I know <> what happened to my family and other <four>

85

1 families. I do not know about other families. At that time, I
2 knew that I was <beaten on the neck to fall into the pit. Then, I
3 went into hiding in the forest and in the houseboat in the river.
4 I did not dare to show up anymore as I did not know what would
5 happen next. That's all I know.>

6 [15.15.45]

7 Q. In the pit that you saw your family in after they had been
8 killed, were there other pits that you could see nearby?

9 A. I saw only two pits. One pit was full with the bodies of my
10 family members<, my parents and siblings. They all died in the
11 same pit> and the other pit was empty.

12 Q. Thank you, Mr. Civil Party. I only have couple of more
13 questions that I'd like to ask you. And these concern when you
14 were travelling to Vietnam by boat. When you were initially
15 travelling on Mr. Ta Ly's boat and you were headed towards Phnom
16 Penh, did you see many other boats travelling alongside your
17 boat? And if so, can you give an approximate number of how many
18 boats you saw?

19 A. <Yes.> Some people had already been on the ferry. And <> along
20 my boat, I noticed there were around <60> or <70> other boats <on
21 the way to Phnom Penh>.

22 [15.17.40]

23 Q. And did you have an opportunity to observe or to see the
24 people that were on these other boats, or any of these other
25 boats?

1 A. We were rowing boats in groups. <They were not far away from
2 each other. If we were killed, we all would be dead. We were
3 rowing boats alongside each other. No one was ahead and no one
4 was behind. They were rowing boats alongside each other in
5 groups.>

6 Q. Were you able to identify the ethnicity of any of the other
7 individuals on any of these other boats?

8 A. All of them were Vietnamese. No other ethnicity was on other
9 boats. <However, I did not know about other boats. But, for the
10 two or three boats going alongside mine, there> were only
11 Vietnamese on boats.

12 Q. When you boarded the ferry that you described in front of the
13 Royal Palace in Phnom Penh, was there only one ferry that you
14 could board at that time, or was there more than one ferry that
15 people were boarding in order to travel towards Vietnam?

16 A. I saw only one ferry at that time. And as I said, there were
17 around 50 or 60 people already on that ferry. And I was told by
18 Ta Ly to board the ferry silently<. He was> saying <only one>
19 word <that, "You should not ride my boat anymore because I am
20 afraid that we will be checked again and that I would be killed.
21 So, you'd better go up onto the ferry." Then, I went up on the
22 ferry and parted with him. That's all. I saw only one ferry.>

23 [15.20.00]

24 Q. And how long were you on -- when you boarded the ferry in
25 front of the Royal Palace, how long were you on the ferry before

1 it started sailing towards Vietnam?

2 A. <> I boarded the ferry and I knew that it was around 8 a.m. in
3 the morning that I was on that ferry. And we arrived at Neak
4 Loeang at around 4 a.m. in the morning.

5 MR. BOYLE:

6 Thank you very much, Mr. Civil Party. Thank you, Mr. President. I
7 have no further questions.

8 MR. PRESIDENT:

9 It appears that Judges of the Bench may have questions. Judge
10 Fenz, you may proceed if you have questions.

11 [15.21.20]

12 QUESTIONING BY JUDGE FENZ:

13 Q. Just two short questions for clarification. You mentioned a
14 family record book and you said the ethnicity was recorded in
15 this family record book. Now was this -- who kept this family
16 record book? Was this kept by the village chief or by somebody
17 else?

18 MR. CHOEUING YAING CHAET:

19 A. "Lan tay" was kept by my mother. Whenever we left for other
20 villages and <stayed> in those villages, we had to show the
21 family record book. <If we did not have that record book to show
22 them they would fine us.>

23 Q. So the family record books were kept within the families. Who
24 gave you this record book? Who wrote this record book?

25 A. I did not recall who <issued> the family record book. I knew

88

1 that my parents had the possession of "lan tay" or family record
2 book. <At that time, I was not eligible to get that family book
3 yet.> I did not know at that time who issued it to my family.

4 Q. But just to be clear, this was not written by the family but
5 given to the family by some authority; is that true?

6 A. Yes.

7 [15.23.19]

8 Q. Just in case you know, do you happen to know if there were an
9 additional central register of names, ethnicity, etc., on village
10 level, additional to the papers that were handed out to the
11 families and were called family record book?

12 A. I do not know about that.

13 JUDGE FENZ:

14 Thank you.

15 MR. PRESIDENT:

16 Thank you, Judge. Now the floor is given to the defence teams for
17 the Accused to put question to this civil party, starting first
18 from the defence team for Mr. Nuon Chea. You have the floor.

19 [15.24.28]

20 QUESTIONING BY MR. KOPPE:

21 Thank you, Mr. President.

22 Q. Mr. Civil Party, do you read or write English?

23 MR. CHOEUNG YAING CHAET:

24 A. I was quite young at that time. I did not go to school <to
25 study Khmer language. I had only attended school for less than a

1 month. Then, I was evacuated. So, > I did not go to learn Khmer or
2 Vietnamese. You know, <I am> so poor <in this regime.> I <have>
3 no house to live in. So how could I was entitled to go to school.
4 I <do> not even have rice to eat.

5 Q. Maybe my question wasn't very clear, Mr. Civil Party. Did you
6 speak, read, or understand English in December 2010?

7 A. I do not know how to read and write English.

8 [15.25.55]

9 MR. KOPPE:

10 Mr. President, I would like to show to the civil party English
11 document E3/5631, which is titled, "The Supplementary Statement
12 of Choeung Yaing Chaet, 21 December 2010; interview by Lyma
13 Nguyen, Lachlan Scully and Kong Leang Chou, so not a Khmer
14 version but the English version of this document.

15 MR. PRESIDENT:

16 You can do so.

17 BY MR. KOPPE:

18 Q. I understand of course, Mr. Civil Party, that you cannot read
19 what I just gave to you. But on the bottom of that document, you
20 can see a thumbprint and underneath it your name Choeung Yaing
21 Chaet, 21 December 2010. Do you recall having put your thumbprint
22 on the English supplementary statement of December 21 in 2010?

23 MR. CHOEUNG YAING CHAET:

24 A. I have told the Court already. I <only> know the Vietnamese
25 <calendar>. And I do not know Khmer and French. <I am only

1 referring to the Vietnamese one.>

2 [15.27.51]

3 MR. PRESIDENT:

4 Mr. Civil Party, please listen carefully to the question. You
5 have the document before you. And the question is: do you recall
6 having put your thumbprint on that document? Do you recall that?

7 MR. CHOEUNG YAING CHAET:

8 A. Yes, I recall it.

9 BY MR. KOPPE:

10 Do you remember that you put that thumbprint on that document
11 because you agreed with the content of the document? In other
12 words, was the content of the document read to you out loud
13 either in Vietnamese or in Khmer?

14 MR. CHOEUNG YAING CHAET:

15 A. They read in Khmer.

16 Q. And when you -- when they were finished reading the Khmer
17 translation of this English document to you, did you then tell
18 them "Yes, I agree", and did you then subsequently, because you
19 agreed, put your thumbprint on that document?

20 A. Yes, I did at that time.

21 [15.29.30]

22 Q. Now what you cannot know because you don't read or understand
23 English is that on the English page, first page, twice it's been
24 written down that events happened to you on the 17th of April
25 '75, according to the Vietnamese calendar, but that this was 17

1 March '75, according to the Western calendar. So it says that you
2 were forced to be transferred from your village to Dar on 17
3 March '75 Western calendar, and that the events related to your
4 family also happened on the 17th March '75, 9 o'clock according
5 to the Western calendar. Do you remember that that was what you
6 were being read out at the time?

7 A. I recall it having read to me concerning the calendar. At that
8 time, my parents and family had been evacuated to Dar village.

9 <It was the fourth month of Vietnam.> It happened seven days
10 after the Khmer New Year. I told what happened according to what
11 I know. And one month later after that period, my parents and
12 family members had been killed. <I don't know other calendars.>

13 Q. So is it then your testimony that what has been written in
14 E3/5631 on two occasions is incorrect, that you were not
15 transferred on the 17 March '75, and that your family was not
16 killed on the 17 March '75? So that therefore this document is
17 incorrect?

18 A. I remember only the date. I could tell only what I remember; I
19 could not remember the specific date. If you talk about months, I
20 could still recall, but if you talk about specific date, I could
21 not recall.

22 [15.32.59]

23 Q. Let me rephrase, Mr. Civil Party. In a document presumably
24 prepared by your lawyer, thumb printed by you, you gave testimony
25 indicating that your family allegedly was killed on the 17th of

1 March '75; is that correct or is that false?

2 A. I don't know whether this information is true or not. When I
3 was asked when my parent were -- what month and year my parents
4 were killed, so I told them about the months and the years. So I
5 could not remember well.

6 Q. I understand, Mr. Civil Party, very well because it's a long
7 time ago. However, under normal circumstances, it won't really
8 make a difference whether it was one month before or one month
9 later. But now, for technical reasons that I won't bother you
10 with, it is important to find out exactly when these alleged
11 events took place. Are you now saying that you don't really know
12 the date that your family was allegedly killed?

13 MR. PRESIDENT:

14 Please Co-Prosecutors, you may now have the floor.

15 [15.35.05]

16 MR. BOYLE:

17 Thank you, Mr. President. I object to the form of the last
18 question. I think it's accurate to say that the civil party has
19 expressed some confusion about dates in regards to naming months.
20 But he's been consistent in regards to the dates of both the
21 transfer and the killings in regards to the Khmer New Year. So if
22 Counsel wants to ask him in relation to a date that he has been
23 able to identify whether that he confirms that or not, I have no
24 objection. But my -- I do disagree with the formulation or the
25 suggestion of the question that Counsel -- in the way that

1 Counsel just phrased it.

2 [15.35.52]

3 MR. KOPPE:

4 I was trying to find a way, Mr. President, in order to make the
5 civil party understand what exactly my question was. I do
6 recognize what the civil party has just said in Court before us
7 all. But I also -- I'm still confronted with a document that he
8 put his thumbprint under that was prepared by his lawyer, in
9 which it says two times that the events described happened on the
10 17th of March '75. So -- then civil party basically answered that
11 he was confused about the dates. Having indicated that it was
12 Khmer New Year or the fifth month doesn't change the fact that
13 this is still -- this date of 17 March is still in this document,
14 which is also evidence, and as we all know very well can be used
15 either in exculpatory or inculpatory way.

16 MS. GUIRAUD:

17 I want to make a comment, Mr. President. I believe that question
18 has already been addressed. <I believe that> before the break, my
19 colleague <himself> said that <there were in fact, inaccuracies
20 in> document <>E3/5631. I believe everyone would agree with
21 <this>. Furthermore, the civil party explains his own points of
22 reference <to> explain <when> his family was killed, <meaning, a
23 month> after the Khmer New Year. So <I have the impression> we
24 are returning to questions that have already been addressed
25 before the break. And <I simply request that my> colleague should

1 <> continue (sic), <because in my view> this line of questioning
2 is <quite> repetitive.

3 [15.37.59]

4 MR. KOPPE:

5 It's not repetitive, Mr. President. I'm just trying to find out
6 whether this document is accurate document prepared by his lawyer
7 or whether the things that he said in Court are -- is accurate.
8 It cannot be both.

9 MS. GUIRAUD:

10 Pre-->

11 MR. PRESIDENT:

12 The Chamber <> does not allow a few rounds of objections. So you
13 should not be on your feet again and again to raise your
14 objection. It should be only one time objection or comment. This
15 is not allowed by the Chamber so far.

16 (Judges deliberate)

17 [15.40.07]

18 MR. PRESIDENT:

19 The Chamber hands over the floor to Judge Fenz to address the
20 matter. You may now proceed, Judge Fenz.

21 JUDGE FENZ:

22 The Chamber notes that the civil party has consistently, I think
23 twice, referred to the relevant incident happening after Khmer
24 New Year. The Chamber also notes that there are inconsistencies
25 in the statements that have been raised multiple times now, first

1 by the civil party lawyers, afterwards by the Defence. The
2 Chamber will, in the end, have to make its decision on what it
3 believes and doesn't believe that any further questions would be
4 conducive to further -- lead to further results that helps the
5 Chamber with this. So please move on, Counsel.

6 BY MR. KOPPE:

7 Q. Mr. Civil Party, can you describe for me Ta Pieng (phonetic)
8 or Ta Peang -- who was he exactly?

9 MR. CHOEUNG YAING CHAET:

10 A. Ta Peang was a Khmer Rouge cadre. He's at Dar Mountain in
11 Kampong Leaeng district.

12 [15.41.59]

13 Q. You say Khmer Rouge cadre, what do you mean with that?

14 A. He was the Khmer Rouge supervisor of Kampong Leaeng district.

15 Q. How do you know that that was his function?

16 A. Because people over there <called> him the supervisor of the
17 Khmer Rouge. That's what I know.

18 Q. And who were these people who told you this?

19 A. Everyone at Dar mountain, including Khmer and ethnic
20 Vietnamese said about that.

21 Q. Do you know whether he was a member of the CPK?

22 A. I did not know at that time. I only call him the chief of the
23 Khmer Rouge.

24 Q. Is it correct that you would have only known Ta Peang every
25 one or two months maximum? Or let me rephrase. How long -- what

1 period of time have you encountered Ta Peang? How long have you
2 seen him walking around, was it a few weeks, one month, two
3 months? And if yes, when exactly was that?

4 A. <I knew him when he> evacuated me to Dar (phonetic) <and
5 Kangkaeb mountain>, and then he told me that we were instructed
6 to build the <huts to stay. He was the chief. He said that to
7 us.> And <then> he ordered the Vietnamese in the boat to leave to
8 find fish for him to make <fish paste and> dried fish.

9 [15.44.52]

10 Q. So he was involved in your evacuation, he was involved in the
11 killing of your family, and he was involved in putting you on the
12 boat to Vietnam? Is that what you're saying?

13 A. He told the Vietnamese people who <lived> in floating village
14 to go to find fish <to make fish paste> for him. And those who
15 <lived> onshore were instructed to <build huts to stay. In early
16 morning, the bell would ring and people would be taken out to cut
17 tree stumps and plant cassava.>

18 Q. Let me return to my previous question. Is my understanding
19 correct that he was involved in the decision to have your family
20 evacuated, that he was subsequently involved in the alleged
21 killing of your family, and then also he was involved in putting
22 you and others on the boat to Vietnam? Was that what you were
23 saying?

24 A. <The> Vietnamese people who went by boat were not listed. <At
25 that time, he was moved to somewhere else. But, when my parents

1 were executed he remained in that area. I understood he was there
2 for about one or two months only.> So when I was so painful after
3 I lost my parents, and then I did not <know where he lived
4 because I was hiding in the forest and in the boat. I dared not
5 go anywhere. People in the villages might probably know where he
6 stayed.>

7 [15.46.52]

8 Q. Let me start again, Mr. Civil Party. I understand it's a long
9 time ago. But when was the first time that you saw Ta Peang? Do
10 you remember?

11 A. When he walked me to the shore, he instructed me to build
12 <huts to stay. I recall meeting him face to face at that time.>
13 And that's only what I remember.

14 Q. And do you remember when that was? Was that after 17 April '75
15 or after Khmer New Year '75, or before?

16 A. <You're asking> me about the months<. It's very hard to say.>
17 I emphasized that it was after Khmer New Year, seven days after
18 Khmer New Year <in Kampong Chhnang,> we were evacuated to Dar.

19 Q. So he was involved in you and your family being transferred to
20 Dar; is that correct?

21 A. Yes.

22 [15.48.32]

23 Q. And when your family arrived in Dar, was Ta Peang there again
24 as well?

25 A. He told me to build the <huts. My parents had gone to do their

1 work already. He went in to see the Vietnamese in the water. He
2 asked where they had gone. I said I did not know. I was at home
3 alone. And, I did not know anything. I did not see them.>

4 Q. You said he told me. But at the time, you were 13, 14 years
5 old. Wasn't he in fact addressing your father or your mother as
6 being the adults? Do you remember him seeing, speaking to your
7 father or mother?

8 A. At that time, <I didn't know whether he minded me or not. As I
9 said earlier,> I told him that my parents went to <clear the
10 forest and> grow <cassava> for him. And he also ordered <other
11 groups of people in> the villagers to go <and work> there. And
12 then I knew that my parents were <tied up> to be killed. And
13 that's what I remembered. <I did not know whether or not he
14 minded what I had said to him.> I could not remember any other
15 things. <I have lost a lot of memory from that period.>

16 [15.50.10]

17 Q. We'll take it very slowly, Mr. Civil Party. So Ta Peang was
18 involved in the instruction that your family together with other
19 families would go to Dar. And once in Dar, he was there again
20 giving instructions to your family and other families; is that
21 correct?

22 A. Now I explain this: he <took me there and> told me to build
23 the <huts> to stay, but I did not know where he went to after
24 that. <I could see his face only when he made us build the huts
25 to stay>. So everyone <was so> fearful of him <that their hands

1 and legs trembled> when they heard of his name. <Their body was
2 trembled when they heard Ta Peang's name.>

3 Q. Going back to his function, what was his position? You called
4 him a Khmer Rouge cadre, a supervisor, but that's very general.
5 What was his real position? What did he do? What was his
6 function?

7 A. I did not know.

8 Q. Was he maybe the village chief of Phnum Kangkaeb, do you know?

9 A. I did not know about that.

10 [15.52.16]

11 Q. So once he instructed to your family to start building things,
12 what happened next? How much time was there between these
13 instructions and him being involved in the transfer and the day
14 that you said your family was killed?

15 A. It was about one month. But on the day of building the <huts>,
16 that's when I met him. But<,> I never <met> him later on. One
17 month later, my parents <and I> were taken away to be killed.

18 Q. So what you said earlier that he was also involved somehow
19 with your transfer on the boat to Vietnam, that's incorrect. He
20 had nothing to do with that.

21 A. I did not know whether he involved in that or not.

22 Q. Do you know why he went with your family and others from the
23 village from which you were transferred to Dar? Do you know why
24 he accompanied you maybe or why he also went there? Is that
25 knowledge that you have?

100

1 A. He's the chief and his subordinate, there were about 15
2 subordinates. <He moved us onshore and we had to leave the boats
3 behind in water. We walked along with him> So he told us to build
4 <a line of sheds.> And after we finished building the <sheds>, I
5 did not know where he went to after that.

6 [15.54.40]

7 Q. Now do you know what happened between the moment that he
8 instructed your family and others to build accommodation and
9 subsequently his involvement in the killing of your family? What
10 happened in between? Apparently before, there was no problem
11 between him and your family, also not before the evacuation. Also
12 later in Dar, there wasn't a problem. But a month later, all of a
13 sudden, there seemed to be a problem. Do you know why, what
14 happened?

15 A. As I told you, during the one month <period>, we ate porridge
16 and <the bell rang> in the morning<. Then, we were given> one
17 bowl of porridge <with morning glory>; and at lunchtime another
18 bowl of porridge <with morning glory>; and for dinner, another
19 bowl of porridge <with morning glory>. So we did not have enough
20 energy to build the <huts>. And <we> also <had fever> and cold.
21 And then <when we made mistake only> one day, his force came and
22 arrested people. And then we know that <people kept
23 disappearing>.

24 [15.56.19]

25 Q. So my question before, Mr. Civil Party, was: do you know what

101

1 happened between the moment that he instructed your family to
2 build accommodation, and a month later, that he was apparently
3 involved in the killing of your family? What had happened in that
4 month before, if you know?

5 A. No, I did not know about the interval time between that. But I
6 knew only that my <parents> had a fever <and chills. They were
7 trembling and unable to cut the tree stumps.> And in the morning,
8 they were taken away <and killed>. That's what I knew.

9 Q. What was the occupation of your father before he was arrested?
10 What did he do?

11 A. As I told you, <they were> responsible for levelling the
12 land<, uprooting the trees> to grow <cassava>. And when <they>
13 became sick and could not work, <they were> taken away to be
14 killed.

15 Q. Maybe my question wasn't clear. What I meant was, what did he
16 do before the Khmer Rouge took power? What was his function? Was
17 he a soldier for the Lon Nol army maybe or was he a soldier for
18 the South Vietnamese army maybe or not at all? What was his work
19 before he was evacuated?

20 A. My <parents were> born in Ruessei Dangkuoch <and they gave
21 birth to me in Ruessei Dangkuoch>, but they did not do anything
22 <wrong>. They were <> fishermen.

23 [15.58.55]

24 Q. So your father and your mother and other members of other
25 family had nothing to do with any fight against the Khmer Rouge

102

1 before they took power; is that correct? They were just -- your
2 father was a fisherman, nothing more?

3 A. Yes, that's true.

4 Q. And while Ta Peang knew who your family was -- your family
5 members were, at one point apparently a month after your
6 evacuation, he decided to arrest your family. You may not know
7 yourself, but have you ever heard any reason for the arrest of
8 your family from someone else, maybe from other villagers or--

9 A. I told <you> again and again <that> when we arrived at Dar
10 village, my siblings and parents were asked to <cut the tree
11 stumps and> grow cassava. They were sick -- my parents were sick
12 at that time and could not work, the day after they were <taken>
13 away.

14 [16.00.27]

15 Q. Going back to Ta Peang and the knowledge of him and your --
16 his knowledge of your family, would you be able to estimate how
17 long Ta Peang knew your family already? How many weeks or months
18 or even years did he know your family before the evacuation to
19 Dar?

20 A. I am not aware of that. I, at the time, did not know whether
21 Ta Peang had known my family in advance.

22 MR. PRESIDENT:

23 Thank you, Counsel. The hearing today comes to an adjournment.

24 The hearing will resume tomorrow -- on Tuesday, 8 December 2015

25 at 9 a.m. Tomorrow the Chamber will continue hearing the witness

103

1 Choeung Yaing Chaet -- that is, <to conclude the hearing of> the
2 civil party, <Choeung Yaing Chaet,> and perhaps we may start to
3 hear <the testimony of the civil party> 2-TCW-945. Please be
4 informed and be on time.

5 Thank you, Mr. Choeung Yaing Chaet. The hearing of your testimony
6 as a civil party has not come to an end yet. You are therefore
7 invited to be here once again tomorrow at 9 a.m.

8 Court officers, please work with WESU to send Mr. Yaing Chaet
9 back to the place where he is staying at the moment. And please
10 invite him back into the courtroom at 9 a.m.

11 Security personnel are instructed to bring Mr. Nuon Chea and
12 Khieu Samphan back to the ECCC detention facility, and have them
13 returned into the courtroom tomorrow at 9 a.m.

14 The Court is now adjourned.

15 (Court adjourns at 1602H)

16

17

18

19

20

21

22

23

24

25