



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

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

2 December 2015
Trial Day 342

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ថ្ងៃ ខែ ឆ្នាំ (Date): 05-Apr-2017, 10:12
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I N D E X

2-TCW-918

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Mr. PRAK Doeun (2-TCCP-300)

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Questioning by Ms. NGUYEN..... page 44

Questioning by Mr. DE WILDE D’ESTMAEL page 91

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-918	Khmer
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Ms. NGUYEN	English
The President (NIL Nonn)	Khmer
Mr. PRAK Doeun (2-TCCP-300)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining testimony of
6 witness 2-TCW-918, and when time permits we hear testimony of
7 another civil party, that is, 2-TCCP-300.

8 <The greffier,> Ms. Chea Sivhoang, please report the attendance
9 of the Parties and other individuals at today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings all Parties to this case
12 are present except Counsel Calvin Saunders, <the duty counsel for
13 Khieu Samphan,> who will be a bit late this morning. Mr. Nuon
14 Chea is present in the holding cell downstairs. He has waived his
15 right to be present in the courtroom. The waiver has been
16 delivered to the greffier. The witness, who is to conclude his
17 testimony today, that is, 2-TCW-918, as well as his duty counsel,
18 Mam Rithea, are present in the courtroom. We also have a reserve
19 civil party today, that is, 2-TCCP-300. Thank you.

20 [09.06.01]

21 MR. PRESIDENT:

22 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
23 request by Nuon Chea. The Chamber has received a waiver from Nuon
24 Chea dated 2nd December 2015, which states that due to his
25 health, headache, back pain, he cannot sit or concentrate for

2

1 long and in order to effectively participate in future hearings,
2 he requests to waive his rights to participate in and be present
3 at the 2nd December 2015 hearing. Having seen the medical report
4 of Nuon Chea by the duty doctor for the Accused at ECCC, dated
5 2nd December 2015, which notes that Nuon Chea has severe back
6 pain when he sits for long, and recommends that the Chamber grant
7 him his request so that he can follow the proceedings remotely
8 from the holding cell downstairs. Based on the above information
9 and pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
10 grants Nuon Chea his request to follow today's proceedings
11 remotely from the holding cell downstairs via audio-visual means.
12 The Chamber instructs the AV Unit personnel to link the
13 proceedings to the room downstairs so that Nuon Chea can follow.
14 This applies to the whole day.
15 The Chamber now hands the floor to the defence team for Nuon Chea
16 to continue putting questions to the witness. You may proceed
17 Counsel.

18 [09.07.41]

19 QUESTIONING BY MR. KOPPE RESUMES:

20 Thank you, Mr. President. Good morning, Your Honours. Good
21 morning, Counsel and good morning to you, Mr. Witness. I'll be
22 asking you some further questions this morning. Yesterday, we
23 finished or I finished with a, admittedly complicated, question
24 in respect of something you said before DC-Cam. I'm not quite
25 sure if you remember the excerpt that I quoted to you, it was

3

1 about something you said about the betrayal of So Phim, Ros Nhim
2 and Heng Samrin to the Vietnamese. I'll read a literal quote
3 first, again, just to refresh your memory and then I will ask
4 you, first, a few questions about the meeting during which this
5 was said. Literally you said and I quote:

6 "As the Vietnamese" -- No will move up a little bit -- "They
7 talked about the Vietnamese coming in because we had a history
8 with Vietnam; it was about, 'master tea'. As the Vietnamese
9 entered the country, some Cambodians betrayed the country such as
10 So Phim, Moul Sambath, Heng Samrin and others by joining the
11 Vietnamese. So Phim was arrested and Heng Samrin was able to
12 escape. He fled with 1500 soldiers, as he escaped for seven days,
13 the Vietnamese fought into Svay Rieng. We realised that we would
14 fail for sure, as we would the lose the war; we began to prepare
15 at co-operatives, districts and other camps. We dug up the ground
16 to bury salt and rice at all the co-operatives." End of quote.

17 [09.10.10]

18 Let me first ask you, Mr. Witness, do you remember saying this to
19 the DC-Cam Investigators, do you recall having said this to him?

20 2-TCW-918:

21 Good morning, Mr. President. I would like to add further comments
22 to what I stated. What was put to me by the counsel is about
23 something that I discussed outside the topic of the Trapeang Thma
24 Dam worksite and what the counsel quoted was what I mentioned in
25 1982 and that was the time that I came to know about this event

4

1 and the knowledge was not available to me in '78 or -- '77 or
2 '78. And that's what I heard about while I was at the border area
3 and I was not aware <of> whether this issue was mentioned while
4 we were at the Trapeang Thma Dam worksite.

5 [09.12.03]

6 Q. Well Mr. Witness, I'm not entirely sure whether that is
7 correct what you say because at the very same page, for the
8 record, Mr. President, that would be English ERN, 00728699;
9 Khmer, 00734112; and French, 001 -- sorry 01123659; you talk
10 about the meeting during which this particular was discussed and
11 what you're saying about the meeting is the following. You have
12 been asked by the DC-Cam investigator questions about Im Chaem
13 and the Investigator asked you on top of the English page:

14 "You never met her and worked with her?"

15 "Never."

16 Question: "Did you know that she was the district chief?"

17 Then you answer: "Yes, when the Vietnamese entered the country,
18 she called for a meeting once." Question: "Who called?"

19 "The region chief Ta Rin and Yeay Chaem, they called for a
20 meeting with all."

21 Question: "Before the Vietnamese entered?"

22 You answered: "Before the Vietnamese entered."

23 Question "Where did the meeting take place?"

24 "The meeting was at Svay"

25 "Meeting at Svay?"

5

1 "Yes, at that time Ta Rin was the chairperson of that meeting."

2 [09.14.07]

3 Now yesterday, the Prosecution asked you a question about Ta Rin,
4 person whom you knew and the Prosecution also discussed a
5 document, an S-21 document, which seems to suggest that Ta Rin
6 was detained, subsequently executed in November '78. If Ta Rin
7 was indeed chairperson of that meeting and Im Chaem was present,
8 and you're talking about the Vietnamese entering the country, I
9 would suggest to you that the meeting during which you heard the
10 story about the betrayal was somewhere late '78 or early -- late
11 '77 or early '78, instead of 1982 as you just said. Would that be
12 correct?

13 A. What I knew was back in 1982.

14 Q. Let me first ask you, did you ever attend a meeting in Svay,
15 at the time Vietnamese fought into Svay Rieng, that was chaired
16 by Rin? Do you recall having attended such meeting?

17 A. No, I did not attend the meeting convened in Svay. However
18 leaders of the mobile units including the regimental commanders
19 and the unit chiefs attended those meeting. I was at the fishing
20 unit and I was far from where the meeting was convened. So I did
21 not attend it and later on I learnt about the content of the
22 meeting through those who actually attended it.

23 [09.16.50]

24 Q. Let me, Mr. Witness, read one little excerpt from that same
25 statement from you about that meeting. You're saying:

6

1 "Yes. All the district chiefs came together, in the meeting they
2 had a plan, they did not believe us. As for plan, we knew that
3 the Vietnamese had fought into Svay Rieng province. They
4 confirmed this to us." And then you say "I talk on what they told
5 me."

6 When I read this, Mr. Witness, that seems to suggest that you
7 were in fact present at the meeting chaired by Ta Rin and Im
8 Chaem; is it not?

9 [09.17.53]

10 A. I did not attend the meeting chaired by Yeay Chaem. And as I
11 stated, the meeting was held, chaired by Ta Rin and Yeay Chaem,
12 with <leaders from the commune and district levels in attendance>
13 and only later I learnt about what was discussed in that meeting,
14 that the co-operatives were instructed to dig up the ground in
15 order to hide rice and salt because when the Vietnamese arrived,
16 we would be retreated to the forest and later on we could return
17 to fetch those supplies. And again allow me to repeat, I did not
18 attend that meeting, I did not know Yeay Chaem by then, I only
19 heard of her name as the district <committee> chief.

20 Q. Do you have an explanation, Mr. Witness, why the DC-Cam
21 investigator wrote down what I just read to you, coming from you,
22 if it isn't correct that you were in fact present at the meeting,
23 why is it in that statement?

24 [09.19.31]

25 A. The <minute taker> of my interview made an error that I

7

1 attended the meeting. <In> fact I did not and only -- I learnt
2 about the content of the meeting through my immediate supervisor.
3 I was with the fishing unit at Tonle Sap and I could not attend
4 the meeting. And I cannot say for certain what was recorded by
5 the DC-Cam interviewer in that statement.

6 Q. Let's leave your presence at this meeting for a while. What do
7 you mean when you said to the DC-Cam investigator when you talked
8 about the betrayal of the country by So Phim and Moul Sambath
9 also known as Ros Nhim and Heng Samrin, what did you mean when
10 you said, betrayal of the country?

11 [09.20.54]

12 A. I did not know how those people betrayed the country. <At that
13 time, I> fled away to Prey Moan <camp> at <Chat> (phonetic)
14 mountain and they spoke about cadres from the East Zone who
15 betrayed, including the names like Heng Samrin and So Phim. And
16 actually after I was interviewed by the DC-Cam representative, I
17 meant the interview was already closed then I made an informal
18 talk with them and that's what I said to them.

19 Q. Do you recall what the relation was, if any, between on the
20 one hand, So Phim, and on the other hand, Ros Nhim also known as
21 Moul Sambath?

22 A. I did not know of any relationship between these individuals.

23 Q. Do you know whether their respective children had any
24 relationship with each other, I mean a personal relationship?

25 A. I only heard about their relationship <regarding> their

8

1 children although I did not <see> it personally. I heard that So
2 Phim had a daughter and Moul Sambath had a son and they wanted to
3 marry their children together. However this is only what I heard
4 from other people. <I only repeated what I heard from other
5 people. I did not see their faces.>

6 Q. Do you know whether there was in 1975, '76, '77 a special
7 relation between the East Zone and the Northwest Zone?

8 [09.23.55]

9 A. I cannot recall which year that was whether it was in 1977 or
10 '78, I cannot say for sure because that was a rumour that I heard
11 of.

12 Q. What was the rumour that you heard?

13 A. The rumour was that these two individuals wanted to become
14 in-laws that is Ta Sambath and Ta So Phim, they wanted to become
15 in-laws.

16 Q. I had moved on, Mr. Witness, but to ask you whether you knew
17 about any special relationship between the two zones, I wasn't
18 referring to a personal relationship but do you know whether
19 there was a special relationship between the East Zone and the
20 North West Zone.

21 [09.25.20]

22 A. No, I do not know if there is any special relationship that
23 existed between the two zones. I was not involved in their
24 policy. My main focus was finding fish to supply to the mobile
25 unit.

9

1 Q. Let me read to you an excerpt from someone who also had a, all
2 be it not a senior as you, leading position at the Trapeang Thma
3 Dam worksite. I am referring, Mr. President, to E3/9060; it's a
4 DC-Cam statement of a witness who testified here. More
5 specifically, I'm referring to Khmer page, 00733054; French,
6 01123699; and English, 00728747. Now this person, like I said,
7 came to testify here but he also talked to DC-Cam and he said
8 literally and I quote:

9 "The friendship between these two zones," meaning the East Zone
10 and North West Zone, "the friendship was meant to crush the
11 Southwest to extinction in order to re-establish the revolution."

12 Can you give me your reaction to this particular statement?

13 MR. PRESIDENT:

14 Witness, please hold on. And Deputy Co-Prosecutor, you have the
15 floor.

16 [09.27.49]

17 MR. LYSAK:

18 Thank you, Mr. President. My objection to this is simply that I
19 think counsel is mischaracterised to the witness who this
20 statement came from, he described him as a high ranking cadre.
21 This person worked as guard or a soldier, or a guard guarding the
22 worksite. It's clear from his testimony here, no base to have any
23 information on the inner workings of the regime, I have no
24 objection to him putting to this but I have an objection to him
25 representing to the witness that this was a high ranking cadre

10

1 suggesting that he had some inside information about the
2 relationships between zones.

3 [09.28.27]

4 BY MR. KOPPE:

5 I'm happy to be more neutral, Mr. President. No problem at all.

6 Q. The excerpt that I just read to you, Mr. Witness, came from a
7 DC-Cam statement from someone who also worked at the Trapeang
8 Thma Dam worksite and he said that the friendship between the
9 East Zone and Northwest Zone was meant to crush the Southwest to
10 extinction in order to re-establish the revolution. What is your
11 reaction to that statement?

12 2-TCW-918:

13 A. I cannot tell you about that. I did not think of anything
14 about that at all, I only focused on my work. So, for that
15 reason, I cannot reply to that question.

16 Q. Let me at least try to establish whether you in fact knew or
17 know that person. With your leave, Mr. President, I would like to
18 show a photograph of this particular witness, it's on the
19 interface as well. It is E3/9443, English Page, 00729899; it's a
20 photo belonging to a person Number 42 in the DC-Cam report.

21 MR. PRESIDENT:

22 Deputy Co-Prosecutor, you have the floor.

23 MR. LYSAK:

24 I have no objection to the photo. Only thing I'm curious about is
25 why we're not mentioning his name, this person testified publicly

11

1 with his name so I'm not sure why that's not on the record here.

2 MR. KOPPE:

3 I was overly cautious, I just didn't -- if it's alright with you,

4 I'll mention his name as well. His name is Lat Soy (phonetic), if

5 I pronounce it correctly and here is his photograph, Mr.

6 President.

7 [09.31.10]

8 MR. PRESIDENT:

9 Yes, yes you can proceed counsel.

10 BY MR. KOPPE:

11 Q. I apparently didn't pronounce correctly. Lat Soy (phonetic),

12 Mr. Witness. Lat Suoy.

13 2-TCW-918:

14 A. I do not know this person.

15 [09.32.01]

16 Q. Very well. I think I will -- I can predict your answer to my

17 next question but I would like to read another excerpt anyway to

18 you and ask your reaction again. Mr. President, this is E3/9579,

19 it's a WRI from a Northwest Zone cadre from the transportation

20 section. In Khmer, ERN 00947282; French, 00974761; and English,

21 00970467. This particular individual in a question 13 and answer

22 said as follows.

23 Question: "Did you know why the Southwest cadres came to replace

24 the Northwest cadres?" Answer: "They had been accused of being

25 affiliated with the Viet Minh Khmer Rouge and the East Zone

12

1 committee chief So Phim. These two zones had turned against Pol
2 Pot. According to my observations, the Khmer Rouge was apparently
3 composed of three or four groups. The first group was the Viet
4 Minh, the second group was Nationalistic Khmer Rouge, the third
5 was the Sihanouk Khmer Rouge and the fourth group was the Khmer
6 Rouge from China including Pol Pot." End of quote.

7 Mr. Witness, would like to give your reaction to this statement
8 from this North West Zone cadre?

9 [09.34.14]

10 A. I do not know how to explain on this point since I was not
11 involved in the political sphere, I cannot -- I do not know how
12 to respond.

13 Q. Nevertheless, Mr. Witness, I would like to read another
14 excerpt to you and ask for your reaction. This time it is an
15 excerpt from a WRI from the Northwest Zone chairman of logistic
16 and economics. Mr. President, that is E3/9580; Khmer ERN,
17 00951906; French, 01004437; and English, 00978422. Now this
18 witness, for your information, this individual is talking about
19 someone with the name Ta Ham. Ta Ham is the alias of an
20 individual called Thoeurn Toit, who testified in July before the
21 Supreme Court Chamber, not this Chamber. Ta Ham was the adopted
22 son of Ros Nhim and deputy of the zone military general staff,
23 according to this witness. Then the Investigator asked the
24 following question and now I will quote his answer to you fully.

25 [09.36.01]

13

1 "Do you know what happened to Ta Ham?"

2 Answer 29: "Ta Han was also arrested, they were arrested
3 together. I obtained information that both divisions of the
4 Northwest Zone had planned to fight back against Pol Pot but this
5 plan had been leaked through some agents of the Centre. That was
6 why the military people were arrested."

7 A little down further: "Another soldier told me of hearing their
8 leaders say in a meeting that if nothing was done about the
9 Northwest group, the Zone would revolt like the East Zone".

10 So, Mr. Witness, there is another individual in a high ranking
11 position in the Northwest Zone, still alive today who testified
12 about a plan of the Northwest Zone and the East Zone to revolt
13 against Pol Pot. What is your reaction?

14 A. I do not know how to react as I said I was not involved in
15 politics and I cannot explain this point to you.

16 Q. Fine. If you were not involved into politics let me go then,
17 with your permission, in to a more practical level. If that's
18 alright with you, Mr. Witness, and I would like to read an
19 excerpt from a book. It's a book from Thet Sambath, more
20 particular it is E3/4202, Mr. President. English, page 00757532;
21 Khmer, 00858342; and French, 00849437. Now, I'm going to be
22 reading, Mr. President, an excerpt but I will not mention the
23 name of this particular person because he has a TCW number, more
24 specifically 2-TCW-959. But I see the Prosecution standing.

25 [09.38.46]

14

1 MR. LYSAK:

2 Thank you, Mr. President. Before counsel gets to his next
3 excerpt, for the record, again, I want to correct some -- his
4 characterisation of the last witness whose quote he read, he
5 described him as if this was a statement from a person who was
6 the Chairman of logistics and therefore had direct knowledge of
7 this plan. This witness was Chairman of the Logistics, prior to
8 1975 during the events in question he worked in a fishing unit in
9 Sector 4 and in the subsequent answers he clarified that this
10 information, what seems to have been some form propaganda he
11 heard, came after 1979, so it should not be suggested on the
12 record, it should be clear on the record here that this is not a
13 testimony coming from -- this was not testimony from a person who
14 held a high ranking position about events that occurred that were
15 within his knowledge.

16 [09.39.48]

17 BY MR. KOPPE:

18 I'm happy to portrait this particular individual as a Northwest
19 cadre, Mr. President. I'm sure we will get back to him in a later
20 segment.

21 Q. The excerpt now that I would like to read to you, Mr. Witness,
22 comes from a head of the hospital in his region in Battambang and
23 this particular person said in an interview and I quote that in
24 one of the meetings that he attended in Sdao, to overthrow Pol
25 Pot:

15

1 "Ros Nhim said secrecy was mandatory, because anyone who was
2 found to be part of the plot would surely be killed."

3 [09.40.43]

4 2-TCW-959 said that, after receiving instructions from Ros Nhim
5 he ordered 70 men -- 70 of his men to transfer medicine and
6 medical equipment to store at his division headquarters. Asked by
7 his men the reason for the move, he lied and said they were
8 preparing to make war with Thailand.

9 "Rice was also kept in rice mills and gasoline was hidden
10 throughout Battambang and Banteay Meanchey province. They planned
11 to destroy bridges across the Sangkae river in Battambang to
12 control the west side where they had stored equipment, food and
13 other materials. The plan was very big and important and if we
14 won things would be good again." 2-TCW-959 said.

15 This particular witness, although not from your sector so it
16 seems, is talking about storage of food, equipment, rice in order
17 to assist troops within the Northwest Zone to attack Pol Pot and
18 others. Is that something that you have heard of; storage of rice
19 and equipment for an armed rebellion?

20 [09.42.34]

21 2-TCW-918:

22 A. I do not know about all the matters you have just mentioned.

23 <I never had any idea about their plans.>

24 Q. Let me go then a little further -- a little closer to the
25 place that you were living and residing and working. I would like

16

1 to read to you an excerpt from a weekly report of Sector 5
2 committee. Mr. President, that is, E3/178. I realise I only have
3 the English ERN, so I will start with another document also from
4 the zone, that is, E3/160. It's a report from April 4, 1977 until
5 April 29, '87 -- 1977, excuse me. It's a report dated 29th May
6 1977, and it talks about the enemy situation. English ERN, Mr.
7 President, 00143452; and Khmer, 00008497.

8 "On 7th May '77, a group of 50 armed free Khmer soldiers came to
9 attack and successfully evacuated 25 people. They burned down our
10 rice warehouse, damaging 40 sacks of rice and killed one of our
11 cadres."

12 Do you recall in your function, Mr. Witness, events like I just
13 described which was written down in this report from the
14 Northwest Zone?

15 A. I have not heard of it.

16 [09.45.33]

17 Q. The weekly report that I had just referred to, that I realise
18 that I only have the English ERNs speaks about the hiding of rice
19 in Phnum Srok and Preah Netr Preah district. Without quoting it
20 literally, it is a report done on the 21st May of '77, so it's a
21 report actually from your sector. While you were at the Trapeang
22 Thma Dam worksite, did you never hear Ta Val speak or anybody
23 speak about the hiding of rice in order to feed rebellion troops?

24 A. I have not heard of it, no one talked about that.

25 Q. Now, let me return to that meeting that was chaired by Ta Val

17

1 and Ta Hoeng. A meeting of which one witness who testified in
2 closed session here, said that you were present, something that
3 you deny. Just for your benefit, he talked about a secret plan to
4 arm Sector 5 mobile unit. The meeting was at Phnom Kaun Khlaeng.
5 The attendees were promised to come -- that they were going to be
6 appointed captains if they participated but the plan was although
7 secret not executed. Now, I asked you the question yesterday, why
8 this particular individual says that you were in fact present. I
9 would like to repeat that question. Why is that this individual
10 who testified in a closed session would tell this Chamber that
11 you were in fact present, what would be his motive, do you know,
12 would you be able to tell us?

13 [09.48.28]

14 MR. PRESIDENT:

15 You have the floor now, International Deputy Co-Prosecutor.

16 MR. LYSAK:

17 My objection is that he is asking for speculation from this
18 witness to speak to the motives whether this witness was
19 mistaken, this person has no basis to comment on why another
20 witness made this statement.

21 [09.49.03]

22 MR. PRESIDENT:

23 There is sufficient ground of the objection and question is also
24 repetitive, it was asked already yesterday. So, Mr. Witness you
25 are instructed not to respond to the question.

18

1 BY MR. KOPPE:

2 Q. Mr. Witness, this individual who testified here in closed
3 session also talked about someone else who attending, according
4 to him, this meeting. A female leading cadre called Mao. Do you
5 recall a female regiment commander or a leading cadre called Mao
6 who worked at Trapeang Thma Dam worksite?

7 2-TCW-918:

8 A. I do not know this individual. I do not know which female you
9 were referring to; I do not know the person by the name Mao.

10 Q. Mr. Witness, I think we have established in this courtroom
11 that you were working closely together with Ta Val and Ta Hoeng.
12 That you had a senior position at Trapeang Thma Dam worksite and
13 to me it seems or it is difficult for me to understand that you
14 don't know anything about plans to overthrow the Democratic
15 Kampuchea government. I have to ask you this question, are you
16 scared to answer questions from me?

17 MR. PRESIDENT:

18 You have the floor now, International Deputy Co-Prosecutor.

19 [09.51.33]

20 MR. LYSAK:

21 If counsel wants to ask the witness if he is scared, I think
22 that's fine, but he shouldn't be characterising as if it is an
23 established fact there was plan to overthrow Democratic Kampuchea
24 when this is based on S-21 confessions and gossip and propaganda
25 from the regime itself. So he shouldn't be representing to the

19

1 witness this is an established fact when it is anything but that
2 and then asking him whether he is scared to talk about something
3 that hasn't been established at all.

4 [09.52.12]

5 MR. KOPPE:

6 I did so much my best, Mr. President, not to mention any S-21
7 documents let alone gossip, that's why I was referring to WRIs
8 but let me--

9 MR. PRESIDENT:

10 Counsel, please continue asking the question, you should not ask
11 the witness whether or not he is scared or afraid. From his
12 behaviour I don't think that he is afraid or fearful <in giving
13 testimony>. He is only answering to the questions and also
14 responding to the points recorded by DC-Cam and all those points
15 may not have recorded correctly. Sometimes the informal
16 conversation was noted down in the DC-Cam interview. Generally
17 everyone is not all aware of what happened in the society <as a
18 whole> and I believe the counsel may not have learnt all the
19 information and also may not have known all the activities we are
20 doing at the ECCC. Perhaps counsel is not all aware of all the
21 matters. And for instance, I myself I am not aware of development
22 or any progresses within other units besides my Chamber so you
23 cannot draw a subjective conclusion that this person is all aware
24 of all the matters.

25 [09.54.11]

20

1 MR. KOPPE:

2 Well, if I was the witness I would be certainly be afraid, Mr.
3 President. If I were the opposition leader in this country I
4 certainly would be afraid so I think it's a fair question. So, I
5 think if you forbid me this question, I would like to have ruling
6 from the whole Chamber.

7 MR. PRESIDENT:

8 You can resume your questioning particularly the relevant
9 questions in relation to facts before the Chamber.

10 MR. KOPPE:

11 Q. You ignored my request, Mr. President, so I ask it again. Mr.
12 Witness, are you scared?

13 2-TCW-918:

14 A. I am not scared. I was interviewed by the investigators, they
15 wanted to know the truth and they wanted to know what happened at
16 Trapeang Thma Dam worksite. I have always provided the true
17 information in relation to units within Trapeang Thma Dam
18 worksite and as for other matters which are out of my
19 responsibility, I do not know. I was only involved in the tasks
20 at Trapeang Thma Dam worksite and if they, the investigators,
21 included the informal conversation in the <record of the>
22 interview, and I do not know how to respond.

23 [09.56.24]

24 MR. PRESIDENT:

25 It is clear now from the witness you may continue your

21

1 questioning, Counsel.

2 MR. KOPPE:

3 I have finished. Thank you, Mr. President.

4 MR. PRESIDENT:

5 The floor is now given to the defence counsel for Mr. Khieu
6 Samphan to put questions to this witness. You may now proceed.

7 QUESTIONING BY MS. GUISSÉ:

8 Good morning and thank you, Mr. President. Good morning, <Mr.>
9 Witness.

10 MR. PRESIDENT:

11 I think we should take a short break first before I give the
12 floor to you. <The Court is going to have a short break now and
13 will> resume at 10.15 a.m.

14 (Court recesses from 0957H to 1015H)

15 MR. PRESIDENT:

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

17 Again the floor is given to the defence team for Khieu Samphan to
18 put further question to the witness. You may proceed, Counsel.

19 BY MS. GUISSÉ:

20 Thank you, Mr. President. Good morning again, Witness. I was
21 introducing myself, I am Anta Guisse, International Counsel for
22 Mr. Khieu Samphan. And in this capacity I would like to put some
23 follow-up questions to you. I would like to start by talking
24 about your work at the dam worksite which you referred to in
25 answer to questions put to you by the International

1 Co-Prosecutor. And if I remember correctly, you <> you worked at
2 three dam worksites during the Democratic Kampuchea period:
3 Kambaor, Kouk Rumchek, and Trapeang Thma. Did I properly
4 understand your testimony?

5 [10.17.27]

6 2-TCW-918:

7 A. Good morning, Mr. President. And to respond to that question,
8 yes, that is correct.

9 Q. I would like for a start that we discuss the Kambaor Dam
10 worksite. You said a fixed timeline was given to you for the
11 building of that dam, and you said that initially <the timeline>
12 was set at four months, and subsequently, Ta Val had decided to
13 reduce that timeline to three months. Is that what happened? Did
14 I properly understand your testimony?

15 A. Regarding the achievement of the work plan was that the
16 initial work plan was for a period of four months. And all the
17 forces at the worksite led by the leaders, namely the leaders <of
18 battalions and regiments> were called to a meeting <by> Ta Val.
19 <In the meeting, they> asked whether they <dared to commit
20 themselves to> achieve the work <plan> within the limited time
21 set, that is, <within> a period of four months. And during the
22 meeting, all the regimental commanders <and unit leaders>
23 committed to finish the work within the limited period of time,
24 and that was to be done before the Khmer New Year. So they <all
25 made the commitments in their respective forces and they> were

1 not forced <by Angkar> to commit <themselves> to the time frame,
2 but they themselves committed to the time frame.

3 [10.19.29]

4 Q. But since the <deadline was set for four> months, did I
5 misunderstand when you said that Ta Val insisted that the work be
6 done in three months?

7 A. Angkar set forth a plan for four-month work completion, and Ta
8 Val thought that the time frame overlapped the Khmer New Year
9 period. For that reason, he checked with the unit leaders whether
10 they could achieve the work completion before the Khmer New Year
11 celebration. So they were not forced to complete the work earlier
12 by Angkar.

13 Q. So if I properly understand Ta Val's decision to reduce the
14 timeline to three months, it was after consulting the unit chiefs
15 and commanders; is that correct?

16 [10.21.05]

17 A. In fact, he asked the workforces, and the workforces gave him
18 back their feedback that they committed to complete the work
19 there before the Khmer New Year. Because if they were to complete
20 the work within the four-month period, it would run into the
21 Khmer New Year or could be a little bit over the Khmer New Year,
22 and for that the Khmer New Year celebration may had to be
23 postponed.

24 Q. Still in answer to questions put to you by the Co-Prosecutor,
25 on Monday the 30th of November, you explained that you understood

24

1 that one of the reasons why the commanders said that the work
2 could be done in three months was their determination to be
3 promoted or to be maintained in their duties. I would like you to
4 say whether you remember the names of any of the commanders who
5 were promoted at the end of the work on the Kambaor Dam worksite.
6 A. On the issue of the promotion, actually there was no
7 arrangement for anyone to be promoted. In fact, the unit leaders
8 themselves committed to achieve the work completion before the
9 schedule. And there was no form of promotion, for example, from a
10 platoon commander to company or to the battalion or regiment. No,
11 <they remained in the same position. There> was no formal
12 promotion at all.

13 [10.23.20]

14 Q. I would like us to talk about the Kouk Rumchek Dam worksite.
15 If I properly understood your testimony before this Chamber, you
16 said that the construction of that dam started after the Kambaor
17 Dam was completed, that was <after the Khmer New Year> in 1976.
18 Did I understand you correctly?

19 A. For the construction of the Kouk Rumchek Dam, the work started
20 after the commencement of the work at the Kambaor Dam. However,
21 it started about a month after the commencement of the first dam;
22 it was not until the first dam was completed.

23 Q. You said that the work on the Kambaor Dam worksite started
24 sometime in February. Did I properly understand your testimony
25 <or did it take place at a different date, according to your

1 recollections>?

2 A. I do not know whether February was the first or the second
3 month of the year. However, when we started working at the
4 Kambaor Dam, the water fully receded. <The earth was still wet.>

5 Q. So you would say that the beginning of works at Kouk Rumchek
6 would have been approximately one month after the beginning of
7 the work on Kambaor. And if I understood <your testimony>
8 correctly, you said that the work at Kouk Rumchek ended sometime
9 in August or September; <did I understand your testimony
10 correctly>?

11 [10.25.51]

12 A. The commencement of the Kouk Rumchek Dam was after the work at
13 the Kambaor Dam worksite <had been completed>. And it started
14 only after the rice had all been harvested. And it was completed
15 in around August or September of that year, since <the plan was
16 not as intensive as the Kambaor Dam>.

17 Q. We'll therefore agree that the timeline for the construction
18 of the Kouk Rumchek Dam was longer than <that> for the
19 construction of the Kambaor Dam?

20 A. Yes. It took <a> longer <time> to build the Kouk Rumchek Dam
21 <because it was physically longer than the Kambaor Dam. They were
22 different in size. The Kouk Rumchek Dam was> 18 metres long
23 <while> the Kambaor Dam was only 13 metres long.

24 Q. At the hearing of Monday, 30th of November, you also stated at
25 about 11.27, that at the Kouk Rumchek Dam worksite there were

1 tractors and <excavators>. Can you tell the Chamber where they
2 got those machines and who placed them at the disposal of those
3 constructing that dam?

4 [10.27.44]

5 A. Yes. There were three <bulldozers>, and I did not know where
6 they were brought in from. They were <provided> by Angkar to
7 assist in the building of the dam, and that was due to the
8 limited number of workforces. There were only about 4,000 workers
9 there despite the length of the dam itself. So, Angkar
10 supplemented <us with three bulldozers> to aid the workers.

11 Q. You say that Angkar brought the equipment to assist the
12 workers. How did you know that those machines were sent by
13 Angkar? Did you attend a meeting during which you were told where
14 those machines were taken from, whether they were taken from
15 <the> sectors or other places? Did you have any specific
16 information in that regard?

17 A. My immediate supervisor actually called us to attend the
18 meeting at that Kouk Rumchek Dam construction site. And we were
19 told that in the next few days, Angkar would provide us with
20 <three bulldozers>. And yes, it did happen a few days later as
21 these three <bulldozers> were brought in.

22 [10.29.28]

23 Q. If I understand correctly, all they said was that they were
24 provided by Angkar and you were not <aware of where these
25 machines came from exactly>; is that correct?

1 A. Yes. Because my supervisor spoke of Angkar, so I use the same
2 word Angkar, as he did not refer to any specific name.

3 Q. Still on the Kouk Rumchek Dam, I would like us to now talk
4 about the visit of a person in respect of which you said <before
5 the Chamber that> Ta Val had told you that person was Khieu
6 Samphan. But you yourself said subsequently that <he> did not
7 <resemble> Khieu Samphan's physical appearance. <Let's return to
8 this event>. You said you <saw a vehicle> on <a> road, <the road>
9 leading to Phnum Srok. And I would like <to know> whether you
10 remember at what distance from Phnum Srok you saw that vehicle.

11 A. That vehicle was far from Phnum Srok, however, I cannot tell
12 you the distance. And I can tell you that the distance between
13 Kouk Rumchek Dam worksite and Phnum Srok was pretty far as it was
14 the boundary of Preah Netr Preah and Phnum Srok districts. But I
15 cannot give you the exact length or the distance. And there was a
16 road leading to Phnum Srok, and I saw a vehicle stopped along
17 that road. And I was about 200 metres away from that vehicle at
18 that time.

19 [10.31.49]

20 Q. In the interpretation, I heard of vehicles and then one
21 vehicle. Do we agree that there was only one vehicle on that day?

22 A. There was only one vehicle, <but> I do not know how many
23 people were in that vehicle. I saw only one person <get> out of
24 the vehicle, and that person was looking to the west and to the
25 east. And later on, I saw the car was heading to Phnum Srok. Then

1 I met Ta Val, and Ta Val told me that <the person I saw a moment
2 ago> was Khieu Samphan. I <> I had never seen Khieu Samphan
3 before that and I heard only of his name <as the Chairman of the
4 State Presidium>. When I was invited to attend the hearing <at
5 this courtroom for the first time> I noticed that the person I
6 saw here is Khieu Samphan. And the individual I saw back then was
7 different from this person. At that time, Ta Val told me the
8 person out of the vehicle was Khieu Samphan. <Perhaps, Ta Val was
9 not familiar to Khieu Samphan.> So<, he> just <assumed> that
10 person was Khieu Samphan<. Actually, the person I see here in
11 this court, that is, Khieu Samphan is short while the person I
12 saw back then was tall. So, I conclude that Ta Val did not
13 recognize Khieu Samphan. Since he said that person was Khieu
14 Samphan I just took it for granted. In fact, Khieu Samphan I see
15 here is in no way identical to the person I saw back then.>

16 [10.33.47]

17 Q. So you said, "then Ta Val told me that." Now do we agree that
18 it was only after you had seen the person leaving, that Ta Val
19 then went on to say to you that that particular individual was
20 Khieu Samphan. In other words, it wasn't at the precise moment
21 when you saw that person that Ta Val said that it was Khieu
22 Samphan. Have I understood you correctly on that point?

23 A. Yes, that is true. Long after the vehicle had left, Ta Val
24 arrived and asked me whether or not I saw a vehicle parked on the
25 road. I told him that I saw a person get out of the car, and Ta

1 Val told me that person was Khieu Samphan. At that time, I did
2 not know Khieu Samphan, so I just took in what Ta Val told me.
3 [10.35.04]

4 Q. Do you know where Ta Val was before he came back to where you
5 were, and then went on to say to you that that individual was
6 Khieu Samphan. <Where did he come from, do you know>?

7 A. Before that, he was at the dam worksite. He was going around
8 <observing> the bulldozers <being operated to clear the land>. He
9 was quite away from the place where the vehicle parked. <I was
10 close to it. He was still in Ou Bantoat Baoh and Tean Kam
11 villages. Seeing> that vehicle parked on the road, <Ta Val> was
12 on a motorbike coming close to me and asking whether or not I
13 <had seen the car. By> that time, the car had already left the
14 place <and perhaps arrived in Phnum Srok town>.

15 Q. You also told us that on that particular day, there had been
16 no announcement about the possible visit by a senior official.
17 Would you confirm that now?

18 A. No prior information. No one told me and no one told us about
19 the visit. And I <suddenly saw the car in> that place.

20 [10.36.52]

21 Q. You have <just> told us that Ta Val used a motorbike to come
22 down <and join up with you, from> the place where <there were
23 excavators that were digging up the soil>. Did Ta Val generally
24 go round the place on a motorbike?

25 A. Ta Val had a motorbike and he used a motorbike wherever he

1 went.

2 Q. So he had this motorbike. Now, you told us on Monday that the
3 distance between the points where the people were digging the
4 soil and the place where you were when you saw the vehicle were
5 about 2 kilometres apart. So are we talking about these two
6 kilometres that Ta Val covered at that particular point on his
7 motorbike?

8 A. I was about 200 metres, <not 2 kilometres,> away from the
9 vehicle. But Ta Val was further away. He was at the site where
10 the <bulldozers were> pushing the soil. He was about <3>
11 kilometres away from the vehicle. <Perhaps, you didn't hear me
12 well.> Again, I was about 200 metres away from the vehicle.

13 Q. You told us just now that you only saw one person get out.
14 But, <can you remember whether> you saw others inside the car,
15 even if they didn't get out of it?

16 A. I could not see clearly the physical appearance of those who
17 were in the vehicle. I could only see the <heads of people
18 through the car's windows>.

19 [10.39.35]

20 Q. My understanding is that you did see <the heads of a few
21 people> in the car then. Do you remember if the person who got
22 out of the car <on that day> got out on the driver's side or on
23 the passenger's side or out of the rear of the car? Do you
24 remember any details on that?

25 A. I cannot recall well. The front of the car was towards the

31

1 North, and I do not know where exactly the person got out of the
2 car. Since it was not my task, I did not pay close attention. But
3 I noticed that there was one person get out of the car.

4 Q. Well, I'll close on that point. And now, I'd like to turn to
5 something else. On several occasions, you mentioned Cheal in
6 particular when counsel Koppe was speaking with you. Can you tell
7 me if you can remember when you first saw Cheal <in the context
8 of> your work <duties>?

9 A. I saw Cheal the first time when he was at Svay area. It was
10 the time when I went to collect the diesel <for the motorboats>.
11 In fact, at that time, I did not go to contact him personally,
12 but <I contacted other people through my> unit. At that time, I
13 was told that <> was Cheal. <I only saw him there.> Later on, I
14 could see clearly his physical appearance when Cheal came to
15 arrest <Ta> Morn. <I saw his physical appearance very well. At
16 that time, I was pushed away. I fell down on the ground and
17 became unconscious.>

18 [10.42.12]

19 Q. Let's return to the question of the arrest at a later stage.
20 But first, I'd like to ask you for a point of <clarification>.
21 You said you went to get some diesel fuel; could you tell me
22 which unit you belonged to when you <saw Cheal?>? What did you
23 need the diesel for? Were you still working on the dam at
24 Trapeang Thma or had you moved to <the fishing unit>?

25 A. When I saw him, I was within the fishing unit, but the fishing

1 unit was under the mobile force.

2 Q. Thank you. You said that you saw Cheal at the moment when Morn
3 was being arrested, could you please tell us exactly the
4 circumstances of when you saw him and how Morn's arrest actually
5 took place?

6 A. Concerning the arrest of Morn, at that time, Morn and I were
7 coming from the place where we drank the palm juice. We
8 understood that we would be killed, so we wanted to drink the
9 palm juice before we died. And while we <were> walking, there was
10 a <white> vehicle within which there was Cheal <arriving>. And
11 the car stopped <in front of me>, and we were asked to board the
12 vehicle. At that time, I was about to get into the vehicle, but
13 <one of the soldiers, whom I could not recognize,> pushed me
14 away. Only Ta Morn was pushed into the car. I fell down to the
15 ground and fainted<. Then,> the vehicle left. <I was taken to the
16 hospital and> I recovered -- I became conscious at about 1.30 in
17 the afternoon. <>

18 [10.44.52]

19 Q. So you say that you saw Ta Cheal in that car and you referred
20 to a car which may have been referred to by the wife of Ta Val
21 when he was arrested. And I believe, <at least I have in my notes
22 in any case, that> it was a white car. When Ta Morn was arrested,
23 was the same white car present?

24 A. When they came down to arrest Ta Morn, they drove in a white
25 car.

1 [10.45.47]

2 Q. In E3/9094, ERN in French, 01123651; <ERN> in English,
3 00728691; and <ERN> in Khmer, 00734101; <it can be found at the
4 end of the page in the French version>, you referred to the
5 arrest of Cheal. But before that <> you say, <and I quote:>
6 "Cheal had been working for a while and they only started making
7 appointments <around the time of his> arrest."

8 And then you are asked: <"When was Cheal arrested?>.

9 And you answer: "He had been arrested when the Southwest arrived.

10 And when the West came, Cheal arrested the cadres from the
11 Northwest, while the Southwest was waiting to see what Cheal
12 would do. When they saw <Cheal> arresting all kinds of people,
13 they arrested him". <End of quote.>

14 So I'd like to ask you, if you personally were present at the
15 time of other arrests apart from Ta Morn, because you say that
16 Cheal arrested all sorts of people. So did you witness other
17 arrests apart from Ta Morn? That's the first question on this,
18 I'll ask you <more> in a minute.

19 A. After Ta Morn had been arrested, I went to the fishing unit
20 <at Tonle Sap lake>. Later on, there were arrests within the
21 cooperatives, and I <did> not know who had been arrested. And I
22 do not know either when Cheal was arrested.

23 [10.48.13]

24 Q. Well then, can you tell us what information you were using to
25 base your statement to DC-Cam in which you say that Cheal had

34

1 arrested all kinds of people. If you didn't see this, is this
2 just something that you heard?

3 A. What I know is that Cheal made the arrests within the mobile
4 forces. Chiefs of regiment down to battalions were arrested; that
5 was the plan. But I did not see at that time that the chiefs of
6 regiment down to battalion were arrested. <Some of the> chiefs
7 realised that they would be arrested, so they fled. I did not
8 know at the time where they <had> fled.

9 Q. Was, <at any given time>, Ta Cheal the assistant to Ta Hoeng
10 when Ta Val still exercised his duties, do you know?

11 A. While Ta Val was in his duty, I heard people say that the
12 deputy of Ta Hoeng was Ta Cheal, but I was not quite sure at that
13 time. I heard people say that the deputy of Hoeng was Cheal. I
14 did not know at that time whether it was true or not. Many people
15 talked about that.

16 Q. You told us that between Ta Nhim and Ta Cheal there were
17 family links. Do you know if Ta Cheal's <role> as deputy <of Ta
18 Hoeng> was rooted in the fact that there was that family
19 relationship? Do you know that?

20 [10.50.57]

21 A. It is my estimate. What I'm saying now <is only my estimate>.
22 There was no official announcement at that time. It is my
23 estimate that <because> Ta Cheal was the son of Ta Nhim <> he was
24 appointed to be in a senior position.

25 Q. When you were answering a question just now from Counsel

1 Koppe, you said that you yourself did not actually attend a
2 meeting that was chaired by Ta Rin at which there was discussion
3 of the arrival or attack by the Vietnamese which led to the order
4 to dig holes to conceal <food> supplies. <I understood that>
5 other people attended that meeting, you said, and other people
6 then went on to speak to you about the meeting. Is that what I
7 <must> understand?

8 A. Actually, there was a meeting. Later on, I was told about the
9 meeting being held. <So, I pass it on to you here.>

10 Q. I am talking about the meeting that was chaired by Ta Rin;
11 perhaps <there was a problem with the translation>.

12 [10.53.06]

13 A. Concerning the meeting chaired by Ta Rin, I never attended
14 that meeting. The reason that I never attended the meeting <was>
15 because I was working in a far distance and whenever there was an
16 assignment for me to do, I would <be informed of that assignment
17 in person>.

18 Q. But without you actually having attended the meeting <> do
19 <we> agree that you had heard about it and <that> you said that
20 an order emanated from it to dig holes to conceal <food>
21 supplies? Do you agree that that is what you indeed heard?

22 A. I learnt that information from others since they went to the
23 meeting. The meeting was held by Ta Rin together with Yeay Chaem
24 whom I did not know her face. <I only heard of her name.> And the
25 meeting was held among the chiefs of cooperatives and <commune>

1 chiefs. And there was no instruction relayed to unit chief to dig
2 up the <pits> to conceal the <food> supply since mobile forces
3 had no supplies. I learned the information from others and I
4 relayed that information. And I spoke about the event to the
5 investigators <who> interviewed <me at home>.

6 [10.55.23]

7 Q. Do you remember the date of that meeting? Can you specify when
8 it occurred, at least roughly?

9 A. Concerning the date of the meeting, I do not know when exactly
10 the meeting was held.

11 Q. Were you already in the fishing unit at that stage or were you
12 still <at> the <> Trapeang Thma <Dam>?

13 A. I was within the fishing unit at the time. But when I
14 transported the fermented fish and fish to the dam site, I would
15 be informed of some information. However, as I said, I was never
16 invited to the meeting since I was working in a far distance from
17 that dam site. <For that reason, they forgave me for not being
18 able to attend the meeting.>

19 Q. There's a last point I want to bring up with you. Several
20 times during your testimony, you said that the investigators who
21 interviewed you may have been mistaken or may have recorded
22 things that you were only talking about informally. So could we
23 talk about the circumstances of your interview with DC-Cam in
24 2011? Do you remember if during that interview you were recorded?

25 [10.57.43]

1 A. I cannot recall it whether it was recorded. The investigators
2 went to see me on several occasions and I do not know whether
3 there was audio <recording> at that time. Some investigators said
4 they were students and they went to interview me. And they told
5 me that they saw the photographs of me at the Court. On some
6 other occasion, there were foreigners with <white> complexion,
7 and I cannot tell you whether there was audio recording at the
8 time. And I do not know whether my voice was recorded. Perhaps
9 things which I talk<ed> informally were recorded in the document.
10 For this reason, the information within the written records is
11 mixed up. At that time, I <> intended to tell what I have known
12 only, not other matters that I have not known.

13 MS. GUISSÉ:

14 With the leave of the President and with the assistance of the
15 court officer, I would like to give the witness <an excerpt from
16 the> copy of the record of the DC-Cam interview in E3/9094, so
17 that he can <visualize> a reference that is contained therein.

18 MR. PRESIDENT:

19 Yes, you can do so. Chea Sivhoang, please accept the document and
20 provide to the witness.

21 BY MS. GUISSÉ:

22 <For the parties,> so this is <obviously document> E3/9094, and
23 it's a <reference therein> that's only <available> in Khmer in
24 ERN 00734031<,> at the bottom of the page and <actually, it
25 states> in Khmer -- Mr. Witness, I don't know if you can see this

1 -- there is a reference that is highlighted in yellow and it says
2 that this is a re-transcription of an audio recording. Can you
3 see that <reference> in the text?

4 [11.01.11]

5 2-TCW-918:

6 A. Yes, I see it.

7 Q. All right. Well, in that case, does that refresh your memory?

8 And do you remember that your interview with DC-Cam staff, which
9 I won't refer to as investigators because they're <not
10 investigators;> just DC-Cam staff who were <gathering>
11 testimonies but not as part of an investigative procedure. So do
12 you recall <whether> the DC-Cam staff warned you that you were
13 being recorded? And does that reference in the text before you
14 refresh your memory?

15 A. Yes, I recall it. At that time, yes, the interview was
16 audio-recorded. But I did not know as to when the audio-recording
17 stopped.

18 [11.02.24]

19 Q. On the first page of this record of interview, there is
20 mention of the duration of the <examination>, and I see 2 hours
21 28 minutes and 53 seconds. My question to you is <therefore as
22 follows: do you remember> whether the interview you had with the
23 DC-Cam staff <on that occasion> indeed lasted two and a half
24 hours. Does that refresh your memory?

25 A. I recall that it took pretty long time, but I cannot recall

1 the exact hours. And of course, it happened several years ago, I
2 cannot recall everything.

3 Q. There is no problem with that. I just wanted to know whether
4 you recall the exact duration of the interview to the best of
5 your recollection. Did the interview go on in one <sitting> or
6 <were there breaks>?

7 A. I cannot recall that. However, the interview lasted pretty
8 long time for that occasion. And I was interviewed a few times
9 after that. However, sometimes an interview was shorter than this
10 one.

11 MS. GUISSÉ:

12 That being the being the case, I will not bother you any further,
13 <Mr.> Witness. <I am done> Mr. President, <> and my colleague,
14 Kong Sam Onn <> doesn't <> have any questions for the witness <>.

15 [11.04.45]

16 MR. PRESIDENT:

17 And Counsel Koppe, you have the floor.

18 MR. KOPPE:

19 Thank you, Mr. President. One remaining point. We never received
20 the photos that we discussed yesterday. I'm looking at the
21 Prosecution whether he would still be so kind to send me those
22 photos.

23 MR. LYSAK:

24 We certainly will provide them but we're still waiting for
25 authorization -- okay from the Investigating Judge who I

40

1 understand was away and was in meetings all day yesterday. So --
2 but assuming we get authorization, we'll provide them to you. I
3 think you'll find them to be not of particular interest. But
4 assuming our request is granted which I would expect, you will
5 receive them.

6 [11.05.42]

7 MR. PRESIDENT:

8 Thank you for the clarification. <It is reasonable.> The hearing
9 of testimony of witness 2-TCW-918, is now concluded. And the
10 Chamber is grateful of your testimony, Mr. Witness, for the last
11 two and a half days. Your testimony may contribute to
12 ascertaining the truth in this case. And you are now excused and
13 you may leave the courtroom and return to <your residence or>
14 wherever you wish to go to. And the Chamber wishes you all the
15 very best.

16 Court officer, in collaboration with WESU, please make necessary
17 transportation for the witness to return to his residence. And
18 Mr. Mam Rithea, the Chamber is grateful of your assistance and
19 you are also excused from the courtroom.

20 Next, the Chamber will hear testimony of a civil party, that is,
21 2-TCCP-300, in relation to the treatment of the Vietnamese. <Bun
22 Lemhuor> is a TPO staff who will lend support to the civil party
23 during testimony. And Court officer, please usher this civil
24 party as well as the TPO staff into the courtroom. Thank you.

25 [11.07.21]

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1 (Civil party enters courtroom)

2 [11.08.55]

3 QUESTIONING BY THE PRESIDENT:

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

5 MR. PRAK DOEUN:

6 A. My name is Prak Doeun.

7 Q. Thank you. And when were you born, Mr. Prak Doeun? And please
8 observe the microphone. You should speak only after you see the
9 red light on the tip of the microphone. And please have a short
10 pause before you answer the question, so that you can think of
11 your response. And this is at the same time that you have to wait
12 for the microphone to be operational. So again, when were you
13 born, Mr. Prak Doeun?

14 [11.10.13]

15 A. I cannot recall it.

16 Q. So how old are you this year?

17 A. I am 73 years old.

18 Q. Where were you born?

19 A. I was born in Kampong Preah village, Chhnok Tru commune,
20 Baribour district, Kampong Chhnang province.

21 Q. And where is your present address?

22 A. I <am currently> living in the same <native> village.

23 Q. And what is your current occupation?

24 A. I am a member of the pagoda committee.

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

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1 A. Prak Phav (phonetic) is my father, <Oum> Mien (phonetic) is my
2 mother. Both are deceased.

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

4 A. My previous wife passed away, and I remarried in 1979.

5 [11.12.04]

6 Q. What is the name of your current wife and how many children do
7 you have?

8 A. I have two children from my previous marriage, and I have five
9 from the current wife. So altogether, I have seven children,
10 however, two passed away. So I have five children at the moment.

11 Q. Thank you, Mr. Prak Doeun. As a civil party, you may make a
12 victim's impact statement, if any, that happened to you during
13 the Democratic Kampuchea period from the 17 April 1975 to the 6
14 January '79, if you wish to do so. And based on the information
15 given to the Court by the court officer, that you may have a
16 health issue, please inform the Chamber by raising your hand if
17 you wish to take a break at any time during your testimony. So
18 you may be examined by the standby medical staff during this
19 testimony. And Mr. Witness, have you been interviewed by
20 investigators of the Office of the Co-Investigating Judges?

21 [11.14.05]

22 A. I have been interviewed by investigators. About the events
23 that took place during the genocidal regime.

24 Q. I refer to the investigators of the Office of the
25 Co-Investigating Judges of this Court. Have you been interviewed

1 by these OCIJ investigators? Or have you been interviewed by
2 another entity?

3 A. I cannot recall the names of those interviewers. However, I
4 was interviewed about the torture inflicted upon me during the
5 Pol Pot regime in my capacity as a victim. And I told them about
6 the torture that <> was inflicted upon <me>, about the
7 mistreatment of my wife, children, and about the loss of their
8 lives and the lives of my parents-in-law.

9 Q. And can you recall when that interview take place and where?

10 A. I can only recall some parts of the interview. <I want to make
11 it clear to you.> And allow me to apologize to you, Mr.

12 President, if I cannot recall every account that I said earlier.

13 Q. My question to you, Mr. Civil Party, is that in relation to
14 the interview given by you to the interviewers, when and where
15 did it happen? And please limit your response to that. Can you
16 respond to that, that is, when and where the interview took
17 place?

18 A. I cannot recall it because at that time, my health was not
19 also good. <I thought I would be asked simple questions. I had
20 not expected that I would have been interviewed by the Khmer
21 Rouge Tribunal.> So, <I cannot recall. I apologize for this>, Mr.
22 President.

23 [11.17.04]

24 MR. PRESIDENT:

25 Thank you. Pursuant to Rule 91(bis) of the ECCC Internal Rules,

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1 the Chamber will hand the floor first to the Lead Co-Lawyers for
2 civil parties before other Parties.

3 MS. GUIRAUD:

4 Thank you, Mr. President. And good morning to everyone. We will
5 give the floor to <our colleague,> Lyma Nguyen who is counsel for
6 Mr. Prak Doeun, and she will be the person to put questions to
7 the civil party <today>.

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 QUESTIONING BY MS. NGUYEN:

11 Thank you, Your Honours. Mr. Prak Doeun, my questions today will
12 focus on your family, and particularly what happened to your wife
13 and your children during the Khmer Rouge regime. But just some
14 preliminary information about where you're from. Before April
15 1975, where did you reside?

16 [11.18.16]

17 MR. PRAK DOEUN:

18 A. I was <first> evacuated by the Khmer Rouge to leave my village
19 and stay at Pech Changvar <commune>, Baribour <district>, Kampong
20 Chhnang province. Later on, I had to be en route again for a
21 period of four months <when> I separated from my children and
22 wife, and I was instructed to go and find fish in a fishing unit
23 in order to find <> fish supplied to the units. Later on, after I
24 separated from my wife and children, I was sent to live at Kaoh
25 Ta Mov commune and Sdei <Peak> Kantel (phonetic) commune.

1 Q. So where were you relocated from to Pech Changvar village?

2 Where did you reside before that?

3 A. I left my village, then I walked through National Road Number
4 5 to Pech Changvar commune where I stayed there for a while, that
5 is for about a week. And after the food ran out, then I had to
6 find my own food to eat in order to survive. And about three
7 weeks after, I was -- rather, by that time I already separated
8 from my wife and children and at Ta Mov commune, I was assigned
9 to a fishing unit in order to find fish for distribution to other
10 units. And I worked wherever I was assigned by Angkar. And nobody
11 could protest that.

12 [11.20.35]

13 Q. Thank you, Mr. Prak Doeun. We will go into the details about
14 the various places that you were relocated to and what happened
15 there. But just for the moment, I want to focus on your marriage
16 with your first wife. When did you get married with your first
17 wife?

18 A. I married my first wife during the Samdech Sihanouk regime.
19 And that happened in 1966. By that time, I was 18 years old. And
20 I married and resided in the same native village.

21 Q. What was the name of your first wife?

22 A. Bou Samban is her name.

23 Q. What was her ethnicity?

24 [11.21.43]

25 A. My first wife was Vietnamese.

1 Q. Where was she born?

2 MR. PRESIDENT:

3 Mr. Witness, please observe the microphone.

4 MR. PRAK DOEUN:

5 A. My wife was born in the same village, same commune and
6 district and province.

7 BY MS. NGUYEN:

8 And was that Chhnok Tru village in Kampong Chhnang province?

9 MR. PRAK DOEUN:

10 A. Yes, that is correct.

11 Q. Could you describe your wife, what did she look like?

12 A. She's healthy and has a light complexion. Her height was about
13 1.55 metres and her age was similar to my age. So if she is
14 living, she's around 73 by now.

15 [11.23.09]

16 Q. What languages did she speak?

17 A. She <> studied in the same class <with me> up to the Grade 8
18 in the old education system. So she could speak Khmer fluently.

19 Q. Did she have Cambodian nationality or an ID card?

20 A. We had our marriage certificate, and of course, she held a
21 Khmer nationality.

22 Q. Did she speak the Vietnamese language?

23 A. Yes, she knew Vietnamese, but she did not use it. She only
24 spoke Khmer and French.

25 Q. Did she have any brothers or sisters?

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1 A. She was the only child in her family.

2 [11.24.41]

3 Q. Did she look Vietnamese or did she look Cambodian?

4 A. Her facial figure was that of Khmer but she had lighter
5 complexion.

6 Q. Were her parents both ethnically Vietnamese?

7 A. The mother was ethnically Vietnamese, but the father was
8 half-blood Chinese.

9 Q. Where were her parents born?

10 A. I do not know that. I do not know where they were born,
11 because at that time, I was young and of course, I did not dare
12 ask them where they were born.

13 Q. Did her parents look or dress Vietnamese?

14 A. The way they dressed was truly Vietnamese. And when they spoke
15 Khmer, they spoke <Khmer> with severe <Vietnamese> accent. So,
16 although they spoke <Khmer> with severe <Vietnamese> accent, they
17 could be understood. Although the mother spoke with more accent
18 than the father.

19 Q. Did her family follow Vietnamese traditions?

20 A. Yes. For example, during the Chinese New Year celebration,
21 they celebrated according to their culture. But they did not
22 practise such ceremony according to the Buddhist religion. They
23 did not. <However, they made a little donation for Buddhist
24 cause. But, they did not hold any traditional Buddhist ceremony.>

25 [11.27.26]

1 Q. When you married your wife, was it accepted by your family and
2 by your community?

3 A. So after we consented to marry, then the marriage ceremony was
4 held. And of course, we went along pretty well. I refer both to
5 my family side and to her family side.

6 Q. Did she suffer any discrimination in the years that you were
7 married leading up to the Khmer Rouge regime?

8 A. No, there was no discrimination at all. And we were well
9 received.

10 Q. Was her father and her mother, that is, your parents-in-law,
11 were they both alive in 1975?

12 A. My father-in-law passed away during the Sihanouk regime.
13 However, in 1975, my mother-in-law was alive and she went
14 together with me when we were evacuated.

15 [11.29.10]

16 Q. I'd like to now turn to your children. Did you have any
17 children in 1975?

18 A. I <had> five children by 1975. And I got another child in
19 1977. So there were six altogether by that year.

20 Q. How many girls did you have and how many boys?

21 A. We <had> five daughters and one son.

22 Q. And all of these six children were with your Vietnamese wife;
23 is that right?

24 MR. PRESIDENT:

25 Mr. Civil Party, please wait. And Counsel Koppe, you have the

1 floor.

2 MR. KOPPE:

3 Thank you, Mr. President. I object to the words "Vietnamese
4 wife". Of course, it depends on how we define nationality. But
5 from the answers of this civil party, I conclude that in '75, his
6 wife was a Khmer citizen, albeit with Vietnamese roots, but she
7 was a Khmer citizen. So I think that should be the proper
8 question.

9 MS. NGUYEN:

10 Your Honours, the witness has given evidence that his wife was
11 ethnically Vietnamese. So I think it is appropriate to
12 characterize her as a Vietnamese wife. When I am saying
13 Vietnamese, I am referring to her ethnicity and to her race, not
14 to her nationality. May I proceed?

15 [11.31.34]

16 MR. PRESIDENT:

17 So we have to make a distinction between the ethnicity and
18 nationality. And I want the lawyers to make it clear whether you
19 want to use the nationality or you want to use ethnicity. But I
20 think if we refer the wife by using the nationality, I think it
21 is clear because it is by law. So when we refer -- when we use
22 the word nationality, that is, the nationality registered within
23 the legal document.

24 BY MS. NGUYEN:

25 Yes, thank you, Your Honour. Perhaps to be perfectly clear, when

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1 I use the word Vietnamese, I will precede it by ethnic
2 Vietnamese.

3 Q. Mr. Prak Doeun, the five daughters and one son that you had
4 with your wife, was that with your first wife who was ethnically
5 Vietnamese?

6 [11.32.56]

7 MR. PRAK DOEUN:

8 A. We lived together. However, later on, after the Khmer Rouge
9 came to take control, we lived in different places since we were
10 dispersed into different units and different cooperatives.

11 Children were put in a separate unit. Parents, I mean wives and
12 husbands, were separated.

13 MR. PRESIDENT:

14 It is now time for the adjournment and the Chamber will now
15 adjourn, and the hearing will resume at 1.30.

16 Court officer, please assist the civil party during the lunch
17 break. And please invite the civil party <together with the TPO
18 staff> back into the courtroom together with his duty counsel at
19 1.30.

20 Security personnel, please send Mr. Khieu Samphan back to the
21 waiting room downstairs, and please return him into the courtroom
22 at 1.30.

23 The Court is now in recess.

24 (Court recesses from 1134H to 1332H)

25 MR. PRESIDENT:

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

2 Before giving the floor to the Co-Lead Lawyers for civil parties
3 to put questions to this civil party, the Chamber would like to
4 inform the Parties in Case 002/02 that during the hearings this
5 afternoon and the following days, due to the health issue of
6 Judge Claudia Fenz, she is not able to be on the Bench. After
7 deliberating and discussing with the Judges of the Bench, the
8 Chamber decides to appoint Judge Martin Karopkin to replace Judge
9 Claudia Fenz, until the time that Judge Fenz is able to perform
10 her duties before the Chamber. The decision is based on Internal
11 Rule 99.4 of the ECCC.

12 So I now give the floor to the representative of the Co-Lead
13 Lawyers of the civil parties. You may have the floor now.

14 [13.34.42]

15 BY MS. NGUYEN:

16 Q. Mr. Prak Doeun, when we finished off just before, we were just
17 going into a description of your children. In evidence previously
18 you said you had five daughters and one son. I just want to take
19 you through -- you to take us through your daughters one by one.
20 So starting with your first daughter, what was her name and how
21 old was she in 1975?

22 MR. PRAK DOEUN:

23 A. I have six children -- that is, five daughters and one son.
24 The first daughter's name is Phav Chiem, <14 years old>; and the
25 second daughter is Phav Mao (phonetic), 12 years old; <the third

1 is> Phav Liem, 10 years old; and the fourth daughter is Kiem
2 (phonetic), female, eight years old; and the fifth child is Phav
3 Long (phonetic), four years old; and the sixth child is one year
4 and a half. The sixth child is a son.

5 [13.36.27]

6 Q. Did you ever refer to any of your children by another name?

7 A. During the Pol Pot regime, I did not use the original names
8 <because they sounded more like> the Vietnamese names. At the
9 time, I used the name Mi Kabak (phonetic) and Mi Kapok (phonetic)
10 for some of my daughters.

11 Q. Which daughter did you use those names, Mi Kabak (phonetic)
12 and Mi Kapok (phonetic)?

13 A. The fourth daughter; her original name was Phav <> Kiem
14 (phonetic) <alias Phav Leng (phonetic)>. During the Pol Pot
15 regime, <they kept asking for that name,> I told the children
16 within the children unit that <she did not have that name and
17 that> her name was Mi Kabak (phonetic) or Mi Kapok (phonetic). <I
18 did that because I was afraid that they would take all my
19 children away to be killed if their birth names were found.>

20 Q. You said that your second child was named Phav Chiem and your
21 fourth child you also referred to as Phav Kiem (phonetic). Did
22 you refer to your second daughter by any other name?

23 A. I only used the name Mi Kabak (phonetic) or Mi Kapok
24 (phonetic) for one of my daughters during the Pol Pot time and
25 for other daughters and son, I used original names, and later on,

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1 after the regime, I turned to use her original -- that is, <Phav>
2 Kiem (phonetic)<, my fourth child>.

3 [13.38.55]

4 Q. And why did you use a different name for your daughter during
5 the Pol Pot regime, during the Khmer Rouge regime?

6 A. The reason is that members of the children unit would have
7 known that she was the daughter of the Vietnamese family<, the
8 daughter of Ta Doeun>. For her safety, I told members of the
9 children unit that her name was actually Mi Kabak (phonetic) or
10 Mi Kapok (phonetic).

11 Q. What would have happened to her if they had known that her
12 name was Phav Kiem (phonetic)?

13 MR. KOPPE:

14 I object, Mr. President, that's asking for speculation.

15 [13.39.55]

16 MS. NGUYEN:

17 Your Honours, the witness -- the civil party has given evidence
18 that he referred to his daughter by other names for her own
19 safety so I'm asking for some clarification as to how he thought
20 that it would protect her to call her by these different names.
21 If I might rephrase the question.

22 MR. PRESIDENT:

23 The objection of the defence team of Mr. Nuon Chea is overruled.
24 The Chamber is interested in the answer by the civil party to the
25 question put by the lawyer for civil party.

1 Mr. Civil Party, please give the response to the last question.

2 [13.40.59]

3 MR. PRAK DOEUN:

4 A. I would like to tell the Chamber that <the reason was> because
5 I was <so> afraid that I would lose my daughter if I was using
6 her original name. <If I kept using her original> name at the
7 time, she would have been killed. For this reason, I <asked
8 children in the children unit of the genocidal regime to help me
9 by referring> to her <as Mi Kabak (phonetic) or Mi Kapuk
10 (phonetic)>.

11 BY MS. NGUYEN:

12 Q. Can you tell us what year you started to use a different name
13 for your daughter?

14 MR. PRAK DOEUN:

15 A. It was in 1976, perhaps mid-year of 1976.

16 Q. Just also a point of clarification. You said that you had a
17 son who was one and half years old, this son was not yet born in
18 1975, is that right?

19 A. Later on in 1975, I was evacuated from my village and my son
20 was born in late 1976.

21 Q. Thank you. Mr. Prak Doeun, I just want us to talk now about
22 your relocation. You said you were evacuated from your village in
23 1975. What village were you living in when you were evacuated?

24 A. <The> Khmer Rouge moved me <to> Anhchanh Rung commune,
25 Baribour district.

1 [13.43.40]

2 Q. You gave evidence earlier that you were relocated to Pech
3 Changvar village, is this place next to a mountain?

4 A. This village was about 15 kilometres away from the mountain
5 <to Pech Changvar commune. It's located along the road to the
6 mountain.> After we were put in an area near the mountain, we
7 were <divided> into different units: the wives would be sent into
8 the cooperatives to work in the <rice> field and the husbands
9 would be sent to work in the fishing unit. <After we stayed for
10 half a month, we were separated and divided into different
11 forces. We were no longer allowed to stay together with our
12 families, wives and children.>

13 Q. Going back to this mountain, what was the name of the
14 mountain?

15 A. Its name was <Kuk> (phonetic).

16 Q. Was all of your family relocated to Pech Changvar village near
17 Koh (phonetic) mountain?

18 A. During the time that we were living together, it was in Pech
19 Changvar. Later on, I was relocated <by the cadres> to somewhere
20 else and I did not know at the time where my wife was. If I
21 ask<ed> the question about my wife's whereabouts, <they would get
22 my information and use it to spy upon me and would therefore>
23 take <me> away <to be> killed. I had to keep silent. I had to
24 perform the duty assigned by Angkar. <I only followed what Angkor
25 told me to do as it had full authority in its hand. I had to go

1 wherever it told me to go. So,> later on I was relocated to <Kaoh
2 Ta Mov and Sdei Peak> Kantel (phonetic) <villages>.

3 [13.45.46]

4 Q. How long did you spend at Pech Changvar village before you
5 were relocated to the next place?

6 A. During the time I was with my wife I could stay <together>
7 there for a fortnight. Later on, <I was separated from my wife.
8 Then,> I was sent to live in <Sdei> Peak Kantel (phonetic) <and>
9 Kaoh Ta Mov <village>. I was there in a fishing unit.

10 Q. You said earlier in your evidence that you were then
11 transferred to Ta Mov island; when did that occur?

12 A. I did not know about the timing exactly. I would go anywhere I
13 was asked to go and I did not pay attention to the date and time.

14 Q. When you were transferred to Ta Mov island, was your whole
15 family transferred with you?

16 A. No, only I was sent to Ta Mov and three or four members <from
17 other families> were sent into a fishing unit <to set up fishing
18 lots> to <catch> fish for <supplying to different groups, units
19 and> base areas.

20 [13.47.48]

21 Q. So did your wife and your children remain in Pech Changvar
22 village when you were transferred to Ta Mov island?

23 A. Before I was sent to Ta Mov I was with my family. <After I
24 left, my children were sent to different cooperatives. One> of my
25 children<, who was a teenager,> was sent into the adolescence

1 unit and my <second> daughter <> was sent <to work a farm under>
2 the children unit and <my third> daughter was sent <to study and
3 asked to do any work that she could do>.

4 Q. And the units that your children were sent to, were they on Ta
5 Mov island or were they in another place?

6 A. Actually, they were sent into the mobile unit so the
7 workstations would vary, depending on the assignments, and at the
8 time, I was not sure where they were assigned to work on which
9 particular locations. After 15 days of their relocation, my
10 children would send me information that they would be in
11 particular location.

12 Q. How long did you stay at Ta Mov island?

13 A. I was at <Sdei> Peak Kantel (phonetic) and <Kaoh> Ta Mov <>
14 for one year and a half.

15 [13.50.15]

16 Q. Who were the chiefs of your village at Ta Mov island?

17 A. The cadre who was -- there were four cadres supervising me:
18 three <women>, one <man>, one is Ta Ruos<, who was in charge of
19 the base unit>; and another one was in charge of fishing unit,
20 his name was Hoem; and the third cadre's name was Comrade Na; and
21 the fourth cadre's name was Comrade Kuon, who was in charge <of
22 the economy>.

23 Q. Did you see your wife again during the time that you were at
24 Ta Mov island?

25 A. <About one> year later I told Angkar that I missed my wife and

1 children and I submitted a request <to all male and female
2 cadres> to <have> my family <come to see me>. During the time,
3 the food was <restricted> and on certain locations, we could find
4 some <fish and water insects> to eat. <We could secretly share
5 them with our wife and children so that we all could survive
6 together.>

7 Q. So did your wife eventually join you on Ta Mov island?

8 A. With the kind heart, the cadres granted the request that I ask
9 my wife and my children to come and live on the island. <So, they
10 said it was fine and they would allow my family to come and live
11 together with me for a period of over> one year <>.

12 [13.52.34]

13 Q. And now we're talking about near the end of 1976, is that
14 right?

15 A. Yes, that is right. It almost reached 1977.

16 Q. When your wife joined you at Ta Mov island, did the Khmer
17 Rouge know that you were married to an ethnically Vietnamese
18 woman?

19 MR. KOPPE:

20 Mr. President, I object to the words "Khmer Rouge" in the
21 question. Either it's a name of a local cadre who could have had
22 knowledge or it's a CPK, if we are in the beginning of '77 or end
23 of '76. It is the CPK or Democratic Kampuchea; the "Khmer Rouge"
24 is a very generic term which should be left only to be used by
25 civil parties or witnesses.

1 [13.53.48]

2 BY MS. NGUYEN:

3 I am very happy to rephrase the question, Your Honour.

4 Q. When your wife joined you at Ta Mov island, did any of the
5 soldiers or cadres who were working under the CPK or the
6 Democratic Kampuchea know that she was ethnically Vietnamese and
7 that you were married to an ethnic Vietnamese woman?

8 MR. PRAK DOEUN:

9 A. Mr. President, my apology. They understood that my
10 mother-in-law was ethnically Vietnamese because she spoke not
11 clearly in Khmer. For instance, she would say "sheu" (phonetic)
12 rather than "<chheu>" (phonetic) and "<ambae>" (phonetic) rather
13 than "<ambel>" (phonetic). For my wife, she could speak <> Khmer
14 <clearly because my wife and I had studied Khmer in the same
15 class>. Again, my mother-in-law could not speak <> Khmer
16 <clearly>, so <> she was taken away and killed.

17 [13.55.16]

18 Q. Did the cadres in your village say anything about the fact of
19 your wife and your mother-in-law being ethnically Vietnamese?

20 A. After I came back from the fishing unit, I was asked whether
21 my wife was Khmer or Vietnamese. If I had said that my wife was
22 Khmer, I would have been taken away and killed since my
23 mother-in-law is ethnically Vietnamese<. I was trying to figure
24 out how I could confuse them about us. But, I could not come up
25 with any helpful solution. I was at my wits' end. So,> I decided

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1 to tell the truth that my wife was the daughter of my
2 mother-in-law who was ethnically Vietnamese.

3 Q. And how did they react to that?

4 A. They did not react but I did not know whether they had
5 something in mind or they had a grudge against me. I do not
6 understand what they were thinking at the time.

7 Q. I just want to turn to the composition of the people who were
8 on Ta Mov island. Can you tell the Court how many Vietnamese
9 people there were on the island and how many Khmer persons there
10 were?

11 A. Concerning the married men and women, there were seven
12 families of married men and women. Some men married the
13 Vietnamese women and <> some Khmer women married the Vietnamese
14 men. <All seven families were taken to that area.>

15 [13.57.43]

16 Q. Do you remember how many of these mixed marriages comprised of
17 a Vietnamese wife and a Khmer husband and how many of these
18 couples were the Khmer wife and Vietnamese husband?

19 A. During the Pol Pot time, the Vietnamese men or women were not
20 <matched> with each other to be husband and wife; actually they
21 got married during the Sihanouk time. <They were blended and
22 joined ideas in different units. Although they were asked to go
23 back to their homeland they struggled to stay behind. Like me, my
24 wife did not want to leave me behind. I did not want to leave my
25 parents behind, either. So, we chose to live and die together.>

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1 And, as I said, <in my unit>, there were seven families of mixed
2 Vietnamese men and women.

3 Q. Apart from your mixed marriage where your wife was ethnic
4 Vietnamese, how many of these seven families also comprised of an
5 ethnic Vietnamese wife and a Khmer husband?

6 A. I am not sure; I only know that there were seven families. I
7 did not pay close attention to the exact numbers. What I can tell
8 is that there were seven families of the mixed marriages. For
9 instance, if there were seven husbands, then there would be seven
10 Vietnamese wives.

11 [13.59.48]

12 Q. Were the Vietnamese people on Ta Mov island identified by the
13 CPK cadres on the island?

14 A. Actually they suspected on me, they were searching out for
15 particular people. They actually were aware of how many people
16 <were> Vietnamese within one family.

17 Q. Do you know how they were aware of who was Vietnamese?

18 A. It was probably the information given from those who came from
19 the unit and I recall there was a <person called> Comrade Chum
20 (phonetic) who left the village and who said that this man
21 married a Vietnamese wife and maybe those people wanted to
22 exchange information for <cassava or> rice, so they told about
23 us. <I heard him say that with my ears. He was the only person
24 who gave the information about us to both male and female cadres.
25 He said, "For Comrade Doeun, Comrade Bou Samban, Comrade Doeun is

1 Khmer and his wife, Comrade Bou Samban, must be Vietnamese".>

2 [14.01.32]

3 Q. You mentioned earlier that your mother-in-law spoke Khmer not
4 very well and that she would pronounce certain words in a certain
5 way which identified her as being a non-Khmer or Vietnamese
6 native language speaker. Were there any language tests that --

7 A. They made a further report and that they exchanged information
8 about us for food and they were asked whether they were certain
9 about the conditions. Like in my case, they said he was Khmer but
10 married to a Vietnamese woman.

11 Q. Were you aware of any movements of Vietnamese people to
12 Vietnam during your time at Ta Mov island?

13 A. I heard the unit chief said that those Vietnamese who had been
14 gathered were subject to be returned to Vietnam. They also made
15 an announcement if anyone wished to go to, they should go <at
16 that time,> but my wife would not go, to live or to die she would
17 stay with me. <She chose to stay behind and die with me. Yes, as
18 she said, she surely died.>

19 Q. Did you see any boats going in the direction of Vietnam from
20 where you were at on Ta Mov island at any time?

21 A. I saw they round up people and put into a covered boat along
22 the river and that was the boat that I saw. <At that time, I was
23 in my cooperative> and there were about 20 to 30 people on that
24 boat. However, there were many branches of Tonle Sap and I did
25 not know whether other boats were leaving other branches of the

1 river. <But, there were many Vietnamese from Tonle Sap, Kampong
2 Luong and Chhnok Tru areas.>

3 [14.04.02]

4 Q. Did you see any of the people on the boat? You said there were
5 20 or 30, did you recognise anyone?

6 A. I only recognised one person -- that is, Comrade <Aem>
7 (phonetic) whom I <had known> since the Sihanouk regime and he
8 actually said goodbye to me and I knew for sure that he was
9 returning back to his country. Later on I quietly said to my wife
10 that he was lucky as he was heading back to Vietnam and that we
11 might be in a difficult situation living in Cambodia. I said that
12 because I saw the Khmer Rouge actually dismantle a Buddha
13 statue<. It> means that they no longer had any belief in the
14 religion.

15 Q. Just going back to the people you saw on the boat, were these
16 people Vietnamese people?

17 A. I knew for sure that they were all Vietnamese. However I was
18 from a far distance from the boat and I only recognised this
19 person that I mentioned earlier.

20 [14.05.45]

21 Q. Was your wife with you when you saw this boat pass?

22 A. No. She did not see the boat as she was being used to make
23 fermented fish and to dry fish and by the time I went to see her,
24 the boat had passed for about 500 metres or one kilometre.

25 Q. Now, were you aware of any policies that the CPK had in

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1 relation to treatment of Vietnamese people?

2 A. There was one Vietnamese who was not sent at that time and her
3 name was <Am> (phonetic). Her parents had been sent but she
4 remained in the cooperative. The soldiers said that she should
5 not speak Vietnamese at all and that she should only speak the
6 Khmer language. I was there and I was making the fish net in
7 order to get fish to supply to the Khmer Rouge and then I heard
8 the woman speaking the Vietnamese, and then they called her to
9 meet them and then they pull<ed> her by her hair and beat her up.
10 Two days later she was sent to Seh Slab (phonetic) and later on
11 further to Vietnam and from that time onward, she disappeared. <I
12 do not know where she was taken to.>

13 [14.07.50]

14 Q. Did you hear anything either from the cadre on Ta Mov island
15 or on radio broadcast about the Khmer Rouge preparations or
16 planning or policy about what they would do with the Vietnamese?

17 MR. PRESIDENT:

18 Mr. Civil Party, please hold on and Counsel Koppe, you have the
19 floor.

20 MR. KOPPE:

21 Thank you, Mr. President. I have various objections to this
22 question, actually also to the prior question. I think it is very
23 important for counsel to be very specific when it comes to the
24 period of time that she is asking questions about. In the last
25 question I again heard her refer to "the Khmer Rouge". It's worth

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1 noting that it wasn't until November '77 that Pol Pot openly
2 announced that it was in fact the CPK which was in charge of
3 Democratic Kampuchea. It's also worthwhile noting that there's a
4 big difference in time in the period before Vietnamese troops
5 massively invaded, for the first time, Cambodia in '77 and
6 before. Also I don't think, noting the fact that this witness is
7 an ordinary citizen that he can say anything intelligently about
8 any policy, whether it would be CPK, whether it would be
9 Democratic Kampuchea government. So I think counsel should be
10 very specific when she is asking questions. Of course the witness
11 or the civil party can be more generic in his answers but we're
12 on a segment that deals with genocide, so it's very important
13 that we be very concrete in time, etc.

14 [14.10.13]

15 MS. NGUYEN:

16 May I proceed, Your Honours?

17 MR. PRESIDENT:

18 Counsel Koppe only made an observation and for that reason civil
19 party counsel, you may proceed.

20 BY MS. NGUYEN:

21 Thank you, Your Honours.

22 Q. Mr. Prak Doeun, in your evidence earlier you said your wife
23 was with you on Ta Mov island for about one year. The time frame
24 that we're talking about is December 1976 to December 1977, is
25 that right?

1 [14.11.05]

2 MR. PRAK DOEUN:

3 A. I may not be clear regarding the month; however, whatever I
4 said is the truth. So please, apologise if I cannot recall the
5 exact month because when I talk about it, I'm thinking about my
6 <wife and> children who passed away.

7 Q. Thank you, Mr. Prak Doeun. During the time that you were at Ta
8 Mov island and your wife was with you, was there anything that
9 you heard from the cadre on that island which caused you fear
10 about your fate or her fate?

11 A. One day while I was working in my cooperative, part of it was
12 flooded and the other was not and we heard an announcement on the
13 radio, seeking the Vietnamese who infiltrated inside and while I
14 listened to that announcement, I paid attention to it, and I
15 thought that all the Vietnamese had been gathered. My wife and
16 other people also spoke about it that those Vietnamese who were
17 accused of infiltrating inside the rank had all been gathered and
18 sent back to Vietnam. <But, we were not sure then whether they
19 had been sent back to their homeland or taken away to be killed.>

20 [14.12.59]

21 Q. What were the exact words that you heard on this radio
22 broadcast?

23 A. I could not recall the exact words of the announcement,
24 however, a comrade said that we in the cooperative had to be
25 ready as Vietnamese would be collected from various cooperatives

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1 and I did not know whether they would be gathered and killed.

2 MR. PRESIDENT:

3 Counsel Kong Sam Onn, you have the floor.

4 MR. KONG SAM ONN:

5 Actually I rise to object to the last question. The lawyer for
6 civil party said that this civil party actually heard
7 announcement over the radio. But from my understanding, he
8 actually did not hear the announcement on the radio but he heard
9 the cadres talking about this amongst themselves as they heard
10 that information through the announcement on the radio that they
11 were searching for the Vietnamese who infiltrated <inside>. So I
12 believe her question is not proper.

13 MR. PRESIDENT:

14 Lawyer for civil party, you may proceed.

15 [14.14.33]

16 BY MS. NGUYEN:

17 Your Honours, the evidence of this civil party was that he heard
18 an announcement on the radio about Vietnamese infiltration from
19 the inside and after that, a comrade, who is also around then
20 said that the Vietnamese were to be collected. That's the
21 evidence that I heard from this witness, but if the civil party
22 could be allowed to perhaps provide some clarification.

23 Q. Mr. Prak Doeun, could you clarify what you said before about
24 what you heard on the radio and what happened after that?

25 [14.15.26]

1 MR. PRAK DOEUN:

2 A. While I was working, a group of soldiers walking passed by and
3 later on at night-time, my wife said that we might not live
4 together again because I might be <either> sent to Vietnam <or
5 killed> and I was shocked hearing that but I didn't allow my wife
6 to know about my feelings. I knew for sure that my wife would be
7 sent back or that she would be taken away and killed. However, I
8 didn't tell my wife of what I thought and later on husbands and
9 wives were taken away.

10 Q. Now, I would like to talk about the last day that you saw your
11 wife. Could you explain what happened leading to your separation
12 that day?

13 A. Are you asking me when I left for Pech Changvar or while I was
14 living with my family in the cooperative?

15 [14.17.08]

16 Q. I'm asking about the time that you and your wife were on Ta
17 Mov island together and the last day that you saw your wife on Ta
18 Mov island.

19 A. I lived with my wife and children in Ta Mov island. My wife
20 was assigned to work in the plantation while I was sent to go
21 fishing. I was thinking all the time that my wife would be
22 separated from me. By that time, although I did not say anything,
23 however there was no accusation made by the Khmer Rouge. My wife
24 and I kept thinking to ourselves, however, we didn't speak to
25 anyone about that since we were afraid that we would be taken

1 away <to be killed> or if somebody overheard we speak about that.

2 Q. When was the last time you saw your wife?

3 A. We were working separately during the day time and at night
4 time I could sleep with my wife and we spoke to one another about
5 the lack of food and we thought that if we were to die, it's
6 better if we die first and not the children first because we had
7 already lost one of our children, that is the eldest one.

8 MR. PRESIDENT:

9 Counsel Kong Sam Onn, you have the floor.

10 [14.19.25]

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. And Mr. President, I would seek your
13 advice to actually intervene the civil party when he makes his
14 response. It seems that he doesn't seem to respond to the
15 question at all. <So, it does serve to ascertain the truth.>

16 MR. PRESIDENT:

17 Thank you, Counsel, for that; and Mr. Civil Party, as you were
18 advised from the outset you need to pause a little bit to listen
19 to the questions carefully and then prepare your response
20 according to the nature of the question.

21 Lawyer for civil parties, you may continue.

22 MS. NGUYEN:

23 Your Honour, this morning my client did have very, very high
24 blood pressure; perhaps if the civil party could be asked if he
25 feels well enough to proceed.

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1 [14.20.45]

2 MR. PRESIDENT:

3 Mr. Prak Doeun, are you in a position to continue your testimony?

4 This morning you had been advised that due to your health you

5 should let the Chamber know if you need to rest and the duty

6 doctor informs the Chamber that you can testify. However, we

7 again would like to advise you if you need to rest, please raise

8 your hand so that we can have a short break or a long break

9 depending on the status of your health.

10 Are you able to continue, Mr. Civil Party?

11 MR. PRAK DOEUN:

12 Yes, I was checked by the doctor and he gave me some medicine. In

13 the morning my blood pressure was 19, by lunch time it was 14 and

14 before I appeared again before Your Honours it was 15 and I

15 believe I can continue.

16 MR. PRESIDENT:

17 If that is the case, Counsel, you may continue your questioning.

18 [14.22.23]

19 BY MS. NGUYEN:

20 Q. Mr. Prak Doeun, you said that your wife was with you on Ta Mov

21 island around December 1976 to December 1977. What happened to

22 your wife?

23 MR. PRAK DOEUN:

24 A. As I informed the President, I cannot recall the year.

25 Q. Can you tell us what happened to your wife during the last day

1 that you saw her?

2 A. As I said, <there was> nothing <unusual> happened.

3 Q. How did the cadres on Ta Mov island deal with the mixed
4 marriage couples?

5 A. No, they did not blame me, but <they> blamed Samdech Sihanouk
6 <that after> we got married, we had to register our marriage in
7 order to obtain the <marriage> certificate and they blamed why
8 they made a marriage certificate for a Cambodian husband who
9 married a Vietnamese wife. <Why did not they ban the marriage
10 between Khmer and Vietnamese?>

11 [14.24.40]

12 Q. Did the cadre on Ta Mov island separate the mixed marriage
13 couples from the rest of the people on the island?

14 A. I was together with my wife and children, however, for the
15 other six families, they were assigned to work separately
16 although the distance was not that far. For example, one would
17 work at the top part of the plantation while the other was in the
18 middle and some family members were assigned to go fishing while
19 others were assigned to work in the rice field. So there was
20 three distinct kinds of jobs which were assigned to us.

21 Q. Were you separated from your wife some time in 1977?

22 A. Yes, the separation was more than a year as stated from the
23 outset.

24 Q. Were you permanently separated from your wife in late 1977?

25 A. We worked at a separate location during the day time, however,

1 at night-time, we were allowed to unite. <In case, I was asked to
2 go to the finishing lot, we were separated for a short time.>

3 [14.26.45]

4 Q. Mr. Prak Doeun, could you tell me about the day that you saw
5 your wife for the first time, what happened at the beginning of
6 that day?

7 A. I don't understand your question, please repeat it.

8 Q, Your wife you said was killed during the Khmer Rouge period,
9 could you explain what happened on the last day that you saw her
10 on Ta Mov island?

11 A. During the last day that we were together, on that day, the
12 cadres said that they would send those people back and I thought
13 it would mean only for my wife but the cadres said it <meant>
14 both the husband and the wife. So they gathered all those
15 families who either had a Vietnamese wife or a Vietnamese husband
16 and as I said the total was seven families<. Since then my wife
17 and children stopped talking to me. They> were called up in order
18 to travel but they <were not beaten or tied> up, they were
19 allowed to walk. However, they left at night-time.

20 And may I continue?

21 [14.28.51]

22 Q. Yes, please do.

23 A. So when we travelled that night, we were asked to stop at one
24 location and then I asked whether we were allowed to rest there
25 and they said that some of us would be allowed to stay there at

1 Tuol Ka Munlong (phonetic). They didn't scold us or <do> anything
2 at that point and they said that our group would be assigned to
3 thresh rice and as for the other group -- that is, my wife's
4 group, would be sent to plant vegetables. And I was thinking why
5 they only called me who had a Vietnamese wife and then I asked
6 another comrade to have the youngest child to be with me but he
7 refused, he said that it's better for the child to be with my
8 wife. And then the Vietnamese wives of other men were allowed to
9 go. So I then was thinking that they would not allow children
10 belonging to Vietnamese <mothers> to move away. Then while I was
11 threshing the rice, <> I overheard the unit chief said that those
12 people had been smashed and they said that the young children
13 were thrown into the air and then they were pierced with a
14 bayonet. That's how I heard people speaking about the killing of
15 those people and I was shocked when I heard that.

16 [14.31.20]

17 Q. Mr. Prak Doeun, you said that they gathered all mixed marriage
18 families -- that being seven mixed marriage families -- what time
19 that day did they gather these mixed marriage families together?

20 A. At the time I almost lost consciousness. I recall that it was
21 during the time that the water in the river receded. I cannot
22 tell you the exact date.

23 Q. I am talking about the time in the morning on the day that
24 they gathered the mixed marriage families together. Do you
25 remember what time that was, was it early?

1 A. It was night-time when we were collected and sent away <at six
2 o'clock>. We were walking along the road where there were ponds
3 and when we were tired we were allowed to relax for a few minutes
4 or hours. There were ponds on the sides of the road and we had no
5 rice to eat. When we were tired, we were allowed to rest but when
6 they wanted us to go on, to walk on, then they would wake us up.

7 [14.33.09]

8 Q. How long did you walk before you stopped walking?

9 A. From my estimate, I had to travel four, five or 10 kilometres.
10 After six or seven kilometres of my travelling, I asked comrades
11 to allow me to take rest. There were only two cadres, one was
12 female and another one was male. The male was about 14 years old
13 and the female was about 18 years old. They did <> have sticks
14 <>. They were walking all of us and during the travelling, <but>
15 they did not scold or beat us up.

16 Q. You said there were seven mixed marriage families and some
17 children in this march, in this walk, could you explain or
18 clarify, how many people were in the group altogether?

19 A. There were seven <families> within the group. Actually there
20 were seven married men and seven married women and together with
21 children. I noticed that there were two small children: one
22 belongs to me and another one belongs to the other family.

23 [14.35.14]

24 Q. So your young son was with you, what about your mother-in-law,
25 was she also with you?

1 A. My mother-in-law was also within the group, she was with all
2 of us. During the time there were my mother-in-law, my wife and
3 my child -- one of my child and I.

4 Q. What happened at the point in the road where you stopped after
5 you were walking about five to 10 kilometres, what happened then?

6 A. During the journey nothing happened to me, no accusation was
7 made against all of us. We were travelling and on some occasion,
8 we were so tired. The roads that we were travelling on were not
9 like the same road as we're travelling these days; they were
10 small roads. When we reached the place where they wanted to kill
11 us, then they divided us into groups.

12 [14.36.49]

13 Q. Could you describe how you were divided into groups, who went
14 in which group?

15 A. We were divided into forces. For my mother-in-law and my wife
16 together with the Vietnamese women, they were sent into a group
17 to work in the <rice> field. For me and other men, we were sent
18 to be in a group which was responsible for threshing rice, and at
19 the time I was wondering why the Vietnamese men were not sent
20 into my group. My wife, at the time, was <crying and> well aware
21 she would be in danger. As for my mother-in-law, she knew nothing
22 about what was going to happen. <My child was also crying because
23 he was hungry.>

24 Q. So, is it correct to say that Vietnamese men and women were in
25 one group and the Cambodian men and women were in another group?

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1 A. Yes, that is correct.

2 Q. And which group did the children go to?

3 A. My wife together with my little child went into a group
4 together with other Vietnamese people. If the mother was Khmer,
5 then the child would be allowed to be with the mother in the
6 group of Khmer.

7 [14.39.10]

8 Q. What happened if the child was Vietnamese?

9 MR. PRESIDENT:

10 Please do not respond to the question. Lawyer for civil party,
11 please do not pose hypothetical questions to this civil party.
12 I noticed you are on your feet. You may now have the floor,
13 counsel for Mr. Khieu Samphan.

14 MS. GUISSÉ:

15 Thank you, Mr. President, in <reference to> your observation: I
16 understood from the testimony from this civil party that there
17 were two children <altogether> in the group and therefore there
18 is no need for hypothetical questions. Perhaps we can simply ask
19 which group were the two children in; it might be a simple way
20 <to> avoid hypothetical questions. Thank you.

21 MR. PRESIDENT:

22 Lawyer for civil party, please refrain yourself from asking
23 hypothetical questions, and you are instructed to reformulate
24 your question.

25 [14.40.47]

1 BY MS. NGUYEN:

2 Your Honours, the question I asked and the response that was
3 given was that, if the mother was Khmer, insofar as what I heard,
4 then the child was allowed to be with the mother. Now the
5 question is not so much a theoretical question as the question
6 which follows, from what rules were applied at the time of this
7 separation at this point in the road. But I am certainly happy to
8 rephrase the question.

9 Q. Mr. Prak Doeun, what happened to the other child?

10 MR. PRAK DOEUN:

11 A. As I told the Court already, the child or children were thrown
12 up into the air and they were killed with a bayonet. As I said,
13 they were killed with a bayonet. I did not witness the incident,
14 so I was told about this incident. This happened to the children
15 who were brought away with the mothers, the mother had been
16 killed before the children were killed.

17 [14.42.33]

18 MR. PRESIDENT:

19 It is now time for recess, we will take a short break from now
20 until 3 o'clock.

21 Court officer, please assist the civil party during the break
22 time and please invite him back into the courtroom, together with
23 the duty counsel at 3 o'clock.

24 The Court is now in recess.

25 (Court recesses from 1442H to 1502H)

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1 MR. PRESIDENT:

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

3 Do you have something to address the Court? You may now have the
4 floor.

5 MR. KOPPE:

6 Yes, thank you, Mr. President. I have a request for clarification
7 in relation to the testimony of the civil party. I've listened
8 with -- with, of course, with great interest to whatever the
9 civil party was testifying to this afternoon. However, I can also
10 -- we can all observe that the events that he is describing are
11 not part at all of the Closing Order. His civil party application
12 is not being referred to in the closing order.

13 [15.03.36]

14 I know the Chamber has been willing to allow testimony if it,
15 maybe, goes to a certain policy. However, what we are hearing
16 this afternoon is very factual, very concrete evidence of alleged
17 events somewhere in a -- on an island which, as I said, is not
18 part at all of the Closing Order. So we're now getting too
19 detailed, in my opinion, into the events that happened, let alone
20 the question whether the civil party really should be testifying
21 as he is.

22 But I think we have a problematic situation now. We have the
23 Closing Order -- that is, the indictment against which our client
24 and Khieu Samphan have to defend themselves against. There's no
25 mentioning at all of whatever happened on that island and

1 subsequently, so I think this is a problematic situation in terms
2 of knowing in advance what the Accused should be able -- should
3 be defending themselves against. So my request for clarification
4 is such: are we not going way too much into the details of the
5 alleged events, rather than hearing just only harm being brought
6 upon this particular civil party? So the question very clear, the
7 events described, the detailed events described by this civil
8 party, is outside of the scope of the Closing Order, since this
9 island, Ta Mov Island, is not mentioned at all in the Closing
10 Order.

11 [15.05.35]

12 MS. GUIRAUD:

13 Thank you, Mr. President. I would like to make a motion to
14 request further time to examine this civil party, but I would
15 like to avail myself of this opportunity to speak <> to respond
16 to the objections of our colleague Koppe, <pointing out that> the
17 answer is in <his objection, seeing how he himself said> that you
18 have decided -- as in line with the practice of this Chamber --
19 <you decided> to hear witnesses <>, including on <policy matters.
20 And when we refer to the document that was filed before this
21 Tribunal,> I'm referring to <the> annex, document <E301/9/1.1>,
22 which lists the paragraphs of the Closing Order <relevant to>
23 Case 002/02. We have a number of paragraphs in which the
24 testimony of <Mr. Prak Doeun> is relevant to the ascertainment of
25 the truth.

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1 I <would like to> cite <-- as an example and in a non-exclusive
2 manner --> paragraphs 213 to 215 on the policy and <specific
3 measures taken> against the Vietnamese, in line with the <joint
4 criminal enterprise section in the> Closing Order, or paragraphs
5 791 to 796, <once again mentioned in> the annex <> in respect of
6 Case 002/02, <or even> the paragraphs <concerning intent in the
7 issue of> genocide, <particularly>1348.

8 [15.07.20]

9 <Today> we are asking the Chamber to continue the practice it has
10 adopted since the beginning of this Trial, to allow the civil
11 party to testify to all of the facts as he wishes. And I would
12 say that each of the Parties will subsequently assess the
13 testimony of this person and <then, in their written submissions
14 and their final arguments,> determine how it would like the
15 Chamber to assess the evidence that is being presented before you
16 today.

17 So I will request that you should act in accordance with the
18 <regular> practice of this Court, and allow <M. Prak Doeun and
19 all other civil parties who will come testify on this segment --
20 because it is possible that we could have this discussion once
21 more concerning other civil parties -- that you allow the civil
22 parties to express themselves.> And <once again, there are
23 plenty> of paragraphs in the Closing Order that would enable you
24 to consider that <> the testimony of the civil parties is
25 relevant to the ascertainment of the truth.

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1 [15.08.18]

2 And to return to my <initial> motion regarding Mr. Prak Doeun's
3 <testimony>, we <lagged a bit behind, given the manner in which
4 the examination was carried out>, and <Mr. Prak Doeun's fatigue,
5 so> I would like you to grant us 20 additional minutes, Mr.
6 President, so that we can also give the Co-Prosecutor sufficient
7 time to put questions to Mr. Prak Doeun. So Mr. President, we are
8 requesting 20 additional minutes for the civil parties and the
9 Office of the Co-Prosecutors. I thank you.

10 MR. PRESIDENT:

11 You have the floor now, International Deputy Co-Prosecutor.

12 [15.09.05]

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President. And good afternoon to you, Your
15 Honours, and to all the Parties. I would like to respond to the
16 rather tardy objection made by the defence counsel, and I know
17 that the Defence has been aware for a very long time now <which>
18 civil parties and witnesses were slated for this particular
19 segment. Your Chamber <opted to hear these civil> parties. Of
20 course, it does not concern only Prey Veng or Svay Rieng, it
21 concerns other parts of Cambodian territory, and <I would like to
22 simply remind those present that, on the one hand,> the Defence
23 should have raised these issues as soon as they received the
24 names of the civil parties and witnesses due to testify in regard
25 to this segment.

1 [15.09.54]

2 Secondly, in the Closing Order, it is not only <about facts
3 concerning Prey Veng and> Svay Rieng <that are mentioned>, and we
4 have <already had a> witness who has <> testified to facts that
5 occurred in Siem Reap <at Wat Khsach>. I believe the same
6 objection was <already> made earlier, unless I am mistaken. Of
7 course, these testimonies of persons who witnessed <or
8 experienced> what happened to Vietnamese all over the national
9 territory of Cambodia could be useful if we are to know the
10 policy vis-a-vis the Vietnamese -- that is, the policy of the DK.
11 That was <used> in the Closing Order <to, surely enough,
12 establish that> it was <a> national policy as opposed to a
13 regional policy. So there are many other locations and regions
14 mentioned, and they did not of course mention the specific events
15 <as described to have occurred> on that island. But that
16 notwithstanding, we consider that this evidence can be useful in
17 demonstrating the policy and the nature of the widespread attacks
18 referred to as crimes against humanity -- that is, <widespread>
19 attacks against the civilian population, and in this particular
20 case, against the Vietnamese <population>.
21 I thank you. This is all I wanted to say.

22 [15.11.19]

23 MR. PRESIDENT:

24 You have the floor now, counsel for Mr. Khieu Samphan.

25 MS. GUISSÉ:

1 Yes. Thank you, Mr. President. Following the remarks made by <my
2 colleagues,> the civil party lawyers and the International
3 Co-Prosecutor, it is important for me to make this motion now. If
4 additional time is granted to the civil parties and the OCP, <it
5 is likely that> we, the Defence, will also need additional time,
6 <for two reasons.>

7 <Following from what> the Prosecutor said, the case law of this
8 Chamber -- <in this instance,> the civil party has also reminded
9 us of that -- doesn't <lead one to believe that you will take my
10 colleague's objections on board>.

11 <On the other hand, when speaking of the particular case of the
12 civil parties, where> there are facts that are not mentioned
13 specifically in the Closing Order, <the Defence's> request for
14 additional time is all the more founded <seeing how> the
15 <documents> which we are supposed to <use to> examine the civil
16 parties <are> quite concise. When we read the documents <that we
17 were handed> regarding the civil party, we cannot anticipate the
18 testimony that is being made before this Chamber. Under these
19 circumstances, I would like to inform the Chamber <as of now, so
20 that> measures should be taken if need be, and that we will also
21 need additional time in view of the new facts that are being
22 adduced before this Chamber <which are new for Khieu Samphan's
23 defence team>.

24 (Judges deliberate)

25 [15.15.32]

1 MR. PRESIDENT:

2 I now hand over the floor to Judge Lavergne to address the
3 requests by the Parties. You have the floor now, Judge Lavergne.

4 JUDGE LAVERGNE:

5 <Yes,> thank you, Mr. President. First of all, as regards the
6 objection made by the Nuon Chea defence, the Chamber in fact
7 notes that this objection is tardy and so does not grant that
8 objection. The Chamber is of the view that the testimony of this
9 civil party is important because it will enable us to determine
10 whether there was a policy that existed at the level of the
11 entire nation regarding measures taken against the Vietnamese.

12 [15.16.26]

13 As regards the application for additional time, the Chamber notes
14 that <this morning it started about> 25 minutes before the lunch
15 break, so the Chamber will grant the Lead Co-Lawyers and the
16 Co-Prosecutors up to the end of this session this afternoon. And
17 if need be, tomorrow morning we will grant the Defence additional
18 time.

19 MR. PRESIDENT:

20 Thank you. So it is clear now for everyone. You may resume your
21 questioning, lawyer for civil parties. You have the floor.

22 [15.17.15]

23 BY MS. NGUYEN:

24 Q. Mr. Prak Doeun, just before we broke up for the break, you
25 were telling the Court that on the day that you were permanently

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1 separated from your wife, the CPK cadre gathered seven
2 mixed-marriage families at Ta Mov Island at night time, and that
3 two adolescent cadres escorted the group for about 10 kilometres,
4 at which point the Vietnamese people in the mixed-marriage group
5 and the Khmer people were separated into two separate groups. You
6 said that your son went with your wife. Just a point of
7 clarification about how many children there were in the group
8 that day.

9 MR. PRAK DOEUN:

10 A. I would like to make a clarification regarding the children. I
11 saw only two children, one belonging to mine and another one,
12 belonging to another family. <My> child was allowed to go with my
13 wife. <Another child went with the Khmer mother.> And as I was
14 told, the <child> thrown up into the air and <he> killed
15 afterwards with the bayonet. Some of us were discussing about the
16 loss of family members, and I, some time, was not well after
17 hearing about the discussion of the loss of family members.

18 [15.19.12]

19 Q. So, is it correct to say that the other child, the child who
20 was not yours, went with the Vietnamese group?

21 A. Actually, another child was with the Khmer group.

22 Q. Was it because the child's father was Vietnamese and the
23 child's mother was Khmer?

24 A. The Vietnamese husbands were taken away and killed. And for
25 women who were Khmer, they were allowed to have the child with

1 them.

2 Q. At the point at which you were separated from your wife, did
3 you have any opportunity to speak to any of the cadres who were
4 with you?

5 A. During the night of torture and killing, I did not dare
6 discuss any matters. I went to the direction where I was told to
7 go.

8 Q. Were you able to say anything to your wife before she was
9 separated from you?

10 A. Let me tell the Court. We did not have detailed discussion at
11 that time, since we were required to walk separately. And when we
12 reached the destination, we were separated from each other.

13 [15.21.36]

14 Q. Did you ask the cadre whether you could stay with your wife?

15 A. No, I did not make the request. Concerning my child, I did
16 make a request that the child -- I wanted to have the child with
17 me. The comrade at that time said that I did not need to feed my
18 child, and the cadres reassured me that I needed not to feel
19 worried about my child, because my child would be under care of
20 other people.

21 Q. Do you know where the Vietnamese group were taken to?

22 A. I was told that these Vietnamese people had been taken away
23 and killed. I learnt the information the next morning. They did
24 not use the term "kill" at that time. They used the word "smash".
25 And I was told that those people had been taken away and smashed.

1 And we can draw the conclusion that if one was smashed, it meant
2 that he or she was killed.

3 [15.23.10]

4 Q. Who told you that the Vietnamese people were smashed?

5 A. Comrade Hoem (phonetic), the unit chief of mine, told me. He
6 tried to console me the next morning that my wife and child had
7 been killed. And that comrade blamed me, why I married the
8 Vietnamese wife. I did not have any things to say, and I was
9 trying to answer to his question. And I told that comrade that
10 the regime, the former regime, did not ban me from marrying a
11 Vietnamese woman. And I said at that time why the late King
12 Father did not ban the marriage with Vietnamese women.

13 Q. What did he say about how they were killed?

14 A. He told me that the Vietnamese people's hands were tied to
15 their back. They were not interrogated, and those people were <>
16 beaten into the grave, where they were dug up. And the grave
17 depth was about 0.6 or 0.7 metres.

18 Q. Did he tell you when these people were killed?

19 A. We had to travel along the way, and we left the place at 6
20 p.m. From my estimate, we arrived at the destination at around
21 3.30.

22 [15.25.46]

23 Q. Do you know if they were killed immediately after your group
24 separated from their group? Or was it some other time?

25 A. That comrade told me that those Vietnamese people were smashed

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1 immediately after they were separated from my group. They were
2 killed at the pit.

3 Q. And what did he tell you about how the children were killed?

4 A. The explanation is that the children were thrown up into the
5 air, and when they fell down, they were killed with the bayonets.

6 Q. After you were separated from the Vietnamese group, what
7 happened in the Khmer group?

8 A. After the killings, I was put into a unit responsible for
9 supervising <85> women at the <rice> field. There was another man
10 who got married with the Vietnamese woman as well. <His name was
11 Huor (phonetic). He already passed away. At that time> I was
12 with him at the time after the killings. We were on a house for
13 one week. We were allowed to eat whatever other people ate. I
14 could have fish and rice at that time. And after that seven days,
15 I resorted to normal rice.

16 [15.28.02]

17 Q. After the Vietnamese spouses in the mixed-marriage groups were
18 taken and killed, were there any more Vietnamese people on Ta Mov
19 Island?

20 A. No, no more Vietnamese. All Vietnamese had been sent away and
21 smashed. Those who spoke with <Vietnamese> accents and those who
22 were suspected to be Vietnamese, they were sent away and smashed.
23 There was one incident that one Chinese person <named Ti
24 (phonetic)> was also sent away, since that person spoke not
25 clearly Khmer. That person was in a different cooperative, and

1 the cooperatives' area was situated close to <mine>.

2 Q. Now the last -- so, the last time you saw your wife was at the
3 end of 1977. I'd like to talk now about your remaining children.

4 You said that your youngest son, who was one and a half years old
5 at the time, was taken with your wife and your mother-in-law at
6 the time that you were separated. What happened to your other
7 children? Your other five daughters?

8 [15.29.36]

9 A. The remaining children -- that is, the five daughters: the
10 first daughter was sent into a cooperative, and the second
11 daughter was also sent into a cooperative, in a mobile unit.
12 Concerning the third daughter, I was told that she was sent into
13 a training session. The fourth daughter was put into a children's
14 unit, and the children <> did not have anything to eat but
15 morning glory, and she had no medicines when she was sick. And
16 perhaps 20 children died every day in the unit because of hunger
17 and because of sickness. Some children died of diarrhoea, and
18 some others would be buried although they did not die yet at that
19 time.

20 Q. When was the last time that you saw these daughters? The three
21 who you say passed away?

22 A. Let me tell the Court that the last time -- I did not meet my
23 daughters the last time. I only heard of the information that
24 they had died. And two of my children survived. One was Mi Kabak
25 (phonetic). I was told that some of my daughters died in the

1 cooperative and in mobile units in other cooperatives.

2 [15.31.43]

3 Q. Do you know how your two daughters who survived did manage to
4 survive?

5 A. The two daughters who survived actually survived because
6 sometimes I secretly sent some dried fish to them, and that
7 happened every three or four days. So I gave the fish to someone
8 who delivered the fish supply, and had to give half to him. So
9 sometimes I kept sending them food, including beans. Sometimes I
10 cooked the beans at night time, and then I secretly sent the
11 beans to them. And for that reason they could survive. And I
12 named them in a funny way so that they could survive.

13 Q. Your two daughters who'd survived, did they look Vietnamese or
14 did they look Cambodian?

15 A. The two daughters who are still living today, you could see
16 that they looked purely Khmer, as they have dark complexion, as
17 mine.

18 Q. Now you said that after the separation of the Vietnamese from
19 the mixed-marriage families, there were no more Vietnamese at Ta
20 Mov Island. Is that right?

21 A. At that time, there was no longer any Vietnamese left.

22 [15.34.12]

23 MS. NGUYEN:

24 Your Honours, that concludes my questioning for this civil party.

25 MR. PRESIDENT:

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1 I'd like now to hand the floor to the Co-Prosecutor to put
2 questions to the civil party, and you may proceed.

3 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

4 Q. Thank you very much, Mr. President. Good afternoon, Civil
5 Party. I would like to ask some follow-up questions to what you
6 have already talked about and then, later on, go on to <another>
7 subject, <that> of arranged marriages through Angkar. Just now,
8 you said that your wife was born in the village of Kampong Preah,
9 in the commune of Chhnok Tru, in the district of Baribour. Now,
10 do you know when your in-laws actually settled in Cambodia? Did
11 <your in-laws> arrive well before the birth of your wife?

12 MR. PRESIDENT:

13 Deputy Co-Prosecutor, please put the question again to the civil
14 party as he may have forgotten it.

15 [15.36.37]

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. Yes, sir. Just now you said that your wife was born in the
18 same village as you, at Kampong Preah. So how long before she was
19 <> born did her family settle within that region <in Cambodia>?

20 MR. PRAK DOEUN:

21 A. My wife was born in my village and we went to school together.
22 However, I did not know about the background of her parents.

23 Q. Very well. You had six children, born '75, '77, <actually -->
24 you had them with your wife Bou Samban. How did you bring them
25 up? According to Khmer traditions or according to Vietnamese

1 traditions? Or perhaps a mixture of both?

2 A. I allowed my children to go to school so that they could study
3 the Khmer literature. However, we still practised the tradition
4 and culture of my wife. And later on, of course you know the
5 regime fell, and the genocidal regime took over.

6 [15.38.35]

7 Q. So, under the Khmer Rouge regime, <were> all of these
8 <Vietnamese> traditions, culture, clothing and so forth, banned?

9 A. Not only the culture and the clothing were banned, even for
10 the Khmer culture, we were not allowed to wear white dress or
11 chequered shirts. We had to wear black, black cotton clothes, so
12 that we were considered to be part of the Revolution.

13 Q. <> I <will now> turn then to the tragic episode when your
14 wife, your mother-in-law and your son were killed. <If I'm not
15 mistaken,> I think this was near Tuol Roka in the <district> of
16 Melum. Do you know precisely who executed them? Forgive my
17 mispronunciation of <Melum>. Do you know <precisely> who executed
18 them? Or did you learn about it afterwards?

19 A. I did not know about who actually killed them, and I knew that
20 a woman who was about 18 years old, who led us from the village
21 to the killing site, and a male cadre was about <14 years old>.
22 But I did not witness their killing. Only next morning, when the
23 cadre said they had been killed during the night, and that I
24 should focus on working, and that later on I could propose a
25 Cambodian woman to get married through Angkar. And that's the

1 explanation given to me, so that I should not worry any more
2 about the wife, that I should only focus on the work.

3 [15.41.03]

4 Q. You mentioned two young people who were going along with your
5 group of mixed families: a boy of 14, and a girl of 18. Were
6 these cadres, as you say? Or were they "chlop" or militia
7 members?

8 A. They were neither cadres nor militia. They were actually
9 soldiers. And I believed they were part of the soldiers who were
10 assigned to take them and to execute them, though I did not
11 witness the execution. And there was a well-known comrade, Born,
12 who was the executioner in the area. For example, if a woman who
13 committed a moral misconduct, the person would be sent to Comrade
14 Born. And that would be the end of her life, as she would be
15 executed by this Comrade Born. And he was born at the area of Wat
16 Anteahbanh (phonetic), and everybody was so scared of him.

17 [15.42.31]

18 Q. <Very well.> So, Comrade Born was known to be an executioner
19 in that region; am I correct?

20 A. Yes, that is the truth.

21 Q. When your wife, your mother-in-law and your son were executed
22 with all the Vietnamese near the island, <> had the Vietnamese
23 forces already launched their major offensive against Cambodia?

24 A. At that time, no, there wasn't. However, <> I heard that the
25 Vietnamese were accused of infiltration. And later on, yes,

1 Vietnamese arrived in Cambodian territory. And I knew that they
2 came to liberate us and to overthrow the Khmer Rouge, and that we
3 would survive.

4 Q. <Very well. Actually,> there were two assaults,<the first
5 towards> at the end of '77 <or> the beginning of '78. <But the
6 one> I think you're probably referring to <is> the second one,
7 which is the one that actually toppled the regime. Now I'm in
8 fact talking about the first of two attacks from Vietnam. Was
9 your wife killed before or after the first attack?

10 [15.44.15]

11 MR. PRESIDENT:

12 Mr. Civil Party, please hold on, and Counsel Kong Sam Onn, you
13 have the floor.

14 MR. KONG SAM ONN:

15 Thank you, Mr. President. I'd like to make my observation. It
16 seemed that the Deputy Co-Prosecutor actually testified on behalf
17 of the civil party on the attack by the Vietnamese troops. And in
18 one of the last questions by the Co-Prosecutor, whether the
19 Vietnamese troops had actually already attacked Cambodia, it
20 would be very difficult for the civil party to respond to that
21 question. He was in a <different> location <that he> would not
22 have the knowledge about any attack by the Vietnamese troops in
23 any part of the country. So, it would be better if the
24 Co-Prosecutor is more specific and only refers to the location
25 where he lived.

1 [15.45.31]

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. Very well. Let me do this another way, Mr. President. I'll
4 read some extracts from the <witness's> civil party application
5 E3/4989. In French, it's page 00891035; <in> English, 00891032;
6 and in Khmer, 00556217. And <civil party, this is what> you said,
7 <and I quote>: "At the end of 1977 and the beginning of 1978, the
8 Khmer Rouge applied their policy to arrest and execute the
9 Vietnamese." <End of quote.>

10 And on the following page in French -- and in English, it's
11 00891034; and in Khmer, 00556218 -- you said: "Let me say that
12 the policy of seeking out Vietnamese to execute them was applied
13 at the time of the aggression by Vietnamese armed forces in the
14 Cambodian territory." <End of quote.>

15 Do these words refresh your memory about <more or less> the
16 precise time when your wife, mother-in-law and son were executed?

17 MR. PRAK DOEUN:

18 A. Of course, it was painful for me for the loss of my family
19 members, and part of my memory was lost. Because every night, at
20 that time, I dreamt of my wife and children. And for that, my
21 health has been deteriorated since. So, I would like to apologize
22 to the Chamber if I cannot recall what happened.

23 [15.47.54]

24 MR. PRESIDENT:

25 Mr. Civil Party, please try to listen to the question carefully.

1 And if you do not understand the question, you can ask the
2 question to be repeated.

3 And Deputy Co-Prosecutor, please repeat your last question as it
4 seems the civil party does not get your question.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. Thank you, Mr. President. But actually I was just quoting what
7 you said in <your> application as a civil party. And you said it
8 was at the end of '77 or the beginning of 1978 when the
9 Vietnamese attacked Cambodia, that there was a policy implemented
10 to arrest and execute the Vietnamese. So does this refresh your
11 memory about the exact time when your wife and other members of
12 your family were executed?

13 [15.49.07]

14 MR. PRAK DOEUN:

15 A. I still do not get your question. Please re-phrase it.

16 Q. Well, time is short, Mr. President, so <I will> move on <to
17 another topic>. It doesn't matter, <Mr. Witness--> Mr. Civil
18 Party. You in fact talked about a Khmer Rouge policy to seek out,
19 arrest and execute Vietnamese people. Earlier on today, you
20 weren't very clear: Did you yourself hear anything on the radio
21 about this? Or did you hear cadres talking about it, or talking
22 about a radio broadcast about the Vietnamese?

23 A. They asked me that in my cooperative, were there any
24 Vietnamese? And I told them that I did not see any. And then I
25 was asked whether -- were there any other ethnicities there? And

1 I said I was not aware of any. And after a few questions, then
2 they stopped asking me about that.

3 [15.50.44]

4 Q. <Excuse me,> in the little time we have remaining, I want to
5 go on to a different subject, which is the subject of marriage.

6 Now, can you tell us what you know about arranged marriages in
7 1977 and 1978, <as> arranged by Democratic Kampuchea cadres?

8 A. At that time, the cadre who was the unit chief sent me to cut
9 some trees in order to make tools to catch fish. And I was with
10 the district cadres, and also there were cadres from the
11 district, referred to as District 20. I was called to go with
12 them, and they told me that at this hour, this day, that I had to
13 go and meet them in the cooperative. And I was thinking what I
14 did wrong. Maybe I stole something and they later on learnt about
15 that. And the person <> was the district chief who told me to go
16 there, so I was afraid. Later on, I saw them cut trees and make
17 some poles, and then they kind of built a table on top of the
18 poles. I was there to help them, and then I saw some rice cake
19 there, and we only were given a piece of rice cake each.

20 And then, we learnt that it was an arranged marriage ceremony.

21 And we, the men and the women, did not know anything about that.

22 Later on, we were asked <> to say some words. I was feeling

23 rather uncertain. I was a bit excited, a bit worried. I was asked

24 to speak first, and then I said that Angkar, who organized our

25 wedding ceremony -- rather I was told that Angkar organized our

1 wedding ceremony, and that we should maintain the marriage as a
2 part of the larger family. And that the larger family was the
3 composition of smaller families, and that we should stay together
4 despite the work that we have to do. Later on, I asked a person
5 how the wedding ceremony was arranged. And then I was told that
6 they actually asked if we actually consent to the marriage, and
7 if not, then we would be taken away to the forest and killed.
8 That is the essence of what I can recall from the arranged
9 marriage at the time.

10 [15.54.41]

11 Q. <Very well.> Now, this ceremony that you attended, tell us how
12 many couples were getting married on that day? Answer <very>
13 briefly, please.

14 A. There were 25 couples.

15 Q. Do you know whether, <among> these couples, people had chosen
16 each other <for marriage>? Or had the choices been made by other
17 people?

18 A. The cadres from the unit made the proposal, but we ourselves
19 did not propose. However, some actually made a proposal to the
20 cadres, while the majority of the couples were chosen by the
21 cadres themselves.

22 [15.55.50]

23 Q. Among the 25 couples <were there any young people> who found
24 out who they were going to be married to on the day of their
25 wedding? I do believe that you did say that <earlier>, but could

1 you just confirm it for us <>?

2 A. When I asked them around, nobody knew who would be his or her
3 future husband or wife. Of course, I did not have an opportunity
4 to ask every man and woman there. I only asked those who were
5 sitting next to me, and they said that we were called by Angkar
6 to attend that meeting, and they were not aware that they were to
7 get married.

8 [15.56.47]

9 Q. Did the people who were going to get married have to enter
10 into a commitment before Angkar? And did some of them decide to
11 refuse to get married?

12 A. During the marriage ceremony, each couple had to go and make a
13 speech, and nobody dared to protest whether he or she wanted to
14 get married. And they would only praise Angkar for organizing
15 such a wedding, and that we would never forget about the nature
16 of our work, although we constantly had to think about the small
17 family as well as the big family.

18 Q. After the marriage ceremony that you attended, the commitment
19 <ceremony> undertaken before Angkar, did couples have to live
20 together? And did they have to, <specifically,> consummate the
21 marriage?

22 A. That night, cadres would spy on the newly-married couples. And
23 actually some couples were caught as they refused to consummate
24 the marriage, or that they were shy, so that they would not
25 consummate the marriage. And from my recollection, there were two

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1 couples who were caught not to consummate the marriage. And the
2 rest, although they might or might not consummate the marriage,
3 they kept quiet.

4 [15.58.56]

5 Q. These two couples who were arrested: Were they <subject to
6 threats or punishment>?

7 A. I heard that they were not punished, but they were re-educated
8 once. They were advised by Angkar to consummate their marriage
9 and to live together, and not to blame Angkar. And later on, I
10 did not know what happened to them.

11 Q. At the marriage ceremony, apart from you, were there Khmer
12 Rouge cadres who made speeches? And what did they say to the
13 people who were there? Did they give them instructions <or
14 guidelines> of any kind?

15 A. After we spoke, cadres who were in charge of organizing the
16 marriage made a speech. They said that we had to follow the
17 instructions of Angkar, and for that reason they organized this
18 wedding ceremony, and whether we were satisfied with the
19 arrangement. And we said yes, and then they said we had to follow
20 and abide by all instructions by Angkar. And that's all I heard.
21 And then I went to sleep.

22 [16.00.43]

23 Q. Just <one last question> to <be> sure that I have understood
24 this correctly. You attended that marriage ceremony, but you
25 yourself didn't get remarried that day, I understand. But can you

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1 tell us when you remarried <>? Was it during the Khmer Rouge
2 regime, or was it <after the fall of the regime>?

3 A. I remarried in 1979 after the arrival of the Vietnamese in
4 Kampong Chhnang province. And actually, the marriage ceremony was
5 conducted according to the traditional way.

6 MR. PRESIDENT:

7 Thank you. The proceeding today has come to an adjournment. For
8 that reason, the Chamber will adjourn now and resume tomorrow --
9 that is, Thursday, 3 December 2015, commencing from 9 o'clock in
10 the morning. Tomorrow the Chamber continues to hear the testimony
11 of this civil party, and will commence hearing testimony of
12 another witness -- that is, 2-TCW-886.

13 And Mr. Doeun, the Chamber is grateful of your testimony.
14 However, it is not yet concluded, and you are invited to be
15 present again in the courtroom at 9.00 tomorrow. And the Chamber
16 would like also to thank the TPO staff, and please come again
17 tomorrow to provide support to the civil party.

18 Court officer, please, in collaboration with WESU, make
19 transportation arrangement for the civil party to go to his
20 accommodation and have him returned to attend the proceeding
21 tomorrow from 9 o'clock in the morning.

22 Security personnel, you are instructed to take the two Accused
23 back to the detention facility, and have them returned to attend
24 the hearing tomorrow, before 9 o'clock in the morning.

25 The Court is now adjourned.

1 (Court adjourns at 1602H)

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