



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 December 2015

Trial Day 343

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Nicholas KOUMJIAN
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Mr. PRAK Doeun (2-TCCP-300)

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Ms. SAO Sak (2-TCW-886)

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

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

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

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

19 [09.04.13]

20 THE GREFFIER:

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

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

2

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

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

9 [09.05.13]

10 MR. PRESIDENT:

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

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

24 [09.06.15]

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

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

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

10 [09.07.12]

11 QUESTIONING BY MR. KOPPE RESUMES:

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

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

18 MR. PRAK DOEUN:

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

20 Q. You were asked--

21 MS. NGUYEN:

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

4

1 basis and it is confusing to the civil party.

2 [09.08.42]

3 BY MR. KOPPE:

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

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

10 MR. PRAK DOEUN:

11 A. No, I was not interviewed by the said group. However, I was
12 interviewed by another person.

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

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

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

22 A. Yes, that is correct.

23 [09.10.52]

24 Q. And your interview with your lawyer on the 22nd of November
25 2010, was it the only interview you ever gave in relation to the

5

1 events that you described yesterday?

2 A. Yes. I was interviewed by -- I do not recall the date that I
3 was interviewed.

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

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

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

15 MR. PRESIDENT:

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

18 [09.13.20]

19 MS. GUIRAUD:

20 Thank you, Mr. President. The manner in which our counsel
21 prepared her client is entirely confidential, it's between her
22 and the witness. And our colleague, Counsel Koppe, has no need to
23 know that detail. We don't ask him how many times he meets his
24 client and what he said and what happens. It's perfectly
25 confidential, and it seems to me this is a totally inappropriate

6

1 question. I would ask if we can move on to the next question,
2 please. Thank you.

3 MR. KOPPE:

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

13 [09.14.35]

14 JUDGE FENZ:

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

16 MR. KOPPE:

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

19 MS. NGUYEN:

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

25 (Judges deliberate)

7

1 [09.15.47]

2 MR. PRESIDENT:

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

7 BY MR. KOPPE:

8 Very well, Mr. President.

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

12 MR. PRAK DOEUN:

13 A. I was asked questions. I was asked how I was mistreated during
14 the regime, how I was starved, etc., and I told them the truth of
15 what happened and how I was mistreated, because that was the
16 fact, and that I was separated from my family members, so that my
17 children were separated to live in separated cooperatives. And I
18 told them everything regarding what happened to me and my family.

19 [09.17.37]

20 Q. Just to be sure, were there ever criminal proceedings opened
21 against you in the early 80s in respect of the death of your
22 wife?

23 A. I was asked a question and of course, I was assured that I can
24 tell the person everything and the truth because during the
25 period of this government, I won't be mistreated as I was during

8

1 the Khmer Rouge regime. So I did tell the truth.

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

4 MR. DE WILDE D'ESTMAEL:

5 Thank you. Good morning, Mr. President. We missed the very end of
6 the interpretation in French of the previous response. It would
7 be very useful to hear the civil party repeating what he said
8 just before because the last bit was clipped off. Thank you.

9 [09.19.15]

10 MR. PRESIDENT:

11 Civil Party, can you repeat your last response?

12 MR. PRAK DOEUN:

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

16 JUDGE FENZ:

17 Counsel, just for the record, could you clarify the basis for the
18 questions?

19 MR. KOPPE:

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

23 JUDGE LAVERGNE:

24 Why?

25 [09.20.32]

9

1 MR. KOPPE:

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

5 JUDGE LAVERGNE:

6 Furthermore, Counsel Koppe, it seems that there was reference to
7 an interview with DC-Cam, but I haven't seen it on the file.
8 Could you please tell us if this exists somewhere. And I have to
9 say I really don't quite understand the basis of all of your
10 questions since the start of this morning's questioning. Thank
11 you.

12 MR. KOPPE:

13 I had asked him a question whether he ever had talked to national
14 authorities in the beginning of the 80s, right after '79, which
15 he said he had. That's how I understood his answer. Subsequently,
16 I wanted to ask him whether he was ever imprisoned for
17 accusations in relation to the death of his wife. And then Judge
18 Fenz, you asked me the question why I'm asking this question. I
19 am very happy to explain because the basis for my question is in
20 E3/4989. But I think it would be helpful if the civil party
21 doesn't hear my explanation. But if you're unwilling to instruct
22 the civil party to take off his headphones, then I will explain
23 to you with his headphones.

24 MR. PRESIDENT:

25 Yes, you may proceed, Counsel.

10

1 [09.22.25]

2 MR. KOPPE:

3 Well, Mr. President, E3/4989, English, ERN 00891034; Khmer,
4 00556218; and French, 00891236. There's a paragraph which the
5 civil party offers as an explanation for something, which is
6 completely out of context and which made me ask him this
7 question. He says and literally I will quote: "I would like to
8 deny that the Khmer Rouge ever forced me to kill my Vietnamese
9 wife in order for me to survive. I swear that this was not true.
10 How could I kill my own wife or children whom I love so much?
11 They started to kill Vietnamese when Vietnamese troops entered
12 Cambodia." Now in relation to other things, he is saying in this
13 same civil party application, that prompted me to enquire whether
14 he was ever the subject of a criminal investigation right after
15 '79. He, I think, just acknowledged that he did talk to national
16 authorities in the early eighties. He was asked questions about
17 this. So I think it's a fair question which goes directly to the
18 reliability of this civil party.

19 [09.24.31]

20 MR. PRESIDENT:

21 Counsel Pich Ang, you have the floor.

22 MR. PICH ANG:

23 Good morning, Mr. President. Good morning, Your Honours. I think
24 there might be a mistranslation from Khmer into English or
25 French. In the Khmer text, and allow me to quote: "If the

11

1 principle was to say that if the husband was Khmer and he had not
2 have to kill his wife who was Vietnamese." And I believe this is
3 the extract that Counsel Koppe used. And this does not mean that
4 the husband had to kill the wife. It means that if the husband
5 was Khmer, then the Vietnamese wife would be killed. And this
6 does not mean that the husband himself had to kill his Vietnamese
7 wife. There is nowhere in this document which states that he was
8 imprisoned. Thank you, Mr. President.

9 [09.26.09]

10 MR. PRESIDENT:

11 Counsel Koppe, you may proceed with your questioning.

12 JUDGE FENZ:

13 Sorry, may I just suggest something. Because if I understand that
14 correctly, there is allegation that the basis or the translation
15 which is the basis for Counsel Koppe's questions, is incorrect.
16 So before we proceed on the basis of a potentially incorrect
17 translation, an understanding is this is three sentences --
18 couple of sentences.

19 MR. KOPPE:

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

23 [09.26.52]

24 JUDGE FENZ:

25 Perhaps we can ask, in the meantime, from one of our interpreters

12

1 for a proper translation of the three sentences before we
2 proceed.

3 JUDGE LAVERGNE:

4 Moreover, I'd like to see where Judge Koppe (sic) finds any
5 reference to a criminal investigation and participation by the
6 civil party in it. Is this something that he is inventing? I have
7 to admit that I am really lost here. Thank you. Furthermore, I
8 asked a question about the existence of an interview with DC-Cam,
9 I've not received an answer and I do not understand the basis for
10 the question asked on that topic either.

11 [09.27.48]

12 MR. KOPPE:

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

13

1 (Judges deliberate)

2 [09.29.01]

3 MR. PRESIDENT:

4 Lawyer for civil party, you may proceed. I believe we need to
5 move as quickly as possible. This is the last chance that you
6 take the stance this morning.

7 [09.29.18]

8 MS. NGUYEN:

9 Just to put what Mr. Koppe is saying into context and Mr. Koppe
10 fails to do this, in accordance with the English version E3/4989,
11 page 3 of 3, the paragraph that Mr. Koppe is relying on is
12 preceded by this paragraph. "There is no policy that stated
13 Cambodian husbands had to kill their Vietnamese wives by
14 themselves. The Khmer Rouge actually asked me why I had chosen to
15 get married to a Vietnamese wife and why I had chosen to get
16 married to a Khmer wife when there were plenty of Khmer women. I
17 told them that there was no such ban in the former regimes." And
18 importantly, the preceding paragraph says: "They only asked me
19 this question after they had killed my wife. No people were
20 forced to kill their Vietnamese wives or husbands by themselves.
21 The Khmer Rouge clique was the one who actually killed those
22 Vietnamese wives or husbands." That's the context in which he
23 says, "I did not kill my Vietnamese wife."

24 [09.30.32]

25 MR. KOPPE:

14

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

6 (Judges deliberate)

7 [09.31.27]

8 MR. PRESIDENT:

9 The booth interpreter, do you have the document available -- that
10 is, document E3/4989? If so, you should do the side translation
11 -- that is, for the last three paragraph of the document.

12 (Short pause)

13 [09.33.27]

14 MR. PRESIDENT:

15 If you read, then there should be a side translation into English
16 and French. In fact, I want the original Khmer text to be side
17 translated into French and English. So please, have the text read
18 out in Khmer and at the same time, an English and French
19 translation shall be done. And the interpreter, Phally, please
20 read the Khmer text again.

21 [09.34.12]

22 THE KHMER INTERPRETER:

23 Let me read the Khmer text again:

24 [Side translation] "If the principal mentions that the husband is
25 Khmer and that he shall kill his Vietnamese wife, no there was no

15

1 such principle. If I am asked why I married a Vietnamese wife
2 since there were many Khmer women, I told the Khmer Rouge that,
3 in the previous regimes, nobody prohibited me from doing so. This
4 question was put to me after the Khmer Rouge's clique had already
5 killed my wife. Even for other people, no one was forced to kill
6 his or her Vietnamese husband or wife. It was the Khmer Rouge's
7 clique who killed them.

8 On the accusation that the Khmer Rouge's clique forced me to kill
9 my wife so that I would be spared, no there was no such a thing.
10 I swear on this because I loved my wife and children very much.
11 I'd like to clarify that the principle of searching the
12 Vietnamese to be killed happened when we heard that the
13 Vietnamese troop actually attacked Cambodia. After my wife had
14 been killed by the Khmer Rouge's clique in late 1977 or early
15 1978, I remarried another wife named Ruos Sao Rin, and we have
16 seven children together. Two of our children died, and now we
17 have seven children altogether from the previous marriage and the
18 current marriage." End of quote of side translation.

19 [09.37.10]

20 MR. KOPPE:

21 Thank you, Mr. President.

22 JUDGE FENZ:

23 I think the translation has clarified that the basis for your
24 questions might have been a mistranslation. Do you understand
25 that correctly? The way I heard it, there is no basis for your

16

1 question now.

2 [09.37.35]

3 MR. KOPPE:

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

7 The French translation actually -- I just verified -- says the
8 same thing: "Now I hear the word 'accusation', I would like to
9 deny that the Khmer Rouge ever forced to kill my wife. I swear
10 that this was not true." So the two questions that I have: was he
11 ever accused by the authorities here? Or was he ever imprisoned
12 for the killing of his wife? These are the two questions I would
13 like to ask him. If it's no, two times no, then we can move on.

14 (Judges deliberate)

15 [09.39.24]

16 MR. PRESIDENT:

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

19 BY MR. KOPPE:

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

22 MR. PRAK DOEUN:

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

24 MR. KOPPE:

25 Maybe I should do it differently.

17

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

8 MR. PRESIDENT:

9 You are allowed to do so.

10 [09.41.44]

11 MR. PRAK DOEUN:

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

13 BY MR. KOPPE:

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

16 (Short pause)

17 [09.43.13]

18 MR. PRAK DOEUN:

19 A. After my review on the document, I do not see my name on it.

20 Q. On the actual petition, Mr. President, that is the same
21 document, E3/5476; English, ERN 00824010; Khmer, 00508166;
22 French, 00824010. On that petition, you indeed cannot see your
23 signature but the signature belongs to the petition (sic). And so
24 my question is whether you indeed were one of the persons who
25 signed the petition that you see.

18

1 Maybe a TPO person can assist the civil party. It's Khmer page
2 00508166.

3 (Short pause)

4 [09.46.06]

5 BY MR. KOPPE:

6 Mr. Civil Party, it's a long time ago, September 1983, that you
7 signed this petition. So I'm -- I fully understand that you don't
8 recall the content. So that's why -- allow me to let you through
9 or to guide you through. First, it's a petition to the National
10 Assembly of the People's Republic of Kampuchea. And it starts:
11 "We, on behalf of 713 cadres, intellectuals, Buddhist priests,
12 and ordinary people in Baribour district." My first question: Did
13 you sign this petition as a cadre or as an ordinary person, or
14 any of the other two categories?

15 MR. PRAK DOEUN:

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

18 [09.47.28]

19 Q. Your name appears in a long list of names, but it seems that
20 713 people signed this petition. And my question is: Did you sign
21 this petition in your capacity as a cadre, as an intellectual, as
22 a Buddhist priest, or as an ordinary person in Baribour district?

23 MR. PRESIDENT:

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

19

1 MS. NGUYEN:

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

7 [09.48.35]

8 MR. KOPPE:

9 Well, he recognized his signature. The signature list is part of
10 one coherent document, E3/5476. In fact, the petition is attached
11 to another civil party application, someone with the name Kim
12 Samban. He offered this petition to the evidence in this case
13 file, and he signed this, so it seems. And I just want to know in
14 which capacity he signed this particular petition.

15 MR. PRESIDENT:

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

19 MR. PRAK DOEUN:

20 A. I would like to tell the Court that perhaps I was confused a
21 while ago. I am focussing on my occupation and my career. And it
22 is true that I put the signature.

23 MR. PRESIDENT:

24 Mr. Civil Party, please listen to the questions carefully before
25 you give your responses. So far, you have not responded correctly

1 to the questions put by the Parties.

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

3 [09.50.43]

4 BY MR. KOPPE:

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

8 MR. PRAK DOEUN:

9 A. When I put my signature, I held no position. At that time, I
10 actually put my signature.

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

14 A. Yes, that is correct. I was part of the committee of achar in
15 the pagoda. At that time, I was interested in the petition and I
16 was asked whether I was interested in putting my signature in the
17 petition. And I agreed to put it.

18 [09.52.21]

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

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

21

1 Having heard the National Assembly's resolution of the People's
2 Republic of Kampuchea during the Fifth Session of the First
3 Legislature, hereby unanimously support the Fifth Session of the
4 First Legislature, scheduling every 20th of May as the Day of
5 Condemnation and Anger against the Pol Pot, Ieng Sary, and Khieu
6 Samphan's Genocidal Regime and lackeys of Beijing, Chinese
7 expansionists, and the open letter of intellectuals and Cambodian
8 Buddhist priests on the crimes of the Pol Pot.

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

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

25 Having heard part of the content of this petition, do you recall

22

1 the content? Do you recall reading it before signing?

2 [09.55.33]

3 A. The document was read aloud to me at that time, and I suffered
4 the pain and suffering during the Khmer Rouge time. And since
5 that petition was consistent with those from other villages and
6 communes, and I agreed to it.

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

10 A. I was allowed to listen and put my signature on the document
11 since I could witness what happened.

12 [09.57.02]

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

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

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

17 A. When I was asked to prepare the fishing net on one occasion, I
18 was asked to travel along that pagoda where people had been
19 killed. And people were also killed at Roka pagoda, those people
20 were under accusation.

21 [09.58.28]

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

1 A. On this point, at the time, I did not understand the meaning
2 of the terms. I heard people say that Khmer Rouge were the
3 Chinese larky.

4 Q. Let me turn to your civil party application, Mr. Civil Party.
5 You speak about a few alleged CPK cadres. You speak about Comrade
6 Ruos, who was the top unit chief; you speak about female Comrade
7 Hoem (phonetic); female Comrade Na; and female Comrade Kuon. Why
8 was it that when you signed this application, you called those
9 cadres "comrade"?

10 A. At that time, there was clear evidence. And those people were
11 chiefs of my unit. Ruos was the male cadre, Nhim (phonetic), Na,
12 and Pung (phonetic) was responsible for economics in the female
13 unit.

14 [10.00.40]

15 Q. Were you a cadre yourself? And is that the reason that you all
16 call them comrades?

17 A. I was simply an ordinary person. I, in the regime, was simply
18 a 17 April person, and I was an ordinary one. No relationship
19 with the Khmer Rouge.

20 Q. In that same application, you speak about meetings that were
21 held between '75 and '79, meetings that were chaired by Ta Ruos
22 with the participation of Comrade Na, Comrade Hoem (phonetic),
23 Comrade Kuon and the people. And you said such meetings with
24 everyone's participation were called general meetings. But then
25 you say and I quote literally: "For secret meetings, for example,

24

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

5 A. I did not know at the time whether people were killed. There
6 was a meeting held and those who worked in the field and those
7 who worked in the cooperatives and the fishing units were the
8 subject of the discussion in the meeting. And concerning the
9 meeting to plan the execution of those people, I was not invited
10 to attend it. And concerning the task of the country, and
11 particularly the special task, I was not involved in it and I did
12 not know about that. At that time, I was the group chief of the
13 fishing unit. And concerning the task that I had to perform, I
14 was allowed to be aware of those tasks.

15 [10.03.30]

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

18 A. Let me clarify. I myself was good at speaking, particularly to
19 mobilize people and to invite people in the meeting. And I myself
20 was not sure whether I was good at convincing people. Since I was
21 good at convincing people, Khmer Rouge assigned me to mobilize
22 people. I was asked to convince people in the group, and I was
23 appointed to be the group chief of the fishing unit.

24 Q. Why was it that Comrade Ruos "always invited" you to
25 participate as an elder person in the unit in relation to mass

1 weddings?

2 Mr. President, I refer to document D22/27591; English, ERN
3 00556209. I will present the Khmer and French ERN numbers a
4 little bit later if you allow me. Let me read to you exactly what
5 it says: "Sometimes around 20-25 couples were wedded without any
6 prior announcement, and this was done under the charge of Comrade
7 Ruos who always invited him [you] to participate as an elder
8 person in the unit."

9 Why was it that Comrade Ruos always wanted you present at
10 ceremonies -- wedding ceremonies?

11 [10.06.00]

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

21 Q. So summarizing testimony, you're saying that you were never
22 yourself a cadre, you never attended secret meetings, and there
23 is no particular reason why you called cadres comrade. And
24 there's no really particular reason or it didn't happen at all
25 that you were always present at wedding ceremonies; is that

26

1 correct?

2 A. During the Khmer Rouge regime, I did not hold any leading
3 position at all. I was an ordinary citizen. And of course, you
4 can ask the people living in Baribour district, since there are
5 still some people who used to live during the regime there with
6 me. And if I were to hold any position under the Khmer Rouge
7 regime, of course, I would be responsible for any punishment. But
8 I did not.

9 [10.08.07]

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

13 A. I worked for the provincial office and due to my separation
14 and due to the attacking by the Khmer Rouge, actually I took a
15 speed boat belonging to the Vietnamese troop. Then I was sent to
16 Kampong Boeng and my name was called out. Actually I was afraid
17 of being rearrested, then I presented myself. And then I was
18 appointed to be chief of the commune for 85 families. And about a
19 month after, due to the sporadic attacks by the Khmer Rouge, I
20 requested to be reassigned to Kampong Chhnang provincial town,
21 and I was reassigned to an intelligence office of Division 2014.
22 Due to the difficult living condition with my children, then I
23 proposed to a widow who already had a child. And for that reason,
24 the marriage was organized for us.

25 [10.09.52]

27

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

7 A. At that time, I used the name of my grandfather as the
8 surnames for my children beginning with Phav: Phav Kiem, Phav
9 Liem, Phav Lon (phonetic), etc., and my last child's name is Phav
10 Hong Leng. So Phav is the name of my grandfather.

11 [10.11.07]

12 Q. So you yourself were never called Phav; you were always --
13 from the day you were born until now -- Prak Doeun; is that
14 correct?

15 A. Yes, that is correct.

16 MR. PRESIDENT:

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

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

19 Court officer, please assist the witness at the waiting room
20 reserved for witnesses and civil parties, and invite him as well
21 as the TPO staff back into the courtroom at half past 10.00.

22 The Court is now in recess.

23 (Court recesses from 1011H to 1032H)

24 MR. PRESIDENT:

25 Please be seated.

28

1 The Court is now back in session and the floor is given to the
2 defence team for Mr. Nuon Chea. Perhaps the defence team for Mr.
3 Nuon Chea may have some further questions? You can proceed now.

4 BY MR. KOPPE:

5 Thank you, Mr. President. As a matter of fact, we would like to
6 request some additional time. We have more questions than
7 anticipated, and there was also a long deliberation in relation
8 to one question. So we have two sessions, but the Nuon Chea
9 defence team would like to have an additional 45 minutes.

10 [10.33.18]

11 MR. PRESIDENT:

12 Counsel Anta Guissé, you have the floor.

13 MS. GUISSÉ:

14 Yes. Thank you, Mr. President. My colleague Koppe has made a
15 request for the Nuon Chea team. I would like to reiterate my
16 application of yesterday. It will of course depend on the way my
17 colleague's examination of this witness proceeds, and the
18 subjects that he will broach. In any case, if he continues after
19 the break, and makes an addition -- as he is asking for
20 additional time, I'm also asking for the same. I need 20
21 additional minutes, as you granted to the civil party lawyers and
22 the International Co-Prosecutor. Of course, this is an early
23 application. If it turns out that it is not necessary, I will
24 inform you accordingly. Let me point out that, as part of the way
25 these hearings are organized, we'll need more time than has been

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1 allotted to me, and I know that we have to split the time 50-50,
2 and it will all depend on how my colleague's cross-examination of
3 this witness proceeds.

4 (Judges deliberate)

5 [10.37.25]

6 MR. PRESIDENT:

7 The Chamber provides 10 additional minutes to each defence team.
8 And let me clarify that yesterday, the Chamber used the time of
9 Parties particularly to question the civil party on identities,
10 so you should not calculate the time used by the Bench with the
11 time used by Parties. Yesterday, it was clear that the Chamber
12 was strict to the time allotted to the Co-Prosecutors and the
13 Co-Lead lawyers for civil parties. So once again, I give -- the
14 Chamber gives 10 additional minutes to each the defence team.

15 MR. KOPPE:

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

21 [10.38.49]

22 MR. PRESIDENT:

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

25 BY MR. KOPPE:

30

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

3 MR. PRAK DOEUN:

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

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

10 A. Yes, that is true. I asked a question about that. My
11 parents-in-law also told me like what you said, and the elderly
12 within the village also mentioned about this point. During the
13 time that she was in school, she was called by her teacher the
14 name you mentioned. And parents -- my parents-in-law also used
15 that Khmer name.

16 [10.40.35]

17 Q. Just to be sure, does that mean that your parents-in-law in
18 1954 became Cambodian citizens as well?

19 A. My parents-in-law did not receive Khmer nationality. Only my
20 wife, who received the Khmer nationality and she had the Khmer
21 name.

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

25 A. I could recall only three names concerning three Khmer family

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1 members. It is true that seven families were with me at that time
2 and I can tell you the three names of the Khmer family members if
3 you want.

4 Q. Please do.

5 A. My name was Prak Doeun. My wife's name was Bou Samban. And
6 another person's name was Sok (phonetic) and the wife's name was
7 Touch (phonetic). And Mr. Sok (phonetic) was Vietnamese. And
8 there was another man, and another woman, Ta Len (phonetic) and
9 Yeay Soeun (phonetic). Youen (phonetic) was Khmer, and Ta Len
10 (phonetic) was Vietnamese. He had been taken away and killed,
11 together with my wife.

12 [10.43.05]

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

15 A. People said about that in the cooperative -- in my
16 cooperative. Sok (phonetic) married to a woman of a Vietnamese
17 citizen in Kampong Chhnang, and Ta Len (phonetic) was a
18 specialist staff in the one unit. Ta Len (phonetic) married a
19 wife in Damnak Sruoch. I can recall all those names, but I did
20 not know them very well.

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

24 A. Let me clarify. I heard from workers within my cooperative.
25 They talked to one another that this person was Vietnamese, had a

1 Vietnamese wife or husband. I overheard from workers within my
2 cooperative, and from that time onwards, I realized that some
3 particular individuals were Cambodian marrying a Vietnamese wife
4 or Vietnamese husband.

5 [10.45.02]

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

9 A. Yes, that is true.

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

13 A. I do not know on this point. When we were mobilized, I
14 realized that those who were mobilized would be taken away and
15 killed. I was in doubt at that time. However, when we were
16 re-located, we were not threatened. We were walked away to the
17 place where they wanted us to go. And I was quite sure at that
18 time that we would be taken away and killed. Concerning my wife,
19 she was weeping along the way.

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

23 A. Yes, that is correct.

24 [10.46.56]

25 Q. The events that you describe, Mr. Civil Party, have not been

1 investigated by any investigator of this Court, so we have
2 literally zero corroborating evidence. Could you tell the Court
3 the names of any people who could confirm what you have described
4 today and yesterday? In other words, is any of the seven
5 survivors still alive? If yes, what is her or his name? And where
6 does this person live?

7 A. I have learnt this information since that time. Husbands had
8 been taken away and killed. Two wives survived the period. They
9 are now living in Kampong Chhnang province, in Damnak Reach
10 village. Concerning that two surviving women, their husbands had
11 been taken away and killed; only them survived to -- now --today.
12 [10.48.13]

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

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

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

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

23 Q. One last time, Mr. Civil Party. The two women that you've just
24 described, were they part of that group of seven families? And
25 are they in a position, if you know, to confirm your story?

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

2 [10.49.49]

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

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

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

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

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

18 A. He did not tell me that he had killed those people who had
19 been taken away. The morning after, he met me and he saw me that
20 I was so sad. He told me at that time that my family members had
21 all been killed. And he suggested me to ask Angkar to remarry me
22 (sic). I was hopeless at the time, after I heard that my family
23 members had been killed.

24 [10.52.25]

25 Q. Thank you, Mr. Civil Party, but my question was: Did he tell

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1 you why he told you this? Why did he give that information to
2 you? It seems that he just basically confessed to participation
3 in a mass execution. Why did he tell you that?

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

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

16 [10.54.15]

17 MR. PRESIDENT:

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

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. I think there is a misinterpretation,
22 as was the case with the previous question of the response of the
23 civil party. Of course yesterday, he described how the child was
24 killed, and he said that was it was Comrade Born who told him.
25 But I never noted anywhere that Comrade Hoem (phonetic) said that

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1 it was Born who had been the executioner, the chief of executions
2 on that day. So I think the question should be more specific or
3 be rephrased.

4 MR. KOPPE:

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

7 JUDGE FENZ:

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

11 [10.55.27]

12 MR. KOPPE:

13 Well, maybe I've heard -- I didn't hear it. I didn't hear an
14 answer to the question as to why Comrade Hoem (phonetic) also
15 told him the details.

16 JUDGE FENZ:

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

21 MR. KOPPE:

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

23 [10.56.32]

24 QUESTIONING BY MS. GUISSÉ:

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

1 Mr. Prak Doeun. My name is Anta Guissé and I am International
2 Counsel for Mr. Khieu Samphan, and it is in this capacity that
3 I'll put some follow-up questions to you. I know it is difficult,
4 but may I request you to be very attentive, and to carefully
5 listen to my questions and answer them concisely because I do not
6 have a lot of time.

7 Q. I remember you saying that you were married at the age of 19.
8 My first question is as follows: After your marriage, did your
9 in-laws live with you and your wife?

10 MR. PRAK DOEUN:

11 A. At the time, I was living close to his -- or her house.
12 However, we were living in a separate house.

13 Q. Yesterday, at about 11.28, you said that your father-in-law
14 died under the late Sihanouk regime. Can you be more specific?
15 Was that before or after the Lon Nol coup d'état?

16 A. He died perhaps 10 years ago before it was Lon Nol's time. My
17 mother-in-law was living, and she passed away during the
18 genocidal regime.

19 [10.58.23]

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

22 A. She was a grocer, selling groceries, and I was living in a
23 separate house. As I said, our houses were adjacent to one
24 another.

25 Q. Yesterday, at 11.17, you explained that in 1975 you were

1 transferred to Pech Changvar with your entire family. At that
2 time, did your mother-in-law come to reside with you, to live
3 with you?

4 A. After the evacuation, my mother-in-law, together with my whole
5 family, were living together. At that time, we had not been
6 dispersed into different groups yet. Later on, after I had been
7 relocated to a fishing unit, we were separated from each other by
8 the Khmer Rouge. I cannot tell you the exact date when I was
9 relocated to a fishing unit. And later on, I was allowed to live
10 together with my whole family in Ta Mov, within a cooperative.

11 [11.00.02]

12 Q. I indeed noted all that. May I again ask you to carefully
13 listen to my questions because I will ask follow-up questions for
14 clarification purposes later on. But be careful and be very
15 concise.

16 Your mother-in-law lived with you and your family in Pech
17 Changvar. Without recalling the exact date on which you were
18 transferred to the fisheries unit in Kaoh Ta Mov, do you remember
19 for how long you stayed at Pech Changvar before you left alone to
20 Kaoh Ta Mov?

21 A. I was allowed to stay there for only a fortnight, and I did
22 not know what happened later to my in-laws.

23 Q. When you say that you do not know what happened to your
24 mother-in-law, when you were transferred to the fisheries unit, I
25 do understand that you were in that unit for one year all by

1 yourself before you brought your family. Did your mother-in-law
2 also join you alongside your wife and children?

3 A. Yes, we were allowed to live together.

4 [11.01.55]

5 Q. Can I now focus on the fishing unit that you were working in?
6 Can you remember who your supervisor was when you first arrived
7 at the fishing unit two weeks after leaving Pech Changvar?

8 A. I was reassigned to go there by the soldiers. At that time we
9 were sent to live in a cooperative, and Ta Ruos was in charge of
10 the male unit, and there were Hoem (phonetic), Na, and Ruos.

11 There were four of them who were in charge of the entire
12 cooperative where I lived.

13 Q. And were those people in charge, the ones that were there when
14 you first arrived at that fishing unit, right at the start?

15 A. Yes, the cadres -- the soldiers delivered us to these cadres,
16 and we were received by these cadres into the unit.

17 Q. You said that the fishing unit was attached to a cooperative.
18 Can you tell us the name of the cooperative, please?

19 A. The cooperative is also known as the district fishing unit,
20 and that was what was told by the cadres there, and that name was
21 given by Angkar.

22 [11.04.05]

23 Q. Thank you. And what district are we talking about, please?

24 A. I do not know which district it was. It was only referred to
25 as the district fishing unit. And it's possible that it was the

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1 Baribour district in Samaki (phonetic) village.

2 Q. Let's look now at the request you made to bring your family to
3 where you were. Yesterday, you said that the request was
4 submitted at the end of 1976. Can you tell us who you made the
5 request to?

6 A. I made a request to the unit chief -- that is, Ta Ruos, so
7 that my wife could come to live with us. In fact, I was afraid
8 when I made the request. And before I made the request, I talked
9 to him a little bit. And after I made a request, he said that I
10 should wait for a while since Angkar would organize that for me.

11 [11.05.40]

12 Q. And when it came to the fact, how was the travel to the island
13 organized? As I understand it, your fishing unit was working on
14 an island, so how was the transfer for your family arranged?

15 A. They walked on foot, and there was even no ox cart to
16 transport them, so it was rather difficult for them to walk on
17 foot.

18 Q. In Pech Changvar, who was advised that permission had been
19 given to have your family transferred? Do you know how that was
20 arranged?

21 A. I did not know. I only made my request to the unit chief, and
22 I did not know who actually let them come to live with me at the
23 fishing unit.

24 Q. Yesterday, just before 1.53, you said that "the cadres who
25 were kind-hearted accepted the request for my family to come".

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1 Now, are we talking about Ta Ruos here as being a kind-hearted
2 cadre?

3 [11.07.17]

4 A. No, it was Comrade Hoem (phonetic). It was Mit Hoem (phonetic)
5 who said that I should not think about my family anymore, as they
6 had been smashed, and I should focus on my work at the fishing
7 unit. But the unit chief didn't tell me about that.

8 Q. Excuse me, Mr. Prak Doeun, we're getting a little bit lost
9 here. I'm talking about, not the moment when you were told that
10 your wife was dead, I'm talking about the point in time when it
11 was accepted to have your family transferred to come to you. And
12 yesterday, a little bit before 1.53, you said that "the cadres
13 who were good-hearted accepted my request for my wife and
14 children to come and live on the island". And so here we're
15 talking about your request to have your family brought to you. So
16 the question I'm putting to you: Who are we talking about when we
17 talk about these kind-hearted cadres?

18 A. As I said, it was Comrade Hoem (phonetic). He was the only
19 cadre.

20 Q. All right. Can I be certain about this? Is Comrade Hoem
21 (phonetic) a man or a woman, please?

22 A. Comrade Hoem (phonetic) was a female comrade.

23 [11.09.02]

24 Q. When your family reached the island, I understand from your
25 testimony that they worked on a farm. That was about 16 minutes

1 past 2.00. Can you confirm that, please?

2 A. I did not even know when she arrived at the cooperative. When
3 I returned from work, I was told that my wife had arrived, but I
4 did not see her yet. And later on, in late afternoon, I saw her.

5 Q. Excuse me--

6 MR. PRESIDENT:

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

12 [11.10.22]

13 BY MS. GUISSÉ:

14 Q. Very well. Let me ask you the precise question again. When
15 your wife reached the island, did she then go on to work in a
16 farm? That's what I understood you saying yesterday at 2.16. So
17 while you were in the fishing unit, am I right in believing that
18 your wife was working on a farm, planting vegetables?

19 MR. PRAK DOEUN:

20 A. (Microphone not activated).

21 THE KHMER INTERPRETER:

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

23 BY MS. GUISSÉ:

24 Q. Yes. Could you please repeat your answer for the benefit of
25 the interpreters?

1 MR. PRAK DOEUN:

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

4 [11.11.25]

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

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

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

19 A. Yes, that is correct.

20 [11.12.52]

21 Q. Now let me turn to another point. It may have been clarified
22 already this morning, I'm not sure. You said that at one point,
23 Comrade Hoem (phonetic) took you to task for having married a
24 woman of Vietnamese origin, while there were a great many
25 Cambodian women. Is it right that the only time she brought that

1 up was after the death of your wife? But before that, when your
2 wife and the rest of your family reached the island, nobody made
3 any particular comment of that kind; is that correct? Can you
4 confirm?

5 A. Yes, that is correct.

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

12 A. I didn't know from where they gathered those people; then we
13 were evacuated together. And later on, we learnt to know one
14 another. And there were seven families all together, and we were
15 expecting to be taken away and killed.

16 [11.15.10]

17 Q. You said that "we got to know each other at a later stage". So
18 am I right in thinking that when everybody was assembled on that
19 day, you didn't yet know those other families?

20 A. Yes, that is correct.

21 Q. I'd now like to look at the question of these rumours about
22 Vietnamese infiltration. In your testimony, there was something I
23 didn't quite understand. How did you hear that there had been
24 Vietnamese infiltration into the country? Yesterday, you answered
25 the Deputy Prosecutor in saying that a group of soldiers seems to

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

4 A. No. Actually, I learnt from the cadres who were talking
5 amongst themselves, and I overheard them. They said that we would
6 be in trouble since the Vietnamese troops were now at the border.
7 I didn't say anything because I was afraid. I only kept listening
8 to what they said, and I did not know whether that was true or
9 not.

10 [11.16.49]

11 Q. Which cadres are you talking about? Who was talking about
12 Vietnamese arriving on the border?

13 A. I heard soldiers. They were pretty young. They were about 18
14 to 20 years old. They were talking among themselves when they
15 were passing me, so I only overheard them talking about this.

16 Q. I'm not sure I got that. Are we talking about soldiers or
17 cadres from the cooperative? Could you please be more precise?

18 A. I noticed that they were wearing the same black clothes, but
19 because they carried weapons, so I presumed that they were
20 soldiers and they were on duty. And they were speaking to each
21 other, that the Vietnamese troop was approaching the border. And
22 that was all I heard.

23 [11.18.08]

24 Q. Very well. And when you raised the matter of questions that
25 the soldiers might have asked you about Vietnamese in the

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1 cooperative -- this was with the Co-Prosecutor yesterday -- were
2 you talking about these soldiers or other people?

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

7 Q. We seem to be getting confused here, but yesterday at 3.50,
8 you said that "they asked me if there were Vietnamese in the
9 cooperative, and I said I hadn't seen any". Was your answer
10 misunderstood?

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

14 Q. I'm still a little befogged here. Can you talk to me about the
15 conversation with the cadres? And was it the cadres who asked you
16 if there were Vietnamese within the cooperative?

17 A. Yes, that was the cadres who asked about the number of
18 Vietnamese people living there. And I didn't tell them anything
19 about the Vietnamese, as I was telling them only my family
20 situation.

21 [11.20.35]

22 Q. So, once again, please, which cadres are you talking about?
23 Who were the cadres who asked you these questions?

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

25 Q. You'll tell us if Comrade Na is a man or a woman? And did he

1 or she work with Comrade Hoem (phonetic)?

2 A. Comrade Na, Comrade Hoem (phonetic), Hun (phonetic), and
3 another comrade were working together in the cooperative. And
4 Comrade Na was the one who asked me that question.

5 Q. These cadres you have just named, tell us if they were
6 responsible for the agriculture unit that your wife was working
7 in as well?

8 A. Yes, that is correct.

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

11 A. No, she was looking and taking care of the children, including
12 my one and a half year old child.

13 [11.22.30]

14 Q. So these other cadres, Na, Hoem (phonetic) and so forth, did
15 they know your mother-in-law? Had they seen her before?

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

18 Q. This morning, there was something that was unclear in my
19 French translation. It emerged that you were considered to be a
20 convincing person, and you were then put in charge of a fishing
21 unit. So, do I understand correctly that at a given point in time
22 you were in charge of a unit or a group?

23 A. No, I wasn't. I was in charge of a group temporarily. They
24 didn't have any official assignment. I was told now I should go
25 and do this together with these few men and look after them when

1 we were there. That was all.

2 [11.24.09]

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

4 A. For example, if we were assigned to cut some trees to make
5 poles, then I had to be responsible for achieving that task
6 within this group. And that was all. So usually I would be
7 assigned a provisional role to be in charge of a certain task or
8 assignment for that group.

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

11 A. Yes, that is correct.

12 Q. Can we now talk about the moment when the mixed families
13 gathered together on the day when you were separated from your
14 family, and if my understanding is correct, you were told when
15 you got together that you were going to be sent elsewhere. I
16 believe you said that you left -- and this was at 3.25 -- you
17 said that "we left at about 6 o'clock in the evening, and we
18 reached the destination at half past 3.00". Is it correct then
19 that you walked through the night and reached the destination at
20 half past 3.00 in the morning?

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

22 [11.26.32]

23 Q. Yesterday -- I'm looking at what you said yesterday -- quote:
24 "We left at about 6 o'clock, and by my estimation, we reached our
25 destination at around half past 3.00." So my first question is:

1 What destination are we talking about here?

2 A. We left the cooperative at around 6 p.m. We were not forced to
3 walk faster, but because of the lack of food, and when we were
4 tired, when we reached an area where there was a pond, then we
5 were allowed to rest there. And by about 3.30 or 4.00, we reached
6 an area where the execution took place.

7 Q. You said that you didn't witness the execution because you
8 were somewhere else. Can we just come back to this precise moment
9 when the two groups separated? When that happened, where did your
10 group go to? Where did you stop for the night?

11 A. I was assigned to thresh rice when my wife was taken to Tuol
12 Roka. I was sent to Wat Melum.

13 [11.28.30]

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

16 A. It is my estimate the distance was about 20 kilometres from
17 the cooperative where I lived to Wat Melum. And we walked through
18 a patchy path. It was not a smooth road. We walked until we
19 reached the location where the killing took place.

20 Q. You talked about Tuol Roka and the execution site. You
21 personally, apparently, were not present at the moment of the
22 execution, and then you said it was Comrade Hoem (phonetic) who
23 told you about this.

24 A. Yes.

25 Q. Do you know what distance there is between Wat Along (sic), or

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1 the place where you were working, and Tuol Roka?

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

5 [11.30.17]

6 Q. So you reached Wat Melum with the group -- that is, in your
7 group, and who had been separated from the other group. And
8 there, were you received by the cooperative chief of Wat Melum?
9 And were you still being escorted by the two soldiers who you
10 mentioned yesterday?

11 A. No, I was assigned to thresh rice. And I saw soldiers hanging
12 to two CK rifles. And that was the way I was assigned to thresh
13 rice, and I did not dare to ask any question by that time.

14 MS. GUISSÉ:

15 Mr. President, we seem to have reached 11.30. It may be the time
16 to take a break there. I saw that there were 10 supplementary
17 minutes. I'm going to be very honest with you: I don't think I
18 can finish in less than 20 minutes. I have one or two written
19 statements to bring up, or written documents to raise with Mr.
20 Prak Doeun, and I wanted simply to put my cards on the table and
21 tell you that I will be needing a little bit more than 10
22 minutes.

23 MR. PRESIDENT:

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

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1 afternoon.

2 Court officer, please assist the witness during the lunch break,
3 and invite him as well as the TPO staff back into the courtroom
4 at 1.30 this afternoon.

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

8 The Court is now in recess.

9 (Court recesses from 1132H to 1332H)

10 MR. PRESIDENT:

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

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

14 BY MS. GUISSÉ:

15 Thank you, Mr. President. Good afternoon, Mr. Prak Doeun. We are
16 continuing your examination. When we stopped this morning you
17 were talking about the assembly of mixed families and the fact
18 that you were led to a particular location and then you were
19 split into two groups and your group went to Wat Along
20 (phonetic), whereas the other group, from what you were able to
21 find out, went towards Tuol Roka. You stated that Wat Along
22 (phonetic), the place you were transferred to at the time, was
23 approximately 10 kilometres from Tuol Roka. My question to you
24 therefore is as follows; how far was the location where the two
25 groups were separated from Tuol Roka and from Wat Along

1 (phonetic)?

2 MR. PRAK DOEUN:

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

4 MR. PRESIDENT:

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

8 BY MS. GUISSÉ:

9 Q. Can you hear me now, Mr. Prak Doeun? Can you hear me and
10 understand what I'm saying?

11 [13.34.59]

12 MR. PRAK DOEUN:

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

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

23 [13.36.02]

24 A. Regarding the distance from Melum to Tuol Roka, it was about
25 10 kilometres away. I was asked to be stationed on the way

1 towards Melum area and later on I was assigned to thresh the rice
2 about 500 metres away from that area.

3 Q. Very well, perhaps I was the one who wasn't clear. I talked
4 about the place where the soldiers accompanying you separated the
5 group into two groups. My question is as follows, how far was
6 that place from where you were separated from Tuol Roka?

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

11 Q. When you say 500 metres from where you had set out, which is
12 what I understood from the interpretation, do you mean the place
13 where the two groups was separated was located at a distance of
14 500 metres from where you were supposed to take care of rice?

15 A. Yes, that is correct.

16 Q. So you stayed put, 500 metres away from where you were
17 separated, and the two groups were 10 kilometres away from you
18 and that is why you were not able to know what happened
19 subsequently, is that correct?

20 [13.38.35]

21 A. Yes, that is correct.

22 Q. The other question is as follows. Since you have pointed that
23 when you were sent to that new location to take care of rice
24 supplies was 20 minutes from the cooperative where you were, did
25 the soldiers who accompanied you to that location stay with at

1 that location or they left with the second group or again they
2 went somewhere else, do you know?

3 A. Let me make a clarification. We actually were separated at the
4 place where we first stopped. At the time it was dark so I did
5 not know where they were going.

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

9 A. Some people said that the other group of people were sent to
10 Tuol Roka. When I came to thresh rice, I estimated that perhaps
11 those people had been sent away and killed and concerning the
12 distance from the stop point where the second group was sent to
13 Tuol Roka it was about 10 kilometres away from the stop point,
14 this was my estimate.

15 [13.40.38]

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

19 A. Comrade Hoem (phonetic) told me that my family perhaps had
20 been sent away to Tuol Roka and as I said it is estimate that the
21 place where my family had been sent to was about 500 metres away
22 from the place where I was sent to thresh the rice.

23 Q. Well, Mr. Prak Doeun, I am lost because a while ago you stated
24 that the distance from where you threshed rice and the place
25 where you were separated from the other group was 500 metres and

1 that Tuol Roka where executions were allegedly carried out, from
2 what you said, was 10 kilometres away. Please tell me which of
3 the versions is the correct one?

4 [13.42.10]

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

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

18 A. Yes, it was him who told me, he advised me not to be
19 interested in the whereabouts of my family. He told me to focus
20 on my work that was his advice.

21 Q. So that is what comrade Hoem (phonetic) told you but if I
22 understand you correctly, at that particular time you were in Wat
23 Along (phonetic), which was another cooperative. Can you
24 therefore explain how come comrade Hoem (phonetic), who was at
25 the cooperative you had left, which was 20 kilometres away from

1 where you were, was at Wat Along (phonetic) cooperative in the
2 morning? Can you explain that to the Chamber?

3 [13.44.49]

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

10 Q. I agree with you. Perhaps it was the interpreters who thought
11 that comrade Hoem (phonetic) was a woman. So they were sent to
12 Wat Along (phonetic), that is where you were and that is where
13 you obtained information on what had happened. In an answer to a
14 question put by the Co-Prosecutor and you confirmed that as well
15 to my colleague Koppe a while ago, that you heard that a certain
16 Hoem (phonetic), an apparently well-known executioner was
17 involved in the killings of your family members. Was it comrade
18 Hoem (phonetic) who gave you that information?

19 [13.46.33]

20 A. No, he was not the executioner. Mr. Born -- comrade Born was
21 very notorious in killing people. Wherever there were killings,
22 comrade Born would be sent together with the groups which were to
23 be killed. He, comrade Born, would be together with other
24 comrades. I did not witness the actual acts of killing by comrade
25 Born but it was said comrade Born would be sent away to kill

1 people together with other comrades.

2 Q. Here again, Mr. Prak Doeun, I am sorry, I know it is very
3 complicated but please pay particular attention to my questions
4 and my question was as follows. Was it comrade Hoem (phonetic)
5 who told you of Born's involvement in the killings of your family
6 members as you related that you -- was she the person who talked
7 of Comrade Born?

8 [13.47.48]

9 A. Comrade Hoem (phonetic) told me of that information as I told
10 the President. Actually he said that he advised me not to miss my
11 family members since my family members had already been smashed.
12 He advised me to focus on work. I was silent at the time. Once
13 again comrade Born was very notorious since it was said that he
14 was the one who would be sent away to kill people together with
15 other comrades and messengers.

16 Q. I'm sorry, I'll have to ask the question for the last time and
17 I would like you to answer with a yes or a no. Was it comrade
18 Hoem (phonetic) who told you that Born was the person in charge
19 of the killings of your family members, yes or no?

20 A. No, it was not him who told me.

21 Q. So she was not the one who told you, can you, therefore, tell
22 me who told you of the supposed involvement of Born in those
23 killings?

24 A. Actually it was not Comrade Born who killed my wife. It was a
25 rumour that wherever there were killings, Comrade Born would be

1 there to perform the duty.

2 [13.49.45]

3 Q. Very well. As part of the proceedings before this Chamber you
4 had to fill forms as part of your application to be a civil party
5 in document D/22/2559/1, which only exists in one language, that
6 is English, and the ERN 00556210. There is a box in which it is
7 stated in English, persons alleged to be responsible, that is,
8 the persons you indicated as being responsible for your
9 sufferings as a civil party and you mentioned comrade Ruos, head
10 of unit and it is head of the cooperative you referred to a while
11 ago. Can you tell the Chamber very briefly what he was in charge
12 of from what you know?

13 A. When I first arrived, Comrade Ruos was the one who was in
14 charge in all the tasks. Later on there were three other comrades
15 who came to replace other cadres. There were three new cadres
16 within that group, there were three male and one female cadre.

17 Q. Do you consider Ruos as the person responsible for the death
18 of your family members?

19 A. I did not consider that he was the one who killed my wife.
20 However he was the one who ordered the relocation of the seven
21 families. I feel pity on him however.

22 [13.52.31]

23 Q. You also stated in the same box that comrade Hoem (phonetic),
24 group leader, I refer to him, do you consider him as the person
25 responsible for the killings of your family members?

1 A. I do not consider any one of them to be the killers. I was an
2 ordinary citizen at that time and I did not know who killed --
3 who committed the killings.

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

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

7 Q. I would like us to briefly revisit the issue of marriages. I
8 understood you told my colleague that the reason why you were
9 allowed to speak at at least one marriage ceremony, it was
10 because you were a good speaker and you were persuasive and you
11 said although you were not the chief, you were the person who was
12 in charge of the fishing unit on an interim basis. Can it be said
13 that you had the consciousness of the heads of the units, or of
14 the cadres or the persons you were in charge of?

15 [13.54.47]

16 A. I was not fully trusted however I was tasked with mobilising a
17 few work force namely 10 people to the area.

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

22 A. I had attended one wedding ceremony. At that time I was going
23 to cut the poles and when I came back I was invited to attend one
24 wedding ceremony.

25 Q. Was that ceremony at which you saw 20 to 30 couples being

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1 married and I understand that that was the only marriage ceremony
2 in which you took the floor and delivered a speech?

3 A. I was told that there 25 couples in the wedding ceremony and
4 later on I was asked to go back to the place where I worked to
5 dismantle the poles.

6 Q. I'm sorry, Mr. Prak Doeun, my question was whether you can
7 confirm whether that that was the only ceremony you participated
8 in and the only ceremony in which you delivered a message?

9 A. I attended one wedding ceremony only.

10 [13.57.09]

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

24 A. At the beginning, as I said, I was not aware of the fact that
25 there were killings and I cannot recall whether at the time I had

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1 put my finger print.

2 [13.59.25]

3 Q. I beg your pardon, Civil Party, without recalling whether you
4 had to put your finger prints on that document, do you recall
5 meeting Lawyer Ms. Lyma Nguyen, who put questions to you
6 yesterday? Before meeting her and another counsel, do you
7 remember meeting other persons who assisted you in filling out
8 your civil party application form to enable you to participate in
9 this Trial, does that ring a bell to you?

10 A. Initially there was one person or perhaps two persons coming
11 to my house to seek for information. They met me in Kampong
12 Chhnang province.

13 Q. And for purposes of precision, do we agree that those persons
14 who were not the lawyers, Lyma Nguyen and other counsel but
15 others, who helped you to fill out that form.

16 A. I agree to what was in that document.

17 Q. My question was whether you do remember whether those persons
18 presented themselves, or introduced themselves as members of an
19 organisation or the staff of the Tribunal? Do you remember
20 whether those persons were different from your current counsel?

21 A. I was not told where they were from instead I asked them where
22 they were from and in their answer that said they wanted to know
23 how many family members including my wife were killed.

24 [14.01.35]

25 Q. So you mean that these people didn't introduce themselves and

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1 they didn't tell you why they were asking the questions or that
2 it was part of participation in the Trial before the ECCC?

3 A. Yes, that is true. I, at the beginning -- after a while of
4 chit-chatting, I realised that they wanted to have what happened
5 to my family members.

6 Q. But did these people at any stage tell you that the document,
7 which you said you agreed with, was going to be used as part of
8 your participation in this present Trial, was that point of
9 information put across to you?

10 A. No, they did not. They told me I would be sent to the court
11 and I was afraid that I would be punished.

12 [14.03.07]

13 Q. In document, French ERN, 00891035; in Khmer, 00556217; and in
14 English, 00891032; it's says the following about your transfer to
15 Kaoh Ta Mov.

16 "After two weeks they said that they were looking for people who
17 knew how to fish, I said that I could do that. So they
18 transferred me and my wife and children to the village of Kaoh Ta
19 Mov in the district of Baribour where we had to use nets to catch
20 fish in the river and supply the cooperative with food."

21 My question is; is it true that people asked who was capable of
22 fishing and you said you could and therefore you were
23 transferred?

24 A. Yes, that is correct.

25 Q. In the extract I referred to, it says that, "I was transferred

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1 with my wife and children", and the impression one gets is that
2 everybody left at the same time, is that true or was it, as you
3 said in the hearing, that your wife and children joined you a
4 year later?

5 [14.05.19]

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

9 MR. PRESIDENT:

10 Deputy Co-Prosecutor, you have the floor.

11 MR. DE WILDE D'ESTMAEL:

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

22 [14.06.43]

23 MS. GUISSÉ:

24 Mr. President, yesterday I did mention to the Chamber that I
25 would need more time than the amount that is normally allocated.

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1 I believe that the Chamber is used to the Khieu Samphan's defence
2 not asking questions that have already been put and here we're in
3 bit of an exception, here we have a civil party whose written
4 statements, and I'm right at the heart of this part of my
5 questioning, whose written statements as I said --.

6 MR. PRESIDENT:

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

10 MS. GUISSÉ:

11 Q. Mr. Prak Doeun, in ERN 008899033, and the same as before in
12 the other languages, you say that in this document:

13 "One Comrade Kuon called me and asked me if I wanted to leave
14 with my wife and if I did not want to do so, I should collect
15 rice bundles in the rice field. My wife would be separated from
16 me and sent to work in another place." My question is this, is it
17 correct that Kuon talked to you about your transfer?

18 [14.08.41]

19 MR. PRAK DOEUN:

20 A. Yes, that is correct.

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

23 A. I did not see it with my own eyes. I only -- what I know is
24 that I asked him for my child to be with me but he said no, and
25 later no and later on he said that my wife and child had been

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1 executed.

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

6 "Each time there was communal wedding ceremony; I would be
7 invited by the Khmer Rouge unit chief, Ruos, to attend. I was
8 just a normal citizen, I had no position in that regime but the
9 Khmer Rouge regarded me as the most knowledgeable man in my
10 unit."

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

14 [14.10.33]

15 A. I attended only one event.

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

23 "I didn't see my wife being killed because I had been taken
24 somewhere else. One half an hour later the unit chief came to see
25 me and said, "Your wife and your in-laws are dead, we've killed

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1 them and we killed all the Vietnamese." Now, my question is, was
2 it the next day or half an hour later that this unit chief came
3 to see you?

4 [14.12.25]

5 A. I was told when he came to see me at sunrise, that my wife and
6 child had been smashed.

7 Q. On the same page, you say that:

8 "The person who brought me this information was Mit Hoem
9 (phonetic), I think that is the murderer of my wife and my
10 children who can also show us where their remains are."

11 Is it true that you said to your lawyer as part of your interview
12 on that day that you believe that it was Mit Hoem (phonetic),
13 comrade Hoem (phonetic) who was responsible for the death of your
14 wife and children?

15 A. In fact, I was told that my wife and child had been smashed
16 but he didn't mention that who was the executioner.

17 [14.13.31]

18 Q. Well the document says, "I think he is the murderer of my wife
19 and children." Is it true you said that?

20 A. Yes, that's what I concluded because I did not know at that
21 time what on earth he came to tell me about the killing of my
22 wife and child.

23 Q. In the French ERN, 00899196; English, 00678295; and Khmer,
24 00901539; it says:

25 "Before the execution of my wife and children before 1977, I was

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1 not aware of other executions of Vietnamese apart from the five
2 or six families who were killed in 1978 because they were
3 Vietnamese. I don't know if other executions occurred for the
4 same reasons."

5 Do you confirm that statement?

6 A. Yes I maintain my statement.

7 [14.15.02]

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

10 "In 1977, I had to organised forced marriages; I had received the
11 order to organise collective marriages of 20 to 25 people."

12 The question I'm asking you is, to know whether or not you did in
13 fact organise forced marriages, in the plural, and if you
14 received an order to organise this forced collective marriages.

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

18 MS. GUISSÉ:

19 I have no further questions, Mr. President. And I thank you for
20 the time that was given to me to do so. Thank you.

21 [14.16.28]

22 MR. PRESIDENT:

23 Thank you. And Mr. Prak Doeun, as I informed you, towards the
24 conclusion of your statement you may make a victims impact
25 statement regarding the crimes committed upon you during the

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1 Democratic Kampuchea regime with the current two Accused, Nuon
2 Chea and Khieu Samphan, and which led you to file your civil
3 party application to claim collective and moral reparations for
4 physical, material or mental injuries as direct consequences of
5 those crimes. If you wish to do so, you have the floor now.

6 MR. PRAK DOEUN:

7 My respect to, Mr. President, Your Honours, and all the people in
8 the courtroom. I have been in too much pain for the loss of my
9 wife and children, for the loss of my property including my
10 house. I lost everything. I lost both the children and the wife
11 and I want, Your Honours, to find me justice to provide
12 reparation to me. I almost became crazy for the suffering that I
13 received. I do not wish to make any major reparation claim.
14 However I want something as a legacy of what happened to me so
15 what I want to ask for a Stupa as a symbol of the loss of my wife
16 and my children. Thank you, Mr. President, I hope I can make such
17 a claim to you.

18 [14.19.00]

19 MR. PRESIDENT:

20 Thank you and do you have any questions that you wish to put to
21 the Accused. If you have you can do it however you can do it
22 through me, the President of the Chamber, you cannot put
23 questions directly to the Accused.

24 MR. PRAK DOEUN:

25 I do not have any questions to the Accused. I only have my

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1 statement to make that so far I have almost lost my mind and
2 that's mainly due to the suffering I received during the regime
3 and the loss of my wife and children.

4 [14.19.57]

5 MR. PRESIDENT:

6 Thank you, Civil Party, for your testimony as well as the victim
7 impact statement for the crimes that you claimed you suffered
8 under the Democratic Kampuchea has now concluded and your
9 testimony can contribute to ascertaining the truth in this case.

10 You may therefore be excused from the courtroom and you may
11 return to your residence or wherever you wish to go to. The
12 Chamber wishes you all the very best.

13 And the Chamber would also like to thank Mr. Long Bonhuor
14 (phonetic), the TPO staff, for your support provided to this
15 civil party. You may also be excused.

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

19 (Short pause)

20 [14.21.29]

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

23 (Witness enters courtroom)

24 [14.22.00]

25 QUESTIONING BY THE PRESIDENT:

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

2 MS. SAO SAK:

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

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

5 A. No, I don't -- I forget it.

6 Q. How old are you this year then?

7 A. I am 62 years old.

8 Q. Where were you born?

9 [14.24.36]

10 A. I was born in Anlong Trea village, Preaek Chrey commune,

11 Kampong Leav district, Prey Veng province.

12 Q. And where is your current address?

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

14 Kampong Leav district, Prey Veng province.

15 Q. What is your current occupation?

16 A. I am dry season rice farmer.

17 [14.24.36]

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

19 A. My father is Pung Sao and my mother is Heng Nam, both are

20 deceased.

21 Q. What is the name of your husband and how many children do you

22 have together?

23 A. My husband is Khong Sum, we have seven children altogether and

24 of course my name is Sao Sak. My husband passed away 10 months

25 ago.

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

6 A. Yes, that is correct.

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

9 A. Yes, I have.

10 [14.26.02]

11 Q. The Chamber would now like to inform you of your rights and
12 obligations as a witness in the proceedings before this Chamber.
13 Regarding your rights, as a witness in the proceedings before the
14 Chamber you may refuse to respond to any question or to make any
15 comment which may incriminate you, that is your right against
16 self-incrimination. As for your obligations as a witness in the
17 proceedings before the Chamber, you must respond to any questions
18 by the Bench or relevant Parties except where your response or
19 comment to those questions may incriminate you and also as a
20 witness you must tell the truth that you have known, heard, seen,
21 remembered, experienced or observed directly about an event or
22 occurrence relevant to the questions that the Bench or Parties
23 pose to you.

24 Madam Sao Sak, have you ever been interviewed by the investigator
25 of the Office of the Co-Investigating Judges, if so, when and

1 where?

2 [14.27.34]

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

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

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

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

7 A. It happened only once.

8 Q. And before you appeared before the Chamber have you read,

9 reviewed or had it read aloud to you, the written record of your
10 interview with that investigator in order to refresh your memory?

11 A. Yes, I read it.

12 Q. And to your best knowledge can you the tell Chamber whether
13 the written record of your interview, that you have read in order
14 to refresh your memory, is consistent with what you provided to
15 the investigator?

16 A. Yes, it is consistent.

17 [14.29.03]

18 MR. PRESIDENT:

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

23 QUESTIONING BY MR. SENG LEANG:

24 Thank you, Mr. President. Good afternoon, Mr. President, Your
25 Honours, and everyone in and around the courtroom. My name is

1 Seng Leang, the National Deputy Co-Prosecutor and I would like to
2 put some questions to you Madam Witness.

3 Q. And my first question to you is about your residence before
4 1975, where did you live before that?

5 [14.30.07]

6 MS. SAO SAK:

7 A. Before 1975, I was living in Anlong Trea village, Preaek Chrey
8 commune, Peam Ro district, Prey Veng province.

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

11 A. From 1969 to 1971, there were Vietnamese living in Lvea Aem,
12 however there were only a few living in Prey Veng and later on
13 they all had been evacuated.

14 Q. What about in your Anlong Trea village, were there any
15 Vietnamese living there before 1975?

16 A. I do not know about that.

17 Q. Can you tell the Court how people in your area distinguished
18 the difference between the Khmer people and the Vietnamese
19 people?

20 A. The distinction they can see, is that, for example, in my
21 village you would see half bred children for example or a mixed
22 marriage Cambodian men and Vietnamese wives.

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

25 A. We can recognise Vietnamese accents since they speak

1 differently from Khmer people.

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

3 A. They came to control the area in 1975?

4 [14.33.01]

5 Q. Before their arrival and after their arrival in 1975, were
6 there any differences of the treatment between on the Khmer and
7 the Vietnamese people?

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

9 Q. I want you tell the Court, since you said that there were
10 Vietnamese in your area before 1975, can you tell the Court, how
11 the Base People regarded Vietnamese people, were there any
12 differences in treatment on the Vietnamese people before 1975 and
13 after 1975?

14 A. Before 1975, we had normal relationship. Later on people were
15 sorted out and Vietnamese people were sorted out during the time.
16 [14.34.19]

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

19 A. There were living, mixing up with Khmer people.

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

22 A. My mother was half-blood Vietnamese.

23 Q. Did she have any relatives and siblings living within your
24 area?

25 A. No. I did not see her relatives or siblings living in the area

1 since I was born.

2 Q. Thank you, Madam. And after 1975, where did you and family
3 live?

4 A. I lived in Anlong Trea village, Preaek Chrey, Prey Veng
5 province.

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

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

9 Q. Did you know them?

10 A. Yes, I did.

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

12 [14.36.49]

13 A. The father's name Neang Nat and there was an individual Van
14 Mao.

15 Q. Can you tell the Court when you get married and when did you
16 have children?

17 A. I got married in 1969.

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

19 A. I had three children by that time.

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

22 A. She worked in a cooperative and she was tasked with
23 baby-sitting.

24 [14.38.14]

25 Q. She was assigned to look after children and babies, was she

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1 working with other people taking care of children and babies?

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

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

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

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

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

10 Q. When was she invited to a meeting?

11 A. It was during the time when she was taking care of babies and
12 children and at that time when she was called to the meeting, she
13 took my daughter who was her granddaughter with her.

14 Q. When did that happen?

15 A. It was in 1978, when my mother was invited to the meeting. I
16 cannot tell you whether it was the exact year.

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

19 A. I cannot recall the exact year when she was called into a
20 meeting.

21 [14.40.57]

22 Q. There is a document E3/7780, Khmer ERN, 00233296; English,
23 00235511 - 12; French ERN, 00250506 - 00201 (sic). You stated
24 that, you made mention about the event of So Phim when your
25 mother was called into a meeting. Did this refresh your memory?

1 A. It is true what you said.

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

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

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

7 A. It was Khon who told me that my mother was called into a
8 meeting in Chhau (phonetic) area.

9 [14.43.03]

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

12 A. She was detained and at that time I went to bring back my
13 daughter and they granted me the request to get my daughter back.
14 After that time she disappeared, I do not know where she went.

15 Q. What kind of mistakes did she commit, that lead to her
16 detention?

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

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

20 A. It was at 9 p.m., I was told that my mother had been taken
21 away and then I went to see my mother for the last time, she
22 consoled me that do not think of her since she was getting old
23 and at the time I realised that she would be taken away and
24 killed and a few minutes later I took my daughter back home.

25 Q. Where did you meet your mother at the time, can you tell the

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1 Court the exact location when you met your mother?

2 A. It was Krasar Pha-ael (phonetic) village where there was a hut
3 and that area consisted of villagers who were living and working
4 in the field.

5 [14.45.41]

6 Q. Does this mean that you met your mother in Krasar Pha-ael
7 (phonetic) village, is that true? What did you discuss with your
8 mother at the time?

9 A. I did not say anything. I only submitted the request to get my
10 daughter back and if I dared chit-chatting in detail what
11 happened with my mother, I would be in danger. I was there just
12 to bring back my daughter and I was with pain and suffering when
13 I saw that.

14 Q. When your mother was detained at Krasar Pha-ael (phonetic)
15 village, did you notice there were other people detained over
16 there as well?

17 A. Yes there were other people detained at the area. There was
18 one lady, married woman, who was there and detained. My mother
19 together with that married woman were detained. Her name was
20 Yeun.

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

23 [14.47.23]

24 A. Neang Nat was the daughter of the married woman who was
25 detained. The married woman who was detained was Yeun and the

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1 husband of that married woman name Thaong (sic).

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

3 A. In fact, Thaong (sic) and Yeun were husband and wife and
4 Thaong (sic) adopted a daughter to live with him.

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

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

8 Q. What about other members within your mother's group who was
9 taking care of the babies and children, were the any other
10 members within your mother's group detained?

11 A. Those grandmothers or "Yeay-Yeay" were still working and
12 taking care of babies after my mother had been taken away and
13 detained.

14 [14.49.20]

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

18 A. I had never seen my mother from that time onwards. I did not
19 even hear any information about my mother.

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

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

23 MR. PRESIDENT:

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

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1 Court officer please assist the witness during the break time and
2 please invite her back to the witness stand at ten past 3.00.

3 The Court is now in recess.

4 (Court recesses from 1450H to 1509H)

5 MR. PRESIDENT:

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

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

9 BY MR. SENG LEANG:

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

13 MS. SAO SAK:

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

16 Q. And did you know at the time the reason for being detained
17 there at the Angkor Ang commune?

18 A. No, I don't.

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

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

21 [15.11.13]

22 Q. So you did not the reason for your detention, am I correct in
23 saying that?

24 A. Yes, that is correct.

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

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1 A. No, I did not. However the person who took me there was Man.

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

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

5 Q. Were there any other people?

6 A. No, there wasn't.

7 [15.12.28]

8 Q. In your document, that is, E3/7780, with a Khmer ERN,
9 00233296; English at, 00235512; and French, 00250501; you said
10 that:

11 "About five months later Man called me to meet him at Wat Anlong
12 Trea and in that meeting there was Yeay Che and there were two
13 other men and Che was a Cham person and was allowed to leave,
14 while myself and the other two men were sent to Ang village."

15 Does that refresh your memory?

16 A. Yes, I do. However in my previous response I missed that part.
17 In fact, yes we were called to attend a meeting in the pagoda.

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

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

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

24 A. No, it was not a refashioning centre; it was a temporary
25 detention place.

1 [15.14.47]

2 Q. What were you ordered to do while you were there at Ang
3 village?

4 A. I was instructed to work in the kitchen, to harvest corn and
5 to clean the compound as well as the kitchen hall.

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

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

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

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

15 [15.16.18]

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

18 A. No, I did not.

19 Q. And based on your observation, when you lived through the
20 Khmer Rouge regime, what happened to the Vietnamese people living
21 in your area or the Khmer people who were half bred with the
22 Vietnamese?

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

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

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

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

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

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

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

11 [15.18.57]

12 Q. Thank you, Madam Witness. I have only one more question to put
13 to you and I ask what happened to the Vietnamese people in your
14 area after 1975, could you please clarify that again? Initially
15 you already said about the Vietnamese people were gathered, could
16 you be a bit more specific?

17 A. I saw them being gathered and they were evacuated to the lower
18 part. As for those who were from the mixed families, they
19 actually were gathered up continuously and they were sent by
20 boats. So for the mixed families, usually they would be sent one
21 family at a time and they kept disappearing.

22 [15.20.07]

23 Q. And when did that happen, when the Vietnamese people were
24 gathered up and sent to the lower part and what do you mean when
25 you said they were sent to the lower part?

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1 A. I did not know, I only heard that they were being sent back to
2 Vietnam.

3 Q. So when you said that they were sent to the lower part it
4 means that there were sent to Vietnam; am I right?

5 A. They were sent to the lower part and it means that they were
6 sent to Vietnam although we did not know whether they were sent
7 to be killed somewhere and later on another group including my
8 mother they were not being sent to Vietnam but in fact they were
9 sent to be killed.

10 Q. Can you tell the Court, when did that happen when was the
11 first group was sent to Vietnam, did it happen immediately after
12 1975 or did it happen a few years after?

13 MR. PRESIDENT:

14 Witness, please observe the microphone.

15 MS. SAO SAK:

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

18 [15.21.41]

19 BY MR. SENG LEANG:

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

25 MR. PRESIDENT:

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1 Witness, please observe the microphone and Deputy Co-Prosecutor,
2 please be more specific, when you said that after 1975, are you
3 referring to a particular year, it could be 1976 or 1975 or it
4 could be immediately after the 17th April 1975.

5 MR. SENG LEANG:

6 Thank you, Mr. President, for your guidance and let me rephrase
7 it.

8 Q. Madam Witness, could you please tell the Court when did it
9 happen, did it happen immediately after 1975 or did it happen in
10 1976 or 1977?

11 [15.22.56]

12 MS. SAO SAK:

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

15 MR. SENG LEANG:

16 Thank you, Mr. President, I conclude my part and I would like to
17 hand the floor to my International Co-Prosecutor.

18 MR. PRESIDENT:

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

20 QUESTIONING BY MR. KOUMJIAN:

21 Thank you. Good afternoon, Mr. President, Your Honours. Madam
22 Witness, I have a few more questions for you. You mentioned Neang
23 Nat another person from your village, that's someone that you
24 know; is that correct?

25 MS. SAO SAK:

1 A. Yes, I knew her.

2 [15.23.59]

3 Q. And can you explain did Neang Nat also come from a mixed
4 family; was either her father or mother Vietnamese?

5 A. Her mother was Yuon, she was Vietnamese. However she was
6 adopted by a Khmer family since she was born.

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

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

9 Q. Let me correct, the owners of the house where your mother
10 worked, where the children were taken care of, did you know them?

11 [15.25.14]

12 A. The owner of the house who looked after the children. In fact
13 she looked after the children in the kitchen area not at her
14 house.

15 Q. I want to read to you something from a statement of Neang Nat,
16 and this is E3/7779, and the English ERN is, 00235504; and Khmer,
17 00271392; and French, 00268963. Neang Nat said that:

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

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

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

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1 [15.26.58]

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

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

16 A. Yeun, in fact Yeun, alias Sak, so it refers to the same
17 person. And the owner of the house where the children stayed was
18 Chea Hang (phonetic) and not Chea Hung (phonetic) and yes what
19 you mentioned is correct. Usually she was known as Yeun although
20 Sak was also her name.

21 [15.28.51]

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

23 A. My name is Sao Sak.

24 Q. Now, Ms. Neang Nat went on and said -- told the investigators
25 -- that her seven month old sibling died from lack of breast

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1 milk. They had told Neang Nat's mother that they were taking her
2 to a meeting for a short time and she did not need to bring her
3 child. Do you know anything about that, did you know if Neang
4 Nat's mother, Yeun, had a young child that she was not allowed to
5 bring with her when they took her and your mother away?

6 A. I did not know about that. However I knew that she had a young
7 baby.

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

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

11 Q. Let me have my colleague do the pronunciations correctly in
12 Khmer.

13 MR. SENG LEANG:

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

16 BY MR. KOUMJIAN:

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

19 [15.31.04]

20 MS. SAO SAK:

21 A. Yes, I know Lang, she had a husband in Badao (phonetic), but I
22 do not know her husband's name.

23 Q. In the same statement Neang Nat said, "The ethnic woman -- the
24 ethnic Vietnamese woman, Lang, had a husband named Eul. Lang and
25 her six children were all put in a boat and taken away and

1 killed. At the time Lang was pregnant too." Do you know anything
2 about that?

3 A. No, I don't.

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

6 A. I know Van Mao he was living close to my village.

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

9 [15.32.31]

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

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

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

14 Q. Mao said, and I'm going to read from another statement
15 E3/7761, in Khmer the ERN is 00225221; in French, 00274400; and
16 in English it is 0234120; so again in English, I may have
17 forgotten one zero, 00234120. So, Madam Witness, in this
18 statement Mao says that:

19 "During the Khmer Rouge regime, my father, Van, and Nak's
20 father," I may need my colleague's help but -- Thav --

21 MR. SENG LEANG:

22 Thav.

23 [15.33.59]

24 BY MR. KOUMJIAN:

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

1 arrested by the Khmer Rouge, who came by motorboat along the
2 creek, and were taken away." And I'm just skipping a few lines in
3 the interest of time. He says, "They said that they were taking
4 him to study for four or five days and he would return." And then
5 he goes on to say, "I heard the news that my two elder sisters
6 and my one younger brother had been arrested and taken away."

7 Q. Do you know anything about what happened to Mao's father and
8 also the father of Nak?

9 MS. SAO SAK:

10 A. No I don't. I do not know when they were taken away. Later on
11 I learnt that they had been taken away.

12 [15.35.05]

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

16 A. Yes, I do. Mao's mother was hit by truck Prey Veng province
17 when she was going to find rice to eat.

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

20 A. I know Saom Ruos. Now days he is deceased.

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

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1 "They killed those connected to the Vietnamese and those
2 connected to So Phim. In the beginning they had killed those
3 connected to Lon Nol and Sihanouk, the officials of the old
4 government. One man named Neang had a wife named Yeun and the
5 wife was taken to be killed, the children were also arrested but
6 escaped."

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

12 [15.37.49]

13 A. I do not know about the matter since I had many tasks to do
14 when I was assigned to transplant rice I would go away and
15 perform the task. Sometimes I was assigned to paddle the water
16 wheel, make the fermented fish and also make the smoked fish, so
17 I did not know other matters other than my duties.

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

20 "In another family in which the husband Thav was mixed
21 Chinese-Vietnamese and the wife Reun was Khmer. Her husband and
22 children were taken to be killed, but one child is still alive."

23 Do you know anything about that?

24 A. Can you mention the name of the father again? What is his
25 name? Chao (phonetic)? Thav or Chao (phonetic)? There is one, Cha

1 (phonetic) who is surviving the period.

2 [15.39.18]

3 MR. SENG LEANG:

4 Thav.

5 MS. SAO SAK:

6 A. The child of Thav survived the period and the father of Thav
7 had been sent away and killed and I was told that he was sent to
8 work elsewhere.

9 BY MR. KOUMJIAN:

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

12 A. His name was Hein (phonetic). The father of Hein (phonetic)
13 was ethnically Chinese and the mother was a Vietnamese.

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

15 MR. SENG LEANG:

16 Lang Hel.

17 BY MR. KOUMJIAN:

18 Q. Do you know this person?

19 [15.40.48]

20 MS. SAO SAK:

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

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

23 MR. SENG LEANG:

24 Chamkar Kuoy.

25 MS. SAO SAK:

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

2 BY MR. KOUMJIAN:

3 Q. He says in his statement which is E3/5251, Khmer, 00233287;
4 French, 00251000; and English it is, 00235495; he said that when
5 he got to this village Chamkar Kuoy village, that there were
6 asking occupations and selecting people. Those who were Lon Nol
7 soldiers were taken away to study. Did you see anything like that
8 happen in your village after 1975?

9 [15.42.18]

10 MR. KOPPE:

11 Mr. President.

12 MR. PRESIDENT:

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

14 MR. KOPPE:

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

23 [15.43.02]

24 BY MR. KOUMJIAN:

25 Your Honours, I think on this question Counsel is absolutely

1 correct and that's a fair objection.

2 Q. Madam Witness, do you know if in the Khmer Rouge time, after
3 April 1975, were people sorted, were they selected out by
4 occupations in your villages or the areas that you knew?

5 MS. SAO SAK:

6 A. They were not sorted out. However, they were sent to different
7 direction to work in the agriculture tasks.

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

10 A. No one was a former soldier within the former regime.

11 [15.44.15]

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

14 A. My husband was involved in the social affairs within the
15 village and later on he went to work in the Peam Ro.

16 Q. Was he ever a soldier?

17 A. He had never been a soldier. However before the time, before
18 the regime he had been selected to be a soldier.

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

22 A. This is what I have heard of, not what I witnessed. The wife
23 and three children of Lang Hel were taken away and killed. I did
24 not witness the incident, as I said I heard of it.

25 Q. Thank you. Do you know the ethnicity of the wife who was taken

1 away and killed with her children?

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

4 [15.46.41]

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

10 Mr. SENG LEANG:

11 Kem Neou.

12 BY MR. KOUMJIAN:

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

16 [15.47.33]

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

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

1 A. Yes, she was pregnant and it was almost her due date and she
2 went with her four children altogether.

3 Q. Do you know where Baray village is?

4 MR. SENG LEANG:

5 Baray village.

6 BY MR. KOUMJIAN:

7 Q. Do you know that village?

8 MS. SAO SAK:

9 A. Yes, I do. It is near Prey Veng province.

10 [15.49.15]

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

13 MR. KOPPE:

14 Mr. President.

15 MR. PRESIDENT:

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

17 MR. KOPPE:

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

19 1976. 1977 all the way until of fall of 1977 a completely

20 different situation then Vietnamese troops massively invaded

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

22 initiated rebellion started under the leadership of So Phim.

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

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

25 period 1975-1979 is such a general question, let alone whether

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1 this witness can answer this particular question from her own
2 experience. So, I think we really should, the Prosecution should
3 really focus much more in detail rather than asking very
4 generally, general sweeping questions.

5 [15.50.51]

6 MR. KOUMJIAN:

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

14 (Judges deliberate)

15 [15.51.32]

16 MR. PRESIDENT:

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

22 MS. SAO SAK:

23 A. Please repeat your question.

24 MR. KOUMJIAN:

25 Okay, in the interest of time I'll make it more specific, I hope

1 that Defence doesn't accuse me of leading. Do you know anyone --
2 have you heard whether people of Vietnamese descent were killed
3 in Baray village during the DK regime?

4 [15.52.37]

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

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

13 MR. SENG LEANG:

14 Ta Son and Yeay Teng.

15 BY MR. KOUMJIAN:

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

18 MR. PRESIDENT:

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

21 MS. GUISSÉ:

22 Yes, Mr. President, I have not objected thus far but what the
23 International Co-Prosecutor is doing is to link transcripts of
24 witnesses other than this one in the transcript. Given the
25 witness's previous answer, the question put to her by the

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1 Prosecutor is not relevant. She has said that Baray village was
2 far and she doesn't know what happened and so there is no point
3 in feeding her with information from statements that she cannot
4 confirm, since she said she doesn't know what happened.

5 [15.54.42]

6 MR. KOUMJIAN:

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

14 MR. PRESIDENT:

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

18 MS. SAO SAK:

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

21 [15.55.39]

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

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1 MR. SENG LEANG:

2 Khun Mon

3 BY MR. KOUMJIAN:

4 Who was married to a woman of Chinese and Vietnamese descent Seng
5 Huor?

6 MR. SENG LEANG:

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

8 MS. SAO SAK:

9 A. His name was Mon, living in Svay Antor district and he married
10 a woman in Trea her name is Seng. And I know that the person was
11 mixed race, Chinese and Vietnamese.

12 MR. KOUMJIAN:

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

15 [15.57.12]

16 A. I do not know about that since some people went to live in
17 Svay Antor and Trim (phonetic) and we parted each other.

18 Q. Let me pause for a moment from reading these statements and
19 ask you that, your mother when she disappeared, was she part of
20 any rebellion?

21 A. No, she was not part of any rebellion. She was quite old at
22 the time. She was merely an ordinary citizen. After I was born I
23 noticed that my mother had no relatives or siblings related to
24 Vietnam and she also had no relatives or siblings living in Phnom
25 Penh.

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

5 MR. PRESIDENT:

6 You have the floor now, Mr. Koppe.

7 MR. KOPPE:

8 An observation if you allow me, Mr. President. Again, there was
9 fully fledged war going on at that time with Vietnam. The mere
10 arrest or detention of people who were perceived to be Vietnamese
11 is not necessarily unlawful and may I remind the Prosecution that
12 the country that he is from interned and detained every single
13 Japanese person in 1941. So, what is relevant is not the
14 detention itself but to the question whether unlawful killings
15 subsequently happened and that is what we should focus on, not
16 whether there were arrests or her mother was part of the
17 rebellion. Essential issue is what happened in respect of the war
18 that the Chamber, by the way, itself has established was going on
19 even since April 1975.

20 [16.00.05]

21 MR. KOUMJIAN:

22 Thank you. Your Honours, I would ask that I be given some
23 additional time to respond to very long speaking statements or
24 observations rather than objections. I asked her a simple
25 question that obviously is relevant to what Counsel had pointed

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1 out. And let me make one point, since Counsel put this, I believe
2 the detention of people based on their ethnicity is of -- without
3 then proof that they are a clear and present danger, is a
4 violation of International Law. Is the Defence saying it is not,
5 I'm not sure that's the position of Nuon Chea. Is the position of
6 Nuon Chea that they can arrest people simply based on their
7 ethnicity, of being Vietnamese?

8 [16.00.57]

9 MR. PRESIDENT:

10 Madam Witness, please respond to the question.

11 MS. SAO SAK:

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

14 MR. PRESIDENT:

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

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

18 MR. KOUMJIAN:

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

22 [16.01.52]

23 MR. PRESIDENT:

24 Thank you. Now it is time for the adjournment. The Chamber will
25 adjourn now and the hearing will resume on Monday 7th December

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1 2015, at 9 a.m. On Monday the Chamber will continue hearing the
2 testimony of Sao Sak and perhaps we may continue to hear
3 2-TCW-241 concerning the treatment of targeted groups,
4 particularly Vietnamese.

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

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

13 Security personnel please send the two Accused back to the
14 detention facility and have them return on Monday 7th December
15 2015, before 9 a.m.

16 The Court is now adjourned.

17 (Court adjourns at 1603H)

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