



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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Sann Rada
CMS/CFO:.....

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 December 2015

Trial Day 345

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

The Accused: NUON Chea
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Robynne CROFT
Niccolo PONS

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

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Vincent DE WILDE D'ESTMAEL
SONG Chorvoïn

For Court Management Section:
UCH Arun

I N D E X

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. CHOEUNG Yaing Chaet (2-TCCP-241)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Ms. NGUYEN	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PRUM Sarun (2-TCW-945)	Khmer
Ms. SONG Chorvoin	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

4 Please be seated, and the Court is now in session.

5 Today the Chamber will hear the remaining testimony of the

6 current witness and begin hearing testimony of another witness --

7 that is, 2-TCW-945.

8 Ms. Chea Sivhoang, please report the attendance of the Parties

9 and other individuals at today's proceedings.

10 [09.03.36]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this Case

13 are present.

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

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

16 been delivered to the greffier.

17 The civil party who is to conclude his testimony today -- that

18 is, Mr. Choeung Yaing Chaet, is present in the courtroom.

19 Today, we also have a reserve witness -- that is, 2-TCW-945, who

20 confirms to the best of his knowledge, he has no relationship by

21 blood or by law to any of the two Accused -- that is, Nuon Chea

22 and Khieu Samphan, or to any of the civil parties admitted in

23 this Case. The witness took an oath before the Iron Club Statue

24 yesterday.

25 Thank you.

2

1 [09.04.41]

2 MR. PRESIDENT:

3 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
4 request by Nuon Chea.

5 The Chamber has received a waiver from Nuon Chea dated 8 December
6 2015, which states that due to his health: headache, back pain,
7 he cannot sit or concentrate for long, and in order to
8 effectively participate in future hearings, he requests to waive
9 his right to participate in and be present at the 8 December 2015
10 hearing.

11 Having seen the medical report of Nuon Chea by the duty doctor
12 for the Accused at the ECCC dated 8 December 2015, which notes
13 that Nuon Chea has back pain and dizziness when he sits for long,
14 and recommends that the Chamber grant him his request so that he
15 can follow the proceedings remotely from the holding cell
16 downstairs. Based on the above information and pursuant to Rule
17 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
18 request to follow today's proceedings remotely from the holding
19 cell downstairs via audio-visual means. The Chamber instructs the
20 AV unit personnel to link the proceedings to the room downstairs
21 so that Nuon Chea can follow. This applies to the whole day.

22 I'd like now to hand the floor to the defence team for Nuon Chea
23 to put questions to this civil party, if you still have questions
24 to put to him.

25 [09.06.29]

1 QUESTIONING BY MR. KOPPE RESUMES:

2 Q. Yes, I do. Thank you, Mr. President. And good morning, Your
3 Honours. Good morning, Counsel. Good morning, Mr. Civil Party.
4 Yesterday, we ended discussing Ta Peang and his function. I will
5 get back to him shortly. But I would like to return to the
6 discussion we had before about the time that the events that you
7 described yesterday took place. In your interview with your
8 lawyer, you said that the killing of your family took place in
9 March '75. Five months earlier, you also talked to some people,
10 probably people from what is called the Victim's Support Section.
11 And in that document, D22/3175/1, there's no French and no Khmer,
12 it's English, ERN 00561343. In that document, you described two
13 incidents, two killings: one of your family and one six months
14 later. And the killing of your family in that report is dated at
15 the beginning of 1975. But my question is about the time period
16 more general. You described that the events took place in what
17 was called District 18. Is it correct that the area, what is
18 called District 18, was already liberated by the Khmer Rouge in
19 1971? So much earlier than '75. So Sector 71 was already governed
20 by cadres like Ta Peang; is that correct?

21 [09.09.15]

22 MR. PRESIDENT:

23 Civil Party, please wait. And the Lead Co-Lawyer for civil
24 parties, you have the floor.

25 MS. GUIRAUD:

4

1 Thank you, Mr. President. I would like to make a brief remark
2 regarding the nature of the document read by my colleague. As
3 I've said on several occasions before this Chamber, these reports
4 that are prepared by the Victims Support Section are reports,
5 which means that there is no direct contact between the victims
6 unit and the civil party. It is simply a summary of the civil
7 party's application. I want this point to be clear because at
8 this point in time, there is no contact between the victim's unit
9 and the civil party.

10 [09.10.09]

11 BY MR. KOPPE:

12 Mr. President, I take the Lead Co-Lawyer's word for it. I just
13 read whatever I was reading in that report, but my question is
14 not so much about that report.

15 Q. My question is to the civil party, wasn't District 18 already
16 liberated by National Front forces or Khmer Rouge forces in '71?
17 So four years before '75.

18 MR. CHOEUNG YAING CHAET:

19 A. I refer to the year of 1975, and I did not mention anything
20 regarding what you have just extracted.

21 MR. PRESIDENT:

22 Mr. Civil Party, you have not responded to the question. And
23 Counsel Koppe, please repeat your question. And the civil party,
24 please listen to the question carefully. And if you know, you say
25 yes; and if you don't, you say no. But first, you need to

5

1 understand the question before you can respond correctly. Counsel
2 Koppe, please repeat it.

3 [09.11.42]

4 BY MR. KOPPE:

5 Of course, Mr. President. I will rephrase.

6 Q. Yesterday, you spoke about events that took place in Kampong
7 Leaeng district, and you said that that was also known as
8 District 18. Is it correct that District 18 or Kampong Leaeng
9 district was already liberated by the "Khmer Rouge" in 1971?

10 MR. CHOEUNG YAING CHAET:

11 A. Kampong Leaeng district is District 16. And I said people from
12 District 18 also came to live in District 16. That's what I said
13 when I was asked by my lawyer.

14 Q. As a matter of fact, I think yesterday you said that Kampong
15 Leaeng district is also known as District 18, which I think it
16 is, Mr. Civil Party. Do you know the secretary of Kampong Leaeng
17 district in 1972? Who was in charge of that district in '72?

18 A. I was young at that time and I did not know who he was.

19 [09.13.20]

20 Q. Have you ever heard of a man named Ouk; Ouk being the 1972
21 secretary of District 18?

22 A. No. That name is not familiar.

23 Q. Have you ever heard of a person Bun Than alias Chan, who was
24 probably the Sector 31 chief in which District 18 was situated?

25 A. Frankly speaking, I was a young boy at the time, so I did not

6

1 know who was in the senior positions. Even my father, he would
2 not be aware of that as we all focussed on earning our living at
3 the time.

4 [09.14.36]

5 Q. I understand, Mr. Civil Party. Let me now return again to Ta
6 Peang. Do you know whether Ta Peang himself was Vietnamese?

7 A. I met him and I cannot say for sure whether he's Chinese or he
8 a Khmer or Vietnamese person. I did not even dare look at his
9 face, so I cannot tell you about him.

10 Q. Have you ever heard someone say that he used to serve in the
11 Vietnamese army?

12 A. No, I haven't.

13 Q. Assuming that I might be correct, Mr. Civil Party, and that
14 District 18 was already in the hands of "Khmer Rouge", is it
15 possible that the events that you describe took place long time
16 before 1975?

17 MR. PRESIDENT:

18 Civil Party, please hold on. And Judge Lavergne, you have the
19 floor.

20 [09.16.39]

21 JUDGE LALVERGNE:

22 Thank you, Mr. President. I'm sorry to interrupt your examination
23 of the civil party, Mr. Koppe. I would like you to clarify
24 something. What is the basis for your question asserting or
25 alleging that Ta Peang was of Vietnamese origin?

1 MR. KOPPE:

2 Judge Lavergne, as you know, the investigators of the
3 Investigating Judge never investigated the events described by
4 the civil party. So we had to do our own research by necessity
5 and based on the case file, we are inclined to think that
6 District 18 was in fact already in the hands of the "Khmer Rouge"
7 in '71, and that Ta Peang might have been Vietnamese himself and
8 was a member of the Vietnamese army. It's something that we have
9 on the case file as well.

10 JUDGE LAVERGNE:

11 I have just put a question to you and I expect you to answer it.

12 MR. KOPPE:

13 From the case file.

14 [09.17.56]

15 JUDGE LAVERGNE:

16 That is not an answer, Counsel Koppe.

17 MR. KOPPE:

18 But you have to do with this answer, Judge Lavergne.

19 JUDGE LAVERGNE:

20 Well in that case, we'll need to know the basis of any questions
21 you put to the witness.

22 JUDGE FENZ:

23 May I just ask one additional question because I'm not sure I got
24 that right? Are you referring to a personal case file now as a
25 basis for questions? Or are you referring to the case file we all

1 base these proceedings on?

2 MR. KOPPE:

3 Exactly.

4 JUDGE FENZ:

5 To (inaudible)

6 MR. KOPPE:

7 It's the case file defined in terms of E3 numbers.

8 [09.18.56]

9 JUDGE FENZ:

10 Well then, kindly provide us the E3 number which is the basis for
11 your question. This is what this is all about.

12 MR. KOPPE:

13 Sorry. If you insist, it's E3/1852.

14 MR. PRESIDENT:

15 Please provide the ERN in the three languages as a common
16 practice in this courtroom, Counsel.

17 MR. KOPPE:

18 There is only an English ERN, it's 00818933.

19 [09.20.00]

20 MR. BOYLE:

21 Mr. President, I just wanted to note for the record because it
22 hasn't been stated out right that the document that counsel has
23 just referred to is a S-21 confession document. We have of course
24 addressed this issue before. These are documents that are
25 implicitly suspect. Often the information contained in them was

1 obtained under torture. And I believe that that should be the
2 conclusion of the line of questioning based on this document.

3 Thank you very much.

4 MR. KOPPE:

5 The main gist of my question was, Mr. President, whether District
6 18 was in fact--

7 (Judges deliberate)

8 [09.21.20]

9 MR. PRESIDENT:

10 Counsel Koppe, the line of questionings you put to the civil
11 party is not that proper, and that you also do not provide
12 sufficient ground for your questioning to this civil party. And
13 in order to ascertain the truth in this matter, it is better for
14 you to avoid such line of questioning. And please you can put
15 further questions to this civil party without referring to
16 torture-tainted document from S-21. You cannot rely on an
17 evidence derived by torture from S-21.

18 MR. KOPPE:

19 I'm not sure how you can see so quickly that Lay Huor was in fact
20 tortured. But the main gist, as I was explaining, Mr. President,
21 of my question was and that I have -- I'm basing myself upon
22 Kiernan that that particular part of the West Zone was already
23 liberated in '71. And CPK--

24 JUDGE LAVERGNE:

25 Mr. Koppe, is Ben Kiernan per chance relying on the same sources

10

1 -- that is, confessions from S-21, or he has other sources?

2 [09.23.05]

3 MR. KOPPE:

4 There are in fact many other sources, Judge Lavergne. There is in
5 fact a map, I think it's an American intelligence map describing
6 the period '70-'75, and you can see on that map that, except for
7 the big cities, most parts of Cambodia were in fact under the
8 control of the National Front forces. And if you look at that
9 map, and I'm sure Kiernan did as well as others, that part of the
10 country was in the hands of the National Front, including Kampong
11 Leaeng district, District 18, Sector 31, by the way, not 71 as I
12 understand it was translated. So no, Kiernan is not basing
13 himself upon confessions.

14 MR. BOYLE:

15 Mr. President--

16 MR. PRESIDENT:

17 And Deputy Co-Prosecutor, if you are on your feet, please sum up
18 all your points at the same time, for one time. And please do not
19 be on your feet and raise another matter related to the same
20 issue.

21 [09.24.20]

22 MR. BOYLE:

23 Thank you, Mr. President. I actually just wanted to make a quick
24 point of clarification in relation to the premise of the
25 question. I actually believe that what the civil party stated

11

1 initially this morning, which is that Kampong Leaeng is in
2 District 16 is correct. And so -- well this debate can be had
3 later potentially through filings. I think that the premise of
4 the question may be incorrect.

5 BY MR. KOPPE:

6 If I may briefly respond and then I will move on, Mr. President.
7 It was this civil party in his supplementary statement who says
8 that Kampong Leaeng district was also known as District 18,
9 something that he repeated in response to question from his
10 lawyer. Kampong Leaeng was District 18, which by the way is also
11 confirmed by this document that I'm not allowed to use.

12 Q. But my question to you, Mr. Civil Party, isn't it correct that
13 the place where you were living was already liberated by forces
14 of the National Front or the Khmer Rouge -- whatever you want to
15 call it -- in '71, 1971?

16 [09.25.52]

17 MR. CHOEUNG YAING CHAET:

18 A. In 1971, I did not arrive in Kampong Chhnang yet. Actually I
19 arrived in Kampong Chhnang one month before the Khmer New Year
20 celebration. And then seven days after the Khmer New Year
21 celebration, then we were moved or evacuated.

22 Q. Well, my last question on this subject. Would it be possible
23 or is it likely that you were referring to Khmer New Year maybe
24 in '71 or '72, or 1973, or 1974?

25 A. I cannot tell you about that. What I can say is that in 1971,

12

1 I was in my hometown -- that is, Ruessei Dangkuoch village.

2 Q. I will move on to the next subject, Mr. Civil Party. As I --

3 as you might have heard earlier, the events that you did describe

4 have not been investigated at all by this Court before. And so we

5 only have your testimony to rely on. Is there anyone in your

6 surroundings, maybe Mr. Ta Ly, or anyone to whom you told the

7 story, to whom you described the events that you described

8 yesterday, is there anyone who could corroborate your evidence?

9 A. I know Ta Ly, but Ta Ly passed away and I do not know anyone
10 else.

11 [09.28.15]

12 Q. When you returned to Cambodia in 1982, was there anyone whom

13 you told the story? Is there anyone who could confirm? Is there

14 anyone who saw the events, anyone at all that we can ask a

15 question?

16 MR. PRESIDENT:

17 Civil Party, please wait till the phone is operational.

18 MR. CHOEUNG YAING CHAET:

19 A. I was very poor and I worked as a labourer to earn my living.

20 And I did not know anything else.

21 BY MR. KOPPE:

22 Yesterday, Mr. Civil Party, you were asked question about what

23 you call your memory loss. In your statement, E3/5631 at the very

24 end, you say: "I forget approximately 30 per cent of the things"

25 as a result of your injuries. When you say that you forget

1 approximately 30 per cent of things, where does that come from?

2 Why 30 per cent and why not maybe 50 per cent or 10 per cent?

3 What makes you say that you forget things, that you forget

4 approximately 30 per cent of things?

5 [09.30.18]

6 MR. CHOEUNG YAING CHAET:

7 A. Because that's the truth. Because of the injury, I tend to

8 forget. And I myself know about my personal memory loss.

9 Q. In that same paragraph, Mr. Civil Party, you also speak about

10 mental issues that you are having, particularly "when I am doing

11 too much work". What did you mean with mental issues? What kind

12 of mental issues do you have?

13 A. When I work hard, I feel the tension on the nape of my neck.

14 And sometimes, I become dizzy.

15 Q. I understand. But what you're describing is something that we

16 call physical injuries. You're talking about mental injuries. Is

17 there something sometimes not going well in your head?

18 A. It's due to the injury that I was hit three times with an axe.

19 That's the main cause.

20 [09.32.02]

21 Q. Let me move on now to the events that you described. In the

22 report on civil party application that I just referred to made up

23 by people from the Victims Support Section who apparently never

24 spoke to you. But they in their report make a distinction between

25 two events that you describe: one, at the beginning of 1975 when

14

1 allegedly your family was killed; and one in July '75 when around
2 40 villagers were killed. And in that report, it is described
3 that you were part of the group of 40 villagers when you were hit
4 on the back of your neck, rather than at the beginning of '75
5 when your family was allegedly killed. So my question is: when
6 you were hit in the back off your neck, did that happen when you
7 were with your family or when you were part of a group of 40
8 villagers?

9 A. That was not like that. I said that I fell into the pit -- the
10 same pit with my parents. And after I recovered from my
11 unconsciousness and then Ta Ly told me to hide myself. When I
12 went into hiding in the forest, I saw about 40 people were taken
13 to be killed. That's what I said.

14 [09.34.25]

15 Q. So let me read to you an excerpt from that particular
16 document. First they relate the alleged killing of your family at
17 the beginning of '75, and then they go on in July '75, around 40
18 villagers including the applicant, you, were taken to be killed
19 at the east foot of the Kangkaeb mountain by an unknown militia
20 controlled by Ta Peang. So the report made by whomever, the
21 Victims Unit -- Support Section, that's incorrect. You were not
22 part of a group of 40 villagers when you were hit on the back; is
23 that correct?

24 A. Yes, that's correct. I said that I saw 40 people. And when I
25 saw those 40 people, I was already injured on my back. And when I

15

1 was hiding in the forest, Ta Ly notified me that I should hide in
2 the forest. And when I was in the forest, I saw around 40 people
3 were taken. And that's what I said.

4 [09.35.53]

5 Q. That's clear, Mr. Civil Party. Now you also yesterday spoke
6 about 2,000 Vietnamese families being relocated. Do you know what
7 happened to these 2,000 Vietnamese families that you described
8 yesterday? What happened to them?

9 A. I did not know. They were classified into groups. Some were
10 sent to Dar, some were sent to Kep mountain. And those who were
11 grouped in the fishing unit, they fished. And I did not know much
12 because we -- I mean movement at that time was restricted.

13 Q. Maybe I was not accurate, maybe you didn't say it yesterday,
14 but you said it in your supplementary statement of your interview
15 by your lawyer. You say "there were about 2,000 Vietnamese
16 families that were relocated up the mountain to Dar village". So
17 just to be sure, I'm referring to those 2,000 Vietnamese families
18 who were relocated up the mountain to Dar village, what happened
19 to them?

20 A. I do not know.

21 [09.37.57]

22 Q. Let me now move on to when you were on the ferry going to
23 Vietnam and the things that you said about you and other
24 Vietnamese people being "traded or bartered for salt and rice".
25 Can you explain again why you thought you and the others were

16

1 traded for rice and salt? What made you say that?

2 A. When I was on the ferry, that's what Angkar on the ferry said
3 about that. They said that I was bartered for salt and rice.

4 That's what the Angkar on the ferry said.

5 Q. Angkar cannot speak. Who was it that said that to you?

6 A. Those on the Vietnamese ferry.

7 Q. So it was the Vietnamese Angkar or the Vietnamese who said
8 that you were traded for rice, is that what you're saying? So it
9 wasn't a Khmer person but it was a Vietnamese person. Do I
10 understand correctly?

11 A. Yes, that's correct.

12 Q. And of course, I presume you have no idea where this
13 Vietnamese person had his knowledge from, correct?

14 A. Yes, that's correct.

15 [09.40.17]

16 Q. Just to confirm, you never heard that you were traded or
17 bartered in Cambodia itself, or you were never told such a thing
18 by a Khmer cadre; is that correct?

19 A. Yes, of course that's correct.

20 Q. I'm finalising my questions now, Mr. Civil Party. Is it
21 correct that you have absolutely no idea what the reason was for
22 the alleged killing of your family by Ta Peang?

23 A. I did not know about that. I knew only that my family were
24 taken away to be killed.

25 Q. So then do you agree with me there is zero evidence to suggest

17

1 that your family was killed because they were Vietnamese?

2 MR. PRESIDENT:

3 Please Deputy Co-Prosecutor, please. So we notice that the
4 defence counsel have very good questions. So please the--

5 [09.42.20]

6 MR. BOYLE:

7 Thank you, Mr. President. I object to the form of the question.

8 It's certainly appropriate to ask the civil party whether he has

9 any knowledge of why his family was killed for him to opine on

10 whether--

11 MR. PRESIDENT:

12 Deputy Co-Prosecutor, please be on your feet. The Chamber would

13 like to remind you again that you should not use this stage to

14 teach another party how to put questions to the civil party. Of

15 course, you can be on your feet and raise your objection, but it

16 is not your turn to instruct the other Party how to put questions

17 to the civil party. And Mr. Civil Party, please do not respond to

18 the last question put to you by defence counsel.

19 BY MR. KOPPE:

20 Q. Right, Mr. Civil Party, is it correct that you yourself have

21 no other information at all about the reason for the arrest of

22 your family?

23 [09.43.55]

24 MR. PRESIDENT:

25 The witness, you don't need to answer to these leading questions.

1 MR. KOPPE:

2 Yes. Thank you, Mr. President.

3 MR. PRESIDENT:

4 The floor is given to the defence team for Mr. Khieu Samphan to
5 put questions to this civil party. You may now proceed.

6 QUESTIONING BY MS. GUISSÉ:

7 Thank you, Mr. President, good morning. Good morning, Mr.

8 Choeung Yaing Chaet. My name is Anta Guissé and I am the

9 International Co-Counsel for Mr. Khieu Samphan. And in this
10 capacity, I am going to put a few complementary questions to you.

11 Q. At yesterday's hearing at 11.09, you spoke about the departure
12 of many families from Kandal to Dar. And you said that there were
13 1,000 families that had left. That is the figure that you told us
14 yesterday. And you also said that among these families, there
15 were families of Vietnamese origin as well as Khmer families. So
16 my first question is: how did you come up with this figure of
17 1,000 families?

18 [09.45.35]

19 MR. CHOEUNG YAING CHAET:

20 A. That was my estimation. I did not count, but I said 1,000
21 families. It came from my estimation.

22 Q. But what was the basis of your estimation? Was it a place
23 where these families gathered? On what basis did you come up with
24 this estimation?

25 A. There was about one group, about 50 or 40 families and there

1 were many groups. So I estimated. So it's from my estimation.

2 Q. And this group on which you based your estimation, where was
3 it then?

4 A. They signed the name of those and they were classified into
5 groups and sent to -- some to fishing and some to do other
6 things.

7 [09.46.56]

8 Q. Yes, I understood that certain -- that people had been
9 scattered, but my question is: when you came up with your
10 estimation, where was this group of people located?

11 A. The gathering was at Choung Kruos (phonetic), it was near the
12 river. And when we went to the mountain at Kep mountain, Dar
13 mountain, Chuor Chen Ouk (phonetic) mountain, so those are the
14 names of places.

15 Q. I believe I understood from your answer to the Co-Prosecutor
16 and also to -- from your answers to my colleague Victor Koppe
17 that Ta Peang -- and please correct me if I am wrong --
18 apparently was the person responsible for these evacuations. So
19 did I understand your testimony properly?

20 A. I knew Ta Peang only when I met him at the river and he
21 instructed us to build shelter, but I did not know whether Ta
22 Peang killed other people or not.

23 [09.48.25]

24 Q. Maybe I did not express myself clearly. My question was not
25 whether Ta Peang had killed other people or not. It was rather

1 whether he was the person responsible for the movement of the
2 people from Kandal to Dar.

3 A. Yes, it was him.

4 Q. So you just confirmed to us that Ta Peang is the person
5 responsible for this displacement. So how did you know that he
6 was the person responsible for that?

7 A. At that time, my parents said so. My parents said Ta Peang
8 evacuated us. And my parent told me.

9 Q. Do you know if there was any kind of announcement, any kind of
10 collective announcement that was made in your original village to
11 let you know that you would be transferred? Or was this
12 information relayed in another way? Do you know how this news was
13 made obvious?

14 A. At that time, there was no announcement. As I said, they
15 arrived at around 6 p.m. and they said, "Long live the King
16 Father" and they burned house that were unoccupied. And there was
17 no any announcement at that time.

18 [09.50.25]

19 Q. So if I understood well, people simply came to you and said
20 okay you must go to such and such a place; is that correct?

21 A. Yes, that's correct. During the evacuation, they said those
22 who were on the ground walk on the ground, those who were on the
23 water remain on the water.

24 Q. And who made this announcement?

25 A. At that time, it was the Khmer Rouge. They wore black uniform

1 with scarf around their necks.

2 Q. In your complementary testimony which follows a meeting with
3 your lawyer, document E3/5631, French, ERN 00898372; Khmer,
4 00897513; and the English, 00678292; the second paragraph. This
5 is what is stated:

6 "[Free translation] About 2,000 Vietnamese families were sent to
7 the mountains in Dar village and about 200 Khmer families were
8 displaced as well. They were sent to the mountains to form the
9 lands. About a thousand families remained in the floating
10 villages to fish." End of quote.

11 So, here again my question is, the figure that you indicated and
12 which you confirmed was an estimation here in this document
13 resulting from the discussion with your lawyer, you say 2,000
14 families. Can you tell us which is the right figure, if you know?

15 [09.52.53]

16 A. Both figures are correct. At that time, they were still on the
17 floating village; they were not evacuated on land. And it was
18 correct that about 1,000 families were evacuated on land. I said
19 that before the evacuation there were around 2,000 families.

20 Q. Before the evacuation, you said there were about 2,000
21 families and there were Khmer and Vietnamese families mixed; is
22 that correct?

23 A. Yes, that's correct.

24 Q. So if I understood you well, the figure of 2,000 Vietnamese
25 families as stated in your supplementary statement is not

1 correct?

2 A. I said only what I knew.

3 Q. So therefore I will just have to rely on that answer. Now I
4 would like to turn to another point which you brought up and
5 which you just confirmed when you said that you had said that
6 when the houses were empty during this evacuation, some of these
7 houses were burnt. So did this happen when you were leaving your
8 village?

9 A. That's correct.

10 [09.55.02]

11 Q. When you were answering a question put to you by Judge Fenz,
12 you said that your family record book had been kept in your home
13 and that it was destroyed at the same time when your home was
14 destroyed. So did I understand your testimony properly?

15 A. Yes, you are right. All my belongings were burnt at my house.

16 Q. I also understood that at one point in time you said that the
17 family record books had been checked by the authorities back
18 then. So can you specify when your family record book was checked
19 and by whom?

20 A. At that time, I could not recognize, I could not remember.

21 [09.56.10]

22 Q. So when you said to the Co-Prosecutor that the family record
23 books had been checked, so which event were you referring to
24 then?

25 A. When I was at Kampong Chhnang at Dar mountain.

1 Q. But you're speaking about which family record books that were
2 checked, the family record book of your family or-?

3 A. As I said yesterday, my dad was in the family record books and
4 it was made during the previous regime. But during the Khmer
5 Rouge regime, there was no record books made at that time. But
6 they asked -- they made honestly statistic and report about who's
7 the head of the family and how many members in the family they
8 are. That's only what the Khmer Rouge did.

9 [09.57.30]

10 Q. Yes, yes. But yesterday when you were answering the
11 Co-Prosecutor, I understood from your answer that you were saying
12 that the Khmer Rouge "had checked the family record books". So my
13 question is now, you're telling us that these were questions that
14 were put to you and that your family record books were not
15 checked; is that what I must understand from your answer?

16 A. As I said, during the Khmer Rouge regime, they did not produce
17 family record book for us. But the family record book was made in
18 Lon Nol regime. During the Khmer Rouge regime, they made only the
19 family reports just want to know about who were the head of the
20 family, who were members of the families. So it's different from
21 the previous regimes.

22 Q. Yesterday at 3.06 in the afternoon, this is the question that
23 was put to you. "The Khmer Rouge, did they check this 'lan tay'
24 or family record books or did they ask to see the 'lan tay' of
25 the family?" And your answer was the following: "They checked the

24

1 family record books and they checked all of the 'lan tay'." End
2 of quote. [Free translation] So my question is: now you seem to
3 be saying something else. And you're telling us that they did not
4 check these family record books and you're telling us that they
5 simply asked questions, is that so or not?

6 [09.59.20]

7 A. When I said yesterday, I talked about the Khmer Rouge asked
8 about the family record books. So they wanted to know whether we
9 were ethnic Khmer or Vietnamese or Cham. And that's what I said.
10 And they wanted to see our family record book so that they can
11 write down the names of our family members and how many members
12 are there in the families.

13 Q. I have understood that they wanted to know the number. Let me
14 repeat my question. Answer with a yes or no. Did your family show
15 the family records to anyone when you were up the mountain?

16 A. When we were at the mountain, there were no more family record
17 books with us because it was burned down at our house when the
18 house was burnt.

19 [10.00.33]

20 Q. So my question to you is as follows: When you answered the
21 question put to you by the Co-Prosecutors yesterday that the
22 Khmer Rouge consulted the family records, what specific type were
23 you referring to?

24 A. I just said that when we were in Kampong Chhnang -- and
25 Kampong Chhnang, they checked the family record book and the

25

1 members of the family in that book. And of course, they had that
2 family record book with them. And as for "lan tay", we actually
3 had it with us. However, when we were evacuated, our house was
4 burned down along with our "lan tay".

5 MS. NGUYEN:

6 Your Honours, these questions are unnecessary and repetitive. The
7 evidence that came from this civil party yesterday was that the
8 "lan tay", the family record book was kept by his mother in his
9 family. And he said, "whenever we moved villages, we had to show
10 it". Now there were few different movements that have taken
11 place. The first one is the movement from his place of birth,
12 Srae Ta Kouy (phonetic) village to Kandal village. The second
13 movement which was the first movement was from Kandal village to
14 Dar village up Kangkaeb mountain. So it's my submission, Your
15 Honours, that these questions are unnecessary, had already been
16 answered, and there is no need to cause confusion with further
17 questions of this type.

18 [10.02.27]

19 BY MS. GUISSÉ:

20 Where my colleague sees confusion, I am only seeking
21 clarification. And it is the very principle of the
22 cross-examination and the examination-in-chief by all the
23 Parties. We seek clarification when there is need. I don't see
24 the problem with this approach. I'm trying to be as clear with
25 the witness as possible by confronting him with his statements

1 and asking him to react to what I say or what he said. So my
2 learned friend can always plead at the end of the proceedings.
3 But at this point in time, I am expecting the civil party to
4 answer the questions and not counsel. I'll press on.

5 Q. Yesterday at the hearing at about 11.30 a.m., Mr. Civil Party,
6 you referred to the death of your parents saying that when some
7 people arrested you, your mother said to have lost consciousness,
8 or in Khmer we read that she was executed in the house. Can you
9 clarify this point and tell us exactly what happened when your
10 family was arrested?

11 [10.04.01]

12 MR. CHOEUNG YAING CHAET:

13 A. Yes, I can do that again. Yesterday, what I stated was that
14 they arrived at my house at 8 o'clock in the morning. They didn't
15 ask us to leave the house. But actually they ordered us to leave
16 the house and each of us was tied with a separate rope. And then
17 after all the family members were tied up, then we were tied in a
18 file. And then the next family who lived next door were tied up,
19 there were four of them. Then we were walked towards the pit. And
20 then we were put in one place. And each of us at that time was
21 walked to the pit and killed. I did not know how those people
22 were killed. However, when it's my turn, I saw the dead bodies of
23 my parents in the pit.

24 MR. PRESIDENT:

25 Mr. Civil Party, let me remind you again. Please make your

1 response as precise as possible to the question. And do not
2 provide a long question -- a long response, rather; otherwise you
3 would be questioned based on what you say.

4 And defence counsel Guissé, please repeat your last question. It
5 seems that his response is far from your question.

6 [10.05.37]

7 BY MS. GUISSÉ:

8 Yesterday during the hearing, speaking in Khmer at 11.13, you
9 talked of the arrest of your family. And we read in the Khmer
10 that your mother was executed at home. Can you tell us whether
11 that is indeed the case or not?

12 MR. CHOEUNG YAING CHAET:

13 A. No, I did not say "somlap". I said she was "sanlop" in Khmer,
14 means she became unconscious. She did not die in the house but
15 she became unconscious.

16 Q. And can you tell us who arrested you and exactly how many
17 people arrested you?

18 A. I did not know their names. However, there were eight of them
19 with eight guns. And then there was a bamboo club and an axe.

20 Q. Had you already seen those eight people before?

21 A. No, I did not.

22 [10.07.08]

23 Q. You therefore did not know whether they were militiamen or
24 soldiers, nor did you know where they came from, whether from a
25 commune, the village or the district.

1 A. They were the Base People. They were the soldiers - rather,
2 they were the Khmer Rouge, but they were not militia.

3 Q. And what is your basis for saying so? What is the difference
4 between Base People and militiamen?

5 A. Base People wore black clothing with a scarf around their
6 neck.

7 Q. And what was the attire worn by militiamen which would have
8 made the difference?

9 A. They wore ordinary clothes.

10 Q. What do you mean by ordinary clothes? Can you describe that to
11 us?

12 A. It was the clothing as we are wearing at the present time. It
13 means that they wore all those clothes.

14 [10.09.04]

15 Q. I have indeed understood your statement. You're saying that
16 militiamen wore ordinary clothes like us, whereas the Base People
17 wore black attire with a scarf around their necks; is that indeed
18 what you're saying? You said, if I properly understood your
19 testimony, that they took you to a place one kilometre away. Is
20 that the distance you covered with your family to the place where
21 you saw the two pits?

22 A. I walked in a file with my family members. However, we were
23 stopped at an area which was about 100 metres from the pit. And
24 then each of my family members were taken to be killed at the
25 pit. And I was the last person to be taken and killed.

1 [10.10.27]

2 Q. My question was whether that place is situated at a distance
3 of one kilometre from where you were before; is that correct?

4 A. Yes.

5 Q. I would like us to talk about the time and you were able to
6 come out of the pit.

7 MR. PRESIDENT:

8 Thank you, Counsel. It is now convenient for us to take a short
9 break. We take a break now and resume at half past 10.00.

10 And Court officer, please assist the civil party at the waiting
11 room reserved for civil parties and witnesses, and invite him
12 back into the courtroom at 10.30.

13 The Court is now in recess.

14 (Court recesses from 1011H to 1031H)

15 MR. PRESIDENT:

16 Please be seated.

17 The Court is back in session and the floor is once again given to
18 the defence team for Mr. Khieu Samphan to resume questioning. You
19 may now proceed.

20 BY MS. GUISSÉ:

21 Thank you, Mr. President.

22 Q. We were speaking before the break about the moment when you
23 managed to come out of the pit and you said that you then went to
24 see Ta Ly and yesterday at 11.29 you said that apparently -- and
25 I quote: "I then walked day and night until I reached the

1 village." In French, it did not come out the name of the village
2 but the name apparently in Khmer is the commune of Choung Kruos
3 (phonetic), and then you went to Ta Ly's home apparently. So can
4 you confirm that it took you one day and one night to reach Ta
5 Ly's house and can you tell us specifically where his house was
6 located?

7 MR. CHOEUNG YAING CHAET:

8 A. His house was located at Choung Kruos (phonetic) and I arrived
9 at his house.

10 [10.33.15]

11 Q. And did it take you indeed one day and one night to reach his
12 house?

13 A. Yes, that is correct.

14 Q. I am putting these questions to you in order to be clear about
15 everything because we have different documents relating to your
16 account and the first document I would like to refer to is
17 document E3/6695, which is part B of your civil party application
18 which was filed before the ECCC. My first question is that, do
19 you remember that in order to become a civil party in this Case,
20 you have to fill out, with the assistance of someone of course, a
21 form? Do you remember having to fill out a form to become a civil
22 party?

23 A. I had filled in the application report.

24 [10.34.42]

25 Q. So in this application, this is what you state, it is

1 therefore the document that I just mentioned at French, ERN
2 01139845; Khmer, ERN 00561350; and English, ERN 0106664 (sic);
3 and this is what is stated in this application - in the form.

4 "At around 6 o'clock in the evening, I regained my consciousness
5 and then I walked towards a flooded forest by a lake and I was
6 swimming to hide at the foot of the mountain in the middle of the
7 forest. One week afterwards only I found a boat to seek refuge in
8 the village of Samraong Saen and I was only eating water lilies
9 in the forest." End of quote. [Free translation]

10 So, in this form, there is no mention of your stay at Ta Ly's
11 home. So, can you confirm that you did indeed go to Ta Ly's home
12 after having regained your consciousness?

13 A. After I became conscious I continued to walk to Ta Ly's house.
14 [10.36.30]

15 Q. You confirmed earlier that you walked for one day and one
16 night in order to reach Ta Ly's home. In your supplementary
17 statement, E3/5631, which was produced with your lawyer on French
18 page ERN 00898372; Khmer, ERN 00897514; and English, ERN
19 00678292; this is what is stated -- I quote: "I managed to come
20 out of the pit" -- at the very bottom of the page in French -- "I
21 managed to come out of the pit and I walked for one hour until I
22 reached a Vietnamese person, Mr. Ta Ly, and he hid me in his home
23 and his family helped me heal my wounds and I stayed there for
24 about two nights." So my question is the following: Is that the
25 correct version or is the correct version the one that you stated

1 at the hearing that it took you one day and one night to reach Ta
2 Ly's home or is the correct version, the version that is stated
3 in the supplementary statement which indicates that it took you
4 one hour to reach Ta Ly's home?

5 MR. PRESIDENT:

6 Please observe the microphone before you speak.

7 [10.38.26]

8 MR. CHOEUNG YAING CHAET:

9 A. I spent one day and one night before I reached Ta Ly's house.

10 BY MS. GUISSÉ:

11 Q. So do you know why in your supplementary statement it is
12 indicated one hour?

13 MR. CHOEUNG YAING CHAET:

14 A. I am sorry I do not know about it.

15 Q. In the civil party application form which I referred to
16 earlier, E3/6695, the village of Samraong Saen is mentioned, so
17 at one point in time did you end up in this commune of Samraong
18 Saen after having met Ta Ly or on the way to Ta Ly's place?

19 A. I was assisted by Ta Ly to recover my wounds and four of five
20 days later, I had a letter from him allowing me to go to Vietnam
21 so I spent seven days in Samraong Saen.

22 [10.40.00]

23 Q. Well, there is something here I didn't understand quite well.
24 Where is Samraong Saen? Because based on what you said during the
25 hearing, you said that you came out of the pit and you went

1 straight to Ta Ly's place and now I understood that you stayed at
2 Ta Ly's place for two and half months. So when exactly did you
3 end up in Samraong Saen?

4 A. It was the period of two months and a half. When I got the
5 letter of a mission from Ta Ly, I was able to reach Samraong
6 Saen.

7 Q. So if I understood you well, you were at Samraong Saen when
8 you were on your way to catch a boat; is that correct?

9 A. Yes, that is correct; I went to Samraong Saen first and after
10 that, I boarded the ferry.

11 [10.41.22]

12 Q. But I had understood from your testimony yesterday that you
13 first took the same boat as Ta Ly's family and that it is from
14 that boat that you were transferred to the ferry or did I
15 understand you properly or can you please clarify?

16 A. I stayed at Ta Ly's house for more than two months and Ta Ly
17 was afraid that there would be a trouble for his family and in
18 fact there were eight members within Ta Ly's family and because
19 of the fact that he was afraid of the trouble happened in his
20 family he told me to go to Samraong Saen before I could be on
21 board - on the ferry to Vietnam.

22 Q. Yes, of course but yesterday when you were answering the
23 questions, we understood that you had taken Ta Ly's boat and here
24 if I understand your testimony, it is in Samraong Saen that you
25 caught a ferry, so can you clarify here because I'm not quite

1 clear about this?

2 A. Actually seven days after I arrived at Samraong Saen, Ta Ly
3 called me back to be on boat before I got on another ferry.

4 [10.43.32]

5 Q. And it is Ta Ly, apparently, you said, who gave you a kind of
6 laissez passer, is that so?

7 A. He was simply an ordinary citizen in Kruos.

8 Q. Yes, I understood that you spoke, but you told me about a
9 message that Ta Ly had given to you or -- what kind of message
10 was this?

11 A. Ta Ly actually registered numbers of his family that they
12 wanted to go to Vietnam. He said that there were eight members of
13 his family that wanted to go to Vietnam and as I said I was
14 hiding in the boat together with eight members of Ta Ly's family
15 before I was able to board the ferry in front of the Royal Palace
16 -- that is, the tribury (phonetic) - rather, tributary.

17 Q. I understood that well but what I need clarification about is
18 this mail you received from Ta Ly. You said that he gave you a
19 letter, what was this letter?

20 A. It was not the letter of permission; in fact I meant the
21 letter was issued for Ta Ly's family so that the family was able
22 to leave for Vietnam.

23 [10.45.40]

24 Q. Fine. And you also said that Ta Ly was an ordinary citizen and
25 you also said that he was Vietnamese, do we agree on that?

1 A. Yes, that is correct.

2 Q. And the letter you just spoke about was therefore a letter
3 allowing the family to go back to Vietnam -- that is to say that
4 Ta Ly and his family had made a request in that sense; is that
5 what I'm supposed to understand?

6 A. I didn't know at the time whether Ta Ly made a request so that
7 the family could go home. He got a letter to go back home in
8 Vietnam and I was able to hide in his boat.

9 [10.46.41]

10 Q. In your supplementary statement, E3/5631; French, ERN
11 00898373; English, 00678293; and Khmer, 00897515; this is what is
12 indicated regarding the way the passage -- the transfer to the
13 ferry was managed and this is what you said: [Free translation]
14 "The Vietnamese government and the Khmer Rouge had agreed to
15 exchange rice and salt for a free passage of the Vietnamese to
16 Vietnam. We had to stay close to the boat; we were not allowed to
17 go everywhere. All of the boats had to stop at the Neak Loeang
18 market for three days." End of quote. So do you remember having
19 said that to your lawyer?

20 A. What I recall is that I -- at one time I arrived at Neak
21 Loeung (phonetic), and during that time, Khmer Angkar discussed
22 with the Vietnamese Angkar about the matter. I did not know at
23 the time how the bartering process was going on and then was I
24 called to board the Vietnamese ferry and I was told that my life
25 was spared because of the bags of rice and salt.

1 [10.48.49]

2 THE ENGLISH INTERPRETER:

3 Interpreter correction: It was Neak Loeang, not Neak Loeung
4 (phonetic).

5 BY MS. GUISSÉ:

6 Q. Neak Loeang is stated as a market, so did you know this market
7 before?

8 MR. CHOEUNG YAING CHAET:

9 A. I had known - I had not known Neak Loeang before that time.

10 Q. The ferry which you boarded, did you know if this ferry used
11 to carry people or this ferry used to carry freight?

12 A. I did not remember at the time whether the Vietnamese ferry
13 carried only freight not human beings. I was only thinking how to
14 survive at the time.

15 Q. The last point; regarding your statement E3/5631, you
16 confirmed to my colleague yesterday that this was a document that
17 was read to you again. So were you able to possibly correct the
18 inaccuracies in this document if there were some in the
19 translation that you heard?

20 A. I do not want to make any correction.

21 [10.50.36]

22 MS. GUISSÉ:

23 I am done, Mr. President; my colleague, Kong Sam Onn, has a few
24 brief questions to finish with the cross examination.

25 MR. PRESIDENT:

1 Thank you. You have the floor now, Kong Sam Onn.

2 QUESTIONING BY MR. KONG SAM ONN:

3 Thank you, Mr. President. Good morning, Your Honours. Good
4 morning, Mr. Civil Party. I have brief questions starting first
5 with the aerial bombing.

6 Q. Have you ever heard -- or did you ever hear about the aerial
7 bombing in 1975 when you were in Kampong Leaeng district? Once
8 again, did ever hear the aerial bombing or the rockets being
9 launched at the time?

10 MR. CHOEUNG YAING CHAET:

11 A. At the time, I knew there was aerial bombing, or rockets were
12 being launched. There were airplanes over the sky; then I was
13 hiding in the trenches.

14 [10.52.00]

15 Q. How often did it happen?

16 A. I only knew at the time that there were aerial bombings from
17 time to time on my village and I did not know what happened in
18 other villages.

19 Q. I would like to know whether the aerial bombing happened very
20 quiet often in your village.

21 A. There was -- two times -- there were two times of aerial
22 bombing within my village.

23 Q. Thank you. What about other villages, did aerial bombing
24 happen in other villages?

25 A. I heard the sounds of explosion and whenever we heard that

1 sound we would resort to the trenches.

2 Q. At that time did you know how the administration process was
3 conducted, done by the United Fronts and the other organisations?

4 A. I was young at that time; I did not know about that matter. I
5 was so afraid of military at the time.

6 [10.54.10]

7 Q. Thank you. Concerning the clothing of the cadres and officials
8 within your village, how did you notice the differences of
9 clothing?

10 A. I did not know about that matter.

11 Q. Thank you. In relation to document E3/5631 on page 1 in all
12 three languages, I heard you testified that you left Ruessei
13 Dangkuoch and arrived at Kandal village in Kampong Chhnang
14 province but in the document I quoted, you stated that you left
15 Ruessei Dangkuoch for Dar village at Kangkaeb mountain. Which
16 version of your statement was correct?

17 A. The statement that I said I left Ruessei Dangkuoch for Dar
18 village was correct.

19 Q. Now coming back to "lan tay", could you tell the Court the
20 physical feature of that "lan tay"? What was the colour of "lan
21 tay" and how large was it?

22 A. I did not remember at that time. I heard my parents say about
23 "lan tay" and "lan tay" was priceless, what they said.

24 [10.56.32]

25 Q. You have never seen that "lan tay" document; is that correct?

1 Your parents only told that they hid "lan tay" in your family; is
2 that correct?

3 A. Yes, that is correct.

4 Q. You made mention on many occasions that you fled to Kampong
5 Leaeng. You also testified that Ta Ly had told you that
6 Vietnamese were allowed to go back to Vietnam. Did Ta Ly, at the
7 time, only tell you about that information or was there a wide
8 information?

9 A. At the time, Ta Ly told me about that matter.

10 Q. Did Ta Ly also tell you about the registration process before
11 you all could manage to board the ferry in Phnom Penh?

12 A. No, he did not.

13 [10.58.50]

14 Q. So this means that Vietnamese people were allowed to board the
15 ferry at the tributary; is that correct?

16 A. Yes, that is correct.

17 Q. Thank you. Upon your arrival at the tributary or Tonle Buon
18 Mukh, did you, at the time, come on land before you boarded the
19 ferry?

20 A. At that time, Ta Ly's boat was approaching the ferry and later
21 on we got on to the ferry.

22 Q. Can you once again tell the Court about other boats, were
23 there any other boats close to the ferry?

24 A. There were many boats next to the ferry but I could not say
25 who the boats belonged to.

1 Q. Can you tell us the specific location where you boarded the
2 ferry -- that is, at the tributary?

3 A. I know the location but I do not know what it is called. It is
4 right at the island where the tributary exists.

5 [11.01.00]

6 Q. So from what you said the ferry parked next to an island but
7 not on the river side opposite the Royal Palace; am I correct?

8 A. Yes, that is correct

9 Q. After boarding the ferry, how many people did you see?

10 A. There were many people and I did not count; however, I could
11 only give you my estimate, there were about 50 or 60 people on
12 the ferry and after I boarded, the ferry left.

13 Q. Now about the ferry itself, can you tell the Chamber the size
14 of the ferry -- that is, the length and the width or the height?

15 A. I cannot recall the length or the width or the depth of the
16 ferry at all.

17 Q. Can you give us at least a rough estimate size of the ferry?

18 MR. PRESIDENT:

19 Civil Party, please observe the microphone.

20 [11.02.48]

21 MR. CHOEUNG YAING CHAET:

22 A. It is about the size of the same dredger every day that is
23 being used.

24 BY MR. KONG SAM ONN:

25 Q. Can you tell us a little bit more whether it had a wall on the

1 size or whether it was a ferry -- a passenger ferry or it was a
2 kind of ferry that is used to tow a ship, for example?

3 MR. CHOEUNG YAING CHAET:

4 A. There was a roof at the back side of the ferry but the front
5 part of the ferry was not covered.

6 Q. Did the ferry bare any flag? I understand that you cannot read
7 Khmer, however, did you observe if there was any flag -- or
8 Cambodian flag flying on that ferry?

9 A. I just fled from the death -- from my death, and of course I
10 did not pay attention if there was any flag flying.

11 [11.04.13]

12 Q. Upon your arrival at Neak Loeang, you stated that you were
13 ordered to get off the ferry and then salt and rice was
14 transported on to the ferry. Can you tell us the number of bags
15 or at least the approximate weight of the combined salt and rice?

16 A. No, I cannot recall that. As I said, we were ordered to get
17 off the ferry, then we boarded another ferry and left.

18 Q. Did you see the representatives from the two ferries -- that
19 is, the Cambodian and Vietnamese authorities hold any discussion
20 or exchange any document at that time?

21 A. No, I did not see that.

22 Q. Again when you were at Neak Loeang, did you see any other
23 Vietnamese boats which just arrived in order to get on to the
24 ferry leaving for Vietnam?

25 A. Yes, there were other boats which just arrived. However, I

1 cannot give you the exact number of boats. There could be between
2 20 to 30 boats which had arrived - which arrived after I had
3 arrived.

4 [11.06.25]

5 Q. Those who came by boats and that you saw at Neak Loeang also
6 boarded that ferry together with you, am I correct in saying
7 that?

8 A. No, I did not see that. I saw those people on the boat were
9 talking amongst themselves and then I got on the other ferry and
10 left.

11 Q. And when you arrived in Vietnam, can you tell the Court where
12 you lived and under whose administration?

13 MR. PRESIDENT:

14 Civil Party, please observe the microphone.

15 MR. CHOEUNG YAING CHAET:

16 A. We rushed there -- that is, at the school. I was at that
17 school for seven days, then they signed a letter or something,
18 then I was sent to Doc Chau (phonetic), and I remained there.

19 [11.07.50]

20 BY MR. KONG SAM ONN:

21 Q. The location where you lived was it a kind of concentration
22 camp, or did you live -- mingle with other Vietnamese?

23 MR. CHOEUNG YAING CHAET:

24 A. No, we did not live -- mingle with the local Vietnamese there,
25 we lived in a camp.

1 Q. Did you live there until 1982 or were you relocated elsewhere?

2 A. Frankly speaking, I was by myself. I did not have my parents
3 or my family members so I worked as a labourer tending cattle to
4 earn a living.

5 Q. My question to you is that: did you remain living in that camp
6 from 1975 until 1982 or did you move to live elsewhere during
7 these years?

8 A. I lived in the camp but I went out of the camp to work as a
9 labourer to earn a living, to tend water buffaloes.

10 Q. You tended water buffaloes and did you return to sleep in the
11 camp at night?

12 A. I tended the water buffaloes for a year and I stayed at the
13 owner's house and I received 20 thou of rice and some pairs of
14 clothes during this period of one year.

15 [11.10.02]

16 Q. Did you see or meet any other Vietnamese who was sent from
17 Cambodia to live in that camp while you were there?

18 A. I tended water buffaloes and lived at the owner's house and
19 there were Vietnamese who had lived there before I arrived and
20 they said that Vietnamese who arrived from Cambodia were sent to
21 live in different provinces within Vietnam.

22 Q. So based on what you just stated, there were other people
23 arriving at the camp from Cambodia before your arrival; am I
24 correct?

25 A. No, I was the first group who arrived. I was placed in that

1 camp and that was the first batch.

2 Q. So you were the first batch to arrive in that camp and later
3 on there were other batches who arrived in that camp; is that
4 correct?

5 A. Yes that is correct.

6 [11.11.35]

7 MR. KONG SAM ONN:

8 Thank you, and Mr. President, I don't have any further questions
9 for this civil party.

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 Mr. Choeung Yaing Chaet, you may now have an opportunity to make
13 a victim impact statement concerning the crimes which are alleged
14 against the two Accused, Nuon Chea and Khieu Samphan, and harm
15 suffered by you during the Democratic Kampuchea -- that is, from
16 17 April 1975 to 6 January 1979, and which resulted in your civil
17 party application to claim collective and moral reparations for
18 physical, material or mental injuries as direct consequences of
19 those crimes. You may proceed.

20 MR. CHOEUNG YAING CHAET:

21 Excuse me, Mr. President, please repeat your last phrase.

22 [11.12.56]

23 MR. PRESIDENT:

24 You, as a civil party, you are entitled to make a statement about
25 your suffering that you encountered during the Democratic

1 Kampuchea period and which led you to file a civil party
2 application and those harms could be physical, material or mental
3 and which are the direct consequences of crimes inflicted upon
4 you personally and which were related to the crimes alleged
5 against the two Accused -- that is, Nuon Chea and Khieu Samphan,
6 for the period between 17 April 1975 to 6 January 1979, and if
7 you wish to make that statement of suffering before the Chamber,
8 you may proceed.

9 MR. CHOEUNG YAING CHAET:

10 I would like to put questions to them; for example that I
11 suffered from the loss of my parents, my family members and that
12 I am by myself with my head injury, and for them, if they were in
13 my position, how would they feel? That is the question, Mr.
14 President.

15 [11.14.35]

16 MR. PRESIDENT:

17 So you actually don't wish to make an impact statement but you
18 wish to put the questions to the civil party (sic) as you just
19 said; am I correct?

20 MR. CHOEUNG YAING CHAET:

21 Yes, that is correct, Mr. President.

22 [11.14.55]

23 MR. PRESIDENT:

24 Thank you, Mr. Choeung Yaing Chaet.

25 And the Chamber wishes to inform you that, after ascertaining the

1 positions of both the Accused on 8 January 2015 regarding the
2 exercise of right to remain silent, the Chamber notes that the
3 two Accused maintains their expressed position unless and until
4 such time the Chamber is expressly informed otherwise by the
5 Co-Accused or their counsels. It is therefore incumbent upon them
6 to inform the Chamber in a timely and efficient manner should the
7 Accused resolved to waive the right to remain silent and be
8 willing to respond to questions by the Bench or relevant Parties
9 at any stage of the proceedings.

10 As of the today, the Chamber is not informed that the Co-Accused
11 have changed their expressed position and agreed to provide their
12 responses to the questions. For that reason, the Chamber does not
13 have the authority to compel the Accused to respond to your
14 questions and that is pursuant to the ECCC Internal Rule as well
15 as the law.

16 And Mr. Choeung Yaing Chaet, the Chamber wishes to thank you.

17 And I notice the National Co-Lawyer is on his feet.

18 [11.16.45]

19 MR. PICH ANG:

20 Mr. President, I had a discussion with counsel for civil parties,
21 Lyma Nguyen, and it seems that the civil party does not
22 understand about his entitlements to make an impact statement
23 regarding his suffering. Lawyer for civil party Lyma Nguyen would
24 like to seek your permission to give him the opportunity again to
25 speak about his impact statement and before that she wishes to

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1 have three minutes to explain the procedure to the civil party
2 and I believe this is important and the last opportunity for this
3 civil party to participate in this proceeding.

4 MR. PRESIDENT:

5 The civil party will not be allowed to make any statement as I
6 have put the opportunity twice to the civil party but he declined
7 to take it.

8 And Mr. Civil Party, the Chamber wishes to thank you for your
9 time and testimony as a civil party before this Court. Your
10 testimony may contribute to ascertaining the truth in this Case.
11 You may now be excused from the courtroom and return to your
12 residence or wherever you wish to return. We wish you all the
13 very best.

14 Court officer, please, in collaboration with WESU, please make
15 necessary transportation arrangements for this civil party to
16 return to.

17 And the Chamber now proceeds with hearing testimony of another
18 witness -- that is, 2-TCW-945. And Court officer, please usher
19 the witness 2-TCW-945 into the courtroom.

20 (Witness 2-TCW-945 enters courtroom)

21 [11.21.07]

22 QUESTIONING BY THE PRESIDENT:

23 Q. Good morning, Mr. Witness. What is your name? And Mr. Witness,
24 please wait till the microphone becomes operational -- that is,
25 when you see the red light at the tip of the microphone so that

1 your voice can go through the interpretation system where your
2 voice - your statement will be interpreted into English and
3 French. So again, what is your name, Mr. Witness?

4 MR. PRUM SARUN:

5 A. My name is Prum Sarun.

6 Q. Thank you, Mr. Prum Sarun. And when were you born?

7 A. I was born in the month of April -- that is, on Tuesday.

8 [11.22.13]

9 Q. Which year you were born?

10 Can you tell the Court which year you were born, Mr. Witness?

11 A. 55.

12 Q. Were you born in 1955 or 1942 because in your written record
13 of interview you stated that you were born on the 1st January
14 1942, which one is correct?

15 A. It was in 1942

16 Q. And how old are you this year?

17 A. I am 74 years old.

18 Q. Thank you. And where were you born?

19 A. It was at Krapeu Cheung village, Phnum Sampov province,
20 Battambang district.

21 Q. And where is your current address?

22 A. It is at Krapeu Cheung village -- that is, the same village.
23 Currently I still live in my native village.

24 [11.24.08]

25 Q. And what is your current occupation?

1 A. I am a rice farmer.

2 Q. And what are the names of your parents?

3 A. My father is Buo Prum and my mother is Sin Phuong.

4 Q. What is the name of your wife and how many children do you
5 have?

6 A. I have seven children.

7 Q. And what is your wife's name? I refer to your wife, what is
8 your wife's name?

9 A. My wife is Nhem Noeum.

10 Q. Mr. Prum Sarun, the greffier made an oral report this morning
11 that, to your best knowledge, you are not related to any of the
12 two Accused, Nuon Chea or Khieu Samphan, or to any of the civil
13 parties admitted in this case; is that information accurate?

14 A. I am not related to them.

15 [11.26.00]

16 Q. What I mean is that, are you related to them by blood or by
17 law or in relation to anyone who had any dealing with this Court?

18 A. No, I am not.

19 Q. Have you taken an oath before your appearance?

20 A. I took an oath yesterday.

21 Q. Thank you, Mr. Prum Sarun. The Chamber would like now to
22 inform you of your rights and obligations as a witness.

23 Your rights: As a witness in the proceedings before the Chamber,
24 you may refuse to respond to any question or to make any comment
25 which may incriminate you -- that is, your right against

1 self-incrimination.

2 Your obligations: As a witness in the proceedings before the
3 Chamber, you must respond to any questions by the Bench or
4 relevant Parties except where your response or comment to those
5 questions may incriminate you as the Chamber has just informed
6 you of your rights as a witness. You must tell the truth that you
7 have known, heard, seen, remembered, experienced or observed
8 directly about any event or occurrence relevant to the questions
9 that the Bench or Parties pose to you.

10 [11.27.53]

11 And Mr. Prum Sarun, have you provided an interview -- or any
12 interview to the investigators of the Office of the
13 Co-Investigating Judges, if so, how many times, when and where?

14 A. I was interviewed once in my village. There were investigators
15 who came to speak to me about Ta Daok and his children who were
16 killed at Phnum Sampov.

17 Q. And do you recall when that interview was made?

18 A. It happened at the year of the liberation.

19 Q. I refer here to the year of your interview, do you recall
20 which year, two thousand and something that you were interviewed?

21 A. No, I cannot recall it.

22 [11.29.23]

23 Q. That is alright. And before your appearance, have you read,
24 reviewed, or had your interviewed read out to you -- that is, the
25 interview that you provided to the investigators of the Office of

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1 the Co-Investigating Judges at your native village in order to
2 refresh your memory?

3 A. I forget it all; it happened quite a long time ago.

4 Q. Mr. Witness, do you know how to read?

5 A. I can read but now I have difficulty reading.

6 Q. Regarding your interview, did anyone read aloud your written
7 record of interview to you before you appeared today? For
8 example, yesterday, somebody read it out to you or not?

9 A. My wife read it to me but I forget it all. I don't recall it.

10 [11.30.52]

11 MR. PRESIDENT:

12 Thank you, Mr. Prum Sarun. The time is now for our lunch break,
13 we will take a break now and resume at 1.30 this afternoon.

14 Court officer, please assist the witness at the waiting room
15 reserved for witnesses and civil parties during the lunch break
16 and invite him back into the courtroom at 1.30 this afternoon.

17 Security personnel, you are instructed to take Khieu Samphan to
18 the waiting room downstairs and have him to return to attend the
19 proceedings this afternoon before 1.30.

20 The Court is now in recess.

21 (Court recesses from 1131H to 1331H)

22 (Court recesses from 1131H to 1331H)

23 MR. PRESIDENT:

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

25 On Internal Rule 91bis of the ECCC, the Chamber gives the floor

1 to the Co-Prosecutors to put questions to the witness, Prum
2 Sarun, before other Parties. The combined time for Co-Prosecutors
3 and the Co-Lead Lawyers is two sessions. You may now proceed.

4 QUESTIONING BY MS. SONG CHORVOIN:

5 Good afternoon, Mr. President, Your Honours, everyone in and
6 around the courtroom. My name is Song Chorvoin, I am the Deputy
7 Co-Prosecutor of the national side. I will have several questions
8 this afternoon to ask you.

9 Q. I want to start first with the 17 April 1975. On that
10 particular day, where did you live and what did you do?

11 MR. PRUM SARUN:

12 A. I lived in Phnom Sampov commune, Banan district, Battambang
13 province.

14 Q. What was your occupation then?

15 MR. PRESIDENT:

16 Please observe the microphone before you speak, Mr. Witness.

17 [13.34.00]

18 MR. PRUM SARUN:

19 A. I was simply chief of a platoon.

20 BY MS. SONG CHORVOIN:

21 Q. Phnom Sampov commune, Banan district: concerning this commune
22 and district, what sector was it in?

23 MR. PRUM SARUN:

24 A. It was in Sector 3. It was said that it was within Sector 3
25 back then.

1 Q. What was the zone?

2 MR. PRESIDENT:

3 Once again, please observe the microphone, Mr. Witness.

4 MR. PRUM SARUN:

5 A. It was within the Northwest Zone.

6 BY MS. SONG CHORVOIN:

7 Q. Thank you. A while ago, you stated that after 17 April 1975,
8 you were assigned to be chief of a platoon. Do you recall under
9 which company and battalion was your platoon in?

10 [13.36.02]

11 MR. PRUM SARUN:

12 A. It was under Company Number 1, within Krapeu Cheung village,
13 Phnom Sampov sub-district. At that time, I was appointed to be
14 chief of a platoon, and I was responsible for some tasks.

15 BY MS. SONG CHORVOIN:

16 Q. Do you recall the name of your immediate supervisor at that
17 time? And what was his real function?

18 MR. PRUM SARUN:

19 A. It was Ta Hong. Ta Hong was the chief of a company within
20 Krapeu Cheung village.

21 Q. Do you recall what -- which company Ta Hong was the chief of?
22 What number of that company?

23 A. It was Company Number 1.

24 [13.37.38]

25 Q. Mr. Witness, I would like to clarify some points with you in

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1 relation to the statements you provided to the investigators of
2 the OCIJ. In document E3/5187, Khmer ERN, 00197916; ERN in
3 English, 00274177; and French, 00274184; you were interviewed by
4 the investigator of the OCIJ at your village. You stated that you
5 were within Battalion Number 1, in Company Number 4, whose
6 chairman was Ta Hong. Do you still stand by your statement you
7 provided to the investigator? And can you tell the Court once
8 again what battalion were you in at that time, and which company
9 were you in?

10 A. I was under Company Number 4, Battalion Number 1.

11 Q. Thank you. Concerning Battalion Number 1, did Battalion Number
12 1 belong to the sector or the zone?

13 MR. PRESIDENT:

14 Mr. Witness, please look at the microphone before you speak. You
15 can now give your answer.

16 MR. PRUM SARUN:

17 A. It did not belong to any sector. In fact, it belonged to the
18 district.

19 [13.40.05]

20 BY MS. SONG CHORVOIN:

21 Q. You stated that Ta Hong was the chairman of Company Number 4,
22 and can you tell the Court who -- who was the chairman of
23 Battalion Number 1?

24 MR. PRUM SARUN:

25 A. It was Ta Krach.

1 Q. Thank you. Mr. Witness, I am now moving to a new topic about
2 what happened within your sector, particularly in relation to the
3 Vietnamese. I would like you to tell the Court what happened to
4 the Vietnamese within your Battalion Number 1. And can you tell
5 the Court what happened to the Vietnamese within other battalions
6 or companies within the sector?

7 [13.41.09]

8 A. There were Vietnamese, and they were killed at Tuol Ta Trang.
9 This is what I can tell you and can recall. The Vietnamese were
10 called into a meeting, and they were killed at Tuol Ta Trang,
11 near Phnom Koy, or Koy Mountain.

12 Q. I will pose some further questions in relation to that matter,
13 but first I would like to know about your chairman, that is, Ta
14 Krach. Did Ta Krach ever search for the identities of the
15 Vietnamese?

16 A. No Vietnamese within my -- there were no Vietnamese within my
17 battalion. However, there were Vietnamese within other
18 battalions, and those Vietnamese were killed and smashed.

19 Q. Mr. Witness, I want to ask you about Ta Krach, who was the
20 leader of Battalion Number 1. I want to know whether or not he
21 used to ask and search for the Vietnamese?

22 A. No, he never searched for the Vietnamese. The Battalion Number
23 2 ever searched for the Vietnamese. As I said, there were no
24 Vietnamese within my unit.

25 Q. You have just made a mention that there were no Vietnamese

1 within your unit. Which unit, which consisted of the Vietnamese?

2 A. There were a lot of Vietnamese in the Battalion Number 2. As
3 for my battalion, that is, Battalion Number 1, there were some
4 Chinese.

5 [13.43.46]

6 Q. Thank you, Mr. Witness. In the same document that you provided
7 your information to the investigator at your village, Document
8 E3/5187, ERN -- in the same ERN that I have just -- that I read
9 to you earlier, you told the investigator or investigators that:
10 "In 1976, the Khmer Rouge were searching the Vietnamese. Krach,
11 who was leader of Battalion Number 1, asked me whether or not
12 there were Vietnamese within my unit. So please report them to me
13 so that I can send them to the upper echelon to handle." Free
14 translation.

15 I want to know about this point, Mr. Witness. Where did Krach ask
16 you about the Vietnamese; whereabouts?

17 A. He asked me about the Vietnamese at the place where we grind
18 the rice -- where we ground the rice. And as I said earlier,
19 there were only Chinese within my unit.

20 [13.45.34]

21 Q. At that time were there anyone -- was there anyone with you
22 when he asked you about the Vietnamese? What circumstances were
23 they when you were asked about the Vietnamese?

24 A. At that time, he came to ask me about the Vietnamese. There
25 was only me and him at that time, and I reported to him that

1 there were no "Yuong" within my unit, but Chinese.

2 Q. Thank you. When leader of battalion, Krach, told you that if
3 there were Vietnamese, you had to report to him so that he can
4 further send information to the upper echelon, did Krach tell you
5 who specifically -- who was specifically the upper echelon?

6 A. It was the regiment leader that was the upper echelon.

7 Q. A while ago, you stated that Krach was leader of the
8 battalion.

9 A. Yes, you're right, and the upper echelon referred to Ta Chham.

10 Q. Can you be clear on that point? Who was the upper echelon? Can
11 you tell the names of those who was in the upper echelon level?

12 A. It was Ta Chham who was the chief of the district.

13 [13.48.08]

14 Q. Thank you. Ta Krach also stated that, quote: "Send them to
15 upper echelon to handle." What did he mean by stating the word
16 'handle'?

17 A. That meant they had to be killed. The word 'handle' meant
18 'kill'.

19 Q. Thank you. When Ta Krach came to talk to you about whether or
20 not there were "Yuong" within your unit, did he tell you how to
21 identify the Vietnamese or "Yuong" at that time?

22 A. Ta Krach did not ask anything specifically, but he asked
23 whether or not there were "Yuong" within my unit, and I told him
24 that in my unit, there were Chinese, not "Yuong".

25 Q. Thank you. You have just stated that there were no "Yuong"

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1 within your unit or battalion, but to you, there were "Yuon"
2 within Battalion Number 2. Where did those "Yuon" come from?
3 [13.50.19]

4 MR. PRESIDENT:

5 Please hold on and observe the microphone, Mr. Witness.

6 MR. PRUM SARUN:

7 A. Actually, Battalion Number 1 and Number 2 was stationed next
8 to each other.

9 BY MS. SONG CHORVOIN:

10 Q. Do you recall the names of the commune and villages which
11 those battalions were stationed in?

12 MR. PRUM SARUN:

13 A. There were two battalions within Krapeu Cheung village:
14 Battalion Number 1 and 2.

15 Q. Were there any other battalions, for example, Battalion Number
16 3 and Battalion Number 4?

17 A. There were two other battalions within Tboung Khmum, that is,
18 Battalion Number 1 and Battalion Number 2. And it was under other
19 village responsibility. And I knew only what happened within my
20 village.

21 Q. Thank you. After Ta Krach, who was chairman of Battalion
22 Number 1, came to ask you whether or not there were Vietnamese
23 within your battalion, did you ever witness the arrest of those
24 Vietnamese within your battalion or within the sector?

25 [13.52.33]

1 A. "Yuon" was arrested within Battalion Number 2, and they were
2 sent to the upper echelon. And I did not know where they were
3 sent to. I only noticed that they disappeared.

4 Q. You stated that the arrests happened within Battalion Number
5 2. How many people were arrested out of that Battalion Number 2?

6 A. Two of them. Two people had been arrested and sent away. I did
7 not know where they went.

8 Q. Mr. Witness, in your statement that you gave to the
9 investigator at your village, in the same ERN and page number,
10 you stated -- you told the investigator that:

11 "Krach, who was leader of Battalion Number 1, came to ask me,
12 'Are there any 'Yuon' in your unit? If there are, report them to
13 me so that they can be sent to upper echelon to handle.' There
14 were no 'Yuon' in my battalion, but Battalion Number 2 did have
15 about 20 'Yuon'. I saw them arrest the 'Yuon', and their arms
16 were tied behind their backs, and later on, they were walked away
17 to be killed at Toul Ta Trang, near Phnom Koy." You, a while ago,
18 made mention that there were only two "Yuon" arrested within
19 Battalion Number 2, however, in your statement you said there
20 were about 20 "Yuon". So now, can you clarify this point to the
21 Court? How many "Yuon" were arrested from Battalion Number 2?

22 [13.55.00]

23 A. It happened a long time ago. I forget almost all of them.

24 Q. Fine, Mr. Witness. I may come back to ask you once again about
25 this point. When you saw that the Vietnamese had been arrested,

1 where did you see the arrests? Which location did you see the
2 arrests?

3 A. Since the battalions were stationed close to one another, I
4 noticed that two "Yuon" were arrested and sent to Tuol Ta Trang,
5 near Phnom Koy. It was to the west of my village. It was in a far
6 distance compared to my village.

7 Q. Let me go a little bit further into this point. Where exactly
8 did you witness the arrests?

9 A. The arrests took place within my village. It happened within
10 Battalion Number 2 in the area of my village.

11 Q. Thank you. Do you know who was the one arresting the two
12 "Yuon"?

13 [13.57.05]

14 A. It was the children of Khmer Rouge cadres. They were quite
15 young.

16 Q. Do you recall how many of those young children came to arrest
17 the "Yuon"?

18 A. Four of them came to arrest the "Yuon". No one dared to
19 protest their activities.

20 Q. Could you tell the Court the process of the arrest? What
21 happened first and what happened next? And where were the "Yuon"
22 placed?

23 A. They were arrested and walked to the west -- walked westward
24 to the killing site. The killing site was a termite mound.

25 Q. Concerning the children of the Khmer Rouge cadre who came to

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1 arrest the "Yuon", did they have arms with them?

2 [13.58.47]

3 A. Yes. They had weapons, and they carried rifles.

4 Q. Were those arrested by the young children tied -- tied up, or
5 were they allowed to walk freely?

6 A. Their hands were tied to their backs.

7 Q. Were they tied in a string? Were they tied together or
8 individually?

9 A. They were tied individually. And two young cadres walked one
10 arrested person.

11 Q. What kind of clothes did they use to tie those people?

12 A. It was a scarf which was used to tie those people.

13 Q. When they were walked away, you have just said that they were
14 walked westward. Where were these arrested people placed in?

15 A. I saw the skulls remaining at Tuol Ta Trang, and I think they
16 may have been brought to that place, Tuol Ta Trang.

17 [14.01.4]

18 Q. You stated that these people were sent to Tuol Ta Trang, near
19 Phnom Koy. Where was it exactly? Which village and commune was it
20 in?

21 A. It was located in the same commune where my village was, and
22 it was to the west of the battalion, and it was near Koy
23 Mountain.

24 Q. So, Tuol Ta Trang was in the same village and commune where
25 your battalion was based; is that correct?

1 A. They were walked for about three kilometres, and then they
2 were killed there.

3 Q. Witness, I'd like to clarify with you, because at this point
4 you said children coming to arrest the two Vietnamese and walked
5 them away, and you said that those children were the children of
6 cadres. Were the children soldiers? Or were they in a mobile
7 unit? And where did they come from?

8 [14.02.58]

9 A. They were the children of the soldiers at Krapeu Mountain.
10 They belonged to the cadres in the committee. Ta Rak was in
11 charge of the commune near Krapeu Mountain, and that is near the
12 main road.

13 Q. You told the Chamber that the people were walked away, and
14 that you saw skulls there. And you said the two Vietnamese were
15 from Battalion Number 2. And how do you know that the two people
16 who were walked away were "Yuong" from Battalion Number 2?

17 A. I heard people said about the skeleton remains at Toul Ta
18 Trang, because those people were walked there and killed. Because
19 once they were walked away, that would be the end of their life.

20 Q. My question is this: you mentioned that the people who were
21 walked away were "Yuong" or Vietnamese. And how did you know that
22 they were Vietnamese?

23 A. Because there were some Vietnamese people living there. And
24 they were walked away, and they were Vietnamese because they
25 spoke with accents.

1 Q. Did you know anyone amongst those who were arrested and walked
2 away?

3 A. No, I don't, because they belonged to a different battalion. I
4 did not even know all the soldiers in my own battalion.

5 [14.05.55]

6 Q. A while ago, you stated that there were Vietnamese living in
7 your village, and that you knew them because they spoke with an
8 accent. To your recollection, how many Vietnamese people living
9 in your village?

10 A. There were only Chinese in my battalion. However, there were
11 some Vietnamese in Battalion Number 2. There were about three or
12 four Vietnamese families in Battalion Number 2.

13 Q. You talk about three or four families. Can you tell the
14 Chamber how many people were actually in those three or four
15 families?

16 A. I do not know how many members there were in each family.
17 However, I saw them being tied up and walked away.

18 Q. How did you know that there were three or four "Yuon" families
19 in Battalion Number 2?

20 [14.07.48]

21 A. Because these three or four family members were arrested and
22 walked away. And that's what I saw.

23 Q. When those people were being walked towards the west
24 direction, did you follow them? Or did you try to see where they
25 were heading to?

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1 A. No, I did not dare to go there and look at them immediately.
2 What I saw was they were being walked to the west direction, and
3 later on, those who made the arrest returned without those people
4 who were arrested. And later on, I saw the skeleton remains at
5 Toul Ta Trang, which was the killing site.

6 Q. And when did you actually go to Toul Ta Trang to see the
7 skeleton remains? How much time had passed between the time that
8 you saw them being walked away and the time that you saw the
9 skeleton remains?

10 [14.09.30]

11 A. I saw the skeleton remains at Toul Ta Trang.

12 Q. Witness, I want to know how much time had passed. You
13 mentioned that you saw people arrested and sent toward that
14 direction. And later on, you said you saw skeleton remains at
15 Toul Ta Trang near Koy Mountain. What was the passage of time
16 between the time that you saw the arrest and the time that you
17 saw the skeleton remains?

18 A. It was about two days after. When I walked past the area, I
19 saw the skeleton remains, as the flesh had been eaten by wolf.

20 Q. So, two days after, you walked past Toul Ta Trang, and you saw
21 the skeleton remains. Can you tell the Chamber a little bit more?
22 What did you actually see? And what was the condition of the
23 skeleton remains?

24 [14.10.56]

25 A. It was likely that those people were hit and killed.

1 Q. When you were at Toul Ta Trang, how many corpses did you see?

2 A. There were four.

3 Q. What was the condition of the dead bodies or corpses?

4 A. The corpses were swollen and being decomposed.

5 Q. Can you tell us about those corpses? Were they men, women or
6 children?

7 A. They were corpses of adults. I could say they were corpses of
8 husbands and wives.

9 Q. I'll read the extract of your WRI, when you were interviewed
10 in your village. I refer to document E3/5187, with Khmer,
11 00197916; English, 00274178; and French, 00274185. When you were
12 interviewed, you say:

13 "I peeped at the location where they killed those people, and I
14 saw the dead bodies of women and children, bearing marks of
15 having been hit on the head with the end of a roof beam. And
16 there were blood everywhere. The skulls of the children were
17 broken, like the heads had been swung into tree trunks. After
18 that string of 'Yuon' was killed, I never saw any more 'Yuon'
19 remaining." End of quote.

20 Witness, you said there were dead bodies of women and children,
21 and that the heads of the children seemed to be broken, as they
22 could have been swung against the tree trunks. What can you say
23 about your statement?

24 [14.14.20]

25 A. They were arrested and killed at Toul Ta Trang. I did not

1 witness the killing, but I saw dead bodies. It was possible that
2 the body had been swung against the tree trunks. There were many
3 dead bodies in the area, but I did not see all the executions. I
4 only saw the dead bodies.

5 Q. Did you just say that you witnessed some executions and not
6 all executions? If that is the case, can you tell us a little bit
7 more? Did you actually witness any execution? And if so, can you
8 give us a bit more detail?

9 A. I only saw the arrest of the four people. However, I did not
10 see the killing, and I only saw the skeleton remains there at
11 Toul Ta Trang. That's where they were killed.

12 [14.15.47]

13 Q. Also in the extract that I've just read out, you said there
14 was blood everywhere. My question to you is that how much blood
15 was it, and where was it? Was it near the body?

16 A. I saw blood stains on the ground. That could be the blood
17 stain or the blood remained from being beaten to death. I only
18 saw it and then I fled the area.

19 Q. After you witnessed the arrest, and later you saw dead bodies
20 at Toul Ta Trang, did you see any other Vietnamese in your
21 village or in your battalion?

22 MR. PRESIDENT:

23 Witness, please hold on. And Counsel Koppe, you have the floor.

24 [14.17.11]

25 MR. KOPPE:

1 Thank you, Mr. President. In my translation, I hear -- I heard
2 the witness say 'skeleton remains'. The question back in the
3 English translation is -- from the Prosecution -- 'dead bodies'.
4 I mean, technically, a skeleton originates from a dead body, but
5 corpses, dead bodies, skeleton remains, is something different.
6 It is important because it takes a while for a skeleton remain to
7 become a skeleton remain. It needs to be decomposing first. And
8 in -- in light of the time that the witness said passed between
9 him seeing the arrests and subsequently seeing the skeleton
10 remains, he obviously didn't see decomposed bodies. So, I don't
11 know. It might be an English translation issue, but I think
12 there's a difference.

13 BY MS. SONG CHORVOIN:

14 I am actually trying to clarify with the witness regarding the
15 dead bodies. He said he saw four dead bodies, and allow me to
16 clarify it again.

17 Q. Witness, you said that you were at Toul Ta Trang, and you saw
18 four dead bodies. And could you please clarify again what was the
19 condition of the dead bodies?

20 [14.19.03]

21 MR. PRUM SARUN:

22 A. In fact, some dead bodies dried up after the killing.

23 Q. And besides these dried up dead bodies, did you see any other
24 dead bodies, and that you could identify their gender? For
25 example, they were the dead bodies of women and young children?

1 A. Actually, the bad smell was so strong that I did not dare to
2 approach closer.

3 Q. After you witnessed people being arrested and walked away, and
4 then later on you saw the decomposed bodies, did you notice that
5 -- if there were any other Vietnamese in your village or in
6 Battalion Number 2?

7 A. No, there was no longer remaining Vietnamese, since they all
8 had been arrested.

9 Q. Were you ever explained by your commander chief or by any
10 upper echelon the reason for the arrest of the Vietnamese in your
11 area?

12 A. I did not know the reasons for the arrest. I only saw
13 Vietnamese people arrested, and nobody told me any reasons. And
14 of course, I did not dare ask them any question about that. I was
15 mindful of my own life.

16 [14.21.46]

17 Q. Didn't your battalion commander tell you the reason why he
18 asked you if there were Vietnamese in your unit? And why
19 Vietnamese in Battalion Number 2 had been arrested?

20 A. No, I never asked for any reasons. How could I dare to ask for
21 reasons? They killed people without mercy, so how could I
22 possibly ask for reasons?

23 Q. You said people were killed merciless. Whom are you referring
24 to?

25 A. That group was merciless. They used us every day and night.

1 MS. SONG CHORVOIN:

2 Thank you, Mr. Witness. Thank you, Mr. President. I conclude my
3 portion, and I'd like to hand the floor to my colleague.

4 [14.23.36]

5 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

6 Thank you. Good afternoon, Your Honours, Madam, Honourable Judge,
7 Parties.

8 Q. Sir, I will proceed with my examination regarding the arrests
9 and executions of Vietnamese. I have a few follow-up questions to
10 put to you. You said that in your battalion, there were only
11 Chinese, and no Vietnamese. That's what you said. What happened
12 to the Chinese? Were they themselves arrested? And is it true
13 that the Vietnamese were not arrested?

14 MR. PRUM SARUN:

15 A. No, there was no arrest of the Chinese. The Chinese were used,
16 and sometimes of course, they did not have food to eat.

17 Q. Very well. Let us look at the figures you gave. At the
18 beginning of the hearing, you said there were many Vietnamese in
19 Battalion Number 2. And you subsequently pointed out that there
20 were three or four families of Vietnamese. Is it possible that
21 all in all there may have been 20 people in all the three or four
22 families?

23 [14.25.32]

24 A. There were less than 20 members in those three or four
25 families. There could be three or four members in each family.

1 Q. If I understood you correctly, you saw two Vietnamese
2 arrested. You saw them with your own eyes. But you're telling us
3 that there were probably more than 10 Vietnamese in Battalion
4 Number 2. If I say that there were three or four persons per
5 family, and there were three or four families, what happened to
6 the other Vietnamese? That is, the Vietnamese you didn't see
7 being arrested and led away?

8 A. Since I did not see it, I did not know what happened to them.
9 I can only tell you what I saw.

10 Q. But you said a while ago that you did not see them again in
11 Battalion Number 2. Did someone in your village, in the
12 battalion, or among the authorities, tell you what happened to
13 the Vietnamese?

14 A. No.

15 [14.27.08]

16 Q. I would like us to talk about the four bodies you saw in the
17 forest at Toul Ta Trang. How far were you from the bodies when
18 you saw them?

19 A. I was about 10 metres away.

20 Q. Are you sure you saw all the bodies at that location? Or you
21 were too far to have seen all of them?

22 A. I could only see what I had described.

23 Q. You saw two persons being arrested and led in that direction,
24 and then you saw four bodies. Did you see any clothes on those
25 four bodies?

1 A. There was no longer any clothing on those dead bodies, since
2 the bodies were being decomposed.

3 Q. Were you able to recognize who the persons were, in spite of
4 the advanced state of decomposition? Were you able to identify
5 that the persons who had been led away were indeed Vietnamese?

6 A. No, because I had a look from a rather distance. In fact, I
7 happened to be there when I tended the water buffaloes.

8 [14.29.40]

9 Q. A while ago, you were asked whether you were able to identify
10 the bodies of children, and you told the Investigating Judges
11 that you saw bodies of children whose skulls had been broken. So,
12 let me put the question to you again: did you see the bodies of
13 children at that location? That is, at Toul Ta Trang?

14 A. The dog ate some of the bones, and there were quite a number
15 of dead bodies. And the smell was very strong, so I did not stand
16 there and examine individually.

17 Q. Just to try to clarify things a bit: earlier, you spoke about
18 many bodies. Now you say 'a great number of bodies'. So, for you,
19 does four mean a great number or a small number of bodies?

20 [14.31.13]

21 A. I saw some skulls there, and some skeleton remains. And for
22 corpses who had recently been killed, their heads were swollen.

23 Q. So if I understood well, you saw on the one hand bones and
24 skulls, and on the other hand, bodies that were swollen, that
25 were decomposing. So must I understand that there were two kinds

1 of bodies on site?

2 A. You are right. I also saw bones and skulls.

3 Q. Fine. Well, now in order to understand better how many bodies
4 were swollen and how many skulls there were with bones: so I'm
5 speaking about the two categories of bodies you saw. So, how many
6 bodies were there in each category, among the bodies that were
7 swollen and among the bodies that were already dry?

8 A. I did not count how many bones and skulls were actually there.
9 I saw decomposed bodies, and after looking at them for a while, I
10 walked away.

11 Q. So when you spoke about the number '4', you meant the four
12 bodies that were decomposing?

13 A. Yes. That four bodies had been recently smashed, and as for
14 the skulls, they -- perhaps those people that -- the skulls
15 remained from those people who were killed a few days ago.

16 [14.33.57]

17 Q. Fine. So we understood that you did not count the skulls
18 therefore. A last question regarding these Vietnamese people, the
19 authorities in your battalion, or in the commune, or the
20 district, did they ever call the Vietnamese enemies of the
21 regime? Did they speak to you about the fact that the Vietnamese
22 were enemies?

23 A. They did not say this to me. I was asked whether or not there
24 were Vietnamese within my unit. I replied that there were only
25 Chinese. And after hearing this, he walked away.

1 Q. Fine. Before the break, I would like to start speaking about
2 another topic which is the Kamping Puoy Dam. You in fact spoke
3 about the building of this dam to the investigators and to the
4 Investigating Judge, so could you speak to us very briefly about
5 the importance and about the size of this Kamping Puoy Dam, so
6 that we can have at least a basic idea?

7 [14.35.29]

8 A. The base of that dam was about 100 metres long, and the crest
9 of the dam was about 70 metres long.

10 Q. Were there dikes? And did the construction cover several
11 kilometres or several hundreds of metres?

12 MR. PRESIDENT:

13 Please hold on, Mr. Witness. And you may proceed, Counsel for
14 Khieu Samphan.

15 MS. GUISSÉ:

16 Thank you, Mr. President. I was waiting for the Co-Prosecutor's
17 second question in order to understand what he was trying to get
18 at, but what I tried -- what I seemed to understand is that he
19 wants to speak about the Kamping Puoy Dam, which apparently is
20 not in the scope of Case 002/02. So, therefore, I object to this
21 line of questioning, if the Co-Prosecutor indeed intends to
22 continue with these questions.

23 [14.37.04]

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, I wish to answer. Well, this is just an

1 introductory question. What I really want to know is who visited
2 this dam? And in particular, the client of my learned colleague
3 here present won't dwell on the building of the dam, but rather I
4 will just put one or two introductory questions and then focus on
5 possible visits of senior leaders or foreign delegations to this
6 dam.

7 MS. GUISSÉ:

8 Yes, Mr. President. If this dam is not within the scope of the
9 trial, so I do not see why the visits of senior leaders would
10 also be in the scope of the trial. So I would like us to only
11 focus on the scope of the case.

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, we're speaking about the role of the Accused,
14 about his presence on the field. This is just one example out of
15 many others of dams he could have visited, such as Trapeang Thma.
16 So the point is here to establish the role of the Accused
17 persons: of course these questions will therefore be part of the
18 scope of this trial.

19 [14.38.24]

20 (Judges deliberate)

21 [14.39.44]

22 MR. PRESIDENT:

23 The objection by the defence counsel for Mr. Khieu Samphan, to
24 the last question put by the Deputy International Co-Prosecutor
25 to this witness is overruled. The question is related to the

75

1 policy and role of the Accused. However, I instruct the Deputy
2 International Co-Prosecutors to limit specific questions only to
3 Bang (phonetic) Kamping Puoy, since it is not within the scope of
4 the Closing Order.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. Thank you, Mr. President. Now another question regarding this
7 point: was this dam, Kamping Puoy, also known as the 17 January
8 Dam?

9 MR. PRUM SARUN:

10 A. I am not aware of that, whether or not it was also known as
11 the 17 January Dam.

12 Q. Was there only one single dam at that place, Kamping Puoy?

13 A. Yes, there was only one dam.

14 Q. Did Khmer Rouge leaders or foreign delegations come to visit
15 the construction site of the Kamping Puoy Dam? Are you aware of
16 that?

17 A. I do not have idea about the visits of the senior people or
18 the upper echelon.

19 [14.42.06]

20 MR. PRESIDENT:

21 Thank you. It is now break time. The Chamber will take a short
22 break from now until 3 p.m.

23 Court officer, please assist the witness during the break time in
24 the waiting room, and please invite him back into the witness
25 stand in the courtroom at 3 p.m.

1 The Court is now in recess.

2 (Court recesses from 1442H to 1501H)

3 MR. PRESIDENT:

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

5 And the floor is again given to the Deputy International
6 Co-Prosecutor to resume his line of questioning. You may now
7 proceed.

8 BY MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President. Shortly before the break, Mr. Witness,
10 you said you did not recall any visit by the leaders of Khmer
11 Rouge or foreign delegation to the Kampong Puoy Dam worksite. I
12 will refer you to two documents to see whether it reminds you of
13 anything. The first document is E3/1399, on page -- the page in
14 English is 00168342, there are no other references in the other
15 two languages. This is a radio broadcast by the Government of
16 Democratic Kampuchea, dated 10th December 1977, and that
17 broadcast describes the visit of the Chinese vice prime minister,
18 Chen Yonggui to Battambang on 9th December 1977, accompanied by
19 Pol Pot, Ros Nhim alias Moul Sambath, as well as Ieng Sary, Vorn
20 Vet, Mey Prang and Thiounn Thioeunn. And it is said in that
21 broadcast that all of those persons visited the 17th January
22 reservoir situated in Phnum Sampov commune.

23 Q. Witness, were you still working at the Kamping Puoy Dam
24 worksite in December 1977, and does the reference to this visit
25 by the Chinese Prime Minister remind you of anything?

1 [15.04.16]

2 MR. PRUM SARUN:

3 A. I have never seen the visit while I was working there. I never
4 saw the visit of senior people there.

5 Q. Very well, the second document E3/18, it is a book written by
6 Khieu Samphan, "The recent history of Cambodia and my positions".
7 The reference in French is, 00595487; and in English, 00103780;
8 and in Khmer, 00103878. In this extract Khieu Samphan describes
9 his visit to the Kamping Puoy Dam worksite and he says the
10 following.

11 "Furthermore, although I did not travel inside the country much
12 between 1975 and 1979, I saw with my own eyes some of the
13 achievements I had wished for, especially irrigation in the
14 country side. Thanks to the reservoirs in Trapeang Thma (in Phnum
15 Srok, Bantey Meanchey) and in Kamping Puoy (west of Battambang),
16 there were rice fields as far as the eye could see. The
17 confidence the regime gained from its victory in the war and from
18 its achievement inspired me to want to help in whatever way I
19 could and to refrain from doing anything that might hinder the
20 movement efforts. In this context one must understand how an
21 intellectual like me can accept a discipline that, in the end,
22 proved tragic, such as the discipline of isolation and
23 concentrating only on one's own specific task." End of quote.

24 [15.07.15]

25 MS. GUISSÉ:

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1 Yes, apart from the fact that the International Co-Prosecutor
2 intended to read this excerpt from Khieu Samphan's book which
3 once more has nothing to do with this segment which relates to
4 the Vietnamese. Since the witness has pointed out that he does
5 not remember having seen any leaders, I wonder what is the
6 relevance of this passage that the Co-Prosecutor has just cited,
7 there is no relevance; we are wasting the Court's time.

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, I have not yet put my question to the witness so
10 the objection is premature, can I proceed.

11 Q. My question to you, Mr. Witness is, whether at the time you
12 knew who Khieu Samphan was and what his duties and
13 responsibilities were?

14 [15.08.14]

15 MR. PRUM SARUN:

16 A. I never knew this person at the time. I did not know at that
17 time who was Khieu Samphan.

18 Q. Thank you. Let me talk about another subject. You said that Ta
19 Chham was the district chief that is the district of Banan; do
20 you know who was the chief of Sector Number 3, at the time when
21 you were in that region?

22 A. I knew only Ta Chham and I did not know at the time who was in
23 charge of Sector 5.

24 Q. Regarding Ta Chham, did he or any other cadres of the Party
25 organise in Banan district, marriages during the period 1975 to

1 1979, that is, the period of Democratic Kampuchea?

2 A. You want to know about the marriage. No marriages were held
3 during that period. There were only commitments. Couples were
4 required to hold hands together and voice their commitments, no
5 marriages were held.

6 Q. Very well, that was indeed the terminology used at the time
7 regarding commitments. Let us talk about commitments and making
8 commitments. During that period did the future couples who made
9 those commitments know each other before and did they choose to
10 marry one another?

11 A. They knew each other, they agreed to one another that they
12 wanted to voice their commitment or make a resolution. No
13 marriages took place.

14 [15.11.06]

15 Q. Did yourself attend any marriages or marriage ceremonies or
16 ceremonies during which people made commitments to marry one
17 another.

18 A. No, I never attended any such meetings where couples were
19 making commitments, only chief of communes were allowed and
20 invited to be in that meeting. I was simply a rank and file
21 person.

22 Q. Very well, so when you say that during those marriages people
23 made a commitment and since you were not there you were not able
24 to say whether they made those commitments freely.

25 A. They shared the agreement and they agreed to make the

1 commitment. They went to the place called Lvea, where they were
2 making their commitment. I did not go there to attend that
3 commitment meeting. I was involved in my activities and work at
4 my place or my location.

5 [15.12.51]

6 Q. Very well, since you did not attend such ceremonies I will not
7 put any further questions to you on that. I have some questions
8 on the policies of Democratic Kampuchea regarding the treatment
9 meted out to former officials and high ranking officers of the
10 Lon Nol regime. In the region of Battambang, and particularly in
11 Banan district, what happened to the military officers of the Lon
12 Nol regime and former officials of that regime in the days and
13 months following the 17th April 1975?

14 A. On 17th April 1975, I saw military and soldiers went to Ou
15 Pong Moan and there was one soldier, perhaps he was known that he
16 had a rank in the former regime, he was killed, he was shot to
17 death and at the time his wife was weeping and did not move away
18 from the dead husband. After that time the wife was also shot to
19 death.

20 Q. Did you personally know that person who was led away and
21 executed?

22 A. Ta Rum, the blind, or Ta Rum Kwat (phonetic), is now residing
23 in USA.

24 Q. I was referring to the person who was killed on that day, who
25 was shot dead and his wife, do you know what that person's name

1 was?

2 A. I did not know that person's name. That person was walked past
3 my village.

4 Q. You say it was close to your village, was that close to Phnom
5 Ta Koy?

6 MR. PRESIDENT:

7 Please observe the microphone, Mr. Witness.

8 [15.16.18]

9 MR. PRUM SARUN:

10 A. That person was -- walked past my village and they were
11 heading to Ou Pong Moan. At that time, that person was -- walked
12 together with a group of other soldiers. Perhaps those people had
13 ranks in the former regime; for this reason, they were sent away
14 and executed.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Did you hear of any executions carried out at the place called
17 Chanlaos Kdaong? I will spell it, C-H-A-N-L-A-O-S, and
18 K-D-A-O-N-G.

19 MR. PRUM SARUN:

20 A. Oeum, my unit chief, he was my unit chief; he was my chief
21 during the time that I was a soldier. He was smashed and killed
22 at Chanlaos Kdaong.

23 [15.17.33]

24 Q. And what rank did he have and what position did he hold at the
25 time, was that an important person in the army in that location?

1 MR. PRESIDENT:

2 Once again, please observe your microphone, Mr. Witness.

3 MR. PRUM SARUN:

4 A. He was my chief during Lon Nol time. During Lon Nol time, male
5 and female were selected to be soldiers and Oeum was my former
6 chief during Lon Nol time and he later was sent away and later
7 killed.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. And how did you get to know that Ta Oeum was executed?

10 MR. PRESIDENT:

11 Please look at the microphone, Mr. Witness, before you speak.

12 [15.18.44]

13 MR. PRUM SARUN:

14 A. At that time, I was going to collect the oranges from Pursat
15 when I encountered the decomposed body of Oeum.

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. And when you saw his decomposing body, did that body have a
18 uniform on it?

19 MR. PRESIDENT:

20 Please wait, Mr. Witness, observe microphone before you speak.

21 MR. PRUM SARUN:

22 A. He was wearing ordinary clothes and the clothes were torn
23 because of the dog perhaps biting - bit the bodies.

24 [15.20.00]

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. A while ago you talked of your battalion commander called
2 Krach. Did you receive instructions from your commander?

3 Witness, I think you have to wait for the light to turn on, the
4 light on your microphone in order to answer my questions.

5 You talked of the commander of your battalion, Krach; did you
6 receive any instructions from him regarding the fact that former
7 high-ranking officers of the Lon Nol army had to be identified
8 and denounced?

9 MR. PRUM SARUN:

10 A. I never received any instructions from him. As I said, I was a
11 former soldier in the former regime.

12 [15.21.09]

13 Q. Yes. Let me clarify by reading out to you what you told the
14 Co-Investigating Judges. It is document E3/5187; in French, it is
15 on page 4; in Khmer, pages 3 and 4; and in English, page 4, as
16 well. This is what you said and I quote:

17 "They sought to eliminate high-ranking officers of the Lon Nol
18 army. I know that the soldiers and their families had been
19 evacuated from the province of Battambang. I heard Krach say the
20 following and I quote: 'Everyone who knows former high-ranking
21 officers of the army, report them to me.'" And this is what you
22 said earlier.

23 Can you explain to us further what Krach said regarding these
24 high-ranking soldiers, that they had to report to him?

25 A. I said nothing when I was asked by him. I replied that I did

1 not know who had rank.

2 Q. What did the cadres in your region do to identify former
3 soldiers or ranked officials of the Lon Nol regime, did they use
4 any method to identify them or to seek them out?

5 A. They were taken away and smashed. This was the way they did to
6 high ranking officers. For instance, Ta Oeum, he had been
7 arrested and sent away and later on he was smashed.

8 [15.23.42]

9 Q. Before they were led away, were those people told anything to
10 convince them to follow the cadres of the Khmer Rouge to wherever
11 they were leading them to, what did the cadres tell them when
12 they led them away -- that is, the cadres of the Khmer Rouge?

13 A. I do not get your question, Co-Prosecutor. Could you repeat
14 it?

15 Q. Yes. Let me rephrase it. You have said that the officers of
16 Lon Nol army were smashed, they were led away and smashed. What
17 did they do to convince them to avoid the situation in which they
18 would rebel or revolt? What were they told to convince them to
19 follow the cadres of the Khmer Rouge?

20 A. I do not know how to answer.

21 [15.25.00]

22 Q. I think it hasn't been clear enough. I will move to another
23 question.

24 You stated that officers were led away and smashed. How about
25 their family members, their wives, their children, their

1 relatives, were the family members of these officers also
2 targeted and arrested?

3 A. No. No such thing never (sic) happened. Family members had
4 never been arrested and sent away.

5 Q. We will perhaps return to that later. There is a witness from
6 the same region called Chuch Ponlork, C-H-U-C-H; he gave a
7 statement and that is E3/5187. He talked of the execution of
8 former officers of the Khmer Rouge regime - of the Lon Nol regime
9 after April 1975, do you know those persons Chuch Ponlork, do you
10 know that person?

11 A. No, I do not know that person.

12 [15.26.41]

13 Q. No worries about that. You talked of Ta Chham and his role and
14 in his statement, E3/518211 (phonetic), this is what he said in
15 page 3, in English; page 3, in French; and pages 2 and 3, in
16 Khmer. He describes how Ta Chham -- and I quote: "Ordered former
17 soldiers of the species of enemies of Lon Nol to meet in the
18 Phnum Sampov monastery." And later on he said the following:
19 "After I know that they carried out investigations among the
20 people in Phnum Sampov commune to seek out officials of the Lon
21 Nol regime and so on and so forth. The investigations were
22 carried out successfully. I saw the subordinates of Ta Chham and
23 soldiers arrest persons they had identified and put them on board
24 vehicles saying that they were being sent to undergo studies at
25 the upper echelon of Angkar. Among those who were arrested were,

1 for instance, the chief of the Phnum Sampov commune called Khlot
2 Chhan. They also included My Voeut, the chief of Phnum Sampov Leu
3 village and a teacher at Phnum Sampov called Chan Moul." End of
4 quote. He subsequently says that those persons disappeared having
5 been killed at gunshots.

6 There is an objection whereas I haven't even put the question to
7 the witness, Mr. President.

8 MR. PRESIDENT:

9 You have the floor now, Mr. Koppe.

10 [15.28.56]

11 MR. KOPPE:

12 Thank you, Mr. President. I'm sure the witness won't remember
13 anything he just heard, but notwithstanding this, I thought the
14 practice was to ask first open questions. We all know that this
15 particular witness has said certain things about Ta Chham, but
16 out of the blue, Prosecution starts reading a whole extract from
17 somebody else's statement, a person who the witness doesn't even
18 know, so I think even if the Prosecution hasn't read any
19 questions yet, reading this excerpt without any proper
20 introduction and the forming of a foundation, the question should
21 have probably been prohibited.

22 JUDGE FENZ:

23 Sorry Counsel, any question? I mean you have intervened at a time
24 when no question was asked and you're basically saying every
25 question should be forbidden.

1 [15.29.46]

2 MR. KOPPE:

3 Well, the next question is going to be, do you -- what is your
4 reaction or -- the problem I have is the practice that is being
5 used. This witness has, in his WRIs, said a few things about Ta
6 Chham. I have been standing here for about five minutes until
7 Prosecution is finished. Of course not objecting to every
8 question in the future because I don't know what the Prosecution
9 is going to ask, but the first next question is I'm sure the
10 reaction of this witness and that -- to that question, I have an
11 objection.

12 BY MR. DE WILDE D'ESTMAEL:

13 Well, Mr. President, I'm not going to phrase the question in this
14 way. It is generally the Nuon Chea counsel quotes long excerpts
15 and have nothing to do with the statements of the witnesses, but
16 my question is the following:

17 Q. So you, Witness, do you remember a gathering of officials and
18 servicemen or former servicemen of the Lon Nol regime in Wat
19 Phnum Sampov? Did you hear that high-ranking cadres and
20 high-ranking servicemen were gathered at Wat Phnum Sampov?

21 MR. PRUM SARUN:

22 A. I never heard of that matter and I was never asked about that
23 matter as well. I never saw it.

24 [15.31.35]

25 Q. I have a follow up question regarding the names that were

1 mentioned by this other witness. He is speaking about a surname
2 Khlot Chhan, who was the commune - the chief of Phnum Sampov. Do
3 you know this person and do you know what happened to this
4 person?

5 A. He was the commune chief and he was also taken away to be
6 killed.

7 Q. And was it the same for the village chief of Phnum Sampov Leu,
8 whose name was My Voeut?

9 A. I don't know.

10 Q. Do you remember the period when Khlot Chhan was killed under
11 the DK regime?

12 A. Khlot Chhan, he was killed when they investigated and knew
13 that he was the commune chief so he was taken away to be smashed.
14 [15.33.24]

15 Q. Fine, and I have a few more questions if my civil party
16 colleagues do not object. So you yourself, you were a former Lon
17 Nol servicemen, so did you fear for your life, were you afraid
18 that you would be arrested under the regime?

19 A. I was also afraid but I worked very hard. They assigned me to
20 be the unit chief in transplanting rice, so because of this, they
21 kept me. I was also a soldier.

22 Q. This morning you spoke about a certain Ta Daok, D-a-o-k, who
23 had been killed. So, what was held against this person, was this
24 person a former Lon Nol servicemen or former Lon Nol official or
25 was there another reason explaining why he was killed?

1 A. The reason was that he had a gun.

2 Q. And since he had gun, did that mean that he was a former
3 serviceman or that had nothing to do with that?

4 A. It was probably - he was perhaps Lon Nol soldier. He hid his
5 gun.

6 [15.35.39]

7 Q. Fine. And who killed him, did you witness this execution?

8 MR. PRESIDENT:

9 Witness, please hold on.

10 MR. PRUM SARUN:

11 A. The whole people in the commune went to a meeting at Samdech
12 Euv High School and they were smashed. They were "smashed" means
13 killed. They said that Ta Daok had a gun and he dared to
14 challenge them so he needed to be smashed and I witnessed the
15 execution of him because I also attended the meeting. One of his
16 children was also killed along with him and that was what I
17 witnessed.

18 [15.36.52]

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Regarding meetings, did you attend meetings that were chaired
21 by the chief of the Northwest Zone -- that is to say Ros Nhim
22 alias Moul Sambath?

23 MR. PRUM SARUN:

24 A. When I attended a meeting at Phnum Sampov's mountain, Sambath
25 came to chair the meeting one time; I did not see his face

1 clearly because I was from a distance. Sambath came to chair the
2 meeting one time.

3 Q. And during that meeting, did he speak to you about the
4 security situation and about the presence of enemies or about the
5 fact that you had to demonstrate revolutionary vigilance, did he
6 speak to you about those ideas.

7 A. They told us to work hard to cultivate rice, so it's not
8 meeting about those ideologies; it's about encouragement for us
9 to work hard to cultivate rice.

10 Q. Thank you, Witness, I have no further witnesses (sic) on the
11 part of the Co-Prosecutors, I will now give the floor to my
12 colleagues. Thank you.

13 MR. PRESIDENT:

14 Thank you. Now I give the floor to Co-Lawyers for civil parties.

15 [15.38.50]

16 QUESTIONING BY MR. PICH ANG:

17 Thank you, Mr. President; and thank you, colleagues. I would like
18 to ask the witness, I am Ang, the lawyer for the civil party. I
19 have a number of questions to put to you.

20 Q. First of all, I would like to ask you about the use - the
21 words about platoon, brigade, regiment, so could you clarify why
22 did you use those words to apply to your group who were just
23 ordinary people, so could you please clarify why you use those
24 words to apply to your group who were just ordinary people? So
25 could you please clarify why do you use these military terms to

1 apply to ordinary group of people?

2 MR. PRUM SARUN:

3 A. I did not know about the reason; I heard from people say about
4 brigade, platoon and I did not know where these terms came from
5 so I just followed what people said.

6 [15.40.05]

7 Q. So these terms were used to refer to people at the dam site or
8 it was a generic term used at your base or at nearby base?

9 MR. PRESIDENT:

10 Please hold on, Mr. Witness.

11 MR. PRUM SARUN:

12 A. Yes, the terms "brigade", "platoon", yes they were used,
13 "chief of brigade", "chief of platoon" were used at the time.

14 BY MR. PICH ANG:

15 Q. So I'll move to another question. Could you please -- in fact
16 you said that you lived in Krapeu Cheung village, so is that
17 true, Mr. Witness?

18 MR. PRUM SARUN:

19 A. Yes, that's correct.

20 [15.41.11]

21 Q. So do you know Krapeu (phonetic)--

22 A. I know that village; it was near the mountain.

23 Q. Did you know whether or not there were Vietnamese living in
24 Krapeu Khang Tboundg (phonetic) while you were living in Krapeu
25 Khang Cheung (phonetic) village?

1 A. We never trespassed into other village; we had to stay within
2 our area.

3 Q. Thank you. You made mention about Tuol Ta Trang near Phnom
4 Koy, the killing site, as you said and you said also that there
5 were bodies and corpses at that killing site. Are you aware that
6 there was a creek or stream in that area?

7 [15.42.42]

8 MR. PRESIDENT:

9 Please wait and observe microphone before you speak

10 MR. PRUM SARUN:

11 A. It was to the east of Tuol Ta Trang where there was a stream,
12 a small stream.

13 BY MR. PICH ANG:

14 Q. Does this mean that Tuol Ta Trang was located close to that
15 small stream; is that correct?

16 MR. PRUM SARUN:

17 A. Tuol Ta Trang was located to the east of that small stream.
18 The small stream was located in the west direction.

19 Q. Did execution happen within the area of that small stream?

20 A. Some people had been relocated from Pailin and they were
21 placed in the area of that small stream and I did not know
22 whether they were killed at that small stream.

23 [15.44.05]

24 Q. I would like to read an excerpt from a document E3/7232, it is
25 an interview of a monk named Im Am. In that document, Khmer, ERN

1 00197883; English, 00274160; French, 00226156; quote: "There were
2 60 families of Vietnamese, including children, who were living in
3 Krapeu Tboung Sampov commune. They were executed by Khmer Rouge
4 in 1976 at a small stream near Phnum Koy. It was about 700 metres
5 away from Krapeu Tboung Sampov village." [Free translation] I
6 would like to ask you whether or not you are aware that
7 Vietnamese people were taken to be killed at that so-called small
8 stream.

9 MR. PRESIDENT:

10 Please observe microphone, Mr. Witness.

11 MR. PRUM SARUN:

12 A. Some people fled from Pailin and they lived -- they resided at
13 Tuol Ta Trang. Perhaps there were no people killed at that small
14 stream. Some of them may have died because of hunger.

15 [15.46.13]

16 BY MR. PICH ANG:

17 Q. You made mention that some people fled from Pailin, did some
18 of them reside in Krapeu Cheung -- Krapeu Tboung village?

19 MR. PRUM SARUN:

20 A. They did not go to live in Krapeu Tboung village. In fact they
21 fled from Pailin and went to live at small stream where they
22 faced hunger and diseases.

23 Q. You were living in Banan, can you tell the Court about the
24 period of 1976 or perhaps the period of 1977 and 1978? Were there
25 any Khmer Krom living in Banan or in other adjacent communes?

1 MR. PRESIDENT:

2 Please wait, Mr. Witness, please observe the microphone before
3 you speak.

4 MR. PRUM SARUN:

5 A. They were not living within Banan village, I mean the Khmer
6 Krom were not living within my commune, they were living in other
7 area far away from my commune.

8 [15.47.47]

9 MR. PICH ANG:

10 Q. Were there any Khmer Krom living in the adjacent village to
11 your village?

12 MR. PRUM SARUN:

13 A. No Khmer Krom were living in any villages adjacent to my
14 village.

15 Q. I would like seek permission from Mr. President to read a
16 short excerpt from document E3/5185, this document has something
17 to do with the witness In Choeun. In ERN in Khmer, 00197889;
18 English, 00274166; and French, 00226163; there is a sentence
19 stating that "I saw the killing of a group of Khmer Krom perhaps
20 about 20 of them near a small stream which was near Phnom Koy.
21 That group of people include men and children. I saw a group of
22 Chheng, five of them within that group took that group of people
23 to be killed." [Free translation]

24 Mr. Witness, have you ever heard about the incident or the
25 killing of Khmer Krom people near Phnom Koy or small stream.

1 [15.49.43]

2 MR. PRESIDENT:

3 Please wait, Mr. Witness; you have the floor now, Mr. Koppe.

4 MR. KOPPE:

5 Thank you, Mr. President. I object to this question. First of
6 all, there is no foundation for any knowledge this particular
7 witness in respect of that event but more importantly the alleged
8 killing or the treatment of the Khmer Krom is as the Trial
9 Chamber has ruled, outside the scope of this Trial. We're dealing
10 with the alleged genocide of the Vietnamese and the Khmer Krom or
11 the treatment of the Khmer Krom is specifically excluded. So,
12 also on that basis, I object to that question.

13 [15.50.53]

14 MS. GUIRAUD:

15 Mr. President, just a point of clarification regarding this point
16 because we didn't read the text or the Chamber's decision in the
17 same way as the Nuon Chea defence and I'm referring to your oral
18 decision of 25 May 2015, E1/304.1. If it -- it is clear that the
19 Chamber excluded from the scope the fact of considering that the
20 Khmer Krom as a distinct group, the Chamber seems to be much more
21 vague in considering the Khmer Krom as assimilated to the
22 Vietnamese. In any case, this is how we understood your decision,
23 E1/304.1. So I wanted to make this clear to you.

24 (Judges deliberate)

25 [15.52.30]

1 MR. PRESIDENT:

2 The objection by the defence counsel for Mr. Nuon Chea to the
3 question and to the excerpt quoted by the Lead Co-Lawyer is
4 appropriate since the topic concerning Khmer Krom is out of trial
5 topic and cannot be used here for the debate before the Chamber.
6 Mr. Witness, you are instructed not to respond to the question.

7 [15.53.10]

8 BY MR. PICH ANG:

9 Q. So I continue my questions. I have a few more questions.

10 Mr. Witness, you said that Vietnam - that about three or four
11 Vietnamese families in Brigade 2 and you recognised them because
12 they speak - they had a distinct accent. So how could you hear
13 them when they speak a distinct Khmer accent? So was it when you
14 talk to them that you recognise their accent or what?

15 MR. PRUM SARUN:

16 A. I did not talk to them and I did not say about their distinct
17 Khmer accents.

18 Q. So I would like to repeat my question, maybe my question was
19 too long. You said that the Vietnamese families and about three
20 or four Vietnamese families in Battalion 2 were taken away to be
21 executed at Tuol Ta Koy, so what I'm saying is correct or not?

22 A. I never said that they were taken to be killed at Tuol Ta Koy,
23 I never said that.

24 MR. PRESIDENT:

25 Lawyer, please, the witness gave clear answer to this. Please,

1 correct your questions.

2 [15.55.30]

3 MR. PICH ANG:

4 (No interpretation)

5 MR. PRESIDENT:

6 You are not allowed.

7 BY MR. PICH ANG:

8 Q. I would like to ask the questions, did you ever say there were
9 a few Vietnamese families who were taken away by the Khmer Rouge
10 from Battalion 2?

11 MR. PRUM SARUN:

12 A. I said a few families, I did say that. They were taken away to
13 be killed at Tuol Ta Trang.

14 [15.56.14]

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I think the issue is that witness said
17 that he saw the people were tied up and walked, but he did not
18 witness the killing, so it's a different information. Thank you,
19 Mr. President.

20 BY MR. PICH ANG:

21 I heard the witness say that these people were killed at Tuol Ta
22 Trang.

23 Q. Now Mr. Witness, I would like your clarification. How did you
24 recognise that they were Vietnamese?

25 MR. PRUM SARUN:

1 A. They spoke with accent. For this reason, they were arrested.

2 MR. PICH ANG:

3 I am done with my questioning, Mr. President. Thank you very
4 much, Mr. Witness.

5 MR. PRESIDENT:

6 It is now time for the adjournment and the hearing will resume
7 tomorrow, 9 December 2015, at 9 a.m. Tomorrow the Chamber will
8 continue hearing the testimony of Prum Sarun, and it may continue
9 to hear 2-TCW-949. Please be informed and please be on time.

10 Thank you, Mr. Prum Sarun, the hearing of your testimony as a
11 witness before the Chamber has not come to a conclusion yet. You
12 are therefore invited to be here once again to testify at 9 a.m.
13 Court officer, please work with the WESU to send Mr. Prum Sarun
14 back to the place where he is staying at the moment and please
15 invite him back into the courtroom again tomorrow at 9 a.m.

16 Security personnel are instructed to bring Mr. Khieu Samphan and
17 Nuon Chea back to the detention facility of the ECCC and have
18 them returned into the courtroom tomorrow before 9 a.m.

19 The Court is now adjourned.

20 (Court adjourns at 1558H)

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