



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 01-Feb-2016, 08:00  
CMS/CFO: Sann Rada

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 January 2016

Trial Day 362

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

The Accused: NUON Chea  
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
Matthew MCCARTHY

Lawyers for the Civil Parties:  
Marie GUIRAUD  
LOR Chunthy  
PICH Ang  
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

Ms. DOUNG Oeurn (2-TCCP-869)

Questioning by The President (NIL Nonn) ..... page 3

Questioning by Mr. PICH Ang..... page 6

Questioning by Mr. BOYLE..... page 19

Questioning by Ms. SONG Chorvoin ..... page 43

Questioning by Mr. KOPPE ..... page 49

Questioning by Ms. GUISSÉ..... page 63

Questioning by Mr. PICH Ang resumes ..... page 69

Mr. PRUM Sarat (2-TCW-1009)

Questioning by The President (NIL Nonn) ..... page 73

Questioning by Mr. KOPPE ..... page 76

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. DE WILDE D'ESTMAEL	French
Ms. DOUNG Oeurn (2-TCCP-869)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PRUM Sarat (2-TCW-1009)	Khmer
Ms. SONG Chorvoin	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear testimony of a civil party -- that  
6 is, 2-TCCP-869. The hearing of the testimony of the civil party  
7 is with the assistance of Tep Thida, a TPO staff who will assist  
8 the civil party.

9 And today, the Chamber would also like to inform the parties  
10 that, for today's proceedings as well as possibly for the  
11 following days, Judge You Ottara, who is the National Judge, is  
12 absent for urgent personal matters. And after the Bench  
13 deliberated the matter, we decided to replace him by Judge Thou  
14 Mony, who is the National Reserve Judge, until Judge You Ottara  
15 is able to return to the Bench. And this is pursuant to Rule 79.4  
16 of the ECC Internal Rules.

17 [09.06.10]

18 And also today, Judge Lavergne is back to the Bench.

19 Ms. Chea Sivhoang, please report the attendance of the Parties  
20 and other individuals to today's proceedings.

21 THE GREFFIER:

22 Mr. President, for today's proceedings, all Parties to this Case  
23 are present except National Defence Counsel for Khieu Samphan is  
24 absent for personal reasons.

25 And Mr. Nuon Chea is present in the holding cell downstairs. He

2

1 has waived his rights to be present in the courtroom. The waiver  
2 has been delivered to the greffier.

3 [09.06.56]

4 The witness who -- the civil party who is to testify today --  
5 that is, 2-TCCP-869, is present in the waiting room.

6 We also have a reserve witness -- that is, 2-TCW-1009. The  
7 witness confirms to his best knowledge that he has no  
8 relationship, by blood or by law, to any of the two accused, Nuon  
9 Chea or Khieu Samphan, or to any of the civil parties admitted in  
10 this Case.

11 The witness will take an oath before the Iron Club Statue this  
12 morning. The witness also has Mr. Moeurn Sovann as his duty  
13 counsel.

14 [09.07.40]

15 MR. PRESIDENT:

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

18 The Chamber has received a waiver from Nuon Chea, dated 25th  
19 January 2016, which states that, due to his health, headache,  
20 back pain, he cannot sit or concentrate for long. And in order to  
21 effectively participate in future hearings, he requests to waive  
22 his right to participate in and be present at the 25th January  
23 2016 hearing.

24 He affirms that his counsel has advised him about the  
25 consequences of this waiver, that it cannot in any account be

3

1 construed as a waiver of his rights to be tried fairly or to  
2 challenge evidence presented to or admitted by this Court at any  
3 time during this Trial.

4 Having seen the medical report of Nuon Chea by the duty doctor  
5 for the Accused at ECCC, dated 25th January 2016, which notes  
6 that Nuon Chea has chronic back pain when he sits for long and  
7 recommends that the Chamber grant him his request so that he can  
8 follow the proceedings remotely from the holding cell downstairs.  
9 Based on the above information and pursuant to Rule 81.5 of the  
10 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
11 follow today's proceedings remotely from the holding cell  
12 downstairs via audio-visual means.

13 [09.09.15]

14 The Chamber instructs the AV Unit personnel to link the  
15 proceedings to the room downstairs so that Nuon Chea can follow.  
16 This applies to the whole day.

17 Court officer, please ask the civil party 2-TCCP-869 as well as  
18 TPO representative into the courtroom. Thank you.

19 The greffier, please check with the civil party.

20 (Short pause)

21 [09.11.25]

22 (Civil party enters the courtroom)

23 QUESTIONING BY THE PRESIDENT:

24 Q. Good morning, Madam Civil Party. What is your name?

25 And Madam Civil Party, please observe the microphone. You should

4

1 speak after you see the red light on the tip of the microphone.

2 Again, what is your name?

3 MS. DOUNG OEURN:

4 A. My name is Oeurn.

5 Q. What is your full name?

6 A. DOUNG OEURN.

7 Q. Please repeat your response again. What is your family name?

8 A. DOUNG OEURN.

9 Q. So your name is DOUNG OEURN; is that correct?

10 A. My name is DOUNG OEURN.

11 [09.13.12]

12 Q. In the document, you are known by another name, Daung Oeun  
13 (phonetic). Is that correct?

14 And again, Madam Civil Party, please listen to the response and  
15 have a slight pause until the microphone is operational, and that  
16 would also be the good time for you to think of how to respond to  
17 the question so that your response would be full.

18 And again, Civil Party, what is your official name that appears  
19 on the identity card?

20 A. It's DOUNG OEURN.

21 Q. Do you recall when you were born?

22 A. No, I do not recall it. I forget about it.

23 Q. That is all right.

24 And how old are you this year?

25 A. I am 75 years old.

1 Q. In which village, commune, district and province you were  
2 born?

3 A. I was born in Svay Antor district, Prey Veng province.

4 [09.15.00]

5 Q. What is your current address?

6 A. I live in Pou Chentam village, Svay Antor commune, Prey Veng  
7 province.

8 Q. What is your current occupation?

9 A. I do not sell anything. I have difficulty walking.

10 Q. What are the names of your parents?

11 A. My mother is Au, and my father is Din.

12 Q. What is the name of your husband, and how many children do you  
13 have?

14 A. His name is Chuy. We have one child.

15 Q. Thank you, Madam Doung Oeurn. And we would like to inform you  
16 that towards the end of your testimony, in your capacity as a  
17 civil party, you will be given an opportunity to make a victim  
18 impact statement concerning the crimes which are alleged against  
19 the two accused and which occurred between 17 April 1975 to 6  
20 January 1979, if you wish to do so.

21 And Madam Doung Oeurn, have you provided any interview to  
22 investigators of the Office of the Co-Investigating Judges? If  
23 so, how many times, when and where?

24 [09.17.28]

25 A. In fact, I have been called on several occasions to the Court,



1 although I never appeared before you in this Chamber.

2 Q. Can you recall how many times you were interviewed in the room  
3 downstairs?

4 A. Five times.

5 Q. Do you recall when?

6 A. I cannot recall it. I cannot remember which years it happened.

7 Q. And before you appear before this Chamber, have you read or  
8 reviewed or have them read aloud -- that is, the written records  
9 of your statements that you said you have provided five times in  
10 order to refresh your memory?

11 A. Yes, I have.

12 [09.18.56]

13 Q. And to your best recollection, can you tell the Chamber  
14 whether the written records of your interviews that you have read  
15 or have them read aloud to you in order to refresh your memory  
16 reflect the statements that you provided during the interviews to  
17 the investigators?

18 A. Yes, I have recalled them.

19 MR. PRESIDENT:

20 Thank you.

21 And pursuant to Rule 91bis of the ECCC Internal Rules, the  
22 Chamber will give the floor first to the Lead Co-Lawyers for  
23 civil parties.

24 [09.19.52]

25 QUESTIONING BY MR. PICH ANG:

7

1 Good morning, Mr. President, Your Honours, and everyone in and  
2 around the courtroom. And I thank you, Mr. President, for  
3 granting us the floor.

4 Good morning, Madam Doung Oeurn. My name is Pich Ang. I am the  
5 National Lead Co-Lawyer for civil parties. I have some questions  
6 to put to you in relation to your experience during the Khmer  
7 Rouge regime.

8 Q. My question is the following. Can you tell the Chamber where  
9 you lived before 17 April 1975?

10 MS. DOUNG OEURN:

11 A. I lived in Pou Chentam. I lived there, and that was my native  
12 village.

13 Q. So before 1975, can you tell the Court whether you were  
14 married?

15 A. Yes, I was.

16 [09.21.21]

17 Q. What is the name of your husband?

18 A. His name is Chuy.

19 Q. Can you tell us when you got married with your husband and  
20 that you lived as husband and wife?

21 A. It was since the Lon Nol regime.

22 Q. And before he became your husband, where did you meet him?

23 A. He was living in his house, and then he asked his mother to  
24 come and to have me as his wife and, finally, we got married.

25 Q. You said he was living in his house. Was that a

1 Cambodian-typed house or a Vietnamese-typed house?

2 A. He was Khmer.

3 Q. Can you tell the Chamber whether your husband lived with the  
4 Khmer people or with the Vietnamese people in that house?

5 A. They were Vietnamese.

6 [09.23.36]

7 Q. And please tell the Court whether your husband was actually  
8 Khmer or Vietnamese.

9 A. He was Vietnamese.

10 Q. And do you know his native village where he was born?

11 A. His native village was in Peam.

12 Q. So you said it was Peam. If he was born in Peam, can you tell  
13 the Chamber why you said that he was Vietnamese?

14 A. Yes, I can explain that. He was from Peam, and that is the  
15 truth.

16 Q. What about his relatives, that is, his siblings and his  
17 parents? Were they Vietnamese?

18 A. His parents and his relatives and siblings were Vietnamese.

19 Q. And what language did he speak?

20 A. He spoke Vietnamese.

21 [09.25.30]

22 Q. What about your husband? Did he speak Vietnamese?

23 A. Yes, he did. Actually, he did not speak it clearly.

24 Q. When you said he did not speak it clearly, which language are  
25 you referring to? Are you referring to Vietnamese or Khmer

1 language?

2 A. He spoke Vietnamese fluently, but he did not speak Khmer that  
3 clearly.

4 Q. And in 1975 -- that is, during the Khmer Rouge regime, did you  
5 live with him as husband and wife?

6 A. We lived together until the time he left.

7 Q. And what did he do before he left -- that is, from Pou Chentam  
8 village? I refer to the works that he engaged in.

9 A. He was tasked to carry cow dungs and buffalo dungs in order to  
10 fertilize the rice fields.

11 [09.27.24]

12 Q. Did you have any children with him?

13 A. We have a child.

14 Q. Was the child a boy or a girl, and what is the name of the  
15 child?

16 A. The name is Kim Va.

17 Q. And did your child have any alias?

18 A. Yes.

19 Q. What is the alias?

20 A. The alias is Kwin (phonetic).

21 Q. Is that Kamean?

22 A. Yes.

23 [09.28.34]

24 Q. And Madam, please state your husband's name again.

25 A. It's Chuy.

1 Q. And what is his full name?

2 A. His full name is Tep Yun.

3 Q. And Madam Civil Party, please have a small pause between my  
4 question and your response.

5 You said your husband's name is Tep Yun. And can you tell the  
6 Court why you named your child with a different family name --  
7 that is, Kim?

8 A. Actually, the family name was from his father's.

9 Q. Your child was known as Kamean. And please tell the Chamber  
10 why your child had an alias Kamean.

11 A. Because I was afraid that they would take my child away to be  
12 killed. For that reason, I named my child Kamean and I stopped  
13 using Kim Va for the name of my child.

14 [09.30.16]

15 Q. And madam, please tell the Court whether your daughter is  
16 alive and, if so, what is her age?

17 A. Yes, she is living. And she is currently 45 years old.

18 Q. Thank you. I'd like to put more questions to you in relation  
19 to your husband.

20 During the Khmer Rouge regime starting from 1975, did you hear or  
21 receive any information that Vietnamese who were living in  
22 Cambodia or in your area had to return to Vietnam?

23 A. Yes. And in fact, I urge my husband to go together, but he  
24 refused to go. He said to live or to die, he would remain in  
25 Cambodia.

11

1 Q. And did you know if there were any Vietnamese families that  
2 returned to Vietnam after the announcement was made for  
3 Vietnamese to return to Vietnam?

4 A. Yes. There were Ta Ki and Yeay Min and their children. The  
5 whole family actually went to Vietnam. And the man actually  
6 returned to Cambodia and, later on, he died.

7 [09.32.18]

8 Q. When did they come back to Cambodia after they left? Did they  
9 come back to Cambodia in Khmer Rouge time or after the regime?

10 A. It was after the collapse of Khmer Rouge that he returned to  
11 Cambodia.

12 Q. Thank you, Madam Civil Party. I would like to ask you in  
13 particular about your husband, particularly your -- his work  
14 during the Khmer Rouge.

15 You have just stated he was gone or disappeared. What can you  
16 tell about his disappearance? What did he do before his  
17 disappearance?

18 A. He was assigned to go and cut out "rumpeak" vine and, after  
19 that assignment, he disappeared.

20 Q. Can you clarify it for the Court? When did he disappear?

21 A. I cannot tell you the exact year when he disappeared.

22 [09.33.45]

23 Q. What season was the time when your husband disappeared?

24 A. It was during the harvesting season, and I was out in the  
25 field doing the harvest. And when I returned home, he

12

1 disappeared. I did not know at the time where he went to.

2 Q. Thank you.

3 Can you tell the Court who saw the event that your husband had  
4 taken away? What was happening during the time?

5 A. It was my mother who told me that my husband had been taken  
6 away, and he -- she said she did not know where they took my  
7 husband to. After hearing this, I returned to the field to work.

8 Q. Did your mother tell you how many people come -- came to  
9 arrest your husband, and did they tie your husband up?

10 A. No, he was not tied up. He was walked away from my house. That  
11 is what my mother told me.

12 And after hearing this, I went back to the field to harvest.

13 [09.35.37]

14 Q. How many people walked your husband away?

15 A. There was only one person who walked my husband away.

16 Q. When your husband was walked away by that person, did your  
17 mother say anything to your husband while he was being walked  
18 away?

19 A. My mother said, "Please return immediately after you arrived  
20 at the place". And in reply, he said he would come back very  
21 soon. However, he disappeared ever since.

22 Q. Your mother said and told you that your husband was assigned  
23 to go and cut "rumpeak" vine. Did you know at the time in which  
24 location he was assigned to go and cut "rumpeak" vine?

25 A. I did not know the place where he was doing -- cutting

1 "rumpeak" vine. What can I know from that time onward is his  
2 disappearance.

3 [09.37.12]

4 Q. Did members of other Vietnamese family who lived in the same  
5 village as you were assigned to go and do the same job?

6 A. Lach Ny -- Lach Ny family and member -- and his children were  
7 sent away as well, except only Lach Ny was spared.

8 Q. You stated that Lach Ny -- Lach Ny's family were taken away as  
9 well, so can you specify this point for the Court?

10 A. His children, five or six children, together with the mother  
11 went away. It was only Lach Ny's family and children who were  
12 sent away.

13 Q. You said Lach Ny's wife and five or six children of Lach Ny  
14 were taken away. Is that correct, what I summarized?

15 A. Yes, you are right. Five or six children, together with the  
16 mother, were taken away.

17 [09.39.14]

18 Q. Did you know Lach Ny's wife at the time?

19 A. No, I did not recall Lach Ny's wife's name.

20 Q. Was -- what nationality did she hold?

21 A. She was ethnically Vietnamese. She spoke not clearly.

22 Q. Before the Khmer Rouge period, what business did Lach Ny's  
23 wife do?

24 A. She sold vegetable at her house. She bought vegetables from  
25 the market and then sold them at her house.



14

1 Q. Thank you.

2 Besides Lach Ny's family, were other Vietnamese family living in  
3 your village?

4 A. Ngang. Ngang had been taken away first to cut "rumpeak" vine.

5 Ngang disappeared from that time onwards. He never returned.

6 Ngang was also Vietnamese.

7 [09.41.13]

8 Q. What about Ngang's children? Were they also taken away?

9 A. No. Ngang's children stayed at home; only the father was taken  
10 away.

11 Q. How did you know Ngang was Vietnamese?

12 A. Ngang did not speak the language clearly.

13 Q. Could Ngang speak Vietnamese?

14 MR. PRESIDENT:

15 Please observe microphone, Madam Civil Party, before you speak.

16 MS. DOUNG OEURN:

17 A. Ngang's parents were Vietnamese. I did not know whether Ngang

18 spoke -- could speak Vietnamese as well. What I can tell you is

19 that Ngang's parents were Vietnamese.

20 [09.42.32]

21 BY MR. PICH ANG:

22 Q. Did you ever see Ngang's parents speak Vietnamese?

23 MS. DOUNG OEURN:

24 A. I did not know whether Ngang's parents spoke Vietnamese since

25 we were living far away from each other, but what I can tell you

15

1 is that Ngang was ethnically Vietnamese.

2 Q. How did you know that Ngang's family were Vietnamese -- was  
3 Vietnamese?

4 A. From the physical and facial features, I can tell that he was  
5 Vietnamese. And it was because he could not speak Khmer clearly  
6 as well that I knew he was Vietnamese.

7 Q. Did you ever meet him and speak to him?

8 A. No, I never spoke to him.

9 Q. Did you ever see him speak Khmer?

10 A. He cannot -- he could not speak Khmer clearly.

11 [09.43.50]

12 Q. Did you know his children? What were their names?

13 A. One child name was Ka Top (phonetic), and another child name  
14 was Moeun Tien (phonetic).

15 Q. Were these children taken away by Khmer Rouge or cadres?

16 A. They were taken away during the Khmer Rouge period, but in  
17 fact, only the husband was taken away, not the children.

18 Q. You have just stated they were taken away. Did you refer to  
19 Ngang and Lach Ny's family?

20 Who else were taken away after the arrests of Ngang and Lach Ny's  
21 family?

22 A. Ngang was the first one who was arrested, and then Lach Ny.  
23 And my husband was the last one who was taken away.

24 [09.45.35]

25 Q. Madam Civil Party, I would like to backtrack a little bit. And

1 I want to know about your husband.

2 During the Khmer Rouge -- during the Democratic Kampuchea when  
3 you were living together with your husband, what kind of business  
4 did he do?

5 A. He sold livestock, ducks and chickens. Buyers came to our  
6 house and bought ducks and chickens, so that was the only  
7 business that we did at the time.

8 Q. Did he sell opium during the time?

9 A. No. No, he did not.

10 Q. Did your family have a decent living during the time?

11 A. We were living in a difficult situation during the time and we  
12 did not have enough to eat. We were blamed. We were assigned to  
13 work with no free time.

14 [09.47.18]

15 Q. Thank you, Madam Civil Party.

16 Now I am asking about your experience during the Khmer Rouge  
17 period -- that is, after 1975.

18 What kind of work did you do during that time?

19 A. I was assigned to go and dig soil, dig canal, do the  
20 harvesting and transplanting the rice. Again, I was assigned to  
21 go and to dig canal or reservoir away from my living quarter.

22 Q. So who take care of your children?

23 A. It was my mother.

24 Q. What about your husband before he was taken away? Did he help  
25 look after the children as well -- rather, the child as well?

1 A. Before he was taken away, he helped look after the daughter,  
2 and he always held the hand of the child to the working place.  
3 And during the time that he went to have meal, he also had the  
4 child with him. And after he was taken away, the child was left  
5 to my mother to look after.

6 [09.49.15]

7 Q. Did you have other children beside the one that you had with  
8 your husband?

9 A. I had another child. The name was Meang (phonetic). However,  
10 he was taken away and killed during the Pol Pot time. He asked --  
11 at the time, he asked for gas -- like gasoline, and then he was  
12 killed.

13 Q. Did you have that child with Chuy?

14 A. In fact, it was the child that I had with my former husband,  
15 and we divorced after that one child.

16 Q. After your child -- your son was arrested, I would like to ask  
17 about the event when he was arrested. Did it happen after the  
18 arrest of your husband -- that is, Chuy?

19 A. My son was also arrested during the Pol Pot time. He  
20 accidentally made a fire out of the gasoline and cigarette  
21 lighter, and it was that incident that he was arrested. I did not  
22 dare to go to see what happened to him when I heard that he was  
23 arrested.

24 [09.51.25]

25 Q. Madam Civil Party, I would like to know whether the arrest of

1 your son happened after your husband arrest.

2 A. My husband, Chuy, had been arrested first and, later on, it  
3 was the time for my son.

4 Q. Thank you, Madam Civil Party.

5 I do not have many more questions to put to you, but I need your  
6 clarification instead.

7 When you married your husband, Chuy, did you know that he had a  
8 position as a soldier before you two married?

9 A. I did not know whether he was a soldier in any other society.  
10 I only knew that he came to reside in the country. I -- he never  
11 told me that he was a soldier.

12 [09.52.50]

13 Q. Thank you.

14 My last question to you, Madam Civil Party, is about the time  
15 before your husband was taken away and then he disappeared. Was  
16 there any discrimination against your husband?

17 A. My husband was taken away and killed. My child was also taken  
18 away and killed. I miss them, and I feel pain in my heart.

19 Q. Madam Civil Party, let me interrupt you. Before your husband  
20 was taken away, did someone discriminate your husband or was  
21 there any discrimination against your husband by the commune  
22 chief or by anyone within your village and commune?

23 A. No discrimination against him in the commune and village. No  
24 one said anything about the discrimination.

25 MR. PICH ANG:

19

1 Thank you, Madam Civil Party, for answering my questions.

2 Thank you, Mr. President, for letting me asked the civil party. I  
3 am done with my questioning.

4 MR. PRESIDENT:

5 Now the floor is given to the Co-Prosecutors to put questions to  
6 this civil party.

7 You have the floor now, Co-Prosecutor.

8 [09.55.02]

9 QUESTIONING BY MR. BOYLE:

10 Thank you very much, Mr. President. Good morning, Your Honours.

11 Good morning, counsel.

12 Q. Good morning, Ms. Civil Party. My name is Andrew Boyle. I'm a  
13 lawyer for the Office of the Co-Prosecutors, and I'm going to ask  
14 you a few further questions about your experiences.

15 I'd like to start off by following up on something that you told  
16 my learned friend. You described renaming your daughter because  
17 you were concerned that she would be taken away and killed.

18 Can you tell us, when was it that you renamed your daughter or  
19 started telling -- calling your daughter by a different name?

20 MS. DOUNG OEURN:

21 A. Regarding the renaming of my daughter, I -- it was my  
22 understanding that I needed to rename her with a different name  
23 because I was afraid that she was taken away and smashed. I  
24 decided to use a different name for her besides the previous  
25 name.

1 [09.56.30]

2 Q. And when you decided to use a different name, was that after  
3 the Khmer Rouge had arrived in Pou Chentam village?

4 A. Yes, it was after that time, after Khmer Rouge came into the  
5 commune.

6 Q. And what was it about her original name that you thought would  
7 make her a target for being smashed?

8 A. Her original name was Kim Va and, later on, I renamed her by a  
9 different, Kamean.

10 Q. And why did you think if she kept the name Kim Va that she  
11 would be targeted to be smashed?

12 A. It was my concern that she would be smashed. For this reason,  
13 I renamed her Kamean. I was afraid that she was also taken away  
14 and smashed like her father.

15 Q. I'll try to ask in a slightly different way.

16 What was Kamean a safer name than Kim Va? How would it protect  
17 her to be named Kim Mean (phonetic) instead of Kim Va?

18 A. I was afraid that my child was taken away and smashed, that's  
19 why I renamed her Kamean. Villagers suggest -- made a suggestion  
20 to me that the name Kamean should be used instead of Kim Va.  
21 Otherwise, she would be taken away as her father.

22 [09.59.14]

23 Q. Would the name Kim Va have identified her with her father in  
24 the way that the name Kim Mean (phonetic) would not?

25 A. The name Kim Va may have something to do with the father. That

1 is why I renamed her Kamean.

2 Q. Thank you very much.

3 Are you able to recall when it was that the Khmer Rouge arrived  
4 in Pou Chentam village?

5 A. It was in 1977 when Khmer Rouge arrived in Pou Chentam.

6 [10.00.28]

7 Q. I'd like to -- I heard you say that the Khmer Rouge arrived in  
8 your village in 1977. I would like to read a quote to you from a  
9 transcript of an individual who you may know, a fellow villager.  
10 His name was Theng Hui or Thang Phal. He came to testify before  
11 this Court, and this is the transcript at E1/370.1 just before  
12 the three -- 15.30.24 mark.

13 Madam Civil Party, he stated that the Khmer Rouge took control of  
14 Pou Chentam village in 1972 or 1973. Having heard that, does that  
15 refresh your recollection that the Khmer Rouge actually arrived  
16 in Pou Chentam village in 1972 or 1973?

17 A. I do not know about that statement. What I know is that it was  
18 in 1977 when the Khmer Rouge arrived at Pou Chentam. I do not  
19 know about other statements.

20 [10.02.00]

21 Q. Okay. Can you tell us, when the Khmer Rouge arrived in Pou  
22 Chentam village, did they put certain people in charge of the  
23 village?

24 A. No, they did not.

25 Q. Does the name Horn mean anything to you in relation to Pou



1 Chentam village?

2 A. Is the name Horn? If that is the case, then Horn was a  
3 militiaman.

4 Q. And did he have authority in Pou Chentam village after the  
5 Khmer Rouge arrived?

6 A. He worked for the militia. When the Khmer Rouge entered the  
7 area, he was a militiaman.

8 Q. And did he remain in Pou Chentam village after the Khmer Rouge  
9 entered Pou Chentam?

10 A. Yes, he was. He passed away now. However, at the time, he was  
11 still there. And his wife and children survive.

12 [10.04.15]

13 Q. Does the name Seng mean anything to you in relation to Pou  
14 Chentam village?

15 A. Seng was chief of the militia. However, he was not a native  
16 villager in my village. He came from another village.

17 Q. Thank you very much.

18 Do you -- do you remember the names of any persons in charge of  
19 your commune during the Khmer Rouge period?

20 A. I recall Chhem, who was the commune chief. These are the names  
21 that I know, Chhem and Horn.

22 Q. Did Chhem have a deputy and, if so, do you remember the name  
23 of his deputy?

24 A. I cannot recall them. It's been a long time, so I cannot  
25 recall them all. As I said, I cannot recall them.

1 [10.06.20]

2 Q. I understand. And that's perfectly fine, so please, just tell  
3 us, as you have been, if you don't recall something.

4 But I'd like to ask you, does the name Muth mean anything to you?

5 A. Yes, I recall Muth. However, Muth worked -- or had worked much  
6 longer than Chhem. He passed away, too.

7 Q. The same individual who I mentioned earlier, the same  
8 transcript, Thang Phal, when he was testifying here at 15.40.58,  
9 he stated that Muth was the deputy of Chhem. Does that refresh  
10 your recollection that Muth was the deputy of Chhem?

11 A. Yes, I recall that. Muth had worked before Chhem. That's what  
12 I can recall about Muth -- that is, I refer to their positions  
13 during the Pol Pot regime.

14 [10.08.06]

15 Q. I'd like to ask you about one other individual in relation to  
16 the leadership in Pou Chentam village. Do you remember an  
17 individual named Ngoy and, if so, do you remember what position  
18 he held?

19 A. I am not familiar with Ngoy. I do not know where Ngoy came  
20 from.

21 Q. We recently had -- testified before this Court an individual  
22 who I believe is your cousin, Lach Kry . He testified on the 20th  
23 of January.

24 Your Honours and counsel, there's only a draft transcript at this  
25 time. And this is at 14.04.04.

24

1 Madam Civil Party, your cousin stated that Ngoy was the chief of  
2 security of Svay Antor. Does that refresh your recollection that  
3 Ngoy was the chief of security in Svay Antor district?

4 A. I cannot recall who Ngoy was. I forget about this person.

5 Q. Thank you, Madam Civil Party.

6 Mr. President, if you'd like to take a break now, it might be an  
7 appropriate time. If not, I'm happy to continue.

8 MR. PRESIDENT:

9 Thank you. And it is now convenient to have a short break.

10 We'll take a break now and resume at 10.30.

11 Court officer, please assist the civil party at the waiting room  
12 reserved for witnesses and civil parties and invite her as well  
13 as the TPO staff back into the courtroom at 10.30.

14 The Court is now in recess.

15 (Court recesses from 1010H to 1032H)

16 MR. PRESIDENT:

17 Please be seated.

18 The Court is back in session and the Chamber will give the floor  
19 to Co-Prosecutors to put question to this witness. You have the  
20 floor now.

21 [10.33.17]

22 BY MR. BOYLE:

23 Thank you, Mr. President.

24 Q. Madam Civil Party, after the Khmer Rouge came to your village,  
25 were you ever aware of them taking any steps to identify who in

1 the village was of Vietnamese ethnicity?

2 MS. DOUNG OEURN:

3 A. No, no steps were taken beside my description on what  
4 happened.

5 Q. Were you ever aware of Khmer Rouge asking questions of the  
6 villagers to find out who was Vietnamese?

7 A. No one came to ask us about that.

8 [10.34.23]

9 Q. Madam Civil Party, I'd like to read you a portion of the  
10 statement that you gave to the DC-Cam organization to see if it  
11 refreshes your memory. This is at E3/7562; the English ERN is  
12 01170650 to 51; Khmer, ERN 00034056; and this is an interview  
13 with you, Madam Civil Party. The questioner is asking you about  
14 your husband and says:

15 Question: "How did they know that he was 'Yuon'; were they told  
16 about that?"

17 Answer: "They just knew it; they traced him and knew."

18 "Did they investigate to find out how many Vietnamese families  
19 there were in the village?"

20 Your answer: "That is correct. That is what they did."

21 Question: "Did they ever come to collect statistics in villages  
22 and communes? Did they ever come to make any lists?"

23 Your answer: "Yes, they did. That happened during the Pol Pot  
24 era."

25 Question: "Did they go house to house to collect the data?"

1 Answer: "Yes, they did."

2 Question: "Did you tell them that your husband was Vietnamese?"

3 Answer: "Yes."

4 Madam Civil Party, having heard that and those responses that you  
5 gave to the DC-Cam organization, does that refresh your memory  
6 that Khmer Rouge officials were collecting statistics and that  
7 you were asked whether your husband was Vietnamese?

8 A. I was not aware of that issue. I cannot recall it. I can -- I  
9 have forgotten since that time until now.

10 [10.36.47]

11 Q. Thank you. You mentioned earlier in relation to a question  
12 about when your husband was taken away that you didn't remember  
13 the date; would -- if I mentioned to you that the arrests might  
14 have happened in 1977, does that refresh your recollection  
15 regarding the date that your husband was taken away?

16 MR. KOPPE:

17 Mr. President, I--

18 MR. PRESIDENT:

19 Please hold on, Madam Civil Party. Koppe, you have the floor now.

20 MR. KOPPE:

21 I object to this question or at least the part where the  
22 Prosecution is suggesting this year. I believe that the witness,  
23 herself, has testified that in her recollection, it was in 1978.  
24 So I don't think it's a fair question.

25 [10.38.01]

1 MR. BOYLE:

2 Mr. President, just to respond quickly, I'm referring to a  
3 portion of one of her statements in which she says the arrests  
4 took place during the rainy season of 1977 and so I wanted to ask  
5 in an open fashion before seeing if I needed to use the  
6 statement. I'm happy to just go right to using the statement if  
7 counsel prefers.

8 MR. PRESIDENT:

9 Usually open questions should be put first to elicit general  
10 responses and later on, if you need to cross-check her testimony  
11 together with the previous ones, you can go to specific question  
12 and you can ask whether or not the civil party recalled the  
13 previous statement and how can the civil party respond to the two  
14 statements. So this is the practice that we have used so far so  
15 you can rephrase your question.

16 [10.39.24]

17 BY MR. BOYLE:

18 Thank you, Mr. President.

19 Q. Madam Civil Party, earlier you stated -- that you didn't  
20 remember -- in relation to questioning that you didn't remember  
21 when it was that your husband was taken away. I'd like to refer  
22 you to your Victim Information Form -- that's D22/212; the Khmer  
23 ERN is 00418154; English, 00436795; and in there you state that  
24 it was during the 1977 rainy season that your husband was taken  
25 away. Does that refresh your recollection that it was during the

1 1977 rainy season that your husband was taken away?

2 A. I can't recall it. It was during the time when I was  
3 harvesting rice. I did not arrive in time of his arrest. After my  
4 return at home, I was told that my husband had been already taken  
5 away. I did not personally witness the time that he was being  
6 taken away.

7 [10.40.56]

8 MR. PRESIDENT:

9 Actually the question is different. The question is -- the  
10 question is about your recollection concerning the arrest of your  
11 husband and the question is whether the arrest or the  
12 disappearance in 1977 or '78.

13 You made two different statements and there is a question for  
14 clarification concerning the militiaman who brought your husband  
15 away and your husband has disappears ever since. So when did that  
16 happen; that is the gist of the question.

17 MS. DOUNG OEURN:

18 A. It was in 1977 and I do not recall the exact date and month of  
19 that year.

20 [10.41.58]

21 BY MR. BOYLE:

22 Q. Thank you. You just stated right now and you also stated  
23 earlier that you did not return to the village in time to see  
24 your husband being taken away. You stated that you learned some  
25 of the details of your husband being taken away from your mother

1 who was present.

2 In your written record of interview -- and that's at E3/7809;  
3 English, ERN 00282563; Khmer, 00271368; and French, 00486103 --  
4 you state:

5 "I saw my husband walking untied in front with the militiaman  
6 walking along behind. When they reached the intersection with the  
7 road going to Kamchay Mear, that militiaman put my husband in a  
8 horse cart. I don't know where they went."

9 Does that refresh your recollection that you observed your  
10 husband being taken away?

11 MS. DOUNG OEURN:

12 A. Whether he was put on to a horse cart, I have no -- I had no  
13 idea. As I said, I did not personally see the event myself so I  
14 do not know whether he was put on to a horse cart. I did not dare  
15 to seek further inquiry on the issue.

16 [10.43.58]

17 Q. Did your mother or anyone else tell you whether the -- any of  
18 the individuals who we described earlier -- that is, Horn or Seng  
19 or Chhem, were present when your husband was taken away?

20 A. I did not learn the information from any other people, but  
21 from my mother. My mother was at home at the time of the event.  
22 After my -- upon my arrival at home, I was told by my mother that  
23 my husband had been taken away and she also told me that she did  
24 not know where the -- where my husband would be sent to. After  
25 hearing the information, I left for the work field to continue my



1 harvesting job.

2 Q. Did your mother tell you whether any members of the Khmer  
3 Rouge militia were present when your husband was taken away?

4 A. There was only one militiaman, not many of them. One  
5 militiaman walked my husband away. That is the information I  
6 learned from my mother. And upon hearing this, I went back to  
7 work.

8 [10.45.49]

9 Q. Did you ever ask any militiamen if they were also going to  
10 take away your daughter?

11 A. The children or the child was not taken away; only the father  
12 was taken away. I did not seek more clarification on the issue  
13 after my husband had been taken away. As I said, I did not bother  
14 asking further questions.

15 Q. I'd like to read you a quote from your written record of  
16 interview; this is at E3/7809; English, ERN 00282562; Khmer,  
17 00271367; and French, 00486103. And in that you state:

18 "I asked that militiaman and he said that he was taking my  
19 husband to cut rattan vines. I asked if he was taking my child.  
20 The militiaman replied, 'If the mother is ethnic Khmer, they  
21 don't take the children.'"

22 Madam Civil Party, does that refresh your recollection that you  
23 once inquired as to whether the militiamen were going to take  
24 your child as well?

25 A. The child was not arrested since the child was the offspring

1 of Cambodian mother. If the mother was ethnically Vietnamese, the  
2 child would be taken away as well. And although this was the  
3 case, I was trying to conceal the information about my child.

4 [10.48.20]

5 Q. Why would the child be taken away, as well, if the mother was  
6 ethnically Vietnamese?

7 A. The Vietnamese would be taken away, all of them. And at the  
8 time, since my child belonged to a Cambodian mother, she was not  
9 taken away.

10 MR. PRESIDENT:

11 Madam Civil Party, please listen carefully to the question. The  
12 question is about the case that if the child was born from a  
13 Vietnamese mother, then that child would be taken away. And why  
14 was that the case; do you know about that?

15 MS. DOUNG OEURN:

16 A. I do not know about such a case that the child would be taken  
17 away if she was born from the Vietnamese mother. I do not know  
18 about this issue.

19 [10.49.42]

20 BY MR. BOYLE:

21 Q. When you were told that your husband had been taken away to  
22 cut "rumpeak" vine or rattan vine, did you think that they were  
23 actually taking him to cut "rumpeak" vine?

24 MR. PRESIDENT:

25 Madam Civil, please hold on. Koppe, you have the floor now.

1 MR.KOPPE:

2 I object to this question. It is asking for speculation. As a  
3 matter of fact, she first testified that she hadn't actually  
4 seen, herself, the walking away, but she has no information or  
5 sources of knowledge that would suggest that she would know  
6 anything that would happen afterward, so asking her what she  
7 thinks is asking for speculation because of who she was.

8 MR. BOYLE:

9 Mr. President, if I may respond. First of all, I phrased the  
10 question in that she was told that her husband was taken away, so  
11 I'm not implying that she personally witnessed it.

12 Second of all, I'm not asking her what she thought would happen  
13 to her husband; I'm asking her what she thought at that current  
14 time.

15 Counsel or myself are free to further inquire as to why she had  
16 one thought or another, but I'm not asking her to speculate; I'm  
17 asking her for what her thoughts were at that particular time.

18 [10.51.10]

19 MR. PRESIDENT:

20 The objection put by the defence counsel for Mr. Nuon Chea,  
21 Koppe, is overruled. The Chamber needs to hear the response to  
22 the question put by the International Deputy Co-Prosecutor.  
23 Madam Civil Party, please respond to the question, if you recall  
24 it.

25 MS. DOUNG OEURN:

1 A. I cannot recall the question. I forget it, Mr. President.

2 MR. PRESIDENT:

3 International Deputy Co-Prosecutor, please reformulate your  
4 question.

5 [10.51.55]

6 BY MR. BOYLE:

7 Q. Madam Civil Party, when you were told that your husband had  
8 been taken away to cut "rumpeak" vine, did you believe, at the  
9 time, that he was being taken away to cut "rumpeak" vines?

10 MS. DOUNG OEURN:

11 A. I was told as of -- I was told that my husband was taken away  
12 and he was assigned to go and cut "rumpeak" vine and I was told  
13 also that he did not -- my mother did not know when he would  
14 return home. That was the information that I learned at the time.

15 Q. And did you believe that information that he was being taken  
16 to cut "rumpeak" vine?

17 A. It is my true statement and I, indeed, learned that he was  
18 assigned to go and cut "rumpeak" vine. My mother did tell me  
19 that. And then he disappeared from that time onwards.

20 [10.53.30]

21 Q. Madam Civil Party, I'd like to read you a quote from your  
22 written record of interview. This is E3/7809; English, ERN  
23 00282562; Khmer, 00271367; and French, 00486103; and you're asked  
24 the question:

25 "How did you seemingly know that they were taking your husband

1 away to be killed, and why did you also ask about your child?"

2 And you answered: "I knew because four to five days earlier,

3 Ngang, Aunt Tech's husband, had also been called away to cut

4 rattan vines, and he had disappeared. Later on, Ta Lach Ny's wife

5 and children, who also lived in this village, were arrested and

6 taken away."

7 Madam Civil Party, does that refresh your recollection that at

8 the time when your -- you were told that your husband was being

9 taken away to cut "rumpeak" vine, you knew that he was taken away

10 to be killed -- being taken away to be killed?

11 [10.54.45]

12 A. I was told that he was assigned to go and cut "rumpeak" vine

13 and it was my conclusion and assumption that he would not return.

14 After the assignment, he disappeared from that time onwards. It

15 was the same as others.

16 Q. Did you know of any offences or mistakes that your husband

17 might have committed that would account for his arrest?

18 A. I did not know, at the time, what kind of mistake and offences

19 he committed. He did not tell me. He did not have a discussion

20 with me. I only learned that he was taken away. My husband did

21 not discuss the issue with me before that.

22 Q. Before or after your husband was arrested, did you ever hear

23 any of the Khmer Rouge in your village refer to either your

24 husband or other Vietnamese as an enemy or insult them?

25 MR. PRESIDENT:

1 Madam Civil Party, please hold on. You have the floor now, Koppe.

2 [10.56.36]

3 MR. KOPPE:

4 Thank you, Mr. President. I object to the word "arrest".

5 Originally, this civil party testified that she heard from her

6 mother that her husband had been walked away. Later, it was

7 suggested to her that it wasn't walked away, but taken away. She

8 picked up on that, but she never used -- so I was fine with that,

9 but she never used the word "arrest". She doesn't know.

10 The arrest, as we all know, is a legal term -- are the legal

11 terms I'm not allowed to use, so "arrest", technically speaking,

12 is also a legal term. She doesn't -- she didn't use that word, so

13 I object to the word "arrest" in the question of the Prosecution.

14 BY MR. BOYLE:

15 Mr. President, I'm happy to rephrase so that it satisfies counsel

16 for the Defence.

17 Q. Madam Civil Party, let me ask my question again. Before or

18 after your husband was taken away, did you ever hear any of the

19 leaders or any of the Khmer Rouge in your village refer to him or

20 other Vietnamese as an enemy or insult them?

21 [10.57.49]

22 A. No, no discussion on the issue about the enemy. He was called

23 away on that day and I did not know whether there had a

24 discussion prior to that incident and he went away on that day.

25 Q. I'd like to read you a quote from your civil party

1 application. This is D22/212; Khmer, ERN 00418154; English,  
2 00436795. There's no French; I don't believe. The quote is --  
3 this is what you stated:

4 "During the Khmer Rouge era and before my husband disappeared,  
5 the Khmer Rouge used derogatory and insulting words and were  
6 prejudiced against my husband saying he was a 'Yuong' enemy."

7 Does that refresh your recollection that you heard Khmer Rouge  
8 using derogatory and insulting words towards your husband?

9 A. No, no derogatory and insulting words were used. Before me, no  
10 one used this kind of words. My colleagues, together with us --  
11 with me, did not use such derogatory or insulting words.

12 [10.59.44]

13 Q. I'd like to move on to ask you about some of the other  
14 individuals who you discussed this morning, the two other  
15 individuals, Vietnamese ethnicity, in your village that were  
16 taken away.

17 I'd first like to ask you about Mr. Ngang. Can you tell me: Did  
18 you witness when Ngang was taken out of the village?

19 A. I did not see the incident myself. I heard that he was also  
20 taken away to cut "rumpeak" vine. I did not know when he was  
21 taken away exactly. Ngang was the one who had been arrested first  
22 and he went away after that time there and he never returned.

23 [11.00.49]

24 Q. And what about his wife; was his wife of Vietnamese ethnicity  
25 or of Khmer ethnicity?

1 A. Khmer, pure Khmer, and as for the wife, she is now living in  
2 another location different from my village. During the time, she  
3 was living in the same village as me.

4 Q. Was she taken away as well?

5 A. Ngang -- Ngang's wife was not taken away. She is living. As of  
6 now, I do not know her place of residence. She's living in a  
7 different location now.

8 Q. Do you remember when Ngang was taken out of the village?

9 A. No, I cannot recall that. I did not know when he was taken  
10 away.

11 Q. Now, I'd like to ask you a few questions about the other  
12 individual you mentioned this morning and that's Lach Ny's wife.  
13 I believe you said this morning that you couldn't recall the name  
14 of his wife. If I say the name Sun (phonetic) San to you, does  
15 that refresh your recollection as to the name of his wife or not?

16 A. I do not know her name. I cannot recall it.

17 [11.03.29]

18 Q. And did you witness when she was taken out of the village?

19 A. No, I did not witness that and she was gone, but I did not  
20 know when. She was gone like the rest of the others.

21 Q. How did you learn that she had been taken away if you did not  
22 witness it yourself?

23 A. She disappeared from that day, so she was taken away with her  
24 children and only her husband remained.

25 Q. My question referred to: How did you learn that she had been



1 taken away with her children; were you told about it by someone?

2 A. I knew because she simply disappeared from the village. They  
3 were all taken away and she was taken amongst those people. She  
4 was not spared.

5 [11.05.12]

6 Q. Do you know why they took her children at the same time that  
7 they took her?

8 A. Because -- the children were taken away because the mother was  
9 ethnically Vietnamese and they would not spare even a single  
10 child.

11 Q. And have you seen Lach Kry's -- Lach Ny's wife or any of her  
12 children since they were taken away?

13 A. They lived in Pou Chentam, although it was not close to where  
14 I lived. They live next to the main road, while I lived a bit  
15 further behind where they lived.

16 MR. PRESIDENT:

17 Madam Civil Party, please listen to the question carefully. The  
18 question is: When you heard that they were taken away, had you  
19 ever met her since the time that Lach Ny's wife's and their  
20 children were taken away?

21 MS. DOUNG OEURN:

22 A. No, I haven't met them, nor did I see them. I never saw them  
23 since.

24 [11.06.59]

25 BY MR. BOYLE:

1 Q. And is it correct -- were there any other -- other than the  
2 three individuals who we have discussed, your husband, Ngang and  
3 the wife of Lach Ny, were there any other persons of Vietnamese  
4 ethnicity in Pou Chentam village during the period that the Khmer  
5 Rouge were there?

6 MS. DOUNG OEURN:

7 A. No, that was all. There were only these families and there  
8 were no other Vietnamese. That's all I know.

9 Q. Did you ever attend any meetings that were called by the Khmer  
10 Rouge?

11 A. Yes, I was called to attend meetings, but I cannot recall any  
12 details about those meetings. I forget them all.

13 [11.08.19]

14 Q. I understand that it was a long time ago, but let me ask: Do  
15 you recall whether any issues regarding people of Vietnamese  
16 ethnicity was discussed at any of these meetings?

17 A. No, they did not mention that.

18 Q. I'd like to see if I can refresh your memory and I'm referring  
19 to your statement that you gave to DC-Cam. This is E3/7562;  
20 English, ERN 01170704; and Khmer, ERN 00034100. I don't believe  
21 that there is a French translation at present.

22 And they are asking you some questions about meetings. The  
23 question is:

24 "Did they create -- did they try to create bad feelings against  
25 the Vietnamese families during meetings?"

1 Your answer: "They did. They criticized us in many ways."

2 Question: "So did they talk about the Vietnamese during the  
3 meetings?"

4 Answer: "Yes, they did whenever they organized a meeting."

5 Madam Civil Party, does that refresh your recollection that, at  
6 least during some of these meetings, the issue of Vietnamese  
7 families was discussed?

8 A. They did mention that. During the meetings, they spoke about  
9 criticisms, but I cannot recall anything else.

10 (Short pause)

11 [11.11.02]

12 Q. Madam Civil Party, did you ever see any individuals who were  
13 Vietnamese, who were not members of your village, being taken  
14 away?

15 A. No, I did not know about that, nor did I hear anything in  
16 other villages besides mine.

17 Q. Madam Civil Party, have you ever heard of a wat near Pou  
18 Chentam village named Wat Khsach (phonetic) or Wat Ou Kandaol  
19 (phonetic)?

20 A. I have not heard about that pagoda in Pou Chentam village. I  
21 do not know in which village the pagoda is located.

22 [11.12.19]

23 Q. I'm sorry if my question was confusing. It's my understanding  
24 that it was not located in Pou Chentam village; it was likely  
25 located near Kandaol (phonetic) village. But in the general

41

1 vicinity of your village, does the wat name Wat Khsach or Wat Ou  
2 Kandaol (phonetic) mean anything to you?

3 MR. PRESIDENT:

4 Witness, please observe the microphone.

5 MS. DOUNG OEURN:

6 A. Yes, I know and I have seen that pagoda in Ou Kandaol Khsach  
7 (phonetic); however, the pagoda has been rebuilt.

8 BY MR. BOYLE:

9 Q. Do you know what that pagoda was used for during the period of  
10 the Khmer Rouge?

11 MS. DOUNG OEURN:

12 A. I do not know about that. I did not know for what purpose the  
13 pagoda was used for. I lived far from that pagoda, so I did not  
14 know about it.

15 [11.14.00]

16 Q. Do you know a person named Tri who used to live in Pou Chentam  
17 village?

18 A. Which Tri? I -- that name does not sound familiar to me.

19 Q. I'm going to try again because I'm informed my pronunciation  
20 was less than perfect. The person's name is Tri.

21 Maybe you can -- can you say it?

22 MS. SONG CHORVOIN:

23 The name is Kry, Mr. President.

24 [11.14.56]

25 MS. DOUNG OEURN:

1 A. If you -- I do not know, but if you refer to Kry, I have a  
2 cousin whose name is Kry and I do not know any other Kry. But of  
3 course, I do know my cousin named Kry.

4 BY MR. BOYLE:

5 Q. I'm not referring to your cousin, Kry. I'll ask one more --  
6 more open questions before using a document. This individual's  
7 name starts -- as far as I can understand is pronounced Tri and  
8 this individual, during the Khmer Rouge period, owned a horse  
9 cart in Pou Chentam village; does that refresh your recollection,  
10 at all, about who this person might be?

11 MS. DOUNG OEURN:

12 A. The person who owned a horse cart died a long time ago and  
13 indeed, yes, his name was Kry. During the regime, he had a horse  
14 cart and I think he died several years ago.

15 [11.16.33]

16 Q. Do you recall if he ever used his horse cart in -- when  
17 individuals were taken away from Pou Chentam village?

18 A. No, I did not hear anything about that. I knew he had a horse  
19 cart, but I did not know whether he was tasked to transport  
20 people because I was busy doing the work that I was assigned to  
21 me, so I did not know about his work.

22 MR. BOYLE:

23 Thank you, Madam Civil Party. Thank you, Mr. President. I don't  
24 have any further questions, but my national colleague does.

25 [11.17.27]

1 QUESTIONING BY MS. SONG CHORVOIN:

2 Good morning, Mr. President. Good morning, Mr. President, Your  
3 Honours, everyone in and around the courtroom and good morning,  
4 Madam Civil Party. My name is Song Chorvoin. I'm the National  
5 Deputy Co-Prosecutor. I only have a few follow-up questions to  
6 put to you.

7 Q. Madam Civil Party, can you tell the Chamber whether your  
8 husband spoke Khmer and if so, did he speak clearly?

9 MS. DOUNG OEURN:

10 A. No, he did not speak it clearly. It was difficult to  
11 understand him.

12 Q. Can you also tell the Court: When did your husband come to  
13 live with you in Pou Chentam village, like in what year?

14 A. I cannot recall that. It happened a long time ago. I forget  
15 the month or the year. As I said, it's been a long, long time  
16 ago.

17 [11.19.04]

18 Q. Did he come to live with you in your native village during the  
19 Khmer Rouge regime or was it before that?

20 A. It was during the Khmer Rouge regime.

21 Q. This morning you testified before the Chamber that you lived  
22 with your husband during the Lon Nol regime and which means it  
23 was prior to the Khmer Rouge regime; is that correct?

24 A. He came to live there before the Khmer Rouge regime.

25 Q. So he came to live in the village. What was his interaction

1 with the Khmer people living in the village; did he go along well  
2 with the villagers?

3 A. He did not have any conflict with anyone. We were all living  
4 together in harmony. He never did anything wrong to him and  
5 nobody did anything bad to him either.

6 [11.20.35]

7 Q. What about the other Vietnamese families living in your  
8 village prior to the arrival of the Khmer Rouge, did they go  
9 along well with the Khmer villagers in the village?

10 A. Yes, they did and nobody opposed them. We all lived happily  
11 together and you just focus on your own way of living. Nobody did  
12 anything bad to anyone.

13 Q. Did you continue to live in your village during the Khmer  
14 Rouge regime or were you evacuated elsewhere?

15 A. I lived in my village since I was born and I remained living  
16 in the area -- in the village. It was the village of my parents  
17 and it was my village.

18 Q. After the fall of the Khmer Rouge regime in 1979, did any  
19 Vietnamese families return to settle in your village?

20 A. No, I did not see any. There was none. Nobody came. All those  
21 who went away did not return.

22 [11.22.36]

23 Q. You said those who went away or disappeared during the Khmer  
24 Rouge regime, but my question to you is that after the fall of  
25 the Khmer Rouge regime -- and I mean post-1979 -- have you ever

1 seen any Vietnamese families return to live in your village? And  
2 what I mean is that, are there any Vietnamese living in your  
3 village?

4 A. No, there is none. Since that time, none of them came to the  
5 village.

6 Q. When my colleague asked you a question that your husband was  
7 taken away to cut "rumpeak" vines and you said yes and just a  
8 while ago, you testified that when they were tasked to go and cut  
9 "rumpeak" vines, you thought that they would not return,  
10 including your husband. And my question to you is the following:  
11 What is the reason behind that thinking?

12 A. If they were to go, then they would not return and that's what  
13 was my feeling. And indeed, nobody ever returned. All of those  
14 who were sent there never returned.

15 [11.24.34]

16 Q. Before the arrival of the Khmer Rouge regime, what was your  
17 husband doing for living?

18 A. He carried cow dung, water buffalo dung to fertilize the rice  
19 fields; that's what he was tasked to do.

20 Q. My question to you is: what he did for living prior to the  
21 Khmer Rouge regime or prior to the arrival of the Khmer Rouge?

22 A. He was a petty merchant. He sold livestock including chicken  
23 and ducks and actually they came to buy the livestock from him at  
24 the house and in the afternoon, he would go around in the village  
25 to buy ducks and chicken.



1 Q. Did he ever tell you what he did for a living while he was in  
2 Vietnam?

3 A. He never told me about that.

4 [11.26.23]

5 Q. You just stated that before the arrival of the Khmer Rouge, he  
6 was a petty merchant selling livestock. And what about after the  
7 arrival of the Khmer Rouge, did he hold any position?

8 MR. PRESIDENT:

9 Civil Party, please hold on and Counsel Koppe, you have the  
10 floor.

11 MR.KOPPE:

12 Thank you, Mr. President. Not really an objection, but an  
13 observation.

14 The witness or the civil party, rather, testified that in her  
15 memory, the Khmer Rouge "arrived in '77", so that is still her  
16 testimony. So I think maybe national counsel should be a little  
17 more clear because if she speaks -- or if she speaks to her  
18 saying the arrival of the Khmer Rouge, she means 1977, so maybe  
19 it's better to use years rather than this -- these words.

20 [11.27.28]

21 BY MS. SONG CHORVOIN:

22 For the proper record, I will ask for confirmation from the civil  
23 party.

24 Q. Madam Civil Party, in response to my colleague's question, you  
25 stated that your husband was taken away during the rainy season

1 of 1977; is that correct?

2 MS. DOUNG OEURN:

3 A. Yes, that is correct and that is the truth; I do not lie and  
4 that was when he was taken away.

5 Q. How long or how many years did the Khmer Rouge enter your  
6 village before your husband was taken away?

7 A. It was about a month after their arrival my husband was taken  
8 away.

9 Q. Did you live in the same village as Lach Kry, your cousin,  
10 did?

11 A. Yes, we lived in the same village.

12 [11.29.08]

13 Q. And during the Khmer Rouge regime, did you also live in the  
14 same village or were you moved elsewhere?

15 A. I was not moved anywhere. I have been living in the village  
16 since my birth. It is my native village and presently, I'm still  
17 living there.

18 Q. I know it happened several years ago; however, Lach Kry, who  
19 is your cousin, came to testify before this Chamber a few days  
20 ago that the Khmer Rouge entered your village area in early 1971  
21 or '72. However, you stated that the Khmer Rouge came in 1977, so  
22 please try to recall as to when the Khmer Rouge entered your  
23 area; was it in 1970 or '72 as stated by Lach Kry or was it in  
24 the year that you mentioned?

25 A. I know that it was in 1977; that is when they entered my

1 village.

2 [11.30.47]

3 Q. Before your husband was told to go and cut "rumpeak" vines,  
4 were you called to attend any meeting or were you ever told by  
5 other villagers about the meeting that mentioned Vietnamese?

6 A. If -- even if we were to attend meetings, we were not  
7 attending the meetings together. There were separate meetings  
8 where husbands would attend those meetings or where wives would  
9 attend those meetings.

10 Q. My question to you is that during the entire Khmer Rouge  
11 regime that you participated in meetings with the Khmer Rouge  
12 cadres, did they ever mention about the Vietnamese people living  
13 in the village?

14 A. No, they did not speak about that. I never heard them  
15 mentioning about the Vietnamese.

16 MS. SONG CHORVOIN:

17 Thank you, Mr. President. I am done with this witness and thank  
18 you, Madam Civil Party.

19 [11.32.21]

20 MR. PRESIDENT:

21 Thank you. It is now appropriate for our lunch break. We take a  
22 break now and resume at 1.30 to continue our proceedings this  
23 afternoon.

24 Court officer, please assist the civil party at the waiting room  
25 reserved for witnesses and civil parties during the lunch break

1 and invite her, as well as the TPO staff, back into the courtroom  
2 at 1.30 this afternoon.

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

6 The Court is now in recess.

7 (Court recesses from 1132H to 1332H)

8 THE PRESIDENT:

9 Please be seated.

10 The Chamber is now back in session and the Chamber gives the  
11 floor to defence counsel for the accused, Nuon Chea, to put  
12 questions to the civil party. You may now proceed, Counsel.

13 [13.33.15]

14 QUESTIONING BY MR. KOPPE:

15 Thank you, Mr. President. Good afternoon, Your Honours, counsel.

16 Q. And good afternoon, Madam Civil Party. I have a few questions  
17 that I would like to put to you this afternoon, not very many,  
18 just a few. I would like to start with asking you some follow-up  
19 questions in respect of the job or activities of your former  
20 husband or your late husband. This morning I wrote down that you  
21 said your husband "sold livestock, such as ducks and chickens".

22 Is that what you said this morning?

23 MS. DOUNG OEURN:

24 A. Yes, I answered like that that he sold livestock, namely  
25 chicken and ducks. He had no other jobs besides that.

1 Q. So he was a merchant. Did he trade in other goods, other  
2 material; other things than livestock? Do you remember?

3 A. He did not sell any other goods. He sold only the things I  
4 mentioned earlier.

5 [13.35.11]

6 Q. How about medicine? Did he sell medicine to people?

7 A. No, he didn't.

8 Q. This morning you were asked, and I think you said "No",  
9 whether he also sold opium to people. Do you remember what you  
10 said?

11 A. No, he didn't sell opium. He sold only livestock and that was  
12 it, no other business.

13 Q. Are you sure, Madam Civil Party?

14 A. Yes, he did not sell any other goods.

15 [13.36.18]

16 Q. Let me confront you -- or, rather, put to you something you  
17 yourself said to investigators of DC-Cam, E3/7562; English, ERN  
18 01157781; and Khmer, 00034081. The DC-Cam interviewer asked you  
19 the following question:

20 "Can you tell us again what your husband did at the time?

21 And you answered: "He did not do any business. At that time he  
22 relied on the fact that 'Yvon' could enter and exit Cambodia. He  
23 was an opium seller."

24 Do you remember saying this to DC-Cam?

25 A. I never told -- I never said like that. I did not know what he

1 sold. What I knew was that he sold livestock. I did not know that  
2 he said -- he sold opium. There was no opium at that time.

3 Q. I am not sure about that, Madam Civil Party, but do you have  
4 any -- would you know of any reason that this investigator of  
5 DC-Cam would write down that you had told him that your former  
6 husband was an opium seller?

7 A. I never said like that because my husband did not involve in  
8 that business.

9 [13.38.49]

10 Q. Fine, Madam Civil Party. When I just asked you a question  
11 whether he bought or sold medicine you said, "No, he didn't". Let  
12 me confront you with something that your younger sister told one  
13 of the DC-Cam investigators.

14 Mr. President, E3/6941, English, ERN 01165890; and Khmer,  
15 00418325; when -- I will not read the whole question because I  
16 will come to that later: "Did he have his own small business?"  
17 And your younger sister answers as follows: "Yes, he did. He  
18 smuggled medicine into our country and sold it here."

19 Can you give a reaction to what your younger sister told DC-Cam?

20 A. I don't know which of my -- which one of my sisters you are  
21 referring to. I knew my husband did not sell the things you were  
22 talking about. What I knew was that he sold only livestock. That  
23 was what I knew.

24 [13.40.25]

25 Q. It was Din Oy, your younger sister, who told DC-Cam that your

1 husband -- your former husband -- or your late husband, sorry,  
2 was involved in smuggling medicine. So that's in answer to your  
3 question.

4 Let me ask you now what your late husband did before he came to  
5 your village. Can you tell us something about that? What was his  
6 job or what were his activities before he came to Kampuchea?

7 A. He sold livestock. He did not sell any other things. And  
8 during the Khmer Rouge regime he performed the tasks that was  
9 assigned to him; no other business besides that. As I told you,  
10 he did not do any other business.

11 Q. Maybe my question wasn't very clear. I was actually referring  
12 to his activities before he became a merchant but let me ask you  
13 the question directly. Was he at one point in time a member of a  
14 Vietnamese military unit?

15 A. Yes, he did. And then he came to live in Cambodia, but I did  
16 not know which location he came from.

17 [13.42.40]

18 Q. So he was in fact a Vietnamese soldier; correct?

19 A. Yes, that is correct.

20 Q. Do you know for which Vietnamese army he was fighting? Was he  
21 fighting either for the South Vietnamese troops of Thieu-Ky or  
22 was he a Viet Cong member fighting against the soldiers of Khieu  
23 (phonetic)?

24 A. I did not know whether he is a member -- was a member of Viet  
25 Cong. What I knew was that he came to settle in my village.

1 That's what I knew. I did not know which side he belonged to.

2 Q. I understand. Let me see if I can ask it differently to you.

3 Was he someone who was a communist with not very much sympathy  
4 for American imperialists and/or Lon Nol soldiers, for instance?

5 A. I do not know whether he was a communist or not because I  
6 lived in my village and he lived in other areas. So I did not  
7 know what he did prior to his coming to my village.

8 [13.45.15]

9 Q. Let me see if I can do it differently one more time. Is it  
10 correct that he had family members living in Saigon?

11 A. Yes, he had family members. But I did not -- I do not know  
12 what years his family members came to live there.

13 Q. Was he himself also from Saigon? Was he born in Saigon?

14 A. He was born in Peam. His birthplace was at Peam. All his  
15 parents were also at Peam.

16 Q. When the North Vietnamese Communist army together with the  
17 Viet Cong took over Saigon on 30 April 1975, do you remember  
18 whether your husband was very happy or whether he was very sad?

19 A. He was normal, but I do not know which side that he served in  
20 the army for.

21 [13.47.00]

22 Q. I understand, Madam Civil Party, not any problem. Let me move  
23 on to the next subject.

24 This morning, I wrote down an answer to a question from the  
25 Prosecution. He asked what happened to the Vietnamese siblings of



1 your husband and then I think you answered, "They were Vietnamese  
2 in his house." When you said this morning, "They were Vietnamese  
3 in his house", to whom did you refer?

4 A. They were not at my house. They were in other people's house.  
5 They were other people, not my relatives, but they lived also in  
6 the same village. So they did not live with me.

7 Q. That is how I understood your answer, Madam Civil Party, but I  
8 think you are referring to Vietnamese people living in your late  
9 husband's house. Is that something you said this morning? Were  
10 there other Vietnamese people living in your late husband's  
11 house?

12 A. Yes, there were people living in my house. They were my  
13 husband's niece and nephews and I do not know where they are now.

14 [13.49.32]

15 Q. I'm still not entirely sure if I understand. Were there  
16 Vietnamese family members of your late husband living in his  
17 house, other people from Vietnam?

18 A. Yes, there were. They came to live with me and my husband and  
19 later on they went back but I did not know where they went to.

20 Q. Was that in 1975 when they returned? Remember this morning you  
21 spoke about Vietnamese people who had to return to Vietnam? Were  
22 they among the ones who returned to Vietnam in 1975?

23 A. I do not know the specific year they returned. What I knew was  
24 that they returned, but I could not remember the year.

25 Q. In other words, your late husband was the only Vietnamese

1 person from his family who had stayed behind in Pou Chentam; is  
2 that correct?

3 A. Yes, that is correct. He came to live in Pou Chentam.

4 [13.51.40]

5 Q. This morning I believe you also said that to investigators,  
6 you said that you had urged your husband to go back to Vietnam.  
7 Can you tell me a little bit how that went? What was it exactly  
8 that you said to him and why was it that he refused?

9 A. He refused to go. He said that he would not go. He said that  
10 he's willing to die in Cambodia to die with me and my child. He  
11 would not go back alone. I told him that, "Everyone went back.  
12 Why didn't you go back?" And he said that he would not go. He  
13 would prefer to die in Cambodia together with me and my child.

14 Q. Thank you, Madam Witness. Let me move onto another subject,  
15 and that is something you briefly discussed this morning as well.  
16 That is the period before April '75 or maybe even a little  
17 earlier. The period in history is also sometimes referred to as  
18 Lon Nol era, 1970-1975.

19 Do you remember -- let me ask it differently. What do you  
20 remember about the treatment of people of Vietnamese origin in  
21 the period between 1970 and 1975 in your village?

22 A. They were badly treated. They were assigned to carry dirt and  
23 dig canals and that was what I knew because we didn't live  
24 together. We were assigned to work differently.

25 [13.54.30]

1 MR. PRESIDENT:

2 Madam, the question is that, between 1970 to 1975 that means  
3 before the Khmer Rouge regime, how was the Vietnamese people  
4 living in your village treated at that time?

5 MS. DOUNG OEURN:

6 A. There was nothing happened to them. I cannot recall everything  
7 because it happened a long time ago.

8 BY MR. KOPPE:

9 Q. Do you know whether people of Vietnamese origin in your  
10 village during the Lon Nol era were discriminated against?

11 [13.55.34]

12 MS. DOUNG OEURN:

13 A. Yes. People said that they were Vietnamese, but they still  
14 lived in the area and there was nothing happened to them.

15 Q. I'm not entirely sure, Madam Civil Party, if you correctly  
16 understand the period that I am referring to. So let me read to  
17 you something someone from your village told investigators of the  
18 Investigating Judge -- that is, E3/9352. It's the second question  
19 in this WRI,

20 Mr. President. It's the statement of someone called Ieng On. Do  
21 you know Ieng On?

22 A. I know Ieng On. He is still alive and he lives in my village.

23 [13.56.52]

24 Q. Ieng On is being asked a question. I will read the whole  
25 question to you and his answer. Question: "Did the people in the

1 village discriminate against them", "them" being Vietnamese. And  
2 then On answers: "Previously there was no discrimination. They  
3 respected them normally. They married following the normal  
4 customs. The discrimination began in the Lon Nol era." End of  
5 quote.

6 So Madam Civil Party, this person that you know says that  
7 discrimination against Vietnamese people began in the so-called  
8 Lon Nol era. Is that something that you can confirm or not, if  
9 you can't?

10 A. I could not recall that well.

11 Q. That's not a problem at all, Madam Civil Party.

12 Let me now turn to the date of -- or, rather, the day that you  
13 said your mother saw your late husband being walked away. Now,  
14 this morning you confirmed; you said it was the rainy season of  
15 '77 or late '77. Notwithstanding this answer, I would like to  
16 read to you something you said or wrote down, rather, in the  
17 supplementary information form.

18 [13.58.59]

19 Mr. President, that is document D22/212A; English, ERN 01166071;  
20 and Khmer 00584569. This is something you said in June 2010. You  
21 said: "My husband Chuy, age 42, was Vietnamese. He was a  
22 Vietnamese soldier. He was arrested and taken to be killed by the  
23 Khmer Rouge in 1978."

24 There is some confusion, Madam Civil Party, whether it was '77  
25 or, rather, '78. Could I ask you to think one more time whether

58

1 in your recollection it was '77 or, rather, '78?

2 A. It was in 1977. Yes, as I said, it was in 1977, not 1977  
3 (sic). At that time I was harvesting rice.

4 Q. Thank you, Madam Civil Party. Let me follow up with one  
5 question. Have you ever heard of something--

6 JUDGE FENZ:

7 Sorry, Counsel. Can we just clarify the record? I have heard '77  
8 twice. She said it was in '77, not in '77. So at least in  
9 English, or did I misunderstand. Yes. So from the translators,  
10 what I heard was "I'm sure it was in '77, not in '77". So what  
11 did she say?

12 [14.01.08]

13 BY MR. KOPPE:

14 Q. Madam Civil Party, was it '77 or was it '78?

15 MS. DOUNG OEURN:

16 A. What I know is that it was in 1970. I cannot recall the year  
17 that well. It happened several years ago.

18 Q. Maybe I misheard, but I heard 1970. Prosecution is nodding.

19 Madam Civil Party, did you mean 1977?

20 A. Yes, that's what I meant. It was not in 1978 but it was  
21 in 1977.

22 [14.02.11]

23 Q. Thank you, Madam Civil Party. Let me follow up with something  
24 in this respect that another witness testified to. He also talked  
25 about late '76, early '77. That is witness 2-TCW-848, Theng Huy.

1 But he places these arrests or walking away or whatever you would  
2 like to call it, before something that he calls "the So Phim  
3 event". Have you ever heard of something called "the So Phim  
4 Event"?

5 A. No, I never heard about it. I never heard of anything to do  
6 with So Phim. I didn't even understand your question.

7 Q. That is no problem, Madam Civil Party. He also, this same  
8 witness, said that the walking away of your late husband took  
9 place "before the Southwest group purged the East group". That is  
10 in document E3/5244. Madam Civil Party, you answered a question  
11 earlier this morning from the National Co-Prosecutor that you  
12 said that the Khmer Rouge came in 1977. Is it possible that you  
13 meant not the Khmer Rouge but cadres from an area called the  
14 Southwest?

15 A. I may know something about that. Yes, he did involve in that  
16 event although I cannot recall all the details.

17 [14.04.35]

18 Q. Who was "he" that you just referred to? "He" was involved in  
19 that event. What did you mean?

20 A. I knew people were involved in it, but I cannot recall any  
21 specific details about any individuals. I cannot recall it at  
22 all.

23 Q. Thank you, Madam Civil Party. Let me move to another topic and  
24 that is the following. Have you ever heard, seen or experienced  
25 in any way gunfire or artillery fire or firing of shells,

60

1 shelling from Vietnamese territory into Kampuchea? In other  
2 words, have you ever heard the sounds of war?

3 A. I only knew about the war that happened during the Khmer Rouge  
4 regime because at that time I fled my village and after it ended  
5 I returned to my village again. And of course I did not go in any  
6 area that you refer to as the fertile land or the "klong" in  
7 Khmer.

8 Q. I presume you are referring to the month that Vietnamese  
9 troops invaded Democratic Kampuchea in December '78, but do you  
10 recall Vietnamese tanks, Vietnamese soldiers entering Kampuchea  
11 in November '77 a year earlier?

12 A. I did not know, and I cannot recall it. I forget about it.  
13 [14.07.27]

14 Q. I understand. One last question in this respect, Madam Civil  
15 Party: Did you or any of your fellow village members ever have to  
16 run or escape the violence of the war? Did you ever have to run  
17 from Vietnamese tanks or Vietnamese artillery?

18 A. Yes, I did, and I fled to another area and only after the end  
19 of the war I returned to my village. And that was the war that I  
20 knew. There were heavy shelling in my area so I had to flee.

21 Q. And how close was the heavy shelling taking place to your  
22 village? How close to your village did those grenades fall? Was  
23 it in the village? Was it close to the village? Do you remember?

24 A. The shelling fall far from my village but I was afraid so I  
25 took my family members to flee from my village. I remained in the

1 other area until the fall of the regime.

2 [14.09.18)

3 Q. But how far was it from your village? Was it 100 metres away?  
4 Was it a kilometre away? Was it more to the next village? Do you  
5 remember?

6 A. No, I cannot recall that. However, I fled to the nearby area  
7 and it was not far from my native home. Sometimes I fled to the  
8 nearby village and stayed there for a day or two and I returned.

9 Q. Do you know whether any people living in your village had been  
10 injured or wounded by the gun or artillery fire?

11 A. I did not know about that, but by that time I had fled. I  
12 didn't stay behind. I had fled to another village. And as I said,  
13 I already returned after the fall of the regime.

14 Q. Thank you, Madam Civil Party. I think my last subject. Can you  
15 tell us again exactly how you heard this thing about children of  
16 Vietnamese mothers were targeted and children of Khmer mothers  
17 were not targeted? Who was it exactly that said that? How did you  
18 hear this? Can you give us some more details about it, please?

19 [14.11.39]

20 A. The Cambodian children were not taken away. Only the  
21 Vietnamese children were taken away including all the children of  
22 Lach Ny. None of the children -- of their children were spared.  
23 As for other families, they did not have any children. Only Lach  
24 Ny's family had several children. That's all I know.

25 Q. I understand but that's something that you've seen or heard.



1 But what I am trying to find out, whether that was a conclusion  
2 from you and the villagers or whether it was something that you  
3 heard someone say, for instance in a meeting, maybe on the radio,  
4 anywhere.

5 A. No, I did not hear it. What I heard is that when they were  
6 taken away they were taken away and they never returned. And I  
7 did not know where they were taken to.

8 [14.12.58]

9 Q. I understand. Let me try it one last time. Was there anyone,  
10 maybe a village chief or maybe someone from the security office  
11 or a soldier or anyone from the "Khmer Rouge" that said that  
12 children of Vietnamese mothers were not safe? Do you remember?

13 A. Yes. What I know is that if the mother was Vietnamese the  
14 children would be taken away as well and only the father  
15 remained. None of the children were spared. That's all I know  
16 about this matter.

17 Q. I understand, Madam Civil Party. I think you said that a few  
18 times now. But I am trying to understand whether this is  
19 something that you and the villagers concluded because it  
20 happened or whether it was something that you heard someone say  
21 or maybe you heard it in a meeting or on the radio. Do you  
22 understand the difference between the two?

23 A. I have said what I knew about it. I knew that the children --  
24 all the children were taken away, and I did not know anything  
25 else. And I also cannot recall anything else.

1 [14.14.56]

2 Q. Thank you, Madam Civil Party. My very last question is a very  
3 small question. Your daughter, was she born in 1970, in other  
4 words between '75 and '79 she was about -- between five and nine  
5 years old?

6 A. Her age was about seven to eight years old. She is now 45  
7 years old.

8 Q. The reason I am asking, and this is my last question, Madam  
9 Civil Party, is that your mother, her grandmother, told the  
10 investigators at E3/7598 that your daughter was little then and  
11 "She didn't know anything". Is that correct? Is it correct that  
12 your daughter didn't really know anything about what happened  
13 between 1975 and '79?

14 A. I cannot recall that. I cannot recall the month or the year.

15 MR. KOPPE:

16 Thank you very much, Madam Civil Party. Thank you, Mr. President.  
17 We have no further questions.

18 [14.16.58]

19 MR. PRESIDENT:

20 Thank you, Counsel. The Chamber now hands the floor to the  
21 defence team for Khieu Samphan to put questions to this civil  
22 party. You may proceed.

23 QUESTIONING BY MS. GUISSÉ:

24 Thank you, Mr. President. Good morning. Good morning to everyone.

25 Q. And good morning to you, Mrs. Doung Oeurn. My name is Anta

1 Guisse and I am International Co-Counsel for Mr. Khieu Samphan.  
2 In this capacity I will put some very brief supplementary  
3 questions to you in relation to what you have told the Chamber  
4 today.

5 I would like us to talk about the events in your village. You  
6 told the President that you were interviewed by investigators  
7 from the Office of Co-Investigating Judges. Do you also recall  
8 having been interviewed by persons working for an organization  
9 called DC-Cam?

10 MS. DOUNG OEURN:

11 A. Yes. I was interviewed at my house.

12 [14.18.10]

13 Q. Do you recall the date of that interview?

14 A. No, I cannot recall it. It happened quite a long time ago.

15 Q. If I were to tell you that it was in February 2000, would that  
16 refresh your memory?

17 A. No, I cannot recall that. I forget about it.

18 Q. Do you recall whether that interview was recorded on a  
19 cassette as an audio recording?

20 A. Yes. There was an audio record of the interview.

21 [14.19.22]

22 Q. I put this question to you for purposes of clarification,  
23 Madam Civil Party, because in answer to a question put to you by  
24 my colleague, Koppe, saying what you heard regarding the  
25 occupations of your husband and you said, "I never said that

1 regarding his work as a vendor of pianos".

2 I would like to read out to you an extract of your interview with  
3 the DC-Cam official and it is document E3/7562, and I will read  
4 out to you an extract in English because there are no French  
5 versions of the extract. The ERN in English is 01157781 and the  
6 ERN in Khmer is 000034081. And this was the question that was put  
7 to you:

8 "Can you tell us again what your husband did at that time?"

9 Answer: "He did not do any business. At that time he relied on  
10 the fact that Chuy couldn't enter and exhibit in Cambodia. He was  
11 an opium seller."

12 Question: "Really?"

13 Answer: "Yes. During that period, he entered and exited Cambodia.  
14 He had nothing else to do. He just stayed at home and the money  
15 flew to our home. People came to buy at our home to export to  
16 Vietnam."

17 Question: "Did people come to buy opium?"

18 Answer: "Yes, they did. He did not do any other business."

19 Question: "How much did he earn selling it at the time?"

20 Answer: "He earned much money. At the time, 'Yvon' kept flowing  
21 to Cambodia. They just came to buy it."

22 Question: "Did he earn much money?"

23 Answer: "Yes, he did." End of quote.

24 [14.22.14]

25 My question to you, Mrs. Doung Oeurn, is as follows: Is this

66

1 rather long extract of your interview with DC-Cam something that  
2 refreshes your memory or do you still stand by your statement  
3 that your husband sold ducks?

4 A. That's all I knew that he sold ducks and I did not know about  
5 any other business. I only knew that he sold ducks and chickens.  
6 And he only sold it at the house as they came to buy it at the  
7 house.

8 Q. Under those circumstances, do you have any explanations  
9 regarding the extract I have just read out to you? Can you  
10 explain how come we have a statement, and this is an audio  
11 transcript of what you stated; can you explain the difference  
12 between the two versions?

13 A. I have said what I knew and I did not know anything else. I  
14 didn't know what else he sold.

15 MR. PRESIDENT:

16 National Lead Co-Lawyer for civil parties, you have the floor.

17 [14.24.12]

18 MR. PICH ANG:

19 Thank you, Mr. President. In fact, Madam Civil Party responded to  
20 this kind of her question and the question by Anta Guisse -- that  
21 is, the last two questions were actually put to the civil party  
22 by Counsel Koppe. And that is just my observation, Mr. President.

23 BY MS. GUISSÉ:

24 To briefly respond to that remark, I would say that my colleague,  
25 Koppe, hadn't quoted the passage we have just cited in its

1 entirety. It is important to remind the witness of a longer  
2 extract of that interview record to refresh her memory. Let me  
3 continue to wrap things up. Unfortunately, I do not have the  
4 entire version of that audio transcript but I am speaking on the  
5 supervision of the parties still with regard to the same  
6 interview by DC-Cam.

7 Q. Since you say that you are standing by your statement that you  
8 didn't know what his activities were, and yet the ERN of the same  
9 document in Khmer, since we have a Khmer version, 00034084, you  
10 give details, very precise details on the manner in which the  
11 opium was packaged. And the Khmer ERN is 00034082. And this is  
12 another ERN, and in this particular ERN you point out that it is  
13 important that things had been done in secret so that the local  
14 authorities wouldn't know anything about that because there was a  
15 risk of imprisonment.

16 [14.26.25]

17 So this is my last point in this matter. Does this refresh your  
18 memory that there were some clandestine activities by your  
19 husband and he had to conceal these activities because he didn't  
20 want to expose himself to the risk of imprisonment? Does this  
21 refresh your memory?

22 MS. DOUNG OEURN:

23 A. No, I cannot recall that. The event took place many, many  
24 years ago and I am now 75 years old, so my memory does not serve  
25 me that well. And of course, my husband did not involve with the

1 sale of that substance as you said.

2 [14.27.25]

3 MS. GUISSÉ:

4 Mr. President, I have no further questions for the civil party.

5 MR. PRESIDENT:

6 Thank you. And Madam Doung Oeurn, you now have an opportunity to  
7 make a victim impact statement for the crimes alleged against the  
8 two accused, Nuon Chea and Khieu Samphan, and which happened  
9 during the Democratic Kampuchea regime and that led you to become  
10 a civil party to claim for moral and collective reparations  
11 considering the harms inflicted upon you physically, materially  
12 and psychologically, which are the direct impacts of the crimes.  
13 And if you wish to do so, you have the floor now.

14 [14.28.44]

15 MS. DOUNG OEURN:

16 I was mistreated. I was forced to do hard labour, to transplant  
17 seedlings in the rice fields and my body physically deteriorates  
18 until the present time. The older I get, the weaker I become.

19 MR. PICH ANG:

20 Mr. President, I actually made a request through the Bench that I  
21 should put questions directly to the civil party -- that is, in  
22 reference to document E1/37.1.1, as I stated that this civil  
23 party doesn't speak much and for that reason, I request to put  
24 some questions to her to lead her in making such a response.

25 [14.30.20]

1 MR. PRESIDENT:

2 As you are aware, Counsel, this Chamber prohibits all parties to  
3 put any leading questions to the civil party. In fact, you may  
4 put questions to the civil party but not the leading ones.

5 MR. PICH ANG:

6 My apology, Mr. President. Maybe I made a mistake in my statement  
7 just then. And indeed, I would like to put some questions to the  
8 civil party in relation to her suffering.

9 MR. PRESIDENT:

10 You may proceed.

11 [14.31.07]

12 QUESTIONING BY MR. PICH ANG RESUMES:

13 Q. Madam Civil Party, I would like to put the following question  
14 to you. When you lost your husband, Tep Chuy alias Chuy, and your  
15 son Mon Meang (phonetic) during the Khmer Rouge regime, how did  
16 you feel? Please express your suffering or your feeling to the  
17 Court.

18 MS. DOUNG OEURN:

19 A. I can respond to that. I have a great pain for the loss and I  
20 was forced to engage in all kinds of tasks. I was used without  
21 any break time to engage in earth digging, in building dykes in  
22 the rice fields, and at the same time I lost my child and my  
23 husband, and that is a great pain for me. And when I think about  
24 it, it is vividly in front of me. And I also feel miserable and  
25 lonely when I lost my husband. And this is compounded by the fact



1 that I am poor.

2 [14.32.53]

3 Q. And after the fall of the Khmer Rouge regime -- that is, on  
4 the 7 January 1979, can you describe to the Court of your living  
5 conditions when you are by yourself with the loss of your husband  
6 and child?

7 A. I could hardly earn a living and my feeling was constantly  
8 about my husband and my son. I could hardly feed myself from what  
9 I earned each day.

10 Q. And lastly, madam, do you have anything else to add?

11 A. I would like to seek some assistance from the Court since I am  
12 very poor. I could hardly afford myself with food on a daily  
13 basis. I am old and I cannot use my physical strength to earn my  
14 living. I also have difficulty in walking.

15 MR. PICH ANG:

16 I don't have any further questions for you, Madam Civil Party.

17 And Mr. President, I am done.

18 [14.34.28]

19 MR. PRESIDENT:

20 Madam Doung Oeurn, the Chamber is grateful of your time and the  
21 victim impact statement that you have just provided and hearing  
22 of your testimony is now concluded. And it may contribute to  
23 ascertainment of the truth in this case. You may therefore return  
24 to your home or wherever you wish to return to. And we wish you  
25 all the very best.

71

1 And the Chamber would also like to thank Madam Tep Thida, the TPO  
2 staff for your support given to this civil party during her  
3 testimony for this whole day. You may also be excused.

4 [14.35.30]

5 Court officer, in collaboration with WESU staff, please make  
6 necessary transportation arrangements for Doung Oeurn to return  
7 to her house or wherever she wishes to go to. And after the break  
8 we will hear testimony of the witness 2-TCW-1009. And this  
9 witness has Moeurn Sovann as duty counsel.

10 Now, let we have a short break. And we have a break now and  
11 resume at 3 o'clock.

12 The Court is now in recess.

13 (Court recesses from 1435H to 1504H)

14 MR. PRESIDENT:

15 Please be seated.

16 The Court is back in session and the Chamber will start to hear a  
17 witness, 2-TCW-1009, and there is a duty counsel, Moeurn Sovann  
18 with the witness.

19 Court officer, please, before the Chamber invites the witness and  
20 the duty counsel into the courtroom, the Chamber would like to  
21 issue an oral ruling on document E382.

22 The International Co-Prosecutor's motion, E382, requested that  
23 the Chamber hear witness 2-TCW-1010 and to admit two of  
24 2-TCW-1010's statements, E319/23.3.34 and E319/23.3.36 in  
25 relation to the sub-topic on "Treatment of the Vietnamese".

1 [15.07.05]

2 In its memorandum E380/1, the Trial Chamber denied the request to  
3 hear 2-TCW-1010 without ruling on the statements.

4 The International Co-Prosecutor has today notified the Trial  
5 Chamber through an email that he might use 2-TCW-1010's two  
6 statements while examining upcoming witness 2-TCW-1009 and  
7 requests the Chamber's authorization to do so.

8 The Trial Chamber notes that no party objected to the E382  
9 request to admit these statements into evidence and grants this  
10 request pursuant to Internal Rule 87.4 with written reasons to  
11 follow.

12 The Chamber now instructs the Court officer to invite 2-TCW-1009,  
13 together with the duty counsel, into the courtroom, but first you  
14 have the floor now, counsel for Mr. Khieu Samphan.

15 [15.08.40]

16 MS. GUISSÉ:

17 Yes, Mr. President, I would like to ask for clarifications  
18 regarding what you have just ruled on.

19 We are orally opposed to the Co-Prosecutor's motion and the  
20 appearance of the witness in regard to the statement. I still do  
21 not understand the reasons for your decision, and I would like to  
22 point out to the Chamber that the Khieu Samphan defence team is  
23 against both the statement and the appearance of the witness in  
24 question.

25 MR. PRESIDENT:

1 Although there is an objection, the Chamber decided already that  
2 the two documents be admitted, and the documents can be used to  
3 examine the upcoming witness.

4 (Witness enters courtroom)

5 [15.10.30]

6 QUESTIONING BY MR. PRESIDENT:

7 Q. Good afternoon, Mr. Witness. What is your name?

8 MR. PRUM SARAT:

9 A. My name is Prum Sarat.

10 Q. Thank you, Mr. Prum Sarat.

11 Do you recall when you were born?

12 A. I was born on the 1st of March 1949.

13 Q. Where were you born?

14 A. I was born in Prey Chheu Teal village, Praphnum commune,  
15 Angkor Chey district, Kampot province.

16 [15.11.26]

17 Q. Thank you.

18 And what about your current address; where are you living now?

19 A. I am living in Ou Traeng village, Ta Taok commune, Samlout  
20 district, Battambang province.

21 Q. What are your parents' names?

22 A. My father's name is Prum Torng and my mother's Min Nhorn,  
23 deceased.

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

25 A. My wife's name is Veng Rim. We have four children together.

1 [15.12.22]

2 Q. Thank you, Mr. Prum Sarat.

3 Based on a Greffier report and to the best of your knowledge, you  
4 have no relationship by blood or by law to any of the two accused  
5 -- that is, Nuon Chea and Khieu Samphan, or to any of the civil  
6 parties admitted in this case. Is that true?

7 A. Yes, it is true.

8 Q. Before your appearance here, have you already taken oath  
9 before the Iron Club Statue to the east of this courtroom  
10 already?

11 A. Yes. I already took an oath before the Iron Club Statue.

12 Q. I would like now to inform your rights and obligations as a  
13 witness before the Chamber.

14 Mr. Prum Sarat, as a witness in the proceedings before the  
15 Chamber, you may refuse to respond to any question or to make any  
16 comment which may incriminate you right against  
17 self-incrimination.

18 Your obligations: Mr. Prum Sarat, as a witness in the proceedings  
19 before the Chamber, you must respond to any questions by the  
20 Bench or relevant parties, except where your response or comment  
21 to those questions may incriminate you as the Chamber has just  
22 informed you of your rights as a witness.

23 [15.14.10]

24 In addition to this, you must tell the truth that you have known,  
25 heard, seen, remembered, experienced, or observed directly about

1 an event or occurrence relevant to the questions that the Bench  
2 or Parties posed to you.

3 Mr. Prum Sarat, have you ever provided interviews or have you  
4 ever been interviewed by the investigator or investigators of the  
5 OCIJ? If they happened, how many times did they take place?

6 A. Yes. I was interviewed by the interviewer in the field belong  
7 to me in 2007 and, later on, I came as a witness to testify on 25  
8 and the hearing of testimony was concluded on the 29th, 2009.

9 [15.15.37]

10 Q. Have you read or did you listen to the reading of the written  
11 records of interview that you provided to investigator of the  
12 ECCC to refresh your memory?

13 A. Yes, I read them already, and I also reviewed those documents,  
14 the documents -- or statements I gave two times.

15 Q. To your best of your recollection, do the written record of  
16 interview that you have read correspond to your answers that you  
17 provided to the investigator?

18 A. After my review and after my reading of those two documents,  
19 they are consistent with what I can recall in the period.

20 MR. PRESIDENT:

21 Thank you.

22 On the basis of Internal Rule 91bis of the ECCC, the Chamber will  
23 give the floor first to the defence team for Mr. Nuon Chea before  
24 other parties. The combined time for the two defence teams is two  
25 sessions: one session today and another session in two (sic) days

1 morning. So you have the floor first, counsel for Mr. Nuon Chea.

2 [15.17.25]

3 QUESTIONING BY MR. KOPPE:

4 Thank you, Mr. President.

5 Q. Good afternoon, Mr. Witness. I would like to ask you some  
6 questions this afternoon and tomorrow.

7 Let me start by asking you to describe your military activities  
8 before 17 April '75. When did you join the Revolution, where did  
9 you join the Revolution etc.?

10 MR. PRUM SARAT:

11 A. Allow me to give a description of my occupation as a soldier  
12 before 1975. I entered the Revolution on 6 September 1970 and I  
13 was part of Kampot military.

14 [15.18.30]

15 Q. Do you remember which division you were in within Kampot  
16 sector?

17 A. At the time, division was not formulated or organized yet, so  
18 I was part of the Kampot sector's military.

19 Q. That is correct. Do you know when the Southwest forces in  
20 Kampot became -- merged into a division; do you remember when  
21 that was?

22 A. I cannot recall the exact date and month. What I can recall is  
23 that it was in 1979. The Division 3 came into existence in that  
24 Southwest Zone.

25 Q. I heard you say "1979". Do you mean before 1975 rather?

1 A. Let me clarify the year. Once again, I left Kampot sector's  
2 military and then joined the military in the Southwest Zone when  
3 a division came into existence. It was in 1974.

4 [15.20.35]

5 Q. Thank you. Do you remember who the commander was of Division  
6 3?

7 A. The commander of Division 3 was Meas Muth.

8 Q. I will speak to you about other commanders soon.

9 Let me now go back to a particular moment in time. Do you  
10 remember your division being involved in the attack on Phnom Penh  
11 in April '75?

12 A. My division was engaged in the attack on the battlefield in  
13 Phnom Penh in 1975. It is true.

14 Q. Were you, yourself, engaged in the attack? Were you engaged in  
15 the actual fighting, the actual conquering of Phnom Penh?

16 A. I, myself, was involved in it.

17 Q. Can you explain very briefly what it was exactly that you were  
18 involved in? Which part of the fighting did you do, for instance?

19 A. Regarding my responsibility was to be engaged in the attack to  
20 the east of Thmat Pong (phonetic). The place was called Moung  
21 Chen (phonetic).

22 [15.22.54]

23 Q. What was your rank at the time you -- or your division,  
24 rather, was attacking Phnom Penh? What were you; what was your  
25 rank?



1 A. At that time, I was the chief of a company.

2 Q. And how many men were you commanding? How many combatants were  
3 under your leadership?

4 A. I supervised 100 soldiers at that time.

5 Q. And do you recall how many companies, such as your company,  
6 were in the battalions and how many battalions were in the  
7 regiments in the division?

8 A. To my recollection, within Division 3, there were three  
9 regiments within Division 3. Let me clarify. There were three  
10 regiments within one division -- that is, Division 3.

11 [15.24.41]

12 Q. And there were four battalions in a regiment; is that correct?

13 A. To my recollection, three battalions made up one regiment.

14 Q. And is it also correct that in your company there were three  
15 platoons?

16 A. There were three platoons within my company.

17 Q. Did your company incur any casualties in the assault on Phnom  
18 Penh -- the attack on Phnom Penh?

19 A. When we were attacking on the battlefield, it was normal that  
20 soldiers were injured and died because of the battlefield on a  
21 daily basis.

22 Q. Do you recall how many combatants in your company died during  
23 the attack of Phnom Penh?

24 A. At the time, I could not recall how many combatants died since  
25 it happened about 40 years ago already.

1 [15.26.48]

2 Q. I understand; no problem.

3 Let me now ask you a few questions specifically about the week or  
4 the days immediately following 17 April '75. Do you recall where  
5 you went once Phnom Penh had fallen, immediately after 17 April  
6 '75?

7 A. After Phnom Penh had fallen, I received instructions from the  
8 upper echelon to lead my company's combatants to Kampong Som's  
9 battlefield. We were on foot at the time. We were walking from  
10 Kambol (phonetic) up until Viring (phonetic) at which there were  
11 vehicles to transport us directly to Kampong Som.

12 Q. Is it correct that it took your company about five days to  
13 reach Kampong Som? You reached Kampong Som on 22nd April '75?

14 A. Yes, that is correct.

15 [15.28.20]

16 Q. I would like to ask you something specific in relation to  
17 those seven days between -- sorry, those five days -- between 17  
18 April 1975 and 22 April '75.

19 Do you recall whether while travelling with your company to  
20 Kampong Som there were any attacks, any attacks from the Lon Nol  
21 army on your company?

22 A. During the journey of five years (sic), we were not attacked  
23 by the Lon Nol troops.

24 Q. I presume you meant five days. But let me read something to  
25 you from your statement to DC-Cam.

1 Mr. President, it is E3/9113; English, page 17 or ERN 00974170;  
2 Khmer, 00926353; there is no French translation.

3 Question from the DC-Cam investigator: "So whilst you were  
4 travelling to Kampong Som, were there not any attacks?"

5 And then you answer: "We had a clash at Daoh Kanhchor because  
6 Daoh Kanhchor was not defeated yet. At that time, Norodom  
7 Chantaraingsey was there. He did not raise a white flag yet  
8 because he had planned to travel to the sea, but during his trip  
9 he hit a landmine whilst I was walking. I heard the sound of a  
10 landmine explosion and I saw the soldiers raising white flag from  
11 the jungle as a sign that Norodom Chantaraingsey was injured."  
12 End of quote.

13 Mr. Witness, do you recall having said that to the investigator  
14 of DC-Cam?

15 A. Regarding that document, it is true that I gave such a  
16 statement to the DC-Cam.

17 [15.31.03]

18 Q. I'm asking you questions about this particular five days for  
19 two reasons: The first reason is the words that you used "raising  
20 the white flag". Can you expand a little bit on that? What did  
21 you mean when you said "he had not raised the white flag yet"?

22 And what does it mean if Lon Nol soldiers raised the white flag?

23 A. Let me clarify. Concerning Phnom Penh's battlefield, we could  
24 see the white flags everywhere in Phnom Penh. However, in the  
25 Daoh Kanhchor, white flags were not raised yet at the time.

1 When I reached Daoh Kanhchor and then Kampong Seila, I heard the  
2 landmine explosion. I could hear it at the time. And half-an-hour  
3 later, I saw soldiers whom I did not know where they were from,  
4 and those soldiers were holding white flags and they were walking  
5 to us together with the injured combatants.

6 [15.32.55]

7 And upon my arrival, I saw the injured soldiers who were being  
8 carried, and I asked them who got injured from the explosion of  
9 landmine and those soldiers replied that Norodom Chantaraingsey  
10 got injury from the explosion.

11 Upon hearing this, I did not recognize and know who  
12 Chantaraingsey was, but before the time, rather, I had never  
13 known Chantaraingsey and had never seen him before. And it was in  
14 that time that I started to know him.

15 And, later on, I asked the medics to wrap the wound for  
16 Chantaraingsey and I told the soldiers together with  
17 Chantaraingsey to rest at the place where we met, since I and my  
18 soldiers had to move on to Kampong Som.

19 [15.34.15]

20 Q. You spoke about seeing white flags being raised by Lon Nol  
21 soldiers everywhere in Phnom Penh. Also, the white flag was  
22 raised in the area that you just described.

23 Can you tell the Trial Chamber, please, what does it mean -- what  
24 did it mean in April '75 when Lon Nol soldiers or military raised  
25 the white flag? What did that mean to you and your company?

1 A. Based on my knowledge, at the time when I saw the white flag  
2 being raised it meant that the fighting between both sides came  
3 to an end.

4 Q. And I understand, but what was subsequently done with the Lon  
5 Nol military who had surrendered, do you remember?

6 A. I do not understand your question.

7 Q. Do you know what was supposed to happen with the Lon Nol  
8 soldiers who had raised white flags? What was to be done to them,  
9 do you recall?

10 A. I -- to my understanding, when one side raised the flag, the  
11 other side understood from such a signal that the war came to an  
12 end.

13 [15.36.35]

14 Q. Let me see if I can ask -- jog your memory a bit in this  
15 respect, Mr. Witness.

16 Mr. President, I would like to read an excerpt from document  
17 E3/24. It is a WRI from a witness who has testified in Case  
18 002/01. It's Phy Phuon. It is English, ERN 00223581; Khmer,  
19 00204069; and French, 00503921.

20 Mr. Witness, Phy Phuon testified the following. He is describing  
21 the events in Phnom Penh in April '75, and let me give you a  
22 little context so that you know what exactly he is saying.

23 "I entered Phnom Penh on 20 April '75 with Son Sen to look at the  
24 situation as assigned by Pol Pot. I saw that the people were  
25 leaving in every direction and all the targets had not yet left."

1 Were there orders to seek out the enemy?"

2 Answer: "No. To the contrary, at the time they told us that they  
3 feared or to be careful of forces hiding in the houses even  
4 though the large forces had already been eliminated."

5 Question: "Were there orders to seek out Lon Nol soldiers?"

6 Answer: "No, because they raised white flags already. There were  
7 clear instructions not to touch -- impact them. During war on the  
8 battlefield, that was different. Now they had surrendered to us  
9 and we need not to touch them, just welcome them and greet them  
10 and respond to the questions which they asked us. He said, 'they  
11 were Cambodians like us, don't touch them at all.' Those were the  
12 words of Pol Pot."

13 Mr. Witness, just to be complete, on 30 July 2012, this same  
14 witness was confronted with what he said earlier and he said, at  
15 around 15.32: "Those soldiers were defeated. They surrendered.  
16 The white flag was hoisted or raised, so we did not do anything  
17 to harm them. People were advised strictly not to do any harm to  
18 those people who were defeated." End of quote.

19 My question to you is: Is the testimony of this witness, Phy  
20 Phuon, accurate when it comes to the treatment of Lon Nol  
21 soldiers who had raised the white flag?

22 [15.40.02]

23 A. Based on my understanding of the statement by witness Phy  
24 Phuon, I think it is correct because at that time, especially my  
25 company did not have any plan to combat further because the

1 raising of the white flag signalled that the other side stopped  
2 fighting. So I agreed with what Phy Phuon gave in the testimony.

3 Q. Are you aware of any killing of Lon Nol soldiers who had  
4 surrendered, either within your company or the battalions or  
5 regiments of Division 3?

6 A. When I travelled from Phnom Penh to Kampong Som, my company  
7 did not touch any Lon Nol soldiers, even a single soldier, after  
8 17 April 1975.

9 [15.41.50]

10 Q. Are you aware of any killing of Lon Nol soldiers after the war  
11 had finished? For instance, killing of Lon Nol soldiers or  
12 officials in the second half of '75 or 1976?

13 A. Let me answer to your question. I only heard about it, but the  
14 hearing of this information was after I had fulfilled my mission  
15 and when I trained at Kampong Som.

16 Q. Thank you.

17 Mr. Witness, now, one other question I had in relation to that  
18 excerpt from your DC-Cam statement and that is Norodom  
19 Chantaraingsey.

20 Was he a high-ranking commander, maybe even a brigadier-general  
21 in the Lon Nol army?

22 A. I knew Norodom Chantaraingsey during the Lon Nol regime. He  
23 was a general in Division 13 of the infantry force.

24 [15.43.48]

25 Q. I have many questions about him but I will limit myself to

1 one.

2 Do you know whether at the time -- we're talking 1975/1976 -- he  
3 had any connection to someone called Son Ngoc Thanh?

4 A. Let me answer. I do not know regarding the information you  
5 have just raised.

6 Q. I understand.

7 Have you yourself ever heard of Son Ngoc Thanh?

8 A. I heard his name, Son Ngoc Thanh.

9 Q. And what was it that you heard other than his name?

10 A. I did not hear any other thing about him beside his name.

11 Q. That's no problem, Mr. Witness, I will revisit him later, I  
12 think, tomorrow when I discuss the study sessions that you had  
13 with Son Sen.

14 Let me now turn to Division 164. Is it correct that the Division  
15 3 that you were company commander in at one point in time became  
16 the navy division, Division 164?

17 [15.45.50]

18 MR. PRESIDENT:

19 Mr. Witness, please hold on. The Chamber gives the floor to the  
20 Deputy International Co-Prosecutor.

21 MR. DE WILDE D'ESTMAEL:

22 Thank you. Good afternoon, Mr. President. Good afternoon, Your  
23 Honours.

24 It seems to me that the question is not really appropriate. I  
25 heard "Did Division 3 become Navy Division 164?" I think he



1 should -- rather - he should -- did it become a central division  
2 within which there was the navy?

3 We could say -- if I'm not mistaken, the navy was a regiment  
4 within Division 164, so I think the question should be  
5 re-phrased.

6 [15.46.40]

7 BY MR. KOPPE:

8 I have no problem. I think there's plenty of evidence to suggest  
9 that, but I'm happy to ask an open question. I was just speeding  
10 up things.

11 Q. Mr. Witness, did you at one point in time become a member of  
12 Division 164?

13 MR. PRUM SARAT:

14 A. I can still recall that in June 1976 -- I'm sorry, it was in  
15 June 1975 -- my division became Division 164 of the navy.

16 Q. Mr. Witness, I think you were right when you just said that  
17 Division 164 was formed in June '67 because both in questions and  
18 answers 19 and 20 of your WRI -- that is, E319/23.3.54, you say  
19 that it was in June '76.

20 Is it correct that Division 164 was one out of a number of  
21 divisions under central command, under the command of the central  
22 army?

23 A. I clarify this in my statement that I gave to the "Searching  
24 for the Truth" group of the Chamber. I told the interviewer that  
25 there were 9,000 men.

1 [15.49.10]

2 Q. Correct. I believe you said between 7,000 and 9,000. But was  
3 Division 164 one of 10 or maybe one of 15 central divisions? Do  
4 you recall?

5 A. In Division 164, it was under the command of the central army.

6 Q. And do you remember in which regiment of Division 164 you were  
7 in as of June '76?

8 A. I was in Regiment 140 within the Division 164.

9 Q. And do you recall where your base was; where was Regiment 140  
10 stationed?

11 A. Based on my recollection, Regiment 140 was based at its  
12 original place, was at Ou Chheu Teal, Kampong Som.

13 [15.51.12]

14 Q. You said that the total number of Division 164 was between  
15 7,000 and 9,000. There is evidence to suggest that in October  
16 '76, there were about 8,611 men total in Division 164. But do you  
17 recall how many men, combatants or non-combatants, were in  
18 Regiment 140, let's say, in October 1976?

19 A. Regiment 140 had a total number of 1,400 men. When we started  
20 the regiment, we had 120 men who were trained in the navy and we  
21 got assistance from China.

22 Q. And was Regiment 140 subdivided into Battalions 42, 43 and 44?  
23 And you, yourself, were a member of Battalion 44?

24 A. Let me clarify. Within Regiment 140, there were Battalions 41,  
25 42, 43 and 44. I was within Battalion 44; Battalion 44, Company

1 2.

2 Q. And were you the Commander of Company 2 of Battalion 44?

3 A. I was the Commander of Company 2.

4 [15.54.15]

5 Q. In your WRI, E319/23.3.54, in answer and question 25, you also  
6 state that from mid-'76 to '79, Regiment 140 had 10 combat  
7 vessels, 10 patrol vessels, a tanker and four mine sweepers. Is  
8 that correct?

9 A. Yes, that is correct.

10 Q. One point of clarification. You said that you were the  
11 Commander of Company 2, Battalion 44, Regiment 140. How many men  
12 then did you have under your command?

13 A. I had 110 men under my supervision.

14 [15.55.45]

15 Q. The reason I'm asking you this question is because in your  
16 WRI, question and answer 55, you said that you, at one point in  
17 time, also became a commander of Vessel 1710, supervising 38 crew  
18 members.

19 Are both correct or is one position following the other?

20 A. I was supervising the vessels. We wrote the signs and  
21 identification for vessels from 1701 to 1710 and I was in charge  
22 of Vessel 1710.

23 Q. I understand. But were you also, at the same time, still a  
24 commander of Company 2, Battalion 44, Regiment 140?

25 A. I was removed from Company 2 and sent to be in charge of the

1 technical training as the commander of the naval force and I had  
2 38 crew members within -- under my command.

3 [15.57.55]

4 Q. I understand now; just a last small question.

5 Was that a promotion for you when you became the Commander of  
6 Vessel 1710?

7 A. When I was promoted as the supervisor of the vessel, it -- so  
8 the promotion meant that I had the technical skills. That's why I  
9 was promoted from the commander of the infantry force to the  
10 vessel commander.

11 Q. That's clear. Thank you.

12 Mr. Witness, now let me ask you a question about the general  
13 composition of Division 164.

14 Do you recall whether there were also soldiers from the East Zone  
15 forming part of Division 164?

16 A. Regarding the soldiers who were sent to be part of the naval  
17 unit, there were around 700 soldiers which was once based in the  
18 East Zone.

19 [16.00.01]

20 Q. Let me read it back to you what you said in this respect.

21 Mr. Witness, that is your DC-Cam statement E3/91113 -- sorry,  
22 9113, English page 22, ERN 00974175; in Khmer, 009263--

23 MR. PRESIDENT:

24 Please slow down, Victor Koppe, regarding the identity number of  
25 the document and also ERN numbers. Please read them slowly.

1 MR. KOPPE:

2 I apologize, Mr. President. It's E3/9113, that's the DC-Cam  
3 statement. It is English page 22 at ERN 00974175; Khmer,  
4 00926358. It's a question about the deputy commander of Division  
5 164, Dim. I will ask questions about him later.

6 The question: "Did Dim come as chair of the division committee?"

7 You say: "Yes."

8 And then the question: "So 700 Eastern soldiers were selected  
9 from Division 3700 and was Regiment 144 in '76?"

10 "Yes." End of quote.

11 [16.01.37]

12 BY MR. KOPPE:

13 Mr. Witness, you are saying here that in total 700 soldiers from  
14 the East Zone were selected from Division 3700, 3-7-0-0; is that  
15 correct?

16 MR. PRUM SARAT:

17 A. Could you clarify your question, please, since it is not clear  
18 to me? Could you repeat your question, please? I do not really  
19 understand it yet.

20 Q. You confirm that Eastern Zone soldiers formed part of Division  
21 164 and you seem to say that these 700 soldiers from the East  
22 Zone were selected from "Division 3700" or Division 3-7-0-0. Is  
23 that correct?

24 [16.02.45]

25 MR. PRESIDENT:

1 Please hold on, Mr. Witness.

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

3 MR. DE WILDE D'ESTMAEL:

4 Thank you. I believe there is an error in the English document.

5 It appears that it would be Division 3 and not Division 3000. The

6 700 has to do with the figure of soldiers from the East Zone. I

7 believe the confusion - there's confusion is in the Khmer version

8 and we should refer to the English version which appears to be

9 more correct.

10 MR. KOPPE:

11 I don't think that is correct, Mr. President. Division 3 that was

12 just discussed is a Southwest Zone division. That's where he was

13 coming from. But I'm referring to East Zone soldiers. Apparently,

14 according to the English translation, coming from East Zone

15 Division 3700.

16 I see the witness nod, so maybe I can continue.

17 [16.03.51]

18 BY MR. KOPPE:

19 Q. Mr. Witness, did these East Zone soldiers come from Division

20 3700 in the East Zone?

21 MR. PRUM SARAT:

22 A. Let me clarify. There was no Division 3700 in the East Zone.

23 In fact, there were 700 soldiers. No such number existed. So I

24 disagree with that statement since no such number of division

25 existed.

1 Q. That's my last question because I think we're running out of  
2 time.

3 But we are in agreement that 700 soldiers from the East Zone  
4 formed part of the Division 164? That is correct, right?

5 A. Yes, you are right.

6 [16.05.05]

7 MR. PRESIDENT:

8 Before we adjourn, I would like to clarify, to ask a question. I  
9 have a question for you, Counsel Koppe, and also for defence  
10 counsel for Mr. Khieu Samphan.

11 I know that Khieu Samphan wanted to ask some question at the end  
12 of his testimony, so how do you coordinate the time among you  
13 two, the Defence team?

14 MR. KOPPE:

15 That is indeed the case. I will continue tomorrow and it's the  
16 wish of the Khieu Samphan team to ask questions once the  
17 Prosecution and the civil party lawyers are done.

18 [16.06.16]

19 MR. PRESIDENT:

20 Thank you.

21 It is now time for the adjournment and the hearing will resume  
22 tomorrow, Tuesday, 26 January 2016, at 9 a.m.

23 Tomorrow, the Chamber will continue hearing the testimony of the  
24 witness, Prum Sarat, and there is a reserve witness, 2TCW-849 in  
25 relation to the treatment of the target group, in particular

1 Vietnamese. Please be informed and be on time.

2 Thank you, Mr. Prum Sarat. The hearing of your testimony as a  
3 witness has not come to an end yet. You are therefore invited to  
4 come and testify once again tomorrow at 9 a.m.

5 Thank you as well, Mr. Moeurn Sovann, the duty counsel. You are  
6 also invited to be here with the witness tomorrow at 9 a.m.

7 Court officer, please work with the WESU unit to send Mr. Prum  
8 Sarat to the place where he is staying at the moment and please  
9 invite him back into the courtroom tomorrow at 9 a.m.

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

13 The Court is now adjourned.

14 (Court adjourns at 1607H)

15

16

17

18

19

20

21

22

23

24

25