



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 December 2015
Trial Day 345



Before the Judges: NIL Nonn, Presiding
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Jean-Marc LAVERGNE
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YOU Ottara
Martin KAROPKIN (Reserve)
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I N D E X

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

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the remaining testimony of the
6 current witness and begin hearing testimony of another witness --
7 that is, 2-TCW-945.

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

10 [09.03.36]

11 THE GREFFIER:

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

14 Mr. Nuon Chea is present in the holding cell downstairs. He has
15 waived his right to be present in the courtroom. The waiver has
16 been delivered to the greffier.

17 The civil party who is to conclude his testimony today -- that
18 is, Mr. Choeung Yaing Chaet, is present in the courtroom.

19 Today, we also have a reserve witness -- that is, 2-TCW-945, who
20 confirms to the best of his knowledge, he has no relationship by
21 blood or by law to any of the two Accused -- that is, Nuon Chea
22 and Khieu Samphan, or to any of the civil parties admitted in
23 this Case. The witness took an oath before the Iron Club Statue
24 yesterday.

25 Thank you.

1 [09.04.41]

2 MR. PRESIDENT:

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

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

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

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

25 [09.06.29]

1 QUESTIONING BY MR. KOPPE RESUMES:

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

21 [09.09.15]

22 MR. PRESIDENT:

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

25 MS. GUIRAUD:

4

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

10 [09.10.09]

11 BY MR. KOPPE:

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

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

18 MR. CHHOEUNG YAING CHAET:

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

21 MR. PRESIDENT:

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

5

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

3 [09.11.42]

4 BY MR. KOPPE:

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

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

10 MR. CHHOEUNG YAING CHAET:

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

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

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

19 [09.13.20]

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

22 A. No. That name is not familiar.

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

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

6

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

4 [09.14.36]

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

7 A. I <saw> him <from a distance> and I cannot say for sure
8 whether he <was a> Chinese, <> Khmer or Vietnamese person. <The
9 moment I saw him, I turned to look down to the ground. I dared
10 not look at the faces of senior cadres.>

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

13 A. No, I haven't.

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

18 MR. PRESIDENT:

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

21 [09.16.39]

22 JUDGE LAVERGNE:

23 Thank you, Mr. President. I'm sorry to interrupt your examination
24 of the civil party, Mr. Koppe. I would like you to clarify
25 something. What is the basis for your <questions> <asserting or>

1 alleging that Ta Peang was <a soldier> of Vietnamese origin?

2 MR. KOPPE:

3 Judge Lavergne, as you know, the investigators of the

4 Investigating Judge never investigated the events described by

5 the civil party. So we had to do our own research by necessity

6 and based on the case file, we are inclined to think that

7 District 18 was in fact already in the hands of the "Khmer Rouge"

8 in '71, and that Ta Peang might have been Vietnamese himself and

9 was a member of the Vietnamese army. It's something that we have

10 on the case file as well.

11 JUDGE LAVERGNE:

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

13 MR. KOPPE:

14 From the case file.

15 [09.17.56]

16 JUDGE LAVERGNE:

17 That is not an answer, Counsel Koppe.

18 MR. KOPPE:

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

20 JUDGE LAVERGNE:

21 Well in that case, <it won't be the first time you are told that,

22 if you want to put questions,> we'll need to know the basis <for

23 the> questions.

24 JUDGE FENZ:

25 May I just ask one additional question because I'm not sure I got

1 that right? Are you referring to a personal case file now as a
2 basis for questions? Or are you referring to the case file we all
3 base these proceedings on?

4 MR. KOPPE:

5 Exactly.

6 JUDGE FENZ:

7 To (inaudible)

8 MR. KOPPE:

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

10 [09.18.56]

11 JUDGE FENZ:

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

14 MR. KOPPE:

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

16 MR. PRESIDENT:

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

19 MR. KOPPE:

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

21 [09.20.00]

22 MR. BOYLE:

23 Mr. President, I just wanted to note for the record because it
24 hasn't been stated out right that the document that counsel has
25 just referred to is a S-21 confession document. We have of course

1 addressed this issue before. These are documents that are
2 implicitly suspect. Often the information contained in them was
3 obtained under torture. And I believe that that should be the
4 conclusion of the line of questioning based on this document.

5 Thank you very much.

6 MR. KOPPE:

7 The main gist of my question was, Mr. President, whether District
8 18 was in fact--

9 (Judges deliberate)

10 [09.21.20]

11 MR. PRESIDENT:

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

20 MR. KOPPE:

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

10

1 JUDGE LAVERGNE:

2 Mr. Koppe, is Ben Kiernan per chance relying on the same sources
3 -- that is, confessions from S-21, or he has other sources? <If
4 that is the case, we would be delighted to hear about them.>

5 [09.23.05]

6 MR. KOPPE:

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

17 MR. BOYLE:

18 Mr. President--

19 MR. PRESIDENT:

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

24 [09.24.20]

25 MR. BOYLE:

11

1 Thank you, Mr. President. I actually just wanted to make a quick
2 point of clarification in relation to the premise of the
3 question. I actually believe that what the civil party stated
4 initially this morning, which is that Kampong Leaeng is in
5 District 16 is correct. And so -- well this debate can be had
6 later potentially through filings. I think that the premise of
7 the question may be incorrect.

8 BY MR. KOPPE:

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

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

19 [09.25.52]

20 MR. CHHOEUNG YAING CHAET:

21 A. In 1971, I did not arrive in Kampong Chhnang yet. <I was still
22 in Ruessei Dangkuoch.> Actually I arrived in Kampong Chhnang one
23 month before the Khmer New Year celebration <in 1975>. And then
24 seven days after the Khmer New Year celebration, then <I heard
25 they were shouting the slogan, "Long live Samdech Euv! If you

12

1 don't go, we will burn down your house!" Those who lived on the
2 ground remained on the ground, and those who lived on the water
3 remained on the water. Then> we were moved or evacuated <to
4 Cheung Kraoh>.

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

8 A. I cannot tell you about that. What I can say is that in 1971,
9 I was in my hometown -- that is, Ruessei Dangkuoch village.

10 Q. I will move on to the next subject, Mr. Civil Party. As I --
11 as you might have heard earlier, the events that you did describe
12 have not been investigated at all by this Court before. And so we
13 only have your testimony to rely on. Is there anyone in your
14 surroundings, maybe Mr. Ta Ly, or anyone to whom you told the
15 story, to whom you described the events that you described
16 yesterday, is there anyone who could corroborate your evidence?

17 A. I know Ta Ly, but Ta Ly passed away and I do not know anyone
18 else.

19 [09.28.15]

20 Q. When you returned to Cambodia in 1982, was there anyone whom
21 you told the story? Is there anyone who could confirm? Is there
22 anyone who saw the events, anyone at all that we can ask a
23 question?

24 MR. PRESIDENT:

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

1 MR. CHHOEUNG YAING CHAET:

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

3 And I did not know anything else.

4 BY MR. KOPPE:

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

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

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

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

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

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

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

12 approximately 30 per cent of things?

13 [09.30.18]

14 MR. CHHOEUNG YAING CHAET:

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

16 forget. And I myself know about my personal memory loss. <I am

17 telling you from what I know.>

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

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

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

21 of mental issues do you have?

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

23 And sometimes, I become dizzy. <In such a case, I just went

24 temporarily blind.>

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

14

1 call physical injuries. You're talking about mental injuries. Is
2 there something sometimes not going well in your head?

3 A. It's due to the injury that I was hit three times with an axe.
4 That's the main cause.

5 [09.32.02]

6 Q. Let me move on now to the events that you described. In the
7 report on civil party application that I just referred to made up
8 by people from the Victims Support Section who apparently never
9 spoke to you. But they in their report make a distinction between
10 two events that you describe: one, at the beginning of 1975 when
11 allegedly your family was killed; and one in July '75 when around
12 40 villagers were killed. And in that report, it is described
13 that you were part of the group of 40 villagers when you were hit
14 on the back of your neck, rather than at the beginning of '75
15 when your family was allegedly killed. So my question is: when
16 you were hit in the back off your neck, did that happen when you
17 were with your family or when you were part of a group of 40
18 villagers?

19 A. That was not like that. I said that I fell into the pit -- the
20 same pit with my parents. And after I recovered from my
21 unconsciousness and <got treated at Ta Ly's house,> then Ta Ly
22 told me to hide myself <for four or five days before he could get
23 a letter issued for going to Vietnam>. When I went into hiding in
24 the forest, I saw <a file of> about 40 people <who could have
25 been both Khmer and Vietnamese being> taken to be killed. That's

15

1 what I said.

2 [09.34.25]

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

12 A. Yes, that's correct. I said that I saw 40 people. And when I
13 saw those 40 people, I was already injured on my back. <At that
14 time,> I was <going into> hiding in the forest, Ta Ly notified me
15 that I should hide in the forest <for a few days before I should
16 return to the village>. And when I was in the forest, I saw
17 around 40 people <being> taken. <Having observed that, I went
18 even deeper into the forest.> And that's what I said, <and that
19 was all I knew.>

20 [09.35.53]

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

25 A. I did not know. <I just knew that by that time they had

16

1 already been split> into groups. Some were sent to <Chranouk,
2 some were sent to> Dar, <and> some were sent to <Phnum Kangkaeb>.
3 <Since I lived in Phnum Kangkaeb, I only learned what happened
4 there.> And those who were grouped in the fishing unit, they
5 <caught fish for him. I dared not go anywhere further than that
6 during the regime>. I mean movement at that time was restricted.
7 Q. Maybe I was not accurate, maybe you didn't say it yesterday,
8 but you said it in your supplementary statement of your interview
9 by your lawyer. You say "there were about 2,000 Vietnamese
10 families that were relocated up the mountain to Dar village". So
11 just to be sure, I'm referring to those 2,000 Vietnamese families
12 who were relocated up the mountain to Dar village, what happened
13 to them?

14 A. I do not know.

15 [09.37.57]

16 Q. Let me now move on to when you were on the ferry going to
17 Vietnam and the things that you said about you and other
18 Vietnamese people being "traded or bartered for salt and rice".
19 Can you explain again why you thought you and the others were
20 traded for rice and salt? What made you say that?

21 A. When I was on the ferry, that's what Angkar on the ferry said
22 about that. <I was in the event, and I heard it from them
23 directly as they were saying that to my face.> They said that I
24 <stayed alive to that moment because> salt and rice <had been
25 bartered>. That's what the Angkar on the ferry said.

17

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

2 A. Those on the Vietnamese ferry.

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

7 A. Yes, that's correct.

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

10 A. Yes, that's correct.

11 [09.40.17]

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

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

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

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

21 Q. So then do you agree with me there is zero evidence to suggest
22 that your family was killed because they were Vietnamese?

23 MR. PRESIDENT:

24 Please Deputy Co-Prosecutor, please. So we notice that <several
25 leading questions have been put to the civil party, and it is

18

1 likely that more of such questions will be put to the civil
2 party. The Chamber acknowledges the sophisticated technique being
3 applied by> the defence counsel; <however, the Chamber has
4 noticed that the last several> questions <put by the defence
5 counsel were leading questions, which is unbelievable that the
6 counsel would use such a line of questions.> So please
7 <International Deputy Co-Prosecutor, you have the floor.>

8 [09.42.20]

9 MR. BOYLE:

10 Thank you, Mr. President. I object to the form of the question.
11 It's certainly appropriate to ask the civil party whether he has
12 any knowledge of why his family was killed for him to opine on
13 whether--

14 MR. PRESIDENT:

15 Deputy Co-Prosecutor, please be on your feet. The Chamber would
16 like to remind you again that you should not use this stage to
17 teach another party how to put questions to the civil party. Of
18 course, you can be on your feet and raise your objection, but it
19 is not your turn to instruct the other Party how to put questions
20 to the civil party. And Mr. Civil Party, please do not respond to
21 the last question put to you by defence counsel.

22 BY MR. KOPPE:

23 Q. Right, Mr. Civil Party, is it correct that you yourself have
24 no other information at all about the reason for the arrest of
25 your family?

19

1 [09.43.55]

2 MR. PRESIDENT:

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

4 <Several leading questions have been put so far.>

5 MR. KOPPE:

6 Yes. Thank you, Mr. President.

7 MR. PRESIDENT:

8 The floor is given to the defence team for Mr. Khieu Samphan to

9 put questions to this civil party. You may now proceed.

10 QUESTIONING BY MS. GUISSÉ:

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

12 Chhoeung Yaing Chaet. My name is Anta Guissé and I am the

13 International Co-Counsel for Mr. Khieu Samphan. And in this

14 capacity, I am going to put a few complementary questions to you.

15 Q. At yesterday's hearing at 11.09, you spoke about the departure

16 of many families from Kandal to Dar. And you said that there were

17 <around> 1,000 families. That is the figure that you <gave> us

18 yesterday. And you also said that among these families, there

19 were families of Vietnamese origin as well as Khmer families. So

20 my first question is: how did you come up with this figure of

21 1,000 families?

22 [09.45.35]

23 MR. CHHOEUNG YAING CHAET:

24 A. That was my estimation. I did not count <those families>, but

25 I said <approximately> 1,000 families. It came from my

1 estimation.

2 Q. But what was the basis of your estimation? Was it a place
3 where these families gathered? On what basis did you come up with
4 this <estimate>?

5 A. <They left in groups.> There <were> about 50 or 40 families
6 <in each group,> and there were many groups. So I estimated <that
7 there were approximately 1,000 families>. So it's from my
8 estimation. <I witnessed the event with my own eyes.>

9 Q. And this group on which you based your <estimate>, where was
10 it then?

11 A. <At Cheung Kraoh, they> signed the <names> of those <who were
12 to go ashore> and <those who remained on the water would continue
13 to process fish. We> were classified into groups. <And we had to
14 remain in the very group we had been classified.>

15 [09.46.56]

16 Q. Yes, I understood that people had been scattered, but my
17 question is: when you came up with your <estimate>, where was
18 this group of people located? <Where exactly?>

19 A. <Those from Kampong Chhnang were to be gathered> at <Cheung
20 Kraoh>, it was near the river. And <then> we went to <the
21 mountains including Phnum Kangkaeb>, Dar mountain, <and Chranouk>
22 mountain<. These were> the names of <the> places.

23 Q. I believe I understood from your answers to the Co-Prosecutor
24 and also to my colleague Victor Koppe that Ta Peang -- and please
25 correct me if I am wrong -- apparently was the person responsible

1 for these evacuations. So did I understand your testimony
2 properly?

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

6 [09.48.25]

7 Q. Maybe I did not express myself clearly. My question was not
8 whether Ta Peang had killed other people or not. It was rather
9 whether he was the person responsible for the movement of the
10 people from Kandal to Dar.

11 A. Yes, it was him.

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

15 A. At that time, my parents said so <when they were still alive>.
16 My parents said Ta Peang evacuated us. And my <parents,
17 particularly my father> told me <that>.

18 Q. Do you know if there was any kind of announcement, any kind of
19 collective announcement that was made in your village <of
20 origin>to <announce the> transfer? Or was this information
21 relayed in another way? Do you know how this <announcement> was
22 made?

23 A. At that time, there was no announcement. As I said, they
24 arrived at around 6 p.m. and they <were shouting, "Long live
25 Samdech Euv! If you don't go, we will burn down your house! And

1 this applies to both those who live on the ground, and those who
2 live on the water." I did not know as to where those who lived on
3 the ground were being evicted. However, those who lived on the
4 water were evicted down the river. And if anyone had resisted,
5 his/her house would have been burned down. That's all I know.
6 There was no announcement at that time.>

7 [09.50.25]

8 Q. So if I understood well, people simply came to you and said
9 "Okay, you must go to such and such a place"; is that correct?

10 A. Yes, that's correct. During the evacuation, they <were
11 shouting that the rule would be applied accordingly among> those
12 who were on the ground <and> those who were on the water<>.

13 Q. And who made this announcement?

14 A. At that time, it was the Khmer Rouge. They wore black uniform
15 with scarf around their necks.

16 Q. In your complementary <statement which, was taken after an
17 interview> with your lawyer, document E3/5631, French, ERN
18 00898372; Khmer, 00897513; and the English, 00678292; the second
19 paragraph. This is what is stated:

20 "About 2,000 Vietnamese families were sent to the mountains in
21 Dar village and about 200 Khmer families were displaced as well.
22 They were sent to the mountains to farm the lands. About a
23 thousand families remained in the floating villages to fish <for
24 the Khmer Rouge>." End of quote.

25 So, here again my question is, the figure that you indicated and

1 which you confirmed <earlier> was an <estimate> <of 2,000
2 families ,> here in this document resulting from the discussion
3 with your lawyer, you say 2,000 families. Can you tell us which
4 is the right figure, if you know?

5 [09.52.53]

6 A. Both figures are correct. At that time, <those 2,000 families
7 with the Khmer families among them> were still on the floating
8 village; they were not evacuated <to go ashore yet.>. And it was
9 correct that about 1,000 families were <still living on the
10 water, after about 1,000 had been> evacuated <to go ashore. Both
11 figures are correct. At that time,> I <told my lawyer> that
12 before the evacuation there were around 2,000 families<, and
13 about 1,000 families were evacuated to go ashore.>

14 Q. Before the evacuation, you said there were about 2,000
15 families <that> were <mixed,> <of Khmer and Vietnamese origin>;
16 is that correct?

17 A. Yes, that's correct.

18 Q. So if I understood you well, the figure of 2,000 Vietnamese
19 families as stated in your supplementary statement is not
20 correct?

21 A. <No, it was not the case as> I said only what I knew.

22 Q. So therefore I will just have to rely on that answer. Now I
23 would like to turn to another point which you brought up and
24 which you just confirmed when you said that you had said that
25 when the houses were emptied during this evacuation, some of

1 these houses were burnt. So did this happen when you were leaving
2 your village?

3 A. That's correct.

4 [09.55.02]

5 Q. When you were answering a question put to you by Judge Fenz,
6 <I believe,> you said that your family record book had been kept
7 in your home and that it was destroyed at the same time when your
8 home was destroyed. So did I understand your testimony properly?

9 A. Yes, you are right. All my belongings <in my house> were
10 burnt<>.

11 Q. I also understood that at one point in time you said that the
12 family record books had been checked by the authorities back
13 then. Can you specify when your family record book was checked
14 and by whom?

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

16 [09.56.10]

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

19 A. <Yes, when we were living in Kandal village in> Kampong
20 Chhnang<>.

21 Q. But you're speaking about which family record books that were
22 checked, the family record book of your family?

23 A. As I said yesterday, my dad was in the family record books and
24 it was made during the previous regime. But during the Khmer
25 Rouge regime, there was no record books made at that time. But

25

1 they asked -- they made honestly statistic and report about who's
2 the head of the family and how many members in the family they
3 are. That's only what the Khmer Rouge did.

4 [09.57.30]

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

11 A. As I said <yesterday>, during the Khmer Rouge regime, they did
12 not produce family record book for us. <It was produced during
13 the Lon Nol regime.> During the Khmer Rouge regime, they <simply
14 recorded our names. They did not issue to us any identity cards
15 like these days. They just recorded> the head of the family, <and
16 the family> members<>. <That's all I know.>

17 Q. Yesterday at 3.06.17 in the afternoon, this is the question
18 that was put to you. "The Khmer Rouge, did they check this 'lan
19 tay' or did they ask to see the 'lan tay' of the family?" And
20 your answer was the following: "They checked the family record
21 books and they checked all of the 'lan tay'." End of quote. So my
22 question is: now you seem to be saying something else. And you're
23 telling us that they did not check these family record books and
24 you're telling us that they simply asked questions?

25 [09.59.20]

1 A. When I said yesterday, I talked about <the time when> the
2 Khmer Rouge <were asking us of> the family record books. So they
3 wanted to know whether we were ethnic Khmer or Vietnamese or
4 Cham. And that's what I said. <During the Khmer Rouge regime,
5 they made the> family record book <by coming to> write down the
6 names of our family members and <the number of our family>
7 members <>.

8 Q. I have understood that they wanted to know the <figure>. Let
9 me repeat my question. Answer with a yes or no. Did your family
10 show the family records to anyone when you <arrived on> the
11 mountain?

12 A. When we were at the mountain, there were no more family record
13 books with us. <At the mountain, there were no more family books
14 as our houses in Kampong Chhnang had already been> burned down.<>
15 [10.00.33]

16 Q. So my question to you is as follows: When you answered the
17 question put to you by the Co-Prosecutors yesterday that the
18 Khmer Rouge consulted the family record <book>, what specific
19 <time> were you referring to?

20 A. I just said that when we were in Kampong Chhnang, at Kampong
21 Chhnang, they checked the family record book and the members of
22 the family in that book. And of course, they had that family
23 record book with them. <The note written about each family stayed
24 with them. They did not allow us to know what was written on that
25 note.> And as for <the family record book, they returned it to

1 us, and we kept it at our house>. However, when we were
2 evacuated, our house was <being> burned down along with our
3 <family record book>.

4 MS. NGUYEN:

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

17 [10.02.27]

18 BY MS. GUISSÉ:

19 Where my colleague sees confusion, I am only seeking
20 clarification. And it is the very principle of the
21 cross-examination by all the <Defence> parties. We seek
22 clarification when there is need. I don't see <my colleague's>
23 problem with this approach. I'm trying to be as clear with the
24 witness as possible by confronting him with his statements and
25 asking him to react. So my learned <colleague> can always plead

1 at the end of the proceedings, <if she so desires>. But at this
2 point in time, I am <interested in the explanations provided by>
3 the civil party and not counsel. <In any case, I have heard the
4 civil party answer and> I'll press on.

5 Q. Yesterday at the hearing at about 11.13 a.m., Mr. Civil Party,
6 you referred to the death of your parents saying that when some
7 people arrested you, your mother lost consciousness, or in Khmer
8 we read that she was "executed in the house". Can you clarify
9 this point and tell us exactly what happened when your family was
10 arrested?

11 [10.04.01]

12 MR. CHHOEUNG YAING CHAET:

13 A. Yes, I can do that again. Yesterday, what I stated was that
14 they arrived at my house at 8 o'clock in the morning. They didn't
15 ask us to leave the house. But actually they <requested> us to
16 leave the house and each of us was tied with a separate rope. And
17 then after all the family members were tied up, then we were tied
18 in a file. And then the next family who lived next door were tied
19 up, there were four of <them-two parents and two children>. Then
20 we were walked towards <a> pit<, but kept about 100 metres away
21 from the pit. We were taken away, and killed one at a time;
22 however,> I did not know how those people were killed <as I did
23 not witness the actual killing myself>. However, <only the moment
24 I was brought to the pit for execution did> I <see> my parents
25 <lying dead> in the pit.

1 MR. PRESIDENT:

2 Mr. Civil Party, let me remind you again. Please make your
3 response as precise as possible to the question. And do not
4 provide a long question -- a long response, rather; otherwise you
5 would be questioned based on what you say.

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

8 [10.05.37]

9 BY MS. GUISSÉ:

10 Yesterday during the hearing, speaking in Khmer at 11.13 <a.m.>,
11 you talked of the arrest of your family. And we <heard> in the
12 Khmer that your mother was executed at home. Can you tell us
13 whether that is indeed the case or not?

14 MR. CHOEUUNG YAING CHAET:

15 A. <I was referring to "being unconscious", not "being killed".
16 Actually, although> she became unconscious <while being
17 approached at home, she was also tied, and attached to the rest
18 of us>. She did not die in the house but she <just lost
19 consciousness for a short moment>.

20 Q. And can you tell us who arrested you and exactly how many
21 people arrested you?

22 A. I did not know their names. However, there were eight of them
23 with eight guns. <They also brought along> a bamboo club and a
24 <little> axe.

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

1 A. No, I <had> not.

2 [10.07.08]

3 Q. You therefore did not know whether they were militiamen or
4 soldiers, nor did you know where they came from, whether from a
5 commune, the village or the district. <You didn't know? Is that
6 correct?>

7 A. They were the Base People. They were <> the Khmer Rouge, but
8 they were not militia.

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

11 A. Base People wore black clothing with a scarf around their
12 neck.

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

15 A. They wore ordinary clothes.

16 Q. What do you mean by ordinary clothes? Can you describe that to
17 us?

18 A. It was the clothing as we are wearing at the present time. It
19 means that they wore all <types of> clothes <with any colours of
20 their preference>.

21 [10.09.04]

22 Q. I have indeed understood your statement. You're saying that
23 militiamen wore ordinary clothes like us, whereas the Base People
24 wore black attire with a scarf around their necks; is that indeed
25 what you're saying?

1 <A: Yes>

2 Q: You said, if I properly understood your testimony, that they
3 took you to a place one kilometre away <from Dar>. Is that the
4 distance you covered with your family to the place where you saw
5 the two pits <that you mentioned yesterday>?

6 A. I walked in a file with my family members. However, we were
7 stopped at an area which was about 100 metres from the pit. And
8 then <one at a time> my family members <was> taken to be killed
9 at the pit. And I was the last person to be taken and killed.

10 [10.10.27]

11 Q. My question was whether that place is situated at a distance
12 of one kilometre from <Dar>; is that correct?

13 A. Yes.

14 Q. I would like us to talk about the time <you gained
15 consciousness> and you were able to come out of the pit. <You
16 said that-->

17 MR. PRESIDENT:

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

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

23 The Court is now in recess.

24 (Court recesses from 1011H to 1031H)

25 MR. PRESIDENT:

1 Please be seated.

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

5 BY MS. GUISSÉ:

6 Thank you, Mr. President.

7 Q. We were speaking before the break about the moment when you
8 managed to come out of the pit and you said that you then went to
9 see Ta Ly and yesterday at 11.29 <a.m.> you said that apparently
10 <it took you...>-- and I quote: "I then walked day and night until
11 I reached the village." In French, the name of the village <did
12 not come up> but the name apparently in Khmer is the commune of
13 Choung Kruos (phonetic), and then you went to Ta Ly's home
14 apparently. So can you confirm that it took you one day and one
15 night to reach Ta Ly's house and can you tell us specifically
16 where his house was located?

17 MR. CHOEUNG YAING CHAET:

18 A. His house was located <in Cheung Kraoh> and I arrived at his
19 house <in Cheung Kraoh>.

20 [10.33.15]

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

23 A. Yes, that is correct.

24 Q. I am putting these questions to you in order to be clear about
25 everything because we have different documents relating to your

1 account and the first document I would like to refer to is
2 document E3/6695, which is part B of your civil party application
3 which was filed before the ECCC. My first question is that, do
4 you remember that in order to become a civil party in this Case,
5 you have to fill out, with the assistance of someone of course, a
6 form? Do you remember <that>?

7 A. <It was Sroy (phonetic) who helped me fill out my> application
8 <form>.

9 [10.34.42]

10 Q. So in this application, this is what you state, it is
11 therefore the document that I just mentioned at French, ERN
12 01139845; Khmer, ERN 00561350; and English, ERN 01066664 (sic);
13 and this is what is stated in this form.

14 "At around 6 o'clock in the evening, I regained my consciousness
15 and then I walked towards a flooded forest by a lake and I was
16 swimming to hide at the foot of the mountain in the middle of the
17 forest. One week afterwards only I found a boat to seek refuge in
18 the village of Samraong Saen and I was only eating water lilies
19 in the forest." End of quote.

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

23 A. After I <had gained consciousness,> I <walked> to Ta Ly's
24 house.

25 [10.36.30]

34

1 Q. You confirmed earlier that you walked for one day and one
2 night in order to reach Ta Ly's home. In your supplementary
3 statement, E3/5631, which was produced with your lawyer on French
4 page ERN 00898372; Khmer, ERN 00897514; and English, ERN
5 00678292; this is what is stated -- I quote: "I managed to come
6 out of the pit" -- at the very bottom of the page in French -- "I
7 managed to come out of the pit and I walked for one hour until I
8 reached <the home of> Vietnamese person, Mr. Ta Ly, and he hid me
9 in his home and his family helped me heal my wounds and I <hid>
10 there for about <two months and a half>." So my question is the
11 following: Is that the correct version or is the correct version
12 the one that you stated at the hearing that it took you one day
13 and one night to reach Ta Ly's home or is the correct version,
14 the version that is stated in the supplementary statement which
15 indicates that it took you one hour to reach Ta Ly's home?

16 MR. PRESIDENT:

17 Please observe the microphone before you speak.

18 [10.38.26]

19 MR. CHOEUNG YAING CHAET:

20 A. <It took me> one day and one night <to reach> Ta Ly's house.

21 BY MS. GUISSÉ:

22 Q. So do you know why in your supplementary statement it is
23 indicated <"one hour">?

24 MR. CHOEUNG YAING CHAET:

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

1 Q. In the civil party application form which I referred to
2 earlier, E3/6695, the village -- <rather the commune> -- of
3 Samraong Saen is mentioned, so at one point in time did you end
4 up in this commune of Samraong Saen, after having met Ta Ly or on
5 the way to Ta Ly's place?

6 A. I was assisted by Ta Ly to recover my wounds<, and he asked me
7 to stay away from his house between four and> five days <for him
8 to prepare a letter for me to go to Vietnam. So I went into
9 hiding for seven days> in Samraong Saen <before I swam back to
10 his house again.>

11 [10.40.00]

12 Q. Well, there is something here I didn't understand quite well.
13 Where is Samraong Saen? Because based on what you said during the
14 hearing, you said that you came out of the pit and you went
15 straight to Ta Ly's place and now I understood that you stayed at
16 Ta Ly's place for two and half months. So when exactly did you
17 end up in Samraong Saen?

18 A. It was the period of two months and a half. <After Ta Ly had
19 promised to prepare me a letter, I went to Samraong Saen by a
20 small boat with other people, and on foot. I stayed there for one
21 week before I returned to his house.>

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

24 A. Yes, that is correct; <we could only reach> Samraong Saen <by
25 boat>.

1 [10.41.22]

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

6 A. I stayed at Ta Ly's house for <over> two months and Ta Ly was
7 afraid that there would be a trouble for his family and in fact
8 there were eight members within Ta Ly's family<. If I was to be
9 included in the family, there would be nine people. Because> of
10 the fact that he was afraid of the trouble <that could happen to>
11 in his family, he told me to go <into hiding in> Samraong Saen.
12 <I went to Samraong Saen by a small boat. And since I learned
13 from Ta Ly that he would be leaving, I came back, and went into
14 hiding inside Ta Ly's boat and left for Vietnam with him> on the
15 ferry to Vietnam.

16 Q. Yes, of course but yesterday when you were answering the
17 questions, we understood that you had taken Ta Ly's boat and here
18 if I understand your testimony, it is in Samraong Saen that you
19 caught a ferry, so can you clarify here because I'm not quite
20 clear about this?

21 A. Actually seven days after I <had stayed in> Samraong Saen, Ta
22 Ly called me back to <Cheung Kraoh. A few days later, I left with
23 Ta Ly. And only when we arrived at the tributary of the four
24 rivers did I go aboard the> ferry.

25 [10.43.32]

1 Q. And it is Ta Ly, apparently, you said, who gave you a <a
2 letter - a> kind of laissez passer, is that so?

3 A. <No, it was not, as he> was simply an ordinary citizen <of
4 Cheung Kraoh like I was>.

5 Q. Yes, I understood that you spoke about a <letter, a> message
6 that Ta Ly had given to you or <sent to you> -- what kind of
7 message was this?

8 A. Ta Ly actually <had a permit made for him in order to go to
9 Vietnam upon which the> number of his family <members had to be
10 specified. The permit was only for his family. I had no idea who
11 made that permit for him. He told me that he had specified only
12 eight family members on the permit. So if I was to be included in
13 the family, there would be an error in the figure. For this
14 reason, I had to go into hiding for seven days, and returned only
15 a few days before the actual departure. During the journey, I did
16 not sit on the boat, but I was hiding inside the boat when the
17 boat had to stop at certain checkpoints. And only after those
18 checkpoints was I allowed to come out and help rowing the boat.
19 Only once we reached at the tributary of the four rivers did I go
20 aboard the ferry.>

21 Q. I understood that well but what I need clarification about is
22 this mail you <say you> received from Ta Ly. You said that he
23 gave you a letter, what was this letter?

24 A. <I did not mention that Ta Ly had sent me a letter or
25 whatsoever. I mentioned that a permit was issued to Ta Ly's

1 family by the Angkar. It was the Angkar who issued the permit to
2 Ta Ly. I did not mention that Ta Ly had sent me a letter.>

3 [10.45.40]

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

6 A. Yes, that is correct.

7 Q. And the letter you just spoke about was therefore a letter
8 allowing the family to go back to Vietnam -- that is to say that
9 Ta Ly and his family had made a request in that sense; is that
10 <correct>?

11 A. I didn't know at the time whether Ta Ly <had made such> a
12 request<, but he told me that he was having a permit made for his
13 family before the departure could take place. And for this
14 reason,> I <had> to hide <inside> his boat. <I had no idea who in
15 fact issued this permit.>

16 [10.46.41]

17 Q. In your supplementary statement, E3/5631; French, ERN
18 00898373; English, 00678293; and Khmer, 00897515; this is what is
19 indicated regarding the way the passage <with> the ferry was
20 <negotiated> and this is what you said: "The Vietnamese
21 government and the Khmer Rouge had agreed to exchange rice and
22 salt for a free <and safe> passage of the Vietnamese to Vietnam.
23 We had to stay close to the boat; we were not allowed to go
24 everywhere. All of the <ferries and> boats had to stop at the
25 Neak Loeang market for three days." End of quote. So do you

1 remember having said that to your lawyer?

2 A. <To my memory, upon arrival> at Neak Loeang, <I had no idea as
3 to what> Angkar <from the Khmer side and Angkar from> the
4 Vietnamese <side had discussed, but we were asked to go ashore.
5 Then, they started counting the people. I did not know how many
6 people there were at that time. While being ashore, we sat
7 quietly. I did not know whether or not we were being bartered for
8 rice and salt. Only when we had been aboard> the Vietnamese ferry
9 <were we told by the Angkar on the Vietnamese ferry as what I
10 mentioned earlier. They said that we stayed alive because we had
11 been bartered for rice and salt. That's what I know.>

12 [10.48.49]

13 Q. Neak Loeang, <this declaration states,> is a market, so did
14 you know this market before?

15 A. I had known - I had not known Neak Loeang before that time.
16 <Although I was that old, I did not even know what Phnom Penh was
17 like at that time.>

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

20 A. I did not remember at the time whether the <> ferry <was
21 carrying only human beings or something else. I was grateful
22 enough to be aboard the ferry, and stayed alive; nothing else I
23 would care about.>

24 Q. The last point; regarding your statement E3/5631, you
25 confirmed to my colleague yesterday that this was a document that

40

1 was read to you again. So were you able to possibly correct the
2 inaccuracies in this document if there were some in the
3 translation that you heard?

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

5 [10.50.36]

6 MS. GUISSÉ:

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

9 MR. PRESIDENT:

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

11 QUESTIONING BY MR. KONG SAM ONN:

12 Thank you, Mr. President. Good morning, Your Honours. Good
13 morning, Mr. Civil Party. I have brief questions starting first
14 with the aerial bombing.

15 Q. Have you ever heard -- or did you ever hear <of> the aerial
16 bombing <between 1971 and> 1975 when you were in Kampong Leaeng
17 district <before you had left Ruessei Dangkuoch village for
18 Kampong Chhnang>? Once again, did <you> ever hear <of> the aerial
19 bombing or the rockets being launched at the time?

20 MR. CHOEUNG YAING CHAET:

21 A. At the time, I knew <of the> aerial bombing, or rockets were
22 being launched. <In fact, those bombs were flying over my head
23 when I was taking refuge in the bunker secured by big logs and
24 earth on the top. During that time, those> airplanes <were
25 dropping bombs over us. I knew about this.>

1 [10.52.00]

2 Q. <Do you remember how many bombs were dropped, and how often it
3 happened?>

4 A. I only knew at the time that there were <two to three> aerial
5 bombings from time to time on my village and I did not know what
6 happened in other villages.

7 Q. I would like to know whether the aerial bombing happened <>
8 often in your village.

9 A. <To my knowledge, there> were two times of aerial bombing
10 within my village.

11 Q. Thank you. What about other villages, did aerial bombing
12 happen in other villages <next to yours>?

13 A. I heard the sounds of explosion and whenever we heard that
14 sound we would <take refuge in the bunkers. And while being in
15 the bunker, we knew nothing else.>

16 Q. At that time <could you distinguish or were you familiar with
17 or between the administration within your village that was run by
18 the Khmer Republic and that of the United Front? Could you
19 distinguish the administrations run by the two groups?>

20 A. I was young at that time; I <could not make the distinction
21 as>I was <very> afraid of <soldiers>. <I can recall what
22 happened, but I cannot make the distinction. On the other hand, I
23 was very scared of soldiers.>

24 [10.54.10]

25 Q. Thank you. Concerning the clothing of the cadres and officials

1 within your village, how did you notice the differences of
2 clothing?

3 A. I did not know about that matter.

4 Q. Thank you. In relation to document E3/5631 on page 1 in all
5 <the> three languages, I heard you testified that you left
6 Ruessei Dangkuoch <village for> Kandal village <located in the
7 town centre of> Kampong Chhnang province<, while> in the document
8 I quoted, you stated that you left Ruessei Dangkuoch <village>
9 for Dar village <in Dar commune> at Kangkaeb mountain. Which
10 version of your statement was correct? <Did you go first to
11 Kandal village in Kampong Chhnang; or did you go straight to Dar
12 village after you had left Ruessei Dangkuoch village?>

13 A. The <document in which> I said I <had> left Ruessei Dangkuoch
14 for <Kandal> village <is> correct.

15 Q. Now coming back to "lan tay", could you tell the Court the
16 physical <features including the size and the colour> of that
17 "lan tay"? <>

18 A. I did not remember at that time. I <only> heard <of the> "lan
19 tay" <from my parents. They always did their best to hide away
20 the> "lan tay". <According to them, the "lan tay"> was <very
21 expensive>. <I did not even know of its colour.>

22 [10.56.32]

23 Q. <So you yourself> have never seen that "lan tay", <but you
24 only heard from your> parents <that the> "lan tay" <had been
25 hidden. Is> that correct?

1 A. Yes, that is correct.

2 Q. You made mention on many occasions that you fled <with the
3 family of Ta Ly from> Kampong Leaeng <district>. You also
4 testified that <it was> Ta Ly <from whom you learned> that
5 Vietnamese <could be> allowed to go back to Vietnam. <My question
6 to you is whether you learned the information privately from
7 only> Ta Ly, at the time, <or you could learn the information
8 from any public source or elsewhere.>

9 A. At the time, <I knew it from> Ta Ly <>.

10 Q. Did Ta Ly also tell you about the registration process before
11 you <> could <> board <a> ferry in Phnom Penh? <Was anything
12 prepared in that regard?>

13 A. No, he did not.

14 [10.58.50]

15 Q. So this means that <any> Vietnamese people <would be> allowed
16 to board the ferry at the tributary <in Phnom Penh>; is that
17 correct?

18 A. Yes, that is correct.

19 Q. Thank you. Upon your arrival at the tributary or Tonle Buon
20 Mukh, did you, at the time, come <ashore>?

21 A. At that time, Ta Ly's boat was approaching the ferry and later
22 on we <went aboard> the ferry. <I did not come ashore.>

23 Q. Can you once again tell the Court <whether or not there were
24 actually> other boats <around> the ferry?

25 A. <I saw> many <other> boats next to the ferry but I could not

1 <tell to whom they> belonged<>.

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

4 A. I knew the location but I <did> not know what it <was> called.
5 It <was> right at the island where the tributary <existed>. <I
6 did not know by what name the island was known. I mean the island
7 that was located right in the middle of the tributary.>

8 [11.01.00]

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

11 A. Yes, that is correct

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

13 A. There were many people and I did not count; however, I could
14 only give you my estimate, there were about 50 or 60 people on
15 the ferry and <the moment everyone was aboard>, the ferry left.

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

18 A. I cannot recall the length or the width or the depth of the
19 ferry at all.

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

21 MR. PRESIDENT:

22 Civil Party, please observe the microphone.

23 [11.02.48]

24 MR. CHOEUNG YAING CHAET:

25 A. It is about the size of the same dredger <people see these

1 days. And the deck was flat.>

2 BY MR. KONG SAM ONN:

3 Q. Can you tell us a little bit more whether it had a wall on the
4 size or whether it was a ferry -- a passenger ferry or it was a
5 kind of ferry that is used to tow a ship, for example?

6 MR. CHOEUNG YAING CHAET:

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

9 Q. Did the ferry <carry> any flag? I understand that you <could
10 not> read Khmer, however, did you observe if there was any flag
11 -- or <any sort of marks> flying on that ferry?

12 A. I just fled from the death -- from my death, and of course I
13 did not pay attention if there was any flag flying <or any
14 specific writing. My mind was not on those things.>

15 [11.04.13]

16 Q. Upon your arrival at Neak Loeang, you stated that <as> you
17 were ordered to <leave> the ferry and then salt and rice was
18 <being> transported on to the ferry <as the trade-off>. Can you
19 tell us the number of bags or at least the approximate weight of
20 the combined salt and rice?

21 A. No, I cannot recall that. As I said, <having been counted,> we
22 were ordered to <come ashore>, then we boarded another ferry and
23 left.

24 Q. Did you see <any> representatives from the two ferries -- that
25 is, <both> the Cambodian and Vietnamese <ferries holding> any

1 discussion or exchange <of> any document at that time?

2 A. No, I did not see that.

3 Q. Again when you were at Neak Loeang, did you see any other
4 Vietnamese boats which just arrived in order to get on to the
5 ferry leaving <from Neak Loeang> for <Chau Doc>?

6 A. Yes, there were other boats which just arrived. However, I
7 cannot give you the exact number of boats. There could <have
8 been> between 20 <and> 30 boats which had arrived - which arrived
9 after I had arrived.

10 [11.06.25]

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

14 A. No, I did not see that. I saw those people <docking their
15 boats and> were talking <to the authorities of both sides while I
16 was boarding the ferry that was heading for Chau Doc>.

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

19 MR. PRESIDENT:

20 Civil Party, please observe the microphone.

21 MR. CHOEUNG YAING CHAET:

22 A. <Once we got to (inaudible), we were housed in a> school
23 <where we were fed> for seven days. <After they had processed
24 some papers for us,> I was sent to <Tuek Chou (phonetic) where> I
25 remained there.

1 [11.07.50]

2 BY MR. KONG SAM ONN:

3 Q. <Was the> location where you lived <> a kind of concentration
4 camp, or did you <mingle> with other Vietnamese <transferred from
5 Cambodia>?

6 MR. CHOEUNG YAING CHAET:

7 A. No, we did not <mingle> with the local Vietnamese there, we
8 lived in a <separate> camp.

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

10 A. Frankly speaking, I was <all> by myself. I did not have <any>
11 my parents or my family members. <Because I could not do labour
12 work, I tended other people's> cattle to earn a living.

13 Q. My question to you <was whether> you remained living in that
14 camp from 1975 <through> 1982 or <>you moved to live elsewhere
15 during these years.

16 A. I lived in the camp but I went out of the camp to <look for>
17 work. <I tended water buffaloes> to earn a living. <I knew
18 nothing else after that as my main work was to tend water
19 buffaloes.>

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

22 A. I tended the water buffaloes for a year and I stayed <with>
23 the owner <of the buffaloes.> I received 20 <tao (phonetic)> of
24 rice and <three sets> of clothes during this period of one year.

25 [11.10.02]

1 Q. Did you see or meet any other Vietnamese who <had been> sent
2 from Cambodia to live in that camp while you were there?

3 A. I tended water buffaloes and lived <with> the owner <of the
4 buffaloes, and I did not go anywhere; however, I heard from the
5 local Vietnamese who> had lived there before I arrived <that
6 many> Vietnamese <had been transferred> from Cambodia, <and that
7 they> were sent to live in different provinces within Vietnam. <I
8 heard this from other people. I did not see it myself.>

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

12 A. No, I was <among> the first group who arrived. <We were> the
13 first batch <to be placed in that camp>.

14 Q. So you were the first batch to arrive in that camp and later
15 on there were other batches <that> arrived in that camp; is that
16 correct?

17 A. Yes that is correct.

18 [11.11.35]

19 MR. KONG SAM ONN:

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

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 Mr. Choeung Yaing Chaet, you may now have an opportunity to make
25 a victim impact statement concerning the crimes which are alleged

1 against the two Accused, Nuon Chea and Khieu Samphan, and harm
2 suffered by you during the Democratic Kampuchea -- that is, from
3 17 April 1975 to 6 January 1979, and which resulted in your civil
4 party application to claim collective and moral reparations for
5 physical, material or mental injuries as direct consequences of
6 those crimes. You may proceed.

7 MR. CHOEUNG YAING CHAET:

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

9 [11.12.56]

10 MR. PRESIDENT:

11 You, as a civil party, you are entitled to make a statement about
12 your suffering that you encountered during the Democratic
13 Kampuchea period and which led you to file a civil party
14 application and those harms could be physical, material or mental
15 and which are the direct consequences of crimes inflicted upon
16 you personally and which were related to the crimes alleged
17 against the two Accused -- that is, Nuon Chea and Khieu Samphan,
18 for the period between 17 April 1975 <and> 6 January 1979, and if
19 you wish to make that statement of suffering before the Chamber,
20 you may proceed.

21 MR. CHOEUNG YAING CHAET:

22 I would like to put questions to them; for example that I <have>
23 suffered from the loss of my parents, my family members and that
24 I <have been left all> by myself with my head injury<. I have
25 gone through so much pain. I want to know how they would feel to

1 have been through all the sufferings I mentioned> if they were in
2 my position<.> That is the question, Mr. President.

3 [11.14.35]

4 MR. PRESIDENT:

5 So you actually don't wish to make an impact statement but you
6 wish to put the questions to the <two Accused> as you just said;
7 am I correct?

8 MR. CHOEUNG YAING CHAET:

9 Yes, that is correct, Mr. President.

10 [11.14.55]

11 MR. PRESIDENT:

12 Thank you, Mr. Choeung Yaing Chaet.

13 And the Chamber wishes to inform you that, after ascertaining the
14 positions of both the Accused on 8 January 2015 regarding the
15 exercise of right to remain silent, the Chamber notes that the
16 two Accused maintains their expressed position unless and until
17 such time the Chamber is expressly informed otherwise by the
18 Co-Accused or their counsels. It is therefore incumbent upon them
19 to inform the Chamber in a timely and efficient manner should the
20 Accused resolved to waive the right to remain silent and be
21 willing to respond to questions by the Bench or relevant Parties
22 at any stage of the proceedings.

23 As of <> today, the Chamber is not informed that the Co-Accused
24 have changed their expressed position and agreed to provide their
25 responses to the questions. For that reason, the Chamber does not

1 have the authority to compel the Accused to respond to your
2 questions and that is pursuant to the ECCC Internal Rule as well
3 as the <national and international laws>.

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

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

6 [11.16.45]

7 MR. PICH ANG:

8 Mr. President, I had a discussion with counsel for civil parties,
9 Lyma Nguyen, and it seems that the civil party does not
10 understand about his entitlements to make an impact statement
11 regarding his suffering. Lawyer for civil party Lyma Nguyen would
12 like to seek your permission to give him the opportunity again to
13 speak about his impact statement and before that she wishes to
14 have three minutes to explain the procedure to the civil party
15 and I believe this is important and the last opportunity for this
16 civil party to participate in this proceeding.

17 MR. PRESIDENT:

18 The civil party will not be allowed to make any statement as I
19 have put the opportunity twice to the civil party but he declined
20 to take it. <If you wish to explain the procedure to your client,
21 you should have done that before the proceeding of the court.>

22 And Mr. Civil Party, the Chamber wishes to thank you for your
23 time and testimony as a civil party before this Court. Your
24 testimony may contribute to ascertaining the truth in this Case.
25 You may now be excused from the courtroom and return to your

1 residence or wherever you wish to return. We wish you all the
2 very best.

3 Court officer, please, in collaboration with WESU, please make
4 necessary transportation arrangements for this civil party to
5 return to.

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

9 (Witness 2-TCW-945 enters courtroom)

10 [11.21.07]

11 QUESTIONING BY THE PRESIDENT:

12 Q. Good morning, Mr. Witness. What is your name? And Mr. Witness,
13 please wait till the microphone becomes operational -- that is,
14 when you see the red light at the tip of the microphone so that
15 your voice can go through the interpretation system where your
16 voice - your statement will be interpreted into English and
17 French. So again, what is your name, Mr. Witness?

18 MR. PRUM SARUN:

19 A. My name is Prum Sarun.

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

21 A. I was born in the <year of goat, the> month of <Chaet
22 (phonetic)> -- that is, on Tuesday.

23 [11.22.13]

24 Q. Which year you were born?

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

1 A. 55.

2 Q. Were you born in 1955 or 1942 because in your written record
3 of interview you stated that you were born <in> January 1942,
4 which one is correct?

5 A. It was in 1942.

6 Q. And how old are you this year?

7 A. I am 74 years old.

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

9 A. <I was born in> Krapeu Cheung village, Phnum Sampov <commune>,
10 <Banan> district.

11 Q. And <what> is your current address?

12 A. It is at Krapeu Cheung village -- that is, the same <place I
13 was born>. Currently I still live in my native village.

14 [11.24.08]

15 Q. And what is your current occupation?

16 A. I am a rice farmer.

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

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

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

21 A. I have seven children. <My eldest daughter is Sokha
22 (phonetic).>

23 Q. And what is your wife's name? I refer to your wife, what is
24 your wife's name?

25 A. My wife is Nhem Noeum.

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

5 A. I am not related to them. <I do not know them.>

6 [11.26.00]

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

9 A. No, I am not.

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

11 A. I took an oath yesterday.

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

14 Your rights: As a witness in the proceedings before the Chamber,
15 you may refuse to respond to any question or to make any comment
16 which may incriminate you -- that is, your right against
17 self-incrimination.

18 Your obligations: As a witness in the proceedings before the
19 Chamber, you must respond to any questions by the Bench or
20 relevant Parties except where your response or comment to those
21 questions may incriminate you as the Chamber has just informed
22 you of your rights as a witness. You must tell the truth that you
23 have known, heard, seen, remembered, experienced or observed
24 directly about any event or occurrence relevant to the questions
25 that the Bench or Parties pose to you.

1 [11.27.53]

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

5 A. I was interviewed once in my village. There were investigators
6 who came to speak to me about Ta Daok and his children who <had
7 been> killed at Phnum Sampov.

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

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

10 Q. I refer here to the year of your interview, do you recall
11 which year, <four or five years ago, or> two thousand and
12 something that you were interviewed?

13 A. No, I cannot recall it.

14 [11.29.23]

15 Q. That is alright. And before your appearance, have you read,
16 reviewed, or had your <interview> read out to you -- that is, the
17 interview that you provided to the investigators of the Office of
18 the Co-Investigating Judges at your native village in order to
19 refresh your memory?

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

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

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

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

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

2 [11.30.52]

3 MR. PRESIDENT:

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

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

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

12 The Court is now in recess.

13 (Court recesses from 1131H to 1331H)

14 MR. PRESIDENT:

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

16 <Pursuant to> Internal Rule 91bis of the ECCC, the Chamber gives
17 the floor to the Co-Prosecutors to put questions to the witness,
18 Prum Sarun, before other Parties. The combined time for
19 Co-Prosecutors and the Co-Lead Lawyers is two sessions. You may
20 now proceed.

21 QUESTIONING BY MS. SONG CHORVOIN:

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

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

3 MR. PRUM SARUN:

4 A. I lived in Phnom Sampov commune, Banan district, Battambang
5 province.

6 Q. What was your occupation then?

7 MR. PRESIDENT:

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

9 [13.34.00]

10 MR. PRUM SARUN:

11 A. I was simply chief of a platoon.

12 BY MS. SONG CHORVOIN:

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

15 MR. PRUM SARUN:

16 A. It was in Sector 3. It was said that it was within Sector 3
17 back then.

18 Q. What was the zone?

19 MR. PRESIDENT:

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

21 MR. PRUM SARUN:

22 A. It was within the Northwest Zone.

23 BY MS. SONG CHORVOIN:

24 Q. Thank you. A while ago, you stated that after 17 April 1975,
25 you were assigned to be chief of a platoon. Do you recall under

1 which company and battalion was your platoon in?

2 [13.36.02]

3 MR. PRUM SARUN:

4 A. <I was chief of Platoon> Number 1, within Krapeu Cheung
5 village, Phnom Sampov sub-district. At that time, I was appointed
6 to be chief of a platoon, and I was responsible for some tasks.

7 BY MS. SONG CHORVOIN:

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

10 MR. PRUM SARUN:

11 A. It was Ta Hong. Ta Hong was the chief of a company within
12 Krapeu Cheung village.

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

15 A. It was Company Number 1.

16 [13.37.38]

17 Q. Mr. Witness, I would like to clarify some points with you in
18 relation to the statements you provided to the investigators of
19 the OCIJ. <I had the impression that there was a discrepancy
20 within the answers you provided so far.> In document <E3/5178>,
21 Khmer ERN, 00197916; ERN in English, 00274177; and French,
22 00274184; you were interviewed by the investigator of the OCIJ at
23 your village. You stated that you were within Battalion Number 1,
24 in Company Number 4, whose chairman was Ta Hong. Do you still
25 stand by your statement you provided to the investigator? And can

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1 you tell the Court once again what battalion were you in at that
2 time, and which company were you in?

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

4 Q. Thank you. Concerning Battalion Number 1, did Battalion Number
5 1 belong to the sector or the zone?

6 MR. PRESIDENT:

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

9 MR. PRUM SARUN:

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

12 [13.40.05]

13 BY MS. SONG CHORVOIN:

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

17 MR. PRUM SARUN:

18 A. It was Ta Krach.

19 Q. Thank you. Mr. Witness, I am now moving to a new topic about
20 what happened within your sector, particularly in relation to the
21 Vietnamese. I would like you to tell the Court what happened to
22 the Vietnamese within your Battalion Number 1. And can you tell
23 the Court what happened to the Vietnamese within other battalions
24 or companies within the sector?

25 [13.41.09]

1 A. There were Vietnamese, and they were killed at Tuol Ta Trang.
2 This is what I can tell you and can recall. The Vietnamese were
3 <sent to be> killed at Tuol Ta Trang, near Phnom Koy, or Koy
4 Mountain.

5 Q. I will pose some further questions in relation to that matter,
6 but first I would like to know about your chairman, that is, Ta
7 Krach. Did Ta Krach ever <give any instruction or make any
8 inquiry regarding the identification> of the Vietnamese <with
9 your battalion or other battalions of which you were aware>?

10 A. <> No Vietnamese within my battalion <were killed>. However,
11 there were Vietnamese within other battalions, <particularly
12 Battalion Number 2 where> Vietnamese were <taken away, and killed
13 at Tuol Ta Trang>.

14 Q. Mr. Witness, I want to ask you about Ta Krach, who was the
15 leader of Battalion Number 1. I want to know whether or not he
16 <had made any inquiry about the existence of Vietnamese within
17 your platoon?>

18 A. No, <Ta Krach> never <made such inquiry.> The Battalion Number
19 2 <did make inquiry about> the Vietnamese. As I said, there were
20 no Vietnamese within my unit.

21 Q. You have just made a mention that there were no Vietnamese
22 within your unit. Which unit, which consisted of the Vietnamese?

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

1 [13.43.46]

2 Q. Thank you, Mr. Witness. In the same document that you provided
3 your information to the investigator at your village, Document
4 <E3/5178>, ERN -- in the same ERN that I have just -- that I read
5 to you earlier, you told the investigator or investigators that:
6 "In 1976, the Khmer Rouge were <asking about and looking for
7 Yuon>. Krach, who was <chairman> of Battalion Number 1, asked me,
8 <"Are there any Yuon in your unit? If there are, report them, so
9 they can send them to the upper> echelon to handle." Free
10 translation.

11 I want to know about this point, Mr. Witness. Where <and on what
12 occasion> did Krach ask you about the Vietnamese<>?

13 A. He asked me about the Vietnamese <at the battalion base,
14 particularly> at the place where we grind the rice -- where we
15 ground the rice. <I responded to him that there were no
16 Vietnamese in my platoon.> And as I said earlier, there were only
17 Chinese within my unit.

18 [13.45.34]

19 Q. At that time were there anyone -- was there anyone <else> with
20 you when he asked you about the Vietnamese <at the battalion
21 base? Did he approach you individually and made the inquiry? Or
22 did he ask you during a meeting?> What circumstances were they
23 when you were asked about the Vietnamese?

24 A. <He approached me individually. He walked to me and asked> me
25 about the <issue>. There was only me and him at that time, and I

1 reported to him that there were no "Yuon" within my unit, but
2 Chinese.

3 Q. Thank you. When <the battalion chief>, Krach, <> told you that
4 if there were Vietnamese, you had to report to him so that he
5 <could send them> to the upper echelon, did Krach tell you who
6 specifically -- who <> specifically the upper echelon <was>?

7 A. It was the <battalion or> regiment <chief> that was the upper
8 echelon.

9 Q. A while ago, you stated that Krach was <> the battalion
10 <chief>.

11 A. Yes, you're right<. "Going to> the upper echelon <meant "going
12 to Andoung Pring. If someone was being sent to the upper echelon,
13 s/he was actually being sent to> Ta Chham.

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

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

17 [13.48.08]

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

21 A. <"To handle" means "to have them> killed".<>

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

25 A. Ta Krach did not ask anything specifically, but he asked

1 whether or not there were "Yuon" within my unit, and I told him
2 that in my unit, there were Chinese, not "Yuon". <Then he walked
3 away. He did not ask me much.>

4 Q. Thank you. You have just stated that there were no "Yuon"
5 within your unit<>, but to you, there were "Yuon" within
6 Battalion Number 2. <Did you know from where those members of
7 Battalion Number 2 come?>

8 [13.50.19]

9 MR. PRESIDENT:

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

11 MR. PRUM SARUN:

12 A. Actually, Battalion Number 1 and Number 2 <were> stationed
13 next to each other. <There were actually two battalions in the
14 village.>

15 BY MS. SONG CHORVOIN:

16 Q. Do you recall the names of the commune and village which those
17 battalions were stationed in?

18 MR. PRUM SARUN:

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

21 Q. Were there any other battalions, for example, Battalion Number
22 3 and Battalion Number 4?

23 A. There were two other battalions <to the south of the
24 mountain>. <They were also known as> Battalion Number 1 and
25 Battalion Number 2. And it was under other village

1 responsibility. And I knew only what happened within my
2 <battalion>.

3 Q. Thank you. After Ta Krach, who was chairman of Battalion
4 Number 1, came to ask you whether or not there were Vietnamese
5 within your battalion, did you ever witness the arrest of those
6 Vietnamese within your battalion or within <other battalions in>
7 the sector?

8 [13.52.33]

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

12 Q. You stated that the arrests happened within Battalion Number
13 2. How many people were arrested <from> that Battalion Number 2?

14 A. Two of them. Two people <were> arrested and sent away. I did
15 not know <to> where they <were taken>.

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

19 "Krach, who was <chairman> of Battalion Number 1, <asked> me,
20 'Are there any 'Yuon' in your unit? If there are, report them <>
21 so <> they can <send them> to upper echelon to handle.' There
22 were no 'Yuon' in my battalion, but Battalion Number 2 did have
23 about 20 'Yuon'. I saw them arrest the 'Yuon', <tie their arms>
24 behind their backs, and <> walk <them> away to be killed at Toul
25 Ta Trang, near Phnom Koy." You, a while ago, made mention that

1 <you witnessed the arrest of> two "Yuon" <> within Battalion
2 Number 2, however, in your statement you said there were about 20
3 "Yuon". So now, can you clarify this point to the Court? How many
4 "Yuon" <exactly did you witness being arrested> from Battalion
5 Number 2?

6 [13.55.00]

7 A. It happened a long time ago. I <do not recall>.

8 Q. Fine, Mr. Witness. I may come back to ask you once again about
9 this point. <Regarding the time> you saw <> the Vietnamese <being
10 arrested and taken away,> where did you see <that>? Which
11 location did you see the arrests?

12 A. Since the battalions were stationed close to <each other>, I
13 <saw them being> arrested and <taken towards> Tuol Ta Trang, near
14 Phnom Koy <which was> to the west of my village. It was in a far
15 distance compared to my village.

16 Q. Let me go a little bit further into this point. Where exactly
17 did you witness <them being arrested in the first place>?

18 A. The arrests took place within <the> village <where> Battalion
19 Number 2 <was being based>.

20 Q. Thank you. <Did> you know who <arrested those Vietnamese?>

21 [13.57.05]

22 A. <I did not know those little cadres.> They were quite young.

23 Q. Do you recall how many of those young <cadres who> came to
24 <make the arrest>?

25 A. Four of them came to <make the> arrest. <> No one dared <do

1 anything against them.>

2 Q. Could you tell the Court the process of the arrest? What
3 happened first and what happened next? <After the arrest was
4 made, to where were those people taken?>

5 A. <I saw them being arrested,> and walked to the west -- walked
6 westward to <Tuol Ta Trang,> the <execution> site <where skulls
7 were piled up as high as a hill.>

8 Q. <Were> the children of the <high-ranking cadres> who came to
9 <make the> arrest the "Yuon" <armed with rifles?>

10 [13.58.47]

11 A. Yes. They had weapons, and they carried <their> rifles <by
12 dragging them over the ground.>

13 Q. Were those arrested by the young children tied -- tied up, or
14 were they allowed to walk freely <while being taken away?>

15 A. Their hands were tied <behind> their backs. <Once they were
16 arrested, they were tied up.>

17 Q. <> Were they tied <in file> or individually?

18 A. They were tied individually. And <each of those young men>
19 walked <two victims>.

20 Q. <What was the material used> to tie those people?

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

22 Q. When they were walked away, you have just said that they were
23 walked westward. <Did you know where they were to be kept or
24 towards where they were being taken?>

25 A. I saw the skulls <> at Tuol Ta Trang, and I think they may

1 have been <taken> to that place, Tuol Ta Trang<, the location of
2 the upper echelon.>

3 [14.01.4]

4 Q. <Did you know in which village, commune and district the place
5 you mentioned so-called> Tuol Ta Trang, near Phnom Koy <was
6 located?>

7 A. <Tuol Ta Trang> was located in the same commune where my
8 village was, and it was to the west of the battalion <base>, and
9 it was near Koy Mountain.

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

12 A. They were walked for about three kilometres <away>, and then
13 they were killed there.

14 Q. Witness, I'd like to clarify with you, because at this point
15 you said children coming to arrest the <> Vietnamese <from
16 Battalion Number 2> were the children of <high-ranking> cadres.
17 <Did you know if those> children <were> soldiers<, members of a
18 mobile unit, or someone else? And where were they from?>

19 [14.02.58]

20 A. They were the child <> soldiers <based on the corner of>
21 Krapeu Mountain. They <were likely children of> the
22 <sub-district> committee. Ta Rak <who> was <on Phnum Sampov>
23 commune <committee also lived by the main road on the corner of>
24 Krapeu Mountain<>.

25 Q. <Mr. Witness, you> told the Chamber that the people <had been>

1 walked away, and that you saw <dead bodies at Tuol Ta Trang that
2 could have been the Yuon from Battalion Number 2.> And how <did>
3 you know that the <dead bodies you saw at Tuol Ta Trang could
4 have been the> "Yuon" <or Vietnamese who had been arrested and
5 taken away?>

6 A. I heard <from other> people <that there were dead bodies and
7 skulls> at Tuol Ta Trang<. Usually, after victims had been taken
8 to Tuol Ta Trang, only those who took these victims there
9 returned. Once a person was taken there, s/he would end up
10 there.>

11 Q. My question is this: you mentioned that the people who were
12 walked away were "Yuon" or Vietnamese. And how did you know that
13 they were Vietnamese?

14 A. Because there were some Vietnamese people living there. And
15 they were walked away, and they were Vietnamese because they
16 spoke with accents.

17 Q. Did you know anyone amongst those who were arrested and walked
18 away?

19 A. No, I <didn't>, because they belonged to a different
20 battalion. I did not even know all the <members> in my own
21 battalion.

22 [14.05.55]

23 Q. A while ago, you stated that there were Vietnamese living in
24 your village, and that you knew them because they spoke with an
25 accent. To your recollection, how many Vietnamese people living

1 in your village?

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

5 Q. You talk about three or four families. Can you tell the
6 Chamber how many people were <there> actually in those three or
7 four families?

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

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

12 [14.07.48]

13 A. Because these three or four family members were arrested and
14 walked away. <But only one member was arrested from each family.>

15 Q. When those people were being walked towards the west
16 direction, did you follow them? Or did you try to see where they
17 were heading to? <Or did you actually follow them and see what
18 was happening at that place immediately after they were
19 arrested?>

20 A. No, I did not dare to go there and look at them immediately.
21 What I saw was they were being walked to the west direction, and
22 later on, those who made the arrest returned without those people
23 who were arrested. And later on, I saw the <skulls> at Tuol Ta
24 Trang, which was the killing site.

25 Q. And when did you actually go to Tuol Ta Trang to see the

70

1 skeleton remains? How <long was it> between the time that you saw
2 them being walked away and the time that you saw the skeleton
3 remains <at Tuol Ta Trang>?

4 [14.09.30]

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

6 Q. Witness, I want to know how much time had passed. You
7 mentioned that you saw people <being> arrested and <taken away>.
8 And later on, you said you saw skeleton remains at Tuol Ta Trang
9 near Koy Mountain. <I wanted to know how long it was> between the
10 time that you saw the arrest and the time that you saw the
11 skeleton remains? <Was it a few days or a few weeks in-between
12 the two occasions?>

13 A. It was about two days <afterwards>. When I walked past the
14 area, I saw the skeleton remains, as the flesh had been eaten by
15 <wolves>.

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

20 [14.10.56]

21 A. It was likely that those people were <beaten to death.>

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

23 A. There were four.

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

25 A. The corpses were swollen and being decomposed.

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

3 A. They were corpses of adults. I could say they <could have been
4 married people>.

5 Q. I'll read the extract of your WRI, when you were interviewed
6 in your village. I refer to document <E3/5178>, with Khmer,
7 00197916; English, 00274178; and French, 00274185. When you were
8 interviewed, you say:

9 "I <secretly took a look> at the <site> where they <had walked
10 those 'Yuon' to be> killed, <> and I saw the <> bodies of women
11 and children<> bearing marks of having been hit on <their heads>
12 with the end of a roof beam<, and there was> blood everywhere.
13 The skulls of the children were broken, like <their> heads had
14 been swung into tree trunks. After that string of 'Yuon' was
15 killed, I never saw any more 'Yuon' remaining." End of quote.

16 Witness, you said there were dead bodies of women and children,
17 and that the heads of the children seemed to be broken, as they
18 could have been swung against the tree trunks. <Can you tell us
19 more about the condition of their heads when you saw those dead
20 children?>

21 [14.14.20]

22 A. They were arrested and killed at Toul Ta Trang. I did not
23 witness the killing, but I saw dead bodies. <I did not know
24 whether or not they could have> been swung against the tree
25 trunks. <I just saw many skulls.> There were many dead bodies in

1 the area, but I did not see all the executions. I only saw the
2 dead bodies.

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

7 A. I only saw the arrest of the four people. However, I did not
8 see the killing, and I only saw the skeleton remains there at
9 Toul Ta Trang. That's where they were killed. <At that time, when
10 I was looking for the buffaloes, I saw those skulls.>

11 [14.15.47]

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

15 A. I saw <bloodstains> on the ground. <The victims have been
16 bleeding when they were> beaten to death. <I did not dare look at
17 it, I was afraid. After> I <> saw it and then I fled the area.

18 Q. After you witnessed the arrest, and later you saw dead bodies
19 at Toul Ta Trang, did you see any other Vietnamese <at any
20 worksite,> your <sub-district> or in your battalion?

21 MR. PRESIDENT:

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

23 [14.17.11]

24 MR. KOPPE:

25 Thank you, Mr. President. In my translation, I hear -- I heard

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

12 BY MS. SONG CHORVOIN:

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

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

19 [14.19.03]

20 MR. PRUM SARUN:

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

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

1 A. Actually, <the bodies were decomposing> so <> I did not dare
2 to approach closer.

3 Q. After you witnessed people being arrested and walked away, and
4 then later on you saw the <decomposing> bodies <at Tuol Ta
5 Trang>, did you notice that -- if there were any other Vietnamese
6 <left> in your <unit> or in Battalion Number 2?

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

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

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

17 [14.21.46]

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

21 A. No, I never asked for any reasons. How could I dare to ask for
22 reasons? <I could get into trouble for asking questions.> They
23 killed people without mercy, so how could I possibly ask for
24 reasons?

25 Q. You said people were killed <mercilessly. To whom were> you

1 referring<>?

2 A. That group <had no mercy on us>. They used us every day and
3 night.

4 MS. SONG CHORVOIN:

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

7 [14.23.36]

8 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

9 Thank you. Good afternoon, Your Honours, Madam, Honourable Judge,
10 Parties.

11 Q. Sir, <my name is Vincent De Wilde and> I will proceed with my
12 examination regarding the arrests and executions of Vietnamese. I
13 have a few follow-up questions to put to you. You said that in
14 your battalion, there were only Chinese, and no Vietnamese.
15 That's what you <told your chief>. What happened to the Chinese?
16 Were they themselves arrested? And is it true that, <contrary to>
17 the Vietnamese, <they> were not arrested?

18 MR. PRUM SARUN:

19 A. No, there was no arrest of the Chinese. The Chinese were used,
20 and sometimes of course, they <were asked to collect faeces.>

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

1 families?

2 [14.25.32]

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

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

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

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

18 A. No.

19 [14.27.08]

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

23 A. I was about 10 metres away. <I encountered the bodies when I
24 was looking for the buffaloes.>

25 Q. Are you sure you saw all the bodies at that location? Or you

1 were too far to have seen all of them?

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

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

6 A. There was no longer any clothing on those dead bodies, since
7 the bodies were being decomposed. <The bodies were actually being
8 swollen.>

9 Q. Were you able to recognize who the persons were, in spite of
10 the advanced state of decomposition? Were you able to identify
11 that these <were indeed the bodies of the Vietnamese> persons who
12 had been led away?

13 A. No, because I had a look from a rather distance. <I did not
14 even go close to the dead bodies. If the buffaloes had not been
15 hanging out around the area, I would not have learned that.>

16 [14.29.40]

17 Q. A while ago, you were asked whether you were able to identify
18 the bodies of children, and you told the Investigating Judges
19 that you saw bodies of children whose skulls had been broken. So,
20 let me put the question to you again: did you see the bodies of
21 children at that location? That is, at Tuol Ta Trang? <Yes or
22 no?>

23 A. <Dogs had scattered> the bones <all over the place>, and there
24 were quite a number of dead bodies. And the <stench> was <so>
25 strong <that> I did not stand there and examine <the bodies>.

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

4 [14.31.13]

5 A. I saw some skulls there, and some skeleton remains. And for
6 corpses who had recently been killed, <they> were <actually
7 being> swollen. <I did not count up how many they were.>

8 Q. So if I understood well, you saw on the one hand bones and
9 skulls, and on the other hand, bodies that were swollen, that
10 were decomposing. So must I understand that there were two kinds
11 of bodies on site?

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

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

18 A. I did not count how many bones and skulls <>actually there
19 <were>. I saw decomposed bodies, and after looking at them for a
20 while, I walked away. <I did not make a count.>

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

23 A. Yes. <Those> four bodies <could have> been recently <killed as
24 I could smell the stench. And of course, I saw decomposing
25 skulls. People were constantly taken to be killed at that place.

1 I did not actually make a count.>

2 [14.33.57]

3 Q. Fine. So we understood that you did not count the skulls
4 therefore. A last question regarding these Vietnamese people, the
5 authorities in your battalion, or in the commune, or the
6 district, did they ever call the Vietnamese enemies of the
7 regime? Did they speak to you about the fact that the Vietnamese
8 were enemies?

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

12 Q. Fine. Before the break, I would like to start speaking about
13 another topic which is the Kamping Puoy Dam. You in fact spoke
14 about the building of this dam to the investigators and to the
15 Investigating Judge, so could you speak to us very briefly about
16 the importance <of> the size of this Kamping Puoy Dam, so that we
17 can have at least a basic idea?

18 [14.35.29]

19 A. The base of that dam was about 100 metres long, and the crest
20 of the dam was about 70 metres <wide, and it stretched about
21 three and a half kilometres from Phnom Khpos (phonetic) through
22 Kamping Puoy>.

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

25 MR. PRESIDENT:

1 Please hold on, Mr. Witness. And you may proceed, Counsel for
2 Khieu Samphan.

3 MS. GUISSÉ:

4 Thank you, Mr. President. I was waiting for the Co-Prosecutor's
5 second question in order to understand what he was trying to get
6 at, but what I seemed to understand <from his questions> is that
7 he wants to speak about the Kamping Puoy Dam, which apparently is
8 not in the scope of Case 002/02. So, therefore, I object to this
9 line of questioning, if the Co-Prosecutor indeed intends to
10 continue with these questions.

11 [14.37.04]

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, I wish to answer. Well, this is just an
14 introductory question. What I really want to know is who visited
15 this dam? And in particular, the client of my learned colleague
16 here present. <I> won't dwell on the building of the dam, but
17 rather I will just put one or two introductory questions and then
18 focus on possible visits of senior leaders or foreign delegations
19 to this dam.

20 MS. GUISSÉ:

21 Yes, Mr. President. If this dam is not within the scope of the
22 trial, I do not see why the visits of senior leaders would also
23 be in the scope of the trial. So I would like us to only focus on
24 the scope of the case.

25 MR. DE WILDE D'ESTMAEL:

1 Mr. President, we're speaking about the role of the Accused,
2 about his presence on the field. This is just one example out of
3 many others of dams he could have visited, such as Trapeang Thma.
4 So the point here <is> to establish the role of the Accused
5 persons: of course these questions will therefore be part of the
6 scope of this trial.

7 [14.38.24]

8 (Judges deliberate)

9 [14.39.44]

10 MR. PRESIDENT:

11 The objection by the defence counsel for Mr. Khieu Samphan, to
12 the last question put by the Deputy International Co-Prosecutor
13 to this witness is overruled. The question is related to the
14 policy and role of the Accused. However, I instruct the Deputy
15 International Co-Prosecutors to limit specific questions only to
16 <>Kamping Puoy <Dam worksite>, since it is not within the scope
17 of the Closing Order.

18 BY MR. DE WILDE D'ESTMAEL:

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

22 MR. PRUM SARUN:

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

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

1 A. Yes, there was only one dam.

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

5 A. I do not have <any> idea about the visits of the senior people
6 or the upper echelon. <I do not know them.>

7 [14.42.06]

8 MR. PRESIDENT:

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

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

14 The Court is now in recess.

15 (Court recesses from 1442H to 1501H)

16 MR. PRESIDENT:

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

18 And the floor is again given to the Deputy International
19 Co-Prosecutor to resume his line of questioning. You may now
20 proceed.

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. Shortly before the break, Mr. Witness,
23 you said you did not recall any visit by the leaders of Khmer
24 Rouge or foreign delegations to the Kampong Puoy Dam worksite. I
25 will refer you to two documents to see whether it reminds you of

1 anything. The first document is E3/1339, on page in English is
2 00168342, there are no other references in the other languages.
3 This is a radio broadcast by the Government of Democratic
4 Kampuchea, dated 10th December 1977, and that broadcast describes
5 the visit of the Chinese vice prime minister, Chen Yonggui to
6 Battambang on 9th December 1977, accompanied by Pol Pot, Ros Nhim
7 alias Moul Sambath, as well as Ieng Sary, Vorn Vet, Mey Prang and
8 Thiounn Thioeunn. And it is said in that broadcast that all of
9 those persons visited the 17th January reservoir situated in
10 Phnum Sampov commune.

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

14 [15.04.16]

15 MR. PRUM SARUN:

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

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

24 "Furthermore, although I did not travel inside the country much
25 between 1975 and 1979, I <nevertheless> saw with my own eyes some

1 of the achievements I had <long> wished for, especially <the
2 much-needed> irrigation in the country side. Thanks to the
3 reservoirs in Trapeang Thma (in Phnum Srok, <Siem Reap>) and in
4 Kamping Puoy (west of Battambang), there were rice fields as far
5 as the eye could see. The confidence the regime gained from its
6 victory in the war and from its achievements, inspired me to want
7 to help in whatever way I could and to refrain from doing
8 anything that might hinder <such> efforts. In this context one
9 must understand how an intellectual like me can accept a
10 discipline that, in the end, proved tragic, such as the
11 discipline of isolation and concentrating only on one's own
12 specific task." End of quote.

13 [15.07.15]

14 MS. GUISSÉ:

15 Yes, apart from the fact that the International Co-Prosecutor
16 intended to read this excerpt from Khieu Samphan's book <at this
17 very moment,> which once more has nothing to do with this segment
18 which relates to the Vietnamese. Since the witness has pointed
19 out that he does not remember having seen any leaders, <that he
20 has not seen any leaders,> I wonder what is the relevance of this
21 passage that the Co-Prosecutor has just cited -- <other than
22 citing it for his own pleasure.> There is no relevance; we are
23 wasting the Court's time.

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, I have not yet put my question to the witness so

1 <I believe> the objection is premature. Can I proceed?

2 Q. My question to you, Mr. Witness is, whether at the time you
3 knew who Khieu Samphan was and what his responsibilities were?
4 [15.08.14]

5 MR. PRUM SARUN:

6 A. I never knew this person at the time. I did not know at that
7 time who <> Khieu Samphan <was>.

8 Q. Thank you. Let me talk about another subject. <Earlier> you
9 said that Ta Chham was the district chief of Banan; do you know
10 who was the chief of Sector Number 3, at the time when you were
11 in that region?

12 A. I knew only Ta Chham and I did not know at the time who was in
13 charge of Sector <3>.

14 Q. Regarding Ta Chham, did he or any other cadres of the Party
15 organise in Banan district, marriages during the period 1975 to
16 1979, that is, the period of Democratic Kampuchea?

17 A. You want to know about the marriage? No marriages were held
18 during that period. There were only commitments <during which
19 couples> were required to hold hands together and voice their
20 commitments, no marriages were held.

21 Q. Very well, that was indeed the terminology used at the time,
22 regarding "commitments". Let us talk about commitments. During
23 that period, did the future couples who made those commitments
24 know each other before and did they choose to marry one another?

25 A. They <got along well with each other, and they asked> each

1 other <to go and make> their commitment or make a resolution<,
2 and then they held each other's hands.> No marriages took place.

3 [15.11.06]

4 Q. Did you yourself attend any marriages or ceremonies during
5 which people made commitments?

6 A. No, I never attended any such <an event> where couples were
7 making commitments, only chief of communes were allowed and
8 invited to be in that meeting. <As a low-ranking person myself,>
9 I was <not allowed to get close to them>.

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

13 A. <After an> agreement <was reached, they set up an appointment
14 where> they <would> make <their> commitment. <The sub-district
15 committee was also there to acknowledge the moment>. They
16 <usually> went to <a place so-called> Lvea <to make> their
17 commitment. <They usually went to that field to hold the event.>
18 I did not go there to attend that commitment meeting. I was
19 involved in my activities and work at my place or my location.

20 [15.12.51]

21 Q. Very well, since you did not attend such ceremonies I will not
22 put any further questions to you on that. I have some questions
23 on the policies of Democratic Kampuchea regarding the treatment
24 meted out to former officials and high ranking officers of the
25 Lon Nol regime. In the region of Battambang, and particularly in

1 Banan district, what happened to <former> military officers of
2 the Lon Nol regime and former officials of that regime in the
3 days and months following the 17th April 1975?

4 A. On 17th April 1975, I saw military and soldiers <coming to my
5 village, but they> went to <set up their base at> Ou Pong Moan.
6 <As for a> soldier <who could have been identified as having> a
7 rank in the former regime <> was <arrested, taken away and shot>
8 to death <at the corner of Phnom Krapeu. Because the man's> wife
9 was weeping <over his death, they also shot the wife at the site.
10 That's all I know. I went there, and saw both of them lying death
11 at the site.>

12 Q. Did you personally know that person who was led away and
13 executed?

14 A. Ta Rum, the blind, or Ta Rum <Kwak> (phonetic), <from my
15 village> is now residing in USA.

16 Q. I was referring to the person who was killed on that day, who
17 was shot dead, and <whose> wife <was crying>, do you know what
18 <her> name was?

19 A. I did not know that person's name. <A file of people were>
20 walked <through> my village <at that time>.

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

23 MR. PRESIDENT:

24 Please observe the microphone, Mr. Witness.

25 [15.16.18]

1 MR. PRUM SARUN:

2 A. <They were actually passing by> my village and they were
3 heading to Ou Pong Moan. At that time, <a file of soldiers, whose
4 military backgrounds could have been identified, were being led
5 by Ta Rum to be killed.>

6 BY MR. DE WILDE D'ESTMAEL:

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

10 MR. PRUM SARUN:

11 A. Oeum, my unit chief <was killed there. He> was my <unit> chief
12 during the time that I was a soldier. He was smashed and killed
13 at Chanlaos Kdaong.

14 [15.17.33]

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

17 MR. PRESIDENT:

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

19 MR. PRUM SARUN:

20 A. He was my chief during Lon Nol time. During Lon Nol time, male
21 and female were <recruited into the army>. Oeum was my former
22 chief during Lon Nol time. <After the victory,>he <> was <>
23 killed <at Chanlaos Kdaong>.

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. And how did you get to know that <the elder> Oeum <had been>

1 executed?

2 MR. PRESIDENT:

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

4 [15.18.44]

5 MR. PRUM SARUN:

6 A. At that time, I was going to collect the oranges <> when I
7 encountered the decomposed body of Oeum. <The body was becoming
8 dried as I could hardly smell the stench anymore.>

9 BY MR. DE WILDE D'ESTMAEL:

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

12 MR. PRESIDENT:

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

14 MR. PRUM SARUN:

15 A. He was wearing ordinary clothes and the clothes were torn
16 <apart due to dogs' bites as the body was not buried.>

17 [15.20.00]

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. A while ago you talked of your battalion commander called
20 Krach. Did you receive instructions from your commander--?

21 Witness, I think you have to wait for the light on your
22 microphone <to turn red. I'm going to put the question to you
23 again.>

24 You talked of the commander of your battalion, Krach; did you
25 receive any instructions from him regarding the fact that former

1 high-ranking officers of the Lon Nol army had to be identified
2 <or> denounced?

3 MR. PRUM SARUN:

4 A. I never received any instructions from him. As I said, I was
5 <also> a <> soldier in the former regime.

6 [15.21.09]

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

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

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

19 A. I said nothing when I was asked by him. I replied that I did
20 not know who had rank.

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

24 A. They were taken away and smashed. This was the way they did to
25 high ranking officers. <During the regime, nobody was put on

1 trial.> For instance, Ta Oeum, he had been arrested and sent away
2 and later on he was smashed.

3 [15.23.42]

4 Q. Before they were led away, were those people told anything to
5 convince them to follow the cadres of the Khmer Rouge? What
6 <method did they use? What did they tell them they were going to
7 do when they were being led away?>

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

10 Q. Yes. Let me rephrase it. You have said that the <high-ranking>
11 officers were led away and smashed. What did they do to convince
12 them to <follow them> <without> <revolting>? What were they told
13 to convince them to follow the cadres of the Khmer Rouge?

14 A. I do not know how to answer.

15 [15.25.00]

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

18 You stated that <high-ranking> officers were led away and
19 smashed. How about their family members? Their wives, their
20 children, their relatives. Were the family members of these
21 officers also targeted and arrested?

22 A. No. No such thing <ever> happened. Family members <were not>
23 arrested and sent away.

24 Q. We will perhaps return to that later. There is a witness from
25 the same region called Chuch Ponlork -- C-H-U-C-H, <Ponlork,

1 P-O-N-L-O-R-K>; he gave a statement and that is E3/5211. He
2 talked of the <identification and> execution of former <soldiers>
3 <and officials> of the the Lon Nol regime <in Phnum Sampov> after
4 17 April 1975. <Firstly,> do you know this person, Chuch Ponlork?

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

6 [15.26.41]

7 Q. No worries about that. You talked of Ta Chham and his role,
8 and in his statement E3/5211, this is what he said <on> page 3,
9 in English; page 3, in French; and pages 2 and 3, in Khmer. He
10 describes how Ta Chham -- and I quote: "Ordered former soldiers
11 of <the enemy,> Lon Nol, to meet in the Phnum Sampov monastery."
12 And later on he said the following: "After I know that they
13 carried out investigations among the people in Phnum Sampov
14 commune to seek out officials of the Lon Nol regime and so on and
15 so forth. The investigations were carried out successfully. I saw
16 the subordinates of Ta Chham, soldiers, arrest persons they had
17 identified and put them on board vehicles saying that they were
18 being sent to undergo studies at the upper echelon of Angkar.
19 Among those who were arrested were, for instance, the chief of
20 the Phnum Sampov commune called Khlot, K-H-L-O-T, Chhan,
21 C-H-H-A-N. They also included My Voeut, the chief of Phnum Sampov
22 Leu village and a teacher at Phnum Sampov called Chan Moul." End
23 of quote. He subsequently says that those persons disappeared,
24 having been killed <by> gunshots.
25 There is an objection whereas I haven't even put the question to

1 the witness, Mr. President.

2 MR. PRESIDENT:

3 You have the floor now, Mr. Koppe.

4 [15.28.56]

5 MR. KOPPE:

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

16 JUDGE FENZ:

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

20 [15.29.46]

21 MR. KOPPE:

22 Well, the next question is going to be, do you -- what is your
23 reaction or -- the problem I have is the practice that is being
24 used. This witness has, in his WRIs, said a few things about Ta
25 Chham. I have been standing here for about five minutes until

1 Prosecution is finished. Of course not objecting to every
2 question in the future because I don't know what the Prosecution
3 is going to ask, but the first next question is I'm sure the
4 reaction of this witness and that -- to that question, I have an
5 objection.

6 BY MR. DE WILDE D'ESTMAEL:

7 Well, Mr. President, I'm not going to phrase the question in this
8 way. It is generally the Nuon Chea counsel <who> quotes <very>
9 long excerpts <that> have nothing to do with the statements of
10 the witnesses, <and asks them subsequently to react.> But my
11 question is the following:

12 Q. Witness, do you remember a gathering of <former> officials and
13 servicemen of the Lon Nol regime in Wat Phnum Sampov? Did you
14 hear that <these people,> high-ranking cadres <or> high-ranking
15 servicemen were gathered at Wat Phnum Sampov?

16 MR. PRUM SARUN:

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

19 [15.31.35]

20 Q. I have a follow up question regarding the names that were
21 mentioned by this other witness. He is speaking about a surnamed
22 Khlot Chhan, who was the commune chief of Phnum Sampov. Do you
23 know this person and do you know what happened to this person?

24 A. He was the commune chief and he was also taken away to be
25 killed <so were the commune clerk and Khlot Chhan. All of them

1 were killed.>

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

4 A. I don't know.

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

7 A. Khlot Chhan <> was killed <after> they <had> investigated and
8 <learned> that he was the commune chief<. He then> was taken away
9 to be smashed.

10 [15.33.24]

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

15 A. I was also afraid but I worked very hard. They assigned me to
16 be the unit chief in transplanting rice, so because of this, they
17 kept me. <They gained favour with me.> I was also a soldier.

18 Q. This morning you spoke about a certain Ta Daok, D-A-O-K, who
19 had been killed. So, what was held against this person, was this
20 person a former Lon Nol servicemen or official or was there
21 another reason explaining why he was killed?

22 A. The reason was that he had <hidden> a gun.

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

25 A. It was probably - he was perhaps <a> Lon Nol soldier. He <had

1 hidden a> gun.

2 [15.35.39]

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

4 MR. PRESIDENT:

5 Witness, please hold on.

6 MR. PRUM SARUN:

7 A. The whole people in the commune <of Phnum Sampov> went to a
8 meeting at Samdech Euv High School. <They said the meeting was
9 held in order to have some people smashed. "To smash someone"
10 means "To kill him or her".> They said that Ta Daok had <owned> a
11 gun and he <was about to resist against them. Ta Daok was accused
12 of owning a gun, that's why he was> smashed. <> I witnessed <his>
13 execution <> because I also attended the meeting. One of his
14 children was also killed along with him <by being beaten to death
15 with a roof beam. That> was what I witnessed.

16 [15.36.52]

17 BY MR. DE WILDE D'ESTMAEL:

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

21 MR. PRUM SARUN:

22 A. When I attended <another> meeting <in a big hall> at Phnum
23 Sampov <in which Moul> Sambath came to chair<>; I did not see his
24 face clearly because I was <sitting at the back. Moul> Sambath
25 came to chair <one of the meetings I attended>.

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

5 A. <He only talked to us about the rice production. He mentioned
6 nothing about standing up against the regime. The meeting was all
7 about the "rice production", the term he used.>

8 Q. Thank you, Witness, I have no further <questions> on the part
9 of the Co-Prosecutors, I will now give the floor to my
10 colleagues. Thank you.

11 MR. PRESIDENT:

12 Thank you. Now I give the floor to Co-Lawyers for civil parties.
13 [15.38.50]

14 QUESTIONING BY MR. PICH ANG:

15 Thank you, Mr. President; and thank you, colleagues. I would like
16 to ask the witness, I am Ang, the lawyer for the civil party. I
17 have a number of questions to put to you <in order to clarify
18 certain issues.>

19 Q. First of all, I would like to ask you about the use - the
20 words <including a platoon, a company, a battalion, a regiment,
21 and so on. Could> you clarify <as to> why <>those words <were
22 used to refer to> your groups who were just ordinary people<? Did
23 you know the reason as to why those terms were used?>

24 MR. PRUM SARUN:

25 A. I did not know <of> the reason; <they used the terms including

1 a company, a platoon...,> so I just followed <them. I did not know
2 from where the terms originated. They were referring to people as
3 battalion or regiment chief... I just followed them.>

4 [15.40.05]

5 Q. So these terms were <only> used <among> people <working> at
6 the dam site or it was a generic term used at your base<? And
7 were the same terms used in the nearby bases>?

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness.

10 MR. PRUM SARUN:

11 A. Yes, the <same terms including a platoon, a company, a
12 battalion chief, Battalion 1, and Battalion 2> were used at the
13 time.

14 BY MR. PICH ANG:

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

18 MR. PRUM SARUN:

19 A. Yes, that's correct.

20 [15.41.11]

21 Q. So <did> you know <a village by the name of> Krapeu <Tboung?>

22 A. I know that village; it was <on the south of> the mountain.

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

1 A. We never trespassed <on> to <the> other <villages>; <as I
2 lived in Krapeu Cheung, I had to remain in Krapeu Cheung. In
3 fact, we belonged to different battalions.>

4 Q. Thank you. You made mention <of> Tuol Ta Trang near Phnom Koy,
5 the killing site, as you said and you said also that there were
6 bodies and corpses at that killing site. <Were> you aware that
7 <whether or not> there was a creek or stream <so-called Au Tauch>
8 in that area?

9 [15.42.42]

10 MR. PRESIDENT:

11 Please wait and observe microphone before you speak

12 MR. PRUM SARUN:

13 A. It was to the east of <that creek so-called Au Tauch located>
14 Tuol Ta Trang. <>

15 BY MR. PICH ANG:

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

18 MR. PRUM SARUN:

19 A. Tuol Ta Trang was located to the east of that small stream.
20 The small stream was located <on> the west <of that place>.

21 Q. <Since you were aware of the small creek, did you know if any>
22 execution <had taken place> within the area of that small stream?

23 A. <People who> had been relocated from Pailin <actually lived
24 there, but> I did not know whether they were killed at that small
25 stream. <I saw them going around asking for rice from my

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1 battalion. People from Pailin who had no rice and those from
2 Snoeng were sent to live there.>

3 [15.44.05]

4 Q. I would like to read an excerpt from <a WRI. It is> document
5 <E3/7737>, it is <a WRI> of a monk named Im Am. In that document,
6 Khmer, ERN 00197883; English, 00274160; French, 00226156; quote:
7 "There were <30 Vietnamese families>, including children,<>
8 living in Krapeu <Tboung village>, Sampov <sub-district, who were
9 killed> by Khmer Rouge <soldiers> in 1976 at <Au Tauch, south of
10 Phnom> Koy, <seven kilometres south of> Krapeu Tboung <village,>
11 Sampov <sub-district>." [Free translation] I would like to ask
12 you whether or not you <were> aware that Vietnamese people were
13 taken to be killed at that so-called small stream.

14 MR. PRESIDENT:

15 Please observe microphone, Mr. Witness.

16 MR. PRUM SARUN:

17 A. Some people <who> fled from Pailin <> lived <there.> Tuol Ta
18 Trang <was actually an execution site. Probably, nobody was
19 killed at Au Tauch. However, people could have died there from
20 either sickness or starvation.>

21 [15.46.13]

22 BY MR. PICH ANG:

23 Q. You made mention that some people <had> fled from Pailin, did
24 <any> of them reside in <> Krapeu Tboung village?

25 MR. PRUM SARUN:

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1 A. They did not go to live in Krapeu Tboung village. In fact
2 <those who had> fled from Pailin <> went to live at <the> small
3 stream where <some of them could have died from starvation> and
4 diseases.

5 Q. You were living in Banan <district>, can you tell the Court
6 about the period of 1976 or perhaps the period of 1977 and 1978
7 <if> there <were> any Khmer Krom living in Banan <district> or in
8 <the nearby villages or> communes?

9 MR. PRESIDENT:

10 Please wait, Mr. Witness, please observe the microphone before
11 you speak.

12 MR. PRUM SARUN:

13 A. They were not living <with us> within Banan <district. They>
14 were living <> far away from my commune.

15 [15.47.47]

16 MR. PICH ANG:

17 Q. <In 1975, were> there any Khmer Krom living in <your village
18 or commune, or in the nearby villages or communes?>

19 MR. PRUM SARUN:

20 A. No Khmer Krom were living in any villages adjacent to my
21 village.

22 Q. <> Mr. President<, with your leave, I would like> to read <to
23 the witness> a short excerpt from document E3/5185 <which is a
24 WRI of> witness In Choeun. In ERN in Khmer, 00197889; English,
25 00274166; and French, 00226163; <quote,> "I saw <them kill a line

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1 of> Khmer Krom, <> 20 <persons, at Au Tauch,> near Phnom Koy<,
2 including> men<, women,> and children. I saw <> five <or six
3 people from Chheng's unit take those people and kill them.>"

4 [Free translation]

5 Mr. Witness, have you ever heard <of> the incident or the killing
6 of Khmer Krom people <at Au Tauch> near Phnom Koy<?>

7 [15.49.43]

8 MR. PRESIDENT:

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

10 MR. KOPPE:

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

19 [15.50.53]

20 MS. GUIRAUD:

21 Mr. President, just a point of clarification regarding this point
22 because <our understanding of> the Chamber's decision <is
23 different from that of> the Nuon Chea defence. And I'm referring
24 to your oral decision of 25 May 2015, E1/304.1. It is clear that
25 the Chamber excluded from the scope the fact of considering the

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1 Khmer Krom as a distinct group, <and> the Chamber seems to be
2 much more vague in <the possibility of ultimately> considering
3 the Khmer Krom as assimilated to the Vietnamese. In any case,
4 this is how we understood your decision, E1/304.1. So I wanted to
5 make this clear to you.

6 (Judges deliberate)

7 [15.52.30]

8 MR. PRESIDENT:

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

14 [15.53.10]

15 BY MR. PICH ANG:

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

17 Mr. Witness, you said that Vietnam - that about three or four
18 Vietnamese families in <Battalion Number 2> and you recognised
19 them because they speak - they had a distinct accent. So how
20 could you hear them <> speak a distinct Khmer accent? <Or did you
21 talk to them so> that you <knew they were speaking with an>
22 accent<>?

23 MR. PRUM SARUN:

24 A. I did not talk to them <or ask them anything. And> I did not
25 <mention regarding> their distinct <> accents.

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1 Q. So I would like to repeat my question, maybe my question was
2 too long. You said that <> three or four Vietnamese families in
3 Battalion 2 were taken away to be executed at Tuol Ta Koy, so
4 what I'm saying is correct or not?

5 A. I never said that they were taken to be killed at Tuol Ta Koy.
6 I <have never heard of such a place.>

7 MR. PRESIDENT:

8 Lawyer, <you did not actually catch the fact provided by the
9 witness correctly during the cross-examination before formulating
10 your question.> The witness gave <a> clear answer <in this
11 regard. You were misquoting him.>

12 [15.55.30]

13 MR. PICH ANG:

14 (No interpretation)

15 MR. PRESIDENT:

16 You are not allowed.

17 BY MR. PICH ANG:

18 Q. I would like to ask the question <again. Did> you ever say
19 <that between three and four> Vietnamese families <had been>
20 taken away <from Battalion 2 and killed> by the Khmer Rouge<>?

21 MR. PRUM SARUN:

22 A. I said <between three and four Vietnamese individuals.>They
23 were taken away to be killed at Tuol Ta Trang.

24 [15.56.14]

25 MR. KONG SAM ONN:

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

5 BY MR. PICH ANG:

6 I heard the witness say that these people were killed at Tuol Ta
7 Trang.

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

10 MR. PRUM SARUN:

11 A. They spoke with accent. For this reason, they were arrested
12 <and taken away>.

13 MR. PICH ANG:

14 I am done with my questioning, Mr. President. Thank you very
15 much, Mr. Witness.

16 MR. PRESIDENT:

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

21 Thank you, Mr. Prum Sarun, the hearing of your testimony as a
22 witness before the Chamber has not come to a conclusion yet. You
23 are therefore invited to be here once again to testify at 9 a.m.
24 Court officer, please work with the WESU to send Mr. Prum Sarun
25 back to the place where he is staying at the moment and please

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1 invite him back into the courtroom again tomorrow at 9 a.m.
2 Security personnel are instructed to bring Mr. Khieu Samphan and
3 Nuon Chea back to the detention facility of the ECCC and have
4 them returned into the courtroom tomorrow before 9 a.m.
5 The Court is now adjourned.

6 (Court adjourns at 1558H)

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