



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 January 2016
Trial Day 362

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

The Accused: NUON Chea
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:
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Lawyers for the Civil Parties:
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For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Vincent DE WILDE D'ESTMAEL
SONG Chorvoïn

For Court Management Section:
UCH Arun

I N D E X

Ms. DOUNG Oeurn (2-TCCP-869)

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

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

9 <Before the hearing,> today, the Chamber would also like to
10 inform the parties that, for today's proceedings as well as
11 possibly for the following days, Judge You Ottara, who is the
12 National Judge, is absent for urgent personal matters. <So, he
13 cannot attend this hearing. After> the Bench deliberated the
14 matter, we decided to replace him by Judge Thou Mony, who is the
15 National Reserve Judge, until Judge You Ottara is able to return
16 to the Bench. And this is pursuant to Rule 79.4 of the ECC
17 Internal Rules.

18 [09.06.10]

19 And also today, Judge Lavergne is back to the Bench. Ms. Chea
20 Sivhoang, please report the attendance of the Parties and other
21 individuals to today's proceedings.

22 THE GREFFIER:

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

2

1 And Mr. Nuon Chea is present in the holding cell downstairs. He
2 has waived his rights to be present in the courtroom. The waiver
3 has been delivered to the greffier.

4 [09.06.56]

5 The witness who -- the civil party who is to testify today --
6 that is, 2-TCCP-869, is present in the waiting room. We also have
7 a reserve witness -- that is, 2-TCW-1009. The witness confirms to
8 his best knowledge that he has no relationship, by blood or by
9 law, to any of the two accused, Nuon Chea or Khieu Samphan, or to
10 any of the civil parties admitted in this Case.

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

14 [09.07.40]

15 MR. PRESIDENT:

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

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

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

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

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

13 [09.09.15]

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

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

19 The greffier, please check with the civil party.

20 (Short pause)

21 [09.11.25]

22 (Civil party enters the courtroom)

23 QUESTIONING BY THE PRESIDENT:

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

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

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

2 Again, what is your name?

3 MS. DOUNG OEURN:

4 A. My name is Oeurn.

5 Q. What is your full name?

6 A. Doung Oeurn.

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

8 A. Doung Oeurn.

9 Q. So your name is Doung Oeurn; is that correct?

10 A. My name is Doung Oeurn.

11 [09.13.12]

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

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

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

20 A. It's Doung Oeurn.

21 Q. Do you recall when you were born?

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

23 Q. That is all right.

24 And how old are you this year?

25 A. I am 75 years old.

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

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

4 [09.15.00]

5 Q. What is your current address?

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

8 Q. What is your current occupation?

9 A. I do not sell anything. I hardly walk. <I don't own any
10 business.>

11 Q. What are the names of your parents?

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

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

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

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

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

25 [09.17.28]

6

1 A. In fact, I have been called on several occasions to the Court,
2 although I never appeared before you in this Chamber. <I was only
3 downstairs.>

4 Q. Can you recall how many times you were interviewed in the room
5 downstairs?

6 A. Five times.

7 Q. Do you recall when?

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

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

13 A. Yes, I have.

14 [09.18.56]

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

20 A. Yes, I have recalled them.

21 MR. PRESIDENT:

22 Thank you.

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

1 [09.19.52]

2 QUESTIONING BY MR. PICH ANG:

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

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

10 Q. My question is the following. Can you tell the Chamber where
11 you lived before <>1975?

12 MS. DOUNG OEURN:

13 A. I lived in Pou Chentam. I lived there< the whole time, nowhere
14 else>, and that was my native village.

15 Q. So before 1975, can you tell the Court whether you were
16 married?

17 A. Yes, I was.

18 [09.21.21]

19 Q. What is the name of your husband?

20 A. His name is Chuy.

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

23 A. It was since the Lon Nol regime.

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

25 A. He was living <with others>, and then he asked his mother to

8

1 come and to have me as his wife and, finally, we got married.

2 Q. You said he was living in <someone else's> house. <Did this
3 house belong to a Cambodian or to a Vietnamese>?

4 A. He was Khmer.

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

7 A. They were Vietnamese.

8 [09.23.36]

9 Q. And please tell the Court whether your husband was actually
10 Khmer or Vietnamese?

11 A. He was Vietnamese.

12 Q. Do you know <where> his native village <was>?

13 A. His native village was in Peam.

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

16 A. Yes, I can explain that. He <indeed lived in> Peam, and that
17 is the truth.

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

20 A. His parents and his relatives and siblings were <also>
21 Vietnamese.

22 Q. And what language did he speak?

23 A. He spoke Vietnamese.

24 [09.25.30]

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

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

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

5 A. He spoke Vietnamese fluently, but he did not speak Khmer that
6 clearly.

7 Q. <After> 1975 -- that <means--> during the Khmer Rouge regime,
8 did you live with him as husband and wife?

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

10 Q. What did he do before he left <at> Pou Chentam village? I
11 <want to> refer to the works that he engaged in.

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

14 [09.27.24]

15 Q. Did you have any children with him <in that time>?

16 A. We had a child.

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

19 A. The name is Kim Va.

20 Q. And did your child have any alias?

21 A. Yes.

22 Q. What is the alias?

23 A. The alias is Kamean.

24 Q. Is that Kamean?

25 A. Yes.

10

1 [09.28.34]

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

3 A. It's Chuy.

4 Q. And what was his full name?

5 A. His full name is Tep Yun.

6 Q. And Madam Civil Party, please have a small pause between my
7 question and your response. <Please observe the light.>You said
8 your husband's name is Tep Yun. And can you tell the Court why
9 you named your child with a different family name -- that is, Kim
10 <Va>?

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

12 Q. Your child was known as Kamean. And please tell the Chamber
13 <about the reason> why your child had an alias Kamean.

14 A. Because I was afraid that they would take my child away to be
15 killed. For that reason, I named my child Kamean and I <was told
16 not to name her> Kim Va<, but to use Kamean. Accordingly, I
17 adopted that name for her according to their suggestion>.

18 [09.30.16]

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

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

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

24 During the Khmer Rouge regime starting from 1975, did you hear or
25 receive any information that Vietnamese who were living in

11

1 Cambodia or in your area had to return to Vietnam?

2 A. Yes. And in fact, I urged my husband to go together, but he
3 refused to go. He said to live or to die, he would remain in
4 Cambodia.

5 Q. And did you know if there were any Vietnamese families that
6 returned to Vietnam after the announcement was made for
7 Vietnamese to return to Vietnam? <Did you know any?>

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

11 [09.32.18]

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

14 A. It was after the collapse of Khmer Rouge that he returned to
15 Cambodia.

16 Q. Thank you, Madam Civil Party. I would like to ask you in
17 particular about your husband, particularly his work during the
18 Khmer Rouge.

19 You have just stated he was gone or disappeared. What can you
20 tell about his disappearance? What did they do <against him>
21 before his disappearance?

22 A. He was assigned to go and cut out "rumpeak" vine and, after
23 that assignment, he <never returned. He simply disappeared>.

24 Q. Can you clarify it for the Court? What <year> did he
25 disappear?

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

2 [09.33.45]

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

4 A. It was during the harvesting season, and I was out in the
5 field doing the harvest. And when I returned home, he <was taken
6 away and I had no idea where he was taken to>. I did not know at
7 the time where he went to.

8 Q. Thank you. Can you tell the Court who saw the event that your
9 husband had taken away? What was happening during the time?

10 A. It was my mother who told me that my husband had been taken
11 away, and she <told, "Your husband was taken out and I> did not
12 know where they took <your> husband to". After hearing this, I
13 returned to the field to work.

14 Q. Did your mother tell you how many people came to <take> your
15 husband, and did they tie your husband up <when he was being
16 taken>?

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

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

20 [09.35.37]

21 Q. How many people walked your husband away?

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

23 Q. When your husband was walked away by that person, did your
24 mother say anything to your husband while he was being walked
25 away?

1 A. My mother said, "Please return immediately after you arrived
2 at the place". And in reply, he said he would come back very
3 soon. However, he disappeared ever since. <He never returned.>

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

7 A. I did not know <that location>. What I knew from that time
8 onward is his disappearance.

9 [09.37.12]

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

12 A. <> Lach Ny's family and members -- and his children were sent
13 away as well, except only Lach Ny was spared.

14 Q. You stated that Lach Ny's family were taken away as well, <who
15 were they? Were they his relatives?> So can you specify this
16 point for the Court?

17 A. His children, five or six children, together with the mother<,
18 was six in total>. It was only Lach Ny's family and children who
19 were sent away.

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

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

24 [09.39.14]

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

14

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

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

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

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

6 A. She sold vegetable at <a market>. She <picked up> vegetables
7 from <> her house <and sold at the market>.

8 Q. Thank you. Besides Lach Ny's family, were other Vietnamese
9 family living in your village?

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

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

12 Ngang was also Vietnamese.

13 [09.41.13]

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

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

17 Q. How did you know Ngang was Vietnamese?

18 A. Ngang did not speak the language clearly.

19 Q. Could Ngang speak Vietnamese?

20 MR. PRESIDENT:

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

22 MS. DOUNG OEURN:

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

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

25 that Ngang's parents were Vietnamese.

15

1 [09.42.32]

2 BY MR. PICH ANG:

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

4 MS. DOUNG OEURN:

5 A. I did not know whether Ngang's parents spoke Vietnamese since
6 we were living far away from each other, but what I can tell you
7 is that Ngang was ethnically Vietnamese.

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

10 A. From the physical and facial features, I can tell that he was
11 a Vietnamese. And it was because he could not speak Khmer clearly
12 as well that I knew he was a Vietnamese.

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

14 A. No, I never spoke to him. <I just saw him.>

15 Q. Did you ever see him <speaking in> Khmer?

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

17 [09.43.50]

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

19 A. One child name was Ka Top (phonetic), and another child name
20 was <Nguon Sieng> (phonetic).

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

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

24 Q. You have just stated they were taken away. Did you refer to
25 Ngang and Lach Ny's family <including your husband>? Who else

16

1 were taken away <first> after the <sequential> arrests<>?

2 A. Ngang was the first one who was <taken away>, and then Lach
3 Ny. And my husband was the last one who was taken away.

4 [09.45.35]

5 Q. Madam Civil Party, I would like to backtrack a little bit <in
6 relation to your husband. Before> the Democratic Kampuchea when
7 you were living together with your husband, what kind of business
8 did he do?

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

12 Q. Did he sell opium during the time?

13 A. No. No, he did not.

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

15 A. We were living in a difficult situation during the time and we
16 did not have enough to eat. We were <suffered, inflicted, and>
17 blamed. We were assigned to work with no free time.

18 [09.47.18]

19 Q. Thank you, Madam Civil Party.

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

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

23 A. I was assigned to go and dig soil, dig canal, do the
24 harvesting and transplanting the rice. Again, I was assigned to
25 go <harvest> and to dig canal or reservoir away from my living

1 quarter.

2 Q. So who take care of your children?

3 A. It was my mother.

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

6 A. Before he was taken away, he helped look after the daughter<.>
7 He always held the hand of the child to the working place <while
8 he was carrying fertilisers to the rice field>. And during the
9 time that he went to have meal, <the collective meal,> he also
10 had the child with him. And after he was taken away, the child
11 was left to my mother to look after.

12 [09.49.15]

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

15 A. I had another child. The name was Meang (phonetic). However,
16 he was taken away and killed during the Pol Pot time. He asked --
17 at the time, he asked for gas -- like gasoline <to fill his
18 lighter>, <but he accidently dropped kapok cotton into the
19 gasoline,> then he was <arrested>.

20 Q. Did you have that child with Chuy?

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

23 Q. After your child -- your son was arrested, I would like to ask
24 about the event when he was arrested. Did it happen after the
25 arrest of your husband -- that is, Chuy <or before the arrest of

18

1 your husband>?

2 A. My son was also arrested during the Pol Pot time. He <tried to
3 fix a flint lighter but> accidentally <caught> a fire out of the
4 gasoline<>, and it was that incident that he was arrested. I did
5 not dare to go to see what happened to him when I heard that he
6 was arrested.

7 [09.51.25]

8 Q. Madam Civil Party, I would like to know whether the arrest of
9 your son happened <before or> after your husband arrest.

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

12 Q. Thank you, Madam Civil Party.

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

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

17 A. I did not know whether he was a soldier in any other society.

18 I only knew that he came to reside in that <district>. I -- he
19 never told me that he was a soldier.

20 [09.52.50]

21 Q. Thank you.

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

25 A. My husband was taken away and killed. My child was also taken

1 away and killed. I miss them, and I feel pain in my heart. <I had
2 nothing left.>

3 Q. Madam Civil Party, let me interrupt you. Before your husband
4 was taken away, did someone discriminate your husband or was
5 there any discrimination against your husband<> by anyone within
6 your village and commune?

7 A. No discrimination against him <>. No one said anything about
8 the discrimination.

9 MR. PICH ANG:

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

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

13 MR. PRESIDENT:

14 Now the floor is given to the Co-Prosecutors to put questions to
15 this civil party.

16 You have the floor now, Co-Prosecutor.

17 [09.55.02]

18 QUESTIONING BY MR. BOYLE:

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

20 Good morning, counsel.

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

24 I'd like to start off by following up on something that you told
25 my learned friend. You described renaming your daughter because

1 you were concerned that she would be taken away and killed.

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

4 MS. DOUNG OEURN:

5 A. Regarding the renaming of my daughter, <they suggested> that
6 <my daughter's name be changed.> Because I was afraid that she
7 was taken away and smashed, I decided to use a different name for
8 her besides the previous name.

9 [09.56.30]

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

12 A. Yes, it was after that time, after Khmer Rouge came into the
13 <village>.

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

16 A. Her original name was Kim Va and, later on, I renamed her <>
17 Kamean.

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

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

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

24 What was Kamean a safer name than Kim Va? How would it protect
25 her to be named Kamean instead of Kim Va?

1 A. <In that time,> I was afraid that my child was taken away and
2 smashed, that's why I renamed her Kamean. Villagers suggest --
3 made a suggestion to me that the name Kamean should be used
4 instead of Kim Va. Otherwise, she would be taken away as her
5 father.

6 [09.59.14]

7 Q. Would the name Kim Va have identified her with her father in
8 the way that the name Kamean would not?

9 A. The name Kim Va may have <implication to> the father. That is
10 why I renamed her Kamean.

11 Q. Thank you very much. Are you able to recall when it was that
12 the Khmer Rouge arrived in Pou Chentam village?

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

14 [10.00.28]

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

21 Madam Civil Party, he stated that the Khmer Rouge took control of
22 Pou Chentam village in 1972 or 1973. Having heard that, does that
23 refresh your recollection that the Khmer Rouge actually arrived
24 in Pou Chentam village in 1972 or 1973?

25 A. I do not know about that statement. What I know is that it was

1 in 1977 when the Khmer Rouge arrived at Pou Chentam <village>.

2 <That was all I knew>.

3 [10.02.00]

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

7 A. No, they did not.

8 Q. Does the name Horn mean anything to you in relation to Pou
9 Chentam village?

10 A. Is the name Horn? If that is the case, then Horn was a <chief
11 of> militiamen.

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

14 A. He <was a> militia. When the Khmer Rouge entered the area, he
15 was a militiaman.

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

18 A. Yes, he was. He passed away now. However, at the time, he was
19 still there. And his wife and children survive. <He was the only
20 one who passed away.>

21 [10.04.15]

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

24 A. Seng was <also a> chief of the militia. However, he was not a
25 native villager in my village. He came from another village <to

1 live in my village>.

2 Q. Thank you very much.

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

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

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

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

11 [10.06.20]

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

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

15 A. Yes, I recall Muth. However, Muth worked -- or had worked much
16 longer than Chhem. He passed away, too. <He worked before Chhem.>

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

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

24 [10.08.06]

25 Q. I'd like to ask you about one other individual in relation to

24

1 the leadership in Pou Chentam village. Do you remember an
2 individual named Ngoy and, if so, do you remember what position
3 he held?

4 A. I am not familiar with Ngoy. I do not know where Ngoy came
5 from.

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

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

11 Madam Civil Party, your cousin stated that Ngoy was the chief of
12 security of Svay Antor. Does that refresh your recollection that
13 Ngoy was the chief of security in Svay Antor district?

14 A. I cannot recall who Ngoy was. I <am forgetful now. I did not
15 know who was who>.

16 Q. Thank you, Madam Civil Party.

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

19 MR. PRESIDENT:

20 Thank you. And it is now convenient to have a short break. We'll
21 take a break now and resume at 10.30. Court officer, please
22 assist the civil party at the waiting room reserved for witnesses
23 and civil parties and invite her as well as the TPO staff back
24 into the courtroom at 10.30.

25 The Court is now in recess.

25

1 (Court recesses from 1010H to 1032H)

2 MR. PRESIDENT:

3 Please be seated.

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

7 [10.33.17]

8 BY MR. BOYLE:

9 Thank you, Mr. President.

10 Q. Madam Civil Party, after the Khmer Rouge came to your village,
11 were you ever aware of them taking any steps to identify who in
12 the village was of Vietnamese ethnicity?

13 MS. DOUNG OEURN:

14 A. No, no steps were taken beside my description on what
15 happened. <This is all I know.>

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

18 A. No, <no> one came to ask us about that.

19 [10.34.23]

20 Q. Madam Civil Party, I'd like to read you a portion of the
21 statement that you gave to the DC-Cam organization to see if it
22 refreshes your memory. This is at E3/7562; the English ERN is
23 01170650 to 51; Khmer, ERN 00034056; and this is an interview
24 with you, Madam Civil Party. The questioner is asking you about
25 your husband and says:

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

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

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

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

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

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

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

12 Answer: "Yes, they did."

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

14 Answer: "Yes."

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

19 A. I was not aware of that issue. I <don't understand at that
20 point>. I can -- I have forgotten since that time until now.

21 [10.36.47]

22 Q. Thank you. You mentioned earlier in relation to a question
23 about when your husband was taken away that you didn't remember
24 the date; would -- if I mentioned to you that the arrests might
25 have happened in 1977, does that refresh your recollection

1 regarding the date that your husband was taken away?

2 MR. KOPPE:

3 Mr. President, I--

4 MR. PRESIDENT:

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

6 MR. KOPPE:

7 I object to this question or at least the part where the
8 Prosecution is suggesting this year. I believe that the witness,
9 herself, has testified that in her recollection, it was in 1978.

10 So I don't think it's a fair question.

11 [10.38.01]

12 MR. BOYLE:

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

19 MR. PRESIDENT:

20 Usually open questions should be put first to elicit <all facts
21 and circumstances related to her prior> responses and later on,
22 if you need to cross-check her testimony together with the
23 previous ones, you can go to specific question and you can ask
24 whether or not the civil party recalled the previous statement
25 and how can the civil party respond to the two statements. So

1 this is the practice that we have used so far so you can rephrase
2 your question.

3 [10.39.24]

4 BY MR. BOYLE:

5 Thank you, Mr. President.

6 Q. Madam Civil Party, earlier you stated -- that you didn't
7 remember -- in relation to questioning that you didn't remember
8 when it was that your husband was taken away. I'd like to refer
9 you to your Victim Information Form -- that's D22/212; the Khmer
10 ERN is 00418154; English, 00436795; and in there you state that
11 it was during the 1977 rainy season that your husband was taken
12 away. Does that refresh your recollection that it was during the
13 1977 rainy season that your husband was taken away?

14 A. I can't recall it. It was during the time when I was
15 harvesting rice. I did not arrive in time of his arrest. After my
16 return home, I was told that my husband had been already taken
17 away. I did not personally witness the time that he was being
18 taken away.

19 [10.40.56]

20 MR. PRESIDENT:

21 Actually the question is different. The question is -- the
22 question is about your recollection concerning the arrest of your
23 husband<. In what year did this happen?> Whether the arrest or
24 the disappearance <of your husband happened in the rainy season
25 of> 1977 or '78<? This is rather a generic question. One answer

1 mentioned that it happened in '78 while in the document, you
2 mentioned that it happened in the rainy season '77>. You made two
3 different statements and there is a question for clarification
4 concerning the militiaman who brought your husband away and your
5 husband has disappeared ever since. So when did that happen; that
6 is the gist of the question.

7 MS. DOUNG OEURN:

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

10 [10.41.58]

11 BY MR. BOYLE:

12 Q. Thank you. You just stated right now and you also stated
13 earlier that you did not return to the village in time to see
14 your husband being taken away. You stated that you learned some
15 of the details of your husband being taken away from your mother
16 who was present.

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

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

24 Does that refresh your recollection that you observed your
25 husband being taken away?

1 MS. DOUNG OEURN:

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

6 [10.43.58]

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

10 A. I did not learn the information from <those> people, but from
11 my mother. My mother was at home at the time of the event<. She
12 did see it>. After my -- upon my arrival at home, I was told by
13 my mother that my husband had been taken away and she also told
14 me that she did not know where the -- where my husband would be
15 sent to. After hearing the information, I left for the work field
16 to continue my harvesting <task. I could not linger at home>.

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

19 A. There was only one militiaman, not many of them. One
20 militiaman walked my husband away. That <was> the information I
21 learned from my mother. And upon hearing this, I went back to
22 work.

23 [10.45.49]

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

1 A. The <> child was not taken away; only the father was taken
2 away. I did not seek more clarification on the issue after my
3 husband had been taken away. As I said, I did not bother asking
4 further questions. <Even though I asked, I would not be told.>

5 Q. I'd like to read you a quote from your written record of
6 interview; this is at E3/7809; English, ERN 00282562; Khmer,
7 00271367; and French, 00486103. And in that you state:

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

12 Madam Civil Party, does that refresh your recollection that you
13 once inquired as to whether the militiamen were going to take
14 your child as well?

15 A. The child was not arrested since the child was the offspring
16 of Cambodian mother; <only the father was taken.> If the mother
17 was <a genuine Khmer>, the child would be <spared>. And although
18 this was the case, I was trying to conceal the information about
19 my child.

20 [10.48.20]

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

23 A. The Vietnamese would be taken away, all of them <would not be
24 spared in that regime>. <>Since my child belonged to a Cambodian
25 mother, <only the husband was taken away>.

1 MR. PRESIDENT:

2 Madam Civil Party, please listen carefully to the question. <You
3 don't understand the question.> The question is about the case
4 that if the child was born from a Vietnamese mother, then that
5 child would be taken away. <But a child of a Khmer mother, why
6 only a father was taken away?> Do you know <the reason behind
7 that>?

8 MS. DOUNG OEURN:

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

12 [10.49.42]

13 BY MR. BOYLE:

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

17 MR. PRESIDENT:

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

19 MR.KOPPE:

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

1 MR. BOYLE:

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

5 Second of all, I'm not asking her what she thought would happen
6 to her husband; I'm asking her what she thought at that current
7 time.

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

11 [10.51.10]

12 MR. PRESIDENT:

13 The objection put by the defence counsel for Mr. Nuon Chea,
14 Koppe, is overruled. The Chamber needs to hear the response to
15 the question put by the International Deputy Co-Prosecutor.

16 Madam Civil Party, please respond to the question, if you recall
17 it.

18 MS. DOUNG OEURN:

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

20 MR. PRESIDENT:

21 International Deputy Co-Prosecutor, please reformulate your
22 question.

23 [10.51.55]

24 BY MR. BOYLE:

25 Q. Madam Civil Party, when you were told that your husband had

1 been taken away to cut "rumpeak" vine, did you believe, at the
2 time, that he was being taken away to cut "rumpeak" vines?

3 MS. DOUNG OEURN:

4 A. I was told as of -- I was told that my husband was taken away
5 and he was assigned to go and cut "rumpeak" vine and I was told
6 also that he did not -- my mother did not know when he would
7 return home. <He never returned up to now.> That was the
8 information that I learned at the time.

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

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

14 [10.53.30]

15 Q. Madam Civil Party, I'd like to read you a quote from your
16 written record of interview. This is E3/7809; English, ERN
17 00282562; Khmer, 00271367; and French, 00486103; and you're asked
18 the question:

19 "How did you seemingly know that they were taking your husband
20 away to be killed, and why did you also ask about your child?"

21 And you answered: "I knew because four to five days earlier,
22 Ngang, Aunt Tech's husband, had also been called away to cut
23 rattan vines, and he had disappeared. Later on, Ta Lach Ny's wife
24 and children, who also lived in this village, were arrested and
25 taken away."

1 Madam Civil Party, does that refresh your recollection that at
2 the time when your -- you were told that your husband was being
3 taken away to cut "rumpeak" vine, you knew that he was taken away
4 to be killed -- being taken away to be killed?

5 [10.54.45]

6 A. I was told that he was assigned to go and cut "rumpeak" vine
7 and it was my <> assumption that he would not return. After the
8 assignment, he disappeared from that time onwards. It <happened
9 to> others <as well>.

10 Q. Did you know of any offences or mistakes that your husband
11 might have committed that would account for his arrest?

12 A. I did not know, at the time, what kind of mistake and offences
13 he committed. He did not tell me. He did not have a discussion
14 with me. I only learned that he was taken away. My husband did
15 not discuss the issue with me before that.

16 Q. Before or after your husband was arrested, did you ever hear
17 any of the Khmer Rouge in your village refer to either your
18 husband or other Vietnamese as an enemy or insult them?

19 MR. PRESIDENT:

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

21 [10.56.36]

22 MR. KOPPE:

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

24 Originally, this civil party testified that she heard from her
25 mother that her husband had been walked away. Later, it was

36

1 suggested to her that it wasn't walked away, but taken away. She
2 picked up on that, but she never used -- so I was fine with that,
3 but she never used the word "arrest". She doesn't know.
4 The arrest, as we all know, is a legal term -- are the legal
5 terms I'm not allowed to use, so "arrest", technically speaking,
6 is also a legal term. She doesn't -- she didn't use that word, so
7 I object to the word "arrest" in the question of the Prosecution.

8 BY MR. BOYLE:

9 Mr. President, I'm happy to rephrase so that it satisfies counsel
10 for the Defence.

11 Q. Madam Civil Party, let me ask my question again. Before or
12 after your husband was taken away, did you ever hear any of the
13 leaders or any of the Khmer Rouge in your village refer to him or
14 other Vietnamese as an enemy or insult them?

15 [10.57.49]

16 A. No, no discussion on the issue about the enemy. He was called
17 away on that day and I did not know whether there had a
18 discussion prior to that incident and he went away on that day.

19 Q. I'd like to read you a quote from your civil party
20 application. This is D22/212; Khmer, ERN 00418154; English,
21 00436795. There's no French; I don't believe. The quote is --
22 this is what you stated:

23 "During the Khmer Rouge era and before my husband disappeared,
24 the Khmer Rouge used derogatory and insulting words and were
25 prejudiced against my husband saying he was a 'Yvon' enemy."

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

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

6 [10.59.44]

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

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

13 A. I did not see the incident myself. I heard that he was also
14 taken away to cut "rumpeak" vine. <But he never returned.> I did
15 not know when he was taken away exactly. Ngang was the one who
16 had been arrested first and he went away after that time there
17 and he never returned.

18 [11.00.49]

19 Q. And what about his wife; was his wife of Vietnamese ethnicity
20 or of Khmer ethnicity?

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

24 Q. Was she taken away as well?

25 A. Ngang -- Ngang's wife was not taken away. She is living. As of

1 now, I do not know her place of residence. She's living in a
2 different location now.

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

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

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

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

12 [11.03.29]

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

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

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

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

20 Q. My question referred to: How did you learn that she had been
21 taken away with her children; were you told about it by someone?

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

25 [11.05.12]

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

3 A. Because -- the children were taken away because the mother was
4 ethnically Vietnamese and they would not spare even a single
5 child.

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

8 A. They lived in Pou Chentam <village>, although it was not close
9 to where I lived. They lived next to the main road, while I lived
10 a bit further behind where they lived.

11 MR. PRESIDENT:

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

16 MS. DOUNG OEURN:

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

19 [11.06.59]

20 BY MR. BOYLE:

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

1 MS. DOUNG OEURN:

2 A. No, that was all. There were only these families and there
3 were no others <>. That's all I know.

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

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

8 [11.08.19]

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

12 A. No, they did not mention that.

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

17 And they are asking you some questions about meetings. The
18 question is:

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

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

22 Question: "So did they talk about the Vietnamese during the
23 meetings?"

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

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

41

1 least during some of these meetings, the issue of Vietnamese
2 families was discussed?

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

5 (Short pause)

6 [11.11.02]

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

10 A. No, I did not know about that, nor did I hear anything in
11 other <communes> besides mine.

12 Q. Madam Civil Party, have you ever heard of a wat near Pou
13 Chentam village named Wat Chas (phonetic) or Wat Ou Kandaol
14 (phonetic)?

15 A. I have not heard about that pagoda in Pou Chentam village. I
16 did not know in which village the pagoda was located.

17 [11.12.19]

18 Q. I'm sorry if my question was confusing. It's my understanding
19 that it was not located in Pou Chentam village; it was likely
20 located near Kandaol (phonetic) village. But in the general
21 vicinity of your village, does the wat name Wat Chas or Wat Ou
22 Kandaol (phonetic) mean anything to you?

23 MR. PRESIDENT:

24 Witness, please observe the microphone.

25 MS. DOUNG OEURN:

1 A. Yes, I knew and I have seen that pagoda in Ou Kandaol <Chas>
2 (phonetic); however, the pagoda has been rebuilt.

3 BY MR. BOYLE:

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

6 MS. DOUNG OEURN:

7 A. I did not know about that. I did not know for what purpose the
8 pagoda was used for. I lived far from that pagoda, so I did not
9 know about it.

10 [11.14.00]

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

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

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

16 Maybe you can -- can you say it?

17 MS. SONG CHORVOIN:

18 The name <that my colleague refers to> is Kry, Mr. President.

19 [11.14.56]

20 MS. DOUNG OEURN:

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

24 BY MR. BOYLE:

25 Q. I'm not referring to your cousin, Kry. I'll ask one more --

1 more open questions before using a document. This individual's
2 name starts -- as far as I can understand is pronounced Kri and
3 this individual, during the Khmer Rouge period, owned a horse
4 cart in Pou Chentam village; does that refresh your recollection,
5 at all, about who this person might be?

6 MS. DOUNG OEURN:

7 A. The person who owned a horse cart died a long time ago and
8 indeed, yes, his name was Kry. <But he passed away.> During the
9 regime, he had a horse cart and I think he died several years
10 ago.

11 [11.16.33]

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

14 A. No, I did not hear anything about that. I knew he had a horse
15 cart, but I did not know whether he was tasked to transport
16 people because I was busy doing the work that I was assigned to
17 me, so I did not know about his <task of transporting people>.

18 MR. BOYLE:

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

21 [11.17.27]

22 QUESTIONING BY MS. SONG CHORVOIN:

23 Good morning, Mr. President. Good morning, Mr. President, Your
24 Honours, everyone in and around the courtroom and good morning,
25 Madam Civil Party. My name is Song Chorvoin. I'm the National

1 Deputy Co-Prosecutor. I only have a few follow-up questions to
2 put to you.

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

5 MS. DOUNG OEURN:

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

8 Q. Can you also tell the Court: When did your husband come to
9 live with you in Pou Chentam village, like in what year <or
10 regime>?

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

14 [11.19.04]

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

17 A. It was during the Khmer Rouge regime.

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

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

22 Q. So he came to live in the village. What was his interaction
23 with the Khmer people living in the village; did he go along well
24 with the villagers?

25 A. He did not have any conflict with anyone. We were all living

1 together in harmony. He never did anything wrong to <> anybody<.

2 Likewise, they> did <not do> anything bad to him <>.

3 [11.20.35]

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

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

10 Q. Did you continue to live in your village <after> the Khmer
11 Rouge regime or were you evacuated elsewhere?

12 A. I lived in my village since I was born and I remained living
13 in <Pou Chentam> village. It was the village of my parents and it
14 was my village. <I did not leave this village for other
15 villages.>

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

18 A. No, I did not see any. There was none. Nobody <returned>. All
19 those who went away did not return.

20 [11.22.36]

21 Q. You said those who went away or disappeared during the Khmer
22 Rouge regime, but my question to you is that after the fall of
23 the Khmer Rouge regime -- and I mean post-1979 -- have you ever
24 seen any Vietnamese families return to live in your village? And
25 what I mean is that, are there any Vietnamese living in your

1 village?

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

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

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

13 [11.24.34]

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

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

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

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

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

1 A. He never told me about that.

2 [11.26.23]

3 Q. You just stated that before the arrival of the Khmer Rouge, he
4 was a petty merchant selling livestock. <Did he continue doing
5 this business until the> arrival of the Khmer Rouge <or>, did he
6 hold any <governmental> position <or did he used to be a
7 soldier>?

8 MR. PRESIDENT:

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

11 MR.KOPPE:

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

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

20 [11.27.28]

21 BY MS. SONG CHORVOIN:

22 For the proper <transcription>, I will <rephrase the question
23 for> the civil party.

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

1 of 1977; is that correct?

2 MS. DOUNG OEURN:

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

5 Q. How long <after> the Khmer Rouge entered your village <that>
6 your husband was taken away?

7 A. It was about a month after their arrival, my husband was taken
8 away. <So, it was not long.>

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

11 A. Yes, we <all> lived in the same village.

12 [11.29.08]

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

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

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

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

1 village.

2 [11.30.47]

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

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

10 Q. <My question is different, Madam Civil Party.> My question to
11 you is that during the entire Khmer Rouge regime, <did> you
12 <ever> participated in meetings with the Khmer Rouge cadres<?>
13 Did they ever mention about the Vietnamese people <in the
14 meetings>?

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

17 MS. SONG CHORVOIN:

18 Thank you, Mr. President. I am done with this <civil party> and
19 thank you, Madam Civil Party.

20 [11.32.21]

21 MR. PRESIDENT:

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

25 Court officer, please assist the civil party at the waiting room

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1 reserved for witnesses and civil parties during the lunch break
2 and invite her, as well as the TPO staff, back into the courtroom
3 at 1.30 this afternoon.

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

7 The Court is now in recess.

8 (Court recesses from 1132H to 1332H)

9 THE PRESIDENT:

10 Please be seated.

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

14 [13.33.15]

15 QUESTIONING BY MR. KOPPE:

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

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

23 Is that what you said this morning?

24 MS. DOUNG OEURN:

25 A. Yes, I answered like that that he sold livestock, namely

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1 chicken and ducks. He had no other jobs besides that.

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

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

6 [13.35.11]

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

8 A. No, he didn't.

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

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

14 Q. Are you sure, Madam Civil Party?

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

16 [13.36.18]

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

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

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

25 Do you remember saying this to DC-Cam?

1 A. I never told -- I never said like that. I did not know what he
2 sold. What I knew was that he sold livestock. I did not know that
3 he sold opium. There was no opium at that time.

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

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

10 [13.38.49]

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

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

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

21 A. I don't know which of my -- which one of my sisters you are
22 referring to. <For me, personally, I did not sell anything.> What
23 I knew was that he sold only livestock. That was what I knew.

24 [13.40.25]

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

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

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

7 A. His <business was only to sell> livestock. He did not sell any
8 other things. And during the Khmer Rouge regime, he performed the
9 tasks that was assigned to him; no other business besides that.
10 <When the country fell>, he did not do any other business.

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

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

17 [13.42.40]

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

19 A. Yes, that is correct.

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

23 A. I did not know whether he <was a> Viet Cong. What I knew was
24 that he came to settle in my village. That's what I knew. I did
25 not know which side he belonged to.

1 Q. I understand. Let me see if I can ask it differently to you.
2 Was he someone who was a communist with not very much sympathy
3 for American imperialists and/or Lon Nol soldiers, for instance?

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

7 [13.45.15]

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

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

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

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

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

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

20 [13.47.00]

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

23 This morning, I wrote down an answer to a question from the
24 Prosecution. He asked what happened to the Vietnamese siblings of
25 your husband and then I think you answered, "They were Vietnamese

1 in his house." When you said this morning, "They were Vietnamese
2 in his house", to whom did you refer?

3 A. They were not at my house. They were in other people's house.
4 They were other people, not my relatives, but they <were all
5 taken away. No one stayed with me>.

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

11 A. Yes, there were people living in my house. They were my
12 husband's nieces and nephews<. They took their relatives to
13 settle at my home, but when the country became chaotic, they all
14 went back. These people were the relatives of my husband.> I do
15 not know where they are now.

16 [13.49.32]

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

20 A. Yes, there were. They came to live with me<. When the country
21 became chaotic like that,> they went back but I did not know
22 where they went to.

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

1 A. I do not know the specific year they returned. What I knew was
2 that they returned, but I could not remember the year <or month>.

3 Q. In other words, your late husband was the only Vietnamese
4 person from his family who had stayed behind in Pou Chentam; is
5 that correct?

6 A. Yes, that is correct. He came to live in Pou Chentam <village
7 a long time ago>.

8 [13.51.40]

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

13 A. He <said, he> refused to go. He said that he would not go. He
14 said that he <was> willing to die in Cambodia to die with me and
15 my child. <I advised him to go back.> He would not go back alone.
16 I told him that, "Everyone went back. Why didn't you go back?"
17 And he said that he would not go. He <said, he could not leave
18 the wife and the child. He> would prefer to die in Cambodia<>.

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

24 Do you remember -- let me ask it differently. What do you
25 remember about the treatment of people of Vietnamese origin in

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1 the period between 1970 and 1975 in your village?

2 A. They were badly treated. They were assigned to carry dirt<,
3 fertilisers> and dig canals <like other people as well. I knew
4 only this. Concerning the threat made against him, I did not
5 know> because we didn't live together. We were assigned to work
6 differently.

7 [13.54.30]

8 MR. PRESIDENT:

9 Madam, the question is <about the treatment against the
10 Vietnamese> between 1970 to 1975 that means before the Khmer
11 Rouge regime <or the Democratic Kampuchea.> How were the
12 Vietnamese people <treated> in your village <> at that time?

13 MS. DOUNG OEURN:

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

16 BY MR. KOPPE:

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

19 [13.55.34]

20 MS. DOUNG OEURN:

21 A. Yes. People <actually> said that they were Vietnamese, but
22 they still lived in the area and there was nothing happened to
23 them.

24 Q. I'm not entirely sure, Madam Civil Party, if you correctly
25 understand the period that I am referring to. So let me read to

1 you something someone from your village told investigators of the
2 Investigating Judge -- that is, E3/9352. It's the second question
3 in this WRI,

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

6 A. I know Ieng On. He is still alive and he lives in my village.
7 <That is his real name.>

8 [13.56.52]

9 Q. Ieng On is being asked a question. I will read the whole
10 question to you and his answer. Question: "Did the people in the
11 village discriminate against them", "them" being Vietnamese. And
12 then On answers: "Previously there was no discrimination. They
13 respected them normally. They married following the normal
14 customs. The discrimination began in the Lon Nol era." End of
15 quote.

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

20 A. I could not recall that well. <I am not so sure.>

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

22 Let me now turn to the date of -- or, rather, the day that you
23 said your mother saw your late husband being walked away. Now,
24 this morning you confirmed; you said it was the rainy season of
25 '77 or late '77. Notwithstanding this answer, I would like to

1 read to you something you said or wrote down, rather, in the
2 supplementary information form.

3 [13.58.59]

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

9 There is some confusion, Madam Civil Party, whether it was '77
10 or, rather, '78. Could I ask you to think one more time whether
11 in your recollection it was '77 or, rather, '78?

12 A. It was in 1977. Yes, as I said, it was in 1977, not <1978>. At
13 that time I was harvesting rice.

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

16 JUDGE FENZ:

17 Sorry, Counsel. Can we just clarify the record? I have heard '77
18 twice. She said it was in '77, not in '77. So at least in
19 English, or did I misunderstand. Yes. So from the translators,
20 what I heard was "I'm sure it was in '77, not in '77". So what
21 did she say?

22 [14.01.08]

23 BY MR. KOPPE:

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

25 MS. DOUNG OEURN:

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1 A. What I know is that it was in 1770 <sic>. I cannot recall the
2 year that well. It happened several years ago.

3 Q. Maybe I misheard, but I heard 1970. Prosecution is nodding.
4 Madam Civil Party, did you mean 1977?

5 A. Yes, that's what I meant. It was not in 1978 but it was
6 in1977.

7 [14.02.11]

8 Q. Thank you, Madam Civil Party. Let me follow up with something
9 in this respect that another witness testified to. He also talked
10 about late '76, early '77. That is witness 2-TCW-848, Theng Huy.
11 But he places these arrests or walking away or whatever you would
12 like to call it, before something that he calls "the So Phim
13 event". Have you ever heard of something called "the So Phim
14 Event"?

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

17 Q. That is no problem, Madam Civil Party. He also, this same
18 witness, said that the walking away of your late husband took
19 place "before the Southwest group purged the East group". That is
20 in document E3/5244. Madam Civil Party, you answered a question
21 earlier this morning from the National Co-Prosecutor that you
22 said that the Khmer Rouge came in 1977. Is it possible that you
23 meant not the Khmer Rouge but cadres from an area called the
24 Southwest?

25 A. I may know something about that. Yes, he did involve in that

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1 event although I cannot recall all the details.

2 [14.04.35]

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

5 A. <I did not know to whom it was concerned;> I cannot recall any
6 specific details about any individuals. I cannot recall it at
7 all.

8 Q. Thank you, Madam Civil Party. Let me move to another topic and
9 that is the following. Have you ever heard, seen or experienced
10 in any way gunfire or artillery fire or firing of shells,
11 shelling from Vietnamese territory into Kampuchea? In other
12 words, have you ever heard the sounds of war?

13 A. I only knew about the war that happened during the Khmer Rouge
14 regime because at that time I fled my village <to stay at other
15 locations,> and after it ended I returned to my village<, that
16 was the collapse of the Pol Pot regime>. And of course I did not
17 go in any area that you refer to as the fertile land or the
18 "klanh" in Khmer.

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

23 A. I did not know, and I cannot recall <the year and the month>.
24 I forget about it.

25 [14.07.27]

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

5 A. Yes, I did, and I fled to another area and only after the end
6 of the war, I returned <home> to my village. <I came back after
7 the collapse of the regime. I had to flee because> there were
8 heavy shelling in my area <>.

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

12 A. The shelling fell far from my village<, so we fled even
13 further from the area.> I was afraid so I took my <child and>
14 family members to flee from my village. <If we remained there, we
15 would be hit. After> the fall of the regime<, we returned>.

16 [14.09.18)

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

20 A. No, I cannot recall that. However, I fled to the nearby area
21 and it was not far from my native home. <If we stayed at home, we
22 concerned about the hit from such shelling.> So, I fled to the
23 nearby village and stayed there for a day or two and I returned.

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

1 A. I did not know about that, but by that time I had fled. I
2 didn't stay behind <to notice it>. I had fled to another village.
3 And as I said, I already returned after the fall of the regime.

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

9 [14.11.39]

10 A. The Cambodian children were not taken away. Only the
11 Vietnamese children were taken away including all the children of
12 Lach Ny. None of the children -- of their children were spared.
13 As for other families, they did not have any children. Only Lach
14 Ny's family had several children. That's all I know.

15 Q. I understand but that's something that you've seen or heard.
16 But what I am trying to find out, whether that was a conclusion
17 from you and the villagers or whether it was something that you
18 heard someone say, for instance in a meeting, maybe on the radio,
19 anywhere.

20 A. No, I did not hear it. What I heard is that when they were
21 taken away <> and they never returned. And I did not know where
22 they were taken to.

23 [14.12.58]

24 Q. I understand. Let me try it one last time. Was there anyone,
25 maybe a village chief or maybe someone from the security office

1 or a soldier or anyone from the "Khmer Rouge" that said that
2 children of Vietnamese mothers were not safe? Do you remember?

3 A. Yes. What I knew is that if the mother was Vietnamese, the
4 children would be taken away as well and only the father
5 remained. None of the children were spared. That's all I know
6 about this matter.

7 Q. I understand, Madam Civil Party. I think you said that a few
8 times now. But I am trying to understand whether this is
9 something that you and the villagers concluded because it
10 happened or whether it was something that you heard someone say
11 or maybe you heard it in a meeting or on the radio. Do you
12 understand the difference between the two?

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

16 [14.14.56]

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

21 A. Her age was about seven to eight years old. She is now 45
22 years old.

23 Q. The reason I am asking, and this is my last question, Madam
24 Civil Party, is that your mother, her grandmother, told the
25 investigators at E3/7598 that your daughter was little then and

1 "She didn't know anything". Is that correct? Is it correct that
2 your daughter didn't really know anything about what happened
3 between 1975 and '79?

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

5 MR. KOPPE:

6 Thank you very much, Madam Civil Party. Thank you, Mr. President.

7 We have no further questions.

8 [14.16.58]

9 MR. PRESIDENT:

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

13 QUESTIONING BY MS. GUISSÉ:

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

15 Q. And good morning to you, Mrs. Doung Oeurn. My name is Anta
16 Guisse and I am International Co-Counsel for Mr. Khieu Samphan.

17 In this capacity I will put some very brief supplementary
18 questions to you in relation to what you have told the Chamber
19 today.

20 I would like us to talk about <the times when you were
21 interviewed regarding> the events in your village. You told the
22 President that you were interviewed by investigators from the
23 Office of Co-Investigating Judges. Do you also recall having been
24 interviewed by persons working for an organization called DC-Cam?

25 MS. DOUNG OEURN:

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

2 [14.18.10]

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

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

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

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

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

10 A. Yes. There was an audio record of the interview. <I did not
11 know how such audio record was used, but I knew it was indeed
12 recorded.>

13 [14.19.22]

14 Q. I put <these questions> to you for purposes of clarification,
15 Madam Civil Party, because <earlier,> in answer to a question put
16 to you by my colleague, <Counsel> Koppe, <about> what you <said
17 at the time> regarding the occupations of your husband, you said,
18 "I never said that<,>" regarding his work as a vendor of pianos.
19 I would like to read out to you an <excerpt> of <the transcript
20 of> your interview with the DC-Cam official <on that day> and it
21 is document E3/7562, and I will read out to you an <excerpt> in
22 English because there are no French versions <available>. The ERN
23 in English is 01157781 and the ERN in Khmer is 00034081. And this
24 was the question that was put to you:

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

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

4 Question: "Really?"

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

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

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

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

12 Answer: "He earned much money. At the time, 'Yuon' kept flowing
13 to Cambodia. They just came to buy it."

14 Question: "Did he earn much money?"

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

16 [14.22.14]

17 My question, Mrs. Doung Oeurn, is as follows: Is this <slightly
18 longer excerpt> of your interview with DC-Cam something that
19 refreshes your memory or do you still stand by your statement
20 that<, at that time,> your husband sold <poultry>?

21 A. <He did and> that's all I knew<.> I did not know about any
22 other business. I only knew that he sold ducks and chickens. <He
23 never went to do business far from home.> And he only sold it at
24 the house as they came to buy it at the house.

25 Q. Under those circumstances, do you have any explanation

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1 regarding the <excerpt> I have just read out to you <where you
2 don't say that>? Can you explain how come we have a statement
3 <that indicates it> is an audio transcript of what you stated;
4 can you explain the difference between the two versions?

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

7 MR. PRESIDENT:

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

9 [14.24.12]

10 MR. PICH ANG:

11 Thank you, Mr. President. In fact, Madam Civil Party responded to
12 this kind of her question and the question by Anta Guisse -- that
13 is, the last two questions<, including the reading of the
14 excerpts,> were actually put to the civil party by Counsel Koppe.
15 And that is just my observation, Mr. President.

16 BY MS. GUISSÉ:

17 To briefly respond to that remark, my colleague, <Counsel> Koppe,
18 hadn't quoted the passage we have just cited in its entirety.
19 <So, no, it is not repetitive, and it> is important to remind the
20 witness of a longer <excerpt> of that interview record to <try
21 to> refresh her memory. Let me continue <and then I'll> wrap
22 things up. Unfortunately, I do not have the entire version of
23 that audio transcript but I am speaking <under> the supervision
24 of the <Khmer-speaking> parties with regard to the same interview
25 by DC-Cam.

1 Q. Since you say that you are standing by your statement that you
2 didn't know what his activities were <and what else he sold>, and
3 yet the ERN of the same document in Khmer, since we <only> have a
4 Khmer version, 00034084, you give very precise details on the
5 manner in which <this> opium was <prepared>. <This is also found
6 at> Khmer ERN is 00034082. And <at> this ERN<, in particular,>
7 you point out that it <was> important <for> things <to be> done
8 in secret so that the local authorities wouldn't know anything
9 about <it> because there was a risk of imprisonment.

10 [14.26.25]

11 So this is my last point. Does this refresh your memory<, knowing
12 that, at a certain point in time, that your husband was involved
13 in something somewhat dangerous which meant that> he had to
14 conceal <this activity or> risk imprisonment? Does this refresh
15 your memory?

16 MS. DOUNG OEURN:

17 A. No, I cannot recall that. The event took place many, many
18 years ago and I am now 75 years old, so my memory does not serve
19 me that well. And of course, my husband did not involve with the
20 sale of that substance as you said.

21 [14.27.25]

22 MS. GUISSSE:

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

24 MR. PRESIDENT:

25 Thank you. And Madam Doung Oeurn, you now have an opportunity to

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1 make a victim impact statement for the crimes alleged against the
2 two accused, Nuon Chea and Khieu Samphan, and which happened
3 during the Democratic Kampuchea regime and that led you to become
4 a civil party to claim for moral and collective reparations
5 considering the harms inflicted upon you physically, materially
6 and psychologically, which are the direct impacts of the crimes.
7 And if you wish to do so, you have the floor now.

8 [14.28.44]

9 MS. DOUNG OEURN:

10 I was mistreated <at that time>. I was forced to do hard labour,
11 to <carry and> transplant seedlings in the rice fields and my
12 body physically deteriorates until the present time. The older I
13 get, the weaker I become.

14 MR. PICH ANG:

15 Mr. President, I actually made a request through the Bench that I
16 should put questions directly to the civil party -- that is, in
17 reference to document <E1/371.1>, as I stated that this civil
18 party doesn't speak much and for that reason, I request to put
19 some <leading> questions to her to lead her in making such
20 responses.

21 [14.30.20]

22 MR. PRESIDENT:

23 As you are aware, Counsel, this Chamber prohibits all parties to
24 put any leading questions <>. In fact, you may put questions to
25 the civil party but not the leading ones.

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1 MR. PICH ANG:

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

5 MR. PRESIDENT:

6 You may proceed.

7 [14.31.07]

8 QUESTIONING BY MR. PICH ANG RESUMES:

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

14 MS. DOUNG OEURN:

15 A. I can respond to that. I <endured great suffering and all
16 kinds of maltreatments.> I was forced to engage in all kinds of
17 tasks. <I was so anguished.> I was used without any break time to
18 engage in earth digging, in building dykes, <and transplanting> in
19 the rice fields, and at the same time I lost my child and my
20 husband, and that is a great pain for me. And when I think about
21 it, it is vividly in front of me. And I also feel miserable and
22 lonely when I lost my husband. <I had struggled to earn the
23 living for my child.> And this is compounded by the fact that I
24 am poor.

25 [14.32.53]

1 Q. And after the fall of the Khmer Rouge regime -- that is <>
2 1979, can you describe to the Court of your living conditions
3 when you are by yourself with the loss of your husband and child?

4 A. I could hardly earn a living and my feeling was constantly
5 about my husband and my son. I could hardly feed myself from what
6 I earned each day.

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

8 A. I would like to seek some assistance <> since I am very poor.
9 I could hardly afford myself with food on a daily basis. I am old
10 and I cannot use my physical strength to earn my living. I also
11 have difficulty in walking.

12 MR. PICH ANG:

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

14 And Mr. President, I am done.

15 [14.34.28]

16 MR. PRESIDENT:

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

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

1 [14.35.30]

2 Court officer, in collaboration with WESU staff, please make
3 necessary transportation arrangements for Doung Oeurn to return
4 to her house or wherever she wishes to go to. After the break, we
5 will hear testimony of the witness 2-TCW-1009. And this witness
6 has Moeurn Sovann as <his> duty counsel. Now, let we have a short
7 break. And we have a break now and resume at 3 o'clock.

8 The Court is now in recess.

9 (Court recesses from 1435H to 1504H)

10 MR. PRESIDENT:

11 Please be seated.

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

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

18 The International Co-Prosecutor's motion, E382, requested that
19 the Chamber hear witness 2-TCW-1010 and to admit two of
20 2-TCW-1010's statements, E319/23.3.34 and E319/23.3.36 in
21 relation to the sub-topic on "Treatment of the Vietnamese".

22 [15.07.05]

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

25 The International Co-Prosecutor has today notified the Trial

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1 Chamber through an email that he might use 2-TCW-1010's two
2 statements while examining upcoming witness 2-TCW-1009 and
3 requests the Chamber's authorization to do so.

4 The Trial Chamber notes that no party objected to the E382
5 request to admit these statements into evidence and grants this
6 request pursuant to Internal Rule 87.4 with written reasons to
7 follow.

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

11 [15.08.40]

12 MS. GUISSÉ:

13 Yes, Mr. President, I would <simply> like to ask for
14 clarifications regarding what you have just ruled on. We are
15 orally opposed to the Co-Prosecutor's motion, <to> the appearance
16 of the witness <and to the filing of> their statement. I <am not
17 sure whether this will sway your decision, but regardless,> I
18 would like to point out to the Chamber that the Khieu Samphan
19 defence team is against both the statement and the appearance of
20 the witness in question.

21 MR. PRESIDENT:

22 Although there is an objection, the Chamber decided already that
23 the two documents be admitted, <as requested by the International
24 Co-Prosecutors.> And the documents can be used to examine the
25 upcoming witness.

1 (Witness enters courtroom)

2 [15.10.30]

3 QUESTIONING BY MR. PRESIDENT:

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

5 MR. PRUM SARAT:

6 A. My name is Prum Sarat.

7 Q. Thank you, Mr. Prum Sarat.

8 Do you recall when you were born?

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

10 Q. Where were you born?

11 A. I was born in Prey Chheu Teal village, Praphnum commune,

12 Angkor Chey district, Kampot province.

13 [15.11.26]

14 Q. Thank you.

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

16 A. I am living in Ou Traeng village, Ta Taok commune, Samlout

17 district, Battambang province.

18 Q. What are your parents' names?

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

20 deceased.

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

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

23 [15.12.22]

24 Q. Thank you, Mr. Prum Sarat.

25 Based on a Greffier report and to the best of your knowledge, you

1 have no relationship by blood or by law to any of the two accused
2 -- that is, Nuon Chea and Khieu Samphan, or to any of the civil
3 parties admitted in this case. Is that true?

4 A. Yes, it is true.

5 Q. Before your appearance here, have you already taken oath
6 before the Iron Club Statue to the east of this courtroom
7 already?

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

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

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

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

20 [15.14.10]

21 In addition to this, you must tell the truth that you have known,
22 heard, seen, remembered, experienced, or observed directly about
23 an event or occurrence relevant to the questions that the Bench
24 or Parties posed to you.

25 Mr. Prum Sarat, have you ever provided interviews or have you

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1 ever been interviewed by the investigator or investigators of the
2 OCIJ? If they happened, how many times did they take place?

3 A. Yes. I was interviewed by the interviewer in the field belong
4 to me in 2007 and, later on, I came as a witness to testify on 25
5 and the hearing of testimony was concluded on the 29 <April
6 2014>.

7 [15.15.37]

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

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

13 Q. To your best of your recollection, does the written record of
14 interview that you have read correspond to your answers that you
15 provided to the investigator?

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

18 MR. PRESIDENT:

19 Thank you.

20 On the basis of Internal Rule 91bis of the ECCC, the Chamber will
21 give the floor first to the defence team for Mr. Nuon Chea before
22 other parties. The combined time for the two defence teams is two
23 sessions: <the first> session and <the last> session <of the
24 hearing>. So you have the floor first, Counsel for Mr. Nuon Chea.

25 [15.17.25]

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President.

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

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

8 MR. PRUM SARAT:

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

12 [15.18.30]

13 Q. Do you remember which division you were in within Kampot
14 sector?

15 A. At the time, division was not <> organized yet, so I was part
16 of the Kampot sector's military.

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

20 A. I cannot recall the exact date and month. What I can recall is
21 that it was in <1974>. The Division 3 came into existence in that
22 Southwest Zone.

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

24 A. Let me clarify the year. Once again, I left Kampot sector's
25 military and then joined the military in the Southwest Zone when

1 a division came into existence. It was in 1974. <This new
2 division was called Division 3.>

3 [15.20.35]

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

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

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

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

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

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

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

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

18 A. My <target> was to be engaged in the attack to the east of
19 Thmat Pong (phonetic). The place was called Moung Chen
20 (phonetic).

21 [15.22.54]

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

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

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

3 A. I supervised 100 soldiers at that time.

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

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

10 [15.24.41]

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

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

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

15 A. There were three platoons within my company.

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

18 A. When <my company> was attacking on the <Phnom Penh>
19 battlefield, it was normal that soldiers were injured and died <>
20 on a daily basis.

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

23 A. At the time, I could not recall how many combatants died
24 <within my company> since it happened about 40 years ago already.

25 [15.26.48]

1 Q. I understand; no problem.

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

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

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

13 A. Yes, that is correct.

14 [15.28.20]

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

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

21 A. During the journey of five years (sic), we were <not ambushed>
22 by the Lon Nol troops.

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

25 Mr. President, it is E3/9113; English, page 17 or ERN 00974170;

1 Khmer, 00926353; there is no French translation.

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

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

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

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

16 [15.31.03]

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

22 A. Let me clarify. Concerning Phnom Penh's battlefield, <on 17
23 April,> we could see the white flags everywhere in Phnom Penh.
24 However, in the Daoh Kanhchor <Barracks>, white flags were not
25 raised yet at the time. When I <passed> Daoh Kanhchor and

1 <reached> Kampong Seila, I heard the landmine explosion. I could
2 hear it at the time. And half-an-hour later, I saw soldiers whom
3 I did not know where they were from<. When I looked, I saw> those
4 soldiers holding white flags and they were walking <> together
5 <toward a road, and they also carried> injured combatants.

6 [15.32.55]

7 And upon my arrival, I saw the injured soldiers who were being
8 carried, and I asked them who got injured from the explosion of
9 landmine and those soldiers replied that Norodom Chantaraingsey
10 got injury from the explosion. Upon hearing this, I did not <>
11 know what Chantaraingsey <looked like>, but <>I had never seen
12 him before. <I only heard of him.> And it was in that time that I
13 <saw> him.

14 And, later on, I asked medics to wrap the wound for
15 Chantaraingsey<.> I told those soldiers <that they could not
16 move forward. So, I let them> rest at that place<. I told those
17 soldiers that, "I am not tasked to help you, brothers. I have to
18 move on to keep up my schedule." Then, we left that area and>
19 moved on <>.

20 [15.34.15]

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

24 Can you tell the Trial Chamber, please, what does it mean -- what
25 did it mean in April '75 when Lon Nol soldiers or military raised

1 the white flag? What did that mean to you and your company?

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

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

7 A. I do not understand your question.

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

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

14 [15.36.35]

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

17 Mr. President, I would like to read an excerpt from document
18 E3/24. It is a WRI from a witness who has testified in Case
19 002/01. It's Phy Phuon. It is English, ERN 00223581; Khmer,
20 00204069; and French, 00503921.

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

24 "I entered Phnom Penh on 20 April '75 with Son Sen to look at the
25 situation as assigned by Pol Pot. I saw that the people were

1 leaving in every direction and all the targets had not yet left."

2 Question: "Were there orders to seek out the enemy?"

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

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

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

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

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

23 [15.40.02]

24 A. Based on my understanding of the statement by witness Phy
25 Phuon, I think it is correct because at that time, especially my

1 company did not have any plan to combat further because the
2 raising of the white flag signalled that <both> sides stopped
3 fighting. So I agreed with what Phy Phuon gave in the testimony.

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

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

10 [15.41.50]

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

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

17 Q. Thank you.

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

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

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

25 [15.43.48]

1 Q. I have many questions about him but I will limit myself to
2 one.

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

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

7 Q. I understand.

8 Have you yourself ever heard of Son Ngoc Thanh?

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

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

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

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

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

18 [15.45.50]

19 MR. PRESIDENT:

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

22 MR. DE WILDE D'ESTMAEL:

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

25 It seems to me that the question is not <exactly correct>. I

88

1 heard "Did Division 3 <at some point> become Navy Division 164?"

2 I think <it would have been better to say, instead,> a central

3 division within which there was the Navy?

4 We could <perhaps> say <that> Division 164 <was the equivalent of

5 the Navy but if I'm not mistaken, the Navy was a regiment within

6 Division 164>, so I think the question should be <slightly>

7 re-phrased. <Thank you.>

8 [15.46.40]

9 BY MR. KOPPE:

10 I have no problem. I think there's plenty of evidence to suggest

11 that, but I'm happy to ask an open question. I was just speeding

12 up things.

13 Q. Mr. Witness, did you at one point in time become a member of

14 Division 164?

15 MR. PRUM SARAT:

16 A. I can still recall that in June 1976 -- I'm sorry, it was in

17 June 1975 -- my <unit was transformed to a navy unit within>

18 Division 164<>.

19 Q. Mr. Witness, I think you were right when you just said that

20 Division 164 was formed in June '67 (sic) because both in

21 questions and answers 19 and 20 of your WRI -- that is,

22 E319/23.3.54, you say that it was in June '76.

23 Is it correct that Division 164 was one out of a number of

24 divisions under central command, under the command of the central

25 army?

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

4 [15.49.10]

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

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

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

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

12 Q. And do you recall where your base was; where was Regiment 140
13 stationed?

14 A. Based on my recollection, Regiment 140 was based at its
15 original place, was at Ou Chheu Teal, Kampong Som <City>.

16 [15.51.12]

17 Q. You said that the total number of Division 164 was between
18 7,000 and 9,000. There is evidence to suggest that in October
19 '76, there were about 8,611 men total in Division 164. But do you
20 recall how many men, combatants or non-combatants, were in
21 Regiment 140, let's say, in October 1976?

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

25 Q. And was Regiment 140 subdivided into Battalions 42, 43 and 44?

1 And you, yourself, were a member of Battalion 44?

2 A. Let me clarify. Within Regiment 140, there were Battalions 41,
3 42, 43 and 44. I was within Battalion 44; Battalion 44, Company
4 2.

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

6 A. I was the Commander of Company 2.

7 [15.54.15]

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

12 A. Yes, that is correct.

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

16 A. I had 110 men under my supervision.

17 [15.55.45]

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

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

23 A. I was <tasked to> supervise <a vessel>. We wrote the signs and
24 identification for <each> vessel from 17-01 to 17-10 and I was in
25 charge of Vessel 17-10.

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

3 A. I was removed from Company 2 and sent to be in charge of the
4 technical training as the commander of the naval force and I had
5 38 crew members <who were soldiers> within -- under my command.

6 [15.57.55]

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

8 Was that a promotion for you when you became the Commander of
9 Vessel 1710?

10 A. When I was promoted as the <captain> of the vessel, it -- so
11 the promotion meant that I had the technical skills. <Talking
12 about the rank,> I was promoted from the commander of the
13 infantry force to the <navy> commander. <We fought at sea>.

14 Q. That's clear. Thank you.

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

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

19 A. Regarding the soldiers who were sent to be part of the naval
20 unit, <initially,> there were around 700 soldiers which was once
21 based in the East Zone.

22 [16.00.01]

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

24 Mr. Witness, that is your DC-Cam statement E3/91113 -- sorry,
25 9113, English page 22, ERN 00974175; in Khmer, 009263--

1 MR. PRESIDENT:

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

4 MR. KOPPE:

5 I apologize, Mr. President. It's E3/9113, that's the DC-Cam
6 statement. It is English page 22 at ERN 00974175; Khmer,
7 00926358. It's a question about the deputy commander of Division
8 164, Dim. I will ask questions about him later.

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

10 You say: "Yes."

11 And then the question: "So 700 Eastern soldiers were selected
12 from Division 3700 and was Regiment 140 i n '76?"

13 "Yes." End of quote.

14 [16.01.37]

15 BY MR. KOPPE:

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

19 MR. PRUM SARAT:

20 A. Could you clarify your question, please, since it is not clear
21 to me? Could you repeat your question, please? I do not really
22 understand it yet.

23 Q. You confirm that Eastern Zone soldiers formed part of Division
24 164 and you seem to say that these 700 soldiers from the East
25 Zone were selected from "Division 3700" or Division 3-7-0-0. Is

1 that correct?

2 [16.02.45]

3 MR. PRESIDENT:

4 Please hold on, Mr. Witness.

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

6 MR. DE WILDE D'ESTMAEL:

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

8 It appears that it would be Division 3 and not Division <3700>.

9 The 700 <comes from -- it's the number> of soldiers from the East
10 Zone <that joined Division 3>. I believe <that it's this>

11 confusion in the Khmer version<; it seems to me that> we should
12 refer to the <Khmer version because in English it's not very
13 clear>.

14 MR. KOPPE:

15 I don't think that is correct, Mr. President. Division 3 that was
16 just discussed is a Southwest Zone division. That's where he was
17 coming from. But I'm referring to East Zone soldiers. Apparently,
18 according to the English translation, coming from East Zone
19 Division 3700.

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

21 [16.03.51]

22 BY MR. KOPPE:

23 Q. Mr. Witness, did these East Zone soldiers come from Division
24 3700 in the East Zone?

25 MR. PRUM SARAT:

1 A. Let me clarify. There was no Division 3700 in the East Zone.
2 In fact, there were 700 soldiers. No such number existed. So I
3 disagree with that statement since no such number of division
4 existed <in that period>.

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

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

9 A. Yes, you are right.

10 [16.05.05]

11 MR. PRESIDENT:

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

15 I know that Khieu Samphan wanted to ask some questions at the end
16 of his testimony, so how do you coordinate the time among you
17 two, the Defence team?

18 MR. KOPPE:

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

22 [16.06.16]

23 MR. PRESIDENT:

24 Thank you.

25 It is now time for the adjournment and the hearing will resume

1 tomorrow, Tuesday, 26 January 2016, at 9 a.m.

2 Tomorrow, the Chamber will continue hearing the testimony of the
3 witness, Prum Sarat, and there is a reserve witness, 2-TCW-849 in
4 relation to the treatment of the target group, in particular
5 Vietnamese. Please be informed and be on time.

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

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

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

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

17 The Court is now adjourned.

18 (Court adjourns at 1607H)

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