

“Were you a cadre yourself?” – Defense Counsel Confronts Civil Party

Today, December 03 2015, Civil Party Prak Doeun concluded his testimony. He gave more details about the killing of his family. Nuon Chea Defense Counsel tried to find out whether Mr. Doeun had been forced to kill his wife and was therefore not telling the truth, and whether Mr. Doeun had in fact be a cadre on the island he was stationed on. Next, witness Sao Sak provided her testimony and told the Court how her mother, who was of Vietnamese descent, was arrested and killed.

Accused of having killed his wife

At the beginning of the session, the President announced that first the remainder of Prak “Mr. Koppe replied that also this translation said that he had been accused of having killed his wife and requested to be able to ask the question. The President ruled that Mr. Koppe was not allowed to put such questions to the Civil Party. Doeun’s testimony would be heard, before witness 2-TCW-886 would be heard. Judge You Ottara was absent for personal matters and replaced by Tou Mony, while Judge Fenz was back. The Trial Chamber Greffier then confirmed the presence of all parties with Nuon Chea following the hearing from the holding cell.

The floor was given to Nuon Chea Defense Counsel Victor Koppe. He started his line of questioning by asking what the Civil Party meant when saying yesterday that he had been interviewed by investigators. Civil Party Lawyer Lyma Nguyen intercepted and stated that the Civil Party had never mentioned investigators but only said that he had been interviewed.

Mr. Koppe rephrased his question and asked whether the Civil Party had ever been interviewed by investigators of this Court, which Mr. Doeun denied. He stated that he was interviewed by another person. Mr. Koppe then inquired whether Mr. Doeun had ever been interviewed by an organization called DC-Cam, which the Civil Party confirmed. “I told them everything.” Mr. Koppe asked whether Civil Party lawyer Lyma Nguyen had interviewed him with someone else, which the Civil Party confirmed. He also affirmed that he was interviewed only once, but he could not recall the date. Mr. Koppe asked whether Ms. Nguyen had talked to him about the facts also shortly before yesterday. He replied that he was asked to tell the truth and that he should not make any mistake in the account of the event. “And I told the truth.” When Mr. Koppe asked whether he had been prepared before this interview, Civil Party Lead Co-Lawyer Marie Guiraud intercepted and stated that preparation is confidential and asked Mr. Koppe to move to his next question. Mr. Koppe stated that he did not want to know the content but merely whether such a preparation had taken place.

The objection was upheld. The President told Mr. Koppe that “You better not ask questions regarding the confidential nature” of preparation practices. Mr. Koppe moved on and asked whether the Civil Party ever spoke to national Cambodian investigators in the early 1980s. He replied that he was asked how he was mistreated and that he told them the truth. “I told them

everything what happened to me and my family.” Mr. Koppe asked whether there were any criminal proceedings opened against the Civil Party in the early 1980s with respect to the death of his wife. The Civil Party replied that he had been asked to tell what happened.

Mr. Koppe asked whether the Civil Party had been imprisoned “on accusations of you having done something to your wife.” This prompted Judge Claudia Fenz to ask what the basis for this questioning was. Mr. Koppe requested to instruct the Civil Party to take his headphones off so he could explain the issue. There was some discussion about this, at the end of which Mr. Koppe was instructed to explain the issue without having instructed Mr. Doeun to take off his headphones. He read out an excerpt of the Civil Party’s application, which he said was “completely out of context” with the rest of the interview:

I would like to deny that the Khmer Rouge ever forced me to kill my Vietnamese wife in order for me to survive. I swear that this was not true. How could I kill my own wife or children whom I love so much?[1]

National Civil Party Lead Co-Lawyer Pich Ang stated there seem to have been a mistranslation into English or French. The Khmer text said that “if the principle was to say that the husband was Khmer he would not have to kill his wife who was Vietnamese”. Thus, if the husband was Khmer, his Vietnamese wife would be killed – but he would not have to do so himself.

Judge Fenz stated that it might be helpful to listen to the proper translation before proceeding. Mr. Koppe said that he was particularly interested in the expressions “I would like to deny” and “I swear that this was not true”.

Mr. Lavergne asked where Mr. Koppe’s questions about criminal investigations and about the DC-Cam interview were based upon. Mr. Koppe replied that the Civil Party had said out of the context that he would like to deny having been forced to kill his wife.

Ms. Nguyen referred back to the Civil Party’s application to put this statement into context.[2] The paragraph before stated that there was no policy to make Khmer husbands kill their Vietnamese wives. It was in this context that he had said that his had not been forced by the Khmer Rouge to kill his wife.

The translation unit then translated the excerpt again. In his Civil Party Application, he told the interviewers that they had asked him why he had married a Vietnamese wife after she had been killed. He then continued to say that there was no such principle in which the husband had to kill his Vietnamese wife. Also other people were not asked to kill their wives and husbands, according to this document. He denied the accusation of having killed his wife.

Judge Fenz stated that this sounded like the issue raised by Mr. Koppe was based on an unclear translation and that there was no basis for his question. Mr. Koppe replied that also this translation said that he had been accused of having killed his wife and requested to be able to ask the question. The President ruled that Mr. Koppe did not allow Mr. Koppe to put such questions to the Civil Party.

Mr. Doeun's role on the island: a cadre?

Mr. Koppe moved on and asked whether the Civil Party had ever signed a petition to the government and the National Assembly in 1983. The Civil Party replied that he did not understand the question. Mr. Koppe referred to a petition of 1983 which might have the Civil Party's signature on it and requested leave to present it to Mr. Doeun.[3] The request was granted and the petition shown to the Civil Party. Mr. Doeun confirmed that there was his signature on this petition. The Civil Party said that after having reviewed the document, he did not see his signature on the document. Mr. Koppe stated that the signature belonged to the petition, even though there was no signature on the actual page.[4] He then explained the content of the petition. It had been put forward to the National Assembly of the People's Republic of Kampuchea in September 1983. It represented 713 cadres, intellectuals, Buddhist priests and ordinary people. Mr. Koppe asked whether the Civil Party signed the petition as a cadre, as an ordinary person or any other category.

Ms. Nguyen intercepted and stated that there had not been established that the Civil Party had actually signed the petition. The objection was overruled.

The Civil Party replied that he might have been confused "a while ago". He confirmed that he put the signature. He also confirmed that he was the Kampong Preah Pagoda Secretary.

The petition had been a reaction to a resolution of the People's Republic of Kampuchea: They unanimously support the plan to schedule a date as the day of condemnation to express anger against Pol Pot and the Khmer Rouge regime. They mentioned "various execution strategies", including cutting throats, burying people alive and throw them into wells. The petition stated that evidence could be found in several pagodas, including the pagoda that Civil Party worked in. Mr. Koppe asked whether Mr. Doeun remembered having signed this petition, which the Civil Party confirmed.

Mr. Koppe asked whether the killings the Civil Party claimed to have seen actually came from this petition. The Civil Party replied that he signed the petition, since he had suffered. Mr. Koppe inquired where Wat Melum was located. The Civil Party replied that the pagoda was located in Boribo area. When being asked to prepare the fishing net, he was asked to travel along to that pagoda where people had been killed. People were also killed at Roka pagoda.

Mr. Koppe then inquired what was meant when describing the Khmer Rouge as "lackeys of Beijing Chinese expansionists" The Civil Party replied that he had heard that they were

Mr. Koppe then turned to his next topics and asked why the Civil Party had referred to "Comrades" in his Application. Mr. Doeun replied that there was clear evidence that those people were chiefs of his unit. Mr. Koppe then asked straightforwardly whether the reason why he called them 'Comrades' was: "Were you a cadre yourself?" Mr. Doeun denied this and said that he "was simply an ordinary person. I, in the regime, was simply a 17 April person. And I was an ordinary one. No relationship with the Khmer Rouge."

Mr. Koppe then referred to meetings that were held that were chaired by Ta Rhu with participation of the other cadres, indicating that they were called General Meetings. In contrast, in “secret meetings”, for example, the killing of people was planned. According to the Civil Party Application, participants only included chiefs of the unit. Mr. Koppe asked how Mr. Doeun knew that these people participated in secret meetings to plan to kill people. Mr. Doeun replied that he did not know about the secret meetings setting out plans to kill people at the time. He was the “group chief of the fishing unit” back then.

Mr. Koppe wanted to know why Mr. Doeun had been described as the “most knowledgeable man” in the unit. Mr. Doeun replied that he was good at mobilizing people and inviting people to meetings. The Khmer Rouge assigned him to mobilize people. Moreover, “I was appointed to be the group chief of the fishing unit.”

Mr. Koppe asked why Comrade Ru “always invited [the Civil Party] to participate as an elder person in the unit” in meetings in relation to mass ceremonies, to which Mr. Doeun had no answer. Mr. Koppe again asked why Comrade Ru always wanted him to participate in mass ceremonies.[5] The Civil Party replied that the cadre from District 20 called them to meet them. “I was afraid that I was called to be killed.” Instead, he was asked to make a speech about those couples who were about to be married.

Mr. Koppe asked whether it was correctly summarized that he never was a cadre, no particular reason for him participating in mass weddings, never participated in secret meetings, and that there was no particular reason why he called the cadres Comrade. The Civil Party replied that he did not hold any leading position during the Khmer Rouge regime. He was only an ordinary citizen. Mr. Koppe could ask the people in Boribo district.

Mr. Koppe then asked what the reason was for him remarrying so quickly after the death of his wife. The Civil Party replied that he worked for the provincial office and due to his separation he took a speed boat belonging to the Vietnamese troops. When he was sent to Kampong Bang, his name was called out and he was appointed to be chief of commune. When the Khmer Rouge attacked the area, he requested to be reassigned to Kampong Chhnang. Due to his and his children’s difficult living conditions, he proposed to marry again.

Mr. Koppe asked his last question and inquired why his children with his first wife all had a different last name than him. He replied that he used the name of his grandfather as the surname of his children and confirmed that he never used that name for himself. At this point, the President adjourned the hearing for a break.

Clarifications

After the break, Mr. Koppe requested additional time to cross examine the witness, as did Khieu Samphan Defense Counsel Anta Guissé. The Chamber granted ten additional minutes to the each defense team. Mr. Koppe reminded the Chamber that this would be the only time they would be able to hear evidence on the events. “We are not just talking about some burglary”,

but were in a section on genocide. The President instructed him to move on with his questions, which Mr. Koppe did. He asked whether his wife's name Bou Samban was a Khmer name, which Mr. Doeun confirmed. Mr. Doeun had asked his parents-in-law whether this was not a Khmer name, and she also used this name during the time that she went to school.

Mr. Koppe inquired whether he and his wife were not born in an entity called Indochina and not Cambodia, which the Civil Party confirmed. The elderly in his village also confirmed this.

Mr. Koppe asked whether his parents-in-law did not become Cambodian citizens in 1957, which the Civil Party denied. "[They] did not receive Khmer nationality." Only his wife did so.

Mr. Koppe then asked whether he remembered the names of those people who were part of the seven people who were killed. Mr. Doeun replied that he could remember Sok (who was Vietnamese and killed), who was married to Teuk (Khmer), Ta Lyn (who was Vietnamese and killed), who was married to Yeay Seun (Khmer). Ty Lyn had been taken away and killed with his wife. Mr. Koppe asked how he knew that these people were Vietnamese, to which the Civil Party replied that people in his village had said so. Mr. Koppe asked whether Mr. Doeun's source of knowledge was based on what villagers said. Mr. Doeun confirmed this. Mr. Koppe inquired whether it was therefore hearsay information, which Mr. Doeun confirmed. Mr. Doeun did not know how the cadres in his village knew that these people were Vietnamese.

Mr. Koppe said that the Court did not have any corroborative evidence and asked whether Mr. Doeun had any names of persons who could confirm his story. Mr. Doeun replied that he had learned this information since. He knew of two women who survived and whose husbands had been taken away and killed. Their names were Soeun and Thout. They live in Domna Rea Village, close to Kampong Chhnang.

Mr. Koppe inquired why the cadre Hum told him that his wife and child had been killed. Mr. Doeun replied that he did not know. This cadre was the unit chief at the time. "I was thinking and wondering, perhaps he was the one who killed [the people]". Mr. Koppe asked why Ta Hum would tell him also details about the killings, such as that the executioner was Born.

At this point, Senior Assistant Prosecutor Vincent de Wilde intercepted and stated that Mr. Doeun had never said that Ta Hum had told him that the Vietnamese were killed by Born. Judge Fenz said that this question did not make sense, since the Civil Party had already said that he did not know why Ta Hum talked to him in the first place. With this, Mr. Koppe finished his line of questioning.

The floor was given to Ms. Guissé. She asked whether his in-laws lived with him and his wife after his marriage. He replied that he was living close to her house. However, they were living in a separate house.

Ms. Guissé referred back to yesterday's testimony in which he had said that his father-in-law died in late Sihanouk period and asked him to clarify this.[6] He replied that his father-in-law

died around ten years before the Lon Nol coup. His mother-in-law lived in a house adjacent to his. Ms. Guissé then asked whether his mother-in-law lived with him after being evacuated to Pech Changvar Village. He replied that he was separate from his family when he was relocated to a fishing unit. Ms. Guissé asked how long he stayed at Pech Changvar before being transferred to Koh Ta Mov. Mr. Doeun replied that he stayed there for a fortnight. He was reunited also with his mother-in-law when the rest of his family joined him.

Ms. Guissé then asked whether he remembered who his unit chief was at the fishing unit. He replied that it were Ta Rus, Ta Na and Ta Kuon.

Ms. Guissé asked whether they were in charge from the start, which the Civil Party confirmed. He did not know which district his fishing unit was located in. According to the Civil Party, it is possible that it was Boribo district.

He made a request to reunite with his wife to Ta Rus. Ms. Guissé asked how the transfer of the family was arranged. Mr. Doeun replied that they walked on foot. He did not know who arranged the transfer in their village. She then referred back to yesterday's testimony, in which he had described the cadres who granted him the request to reunite with his family were "kind-hearted".[7] The Civil Party replied that this was Comrade Hum.

Ms. Guissé then asked whether his wife was working on a farm planting vegetables, as he seemed to have indicated yesterday. Mr. Doeun confirmed that she was assigned to grow vegetables in his cooperatives.

Ms. Guissé asked whether it was correct that he was the only person who was allowed to reunite with his family in the evening after having worked in different places during the day, which he denied.[8] All workers were allowed to meet their families in the evening.

Ms. Guissé then turned to Comrade Hum having asked him why he had married a Vietnamese woman and inquired whether Comrade Hum had only posed this question after his wife had been killed. Mr. Doeun confirmed this.

Ms. Guissé asked whether it was correct that he did not know that there were other families when they were assembled, which he confirmed. Ms. Guissé further inquired how he had learned that there had been a Vietnamese infiltration into the country. Mr. Doeun replied that soldiers of 18 to 20 years old were talking about the arrival of the Vietnamese, which Mr. Doeun overheard. They wore black clothes and weapons, which is why he assumed that they were soldiers.

Yesterday, he had said that they had asked him whether there were any Vietnamese, which he had denied back then.[9] Ms. Guissé wanted to know which cadres he was talking about. He replied that there was a cadre who had asked him about this. Comrade Nah had asked him this question. The four cadres were also responsible for the agricultural unit that his wife was working in. His mother-in-law was looking after the children and did not work. Ms. Guissé asked whether the cadres knew his wife, which Mr. Doeun confirmed.

Turning to the next topic, Ms. Guissé asked whether she understood it correctly that at a given point he was responsible for a unit, since he said that he was assigned to lead the fishing unit. Mr. Doeun denied this, but said that he was temporarily responsible for “looking after the people”. If they were assigned to cut trees, he was responsible for achieving the task in that group.

Ms. Guissé then said that he had told the Court that they had left their cooperative at 6 pm and reached the destination at about 3.30.[10] Ms. Guissé asked whether it was correct that they reached the destination at 3.30 in the morning. He recounted that they were allowed to rest when they reached a pond. By 3.30 or 4, they reached an area where the execution took place.

He was assigned to thresh rice, when his wife was taken to Tuol Roka and he went to Wat Melum. The distance of Wat Melum to the cooperative where he lived was around 20 kilometers. He estimated that the distance between Tuol Roka and Wat Melum was more than ten kilometers.

At this point, the President adjourned the hearing for lunch.

Locations

After the break, Ms. Guissé resumed her line of questioning. She asked how far the location was where the two groups were separated from Tuol Roka and Wat Melum. Mr. Doeun replied that Tuol Roka was around ten kilometers away from Wat Melum. His wife was also sent away around ten kilometers away. He himself was sent around 500 meters away. Ms. Guissé asked whether the distance was the reason why he did not know what happened subsequently, which he confirmed. Ms. Guissé then inquired whether the soldiers went with the second group or with his group. He clarified that they were separated where they first stopped, so he did not know where they were going. This prompted Ms. Guissé to ask who told him that the other group went to Tuol Roka. When he went to thresh rice, he thought that they were killed. Comrade Hum told him that his family had been sent away to Tuol Roka.

Ms. Guissé said that she was at a loss, since he had said that the distance from where they were separated to where he threshed rice was 500 meters away, while Tuol Roka was ten kilometers away. He stated that he estimated that Tuol Roka was around ten kilometers away from the first stop point. The location where he threshed rice was around 500 meters away from the first stop.

2:30 and 2:32 pm: Yesterday, he had stated that when he was threshing rice he heard the unit head say that they had been smashed. The Civil Party confirmed that this was Comrade Hum, and stated that Comrade Hum had told him to focus on his work after his family had been smashed.

Ms. Guissé asked whether there was not an inconsistency between two statements, mentioning numbers of 20 kilometers, ten kilometers and 500 meters and that Hum had told him about the

smashing of his family that was twenty kilometers away. He replied that Comrade Hum arrived a few days before himself at the place where he threshed rice. Ms. Guissé asked whether he obtained information on Wat Melum what had happened to his family. She asked whether Comrade Hum gave him the information that a well-known executioner had killed his family. Mr. Doeun replied that Comrade Born was a “notorious” killer. Mr. Doeun recounted that Comrade Hum had advised him to focus on his work. However, it was not Comrade Hum who told him about Born’s involvement. Mr. Doeun replied that Born did not kill his wife but that there was a rumor that Born was always involved when killings took place.

Ms. Guissé then referred to another document and asked who was in charge of the unit.[11] He recounted that when he first arrived, Comrade Ruos was in charge. Later on, there were three new cadres who arrived. They were three males and one female. He did not consider Ruos as the one who killed his wife. However, he was the one who ordered the relocation of the seven families.

Ms. Guissé wanted know whether he considered Comrade Hum as the killer. He replied that he did not consider any of these as killers, since he was an ordinary citizen at the time and did not know who committed the killing.

Ms. Guissé turned to the topic of marriages and summarized his earlier testimony that the reason why he was allowed to speak at the wedding was because he was a good speaker and persuasive. She asked whether it could be said that he had the “consciousness[12] of the cadres”. He replied that the cadres did not trust him entirely. He was invited to attend one wedding ceremony. She asked whether this was the wedding where he saw 20 to 30 couples being married. He replied that he was told that there were 25 couples in the wedding ceremony. Later on, he was asked to go back where he worked.

Pointing to his Civil Party Application, Ms. Guissé asked whether he could recall having been assisted by someone in filling out his form.[13] He said that there were one or two people coming to his house in Kampong Chhnang. Ms. Guissé asked whether these two people presented themselves as part of an organization or of the tribunal. He replied that he was not told where they were from.

She asked whether he had been informed that this document would be used as part of his participation in these proceedings. They had told him that he would go to court. “I was afraid that I would be punished.”

She asked whether it was true that cadres had asked who was capable of fishing, to which he had answered that he was able to do so and that this was how he was transferred. The Civil Party confirmed this now.[14] He said that he was sent there first and that several months later his wife was sent to reunite with him.

At this point, the Senior Assistant Prosecutor Vincent de Wilde intercepted that he had also respected his time limitation and that the Defense should do so as well.

Ms. Guissé asked to confirm whether it was correct that Kuon had talked to him about his

transfer, which Mr. Doeun confirmed. [15]

Moreover, she asked him to confirm that he only attended one wedding ceremony, since it sounded like he attended several ones in his application.[16]

Furthermore, he had stated in the additional information sheet that half an hour after having arrived at the location where he threshed rice, the unit chief told him that wife and mother-in-law was dead.[17] Ms. Guissé queried whether he had been informed about the death of his wife 30 minutes later or the next day. He replied that he was told at sunrise. Ms. Guissé asked whether it was true that he had said to his lawyer that he believed that Mit Hum was responsible for the death of his wife and child. He replied that he was told that his wife and child “had been smashed”, but that he did not mention who was the executioner. He confirmed that he had said that he believed Comrade Hum had been the executioner.

She asked him whether he confirmed the statement that he did not know about any other executions of Vietnamese before the execution of his wife.[18]

Referring to the same extract, she asked whether he organized forced marriages, which he denied. He said that he attended only one wedding ceremony. With this, the examination of the Civil Party was concluded.

The President informed the Civil Party that he could do a Civil Party impact statement.

My respect to Mr. President, your honors and all the people in the courtroom. I've been in too much pain for the loss of my wife and children, for the loss of my property, including my house. I lost everything. I lost both the children and the wife. I want your honors to find me justice, to provide reparations to me. I almost became crazy for the suffering that I've received. I do not wish to make any major reparation claim. However, I want something as a legacy of what happened to me. So what I want is to ask for a stupa as a symbol of the loss of my wife and my children. Thank you, Mr. President, I hope I can make such a claim to you.

The President asked whether the Civil Party had any questions to the accused that he would want to put to them through the President.

“I have only my statement to make that I have almost lost my mind and that mainly due to the suffering that I received during the regime and the loss of my wife and my children. “

The President thanked the Civil Party and dismissed him.

Testimony of Witness Sao Sak

Next, the testimony of witness 2-TCW-886 commenced. Sao Sak, 62 years old, was born in

Anlung Trea village, Prea Veang commune, Prek Chrey Subdistrict, Peam Ro district and is a dry season rice farmer. The floor was handed to the Co-Prosecutors. The National Deputy Co-Prosecutor Seng Leang started his line of questioning by asking where the witness lived before 1975. She replied that she lived in her birth village before this. Only a few Vietnamese lived in her district, and later they had all been evacuated.

She did not know whether any Vietnamese were living in her home village Anlung Trea. There were mixed marriages between Khmer and Vietnamese people. She said that they could recognize Vietnamese because of their accents. The Khmer Rouge came to control the area in 1975. Mr. Leang asked whether there were any difference in the treatment of the Vietnamese and of the Khmer people before and after the arrival of the Khmer Rouge. She stated that before 1975 “we had no more relationship”. Later on “people were sorted out and Vietnamese people were sorted out during that time.” The Vietnamese lived with the Khmer people before 1975.

The witness’s mother was half-Vietnamese. Her mother did not have any relatives or siblings living in the area. After 1975, there were still a few Vietnamese families living in the area. For example, there was a father called Nieng Nhat and the other Yuan Mao. The witness got married in 1969 and she had three children by 1975.

During Democratic Kampuchea, her mother worked in a cooperative and was tasked with baby-sitting. There was a group of five to ten people taking care of children and babies. Later on, her mother was invited and called into a meeting. “It was during the time that she was taking care of the babies and children.” At the time, her mother took the witness’s daughter with her when she got arrested. It took place around 1978. She could not recall the exact date.

Mr. Leang then asked about the detention of her mother.[19] She learned the information from a militiaman called Khon. He told her that her mother had been called into a meeting in Krasar Phael. Her mother was detained. They granted her the request to take her daughter back. After this, her mother disappeared. She did not know what mistake her mother had done. “Anyone who was related to Vietnamese was taken away”, the witness said. She saw her mother the last time at 9 pm. Her mother consoled her and advised her not to think of her. “At the time, I realized that [my mother] would be taken away and killed. A few minutes later I took my daughter back home.” She met her mother in a hut in Krasar village. She did not talk about anything else then, since she was there only to bring back her daughter. “I was with pain and suffering”. There was another married woman who was detained with her mother. Her name was Yeun. Neang Nah was the daughter of the married woman who was detained. The husband’s name was Tao. Tao had adopted a daughter to live with him. She did not hear any other information about her mother. She did not see Yeun ever again.

Detention

After the break, Mr. Leang moved on to the next topic and asked whether the witness herself had ever been detained. She replied that she was detained at Ang Villag for ten days. She was

not given any reason for her detention. She did not know who ordered her detention. The person who took her there was Man. “I was detained along with my three children.”

She had stated that around five months after the arrest of her mother, she had been called to attend a meeting.[20] One person was allowed to leave, while she and someone else were kept there. She was detained at a pagoda. She was not detained, but two other people were. They were taken to Chheu Kach Mountain.

After she had been questioned, she was working in the kitchen. The total number of days that she was there was twelve days. She was asked whether her father was Khmer, which she had confirmed. Then she was asked what her father was doing, to which she had answered that he was a villager.

According to Ms. Sak, if there was a mixed family of a Vietnamese father and a Khmer mother, the child would be taken away and killed. In her village, people from mixed families were taken away around the time that she was taken away as well, albeit a little bit later. She did not know where they were taken to. “However, they disappeared and never returned.” She never attended a meeting where the “Vietnamese issue” was discussed. She saw the other Vietnamese being gathered and “being evacuated to the lower part.” Those from the mixed families were continuously gathered and sent away by boat. Mixed families disappeared one at a time. She heard that they were being sent back to Vietnam. She confirmed that “the lower part” meant Vietnam. However, they did not know whether they were “sent to be killed somewhere”. Another group, including her mother, were not sent to Vietnam but killed instead.

Her mother was detained and killed after “the event that happened with Sao Phim”.

The floor was given to International Co-Prosecutor Nicholas Koumjian. Ms. Sak confirmed that Neang Nha came from a mixed background, which she confirmed. She was adopted by a Khmer family since she was born.

Targeted persons in her area

Mr. Koumjian then wanted to know whether Ms. Sak knew Yea Chea and Ta Hang, which she confirmed. He read out an interview of Neang Nhak, who had talked about how her mother was arrested and who had mentioned the mother of someone called Sak.[21] Neang Nhak also testified that her mother was not allowed to take her little child with her. Ms. Sak confirmed that what he had read out was correct.

Mr. Koumjian asked whether she knew someone called Lang who had a husband called Aul, which she confirmed. However, she did not know anything about Lorn being pregnant when she was taken away.

She confirmed knowing Van Nao, but she did not know the father. Van Mao was of mixed ethnicity – Vietnamese and Khmer. Mr. Koumjian then read out an excerpt by Mao, who claimed

that during the Khmer Rouge regime his father Van and Neth's father Tav were arrested by the Khmer Rouge who came by motorboat. They told him that they would take him to study.[22] She did not know about Van Nao's father's fate.

Mr. Koumjian asked whether she heard about a woman who was hit by a truck and died. Ms. Sak confirmed this and remembered that Mao's mother was hit by a truck and died.

She also knew Saom Ru. She said that nowadays he is deceased. Mr. Koumjian referred to Saom Ru's statement, who had said that those who were connected to the Vietnamese and Sao Phim after they had killed those connected to Lon Nol. The children of Man Neang and his wife Yeun were arrested with them but could escape, while their parents were killed.[23] She replied that she did not know about the matter, since she would focus on her work.

He asked whether she knew anything about the incident where children of Tao were also taken to be killed, but in which one child was still alive. The father of Tao was ethnically Chinese-Vietnamese.

She confirmed having known the monk Lorng Hel before he deceased. Before this, he lived in Baray Pagoda. She had heard of Chamkar Kuy Village.

He said that they were asking about the profession of the villagers and those who had indicated that they had been working for the Lon Nol regime were sorted out.[24] At this point, Mr. Koppe objected and said that he "was wondering whatever happened to open questions". Mr. Koumjian rephrased his question and asked whether villagers were sorted by occupation in her village after 1975. She replied that "They were not sorted out. However, they were sent to different sections of work in the agricultural tasks". No one was a former soldier within the former regime in her village. Her husband had never been a soldier, but he had been selected to be a soldier in the previous regime.

Mr. Koumjian then inquired whether she knew what happened to Lorng Hel's children. She had heard that the wife and their children were taken away and killed. She did not know about these people's background. She confirmed that Lang Hel's wife was pregnant when she was taken away: "It was almost her due date."

Ms. Sak knew Baray village. When Mr. Koumjian asked whether the witness knew anything about how Vietnamese people were treated in Baray, Mr. Koppe objected and stated that this question was too general and broad. The objection was overruled. In the interest of time, Mr. Koumjian asked whether she heard of any Vietnamese people being killed in Baray Village. Ms. Sak stated that she did not know. Mr. Koumjian referred to the next page of Lorng Hel's statement in which he had stated that the children of people with light complexion were taken away and killed.

Ms. Guissé stated that the International Co-Prosecutor tried to link other statements, despite the witness having said already that she did not know about Baray Village. The witness did not know.

Mr. Koumjian asked whether she knew a man called Kun Mon who was married to a woman of Chinese and Vietnamese descent Seng Hua. The witness replied that she knew him. She did not know what happened to these two persons.

Mr. Koumjian asked whether Ms. Sak's mother was part of a rebellion when she disappeared, which the witness denied. "She was quite old at the time."

When Mr. Koumjian inquired about a rebellion in her area, Mr. Koppe intercepted and stated that the focus should not be detention or whether the witness's mother had participated in a rebellion, but that the focus should lie on unlawful killing. Detention as such was not the problem. This prompted Mr. Koumjian to ask whether it was the position of the defense that it was not unlawful to detain someone if this was purely based on their ethnicity. The President instructed the witness to reply, but she could not shed more light on the matter.

With this, the President adjourned the hearing. It will resume on Monday, December 07 2015, at 9 am. Witness 2-TCW-241 will be on the reserve.

[1] E3/4989: 00891034 (EN), 00556218 (KH), 00891236 (FR):

[2] E3/4989, p. 3

[3] E3/5476.

[4] E3/5476, at 00824010 (EN) 00508166 (KH) 00824010 (FR).

[5] D22/2791, at 00556209 (EN).

[6] Testimony of Tak Doeun, December 02 2015, at 11:28 .

[7] Testimony of Tak Doeun, December 02 2015, shortly before 13.53.

[8] Testimony of Tak Doeun, December 02 2015, at 14:18 and 14:26.

[9] Testimony of Tak Doeun, December 02 2015, at 15:50.

[10] Testimony of Tak Doeun, December 02 2015, at 15:25.

[11] D22/2559.1 at 00556210.

[12] It is likely that this was an error in translation and should have been "confidence".

[13] E3/4989, last page.

[14] 00891 05 00556217 (KH), 00891032 (EN)

[15] At 00891033.

[16] E3/4989, at 00891036 (FR) 00891034 (EN), 00556218 (KH).

[17] E3/5632, at 00899195 (FR), 00901538 (KH), 00678294 (EN).

[18] E3/4989, at 00899196 (FR), 00678295 (EN) 00901539 (KH).

[19]E3/7780, at 00233296 (KH) 00235511-12 (EN), 00250601 (FR).

[20] E3/47780, at 00233296 (KH), 00235512 (EN), 00250501 (FR).

[21] E3/7779, at 00235504 (EN), 00271392 (KH), 00268963 (FR).

[22] E3/7761, at 00225221 (KH), 00274400 (FR), 00234120 (EN).

[23] E3/5246, at 00225367 (KH), 00228820 (FR), 00234111 (EN).

[24] E3/5251, at 00233287 (KH), 00251000 (FR), 00235495 (EN).

Featured Image: International Co-Prosecutor Nicholas Koumjian (ECCC: Flickr)