



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 December 2015

Trial Day 349

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 05-Apr-2017, 10:50
CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

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SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. Y Vun (2-TCW-846)

Questioning by The President (NIL Nonn) page 2

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Questioning by Mr. KOPPE page 46

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. Y Vun (2-TCW-846)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

4 (No interpretation)

5 (Technical problem)

6 [09.07.15]

7 MR. PRESIDENT:

8 Allow us to resume our session. The Court is now in session.

9 Today the Chamber will hear the testimony of a witness 2-TCW-846.

10 Mr. Em Hoy, please report the attendance of the Parties and other
11 individuals at today's proceedings.

12 THE GREFFIER:

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

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

18 The witness who is to testify today -- that is, 2-TCW-846,
19 confirms that to the best of his knowledge he has no
20 relationship, by blood or by law, to any of the two Accused --
21 that is, Nuon Chea and Khieu or to any Civil Parties admitted in
22 this Case. The witness took an oath before the Iron Club Statue
23 this morning and he is in the waiting room to be called by the
24 Chamber. <Please be informed that this> witness has some problem
25 with his eyes so he cannot read.

2

1 [09.08.55]

2 MR. PRESIDENT:

3 Thank you.

4 Court Officer, please usher the witness into the courtroom.

5 (Witness 2-TCW-846 enters courtroom)

6 [09.11.20]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Good morning, Mr. Witness. What is your name?

9 MR. Y VUN:

10 A. My name is Y Vun.

11 Q. Thank you, Mr. Y Vun. How old are you this year? And please

12 Mr. Y Vun, observe the microphone. You should speak after you see
13 the red light on the tip of the microphone.

14 A. I am 79 years old.

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

16 A. I was born in Samraong commune, Soutr Nikom district and
17 currently I live in Chi Kraeng district.

18 Q. In which village and commune <of> Chi Kraeng district?

19 A. The village is Yeang.

20 [09.12.55]

21 Q. And which commune?

22 A. It is Ruessei Lok commune.

23 Q. And what is your current occupation, Mr. Y Vun?

24 A. I stay at home.

25 Q. What are the names of your parents?

3

1 A. My mother is Ros Pen and my father is Lim Y.

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

4 A. My wife is Luy Hing and we have eight children.

5 [09.13.57]

6 Q. Thank you, Mr. Y Vun. The greffier made an oral report that to
7 your best knowledge you are not related by blood or by law to any
8 of the two Accused -- that is, Nuon Chea and Khieu Samphan or to
9 any of the civil parties admitted in this Case, is this
10 information accurate?

11 A. Yes, it is.

12 Q. Have you taken an oath before your appearance -- that is, have
13 you taken an oath before the Iron Club Statue located to the east
14 of the Chamber?

15 A. Yes, I have.

16 [09.14.51]

17 MR. PRESIDENT:

18 Thank you. The Chamber would like to inform you now of your
19 rights and obligations as a witness.

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

24 As for your obligations, as a witness in the proceedings before
25 the Chamber, you must respond to any questions by the Bench or

4

1 relevant Parties except where your response or comments to those
2 questions may incriminate you as the Chamber has just informed
3 you of your rights as a witness. You must tell the truth that you
4 have known, heard, seen, remembered, experienced or observed
5 directly about an event or occurrence relevant to the questions
6 that the Bench or Parties pose to you.

7 BY THE PRESIDENT:

8 Q. Mr. Y Vun, have you ever provided any interview to the
9 investigator of the Office of the Co-Investigating Judges?

10 A. Yes, I have.

11 [09.16.20]

12 Q. How many times, when and where?

13 A. I was interviewed at my house.

14 Q. And how many times and when?

15 A. I was interviewed three times.

16 Q. Do you recall which years? Please, observe the microphone
17 before you respond.

18 A. I cannot recall the years.

19 Q. That is alright. And before you appeared before the Chamber,
20 have you reviewed, read or had the written records of interview
21 read aloud to you? I refer to the written record of your
22 statements you provided to the OCIJ investigators in order to
23 refresh your memory.

24 A. Yes, I <> had <it> read aloud to me last night.

25 [09.17.54]

5

1 Q. And to your best knowledge and recollection, are those written
2 records of your statement consistent with the answers you
3 provided to the OCIJ investigators at your house?

4 A. Yes, they are consistent.

5 MR. PRESIDENT:

6 Thank you. And pursuant to Rule 91bis of the ECCC Internal Rules,
7 the floor is given first to the Co-Prosecutors and the combined
8 time for the Lead Co-Lawyers and the Co-Prosecutors is two
9 sessions. You may proceed.

10 [09.18.22]

11 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

12 Thank you. Good morning, Mr. President. Good morning, Your
13 Honours; and good morning, all Parties.

14 Mr. Witness, my name is Vincent De Wilde and I'll put some
15 questions to you on behalf of the Office of the Co-Prosecutors.
16 May I ask you to be very attentive to the questions I will put to
17 you and to point out to <each time> you do not understand <a>
18 question <> so that I <can repeat it>. May I also ask you to be
19 very concise and not to invent anything but to simply answer the
20 questions? If you do not know<, simply> say so, <do not make
21 things up> .

22 Q. I would like to start with a question regarding where you
23 lived and what you did. As from when did you live in Yeang
24 village, which you referred to before?

25 MR. Y. VUN:

6

1 A. I <have lived> in Yeang village <for> 50 years <now>.

2 [09.20.10]

3 Q. What was your job before April 1975 in Yeang village<? What
4 did you do>?

5 A. I <do not> have any <jobs>.

6 MR. PRESIDENT:

7 Deputy Co-Prosecutor, please hold on and be seated. Thank you.

8 In fact I haven't yet announced the decision on the request by
9 Nuon Chea. The Chamber has received a waiver from Nuon Chea dated
10 15 December 2015, which states that due to his health: headache,
11 back pain, he cannot sit or concentrate for long and in order to
12 effectively participate in future hearings, he requests to waive
13 his right to participate in and be present at the 15 December
14 2015 hearing. Having seen the medical report of Nuon Chea by the
15 duty doctor for the Accused at the ECCC dated 15 December 2015,
16 which notes that Nuon Chea has back pain when he sits for long
17 and recommends that the Chamber grant him his request so that he
18 can follow the proceedings remotely from the holding cell
19 downstairs.

20 Based on the above information and pursuant to Rule 81.5 of the
21 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
22 follow today's proceedings remotely from the holding cell
23 downstairs via audio-visual means. The Chamber instructs the AV
24 Unit personnel to link the proceedings to the room downstairs so
25 that Nuon Chea can follow the proceedings. This applies to the

7

1 whole day.

2 And again the floor is given to the <International> Deputy
3 Co-Prosecutor to put further questions to the witness. You may
4 proceed.

5 [09.22.20]

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President.

8 Q. Mr. Witness, is it correct to say that under the Democratic
9 Kampuchea regime from 1975 to 1979, Yeang village was part of
10 Sangvaeuy commune <but> not part of Ruessei Lok commune?

11 MR. Y VUN:

12 A. It was in Ruessei Lok commune not Sangvaeuy commune.

13 Q. Were the two communes not separated subsequently, after the
14 Khmer Rouge regime? <Did they not comprise a single> commune
15 before and <then they were> separated afterwards?

16 A. It was later on separated and that happened after the fall of
17 the Khmer Rouge regime. Previously it was known as Sangvaeuy
18 commune.

19 Q. Very well. <Actually,> we will concentrate on <that> period,
20 from 1975 to 1979<, and> perhaps you <could> tell us, after the
21 <fall> of Phnom Penh on 17 April 1975, <were you responsible for>
22 any particular duties in your village, Yeang?

23 A. I worked in the rice <fields>.

24 [09.24.10]

25 Q. Very well. I would <just> like you to clarify this point. In

8

1 the record of your interview E3/7685, on page 2 in all three
2 languages and it is <> the <second> question <and answer>, you
3 were asked: "What were you doing after 17 April?" And you
4 answered<:> "I was appointed a member of the village and
5 subsequently I was appointed the village traditional doctor."
6 What did you mean when you said that you were a member of the
7 village<. Does that> mean that you were a member of the village
8 committee?

9 A. I was a member of the village committee and later on I was
10 asked to be a traditional healer to treat and heal people in the
11 village.

12 Q. And up until what date, <approximately,> for how many years
13 were you a member of the village committee?

14 A. I was the member of that committee for one year. I was then
15 evacuated from the village.

16 Q. You also said that you were the village traditional doctor<.
17 Was> that, indeed, in Yeang village, that you were a <>
18 traditional <medicine> doctor? And <> did you <carry out> those
19 functions <until -->

20 A. I was a traditional healer in Yeang village.

21 [09.26.12]

22 Q. Were you a traditional healer <until> 1979, when the
23 Vietnamese arrived?

24 A. Yes, I was a traditional healer until 1979.

25 Q. <In addition to> being a traditional healer, did you also

9

1 <have to> work in a unit <of> a co-operative doing farming?

2 A. No, because we were all separated by 1979.

3 Q. Yes, <I am> still talking <about> the period from 1975 to
4 1979. You <said> that you were a traditional <healer> in Yeang
5 village <until> 1979<. From> 1976 to 1979, did you also <have to>
6 work in rice fields or <building> canals and dams? <Wait for the
7 red light to come on, please. Thank you.>

8 A. I was assigned to work in the rice fields <from> 1976 to 1979.

9 [09.27.50]

10 Q. And when you worked in <the> rice fields were you still living
11 in Yeang village? And if yes, how far <away> from the Khsach
12 pagoda were you residing?

13 A. It was about 300 metres from the pagoda; however, this is my
14 personal estimate.

15 Q. What was the pagoda <in Yeang village -- so> Khsach pagoda <--
16 used for> between 1975 and 1979? What use did the Khmer Rouge
17 make of it?

18 A. <It was used as a handicrafts place.> It was used to store
19 rice and actually the temple was removed and one of the monk
20 residences was used to store rice.

21 Q. Were there people living in that pagoda during that period?

22 A. No, there was none.

23 Q. Was there a militia unit or a military unit that was based
24 there on a permanent basis?

25 A. No, there wasn't any; however, sometimes I saw few of them

10

1 standing in the pagoda, sometime I didn't see any.

2 [09.30.10]

3 Q. As a member of the village committee between <1975> and 1976
4 and <then> later as a traditional <doctor>, were you close to the
5 village chief or to the co-operative chief?

6 A. No, I was not close to them.

7 Q. Do you remember the name of the village chief back then, <>
8 between '75 and '79<,> or the names of the village chiefs if the
9 chiefs changed?

10 A. <Soy was the> village chief between 1976 <and> '79 <>, but <>
11 he <has> died already.

12 Q. And who was above the village chief, Soy<? Therefore> what was
13 the name of the Sangvaeuy commune chief's name <at the time>?

14 A. <Chiefs> of Sangvaeuy commune, at the time <were frequently
15 removed and replaced>. I could not remember all their names.

16 Q. And at the Chi Kraeng district level, do you remember <> the
17 chief of that district?

18 A. No, I cannot remember.

19 [09.32.10]

20 Q. In which sector was Chi Kraeng district located back then? Did
21 you know?

22 A. No, I <didn't> know which sector it belonged to.

23 Q. I will turn to what happened into your village and to the
24 people who lived there, and I would like to focus on certain
25 villagers in particular in Yeang <>. Back then, <> between '75

11

1 and 1978, did you know a young woman by the name of Chantha?

2 A. Yes, I know, I know Chantha.

3 Q. <Can> you tell me where she was working back then?

4 A. She <was working> in <a> mobile unit.

5 Q. Do you remember her family and, in particular, her
6 grandparents?

7 A. I also remember, his name was Ta Khut; and <as to her>
8 Vietnamese mother, I <didn't> know <her, but people called her>
9 Yeay Hay.

10 [09.34.00]

11 Q. You <mentioned> Yeay Hay. <Two> people spoke about Yeay Ma.
12 <Does> this refresh your memory with regard to her name?

13 MR. PRESIDENT:

14 Witness, please observe your microphone.

15 MR. Y. VUN:

16 A. Her name <was> Yeay Hay.

17 BY MR. DE WILDE D'ESTMAEL:

18 Thank you. And <could> the interpreter come closer to the
19 microphone because we cannot hear her very well. Thank you.

20 Q. Witness, what was Chantha's origin as well as <that of> her
21 grandparents?

22 MR. Y VUN:

23 A. Yeay Hay was <an> ethnic Vietnamese and Chantha was <their>
24 adopted child. And <Heav (phonetic)>, Chantha's father <> and
25 Yeay Hay adopted Chantha<>.

12

1 [09.35.20]

2 Q. <What> happened to Chantha's parents? Do you know? <Or did>
3 nobody <in the village, in fact, know> them <>?

4 A. I don't know about that. Those people were collected and taken
5 away.

6 Q. What about Chantha's grandmother, did she speak Vietnamese;
7 did she dress like a Vietnamese person<, etc.>?

8 A. <(Microphone is not activated)>

9 MR. PRESIDENT:

10 Witness Y Vun, please <respond> to the question because you gave
11 the answer while your microphone was not on. <The Chamber as well
12 as the> Parties haven't heard your answer yet so please answer
13 again.

14 MR. Y VUN:

15 A. Please could you repeat your question?

16 [09.36.55]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Yes, first I asked you if Chantha's grandmother spoke
19 Vietnamese and I also asked you if she dressed like a Vietnamese
20 person<. Did> she <> celebrate Vietnamese <holidays>?

21 MR. Y VUN:

22 A. Yes, she followed the Vietnamese traditions. She wore
23 Vietnamese clothes.

24 Q. So therefore did everyone in the village know that this was a
25 family, <in part,> Vietnamese <>?

13

1 A. Yes, they <knew> that this was a Vietnamese family.

2 Q. Now regarding another family, do you know a <female> villager
3 in Yeang <> by the name of Launh Khun <>?

4 A. No, I don't know <any> person <by the name of Laun (phonetic)>
5 Khun. I don't know <as to who> the person by the name <of> Launh
6 Khun <was>.

7 Q. Her husband <during the Khmer Rouge period> was called <Chum.
8 Does> that ring a bell?

9 A. I knew Launh Khun and another person was known by his full
10 name <of Sea> Chum.

11 [09.39.24]

12 Q. <Were> there other members in that family, and can you tell us
13 which ones<? Did> Chum have brothers and sisters<, parents>,
14 nieces, nephews?

15 A. Yes, Chum had a wife <whose> name <was Launh> Khun and she was
16 <an> ethnic Khmer. Launh Khun ,<was an> ethnic Khmer and they had
17 about eight or nine children.

18 Q. Did Chum have, as you said to the Co-Investigating Judge, a
19 <younger> brother by the name of Kea <> and a sister by the name
20 of Hong?

21 A. Hong was a female, Kea was a male, they were <younger
22 siblings> of Chum.

23 Q. And what was Chum, Kea and Hong's origin?

24 A. <As to Sea, his> mother was Vietnamese<, while his> father was
25 an ethnic Chinese.

14

1 [09.40.58]

2 Q. Do you know if Hong was married and <> if she had children or
3 small babies in 1978?

4 A. She had <a small> child. I could not recall her husband's
5 name, probably her husband's name was Chhay but I <am> not clear
6 about this.

7 Q. Indeed. I'm going to read out to you an excerpt of <this>
8 Launh Khun's WRI. It is E3/7686 on page 3 in each <> of the three
9 languages. On page 2, <> she <first confirmed> that her husband's
10 name was Sea Chum. On page 3, she says the following -- and I
11 quote:

12 "I know that Kea, his little brother was there, <and> his sister,
13 Hong, and her husband, Chhay, and Hong's three children and my
14 mother-in-law, Nhav<" -- N-H-A-V -- > "They were all taken away
15 and executed. Hong's three children, the first one was three
16 years old, the second <had just started> walking and the last one
17 was <> one week old. They were living in the same village but we
18 were far from each other; I was in O Kandal and they were close
19 to Thnal Cheat, that is to say closer to the national road."

20 So does this <> refresh your memory regarding the fact that Hong
21 and her husband, Chhay, had three little children and not one?

22 A. <Due to my> poor memory<,> I'm not sure whether she had one
23 child or three children but I remember her name <well,> Hong.

24 [09.43.25]

25 Q. And here again, how did you know that this family <and,> in

15

1 particular, Chum, Kea, <> Hong and their mother, Nhav, were of
2 Vietnamese origin?

3 A. The mother was <an> ethnic Vietnamese, <while> her husband was
4 <an> ethnic Chinese, <but he> was known by the name <of> Sea and
5 he spoke only Chinese.

6 Q. And during the period between 1975 and 1978, <were> the
7 members of both of these <> families -- and you said that several
8 of them were of Vietnamese origin -- <allowed> to speak
9 Vietnamese and to keep their <clothing and their> traditions, or
10 did they have to behave like Khmer people?

11 A. They worked like the Khmer people; they sold "num banhchok",
12 Khmer noodle. Yeay <Nhav>, she also wore Khmer clothes but she
13 <usually> spoke Vietnamese <> to her children.

14 [09.45.15]

15 Q. I don't know if you understood I was speaking about the period
16 from '75 to <'79,> when the Khmer Rouge had already arrived.

17 <Did> these people <have the right> to behave like Vietnamese, to
18 speak their language publicly, to wear Vietnamese clothes, <and>
19 to <celebrate traditional> Vietnamese holidays?

20 A. I saw her follow Vietnamese <traditions; for example, she
21 celebrated> Vietnamese <praying rituals>.

22 Q. So here you mean that the <Democratic Kampuchea> authorities,
23 the Khmer Rouge<, authorized> Vietnamese <people> to celebrate
24 their holidays between 1975 and 1979?

25 A. They secretly conducted their rituals.

16

1 Q. Aside from these two families who were living in Yeang
2 village, were there people of Vietnamese origin who settled in
3 this village or in other villages in the region at the same time
4 as <> the New People <>?

5 A. I did not know <either. There> were only two families <in
6 Yeang village>.

7 [09.47.21]

8 Q. Did you ever hear about a deportation of Vietnamese families
9 in your district of Chi Kraeng <in> 1975 and 1976?

10 A. I heard -- I did not hear <of any evacuation>.

11 Q. Well now let me turn to 1978. In 1978 or before, do you know
12 if lists of Vietnamese people or people of Vietnamese origin were
13 drawn up by the village chiefs and, in particular, by the village
14 chief of Yeang?

15 A. No, I did not hear of that. I did not hear about the list of
16 Vietnamese people but before that, in 1975, I heard about such a
17 list.

18 [09.49.05]

19 Q. I would like to clarify this point. In your WRI, E3/7685 on
20 page 2 in <all three> languages, the following question was put
21 to you:

22 "<Do you know the nationalities <of> those who were killed?"

23 And you answered: "I heard that they were Vietnamese. When they
24 gathered up <all> those people, the village chairman had

25 <statistics. He> told them they were <sending> them to go study."

17

1 And further, on page 3 in French, and page 4 in English, and page
2 4 in Khmer, you were asked: "The village chairman who had <the>
3 statistical list of the Vietnamese, did he have orders from <the>
4 upper <echelon>?"

5 And you answered: "There were orders from <the> upper <echelon>."
6 End of quote.

7 So let me put the question to you again: these statistics which
8 the village chief had at hand, when <had they been> drawn up and
9 who <were they about? Who> was being listed <at this time>?

10 A. I don't know.

11 [09.50.40]

12 Q. Is it <accurate to say> that you met the investigators of the
13 OCIJ in order to show them <around> Wat Khsach<, so> to <visit>
14 the premises <and show them certain places,> about six years
15 <ago, I think>, on 26 November 2009, if I'm not mistaken?

16 A. Yes, I took them to the pagoda.

17 Q. I would like to quote here <also> the <site identification>
18 report<,> E3/8049, <on> page 6 in French, 5 in English, and 5 in
19 Khmer. This is not a document that you signed, I believe, but the
20 summary states the following: "Another witness, Y Vun, <was> not
21 <present at> the executions but confirms that, a few months
22 before the executions, the village chiefs received the order <>
23 to draw up <the> list <> of all people of Vietnamese origin
24 living in their <villages>. These orders came from the higher
25 echelon<. One> day they received the order to send all of the

1 people who were identified as such to the pagoda<.>" End of
2 quote.

3 [09.52.32]

4 MR. PRESIDENT:

5 Witness, please hold on. Now I give the floor to Counsel Victor
6 Koppe, you have the floor now.

7 MR. KOPPE:

8 Thank you, Mr. President. I object to the way this question is
9 framed. It makes it appear that he said it twice, once to the
10 investigators, which was then recorded in his WRI, and the second
11 time when he was leading the investigators around the pagoda. But
12 it doesn't follow at all from document E3/8049. So there is now
13 two sources for this one statement.

14 [09.53.21]

15 BY MR. DE WILDE D'ESTMAEL:

16 I'm going to <attempt to> clarify this, Mr. President.

17 Q. Witness, do you remember having told the investigators that
18 the village chiefs had received <an> order to draw up lists of
19 people of Vietnamese origin several months before the executions
20 <that> occurred at Wat Khsach?

21 MR. Y. VUN:

22 A. I do not know about that.

23 Q. Well fine. I'm going to turn to another topic <>. During the
24 period between 1975 and 1978, did you ever attend important
25 meetings that were chaired by the village chief, by the

19

1 cooperative chief or by the <> chief <of your commune>?

2 A. No, I never attended any meetings.

3 [09.54.45]

4 Q. <I> would like to speak about <the> Khsach <pagoda. You> spoke
5 about it already. You said that the pagoda itself<, the temple
6 itself,> had been damaged and that the housing quarters for the
7 monks were used to store rice. <Were> there other important
8 buildings within this monastery?

9 A. <> The temple <was> also <dismantled>.

10 Q. <Could> you <> repeat what you said? <I do not think> I
11 understood. Okay. And was there a separate building called the
12 library of holy books?

13 A. The library hall was used to store rice. The library hall <and
14 the concrete> study hall <> were used to store rice<, but> the
15 temple <as well as the monks' quarters were dismantled. I did not
16 know as to where they transported the woods from these
17 buildings>.

18 Q. What was the size of <these buildings,> the library and of the
19 study hall<? Were> they big buildings<? Or do> you <have> an idea
20 of their size?

21 A. <The study hall was> 10 <metres in length> and <> six <metres
22 in width>.

23 [09.57.12]

24 Q. And was the library a separate building or was it the same
25 building used for <two> purposes?

1 A. It was <within> the study hall, it was the same building. <It
2 was called the library hall.>

3 Q. And if you <skirt the grounds> of the monastery, in particular
4 on the east side, was it possible to see this building through
5 the fence?

6 A. <Of course, we> could see <it> from the east<. We> could see
7 <it> from the <temple>.

8 Q. <And what> was <this> fence <around> the Khsach pagoda <like>
9 in 1978<? How> can you describe it? What materials was this fence
10 built <> of?

11 A. <Initially,> the fence was made of <"krack" (phonetic) wood,>
12 but the fence now is made of concrete.

13 Q. <Could> you tell us what happened at Khsach pagoda in 1978
14 and, in particular, if executions occurred there?

15 A. In 1978, there were executions of ethnic Vietnamese, including
16 Ta Khut.

17 [09.59.50]

18 Q. Earlier we were speaking about Chantha and we spoke about Ta
19 Khut and <> his wife, and we also spoke about Chum, Kea, <and>
20 Hong, as well as <> other members of their family<. Do> you know
21 if all <of> these people died at Wat Khsach or elsewhere?

22 A. Ta Khut was killed at a different site but Chantha was killed
23 at Wat Khsach or Khsach pagoda. Ta Khut and Yea Hay were executed
24 at Andong Nourn in Chak village.

25 <Q.>The interpreter did not hear the entire name<. Was> that the

21

1 village of Chak, C-H-O-R-K (sic) at a place called Damban Andong
2 Nourn?

3 [10.01.07]

4 MR. PRESIDENT:

5 Mr. Witness, please observe the microphone.

6 MR. Y VUN:

7 A. <> Andong Nourn <was> located in Chak village.

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. <That may be>. We will <try to> go through <this event, these>
10 executions<, first at Wat> Khsach, <in order>; <and> we'll talk
11 <again later> about what happened to Ta Khut and his spouse. How
12 many months approximately prior to the arrival of the Vietnamese
13 <did> these executions <take place> at <Wat> Khsach<, these>
14 executions of persons of Vietnamese origin?

15 MR. Y VUN:

16 A. It was about one month. It was one month after the killing of
17 those people at Khsach pagoda that the Vietnamese troops arrived.
18 However, Ta Khut was killed later on <after the Vietnamese troops
19 had arrived.> He was dragged to be killed in that <Andong Nourn>
20 area.

21 Q. As a matter of fact, before the Co-Investigating Judges'
22 investigators, document E3/7685 <on> page <2> in all three
23 languages, you said that it was <five> months prior to the
24 liberation of 1979, which <would make it, if we count
25 accurately,> August 1978. Was <it> one month before or five

1 months before? Do you remember?

2 A. I cannot recall it clearly how many months it was.

3 <Q. Could you perhaps tell us if it was the season -->

4 (Witness interrupts)

5 <A.> However the killing took place in 1978, though I cannot

6 recall how many months before.

7 [10.03.34]

8 MR. PRESIDENT:

9 Witness, please listen to the question before you respond. You

10 should listen and understand the question first before you

11 proceed with your response and limit your response only to the

12 question rather than make <lengthy and unnecessary comments which

13 are not related to the> response.

14 BY MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President.

16 Q. Witness, <to help you remember>, perhaps you <could> tell us

17 whether it was during the rainy season or during the dry season?

18 Was it at a time when rice was being transplanted or when it was

19 being harvested? <Do you remember this type of detail to> help

20 you to remember the time frame when those events occurred?

21 MR. Y. VUN:

22 A. It happened after the harvest season ended.

23 [10.04.55]

24 Q. Do you know why or did you ever hear Khmer Rouge cadres <say>

25 why those persons of Vietnamese origin were assembled and

1 executed at <Wat> Khsach <>?

2 A. I myself did not know the reasons for the killing.

3 Q. Did you never hear anyone say that the Vietnamese were the
4 enemies of the Revolution?

5 MR. PRESIDENT:

6 Witness, please hold on; and Counsel Koppe, you have the floor.

7 MR. KOPPE:

8 I object to this question because I have no idea what the source
9 for this question is. There are indeed documents, "Revolutionary
10 Flags"; they all, including Pol Pot's speech, for instance, speak
11 about Vietnam as the enemy. As a matter of fact, in his last
12 interview with Elizabeth Becker, Pol Pot goes at length to make a
13 distinction between, on the one hand, the "Yuon", who he always
14 refers to as the Vietnamese Communist or the Vietnamese
15 government and the Vietnamese people. So saying that the
16 "Vietnamese" as such is the enemy of DK is without any source.

17 [10.07.01]

18 BY MR. DE WILDE D'ESTMAEL:

19 I am not sure we need a history <lesson> from the Defence. <My>
20 question was very simple. <And> I <intend to> ask it again, Mr.
21 President<.>

22 Q.<Did> you ever hear anyone say, while you were in the village
23 <--> persons who were officials say that <the Vietnamese,> people
24 of Vietnamese origin, were considered <to be> enemies of the
25 Revolution?

1 MR. Y. VUN:

2 A. No, I did not hear that.

3 [10.07.36]

4 Q. You talked of families of Vietnamese origin assembled at the
5 pagoda<, > then<-- to be> executed <there>. Do you know how those
6 persons were brought to <> or assembled at that location, what
7 they <were> told <> to convince them to leave their work<or>
8 their homes <and> to assemble at the <Wat> Khsach pagoda<? Did>
9 you hear anything <at all> on that subject?

10 A. <The village chiefs> themselves went to select <and call>
11 those people. <They> were <calling those people> to go and attend
12 study sessions.

13 Q. Regarding the sorting<, as you call it>, who <was> selected to
14 <be taken> to the pagoda and who <was> not <>?

15 A. I did not know about the selection process.

16 Q. In your village, were the only families, <the only> persons
17 who were led to <Wat> Khsach <>, <as was> mentioned <earlier,>
18 Chantha and <then> the <family> of Chum, Kea and Hong? In other
19 words, were there any other families from <> Yeang village that
20 were led to the <Wat> Khsach <to be executed>?

21 A. There were only two families -- that is, one of Chum family
22 and the other one was Chantha's family.

23 [10.10.42]

24 Q. Do you know how those families of Vietnamese origin <got> to
25 the pagoda? <And> I'm talking of Chantha's family and Chum's

25

1 family<, but also of> other persons who may have gone there on
2 the same day. Did you see them pass <> through the village on
3 their way to the pagoda?

4 A. I didn't witness them being walked to the pagoda.

5 Q. On that day<, did you know,> even though you may not have seen
6 them <walking>, were you aware that those persons had been
7 assembled at the Khsach pagoda?

8 A. I knew about it but I did not know what they were going to do
9 to them.

10 [10.12.05]

11 Q. And to your knowledge, was it only the two families <we
12 already talked about> or <were there actually more people>?

13 A. There were also other people who were brought in from <Ou>
14 Krom (phonetic) and other areas. Amongst those who were brought
15 in, <only> one was alive. However, I cannot recall her name, and
16 she was asked about her origin and she said she was Chinese.

17 MR. PRESIDENT:

18 It is now convenient to take a short break, we take a break now
19 and resume at 10.30.

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

23 The Court is now in recess.

24 (Court recesses from 1013H to 1032H)

25 MR. PRESIDENT:

26

1 Please be seated.

2 The Chamber is now back in session and I would like to give the
3 floor to the <International> Deputy Co-Prosecutor to put more
4 <questions> to the witness. You have the floor now.

5 [10.33.37]

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President.

8 Q. Witness, first <a> clarification. Earlier you <told us> that
9 Ta Khut's wife, that is to say Chantha's grandmother, was called
10 Yeay Hay, and I'd like to check something with you. Was this her
11 <actual> name <> or was <it what> she was <> called<, as> older
12 <women are always called in Vietnamese, in the same way one would
13 say "Bong Srey" in Khmer>? <Is> "Yeay Hay" <> the way <one would>
14 address elder <Vietnamese women> in <the> Vietnamese <language>?

15 MR. Y VUN:

16 A. People <called> her Yeay Hay<, and her> husband Ta Khut also
17 addressed his wife <as> Yeay Hay.

18 [10.34.53]

19 Q. Fine. Just before the break you said that a person had
20 survived the executions <at> Wat Khsach because this person had
21 said that she was Chinese. You said that you <no longer> remember
22 this person's name. <> I would like to read your statement again
23 because you provided her name in 2008. This is <WRI> E3/7685, on
24 page 3 in French; 3 and 4 in English; and 3 and 4 in Khmer. And
25 you said that the woman who survived was called Lang. <Does> this

1 ring a bell?

2 A. Yes, I remember now. Her name <was> Yeay Lang. She <moved to
3 live> in Mongkol Borei. But she has already passed away.

4 Q. And you also mentioned that her son, Kun, had also survived.

5 Are these the <> only <two> people, as far as you know, who
6 survived the <massacre> at Wat Khsach?

7 A. Yes, only two survived: one <was> Kun and <the other> one
8 <was> Lang.

9 Q. And after the executions at Wat Khsach, did you have an
10 opportunity to meet Lang and Kun, and to speak with them about
11 what had happened <there>?

12 A. I did not talk to them. <About two years> after the regime,
13 <she passed away.> She went to live in Battambang, in Mongkol
14 Borei. And later on, <> I met only her child but never had the
15 opportunity to talk.

16 [10.37.20]

17 Q. Was Lang fair-skinned? And did <she> speak Khmer with an
18 accent?

19 A. Yes, she spoke Khmer clearly. She spoke Khmer without any
20 accent.

21 Q. Was she fair-skinned or was her complexion like the complexion
22 of the <Khmers>?

23 A. She <was fair-skinned> -- she had <the complexion like> those
24 of <> ethnic Chinese.

25 MR. PRESIDENT:

1 Please Counsel Victor Koppe, you have the floor.

2 MR. KOPPE:

3 Thank you, Mr. President. I object to that question. Admittedly I
4 am not at all an expert in saying what Khmer people look like.

5 But to make a distinction between Khmer on the one hand being
6 only dark-skinned and all light-skinned people must therefore not
7 be Khmer. Mr. President, I'm sure you know better, but I don't
8 think that distinction is a fair distinction.

9 [10.38.48]

10 BY MR. DE WILDE D'ESTMAEL:

11 Well, it was an observation more than anything, I believe. <In
12 any case>, in the countryside<,> in <> '75 and '78, <in
13 particular,> there were no products to make your skin lighter.
14 <Q. Let> me get back to what happened at Wat Khsach.<> During the
15 day that preceded the executions, did you hear or did you see
16 from afar that people were gathered within that pagoda?

17 MR. Y VUN:

18 A. I <only> saw <and heard it> from <a> distance <>. I did not
19 dare to get close.

20 Q. And what did you see from a distance? <About how> many people
21 were there <>? Were there many people? <Were they making noise?>
22 Were they gathered in a specific spot within the pagoda
23 <grounds>?

24 A. There were not many. Once in a while, <a person was> brought
25 in. And then after a while, there were many in the pagoda, but I

1 could not tell <as to> how many <of them there were> because I
2 <was observing this> from a distance<,> that is,> from <my house.
3 I saw them being walked along the road.>

4 [10.40.30]

5 Q. Fine. I understood that you already told the investigators
6 that you didn't want to <speculate on> a specific <or exact>
7 figure. <However, could>you give us an idea, a range, if you're
8 not sure of the <> number? For example, were <there> fewer than
9 10<,> more than 10<,> several dozen<,> etc.>? <You can> simply
10 tell us if you're able or not to give us <a rough estimate>.

11 MR. PRESIDENT:

12 Witness, please hold on. The floor now is given to Counsel Victor
13 Koppe.

14 MR. KOPPE:

15 Thank you, Mr. President. I object to this question. This is
16 asking for speculation. He wasn't there. He wasn't on site.
17 Asking the witness to give us an idea is a request for pure
18 speculation. So I object.

19 [10.41.31]

20 MR. DE WILDE D'ESTMAEL:

21 Mr. President, I don't believe so. I <am> simply asking what the
22 witness saw, even if it was from a distance<,> to give us an idea
23 of the number. He <said> that there were many people <in> the
24 pagoda. <If> he doesn't know, if he's not able to <do it, he can
25 say so. There's no problem>.

1 MR. PRESIDENT:

2 <> The objection by the Defence Counsel <is overruled>. So <> the
3 question <was> asked for <an> estimate, not for <a> speculation.
4 <There is a distinction between the two terms.> And Witness,
5 please respond to the last question if you still remember it.

6 MR. Y VUN:

7 A. <In my estimation, there were over> 10 people or 20 people. It
8 looked like there were a lot of people.

9 [10.42.49]

10 BY MR. DE WILDE D'ESTMAEL:

11 Fine. So does <"many people"> for you mean 10 or 20 people? Is
12 that what I <should> understand?

13 MR. Y VUN:

14 A. Yes, <the number of> 10 or 20 people <was many, I may say>.

15 [10.43.08]

16 Q. So on the evening of the executions<,> were you at home? You
17 said <earlier> that your house was about 300 metres away <>.

18 Before the OCIJ <investigators>, you said <about> 150 metres, but
19 that doesn't matter. <Were> you at home that evening? And can you
20 tell us what you heard coming from the pagoda?

21 A. I heard the voice <coming> from the pagoda <as I was not
22 asleep yet>. I was <so> scared <that> I came down to the ground.
23 I did not stay on my house. I stayed close to <a> coconut tree
24 and tried to listen to the <screams>.

25 Q. And what did you hear exactly? You spoke about voices. Did you

1 hear people <> screaming?

2 A. They screamed, "yoy, yay" (phonetic), like that.

3 [10.44.42]

4 Q. And were these <shrieks> so loud that you could hear them
5 distinctly in your home or around your home since you had <>
6 stepped out of your home?

7 A. They <were screaming loudly>.

8 Q. Did you also hear the <sound of the> blows <dealt to> the
9 <victims>?

10 A. I did not hear -- I did not hear the sound of the strike. I
11 heard only the <screams>.

12 Q. <Before> the investigators of the OCIJ in your WRI, <E3/7685>
13 on page 3 <in all> languages, you answered the following
14 regarding the time <this started>. You said it was at 9 p.m. <I
15 quote:> "<At that moment,> I heard the sound <of blows,> 'phous,
16 phous' (phonetic) <and> screams, 'yoy, yoy' (phonetic)." End of
17 quote. So did you hear these strikes or did you only hear the
18 cries, as you just said?

19 A. I heard only the screams, not the strike sound 'phous, phous'
20 (phonetic), I did not hear the strike sound.

21 [10.46.42]

22 Q. When you heard these cries that you could hear from afar, did
23 you understand right away what was going on? Did you think
24 <straight away> that executions were happening?

25 A. <Of course, having> heard <the screams, I was certain> that

1 <people were being executed due to the fact that> the <screaming>
2 was so loud.

3 Q. Were they only cries of pain or did the victims also cry out
4 to those who were executing them? <Could> you possibly <have
5 heard> what the victims might have said?

6 A. I heard only the cries. I heard only the <cries,> not any
7 <begging> for life.

8 Q. And that evening, did <it> last a long time? Were you able to
9 go to sleep before <you heard> the end of the cries?

10 A. I stayed to listen to the <cries> until there was no more
11 <cries before I went to bed again; however,> I could not sleep
12 <that night>.

13 Q. So therefore, how long <might> the executions <have lasted>? I
14 know that back then, nobody had a watch<, but> can you tell us
15 <if it> lasted several minutes or several hours?

16 A. It <might have lasted for> two hours.

17 [10.49.25]

18 Q. Well, you spoke about <at least> two families at least who
19 were <victims of the executions> at Wat Khsach. You spoke about
20 Chantha, on the one hand, and <then> about the family and Chum,
21 Kea, and Hong. Did you learn <whether> Hong's children --
22 <earlier, you thought there was just one; in fact,> their aunt
23 spoke about three small children -- <> did you <find out whether>
24 these three children were also killed at Wat Khsach?

25 A. All of them were killed at Wat Khsach.

1 Q. In the days that followed the executions at Wat Khsach, did
2 you have an opportunity to discuss this with other villagers who
3 <had> heard the cries like you <did>? Did you learn anything <>
4 regarding certain villagers who maybe had seen these executions?

5 A. No, I did not.

6 Q. After the executions of Vietnamese<,> of people of Vietnamese
7 origin, at Khsach pagoda, were there still people of Vietnamese
8 origin <or ethnicity> left in your village <and, if you know,> in
9 other villages in Sangvaeuy commune, aside from Ta Khut and Yeay
10 Hay, whom you said were executed later?

11 [10.51.46]

12 MR. PRESIDENT:

13 Witness, please hold on. The floor now is given to Counsel Victor
14 Koppe.

15 MR. KOPPE:

16 I object, Mr. President. This is a very leading question. We have
17 heard the evidence of the witness. He hasn't seen the execution,
18 he hasn't seen people brought to the pagoda. He describes the
19 people that he think were executed. Whether they were executed
20 because they were Vietnamese or happen to be Vietnamese is
21 something that this witness doesn't know. By using the words
22 "Vietnamese origin" almost in every question, the Prosecution is
23 constantly leading this witness into saying that they were killed
24 because of their Vietnamese origin, hence trying to establish
25 genocide. He should just ask open questions and non-leading

34

1 questions when it comes to that specific part.

2 [10.52.56]

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, please let me respond. I am not the one who
5 suggested that<. From the beginning,> when I asked who had been
6 killed at Wat Khsach, it was the witness himself who said that
7 <it was> only people of Vietnamese origin. And <earlier, he even>
8 spoke <to you> about a survivor and her son who are of Chinese
9 origin and who <had been> spared <because they had said --> or in
10 any case, <> the mother <had> said that she was Chinese. So I'm
11 not inventing anything. I'm <drawing> on the witness's
12 testimony<, and> I believe that the question that I put to the
13 witness, although it might be a bit complex, is <> justified.

14 MR. PRESIDENT:

15 <The objection> by the Defence Counsel <is overruled. This is not
16 a leading question.> And the Chamber <needs to hear the response
17 to the last question by> to the <International> Deputy
18 Co-Prosecutor. <Witness, please respond to the question if you
19 still remember it.>

20 [10.54.12]

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. Witness, I think I'm going to repeat the question because it
23 was <> complex. So, aside from Ta Khut and Yeay Hay, whom you
24 said were killed <> after the Wat Khsach executions<,> were there
25 still people of Vietnamese origin in your village and in the

35

1 other villages of Sangvaeuy commune after the Wat Khsach
2 executions?

3 MR. Y VUN:

4 A. No<, there wasn't>. I did not know about <> other villages.

5 Q. Did you ever learn or get to know how the children<, if there
6 were any -- in fact, you said that there were children in Chum's
7 family --> were executed at Wat Khsach?

8 A. All of them <including the children> were killed <>.

9 [10.55.36]

10 Q. Did you understand why <> infants <and little children> were
11 <> executed?

12 A. I <did> not know <of> the reasons behind their execution.

13 Q. Did you go <near> the pagoda the day following the executions?

14 A. No, I did not dare to <get close to the place. Only> three
15 days later <did I dare to go> there <and> to search for my cows
16 <where> I saw clothes <hanging on the fence>. And the people in
17 the pagoda <had> disappeared.

18 Q. You said that <"it was spread out around that area." What do
19 you mean? What was spread out around the Khsach pagoda?>

20 MR. PRESIDENT:

21 Mr. Witness, please hold on.

22 MR. Y VUN:

23 A. Their clothes were put off -- <ripped> off <and hanged on the
24 fence>.

25 [10.57.30]

1 BY MR. DE WILDE D'ESTMAEL:

2 Were the executioners still at the Khsach pagoda three days later
3 when you went to look for your cows <nearby>? Did you see if
4 there were still people within the pagoda <grounds>, not victims
5 but executioners, rather?

6 MR. Y VUN:

7 A. No, there were none. There were no people in the pagoda.

8 Q. So if I understood well, you never saw the executioners who
9 executed the people at the Khsach pagoda, one evening in 1978,
10 <neither> before nor after the execution?

11 A. Yes, I did not see them. I did not see the executioners'
12 <faces>.

13 Q. Well, you said that clothes had been taken off <so they were
14 still there>. What else did you see around the pagoda's
15 <premises> that <was> connected to the executions? For example,
16 did you see instruments that might have been used <in the
17 execution>?

18 A. I saw a bamboo trunk club of about one metre long <with
19 bloodstains> on it.

20 [10.59.30]

21 Q. Did you see one or several pits that were covered up <at that
22 time>?

23 A. I saw <a> pit. The pit was about <five> square metres, and in
24 <the middle of> it, there was a well<; however,> it was covered
25 with <fresh> soil.

1 Q. I <want to be> sure <that> I properly understood the <size>.
2 You <said> four square metres<. On> page 3 of your record of
3 interview <E3/7685,> in all three languages<, you> said<:> "The
4 pit <where> people <were> killed <measured 5 metres> by 10
5 metres. <In this pit, there was a well.> Can you specify the
6 <size> of that pit again?

7 A. I cannot give you an exact <estimate whether it> could <have
8 been> five metres <or> 10 metres. <But> the <> well in <the
9 middle> the pit <> was about three to four metres <in length>.

10 [11.01.10]

11 Q. I have understood that the well was in the pit. Or <was there
12 a pit on one side and next to it, a well? Could you please
13 clarify?>

14 A. The well itself was located right in the middle of the pit.

15 Q. In relation to the main entrance into the pagoda, <where> was
16 that pit located: <to the> south, west, east, or north?

17 MR. PRESIDENT:

18 Witness, please observe the microphone.

19 MR. Y VUN:

20 A. It was <more likely> located to the <southeast> of the pagoda.

21 MR. DE WILDE D'ESTMAEL:

22 With the Chamber's leave, I would like to show you two
23 photographs <now --> I know that your sight is not very good<,
24 but these> are <> photographs<,> not texts <-- two> photographs
25 <> taken by OCIJ investigators at the time when you <showed them

1 around> the pagoda. <These are photographs that are> in <site>
2 identification <report> E3/8049 <on> pages 10 and 11 <in French,
3 and> I believe<, incidentally,> that <it is pages 10 and 11> in
4 all three languages <>.

5 Mr. President, may I show <him> these <two> photographs <to> see
6 whether he can recognize <what happened>?

7 [11.03.14]

8 MR. PRESIDENT:

9 Yes, you may do so.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. The <captions for> those <two> photographs are as follows<. It
12 is noted: "The witness,> Y Vun, is showing a pit from which
13 <many> bones were exhumed, <pit D on the diagram."> The other
14 photograph <has the following caption: "Another> view of pit
15 D.<"> Witness, are you the person <in these photographs>? And do
16 you recognize the site that you <are> showing the investigators?
17 <If that's you.>

18 MR. Y VUN:

19 A. I <was pointing> to the location of the well <and the pit>
20 where the bodies were buried.

21 Q. How did you know that there were bodies inside <that> well?
22 <Did you see --> was that well badly covered<? Did the pit also
23 have> traces that showed that people had been buried <there?>
24 <What makes you say that> there <were people or> bodies <inside>?

25 A. Actually it was covered <completely> with dirt <as> some limbs

1 were sticking out.

2 [11.05.18]

3 Q. Was it limbs sticking out or <was it already> bones? Are you
4 talking of limbs that had not <yet> decomposed?

5 A. I <am referring> to the elbow bones. And also some bones were
6 actually discovered by dogs.

7 Q. This will be the last part of my questions.<It will be quite
8 brief.> Apart from the night <when> you heard the screams and
9 <when> you said that persons of Vietnamese origin were executed
10 at <Wat> Khsach <>, did you hear that <> Vietnamese <people> of
11 the region were executed <in other places,> at other execution
12 sites?

13 A. No, I did not know. I did not know about any other execution
14 sites.

15 Q. <How did you know -- >A while ago, you said that Ta Khut and
16 Yeay Hay had been executed<,> after <Wat> Khsach <>, at Damban
17 <Andong Nourn or> Num (phonetic), in Chak village<. How> did you
18 <learn> about <that> execution? And what can you tell <us> about
19 <it>?

20 A. The villagers in Chak village told me <> that <Ta Khut and
21 Yeay Hay had been> killed at Andong Nourn area.<>

22 [11.07.50]

23 Q. And how long before the arrival of the Vietnamese <was this>
24 execution <or this killing> carried out?

25 A. If you are -- are you referring to the execution of Ta Khut's

40

1 group? If that is the case, it happened right at the <time> of
2 the coming of the <trucks of Vietnamese> troops <from the east>.

3 Q. <So,> you mean at the very beginning of 1979<. Did> I
4 understand you correctly?

5 A. Yes, it was in early 1979.

6 Q. Were there only two persons of Vietnamese origin <-- well, in
7 any case, Yeay Hay -- to be> executed <at that time>, or <> were
8 <there others>? Did the villagers of Chak talk to you about that?

9 A. There were only these two.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you very much, Witness, for having answered my questions.

12 We, the Co-Prosecutors, have completed our examination<, but> I
13 <think that> the Civil Party Lead Co-Lawyer <has> some questions
14 <>, Mr. President.

15 [11.09.58]

16 QUESTIONING BY MS. GUIRAUD:

17 Thank you, Mr. President. Good morning to everyone. Good morning,
18 Witness. My name is Marie Guiraud. I am representing the
19 consolidated group of civil parties and I have <a few> very<,
20 very> brief questions to put to you.

21 Q. You stated a while ago in answer to a question put to you by
22 the international Co-Prosecutor that you did not remember whether
23 <lists> of persons of Vietnamese origin had been drawn up before
24 the execution at <Wat> Khsach <>. But you <said, "In> 1975, I
25 heard of such a list". Can you explain to the <Court> what list

41

1 you <> heard of in 1975, in reference to persons of Vietnamese
2 origin?

3 MR. Y VUN:

4 A. I did not know what the list was. The list was prepared by the
5 <village> committee. <They said it was for the purpose of drawing
6 up statistics.> They did not only register the Vietnamese people
7 but also the Khmer people, including myself.

8 [11.11.40]

9 Q. So if I understand you correctly, <a> list was drawn up by the
10 commune committee in 1975 <> of all villagers in the commune.

11 Have I properly understood your testimony?

12 A. Yes, that is correct.

13 Q. Did you know at the time whether the ethnicity of the persons
14 <in the commune was indicated> on that list, <on which you also
15 appeared>?

16 A. <They did ask about our ethnicities.> They <even> drew up the
17 statistics of the people residing in the area <regarding> who
18 were wealthy or <> who were poor <or what positions they had
19 held.> They <recorded everything>.

20 Q. So we're talking of a list that was drawn up at the level of
21 the region -- if I understand correctly from the French
22 interpretation <-- in which> a number of <details> were
23 <specified. Was the ethnicity specified? Meaning,> whether the
24 <persons> were <Khmer,> of <Vietnamese origin or of> Chinese <>
25 origin<? Is> that <something you recall>?

1 [11.13.56]

2 MR. KOPPE:

3 Mr. President, I didn't hear the witness say region. And in
4 French the word wasn't used also as I understand. But I heard
5 commune.

6 BY MS. GUIRAUD:

7 I heard both. Initially, I heard the witness talk of lists that
8 were drawn up at the level of the commune. And in <the next>
9 question, at least in the French interpretation <as I understood
10 it, he said it was about the> region. <So, perhaps> I can have
11 the witness clarify this. <I believe my colleague agrees. I think
12 that she> heard <the same thing I did>.

13 Q. Witness, <can you specify whether these lists were> drawn up
14 at the level of the commune or at the level of the region?

15 MR. Y VUN:

16 A. The list was drawn up by <a> commune committee, and then it
17 moved down to the level of <a> village.

18 [11.15.05]

19 Q. That is very clear and I thank you for that. You therefore
20 mentioned that<,> on <that> list, certain kinds of information
21 were provided for each inhabitant. You said <it was asked>
22 whether the <people were> rich or poor. Was the ethnicity of the
23 people<,> meaning whether they were of Vietnamese, Khmer, or
24 Chinese origin<,> something that was asked of the inhabitants to
25 <> draw up <these lists>?

1 A. No, I did not hear anything about that. I did not hear that
2 they asked question about the ethnicity of the people in the
3 area.

4 Q. <Have you> ever <heard> the term "lan tay"? Is that a term you
5 had <already> heard at the time -- that is, between 1975 and
6 1979?

7 A. Yes, I heard people talking about "lan tay".

8 [11.16.45]

9 Q. Can you explain to the <Court> what "lan tay" <means> to you?
10 Is <it> a document? And if yes, <can you> explain <> what type of
11 document it was.

12 A. "Lan tay" was actually a card. It <was> similar to our current
13 <identity> card.

14 Q. Did you yourself have a "lan tay" during that period?

15 A. No, I did not have one.

16 Q. So who had a "lan tay" during that period? Was it a document
17 reserved for a certain category of persons?

18 A. It was for the people of Vietnamese origins.

19 [11.18.22]

20 Q. Do you know during what era those "lan tays" reserved for
21 Vietnamese people <were> established? Was it <during> the <Khmer
22 Rouge era, was it before, was it> during the Sangkum<? Do you
23 remember?>

24 A. <The term was used way before the Khmer Rouge.> Actually "lan
25 tay" <> was used since the Sangkum Reastr Niyum.

1 Q. And to properly understand the nature of that document, you
2 have stated that it was a card reserved for <Vietnamese> persons
3 <. So, were these cards> kept by the <people,> themselves, either
4 on them or in their homes?

5 A. Yes. They <were> kept <for> themselves. It <was> like our
6 <identify> card that we always <had> it with us wherever we
7 <travelled>. And this "lan tay" had a black cover. When the
8 Vietnamese people entered Cambodia, they <needed> to obtain this
9 "lan tay" first before they <were> authorized to live <in the
10 country>. Here I <am referring> to the experience in the Sangkum
11 Reastr Niyum period.

12 [11.20.27]

13 Q. Thank you. Do you know <>, during the Khmer Rouge period -- if
14 I may use a <term that is a bit> vague but <accepted by the>
15 Chamber <-- whether> you <heard> that cadres from your village
16 <or> from your commune were looking for persons who <had a> "lan
17 tay" to <find out> whether <they> were of Vietnamese origin or
18 not? <Is that something you head about> during that period <or
19 something you witnessed>?

20 A. No, I did not hear about that. I did not hear <that> cadres
21 <were> going <after> Vietnamese.

22 Q. Thank you. I have come to the end of my questions in this
23 particular line of questioning<, and> I <just> have one last
24 question. Did there come a time during the period from 1975 to
25 1979 <when a> military unit was stationed in your village?

45

1 A. Which military are you referring to? In fact, no military unit
2 was based in my area.

3 [11.22.14]

4 Q. Thank you. We heard a witness who appeared <a little bit>
5 earlier this month, <who told us> that a military unit <had been>
6 stationed during the <Democratic Kampuchea> regime at Khsach
7 pagoda. Is this information that you would confirm or <deny? Did
8 you know anything> about <this or not at all>?

9 A. No, I knew nothing about this information.

10 MS. GUIRAUD:

11 Very well. Thank you, Witness, for answering my questions. Thank
12 you, Mr. President. I am done.

13 MR. PRESIDENT:

14 Thank you. The time is appropriate for our break. We'll take a
15 break now and resume at 1.30 this afternoon.

16 Court officer, please assist the witness at the waiting room
17 reserved for witnesses and civil parties, and invite him back
18 into the courtroom at 1.30 this afternoon.

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

22 The Court is now in recess.

23 (Court recesses from 1123H to 1331H)

24 MR. PRESIDENT:

25 Please be seated. The Chamber now continues to hear the

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1 testimony, and now the floor is given to the defence counsel to
2 put questions to the witness. First of all, the floor is given to
3 defence counsel for Nuon Chea. You may now proceed.

4 QUESTIONING BY MR. KOPPE:

5 Q. Thank you, Mr. President. Good afternoon, Your Honours,
6 Counsel. Good afternoon, Mr. Witness. I have a few questions that
7 I would like to put to you today. Not very many, just a few. You
8 told the investigators of the Investigating Judge that you had
9 become, in 1975, a traditional doctor; is that correct?

10 MR. Y VUN:

11 A. Yes, that's correct.

12 [13.32.56]

13 Q. Why was it that you became a traditional Cambodian doctor
14 "treating the illnesses of the people in the village"? Did you
15 have some medical background? Or some other education that made
16 the village committee decide to appoint you as a traditional
17 Cambodian doctor?

18 A. <Many of> the villagers trusted me because I knew many
19 medicines. I knew many tree roots that can be made into medicine.

20 Q. What was your education? Had you gone to school in the 60s?

21 A. I did not go to school.

22 Q. Did you have another form of education? Maybe with the monks
23 in the pagoda?

24 A. I studied. I had some study.

25 [13.34.35]

1 Q. What kind of study did you do?

2 A. I studied maternity and how to treat some kinds of illnesses,
3 <including malaria>. Some of the <illnesses could> be healed <by
4 my herbal medicine>, while some others <could not>.

5 Q. You were 71 years old, Mr. Witness, when you gave your
6 statement to the investigators. How old were you in 1970 when Lon
7 Nol took power from King Father Sihanouk?

8 A. I cannot recall how old I was at that time.

9 Q. About 30 years old? Around that order? Is that possible?

10 A. Yes, I was about 40 years old at that time, during the Lon Nol
11 regime.

12 Q. Do you remember the coup d'état initiated by Lon Nol very
13 well? Do you remember the events of 1970?

14 A. Yes.

15 [13.36.40]

16 Q. Do you remember what the Lon Nol government did to people of
17 Vietnamese origin in 1970 and subsequent years?

18 A. There was fighting. The Vietnamese bombarded at that time. The
19 Americans also bombarded. So my village was also bombarded at
20 that time.

21 Q. What about -- what about people from Vietnamese origin? Did
22 anything happen to them? Were they detained? Were they -- were
23 Vietnamese people killed, executed, deported? Have you heard
24 anything about that?

25 A. At that time, there was a group. I was not certain whether the

1 Khmer Rouge or other Khmer group, but they were Khmer. They
2 chased the Vietnamese out. They were fighting, and <some>
3 killings took place.

4 Q. Have you also heard of mass executions of Vietnamese people by
5 Lon Nol forces?

6 A. No, it was the ordinary people who killed <them>. It was not
7 the Lon Nol who killed <them>.

8 [13.38.57]

9 Q. So in 1970, Vietnamese people were executed or killed, not so
10 much by Lon Nol military but by normal people? Is that what
11 you're saying?

12 A. Yes, by normal people.

13 Q. Did that happen in your area as well? In your district?

14 A. Yes, there were -- that happened in <villages> and <communes>.
15 The Vietnamese soldiers also fought against Khmer soldiers. The
16 Khmer soldiers were known as the militiamen.

17 Q. Let me, Mr. Witness, confront you with a few excerpts from
18 what scholars have written about the period '70-'75. I will be
19 referring to the works of three academics -- two academics
20 rather, and one journalist. Two of the three have been testifying
21 here as experts. One of them is the professor called David
22 Chandler. Mr. President, in his book, which is on the case file
23 as E3/1686; English, ERN 00422834; and there's only a Khmer
24 translation, on 00679167; he speaks about thousands of Vietnamese
25 being killed and wounded in a period of a few weeks right after

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1 the coup d'état of Lon Nol. Have you heard of such massacres of
2 Vietnamese people right after the coup d'état?

3 A. I <have> not <heard> about that.

4 [13.41.53]

5 Q. The other expert, Elizabeth Becker -- that's an American
6 journalist -- writes in her book, E3/20 on the case file,
7 English, ERN 00237830; French, 00638397; and Khmer, 00232166; she
8 writes about massacres of 800 Vietnamese labourers executed by
9 soldiers, and whose bodies were thrown overboard into the Bassac
10 river. She talks about mass detention of people from Vietnamese
11 origin, but she also says the following -- and that's something
12 that I would like to read to you -- on the next page: "The
13 Vietnamese in Cambodia were not the only targets. Lon Nol also
14 went after the ethnic Chinese, the other type of foreign devil in
15 his configuration of hell. Through the local press, he campaigned
16 against the greedy Chinese merchant class."

17 Mr. Witness, have you ever heard in the time of Lon Nol that not
18 only Vietnamese people were targeted, but also Chinese people?

19 A. No, I <have> not <heard> about that.

20 [13.43.42]

21 Q. Just to finish this subject, reading one small excerpt from
22 her book -- the book of Elizabeth Becker -- she writes: "One
23 pro-government newspaper warned that the Chinese of Phnom Penh
24 might reap the same bitter souvenir as the Chinese of Indonesia,
25 who were slaughtered in the 1965 uprising."

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1 Have you ever heard on radio, or read in local newspapers maybe,
2 or in any other form heard about comparisons of the Chinese fate
3 to what happened to the Chinese in Indonesia?

4 A. No, I <have> not.

5 Q. The reason that I'm also asking you is the following: In
6 another work of a scholar, which is only, Mr. President, in
7 English -- that is, E3/88, that's the book of Shawcross, William
8 Shawcross, called Sideshow -- he writes the following, and I'll
9 read it slowly for the interpreters: "Lon Nol was being advised
10 by Indonesian officers. Rather as Suharto had unleashed hatred of
11 the Chinese population after the coup against Sukarno, so Lon Nol
12 tried to compensate for lack of peasant support by exploiting the
13 Khmers' traditional fear of the Vietnamese." End of quote.

14 This scholar speaks about 1970, and he talks about, "the Khmers'
15 traditional fear of the Vietnamese." Is that something from your
16 experience or memory that sounds familiar? Or not really?

17 [13.46.10]

18 MR. PRESIDENT:

19 Witness, please be hold on. Now the floor is given to <the>
20 International Co-Deputy Prosecutor.

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. I don't see this document on the
23 interface, or on the list of documents on the interface.

24 <Furthermore, I believe> this question <about> the fear of the
25 Vietnamese could be put without <necessarily needing to> refer to

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1 any author or <compare it with> Indonesia, which is way beyond
2 the witness's grasp. I don't object<, therefore, to <the>
3 question <about> fear of the Vietnamese <as such>, but <using
4 Shawcross's> work<, I don't see - I don't see it on the list. And
5 I don't think it's necessary to use it, either>.

6 BY MR. KOPPE:

7 I have no problem in not asking about the excerpt, Mr. President.
8 Let me just only focus on that last sentence, which one can also
9 find by the way -- and I will come to that -- in Elizabeth
10 Becker's book.

11 Q. Was there in 1970, or maybe also before and after, something
12 that this scholar refers to as the Khmer traditional fear of the
13 Vietnamese people?

14 (Short pause)

15 [13.48.03]

16 MR. PRESIDENT:

17 Defence Counsel, please repeat your question. I think the witness
18 may not understand your question. So please put your questions
19 clearly to the witness, and make your questions short and precise
20 and simple, because there's a <> lack of understanding of the
21 complicated question to the ordinary person. So the questions
22 should be simple, short and precise.

23 BY MR. KOPPE:

24 Q. Mr. Witness, is your -- was it in your experience in the time
25 of Lon Nol the situation that people were scared of the

1 Vietnamese? People in the Lon Nol time were afraid of Vietnamese?

2 MR. Y VUN:

3 A. I heard about that. I heard that there was fear of the
4 Vietnamese people, who would take our land. And during the Lon
5 Nol regime, <when> the Vietnamese came to live in Cambodia, <>
6 they were required to pay for the "lan tay". If they did not pay
7 for the "lan tay", they would be arrested. That's what I heard.

8 [13.49.42]

9 Q. One last point, Mr. Witness, and that was caused by a question
10 of the Prosecution before the break. He was asking you about
11 differences in complexion or skin colour of Khmer people. That's
12 why I would like to read a small excerpt again. I will do it very
13 slowly, and then I would like to ask your reaction. If it's too
14 complicated, please do not hesitate to tell me.

15 Mr. President, I'm going to be reading a very short excerpt from
16 Elizabeth Becker's book again, E3/20; Khmer, 00232167; French,
17 006388 -- sorry, 00638398; and English, 00237831.

18 Mr. Witness, this American journalist, also seen as an expert,
19 says the following: "The educated elite of the country finally
20 began to comprehend the scope of Lon Nol's holy war. They had not
21 taken part in the pogroms, nor had they actively protested them."

22 Mr. Witness, then the author says something very complicated, but
23 then she says the following: "Few Cambodians are pure in the
24 sense Lon Nol meant to put into law. While Cambodians are largely
25 from the same racial stock, many have mixed ancestors. Besides

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1 Vietnamese and Chinese ancestors, Khmers can also -- can have
2 relatives from groups as varied as the Portuguese, Indian and
3 Indonesian." End of quote. So what the author, Mr. Witness, seems
4 to be saying is that it is in fact impossible to determine on the
5 complexion of the skin whether someone is Khmer or from
6 Vietnamese origin, or from any origin. Is that something that you
7 agree with?

8 [13.53.17]

9 MR. PRESIDENT:

10 (No interpretation)

11 MS. GUIRAUD:

12 Thank you, Mr. President. Just a comment: it seems that in the
13 excerpt that was read out, nothing speaks about <people's skin
14 or> the colour of <their> skin <>. So I believe that my colleague
15 is <interpreting,> extrapolating<, but the> excerpt <> does not
16 say what he <thinks it says>. There's no <mention> of <skin
17 colour> in this excerpt.

18 MR. PRESIDENT:

19 (No interpretation)

20 [13.53.51]

21 MR. DE WILDE D'ESTMAEL:

22 And <for the sake of completeness, because earlier> Counsel Koppe
23 suggested that I <had asked> questions about <complexion,> the
24 differences in skin colour between the Vietnamese and the Khmer,
25 when<, in fact, I had asked the question> about the Chinese

1 person who <had> survived the <> Khsach <massacre, to be
2 completely accurate. Thank you.>

3 BY MR. KOPPE:

4 I have my notes here of this morning, Mr. President. The question
5 is: "Was her complexion fair?" And then I had an objection, and
6 then the Prosecution even said: "At the time in the countryside,
7 there were no products to make your skin clearer." So he was --
8 he seemed to make a distinction on, or at least the argument,
9 that you can see on the basis of the skin colour if somebody --
10 someone is Vietnamese, yes or no. It's indeed not in the excerpt,
11 but it was what prompted me to read this excerpt from the Court's
12 expert to this witness.

13 Q. But my question is -- I can be simple in my question. Isn't it
14 true, Mr. Witness, that it is impossible to see from someone's
15 complexion whether he is Khmer or of mixed origin?

16 MR. Y VUN:

17 A. <Among> the Khmer, the Chinese, and the Vietnamese<, it was
18 observed that> the Vietnamese and the Chinese <were practising>
19 their traditional <rituals during their traditional seasons; and
20 for this reason,> they <were either accused of being Chinese or
21 Vietnamese>.

22 [13.56.17]

23 Q. Is your answer implying that it is indeed not possible to see
24 from someone's skin complexion whether he is Khmer or has
25 Vietnamese origins?

1 A. Yes, that is right.

2 Q. Thank you, Mr. Witness. Let me now go to the day you
3 described, the day in 1978. In your statement to the
4 investigators, you said that they forbid people from walking
5 nearby the pagoda, Wat Khsach. When you said they forbid people
6 to come close to the pagoda, who is "they"? Who -- who were you
7 referring to when you said that they -- that people were not
8 allowed to be near the pagoda? Who is "they"?

9 [13.57.43]

10 MR. PRESIDENT:

11 Mr. Witness, please hold on. The floor now is given to <the>
12 International Co-Deputy Prosecutor.

13 MR. DE WILDE D'ESTMAEL:

14 I am <rising on an> exceptional <basis, Mr. President, on> this
15 <> point, because the lawyer is doing what he <is constantly
16 criticizing> other Parties for doing -- that is to say, reading
17 an excerpt without <having asked> any open questions to the
18 witness concerning <this> possible prohibition <on> moving around
19 the pagoda<, and is going directly -- he takes that for a fact,
20 and then asks <other> questions. So <I would simply> like the
21 defence lawyer to be consistent<> and either <to> ask<> an open
22 question or <to> stop <raising objections when> other Parties
23 <follow> this <type of> practice.

24 BY MR. KOPPE:

25 Mr. President, I think the witness already extensively talked

1 about not daring to go to the pagoda. This morning he said that
2 only after three days he dared to go. So I think the Prosecution
3 has covered that particular issue. That's why I went straight to
4 his own statement, but I have no problem in asking it in an open
5 form.

6 Q. Mr. Witness, do you know whether it was prohibited or
7 forbidden to come close to the pagoda in the time that you
8 described this morning?

9 MR. Y VUN:

10 A. Yes, it was forbidden to <enter the area,> It was the commune
11 chief who <> prohibited people from going <into> the pagoda. <It
12 was a restricted area.>

13 [13.59.50]

14 Q. Was it only he, or were there also other people who prohibited
15 people from coming close to the pagoda?

16 A. It was the people who worked for the commune chief.

17 Q. So then, did the commune chief have people patrolling around
18 the pagoda, in order to make sure that the villagers would not
19 come close?

20 A. Yes, that's correct.

21 Q. Did it ever happen, before the events that you described this
22 morning, that you were walking close to the pagoda and that you
23 were stopped by those people, and that you were sent back?

24 A. <Of course, we were prohibited>.

25 [14.01.13]

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1 Q. But did you ever -- were you ever sent back? Were you ever too
2 close to the pagoda, and then a guard who was on patrol, or
3 someone who was on patrol, would tell you to go away?

4 A. My house was close to the pagoda, and I met them.

5 Q. How long were those people who were patrolling in that area,
6 from the very beginning, in 1975? Or did that come later? When
7 was the order from the village or commune chief that people
8 cannot come close?

9 A. <The patrol was carried out> every day.

10 Q. Now this morning, you said that three days after you heard the
11 sound of screaming, you were close to the pagoda, and that you
12 saw certain things. Can you explain to me how it was possible
13 that three days after the events, you were able to get close to
14 the pagoda?

15 A. Three days later, I was <searching for> cows, and then I saw a
16 pit, the pit where the corpses were buried. I saw <a> bamboo club
17 <that was used to beat people>. I went there only once, and I
18 <did not dare go> there again.

19 MR. PRESIDENT:

20 Witness, you are not responding to the question by the defence
21 counsel. So could you please listen to the question, and then you
22 respond to the question only. So you should wait until you
23 understand the question. Otherwise, your response will not be
24 helpful for the Court, because you are not responding to the
25 question. Counsel Koppe, could you please <repeat> your question,

1 because the witness did not respond to your question earlier?

2 [14.04.10]

3 BY MR.KOPPE:

4 Q. Of course, Mr. President. Mr. Witness, you said that the
5 village chief had appointed guards who were patrolling the
6 pagoda, and that no one dared to come close to the pagoda. You
7 were not allowed to be close to the pagoda. Yet you say three
8 days after the events, you did -- you were close to the pagoda.
9 You saw things. Were you not stopped by these guards?

10 MR. Y VUN:

11 A. <I> did not notice <any guards when I went> there to look for
12 <my> cows <on that day>.

13 [14.05.25]

14 Q. Let me now go back to the village chief who issued the order,
15 or who was -- who was somehow responsible for those guards. Was
16 that the person that you earlier referred to as Chief Soy?

17 A. Soy was the village chief.

18 Q. Do you know if chief Soy ever spoke to people of the commune,
19 one level up? Did you ever see him speak to members of the
20 commune committee?

21 A. No. I did not witness any discussion, but <it was> the commune
22 chief who made the order.

23 Q. Did you ever see him speak to members of one level up, the
24 district? Did you ever see him speak with people from the
25 district committee?

1 [14.07.00]

2 A. No, I did not see that.

3 Q. Yet, to the investigators and also this morning, you said that
4 he received his orders from "the upper echelon". What is the
5 source of your -- your conclusion that he received his order from
6 the "upper echelon"?

7 A. I heard from others <> that <only after they had received> the
8 order <> from the upper echelon <did they dare to do something>.

9 Q. But did the villagers tell you how they knew? Or was it
10 hearsay from them as well?

11 A. I heard <that> from <both> the villagers <> and <those people>
12 themselves.

13 Q. Can you explain to the Court what kind of person Chief Soy
14 was? What kind of man was he? Was he a cruel man? Or was he --
15 where was he from originally? Who was he?

16 A. He was not a cruel person. He was from Yeang village.

17 [14.08.50]

18 Q. And what else do you remember about him?

19 A. I don't recall any further details because Soy died a long
20 time ago.

21 Q. Have you ever heard whether he was someone who didn't like
22 Vietnamese people?

23 A. No, I <haven't heard> that.

24 Q. Now some -- a very few questions I have now about Chantha.

25 When the -- what was she -- was she working in a mobile unit? And

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1 if yes, did you ever see her work there?

2 A. I used to see her at a mobile unit.

3 Q. Did you see her when she was called for a study session?

4 A. Yes, I did. She was called for a study session. <It was a
5 woman by the name of> Yeay Tin (phonetic), who called her for
6 that purpose.

7 Q. Do you know why her grandparents were not also requested to
8 attend a study session?

9 A. I don't know about that.

10 Q. My last question, Mr. Witness: have you ever heard of an
11 uprising in Chi Kraeng district during which two Khmer Rouge
12 cadres were killed?

13 A. Yes, I heard about that. In Chi Kreang district, one of the
14 female cadres <named Comrade Kham> (phonetic), was killed.

15 [14.11.48]

16 Q. Do you know why that was? Why did that happen?

17 A. I don't know what it was, that uprising. I don't know the
18 reason why they did that.

19 Q. Did this -- this cadre that got killed, was that someone who
20 had any connections with Chief Soy?

21 A. No, <the cadre had no connection with> village chief Soy. <>
22 Soy was in a different village.

23 MR. KOPPE:

24 Thank you very much, Mr. Witness. Thank you, Mr. President.

25 MR. PRESIDENT:

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1 Thank you. Before giving the floor to the defence counsel for
2 Khieu Samphan, Judge Lavergne may have questions. So you may
3 proceed, Judge Lavergne.

4 [14.13.18]

5 JUDGE LAVERGNE:

6 Thank you, Mr. President. I don't have any questions for the
7 witness<.> I would <simply> like Mr. Koppe<,> if he can,> to tell
8 the Chamber whether he has any documents that would deal with
9 <this> uprising in <> Chi Kraeng <district>.

10 (Short pause)

11 [14.13.59]

12 MR. KOPPE:

13 Yes, I do. It's a -- it's somewhere in the pile. It's a rogatory
14 report made up by the investigators of the Co-Investigating
15 Judges. It's somewhere here. I am happy to provide that to you,
16 Judge Lavergne, at one point.

17 MR. PRESIDENT:

18 Thank you. Now the floor is given to the defence counsel for
19 Khieu Samphan to put questions for this witness. Now you may
20 proceed.

21 [14.14.41]

22 MR. KONG SAM ONN:

23 For the defence counsel for Khieu Samphan, we have no questions
24 to put to this witness. Thank you, Mr. President.

25 [14.14.56]

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1 MR. PRESIDENT:

2 Now <> the testimony of Y Vun <has> come to an end. Thank you,
3 Mr. Y Vun for your time, testifying for one day, and your
4 testimony may contribute to the ascertaining of the truth. You
5 are now excused. You may go back to your residence, or to any
6 destination you wish. We wish you good luck, good health and a
7 safe trip.

8 And Court officer and staff of the Witness Support Section,
9 coordinate his trip to go back to his residence.

10 We don't have a reserve witness for today. And the Trial Chamber
11 will adjourn for today, and the hearing will start tomorrow, <on
12 Wednesday, 16 December 2015, at 9 a.m.>

13 Mr. Koppe, you may have the floor to address the Court.

14 MR. KOPPE:

15 Thank you, Mr. President. Two things: the document that was just
16 asked for is E3/8327. It's English ERN 00233308; French,
17 00242029; and Khmer, 00224683. And it is a report of execution of
18 rogatory letter, dated 19 September 2008.

19 And the other thing, Mr. President: this morning I sent an email
20 to the Senior Legal Officer in respect of very brief oral
21 submissions I would like to make either today or tomorrow. Of
22 course, that's up to you. There's no hurry. But if you allow me,
23 I can make them now or at another stage.

24 [14.17.08]

25 MR. PRESIDENT:

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1 Yes, you can provide us with that tomorrow.

2 (Short pause)

3 [14.17.31]

4 MR. PRESIDENT:

5 And during tomorrow's proceedings, the Trial Chamber will hear
6 the testimony of witness 2-TCW-1000. Parties are invited to this
7 proceeding.

8 Court -- security personnel are instructed to bring Khieu Samphan
9 and Nuon Chea back to the detention facility, and have them back
10 tomorrow before 9 o'clock.

11 The Court is adjourned.

12 (Court adjourns at 1418H)

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