



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
 ថ្ងៃ ខែ ឆ្នាំ (Date): 09-June-2016, 08:43  
**Sann Rada**  
 CMS/CFD:.....

**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 REDACTED

Case File N° 002/19-09-2007-ECCC/TC

18 January 2016  
 Trial Day 358

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

The Accused: NUON Chea  
 KHIEU Samphan

Lawyers for the Accused:  
 Victor KOPPE  
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For Court Management Section:  
 UCH Arun

## I N D E X

## Ms. YOU Vann (2-TCW-894)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. PRAK Yut (2-TCW-938)	Khmer
Ms. YOU Vann (2-TCW-894)	Khmer

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue in camera hearing of testimony  
6 of You Vann, and then we will commence hearing testimony of  
7 another witness, that is, 2-TCW-938.

8 After conclusion of hearing testimony of You Vann, we hear the  
9 request by Nuon Chea's defence for the removal of Witness,  
10 2-TCW-989, on the fact of the treatment of the former soldiers of  
11 the Khmer Republic.

12 The Chamber would also like to inform the Parties that, for  
13 today's proceedings as well as the following days, Judge Lavergne  
14 is not able to participate due to personal reasons and, after the  
15 Bench deliberate, Judge Martin Karopkin is appointed to replace  
16 Judge Lavergne's position until he is able to return to the  
17 Bench. And this is pursuant to Rule 79.4 of ECCC Internal Rules.

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

20 [09.07.51]

21 THE GREFFIER:

22 Mr. President, for today's proceedings, all Parties to this case  
23 are present.

24 Mr. Nuon Chea is present in the holding cell downstairs. He has  
25 waived his right to be present in the courtroom. The waiver has

2

1 been delivered to the greffier.

2 The witness who is to conclude her testimony today, that is,  
3 Madam You Vann, as well as Mam Rithea, her duty counsel, are  
4 present in the courtroom.

5 We also have a reserve witness today, namely, 2-TCW-938, who  
6 confirms that to her best knowledge, she has no relationship, by  
7 blood or by law, to any of the two Accused, that is, Nuon Chea  
8 and Khieu Samphan, or to any of the civil parties admitted in  
9 this case.

10 The witness will take an oath before the Iron Club Statue this  
11 morning. She also has Mam Rithea as her duty counsel.

12 [09.08.57]

13 MR. PRESIDENT:

14 Thank you, Ms. Chea Sivhoang. And the Chamber now decides on the  
15 request by Nuon Chea.

16 The Chamber has received a waiver from Nuon Chea dating -- dated  
17 18 January 2016, which states that, due to his health, headache,  
18 back pain, he cannot sit or concentrate for long. And in order to  
19 effectively participate in future hearings, he requests to waive  
20 his right to be present at the 18 January 2016 hearing.

21 He affirms that his counsel has advised him about the  
22 consequences of this waiver, that it cannot in any account be  
23 construed as a waiver of his rights to be tried fairly or to  
24 challenge evidence presented to or admitted by this Court at any  
25 time during this trial.

1 [09.09.52]

2 Having seen the medical report of Nuon Chea by the duty doctor  
3 for the Accused at ECCC, dated 18 January 2016, which notes that  
4 Nuon Chea has back pain when he sits for long and recommends that  
5 the Chamber grant him his request so that he can follow the  
6 proceedings remotely from the holding cell downstairs, based on  
7 the above information and pursuant to Rule 81.5, of the ECCC  
8 Internal Rules, the Chamber grants Nuon Chea his request to  
9 follow today's proceedings remotely from the holding cell  
10 downstairs via audio-visual means.

11 [09.10.32]

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

15 And the Chamber would also like to inform the Parties that,  
16 today, the witness has another duty counsel, that is, Mam Rithea,  
17 in place of Counsel Moeurn Sovann.

18 And the Chamber would like now to give the floor to the Lead  
19 Co-Lawyers for civil parties to conclude her -- your questioning,  
20 and you have 10 minutes to do so.

21 QUESTIONING BY MS. GUIRAUD RESUMES:

22 Thank you, Mr. President. Good morning, everyone. Good morning,  
23 Witness.

24 Q. Last week, you confirmed that you were deputy chief of Ro'ang  
25 commune as of the time when you arrived in Kampong Siem district.

1 I would like to know whether the villagers in Ro'ang commune were  
2 able to move about freely in the commune.

3 MS. YOU VANN:

4 A. No, I did not. I was busy working in the plantation or in the  
5 rice fields.

6 [09.12.06]

7 Q. I will repeat my question because I am not sure you properly  
8 understood it. As for villagers in Ro'ang commune, were they able  
9 to move about freely from one village to another within the  
10 commune, or there were limitations to their movements?

11 A. There was no such prohibition. However, they were busy and  
12 they actually worked on a rotational basis, for example, during  
13 the day work and during the night shift.

14 Q. Were the inhabitants able to move about freely from one  
15 commune to the other when they were not working?

16 A. They were not allowed to travel.

17 [09.13.27]

18 Q. To the best of your recollection, during that period, was  
19 there a system in place authorizing people to move about, a  
20 system whereby permits were issued for people to move about?

21 A. Yes, there was. Actually, village chiefs would issue  
22 authorization letters for the villagers to travel, and the permit  
23 would allow them to travel between three to seven days.

24 Q. What were the reasons justifying the issuance of a permit?

25 A. Because they were required to return to do their work in the

1 villages.

2 Q. Were the travel permits related solely to the work that the  
3 inhabitants had to do?

4 A. The authorization letters were issued for people to travel  
5 crossing from one village to another, so upon arrival at another  
6 village, the person would be given the food to eat by the  
7 villager -- rather, by the village chief.

8 Q. Were all the inhabitants, regardless of who they were, able to  
9 obtain those travel permits, or was there a category of workers  
10 who could not be granted such travel permits?

11 A. If one was to make such a request, the request would normally  
12 be granted.

13 Q. Was it possible to request authorization to go and visit one's  
14 family, one's husband or one's wife?

15 A. Yes, that was a possibility.

16 [09.16.23]

17 Q. Thank you. Last week, you also stated and confirmed that you  
18 were the chief of a mobile unit consisting of 200 workers. May I  
19 know whether the -- can you tell us where the workers who worked  
20 under your authority slept?

21 A. They rested at different locations, namely, Prey Chakkrei, and  
22 later on, the Vietnamese arrived.

23 Q. Were the workers under your responsibility allowed to move  
24 away from where they were sleeping once they had completed their  
25 work, that is, to go to another commune or to some other place?



6

1 A. Yes, they could. They could even go to visit their houses,  
2 depending on what was stated in the travel permit.

3 [09.17.45]

4 Q. During that period, did you know what would happen to someone  
5 who was arrested without having on them the travel permit?

6 A. I did not know about that.

7 Q. When you were the chief of a mobile unit, did you have to  
8 submit reports to the upper echelons; and if yes, on what  
9 subject?

10 A. There was a mechanism in place for me to make such a report.  
11 For example, on the production and how much crop we actually  
12 cultivated, for instance. And I made such a report to Prak Yut.

13 Q. When you said that there was a mechanism in place, can you  
14 explain to the Chamber what that mechanism consisted of, exactly?

15 A. I reported about those who could engage in the rice fields and  
16 those who could not, and how many sick people in my unit, for  
17 instance.

18 Q. Did you receive any instructions from Prak Yut, as you named  
19 him in your answer to submit reports on the categories? Was he  
20 the person who told you what kind of information you had to  
21 include in your report?

22 A. No, that was the only explanation she gave.

23 [09.20.05]

24 Q. I am not sure I quite understood your answer. Was it Prak Yut  
25 who asked you to include the information you referred to,

7

1 including information regarding persons who were ill in your  
2 unit?

3 Was it Prak Yut who asked you to include such information in the  
4 reports you submitted to her?

5 A. Allow me to clarify the issue. It was Prak Yut who asked me to  
6 report if we did not have sufficient rice to eat because, at that  
7 time, we ate communally. And if there was a shortage of rice,  
8 then I had to report to her to let her know about that issue.

9 Q. You referred to persons who were ill and whose names had to be  
10 included in the report.

11 Were there many persons who were ill in your unit?

12 [09.21.28]

13 A. For example, there were two or three people who became sick  
14 every day, and then they would be sent to the district hospital.

15 Q. Do you know why you had to include in your report -- and this  
16 would be my last question -- the issue of persons who were sick  
17 in your reports to Prak Yut? Did she ever give you any  
18 explanation as to why you had to include them in your reports?

19 A. I made my report so that the workers would be sent to be  
20 treated at hospital. And after recovery, they would return to  
21 work in my unit again.

22 MS. GUIRAUD:

23 Thank you, Madam Witness. I have no further questions for the  
24 witness, Mr. President.

25 MR. PRESIDENT:

8

1 Thank you. And the floor is now given to the defence teams, first  
2 to the defence team for Nuon Chea, so their counsel can put  
3 questions to the witness.

4 You may proceed, Counsel.

5 [09.22.50]

6 QUESTIONING BY MR. KOPPE:

7 Thank you, Mr. President. Good morning, Your Honours. Good  
8 morning, Madam Witness. I have some questions that I would like  
9 to put to you this morning on behalf of Nuon Chea.

10 Q. Let me start by asking you a question of clarification as to  
11 your age. In one of your statements to the investigator, you said  
12 you were not born in 1952 but, rather, in 1957. And last week,  
13 you testified that you were 55 years old, which would indicate  
14 that you were born in 1960.

15 Could you tell me what year it was that you were born, 1952, 1957  
16 or 1960?

17 [09.24.12]

18 MS. YOU VANN:

19 A. When I request for my identity card to be made, the commune  
20 chief made a mistake regarding my age. However, I kept it as it  
21 is indicated on my identity card.

22 Q. I understand. But what is the real -- the true year of your  
23 birth? Which year were you really born?

24 A. No, I don't. However, my mother told me that it was 1952.

25 Q. Thank you, Madam Witness. In one of your statements, you also

1 said that in 1975, you were a military doctor in Kampot. What did  
2 you mean when you said that you were a military doctor?

3 A. That is correct.

4 Q. Thank you. But my question is, what did these -- what did this  
5 position entail? What did you do as a military doctor? What were  
6 your tasks?

7 A. My responsibility was to carry the wounded from the  
8 battlefield where soldiers were engaging with the Lon Nol  
9 soldiers, and then I took them to the hospital. And I did not  
10 know what they would be doing next.

11 Q. I see. Would it be fair to say that you were rather a nurse  
12 than a doctor?

13 A. Yes, that is correct.

14 Q. And when you became a member of the sewing unit, were you  
15 still also working as a nurse, or had you stopped working as a  
16 nurse?

17 A. Actually, I stopped being a medic at the time because Prak Yut  
18 assigned me to the sewing unit.

19 Q. In those years when you were in Kampot between at least 1975  
20 and early 1977, were you close--

21 [09.27.52]

22 MR. FARR:

23 Excuse me, Mr. President. The date just offered, the second date,  
24 that she was in Kampot until early 1977, I'm not sure that's been  
25 established by the witness as evidence.

10

1 BY MR. KOPPE:

2 I think she said January '77. She also says March '77. In any  
3 case, both is early '77, but I'm happy to -- to ask because I was  
4 a little bit unclear as well.

5 Q. Madam Witness, when was it, exactly, that you left from Kampot  
6 to -- to go to Kampong Cham province? Was that in January '77,  
7 was it in February '77, maybe in March '77? Do you remember an  
8 exact date?

9 [09.29.01]

10 MS. YOU VANN:

11 A. I do not recall that.

12 Q. I will then rephrase my question, Madam Witness. In the period  
13 of time, at least from 1975, when you were in Kampot, were you  
14 someone who worked closely with Prak Yut? Were you a closely  
15 associated person in respect of Prak Yut?

16 A. No, I was not that close to her. I was a messenger, and she  
17 would use me for whatever she needed in that position.

18 Q. What can you tell me about the time that you worked as her  
19 messenger in Kampot? Can you be a little more detailed? What kind  
20 of messages -- messages would you send or would be given by her  
21 to other people? Can you be a little more elaborate on your  
22 functions as a messenger to Prak Yut?

23 A. I did not know about her affairs or what were written in the  
24 letter because the letter was put in the envelope, and it -- and  
25 they were sent to different communes, so I did not know what were

11

1 written in the letter. As I told you, the letters were enveloped.

2 [09.31.19]

3 Q. You're talking about the letters that she sent to members of  
4 the communes in Kampot.

5 What about letters that she sent in her capacity as district  
6 secretary upwards? Did you ever read any of her letters that she  
7 sent either to Ta Chap or Ta An, or any other person of the  
8 Sector 35 committee?

9 A. I carried the letter but, as I told you, the letters were also  
10 enveloped.

11 Q. So you had no idea what the content of any of her  
12 communications was in the period when you were working as her  
13 messenger in Kampot. Is that correct?

14 A. Yes, that is correct.

15 [09.32.40]

16 Q. Can you tell us what you know about what happened with former  
17 Lon Nol officials or former Lon Nol soldiers in Kampot as of 17  
18 April '75? What happened to these people? Do you know?

19 A. I did not know because I was based in rural areas.

20 Q. Let me read to you something Prak Yut said in this very  
21 courtroom on the 26th of January 2012. That is E1/34.1 at 14.41.  
22 She's asked a question by the Prosecution about what was to be  
23 done with former Lon Nol officers and soldiers, and she said,  
24 quote, at 14.41:

25 "I received these orders from Ta Chap. I was told to help

12

1 re-educate former officials at communes and districts and  
2 villages, rather."

3 So witness, she's saying that former Lon Nol officials and  
4 soldiers in Kampot district were to be re-educated. Is that  
5 something that might somehow refresh your memory in regards to  
6 treatment of former Lon Nol officials and soldiers?

7 A. I was not interested in that. I was assigned to do the list so  
8 I simply followed the order.

9 [09.35.15]

10 Q. I'm -- maybe my question wasn't clear, but -- well, I think it  
11 was, actually, clear. You're referring to a list, but that was  
12 something you did in Kampong Siem in Sector 41, somewhere in  
13 1977.

14 I was asking you about the treatment of former Lon Nol officials  
15 and soldiers in your previous district, Kampot. And I read to you  
16 something Prak Yut has testified to in this very Trial Chamber,  
17 this very courtroom.

18 And she said that the idea was to re-educate former Lon Nol  
19 officials and soldiers.

20 So my question, again, limited to Kampot, does her testimony  
21 somehow refresh your memory as what was supposed to happen in  
22 Kampot with former Lon Nol officials and soldiers?

23 A. She did not explain that to me.

24 [09.36.43]

25 Q. Fine. Let me see if -- if there might have been other sources

13

1 of potential information on your side in this respect. Have you  
2 ever heard of a meeting in 1975, just after the liberation in  
3 April '75, to which all cadres in the Southwest Zone attended and  
4 in which it was explicitly stated by Ta Mok that the ranking Lon  
5 Nol soldiers from lieutenant up until colonel were not to be  
6 harmed?

7 Have you ever heard anything about this, or did you may even  
8 attend that meeting yourself?

9 A. No, I did not hear about this because it was the affairs  
10 concerning the people in the upper echelon.

11 Q. So what you're saying, in relation to any possible policy  
12 toward former Lon Nol officials and soldiers in Kampot, you  
13 cannot really say anything because you were too low in rank.  
14 Correct?

15 A. Yes, that is correct.

16 Q. Now, last week you testified about the arrest of former Lon  
17 Nol soldiers and officials in Kampong Siem district, and you  
18 seemed to know something about that.

19 What was it that changed? Why were you in a position to say  
20 something about Lon Nol officials and soldiers when you were in  
21 Kampong Siem district, and why are you not able to say anything  
22 as to what happened to them when you were in Kampot district?

23 What's -- what's the difference between the two?

24 [09.39.36]

25 A. Because when I was in Kampot, I was not the commune chief. I



14

1 was simply a messenger. And when I was assigned to Kampong Cham,  
2 I had three roles, as the mobile unit chief and as the deputy  
3 commune. And the third role was to make lists.

4 Q. Okay. Thank you, Madam Witness, for that answer. Before I move  
5 to the events in Kampong Siem, let me ask you one question about  
6 Prak Yut's husband.

7 You spoke briefly about him last week. I believe you referred to  
8 him as a military chief.

9 Do you know what his exact military position was?

10 A. I did not know because I was in a lower rank position than  
11 him. I knew that he's the district chief and the nephew of the  
12 district chief is the military chief. But I did not know about  
13 his rank.

14 [09.41.24]

15 Q. Have you ever heard that he was a -- at one point in time, a  
16 regiment commander of Sector 35?

17 A. I heard about this. Each time when I went to Ta Chap's place,  
18 I heard about this, but I did not know him.

19 Q. I understand. But are you -- are you confirming that he was,  
20 indeed, a regiment commander in Sector 35?

21 A. Yes, that is correct. But I did not see his face.

22 Q. Fine. Do you know what the relation was between Prak Yut's  
23 husband, Am, and Ta Chap? Was there any connection between Ta  
24 Chap and Am, Prak Yut's husband?

25 A. I saw him around when I went to send the letters, but I did

15

1 not know more than that.

2 Q. What, exactly, do you mean? Did you send letters from Am to  
3 Chap as well?

4 A. No. He had his own personal messenger.

5 [09.43.49]

6 Q. In the interests of time, I will move on now, Madam Witness.

7 And I'll be asking you now some questions about your testimony of  
8 last week, especially about that list that you spoke about.

9 First of all, I would like to know how many people were exactly,  
10 to your recollection, on that list.

11 Last week, you spoke about 300 people being on that list.

12 However, in your statement, that is, E3/9500, question and answer  
13 33, you said, "To the best of my knowledge, around 200 to 300  
14 people had their names recorded."

15 So my question to you is, in your recollection, was it 300 people  
16 or, rather, 200 people?

17 A. Based on my estimation, it's somewhere between 200 and 300  
18 people.

19 Q. Is there any reason why you say between 200 and 300, and not,  
20 for instance, between 100 and 200? What was it -- what is it that  
21 makes you say between 200 and 300?

22 [09.45.50]

23 A. I could not get your question.

24 Q. It's fine. I'm move on, Madam Witness.

25 Now, when asked a question about this list from Prosecution, you

16

1 said that this list that we discussed last week was a list of  
2 people, "for all of Kampong Siem district". That is at 15.05, Mr.  
3 President. So can you confirm that the list of 200 to 300 people  
4 was, indeed, for all of Kampong Siem district?

5 A. Yes, the list of all Kampong Siem district.

6 Q. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] am I now to understand? So 200 to 300  
10 people for all Kampong Siem district.

11 Now, last week, when you were asked about how this list was  
12 composed, you said there were former -- there were former Lon Nol  
13 soldiers on it, there were Cham on it. And you also said there  
14 were Vietnamese on it.

15 But on this list, were there also the names of former village and  
16 commune chiefs on it?

17 A. Yes, there were.

18 Q. The Lead Co-Lawyer for the civil parties last week tried to  
19 ask you questions about how many of which category were on that  
20 list. I would like to give it another try. Let's start with the  
21 former village and commune chiefs. Were all former village and  
22 commune chiefs of Kampong Siem on that list?

23 [09.49.03]

24 A. No, I did not know in details. I simply knew about their  
25 making in total numbers of those people from each communes and

1 village.

2 Q. Well, let's start with the commune chiefs. In your  
3 recollection, were all or most commune chiefs on that list?

4 A. Yes, they were.

5 Q. Were all or at least most village chiefs on that list?

6 A. Yes, they were also on the list.

7 [09.50.20]

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Do you remember how many communes and how many villages there  
14 were on Kampong Siem district?

15 A. Regarding the number of village in the district, I did not  
16 know the number. I was called by the district office to go and  
17 make the list, so I simply followed the order and make the list.

18 Q. Let's focus on the two communes that you had a function in,  
19 Kokor and Ro'ang. How many villages were the in Ro'ang?

20 A. In Kokor, it has seven village, and Ro'ang has nine village.

21 Q. So were all village chiefs of Kokor and all village chiefs of  
22 Ro'ang commune on that list?

23 A. Yes, they were.

24 Q. And is it your recollection that most likely most of the  
25 village chiefs of the other communes were on that list as well?

18

1 A. Yes, they were also on the list.

2 [09.53.05]

3 Q. It's difficult for me to give an exact number of all the  
4 villages in all the communes in Kampong Siem district, but is it  
5 fair for me to say that, of the list of 200 to 300 people, most  
6 names belonged to village chiefs or commune chiefs?

7 A. Yes, it was the name of village chiefs who were recorded.

8 Q. So the names of Cham, Vietnamese and former Lon Nol officials  
9 and soldiers were in the minority on that list; correct?

10 A. Yes, but I could not recall the exact number.

11 [09.54.35]

12 Q. That's no problem, Madam Witness. Now, you testified earlier  
13 that you're not quite sure as to the reasons why these people,  
14 mostly commune chiefs and village chiefs, and some Cham, etc.,  
15 were on the list. But I would like to ask you to give it another  
16 try.

17 What was it that these people might have done wrong? Why were  
18 they put on this list to be arrested? What was the reason? Can  
19 you give us some more insight, please?

20 MR. FARR:

21 Your Honour, the phrasing of that question is calling for  
22 speculation. He's asked the witness what might be the reason that  
23 these people's names were on the list. That's not a question  
24 about the witness' knowledge. That's an invention to -- to guess.

25 BY MR. KOPPE:

19

1 I'm very happy to delete the word "might" and replace it by "is".

2 Q. Madam Witness, your memory, your recollection, what was the  
3 reason that these former village chiefs and commune chiefs and  
4 Cham people and former Lon Nol people had done wrong? What was  
5 the reason that they were put on that list?

6 [09.56.22]

7 MR. FARR:

8 Your Honour, an objection to this question as well. I think it's  
9 dealing with too many topics at the same time. The reasons could  
10 well be different for former village and commune chiefs versus  
11 Lon Nol soldiers versus Cham. And in addition -- well, there's  
12 one more point. In addition, there's an assumption in the  
13 question that the people had done something wrong. That's  
14 assuming a fact that is not yet in evidence.

15 BY MR. KOPPE:

16 I'm happy to rephrase, Mr. President. No problem.

17 Q. Madam Witness, what was the reason, in your recollection, that  
18 most former village and commune chiefs were put on that list? Was  
19 it because they had done something wrong and, if yes, what was  
20 that?

21 [09.57.39]

22 MS. YOU VANN:

23 A. I did not understand. Prak Yut ordered me to make the list.

24 Q. She just ordered you to make the list and didn't give any  
25 explanation? Is that what you're saying?

1 A. Yes, that's correct.

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [09.59.51]

15 MR. FARR:

16 Your Honour, again, this is being dealt with in a compound  
17 fashion. Counsel is assuming that everyone who's on the list was  
18 on the list for the same reason. Again, there may be different  
19 reasons for different groups to be on the list, so he needs to  
20 address them one at a time.

21 Why were the village chiefs on the list? Why were on the Cham on  
22 the list? Why were the Vietnamese on the list?

23 MR. KOPPE:

24 Of course, I would be happy to do that, but I only have one hour  
25 and a half for this witness. But--

21

1 MR. FARR:

2 Well, Your Honour, this is a key point. This goes to the very  
3 centrality of these charges. This is not a tangential matter, and  
4 it needs to be dealt with properly.

5 [10.00.34]

6 BY MR. KOPPE:

7 I agree completely. I was just complaining I only have one hour  
8 and a half, but I will do it anyway, Mr. President.

9 Q. Madam Witness, in your recollection, were the former village  
10 and commune chiefs on that list because they opposed or wanted to  
11 topple the revolution?

12 MS. YOU VANN:

13 A. She used the word "cleaning up" or, rather, "purge", and --  
14 but I did not understand in more details about this.

15 Q. I understand that that word was used, but did you ever hear  
16 her or anyone else say that the former village and commune chiefs  
17 were on that list because they opposed or wanted to topple the  
18 revolution? If the answer is no, you can say "no".

19 A. I didn't understand the word "revolutionary purge", and I  
20 simply followed what I was asked to do.

21 [10.02.00]

22 Q. And to finish this particular line of questioning, did you  
23 ever hear Prak Yut say that the Cham on that list were there  
24 because they either opposed the revolution or wanted to topple  
25 the revolution?



1 A. I did not understand about an issue whether it was toppled or  
2 not. I could not understand the reasons behind her idea.

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [10.03.21]

11 Q. And to finalize, Madam Witness, have you ever heard from Prak  
12 Yut or anybody else that the Vietnamese who apparently were also  
13 on that list were there because they either opposed the  
14 revolution or wanted to topple the revolution?

15 A. No, she did not mention that to me.

16 Q. Then a more general question about this list. Have you ever  
17 heard at that time or maybe later why it was that these four  
18 seemingly different categories of people were on one list?

19 A. I did not think about that, and I did not know what they did  
20 with the names on the list.

21 Q. So you actually have no idea whatsoever what is behind this  
22 list; correct?

23 A. Yes, that is correct.

24 Q. Once this list was made and once the arrests of these people  
25 were executed, were you ever in any manner involved in their

1 interrogation? Did you ever read their statements or  
2 "confessions"?

3 Have you ever read anything of those 200 to 300 people?

4 A. I did not pay attention to that.

5 [10.06.13]

6 Q. I'm not sure what you mean when you said, "I did not pay  
7 attention to that". Does it mean you never read any of those  
8 confessions or statements, you were never involved in their  
9 interrogation? Is that what you're saying?

10 A. Because I did not know about that. That was not the line of  
11 work that I was involved.

12 Q. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 [10.07.48]

18 MR. FARR:

19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 MR. KOPPE :

2 [REDACTED]

3 MR. FARR :

4 [REDACTED]

5 BY MR. KOPPE :

6 Q. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [10.09.01]

17 JUDGE FENZ :

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. KOPPE :

22 [REDACTED]

23 [REDACTED]

24 MR. FARR :

25 [REDACTED]

1 [REDACTED]

2 [10.09.30]

3 BY MR. KOPPE:

4 [REDACTED]

5 Q. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MS. YOU VANN:

10 A. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [10.11.17]

22 Q. It's maybe a natural time to break. I have still some more  
23 questions, Mr. President.

24 Then I will continue. Madam Witness, have you ever heard when you  
25 were in Kampong Siem district anything about fighting between

1 southwest forces and something or some organization called the  
2 Khmer Sar, or the White Khmer?

3 A. I was there on the ground, but I did not -- did not know about  
4 that because I, myself, was fleeing, too.

5 Q. Have you ever heard whether Cham people formed part of this  
6 so-called White Khmer group?

7 A. No, I was not aware of that because by that time, I had moved  
8 to Sector 42.

9 [10.12.50]

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 A. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]

1 A. [REDACTED]  
2 [REDACTED]  
3 [REDACTED]

4 Q. Have you ever heard of the Sector 13 chief, Song (phonetic),  
5 and someone called Ta Muth?

6 A. No, I do not know them.

7 Q. Let me now move to my last subject, that is--  
8 [10.15.58]

9 MR. PRESIDENT:

10 Thank you, Counsel. It is now appropriate for our short break.  
11 We'll take a break now and resume at 10.30.

12 Court officer, please assist the witness at the waiting room  
13 reserved for witnesses during the break time and invite her as  
14 well as her duty counsel back into the courtroom at 10.30.

15 The Court is now in recess.

16 (Court recesses from 1016H to 1033H)

17 MR. PRESIDENT:

18 Please be seated. The Chamber is now back in session.

19 And the floor is given to the International Co-Prosecutor. You  
20 may now proceed.

21 MR. FARR:

22 Thank you, Mr. President, apologies for interrupting Counsel's  
23 examination. There's just one item I wanted to bring to Your  
24 Honours' attention that I think may need to be addressed with the  
25 witness.

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [10.34.57]  
15 BY MR. KOPPE:  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [10.37.22]

15 MS. YOU VANN:

16 A. [REDACTED]

17 [REDACTED]

18 Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



1 [REDACTED]

2 [REDACTED]

3 A. [REDACTED]

4 [10.38.53]

5 Q. [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 [REDACTED]

9 Q. [REDACTED]

10 [REDACTED]

11 A. [REDACTED]

12 [REDACTED]

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [10.40.16]

17 MR. FARR:

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 BY MR. KOPPE:

3 [REDACTED]

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 [10.42.59]

12 JUDGE FENZ:

13 [REDACTED]

14 [REDACTED]

15 MS. YOU VANN:

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [10.42.48]

22 MR. PRESIDENT:

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 BY MR. KOPPE:

8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 Q. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 A. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 Q. Thank you, Madam Witness. Now, let me move on to my last  
21 subject. It is something that you spoke about last week, as well,  
22 and that is about marriage of Cham people in Kampong Siem  
23 district. You testified [REDACTED] last week  
24 that Cham were ordered to marry fellow Cham; is that correct?

25 [10.45.45]

1 A. Yes, that is correct.

2 Q. And you also testified last Friday or Thursday, I apologize,

3 at 15.55, that Cham married during the same marriage -- same

4 ceremonies as the Khmer and you confirmed that and you said the

5 Khmer people would be placed in one row and the Cham people would

6 be placed in another row so -- and that the marriage ceremony was

7 held on the same day; is that correct?

8 A. Yes, that is correct. The Cham were on one side and the Khmer

9 on another side.

10 Q. Now, can you remember, in time, when you saw these marriage

11 ceremonies during which Cham people participated in the Kampong

12 Siem district; was that in 1977 or in 1978? How many months

13 roughly after your arrival in Kampong Siem district did you see

14 -- did you witness these Cham weddings?

15 [10.47.24]

16 A. It was one year after my arrival that I had the authority to

17 go into the district office because of my promoted position.

18 Q. So you were, yourself, as an official, involved in these Cham

19 marriages; is that correct?

20 A. Yes, that is correct.

21 Q. And did you not have any problem with the fact that there were

22 Cham people in your commune or district getting married -- that

23 there were Cham people?

24 A. Yes, they got married and they still alive until now.

25 Q. I understand that, but was that normal practice? Was that in

34

1 conformity with -- with the policy at that time that Cham, in  
2 1978, were alive and could marry whichever Cham -- other Cham  
3 they chose or preferred?

4 A. They chose their fellow Cham.

5 Q. Maybe I'm -- I'm asking it very -- in a difficult way; I -- I  
6 apologize, Madam Witness, but these Cham that you saw getting  
7 married and whose marriage you were involved, obviously, didn't  
8 have to die; is that correct?

9 [10.50.02]

10 A. Yes, that's correct because they had good background.

11 Q. So during the time that you saw these Cham people being  
12 married, there was, in your district, no policy to kill Cham  
13 because they were Cham; is that correct?

14 A. Yes, that's correct. I -- I saw them put on the list, but I  
15 did not know where they took them to, but I saw the marriage of  
16 Cham.

17 Q. In that light, is it fair to say that the Cham that were  
18 identified on your list, were identified because they might have  
19 been involved in either opposing or toppling the -- the  
20 revolution?

21 [10.51.19]

22 MR. FARR:

23 Mr. President, that's arguments and it's calling for speculation,  
24 as well. Counsel is -- is simply putting the inference that he'd  
25 like, Your Honours, to draw from the witness' evidence and going

1 beyond her knowledge.

2 MR. KOPPE:

3 It's -- it's -- I agree it's another way of getting to the same  
4 point, but I think with this particular witness, with the  
5 positions she held, she should be in a position to draw this  
6 inferences, so I think I should be able to ask that question.

7 MR. FARR:

8 Well, Your Honour, it's also already been asked. He -- he -- she  
9 was asked earlier why the -- the names were on the list and  
10 whether it was the result of having done something wrong or  
11 having made a mistake and her evidence was that she didn't know.

12 MR. KOPPE:

13 I would like you to rule on this, Mr. President.

14 MR. PRESIDENT:

15 The objection is correct because the question was not clear, so  
16 the answer cannot be given in a clearly manner. So the -- Madam  
17 Witness, you do not have to answer to this question. So,  
18 Counsel, you can ask other questions, if you have any.

19 [10.52.47]

20 BY MR. KOPPE:

21 Then I will try it in a different way. This will be my last  
22 question, Mr. President.

23 Q. Madam Witness, ever since your arrival in the Central Zone, be  
24 it early or be it mid-'77, all the way until the Vietnamese came,  
25 was there ever a change in policy when it came to the treatment

36

1 of Cham in the Central Zone or in your district, rather?

2 MS. YOU VANN:

3 A. I did not hear about his.

4 MR. KOPPE:

5 Thank you, Madam Witness. Thank you, Mr. President.

6 [10.53.47]

7 MR. PRESIDENT:

8 Judge Claudia Fenz, you have the floor.

9 QUESTIONING BY JUDGE FENZ:

10 Q. I have one additional question to the marriage subject.

11 Witness, you made it clear that Cham to Cham, marriages happened;

12 were there any rules on intermarriage meaning Khmer and Cham? Was

13 this something that was forbidden, allowed, encouraged,

14 discouraged?

15 In order to be less confusing, let me ask one question after the

16 other. The marriage between Cham and Khmer, was this forbidden?

17 MS. YOU VANN:

18 A. Prak Yut announced on the microphone that the marriage should

19 be taken place between people of the same ethnicity. People of

20 different ethnicity, the marriage were forbidden.

21 [10.55.00]

22 Q. And do you remember when she said that on the phone, when and

23 where?

24 A. She called a meeting once for -- one meeting for every two or

25 three village.

1 Q. So she said that repeatedly in village meetings?

2 A. Yes, she did.

3 Q. Do you remember when it was said the first time?

4 A. I could not recall the exact time because it happened several  
5 months and years; it was about two years.

6 Q. To clarify for me, what was about two years?

7 [10.56.23]

8 A. In -- after we spent two years in Kampong Cham and then the  
9 Vietnamese arrived and I was promoted to the deputy commune and  
10 she said frequently about that, but I did not remember how many  
11 months or year exactly.

12 Q. Okay. And do you know why this marriage between different  
13 ethnicities was forbidden?

14 A. Because the order came from the upper echelon above her;  
15 that's why she followed their instruction.

16 Q. And to the next question, you might not know the answer, but  
17 do you know if this order was followed on village level, just if  
18 you know?

19 A. I saw the order was also carried out.

20 JUDGE FENZ:

21 Thank you. I have no--

22 MR. KOPPE:

23 Mr. President, am I allowed to ask further questions on this?

24 QUESTIONING BY MR. KOPPE RESUMES:

25 Q. Madam Witness, was the result of this policy that Cham were to



1 marry Cham, in fact, the preservation of the Cham, as a group,  
2 that because they were marrying only each other, the group of  
3 Cham, ultimately, would become bigger?

4 [10.58.39]

5 MS. YOU VANN:

6 A. I did not think that way because she said that it was for the  
7 purpose of building the country.

8 Q. I understand, but if--

9 MR. PRESIDENT:

10 The question seemed not appropriate because it seem ask the  
11 witness to speculate about the -- about the -- managing the  
12 country by those in power. So the question that ask the witness  
13 to speculate are not appropriate, so you could rephrase the  
14 question, if you would like, but if you ask such a question, you  
15 are not allowed to -- to ask such a question.

16 And, Madam Witness, you don't have to answer to this question  
17 because you don't need to answer such a question.

18 [10.59.44]

19 MR. KOPPE:

20 Fine, Mr. President, it was just a matter of logic. Thank you.

21 QUESTIONING BY THE PRESIDENT:

22 Q. Witness You Vann, I have a few questions to put to you. You  
23 have responded to the questions by Counsel Koppe about the Cham  
24 people that you -- the -- and a wedding ceremony was organized  
25 for the Cham people as well as for the Khmer people around 1978.

1 Can you tell the Chamber which month of 1978, were -- when such a  
2 wedding ceremony was held; was it in early or late 1978?

3 MS. YOU VANN:

4 A. I attended such a wedding once and that happened in August  
5 when there were four Cham couples and four Khmer couples.

6 [11.00.44]

7 Q. Regarding drawing a list for certain groups or people; namely,  
8 former civil servants and soldiers of the Khmer Republic regime,  
9 as well as other categories of people including the Cham and the  
10 Vietnamese people and you said there were about 300 names of  
11 people on the list and that you said there -- there could be plan  
12 to arrest those people who were betrays the revolution and, later  
13 on, people disappeared.

14 My question to you is that was the list drawn before the wedding  
15 ceremony organized for the Cham people or whether such a list was  
16 drawn at the same time that the wedding ceremony was held for the  
17 Cham people?

18 [11.01.50]

19 A. I did not know, in details, about that; however, the list was  
20 made and then I was assigned to do other work and it was Prak Yut  
21 who did with the list.

22 Q. What I want to know is that whether the event of drawing up  
23 the list and the wedding ceremony for the Cham people organized  
24 at -- almost at the same time and you said that the list was  
25 drawn and then people were arrested or disappeared and that the

1 Cham ceremony was held in around August 1978. Was the list drawn  
2 at about the same time?

3 A. It happened after the wedding ceremony was organized.

4 MR. PRESIDENT:

5 Thank you. And I'd like, now, to hand the floor to the  
6 Co-Counsels for Khieu Samphan to put questions to this witness.  
7 You may proceed, Counsel.

8 [11.03.04]

9 QUESTIONING BY MS. GUISSÉ:

10 Thank you, Mr. President. Good morning to everyone. Good morning,  
11 Witness. My name is Anta Guisse and I am International Co-Counsel  
12 for Mr. Khieu Samphan and it is in this capacity that I'll put  
13 some supplementary questions to you.

14 Q. [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

25 [11.04.37]

1 MS. YOU VANN:

2 A. [REDACTED]

3 Q. In answer to a question put to you by my colleague, Koppe, a  
4 while ago, regarding the number of persons who -- who were  
5 arrested after the list was submitted, he confronted you with the  
6 statements of Prak Yut referring to about 30 persons and you  
7 stated -- at least this is what I understood from your testimony  
8 -- she said she didn't know what happened when she was not on the  
9 ground. Did I properly understand your testimony?

10 A. I knew that she took the list of names to the sector and, of  
11 course, she knew what happened on the ground when she was present  
12 on the ground. That's what I can say.

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 [REDACTED]

18 [11.06.14]

19 Q. You also stated that -- as regards the figures of persons  
20 arrested, you said you obtained your information from a district  
21 soldier, an official at the district level; do you know who gave  
22 that person in the district -- that soldier in the district the  
23 orders? Who gave him the orders; that is, the soldier who  
24 provided you with the information?

25 A. The district army actually communicated with the sector army.

1 Q. Do you know whether Prak Yut was involved in the management of  
2 arrests in collaboration with -- with the soldier at the district  
3 level?

4 A. I did not hear anything about that. That was up to the joint  
5 cooperation between the district army and the sector army.

6 [11.07.34]

7 Q. [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 [REDACTED] do you recall, as a deputy commune chief, whether Ta  
23 Yut issued orders to you to proceed to arrest bad elements that  
24 were likely to bring down the revolution; is that something you  
25 remember?

1 A. Of course, she issued orders but, personally, I did not know  
2 about that.

3 Q. You -- as deputy commune chief, you never received any orders  
4 as such; did I probably understand your testimony?

5 [11.09.58]

6 A. Yes, that is correct. She issued orders only to the male  
7 chiefs and I was a female chief, so I did not receive such an  
8 order.

9 Q. That being the case, would you agree with me, then, that you  
10 did not have any information enabling you to know who had to be  
11 arrested and who did not have to be arrested on the list of 200  
12 to 300 names that you, yourself, submitted?

13 A. Yes, that is correct.

14 Q. I would like us to revisit the issue of your position as unit  
15 head. Within your mobile unit, were there any Cham?

16 A. Yes, it was a mixture; however, none of my unit members  
17 disappeared.

18 [11.11.16]

19 Q. In terms of the workload you had and the functioning of your  
20 mobile unit, did you make any distinctions between the Khmer and  
21 the Cham?

22 A. Of course, I did not; we all worked as a group.

23 Q. You were the head of a mobile unit; do you know how the  
24 members of that mobile unit were chosen?

25 A. It was depending on the nature of forces.

1 Q. Can you explain how the choices were made depending on the  
2 forces involved?

3 A. The first tier of force, for example, was that the women work  
4 in the morning and the female youth would work in the afternoon  
5 and continue to work at night. They engage in rice  
6 transplantation, for example, but for women, they usually only  
7 work during the morning time.

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [11.14.16]

16 Q. Do you recall whether Prak Yut issued orders for persons to be  
17 recruited to go and work on the dykes?

18 A. Yes, for those whose strength was weak, then they would be  
19 returned to the district level and then new batch of forces would  
20 be sent from the district level to that site.

21 Q. Do you know how those persons were chosen and who made the  
22 choices for those persons who are to go and work on the dykes?

23 A. Sometimes, I, myself, made the selection and sometimes, the  
24 village chiefs would make the selection and the forces would be  
25 sent to her.

1 [11.15.30]

2 Q. And do you know whether Cham and former Lon Nol soldiers were  
3 sent to go and build dykes?

4 A. As long as their strength was fine and they were healthy,  
5 then, they would be sent.

6 Q. Do you recall during what period those persons were sent to  
7 build the dykes?

8 A. I cannot recall that; however, for example, a selection was --  
9 a selection or two was made each month to replace those who were  
10 sick working at the sector work site.

11 Q. I would like us to talk about another point and I will  
12 backtrack a little. On Thursday, you talked about your trip from  
13 Kampot to Kampong Cham and you said that you stopped over in  
14 Phnom Penh.

15 I know my colleague put the question to you, but do you remember  
16 the date or the month of your stopover in Phnom Penh?

17 A. I cannot recall the month I was with Prak Yut and what I can  
18 recall is that we stayed overnight in a university's compound  
19 and, next morning, I was sent to Kampong Cham.

20 Q. You left with Prak Yut; do you remember the names of other  
21 persons who were with you in the convoy which left Kampot and  
22 spent a night in Phnom Penh?

23 A. I did not know them because those people were selected by her  
24 from various districts and I only knew a few people whose names I  
25 already mentioned.



1 [11.18.34]

2 Q. You said you spent the night at a place you refer to as a  
3 school or university; do you know the name of that place?

4 A. No, I cannot recall it because I did not know Phnom Penh and I  
5 was unmarried at the time.

6 Q. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [11.20.19]

16 A. [REDACTED]

17 [REDACTED]

18 Q. Did you know a person by the name Pech Chim?

19 A. No, I don't.

20 Q. And does the name Py mean anything to you? It is spelled P-Y,  
21 for the interpreters.

22 A. Yes, I know Sy (sic), but I did not work with this person.

23 Q. For the interpreters, I did say T-Y (sic) and not P-Y (sic).

24 Let me put my question to you again; does the name Ty (sic) mean  
25 anything to you? Does the name Py mean anything to you, P-Y?

1 A. No, the name Py does not ring a bell.

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A. [REDACTED]

10 [11.22.58]

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [11.24.45]

2 A. [REDACTED]

3 [REDACTED]

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [11.26.38]

22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 Q. Very well. So if I properly understand your testimony, you are  
3 not sure that it was during a meeting that Prak Yut heard that  
4 Khieu Samphan was going to come the next day; did I properly  
5 understand your testimony?

6 A. Yes, that is correct.

7 [11.27.34]

8 Q. I also believe I understood, from your testimony -- and it  
9 could well be the word you use in Khmer -- on Thursday, during  
10 the hearing, you refer to an inauguration. Did I understand that  
11 you were, indeed, referring to an inauguration and you did say  
12 that -- that was what Khieu Samphan did when you saw him from a  
13 distance, as he was in a car; did you mean to say that he was  
14 presiding over an inauguration?

15 A. I didn't understand whether it was an inauguration because  
16 what I saw was that he waved his hand from a vehicle.

17 Q. And when you saw him, do you know where he was, at that time?

18 A. I was not sure because I stayed overnight in Phnom Penh and  
19 then he came to greet us and after that, I was sent to Kampong  
20 Cham.

21 Q. I understood that you didn't know the City of Phnom Penh, so  
22 it may well be you cannot answer my question with precision. Do  
23 you remember where in Phnom Penh you saw Khieu Samphan in the  
24 vehicle?

25 A. It was in front of that school and he was standing there and

1 Prak Yut told us that was him and we all to raise our hand to  
2 greet him.

3 [11.29.40]

4 Q. And my logical question following this: Must I, therefore,  
5 understand that you did not know Khieu Samphan; had you already  
6 seen him or not?

7 A. That was the only time that I saw him on that vehicle.

8 Q. So, therefore, it is because Prak Yut told you that it was  
9 Khieu Samphan that you knew that it was, indeed, Khieu Samphan?

10 A. Yes, that is correct.

11 Q. Now, I would like to get back to the issue of the marriages  
12 which you spoke about, several times, during your testimony here  
13 before the Chamber. So, as a deputy commune chief, were you  
14 entitled to organize weddings within your commune?

15 [11.31.21]

16 A. No, I did not have that authority and only after they actually  
17 consented with one another that I would be in a position to  
18 authorize such a wedding.

19 Q. When you say "after they had agreed upon this," whom are you  
20 speaking about?

21 A. I refer to the men; the men would make such a proposal to  
22 their group chief, then to the village chief, and through this  
23 chain of command, it would be sent to the district level.

24 Q. [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 A. [REDACTED]  
8 [REDACTED]

9 [11.33.27]

10 Q. Before your testimony, we heard a witness, a woman, Ahmad  
11 Sofiyah, who is Cham, and she explains that with regard to her  
12 marriage, it was her in-laws who came to ask for her agreement.  
13 So did this ever -- did you ever witness this, as a commune  
14 chief, or as a deputy commune chief, did you ever see in-laws  
15 asking for permission to have a young girl in your unit get  
16 married; did this ever happen to you?

17 A. No, it did not.

18 MS. GUISSÉ:

19 Mr. President, I see that it is time for the break. I have about  
20 -- I need -- I'll probably need about 10-extra minutes for -- to  
21 finish my questions.

22 [11.34.44]

23 MR. PRESIDENT:

24 Would you like to conclude yours now?

25 MR. KONG SAM ONN:

52

1 Mr. President, since I also have some questions, I think it is  
2 appropriate to have a break now.

3 MR. PRESIDENT:

4 Thank you. It is now time for our lunch break. We take a break  
5 now and resume at 1.30 this afternoon.

6 Court Officer, please assist the witness during the lunch break,  
7 at the waiting room reserved for witnesses, and invite her, as  
8 well as her duty counsel, back into the courtroom at 1.30.

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

12 The Court is now in recess.

13 (Court recesses from 1135H to 1334H)

14 MR. PRESIDENT:

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

16 Again, the floor is given to the defence team for Khieu Samphan  
17 to put further questions to the witness. You may proceed,  
18 Counsel.

19 [13.35.38]

20 BY MS. GUISSÉ:

21 Thank you, Mr. President.

22 Q. Good afternoon, Witness. I am going to therefore continue from  
23 where we stopped.

24 You spoke about your work as the head of a mobile unit. Now,  
25 regarding the issues of marriages again, can you tell the Chamber

1 if the people who were getting married within your mobile unit  
2 would remain within that unit or if they would be assigned  
3 elsewhere once they were married?

4 MS. YOU VANN:

5 A. After they got married they were sent to live in the village.

6 Q. When you say living in the village, did this mean that they  
7 would return to a cooperative?

8 A. Yes, that is correct.

9 Q. What about pregnant women? Were they also assigned elsewhere?

10 A. They would be assigned to do light work, for example, in case  
11 of the plant vegetation in the cooperative.

12 [13.37.32]

13 Q. And who took that decision of assigning pregnant women to  
14 light work within the cooperative or the cooperatives?

15 A. Prak Yut made that order.

16 Q. You, yourself, within your mobile unit, did you ever deal with  
17 people who although they were married, decided to stay within the  
18 unit instead of going to the cooperatives?

19 A. No, there was none. After marriage, they were instructed to  
20 return to live in the villages with their parents.

21 [13.38.33]

22 Q. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 [13.40.20]

15 Q. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

25 Q. [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED] you, in your capacity as deputy chief of a  
6 commune, did you have any say in the granting of permissions in  
7 other units, granting of permissions by the village chiefs or the  
8 unit chiefs, or was this -- or did they have full authority in  
9 that regard? Did you have any say in this?

10 [13.42.34]

11 A. For those who got married, some of them didn't have a house to  
12 return to and for that reason they requested to remain with the  
13 mobile unit. And also, the village chief also agreed that if they  
14 didn't have a house in the village then it would be all right for  
15 them to remain with the mobile unit. However, for those who had  
16 houses or if they wanted to return to their parents living in the  
17 village, they could do so.

18 Q. Let me try to put the question to you again, but in a  
19 different way.

20 So was this decision always taken by the village chief or by the  
21 unit chief or by the team chief, or was this decision taken by  
22 the commune chief or by the deputy commune chief that you were?

23 A. It was decided by the commune chief in discussion with the  
24 village chief.

25 Q. You, yourself, you said that you held three different

1 positions at the same time. First, you were a messenger, Prak  
2 Yut's messenger precisely. Then you were the head of a mobile  
3 unit and then, finally, you were the deputy chief of a commune.  
4 So I know that you said that at a certain point in time you held  
5 these three positions at the same time. So my question is: do you  
6 remember when you were appointed deputy commune chief?

7 [13.44.35]

8 A. It was about five months before the arrival of the Vietnamese.

9 Q. Five months before the arrival of the Vietnamese, you say. So  
10 is it true that it is in your capacity as deputy commune chief  
11 that you -- well, let me reformulate this.

12 When you drew up the list of the 200 or 300 people who -- some of  
13 whom were arrested later, can you tell us which position you held  
14 when that happened?

15 [13.45.40]

16 A. I had already been deputy commune chief when the list was  
17 drawn up and she actually gave me that instruction.

18 Well, if I react to what you said this morning to Judge Fenz  
19 regarding the moment when the weddings took place, the weddings  
20 you talked about, that is to say the four Khmer and the four Cham  
21 marriages, you said that these marriages took place in August  
22 1978. So am I clear about your testimony there?

23 A. Yes, that is correct.

24 Q. You also -- or you have just told me that you were appointed  
25 deputy chief, deputy commune chief about five months before the

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1 arrival of the Vietnamese. So do we agree that under these  
2 conditions, you were deputy commune chief at the same moment when  
3 the weddings took place and also at the same moment when the  
4 famous list of two to 300 people was drawn up?

5 A. The list of these two to 300 persons actually had been drawn  
6 up before the marriage ceremony was organized.

7 [13.47.49]

8 Q. I understood from your answer that this list was drawn up  
9 before. However, the marriages took place after the creation of  
10 that list. Is that the case?

11 A. Yes.

12 MS. GUISSÉ:

13 I have no further questions, Mr. President. So I will give the  
14 floor to my colleague, Kong Sam Onn.

15 MR. PRESIDENT:

16 Thank you, Counsel. And Counsel Kong Sam Onn, you have the floor.

17 [13.48.25]

18 QUESTIONING BY MR. KONG SAM ONN:

19 Thank you, Mr. President. Good afternoon, Your Honours; everyone  
20 in and around the courtroom.

21 Q. And good afternoon, Madam Witness. I have some questions to  
22 put to you for clarification. First is in regard to your age.

23 Last week you testified and also this morning you also testified  
24 regarding your age. However, it seems to be contradicting each  
25 other. First, you said you were born in 1952 and later on it was

1 -- you changed it to 1957, and when you were asked by the Chamber  
2 last week you said your age is 55 years old at present. And if  
3 that is the case, it means you were born in 1961 or 1962 in order  
4 to be 55 years old now. Can you now pick one of these three  
5 dates? What is your correct year of birth?

6 MS. YOU VANN:

7 A.I do not know how to calculate my age. I am only telling the  
8 truth. I was born in the year of a rooster.

9 [13.49.52]

10 Q. You said you were born in the year of a rooster. If that is  
11 the case, according to my calculations you are now 57 or 58 years  
12 old. So if you think that you were born in the year of a rooster  
13 what is your current age?

14 A. As I said, I do not know how to calculate. I only know my  
15 year, the animal sign of my year of birth.

16 Q. [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [13.53.00]

4 A. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. Regarding the list that you mentioned and throughout your  
8 testimony, you said the number of people on the list was between  
9 200 to 300, and in some instances you said the number, the total  
10 was 300. Can you please clarify that again? Was the number  
11 actually 300 or was it only between 200 to 300?

12 A. Before I said the number was between 200 to 300; however,  
13 allow me to say that the actual number was 300. That is the names  
14 of people on the list but I did not know what happened to them  
15 all.

16 [13.54.22]

17 Q. Also, in relation to this list, did you draw up that list in  
18 your capacity as deputy chief of the commune or was it meant for  
19 the entire Kampong Siem district or was it for the entire Sector  
20 41?

21 A. The list was for the district. It means it had the combined  
22 number of people within the communes under that one district.

23 Q. You testified in this courtroom [REDACTED]  
24 [REDACTED] that you saw Khieu Samphan was on a bus and that he  
25 didn't get out of that vehicle but he waved his hands from that

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1 vehicle. Can you tell the Chamber who else did you see on that  
2 bus or vehicle?

3 A. I didn't know those people who were in that bus. Actually, the  
4 bus was full and I was not on the bus. I was on the ground.

5 [13.55.55]

6 Q. You said you were told that the person was Khieu Samphan and  
7 while you were there, where was he sitting?

8 A. He was sitting next to the vehicle's window and the window was  
9 open.

10 Q. Was it to the front or to the back or in the middle of the  
11 vehicle where he was sitting?

12 (Short pause)

13 [13.56.43]

14 MR. PRESIDENT:

15 Counsel, please repeat your question. It seems that the witness  
16 forgets your question.

17 BY MR. KONG SAM ONN:

18 Thank you, Mr. President.

19 Q. Madam Witness, my question to you is that you said that you  
20 saw Khieu Samphan sitting in the bus and my question to you is at  
21 which location or which part of the bus that he is sitting, he  
22 was sitting rather?

23 MS. YOU VANN:

24 A. He was sitting in the middle part of the vehicle. He was  
25 sitting on the right side of that vehicle next to the window and

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1 the window was open. And I did not know the rest of the people on  
2 that vehicle. My group was standing on the ground.

3 [13.57.45]

4 Q. You said he was sitting in that vehicle but if it was a bus,  
5 it means it was a long bus. And can you recall how many rows of  
6 seats were on that vehicle?

7 A. I cannot recall that, but from my recollection is that he was  
8 sitting on a bus.

9 Q. In relation to your testimony which you said you stayed in a  
10 university in Phnom Penh and you also testified that you did not  
11 remember the name of that university, can you at least give a  
12 description of the main buildings within the compound of that  
13 university?

14 [13.58.57]

15 A. I cannot recall that because by the time we arrived it was  
16 nightfall and we had to leave the next morning. I did not see the  
17 signs of that university.

18 Q. At what time did you leave that university the next morning?

19 A. We left for Kampong Cham at 8 o'clock in the morning but we  
20 did not look at the signs of that university.

21 Q. And in your testimony you said that you saw the bus and that  
22 somebody told you that Khieu Samphan was sitting in that vehicle.  
23 What time was it when you saw that?

24 A. Prak Yut actually returned from the meeting in the evening and  
25 she told us that, "Tomorrow morning, Khieu Samphan would



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1 inaugurate us" and that actually happened the next morning.

2 Q. My question is in relation to the time. You claimed that you  
3 saw a bus where Khieu Samphan was sitting in. Did you see it that  
4 evening or did you see it next morning and, if so, what time did  
5 you see that?

6 A. He came in the morning before we departed for Kampong Cham and  
7 that is after we had our breakfast.

8 [14.01.00]

9 Q. So you said that you left at about 8 o'clock in the morning.  
10 Could it be possible to say that you saw that bus at around 7  
11 o'clock in the morning minus or take a few minutes?

12 A. Yes, I saw him arriving at around 7 o'clock in the morning and  
13 after we had our breakfast we boarded a vehicle and made our  
14 departure. At that time he greeted us and we returned our  
15 greeting.

16 Q. Did the bus stop?

17 A. No. However, it was moving slowly.

18 Q. Was any passengers in that bus make any gesture to indicate  
19 that some other individuals who were of a senior position within  
20 that bus?

21 A. No, and actually only Prak Yut who told me about him. He was  
22 the only person in the vehicle that I was told by Prak Yut.

23 [14.02.25]

24 MR. KONG SAM ONN:

25 Thank you. And Mr. President, I don't have any further questions.

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1 MR. PRESIDENT:

2 Thank you.

3 And Madam You Vann, your testimony is now concluded and the  
4 Chamber is grateful of your time to provide testimony for one and  
5 a half days. Your testimony may contribute to ascertainment of  
6 the truth in this Case. You may now be excused so you can return  
7 to your residence or wherever you wish to go to. And the Chamber  
8 wishes you the very best.

9 Court officer, in collaboration with WESU, please make necessary  
10 transportation arrangement for Madam You Vann to return to her  
11 residence or wherever she wishes to go to.

12 And the Chamber would also like to thank Mr. Mam Rithea. You may  
13 also take a short break before you are required again for the  
14 next witness. You too are now excused.

15 [14.03.45]

16 Before we proceed to hear testimony of the next witness -- that  
17 is, 2-TCW-938, the Chamber wishes to hear oral submissions by the  
18 defence team for Nuon Chea to remove a witness, 2-TCW-989, from  
19 the witness list for the proceedings in Case 002/02, that is in  
20 reference to document E346/2/2. And his segment of hearing is  
21 held in public. For that reason the AV Unit is instructed to link  
22 the proceedings to the public gallery, to the pressroom as well  
23 as to the internal feedings within the ECCC compound.

24 (Short pause)

25 [14.05.02]

1 MR. PRESIDENT:

2 And Court officer, please check with the AV Unit if they switch  
3 from in camera to public. And please, inform the Chamber so we  
4 can proceed. On Friday--

5 (Suspension of closed session: 1405H)

6 (Court resumes in public session 1405H)

7 [14.05.40]

8 MR. PRESIDENT:

9 On 15 January 2016, the defence team for Nuon Chea submitted a  
10 request to the Chamber to remove a witness from the list -- that  
11 is, 2-TCW-989 that is from the list of witnesses approved by the  
12 Trial Chamber to testify in Case 002/02. On the same day, the  
13 Senior Legal Officer also notified the Parties that the Chamber  
14 intends to hear oral responses from other Parties after the  
15 conclusion of the testimony of Witness [2-TCW-894].

16 And the Chamber would like now to give the floor first to the  
17 Co-Prosecutors to make oral response to the request by the  
18 defence team for Nuon Chea. You may proceed.

19 [14.06.42]

20 MR. LYSAK:

21 Thank you, Mr. President. Let me make just a few quick points in  
22 response to this request. First of all, of course, this is not  
23 Nuon Chea's witness to withdraw. It is a witness that has been  
24 selected by the Trial Chamber, and so it is the Trial Chamber's  
25 witness and your determination of whether or not it would be

1 helpful to hear them -- hear him.

2 Second, we do want to point out to the Chamber that the  
3 examination or the cross-examination or examination by the  
4 Co-Prosecutors in the appeal hearings of this witness was more  
5 limited. There are a large number of documents that are available  
6 in these proceedings that the witness could not be examined on in  
7 the appeal proceedings. And specifically, to give you one  
8 example, the witness in the appeal hearings was not -- the  
9 Parties were not allowed to examine him about using his DC-Cam  
10 interview. There are numerous inconsistencies between the story  
11 he told the OCIJ and the statement given to DC-Cam. He was not  
12 cross-examined on that in his testimony before the Appeal Court  
13 -- before the Supreme Court.

14 [14.08.22]

15 A second point relates to judging the credibility of witnesses.

16 This witness gives evidence that is contrary to a fairly large  
17 body of witness testimony, witness statements and documentary  
18 evidence establishing, we believe, a uniform policy targeting Lon  
19 Nol officials and soldiers throughout the country.

20 Under circumstances like this where there is substantial  
21 conflicting evidence, if the Nuon Chea defence seriously wishes  
22 the Chamber to give substantive weight -- substantial weight to  
23 the testimony of this witness, I am not sure how the Chamber  
24 could do that without hearing the witness itself in person to  
25 evaluate his credibility and compare him to the witnesses who

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1 have given contrary evidence. Our guess, Your Honours, is that  
2 the reason the Nuon Chea defence may have decided to try to  
3 withdraw this request now is that by all accounts this witness  
4 was not a particularly credible one in the appeal hearings and it  
5 may well get worse the more this witness testifies.

6 [14.09.57]

7 Last point, the Defence has argued in its filing that it would  
8 require significant work by the Parties to prepare. I am not sure  
9 I understand that argument given that Parties have done a lot of  
10 preparation work already for this witness and that the issue of  
11 the targeting of Lon Nol officers and soldiers is an issue that  
12 has existed throughout this Trial in many segments.

13 All that said, we leave it to the Chamber, of course, to decide  
14 whether you believe it would be helpful to you to hear the  
15 testimony of this witness live in Court as opposed to relying on  
16 a written statement or a written record of his testimony before  
17 the appeal proceedings. Ultimately, that's for you to balance the  
18 benefit of hearing the live testimony from this witness.

19 [14.11.03]

20 MR. PRESIDENT:

21 Thank you. The floor is now given to Lead Co-Lawyers for civil  
22 parties to make response to the request by Nuon Chea defence  
23 team. You may now proceed.

24 MS. GUIRAUD:

25 Thank you, Mr. President. I have a very brief remark. To add to

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1 what the Co-Prosecutor has said, this is not a witness proposed  
2 by the Nuon Chea defence. This is a witness proposed by the  
3 Chamber and it is up to the Chamber, therefore, to take the final  
4 decision. We would consider that the basis for the Nuon Chea  
5 motion is not well-founded.

6 Since this witness is not proposed by Nuon Chea, it is up to the  
7 Chamber to decide whether that witness should be called or not  
8 and whether the witness' testimony will be relevant to the  
9 manifestation of the truth.

10 This said, we will rely on the discretion of the Chamber in this  
11 matter. Thank you, Mr. President.

12 [14.12.16]

13 MR. PRESIDENT:

14 Thank you. The floor is now given to the defence team for Mr.  
15 Khieu Samphan. You can proceed with your response if you wish to  
16 do so in relation to the request by the defence team for Mr. Nuon  
17 Chea. You have the floor now.

18 MS. GUISSÉ:

19 Yes, thank you, Mr. President. I will be very brief.

20 I respond by referring to the remarks made by the Co-Prosecutor  
21 and the Civil Party Lead Co-Lawyer by simply pointing out that  
22 once more we are facing the perverse effects of the severance  
23 because today we are being told that it is important to have  
24 before us as a witness a person who initially didn't appear to be  
25 very important or relevant to the Co-Prosecutors, nor to the

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1 Civil Party Lead Co-Lawyers when that witness was initially  
2 proposed for testimony before the Supreme Court Chamber.

3 [14.13.24]

4 I note that the Parties have had the opportunity to examine and  
5 to cross-examine this witness. Today, I am hearing the  
6 International Co-Prosecutor plead as to the credibility of the  
7 witness. I think such pleading is premature.

8 In any case as far as the Khieu Samphan defence team is  
9 concerned, we will rely on the Chamber's decision. Whatever may  
10 be the case, we would like to point out that having 002/02 case  
11 having this witness appear here, whereas that issue was relevant  
12 in the first trial segment in the second case when the witness  
13 was heard before the Supreme Court Chamber, today I do not see  
14 why we should waste more time on this witness since we have  
15 witnesses who will appear and whose testimony will be very  
16 concise, and it is better to hear witnesses who provide very  
17 concise testimony as part of this Trial, 002/02. So I propose  
18 that only those kinds of witnesses be called to testify before  
19 this Chamber. That is all I wanted to say for now.

20 [14.14.53]

21 MR. PRESIDENT:

22 The Chamber now gives the floor to the defence team for Mr. Khieu  
23 Samphan -- rather, the floor is given to the defence team for Mr.  
24 Nuon Chea to make a reply to the responses by Parties. You have  
25 the floor now.

1 MR. KOPPE:

2 Thank you, Mr. President. I never cease to be surprised by what's  
3 coming out of the Prosecution's mouth.

4 Now, let me give you a very, very brief background of this  
5 witness. You might recall, Mr. President, that the statement of  
6 this particular witness was disclosed just previously -- just  
7 previous before the closing submissions in Case 002/01. We didn't  
8 notice it at the time, but we did notice the importance of this  
9 document after the judgment and after we were in the appeal  
10 phase. So for the obvious reasons, the obvious reasons of  
11 importance, we requested a Supreme Court Chamber to hear this  
12 witness.

13 [14.16.08]

14 You might also recall that when we were dealing with the Krang Ta  
15 Chan, Tram Kak segment, I almost -- I asked almost every witness  
16 at least if this person was a cadre whether he or she could  
17 confirm the most important thing that this particular witness had  
18 to say; namely, that there was a meeting held by Ta Mok in which  
19 he said Lon Nol officials or Lon Nol soldiers, rather, from the  
20 ranks of second lieutenant all the way up to colonel were not to  
21 be harmed. A lot of people were not able to confirm this.

22 However, one important witness who testified here did indeed  
23 confirm this. This witness was subsequently summoned by the  
24 Supreme Court Chamber. We had all the opportunity to ask all the  
25 questions that we wanted to. He confirmed his earlier statement



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1 that there was indeed this call or this statement made by Ta Mok.  
2 So we thought to do Parties and the Chamber a favour by saying we  
3 don't need this witness anymore because why would we waste the  
4 Chamber's time if we have asked all our questions.

5 [14.17.35]

6 But now hearing that our ulterior motive is that we withdraw this  
7 witness because he is not credible makes me actually want to say  
8 right now here that we withdraw our request. Please, let this  
9 witness come and let him testify before you. He was very  
10 convincing before the Supreme Court Chamber. He confirmed very  
11 explicitly. I have the fragment -- or the segment or the excerpt  
12 right in front of me that there was no such policy. So what the  
13 Prosecution says that his evidence is contrary to documents or  
14 other witnesses is simply not true. The documents that the  
15 Prosecution is surely referring to are the Krang Ta Chan  
16 documents, who start talking about Lon Nol soldiers' policy only  
17 as of March 1977. He was referring to a meeting not only in '75  
18 but before '75.

19 [14.18.32]

20 So we find this witness highly credible. We were able to ask all  
21 our questions. We thought we were doing a service to all parties  
22 and to the Chamber, but I'm very happy to withdraw our request  
23 and have this person come again. Up to you.

24 JUDGE FENZ:

25 So you are withdrawing your request?

71

1 MR. KOPPE:

2 Well, I find it incredible that the Prosecution is saying that we  
3 think he is not credible. He is -- we are withdrawing because we  
4 find him very credible and we have no more questions.

5 [14.19.08]

6 JUDGE FENZ:

7 I understand what you said, Counsel. I just need for the record.  
8 Do we have an open request or don't we have one?

9 MR. KOPPE:

10 That's a very fair question. No, we don't withdraw our request. I  
11 mean he is very credible to us and the Prosecution is right that  
12 it's the Chamber's witness so you don't even have to -- our  
13 request in certain ways is even irrelevant.

14 MR. LYSAK:

15 Mr. President, let me be very brief. Obviously, we seriously  
16 disagree with the Defence about the credibility of this witness  
17 and I simply can't understand why the Defence would withdraw a  
18 witness if it views him as credible and it wants this Trial  
19 Chamber to rely upon him. The Defence is surely aware that we  
20 disagree with this witness; that there is hundreds of witnesses  
21 who testified to the contrary and it is simply not correct that  
22 the examination and the appeal hearings was limited.

23 So it's really in the hands of Mr. Koppe, but I don't see how  
24 this Court can adjudicate the different views of the credibility  
25 of this witness without hearing him.

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1 [14.20.42]

2 MR. KOPPE:

3 This Trial Chamber has evaluated hundreds of WRIs and used as  
4 evidence without ever seeing them, so I think the Trial Chamber  
5 is perfectly capable of doing that.

6 MR. PRESIDENT:

7 I am grateful for your responses and reply. It is now done with  
8 the submissions particularly in relation to the request by the  
9 defence team of Mr. Nuon Chea, 2-TCW-898, request to withdraw  
10 this witness from the witness list in Case 002/02. The Chamber is  
11 now informed and we will issue a ruling in due course on the  
12 basis.

13 [14.21.50]

14 And now the Chamber starts to hear 2-TCW-938 in camera hearing.  
15 The Chamber instructs AV Unit to disconnect the video and audio  
16 feeds to the public gallery and other internal broadcasts within  
17 the ECCC compound.

18 Court officer is instructed to usher in 2-TCW-938 into the  
19 courtroom and please also invite Mr. Mam Rithea, the duty  
20 counsel, into the courtroom as well.

21 (End of public session: 1424H)

22 (Resumption of closed session 1424H)

23 QUESTIONING BY THE PRESIDENT:

24 Q. Good afternoon, Madam Witness. What is your name?

25 MS. PRAK YUT:

1 A. I am Prak Yut.

2 MR. PRESIDENT:

3 Thank you, Madam Prak Yut. Have you ever testified before the  
4 Chamber?

5 [14.24.45]

6 A. I once testified before the Chamber.

7 Q. When did it happen?

8 A. I cannot recall it, Mr. President.

9 Q. Let me remind you. You were invited to testify before the  
10 Chamber in Case 002/01 on 25th January 2012. There is transcript  
11 E1/33.1. The reason I asked you about the fact that you --  
12 whether or not you have testified before the Chamber is that I  
13 want to confirm about your background. So do you confirm the  
14 background on the personal identity that you gave to the Chamber  
15 on that date?

16 A. Nothing changed in relation to my personal identity and  
17 background.

18 [14.26.07]

19 Q. Let me verify the date of birth. So when were you born, Madam  
20 Witness?

21 A. I was born in 19 - in 19, 700 -- '54.

22 Q. Was it in 19, 700, '54 or 1954?

23 A. I was born in 1957, rather.

24 Q. In the previous testimony you stated that you were born in  
25 1947. So which one is correct? Were you born in 1957 or 1947? It

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1 was 10 years' difference.

2 A. In fact, I was born in 1947. I may have forgotten it, Mr.  
3 President.

4 Q. So now it is confirmed that your identity and date of birth is  
5 correct, so Parties can refer to document E3 -- E1/33.1; and  
6 French ERN is 00-

7 THE INTERPRETER:

8 The interpreter cannot follow the ERN numbers made mention by the  
9 President, so could the President repeat them.

10 [14.28.25]

11 BY THE PRESIDENT:

12 Q. Let me confirm ERN in Khmer 00773490 through 00773491;  
13 English, 00774103 through 00774105; French, ERN is 00774202  
14 through 00774204.

15 Madam Prak Yut, in the greffier's report to the best of your  
16 knowledge, you have no relationship by blood or by law to any of  
17 the two Accused, Nuon Chea and Khieu Samphan, or to any of the  
18 civil parties admitted in this Case. Is that true?

19 MS. PRAK YUT:

20 A. Yes, that is true, Mr. President.

21 Q. Have you already taken an oath before your appearance in the  
22 courtroom, the oath taken before the Iron Club Statue to the east  
23 of the courtroom?

24 A. Yes, I have already taken oath, Mr. President.

25 [14.30.12]

75

1 Q. Thank you. Now, I would like to inform your rights and  
2 obligations before the Chamber.

3 Your rights: As a witness, Madam Prak Yut, in a proceeding before  
4 the Chamber, you may refuse to respond to any question or to make  
5 any comments which may incriminate you -- right against  
6 self-incrimination. This means that you may refuse to provide  
7 your response or to make any comment that could lead to you being  
8 prosecuted.

9 Your obligations: Madam Prak Yut, as a witness in the proceedings  
10 before the Chamber, you must respond to any questions by the  
11 Bench or relevant Parties except where your response or comment  
12 to those questions may incriminate you as the Chamber has just  
13 informed you of your rights as a witness. You must tell the truth  
14 that you have known, heard, seen, remembered, experienced or  
15 observed directly about any event or occurrence relevant to the  
16 questions that the Bench or Parties pose to you.

17 Do you understand your rights and obligations as a witness before  
18 the Chamber?

19 A. Yes, I do.

20 [14.31.57]

21 Q. [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 [REDACTED] -

1 [REDACTED]

2 A. [REDACTED]

3 (Microphone not activated)

4 [14.32.55]

5 MR. PRESIDENT:

6 You have the floor now, Mr. Koppe.

7 MR. KOPPE:

8 [REDACTED]

9 [REDACTED]

10 MR. PRESIDENT:

11 You have the floor now, Deputy Co-Prosecutor.

12 [14.33.34]

13 MR. LYSAK:

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [14.34.08]

21 BY THE PRESIDENT:

22 Q. [REDACTED]

23 [REDACTED]

24 2-TCW-938:

25 A. [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

7 [REDACTED]

8 [14.35.35]

9 Q. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 MR. PRESIDENT:

15 [REDACTED] The floor is now given to the Co-Prosecutors before  
16 other Parties. The combined time for Co-Prosecutors and Lead  
17 Co-Lawyers for civil parties is three sessions.

18 You have the floor now, Co-Prosecutors.

19 [14.36.54]

20 QUESTIONING BY MR. LYSAK:

21 Thank you, Mr. President, Your Honours.

22 Q. Good afternoon, Madam Witness. As you have just been asked  
23 about, you testified before this Chamber already once in the  
24 first Case 002 Trial in January 2012. So I'm not going to ask you  
25 questions today on subjects that were covered in your prior



1 testimony, including your background and positions in the  
2 Democratic Kampuchea regime. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [14.38.59]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [14.40.10]

3 MS. PRAK YUT:

4 A. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [14.43.10]

24 Q. [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED] When you arrived in Kampong Siem district

5 in early 1977, were there many Cham people in that district?

6 A. When I arrived, I was not sure yet. But after one month later,  
7 I did not search for the Cham people yet and neither did I search  
8 for others. And I do not remember the month. It was in 1977.

9 There was an order from the sector level to us to purge the Cham.  
10 And I, myself, was also wondering why the Cham were wanted to be  
11 purged. And I was not sure how many Cham people living in my  
12 district. So I told them that I was -- I did not grab the exact  
13 number of Cham people living in Kampong Siem district. So I asked  
14 the upper level to take note of this point.

15 [14.45.30]

16 And regarding the Cham people, I myself was also wondering why  
17 the Cham -- the name of the Cham people were wanted to be purged.  
18 But the order came from the upper echelon, so I simply  
19 implemented it.

20 Q. [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [14.47.13]  
5 A. [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [14.49.42]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 MR. PRESIDENT:

4 Thank you. Mr. Koppe, you have the floor first.

5 [14.50.24]

6 MR. KOPPE:

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [14.52.08]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 MR. LYSAK:  
10 [REDACTED]  
11 MR. PRESIDENT:  
12 [REDACTED]  
13 [REDACTED]  
14 [14.53.07]  
15 MS. GUISSÉ:  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [14.54.17]

6 MR. LYSAK:

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [14.55.53]

23 MR. KOPPE:

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 JUDGE FENZ:

4 [REDACTED]

5 MR. LYSAK:

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [14.57.04]

15 JUDGE FENZ:

16 [REDACTED]

17 [REDACTED]

18 MR. LYSAK:

19 [REDACTED]

20 MR. PRESIDENT:

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



1 [REDACTED]

2 (Court recesses from 1457H to 1515H)

3 MR. PRESIDENT:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [15.16.24]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. LYSAK:

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [15.17.33]

25 [REDACTED]

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 [REDACTED]
- 15 [15.19.13]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]

1 [15.19.51]

2 [REDACTED]

3 MR. PRESIDENT:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [15.21.20]

18 [REDACTED]

19 [REDACTED]

20 MR. LYSAK:

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [15.21.52]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 MR. KOPPE:  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [15.23.34]  
19 JUDGE FENZ:  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 MR. KOPPE:  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [ 15.24.44 ]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 JUDGE FENZ :

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. LYSAK :

1 [REDACTED]

2 [REDACTED]

3 [15.25.37]

4 JUDGE FENZ:

5 [REDACTED]

6 MR. PICH ANG:

7 [REDACTED]

8 MR. KOPPE:

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 MS. GUISSÉ:

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [15.26.36]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [ 15.27.34 ]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 [REDACTED]
- 15 [REDACTED]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [ 15.28.45 ]

1 MR. LYSAK:

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [15.30.09]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. PRESIDENT:



1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

5 MR. LYSAK:

6 Thank you, Mr. President.

7 [15.31.10]

8 BY MR. LYSAK:

9 Q. Madam Witness, I'm going to get later to some of the specifics  
10 about Trean commune and other communes. Right now, I'm asking you  
11 some general questions about the Cham people in your district, in  
12 Kampong Siem district, before you received the order from the  
13 sector secretary.

14 So my next general question: do you remember where in Kampong  
15 Siem district the Cham people were located? Were there particular  
16 villages that were Cham villages or were the Cham people spread  
17 out -- spread throughout Kampong Siem district?

18 MS. PRAK YUT:

19 A. Cham people were solely living in the whole Kampong Cham  
20 province. They were not just living into that one particular  
21 district of Kampong Siem, so they were spread out in the whole  
22 province.

23 [15.32.33]

24 Q. Thank you. I understand that there were Cham people in other  
25 parts of Kampong Cham province. What I'm asking you now is in

1 regards to the Cham people in Kampong Siem district.

2 My question is: were they concentrated in certain villages or  
3 certain parts of the district or were the Cham people were they  
4 spread out throughout the whole district?

5 A. Concerning people living in Kampong Siem district, there were  
6 no separate Cham villages within the district. They had no  
7 respective villages to live in. They were spread out throughout  
8 the district.

9 Q. Did you know a village in your district in Kokor commune  
10 called Kampong Krabei - Krabei, Kampong Krabei village in Kokor  
11 commune?

12 A. I do not know that Kokor Krabei (phonetic) village. I know  
13 Kokor commune but not Kokor Krabei (phonetic) village.

14 Q. Let me read to you an excerpt from a book that has been  
15 written about the Cham called "The Cham Rebellion". This is  
16 document E3/2653; English, ERN 00219210; Khmer, 00904407; no  
17 French translation available at this time. This is an interview  
18 of a person from Kampong Krabei village, Kokor commune, who gave  
19 the following account of what took place in that area in late  
20 1975 - quote:

21 "About two weeks after those events--"

22 And he was referring here to a rebellion that had occurred across  
23 the river in Kaoh Phal.

24 "--the cadres called all of our villagers to a meeting. They  
25 warned us: 'Do not do what they did at Kaoh Phal. If you are

1 headstrong, this village will be destroyed and turned to ashes  
2 just like Kaoh Phal.' Then they evacuated both Kampong Krabei A  
3 and B, approximately 600 families. Only 25 families were  
4 permitted to remain. Those evacuated were scattered throughout  
5 all sub-districts of Kampong Siem district, 15 in all. Then they  
6 brought in the Khmer living nearby to occupy the now-vacant  
7 houses of the evacuees." End of quote.

8 [15.36.34]

9 Does that refresh your memory about this village, Kampong Krabei  
10 village, and does it refresh your recollection that the Cham  
11 people had been evacuated from their home villages and spread  
12 throughout your district?

13 A. Concerning Kampong Krabei and another village made mention by  
14 you, I did not pay attention to the villages. I never convened  
15 people within Kampong Krabei village to a meeting. And I never  
16 attended any meeting in the district that you have just  
17 mentioned. So I did not pay attention to that issue actually.

18 [15.37.47]

19 Q. During the time you were in Kampong Siem district, were the  
20 Cham people allowed to practice their religion, to speak their  
21 language, and to wear their traditional clothes?

22 A. During the period, Cham people were not forced to practice  
23 Khmer traditions. Cham people were living mingled with Khmer  
24 people and we had no separate location for Cham people to live  
25 in.

1 I was living in Kampong Siem district at the time and there were  
2 no restricted areas only for Cham people, and there were no bans  
3 on the religion when I was living in Kampong Siem district.

4 Q. Are you saying, Madam Witness, that the Cham people in that  
5 district were allowed to practice Islam and to speak the Cham  
6 language during the Khmer Rouge regime?

7 A. They did not practice their religion.

8 [15.39.25]

9 Q. Were they allowed to speak the Cham language?

10 A. Cham people could speak their languages among themselves and  
11 they would speak Khmer language with Cambodian people. So no ban  
12 on language used, but for religion there was a ban, no Islam was  
13 allowed to be practised.

14 Q. Who was it that decided that Islam was banned? Was that a  
15 decision that you made as district secretary or was it some other  
16 level of the CPK -- the Party -- that made that decision?

17 A. I do not know on this particular point. I do not know who, or  
18 which level, made such a decision. I had no principle or  
19 instruction to ban Cham people on their language.

20 And, as for my case, I would adhere to the instruction from the  
21 above. I would comply with the instructions.

22 [15.41.04]

23 Q. Thank you.

24 Now, you have already made a reference to this, but I want to ask  
25 you whether during the time you were the secretary of Kampong

1 Siem district whether you received any orders or instructions  
2 from your superiors regarding what to do with the Cham people in  
3 your district?

4 A. During that time, I was under the leadership of my superiors  
5 so, as I said, I had to adhere to the instructions or orders from  
6 my superiors. This is my short response.

7 I had no authority to make any decisions within the district of  
8 Kampong Siem. I was under the leadership of the upper echelon.

9 Q. And can you tell us -- tell us about the order that you  
10 received from your superiors regarding the Cham that you've made  
11 reference to a couple of times already today.

12 What did your superiors order you to do in Kampong Siem district  
13 with respect to the Cham people?

14 A. I think -- and I am now telling the truth -- that I cannot  
15 recall what happened in the regime. I have a weak memory and I  
16 did not know who issue the orders, and I did not take any notes  
17 of the particular people or person who issue the orders. It  
18 happened long time ago. I cannot recall all what happened in the  
19 regime.

20 [15.43.34]

21 Q. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A. [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [REDACTED]

8 [REDACTED]

9 [15.45.12]

10 MR. KOPPE:

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [15.46.46]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [15.48.20]

21 MR. LYSAK:

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [15.50.01]  
16 MR. PRESIDENT:  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [15.50.42]



1 BY MR. LYSAK:

2 [REDACTED]

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MS. PRAK YUT:

12 A. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [15.52.45]

18 Q. [REDACTED]

19 [REDACTED] where was the sector

20 office located?

21 A. The sector office was located in Prey Totueng.

22 Q. And Prey Totueng, was that in Prey Chhor district?

23 A. Yes, it was in Prey Chhor District.

24 Q. [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 [REDACTED] Who were the other

8 district secretaries or what districts did they represent?

9 A. From Cheung Prey district, Batheay district, Kampong (sic)

10 Meas district and Prey Chhor district and Kampong Siem district.

11 So all together there were five districts.

12 [15.55.03]

13 Q. This may have just been translation. Was one of the five

14 districts Kang Meas district?

15 A. Yes, it was Kang Meas district.

16 Q. And who was the district secretary of Kang Meas district?

17 A. Kang Meas district secretary, I cannot recall his name now.

18 Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 [15.56.42]

25 Q. [REDACTED]

1 [REDACTED]

2 MR. LYSAK:

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MR. PRESIDENT:

9 [REDACTED]

10 BY MR. LYSAK:

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MS. PRAK YUT:

19 A. [REDACTED]

20 [15.58.45]

21 Q. [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 [REDACTED]

10 Q. [REDACTED] My question was whether you ever attended any meetings at  
11 which Kan's wife, Pheap, was present?

12 A. I never saw Kan's wife attended the meeting at the sector  
13 level. I only met Kan. I did not know Kan's wife. I did not know  
14 her face.

15 [16.01.00]

16 Q. Thank you, that's clear.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 Q. Let me ask you this way. You've testified that you were  
24 transferred from Kampot to Kampong Siem in January 1977 and that  
25 you were sent from Kampong Siem to Battambang in October 1978.

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1 The meeting in which you received this order from the sector  
2 secretary, was it closer to the time when you first arrived in  
3 Kampong Siem district, early 1977? Was it closer to the time that  
4 you left the district -- that is, October '78? Or was it sometime  
5 in the middle of the period that you were in Kampong Siem  
6 district?

7 [16.02.42]

8 MR. KOPPE:

9 Just a small observation, Mr. --

10 MR. PRESIDENT:

11 Madam Witness, please hold on. The Chamber gives the floor to  
12 Counsel Victor Koppe.

13 You may now proceed.

14 MR. KOPPE:

15 Thank you, Mr. President. A small observation.

16 It is correct that the witness testified that she went to Kampong  
17 Siem in January '77, but there's also testimony from her that she  
18 went in March and April, or even mid-'77. So I think only January  
19 '77 is not necessarily her only evidence.

20 MR. LYSAK:

21 Mr. President, my question is, was it closer to the time she  
22 arrived, closer to the time she left, or more in the middle. If  
23 counsel wishes to examine her on the exact time she arrived, he  
24 can do that.

25 [16.03.48]

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1 MR. PRESIDENT:

2 Madam Witness, please give your answer to the International  
3 Co-Prosecutor if you can remember.

4 The objection by Counsel Victor Koppe is overruled.

5 MS. PRAK YUT:

6 A. I do not understand this question. On the one hand and on  
7 another hand, I would like to say, no, that I did not remember  
8 the exact month or year it happened. I could not remember the  
9 time. That's my short answer.

10 [16.04.40]

11 MR. PRESIDENT:

12 Thank you, Madam Prak Yut, but you should not say that you want  
13 to say no to the question. You need to answer every question. If  
14 you know the answer, you said you know the answer. If you don't  
15 know, you said you don't know the answer. You cannot reject --  
16 you cannot reject the question, but you can choose to answer that  
17 to a question that may not incriminate you.

18 Do you understand?

19 MS. PRAK YUT:

20 I understand now and I would like to apologize.

21 [16.05.30]

22 MR. PRESIDENT:

23 That's okay.

24 The hearing today comes to an adjournment. The Chamber is now for  
25 an adjournment and the Chamber will resume its hearing tomorrow

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1 at 9 o'clock to hear Witness 2-TCW -- 2-TCCP-869 in the morning  
2 session to hear her testimony regarding the treatment of  
3 Vietnamese people, and in the afternoon from 1.30.

4 Madam Prak Yut, thank you. The hearing of your testimony has not  
5 come to an end yet. You are therefore invited to come and testify  
6 once again tomorrow. You may now rest.

7 Court officer with the WESU unit, please send Madam Prak Yut to  
8 the place where she is staying at the moment and invite her back  
9 into the courtroom tomorrow at 1.30 in the afternoon.

10 The Court also thanks duty counsel Mam Rithea and we also invite  
11 you back into the courtroom tomorrow from 1.30 in the afternoon.

12 (Judges deliberate)

13 [16.08.50]

14 MR. PRESIDENT:

15 The Chamber would like to make a correction on the statement  
16 announced just now.

17 The President of the Chamber is not fully informed of the  
18 schedule. It is a shame since the President is not informed of  
19 the newly changed schedule.

20 So tomorrow the Chamber will continue hearing Witness Prak Yut in  
21 the morning and also in the afternoon.

22 Ms. Prak Yut, you are invited to testify tomorrow in the morning  
23 and also in the afternoon. The same applies to counsel, duty  
24 counsel. You are invited to accompany the witness in the morning  
25 and also in the afternoon.

1 And we defer the hearing of 2-TCCP-869 to another date.  
2 Court -- security personnel are instructed to bring the two  
3 accused back to the ECCC detention facility and please have them  
4 returned tomorrow before 9 a.m.

5 (Court adjourns at 1610H)

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