



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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**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

CLOSED SESSION

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

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I N D E X

Ms. YOU Vann (2-TCW-894)

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Ms. PRAK Yut (2-TCW-938)

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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. GUISSE	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

1

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

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?

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,

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:

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.

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

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

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. I'm asking you -- I was asking you this question to confirm
7 because in your WRI, you seem to indicate that the list was,
8 rather, either for only Kokor commune or Ro'ang commune. But that
9 testimony is incorrect, 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. In your WRI before the investigators, Mr. President, that is,
9 E3/9507, you said in answer 51 -- the question, "How many former
10 village and commune chiefs were on that list?"

11 And you said, "I do not remember exactly, but there were about
12 50" sorry, "there were about 40 or 50 names."

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?

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:

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. Let me see if I can somehow jog your memory, Madam Witness.

3 Prak Yut gave a statement -- gave testimony to investigators of

4 the OCIJ or, rather, the Office of the International

5 Investigating Judge, that is, E3/9499, question and answer A19,

6 and she seems to say here that:

7 "Grandfather An gave an order to me to identify those who opposed

8 the Revolution, those who wanted to topple the Revolution and

9 those who were not satisfied with the living conditions and to

10 arrest those people to be smashed."

11 Madam Witness, do you recall that these former village chiefs and

12 the Cham and the other ones on the list were on that list because

13 they either opposed or wanted to topple the Revolution?

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--

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. Did she ever tell you, or anybody else ever tell you, that the
4 former Lon Nol officials soldiers who were on that list were
5 there because they either opposed the Revolution or they wanted
6 to topple the Revolution?

7 A. Prak Yut was also under the supervision of the Ta An, and
8 whether they want to topple it or they want to purge it, it was
9 beyond my knowledge.

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. Now, you spoke about 200, 300 people on a list. Prak Yut was
13 also asked a question about how many people were arrested. And in
14 her statement, E3/9496, question and answer 55, she says that, in
15 total, "Roughly 30 people were arrested." Is she correct when she
16 says 30, or is she incorrect? Is it, rather, 200 to 300?

17 [10.07.48]

18 MR. FARR:

19 Mr. President, I haven't managed to open this document yet, but I
20 just want to make sure that Counsel is representing that Prak Yut
21 is referring to exactly the same events that this witness is
22 referring to in the statement. Otherwise, it's an unfair
23 question.

24 And if I had time to review the document, then I would be able to
25 asses that, but--

1 MR. KOPPE:

2 I'm very happy to read the context, Mr. President.

3 MR. FARR:

4 Thank you.

5 BY MR. KOPPE:

6 Q. Question -- so that's question 55:

7 "As far as you can recall, during the time you were in charge of
8 Kampong Siem district, how many times did you receive order from
9 Grandfather An to arrest people? In total, how many people were
10 arrested?"

11 Answer: "As far as I can recall, I received the order from
12 Grandfather An to arrest people approximately three times and, in
13 total, roughly 30 people were arrested."

14 So that's Prak Yut's testimony, Madam Witness. Was it, rather 30
15 people that were arrested or 200 to 300 people, as you said?

16 [10.09.01]

17 JUDGE FENZ:

18 I'm sorry. Perhaps I'm confused. So far, she only said these
19 people were on the list, the two to three hundred, or did I miss
20 when she said they were arrested?

21 MR. KOPPE:

22 That is a good point, Judge Fenz. I thought she said that, but
23 I'm happy to ask for clarification.

24 MR. FARR:

25 Your Honour, she did say that on Friday. I don't believe she said

1 that today.

2 [10.09.30]

3 BY MR. KOPPE:

4 Thank you.

5 Q. Then I will ask my question again, Madam Witness. So Prak Yut
6 talks about the arrests of a total 30 people, whereas you speak
7 about the arrest of 200 to 300 people. Can you tell us which one
8 of the two is more accurate, is more correct?

9 MS. YOU VANN:

10 A. It was sometimes accurate according to her situation because
11 sometimes she was not present on the ground. And what I know is
12 based on the information I received from the district army chief,
13 so I can say that maybe that is her correct statement on her
14 side.

15 Q. So Prak Yut was right when she said, in this particular
16 statement, 30 people were arrested in total. Am I to understand
17 that?

18 A. The number of 30 was correct when she was aware of it, but
19 sometimes she was not there and she did not learn of information
20 during the meeting.

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. Let me now move to Ta An. You spoke about him a bit last --
11 last week.

12 Prak Yut was also asked questions about Ta An, and she called Ta
13 An, "bad-tempered and very stubborn". Is that something that is
14 your recollection as well, or you don't really have any
15 recollection as to the personality of Ta An?

16 A. What I knew is that he was an absolute person.

17 Q. And what do you mean with him being, "absolute person"?

18 A. He was absolute, for instance, in the building the nation and
19 the country, and that's what he had to do. And maybe Prak Yut is
20 right when she said that he was stubborn.

21 Q. Was he also someone who was cruel?

22 A. His character was humbled, but he strictly followed the rules
23 and the regulations.

24 Q. Have you ever heard Ta Mok complain about An being either too
25 absolute or too cruel or too bad-tempered?

1 A. No, I did not know about that because when the senior people
2 were discussing the matters amongst themselves, I would withdraw
3 myself from them.

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 In her testimony a few minutes ago, as I understood it, she
2 indicated that approximately half of the names on the 200 to 300
3 person name list were former village and commune chiefs. In
4 E3/9507, her second OCIJ statement, at answer 51, she indicates
5 that 40 or 50 of the names on the list were village and commune
6 chiefs, so something between a quarter and a sixth rather than a
7 half, depending on how extensive the list actually was.

8 I know I finished my examination. I'm not asking for leave to
9 reopen it. But this is an issue that I think will be difficult
10 for Your Honours to reach a conclusion on based on the state of
11 the evidence as it now stands. I wanted to bring it to everyone's
12 attention in case Counsel wants to address it again, and in case,
13 Your Honours, wish to address it again. Thank you, Mr. President.

14 [10.34.57]

15 BY MR. KOPPE:

16 Indeed, it is a request to have re-examination of the witness
17 and, as a matter of fact, I did mention to the witness the number
18 of 40 to 50. I did confront her with this. You can re-read the
19 transcript -- draft transcript tomorrow, so I did question her on
20 both numbers, so I think that topic is covered.

21 Secondly, I also would like to correct the Prosecution in
22 relation to another subject. He said there was no evidence to
23 suggest that she had left for Kampong Cham sometime early '77.
24 There is.

25 In her first WRI in question and answer 5, she says, "We were

1 sent there in '76 or early '77 after the harvesting period was
2 over".

3 So starting from this and just going back, Madam Witness, to what
4 you said before the break, you said that you went to the Central
5 Zone '76 or early '77. However, I would like to ask your reaction
6 in respect of what Prak Yut said when all those Kampot cadres --
7 that period of time that all those Kampot cadres went to the
8 Central Zone. She says on two occasions around March or April
9 1977, or mid-1977. She says April or May '77. And one point in
10 time, she says January '77.

11 Could you try and remember when it was, exactly, that you left
12 for the Central Zone? Was it early '77 or was it, rather, April,
13 May or even mid-77?

14 [10.37.22]

15 MS. YOU VANN:

16 A. I could not remember this, but I think she may remember
17 because she was my superior.

18 Q. Thank you, Madam Witness. There's also something else she
19 said, and that's something she said in E3/9496, in question and
20 answer 25.

21 She said that once she and -- and you and the other Kampot cadres
22 arrived in the Central Zone, you first had to -- to go to
23 districts and communes to "grasp the situation." So it seems that
24 she is saying that after you had arrived, at first you had to do
25 nothing, basically, and, sort of, try to understand or try to

1 "grasp the situation." Is that something that happened; is that
2 your recollection as well?

3 A. Yes, that is correct.

4 [10.38.53]

5 Q. Do you remember how long the, "grasping of the situation",
6 lasted?

7 A. It took a long while, but I did not remember how many months
8 it took.

9 Q. Was it maybe three months; was it maybe four, five, six
10 months; was it all the way until the end of 1977?

11 A. I knew that she grasped the situation until the Vietnamese
12 arrived.

13 Q. Let -- let's move on. Did -- did the list that you just spoke
14 about this morning, the list of 200 and 300 people, was that made
15 after the "grasping of the situation" had finished?

16 [10.40.16]

17 MR. FARR:

18 Objection, Mr. President, on the basis that this is just not a
19 clear question. I don't think the witness has said what was
20 involved in grasping the situation. She did say that Prak Yut was
21 involved in grasping the situation until the Vietnamese arrived,
22 so we know that it's -- it's impossible that the list was made
23 after the grasping of the situation ended, but the question just
24 isn't clear enough as to what we're talking about here. I think
25 it risks confusing the witness and giving us evidence that's not

1 usable.

2 BY MR. KOPPE:

3 I'm not sure about that, Mr. President.

4 Q. Also, the Vietnamese arrived in October-November '77, but,
5 again, Madam Witness, you agree with Prak Yut's statement that
6 once you had arrived in the Central Zone, you started first
7 grasping the situation. Can you tell us whether the list was made
8 while you were still grasping the situation or when you were,
9 sort of, pretty much done with grasping the situation?

10 A. After we made the plan and then the Vietnamese arrived.

11 [10.42.59]

12 JUDGE FENZ:

13 Sorry, may I just interrupt? What does grasping of the situation
14 mean?

15 MS. YOU VANN:

16 Grasps -- grasping the situation mean to search for those who had
17 link to the background, so I, myself, was also linked to the
18 background. My mother was also disappear.

19 Prak Yut told us to grasp the situation, but we did not know
20 specific -- exactly what it was.

21 [10.42.48]

22 MR. PRESIDENT:

23 Victor Koppe, you may confuse with the point about the arrival of
24 the Vietnamese. Based on the geography, we had no information
25 that the Vietnamese arrived in that location in 1978. When she --

1 when the witness talk about the arrival of the Vietnamese, based
2 on this context, she refer to the arrival of the Vietnamese in
3 January 1979.

4 So, Counsel, please be specific on this because there has been no
5 information that her location were exposed to the arrival of the
6 Vietnamese in 1977.

7 BY MR. KOPPE:

8 I'm not entirely sure about that, Mr. President, but I -- I
9 presume she means the arrival -- the second arrival, indeed, in
10 the end of '78, but let -- let me move on because I don't have
11 that much time.

12 Q. Madam Witness, just one last question about the list of the
13 200 to 300 people. Was the list meant to just identify people or
14 do you know whether these people were also to be arrested; was it
15 only identification or was it also a list for arrests of these
16 people?

17 A. I did not know. After I made the list and then Prak Yut took
18 the list to the sector, to Ta An, but some of the names on the
19 list -- some of them survived, some of them disappeared.

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 earlier in your WRI, but also 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

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

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. As a follow up to the questions that have been put to you
15 regarding the list of 200 to 300 names you referred to this
16 morning, I would like, for a start, to have you confirm
17 something. At the hearing of Thursday, last week, that was at
18 about -- just before 15.06.56, you stated that you did not know
19 what was done with the list of 200 to 300 names and I quote what
20 you stated specifically. This is what you stated. "I did not
21 know. It depended on Ta An and Prak Yut who were in charge of
22 measures that had to be put in place."

23 Do you confirm this point, that it was Ta An and Ta Yut who
24 decided what had to be done with the list of names you gave them?

25 [11.04.37]

1 MS. YOU VANN:

2 A. Yes, that is correct.

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. However, is it correct to say that you, yourself, never
14 attended a meeting between Prak Yut and Ta An regarding that
15 list?

16 A. Yes, that is correct. She used me for various work, but I
17 never attended such a meeting with her.

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. I'm putting this question to you, Madam, because I have
8 understood that you did not quite know the procedure whereby
9 arrests were decided. Prak Yut was interviewed and this what she
10 stated in the document E3/9499, and it is answer number 28.

11 Questions were put to her regarding the manner in which orders
12 were handed down from the chief of communes regarding the
13 identification of bad elements. This is what she stated.

14 "As a matter of fact, after regional meetings, I returned to my
15 district and I handed down the orders to the commune chiefs
16 determining, depending on the level of gravity of the situation,
17 who were the potential opponents who presented a serious danger
18 to the Revolution and then the commune chiefs would proceed to
19 arrest bad elements that were likely to bring down the Revolution
20 and they would be detained and executed."

21 My question is as follows: Bearing in mind these statements by
22 Prak Yut, 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. In your statement before Co-Investigating Judges, E3/9507, you
9 referred to work regarding the construction of dykes; as part of
10 your duties as a mobile head or head of a mobile unit, were you
11 in charge of managing workers who were constructing dykes?

12 A. I did not go there because my work was only at the district
13 level and that kind of work was at the sector level which was
14 separate from us.

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. In a statement, E3/163 -- and I've just realized that I do not
7 have the ERNs in the other languages and I'll give the ERN later;
8 in French, it's 00403125; and it is a statement by Prak Yut and
9 she states explaining that she prepared herself to go to Phnom
10 Penh and that she was taken to Phnom Penh and this is what she
11 states:

12 "We stopped at the Central Zone office in Phnom Penh."

13 Does mention of the Central Zone office, in Phnom Penh, refresh
14 your memory as regards the place where you stopped over?

15 [11.20.19]

16 A. I only recall that it was a school or a university, but I
17 cannot recall whether it was also an office.

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. I put questions to you regarding the two persons. For Pech
3 Chim, in fact, it's a statement, E3/9462, and it is the answer to
4 question number 1. Pech Chim was questioned and this is what he
5 stated. He stated that he left at the same time as Prak Yut, An
6 and Phen to the Central Zone and he said that they all lived
7 previously in the Southwest Zone. He further states that they
8 left at the same time; does this jog your memory?

9 A. Yes, it does, but I cannot recall the persons or the month.

10 [11.22.58]

11 Q. For the Chamber and the Parties, let me give you the ERNs I
12 didn't have a while ago regarding Prak Yut's statement, E3/163.
13 In English, it's 00364081; and the ERN in Khmer is, 00357510; and
14 it is document E3/163.

15 Does this remind you of anything? I ask this question because I
16 believe I heard you say that, on the day of your arrival, a
17 meeting was held and the meeting -- the meeting was attended by
18 Prak Yut and let me quote what you stated. It was at -- on
19 Thursday at 14.04.01.

20 "I believe I understood that he had met with Khieu Samphan. This
21 is what I understood."

22 So my first question is as follows: When you said that you
23 believe you understood, was that something you inferred or
24 someone told you that he had attended a meeting with Khieu
25 Samphan?

1 [11.24.45]

2 A. Prak Yut told me that, when she returned and that's why I knew
3 about this.

4 Q. This is what you stated precisely, later on, and what is your
5 basis for making this statement that he met with Khieu Samphan --
6 she met with Khieu Samphan. This was your answer: "Because she
7 went to attend -- they went to attend a meeting and when they
8 returned, they said that Khieu Samphan was going to come in the
9 morning to meet with us, so I knew that that was the result of
10 the meeting they had held."

11 This is what you stated on Thursday, so my question is as
12 follows: Are you sure that they met with Khieu Samphan at a
13 meeting or did Prak Yut meet him on another occasion and he
14 allegedly said he was going to return the following day?
15 I put this question to you, Madam, because you stated on Thursday
16 that you did not attend a meeting. You also stated that you did
17 not know what had been said at the meeting, so my question to
18 you, therefore, is: Are you sure that Prak Yut said she had
19 attended a meeting with Khieu Samphan or did she simply tell you
20 that he was going to return the following day?

21 [11.26.38]

22 A. Because she left and she told me that she went to attend a
23 meeting, although I did not know the location of the meeting, and
24 when she returned in the afternoon, she told me that, next
25 morning, Khieu Samphan would come to greet us; however, he didn't

1 step out of the vehicle and that was what happened.

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. In your statement, E3/9507, at answer 84, you spoke of --
25 well, rather, the question was put to you of whether a young girl

51

1 could ask for a young man's hand and you said that that was not
2 forbidden but, traditionally speaking, a young girl would never
3 make the first step.

4 So my question is the following: When you say "traditionally
5 speaking," are you speaking about the traditions before the DK
6 regime or are you speaking about tradition during the DK regime?

7 A. That is our Cambodian's tradition; the women do not propose to
8 men, only the men do that to women.

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:

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. Now, I would like to read out to you an excerpt from your
23 statement E3/9507 at answer 77. And you say that, "As far as I am
24 concerned, I have the power to decide giving permission to
25 married people to go see their spouses without having to wait for

1 proper authorization. All I had to do was to issue a letter.

2 There was no text and no policy that set a frequency as far as
3 home visits were concerned." End of quotation.

4 So when you speak about these permissions that you would give to
5 married people, whom are you speaking about? Were these people
6 who were within the mobile unit or not?

7 A. Yes, I allowed them to go upon their request. Some wanted to
8 remain living within my unit while others wanted to live in the
9 cooperative. Some of them found it easier to stay with the mobile
10 unit and for that reason they could stay.

11 Q. So you would give them the choice; is that what I must
12 understand?

13 A. Yes, that is correct.

14 [13.40.20]

15 Q. In the same answer, 77, you answer the question about how
16 these permissions were obtained, these permits to travel which is
17 something you also brought up with my colleague from the civil
18 parties, and you answered that, "That depended on whether the
19 village or group chief was lax or strict." End of quote.

20 So my question is: you, as a deputy commune chief, did you have
21 anything to say or did you have any say in these requests to
22 travel or was this something that was specifically managed by the
23 village chief and by the unit chief?

24 A. I do not understand your question.

25 Q. Well, let me put it to you in another way. You said that as a

1 unit -- as a chief of a mobile unit, it was you who would give
2 authorization to the members of your team to travel if they
3 wished to, to their home villages or to be reassigned to
4 cooperatives.

5 So my question is: 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

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. Thank you. In relation to your testimony -- that is, your
17 written record, E3/9507, question/answer 18, you made a statement
18 in relation to the order issued by the district soldiers, and
19 allow me to quote:

20 "I never received such orders. District soldiers came to arrest
21 people themselves. Each time they came they arrested one, two or
22 three people. Very few people from our commune were arrested by
23 district soldiers like this." End of quote.

24 My question to you is the following: In relation to your
25 statement regarding the arrest by soldiers in Ro'ang commune, did

1 it happen when you were the deputy chief of that commune or did
2 this happen prior to you being that commune deputy chief?

3 [13.53.00]

4 A. The arrest did not happen, only when I was the deputy chief of
5 that commune. In fact, it happened during the reign of my
6 predecessors of the commune chief and the commune deputy chief.

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 and also in your WRI, you
24 mentioned 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

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

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

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.

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 (Public session from 1405H to 1424H)

7 (Resumption of closed session: 1424H)

8 QUESTIONING BY THE PRESIDENT:

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

10 MS. PRAK YUT:

11 A. I am Prak Yut.

12 MR. PRESIDENT:

13 Thank you, Madam Prak Yut. Have you ever testified before the
14 Chamber?

15 [14.24.45]

16 A. I once testified before the Chamber.

17 Q. When did it happen?

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

19 Q. Let me remind you. You were invited to testify before the
20 Chamber in Case 002/01 on 25th January 2012. There is transcript

21 E1/33.1. The reason I asked you about the fact that you --

22 whether or not you have testified before the Chamber is that I

23 want to confirm about your background. So do you confirm the

24 background on the personal identity that you gave to the Chamber

25 on that date?

1 A. Nothing changed in relation to my personal identity and
2 background.

3 [14.26.07]

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

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

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

8 A. I was born in 1957, rather.

9 Q. In the previous testimony you stated that you were born in
10 1947. So which one is correct? Were you born in 1957 or 1947? It
11 was 10 years' difference.

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

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

17 THE INTERPRETER:

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

20 [14.28.25]

21 BY THE PRESIDENT:

22 Q. Let me confirm ERN in Khmer 00773490 through 00773491;
23 English, 00774103 through 00774105; French, ERN is 00774202
24 through 00774204.

25 Madam Prak Yut, in the greffier's report to the best of your

1 knowledge, you have no relationship by blood or by law to any of
2 the two Accused, Nuon Chea and Khieu Samphan, or to any of the
3 civil parties admitted in this Case. Is that true?

4 MS. PRAK YUT:

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

6 Q. Have you already taken an oath before your appearance in the
7 courtroom, the oath taken before the Iron Club Statue to the east
8 of the courtroom?

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

10 [14.30.12]

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

13 Your rights: As a witness, Madam Prak Yut, in a proceeding before
14 the Chamber, you may refuse to respond to any question or to make
15 any comments which may incriminate you -- right against
16 self-incrimination. This means that you may refuse to provide
17 your response or to make any comment that could lead to you being
18 prosecuted.

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

1 questions that the Bench or Parties pose to you.

2 Do you understand your rights and obligations as a witness before
3 the Chamber?

4 A. Yes, I do.

5 [14.31.57]

6 Q. Madam Prak Yut, recently have you provided any interviews to
7 the investigators of the OCIJ in Case 004?

8 A. No, Mr. President.

9 Q. In fact, you provided four statements. You provided statements
10 four times to the investigators of the OCIJ in the new case -
11 that is, Case 004. Do you recall it?

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

13 (Microphone not activated)

14 [14.32.55]

15 MR. PRESIDENT:

16 You have the floor now, Mr. Koppe.

17 MR. KOPPE:

18 Thank you, Mr. President. I think she gave six statements in Case
19 004.

20 MR. PRESIDENT:

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

22 [14.33.34]

23 MR. LYSAK:

24 Yes, I just wanted to confirm. There were four interviews or
25 statements before her testimony in the first trial -- that is,

1 before January 2012. And then since 2012, between 2013 and 2015,
2 there have been six additional interviews in Case 004. So counsel
3 is correct.

4 In total there have been 10 interviews.

5 [14.34.08]

6 BY THE PRESIDENT:

7 Q. So in total, you provided 10 statements before the
8 investigators of the Khmer Rouge Tribunal. Do you recall it?

9 2-TCW-938:

10 A. I remember that I was interviewed 11 times and the last time
11 it was on -- it was in 2015. That is the last time that I
12 provided my interview. So all together, I provided 10 statements.

13 Q. Thank you. Before your appearance, have you read or reviewed
14 all the statements that you provided 11 times before the
15 investigators to refresh your memory?

16 A. I have read almost all the documents except one document. So I
17 read 10 documents or statements already; only one that I missed.

18 [14.35.35]

19 Q. To your best knowledge and to the best of your recollection,
20 can you confirm whether the statements you have read or reviewed
21 correspond to the statements that you provided to the
22 investigators?

23 A. From my reading and review, I have told the truth.

24 MR. PRESIDENT:

25 Thank you. The floor is now given to the Co-Prosecutors before

1 other Parties. The combined time for Co-Prosecutors and Lead
2 Co-Lawyers for civil parties is three sessions.

3 You have the floor now, Co-Prosecutors.

4 [14.36.54]

5 QUESTIONING BY MR. LYSAK:

6 Thank you, Mr. President, Your Honours.

7 Q. Good afternoon, Madam Witness. As you have just been asked
8 about, you testified before this Chamber already once in the
9 first Case 002 Trial in January 2012. So I'm not going to ask you
10 questions today on subjects that were covered in your prior
11 testimony, including your background and positions in the
12 Democratic Kampuchea regime. Instead, I am going to focus on
13 additional issues in particular subjects you have given testimony
14 on and interviews you have given in Case 004 between 2013 and
15 2015.

16 But before I start that, at the end of the first interview you
17 gave in Case 004 on the 28th of May 2013, reference -- this is
18 E3/9522 -- E3/9522 at answer 47, you acknowledged that you had
19 not told the whole truth in your earlier interviews and
20 testimony. You said -- I quote - quote: "I would like people in
21 Kampong Siem to forgive me. I did not say everything in my
22 previous interviews. I request for confidentiality of my
23 statement because I was worried about my safety." End of quote.

24 [14.38.59]

25 Madam Witness, to your credit, in this same interview you

1 corrected some assertions you had previously made to the effect
2 there were no arrests and killings in your district, and you
3 described an order you had received from your superior sector
4 secretary, Ta An, which I will be asking you about in detail
5 today. But I wanted to start by giving you an opportunity at the
6 beginning of your testimony today to explain to this Court why
7 you did not tell the whole truth about arrests and killings in
8 your district in your original interviews and testimony in this
9 Case. Can you explain why it is that you didn't talk about
10 everything that had happened in your district in your early
11 interviews?

12 [14.40.10]

13 MS. PRAK YUT:

14 A. Regarding the question they asked me about the killings in my
15 district, I would like to clarify to all of you that concerning
16 this issue, I covered from the first to the second point in my
17 talk. I told that I was not involving myself in the killings that
18 it came from the order from the upper echelon to me.

19 I did not carry out the order. The order came from Ta An. I tell
20 the truth that I was not involved in the killing. I simply
21 relayed the order to my subordinates and sometimes I knew about
22 the implementation and sometimes I did not know.

23 And one more thing I would like to tell you that as a woman, what
24 happened at the lower level, sometimes I was not aware of this.

25 What I told you does not mean that I tried to get myself free

1 from this, but I simply told you the truth that I simply relay
2 the orders. I never did it myself. And after people at the lower
3 levels would carry out the order they reported to me that now
4 those people have already been purged and then I reported back to
5 the upper level. So I was simply a person in the middle which
6 relayed the order from the upper level down to the lower level
7 and from the lower level up to the upper level.

8 [14.43.10]

9 Q. Thank you, Madam Witness. I want to go straight to the
10 questions about -- relating to the subject of our current trial
11 segment and ask you questions about what happened to the Cham
12 people in Kampong Siem district. You have testified in your prior
13 interviews that it was in January 1977 that you were sent from
14 Kampot to Kampong Cham. When you arrived in Kampong Siem district
15 in early 1977, were there many Cham people in that district?

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

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

25 [14.45.30]

1 And regarding the Cham people, I myself was also wondering why
2 the Cham -- the name of the Cham people were wanted to be purged.
3 But the order came from the upper echelon, so I simply
4 implemented it.

5 Q. I'll get to the order and I'll have lots of questions for you
6 about that. What I want to first ask you about has to do with the
7 general questions about the Cham in your district. Let me read to
8 you a short response from your most recent interview,
9 E319/33.3.8, at answer number 2. You said - quote: "My district
10 was a big one comprised of 11 communes. There were many Cham
11 families living there." End of quote.

12 How did you come to know that there were many Cham families in
13 your district?

14 [14.47.13]

15 A. In Kampong Siem district there were many Cham people, but
16 among them in Trean commune, there were many Cham people living
17 in Trean commune. But I did not calculate how many Cham people
18 living in the commune. In Kampong Siem I made the report that
19 there were 1,600 Cham families. But when we calculated the total
20 number, I told him that I knew only the total number but I did
21 not know how many Cham people living in each village. So he told
22 me that the total number of Cham people from Trean commune would
23 be purged. So when he said that I -- before he raised that point,
24 I did not pay attention. At that time I was not aware that there
25 were many Cham people within the commune. As I said, there were

1 11 villages within the Trean commune. During the purge, I only
2 knew that Cham people had been taken away and killed. I was told
3 by him, based on the instructions from the upper echelon. And, as
4 I said during the time, I was not aware that there were so many
5 Cham people within the communes.

6 [14.49.42]

7 When the investigator came to interview me, he or she calculated
8 the population of Cham people within the commune. And by the time
9 I learned that there was such great numbers of Cham people within
10 the commune that is true that Cham people had been purged. The
11 upper echelon instructed me to identify all Cham people within
12 that commune.

13 MR. PRESIDENT:

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

15 [14.50.24]

16 MR. KOPPE:

17 Thank you, Mr. President. I wanted to rise earlier, but I thought
18 I would wait for the question and the answer first. But now that
19 the answer to the question has been given, I would like to note
20 the following problem.

21 A big part of this particular WRI does indeed deal with the Cham
22 commune in -- the Cham people in Trean commune and, as a matter
23 of fact, in this document on -- before questions 2, 3, 4 and 5,
24 there are two investigators' remarks or notes. So it seems that
25 the witness has been fed with information as to how many people,

1 how many Cham people were living in this particular commune.
2 The problem we have is that we do not have any information
3 whatsoever on which the investigators are basing themselves upon.
4 They apparently have all kinds of information about recent
5 investigations into Trean commune. They have all kinds of
6 statistics about Trean commune. But I think it's very important
7 to note that that is unknown to us. We have no means of verifying
8 the veracity or reliability of these particular investors' (sic)
9 notes -- investigators notes, sorry.

10 [14.52.08]

11 Apparently her answer is, I understand, quite important to the
12 Prosecution but we have no way of verifying what exactly it is
13 that is known in the Case 004 investigation, what they are basing
14 themselves upon. So we feel severely handicapped not having this
15 information and maybe the Prosecution does have this information.
16 We don't. So we feel that -- or it's our submission that this
17 subject should not be dealt with right now until we have full
18 disclosure of the investigation into Trean commune.

19 MR. LYSAK:

20 Let me very quickly respond.

21 MR. PRESIDENT:

22 Please hold on, Co-Prosecutor. You have the floor first, counsel
23 for Mr. Khieu Samphan.

24 [14.53.07]

25 MS. GUISSÉ:

1 Yes, thank you, Mr. President. Maybe it's better that I make my
2 remarks before the Co-Prosecutor answers, but simply to complete
3 the observations by my colleague I would like to go a bit
4 further.

5 Given the last answer provided by Prak Yut indicating that she
6 did know not what the total number was of Cham people living in
7 her commune, I don't know if this is indeed what the
8 Co-Prosecutor is trying to obtain, but we have to continue trying
9 to understand what the witness knew in terms of numbers and not
10 what the investigators were trying to get from her, especially
11 since the investigation is in the process. We don't know in fact
12 where the numbers come for (sic) and if these numbers are
13 definite. So we object to any question that may be based on
14 numbers that were not provided by the witness.

15 [14.54.17]

16 MR. LYSAK:

17 Let me respond first to the assertion that the Defence don't have
18 the information on which the question of the investigators was
19 based. That's simply wrong. There were five documents that we
20 disclosed last week or the week before and one of those five was
21 the investigative report on Trean commune in which all this
22 information was developed. The sources were laid out. So the
23 Defence has exactly what we have, which is the investigative
24 report that was used to come up with these numbers of the Cham
25 people living in Trean commune.

1 In terms of my questioning to the witness, obviously the witness
2 doesn't know the exact number. She was given some information to
3 confirm whether the estimate of the investigators on this one
4 commune was reasonable. We'll get to all that in due course but
5 the objection that somehow the defence don't have the information
6 from Trean commune is simply incorrect.

7 [14.55.53]

8 MR. KOPPE:

9 It might be that, Mr. President, we have this document. To be
10 honest, I don't know if we do. Then if we do have it, I missed
11 it, and then I need some time to study it before the Prosecution
12 continues.

13 JUDGE FENZ:

14 When again was this made available for the Parties?

15 MR. LYSAK:

16 I am counting on my -- I flew back here on the 6th of January and
17 I think we filed -- we sent an email and filed a disclosure the
18 next day. So it was disclosed, I think, on the 7th of January.

19 There were the five new documents related to the Cham that had
20 been authorized by Judge Bohlander at the start of the Christmas
21 vacation. So this -- I have the Case 004 number in my book here.

22 I would have to go online to find the E319 number that's been
23 assigned.

24 [14.57.04]

25 JUDGE FENZ:

1 And what is the volume of this report -- of these reports? Just
2 an idea.

3 MR. LYSAK:

4 It was five pages long, the report on Trean commune.

5 MR. PRESIDENT:

6 It is now time for a short break. The Chamber will take a short
7 break from now until 10 past 3.00.

8 Court officers, please assist the witness in the waiting room
9 during the break time and please invite her back together with
10 her duty counsel into the courtroom at 10 past 3.00.

11 The Court is now in recess.

12 (Court recesses from 1457H to 1515H)

13 MR. PRESIDENT:

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

15 In the previous session, there were some different opinions about
16 the documents disclosed by Parties and there were remarks from
17 the Nuon Chea defence team and also from other defence counsel.

18 [15.16.24]

19 Now, I would like to hear clarification from the Co-Prosecutors.

20 I would like to know whether you have already submitted the
21 request of -- to the Chamber to admit the newly disclosed
22 documents which are very contentious right now before the
23 Chamber.

24 So please elaborate on the background of the disclosure of those
25 documents, Co-Prosecutor.

1 MR. LYSAK:

2 Yes, Mr. President.

3 This was a request -- a disclosure filing that we got out very
4 quickly on the first week that the Court resumed because Judge
5 Bohlander had authorized some additional Cham interviews. We knew
6 the segment was coming up and we specifically noted that one of
7 the five documents was something that had been used in the last
8 interview of the witness.

9 [15.17.33]

10 So as indicated in our filing, some of these were disclosed
11 because they had some -- at least some information that was
12 potentially exculpatory. Some of them we expect we will file an
13 87.4 motion. I am not planning to use any of these new documents
14 with the witness, so we haven't filed an 87.4 request yet.
15 The Defence -- so these documents were made available and
16 disclosed on the 7th or 8th of January. I have the E319 number
17 for the investigative report that relates to Trean commune. That
18 document is E319/39.3.5 -- E319/39.3.5. It was -- there were only
19 five documents. The defence are obviously aware of these because
20 just yesterday the Khieu Samphan defence filed an 87.4 request to
21 use one of those five new documents, one of the witness
22 interviews which we indicated we had no opposition. This is in
23 Thursday's proceedings. The Court asked whether we had any
24 objection.

25 [15.19.13]

1 So the Defence has already made a request to use one of these
2 documents, so I don't understand why one of the defence counsels
3 is now claiming that he doesn't know about the document and
4 hasn't had a chance to prepare because it's been in their hands
5 for a while, and it was specifically identified by us as
6 something they may want to have the opportunity to review before
7 this witness's testimony. That was one of the reasons we had --
8 you may remember we had suggested changing the order of the
9 witnesses so that the Defence had time to review those new
10 documents before she testified.

11 [15.19.51]

12 So I hope that gives you a further background on this disclosure.

13 MR. PRESIDENT:

14 The concerned documents were requested to disclose by you and
15 have you submitted the request to the Chamber to admit all those
16 documents so that those documents can be used in our Trial? All
17 documents cannot be used before the Chamber unless you have filed
18 a request in accordance with Internal Rule 87.4. That is the
19 first question I need your clarification.

20 You know that the Trial Chamber is not aware of the request for
21 disclosure and also the request to admit the documents in
22 accordance with Internal Rule 87.4.

23 The documents in Cases 003 and 04 cannot be used automatically
24 before the Chamber unless the documents are very beneficial for
25 the Trial Chamber and unless you have filed a request in

1 accordance with Internal Rule 87.4.

2 [15.21.20]

3 So the question before you is that have you filed the request in
4 accordance with the above-mentioned rule?

5 MR. LYSAK:

6 Mr. President, we are not seeking to use the document with this
7 witness, so we have not filed an 87.4 request because we are not
8 using that investigative report with this witness. The Defence
9 may wish to, that's why we disclosed it to the Defence.

10 [15.21.52]

11 So the only document I'm using with the witness is her OCIJ
12 interview, not this investigative report. That's why we haven't
13 -- we, the Prosecution, haven't filed an 87.4 request.

14 MR. KOPPE:

15 Mr. President, it is indeed true that E319/39.3.5, the
16 investigation report, was disclosed to the Defence on the 8th of
17 January, 10 days ago. Somehow it slipped through the cracks of
18 our preparation. I have no problem being frank to admit that.
19 Of course, meanwhile in the break we had time to review the
20 particular document and were able to see that the investigation
21 report is merely paraphrasing sometimes hearsay evidence of
22 villagers or village chiefs from the particular villages in that
23 commune.

24 We did a very quick search and we may be wrong because of
25 misspelling, but the 13 names -- or 13 people used in this

1 investigation report, of those 13 only three -- we have only --

2 of three people we have WRIs in our possession. So -

3 [15.23.34]

4 JUDGE FENZ:

5 Sorry, counsel, you are using the document now. So are you asking
6 for it to be admitted, the report I mean, because you are already
7 analyzing it?

8 MR. KOPPE:

9 Well, the reason that I brought it up is that the answers from
10 this witness in her WRI originated from this report, and she
11 wouldn't even have answered that question. She didn't volunteer
12 that information unless for this report. So it is our duty as
13 defence counsel to see what the origins are of this report. We do
14 not necessarily seek to admit it as evidence, we just want to
15 know -- we want to have clarity and transparency as to what the
16 basis was for that particular question.

17 Having said that, we only know the information of three of those
18 witnesses on which this report is relying itself. I think it
19 would be only fair if right now this particular subject is maybe
20 moved to tomorrow so that we have some more time analyzing this.

21 [15.24.44]

22 I mean, I note that yourself didn't know that this report even
23 existed when you asked how many pages the report was made of.

24 So I don't think -- it's true, we could have known but we didn't
25 and we need more preparation time when it comes to this

1 particular subject.

2 JUDGE FENZ:

3 Sorry, to clarify, what I actually want to understand all of what
4 you are saying, the issue, at the moment, is not preparation
5 time. It would appear that nobody opposes the admittance of the
6 document. Afterwards we can discuss it in detail and with all its
7 implications.

8 So can I ask this question to the prosecutor: any objection to
9 the document to be admitted?

10 MR. LYSAK:

11 No, no, of course no admission because of its connection to one
12 of her interviews, I think that would be appropriate.

13 [15.25.37]

14 JUDGE FENZ:

15 Co-Lead Lawyers?

16 MR. PICH ANG:

17 I have no objection to that matter.

18 MR. KOPPE:

19 Only if we receive all 13 WRIs on which this report is basing
20 itself. Then we have the complete picture, otherwise we have an
21 incomplete picture.

22 MS. GUISSSE:

23 Yes, Mr. President, for giving me the floor.

24 We, the Khieu Samphan team, cannot accept that a document which
25 is a report of investigation that is underway be accepted with a

1 document based on the WRI of witnesses we haven't heard and on
2 whom we have no information and the investigations are still
3 ongoing.

4 [15.26.36]

5 So my objection is not so much in terms of our preparation, even
6 though that may be important, it is an objection to the method.
7 If we have investigations underway, and if we have been part of
8 the investigations, would have asked the Co-Investigating Judges
9 to make sure that the investigators do not feed information to
10 the witnesses before questioning them by asking open questions.
11 But what we have before us is the results of an investigation
12 carried out by Co-Investigating Judges using methods that are
13 questionable. And on this basis, we therefore object to the
14 manner in which the Prosecution is proceeding. The Prosecution,
15 instead of asking questions on materials that are provided by the
16 investigators, are asking questions regarding figures to the
17 witness and not to do so in a questionable manner as happened
18 during the investigations.

19 [15.27.34]

20 For purposes of clarity we, the Khieu Samphan team, wouldn't like
21 to use a document based on questionable methods. All we are
22 asking for is that as part of the questioning of this witness,
23 the International Co-Prosecutor should elicit from the witness
24 answers from the witness and not use notes used by an
25 investigator of the Co-Investigating Judges' Office if the

1 investigation is underway. And we do not know what will become of
2 the materials drawn from the notes of the investigators.

3 As far as I'm concerned, the manner in which the Co-Prosecutors
4 question the witness should elicit answers from this witness and
5 not answers from another witness as part of the 004
6 investigations in principle.

7 The position of the Khieu Samphan team is clear. We do not want
8 to have the reports of an investigation drawn from another
9 investigation.

10 [15.28.45]

11 MR. LYSAK:

12 First, I am not aware that there are WRIs for all these people. I
13 think that they may have spoken to some of them informally and
14 put the results of those communications into the report. I
15 certainly will check, but we -- our practice has been, for
16 obvious reasons, if there's information of the nature that's in
17 that investigative report from witnesses, we would include that
18 in the materials we brought to the Court's attention. So I think
19 counsel's assuming that there is a WRI for each of those people.
20 I'm not sure that that's true.

21 And, second, I don't understand Khieu Samphan's comments --
22 defence counsel's comments that all my -- my question to the
23 witness was a simple one: "Were there many people, Cham people,
24 who lived in the district?" She's gone into an issue that arose
25 during that interview that has to do with one commune. There's

1 nothing at all objectionable about what the investigators did.
2 After having asked her questions, they showed her the results of
3 some research investigation they had done and asked for her to
4 react to it as to whether the numbers they had come up with for
5 that one commune were reasonable or not.

6 [15.30.09]

7 But we're getting way ahead of ourselves here. I haven't gotten
8 anywhere near that part of my examination about specific
9 communes, I was asking the witness an open question.

10 MR. PRESIDENT:

11 So Deputy Co-Prosecutors can proceed with the questions if the
12 questions are very open ones and has no implication on the
13 investigation of the International Co-Investigating Judges.
14 You can now proceed with your questioning.

15 MR. LYSAK:

16 Thank you, Mr. President.

17 [15.31.10]

18 BY MR. LYSAK:

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

24 So my next general question: do you remember where in Kampong
25 Siem district the Cham people were located? Were there particular

1 villages that were Cham villages or were the Cham people spread
2 out -- spread throughout Kampong Siem district?

3 MS. PRAK YUT:

4 A. Cham people were solely living in the whole Kampong Cham
5 province. They were not just living into that one particular
6 district of Kampong Siem, so they were spread out in the whole
7 province.

8 [15.32.33]

9 Q. Thank you. I understand that there were Cham people in other
10 parts of Kampong Cham province. What I'm asking you now is in
11 regards to the Cham people in Kampong Siem district.

12 My question is: were they concentrated in certain villages or
13 certain parts of the district or were the Cham people were they
14 spread out throughout the whole district?

15 A. Concerning people living in Kampong Siem district, there were
16 no separate Cham villages within the district. They had no
17 respective villages to live in. They were spread out throughout
18 the district.

19 Q. Did you know a village in your district in Kokor commune
20 called Kampong Krabei - Krabei, Kampong Krabei village in Kokor
21 commune?

22 A. I do not know that Kokor Krabei (phonetic) village. I know
23 Kokor commune but not Kokor Krabei (phonetic) village.

24 Q. Let me read to you an excerpt from a book that has been
25 written about the Cham called "The Cham Rebellion". This is

1 document E3/2653; English, ERN 00219210; Khmer, 00904407; no
2 French translation available at this time. This is an interview
3 of a person from Kampong Krabei village, Kokor commune, who gave
4 the following account of what took place in that area in late
5 1975 - quote:

6 "About two weeks after those events--"

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

9 "--the cadres called all of our villagers to a meeting. They
10 warned us: 'Do not do what they did at Kaoh Phal. If you are
11 headstrong, this village will be destroyed and turned to ashes
12 just like Kaoh Phal.' Then they evacuated both Kampong Krabei A
13 and B, approximately 600 families. Only 25 families were
14 permitted to remain. Those evacuated were scattered throughout
15 all sub-districts of Kampong Siem district, 15 in all. Then they
16 brought in the Khmer living nearby to occupy the now-vacant
17 houses of the evacuees." End of quote.

18 [15.36.34]

19 Does that refresh your memory about this village, Kampong Krabei
20 village, and does it refresh your recollection that the Cham
21 people had been evacuated from their home villages and spread
22 throughout your district?

23 A. Concerning Kampong Krabei and another village made mention by
24 you, I did not pay attention to the villages. I never convened
25 people within Kampong Krabei village to a meeting. And I never

1 attended any meeting in the district that you have just
2 mentioned. So I did not pay attention to that issue actually.

3 [15.37.47]

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

7 A. During the period, Cham people were not forced to practice
8 Khmer traditions. Cham people were living mingled with Khmer
9 people and we had no separate location for Cham people to live
10 in.

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

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

17 A. They did not practice their religion.

18 [15.39.25]

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

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

24 Q. Who was it that decided that Islam was banned? Was that a
25 decision that you made as district secretary or was it some other

1 level of the CPK -- the Party -- that made that decision?

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

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

7 [15.41.04]

8 Q. Thank you.

9 Now, you have already made a reference to this, but I want to ask
10 you whether during the time you were the secretary of Kampong
11 Siem district whether you received any orders or instructions
12 from your superiors regarding what to do with the Cham people in
13 your district?

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

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

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

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

24 A. I think -- and I am now telling the truth -- that I cannot
25 recall what happened in the regime. I have a weak memory and I

1 did not know who issue the orders, and I did not take any notes
2 of the particular people or person who issue the orders. It
3 happened long time ago. I cannot recall all what happened in the
4 regime.

5 [15.43.34]

6 Q. I understand, Madam Witness. I'm asking you very specifically
7 here about a meeting you attended with Sector Secretary Ta An.
8 Did Ta An give you orders relating to the Cham people in your
9 district?

10 A. Concerning the meeting back then, there were actually
11 meetings. The region did not make any decisions and I did not
12 know at the time whether the region went to consult with the
13 superior or upper echelon.

14 And there were no meetings concerning purges. I was simply a
15 member of the committee and I was not invited into a regular
16 meeting.

17 Q. Madam, let me read to you an excerpt from your interview,

18 E3/9499 ---

19 [15.45.12]

20 MR. KOPPE:

21 Mr. President, before the excerpt is even read, I would like to
22 raise a point, please?

23 And the point I would like to raise is the following. I think we
24 all know which parts of the WRI the prosecutor now intends to
25 read to the witness to elicit the information that he's seeking

1 for. However, we also have a situation that this -- it's quite a
2 unique situation I think -- that this particular witness
3 testified before the Chamber two times.

4 When this witness testified, she denied knowledge of any
5 killings. She was questioned particularly by Judge Cartwright as
6 to the truthfulness of her testimony, and she said that she was
7 truthful and she said that she wasn't threatened and Judge
8 Cartwright made it very sure that her testimony was, at that
9 time, considered truthful. As a matter of fact, the judgement
10 refers to Prak Yut's testimony 12 times.

11 [15.46.46]

12 So there we have one situation. The second situation obviously is
13 what she said in her WRIs to the investigators for Case 004. By
14 now, sort of pretending that her testimony never happened in Case
15 002/01, but simply focusing on what she has testified to in the
16 investigation is manoeuvring the witness into a situation that I
17 don't think the answers can be considered truthful or reliable.
18 So I think we have to be very careful, in this particular
19 situation, that we do not follow the standard practice -- first
20 ask a general question, and if no answer comes then go to a
21 specific phrase in the statement. We have such a unique situation
22 with this witness, and I think in this particular case we should
23 abandon the practice of first asking a general question and then
24 if the answer doesn't come, confront her with a specific question
25 because of her apparent reliability in Case 002/01 -- Case 002/01

1 testimony, any apparent use by the Trial Chamber of her evidence
2 and its apparent assessment are very reliable.

3 So I think, in this particular case, the Prosecution should be
4 forbidden from going into this direction.

5 [15.48.20]

6 MR. LYSAK:

7 I cannot understand how there can be any legitimate argument that
8 any party is prohibited from using the written records of
9 interview in questioning the witness.

10 Counsel is, first of all, misleading the Court when he suggests
11 that arrests and killings were the subject that the witness
12 testified about when she was called to testify in the first
13 trial. That was not an issue at all in the first trial. She was
14 called to testify about administrative structures.

15 There are references in her earlier interviews and, as I read at
16 the start, the witness in her first Case 004 interview
17 acknowledged that she had concealed information relating to what
18 had happened in her district.

19 So I'm simply doing -- following the procedures of this Court.

20 I'm happy the witness on her own earlier here has already
21 referred to the order that she received from Ta An. She's
22 obviously -- this is a difficult situation for her -- matter for
23 her to talk about, but the notion that we should be barred from
24 using her written record of interview I think has no legal basis.

25 [15.50.01]

1 MR. PRESIDENT:

2 You are allowed to use the WRI. Counsel Koppe, so please wait for
3 your time. By then you can have -- you are entitled to put the
4 questions that you wish to ask.

5 So I think it is a general practice that we have applied and
6 adhered to before the Chamber, and Counsel Koppe has so far used
7 this kind of practice in the questioning of witnesses more than
8 other parties.

9 So you may now proceed, International Co-Prosecutor.

10 [15.50.42]

11 BY MR. LYSAK:

12 Thank you, Mr. President.

13 Q. Madam Witness, in one of your OCIJ interviews, E3/9499 at
14 answer number 14, you made the following statement - quote:

15 "We had a meeting at the sector level and the sector level gave
16 an order to smash Cham people. I was the district chief and I
17 received that order." End of quote

18 So I want to focus on this meeting at the sector level where this
19 order was communicated, Madam Witness.

20 Where did that meeting take place and when did it take place?

21 MS. PRAK YUT:

22 A. The meeting with Ta An happened at his place, and the decision
23 regarding the treatment of the Cham, I did not know where Ta An
24 received that decision from. He told us during the meeting, but
25 regarding the decision toward the Cham people, I simply followed

1 the order because he was my superior. So that's my short answer.

2 [15.52.45]

3 Q. When you said the meeting took place at his place, are you
4 referring to the sector office and, if so, where was the sector
5 office located?

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

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

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

9 Q. And in the answer you just gave me, you referred -- you talked
10 about the order that you talked about him telling "us". Who are
11 the other people who were at this meeting with you who also
12 received this order from Ta An?

13 A. Regarding the receiving of the order at the meeting, so there
14 were the district secretaries from the four districts attended
15 that meeting.

16 Q. Are you talking about the districts that form Sector 41 when
17 you say the other district secretaries? Who were the other
18 district secretaries or what districts did they represent?

19 A. From Cheung Prey district, Batheay district, Kampong (sic)
20 Meas district and Prey Chhor district and Kampong Siem district.
21 So all together there were five districts.

22 [15.55.03]

23 Q. This may have just been translation. Was one of the five
24 districts Kang Meas district?

25 A. Yes, it was Kang Meas district.

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

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

3 Q. Let me refresh your memory, Madam Witness. In two of your OCIJ
4 interviews at E3/9522 at answer 23 and in E3/9499 answer 85, you
5 made reference to a person named "Kan". Was Kan the secretary of
6 Kang Meas district?

7 A. I do not know the person by the name Kan in Kang Meas
8 district. I don't know which Kan you are referring to.

9 [15.56.42]

10 Q. I'm not referring to the Kan (phonetic) who was Ta An's wife.

11 Madam Witness --

12 MR. LYSAK:

13 With your leave, Mr. President, may I provide the witness's
14 interviews to her so that she may see the written record and see
15 the name herself?

16 And, specifically, I'd like to provide interview E3/9522 at this
17 time; E3/9522.

18 MR. PRESIDENT:

19 Yes, the Chamber grants the request.

20 BY MR. LYSAK:

21 Q. Madam Witness, if you could look at answer 23, if you could
22 look at answer 23 of that written record of interview of yours?

23 You identify in here the persons you remember who were the
24 district secretaries of Sector 41 and near the end of the answer
25 you identify a person who was Kang Meas district secretary named

1 Kan. Can you look at your response and tell me if you remember
2 that person?

3 MS. PRAK YUT:

4 A. Yes, I remember now. His name was Kan of Kang Meas district.
5 [15.58.45]

6 Q. Where was Kan from?

7 A. I did not know where was his native district. When I arrived I
8 saw he was already based at Kang Meas district. I did not know
9 him well. I did not know where -- what's his native district.

10 Q. And before I go back to the meeting, did you know Kan's wife,
11 a woman named Pheap, who was a commune chief in Kang Meas
12 district? Did you know her?

13 A. I was based in Kampong Siem and she was based in Kampong (sic)
14 Meas and both places were far from each other, so I was not well
15 aware of this.

16 Q. I understand that. My question is: did you ever go to any
17 meetings that Pheap attended at the sector level or zone level?

18 A. Are you talking about Kan's wife? Could you please repeat your
19 question?

20 Q. Yes. My question was whether you ever attended any meetings at
21 which Kan's wife, Pheap, was present?

22 A. I never saw Kan's wife attended the meeting at the sector
23 level. I only met Kan. I did not know Kan's wife. I did not know
24 her face.

25 [16.01.00]

1 Q. Thank you, that's clear.

2 The meeting with Ta An and the other district secretaries that
3 took place at the sector office where you received this order to
4 smash the Cham people, when did that meeting take place; do you
5 remember the year and month that that meeting took place?

6 A. I did not remember the details about the meeting. I did not
7 remember what month and year the meeting took place.

8 Q. Let me ask you this way. You've testified that you were
9 transferred from Kampot to Kampong Siem in January 1977 and that
10 you were sent from Kampong Siem to Battambang in October 1978.
11 The meeting in which you received this order from the sector
12 secretary, was it closer to the time when you first arrived in
13 Kampong Siem district, early 1977? Was it closer to the time that
14 you left the district -- that is, October '78? Or was it sometime
15 in the middle of the period that you were in Kampong Siem
16 district?

17 [16.02.42]

18 MR. KOPPE:

19 Just a small observation, Mr. --

20 MR. PRESIDENT:

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

23 You may now proceed.

24 MR. KOPPE:

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

1 It is correct that the witness testified that she went to Kampong
2 Siem in January '77, but there's also testimony from her that she
3 went in March and April, or even mid-'77. So I think only January
4 '77 is not necessarily her only evidence.

5 MR. LYSAK:

6 Mr. President, my question is, was it closer to the time she
7 arrived, closer to the time she left, or more in the middle. If
8 counsel wishes to examine her on the exact time she arrived, he
9 can do that.

10 [16.03.48]

11 MR. PRESIDENT:

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

14 The objection by Counsel Victor Koppe is overruled.

15 MS. PRAK YUT:

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

20 [16.04.40]

21 MR. PRESIDENT:

22 Thank you, Madam Prak Yut, but you should not say that you want
23 to say no to the question. You need to answer every question. If
24 you know the answer, you said you know the answer. If you don't
25 know, you said you don't know the answer. You cannot reject --

1 you cannot reject the question, but you can choose to answer that
2 to a question that may not incriminate you.

3 Do you understand?

4 MS. PRAK YUT:

5 I understand now and I would like to apologize.

6 [16.05.30]

7 MR. PRESIDENT:

8 That's okay.

9 The hearing today comes to an adjournment. The Chamber is now for
10 an adjournment and the Chamber will resume its hearing tomorrow
11 at 9 o'clock to hear Witness 2-TCW -- 2-TCCP-869 in the morning
12 session to hear her testimony regarding the treatment of
13 Vietnamese people, and in the afternoon from 1.30.

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

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

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

22 (Judges deliberate)

23 [16.08.50]

24 MR. PRESIDENT:

25 The Chamber would like to make a correction on the statement

100

1 announced just now.

2 The President of the Chamber is not fully informed of the
3 schedule. It is a shame since the President is not informed of
4 the newly changed schedule.

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

7 Ms. Prak Yut, you are invited to testify tomorrow in the morning
8 and also in the afternoon. The same applies to counsel, duty
9 counsel. You are invited to accompany the witness in the morning
10 and also in the afternoon.

11 And we defer the hearing of 2-TCCP-869 to another date.

12 Court -- security personnel are instructed to bring the two
13 accused back to the ECCC detention facility and please have them
14 returned tomorrow before 9 a.m.

15 (Court adjourns at 1610H)

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