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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 December 2015

Trial Day 349

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

The Accused: NUON Chea
 KHIEU Samphan

Lawyers for the Accused:
 Victor KOPPE
 LIV Sovanna
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 Anta GUISSSE
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Trial Chamber Greffiers/Legal Officers:
 EM Hoy
 Robynne CROFT

Lawyers for the Civil Parties:
 Marie GUIRAUD
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 VEN Pov

For the Office of the Co-Prosecutors:
 Vincent DE WILDE D'ESTMAEL
 SREA Rattanak

For Court Management Section:
 UCH Arun

I N D E X

Mr. Y Vun (2-TCW-846)

Questioning by The President (NIL Nonn) page 2

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

4 (No interpretation)

5 (Technical problem)

6 [09.07.15]

7 MR. PRESIDENT:

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

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

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

12 THE GREFFIER:

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

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

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

2

1 [09.08.55]

2 MR. PRESIDENT:

3 Thank you.

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

5 (Witness 2-TCW-846 enters courtroom)

6 [09.11.20]

7 QUESTIONING BY THE PRESIDENT:

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

9 MR. Y VUN:

10 A. My name is Y Vun.

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

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

14 A. I am 79 years old.

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

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

18 Q. In which village and commune is Chi Kraeng district?

19 A. The village is Yeang.

20 [09.12.55]

21 Q. And which commune?

22 A. It is Ruessei Lok commune.

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

24 A. I stay at home.

25 Q. What are the names of your parents?

3

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

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

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

5 [09.13.57]

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

11 A. Yes, it is.

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

15 A. Yes, I have.

16 [09.14.51]

17 MR. PRESIDENT:

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

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

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

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

7 BY THE PRESIDENT:

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

10 A. Yes, I have.

11 [09.16.20]

12 Q. How many times, when and where?

13 A. I was interviewed at my house.

14 Q. And how many times and when?

15 A. I was interviewed three times.

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

18 A. I cannot recall the years.

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

24 A. Yes, I have had that read aloud to me last night.

25 [09.17.54]

5

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

4 A. Yes, they are consistent.

5 MR. PRESIDENT:

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

10 [09.18.22]

11 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

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

14 Mr. Witness, my name is Vincent De Wilde and I'll put some
15 questions to you on behalf of the Office of the Co-Prosecutors.
16 May I ask you to be very attentive to the questions I will put to
17 you and to point out to me anything you do not understand in the
18 questions I ask so that I may reformulate the questions. May I
19 also ask you to be very concise and not to invent anything but to
20 simply answer the questions? If you do not know the answer to a
21 question, say so, and we won't insist.

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

25 MR. Y. VUN:

6

1 A. I started living in Yeang village 50 years ago.

2 [09.20.10]

3 Q. What was your job before April 1975 in Yeang village, what
4 were you doing?

5 A. I didn't have any official position.

6 MR. PRESIDENT:

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

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

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

1 whole day.

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

4 [09.22.20]

5 BY MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President.

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

10 MR. Y VUN:

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

12 Q. Were the two communes not separated subsequently after the
13 Khmer Rouge regime, had they not been merged into one commune
14 before and separated afterwards?

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

18 Q. Very well, we will concentrate on the period from 1975 to
19 1979. And perhaps you'll tell us, after the collapse of Phnom
20 Penh on 17 April 1975, did you occupy any particular duties in
21 your village Yeang?

22 A. I worked in the rice field.

23 [09.24.10]

24 Q. Very well. I would like you to clarify this point, in the
25 record of your interview E3/7685, on page 2 in all three

8

1 languages and it is in answer to the question, you were asked:

2 "What were you doing after 17 April?" And you answered by saying

3 that "I was appointed a member of the village and subsequently I

4 was appointed the village traditional doctor." What did you mean

5 when you said that you were a member of the village, did you mean

6 that you were a member of the village committee?

7 A. I was a member of the village committee and later on I was

8 asked to be a traditional healer to treat and heal people in the

9 village.

10 Q. And up until what date, for how many years were you a member

11 of the village committee?

12 A. I was the member of that committee for one year. I was then

13 evacuated from the village.

14 Q. You also said that you were the village traditional doctor,

15 was that indeed in Yeang village, that you were a medical doctor

16 -- traditional medical doctor? And up to when did you exercise

17 those functions.

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

19 [09.26.12]

20 Q. Were you a traditional healer up to 1979 when the Vietnamese

21 arrived?

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

23 Q. Apart from being a traditional healer, did you also work in a

24 unit, in a co-operative doing farming?

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

1 Q. Yes, we are still talking of the period from 1975 to 1979. You
2 did say that you were a traditional doctor in Yeang village up to
3 1979; from 1976 to 1979 did you also work in rice fields or on
4 worksites for the construction of canals and dams?

5 A. I was assigned to work in the rice fields between 1976 to
6 1979.

7 [09.27.50]

8 Q. And when you worked in rice fields were you still living in
9 Yeang village? And if yes, how far were you from the Khsach
10 pagoda where you residing?

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

13 Q. What was the pagoda called this Khsach pagoda between 1975 and
14 1979? What use did the Khmer Rouge make of it?

15 A. It was used to store rice and actually the temple was removed
16 and one of the monk residences was used to store rice.

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

18 A. No, there was none.

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

21 A. No, there wasn't any; however, sometimes I saw few of them
22 standing in the pagoda, sometime I didn't see any.

23 [09.30.10]

24 Q. As a member of the village committee between '75 and 1976 and
25 later as a traditional healer, were you close to the village

10

1 chief or to the co-operative chief?

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

3 Q. Do you remember the name of the village chief back then, that
4 is to say between '75 and '79 or the names of the village chiefs
5 if the chiefs changed?

6 A. The village chief between 1976 to '79 is by the name Soy, but
7 the person named Soy, he died already.

8 Q. And who was above the village chief Soy and therefore what was
9 the name of the Sangvaeuy commune chief's name?

10 A. The chief of Sangvaeuy commune, at the time there was frequent
11 replacement. I could not remember all their names.

12 Q. And at the Chi Kraeng district level, do you remember the
13 chief, the name of the chief of that district?

14 A. No, I cannot remember.

15 [09.32.10]

16 Q. In which sector was Chi Kraeng district located back then, did
17 you know?

18 A. No, I don't know which sector it belonged to.

19 Q. I will turn to what happened into your village and to the
20 people who lived there and I would like to focus on certain
21 villagers in particular in Yeang village. Back then, that is to
22 say between '75 and 1978, did you know a young woman by the name
23 of Chantha?

24 A. Yes, I know, I know Chantha.

25 Q. And can you tell me where she was working back then?

11

1 A. She worked in the mobile unit.

2 Q. Do you remember her family and in particular her grandparents?

3 A. I also remember, his name was Ta Khut; and his Vietnamese
4 mother, I don't know, I -- her name was Yeay Hay.

5 [09.34.00]

6 Q. You spoke about Yeay Hay and other people spoke about Yeay Ma,
7 so does this refresh your memory with regard to her name?

8 MR. PRESIDENT:

9 Witness, please observe your microphone.

10 MR. Y. VUN:

11 A. Her name is Yeay Hay.

12 BY MR. DE WILDE D'ESTMAEL:

13 Thank you. And may the interpreter come closer to the microphone
14 because we cannot hear her very well. Thank you.

15 Q. Witness, what was Chantha's origin as well as her
16 grandparents?

17 MR. Y VUN:

18 A. Yeay Hay was ethnic Vietnamese and Chantha was the adopted
19 child and her -- Chantha's father's name is Eu (phonetic) and
20 Yeay Hay adopted Chantha to be her child.

21 [09.35.20]

22 Q. And what happened to Chantha's parents, do you know or nobody
23 knew them in the village?

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

12

1 Q. What about Chantha's grandmother, did she speak Vietnamese;
2 did she dress like a Vietnamese person?

3 A. Yes, she spoke Vietnamese.

4 MR. PRESIDENT:

5 Witness Y Vun, please answer to the question because you gave the
6 answer while your microphone was not on. So Parties haven't heard
7 your answer yet so please answer again.

8 MR. Y VUN:

9 A. Please could you repeat your question?

10 [09.36.55]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Yes, first I asked you if Chantha's grandmother spoke
13 Vietnamese and I also asked you if she dressed like a Vietnamese
14 person and if she also celebrated Vietnamese holy days.

15 MR. Y VUN:

16 A. Yes, she followed the Vietnamese traditions. She wore
17 Vietnamese clothes.

18 Q. So therefore did everyone in the village know that this was a
19 family of Vietnamese origin or at least in part?

20 A. Yes, they know that this was a Vietnamese family.

21 Q. Now regarding another family, do you know a villager in Yeang
22 village by the name of Launh Khun, a female villager?

23 A. No, I don't know the name of the person Launh Khun. I don't
24 know the name of the person by the name Launh Khun.

25 Q. Her husband back then was called Chum, so does that ring a

1 bell?

2 A. I knew Launh Khun and another person was known by his full
3 name Kea Chum.

4 [09.39.24]

5 Q. And were there other members in that family, and can you tell
6 us which ones, that is to say did Chum have brothers and sisters
7 or relatives, nieces, nephews?

8 A. Yes, Chum had a wife known by the name Luanh Khun and she was
9 ethnic Khmer. Launh Khun is ethnic Khmer and they had about eight
10 or nine children.

11 Q. Did Chum have as you said to the Co-Investigating Judge a
12 brother by the name of Kea, a younger brother; and a sister by
13 the name of Hong?

14 A. Hong was a female, Kea was a male, they were children of Chum.

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

16 A. The mother was Vietnamese and the father was an ethnic
17 Chinese.

18 [09.40.58]

19 Q. Do you know if Hong was married and do you know if she had
20 children or small babies in 1978?

21 A. She had one child. I could not recall her husband's name,
22 probably her husband's name was Chhay but I was not clear about
23 this.

24 Q. Indeed. I'm going to read out to you an excerpt of Launh
25 Khun's WRI, it is E3/7686 on page 3 in each one of the three

14

1 languages, on page 2, first of all, she confirms that her
2 husband's name was Sea Chum; on page 3, she says the following --
3 and I quote:

4 "I know that Kea, his little brother was there, his sister Hong
5 and her husband Chhay and Hong's three children and my
6 mother-in-law Nhav. They were all taken away and executed. Hong's
7 three children, the first one was three years old, the second
8 began walking and the last one was only one week old. They were
9 living in the same village but we were far from each other; I was
10 in O Kandal and they were close to Thnal Cheat, that is to say
11 closer to the national road."

12 So does this somewhat refresh your memory regarding the fact that
13 Hong and her husband Chhay had three little children and not one?

14 A. I have poor memory. I'm not sure whether she had one child or
15 three children but I remember her name Hong.

16 [09.43.25]

17 Q. And here again, how did you know that this family in
18 particular, Chum, Kea, and Hong and their mother Nhav, were of
19 Vietnamese origin?

20 A. The mother was ethnic Vietnamese, her husband was ethnic
21 Chinese, his name was known by the name Sea and he spoke only
22 Chinese.

23 Q. And during the period between 1975 and 1978, did the members
24 of both of these families -- and you said that several of them
25 were of Vietnamese origin -- well, did these -- were members

15

1 allowed to speak Vietnamese and to keep their traditions or did
2 they have to behave like Khmer people?

3 A. They worked like the Khmer people; they sold "num banhchok",
4 Khmer noodle. Yeay Hay, she also wore Khmer clothes but she spoke
5 Vietnamese, she spoke Vietnamese to her children.

6 [09.45.15]

7 Q. I don't know if you understood I was speaking about the period
8 from '75 to '78, that is to say when the Khmer Rouge had already
9 arrived, so were these people allowed to behave like Vietnamese,
10 to speak their language publicly, to wear Vietnamese clothes, to
11 observe Vietnamese holy days?

12 A. I saw her follow Vietnamese tradition by celebrating
13 Vietnamese ritual.

14 Q. So here you mean that the DK authorities, the Khmer Rouge
15 authorities, allowed the Vietnamese to celebrate their holy days
16 between 1975 and 1979?

17 A. They secretly conducted their rituals.

18 Q. Aside from these two families who were living in Yeang
19 village, were there people of Vietnamese origin who settled in
20 this village or in other villages in the region at the same time
21 as when the New People arrived?

22 A. I did not know. In Yeang village there were only two families.

23 [09.47.21]

24 Q. Did you ever hear about a deportation of Vietnamese families
25 in your district of Chi Kraeng between 1975 and 1976?

1 A. I heard -- I did not hear about the deportation.

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

6 A. No, I did not hear of that. I did not hear about the list of
7 Vietnamese people but before that in 1975, I heard about such a
8 list.

9 [09.49.05]

10 Q. I would like to clarify this point. In your WRI, E3/7685 on
11 page 2 in both languages, the following question was put to you:

12 "What nationalities were those who were killed?"

13 And you answered: "I heard that they were Vietnamese. When they
14 gathered up those people, the village chairman had a statistical
15 list and they told them they were calling them to go study."

16 And further on page 3 in French, and page 4 in English, and page
17 4 in Khmer, you were asked: "The village chairman who had a
18 statistical list of the Vietnamese, did he have orders from upper
19 level?"

20 And you answered: "There were orders from upper level." End of
21 quote.

22 So let me put the question to you again: these statistics which
23 the village chief had at hand, when were these statistics drawn
24 up and who was concerned by these statistics, who was being
25 listed?

1 A. I don't know.

2 [09.50.40]

3 Q. Is it true that you met the investigators of the OCIJ in order
4 to show them Wat Khsach and to show them the premises around Wat
5 Khsach about six years -- that is, on 26 November 2009, if I'm
6 not mistaken?

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

8 Q. I would like to quote here again the location report E3/8049,
9 page 6 in French, 5 in English, and 5 in Khmer. This is not a
10 document that you signed, I believe, but the summary states the
11 following: "Another witness, Y Vun, did not attend the executions
12 but confirms that a few months before the executions the village
13 chiefs received the orders to draw up lists of all people of
14 Vietnamese origin living in their village. These orders came from
15 the higher echelon and one day they received the order to send
16 all of the people who were identified as such to the pagoda" End
17 of quote. [Free translation]

18 [09.52.32]

19 MR. PRESIDENT:

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

22 MR. KOPPE:

23 Thank you, Mr. President. I object to the way this question is
24 framed. It makes it appear that he said it twice, once to the
25 investigators, which was then recorded in his WRI, and the second

1 time when he was leading the investigators around the pagoda. But
2 it doesn't follow at all from document E3/8049. So there is now
3 two sources for this one statement.

4 [09.53.21]

5 BY MR. DE WILDE D'ESTMAEL:

6 I'm going to clarify this, Mr. President.

7 Q. Witness, do you remember having told the investigators that
8 the village chiefs had received orders to draw up lists of people
9 of Vietnamese origin several months before the executions
10 occurred at Wat Khsach?

11 MR. Y. VUN:

12 A. I do not know about that.

13 Q. Well fine. I'm going to turn to another topic now. During the
14 period between 1975 and 1978, did you ever attend important
15 meetings that were chaired by the village chief, by the
16 cooperative chief or by the commune chief?

17 A. No, I never attended any meetings.

18 [09.54.45]

19 Q. Now I would like to speak about Wat Khsach, you spoke about it
20 already. You said that the pagoda itself had been damaged and
21 that the housing quarters for the monks were used to store rice.
22 So were there other important buildings within this monastery?

23 A. The vihara was -- things in the vihara were also removed.

24 Things in the temple were also removed.

25 Q. Can you please repeat what you said? I'm not sure I

1 understood. Okay. And was there a separate building called the
2 library of holy books?

3 A. The library hall was used to store rice. The library hall, the
4 study hall, they were used to store rice and the temple was
5 removed and the monks residence was also removed.

6 Q. What was the size of the library and of the study hall, were
7 they big buildings, can you give me an idea of their size?

8 A. The length -- its length was 10 metre and width was six metre
9 -- that is, the study hall.

10 [09.57.12]

11 Q. And was the library a separate building or was it the same
12 building used for several purposes?

13 A. It was with the study hall, it was the same building.

14 Q. And if you follow the wall of the monastery, in particular on
15 the east side, was it possible to see this building through the
16 fence?

17 A. Yes. We could see from the east, we could see from the east.

18 Q. What was the fence like, the fence that surrounded the Khsach
19 pagoda back in 1978, how can you describe it? What materials was
20 this fence built out of?

21 A. The fence was made of wood but the fence now is made of
22 concrete.

23 Q. Can you tell us what happened at Khsach pagoda in 1978 and in
24 particular if executions occurred there?

25 A. In 1978, there were executions of ethnic Vietnamese, including

20

1 Ta Khut.

2 [09.59.50]

3 Q. Earlier we were speaking about Chantha and we spoke about Ta
4 Khut, and about his wife, and we also spoke about Chum, Kea,
5 Hong, as well as about other members of their family, so do you
6 know if all these people died at Wat Khsach or elsewhere?

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

10 THE INTERPRETER:

11 The interpreter did not hear the entire name, was that the
12 village of Chak, C-H-O-R-K (sic) at a place called Damban Andong
13 Nourn?

14 [10.01.07]

15 MR. PRESIDENT:

16 Mr. Witness, please observe the microphone.

17 MR. Y VUN:

18 A. The Andong Nourn is located in Chak village.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Very well. We will go through those events and executions in
21 Khsach pagoda; we'll talk about what happened to Ta Khut and his
22 spouse. How many months approximately prior to the arrival of the
23 Vietnamese were these executions committed at Khsach pagoda --
24 that is, executions of persons of Vietnamese origin?

25 MR. Y VUN:

21

1 A. It was about one month. It was one month after the killing of
2 those people at Khsach pagoda that the Vietnamese troops arrived.
3 However, Ta Khut was killed later on when he was dragged to be
4 killed in that Andaung Nuon area.

5 Q. As a matter of fact before the Co-Investigating Judges'
6 investigators, document E3/7685 in page 3 in all three languages
7 you said that it was three months prior to the liberation of
8 1979, which means that it was in August 1978. Was that one month
9 before or five months before, do you remember?

10 A. I cannot recall it clearly how many months it was. However the
11 killing took place in 1978 though I cannot recall how many months
12 before.

13 [10.03.34]

14 MR. PRESIDENT:

15 Witness, please listen to the question before you respond. You
16 should listen and understand the question first before you
17 proceed with your response and limit your response only to the
18 question rather than make a lengthy response.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. Witness, if this may jog your memory, perhaps you should tell
22 us whether it was during the rainy season or during the dry
23 season, was it at a time when rice was being transplanted or when
24 it was being harvested? Perhaps such details would help you to
25 remember the time frame when those events occurred?

1 MR. Y. VUN:

2 A. It happened after the harvest season ended.

3 [10.04.55]

4 Q. Do you know why or did you ever hear Khmer Rouge cadres
5 explain why those persons of Vietnamese origin were assembled and
6 executed at the Khsach pagoda?

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

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

10 MR. PRESIDENT:

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

12 MR. KOPPE:

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

22 [10.07.01]

23 BY MR. DE WILDE D'ESTMAEL:

24 I am not sure we need a history lecture from the Defence. The
25 question was very simple. May I ask it again, Mr. President?

1 Q. Witness, did you ever hear anyone say while you were in the
2 village, persons who were officials say that people of Vietnamese
3 origin were considered as the enemies of the Revolution?

4 MR. Y. VUN:

5 A. No, I did not hear that.

6 [10.07.36]

7 Q. You talked of families of Vietnamese origin assembled at the
8 pagoda and then subsequently executed. Do you know how those
9 persons were brought to that location or assembled at that
10 location, what were they told as they tried to convince them to
11 leave their work, their homes to assemble at the Khsach pagoda,
12 did you hear anything of the sort on that subject?

13 A. Only selected people were called and they themselves went to
14 select those people. I refer to the group of the village chief
15 who went to make the selection of those people and they were told
16 to go and attend study sessions.

17 Q. Regarding the sorting out of the persons you've referred to,
18 who were those selected to go to the pagoda and who were those
19 who were not selected?

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

21 Q. In your village, were the only families, persons who were led
22 to the Khsach pagoda, the persons you mentioned a while ago --
23 that is, Chantha and the families of Chum, Kea and Hong? In other
24 words, were there any other families from the Yeang village that
25 were led to the Khsach pagoda for execution?

24

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

3 [10.10.42]

4 Q. Do you know how those families of Vietnamese origin were
5 conveyed to the pagoda? I'm talking of the Chantha family and the
6 Chum family as well as other persons who may have gone there on
7 the same day. Did you see them pass by through the village on
8 their way to the pagoda?

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

10 Q. On that day even though you may not have seen them pass by,
11 were you aware that those persons had been assembled at the
12 Khsach pagoda?

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

15 [10.12.05]

16 Q. And to your knowledge, was it only the two families you
17 referred to or other persons?

18 A. There were also other people who were brought in from Kuol
19 Krom (phonetic) and other areas. Amongst those who were brought
20 in, one was alive. However, I cannot recall her name, and she was
21 asked about her origin and she said she was Chinese.

22 MR. PRESIDENT:

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

25 Court officer, please assist the witness during the break time at

25

1 the waiting room reserved for witnesses and civil parties and
2 invite him back into the courtroom at 10.30.

3 The Court is now in recess.

4 (Court recesses from 1013H to 1032H)

5 MR. PRESIDENT:

6 Please be seated.

7 The Chamber is now back in session and I would like to give the
8 floor to the Deputy Co-Prosecutor to put more question to the
9 witness. You have the floor now.

10 [10.33.37]

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you, Mr. President.

13 Q. Witness, first I would like to make a point of clarification.
14 Earlier you said that Ta Khut's wife, that is to say Chantha's
15 grandmother was called Yeay Hay. And I'd like to check something
16 with you. Was this her name as such or was this the way she was
17 being called -- the way that people address older people
18 according to the Vietnamese tradition? Does Yeay Hay correspond
19 to the way you address elders in Vietnamese?

20 MR. Y VUN:

21 A. People call her Yeay Hay. Her husband Ta Khut also addressed
22 his wife Yeay Hay.

23 [10.34.53]

24 Q. Fine. Just before the break you said that a person had
25 survived the executions of Wat Khsach because this person had

1 said that she was Chinese. You said that you don't remember this
2 person's name. So I would like to read your statement again
3 because you provided her name in 2008. This is E3/7685 WRI, on
4 page 3 in French; 3 and 4 in English; and 3 and 4 in Khmer. And
5 you said that the woman who survived was called Lang. So does
6 this ring a bell?

7 A. Yes, I remember now. Her name is Yeay Lang. She lived in
8 Mongkol Borei. But she has already passed away.

9 Q. And you also mentioned that her son Kun had also survived. Are
10 these the two only people as far as you know who survived the
11 executions at Wat Khsach?

12 A. Yes, only two survived: one named Kun and one named Lang.

13 Q. And after the executions at Wat Khsach, did you have an
14 opportunity to meet Lang and Kun, and to speak with them about
15 what had happened?

16 A. I did not talk to them. After the regime, she went to live in
17 Battambang in Mongkol Borei. And later on, she passed away. I met
18 only her child but never had the opportunity to talk.

19 [10.37.20]

20 Q. Was Lang fair-skinned? And did Lang speak Khmer with an
21 accent?

22 A. Yes, she spoke Khmer clearly. She spoke Khmer without any
23 accent.

24 Q. Was she fair-skinned or was her complexion like the complexion
25 of the Khmer?

1 A. She had white skin -- she had white skin as those of us the
2 ethnic Chinese.

3 MR. PRESIDENT:

4 Please Counsel Victor Koppe, you have the floor.

5 MR. KOPPE:

6 Thank you, Mr. President. I object to that question. Admittedly I
7 am not at all an expert in saying what Khmer people look like.
8 But to make a distinction between Khmer on the one hand being
9 only dark-skinned and all light-skinned people must therefore not
10 be Khmer. Mr. President, I'm sure you know better, but I don't
11 think that distinction is a fair distinction.

12 [10.38.48]

13 BY MR. DE WILDE D'ESTMAEL:

14 Well, it was an observation more than anything, I believe. Well,
15 in the countryside in the period between '75 and '78, there were
16 no products to make your skin lighter. But in any case, let me
17 get back to what happened at Wat Khsach.

18 Q. During the day that preceded the executions, did you hear or
19 did you see from afar that people were gathered within that
20 pagoda?

21 MR. Y VUN:

22 A. I saw from the distance and also heard from the distance. I
23 did not dare to get close.

24 Q. And what did you see from a distance? How many people were
25 there, for example? Were there many people? Were they gathered in

1 a specific spot within the pagoda?

2 A. There were not many. Once in a while, there was one brought
3 in. And then after a while, there were many in the pagoda, but I
4 could not tell how many because I looked from a distance from the
5 pagoda.

6 [10.40.30]

7 Q. Fine. I understood that you already told the investigators
8 that you didn't want to venture providing a specific figure. But
9 however, can you give us an idea, a range, if you're not sure of
10 the exact number? For example, were they fewer than 10? Were they
11 more than 10 or several dozen? If you could simply tell us if
12 you're able or not to give us an idea of how many people there
13 were.

14 MR. PRESIDENT:

15 Witness, please hold on. The floor now is given to Counsel Victor
16 Koppe.

17 MR. KOPPE:

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

22 [10.41.31]

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, I don't believe so. I'm simply asking what the
25 witness saw, even if it was from a distance. I'm simply asking us

1 to give us an idea of the number. He just told us that there were
2 many people around the pagoda. So if he doesn't know, if he's not
3 able to assess how many people there were, then he doesn't have
4 to.

5 MR. PRESIDENT:

6 The Chamber disapproves of the objection by the defence counsel.
7 So the -- actually the question is asked for the estimate not for
8 speculation. And Witness, please respond to the last question if
9 you still remember it.

10 MR. Y VUN:

11 A. I estimated it's about 10 people or 20 people. It looked like
12 there were a lot of people.

13 [10.42.49]

14 BY MR. DE WILDE D'ESTMAEL:

15 Fine. So does many people for you mean 10 or 20 people, is that
16 what I must understand?

17 MR. Y VUN:

18 A. Yes, 10 or 20 people. And I think this is a lot in number.

19 [10.43.08]

20 Q. So on the evening of the executions -- of that day when the
21 executions occurred, rather, were you at home? You said that your
22 house was about 300 metres away from where the executions took
23 place. Before the OCIJ, you said 150 metres, but that doesn't
24 matter. But in any case, were you at home that evening? And can
25 you tell us what you heard coming from the pagoda?

1 A. I heard the voice from the pagoda. I was very scared. I came
2 down to the ground. I did not stay on my house. I stayed close to
3 the coconut tree and tried to listen to the sound.

4 Q. And what did you hear exactly? You spoke about voices. Did you
5 hear people shouting, screaming?

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

7 [10.44.42]

8 Q. And were these cries so loud that you could hear them
9 distinctly in your home or around your home since you had just
10 stepped out of your home?

11 A. They shouted very clearly.

12 Q. Did you also hear the blows, the strikes against the victim?

13 A. I did not hear -- I did not hear the sound of the strike. I
14 heard only the cry.

15 Q. And before the investigators of the OCIJ in your WRI, E3/7865
16 on page 3 of the three languages, you answered the following
17 regarding the time when the executions began. You said it was at
18 9 p.m. "I heard the sounds of them striking the people. I heard
19 the sound 'phous, phous' (phonetic). And I heard the screams
20 'yoy, yoy' (phonetic)." End of quote. So did you hear these
21 strikes or did you only hear the cries as you just said?

22 A. I heard only the cry, not the strike sound 'phous, phous'
23 (phonetic), I did not hear the strike sound.

24 [10.46.42]

25 Q. When you heard these cries that you could hear from afar, did

1 you understand right away what was going on? Did you think that
2 executions were happening?

3 A. Yes. I heard the cry and I thought that it was the execution
4 because the cry was so loud.

5 Q. Were they only cries of pain or did the victims also cry out
6 to those who were executing them? Did you possibly hear what the
7 victims might have said?

8 A. I heard only the cry. I heard only the cry not any request for
9 life.

10 Q. And that evening, did the executions last a long time? Were
11 you able to go to sleep before the end of the cries?

12 A. I stayed to listen to the cry until there was no more voice
13 and I could not sleep well.

14 Q. So therefore, how long did the executions last? I know that
15 back then, nobody had a watch. But in any case, can you tell us
16 that the executions lasted several minutes or several hours?

17 A. It was about two hours.

18 [10.49.25]

19 Q. Well, you spoke about the two families at least who were
20 executed at Wat Khsach. You spoke about Chantha, on the one hand,
21 and you also spoke about the family and Chum, Kea, and Hong. Did
22 you learn that if Hong's children -- their aunt spoke about three
23 small children -- so did you get to know if these three children
24 were also killed at Wat Khsach?

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

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

5 A. No, I did not.

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

12 [10.51.46]

13 MR. PRESIDENT:

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

16 MR. KOPPE:

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

1 genocide. He should just ask open questions and non-leading
2 questions when it comes to that specific part.

3 [10.52.56]

4 MR. DE WILDE D'ESTMAEL:

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

15 MR. PRESIDENT:

16 The Chamber object the request by the defence counsel. And the
17 Chamber now give the floor to the Deputy Co-Prosecutor to -- give
18 the floor to the witness to answer the question to the
19 International Deputy Co-Prosecutor.

20 [10.54.12]

21 BY MR. DE WILDE D'ESTMAEL:

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

1 village and in the other villages of Sangvaeuy commune after the
2 Wat Khsach execution?

3 MR. Y VUN:

4 A. No. I did not know about those in other village.

5 Q. Did you ever learn or get to know how the children were
6 executed at Wat Khsach?

7 A. All of them were killed including the children.

8 [10.55.36]

9 Q. Did you understand why the infants were also executed?

10 A. I do not know. I do not know what were the reason behind their
11 execution.

12 Q. Did you go to the pagoda the day following the executions?

13 A. No, I did not dare to go. I went there three days later. I
14 went there to search for my cows. And then I saw clothes
15 spreading around that area. And the people in the pagoda
16 disappeared.

17 Q. You said that there were clothes spread around the Khsach
18 pagoda, can you be a bit more precise about that?

19 MR. PRESIDENT:

20 Mr. Witness, please hold on.

21 MR. Y VUN:

22 A. Their clothes were put off -- taken off.

23 [10.57.30]

24 BY MR. DE WILDE D'ESTMAEL:

25 Were the executioners still at the Khsach pagoda three days later

1 when you went to look for your cows? Did you see if there were
2 still people within the pagoda, not victims but executioners,
3 rather?

4 MR. Y VUN:

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

6 Q. So if I understood well, you never saw the executioners who
7 executed the people at the Khsach pagoda one evening in 1978, nor
8 before nor after the executions?

9 A. Yes, I did not see them. I did not see the executioners.

10 Q. Well you said that clothes had been taken off of the victims
11 and that was scattered around the pagoda. What else did you see
12 around the pagoda? What kinds of elements did you see that may be
13 connected to the executions? For example, did you see instruments
14 that might have been used to execute these people?

15 A. I saw a bamboo trunk club of about one metre long. And there
16 were blood stains on it.

17 [10.59.30]

18 Q. Did you see one or several pits that were covered up then?

19 A. I saw the pit. The pit was about four square metre, and in it
20 there was a well. And it was covered with soil.

21 Q. I am not sure I properly understood the dimensions. You talked
22 of four square metres in page 3 of your record of interview in
23 all three languages. You said that the pit into which the people
24 killed were thrown had five by 10 metres dimension. And you also
25 made mention of a well. Can you specify the dimensions of that

1 pit again, please?

2 A. I cannot give you an exact measure. It could be five metres by
3 10 metres. And there was also a well in the pit, and the depth of
4 the well was about three to four metres.

5 [11.01.10]

6 Q. I have understood that the well was in the pit. Or were the
7 wells apart -- set apart from the pit?

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

9 Q. In relation to the central or the main entrance into the
10 pagoda, in what direction was that pit located: south, west,
11 east, or north?

12 MR. PRESIDENT:

13 Witness, please observe the microphone.

14 MR. Y VUN:

15 A. It was located to the east and a bit to the south of the
16 pagoda.

17 MR. DE WILDE D'ESTMAEL:

18 With the Chamber's leave, I would like to show you two
19 photographs. I know that your sight is not very good. We are
20 talking of photographs and not texts. These photographs were
21 taken by OCIJ investigators at the time when you visited the
22 pagoda. It is in the geographic identification site E3/8049. And
23 the pages in French are 10 and 11. And I believe that the same
24 page is in all three languages, 10 and 11.

25 Mr. President, may I show the witness these photographs and let

1 us see whether he can recognize them?

2 [11.03.14]

3 MR. PRESIDENT:

4 Yes, you may do so.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. The key to those photographs are as follows. You see that

7 witness Y Vun is showing a pit from which several bones were

8 exhumed, photograph number 10. The other photograph shows another

9 view of pit D. Witness, are you the person on that photograph?

10 And do you recognize the site that you were showing the

11 investigators?

12 MR. Y VUN:

13 A. I pointed to the location of the well where the bodies were

14 buried.

15 Q. How did you know that there were bodies inside the well? Was

16 that well badly covered or were there any traces that showed that

17 people had been buried in that well? Were there any signs of

18 bodies buried in the well?

19 A. Actually it was covered with dirt but it was not fully

20 covered. So some limbs were sticking out.

21 [11.05.18]

22 Q. Was it limbs sticking out or bones? Are you talking of limbs

23 that had not been completely decomposed or bones?

24 A. I refer to the elbow bones. And also some bones were actually

25 discovered by dogs.

1 Q. This will be the last part of my questions. Apart from the
2 night in which you heard the screams and you said that persons of
3 Vietnamese origin were executed at the Khsach pagoda, did you
4 hear that the Vietnamese of the region were executed at other
5 execution sites?

6 A. No, I did not know. I did not know about any other execution
7 sites.

8 Q. A while ago, you said that Ta Khut and Yeay Hay had been
9 executed after the -- that after the Khsach pagoda at Damban and
10 Num in Chak village, how did you know about those executions? And
11 what can you tell the Chamber about them?

12 A. The villagers in Chak village told me about that, that they
13 were killed at Andong Nourn area. I refer here to Ta Khut and
14 Yeay Hay.

15 [11.07.50]

16 Q. And how long before the arrival of the Vietnamese were those
17 executions carried out?

18 A. If you are -- are you referring to the execution of Ta Khut's
19 group? If that is the case, it happened right at the year of the
20 coming of the troops.

21 Q. Do you mean at the very beginning of 1979, if I understand you
22 correctly?

23 A. Yes, it was in early 1979.

24 Q. Were there only two persons of Vietnamese origin executed
25 then, or there were other person? Did the villagers of Chak talk

1 to you about that?

2 A. There were only these two.

3 MR. DE WILDE D'ESTMAEL:

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

5 We the Co-Prosecutors have completed our examination. And I am

6 sure the Civil Party Lead Co-Lawyer would have some questions for

7 the witness, Mr. President.

8 [11.09.58]

9 QUESTIONING BY MS. GUIRAUD:

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

11 Witness. My name is Marie Guiraud. I am representing the

12 consolidated group of civil parties and I have very brief

13 questions to put to you.

14 Q. You stated a while ago in answer to a question put to you by

15 the international Co-Prosecutor that you did not remember whether

16 the list of persons of Vietnamese origin had been drawn up before

17 the executions at the Khsach pagoda. But you pointed out that in

18 1975, "I heard of such a list". Can you explain to the Chamber

19 what list you had heard of in 1975 in reference to persons of

20 Vietnamese origin?

21 MR. Y VUN:

22 A. I did not know what the list was. The list was prepared by the

23 commune committee. They did not only register the Vietnamese

24 people but also the Khmer people, including myself.

25 [11.11.40]

1 Q. So if I understand you correctly, that list was drawn up by
2 the commune committee in 1975, and it was a list of all villagers
3 in the commune. Have I properly understood your testimony?

4 A. Yes, that is correct.

5 Q. Did you know at the time whether the ethnicity of the persons
6 on that list, including yourself, was mentioned?

7 A. They drew up the statistics of the people residing in the area
8 including those who were wealthy or those who were poor. They
9 also asked about the social classes of the people, and then they
10 registered their names.

11 Q. So we're talking of a list that was drawn up at the level of
12 the region, if I understand correctly from the French
13 interpretation. And on that list, a number of kinds of statistics
14 were mentioned. They would mention whether the person were of
15 Chinese or Vietnamese or Cambodian origin; is that correct?

16 [11.13.56]

17 MR. KOPPE:

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

21 BY MS. GUIRAUD:

22 I heard both. Initially, I heard the witness talk of lists that
23 were drawn up at the level of the commune. And in follow-up
24 questions, at least in the French interpretation, I heard mention
25 of the word "region". Perhaps I can have the witness clarify

41

1 this. It is possible that the colleague heard what I heard.

2 Q. Witness, was the list drawn up at the level of the commune or
3 at the level of the region?

4 MR. Y VUN:

5 A. The list was drawn up by the commune committee, and then it
6 moved down to the level of the village.

7 [11.15.05]

8 Q. That is very clear and I thank you for that. You therefore
9 mentioned that on the list, certain kinds of information were
10 provided for each inhabitant. You said they ask whether the
11 person was rich or poor. Was the ethnicity of the people whether
12 they were of Vietnamese, Khmer, or Chinese origin or ethnicity
13 was mentioned? Did they ask the inhabitants to mention that
14 particular detail as the list was being drawn up?

15 A. No, I did not hear anything about that. I did not hear that
16 they asked question about the ethnicity of the people in the
17 area.

18 Q. Did you ever hear the term "lan tay"? Is that a term you had
19 heard at the time -- that is, between 1975 and 1979?

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

21 [11.16.45]

22 Q. Can you explain to the Chamber what "lan tay" meant to you? Is
23 that a document? And if yes, explain to the Chamber what type of
24 document it was.

25 A. "Lan tay" was actually a card. It is similar to our current ID

1 card.

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

3 A. No, I did not have one.

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

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

7 [11.18.22]

8 Q. Do you know during what era those "lan tays" reserved for
9 Vietnamese people or people of Vietnamese origin was established?
10 Was it before the DK era, during, or during the Sangkum Niyum
11 period?

12 A. Actually "lan tay" was used even before the Khmer Rouge
13 regime. It actually was used since the Sangkum Reastr Niyum.

14 Q. And to properly understand the nature of that document, you
15 have stated that it was a card reserved for persons of Vietnamese
16 origin. Was that card kept by the owners themselves either on
17 them or in their homes?

18 A. Yes. They kept by themselves. It is like our ID card that we
19 always have it with us wherever we travel. And this "lan tay" had
20 a black cover. When the Vietnamese people entered Cambodia, they
21 need to obtain this "lan tay" first before they are authorized to
22 live. Here I refer to the experience in the Sangkum Reastr Niyum
23 period.

24 [11.20.27]

25 Q. Thank you. Do you know whether during the Khmer Rouge period,

1 if I may use a vague but dedicated term used before this Chamber,
2 did you hear that cadres from your village and from your commune
3 were looking for persons who were equipped with that "lan tay" to
4 know whether those persons were of Vietnamese origin or not? Do
5 you know whether that was something talked about during that
6 period?

7 A. No, I did not hear about that. I did not hear cadres going and
8 searching for Vietnamese.

9 Q. Thank you. I have come to the end of my questions in this
10 particular line of questioning. But I have one last question. Did
11 there come a time during the period from 1975 to 1979 that
12 military units were stationed in your village?

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

15 [11.22.14]

16 Q. Thank you. We heard a witness who appeared earlier this month,
17 and that person stated that a military unit was stationed during
18 the DK regime at Khsach pagoda. Is this information that you
19 would confirm or you wouldn't confirm such information? Or you
20 know nothing about any such allegation?

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

22 MS. GUIRAUD:

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

25 MR. PRESIDENT:

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

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

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

9 The Court is now in recess.

10 (Court recesses from 1123H to 1331H)

11 MR. PRESIDENT:

12 Please be seated. The Chamber now continues to hear the
13 testimony, and now the floor is given to the defence counsel to
14 put questions to the witness. First of all, the floor is given to
15 defence counsel for Nuon Chea. You may now proceed.

16 QUESTIONING BY MR. KOPPE:

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

22 MR. Y VUN:

23 A. Yes, that's correct.

24 [13.32.56]

25 Q. Why was it that you became a traditional Cambodian doctor

1 "treating the illnesses of the people in the village"? Did you
2 have some medical background? Or some other education that made
3 the village committee decide to appoint you as a traditional
4 Cambodian doctor?

5 A. The villagers trusted me because I knew many medicines. I knew
6 many tree roots that can be made into medicine.

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

8 A. I did not go to school.

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

11 A. I studied. I had some study.

12 [13.34.35]

13 Q. What kind of study did you do?

14 A. I studied maternity and how to treat some kinds of illness.
15 Some of the illness can be healed, while some other cannot.

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

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

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

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

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

25 A. Yes.

1 [13.36.40]

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

4 A. There was fighting. The Vietnamese bombarded at that time. The
5 Americans also bombarded. So my village was also bombarded at
6 that time.

7 Q. What about -- what about people from Vietnamese origin? Did
8 anything happen to them? Were they detained? Were they -- were
9 Vietnamese people killed, executed, deported? Have you heard
10 anything about that?

11 A. At that time, there was a group. I was not certain whether the
12 Khmer Rouge or other Khmer group, but they were Khmer. They
13 chased the Vietnamese out. They were fighting, and killing took
14 place.

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

17 A. No, it was the ordinary people who killed. It was not the Lon
18 Nol who killed.

19 [13.38.57]

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

23 A. Yes, by normal people.

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

25 A. Yes, there were -- that happened in village and commune. The

1 Vietnamese soldiers also fought against Khmer soldiers. The Khmer
2 soldiers were known as the militiamen.

3 Q. Let me, Mr. Witness, confront you with a few excerpts from
4 what scholars have written about the period '70-'75. I will be
5 referring to the works of three academics -- two academics
6 rather, and one journalist. Two of the three have been testifying
7 here as experts. One of them is the professor called David
8 Chandler. Mr. President, in his book, which is on the case file
9 as E3/1686; English, ERN 00422834; and there's only a Khmer
10 translation, on 00679167; he speaks about thousands of Vietnamese
11 being killed and wounded in a period of a few weeks right after
12 the coup d'état of Lon Nol. Have you heard of such massacres of
13 Vietnamese people right after the coup d'état?

14 A. I did not hear about that.

15 [13.41.53]

16 Q. The other expert, Elizabeth Becker -- that's an American
17 journalist -- writes in her book, E3/20 on the case file,
18 English, ERN 00237830; French, 00638397; and Khmer, 00232166; she
19 writes about massacres of 800 Vietnamese labourers executed by
20 soldiers, and whose bodies were thrown overboard into the Bassac
21 river. She talks about mass detention of people from Vietnamese
22 origin, but she also says the following -- and that's something
23 that I would like to read to you -- on the next page: "The
24 Vietnamese in Cambodia were not the only targets. Lon Nol also
25 went after the ethnic Chinese, the other type of foreign devil in

1 his configuration of hell. Through the local press, he campaigned
2 against the greedy Chinese merchant class."

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

5 A. No, I did not hear about that.

6 [13.43.42]

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

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

15 A. No, I did not.

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

25 This scholar speaks about 1970, and he talks about, "the Khmers'

1 traditional fear of the Vietnamese." Is that something from your
2 experience or memory that sounds familiar? Or not really?

3 [13.46.10]

4 MR. PRESIDENT:

5 Witness, please be hold on. Now the floor is given to
6 International Co-Deputy Prosecutor.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you, Mr. President. I don't see this document on the
9 interface, or on the list of documents on the interface. And
10 furthermore, this question of the fear of the Vietnamese could be
11 put without referring to any author or to Indonesia, which is way
12 beyond the witness's grasp. I don't object to this question of
13 the fear of the Vietnamese, but the reliance on the work of
14 William Shawcross doesn't seem relevant to me, especially since
15 the book is not on the list.

16 BY MR. KOPPE:

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

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

24 (Short pause)

25 [13.48.03]

1 MR. PRESIDENT:

2 Defence Counsel, please repeat your question. I think the witness
3 may not understand your question. So please put your questions
4 clearly to the witness, and make your questions short and precise
5 and simple, because there's a level of lack of understanding of
6 the complicated question to the ordinary person. So the questions
7 should be simple, short and precise.

8 BY MR. KOPPE:

9 Q. Mr. Witness, is your -- was it in your experience in the time
10 of Lon Nol the situation that people were scared of the
11 Vietnamese? People in the Lon Nol time were afraid of Vietnamese?

12 MR. Y VUN:

13 A. I heard about that. I heard that there was fear of the
14 Vietnamese people, who would take our land. And during the Lon
15 Nol regime, because the Vietnamese came to live in Cambodia, so
16 they were required to pay for the "lan tay". If they did not pay
17 for the "lan tay", they would be arrested. That's what I heard.

18 [13.49.42]

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

25 Mr. President, I'm going to be reading a very short excerpt from

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1 Elizabeth Becker's book again, E3/20; Khmer, 00232167; French,
2 006388 -- sorry, 00638398; and English, 00237831.
3 Mr. Witness, this American journalist, also seen as an expert,
4 says the following: "The educated elite of the country finally
5 began to comprehend the scope of Lon Nol's holy war. They had not
6 taken part in the pogroms, nor had they actively protested them."
7 Mr. Witness, then the author says something very complicated, but
8 then she says the following: "Few Cambodians are pure in the
9 sense Lon Nol meant to put into law. While Cambodians are largely
10 from the same racial stock, many have mixed ancestors. Besides
11 Vietnamese and Chinese ancestors, Khmers can also -- can have
12 relatives from groups as varied as the Portuguese, Indian and
13 Indonesian." End of quote. So what the author, Mr. Witness, seems
14 to be saying is that it is in fact impossible to determine on the
15 complexion of the skin whether someone is Khmer or from
16 Vietnamese origin, or from any origin. Is that something that you
17 agree with?

18 [13.53.17]

19 MR. PRESIDENT:

20 (No interpretation)

21 MS. GUIRAUD:

22 Thank you, Mr. President. Just a comment: it seems that in the
23 excerpt that was read out, nothing speaks about the colour of the
24 skin or the complexion of these people. So I believe that my
25 colleague is extrapolating from the excerpt. The excerpt itself

1 does not say what he is talking about. There's no discussion of
2 the colour of the complexion in this excerpt.

3 MR. PRESIDENT:

4 (No interpretation)

5 [13.53.51]

6 MR. DE WILDE D'ESTMAEL:

7 And all to -- to complete this, Counsel Koppe suggested that I
8 was asking questions about the differences in skin colour between
9 the Vietnamese and the Khmer, and when I was asking questions
10 about the Chinese person who survived the executions at Wat
11 Khsach.

12 BY MR. KOPPE:

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

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

25 MR. Y VUN:

1 A. They identify the Khmer, the Chinese, and the Vietnamese. The
2 Vietnamese and the Chinese, they practice their traditional
3 ritual, so they identify the ethnicity based on their celebration
4 of their traditional ceremonies.

5 [13.56.17]

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

9 A. Yes, that is right.

10 Q. Thank you, Mr. Witness. Let me now go to the day you
11 described, the day in 1978. In your statement to the
12 investigators, you said that they forbid people from walking
13 nearby the pagoda, Wat Khsach. When you said they forbid people
14 to come close to the pagoda, who is "they"? Who -- who were you
15 referring to when you said that they -- that people were not
16 allowed to be near the pagoda? Who is "they"?

17 [13.57.43]

18 MR. PRESIDENT:

19 Mr. Witness, please hold on. The floor now is given to
20 International Co-Deputy Prosecutor.

21 MR. DE WILDE D'ESTMAEL:

22 I am -- this is exceptional for me to object to this kind of
23 point, because the lawyer is doing what he criticizes other
24 Parties from doing -- that is to say, reading an excerpt without
25 asking any open questions to the witness concerning the possible

1 prohibition from moving around the pagoda. And he takes that for
2 a fact, and then asks questions. So I'd like the defence lawyer
3 to be consistent, and either he asks an open question or -- or he
4 -- he stops doing this because other Parties seem to be misusing
5 this practice.

6 BY MR. KOPPE:

7 Mr. President, I think the witness already extensively talked
8 about not daring to go to the pagoda. This morning he said that
9 only after three days he dared to go. So I think the Prosecution
10 has covered that particular issue. That's why I went straight to
11 his own statement, but I have no problem in asking it in an open
12 form.

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

16 MR. Y VUN:

17 A. Yes, it was forbidden to -- it was the commune chief who
18 forbid -- prohibited people from going to the pagoda.

19 [13.59.50]

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

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

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

1 A. Yes, that's correct.

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

5 A. There was prohibition.

6 [14.01.13]

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

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

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

15 A. (Microphone not yet activated) It -- it was every day.

16 Q. Now this morning, you said that three days after you heard the
17 sound of screaming, you were close to the pagoda, and that you
18 saw certain things. Can you explain to me how it was possible
19 that three days after the events, you were able to get close to
20 the pagoda?

21 A. Three days later, I was there tendering cows, and then I saw a
22 pit, the pit where the corpses were buried. I saw bamboo club
23 nearby. I went there only once, and I never went there again.

24 MR. PRESIDENT:

25 Witness, you are not responding to the question by the defence

1 counsel. So could you please listen to the question, and then you
2 respond to the question only. So you should wait until you
3 understand the question. Otherwise, your response will not be
4 helpful for the Court, because you are not responding to the
5 question. Counsel Koppe, could you please report your question,
6 because the witness did not respond to your question earlier?

7 [14.04.10]

8 BY MR.KOPPE:

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

15 MR. Y VUN:

16 A. The guards did not notice my arrival, so there was no one on
17 guard when I was there to look for cattle, or cows.

18 [14.05.25]

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

22 A. Soy was the village chief.

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

1 A. No. I did not witness any discussion, but the commune chief
2 who made the order.

3 Q. Did you ever see him speak to members of one level up, the
4 district? Did you ever see him speak with people from the
5 district committee?

6 A. (No interpretation)

7 [14.07.00]

8 MR. PRESIDENT:

9 (No interpretation)

10 A. No, I did not see that.

11 Q. Yet, to the investigators and also this morning, you said that
12 he received his orders from "the upper echelon". What is the
13 source of your -- your conclusion that he received his order from
14 the "upper echelon"?

15 A. I heard from other villagers. I heard that the order was
16 received from the upper echelon, and then it was enforced.

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

19 A. I heard from the villagers that, and they simply said that by
20 themselves.

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

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

25 [14.08.50]

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

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

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

6 A. No, I didn't hear that.

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

8 When the -- what was she -- was she working in a mobile unit? And
9 if yes, did you ever see her work there?

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

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

12 A. Yes, I did. She was called for a study session. Yeay Thain
13 (phonetic), who called her for that purpose.

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

16 A. I don't know about that.

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

20 A. Yes, I heard about that. In Chi Kreang district, one of the
21 female cadres called Khom (phonetic), was killed.

22 [14.11.48]

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

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

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

3 A. No, I did not hear anything of relationship to village chief
4 Soy. I don't know. Soy was in a different village.

5 MR. KOPPE:

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

7 MR. PRESIDENT:

8 Thank you. Before giving the floor to the defence counsel for
9 Khieu Samphan, Judge Lavergne may have questions. So you may
10 proceed, Judge Lavergne.

11 [14.13.18]

12 JUDGE LAVERGNE:

13 Thank you, Mr. President. I don't have any questions for the
14 witness, but I would like Mr. Koppe to tell the Chamber whether
15 he has any documents that would deal with the uprising in the
16 region of Chi Kraeng.

17 (Short pause)

18 [14.13.59]

19 MR. KOPPE:

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

24 MR. PRESIDENT:

25 Thank you. Now the floor is given to the defence counsel for

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1 Khieu Samphan to put questions for this witness. Now you may
2 proceed.

3 [14.14.41]

4 MR. KONG SAM ONN:

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

7 [14.14.56]

8 MR. PRESIDENT:

9 Now it is the time that the testimony of Y Vun is come to an end.
10 Thank you, Mr. Y Vun for your time, testifying for one day, and
11 your testimony may contribute to the ascertaining of the truth.
12 You are now excused. You may go back to your residence, or to any
13 destination you wish. We wish you good luck, good health and a
14 safe trip.

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

17 We don't have a reserve witness for today. And the Trial Chamber
18 will adjourn for today, and the hearing will start tomorrow.

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

20 MR. KOPPE:

21 Thank you, Mr. President. Two things: the document that was just
22 asked for is E3/8327. It's English ERN 00233308; French,
23 00242029; and Khmer, 00224683. And it is a report of execution of
24 rogatory letter, dated 19 September 2008.

25 And the other thing, Mr. President: this morning I sent an email

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1 to the Senior Legal Officer in respect of very brief oral
2 submissions I would like to make either today or tomorrow. Of
3 course, that's up to you. There's no hurry. But if you allow me,
4 I can make them now or at another stage.

5 [14.17.08]

6 MR. PRESIDENT:

7 Yes, you can provide us with that tomorrow.

8 (Short pause)

9 [14.17.31]

10 MR. PRESIDENT:

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

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

17 The Court is adjourned.

18 (Court adjourns at 1418H)

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