



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

28 September 2015

Trial Day 331

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

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KHIEU Samphan

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SREA Rattanak

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. HIM Man (2-TCCP-252)	Khmer
Mr. KOPPE	English
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Ms. NO Sates (2-TCCP-270)	Khmer
Mr. PICH Ang	Khmer
Mr. SREA Rattanak	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, and as the Trial Chamber has scheduled and informed the
6 concerned Parties, the Chamber continues to hear the testimony of
7 a witness, Him Man. And when it's concluded, we'll hear testimony
8 of another civil party -- that is, 2-TCCP-270.

9 Ms. Se Kolvuthy, please report the attendance of the Parties and
10 other individuals at today's proceedings.

11 [09.05.09]

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 right to be present in the courtroom. The waiver has
17 been delivered to the greffier.

18 The civil party who is to conclude his testimony today -- that
19 is, Mr. Him Man is present and ready to be called by the Chamber.
20 The upcoming civil party -- that is, 2-TCCP-270 is present and
21 ready to be called by the Chamber.

22 Thank you.

23 [09.06.00]

24 MR. PRESIDENT:

25 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

1 request by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea, dated 28
3 September 2015, which states that due to his health: headache,
4 back pain, he cannot sit or concentrate for long, and in order to
5 effectively participate in future hearings, he requests to waive
6 his right to participate in and be present at the 28 September
7 2015 hearing. He affirms that his counsel has advised him about
8 the consequences of this waiver, that it cannot in any account be
9 construed as a waiver of his right to be tried fairly or to
10 challenge evidence presented to or admitted by this Court at any
11 time during this trial. Having seen the medical report of Nuon
12 Chea by the duty doctor for the Accused at the ECCC, dated 28
13 September 2015, which notes that Nuon Chea has chronic back pain
14 and dizziness when he sits for long, and recommends that the
15 Chamber grants him his request so that he can follow the
16 proceedings remotely from the holding cell downstairs.

17 Based on the above information and pursuant to Rule 81.5 of the
18 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
19 follow today's proceedings remotely from the holding cell
20 downstairs via audio-visual means. The Chamber instructs the AV
21 Unit personnel to link the proceedings to the room downstairs so
22 that he can follow it. And this applies to the whole day.

23 [09.07.52]

24 The Chamber has just received a submission by the Office of the
25 Co-Prosecutors to accept the disclosures of written records of

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1 interviews from Cases 003 and 004, and place in the current case
2 file pursuant to Rule 87.4. And the defence team for Khieu
3 Samphan wishes to respond to that submission. And for that
4 reason, the Chamber will give the floor to the defence team to
5 make the oral response to the submission and request by the OCP
6 before we proceed with hearing the testimony of the civil party.
7 And Defence Counsel, you may proceed.

8 [09.09.07]

9 MS. GUISSÉ:

10 Thank you, Mr. President. Good morning to all of you. Maybe a
11 point of clarification, what we requested in our email that we
12 sent to the Chamber was not to answer orally but the possibility
13 of asking orally for <time> to provide this answer, for two
14 reasons:
15 First of all, this request concerns only written statements that
16 come from <ongoing> investigations <for> Cases 003 and 004, so
17 this is a request that isn't directly connected with the <E363>
18 request that we made before the Chamber regarding the way that
19 these documents coming from other investigations enter our Trial
20 gradually. So we would like to <be allowed to respond to> this
21 request of the Co-Prosecutors once the Chamber has ruled on our
22 own <E363> request. So that was the first part of our request. Of
23 course, this request for <time> is necessary because, in the
24 request of the Co-Prosecutors -- E370 -- they requested <leave to
25 place on the case file 25 witness statements, which <is a

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1 significant number of statements>. So aside from the
2 clarifications that we're expecting from the Chamber <concerning
3 the statements from Case 003 and 004>, we need more time to be
4 able to address these issues <in an> in-depth <manner>. So <this
5 request is not a response to the Co-Prosecutors' request, but
6 rather a request for> <time,> given the elements that I've just
7 brought up. So I hope I have been a little bit clearer about
8 this. To be more specific, we would like this <time> to start
9 once you notify us of your decision regarding <the E363> request,
10 which we filed <a few days ago>.

11 [09.11.20]

12 MR. PRESIDENT:

13 The International Deputy Co-Prosecutor, you have the floor.

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President; and good morning to all of you and to
16 Your Honours, <to all the parties>.

17 I note that this is a very limited request at this <stage>. The
18 idea is to postpone the <possibility of responding to this>
19 request to admit 25 written records of interview. Despite
20 everything, < I believe that> if we accept the request formulated
21 by the Khieu Samphan defence team, it would <undoubtedly> be too
22 late to use these written records of interview <in due course>
23 that is to say, during the segment on the Cham. Unless -- and
24 this is what we want of course -- the Chamber decides on the
25 disclosures as soon as possible, which would solve the problem.

5

1 <In> the meantime, we believe that the Parties should <be able
2 to> use all of the written records of interview that were
3 disclosed a while ago already<in> order to put questions to the
4 civil parties and to the witnesses. <This is what the Nuon Chea
5 defence and the Khieu Samphan defence <have> done in the past, in
6 fact without however <placing> on the case file a request to use
7 these written records in order to <tender> them into evidence
8 based on Rule 87.4. And this is <all the> more so useful <as some
9 of> the written records that are the subject of our E370
10 request are particularly important. <These are> statements of
11 witnesses who will come to testify, <that is> the witness who
12 will testify this week or next week, 2-TCW-950, or a witness that
13 the Chamber <had wanted> to hear proprio motu. And this is
14 2-TCW-987 if I'm not mistaken. But beyond these issues, for the
15 purposes of the ascertainment of the truth, it <would be
16 particularly useful> for the Parties to be able to refer to these
17 documents, to quote these documents in their examination of the
18 witnesses who will come <to> testify <later> this week and the
19 following <weeks>. Of course, once again we hope that the Chamber
20 will <issue its decision> as soon as possible, which of course
21 will allow us to solve this recurring problem <which> is taking
22 up a lot of our time, time that is precious. That's all that we
23 have to say with regard to this issue. <Thank you.>
24 [09.14.40]
25 MS. GUISSÉ:

6

1 Thank you, Mr. President, for <allowing me to respond quickly>.
2 First, I'd like the words to be clear here. Today, we have a Rule
3 87.4 request <for the admission> of certain documents <that> the
4 prosecutor says are very important <for> the ascertainment of the
5 truth. <Unless I am mistaken,> if we're told that these documents
6 were disclosed a few months ago, why then didn't the
7 Co-Prosecutor make this <87.4> request back then, if it was so
8 important. <That's my first observation.>
9 Second, I <recall that> when we <repeatedly> objected to the use
10 of these documents or when we asked for <time> back then to
11 review these documents, the Chamber said that it made a
12 distinction between statements that had been disclosed simply and
13 statements whose admission into evidence <had> been requested So
14 <today> we <should not be presented with> the fact that there was
15 a disclosure a few months ago <of an important amount of
16 documents> <whereas> there is a <clear> distinction between
17 documents that are disclosed in <a significant> number of folders
18 and documents <they are seeking to admit> into evidence.
19 [09.16.00]
20 And third, I would like the Co-Prosecutors to provide us with the
21 references because <this is not the first time I am hearing them
22 say> that we used on several occasions, statements from Cases 003
23 and 004 in our examinations. I would like to <point out> that the
24 Khieu Samphan defence's position has always been clear. When
25 we're speaking about <prior> statements - <and this applies to>

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1 the <witness> <who is scheduled to appear> before the <Chamber>
2 -- <when it concerns prior statements made by a person who will
3 appear before the court,> there is no objection <to these
4 statements being tendered into evidence,> because that is <also>
5 part of the examination of this witness's credibility. <So there
6 was no issue with the witnesses due to appear before the
7 Chamber.>

8 However, with regard to witnesses who are not going to testify
9 but who are alive and who are not asked to testify before the
10 Court, yes indeed, <the Khieu Samphan team> objects on a
11 systematic basis to the usage of related documents. So these are
12 clarifications that I wish to provide in my response <to the
13 Co-Prosecutor>.

14 [09.17.11]

15 MR. PRESIDENT:

16 Thank you. And the Chamber wishes to inform the Parties that the
17 submission made by the defence team for Khieu Samphan -- that is,
18 document E363 is being considered by the Chamber <and the matter
19 has been discussed twice already>. And the Chamber is <hopeful
20 and> confident that it will <issue a decision in> response to
21 that submission very soon so that all the matters <challenging
22 the Chamber at present> can be <solved and> clear to all the
23 Parties concerned. We understand we all are trying our best to
24 proceed in a way that is expeditious <in actively contributing
25 and endeavouring to make the proceedings of the hearing proceed

1 efficiently>, and the Chamber will also respond to the request
2 made by the Co-Prosecutors in due course.

3 Let we now hear the remaining testimony of the civil party Him
4 Man. And Court officer, usher the civil party into the courtroom.

5 Thank you.

6 MS. GUISSÉ:

7 I apologize, Mr. President. Just for the purposes of
8 clarification, so must I understand that you will rule on my
9 request for <time> later on? <Just to be clear.>

10 [09.18.50]

11 MR. PRESIDENT:

12 Yes, that is correct. The decision is not yet made. We are
13 deliberating your request -- that is, document E363. And the
14 decision <is being prepared and> will be issued soon <in order to
15 clear up the matter>. This is our response that will be issued to
16 you soon, and the Chamber at the same time considering the
17 submission made by the Co-Prosecutors. It would be nice for
18 everyone if we can issue decisions on the two submissions: one by
19 your team and another one by the Co-Prosecutors; although its
20 nature is rather complicated and we will try our best to issue
21 our decision in due course. And it will be soon as this is to
22 deal with the practical matter before us.

23 (Judges deliberate)

24 [09.21.39]

25 MR. PRESIDENT:

1 Good morning, Mr. Him Man. Are you ready? And the Chamber will
2 give the floor to the defence teams to put their questions to
3 you. First, the defence team for Nuon Chea.

4 And Counsel, you may proceed.

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President. Good morning, Your Honours. Good
7 morning, counsel. Good morning, Mr. Witness. I have a few
8 questions that I would like to put to you this morning following
9 up your testimony of two weeks ago.

10 Q. Let me first ask you some questions in relation to events in
11 1975, not in your village but a little further down the river in
12 Kaoh Phal. You, when asked the question about this, spoke briefly
13 about the rebellion in Kaoh Phal. You also spoke about the
14 rebellion to Ysa Osman. You have been quoted in his book. Mr.
15 President, that is E3/9336, English, ERN 00218503; French,
16 00286655; and Khmer, 00218496. And Mr. Witness, you talked about
17 the rebellion being crushed in 1975 by the use of artillery and
18 marines, boats from the marines. Who told you this? Do you
19 remember?

20 MR. HIM MAN:

21 A. While I was in the village, I heard people talking about it
22 <because I was still carrying dirt>. The rumours spread among the
23 villagers in the village where I was living at the time about
24 that event. And I heard about it. That is all.

25 [09.24.35]

10

1 Q. Do you remember who told you about the use of marines and
2 artillery to "smash the village"?

3 A. I heard the villagers talking about it, but I cannot recall
4 who actually said that. I was busy working in order to survive. I
5 was striving hard to work at the time <in order to be recognized
6 as a hard-working man. Being a hard-working man could spare my
7 life.> And while I was working, I overheard people talking about
8 this.

9 Q. This all happened in what is called the East Zone, Sector 21.
10 When people talked to you about the crushing of this rebellion,
11 did they speak about which kind of forces crushed that rebellion?
12 Were these district forces or rather forces from the sector or
13 the zone?

14 A. At that time, I heard about the so-called Khmer Rouge,
15 although I was not sure as to who they were referring to. As I
16 stated earlier, I was busy working and I only overheard people
17 talking about this. <I didn't want to look at their faces.>
18 [09.26.37]

19 Q. Very well, Mr. Witness. You also answered the question two
20 weeks ago about a rumour being spread that "the Khmer Rouge
21 considered the Cham to be the enemy number one". Was it indeed a
22 rumour, something that villagers told each other or was it more
23 than that?

24 A. The villagers talked about it and I only heard them talking
25 about it while I was working. And later on, after I heard about

11

1 it, I heard about the event connected to the Cham people. But as
2 I stressed, I only heard people talking about it and I cannot
3 recall as who were talking about this. I didn't dare look at the
4 faces of those people, and I concentrated on my work.

5 Q. Mr. Witness, I'm asking you this question because in that same
6 book from Ysa Osman that I just referred to, you are being cited
7 by saying that the fact that the Cham were the enemy number one
8 was announced -- announced in the villages. Am I now to
9 understand that this wasn't some announcement but it was just
10 what villages were telling each other; is that correct?

11 MR. PRESIDENT:

12 Mr. Civil Party, please hold on. And the National Lead Co-Lawyer
13 for civil parties, you have the floor.

14 [09.29.08]

15 MR. PICH ANG:

16 Mr. President, I am not objecting to this question, but please
17 instruct the defence team for Nuon Chea to provide the document
18 number and relevant ERN numbers <so that we can verify them>.

19 MR. KOPPE:

20 No problem, Mr. Civil Party Lawyer. It's, as I said, the same
21 excerpt. It's English page 153 on the bottom. The ERN is
22 00218503; French, 00286655; and Khmer, 00218496. It says and I
23 quote: "In '74, they pressured--

24 MR. PRESIDENT:

25 Defence Counsel, please hold on. There is no French translation

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1 through the channel. Please check it.

2 (Short pause)

3 MR. PRESIDENT:

4 Counsel Koppe, please continue and please, repeat the document
5 and the relevant ERN numbers <because the French interpretation
6 could not be heard a moment ago>.

7 [09.30.38]

8 BY MR. KOPPE:

9 Yes, Mr. President. As said, it is the book of Ysa Osman, E3/9336
10 on the bottom of page 153; English, ERN 00218502; Khmer,
11 00218496; and French, 00286655. And the quote reads as follows:
12 "In 1974, they pressured us even more. They announced that the
13 Cham was 'enemy number one'. Khmer enemy was enemy number two."
14 So my question again, Mr. Civil Party, is: Is it correct that it
15 was something that the villages were saying among each other, or
16 was it rather something that was announced? So which one of the
17 two is it?

18 MR. HIM MAN:

19 A. Concerning Cham enemy, at that time, the village chief was
20 also a Cham person. His name was <Tam> (phonetic). <I heard there
21 was a meeting. I did not go to attend that meeting.> I was
22 digging up the dirt. I was in the village. I learned the
23 information from <Tam,> (phonetic) the village chief, who was the
24 one who made the announcement that Cham <was the first> enemy.
25 <The situation on Kaoh Phal was very bad.> That <was> why at that

13

1 time, we heard about Cham <people being the first> enemies. Why I
2 heard about this? Because at that time, Kaoh Phal was referred to
3 as Kaoh <Phes> (phonetic) because they were afraid that there
4 would be <rebellions in other places following the situation in>
5 Kaoh Phal<, which was already tarnished with a bad reputation>.
6 <That's why they were very careful about all Cham people.> So
7 once again, Cham people were referred to as the first enemy in
8 the list. <I don't know all stories about them.>

9 [09.33.09]

10 Q. Mr. Witness, assuming for a second that your hearsay
11 information is correct, why would Thum (phonetic) who himself was
12 a Cham say that the Cham were enemy number one?

13 A. I <>also <wondered> why Cham people <were> considered the
14 number one enemy. I <still wonder> as of now. <I don't know the
15 secrecy surrounding that matter.> I do not know why they referred
16 to Cham people as the number one enemy. And later on, I noticed
17 that Cham people were <ill-treated,> taken away and killed<>. <I
18 was one of them.>

19 Q. I will get back to that a little bit later, Mr. Witness. You
20 also testified as to you and others being forced to eat pork. You
21 said that happened in '75, '76. Can you explain to us how that
22 went; how were people -- Cham people forced against their will to
23 eat pork? Was there enough pork meat around to force Cham people
24 to eat this? Or was there not enough fish from the Mekong River?
25 Can you explain to me a little bit how that went -- this forcing?

14

1 [09.35.05]

2 A. During the period, Cham people were forced to eat pork.
3 Religion was abolished. And we were prohibited from praying,
4 worship. Pork was given to all of us to eat and we were told to
5 cut our hair short and to become one nation -- that is, Khmer
6 nation. No other nations were allowed to be in the country; there
7 was only one Khmer nation. We were told to cut our hair or to
8 have our hair cut. We were prohibited from praying, from worship.
9 This is what I have known. Later on, the situation became worse.
10 There were no need was no need to have guards at the kitchen.
11 People were working very hard to gain favour from Khmer Rouge. So
12 no need guards to guard the place -- the kitchen. And people --
13 even <villagers> would report on other <villagers>. From time to
14 time, Cham families were taken away one after another. So people
15 in the regime were trying to gain favour from <the Khmer Rouge>.
16 They wanted to be considered loyal people by the Khmer Rouge. And
17 at that time, as I have told you, Cham families would disappear
18 one after another. I do not know the reason why they disappeared.

19 [09.37.16]

20 Q. Thank you for your very long answer, Mr. Witness. But I would
21 like to focus on one particular point. You said that the village
22 chief was Cham himself. Your village is right on the Mekong
23 River, which is full of fish as we all know. There's a lot of
24 evidence suggesting there was not enough to eat. So can you give
25 me one example where you witnessed yourself a Cham being forced

15

1 against his or her will to eat pork? When did this happen? Where
2 were you? Can you give me a concrete example please?

3 A. I was within group of people. If I refuse<d> to eat pork, I
4 was afraid that the bullet would be shot -- I would be shot or I
5 would be beaten <with a stick>. So it applies to other people. If
6 we refused to eat pork, we would risk our lives. We had to eat
7 pork <in tears>. There were lots of fish, but we were forced to
8 eat pork, since they said there was only one Khmer nation during
9 the time.

10 [09.39.07]

11 Q. Is my understanding correct that you didn't actually witness
12 somebody being physically forced to eat pork but it was rather a
13 general fear that by not eating pork, you would somehow violate
14 rules? Is that how I should understand your testimony?

15 A. I agreed to what you said. There was an announcement that if
16 one refused <to eat> pork, that person would be considered
17 opposing Angkar. They had to eat pork while weeping to save their
18 own lives.

19 Q. I still have some questions on this topic, but I'll move on
20 because of time, Mr. Witness. Let me now go to 1977, and more
21 particular to what you call the second lunar month, when you
22 married another Cham girl, your present wife. Just to be sure,
23 second lunar month in '77, would that be February '77?

24 MR. KOPPE:

25 Mr. President, I heard there was no Khmer translation?

16

1 [09.41.11]

2 MR. PRESIDENT:

3 Is there any problem with translation system?

4 You may now resume your questioning, Koppe, because there was
5 glitch in the system a while ago.

6 BY MR. KOPPE:

7 Q. Thank you, Mr. President. I will repeat my question, Mr.

8 Witness. And that is -- my question was about the marriage, your
9 wedding to your present wife, also Cham woman. You testified that
10 you married her in the second lunar month of 1977; would that be
11 February '77?

12 MR. HIM MAN:

13 A. Concerning my marriage, it happened a long time ago. I am
14 quite old now, I may not recall it well. I recall that I got
15 married in the Pol Pot time.

16 Q. Is it correct that when you got married to your present wife,
17 you were married together with 50 other couples at the ceremony
18 at Wat Au Trakuon?

19 A. Yes, that is correct. It was not only me and my wife who were
20 <married at the time>. Perhaps there were 50 couples at that time
21 including my wife and me. And <all of us ate> pork during the
22 ceremony.

23 [09.43.33]

24 Q. I'll get back to that maybe. Do you recall, Mr. Witness,
25 whether there were Cham among these other 50 couples that got

17

1 married at Wat Au Trakuon?

2 A. I was there in the marriage ceremony. Other people as well
3 were in the ceremony, wedding ceremony. I do not recall all the
4 names.

5 Q. I understand. But were there also Cham who got married, Cham
6 among the 50 couples?

7 A. Yes, there were Cham people. And I also was there in the
8 marriage ceremony. My relatives were also there and Khmer people
9 were also in the marriage ceremony.

10 Q. And do you recall how many of the couples were Cham and how
11 many of the 50 couples were Khmer?

12 A. I cannot recall it, Mr. Lawyer. I only recall that there was a
13 marriage at that time. And I do not know how many couples were
14 there in the marriage <ceremony>. I do not have the full detail
15 of the information. There may have been around 50 couples in the
16 marriage <ceremony>.

17 [09.45.48]

18 Q. And do you recall whether Cham women were marrying Cham men,
19 and Khmer women were marrying Khmer men? Do you recall that?

20 A. We were advised to become <one> Khmer nation. I do not know
21 how they paired me with my wife. My wife was actually my fiancée.
22 And there was another <> person who was paired up with <> his or
23 her fiancée at that time.

24 Q. Were you -- when marrying together with the other 50 couples,
25 were you at the site within the compound of Wat Au Trakuon? And

1 if yes, where were you exactly?

2 A. The marriage took place within the compound of Au Trakuon
3 pagoda. The venue was located to the west of the pagoda behind
4 the pagoda, from my recollection. <It was near, but behind the
5 pagoda, not in front of it.>

6 [09.47.52]

7 Q. And did you reach that point by going around the pagoda or
8 going through the compound of the pagoda?

9 A. I went directly to the table which <was> laid at that place. I
10 did not go or wander around because I was afraid of the time --
11 because I was afraid at that time. If I happened to wander
12 around, they would accuse me of this or that. So I went directly
13 to the table already laid for everyone.

14 Q. But when you were approaching Wat Au Trakuon with the river in
15 your back, you can go straight taking the main entrance or you
16 can go around eastwards. Do you recall which route you took to
17 get to the ceremony?

18 A. I do not recall it well because it happened a long time ago. I
19 am sure that I was told to attend the wedding ceremony at Au
20 Trakuon pagoda. I did not know which way I used at that time --
21 which road I was travelling through at that time. I am quite old
22 now. Even you can see my teeth, I have no more teeth; only a few.

23 [09.50.17]

24 Q. When you were on the compound of Wat Au Trakuon, were you able
25 to see the temple, the big building on the left side when you

1 enter the main entrance?

2 A. I never climbed up into the temple. At that time, I went
3 directly to the venue, to the table laid for couples to get
4 married. So everyone was heading to the tables and we were paired
5 up. No one climbed out into the temple. It happened long time
6 ago, I cannot recall it well. But all I could remember is that I
7 was there attending the marriage ceremony.

8 Q. Do you recall hearing at that time in '77 whether there were
9 any prisoners being kept in the building of the temple on the
10 compound of the pagoda?

11 A. There was rumour around that there were chains <and> there
12 were shackles within the compound of <the> pagoda. This is what I
13 have heard. I myself did not go and see whether there were
14 actually chains and shackles. I heard the rumour around, so I was
15 afraid in light of that rumour. <I only focused on my work.>

16 Q. Do you recall whether in '77 when you got married and the year
17 subsequently, there was a security parameter (sic) around the
18 compound of Wat Au Trakuon?

19 A. I myself did not go and see. I heard the rumour, and in light
20 of this, I was in fear. I did not dare to wander around, I was
21 focussing on my work. No one did dare to enter that pagoda at
22 that time. After we heard something's wrong, we would feel
23 afraid. We heard from others about the matter.

24 [09.54.05]

25 Q. Let me read something to you, Mr. Witness, something that

1 another witness testified to in this Chamber, in this room. Mr.
2 President, that's the testimony of Tay Koemhun -- his testimony
3 on the 16th of September 2015 at around 14.32. And I'm asking a
4 question, the question is as follows:

5 "So there was a parameter of 700 to 800 metres around the pagoda
6 where people were not allowed to come. But was there an extra
7 parameter in such a way that they, as you said, did not allow
8 people to live in the village?"

9 And then the witness answers: "You meant outside the premises of
10 the pagoda? If you talk about the external parameter of the
11 pagoda, it means actually the parameter of the premises of the
12 pagoda reached the river bank, and that area was also restricted.
13 So allow me to clarify. To the north of the pagoda was the river
14 front and to the south was a pond." And then a little further
15 down, he says and I quote: "All I know was that for the river
16 bank up to the compound of the pagoda, that area was not allowed
17 to walk or trespass into."

18 So Mr. Witness, this witness seems to say that from the pagoda
19 all the way down to the river was a restricted area where people
20 couldn't come. Is that your recollection as well?

21 [09.56.10]

22 A. I was living in Sach Sou village at that time. I heard about
23 that, <> no one dared to walk through or pass that restricted
24 area. No people were courageous enough to walk through that
25 restricted location.

1 Q. Do you recall how far apart the external borders of the
2 parameter (sic) were? Did they stretch from the compound of the
3 pagoda all the way to the river? Or was the parameter (sic) even
4 bigger than that?

5 A. I have no idea, lawyer, I have told you already what I know.
6 As I said, in light of the rumour, everyone was afraid to go
7 close to the restricted area.

8 Q. Let me move on to what you testified to two weeks ago about
9 you walking in a parade of arrested Cham; you escaped together
10 with your wife, and then you hid 100 metres away from the pagoda.
11 Now, can you tell me exactly where you were because that's still
12 unclear to me? Where were you when you have the pagoda in your
13 back? Where were you exactly when you heard people screaming
14 allegedly while they're being killed?

15 [09.58.55]

16 A. I was to the east of the pits. From my estimates, the distance
17 <between> the pits and the place where I was hiding was about <>
18 100 metre<s>. For this reason, I could hear the screaming.

19 Q. And what was exactly 100 metres to the east of the pagoda?
20 What was there that allowed you to hide?

21 A. There were bushes, small bushes. I was hiding in the bush
22 where I could hear the screaming: "Oh Allah," and from there, I
23 could say it was about 100 metres away from the pits. I was
24 afraid -- I was concerned of my life, so I did not pay any
25 attention to other matters<, let alone measuring the distance>.

1 Q. Can you give us an estimate as to how far you were away from
2 the river, the Mekong River?

3 A. I can only give you an estimate. It was about half <a>
4 kilometre from where I was hiding <in a small pond>. So roughly,
5 it's about 500 metres.

6 [10.01.22]

7 Q. And how far were you from the road that is eastward from the
8 pagoda -- the road that is directly on the east side of the
9 pagoda, how far were you?

10 A. Are you talking about the road on the east side of the pagoda?
11 If that is the case, I think the distance is quite similar from
12 where I was hiding. So from the pond <where> I was hiding to that
13 location is about one kilometre. This is a rough estimate only.

14 Q. What is exactly one kilometre, can you be a little more
15 specific?

16 A. The rough estimate is about one kilometre. Of course, I did
17 not have any tool to take any real actual measure of the distance
18 <because I was more worried about my life>.

19 Q. But what is one kilometre; is that the pond where you were
20 hiding, one kilometre away from the river, or one kilometre away
21 from the pagoda?

22 A. The distance is from the pond that I was hiding to the Mekong
23 river bank. So let's say it's about 1,000 metres.

24 [10.03.45]

25 Q. So then the pond must be about half the distance, 500 metres

1 away from Wat Au Trakuon; is that correct?

2 A. I am unsure since I can only give you an estimate. And I do
3 not know the distance from where I was hiding to the pagoda.

4 Q. But we're talking about the same pond that you referred to in
5 your testimony two weeks ago when you said Khmer Rouge troops
6 fired "M79, B40, and AK rifle bullets at me in the pond". That's
7 the same pond where you were fired upon by heavy artillery; is
8 that correct?

9 A. The Khmer Rouge fired at the pond where I was hiding. They
10 fired many shots into the pond and they also fired the M79 <into
11 the pond>. I was hiding in the water in the pond the whole day
12 <from morning till evening> that day. And I only heard the sounds
13 of bullets being fired into the pond. And by nightfall, they
14 actually surrounded the pond. And actually, next morning, they
15 had villagers <from five villages> coming to stomp over the
16 shallow part of the pond. And that happened next morning -- that
17 is, after they guarded the pond overnight. However, I was <lying>
18 under the water <covered with the water hyacinths> that day.
19 <They pulled out the water hyacinths and piled them up in one
20 place.> <But, I still had water hyacinths on my head.>

21 [10.06.34]

22 Q. But were they firing shots only at you or were there other
23 people in that pond as well?

24 A. In the pond, there were only my wife and I, and there was
25 nobody else. And of course, you can imagine they actually fired

1 into the pond in order to kill me, but luckily we were not hit.

2 Q. How is it, Mr. Witness, that you know that they fired M79 and
3 B40 ammunition at you? How is it that you found out that that
4 happened when you were hiding for three months and 29 days?

5 A. I did not <know whether they were B40>. However, I heard the
6 loud noise of B40 being fired. And from the sound, I could say
7 <they were> B40. And the same thing applies to the M79. When I
8 heard "pop, pop" (phonetic) and then loud noise, I knew that it
9 was the sound of M79 being fired. Also the sound from AK-47 is
10 different from the sound of M79 or B40. I lived through the war
11 time period and I could distinguish the different sounds from
12 different guns or bullets being fired.

13 Q. So all this heavy the artillery was used to get only you and
14 your wife out of the swamp or the pond; is that correct?

15 [10.09.24]

16 A. It is very difficult for me to respond to your question. I
17 didn't know of their intention. But from what I knew, they fired
18 upon us in the pond. I heard they came to fire at the pond, and
19 that Cham people were being considered enemy number one. And I
20 did not know the motive behind their actions. However, before
21 they fired upon us, I heard they accused the Cham people as their
22 enemy number one. And of course, I was one of the Cham people
23 living in the area.

24 Q. But what you're describing you said must have taken place
25 somewhere in the middle of '77, whereas the Cham being enemy

25

1 number one was something you heard in '75 or '76. Was there any
2 connection?

3 A. As I stated, I do not recall the date or the year. But while I
4 was in Sach Sou village, I heard them talking about that. I
5 cannot specify the year. And for me, I am not really sure at all
6 about the date or the year, and let me stress that again and
7 again. But I did hear <them> say Cham people were their enemy --
8 number one enemy.

9 [10.12.01]

10 MR. PRESIDENT:

11 Thank you, Counsel. Thank you, Civil Party. It is now time for us
12 to have a short break. We take a break now and resume at 10.30.
13 Court officer, please assist the civil party during the break
14 time at the room for civil parties and witnesses, and have him
15 returned to attend the proceedings again at 10.30.

16 (Court recesses from 1012H to 1033H)

17 MR. PRESIDENT:

18 Please be seated. The Court is back in session.
19 Before I give the floor to the defence team for Mr. Nuon Chea, I
20 would like to give a response to the defence team for Mr. Khieu
21 Samphan. The Chamber granted the request by defence counsel for
22 Mr. Khieu Samphan to delay time for the response to E370 until
23 the Chamber <issue> the decision on the <request in relation to
24 document E363>. The Chamber would like to inform Parties that
25 responses to document E370, Parties are required to make oral

1 submission in due course. No written submissions are required by
2 the Chamber.

3 The Chamber would like to inform that it will try its best to
4 make the decision on the request in relation to document E363 in
5 due course to deal with the challenges before all of us so that
6 we can proceed hearing civil party and witnesses as scheduled
7 this week and the following week.

8 Now I hand over the floor to the defence team for Mr. Nuon Chea
9 to resume his questioning to this civil party. You may now
10 proceed.

11 [10.36.13]

12 BY MR. KOPPE:

13 Q. Thank you, Mr. President. Good morning again, Mr. Witness. I'm
14 trying to understand where exactly you were when you testified
15 that you had been hiding for three months and 29 days in the pond
16 close to the pagoda. Let me first ask you: Do you know whether
17 the pond is still there today?

18 MR. HIM MAN:

19 A. Yes, it remained. It was -- it is still there <at present>.
20 However, there were -- there are not so many water hyacinths
21 nowadays. In the past, there were many of water hyacinths.

22 Q. Before the break, I was speaking to you about a road
23 immediately adjacent to the compound of the pagoda on the east
24 side. Do you recall whether there is a small road immediately on
25 the east side of the pagoda?

1 A. Regarding the small road on the east side of the pagoda, yes,
2 there was a small road. There were many small roads close to
3 where I was hiding myself. It was about 100 metre<s> away from
4 the pits. Yes, there were secondary or small roads to the east of
5 the pagoda. I was hiding close to small roads -- very tiny roads
6 -- to the east of the pagoda.

7 [10.38.45]

8 Q. And this particular road that I just spoke about east of the
9 pagoda, is that road going to the north and then around the pond,
10 and backwards to the south -- to the river; is that correct?

11 A. That tiny road was located to the east of the pagoda. That
12 road <led to> the <ditch> where I was hiding myself. So that tiny
13 road was located to the east of a main road near the pagoda. And
14 once again, that tiny road reached the pit where I was hiding. I
15 cannot tell you the distance of that tiny road. And I already
16 told you the estimated distance from the pit where I was hiding
17 to the pond <>.

18 Q. Right now, there is a pond on the east side of the pagoda
19 about one kilometre north of the river, 500 metres, a kilometre
20 maybe away also from the pagoda, I'm not quite sure. But does the
21 road go around the pagoda and back to the south?

22 MR. PRESIDENT:

23 Please wait, Mr. Civil Party; you may now proceed, International
24 Deputy Co-Prosecutor.

25 [10.40.58]

1 MR. DE WILDE D'ESTMAEL:

2 I didn't rise earlier, but I think the lawyer has <provided his
3 own testimony> about the geography of that location. <He should>
4 refer to a document on record, <perhaps the> photographs taken by
5 the investigators of the OCIJ, something objective, because <now>
6 he <is> talking in the air without any objective elements, <it
7 seems,> that we can rely on to describe that geographical
8 location.

9 MR. KOPPE:

10 Mr. President, the only thing that I'm trying to do is to
11 understand where he said he was hiding for three months and 29
12 days. It is correct that I am -- the use of the documents on the
13 case file are not now being used by me. I was there a few days
14 ago to just see how things are situated. It's very helpful.
15 Everyone should do that. But I'm trying to understand -- because
16 there's a road moving northwards right on the east side and it
17 goes around the pond. I'm just trying to understand from the
18 witness whether the pond that I think is there is the one that he
19 refers to.

20 [10.42.45]

21 MR. PRESIDENT:

22 The observation of the International Deputy Co-Prosecutor is
23 appropriate. This matter <was> raised once <> when we discussed
24 <the> security centre of Krang Ta Chan. <Now, it happens again.>
25 Mr. Koppe, please rephrase your question. Please avoid testifying

1 yourself. Try to avoid <>the subjective <knowledge and using it
2 to examine> witnesses <by providing them with your testimony
3 through your examination>.

4 Mr. Civil Party, you are instructed not to respond to the last
5 question put by the defence team for Mr. Nuon Chea.

6 BY MR. KOPPE:

7 Q. Let me reformulate the question, Mr. President. Do you know
8 today if there is a road leading from the east side of the pagoda
9 northwards to the pond? Is there a road that goes around the pond
10 today? Do you know?

11 [10.44.11]

12 MR. HIM MAN:

13 A. Nowadays, there is a new road and that new road reaches the
14 <pond> where I was hiding. We can go from every direction to
15 reach the pit where I was hiding. It was to -- it is to the east
16 of the pagoda. I can tell you there are many newly-built roads
17 <in east of Au Trakuon pagoda>, so you will not get lost by using
18 those newly-constructed roads. And during the period, there were
19 tiny roads in the fields and I was trying to flee by using
20 different tiny roads. The place where I was hiding was <> called
21 Bobaoh (phonetic).

22 Q. How far were you from the big road going southward from south
23 to north, road number 70; seven zero?

24 A. You want to know the number of the newly-constructed road --
25 that is, road 70? I cannot tell you the distance, but perhaps I

1 can give you the estimates, but it is very difficult for me to
2 give my response.

3 Q. I'm not sure if we are getting somewhere. Mr. Witness, I will
4 move on to another subject.

5 You said at one point in your testimony that you wanted to resist
6 what happened -- you wanted to resist after you had been hiding
7 and that you said that you went to a mosque to try to find a
8 weapon -- a gun. Why would you go to a mosque at the time to try
9 to find a gun or a weapon? What made you think at the time that
10 in the mosque there could be weapons?

11 [10.47.23]

12 A. I was hiding in that place and I -- I was hopeless. I heard
13 the screaming "Oh, Allah". And at that time I wanted to find any
14 weapons I could have to help myself, so I went around to
15 different places to find any weapons so that I could help Cham
16 people who had been -- who were going to be killed at the pits. I
17 went into a mosque to search for a weapon, but there was none.
18 And I was hopeless, finding no weapon. If I had found any
19 weapons, I would have used them to help my people, my Cham
20 people, my relatives, my villagers. So this is -- this was the
21 purpose that I was going to search for any weapons. I was not
22 hiding the weapons. I hoped at the time to find weapons so that I
23 could help my people, Cham people, who were mistreated.

24 Q. But you also testified that mosques weren't used anymore. You
25 said that rice was stored in the mosque. What made you think at

31

1 the time that notwithstanding that you could find a weapon in the
2 mosque? Why go to the mosque to find a weapon?

3 [10.49.35]

4 A. There were guards at the mosque because the mosques were not
5 allowed to use as a worship place, and the grinders were put in
6 the mosque. There were guards. Because there were guards, I was
7 thinking to myself that perhaps there were weapons -- arms -- by
8 those guards, so I decided to go to the mosque to search for
9 weapons. I saw guards lying in the mosque. I touch their -- his
10 head, and that person was not aware that I was touching his head.
11 And in the mosque, I found no weapons. If there had been one or
12 there had been weapons, I would have taken them to help my
13 people, Cham people.

14 Q. And where was this mosque that you just described? Which
15 village?

16 A. This mosque was located in Ta Sou (phonetic) village. It was
17 <called Prek> Ta Sou (phonetic), close to Peam Chi Kang. It was
18 adjacent -- it was in the location adjacent to Peam Chi Kang.
19 Once again, that mosque was located in Ta Sou (phonetic) village.
20 [10.51.40]

21 Q. In your testimony, two weeks ago, Mr. Witness, you said - and
22 you were describing what happened at the pond -- this is, Mr.
23 President, at 2 -- 14.00.51, 17 September, you said, Mr. Witness:
24 "Somehow the people living nearby begged the Khmer Rouge to spare
25 my life since I was not involved in any accused activities." End

1 of citation.

2 What do you mean with you not being involved in accused
3 activities?

4 A. I lived -- I was allowed to live there because I had skills or
5 education in the matter. I was expert in diving to the bottom of
6 the river, and the fishing group needed the person who was
7 specialised in diving. For this reason, villagers loved me, and I
8 could survive. Since I was specialised in diving, I was needed by
9 them.

10 [10.53.32]

11 Q. Mr. Witness, last week -- two weeks ago, you -- when asked a
12 question -- voluntarily offered to say -- quote: "I am not a
13 novelist. I am not here to create a story." What did you mean
14 when you said that?

15 A. I was -- I am not a novelist. It is my experience I <> went
16 through. I witnessed the incidents and I am here to testify. I
17 may have <forgotten> some information because I am quite old at
18 this time. You can see that I have <not> many teeth. It is not a
19 creation, or it is not a novel created by me. It is the
20 experience I went through.

21 Q. Are the villagers today accusing you of being a novelist or
22 somebody who creates stories, or is that not the case?

23 A. Nowadays villagers, they did not -- they do not say I'm the
24 creators of the story. They do not say I am the novelist. You can
25 go and ask them. It is the experience I came across. I am Him Man

33

1 and went through that experience at that time.

2 [10.55.50]

3 Q. Very well. My last question, Mr. Witness, something that you
4 said while you were testifying here in court: You were asked a
5 question by the Prosecution -- Mr. President, that is at around
6 14.49, 17 September. You were asked a question by the Prosecution
7 about the evacuation of Cham at 3 p.m.p.m., villagers from Angkor
8 Ban, Sach Sou, Antung Sor, and you answered as follows: "All of
9 them died because everyone was sent to work in the dam site, in
10 the worksite. So, all of these people may have died because of
11 labour." Why was it that you gave that answer to the question
12 about the arrest of the Cham? Were you implying that they were
13 arrested and subsequently were sent to work at the dam site or
14 the worksite?

15 A. Let me respond. Some Cham people were sent to that worksite.
16 They never returned afterwards. Some villagers were sent to work
17 in a worksite along National Road Number 6. They never came back
18 after they were sent. They never returned and only Ta Sos
19 (phonetic) returned. Villagers within the village were sent to
20 the worksite. Fifty per cent of the villagers were sent to that
21 worksite. And among that 50 per cent sent to the worksite, only
22 few came back -- that is, Sos (phonetic). Once again, 50 per cent
23 -- or some of the villagers were sent to the worksite -- that is,
24 <road> number 6 worksite.

25 [10.58.44]

1 Q. So is my understanding then correct that when Cham villagers
2 were rounded up on the day of the parade, that they were sent to
3 worksites and worksites at road 6 and the dam site? Is that what
4 you're saying?

5 MR. PRESIDENT:

6 Please hold on, Mr. Man; you may now proceed, International
7 Deputy Co-Prosecutor.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you. I believe that the question is not at all clear with
10 regard to the period when this happened and there might also
11 <have been a> confusion 10 days ago on the part of the witness,
12 <perhaps regarding the time frame,> but it would be useful here
13 to clarify when because here <we are> speaking apparently about
14 two different things: being sent to the worksite on road number
15 6, which is very clearly different from what he said about Wat Au
16 Trakuon. So I think we should make a clear distinction <with what
17 the witness said regarding Wat Au Trakuon.> <So I think therefore
18 that a distinction should be made> between the events and the
19 periods <in order not to> lead the witness to <mistakenly>
20 contradict himself <on this point>.

21 [11.00.06]

22 MR. KOPPE:

23 I don't really see the contradiction. The answer given by the
24 witness was in relation to that question, and then he
25 specifically answered: "All of them died because everyone was

35

1 sent to work in the dam site, in the worksite." And I think he
2 just confirmed that. I can ask him about the period of time, but
3 that -- with this particular witness, that is kind of difficult,
4 it seems. So I think the objection should not be granted.

5 MR. PRESIDENT:

6 The objection by the Deputy International Co-Prosecutor is
7 sustained and the defence counsel should make it clear regarding
8 the facts you referred to in your questioning. He testified about
9 Cham being sent to Au Trakuon and the fact in your question seems
10 to be of a different timeline -- that is, the timeline was
11 different than that; the Cham was sent to work along <> Road 6.
12 So please, make it clear in your question, rather than to confuse
13 the witness due to the unclear nature of your question <because
14 you do not specify the timeline>. You may rephrase it, Counsel.

15 [11.02.11]

16 BY MR. KOPPE:

17 I'm not sure, Mr. President, but the 1st January Dam worksite we
18 have been discussing at length was in '77, same period of time
19 that we were discussing in relation to Wat Au Trakuon. But I will
20 rephrase my question.

21 Q. Mr. Witness, two weeks ago, you testified, and I quote again:

22 "All of them died because everyone was sent to work in the dam
23 site, in the worksite. So all of these people may have died
24 because of the labour, and they were arrested together with other
25 people and they all died. Cham people died. Cham people from Sach

1 Sou, Antung Sor, Angkor Ban villages died, who used to be working
2 together." When -- which period of time are you referring to when
3 you gave that testimony?

4 MR. HIM MAN:

5 A. I knew that when I was taken to be killed that the Cham people
6 <from Antung Saom (phonetic), Angkor Ban> were also taken to be
7 killed. And I learned of it when I myself was being taken away to
8 be killed.

9 [11.04.10]

10 Q. But again you're speaking specifically about people sent to
11 work in the dam site. "So, all of these people may have died
12 because of the labour." That's what you said. What did you mean
13 when you said that?

14 A. That was my personal conclusion because those people who were
15 sent disappeared and only Sang Kreach Sok (phonetic) returned,
16 who was actually <an imam> at <Sach> Sou village. Because nobody
17 else returned, so I made my personal conclusion that they all
18 died. And that's my personal opinion. Only Yu <Sos> (phonetic)
19 returned. And maybe <Sren Yustos> (phonetic) knew how many Cham
20 people died. And <Sos> (phonetic) is still living today.

21 MR. KOPPE:

22 I'm mindful of the time now, so I will finish. Mr. President,
23 thank you.

24 [11.05.47]

25 MR. PRESIDENT:

1 Thank you, and the floor is now given to the defence team for Mr.

2 Khieu Samphan. You may proceed, Counsel.

3 QUESTIONING BY MS. GUISSÉ:

4 Q. Thank you, Mr. President. Good morning, Mr. Him Man. I am Anta

5 Guissé. I am the International Co-Counsel of Mr. Khieu Samphan,

6 and in that capacity, I'm going to put a few complementary

7 questions to you. First, I would like to put a few questions to

8 you about the period of 1975. You spoke about the Kaoh Phal

9 rebellion to my colleague. You said that you had heard about it.

10 So do we agree that in 1975 when you heard about that rebellion,

11 you were in Krouch Chhmar district?

12 MR. HIM MAN:

13 A. No, I was not in Krouch Chhmar district. I was in Sach Sou

14 village in Peam Chi Kang. And I was digging <dirt> at the time

15 while I heard people talking about that event, about the

16 rebellion in Krouch Chhmar. That's the rumour that I heard. And

17 people who were digging the <dirt> with me spoke about it.

18 <People were circulating rumours about that.>

19 [11.07.30]

20 Q. And those who were digging the earth with you, were they Cham

21 or were they Khmer?

22 A. It was a mixture of Cham and Khmer people. And we were digging

23 <dirt> together, and we were under watch by the Khmer Rouge who

24 were standing nearby, and we did not dare look at their faces.

25 Q. During that period, or later on under Democratic Kampuchea,

1 did you meet people who came from Krouch Chhmar, or who were in
2 Krouch Chhmar when the rebellion happened?

3 A. No, I don't. I only heard villagers <speaking> about it
4 throughout the village. And later on, the Cham people were
5 seriously mistreated. And I did not understand why they were
6 being mistreated, and that they were accused of being enemy
7 number one. I did not know the reasons behind all this. So when I
8 heard about it, I was wondering what -- what was the motive
9 behind it. Even at the moment, I still do not understand the
10 motive behind those events. It was their secret and I am in no
11 way of knowing it.

12 [11.09.43]

13 Q. You were interviewed by <Mr.> Ysa Osman who asked you
14 questions about your experience. And during these interviews, did
15 you bring up the Kaoh Phal rebellion? Do you remember having
16 brought up the Kaoh Phal rebellion with him?

17 A. Yes, I did. He came to interview me, and I spoke briefly about
18 this point. He asked me about the event that happened in Kaoh
19 Phal. And I told him, as I just stated, I heard other people
20 talking about what happened in Kaoh Phal, and that the Cham
21 people there were so stubborn. And one day, a Cham person, who
22 was considered an imam, was arrested by the Khmer Rouge. And then
23 he used the imam to speak on the loudspeaker to instruct all the
24 Cham living in the area -- that is, in Kaoh Phal area, to
25 surrender <and put down all swords and sticks because the imam

39

1 was already in their hands>. And that they should not resist the
2 Khmer Rouge. And that was the reason behind the Cham's defeat.
3 And later on, I heard people say that Kaoh Phal later on was
4 known or was nicknamed "Kaoh Pes" (phonetic) -- that is,
5 literally means the "Island of Ashes". That is after the <Cham
6 people>, who were accused <> of being enemy number one, <were
7 defeated> by the Khmer Rouge. And I still don't understand the
8 clear motive of the events that took place at Kaoh Phal, or what
9 was the reason for the Cham's rebellion.

10 [11.12.39]

11 Q. You spoke about Kaoh Phal. Aside from Kaoh Phal, do you know
12 if there were rebellions elsewhere in Krouch Chhmar district? Did
13 you hear of any others -- as you heard about Kaoh Phal?

14 A. I only heard about Kaoh Phal, and not about any other
15 rebellions - rebellions elsewhere. And the situation in my
16 village became even worse after we heard about what happened
17 there. And as I stated, I only heard about all these events while
18 I was digging <dirt>. And I was even fearful of losing my life
19 during the regime.

20 Q. Now I would like to speak about another period, the period
21 during which the Cham were arrested in Sach Sou. You said that
22 you don't remember exactly when the Cham were <dispersed from
23 their villages>, according to what you said, but you said that
24 you do remember the period when you had to flee and hide in the
25 pond, which you were describing <to my colleague> this morning.

1 So my question is: Do you remember the year when you hid in that
2 pond?

3 [11.15.00]

4 A. I recall that it happened during the last year of the regime.
5 And that could mean it was in late 1978 or early '79. This is my
6 estimate only because when I was hiding in the pond. It happened
7 during the final year of the regime, so it could be in late 1978,
8 because upon my return, the regime fell.

9 Q. Can you confirm that in 1978, the Cham and the Khmer were
10 dressed in the same way, that the Cham were no longer wearing
11 their traditional clothes back then?

12 A. Before the regime fell, we could not wear any Cham traditional
13 dress. We had to wear the same dress as that of the Khmer people,
14 and we also had to cut our hair in the same way as the hair of
15 the Khmer people. We were not allowed to pray and we were forced
16 to eat pork. We were not allowed to pray or to worship anymore,
17 and if somebody <tried> to do it secretly and was caught, then
18 the person disappeared.

19 [11.17.15]

20 Q. Do you remember if when you were arrested, all the Cham who
21 were arrested as well <at that moment,> were dressed as Khmer?

22 A. Yes, everyone. Everyone had their hair cut short in the same
23 style as that of the Khmer people. At the time, they said that
24 there had to be only one nation in Kampuchea. And when we were
25 taken away in droves to be killed, we had our short hair, and we

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1 were not allowed to have any headscarves.

2 Q. You say they said that we were all Khmer, and that we belonged
3 to a same nation. Can you tell us who said that and when you
4 heard that?

5 A. I cannot tell you if this person A or person B used that term.
6 However, I heard it being said while I was working at the
7 worksite. So while we were working, I heard people speaking about
8 it and that from day to day the situation became worse, and the
9 Cham people did not dare to wear headscarves, for instance. We
10 did not dare to pray, and some people did secretly pray at night
11 time. However, they had to be careful and not allow the Khmer
12 Rouge to see it.

13 [11.20.00]

14 Q. When you were arrested, can you tell me, who was your direct
15 superior?

16 A. I cannot recall as who was my direct superior when I was
17 arrested and taken away. I was being reassigned from one place to
18 another during the later part of the regime. My direct superior
19 was also a Cham person. I <did not care about> my group chief,
20 <so> I cannot recall his name. And the people who came to arrest
21 me were the Khmer Rouge, and I did not know from which level they
22 came. I was only fearful of losing my life after I was arrested.

23 Q. In the information document <relating> to your civil party
24 application, <E3/4706,> English ERN 00417865; Khmer, 00369053;
25 and there is no French ERN, you say, and this was -- you speak

1 about the period just before the end of the regime -- and you
2 said that an order had come down from the higher echelon. And who
3 are you speaking about when you speak about "higher echelon", and
4 who gave you this information if you know it -- if you know where
5 this information came from?

6 A. We were living in the village, and while we attended the
7 meeting, we heard about instructions <coming> from the upper
8 echelon, or from Angkar at the upper level, but we were never
9 sure as <to> which level it came. But we heard about it all the
10 time, about the upper level, upper echelon. <I did not know or
11 hear the names of the upper level.>

12 [11.23.18]

13 Q. But if I understood you well, no one explained to you who <it>
14 was in question, and you never heard any names relating to what
15 Angkar actually meant. This was just a generic term that was
16 used, if I understood your answer well.

17 A. That is correct. I do not know any names of those people at
18 the upper level, although I only heard about instructions <from>
19 Angkar at the <> upper level, upper echelon, but I do not hear
20 about their names.

21 MS. GUISSÉ:

22 Mr. President, I am aware of the time, and if the civil party
23 wishes to make his statement, I probably should stop my
24 cross-examination <now>.

25 [11.24.30]

1 MR. PRESIDENT:

2 Thank you.

3 Mr. Him Man, you are given an opportunity to make a statement of
4 harm and suffering regarding the crimes alleged against the two
5 Accused, Nuon Chea and Khieu Samphan, that happened during the
6 Democratic Kampuchea, resulting in your civil party application
7 to claim collective and moral reparations for physical, material
8 or mental injuries as direct consequences of those crimes <that
9 still exist today>, if you wish to do so.

10 [11.25.58]

11 MR. HIM MAN:

12 At present, I am still suffering from what happened during the
13 regime. I lost all my hope since I lost many blood relatives and
14 distant relatives, as well as the property, although I don't want
15 to talk about the property. I have lost all of my relatives, and
16 sometimes I think it is better for me to die rather than to live.
17 Sometimes I think that I become psychotic. People may think that
18 sometime I am crazy. Although it was fortunate that the saviours
19 came to rescue us, otherwise we would have died. Everyone,
20 including the Khmer people, would have died without the
21 intervention by the saviours. I do not know what other
22 descriptive statement that I can make before Your Honours since I
23 <am> myself <> illiterate. I cannot provide you any detailed
24 statement besides the fact that I do not have any hope in my
25 life. At the moment, I do not have any hope for my future. This

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1 is the result of the suffering that I received during the regime.
2 As I said, all of my relatives, distant <and close ones> all died
3 under the regime. And I do not have anything else to add to that
4 statement. And I hope everybody knows what happened.

5 [11.28.56]

6 MR. PRESIDENT:

7 Thank you, Mr. Him Man. And the hearing of your testimony as a
8 civil party is now concluded. And the Chamber is grateful of your
9 time and testimony and that it may contribute to ascertaining the
10 truth in this Case. And you are no longer required to be present
11 in the courtroom and therefore you may return to your residence
12 or wherever you wish<> to go<>. The Chamber wishes you all the
13 best.

14 Court Officer, please make necessary arrangement to transport Mr.
15 Him Man back to his residence, or wherever he wish<es> to go to.
16 <The Chamber wishes you good luck, peace and prosperity.>

17 This afternoon, the Chamber will hear testimony of another civil
18 party -- that is, <> 2-TCCP-270.

19 It is now time for our lunch break. We will take a lunch break
20 now and resume at 1.30 this afternoon.

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

24 The Court is now in recess.

25 (Court recesses from 1130H to 1333H)

1 MR. PRESIDENT:

2 Please be seated. The Court is back in session.

3 The Chamber will now hear the testimony of a civil party,

4 2-TCCP-270. However, before we invite 2-TCCP-270 into the

5 courtroom, the Chamber would like to inform the Parties that

6 during the hearing of this civil party there will be Sann Kalyan,

7 the staff from WESU to accompany her. And I would also like to

8 inform Parties as well that the witness, 2-TCW-928, which will

9 come to testify tomorrow will be cancelled, however we will have

10 another witness to replace him, that is, 2-TCW-845. The witness,

11 2-TCW-928, is not well and he is or she is not able to come and

12 testify tomorrow and the hearing of the testimony of this witness

13 will be informed to Parties in due course.

14 Court officer, you are instructed to bring in the civil party

15 together with the WESU staff.

16 (Civil party enters courtroom)

17 [13.36.31]

18 QUESTIONING BY THE PRESIDENT:

19 Good afternoon, Madam Civil Party, what is your name?

20 MS. NO SATES:

21 A. My name is No Sates.

22 Q. Thank you, Madam No Sates When were you born, do you recall

23 it?

24 A. I do not recall the date exactly.

25 Q. And how old are you now?

1 A. I am 57 years old.

2 Q. Thank you. Where you were born?

3 [13.37.26]

4 A. I was born in Svay Khleang village, Svay Khleang commune,
5 Krouch Chhmar district, Kampong Cham province at that time but
6 now it is in Tboung Khmum province.

7 Q. What about your current address, where are you living now?

8 A. I am living in Svay Khleang. In 1975 there was a rebellion at
9 Svay Khleang and I was then evacuated to Khsach Prachheh Leu.

10 Q. Wait, Madam Civil Party, I would like to know where you're
11 living now?

12 A. I am living in Svay Khleang village, Svay Khleang commune,
13 Krouch Chhmar district, Kampong Cham province.

14 Q. What are your parent's names?

15 A. My father's name is Smas No and my mother's is Res Maisom
16 (phonetic).

17 Q. What about your husband, what is his name, how many children
18 do you have together?

19 [13.39.06]

20 A. My husband's name is Slaiman Min. I am the mother of eight
21 children who are living now.

22 Q. Thank you, Madam Civil Party. The Chamber would like to inform
23 you that at the end of your testimony as a civil party, you make
24 a victim impact statement if any, concerning the crimes and
25 sufferings suffered by you during the Democratic Kampuchea. In

1 accordance with Internal Rule 91bis of the ECCC, the floor is
2 first given to the Lead Co-Lawyers for civil parties before other
3 Parties. The combined time for Lead Co-Lawyers and Co-Prosecutor
4 is two session<s>. You may now proceed.

5 MR. PICH ANG

6 Good afternoon, Mr. President, Your Honours, everyone in and
7 around the courtroom and I would like to cede the floor for Mr.
8 Lor Chunthy to put questions to the civil party, No Sates, and
9 then maybe Marie Guiraud will have some further questions.

10 [13.40.33]

11 MR. PRESIDENT:

12 You may now proceed.

13 QUESTIONING BY MR. LOR CHUNTHY:

14 Thank you, Mr. President. Good afternoon the Chamber, Judges at
15 the Bench. Good afternoon, Parties. My name is Lor Chunthy, I am
16 a lawyer for civil parties, I am from Legal Aids of Cambodia.
17 Good afternoon, Madam No Sates, I will have some questions to ask
18 you about your experience in the period of 1975 and 1979.

19 Q. First of all, before 1975, where did you live?

20 MS. NO SATES:

21 A. I lived in Svay Khleang, Krouch Chhmar district -- Svay
22 Khleang commune, Krouch Chhmar district, Kampong Cham province,
23 back then.

24 Q. Thank you. In your village, did this village belong to Cham
25 people or were there other people living together with Cham

1 people as well in your village?

2 [13.42.41]

3 A. It was considered a Cham village at that time.

4 Q. Thank you. Did Cham people in the village practise their
5 religion <or tradition> as normal back then?

6 A. In 1975 it was chaotic, there were no religions. There were no
7 Cham tradition and religion. The practising of religion was
8 prohibited; Cham people were not allowed to practice <their>
9 religion <or to pray> within the mosque.

10 Q. Wait Madam Civil Party, I'm asking you about the specific
11 period of time before 1975, so please listen to my question
12 carefully. Did your people in the village practise their religion
13 as normal or <was> there any change in practising religion?

14 [13.44.26]

15 A. At that time, we could do the prayer or we could practise our
16 religion, however we were also in fear when we practised our
17 religion. Later on in late 1975, religion was abolished.

18 Q. Wait Madam Civil Party, please listen to my questions
19 carefully and please give the response specifically to the
20 question I put to you. Now, I would like to move on, following
21 the 17th April 1975, did Cham people in your village still live
22 in their own village at the time or were they transferred to any
23 other places?

24 A. In 1975, Cham people were evacuated. My villagers and I,
25 within the Svay Khleang <village>, had been evacuated. Some were

1 sent to Dambae, Kampong Thom and Soupheas and I did not have a
2 father at the time so I was sent to live in Prachheh <Leu>.

3 Q. You <> mentioned that you were evacuated after 1975; could you
4 tell the Court where exactly your families were transferred to?

5 A. I was sent to live in <Khsach> Prachheh. We all left Svay
6 Khleang village and stayed in Krouch Chhmar <Leu>. We were
7 detained in a <tobacco> warehouse for <one> month <and three
8 days> and later on we were further sent to <Khsach> Prachheh.

9 [13.47.28]

10 Q. I want you to tell specifically to the Chamber, immediately
11 after the evacuation, where were you sent to, where did you stay?
12 Were you directly sent to <Khsach> Prachheh? So, where did you
13 live before you reached <Khsach> Prachheh?

14 A. Let me clarify. First I was sent to live in Krouch Chhmar Leu
15 the place where I was detained. I had already lost my father
16 before I was sent <on foot> to Krouch Chhmar <where I was
17 detained in a tobacco warehouse>. <My father> was arrested <at
18 Prek Cham bridge> and <sent to> Samraong <village>. I was told to
19 walk to Krouch Chhmar Leu and stay in the <tobacco> warehouse. I
20 was detained within the warehouse <which was tightly guarded>. My
21 family, including my grandmother, was detained within the
22 warehouse. There were around 200 and 300 people detained at that
23 warehouse. We were put in that warehouse for a period of one
24 month and three days after which we were released to live in
25 another place. <At the warehouse, we> received <not> enough food

1 to eat, <we had only water rice gruel.> <My younger sibling was
2 small, had stomach ache and cried as there was> no medicine<> for
3 treatment at that time. We were left untreated until we <>
4 recovered from the disease <naturally>.

5 [13.49.43]

6 Q. You stated that you had lost your father already before you
7 were sent to Krouch Chhmar, so could you explain further on this
8 matter? <How did he disappear?> <Did you lose just him?> <Who
9 else did you lose?>

10 A. My father had already been <arrested and> detained <at that
11 place> when we were being evacuated. <He was not allowed to come
12 along with us.> <He has disappeared up to now.> <I lost my father
13 only.>

14 Q. What about other villagers, who also had been evacuated, had
15 they also lost their family members as well, before they were
16 evacuated?

17 A. To my recollection, some of my neighbours disappeared and
18 never returned but some other returned. My father disappeared and
19 he has disappeared ever since.

20 Q. You made mention that you were put in a <tobacco> warehouse or
21 tobacco kiln and what were people required to do in that kiln?
22 <Were there many people in that place?> <How was life there?>

23 A. People were detained within that <warehouse> so that they
24 could find out who the enemies were and we were <guarded> by the
25 military or soldiers. <We were told not to go anywhere.> We were

1 not told to do anything but to stay in that <warehouse until the
2 day they let us leave>.

3 [13.52.08]

4 Q. You stated that all of you were placed in that <warehouse> in
5 order that they could search out for enemies <and that you were
6 not required to do anything>, so how did they search for enemies
7 among all of you?

8 A. They wanted to see whether we would rebel at the time. <Then,
9 they would accuse us of being the enemy.> <They could not find
10 all enemies.> <Then, they searched among us.>

11 Q. You made mention about the rebellion, do you know where the
12 rebellion started?

13 A. The rebellion took place in Svay Khleang at that time, in Svay
14 Khleang village and commune. After we had been defeated, we were
15 evacuated. If we refused to leave, we would be accused of being
16 enemies and we would be shot dead, if we want<ed> to survive, we
17 had to <leave> according to their orders.

18 Q. Were you <there> on the day of the <event>?

19 [13.53.56]

20 A. Yes, I was around 17 years old. I was one person among those
21 who were <in> the rebellion <by the Cham people at Svay Khleang>.

22 Q. During the rebellion, did you know the groups which Cham
23 belonged to, were they divided into groups?

24 A. I did not know at that time. I only knew that those who were
25 <involved in> the incident were taken away. I was among the group

1 during the rebellion back then.

2 Q. My apology, Madam Civil Party, I would like you to tell the
3 Chamber about the rebellion, when exactly did the rebellion take
4 place, did it take place at night time, day time or when exactly?

5 A. The rebellion started at around 7 p.m. and it continued the
6 day after. And the day after at 7 p.m. the <rebels> had been
7 defeated and we were evacuated out of Svay Khleang village.

8 Q. Thank you. I would like to move on to another fact. You made
9 mention that after the rebellion people were evacuated out of the
10 village and you stated that you were sent to live in Khsach
11 Prachheh Leu. Where was Khsach Prachheh Leu exactly, was it
12 within Krouch Chhmar district at the time?

13 A. I had been evacuated to live in Khsach Prachheh Leu and I told
14 you that I <had been> detained in the <warehouse> for a period of
15 one month and three days after which I was further transferred to
16 live in Khsach Prachheh Leu.

17 [13.56.53]

18 Q. How long did you stay in Khsach Prachheh Leu, did you stay in
19 Khsach Prachheh Leu until the end of <the regime in>1979?

20 A. I was sent to live in Khsach Prachheh Leu and I was there
21 until the arrival of Southwest Zone cadres. <The Southwest cadres
22 attacked the East Zone.> Upon their arrival, we were gathered; I
23 lived in Khsach Prachheh Leu for <> a period of <over> two years,
24 <nearly three years>. I was living there in 1975, 1976 and
25 perhaps 1977 during which the situation was becoming tense.

1 People were taken away and killed without discrimination.

2 Q. Thank you. Were you all invited to attend a meeting <at Khsach
3 Prachheh Leu> to be informed of any other instructions?

4 [13.58.18]

5 A. I was ordered to live in Khsach Prachheh Leu area. I lived in
6 Ming Ouy's (phonetic) house. The meeting would take place once
7 every month or even earlier than that and we were told not to
8 speak Cham language. Our religion was abolished, we were
9 prohibited from practising our religion and we were not allowed
10 to <do> any prayers. <We were not allowed to study the prayers.>
11 And there would be one Khmer person living with two Cham people
12 and the food situation was good at the beginning but later on in
13 <the middle of the year>, the food situation was becoming worse.

14 Q. You have just stated that there were meetings, you were
15 invited into a meeting or meetings and you were told of the
16 instruction by them not to <practise> Cham religion. So, if Cham
17 people refused to follow instructions, that is, if they still
18 practised their religion, what happened to them?

19 A. Those who did not follow instructions would be considered
20 enemies. We were prohibited from practising our religion or doing
21 the worship and if we still did it, we would be considered
22 enemies and taken away.

23 Q. Were you sent to elsewhere to work, for example in a mobile
24 unit?

25 [14.00.42]

1 A. Later I was sent to a mobile unit and during a dry season we
2 were sent to Boeng Krachab to build a dam there and the work was
3 completed in three months, that is, the dam construction. Each
4 day we had to complete three cubic metre of work quota and we
5 were given at the beginning a rather thick gruel mixed with salt
6 but later on the gruel became more watery, there was no taste in
7 the gruel itself. I became exhausted while I was working at the
8 dam worksite <and became ill.> I got <diarrhoea> one night at 2
9 a.m. and <Bong Khim Chamroeun (phonetic) took me> to a hospital
10 that day. I spent 10 days at that hospital but I was afraid to
11 stay any longer although I was not fully recovered, I had to
12 return to work so that I could survive. However, <my siblings,
13 parents and other> relatives <> were not that lucky and they died
14 during the regime.

15 [14.02.25]

16 Q. You said the food ration was very little while you were
17 working at the worksite and were you forced to eat pork while you
18 were working there?

19 A. Indeed we were forced to eat pork but we could not, I only ate
20 gruel with salt. They did not cook food for us separately. They
21 cooked soup mixed with pork, some of us could take it, while
22 others did not, I myself could not take it so I ate salt with
23 gruel.

24 Q. About your mother who was staying at home, was she assigned to
25 do anything?

1 A. She was tasked to raise pigs, three pigs, but she was afraid
2 of raising pigs and she became sick. She did not dare touch pigs,
3 she only mix<ed> <rice> bran and <gave> it to the pigs. If she
4 didn't do it, she would be accused of opposing Angkar.

5 Q. Were you assigned to dig a canal somewhere?

6 [14.04.40]

7 A. In the second year, that is, after the work completion in
8 Boeng Krachab, I was assigned to work at Teuk Chroev and we had
9 to walk for three days to reach Teuk Chroev area and we arrived
10 at nightfall. There was no shelter for us and actually we slept
11 in the area where graves were there. We had to sleep on those
12 graves and in the morning, we were asked to build a shelter so
13 that we could stay and we had to stay there for two months and
14 when it rained, the water rose to the height of my thigh and
15 there were plenty of leeches. Although we could not really sleep
16 properly during the night time since it was raining and water was
17 everywhere, we had to go and dig the canal. The canal was six
18 metre wide and two metres deep.

19 Q. From your testimony, when you were digging a canal there, how
20 the accommodation was organised, could you provide a little bit
21 more details?

22 A. <We stayed in the rain. When it rained, we had to stay in the
23 rain until it stopped>. The villagers there did not dare to let
24 us in, they were afraid too.

25 [14.07.16]

1 Q. Now I would like to move on to another topic. You already
2 testified about being in a mobile unit and later on you were sent
3 to Khsach Prachheh and what happened when you were sent back?

4 A. After I returned from Teuk Chroev, I returned to Khsach
5 Prachheh and three or four days later I was assigned again to
6 build a dam at Chumnik. And I was there for about a fortnight
7 then I heard gun fire but at that time it was when the southwest
8 group was fighting with the Khmer Sar or White Khmer and then we
9 ran back into the village from that worksite.

10 Q. While you were at Khsach Prachheh, was there a meeting where
11 people were gathered?

12 A. We were not called to attend any meeting because by that time
13 the situation was rather chaotic and there was exchange of fire
14 with another group. I was in Khsach Prachheh for about a
15 fortnight then the Southwest group gathered all the Cham people
16 and <took them> away. They told us that we were being relocated
17 to the other side of the river that is to Stueng Trang as that
18 area was abundant with food. My mother, my younger siblings and
19 <grandmother>, along with other villagers who were Cham people,
20 were gathered up and sent there. As for me I was in a women's
21 group, then we were sent to Trea village. <We were called to a
22 meeting in Trea village -- it was in Khsach Prachheh Kandal
23 rather,> while my mother and the rest of my families got on a
24 ferry <to Krouch Chhmar>. So I was at the Khsach Prachheh Kandal
25 and by about 1 o'clock in the afternoon <after the meeting>, we

1 were sent to live in Trea village.

2 [14.10.30]

3 Q. Could you please tell the Chamber in detail about the process
4 of evacuation, where people were put on boats? <How was the
5 situation when you were put on the boat?>

6 A. After I had left I was told by other people that my mother
7 amongst other Cham people were put on big ferry, that is all the
8 Chams in Krouch Chhmar district were rounded up and put on that
9 big ferry and they got off at Stueng Trang district at the other
10 side of the river.

11 Q. Was it the destination where your mother and the other people
12 Cham people got off, that is Stueng Trang?

13 A. They got off at Stueng Trang, although I was not sure whether
14 that was the intended destination. That's all I heard at the
15 time.

16 [14.12.01]

17 Q. Were members of your family on board that ferry or were some
18 families sent elsewhere?

19 A. Members of my family were put on this big boat or ferry along
20 with many other Cham families. All people on board were Chams,
21 there was no Khmer.

22 Q. Can you tell the Court the members of your family who were put
23 on that big boat?

24 A. Yes, I can do that. Besides myself, there were my younger
25 brother, my mother, my three younger sisters and my grandmother.

1 Q. Let me talk about you. You said you were relocated to Trea
2 village, how did you arrive at Trea village and how long did it
3 take you?

4 A. I was relocated to Trea village and we actually departed at 1
5 o'clock in the afternoon and we arrived in Trea village at around
6 6.00 or 7 o'clock at night; it was raining, we were so exhausted
7 as we did not have any food to eat at all, and then rested in
8 that house. And local villagers there actually looked at us
9 briefly and they did not dare to actually look at us and I could
10 hear the sound of their ankles or feet being chained in that
11 house.

12 [14.14.56]

13 There were four or five men in each house <with their wives and
14 children> and I was exhausted so I fell asleep quickly but maybe
15 only 20 minutes later, we were woken up by the presence of the
16 district chief <named Ho (phonetic)> who was escorted by <two
17 soldiers one of whom was a woman with a hammock string in her
18 hand> and <the district chief Ho (phonetic) said to us, "Nieces
19 get up and let me tie you up".> We didn't react for some reason.
20 So they tied us up and placed us in a long line. <There> were
21 about 300 <or 400> of us in <that house> altogether. After they
22 tied <>and lined us up, they questioned us, asking whether we
23 were Cham or Khmer. Then if somebody answered that she was Cham,
24 then she would be taken out from the line, escorted by an armed
25 person either with a weapon or with a knife and they left. So,

1 all those people who answered that they were Cham, they were
2 escorted by an armed person <> and they <have> disappeared since.
3 <No one has returned.>

4 [14.16.35]

5 After they tied me up, they questioned me and asking whether I
6 was Cham or Khmer and I said I was Khmer, then they used a torch
7 to light up my face and asking me whether I was a Yuon or
8 Vietnamese daughter, I protested that, "no", and I still insisted
9 that I was a Khmer person and after a few rounds of back and
10 forth, they believed that I was a Khmer girl. So then they took
11 away all those people who answered that they were Cham and there
12 were about only 30 of us and then they untied us and they said
13 that we were lucky as he was there to question us and that we
14 were Khmer. <Otherwise, all of us would have been taken away.>
15 And in the morning they brought us a pot of <gruel>, <but they
16 made sour soup of big> fish with banana stem. <They made soup of
17 spot pangasius, micronema bleekeri and Belodontichthys truncates
18 .> It was pot of <this> size and a pot of gruel for 30 of us. I
19 could not eat. However the soldiers insisted that we should eat
20 and we should not feel scared anymore.

21 Q. Let me go back little bit, you said you were sent to that
22 village, can you tell the Court, how many of you altogether?
23 <Were you all women?> <Or, who else came with you?>

24 [14.18.51]

25 A. All of us were women and we were escorted by soldiers. And as

1 I said <when we arrived at Trea village,> we were untied, in the
2 morning they asked us to write our biography again. I was asked
3 about the names of my parents and siblings and I told them that
4 my name was <Mut Chheng> An (phonetic), not No Sates. And then
5 they spotted a pair of earrings that I was wearing, then I was
6 asked to give them the earrings so that Angkar could use it to
7 exchange for hoes <to dig canals>. And I did. From that day
8 onward I <have not worn> any earrings anymore in order to remind
9 me that the earrings were taken off at that time so that my
10 children know what happened to me. <I will never forget that.>

11 Q. Madam Civil Party, please <make> yourself <at ease>. And when
12 you were asked whether you were a Cham person or a Khmer person,
13 can you tell the Court -- rather you said that there were many
14 women in that house, please tell the Court how many women were
15 left after the questioning session concluded?

16 [14.21.20]

17 A. There were about 30 of us remained although I do not know
18 their present whereabouts. Some of them got married and moved on
19 to live in another village or another province and some passed
20 away and there may be only a few of us who are still living in
21 the same village.

22 Q. And for the group that was left, including yourself, were you
23 assigned to engage in any specific task <at any other place>?

24 A. I was detained there <with> other women for nine days. Then
25 they released us and before that they had a <party in which> they

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1 killed a pig and cooked it in a curry soup <for us>. That day I
2 had to force myself to eat pork. So I ate a few pieces of pork in
3 order to survive, to make them believe that I was not a Cham
4 person. <Three days after,> we were reassigned to work in various
5 parts in Trea village. I was put into another house with the rest
6 of the group and we were tasked to dig <dirt>. They told us that
7 it was to dig <dirt> in order to build toilets. The size was half
8 a metre wide and two metres long.

9 [14.23.22]

10 And actually men <who escaped from the execution came to> whisper
11 to us one night at about 10 o'clock, that is when the situation
12 was quiet. And allow<ed> me to say, the Khmer <Rouge> soldiers
13 also got scared, they did not walk around at night time. Those
14 men told us that why we were digging <dirt> and we were told that
15 actually we were digging our own grave. <They> also said that
16 we'd better flee from the area and I responded that I had no
17 means to go and <they> said that there were few boats available
18 that we could take and flee away. Then I thought that I would
19 make that arrangement tomorrow as I had to ask permission to go
20 and bring some clothes <from my mother's house>. Then they
21 granted me the permission and <the> rest of the group was waiting
22 for me at Khsach Prachheh Kraom. I left at about <2.30> and we
23 arrived at 4.30, and then we got off on the boat to go into deep
24 forest and they actually started searching for us. They spent
25 three days searching for us and for other women who did not dare

1 to flee remained on site, the Khmer Rouge did not do anything to
2 them and I was on that boat with two other women.

3 [14.25.26]

4 Q. Before you reach that point, could <you> please go back a
5 little bit, I refer to the period that you were assigned to work
6 along the river bank. Could you tell the Court whether you
7 encountered any specific event?

8 A. Yes, I did. I was assigned to work in the village along the
9 river bank. People were killed and dropped into the river. There
10 were lines of people who were killed and actually floating in the
11 river. I saw <the corpses of> children <aged between one year and
12 six months old in sacks being> tied up and floating in the river.
13 I actually recognised <Bong Tho (phonetic) from Khsach Prachheh
14 Kraom.> <She had worked with the commune youth in the
15 cooperative.> <Her> throat was slashed and <her dead body was>
16 floating in the river. Actually <her dead body> did not flow with
17 the current, it was flowing in circle <and it did not sink. It
18 floated up and down. It> seemed like the soul<> didn't want to go
19 away <and wanted to stay there>. The person that I recognised was
20 <Tho (phonetic)>.

21 Q. You said you saw young children who were floating in the river
22 and their bodies were in sacks. <How did you know that>?

23 A. I saw dead bodies floating in the river and that's truth,
24 that's what I saw. Again, I saw dead bodies floating in the river
25 <with my own eyes and I am not telling you a lie.> <I only tell

1 you what I saw.> <What I say is truthful> and it is because the
2 corpses got swollen so the sacks broke and I could see the body
3 parts of the corpses and for that reason I recognised one of the
4 corpses that was the corpse of <Bong Tho (phonetic)>.

5 [14.28.34]

6 Q. You spoke about dead bodies of children and that their sacks
7 were broken from the swollen bodies and that you recognised --
8 that you could see the dead corpses; <so, it means that you could
9 see the corpses of children because of the broken sacks.> <Or
10 what do you mean>?

11 A. Some sacks or bags were broken from the swollen corpses. Allow
12 me to stress, I did not see when people were killed or when the
13 bodies were put into those sacks but I saw those corpses floating
14 in the river. <At that time, people were being executed and the>
15 corpses <were> floating in the river everywhere. I did not even
16 want to drink <the> water from the river.

17 Q. You said that you saw those dead corpses and some of them were
18 soldiers, how could you identify that those dead bodies were
19 soldiers?

20 [14.29.53]

21 A. I knew that they were soldiers from the uniforms that they
22 wore. Actually those <dead> bodies <were dropped and> floated in
23 the river in line while they were still in uniforms. <That's> why
24 I knew they were soldiers. They were soldiers in the East Zone.

25 Q. What was the colour of the uniform? <Was> it black?

1 A. No it was not black in colour. <It> was military uniform. <It
2 was> like <the> colour <of tree leaves. It was camouflage>. It's
3 rather greenish.

4 Q. You stated that you saw that <a dead body having his throat
5 slit>, did you notice <only one dead body having that or did you
6 see many dead bodies> floating in the river?

7 A. I noticed that <was> the <dead> body of Tho (phonetic). <Her>
8 throat <had been> cut and I do not know about the <dead> bodies
9 of other people, as I told you I <only> saw the <dead> bodies
10 floating <in> the river and I did not see the actual killing but
11 <dead> bodies <were> floating in the river.

12 Q. Thank you. I have two last questions to put to you, Madam
13 Civil Party. When you were assigned to work in villages or
14 various places and you stated that you witnessed the incident
15 that you just mentioned. So after the incident, where did you go
16 and live? Did you go to live in Trea village, after you saw the
17 <dead> bodies floating in the river?

18 [14.32.46]

19 A. I was -- before I went into the forest I was working and
20 living in Trea village and three days later I ran into the
21 forest. I was thinking to myself, I would be happy to die <or to
22 be shot dead> in the forest. I did not want other people to cut
23 my throat <to> kill me so I did not think of any other things
24 besides running into the forest. I was living in the forest, they
25 fired <at> me and my group, they went to search for all of us

1 once or twice a day and <I was running and> I had scar on my
2 <legs> and at the time I got injury. <I stepped on the tree
3 stumps. I did not bleed, but my flesh was cut off. I still have
4 the scar now.>

5 Q. Thank you. I would like to back track a little bit. You stated
6 that you were living in a house with tile roof in Trea village
7 and you said that you heard the shackles, the sound of shackles,
8 so could you expand a little bit further on this matter? <Does it
9 mean that there was a detention centre in that area?>

10 [14.34.18]

11 A. In Trea village, the military security centre was there,
12 district chief was also there. Detention took place at that site.
13 People were taken and put in houses in that site, one house may
14 accommodate -- may have accommodated 10 people <or so>. <It
15 depended on the size of the house.>

16 Q. I would like you tell the Court once again, what made you
17 answer you were Khmer, at the time when you were asked?

18 A. The reason that I said <I> was Khmer is that if I had not said
19 I was Khmer I would have been killed because Cham people were
20 taken away and killed. I was hopeless at that time and I was
21 thinking to myself that I would be killed on <that> night and I
22 was thinking to myself and convinced myself to answer that I was
23 Khmer person and in light of the answers I could survive.

24 Q. Thank you. Later on, after the 6th January 1979, did you
25 return to your birth village?

1 [14.36.29]
2 A. After the end of Pol Pot regime I went to live in Suong. The
3 <Kampuchean United Front for National Salvation> gathered us up
4 and let us live in one <> location. After <half> a month <I was
5 anxious and thinking that my parents had returned.> <So,> I
6 sought <a> permission to return to my birth village<, Svay
7 Khleang,> in Krouch Chhmar. I spent three days walking in order
8 to reach Krouch Chhmar. Upon my arrival at Krouch Chhmar I saw no
9 relatives, no parents and I noticed that there had been two or
10 three Cham families there when I arrived. I asked whether these
11 people saw my relatives, my parents and my siblings but they said
12 no. Every time I watched TV and saw the broadcasting about the
13 Khmer Rouge, about the treatment during the regime, I cried and
14 wept. I <>missed my parents; <my> relatives, siblings and parents
15 had died. Sometimes I have to go to the field to cry and shout
16 loudly to relieve myself. Every time I go to transplant rice
17 seedlings, I <sing and shout> to relieve myself like a crazy
18 person and people sometimes ask me why I <shout> and <cry> and I
19 told them that no, I was acting as normal. <I have been suffering
20 since that period.> <I had suffered enough and nothing can
21 compare with this suffering.>
22 Upon my arrival at my house in the birth village, I got married
23 and later on I had children and I could feel relieved as time
24 went by. However, I cannot forget the incident, the bad
25 experience I encountered.

1 [14.38.58]

2 Q. Thank you. My last question perhaps, in relation to villagers
3 who had been evacuated out of your village. Did you see them
4 during the time that you returned to your village after the end
5 of the regime?

6 A. My mother, my younger siblings disappeared. People who were
7 put in the <warehouse> were sent to live in various places.
8 People, those who were working and living together with me at
9 that time, disappeared.

10 MR. LOR CHUNTHY:

11 Thank you, Mr. President, I am done with my questioning. I would
12 like to cede the floor for my international colleague.

13 MR. PRESIDENT:

14 Thank you very much. It is now time for a short break, the
15 Chamber will take a short break from now until 3 p.m.
16 Court officer, please facilitate and find a proper room for this
17 civil party during the break time and please invite her back
18 together with the WESU staff into the courtroom at 3 p.m.
19 The Court is now in recess.

20 (Court recesses from 1440H to 1502H)

21 MR. PRESIDENT:

22 Please be seated. The Court is now back in session.
23 And again, the floor is given to the Lead Co-Lawyers for civil
24 parties to continue putting questions to the civil party. You may
25 proceed.

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1 Do you still have any question to be put to the civil party?

2 MS. GUIRAUD:

3 President, no. We will give the floor to the Co-Prosecutors.

4 MR. PRESIDENT:

5 Thank you. The Chamber then would like to give the floor to the
6 Co-Prosecutors to put their questions to this civil party. And
7 you may proceed.

8 [15.03.14]

9 QUESTIONING BY MR. SREA RATTANAK:

10 Good afternoon, Mr. President, Your Honours, and everyone in and
11 around the courtroom. Good afternoon, Madam Civil Party. My name
12 is Srea Rattanak. I am a National Deputy Co-Prosecutor. I only
13 have a few follow-up questions to put to you in relation to what
14 happened in Trea village.

15 Q. Upon your arrival in Trea village, you stayed in a house and
16 can you tell the Court were there other people already in that
17 house upon your arrival?

18 MS. NO SATES:

19 A. No. When I went up the house, the house was empty. However,
20 against the walls, I saw some rings and earrings laying and
21 scattered there on the floor near the wall, that's upon my entry
22 into the house.

23 Q. For those women who went with you, were all of you placed into
24 that one house, or were they placed into other houses as well?

25 A. No, we were not separated. We <all> were placed into that one

1 house.

2 Q. In response to the questions put to you by your lawyer, you
3 said that the district chief <Ho (phonetic)>, came to meet you
4 and to question you. And how did you know him?

5 [15.05.36]

6 A. I knew he was a new district chief who came from the other
7 side of the river. <Ho (phonetic)> was the chief of the district,
8 and I cannot recall his deputies. <Phaen (phonetic) was his
9 deputy,> and the member of the district was <Chim> (phonetic).
10 And there were also other soldiers whose names I couldn't recall.
11 <I believe that place was their> office <> at <that> time.

12 Q. My question to you, Madam Civil Party, is that how did you
13 know that he was the district chief when he came to meet your
14 group?

15 A. I knew him as district chief as I learnt from the soldiers
16 there. <The soldiers mentioned that there were district chief,
17 deputy chief and members.> So I learnt <that Ho (phonetic) was
18 the> district chief<>. In fact, they told us that they were in
19 charge of the district <working in Trea village> and <Ho
20 (phonetic)> was the chief.

21 [15.07.13]

22 Q. For those women who said that they were Cham and they were
23 taken away, how many women actually responded that they were
24 Cham, and how many said that they were Khmer?

25 A. There were many women in the house. There were about 300

1 women. So those women who said that they were Cham were taken
2 away, and there were only about 30 of us left behind who said
3 that we were Khmer. I risked in responding to say that I was
4 Khmer, because I wanted to live to see what would happen in
5 Kampuchea. And actually, the questioning process happened at
6 night time. They lit a torch upon my face and said that I was a
7 Vietnamese girl, that is, <Ho (phonetic)> who was <the> district
8 chief. But I insisted and I protested that I was a Khmer girl.
9 And <for> the third time, I said that I was a Khmer girl, he
10 accepted it. And I was allowed to be put in one side. Then other
11 women <> who <also> came from my village responded that they were
12 Khmer when they were asked whether they were Khmer or Cham. So
13 the 30 of us -- about 30 of us remained after we said that we
14 were Khmer.

15 Q. Were you then under monitor again after that night? You said
16 that they did not believe that you were a Khmer girl, and you
17 were kept in that house for nine days as you testified earlier.
18 Were you under monitoring during this period?

19 [15.09.30]

20 A. Of course, we were under constant monitoring. And they knew
21 that we were sent there after what had happened. And in fact,
22 they went to my native village to ask whether we were Khmer. And
23 the people there had pity on us, then said that we were the
24 children of the Khmer families and that we were mistakenly taken
25 with other Cham people. <My godmother called Yeay Heang

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1 (phonetic), who is already dead, told me about that.>

2 Q. And among the 30 or so people who <>remained there, were any
3 of you found out to be not Khmer?

4 A. Please repeat your question as I don't fully get it.

5 Q. Among the group of about 30 of you who said that you were
6 Khmer, later on, was there any one of you found out not to be
7 Khmer and in fact Cham?

8 A. No. However, we were making plan of fleeing the area. <Each of
9 us fled and didn't stay in one place> as we were afraid that we
10 would be the subject of killing again.

11 [15.11.12]

12 Q. And did you know what happened to those women who said that
13 they were Cham and they were taken off the house?

14 A. They were asked whether they were Cham, and if the response
15 <was> yes, then they were taken off the house <to the ground>.
16 And for us, when we said that we were Khmer, then we were allowed
17 to stay on that house.

18 Q. What I want to hear from you is that for the women who said
19 that they were Cham, then they were taken off the house to the
20 ground, what happened to them there?

21 A. They were taken off the house <to the ground> and I saw <them
22 being taken out by a person carrying a knife and an under-fold
23 rifle>. And <that person was a soldier>. These armed people took
24 the Cham people away, and they disappeared. <Up to date, we have
25 not seen them come back.>

1 Q. I have two, actually three documents which are your statements
2 -- two of which are your statements. That is document E3/9333,
3 with the Khmer ERN, 00204450; and the English is, 00204453; and
4 French, <00224116>. You said that <>, "<I saw a> Khmer Rouge
5 <walking> a woman with a headscarf heading to the river front
6 <opposite the house>. Then a Khmer Rouge held the headscarf of
7 the woman <to raise her head, pulled out a knife, then> slashed
8 her throat, and pushed her into the river. Other women were
9 killed in the same fashion until no one left. And no one screamed
10 or resisted." End of quote. [Free translation] <Also, there is
11 another document E305/13/1.3.23 with Khmer ERN 00045908-09,
12 English ERN 01132817 and French ERN 01128403. Before Mr. Osman,
13 you stated.>
14 <>Allow me to quote.
15 Question: "Why did you know they were being killed?"
16 Answer: "I saw it with my own eyes. Their throat was slashed near
17 the river front, and it was -- the water was high at the time."
18 Question: "How did you -- what did you see?"
19 Answer: "I witnessed it. They actually pulled the headscarf,
20 <raised the head and> slashed the throat, and <threw> the body
21 into the river without <firing any shots>."
22 In document E3/5193, with the Khmer ERN, 00204445; and English,
23 00274704; and in French, 00224113; you said before the
24 investigators of the Office of the Co-Investigating Judges<>
25 that, "<> did not see the killing <myself>, but one person saw it

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1 and told me about it." And you made <complete> amendments to
2 <your statement before> Mr. Ysa Osman that you witnessed the
3 killing. <> Then, you made this correction in this document,
4 <saying that you did not witness the killing and stating that>
5 you <told Mr. Osman> that you saw the killing because you wanted
6 justice to be done. And I'd like to hear your reaction. Is it
7 your purpose to find justice so that you told the truth to the
8 OCIJ investigators?

9 [15.16.50]

10 MS. NO SATES:

11 A. Of course, I want to see justice. And frankly speaking, I
12 cannot recall the statements that I made earlier. I still recall
13 what I saw with my own eyes. And my main purpose is to seek
14 justice. I lost everything. And of course, my memory is not that
15 perfect. And what I have said so far before this Court is the
16 truth, is what I saw, is what I witnessed. <I have nothing to
17 hide as evidence.> However, when it came to the slashing of the
18 throat, I saw that person, <Bong Tho (phonetic). I saw the body
19 floating in the river> with <her> mouth open and <her> throat cut
20 <open. I know her. She was from Khsach Prachheh Kraom.>The person
21 was a former chief of a women <youth> group. And upon the arrival
22 of the Southwest group, I didn't know what happened to <her>, but
23 <her> body was floating in the river.

24 [15.18.24]

25 Q. I'd like to get a reaction from you as you used to be

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1 interviewed by Mr. Ysa Osman that you did <> witness the people
2 who were taken off the house, had their throat slashed. However,
3 later on, when you were interviewed by OCIJ investigators, you
4 amended it, you said that you didn't witness it, but in fact it
5 was told to you. And you said that you saw -- you told Osman that
6 you saw it because you wanted to see justice. And my question to
7 you is, you want justice and for that reason, you made the
8 amendment when you were interviewed by the OCIJ investigators?

9 A. I am here before this Court because I want justice. <I have
10 come to testify before this Court several times.>

11 MR. PRESIDENT:

12 Co-Prosecutor, your question is rather difficult to understand.
13 Please rephrase it to make it more precise and to the point. You
14 made a rather long description of the accounts, and it is rather
15 difficult in its form, so the civil party has difficulty to
16 understand it. <Considering this, it is hard for the civil party
17 to answer your questions precisely, and therefore may give wrong
18 responses.>

19 MR. SREA RATTANAK:

20 Mr. President, I don't have any question and I'd like to hand the
21 floor to my international colleague.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 [15.20.23]

25 QUESTIONING BY MR. BOYLE:

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1 Thank you, Mr. President. Good afternoon, Judges. Good afternoon,
2 Parties. Good afternoon, Madam Civil Party. I'd like to start
3 with a couple of questions to follow on regarding the period that
4 you were in Trea village. From what I've heard you describe so
5 far, you said that in the house with you, when you were
6 questioned about whether you were Cham or Khmer, there were
7 approximately 300 women and that approximately 30 of those women
8 stated that they were Khmer, and therefore were not taken away.
9 So I just want to confirm that those numbers that I heard are
10 correct, and that therefore approximately 270 women were taken
11 away on that night.

12 MS. NO SATES:

13 A. Yes, that is correct. Those women were taken away and I never
14 saw them returned. Those who said that they were Cham were <asked
15 to go> off the house and <they were taken> away.

16 [15.21.54]

17 Q. Thank you. You also mentioned that once the women who said
18 they were Cham were taken away, those that had stated they were
19 Khmer, including yourself, continued to be under investigation.
20 You mentioned that enquiries were made in your own village, and
21 you mentioned pork soup being prepared for you. I'd like to ask,
22 on the day that the soup, the pork soup was prepared for you, was
23 the district chief Hor at that meal where you were made to eat
24 pork soup?

25 A. Only our group, the group of 30 women were instructed to eat

1 that pork soup. And <Ho (phonetic)> of course did not eat the
2 soup with us. <But, he had the> soldiers there <> watching us and
3 seeing whether we were eating the pork soup or not. <If we did
4 not eat that pork soup, they would know that we were Cham.> <So,
5 we had to forcibly eat the soup.> And that was the first time
6 that I consumed pork.

7 Q. Even though Hor did not eat the soup himself, was he present
8 when you were being made to eat the soup?

9 A. Yes. <Ho (phonetic)> was there and he was overall in charge
10 <of place>. So there was <the> presence of <Ho (phonetic)>, the
11 district chief, and then there were also soldiers.

12 Q. The 30 women who stated that they were Khmer, in the period
13 after the Cham women were taken away, would you speak to each
14 other in Cham language or in Khmer language?

15 A. Please repeat your question.

16 [15.24.40]

17 Q. The 30 women who stated that they were Khmer, including
18 yourself, would you speak amongst yourselves in Khmer or in Cham
19 language?

20 A. Of course, we kept speaking Khmer until the end of the Khmer
21 Rouge regime.

22 Q. And did any of the Cham who were speaking Khmer speak with an
23 accent that might reveal them as Cham?

24 A. They did not pay much attention to the accent. They focused on
25 our response because at that time, all of us spoke Khmer without

1 accent. And they did not seem to pay much attention to the
2 accent.

3 Q. Thank you. You mentioned seeing men in shackles in the houses
4 near the house that you were detained in, in Trea village. Did
5 you ever see what happened to those men that were detained in
6 those houses?

7 [15.26.38]

8 A. I did not know what happened to them. However, later on, those
9 men from two or three houses nearby disappeared. They were no
10 longer there although I did not know whether they were killed. <I
11 did not see them being killed.> <But, I don't know where those
12 men had been taken to.>

13 Q. Madam Civil Party, I'd like to read to you from your civil
14 party application. That's E3/4705, English ERN, 00417852; Khmer,
15 00369026; and French, 00932677 to 78. And you stated: "As for the
16 males, I saw them in shackles and being put in motorboats and
17 taken away." Does that refresh your memory that you saw them
18 being taken away in shackles on motorboats?

19 A. No, I don't recall that I made that statement to the people
20 who interviewed me. I only saw those men on the houses and a day
21 or two later, they were all gone. I did not know where they were
22 taken to. And that's what I said, if my recollection is correct.

23 Q. Thank you very much. I'd like to go back now to an earlier
24 period that you also discussed when you were in Svay Khleang. You
25 mentioned that Svay Khleang was a Cham village. Can you give us

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1 an approximation of how many Cham were living in your village,
2 and if you know, an approximation of how many Cham were living in
3 your commune?

4 [15.29.20]

5 A. No, I don't have any figure on that. I was rather young at the
6 time. However, there were many Cham people living in Svay Khleang
7 village. There were thousands of Cham families living there. It
8 was into thousands, not hundreds. And that's all I can say.

9 Q. Were there any mosques in Svay Khleang commune?

10 A. Yes. <In the previous regimes, there were two mosques.> <But,
11 when we were separated and moved out of the area, the mosques
12 were ruined and vanished.>

13 Q. I'm afraid there was no English translation of that last
14 statement by the civil party.

15 (Technical problem)

16 [15.31.08]

17 MR. PRESIDENT:

18 Please continue, Mr. Deputy Co-Prosecutor.

19 BY MR. BOYLE:

20 Q. So, I'll just repeat my question as to whether there were any
21 mosques in Svay Khleang commune and if so, how many?

22 MS. NO SATES:

23 A. There were two mosques and after 1975 when we were <evacuated
24 out of the area,> the mosques were <broken and dismantled>. And
25 later on when I returned there were no mosques anymore, there was

1 only <empty land> where the mosques <had stood before> and then
2 they built new mosques. <Now, I go to pray in the new mosque
3 every day.>

4 Q. Were the mosques ruined before you were evacuated?

5 A. After the evacuation, the mosques were ruined. <After Pol Pot
6 took control, they broke down and demolished the mosques.> After
7 I left my village, the mosques were ruined.

8 Q. And did you ever learn how the mosques were ruined or who
9 ruined them?

10 A. Perhaps the Khmer Rouge destroyed the mosques, or dismantled
11 the mosques. No one dared to dismantle or destroy the mosques.

12 Q. When did the Khmer Rouge arrive in Svay Khleang commune?

13 [15.33.24]

14 A. It started from 1975, when the situation became worse. I was
15 living in Svay Khleang at that time. The situation was difficult
16 before 1975, when the co-operatives were created and then in
17 1975, the rebellion started. Before the time, before 1975, they
18 intended to abolish the religion and worship. <But, in 1975,
19 people rose up and rebelled. It was chaotic and confusing. The
20 conflict cropped up and the fight began. Cham people were
21 ill-treated.> Cham language was prohibited. <We were not allowed
22 to pray in the mosques or at home. Teaching and learning Cham
23 language were banned>. Korans were collected and burnt <down>, we
24 were not allowed to have the possessions of Korans. <But, I don't
25 know where they took the Koran texts to> and Korans were <not

1 allowed to be kept in> houses.

2 Q. Do you remember in what year were the Korans collected from
3 houses and burned?

4 A. In 1975, when we were evacuated, Korans were also collected
5 and <they swept and cleaned the village.> <We were not allowed to
6 possess Korans.> I did not <know> where Korans were sent to and
7 put.

8 Q. Before you were evacuated, were you allowed to continue
9 wearing Cham clothes?

10 A. As for clothes -- Regarding clothing, we had only black
11 skirts, trousers or shirts, no traditional Cham clothes were
12 allowed, <> we had to <wear the same> clothes as Khmer people
13 were wearing at the time.

14 [15.35.47]

15 Q. Do you remember what year you were stopped being allowed to
16 wear Cham clothes?

17 A. It started in the period of 1975 and 1976, we were told to
18 wear black trousers, skirts and shirts. Other people and I were
19 wearing black skirts at the time. No modern clothes were allowed
20 <> or no any kind of design<ed> clothes were allowed<>.

21 Q. And what happened to all of the Cham traditional clothes when
22 you weren't allowed to wear them anymore?

23 A. We had to throw the clothes away since we were not allowed to
24 wear them. If we have -- if we had worn the clothes, our
25 traditional clothes, we would have been in danger.

1 Q. Were Cham women allowed to continue wearing their hair long?

2 A. They had short hairs at the time; they could not have long
3 hair in that regime.

4 Q. How was it communicated to you that you were not allowed to
5 use your Korans, or to wear your clothes or to have your hair
6 long, who told you this and how was it told to you?

7 A. It was Angkar. Angkar was believed to be from the top. Angkar
8 prohibited all of us from wearing head scarf or traditional
9 clothes <and from worshipping,> and we were instructed to cut our
10 hair short, <we> were not allowed to practice, to use <Korans>;
11 Angkar from the upper level ordered such prohibition. I did not
12 know <who> Angkar <was> but<, I only know that> it was Angkar.
13 [15.38.56]

14 Q. And were you told all of these prohibitions in a meeting?

15 A. We were told in the meeting or meetings, we were invited into
16 a meeting or meetings and if one dared to refuse the instruction,
17 we would have been considered betraying Angkar.

18 Q. And who would speak at these meetings?

19 A. Commune chief, village chief, deputy village chief and members
20 of village committee. Villagers were informed of the instructions
21 and if they had not followed the instructions, they would have
22 been considered enemies.

23 Q. Were there any hakim or hakim rong (phonetic) in Svay Khleang
24 commune?

25 [15.40.20]

1 A. Regarding hakim, yes there were hakims. However no presence of
2 hakims in my village in 1975 but before 1975, there had been
3 hakims. So Cham tradition, culture, customs were abolished and we
4 were not allowed to speak Cham language. For instance, when -- we
5 were not allowed to assemble in a group of three or four unless
6 there was one <or two> Khmer person<s> there in the group and if
7 we dared to assemble in a group of three and four without a Khmer
8 person in that group, we would have been considered enemies.

9 Q. And do you know what happened to the hakims, such that they
10 were not around anymore in 1975?

11 A. You mean hakim in 1975; all hakims were gathered and sent
12 away. I do not know where hakims or tuan (phonetic) were sent to.
13 Intellectual<s> and professors were arrested<, detained and
14 chained> and for this reason, there was rebellion in Svay
15 Khleang.

16 Q. When you were being evacuated from your village, were you told
17 why you were being evacuated?

18 [15.42.37]

19 A. No, we were not told because perhaps there was a rebellion,
20 that is why all of us were being evacuated. <They mistreated us
21 so badly.> Thirty to 40 people had been collected and placed in
22 <prison each night> although they had nothing to do with the rank
23 of lieutenant or first lieutenant or captain, they <were>
24 arrested. Krouch Chhmar security centre<, which is filled with
25 new houses now,> was the place where they detained the arrested

1 Cham people and <the> Cham people <who> were accused of being CIA
2 agent<s> or enemies. <But, they were innocent people.> And those
3 Cham people who had been arrested <and detained there> never
4 returned. Only few of them, one or two returned but they could
5 return and stay in the village <only> for a period of two <weeks
6 or a> month and then they <died>. <They were seriously ill. Their
7 stomachs were swollen.> They were so skinny.

8 Q. Thank you. I'm just going to ask you, Madam Civil Party, to
9 try to keep your answers as brief as possible because we have
10 only have a little bit of time left and there's still a fair
11 number of things I would like to ask you about. Did you ever hear
12 -- while you were being evacuated, did you hear any announcements
13 being made?

14 [15.44.27]

15 A. We were told to leave and then we were informed over the
16 loudspeaker that they wanted to search for enemies and we were
17 informed over the loudspeaker that if we did not leave the
18 villages, we would be considered enemies. At that time we had to
19 leave, we laid down knives or any weapons and left the villages.
20 At that time they shot, they fired bullets to all of us <during
21 the rebellion at Svay Khleang>.

22 Q. Are you saying they fired bullets in order to make you leave?

23 A. If one did oppose the instruction, <he or> she would be shot
24 dead. <They would not shoot us if we didn't resist.> So if we did
25 not leave villages, we would have been killed. At that time there

1 was gunfire and they were shooting at every direction to those
2 who refused to leave <during the rebellion>.

3 Q. Can you tell us, you mentioned this before but can you tell us
4 what happened to your father as you were being evacuated?

5 A. Concerning my father, we had been living together before the
6 rebellion. <After the rebellion, we were told to leave.> When we
7 reached <Svay Khleang bridge or Prek Cham> bridge to another side
8 of the river, we were allowed to cross the bridge but my father
9 was arrested and detained and I have never seen him <come back
10 since then>.

11 Q. And when you saw your father being detained, did you see
12 anyone else detained with him?

13 [15.47.06]

14 A. Yes. I saw there were many people, particularly youth, male
15 youth. The <>people, <who were detained>, were considered
16 enemies.

17 Q. You stated that you were then held at kiln. Were there any
18 arrests that took place while you were being held at the kiln for
19 about a month?

20 A. We were detained in that <warehouse>. We were sent to the
21 tobacco <warehouse from the Prek Cham bridge>, all of us were
22 female detained in that <warehouse>. Some married women had
23 children, at that time I was below 20 years old, I was about 17
24 years old. Children, babies were also detained and held in that
25 <warehouse>. They were crying, they were screaming. <They were

1 crying as loudly as baby birds gathering together in the nest.>
2 Some of them were so hungry. Each one could receive only a small
3 ladle of gruel with no taste at all, very plain taste.

4 [15.48.48]

5 Q. Thank you, Madam Civil Party. I'm going to ask that you pay
6 close attention to my questions and answer them as briefly as
7 possible. My question was, were you aware of any arrests taking
8 place while you were being held at the kiln?

9 A. We were held there in the <warehouse,> while being detained,
10 they were searching for enemies, they wanted to see those who
11 dared to oppose them, we were there for one month and three days.
12 <All women> were sent to live in various villages <and communes
13 in the countryside>. Some were sent to <Soupheas,> Stueng Trang,
14 Srae Veal (phonetic). And as for widows they were sent to live
15 along the river of Krouch Chhmar district and <for> these widows,
16 their husbands had been taken away already <and disappeared> and
17 later on they were sent to live along the river bank in Krouch
18 Chhmar district.

19 Q. I'm going to try one more. When you were being held at the
20 kiln were you aware of anyone being arrested while you were being
21 held at the kiln?

22 [15.50.44]

23 A. The prisoners. I could refer them as prisoners; some of them
24 were put in different places. <Other people and I alike were all
25 prisoners. Let me put it that way.> <There were people in Krouch

1 Chhmar Leu and Krouch Chhmar Kraom and there was a banyan tree>
2 in the pagoda and we were staying there for a period of one month
3 and three days after which we were sent elsewhere. For those who
4 were not considered enemies, they had opportunity to see their
5 spouses and children and for others who were considered enemies,
6 they would be sent away and disappeared. My father and some
7 others were considered to be linked to CIA <agents, having four
8 or five ranks, but> my father at that time could not even read or
9 write <a Khmer script> and he was considered an enemy <and has
10 disappeared up to now.>.

11 Q. Thank you. I would like to move forward now quite a bit, to
12 when you were in Khsach Prachheh Leu. Were you ever aware of a
13 time, while you were there at Khsach Prachheh Leu, that cadres
14 from the Southwest Zone arrived there?

15 [15.52.28]

16 A. At the beginning, I was sent to live in and work in Khsach
17 Prachheh Leu. At the time the Southwest cadres had not arrived
18 yet. Later on in 1976 and 1977, they came and gathered Cham
19 people. When I was at Khsach Prachheh Leu, I was assigned to work
20 in a co-operative digging the canal and later on in the dry
21 season I was reassigned to build the dam at <Boeng> Krachab and
22 for the second year I was sent Boeng Krachab after which I was
23 relocated to Tuek Chrov and they were brutal. The situation was
24 so difficult at Tuek Chrov. I was required to work day and night.
25 I was ordered to carry dirt, three cubic metres of soil per day

1 and if I could not finish during the day time, I had to continue
2 working until the night time. We sometimes slept in the rain at
3 night time and in the morning we were required to work although
4 we were soaked at night time. I was ordered to sleep on mats in
5 the grave field <for two or three months>.

6 Q. Madam Civil Party, I want to talk specifically about the time
7 when the people from the Southwest Zone arrived in Khsach
8 Prachheh Leu. I understand that you were in a mobile unit before
9 that, I'm not asking you about that period, I'm asking you about
10 when the people from the Southwest Zone arrived in Khsach
11 Prachheh Leu, what year was it, that they arrived, the people
12 from the Southwest Zone?

13 [15.54.44]

14 A. There were many of them. I did not know when they came. I
15 cannot tell you <the> exact day, month and year. What I can
16 recall is that upon their arrival, they had bad treatments on
17 people, even one committed a minor mistake he or she would be
18 taken away. They came to purge Cham people, all Cham people had
19 to be collected and we were told that we had to relocate to live
20 at Stueng Trang for instance, because at Stueng Trang there were
21 sufficient food, rice to eat and there was abundant of work at
22 Stueng Trang. People who were sent to Stueng Trang never
23 returned.

24 [15.55.43]

25 Q. And how did the people from the Southwest Zone go about

1 determining who was Cham and who was not Cham?

2 A. The Southwest cadres ordered the village chiefs or other
3 people who were working in the <district or> village<s> to
4 identify who were Chams and who were not Cham and the list or the
5 reports would be sent to the Southwest cadres. They wrote down
6 lists of Cham people to be sent to Southwest cadres.

7 Q. And once they made the list of Cham, what happened to the male
8 Cham that were in Khsach Prachheh Leu?

9 [15.56.59]

10 A. All of the Cham people including <Cham men> had been collected
11 and sent away. Male were the first -- male Cham people were the
12 first to be collected and they said they had to send male Cham
13 people first to build <houses> for female Cham <people, who
14 would> be sent later on. So for instance, male Cham people would
15 be collected one day before the arrests or collection of other
16 female Cham people. <Young and old men and women were taken
17 away.>

18 Q. And can you tell us about the collection of the female Cham
19 from Khsach Prachheh Leu, how did that go about?

20 A. They were called and invited into a meeting. All of them were
21 invited and they were told that they had to relocate to other
22 places. The village chiefs <> were the ones responsible for
23 collecting and inviting all those female Cham people to <> the
24 meeting or meetings.

25 Q. And how did they relocate them to these new villages?

1 A. They were put on boats or ferries and when boats or big
2 ferries reached Stueng Trang they were told to get off. The ferry
3 was so big and it could fit 300 or 200 people.

4 [15.59.16]

5 Q. I've just a couple of more questions for you. The first is in
6 relation to the men -- the male and female Cham that were taken
7 from Khsach Prachheh Leu, were any of your relations in those
8 groups of male and female that were taken away from Khsach
9 Prachheh Leu after the Southwest Zone cadres arrived, any of your
10 family members?

11 A. I heard that Cham including male and female were collected. I
12 had no relation with them, during the regime we were not allowed
13 to trespass into other village, we were only told to focus on our
14 work in the co-operatives. Whenever they wanted all of us to <go
15 to> any other place, we had to go. I did not have any means of
16 communication with other people at the time. No telephones or
17 mobile phones used.

18 [16.00.41]

19 Q. Perhaps I shouldn't have used the word relations, what I'm
20 asking about is were any of your family members, mother, father,
21 siblings, brother, sister, were they amongst the Cham, male and
22 female that were taken away from Khsach Prachheh Leu?

23 A. All of them were gathered up including male, female, my two
24 younger <brothers>, <my sister,> my grandmother, my mother, all
25 of them were gathered up in groups, together with other villagers

1 and they were sent away.

2 Q. Did you ever see them again after that?

3 A. No. They <have> disappeared <ever> since.

4 Q. And were any Khmer people also made to vacate Khsach Prachheh
5 Leu at that time?

6 A. Some Khmer people at Prachhes Leu were sent to Roka Khnaor but
7 they were not executed. However, some, who were working in units,
8 were taken away and killed. Some of them were sent to live in the
9 ministry <or ministries>, <but> I did not see them return. <Where
10 are those ministries?> <They have disappeared up to now.>

11 MR. BOYLE:

12 Thank you, Madam Civil Party. Thank you, Mr. President. I have no
13 further questions.

14 [16.03.09]

15 MR. PRESIDENT:

16 Thank you. The hearing today is now time for the adjournment. The
17 Chamber will resume its hearing tomorrow, Tuesday, 29 September
18 2015.

19 Tomorrow the Chamber will continue to hear the civil party No
20 Sates to conclude and then proceed to hear 2-TCW-845. Please be
21 informed and be on time.

22 Thank you, Madam No Sates, the hearing of your testimony as a
23 civil party has not come to conclusion yet. You are therefore
24 invited to testify once again tomorrow morning starting from 9
25 a.m.

1 Thank you also, staff from WESU, since the hearing of the
2 testimony of this civil has not come to a conclusion yet, you are
3 also invited to accompany her during the time the civil party is
4 testifying before the Chamber tomorrow morning.

5 Court officer, please work with the WESU to send the civil party
6 to the place where she is staying at the moment and please invite
7 <> her <back> into the courtroom tomorrow at 9 a.m.

8 Security personnel are instructed to bring the two Accused, Nuon
9 Chea and Khieu Samphan, back to the ECCC detention facility and
10 have them returned to the courtroom tomorrow before 9 a.m.

11 The Court is now adjourned.

12 (Court adjourns at 1605H)

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