



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 September 2015

Trial Day 323

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Mar-2017, 15:15  
CMS/CFO: Sann Rada

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

The Accused: NUON Chea  
KHIEU Samphan

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LIV Sovanna  
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Anta GUISSSE  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:  
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For the Office of the Co-Prosecutors:  
Vincent DE WILDE D'ESTMAEL  
Dale LYSAK  
SENG Leang

For Court Management Section:  
UCH Arun

I N D E X

Mr. IT Sen (2-TCW-813)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. IT Sen (2-TCW-813)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Ms. TY Srinna	Khmer

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the presentation of key documents and

6 <there> will be the responses from the defence team for Khieu

7 Samphan to those key documents presented by the Co-Prosecutors

8 and the Lead Co-Lawyers for civil parties last week, and that is

9 in relation to the three worksites. And after the conclusion of

10 such responses, the Chamber will hear the testimony of a witness

11 -- that is, in relation to the treatment -- targeted treatment of

12 Cham.

13 [09.05.35]

14 And before we proceed with today's schedule, the Chamber would

15 like to inform the Parties and the Public that for today and for

16 the following days, Judge You Ottara is absent due to his urgent

17 personal matters. And after the Bench held a deliberation, Judge

18 Thou Mony, a National Reserve Judge, is to sit in place of Judge

19 You Ottara until such time he is able to return to the Bench to

20 sit with the proceedings of the Trial Chamber, and that is

21 pursuant to Rule 99.4 of the ECCC Internal Rules.

22 Ms. Se Kolvuthy, please report the attendance to the Parties and

23 other individuals at today's proceedings.

24 [09.06.43]

25 THE GREFFIER:

2

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

3 Mr. Nuon Chea is present in the holding cell downstairs; he has  
4 waived his right to be present in the courtroom. The waiver has  
5 been delivered to the greffier.

6 A witness who is to testify today -- that is after the hearing of  
7 the key documents presentation -- that is, 2-TCW-813, confirms  
8 that to his best ability, he has no relationship by blood or by  
9 law to any of the two Accused -- that is, Nuon Chea and Khieu  
10 Samphan, or to any of the civil parties admitted in this Case.

11 The witness will take an oath before the Chamber.

12 We also have a reserve civil party -- that is, 2-TCCP-244. Thank  
13 you.

14 [09.07.54]

15 MR. PRESIDENT:

16 Thank you. The Chamber now decides on the request by Nuon Chea.

17 The Chamber has received a waiver from Nuon Chea dated 7

18 September 2015, which notes that due to his health, headache,

19 back pain, he cannot sit or concentrate for long, and in order to

20 effectively participate in future hearings, he requests to waive

21 his right to participate in and be present at the 7 September

22 2015 hearing. He affirms that his counsel has advised him about

23 the consequences of this waiver that it cannot in any account be

24 construed as a waiver of his right to be tried fairly or to

25 challenge evidence presented to or admitted by this Court at any

3

1 time during this Trial. Having seen the medical report of Nuon  
2 Chea by the duty doctor for the Accused at the ECCC, dated 7  
3 September 2015, who notes that Nuon Chea has severe back pain and  
4 dizziness when he sits for long and recommends that the Chamber  
5 grant him his request so that he can follow the proceedings  
6 remotely from the holding cell downstairs.

7 [09.09.14]

8 Based on the above information and pursuant to Rule 81.5 of the  
9 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
10 follow today's proceedings remotely from the holding cell  
11 downstairs via audio-visual means. The Chamber instructs the AV  
12 Unit personnel to link the proceedings to the room downstairs so  
13 that he can follow the proceedings. This applies to the whole  
14 day.

15 And the Chamber would like to hand the floor now to the  
16 co-defence counsel for Khieu Samphan to make observations to the  
17 key documents presentation by the Co-Prosecutors and the Lead  
18 Co-Lawyers for the civil parties for the three worksites that  
19 were made last week.

20 And Counsel, you may proceed.

21 [09.10.14]

22 MS. GUISSÉ:

23 Thank you, Mr. President. Good morning to all of you. Good  
24 morning also to the public since <according to the Chamber and  
25 the wishes of the Chamber from the very beginning,> these

4

1 <documents> hearings are <also for the> public and <are kind of  
2 the educational side of a hearing.>

3 I'm going to start proceeding with what I believe is the <very>  
4 essence of <a trial> -- that is to say, responding <to charges>.  
5 Responding means making observations, <presenting interpretations  
6 that may be different, and certainly will be different from those  
7 of the Prosecution. Above all, it entails> doing what is at the  
8 <very> core of a criminal trial <> -- that is to say, <holding>  
9 an adversarial debate.

10 We have fought, in the Khieu Samphan team, for a long time for  
11 these document hearings not just simply to be a catalogue <and  
12 listing> of documents, but to be something meaningful and <for  
13 that> adversarial debate <to happen>. So even if Khieu Samphan  
14 has not presented any documents for this key <documents> hearing,  
15 it is <obviously of unquestionable importance that he> be able to  
16 <> respond.

17 [09.11.35]

18 The role of these key <documents> hearings, as you reminded <us,>  
19 Mr. President, on 26 August, is to ask the Parties to choose the  
20 most important documents to support their case and the aim, you  
21 <also> reminded us, is to allow the Chamber to better assess the  
22 weight that we should give to the evidence at the end of the  
23 substantive hearing in Case 002/02 -- that is to say, the weight,  
24 the <evaluation,> is the <very essence> of your work <during your  
25 deliberations.>

5

1 And today my comments go in that direction -- that is to say,  
2 we're going to share <with you> the Defence's understanding of  
3 the weight to give to this evidence and to discuss <in general>  
4 the probative value of the documents that were put before the  
5 Chamber by the Prosecution and the civil parties. This may take  
6 on different shapes: first, I'm going to make <general>  
7 observations and then site <by> site, I'm going to focus on  
8 <making remarks or citing different> parts of the documents that  
9 were presented, because, once again the quest for truth and  
10 <adversarial debate> require that we take into account documents  
11 <and parts of documents> that were not necessarily underscored by  
12 the Prosecution or the civil parties. And I would like to remind  
13 the public that my comments regarding the sites are going to of  
14 course be restricted to the 1st January Dam worksite, and then to  
15 the Kampong Chhnang Airport worksite, and then finally to the  
16 Trapeang Thma Dam.

17 [09.13.26]

18 Now regarding my generic comments or observations, a certain  
19 number of documents that were presented by the Prosecution and  
20 the civil parties <-- and there are many of them --> are witness  
21 statements, written <witness> statements -- that is to say,  
22 <from> witnesses who have not appeared before the Chamber.  
23 A criminal trial is first of all an oral trial. Why? Because when  
24 a witness comes here to provide information and <at times makes  
25 one or more accusations>, the Parties <need to be able to>



6

1 examine and cross-examine <in order> to understand where this  
2 witness or civil party draws his or her information from <There  
3 needs to be a confrontation during the hearings. It is through  
4 this confrontation or> debate that we can <learn> the details and  
5 we can assess properly the probative value of the statements.  
6 <This> also allows us to <observe> how the person behaves  
7 <during> the trial, to see how the person reacts when she or he  
8 is faced with certain questions, <and> this also allows <us> to  
9 assess <his or her> credibility.

10 So when we present to you <> written statements of <witnesses,  
11 who> do not appear before the Chamber<, as essential documents>,  
12 well, <from the perspective of> the Khieu Samphan defence, <all I  
13 can say is that> in terms of the general principle, <such  
14 documents are of> weak probative value. Why am I saying this?  
15 We have seen often here in this <Chamber>, civil parties and  
16 witnesses who have come to correct things that were <said> in the  
17 written statements, they came to provide details. <And> sometimes  
18 <there is> a gap between what was said here before the Chamber  
19 and what <was recorded> in their <written> statements.

20 [09.15.30]

21 I'm focusing, first of all, on the civil party applications <as  
22 well as> key documents <that were also presented> before this  
23 Chamber <on these segments. And> this might be the most  
24 <striking> example of this gap <that sometimes exists> between  
25 written statements and what witnesses or civil parties say before

7

1 the Chamber. A very few recent examples I can mention; for  
2 example, <just> last week even, on September 1, <> Chao Lang,  
3 civil party, <clarified before the Chamber> -- in fact <this>  
4 even went beyond <a clarification>, in fact, <she> was providing  
5 a new testimony<, in any case,> in relation to what was <written>  
6 in <her civil party statement>.

7 You remember <what was in her civil party statement,> about a  
8 Filipina medic who was <her> colleague. <Once she was on the  
9 stand, and answering questions from the Parties, this person  
10 became a colonel -- a colonel -- Filipina, of course,> but in  
11 charge of transporting explosives from the United States. So, you  
12 see here -- <> this person was -- apparently was no <longer her>  
13 colleague but <her> father's colleague, so you see <there are  
14 sometimes> drastic differences <> between what is written in the  
15 statements in co-operation with the civil party lawyers <-- the  
16 civil party lawyers themselves say it> -- that is to say, in the  
17 process of gathering information, sometimes information <is>  
18 lost, sometimes when forms are processed by the ECCC services.

19 And I remember my colleague <standing up to tell us how this  
20 happened, and that there was> no direct contact between the civil  
21 party and the person drafting the summary of the civil party's  
22 statement<, and that this could have been, and indeed was, at the  
23 root of many errors. In this context,> you can understand that  
24 <for the Khieu Samphan defence,> when we are presented with such  
25 documents as being key <and essential> documents, we can only

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1 draw the Chamber's, as well as the Parties', attention to the  
2 fact that we can only grant low probative value to documents  
3 whose drafting is filled with <extreme problems> in terms of  
4 reliability, but also we can only remind <the Chamber> that  
5 <obviously> there is nothing better than putting questions to the  
6 witness or to the civil party <before the Chamber> in order to  
7 get the true account <from the civil party>.

8 [09.18.15]

9 <> I <think that, as you know, and we will get back to this  
10 later,> that you ruled on the issue of civil party statements in  
11 the investigations of Cases 003 and 004, but what <in any case,  
12 what> we're saying regarding the <low> reliability <and lack  
13 thereof> of these documents has once again been blatantly  
14 demonstrated during the various hearings<, notably> on the impact  
15 of the crimes.

16 I would like to remind you that this is exactly what happened on  
17 the 20th August 2015, with witness Tak Boy, and here I am  
18 reminding you of <hearing record E3/33401>, and Judge Fenz  
19 probably remembers that because she <herself had to clarify> that  
20 what was written in the <civil party> statement had nothing to do  
21 with what the witness said before the Chamber, and <> before the  
22 Chamber <he> said "I never said this." So here again we have a  
23 clear example that there are inconsistencies with the written  
24 statements of the civil parties.

25 [09.19.27]

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1 And I would like to remind you, and this is another important  
2 element because we're speaking about civil party statements here  
3 and the Co-Lead Lawyers of the civil parties <have also had to  
4 bring> up these issues, and I'm <reminded> of the hearing of 3  
5 April 2015, document E1/288.1 where my colleague, Marie Guiraud,  
6 in a very honest way<, I note,> acknowledged -- it was a little  
7 before 9.42 -- the issues in some of the civil party statements.  
8 And I quote her <just> to be clear. This is what she says at that  
9 hearing <>. This regards the effect of the crimes in the  
10 co-operatives and the fact also that there were <several> civil  
11 party statements that <indicated> that the civil parties were  
12 Khmer Krom, but during the hearing the civil parties said they  
13 were not Khmer Krom <at all>. So, my colleague said: "I'm obliged  
14 to acknowledge that this is a reality. We will have to shed light  
15 on the way the information was gathered and <what> we intend to  
16 put <> before the Chamber <as documents, but> I would like this  
17 discussion to happen at another <time>. It is now contaminating  
18 the hearing <on> the impact of <the crimes." And she adds,> "So  
19 what matters today is the oral statement of the civil parties.  
20 And once again, I accept that from the Defence that it will be up  
21 to us as Co-Lead Lawyers to clarify the situation, because <so  
22 many> errors are repeated and are clear, in the VIFs, as well as  
23 in the supplementary information forms that were filed." End of  
24 quote.

25 [09.21.22]

10

1 So this is the context in which I am reminding you today that  
2 there are indeed problems with <these> civil party statements and  
3 that you should consider them with the greatest caution possible  
4 when you will deliberate. And why am I insisting upon this, Mr.  
5 President, and Your Honours? Well, in your Judgment of 7 August  
6 2014, you relied in great part on a great number of civil party  
7 statements and this gives rise to the issue of reliability,  
8 because you have to ground your decisions on the basis of <>  
9 documents, and <for myself and> the Khieu Samphan defence, we  
10 believe that <in general,> you cannot rely on such documents to  
11 <enter a conviction> when <the> civil parties do not come to  
12 testify before the Court.

13 And as I was saying earlier, you also <issued> a memo --  
14 E319/14/2 -- in which you indicated <an approach for prosecutors  
15 to follow> regarding the disclosure of civil party statements in  
16 Cases 003 and 004, and indeed you noted the <challenges> that may  
17 come about, and the issue of the probative value of the  
18 information contained in these statements and of their  
19 reliability of this information <as pertains to any rulings  
20 handed down>.

21 [09.22.57]

22 This leads me to another general observation on Cases 003 and  
23 004; this is an important point because this was at the root of  
24 the incident that occurred at the beginning of the <key  
25 documents> hearings in which the Prosecution and the civil

11

1 parties presented their documents, <with an issue raised by the  
2 Defence, which> I am obliged to reiterate. <Regarding these  
3 statements drawn from> Cases 003 and 004 <relating specifically  
4 to the presentation> by the Co-Prosecutors of documents <on> the  
5 Trapeang Thma site<, I must> remind the public what the proper  
6 procedure was in this case.

7 [09.23.50]

8 We are <in proceedings before> the ECCC -- and I <had to remind>  
9 you of this last Thursday when the issue was raised with regard  
10 to the witness for the next segment -- we are in here in  
11 <proceedings> in which there was an investigation. And I would  
12 like to remind you that on 18 July 2007, the Co-Prosecutors filed  
13 an introductory submission. And I would like to remind you that  
14 on 16 August 2010, the Co-Prosecutors filed their final  
15 submission -- that is to say, the elements they felt were useful  
16 to give to the Investigating Judges before they <issued> their  
17 Closing Order. And a Closing Order was issued, and the  
18 Co-Prosecutors did not appeal this Closing Order, and so my  
19 conclusion is that they believe that the information in the  
20 Closing Order and the evidence was sufficient for them to  
21 demonstrate -- or to attempt to demonstrate the guilt of the  
22 <Accused> in Case 002.

23 [09.25.05]

24 There was no appeal, and I'm noting this because <countless>  
25 times we have heard from the Chamber when we were endeavouring to

12

1 prove that there were issues during the interviews by the  
2 investigators of the OCIJ, that there were issues when we noticed  
3 the differences between what was written in the statements and  
4 what was heard on the audio tapes, and so many times the Chamber  
5 <sent us packing, saying, "No, be careful,> there is an  
6 investigation, you should have done your job during the  
7 investigation, it's too late." It's too late, that's what we were  
8 being told, and I must confess that I don't understand why <in  
9 this context,> when the Co-Prosecutors, today in 2015,  
10 <introduced or> tried to introduce a <significant> number of  
11 elements from other investigations, I don't understand why  
12 they're not also <being sent packing.>  
13 Please, let's be <very> clear about the statements regarding  
14 <the> Trapeang Thma <site> from other cases that were presented  
15 by the Co-Prosecutors. <It's true,> the Co-Prosecutors filed a  
16 <motion> asking to <tender these elements into evidence,> and we  
17 < the Defence> did not react fast enough <>. We did not <respond>  
18 in a timely manner, I <would openly admit that, we are not acting  
19 in bad faith.> However, I would like to <also> remind you that  
20 <just> because the Parties do not respond, that <does not mean  
21 that> they necessarily agree, <or that the Chamber in particular  
22 is not required to monitor what happens, to> monitor documents  
23 <requested to be tendered into evidence>.  
24 [09.27.06]  
25 I would like to refer you to our submissions regarding <> the

13

1 general obligations of the Co-Prosecutors with regard to the  
2 <introduction and> disclosure of documents coming from other  
3 investigations, but I would like to remind you <above all> -- for  
4 things to be completely clear <before the Chamber>, I would like  
5 to remind you of the Martić jurisprudence before the ICTY. This  
6 was a decision of 19 January 2006. In paragraph 11, this is what  
7 is said -- and <this paragraph is unfortunately only in English,>  
8 so<, interpreters, I will unfortunately read in English, and>  
9 please excuse me for my accent. This is what is said in paragraph  
10 11:

11 "Principles: Principles in matters of admissibility of evidence.  
12 The Trial Chamber is, pursuant to the Statute of the Tribunal,  
13 the guardian and guarantor of the procedural and substantive  
14 rights of the Accused. In addition it has obligation to strike a  
15 balance in seeking to protect the rights of victims and  
16 witnesses. As the Trial is an often complex journey in search for  
17 the truth in relation to the alleged individual criminal  
18 responsibility of the accused, bearing in mind that the truth can  
19 never be fully certified, the Trial Chamber considers the  
20 question of admissibility of evidence do not arise only when one  
21 of the Parties raises an objection to a piece of evidence sought  
22 to be brought forward by the other party."

23 [09.29.14]

24 I would like to underscore this part: "As an inherent right and  
25 duty to ensure that only evidence which qualifies for admission



14

1 under the rules will be admitted. For this purpose, as may turn  
2 out to be necessary from time to time, the Trial Chamber will  
3 intervene ex officio to exclude from this proceeding this piece  
4 of evidence which, in its opinion for one or more of the reason  
5 laid down in the rules, ought not be admitted in evidence." End  
6 of quote.

7 Why <> am I recalling this jurisprudence and <these> principles  
8 today? It is because they are at the very centre of what we  
9 pointed out <to you, what was pointed out to you back then by> my  
10 <colleague, Counsel> Vercken, <when he> explained why he and the  
11 Nuon Chea team objected to <the documents being presented as  
12 key,> since <it was the documents hearing, where documents which  
13 were not included in the investigation were being presented as  
14 key, in an investigation that had gone on for quite some time,  
15 during which the Co-Prosecutors had the opportunity to file  
16 requests, or to file an appeal before the Pre-Trial Chamber,  
17 which they did not do.>

18 [09.30.51]

19 <And the entire discussion on> documents from Cases 003 and 004  
20 <does> not exclude, <moreover,> the issue of reliability. As I  
21 pointed out at the beginning of my submissions<, you have this  
22 problem,> that as regards <the proceedings in> Cases 003 and  
23 004<, I believe> it is no longer possible to consult the audio  
24 recordings of those interviews which means that we, the defence  
25 teams, who were not a part of those investigations can only rely

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1 on what is presented to us in the statements of interview. <As  
2 much as we have made objections or requested> clarifications  
3 before the Chamber <regarding> persons who testified and whose  
4 testimonies<, we noticed,> had discrepancies between what was  
5 written and what was said before the Chamber<, that right and  
6 opportunity is unavailable to us when the documents are only  
7 presented in their written form. So once again> we have the issue  
8 of reliability and it also raises the issue of <> the fairness of  
9 the trial.

10 [09.32.11]

11 Written statements of witnesses who are not going to appear  
12 before this Chamber are presented as <key> documents and they  
13 will not be up to scrutiny, they will not be subject to  
14 examinations by the Parties who <would> be able to ask questions  
15 and <request> clarifications. What you're saying is, "This is  
16 what the witness said", we don't know how the witness obtained  
17 that information, we cannot cross-check <on which basis he or she  
18 got that information, and we do not even know> whether it is  
19 hearsay or not. So <once again> we have seen before this Chamber  
20 that sometimes what is presented as <pure and simple> assertions  
21 in written statements turn out to be hearsay evidence <once> the  
22 witness appears to testify. The witness says: "No, I did not see  
23 this personally,> I heard this; it was rumour"; and so on and so  
24 forth. So <of course when it comes to the possibility of  
25 correctly evaluating the weight of these statements, obviously

16

1 the Defence has its hands tied, but, Your Honours, also have your  
2 hands tied.> And under these conditions, you cannot therefore  
3 accord any significant weight to those statements because they  
4 are not <fully> subject to the principle of adversarial hearings,  
5 and we cannot cross-check the <exact> sources of such information  
6 <coming from witnesses>.

7 [09.33.22]

8 Having highlighted these points, what does the Khieu Samphan team  
9 say in the face of the statements from Cases 003 and 004? These  
10 statements raise a general question regarding the Trapeang Thma  
11 Dam worksite segment<, for which these> documents <> were  
12 presented as key documents. And this brings me <back to what I  
13 was saying, which is, at some point, what are the Accused to  
14 respond to? And at some point, when does the collection of  
15 evidence end?>

16 <> Honourable Judge Lavergne, you've noted that it is possible to  
17 <request new evidence. This evidence must truly be new, the  
18 Parties must not have been able to obtain it earlier, or the  
19 interest of justice must be so strong -- and in general it is  
20 protective of the rights of the Accused -- that is, when there is  
21 evidence, notably from the Defence, that is so important that it  
22 is vital that it be presented. But that is not a reason to  
23 introduce an ongoing investigation into a trial already underway.  
24 That is not an opportunity to remedy loopholes in an  
25 investigation either. Because, if I understand correctly, that is

17

1 tantamount to saying: "OK, well, the investigation, maybe on  
2 Trapeang Thma, or maybe on this or that other segment, was not  
3 well done, so we need to plug up the holes by going out to look  
4 for evidence in other case files." That is not acceptable. And it  
5 is even less acceptable, given that we are in a trial in which  
6 there has already been an investigation and which was already  
7 postponed, and my client was first held in pre-trial detention  
8 on the basis of such <evidence>.

9 [09.35.27]

10 <So, if there is not enough evidence, then we need to assess such  
11 evidence and not try to alleviate what might be a deficiency, or  
12 perceived as a deficiency on the part of the Prosecution.>

13 Regarding materials that <are> already on <the case file, yes, I  
14 said it, it is true, the documents that we objected to and which>  
15 were the subject <a decision on your part. And which were  
16 admitted into evidence, and are numbered - they are> considered  
17 as part of the case file.

18 Let me remind the Chamber that the Chamber has a possibility of  
19 <overturning> its decisions. <When a right has been violated,  
20 the mere fact that this was not pointed out to the Chamber right  
21 on time does not mean that the Defence is indefinitely waiving  
22 its right to raise this violation.> In that case it is incumbent  
23 on the Chamber -- and again I'm recalling the jurisprudence of  
24 ICTY<which I cited earlier> -- the Chamber has <a duty> to play  
25 its role as the custodian of the rights of the Accused and to

18

1 <monitor what is tendered into> evidence.  
2 [09.36.31]  
3 And regarding the possibility of <overturning your decisions>,  
4 let me remind you of <paragraph 136 of your own ruling on 07  
5 August 2014,> footnote <391,> in which you admitted that <during  
6 deliberations you had overturned a decision regarding the  
7 admission of a document,> because <you believed> it would confirm  
8 Khieu Samphan's alibi. This means that you're not bound by a  
9 decision <when, in light of new developments, you note that the  
10 rights of the Accused have indeed been breached, when materials  
11 have been tendered into evidence whereas they should not have  
12 been>. And I wanted to point this out at the very beginning of my  
13 submissions on the key documents presented by the Co-Prosecutors  
14 <so> that the position of the <Khieu Samphan> defence should be  
15 as clear and as precise as possible <so> that we understand, over  
16 and beyond <the discussion we will have on the motion we filed  
17 regarding> the obligations of the <Co->Prosecution. <The>  
18 disclosures regarding Cases 003 and 004 <are the subject of> a  
19 broader debate, but <on this point in particular and once again>  
20 as regards documents <tendered into evidence> regarding Trapeang  
21 Thma, it is possible for you to <overturn> your decision, and we  
22 request that you should take into account all these preliminary  
23 submissions I've made on the weak probative value of the  
24 <documents> relating to witnesses who do not appear before you.  
25 [09.38.12]

19

1 As I pointed out earlier, a fair trial is, first of all, a trial  
2 that is subject to adversarial proceedings, and we're talking  
3 about <what can be a bit of> a fastidious exercise. But <it is  
4 important, and> I think it is very useful<, it will be useful to  
5 you, I hope,> in your deliberations when you have to consider  
6 documents that are being presented by the various parties. And I  
7 would like to talk about the respective sites and submissions,  
8 and any additions of quotations that I consider necessary in the  
9 case of the defence of my client, Khieu Samphan.

10 First of all as regards documents relating to the 1st January  
11 Dam, document E3/2412, it is an article by François Ponchaud,  
12 <entitled> "Kampuchea<, a> Revolutionary Economy". The  
13 International Co-Prosecutor quoted a part of that article and I  
14 would like to <draw> your attention to another <part which gives>  
15 another perspective of the situation. The ERN is as follows: in  
16 French is 00410765; and the ERN in Khmer is 00812343; ERN in  
17 English, 00598519. The part that I consider relevant is as  
18 follows: "Our motto is 'If we have rice, we can have everything  
19 because the people can eat their fill'. We have rice for export  
20 and we can then import the goods we need. With rice we can have  
21 everything. We can have steel, factories, energy and tractors."  
22 End of quote.

23 [09.40.31]

24 As part of the presentation of <this> document, the Prosecution  
25 pointed out that -- they presented the construction of dams and

1 agriculture as a war. Indeed it was a war to have rice, which was  
2 the only economic commodity of Democratic Kampuchea. This is a  
3 point I wanted to highlight in this document by François  
4 Ponchaud.

5 Another point regarding the utility of dams <and> agriculture; it  
6 is the last page of this document <-- not the last page, it is  
7 page --> the ERN in French is 00410772; in English, 00598525; and  
8 in Khmer, 00410772. I would like to underscore what was mentioned  
9 by various witnesses who appeared before this Chamber -- that is,  
10 the fact that they didn't have to deal with only rice growing but  
11 the growing of other crops and this is what Ponchaud says in his  
12 article and I quote:

13 "Apart from rice farming, depicted as crucial in meeting the  
14 people's needs and for export, emphasis is laid on <growing> the  
15 following food crops, called 'strategic crops': bananas, soya  
16 beans, sweet potatoes, sugarcane, yams, sesame, maize, etc.  
17 <Rather frequent radio> reports <> indicate the number of  
18 hectares on which the various crops are grown, the number of  
19 banana trees, sweet potato tubers, coconut trees, so on and so  
20 forth." This is a point that is considered essential by the  
21 Prosecution, which shows that, as part of the construction of dam  
22 and the irrigation system, there was a commitment to growing food  
23 crops for the people.

24 [09.42.42]

25 The second document I would like to point out to the Chamber is

1 the record of interview of Ieng Chham, and it is document  
2 E3/5513. In that document the Co-Prosecutors read Question/Answer  
3 <54,> particularly to say <or> stress the fact that there were  
4 problems in technical training of technicians who <were supposed  
5 to work> on the dam worksite, and notably <-- it wasn't question  
6 54, this was questions 56 and 59, which were> mentioned by the  
7 Prosecution<, and I would like to highlight two questions and  
8 answers:> Question/Answer 45 and Question/Answer 54.  
9 Question and Answer 45: "<From what you observed, was the  
10 learning process at the time scientific in nature>?" He's talking  
11 about the techniques that had to be acquired by people who had to  
12 work on the <dams>. This is Ieng Chham's answer: "I believe that  
13 the <technology> at the time <was well-founded, which I thought  
14 was good and remarkable.> I think that it was <well-developed>  
15 for that time being because, at that time, we <worked> on  
16 <machines.> They taught us <about the> tools and taught us modern  
17 techniques <for using all of> those tools." End of quote.  
18 [09.44.32]  
19 And as regards the plans <for> the 1st January Dam, this is the  
20 question that was put to the witness and it's Question 54:  
21 "<Before> the dam construction, <had you seen> the <master>  
22 project or the <master plan>?"  
23 Answer: "I just saw <only a> plan <of the locks, which was> drawn  
24 in <great> detail." End of quote.  
25 These two points are, <in my view> important in <what is



1 considered to be a key document,> as I understood from the  
2 Co-Prosecutors' submissions <that> they were challenging the  
3 plans <of these> dams and in this statement, you have information  
4 that confirms the fact that techniques that were current during  
5 that period were used. And I say this in connection with what  
6 witness Pech Sokha said at the hearing of 21st July 2015 <(sic)>,  
7 and I refer to the record of interview, <E1/302.1> (phonetic),  
8 and <somewhere around 11.29 in the morning,> he said that his  
9 boss <Chham> confirmed that the plan was correct<, as well>.  
10 [09.46.07]

11 Another document I would like point out to the Chamber is  
12 document E3/35; it's the <record of> interview of Ke Pich Vannak  
13 and the ERN in French,< 00367722>; in Khmer, 00340564; and the  
14 ERN in English, 00346150. The Co-Prosecutors quoted on the same  
15 page, <information> regarding persons who died due to ill health  
16 or lack of medicines on the site but they did not <pursue> what  
17 the witness actually stated. And <I would like to> look at the  
18 following answer by the witness and -- so the last sentence  
19 quoted by the Co-Prosecutor was as follows -- and this is what  
20 the witness said: "During the construction of the dam, I knew  
21 that people died of ill health and the lack of medication." And  
22 he goes on to say, and this is what I'm adding to the quotation:  
23 "Then, I heard that Ieng Thirith had issued <an order> that  
24 traditional medicines be boiled in order to obtain black tablets.  
25 <We used empty cartridges as moulds to make this medicine. For

1 more information> on this story, you <will have to> ask Dr. Sek.  
2 At the time he was a military doctor and surgeon at the military  
3 hospital, situated south of the administrative headquarters of  
4 Kampong Cham province<. Sek still lives there."> And this is what  
5 the witness says precisely: "I heard about <the manufacture of>  
6 medicines when I drove Ieng Thirith and <a> Laotian <delegate> to  
7 visit the 1st January Dam. I <am> not sure whether or not Ieng  
8 Thirith knew about people who had died from the lack of  
9 medicines. At that time, Ieng Thirith said <"We> lack medicines  
10 but we are doing research on traditional medicine <in order to  
11 treat> patients." Sometime later they <imported> quinine trees  
12 from China to <plant them> in Cambodia. Those quinine trees <are  
13 still in the east of Tang Krasang,> Santuk district<, Kampong  
14 Thom province>. Later on there was an announcement about that. <I  
15 heard it with my own ears.>" End of quote.

16 [09.48.55]

17 This part <seemed> relevant to us because we've spoken at length  
18 of traditional medicine as if there <was> a <desire> not to take  
19 <real> measures <to resolve the problem, notably regarding>  
20 malaria. And <I think it is important to> point out that quinine  
21 is an essential component of medicine used to <treat> malaria.  
22 Perhaps the measures taken were not sufficient, perhaps they were  
23 not up to the task <at hand,> but <according to this witness,  
24 measures were indeed taken and traditional medicine along with  
25 other steps were taken> to treat the population <>.

1 [09.49.45]

2 Another point I would like to highlight is in document E3/9349;

3 it is the record of interview of witness Chuop Non; the French

4 ERN is <00277437>; and the ERN in Khmer, 00239922; and the ERN in

5 English is 00244157; and the part that is of relevance to me is

6 the question asked and it is as follows:

7 "Can you describe the government structure at that time?"

8 Answer: "I knew there were <commune> chiefs, village chiefs and

9 mobile unit chiefs, but I don't know <if> the <commune> chiefs

10 received orders from <some other upper echelon>." End of quote.

11 This passage is important to my mind because it corroborates what

12 the Co-Prosecutors <themselves> said when they were presenting

13 their key documents, and they said that they didn't have many

14 contemporaneous documents on the worksites, and that was the

15 reason why they were relying very much on witness statements.

16 Here again it is important to point out, and I believe the

17 evidence we heard on the worksites shows that most of the

18 witnesses who appeared before this Chamber spoke at length about

19 local cadres, but <in general> they did not know the exact

20 instructions <that were> received <nor> who gave those

21 instructions. <To me, this> part of the testimony illustrates

22 that point and it is important to bear this in mind in your

23 deliberations.

24 [09.51.45]

25 We have another point and it is from E3/2782, and also 2783

1 because there are different reference numbers for the French and  
2 English, and I'm interested particularly in the English version.  
3 It is the supposed biography of Ke Pauk before he died. The Khieu  
4 Samphan defence is of the opinion that this document is of a very  
5 low probative value. I don't know under what conditions that  
6 document was obtained and I don't know under what conditions  
7 questions were put <or not put> to the witness<, what kind of  
8 reaction was really elicited, what could be construed as comments  
9 from the person who allegedly made that statement>. Be that as it  
10 may, I would like to draw the attention of the Chamber to the  
11 English version E3/2782 and the ERN in English is 00089716 and  
12 this is the caption that appears in English, and I'll quote in  
13 English:

14 [09.52.58]

15 "This document is incomplete and copied from the original  
16 document but it is not known how many pages left." End of quote.  
17 So this document is a priori incomplete and we don't know  
18 anything about <what happened to> the missing pages, unless  
19 DC-Cam provided <the original version to the Chamber, and I do  
20 not believe they have>. We do not have the original version in  
21 our possession. <In this context, I obviously am requesting that  
22 you be more prudent regarding the probative value you give to  
23 this document,> since the sources are not known at this point in  
24 time and there are missing pages.  
25 Lastly, my last remarks on the key documents presented on the 1st

1 January Dam. We have a number of documents -- <E3/284>, <E3/286>  
2 -- regarding media articles presented by the Prosecution alleging  
3 that those media articles talked about the tours of foreign  
4 delegations that went to visit the 1st January Dam. The  
5 Prosecution also pointed out that it was very likely that the  
6 <Party, in any case, the> leaders were proud of the construction  
7 of that dam.

8 [09.54.29]

9 The remark I would like to make at this stage is to note that it  
10 is particularly relevant to bear in mind that Khieu Samphan does  
11 not feature as one of the persons who accompanied those  
12 delegations to the 1st January Dam in these media articles. This  
13 is something important to bear in mind in light of Elizabeth  
14 Becker's testimony when she said that during her visit she did  
15 not see Khieu Samphan. This is important when we talk about the  
16 role of Khieu Samphan but I wanted to highlight this point  
17 because it also transpires from documents presented as key  
18 documents by the Prosecution.

19 As regards documents presented by the Civil Parties, I will refer  
20 you to my introductory remarks, as <they are essentially> written  
21 statements <from civil party applications>, with all the  
22 difficulties I <referred> to this morning, we have to take them  
23 with a pinch of salt as regards to probative value to be given to  
24 those documents.

25 [09.55.43]

1 I would like to talk <now> about the issue of documents relating  
2 to the Kampong Chhnang Airport, particularly the documents  
3 presented by the International Co-Prosecutor. I would like to  
4 refer particularly to the comments and the remarks that arise as  
5 far as the Defence is concerned. <A large number of the documents  
6 presented on the Kampong Chhnang airport> are military documents.  
7 When I talk of military documents, I mean <records> of meetings  
8 with <division> secretaries and so on and so forth. In document  
9 E3/182, which is the <minutes> of the Standing Committee  
10 <meeting> of the 9 October <1975, I note that> the Prosecution  
11 said that this document proves that Khieu Samphan was informed of  
12 the <plan to build a> military airport, so he was aware of the  
13 plan.

14 My first remarks are that, the fact that <the issue of the  
15 Kampong Chhnang airport or the possibility of building the  
16 Kampong Chhnang airport may have come up> in a general meeting of  
17 the Standing Committee <does not mean we can> infer <> that  
18 there was any willingness on the part of Khieu Samphan to want to  
19 adhere to a plan that <led to> the ill-treatment of persons at  
20 that Kampong Chhnang Airport construction site. That is my first  
21 remark.

22 [09.57.23]

23 The second remark has to deal with numerous issues raised: you  
24 <have> documents relating to the chain of military command; you  
25 also <have> documents mentioned by the Prosecution in which

1 Comrade Khieu is mentioned. This is important for the defence of  
2 Khieu Samphan<, that> is, that Comrade Khieu, <who> was Son Sen,  
3 was the only Khieu who had military responsibilities, and when  
4 mention is made of Khieu in the testimony of witnesses before the  
5 Chamber, we should bear in mind that the people during that  
6 period did not necessarily know the leaders and they could have  
7 mixed up the names. In any case, <I maintain> that Comrade Khieu,  
8 Son Sen, was the person who was in charge of military affairs and  
9 he was the one who managed<, apparently> very closely, the  
10 matters regarding Kampong Chhnang Airport. Let me refer to you  
11 document E3/229, in French, 00334958; ERN in Khmer is 00000713;  
12 and it continues on the next page, the ERN in English, 00182625.  
13 It is <interesting> to note that in these documents it is said  
14 that, "Comrade Khieu reported as follows" -- and it's  
15 sub-paragraph (a) in document E3/229, sub-paragraph (b) <it is>  
16 said that, <"Super> Comrade Khieu raised <the> issue <of Chinese  
17 assistance> related to the air and naval <sectors."> And we  
18 understand that Comrade Khieu alias Son Sen is the person in  
19 charge of such matters.

20 [09.59.16]

21 So, I'm making the same remarks regarding document E3/222, "Super  
22 Comrade <reports"> -- and French ERN is 00323892; Khmer, ERN  
23 <0008482 (sic) and it continues onto the next page>; and ERN in  
24 English, <00182665>; and it continues on the next page, "Super  
25 Comrade Khieu <reports">.

1 <Next>, regarding document E3/236, also in document E3/236, <>  
2 presented by the Co-Prosecutors, it's also interesting to see  
3 that the list of the attendees is not always there <-- that is  
4 the case for this document --> and it's also interesting to see  
5 that we're dealing here with <general considerations or>  
6 decision-making without exactly knowing what was <reported>  
7 regarding the operations at Kampong Chhnang Airport. So, we in  
8 the Khieu Samphan defence team believe that we cannot use these  
9 documents<, no matter how key the Prosecution believes they are,>  
10 to consider that <any desire> to mistreat the soldiers who were  
11 working at the Kampong Chhnang Airport site <was approved of by  
12 Khieu Samphan>. And to be complete here, because once again, most  
13 documents presented regarding this airport are military documents  
14 because <as we have seen from the evidence presented,> this was a  
15 military airport. I must remind you of your Judgment of 7 August  
16 2014 in paragraph <378> in which you <had> already concluded that  
17 the Chamber is convinced that Khieu Samphan never held personal  
18 power in the military area<, regardless of whether or not he ever  
19 held any> responsibilities there. So this is an element that we  
20 should consider <in perspective>, and in the context of these <>  
21 key documents <which are by and large military documents>, I have  
22 to stress this point in relation to what the Co-Prosecutors are  
23 presenting.  
24 [10.01.42]  
25 Another point that I think is important and which I <need to



1 underscore as regards the documents presented by the  
2 Co-Prosecutors> is the fact <among, the fact> that in these  
3 <minutes of meetings>, there were <a> number of points that were  
4 brought up that demonstrate that the issues of food and rice were  
5 being taken into consideration. <It was a continuous issue, once  
6 again, and it was> a point that was put forth <by us> in Case  
7 002/01, but <which> is also <at the heart of the Defence's  
8 concerns> with regard to the reason why dams were built <and  
9 irrigation was necessary> -- that is to say, explanations of  
10 <extremely> important food issues that the population was facing,  
11 and the necessity to solve these issues as soon as possible. And  
12 this is what is said in document E3/13, which are the minutes of  
13 <a> meeting between division secretaries <and undersecretaries;>  
14 E3/13, French, ERN <00323892 (sic)>; Khmer, <00052416>; English,  
15 00183994; and the paragraph I would like to focus on is <at the  
16 top of the page in French,> paragraph 3, and this is what is  
17 said:

18 [10.03.45]

19 <"3.> Regarding the living conditions of the soldiers:

20 A) As of 20 December, <the daily ration of> 23 cans of rice <per>  
21 10 people <should be applied> and they should be able to eat two  
22 or three times.

23 B) A litre of fish sauce per person per month.

24 D) It is necessary to raise many animals and to surpass the plans  
25 that were set <in the decision of> the Third Congress. What's

31

1 important is to solve the <reproduction> problems for our  
2 brothers in arms. <We must select people to be responsible for  
3 research on reproduction.>

4 E) We have to grow <a lot of> vegetables and give more energy to  
5 the movement. We have to make sure that we grow popular <basic>  
6 vegetables such as squash, <gourds,> pumpkins, papaya, <zucchini,  
7 'sloek ba' (phonetic), 'chralong' (phonetic)>, all kinds of  
8 aromatic leaves, chives, papaya, as well as morning glory."

9 And later it is said:

10 "Propose <that> each unit to nominate people <in charge of  
11 managing> the living conditions of the soldiers on a permanent  
12 basis. Regarding clothing: Our brothers in arms should be  
13 properly dressed. We have to raise many pigs."

14 Points 4 and 5--.

15 [10.05.09]

16 MR. PRESIDENT:

17 Counsel, please wait, and the floor is now given to the  
18 <International> Deputy Co-Prosecutor. You may proceed

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President; and good morning to you, all of you.  
21 The Defence has just said that they were reading out an excerpt  
22 of document E3/13, but in fact it is an excerpt from document  
23 E3/804. So <to avoid any confusion on> the record, I'm making  
24 this correction.

25 [10.05.54]

1 MS. GUISSÉ:

2 Indeed, thank you very much for having drawn my attention to this  
3 mistake. Yes, indeed I was speaking about document <E3/804>. But  
4 <returning> to document E3/13<, which> I brought up first, I  
5 would like to let you know that the issue of rice was a central  
6 issue for the army and that <the issue of providing food to the  
7 army personnel is on the last page of document E3/13, in all  
8 languages,> in which we see that there are statistical data  
9 regarding the <transplanted> rice paddy. <So that was indeed  
10 document E3/13.>

11 But now I will <go> to document <E3/804> in which I quoted part  
12 of sub-paragraph 3 and now I would like to get to sub-paragraph  
13 6, French, ERN 00386209; Khmer, <00008482, and I think that  
14 should be 83 for that part>; and English, 00233719, and on the  
15 following page.

16 <It reads as follows:>

17 "6. Regarding general production work, sub-paragraph (a)  
18 regarding the harvesting of paddy: All forces have to be  
19 <assembled> to harvest on time <to avoid any losses>. The work  
20 that is not necessary is to be <set> aside. Even education has to  
21 be stopped on a temporary basis <>. We have to harvest the paddy  
22 that is about to ripen by <assembling> forces for the harvest.  
23 The paddy that is about to <ripen> has to be dried and we have to  
24 propose to thresh the paddy <at the harvest site or after the  
25 harvest site, before transporting the patty grains to storage>.

33

1 We have to also solve the problem of mats and if there is a lack  
2 of water, we have to pump water; not let the paddy just dry up  
3 <at any price>."

4 [10.08.02]

5 "B) The problem of seeds: We have to put aside a sufficient  
6 number of seeds and <select and> store them <well>. The issues of  
7 dry season paddy, and floating rice paddy, we should come up with  
8 plans."

9 And finally -- and this is the last page of this document:

10 French, it is 00386210; the same pages in Khmer and in English as  
11 the ones I gave before<. It reads <as follows -- it says> "ours"  
12 so I suppose <that means the resolution, at least, it is written  
13 down as "ours":

14 "This <plan> is to> be applied as of 20th of December. The forces  
15 doing heavy work should have 23 cans of rice <per ten people per  
16 day. The forces from the centres> will have 20 cans <of rice per  
17 day>." End of quote.

18 So here, once again, this is a document that is considered as a  
19 key document by the Prosecution and this document proves that  
20 there is constant concern with regard to what kind of rice can be  
21 harvested and what kind of <food> rations can be provided to the  
22 army.

23 [10.09.16]

24 <I would also like to look at the documents cited, that is>

25 E3/807 <and E3/1140>, which are minutes of meetings <of division

34

1 secretaries and undersecretaries,> or <correspondences> sent to  
2 S-21 that was brought up by the Prosecution, and here just to let  
3 you know that we're speaking here again about military documents  
4 regarding military management.

5 Another document that I think is interesting is E3/849 and I'm  
6 going to be looking at the English version; it's a single page  
7 document -- ERN 00183956. As Judge Lavergne <pointed out>, in  
8 French there is a missing <annotation> and this should be checked  
9 <a priori> against the Khmer but what I note in this document and  
10 what I think is useful <for the Khieu Samphan defence> is that,  
11 in March 1977, it is shown in number 2 and 3 of this table that  
12 Division 310 and Division 450 were in Kampong Chhnang<, for  
13 Division 310, and 1526 for Division 450, which is noted in this  
14 document, at least, in March 1977,> these forces are considered  
15 as being part of the Revolutionary Army of Kampuchea.

16 [10.11.08]

17 Another document which I would like to revisit is document  
18 E3/5263 which is a written record of interview of witness Sreng  
19 Thi, <which> was mentioned many times by the International  
20 Co-Prosecutor. And I would like to draw your attention to the  
21 fact, as the President noted back then, that he is speaking about  
22 a security centre called S-22<, Mr. Co-Prosecutor> Bill Smith  
23 gave his interpretation of what S-22 was. But as the President  
24 <highlighted>, S-22 is not included in the <security centres that  
25 are the subject of this> current segment. And more generally

1 speaking, it's not a security centre for which there were  
2 findings in the Closing Order. So, we cannot consider this part  
3 of the testimony<, or rather, of this statement,> with full  
4 confidence, because these witnesses have been neither heard by  
5 the Chamber nor by the Parties, and therefore, the Defence cannot  
6 properly exercise its right to request clarifications and  
7 indications of the sources of the information provided by the  
8 witness <in question>.

9 [10.12.45]

10 Two other documents seem interesting to us as well; these are the  
11 two written records of interview of witness Chhouk Rin -- that is  
12 to say, document E3/362 and E3/361. Chhouk Rin was heard during  
13 the first Trial -- 002/01 -- and he is one of the witnesses who  
14 said that Khieu Samphan held no military responsibilities. What's  
15 interesting to know aside from the fact that his testimony may be  
16 considered useful by the Prosecution, but it's a pity that he was  
17 not asked to speak before the Chamber because this would have  
18 allowed us <to perhaps obtain more information, and> to  
19 cross-examine the information presented by the prosecutor as  
20 essential to its case. But, in any case, an important point in  
21 this document -- E3/361 -- at French, ERN 00268884; Khmer, ERN  
22 00194467; English, 00766453; and this is a point that was not  
23 noted by the Prosecution but which is important <nonetheless,>  
24 because it regards the purges and this is what the witness says  
25 in his written statement in any case. The question that is put to

1 him is the following: "Can you clarify how you received <the>  
2 order?" So the person putting the question is speaking about the  
3 order to go to the East Zone, and this is what Chhouk Rin  
4 answers: "High level military commanders, including myself,  
5 received orders by telegram to travel to the East Zone and we  
6 also received verbal orders in a special military meeting in  
7 Phnom Penh and this meeting was held during about the same time  
8 as the Party Annual General Assembly." And a specific part that I  
9 would like to focus on, and I quote: "There were separate  
10 meetings for military commanders and the <civilians>. I attended  
11 the meeting for military commanders for approximately 40 to 50  
12 division and regimental commanders in attendance." <End of  
13 quote.>

14 So, once again when we speak about purges and military decisions  
15 and purges within the army, it's interesting to note that Chhouk  
16 Rin himself indicated that there were separate meetings for  
17 civilians and for the military, so this is an important element  
18 for the Khieu Samphan defence case because this refers us <once  
19 again> to the fact that <you> have already concluded that Khieu  
20 Samphan held no military duties and no Party appealed this in the  
21 current Appeal, and therefore it is considered res judicata.

22 [10.16.18]

23 Another important point that I would like to bring up regarding  
24 documents relative to the Kampong Chhnang Airport, there is  
25 document E3/5276, which is the written record of interview of

1 witness Sin Sot <which> was presented by the Prosecution. And  
2 again <> we are expressing of course all our reservations with  
3 regard to <the written statement of a> witness who is not  
4 appearing before the Chamber <and whom we cannot fully examine  
5 regarding the sources of his information. But> there is a point  
6 that seems interesting with regard to how the Kampong Chhnang  
7 Airport operated. It is at French, ERN 00339922; at Khmer, ERN  
8 00282954; and English, ERN 00287356; and this is the question  
9 that is put to the witness:

10 "Did you see the senior Khmer Rouge leaders visit the Kampong  
11 Chhnang Airport?"

12 His answer: "I never saw anyone come and I did not know anyone  
13 either. I never knew the name of the <person who was in charge  
14 of> the airport construction site but I saw many hundreds of  
15 Chinese experts overseeing the airport construction site. The  
16 Chinese were wearing white shirts and khaki trousers." End of  
17 quote. So, this part of Sin Sot's statement <of course> has to be  
18 <compared> with the elements that you might have heard before  
19 this Chamber with regard to the presence of many Chinese experts  
20 at the Kampong Chhnang Airport, and it is interesting to note  
21 that Sin Sot is indeed speaking about the Chinese overseeing the  
22 works at the construction site.

23 [10.18.24]

24 And a last point regarding <> the Kampong Chhnang Airport, <has  
25 to do with> the statements that were used by the Prosecution as



1 essential elements <related> to crimes that they <> themselves  
2 <understand> are not <among the charges> against the Accused  
3 because <a priori> these crimes occurred after the arrival of the  
4 Vietnamese in Cambodia, but <despite that> they are asking you to  
5 take these crimes into consideration. This is document E3/3962.  
6 This is the interview of Khoem Samhuon of Division <210>: French,  
7 ERN 00355878; Khmer, 00287540; English, 00293369; and the part I  
8 would like to focus on, because we're told to consider facts that  
9 <occurred after> the facts <with which> we are seized <>, but <at  
10 the same time, we overlook> an important point that I'm going to  
11 read to you, and this is the question that is put to the witness:  
12 Question: "Do you have anything to add regarding the events that  
13 occurred at the Kampong Chhnang construction site?"  
14 The witness's answer is the following: "I wish to tell you that  
15 those who were ill at the worksite were sent to the Kampong  
16 Chhnang provincial hospital. I never saw anyone die at the  
17 Kampong Chhnang Airport site." End of quote. <>  
18 [10.20.20]  
19 So, here <as> regards <the period of> the facts <with which> you  
20 are seized, and this is what the witness says, but what the  
21 Prosecution tells you is, "No, <but> it's true <>," and I will of  
22 course quote what <the> prosecutor Bill Smith said <so as to not  
23 misrepresent what he stated at the hearing of> 3 September 2015  
24 -- a little bit past 1.44 in the afternoon -- and this what he  
25 said:

1 "The Co-Prosecutor's office is aware of the fact that the Accused  
2 are not being charged with these <> crimes <of executions>  
3 because <it appears> they occurred after the *ratione temporis*  
4 jurisdiction of the trial, but they <do not prove those facts.>  
5 However, we are asking the Chamber to take into account this  
6 evidence in order to see if these workers <or prisoners> from the  
7 East Zone were persecuted or not at the Kampong Chhnang Airport."  
8 End of quote. <>

9 So here, I have a real legal problem -- that is to say, we are  
10 speaking here about facts <with which> you're not seized <> and  
11 we're told that it's not <> to prove <these> crimes, but I have  
12 written statements that are speaking about facts that do not  
13 concern charges levelled against my client, facts that occurred  
14 after the Tribunal's *ratione temporis* jurisdiction<, and facts  
15 which are not under the jurisdiction of this Tribunal, for which  
16 we do not have specific information, that is,> under which  
17 circumstances these executions took place<, etc>. But we are  
18 asked, <> nonetheless, to take these elements<, which we have  
19 never "factually" heard any witnesses,> into account <and which>  
20 are not part of your jurisdiction, but we are asked to take them  
21 into account to prove a <crime of persecution>.

22 This, again, is a particularly poorly founded request, especially  
23 since the Co-Prosecutor made sure not to quote the passage that I  
24 just quoted to you, which <specifically demonstrates> that <> at  
25 the Kampong Chhnang Airport worksite<, with which you are

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1 seized>, the witness saw no one die.

2 So I'm asking you, please, to dismiss the prosecutor's argument  
3 with regard to this point and to note that you're not seized  
4 <with> facts <relating to> to executions that occurred after the  
5 arrival of the Vietnamese troops. And once again, we have very  
6 <little information on> the circumstances of these facts, and  
7 therefore <you would be relying on a very weak basis> to  
8 <establish another> crime<, that is, persecution,> which is what  
9 the prosecutor is seeking.

10 [10.23.30]

11 MR. PRESIDENT:

12 <International> Deputy Co-Prosecutor, you may proceed.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President. I simply would like to mention in  
15 passing that paragraph 398 of the Closing Order <relating>  
16 therefore to the Kampong Chhnang <airport> construction site  
17 mentions massacres that occurred after 6 January 1979 and  
18 therefore the Investigating Judges considered that <this> element  
19 <was> important. Of course, this does not fall within the exact  
20 temporal scope of this Case, <> however it is important in order  
21 to assess <intent vis-à-vis> certain categories of people.

22 [10.24.23]

23 MS. GUISSÉ:

24 Once again, let me <refer to> the explanations that I <have> just  
25 <given. That is, if> we agree that the facts are not part of the

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1 temporal <jurisdiction> of the Trial, if we agree that we do not  
2 know what were the specific circumstances <surrounding> these  
3 executions that took place after <> 6 January 1979, I do not see  
4 how we can conclude that there was <> specific <intent> behind  
5 this, based on elements that <we do not specifically have, for  
6 facts that> occurred before <the facts>. In any case, with regard  
7 to <this witness, for the> facts that fall within your temporal  
8 <jurisdiction and for the acts committed at the airport>, I would  
9 like to <quote> again <what has been said>: "I saw no one die at  
10 the Kampong Chhnang Airport."

11 So Mr. President, I'm going to turn now to the documents relative  
12 to Trapeang Thma so maybe now we can take a break.

13 MR. PRESIDENT:

14 Thank you. Let us take a short break; we will take a break now  
15 and return at <10.40 a.m.>

16 The Court is now in recess.

17 (Court recesses from 1025H to 1043H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Court is back in session and the floor is now given to the  
21 defence counsel for Mr. Khieu Samphan to resume her submission in  
22 relation to the response to <the key> documents presented by the  
23 Co-Prosecutors and Co-Lead Lawyers <for civil parties>. You may  
24 now proceed.

25 [10.45.04]

1 MS. GUISSÉ:

2 Thank you, Mr. President. I am coming to the end of my responses  
3 and I will now deal with documents presented by the Prosecution  
4 on the Trapeang Thma dam. And I will look at a number of  
5 documents, particularly reports of the committees of <Sector> 5.  
6 The first document is E3/178; the ERN in French is 00623317, and  
7 the ERN in Khmer is 00275596, and the ERN in English is 00342719.  
8 And it continues on the next page. This first passage that is  
9 relevant to me is still in line with <-- what is relevant in  
10 these documents -- once again, the Prosecution views them as key  
11 documents -- is to find out what elements were presented in the  
12 context of the sector.> This is what is stated in the ERNs I have  
13 just quoted:

14 "Regarding the growing of maize and beans<, like> in the Phnum  
15 Srok district, it was <completely> damaged <twice in a row, and  
16 that was> on tens of hectares of land on which they planted these  
17 crops, whereas it rained only once. But once those crops were  
18 planted, it didn't rain, so the crops dried up <and died. Then it  
19 rained again.> And they started planting again <but> again, the  
20 drought caused the plants to dry up <and die>. Now the objective  
21 is to wait a little bit for the rains to start <in order to  
22 possibly start growing crops again>."

23 [10.47.32]

24 Regarding other strategic crops like cassava and sweet potatoes,  
25 they had to grapple with the same problem of drought. And since

1 there was very scarce rain in certain regions, the general  
2 offensive <had not been launched yet>. The same is true of  
3 vegetables and fruit trees that were provided for in the plan. In  
4 the face of such an abnormal drought, <we conducted a gradual  
5 study, and> we <planned on submitting a request> to Angkar  
6 <between> May and <early> June. As a matter of fact, if the  
7 drought persisted, <I> proposed that water be collected from  
8 Stueng Thum and that <we dig channels to collect the water from  
9 the Steung Thum>." End of quotation. <>  
10 This passage <is relevant because it> highlights the problems  
11 faced <even> by the local leaders <as regards agricultural  
12 management>. It also shows that the problem of food shortages  
13 faced by the people <are not, as one might think -- or in any  
14 case, it seems that is how the Prosecution has presented it --  
15 the result of a deliberate plan to starve> the people, <but that  
16 there were real challenges> faced by the people.  
17 [10.49.01]  
18 Another passage has to do with <the districts, which were  
19 mentioned> during the presentation <of> evidence on the Trapeang  
20 Thma dam<, so it is still> in Phnum Srok. <This is the second  
21 citation of the same document.> So the ERN of this document in  
22 French is <00623318> and it continues on the next page; and the  
23 Khmer ERN is 00275597; and the ERN in English, 00342721. <> The  
24 paragraph that is of interest to me <is entitled, "The Food  
25 Situation Faced by the People">. The second paragraph in this

1 document after the title is as follows:  
2 "Regarding the Phnum Srok district, <which> as of <mid-April> is  
3 facing food shortages<,> we are <currently hurrying to resupply  
4 them> using the vehicles in the region. We noted that the food  
5 provided each day is <entirely> consumed on the same day. In our  
6 view, the food sent from Phnum Srok cannot be enough <until the>  
7 new paddy <is> harvested <in Phnum Srok district> in <September  
8 and> October, if we apply the regime imposed by Angkar. <In fact,  
9 up> to then, we have the months of June, July, and August. In  
10 this regard, as a measure to resolve the problem in this  
11 district, we must endeavour to launch the offensive to harvest  
12 rice at the beginning of the season, endeavour to plant maize,  
13 beans, cassava, sweet potatoes, and all kinds of vegetables.  
14 "Secondly, the food supply made available from the Thma Puok  
15 district must be used economically, <by being mixed> with  
16 cassava, sweet potatoes, and vegetables<,> and a little later with  
17 maize and beans> in order <that it may be combined> with the  
18 paddy <harvested> at the beginning of the season." End of quote.  
19 [10.51.10]  
20 And further down <on the same page>, this is what is stated in  
21 second paragraph before the end of the document <in French>:  
22 "Consequently, in this year, 1977, in the districts of Phnum Srok  
23 and Preah Netr Preah, while there is storm attack to fulfil the  
24 1977 <duties>, there is also a concern about the food; but for  
25 this concern, we are absolutely determined <to find a> collective

1 solution in the sector both in Thma Puok district <and> Sisophon  
2 district, to <work hand-in-hand> to resolve <the problems> at  
3 <all> cost, in order to <assemble all> the forces <very>  
4 vigorously to achieve the <objectives> of the Party.  
5 "<Regarding> the <food> rations in the front lines <and in the  
6 sector of the early rice farming offensive,> currently only two  
7 tins of <hulled> rice are provided, because if a ration of three  
8 tins <of hulled rice> continues, <> it will affect the districts  
9 <already suffering from shortages>. If a ration of two tins <of  
10 hulled rice> is set, the remaining one tin can be given to the <>  
11 districts <suffering from shortages>." End of quote.  
12 <These passages are> relevant to us because <they aim> to show  
13 that whenever there were food shortages due to the problem of  
14 drought <or other issues>, there <appears to have also been an>  
15 internal management system <within> the <sector> and the zone.  
16 <It is also> important to note that, apparently, they organized  
17 food supply <drives> from one place to the other. And <given that  
18 the last page of the document> shows that <it> was addressed to  
19 the Zone secretary in Office <560 and the archives, we note that,  
20 in any case, at the internal zone level, there was a management  
21 system and co-operation between the districts, which may also  
22 explain the adjustments to the food rationing, in solidarity with  
23 other sectors>.  
24 <This is another point that we considered worth noting in this>  
25 document considered as <key> by the Prosecution.



1 [10.54.01]

2 Another document in the same line which <also> shows that there  
3 were concerns with regard to food and <bad> weather <is> document  
4 E3/179, the ERN in French is 00236772, the Khmer ERN is 00008501,  
5 and the ERN in English is 00183016. It has to do with the Fifth  
6 Region and this is what is stated:

7 "<Maize,> like soybeans, were damaged <twice> because of the  
8 drought. Same applies to potatoes, hemp, and vegetables. We  
9 focused on animal husbandry and <we are gradually preparing  
10 chicken coops and stables." End of quote.>

11 <After that quote, the Prosecution gave a quote on the>  
12 construction of reservoirs in Trapeang Thma. And <if we are to  
13 understand the question on building the Trapeang Thma  
14 reservoirs,> we must not forget the first previous passage  
15 regarding farming conditions following the drought. These are  
16 issues that we consider important to raise.

17 [10.55.50]

18 Another document that we would like to look at is document E3/950  
19 which <appears to be> a report addressed to Angkar, Office 870,  
20 by Nhim, <on 11 May 1978,> and the ERN in French is 00296222, and  
21 the ERN in Khmer is 00021044, and the ERN in English is 00185216.  
22 And this is what is stated in this document:

23 <"Problem-solving measures: Make an effort to provide food for  
24 the population, in line with the ration set by Angkar, that is,  
25 two and a half cans to those on the front, and one and a half

1 cans to those who are at the rear, mixed with sweet potatoes,  
2 maize, and beans.>  
3 <Besides that, we shall endeavour to gradually resolve the issue  
4 of clothing, fever, and housing. The same goes for the matters of  
5 fish and meat." End of quote.>  
6 <This part of the document is important to us,> because <it  
7 appears to indicate> the issue of food shortages and the living  
8 conditions of the people<, among the officials' concerns -- at  
9 least that is what they put in their report.> And they said on  
10 each occasion that they were working hard to resolve the problems  
11 faced by the people, "to settle the matter." That is the term  
12 used in the document. This is important to us. And once more, it  
13 is an <important> contextual fact that we must take into account  
14 when we <go back to the matter> of <> water <and the reservoirs,  
15 which is then raised,> since it has to do with efforts made to  
16 resolve the <food shortages> faced by the people.  
17 [10.57.58]  
18 Another <> document which deals with the same matter is E3/863,  
19 and is the first page in all three languages, and in French it is  
20 00623408; ERN in Khmer, 00076286; ERN in English, 00321961; and  
21 it is in sub-paragraph 3 of this document. Since part of this  
22 document was quoted by the Prosecution, but they didn't quote  
23 what came before, and I wanted to place this passage in context.  
24 This is what is stated in sub-paragraph 3.  
25 <"Production work was highlighted in this report, but I would

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1 like to reiterate that the work was carried out in every sector,  
2 late season and early season paddy, and various crops.>  
3 However, these crops are not yet ready for <harvest. We have been  
4 able to harvest much more than in the previous years.> There are  
5 already some rain in the fields, in addition to water <we can  
6 pump, from the reservoirs and canals. There is already some  
7 there>. So these resources give us a chance to <grow anywhere>.  
8 In every sector, <we have enough seeds on reserve, in line with  
9 the plans for land use. Only> Sector 5 still has a problem with  
10 seed shortages for the early season."  
11 And this is where the quotation by the Prosecution <comes in>:  
12 "I worked with Comrade Rin. <The comrade just has to produce>  
13 14,000 <bags> of <> seeds so that we can plant them on the whole  
14 land area <which he planned to farm>." End of quote.  
15 So then, again, we are putting back <into> context this issue of  
16 the drought and of <the reservoirs and> irrigation in order to  
17 overcome the issues related to the drought and to make it  
18 possible to harvest rice, but also other foods.  
19 [11.00.36]  
20 Finally, and this would be my last point regarding <the> Trapeang  
21 Thma <Dam, somewhat to wrap up my responses> -- so I will return  
22 to what I was speaking about this morning -- that is to say,  
23 another important point <in> the documents presented by the  
24 Prosecution with regard to Trapeang Thma<, that is,> witness  
25 statements coming from other investigations. And of course, I

1 <would be making an omission if I did not mention that perhaps>  
2 we were not <vigilant and proactive> enough by not systematically  
3 objecting to the introduction of documents coming from Cases 003  
4 and 004 <which are not earlier statements> from witnesses <coming  
5 to testify> before this Court, or documents which are not  
6 connected to people who are deceased or who are unable to come  
7 testify. However, in any case, we will be vigilant in future. And  
8 <we must continue to insist when we remind you of the importance  
9 of guaranteeing the rights of the Accused. This means that if  
10 documents which should not have been tendered into evidence are  
11 admitted,> the necessary decision should be made -- that is to  
12 say, that these documents <must be considered as having> very  
13 little probative value <in the absence of the witnesses appearing  
14 to testify before the Court,> and they should be therefore  
15 <thrown out by> a <decision> that you may issue once the  
16 inculpatory, and, we hope, exculpatory evidence is presented.  
17 So <again,> what we did < was to try> to put things back into  
18 <perspective> this morning, because <you have a huge amount of  
19 evidence which has been submitted to you, and while some parts>  
20 may be inculpatory, some parts may be exculpatory.  
21 And <those of you on> the Bench <> have to weigh both and not  
22 just restrict yourself to a linear reading of the documents. You  
23 <should also know what is exculpatory and may also> be  
24 corroborated <by documents tendered into evidence, including  
25 those presented as key documents for the Prosecution.>

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1 So <with that,> I am done with my presentation <for this  
2 morning>. And thank you for the time that you have granted to me  
3 to do so.

4 [11.03.16]

5 MR. PRESIDENT:

6 Thank you. We now conclude the proceedings of hearing the  
7 presentation and the response to key documents in relation to the  
8 three worksites: the 1st January Dam, Kampong Chhnang Airport,  
9 and Trapeang Thma Dam, respectively.

10 The Chamber now proceeds with hearing testimony of a witness --  
11 that is, 2-TCW-813, for the treatment of the Cham people.

12 Court officer, please usher <> witness, 2-TCW-813, into the  
13 courtroom.

14 (Witness 2-TCW-813 enters courtroom)

15 [11.06.21]

16 QUESTIONING BY MR. PRESIDENT:

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

18 MR. IT SEN:

19 A. My name is It Sen.

20 Q. Thank you, Mr. It Sen. When were you born? And Mr. It Sen,  
21 please observe the microphone -- that is, when you see the red  
22 light on the tip of the microphone before you speak, so that your  
23 response will go through the system, in particular through the  
24 interpretation system, so that your response can be  
25 simultaneously interpreted into two other languages <of> the

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1 Court, namely, French and English.

2 Again, Mr. Witness, when were you born?

3 A. I cannot recall that, Mr. President. I am 63 years old now.

4 Q. That is fine. <You are now 63 years old.> And do you recall

5 where you were born, Mr. It Sen? Again, please observe the

6 microphone.

7 A. I was born in Ampil <village>, Peus <commune>, Krouch Chhmar

8 <district>, Kampong Cham province.

9 [11.08.18]

10 Q. <Thank you.> And <what> is your current address?

11 A. I live in Ampeak village, Dambae <commune>, Tboung Khmum

12 <district>, Kampong Cham province.

13 Q. It is now in <Trabae (phonetic) district of> Tboung Khmum

14 <province; isn't it>?

15 And what is your current occupation, Mr. It Sen? Again, please

16 observe the microphone.

17 A. In Ampeak village, I worked in a plantation -- in a cashew nut

18 farm.

19 Q. <Thank you.> And what are the names of your parents?

20 A. My father is It, and my mother is Veu -- Math <Veu>.

21 Q. And what is your wife's name? And how many children do you

22 have together?

23 A. My wife's name is Man Keah, and we have six children -- that

24 is, five sons and one daughter.

25 [11.10.15]

1 MR. PRESIDENT:

2 Thank you. And I noticed the defence counsel Kong Sam Onn is on  
3 his feet. You may proceed.

4 MR. KONG SAM ONN:

5 Thank you, Mr. President. I noticed that the witness seems to  
6 read from a piece of paper that he's holding in his hand.

7 BY MR. PRESIDENT:

8 Court officer, please can you go and see what is in his hand --  
9 or allow me to tell you, Counsel, in fact in his hand is a  
10 swearing text <in his religious faith> that he will be instructed  
11 to do soon <before the Chamber>.

12 Q. And Mr. It Sen, according to the verbal report by the  
13 greffier, none of your parents, children, or wife, or any of  
14 other relatives have any relationship by blood or by law to any  
15 of the two Accused -- that is, Nuon Chea and Khieu Samphan, or  
16 any of the civil parties admitted in Case 002; is that  
17 information correct?

18 MR. IT SEN:

19 A. Yes, that is correct.

20 [11.11.32]

21 Q. Thank you. And Mr. It Sen, which religion are you practising?

22 A. I practise the Koran.

23 MR. PRESIDENT:

24 And Mr. Witness, you're required to make an affirmation or to  
25 swear before the Chamber so that your testimony can be used

1 officially.

2 And Ms. Se Kolvuthy, please follow with the procedure of the  
3 swearing-in of this witness according to his religion.

4 [11.12.34]

5 THE GREFFIER:

6 Mr. Witness, allow me to lead you with the process of  
7 swearing-in. Please, place your right hand on the Koran<>. I will  
8 read the text and please repeat my words - that is, the following  
9 text.

10 "I would like to answer only the truth from what I <had>  
11 witnessed, heard, <knew>, and <remembered> in the name of an  
12 Islamic believer who have only Allah as God; Mohammed as Allah's  
13 messenger; and the Holy Koran as the guideline for me to follow.  
14 I would like to swear in front of the Holy Koran, wallahi  
15 billahi, which <verifies> that all what I am going to say is  
16 true." Please repeat the words.

17 [11.13.33]

18 MR. PRESIDENT:

19 And Mr. Witness, please wait until the light on the tip of the  
20 microphone is on.

21 MR. IT SEN:

22 "I would like to answer only the truth from what I <had>  
23 witnessed, heard, <knew>, and <remembered> in the name of an  
24 Islamic believer who have only Allah as God; Mohammed as Allah's  
25 messenger; and the Holy Koran as the guideline for me to follow.



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1 I would like to swear in front of the Holy Koran, wallahi  
2 billahi, which <verifies> that all what I am going to say is  
3 true."

4 BY MR. PRESIDENT:

5 Thank you, Mr. It Sen. The Chamber now will read you your right  
6 and obligation.

7 Mr. It Sen, as a witness you enjoy the right against  
8 self-incrimination, and however, you are obliged to respond to  
9 any questions by the Bench or relevant Parties, except where your  
10 response or comment to those questions may incriminate you as the  
11 Chamber has just informed you of your right as a witness. And you  
12 must tell the truth that you have known, heard, seen, remembered,  
13 experienced or observed directly about an event or occurrence  
14 relevant to the questions that the Bench or Parties pose to you.

15 Q. And Mr. It Sen, have you been interviewed by investigators  
16 from the Office of the Co-Investigating Judges? If so, how many  
17 times, when and where?

18 [11.16.19]

19 MR. IT SEN:

20 A. I was initially interviewed at Ampil village in Peus commune,  
21 Krouch Chhmar district. And then I was interviewed a second time  
22 in <Ropaek (phonetic) village in Dambae district>. So in total, I  
23 was interviewed twice.

24 Q. Thank you. And <prior to your appearance before the Chamber,>  
25 have you reviewed or read the written records of your interviews,

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1 that you just said that you gave to the OCIJ investigators for  
2 the two interviews, in order to refresh your memory?

3 A. I recalled every account; I recalled how I was mistreated  
4 during the regime. <I recall everything in my heart.>

5 Q. And have you actually reviewed or read the two WRIs <prior to  
6 your appearance before the Chamber today>?

7 A. I have just read them.

8 Q. And to your best knowledge and recollection, are the  
9 statements you provided in the two WRIs consistent with the  
10 actual words you provided to the OCIJ investigators during the  
11 two interviews?

12 A. I read the written records and they reflect the actual words  
13 that I used.

14 [11.18.36]

15 MR. PRESIDENT:

16 Thank you. And pursuant to Rule 91bis of the ECCC Internal Rules,  
17 the Chamber will hand the floor first to the Co-Prosecutors to  
18 put questions to this witness. And the combined time for the  
19 Co-Prosecutors and the Lead Co-Lawyers for civil parties are two  
20 sessions. It means you have the whole afternoon today. You may  
21 proceed.

22 QUESTIONING BY MR. LYSAK:

23 Thank you, Mr. President, Your Honours, counsel. Good morning,  
24 Mr. Witness -- Mr. It Sen. My name is Dale Lysak. I'll be asking  
25 you some questions for the rest of this morning and this

1 afternoon. And I'd like to start with some questions about your  
2 background, where you're from, and what it means to be a Cham.

3 Q. In your OCIJ interview, you've indicated that Khmer Rouge  
4 arrived in your area in 1973 at which time you were living in  
5 Ampil village, Krouch Chhmar district, Kampong Cham. Can you tell  
6 us, was Ampil a Cham village?

7 [11.20.18]

8 MR. IT SEN:

9 A. In fact, it was an adjacent village to a Khmer village. We  
10 lived in that village and adjacent to our village was a Khmer  
11 village, and adjacent to that Khmer village was another Cham  
12 village.

13 Q. Did you say you were adjacent to a Khmer village? And if so,  
14 what was the name of that village?

15 A. It was Preaek Krouch <village. And after meeting others, we  
16 moved to Ampil> village<, Wat Ampil in> Peus <commune. There  
17 were> actually <both> Khmer people <and Cham people> living in  
18 Peus <commune, Ampil village and there were also Cham and Khmer  
19 living in Preaek Krouch village>.

20 Q. And as of 1973, what's your best recollection of how many Cham  
21 families lived in Ampil village?

22 A. I could not <grasp> the figure but to my recollection, there  
23 were more Cham people living there than the Khmer people. <There  
24 were actually many Cham families. I knew some families, but I do  
25 not recall them. Ampil was a remote village where many people

1 lived. It was a populated village>.

2 [11.22.32]

3 Q. Thank you. You are a first witness in the trial segment that  
4 is going to deal with the treatment of the Cham people. Sir, I  
5 wanted to start by asking you a fairly general question. Can you  
6 tell the Court, as best you can, who the Cham people are? What  
7 does it mean to be Cham?

8 A. The Cham practice the <Koran> and they <have daily prayers and  
9 fasting>.

10 Q. Did the Cham people have their own language?

11 A. Yes. And they practice the <Koran and fast on a daily basis>.

12 Q. And did the Cham have their own culture and traditional  
13 clothing? And can you tell us a little bit about the Cham culture  
14 and traditional dress worn by its people?

15 A. Some follow the traditional practice in terms of tradition and  
16 dress while others practice the modern tradition.

17 Q. What about back in the early 1970s before the Khmer Rouge  
18 arrived in your area, did most people wear traditional clothing  
19 back then, or was it mixed as you've just described?

20 A. <After the> Khmer Rouge took control of us the Cham people <in  
21 1970's,> the Cham women <were forced> to cut their hair short.  
22 <Women were no longer allowed to keep their hair long.> And we  
23 were not allowed to <do> our <daily prayers and fasting. The  
24 restriction began in 1970.>

25 [11.25.48]

1 Q. Thank you, Mr. Witness. I am going to get to what happened to  
2 your people when the Khmer Rouge arrived fairly soon. I want to  
3 talk a little bit about what life was like for you before the  
4 Khmer Rouge. Can you tell us -- for people who travel around  
5 Cambodia, most of us recognize Cham villages and Cham people by  
6 the traditional clothing and the headdress worn by the Cham  
7 women, I wanted to ask you, are there other distinct features of  
8 the Cham people that allow you to identify a person who is Cham?  
9 And what I mean by that is, aside from clothing, how would you  
10 recognize or tell if a person was Cham?

11 A. Besides the costumes, you <could> identify a person was a  
12 Muslim when he <> went to <a> mosque to <do daily prayers, and  
13 they fast on certain occasions. That was how they could be  
14 distinguished. Sometimes they could not be recognized as Muslims  
15 by clothing, in particular, when they put on casual clothes>.

16 Q. And what about when Cham people speak the Khmer language, do  
17 you know whether Cham have a distinct accent or dialect that can  
18 be recognized when they speak Khmer?

19 A. From the time that the Khmer Rouge took control of the  
20 country, the Khmer Rouge forced us to speak Khmer and not to  
21 speak our Cham language. And that happened since 1971 or '72.

22 [11.28.37]

23 Q. What about names used by the Cham people, are there distinct  
24 or unique names that are used by Cham that are different than  
25 Khmer names?

1 A. I did not <get it. I did not even notice that.>

2 Q. My question was about names that you gave to your children.

3 Are the names that Cham people use, are they unique or different  
4 than names that are used by Khmer people?

5 A. For the Islamic people, we named our children differently from  
6 those names used by the Khmer people, namely Sein <(phonetic),  
7 Sos (phonetic), Isaac (phonetic)>, or Ismael.

8 Q. And can you tell us where the Cham people lived in Cambodia  
9 during the early 1970s? Were there particular areas in Cambodia  
10 where the Cham people were concentrated?

11 A. Our <Cham> people like to live together. Although it might  
12 seem crowded, we do not want to live separately.

13 [11.31.10]

14 Q. Yes. And my question was: Was there particular parts of the  
15 country, particular provinces, districts or areas where most of  
16 the Cham people lived?

17 A. There were many of us living in Kampong Cham province. And I  
18 can say the majority of Cham people lived in various parts of  
19 Kampong Cham province.

20 Q. Were there a lot of Cham people who lived along the Mekong  
21 River in Kampong Cham?

22 A. Yes, there were many. Many Cham came to live along the area  
23 and at new lands; villages are full of Cham people in this area.

24 Q. I want to ask you specifically too about the district you  
25 lived in, Krouch Chhmar district. Can you tell us -- give us an

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1 estimate of what percentage of the people in that district were  
2 Cham back in the early 1970s?

3 A. There were many of us living together close to Khmer villages  
4 <> along the river in <Krouch Chhmar district of Kampong Cham>.  
5 We were in adjacent villages. There are some -- for example, one  
6 village consisted of Cham people, and then there would be <a>  
7 Khmer village<; and this pattern of dwelling stretched all the  
8 way from Chumnik> in Krouch Chhmar <through Kampong Cham>. I  
9 could say that there were Khmer -- two Khmer villages, and  
10 adjacent to two Khmer villages there was one Cham village.

11 [11.33.53]

12 Q. I want to get your reaction -- read to you something that was  
13 written by an author who has written about the Cham, a person  
14 named Ben Kiernan. This is in document E3/1593, ERN Khmer,  
15 00637755; English, 00678632; and French, 00639022. This is what  
16 he wrote:

17 "Muslims form a near majority in only one district, Krouch Chhmar  
18 in northern Kampong Cham. They lived together in big villages,  
19 their houses clustered side by side. In the 1950s, the Cham there  
20 numbered well over 20,000 in very big communities of garden  
21 farmers, fisher folk, butchers, foresters, and weavers." End of  
22 quote.

23 Mr. Witness, does that help refresh your memory about the number  
24 of Cham who lived in Krouch Chhmar district? Is it correct that  
25 the Cham people were nearly the majority of people in that

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1 district?

2 A. I'm sorry, Mr. Co-Prosecutor, I could not get your question.

3 Could you repeat it please? It <was> not clear to me.

4 [11.36.10]

5 Q. Thank you. My question is: Do you remember whether the Cham

6 people were almost a majority of the total number of people in

7 Krouch Chhmar district?

8 MR. PRESIDENT:

9 Please wait, Mr. Witness. You have the floor now, Mr. Koppe.

10 MR. KOPPE:

11 Thank you, Mr. President. I don't think this witness would be in

12 a position to give estimates as to majority of Cham in this

13 particular district. I think he is able to say something about

14 his own village, maybe some adjacent villages. But it goes too

15 far, I think, to ask from this witness such demographic details

16 as to the population composition. I think he cannot answer that

17 question.

18 MR. LYSAK:

19 Mr. President, I think--

20 [11.37.10]

21 MR. KONG SAM ONN:

22 Mr. President, according to the testimony of this witness a while

23 ago when the <International> Co-Prosecutor asked about <the

24 population of Muslims> in the Ampil village, the witness said

25 that he did not know the <exact> number or figure of people



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1 living in <the village>. And now the <International>  
2 Co-Prosecutor started to ask <him about> the population <of>  
3 Krouch Chhmar <district which was a much bigger scale; thus,> I  
4 believe the witness may not have any knowledge about the  
5 population. And I heard witness stated a while ago that after --  
6 adjacent to two Khmer villages, there was one Cham village.  
7 <Considering the number of villages,> I believe there were <more>  
8 villages -- Khmer villages <compared to Cham villages along the  
9 river> in <Krouch Chhmar district>. The Co-Prosecutor <just> now  
10 <was> quoting the <opposite> figure from <a> book by <David  
11 Chandler to put to the witness>, and I believe that this witness  
12 may not be able to recount or tell the figure of Cham people  
13 living in that area.

14 [11.38.24]

15 MR. LYSAK:

16 Mr. President, I appreciate the comments. I'm not asking him for  
17 a specific number; I'm asking him for his memory as to whether as  
18 Ben Kiernan has written, the Cham people were nearly the majority  
19 in the district in which he lived. I think it's a fair question.  
20 If he can't answer it, he can't answer it. But I think the  
21 question can be put to him.

22 MR. PRESIDENT:

23 Mr. Witness, are you able to give your answer to the last  
24 question put by Co-Prosecutor? If you do not know, please say so.

25 MR. IT SEN:

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1 A. I have no idea about the figure. And perhaps at that time, I  
2 was working in the farm and I did not have any idea about the  
3 figure at that time.

4 MR. PRESIDENT:

5 <Thank you.> The witness has stated very clearly that he had no  
6 knowledge about the figure<>. The witness did not say that he did  
7 not understand the question. <He was mentioning that he did not  
8 know the figure; thus, he could not give a response.>

9 Now it is time for the break. And we will have lunch break now  
10 and we will resume in the afternoon at 1.30.

11 Court officer, please find a proper place for this witness during  
12 the lunch break and please return him into the courtroom at 1.30  
13 p.m.

14 Security personnel are instructed to bring Mr. Khieu Samphan to  
15 the holding cell downstairs and have him returned into the  
16 courtroom <before> 1.30 in the afternoon.

17 The Court is now in recess.

18 (Court recesses from 1140H to 1332H)

19 MR. PRESIDENT:

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

21 Before I give the floor to the Co-Prosecutors<, the Chamber would  
22 like to remind the Parties> that<, having observed the witness'  
23 responses, he> sometimes <has> difficulty to respond to long  
24 questions put by the Co-Prosecutor. <Moreover,> when the witness  
25 speaks, it is very difficult as well for us to understand <him>

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1 in <the> Khmer <language>. And I think perhaps the witness has  
2 difficulty in <both speaking and> understanding <the> Khmer  
3 language as well. So I suggest and instruct the <Parties> to put  
4 simple and short questions so that the witness can respond to the  
5 questions, otherwise, it will pose <difficulty> in ascertaining  
6 the truth in <the> case. Now the floor is given to the  
7 Co-Prosecutor to resume his line of questioning. You may now  
8 proceed.

9 [13.33.57]

10 BY MR. LYSAK:

11 Thank you, Mr. President. Good afternoon, Mr. Witness. I want to  
12 ask you a few more questions about your background. Could you  
13 tell us about your family in Ampil village back in 1973? Were you  
14 married and did you have children then?

15 MR. IT SEN:

16 A. I was married in 1973 and I had two children at that time in  
17 Ampil village.

18 Q. And was there a mosque in Ampil village?

19 [13.35.01]

20 A. Yes. There was a big mosque and the mosque remains until now.

21 Q. Can you tell us a little bit about the Cham leaders in your  
22 village or district, for example, did you have hakim in your  
23 village and who was he?

24 A. <The> village <chiefs at that time in 1973 were Phin Le  
25 (phonetic) and Phin Lah (phonetic)>.

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1 Q. Were they hakim or were they regular village leaders?

2 A. <I did not know the hakim> at Peus Pir <very well;> however,  
3 <the chief of Peus Pir commune was a Khmer man>.

4 Q. Do you know what happened to the hakims after the Khmer Rouge  
5 arrived?

6 A. I have no idea. And I also did not know at that time what <>  
7 hakims <did> or what their positions were.

8 Q. I want to now turn to the period when the Khmer Rouge arrived  
9 and took control in your area, and to ask you about how things  
10 changed in your village when the Khmer Rouge took control there.

11 A. After <the> Khmer Rouge <took> control <of the village,  
12 private cooking pots were confiscated>. Halls were built for all  
13 of us <> to eat collectively<. Individual cooking was not  
14 allowed. The> village <> was <run> under <the> strict control of  
15 <the> Khmer Rouge at that time.

16 [13.38.09]

17 Q. When the Khmer Rouge first arrived, were you still allowed to  
18 practise Islam and to speak the Cham language? And if so, how  
19 long were you allowed to practise Islam and speak your language?

20 A. <When they arrived, there were no> more prayers and <fasting>.  
21 And the situation was strict <in 1973. Those who dared to do  
22 daily prayers were arrested and disappeared. Two or three people  
23 were not allowed to have an assembly. From then on, we were  
24 under strict surveillance>.

25 Q. Do you remember who or how it was announced to the people in

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1 your village that you were no longer allowed to practise Islam?

2 A. <> I <just knew> that <Comrade> Seng was <> chief <of> Krouch  
3 Chhmar district. Comrade Seng, <who was from the Southwest Zone,>  
4 was <a very> strict <man. He was the person who imposed  
5 restrictions on private cooking and short haircut for the Cham  
6 women and other Islamic practices. Muslims were not allowed to  
7 use the mosques for praying, but they were turned into weaving  
8 workshops>.

9 [13.40.13]

10 Q. When the Khmer Rouge banned you from practising your religion,  
11 what was done with all the Korans in your village?

12 A. <The> Korans <were> gathered -- collected and burned. <They  
13 confiscated the Koran from every house. And for this reason,  
14 there was a rebellion in> Kaoh Phal<. The Muslims armed with  
15 machetes and swords fought> against the <military members of a  
16 division. There was an uprising in Kaoh Phal because of the  
17 confiscation and destruction of the Korans>.

18 Q. I'll be asking you some questions about that rebellion in a  
19 little while. Who was it that went around and gathered and burned  
20 the Korans in your village?

21 A. <The order came down to villages, and village> chiefs <and>  
22 security guards <of Ampil village and Preaek Krouch village> went  
23 around <to confiscate all> the Korans. The <> order <came down>  
24 from <the> upper echelon.

25 Q. And the mosque in your village, what was it used for when you

67

1 were no longer allowed to practise your religion?

2 A. Muslim women and <elderly> Muslim ladies were <assigned to  
3 weave Krama and perform other agricultural <activities within the  
4 mosque>.

5 Q. Can you explain a little to the Court about the importance of  
6 prayer in the Islam religion and what it was like for the Cham  
7 people when you were no longer allowed to go to prayer?

8 [13.43.13]

9 A. No one <dared> to do so. If <anyone> did dare to resist the  
10 order, they would be arrested and <taken> away. <We did not dare  
11 to resist, or we would be taken away. They came to listen to us  
12 every night underneath our house. We were not supposed to talk  
13 about anything at our home at night. Whenever they heard anyone>  
14 talking<, they would go into that house and arrest those people  
15 immediately>.

16 Q. And when you were no longer allowed to practise your religion,  
17 were you also not allowed to speak the Cham language anymore?

18 A. <We> were not allowed to speak <the> Cham language <at all>;  
19 only <the> Khmer language was allowed to <be spoken> at that  
20 time. <The rule was also applied to young children. It would be  
21 your luck if they did not hear you speak Cham; but if they did,  
22 you would be taken away for refashioning immediately>.

23 Q. Were there many Cham people in your area who did not know how  
24 to speak Khmer well and who had difficulty when they could no  
25 longer speak the Cham language?

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1 [13.45.00]

2 A. <It was not a big deal, although we were not allowed to speak  
3 the> Cham language<,> we could speak <the> Khmer <language, and  
4 we have spoken Khmer to this day. Anyway,> after <those> three  
5 years, we were allowed to speak our language <as usual>. And  
6 during that period, <we were> even <forced to consume> pork<>.

7 Q. You mentioned that one of the things that happened with the  
8 Khmer Rouge was that women, people had to have their hair short.  
9 Can you explain, was it against the Cham religion or culture to  
10 have -- for women to have short hair?

11 A. For Muslim people, <according to> the holy book of <the>  
12 Koran, we had to -- Muslim women <shall keep their hair> long<;  
13 however>, during that time, Muslim women were instructed to have  
14 <their hair cut short to their necks, and it was against our  
15 religious faith>. During the <regime>, we <just followed> their  
16 instructions. It was <not a big deal regarding having short  
17 haircut> because after a while, our hair <would grow long again>.

18 Q. How did the Khmer Rouge go about making people cut their hair?  
19 Did they send in cadres to do that?

20 A. No. No cadres coming to cut our hairs. The order <came down to  
21 villages and communes, and people> were instructed to have <their  
22 hair cut> short <by themselves>; otherwise, <they> were  
23 considered opposing Angkar.

24 [13.47.56]

25 Q. And when the Khmer Rouge took control, were you allowed to

1 still wear traditional Cham clothes?

2 A. No. Rather, actually we were allowed to wear our traditional  
3 clothing. However, for <daily> prayers <and fasting, it> was  
4 <strictly restricted>. For traditional clothing it does not cause  
5 any trouble to all of us. We were allowed to wear our traditional  
6 clothing at that time.

7 Q. Was there any point in time where you couldn't wear your  
8 traditional clothes and you had to wear all black clothes?

9 A. We had the same black clothes to wear after <> such clothes  
10 <were distributed to us>.

11 Q. You made mention a little while ago to a rebellion that took  
12 place in Kaoh Phal. What can you tell us about what took place at  
13 Kaoh Phal?

14 A. We, people <from> Ampil village, were not allowed to cross  
15 over to Kaoh Phal. <Cannons were prepared and stood ready all the  
16 way from Saoy and Ampil through> Kaoh Phal at that time. <They  
17 were preparing about 10 military motor boats to launch attacks on  
18 Kaoh Phal. Villagers from Ampil and Saoy villages who went to cut  
19 grass on that island were also arrested because the Khmer Rouge>  
20 were afraid that <they> would go to help Cham people on Kaoh  
21 Phal.

22 [13.50.48]

23 Q. How far was your village from Kaoh Phal?

24 A. It was about 2 kilometres away from <Saoy-Ampil village> to  
25 Kaoh Phal<, and there was a field in between. They> were



1 <installing pieces of artillery in Saoy-Ampil village on the way  
2 to Kaoh Phal. We dared not leave our houses, or we would be  
3 arrested as they> were afraid <that we were going to help those  
4 on> Kaoh Phal <>. We had to stay calmly in our village.

5 Q. Do you remember when it was that these events took place in  
6 Kaoh Phal?

7 A. Shortly before 1975 -- let me rephrase. There was evacuation  
8 in 1975, and after <the> rebellion <in> Kaoh Phal, all Muslim  
9 people were evacuated <to various places including to Kampong  
10 Thom>. The <rebellion> on Kaoh Phal <could have taken place> in  
11 1974<;> and <it was less than a year, and that was in> 1975 <when  
12 the> Cham people were evacuated. <The villagers from Kaoh Phal  
13 and Svay Khleang were evacuated at the same time.>

14 Q. Am I correct that Kaoh Phal was an island in the Mekong River?

15 A. Yes, it was <an> island in the middle of the river.

16 Q. And when the fighting was going on there, were you able to  
17 hear or see what was going on?

18 [13.53.29]

19 A. I was living in Ampil village<, while my> elder sibling was  
20 living in -- on the island. He was -- <> my elder <sister swam  
21 across the river to my village in Ampil, while my brother-in-law  
22 remained on the island engaging in the fighting. They sprayed  
23 villagers with bullets, and killed many of them. Villagers were  
24 armed with only machetes and swords in that fight. Both my sister  
25 and brother-in-law swam across the river to seek refuge in Ampil

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1 village. I learnt about the fighting from my brother-in-law who  
2 had engaged in the fighting>.

3 Q. What did your in-law tell you about what was happening in Kaoh  
4 Phal?

5 A. Those who <resisted> were smashed or shot dead and some of  
6 them had their throats cut. Most Muslim men were killed. Only  
7 Muslim women remained.

8 Q. Do you remember whether the events at Kaoh Phal took place  
9 during Ramadan that year?

10 A. I could not get your question, Mr. Co-Prosecutor. Could you  
11 repeat it? What did you say a while ago?

12 Q. My question was whether the events that took place at Kaoh  
13 Phal, the rebellion, the fighting, did that occur during the  
14 Ramadan month?

15 [13.55.51]

16 A. No, it did not happen in <the> Ramadan <month>. I could not  
17 tell you the exact month when the rebellion took place. But <to  
18 the best of> my recollection, it did not happen during the  
19 Ramadan. <And it was because> we were not allowed to practise our  
20 religion<> that <> there was a rebellion at that time<;> and <as  
21 a result,> they brought in troops to curb the rebellion.

22 Q. Do I understand correctly then that at that time, you were not  
23 allowed to respect Ramadan? Do I understand correctly?

24 A. Yes, your understanding is correct. Because of this, there was  
25 a rebellion <> at that time.

1 Q. You've mentioned that after this rebellion, the Cham people  
2 were evacuated. Can you tell us what happened to your family  
3 after the Kaoh Phal rebellion?

4 A. My families together with <other villagers throughout the  
5 village> were evacuated at that time <> to Battambang province,  
6 some to Stueng Trang, and some others were transferred <to Preaek  
7 Achi and> to Kratie. For my villagers and my families, we were  
8 sent to <Preaek Achi . Everyone was evacuated from the village>  
9 at that time.

10 [13.58.28]

11 Q. Can you clarify, were all the Cham people from Ampil village  
12 required to leave or was it just some of the Cham people from  
13 your village who were moved?

14 A. Some <actually stayed behind in the> village. Half of the  
15 villagers were <moved, while the other half stayed behind>.

16 Q. Who was it that told you that you and your family had to leave  
17 your home village?

18 A. <They were the district committee, the commune> committee<,  
19 village chief and> the <village> security guards <who> ordered  
20 all of us to leave our village <by boats in order to be  
21 transferred> to Battambang at that time.

22 Q. Where was it that you were sent to board this boat?

23 A. <At Stueng Trang, however, some people managed to> board  
24 trucks to <Kampong Thom, some to Preaek Sangkae, and others> to  
25 Kratie <>. And for my team consisting of several families <>, we

1 <stayed in Preaek> Sangkae for 20 days. And after that time, we  
2 were transferred <> to <Preaek Achi>.

3 [14.00.44]

4 Q. Could you tell us where Sangkae was, what district or commune  
5 was that?

6 A. Sangkae was located close to Boeng Ket in Stueng Trang  
7 <district. After Boeng Ket, it was Stueng Trang; and after Stueng  
8 Trang, it was Preaek Sangkae; and if you go further ahead, it  
9 would be Khsach Prachheh; and the river was in-between. After  
10 Khsach Prachheh, it> was <> Trea village, Krouch Chhmar district.  
11 Krouch Chhmar <was located in-between the two villages>.

12 Q. Do I understand correctly then that you were first taken by  
13 boat across the river to Stueng Trang district; is that right?

14 A. Yes, we were taken first to Stueng Trang district. All of us  
15 were <first transferred to Stueng Trang district>.

16 Q. How many families were sent with you by boat to Stueng Trang?

17 A. There were many people but I cannot recall the exact number.

18 There were around 100 boats loaded with people to Stueng Trang  
19 district. <Upon arrival, since there were not enough> trucks <to  
20 take us to Kampong Thom, some of us were instead taken to Preaek>  
21 Sangkae <and Preaek Prachheh>. And there were not enough trucks  
22 for those people leaving the boats. <Not only villagers from Saoy  
23 and Ampil villages, but also villagers> from <> other villages  
24 <including Roka Khnaor were also being transferred>. And we were  
25 sent <there> together.

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1 [14.03.18]

2 Q. Do you know whether all the people who were being moved with  
3 you were Cham or whether there were also Khmer people who were  
4 being moved out of Krouch Chhmar district?

5 A. No, there were no Khmer people. All were the Cham people who  
6 were moved. They were all Cham people, that is, when we were  
7 moved <out of Krouch Chhmar>.

8 Q. Did anyone explain to you why you were being moved out of  
9 Krouch Chhmar district?

10 A. We were told the villages were crowded, so that we were being  
11 sent to Battambang <to help with the harvesting of rice>, since  
12 there were plenty of lands <and paddy> for us to live <and  
13 harvest> in Battambang. So it would not be as crowded as the  
14 villages that we were living in. <That was how we were told.>

15 Q. And you said that when you were taken to Stueng Trang, you  
16 spent 20 days in Sangkae. What happened to you after that? Where  
17 were you sent, where were you moved after those 20 days?

18 A. Then we were sent to Preaek Achi area that was situated along  
19 <> Trea village, <> near Kampong Treas.

20 [14.05.29]

21 Q. Was Preaek Achi in Krouch Chhmar district?

22 A. Yes, it was located in Krouch Chhmar district. <Kampong Treas  
23 and> Trea village <were> also located in that district. <While  
24 living in Preaek Achi,> we were placed into various houses  
25 belonging to the Khmer people. And <each Cham family was> put to

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1 live mingled with <each family of> the local Base People who were  
2 Khmer there.

3 Q. Did anyone ever explain to you why you were moved for 20 days  
4 over to the other side of the river in Stueng Trang and then  
5 moved back to Krouch Chhmar?

6 A. They said that because too many people had moved to Battambang  
7 and there was no place for us, so we were moved again.

8 Q. How long did you live in Preaek Achi village?

9 A. We were there for about three years, <and by the time of the  
10 Southwest Zone cadres' arrival> we returned to Ampil village. So,  
11 from my recollection, we left our village for about three years  
12 and then when the <Southwest Zone cadres came to take control> in  
13 the East Zone we were instructed to return to our respective  
14 villages. <This announcement was made by the Southwest Zone  
15 cadres.>

16 Q. I'll get to that period where you were told to go back to your  
17 home village in a little bit. First, can you tell us a little bit  
18 about how the Cham people who were moved to Preaek Achi village?  
19 How were you treated by the local cadres when you lived there?

20 [14.08.22]

21 A. They didn't do anything to us. The village chief did not do  
22 anything to us and if we wanted to remain there we could or if we  
23 wanted to move on, we could move on. He didn't chase us away from  
24 his village. I refer to the village chief <of Preaek Achi>.

25 Q. What were you assigned to do during the years that you lived

1 in Preaek Achi?

2 A. I was actually doing the water wheel into the rice field. And  
3 I worked, actually, behind the Preaek Achi village, that is to  
4 waterwheel the rice fields there.

5 Q. During the time that you lived in Preaek Achi, were you  
6 allowed to practice the Cham religion or to speak the Cham  
7 language?

8 A. No, we were not allowed to get in any worship service  
9 including fasting, speaking the Cham language or doing daily  
10 prayers, and as I said <> earlier we were desegregated into  
11 various homes of the Khmer people. We were not allowed to engage  
12 in any <religious activities at all including daily prayers and  
13 fasting> and we ate communally.

14 [14.10.23]

15 Q. Did you have to eat pork during those years?

16 A. <Yes, we did. Since they knew that we did not eat pork, they>  
17 mixed <the food with pork. For example, after they slaughtered a  
18 cow and a pig for food, they> actually mixed <the> pork <with  
19 the> beef; <> and we didn't know about that <until we ate it>.  
20 And every Cham there was forced to eat pork <>. And some of us  
21 could not take it so they vomited after they ate it.

22 Q. Did there come a time when you were in Preaek Achi, where the  
23 local Khmer Rouge cadres from the East Zone were arrested and  
24 replaced by cadres from a different region?

25 A. We were arrested when we <> returned to Ampil village. <It was

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1 Seng who made the announcement that those returned from> Preaek  
2 Achi village would be relocated to Trea <village> and that was  
3 the time <when> we -- some of us <got> killed <under the pretext  
4 that those who had returned to the village would be relocated to  
5 Trea village.>

6 Q. I think you were talking about yourself and the Cham people.  
7 Before I ask you about what happened to you and the other Cham, I  
8 was asking about the Khmer Rouge cadres from the East Zone. Do  
9 you remember whether there was a time where they were replaced by  
10 Khmer Rouge cadres from the Southwest Zone.

11 [14.12.54]

12 A. No, there was no replacement. Actually, <it was> the Southwest  
13 <Zone cadres, not the East group who> was all in control at the  
14 time <>. The <Southwest Zone cadres had> full authority <> in  
15 every village. And, before that they actually were fighting with  
16 the force from the East Zone, and after the battle they took  
17 control of every village.

18 Q. What year -- when was it that the southwest cadres took  
19 control of your area?

20 A. The -- so the evacuation took place in 1975, and that happened  
21 about three years after. Then I could say it happened around  
22 mid-1978, that was the times that the killing, extensive killings  
23 took place.

24 Q. You mentioned already that you were instructed to go back to  
25 your home village. How long was it after the arrival of the



1 southwest cadres that you were told to leave Preaek Achi and go  
2 back to Ampil village?

3 [14.15.01]

4 A. It was not long after we arrived at Ampil village. It was only  
5 about a fortnight. And actually, we had stayed at Preaek Achi  
6 village for about three years. <And when it was announced that>  
7 we <could return to our native village, we then returned> to  
8 Ampil village, and about a fortnight later<, Comrade Seng made an  
9 announcement that> we were <to be relocated> to Trea village<,  
10 and people were taken to be killed there>.

11 Q. Who was it that told you to go back to your home village? And  
12 who was it that told you when you got back to Ampil to go to Trea  
13 village?

14 A. The village chief told us to return to Ampil village. He was a  
15 southwest cadre and they told us that now the peace prevailed and  
16 that we could return to our native village <as the East Zone had  
17 been secured.> And when we were at Ampil village, <Comrade>  
18 Seng, <who was in charge of Krouch Chhmar district>, told us that  
19 <those who had returned to> Ampil <village were to be relocated  
20 to Trea village as the village was already crowded with people.>  
21 For that reason we were <ordered> to relocate in Trea village  
22 after <having stayed> a fortnight <> in Ampil <village>.

23 [14.16.48]

24 Q. I want read to you a short excerpt from one of your -- the  
25 interview that you gave to Ysa Osman that was published in "The

1 Cham Rebellion". This is document E3/9334, E3/9334; Khmer, ERN  
2 00204434; English, 00204442; and French, 00274723. This is what  
3 you said in that interview:  
4 "In 1978 the cadres of the Central Zone", and I note that in your  
5 OCIJ interview you corrected this to Southwest Zone, so let --  
6 starting again with your correction: "In 1978, the cadres of the  
7 Southwest Zone came in and set up a new administration structure.  
8 The people welcomed this because the cadres claimed they were  
9 uncorrupted and had come to liberate us from the clutches of the  
10 Khmer Rouge traitors. They announced that those people who had  
11 come from far away should now go back home to their places of  
12 birth. This announcement gave us hope again for the Cham race."  
13 End of quote.  
14 Who was it that told you -- who was it that referred to the old  
15 cadres as traitors? Do you remember?  
16 [14.18.50]  
17 A. No, I don't. I only heard through group chief and the village  
18 chief about that. We heard that the Southwest <Zone cadres> came  
19 to screen the people and that we would not be in any difficult  
20 situation after their arrival, that's what we were told. <They  
21 said that the former cadres had mistreated people. They were  
22 lying to people.> They said that they came <> because <the East  
23 Zone cadres had mistreated people, and> that peace should prevail  
24 shortly after and that we <> would be allowed to return to our  
25 home villages.

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1 Q. And in the interview excerpt of yours that I just read, you  
2 told Ysa Osman that the announcement to return to your home  
3 village gave you hope again for the Cham race. Can you explain  
4 why you had lost hope for the Cham race at that time?

5 A. It was their policy to seriously mistreat us<, the Cham  
6 people>. We were absolutely prohibited <> from engaging in any  
7 prayer or worship <after their arrival>. If we were to make even  
8 a smallest mistake we would be arrested and killed. <In fact,  
9 they were even stricter than their predecessors. The> village  
10 <chiefs> or the commune chiefs in succession were arrested and  
11 killed after the arrival of the Southwest <Zone cadres. Village  
12 chiefs and commune chiefs> kept disappearing one after another.  
13 [14.21.11]

14 Q. Now, you testified that you returned to your home village, to  
15 Ampil village, for a short period. Can you tell us what you  
16 observed in 1978, when you went back to your home village? And  
17 specifically, how many Cham families were left in Ampil village  
18 when you returned?

19 A. There were quite a number of Cham families remained in the  
20 village, although I cannot tell you the total <number>. And some  
21 Khmer families were living mingled with the Cham people there in  
22 Ampil village. So they were living mixing with the Khmer people.

23 Q. Let me read to you another excerpt from the interview you gave  
24 to Ysa Osman. This is again, E3/9334. This excerpt is at Khmer,  
25 00204435; English, 00204442; and French, 00274723. And you were

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1 describing here how you returned to Ampil village. And this is  
2 what you said:

3 "I observed that there were only 10 Cham families left in the  
4 village out of the hundreds that used to live there. My older  
5 sister Afiah was among those who were still there. I stayed with  
6 her." End of quote.

7 Does this refresh your recollection about how many Cham families  
8 were left when you returned to Ampil village? Is it correct that  
9 there were only 10 Cham families there?

10 [14.23.44]

11 A. No, there were more than 10 families living -- still living in  
12 that village. But I cannot tell you how many families. <There>  
13 could be between 20, 30 or 40 families living -- still living  
14 there <in Ampil village>.

15 Q. You testified that you were allowed to stay in Ampil village  
16 for about a fortnight and that you were then told to go to Trea  
17 village. Can you describe for us what happened during your trip  
18 from Ampil to Trea village?

19 A. We were <then> told to return <> to Trea village. So in the  
20 morning we packed our little belonging and everything had to be  
21 placed <> on an oxcart. <It was their absolute order that we had  
22 to move to> Trea village, and when we arrived in Trea village we  
23 didn't even have any rice to eat <until late in the evening. Upon  
24 arrival in> Trea village<, we noticed that it> was full of  
25 soldiers.

1 Q. How many people or how many families, how many Cham families,  
2 were sent with you from Ampil village to Trea?

3 A. There were <about> 20 ox-carts and that -- actually the 20  
4 ox-carts were full of members from 30 Cham families.

5 Q. And when you were traveling on the road from Ampil to Trea  
6 village, did you see other Cham people walking or moving in that  
7 same direction?

8 [14.26.51]

9 A. No, I did not. There was only a group of us <from> Ampil  
10 village and I saw people, lots of people <were already> in Krouch  
11 Chhmar<, and I did not know from where those people came from.  
12 They> were all destined to be killed <as well>. And when we  
13 arrived in Trea village, the soldiers there ordered us to <stop  
14 there, and unload> our belongings and place them in a mosque  
15 there <in Trea village. We were stopped there, and offered to  
16 stay there at the mosque>.

17 Q. I need to have you clarify something for me. When you arrived  
18 in Trea village was it just the 30 families that had been sent  
19 from Ampil village or were there other Cham people who had also  
20 been sent to Trea from other villages?

21 A. There were other Cham families from Saoy village. So, Saoy and  
22 Ampil villages were the two villages where the Cham people were  
23 sent to Trea village. In fact, more people had actually been sent  
24 to Trea village <ahead of us>. And upon our arrival we <noticed  
25 that every> house <along the river bank was> full of <the Cham>

1 people who had arrived before us.

2 [14.28.36]

3 Q. Where was Saoy village? And, can you tell us approximately how  
4 many Cham families were sent from Saoy village to Trea?

5 A. Half of the Cham people <were> from <> Saoy village<, while  
6 the other half> came from Ampil village. So I could say about <>  
7 20 families amongst <the 40 families> were from Saoy village.

8 Q. Do you remember, on your way from Ampil to Trea village,  
9 meeting an elderly Cham woman in a village called Khsach  
10 Prachheh? Do you remember meeting an elderly Cham woman and do  
11 you remember what she told you?

12 A. When we were almost near Trea village, Cham people there  
13 <asked> us where we were heading<, and> we told them that we were  
14 told to leave Ampil village and go to Trea village. And <those  
15 people told us that they had witnessed> some Cham people <being>  
16 blindfolded and <led> to the <river. Having heard that,> some  
17 Cham women <who were with us> cried<, and were reluctant to move  
18 on. By then, we had no other options, besides moving forward as,  
19 if we were to return to Ampil, we would not be allowed to stay  
20 there anyway. We were reluctant to move forward as we were afraid  
21 that we would be> blindfolded <and led> to the <river. <> And, we  
22 heard about this information when we were <already> approaching  
23 Trea village. <>

24 Q. How -- How far was it from Ampil to Trea village and how long  
25 did it take you to walk there that day?

1 [14.31.27]

2 A. At that time, we travelled on <ox-carts> so it was rather  
3 slow. We started a journey in the morning and when we arrived in  
4 Trea village <> in late afternoon<; anyway, we made several stops  
5 along the way.> And as I told you Seng, comrade Seng in Ampil  
6 village did not allow us to remain anymore in Ampil village and  
7 we were sent to Trea village. <In fact, we did not want to leave  
8 our village. There could have been some 100 people killed because  
9 of Comrade Seng who was from the Southwest Zone.>

10 Q. You've mentioned comrade Seng a number of times. What was  
11 comrade Seng doing while you were traveling from Ampil to Trea?

12 A. He had overall responsibility over Krouch Chhmar district. He  
13 <said he> was <on> the Krouch Chhmar district committee.

14 Q. When you were sent from Ampil to Trea village, did your entire  
15 family go with you? That is your wife and your two children?

16 [14.33.07]

17 A. We went to together. I was traveling with my wife and my  
18 toddler and also my <elderly> mother-in-law was with me at that  
19 time. <So there were a total of four people including myself on  
20 that journey.>

21 Q. How old was your toddler then?

22 A. My toddler could speak at that time. Perhaps he or she was two  
23 or three years old at that time.

24 Q. You said that you went with your wife and your two to  
25 three-year-old toddler and your mother-in-law. Where were the

1 other members of your family? Did you have other children at the  
2 time and where were they?

3 A. <Other people also> went together with <their> family members.  
4 Some members within other families were -- some women within  
5 other families were <8 or 9 months> pregnant and they -- other  
6 families also had <four> small children. Upon our arrival at  
7 <Trea village>, we were separated from each other. The adult or  
8 the <grown-up children or> girls <> were not allowed to stay  
9 together with their parents at that time. <Women were separated  
10 from men.>

11 Q. Where was it that the girls, the Cham girls were separated  
12 from your group?

13 [14.35.39]

14 A. These unmarried girls were put in a different group and as for  
15 men and women, they were put in different groups. And at that  
16 time the men were <told> to go <and> have porridge <at the river  
17 bank, while> the women were told to stay at a one particular  
18 place. It was <about 6 p.m. at that> time <as> the sun already --  
19 was already down <>.

20 Q. You said the men were told to go to a house to have porridge.  
21 How many men were sent to this house where you were told you were  
22 going to have porridge?

23 A. Approximately 40 of them climbed up onto a house.

24 Q. Were you still with your wife and toddler at this time or had  
25 you been separated?



1 A. I was separated from my wife to go to have the porridge. My  
2 wife was staying in the mosque at that time. We men <> were  
3 <told> to go to the riverfront and we were told to stand in line  
4 at that time <in order to receive the porridge. Having just lined  
5 up,> they pointed a gun at our necks, <and> at that time<, all of  
6 us were tied up>. It was that time that <we> parted from <our>  
7 wife and <children; and we had no idea where they were taken to  
8 be killed>.

9 [14.38.16]

10 Q. Did you ever see your wife and toddler after that?

11 A. No. After, I was tied up, I was beaten, kicked and they used  
12 the <car-tyre> sandals to hit our heads. <Some> of us fell down  
13 to the ground and they grabbed our hairs <to sit up again in  
14 order to beat us and kick us again>. They kicked us repeatedly  
15 and they <asked whether we> were Muslims<. We thought> that <if>  
16 we <told that we> were Khmer<,> they would <not beat us. No, it  
17 was not the case. They said we were lying to them, and as a  
18 result, they> repeatedly kick and beat us <even worse> at that  
19 time. <In fact, they knew that we were Chams. Out of fear and  
20 with the hope that it would get better by telling them that we  
21 were Khmer, things went the opposite. Having told them that we  
22 were Khmer, they started to mistreat us even worse.  
23 Sarcastically, we were not that badly mistreated when we told  
24 them that we were Chams>.

25 Q. You said that when you arrived in Trea village, you saw many

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1 soldiers. Can -- can you describe for us where it was that you  
2 saw soldiers when you arrived in Trea village and what they were  
3 doing?

4 A. The soldiers were killing people. <Upon our arrival on that  
5 day, A big rope was> used to <attach from one person to another,  
6 and to have them towed by a motor boat into the river>, and  
7 <when> the <motor boat reached> the middle of the river<, the  
8 rope was released in order to drown those men in the river. The  
9 same process was repeated over and over again until late  
10 afternoon on that day.> I was <tied up and stayed> in that  
11 house<, and I saw them come back and forth> to collect <people  
12 and have them attached by a rope, towed by a motor boat into the  
13 river and drowned. Having observed the incident, we who were  
14 detained> on the house were weeping and crying at that time.

15 [14.40.55]

16 MR. PRESIDENT:

17 It is now time for a short break. The Chamber will take a short  
18 break from now until 3 p.m.

19 Court officer please find a proper place for this witness during  
20 the break time and please invite him back into the courtroom at 3  
21 p.m.

22 The Court is now in recess.

23 (Court recesses from 1441H to 1501H)

24 MR. PRESIDENT:

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

1 And the floor is given to the Co-Prosecutor to resume his line of  
2 questioning. You may now proceed.

3 BY MR. LYSAK:

4 Q. Thank you, Mr. President. Mr. Witness, we were talking about  
5 the events that took place in Trea village, and I want to go to  
6 the time where you were brought with a group of at least 40 other  
7 men to a house by the river. When you -- when you and the 40 men  
8 were taken to this house, how many Khmer Rouge soldiers or cadres  
9 were at that house with you?

10 [15.03.08]

11 MR. IT SEN:

12 A. I did not count them at that time. There were many <Khmer  
13 Rouge soldiers> below the house <in which we> were sleeping <>.  
14 There were at that time many houses, and I did not know at that  
15 time where <those> Cham people were from. <They> were <actually  
16 living in those> 20 houses <along the river bank. In fact, those  
17 people had been gathered in those houses in order to be killed.  
18 There were soldiers underneath every house>.

19 Q. I want to talk about when you first arrived at the house, when  
20 you were first brought there. Were the Khmer Rouge soldiers that  
21 were there, did they have guns?

22 A. They were all armed. For instance, if there were 100 of them,  
23 all of them were armed.

24 Q. And was it when you were taken to that house that you and the  
25 other men, the other 40 men, were asked whether you were Cham or

1 Khmer?

2 [15.05.01]

3 A. They asked us after they <had> tied <up> all of us<. People in  
4 every house were tied up.> And we were beaten at that time until  
5 they were satisfied with their acts. And it was at 7 p.m. that we  
6 were told to climb up onto the house<, and doors> and windows  
7 were locked<. We were put in that house to sleep that night, but  
8 we were tied up, while the soldiers> were sleeping in the  
9 hammocks below the house. There were around 10 of them guarding  
10 <over> all of us <below the house>.

11 Q. When you were tied up and asked whether you were Cham or  
12 Khmer, who was it that was asking you this question?

13 A. They were <armed> military men, and they pointed their guns at  
14 our necks, <and asked us> whether we were Khmer or Cham people.  
15 Some of us mistakenly said that we were Khmer at that time, and  
16 they kicked us, and we fell to the ground. After that, they  
17 grabbed our hair <to make us sit up again before they> beat us,  
18 and kicked us again. <They repeated the process over and over.  
19 They did this to us when we were tied up.>

20 [15.06.43]

21 Q. Did they ask you any questions other than whether you were  
22 Cham or Khmer?

23 A. <They asked> no other questions. And after we were <badly  
24 mistreated>, we were put into that house <the whole night that  
25 night>. Everyone was tied up in that house.

1 Q. And when you were taken to this house, did you see people who  
2 were being held in other houses next to yours?

3 A. Yes, <I did.> I peeped through the window<, and> I could see  
4 <that there were full of> Cham people <> in those <nearby>  
5 houses. <There were about 10 houses.>

6 Q. How did you know that the people who were in the houses next  
7 to you were also Cham?

8 A. <I knew it because the moment they spotted us, they exclaimed  
9 that we were also coming to the place. They told us that they had  
10 arrived at the place one day ahead of us. We noticed through the  
11 window that> they were all Cham.

12 Q. Did you recognize any of the other people, the other Cham  
13 people, who you saw in other houses?

14 A. I did not know <which villages> those Cham people were  
15 arrested from. However, all I know <was> that <those> Cham people  
16 were collected from different villages. <As for the Cham people  
17 from my village, we were all gathered in that house.> And Cham  
18 people <from various places were mainly kept in Trea village,  
19 while some others were kept> in Krouch Chmar <in order to have  
20 them killed>.

21 [15.09.53]

22 Q. You've said that you were locked in this house, and that the  
23 guards and people then -- the people around you went to sleep. I  
24 want you to now -- I want to go now to the morning, the next  
25 morning. Can you tell the Court what happened to the Cham people

1 who were being detained in these houses the next morning, when  
2 you got up?

3 A. Nothing happened the next morning. We were <kept there> in  
4 that house for one day and one night. And the militiamen <were  
5 lying to> us that we would be given porridge to eat <soon>, and  
6 we were waiting until the evening. And <they told us the same  
7 lie> in the evening, <but> there was no porridge for us. And the  
8 militiamen lied to us once again that the porridge would come in  
9 soon. At that time, frankly, we had <neither> water <nor porridge  
10 for one day and one night. They kept lying to us over and over.  
11 We were tired and slept anywhere in the house, and we were tied.>

12 [15.11.22]

13 Q. I want to make sure I understand correctly. Are you saying  
14 that after the -- you had arrived in Cham village -- in Trea  
15 village, that you spent the next day locked up in that house,  
16 without receiving any food? But nothing other than that happened  
17 that first day; is that correct?

18 A. No, we did not have anything to eat <or> drink. And the day  
19 after, we were still tied up, and we were taken to the <pier.  
20 After about half of the detainees had been taken>, I <managed to  
21 loosen> the rope, <open the planks of wood,> and <slip away  
22 through the back of> the house <>. During that night, during the  
23 second night, there were no soldiers below the house<, but they  
24 were some of them at the staircase of the house. There were  
25 soldiers underneath the house the previous night. Since there

1 were no soldiers below the house on> that time, I <managed to  
2 slip through the back of> the house<. I untied myself, and  
3 climbed down the house that night>.

4 Q. I'll ask you -- I'll come back to what happened to your group,  
5 and what happened to you when you were taken out that night.

6 Before -- before you were taken out of the house that night, did  
7 you see what was happening to other -- the other Cham people who  
8 had been gathered in Trea village?

9 A. They were taken to the riverfront <and the pier>. I noticed  
10 that there was a big pit at the riverfront. People, Cham people,  
11 were taken out of <one house after another>, and <led to> the  
12 riverfront. <It took them from dusk until about 12 midnight to  
13 take people out of the houses to the riverfront.>

14 Q. And what happened to the people when they were taken out of  
15 the houses and brought to the riverfront?

16 A. I'm sorry. Could you repeat your question? Could you say it  
17 again?

18 Q. Yes. My question is: what was done to the people who were  
19 brought out to the riverfront?

20 [15.14.56]

21 A. Soldiers came to take all of them out to the riverfront, 30 of  
22 them, and one soldier was responsible for one Cham person. All  
23 Cham people were taken out to <a> big grave or pit <located right  
24 in front of Trea village. Those people were beaten with an iron  
25 bar.> I saw the iron bar, <the ox-cart axle> with the size of my

1 lower arm, located at the <edge of the> pit or grave.

2 Q. Did you see people being taken into the river?

3 A. After I <managed to slip away from> the house, I was <hiding  
4 myself inside several bushes of sago palms about five metres away  
5 from> the route where the soldiers were taking the Cham people to  
6 the riverfront. It was lucky for me at that time that the  
7 soldiers did not notice my presence at that place.

8 Q. And what is it that you saw the soldiers doing with the people  
9 in the river?

10 [15.17.05]

11 A. No screaming, no crying. It was quiet. And after Cham people  
12 in one house had been collected by those soldiers, the soldiers  
13 <went> to take Cham people from another house. <Since there were  
14 many of them, it took them about an hour or so to take people out  
15 of each house. It took them just a while to take some 20 or 30  
16 people out of each house. They went back and forth one house  
17 after another. I remained in that spot until 12 a.m. when they  
18 finished their job.> I <had to> secretly <remain> in the <sago  
19 palm> bushes <until 12 a.m. as there were many of them around.  
20 However, I left the spot when they were having a drink after they  
21 had finished their task>.

22 Q. Mr. Witness, did you see the soldiers, the Khmer Rouge  
23 soldiers, killing the people who were taken out of the houses?  
24 And if so, can you tell the Court how they were killing the  
25 people who were taken out of the houses?



1 A. I <could see> very clearly that Cham people were being walked  
2 away to the river <during the day; however, I could not see what  
3 they did actually during the night. During the day, I noticed  
4 that people with> blindfold <were taken out of the houses, and  
5 led to the river. They then used a big rope to attach some 30  
6 people together one after another, while the other end of the  
7 rope was attached to the back of a motor boat. And so when the  
8 boat got to the middle of the river, they released the rope with  
9 people attached to it into the river to drown those people. I  
10 witnessed the incidents with my very eyes during the day.> At  
11 night time, I could not see <such details, but I saw people being  
12 led to the direction of the big grave or pit by the riverfront.  
13 From the spot where I went into hiding, I could not even hear any  
14 screaming or crying. They did it quietly at night. Again, during  
15 the daytime, I saw people being attached to a rope and drowned in  
16 the river>.

17 [15.19.45]

18 Q. Mr. Witness, I want to read to you an excerpt from the  
19 interview you gave to Ysa Osman. This is E3/9334, E3/9334; Khmer,  
20 00204436 - 437; English, 00204442 - 43; and French, 00274724 -  
21 25. This is what you said in that interview, quote: "At about 7  
22 o'clock" -- and you were talking about the morning in this  
23 passage -- "I saw five or six Khmer Rouge cadres go up into a  
24 house nearby. They dragged out the prisoners, each tied up and  
25 blindfolded. I stared, watching them. Then I saw them walk the

1 prisoners, one by one, to the river bank. A boat was anchored  
2 there, and there were about 30 prisoners waiting nearby. They  
3 undressed the prisoners down to their shorts, and put them in a  
4 line. All of the prisoners were men. They took a rope from the  
5 boat, and ran it through the bonds of each prisoner, from one to  
6 the next. One end was tied to the last prisoner in line, and then  
7 they tied the other end to the stern of the boat. Then they took  
8 off the blindfolds. I was completely terrified, as I watched the  
9 men, some crying, some screaming, as they fell to the ground and  
10 rolled as the boat pulled away toward the middle of the river. At  
11 mid-stream, one Khmer Rouge loosened the end of the rope that was  
12 tied to the boat. Then the boat turned back to shore, to repeat  
13 the process. We began to whisper to one another as we watched  
14 this. We knew our fates would be the same. The boat kept  
15 repeating this, over and over throughout the entire day." End of  
16 quote.

17 I have a number of things I want to ask you. The first thing I  
18 want to clarify with you, Mr. Witness: did you see people being  
19 dragged and drowned into the river, while you were still in the  
20 house in which you were being detained? Or did you only see that  
21 at night time, after you had escaped from the house?

22 [15.23.00]

23 A. Yes, that is -- that is what I saw during the daytime. <During  
24 the night, they> -- Cham people were undressed to their shorts.  
25 They were dragged out of the houses, blindfolded<,> tied up<,> and

1 attached to a rope>. This incident repeated <the whole day> until  
2 they completed their task. <The motor boat could have made one  
3 hundred trips as it went back and forth. There were many motor  
4 boats. People were brought in by other motor boats as well. The  
5 motor boats came in and out all day long.> I did not know where  
6 Cham people were <brought in> from. <It could have been the case  
7 that they were busy dealing with other people during the daytime,  
8 and they were to deal with us at night. Because of the gap  
9 in-between, I was able to slip away that night.> There were piles  
10 of clothes, <as those> people were undressed to their shorts. And  
11 those <> clothes were <to be distributed to villagers>.

12 Q. The house in which you were being detained, how far was it  
13 from the river?

14 A. It was about 50 metres away from the river bank. I could see  
15 what happened very clearly. It was -- my house was adjacent to  
16 another house, and I could see the <water in the> river and the  
17 <motor boats> very clearly from my house. I <looked> through the  
18 <cracks> of the <wooden> wall.

19 [15.25.10]

20 Q. Could you describe for us what this house was like, in which  
21 you were detained, and from which you saw what was going on at  
22 the riverfront? What kind of house was it? Can you describe?

23 A. It was an old <wooden> house, 11 metres long and 6 metres  
24 wide, the house where I was detained.

25 Q. Was it a traditional country house that had stilts or piles,

1 so that the house was elevated off the ground?

2 A. It was a traditional <stilt> house. It was elevated <between  
3 two and three metres off> the ground. <> But it was not <elevated  
4 too> high <off> the ground. We could reach the floor of the house  
5 with our arms <when we stood on the ground>.

6 Q. And you stated that you saw the boat that was dragging and  
7 drowning people in the river, repeating this throughout the day.  
8 Can you tell us how many times you saw a boat take people out and  
9 drown them in the river?

10 [15.27.34]

11 A. It happened from the morning until the evening. It started  
12 from 7 a.m. in the morning until the evening. <The motor boats  
13 came back and forth throughout the day though they had some small  
14 breaks.> I did not know how many trips they came to collect Cham  
15 people. It happened repeatedly from the morning until the  
16 evening, from <7 a.m.> until the evening. I was sitting in the  
17 house, watching what was happening. I was crying. I was weeping,  
18 and I was thinking that my fate would be in the same way. They  
19 were walking past my house <back and forth>, and I could see  
20 <comrade> Seng was walking <back and forth> past my house at that  
21 time. <He ran around to facilitate the taking of those people.>

22 Q. Could you tell us now how it was that you managed to escape  
23 from your house?

24 A. I <managed to slip away by going into hiding> in the <bushes.  
25 Only when they were taking a break and enjoying themselves with

1 some food and drink after they had finished their work did I  
2 leave that place and crawled toward the river. Although I saw  
3 some guards there, I was committed to go there. I accidentally  
4 found a water container; it was actually my water container that  
5 we had been ordered to leave them at the mosque. I could  
6 recognize it. I had no idea as to what reason those piles of  
7 clothes had been brought to the river. I had the> water container  
8 <with me, and filled half of the container with water. I then  
9 used the container to help me swim along the river. When I got to  
10 Kampong Treas, I went ashore. It was very close to Kampong Treas  
11 actually, and it was toward the very end of > Preaek Achi.

12 Q. I want to go back to the time that you were able to escape  
13 from the house, before you went to the river, and floated -- swam  
14 down the river. How is that you were able to get out of the house  
15 in which you were being detained, without the soldiers seeing  
16 you? Can you tell us how that happened?

17 [15.31.04]

18 A. At that time, they were <actually reinforcing the loose rope  
19 among some detainees. There were soldiers at the front of the  
20 house, not at the back.> The house was <about> 11 metres long,  
21 and <I slipped away through the back of> the house <without  
22 alerting anyone. I then crawled into the sago palm bushes. It was  
23 dark, and there was actually> a heavy rain <that night. Although  
24 they had a kerosene lamp to illuminate the house, they were not  
25 aware that I had slipped away through a plank on the floor. They

1 could have thought that everyone in the house had been taken and  
2 killed>.

3 Q. Did you leave the house through a door? Or did you leave the  
4 house through a plank on the floor?

5 A. In fact, I pried a plank open. It was loose, and it was just  
6 big enough for my body physically to get out of the house. Nobody  
7 <along with the other detainees> was aware that I <was slipping  
8 away as they were only focussing on what was happening at the  
9 front>. And actually, <at the> front, the soldiers were  
10 tightening up the knots on those people <, while some others were  
11 being taken away>.

12 [15.33.10]

13 Q. Do I understand correctly, then, that you escaped through that  
14 plank at the time that the other people in your house were being  
15 taken away? Is that correct?

16 A. Yes, they took everyone out, but in fact about half of the  
17 people were -- had already been taken out <when I managed to>  
18 loosen the tie then I pried the plank open and I <slipped away>.  
19 About <20 out> of the <40> people <in> the house had been taken  
20 away <to the riverfront> already, <so there were> about <20> more  
21 remaining on the house.

22 Q. And you said that when you got out of the house and went down  
23 to the river, you saw a pile of clothes. Where is it exactly that  
24 you saw these clothes? And can you describe for us what the size  
25 of this pile of clothes was?

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1 A. Actually, it was so dark during the night I could not see the  
2 big pile. However, I could feel it, and I knew it was a pile of  
3 clothes, of those people who were taken out from the village. <I  
4 accidentally felt a water container within the pile of clothes,  
5 and I knew it that it was actually my water container that I had  
6 brought from Ampil village. That pile of clothes was as high as  
7 my neck. I did not know as to how people> were stripped of their  
8 clothes <and killed, but that pile of clothes was right next to>  
9 the water <>

10 Q. This pile of clothes that was by the river, how high was it?  
11 Do you remember how high the pile was?

12 [15.35.43]

13 A. Actually, the pile was about two metres wide and the height  
14 was about <> a metre, or it could be up to my waist.

15 Q. You've told us that you went into the river to escape from  
16 Trea. Where did you end up after you swam away in the river?

17 A. <It was almost dawn when I reached> Preaek Achi<, and I went  
18 ashore>. Actually, I still had a <niece or nephew> living in  
19 Preaek Achi <who remained in Preaek Achi when I decided to leave  
20 Preaek Achi for my home village. We had been evacuated to live in  
21 Preaek Achi together. It was almost dawn when> I went to  
22 <his/her> house<. By that time,> I was so hungry <I had to eat> a  
23 raw corn from the plantation <in order to gain some energy to go  
24 on. As of that moment>, I had not had anything to eat for two  
25 days.

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1 [15.37.25]

2 Q. I want to wrap up my questions, so my colleagues have some  
3 time to ask you a few questions. Before I complete my questions,  
4 you talk about in your interviews of how, after you survived the  
5 killings at Trea village, at the end of the Khmer Rouge period  
6 you returned back to Ampil village. When you came back to Ampil  
7 village at the end of the Khmer Rouge regime, did you ever see  
8 again any of the Cham people who had been taken with you to Trea  
9 village that day?

10 A. I actually went to Trea village by myself, nobody <took> me  
11 there. In fact, I arrived in Ampil village by nightfall, and I  
12 hid myself in the house of my elder <sister Fiah>. Nobody knew  
13 that I was there at the house <because I arrived in the village  
14 by nightfall. I eventually went into hiding in my> elder  
15 <sister's house on a farm, and she secretly> shared me the gruel  
16 <every day. I went into hiding in her house, and nobody knew  
17 about it. If they had known about it, they would have arrested me  
18 and sent me there again>.

19 Q. Thank you, Mr. Witness. I was asking you about after the Khmer  
20 Rouge had been driven out of power. But my question is: did you  
21 ever see again any of the Cham people who had gone with you to  
22 Trea village and been detained in the houses there? Did you ever  
23 see any of those people again, after the Khmer Rouge regime was  
24 over?

25 A. No, I did not <>.



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1 [15.40.06]

2 Q. The last question I'd like to ask you, before I turn it over  
3 to my colleagues: your family members, how many of your family  
4 members died during the Khmer Rouge regime? And who was it? Who  
5 from your family died during that period?

6 A. In my family, I lost two of my elder siblings -- that is, <my  
7 only two> elder <> brothers. <They were arrested, blindfolded and  
8 taken away and killed.> And in fact, in my family, there were  
9 only three boys including myself, <so> my <only> two elder  
10 <brothers namely Salat (phonetic) and Yusuf (phonetic) were>  
11 killed during the regime.

12 Q. You've already told us that you never saw your wife and your  
13 youngest son again, after they had been taken with you to Trea  
14 village. What about your other child? You mentioned that you had  
15 two children at the start of the Khmer Rouge period. What  
16 happened to your other child?

17 [15.41.44]

18 A. I never saw <them> again <after we arrived in Trea village. My  
19 children could have been taken and killed along with> my wife<. I  
20 have never seen them to this day, since the time I was separated  
21 from them under the pretext that I was being asked to go to eat  
22 porridge.> However, I did not know how they died. <They could  
23 have been either killed and dumped into the pit or killed by  
24 being> drowned <in the river. I just knew that women were taken  
25 away and killed> at night time.

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1 MR. LYSAK:

2 Thank you for answering my questions, Mr. Witness. My colleague  
3 has some questions for you. Thank you for your time today.

4 MR. SENG LEANG:

5 Good afternoon, Mr. President, Your Honours and everyone. In the  
6 interests of time, I only have three or four more questions,  
7 supplementary to what has been asked to the witness.

8 MR. PRESIDENT:

9 You need to consult with the Lead Co-Lawyers for the remaining  
10 time, as we only have <> less than 20 minutes left for the  
11 allotted time to the two teams.

12 MR. PICH ANG:

13 Mr. President, I think the time is manageable, as <Lawyer> Ty  
14 Srinna only needs about 10 minutes to put questions to the  
15 witness, and <so> the Co-Prosecutor can use the remaining time.

16 [15.43.40]

17 MR. PRESIDENT:

18 You may proceed.

19 QUESTIONING BY MR. SENG LEANG:

20 Q. I have about five minutes, so let me go straight into my  
21 questions. Mr. Witness, you said you lived for a period of time  
22 in Preaek Achi village. Did you ever see any Cham person who was  
23 forced to get married while you were living there?

24 MR. IT SEN:

25 A. No, I did not.

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1 Q. Let me go back to the time of the arrival of the <Southwest  
2 Zone> cadres. <Like> the New People, you were allowed to return  
3 to your home village of Ampil, and that <after> you <had> stayed  
4 there briefly <> the commune chief instructed you, as well as  
5 <other returnees>, to relocate to Trea village. Can you tell the  
6 Court how many <returnees> who were instructed to go and resettle  
7 in Trea village with you?

8 [15.45.08]

9 A. There were about 20 families from Ampil village, and another  
10 20 families from Saoy village. We were all sent together to Trea  
11 village.

12 Q. When you were instructed to go and resettle in Trea village,  
13 amongst other Cham people, did you make any request to the  
14 commune chief or the cadre in charge <of the village>?

15 MR. PRESIDENT:

16 Mr. Witness, please observe the microphone.

17 MR. IT SEN:

18 A. It was Comrade Seng who told us that next day the <returnees>  
19 had to be returned to Trea village, and <he urged the village  
20 chief to make sure that> we had to <return to Trea village> the  
21 next day. We were not allowed by the village chief as well as the  
22 village security personnel to stay in Ampil village any longer.  
23 And if we were to stay, they would deprive us of gruel. <At all  
24 cost, we had to leave the village; or we would be starved.>

25 BY MR. SENG LEANG:

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1 Q. And did you present any request?

2 [15.46.43]

3 MR. IT SEN:

4 A. Yes, I did. I said that I didn't want to go there. But I had

5 no choice. I knew that I would be killed when <they said we were

6 to be relocatd to> Trea village. But there was also no point

7 staying behind, because our food and gruel would be deprived.

8 There was no alternative for us but to go. <I did not believe

9 them in the first place when they said we were to be relocated. I

10 knew that they were planning to get us killed; but we just could

11 not stay.>

12 Q. So you knew beforehand that you would be killed when <they

13 said> you <were to leave for> Trea village<, didn't you>?

14 A. Yes, I did. <A> group <of people> had been sent there before

15 us<, and they disappeared>. They were told to go there to build

16 houses, but they never returned. And then their families were

17 sent after <under the pretext that they were being expected by

18 their families>, and they disappeared, too. For that reason, I

19 didn't want to go, but I could not stay behind because the food

20 would be deprived.

21 Q. And while en route to Trea village, you said that 20 families

22 were travelling together with you. Was it 20 families or 40

23 families -- that is, the families <that joined you on that

24 journey>?

25 [15.48.11]

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1 A. It was a mixed collection, a mixed gathering <of half of the  
2 families> from Ampil village and <the other half> from Saoy  
3 village. And I could say maybe there were about 40 families  
4 together from these two villages<; however, I saw many ox-carts  
5 full of people on that journey. As for men, when we were detained  
6 together in a house, it was crowded with men. There were about 40  
7 of them, and they were from Saoy and Ampil villages>.

8 Q. And while you were en route, did you observe any security  
9 guards patrolling along the road?

10 A. No, there was no guard. We were asked to make our journey by  
11 ourselves, and it was comrade Seng who travelled <on his motor  
12 bike back> and <forth>, monitoring us leaving the village -- that  
13 is, leaving Ampil to Trea village. He was on his motorbike,  
14 observing the procession that we made. < Nobody else was  
15 monitoring us.>

16 Q. Was comrade Seng armed with any kind of weapon?

17 MR. PRESIDENT:

18 Mr. Witness, please observe the microphone.

19 MR. IT SEN:

20 A. I did not see <him carrying any rifle>. However, if he had a  
21 <pistol> under his shirt, I would not notice. But people believed  
22 that he <had a mummified three or four month old foetus, believed  
23 to be a powerful magical charm, that was protecting him; and  
24 that whenever he made a scream, he would become invisible  
25 immediately>.

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1 BY MR. SENG LEANG:

2 Q. <Since> there were no guards, and you knew there were about 40  
3 families travelling with you together, and you knew beforehand  
4 that you would be killed when you arrived in Trea village, why  
5 didn't you decide to flee to other villages<, namely>, to Preaek  
6 Achi village <or other villages you had lived before>?

7 [15.50.34]

8 MR. IT SEN:

9 A. When we almost arrived at <> Trea village, we <were reluctant>  
10 to go <forward. We were full of fear. It took us about half an  
11 hour to decide to enter the village>, as we saw many soldiers at  
12 <> Trea village. And it was too late to return our <ox-carts  
13 elsewhere, and everyone started weeping>. And we didn't know  
14 where to go. <We knew that we could not go back. And if> we were  
15 to go to the forest with the <ox-carts>, we <did not know as to  
16 where it would lead to>. And by that time, some women <were  
17 weeping> and <crying>, as it was too late to return or to go  
18 back. Because by that time, we reached the point of no return,  
19 <though> we <had been> told <by people who lived near Trea  
20 village> that people were being tied up<, blindfolded> and <led  
21 to the pier> every day.

22 Q. You said you stopped about half an hour before you entered the  
23 Trea village; am I correct?

24 A. Yes, <panic rose within us, and> we stopped for about half an  
25 hour <as> we did not know what to do. <The oxen were still

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1 attached to the yokes, while women were getting off the ox-carts,  
2 sat on the ground, and started to cry. They were asking us not to  
3 go forward.> However, men still stayed on the <ox-carts>. We did  
4 not know what to do. We knew that we would be taken and killed  
5 when we entered the village, but if we <were to return, we would  
6 be sent back anyways. We were just out of thoughts>.

7 [15.52.18]

8 MR. SENG LEANG:

9 I'm running out of time, Mr. President. Thank you, and I'd like  
10 to cede the floor to the Lead Co-Lawyers <for civil parties>.

11 QUESTIONING BY MS. TY SRINNA:

12 Q. Thank you, Mr. President. And good afternoon, Mr. President,  
13 Your Honours and everyone. And good afternoon, Mr. It Sen. My  
14 name is Ty Srinna. I am a lawyer for civil parties. I have some  
15 questions to put to you. Let me go back a little bit to the time  
16 when you, the Cham people, were living in Preaek Achi village and  
17 later on, you spent two weeks living in Ampil village. These are  
18 the two main <points> of my questions. Can you tell the Court the  
19 living conditions and the food ration for you while you were  
20 living in these two respective villages?

21 MR. IT SEN:

22 A. Before that, my elder <sister> actually went to collect gruel  
23 <herself>, and then <she shared some of her> gruel <with me>.  
24 Later on, my <sister told the village chief that I could not go  
25 on the journey, and I> had <to return to the village due to the

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1 fact that I had suffered from> dysentery <>.

2 [15.53.53]

3 Q. Mr. Witness, allow me to rephrase my question. My question is  
4 in relation to the living condition of the Cham people, <in  
5 particular, regarding> the food ration given to the Cham people.

6 What was the <food ration> like? And what was the food like? Was  
7 it abundant? Was the living condition difficult <or comfortable>  
8 while you were living in Preaek Achi village?

9 A. The situation was extremely difficult. Three kilos of rice was  
10 <cooked in a big pot for> people living in a house. We could not  
11 cook any rice, but we instead cooked <thin> gruel <every day.  
12 While living in Ampil village, we had thicker gruel. While living  
13 in Preaek Achi, the living condition was harsh as we> never had  
14 <> cooked rice, <throughout the year>.

15 Q. And you were a Cham Muslim person. Did they respect you in  
16 giving you food <allowed by your religion>? I mean, that they did  
17 not give you pork to eat? Or what was the condition like?

18 [15.55.20]

19 A. The food was prepared, mixed together. For example, meat --  
20 pork <> was mixed while they were preparing food, and it was  
21 given to us, the Cham people. <They did not separate the food for  
22 giving to the Cham or the Khmer.> We were forced to eat. However,  
23 some of us <could not> eat, <they> were given some grains of salt  
24 instead.

25 Q. You said some of you were forced to eat pork. What kind of



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1 effect did it have mentally on the Cham people while they were  
2 eating pork?

3 A. Of course, it did have an impact upon us, but what could we  
4 do? Some of us had to eat, and they threw up after<, while some  
5 others just ate whatever provided to them.> And <for the Cham  
6 people who could not eat pork,> they begged for grains of salt  
7 instead of pork. And sometimes we had to hide the salt so that we  
8 could eat it during our meal time instead of having pork soup.

9 Q. So, according to your religion, the Cham people do not eat  
10 <pork>. And what happened to the Cham people who were forced to  
11 eat <pork>, because that would be contradictory to the discipline  
12 in your religion?

13 A. <My apologies. It was written in> the holy text of Koran  
14 <that> Allah <strictly prohibits> us <from eating> dog meat <and>  
15 pork, under any circumstances. These are the two <types of> meats  
16 that we are prohibited from eating<, according to the Koran>.

17 [15.57.45]

18 Q. Does the holy Koran provide any explanation for the  
19 prohibition of consumption of dog meat and pork?

20 A. In the holy Koran, Allah prohibits us from consuming dog meat  
21 and pork. As for the rest of the meat, <> we have a choice to  
22 eat. <According to the Koran, pork is not allowed to be consumed  
23 by the Muslim.> That's all I know.

24 Q. You <constantly> stated about <"samyang">. Can you provide an  
25 explanation to what it means to the Court?

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1 A. In the holy Koran, Allah mentions "samyang", and we<, Muslims  
2 stick to what is written in the holy Koran. <On the order of  
3 Allah, every> Muslim has to worship <and do daily prayers, and we  
4 just have to do it on a daily basis>. And <the Holy Koran  
5 requires us to fast, we have to fast accordingly. We have to  
6 stick to what is written in the Holy Koran>.

7 Q. Do all the Cham people have to engage in the practice of  
8 samyang? That is "pray", in English. Does samyang represents a  
9 symbolic practice or prayer, of adherence to the holy Koran by  
10 all Muslims?

11 [15.59.52]

12 A. Not every Muslim person <has prayers on a daily basis>, but  
13 for <faithful> Muslims, we all have to practice samyang, or to  
14 pray <on a daily basis. Not every Muslim is a faithful Islam  
15 believer.>

16 Q. I'd like to put a few more questions in relation to your time  
17 at Trea village. What kinds of people were sent to Trea village?  
18 Were you considered making mistakes, so that you were sent to  
19 Trea village?

20 A. No, we did not commit any mistakes. We were simply villagers  
21 <like others>. However, <since> we <had> returned <to our  
22 village> from Preaek Achi village <>, then we were instructed to  
23 go <back> to Trea village. <That was the only difference.> And it  
24 was <Comrade> Seng, who was a <Southwest Zone> cadre, who told us  
25 that the area had been liberated, and that we could return to our

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1 home village. <That> was the policy<; but after we had arrived,  
2 we were told to return> to Trea village<. He himself could have  
3 misunderstood the actual policy> as <he was the one who told us  
4 that> the area had been liberated, and the country <was enjoying>  
5 peace. <However, when> we <arrived in Ampil village, we> were  
6 sent <back> to Trea village.

7 Q. <Thank you. I have one more question regarding the time> when  
8 you arrived in Trea village, you said that you were questioned,  
9 and pure Cham people were put in one group, and the half-Cham  
10 half-Khmer were placed in another group. <What happened to each  
11 group?> Were you questioned on other issues, besides on your  
12 ethnicity? <Were those people tortured for other pieces of  
13 information?>

14 [16.02.01]

15 A. No <more information was asked of us. Again,> those who were  
16 sent there were all Cham. There were no Khmer people. However,  
17 maybe they <were testing our loyalty toward them> by asking us  
18 those questions, whether we were <>Khmer <or >Cham. However, they  
19 knew that we were all pure Cham people. <Again, they were testing  
20 our loyalty.> However, we were afraid that they would beat us if  
21 we said that we were Cham, so some of us told them that they were  
22 Khmer <with the hope that they would treat us better; but> it  
23 became even worse, as they even beat us more <for the reason that  
24 we were lying to them>.

25 Q. <Thank you. I have another question. I am interested in an

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1 incident you went through.> Later on, you fled from Trea village,  
2 and you survived. Have you ever returned to Trea village after  
3 the fall of the Khmer Rouge regime? If that is the case, and as  
4 you said, you saw a big pit in Trea village during the Khmer  
5 Rouge regime. And if you returned to Trea village after the fall  
6 of the Khmer Rouge regime, have you observed whether there was  
7 only one single pit? Or there were many more pits?

8 [16.03.20]

9 A. No, I have not returned to the Trea village. And from what  
10 people said, we all know there was only one large pit there, with  
11 many iron bars scattered nearby. But personally, I never returned  
12 <to Trea village> again.

13 Q. <Thank you.> Were you aware of the <separate> killing of the  
14 Cham women?

15 A. The wives were killed separately. The single <grown-up girls>  
16 were killed separately. The husbands were killed separately. <The  
17 small children were killed along with their mothers.> They killed  
18 the Cham people in these three different -- separate groups.

19 Q. Have you heard <of> an event where a Cham woman was asked to  
20 lie on a plank, facing down, and then later on, her throat was  
21 slashed, and thrown into <a> pit? <Did you witness such an event?  
22 Or have you heard of such an event?>

23 A. I <didn't see it or hear of> it. Rather, I heard it. I <just>  
24 heard <that people were beaten on their necks and dumped into a  
25 pit; however,> I did not witness <such an event>.

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1 MS. TY SRINNA:

2 In the interests of time, I thank you very much for your  
3 responses. And Mr. President, I'm grateful for the opportunity.  
4 [16.05.20]

5 MR. PRESIDENT:

6 The Chamber will adjourn now, and resume tomorrow -- that is,  
7 Tuesday, 8 September 2015, commencing from 9 o'clock in the  
8 morning, where we will continue to hear testimony of witness It  
9 Sen, and commence hearing testimony of a civil party -- that is,  
10 2-TCCP-244.

11 Mr. It Sen, the Chamber is grateful of your time to testify  
12 before this Chamber. However, it is not yet concluded, and you  
13 are invited to return to resume your testimony tomorrow, starting  
14 from 9 o'clock in the morning.

15 Court officer, in collaboration with WESU, please make  
16 arrangement for this witness, as well as the reserve civil party,  
17 2-TCCP-244, to the place where he's staying, and invite them to  
18 return to the courtroom tomorrow <at 9 a.m.>

19 Security personnel, you are instructed to take the two Accused,  
20 Khieu Samphan and Nuon Chea, back to the detention facility, and  
21 have them return to attend the proceedings tomorrow before 9  
22 o'clock in the morning.

23 The Court is now adjourned.

24 (Court adjourns at 1606H)

25