



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Mar-2017, 12:00  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 September 2015

Trial Day 332

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

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KHIEU Samphan

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Travis FARR  
SONG Chorvoin  
SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

Ms. NO Sates (2-TCCP-270)

Questioning by Mr. KOPPE ..... page 2

Questioning by Ms. GUISSÉ..... page 28

Mr. SOT Sophal (2-TCW-845)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KOPPE	English
Mr. LIV Sovanna	Khmer
The President (NIL Nonn)	Khmer
Ms. NO Sates (2-TCCP-270)	Khmer
Mr. PICH Ang	Khmer
Mr. SOT Sophal (2-TCW-845)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining of the  
6 testimony of No Sates. And then we hear another witness, that is,  
7 2-TCW-845, in relation to Trapeang Thma Dam worksite.

8 Greffier, please report the attendance to the Parties and other  
9 individuals at today's proceedings.

10 [09.03.43]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this case  
13 are present. Mr. Nuon Chea is present in the holding cell  
14 downstairs. He has waived his right to be present in the  
15 courtroom. The waiver has been delivered to the greffier. The  
16 civil party who is to conclude her testimony today, that is,  
17 Madam No Sates, is present in the courtroom. Today, we also have  
18 a reserve witness, that is, 2-TCW-845, who confirms that to the  
19 best of his knowledge he has no relationship by blood or by law  
20 to any of the two Accused, that is Nuon Chea and Khieu Samphan,  
21 or to any of the civil parties admitted in this case. The witness  
22 will take an oath before the Iron Club Statue this morning. Thank  
23 you.

24 [09.04.47]

25 MR. PRESIDENT:

2

1 Thank you. The Chamber now decides on the request by Nuon Chea.  
2 The Chamber has received a waiver from Nuon Chea dated the 29th  
3 September 2015, which states that due to his health: headache,  
4 back pain, he cannot sit or concentrate for long, and in order to  
5 effectively participate in future hearings, he requests to waive  
6 his right to participate in and be present at the 29 September  
7 2015 hearing. Having seen the medical report of Nuon Chea by the  
8 duty doctor for the Accused at the ECCC, dated 29 September 2015,  
9 which notes that today, Nuon Chea has severe back pain and  
10 dizziness when he sits for long, and recommends that the Chamber  
11 grant him his request so that he can follow the proceedings  
12 remotely from the holding cell downstairs.  
13 Based on the above information and pursuant to Rule 81.5 of the  
14 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
15 follow today's proceedings remotely from the holding cell  
16 downstairs via audio-visual means.  
17 The Chamber instructs the AV unit personnel to link the  
18 proceedings to the room downstairs so that he can follow the  
19 proceedings. And this applies to the whole day.  
20 The Chamber now hands the floor to the defence teams. First to  
21 the defence team for Nuon Chea to put questions to this civil  
22 party, Madam No Sates. And you may proceed, Counsel.  
23 [09.06.37]  
24 QUESTIONING BY MR. KOPPE:  
25 Thank you, Mr. President. Good morning. Good morning, Your

3

1 Honours. Good morning, Counsel. Good morning, Madam Civil Party.

2 I have a few questions that I would like to put to you this

3 morning. You are from Svay Khleang. Which village number in Svay

4 Khleang are you from?

5 MS. NO SATES:

6 A. I do not know the number of the village. However, I know that

7 it's Svay Khleang village, Svay Khleang commune, Krouch Chhmar

8 district, Tboung Khmum province which is -- now it's referred to.

9 Q. Back in 1975, do you know in which sector in the East Zone

10 Svay Khleang was situated; the sector number?

11 [09.08.05]

12 A. I do not know which sector it was in. I only know that the

13 village I lived in was Svay Khleang. And I was born there. And I

14 was there too, in 1975, before I was relocated.

15 Q. I would like to ask you if you know someone who also lived in

16 Svay Khleang, and possibly still lives in Svay Khleang in Village

17 Number Five; a man called Man Sen? I will ask my national

18 colleague to pronounce the name.

19 MR. LIV SOVANNA:

20 The name is Man Sen.

21 BY MR. KOPPE:

22 Do you know him?

23 MS. NO SATES:

24 A. No. That name does not sound familiar to me. Even if people

25 are living in the same village, we do not know everyone. Maybe a

4

1 person is living at the other side of the village. That name does  
2 not ring a bell to me. I know other people including <Sos Min>  
3 and <Takem> (phonetic).

4 Q. Maybe you know his wife, El Mas? And they are father and  
5 mother of eight children. The wife's name is El Mas. Maybe my  
6 national colleague can pronounce the name as well.

7 [09.10.11]

8 MR. LIV SOVANNA:

9 The person is a house builder. His father was Sos Man deceased,  
10 and Ya Mat is his mother who is still living. And El Mas is his  
11 wife, and they have eight children altogether. <He is a  
12 carpenter.>

13 MS. NO SATES:

14 A. I do not know who he is. I do not know that surname.

15 BY MR. KOPPE:

16 Very well. No problem, Madam Civil Party. Mr. President, I would  
17 like to refer to a few excerpts of Man Sen's statement that he  
18 gave to Ysa Osman. That is document, E3/7675. It's at English  
19 page 84, ERN 00221859; French, 00293924 and 25; and Khmer,  
20 00221853. And just for the completion of the record, he also gave  
21 a statement to the investigators, Man Sen, that is E3/5205.

22 [09.11.57]

23 Madam Civil Party, this person speaks about events that occurred  
24 in '73, '74, and also '75; events in Svay Khleang in relation to  
25 the rebellion. And I would like to read a few excerpts from his

5

1 statement. And I would like to ask you whether you know anything  
2 or whether you can confirm. He said that: "By 1975, arrests were  
3 carried out indiscriminately[...]" in Svay Khleang. And he says:  
4 "Rumours had it that the Khmer Rouge were arresting anyone  
5 connected with the White Khmer movement." Now yesterday, you also  
6 mentioned the White Khmer movement. Do you know anything about  
7 rumours in 1975, that arrests in Svay Khleang were made because  
8 of connections of Cham with the so-called White Khmer movement?  
9 [09.13.15]

10 MS. NO SATES:

11 A. I heard something about it, that is, about the White Khmer  
12 group. And it was the issue of the White Khmer that people in the  
13 village were accused of being the White Khmer, the American CIA  
14 agents. And for that reasons, they were arrested. People were  
15 arrested and put on horse carts, and that usually happened at  
16 around 7 or 8 o'clock at night. And those who were arrested never  
17 returned. And that was the root cause of rebellion that took  
18 place in Svay Khleang. They were afraid that the arrest would  
19 continue. For that reason, they had no choice but to rebel. I  
20 heard people talking about that. They said men and male youth  
21 sacrificed themselves in order to engage in the rebellion. <They  
22 said they would rather die than get arrested, detained and  
23 mistreated.> They actually sharpened their knives and sought to  
24 counterattack the Khmer Rouge group. My father also participated  
25 in the rebellion. This is the truth I am telling the Chamber. I



6

1 am telling the Chamber what I saw at the time. This is the truth  
2 and this is not a fabrication. I do not lie. And I am telling the  
3 Court what I experienced and witnessed.

4 [09.15.11]

5 Q. You said your father was involved in the rebellion; do you  
6 know whether he was involved in this White Khmer or Khmer Sar  
7 movement?

8 A. Of course, he had to <get> involved in the resistance, in the  
9 rebellion. Otherwise, they would be - they would end up <being  
10 arrested>. For that reason, they armed themselves with knives and  
11 swords and engaged in the rebellion against the Khmer Rouge.  
12 Because by that time, every single night, about 20 or 30 of them  
13 would be arrested and taken away by the Khmer Rouge. <Who on  
14 earth could put up with that kind of torture?>

15 Q. He also speaks about two commune chairmen, one with the name  
16 of Ta Long and somebody with the name of Ta Yok. Do these names  
17 mean anything to you, Ta Yok and Ta Long?

18 A. I know of the name Ta Long but not Ta Yok.

19 Q. Was Ta Long Cham as well?

20 A. Ta Long is a Khmer person. He was the former commune chief,  
21 that is, the commune chief during the Khmer Rouge regime.

22 Q. The same Man Sen, also stated to Ysa Osman that the rebellion  
23 started sometime in October 1975 on the religious holy day called  
24 Raya; is that correct?

25 [09.17.54]

7

1 A. Yes, that is correct. The day of the rebellion was the day of  
2 the Raya celebration. They were planning to round up all the Cham  
3 people on that Raya day. And the plan was to round up those Cham  
4 people who went to pray in the mosque on that Raya day. That was  
5 their plan. For that reason, there was a rebellion against that  
6 plan. And the rebellion lasted for one night and one day. And  
7 there was no way that the rebellion would defeat the Khmer Rouge  
8 because, you can imagine, on one side, there were only knives and  
9 swords while on the Khmer Rouge side, there were guns. So it was  
10 defeated. <We surrendered and submitted to them. I do not know  
11 how many people were killed and how many people survived.>

12 Q. Man Sen, and also another witness who testified in Court  
13 earlier, talked about the beating of drums from one village to  
14 another village presumably in order to spread the rebellion. Have  
15 you heard -- do you remember hearing the beating of the drums?

16 [09.19.29]

17 MR. PRESIDENT:

18 Madam Civil Party, please hold on. And the International Deputy  
19 Co-Prosecutor, you have the floor.

20 MR. BOYLE:

21 Yes, Mr. President. Not an objection at this time, but just an  
22 observation. We have been criticized before about asking a  
23 witness simply to confirm their own statement. We seem to be  
24 proceeding now asking the civil party to confirm the statements  
25 of other individuals. So I would ask that Counsel ask open

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1 questions if he then wants to ask -- to use written records of  
2 interview to refresh the witness's memory in some form. I would  
3 have no objection to that.

4 MR. KOPPE:

5 I agree, Mr. President. So I will ask open questions first.

6 MS. GUIRAUD:

7 Thank you, Mr. President. Good morning. I just want to make a  
8 remark. I do not recall having heard in this courtroom that a  
9 witness <or civil party> spoke of the beating of a drum from one  
10 village to another. What I remember is that <it was in the same  
11 village that the drum was used>. I may be wrong and in this case,  
12 I would ask Counsel to cite the <excerpt> of the transcript he is  
13 referring to, because I do not recall <a drum being beaten> from  
14 one village to the other.

15 [09.20.58]

16 BY MR. KOPPE:

17 I will formulate my questions openly, Mr. President.

18 Q. Madam Civil Party, do you recall in that night of Raya in  
19 October '75, beatings of drums?

20 MS. NO SATES:

21 A. Yes, I heard the beating of the drum. However, the sound of  
22 the drum only happened and <was> heard within my village and not  
23 across to another village. The drum was being beaten when the  
24 rebellion or the people involved in the rebellion <were> marching  
25 against the Khmer Rouge. And the beating of the drum signalled

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1 the start of the rebellious activity, and to warn people to be  
2 careful and <by that time, villagers had already left their  
3 houses and gone into hiding in safe places> to avoid being hit by  
4 gunfire from the Khmer Rouge's side. And men involved in the  
5 rebellion were fighting with the Khmer Rouge side. They were  
6 holding swords and knives while the women took care of their  
7 children by hiding themselves in a safer location or area, while  
8 the men were marching and fighting against the Khmer Rouge.

9 [09.22.45]

10 Q. Do you know whether at the same time there were also Cham  
11 rebellions at Kaoh Phal and Trea village?

12 A. No, I don't. At that time, I did not know if there was a  
13 rebellion at Kaoh Phal or at Trea village. I only knew about the  
14 rebellion that took place in my village.

15 Q. And can you tell us what it is that you saw? Did you see  
16 actual fighting? Did you see Khmer Rouge soldiers? What is your  
17 memory as to the events in October '75, in Svay Khleang village?

18 A. I did not see people firing their weapons. I only saw the  
19 bullets. I didn't see actual people firing their guns. <My father  
20 got hit by bullets in his toes, his big toe.>

21 Q. Did you see, either during the fighting or when the fighting  
22 was done, Khmer Rouge soldiers who had defeated the rebellion?  
23 Did you see them walking in the village?

24 [09.24.33]

25 A. I saw them rounding up the people involved in the rebellion in

10

1 the village. They rounded up everyone. <They swept clean all the  
2 enemies in the whole village.> And then we, including myself, <>  
3 were walked by soldiers. And there was a long queue. And we were  
4 not allowed to stray from the queue. We had to walk in a file,  
5 escorted by armed soldiers since they were afraid that we would  
6 flee from the group. Then we <reached> Prek Cham bridge, then we  
7 <crossed> to the other side to Prek Samraong <> where the men  
8 including my father and villagers in my village <were> put in one  
9 side at that bridge, while the women were allowed to stay in <a  
10 pagoda> or in a tobacco <warehouse>. And the children would stay  
11 with the mothers and the women group, while the men and husbands  
12 were separated and placed in a separate group and detained near  
13 the bridge. So by that time, all the Cham people in Svay Khleang  
14 village had been cleansed and purged. And if anyone was to stay  
15 behind, that person would be considered the enemy or the CIA  
16 agent.

17 [09.26.33]

18 Q. Maybe you said it but just to make sure, did you see the next  
19 day in the morning or in the afternoon or in the following days  
20 Khmer Rouge soldiers? And if yes, can you tell us whether they  
21 were from the district or maybe from somewhere else? Do you know  
22 what uniforms they were wearing, for instance?

23 A. At that time, there were soldiers, district soldiers, and <>  
24 commune <soldiers> and there were also militia <at village  
25 level>. So there were armed forces at various levels within the

11

1 area. <They were deployed in villages across the district.> For  
2 soldiers, they wore their blue uniform while the men who worked  
3 at the commune wore black dress with their scarf around their  
4 neck. <Women who worked in different communes and villages wore  
5 black skirts and shirts with scarves around their necks.>

6 Q. Let me read to you an excerpt from what Man Sen told Ysa  
7 Osman. He says: "At 9 o'clock" the following day, "I saw an  
8 additional force of hundreds just arrived wearing uniforms  
9 different from those of the district troops. They had backpacks  
10 and all types of weapons. They fired heavy weapons and small arms  
11 at the rebels. Khmer Rouge boats swept the river banks with  
12 continuous fire."

13 Madam Civil Party, what Man Sen is testifying to or has been  
14 testifying to, is that somehow -- does that somehow jog your  
15 memory?

16 [09.29.01]

17 A. I cannot vividly recall what happened. I was 17 years old at  
18 that time when I left Svay Khleang. And now I am 57 years old. So  
19 if you call me to give you vivid details of the event, I cannot  
20 do that. I can only tell you what I remember.

21 Q. That's no problem, Madam Civil Party. One last excerpt of  
22 testimony that I would like to read to you. That is from somebody  
23 who testified in this courtroom. Mr. President, that is witness  
24 It Sen, at around 16.08, 8 September 2015. The question is: "They  
25 had marines," -- sorry, he answers as follows to a question:

12

1 "They had marines, they had various types of weapons. They did  
2 not use boats to fire at us at a time because we were on the same  
3 -- we were on land."

4 Question: "And did they have fire -- did they fire artillery  
5 shells into your village?"

6 Answer: "They did not use only the light weapons, they had heavy  
7 weapons as well. The sounds of gunfire deafened our ears. I could  
8 not tell you whether there were different types of weapons used.  
9 I cannot draw a conclusion about the weapons."

10 Now, Madam Civil Party, the sounds of gunfire deafening the ears  
11 of this witness, is that something that you recall as well in  
12 October '75?

13 [09.31.06]

14 A. Yes, I heard gunshots. <They fired a lot of shots from AK  
15 rifles randomly. It was that time that my father was hit in his  
16 big toe.> And from time to time, I heard them firing rockets. But  
17 the rocket firing was rather scattered. And my father was hit by  
18 a rocket shard.

19 Q. How do you know that your father was hit by a rocket?

20 A. Well, he told me that he had been hit. He even showed me his  
21 leg. <> And after having been hit by the rocket, he came to see  
22 me with his wife and his kids.

23 Q. Do you know how many men who were fighting in Svay Khleang  
24 village were injured or killed by gunfire the same as your  
25 father?

13

1 A. No, I do not know how many. But many people were injured and  
2 many people died. Some were badly injured or -- some were even  
3 dead. I cannot provide you with an exact figure. I did not have  
4 the leisure of counting how many people were injured or how many  
5 people had died. I was only thinking about my family, <my younger  
6 siblings and my grandmother> and especially about staying alive.  
7 [09.33.21]

8 Q. Now, you also testified that your father was arrested after  
9 the rebellion was crushed. How many days did it take after his  
10 injury before he was arrested?

11 A. About a half day later. He was hit around 12.00 and around 7  
12 p.m, when we were at the bridge -- after having crossed the  
13 bridge in fact, he was arrested right at the end of the bridge.  
14 So this is the Prek Cham bridge I'm speaking about, on the  
15 Samraong side in Krouch Chhmar district.

16 Q. And were you able to witness any other arrests other than the  
17 arrest of your father?

18 A. Yes. Many people were arrested, young people who were married  
19 and single people. There were so many of them that I could not  
20 provide you with an exact figure.

21 Q. Hundreds or less, can you give an estimate?  
22 [09.35.13]

23 A. More than a hundred, maybe <200> or <> 300 people.

24 Q. And was it only men that were arrested, or were there also  
25 Cham women who had joined the rebellion who were arrested?



14

1 A. Only the men were arrested. The women were kept in <a  
2 detention centre> in <a> pagoda or in <a> tobacco processing  
3 plant. They were <detained there for a period of one month and  
4 three days and then we were> released <and we were divided to  
5 live in different villages.> The widows were released and sent to  
6 <live along> the river <bank>, and those who had no ties with the  
7 CIA were also released and <re-united with their families, wives,  
8 husbands and children. Then, they were> sent to <live in>  
9 different <areas in the countryside>, for example, in <Dambae,  
10 Kouk Char or Kouk Srok or to live> in <Kampong Thom, Soupheas or  
11 Srae Veal. For> the widows<, whose husbands had disappeared,>  
12 were then sent <to live> along the river <bank>.

13 Q. Do you know to which security centre your father was being led  
14 to after he was arrested?

15 A. My father was <first> detained in Krouch Chhmar at Ta Duong  
16 bridge. And six months later, he was taken to Preaek Achi, and  
17 then we lost trace of him <and he has disappeared ever since>.  
18 <Many> people were detained with my father <and they all were  
19 prisoners>.

20 [09.37.40]

21 Q. And they were all detained at the same Krouch Chhmar security  
22 centre?

23 A. Yes. It was in Krouch Chhmar district but -- well, <there>  
24 were small or large detention centres, and people were detained  
25 for heavy or minor offences. So at Krouch Chhmar, the prison was

15

1 dismantled. <People have built houses to> live there <since the  
2 end of Pol Pot regime>. So the prison disappeared after the Khmer  
3 Rouge regime fell.

4 Q. And how do you <know> that six months after his arrest, he was  
5 subsequently transferred to another security centre? How did you  
6 find out?

7 A. I didn't say six months. I gave you an approximate time. At  
8 one point in time, he was taken to Krouch Chhmar and it was only  
9 a year later that I learnt that he had been taken there because  
10 some <Khmer> people <who were living near that area> saw him  
11 <bathing> at Ta Doung <while he was allowed to walk out>, and  
12 these people knew him well. They were Khmer people, I was told.

13 Q. And do you know if the other men who had been arrested  
14 together with him were also transferred from the Krouch Chhmar  
15 security centre approximately six months after their arrest?

16 [09.39.59]

17 MR. PRESIDENT:

18 Civil Party, please hold on. The Co-Prosecutor would like to take  
19 the floor.

20 MR. BOYLE:

21 I object to the form of the question. I'm only hearing Counsel  
22 use the word 'security centre'. He's used it a number of times  
23 now. I've heard the civil party refer to her father being  
24 detained and that there were various places where individuals  
25 were detained and being transferred from one place to another,

16

1 but I'm not hearing her use the term 'security centre'. So I  
2 believe that that is a phrase that is being injected into the  
3 question.

4 BY MR. KOPPE:

5 I've been hearing that word so often that I didn't see that  
6 objection coming, Mr. President. But I refer to the Closing Order  
7 where the Krouch Chhmar security centre is described as the  
8 Krouch Chhmar district security centre. So I was presuming that  
9 she meant the same thing. But I'll be happy to formulate.

10 Q. Madam Civil Party, you spoke about the place that your father  
11 was detained. Was that known as the Krouch Chhmar district  
12 security centre?

13 [09.41.42]

14 MS. NO SATES:

15 A. They said that it was the Krouch Chhmar district detention  
16 centre. I was not living far away from there and I knew this  
17 centre. <I heard by word of mouth that it had been the Krouch  
18 Chhmar district office's detention centre.> It was located in  
19 Krouch Chhmar commune itself.

20 Q. And was there, in 1975, only one such centre -- detention  
21 centre in Krouch Chhmar?

22 A. I don't know. I only know that detention centre in Krouch  
23 Chhmar district. And another centre I know as well <was> in  
24 Preaek Achi, but I don't know the exact name of that security  
25 centre. Maybe there were two or three of them. But I didn't know

17

1 where they were located. I only knew the Krouch Chhmar security  
2 centre and Preaek Achi.

3 [09.43.09]

4 Q. Now, let me move forward bit in time, Madam Civil Party.  
5 Yesterday, you testified that after you returned from Takeo, you  
6 returned to Khsach Prachheh Leu, that later on you were sent to  
7 build a dam at Chinit. And then at that time, you heard the  
8 firing of gunshots. And you said that at that time, the Southwest  
9 cadres were fighting with the Khmer Sar. Is that indeed what you  
10 said yesterday and if yes, how did you know the Southwest cadres  
11 were fighting with the Khmer Sar or White Khmer?

12 A. Back then, there were White Khmer. And the Southwest Zone  
13 cadres arrived and they fought <and chased the White Khmer. It  
14 was very chaotic.> And I fled from Chumnik to Khsach Prachheh Leu  
15 village. <At that time, I was in a mobile unit. And after> I  
16 worked on the Tuek Chrov worksite<, I was moved to dig dirt to  
17 build the Chumnik dam>. I didn't know if they were Khmer Sar or  
18 White Khmer, but they were fighting <and exchanging gunshots  
19 with> each other <every day>. So indeed there were White Khmer  
20 involved because there was fighting. And the White Khmer were not  
21 so mean as the Southwest Zone people who <came in and arrested> a  
22 <large number> of people <in trucks and motorboats>. The White  
23 Khmer simply wanted to free <the villagers from the Southwest  
24 Zone people. That's what they wanted to achieve in their  
25 struggles.>

18

1 [09.45.15]

2 Q. But going back to my original question, how did you know that  
3 it was Khmer Sar or White Khmer that were fighting the Southwest  
4 Zone forces? Who told you? Did you see fighting or did you hear  
5 somebody speak about that fighting?

6 A. I heard gunshots and I also heard people <shouting> that we  
7 <had> to escape <now that the fighting had erupted and that> we  
8 were on the Khmer Sar side and we had to escape as the Southwest  
9 Zone people were coming to arrest us, so I fled without taking  
10 anything with me, <but the clothes that I had with me> because I  
11 was <so> afraid of being hit by a bullet. And the Southwest Zone  
12 people <sympathized with no one upon their arrival>.

13 Q. Can you date it more specifically in time? You said when you  
14 were sent to build the dam at Chinit, then you heard the firing.  
15 When were you sent, in what year was it to build a dam at Chinit,  
16 was it 1977 or 1978, maybe?

17 [09.47.00]

18 A. It was in 1977 or '78, the Southwest Zone people arrived. It  
19 was towards the end of the regime. But I remember that the  
20 Southwest people arrived <almost at> the end of the regime.  
21 Maybe, it's '76, '77, '78. That is the year when -- the bloodiest  
22 year was 1977. <But,> 1978 <saw a bit relief> when the <war  
23 nearly came to an end and the country almost hailed the fall of  
24 the Khmer Rouge regime>.

25 Q. I can fully understand that it is difficult with all those

19

1 years. But if I were to tell you that the clashes between  
2 Southwest Zone forces and East Zone forces in your sector was in  
3 May or June '78, would that be correct?

4 A. Yes, that's true. That's correct.

5 [09.48.42]

6 Q. Now you said earlier that your father was involved in the  
7 White Khmer movement. Just to be sure, was that the same movement  
8 or organisation that was fighting forces of the Southwest Zone in  
9 May or June '78?

10 MR. BOYLE:

11 I object to the question. My recollection of the answer to the  
12 question earlier was not a confirmation that her father was  
13 involved in the White Khmer movement, but that he was involved in  
14 the rebellion. So I believe that the question misstates the  
15 evidence.

16 MR. KOPPE:

17 I'm not sure that I did, Mr. President. So I think the objection  
18 should be overruled.

19 (Judges deliberate)

20 [09.50.55]

21 MR. PRESIDENT:

22 The Chamber notes that the Prosecution's observation is  
23 reasonable. So the Chamber is requesting the Nuon Chea defence to  
24 clarify this point regarding the White Khmer. So you have to  
25 distinguish what happened in 1975 from what happened in 1978. So

20

1 it appears that the Nuon Chea counsel is trying to combine both  
2 of these events.

3 BY MR. KOPPE:

4 That was indeed what I was trying to do. But I will be asking  
5 questions -- clarification questions, Mr. President.

6 Q. Madam Civil Party, we spoke earlier about the rebellion in  
7 1975, we also spoke about the possible involvement of the White  
8 Khmer in that rebellion. In '75, was your father, himself, a  
9 member of the so-called White Khmer movement?

10 [09.52.36]

11 MS. NO SATES:

12 A. No. He was not part of the White Khmer movement. He took part  
13 in the rebellion to fight the Khmer Rouge. And they gathered in  
14 order to avoid being arrested and taken away and killed. So they  
15 chose to die in the village itself. My father was not involved in  
16 the White Khmer movement. Only after his death, the White Khmer  
17 movement took shape. He died in the prison itself, based on what  
18 I learnt from <other people>. Those who knew my father told me  
19 about this. There were Khmer and the Khmer loved the Cham <and  
20 regarded us as> their brothers <and sisters> because they did not  
21 have black blood like the Khmer Rouge.

22 Q. Just now you spoke about the White Khmer movement in '75. Your  
23 father was not involved; clear. Before that you spoke about  
24 fighting in '78, between Southwest Zone forces and the White  
25 Khmer. Do you know whether these forces of the White Khmer in

21

1 '78, clashing with the Southwest Zone forces were the same as the  
2 ones that you described that existed in '75?

3 A. No.

4 [09.54.49]

5 MR. PRESIDENT:

6 Civil Party Co-Lead Lawyer, please you have the floor.

7 MR. PICH ANG:

8 Good morning, Mr. President. Earlier, Counsel Koppe said <a bit  
9 earlier> that the White Khmer movement happened in 1975. But  
10 based on what the civil party is saying, <she did not say that  
11 there was White Khmer movement> in 1975 <>. She said that this  
12 movement took shape only later.

13 BY MR. KOPPE:

14 I don't think, Mr. President, she said that. She said it  
15 developed after the death of her father. But I'll move on because  
16 of the time, and I'll move to 1978, I presume still, Madam Civil  
17 Party. I would like to ask you the following.

18 [09.55.50]

19 Q. Yesterday, you said that you saw corpses floating in the river  
20 and that you said that some of these corpses floating in the  
21 river were soldiers. And you could see that, you said, because of  
22 the khaki colour greenish uniforms they were wearing. When you  
23 saw those soldiers, was it around the same time as you heard guns  
24 being fired during the fighting between the White Khmer and the  
25 Southwest Zone forces?



1 MS. NO SATES:

2 A. Well, <that was after the fighting erupted. It> was when I was  
3 in Khsach Prachheh Leu village. We were arrested and gathered at  
4 the detention centre at Trea village. And then, we were released  
5 in order to work at Khsach Prachheh Leu. And on the river banks,  
6 we saw bodies floating. And bodies that were tied together one by  
7 one. And children were put in bags, six-month old children or one  
8 year old children. <The sacks torn apart, so we found the corpses  
9 of children floating.> I did not see executions but I saw bodies  
10 floating in the river. And I saw another person by the name of  
11 <Bong Tho (phonetic)> who was working <as> the <commune> youth  
12 <representative in> the East Zone. And I saw <her> body float and  
13 <her> throat had been slit. And <her> body <moved up and down the  
14 water through and against the water current>. And I asked myself,  
15 "How is it possible that this body <could move> like that<?>"> So  
16 that was after I was released <from the detention centre where I  
17 had been interrogated by the Southwest Zone cadres, and> after I  
18 was assigned to <carry out the> tasks in villages that were under  
19 the supervision of unit and group chiefs. And it is then that I  
20 saw these bodies floating in the river.

21 [09.58.54]

22 Q. Just to be sure, would that be also May, June '78?

23 A. Yes, it was in 1978. That was the last year of the Khmer Rouge  
24 regime. And it was -- and then right afterwards, after <I stayed>  
25 in the forest <for three months, just several months before> the

1 country was liberated. And <while in the forest,> I spent one  
2 month <in> the water and two months on land. And then Phnom Penh  
3 was liberated and it was the end of the regime -- the Khmer Rouge  
4 regime. <And, the war came to an end.>

5 Q. Did you actually witness armed clashes or fighting with the  
6 use of tanks, artillery, etc., between the Southwest Zone forces  
7 and the East Zone forces in May or June '78?

8 A. No, I did not know at that time because I was <still> in the  
9 forest. However, I saw the activities of messengers of the Khmer  
10 Sar. And we <learnt> a little bit about what happened. We learnt  
11 <through the messengers> that Phnom Penh was captured. And the  
12 information was <spread by> the Khmer Sar <messengers> who <were>  
13 riding <horses to bring the news to the people and those who had  
14 been staying in the forests>. And that's how we learned of the  
15 information <as we did not have any mobile phones at that time>.  
16 [10.00.57]

17 Q. Madam Civil Party, I have a specific question as to what you  
18 said in your interview with Ysa Osman. That is E3/9307, English  
19 page 01132815; French, 01128400; and Khmer, 00045906. You were  
20 asked questions about soldiers from the Southwest Zone, and you  
21 said: "I know" - as matter of fact, I have to correct myself.  
22 It's an interview with you and I suppose your husband, because  
23 your husband answers as follows: "Why did you know?" And he says:  
24 "I know because they told us they were from the Southwest Zone.  
25 They called us Khmer body with a Vietnamese head. For the Khmer

24

1 who lived on the other side of the river, they did not call them  
2 like that. They accused all the Cham who lived on this side of  
3 the river of associating with the Vietnamese". And was that  
4 indeed your husband saying that, do you remember?

5 A. I cannot recall that since this is not my statement. Maybe my  
6 husband was interviewed elsewhere and that's what he said. So I  
7 cannot confirm it.

8 [10.03.02]

9 Q. I might be making mistake myself. But in the interview -- let  
10 me ask it in an open question. Do you know whether Southwest Zone  
11 forces made a distinction between Cham living on one side of the  
12 river and Cham living on the other side of the river; one group  
13 of Cham colliding (sic) with the Vietnamese and the other ones  
14 not? Is that something that you recall?

15 A. The people who were living <in> the East Zone were accused of  
16 having the Khmer bodies with the Vietnamese heads and that they  
17 colluded with the Vietnamese. As for those on the southwest side,  
18 <they were> considered differently from the <ones> on the east  
19 side. And that was the reason <why> Cham people on that side were  
20 rounded up, taken away and <they disappeared since>. The entire  
21 families <of mine,> including my <parents, all younger siblings,  
22 aunts and uncles and> my <immediate> and distant relatives, <who  
23 were taken away during that period of time,> disappeared. <No one  
24 survived.> And only I, I <survived> because <of my tongue and the  
25 answer> I said that I was a Khmer girl. And that's the only

25

1 reason <why> I survive. And I insisted that I was a Khmer girl,  
2 and I did it three times before they took it in and believed it.  
3 And at that time, my hands were <still> tied.

4 [10.05.09]

5 Q. Thank you, Madam Civil Party. Yesterday, you were asked a  
6 question by the National Co-Prosecutor about having been an eye  
7 witness to executions, yes or no. In your WRI, E3/5193, on the  
8 third page. I will give the ERNs just in case. That's 00274704;  
9 French, 00224113; and Khmer, 00204445. You said: "I did not  
10 witness--

11 MR. PRESIDENT:

12 Counsel Koppe, please provide the ERN number again.

13 BY MR. KOPPE:

14 Khmer, 00204445; French, 00224113; and English, 00274704. You  
15 said that you did not witness any executions, you were not an  
16 eye-witness you said. But you said and I quote: "I told Mr. Osman  
17 that I saw the execution as I wanted to seek justice against  
18 those murderers". Am I to understand your testimony that in order  
19 to seek justice, you said that you were an eye-witness, but in  
20 fact you have never been an eye-witness; is that correct?

21 [10.07.22]

22 MS. NO SATES:

23 A. That's not my statement. My intention was to find justice for  
24 my <siblings, parents and> relatives. I did not <state that I  
25 saw> the execution. However, I saw people who were arrested and

26

1 taken away after they said that they were Cham. But, I <neither  
2 witnessed> the execution, nor the throats being slit. I saw them  
3 being escorted each by <a> soldier <armed with a rifle> and a  
4 <curved-blade> knife. <The soldiers> sharpened their knives three  
5 times a day with <gasoline> not with water. That's how they  
6 sharpened their knives. <The knives were very bright and scary.  
7 Only the knives already terrified me.> And that's what I  
8 witnessed, but not the execution. As I stated earlier, I <only>  
9 saw <Cham people> being walked off the house and gone.

10 MR. KOPPE:

11 I'm mindful of the time, Mr. President. I have only one last  
12 subject. Five or 10 minutes, maybe we can have a break?

13 [10.09.00]

14 MR. PRESIDENT:

15 It is now appropriate for our short break. We take a break now  
16 and resume at 10.30.

17 Court officer, please assist the civil party during the break  
18 time at the waiting room for civil parties and witnesses and  
19 invite her as well as the staff of -- from WESU back into the  
20 courtroom at 10.30.

21 (Court recesses from 1009H to 1032H)

22 MR. PRESIDENT:

23 Please be seated. The Court is back in session. Ms. No Sates, I  
24 see that your duty counsel is busy, so could you continue  
25 testifying without his presence?

1 MS. NO SATES:

2 Yes, I can. I can continue with my statement.

3 MR. PRESIDENT:

4 The President -- the Chamber's now going to give the floor to the  
5 Nuon Chea defence so that the Nuon Chea defence may continue with  
6 its questions.

7 BY MR. KOPPE:

8 Q. Yes, thank you, Mr. President. Only, very few questions for  
9 you, Madam Civil Party. I only would like to ask you if you've  
10 ever heard of either Sos Man or his son Mat Ly?

11 [10.33.42]

12 MS. NO SATES:

13 A. I do not know this person. I don't know if this person is  
14 called Sos Man or whatever. I have never seen this person and I  
15 have never known this person.

16 Q. No problem. Do you know or do you remember any Cham, either  
17 from your villages -- from your village or from neighbouring  
18 villages that had joined the Khmer Rouge or the National Front  
19 between '70 and '75. In other words, were there Cham who had  
20 joined the revolution that you know?

21 A. Yes, there were women and men in the East Zone, but there were  
22 not many of them, maybe one percent of the Cham.

23 MR. KOPPE:

24 Thank you very much, Madam Civil Party, Thank you, Mr. President.

25 MR. PRESIDENT:

1 The Chamber is now going to give the floor to the Khieu Samphan  
2 defence.

3 QUESTIONING BY MS. GUISSÉ:

4 Q. Thank you, Mr. President. Good morning to all of you. Good  
5 morning, Ms. No Sates. My name is Anta Guissé. I am the  
6 International Co-Counsel of Khieu Samphan and I <also> have a few  
7 questions to put to you. First, I would like to focus on 1975 and  
8 on the rebellion that which you described to my colleague. You  
9 said that you remember that drums were used in your village to  
10 call the people to stand up, so do you know someone by the name  
11 of Sos Ponyamin?

12 [10.36.20]

13 MS. NO SATES:

14 A. Yes, he was Hakim. And now he's Ta Kim (phonetic). Yes, I do  
15 know him, yes. His name is Sos Min in our village. We call him  
16 Sos Min.

17 Q. <Mr. Sos Ponyamin> testified before this Chamber on the 8th  
18 and 9th of September last and he spoke about the use of drums  
19 within his village, which is Village Number Five, he said. So  
20 does this somehow refresh your memory with regard to the number  
21 of the village, <Svay Khleang> village, <that> you <were from>?

22 A. Yes, I live in Svay Khleang village, <Svay Khleang commune>. I  
23 heard them beat the drums and the people gathered <together and  
24 men were armed> with machetes in order to go <to> fight <in the  
25 battlefield>. And the others and my father were together to go

1 fight. And the women, my mother, my <younger siblings, and> my  
2 grandmother, remained at home, but we didn't stay there, in fact.  
3 We <left home and> went to seek shelter elsewhere.

4 Q. Ms. No Sates, I'm going to try to put specific questions to  
5 you and I'm going to ask you to please answer my questions  
6 clearly because we don't have much time. And it's important that  
7 you provide the most precise answers possible. So, thank you for  
8 this clarification, but my precise question was if Village Five,  
9 as described by Sos Ponyamin, reminds you of something.

10 [10.38.40]

11 A. Yes, it's indeed Village Five that he was speaking about, and  
12 this does indeed remind me of my village.

13 Q. And do you remember if Sos Ponyamin was part of the leaders of  
14 this rebellion?

15 A. He said that he was the leader of the rebellion, but I heard  
16 him say that only later <after we were re-united>. Back then, I  
17 wasn't aware of that. And then he said afterwards that he had  
18 been the leader, but when the rebellion happened, I did not  
19 exactly know which role he <had> played. I just saw people <in  
20 the whole village carrying> machetes and <other knives> -- and  
21 there was no leader <or organizer> in fact back then <they stood  
22 up> because everyone was suffering and everyone was oppressed.

23 Q. Does the name Lip Van Mat ring a bell?

24 A. I knew him. He <already> died.

25 Q. Was he among the leaders of this rebellion?



1 A. He was a partner of Sos Min. Back then, I was young. They were  
2 older than me. I was only 18 years old or 17 years old when I  
3 left Svay Khleang village. So I don't remember much. So during  
4 the rebellion, I learnt <very few> things. I <simply> remember  
5 <leaving Svay Khleang and being mistreated. So, I only recall  
6 what I experienced and encountered at that time. I don't know  
7 much more than that.>

8 [10.41.14]

9 Q. <Since you stated> that your father took part in this  
10 rebellion, I'd like to read out to you an excerpt of the account  
11 by Lip Van Mat given to Ysa Osman in document E3/2653, English  
12 ERN, 00219148; Khmer, 00904326 - 327; and there is no French  
13 translation, so therefore I'm going to read out the excerpt in  
14 English. This is the second paragraph for the interpreters. So  
15 this is what Lip Van Mat says:

16 "<For these reasons,> the villages could no longer tolerate the  
17 situation and rebelled. I incited this in all the <villages> of  
18 Krouch Chhmar district, not just at Svay Khleang. We met in  
19 secret, and organizing each meeting was a real chore. We fixed  
20 the date for the uprising to be on the Raya holy day. But even  
21 before that day arrived, the people of Kaoh Phal could no longer  
22 tolerate the Khmer Rouge's ever increasing pressure on Islam. So  
23 Kaoh Phal rebelled first. Three Kaoh Phal villagers, Min, Rany  
24 and Haji Mit, were my agents. All three died in the uprising.  
25 While the Khmer Rouge had their hands full suppressing Kaoh Phal,

1 we rebelled in support of them."

2 So my first question is the following: do you remember if your  
3 father partook in secret meetings during that period; that is to  
4 say, before the rebellion in Svay Khleang?

5 [10.43.34]

6 A. Don't remember and I was not aware of this meeting. I simply  
7 know that on the day of the rebellion, my father took his machete  
8 <and went off to> fight <in the battlefield>.

9 Q. You were interviewed on 10 June 2000 with your husband,  
10 apparently. You were interviewed by Mr. Ysa Osman, so do you  
11 remember that interview?

12 [10.44.25]

13 A. I have forgotten everything, in fact, because that was a long  
14 time ago.

15 Q. I would like to read out to you an excerpt <> to refresh your  
16 memory but before that, am I correct in saying that you said that  
17 the arrests that took place in 1975, resulted from the rebellion  
18 that had just taken place in Svay Khleang?

19 A. The arrests started before the rebellion in fact. So they were  
20 successive arrests, and <> the rebellion took place because <Cham  
21 people had been successively arrested since> 1975.

22 Q. But the displacement you -- that you were subject to, you  
23 agree that it happened after the rebellion?

24 A. Yes, the village was emptied of its Cham people. No one was  
25 allowed to stay behind in the village. Those who stayed behind

1 were considered as CIA agents.

2 Q. You were questioned by <> Mr. Ysa Osman, and you gave your  
3 explanations with regard to investigations that took place  
4 regarding who was a member of the CIA or not, and do you remember  
5 what you said regarding <how> these investigations <were carried  
6 out>?

7 [10.46.47]

8 A. My father, himself, was considered a CIA agent, <Takim  
9 (phonetic)> as well as teachers <and former civil servants were  
10 arrested on the ground because they were accused of having been  
11 affiliated with the> CIA network. Even if we had no position,  
12 they would say that we were CIA lieutenants or captains or  
13 <colonels affiliated with Americans>.

14 Q. In this document, E3/9307, French ERN, 01128393; in Khmer,  
15 00045895; English, 01132808; and Mr. Osman's question is the  
16 following: "How did they go about it to know who was a CIA member  
17 and who wasn't?" And your answer was the following: "They saw  
18 that we were honest and they would enquire and then they knew.  
19 <It was as they said.> They would decide." End of quote.

20 So my first question is: do you know who exactly performed those  
21 enquires? <From which security force?> Was it at the commune  
22 level, at the district level? <Do you know> who would perform  
23 those enquiries?

24 A. They were people from the district security or from the  
25 commune security. And this was a secret enquiry. They did not

1 tell this openly to the people. In fact, those who were arrested  
2 were in their eyes CIA agents, period. And <> the commune or <>  
3 the district <was informed and instructed to carry out the work>.

4 Q. Well, since these enquiries were secret, and since they were  
5 not disclosed to the villagers, how did you know that sometimes  
6 they would say that such and such a person was honest? <Seeing  
7 how that's what you told Mr. Osman.> So how did you learn <>  
8 these enquiries <were being carried out>?

9 [10.49.35]

10 MR. PRESIDENT:

11 Please hold on.

12 MS. NO SATES:

13 A. Well, it was in the detention centre that I learnt of this --  
14 that this information was disclosed. So under torture, yes, they  
15 said that they were part -- that they were CIA members and in  
16 fact they were innocent, but since the torturing was unbearable,  
17 all they could say was that, yes indeed they were members of the  
18 CIA. And it was in their confessions that they implicated other  
19 people so which led to series of arrests.

20 BY MS. GUISSÉ:

21 Q. You said that these enquiries were secret. Now you're speaking  
22 about interrogations. So did you personally see people being  
23 interrogated, or is this something that you just heard about?

24 [10.50.53]

25 MR. PRESIDENT:

1 Please hold on, Civil Party.

2 MS. NO SATES:

3 A. I heard <other> people say, or the district chief or the  
4 commune chief say, rather, that so-and-so was a second  
5 lieutenant; <so-and-so was a first lieutenant> or so-and-so <was>  
6 a <captain in the CIA>. So they <were> the ones who <related>  
7 that information to us, and these district chiefs or these  
8 commune chiefs obtained this information from the <chiefs of  
9 security> centres. <The interrogators tortured the detainees for  
10 confessions.> So how -- I mean how can you imagine that these  
11 people who were tortured would not give this kind of information?  
12 They were not given any food, they were starving. <They were  
13 exhausted -->

14 MR. PRESIDENT:

15 Civil Party, please compose yourself. Please concentrate so that  
16 you may understand the questions clearly. And avoid giving us  
17 long answers. This gives rise to other questions and your answer  
18 goes beyond the scope of the question. So this does not allow the  
19 Chamber to rely on your answers. So try to focus only on the  
20 question that is put to you.

21 [10.52.36]

22 BY MS. GUISSÉ:

23 Q. <From> your long answer, <Madam, I understand> that you never  
24 personally witnessed interrogations and that you only heard about  
25 them. Is that true?

1 MS. NO SATES:

2 A. Yes.

3 Q. Now I would like to bring up another <> point you brought up  
4 quickly yesterday, between 3.42.37 in the afternoon and 3.43, you  
5 spoke about people who had been arrested and who then came back  
6 to the village for two to three months and then who left again.  
7 So I didn't understand exactly which period you were speaking  
8 about. <> Was it in 1975 that these people were arrested and then  
9 came back to the village for two to three months?

10 [10.53.50]

11 A. I didn't say that. I never said anything like that.

12 Q. So, well then, <to be clear, I'm not speaking about the  
13 interviews, I'm> only speaking about what you said yesterday  
14 before the Chamber. So maybe in order to make things clearer, I  
15 will read out the excerpt that I am focusing on now. You say --  
16 and you're speaking, I believe, <from what I understood and which  
17 I now ask you to confirm> -- about 1975, and you said that: "And  
18 the Cham who were arrested never came back. Only a few or maybe  
19 one or two came back. And they came back to the village <> and  
20 they couldn't stay more than two to three months. And then they  
21 had to leave <again>." End of quote.

22 So does this <quote of what you said yesterday> refresh your  
23 memory, and can you tell us which people you're speaking about,  
24 and if you are speaking about 1975?

25 [10.55.10]

1 A. Yes, it was in 1975. In fact, we're speaking here about people  
2 who had committed minor offences. So two of the prisoners <from  
3 my village> were released. <They were> Hak and <Tam>. And after a  
4 month, they died because of -- died of <illnesses>.

5 Q. Yesterday, you did not say that <they died of an illness>.  
6 Yesterday you said that they had gone elsewhere. So what's the  
7 true story?

8 A. I only remember what I just said, and I always said that. In  
9 1975, these two people who had been among the <arrested>  
10 people<>, came back, and I saw them. It was Hak and <Tam from my  
11 village>. I remember -- I don't remember that very well because  
12 that was a long time ago, but they became sick in -- or they --  
13 in the prison, and when they were released, they were <skinny  
14 and> so weak that they died. And the security centre <guards>  
15 said that these were good people <and had corrected themselves>,  
16 that's why they were released, but then they became sick, and  
17 then they died. <The rest of prisoners had disappeared.> That's  
18 what I know.

19 [10.57.03]

20 Q. <Yesterday,> you said "then afterwards they had to leave". So  
21 who were you speaking about if you were not speaking about these  
22 two people?

23 A. I don't remember having said that. I don't remember speaking  
24 about who came back to the village and who left.

25 Q. Fine. Well now I'm going to turn to another point. I will

1 speak now about 1978, and the arrest that you were subjected to.  
2 And you said that you had been arrested, so do we agree that when  
3 you were arrested and brought to Trea, you <were> at Khsach  
4 Prachheh when that happened. And for the interpreters, I  
5 apologise for my poor accent. This is number six on the list that  
6 I <handed out>.

7 A. Well back then, <when they gathered us together, I actually  
8 lived in Khsach Prachheh Leu. But,> we were grouped together, my  
9 mother, my grandmother, my sisters were grouped together at  
10 Khsach Prachheh Kandal village, where we were redeployed to  
11 different places. <Then, we were separated in Khsach Prachheh  
12 Kandal. Mothers with children> were sent to <board> the boats  
13 <to> Krouch Chhmar and the women were sent <on foot> to Trea  
14 <village>.

15 Q. So you were in that particular place, then. So my question is:  
16 do you remember <what you had mentioned> -- the figure <for the>  
17 young women who were arrested at the same time as you when you  
18 were interviewed by Mr. Ysa Osman?

19 [10.59.39]

20 A. No. There were many of them, hundreds <of them, but I don't  
21 recall the exact number>.

22 Q. Let me refresh your memory, and it is document E3/9307, French  
23 ERN, 01128401; ERN in English, 01132815; ERN in Khmer, 00045906.  
24 This is a question that was put to you by Mr. Osman. "What means  
25 of locomotion do they use to take you to the village of Trea?"



1 And your answer was as follows: "We travelled on foot. <We were  
2 all women, about 40 <of us, I think. We weren't married,> all of  
3 us were unmarried. They ordered us to <go towards> Trea village  
4 at 7 a.m. or 8 a.m. We arrived at <5 p.m.> or <6 p.m. It was  
5 nightfall and it was raining>, and we were extremely exhausted  
6 because we had not eaten anything all day. <They came to order us  
7 to get up and they restrained us. There were three of them, one  
8 of which was the representative of the district committee  
9 himself, a certain man named Hor.>" Mr. Osman <asks the following  
10 question>, "Let me interrupt you a bit. Those 40 <persons, were  
11 they all from> from Khsach Prachheh village or other places?" And  
12 your answer was as follows: "Those 40 <persons all belonged to my  
13 group, and all of us survived." End of quote. No, I'm sorry,  
14 there's more.> I'll press on and ask <Mr. Osman's> next question:  
15 <"I would like to know if they rounded up people> from the other  
16 places?" Your answer was as follows: "No, <nobody was rounded up  
17 elsewhere.>They were all from <my village,> Khsach Prachheh." End  
18 of quote.

19 So my question to you is as follows: today you say that there  
20 were hundreds of people who were arrested. In 2000, when you were  
21 interviewed by Mr. Ysa Osman, you said that there were 40 people.  
22 Yesterday, I understood <in> your answer to the International  
23 Co-Prosecutor that you mentioned approximately 300 persons. Which  
24 is the right figure and which is the correct version?

25 [11.02.48]

1 A. Allow me to respond to your question. There are two  
2 statements. When I was interviewed, I referred to my group, and  
3 there were about 40 of us. And then there were others coming from  
4 other areas, <from Khpob,> from Saoy (phonetic) village, from  
5 Peus village, for instance. They all <were women and put together  
6 in> that house. And the house was fully crowded with <about 200  
7 or 300> women. <> And <for> the number of 40, I referred <only>  
8 to our group<> from Khsach Prachheh village. <But, other women  
9 were brought in from other areas to live with us. Now, I remember  
10 having answered that there were about 200 or 300 women in that  
11 house. It was so crowded that we could barely find enough space  
12 to sit.>

13 Q. <Then why, when Mr. Osman asked you the aforementioned  
14 question, on> whether people were <rounded up in> other places,  
15 you said <"No, nobody was rounded up elsewhere">. That is what  
16 you told him in answer to that question. Why did you do so?

17 [11.04.11]

18 MR. PRESIDENT:

19 Madam Civil Party, please observe the microphone.

20 MS. NO SATES:

21 A. I was asked during my interview about the number of women in  
22 my village <only>, and later on I recall about other Cham women  
23 who came from other villages besides my group, and who all came  
24 to that house. They came from Peus Number 1, Peus Number 2 and  
25 Khpob in addition to us from <Svay Khleang and> Khsach Prachheh

1 <villages>.

2 BY MS. GUISSÉ:

3 Q. When did you see those women arrive from other places; that  
4 is, other than your village?

5 [11.05.12]

6 MS. NO SATES:

7 A. They came almost at the same time because we saw them when we  
8 were there at the house. <We all were gathered together at that  
9 house> and <then> we <were> instructed to go up onto the house <>  
10 at around 6.00 or 7 p.m. and it was raining that night.

11 Q. So if I understand you correctly, the 200 to 300 women you  
12 refer to were all housed in the same building. Is that correct?

13 A. Yes, that is correct. They were all placed within the same  
14 house.

15 Q. When you arrived, were there already women in that building?

16 A. No, there was none.

17 Q. <So, if I understood correctly, your group of women> from your  
18 village and <those coming> from other villages assembled before  
19 entering the house? And if yes, where?

20 A. The gathering point was at Khsach Prachheh Kandal village. And  
21 when we arrived at Trea village, we saw other women from other  
22 villages <arriving> there as well. They came from Peus Number 1,  
23 Peus Number 2, for example.

24 Q. I haven't quite understood what you said. Where exactly did  
25 they <> gather, that is with the women from the other villages?

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1 [11.07.30]

2 A. My group of 40 from Khsach Prachheh <Leu> village was gathered  
3 up and then when we arrived in Trea village, I saw other women  
4 who were present there at the office of the Khmer Rouge, and they  
5 came from other villages as I stated earlier: <Saoy,> Peus Number  
6 1, Peus Number 2 and Khpob and Svay Khleang and Krouch Chhmar.  
7 And they were all women.

8 Q. Can you describe the house in which you were all housed? The  
9 size of the house, was it a storey building, <where was it>? And  
10 can you also describe where <> you assembled? Please be more  
11 precise.

12 A. The house was a tile-roofed house, and the house was about  
13 seven metres by 12 metres in size.

14 Q. Was that house built on the ground or it was on stilts?

15 [11.09.23]

16 MR. PRESIDENT:

17 Civil Party, please observe the microphone.

18 MS. NO SATES:

19 A. Of course, the house was built on pillars. It's <> a <typical>  
20 house <as commonly seen in Cambodia. Nowadays, people have their  
21 houses built from concrete. Normally, concrete houses do not have  
22 pillars. But, that house had pillars and wooden floors, but did  
23 not have a ground floor.> And as I said it -- the surface was  
24 about 12 metres long and seven metres wide, so it was a huge  
25 house. <However, this is my estimate only.>

1 BY MS. GUISSÉ:

2 Q. You stated that you were assembled. Were all the women  
3 assembled at the same location in the same building?

4 MS. NO SATES:

5 A. We were all put into the same house.

6 Q. Were there several rooms in that house or only one <large>  
7 room?

8 A. It seemed that it was an open floor and there was no room  
9 partition. <It was not fully completed.> And <all of us were kept  
10 in> that house <because it> was close to their office.

11 [11.11.13]

12 Q. Did that house have walls?

13 A. Of course, it had wooden side walls. However, within the --  
14 within the house there was no room partition.

15 Q. So what you're telling the Chamber is that in that house,  
16 which was 12 by seven metres, there were about 200 to 300 <women>  
17 housed in a single room. Is that correct?

18 A. Yes, that is correct.

19 Q. You said that <Hor,> the head of the district, was present  
20 alongside two other persons. Was that the only person in charge  
21 of keeping an eye on you, that group of <> 300 women?

22 [11.12.49]

23 A. Yes, that is correct. When we were on the house, I fell asleep  
24 a bit. And then he came and he asked us to be tied. That's what  
25 he said. He requested us to be tied because he's concerned that

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1 some of us might be fleeing. And after we all had been tied, then  
2 he questioned each one of us. <All were Cham women.> They asked  
3 -- they put questions to those women who <was> a Cham and who  
4 came from other villages. So everyone who said that she was Cham  
5 would be taken off the house escorted by a soldier who was armed  
6 with <> a folded-butt AK47 rifle and a <curved-blade> knife.

7 MR. PRESIDENT:

8 Please limit your response to the question since you already made  
9 this statement earlier.

10 BY MS. GUISSÉ:

11 Q. So if I understand your testimony, the two people who  
12 accompanied Hor, <are who tied> up the 300 girls in your group,  
13 it was Hor who interrogated the 300 young girls <>? <>

14 [11.14.37]

15 MS. NO SATES:

16 A. Yes, he interrogated everyone in the house. And there were  
17 about 300 of us. Let me give you that estimate. So they  
18 questioned those women from other villages and then it came to my  
19 group, and within my group, I was the one who was questioned  
20 first. And I responded at the first go that I was a Khmer girl.  
21 Then they used a <flashlight> to light up my face and accused me  
22 of being a Vietnamese girl. I still insisted that I was a Khmer  
23 girl. And after the third round, they accepted it. And then the  
24 rest of the group said they were Khmer women too. <Then they just  
25 told us to move aside.> And as I said there were about <> 30 to

1 40 of us in the group.

2 Q. <There were 30> to 40 <who> you said they were Khmer and the  
3 rest said they were Cham. Is that correct?

4 A. Yes, that is correct.

5 Q. When you were at Khsach Prachheh, can you tell us who arrested  
6 you?

7 [11.16.20]

8 A. There were soldiers who went around gathering us, the Cham  
9 people in Khsach Prachheh village. <They told the village chief  
10 to gather Cham people for them> and then they escorted us when we  
11 were asked to march.

12 Q. Which means that at the time they knew you were Cham. Isn't  
13 that correct?

14 MR. PRESIDENT:

15 Madam Civil Party, please observe the microphone.

16 MS. NO SATES:

17 A. The village chief told the soldiers that we were Cham, and  
18 then the soldiers came to instruct us that we had to be  
19 relocated. <The village chief was asked to collect the statistics  
20 and rounded up the Cham people.>

21 BY MS. GUISSÉ:

22 Q. Who accompanied you from your village <to Trea> on foot? Was  
23 that the same soldier?

24 MS. NO SATES:

25 A. The soldiers escorted us. They were armed.

1 Q. It was the same soldiers who arrested you who took you to  
2 Trea. Is that correct?

3 A. Yes, that is correct.

4 [11.18.12]

5 Q. Did they subsequently stay with you to keep an eye on you, or  
6 they <handed> you over to the other soldiers who were stationed  
7 there?

8 A. They were the only group <that worked there> under the  
9 instruction of the district chief.

10 Q. So it was the same soldiers who arrested you who subsequently  
11 took you to Trea and who remained there to keep an eye on you. Is  
12 that your testimony?

13 A. Yes, that is correct.

14 Q. I do not quite understand what happened thereafter. Madam <No  
15 Sates,> if it is the same people who arrested you because you  
16 were Cham <who then> accompanied you on foot and <then>  
17 subsequently questioned you and asked you whether you were  
18 Vietnamese or not, I do not see any logic in what you're saying  
19 because from what you have stated, they should have known from  
20 the very outset that you were Cham.

21 [11.19.49]

22 MR. PRESIDENT:

23 Madam Civil Party, please hold on. And the National Lead  
24 Co-Lawyer for civil parties, you have the floor.

25 MR. PICH ANG:



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1 Thank you, Mr. President. The civil party, No Sates, never  
2 testified that it was the same group of soldiers who <>  
3 questioned her. She stated that it was the district chief and  
4 together with two or three of his messengers who questioned her.  
5 Thank you.

6 MR. PRESIDENT:

7 And the Deputy Co-Prosecutor, would you like to have the floor?

8 MR. BOYLE:

9 No thank you, Mr. President. That was my point as well.

10 BY MS. GUISSÉ:

11 Q. I will rephrase my question. Madam, you said that from the  
12 village, you were arrested because you were Cham and that  
13 soldiers came to fetch you, and they knew that you were Cham, and  
14 they were the same soldiers who accompanied you to Trea village.  
15 How come then that they questioned you as to whether you weren't  
16 Cham <but> Vietnamese, since that is what you stated? They first  
17 asked you whether you were <sure that you weren't> Vietnamese.

18 MS. NO SATES:

19 A. It was the district chief who went up to the house and  
20 questioned us. The soldiers actually escorted the district chief  
21 <and held the hammock ropes to tie us up. There were three of  
22 them together, two soldiers and the district chief.> And his  
23 purpose was to make sure that there was no mistake in bringing  
24 along Khmer women, and that's why he questioned each one of us.  
25 And later on, after <the questioning was completed> we were

1 untied. <He> said that we were lucky, that it's because of him  
2 asking questions that we survived. But that was not the case. We  
3 told him lies. <But, he believed it.> We told him that we were  
4 Khmer, although we were not a Khmer. But at that time, we spoke  
5 the Khmer language without any accent at all.

6 [11.22.32]

7 Q. Just one clarification. You said he came up alone to put  
8 questions to you and that the other soldiers did not accompany  
9 him. Which soldiers are you referring to? Are you referring to  
10 those who accompanied you on foot or his <deputies>?

11 A. The soldiers actually accompanied him to the house, but it was  
12 the district chief who solely questioned us. The soldiers only  
13 accompanied him together with a man who actually carried <>  
14 hammock ropes. <That man was quiet and did not ask us any  
15 questions. Ho (phonetic)> himself actually asked the questions,  
16 and he asked me whether I was a Khmer or a Cham person, and I  
17 said I was a Khmer person, and he used a torch to light up my  
18 face and accused me of being a Vietnamese person. And I insisted  
19 that no, I was not. I said I was Khmer <three times> and he  
20 accepted it. And then the rest of the women in the group followed  
21 my answer. They said that they were Khmer. And for that reason,  
22 <about 30 or 40 of us> survived.

23 Q. So if I understand you correctly, it was only the group of  
24 women from your village who said they were Khmer. Is that  
25 correct?

1 A. Yes, that is correct.

2 Q. And they all survived. Is that correct?

3 [11.24.44]

4 A. Yes, that is correct. However, now I am not sure how many are  
5 still alive as some died from illnesses or natural causes, or  
6 they might have lived elsewhere.

7 Q. Do you remember the names of some of the young women who were  
8 with you in your group?

9 A. I recall Sar and at the time she said that her name was <Raen>  
10 (phonetic), that is a Khmer name. And then there were <Saros  
11 (phonetic) called Saron (phonetic)> and Sari, whose real name  
12 <was Tiyum> (phonetic) and who actually passed away. And then  
13 there were other women whose names I cannot recall now. And Sar  
14 <and> Saron (phonetic) actually left the village later on, and I  
15 don't know where <they do business and live. We have been  
16 separated.>

17 Q. Does the name Ahmad Sofiyah ring a bell?

18 A. No, it doesn't.

19 [11.26.20]

20 Q. I say so because when you were questioned by Ysa Osman and he  
21 put questions regarding the names of persons who were with you,  
22 and he also interviewed a person called Ahmad Sofiyah. And I  
23 would refer you to document E3/2653, ERN in English, 00219244;  
24 which corresponds to the footnotes of the book titled, "Survival  
25 Stories from the Villages". And it's footnote 104 and 105. And in

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1 these footnotes, Mr. Ysa Osman, refers to your statement before  
2 DC-Cam, E3/9333, in which you referred to the name of Sofiyah. He  
3 also refers to the statement E3/7747 of Ahmad Sofiyah, in which  
4 she makes mention of your name, Sates, as being among the young  
5 women in her group. Does that refresh your memory?

6 A. No, it doesn't. I cannot recall that name. I completely forget  
7 it.

8 MR. PICH ANG:

9 I apologize, Mr. President. I think maybe certain names are not  
10 interpreted into Khmer and I would like to request for the  
11 defence team to repeat those names again.

12 MS. GUISSSE:

13 I made mention of the names Ahmad Sofiyah.

14 MR. PRESIDENT:

15 I think that is clear enough and Defence Counsel, you may  
16 proceed.

17 [11.29.05]

18 BY MS. GUISSSE:

19 Q. So once again, does the name Ahmad Sofiyah ring a bell, remind  
20 you of something, and I'm referring here not only to your  
21 <statement> to Mr. Ysa Osman, but also to the statements of Ahmad  
22 Sofiyah to Ysa Osman, who speaks about your presence.

23 MS. NO SATES:

24 A. Are you talking about Ahmad Sofiyah, not Ahmad Sofia  
25 (phonetic)? Ahmad Sofiyah is living in Khsach Prachheh Kandal.

1 MR. PRESIDENT:

2 It's Sofiyah. That is the name.

3 MS. GUISSÉ:

4 Can you confirm that <she was in the group>--

5 MR. PRESIDENT:

6 So are you clear now, Madam Civil Party? Ahmad Sofiyah. That is  
7 probably a proper pronunciation of her name. Do you know this  
8 woman?

9 MS. NO SATES:

10 Yes, Sofiyah. Yes, I know that woman. She was with me at the  
11 time.

12 BY MS. GUISSÉ:

13 Q. And can you confirm that she was with you when you were  
14 arrested in your village, that she was with you when you went to  
15 Trea and that she was with you in the house in Trea when you were  
16 interrogated? Is that the case?

17 MS. NO SATES:

18 A. Yes, that is correct. We were together, and she is my friend.

19 [11.31.16]

20 Q. I put a certain number of questions to you regarding the  
21 number of people who apparently were in this house <Madam No  
22 Sates,> because I have a document before me which is an excerpt  
23 of "Oukoubah" from Ysa Osman, E3/1822, and there's only an  
24 English version, ERN 00078454. And this is what he says regarding  
25 this event in Trea, and I will quote in English.

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1 "As one example, in late 1978, the Khmer Rouge gathered all those  
2 accused of crimes, both Cham and Khmer, into a house in Trea  
3 village, Krouch Chhmar district, Kampong Cham province. All the  
4 prisoners were asked one question: 'Cham or Khmer?' Those  
5 answering Cham were sent to one side and the Khmer to the other.  
6 All of the Khmer prisoners were released. All but six of the  
7 approximately 100 Cham prisoners disappeared. The six, No Sates,  
8 Sleh Yan, Sleh Sarah, Mao Maisom, Tam Jouk, and Ahmad Sofiyah,  
9 survived because they lied and said they said they were Khmer."  
10 So do you still stand by what you said, that you were three  
11 <hundred> women in this house?

12 [11.33.22]

13 A. Yes.

14 MS. GUISSÉ:

15 Mr. President, I see that I'm running out of time and  
16 <unfortunately> I haven't finished and I have an important point  
17 to bring up and I also know that the civil party must make her  
18 statement <>, so is it possible therefore to be granted 10 or 15  
19 more minutes so that I can finish with my questions? Yes, so I  
20 need 10 or 15 minutes to finish. I have important points to  
21 discuss and I don't know if you would like me to take these 10 or  
22 15 minutes now or if we can do so after the lunch break, which  
23 will of course allow the civil party to rest. So I will leave  
24 <this request for additional time> up to your discretion, and I  
25 will <leave it in your hands to> decide when I can finish with my

1 questions.

2 [11.34.32]

3 MR. PRESIDENT:

4 The Chamber grants your request. The time however has come to  
5 break for lunch, so you can continue with your questions after  
6 the lunch break. Ms. No Sates, your statement has not yet come to  
7 an end. <Therefore,> we will still need 15 to 20 minutes to  
8 finish, so we will resume this afternoon. The Chamber will resume  
9 at 1.30.

10 Court officer, please do what is necessary for -- so that the  
11 civil party can rest during the break, and please escort her back  
12 to the courtroom at 1.30.

13 Security guard, can you bring the Accused back to the temporary  
14 -- to the holding cell and bring them back to the courtroom at  
15 1.30.

16 Thank you.

17 (Court recesses from 1135H to 1332H)

18 MR. PRESIDENT:

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

20 The Chamber is now going to give the floor to the Khieu Samphan  
21 defence so that it may continue with its questions.

22 BY MS. GUISSÉ:

23 Thank you, Mr. President. Good afternoon, <Madam No Sates. We  
24 will conclude this part of your examination.>

25 Q. <Earlier> you spoke about Hor, <which a priori was his>

1 revolutionary nickname; so do you know his real name?

2 MS. NO SATES:

3 A. No, I don't know his real name. I only know him as <Ho  
4 (phonetic)>, his nickname.

5 [13.34.08]

6 Q. And if I remember your statement well, it is someone else who  
7 gave you his name, was it one of the soldiers who accompanied him  
8 or was it one of the soldiers who took you to Trea, who told you  
9 his name?

10 A. He told me that this person was called <Ho (phonetic)>. Well,  
11 in fact, it was the <soldiers, his deputy and> member who <called  
12 him Ho (phonetic). He was not known by any other name.>

13 Q. And do you remember the name of this deputy who told you his  
14 name?

15 A. Yes. His name was <Phaen> (phonetic). The first member was  
16 called <Chim> (phonetic).

17 [13.35.45]

18 Q. <Is> Hor <still alive?>

19 A. No, I have no idea and I don't know where he lives. Since then  
20 I <have> never <seen> him again; maybe he <has been resettled>  
21 elsewhere.

22 Q. I'm asking you this question because in your interview with  
23 the <OCIJ> investigators -- E3/5193 -- French, ERN 00224113;  
24 English, 00274704; Khmer, 00204445; you provide clarification  
25 regarding your interview with Mr. Osman and this is what you say



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1 regarding the people who were working with Hor and about Hor  
2 himself. You say: "Than, Hor's messenger, is now living in  
3 village 4, Svay Khleang commune. Cheth, another messenger, was  
4 executed at the same time as Hor by the villagers in 1979," and  
5 you specify, "I did not know Hor before that." End of quote.  
6 So, does this jog your memory and this Ho, the district chief you  
7 spoke about and whom you described as being the person who  
8 questioned you when you were detained at Trea, was Hor indeed  
9 executed by the villagers in 1979?

10 A. He was killed by the villagers <in Trea village>, well I don't  
11 know exactly <because I was separated from them and> I just hid  
12 in the forest until the end of the Khmer Rouge regime so I was  
13 not aware of his execution after the Khmer Rouge fell.

14 [13.38.30]

15 Q. So my logical question is therefore, so why did you say that,  
16 why did you say that to the investigators of the OCIJ? Why did  
17 you provide this detail? Because here once again, this is  
18 something that you added to your interview with <Ysa> Osman and  
19 here when you were interviewed by the OCIJ, you provided this  
20 information. So maybe I'm speaking too fast but let me put the  
21 question to you again: Why did you provide this information to  
22 the OCIJ investigators if you did not know, whereas this is  
23 something that you added to what you had already said to Ysa  
24 Osman? Why did you say that if you did not know? I don't quite  
25 understand.

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1 A. Well, I have no idea. I did not know that he had been killed  
2 by the villagers because I separated from him when I hid in the  
3 forest and when I was detained. Yes, I knew him, of course, but  
4 as far as his death is concerned, I have no idea about it. I  
5 never said that to Osman, I never spoke about that.

6 [13.40.03]

7 Q. No, I did not say that you said that to Ysa Osman, what I  
8 quoted was what was noted from what you said to the investigators  
9 of the OCIJ, so this is after your interview with Ysa Osman. This  
10 is in 2008. On 8 July 2008, you were interviewed by investigators  
11 by the OCIJ and I quoted what they noted down as being what you  
12 had said to them, so maybe you don't remember; is that it or you  
13 never said that?

14 A. Well, I don't know what's happening. In fact I never said that  
15 to the investigators.

16 Q. In your interview with Ysa Osman in 2000, do you remember --  
17 or let me phrase it differently. After you were detained in <the  
18 house in> Trea, where you stayed for nine days after you were  
19 arrested <if I understood correctly, and> after <that,> you were  
20 assigned to the Krouch Chhmar market where you had to sort and  
21 wash clothes, is that true, did I understand your testimony  
22 correctly?

23 [13.41.45]

24 A. Yes indeed, I remember that. They appointed me to sort  
25 clothes, the clothes of those who had been taken away and the

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1 clothes were in the warehouse of the Krouch Chhmar market. So I  
2 was assigned to sort the clothes for a few days and as I was  
3 sorting through the clothes, I recognised clothes from my  
4 relatives, from my uncles, from my mother, from my aunts, but I  
5 did not see gold or silver that they had before because when they  
6 boarded the boats, they could only -- they had to leave with  
7 nothing on them. So I was assigned to do this job with a group.  
8 Q. When you say "clothes", when you speak about clothes that  
9 belonged to people who were taken away, do we agree that these  
10 were the black clothes that everyone wore back then?

11 MR. PRESIDENT:

12 Please hold on.

13 [13.43.13]

14 MS. NO SATES:

15 A. Yes, they were black clothes but they were also clothes from  
16 the former regime, old clothes from the former regime, they were  
17 allowed -- or they were obliged to leave without anything so they  
18 could only leave with the clothes they were wearing. Those who  
19 boarded the boats could take nothing with them.

20 BY MS. GUISSÉ:

21 Q. And when you say "we were assigned to sort through clothes",  
22 are you speaking about these young ladies from your village who  
23 were with you in the house in Trea or are you speaking about  
24 other people?

25 MS. NO SATES:

1 A. It was at Krouch Chhmar and we all left together to sort  
2 through the clothes in order to complete the job as fast as  
3 possible. This took us a few days.

4 Q. And was Ahmad Sofiyah with you then?

5 A. Yes. She was part of my group. <At that time, we remained  
6 together and were not separated yet. But while I went into  
7 hiding> in the forest and <she> stayed <behind> at the <> office.

8 [13.45.03]

9 Q. Well regarding your flight into the forest, do you remember  
10 the reasons you provided to Ysa Osman regarding your flight?

11 A. I don't remember the reasons I explained to Ysa Osman. I don't  
12 remember anymore.

13 Q. I can read out an excerpt of your interview with him. It is  
14 document E3/9307, French, ERN 01128404; Khmer, 00045910; English,  
15 01132818; and this is what you say after you were sent to the  
16 Krouch Chhmar market:

17 "We had to sort through clothes, put aside the clothes that were  
18 too torn and burn them and wash those that were in good  
19 condition. They would monitor us so closely that I panicked and I  
20 fled into the forest." End of quote.

21 So, do you remember now this interview, does this -- what I just  
22 read out to you -- somewhat refresh your memory?

23 A. Yes, that is indeed what happened and I spent very little time  
24 at the <office>. The job there took us <two or> three days  
25 because there were about 40 of us working and <when I heard that

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1 my male relatives had> fled <to> the forest <to avoid being taken  
2 away for execution -- a few men, including> Veasna (phonetic)  
3 <managed to escape and fled to the forest>.

4 [13.47.31]

5 Q. <I'm sorry, I must interrupt you.> Let me go step by step. I  
6 don't have much time so I'm really asking you please to listen to  
7 my questions carefully. So you remember what you said to Ysa  
8 Osman, when you were questioned in 2008 by the OCIJ, you -- they  
9 read out to you a statement that was inspired <by> your interview  
10 with Ysa Osman and in this 2008 statement you also say that you  
11 fled a little while afterwards. But never you said, whether with  
12 Ysa Osman or with the investigators of the OCIJ, <you> never <>  
13 spoke about what you spoke about later in your civil party  
14 application to be admitted as civil party in this Trial. You  
15 never spoke about the fact that apparently you were ordered to  
16 dig holes and that these pits were going to be used as graves.  
17 You only said it for the first time in December 2009 when you  
18 filled out your <> Victim Information Form. So my question is the  
19 following: Why did you say that for the first time in 2009,  
20 whereas in 2000 you were interviewed by Ysa Osman and you did not  
21 talk about this and when you were interviewed by the  
22 investigators of the OCIJ, you also did not give this  
23 information, you only provided this information for the first  
24 time in 2009, so <> can you explain how this is possible?

25 [13.49.47]

1 A. As I said, sometimes I remember what I said sometimes I don't.  
2 So I am unable to answer your question. I only remember snippets  
3 of what I said in the past.

4 Q. The problem here, Ms. No Sates, is that in this statement you  
5 add things that a priori are worse for you than before and you  
6 only do this in 2009 when you filled out your civil party  
7 application, whereas you indicated to the International  
8 Co-Prosecutor or National Co-Prosecutor that when you said that  
9 you had been a direct witness of executions you lied because you  
10 wanted justice to be done, vis-a-vis these murderers. So how is  
11 it that when you were questioned by Ysa Osman, you could say  
12 things that you hadn't seen, whereas you had the opportunity to  
13 say things that you experienced when you were interviewed then  
14 because today you tell us that this is what happened so why  
15 didn't you say it to Ysa Osman in 2000? And why didn't you say it  
16 to the investigators of the Co-Investigating Judges when you were  
17 interviewed by them in 2008?

18 [13.51.50]

19 A. No, I'm not lying to you. I said that I did not witness <any>  
20 executions <and I did not see anyone having had his/her throat  
21 slit; but,> I saw <dead> bodies in the river. I saw <dead> bodies  
22 <still in ties> and they questioned us and if we said we were  
23 Cham, we were taken away and if we were Khmer -- if we said we  
24 were Khmer, they said we could stay behind.

25 MR. PRESIDENT:

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1 Civil Party, please focus on the question that's put to you.  
2 Counsel, please rephrase your question; the civil party is  
3 confused because your question is long so please break up your  
4 question into segments so that the civil party may understand  
5 your objective better, given that her level of schooling is not  
6 that high, so please sum up the relevant issues in your questions  
7 so that the civil party may answer your question. And if you  
8 provide a quote that is too long, it would be completely useless,  
9 it will be of no purpose in our endeavour to ascertain the truth.

10 [13.53.20]

11 BY MS. GUISSÉ:

12 Q. Ms. No Sates, for the first time in December 2009 when you  
13 filled out your civil party application <to participate in this  
14 trial>, for the first time therefore you explained to someone  
15 that you apparently fled Krouch Chhmar, the Krouch Chhmar market,  
16 because you were apparently asked to dig what was going to be  
17 used as graves. This is the first time you said that. So my  
18 question is the following: Why, when you were questioned by Ysa  
19 Osman and then by the investigators of the Co-Investigating  
20 Judges, why then didn't you say it before?

21 MS. NO SATES:

22 A. When I returned to Trea <village> from Krouch Chhmar, <we were  
23 at the office together.> I was asked to dig pits, half metre wide  
24 and two metres long. <That's what I said. I did not say anything  
25 else other than that.>

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1 [13.54.48]

2 Q. <I must interrupt you.> That was not my question. My question  
3 is: Why didn't you speak about that before in 2000 when you were  
4 interviewed by Ysa Osman and then in 2008 when you were  
5 interviewed by the OCIJ, why?

6 A. Well, I was interviewed several times. You know I'm giving you  
7 answers when I can remember things, so <I am telling you what I  
8 saw with my own eyes. When I was interviewed, I just answered  
9 based on the events that I personally encountered>.

10 Q. And this would be my last question now. I am surprised to see  
11 that you did not have these elements in mind, whereas you had in  
12 mind to say things that you were not a direct witness of, that is  
13 to say the executions, because you acknowledge having lied in  
14 that regard so why did you <talk> about things that you did not  
15 see, and why didn't you speak about things that you say now that  
16 you had seen?

17 MR. PRESIDENT:

18 Please proceed, International Co-Prosecutor.

19 [13.56.07]

20 MR. BOYLE:

21 Mr. President, I object to the form of the question. Counsel  
22 seems to be testifying as to her own impressions of when the  
23 civil party gave certain information. So if she has a question to  
24 ask, she can simply ask the question; but providing her own  
25 impressions of what she is surprised as to, is not a proper way



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1 to formulate the question.

2 BY MS. GUISSÉ:

3 Q. Well, since this is the third or fourth time that I'm putting  
4 the question to the civil party, I believe the question was very  
5 clear. <Why> did you talk about things that you hadn't seen to  
6 Mr. Ysa Osman and why didn't you talk about things that you now  
7 say you had seen?

8 [13.56.58]

9 MR. PRESIDENT:

10 Was the question dealt with in her previous statements? Did the  
11 -- is this digging of pits mentioned in any of the documents?  
12 Because in the documents the issue of digging pits was never  
13 mentioned so this fact does not exist in fact, so it seems to me  
14 that you are inventing a fact or creating a fact. You have just  
15 said to the civil party or asked the civil party to answer  
16 exactly your questions, but after having examined the document, I  
17 did not see this digging of pits being mentioned. So your  
18 question is repetitive, so please be precise and please take into  
19 account the civil party's level of education. So did the  
20 investigators put this question to the civil party -- yes or no  
21 -- regarding the pits that were going to be used as graves? If  
22 the question was put already, the civil party should answer it.  
23 But she also has the right to speak about her experience during  
24 the entire Khmer Rouge regime. So your last question please  
25 because the Chamber gave you 15 extra minutes and now, <you have

1 used up 30 minutes already>.

2 [13.59.09]

3 MS. GUISSÉ:

4 Well, for the transcript, <I referred to> Ms. No Sates's civil  
5 party application -- E3/4705 -- French, ERN 00417852; Khmer,  
6 00369026; French, 00932676; and the first ERN I mentioned -- that  
7 is to say, 00417852 is the English ERN <>. So in this document  
8 for the first time, Ms. No Sates indicated that the reason she  
9 apparently fled into the forest is that she was told that she was  
10 going to -- or that she was ordered to dig pits for her own  
11 grave. <The> first time she provided this information <was> in  
12 December 2009, whereas as I reminded earlier by referring to her  
13 interview with Mr. Ysa Osman, she then explained that she fled  
14 into the forest for another reason because she said that she was  
15 being watched too closely and that she panicked. So I have  
16 questions about the difference between both versions, I don't  
17 think I'll be provided with an answer but I wanted to communicate  
18 this information for the transcript. Nothing here has been  
19 invented; I'm only basing myself on statements from Ms. No Sates  
20 and I am done, Mr. President.

21 [14.01.21]

22 MR. PRESIDENT:

23 Madam No Sates, you may make an impact statement concerning the  
24 crimes which are alleged against the two Accused, Nuon Chea and  
25 Khieu Samphan and harm suffered by you during the Democratic

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1 Kampuchea resulting in your civil party application to claim  
2 collective and moral reparations for physical, material or mental  
3 injuries as direct consequences of those crimes <that still exist  
4 today. If> you wish to do so, you may proceed.

5 MS. NO SATES:

6 I'd like to make a request to you, Mr. President, I suffered  
7 greatly <from ill-treatment> while I worked at Boeng <Krachab dam  
8 and Teuk Chrov> canal <construction sites> and I became so  
9 seriously sick but I <was forced> to carry the dirt and I <had  
10 diarrhoea and> became unconscious around 2 o'clock in the  
11 afternoon that day and I was carried to the hospital. <Bong Khim  
12 Chamroeun (phonetic) took me to the hospital.> I didn't have any  
13 strength left in me and I could only rest at the hospital for 10  
14 days and returned to work <and shouldered the dirt in spite of my  
15 illness. I had to work hard because I did not want to be wrong  
16 with the Angkar. So, I had to put up with that terrible  
17 situation> so that I could <make them happy> and that my life  
18 would be spared.

19 [14.03.28]

20 During the second year -- that is, after I finished <building the  
21 dam> in <Boeng> Krachab, I was sent to work at <Teuk Chrov in  
22 Anteut> (phonetic) village and I had to walk for three days in  
23 order to reach that location. We didn't have any proper place to  
24 stay. Whenever the nightfall came, we had to stop and sleep  
25 there. <I came with everybody in my mobile unit> and sometimes we

1 had to sleep on the graves and only in the morning we realised  
2 that it was a graveyard.  
3 Next morning we were asked to cut <small> trees to make makeshift  
4 shelter in the middle of <the rice fields. They were open and  
5 extensive rice fields without any trees.> So we had to cut those  
6 small trees to make roof and we had to sleep on the mat <> on the  
7 ground <for two months> and when the rain came, we went to the  
8 villagers house and to ask them for permission to stay but they  
9 didn't dare to let us stay. <When it rained, the flood was this  
10 deep.> So we had to sleep <> in the water <throughout the night>.  
11 There were so many <earthworms and> leeches <scattered all over  
12 the place>, we were fully soaked and in the morning we had to go  
13 to the field to work. And when there was so much rain, then we  
14 were allowed to return to the village since we could not work  
15 anymore there and I <returned and> stayed at Khsach Prachheh Leu  
16 for only three days, then I was sent <further> to <Chumnik> again  
17 to dig <dirt> and I did not know the purpose for us digging  
18 <dirt> there. And a fortnight after, we heard the exchange of  
19 gunfire, we heard it continuously from early morning until noon  
20 time, then we couldn't stand there anymore, then we ran away from  
21 that worksite to our village. We left behind our belongings --  
22 that is, our few clothes, so when we arrived home, we did not  
23 have any spare clothes to wear. I had to ask for my mother's  
24 clothes so that I could change the clothes that I wore.  
25 [14.06.25]

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1 As for the food, we were only given a ladle of gruel <with salt>  
2 in exchange of the three cubic metre of earth that we had to dig  
3 <at the Teuk Chrov worksite>. There was no delicious food given  
4 to us and the food that was given to us was tasteless. We had to  
5 eat gruel with salt. The soup that was given to us was so muddy,  
6 it was a mixture of banana stump and some <"tromoung" (phonetic)>  
7 leaves without any meat or fish in <it> and they called it a  
8 special soup for us. During the two months that I worked there we  
9 never had any tasteful soup at all.

10 If we couldn't complete <digging> the three cubic metre of <dirt>  
11 during the work hours, we had to work during the night in order  
12 to complete the work quota. Sometimes I wept and sometimes I had  
13 to crawl back to my sleeping quarter because I was so exhausted  
14 and I was thinking of my siblings. I missed them so much but I  
15 was not allowed to visit them, and later on I was sent to build a  
16 dam at <Chumnik>.

17 [14.07.55]

18 And as I said, later on when there was exchange of gun fight when  
19 the Southwest group arrived, we returned to the village <to live  
20 in our houses> and about a fortnight later we were rounded up to  
21 be sent to be killed. And my father and some of my relatives had  
22 already been rounded up and taken away and killed. <Only my  
23 mother, grandmother, four or five younger siblings and I  
24 remained.> They used the pretext that we were to be relocated but  
25 we were sent away. <They did not say 'taking away to be

1 executed', but rather said 'relocating to Stueng Trang'.> The men  
2 were sent to Stueng Trang <first> and a day after the men were  
3 sent, the wives and the families, the children were sent  
4 subsequently and I was assigned to work in a mobile unit <and  
5 they told us that the mobile unit had> to go and work in Trea  
6 village.

7 I cannot forget the <painful> experience that I went through  
8 during the Pol Pot regime. There are countless <> events that I  
9 cannot recall, if I recall them I would tell you everything, tell  
10 you about the difficult time and the hardship that I went  
11 through. <After I fled to the forest, I experienced the most  
12 terrible and miserable life. During the daytime, we stayed in the  
13 forest and came out at night to steal some things to eat.>  
14 Sometimes there was nothing to eat, we had to grab some grains  
15 from the rice stalk in the field, we ground them secretly in  
16 order to eat it. <One day> soldiers came to herd some people away  
17 <from the forest. When they came> they burnt our belongings ,they  
18 burnt <our hammocks,> blankets and <clothes and> they <also  
19 messed up our> rice and salt. They actually ruined the place <by  
20 firing the bullets randomly> before they left at around 6 or 7  
21 <or 8> o'clock <in the evening>.

22 [14.10.16]

23 I almost died during the regime but I made my determination to  
24 live on. If I were to die naturally, then that would be the happy  
25 ending for me. I didn't want to be tied <up> and taken away and

1 killed. <I did not want to be interrogated, tortured and killed.>  
2 And if I were to flee and shot dead, that would be it <and I  
3 would be satisfied with it>. They fired upon us and in late 1978  
4 when I returned to the village because I heard that some people  
5 returned to the village and I hoped that my parents returned.  
6 [14.11.12]  
7 And I was actually sent to live in Suong when the liberation  
8 front liberated that area. <I ran out of the forest and we> were  
9 told by messengers that Phnom Penh was <liberated> and Pol Pot  
10 clique actually fled. So we walked one full day to return and we  
11 had to carry some wounded people or wounded soldiers <> of the  
12 Khmer Sar or White Khmer, and one of them had <his> bowel slashed  
13 and we had to carry him to the area of Suong <through Snuol>. So  
14 we walked from Sambok Sat (phonetic) forest and we arrived at  
15 Trapeang Khla by about 5 o'clock in the afternoon. That is almost  
16 a whole day because we started leaving the forest at around 6.00  
17 in the morning. Sometimes we had to walk through the water up to  
18 the chest or up to our neck; that is the height of the water and  
19 we had to keep <taking turns to carry> the wounded soldiers. So  
20 we finally arrived in Suong and we were expecting -- I was  
21 expecting to see the return of my relatives or my parents  
22 <because I had heard that those who had left already returned to  
23 their villages by that time. So, I was so excited. I asked them  
24 for a permission to stop staying with them. I quit. I did not  
25 stay there.> Then <> I had to walk to <Krouch Chhmar,> Svay

1 Khleang and it took me three days to walk on foot to my village.

2 There was no other means of travelling.

3 [14.13.22]

4 When the night fell <anywhere at any time>, as I said, we had to  
5 sleep there and I walked with a few of my friends and when we  
6 arrived in the village, I asked those who had arrived about my  
7 relatives and they said, no, they didn't see any, including my  
8 grandmother and my parents and they <have> disappeared <up to  
9 now>. So I became <the only> survivor of my family. By that time  
10 I was not yet married. I actually pitied <them> and I <was upset  
11 with> what <had> happened <to them> so much, I rather died than  
12 losing my family members because by that time I did not marry my  
13 husband yet and <I thought of committing a suicide by jumping  
14 into the water and drowning to death. Then, I thought that if I  
15 died, no one would continue my family. I also thought that> if I  
16 had to marry a husband and had children, I would not allow my  
17 husband and children to live in such a miserable life.

18 When I looked at other families who had their relatives survived,  
19 I felt so pity of myself; sometimes I had to sit down quietly and  
20 <weep when my parents called to my mind>. I looked like a crazy  
21 person at that time. I pitied my younger siblings. I really  
22 pitied them. I recalled when they did not have any food to eat,  
23 they lied down on the ground and they were so weak, I had to go  
24 out and search for food, for vegetables, or leaves for them to  
25 eat. They were so skinny. Sometime I wanted to kill myself; I did



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1 not want to witness such a misery experienced by my siblings.  
2 Every time I <recall> what happened in the past, it seems that my  
3 mind is not in my body anymore and it's up to my children, thanks  
4 to them, sometimes they try to comfort me but to me the memory is  
5 still vivid in my mind. I would exchange my life for food for my  
6 siblings and I keep asking the question to myself: why my  
7 siblings, including my mother, were taken away and never  
8 returned? And I would like to put this question to <Mr. Lawyer  
9 or> any person in this Court responsible and can give me the  
10 answer: what was the purpose of making the Revolution?

11 [14.17.00]

12 MR. PRESIDENT:

13 Madam Sates, you have the right to put questions to the Accused  
14 through us, the President of the Chamber, and it is not proper  
15 according to the law to put questions to anyone or to any Parties  
16 in this proceeding. You can, as I said, put questions to the two  
17 Accused through the Chamber.

18 MS. NO SATES:

19 I don't have any questions anymore if that is case because I  
20 don't recall the question that I wanted to ask earlier. <Bringing  
21 what happened during that period back to my memory, I almost die  
22 now; I nearly collapse now. I don't want to talk much. So,> I  
23 stop speaking now.

24 MR. PRESIDENT:

25 If that is case then please stop and Lead Co-Lawyer, you have the

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1 floor.

2 [14.18.22]

3 MR. PICH ANG:

4 Mr. President, it seems that the civil party is <emotionally>  
5 overwhelmed, for that reason she forgets the questions. And  
6 please allow her lawyer, Lor Chunthy, to put questions on her  
7 behalf.

8 MR. PRESIDENT:

9 No, the Chamber does not allow that.

10 And Madam No Sates, the Chamber is grateful of your time and  
11 testimony and your statement of harm and suffering that you claim  
12 you suffered under the Democratic Kampuchea regime and your  
13 testimony is now concluded. Your testimony may contribute to  
14 ascertaining the truth in this Case and you are no longer  
15 required to be present in the courtroom. For that reason, you may  
16 return to your residence or wherever you wish to go to and the  
17 Chamber wishes you all the very best.

18 Court officer, please assist the civil party, Madam No Sates, to  
19 return to her residence or wherever she wishes to go to and  
20 please invite the witness -- that is, 2-TCW-845 into the  
21 courtroom.

22 (Witness 2-TCW-845 enters the courtroom)

23 [14.21.29]

24 QUESTIONING BY THE PRESIDENT:

25 Q. Good afternoon, Mr. Witness. What is your name?

1 MR. SOT SOPHAL:

2 A. My name is Sot Sophal.

3 Q. Thank you, Mr. Sot Sophal. And when were you born?

4 A. I only recall the year and not the date or the month. I was  
5 born in 1964.

6 Q. And where were you born?

7 A. I was born in Chroab Chas village, Chob Veari commune, Preah  
8 Netr Preah district, Battambang province.

9 Q. And where is your current address?

10 A. Currently I am at Trapeang Tav village, Trapeang Tav commune,  
11 Anlong Veaeng district.

12 [14.22.50]

13 Q. What is your current occupation?

14 A. I am a rice farmer.

15 Q. What are the names of your father and mother?

16 A. My father is Svay Soeun and my mother is Uch Touch.

17 Q. What is your wife's name and how many children do you have?

18 A. My wife is <Thlann (phonetic)> Thoeun and we have four  
19 children.

20 Q. Thank you, Mr. Sot Sophal. The greffier made an oral report  
21 this morning that to your best knowledge you are not related to  
22 the two Accused -- that is, Nuon Chea or Khieu Samphan or to any  
23 of the civil parties admitted in this Case; is that correct?

24 A. Yes, Mr. President. I am not related to them.

25 Q. When I refer to related, are you related to the Accused by

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1 blood or by law to any of them or to any of the civil parties?

2 And when I refer to by law, it means whether you are related to  
3 them as in-law -- that is, are they relatives of your wife? So,  
4 to your knowledge, are you related to any of them?

5 A. No, I am not, Mr. President.

6 [14.24.59]

7 Q. Did you take an oath before the Iron Club Statue before your  
8 appearance in this Chamber?

9 A. Yes, I already took an oath.

10 MR. PRESIDENT:

11 The Chamber would like to inform you of your rights and  
12 obligations as a witness. And Mr. Sot Sophal, as a witness in the  
13 proceedings before the Chamber, you may refuse to respond to any  
14 question or to any comment which may incriminate you. That is  
15 your right against self-incrimination.

16 As for your obligations, as a witness in the proceedings before  
17 the Chamber, you must respond to any questions by the Bench or  
18 relevant Parties, except where your response or comments to those  
19 questions may incriminate you. And, as a witness, you must tell  
20 the truth that you have known, heard, seen, remembered,  
21 experienced or observed directly about an event or occurrence  
22 relevant to the questions that the Bench or the Parties pose to  
23 you.

24 [14.26.21]

25 BY THE PRESIDENT:

1 Q. And Mr. Sot Sophal, have you been interviewed by investigators  
2 of the Office of the Co-Investigating Judges? If so, how many  
3 times, when and where?

4 A. Mr. President, I was interviewed. And please, repeat your  
5 question.

6 Q. Have you been interviewed by the investigators of the OCIJ?

7 A. Yes, I was.

8 Q. How many times?

9 A. It was for one time.

10 Q. When did it take place and where?

11 A. It was quite a long time ago; I cannot recall when, and it  
12 took place at Trapeang Tav village, Trapeang Tav commune, Anlong  
13 Veang district and I believe it was about six or seven years  
14 ago.

15 Q. That is alright. And before your appearance, have you reviewed  
16 or read the written record of your statement?

17 A. I cannot read, Mr. President, but I had my elder sibling read  
18 it to me.

19 [14.28.10]

20 Q. And to your best knowledge, does the written record of your  
21 statement which was read to you consistent with the statements  
22 that you provided to the OCIJ investigator, and as you said it  
23 happened in your village?

24 A. I recall some but not everything because it happened a long  
25 time ago.

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1 MR. PRESIDENT:

2 That is alright. Pursuant to Rule 91(B) of the ECCC Internal  
3 Rules, the Chamber gives the floor first to the Co-Prosecutors  
4 and the combined time for the Co-Prosecutors and the Lead  
5 Co-Lawyers is two sessions, and you may proceed.

6 [14.29.19]

7 QUESTIONING BY MR. FARR:

8 Thank you, Mr. President. Good afternoon, Your Honours, counsels;  
9 and good afternoon to you as well, Mr. Sot Sophal. My name is  
10 Travis Farr, I'm a lawyer for the Prosecution and I'm going to be  
11 asking you questions this afternoon primarily about your  
12 experience at the Trapeang Thma Dam worksite.

13 Q. But before I get to that, I want to just briefly ask you about  
14 some of the things that happened before you arrived at that  
15 worksite. And in your OCIJ statement you mentioned that at one  
16 point you were sent to work at a kapok plantation. Can you tell  
17 us approximately how old you were when that happened?

18 MR. SOT SOPHAL:

19 A. I was between the ages of 15 and 16. <I was a teenager.> I had  
20 to cut eupatorium to make fertiliser, sometimes I was asked to  
21 carry termite mound dirt but I don't remember everything.

22 Q. And can you tell us how many other children you were working  
23 with at that time?

24 A. There were many of us, between two to 3,000 children, yes.

25 <This is my estimate.>

1 [14.31.20]

2 Q. And at that time were you living with your parents or had you  
3 been separated from your parents?

4 A. We were separated from our parents.

5 Q. And can you tell us a little about how it was that you made  
6 the fertiliser at this kapok plantation, what were the  
7 ingredients, what was the process?

8 A. Well first, we had to cut the snake root and we had to grind  
9 it and other people had to dig up termite mount dirt and then we  
10 had to pee in bottles and then we had to pour the piss on the  
11 dirt and on the chopped up snake roots so we could mix it  
12 together.

13 Q. And just going back to your age quickly, you mentioned that  
14 you think you were 15 or 16 at the time. Now based on my  
15 calculation if you were born in 1964, you would have been at most  
16 15 at the end of the DK period. Is that something you are able to  
17 help with, or is that something that you are not quite sure  
18 about?

19 A. Well, my parents told me that I was such and such an age so  
20 since I cannot read I could not know exactly how old I was.

21 [14.33.37]

22 Q. Okay. Thank you, I'll move on. I'd like to turn now to the  
23 Trapeang Thma Dam worksite. Now this was a large site, are you  
24 able to tell us in what part of the site you worked on, were you  
25 close to a particular bridge, were you in a particular commune?

1 Are you able to identify the location with any specificity?

2 A. Well, I was on the east site, in the east corner, then facing  
3 west.

4 MR. FARR:

5 Mr. President, with the Chamber's leave, I would like to share  
6 with the witness the map of the Trapeang Thma Dam worksite from  
7 the OCIJ site identification report. I don't know whether he'll  
8 be able to work with it or not but I would like to ask him if he  
9 can give us an idea of where he was.

10 MR. PRESIDENT:

11 <Please go ahead.>

12 [14.35.08]

13 BY MR. FARR:

14 And for the record, this is page 3 of E3/8050 in all three  
15 languages.

16 Q. Now Mr. Witness, I know this is not a very clear picture and I  
17 know that maps are not always easy to work with, but looking at  
18 that, are you able to indicate to us, with anymore precision  
19 where you were located on the dam site?

20 MR. SOT SOPHAL:

21 A. I cannot read so I can't read this map; I see that <there are>  
22 all kinds of drawings here but I don't understand this map.

23 [14.35.55]

24 Q. Okay. Thank you, Mr. Witness. I'll move on.

25 Now, in your OCIJ statement you described being part of a



1 battalion of 300 child workers and you used the term "special  
2 children's unit". Could you explain to us what special children's  
3 unit were?

4 A. Well, the special children's unit was a unit of children <and>  
5 boys who were almost teenagers <>.

6 Q. And can you describe to us what your work was and how you went  
7 about doing it each day?

8 A. We had to dig <dirt>. I was the digger and there were two  
9 carriers and <when I dug up a big amount of dirt,> I would  
10 sometimes sleep on the handle of my pick axe because I was tired.  
11 <So,> the carriers <carried and dropped the dirt on the top of  
12 the dam until they finished the amount of dirt I had dug. Then,  
13 they> would come wake me up <by knocking their baskets on the  
14 handle of my pick axe. Then, I started digging again.>

15 Q. And you mentioned a digger and carriers, can you tell us what  
16 tools were used to dig and what tools were used to carry?

17 A. Well, I would dig with pick axe and the carries used baskets  
18 that were <made of bamboo or rattan> and <> carrying <> poles <or  
19 yokes made of bamboo>.

20 [14.38.33]

21 Q. And where would they carry the earth that you dug up?

22 A. <They> carried <the dirt> to <drop at the top of the dam>.

23 Q. How far would you say each load had to be carried, can you  
24 give us an estimate of the distance?

25 A. About 20 metres <> to 30 metres from the base of the

1    embankment and <we had to carry the dirt to the top of the dam,  
2    which was> about 10 metres high.

3    Q. And would the earth have to be carried to the top of the  
4    10-metre embankment?

5    A. Yes. <They> had to carry the earth from the canal <base to  
6    drop at the top of the dam>.

7    Q. When the carriers were carrying the earth, would they walk or  
8    would they run?

9    A. They would walk at normal speed.

10   Q. Are you able to estimate how much each load weighed that they  
11   would carry?

12   A. Well, <if I am not wrong in my estimation,> each basket held  
13   about 15 <kilograms> of <dirt>; well, with both baskets, the  
14   total weight was about 20 <kilograms>.

15   [14.41.05]

16   Q. Were the two boys who were carrying earth in your small group,  
17   were they about the same age as you?

18   A. Yes, we were all about the same age.

19   Q. I don't know whether you even knew this at the time or whether  
20   you can remember, but do you know how much you weighed at that  
21   time, what your weight was?

22   A. I don't remember how much I weighed back then. Since I was so  
23   skinny, I could not know how much I weighed.

24   Q. When you were doing your work, were there ever any tractors or  
25   trucks or other mechanised equipment to help you?

80

1 A. No. When I was there, there was no machinery, only human  
2 labour.

3 MR. PRESIDENT:

4 Thank you, Deputy International Co-Prosecutor. <Now, it is time  
5 to break.> We will break and resume at 3 o'clock.

6 Court officer, please watch over the witness during the break and  
7 lead him back to the courtroom at 3 o'clock sharp. Thank you.

8 (Court recesses from 1443H to 1501H)

9 MR. PRESIDENT:

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

11 Again the floor is given to the Co-Prosecutors to put questions  
12 to this witness. You may resume.

13 BY MR. FARR:

14 Thank you, Mr. President.

15 Q. Mr. Witness, going back to the work you did at the Trapeang  
16 Thma Dam work site, would you say the work was easy or difficult?  
17 And why would you characterize it that way?

18 MR. SOT SOPHAL:

19 A. Of course the work at the Trapeang Thma Dam worksite was  
20 difficult. It's not easy.

21 [15.02.42]

22 Q. And what was it that made it most difficult for you?

23 A. First, it's the food ration. The food was not sufficient. A  
24 bowl of rice was for four workers, and they put a bowl of soup in  
25 the middle, and it was tasteless. It was <watery and> a bit

1 salty, but nothing else.

2 Q. I think you mentioned before the break workers falling asleep  
3 leaning on their pick axe handles or hoe handles. Can you tell us  
4 about that?

5 A. We fell asleep when we were working. For example, when <I dug  
6 a big amount of dirt> then the two people would carry the <dirt  
7 in the> baskets away <until they finished the dirt that I had  
8 dug>, and when they returned, they would hit the hoe handle to  
9 wake me up <to dig more dirt. Then, they would lean on their  
10 carrying poles to sleep.> And I would <wake them up> when it was  
11 their time to <carry dirt>.

12 Q. Did you ever see anyone collapse or die while they were  
13 working?

14 A. I saw workers who fell unconscious while they were carrying  
15 <dirt>, and I also saw workers who died.

16 [15.04.39]

17 Q. Can you describe for us what that looked like? What the  
18 workers looked like when they fell unconscious, or when they died  
19 while doing their job?

20 A. As I said, they died because of overwork and because of  
21 insufficient food. We started working at 3 o'clock in the early  
22 morning, and we stopped at 11 a.m. for lunch, when the bell rang.  
23 <We rested five to 10 minutes after lunch.> And then we had to  
24 work <until> 5.00 in the afternoon, and we only stopped for about  
25 five minutes. Then we continued working until about 10.00 or 11

1 p.m.

2 Q. The workers who you saw collapse and die, were those adults or  
3 children, or both?

4 A. It was both children and adults.

5 Q. Are you able to estimate how many times you saw that  
6 happening?

7 MR. PRESIDENT:

8 Witness, please wait. And Counsel Koppe, you have the floor.

9 [15.06.20]

10 MR. KOPPE:

11 Thank you, Mr. President. This witness is, as far as I recall,  
12 the first witness who seems to be implying that people died after  
13 they collapsed on the worksite, but I'm not sure whether he  
14 actually means that. I think a distinction should be made as to  
15 what he saw in the sense of people collapsing, and subsequently  
16 whether he actually saw them -- people die. I think he's making a  
17 conclusion, and so I think we should be very clear on this, and  
18 the Prosecution should not try to put these two things together  
19 into one question.

20 BY MR. FARR:

21 Mr. President, I'll try to clarify that issue.

22 Q. Sir, for the workers who you believed died after they  
23 collapsed, what makes you think that they died?

24 MR. SOT SOPHAL:

25 A. They died after they collapsed. Some of them collapsed there,

1 and then they tried to resuscitate the worker but to no avail,  
2 and the person died there on the spot. And some died from  
3 starvation, lack of food.

4 [15.08.00]

5 Q. So is it correct that you watched -- you watched them try to  
6 resuscitate the worker, and you saw that they were unable to? Is  
7 that why you believe that these people died?

8 A. Please repeat your question.

9 Q. Did you actually watch as attempts were made to resuscitate  
10 workers who had collapsed?

11 A. Yes, I saw it.

12 Q. And you also saw that those attempts were unsuccessful, and  
13 that's how you know that those people died; is that what you're  
14 telling us?

15 A. Yes, that is correct.

16 [15.09.12]

17 Q. I'd like to turn now to the question of work quotas. Can you  
18 tell us whether you had a work quota when you first started  
19 working at the Trapeang Thma Dam, or whether you had a work quota  
20 at any point during your work there?

21 A. At the beginning, they only imposed the working hours. For  
22 example, we started early and stopped at around 10.00 or 11.00.  
23 However, about a fortnight or a month after, the work quota was  
24 imposed. So we had to dig < dirt > in terms of metres of the land,  
25 and the work quota was imposed on a daily basis. And if you

1 completed the work quota that day, then you would have your  
2 normal food ration. And if you could not, then your food ration  
3 would be reduced.

4 Q. And who gave you your work quota? Who told you what your work  
5 quota was for a particular day?

6 A. It was the group chief and the unit chief who imposed the work  
7 quota, and who reduced our food ration if we did not complete the  
8 work quota.

9 Q. Did your group chief and unit chief tell you where they had  
10 gotten their assignments? In other words, did they tell you where  
11 these quotas ultimately came from?

12 [15.11.22]

13 A. From what I knew, I received the work plan from my group chief  
14 and unit chief, who imposed the work quota upon us.

15 Q. Do you remember what your work quota was on a typical day?

16 A. On the first day, we would be given a plot of one metre that  
17 day. And if we completed it, then they would increase it the next  
18 day to 1.5 <metres>. And if we could not complete it, then our  
19 food would be reduced.

20 Q. In your OCIJ statement, you used the term "storm attack" with  
21 respect to your work. Can you tell us what that meant?

22 A. The word "storm attack" was to work harder to complete the  
23 work plan, and that information was relayed to us during a  
24 <general congress>. They told us that <we had to be strongly  
25 committed to> the canal <and dam construction> project <that> had

1 to be completed in three months.

2 [15.13.00]

3 Q. You told us a few minutes ago that at the beginning you didn't  
4 have a quota, you just had working hours, and then later a quota  
5 was imposed. Did anyone tell you why they began to impose a  
6 quota? Did anyone explain why they were starting to impose a  
7 quota?

8 A. Please rephrase your question. I don't get it.

9 Q. Yes, it's somewhat complicated. I'll try to make it simpler.  
10 At the beginning, there was no quota. Later, there was a quota.  
11 Did your group chief or unit chief tell you why they were  
12 starting to impose a quota?

13 A. At the beginning, the work was normal, but to their  
14 understanding, it did not proceed fast enough. For that reason,  
15 they measured the land that we had to dig -- that is, one cubic  
16 metre per day on that day. And if we completed that work quota  
17 that day, the next day would be 1.5 cubic metres per day. And if  
18 we did not complete, our food was reduced. And during the <period  
19 of about> two <months>, we worked non-stop. <We worked both day  
20 and night.> We had to attack the work until the project was  
21 completed on time.

22 Q. Can you tell us how it was monitored -- how your performance  
23 was monitored? How did your group chief and unit chief know  
24 whether you had met your quota or not?

25 [15.15.18]



1 A. <They didn't care> whether we completed the work quota or not.  
2 <What they cared about was we had to complete our work quotas.  
3 And,> some workers could not complete it, as they fell ill. For  
4 that reason, they were <called for re-education>, and that they  
5 had to complete it the next day with that day's quota. <So, they  
6 had to work despite their illnesses.> And that was the reason why  
7 some people <fainted and> collapsed while they were working,  
8 because of the nature of overwork, and they were over-exhausted.

9 Q. Did you ever see anyone measuring the earth in any way to  
10 determine what constituted 1 cubic metre or 2 cubic metres?

11 A. It was my group chief who measured the land for us to dig.

12 Q. You mentioned that one of the -- or you mentioned that the  
13 punishment for failing to meet your quota was to have your ration  
14 reduced. Was there any other punishment for failing to meet a  
15 quota?

16 [15.16.58]

17 A. We would be reprimanded once or twice, and if it happened the  
18 third time, then that worker would be tied and hanged to a rope  
19 connected to a frame, a wooden frame. And after that, the person  
20 would be let off to go and continue their working again.

21 Q. Can you describe that in a little bit more detail? Can you  
22 tell us exactly how the person would be tied to the wooden frame,  
23 by what part of their body, using what kind of material?

24 A. The militia who had weapons and swords did this thing to the  
25 workers.

1 Q. And when that was done, was it done in public? Was it done in  
2 the view of other workers?

3 A. Sometimes they let us see it. In fact, at the beginning, they  
4 did this at night-time <to a> person -- and when the person  
5 returned, I asked what happened? Then he said that he had <been>  
6 hanged <upside down and pulled up and down>. Then they dropped  
7 him off, and that after a few drops, then he was let go to return  
8 <to work harder>. If he kept continuing doing that, he would be  
9 killed <next time>. That's how he was warned.

10 Q. Do you know who gave him that warning? Did he tell you who  
11 told him that if he didn't change, he would be killed?

12 [15.19.26]

13 A. I actually asked that person, but he didn't dare to tell me  
14 because he didn't want the news to be spread out. <Later> on he  
15 was taken away and killed. <He kept it a secret until he was  
16 taken away and executed.>

17 Q. Did you ever attend any meetings where workers were criticized  
18 for failing to meet their quotas?

19 A. If my recollection is correct, every month or two a meeting  
20 was organized, and we were instructed to make our commitment <to  
21 cheer and> to receive and accept the work plan, and to complete  
22 the work plan jointly.

23 Q. At any of those meetings, did you ever hear a phrase used: "to  
24 keep you is no gain, to lose you is no loss"? Did you ever hear  
25 those words, or anything similar, at a meeting?

1 A. Yes, I heard that phrase every day at the time. When they  
2 approached us, they would use such a phrase. They said that we  
3 were useless workers, and it was no gain to keep us, and it was  
4 no loss to remove us.

5 [15.21.17]

6 Q. Who said that?

7 A. It was the militia, the group of people who had their weapons  
8 and swords. They were actually pretty young. They were children,  
9 not adults. <They were about my age at that time. During that  
10 period, they almost always engaged teenagers to do such tasks.>

11 Q. Did they say that at meetings? Or did they tell you that while  
12 you were working? What was the context?

13 A. <They mentioned those words both inside and outside the  
14 meetings>.

15 Q. And in the meeting, who was it who said those words?

16 A. He was referred to as the big chief, and from my recollection,  
17 his name was Val, Ta Val.

18 Q. Can you estimate how many times you attended meetings where Ta  
19 Val was present?

20 A. I cannot remember it. Maybe it happened two or three times,  
21 and it varied. Sometimes it happened every fortnight <or every  
22 month. It's up to them to call us to meetings.> And actually,  
23 while we were in the mobile unit, we were happy to attend such a  
24 meeting, because it means that we could rest.

25 Q. Are you able to tell us what kind of person Ta Val was?

1 A. Please repeat your question.

2 [15.23.44]

3 Q. Are you able to tell us what kind of person Ta Val was? Are  
4 you able to describe his character?

5 A. I was pretty young at that time, so I cannot tell you about  
6 his behaviour or character.

7 Q. Do you know whether he remained the chief of the worksite  
8 during the whole time you were there, or do you know whether he  
9 was replaced at some point?

10 A. I did not know where he went when the regime fell in 1979, and  
11 to my recollection, he was there until the end of the regime.

12 Q. Okay. I'd like to ask you now about working hours. You've  
13 already mentioned something about it. Specifically, you've  
14 mentioned something about 3.00 or 4.00 in the morning. Can you  
15 tell us whether that's the time you woke up or is that the time  
16 you actually began work?

17 [15.25.17]

18 A. We woke up to work at 3 o'clock in the morning, and we  
19 continued working until 11 a.m., when we stopped for lunch. And  
20 we rested only about 10 or <five> minutes after lunch. We started  
21 working again until 5 p.m., when we stopped again for a meal, and  
22 after <the> meal, we had to work again until 10 o'clock at night.

23 Q. And was night-time work something you did every day? Or was  
24 that occasional?

25 A. It happened every night. For example, during one full month

1 that I was there, we worked every night, and we could only stop  
2 at 10 p.m. And then we had to wake up again at 3 a.m. the next  
3 day to continue the work.

4 Q. And early in the morning and late at night, what was your  
5 source of light? How were you able to work before sunrise and  
6 after sunset?

7 A. They actually had light for us to work through the night.

8 Q. I'd like to ask you now about your food ration. Can you tell  
9 us what your food ration was normally? And what your food ration  
10 was when it was cut for failure to meet your quota?

11 A. There's a bowl of -- a bowl of rice, and on top of that,  
12 there's a bowl of soup. And the bowl of rice was partitioned into  
13 four, for four workers. And there were only about two or three  
14 ladles of rice that we could eat per each partition, for each  
15 worker.

16 [15.28.05]

17 Q. Did your weight stay the same during the time you were at the  
18 Trapeang Thma Dam, or did you become more skinny or more fat?

19 A. While I was working there, I was so emaciated. And compared to  
20 the condition of sick people now, it's like you were sick from  
21 AIDS or HIV.

22 Q. You've told us what your food ration was normally. What would  
23 your ration be when it was reduced, if you failed to meet your  
24 quota?

25 MR. PRESIDENT:

91

1 Deputy International Prosecutor, please hold on for a minute.

2 There is a technical problem with the transcription machine.

3 [15.28.44]

4 (Technical problem)

5 [15.41.05]

6 MR. PRESIDENT:

7 For technical reasons the transcription machine is not working  
8 and it will take quite a bit of time to repair it. So the Chamber  
9 decides to adjourn, and we will resume on the 30th of September,  
10 at 9 a.m. The Chamber will hear witness Sot Sophal. Parties,  
11 please come at the indicated time.

12 Mr. Sot Sophal, your testimony has not come to an end. The  
13 Chamber requests you to come testify here tomorrow as of 9 a.m.  
14 Court officer, please bring witness Sot Sophal back to his place  
15 of residence, and bring him back to the courtroom tomorrow  
16 morning at 9.00.

17 Security guard, please bring the Accused, Khieu Samphan and Nuon  
18 Chea, back to the holding cell -- to the detention centre <of the  
19 ECCC>, and bring them back to the courtroom tomorrow morning  
20 before 9.00.

21 (Court adjourns at 1542H)

22

23

24

25