



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
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 January 2016

Trial Day 353

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

The Accused: NUON Chea
KHIEU Samphan

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SREA Rattanak

For Court Management Section:
SOUR Sotheavy
UCH Arun

I N D E X

Mr. SOS Romly (2-TCW-904)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SOS Romly (2-TCW-904)	Khmer
Mr. VEN Pov	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue hearing <the final testimony of>

6 witness <Sos Romly>.

7 <The Greffier,> Mr. Em Hoy, please report the attendance of

8 parties and other individuals at today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to the case

11 are present.

12 Mr. Nuon Chea is present in the holding cell downstairs. He has

13 waived his right to be present in the courtroom. The waiver has

14 been delivered to the greffier.

15 The witness who is to testify today, Mr. Sos Romly, he and his

16 duty counsel are already before the Chamber. Today, there is no

17 reserve witness, Mr. President.

18 MR. PRESIDENT:

19 Thank you, Mr. Em Hoy. The Chamber now decides on the request by

20 Nuon Chea.

21 The Chamber has received a waiver from Nuon Chea, dated 8 January

22 <2016,> which states that, due to his health, headache, back

23 pain, he cannot sit or concentrate for long. And in order to

24 effectively participate in future proceedings, he requests to

25 waive his right to participate in and be present at the 8 January

2

1 <2016> hearing.

2 [09.04.25]

3 <The Chamber has> seen the medical report of Nuon Chea by the
4 duty doctor for the Accused at the ECCC, dated 8 January <2016>,
5 who notes that Nuon Chea has back pain and dizziness when he sits
6 for long and recommends that the Chamber grants him his request
7 so that he can follow the proceedings remotely from the holding
8 cell downstairs. Based on the above information <> and pursuant
9 to Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon
10 Chea his request to follow today's proceedings remotely from the
11 holding cell downstairs via audio-visual means.

12 AV technicians are instructed to link the proceedings to the room
13 downstairs so that Nuon Chea can follow the proceedings. This
14 applies to the whole day.

15 Next, the floor is given to the Co-Prosecutors to resume their
16 questioning. You may now have the floor.

17 [09.05.34]

18 QUESTIONING BY MR. KOUMJIAN:

19 Good morning, Your Honours, counsel, Mr. Witness, and civil
20 parties.

21 Q. Sir, can you please tell us what education you had prior to
22 1970?

23 MR. SOS ROMLY:

24 A. I did not receive education before 1970.

25 Q. Thank you.

3

1 You indicated that you were chosen to be the commune clerk
2 because of your handwriting, so I presume you are literate. Can
3 you tell us where you learned to read and write? Did you ever
4 study in an Islamic school?

5 A. I went to Trea primary school, and I finished Grade 3 at the
6 time. But during the time that I studied, I read a lot of
7 newspapers <and documents>.

8 Q. Thank you very much.

9 Were you -- before 1970, were you religious? Did you practise
10 Islam?

11 A. Yes.

12 [09.07.25]

13 Q. Sir, do you recall the 17th of April 1975, the day that Phnom
14 Penh fell to the Khmer Rouge forces? Is that a day that sticks in
15 your memory?

16 A. Yes, I could recall the day 17 April 1975.

17 Q. After 17 April 1975 through the end of 1978, did things change
18 for Cham people in Trea?

19 A. In 1975, Khmer Rouge started to close down mosques <in Trea
20 village> and Korans <> were not allowed to use any more. And Cham
21 <women> were required to cut their hair short <in contrast to the
22 Islamic tradition>, and worship at home <was> not allowed to be
23 practised.

24 Q. Prior to that time, to 17 April 1975, did Cham people in Trea
25 pray according to Islamic traditions? I believe it is five times

4

1 a day, but you can explain.

2 A. Before 1975, regarding Islamic community <in Trea village>, we
3 were allowed <to pray> five times a day, seven days a week, and
4 on Friday, we went to the mosque to pray.

5 [09.09.55]

6 Q. Now, you said that that was no longer allowed after 1975,
7 after the fall of the Long Nol regime.

8 Can you tell us, how was that enforced? How did the authorities,
9 the Khmer Rouge in your area, convince the people not to pray and
10 not to go to mosques?

11 A. There was a ban imposed in the meeting, and we were told that
12 the religion was <useless and> considered reactionary and we were
13 not allowed to practise the religion, both in mosques or <at
14 home>.

15 Q. Sir, by the way, I noticed that Wednesday and today, you're
16 wearing some type of headgear. I apologize. I don't know the
17 name.

18 Is this typical of something that Cham people wear?

19 A. Yes, that is true. It is our tradition to wear it.

20 Q. From April 1975 through the end of 1978 in Trea, did you wear
21 headgear like that or did other Chams wear headgear like you're
22 wearing, and headscarves for women?

23 [09.11.48]

24 MR. PRESIDENT:

25 Please hold on, Mr. Witness.

5

1 You have the floor now, Mr. Koppe.

2 MR. KOPPE:

3 Thank you, Mr. President. Good morning.

4 No objection to this particular question, but an observation in
5 relation to the questions of the Prosecution, also an earlier
6 question. I'm not quite sure why it is that Prosecution limits
7 its questions as of 17 April '75 because there's plenty evidence
8 that that particular sector was already in the hands of "the
9 Khmer Rouge" in 1970 and that first arrests already took place in
10 '74.

11 So I'm not quite sure -- of course, Prosecution is free to do so,
12 but I don't think the evidence is there to suggest that things
13 changed all of a sudden as of 17 April '75.

14 [09.12.43]

15 BY MR. KOUMJIAN:

16 Your Honour, I hope that Defence does not need a lesson that the
17 jurisdiction of the Court begins on the 17th of April 1975, and
18 that's why the question is directed to the period of the
19 jurisdiction of the Court. Thank you.

20 Q. So sir, I don't know if you recall the question.

21 The question was whether the headgear like you are wearing today
22 and, for women, headscarves, did Cham people wear those between
23 17 April 1975 and the end of 1978?

24 MR. SOS ROMLY:

25 A. No, we <> were not allowed to wear headgear or scarf.

6

1 Q. Sir, did anyone refuse to give up practising their religion?
2 Were there any cases where people openly prayed or kept their
3 Korans or wore their headgear?

4 A. They were afraid after the crackdown at Svay Khleang. <The
5 people in Trea village> were afraid after that crackdown. <They
6 feared that the crackdown would take place in Trea village.> The
7 crackdown happened in 1975, <and many people were arrested and
8 tied up,> and the Islamic community was afraid<. They dared not
9 resist or fight back>.

10 [09.14.30]

11 Q. Can you tell us -- explain a bit more, why were people afraid?
12 What happened that made people afraid in 1975, you said, after
13 the crackdown in Svay Khleang?

14 A. Everyone was afraid. There were arrests of <hakims, tuons,>
15 religious teachers or other intellectuals, including physicians,
16 before 1975. For this reason, people were afraid.

17 Q. What happened to those arrested, if you know?

18 A. I do not know what happened to them. I only knew that <they>
19 held different positions.

20 Q. Sir, when you first became a clerk at the commune office, who
21 was your boss? Who was the head of the commune?

22 A. Chhean was the first one.

23 [09.16.14]

24 Q. What happened to Chhean?

25 A. Could you repeat your question, or what happened to them, I do

7

1 not really understand that question.

2 Q. Did Chhean remain the commune chief and, if not, do you know
3 where -- what happened to him? Was he transferred, was he
4 arrested? What happened to him?

5 A. In 1977, Chhean had been arrested under the accusation that he
6 betrayed the Party.

7 Q. And do you know what happened to him after he was arrested?

8 A. Later on, I heard that he <had> died or he had been killed.

9 Q. Who replaced Chhean?

10 A. After the arrest of Chhean, a security cadre from Krouch
11 Chhmar district, <Sim>, came to replace, and <a deputy> by the
12 name Han also came <from agriculture department>.

13 [09.18.00]

14 Q. What happened to Chem (sic) and Han?

15 A. In mid-1978, both of them were arrested by the Central Zone.
16 They went to arrest Sim and Han.

17 Q. Do you know who was in charge of the forces that made that
18 arrest? If you don't, just tell us, but do you know who was --
19 from the Central Zone was in charge of those forces?

20 A. Thirty soldiers came to arrest the two individuals, and Ho was
21 the chief of that group.

22 Q. Who replaced Chem (sic) and Han?

23 A. Later on, Ho appointed Meng <from Trea village> to replace
24 them <as village chief>.

25 Q. Where was Meng from? Do you know what part of -- where he was

8

1 from?

2 A. Meng was evacuated from Preaek A Chi to be chief <of> Trea
3 <commune>.

4 Q. You've mentioned Ho as the man who appointed Meng. What was
5 the position of Ho?

6 A. To my knowledge, Meng was the Krouch Chhmar district chief.
7 [09.20.46]

8 Q. Sorry. The answer that I got is -- the translation was you
9 said that Meng was the district chief for Krouch Chhmar. I was
10 asking you about Ho.

11 Can you tell us, who was the district chief of Krouch Chhmar?

12 A. <Ho was the chief of Krouch Chhmar district.> Meng <was>
13 appointed <by> Ho to be the commune chief in <> place of Sim.

14 Q. Okay. Who was higher in rank, Meng or Ho?

15 A. Ho was higher than Meng, since Ho appointed Meng to be the
16 commune chief. <Before that, Meng was an ordinary citizen in Trea
17 commune.>

18 Q. So -- and it may have been a simple translation problem;
19 probably my fault.

20 Can you tell us again what position Ho held at the time he
21 appointed Meng?

22 MR. PRESIDENT:

23 The name <in the document we have used so far> is Ho, not Hor
24 (phonetic). <The International Deputy Co-Prosecutor, please> use
25 the name specifically <and carefully>; otherwise, it is

1 confusing. The name <used in examination and cross-examination
2 and relevant document> is Ho, not Hor (phonetic).

3 [09.22.25]

4 BY MR. KOUMJIAN:

5 Q. Sorry, Mr. Witness, for the confusion. Let me try again.

6 Ho, can you tell us what position Ho held that he was able to
7 appoint Meng as chief of the commune? What was Ho's position?

8 MR. SOS ROMLY:

9 A. Ho came from the Central Zone. He led the group of 30
10 soldiers. <Meng told me that> Ho was the Krouch Chhmar district
11 chief, and he came <in as the leader of Krouch Chhmar district>.

12 Q. Thank you very much.

13 By the way, how did you learn that his name was Ho?

14 A. First he was in charge of the fishing unit in Stueng Trang
15 region. And one day, he called my father-in-law to assist in
16 <making> his fishing <gear>. And <when> my father-in-law <saw
17 Ho's face he> told me that that person's name was Ho.

18 [09.23.56]

19 Q. Were you ever present at a meeting with Ho?

20 A. I joined one meeting with Ho.

21 Q. Can you tell us, did things change for Cham people in Trea
22 when Ho arrived?

23 A. Upon his arrival, Sim<, the commune chief,> was arrested and
24 Han, the deputy chief of the commune, was also arrested. <Ya
25 Yaub>, the member of Krouch Chhmar <district> committee, was also

10

1 arrested. <He was a Cham person in charge of fishing.> That was
2 the first three individuals who were arrested.

3 Q. Okay. I believe you said you were the only Cham in the
4 administration of the commune, so I presume those three people
5 were not Cham; is that correct, the three you just named?

6 A. One person was Cham, <> his name was <Ya Yaub>. He was part of
7 the <Krouch Chhmar> district committee, and he was in charge of
8 the fishing unit within Krouch Chhmar district.

9 Q. What happened, if you know, to those three individuals that
10 were arrested by Ho?

11 A. Later on, these three individuals were sent to Stueng Trang.
12 And I heard from others that the three individuals died already
13 since we have no longer seen them since that time.

14 [09.26.26]

15 Q. Did -- how did Ho treat the Cham people?

16 A. Ho convened 20 people from various units within the commune to
17 a meeting, and <actually, it was not Ho who invited people to
18 join the meeting. There> was a colleague of Ho <whose position
19 was not known to me, inviting people> to the meeting <held in the
20 mosque. He told the people that in the following day, everyone
21 would go to study for one month.> And <the people> were told that
22 they had to attend the meeting at the <> district office<.The>
23 commune office <was used as the district office. All people were
24 told to come together at that office.>

25 Q. Do you know what happened when the -- at the -- with the

11

1 meeting?

2 A. Nothing happened in the meeting. <They> were told that <they>
3 had to <pack our clothes and get ready to> go to the district
4 office to join a study session <the following day>.

5 Q. And did they -- did you all go to the district office?

6 A. Yes, <they> did go.

7 [09.28.10]

8 Q. And what happened at the meeting at the district office?

9 A. I do not know what happened. They went to the district office
10 and never returned.

11 Q. Have you ever seen them again?

12 A. No. I have seen no one after then.

13 Q. Can you describe where the district office was? You said this
14 was -- is this correct?

15 You're talking about what used to be the commune office that was
16 converted to the district office? Is that the same place?

17 A. No, it was not the case. Sim and Chhean were working in the
18 commune office, and Ho and his group came to work in that commune
19 office <as their office>. And the <people who had worked> in that
20 commune office <moved out of it and made> their respective houses
21 <their offices>. Meng, <the commune chief> at that time, <> used
22 his house as the office.

23 [09.29.56]

24 Q. Did there come a time when new Cham people from other parts of
25 the eastern part of Cambodia arrived in Trea?

12

1 A. Some people were transported on ox cart to Trea, and these
2 people were brought into that district office <>.

3 Q. Do you recall when that was, approximately, that these people
4 arrived by ox cart?

5 A. Immediately after the arrival of Ho. Ho came to work in the
6 district office and, after which, he <had his men> transport
7 people, one after another.

8 Q. Thank you.

9 Can you give us the year and, if you can, the month or
10 approximate month?

11 A. I could not remember the month, but it was in <mid->1978,
12 approximately in May of 1978.

13 Q. This district office where they were taken to -- first of all,
14 sorry. Is Trea on the Mekong River; is that correct?

15 A. Yes, that's correct.

16 [09.31.57]

17 Q. Where in relation to the river was the district office? Can
18 you tell us how far it was from the river?

19 A. It was near the riverbank. The commune office was about 20 or
20 30 metres away from the riverbank.

21 Q. So what happened to these people that were taken to the
22 district office, if you know?

23 A. <Later on,> I saw <> about 20 <pits near the district office.
24 They were large and small pits.>

25 Q. Can you explain that? You saw a hole with pits.

13

1 First of all, when did you see this?

2 A. I <> saw them after the liberation day of 7 January. <Just
3 before the end of the regime,> I escaped into the forest <for
4 about half a month, and> when I arrived in the village, I went
5 around that area and I saw those pits. I could not see them in
6 1978 because, in 1978, those areas were flooded. <After the water
7 receded the pits sank in.>

8 [09.33.45]

9 Q. And when you saw them -- was it in 1979 that you saw them, or
10 was it after that year?

11 A. I saw them in 1979.

12 Q. And do you know if there was anything inside these pits?

13 A. I saw the bones, piles of bones in the pits.

14 Q. When these people arrived by ox cart, what was the ethnicity
15 of these people?

16 A. I know they were all ethnic Cham.

17 Q. And did this happen one day, or did it happen more than one
18 day?

19 A. As far as I know, it was probably for about 10 days.

20 Q. Do you have any way to estimate the number of people that came
21 -- of Cham people who came to Trea by ox cart in 1978 during
22 these 10 days?

23 A. From my estimate, there were about 500 to 600 people,
24 including children and adults.

25 [09.36.10]

14

1 Q. Now, do you know if Ho had any role in -- or any contact with
2 these people, as far as you know?

3 A. I do not know.

4 Q. Thank you.

5 Now, sir, you said that at one time you fled. When was it that
6 you fled Trea?

7 A. I did not flee far away. I just fled to nearby areas. I was
8 Sim's clerk, and I heard that the East Zone were branded as
9 traitors <and the soldiers from the Central Army came down to
10 sweep and clean them>, so <> people in <all units> were afraid,
11 so we <left our respective houses and> fled <respectively> to
12 forest nearby.

13 Q. So the people that you fled with, were they mainly Khmer, were
14 they Cham, was it mixed?

15 A. Regarding this escape, we just fled temporarily <and
16 individually>.

17 Q. Okay. But were you fleeing with other cadre and, if so, what
18 was the ethnicity of the others?

19 A. I fled alone. As for other cadres, they also fled
20 <respectively to the forests near their houses.>

21 Other cadres, ethnicity are Khmer, not Cham. Only I, alone, was
22 Cham.

23 [09.38.45]

24 Q. Sir, were you part of a conspiracy against Pol Pot? Were you
25 part of any plans to attack the regime?

15

1 A. I was not a core member or a Party member. I was simply an
2 ordinary worker. I simply performed what I was ordered to do. I
3 did not dare to protest anything.

4 Q. Did anyone try to recruit you into a plot against Pol Pot?

5 A. No, there <was> no one.

6 Q. Do you recall the approximately date when you fled Trea?

7 A. I told you already that I did not flee to faraway place. I
8 simply fled to nearby place<. Sometimes, I just hid myself in the
9 house> because, at that time, <the situation was> chaotic <>.

10 Q. Yes, thank you. You told us that, so let me then modify the
11 question.

12 When you fled nearby, when was that? When you fled to this nearby
13 place, can you tell us, approximately?

14 A. When Ho was about to arrive. We heard about the arrival, so we
15 escaped. We did not dare to stay at the <commune> office. Some
16 escaped to <hide in> their homes. Some escaped to nearby places
17 before Ho's arrival.

18 [09.41.12]

19 Q. But I'm a bit confused because you said you were at a meeting
20 with Ho, so can you explain that? Did you come back after fleeing
21 nearby? Can you explain?

22 A. At the time, <> as I told you that I fled, and then I
23 returned, and then Meng was appointed <as the commune chief>. And
24 then three months later, Ho organized a meeting, so I attended
25 one meeting. <Previously, I had not known anything.>

16

1 Q. Okay. Thank you. Now I understand better.

2 So sir, at the end of 1978, were you in Trea?

3 A. I left Trea in late 1978. At that time, we all fled into the
4 forest because we heard that the Khmer Rouge <gathered> people
5 and <walked> away with them, so we fled. The villagers fled into
6 the forest. <People in the villages in the upper part heard, via
7 loudspeakers, an appeal to run into the forests with the Khmer
8 Rouge. So everybody fled. But I did not flee. However, only
9 people from one Khmer village, Kdol Kandal village, fled.>

10 [09.42.50]

11 Q. Now, can you tell us approximately how many weeks or months
12 that was before the Vietnamese arrived?

13 A. It was one month before the arrival of the Vietnamese.

14 Q. Thank you.

15 Now, at that time -- so this would have been late 1978. How many
16 Cham were living at that time in Trea in the five villages,
17 approximately?

18 A. I could not estimate.

19 Q. Okay. Fair enough.

20 Sir, I want to concentrate my questions now on what happened to
21 the Cham. Did you ever hear any Khmer Rouge cadre talk about any
22 plan regarding the Cham?

23 A. I heard once when I was Chhean's clerk in 1977. There was a
24 <sector> security guard who came to meet Chhean, and Chhean was
25 not there at that time because he went to supervise people

17

1 digging the canals. <I was on duty in the commune office.> So the
2 security guard spent the afternoon with me, and he asked me where
3 <> those people <had> gone.

4 I told him that the Cham were evacuated to Central Zone. And then
5 he asked me <if any Cham were still living in the village> and
6 then I told him that about only 80 to 85 per cent were evacuated.
7 There were around 15 <or 20> per cent left in the village. And he
8 told me that those Cham people would be smashed. <None of them
9 would be spared.>

10 [09.45.13]

11 Q. Thank you.

12 Now, this regional security person, do you recall anything else
13 about him, his name or where he was from?

14 A. I cannot recall his name. <> I just know that he <was sector>
15 security officer, but I could not recall his name now.

16 Q. Thank you.

17 Now, did he come alone or did he have any bodyguards or troops
18 with him?

19 A. He came with another person. <He did not have any bodyguard
20 with him at that time.>

21 [09.46.08]

22 Q. Do you know if he knew your ethnicity, if he knew that you
23 were Cham?

24 A. No, he did not know.

25 Q. Did he explain or did you ever hear why there was a plan to

18

1 smash the Cham?

2 A. I did not know.

3 Q. You told him that 80 or 85 per cent had previously been sent
4 from Trea to the Central Zone. What year was that that people
5 were transported, Cham people, from Trea to the Central Zone?

6 A. I did not know the reason. But as I told you, at our village,
7 we <were told in a meeting that we did not have enough> rice to
8 eat, and we were told that we would be sent to harvest rice at
9 Battambang province, not Central Zone, <namely Kampong Thom
10 province,> because in Battambang province, there were lots of
11 rice and we could have enough to eat.

12 Q. Okay. I'm just trying to get an idea of the time.

13 Was that time when the 80 to 85 per cent were sent to the Central
14 Zone, if you know, before or after the 17th of April 1975?

15 A. It was in late 1975.

16 [09.48.28]

17 Q. Sir, you had mentioned that there were three hakims in Trea.

18 Do you know what happened to them between 1975 and -- to the end
19 of '78?

20 A. Hakims were arrested in early 1975.

21 Q. Do you know if they were detained or do you know if they --
22 did they disappear? Did you ever see them again?

23 A. <They did not disappear.> They were detained in Krouch Chhmar
24 district at Spean Ta <Duong> (phonetic).

25 Q. Did they survive the regime, do you know?

19

1 A. They disappeared until now.

2 [09.49.50]

3 Q. I want to ask you about some other prominent people in the
4 Trea Cham community.

5 Please correct me, sir, if I'm wrong, but I understand hajis are
6 people who've made the trip to Mecca, and they have some
7 prominence in Islamic communities.

8 Were there hajis in Trea before 1975?

9 A. Before 1975, there were hajis.

10 Q. Do you know about how many there were?

11 A. I cannot estimate well, but I think there were around 10
12 people.

13 Q. Do you know how many of them survived the regime? If you don't
14 know, just tell us.

15 MR. PRESIDENT:

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

18 [09.51.15]

19 MR. KOPPE:

20 Again, an observation, but this time in the form of an objection
21 as well.

22 Prosecution is limiting its questions to the period after 17
23 April '75, whereas there's plenty of evidence that specifically
24 in this district or in this sector, arrests, and possibly also
25 killings, happened before 1975, so before the jurisdictional

20

1 period.

2 Thank you for reminding me, Mr. Prosecutor, what the
3 jurisdictional period exactly was.

4 So to make an artificial distinction between -- artificial
5 distinction in relation to questions to this witness, that is
6 bringing this witness into trouble because he feels, I think, he
7 is forced to answer the questions as to what happened after 17
8 April '75.

9 This particular district was occupied by "the Khmer Rouge" in
10 1970. Many things happened in '73, '74 before the jurisdictional
11 period, so I think the Prosecution should ask open questions and
12 not limit the questions to strictly after 17 April '75.

13 [09.52.36]

14 BY MR. KOUMJIAN:

15 Thank you, Your Honours.

16 Of course, counsel's free to ask questions about the period 1970
17 to 1975 when it is his turn. It's obviously very critical to
18 understand what happened during the jurisdiction period of the
19 Court, and that's why specifically these questions are directed
20 at that.

21 How counsel believes that the witness thinks he's being forced to
22 answer questions when I tell him if he doesn't know, just tell
23 us, I don't know what the basis for that is.

24 Q. Mr. Witness, do you feel intimidated by my questions, sir?

25 MR. SOS ROMLY

21

1 A. No, I did not feel that I was intimidated by your question.

2 MR. PRESIDENT:

3 The Chamber overrules the objections of Counsel Victor Koppe
4 because this issue is related to what the Chamber <wants and
5 needs> to hear <specifically> about the situation so that we can
6 <form a basis for our consideration in connection with these
7 facts>.

8 So Witness, please answer to the last questions of the
9 prosecutors, if you can.

10 [09.54.06]

11 MR. SOS ROMLY:

12 A. I could not remember the question. Please repeat the question.

13 BY MR. KOUMJIAN:

14 Q. Thank you.

15 Do you know how many hajis survived the regime? And if you don't
16 know, tell us.

17 MR. SOS ROMLY:

18 A. I know that only one survived the regime.

19 Q. Thank you.

20 How about teachers, sir? Were there teachers in Trea before 17
21 April 1975?

22 A. Talking about teachers of general skills, I did not know where
23 they came from.

24 [09.55.08]

25 Q. Sorry. I should be more precise.

1 How about were there teachers of religion, of Islam, people that
2 taught people how to pray, how to read the Koran?

3 A. Yes, there were three religious teachers.

4 Q. Do you know if they survived the regime?

5 A. All of them were arrested and taken away by the Khmer Rouge.

6 Q. Were they ever seen again by you or anyone you know?

7 A. I have never seen them again.

8 [09.56.13]

9 Q. Can you tell us about any other prominent people in Trea such
10 as intellectuals or village chiefs and what happened to them, if
11 you know, between 1975 -- April '75 and '78?

12 A. All the three religious teachers: one named Sos Sleiman
13 (phonetic), he <was a student coming> from Egypt. He went to
14 study <the religion> in Egypt. And then another one is Sos
15 <Yaskos> (phonetic). He went to study <the religion> in Malaysia.
16 And he came to teach in Trea <village>. And another one's name
17 <was Brohim (phonetic), Ibrohim (phonetic)>. He was a teacher,
18 religious teacher, and he was trained in the village <and was a
19 learned person in the village>.

20 Q. Do you know what happened to them between April '75 and 1978?

21 A. All the three were arrested. And I did not know what would be
22 their fates, their destiny, but I haven't seen them ever from
23 that time.

24 Q. Do you recall approximately when they were arrested? And if
25 you don't know, you can tell us.

1 A. At that time, it was approximately early 1975.

2 Q. Mr. Witness, you've mentioned you had five siblings. What
3 happened during the regime to your five siblings? Did they all
4 survive?

5 A. Out of my five siblings, only one was killed. <Four of us are
6 still alive nowadays.>

7 [09.59.02]

8 Q. And the sibling who was killed, who was that?

9 A. He's my first brother. He went to Vietnam <in 1973>, and
10 <while he was on the way back from Vietnam> the Khmer Rouge
11 arrested him. And then he <has> disappeared <up to> now.

12 Q. Do you know when it was that he was arrested?

13 A. In 1973, my brother went to <Maoth> Chrouk (phonetic) <or Chau
14 Doc> province, and when he came back, along the road <through Tay
15 Ninh>, he was arrested and he disappeared <on the way>.

16 Q. Okay. Thank you.

17 Now, the other four siblings, did they stay in Trea village
18 between -- all the way to the end of 1978, or not?

19 A. They were all living with me.

20 Q. Did you do anything to protect them?

21 A. I did not have the ability to protect all of them.

22 [10.01.02]

23 Q. In Trea, did the people before 1970, before the Khmer Rouge
24 came -- did they follow Islamic traditions about burial, about
25 how a body should be prepared for burial and the other traditions

1 you had -- Islamic traditions?

2 A. Please ask the question again. I do not really get it about
3 the burial.

4 Q. Okay, sir. I'm not an expert, but I understand that, under
5 Islam -- or many of those practising Islam follow traditions that
6 a body must be clean, must be washed, it must be prepared in a
7 certain way before burial, and buried within a day of the
8 person's death. And I believe even there's something about the
9 way that the head -- the direction the head should be pointed.
10 But again, I don't -- I'm only asking you if you know about that,
11 and if those traditions -- any such traditions were followed in
12 Trea before the Khmer Rouge came.

13 [10.02.38]

14 A. Before 1975 and also now today, the body needs to be washed.
15 All parts of the body have to be washed <with soap, detergents>.
16 No, the fingers were not used to be pointed at the head, but to
17 put <the hands> on the chest.

18 Q. Okay. Sir, was there -- did you continue -- people in Trea,
19 Cham people, were they allowed to continue to follow that
20 tradition of washing the bodies during the regime, the Khmer
21 Rouge regime?

22 A. Concerning people who died because of diseases, in fact, we
23 could have the washing of the bodies <secretly in our houses>
24 since the Khmer Rouge did not <pay attention when anyone died>.

25 Q. Thank you.

25

1 How about the Cham language? Before 1970, I believe these -- was
2 Cham, the language Cham, widely used in your village?

3 A. Yes, it was widely used <in all Cham communities> before 1970.

4 Q. And specifically after April 1975 to the end of '78, were
5 people allowed to -- did they continue to use Cham in Trea?

6 A. No, Cham language was not allowed to speak, but the ban was
7 not so strict. At home, we could secretly use our own language.

8 [10.05.15]

9 Q. Thank you.

10 Now, sir, you mentioned cadre from the Central Zone arriving in
11 Trea. Did cadre from any other zones ever come to Trea?

12 A. There were two strange people. They spoke with an accent, and
13 they came from the Central Zone.

14 Q. Thank you.

15 Did any come from any other zones besides the Central Zone?

16 A. No. Perhaps no one came from other zones. I was not aware of
17 that.

18 Q. Did you ever know of any cadres from the Southwest Zone being
19 in Trea?

20 A. There were <two people> -- there was one female, and a male.

21 [10.06.45]

22 Q. Do you recall their names?

23 A. I know <the man. His> name <was> Trim (phonetic). After Meng
24 <and Nheb,> Trim (phonetic) <became the commune chief>.

25 Q. Can you please explain what position you mean?

26

1 A. Trim (phonetic) became the commune chief, but he usually was
2 not stationed within the commune office. He went to work in
3 superior's office<, but I did not know where he was exactly
4 based> and, once in a while, he would come to the commune. And
5 then he declared that he was the commune chief.

6 Q. Okay. Thank you.

7 This would be an appropriate time, if Your Honours want to break.

8 [10.08.10]

9 MR. PRESIDENT:

10 It is now the appropriate time for the break. The Chamber would
11 like to inform both the Co-Prosecutors and the Co-Lawyers that
12 you both have about 20 minutes more to finish the questioning of
13 this witness.

14 So it is now appropriate time for the break, and we will resume
15 <> at 10.30 a.m.

16 Court officer, please <invite> the witness <to the waiting room
17 reserved for witnesses> during the break <> and please invite the
18 witness back into the courtroom together with his duty counsel at
19 10.30 a.m.

20 The Court is now in recess.

21 (Court recesses from 1008H to 1033H)

22 MR. PRESIDENT:

23 Please be seated. The Chamber is now back in session.

24 As now we have the immediate decision on the adversarial hearings
25 of parties, that's why we postponed the invitation of the witness

1 <and his duty counsel> into the courtroom, now the Chamber would
2 like to listen to the oral submission <on a number of issues>.
3 On the 7 January 2016, the Office of the Co-Prosecutors informed
4 the Chambers and the <parties> that a new disclosure of documents
5 from Case 003 and 004 is forthcoming and that a number of these
6 documents are relevant to Witness 2-TCW-938, who is scheduled to
7 appear before the ECCC on Monday, 11 January 2016.

8 [10.35.09]

9 Among other things, the <International> Co-Prosecutor proposed
10 that the hearing of this witness be postponed until the end of
11 the topic on the treatment of the Cham before the hearing of <the
12 expert> 2-TCE-95.

13 Before proceeding with hearing <on> the party response to the
14 International Co-Prosecutor's email, the Chamber would like the
15 <International> Co-Prosecutors to clarify whether these documents
16 are also relevant to the testimony of 2-TCW-988, 2-TCW-987 and
17 2-TCW-894.

18 Further, the Chamber wish to inform the parties that, on 5
19 January 2016, the Chamber was informed that the International
20 Co-Investigating Judge has indicated that 2-TCW-938 and 2-TCW-894
21 are Category C witnesses. <This is the memo of the International
22 Co-Investigating Judge.> See <E319/25>, paragraph 3(c).

23 [10.36.48]

24 In keeping with the instructions set out in the memo of the
25 International Co-Investigating Judges, <E319/25>, the Chamber is

1 awaiting to receive from the <International> Co-Investigating
2 Judge an indication of <several> conditions of use that will be
3 requested <to the Chamber>.

4 Now the floor is given to the International <Co-Prosecutor> to
5 talk about <the issues that have been raised in relation to the
6 disclosure of his documents>.

7 The floor is yours now.

8 MR. KOUMJIAN:

9 Thank you, Mr. President.

10 Your Honours, I'm not sure I can answer all of your questions at
11 this moment. I probably could, or I could have someone from my
12 office answer it by the end of the day, perhaps after this
13 witness is completed.

14 [10.37.46]

15 But what I would indicate is that, on the 18th of December, as we
16 indicated in the email, we got an order from a -- motions that
17 had been pending some time before OCIJ with quite a large amount
18 of materials authorized for disclosure. I don't have the figures
19 on what those are exactly, but it's enough material that it's
20 going to take us some time -- I believe some weeks -- to go
21 through all of it to determine whether they fit the categories
22 that Your Honours have indicated should be disclosed.

23 What we realized just a few days ago is that a couple of them
24 could relate to TCW-938, one being just an investigation report
25 that's referenced in an interview with that witness, and a couple

1 other witnesses, I believe, that mention that witness.

2 In the interests of erring on the side of disclosing too much
3 rather than too little, some other interviews that were relevant
4 to the Cham that the Prosecution expects to make an 87.4 motion
5 for were also disclosed by email yesterday.

6 So I would have to check whether -- and I think it would take us
7 maybe -- I hope we could answer today -- whether those interviews
8 are relevant to the witnesses you just named. You gave the TCW
9 numbers, but I honestly would have to check who they are. I could
10 not answer that question right now whether they're relevant to --
11 I believe it was 988 and another witness.

12 [10.39.31]

13 MR. PRESIDENT:

14 The floor is now given to Judge Claudia Fenz.

15 JUDGE FENZ:

16 Any idea how many weeks the Prosecution will still need to go
17 through the material?

18 MR. KOUMJIAN:

19 I think I could get you an answer on that by the end of the day.

20 I'm really not sure.

21 I'm not sure yet how much -- many pages we're talking about that
22 were authorized for disclosure. I don't know, to be honest.

23 It came on the 18th when most of the staff were on their way out
24 the door, and we also received on that day two orders for
25 important filings from OCIJ which were due last Monday and this

30

1 week -- next week. So that's what, frankly, took my time.

2 [10.40.36]

3 MR. PRESIDENT:

4 The challenge before the Chamber is that the Chamber is scheduled
5 to hear the said witness <next week>, and the Co-Prosecutor
6 mentioned about the relevant documents to be used with the
7 witness <who will> testify on Monday.

8 As far as we're concerned, the witness is scheduled to testify
9 before the Chamber <next> Monday, so the Chamber would like to
10 ask if the documents proposed by the Co-Prosecutor are also
11 relevant to <the other four (sic) witnesses> 2-TCW-988, 2-TCW-987
12 and 2-TCW-894. So please, clarify the matter for the Chamber. The
13 Chamber wants to <facilitate> with <the parties concerned> and
14 also to consult with WESU.

15 If there are no challenges, the Chamber will schedule the witness
16 accordingly so that we can have the proceedings go as smoothly as
17 possible.

18 So please, clarify the matter for the Chamber, Mr. Co-Prosecutor.
19 <A moment ago, you had only> answers concerning the documents to
20 be used with <Witness 338>, but the Chamber wants to know whether
21 those documents are also to be used and relevant to the three
22 witnesses as I have just mentioned. <We also want to hear from
23 other parties whether it will be possible for the Chamber to
24 schedule the hearing next week.>

25 [10.42.30]

31

1 The Chamber cannot drag on the matter because the WESU needs to
2 be informed so that they have<> proper time to adjust and to
3 bring in proper witnesses before the Chamber to testify as
4 scheduled by the Trial Chamber, particularly the schedule that
5 the Chamber has issued for <next> Monday and the following days.

6 MR. KOUMJIAN:

7 Mr. President, just to clarify one thing, these documents that
8 were disclosed, we do not intend -- the Prosecution -- to use
9 with 938. We're disclosing them just because -- in case the
10 Defence, in particular, wanted to use any of them because they
11 appeared to be relevant to that witness.

12 One is something that was referenced in one of her - in one of
13 the witness' interviews and investigation report. So we do not
14 intend to use any of those documents.

15 [10.43.26]

16 Now, as for whether they have any relevance to the other three
17 witnesses that you mentioned, 988, 987, 894, I can -- I haven't
18 -- I don't have those statements in front of me or in my mind who
19 those -- what those witnesses have said.

20 I could check it. I sincerely doubt we would use them for any of
21 these witnesses, but again, if I could have till the -- this
22 afternoon or the end of the day, I'm sure we could make a more
23 clear statement to Your Honours about that, about what relevance,
24 if any, they have to those witnesses.

25 (Short pause)

1 [10.44.20]

2 MR. PRESIDENT:

3 You have something to address the Chamber, Counsel? You have the
4 floor now, Anta Guisse.

5 MS. GUISSÉ:

6 Thank you, Mr. President. Good morning, everyone.

7 For starters, I have a question for purposes of clarification
8 because I have a courtesy version of the Co-Prosecutor's motion
9 with the annex listing five statements that are likely to concern
10 Witness TCW-938. And contrary to what the Co-Prosecutor has just
11 stated a while ago, in that annex, it is stated that -- and it's
12 on a table<, and it> has indicated the relevance of these
13 statements in principle, at least, as regards four of them <--
14 that's four out of> the five documents, and it is written in
15 English. And I'll read it out in English, "<contains potential
16 exculpatory material> and may be included in Rule 87.4 request".
17 The question that arises is one that I'll address directly to the
18 Co-Prosecutor. When he says that it could be subject of a Rule
19 87.4 motion<, is he not speaking> of an <87.4 motion> from the
20 Office of the Co-Prosecutors? Because <if not> I am lost somewhat
21 here.

22 [10.45.46]

23 I do understand <-- and we are happy that this is being brought
24 up, the fact that> there may be exculpatory evidence involved<,
25 and it goes without saying that if that is the case --> I am

1 unable to say so <yet> because I've not <had the opportunity to
2 look> at the statements; naturally we want to have the time to do
3 so.

4 <However, based on the Co-Prosecutor's annex, there> may be <> a
5 Rule 87.4 motion by the Co-Prosecutors, which <does not> tie in
6 with what the Co-Prosecutor <has just> said. That is the first
7 clarification I would like you to make.

8 The second clarification has to do with paragraph 3 of <this
9 courtesy> motion, and there is no ERN or any references <yet, so
10 I apologize, but> the motion is titled, "The International
11 Co-Prosecutor's disclosure of Case 004. Documents relevant to
12 D193/61<", and that dates to today>.

13 I'm sorry about the speed. In paragraph 3 of that motion<, which
14 was made available as a courtesy>, it is also indicated in
15 English and I'll again have to read it out in English -- I'm
16 sorry <to put you through that> -- and it's at the end of the
17 paragraph in English.

18 [10.47.10]

19 "<However,> because the parties were only recently informed of
20 the scheduling of upcoming witnesses testifying on issues
21 concerning the treatment of the Cham and because the Office of
22 the Co-Prosecutors has not yet had the opportunity to thoroughly
23 review the large amount of documents disclosed in the ICIJ's
24 decision on the 18th December in accordance with the Chamber
25 instruction, the Co-Prosecutor hereby discloses the material in

34

1 the interests of allowing all parties to familiarize themselves
2 at the earliest opportunity with information contained therein."
3 My question, and that is a question arising from that paragraph,
4 is that <> I understood that when the Co-Prosecutors make a
5 request for disclosure, or when they talk about the possibility
6 of disclosing certain documents stemming from the investigations,
7 <it seems to me that> it is because the parties are aware <of the
8 content of> these statements, <and that is why they ask for them
9 to be made available and open up the possibility of them being
10 made available to other parties>

11 [10.48.26]

12 In reading the Co-Prosecutors' motion, I had the impression that
13 the Co-Prosecutors don't know in advance the contents of those
14 statements, so my second request for clarification is as follows:
15 If you have made a request to the Co-Investigating Judges, it is
16 because<, in principle,> you know the contents of these
17 statements so I do not understand <why there is a delay or why
18 there is a> need for a time limit. <I mean to say, why is there a
19 delay between the time during which you make these statements
20 available and the moment when you know whether or not you are
21 going to> tender them into evidence? That is <the second>
22 problem that arises as far as we are concerned.
23 And my third remark, <this is more of an observation, just> to
24 say that if the Co-Prosecutors, themselves, who should <appear to
25 have had a vague idea of the> contents of the documents<, are>

35

1 asking for additional time <naturally we,> the Defence, <who>
2 have never seen those documents, we'll also need time. I'm saying
3 this, again, because we are always told that we are asking for
4 more and more time <and that we want to waste time.>
5 Let me point out here that we manage our case in view of the
6 information at our disposal <over time. That is the last
7 observation I would like to make, knowing that --> I would like
8 <make it known to> the Chamber that I've not had time to
9 crosscheck the documents that have been sent to us as a courtesy
10 copy this morning, <well, that I received this morning, in any
11 case,> and <> I am just making these remarks as general comments.

12 [10.49.56]

13 MR. PRESIDENT:

14 You have the floor now, International Co-Prosecutor.

15 MR. KOUMJIAN:

16 Well, I think I can give a bit of information -- a bit more
17 helpful information in answer to the question that you asked me
18 at the beginning of the hearing, whether these documents have
19 relevance to other witnesses you've named. From our review, they
20 could be relevant to 894, but not to 988 and 987; so not relevant
21 to 988 and 987.

22 To explain, I think, perhaps, I didn't explain well to explain to
23 what defence counsel raised. These documents that we say in our
24 disclosure are a -- will be a subject of 87.4. That is, we do
25 anticipate making a motion on these documents that are so

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1 indicated to have them admitted before Your Honours, but we do
2 not intend to use them with the upcoming -- the currently
3 scheduled witness, 938. We were not going to use them, but we
4 felt it would be necessary to disclose them.

5 [10.51.14]

6 I hope I can have an answer soon about how long it would take us
7 to finish the review, but let me explain that. When we made
8 motions originally to OCIJ, we were using a broader criteria as
9 for anything that would be possibly relevant to 002/02.

10 Since then, and I recall - I don't recall the exact date, Your
11 Honours came out with a decision which indicated what the
12 modalities would be and that it would be necessary for us to
13 disclose, first of all, at the request, I believe it was, of the
14 Khieu Samphan defence, which of the documents we're disclosing
15 because they potentially could be viewed as exculpatory and Your
16 Honours provided some further definition of how we should define
17 that term and how we should make that search and then other
18 documents that would be -- that we want to use, we would have to
19 be the subject of 87.4 motions.

20 [10.52.16]

21 So what is required now is different than the relevance criteria
22 that we used in making the motion with Judge Bohlander. We would
23 have to determine which of those that were authorized are
24 exculpatory and for others, whether or not we will seek their
25 admission under 87.4.

37

1 I think Your Honours made that decision so that we would not
2 disclose more documents than were necessary. So that's the
3 process that we still have to go through and I don't have an
4 answer, right now, about how long that would take, but I think I
5 probably could have you an estimate by the first session this
6 afternoon.

7 (Short pause)

8 [10.53.17]

9 MR. PRESIDENT:

10 Next, the floor is given to Lead Co-Lawyers for civil parties.
11 Now, one issue is not quite clear for the Chamber, however, if
12 the Chamber <schedules the hearing next week or moves> 2-TCW-988
13 and <2-TCW-987> to the beginning of the week, is there any
14 matter? The first issue, as mentioned by the International
15 Co-Prosecutor, is not yet clarified<, so it should be put off as
16 the International Co-Prosecutor has yet submitted a request to
17 the Chamber,> and we will <carry out the proceedings next time.
18 The> Chamber needs to be clearly informed <whether we are <> able
19 to schedule the hearings next week.

20 [10.54.27]

21 MS. GUIRAUD:

22 Thank you, Mr. President. Subject to the explanations <> provided
23 by the Co-Prosecutors this afternoon, we will be ready <for
24 2-TCW-988> and 987 at the beginning <of next week>.

25 MR. PRESIDENT:

38

1 Thank you. What about the defence counsel for the Accused
2 <regarding> the intention of the Trial Chamber to schedule <the
3 hearing of> other witnesses <early next week,> which have nothing
4 to do with the <issues raised in the> document <disclosed> by
5 <International> Co-Prosecutor <who wishes to inform us through>
6 the email <about the fundamental matters that we just discussed a
7 while ago>? So <> is there any matter to hear 2-TCW-988 and
8 <2-TCW-987> at the beginning of the week?

9 [10.55.42]

10 MR. KOPPE:

11 It's, to be honest, very difficult for me to answer this
12 question, Mr. President. I saw these four emails this morning. I
13 haven't had a -- didn't have a chance to actually read them,
14 obviously, because I also need to prepare today's witness. I'm
15 not quite sure or at least I think that one of the witnesses -- I
16 believe 987 -- is a witness who could testify as to events in
17 Kang Meas district in Sector 41, and that the other witnesses, if
18 I'm correct, are more in a position to testify about events in
19 Kampong Siem district in Sector 41. I refer to your decision
20 granting the request -- your decision of 24 December 2015.

21 [10.56.46]

22 Obviously, we have been hearing witnesses in relation to Wat Au
23 Trakuon Security Office. If indeed 2-TCW-987 can only give
24 factual evidence in relation to Wat Au Trakuon in Kang Meas
25 district, I would imagine that we can go ahead with that

1 particular witness, however, the other witnesses are relating --
2 are related to the chain of communication in Sector 41, more
3 particular to events in Kampong Siem district, and I find that
4 highly problematic to continue with those witnesses in the light
5 of these recent disclosures because I might add that we are very
6 unfamiliar, at this stage, with events in Kampong Siem district.
7 An alternative might be that we proceed in the way that we have
8 proceeded with 2-TCW-1000 because it has similarities with this
9 -- with this particular witness who testified earlier this week
10 in relation to the segment of the treatment of the Vietnamese and
11 with that I mean that the Prosecution could start -- although I
12 find that problematic -- but could start hearing or examining
13 2-TCW-938 and then we stop when it's our turn and then continue,
14 at one point in time, with questioning 938.

15 [10.58.36]

16 There are all kinds of complications, obviously, with that
17 because then the witness has to come back, but that could be an
18 alternative. But it's all highly problematic, I find.

19 MR. PRESIDENT:

20 Thank you. You have the floor now, Counsel Anta Guisse.

21 MS. GUISSÉ:

22 Thank you, Mr. President. I must say that I face the same
23 difficulty as my colleague as regards figuring out how to quickly
24 adapt to this new situation. I would have to look at the
25 situation more closely.

40

1 My first remark is that as far as Witness <-- just let me find
2 the correct --> 2-TCW-987, I do understand that the
3 Co-Prosecutors wouldn't find any new <material in the new>
4 documents <made available or the documents that are to be made
5 available and> that <may be> tendered into evidence, <that would
6 be linked with> that witness.
7 However, we see a link between that witness and Witness 2-TCW-938
8 as regards what happened in the zone.
9 [10.59.58]
10 Since there is, in any case, a link between the superior<,>
11 2-TCW-987, and the zone of Witness 2-TCW-938, <so> we'd have to
12 look at these new documents in greater detail in order to
13 ascertain whether we, ourselves, wouldn't have to file a Rule
14 87.4 motion <and possibly use these documents>. And I am talking
15 here in hypothetical terms given the fact that we cannot do so at
16 this particular stage <>.
17 And, then, <yes, perhaps> since the proposal of my colleague is
18 that we should start with Witness 938 and then suspend
19 proceedings to enable the Defence to assimilate the new
20 materials<, that would be a possibility.> I must say that we will
21 need to, <perhaps during the lunch break,> think about this among
22 ourselves with <> the other members of my team <and my colleague>
23 Mr. Kong Sam Onn, in order to ascertain <how we are going to
24 divide out the workload to see what> is manageable <or not at the
25 beginning of> the week. So<, it's a little --> we are not in a

41

1 position to give you any clear-cut answers at this point in time.

2 I would be hard put to it to give you any more precise

3 information.

4 11.01.23]

5 The witness who will pose the least problems, <a prioiri>, will

6 be 2-TCW-988. If it was possible for that witness to be called

7 before the others. Right now I do not know what WESU's

8 contingencies are. So that's what I can say at this point. I will

9 perhaps be in a better position to be more precise this

10 afternoon>

11 MR. PRESIDENT:

12 Thank you. Judge Fenz, you have the floor now.

13 JUDGE FENZ:

14 It's just an additional remark. Generally, 87.4 requests that

15 come a couple of hours before we hear a relevant witness are

16 obviously not desirable.

17 MR. KOUMJIAN:

18 Right, and just to be clear, we're not filing an 87.4 request for

19 -- excuse me, before the witness testifies. We disclosed that --

20 and maybe we erred in disclosing too much because we intend to

21 later, after the testimony, because it's relevant to the section,

22 file an 87.4 motion, but we did not plan to use the document with

23 the questioning of the witness.

24 [11.02.44]

25 MR. PRESIDENT:

1 Thank you for your remarks and inputs on the matter. As the
2 Chamber has <informed, it intended> to schedule for the <hearing
3 to be continued early> next week<. This is the issue before us,>
4 and it's very difficult for WESU to arrange witnesses and experts
5 since WESU is responsible for bringing in witnesses and experts
6 <to testify before the Chamber. This is the issue the> Chamber
7 <wants to solve quickly so that it can give a timely response>.
8 As promised by the International Co-Prosecutor, I hope that the
9 Chamber will be enlightened by the International Co-Prosecutor
10 <and other parties after lunch break> in the afternoon so that
11 the Chamber is able to schedule to hear specific witnesses <or
12 civil parties> for the following week -- for next week, rather.
13 Now, the floor is given to <the International Co-Prosecutor and>
14 Lead Co-Lawyers to resume questioning.
15 Court officer, please usher the witness, together with the duty
16 counsel, into the courtroom.
17 (Short pause)
18 (The witness enters the courtroom)
19 [11.04.54]
20 MR. PRESIDENT:
21 The floor now is given to the Lead Co-Lawyers for civil party to
22 put questions to the witness if you have any questions.
23 MR. PICH ANG:
24 Thank you, Mr. President, and the Bench. I now give the floor to
25 Ven Pov to put questions to the witness.

1 MR. PRESIDENT:

2 Your request is granted. The floor now is given to Counsel Ven
3 Pov.

4 [11.05.25]

5 QUESTIONING BY MR. VEN POV:

6 Thank you, Mr. President, and the Bench and the Chamber.

7 Q. Good morning, Mr. Witness. I have a number of questions to put
8 to you.

9 My first question is: On 6 January 2016, you replied to the
10 questions by the National Co-Prosecutor related to the mosque in
11 your village. You answered that in your commune there was a
12 mosque and the mosque was, later on, closed down by the Khmer
13 Rouge and transformed into a hospital.

14 I would like to ask you that in your commune were there any Khmer
15 temples -- pagodas?

16 MR. SOS ROMLY:

17 A. There was one in <Kdol Kandal> village called Wat <Ampeak Vaon
18 (phonetic) or Mango Grove Pagoda> (phonetic).

19 Q. Were <people> allowed to practice Buddhism and were there
20 Buddhist monks in that pagoda during the Khmer Rouge <regime>?

21 A. From 1975, there were no Buddhist monks in that pagoda. <It
22 was totally closed.>

23 [11.07.04]

24 Q. Did you know or <did> anyone <tell> you what that Khmer pagoda
25 <was> transformed into during the Khmer Rouge regime?

1 A. <There> was nothing in the pagoda, but sometimes the pagoda
2 were used as a <> mobile <office>.

3 Q. Mr. President, I would like to quote <his statement> from <the
4 written record of his interview, that is> document <E3/5196> with
5 ERN in Khmer, 00204456; in English, 00223087; in French, ERN
6 00274739. In his response to the question: <"Did the> Khmer Rouge
7 <kill> the Cham <people in your village?">, you> answered that:
8 "First, from <1970> to 1973, <they> were not <that bad,> but
9 later on, <at the beginning of their regime>, they started to
10 <teach an ideology> that the practice of religions is a waste of
11 time and resource."

12 So I would like to ask you <> who came to <teach this or from
13 where did this ideology come? Did> they indoctrinate the cadres
14 or ordinary people?

15 A. First, they indoctrinated the cadres, but from 1975, they
16 started to indoctrinate all the people.

17 [11.09.05]

18 Q. Thank you for your answers. In the hearing on 6 January <>
19 2016, you also replied to the International Co-Prosecutor that
20 you had prepared the invitation <to> the village <chiefs> and
21 <cooperative> chiefs to come to the meetings. I would like to
22 know <> how often the meetings were organized in each month.
23 <Were they monthly meetings? How many times were the meetings
24 held a month?>

25 A. The meetings were not organized frequently; it's just once or

1 twice a month.

2 Q. So besides preparing the invitation letters, <did> the commune
3 chief <or leaders go to educate or> indoctrinate <the> people at
4 the village level <>?

5 A. The commune chief frequently went to the <dam construction>
6 worksite and the canal-digging site. <He did not spend much time
7 visiting villages.>

8 Q. In your response, you also said that as a clerk you made
9 <monthly> reports. I want to ask you: where did you learn the
10 reporting skill from; who taught you how to make the reports?

11 A. First, the commune chief told me that the report <should first
12 mention> about this and that <matter>. My responsibility was to
13 make administrative report, especially <emphasizing rice crop
14 production and achievements>.

15 [11.11.15]

16 Q. Did you know <whether> the report was sent further by the
17 commune level to the upper level or they were just simply kept at
18 the commune level?

19 A. Every month, the monthly report was sent further to the
20 district level.

21 Q. This morning, you responded to the International
22 Co-Prosecutor. You mentioned that in 1977, you met with a Khmer
23 Rouge cadre who were responsible for security matter. You said
24 that based on your observation, there were approximately between
25 15 per cent of Cham people who were left in the village, only

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1 about 85 per cent <of them> were evacuated away. I want to know
2 whether Cham were evacuated from the whole <> commune or just
3 from <Trea> village.

4 A. At that time, I did not dare to discuss much with him. It was
5 he who asked me the question: Who were the owners of <these
6 houses>? And I told <him> that <those houses had> belonged to the
7 Cham <people> and they <had been> evacuated <to the Central Zone>
8 already.

9 [11.12.48]

10 Q. Regarding the evacuation of the Cham to Central Zone, were
11 they forced evacuations or voluntary evacuations?

12 A. They were forced evacuations.

13 Q. Do you still remember<,> after the liberation <day> on 7
14 January 1979, <whether many Cham people who had been forced to
15 evacuate,> returned <>?

16 A. From my assumption, after the 7 January, there were
17 approximately <60> per cent of Cham who returned and <as far as I
18 know, more> Cham <evacuees died in> Santuk <and Stueng Trang
19 districts>.

20 Q. My next question <is> about the marriage during the Khmer
21 Rouge regime. In your capacity as the commune clerk, did you
22 witness or <hear> about <any> marriage during the Khmer Rouge
23 regime?

24 A. I heard about that and I, myself, was also married during the
25 Khmer Rouge regime.

1 [11.14.19]

2 Q. Could you tell us <whether> the marriage happened voluntarily
3 or were <people> forced to get married and if so, where <did> the
4 order <come> from?

5 A. In Trea village, there were <only> two wedding ceremonies
6 organized during those <3> years <and 8 months> and there were
7 only four couples <> during the first wedding ceremony <arranged
8 in 1977>. And then in 1978, there were more than 20 couples who
9 were married and some of them married voluntarily and some were
10 forced.

11 Q. Were the marriages <organized> between Cham and Cham or <>
12 were <they> mixed marriages between Khmer and Cham?

13 A. It was not mixed marriage. So <they marriages> between Cham
14 and Cham <and> Khmer and Khmer couples.

15 Q. You already mentioned that <> in your commune, there were five
16 Cham villages and three Khmer village<s>. In your commune, I want
17 to ask you whether there were any ethnic Vietnamese living in
18 your commune during the Khmer Rouge regime<.>

19 A. From '75 to '79, there were no Vietnamese ethnic living in my
20 commune.

21 [11.16.11]

22 Q. You responded that in your Trea village, there were
23 approximately 200 families of Cham ethnics and the total
24 population in the eight village were nearly 1,000 families. So
25 after the liberation day of 7 January 1979, for those Cham who

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1 returned back to the village<, surviving> the regime, could you
2 estimate how many <families> were there at that time?

3 A. After 7 January 1979, one month after that, I returned to my
4 village and I saw about 500 families <coming> back.

5 MR. VEN POV:

6 Mr. President, I have no more questions to put to the witness.

7 MR. PRESIDENT:

8 Now, the floor is given to the defence counsel to put questions
9 to the witness. The floor is now given to the defence counsel for
10 Nuon Chea. You may now proceed.

11 [11.17.28]

12 QUESTIONING BY MR. KOPPE:

13 Thank you, Mr. President.

14 Q. Good morning, Mr. Witness. I have a few questions that I would
15 like to ask you this morning and this afternoon.

16 Let me first ask you a question about something you said to the
17 investigators, document E3/5196. The very first question you
18 answer that the Khmer Rouge arrived in your village in 1970; is
19 that correct?

20 MR. SOS ROMLY:

21 A. Yes, that's correct.

22 [11.18.25]

23 Q. Who was it exactly that arrived; were they at the time known
24 as the Khmer Rouge or who were they? Can you describe a little
25 bit what happened in 1970-1971; who was in charge of your

1 village, your commune or your district?

2 A. In 1970, when they first came, we did not know that they were
3 the Khmer Rouge. They told us that they were the <Kampuchean>
4 National United Front and they were mixed with the Khmer -- with
5 the Vietnamese <soldiers. First, they organized their
6 structures.> And Rat Mat Ly <was selected> as the commune chief
7 <> but I could not remember the name of the village chief because
8 there were subsequent replacements of the village chiefs.

9 Q. You just mentioned the Vietnamese came as well. You also said
10 that to the investigators. You said, "When they arrived in 1970,
11 they were a mixed group of 'Yvon' and Khmer."

12 What exactly did you mean with that; who were those Vietnamese
13 coming to your village or district?

14 A. Could <> you repeat the question because I don't get your
15 question?

16 [11.20.10]

17 Q. I asked you about when the Khmer Rouge arrived in your village
18 or your district; you said 1970. And then you also mentioned a
19 group of Vietnamese in your testimony which you also did in your
20 statement to the investigators. You said, "When the Khmer Rouge
21 arrived in 1970, they were a mixed group of 'Yvon' and Khmer."

22 My question is: Can you explain that a little bit; what did the
23 Vietnamese or the "Yvon" have to say in your village in 1970 and
24 onward?

25 MR. PRESIDENT:

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1 There <was> no interpretation in Khmer language.

2 Counsel Victor Koppe, please repeat your question because there

3 <was> no interpretation into Khmer language. <So, the witness did

4 not understand your question.>

5 [11.21.33]

6 BY MR. KOPPE:

7 Certainly, Mr. President.

8 Q. Mr. Witness, I asked you when the Khmer Rouge arrived in your

9 village -- your district; you said 1970. When you answered that

10 question, you also referred to Vietnamese who came to your

11 village or your district. You said the same thing to the

12 investigators. You said, "When the Khmer Rouge arrived, they were

13 a mixed group of 'Yvon' and Khmer."

14 So my question is: what exactly did those Vietnamese people have

15 to say or to do in your village; what was their position?

16 A. At that time, the Vietnamese did not bother <to care about>

17 the administrative <and management> affairs. They <> only paid

18 attention to the military affairs and as for the administrative

19 affair, <it was responsibility of> the Khmer <people>. And <> I,

20 myself, did not know what <the Khmer Rouge or> the National

21 United Front was.

22 Q. So if I understand correctly, the Vietnamese that you saw

23 between '70 and '75 were mostly or exclusively engaged in

24 military activities in your district; is that correct?

25 A. Yes, that's correct.

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1 [11.23.20]

2 Q. And do you remember when these Vietnamese military left? At
3 what point in time did they leave your village or your district;
4 do you remember?

5 A. I could not recall because the Vietnamese soldiers did not
6 station at the <commune. I only saw them from time to time.> They
7 were simply mobilized to the village at some points.

8 Q. Thank you. You just also mentioned someone with the name of
9 Mat Ly. Who was Mat Ly?

10 A. Mat Ly was a Trea villager. He was previously <a teacher> at
11 the rubber plantation and then <> he relocated to Trea village.

12 Q. Do you also know another person called Mat Ly who had a high
13 function within the East Zone; someone who later became a member
14 of the Assembly of Democratic Kampuchea?

15 A. I heard only the name, but I did not know him or <have> any
16 personal relationship with him.

17 Q. So just to be sure because I was -- wasn't quite certain, the
18 Mat Ly that you just mentioned is not the same Mat Ly who had a
19 high function within the East Zone and a role in the Assembly of
20 the Democratic Kampuchea Government; is that correct?

21 A. <No, it was not. Mat Ly> that I mention <is> Rat Mat Ly; he
22 was <a> teacher <from> Trea village. <He was born in Trea
23 village.>

24 [11.26.05]

25 Q. Is it also correct -- I think you said it, but I just would

52

1 like your confirmation that you, at no point in time, became a
2 member of the CPK or a Khmer Rouge cadre; is that correct?

3 A. I was not part of the CPK. I never got involved with the CPK.
4 <People could become members of the Party only if they joined it.
5 I never joined the CPK.>

6 Q. Were you able to observe or witness that there were, indeed,
7 quite some Cham people from your area who joined the Revolution
8 after 1970?

9 A. After 1970 -- it was probably in 1973, there were about 20
10 Cham youth who joined the <army on that side. But, I did not know
11 exactly when> the Khmer Rouge <or the United Front had existed.
12 But, there was war on that side. So, they joined that side.>

13 Q. So you're saying that you know of about 20 Cham who had joined
14 the Revolution in the early 70s. Is it correct when I say that
15 the other Mat Ly, whom you never met, was the highest ranking
16 Cham within the Khmer Rouge or within the CPK, rather?

17 A. As I told you <> I did not know the person known Mat Ly. I
18 only heard about his name.

19 [11.28.38]

20 Q. I would like to read a few excerpts from someone's testimony;
21 someone who came from your area. His name is Man Sen. He has
22 given testimony to the investigators of the Co-Investigating
23 Judge in E3/5205, but he has also given evidence to someone who
24 wrote a book, Mr. Osman, and I would like to read a few excerpts
25 from his statement and then I would like to ask your reaction.

1 Mr. President, I'm referring to document E3/7675, more
2 particular, English, ERN 00221859; French, 00293924; and Khmer,
3 00221852 and 53.

4 This witness is from Svay Khleang sub-district in Krouch Chhmar
5 district and he says that "The Khmer Rouge began arresting
6 villagers at Svay Khleang in late 1973".

7 Were you able to observe whether arrests of Cham people were made
8 in 1973 already?

9 A. I would like to ask the question: <Did> the arrest <take>
10 place in Trea or in Khleang <in 1973>?

11 [11.31.02]

12 Q. He is only describing arrests in Svay Khleang in '73. My
13 question was whether you know whether arrests also took place of
14 villagers in Trea village?

15 A. Yes, there were.

16 Q. Do you remember who they were?

17 A. I do not know who came to make the arrests. I saw full loads
18 of soldiers in a truck.

19 Q. Now, he is also saying that in 1974, in his village -- his
20 area, the arrests continued and he talks about 60 arrests in
21 1974.

22 Do you recall any arrests of villagers in 1974, where you are
23 from, in Trea village?

24 A. In that 1974, the arrests happened once in a while; one
25 <person was> arrested <each time>.

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1 Q. This particular person is saying that -- and I quote now: "In
2 late 1974, the arrests increased. None of the hakim's clerical
3 assistants, me chum-ah or 10 household group leaders escaped this
4 sweep. Over 200 people were arrested in this one action. Svay
5 Khleang village had 40 me chum-ah and more than a hundred 10
6 household groups."

7 My question is: do you know whether, in late 1974, the arrests
8 increased in your village?

9 A. In late 1974, the arrests in <> Trea <village> did not
10 increase.

11 [11.33.53]

12 MR. KOPPE:

13 Mr. President, it's maybe an appropriate time.

14 MR. PRESIDENT:

15 It is now lunch break, the Chamber will take the break from now
16 until 1.30 p.m.

17 Court Officer, please assist and find a proper room <in the
18 waiting room reserved for witnesses> for the witness during the
19 lunch break and please invite the witness back together with his
20 duty counsel to the witness stand before the Chamber at 1.30 p.m.
21 Security personnel are instructed to bring Mr. Khieu Samphan to
22 the waiting room downstairs and please have him returned into the
23 courtroom before 1.30 p.m.

24 The Court is now in recess.

25 (Court recesses from 1134H until 1331H)

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1 MR. PRESIDENT:

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

3 Before I give the floor to the defence team for Mr. Nuon Chea to
4 resume his questioning, first of all I would like to <tell> the
5 International Co-Prosecutor that <the Chamber> received an email
6 from you during lunchtime. <Up to now, do> you <have anything> to
7 enlighten <or clarify or add to the email sent by> the
8 <International> Deputy Co-Prosecutor <during the lunch break?>
9 You may proceed if you have.

10 [13.32.35]

11 MR. KOUMJIAN:

12 Yes, Your Honours, I do have a bit more information than -- more
13 information than was included in that email, and I hope I can
14 answer some of the questions that I wasn't able to answer this
15 morning.

16 The total number of WRIs; the total number of witness statements,
17 WRIs that have been authorized by the ICIJ for disclosure, were
18 an additional 124 or 124 WRIs.

19 We have now disclosed as of yesterday through that email, and
20 formally we will be doing that, four of those that relate to the
21 Cham. These are the only ones that relate to the Cham. All
22 information relating to the Cham will have been disclosed or was
23 disclosed in that email.

24 [13.33.39]

25 What remains then, is another 120 witness statements, 16

1 investigation reports and a few annexes to statements and four or
2 500 civil party applications. Now, these are matters that we
3 need, following the orders that, Your Honours, gave about
4 disclosures, we need now to go through these again to determine
5 whether they fit the criteria that Your Honours indicated should
6 be disclosed and to label those that are exonerating or
7 mitigating as such as Your Honours ordered.

8 I'm guessing that it's about 1,500 to 2,000 pages. Not counting
9 the civil party applications it's probably less than 1,500 pages.
10 I think that prioritizing that we should be able to do that in
11 about two weeks. It probably would be possible to do it faster
12 but that would be more inaccurate and we'd end up disclosing more
13 information than was necessary and there would be the risk of
14 error.

15 So I propose that we -- we of course will prioritize it, that we
16 go through that and we will first, of course, concentrate on
17 disclosing the exonerating or mitigating information. At the same
18 time we will identify what will be the subject of 87.4 motions
19 and those will follow.

20 I could also indicate that, based on very preliminary review, it
21 appears that about 30 of the additional witness statements have
22 some relation to the Vietnamese segment that relate to Vietnamese
23 or Khmer Krom or mentioned at least. We can try to prioritize
24 those; out of the 120, those 30.

25 So, thank you.

1 [13.35.53]

2 MR. PRESIDENT:

3 Thank you very much for additional information.

4 The Chamber now rules the order of the witnesses for the next
5 week. The Chambers has heard submissions from the Parties on the
6 forthcoming disclosure <of documents by the International
7 Co-Prosecutors> and on the order of witnesses for next week. The
8 Chamber has also consulted with WESU on the availability of
9 witnesses <and civil parties> for next week.

10 The Chamber decides to hear the following witnesses in the
11 following order starting Monday, 11 January 2016: 2-TCW-987,
12 2-TCW-988 and 2-TCW-928. After <> these witnesses, the Chamber
13 envisages to hear 2-TCW-894 and 2-TCW-938. Please be informed.
14 Now, the Chamber gives the floor to the defence team for Mr. Nuon
15 Chea to resume its questioning. You may now have the floor.

16 [13.37.27]

17 BY MR. KOPPE:

18 Thank you, Mr. President.

19 Q. Good afternoon, Mr. Witness. Before the lunch break I asked
20 you questions about arrests in your village in 1974. Do you know
21 whether, by December 1974, arrests of Cham leaders in Trea
22 village provoked a rebellion?

23 MR. SOS ROMLY:

24 A. There was no rebellion in December.

25 Q. There might have been two rebellions in your village. Let me

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1 first ask you about this possible first rebellion.

2 You remember that before the break I asked you about Mat Ly, not
3 the Mat Ly you know personal but the Cham leader, Mat Ly, and he
4 told an American scholar or Australian scholar rather, Ben
5 Kiernan, that there was a rebellion in 1974 that provoked
6 arrests.

7 Do you know anything about a rebellion a year before a possible
8 second rebellion?

9 [13.39.22]

10 A. What I can recall is that in late 1973, there was a minor
11 rebellion in Trea 5 village<, not in my village,> in Trea
12 commune. At that time there was a round of arrests and <some> 20
13 people were arrested <and taken away in> a vehicle.

14 Q. Let me read to you this excerpt from -- from this scholar's
15 book, Kiernan, E3/1593, Mr. President; English ERN, 00678635;
16 French, 00639030; and Khmer, 00637765. And this excerpt reads as
17 follows:

18 "By December 1974, arrests of Cham leaders in Trea village of
19 Krouch Chhmar district provoked a rebellion. Casualty figures are
20 unknown but a Cham dominated insurgency known emerged in region
21 21 in association with local Sihanoukists and Vietnamese."

22 And the source, as I said for this information, is Mat Ly.

23 Is this, this rebellion that you refer to, that maybe might have
24 happened in '73, a rebellion which involved people local to --
25 loyal to Sihanouk and also of Vietnamese origin?

1 [13.41.40]

2 A. I was not aware of the issue. Perhaps it happened, but I was
3 not aware of it. <That issue was too profound for me to
4 comprehend.>

5 Q. That's no problem, Mr. Witness. I will move on now to 1975
6 and, again, I move to Man Sen's statement to Ysa Osman, the
7 academic, E3/7675, Mr. President; Khmer ERN, 00221853; French,
8 <00293924>; and English, 00221859.

9 Now, this person from another village, not your village but the
10 neighbouring village, Svay Khleang, he says by 1975, arrests were
11 carried out indiscriminately.

12 [13.42.51]

13 JUDGE FENZ:

14 May I just ask a question? You gave the reference, that's true,
15 but before I have to look it up, you are not referencing a
16 confession made under torture?

17 MR. KOPPE:

18 No, it's the book from Ysa Osman, "The Cham Rebellion".

19 JUDGE FENZ:

20 But he uses--

21 MR. KOPPE:

22 Ah, no. No, no.

23 JUDGE FENZ:

24 --as a source, confessions.

25 [13.43.15]

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1 MR. KOPPE:

2 No, because it's the same person that I referred to also gave a
3 WRI statement. I just gave that E3 number. So it's his statement
4 to Ysa Osman. So he is saying--

5 MR. KOUMJIAN:

6 I apologize, but could I just get the ERN because I have even a
7 different document number for "The Cham Rebellion". I have
8 E3/2653. I don't know.

9 [13.43.53]

10 BY MR. KOPPE:

11 So it's E3/7675. I believe of his book there are actually two
12 versions, two E3 numbers, but I am quoting from E3/7675, the
13 English ERN 00221859 and the numbers that I just quoted in Khmer
14 and French.

15 Q. Mr. Witness, this person from Svay Khleang says that by 1975,
16 arrests were carried out indiscriminately, sometimes at night,
17 sometimes in broad daylight. Then he says, "Rumours had it that
18 the Khmer Rouge were arresting anyone connected with the White
19 Khmer movement. Hundreds were arrested."

20 My question, do you know anything about arrests in the beginning
21 of '75 and later in '75, and do you know anything about the
22 so-called White Khmer or Khmer Sar movement?

23 [13.34.17]

24 MR. PRESIDENT:

25 Please hold on, Mr. Witness.

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1 You have the floor now, International Co-Prosecutor.

2 MR. KOUMJIAN:

3 Your Honour, because the person that Ysa Osman talked about --
4 talked to, was talking about arrests in a different village than
5 this witness, I'm not clear on what the question is, whether the
6 witness is aware of arrests in 1975 in Khleang Svay, or in his
7 own village of Trea.

8 BY MR. KOPPE:

9 As my earlier questions -- in his own village -- I am only asking
10 about Trea village.

11 But he is saying, Mr. Witness, that there were many arrests in
12 Svay Khleang related to the so-called White Khmer movement.

13 Question to you is whether you know that people were arrested in
14 your village in 1975, because they were connected to the
15 so-called White Khmer movement.

16 [13.46.22]

17 MR. SOS ROMLY:

18 A. There <were> arrests taking place at the time and I did not
19 know about the issue of Khmer -- the so-called Khmer Sar, as you
20 said. I only knew that there <were> arrests.

21 Q. So not in relation to arrests in '75, but also not at all that
22 you have ever heard of the -- the White Khmer movement is
23 something that you never heard of?

24 A. I heard of the so-called Khmer Sar in late 1974, and I did not
25 know the origin of Khmer Sar and where <> to contact <them. I

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1 knew nothing.>

2 Q. And do you remember what it was that you heard in '75 -- '74,
3 '75 about the White Khmer movement?

4 A. I heard that there was a movement of White Khmer and I, at the
5 time, was not aware of the base of the White Khmer. <I did not
6 know what they looked like, either.>

7 Q. Very well. Let's now move to what is possible your village,
8 the second rebellion, this time in 1975. In your own WRI you
9 speak about the '75 rebellion. Is it correct that this rebellion
10 in your area occurred in October 1975?

11 [13.48.28]

12 A. I never said that there was a rebellion in Trea village in
13 1975. I did say that there was a <> rebellion in 1973, within
14 Trea 5 village.

15 Q. So in Trea village in October '75, according to you, nothing
16 happened in terms of rebellion; correct?

17 A. No, <there was no rebellion,> but there was a crackdown that
18 year.

19 Q. No rebellion in Trea village, but a crackdown in Trea village;
20 is that what you're saying?

21 A. Yes, that is true. There was a crackdown.

22 [13.49.41]

23 Q. Let me read to you an excerpt again from this Australian
24 scholar's book, Kiernan.

25 Mr. President, that is, let me see, E3/159 (sic) -- excuse me.

1 And Kiernan, in his book on English ERN, 00678636; French,
2 00639034; and Khmer, 00637770; quotes -- at least let me finish
3 my question -- quotes a French person, a French witness, Francois
4 Ponchaud, and he says, and I quote:
5 "Ponchaud adds that in November '75, Chams in Trea village of
6 Krouch Chhmar also rebelled. Then the Khmer Rouge tore the
7 village apart with B40s and smashed the heads of any survivors
8 with pick handles. The corpses were thrown aside and left. They
9 even stuck heads on pikes and exposed them along the banks of the
10 Mekong."

11 And my question would be, having heard this, Mr. Witness, this
12 particular person describes a very serious crackdown with many
13 casualties in your village. Is it correct what he says or is it
14 not correct?

15 [13.51.52]

16 MR. KOUMJIAN:

17 Your Honour, what I was -- the reason I rose when Counsel read
18 the ERN is I have a completely different set of ERNs for 1593.
19 Now, I know this book was corrected earlier this year because
20 some pages were missing. So it could be either Counsel has the
21 wrong version or what I just got on Zylab is the wrong version,
22 but what I just got on Zylab, the ERN is a completely different
23 series.

24 MR. KOPPE:

25 I could make a mistake with French and Khmer but not with English

1 ERN because it's printed on.

2 MR. KOUMJIAN:

3 Well, that may be an old version. Perhaps to make it easy, if you
4 just give me the page of the book it would be the same whether
5 it's the new version or the old version.

6 [13.52.41]

7 BY MR. KOPPE:

8 Page 264.

9 Q. So Mr. Witness, this particular French person describes a very
10 serious crackdown of a rebellion with people's heads being
11 smashed, B40s being used, corpses thrown in the river, etc., and
12 this took place in November '75. Is that something that you know
13 anything about?

14 MR. SOS ROMLY:

15 A. I never heard of it.

16 Q. Have you heard of the crackdown of the rebellion in the
17 neighbouring villages, Svay Khleang and Kaoh Phal? Have you heard
18 what happened there?

19 A. I heard of the crackdown at Kaoh Phal and Svay Khleang
20 villages. I heard people were shot dead in a massive scale and
21 they went around to crackdown <on> villagers in <Trea> village
22 <that did not revolt> as well after that happening. <They also
23 oppressed the people in Trea village.>

24 [13.54.19]

25 Q. Let me read to you an excerpt from this same person, Man Sen

1 from the same page from his story to Osman. He says the
2 following:

3 "Drum beats from the mosque sounded the signal for the villagers
4 to rise up together and rebel. There was no more reaction that
5 evening from the Khmer Rouge." So he is talking October '75.

6 "At eight o'clock the next morning, an armed Khmer Rouge force
7 headed for the village from the west. They attacked the rebels.
8 I, like everyone else, had a sword and was ready to fight. From
9 where I was standing, I could see that the Khmer Rouge were
10 district cadres and soldiers of Krouch Chhmar. They were not
11 able to penetrate the village. At nine o'clock, I saw an
12 additional force of hundreds just arrived, wearing uniforms
13 different from those of the district troops. They had backpacks
14 and all types of weapons. They fired heavy weapons and small arms
15 at the rebels. Khmer Rouge boats swept the riverbanks with
16 continuous fire." A little later he says, "Six Khmer Rouge
17 soldiers were stabbed or hacked to death."

18 When I just read that excerpt to you, does that sound familiar as
19 to what you know about the crackdown of the rebellion in Svay
20 Khleang and Kaoh Phal?

21 [13.56.22]

22 A. I heard that there was a crackdown of the rebellion in Svay
23 Khleang. The people who joined the rebellion shot dead a <Krouch
24 Chhmar district military commander> at Svay Khleang. That's why
25 there was a crackdown.

1 Q. But do you remember hearing the firing of heavy weapons,
2 artillery shooting; the use of boats? Do you remember anything
3 about the way that crackdown was executed?

4 A. I did not hear the firing of heavy weapons. Svay Khleang was
5 about 10 kilometres away from my village. I heard from others
6 about the matter, but I myself did not personally hear <or
7 witness> it.

8 Q. Did you personally see soldiers, either from the district or
9 from somewhere else, wearing different kinds of uniforms?

10 [13.57.52]

11 A. During the crackdown <in Trea village,> I saw the soldiers<,
12 and I heard people say that those were sector soldiers>. They
13 wore quite blue or green uniform. And <there> were <some>
14 soldiers from <Krouch Chhmar district>.

15 Q. And how do you remember -- how do you remember that that is
16 what they were telling you? What is it exactly that they were
17 saying about these soldiers? Can you give us some more details,
18 please?

19 A. In the morning the soldiers <first> went around to arrest
20 people <whose names were> in the list, as described. <They made a
21 round of arrests.> Then <they walked around calling out all>
22 people <> to come down <> their houses <and to go to attend
23 meetings in the villages for condemnation>.

24 Q. But I am especially interested what you can tell me, what you
25 heard, about these soldiers from the region. They had different

1 uniforms, but what else do you remember hearing at the time about
2 these soldiers?

3 [13.59.22]

4 A. I noticed the presence of the soldiers. At first the soldiers
5 arrested a group of about 50 <or 60> people <whose names were on
6 the list>. They were tied to a string <and lined up>. Later on,
7 as I said, people were called out of their houses <> within the
8 villages, <and they were gathered for meetings in separate
9 locations according to their villages> and then the soldiers went
10 around <> to <dismantle people's> houses.

11 Q. And do you know how villagers were able to make a distinction
12 between forces of the district Krouch Chhmar, on the one hand and
13 forces from the region, on the other hand?

14 A. I cannot make a distinction of them since ordinary people
15 could not know specific soldiers and also where they were from.

16 Q. Let me read to you a small excerpt from a statement of a
17 witness who unfortunately cannot testify, TCW-997. His name is
18 Sau Seimech. That is document E3/5261, English, ERN 00274336;
19 French, 00285329; and Khmer, 00250943.

20 This witness is a combatant of East Zone Battalion 55, and he
21 said that Battalion 55 of the East Zone was used to, "suppress
22 the Cham rebellion". This battalion was under the Sector 21
23 military staff.

24 Have you ever heard that Battalion 55 belonging to the Sector 21
25 military staff was involved in the crushing of the rebellion in

1 1975?

2 [14.02.32]

3 A. I did not know that battalion. I only heard that the soldiers
4 came from the sector.

5 Q. Have you ever heard that the present Prime Minister of this
6 country, Hun Sen, was the superior commander of battalion 55,
7 whether he was involved in the crushing of the rebellion in Kaoh
8 Phal and Svay Khleang?

9 A. I did not hear about that. As I told you<,> I did not know
10 <the> affairs at the battalion level. I only knew -- I only heard
11 that they came from the sector level.

12 Q. The rebellion in '75, have you ever heard how many Cham people
13 were possibly victims, how many Cham casualties were there in
14 November -- October, November '75; have you ever heard of that?

15 A. Regarding the crackdown, there was no shooting, so there
16 <were> no casualties. There were only the arrests and about 50 to
17 60 people <were> arrested.

18 [14.04.30]

19 Q. Mat Ly, the person that we discussed and the highest-ranking
20 Cham revolutionary in the East Zone and in the country in '75,
21 gave an interview and in E3/7821, English ERN, 00441577; French,
22 00611784; and Khmer, 00229128; seems to suggest that maybe
23 thousands of people died during that crackdown. He is even saying
24 20 or 30 percent of Kaoh Phal, of the Kaoh Phal families
25 survived. Do you have a reaction on his statement?

1 MR. PRESIDENT:

2 Mr. Witness, please hold on. The floor is now given to the
3 International Co-Prosecutor. You may proceed.

4 MR. KOUMJIAN:

5 Your Honour, it appears to me that the record may be confused
6 because Counsel's reading, originally about crackdowns in another
7 village, and then asking this witness if he observed it in his
8 village. And the witness has talked about what he observed in his
9 village. And now, I believe, counsel is comparing it to what
10 other people say happened outside of his village. So the
11 questions are not precise about whether we are asking the witness
12 what happened in Trea where he was or what happened outside of
13 Trea.

14 [14.06.26]

15 BY MR. KOPPE:

16 It might be worthwhile to have a look at these villages, but Trea
17 village is next to Svay Khleang. It passes on into Svay Khleang.
18 Kaoh Phal is on the other side. It doesn't exist anymore but was
19 an island in the river. It's all within a few kilometres
20 distance.

21 And I believe the rebellion, the Cham rebellion in '75, Mr.
22 President, was seen as one organized rebellion. But I'm happy to
23 limit my question to Kaoh Phal village because Mat Ly speaks
24 about Kaoh Phal village.

25 Q. So again my question, Mr. Witness, can you have a reaction --

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1 can you give me a reaction on this statement of Mat Ly?

2 [14.07.16]

3 MR. KOUMJIAN:

4 Your Honour, asking a witness for a reaction, whatever that
5 means, to what happened in a place he wasn't at, that he has
6 already indicated was outside of his vision, is unclear. And for
7 Counsel to say that there was an organized rebellion, that is,
8 speaking a statement that simply needs to be explored by the
9 evidence. The evidence is -- if I can make an observation -- is
10 that there was a reaction to attempts to arrest Cham and the
11 rebellion was people with one rifle, Cham, trying to resist the
12 further arrests of people in their village. It wasn't an attempt
13 to overthrow the government.

14 If Counsel wants to go into those details he can, but he should
15 make clear with this witness is he asking him what he heard about
16 what happened in another village or what he saw and observed in
17 his own village. It's just not clear where he is asking.

18 [14.08.12]

19 MR. KOPPE:

20 If I may respond, Mr. President, I think the Prosecution is the
21 only -- this prosecutor is the only person who denies the
22 existence of this very big rebellion which needed to be crushed
23 by regiment forces -- region forces. I don't think there is any
24 doubt that it was a massive rebellion in '75, with massive
25 casualties. At least, that's what the evidence seems to suggest.

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1 I am actually coming to the evidence given by the chief of, or
2 the number two rather, of Sector 21, present senator Ouk
3 Bunchhoeun, who in detail gives a description about how extensive
4 the rebellion was in '75. So again, I think I am allowed to ask
5 that question.

6 JUDGE FENZ:

7 I think the issue at stake, besides the question what is
8 established or not is -- and I am confused a bit too -- you are
9 confronting him with a statement which, if I understand
10 correctly, talks about an overall number of victims, while this
11 question of whether this person can say more than what happened
12 in his village and you, yourself said, well, then I am confining
13 it to my -- to his village, but at the same time you uphold the
14 quote. So, perhaps you can clarify what exactly the question is.

15 [14.09.38]

16 BY MR. KOPPE:

17 The question is, and it is an artificial distinction to make
18 between Trea village and Kaoh Phal and Svay Khleang, because it's
19 really next to each other, whether he knows anything about the
20 victims of this rebellion and if he can give a reaction to Mat Ly
21 who said something different than he does, and that's all. If he
22 cannot give a reaction, that's fine.

23 Q. So Mr. Witness, I'm sure you forgot the question but Mat Ly,
24 as I said, is indicating that there were many victims in the
25 crushing of the Cham rebellion in '75. Do you dispute that or do

1 you agree with that?

2 MR. SOS ROMLY:

3 A. Regarding what happened at Svay Khleang and Kaoh Phal, I did
4 not know because they were far away from <Trea village>. It's not
5 just 1 kilometre as you mentioned. They were 10 kilometres away
6 from each other. <And, it was about 5 to 6 kilometres away from
7 Svay Khleang to Kaoh Phal. So, how could I hear the sound of
8 gunfire?> I did not know what was happening in those places
9 because at that time we were confined to our place of living.
10 It's not easy to travel from one place to another. <It was
11 difficult to get information.> And you asked me about what
12 happened outside my place of living<, namely Kaoh Phal and Svay
13 Khleang. I do not know everything.>

14 [14.11.18]

15 Q. Fine, no problem, Mr. Witness. I just mentioned it already,
16 there is evidence that seems to suggest that the present prime
17 minister was involved in a military crackdown of the Cham
18 rebellion in October '75, in Kaoh Phal and Svay Khleang and with
19 him of course, the number three, Heng Samrin, Chairman of the
20 National Assembly, who was a chief military person in the East
21 Zone.
22 The civilian person who was responsible for this crackdown in
23 which -- in Krouch Chhmar which fell into Sector 21, was Senator
24 Ouk Bunchhoeun, the present CCP senator. And let me quote a few
25 things from his statement or his interview, rather, that he gave.

1 That is document E3/387, English ERN, 00350206; and there seems
2 to be only -- no, there is a French ERN, 00441419 and 18; and the
3 Khmer, 00379486 and 87.

4 [14.12.46]

5 So I'm reading you a few excerpts from this interview of Ouk
6 Bunchhoeun, and he says the following:

7 "There were two movements against them." He says, "The first
8 movement was of Cham Muslims along the Mekong River, Krouch
9 Chhmar district, Tboung Khmum district and Sector 21 -- Sector
10 22. The movement intended to create a state within a state
11 because the Cham Muslims wished to occupy Cambodia territory on
12 the eastern bank of the Mekong River to Central Anam to create a
13 state."

14 So the number two of Sector 21, in which your village is falling
15 as well, is saying that the Cham Muslims created a movement to
16 create a state within a state. Have you ever heard of such a
17 thing?

18 A. I haven't heard about it.

19 [14.14.13]

20 Q. He says they were all destroyed and then goes on to talk about
21 the second movement, Kbal Sar, possibly the White Khmer. He says:

22 "The Kbal Sar was operating throughout the country in '73-'74
23 with the component of Khmer and Cham Muslims. We could not find
24 their leaders and did not who their real leaders were. But we
25 know that this person was a captain, that person was a major, but

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1 did not know where they come from."

2 And then later he says the Kbal Sar movement failed and its
3 members were all arrested.

4 Could you give a reaction to what he says about the White Khmer
5 or Kbal Sar movement? Is that something that is in your memory as
6 well?

7 [14.15.18]

8 A. I haven't heard about that so-called White Khmer movement. I
9 heard about it, but I did not know where it was based.

10 MR. PRESIDENT:

11 The floor is now given to International Co-Prosecutors. You may
12 proceed.

13 MR. KOUMJIAN:

14 Your Honour, reading along in this statement that Counsel has
15 read, he talked about this movement to create a Cham state. The
16 person being interviewed in that interview, who talked about that
17 movement, gave the source of that information. It's on that page,
18 Counsel didn't read it. He says, "This was according to their
19 confessions." So apparently what we have been -- what Counsel has
20 been reading out is from confessions of those arrested by the
21 Khmer Rouge.

22 MR. KOPPE:

23 That is a perfect argument to have that particular person come as
24 a witness something, Mr. President, the Trial Chamber, on the
25 18th of December last year, three weeks ago today, unfortunately

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1 refused. Maybe Senator Ouk Bunchhoeun has more knowledge than
2 just confessions. So, I think it's not quite sure if he bases
3 himself upon confessions but if he were to appear here, we could
4 ask him.

5 (Judges deliberate)

6 [14.17.24]

7 MR. PRESIDENT:

8 Counsel, you know clearly that the information you asked the
9 witness came from the confession as a result of torture <> and we
10 don't allow the witness to answer to this question. This kind of
11 question <> should not <be asked>. Please strictly follow the
12 rules <and guidelines> of the <Chamber as well> as the
13 <memorandum against> torture.

14 So, witness, you don't have to answer these questions.

15 Now you can ask other questions, Counsel.

16 MR. KOPPE:

17 If I may very briefly respond to this, I understand the position
18 of the Chamber when it comes to confessions from S-21. However,
19 he is not speaking about S-21. He is speaking about district
20 centre of Krouch Chhmar, the security centre of Krouch Chhmar and
21 that is unfortunately not part of this trial. But I don't think
22 it is -- it can be argued or it can be concluded that--

23 [14.19.00]

24 MR. PRESIDENT:

25 Wherever it came from, if it is <a> confession <coming> from

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1 torture, we, the Chamber do not grant you <permission> to ask
2 about those things <because it is inaccurate information. The
3 Chamber has already decided on this. You can proceed with other
4 questions. If you have run out of questions you can sit down now.
5 The> floor will be given to other <counsel to continue their
6 examination> in order not to waste the time.

7 BY MR. KOPPE:

8 I understand it's a very sensitive topic for this Chamber and
9 everybody, but I will move on, Mr. President.

10 Q. Let me now move on to Mat Ly again. You don't know Mat Ly, Mr.
11 Witness, but he spoke about the practice of religion. And let me
12 get for you his statement. It's the same E3 document, E3/7821.
13 So, Mat Ly, the Cham, the highest-ranking Cham, was still a
14 member of the East Zone and became a member of parliament in '76
15 and he says:

16 "During Pol Pot's regime in '75, 1975, religious ceremonies were
17 not banned but on 30 September '76, the ban was lifted to evade
18 us."

19 You were asked questions about -- questions about religious
20 practices being banned. Mat Ly is saying that didn't happen until
21 30 September 1976. Is that correct or is that not your
22 recollection?

23 [14.20.34]

24 MR. SOS ROMLY:

25 A. Regarding the ban of religious practices, it was banned after

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1 the Khmer Rouge took over Phnom Penh and then they started to
2 <restrict> the religious practices. <All mosques were closed
3 down.>

4 Q. So what you are saying is Mat Ly is not correct when he says
5 that that wasn't banned until 30 September '76. So he is wrong;
6 is that what you are saying?

7 A. I did not know about that.

8 [14.21.44]

9 Q. One last question about Mat Ly. I know you don't really know
10 that very well, who he is, but was it -- is it possible or do you
11 know, rather, that he in 2000, the year 2000, was not only a
12 member of parliament for Kampong Cham but was also the personal
13 supreme counsel of the King? Do you know anything about that?

14 A. I do not know about what you are talking.

15 Q. Then my last question in relation to former East Zone cadres;
16 Do you know or do you remember who the leader was of the East
17 Zone in 1975? Who was the highest-ranking person of the East Zone
18 in 1975?

19 A. I did not know who <> the leaders at the sector and zone
20 <levels were>. I knew only people at the village and commune
21 level.

22 Q. So in those years between '75 and '79, or maybe even before
23 '75, you've never heard of the name So Phim?

24 [14.23.45]

25 A. Yes, I heard the name of the person called So Phim, that he

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1 worked at the zone level, but I did not know whether he <was> the
2 chief <or deputy chief> of the zone <>.

3 Q. I understand. I realize you were not a CPK cadre but,
4 nevertheless, you had some position in your village.

5 Let me read something again in relation to So Phim from Ben
6 Kiernan's book; same ERN as just quoted before, Mr. President.
7 Kiernan is citing someone with the name Hem, H-E-M, Samin,
8 S-A-M-I-N. He was a member of the Peoples' Revolutionary
9 Committee Presidents between 1981 and 1986. So this Hem Samin
10 says, according to Kiernan, "Hem Samin, a Hanoi-trained
11 communist, then a political prisoner in the zone, blames the zone
12 CPK secretary, So Phim, for the first repression of local Chams.
13 'It was he who signed the order for Phuong to kill the Chams in
14 Trea in 1974. He was nasty.'"

15 So this high-ranking person, Hem Samin, is saying it was So Phim
16 who signed the orders to kill the Cham in your village and, as
17 you might know, So Phim was the direct superior of Heng Samrin
18 and Hun Sen. Do you know anything about that?

19 [14.25.53]

20 A. I don't know at all about this because at that time news was
21 very restricted. It <> was not like nowadays. <Now, we know the
22 names of the leaders. That was highly secretive during the Khmer
23 Rouge regime.> So people generally did not know about who was
24 really in charge of the country. For example, we even did not
25 know who <> the district chiefs <were. I worked in the commune.

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1 I> knew only <> the commune <chief> and, I, myself, even did not
2 ever go to the district <office>.

3 Q. My last question, Mr. Witness. This morning you spoke about
4 pits that you saw after '79, in your village. You haven't given
5 any detail as to the detailed situation in respect of these pits.
6 Is it possible from your knowledge and experience that the bones
7 of the corpses that you said you saw were victims of the
8 repression, suppression of the Cham rebellion in 1975; the
9 rebellion crushed by the present government members?

10 [14.27.31]

11 A. Regarding the pits, before there were <neither> pits <nor
12 graves and> the land belonged to the villagers. The <grave-pits>
13 started to be dug in mid-1978, and <only> after the liberation
14 <did I see> the existence of the pits. But before that there were
15 no such pits.

16 MR. KOPPE:

17 Thank you very much, Mr. Witness.

18 MR. PRESIDENT:

19 The floor now is given to Defence Counsel for Khieu Sampan to put
20 questions to the witness. You may now proceed.

21 [14.28.35]

22 QUESTIONING BY MS. GUISSÉ:

23 Thank you, Mr. President. Good afternoon, Witness. My name is
24 Anta Guisse and I am International Co-Counsel for Mr. Khieu
25 Sampan. And it is in this capacity that I will put a few

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1 follow-up questions to you.

2 Q. You testified on the ban imposed on the practice of Islam as
3 of 1975. <If I've correctly understood your> testimony<,> before
4 1975, even when members of the <Front and the> Khmer Rouge <>
5 were there you had a right to practice your religion; is that
6 correct?

7 MR. SOS ROMLY:

8 A. Yes, that's correct.

9 Q. Did I properly understand your testimony? I believe you were
10 answering a question put to you by my colleague of the civil
11 parties regarding the fact that the ban on the practice of
12 religion was not only in respect of members of the Islamic faith
13 but it targeted all religions<, to use your terms, all of the
14 religions that were considered "reactionary">; is that correct?

15 A. Yes, that's correct.

16 Q. Can you tell the Chamber what the position of your family was
17 when you were appointed by the Khmer Rouge to the youth unit?
18 What was the situation of your family? Was your family well-to-do
19 or poor, <could you please clarify that>?

20 [14.30.46]

21 A. My family was a poor family.

22 Q. Do you know whether that factor played any role in your
23 <appointment to the role>?

24 A. Yes, that's correct.

25 Q. So that factor was of some consequence in your <appointment>?

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1 Is something that -- well, let's perhaps get back to it here>.

2 Who appointed you to that position?

3 A. First, the village chief asked me to be the member of the
4 youth.

5 Q. And who was the village chief at the time?

6 A. It was Sa <Matnor> (phonetic).

7 Q. And was that village chief Cham or Khmer?

8 [14.32.23]

9 A. Cham.

10 Q. And was the village chief the person who told you that you
11 were appointed because of your <poor> origins? Is he the one who
12 told you so?

13 A. At the time I was not told as such. I learned from the
14 <commune> youth chief that the selection or appointment <was>
15 based on the status or class of the individual, particularly the
16 poor class <>.

17 Q. You stated that at Trea there was a series of villages, <if I
18 have understood correctly,> three Cham villages and two Khmer
19 villages. Before 1970, were there any significant relations or
20 ties among all those villages?

21 A. I want to correct what you said. I <never> said that there
22 were three <Cham villages. I did say> there were five Cham
23 villages and three Khmer villages. <All villages had good
24 relationship with one another. It got along well.>

25 Q. Thank you, for that clarification. I crave your indulgence for

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1 the error I made, but my question remains the same. Were <there
2 any ties between those> three Cham villages and two Khmer
3 villages<?>

4 A. Very well. We had a good relationship and we were in <good>
5 solidarity. <All was fine with them.>

6 [14.34.48]

7 Q. Is it correct to say that as part of the Muslim traditions it
8 is preferable for persons to get married, particularly the women,
9 <> that persons of Islamic religion or of the Islamic faith are
10 to get married to persons of the same faith?

11 A. Yes, that is correct.

12 Q. Is it also correct to say that a Muslim man has the right to
13 marry persons who are not of Islamic faith but they must marry
14 persons who are of the <religions of the Book, be they of> Jewish
15 religion or of the Catholic faith?

16 A. Yes, you are right.

17 Q. Am I therefore right in saying that, before 1975, the
18 marriages that were organized were generally between Cham and
19 that there weren't any marriages or there weren't many marriages
20 between the Cham and the Khmer?

21 [14.36.20]

22 A. I cannot get your question fully. Could you repeat it?

23 Q. No worries. Perhaps it was a bit confusing. <> Is it correct
24 to say that, before 1975, whenever there were marriages in your
25 community, those marriages were between Cham <> and not between

1 Cham and Khmer?

2 A. There were no mixed marriages but they perhaps fell in love
3 <with each other>. Later on they could be able to be married<,>
4 but there <were> only a few cases.

5 Q. I would like us to talk about the period after 1975. You
6 referred to a person by the name of Ho, district chief. Did that
7 person have another name? For instance, I understand that Ho was
8 his revolutionary name. Did he have any other aliases or other
9 names?

10 A. In fact that incident happened in 1978, not 1975, and I knew
11 <Ho by> only one name, Ho. I did not know whether he had another
12 name.

13 Q. And how frequently did you see that person called Ho, chief of
14 the district?

15 [14.38.27]

16 A. I saw him twice, the first time <was> when he first arrived
17 and a few months, two or three months later <when> he convened a
18 meeting and the commune chief asked me to accompany him in <that>
19 meeting. That was the two times that I met Ho.

20 Q. And on both occasions did you see him <travelling> on a
21 motorcycle, or you do not know?

22 A. <In the> first <place> I saw him walking in front of the
23 mosque and later on I saw him in the meeting that I attended.

24 Q. Can you tell the Chambers what was the subject of the meeting
25 you had with Ho on that day?

1 A. In the meeting there was a discussion of agricultural
2 production <plan>. That was only the main topic of the
3 discussion.

4 [14.40.06]

5 Q. And we agree that that was the only meeting you attended
6 during which Ho was present. Is that correct?

7 A. Yes, that was the only time that I attended.

8 Q. You referred to a discussion. I do not recall the date of that
9 discussion <with a security official> of that unit <who> put
10 questions to you regarding the presence of the Cham in your
11 village. <Could you please remind me> when that discussion took
12 place, on what date it took place?

13 A. It was in 1977. I did not personally discuss with him in the
14 meeting. He asked me where the <owners of those houses had gone>
15 and I told him that they had been evacuated to the Central Zone
16 <since late 1975>. And at the time he <added> that in the future
17 <those> Cham people would be smashed <until no one was left>.

18 Q. How did you know that that person was in charge of security?

19 A. He <introduced himself to> me and he asked me to see the
20 commune chief. And at the time he <asked> me <where the commune
21 chief was. I told him that the commune chief had been away and
22 then> he <introduced himself by saying that he> was in charge of
23 the security at <the sector> level and he <came> to <offer to
24 work with> the commune chief.

25 Q. And do you remember who was the commune chief in 1977?

1 A. Chhean. It was Chhean, the commune chief.

2 [14.42.35]

3 Q. And did that security official tell you he was accompanied by
4 someone else, and <do you know> what <> the position of the
5 person who accompanied him <was>?

6 A. I was not aware of it.

7 Q. I have a question that may appear to be naive to you, but I am
8 not very familiar with the <facial features> of Cham people. But
9 when I look at you, I find that you look like someone who <could>
10 be of North African origin and who doesn't have <a> Khmer
11 physique. <As far as I am concerned, you may dispute that. My
12 question is,> when that person put questions to you regarding the
13 Cham, did he or she not put questions to you regarding your
14 appearance?

15 A. They asked nothing. They put no questions to me. They did not
16 know perfectly that I was Cham because I spoke Khmer very
17 clearly<, more clearly than now, because at that time I spoke
18 only Khmer language and did not speak Cham language at all. He
19 didn't realize that I was Cham.> I was not asked about my past
20 history or background.

21 [14.44.26]

22 MR. PRESIDENT:

23 Thank you. It is now the short break time. But before we take the
24 break, I would like to ask Counsel for Mr. Khieu Samphan, do you
25 have many more questions to put to this witness, and how much

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1 more time you need? <The> Chamber needs to be informed since we
2 need to inform the department in charge of transportation about
3 the vehicles to transport <ECCC> staff back <Phnom Penh>.

4 MS. GUISSÉ:

5 I don't have many more questions to ask the witness, Mr.
6 President. I have at the very most 15 to 20 minutes of questions
7 left and my colleague, Kong Sam Onn, has confirmed that he
8 doesn't have any questions for the witness either. So these would
9 be the last questions for <Khieu Samphan's team>.

10 MR. PRESIDENT:

11 Thank you very much for the information. It is now break time and
12 the Chamber will take the break from now until 3 p.m.
13 Court officer, please assist the witness during the break time
14 and please invite him back together with his duty counsel to the
15 witness stand before the Chambers at 3 p.m.

16 The Court is now in recess.

17 (Court recesses from 1445H to 1502H)

18 MR. PRESIDENT:

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

20 The Chambers gives the floor to the International Counsel for Mr.
21 Khieu Samphan to resume questioning. You may now have the floor.

22 BY MS. GUISSÉ:

23 Thank you, Mr. President.

24 Q. Witness, I am going to continue with my questions. Now, a last
25 question regarding the security chief whom you spoke about, did

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1 you know who was his superior? Who was this person's superior?

2 [15.04.05]

3 MR. SOS ROMLY:

4 A. I do not know.

5 Q. Now, I would like to turn to the period when Ho was the
6 district chief. Do you remember if he had a deputy and what was
7 this deputy's name?

8 A. I cannot recall <who> his deputy <was or who did what>, but I
9 knew that <his> group <> consisted of 30 members. I did not dare
10 to go close <to them. They came from the Central Zone>.

11 Q. At one point in time after Ho's arrival, did you ever hear
12 about an incident during which a member of the district was
13 allegedly wounded?

14 A. I have never heard of it.

15 Q. At the hearing of 5 October 2015, a little bit after 3.05
16 <p.m.>, a <person named> Ban Seak spoke about his presence on a
17 boat and he said that militia men apparently shot one of the
18 members of the sub-district committee. So does this somehow ring
19 a bell? So we are speaking here about the Krouch Chhmar
20 district<?>

21 A. I did not know about that incident.

22 [15.06.13]

23 Q. You spoke about a <person named> Ya Yaub -- well, given my
24 pronunciation, I will spell out. So it <should be> Y-O-R-B (sic),
25 Ya Yaub, who was a Cham who was in charge of a fishing unit. Can

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1 you tell the Chamber when he <would have been> appointed to
2 become the head of a fishing unit, if you remember?

3 A. He was the chief of the fishing unit from 1974 onwards.

4 Q. And until when did he remain in that position <as head of the
5 fishing unit>?

6 A. When Ho arrived in 1978 <Yaub was arrested and> taken away <>.

7 Q. So if I understood well, from '74 to '78, <> he held the same
8 position. Is that the case?

9 A. Yes, that is <correct>.

10 [15.07.52]

11 Q. You also said to the Chamber this morning that four of your
12 brothers and sisters were living with you during the DK period.
13 Can you tell me if they were working during that period and if
14 they were working, what were they doing? <>

15 A. My <first> younger brother was working in the kitchen <as a
16 cook>. The second and third younger brothers were working in the
17 mobile unit.

18 Q. And did they work in those locations until the end of the DK
19 period; that is to say, up until the arrival of the Vietnamese in
20 January 1979?

21 A. Yes, that is true. They were in the positions -- they were
22 working in those locations until the arrival of Vietnamese
23 troops.

24 Q. Let me backtrack a little bit here. <Sorry> I forgot to ask
25 you a question. <> Well, you said that before <> Ho's arrival you

1 fled into the forest not too far from your home, in fact, and
2 then there were, <at that same time>, Khmer cadres who fled as
3 well. But you don't know where they fled to, if I understood your
4 testimony properly.

5 [15.09.38]

6 A. We were on our own when we fled, we were not in the same
7 group. Villagers from the entire village <including the Khmer
8 people> fled into the nearby forest. It was <nearly the end of
9 the regime,> on the 1st January 1979<, we ran off at full speed.
10 And, I just want to clarify any confusion between my testimony
11 here and the written record of my interviews.> At first we went
12 hiding in nearby places close to our <houses> and later on the
13 Khmer Rouge made announcement over the loudspeaker that we needed
14 to flee into the forest. And one week later Phnom Penh fell. <It
15 was the 7th of January.>

16 Q. Fine. So now you're speaking to me about their flight when the
17 Vietnamese arrived. But when you testified, <perhaps I
18 misunderstood, but> I believe I understood that before Ho's
19 arrival you fled <> somewhere that wasn't too far from your home,
20 or did I not understand your testimony properly?

21 A. Actually, I did not flee because of the arrival of Vietnamese.
22 It was because of the Khmer Rouge that I fled.

23 [15.11.15]

24 Q. Well, in fact, what I would like to focus on is the moment
25 when you said you fled. When you testified, I believe I

1 understood that it was when Ho arrived; that is to say, <before
2 --> when he was appointed as head of the district and it is then
3 that you fled and then that you returned to your village. Or
4 maybe I didn't understand that point in your testimony clearly.

5 A. When Ho arrived I went hiding in nearby <> locations close to
6 my house.

7 Q. Fine, we agree upon that. And we also agree that it was not on
8 1 January 1979. This happened in 1978 <>. Is that the case?

9 A. Yes, that is correct.

10 Q. Well, I am interested in fact in that moment. You said, and
11 please correct me if I am wrong, you said that you were not the
12 only one who fled then, that other people fled <at the same time
13 as> you. So did I understand you properly or not?

14 A. Let me clarify the point. It was not fleeing. <That was an
15 escape.> I went into hiding <from being seen by Ho group. Even
16 commune chief,> deputy chief, or Ta Ya <Yaub> also went into
17 hiding. He left his unit to stay in his house. <He lived in Trea
18 2 village.> And for chief and deputy chiefs they went to hide in
19 their neighbours' houses. <Most people from other units in Trea
20 commune> also went into hiding in nearby houses<, respectively>.

21 [15.13.18]

22 Q. And we agree that the people who hid were <both> Cham and
23 Khmer?

24 A. Both of us, Khmer and Cham. <The majority were> Khmer people<,
25 not Cham. Only> Ya <Yaub> and I <were Cham>. Ya <Yaub> left his

1 unit <and went into hiding>.

2 Q. And for how long were you in hiding?

3 A. One day or two days later I heard that the <commune> chief and
4 deputy chief, Ya <Yaub had been> arrested.

5 Q. And you, yourself, when you came out of where you were hiding
6 did you take on the same duties again?

7 [15.14.33]

8 A. I did not accept the offer right away. After Ho appointed Meng
9 to be commune chief, Meng asked me to be his clerk.

10 Q. And did you know Meng from before?

11 A. I never knew him before <from my childhood>. I started to know
12 him after he was transferred into Trea village. <Only after he
13 was moved to live in Trea village did> I started to know him.

14 Q. And do you know why he proposed to you to <be> commune
15 secretary?

16 A. I do not know the reason. <Maybe he learned> that I <had
17 previously worked as a> clerk. But, as I said, I do not know the
18 reason <why> he wanted me to be his clerk. <He suddenly asked me
19 to work as his clerk.>

20 Q. Do you know if there <were> people who recommended you?

21 A. No, I do not know about that.

22 Q. There's a last point I would like to obtain a bit of
23 clarification about, you spoke about a place where you saw pits,
24 in 1979, you said. And you said that these pits dated back to
25 1978 and you also said during your testimony that at one point in

1 time in 1978 there was a flood, a flood <in the area in which the
2 pits were located>. So can you tell us when in 1978 this flood
3 happened and was it before or after you saw pits that were dug in
4 that specific location?

5 [15.17.05]

6 A. Regarding the flood in 1978, the flood occurred in September
7 of that year.

8 Q. And between May and September 1978, did you travel to that
9 location?

10 A. No, I never travelled to that location.

11 MS. GUISSÉ:

12 Thank you for this clarification.

13 Mr. President, I am done with my questions.

14 [15.17.55]

15 MR. PRESIDENT:

16 Thank you. The hearing on this testimony of Sos Romly has come to
17 a conclusion now. Thank you, Mr. Sos Romly for your time for two
18 days here. Your testimony will contribute to <ascertaining> the
19 truth. You may now be excused. You may return to your residence
20 or to any destination you wish to go. I wish you good luck<,
21 peace> and prosperity <and good health> in your life.

22 Court officer, please <facilitate with WESU staff to> send Mr.
23 Sos Romly back to his residence or to any places he wishes to go.
24 <The Chamber would like to thank> Mr. <Moeurn Sovann,> duty
25 counsel<, as well>. You may also be excused.

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1 It is now time for the adjournment. The hearing will resume on
2 <Monday,> 11 January 2016, at 9 a.m. On Monday, the Chamber will
3 start to hear <the witness> 2-TCW-987, in relation to the
4 <treatment of> targeted group <of> Cham <people>. Please be
5 informed and <come to attend it as scheduled>.

6 Security personnel are instructed to bring <the two accused> Mr.
7 Nuon Chea and Mr. Khieu Samphan back to the ECCC detention
8 facility and please have them returned on Monday, 11 January
9 2016, before 9 a.m.

10 The Court is now adjourned.

11 (Court adjourns at 1519H)

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