



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 February 2016

Trial Day 371

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 18-Apr-2017, 14:30
CMS/CFO: Sann Rada

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

The Accused: NUON Chea  
KHIEU Samphan

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Trial Chamber Greffiers/Legal Officers:  
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For the Office of the Co-Prosecutors:  
Dale LYSAK  
SENG Bunkheang  
William SMITH

For Court Management Section:  
UCH Arun

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Bunkheang	Khmer
Mr. SMITH	English

1

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

2 (Court opens at 0909H)

3 MR. PRESIDENT:

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

5 Today, the Chamber is conducting the key document presentation

6 hearings in relation to the treatment of the three -- of the

7 targeted groups, namely, Cham, Vietnamese and former officials of

8 the Khmer Republic. These hearings are scheduled for three days.

9 For today and tomorrow, the Trial Chamber allows the parties to  
10 present their key documents. <Parties> are granted one day --

11 that is, 25th February 2016, to prepare their responses or

12 observations on the key documents presented by other parties <on>

13 26th February 2016.

14 Ms. Se Kolvuthy, please report the attendance of the parties and  
15 other individuals to today's proceedings.

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all parties to this case  
18 are present.

19 International Counsel for Nuon Chea, Victor Koppe, is absent  
20 without giving any reasons.

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

24 Thank you.

25 [09.12.07]

1 MR. PRESIDENT:

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

3 The Chamber has received a waiver from Nuon Chea dated 23rd

4 February 2016, which states that due to his health, headache,

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

6 effectively participate in future hearings, he requests to waive

7 his right to participate in and be present at the 23rd February

8 2016 hearing.

9 Having seen the medical report of Nuon Chea by the duty doctor

10 for the Accused at ECCC dated 23rd February, which notes that

11 Nuon Chea has back pain and dizziness when he sits for long and

12 recommends that the Chamber grant him his request so that he can

13 follow the proceedings remotely from the holding cell downstairs.

14 Based on the above information and pursuant to Rule 81.5 of the

15 ECCC Internal Rules, the Chamber grants Nuon Chea his request to

16 follow today's proceedings remotely from the holding cell

17 downstairs via audio-visual means.

18 AV Unit personnel are instructed to link the proceedings to the

19 room downstairs so that Nuon Chea can follow. This applies to the

20 whole day.

21 [09.13.42]

22 Before we proceed, the Chamber wishes to inform the parties that

23 the Chamber has received an email for admission of a document by

24 the <Co-Prosecutors> pursuant to Rule 87.4 <of the Internal Rule>

25 and, in fact, the request was made since November 2015. And the

1 Chamber has not yet decided on the document.

2 Due to the nature of the urgency, the Chamber will deliberate on  
3 this issue during the break time this morning, so this is for  
4 your information, the Co-Prosecutors.

5 In order to allow these hearings to proceed smoothly and to avoid  
6 some confusion arising from previous key document presentation  
7 hearings, the Chamber issued a memorandum on 28 <February (sic)>  
8 2016 -- that is, E315/2, with the following clarifications.

9 [09.15.04]

10 <Number 1>, the Chamber reiterates its preference for documents  
11 to be proposed by the parties directly related to the relevant  
12 trial topic.

13 Number 2, the parties may choose to present written records of  
14 interviews and the civil parties' applications if they wish to do  
15 so.

16 <Number 3>, the Chamber will allow the parties further  
17 flexibility and permit the presentation of documents relevant to  
18 national level policies, although it notes that these documents  
19 might be more appropriate for trial topic on the role of the  
20 Accused.

21 <Number 4>, while recognizing that it may not be possible to  
22 avoid altogether commenting on the probative value of documents,  
23 the Chamber encourages the parties to focus on presenting key  
24 documents that is in reference to the transcript of 28 April  
25 2015; <> page 14 to 15<>.

1 [09.16.18]

2 Only admitted documents may be presented during these hearings.

3 As for the documents obtained by torture, they must adhere to the  
4 Chamber's prior rulings on the use of such evidence.

5 On this particular point, <on Friday the 5th February 2016> the  
6 Chamber issues its decision of the majority on evidence obtained  
7 through torture -- that is, document E350/8.

8 In addition, the Chamber has repeatedly reminded the parties that  
9 these hearings are not meant for the admissibility of the  
10 evidence. The parties should, therefore, not discuss this issue  
11 in these hearings since they were given an opportunity to  
12 register their objections and to respond to the written  
13 objections to the documents which have already been admitted  
14 through Case 002/02 -- that is, in reference to document E327  
15 dated 11 December 2014.

16 In its memorandum, E315/2, the Trial Chamber requested the  
17 parties if they intended to present documents and to comment on  
18 the key documents presented by other parties to inform the  
19 Chamber no later than 4 February 2016.

20 [09.17.58]

21 The Chamber also advised the parties to provide the Chamber with  
22 their list of documents which they intended to present together,  
23 with ERN numbers in all available languages, prior to the start  
24 of hearings and no later than 1.30 p.m., of 22nd February 2016.

25 The Co-Prosecutors, the Lead Co-Lawyers for civil parties and the

1 Defence for Khieu Samphan responded that they intended to present  
2 their key documents and to respond to or to make observations on  
3 the key documents presented by other parties. They also provided  
4 the Chamber with their list of key documents as instructed.

5 The defence team for Nuon Chea, however, indicated that it  
6 neither wished to present any key documents, nor did it wish to  
7 respond to or to make observations on the key documents presented  
8 by other parties.

9 During these hearings, each party is given half a day to present  
10 their key documents in relation to the treatment of the three  
11 targeted groups in an appropriate order. The key documents are  
12 first presented by the OCP, followed by the Lead Co-Lawyers <for  
13 civil parties> and the Khieu Samphan defence team. Then, the  
14 Khieu Samphan defence team, the OCP and the Lead Co-Lawyers <for  
15 civil parties> are given half a day to respond to or to make  
16 observations on the documents presented by the defence team for  
17 Khieu Samphan.

18 [09.19.42]

19 At the end of hearings, the defence team of Khieu Samphan or  
20 <Mr.> Khieu Samphan is given one session of the hearings to make  
21 their response to -- to make their replies to the responses of  
22 the OCP and the Lead Co-Lawyers <for civil parties>.

23 Parties may refer to an email by - of the <Trial Chamber's>

24 Senior Legal Officer dated 10 February 2016 in relation to the  
25 modification of time allotted to parties in the key documentation

6

1 presentation hearings after the Nuon Chea defence team expressed  
2 its position that they did not have any key documents to be  
3 presented or did not intend to respond to the key documents  
4 presented by other parties.

5 I would like now to hand the floor to the Co-Prosecutors to  
6 present their key documents.

7 You may proceed.

8 And < Co-Prosecutors,> please hold on. And I give now the floor  
9 to the defence team, Anta Guisse.

10 [09.20.54]

11 MS. GUISSÉ:

12 Yes, Mr. President. Good morning. Thank you. I'll not be long.

13 I just want to make a remark. I would like to draw the attention  
14 of the <Chamber and the> parties, and particularly the  
15 Co-Prosecutors, to a problem.

16 <Mr. President, you> explained the contents of your memorandum  
17 saying that the parties were supposed to <provide to> the Chamber  
18 by <yesterday> at 13.30 <>the list of documents <that they  
19 intended to> present. <All of the parties adhered to this  
20 deadline except for the Office of the Co-Prosecutors.> I am <not>  
21 providing this information <because I enjoy moaning, but> simply  
22 <>to indicate that I imagine that the <deadline> of 13.30 was  
23 supposed to <allow> the parties to <actually gather> the  
24 documents and <to select> the relevant passages with the  
25 corresponding ERNs, and<-->< that --> when there is a delay, as



7

1 was the case with the Co-Prosecutors. <In such circumstances,  
2 subsequently, it has an impact> on the Khieu Samphan defence  
3 team<. I can't speak for the> civil parties.  
4 <>  
5 [09.22.02]  
6 <So, I acknowledge, and we appreciate, the day that we are going  
7 to be granted to allow us to go through the documents, but simply  
8 for the purpose of having a proper follow-up and also appropriate  
9 working conditions for a> team is already stretched <to its>  
10 limit. I <wanted to draw both the Chamber's and the  
11 Co-Prosecutors' attention to this fact because> there will be  
12 other document hearings, and so <when a number of the> documents  
13 <or lists are handed in three hours after the deadline, that  
14 means that the people on the team have to work later, or earlier  
15 in the morning, and that in itself has an impact.> <So I did not  
16 want to hold my tongue on this, I want to explain that that was  
17 going to -- that that had had an impact on a team that is already  
18 stretched to its limit and that's without mentioning the workload  
19 that we've faced over the past few days.>  
20 That is the <brief> remark I wanted to make. Thank you for giving  
21 me the floor, Mr. President.  
22 MR. PRESIDENT:  
23 Thank you.  
24 And the Co-Prosecutors, do you wish to provide explanations  
25 regarding the delay? If not, then we can proceed with your key

1 document presentation.

2 [09.23.15]

3 MR. LYSAK:

4 Very briefly, Your Honour.

5 There was some technical issues in how we did things yesterday.

6 First of all, the lists -- our lists for the Cham and Lon Nol

7 documents were submitted perhaps 20 minutes after 1.30.

8 With respect to the Vietnamese documents, the Deputy

9 Co-Prosecutor had them uploaded onto the system at noon and did

10 that, and then realized after that we were sending lists, so

11 that's the reason the lists for the Vietnamese followed later in

12 the afternoon.

13 The responses to the document presentations, as Your Honours have

14 said, there's a day break and they won't happen until later in

15 the week, so I don't see how this will impact any -- any of the

16 Defence in terms of responding to our presentations.

17 [09.24.16]

18 MR. PRESIDENT:

19 Thank you.

20 This is merely an observation by the Defence. However, parties

21 should endeavour their best to submit the document per schedule.

22 The floor is now given to the National Deputy Co-Prosecutor.

23 MR. SENG BUNKHEANG:

24 Thank you, Mr. President. Good morning, Mr. President, Your

25 Honours. Good morning, parties, and good morning to everyone in

1 and around the courtroom.

2 I will be presenting some documents this morning relating to the  
3 treatment of the Cham.

4 [09.25.05]

5 Your Honours have heard testimony from one of the experts -- that  
6 is, Ysa Osman, who has extensively studied what happened to the  
7 Cham people during the Khmer Rouge regime. So I will start with  
8 some materials from the other expert, who has done detailed  
9 research on this subject -- that is, Mr. Ben Kiernan.

10 Chapter 7 of his book, "The Pol Pot Regime" -- that is, document  
11 E3/1593, is entitled "Ethnic Cleansing: The CPK and Cambodia's  
12 minorities, 1975 to 1977". This chapter contains a lengthy  
13 section on the treatment of the Cham people during the Democratic  
14 Kampuchea regime, in particular, in English at ERN 01050133 to 51  
15 <>; and in Khmer is at 00637752 to <809>; and in French, 00639020  
16 to 9063.

17 In footnote 67 of this section, Kiernan describes the primary  
18 sources for his research as follows:

19 This section is mainly based on the author's 29 further  
20 interviews with Chams who lived through the DK period. All were  
21 tape recorded in Cambodian villages, mostly in 1980. Several  
22 other dozens were not taped. An additional 50 interviews were  
23 later conducted with Cham refugees by Nate Thayer in Thailand and  
24 Dan Dickason in the United States.

25 [09.27.58)

1 In his book, Kiernan writes about who the Cham people are as an  
2 ethnic and religious group, and that is at English -- at Khmer,  
3 00637752 to 54; English at 01150133 to 34; and French at 00639020  
4 to 22. And allow me to quote:

5 "Their original home, Champa, one of Southeast Asia's early  
6 Hindu-Buddhist states, was defeated by Vietnam in 1471. Five  
7 centuries later, 60,000 Chams remained in central Vietnam. But  
8 more lived in Cambodia, where their ancestors had migrated. They  
9 had adopted Islam and intermarried with 'Malays', becoming the  
10 largest 'indigenous' minority in Cambodia."

11 And continuing four paragraphs later, and I quote:

12 "The Vietnamese conquest of Phan Rang in 1693 sent 5,000 Cham  
13 refugees (including much of Cham royalty) into Cambodia. They  
14 settled north of Phnom Penh, and their descendants today form a  
15 distinct community of Chams, who still use their Indic alphabet  
16 and practice a Hinduized form of Islam. But perhaps the largest  
17 Cham migration to Cambodia occurred in the late <1790s1790s. The  
18 country's oldest mosque was built north of the capital in 1813."

19 [09.31.14]

20 Kiernan also writes about the early part of the Khmer Rouge  
21 movement before they began persecuting the Cham people, a period  
22 in which many Cham in the East Zone had joined and supported the  
23 Khmer Rouge, and that is at Khmer, ERN 00637759 to 60; English,  
24 at 01150136; and in French, 00639025 to 26. And allow me to  
25 quote:

1 "Meanwhile, many Chams had joined the Communists. As early as  
2 1950, a Cham elder named Sos Man had been one of the first  
3 Cambodians to join the Indochina Communist Party. Sos Man  
4 returned home in 1970 and joined the Eastern Zone CPK Committee.  
5 He also established the 'Eastern Zone Islamic Movement', which he  
6 ran with his son, Mat Ly.  
7 "Sos Man was prestigious, but unique. In other zones, no Islamic  
8 political organizations were tolerated by the CPK leadership  
9 dominating those areas during the 1970 to 1975 war. In fact, the  
10 Southwest Zone saw the earliest attacks on Cham culture. At  
11 first, Cham women were forced to cut their hair short in the  
12 Khmer style rather than wear it long as was their custom; then  
13 the traditional Cham sarong was banned. These prohibitions all  
14 began as early as mid-1972 in the Southwest on Ta Mok's orders."  
15 [09.34.20]

16 Continuing on the following page at Khmer, ERN 00637761; English,  
17 01150136; French, 00639027; let me quote:

18 "In Angkor Chey, the Southwest Zone Chams were officially called  
19 moultanh phnoe (depositee base people). This is the earliest  
20 known use of that term for deportees. Most significant, the  
21 Southwest Zone Chams were still called deportees even after they  
22 had returned to their home villages in 1974. This suggests the  
23 classification was originally intended for Chams, for racial  
24 reasons rather than geographical ones."  
25 [09.36.03]

1 At Khmer, ERN 00637763 through 65; English 00 -- my apology,  
2 01150137; French, 00639028 through 30; Ben Kiernan discusses CPK  
3 documents from the 1973 and 1974 period that reflected the  
4 discriminatory views of the CPK leaders against the Cham. The  
5 first was in April 1973, CPK document title "Class Analysis and  
6 the Class Struggle", which stated:

7 "All nationalities have labourers, like our Kampuchean  
8 nationality, except for Islamic Khmers, whose lives are not so  
9 difficult."

10 Kiernan wrote -- wrote that -- let me quote:

11 "Such 'class' analysis is really racist, and that, with their  
12 distinct language and culture, large villages and independent  
13 national organizational networks, the Cham probably seemed a  
14 threat to the atomized, closely supervised society that the  
15 Centre planned. The Chams were considered an obstacle to the  
16 establishment of cooperatives." End quote.

17 [09.38.42]

18 Kiernan also describes a February 1974 CPK document from the  
19 North Zone titled "Decisions Concerning the Line on Cooperatives  
20 of the Party in Region 31", which stated:

21 "Concerning the fraternal Islamic Khmers delay having them join  
22 (cooperatives), organize them into mutual aid teams. However, it  
23 is necessary to break up this group to some extent; do not allow  
24 too many of them to concentrate in one area."

25 Kiernan notes that this is the earliest record of the Centre

1 decision to disperse the Chams.

2 Kiernan describes how, in the East Zone in 1973, CPK leaders  
3 began telling the Cham they devoted too much time to religious  
4 matters, and not enough time to revolution, and that arrest --  
5 arrests of Cham began in November 1973 after some Cham had  
6 carried out demonstrations against the Communist suppression of  
7 their religious belief.

8 [09.41.00]

9 He cites a paper written by Gaffar Peang-Meth in mid-1974 which  
10 reported that at least 300 Khmer Muslims have been arrested, a  
11 large majority of whom are from Krouch Chhmar district, Kampong  
12 Cham province: "Most of the arrested persons were prominent  
13 Muslim villagers and religious leaders, especially Koranic  
14 teachers."

15 Based on his own interviews and research, Kiernan also wrote: "In  
16 September 1974, Pol Pot personally visited the east for a Zone  
17 Party Congress and the Eastern Zone Islamic movement was  
18 disbanded. Sos Man was expelled from political life and confined  
19 to a village. His dismissal coincided with the arrest in August  
20 1974, of seventy-one other Eastern Zone Khmer Communists trained  
21 in Hanoi."

22 I note that these acts by Pol Pot against the Hanoi-trained  
23 cadres and the Cham members of the Khmer Rouge movement occurred  
24 immediately following the well-known meeting of the Standing and  
25 Central Committee that took place in June to July 1974.

1 [09.43.16]

2 Kiernan writes in detail about the experiences of the Cham people  
3 in Sector 21 of the East Zone, one of the areas on which Your  
4 Honours have also heard evidence. At Khmer, ERN 00637767 through  
5 68; English, 01150138; French, 00639031 through 32; Kiernan  
6 writes -- quote:

7 "Cambodia's largest Cham community is in Region 21, part of  
8 Kampong Cham province, east of the Mekong and north of Highway 7.  
9 Region 21 included the fertile riverbank land of Krouch Chhmar  
10 district, the Chup rubber plantations, and the rice lands of  
11 Suong in Tboung Khmum District. Krouch Chhmar was home to perhaps  
12 30,000 Chams by the 1970s. Four 'very big communities' hugged the  
13 east bank of the Mekong at Trea, Svay Khleang, Chumnik, and Poes.  
14 They came under insurgent control in 1970. The Chams of this  
15 region were some of the strongest supporters of the revolution  
16 until 1975." End quote.

17 [09.45.26]

18 I would also note that the large number of Cham people in the  
19 East Zone is also reflected by the 30th November 1975 telegram to  
20 Pol Pot, copied to Nuon Chea, document E3/154, which reported  
21 even after some Cham had already been dispersed and moved out of  
22 the region, that "the remaining Cham in the East Zone amount to  
23 more than 100,000".

24 At Khmer, ERN 00637773 through 74; English, 01150140; and French,  
25 00639036 through 37; Kiernan describes the repression of the Cham



15

1 people in this region in 1975 and specifically addresses who was  
2 responsible for that persecution as follows -- quote:

3 "A local Khmer who had worked for the revolution in Krouch Chhmar  
4 since 1970 confirms the 1975 repression, but claims that a  
5 'moderate' Cham cadre remained on the Krouch Chhmar CPK  
6 Committee, like Mat Ly in Tboung Khmum. He also describes So Phim  
7 as "a good man", but blamed 'some district chiefs', possibly  
8 including Pha, for following Pol Pot's orders.

9 "The CIA station at the U.S. embassy in Bangkok claimed to have  
10 intercepted radio transmissions from Phnom Penh ordering the  
11 execution of Cham leaders in a village in 'central Cambodia'.  
12 Whether or not this explains any of the violence in Krouch  
13 Chhmar, it suggests that the Centre was directly involved in the  
14 repressions even at the village level. In lectures to foreign  
15 ministry staff in 1976 through 1977, Ieng Sary and his aides  
16 sometimes touched on the nationalities issue. According to a  
17 witness, 'they just talked about one nationality, the Khmer. They  
18 did not mention the Chams'. The Chams they did not like because  
19 they had killed revolutionary cadres. They had been saying this  
20 for years."

21 [09.49.12]

22 At the same ERN pages, Kiernan also writes about what happened to  
23 the Cham Khmer Rouge cadres in that region. Mat Ly and his  
24 father, Sos Man -- quote:

25 "The other Region 21 district with many Chams was Tboung Khmum.

1 When the Centre disbanded the Eastern Zone Islamic Movement in  
2 <1974>, its president, Sos Man, had been confined to a house on  
3 Highway 7 there. According to Mat Ly, from 1970 to 1974, his  
4 father had enjoyed So Phim's support, but 'later, Phim obeyed Pol  
5 Pot and withdrew his confidence, but built a house in which Sos  
6 Man would live quietly'. In September 1975, his son says, two  
7 strangers arrived on a motorcycle at Man's house and offered him  
8 'medicine'. He took it, and died that night, at age 73."

9 [09.51.08]

10 "Like the Cham cadre in Krouch Chhmar, Mat Ly remained on the  
11 Tboung Khmum committee for two years, but Ouch Bun Chhoeun from  
12 the Region Committee says Ly was 'like a phantom -- he had no  
13 freedom." End quote.

14 Kiernan interviewed Mat Ly in 1980 and 1986. There are also in  
15 evidence at least two of other interviews of Mat Ly that were  
16 conducted before his death, an interview by Stephen Heder on 7  
17 August 1990, document E3/390, and audio recordings E3/2780R and  
18 E3/2781R, and an interview of Mat Ly by Sim Sorya and Ysa Osman  
19 conducted on 27 March 2000, document E3/7821, and an 11 July 1991  
20 interview by Greg Stanton and Jeremy Stone that is on audio  
21 recordings E3/2967R and E3/2968R.

22 [09.53.16]

23 During the Cham segment, the Defence, on several occasions, have  
24 referred the fact -- fact that there was a Cham, Mat Ly, who was  
25 a CPK cadre in Sector 21, but the Defence have carefully avoided

1 any reference to what Mat Ly had to say about the Khmer Rouge  
2 treatment of the Cham people in his region.

3 So I would like now to present to Your Honours what Mat Ly had to  
4 say about his subject in his various interviews.

5 In his 1990 interview with Steve Heder, E3/390 at Khmer, ERN  
6 00392080 through 81; English, 00436856 through 57; and French,  
7 00479792 through 93; Mat Ly described the repression and  
8 persecution of the Cham that occurred during the Democratic  
9 Kampuchea period as follows. Allow me to quote.

10 [09.55.12]

11 "It was post-liberation, June or July 1975 when they began to  
12 have a unit to cut hair. The hair cutters mostly came from  
13 outside. Second, they gathered up the sarongs and stuffed them in  
14 bags. When they gathered up the sarongs, nothing had yet  
15 happened. They placed them near the village chairman. Third, the  
16 evacuations of bringing in ethnic Khmer and placing the Cham in  
17 Khmer villages, lots of them, they forbid worship or religion. I  
18 saw all of what I am talking about."

19 Continuing a few questions later:

20 "Sector 20 ordered us to burn the sarong. They had all villages  
21 burn all the sarongs. Then they killed almost everyone. Nothing  
22 remained. They serrated. Sometimes they took them away and killed  
23 them: sometimes they sent them to villages in upper districts a  
24 few at a time; and third, they put them in the forests to die  
25 from disease. That was why Kaoh Phal (Island of Produce) was

1 called Kos Phes (Island of Ashes) instead.

2 "They stopped speaking Cham, and anyone who spoke Cham was tied  
3 up... was tied up for the fire ants to bite for one night." End  
4 quote.

5 [09.57.16]

6 At Khmer, ERN 00392096; English, 00436868; and French, 00479808;  
7 Mat Ly told Heder about killings of his Cham relatives -- quote:  
8 "Pol Pot killed my family, killed my wife, three of my children,  
9 three children-in-law, one other wife, nine grandchildren, three  
10 of whom were infants." End quote.

11 In the same document at Khmer, ERN 00392105; English, 00436874;  
12 and French, 00479819; in response to a question about the reasons  
13 given by Pol Pot -- by the Pol Pot regime for the screening and  
14 purges, Mat Ly said -- I quote:

15 "I personally saw the killing beginning in 1975 when he had full  
16 power in his hands. That was when it began. Like I said earlier,  
17 ask them and they said CIA. Ask them, and they said lieutenant  
18 colonel, second lieutenant. And the Cham brothers and sisters --  
19 I am Cham too -- they led them away by their necks."

20 [09.59.36]

21 And in the next paragraph of the interview, at Khmer, ERN  
22 00392106; English, 00436875; and French, 00479819; Mat Ly  
23 described the numbers of Cham killed as follows -- quote:

24 "I tell you frankly that, as for Cham previously, there were more  
25 than 700,000, according to the documentation. After liberation, I

1 have told people that there were 200,000, but in 1987, it is  
2 still short of <another 64 Chams including the newborn, and>  
3 that, less than 200,000. <The current figure is approximately  
4 200,000 or a bit over 200,000.> That is the truth.

5 Thinking about it, 500,000 Cham were killed throughout the  
6 country, more Cham killed than pigs. Even more than water  
7 buffaloes."

8 In his 2000 interview with DC-Cam -- that is, document E3/7821 at  
9 Khmer, 00229130; English, 00441578 to 79; and French, 00611785 to  
10 86; Mat Ly talked about Pol Pot attending the East Zone Party

11 Congress in 1974 and a conversation in which Pol Pot admonished  
12 him about ending Cham religious practices, and allow me to quote:  
13 [10.02.05]

14 "I spoke about Cham, the dead soldiers who died near Cham village  
15 and were requested to be buried by the Cham. In Cham tradition, a  
16 body is buried with their head to the north and foot to the south  
17 and body on their side facing the west. I made a request, and  
18 then Ta Chea Sim said he would review it. Pol Pot did not blame  
19 me during the congress. Pol Pot also attended in 1974. After the  
20 congress, he went with So Phim. I did not know they were in  
21 discussion, and went there. And Pol Pot asked if I could recite  
22 Koran. I said I could. When I was about to leave, Pol Pot told me  
23 that since we had joined the revolution, how the body was buried  
24 was up to the revolution."

25 Sorya then asked him the question: "Did So Phim say that?" And

20

1 Mat Ly answers: "No, Pol Pot said to me by himself. I became  
2 scared and apologized to him before I left. And he said it was  
3 all right.

4 I told him that I spoke according to the tradition fearing that  
5 the Cham rioted, and he said how they could riot? We were alive  
6 up to this and not afraid of a few Cham. When walking out I  
7 heard him speaking with So Phim that the deputy should be  
8 arrested. 'That one needs to be resolved', he said."

9 [10.04.20]

10 And a few questions later, at Khmer, ERN 00229131; English,  
11 00441579; and French, 00611786; Mat Ly was asked whether there  
12 was a policy against Cham, Chinese and Vietnamese, and he  
13 responded as follows:

14 "All were targeted. Vietnamese were even treated more badly. It  
15 was also same for Chinese. None of the Chinese have survived  
16 except those who spoke Khmer fluently, as they could avoid being  
17 identified as Chinese."

18 I conclude my key -- my part of the key document presentation.

19 Now, Mr. President, I'd like to cede the floor to my  
20 international colleague.

21 [10.05.34]

22 MR. LYSAK:

23 Good morning, Your Honours. I wish to continue by reading you a  
24 few short excerpts from another person who's conducted research  
25 on the experiences of the Cham in Democratic Kampuchea, a woman

1 named Farina So, who authored document E3/4519, a paper titled  
2 "An Oral History of Cham Muslim Women in Cambodia Under the Khmer  
3 Rouge", at Khmer, 00714582; English, 00554486; French, 00772376;  
4 she wrote the following overview -- quote:  
5 "Many mosques and monasteries were profaned or turned into  
6 pigsties, storages, stables and torture chambers.  
7 "The Grand mufti, his adjutants and hakim, as well as educated  
8 religious teachers, were tortured and killed. Religious rituals  
9 and religious books like the Buddha Dharma doctrine and the Koran  
10 were collected to be burned or used as toilet paper. The Khmer  
11 Rouge intended to assimilate all ethnic minorities into one  
12 ethnicity, the Khmer." End of quote.  
13 [10.07.36]  
14 As what we heard from Ysa Osman and Mat Ly excerpt my colleague  
15 just presented, Farina So also states that, before 1975, the Cham  
16 Muslim community comprised 700,000 people. You'll find that at  
17 Khmer, 00714583; English, 00554489; French, 00772379.  
18 Her cited sources for that number are a 1974 report from the  
19 Directorate of Islamic Association of the Khmer Republic and a  
20 1987 report titled "Islam in Kampuchea".  
21 And a last excerpt in a section of her paper titled, "The  
22 Destruction of the Muslim Community and the Erasure of the Cham  
23 Identity", which you'll find at Khmer, 00714617 through 18;  
24 English, 00554567 through 569; French 00772452 through 454. She  
25 writes, and I quote:

1 "The banning of religious beliefs and policies descended from the  
2 top Khmer Rouge leaders down through zone leaders, to regional,  
3 district, and cooperative chiefs. The Khmer Rouge organized  
4 meetings and warned of serious consequences for anyone who  
5 resisted their policies. Then they started to close down or  
6 destroy mosques, pagodas, Buddhist statues, relics, churches and  
7 religious books."

8 [10.09.58]

9 Continuing a few paragraphs later:

10 "After banning religions, the Khmer Rouge proceeded to erase the  
11 identity of each ethnic minority group by ordering people to  
12 embrace a single race: Khmer. They instituted a racist,  
13 chauvinistic policy of forced assimilation, or 'Khmerization' of  
14 the Cham and other ethnic minorities. The Khmer Rouge declared  
15 that languages other than the Khmer were banned, and the Cham  
16 language was considered foreign.

17 "In decrees sent to the provinces, the Khmer Rouge declared that  
18 there is one Kampuchean revolution. In Kampuchea, there is one  
19 nation and one language, the Khmer language. From now on, the  
20 various nationalities do not exist any longer in Kampuchea. The  
21 Cham mentality, Cham national language, costume, habits and  
22 religion are abolished. Those who do not abide by this order will  
23 reap all consequences."

24 [10.11.18]

25 And here, she is citing to a -- from a statement that was



1 submitted to the UN Human Rights Commission back during that  
2 period.

3 Similar evidence, Your Honours, about the policy to eradicate  
4 ethnic minorities like the Cham is provided by Kiernan in the Pol  
5 Pot regime: E3/1593; Khmer, 00637772; English, 01150139 to 40;  
6 French, 00639035.

7 Quoting from his September 1980 interview of former Sector 21  
8 Deputy Secretary Ouch Bun Chhoeun, Kiernan writes, and quotes:  
9 "There was no policy of allowing minority nationalities. Everyone  
10 was mixed together. There was only one race, the Khmer. From  
11 liberation in 1975, Pol Pot was very close to the Jarai and other  
12 minorities, but he scattered the Islamic race.

13 "The reason was that the Muslims had an organization called  
14 'FULRO Champa' to defend the interests of the Muslims, led by Les  
15 Kasem, a colonel in Phnom Penh during the Lon Nol period. So Pol  
16 Pot did not trust the Muslims. After 1975, in the eyes of the  
17 state organization, there were no Muslims at all." End of quote.

18 [10.13.20]

19 Kiernan also writes on the following page of a meeting held in  
20 Sector 21 of the East Zone in mid-1976, at which Party officials  
21 announced, and I quote:

22 "Now we are in 1976, we have to go by a different plan. There are  
23 to be no Chams or Chinese or Vietnamese. Everyone is to join the  
24 same single Khmer nationality." End of quote.

25 Your Honours, I want to turn now to a few examples from the

24

1 documentary evidence about what happened to Cham who resisted the  
2 CPK policies and the orders to eliminate the Cham religion,  
3 language, culture and their identity as a separate people. I can  
4 continue to this section, Mr. President, or if you wish to take a  
5 break, I'm about to change subjects.

6 [10.14.41]

7 MR. PRESIDENT:

8 Thank you, Co-Prosecutor. It is now convenient to have a short  
9 break.

10 We will take a break now and resume at 10.30 a.m.

11 The Court is now in recess.

12 (Court recesses from 1014H to 1032H)

13 MR. PRESIDENT:

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

15 Before the Chamber hands over the floor to the Co-Prosecutors to  
16 resume <their> presentation on key documents, the Chamber would  
17 like to issue a ruling in relation to document E319/33.3.4.

18 On 11 November 2015, the Chamber was seized of a request by the  
19 OCP to admit a number of documents, E319/36. This request  
20 includes document E319/33.3.4, which the OCP has indicated it  
21 would like to use the -- use during the key document presentation  
22 hearing today, 23rd February 2016.

23 Having heard the submission and responses by the parties on the  
24 1st and 11 December 2015 on E319/36, the Chamber decides to admit  
25 document E319/33.3.4 into evidence, with reasons to follow.

1 Now the floor is given to the OCP to resume <their> presentation  
2 on the key documents in relation to the treatment of targeted  
3 groups. You may now proceed.

4 [10.34.16]

5 MR. LYSAK:

6 Thank you, Mr. President.

7 I was about to provide some examples from the documentary  
8 evidence and materials of what happened to Cham who resisted.  
9 You've heard testimony, obviously, about Kaoh Phal and Svay  
10 Khleang, so I won't touch upon those, but let me give you four  
11 other references.

12 Document E3/178, E3/178, is a weekly report from the Sector 5  
13 Committee dated 21 May 1977. Sector 5 was part of the Northwest  
14 Zone, and included the districts that today form Banteay Meanchey  
15 province.

16 [10.35.10]

17 And at Khmer, 00275588; English, 00342709; French, 00623305  
18 through 06; the report states, I quote:

19 "The 17 April elements from Phnom Penh who were Cham nationals  
20 conducted a protest in the common kitchen of the cooperative  
21 concerning their belief in what they eat, according to their  
22 religion, by pointing at and referring to Article 10 of the  
23 Constitution. For this situation, we have taken special measures  
24 -- that is, look for their string, look for the head of their  
25 movement in order to sweep clean." End of quote.

1 There's also document E3/7145A. This is a complaint filed with  
2 the Court by Cham who lived in Stueng Trang district in Kampong  
3 Cham province during the regime. He states -- quote:

4 "One evening, the Khmer Rouge took my cousin, his wife and a  
5 daughter to be killed on the accusation of secretly praying to  
6 God. And one day, when I refused to eat pork, the chief of the  
7 village ordered me to kill a pig and threatened me that I would  
8 be killed if I did not."

9 [10.37.14]

10 Ben Kiernan writes about the experience of Cham in Kratie  
11 province, autonomous Sector 105. This is in E3/1593 -- "The Pol  
12 Pot Regime" - Khmer, 00637788 through 89; English, 01150144; and  
13 French, 00639048. Kiernan writes -- quote:

14 "Khmer who lived there [referring to Kratie] comments that the  
15 CPK wanted the Cham and Chinese to become Khmers. In 1977, Cham  
16 in Sambuor openly rejected pork, knowing that this would mean  
17 eventual execution. Their fate is unknown, but in Snuol district  
18 where Chams were also forced to eat pork, a family of eight who  
19 refused to do so were all executed in 1977."

20 And the fourth example on this subject comes from OCIJ statement  
21 E3/9672 at answer 47. This was a Cham woman who lived in Bakan  
22 district, Pursat province, who provides the following account of  
23 what took place at a self-criticism meeting when she said she  
24 could not eat pork. I quote:

25 [10.39.10]

1 "We were convened to the self-criticism meetings, where we were  
2 present until 2200. During the meetings, I was asked why I could  
3 not eat pork. I replied that I could not. I was asked to choose  
4 between a bullet and pork. This meant I had to eat pork like the  
5 other people." End of quote.

6 Your Honours, I now want to turn to some documents, evidence of  
7 mass killings of the Cham by the Khmer Rouge. In particular, one  
8 of the issues that has arisen in this trial segment is whether  
9 killings were limited to Cham people who were so-called "bad  
10 elements" or whether executions were of entire Cham families and  
11 communities. And I will present some evidence on this from  
12 various regions, starting with the specific districts that are  
13 the subject of the genocide charges.

14 Krouch Chhmar district, part of Sector 21 of the East Zone, and  
15 in Ysa Osman's book, "The Cham Rebellion", there are additional  
16 interviews of at least three other witnesses regarding the Trea  
17 village killings that corroborate the testimony you have heard in  
18 Court from No Sates and Ahmad Sofiyah.

19 You'll find those at Khmer, 00904387 through 393; English,  
20 00219198 through 202; and French, I believe, only for the third  
21 individual, at 00943983.

22 [10.41.28]

23 Each of these people, women, talk about being taken into custody  
24 by district chief Hor (phonetic) and being asked whether they  
25 were Cham and, those who indicated they were Cham, being taken

1 away.

2 Ben Kiernan also had some research relating to killings of entire  
3 Cham families in Sector 24 of the East Zone which began when the  
4 Southwest Zone cadres took over that region. And these references  
5 from E3/1593 are at Khmer, 00637785 through 86; English, 01150143  
6 through 44; French, 00639045 through 46. Kiernan writes -- quote:  
7 "Region 24 came under the firm control of Mok's Southwest Zone  
8 forces, whom Ismael contrasts with So Phim."

9 And he's -- quotes here from an interview of Haji Ismael:  
10 [10.42.54]

11 "So Phim was not responsible for much persecution or killing. Pol  
12 Pot and the Southwest Zone were killers."

13 He then continues to reference an ethnic Chinese from Region 24  
14 who recalls Chams living near his village until the Southwest  
15 take over, and stated:

16 "They were killed in 1977, a family of eight people. I saw it.

17 The Khmer Rouge said the Cham were not of Khmer nationality, they  
18 were an enemy nationality because they had rebelled in 1975."

19 In regards to Kang Meas district, which was part of Sector 41 of  
20 the Central Zone -- and this Chamber, of course, has heard  
21 testimony of mass executions of all the Cham from Peam Chi Kang  
22 and Angkor Ban communes at the Wat Au Trakuon pagoda.

23 Here are a few additional references corroborating that testimony  
24 and, in particular, relevant to the issue showing that entire  
25 Cham families were arrested and killed, not merely individuals

1 who were bad elements.

2 E3/9654 is the OCIJ statement of another member of the Long Sword  
3 militia group in Kang Meas district. At answers 12 to answer 13,  
4 this former militiaman contrasted arrests of New and Base People  
5 who he testified were arrested "when they committed wrongdoing or  
6 stole".

7 [10.44.50]

8 He contrasts that to arrests of Cham, which he described as  
9 follows -- quote:

10 "The arrests of ethnic Cham people were a little bit different.  
11 All the people in each family were arrested at the same time and,  
12 immediately, they were sent to Wat Au Trakuon."

13 E3/9671 is the statement of a person who was detained at Wat Au  
14 Trakuon. At answer 13, this individual describes how, on the day  
15 he was taken to Wat Au Trakuon, he saw 20 prisoners who were  
16 ethnic Cham being taken to be killed -- quote:

17 "Those prisoners were both male and female, including children,  
18 who were all ethnic Cham." End of quote.

19 E3/9661, 9661, is a statement from a Base person in Peam Chi Kang  
20 who witnessed a group of over 500 Cham men, women and children  
21 being taken to Wat Au Trakuon who were brought by boat, a boat he  
22 describes as like a large ferry. And the same witness also  
23 describes how, on another occasion, he was ordered himself by the  
24 cooperative deputy chief to transport to Wat Au Trakuon a Cham  
25 family, including the parents and a 10 year-old child. This is

1 all in answer 9 of that statement.

2 [10.46.45]

3 Ben Kiernan, Your Honours, provides us with some research as to  
4 the number of Cham who were killed in Kang Meas district, E3/1593  
5 at Khmer, 00637789; English, 01150145; and French, 00639049.

6 Kiernan writes -- quote:

7 "One Muslim leader says Chams died in the largest numbers in six  
8 or seven sub-districts along the Mekong's north bank in Kampong  
9 Cham. Not a family survived, only one or two people. In 1940, the  
10 380 Cham households in three riverside villages of Kang Meas  
11 district had supported two Muslim schools, with 50 students each.  
12 Normal population growth would have brought these communities to  
13 a total of about 1,200 families by 1975."

14 [10.48.06]

15 Kampong Siem district, Your Honours, was adjacent to Kang Meas  
16 district on the north side of the Mekong River, also part of  
17 Sector 41 of the Central Zone.

18 I made some references during a testimony of a witness from this  
19 district to some materials from the Cham rebellion and "Oukoubah"  
20 about the numbers of Cham in that area, that there were  
21 thousands, many thousands of Cham who were killed to Ysa Osman's  
22 research where he found in his list of 10 Cham villages where the  
23 population entirely disappeared, five of those 10 were from  
24 Kampong Siem.

25 Let me give you a few more references to statements from people



1 from Kampong Siem district, again, who witnessed mass arrests of  
2 entire Cham families in 1977 to '78, not merely individuals who  
3 were bad elements.

4 [10.49.22]

5 E319/33.3.4, the document Your Honours just admitted, is an  
6 individual from Krala commune in Kampong Siem who describes how  
7 100 Cham families were taken away from his village by ox cart in  
8 April 1978. That's at answer 26.

9 And at answers 30 to 31, he gave the following evidence about  
10 what took place after that:

11 Question: "Was there any meeting or announcement after they took  
12 the Cham away?"

13 Answer: "Yes. There was a big meeting attended by the children's  
14 unit, mobile unit and the Base People."

15 I'm going to leave out the names of the people here and just  
16 indicate he refers to the district secretary as saying at this  
17 meeting: "The Cham are the enemy of Angkar because they plan to  
18 rebel, so Angkar has to smash them. If any Cham remain, this must  
19 be reported so they can be swept clean because this is the plan  
20 of upper echelon."

21 The district chief continued: "Any Base person hiding a Cham will  
22 also be considered an enemy."

23 Question: "Did any Cham still live in your village after that?"

24 "No, there were not. No Cham remained." End of quote.

25 [10.51.10]

1 There are a number of other statements from witnesses in this  
2 district confirming that arrests were of entire families.  
3 E3/9657, a witness who talks about the arrests of the hundreds of  
4 Cham ethnics in Trapeang Ruessei village after they were all  
5 brought to a party that was called by the village -- the village  
6 chief. The witness states:  
7 "The next morning, I observed that it was quiet in Trapeang  
8 Ruessei village, and all Cham ethnics, the old and the young,  
9 disappeared. Even a small child named Romas (phonetic), whom I  
10 knew and used to play with, also disappeared."  
11 And the specific reference here, E3/9657 at answer 22.  
12 [10.52.18]  
13 Similar evidence on the same village from -- in document E3/9663.  
14 Another commune in Kampong Siem district, Kaoh Roka, there is a  
15 statement, E3/9651, answers 5 and answers 7 through 8 in which  
16 the witness describes how Cham people were killed after the  
17 Southwest group arrived.  
18 He says there were many Cham in his village. They were all taken  
19 to be killed. "The arrests were made many times from three to  
20 four families at a time until all were gone."  
21 And at E3/9548 is the statement of a cadre who worked at the  
22 Krala commune office. In answer 11 of E3/9548, he states --  
23 quote:  
24 "All the Cham Muslims in Kampong Siem district were arrested and  
25 executed right in the district. No Cham Muslim was spared except

1 for Phea, a person who was defended by the district chief."

2 The same witness, in statement E3/9667, answers 20 through 23,  
3 states:

4 "The Cham were taken to be killed at the same time with the Lon  
5 Nol soldiers and officials. During the dry season in late 1977, I  
6 heard the district chief tell the commune chief--" and again,  
7 here, I've left out the specific names --" to check to see if any  
8 Cham remained or not. In district meetings, they said that the  
9 Cham were from a different religion and were not considered  
10 Khmer, so the Khmer Rouge feared that they would rebel later."  
11 End of quote.

12 [10.54.45]

13 Your Honours, there is extensive research that was conducted by  
14 Ben Kiernan in his book when he goes through each zone providing  
15 evidence of what took place with the Cham. I won't go through  
16 that with you this morning in the interests of time.

17 I will note that there is specific evidence relating to Chamkar  
18 Leu district, the district in which Ban Seak alias Ho, had been  
19 deputy secretary before he was transferred to Krouch Chhmar and  
20 the district in which Ke Pauk's wife, Sou Soeurn, was district  
21 chief.

22 [10.55.30]

23 Some of that was previously referenced, but you'll also find some  
24 detailed accounts in Ben Kiernan's book, E3/1593, at English,  
25 01150146; Khmer, 00637792 through 93; French, 00639051 to 52.

1 And I want to finish, Your Honours, with a statement from the  
2 late Chea Sim who, of course, was a district secretary in the  
3 East Zone during the Democratic Kampuchea regime. He was  
4 interviewed by Ben Kiernan on the 3rd of December 1991.  
5 This is document E3/1568 at Khmer, 00713929 through 930; English,  
6 00651868; French, 00743336; and I quote from Ben Kiernan's  
7 interview:

8 Question: "What did Pol Pot say about the Cham people?"  
9 Answer: "At that time, the Cham people were considered as a  
10 minority among the various nationalities throughout Cambodia,  
11 like other various national groups, and they were all killed  
12 together. Whether the minority groups were Cham or other  
13 minorities, they were killed. The killings began before 1970.  
14 There were more and more after 1970. In 1975, they kept on  
15 increasing more and more. They were progressive."

16 [10.57.55]

17 And there is an issue, Your Honours, about the next and last  
18 sentence in this statement that I want to raise with you. In the  
19 typed transcript that was prepared by court officials, not from  
20 the interview tapes, but from Kiernan's handwritten notes, the  
21 last sentence on this says: "In 1973", this is referring to the  
22 killings of the Cham, "they became [unclear Khmer words]. It  
23 became an offensive."  
24 But if you look at Kiernan's original handwritten notes, and  
25 you'll find that E3/5593 at ERN 00419375, the actual year appears

1 to be 1978, which makes more sense because it follows the  
2 chronological order of the statement. And the Khmer word is  
3 legible.

4 So if you look at the handwritten notes, they read:

5 "In 1978", referring to the killings of the Cham, "they became  
6 (khleng)", the Khmer word. "It became an offensive."

7 [10.59.12]

8 Now, because of this discrepancy, Your Honours, between the  
9 version that was typed from Kiernan's handwritten notes and what  
10 my reading of his notes, I would like to play the corresponding  
11 clip from the audio recording of the interview, Kiernan's  
12 interview of Chea Sim. This is E3/2960R, E3/2960R, at -- from  
13 57.56 to 59.05 of that recording so the Court can hear for itself  
14 the words that were used by Chea Sim.

15 So with your leave, if I may request the audio -- the AV booth to  
16 play this audio clip with the volume as loud -- loud as it can.

17 MR. PRESIDENT:

18 Yes, the Chamber grants your request.

19 [11.00.38]

20 (Audio recording played)

21 "Did Pol Pot speak about the Cham people?"

22 "At that time, the Cham people were considered one of those  
23 ethnicities living in Cambodia.

24 "What about the other minorities?"

25 "They were all killed regardless whether they were the Cham

1 ethnicity or other ethnicities.

2 "Question: Did you know Pol Pot killed those people?

3 "Answer: There were killings before 1970s, and it also continued  
4 in the later part of 1970s. And more killings took place in 1975.  
5 And it became intensified in 1978 since it was a campaign."

6 (End of audio presentation)

7 [11.01.50]

8 MR. LYSAK:

9 Your Honours, I thank you for the time.

10 MR. PRESIDENT:

11 Judge Lavergne, you have the floor.

12 JUDGE LAVERGNE:

13 Yes. For purposes of information, do we have a transcript of this  
14 <interview?> Because we <have just heard a> simultaneous  
15 interpretation, but it would <perhaps be good> to have a written  
16 transcript <to be sure that the translations are fully accurate.>

17 [11.02.34]

18 MR. LYSAK:

19 I think that's actually an excellent idea. What we have -- what  
20 we have on the record are Kiernan's notes that he took during the  
21 interview, and someone has typed those notes. And as you just  
22 heard, the notes tracked fairly closely to the interview, but I  
23 do believe that that would be a good thing. And we will make a  
24 request that the actual interview tapes also be -- someone listen  
25 to them and create a transcript from -- from the audio tapes as

1 well, since I think the existing record is -- comes from Kiernan  
2 -- Kiernan's notes.

3 So we will -- we'll be happy to make that request, Judge  
4 Lavergne.

5 Thank you for the time, and I'm going to turn the floor now to my  
6 colleague, Mr. Smith, to talk about the Vietnamese.

7 MR. PRESIDENT:

8 Yes. And the Deputy Co-Prosecutor, Mr. William Smith, you have  
9 the floor.

10 [11.03.48]

11 MR. SMITH:

12 Good morning, Mr. President. Good morning, Your Honours. Good  
13 morning, counsel.

14 Your Honours, I'll be presenting some documents in relation to  
15 the targeting of the Vietnamese.

16 There are many documents on the case file in relation to the  
17 targeting of the Vietnamese, so in a short period of time, of  
18 course, we can't bring out all of those documents. But to  
19 highlight some of them, I've selected -- we have selected about  
20 30 documents.

21 And the documents will concentrate on the contemporaneous  
22 documents from the Communist Party of Kampuchea and also on some  
23 expert opinions that have researched this issue.

24 [11.04.40]

25 There are many, many written records of interview and complaints,

1 civil party applications on the case file, in relation to  
2 evidence of policy by the implementation of killings around the  
3 country of Vietnamese. I will not discuss those documents because  
4 of the time that we have, but I would prefer to concentrate on  
5 the contemporaneous documents.

6 As an overarching idea, we submit that the documents being  
7 presented today all go towards proving aspects of the genocide  
8 charge against the Vietnamese, the crimes against humanity charge  
9 against the Vietnamese and, also, grave -- grave breaches of the  
10 Geneva Conventions in relation to Vietnamese taken to S-21 and Au  
11 Kanseng.

12 So with that, Your Honours, I'll move into the first document.

13 And I'll aim to go in a chronological order in terms of the  
14 incidents that occurred during the period.

15 And the first document I'll refer to is a document that relates  
16 to an incident in April-May 1975. It's E3/7842, and the ERN is  
17 00387429, that's English; Khmer, 00791383; and French, 00771176.

18 This document relates to an interview given by a former Division  
19 164 soldier who was working on the coastline to the U.S.  
20 Department of Defence, and this occurred on the 7th of June 2005.

21 [11.06.48]

22 And in discussing the incidents and the purges occurring that  
23 year, in 1975, he states at paragraph 6 -- it's headed "Capture  
24 of Other Boats":

25 "After the source was stationed on Poulo Wai Thmei Island in



1 April-May 1975, his unit captured a boat carrying more than 10  
2 Vietnamese refugees, including women and children." On the  
3 eastern side -- sorry. "The source's unit housed and fed the  
4 Vietnamese near a concrete pier on the eastern side of Poulo Wai  
5 Thmei Island for two or three days. After they captured the boat,  
6 the 408th commander contacted Kampong Som for guidance on the  
7 disposition of the refugees.  
8 The High Command in Kampong Som ordered the commander to kill the  
9 refugees. The commander and his deputy carried out the order."  
10 Your Honour, this document goes to assist in proving that  
11 Vietnamese civilians were targeted in 1975, as early as that, for  
12 killing. Also, that orders to kill Vietnamese civilians were  
13 coming from high up in 1975."  
14 [11.08.22]  
15 The next document I'd refer to is E3/759. It's a "Revolutionary  
16 Flag, Issue 4 of April 1976".  
17 And in that document, it includes a speech from the first  
18 anniversary of Democratic Kampuchea, and then it goes on to say,  
19 and I quote, "The second result of national revolution":  
20 "Our people are called the 'Kampuchean people'. However, there  
21 were many foreigners, hundreds of thousands, and one type of  
22 foreigner that was strongly poisonous and dangerous to our  
23 people. These people have what is called a poisonous composition  
24 since they came to wolf us down, came to nibble at us, came to  
25 swallow us, came to confiscate and take away everything, and came

1 to endanger our nation and our people. And they have caused us to  
2 lose much territory in the past. Even recently, before we waged  
3 the war of national liberation, and during that five-year period,  
4 some territory and some locations were 99 per cent foreigner,  
5 meaning 99 per cent of those districts were foreigners. We could  
6 not get inside there. These foreigners came to confiscate and to  
7 swallow.

8 Traitors and exploiting classes inside the country sold land to  
9 foreigners, whole villages, sub-districts, districts, lakes and  
10 swamps, and let them be the complete masters."

11 [11.10.04]

12 It goes on to say:

13 "Within 20 years, these foreigners will certainly have increased  
14 to 10 million persons. It is this state that was swallowing and  
15 wolfing-down our Kampuchean nation and people. This was the  
16 actual state of our country.

17 "However, our revolution in particular on the 17th of April 1975  
18 sorted this issue out cleanly and sorted it out entirely. We  
19 assume that we sorted it out permanently. For thousands of years,  
20 we were unable to resolve this issue, and did not resolve it. The  
21 exploiting classes did not only sort this out, they sold whole  
22 sections of land to these foreigners. Now we have sorted out this  
23 issue."

24 [11.10.57]

25 "Our revolutionary workers and our revolutionary peasants and our

41

1 people, our revolutionary army, sorted this out -- issue out  
2 completely and permanently. The dimensions of this victory are  
3 huge, very profound, very magnificent. Sorting this out was not  
4 easy. However, it was done by going along with the imperialists  
5 and by following proper methods, following our revolutionary  
6 principles.

7 That is the great typhoon of national movement, and the great  
8 typhoon of our democratic revolution swept hundreds of thousands  
9 of these foreigners clean and expelled them from our country, got  
10 them permanently out of our country.

11 This is the great pride and full satisfaction of our entire  
12 people, our entire army and our entire Party."

13 [11.11.55]

14 Your Honours, we submit this document goes to prove the expulsion  
15 of Vietnamese, hundreds of thousands of Vietnamese, from Cambodia  
16 in 1975, and it also, we submit, establishes that these -- this  
17 population -- this Vietnamese population that was expelled were  
18 viewed as non-Kampuchean, as unwanted outsiders, as foreigners  
19 and as enemies.

20 Your Honours, the next document is E3/805. It's dated the 16th of  
21 December 1976, and it's the Division 920 meeting minutes.

22 The meeting was about measures to cope with the Vietnamese, and I  
23 quote at English, 00185237; Khmer, 00052333; and French,

24 00315067. Paragraph 1, quote:

25 "Enemy situations: Internally, there have been no changes since

1 the Organization decided there should be a purge. There was no  
2 guarantee that a regimental cadre named Ol, who had once been in  
3 a Vietnamese unit of organization, lacked a spirit of  
4 responsibility and is in poor health, could serve the unit of the  
5 organization. It was decided to gather in one place almost 100  
6 persons who came out of the Vietnamese units of organization."

7 [11.13.46]

8 It goes on to state the internal situation, and I quote:

9 "Problems inside units of organization. On the matter of those  
10 who used to be with the Vietnamese: do not allow them to  
11 concentrate. They must be split up and sent to and sent to be  
12 carpenters and water jar makers and the like, interspersed with  
13 forces belonging to us whose stance is solid."

14 Your Honours, this document, we submit, assists in proving the  
15 CPK view that anyone associated with the Vietnamese couldn't be  
16 trusted and they had to be monitored and separated and closely  
17 watched.

18 [11.14.42]

19 I now turn to the 19th of April 1977. That's E3/200. And this is  
20 a speech of Khieu Samphan on the second anniversary of Democratic  
21 Kampuchea. And here, he spoke about the great achievements of the  
22 Revolution, and he discussed the enemies of the CPK. At English,  
23 00004165; Khmer, 0029804 to 05; and French, 00612166, I quote:  
24 "Immediately after liberation, when we suffered untold  
25 difficulties as we had just emerged from the devastating U.S.

1 imperialist war, the enemy failed to cause us any serious  
2 trouble. Today, the enemy certainly cannot do us any harm. This  
3 is our firm belief stemming from concrete practical evidence.  
4 However, we must carry on the task of defending our Democratic  
5 Kampuchea, protecting our worker peasant administration, and  
6 preserving the fruits of the Cambodian revolution by resolutely  
7 suppressing all categories of enemies, preventing them from  
8 committing aggression, interference and subversion against us. We  
9 must wipe out the enemy in our capacity as masters of the  
10 situation following the lines of domestic policy, foreign policy  
11 and military policy of our revolutionary organization.  
12 Everything must be done neatly and thoroughly. We must not become  
13 absent-minded, careless or forgetful because of past victories.  
14 On the contrary, we must further steel ourselves, remain alert,  
15 constantly maintain the spirit of revolutionary vigilance and  
16 continue to fight and suppress all stripes of enemies -- enemy at  
17 all times."

18 [11.17.02]

19 Your Honours, we submit this speech was an indicator that the  
20 Communist Party of Kampuchea had a very broad category as to who  
21 was an enemy when Khieu Samphan said that all stripes -- we "must  
22 suppress all stripes of enemies". And we submit this document  
23 goes to support that anyone that was deemed to be an enemy would  
24 be killed.

25 [11.17.37]

1 I'll now refer to April 1977 again, E3/742. And it's the special  
2 issue of the "Revolutionary Flag" at English, 00478495; Khmer,  
3 00062985; and at French, 00499753.

4 Actually, I have to repeat those ERN numbers, Your Honours. It's  
5 a different passage.

6 So English, 00478496; Khmer, 00062986; and French, 00499954  
7 (sic); and I quote the "Revolutionary Flag" in April 1977:  
8 [11.18.38]

9 "As for the enemy that are CIA, KGB and ''Yuon'' agents, the  
10 cheap running dogs of the enemy that are sneakily embedded inside  
11 our revolutionary and our revolutionary ranks, they are in a  
12 state of extreme loss of mastery because their major and  
13 intermediate apparatuses have fundamentally been smashed and the  
14 forces that remain have been fundamentally scattered, like rats  
15 being hit and falling from their nests into the water and being  
16 chased and struck by the people and annihilated.

17 We must continue to strike them and trample them from our  
18 position of absolute advantage and must constantly be on the  
19 offensive against them during 1977 to smash them even more so  
20 they cannot raise their heads. By doing so, we will create the  
21 preconditions for us to attack the enemy even stronger during  
22 1978, and in future years, and we will achieve additional major  
23 victories."

24 [11.19.48]

25 Your Honour, this is evidence of a CPK directed killing campaign

1 against "Yuon" agents and associates within Cambodia.  
2 In this message, the CPK compare "Yuon" agents to vermin, rats.  
3 They dehumanize the Vietnamese in that manner.  
4 I now go to another passage in this magazine, English, 00478500;  
5 Khmer, 00062990 to 91; and French, 00499757 to 58 -- quote:  
6 "Past experience leads us to better understand and more clearly  
7 see that even though the internal and external enemies have been  
8 seriously defeated in the past, they have not forsaken their  
9 strategies of opposing our correct Kampuchea revolution. They,  
10 the CIA part, the KGB part, and the 'Yuon' part, still strive to  
11 struggle free to continue their criminal activities.  
12 "This is a view that we must be constantly clear on in order to  
13 have a high level spirit of revolutionary vigilance to resist and  
14 eradicate the enemy in advance, with constant mastery."  
15 [11.21.27]  
16 And at 00478501, English; Khmer, 00062991; and French, 00499758;  
17 I quote:  
18 "It's imperative to indoctrinate and whip up the masses into a  
19 force to seek out the enemy, assess the enemy, analyze the enemy,  
20 track the enemy, pressure the enemy, capture the enemy, to smash  
21 the enemy, and to make the enemy feel like a rat surrounded by a  
22 crowd of people beating and smashing it."  
23 Your Honours, these passages dehumanize the Vietnamese. They  
24 create hysteria amongst the CPK forces. And it's a recognition  
25 that the Vietnamese are part of the enemy inside of Cambodia.

1 [11.22.34]

2 And at English, 00478502; Khmer, 00062993; and French, 00499759;

3 I quote:

4 "One very important issue that has to be concentrated on is  
5 clearly unmasking again and again the CIA and their agents, the  
6 KGB and their agents, the territory-swallowing 'Yuon' and their  
7 running dogs throughout the whole Party, throughout the whole  
8 army and throughout the people, and attacking and breaking the  
9 enemy politically and preventing them forever from sneaking into  
10 our Party, our army and our people.

11 "And as for the old roots, some of whom still remain after we  
12 have smashed them to bits, it's imperative to whip up the people,  
13 to sweep more of them clean, and make things permanently clean."

14 And the last passage at English, 00458506 (phonetic); Khmer,  
15 00062998; and at French, 00479764; it's headed "Instructions":

16 "Every base area and every unit must organize the study of this  
17 document is imperative to organize its study, primarily  
18 collectively. Then there must be additional study by group or  
19 individually."

20 Your Honour, we submit this document goes to prove that CPK  
21 policy at the highest level was studied at the lowest level in  
22 Cambodia, and what was said was delivered to the rank and file  
23 CPK cadre and assists in showing that the Vietnamese, not only  
24 outside of Cambodia, but in Cambodia, were viewed as enemies.

25 [11.24.40]



1 I now refer to April 1977, and it's E3/18. And it's Khieu  
2 Samphan's book in relation entitled "Recent History and the  
3 Reasons Behind the Decision I Made".  
4 And it's in relation to attacks that occurred in Vietnam by the  
5 CPK forces as of about April 1977. And the purpose is to show  
6 that, at that time, the CPK were aggressively attacking and  
7 killing Vietnamese, regardless that it was outside of Cambodia.  
8 At English, 01103759 to 60; Khmer, 00103849 to 50; and French,  
9 00595446; Khieu Samphan states in his book: "This is how I  
10 learned of the Cambodian attacks on Tinh Bien village in An Giang  
11 province. At the end of April 1977, the Vietnamese responded to  
12 these attacks using A-37 strike aircraft left by the Americans  
13 after the war. These counterattacks were followed by even  
14 bloodier Cambodian incursions at the end of September in  
15 Vietnamese villages in Tây Ninh and Hà T?nh provinces. Of course,  
16 any act of barbarism, from whatever side it comes, is loathsome  
17 and must be strongly condemned and the events recounted are  
18 irrefutable. There is no doubt that the Khmer Rouge made forays  
19 into Vietnamese villages along the border committing appalling  
20 crimes against Vietnamese civilians. When I learned these  
21 medieval-type cruelties, I became quite despondent."

22 [11.26.51]

23 The purpose of that document, Your Honours, is not to establish  
24 that attacks were carried out in Vietnam for its own sake, but to  
25 show the intent of the CPK to carry out crimes against Vietnamese

1 civilians as opposed to Vietnamese combatants.  
2 And in support of this incident or the way Khieu Samphan  
3 recounted the incident, I refer Your Honours to E3/7338 and it  
4 relates to this April 1977 incident and it's from the Stephen  
5 Morris book, "Why Vietnam Invaded Cambodia" and it's at English,  
6 01001765. There's no Khmer or no French translation, but we will  
7 ask for that to be obtained shortly.  
8 [11.27.53]  
9 Now, if I just quote this passage from Steven Morris:  
10 "In April 1977, on the occasion of the second anniversary of the  
11 liberation of Phnom Penh, the government and  
12 government-controlled media in Hanoi offered congratulations and  
13 praise for the Democratic Kampuchean regime. In its public  
14 gestures, the Vietnamese government showed no signs of tension or  
15 animosity towards its neighbour. Nhan Dan published a glowing  
16 account of a Vietnamese woman's delegation that had recently  
17 returned from Cambodia. It stated: 'The Cambodian people were  
18 enthusiastically embarking on irrigation work, women are  
19 vigorously surging forward and joining men to become owners of  
20 the country and Vietnamese party and state leaders sent a message  
21 congratulating their counterparts on the anniversary of their  
22 victory, but this goodwill gesture reaped no beneficial  
23 consequences for Vietnam."  
24 [11.28.59]  
25 "The Khmer Rouge deliberately chose the second anniversary of the

1 Vietnamese communist conquest of South Vietnam to leave a truly  
2 blood calling card. On April the 30th, 1977, Khmer Rouge units  
3 attacked several villages and towns in An Giang and Chau Doc  
4 provinces of Southern Vietnam burning houses and killing hundreds  
5 of civilians. The Vietnamese leaders were shocked by this  
6 unprovoked attack and could not understand any strategic  
7 rationale behind it. Nevertheless, they decided upon military  
8 retaliation. According to the deputy commander of Vietnam's Tay  
9 Ninh province, during April and May 1977, the Khmer Rouge forces  
10 had carried out systematic attacks upon Vietnamese border  
11 villages making it impossible for Vietnamese peasants to work  
12 there."

13 [11.30.03]

14 "The Vietnamese side claimed that it then offered to settle the  
15 border question peacefully with the Khmer Rouge, but the offer  
16 was refused. According to the Vietnamese, the Khmer Rouge then  
17 concentrated up to two divisions on the border adjacent to Tay  
18 Ninh and in the middle of May, those forces undertook massive  
19 attacks upon Vietnamese territory."

20 Your Honour, the purpose of that document is to support the  
21 proposition or the fact that in April 1977, massive attacks were  
22 carried out by the CPK against civilians in Vietnam showing that  
23 Vietnamese civilians, despite the fact that they're outside of  
24 the country, were viewed to be enemies of the CPK.

25 Your Honour, if I can refer now to a record from the Tram Kak --

1 Tram Kak district and this is a record still in April 1977 on the  
2 26th and it's E3/2435 and it's an instruction or request from the  
3 Angk Ta Saom commune chief to the Tram Kak district office and  
4 it's at English, 00322141; Khmer, 00271001 to 02; and French,  
5 00612225.

6 [11.31.43]

7 And it's headed, "Letter of Request for Opinion" addressed to the  
8 respected and beloved district Angkar organization and I quote:  
9 "Concerning the registration and the list of the Kampuchea Krom  
10 people, I would like to know as follows: There are husbands  
11 living in our Cambodian country who got married to wives from  
12 'Yuon' country, Vietnam, but some others are 'Yuon' Vietnamese  
13 husbands who got married to our Cambodian wives. Now after we  
14 registered them in the list, they always come and request for  
15 authorization to go to Vietnam. If the Angkar allowed them, then  
16 they would go. If all of them were 'Yuon', we would send one of  
17 the families to the Angkar organization. If it was like this,  
18 what would the Angkar decide then? Please inform us."

19 Your Honours, this is relevant to show that the Vietnamese  
20 civilians in Cambodia were targeted because of their race and  
21 it's also assists in showing that pure Vietnamese families were  
22 targeted for killing.

23 [11.33.10]

24 Your Honour, it's 11.30 now; I can continue or perhaps come back  
25 after lunch.

51

1 MR. PRESIDENT:

2 Thank you, Deputy Co-Prosecutor.

3 It is now convenient for our lunch break. We take a break now and  
4 resume at 1.30 this afternoon.

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

8 The Court is now in recess.

9 (Court recesses from 1133H to 1333H)

10 MR. PRESIDENT:

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

12 Before the Chamber gives the floor to the Co-Prosecutors, I would  
13 like to be informed of the time needed by the Co-Prosecutors and  
14 the <Civil Party Lead Co-Lawyers>, so could you brief the Chamber  
15 of how much more time you two need?

16 [13.34.14]

17 MR. SMITH:

18 Good afternoon, Mr. President, Your Honours. The Prosecution  
19 would be requesting another 45 minutes, if possible. The next  
20 session will finish with the documents in relation to the  
21 targeting of the Vietnamese, then we would like to, if we were  
22 able, to present 45 minutes on Lon -- the targeting of Lon Nol  
23 soldiers and officials. And what we would ask, if that was  
24 possible, that the civil parties would continue from three until  
25 four and then we present 45 minutes tomorrow.

52

1 If not, what we thought we may do was put forward the references  
2 in a Rule 92 submission but, preferably, we would like to present  
3 some of those documents for 45 minutes tomorrow. Thank you.

4 MR. PRESIDENT:

5 What about <the> Lead Co-Lawyers for civil <parties>?

6 [13.35.38]

7 MR. PICH ANG:

8 <Mr. President and Your Honours, as> the <Co-Prosecutors> stated,  
9 <the Lead Co-Lawyers> for civil parties will need one hour from 3  
10 to 4 p.m.<>

11 MR. PRESIDENT:

12 So now, you two can proceed, Co-Prosecutors and Lead Co-Lawyers.

13 [13.36.03]

14 MR. SMITH:

15 Thank you, Mr. President, Your Honours.

16 Your Honours, we left off on the 26th of April 1977; I'd now like  
17 to move to the 15th of June 1977 and it's a document E3/240. It's  
18 a telegram from the Northeast Zone -- from the Northeast Zone  
19 secretary to the Party Centre and if I can quote at EN - English,  
20 ERN 00897667 to 68; Khmer, 00001266 to 67; and French, 00282550  
21 to 51.

22 And if I can just briefly read the report, the Northeast Zone  
23 secretary states that: "At 9 a.m., on the 14th of June, the  
24 Production Unit 801 stationed at 107, while patrolling arrested  
25 209 Vietnamese soldiers, including 9 females in the vicinity of 0

1 Laak, four kilometres south of Road No. 9. Almost all of them are  
2 of Jarai ethnicity who speak Khmer with an ethnic accent, and  
3 they have already been kept in [our] custody."

4 They go on to -- the report goes on to state that "Based on our  
5 examination, they're enemies from outside who had intended to  
6 come to burrow in our territory but failed and were forced to  
7 change their whereabouts."

8 [13.37.56]

9 Your Honours, the Northeast Zone secretary did not believe them  
10 and at the end of the document, they said, "Angkar's comments are  
11 requested." And this document was copied to Pol Pot, Nuon Chea,  
12 and others and to the Office of Documentation.

13 Your Honours, on the case file, there is evidence -- and the  
14 witnesses will be coming shortly -- and certainly in paragraph  
15 804 of the Indictment, it states that these Vietnamese troops  
16 were executed.

17 The relevance of that document, Your Honours, is that there was a  
18 policy in place to kill combatants or civilians of Vietnamese --  
19 of Vietnamese race.

20 The next document, Your Honour, I would like to refer to is a  
21 Tram Kak record; it's of the 4th of August 1977 and it's E3/4112  
22 and it's a report from the district and the chief of Kbal Pou  
23 village reporting on a certain person named Hiek, H-I-E-K, and in  
24 short, the report says that he was lazy; goes on to explain how  
25 lazy he was and he was -- he was sick and hadn't eaten well, but

1 it goes on to say that it's -- it is to confirm that this name  
2 Hiek is a half-breed Vietnamese and this is at 00322154 in the  
3 English; Khmer, 00270987 to 88; and French, 00623850.

4 [13.40.07]

5 Your Honours, it is submitted that this report, identifying that  
6 Hiek was a half-breed Vietnamese, is evidence of targeting of  
7 Vietnamese civilians in the Tram Kak district.

8 If I can move to the 6th of September '77, the same E3 number  
9 /2447 at English, 00355474; Khmer, 00270733 to 34; and French,  
10 00632162; it's a similar report where it states that a Hy Di, a  
11 youth in Leay Bour commune, a student, said that at present he  
12 does not want to be alive. It would be better to die.

13 [13.41.05]

14 The report goes on to explain that he complained a lot about not  
15 having enough food, etc., and then it further states at the end  
16 of the report: "P.S. This person is a 'Yuong'."

17 And then it's further stated in the report that Comrade Kit, on  
18 the 6th of September 1977 stated: "Request that a thorough  
19 interrogation be conducted because this person is an organized  
20 string of the CIA."

21 We would submit again, Your Honours, that this is evidence of a  
22 policy to target Vietnamese civilians in the Tram Kak district.

23 And further, at E3/2050, and this is now on the 17th of September  
24 1977 in Tram Kak, and I refer to English, 00276576 to 77; Khmer,  
25 00079111; and French, 00858042; this report is dated on the 17th



1 of September '77; it's being sent to Angkar and the district and  
2 it relates to the arrest of three women.  
3 And it talks about the women having conflicts because they refuse  
4 to do their labour work and they wouldn't basically do enough  
5 work, but when it lists the three women, the first woman, Neang  
6 Oeu, is listed as ethnic "Yuong", wife of a district chief; Angkar  
7 has already smashed the husband. And the Prosecution is  
8 submitting, Your Honours, that this indicates that -- again, that  
9 Vietnamese civilians are being targeted and arrested because of  
10 their -- because of their race.

11 [13.43.25]

12 I'd like -- now like to turn to the 1st of January 1978, and this  
13 is E3/248 and it's at ERN Number English, 00324809; and Khmer,  
14 00021054; and French, 00631446; and this is a report from Sao  
15 Sarun to Office 870 and he reports on the security situation at  
16 the border and he states:

17 "To: Respected and beloved Brothers of M-870:

18 "We would like to report nine 'Yuong' people fleeing from their  
19 country. According to their interrogations, they said the 'Yuong'  
20 had assigned them to come to spy inside Kampuchea and live with  
21 the Kampuchean people in order to grasp the Kampuchean people."

22 And then it states, "Now we have swept them away."

23 Your Honour, we would submit that this, again, shows that  
24 Vietnamese, either combatants or spies or civilians, were  
25 targeted by the CPK and at the very least, were not given the

1 protections under the Geneva Conventions for prisoners of war if,  
2 in fact, they were so, but they were killed.

3 [13.45.06]

4 Your Honour, I'd now like to turn to a document E374 -- /741 and  
5 it's instructions of Office 870 and it's dated the 3rd of January  
6 1978 and it relates to instructions to the RAK, the zones, the  
7 sectors, the districts, the co-operatives regarding the  
8 methodology to attack Vietnam enemies and spies. And if I refer  
9 to the second paragraph -- or the first paragraph, perhaps, if I  
10 give the ERN Number; English, 00296006 to 07; Khmer, 00284428 to  
11 82; in French, 00611867 to 68; and at paragraph, it states -- I  
12 quote:

13 "To sum in one word, it's imperative to be absolute in politics,  
14 ideology, and organization to eliminate the pacifist agents,  
15 espionage activities, and psychological warfare of the enemy. The  
16 levels of the Party, zones, sectors, and the battlefield command  
17 committees, Party committees, offices, and ministries must raise  
18 clear measures and closely co-operate."

19 [13.46.51]

20 It then goes on to state: "It's imperative to constantly do  
21 political, ideological, and organizational work among our people  
22 to always make them warm by solving living conditions and  
23 shelter. It's imperative to have firm base cadres present  
24 constantly to constantly stir up national and class anger among  
25 the people towards the 'Yuon' enemy invader in order to turn such

1 anger into material anger and carry out other activities."  
2 Your Honour, it's submitted that this document assists in proving  
3 that Vietnamese within Cambodia were the target of violence and  
4 the document creates an -- a climate -- a high-level climate of  
5 paranoia and distrust towards Vietnamese, non-combatants and  
6 combatants alike.

7 [13.48.06]

8 Your Honour, I'd now turn to the 16th of January 1978 and it's  
9 E3/4127 and it relates to a Tram Kak district record at English,  
10 00362232; Khmer, 00270809; and French, 00632507; and it's a  
11 report from Trapeang Thum Tboung from Chhom and he sends this  
12 report to Comrade An to be notified of the activities of the  
13 enemy who was sent by me as follows. And he refers to this person  
14 called Nam, and basically the report explains that he was  
15 complaining about carrying on with the Revolution.

16 And at the fourth paragraph states: "This contemptible Nam is a  
17 pure 'Yuon'." And he's asking his brother to acknowledge the  
18 information; that's the person that wrote the report.

19 Again, Your Honours, we would say that this is further evidence  
20 that civilians were targeted because they were of "Yuon" -- of  
21 Vietnamese race.

22 [13.49.34]

23 I'd now like to turn to the 29th of January 1978, E3/1249 and ERN  
24 number 00008894 to 95, English; and Khmer, 00224832; and French,  
25 00292683. And, Your Honours, this is a FBIS report; it's a BBC

1 media report from the Phnom Penh Home Service Radio, and it's  
2 dated the 29th of January and this is a report that relates to a  
3 broadcast confession obtained from a captured Vietnamese soldier.  
4 And the confession basically explains what the goals of the  
5 Vietnamese -- the Vietnamese army were.  
6 And we submit that this document assists in showing that captured  
7 Vietnamese military -- tortured confessions were used as  
8 propaganda to be publicized on the radio in order to incite the  
9 population to direct their actions towards destruction of the  
10 Vietnamese, whether combatants or civilians.

11 [13.51.16]

12 Your Honours, there were many of these broadcasted confessions on  
13 the Phnom Penh radio and if we look at E3/9423, this, Your  
14 Honours, is a prisoner list and it's called "Annex 27: The  
15 Vietnamese Prisoners Entering S-21" and it's a list of 345  
16 prisoners that were recorded on the master S-21 prisoner list,  
17 E3/342. And this list was extracted from the larger list to show,  
18 at least from the records, how many Vietnamese prisoners were  
19 taken to S-21.

20 Of those 345, 19 on this list of 345 from S-21, had their  
21 confessions broadcasted on Phnom Penh radio. I won't give you the  
22 numbers now; we'll file them with the Court, but it goes to show  
23 that Vietnamese prisoners, who were questioned under torture,  
24 were used as propaganda to incite the Cambodian population and  
25 forces against the Vietnamese.

1 You'll see from that list, Your Honours, that the prisoners  
2 ranged from being -- from arriving at S-21 from as early as 1976,  
3 and many from 1976, and the vast majority of them are not listed  
4 as regular Vietnamese soldiers, but they're listed as spies and  
5 they're listed as spies from different parts of Cambodia;  
6 particularly, on the Eastern border.

7 And so we would submit that this document assists in proving that  
8 Vietnamese combatants and non-combatants were arrested and taken  
9 to S-21 and executed without being given, at the very minimum,  
10 the protections under the -- under the Geneva Conventions.

11 [13.53.47]

12 I would now move to the 14th of February 1978; it's E3/9375, and  
13 this describes the -- it's a military telegram and it's copied to  
14 Nuon Chea and it describes the deployment of Vietnamese forces  
15 and it also reports on the arrest of two Vietnamese and their  
16 transfer to S-21 and Pol Pot and Nuon Chea are copied to that.

17 And that's at English, 01185439; and Khmer, 00020949; and French  
18 00329533.

19 And we submit this assists in proving that the policy of killing  
20 Vietnamese combatants or civilians.

21 I'll now move to January-February 1978, E3/726; this is a  
22 "Revolutionary Youth" magazine and in brief, it -- its -- it  
23 talks about the enemy situation. But particularly, at English,  
24 00278717; and Khmer, 00063495; and French, 00524420 to 21; it  
25 states: "It's imperative to always see the life-and-death

1 contradictions with every type of external enemy; in particular,  
2 the aggressive, expansionist, territory-swallowing 'Yuon' enemy  
3 and their clique."

4 [13.55.38]

5 And we would submit the terms used, every type of external enemy  
6 and the "Yuon" enemy and their clique, is a direction to the  
7 troops to -- to kill -- a direction, sorry, to kill, not only  
8 Vietnamese combatants, but Vietnamese civilians.

9 I would now turn to the 1st of April 1978 and it's E3/928 and  
10 it's a report from the Division 164 commander, Meas Muth, on the  
11 1st of April 1978. It's copied to Pol Pot, Nuon Chea, Ieng Sary,  
12 and the documentation. And at English, 00183357; Khmer, 00017026;  
13 and French, 00611668; it states that: "On the 1st of April 1978,  
14 in sum, the number of 'Yuon' who've been captured and shot to  
15 death from the 27th of March 1978 through 30th of March 1978 is  
16 120."

17 And we would submit, again, this is evidence of the intention of  
18 CPK leadership to kill combatants and non-combat -- Vietnamese  
19 combatants and non-combatants, as they were captured and then  
20 shot to death.

21 [13.57.30]

22 And then, Your Honours, I would like to turn to the 15th of April  
23 1978; this is E3/562, and it's a statement from Khieu Samphan.  
24 It's a report from the Phnom Penh home service and it's headed  
25 "Phnom Penh Rally Marks the 17th April Anniversary". This is the

1 third anniversary of Democratic Kampuchea. And Khieu Samphan  
2 states -- gives this speech at a meeting of 20,000 people and it  
3 covers a number of topics and including, of course, the defence  
4 of Cambodia.

5 And if I can just take Your Honours to a few quotes at English,  
6 S00010559 to 60; French, 00280375; I believe at this stage, for  
7 this section, there's no Khmer translation. Khieu Samphan states:  
8 I should -- quote:

9 "You should strive wholeheartedly to fulfill all the tasks the  
10 Party has assigned each of us in contribution to the daily  
11 activities so as to completely and forever eliminate the  
12 aggressive enemies of all stripes; particularly, the  
13 expansionist, annexationist Vietnamese aggressors from our  
14 Cambodian soil."

15 [13.59.10]

16 And following from that, certain resolutions were adopted at that  
17 meeting and in English, it's 00010563; Khmer, 00249989; and  
18 French, 00280380; and it states:

19 "In the field of national defence: to expel resolutely from  
20 Cambodia territory and destroy forever all the expansionist,  
21 annexationist Vietnamese aggressors; and 5), to exterminate  
22 resolutely all agents of the expansionist annexationist  
23 Vietnamese aggressors from our units and from Cambodian territory  
24 forever."

25 We submit, Your Honours, that that is evidence of intent,

1 obviously, to kill combatants and non-combatants alike by the use  
2 of terms -- Vietnamese combatants and non-combatants alike by the  
3 use of terms "enemies of all stripes and all agents of the  
4 Vietnamese."

5 [14.00.28]

6 Your Honours, I would refer now to the April 1978, the same  
7 month, "Revolutionary Flag", E3/4604 and this is a published  
8 speech of Pol Pot at the same anniversary. And he states at  
9 English, 00519836; and Khmer, 00064717; and French, 00520348:  
10 "Originally, did the 'Yuon' ever fight us and win? The 'Yuon'  
11 have wanted to make Kampuchea their subject since 1930. In 1970,  
12 could they take Kampuchea? Could they not take it? In 1975, were  
13 they able to take Kampuchea? They could not. And now, how about  
14 the 'Yuon'? There are no 'Yuon' in Kampuchean territory.  
15 Formerly, there were nearly 1 million of them; now, there is not  
16 one seed of them to be found. So then our view is: Do not give up  
17 in advance; look at the history. Can the 'Yuon' swallow up  
18 Kampuchea or not? They cannot."

19 [14.01.47]

20 The relevance of that passage, Your Honours, we would submit, is  
21 that certainly by April 1978, (inaudible) admission by Pol Pot  
22 that there were no Vietnamese left in Cambodia.

23 In this speech, Pol Pot goes on to address, at English, 00519838  
24 to 39; Khmer, 00064720; and French, 00520351; the issue of the  
25 principle of Cambodians killing -- individually killing 30



1 Vietnamese each and I quote:

2 "The Party has determined to keep on attacking them until they  
3 accept the sea border and the air border too. We must keep on  
4 fighting one against 30 for them to recognize this, recognize it  
5 on paper and recognize it on the world stage that they dare not  
6 approach our borders again."

7 And then, Your Honours, the speech goes on to talk about how  
8 there were 50 million residents in Vietnam and only 8 million in  
9 Cambodia and how is it that Cambodia's troops could overtake the  
10 Vietnamese. I won't read that discussion out, Your Honours, but I  
11 would ask you to look at it and if you can -- the Prosecution's  
12 position is that the numbers of the population viewed to be  
13 possible members of the fighting force are considered to be  
14 civilians, certainly from the point of view of Pol Pot.

15 [14.03.52]

16 We would -- we would submit this is relevant in showing that this  
17 type of speech created a climate of hate against the Vietnamese  
18 amongst the Cambodian troops and also civilian authorities and  
19 helped provide an atmosphere in which non-combatant Vietnamese  
20 were killed as well as combatant Vietnamese, once captured, not  
21 being given the protection of the Geneva Conventions.

22 If Your Honours now turn to E3/833, it's a notebook from S-21  
23 from a senior interrogator called Mam Nai and in that notebook at  
24 English, 00184607; and Khmer, 00077894; it appears, at this  
25 stage, no French is available, that on the 6th of January 1978,

1 Chan writes:

2 "We went and beat the 'Yuon' thoroughly. The targets of the  
3 'Yuon' attack were the front of the 3rd Division of the East  
4 Zone. More than 150 regiments.

5 "That we say was a victory over the 'Yuon' -

6 "We attacked inside 'Yuon' territory and achieved the principle  
7 of 1 to 30."

8 Again, this is a demonstration that what is said by the senior  
9 leaders of the CPK is absolutely taken note of and put into  
10 practice.

11 [14.05.39]

12 And then further at English, 00184616; and Khmer, 00077952; and  
13 there is no French available at this stage; it states that, " On  
14 the 25th of July 1978 the instructions are to find the 'Yuon'. We  
15 find them scattered everywhere. We know there are hidden 'Yuon'  
16 in the East, in the Northwest, in Phnom Penh which we have not  
17 found. But they do in fact exist."

18 He goes on, "We must eliminate the view that designates that it  
19 is not necessary for us to look for this.

20 "Requirements: strive to find them (1);

21 "Must be correct and thorough (2)."

22 So, certainly as of July 1978, we submit that this notation is  
23 relevant to showing that Vietnamese in Cambodia away from the  
24 border dispute were sort of -- people were instructed to find  
25 them, seek them out and to target them as the Vietnamese

1 civilians which would include them.

2 [14.07.04]

3 And then I go to the 17th of May 1978 at E3/863 and this is a  
4 report from Ros Nhim to Office 870 and it describes the Thai  
5 border situation, food shortages, etc., And then he raises the  
6 question about mixed marriages. This is at English, 00321962;  
7 Khmer, 0076287; and French, 00623409. And he states:

8 "The meeting raised the question about how to decide on the  
9 elements of soldiers [from the previous regime] and the 'Yuons'  
10 with Khmer spouses and the half-breed [Khmer-Yuon]. Regarding  
11 this issue, the meeting would like to ask Angkar 870 what to do  
12 with them. Whatever Angkar decides, please give instructions.  
13 Generally speaking, these groups are scared of the situation and  
14 worried about their fate. There is not yet any sign of opposing  
15 activities. If any of them makes some suspicious activities, we  
16 would decide not to take them out. I know it's difficult to do  
17 that. The important thing is that we must be able to grasp them  
18 continuously. If they show any suspicions we must be able to  
19 master them straightaway." And then he said, "That is it my brief  
20 report".

21 This assists in showing that Vietnamese civilians were certainly  
22 the subject and the target of discrimination and consequently  
23 helped prove the policy of their targeting of the Vietnamese.

24 [14.09.12]

25 Your Honour, I would now like to turn to a report on the 4th of

1 August 1978. It's E3/1094. This is a monthly report from the West  
2 Zone and it states at English, 00315374 to 75; Khmer, 00143604;  
3 and in French, 00593530, and I quote:  
4 "It's about the screening of the 'Yuon' element, CIA agents, and  
5 not the good elements:  
6 "1. Smashed 100 ethnic 'Yuons' including small and big, adults  
7 and children; and smashed 60 persons who had been from the  
8 ranking group as well as the CIA."  
9 And then it goes on, "There must be a measure for three 'Yuon'  
10 combatants."  
11 We would submit, Your Honours, this is clear evidence of policy  
12 to kill Vietnamese combatants and civilians.  
13 [14.10.26  
14 So I now just turn to the 2nd of January 1979 and this is  
15 E3/8404. This is a statement of the Government of Democratic  
16 Kampuchea. It is at English, 00419728; Khmer, 00716183; and  
17 French, 00017542; and I quote:  
18 "However, the just struggle of the Kampuchean nation and people  
19 to defend their independence, sovereignty and territory and  
20 integrity of the country and to defend the principles of  
21 non-alignment, peace and stability in the southeast Asia, in Asia  
22 and in the world will surely win final victory over Vietnam, the  
23 Soviet international expansionists and the Warsaw Pact which are  
24 arch criminals. Because our struggle is just, because we carry  
25 out a protected peoples war, because the whole Kampuchea people

1 are against Vietnam which is our hereditary enemy because we have  
2 more and more friends far or near to give us aid and support of  
3 all kinds."

4 We submit this supports the issue that Vietnamese were targeted  
5 because of race, rather than simply because they were -- some of  
6 them were combatants.

7 [14.12.03]

8 Your Honours, I would now like to turn to briefly two of the  
9 expert reports. The report of the 3rd of June 2010 of Elizabeth  
10 Do, this is E3/4524. This is a study on the treatment of the  
11 Vietnamese minority in Democratic Kampuchea from a comparative  
12 perspective. This woman is from Stanford University. And the aim  
13 of the study was to compare the treatment of ethnic Khmer and  
14 ethnic Vietnamese during the Khmer Rouge period. She compares the  
15 treatment of the Khmers and the Vietnamese in six areas: verbal  
16 abuse, forced uniformity, material deprivation, expulsion,  
17 re-education and detainment and disappearance and extermination.  
18 The study was done over two and a half years with field research  
19 for some part of that time in Cambodia. The sources she used were  
20 CPK documents but largely a review of leading scholars and 48  
21 interviews with Khmer, Vietnamese and Chinese survivors from  
22 across the Eastern Zone of Democratic Kampuchea. So it's focused  
23 on the Eastern Zone and she states that most of her informants  
24 were from Prey Veng and others were from Svay Rieng and Kampong  
25 Chhnang and Kandal province.

1 [14.13.38]

2 Could I ask Your Honours to look at that report but, in  
3 particular, I would like to refer Your Honours to the section  
4 relating to the treatment of the ethnic Vietnamese to that of the  
5 ethnic Khmer in relation to disappearance and extermination  
6 during the DK period.

7 At 00548856 to 59, English; Khmer, 00768961 to 65; and French,  
8 00751016 to 20; she states:

9 "Informants generally referred to 1977 or the middle of the KR  
10 period as the turning point in the Khmer Rouge treatment of the  
11 Vietnamese in the Eastern Zone. Prior to this year, the  
12 Vietnamese have been treated similarly to other people. However,  
13 according to informants starting around 1976 or 1977, the Khmer  
14 Rouge began collecting the Vietnamese in their villages.  
15 Informants said that when Khmer Rouge cadres took the Vietnamese  
16 away they used a variety of different excuses such as  
17 re-education, relocation, work and arrest. People were generally  
18 transported from the village by horse cart and never returned.  
19 Informants who attested to the disappearance of Vietnamese people  
20 in their villages said that by the end of 1977 or 1978 most if  
21 not all of the Vietnamese had disappeared.

22 "Although a few Vietnamese survived -- did survive the Khmer  
23 period, they represent the exception and not the rule. In fact,  
24 the overwhelming majority of informants expressed the personal  
25 opinion that if Khmer Rouge knew someone was Vietnamese he or she

1 would disappear or be killed without question. Of the 27  
2 informants whom I asked whether it was dangerous to be Vietnamese  
3 during the Khmer Rouge period, 92 per cent responded yes."

4 [14.16.06]

5 "When I asked a few ethnic Vietnamese how they survived, they  
6 responded in a variety of ways. They successfully hid their  
7 ethnic identity from the Khmer Rouge in their village, they were  
8 protected by their local village chief or Khmer Rouge leader or,  
9 and in one case, an informant said that the Khmer Rouge did not  
10 care that he was Vietnamese because he was a Base person and a  
11 good worker. It appears that the Khmer Rouge in the Eastern Zone  
12 practised execution and disappearance against both Khmer New  
13 People and Vietnamese people with significant death tolls and  
14 some survivors on both sides."

15 [14.16.51]

16 "Although Khmer New People and Vietnamese people were both  
17 extremely vulnerable to extermination by the Khmer Rouge, there  
18 were some aspects of the Vietnamese experience that differed from  
19 the Khmer experience. Firstly, informants from Pou Chentam noted  
20 a pattern in how the local Khmer Rouge collected Vietnamese  
21 families, all of which consisted of Khmer and Vietnamese spouses.  
22 Informants said they observed the Khmer Rouge collecting the  
23 mother and children of a family if the mother was Vietnamese, but  
24 only the father of the family if the father was Vietnamese."

25 [14.17.40]

1 "Informants observed this pattern in the Khmer Rouge collection  
2 of all four Vietnamese families in Pou Chentam and said that  
3 Khmer Rouge cadres did not make such a distinction when they  
4 collected other people from the village. Informants from other  
5 villages, however, said that the Khmer Rouge in their village  
6 collected only the Vietnamese parent and not his or her children.  
7 And still other informants said that the Khmer Rouge collected  
8 the entire family if they found out that even one member was  
9 Vietnamese. All of these patterns were observed by informants and  
10 never publicly announced as a policy of the Khmer Rouge. The  
11 pattern observed in Pou Chentam village though it raises a  
12 possible distinction between the Khmer and Vietnamese experience,  
13 requires more investigation."

14 [14.18.40]

15 "There is more evidence of difference in the Vietnamese and Khmer  
16 people's experiences in terms of each ethnic group's ability to  
17 evade Khmer Rouge extermination. The Vietnamese in Democratic  
18 Kampuchea had few personal means to evade execution. As was  
19 discussed in the forced uniformity section, some ethnic  
20 Vietnamese possessed obvious physical differences from ethnic  
21 Khmer people such as lighter skin and different accents when  
22 speaking Khmer. Such physical conditions were more difficult to  
23 hide than something intangible such as the New People's class  
24 status or previous employment. Vietnamese people's ethnic  
25 difference, thus, made it more likely that they would be



1 identified by the Khmer Rouge and more easily exterminated."  
2 [14.19.43]  
3 "The degree to which the Khmer Rouge sought to eliminate the  
4 Vietnamese also differed from its campaign against New People.  
5 Khmer Rouge public announcements displaying a willingness to kill  
6 fellow Khmer associated with Vietnam reveals the determination of  
7 the Khmer Rouge to eliminate any remote traces of the Vietnamese  
8 in their country. Informants also asserted that if the Khmer  
9 Rouge found out someone was Vietnamese, he or she would surely be  
10 killed. These examples illustrate how ethnic Khmer (sic) who  
11 remain in Cambodia suffered more of an immediate threat to their  
12 livelihood because the policies enacted towards them did not  
13 tolerate even their mere physical presence. Doung elaborates on  
14 this point by writing that, 'The regime did not give ethnic  
15 Vietnamese the option to relinquish their ethnic identity as a  
16 mechanism for survival.' One Khmer Rouge stated, 'If a person was  
17 ethnic Vietnamese it was certain they wouldn't survive. Once they  
18 were discovered that was it.'  
19 "Lastly, the Khmer Rouge extermination practices exacted  
20 different impacts on the Khmer and Vietnamese population.  
21 Although a few Vietnamese survived, the overwhelming majority of  
22 the population, the remaining Vietnamese died by the end of the  
23 Khmer Rouge period, so much so that some scholars even propose  
24 that the entire population was annihilated."  
25 [14.21.33]

1 "Although Khmer and New People suffered extremely high numbers of  
2 death, the extermination of those groups did not have the same  
3 proportional impact on their populations. Mak writes about how  
4 the organized nature of the Khmer Rouge extermination campaign  
5 against the Vietnamese and the resulting death toll among the  
6 population differentiates the Vietnamese case" -- and I quote:  
7 "'Compared to other groups, the ethnic Vietnamese population was  
8 completely exterminated. It estimated that 100 per cent of the  
9 country's remaining ethnic Vietnamese populations or 10,000 to  
10 20,000 people died between 1975 and '79. In contrast, 40 per cent  
11 of the ethnic Lao, Thai and Cham populations died, obviously a  
12 significant loss but not proportionally comparable.'  
13 Additionally, while the DK also initiated irredentist campaigns  
14 against Thailand and Lao, its aggression against Vietnam was the  
15 most fervent. Numerous documents and decrees on Khmer and  
16 Vietnamese relations illustrate DK's targeted and well-planned  
17 campaign.'  
18 "For these reasons, the Vietnamese and Khmer populations faced  
19 different treatment in terms of extermination and disappearance."  
20 [14.23.09]  
21 Your Honours, I further turn to the author's conclusion at  
22 English, 00548861; Khmer, 00768966 to 69; and French, 0078 --  
23 sorry, 00751021 to 24. She states:  
24 "Differences in the 'Forced Uniformity' and 'Expulsion'  
25 categories were clear: the Vietnamese were forced to shed their

1 language and claim to their ethnic identity, which the New  
2 People, being predominantly Khmer, did not; the Khmer Rouge also  
3 carried out official campaigns to remove the Vietnamese from  
4 Democratic Kampuchea, which it did not do to Khmer or New People.  
5 The nature of the extermination campaigns against the two groups  
6 also differed, as well as the impact that extermination had on  
7 each group's greater population.

8 "In these episodes of disparate treatment, both ethnic and  
9 political factors were at play. As soon as the Khmer Rouge took  
10 power, it publicly announced that there was to be only a Khmer  
11 race and began the regime's pursuit for an ethnically pure  
12 Democratic Kampuchea. Most informants remember hearing Khmer  
13 Rouge leaders in the village meetings and every day conversation  
14 repeatedly call the Vietnamese the historical enemy and refer to  
15 Vietnam's past exploitation and abuse of Khmer people such as the  
16 'Tae Ong' incident."

17 [14.25.02]

18 "Informants also attested to the Khmer Rouge's almost exclusive  
19 use of the word 'Yuong' to refer to the Vietnamese people.  
20 Although the word may not have originated as hate speech the way  
21 in which it was used during the Khmer Rouge period, as evidenced  
22 in the 'Black Paper' loaded the term with at least a  
23 disrespectful tone towards the Vietnamese which was very likely  
24 known to those who employed the term. Such rhetoric provides  
25 evidence of the fact that the Khmer Rouge was quite fixated on

1 promoting ethnic cleansing and invoking ethnic resentment. This  
2 explains the regime's policies and practices of banning the  
3 Vietnamese language and culture and even physically removing  
4 Vietnamese people from the country. Ethnic identity also played a  
5 role in the Khmer Rouge's extermination of the Vietnamese with  
6 some Khmer Rouge carrying out massacres of whole Vietnamese  
7 communities without any signs of provocation aside from race."

8 [14.26.05]

9 "It appears that the regime was also influenced by political  
10 factors such as the antagonism with the VWP and the border war  
11 that resulted from the breakdown in their political relationship.  
12 We see evidence of such political motivations, particularly in  
13 the regime's expulsion and extermination policies. In the context  
14 of the regional war, security became a top priority for the DK  
15 government.

16 In the 'Black Paper' the Khmer Rouge rationalized its purge of  
17 the Vietnamese from the country by writing that, 'Vietnamese  
18 nationals had secretly infiltrated into Kampuchea and were living  
19 in hiding among the population.' Informant responses and  
20 chronological records show that as diplomatic relations between  
21 the two countries worsened, the Khmer Rouge's extermination of  
22 ethnic Vietnamese became more frequent, violent, explicit and  
23 widespread. Informants consistently cited 1977 or around 1977  
24 when the border war began as the year the Khmer Rouge increased  
25 hate speech about the Vietnamese and began collecting the

1 Vietnamese in their villages. This claim is further supported by  
2 several public announcements in 1977 and 1978 inciting violence  
3 against the Vietnamese in order to defend Cambodia."

4 [14.28.04]

5 "These findings indicate that the Vietnamese, at least in the  
6 Eastern Zone of Democratic Kampuchea, were subject to  
7 discriminatory treatment both in terms of the Khmer Rouge policy,  
8 deliberately singling them out and in terms of Khmer Rouge policy  
9 indirectly imposing a different impact on them."

10 So Your Honours, that was the conclusion from Elizabeth Doe's  
11 paper based on 48 informant interviews that she made in Cambodia  
12 in 2008 and 2009.

13 In relation to experts I would ask Your Honours to take note of  
14 E3/2413 and this is the report of the 30th of September 2009. It  
15 is the demographic report of Ewa Tabeau. Dr. Tabeau is a  
16 demographer; as you know and she was tasked by the  
17 Co-Investigating Judges to analyse the death toll which is  
18 otherwise known as the excess mortality rates based on the best  
19 information available during the DK period. She also examined the  
20 demographic evidence to conclude on the death toll excess  
21 mortality of the Vietnamese population living in Cambodia between  
22 1975 and 1978. Sorry, I believe that should be 1979.

23 [14.29.53]

24 And at English, 00385310 to 11; and Khmer, 00499517 to 18; and  
25 French, 00405354; she states in relation to the Vietnamese:

76

1 "The number of Vietnamese in Cambodia was consistently reported  
2 to be 400,000 or more around 1970 by several authors; judging  
3 from their figures on out-migration of the Vietnamese. Of those  
4 400,000, some 200,000 were expelled by Lon Nol in 1970 and  
5 another 150 to 200,000 left Cambodia after the Khmer Rouge took  
6 power in April 1975."

7 [14.30.53]

8 "Many Vietnamese were killed, according to Kiernan, by Lon Nol  
9 and Khmer Rouge forces, such that hardly any of them survived  
10 until January 1979. Kiernan figures that 20,000 Vietnamese are  
11 still living in Cambodia around April 1975 are likely a good  
12 estimate; and so is his estimate that all 20,000 of them died  
13 from the hands of the Khmer Rouge during the years from April  
14 1975 to 1979."

15 Your Honours, if I can briefly turn to Ben Kiernan's book  
16 E3/1593, "The Pol Pot Regime: Race, Power and Genocide in  
17 Cambodia under the Khmer Rouge 1975-1979" first published in  
18 1996, at English, 00678650; and Khmer, 0063 --

19 MR. PRESIDENT:

20 <International> Deputy Co-Prosecutor, <Mr. William Smith,> please  
21 slow <down> and repeat the last document number and the related  
22 ERNs <for the interpreters>. Thank you.

23 [14.32.15]

24 MR. SMITH:

25 Thank you, Mr. President. I apologize; so English, 00678650;

1 Khmer, 00637821; and French, 006390734. In that -- from that  
2 section down there is approximately a two-page section where Ben  
3 Kiernan brings his research together on the Vietnamese and he  
4 states in fact that 150,000 ethnic Vietnamese civilians had left  
5 Cambodia or the CPK had expelled them by September 1975 and then  
6 -- and I won't go through it in particular but he then goes  
7 through talking about the period in mid-1976 and then discusses  
8 the period 1977 in the West Zone and 1977 in the coastal regions  
9 and also 1977 in the Eastern Zone and the Northeast Zone. And  
10 certainly from his evidence that he footnotes in relation to  
11 authors' interviews with CPK cadre, others, other reports, it's  
12 his conclusion that there was a systematic campaign against the  
13 Vietnamese that was countrywide, not just in the East Zone, not  
14 just in Svay Rieng or Prey Veng but across the country and  
15 particularly had solidified in 1977.

16 [14.34.39]

17 Just -- I will refer Your Honours to one last document and this  
18 is from Nuon Chea's book, "Behind the Killing Fields" and it is  
19 E3/4202 and written by Thet Sambath and Gina Chon and it is the  
20 autobiography of Nuon Chea. There is one quote, 00757520 in  
21 English; French, 00849413; and Khmer, 00858306; and he states --  
22 Nuon Chea states:

23 "We did not kill the internal traitors in our Party. If we did  
24 not smash the enemy there would be no Cambodia today. If we  
25 looked at the resistance movement when we fought an enemy and had

1 good weapons and artillery, we thought it was a big deal. But the  
2 internal enemies were the worst and even more dangerous to the  
3 Party and country, but we did not kill innocent people."

4 [14.36.03]

5 In this quote and in the video "Enemies of the People" it's clear  
6 that Nuon Chea admits to smashing enemies or killing enemies who  
7 were not innocent people. I think, Your Honours, from -- well, we  
8 submit from the documents, from the policy documents emanating  
9 from Office 870, the speeches at the anniversary meetings, the  
10 "Revolutionary Flags", they all paint together a picture that  
11 Vietnamese -- not only combatants but civilians -- were viewed to  
12 be enemies during the Democratic Kampuchea period. And certainly,  
13 in relation to -- from Nuon Chea's perspective, we submit that  
14 that type of quote supports the case that the Vietnamese were  
15 targeted for killing during the Democratic Kampuchea period.  
16 That's the end of the presentation.

17 [14.37.13]

18 MR. PRESIDENT:

19 Thank you.

20 It is now a convenient time for a short break. The Chamber will  
21 take a short break from now until five to 3.00.

22 The Court is now in recess.

23 (Court recesses from 1437H to 1457H)

24 MR. PRESIDENT:

25 Please be seated.



1 The Court is now back in session and I would like to hand the  
2 floor to the Lead Co-Lawyers for civil parties for their key  
3 document presentations. You may proceed.

4 MR. PICH ANG:

5 Good afternoon, Mr. President, Your Honours, parties, civil  
6 parties and everyone in and around the courtroom.

7 I would like to make my key document presentation regarding the  
8 treatment against the Cham people.

9 [14.59.11]

10 The first document that I refer to is E3/6718 which is a civil  
11 party application of Mat Keu with Khmer ERN at <00563555 to 60>.

12 And there is no English translation although the translation into  
13 English was requested to ITU <since the 8th August 2015>. And  
14 allow me to quote the excerpt from the civil party applicant.

15 "I am Mat Keu. My current address is in Phum Ti Pram village,  
16 Svay Khleang commune, Krouch Chhmar district, Kampong Cham  
17 province.

18 "On the event of the rebellion by Svay Khleang villagers, Phum Ti  
19 Pram, when the Khmer Rouge took control of Phnom Penh in 1975,  
20 people who lived in the cities were evacuated to rural areas. The  
21 elderly were carried by horse carts to villages, approximately 10  
22 people per cart and there were four to five carts in total. I do  
23 not know where the Khmer Rouge whom I did not know evacuated them  
24 to, but I know that many did not return to the village. I believe  
25 all were killed by the Khmer Rouge. The elderly people that the

1 Khmer Rouge took included Ly Pat's (phonetic) father named <El>  
2 Ly <> (phonetic), <and> Ali Sou Kay's (phonetic) father, Son Ly  
3 (phonetic), who were killed by the Khmer Rouge."

4 [15.01.33]

5 "I do not know why the Khmer Rouge killed these elderly people. I  
6 heard from a Khmer Rouge cadre, Oeuk <> (phonetic), who was Khmer  
7 and security chief of Krouch Chhmar district, who said during a  
8 meeting that the capitalists had all be - to be purged. However,  
9 I did not know who these capitalists were.

10 "After the announcement, people from the village continued to  
11 disappear. At that time chief of Phum Ti Pram village was a Khmer  
12 Rouge cadre Mat (phonetic) and Sok (phonetic) were the village  
13 security chief.

14 As villagers continued to disappear at night, I heard rumour of a  
15 Khmer Rouge plan to arrest a group of 20 villagers and then for  
16 the second group they will take 200 more villagers. They already  
17 had a plan as whom they would take away. Having heard that, the  
18 elderly people who remained in the village made a plan to rebel  
19 against the Khmer Rouge who wanted to cleanse the ethnic Cham."

20 [15.03.23]

21 "The Khmer Rouge mistreated the Cham people more than they abused  
22 the Khmer people. For example, if a Khmer Islam wanted to go  
23 anywhere they needed to ask for travel permission from the Khmer  
24 Rouge. Otherwise, they could not go.

25 "The Khmer Rouge prohibited the Cham people from studying the

1 Koran and they forced them to study the Khmer language in order  
2 to eradicate the Cham language and literacy. I believe that was  
3 the reason the villagers of Phum Ti Pram village revolted.  
4 "The elderly people in the village plotted a rebellion against  
5 the Khmer Rouge. I forget the names of those who were involved.  
6 However, I can recall that the <district imam> from Krouch  
7 Chhmar, who is now called Sos Ponyamin, as one of the masterminds  
8 behind the rebellion against the Khmer Rouge.  
9 "On the eve of the rebellion, the Khmer Rouge spoke of selecting  
10 20 people to be killed. Having heard that, the villagers planned  
11 to rebel and to prevent the Khmer Rouge from killing the  
12 villagers. At night time if the Khmer Rouge called anyone out  
13 from their homes, the plan was to close the door and scream loud  
14 enough for the nearby villagers to hear. When hearing the  
15 screams, a villager bangs the drum as a signal for other  
16 villagers to hear and signal that it was happening."  
17 [15.05.49]  
18 "After that, villagers armed with knives and axes went to where  
19 the Khmer Rouge were located <near the river>. That night there  
20 were many Khmer Rouge people -- the exact number was not known  
21 due to darkness. The villagers fought against the Khmer Rouge  
22 and, as a result, a Khmer Rouge <soldier> named Chet (phonetic)  
23 died.  
24 "I joined the rebellion but I was not at the front line. I was at  
25 the third front line because my wife had just given birth.

1 "The rebellion lasted two nights and one day and the Khmer Rouge  
2 cadres surrounded the village and ordered the villagers to disarm  
3 and they were evacuated to Wat Daeum Chrey pagoda and Wat Kang  
4 <Chak> (phonetic) pagodas in Daeum Chrey village, Krouch Chhmar  
5 commune, Krouch Chhmar district, Kampong Cham province.

6 "At Wat Daeum Chrey and Wat Kang <Chak> (phonetic) pagodas, the  
7 Khmer Rouge separated women and children to stay separate from  
8 the men who were ordered to stay at Khsach Prachheh School in  
9 Krouch Chhmar district, Krouch Chhmar commune, Kampong Cham  
10 province, which was about one and a half kilometres from Wat  
11 Daeum Chrey and Wat Kang <Chak> (phonetic) pagodas."

12 [15.07.40]

13 "I was detained by the Khmer Rouge at Khsach Prachheh School.  
14 There were seven members in my family, including my parents: my  
15 grandfather, Mat Musa (phonetic); my younger brother, Mat Sin  
16 (phonetic); my wife, Sok Man Yan (phonetic); and my daughter, Pao  
17 Si Yas (phonetic), who was about two months old.

18 "My mother, my wife, my younger brother who was about 19 years  
19 old and my daughter were all ordered to stay at Wat Daeum Chrey  
20 pagoda while my father, grandfather and I were ordered to stay at  
21 Khsach Prachheh School, Krouch Chhmar commune, Krouch Chhmar  
22 district, Kampong Cham province.

23 "The Khsach Prachheh School had three rooms and each room housed  
24 about 40 people. Having stayed there about a week, a Khmer Rouge  
25 soldier who was a guard there carrying a list and began calling

1 out names from the list.

2 "In the room which I stayed, the Khmer Rouge called seven people  
3 out. I do not remember whom but amongst them were my elder  
4 brother-in-law, El Him (phonetic) and my sister-in-law Sim <Kob>  
5 (phonetic). All were ordered to return home."

6 [15.09.16]

7 "Having stayed at Khsach Prachheh School for about a month, I was  
8 released by the Khmer Rouge to meet my wife and children and then  
9 we were evacuated to another location. I asked my mother and my  
10 elder sister if they had met my brother or sister-in-law. They  
11 replied that they had not. So I believe that those on the list  
12 were all killed.

13 "At Khsach Prachheh School the Khmer Rouge abused and starved the  
14 villagers. The Khmer Rouge provided a ladle of gruel to each  
15 person to eat.

16 "The Khmer Rouge <> allowed two villagers to bathe <> at a time  
17 because the school was near the river bank. If someone went  
18 slowly the Khmer Rouge would beat him or her."

19 [15.10.26]

20 "At that school the Khmer Rouge closed the doors and windows  
21 tightly, keeping light and wind out. Detainees such as May Run  
22 (phonetic), Te Sreng (phonetic), Sos Steu (phonetic), who died in  
23 1999, and other villagers whom I do not recall their names.

24 "After 30 days of detention at Khsach Prachheh School, the Khmer  
25 Rouge brought rowboats to take the villagers to <Chheu Teang>

1 (phonetic) village, <unknown> commune of Krouch Chhmar district,  
2 Kampong Cham Province.

3 "All seven members of my family travelled by boat and when we  
4 arrived at <Chheu Teang> (phonetic) village, <Krouch Chhmar  
5 district, Kampong Cham province,> the Khmer Rouge ordered  
6 villagers to walk to three separate villages, namely, Banteay  
7 Chey, Chey Sambat (phonetic), and Dambae in Dambae commune,  
8 Dambae district, Kampong Cham province."

9 [15.11.52]

10 And I will now move on to the second civil party applicant and I  
11 refer to applicant -- civil party applicant Matt Mosa, Khmer, ERN  
12 00499859 <to 00499859 (sic)>; in English, 01063871 to 72; and the  
13 French ERN is at 00897184. The civil party application is  
14 E3/6035.

15 The civil party mentions <of> the events that also happened in  
16 Cheyyou <commune, Chamka Leu District> in Kampong Cham province.  
17 And allow me to read the excerpt from the civil party application  
18 as follows:

19 "In 1976 Angkar introduced the corrective eating regime. At the  
20 time Chams suffered difficulties in freedom of expression,  
21 worshipping of our God and eating. When the Khmer Rouge wanted to  
22 mistreat the Cham people they cooked rice gruel with pork for us  
23 to eat two or three times a day. And if any Cham refused to eat  
24 the prepared meals, Angkar would take them to the security centre  
25 for execution. And if we refused to eat we had no choice but to

1 starve ourselves because we do not have our own kitchen utensils,  
2 not even a spoon."

3 [15.14.25]

4 "And when we were so hungry, we had to pick up some tree fruit  
5 without asking for permission from Angkar. And if that is the  
6 case, then we would be punished. Even the fruit from the trees we  
7 had planted ourselves around the house were not allowed to be  
8 picked, let alone the fruits on the trees which belongs to  
9 others. Especially Angkar would know immediately when there was a  
10 smoke from any cooking. It had employed a lot of spies, mostly  
11 children to spy on us. <Angkar collected children and place them  
12 in the Children Revolution Office>"

13 And again, I would like to read some information from the same  
14 civil party applicant, in his supplementary information form,  
15 that is document E3/6035A with the Khmer ERN 00584903; and  
16 English, 00858208; and French, at 00881065. And I'd like to read  
17 the following excerpt from the supplementary information form of  
18 Mr. Matt Mosa.

19 [15.16.04]

20 "3). Persecution of the Cham: Between 1975 and 1976, the Khmer  
21 Rouge arrested and executed former soldiers and 17 April People.  
22 Khmer Rouge soldiers also called me for questioning about my  
23 background. They asked me if I had been a soldier. I said no as,  
24 at the time, my name had not been entered in their list. And  
25 those who had implicated me had already been executed by the

1 Khmer Rouge. Finally, I was released due to lack of evidence.

2 "After the executions, there was <> classification between the  
3 Base People and the New People. During the Khmer Rouge regime  
4 they had me work as a cook because they knew that I was a Cham  
5 and that I <dared> not steal pork, Angkar's pork to eat.

6 "They mistreated the Cham people, such as forcing us to eat pork.  
7 Later I was tasked with finding fish in the river.

8 "The Khmer Rouge always humiliated us, calling us the stateless  
9 people who needed to be completely rooted out."

10 [15.18.04]

11 And I would like now to move onto another civil party applicant  
12 which is the supplementary application of Ael Les. Here I refer  
13 to document E3/6226A at Khmer, ERN 00584410 to 11; English,  
14 01184705; and French, 01202983. I would like to read the  
15 following excerpts.

16 "During the Lon Nol regime, I was a peasant living in Trapeang  
17 Chhuk village, Boeng commune, Baray district, Kampong Thom  
18 province with my family. In early 1975, the Khmer Rouge  
19 militiamen evacuated the villagers to Daom village, Bak Sna  
20 commune, Baray district, Kampong Thom province.

21 Religious observance in my village was strongly restricted. For  
22 example, we were forced to eat meat collectively in the  
23 cooperative which was under the eyes of the militiamen. Sometimes  
24 people were threatened to eat the meat."

25 [15.19.52]



1 "One of my villagers, Taim Sam, was forced to raise pigs, feeding  
2 pigs at the backyard of my house. In late 1978, a Khmer Rouge  
3 named Yem took him away to be killed at night because of his  
4 complaints. Taim Sam was detained in Bak Sna cooperative <prison>  
5 prior to being killed.

6 "I secretly prayed for about a year, but I stopped doing that  
7 when the liberation day was approaching because I was afraid of  
8 being executed.

9 "I also witnessed Khmer Rouge massive graves.

10 "The Khmer Rouge treated the Khmer people in my village less  
11 severely than the Cham. If any Cham said something wrong, he or  
12 she was more likely to be punished than the Khmer people. I  
13 personally think that this kind of treatment was a form of  
14 discrimination against the Cham people."

15 [15.21.24]

16 I would like now to move to another civil party applicant -- that  
17 is, Math Hak, document E3/6725. There is no English or French  
18 translation although the translation request was made on the 3rd  
19 of August 2015. Allow me to read this document.

20 "My name is Math Hak. I am 69 years old. I live in Phum Ti Pram  
21 village, Svay Khleang commune, Krouch Chhmar district, Kampong  
22 Cham province. I would like to file a complaint with respect to  
23 what happened during the Khmer Rouge as follows:

24 "In late August 1975, the Cham people in in Phum Ti Pram village,  
25 Svay Khleang commune organized a rebellion against the Khmer

1 Rouge soldiers because they arrested villagers every day and  
2 forbade us from practising our religion and praying. I witnessed  
3 my neighbour named Som Minh (phonetic) who was being arrested by  
4 two Khmer Rouge soldiers. They said that they needed him to go  
5 with them quickly.

6 "After he got off the stairs from the house and reached the  
7 ground, his hands were tied behind his back and he was escorted  
8 towards the east along with some other villagers. And I did not  
9 know where they were heading to.

10 The Cham people could no longer tolerate the oppressions and they  
11 engaged in the rebellion as a result."

12 [15.24.34]

13 I will skip the lengthy information of the civil party applicant  
14 and I will move to another civil party applicant named Li Pat,  
15 and I would like to refer to his document with Khmer, ERN  
16 00563582 to 84; English, 01069332; and French, 01139851. These  
17 ERN refers to document <E3/6119>. And I'd like to make the  
18 following -- to read the following excerpts:

19 "The events of uprising in Svay Khleang:

20 "Two months after the arrest of my father there was an uprising  
21 in Svay Khleang commune after an early uprising in Kaoh Phal  
22 village, Peus Muoy commune, Krouch Chhmar district. Two days  
23 before the revolt in Phum Ti Pram village, Svay Khleang commune,  
24 Krouch Chhmar district, Kampong Cham province, I heard people  
25 whose names I do not know saying that there was a plan to arrest

1 50 to 60 more villagers. The news terrified the villagers. They  
2 did not know who were going to be arrested by the Khmer Rouge."

3 [15.25.16]

4 "Having heard of these rumours, the Khmer Rouge started  
5 restricting the practice of Islam. They did not allow the Cham  
6 people to pray nor did they allow women to wear the long scarf --  
7 that is, the hijabs. They also ordered the Cham <women> to have  
8 short hair though they know doing so contradicted Islamic rules  
9 because women must wear hijabs to hide their long hair.

10 Women, Muslim, would be presumed to have committed a sin and go  
11 to hell if they breach the Islamic religious rules. The revolt  
12 started at 8 p.m. At the start, 20 to 30 villagers started  
13 beating the drums in an attempt to call other people to join the  
14 revolt. It lasted from 8 p.m. that night until 7 p.m. the next  
15 day, then a number of the Khmer Rouge soldiers who were armed  
16 with B-40 rocket launchers and rifles rounded up the villages.  
17 They then started shooting at the villagers to suppress them.  
18 Because all the other villagers did not have any weapons to  
19 confront the Khmer Rouge, a large number of them were shot dead.  
20 Those who could make it alive were later arrested."

21 [15.26.50]

22 "The revolt took place in Phum Ti Pram village, Svay Khleang  
23 commune, Krouch Chhmar district, Kampong Cham province, and at  
24 that time I was just about 15 to 16 years old.

25 "I, and my elder sister, Li Neang, and my mother, Mat Yom,

1 together with my younger sister, Li Samraus and Li Paitas, as  
2 there were approximately a thousand families were evacuated to  
3 Krouch Chhmar commune, Krouch Chhmar district, Kampong Cham  
4 province.

5 "The Khmer Rouge separated men, women and children from their  
6 families. The reason the Khmer Rouge separated the men and the  
7 women because they accused men from Phum Ti Pram village of Svay  
8 Khleang commune as enemies. As for me, I lived with my mother and  
9 sisters."

10 [15.27.55]

11 And I move on through another civil party applicant, and here I  
12 refer to civil party applicant, <Sos> Viny, and the document that  
13 I refer to is E3/5050 at Khmer, ERN 00565287; English, 01060089;  
14 French, 00932703 to 04. Allow me to quote it again. He said that:

15 "There were no religious practices of any kind. The Khmer Rouge  
16 eliminated them all. Muslims were not allowed to <do daily  
17 prayers and> wear Muslim attires."

18 In the same document, a bit further down, the civil party  
19 applicant stated the following:

20 [15.29.28]

21 "Religious practices were strictly forbidden. My family is  
22 Muslim. The Khmer Rouge forced us to eat pork or, at times, they  
23 lied to us by making us eat porridge with pork. Muslim,  
24 especially the young children who could not stand hunger, had to  
25 force themselves to eat pork and willingly they had to violate

1 the rule of their religion. They forced us to eat pork and if we  
2 did not, they would send us to be investigated by the  
3 higher-ranking officers. In other words, we would be killed. Some  
4 people agreed to eat while others did not. They would share 200  
5 grams of pork to each of us and had a militiaman spied on us to  
6 see whether we consumed the food or not. Some Muslims exchanged  
7 the pork for some salt."

8 [15.30.43]

9 And I'd like now to move on to the information of the last civil  
10 party applicant<, Hak Math> in relation to the treatment of the  
11 Cham people -- that is, document E3/4892, with Khmer ERN at  
12 00540804 to 06, and English at 00890956 to 57, and French at  
13 00894003. I'd like to make the following quote:

14 "I am Hak Math, male, currently living in Phum Ti Pram village,  
15 Svay Khleang commune, Krouch Chhmar district, Kampong Cham  
16 province. I would like to make the following complaints.

17 "1) The ban on Islamic practice. The Khmer Rouge entered my  
18 village since 1970. Only in 1975 did the Khmer Rouge begin to  
19 repress the people. High-ranking people in the village were  
20 arrested by the Khmer Rouge in 1973, including my father. He was  
21 arrested in 1973 and had since disappeared. My father's name was  
22 Man Hak. In late 1975, the Khmer Rouge banned praying of our  
23 Allah and women had to keep their hair short which was a  
24 violation of the Islamic religion. They prohibited us from  
25 speaking the Cham language."

1 [15.32.42]

2 "2) Suppressing a revolt by Cham people: In late 1975, perhaps in  
3 September, which was almost the end of the Ramadan, people in my  
4 village began to revolt against the Khmer Rouge mistreatment.  
5 Before the revolt, arrests had been made constantly which  
6 explains why the people joined the revolt. The people in Svay  
7 Khleang used machetes and axes in protest. They arrested and  
8 killed a Khmer Rouge member, Cheth, a Khmer citizen working in  
9 Svay Khleang commune, then the Khmer Rouge came to surround Svay  
10 Khleang village. Men were arrested and taken to a tobacco  
11 warehouse located to the west of Preaek Ta Duong Bridge in Krouch  
12 Chhmar Commune. I was also detained at a tobacco kiln while women  
13 were taken to pagodas and temples.

14 "At the tobacco warehouse, I received only two small bowls of  
15 thin gruel for each meal, or twice a day. The food was not  
16 sufficient. I was detained there for about 20 days. At the  
17 warehouse, I saw the Khmer Rouge beat and persecute the people. I  
18 remember that the Khmer Rouge beat a man named Man and another  
19 villager <Loh> who was ill, who was taken to get treatment at  
20 hospital and has since disappeared. At the kiln, the Khmer Rouge  
21 screened the personal histories of those who were involved in the  
22 revolt. Later, I was evacuated again and again to do farming  
23 until 1979 when I returned to my village."

24 [15.35.05]

25 I conclude my part, Mr. President. I'd like to cede the floor to

1 my international colleague.  
2 Thank you.  
3 MS. GUIRAUD:  
4 Thank you. I'd like to thank my colleague and thank you, Mr.  
5 President. Good afternoon to all of you.  
6 I have five documents that I'd like to present, linked to five  
7 civil parties which were all admitted under the heading "The  
8 Treatment of the Cham", and <I will> focus essentially on the  
9 information linked to the facts that the Chamber is seised of  
10 regarding <'<"forced transfer 002/02'>".>  
11 <>I will start with another document linked to the civil party  
12 <that> my colleague just spoke about <which concerns><,> Mr. Hak  
13 Mat, who is from Svay Khleang. And I am referring here to  
14 document E3/4893; English, ERN 00851263 to 65; French, ERN  
15 00905154 and 155; Khmer, ERN 00578133 to 8136. So, <for the  
16 interpreters,> I'm going to read out the first paragraph <>of  
17 this document where it is stated -- and I quote:  
18 [15.36.56]  
19 "After selecting the biographies, the Khmer Rouge evacuated my  
20 family and a great number of Cham<,> none of whom> was connected  
21 to any kind of rebellion <>in Village 4 in Preaek A Chi commune  
22 <in the> Krouch Chhmar district, Kampong Cham province. Back  
23 then, the Khmer Rouge, <names unknown,> did not provide any  
24 reason for <the> evacuation. They simply gathered us on a boat  
25 that transported us to Village 4<,> escorted by young men from

1 the militia. <When> we arrived in this village, my family -- that  
2 is to say myself, my wife and <our> three children -- lived under  
3 the same roof as a <good> old Khmer woman <whose> name was Tor.  
4 This was at the end of 1975."  
5 And then he indicates <>in the following paragraph.  
6 "There was a second transfer and they transported us by boat <>to  
7 Stueng <Trang>. At the beginning, they said that they were taking  
8 us to Battambang<. When> we arrived in Stueng <Trang>, however,  
9 some Cham people were transferred to Kampong Thom whereas  
10 others<, including> my family, went to Soupheas village which was  
11 located in Soupheas commune in Stueng Trang district in Kampong  
12 Cham province."  
13 [15.38.46]  
14 Another civil party from Svay Khleang who is <now deceased> and  
15 <whose> name is <Ly Tae <followed> the same <path> as Hak Mat  
16 after the rebellion was crushed. He went through Preaek A Chi --  
17 and I'm referring here to his document E3/6715, in Khmer, ERN  
18 00564253<> to 55; French ERN <>01203007 to 08; with an English  
19 translation which was requested.  
20 And this civil party explains in a more detailed way in his  
21 Supplementary Information Form of his application <in> E3/6715a,  
22 Khmer ERN 00585940 to 41; <ERN> in English, 01184736; and in  
23 French, 01203067:  
24 <<"The> Living Conditions and the Measures Meted Out to the Cham  
25 in <the> Stueng Trang District after Having Been Evacuated."



1 <He> indicates<<, -- attention interpreters I am referencing the>  
2 chapter called "Religious Persecution," <--> he indicates -- and  
3 I quote:

4 [15.40.42]

5 "In 1977, I arrived in Soupheas village, Stueng Trang commune,  
6 Kampong Cham province, where the Khmer Rouge forced the Cham to  
7 eat pork meat. And, each time, they sent two <or> three  
8 <militiamen> whose identity I did not know to watch over us in  
9 order to see that if we were indeed eating that <>meat. In the  
10 end, no Cham person <ever> dared to protest; otherwise<, they>  
11 would <>execute us>."

12 And he indicates a little bit further down towards the end of  
13 this chapter regarding religious persecution:

14 "I saw the Khmer Rouge order the Cham women, whose <names> I  
15 forgot, to go feed pigs. Daung forced Ta El, who is deceased, to  
16 take care of the pigs in the village. The Khmer Rouge in the  
17 village <absolutely> forbade prayer and <communication in> the  
18 Cham language under the threat of execution. However, <despite  
19 everything,> sometimes we were able to do so in secret<.> I do  
20 not know why the Khmer Rouge repressed the Cham religion in this  
21 way. Life under the Khmer Rouge was very, very harsh."

22 [15.42.04]

23 The last civil party whose document I'd like to <quote> and who  
24 comes from Svay Khleang is Soh Mosteut who was 15 years old in  
25 1975. And I'm referring here to document E3/6716; French ERN

1 0203011 to 3014; Khmer <ERN> 00563517 to 22; and <an> English  
2 translation was requested but <has not yet be been received.  
3 This> civil party, who also was detained in Po Proek (phonetic)  
4 pagoda, which <our> colleague spoke about, indicates regarding  
5 the transfer of <his> family and here I am in the middle of the  
6 page in the French version:  
7 [15.43.23]  
8 "Later on, the Khmer Rouge <loaded> my family and the other  
9 villagers into a boat and <escorted> us to Roka Khnaor village,  
10 Roka Khnaor commune, Krouch Chhmar district, Kampong Cham  
11 province. I remember having been evacuated at the same time as  
12 <the families from Ly Souki>."  
13 And the following sentence <mentions>:  
14 "We lived in Roka Khnaor village for two years, I believe. In  
15 this region, I had to <take oxen to> graze <>within a team whose  
16 chief was named Prey who since has died. I did not know <>the  
17 village chiefs or the team chiefs or the cooperative leaders. In  
18 this village, the Khmer Rouge did not force the Cham people to  
19 eat pork meat, but they forbade us to speak the Cham language, to  
20 practice our Muslim religion and to let us grow our hair long."  
21 <>I have two other civil party applications linked to the Cham,  
22 <and> I'm looking at my colleague because <>we also have  
23 documents to present regarding the treatment of the Vietnamese,  
24 so I'm going to <go quickly>.  
25 [15.44.32]

1 Two civil parties who both were admitted under the section of The  
2 Treatment of the Cham and <who> were transferred: one from  
3 Kampong Siem district to Chamkar Leu district, and I'm referring  
4 here to <the> document of <the> civil party Sa Liep (phonetic)  
5 and this is document E3/6816a. This is the Supplementary  
6 Information Form of Sa Leb's civil party application; Khmer, ERN  
7 00588463 to 65; French, ERN 60854<00860859> to 860; and English,  
8 ERN 00853984 to 985. Sa Leb was 26 years old in 1975 and he  
9 indicates and here I'm speaking about the second paragraph of the  
10 document <entitled,> Supplementary Information Form <>and I  
11 quote:

12 "In 1975, there were seven members in my family. There <was> my  
13 wife Mat Am Nas; two sons Leb Puk Kri and Leb Sul Sari; <>three  
14 daughters, Leb Hva Mas, Leb Sa Hvi Yah, and Leb Srei Hva; and  
15 myself. <So my> family was living in the Rongea village<>,  
16 Sambuor Meas commune, Kampong Siem district, Kampong Cham  
17 province."

18 <>

19 [15.46.19]

20 "A little after the <armed forces of the> Khmer Rouge had  
21 defeated <>Lon Nol's army, some unknown Khmer Rouge soldiers  
22 ordered <>my family <and me> and all of the villagers, a total of  
23 about 1,000 people<,> to leave> the village together at dawn and  
24 to go> to the village of Kampong Krabei, Kampong Cham province.  
25 At 11.30, we arrived in this village where <>Cham were also

1 living<. My> family settled in this region, and the Khmer Rouge  
2 ordered us to work in the rice fields."  
3 And <the> last document, this is <a> civil party by <the> name of  
4 Kasoem Touloas, who was evacuated from Kaoh Soutin district<, so  
5 from> Kampong Cham province<, > to Battambang. And I'm referring  
6 here to document E3/4776; English, ERN 00915942<>; French, ERN 00  
7 -- <sorry>01, excuse me --> 063310 to 3311; and Khmer ERN  
8 00497121 to 7122. <This> civil party was very young in 1975  
9 because she was only 10 years old, and she says,<>, <and> I'm at  
10 the first paragraph of the document:  
11 [15.48.08]  
12 "When Phnom Penh fell in 1975, the Khmer Rouge expelled my family  
13 that was made up of eight people <--> my parents, my two older  
14 brothers, Touloas Ly and Touloas Sles; <my> two younger brothers,  
15 Touloas Him and Touloas Kop; <>my <younger> sister Touloas Srey  
16 Fas; and myself <--> <> from Village Number 13, Kaoh Soutin  
17 commune, Kaoh Soutin district, Kampong Cham province, and  
18 <deported us> to Vat Ching village, Battambang province with  
19 <>many other of our neighbours, such as Kop Sin, Kop Ches, Kop  
20 Mak. <After> about two months in Vat Ching village in Battambang  
21 province, the Khmer Rouge, whose <names> I <>did not know,  
22 deported my family to Sla Kaet village, Sla kaet commune,  
23 Battambang province, Sector 5. <During> the rainy season of 1977,  
24 my younger sister, Touloas Srey Fas, contracted dysentery and  
25 died of starvation."

1 <>I am done now, Mr. President, with the presentation of the  
2 complementary documents related to the Cham, and I can give the  
3 floor to my colleague, Mr. Ang Pich, so that he may provide a  
4 quick presentation of the documents that we would like to tender  
5 regarding the treatment of the Vietnamese.

6 Thank you, Mr. President.

7 [15.49.51]

8 MR. PICH ANG:

9 Good afternoon, once again, Mr. President and Your Honours.

10 I would like to present key documents on the treatment of  
11 Vietnamese<, rather the Cham. The application of another civil  
12 party by the name of Teu Math (phonetic) is also relevant,>  
13 document, <D22/1381a>, I will not read his whole document, but I  
14 only refer you to the document number<>.

15 <And regarding> the treatment of Vietnamese<, there> are a few  
16 civil party applications which I want to present the Chamber, but  
17 somehow I will briefly present those documents. The documents  
18 mention <of> the <execution> of Vietnamese <in Prey Veng  
19 province, and the treatment of the families with Vietnamese>  
20 husband <or> wife, as well as <their> children.

21 The first document is civil party Chen Phe, document E3/5900.1.

22 This is an interview of this civil party by the Documentation  
23 Centre <of Cambodia> staff member. ERN in Khmer is 00352748

24 through 50; English, 01133203 through 05. There is no French

25 translation at the moment; however, we requested the document to

1 be translated into French on <the 31st > August 2015. I will not  
2 read the whole excerpt of that document, but only a small portion  
3 of his document. The interviewer's name is Vichea. Let me quote:  
4 [15.52.03]  
5 "Vichea: You went to dig the canal as you have mentioned in 1977.  
6 At the time, had the Khmer Rouge begun killing the Vietnamese?  
7 "Answer: I don't think that the killing had started yet in 1977.  
8 "Vichea: Did the Khmer Rouge start to kill the Vietnamese before  
9 you went to dig the canal, or did they start to kill them after  
10 you had returned from digging the canal?  
11 "Answer: The killing started only after I returned home. The  
12 Khmer Rouge were angry about the Vietnamese invasion, so they  
13 began to investigate and search for the Vietnamese."  
14 [15.52.54]  
15 "Question: Did the Vietnamese invade along the border?  
16 "Answer: I did not see it with my own eyes.  
17 "Question: I see.  
18 "Answer: I saw that some village -- some houses in the village  
19 were burnt down.  
20 "Vichea: After you returned home, the Khmer Rouge started a  
21 search for the Vietnamese. Is that correct?  
22 "Answer: Yes, it is.  
23 "Vichea: How did they begin the search?  
24 "Phe: They began to search for those who were Vietnamese -- those  
25 who was Vietnamese.

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1 "Question: Did they begin to search the elderly as well as the  
2 young people?

3 "Phe: Anyone who had links to the Vietnamese would be taken away.  
4 If their husband was a Vietnamese, he would be taken away. If the  
5 wife was a Vietnamese, she would be taken away together with the  
6 children."

7 [15.54.10]

8 I am now moving to another document, the interview of a civil  
9 party, Madam Khun Samit, document E3/7211. And this document  
10 consists of another number, E3/7586. And I am now quoting the  
11 ERN. ERN in Khmer, 00353071 through 72, and I have no English ERN  
12 for you, Mr. President, but the French is 01155167. And Dany is  
13 the interviewer. Let me quote Dany.

14 [15.55.32]

15 Question: Did Om Khun Mon, Khun Mon's wife know that they would  
16 be taken away and killed?

17 Answer: Yes, she did. Any day there was a meeting, the unit  
18 committee talked about the 'Yuon'.

19 Question: What did they say?

20 Answer: They said that the Vietnamese people were not allowed to  
21 live with the Khmer. They had to be collected and cleansed from  
22 Khmer. At first, we thought they would send them back to Vietnam.  
23 We did not know they were rounded -- they were rounding them up  
24 to take them to be killed.

25 Question: How did she feel when she learnt they were being

1 gathered up?

2 Answer: She realized.

3 Question: How did she feel? Was she afraid, crying?

4 Answer: She was so frightened that she became pale."

5 [15.56.33]

6 And the same document, at ERN in Khmer <00353073>, and French is

7 01155168, English is 00324465. Let me quote once again. Samit's

8 answers:

9 "The next morning, they came to take the children to meet with  
10 their mother. I begged them to keep one of them, but they were  
11 refused. At the time, my older brother also begged for one, but  
12 they recalled him and made trouble for him another -- at night  
13 too. Ta Mon's older siblings felt so sorry for their nephews and  
14 they asked one to stay with them, but they were refused. All of  
15 those children were taken to be killed. They re-educated them and  
16 instructed them saying, 'Why should the 'Yuon' be kept alive to  
17 pass on the bloodline. Kill them all.'

18 [15.57.32]

19 Question: Did they say that they had killed them all?

20 Answer: Yes, they did not keep them alive for fear they would  
21 pass on the Yuan bloodline. My brother said that. They called him  
22 but they did not call me."

23 I am now moving to another document <of civil party>, Phai Srung,  
24 written records of the interview, <E3/5634>. He made mention  
25 about the deportation of Vietnamese out of Cambodia to Vietnam.



1 The ERN number in Khmer is 00897516 through 18; English is at  
2 00678299 through 300; French, 00899197 through 98.  
3 [15.58.32]

4 So let me quote as follows.

5 "Deportation to Vietnam: In July 1975, a few days before our  
6 transfer/deportation to Vietnam, we were told by the Khmer Rouge  
7 to prepare to leave. We asked where we were going to go, but they  
8 did not let us know. We did not have a right to ask anything.

9 "Before they force us to go back to Vietnam, nothing was said to  
10 us about where we had to go, but it was understood that they were  
11 trading us for salt to the Vietnamese government. The trade of  
12 salt was in exchange for Vietnamese person to be recused by  
13 Vietnam. I did not see any salt or rice for my exchange, but I  
14 heard about it from others and I believe that it was true because  
15 if there was no such exchange program, Vietnamese would not be  
16 allowed to go back home. If we had not been able to get our  
17 transfer to Vietnam, we would have definitely died in Cambodia.  
18 I was living in District 10, Baribour district, Kampong Chhnang  
19 province and everyone had to be transferred down to port at  
20 Kampong Leaeng district, Kampong Chhnang province. When we were  
21 at the port, we saw that the Vietnamese people from <Phnum Kep>,  
22 District 16. We also - were also transferred from the mountain to  
23 the port.

24 "Everyone was forced to leave from Kep Mountain and it took us  
25 about one day to go from Kep Mountain to the port. All the people

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1 were transferred from District 10 and District 16 in Kampong  
2 Chhnang were placed in a boat to leave. All the people who were  
3 ill died along the way. There were many of us. I can't remember  
4 how many, we all just -- we all just grouped together. We were  
5 grouped together and then we left. We left Kampong Chhnang by  
6 boat at night-time and passed Phnom Penh on the way to Vietnam  
7 down the Tonle Sap River.

8 [16.00.56]

9 There were about seven or eight Khmer Rouge <cadres> with us on  
10 the boat. I remember when we passed Phnom Penh. It was so dark at  
11 night and I noticed there were no lights at all in Phnom Penh.  
12 Upon our arrival in Vietnam and around 4 <or 5> p.m. the next  
13 day, we dropped -- we were dropped at the coast and the  
14 Vietnamese authorities came to collect us.

15 [16.01.25]

16 I did not see any discussion between the Vietnamese authorities  
17 and the Khmer Rouge officials about the exchange of persons for  
18 rice and salt. Any agreement between the two authorities would  
19 have been reached beforehand.

20 When we reached the border <,> they did another check and anyone  
21 who was Khmer or Chinese had to stay on the boat and were not  
22 allowed to go onto the shore or coast. The Vietnamese were  
23 allowed to leave the boat. At the Cambodian/Vietnamese border,  
24 they controlled and identified who was Khmer and who was  
25 Vietnamese. They <> identified the Vietnamese from the Khmer

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1 because the Vietnamese spoke Vietnamese and Khmers spoke their  
2 own language."

3 Mr. President, I will need 10 more minutes to conclude my  
4 presentation or am I allowed only to present only the title of  
5 the document or I may need time tomorrow to present my key  
6 document.

7 MR. PRESIDENT:

8 So I will give you a bit more time tomorrow to present your key  
9 document.

10 [16.02.41]

11 It is now an appropriate time for the adjournment. The Hearing  
12 will be resumed tomorrow on 24 February 2016 at 9 a.m.

13 The Chamber will continue to hear the presentation of key  
14 documents in relation to the treatment of the three targeted  
15 groups, Cham, Vietnamese and officials of the Khmer Republic.

16 [16.03.14]

17 And the defence team for Mr. Khieu Samphan will have the  
18 opportunity to present the key document after the presentation by  
19 the Lead Co-Lawyers for Civil Parties.

20 Security personnel are instructed to bring the two accused, Nuon  
21 Chea and Khieu Samphan, back to the ECCC detention facility and  
22 have them returned into the courtroom tomorrow before 9. a.m.

23 The Court is now adjourned.

24 (Court adjourns at 1603H)

25