



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

8 September 2015

Trial Day 324

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

The Accused: NUON Chea
KHIEU Samphan

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Dale LYSAK
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Mr. IT Sen (2-TCW-813)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUI SSE	French
Mr. IT Seng (2-TCW-813)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Mr. SOS Min (2-TCCP-244)	Khmer
Ms. TY Srinna	Khmer

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the testimony of the witness

6 It Sen, and commencing hearing testimony of civil party

7 2-TCCP-244. Mr. Em Hoy, please report the attendance of the

8 Parties and other individuals at today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all Parties to this case

11 are present. Mr. Nuon Chea is present in the holding cell

12 downstairs; he has waived his right to be present in the

13 courtroom. The waiver has been delivered to the greffier. A

14 witness who is to conclude his testimony today, namely Mr. It

15 Sen, is present in the courtroom. We also have a reserve civil

16 party, namely 2-TCCP-244. Thank you.

17 [09.04.20]

18 MR. PRESIDENT:

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

20 The Chamber has received a waiver from Nuon Chea dated 8th

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

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

23 effectively participate in future hearings, he requests to waive

24 his right to participate in and be present at the 8th September

25 2015 hearing. Having seen the medical report of Nuon Chea by the

2

1 duty doctor for the Accused at the ECCC, dated 8th September
2 2015, who notes that Nuon Chea today has back pain when he sits
3 for long and recommends that the Chamber grant him his request so
4 that he can follow the proceedings remotely from the holding cell
5 downstairs.

6 Based on the above information and pursuant to Rule 81.5 of the
7 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
8 follow today's proceedings remotely from the holding cell
9 downstairs via audio-visual means.

10 The Chamber instructs the AV unit personnel to link the
11 proceedings to the room downstairs so that he can follow the
12 proceedings. This applies to the whole day.

13 The Chamber now hands the floor to the defence teams to put the
14 questions to this witness. First the floor is given to the
15 Co-Counsel for Nuon Chea. You may proceed.

16 [09.06.14]

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President, good morning. Good morning, Your
19 Honours, good morning counsel. Good morning, Mr. Witness, I would
20 like to ask you some questions this morning.

21 Q. First I would like to ask you a question about your family.
22 Before the Khmer Rouge took over power in your village and in
23 your district, did you have family living in Kampong Chhnang,
24 Pursat, Takeo or Kampot?

25 MR. IT SEN:

3

1 A. No, I <> only <lived> in Ampil <village> in Peus <Muoy>
2 commune at the time.

3 Q. Did you know at the time anything about Cham communities in
4 those areas before the Khmer Rouge came?

5 A. <I just knew > that the situation on the ground was normal
6 before the arrival of the Khmer Rouge group.

7 [09.07.55]

8 Q. But my question was before they came did you know anybody from
9 Cham communities in those areas?

10 A. Yes, there were many people living in Ampil village at the
11 time. Every house -- there <were actually> many <houses> in the
12 village.

13 Q. I think something went wrong with the translation, possibly.
14 My question was: did you know anybody living in Kampong Chhnang,
15 Pursat, Takeo or Kampot, any Cham living there?

16 A. I <knew that> there were many Chams living in Kampong Chhnang,
17 Kampot and Battambang but I never went to these provinces.

18 Q. Very well, thank you. Mr. Witness, I'm not entirely clear as
19 to which year you said the Khmer Rouge took over, was it in 1971
20 or 1973?

21 A. It started in 1973. In fact I was still <going to> school in
22 1972 but the school was closed down in 1973. <In 1973, the
23 situation became intense; thus, both the Khmer and the Cham were
24 not allowed to go to school anymore, and> schools <> were closed
25 down.

4

1 Q. From that period and the years before, did you know a man
2 called Sos Man (phonetic)?

3 [09.10.24]

4 A. No, I <didn't> know anyone by the name of Sos Man (phonetic).
5 Are you referring to Sos Man (phonetic) or Sos Mat (phonetic)? <I
6 did not know the person.>

7 Q. I'm referring to someone who I think was the father of a
8 person called Mat Ly.

9 A. I know Mat Ly. He <worked in a unit.>

10 Q. Let me start with the father of Mat Ly, do you know who the
11 father of Mat Ly was?

12 A. Mat Ly <was also known as Tok Man (phonetic) who> worked in
13 <a> unit in the East Zone<. The man was rather known as Tok Man
14 (phonetic)>.

15 Q. I will ask my questions maybe a little bit simpler. Do you
16 remember the father of Mat Ly?

17 A. No, I don't. He did not live in Ampil village so he might have
18 lived in another village.

19 Q. Do you know what the role was of Mat Ly in the Khmer Rouge
20 movement?

21 A. <By 1973,> Mat Ly was in charge of the army with Tok <Man
22 (phonetic)> and these two were usually together although I myself
23 did not know his real position. But I usually saw Mat Ly together
24 with Tok <Man (phonetic) accompanied by soldiers>.

25 [09.13.03]

5

1 Q. Do you remember whether Mat Ly, at the time, was encouraging
2 people from Kampong Cham to join the revolution?

3 A. Yes, that is correct. He <encouraged> the people to <join> the
4 revolution.

5 Q. And is it correct that Mat Ly was a Cham himself?

6 A. Yes, he was a Cham person.

7 Q. Yesterday Mr. Witness, you spoke about measures taken by the
8 Khmer Rouge as of 1973, you talked about the Cham people not
9 being allowed to have prayers, women's hair were cut, you weren't
10 allowed to speak the Cham language, you were in fact forbidden to
11 practice religion. Do you recall whether Mat Ly was somehow
12 involved in taking these measures?

13 A. <To my understanding>, he did not talk about that. <He talked
14 about many things, but I did not hear him talk> about the
15 <restrictions on the practice of> religion<; however, he worked
16 together with others>. Personally I did not hear him say anything
17 regarding the <restrictions on> the Islamic religion. <Actually,
18 it was someone else who held different positions talked about the
19 restrictions. He himself did not mention it.>

20 Q. Who was it then that ordered these measures?

21 [09.15.34]

22 A. The order came <down> from the upper level to the village
23 chief and to the group chief. <The order actually came down> from
24 the Angkar above <to> the village chief and the group chief <>to
25 <impose restrictions on the practice of> religion.

6

1 Q. Wasn't Mat Ly himself in fact upper level?

2 MR. PRESIDENT:

3 Witness, please hold on and the <International> Deputy
4 Co-Prosecutor, you have the floor.

5 MR. LYSAK:

6 Thank you, Mr. President. I think Counsel should ask more
7 specific questions about his position, we know from his interview
8 he was a member of the district committee, some people might
9 interpret that as upper level some might not so I think Counsel
10 should be more specific in his question.

11 [09.16.38]

12 BY MR. KOPPE:

13 I think we're always speaking, Mr. President, about upper level
14 here without ever feeling the need to be specific, however I will
15 rephrase my question.

16 Q. Do you know the position of Mat Ly, Mr. Witness?

17 MR. IT SEN:

18 A. I do not know his actual position. However he was in charge of
19 the East Zone along with Tok <Man> (phonetic) and these <> two
20 <individuals> were always <accompanied by soldiers>. And he
21 rarely came to Ampil village, he usually <worked in the areas
22 where rice was grown in the districts of> Dambae, Tboung Khmum<,
23 and Stueng. Only once in a while did he come> to stay in Ampil
24 village.

25 Q. Have you heard at a later stage maybe that Mat Ly was

7

1 appointed in 1976 as a member of the Standing Committee of the
2 National Assembly?

3 A. Yes, I <have>. I <knew> that he was a member of the National
4 Assembly <for having joined the revolution>. <He had struggled.>
5 [09.18.31]

6 Q. Let me move on. Mr. Witness yesterday you spoke about
7 demonstrations in 1973 or 1974 because of the measures that were
8 taken against your religion, is it correct that after these
9 demonstrations you were arrested and detained at Krouch Chhmar
10 security centre?

11 A. Yes, that is correct. I was in danger at the time. My cow
12 became sick after the <rebellion> so I slaughtered the <cow;> and
13 as a result, I was arrested and <accused of having slaughtered
14 the cow in order to sell the beef. I was then brought to be>
15 detained at a prison in Krouch Chhmar district. I was accused of
16 <having slaughtered> a <healthy> cow<, not a sick cow>.

17 Q. How were you treated at Krouch Chhmar security centre, were
18 you beaten by prison personnel for instance?

19 A. They did not beat me up or anything but they had to carry out
20 the investigation first <whether or not I had slaughtered a sick
21 cow. And> if that was true, I would be detained for <the rest of
22 my life>. <However,> I saw many inmates were <being mistreated,
23 and I did not dare to watch that. Those prisoners were handcuffed
24 and beaten> during their interrogations at <a> building behind
25 the detention house<. As for me, I> was not yet <beaten as they

8

1 had to find out the truth first>.

2 [09.20.33]

3 Q. Do you know whether the Krouch Chhmar security centre was part
4 of the district of Krouch Chhmar or whether it was part of the
5 sector to which Krouch Chhmar belonged?

6 A. It <actually> belonged to the Krouch Chhmar district <office>.
7 It was a rather large house, it was a storage house and just on
8 the ground floor there were four levels where prisoners were
9 detained and both floors were fully crowded with inmates. <I
10 could hear prisoners groan every day and night on the first
11 floor, and the floor was full of prisoners. I had no idea of what
12 offenses those prisoners had committed.>

13 Q. Do you recall to which sector Krouch Chhmar belonged, what was
14 the number of the sector to which this district that you lived in
15 belonged?

16 A. Krouch Chhmar district extended from Kampong Treas to Roka
17 Khnaor. That was the area under the Krouch Chhmar district and if
18 you <made a> mistake, you would be arrested from these areas and
19 detained at the Krouch Chhmar detention centre.

20 Q. Let me assist you because I don't have that much time, Mr.
21 Witness. Was Krouch Chhmar district part of region, sector rather
22 21?

23 [09.22.46]

24 A. Yes, I think so.

25 Q. Do you know who after the liberation in April 1975, was the

1 chief of Sector 21?

2 A. No, I don't. I <didn't> know who was the chief at the time.

3 Q. Does the name Chhan (phonetic) ring a bell?

4 A. No, I cannot recall that name. I didn't know where he lived or
5 where he worked.

6 Q. Do you know who was in charge in Sector 21 of economics,
7 administration, education and organisation?

8 A. It was comrade Seng who was present there and besides
9 <Comrade> Seng I <did> not know who else was in charge of these
10 sections.

11 [09.24.29]

12 Q. Maybe I will assist you a bit, Mr. Witness. Is it -- have you
13 ever heard of a name, somebody who was in charge as of these
14 functions in July 1975, someone with the name Ouk Bunchhoeun.

15 A. I do not know Ouk Bunchhoeun. <I did not know where he was
16 from.>

17 Q. Have you heard of somebody with that name in the present day
18 context, somebody who is a senator, Ouk Bunchhoeun?

19 A. No, Counsel, no I <haven't>.

20 Q. Let me go back to the village level, Kob Sath, who was he?

21 A. Kob Sath was a village chief at the time -- that is, during
22 <whose term many people were evacuated and arrested>. He was
23 there as a village chief. He was the one that ordered us to eat
24 pork; we understood that he received such an order from the upper
25 level. <Out of fear, he himself also ate the pork.>

10

1 Q. Was Kob Sath a Cham himself?

2 A. Yes, he was also a Cham person <like myself> but he actually
3 was afraid of the upper level<, and he himself also ate the
4 pork;> and to my knowledge <several days later> he was arrested
5 and killed <by the Khmer Rouge. He had held the position for
6 several months before he was killed.>

7 Q. Have you ever heard of someone with the name of Meng Hun?

8 [09.27.14]

9 A. Meng Hun <was from Preaek Krouch, and he was a security
10 guard>. However to my understanding, <about several months after
11 he had held the position,> he was arrested and put into a sack
12 and thrown into a truck and drove away<, and killed. At my place,
13 he was being referred to as Meng, I had no idea of his family
14 name. Meng, we knew, was a security guard for Peus commune. He
15 was also engaged in the arrests of people, and taking them away
16 to be killed>.

17 Q. Have you ever heard of a man named Leskasen?

18 A. The name <of> Leskasen does not ring a bell; did he live in
19 Ampil village or elsewhere? <I did not know this individual.>

20 Q. That's a good question. Mr. Witness, I wanted to ask you that
21 question. Let me now ask you a general question about the period
22 '74 - '75. Do you know whether at that time a Cham movement
23 existed, a movement, which had as its intention, to create a
24 state within the state, a Cham state, do you know anything about
25 this?

11

1 A. No, I did not hear anything about that or any of such
2 rebellious nature.

3 [09.29.17]

4 Q. FULRO Champa, does that ring a bell, I'm not quite sure its
5 translated properly. Yes it is, FULRO Champa?

6 A. Nobody said anything about that. We the Cham people were
7 afraid of saying anything about this because if we were to say it
8 and it was heard, we would be arrested and taken away.

9 Q. Did you know at the time anybody who was active in a movement
10 to create a Champa state within Cambodia?

11 MR. PRESIDENT:

12 Judge Lavergne, you have the floor first.

13 JUDGE LAVERGNE:

14 Yes, Counsel Koppe, for the record, could you please spell out
15 the name of the movement you are speaking about. I heard FULRO
16 Champa but I'm not sure that I understood precisely what it's
17 about.

18 MR. KOPPE:

19 FULRO Champa.

20 [09.30.46]

21 JUDGE LAVERGNE:

22 Unless I'm mistaken, I believe the FULRO was something in
23 relation with oppressed races, the United Front <for the
24 Liberation of> Oppressed Races, is that what you're referring to?

25 MR. KOPPE:

12

1 I am happy to guide you where I have it from. E3/387, document
2 E3/387, it's a statement of Ouk Bunchhoeun in English, ERN
3 00350206; French, 00441419; and Khmer, 00379487; this movement, I
4 will quote: "[...] intended to create a state within the state
5 because the Cham Muslims wished to occupy Cambodian territory on
6 the eastern bank of the Mekong river to central Anam to create a
7 state. This was according to their confessions. They had an
8 organisation FULRO Champa under the leadership of Sabuon Leskesan
9 in Phnom Penh."

10 [09.32.12]

11 JUDGE LAVERGNE:

12 I'm sorry, is FULRO an acronym or is it actually a <full> name?
13 <I must admit I am somewhat lost.>

14 MR. KOPPE:

15 It is in his statement spelled in capital letters, F-U-L-R-O.

16 JUDGE LAVERGNE:

17 So we may suppose in that case that it is an acronym.

18 BY MR. KOPPE:

19 If we would hear this particular individual as a witness here
20 then I'm sure he'll be able to explain if it was an acronym yes
21 or no. I don't know I presume so. I don't know.

22 Q. So you haven't heard of FULRO Champa, is that -- that's
23 correct, Mr. Witness?

24 MR. PRESIDENT:

25 Please hold on, Mr. Witness. You may now proceed <the>

13

1 International Deputy Co-Prosecutor.

2 [09.33.24]

3 MR. LYSAK:

4 Thank you, Mr. President. Just a couple of observations, I think
5 Counsel should be clear of the time period he is asking about, in
6 response to your question to Judge Lavergne, this was not some
7 secret pervert thing going on during the Khmer Rouge, this was an
8 open political organisation but it was in the pre-1975 time
9 period so he should be clear about what time period he is asking
10 about. My understanding is that there was FULRO Champa that was
11 part of the -- a political organisation related to the Cham and
12 later on that became part of a broader organisation relating to
13 ethnic minorities called FULRO.

14 MR. KOPPE:

15 I think the Prosecution is giving evidence. I'm just reading an
16 excerpt from a statement of someone who was in fact as of July
17 1975, deputy secretary of Sector 21 and he is referring to FULRO,
18 so I think it was an open organisation and possibly the witness
19 would have heard of it.

20 Q. But I presume, Mr. Witness ,you haven't heard of it. I would
21 like to ask you something about a second Cham movement called
22 Kbal Sa have you ever heard of this?

23 [09.34.50]

24 MR. IT SEN:

25 A. No, I have never heard of it. I have never heard of it. <And I

14

1 am saying this before the Quran.>

2 Q. Let me ask you in general terms. In the period '73, '74, '75,
3 have you ever heard of any "rebellious Cham movement"?

4 A. No, I have only heard <of> the rebellion <on> Kaoh Phal. Kaoh
5 Phal rebellion <took place> when <the> Cham people <fought
6 against> the Khmer Rouge<; and> it was the only incident <> I
7 <have> heard <of. I did not hear any other incident with such a
8 nature prior to 1975.>

9 Q. Very well. Let's move there. Yesterday you were asked
10 questions about this rebellion in Kaoh Phal, you yourself were
11 not there but you had an in-law who gave you information. Do you
12 know anything about what caused the crackdown of that rebellion,
13 what happened before Cham people were killed?

14 A. It happened <a> long time ago <that people were restricted to
15 do certain things. As for people on Kaoh Phal, they resisted when
16 they were told not to do daily prayers and> fasting<. The whole>
17 villagers from Kaoh Phal rose up and <resisted> the <restrictions
18 imposed> by <the> Khmer Rouge<; however, people in Saoy-Ampil
19 village were not aware of this. So only villagers of Kaoh Phal
20 rose against the Khmer Rouge.>

21 Q. Have you ever heard a story that 28 Khmer Rouge cadres were
22 chopped to death by local Cham people?

23 [09.37.12]

24 MR. PRESIDENT:

25 Please hold on, Mr. Witness. You may now proceed, <the>

15

1 International Deputy Co-Prosecutor.

2 MR. LYSAK:

3 Counsel is leading the witness and he is leading with a
4 completely different account then, I think, everyone of us have
5 read about this incident. So if he has ceased upon some
6 miss-account of this, he at least he should be quoting it so we
7 know where this information is coming from, the accounts of this
8 rebellion talk about one person -- soldier being attacked not 28.

9 [09.37.53]

10 MR. KOPPE:

11 Q. Let me not focus on 28. Have you ever heard -- although I'm
12 quite sure I read 28 -- Mr. Witness, have you ever heard of many
13 Khmer Rouge cadres being chopped to death by Cham?

14 JUDGE FENZ:

15 Counsel, generally can you prepare, provide for the benefit of
16 the record, the basis for the question. I think that's what the
17 Prosecutor asked.

18 MR. KOPPE:

19 The twenty-eight is -- I will get back to you, it is either
20 coming from Keirnan or Ponchaud, and Cham people chopped a sub
21 district cadre to death is coming from Ouk Bunchhoeun's
22 statement. So I will be more general and I will ask the witness
23 whether he knows anything about killing of Khmer Rouge cadres by
24 Cham in Kaoh Phal.

25 MR. IT SEN:

16

1 A. I did not witness the incident myself, but I have heard that
2 soldiers were chopped to death<>. I did not know how many of them
3 were chopped to death <as I was actually staying in Ampil
4 village>. My in-law also told me <> that <soldiers had been
5 chopped to death, but he did not mention the number>.

6 [09.39.42]

7 Q. You just said '77, but do you in fact mean 1975?

8 A. Yes, it was in 1975. It was actually before 1975, and in 1975
9 the Cham people were evacuated because of the rebellion.

10 Q. What did you in-law tell you specifically about killing of
11 Khmer Rouge cadres on Kaoh Phal by Cham, how did this happen, who
12 was involved, how many people died?

13 A. I <did> not know for sure about the event. <I just knew that
14 those> Cham people who <were armed with either> swords <or>
15 knives were <shot dead> by <the> Khmer Rouge at that time<, while
16 other people who were not armed were not> shot <> by <the> Khmer
17 Rouge <soldiers. Only those Cham> people who <were armed and
18 stood face to face with the> Khmer Rouge at the time were <>
19 killed. <The Khmer Rouge soldiers chased them and killed them,
20 while the other people stayed put in one place, and they were not
21 mistreated.>

22 Q. Let me move on to how the rebellion was cracked down. Do you
23 know which forces were involved in the crackdown of the Kaoh Phal
24 rebellion, were these district forces or were these sector
25 forces?

1 [09.41.50]

2 A. I <did> not know <this either>. The soldiers <were sent> from
3 the <district>, they were told to be ready to <crack down> the
4 rebellion <in> Kaoh Phal. <They were deployed to surround Kaoh
5 Phal.>

6 Q. Have you heard of military forces with heavy artillery coming
7 from the rubber plantations in the south, having different kinds
8 of uniforms, carrying heavy weapons and that they were involved
9 in the cracking down of the Kaoh Phal rebellion.

10 A. I did not <actually> witness the incident<; but,> I heard
11 <from people of Saoy village> that <artillery pieces> were
12 <installed in the sandy area located in front of Saoy> village.
13 <Again, I did not witness the incident myself, but I heard that
14 artillery pieces were deployed outside Kaoh Phal village.>

15 Q. What do you remember about this artillery?

16 A. I could not recall. <They did not actually fire those
17 artillery pieces, they were just deployed there. Only small arms
18 were used to shoot those rebels in> Kaoh Phal<. Artillery pieces
19 were deployed just in case people from other villages would come
20 to help people in Kaoh Phal. Some people from> Saoy village <went
21 there, and they were arrested; thus, no other people dared to go
22 there>.

23 Q. But do you remember or maybe your in-law remembered people,
24 soldiers wearing military uniforms and carrying heavy artillery?

25 [09.44.15]

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness. You may now proceed, <the>
3 International Deputy Co-Prosecutor.

4 MR. LYSAK:

5 Thank you, Mr. President. Again, Counsel wants to try to refresh
6 and use a document that talks about these soldiers in uniforms;
7 he should reference the material because I believe he is now
8 mixing up the Kaoh Phal and the Svay Khleang rebellions, two
9 different events. So, he's shaking his head but none of us would
10 have to debate this if you would cite the document when you wish
11 to put evidence to a witness.

12 MR. KOPPE:

13 I am asking a general question to the witness, Mr. President,
14 whether he remembers or his in-law remembers people wearing
15 military uniforms indicating that these would be regiment or
16 sector forces rather than district forces.

17 [09.45.23]

18 MR. LYSAK:

19 Mr. President, Counsel shouldn't be testifying about the
20 significance of military uniforms. Again, if he has information
21 he wishes to present to the Court that's a part of the record, he
22 should cite it. He's leading here, he's testifying himself.

23 BY MR. KOPPE:

24 Again, I'm not testifying at all. I'm asking whether he knows
25 anything about uniforms of the people of the military shooting

1 with artillery, that's my question.

2 Q. Mr. Witness, do you remember anything about the soldiers being
3 involved in the military attack on Kaoh Phal?

4 MR. IT SEN:

5 A. I <just> saw <them arriving by> boats <in> Kaoh Phal<, and
6 those boats were from outside. Those people arriving by boats
7 were armed. They had been there on standby between two and three
8 days before the incident took place in> Kaoh Phal<>.

9 Q. Do you have any knowledge of artillery; do you know anything
10 about how many millimetres mortars were at the time?

11 A. <No,> I do not<>, Mr. <Counsel>. I <had no such knowledge>.

12 Q. Have you heard of Battalion 55 of the Sector 21 Regiment?

13 [09.47.48]

14 MR. PRESIDENT:

15 Mr. Koppe, please repeat your question, there was no proper
16 translation of your question. <Some initial parts of your
17 question were not translated.>

18 BY MR. KOPPE:

19 Q. I certainly will, Mr. President. Mr. Witness, have you ever
20 heard of Battalion 55 of the Sector 21 Regiment?

21 MR. IT SEN:

22 A. I'm sorry, Counsel I <do not know>.

23 Q. I shall give the name of one of its commanding officers and
24 and I will ask you whether you know this name. Hun Sen, the
25 present prime minister, do you know him?

20

1 A. Yes, I have heard of the name Hun Sen. But I did not know at
2 that time where he was stationed<.> I only knew that he also
3 joined the resistance in the jungle.

4 Q. Have you heard whether he as a commanding officer was involved
5 in the crackdown of the rebellion of Kaoh Phal?

6 MR. LYSAK:

7 Again, Mr. President, I have no objection to the question, if
8 it's based on something and not just counsel's theories or
9 wishes. So, if he wants to put this question, please cite the
10 basis for it so we all know, he shouldn't be making things up in
11 the courtroom.

12 MR. KOPPE:

13 The basis is actually someone who worked with the Prosecution for
14 quite a while. But I think I'm entitled to ask that question, Mr.
15 President, whether the witness knows whether commanding officer
16 Hun Sen was involved.

17 (Judges deliberate)

18 [09.51.15]

19 MR. PRESIDENT:

20 Mr. Koppe, please provide the basis or the documents <in the case
21 file> that you quoted in particular <> which were admitted to be
22 used <for the cross-examination> before the Chamber <that led you
23 to formulate your question>. Otherwise the Chamber will prohibit
24 the witness from answering to your question.

25 MR. KOPPE:

21

1 If you insist, Mr. President, of course I will provide you the
2 basis of my question. It is E347.3, English ERN 01086027 which
3 describes indeed the attack on Svay Khleang and Kaoh Phal and the
4 position which is being put forward there is that the attack was
5 done by Battalion 55 led by commanding officer Hun Sen. And I'm
6 trying to establish whether the crackdown was done by the region
7 or rather by the district, so that's what I'm trying to get at.

8 [09.52.40]

9 JUDGE LAVERGNE:

10 Mr. Koppe, can you repeat the <references>, I'm sorry, I <was not
11 able> to note it down properly. I heard <E437.3?>

12 MR. KOPPE:

13 That is correct. E347, so not E3/, but E347.3, it is a Human
14 Rights watch report on page 20, English ERN as I said, 01086027;
15 the attack on Svay Khleang and Kaoh Phal is being described as
16 executed by Battalion 55 of Sector 21, so that's where I have
17 information from.

18 JUDGE LAVERGNE:

19 Counsel Koppe, are you may be aware of the decision from the
20 Chamber regarding this document?

21 MR. KOPPE:

22 No.

23 [09.53.57]

24 JUDGE LAVERGNE:

25 Are you sure? There never was a request to put this document

1 before the Chamber and the Chamber never ruled on that request?

2 MR. KOPPE:

3 I think the Khieu Samphan team did -- that's why -- I know we
4 didn't but the Khieu Samphan team filed a request.

5 JUDGE LAVERGNE:

6 Well then Counsel Koppe, <I am speaking under the control of the
7 parties.> <It> seems that <the> Human Rights <Watch> Report, at
8 least that <excerpt>, has not been put on the Case file.

9 [09.54.41]

10 MR. KOPPE:

11 Well, again, as in other situations you made me explain where my
12 knowledge is coming from, I was asking questions about which
13 military forces were involved in Kaoh Phal and it seems that it
14 was the forces led by the present prime minister who were
15 involved and the information is coming from Steve Heder which is,
16 I'm sure, the author of this report and who worked for the
17 Prosecution for quite a while.

18 MR. LYSAK:

19 We heard a impassion speech yesterday about how people need to
20 rely on the investigation. This rebellion was investigated, I
21 have been searching for references to Battalion 55 and if there
22 is a basis for the question, that's fine, but Counsel should move
23 this document into evidence if he think its reliable it's a Human
24 Rights Watch Report, Human Rights watch was obviously not at Kaoh
25 Phal in 1975, so the real issue is, what is the source of this

1 information. And when Counsel tries to present matters in this
2 way and stand up in this courtroom and assert something as a fact
3 when there is nothing in the investigation about it and it comes
4 from a document that's not been put in evidence, these
5 proceedings are distorted so we would have no objection if they
6 move this into evidence but we need to know what the actual
7 source of this evidence is if this proceeding is going to be
8 meaningful.

9 [09.56.27]

10 MR. KOPPE:

11 As I said the actual source is someone who is considered an
12 expert for this court, who didn't testify as an expert but as a
13 witness and who is someone who is involved in the investigation
14 for a long time and I have knowledge that in fact Steve is the
15 author of this report and he is making the argument that it was
16 in fact Battalion 55 that was involved.

17 MR. LYSAK:

18 Mr. President, I'm pretty sure Steve Heder was not at Kaoh Phal
19 in 1975, so again the issue is, what is the source of this? I'm
20 looking to see if Steve Heder's name is in this, I'm looking for
21 sources, but the reason I'm having to look now and we have to
22 interrupt this proceeding because Counsel hasn't put this
23 evidence properly before us. So I'm here in a position of having
24 to search this document. So I think it is entirely improper the
25 way Counsel brings these matters before the Court.

24

1 [09.57.30]

2 MR. PRESIDENT:

3 Lead Co-Lawyers, I noticed that you are on your feet; do you have
4 anything to address the Chamber?

5 MS. MARIE GUIRAUD:

6 Thank you, Mr. President. I <had taken my seat again.> <I just
7 wanted to point out> that this document is not part of the case
8 file. <That> is the issue. So the point is not whether we're
9 speaking about Hun Sen or not, here today<.> <The issue is that
10 today, once more, we> see <that> the Nuon Chea defence is
11 <deliberately> using a document that is not <on> the case file<.
12 And> the Khieu Samphan defence tried to have this document
13 admitted according to proper procedural rules <that we are all
14 very much aware of,> and this document was dismissed by the
15 Chamber. That's the issue; the issue is not whom we're speaking
16 about<,> but how this document is used by the Defence whereas the
17 Defence knows perfectly well that this document has not been
18 <placed> on to the case file.

19 [09.58.39]

20 MR. PRESIDENT:

21 You may now proceed, Judge Lavergne.

22 JUDGE LAVERGNE:

23 Yes, for the purposes of the record and for Victor Koppe's
24 information, the <reference of the> memo is E347/1 and the
25 relevant segment is <from> Chapter 2 of the Human Rights Watch

1 report, in particular paragraphs three, four, five, six, seven
2 and eight.

3 [09.59.22]

4 MS. GUISSÉ:

5 Thank you, Mr. President. <Good> morning to all of you. I <simply
6 wish to make> a request for clarification <by the Chamber>
7 because I believe <I understood from> the previous decisions<,>
8 including <in> Case 002/01, that the issue of <the source of a
9 document and the citing of the document arose only when a witness
10 on the stand had to be confronted with a specific document, but
11 that if the document was not being shown to the witness, we were
12 free to put any questions as we so wished>. So I don't
13 <understand why suddenly each question put by the Defence has to
14 be based on a specific document. <We are free to ask any
15 question we deem useful in the defence of our clients.> If we do
16 not intend to confront the witness with a particular document,
17 why do we have <to> base all of our questions on a document? This
18 is <a> clarification because <it doesn't seem to be-- Well, all
19 in all,> the Co-Prosecutor's position does not seem to be in
20 <line with> the Chamber's jurisprudence regarding this matter.

21 MR. LYSAK:

22 If I may respond, the reason is you're leading the witness if you
23 don't have some basis. You can't just stand up in Court and make
24 an assertion that Hun Sen was part of an attack without some
25 evidence and I'm reading this now, there is no cited evidence

26

1 here, there's an unspecified interview by an academic without
2 even identifying the source. So, for Counsel to stand up here and
3 make these assertions without a proper evidentiary record, he is
4 leading the witness. Yesterday both of you stood up and objected
5 when I asked this witness, how many Cham people lived in his own
6 district. Now you want him to an expert on the entire structure
7 of the East Zone.

8 [10.01.20]

9 MR. KOPPE:

10 It is a pathetic and shameful attempt to cut the Defence off to
11 try to find--

12 MR. PRESIDENT:

13 Counsel Koppe, you will have the last say on this matter. And now
14 the floor is given to the lawyer for civil parties.

15 MS. TY SRINNA:

16 Thank you, Mr. President. I would like to make an observation on
17 this matter. In fact we, the civil parties, have put questions to
18 civil parties and witnesses and usually the defence teams would
19 rise and demand the sources that we quote in those questions. <So
20 far, the Chamber has also asked us to provide the sources when we
21 put our questions to witnesses;> and to play a fair game<, the
22 defence teams shall also comply with the principle.> I believe
23 both sides have to refer to the sources that you extracted or
24 that you relate them to your questions to the witness. Thank you.

25 [10.02.26]

1 MR. KOPPE:

2 On the record, Mr. President, what's happening here is an attempt
3 to avoid evidence which might incriminate present government
4 members as the perpetrators of the actual genocides, if there
5 were any, in '75. So I think it is perfectly appropriate to find
6 out what happened in '75, especially in Trea village which is
7 about to follow. So the Defence is perfectly entitled to find out
8 what happened in '75 and whether Ouk Bunchhoeun and Hun Sen were
9 involved in the killings.

10 MR. LYSAK:

11 I am sorry to rise again but I cannot let that be unresponded
12 (sic) to, no one here is trying to do that. You are perfectly
13 entitled to pursue that, you need to do it by proper evidentiary
14 means; you cannot just make up things in the courtroom. So feel
15 free to prove that we have no objection, you need to do it by
16 proper means of evidence, Mr. President, that's our position. Not
17 that he should be precluded from doing this.

18 [10.03.28]

19 MR. KOPPE:

20 As said, it's Steve Heder who is implying this and you know him
21 very well.

22 MR. LYSAK:

23 There is nothing about Steve Heder in this document. He's making
24 that up.

25 (Judges deliberate)

28

1 [10.04.39]

2 MR. PRESIDENT:

3 Judge Fenz, you have the floor.

4 JUDGE FENZ:

5 Well, it cannot come as a great surprise. I mean, this is how
6 criminal proceedings work; if you want to confront the party with
7 something if you put forward an allegation you have to cite the
8 basis for this. If the basis is a document which hasn't been
9 admitted during the proceedings or actually specifically rejected
10 as in this case, find another basis and move on.

11 [10.05.14]

12 MR. KOPPE:

13 And that's exactly what I didn't do because I know this is going
14 to happen in this Court. Trying to hide the truth of what really
15 happened.

16 MR. PRESIDENT:

17 Counsel, you have to follow the standing practice and procedures
18 in this courtroom so please move on <with your line of
19 questioning>.

20 BY MR. KOPPE:

21 Something I would of course do in any other court, Mr. President,
22 but I'll move on.

23 Q. Mr. Witness, do you know how many people were killed at Kaoh
24 Phal and Svay Khleang?

25 [10.06.10]

1 MR. IT SEN:

2 A. No, I don't know how many people were killed. I knew people
3 were killed but not the number of those killed.

4 Q. Is it correct that hundreds of Cham were massacred by East
5 Zone forces?

6 A. As I said people were killed but I did not know <either as to>
7 how many <> at the time <as> I was hiding in <my> house in Ampil
8 village.

9 Q. There was another massacre in '75, wasn't there in Trea
10 village, is that correct?

11 MR. PRESIDENT:

12 The <International> Deputy Co-Prosecutor, you have the floor.

13 [10.07.15]

14 MR. LYSAK:

15 Again, Counsel is leading and again I think he's got his
16 information mixed up. There was another incident in Svay Khleang
17 in '75 and Trea was 1978. If he has some other information he
18 should be specific, he shouldn't stand up and lead the witness
19 with incorrect information.

20 MR. KOPPE:

21 At least read your sources, Mr. Prosecutor, I have it from
22 Kiernan who is quoting Ponchaud, describing a massacre which was
23 executed, in pretty much the same way as described yesterday by
24 this witness, in November '75. I'll be happy to read it for you.

25 "Ponchaud adds that in November '75, Chams in Trea village of

1 Krouch Chhmar also rebelled. Then the Khmer Rouge tore the
2 village apart with B40s and smashed the heads of any survivors
3 with pick handles. The corpses were thrown aside and left. They
4 even stuck heads on pikes and exposed them along the banks of the
5 Mekong." Ponchaud page 153.

6 So I'm trying to figure out whether this massacre in Trea that
7 the witness described yesterday wasn't actually in '78, but
8 rather in '75.

9 [10.08.54]

10 MR. LYSAK:

11 Mr. President, I have no objection, again, he should read the
12 document first, ask the witness if he is familiar with an event
13 in Trea village in 1975, but he shouldn't stand up and suggest
14 that what he just read is any way similar to what the witness
15 described as happening in 1978 in Trea village, they're
16 completely different. So he shouldn't be characterising and
17 leading. If he wants to present and ask about what happened in
18 Trae village in 1975, go ahead.

19 MR. KOPPE:

20 Q. Fine. Mr. Witness, do you know if there was a massacre of
21 Cham; Cham being killed, thrown in the river in '75 November?

22 MR. IT SEN:

23 A. No, it was not in 1975. <It was in 1975> that <people> were
24 evacuated from villages. <There was no such a massacre in 1975.>

25 [10.10.02]

31

1 Q. Do you know for the fact that this French person that I was
2 referring to, Francois Ponchaud, wrote his book in 1976. So at
3 the time he didn't know what is going to happen later so I think
4 we can be convinced that it was in '75. Have you never heard any
5 stories about the cruelties that I just described?

6 MR. LYSAK:

7 Again, Counsel is leading, he is misstating the evidence. This
8 witness has described one event that took place in Trae in 1978.
9 This book describes a completely different event in 1975 and he
10 shouldn't be leading and trying to mischaracterise the evidence
11 when he's asking questions here. This is utter deceit.

12 MR. PRESIDENT:

13 In order for us to proceed, the <International> Deputy
14 Co-Prosecutor please provide your grounds for your objection so
15 that we can use <them> as the basis for our ruling. For example,
16 whether there was no citation in the questions or whether it was
17 a leading question, for example. And if your objection is not
18 based on any firm ground I think it's just back and forth between
19 two sides. <Please be more specific.>

20 We, as the Bench would like to facilitate the proceedings and
21 issue our ruling based on the grounds that the Parties provide to
22 the Chamber in order to proceed in an expeditious manner. And you
23 all have been in this courtroom and involved in the proceedings
24 for so many years already so please try to avoid a relapse of
25 this lack of grounds.

1 [10.12.12]

2 MR. LYSAK:

3 Thank you, Mr. President. The ground is that Counsel is leading
4 the witness; he's leading and suggesting to him that event in
5 1978, was the same as a different event in 1975. That is a
6 leading question.

7 BY MR. KOPPE:

8 I don't think it was a question. It was a possible theory that
9 this witness might be very afraid of telling what happened in
10 Trae village in '75, and rather shifted to '78. But my question,
11 a very factual question was, whether he knows anything of mass
12 atrocities which are in certain details quite similar as to what
13 he described yesterday? That's my question, does he know of any
14 mass atrocities in November 1975 in Trae village?

15 [10.13.08]

16 MR. IT SEN:

17 A. Counsel, I don't understand your question at all.

18 MR. PRESIDENT:

19 Witness, you do not need to answer a question that you don't
20 understand.

21 Let us take a short break and resume at 10.30 <a.m.>

22 Court officer, please assist the witness at the waiting room for
23 witnesses and civil parties during the break and invite him back
24 into the courtroom at 10.30 <a.m.>

25 The Court is now in recess.

1 (Court recesses from 1013H to 1034H)

2 MR. PRESIDENT:

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

4 Before I give the floor to the defence team for Mr. Nuon Chea to

5 resume his line of questioning, the Chamber would like to remind

6 all Parties that yesterday I informed the Co-Prosecutors,

7 together with the Lead Co-Lawyers, in relation to questioning of

8 this witness. I instructed Co-Prosecutors and Lead Co-Lawyers

9 that the questions should be simple and precise, and also short.

10 This witness, as I said yesterday, has difficulty in speaking

11 Khmer, because as far as we are concerned, he has a different

12 language, different culture and tradition from that of Khmer. So

13 in order that the Chamber can ascertain the truth in this case,

14 the questions should be short and precise.

15 [10.35.56]

16 I noticed that Parties in the previous session changed their

17 position when they address the Court. They appear to deliver

18 speeches to the Chamber. So, once again, the Chamber reminds

19 everyone to stick to the form of questions allowed by the

20 Chamber, and we have allowed such practice for over seven years.

21 And in addition to this, the Chamber wishes to inform that a

22 Party has to adhere to their professionalism when they address

23 the Chamber. Please avoid any disparaging speech here in this

24 courtroom.

25 Now, the Chamber gives the floor to the defence team for Mr. Nuon

1 Chea to resume his line of questioning. You may now proceed.

2 MR. KOPPE:

3 Thank you, Mr. President. Before I start, Mr. President, both the
4 Khieu Samphan defence team and we are a bit concerned about the
5 time that we still have left. We notice that I was objected to
6 about nine or 10 times. Yesterday, there was also an additional
7 20 minutes for the Prosecution. So we are enquiring as to how
8 much time both defence teams still have today?

9 MR. PRESIDENT:

10 We are not competing each other here. However, if you made a
11 request to have 20 additional minutes for your time to question
12 this witness, the Chamber may grant you the request. However,
13 questions with no basis, <> irrelevant questions, <or leading
14 questions> will not be allowed in this courtroom. And when one
15 Party is objecting to questions put by another Party, please make
16 it clear. Try to avoid delivering any lengthy <observation or
17 even a> speech before the Chamber. So we have to be clear on this
18 matter.

19 [10.38.55]

20 MS. GUISSÉ:

21 Mr. President, please. I need to react here. Since we will be
22 speaking last, the issue of extra time of course will concern us
23 particularly. So, I would like to inform you <beforehand> that
24 we're going to ask for 20 minutes of extra time so that we can
25 finish our cross-examination. <>

35

1 MR. PRESIDENT:

2 I told you already that 20 minutes will be granted to you when
3 you put significant or necessary questions to the witness <in
4 order to help the Chamber ascertain the truth>.

5 BY MR. KOPPE:

6 Q. Thank you, Mr. President. Mr. Witness, let me go back to
7 November 1975. You went from Ampil, your village, to Preaek Achi;
8 is that correct?

9 [10.40.10]

10 MR. IT SEN:

11 A. Yes, that is correct. I went to Preaek Achi.

12 Q. And when you went from Ampil to Preaek Achi, did you follow
13 the river and pass through Trea? Or did you go another route?

14 A. I went <by> boat along the river. I then arrived at Stueng
15 Trang, and after Stueng Trang, we were taken <by a motor boat> to
16 <Preaek> Sangkae before we reached Preaek Achi. <I am referring
17 to the journey of my team.>

18 Q. Do you remember roughly how many days or weeks after the
19 rebellion in Kaoh Phal and Svay Khleang you went to Preaek Achi?

20 A. I am not quite sure on this matter. I did not know <as to> how
21 <many months it was after the rebellion. I just recall that we
22 were evacuated after the incident of rebellion. During that time,
23 we were under strict surveillance at night> and we did not dare
24 to say anything. <If they heard anyone talking at night, he or
25 she would disappear. They came to spy on every house in Ampil

1 village. They stayed underneath our house to listen to us.
2 Anyways, I did not recall how many months it was after the
3 rebellion when we were evacuated.>.

4 [10.42.16]

5 Q. And when you went by boat from Ampil to Preaek Achi, following
6 the Mekong and passing Trea, did you see any dead bodies? Any
7 corpses without heads?

8 A. No, I did not see any corpses at the time.

9 Q. And when you arrived in Preaek Achi, did you hear anything
10 about what had happened just before that in Trea?

11 A. No. I did not know anything else besides the rebellion.

12 Q. So is it correct to say that in those three years that you
13 were in Preaek Achi, you never heard anything about killings in
14 Trea village?

15 A. <While> I was living in Preaek Achi<, I did not hear> of any
16 killings at Trea village. <Only after> I <had left> Preaek Achi
17 <did> I hear <of> the incidents of killings.

18 [10.44.26]

19 Q. Now, because of time, I will move on to the end of your stay
20 in Preaek Achi. You were told, you said, that peace had arrived,
21 and that you were allowed to go to Ampil; is that correct?

22 A. Yes, that is correct. And after the <arrival> of the Southwest
23 Zone, we were told that <the East Zone had been liberated, and>
24 we could <return> to our village. <I then drove an ox-cart
25 transporting all our belongings and returned to Ampil village.>

1 Q. And how many other Cham families went from Preaek Achi to
2 Ampil?

3 A. <>Preaek Achi <> was a rather big <commune. There were six
4 villages in Preaek Achi, and the Cham people from> Ampil village
5 <went to live in all the six villages> at that time<; I just knew
6 that Cham people from every village were returning; however, I
7 did not know how many of them were leaving from the six villages
8 in Preaek Achi. They were returning to either Ampil village or
9 Saoy village>.

10 Q. Do you know whether any other Cham families who were in Preaek
11 Achi could go back to Trea? Or could go to Trea, rather than
12 Ampil?

13 A. Yes, villagers from Trea village were allowed to go and live
14 in Preaek Achi village, and <they were also told to return to
15 Trea village. I noticed that those> people <who had returned>
16 from <Trea village were taken away before we were. Just a few
17 days after they had returned to> Preaek Achi village<, they> were
18 <blindfolded and> taken <away> to be killed<>.

19 [10.46.53]

20 Q. I will make my question simpler. Were there families who had
21 been living in Preaek Achi for three years, were sent to either
22 Trea or to Krouch Chhmar, or to other villages?

23 A. I'm sorry, Counsel, I do not get your question. Could you
24 repeat it, please? I cannot get it.

25 Q. You said you had been living with your family in Preaek Achi

1 for three years. Then you were told you were allowed to go back
2 to your home village. Do you know whether other Cham villagers
3 were also allowed to go back to their home villages?

4 A. Yes, we were told as such, that we were -- we would be allowed
5 to <return to> our respective houses. <All the Cham people who
6 had been evacuated to live in the various villages of Preaek Achi
7 were informed to return to their respective villages>. And I
8 <could> not <tell exactly who, how many of them and from which
9 village they had lived in Preaek Achi; but those people were
10 returning to their respective villages>. Later on, I learnt that
11 people <who were told to leave their respective villages to again
12 return to> Preaek Achi were <actually> taken to be killed <in
13 Trea village. Having stayed in the village for about ten days, we
14 were told to return to Preaek Achi>.

15 Q. You went with your family to Ampil. Is it correct that you
16 stayed there with your older sister, Afiah?

17 [10.49.00]

18 A. Yes, that is correct. I was living with my older sister <whose
19 name was Fiah>.

20 Q. You also said that in Ampil there were about 20 or 30 or 40
21 Cham families; is that correct?

22 A. Yes, that is correct. <About> that number <of the Cham
23 families lived> in Ampil village.

24 Q. You also stated that you stayed for about a fortnight in Ampil
25 village; correct?

1 A. Yes, it is about right. I stayed there for about a fortnight
2 <before> we were transferred <again> to Kampong Thom.

3 Q. Kampong Thom?

4 A. I'm sorry, I <was mistaken>. After <returning from> Preaek
5 Achi, <I stayed in my village for about a fortnight, and> I was
6 sent to Trea <village to be> <> killed. I <was mistaken about
7 the time that I was rounded up. In fact, I was rounded up at a
8 later stage>.

9 Q. Let me go back to Ampil again. You were in Ampil, and you
10 stayed a fortnight, and you had to go because there was not
11 enough food; is that what you said yesterday?

12 A. <Yes, it was true.> I was not given any food ration<. They
13 said if we remained in the village, they would not give us any
14 food ration.> I did not have any meal to eat before I was told to
15 return.

16 Q. So when you moved then from Ampil to Trea, did your oldest
17 sister, Afiah and those 20 or 40 families, stay behind in Ampil?
18 [10.51.51]

19 A. Some people stayed behind in Saoy village, and some others
20 stayed behind in Ampil village.

21 Q. How about your older sister, Afiah? Did she stay behind in
22 Ampil?

23 A. My older sister <Fiah> had not been evacuated from Ampil, so
24 she stayed in Ampil village, from the time that I was evacuated
25 until the time that I returned to Ampil village.

40

1 Q. You're now saying -- and maybe that's the translation --
2 evacuated. I thought you said that you decided yourself to leave
3 Ampil because of food?

4 MR. PRESIDENT:

5 Please hold on, Mr. Witness. You may now proceed, the
6 International Deputy Co-Prosecutor.

7 [10.53.17]

8 MR. LYSAK:

9 Yes, our objection is that the Counsel is leading the witness and
10 misstating the record. The witness testified that he was
11 instructed, along with others, to go from Ampil to Trea. He never
12 testified that he decided to do this himself.

13 BY MR. KOPPE:

14 Q. I will rephrase, Mr. President. When you went from Ampil to
15 Trea, did you tell the person who instructed you that the
16 Southwest Zone cadres in Preaek Achi had just before said you
17 were allowed to go back to your home village?

18 A. Yes. The Southwest Zone cadres came to <be in charge of the
19 area>, and we were told that we could return back to our home
20 villages. After <we arrived> in Ampil village, <we stayed there
21 for two weeks;> we were told <in a meeting> that we <had to> go
22 back to live in <Trea village. It did not matter whether we had
23 been relocated from Preaek Achi or elsewhere, all the returnees
24 to Ampil village had> to leave for Trea village. <Comrade Seng
25 was the man who chaired the meeting and made such an

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1 announcement.>

2 Q. But you were already in your home village, Ampil. So you left
3 Ampil to go to Trea, but Trea wasn't your home village; correct?

4 A. My birth village was Ampil village<, not Trea village>. We
5 were instructed to go to Trea village <in order to be killed> at
6 that time.

7 [10.55.42]

8 Q. I understand. But just only 14 days before, you were
9 instructed to go back to your home village, Ampil. And you stayed
10 with your older sister. So why were you instructed to go to Trea?

11 A. <We were told that there> were <already> too many villagers in
12 Ampil village, and <there> were not <many people in Trea
13 village>. The order <came down> from <the> upper level <to the
14 commune chief and the> village chief to <chase us from the
15 village. They were ordered not to issue us food ration if we
16 continued to stay in the village.>.

17 Q. But do you remember at the time thinking, to say, "Well, I can
18 stay with my older sister. There is enough food with my older
19 sister." Maybe.

20 A. <They knew who we were; thus, we could not stay. Although we
21 wanted to stay, we could not as they would chase us away. They
22 were very strict, and my sister Fiah could not ask them to let us
23 stay>.

24 [10.57.32]

25 Q. But why go to Trea? Why not go to Krouch Chhmar? Or to Svay

1 Khleang? What was the reason to go -- to have to go to Trea?

2 A. Soldiers <were based> in the whole area of Trea village. Trea
3 village was the place where people were put and killed. <The
4 village was full of soldiers. There were soldiers in every
5 house>.

6 Q. But when you were instructed to go to Trea, you didn't know
7 that at the time, I presume?

8 A. No, I did not<. And for that reason, we> were <bringing along
9 a full load of an ox-cart of our stuff including kitchen> tools,
10 blankets, sleeping mats, and <other> belongings<>.

11 Q. I'm trying to understand something, Mr. Witness. You were
12 instructed to go to Trea. You said then your family was killed
13 because they were Cham. But your sister, who was also Cham, was
14 allowed to stay in Ampil. Can you explain that to me?

15 A. <It was not an issue for those who were already living there
16 in the village. I am referring to those who were not evacuated
17 from the village in the very first place>. Because I returned
18 <to the village> from Preaek Achi <>, I was <ordered to leave>
19 Ampil village. <Anyway,> Base People, who had been already there
20 in Ampil village <in the very first place, had the rights> to
21 stay in that Ampil village.

22 Q. But you also said there were about 20 or 40 Cham families in
23 Ampil. Were they also, like your sister, allowed to stay?

24 [11.00.25]

25 A. Yes. It was the same situation for those families <who> had

1 not been evacuated elsewhere<. They> were allowed to stay in
2 <the> village. <And those people were not allowed to leave the
3 village.>

4 Q. What happened to those 20 to 40 families? What happened to
5 your older sister when she was in Ampil?

6 A. My elder sister <who stayed behind> in Ampil <was fine>.

7 However, later on, <after we left the village, some people were
8 sent out of the village to build houses. They were assigned to
9 build houses, and they disappeared. So, about> 20 <more> families
10 <from Ampil disappeared. They were sent away on an assignment to
11 build houses, but they just disappeared one after another. They
12 were taken away under the pretext that they were going to build
13 houses in> Trea village. <That was also the reason why I returned
14 to Trea village.>

15 Q. I will finish. I have still many questions. But, Mr. Witness,
16 can you explain why your direct family was killed in Trea because
17 they were Cham, as you've said, but nothing happened to the
18 families, the Cham families, in Ampil? What was the reason? Were
19 you unlucky? Or what -- what is the reason? Do you know?

20 [11.02.15]

21 A. <I came to the conclusion that it was because> we were
22 <relocated> from Preaek Achi to the village; <on the contrary, it
23 was not an issue at all for those Cham families who had not been
24 evacuated from the village in the very first place. We> were
25 considered the new Cham <people, and the new Cham people were not

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1 allowed to stay in the village, but to return where they came
2 from. We had not the same rights like those who were already
3 living in the village>.

4 MR. KOPPE:

5 Mr. President, I am mindful of the time already passed, another
6 10 minutes. For the record, I still have many questions to this
7 witness, but I will give the floor now to the Khieu Samphan team.

8 MR. PRESIDENT:

9 Thank you, Counsel. And the floor is now given to the defence
10 team for Khieu Samphan.

11 QUESTIONING BY MS. GUISSÉ:

12 Q. Thank you, Mr. President. Good morning, Mr. It Sen. My name is
13 Anta Guisse. I am International Co-Counsel for Mr. Khieu Samphan,
14 and I have a few questions to put to you. The first question is
15 as follows. You referred to the <Kaoh> Phal revolt, and in answer
16 to a question put to you by the Co-Prosecutor, you stated that
17 when the <Kaoh Phal> revolt took place, you were forbidden to
18 cross over to get back to the village. So my first question is as
19 follows: who forbade you to cross over to get <back> to Kaoh
20 Phal?

21 [11.04.20]

22 MR. IT SEN:

23 A. It was the soldiers who were guarding in the area. We were
24 <not allowed to go there because they were fearing that we would
25 help those in Kaoh Phal>. And if someone insisted on going, the

1 person would be arrested and tied up.

2 Q. You state that it was the soldiers. Do you remember what force
3 those soldiers belonged to?

4 A. I <did> not know which unit they attached to, but those
5 soldiers could come from <either> the district or the sector. And
6 allow me to remind you that it was the rainy season, and some
7 people had to go and collect grass for the cattle on boat. The
8 soldiers would stop them and arrest them. <Those who attempted to
9 collect grass on Kaoh Phal were arrested and taken to be kept at
10 Roka Khnaor.>

11 [11.05.38]

12 Q. Can you confirm that Ampil, like Preaek Achi and Trea, were in
13 the East Zone?

14 A. Yes, <those locations belonged> to the East Zone. Later on,
15 when the Southwest group arrived, they accused the East Zone
16 cadres of having <> Vietnamese <heads>.

17 Q. Can you tell me, if you do know, who were the persons in
18 charge of the East Zone at the time of the Kaoh Phal revolt?

19 A. I <did> not know <who they were>. I <just knew that when the
20 rebellion was about to take place, soldiers were sent there>.

21 Q. I will put my question to you again, because there may be a
22 problem of understanding. Do you know who were the leaders of the
23 East Zone at the time of the Kaoh Phal revolt in 1975?

24 A. No, I don't. I don't know who <those leaders were> at the
25 time. <They could have been> Tok Man (phonetic) <and Math Ly

1 (phonetic)>, but <they> usually based at the <areas where> rice
2 <was grown>.

3 Q. To be very specific, when you were at Ampil before you went to
4 Preaek Achi, do you remember who was the chief <- be it at the
5 district or commune level - in office at the time>? <>

6 A. I do not recall the names of the commune chief or the district
7 chief. Li and Lah were <chiefs> of <Ampil> village, <and later on
8 were replaced by Sath (phonetic). Li, a Khmer man, was chief of
9 Preaek Achi village,> but <I do not recall the name of> the
10 commune chief of Preaek Achi<>.

11 [11.09.02]

12 Q. Who ordered you to leave Ampil and go to Preaek Achi?

13 A. It was the security force, the village chief, and the commune
14 chief who gave us that order. And they said that the order came
15 from the upper level, and the order came through the chain of
16 command for us to go.

17 Q. You have referred to security forces. Do you remember the name
18 of any person who was chief of the security force, who <gave> you
19 that order?

20 A. I remember some in Ampil village, namely Meng (phonetic) and
21 Horn (phonetic). Horn (phonetic) is still living today, but he is
22 <as> old <as I am. He was in charge of the youths. He ordered to
23 have people sent out of the village>. And there was another
24 person, named Meng (phonetic), who worked in the security in
25 <Preaek Krouch, a village adjacent to> Ampil village. Later on,

1 <> Kob Sath <became the village> chief.

2 [11.10.43]

3 Q. When you say that Kob Sath became chief <later on>, when
4 exactly did he assume his duties?

5 A. That happened during the time that people were being taken
6 away and killed. But about 10 days after, he was taken away and
7 killed too. <After villagers were taken away and killed>, those
8 village chiefs, <commune> chiefs, <and the security personnel
9 themselves> were <also> taken away and killed, and replaced by
10 new chiefs.

11 Q. So if I understand your testimony correctly, you are situating
12 that event in 1978; is that correct?

13 A. Yes, <it> was the year <of 1978 that villages were taken away
14 and killed>.

15 Q. And according to you, in which commune was Kob Sath exactly?
16 Was he in Ampil or in Trea?

17 A. Kob Sath was <originally from> Ampil. His parents <were from>
18 in Ampil.

19 Q. So if I understand correctly, you knew that he was chief
20 during the 15 days you spent at Ampil after your return from
21 Preaek Achi; is that correct?

22 A. Yes, that is correct.

23 Q. You made mention of a person called Seng on several occasions.
24 Can you tell us what his exact position was?

25 [11.13.24]

1 A. I heard people saying that he was the Krouch Chhmar district
2 committee, as he was in charge <> <of> the entire Krouch Chhmar
3 district. <He was also a military commander. Many soldiers were
4 under his command.>

5 Q. Do you know what was his Zone of origin? And when he was
6 appointed?

7 A. When the Southwest group came from the other side of the river
8 to liberate the area in the East Zone, then the East Zone cadres
9 scattered, and from that point onward, he was <appointed> as the
10 district committee <during the Southwest control>. And that's
11 when the killing started.

12 Q. In E3/5195, your record of interview, you made mention of Kob
13 Sath, and this is what you stated. And the ERN in French is as
14 follows: <00274718>; ERN in Khmer, 00004429; and <ERN> in
15 English, 00242095. "Kob Sath then became village chief, in spite
16 of his Cham race. The situation <under his leadership> got worse
17 progressively. We were neither authorized to <pray> nor to
18 <speak> the Cham language." End of quote. Now, did that situation
19 deteriorate only in 1978?

20 [11.16.26]

21 A. No, the situation intensified in 1978, until 1979 -- that is,
22 until the day of the liberation by the <Samdech> prime minister.
23 <Only until then did the situation go back to normal.>

24 Q. Are you sure that Kob Sath was appointed village chief only in
25 1978?

1 A. It happened in 1978. That <was> when they started <dislocating
2 and> killing people. And as I said, he didn't work there for
3 long. He only worked for a few months, and then he was taken away
4 and killed.

5 Q. Do you know whether Seng had other duties outside of his
6 functions as district <secretary>, as you pointed out?

7 A. No, I don't. However, I saw him riding his motorbike every day
8 at that time, and he issued instructions to soldiers.

9 Q. Still document <E3/5195>, document 00274718 in French; ERN in
10 English, 00242095; and <ERN in> Khmer, <00204430>. And this is
11 what you state; <you provide more details <in the book by Mr.
12 Osman who> relates what you said <in the sixth paragraph>: "Seng
13 was at the same time military chief of the commune and commune
14 chief." End of quote. Does that refresh your memory?

15 [11.19.22]

16 A. Yes, it does refresh my memory. And what you read out is
17 correct.

18 Q. When you were led to Trea, and you got there, did you know who
19 was in charge of Trea? Who was the village chief?

20 A. I <did> not know who <> the village chief of Trea <was> at the
21 time. <When we arrived,> I saw many soldiers stationed in the
22 village, and I saw comrade Seng going backwards and forwards on
23 his motorbike to Trea village.

24 Q. If I properly understood your testimony, you stated that when
25 you got to Trea village, you were separated <from the> women and

1 young girls. Did I understand you correctly?

2 A. Yes, that is correct. At the mosque, we were instructed to sit
3 there for a while, and then we were separated into different
4 groups: the <group of> men, <the group of women,> the <group of>
5 single unmarried <girls>, and <small children stayed with their
6 mothers in> the women's group <>. <We were all separated.>

7 [11.21.16]

8 Q. You stated that <afterwards> you <> came out of the mosque,
9 and you were led to <a> traditional house. Do you know whether
10 women remained in the mosque?

11 A. Men were taken out first, and the women's group were allowed
12 to remain -- or were ordered to remain in front of the mosque,
13 although some of them wanted to go with the men but they were
14 prohibited from going. <Women were not allowed to go with the
15 men, and from then on, I never saw my sister again.> I did not
16 know where they took those women to. They disappeared. As for
17 men, we were then tied up, <and kept> under <a> house.

18 Q. Let us now talk about the time when you <were inside> the
19 traditional house on stilts. You said that there were many houses
20 <in the vicinity>. My question is: how far was the nearest house
21 to the house in which you were held in custody?

22 A. The distance, or the gap, from one house to another was
23 between two metres <and> three metres or four metres. And you
24 could see through the cracks of the wall of people in the
25 adjacent house as rows of houses were built along the riverbank

1 in Trea village. <We could see each other through windows.>

2 [11.23.30]

3 Q. If the houses were built in rows, would I be right in saying
4 that you could speak to people who were in houses to the left of
5 your house, or to the right of your house? In which case, you
6 were <only> able to communicate with people <who were two houses
7 away from where you were>?

8 A. Yes, that is correct. We were not allowed to speak to one
9 another, <> among us within one house. We were warned by soldiers
10 not to speak to one another, let alone speaking to others in the
11 adjacent houses. <Those soldiers stayed underneath the house to
12 make sure that we did not speak to one another.>

13 Q. Mr. It Sen, I'm putting this question to you because I
14 understood from your answer to the Prosecutor that you did say
15 that you knew that there were Cham in all the other houses,
16 because you were able to communicate with them. Should I
17 therefore understand from what you've just said that you were not
18 able to communicate with the people, <except for those> who were
19 <closest> to you?

20 [11.25.19]

21 A. When we were walked by soldiers from the mosque, we could
22 speak to one another. <After being led from the mosque,> I was
23 asked <by other Cham people> where I was from, and I said we came
24 from Ampil village. <They were the Cham people detained> in the
25 <same> house <who asked me that, but he asked me when we were

1 taken from the mosque. Again, that was the only time we could
2 talk to one another>.

3 Q. So if I understand your answer correctly, it means that from
4 the time when you arrived in the house, you could no longer speak
5 to people in the other houses; is that correct? You were not able
6 to talk to them anymore?

7 A. Yes, that is correct. We could not communicate with one
8 another in the same house, nor to others in the adjacent houses.

9 Q. You also stated that, at the time of your flight, it was dark
10 and raining. And that is what made it possible for you to flee
11 without being noticed by the soldiers. Did I properly understand
12 your testimony?

13 A. Yes, that is correct. At that time, it was dark and it was
14 raining. And that was a chance for me to slip through, and to
15 slip away.

16 [11.27.22]

17 Q. And if I understood your testimony correctly, you also
18 explained that since it was dark and raining, when you arrived
19 next to a pile of clothes, you did not see the clothes, but you
20 kind of felt that they were there; is that correct?

21 A. Yes, that is correct. I felt <for> the clothes -- that is,
22 after I crawled from the house. And actually, I felt and touched
23 my water container amongst the piles of the clothes. So once I
24 touched the water container, I realized that <the> pile of
25 clothes <was actually ours>.

1 Q. I ask for this clarification because in Ysa Osman's <book>,
2 document E3/9334, this is what you stated: <"At midnight"- pardon
3 me,> let me give the ERNs: in French, 00274725; <ERN> in English,
4 00204443; ERN in Khmer, 00204438. <>

5 [11.29.24]

6 "At midnight <I noticed"- I imagine it is,> "having noticed that
7 the Khmer Rouge were resting, <in order to eat and> drink, I came
8 out <of the tuft, crawling towards the river bank. When I got to
9 the river bank, I saw a big pile of clothes. I <crawled> across
10 those clothes. I later <got to the edge of the> river., <All of a
11 sudden> I saw a <parcel> of clothes <that belonged> to my family.
12 And it was my wife who had been in charge of <that parcel> when
13 we <split up>. I therefore <concluded> that my wife and child
14 were dead. And I also saw a <jerrycan> next to that. It was also
15 mine. I took it, and walked into the river with it." The French
16 translation is very bad. "I <used it like a float to drift down
17 the river>." End of quote.<> My question to you is as follows: is
18 it correct that what,<really> happened was that you caught a
19 glimpse of a pile of clothes, and then you swam to flee. And
20 <><since> you <never saw> your wife and child <again>, <you
21 assumed that they> were dead, <but this> has nothing to do with
22 the <excerpt> I've just read out to you?

23 [11.31.09]

24 A. I was sure about that. <That is correct. It reflects what I
25 actually said>

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1 Q. Let me put the question to you again, because I think there
2 was a misunderstanding. So, <I'll start again.> I read out to you
3 an excerpt in which it is indicated that you recognized the
4 clothes from your family. But here before the Chamber, you said
5 that you had not seen the clothes. So can you tell me which is
6 the true story?

7 A. I touched the clothes and <felt the> water container <there as
8 well>. I did not know whose clothes was it<; however,> I
9 recognized that the container <was mine,> because there was a
10 string tied to that container. <I came to the conclusion that
11 since my water container was there with the clothes, the clothes
12 could be ours as well. That's all I know regarding the piles of
13 clothes> where I crawled to.

14 [11.32.36]

15 MS. GUISSÉ:

16 Mr. President, I am done with this line of questioning, so it
17 might be a good time to break for lunch.

18 MR. PRESIDENT:

19 Thank you. It is now lunch break. The Chamber will take a break
20 from now until 1.30, to resume our hearing.

21 Court officer, please find a proper room for this witness during
22 the lunch break, and please invite him back into the courtroom
23 before the Chamber, at 1.30.

24 Security personnel are instructed to bring Mr. Khieu Samphan back
25 to the holding cell downstairs, and please have him returned into

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1 the courtroom before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1133H to 1332H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Court is back in session and the floor is now given to the
7 defence team for Mr. Khieu Samphan to resume her line of
8 questioning. You may now proceed.

9 BY MS. GUISSÉ:

10 Thank you, Mr. President. Good afternoon, Mr. It Sen. I still
11 have a few questions to put to you before I give the floor to my
12 colleague, Kong Sam Onn.

13 Q. During your interview with the investigators of the OCIJ in
14 July 2008, is it true that Mr. Ysa Osman was also present?

15 MR. IT SEN:

16 A. Yes, he was there at my house.

17 [13.34.15]

18 Q. Is it true also that you had met him before <that> interview?

19 A. Yes, that is true. I met him once already before that time.

20 Q. And do you remember the date when you met him?

21 A. I cannot recall the date. I met him -- I spent one whole day
22 from the morning until the evening talking to him.

23 Q. And if I tell you the date <of> March 2001, does that refresh
24 your memory?

25 A. Yes, I agree to what you said.

1 Q. You said that you had spent the entire day with him. Did he
2 contact you again after this meeting in 2001 to cross-check the
3 account that you had given to him?

4 A. I told him what I know<, and what I have experienced.>

5 Q. Between the first meeting and the moment when you saw him with
6 the investigators of the OCIJ, did you see him again?

7 A. No, it was the only one time that I met him; once at Ampil
8 village and <the other> one at <Ropeak>.

9 Q. A last point of clarification now. Regarding the people who
10 <held> responsibilities between '75 and '79 in your district, do
11 you know a surname Ban Siek alias Ho?

12 A. No, I do not know this person.

13 [13.37.30]

14 Q. And my last series of questions now. Do you know a Cham by the
15 name of No Satas?

16 A. No. No Satas, I do not know this person either. Perhaps we are
17 not living in the same village.

18 Q. Do you know a person by the name of Ahmad Sofiyah?

19 A. No, I do not know either, Ahmad Sofiyah.

20 Q. And finally, do you know a <certain> <Suf Romly or> Yusuf
21 Romly alias Ly?

22 A. I do not know the individual you are referring to, <Suf> Romly
23 or Ly.

24 MS. GUISSÉ:

25 Thank you for these answers. And I will now give the floor to my

1 colleague Kong Sam Onn.

2 QUESTIONING BY MR. KONG SAM ONN:

3 Q. <Thank you.> Mr. Sen, I have a few questions in relation to
4 the holy text of the Koran. Do you hold any position in relation
5 to your religion?

6 MR. IT SEN:

7 A. No, I have no position. But I was tasked with taking care of
8 the mosque <within my village>.

9 [13.39.45]

10 Q. Thank you. This morning in relation to your statement --
11 rather, my apology. Yesterday, at around 16.03.43, you were asked
12 by Lead Co-Lawyer for civil parties in relation to the killing of
13 a woman<. <During the incident,> the woman was tied to a plank
14 <of wood with her face down to the ground, and then they slit her
15 throat, threw her> body <> into <a> pit. Your answer at that time
16 -- you stated that "I have never heard -- I did not witness the
17 incident but I heard people say that she was beaten and thrown
18 into the pit. That is why I said I do not know about this
19 incident." I want you to clarify what you said yesterday. Did you
20 witness this incident or did you hear about the incident from
21 someone else?

22 A. I did not witness -- I did not see the pit, but I was told
23 that there was a pit close to the wall. It was a big pit <next to
24 the wall of the pagoda in Trea village; however, I saw people >
25 taken <towards> the pit <at night>.

1 Q. Mr. Witness, I want to interrupt you. I would like you to
2 clarify a point in relation to a woman who was tied to a plank
3 <of wood> and her neck was cut. You were asked <of this incident>
4 by <the> Lead Co-Lawyer for civil parties yesterday, so I need
5 <to seek for> your clarification <on> whether you witnessed this
6 incident or you only heard from someone about the incident.

7 A. I did not witness that incident by myself.

8 [13.42.50]

9 Q. Thank you. Who told you <about the incident>? <From whom> did
10 you hear this incident<>?

11 A. Those who were <detained> with me <told me about the
12 incident>. I did not know whether <or not> the <> incident
13 <actually took place at> that time.

14 Q. Do you know that individual's name?

15 A. No, I do not<. All> of them <were> taken away and killed.

16 Q. Thank you. I would like to ask you about the events at Trea
17 village. You made mention that you were arrested and placed in a
18 house near the river. And you also stated that the distance from
19 the house where you were detained to the river bank was about 50
20 metres away. Could you once again tell the size of the house that
21 you were detained and what did that house look like?

22 A. It was a traditional house, a stilt house <with three rows of
23 pillars>. And it was 11 metres long and 6 metres wide.

24 [13.44.45]

25 Q. Thank you. How about windows, how many windows?

1 A. Two windows <on> each side. And there were <two> doors<: one>
2 in the front and <the other one> at the back. And doors and
3 windows were locked at <the> time <> I was detained <there>.

4 Q. So now, from my understanding, there were <two> windows on
5 each side and there were two doors as well. So now concerning the
6 windows, so there were four windows on -- two windows on one side
7 and <> two windows on <the other> side; is that correct?

8 A. Yes, that is correct.

9 Q. Thank you. A while ago, you stated that there was one door in
10 the front and <the other> one at the back. Besides the windows
11 and the doors, were there any <other> windows and doors on <any>
12 side of the <house>?

13 A. No. My apology; there was only one door in the front; no back
14 door. <There was only one> door <> in the front<, and two windows
15 on each side of the house.>

16 Q. Thank you. You have stated that doors and windows were locked
17 completely <once you were brought in>. What about the walls, what
18 was the wall made of?

19 A. The wall -- they were made out of <planks of wood> and there
20 were cracks in between the planks. And there were cracks and
21 holes that <one> could see what happened inside the house.

22 [13.47.16]

23 Q. Thank you. Could you tell the Court the size of the cracks <or
24 holes> that you could <see> through<>?

25 A. It was about the size between my two fingers and I could see

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1 the <killings that took place> outside through the cracks.

2 Q. You showed to all of us that the size of the cracks were the

3 -- of the size between my two fingers. Could you give an estimate

4 <as to> how large <> the cracks <were>?

5 A. <The> microphone <is not yet activated>.

6 Q. <> Could you specify it in centimetres? <Or could you compare

7 the size of the cracks or holes to the size of any of your

8 fingers>?

9 <A. The holes were about this big.>

10 <Q. For the record, could you specify their size in comparison

11 with your fingers? Were they as big as your fingers, little

12 finger or thumb?>

13 A. I could not get your question. What do you want to know from

14 me <regarding the cracks or holes between the planks of wood>?

15 <Could you repeat your question?>

16 [13.48.55]

17 Q. You raised your <fingers in order to show> to us the size of

18 the cracks. <Can you be more specific?> So now could you tell the

19 Court whether the cracks were the size of which finger on your

20 hands?

21 A. <The cracks or holes were not as big as any of our fingers.

22 The> size <was as big> as the -- the space between my two

23 fingers.

24 Q. Now, if compare to your thumb, was the -- were the cracks of

25 your thumb size? <Was it bigger or smaller?>

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1 A. The cracks were <actually> smaller compared to <half of any
2 of> my fingers or thumbs.

3 Q. Thank you. You stated that the distance from the house to the
4 river bank was about 50 metres, were there any trees in front of
5 the house?

6 A. There was a large tree <next to the river bank>. And there
7 were <several> bamboo <bushes> as well -- there were bamboo trees
8 <in front of> the house. <In fact, there was a pier there in
9 front of the house where people came to take a boat to cross to
10 the other side of the river>.

11 Q. What about vegetables <or fruit trees? Were> there any
12 vegetables or fruit trees?

13 A. No. There were only bamboo <bushes> along the river bank and
14 close to the house.

15 Q. And how large were the bamboo <bushes>?

16 A. The bamboo <bushes> were rather large; it's about -- some of
17 them were about three <or four> metres long. <There were many
18 bamboo bushes along the river bank.>

19 [13.51.42]

20 Q. Thank you. Could you tell the Court where were you sitting in
21 the house? You made mention yesterday that you were standing in
22 the rear that made you be able to untie the rope and made an
23 escape <without alerting anyone else in the house>. Did you sit
24 or stand in one particular place, or were you able to move around
25 in the house?

1 A. It was about 7.30 or 8 p.m. that night when the military or
2 soldiers came into the house. I was at the back behind others.
3 The soldiers were tightening the ropes <as some of the ropes went
4 loose. I then went to relieve myself by the wall. When I
5 returned, I saw that they had already checked on the ropes of
6 half of the detainees. I pretended to look at what they were
7 doing, but I was actually trying to loosen the rope.> I was
8 <then> able to untie the rope and <went to the back. I> slid open
9 the planks so that I could flee. So those who were in front of me
10 could not see what I was doing at that time.

11 Q. Mr. Witness, during the day of -- during the <day of your
12 arrest>, where <exactly in the house> were you sitting?

13 A. We were sitting close to one another <leaning against the
14 wall> in the house, and our hands were tied to a rope.

15 [13.53.41]

16 Q. You stated <earlier on> that there were many of you inside the
17 house. Does it mean you were sitting <against the wall> in the
18 front -- inside the house in the front, near the door or at the
19 back? <Or were you sitting against the wall on any side of the
20 house?> So where <exactly> were you <sitting> at that time?

21 A. I was sitting on <the left> side <of the wall> -- rather, <and
22 it was towards> the <other half> back of the house<, while others
23 were sitting on the left wall, but towards the other half front
24 of the house. So> I was sitting <against> the wall on the left
25 side <of the house>.

1 Q. Thank you. <And when you> stated that you could see <> boats
2 -- the boat <taking people downstream,> where <exactly> were you
3 at that time<>?

4 A. I was inside that house<, I was detained with others>.

5 Q. <I know you were in the house, but> I want to know the
6 position where you were sitting in the house. So could you tell
7 the Court about the position, the exact position where you were
8 sitting in the house?

9 A. I was sitting close to the wall and I told others to look
10 through the cracks, and we could see the boat <and people being
11 taken into the river> through the cracks of the walls. All of us
12 inside the house could see the boat.

13 Q. Did you see the boat clearly? You have just told the Court
14 that there were <four> bamboo <bushes> close to the house.

15 A. The bamboo trees did not block <the view from the house to the
16 river. The view between the pier and the house was clear. The
17 pier area was between 7 metres and 10 metres big, and one could
18 see clearly from the house to the pier, and vice versa.> And the
19 bamboo <bushes> were <actually next> to the <house. There was
20 only a tree stump in the> west of the house.

21 [13.56.40]

22 Q. <I would like to get your clarification regarding the point
23 you> stated that you could see the boat towing people the whole
24 day, entire day, and that <> you were sitting at the <half> back
25 of the house. So <where did you position yourself in order to

1 watch the incident>?

2 A. I was sitting close to the wall. I could see the whole
3 incident when the people were < taken off the house, with
4 blindfold and> tied -- their hands were tied<, and they walked
5 to> the boat. Those people <were then ripped of their clothes,
6 and all of them> -- 30 of them -- were <attached to one another
7 through> a rope. I <witnessed the incident being unfolded before
8 my very eyes. I am saying this before the Quran.>

9 Q. Thank you. Now I want to know about the time when you were
10 able to flee the house. And you stated that it was raining while
11 you were fleeing. Could you tell the Court <in which month> it
12 was <in 1978> when you fled the house<>?

13 A. I cannot recall the month exactly. It was raining during -- on
14 that <night>. I cannot tell you the exact month when I <managed>
15 to flee.

16 [13.58.32]

17 Q. What about the river, the water in the river -- the <level> of
18 the water in the river<?> You stated that you had a water
19 container and you filled the water in that container. So can you
20 tell <the Chamber> about the <level> of the water during the
21 time?

22 A. <Regarding the water level>, I could see <from the house> the
23 boat <on the river>. And the water was <high, but> not <very>
24 high in that season.

25 Q. During that time, was <the water rising or receding>?

1 A. During that time, the water was receding.

2 Q. What about the water flow, did the water in the river flow
3 very fast?

4 A. Yes, the water <>in front of Trea <village had strong
5 current>.

6 Q. So how long did you -- how many kilometres or metres did you
7 swim during that time when you went into the river?

8 A. I cannot remember how many kilometres that I had to swim.

9 However, <> I left <> around 12.30 midnight<, and> I arrived <in
10 Kampong Treas> at around 4 o'clock in the morning. So I cannot
11 estimate how many kilometres that I had swum.

12 [14.01.04]

13 Q. Did you actually swim across the river or did you swim along
14 the river<>?

15 A. I was actually swimming in the middle of the river. There was
16 an island in the middle of the river <in front of Kampong Treas>
17 village<, and I rested on the island.>

18 Q. What was the distance from the middle of the river to the
19 embankment?

20 A. I can only provide you <with> an estimate. It was pretty far,
21 it could be <between three and> four <> kilometres long. However,
22 this is a very rough estimate.

23 Q. I'd like to put my last question to you in relation to the
24 event that took place at Kaoh Phal. This morning at around 09.47,
25 you testified about the preparation by soldiers for the attack at

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1 Kaoh Phal, and later on, a fight broke out. Could you tell the
2 Court how long or how many days <those> soldiers prepared
3 themselves in the advancement of the fight?

4 [14.02.43]

5 A. I do not know for sure as for how long. My elder sibling told
6 me that soldiers -- many soldiers arrived at Kaoh Phal by boat.
7 However, I did not know how many days they had spent.

8 Q. Can you confirm whether you learnt of the event at Kaoh Phal
9 via your elder brother?

10 A. Yes. In fact, I learned <of> it <from> my elder in-law. Since
11 at that time, I was living in Ampil and my elder in-law fled to
12 my <house in Ampil> village<, and told me about the event.>

13 Q. So am I correct to say that you never witnessed what took
14 place in Kaoh Phal?

15 A. Yes, that is correct. I did not witness it personally.

16 MR. KONG SAM ONN:

17 Thank you, Mr. Witness. And Mr. President, I am done. Thank you.

18 [14.03.54]

19 MR. PRESIDENT:

20 Thank you. The hearing of the testimony of Mr. It Sen is now
21 concluded. And Mr. It Sen, the Chamber is grateful of your
22 testimony as a witness for the last two days. Your testimony may
23 contribute to ascertaining the truth in this case. You may now be
24 excused and return to <your residence or> wherever you wish to go
25 to, and the Chamber wishes you all the best.

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1 Court officer, please in collaboration with WESU, make necessary
2 transportation arrangement for the witness to return to <his
3 residence or any destination where he wishes to go> and usher the
4 civil party, namely, 2-TCCP-244 into the courtroom.

5 (Civil party 2-TCCP-244 enters courtroom)

6 [14.06.35]

7 QUESTIONING BY MR. PRESIDENT:

8 Q. Good afternoon, Mr. Civil Party. What is your name?

9 MR. SOS MIN:

10 My name is Sos Ponyamin.

11 Q. Thank you, Mr. Sos Ponyamin. And when were you born?

12 A. I was born in 1954.

13 Q. Thank you. And where were you born?

14 A. I was born in Village 5, Svay Khleang commune, Krouch Chhmar
15 district, Kampong Cham province.

16 [14.07.30]

17 Q. <What> is your current address?

18 A. I still live in the same native village. However, now it is in
19 Tboung Khmum province, rather than Kampong Cham.

20 Q. <Thank you.> And what is your current occupation?

21 A. I am a rice farmer.

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

23 A. My father is Sos Man and my mother is Ya Fatima (phonetic).

24 Q. Thank you. And what is your wife's name? And how many children
25 do you have together?

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1 A. My wife's name is Hak Fatima (phonetic) and we have seven
2 children.

3 [14.08.50]

4 MR. PRESIDENT:

5 Thank you. And Mr. Sos Ponyamin, at the conclusion of your
6 testimony as a civil party, you will be given an opportunity to
7 make an impact statement of suffering that were inflicted upon
8 you during the Democratic Kampuchea regime, if you wish to do so.
9 <The Chamber will grant you such an opportunity towards the very
10 end of your testimony.> And that's pursuant to Rule 91bis of the
11 ECCC Internal Rule.

12 The Chamber will hand the floor first to the Lead <Co-Lawyers>
13 for civil parties to put <questions> to this witness, Sos
14 Ponyamin <before the other Parties>. And the combined time for
15 both the Co-Prosecutors and the Lead Co-Lawyers for civil parties
16 are two sessions. You may proceed.

17 MR. PICH ANG:

18 Thank you, Mr. President. And good afternoon, Your Honours. I'd
19 like to assign Lor Chunthy, a civil party lawyer to put questions
20 to the civil party and then my colleague, Marie Guiraud, will
21 continue putting <further> questions<>.

22 [14.10.10]

23 MR. PRESIDENT:

24 Yes, you may proceed.

25 QUESTIONING BY MR. LOR CHUNTHY:

1 Good afternoon, Your Honours. Good afternoon, everyone in and
2 around the courtroom. My name is Lor Chunthy. I am a lawyer for
3 civil parties, and I actually <come> from the Legal Aid of
4 Cambodia. And good afternoon, Mr. Ponyamin. I'd like to put some
5 questions to you in relation to the experience you went through
6 during the Democratic Kampuchea regime <between> 17 April 1975
7 <and> 6 January 1979.

8 Q. My first question is the following. Where were you after <>
9 1975? And were you ordered to leave your home <village>?

10 MR. SOS MIN:

11 A. Allow me to respond to your question, Counsel. In fact, before
12 1975, I was still living in Svay Khleang village.

13 [14.12.02]

14 Q. And after 1975, were you still living in Svay Khleang village?

15 A. As I said, before 1975, I was living in Svay Khleang -- that
16 is, in my home village. And after 1975, I was evacuated to <Svay
17 Kambet village, Seda commune,> Dambae district in Kampong Cham
18 province.

19 Q. And before that, that is while you were still living in your
20 home village, what did the Khmer Rouge do to you and to other
21 Cham people there?

22 A. While I was living in Svay Khlaeng village -- and I had lived
23 there since I was born -- allow me to put it in a timeline. Under
24 their initial control, their policy <or leadership> was so good.
25 They made a propaganda for us to join their action in order to

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1 liberate the country; they respected our religion, and that
2 happened before 1975. However, everything changed after April
3 1975 -- that is, after the liberation of Phnom Penh.

4 [14.14.10]

5 MR. PRESIDENT:

6 Defence Counsel <Kong Sam Onn>, you may proceed.

7 MR. KONG SAM ONN:

8 Mr. President, thank you. I'd like to put a -- I'd like to submit
9 a question to you, to instruct the civil party in order to use a
10 proper language, not to use any inappropriate language. For
11 example, the word "vea" in Khmer refers to an animal or to an
12 object and not a human being. And here, before this Court, we
13 have an Accused who is charged to be a leader of the Democratic
14 Kampuchea regime. For that reason, it seems to be a<> word of
15 insult in nature when the civil party used the word "vea" toward
16 the regime. <Thank you.>

17 MR. LOR CHUNTHY:

18 I'd like to respond, Mr. President. The way Mr. Ponnyamin says it
19 is very dialect. It's a kind of slang used by him.

20 [14.15.44]

21 MR. PRESIDENT:

22 And Counsel, if you know the way your client speaks or says, then
23 please make your question short and instruct him to respond
24 precisely to the point, otherwise it will be a waste of time.

25 <And the Chamber instructs you to be objective-oriented.>

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1 And Mr. Civil Party -- Mr. Ponyamin, please adhere to proper
2 language. Here you are present in the court of law and you should
3 not use any inappropriate words that might have an impact or
4 might affect other individuals. Please, show your respect in this
5 courtroom. Thank you.

6 BY MR. LOR CHUNTHY:

7 Thank you. And Mr. Civil Party, the Chamber has just instructed
8 you to please use appropriate language with respect.

9 Q. Before the interruption, you spoke about what happened in your
10 village. Can you please tell the Court what happened during those
11 first few months in your village?

12 [14.17.17]

13 MR. SOS MIN:

14 A. In 1975, the regime started to impose <restrictions> on our
15 religion, <forced consumption of> pork, and <daily prayers and
16 fasting, and many more things that were harmful to the Cham
17 identities>. The restriction was imposed also on the food ration
18 compounded by hard manual labour. And that made us very difficult
19 to survive.

20 Q. You just spoke about the restrictions imposed by the Khmer
21 Rouge. <Did they also impose restrictions on the communication in
22 the Cham> language <as well in addition> to your religious
23 practice?

24 A. Allow me to clarify it. The restriction was for us problematic
25 since we were not allowed to speak the Cham language. And the

1 restrictions applied almost to every aspects of life: on food, on
2 clothing, and women -- Cham women were forced to cut their hair
3 short. So the way of our living was extremely difficult.

4 [14.19.39]

5 Q. So you said they imposed restrictions on your community. And
6 now in terms of food, were you forced to eat food that you should
7 not?

8 A. We were forced to eat the food that we could not eat. And if
9 we did not eat, we would be accused of not giving up to our
10 religious practice. And that would be subject to be monitored. If
11 we opposed any of the principles they imposed, then we would be
12 accused of being an enemy of Angkar.

13 Q. Were there clear instructions as <to> how you should act or
14 should perform?

15 A. Please be more specific in your question.

16 Q. Thank you. What I mean is that, were there meetings held in
17 your village, for instance, where instructions were told, where
18 restrictions were informed, for instance?

19 A. They had their principles and instructions. And whenever they
20 wanted to impose those instructions, we would be called to <>
21 meetings so that those instructions would be relayed, and
22 subsequently imposed. Usually, the cooperative chief or the
23 commune chief would present such impositions.

24 [14.22.30]

25 Q. Please direct your response to the Bench when you answer my

1 questions. So when such meetings were held where instructions or
2 restrictions were announced, what would happen to anyone who
3 violated those regulations or restrictions?

4 A. Allow me to inform the Chamber that as I just said, if anyone
5 violated <any of the principles>, the person would be accused of
6 being enemy. For that reason, people were tied up and arrested
7 almost every night. I can say that out of the 30 days in a month,
8 <there were at least> 20 days where people were arrested and
9 tied. <Between four and ten people were arrested every night.> So
10 it is my understanding that those people who were arrested were
11 accused of violating their regulations or restrictions. And
12 usually, they came to arrest those people at night-time and put
13 them on a horse cart and took them away.

14 Q. Mr. Civil Party, please try to avoid and try to refrain from
15 using the word "vea". You should refer to a particular person,
16 for example, a commune chief or village chief. Thank you.

17 So you said people were arrested. And who made those arrests? And
18 where were those arrested sent to? <How were they treated?>

19 A. I am sorry, Mr. President. I try my best not to use the word
20 "vea", but it's very difficult for me to make a change suddenly
21 as I have used the word throughout my life. I know he is being --
22 he is under protection by law, <and I am asked to correct myself
23 for just using the inappropriate term. But> we also have to
24 remember that he killed <> people during the Democratic Kampuchea
25 regime at his own discretion. <It is his luck. But it was a very

1 bad luck for the Cambodian people.>

2 [14.25.21]

3 Q. Mr. Civil Party, please respond to my question.

4 A. <My apologies>, Mr. President. I <have> never been in a
5 courtroom before, so please <do not> mind my words.

6 And Mr. Counsel, please repeat your question. I am lost.

7 Q. You just stated that people were arrested, and my question to
8 you was the following: Who actually arrested those people and
9 where were they sent to? <And what was done to those people?>

10 A. <Your Honours,> I <just knew that> those soldiers -- who those
11 soldiers <came to> arrested people. I <witnessed either commune
12 militia or> district <security personnel came to arrest people,
13 but> I <had no impression> that they were <taking those people
14 away and> killed. <They said they were taking those people to be
15 detained in the district security centre. I had direct knowledge
16 of this; however, I can not solemnly claim that those people were
17 taken to be killed. Anyway, if those people had not been killed,
18 they would have returned.> I never saw them again. And if they
19 were to survive, they would be <over> 100 years old by now. <I
20 have never seen them return.> So it is common sense that they
21 died. <I'd rather leave it to the Chamber to analyse this
22 matter.> But legally speaking, I cannot say that they were taken
23 away and killed because I did not witness it. <This is something
24 I want to clarify.>

25 [14.27.05]

1 Q. Can you please tell the Court what kinds of people were
2 arrested or what mistakes did they make that led to <their
3 arrest>?

4 A. I cannot tell the Chamber what mistakes those people made. And
5 importantly, we could not say whether <or not anyone had
6 committed any wrongdoing>. If they wanted to arrest someone, they
7 would do so. <To me,> those people <committed no wrongdoing>.
8 Some of them never even knew Phnom Penh or they could not even
9 count <from> one to 10, but instead they were accused of being a
10 military colonel. <And for this reason, it was hard for me to say
11 whether or not they had committed any wrongdoing. It made no
12 sense to me. Again, once they decided to arrest someone, they
13 would do so at their own discretion.>

14 Q. <Thank you.> So you just stated those people were arrested and
15 sent to be detained at a district, and which district <were> you
16 referring to?

17 A. They were sent to the <security> centre of Krouch Chhmar
18 district.

19 Q. <Than you.> So that's what happened in your village -- that
20 is, people were arrested. And can you tell the Court whether
21 later on <people stood together against them>?

22 [14.29.32]

23 A. <Your Honours, at> that stage, in fact, we gathered around and
24 there were about seven of us. Due to the extremely difficult
25 living condition and we were thinking that if we did not revolt

1 and <if> we did not do anything, then our days would come, that's
2 when we would be taken away and killed. For that reason, we
3 gathered up amongst the seven of us and we organized a revolt --
4 that is the plan. We knew that we would be killed anyway because
5 we did not have any weapons to attack them, and that we would be
6 shot dead. <We thought that being shot dead was a better option
7 compared to being taken away and killed. As a result, we came
8 together and planned> a revolt <against them>.

9 Q. Within your group, who actually initiated the gathering of the
10 forces <for> the revolt?

11 A. I was - <Loeb Vanmat> (phonetic)<, Sleh> Tam (phonetic)<, and
12 I> were spearheading the gathering of the group. <The three of
13 us> gathered up to seven people, including us. And before our
14 plan broke out I learnt that that night, 80 people <in the
15 village> would be arrested. As we knew that they -- throughout
16 the day we knew those people were being asked whether they knew
17 about the Holy Koran. And at night time, there was a plan for
18 their arrest.

19 [14.32.02]

20 Q. And how did you come to know about the plan for the arrest of
21 the 80 people? Who were those 80 people? To me, it's unclear from
22 what you just said.

23 A. Allow me to expand it a little bit because this event took
24 place many, many years ago. And I try to piece together the
25 information. That day was the last day of the Ramadan period, the

1 Raja day. We were not allowed to celebrate anything, any of our
2 holy day. But it was rather strange, that day -- that is, on the
3 Raja day, we were allowed to celebrate our holy day. <We were
4 allowed to slaughter cows. During the ceremony, there were
5 leaders in prayers.> And those people did not know at all that
6 they were being monitored. <Actually, they were trying to
7 identify prominent Cham leaders in the village. Since we were not
8 aware of their plan,> we celebrated the Raja day that day. And at
9 night time, <I learned from> my <cousin Sleh Tam (phonetic) who>
10 worked for the <village> youth<...> <He had attended> a meeting
11 <>, and <he> said that there was a plan to arrest the 80
12 infiltrated enemies <in the village> that night. And that's how I
13 learnt about the arrest.

14 Q. <Thank you.> You stated that they allowed all of you to
15 celebrate the Raja or Ramadan on that day. <At a later stage, did
16 you plan how you would revolt? Were there any concrete plans on
17 how to stage the revolt? And at what scale did you plan to
18 revolt? Did you think of the consequences of the revolt if it
19 failed?>

20 [14.34.25]

21 A. From my understanding, <I believed> that I would not achieve
22 what I wanted. But in my mind, if I did not do it or revolt<,> as
23 mentioned earlier,> I would be killed <anyway. One of the main
24 reason of the revolt was> to collect the <lists> of <the names of
25 the> 80 people to be arrested and burn <them down>. So <without

1 the lists, it would> be <hard for them to identify who was to be>
2 arrested. <Eventually, they managed to arrest only two people.
3 Hak> Mat (phonetic) <whose name> was <on> the list <was also with
4 my group. They did not manage to arrest him in time. So during
5 the revolt, I headed for their office which was located next to
6 my house. I collected all the lists of names of people to be
7 arrested, and burned them down. My cousin Hak Mat was on the list
8 of people to be arrested as well. However, only a man whose
9 surname was> Tes (phonetic) and <Sos Him> (phonetic) had been
10 arrested by them at that time. And because of the arrest, the
11 revolt took place<; and they decided to withdraw>.

12 Q. Thank you. Regarding the incident, when did it happen, what
13 year was it, what month was it? <Was there any> fighting <> at
14 that time?

15 A. It happened in the night of 10 October 1975.

16 Q. Where did the <revolt break out>? And how did it happen?

17 [14.37.09]

18 A. The revolt took place in the night of 10 October 1975 during
19 which I was guarding <over> my <uncles> Ya Sleh (phonetic), Ya
20 Ysa (phonetic), and Ya <Mat> (phonetic) <for I had known> that
21 <on that> night <> my three uncles would be arrested. <The other
22 day, the three men were summoned to a meeting and> Ya Sleh
23 (phonetic) and Ya Ysa (phonetic), and Ya <Mat> (phonetic) <who>
24 were siblings <were reproach for beeing in the> Lon Nol <army. In
25 fact,> My uncles <> did not know even Phnom Penh during that

1 time<; but they were accused as such>. I <decided to go and>
2 guard <over> my uncles <> that night. <Since nothing was
3 happening by 9:00 p.m., I then> invited my seven <other> friends
4 and discussed with them that if we <were to remain> silent, we
5 would die the day after because they had the name list <of people
6 to be arrested; thus, we had to stage the revolt that night>. And
7 <> my seven friends <then asked me> how to start the revolt. <> I
8 told my seven friends to guard <over> my uncles, and I <went> to
9 collect the drum <alone. I then asked three other men to follow
10 me, while the three others stayed behind to guard over my
11 uncles>. Since the mosque closed down, <> the drum was left with
12 Siek (phonetic), the man who looked after the mosque.> I went to
13 collect the drum from Siek (phonetic) around 9.00 or 10.00 p.m..
14 We finally got the drum. In the meantime, the commune militiamen
15 were also coming to collect the drum for they knew that if the
16 Cham people played drums, they would actually send a signal to
17 one another. We then ran into the commune militia along the way.
18 They pointed their flashlight into my face, and I noticed that
19 they were carrying two rifles. I then decided to attack the men
20 with my knife, and it was the only option suitable for the
21 situation as they had two rifles and I had only one knife. I
22 tried to chop them, and since it was dark, they managed to slip
23 away>.
24 My <apologies, Your Honours>, I am now still using the word "vea"
25 because I am not used to use the proper word. <It was not my

1 intention to use the word.>

2 [14.40.07]

3 Q. Thank you. When you all encountered the militiamen, there was
4 fighting and the revolt started at that time; is that correct?

5 A. At that time, I screamed to the one who was in charge of
6 <carrying the drum> to beat the drum. <After the drum was
7 beaten,> everyone <from throughout the village> came <out> to
8 help and the <revolt> started <> that night<, and it went on
9 until the evening of the following day, before the Khmer Rouge
10 soldiers surrounded us. In fact, there were some exchanges of gun
11 fires already on that night>.

12 Q. <What time did> the Khmer Rouge soldier come to surround all
13 of you? <The revolt broke out at around 10 p.m. so when> was it
14 -- what time was it <when> the Khmer Rouge came to surround all
15 of you?

16 A. Regarding the Khmer Rouge soldiers, I did not know at that
17 time where they were from. I <didn't> know either what districts
18 <or what level> they were from. There <were exchanges> of <big
19 and small arms until 5:00 p.m. on the following day. Bullets flew
20 everywhere in the village. Again, I did not know> at that time
21 whether the soldiers <came from> the <sector> or <> any districts
22 or <the Centre. At that time, I just minded my own life>.

23 [14.42.20]

24 Q. <Were there any casualty after these armed clashes>?

25 A. During the clashes, I noticed that many people -- many of us

1 died; however, I cannot tell you how many of us died. Some died
2 in bushes <nearby>.

3 Q. Thank you. After the crackdown<>, what <else was done> to
4 <the> villagers<,> in general>?

5 A. After we were surrounded, <all of us including the adults, the
6 elderly, the children, men and women> were ordered to leave our
7 <village. At a bridge so-called Preaek Cham, men> and women were
8 separated from each other. <As for men, we> were placed in
9 hospitals<,> schools<,> and tobacco-drying buildings, and we were
10 tortured>. Hospitals during that time were quiet <as there were
11 no doctors, but only buildings>. As for women, they were placed
12 in a pagoda <so-called Khchork (phonetic)> under <banyan trees.
13 That was what happened>.

14 Q. After men> were placed in various areas <like hospitals,
15 schools and tobacco-drying buildings>, were <they> interrogated
16 <and/or> tortured?

17 [14.44.50]

18 A. Torture did happen in those places. We were put in those
19 places for further selection. Forty <or fifty> of us were put in
20 <each room in> school <building>. We were interrogated <about all
21 sorts of things> and <were stabbed with a> bayonet <on> our
22 necks<. We were interrogated twice per day. A soldier was
23 interrogating us, while the other one was pointing his bayonet on
24 our neck. They asked us who did what, and who initiated the
25 revolt. We were asked all sorts of things that> I could not

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1 recall all of them. <A> few days <after the interrogation,
2 between 3 and 10 people from each room each and every day> were
3 taken away. For instance, <out of the> 50 Cham <men initially
4 brought to each room, only five of them eventually came out alive
5 with me>.

6 Q. You stated that those people had been taken away, <did you
7 know> where <they> were <> taken to?

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness, you have to observe the microphone
10 before you speak.

11 MR. SOS MIN:

12 A. I <can> tell you where they were <taken> to<, but I did not
13 know> the purpose of <their taking> during the time<; during the
14 daytime, I saw them being> taken <to the back where the tall
15 Kokir trees were. They were also bringing along a hoe with them,
16 and they would return within several hours. I did not see any of
17 these things during the night>. I did not know what <was actually
18 happening>.

19 [14.47.20]

20 BY MR. LOR CHUNTHY:

21 Q. <How was the food ration> given to those who were locked in
22 <those places>?

23 MR. SOS MIN:

24 A. <Each of us was> given a ladle of <gruel> per meal<, and it
25 was equivalent to half a small bowl, but there were no rice

1 grains in it.> And the <gruel> was <kept> in a <plastic>
2 container <designed for storing gasoline, and> when the <gruel>
3 became less, they took the water from the river and filled in the
4 container <just in order to have the smell of gruel>. I would
5 like to inform the Chamber that <during those 29 days,> I <did>
6 not manage to taste any small bit of salt at all. We had only
7 that thin gruel during the period. I> myself <also had to eat>
8 grass. <When> I <asked them> to <go and> relieve myself, <along
9 the way, when those soldiers were not watching,> I would <grab
10 all sorts of> leaves <and> grass <to eat. Sometimes, I managed to
11 grab some banana leaves and guava leaves, but I dared not eat in
12 front of them for fear that they would beat me. I hid> those
13 leaves in my waistband. I <waited until nightfall before I could
14 eat> those leaves <in order to supplement to> the gruel
15 <provided>.

16 Q. <Were> your close <associates> who <helped you plan> the
17 revolt<> also arrested by the Khmer Rouge at that time?

18 A. <Sles Tam> (phonetic)<,> my close associate was arrested<,> and
19 taken away> on the second day<. He had stayed there for only two
20 days before he was taken away. Loek Van Mat> (phonetic) survived
21 the period. He <just> passed away two or three years ago.

22 [14.49.36]

23 MR. PRESIDENT:

24 Thank you, Civil Party Lawyer. It is now time for break. The
25 Chamber will take a short break from now until 3 o'clock.

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1 Court officer, please find a proper room for this civil party
2 during the break time and please invite him back into the witness
3 stand in the courtroom at 3 o'clock.

4 The Court is now in recess.

5 (Court recesses from 1450H to 1503H)

6 MR. PRESIDENT:

7 Please be seated.

8 The Court is now back in session, and again, the floor is given
9 to the Lead Co-Lawyers for civil parties <for their line of
10 questioning to this civil party>. And for this afternoon we will
11 grant <the floor to> the Lead Co-Lawyers and the Co-Prosecutors
12 <> until 4.00 -- <4:10 p.m>.

13 You may proceed.

14 [15.03.53]

15 QUESTIONING BY MS. GUIRAUD:

16 Thank you, Mr. President. Good afternoon to everyone. Good
17 afternoon, Mr. Civil Party. I will have a few follow-up questions
18 for you. And I would like us to start by revisiting a period
19 prior to 1975. And I will put questions to you on your village
20 and on the arrival of the Khmer Rouge in your village. My first
21 question is as follows:

22 Q. <Was> Village 5 <in. Svay Khleang (phonetic) where you were
23 born <and resided>, a Cham village or a <mixed> village?

24 MR. SOS MIN:

25 A. <I can say that the majority of the people in that> village

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1 <were the> Cham <ethnic group. Although it was adjacent to Khmer
2 villages, the whole villagers of> Village 5 <were the Cham
3 people>.

4 [15.05.03]

5 Q. Thank you. Do you recall the period and the date on which the
6 Khmer Rouge arrived in Village 5?

7 A. No, I <don't>.

8 Q. Can you tell us whether that was long before 1975, since you
9 said it was an important date? And can you give us a rough idea?
10 Otherwise, <I will> refresh your memory. Was it in 1972 or in
11 1973?

12 A. Please rephrase your question since I don't understand it.

13 Q. On what date did the Khmer Rouge arrive in your village? Was
14 that in 1972 or in 1973? Do you recall that?

15 A. I recall that it was in <late> 1973.

16 [15.06.50]

17 Q. Thank you. <> Were the village chiefs - <or was your village
18 chief> - replaced when the Khmer Rouge arrived?

19 A. Please repeat your question; I don't get it.

20 Q. I will try to speak slowly. When the Khmer Rouge arrived in
21 late 1973 in your village, was the village chief changed?

22 A. The village chief title was used only during the Khmer Rouge
23 regime and under the Lon Nol administration such <a> title <did
24 not exist>.

25 Q. During what period was the first village chief appointed by

1 the Khmer Rouge?

2 A. It was from the day that they entered our Village 5<, they
3 started setting up> their <own> administrative structure in the
4 village.

5 Q. Do you recall who was appointed village chief?

6 A. I recall that Kao was <made a> village chief at the time. And
7 later on Kao was taken away and killed.

8 [15.09.16]

9 Q. Was that person a Cham?

10 A. Kao was a Cham person.

11 Q. Do you know how many families were in Village 5 at the time?

12 A. Before 1975, there were 1,242 Cham families living in the
13 village.

14 <ENGLISH-FRENCH INTERPRETER:

15 The interpreter did not grasp the exact figure given by the Civil
16 Party.>

17 Q. I will put the question to you again because the interpreters
18 did not translate the figure.

19 Mr. Civil Party, do you <recall> the number of families that
20 lived in Village 5, <in Svay Khleang commune>?

21 A. Before 1975, there were 1,242 families living in Village 5.

22 Q. How did you come by that information?

23 A. I learned of that information when I was asked to assist the
24 people who were preparing the statistics <>, and I saw the
25 figure<>.

1 [15.11.42]

2 Q. Do you recall on what date that census was carried out?

3 A. It occurred in 1974.

4 Q. So if I understand you correctly, that census was conducted

5 when the Khmer Rouge were already in the village? Did I

6 understand correctly?

7 A. Yes, that is correct.

8 Q. Thank you. A while ago in answer to a question put to you by

9 my colleague, you stated that the 17 of April marked a turning

10 point in the manner in which the Khmer Rouge treated the Cham in

11 Village 5. I will put a <few> questions to you regarding what

12 happened before the 17 of April 1975 in order for us to <better

13 grasp> how the Khmer Rouge treated people in your village. Can

14 you tell the Chamber whether specific measures were taken against

15 the Cham in Village 5 before April 1975?

16 A. In fact, I stated about this already during my testimony and

17 it's better for me not to repeat it. I actually told <Lawyer> Lor

18 Chunthy about the living condition of the Cham people <in Svay

19 Khleang village> prior to 1975.

20 [15.14.11]

21 Q. Was there a mosque in your village? <Was> there one or several

22 mosques in your village <at the time>?

23 A. Before 1975, there were two mosques in our Svay Khleang

24 <village> since there were many Cham people, so two mosques were

25 built to accommodate the congregations.

1 Q. Were those mosques closed subsequently?

2 A. After the liberation the Khmer Rouge dismantled the mosques.

3 Q. Thank you. I will now put a few very short follow-up questions
4 to you regarding the October 1975 revolt. You told my colleague,
5 Lor Chunthy, that there were seven of you at the head of that
6 movement. Can you tell us the names of those persons? And can you
7 also tell us whether those persons played <a> different role in
8 the revolt?

9 A. The other four individuals did not have any role; they were
10 very civilians and they were young. They -- <they were> about 17
11 <or> 18 years old. <They did not have any important role.>

12 [15.16.30]

13 Q. So, do I take it then that there was a group of three people
14 of which you were a member and another group of four persons? If
15 I properly understood your testimony?

16 A. No, that is not correct. I already testified that the three of
17 us were the initiators. However, in total there were seven of us
18 in that group. So there was actually one group and not two
19 separate groups.

20 Q. Thank you, Mr. Civil Party. And I crave your indulgence <if I
21 appear to be> putting repetitive questions to you, but
22 unfortunately we have not received all the information in the
23 interpretation we received. That is why I am asking you all these
24 questions <seeking clarification>; <because> I simply did not
25 understand all <the information>.

1 I would like to ask you now <to talk about> what happened to you
2 after your arrest, <bearing in mind the time we have been
3 allotted>. You told my colleague, Lor Chunthy, that you were
4 detained in a school with other persons who had participated in
5 that <uprising>. For how many days were you held in that school?

6 A. <Other> Cham people <and I from> Svay Khleang <village> were
7 detained for a period of 29 days.

8 [15.18.30]

9 Q. You told my colleague, Lor Chunthy, about interrogations you
10 were subjected to at the school. Do you remember the questions
11 that were put to you and the manner in which such interrogations
12 were carried out?

13 A. I can recall part of it -- that is, the way they treated me.
14 However, as for the questions, I cannot recall them. It happened
15 almost 40 years ago. I am aging so I cannot recall them. <They
16 actually asked us lots of questions.>

17 Q. Do you recall the number of persons who questioned you at the
18 time?

19 A. No, I <do not>.

20 Q. Can you explain to the Chamber where you went after the period
21 of your detention?

22 A. After I survived detention I was allowed to reunite with my
23 family. However all the residents of <Svay Khleang> village <who
24 had been detained> were not allowed to enter the village again;
25 we were evacuated <by boats> to live elsewhere, including <Stueng

1 Trang, Baray,> Dambae, <and many more that I cannot recall,> but
2 not to return to our native village.

3 [15.20.35]

4 Q. How were you evacuated to Dambae?

5 A. We were put on a boat and we had to row the boat <ourselves>.
6 And for example, out of the 50 boats we had to row in a straight
7 line. If <any> boat <was going> left or right<,> that boat would
8 be shot at <from the back>.

9 Q. For how long did that trip on the boat last?

10 A. The boat trip <lasted> throughout the whole night<,> and
11 another half day>. In fact, we left at 6 o'clock in the evening
12 and we arrived at the destination at 12.00 noon the next day.

13 Q. You are talking of 50 boats. Do you recall approximately how
14 many people were on each of the boats?

15 A. From my estimate, the boat length was between seven <and> 10
16 metres. So it could accommodate 20 <or> 30 people. And for <a>
17 larger boat, it could accommodate up to 50 people.

18 Q. To the best of your recollection, the people on-board those
19 <canoes> -- to repeat what my colleague is whispering to me --
20 <the people who were on these canoes,> were they Cham or <were
21 there also Khmers as well?>

22 A. All people on the boats were Cham people. There were no Khmer.

23 [15.23.40]

24 Q. Can you describe to us the trip, the conditions of that trip
25 and what was the weather like? Was it a very difficult crossing?

1 What do you remember about it?

2 A. During the boat trip, it was raining all night unfortunately.

3 And, some young children and the new-born, <several> of them died

4 <on the boats>. We were not allowed to rest at all during the

5 boat trip. We were so exhausted and starving but we had to row

6 the boat. And actually, when we <went> ashore, we had to walk all

7 day before we could reach the village of <our> destination <where

8 we were to settle in>.

9 Q. A while ago, you said that you had to row and if you stopped

10 rowing you were shot at. Were you monitored or accompanied during

11 that <canoe> crossing?

12 A. We did not travel <voluntarily> just by our group <the Cham

13 people, but we were forced to go on that trip>. We were being

14 watched over <all along the way,> and there were soldiers on

15 about 10 boats who actually escorted us while we were on the boat

16 trip and we had to comply with their instructions. They escorted

17 us <all the way through> until we reached the village.

18 [15.26.00]

19 Q. A <moment> ago, you talked about children and new-borns <>who

20 died because of the bad weather. Is that something you witnessed

21 with your own eyes, for instance, in your own canoe?

22 A. What I say is true. And of course, what I said was what I saw

23 on my boat. I cannot tell you about what happened on other boats,

24 but I could only speak about what happened on the boat that I was

25 on<. And for this reason, I came to a conclusion that three of

1 them died.>

2 Q. It is very clear, Mr. Civil Party.

3 With which members of your family <did you embark on that> trip?

4 A. Of course, there were other families traveling on that boat
5 because the boat has to be <filled> with people before it could
6 depart. <Thus, I did not grasp the details of those people on the
7 same boat as mine.>

8 Q. How about you yourself? Which members of your family crossed
9 with you and arrived in Dambae?

10 A. My relatives who were on the boat included my mother; and Man
11 Sen, that is my elder sibling; and Man <Sos> -- Man <Hoksos>
12 (phonetic), that is my elder sister; myself; and my younger
13 sister Man Om <Nas> (phonetic); and another younger sibling Man
14 <Sokas> (phonetic); and <Kha Ticheas> (phonetic), my
15 <grandmother>.

16 [15.28.38]

17 Q. Thank you. When you arrived at your destination after walking
18 as you said a while ago, can you explain to the Chamber what
19 happened to you? For instance, where were you housed? I will
20 start with that. Where were you housed when you arrived at
21 Dambae?

22 A. When we arrived in Dambae, we were allowed to stay at Svay
23 Kambet -- Svay <Kambet village, Seda commune> in Dambae
24 <district>, and we were instructed to live -- to mix with the
25 Khmer people. <That was where I settled in.>

1 Q. Did you have any kind of special status back then<?> <Did> the
2 Khmer Rouge tell you anything about your special status?

3 A. I did not have any role; I was a -- just simply a son of a
4 peasant family and the Khmer Rouge did not pay any attention to
5 me, as I was a young youth at the time. And I did not <hold any
6 role that the Khmer Rouge had to attend to or> involve in any
7 work for the Khmer Rouge.

8 [15.30.30]

9 Q. Back then, did you ever hear the expressions "New People" and
10 "Base People"?

11 A. Of course, I heard <about> it and I lived <through it>. We,
12 the Cham people, were considered the New People and the people
13 who were living there were considered the Base People or the Old
14 People. <Those Cham people and> the evacuees <> from Phnom Penh
15 <> were considered <the> New People. So we<, the Cham people>
16 were in the same status as those <evacuees> from Phnom Penh and
17 <both> did not have any <rights>.

18 Q. Do you remember for how long you remained in Dambae?

19 A. I remember that I lived there for more than two years. And, in
20 fact, I involved in three evacuations to Suong and to <Kampong
21 Thom> so I cannot give you any precision on the movements in the
22 areas that I was evacuated to.

23 Q. Thank you. When you were in Dambae, <was it possible for you>
24 to practice your religion?

25 A. No, it was forbidden. Everything to deal with the religion was

1 forbidden. We were not even allowed to speak the Cham language.
2 <Thus, the> young children did not <manage to> understand <> the
3 <Cham> language.

4 [15.33.05]

5 Q. Can you describe to the Chamber the living and working and
6 eating conditions when you were in Dambae?

7 A. Under the Khmer Rouge, the food condition was the same across
8 the country, to my understanding. And the food that we had was
9 <only rice> gruel. No cooked rice was given.

10 As for the manual labour, we had to do it day and night.

11 Q. When you were in Dambae, did you ever witness any executions?

12 A. No, I did not. However, I saw dead bodies when I walked
13 <through the forest>. But I did not witness the execution myself.

14 [15.34.30]

15 Q. Did you ever witness any arrests back then?

16 A. Are you asking me when I was at Dambae or at Village 5 or you
17 mean throughout the Khmer Rouge regime?

18 Q. When you were in Dambae. The two years you spent in Dambae.

19 A. Yes, I witnessed the arrests.

20 Q. Can you describe what you saw or what you remember regarding
21 these arrests?

22 A. <The> Cham people were <not> arrested<, only the> Khmer people
23 were arrested during that time<; and one of them was a village
24 chief. The> Khmer Rouge from the <Central Zone group> came to my
25 village<, and accused>the Eastern Zone cadres <> of having <the>

1 Khmer body, <and the> Vietnamese head. So, at that time I saw
2 <with my own eyes the East Zone cadres, in particular, a village
3 chief along with his wife being arrested, loaded in a truck, and
4 driven away>.

5 Q. Thank you. Did you lose any members of your family? Did anyone
6 in your family die when you were in Dambae?

7 A. I lost one younger <sister> because of her illness. She
8 contracted malaria <while living> in the jungle. She died from
9 malaria. In relation to my relatives, I lost seven -- I lost <>
10 seven families. <No one from those families survived.>

11 [15.37.14]

12 Q. I am going to put to you a last question, Mr. Civil Party, in
13 order to give time to the Co-Prosecutors to put questions to you
14 as well. You said to us earlier, spontaneously <so>, that after
15 Dambae you were transferred to Suong. And, if I am not mistaken,
16 then you were transferred to Kampong Thom. So when did you go
17 back to your home village? And can you describe what you saw when
18 you returned to your <native> village?

19 A. After I had returned from Kampong Thom, at the time I spent
20 one month on foot travelling from Kampong Thom and also I
21 <brought along a> cart. <We encountered lots of hardship along
22 the way.> I did not recall when I left Kampong Thom but I could
23 say that it was after 1979 liberation. If I <had returned> from
24 Kampong Thom during the Khmer Rouge time I would have been
25 killed. <Some managed to make their return to the village, while

1 some others could not make it on time. The> Khmer people had
2 lived already in <our houses in the> village <> when I arrived.
3 <The Khmer Rouge had put the Khmer people to live in those
4 houses. However, those> Khmer people were kind and they <welcomed
5 us. They> allowed all of us to go and live in our <respective>
6 houses. <Those> Khmer people <were crying and hugging us as they>
7 felt sympathy on <the> Cham people at that time. <They actually
8 did not want to stay there in the village. It was the Khmer Rouge
9 who forced them to live in those houses in the village that
10 belonged to the Cham people.> Upon my arrival in my home
11 <village, the> Khmer people left our houses and we were given
12 back our houses. Some of <the> Khmer people even gave <us some>
13 rice <and other food supplies>.

14 [15.39.35]

15 Q. Did you know back then how many Cham families were left in
16 Village 5 <in> Svay Khleang?

17 MR. PRESIDENT:

18 Mr. Civil Party, please observe the microphone before you speak.

19 MR. SOS MIN:

20 A. Later on I learnt very well that only 170 families remained in
21 Svay Khleang village. Among <the original figure of> 1,242
22 families, only <175> families <remained> in that Svay Khleang
23 village<;> and <if those new> families <who> came to live in
24 <those empty houses in> Svay Khleang <were to be included, there
25 could be a total of 195> families <in the village by then>.

1 MS. GUIRAUD:

2 Thank you, Mr. Civil Party, for your patience and for having
3 answered my questions. I am through with my questions, Mr.
4 President.

5 MR. PRESIDENT:

6 Thank you. I now hand over the floor to the Co-Prosecutor team.
7 You may now proceed.

8 [15.41.15]

9 QUESTIONING BY MR. SENG LEANG:

10 Thank you, Mr. President, Your Honours. Good afternoon everyone
11 in and around the courtroom. Good afternoon Mr. Witness. I am
12 Seng Leang, I am <a> National Deputy Co-Prosecutor. I think we
13 still have only 30 minutes more which I have to share with my
14 esteemed colleague from the International side so I will put very
15 short questions to you, I have only a few.

16 Q. First I would like to ask you about <what you told Lawyer Lor
17 Chunthy regarding> the <arrest> of <the> Cham people after the
18 revolt in Svay Khleang <village. Can you tell the Chamber how>
19 many people <in total> were <apprehended by the Khmer Rouge> at
20 the time after the revolt?

21 MR. PRESIDENT:

22 Please hold on, Mr. Civil Party; you may now proceed, Counsel
23 Kong Sam Onn.

24 [15.42.30]

25 MR. KONG SAM ONN:

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1 Thank you, Mr. President. I have an observation in relation to
2 geography <being asked by the National Deputy Co-Prosecutor>. I
3 heard <the> civil party < mentioned the> Svay Khleang village and
4 <he> also made mention <of> Village 5. It is confusing to me. So
5 I would like <to seek for clarification on> whether Svay Khleang
6 was a commune or <a> village. <Thank you.>

7 BY MR. SENG LEANG:

8 Mr. President, I would like to respond to the observation. I
9 heard civil party's mention of Village 5 <in Svay Khleang
10 commune. In fact,> Village 5 is the current name referred to by
11 the villagers. <The name actually existed after 1979.> In the
12 past, Village 5 was known as Svay Khleang village.

13 Q. Is it correct, Mr. Witness, what I said?

14 MR. PRESIDENT:

15 You can move on, Mr. Co-Prosecutor.

16 [15.43.47]

17 BY MR. SENG LEANG:

18 Q. Mr. Civil Party, how many of you were detained by <the> Khmer
19 Rouge at the time?

20 MR. SOS MIN:

21 A. To better understand what I said, at the time I did not know
22 <as to> how many people were detained by <the> Khmer Rouge.
23 However,> I can say <> that <after the crackdown, the> Khmer
24 Rouge <gathered all the villagers and placed us in one location.
25 Everyone was apprehended. Only later on were we separated, and

1 transferred to various locations. And after the screening and
2 taking of a specific number of us, the remaining people were
3 further sent away to other villages, communes and districts as I
4 mentioned earlier on>.

5 Q. You stated that prior to 1975 there were <1,242> Cham
6 <families> living in <Village 5 or> Svay Khleang village<>. You
7 <also stated that the place where the> Cham people <including
8 yourself> were detained <was also the place where they were
9 screened>. So <can you tell the Chamber as to how many people
10 actually came through the period of the screening>?

11 MR. PRESIDENT:

12 Please hold, Mr. Civil Party on; you have the floor now, Mr.
13 Koppe.

14 [15.45.55]

15 MR. KOPPE:

16 Thank you, Mr. President. In this particular circumstance I have
17 an objection against the use of the word "Khmer Rouge". It's not
18 very helpful when we speak about arrests, etc., at this time, to
19 only speak about Khmer Rouge, it could be the district forces, it
20 could be Sector 21 forces, East Zone forces, so I think
21 Prosecution should be very specific now and not only speak about
22 the Khmer Rouge.

23 MR. SENG LEANG:

24 I do not really understand why the Defence counsel objects to the
25 use of this> word <> because before 1975 that area was under

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1 <the> control of Khmer Rouge troops already and the troops which
2 were sent to crack down the revolt belonged to the Khmer Rouge,
3 so why am I not allowed to use the term<>?

4 MR. PRESIDENT:

5 We have a clear guideline that there should be no two objections
6 from -- there should be no second objection from the Party, from
7 another Party, so please be clear on this matter. <I cannot
8 afford to allow my courtroom to fall into a state of anarchy.>

9 (Judges deliberate)

10 [15.48.55]

11 MR. PRESIDENT:

12 The Chamber does not prohibit completely the word "Khmer Rouge"
13 to be used before the Chamber. <The Parties have engaged in the
14 proceeding for many years now; thus, the Parties shall be able to
15 know this well.> However, I instruct the <National> Deputy
16 Co-Prosecutor to use specific term when you want to refer to any
17 specific force because Khmer Rouge is a generic term and if you
18 use the term liberated soldier or front, it has its meaning. So
19 please use specific term. There are terms combatants, militiamen
20 <or> the district <soldiers>, so please make sure you refer to
21 specific force when you want to refer to.

22 BY MR. SENG LEANG:

23 Thank you, Mr. President.

24 Q. <Mr. Civil Party, can you tell the Chamber whether those

25 people who> detained all of you, were <soldiers or combatants> or

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1 militiamen?

2 [15.50.15]

3 MR. SOS MIN:

4 A. I cannot tell you whether soldiers were from <the militia
5 unit> or provincial level. <So> when <it is said that "the> Khmer
6 Rouge <soldiers" is a general term, I could not understand it as
7 I had no idea whether they were soldiers from a sector or a zone.
8 I was just an ordinary farmer. There were no distinguishing marks
9 to tell that they were from a sector or a zone.> I could not
10 recognise their origin. So it is very difficult for me to specify
11 for you which district or level those soldiers <belonged> to.

12 MR. PRESIDENT:

13 Mr. Witness, you can use the term, the general term because you
14 are an ordinary citizen <according to your level of education and
15 habit as an ordinary citizen,> but the problem here is the
16 Parties <in this proceeding>. I am referring <to> and instructing
17 the Parties before all of us <to be more specific regarding the
18 usage of certain terms> because all Parties have been here for
19 many years and they may have been aware of the specific terms to
20 be used. <And we do this in order to make everyone's job less
21 complicated and confusing.>

22 [15.51.50]

23 BY MR. SENG LEANG:

24 Thank you, Mr. President.

25 Q. Mr. Civil Party, let me rephrase my question. After you had

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1 been detained following that revolt, after all of you were
2 screened, so how many of you <came through that period> at the
3 time?

4 MR. SOS MIN:

5 A. I could not have the full grasp of the information. I cannot
6 tell you how many families <came through> after <the screening
7 period>. I can <only> tell you that <after the screening, those
8 people> were further <transferred> to Kampong Thom <including to
9 Santuk district> and other places. Later on <after the arrival of
10 the Central Zone> cadres<, people were returning to their home
11 village by ox-carts; and during which group of people were taken
12 away and killed. Lots of people disappeared> one after another
13 <at that time. Likewise, I had no idea as to how many people
14 there were when they were transferred to various locations as I
15 mentioned. Anyways, when they returned home after the arrival of
16 the Central Zone cadres, I did not know either as to how many
17 people were taken away or killed by the Central Zone cadres;
18 however, those people have gone missing to these days.> As I told
19 you, after 1979, only 170 families remained in my village and 25
20 other families came <from other places> to <seek refuge> in the
21 village<, and they have lived in the village to these days. They
22 were from places like Angkor Ban, Kaoh Soutin, and other places>.
23 [15.53.38]

24 Q. <Since I am running out> of time<,> I will ask you another
25 question. It should be my last question. <While> living in Svay

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1 <Kambet>, did you ever attend <any> wedding <ceremony of the Cham
2 people> held by <the> Khmer Rouge<>?

3 A. I <lived> Svay Kambet for a period of two <years>. From my
4 observation, no> marriage took place in that village.

5 Q. When did you get married?

6 A. I got married in late 1978 <during the Pol Pot time, while the
7 liberation took place in> 1979<; however,> I did not get married
8 at Svay Kambet village<.> In fact<, I was transferred to another
9 place so-called Roka Khmuoch in Suong, and I> got married
10 <there>.

11 MR. SENG LEANG:

12 I am done with my questioning, Mr. President; I would like to
13 hand over the floor to my esteemed international colleague.

14 [15.55.25]

15 QUESTIONING BY MR. LYSAK:

16 Q. Good afternoon, Mr. Civil Party. I want to ask you a few
17 questions about the religious leaders, the Cham leaders in Svay
18 Khleang and what happened to them. First of all, are you
19 presently the Hakim of Svay Khleang?

20 MR. SOS MIN:

21 A. I understand your question. Are you referring to the previous
22 period or the current time?

23 Q. I was asking whether you are today the Hakim of your village.

24 A. Currently, I am <currently the village> Hakim and also <the
25 Imam> of the district.

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1 Q. And did your village have Hakim before the Khmer Rouge arrived
2 and could you tell us what happened to the Hakims after the Khmer
3 Rouge came to the area?

4 A. In every regime, there are Hakims <or> religious leaders
5 within <Muslim> community. <A hakim was in charge of all the
6 people in the village.> Before the Khmer Rouge time there were
7 also Hakims, however I could say that Hakims <during the> Pol Pot
8 time <were> arrested and they were the first <targets of arrest
9 by> the Khmer Rouge.

10 [15.57.47]

11 Q. Do you remember when it was that the Hakims were arrested by
12 the Khmer Rouge?

13 A. Hakims and <other Muslim> leaders <including Tuons, Muslim>
14 teachers in Islamic religion were <all> arrested in 1974.

15 Q. Thank you. The next question I want to follow up on is: do you
16 know what happened to the Korans in Svay Khleang village after
17 you were no longer allowed to practice your religion?

18 A. <We> were prohibited from worship and prayers. <And as for
19 the> Korans<, they were> collected and placed in their office.
20 <People were not allowed to read the Quran.> All <the> Korans <in
21 any size were confiscated>.

22 Q. You talked about in your interviews, findings some of the
23 Korans that had been collected on the first night of the
24 rebellion in Svay Khleang. Can you tell the Court where it was
25 that you found these Korans?

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1 A. I could not get your question, Mr. Co-Prosecutor; could you
2 specify it for me so that I can give the response.

3 Q. In your interview, you talked about on the night, the first
4 night of the rebellion in Svay Khleang, you discussed finding
5 some Korans, could you tell the Court where it was that you found
6 these Korans on the night of the rebellion?

7 A. Korans that I found were <at the place they were collected and
8 stored> at <the house of the> village chief<>.

9 [16.01.15]

10 Q. You've been asked questions about the rebellion in your
11 village, we heard from the witness before you about another
12 rebellion that took place in Kaoh Phal. Do you know when the Kaoh
13 Phal rebellion took place; was it before the rebellion in Svay
14 Khleang or after?

15 A. My apology; I could not get your question, Mr. Co-Prosecutor,
16 I did not hear the full interpretation.

17 Q. My question was about the rebellion at Kaoh Phal and whether
18 that took place before or after the rebellion in Svay Khleang.

19 A. <The rebellion> in Svay Khleang <occurred a fortnight after
20 the> Kaoh Phal rebellion.

21 [16.02.53]

22 Q. I just to want to make sure that I understood, did you say 15
23 days before or 15 days after the Svay Khleang rebellion?

24 A. <I was saying that the rebellion at> Kaoh Phal <occurred> 15
25 days <before the> rebellion at Svay Khleang. <So the Svay Khleang

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1 rebellion occurred 15 days after the rebellion on Kaoh Phal.>

2 Q. Thank you for clarifying that. When you were -- the people
3 were organising to rebel in Svay Khleang, were you aware of what
4 had happened at Kaoh Phal 15 days earlier?

5 A. I have nothing to do with Kaoh Phal rebellion. I did not know
6 about rebellion at Kaoh Phal. <It was strict regarding our
7 movement during the regime. People were not even allowed to cross
8 from one village to another. So what happened at> Kaoh Phal <was
9 the> business <of people of Kaoh Phal; and what happened at Svay
10 Khleang was the business of people of Svay Khleang. The two
11 incidents were not related>.

12 Q. Thank you. You mentioned that although you organised to fight
13 and resist, that you didn't have weapons. Can you tell us when
14 there was fighting between the Cham and the Khmer Rouge, what
15 weapons did the Cham have and what weapons did the Khmer Rouge
16 have?

17 A. Back then <when the> fighting <broke out, the> Khmer Rouge
18 soldiers <> were armed with different <kinds of weapons, while
19 the> Cham people <>had only two rifles: one AK <rifle> and one
20 Carbine <assault rifle>. And in addition to the two rifles, we
21 had swords and knives.

22 [16.05.50]

23 Q. Do you remember how many swords the Cham people in Svay
24 Khleang had?

25 A. I do not recall the <number> clearly <as at> the time there

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1 were many of us.

2 Q. And you talked about the weapons of the Khmer Rouge, were
3 there boats -- did the Khmer Rouge have boats that were firing on
4 your village?

5 A. They had <sufficient gears and equipment including vessels>;
6 they had various types of weapons. <At that time, they> did not
7 <need to> use boats to fire <on> us <> because we were on the
8 same -- we were on land.

9 Q. And did they have fire artillery shells into your village?

10 A. They did not use only the light weapons; they had heavy
11 weapons as well. The sounds of gun fire deafened our ears.
12 <However,> I could not tell you <as to how many shells fired or>
13 whether there were different types of weapons used, I cannot draw
14 a conclusion about the weapons <and the number of shells fired.
15 It was a huge event. We could hear gunshots all over the place.>

16 [16.08.14]

17 Q. I want to ask you now about couple of follow up questions
18 about the period when you were moved to Dambae district. Can you
19 tell us when you arrived in Dambae, where it was that you were
20 asked to live and to sleep?

21 A. I told my response to the lawyer already and now you have
22 <>follow up <questions>. I will clarify it for you. I was
23 <transferred> to <> Svay Kambet village, Seda commune, Dambae
24 district<,& Kampong Cham province>. I cannot recall when I arrived
25 in that village. We were <so> depressed at the time <that> we did

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1 not focus on the <date> when we arrived in the village. We left
2 our place <from the pagoda> at night and we arrived in Svay
3 Kambet village the following day at mid-day.

4 Q. My apologies, I was asking you something more specific. Let me
5 approach it this way. Do you have an older brother named Man Sen?

6 A. My elder brother's name is Man Sen.

7 Q. And was he with you when you were sent to Dambae?

8 A. He was with me and we shared the same village and our houses
9 were close to each other.

10 [16.10.37]

11 Q. I want to read to you and get your reaction on something your
12 brother told the Court when he was interviewed. This is document
13 E3/5205: Khmer, ERN 0021850; English, 00275163 to 64; French,
14 00293922; again it is E3/5205. This is what your brother said
15 about Svay Kambet village. "The villagers in those villages were
16 all ethnic Khmer. Some of us lived in rice storage huts, some of
17 us slept underneath their houses. They did not permit us to
18 observe our religion or traditions. There was no medicine to
19 treat malaria." End of quote. What I wanted to ask you about, Mr.
20 Witness, is: Is it correct that some of the Cham people were
21 required to sleep underneath the houses of Khmer families?

22 A. That is correct from my understanding.

23 Q. And the group of Cham people that --

24 [16.12.28]

25 MR. PRESIDENT:

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1 Mr. Co-Prosecutor, do you still have many questions to put to
2 this civil party?

3 MR. LYSAK:

4 I may have 10 minutes or 15 minutes if I would be allowed to
5 continue tomorrow. I can continue now, I don't want to disrupt
6 the bus schedule but I can continue now but I have about 10 more
7 minutes or 15 minutes.

8 MR. PRESIDENT:

9 Thank you. So we will adjourn now and so you will be allowed to
10 use 10 minutes or 15 minutes additionally tomorrow <morning>.
11 It is time now for the adjournment, the Chamber will resume
12 tomorrow <from 9:00 a.m.> Wednesday, 9 September 2015. The
13 Chamber will continue to hear the testimony of Sos Ponyamin, and
14 then we will start to hear 2-TCW-832. <All Parties, please be
15 informed and come to attend the hearing tomorrow as scheduled.>
16 Thank you very much, Mr. Sos Ponyamin. The hearing of your
17 testimony as a civil party has not come to an end yet. You are
18 therefore invited to be here once again tomorrow at 9 a.m.
19 Court officer, in collaboration with WESU, please send Mr. Sos
20 Ponyamin to his desired destination or the place where he is
21 staying at the moment.
22 Security personnel are instructed to bring Mr. Khieu Samphan and
23 Nuon Chea back to the detention facility and please have them
24 returned tomorrow <before> 9 a.m.
25 The Court is now adjourned.

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1 (Court adjourns at 1614H)

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