



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

9 September 2015  
Trial Day 325

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Mar-2017, 15:16  
CMS/CFO: Sann Rada

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I N D E X

Mr. SOS Min (2-TCCP-244)

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Mr. SENG Kuy (2-TCW-832)

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Questioning by Mr. HONG Kimsuon ..... page 100

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Kuy (2-TCW-832)	Khmer
Mr. SENG Leang	Khmer
Mr. SOS Min (2-TCCP-244)	Khmer

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the testimony Sos Ponyamin, a

6 civil party, and we will commence hearing the testimony of a

7 witness 2-TCW-832.

8 Ms. Se Kolvuthy, please report the attendance of the Parties and

9 other individuals at today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this Case

12 are present.

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

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

15 been delivered to the greffier.

16 The witness who is to conclude his testimony today -- that is Mr.

17 Sos Ponyamin, is present in the courtroom and the upcoming

18 witness after the conclusion of this civil party's testimony --

19 that is 2-TCW-832, confirms that to his knowledge and ability he

20 has no relationship by blood or by law to any of the two Accused

21 -- that is Nuon Chea and Khieu Samphan, or to any of the civil

22 parties admitted in this Case. The witness took an oath this

23 morning before the Iron Club Statue

24 [09.02.41]

25 MR. PRESIDENT:

2

1 Thank you. The Chamber now decides on the request from Mr. Nuon  
2 Chea.

3 The Chamber has received a waiver from Mr. Nuon Chea, dated 9  
4 September 2015, which notes that due to his health -- that is,  
5 headache, back pain, he cannot sit or concentrate for long and in  
6 order to effectively participate in future hearings, he requests  
7 to waive his rights to participate in and be present at 9  
8 September 2015 hearing.

9 Having seen the medical report on Mr. Nuon Chea by the duty  
10 doctor for the Accused at the ECCC, dated 9 September 2015, which  
11 notes that Nuon Chea today has back pain and dizziness while he  
12 is sitting, and recommends that the Chamber grant him his request  
13 so that he can follow the proceedings remotely from the holding  
14 cell downstairs. Based on the above information and pursuant to  
15 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon  
16 Chea his request to follow today's proceedings remotely from the  
17 holding cell downstairs via audio-visual means. The Chamber  
18 instructs the AV Unit personnel to link the proceedings to the  
19 room downstairs so that he can follow the proceedings. This  
20 applies to the whole day.

21 The Chamber will hand the floor to the International  
22 Co-Prosecutor to put questions to this civil party, and you have  
23 15 minutes to do so.

24 [09.04.33]

25 QUESTIONING BY MR. LYSAK RESUMES:

1 Thank you, Mr. President. Good morning, Your Honours, Counsel.

2 Good morning, Mr. Civil Party.

3 Q. We were -- when we ended yesterday we were talking about the  
4 period in which you had been forced to leave Svay Khleang and  
5 live in Dambae district, and we were talking about how the Cham  
6 people in Svay Kambet village had been mixed with the Khmer  
7 villagers and that some had to sleep in rice storage huts and  
8 underneath the houses of Khmer families. Mr. Civil Party, was the  
9 area to which the Cham people were forced to relocate in Dambae  
10 district, was this a high-risk area for malaria?

11 MR. SOS MIN:

12 A. Indeed it was a high-risk area for malaria.

13 [09.05.55]

14 Q. And were the Cham people who had to sleep underneath the  
15 houses of Khmer villagers, were they given mosquito nets by the  
16 Khmer Rouge soldiers who relocated you there?

17 A. No, we were not given anything. Whatever belonging that we had  
18 with us, that was it.

19 Q. Did any of the Cham people in your group die from malaria or  
20 starvation after you were moved to Svay Kambet village?

21 MR. PRESIDENT:

22 Civil Party, please hold on; and Mr. Koppe, you have the floor.

23 MR. KOPPE:

24 Thank you, Mr. President; and good morning, Your Honours. I am  
25 objecting to this line of questioning. I wanted to object already

4

1 to the first question as to whether Dambae was a high-risk  
2 malaria area; I don't think the witness is qualified to say so.  
3 The witness is also not qualified due to a lack of medical  
4 background, to say whether people died of malaria or  
5 malnutrition, or for other reasons. If he had been working in a  
6 hospital, maybe yes, but not as an ordinary citizen.

7 [09.07.31]

8 MR. LYSAK:

9 Mr. President, I think the witness has some knowledge of what  
10 happened to the families that were sent with him. We can find out  
11 what he knows and what he doesn't know. And the Defence are  
12 certainly entitled to cross-examine him. He has made statements  
13 on this issue in his interviews and civil party papers so it's a  
14 matter, I believe we are entitled to ask questions on.

15 MR. PRESIDENT:

16 The objection is overruled and Mr. Civil Party, please respond to  
17 the last question put to you by the <International> Deputy  
18 Co-Prosecutor, if you still remember it.

19 It seems that the civil party doesn't recall the last question.

20 For that reason, <International> Deputy Co-Prosecutor, please  
21 repeat your last question.

22 [09.08.40]

23 BY MR. LYSAK:

24 Thank you, Mr. President.

25 Q. Mr. Civil Party, were there any Cham people in your group that

5

1 was moved to Svay Kambet village who died from malaria or from  
2 lack of food?

3 MR. SOS MIN:

4 A. Amongst the Cham people who were evacuated with us, there were  
5 20 families and allow me to say this, only seven families  
6 remained from the death as a result of <malaria or> starvation  
7 <>.

8 Q. And can you tell us how it is that you know how the Cham  
9 people who came with you, how they died? How do you know that?

10 A. I know the truth because I was living there amongst those  
11 families, and some of the families died. I took care of some  
12 people there as well, and I was also involved in the burial of  
13 some of those people. And I still remember the location where the  
14 burial took place.

15 [09.10.26]

16 Q. Thank you. Another subject I wanted to ask you about, you  
17 testified yesterday that starting in 1975, the Cham people in  
18 Svay Khleang were no longer allowed to practice their religion or  
19 speak their language. I want to read an excerpt on this same  
20 subject from your brother's interview on the Cham rebellion. This  
21 is document E3/7675 -- E3/7675: Khmer, ERN 00221853; French,  
22 00293924 through 925; English, 00221859; and I quote what your  
23 brother said. "During 1975, all practice of Islam was strictly  
24 forbidden. The doors to the mosque were closed. Korans were  
25 collected and burned. Ta Long, the sub-district chairman of Svay



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1 Khleang, saw to these things in person. Ta Yok, a member of the  
2 district administrative committee, called everyone to a meeting  
3 and announced that the women must cut their hair and that all  
4 prayer was absolutely prohibited." End of quote.

5 Mr. Civil Party, do you remember this meeting that your brother  
6 described, a meeting held by the district committee where it was  
7 announced that you were no longer allowed to pray?

8 A. Allow me to say this. Whatever you just read out is true and  
9 correct.

10 [09.12.45]

11 Q. Do you remember whether you were at this meeting at which a  
12 member of the district committee announced that prayer was now  
13 prohibited?

14 A. No, I was not there as I was assigned to work elsewhere at the  
15 time.

16 Q. In another subject you talked about yesterday -- you testified  
17 about Khmer Rouge cadres from the Central Zone arriving in your  
18 region in 1978 and arresting the East Zone cadres. I want to read  
19 to you an excerpt from your own interview with OCIJ on this  
20 subject. This is document E3/5210: Khmer, ERN 00218572; English,  
21 00242073; French, 00334652; this is what you said -- I quote:

22 "I saw the corpses which had been executed in the jungle,"  
23 continuing later: "After the invasion by Vietnamese troops in  
24 1978 and after the arrival of Central Zone cadres to replace the  
25 East Zone cadres, people were arrested and transported by truck

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1 to be executed in the jungle. I saw them taking the East Zone  
2 cadres into the jungle for execution." End of quote.

3 What I'd like you to clarify, Mr Civil Party, did you just see  
4 the cadres being taken into the jungle, or did you also see  
5 corpses at some point in time? Can you clarify that for us?

6 A. I myself saw them, and in my village it happened there, and I  
7 personally saw those corpses and I even recognised some; namely  
8 <Hut> (phonetic). At that time I was tending water buffaloes and  
9 I was thirsty and I tried to find water and I saw those dead  
10 bodies including <Yeay Hut> (phonetic), who was a cook, <near a  
11 screw-pine shrub>. <This is true.>

12 [09.16.10]

13 Q. Can you tell us approximately how many bodies it was that you  
14 saw?

15 A. I saw <only> one dead body, however I saw two <large> pits.  
16 <Later on, I was assigned to collect vines in the forest. And,  
17 while I was collecting the vines, I found the pits. First, I did  
18 not see the pits. But, I smelled a very strong stench. Then, when  
19 I was entering a bit deeply into the forest,> I saw the <two>  
20 pits <lying in parallel>. But on the ground, I only saw one dead  
21 body and I was scared and I left the area. <I saw only one dead  
22 body on the ground. That is, Yeay Hut, lying dead there.>

23 Q. This will be my last question. In this exact same part of your  
24 OCIJ interview you continued on and said the following -- I  
25 quote: "The cadres from the Central Zone were cruel people and

8

1 they imposed very harsh measures against us. Then they started  
2 indiscriminate killing against the East Zone people, including  
3 the Cham and Chinese, on accusations of being a person with a  
4 Vietnamese head on a Cambodian body." End of quote.

5 First why did you say that the Central Zone cadres were cruel  
6 people who imposed very harsh measures on you?

7 [09.18.04]

8 MR. PRESIDENT:

9 Mr. Civil Party, please hold on, and Counsel Koppe you have the  
10 floor.

11 MR. KOPPE:

12 Thank you, Mr. President. I object to this questioning. This is  
13 something that had been forbidden by the Chamber, reading out  
14 something first, rather than asking an open question and then  
15 returning to the statement of the witness, refreshing their  
16 memory. So we have abolished this practice and this line of  
17 questioning should be prohibited. So I object, Mr. President.

18 [09.18.39]

19 MR. LYSAK:

20 I don't want to engage in an argument. We have not abolished a  
21 practice. The witness was asked about the subject of the arrival  
22 yesterday. I'm doing follow up questions and I believe I am  
23 entitled to ask the witness about the statements he has made in  
24 his interviews on the subjects on which he testified yesterday.

25 (Judges deliberate)

9

1 [09.20.20]

2 MR. PRESIDENT:

3 The objection by the Defence Counsel Koppe is overruled, as the  
4 question put by the Deputy Co-Prosecutor is not the kind that was  
5 abolished by the Chamber in its previous ruling. It is part of  
6 the responses by the civil party. For that reason, the Chamber  
7 will allow this question. It is not in the nature that the  
8 statement is read to the civil party and asked for his  
9 confirmation.

10 And Mr. Civil Party, if you recall the last question, you can  
11 <respond now>. However, it seems that you do not recall it. For  
12 that reason, <the International> Deputy Co-Prosecutor, please  
13 repeat the last question.

14 [09.21.12]

15 MR. LYSAK:

16 Thank you, Mr. President.

17 Q. My question, Mr. Civil Party, why did you say that the Central  
18 Zone cadres were cruel people who imposed harsh measures?

19 MR. SOS MIN:

20 A. And what they did during the regime, and this is not from what  
21 I heard but this is from the real situation that I was living in,  
22 the Central Zone imposed stricter measures and the killing  
23 intensified. <I personally saw what happened and I lived under  
24 their control at that time.>

25 Q. And you told -- my last question, you told the OCIJ that the

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1 Central Zone cadres accused people of having a Vietnamese head on  
2 a Cambodian body and that they killed Cham and Chinese people.

3 How did you know that the Central Zone cadres killed Cham people?

4 A. As I have just said, I know it because I lived through it. I  
5 lived under their control and that's what I saw while I was  
6 living through it. And <I witnessed> what happened under their  
7 <short-lived> administration at the time.

8 [09.23.13]

9 MR. PRESIDENT:

10 Deputy Co-Prosecutor, your time ran out. And the Chamber now  
11 hands the floor to the defence teams: first, to the defence team  
12 for Nuon Chea. And for the first session this morning, we will  
13 extend it until 20 past 10.00 before we take a short break.

14 And Counsel you may proceed.

15 MR. KOPPE:

16 Thank you, Mr. President. I would like to start with going back  
17 to yesterday because I still owe you some ERNs. One of the first  
18 objections from the Prosecution was about me saying something  
19 about 28 Khmer Rouge cadres being killed, and I have that for  
20 you. It is, as I said yesterday, in Kiernan, it's English page  
21 264, the English ERN is 0068636; and Khmer, 00637770; and French,  
22 00639033. "One night, Chams killed 28 Khmer Rouge with knives and  
23 sticks," it says. That's one.

24 [09.24.56]

25 Yesterday I was also, I suppose, reprimanded for using a Human

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1 Rights Watch report. My question, which led to the objection, was  
2 about Region 21 troops, or let me rephrase, troops wearing  
3 different military uniforms. I was indeed referring to that Human  
4 Rights Watch report; however, that report in itself refers to a  
5 footnote that is the source of that particular point. And the  
6 source is actually Osman in his book "The Cham Rebellion". On  
7 English page 84. it's document E3/2653. The book in its entirety  
8 is on the interface. It's English, ERN 00219145. It says: "At 9  
9 o'clock, I saw an additional force of hundreds just arrived  
10 wearing uniforms different from those of the district troops.  
11 They had backpacks and all types of weapons. They fired heavy  
12 weapons and small arms at the rebels. Khmer Rouge boats swept the  
13 riverbanks with continuous fire."

14 Sorry, I also owe you a Khmer and French ERN. The Khmer ERN is  
15 00221 - no, sorry, 00221854; French, 00293925. So, "the troops  
16 wearing uniforms different from the district troops", that is in  
17 Osman.

18 [09.27.00]

19 Yesterday I also spoke about Battalion 55 and one of its  
20 commanding officer, Prime Minister Hun Sen. This morning I sent  
21 to you via email a document, E3/5261, that is a WRI of a  
22 combatant of Battalion 55. He talks about the suppression of the  
23 Cham rebellion on English page 0027-- I hear there's no  
24 translation in Khmer. I will start again; it's E3/5261: English,  
25 ERN 00274336. And up until now I only have the Khmer -- the

12

1 French ERN, it's 00285329 and it says that Battalion 55 organised  
2 the suppression of the Cham rebellion in Trea sub-district, Svay  
3 Khleang sub--

4 MR. PRESIDENT:

5 Counsel Koppe, please provide the Khmer ERN.

6 [09.28.40]

7 MR. KOPPE:

8 If you give me one minute I will do that later. In one minute  
9 it's coming. So it says: "The Cham rebellion was suppressed by  
10 Battalion 55 in Trea sub-district, Svay Khleang sub-district and  
11 at Kaoh Phal: "All three places were suppressed at the same time."  
12 And one page further down, I do have the English and Khmer ERN  
13 for this one: English is 00274338; French, 00285332; and Khmer,  
14 00250945. The witness is being asked about Hun Sen. He says,  
15 "After his eye was damaged, he rose to take charge of the Sector  
16 21-E [Regimental] Staff. Yun Sophi was chairman of the D  
17 [Battalion] Staff which received orders from the [Regimental]  
18 Staff," hence my questions from yesterday. And I will refrain  
19 now, if that's what you would like me to do, Mr. President, from  
20 the Human Rights Watch report.

21 MR. PRESIDENT:

22 Please hold on, Mr. Koppe. You may now proceed International  
23 Deputy Co-Prosecutor.

24 [09.30.28]

25 MR. LYSAK:

13

1 I want to thank Counsel for providing those ERNs. We would have  
2 avoided issues if they had been provided yesterday. I just want  
3 to make sure the record is clear here on a couple of the  
4 documents that he's just identified. With respect to the Kiernan  
5 reference to 28 Khmer Rouge having been killed, they are talking  
6 about a different place and location than the events we're  
7 talking about. In the paragraph right above it, where it's  
8 talking about Svay Khleang for example, it's says that villagers  
9 with a machete killed a CPK officer and two soldiers. So the  
10 record should be clear the 28 incident that's reported here is a  
11 different one than what's being discussed in these proceedings.  
12 Second, I'm glad that Counsel has brought to your attention to  
13 the interview that was conducted by the OCIJ of a cadre who  
14 worked in Battalion 55. Contrary to what he told you yesterday,  
15 that this Court has not turned a blind eye to this, it has  
16 interviewed someone specifically about this. Counsel is correct.  
17 This cadre who worked in the office confirms that Battalion 55  
18 was sent to participate in this. But what Counsel has not told  
19 you is that the cadre identifies the commander of the battalion  
20 at the time as a person named Sokh Sat, not Hun Sen, Sokh Sath.  
21 And he testifies that at this time, Hun Sen was in charge of the  
22 reconnaissance section of 30 men and later took on a different  
23 position. So we have no objection to Counsel questioning  
24 witnesses on this where he uses evidence that is before this  
25 Chamber and where he accurately describes the evidence.



14

1 Now I don't want to spend any more time on this this morning, Mr.  
2 President, I know but I wanted to make sure that the record is  
3 correct on this.

4 [09.32.43]

5 QUESTIONING BY MR. KOPPE:

6 I suppose it would be worthwhile reading back the transcript of  
7 yesterday because yesterday the Prosecution didn't seem to know  
8 anything about Battalion 55 and the military uniforms. I don't  
9 think it is accurately quoted and the same applies to the 28.  
10 It's in the following paragraph, it's a paragraph about Kaoh  
11 Phal, 28 Khmer Rouge cadres being killed with knives and sticks,  
12 so I'm not sure why it's being said that this is nothing to do  
13 with the rebellion; this is a chapter about the rebellion, but I  
14 will move on now, Mr. President.

15 Q. Mr. Witness, Mr. Civil Party, good morning. I have a few  
16 questions that I would like to put to you. Let me first ask you  
17 questions about before the "Khmer Rouge came to your area".

18 Did you have Cham family living either in Kampong Chhnang, in  
19 Pursat, in Takeo or in Kampot?

20 [09.34.09]

21 MR. SOS MIN:

22 I do not understand your question. Could you repeat it?

23 Q. Let me rephrase maybe my question. Do you know whether in the  
24 early 70s many Cham were also living in Kampong Chhnang, Pursat,  
25 Takeo, and Kampot?

15

1 A. I only know that Cham families were living in <all> provinces.  
2 They did not start to settle in those provinces <during that  
3 regime. I believe that they have been living in those provinces  
4 for a very long time>.

5 Q. Is it correct, Mr. Civil Party, that after the coup d'Etat in  
6 1970, many Chams became revolutionaries, joined the struggle  
7 against Lon Nol?

8 A. We, the citizens, who lived in the country, when we are needed  
9 by the country we will join and <serve the nation>. We at first  
10 did not realise that the regime became the genocidal <and  
11 destructive> regime. In every <regime -- the current regime, Lon  
12 Nol's and Samdech Norodom Sihanouk's regimes--> we <always join>  
13 forces to <build and defend> the country <because> Cham people  
14 are considered <as the same> Khmer <nationals>. We are happy  
15 because Khmer people <recognize and> love all of us. So we, Cham  
16 people, <must absolutely> contribute to the <construction> of the  
17 country and to the defence of the country <in every generation>.

18 [09.36.53]

19 Q. Is it correct that someone with the name of Sos Man had an  
20 important role in encouraging Cham to join the rebellion?

21 A. I do not know the person by the name Sos Man.

22 Q. Maybe you know his son. Do you know someone with the name of  
23 Mat Ly?

24 A. I have heard of the name. I do not know this individual  
25 personally and he also does not know me either.

1 Q. Have you ever heard of the Eastern Zone Islamic Front?

2 A. No, I have never heard of it.

3 Q. Is it correct that Svay Khleang used to consist of five or six  
4 villages?

5 A. Please specify your question or clarify the question for me  
6 because the name is not really clear. <What is the exact name of  
7 the village? I don't grasp your question. So, how can I respond?>

8 Q. I suppose my question is: Did Svay Khleang consists of five or  
9 six separate villages?

10 A. Yes, that is correct.

11 [09.39.30]

12 Q. And do you know whether the chiefs that were appointed by the  
13 "Khmer Rouge" after '71 or after '73 were all Chams themselves?

14 A. I do not know. It is not the case to my <knowledge>.

15 Q. Let me limit myself to your village. I believe it was Number  
16 Five. And yesterday you spoke about somebody with the name of  
17 Kao. I'm not sure if I understand correctly, but was he the one  
18 appointed by the Khmer Rouge?

19 A. Yes, that is correct.

20 Q. Was he Cham?

21 A. Yes, he was Cham.

22 [09.40.50]

23 Q. And was he involved in measures to limit the practice of your  
24 religion?

25 A. I want to clarify the point that it was the policy or the

17

1 guideline from -- by the Khmer Rouge. So the order -- the  
2 guideline came from the top could not be rejected by the  
3 subordinates or the lower level. So chiefs of villages had no  
4 choices. <We understood about the situation, the sentiment and  
5 everything. Let me clarify, Kao or other village chiefs,> did not  
6 execute people, however, they were only in charge of leading the  
7 villages.

8 Q. At the time 1973, '74, did you know Kao well? Did you ever  
9 speak to him?

10 A. I know this person very well and I used to talk to him.

11 Q. Did you ever -- did you ever ask him the question, why are you  
12 implementing guidelines to limit our religion? You are yourself a  
13 Cham, or according to those lines?

14 A. I never asked him about the matter. He was used by the upper  
15 level. Let me clarify. The policies, guidelines, significant  
16 guidelines and policies <that prohibited rights, freedoms,  
17 religions and other things, did not come from the village chiefs,  
18 but they> came from the upper level<, including the district  
19 level> and it went through villages. <The village chiefs did not  
20 have any ability to disseminate those guidelines.> And usually  
21 people from the upper level came to hold a meeting and  
22 disseminate those policies and guidelines.

23 [09.43.33]

24 Q. Limiting myself to your village, were there any other Khmer  
25 Rouge Cham who were assisting Kao in his position?

18

1 A. No.

2 Q. So was he the only Khmer Rouge cadre in your village between  
3 '73 and '75?

4 A. Yes.

5 Q. Let me return now to the person that I just asked you about,  
6 Mat Ly. Have you ever heard about Mat Ly's position in the  
7 National Assembly in 1976?

8 A. I have no knowledge of it. I have never known the positions or  
9 functions, responsibility of the National Assembly <or those of  
10 the high-ranking officials>. I have <only> heard of his name,  
11 however, I did not know what <> position he held at that time.  
12 During the period, I was only an ordinary citizen.

13 [09.45.20]

14 Q. And now, Mr. Civil Party, Svay Kleang was, I think at the  
15 time, part of a district. Do you know of which district Svay  
16 Kleang was part of?

17 A. It was under Krouch Chhmar district.

18 Q. And, do you know under which entity or district Krouch Chhmar  
19 was situated? Which level came above Krouch Chhmar?

20 A. I do not know about that.

21 Q. Have you ever heard of Peam Chileang?

22 A. Peam Chileang village, I know this village and I used to live  
23 in that village.

24 Q. You refer to it as a village. Did Peam Chileang at one point  
25 also included two sub-districts of Krouch Chhmar?

19

1 A. To my knowledge, Peam Chileang was not located in Krouch  
2 Chhmar district. It was in <Tboung Khmum> district. <But, Kampong  
3 Treas commune was located in Krouch Chhmar district. It was  
4 divided by a tributary or Peam Chileang tributary.>

5 [09.47.42]

6 Q. Very well. Mr. Civil Party, do you know whether the district  
7 that you were in, was in its turn, part of a larger entity called  
8 Sector 21?

9 A. I have no knowledge of it. I do not know about sectors or  
10 divisions in Khmer Rouge time. I had no idea <about> Sectors 20,  
11 21, 22 or the district structure. I did not pay any attention to  
12 the structure of the sectors or district at that time. As I said,  
13 I was simply an ordinary citizen at that time. <So, I was not  
14 able to think that much.>

15 Q. Let me try differently, Mr. Civil Party. Do you know if there  
16 was an echelon higher than the district, an echelon to which the  
17 district had to listen to and obey instructions from?

18 A. Cadres within the Khmer Rouge hierarchy <and> structure were  
19 not <familiar to> me because at that time the division of sector,  
20 <district, provincial and zonal levels was> not known to all of  
21 us. <It was unlike the current structure which is clear for both  
22 district and provincial levels. At that time, I did not  
23 understand>. I was quite young at that time <and not interested  
24 in that matter. So, I just don't know.>

25 [09.49.57]

1 Q. Sometime in July '75, two or three months after the liberation  
2 of Phnom Penh and Kampong Chhnang - Cham, sorry, the number two  
3 of Sector 21 was someone with the name Ouk Bunchhoeun. Does that  
4 name ring a bell to you?

5 A. No, it does not ring a bell. For the senior people, I have no  
6 knowledge of and I do not know them. <If you, Mr. Lawyer, keep  
7 asking such questions, you will gain nothing from me, for I was  
8 not in the position to know the officials at the zone or sector  
9 level. I even did not know each and every individual in my  
10 village>.

11 Q. Having no knowledge of the people is one thing; maybe you have  
12 knowledge of various military forces. Do you remember whether  
13 there was a distinction to be made between soldiers or military  
14 who belonged to the district, on the one hand, and soldiers or  
15 military who belonged to the region or to the upper level?

16 A. I have a question for you. <Since> I was not a soldier at that  
17 time, <I want to know the difference between the> laws and  
18 regulations <for> civilians and soldiers. <For simple civilians  
19 like me,> so how could I know about the structure of soldiers or  
20 military <at district, division or unit levels>, Mr. Lawyer?

21 [09.52.11]

22 MR. PRESIDENT:

23 Mr. Civil Party, you are here to testify before the Chamber. So  
24 when you say "I don't know", it is an answer. It is a short  
25 answer. So if you do not know please say so. I understand about

21

1 <the purpose of the questioning and> what you have <answered>.  
2 You may not have known of the military structure, however, the  
3 defence counsel is putting the question to elicit answers that he  
4 wants. <But, I just need to clarify with you that this is the  
5 proceedings before the court>. So, when you say I don't know, it  
6 is an answer. <Remember that you're the respondent, not the  
7 examiner>. So you have no rights to ask questions back to the  
8 defence counsel or any parties. However, at the end of your  
9 testimony you will be provided with an opportunity to pose  
10 questions through me the President, to the Accused. So I, as the  
11 President, I am in charge of the proceedings. <To make the  
12 proceedings clear before the Chamber and to avoid any arguments,  
13 the Chamber and other parties involved will carefully listen to  
14 these issues and consider how they should be addressed. We are  
15 trying to do that, and> from my notes I could see that you said  
16 you do not know many times. <But, it is unusual that the counsel  
17 has kept asking more questions even> if you <have said 'you do  
18 not know' many times. We do know the goal or purpose of their  
19 examination. But, it's their rights to pose questions to you. We  
20 will take further actions on this matter where and when we find  
21 appropriate.>

22 [09.53.57]

23 BY MR. KOPPE:

24 Q. I will be a little bit honest to you, Mr. Civil Party, because  
25 I am a little bit surprised that you don't know. Because



22

1 yesterday, you testified extensively that you were involved in a  
2 rebellion. And there had been fighting and artillery, etc. So you  
3 have seen soldiers. So let me ask you a general question in  
4 relation to the rebellion. Did you see -- when the rebellion was  
5 in full swing -- soldiers with different kinds of uniforms,  
6 different kinds of weapons, different kinds of behaviour?

7 MR. SOS MIN:

8 A. I did not witness the incident <>. During that time, there was  
9 fire exchange so I did not stand and -- stand looking to the  
10 fighting. I had to run and flee <from> the bullets. <I didn't  
11 bother to think of seeing the people or how they looked.>

12 MR. KOPPE:

13 Mr. President, in order to test the credibility of the witness, I  
14 would like to read that same excerpt that I was just referring to  
15 earlier in Ysa Osman's book: English, ERN 00221859; Khmer,  
16 00221854; and French, 00293925. It's on English page 84.

17 [09.56.12]

18 MR. PRESIDENT:

19 Could you specify the document number, E something?

20 [09.56.20]

21 BY MR. KOPPE:

22 Yes, I apologize, Mr. President. It's the book from Ysa Osman,  
23 "Cham Rebellion" It's E3/7675 and the excerpt, Mr. Civil Party,  
24 is the following, and I would like to ask your reaction please:  
25 "At 9 o'clock I saw an additional force of hundreds, just

1 arrived, wearing uniforms different from those of the district  
2 troops. They had backpacks and all types of weapons. They fired  
3 heavy weapons and small arms at the rebels. Khmer Rouge boats  
4 swept the river banks with continuous fire."

5 Could you please give your reaction to testimony of somebody who  
6 was there the same as you were?

7 [09.57.38]

8 MR. SOS MIN:

9 A. The statement you have just quoted, I do not know where Ysa  
10 Osman took this statement from. <This is why I want to hold my  
11 tongue. I have said 'I don't know'.> You are now exploring what I  
12 know in the period. And at 9 <p.m.>, it was quite dark and I did  
13 not notice about the uniforms of the soldiers <and neither did I  
14 know how many of them were. The uprising took place at 9 p.m. So,  
15 we should carefully think about this.> During <the> Khmer Rouge  
16 <regime>, there was no electricity, no lights along the streets.  
17 <It was completely dark.> So how could I notice <the colour of>  
18 the military uniforms or clothes worn by those soldiers?

19 Q. Well, Mr. Civil Party, yesterday you described quite vividly a  
20 very active role in the rebellion, so that is why I thought you  
21 might know. A more general question: Do you know, from your  
22 experience being part of the rebellion, why the Khmer Rouge,  
23 apparently according to this witness, came with hundreds of  
24 troops using artillery, boats, etc. to suppress the rebellion? Do  
25 you know why they came in with so many forces?

1 A. I have difficulty in responding to your questions. There was  
2 Cham rebellion. And because of this, Khmer Rouge brought in  
3 <weapons> and soldiers to prevent the rebellion.

4 Q. But surely not because there was only one Kalashnikov and one  
5 Carbine. Was there -- was it -- there must have been more  
6 firepower on the side of the Cham's in the rebellion; is that  
7 correct?

8 A. It was the battlefield considered by the Khmer Rouge. So, the  
9 Khmer Rouge did not consider whether the Cham people had very few  
10 rifles and weapons. <Their main purpose was to fight. So, they>  
11 had to bring in <> weapons <along with well-equipped soldiers> to  
12 attack.

13 [10.00.48]

14 Q. But Mr. Civil Party, there are reports that maybe 500 Cham  
15 were killed by Khmer Rouge troops. Have you heard of any -- have  
16 you heard of casualties like this after the rebellion was  
17 crushed?

18 A. It's about right the number. I - however, I cannot say the  
19 casualties reached 500. Perhaps it was below or a little bit  
20 above that number. I did not witness the casualty. I only noticed  
21 that people had been arrested and taken away. <The arrests and  
22 acts of taking people away occurred on a regular basis. They have  
23 disappeared since then. However, I cannot conclude whether they  
24 were killed or not as I did not witness the killings, and I only  
25 saw them being arrested.>

1 Q. Yesterday, you spoke about heavy artillery units. Do you  
2 remember some more details? How long did that artillery go on?  
3 When did it start? When did it stop? Was there any firing back,  
4 from the island for instance?

5 A. I could not tell you as to the number of the weapons. <I could  
6 not see the weapons or anything whatsoever. They fired at one  
7 another and the fighting continued until the night time. Then,  
8 the battle stopped.>

9 [10.03.00]

10 Q. And do you know why the Khmer Rouge troops needed three days,  
11 while they were armed with heavy artillery, to crush the  
12 rebellion?

13 A. I did not know the whether it lasted that long. <As far as I  
14 know, it lasted one whole day and one whole night. How do you  
15 know it lasted three days? I deny that. I said this because I was  
16 right there in the area. It did not last three days. It> lasted  
17 <only> one whole day and one whole night.

18 Q. Let me read to you a small excerpt from a book from an  
19 academic scholar. That's the book of Ben Kiernan, Mr. President,  
20 E3/1593; it's the page 264 and English it's 00678636; French,  
21 00639033; and Khmer, 00637770. I'm reading this now to you Mr.  
22 Civil Party, and then I'm going to ask your reaction:  
23 "One night, Chams killed 28 Khmer Rouge with knives and stick. In  
24 the ensuing repression, Cham casualties were much higher. Early  
25 in the morning, the Khmer Rouge tied people up and took them away

26

1 to die in the middle of the river. Maybe hundreds died. Two or  
2 three boatloads were taken every day. Even the sick in their  
3 homes were put on boats and tipped into the water."

4 Do these atrocities allegedly committed by East Zone forces ring  
5 a bell?

6 [10.05.32]

7 MR. LYSAK:

8 Mr. President my objection--

9 MR. PRESIDENT:

10 Civil Party, please wait; and Deputy Co-Prosecutor, you have the  
11 floor.

12 MR. LYSAK:

13 Thank you, Mr. President. My objection to this is that counsel is  
14 reading an excerpt from a witness in which there is no indication  
15 of where the location was that's being described. He's not  
16 reading a statement from the above sentence, that's specifically  
17 from the above paragraph that relates to the Svay Khleang  
18 rebellion that has quite different information. So I think it's  
19 inappropriate for him to read an excerpt that is not in any way  
20 identified as having to do with Svay Khleang, and ignoring what  
21 is said on the same page about the incident the witness -- the  
22 civil party was involved in which provides very different  
23 information.

24 [10.06.27]

25 MR. KOPPE:

27

1 I'm not quite sure why this objection is being raised, although I  
2 have a hunch, Mr. President. We are talking about mass atrocities  
3 committed by East Zone forces, including possibly, the Prime  
4 Minister of this country and the Senator. So, I think it's a very  
5 fair question that I'm asking. But, I can ask it more neutrally  
6 if you like.

7 MR. LYSAK:

8 Mr. President, I have no objection to him asking questions on the  
9 subject. But they should -- he should be using excerpts that  
10 relate to the subject that this witness is testifying about.

11 MR. KOPPE:

12 Again Mr. President, this is from Kiernan. And he is -- he is  
13 describing the Cham rebellion, in -- not only in Svay Khleang  
14 also in Trea and Kaoh Phal, sorry. This was all part of the same  
15 suppression as this commander is saying. So I think this is  
16 perfectly related to each other.

17 [10.07.45]

18 MR. PRESIDENT:

19 The objection by the Deputy Co-Prosecutor is overruled.  
20 And Mr. Civil Party, please respond to the last question put to  
21 you by the defence counsel for Nuon Chea, if you can recall it.  
22 If not, please you may ask the defence counsel to repeat the  
23 question to you.

24 MR. SOS MIN:

25 A. Please repeat your question, Counsel.

1 BY MR. KOPPE:

2 Q. No problem, Mr. Civil Party. I read a statement of a witness  
3 to the crushing of the rebellion and he describes hundreds people  
4 -- hundreds of people dying. And he says the following:

5 "Early in the morning, the Khmer Rouge tied people up and took  
6 them away to die in the middle of the river. Maybe hundreds died.  
7 Two or three boatloads were taken every day. Even the sick in  
8 their homes were put on boats and tipped into the water."

9 This scene described by a witness, does that sound familiar to  
10 you or not at all?

11 [10.09.26]

12 MR. SOS MIN:

13 A. I'd like to say that that is the statement of that witness and  
14 it doesn't relate to Svay Khleang event. For that reason, I  
15 cannot comment on that statement. <That happened in their areas.  
16 The activities were not carried out in my location. So, I don't  
17 know at all.>

18 Q. Mr. Civil Party, are you afraid to testify?

19 A. No, I am not. Why should <I> be afraid? I only tell the truth.  
20 <So,> I am not afraid of anything. If I am afraid I would not  
21 appear before this Court; I would go away.

22 Q. Very well. Mr. Witness, do you know a village called Trea  
23 village?

24 A. Yes, I do.

25 Q. Do you know whether also in Trea village there was a Cham

1 rebellion?

2 A. Yes, that is correct.

3 Q. And was it about the same time as the rebellion in Svay  
4 Khleang and Kaoh Phal?

5 A. No, it was not.

6 [10.11.14]

7 Q. Was it a bit later, in November 1975?

8 A. The rebellion in Trea took place earlier<, to my knowledge,  
9 because it was located nearby>. And in fact, the rebellion was at  
10 its initial stage and it was suppressed. <All were arrested. Then,  
11 it calmed down.>

12 Q. Now let me read you another excerpt quoted in the same book of  
13 that same scholar, but now coming from a French person, a man  
14 with the name of Ponchaud.

15 Mr. President, it is the same ERNs in the same ERN document that  
16 I just quoted. Ponchaud, this French author, adds that in  
17 November 1975, Chams in three village of Krouch Chhmar also  
18 rebelled. Now comes the quote: "Then the Khmer Rouge tore the  
19 village apart with B-40s and smashed the heads of any survivors  
20 with pick-handles. The corpses were thrown aside and left. They  
21 even stuck heads on pikes and exposed them along the banks of the  
22 Mekong."

23 Have you ever heard anything about this happening in '75 in Trea  
24 village?

25 [10.13.00]



1 A. No. This event maybe took place in another village and I was  
2 not aware of it.

3 Q. One thing is a bit puzzling to me, Mr. Civil Party. You just  
4 answered a question from the Prosecution saying that Centre Zone  
5 troops were harsher than East Zone troops. Having this in mind  
6 that seems a bit odd to say, isn't it? How do you explain that  
7 Centre troops were somehow harsher than East Zone troops?

8 A. I already provided my response to that question, because the  
9 question was put to me not long ago, and I responded to that  
10 question.

11 Q. Do you know a man with the name of So Phim?

12 A. No, I don't.

13 Q. Do you know who the leader of the East Zone was to which your  
14 village belonged?

15 A. No, I don't.

16 Q. There is evidence, Mr. Civil Party, suggests that he was  
17 responsible for crushing of the Cham rebellion. Have you ever  
18 heard this at a later stage maybe?

19 A. No, I have not. Maybe you have heard about it but for me, I  
20 have not heard about it at all.

21 [10.15.34]

22 Q. I'm almost done, Mr. Civil Party, so just a few last  
23 questions. Yesterday, I believe you answered a question about  
24 Cham people being considered as New People. I'm a bit confused  
25 about that because it's my understanding that people who had been

31

1 liberated before 17 April '75 were called Base People. Were you  
2 and the others from your village in fact Base People?

3 A. Allow me to clarify this matter once and for all. Before 1975,  
4 those people who lived in the liberated zone were referred to as  
5 the Base People. However, after 1975, we were referred to as New  
6 People because we were evacuated from our villages to another  
7 area.

8 [10.16.58]

9 Q. And who was it that said to you and the others from your  
10 village that, as of now, or as of then, you were considered a  
11 Base person -- sorry a New person.

12 A. No, they did not tell us about that. But we were called by  
13 that title by <their> chiefs <and their people. They called us  
14 like that.>

15 Q. One very last question, Mr. Civil Party. Do you know whether  
16 in 1973 in the area where you were living, co-operatives were  
17 created?

18 A. Please repeat your question.

19 Q. My question was whether in your area in 1973, so-called  
20 "co-operatives" were created?

21 A. No, it was not yet formed in 1973, because the area only had  
22 been liberated. However, they formed the so-called "consolidated"  
23 groups.

24 Q. And do you recall when communal dining or communal eating was  
25 introduced, if at all?

1 A. No, I cannot recall as to when it was introduced. The event  
2 took place about 40 years ago.

3 MR. KOPPE:

4 Thank you, Mr. Civil Party. Thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 Let us have a brief break and we resume at 10.30.

8 Court officer, please assist the civil party in the waiting room  
9 for civil parties and witnesses <during the break> and invite him  
10 again to the courtroom at 10.30.

11 The Court is now in recess.

12 (Court recesses from 1019H to 1033H)

13 MR. PRESIDENT:

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

15 You have the floor now, International Deputy Co-Prosecutor.

16 MR. LYSAK:

17 Thank you, Mr. President. I just wanted to put something on the  
18 record relating to the passage that counsel has been using from  
19 Ben Kiernan about the 28 Khmer Rouge cadres that have been  
20 killed. The interview that is cited by Kiernan as the support for  
21 this is actually an interview that is admitted by this Court. It  
22 is document E3/7531 -- E3/7531, which is an interview conducted  
23 by Nate Thayer in September 1984. A couple of quick points:

24 [10.34.39]

25 One, indeed the incident being described was not at Svay Khleang

1 but at Kaoh Phal.

2 Second, the witness being interviewed was never at Kaoh Phal or  
3 anywhere near it, and never lived in that district. She was an  
4 evacuee from Phnom Penh who was sent to Tboung Khmum district.

5 And last, while the interview says based on second-hand  
6 information that 28 Khmer Rouge soldiers were killed, it says  
7 nothing about swords being stabbed or anything along those lines.  
8 So the record should reflect that this actual interview is part  
9 (inaudible). Counsel obviously is free to continue using a book,  
10 but that is not -- there are many interviews actually of  
11 witnesses who were at Kaoh Phal. And if he -- it seems to me  
12 counsel should be using witnesses who were there rather than  
13 information from people who were not there.

14 [10.35.54]

15 MR. KOPPE:

16 Very wise words, Mr. Prosecution; that's what we should be doing  
17 more often, using evidence of people who actually see things,  
18 something that we don't do at this Court.

19 MR. PRESIDENT:

20 Now the floor is given to the defence team for Mr. Khieu Samphan  
21 to put questions to this civil party, if any. You may now  
22 proceed.

23 QUESTIONING BY MS. GUISSÉ:

24 Thank you, Mr. President, <good morning>. Good morning to  
25 everyone. And good morning, Mr. Sos Ponyamin. Let me start by

34

1 introducing myself. My name is Anta Guisse and I am <the>  
2 International Co-Counsel for Mr. Khieu Samphan, and it is in this  
3 capacity that I will put a few follow-up questions to you in  
4 light of your testimony before this Chamber. I am particularly  
5 interested in the Svay Khleang rebellion which you participated  
6 in. And <> I'll put a few questions for purposes of clarification  
7 to you.

8 Q. Yesterday, the Prosecutor quoted a passage from the narrative  
9 of your brother regarding that <same> rebellion. Do you confirm  
10 that your brother participated in that revolt in 1975 alongside  
11 yourself?

12 [10.37.30]

13 MR. SOS MIN:

14 A. Yes, we were together at that time. However, we were not able  
15 to stay together <all the time> during that time. <But>, we  
16 shared the same village.

17 Q. I <am going to backtrack to> shortly before the rebellion. And  
18 I would like you to tell me whether you recall <if> at the time  
19 of the <arrests,> which according to you were at the root of the  
20 rebellion, whether mention was made of White Khmers.

21 A. No.

22 Q. I am putting that question to you, sir, because in the  
23 document containing your brother's account, and it is document  
24 E3/2653: ERN in English, 00219145; <ERN> in Khmer, it is  
25 00904322; unfortunately, there is no ERN in French. So I will

35

1 read out the excerpt in English. And this is what your brother  
2 stated: "Rumours had it that the Khmer Rouge were arresting  
3 anyone connected with the White Khmer movement." My question is:  
4 Does this passage ring a bell to you? <And if> you recall, as  
5 your brother says, <whether> mention was made of the movement of  
6 White Khmers?

7 [10.40.03]

8 A. In relation to Khmer Sar movement or White Khmer movement,  
9 there was accusation at that time about Khmer Sar movement. I  
10 told the Court already yesterday, when they wanted to kill one  
11 individual, that individual would be accused of being a colonel  
12 or a captain. Frankly speaking, there was no Khmer Sar movement  
13 at that time. <So, when they took someone to be killed, they  
14 never said that individual person was innocent.> There was an  
15 interview with my elder sibling. And as I told you already, that  
16 first I lived in the <same> village as my elder sibling. <But, we  
17 could not live with each other all the time. When he said he  
18 heard about something, that is to his knowledge, but for me, I  
19 did not heard about that. I was interrogated about the reason why  
20 we had rebelled. They asked me about the reason for the  
21 rebellion.> I do not want to expand in a lengthy way concerning  
22 the matter<, but if I don't explain that long,> you may not  
23 understand what I am speaking.

24 [10.41.20]

25 Q. No problem. If there are <> points I do not understand, I will

36

1 not hesitate to put further questions to you. So thank <you> for  
2 <voicing> your <concerns>.

3 As regard the cadres who were in office at the time -- that is,  
4 Khmer Rouge cadres at the time of the revolt, do you remember any  
5 names? Whether we are talking <at the level of> your <local>  
6 village or <> other villages of which the Zone consisted of. <In  
7 short,> particularly in the area of Svay Khleang?

8 A. I know the village chief of Svay Khleang. His name was Kao. So  
9 you repeatedly asked me about the name of villages. I have  
10 repeatedly told you since yesterday.

11 Q. I was not only talking of the name of the village chief, <I  
12 was also> talking about other officials. Perhaps to refresh your  
13 memory, I will quote a passage from your interview with Ysa  
14 Osman; document E3/9136, ERN in French, 01128375; ERN in Khmer,  
15 00046390; ERN in English, 01133239. And Mr. Ysa Osman is putting  
16 questions to you regarding the rebellion and the time when  
17 arrests were <contemplated>. And he asked you: "Who did you <come  
18 across>?" And your answer was as follows: "The <guys,> Chet and  
19 Peng Heng, <to be more accurate, the> Khmer Rouge. <There were  
20 three of them, including the village chief, Math. Math was one of  
21 my cousins, he wasn't a Khmer Rouge. He worked <only> under their  
22 orders and he was <instructed> to guide them." End of quote. <>  
23 My question is whether this refreshes your memory and whether you  
24 recall Chet and Peng Heng.

25 A. That is correct.

1 [10.44.39]

2 Q. You do remember them, <right?> So my question to you is  
3 whether you remember the position held by Chet and Peng Heng?

4 A. I do not know his position or rank, however, what I know is  
5 that he was one of the Khmer Rouge cadres.

6 Q. I would also like to refer to the account of your brother,  
7 document E3/2653, <still at> the ERN in French <>00219145,  
8 <excuse me, that is not in> French -- that is in English rather,  
9 no ERN in French as you know. And the ERN in Khmer is 00904323.  
10 And this is what your brother says in English -- so I'm relaying  
11 what he stated:

12 [10.45.52]

13 "Four Khmer Rouge cadres, Peng Heng, Chet, Thol, and Saleh Mat (a  
14 Cham who had been appointed as chairman of Village 6), carried  
15 out this mission. But after they had arrested only three men: Sen  
16 Lim, Sos Him, and Ta Teh, they were confronted by a group of  
17 villagers who were prepared to fight." End of quote <for the time  
18 being>.

19 <THE INTERPRETER ENGLISH-KHMER:

20 Mr. President, the interpreter could not hear what was said as  
21 she did not turn on the microphone.>

22 <BY MS. GUISSSE:>

23 <Pardon, did -- excuse me;> apart from Peng Heng and Chet --  
24 whose names you gave and you do remember <> now -- does <Thol  
25 ring a bell now and> do you know what position he held?



1 A. I may recall the name Thol, however, I do not know his  
2 position. He was -- he went to the village and I did not know at  
3 that time his position.

4 Q. From the extract I have just read out to you -- that is, of  
5 the account your brother -- he <seems to> say that Saleh Mat,  
6 whom you called a cousin of yours, also participated in the  
7 arrest of the three men: Sen Lim, Sos Him, and Ta Teh. Do you  
8 remember that?

9 A. I do not know about what you mentioned and also the names. And  
10 what my brother or elder sibling said, it was his business, I did  
11 not know about that.

12 [10.48.30]

13 Q. Should I take it then that as you stated at the beginning of  
14 my questioning, you're saying that -- <because> there were times  
15 when you were not with your brother -- that it is possible that  
16 he saw things which you did not see? Is that what I should take  
17 from your answer?

18 A. It is your right. I cannot force you to accept this statement  
19 or that statement. It is your choice. <It's up to you to choose.>

20 MR. PRESIDENT:

21 Mr. Civil Party, please do your best to give the <appropriate>  
22 response. You should not have provided such answers a while ago.  
23 Because there are different statements made by different  
24 individuals, that is why the counsel is trying to confirm with  
25 you which statement is accurate one. So if you do not know as I

1 told you, you can say so. You cannot say I cannot force you to  
2 accept whichever statement. <You are obliged to give responses to  
3 questions.> You are here to testify and we are here also to hear  
4 your testimony. So please try to make a response as much as you  
5 can.

6 [10.50.30]

7 BY MS. GUISSÉ:

8 Q. I will continue with my questioning, Mr. Sos Ponnyamin. You  
9 stated that there were only a few of you who took the drum and  
10 led the revolt. Do you remember whether <finally> the entire  
11 village joined you?

12 MR. SOS MIN:

13 A. After we beat the drum, everyone came to join us.

14 Q. As part of your interview with Mr. Ysa Osman, you stated that  
15 your village rebelled as well as Village 6. Do you recall saying  
16 that? For the purposes of the record <> it is document E3/9136:  
17 ERN in French, 01128378; ERN in Khmer, 00046394; ERN in English,  
18 01133242. Do you recall that it was not only your village,  
19 <Village> 5, <which took part in that rebellion,> but <that there  
20 was also> Village 6?

21 A. Villages 5 and 6, there were these two villages, Villages 5  
22 and 6. After liberation in 1979, the two villages were combined  
23 together. However, in Khmer Rouge time, there were two different  
24 villages, 5 and 6. <They were called Cham villages.> Now there is  
25 only one, the two villages have been combined together <and it is

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1 called Village 5>.

2 [10.53.05]

3 Q. My question to you is whether during that period, it was  
4 indeed the two <aforementioned> villages -- <because they were  
5 still two distinct villages then -- that participated, <and if  
6 you consulted with> people from Village 6?

7 A. Yes, that is true.

8 Q. I would also like to know whether there were consultations  
9 with other villages in Svay Khleang, apart from Villages 5 and 6.

10 A. No.

11 Q. I am putting this question to you because in Ysa Osman's book  
12 titled in English "Survival Stories from the Villagers", document  
13 E3/2653, there is an account by a person called Lip Van Mat: ERN  
14 in English, 00219148; ERN in Khmer, 00904326; and this is what he  
15 states -- and I quote again in English: "I incited this in all  
16 the villages of Krouch Chhmar district, not just at Svay Khleang.  
17 We met in secret, and organising each meeting was a real chore.  
18 We fixed a date for the uprising to be on the Raya holy day." End  
19 of quote.

20 The question is whether you know about meetings held in Krouch  
21 Chhmar district, which your village belonged to.<And if> in  
22 principle, were you aware -- even though you may not have  
23 participated in <them> -- <> of meetings held in other villages  
24 apart from in Svay Khleang?

25 [10.56.01]

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1 A. I would like to clarify the question. What were the meetings  
2 about and who came to hold the meetings? I do not really get the  
3 gist of the question. Could you clarify it?

4 Q. No problem with that. But please, can you first confirm that  
5 Villages 5 and 6 in Svay Khleang were included in the district of  
6 Krouch Chhmar?

7 A. <> Krouch Chhmar district.

8 Q. <> Villages 5 and 6 of Svay Khleang, <> were they in Krouch  
9 Chhmar district?

10 A. Yes, they were within the Krouch Chhmar district.

11 [10.57.33]

12 Q. A while ago, I read out to you an account by a person called  
13 Lip Van Mat who stated that in all the villages in Krouch Chhmar  
14 district -- and not only in Svay Khleang -- he incited people to  
15 revolt. And he explains that secret meetings were held. So my  
16 specific question to you is: Even though you may not have  
17 attended such meetings, did you hear about those meetings held  
18 between the different villages in Krouch Chhmar district?

19 A. I do not know about those meetings.

20 Q. Without being aware <that> such meetings <were being held>,  
21 did you subsequently hear that there were also rebellions in  
22 villages other than yours and Village 6?

23 A. All I know is that there was a rebellion and there was another  
24 rebellion before that of Svay Khleang.

25 [10.59.17]

1 Q. And this other rebellion you're speaking about, was this the  
2 rebellion in Kaoh Phal?

3 A. There were rebellions at Kaoh Phal, Svay Khleang and Trea.  
4 <Rebellions in the other two villages broke out before.> Kaoh  
5 Phal rebellion took place about 15 days before Svay Khleang's  
6 rebellion. <Among all villages of Cham people across the country,  
7 the rebellions erupted in these three villages only>.

8 Q. Do you remember <the date for> the rebellion <> in Trea?

9 A. I cannot recall the date exactly. Actually, not <Treas>; there  
10 was rebellion in Trea not <Treas>. <So, I apologize. Please read  
11 the name clearly. Treas is another village, but rebellion did not  
12 take place in Treas. The rebellion broke out in Trea village.>

13 Q. I apologize for this pronunciation problem. Well, if I  
14 understood well, there were rebellions during the Ramadan  
15 <period> and also during the Ramadan feast day; did I understand  
16 correctly?

17 A. The rebellion happened after the end of the Ramadan period.

18 Q. Now regarding Trea, you do not know exactly the date when the  
19 rebellion happened; did I understand your testimony properly?

20 A. Yes, that is correct.

21 Q. Now I would like to turn back to the rebellion in your  
22 <village,> Village 5, and I would like to know if you remember  
23 how many Khmer Rouge cadres were killed on that day?

24 A. I don't.

25 [11.02.10]

1 Q. Maybe to jog your memory, document -- it's still the account  
2 of your brother -- <> E3/2653 again: English, ERN 00219146;  
3 Khmer, <ERN> 00904323. According to your brother's account, this  
4 is what he says in English: "<Six> Khmer Rouge soldiers were  
5 stabbed or hacked." So does this <> jog your memory?

6 A. I do not recall that since I did not witness it. I was not in  
7 a position to know everything. For that reason, I can only speak  
8 about what I saw. And other people might have seen different  
9 things, different events. For that reason, I cannot say that I  
10 saw what other people had seen.

11 [11.03.49]

12 MR. PRESIDENT:

13 Mr. Civil Party, in certain cases, you and other witnesses may  
14 know about the same event. For that reason, such a question is  
15 put to you. And as the Chamber instructed you, if you don't know  
16 an event, you just simply say you don't know. Because the fact  
17 you don't know is also part of your response. It is not  
18 appropriate to -- according to the proceedings here, for you to  
19 put back question to the lawyer. And of course, you have to  
20 understand that you are now in a court of law and you are the  
21 subject of being questioned. So, all kinds of questions can be  
22 put to you as long as they are legally permitted in order to get  
23 your response. <You need to understand that these are procedures  
24 for probing or questioning intensively. The phrase used is  
25 "intensive questioning before the court". It is not normal

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1 questioning. It is probing. So, in order to ascertain the truth,  
2 the level of questioning is higher than the "normal questioning".  
3 You must understand this matter>.

4 And Counsel, you may continue.

5 BY MS. GUISSÉ:

6 Q. I am going to refer you, maybe to jog your memory, to <an  
7 excerpt> of your interview with Ysa Osman, that's document  
8 E3/9136: French, ERN 01128379; Khmer, <ERN> 00046396; English,  
9 <ERN> 01133243. And this is the question that was put to you by  
10 Ysa Osman: "Did the <insurgents> have guns?" And your answer is  
11 the following: "We had two <firearms>: one was a <> rifle <that  
12 we had seized> from the Khmer Rouge cadres whom we <had hacked  
13 with our knives.> The <second weapon was from> a person who <was  
14 staying there. We got the> rifle <by stabbing them with knives>."  
15 End of quote.

16 So my question is <therefore> the following: Which  
17 <knife-stabbing> are you speaking about? And who <were stabbed>?

18 [11.06.41]

19 MR. SOS MIN:

20 A. Those who involved in the rebellion had knives as their  
21 weapon. And in fact they had a rifle and -- actually, the rifle  
22 was captured from the Khmer Rouge side.

23 Q. My question was more specific, in fact. You spoke about <a  
24 stabbing that took place. Do> you remember who <was on the  
25 receiving end of this stabbing>?

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1 A. Of course, the rebellious people actually <attacked> the Khmer  
2 Rouge side <because it was a rebellion against the Khmer Rouge.  
3 Regarding whether they actually hacked or stabbed them, I do not  
4 know because I was not the one who did the hacking or stabbing>.

5 Q. So must I understand then from your testimony that you were  
6 not <present> when the <stabbing occurred>?

7 A. Yes, that is correct.

8 [11.08.20]

9 Q. <During your testimony -- I don't remember if it was when you  
10 were answering the Co-Prosecution -- you said that you could not  
11 tell where the soldiers were coming from, the soldiers who had  
12 come to suppress the rebellion. You did not know if they were  
13 district soldiers or commune soldiers or soldiers from elsewhere.  
14 Did I <properly> understand your <testimony> then?.

15 A. It is difficult for me to respond to your question because if  
16 I make a response, that may be against the standing procedures  
17 before this courtroom. And I keep saying to certain questions  
18 that I do not know. But then you keep asking me questions  
19 repeatedly on the points that I already said I don't know.

20 [11.09.48]

21 MR. PRESIDENT:

22 Civil Party, for questions that you do not know, you simply say  
23 you don't know. And if the questions are not clear to you, please  
24 ask for those questions to be rephrased. I don't think it is that  
25 complicated. You may be asked a series of questions and at a



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1 certain point or at the end of each topic, a sum-up question  
2 might be put to you, and it is up to you to say whether the  
3 summary by the person who put question to you is correct or not.  
4 You also have to understand sometimes these kinds of questions  
5 are necessary since your response goes through the interpretation  
6 system. And you simply respond to the question as precisely as  
7 you can. And as I just explained and instructed you, this is a  
8 court of law, <it is an intensive examination before the court,  
9 perhaps, this is challenging to you because you have never  
10 experienced this before; it is a bit hard to bear this at the  
11 beginning, but this is the court proceedings,> so the questions  
12 <have> to be responded precisely. And it <happens> in every court  
13 of law.

14 BY MS. GUISSÉ:

15 Q. Maybe to jog your memory, in your brother's account E3/2653:  
16 English, ERN 00219145; Khmer, <ERN> 00904323; this is what he  
17 says in English: "From where I was standing, I could see that the  
18 Khmer Rouge were district cadres and soldiers of Krouch Chhmar."  
19 End of quote. According to your brother's account, he apparently  
20 recognized district soldiers. So does this jog your memory or are  
21 you still unable to tell us where these soldiers came from?

22 [11.12.38]

23 MR. SOS MIN:

24 A. I do not know because I didn't recognize those soldiers. And  
25 in fact, it was my elder brother who might have known those

1 soldiers. But for me, I did not know them.

2 Q. Now regarding the people who led the rebellion in your  
3 village, Village 5 <in> Svay Khleang, can you tell us what their  
4 names were? Who were the leaders of this rebellion in your  
5 village?

6 A. It is rather difficult to <hear> the word that you use  
7 "ringleader". <I don't object to it.> And you need to understand  
8 what the purpose was of such action or rebellion. And you have to  
9 understand the difficult situation that we were facing at the  
10 time. And here I don't refer to only a bunch of the Cham people  
11 <in Village 5>, but I refer to the situation throughout the whole  
12 country. So the term that you used, "the ringleader" is rather  
13 inappropriate.

14 Q. Well, if you have a problem understanding, I will use another  
15 term. So who was in charge <of> leading the rebellion in Village  
16 5? Who <took the lead of> the rebellion in your village?

17 A. I actually testified yesterday -- that is, I made a response  
18 to this question already. So it is not necessary for me to repeat  
19 it.

20 [11.15.16]

21 Q. Maybe I will put the question to you otherwise. In your  
22 interview with Ysa Osman, E3/9136: French, ERN <01128378>; Khmer,  
23 <ERN 00046394>; English <ERN> 01133242; the question that is put  
24 to you by Ysa Osman is the following: "Where were you when the  
25 Khmer Rouge soldiers came to surround <> the village?" And your

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1 answer was the following: "I was not based in one particular  
2 location, <because I had to lead> the uprising. <So I> could not  
3 stay in one place. I assigned <some> people <be in one place and  
4 others to be in> different places. <> I <had to move about and  
5 inspect> the <battle> lines, <because I was afraid that > people  
6 might <desert>. I walked around with Lip Van Mat. Sometimes <I  
7 asked him to go to> Village 5, and I <remained in> Village 6, <or  
8 vice versa>." End of quote.

9 So my question is the following: In the account that you provided  
10 to Ysa Osman, is it true that you presented yourself as one of  
11 the leaders <of the rebellion> in Villages 5 and 6?

12 [11.17.08]

13 A. Yes, that is correct.

14 Q. Now, I would like to refer you -- or to read out to you an  
15 excerpt of <the statement of> your brother <> who was interviewed  
16 by the investigators of the OCIJ -- E3/5205: French, ERN  
17 00293921; English, <ERN> 00275163; Khmer, <ERN> 00221849 and 50;  
18 and the question that is put by the investigators to your brother  
19 is the following: "What is the name of the person who led the  
20 rebellion?" And his answer is the following: "The person who was  
21 accused of being the leader is a 15-year-old boy named Lip Van  
22 Mat, who died a few years ago. But when I was questioned in <a>  
23 school, I answered that the person in charge was called Chi Krem.  
24 And he is the one who <told> the villagers, <on> the microphone  
25 of the mosque, to rise up." End of quote. <>

1 So, your brother does not mention you as being one of the leaders  
2 of the rebellion. But does the name Chi Krem ring a bell? And can  
3 you tell us who this person was?

4 [11.19.15]

5 A. I know this person.

6 Q. Did he have any <particular> position in Village 5 <or  
7 Village> 6?

8 A. No, I cannot grasp the situation in the entire village <6  
9 because I lived in Village 5>. That person<, Chi Krem,> was in  
10 Village 6 and my elder brother was in Village 6 while I was in  
11 Village 5.

12 Q. And do you know if Chi Krem made a call from the mosque?

13 A. I do not know <about that> since the person lived in a  
14 different village.

15 Q. Maybe I didn't understand properly, <or perhaps there was> a  
16 translation issue because in the previous answer you said that  
17 you knew Chi Krem because he was in Village 6, as your brother  
18 was. And I'm speaking here again about this person. So my  
19 question is: Do you know if Chi Krem <issued a call> from the  
20 mosque?

21 [11.21.10]

22 A. I said that I didn't know about that event because Chi Krem  
23 and my elder brother lived in Village 6 while I lived in Village  
24 5. I did not know about the activities that were ongoing in  
25 Village 6.

1 Q. But I believe I understood from your testimony, which you  
2 confirmed in the excerpt <of your interview with Ysa Osman which>  
3 I read out to you,. Maybe I can remind you of this - French, ERN  
4 01128378; Khmer, <ERN> 0046394; English, <ERN> 001133242; and  
5 this is what you said: "I was walking with Lip Van Mat and  
6 sometimes I asked him to go to Village 5. And I would remain in  
7 Village 6 or we would rotate." <> So, on the basis of this  
8 testimony, I understand that there was cooperation between  
9 Villages 5 and 6 and that you could <go> from one to the other.  
10 So under these conditions, are you sure that you do not know what  
11 happened in Village 6?

12 A. Allow me to clear the matter. The walk that I said I walked  
13 did not necessarily mean I lived in the area that I walked. Of  
14 course, I walked form Village 5 to Village 6, but I was not  
15 involved in the events that took place in Village 6; although I  
16 walked between these two villages. <It was the matter of the  
17 leaders in Village 6, but I did walk back and forth.>

18 [11.23.25]

19 Q. Well, here I believe that there is a real problem of  
20 understanding with regard to the event I'm alluding to. I'm not  
21 speaking about the moments of the past where maybe you were  
22 indeed walking between Villages 5 and 6, I'm speaking  
23 specifically about the day of the rebellion. And the part of the  
24 answer that I quoted right now and that I quoted globally  
25 speaking earlier, was describing your activity as a leader, or in

1 any case, as a <head of> the rebellion <at that time>. And you  
2 answered by saying that you had to be in different places during  
3 the rebellion. And it is in this context that you speak about  
4 your trips to Village 6. So it's in the context of the rebellion.  
5 So is there a mistake in what you said previously to Ysa Osman,  
6 or can you clarify this point please?

7 A. I do not know about that and I have replied to all your  
8 questions already. And I cannot make any further comment on what  
9 has been written by Ysa Osman. I have told you to the limit of my  
10 knowledge.

11 [11.25.10]

12 Q. Well, maybe then, in order to be clear about this, what I  
13 quoted to you does not correspond to what Ysa Osman wrote down  
14 himself in a <subsequent report. Here> we're speaking about notes  
15 of an interview, <containing> his question and your answer. And  
16 maybe to refresh your memory, <since I read it out quite a while  
17 ago> I will read out to you again the <excerpt> in question:

18 French, ERN 01128378; Khmer, <ERN> 00046394; English, ERN  
19 01133242; and this is Ysa Osman's question:

20 "Where were you when the Khmer Rouge soldiers came to surround <>  
21 the villages?"

22 And your answer -- so you are speaking here; this is not Ysa  
23 Osman. <In> any case, this is what appears in the document <we  
24 have>. You are speaking here: "I was not based in one particular  
25 location, as <I had to lead> the uprising. <So, I> could not stay

1 in one place. I <had to> assign people to <be in one place and  
2 other people to be in a> different place. Therefore, I <had to  
3 move about and inspect the battle> lines, <because I was afraid>  
4 that our people might ,desert>. I walked around with Lip Van Mat.  
5 Sometimes <I asked him to go> to Village 5 and I <remained in>  
6 Village 6 <or vice versa>." End of <your> quote.

7 So, does this <> jog your memory?

8 [11.27.12]

9 A. I recall it and I do not deny what I said earlier. I made a  
10 trip back and forth between the two villages but I did not live  
11 in that village. For that reason, you place me in a very  
12 difficult position to respond to what happened in another village  
13 where my elder brother, Chi Krem lived -- that is, Village 6. And  
14 I told you the limit of my understanding of what happened in  
15 Village 6. <We did communicate and contact with each other, but  
16 it was just communication or contact per say. People in Village 6  
17 dealt with their own work and I only contacted with them. Now  
18 that I have explained everything to you I don't know what else I  
19 can do to help you understand if you still do not grasp it.> I  
20 don't know what else I can tell you.

21 Q. Well, this will be my last question regarding this point. But  
22 I would like to remind to you that I was not speaking to you  
23 about what happened in Village 6 at other times, I'm speaking  
24 only about the day of the rebellion <during> which according to  
25 what Ysa Osman recorded, you were going back and forth between

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1 both villages. That's why I was putting that question to you. So  
2 I understand your answer, but I wanted to remind you that I was  
3 not speaking about Village 6 in general terms, but about Village  
4 6 during the rebellion where you said you <also> travelled to. So  
5 <is that a> bit clearer now?

6 [11.28.55]

7 A. Yes, I understand it clearly. And what I said was meant for  
8 the date of the revolt. And here Chi Krem, who, as you said, was  
9 a leader, was for that particular event -- that is, for the event  
10 involved in the revolt. <I was not the leader alone because they  
11 also had leaders in their village. As for me, I walked back and  
12 forth and made communication and contact with them.> And I don't  
13 have anything else to add to what I have already stated. And I  
14 did not give you any false response at all. I told you to the  
15 limit of my knowledge involved in this event. <I don't deny and I  
16 recognize all statements I made in my interviews and testimony.>

17 MS. GUISSÉ:

18 Mr. President, I still have a last very quick question <>. And my  
19 colleague Kong Sam Onn also has some follow-up questions for  
20 <him. So,> I do not know whether you'd like us to wrap up our  
21 examination of the witness now or <would> you like me to <first  
22 finish and then> let my colleague resume after the break? <As you  
23 wish.>

24 MR. PRESIDENT:

25 How much time do you anticipate, Counsel? We can give you an



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1 extra 15 minutes to conclude the questioning. And for that  
2 reason, we only took a 10-minute break earlier. So you should  
3 know the 10 minutes that we granted was used in place of the  
4 resting time. And you may have an extra 15 more minutes.

5 [11.30.54]

6 MS. GUISSÉ:

7 Under these circumstances, Mr. President, I'll therefore <put an  
8 end to> my examination of the witness and give the floor to my  
9 colleague, Mr. Kong Sam Onn.

10 MR. PRESIDENT:

11 Thank you. And Counsel Kong Sam Onn, you may proceed.

12 QUESTIONING BY MR. KONG SAM ONN:

13 Thank you, Mr. President. And good morning, Mr. Civil Party. I'd  
14 like to clarify <> with you <one question that I objected to  
15 earlier in relation to villages>.

16 Q. And the first question is in relation to your village. You  
17 referred to Svay Khleang village. And after the National  
18 Co-Prosecutor clarified that Svay Khleang village was broken into  
19 smaller villages; namely, Village 1, 2, 3, <> respectively, after  
20 1979. So please could you tell the Court that the restructuring  
21 of villages from 1 to 7 in that commune, when did it happen?

22 [11.32.24]

23 MR. SOS MIN:

24 A. Svay Khleang village was named after the Khmer Rouge took  
25 control and not in 1979. And in 1972 or 73, the entire village

1 was referred to as Svay Khleang village, not Village 1, 2, 3,  
2 etc., no. And in fact, during the Khmer Rouge regime, villages  
3 were broken into Village 5 and Village 6 due to the overcrowded  
4 number of the Cham people. <Now, after the liberation, it is  
5 combined as only one, Village 5.>

6 Q. If I am not mistaken, the restructuring of the village into  
7 Village 1<, 2, 3, etc.,> was done in the year of 1973? <Is that  
8 correct?>

9 A. Yes, that is correct.

10 Q. Thank you. In document E3/9139, in relation to this village  
11 <name> -- and what I'm going to quote is on the last page in the  
12 three languages of the Court. You spoke about the Cham people  
13 living in Village 5, 6, and 7. Can you tell the Court whether  
14 Villages 5, 6, 7 comprised of only Cham people or whether there  
15 were Khmer families living -- mingle with the Cham people in the  
16 three villages?

17 [11.34.34]

18 A. In Villages 5 and 6, only Cham people lived there. As for  
19 Village 7, the Cham and the Khmer people lived mixed together.  
20 And I cannot tell you how many Cham or how many Khmer families  
21 lived in Village 7. However, there were no Khmer people living in  
22 Villages 5 and 6.

23 Q. Thank you. You refer to the total number of the Cham families  
24 living in Villages 5 and 6, maybe plus those Cham people living  
25 in Village 7. And in the same document, you said, "There were

1 1,242 Cham families. And that figure was in 1970." Are you still  
2 standing by your statement that this figure was in 1970 or after  
3 1970?

4 A. It is my understanding that that is a correct figure.

5 [11.36.10]

6 Q. You mean that the figure was for 1970 and the total numbers  
7 that you gave for all those Cham people living in the <three>  
8 villages?

9 A. Yes, they both are correct.

10 Q. And when you were asked the following question by Ysa Osman as  
11 to what was the source of your statistics, and you said that: "I  
12 know for sure because I got the figure from the cooperative. And  
13 there were 50 families in each cooperative. And the total numbers  
14 of the family was 1,242. Do you recall that statement?

15 A. Yes, that is my statement that I made at the time.

16 Q. So it means that you know about this figure after the  
17 establishment of the cooperatives. However, you said the Khmer  
18 Rouge came to control your area in 1970 -- rather in 1973 and not  
19 in 1970; am I correct?

20 A. Yes, you are. The Khmer Rouge had not come to our area yet in  
21 1970.

22 [11.38.03]

23 Q. Thank you. In relation to the figure of the number of the  
24 families after the establishment of the cooperatives, did you  
25 obtain the figure form each cooperative? And if so, how did you

1 obtain it?

2 A. I received the figure from each cooperative. In fact, after I  
3 asked people living in the cooperative. And everybody knew at the  
4 time that each cooperative composed of 50 families. And you can  
5 also obtain such information from each cooperative chief.

6 Q. So you obtained information from the cooperative chief. How  
7 did you obtain it? Did the cooperative chiefs have to respond or  
8 report to you? <Was there any meeting about this information?>

9 A. The cooperative chiefs did not have to report to me. I was not  
10 in any leading position. However, it was a simple query to the  
11 people or it was through chit-chatting with people living in  
12 various cooperatives. And that's how I obtained the information.  
13 And allow me to clarify; I was not in a position to be reported  
14 to about such figure.

15 [11.39.50]

16 Q. Can you be more specific as to whom you obtained the figure  
17 from?

18 A. I cannot recall the names. It's been a long time and many of  
19 those people have died.

20 Q. Earlier, you said each cooperative comprised of 50 families.  
21 And do you know how many cooperatives there were for the three  
22 villages?

23 A. You can do the calculation yourself as each cooperative  
24 comprised of 50 families. And at that time when I made the  
25 calculation, it came to 1, 242 families. So now -- and I cannot

1 do this calculation in a brief period of time while I'm  
2 responding to your question. However, I arrived at that figure  
3 after I made my calculation at that time.

4 Q. You said you cannot recall the names of those whom you  
5 <sought> information. And can you tell the Court how many people  
6 actually you enquired about the figure of the families in those  
7 cooperatives?

8 A. I cannot recall as <to> whom I <asked> questions, how many  
9 people I asked. However, at that time, I tried to understand how  
10 many Cham families living in the area. And as you understand,  
11 this event took place many years ago, so I cannot recall as to  
12 how many people I asked about the figure.

13 [11.43.37]

14 Q. And can you tell the Court whether those people whom you asked  
15 questions had any position in the village or in the cooperative?

16 A. I asked those who had supervisory role in the area.

17 Q. Can you be more specific, what kind of positions or roles they  
18 held?

19 A. They could be cooperative chiefs or assistants to village  
20 chiefs.

21 Q. And can you tell the Court what kind of relationship or  
22 contact that you had with those people so that you could ask them  
23 questions about the figure of the Cham families?

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

25 Q. I'd like you to tell the Court about your own position or

1 role, so that you could put questions to cooperative chiefs, to  
2 village chiefs, or to assistants of village chiefs. What made it  
3 possible for you to put questions to those people?

4 A. As I've just stated, it's mainly due to friendship and that I  
5 knew those people, namely some cooperative chiefs and assistants  
6 to village chiefs were my friends. So I could ask them the  
7 questions.

8 [11.45.16]

9 Q. Again in relation to the number of <> Cham people that you  
10 mentioned in the same document, you said that after 1979 there  
11 were only 160 Cham families alive. Do you still stand by that  
12 statement?

13 A. After the liberation, I stand by the number of <> families <in  
14 Village 5>. However, I must say that the figure might not be as  
15 precise as it was. It could be 70 families living in a village  
16 and - rather, 170 families living in one village plus 25 more  
17 families living in <Svay> Khleang, so the figure could be 195 <>  
18 families.

19 Q. Were you at that time in a position to be responsible for  
20 <making the statistics> -- that is, <how did you> gather  
21 information <>?

22 A. Are you referring to the period post-1979?

23 Q. Yes.

24 A. At that time, I was a teacher and I was also working as an  
25 assistant <to the Hakim>. And for that reason, I was in a

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1 position to obtain that information.

2 [11.48.00]

3 Q. You refer to these Cham families, are you referring only to  
4 the Cham families living in Svay Khleang commune or in any  
5 particular village?

6 A. Allow me to correct you. It was not at the commune, but it was  
7 at the village level. And the figure was for the three villages;  
8 namely, Village 5, 6, and 7. And I said in Villages 5 and 6,  
9 there were <only> Cham people living there, and in Village 7, the  
10 Khmer and the Cham families lived together. And the total figure  
11 of the Cham families for the three villages <was> 195. And I  
12 cannot tell you about the Cham families living in <Khprob and>  
13 other villages in <another> commune.

14 MR. KONG SAM ONN:

15 Mr. President, I know the time is running out and I have another  
16 topic to cover; would it be possible to do it in the afternoon?

17 (Judges deliberate)

18 [11.50.18]

19 MR. PRESIDENT:

20 How much time do you anticipate, Counsel Kong Sam Onn? I think  
21 the time granted to you is more than sufficient.

22 MR. KONG SAM ONN:

23 If Your Honour grant me more time, maybe I only need two more  
24 minutes.

25 MR. PRESIDENT:

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1 If that is the case, you may continue.

2 [11.50.55]

3 BY MR. KONG SAM ONN:

4 Thank you, Mr. President.

5 Q. And Mr. Civil Party, in response to your question -- in  
6 response to the question by Counsel Koppe on the revolt and the  
7 killing of the Khmer Rouge soldiers, you said that you were not  
8 aware of the killing of those Khmer Rouge soldiers during the  
9 revolt at Svay Khleang village. However, in document E3/7678 at  
10 Khmer, ERN 00218576; and in French, 00334655; and in English,  
11 00218582; and allow me to quote:

12 "As for the villagers, they had two rifles: one was AK-47 which  
13 was captured from <a> Khmer Rouge soldier who came to visit the  
14 village. Osman was the one who <fired> the rifle. And another  
15 rifle was carbine. It was captured from Chet who was <slashed> to  
16 death by Taleb. Lip Van Mat was the one who held that rifle.  
17 Those who had -- they had only 10 bullets. Osman told me that he  
18 shot dead eight Khmer Rouge soldiers. As for Lip Van Mat, he did  
19 not tell me about the killing." End of quote. [Free translation]  
20 And Mr. Civil Party, do you recall that what I read out is a  
21 statement that you made earlier?

22 MR. SOS MIN:

23 A. Yes, from what I heard, that is correct. However, I could only  
24 tell you from what they told me because I was not there and I did  
25 not hold the rifles. They shot <dead eight> soldiers and they



1 told me, and I only learnt from them.

2 [11.53.46]

3 Q. Did you see those dead bodies -- that is, after the revolt  
4 broke out?

5 A. Are you referring to the situation on the ground in that  
6 village?

7 Q. Yes. For example, what happened the next day?

8 A. No, I did not see it because by that time, I had been detained  
9 in the detention centre and I could not see what happened in the  
10 village.

11 MR. KONG SAM ONN:

12 Thank you, Mr. Civil Party. And Mr. President, I am done.

13 [11.54.45]

14 MR. PRESIDENT:

15 Thank you. We have three issues. One is that the DVD recording is  
16 running out. And second, we have not heard the impact statement  
17 by the civil parties yet. And thirdly, the civil parties have  
18 some issues to be put to the Accused through the Chamber. For  
19 that reason, we will invite the civil party again after lunch to  
20 do this -- to deal with these proceedings. Let <us break> for  
21 lunch now -- adjourn for lunch now and resume at 1.30.

22 And Court officer, please assist the civil party during the lunch  
23 break and invite him back into the courtroom this afternoon at  
24 1.30.

25 Security personnel, you are instructed to take Khieu Samphan to

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1 the waiting room downstairs and have him returned to attend the  
2 proceedings this afternoon before 1.30.

3 The Court is now adjourned.

4 (Court recesses from 1155H to 1330H)

5 MR. PRESIDENT:

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

7 Now the Chamber will hear the sufferings from the civil party.

8 Mr. Sos Ponyamin, now you are allowed to express the sufferings  
9 in relation to the crimes alleged against the two Accused Nuon  
10 Chea and Khieu Samphan and you can also express harm suffered by  
11 you during the Democratic Kampuchea resulting in your civil party  
12 application to claim collective and moral reparation for  
13 physical, material or mental injuries as direct consequences of  
14 those crimes. You may proceed.

15 [13.31.36]

16 MR. SOS MIN:

17 Good afternoon, Mr. President. Good afternoon, Your Honours,  
18 everyone in and around the courtroom. As a civil party after I  
19 have told the Court of my experience I am very happy and  
20 <excited> that the Chamber, both National and International  
21 Judges understand about the sufferings inflicted upon Cham  
22 people. Now I would like to express my sufferings, which was done  
23 to me and Cham people and also my family members, all of us were  
24 harmed and hurt by Khmer Rouge.  
25 Generally speaking, Khmer people <across the nation> have been

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1 mistreated by the Khmer Rouge, not only my family members were  
2 mistreated but also <all Khmer people throughout the country>  
3 were <mistreated>. They endured the sufferings, they were killed  
4 with the back of the hoe and some other were dragged, dragged  
5 into the water and they died. <It was terrifying.> I cannot  
6 express all, everything from my heart. However, I have told the  
7 Court and I have expressed what I came across during the period.  
8 Now I appeal -- now I am appealing to this Court, the National  
9 Court and the International Court and also United Nations to stop  
10 the regime from controlling the country once again.

11 [13.34.16]

12 All religions, including Buddhism and Islam, were abolished.  
13 Buddhism is the religion of the nation and other religions were  
14 abolished in the regime. Buddhism was abolished during the time;  
15 monks were defrocked; pagodas were destroyed, although Buddhism  
16 is the national religion in the country.

17 I don't think I have more to say because I have never been in  
18 this Court before, it is my first time and I have told the Court  
19 so far about what happened to me. My apology, Mr. President, this  
20 is what I want to say at the end.

21 MR. PRESIDENT:

22 Thank you, Mr. Ponnyamin. And I was informed <through an email> by  
23 the senior legal officers that you wished to put questions to the  
24 Accused through me, the President; is that correct?

25 MR. SOS MIN:

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1 Yes, in fact I really want to put some questions to the Accused  
2 but I am afraid my questions would offend the Accused.

3 [13.36.12]

4 MR. PRESIDENT:

5 Now you are entitled to put questions to the Accused and you are  
6 given opportunity at last to put questions to the Accused but  
7 your questions have to go through me as the President of the  
8 Chamber. You cannot direct the question to the Accused by  
9 yourself.

10 MR. PICH ANG:

11 Mr. President, the questions are written down in the paper before  
12 the civil party, so I would like to cede the floor -- I would  
13 like to ask <for> permission from Mr. President, to allow the  
14 civil party to read the questions in that paper.

15 [13.37.19]

16 MR. SOS MIN:

17 I have a few questions to put to the Accused through Mr.  
18 President.

19 Question number one: You two were the leaders of the regime, you  
20 made people undergo suffering, people were executed and killed so  
21 what were the purpose of your regime?

22 Question number two: Why all religions were abolished including  
23 my religion, Islamic religion, we Cham people were persecuted on  
24 a permanent basis during that time.

25 MR. PRESIDENT:

1 Thank you. The Chamber wishes to inform Mr. Sos Ponyamin, that  
2 after ascertaining the position of both Accused on 8th January  
3 2015, regarding the exercise of their right to remain silent, the  
4 Chamber notes that the two Accused maintains their expressed  
5 position unless and until such time the Chamber is expressly  
6 informed otherwise by the Co-Accused or their counsels. It is  
7 therefore incumbent upon them to inform the Chamber in a timely  
8 and efficient manner, should the Accused resolve to waive their  
9 right to remain silent and be willing to respond to questions by  
10 the Bench or by relevant parties at any stage of the proceedings.  
11 As of today the Chamber is not informed that the Co-Accused have  
12 changed their expressed positions and thus agreed to provide  
13 their responses to questions. So there is no regulation or rules  
14 allowing the Chamber to force the two Accused to provide the  
15 answers to your questions.

16 Thank you very much, Mr. Sos Ponyamin. The hearing of your  
17 sufferings which you stated that you were mistreated during the  
18 Democratic Kampuchea, comes to an end. Your testimony will  
19 contribute to the truth. You may now be excused and you may  
20 return to any desired destination or to your residence. I wish  
21 you good luck and good health as well as prosperity in your  
22 family.

23 Court Officer in collaboration with WESU, please send Mr. Sos  
24 Ponyamin to any desired destination and also invite 2-TCW-832  
25 into the courtroom.

1 (Civil party exits courtroom)

2 (Witness enters courtroom)

3 [13.42.25]

4 QUESTIONING BY THE PRESIDENT:

5 Good afternoon, Mr. Witness. What is your name?

6 MR. SENG KUY:

7 A. My name is Seng Kuy.

8 Q. Thank you, Mr. Seng Kuy. When were you born, do you recall it?

9 Please observe the microphone before you respond otherwise your  
10 voice does not go through the microphone for interpreters to  
11 interpret into other languages.

12 A. I was born on 5th February 1954.

13 Q. Thank you. What is your place of birth and where is your  
14 current address?

15 A. I was born in Angkor Ban two village, Angkor Ban commune, Kang  
16 Meas district, Kampong Cham province and now I am living in  
17 Angkor Ban two village, Angkor Ban commune, Kang Meas district,  
18 Kampong Cham province.

19 [13.43.59]

20 Q. What are your parent's names?

21 A. My father's name is Por Seng, alive. My mother is Yean Laing  
22 Y, deceased.

23 Q. What about your wife, what is her name and how many children  
24 do you have?

25 A. My wife's name, my latest wife's name is Leang Sok Heang. My

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1 former wife passed away over 13 years ago and I had seven  
2 children with my previous wife and with my current wife I have no  
3 additional children.

4 Q. According to the report of the greffier, <to your knowledge,>  
5 you have no relationship by blood or by law to any of the two  
6 Accused that is Nuon Chea and Khieu Samphan, or to any of the  
7 civil parties admitted in this case, is that true?

8 A. Yes, that is true. I have no relationship by blood or by law  
9 to any of the two Accused.

10 Q. And I was informed as well that you have already taken an oath  
11 before the Iron-Club Statue <this morning>, is that correct?

12 A. Yes, I have already taken an oath.

13 [13.45.56]

14 MR. PRESIDENT:

15 Now, I would like to inform you of your rights before the  
16 Chamber. Mr. Seng Kuy, as a witness in the proceedings before the  
17 Chamber you may refuse to respond to any questions or to make any  
18 comment which may incriminate you, right against  
19 self-incrimination. Your obligations as a witness in the  
20 proceedings before the Chamber you must respond to any questions  
21 by the Bench or relevant Parties except where your response or  
22 comments to those questions that may incriminate you as the  
23 Chamber has just informed you of your rights as a witness. As a  
24 witness, you must tell the truth that you have known, heard,  
25 seen, remembered or experienced or observed directly about an

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1 event or occurrence relevant to the questions that the Bench or  
2 Parties pose to you.

3 Mr. Seng Kuy, have you ever provided interviews to the  
4 investigators of the OCIJ, if so, how many times did they take  
5 place<, when> and where did they take place?

6 [13.47.34]

7 MR. SENG KUY:

8 I have been interviewed twice by the investigator of the OCIJ.  
9 Once it was in August 2008, in Angkor Ban commune hall and the  
10 second one was in July 2011, at Angkor Ban commune.

11 MR. PRESIDENT:

12 Thank you. Before you appeared in the courtroom, have you read  
13 the written records of the interviews you gave to investigators  
14 to refresh your memory?

15 MR. SENG KUY:

16 I could recall some information in those written records of  
17 interviews.

18 MR. PRESIDENT:

19 To your best knowledge, can you confirm whether the written  
20 records of interview are consistent with what you gave to the  
21 investigators of the OCIJ two times at the Angkor Ban commune  
22 hall?

23 [13.49.04]

24 MR. SENG KUY:

25 Yes, they are consistent with my responses.



1 MR. PRESIDENT:

2 Thank you. In accordance with Rule 91bis of the Internal Rules,  
3 the Trial Chamber now gives the floor to the Co-Prosecutors to  
4 put questions to this witness before other Parties. The combined  
5 time for the Co-Prosecutors and Lead Co-Lawyers is two sessions.  
6 For the first session, the Co-Prosecutor and civil party will  
7 have time from now until 2.50 p.m. You may now proceed.

8 QUESTIONING BY MR. BOYLE:

9 Thank you, Mr. President. Good afternoon, Judges. Good afternoon,  
10 Counsel and good afternoon to everyone in and around the  
11 courtroom. Good afternoon, Mr. Witness. Thank you for being with  
12 us here today, I am going to be asking you some questions, my  
13 name is Andrew Boyle, I'm an attorney with the Office of the  
14 Co-Prosecutors and I'll be turning the floor over to my national  
15 counterpart Mr. Seng Leang to ask you some more questions.

16 Q. You mentioned in an answer to a question of the President  
17 earlier, that you were born in Angkor Ban number two village in  
18 Kang Meas district, Angkor Ban commune. Can you tell is that  
19 where you were living when the Khmer Rouge took control of Angkor  
20 Ban commune?

21 [13.51.15]

22 MR. SENG KUY:

23 A. My <birth village and> the current address <are my hometown.>  
24 I have been living in <Angkor Ban Two, village of Angkor Ban  
25 commune throughout my life.> I have been living in same <place up

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1 to now>.

2 Q. Thank you. And can you tell us when did the Khmer Rouge take  
3 control of Angkor Ban commune?

4 A. To my knowledge they took control from 1976 up till 1979.

5 Q. I heard, at least in the interpretation, that you said that  
6 the Khmer Rouge had control of Angkor Ban commune beginning in  
7 1976, is that correct or did they have control of Angkor Ban  
8 commune before 1976 at some period as well?

9 A. From 1975, New People had been evacuated from Phnom Penh to my  
10 area so the Khmer Rouge took control of my area from 1975, 1976  
11 up to 1979.

12 [13.53.10]

13 Q. Thank you. And before the Khmer Rouge took control of your  
14 area what was your job or what was your position?

15 A. Before Khmer Rouge era, I was simply an ordinary citizen doing  
16 rice farming in my own village.

17 Q. And when the Khmer Rouge took control of your village, did you  
18 continue to be a rice farmer or did your work change?

19 A. After Khmer Rouge came to control my village I was a slave  
20 among other slaves and I was assigned to ploughing the field and  
21 doing rice farming until the end of the regime.

22 Q. Can you tell the Court what your ethnicity is, are you Cham or  
23 Khmer or some other ethnicity?

24 A. I am Khmer and my nationality is Khmer.

25 Q. In 1975, when the Khmer Rouge first took power in your village

1 were there any Cham in Angkor Ban Village Number Two?

2 [13.55.13]

3 A. Within Angkor Ban village there were Cham people living in two  
4 villages, Angkor Ban One village, Angkor Ban Three village and as  
5 for my village, Angkor Ban Number Two village, there were no Cham  
6 people living in that village.

7 Q. And can you tell the Court how far and in what direction was  
8 Angkor Ban Village One from your village, Angkor Ban Village Two?

9 A. Angkor Ban One village was adjacent to Angkor Ban Two  
10 village<, then Angkor Ban Three> and they were adjacent villages  
11 and they shared borders.

12 Q. And how about Angkor Ban Village Three, does it also share a  
13 border with Angkor Ban Village Two?

14 A. Yes, that is right, they shared border with Angkor Ban Two.

15 [13.56.55]

16 Q. And does a common road run between Angkor Ban villages One,  
17 Two and Three?

18 A. Yes, we had common road to be used and there were other  
19 secondary roads to different areas within those villages.

20 Q. Before the Khmer Rouge took control of Angkor Ban commune, did  
21 you interact with the Cham that lived in Angkor Ban Village One  
22 and Angkor Ban Village Three, either through personal connections  
23 or business connections or any type of other interaction with the  
24 Cham in those communities?

25 A. Prior to the Khmer Rouge period, Cham people and I were living

1 in adjacent villages; we did not have a close relationship  
2 however we travelled past each other's villages. In that period  
3 Cham people were fish folk and for me I was rice farmer so I did  
4 not have close relationship with the Cham people during the time.

5 Q. Thank you. I would like to ask you now about some more general  
6 questions about the Cham in the adjacent villages to your village  
7 in the period before the Khmer Rouge took power in Angkor Ban  
8 commune. Can you tell us are you aware what religion the Cham  
9 practiced at that period?

10 [13.59.28]

11 A. To my knowledge when Khmer Rouge came to control the country,  
12 my area, Cham people did not practice their religion because they  
13 were afraid of the Khmer Rouge and after Khmer Rouge had taken  
14 control of the area, Cham people were merged with Khmer people.  
15 Traditional clothes, religions, were abolished at the time and  
16 they were turned into Khmer people.

17 Q. Thank you and we'll be getting to some of those changes in a  
18 little bit but first I'd like to focus on the Cham before the  
19 Khmer Rouge arrived. Did you know what religion the Cham  
20 practiced?

21 A. Before the Khmer Rouge came to control the country, Cham  
22 people practiced Islam and they believed in Mohammed's religion.

23 Q. Was there a mosque located somewhere in Angkor Ban commune  
24 where the Cham could pray?

25 A. Yes, there was a large mosque for them to congregate <and

1 pray>.

2 [14.01.32]

3 Q. And did the Cham wear clothes that were different from the  
4 clothes that the Khmer would wear?

5 A. Yes, they were clothed according to their tradition which was  
6 distinct from our Khmer clothes.

7 Q. And can you tell us what were some of the distinct clothes  
8 that the men and the women who were Cham would wear?

9 A. I know about the dress because Cham <men> usually wear their  
10 sarong and long draped-like robe or clothes and as for the Cham  
11 women, they wore their long distinct robe and it was long and it  
12 touches the ground.

13 Q. Was the Cham women's hair any different from Khmer women's  
14 haircuts?

15 A. As for the hair feature, they actually maintained long hair  
16 however the hair is hidden in their head scarf.

17 Q. Did the Cham speak a language that was distinct from the Khmer  
18 language?

19 A. Yes. Cham people speak their own language which was distinct  
20 from the Khmer language.

21 Q. And did the Cham eat any foods that were different from the  
22 Khmer or not any eat foods that Khmer people would eat?

23 [14.04.15]

24 A. Cham people eat rather differently from the Khmer people, in  
25 particularly they do not eat pork at all. As for fish and <beef>

1 they do consume <fish and beef> but <they do not eat> pork <as  
2 it> is totally banned by its religion.

3 Q. Now moving to the period after the Khmer Rouge took control of  
4 Angkor Ban commune, at that time after the Khmer Rouge had  
5 arrived, did you have an opportunity to see how the Cham in  
6 Angkor Ban villages One and Three were treated?

7 A. At that time the Cham people living in the two villages had  
8 mostly been evacuated to other areas; where I did not know and  
9 there were not many Cham families living in the villages <like  
10 before>.

11 Q. During the Khmer Rouge period, were Cham ever transferred into  
12 your village, that is, into Angkor Ban Village Number Two?

13 [14.06.05]

14 A. Starting from late 1976, Cham people had been transferred to  
15 live in my village and according to my understanding there were  
16 about 15 Cham families but they were not the Cham from Village  
17 One and Village Three, they were evacuated from elsewhere.

18 Q. And can you estimate in these approximately 15 Cham families,  
19 how many people are we talking about when you say 15 Cham  
20 families?

21 A. My apology. I made a mistake. In fact I referred to the number  
22 of persons, about 15 to 16 persons, Cham people and they were  
23 from about five to six families and the total number of them were  
24 about 15 or 16.

25 Q. And I heard you say that they were not transferred from the

1 adjacent villages but do you know where they were transferred  
2 from?

3 A. I do not know where they were evacuated from. Suddenly I saw  
4 them evacuated to my village and to work in the rice fields with  
5 the Khmer villagers.

6 Q. The Cham that were transferred into your village, were they  
7 men and women or just men or just women?

8 A. Initially they came as families; I mean <there were husbands,  
9 wives> and children together.

10 [14.08.54]

11 Q. I heard you say, initially they came as families. Why did you  
12 say initially, did they not remain as families after that?

13 A. Later on the husbands were transferred to work elsewhere and I  
14 only saw the wives and the children remained. That's why I said  
15 initially they were as a family and <about five or six> months  
16 after they arrived in the village, <the husbands were moved to  
17 somewhere far away. I do not where they were sent to work.>

18 Q. You just mentioned children. How old were the children that  
19 were transferred into your village with these families?

20 A. The age varied, some were five to six years old, while others  
21 were around ten years old.

22 Q. After the men were transferred out of the village, how many  
23 Cham persons remained in your village essentially? How many women  
24 and children Cham remained in your village?

25 [14.10.45]

1 A. There were between 10 <and> 15.

2 Q. I just want to clarify for the record. I believe I heard you  
3 say before that there were about 15 to 16 Cham total transferred  
4 into your village, the men were later transferred out and that  
5 left 10 to 15 women and children Cham in your village. So I just  
6 want to make sure that what you're saying is somewhere perhaps  
7 between five Cham men were transferred out of the village, is  
8 that correct?

9 A. They were a bit less because in some families only the wife  
10 and the children arrived and not the husband. So maybe there were  
11 only three or four male Chams who were sent away elsewhere.

12 Q. And when the Cham arrived in your village, how did you know  
13 that they were Cham?

14 A. Because I know the distinction between the Khmer and the Cham  
15 people. It was apparent from the way they dressed and from the  
16 way they behaved. I myself was born near the Cham village and  
17 when they initially arrived in my village, they secretly spoke  
18 Cham to one another.

19 Q. So you were able to identify them as Cham in part because you  
20 heard them speaking Cham secretly to one another, is that  
21 correct?

22 [14.13.14]

23 A. Yes that is correct.

24 Q. You also mentioned that they had distinctive dress, am I to  
25 understand that when they arrived in your village in 1976, they



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1 were wearing distinctive Cham dress at that time?

2 A. When they arrived to live in my village, they no longer wore  
3 their distinctive dress, they had to wear the dress that Khmer  
4 people wore and they did not speak the Cham language anymore,  
5 they started speaking the Khmer language.

6 Q. Thank you. Can you tell us, at that time that the Cham were  
7 transferred into your village, how many people in total lived in  
8 Angkor Ban Village Two, approximately?

9 A. To my knowledge the total number of them was between 15 <and>  
10 16.

11 Q. I apologise probably my question wasn't very clear. I'm  
12 talking about the total number of people in Angkor Ban Village  
13 Number Two, both Khmer and Cham, how many people were there in  
14 the village at that time that the Cham were transferred into it  
15 in 1976?

16 [14.15.14]

17 A. I can only provide you an estimate as I did not have anything  
18 involved with the census and I observed that while we had our  
19 communal eating and also based on the number of houses, I could  
20 say that the total number of people, that is, both the combined  
21 number of Khmer and Cham people were between 600 to 700 <in the  
22 village>.

23 Q. During the period that the Cham were in your village, did you  
24 have a chance to observe them and did you have a chance to talk  
25 with them at any point?

1 A. No, I did not have any chance to chit chat with them. During  
2 the Khmer Rouge, early in the morning I was assigned to plough  
3 the rice field and the only time I met them was at the communal  
4 dining. We were not allowed to chit chat and by the time we had  
5 our dinner it was around 6.00 or 7 p.m. and we did not have any  
6 chance to talk to one another.

7 Q. As far as you are able to ascertain, were the Cham allowed to  
8 practice their religion while they were living in Angkor Ban  
9 Village Number Two?

10 A. No, it was not allowed. There was no sacred place for the Cham  
11 people to worship or to pray and they were placed under the same  
12 condition as that imposed on the Khmer people in term of the way  
13 of living and working.

14 [14.16.56]

15 Q. You already mentioned that they were not allowed to wear their  
16 traditional clothes, were the Cham women allowed to continue to  
17 have long hair at that time?

18 A. To me, I did not see any <prohibition> on the hair<-cut>.  
19 However I observed some Cham people had short haircut while  
20 others still had long one.

21 Q. You already mentioned that the Cham were required to speak  
22 their language secretly, if they weren't speaking their own  
23 language, were they speaking in Khmer?

24 A. It was imperative for them to speak the Khmer language. They  
25 actually secretly spoke the Cham language to one another at the

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1 beginning of their arrival and after that the Cham language was  
2 completely banned and they had to speak the Khmer language.

3 [14.19.32]

4 Q. Did they speak the Khmer language well?

5 A. No, they spoke the Khmer language with accent.

6 Q. And you mentioned that they were -- that the speaking of the  
7 Cham language was completely banned at some point after their  
8 arrival at Angkor Ban Village Two. Do you know how that  
9 instruction was conveyed that the speaking of the Cham language  
10 was completely banned at that point?

11 A. I did not see anyone impose such restrictions. However the  
12 Cham people themselves decided not to speak the Cham language  
13 anymore and they had to make themselves speak the Khmer language  
14 as they were afraid of being punished for speaking the Cham  
15 language. Or if there was restriction on the Cham language, I was  
16 not aware of that.

17 Q. That prohibitions that you've mentioned on practising Islam,  
18 on wearing traditional dress, do you know how the Khmer Rouge  
19 enforced these prohibitions or why the Cham complied with these  
20 prohibitions?

21 [14.21.29]

22 A. I am not sure regarding this matter. What I know is that for  
23 the Cham people, who were evacuated to live in my village, they  
24 no longer wore the distinct Cham dress but instead they wore the  
25 Khmer dress or clothes.

1 Q. Thank you. Did you ever see any arrests of Cham in your  
2 village?

3 A. Yes I did. I witnessed it with my own eyes. In around 1977, at  
4 around 8 o'clock at night, the Cham and Khmer people just  
5 returned from the rice field and we actually ate dinner together  
6 at the communal dining hall. That very night security force came  
7 to arrest the Cham people. They did not arrest only one person  
8 but they arrested all the Cham people living in Village Number  
9 Two and the arrest took place at the dining hall where they were  
10 having dinner together with the Khmer people and I was there  
11 having my dinner in that communal dining hall.

12 [14.23.27]

13 Q. And I'm going to ask you some questions about the details of  
14 that arrest, but first I want to ask was that the only arrest  
15 that you saw of the Cham in your village or were there other  
16 occasions where you also saw arrests of Cham?

17 A. That was the only occasion that I saw the Cham people being  
18 arrested.

19 Q. And can you tell us, you just stated that the arrest that took  
20 place at that point in 1977, was all of the Cham people in your  
21 village at that time, am I to understand that that means that  
22 from your previous testimony there was an arrest of about 15  
23 women and children at that time?

24 A. It is my understanding that the Cham people were not aware of  
25 the plan to arrest them. They were having dinner and suddenly the

1 security force came to arrest them.

2 Q. The Cham that were arrested after or while they were having  
3 dinner, was it comprised of women and children, the women and  
4 children that you mentioned earlier?

5 A. Yes, it was mixed. There were women and there were male and  
6 female children.

7 Q. And is it correct that there would have been somewhere between  
8 10 and 15 women and children arrested at this time?

9 [14.25.59]

10 A. Yes that was about right.

11 Q. And all of the Cham in your village were arrested at that  
12 time, is that correct?

13 A. Yes that is correct.

14 Q. Can you tell us, who were the security forces that you  
15 mentioned were carrying out these arrests?

16 A. The security forces that arrested the Cham people belonged to  
17 the commune.

18 Q. Do you remember the names of any of the security forces that  
19 were carrying out the arrests?

20 A. I recall a person by the name of Run.

21 Q. And can you tell us who was Run?

22 A. Run held a position within the commune security forces. That's  
23 what he was known at the time.

24 [14.27.50]

25 Q. And do you know what position he held?

1 A. I heard from other people that he was in charge of the  
2 communal security forces and he had three or four men  
3 subordinated to him and they came with him at that time.

4 Q. And did you hear anything else about Run as a person or as the  
5 chief of the commune security?

6 A. I also heard that Run was in charge of the overall security  
7 forces in Angkor Ban commune and he was in charge of conducting  
8 the arrest throughout the entire commune.

9 Q. Were you afraid of Run at that time?

10 A. At that time not only me who was afraid of him but also other  
11 people. When we saw him coming, everybody was shaking, he was so  
12 powerful and everybody was afraid of him.

13 Q. Can you describe in addition to him being powerful, why you  
14 were afraid of him?

15 A. To my knowledge, every time he made his presence known it  
16 means that he came to arrest people and took them away and killed  
17 them without questions being asked that was the reason people was  
18 so afraid of him.

19 [14.30.18]

20 Q. Do you know where Run came from?

21 A. Run came from village Angkor Ban Number Seven, one of the  
22 villages in Angkor Ban commune and prior to him becoming the  
23 commune security; he was a former Khmer Rouge soldier.

24 Q. Did you ever hear any nicknames or aliases for Run that people  
25 would use?

1 A. It was only Run that was used at the time.

2 Q. Mr. Witness, I would like to read to you a section of your  
3 written record of interview to point you to a description you  
4 provided earlier and try to get some more information from you  
5 about that description. This is at E3/5301, English ERN,  
6 00210483; Khmer, 00635169; and French, 00622401; and this is what  
7 you said:

8 "I have heard Run referred to as a butcher, he was called this  
9 because he arrested people in the village and commune. Run was in  
10 charge of security for all of the villages in this commune so  
11 people were afraid of him and would shake when they would see  
12 him. At that time, we dared not talk about him. After the fall of  
13 the regime, people said he used to arrest people in the areas  
14 east and west of the river, this was at the side of a bridge in  
15 Angkor Ban commune."

16 Is it correct as you stated, that you heard Run referred to as a  
17 butcher and if it is correct can you tell us what you understood  
18 that to mean?

19 [14.33.11]

20 A. I heard people called Run a butcher or an executioner because  
21 he was the one who killed people.

22 Q. Do you have any knowledge of what happened to Run after the  
23 Khmer Rouge lost power in your commune?

24 A. After Pol Pot regime was defeated in 1979; the individual by  
25 the name Run was chopped to death by people at Angkor Ban stream.

1 People were angry with Run because during Pol Pot time he was the  
2 one who had arrested family members or relatives of villagers.  
3 For this reason after the end of the regime, he was arrested and  
4 chopped to death by people.

5 [14.34.37]

6 Q. Going back to the arrest of the Cham on that evening in 1979,  
7 in your village, were you ever told why the Cham were being  
8 arrested on that evening by Run and other security forces?

9 A. I was not told of the reason. I did not know at that time and  
10 I noticed that they came to arrest Cham people on that night.

11 Q. When the Cham were arrested, were they tied or bound in any  
12 way?

13 A. Their hands were tied to their back. Yes, their hands were  
14 tied to string and as for children, young children their hands  
15 were not tied, four or three years old children.

16 Q. And after the Cham, except for the young children, were tied  
17 up, what happened to the Cham, what did they do with the Cham  
18 next?

19 A. <At that time, Run ordered the> village chief and deputy chief  
20 of Angkor Ban Two village <to collect villagers> to ride those  
21 Cham people on ox carts to <Au Trakuon> pagoda at 9 p.m.

22 Q. And were you ordered to participate in this event in any way?

23 A. No, I was not engaged in arresting people.

24 [14.37.18]

25 Q. I apologise, Mr. Witness, I didn't mean to imply that you were



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1 engaged in arresting people. My question was in relation to the  
2 ox carts, were you ordered by the village chief to participate in  
3 transporting the Cham by ox cart?

4 A. The deputy chief of the village who was also chief of a unit  
5 ordered me to transport Cham people by an ox cart together with  
6 <five or six> other <> ox carts, I was the one who received an  
7 order to ride those Cham people on an ox cart.

8 Q. And did you have a choice; did you feel that you had a choice  
9 to refuse this order to drive the Cham on the ox cart?

10 A. I did not dare to refuse the assignment. If I had refused I  
11 would have been taken away and killed together with Cham people.  
12 They issued an order to me and I had to follow it.

13 [14.38.58]

14 Q. I understand. Can you tell us how many ox carts were used to  
15 transport the Cham people?

16 A. To my knowledge there were five or six ox carts <> used at the  
17 time. It happened during the night time, it was so dark and I  
18 <was frightened and> did not care to count how many ox carts were  
19 used at that time, I was following the other ox carts which were  
20 in front of me during that night. <There were about five  
21 ox-carts.>

22 Q. And where did you transport the Cham to at that time?

23 A. They were transported from the kitchen hall in my village and  
24 they were transferred to Au Trakuon pagoda.

25 Q. And how did you know to transfer them to Au Trakuon pagoda,

1 who told you where to transfer them to?

2 [14.40.41]

3 A. I was told by the deputy chief of the village and also deputy  
4 chief of the unit that I had to transport those Cham people to Au  
5 Trakuon pagoda. This is the information that I learnt from.

6 Q. Can you tell us the name of the deputy chief of the village or  
7 the deputy chief of the unit?

8 A. His name was An, who told me. <As far as I know,> An received  
9 an order from Run. <He was afraid.> There was an order from Run  
10 and <he had to follow it because he was the> deputy <> chief <of  
11 the village>. An was actually a kind person and villagers loved  
12 and <liked> this individual. However because <he was frightened  
13 of> Run, he had to follow that order.

14 Q, Can you tell us how far <it was> from Angkor Ban Village Two  
15 to Wat Au Trakuon?

16 A. During the transportation, we did not drop them off inside the  
17 pagoda, we dropped those Cham people at the pagoda's gates and  
18 the distance from the village to that gate was about three  
19 kilometres away or over three kilometres away. This is my  
20 estimate.

21 Q. So to travel those three kilometres how long did that take and  
22 what time did you arrive approximately at the gate of Wat Au  
23 Trakuon?

24 A. We arrived at the gate of the pagoda at around 9 p.m. because  
25 we could <ride> the ox cart very <fast> on that road <since it

1 was smooth>.

2 [14.43.37]

3 Q. And did the security personnel who participated in the arrests  
4 or any other security personnel travel with you to the pagoda?

5 A. No, not on my ox cart. I do not know about other ox carts and  
6 from my recollection, <I think,> no, he was not with us.

7 Q. Did the Cham that you were transporting on your ox cart, did  
8 you hear them say anything or make any other noises during your  
9 trip from the village to the pagoda?

10 A. During the trip, I had to transport three Cham people, one  
11 mother, two children. <They were afraid,> they sat quietly and I  
12 had to <ride> the ox cart as fast as I could in order to reach  
13 the destination.

14 Q. Was there anyone at the gate of the pagoda, waiting when you  
15 arrived there?

16 [14.45.20]

17 A. The distance from the gate of the pagoda to the compound of  
18 the pagoda was about 700 metres. There was one person who had  
19 been there already; he was waiting to receive Cham people. He was  
20 perhaps the <district> security guard at <Au Trakuon pagoda> who  
21 was there to receive Cham people.

22 Q. And did that person say anything when you arrived at the gate  
23 in your ox cart?

24 A. That person only said that, we all could return back home  
25 after we dropped the Cham people.

1 Q. And so did the Cham people get off of your ox cart and off of  
2 the other ox carts when you reached the gate to the pagoda?

3 A. Yes.

4 Q. And did you see where the Cham were going when you dropped  
5 them off at the gate of the pagoda?

6 A. Immediately after they got off the ox carts, they were led  
7 into the compound of Au Trakuon pagoda and we the drivers of the  
8 ox carts returned back home.

9 Q. Following your depositing of the Cham at the gate of the  
10 pagoda and watching them enter the pagoda, did you ever see any  
11 of the Cham that were arrested that night again?

12 [14.48.07]

13 A. Since that time, I have never seen them back, I mean those  
14 Cham people who had been living in the same village as me. I have  
15 never seen even a single one.

16 Q. Did you ever learn anything about what happened to people who  
17 were arrested and sent to Wat Au Trakuon pagoda?

18 MR. PRESIDENT:

19 Please hold on Mr. Witness, you may now proceed Mr. Koppe.

20 MR. KOPPE:

21 Thank you, Mr. President. One observation and one objection, the  
22 observation is that I'm not quite sure that I understand the  
23 microscopic level of questioning; we are talking about one hour  
24 of somebody who brought Cham to a security centre. However having  
25 said that, I think Prosecution is now asking for speculation, he

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1 clearly says that he dropped all of the Cham and never saw them  
2 again so whatever he's saying now about what happened is asking  
3 for speculation.

4 [14.49.35]

5 MR. BOYLE:

6 Mr. President, just to respond briefly, it's true that he said  
7 that he doesn't know what happened to the Cham. A close observer  
8 of my question would realise that I was asking in the second  
9 question about if he learnt anything about anyone who was  
10 arrested and sent to that security centre, so it's an entirely  
11 different question.

12 MR. PRESIDENT:

13 The objection by the Defence Counsel is overruled; the Chamber  
14 needs to hear the response to the question put by the  
15 International Deputy Co-Prosecutor. Mr. Witness, you are  
16 instructed to give the response to the last question put by  
17 Co-Prosecutor.

18 MR. BOYLE:

19 Q. I'll repeat the question. Did you ever learn anything about  
20 what happened to people who were arrested and sent to Wat Au  
21 Trakuon pagoda during the Khmer Rouge period?

22 [14.50.48]

23 MR. SENG KUY:

24 A. Regarding the arrest of Cham people, what I -- all I know is  
25 that in 1977, the arrests and purges were conducted <by the Khmer

1 Rouge> in a widespread manner <in the village and> throughout the  
2 country, that is all I know.

3 MR. PRESIDENT:

4 It is now time for a short break and the Chamber will take a  
5 break now until 3 o'clock.

6 Court officer, please find a proper waiting room for this witness  
7 during the break time and please invite him back in the witness  
8 stand into the courtroom at 3 p.m.

9 The Court is now in recess.

10 (Court recesses from 1451H to 1503H)

11 MR. PRESIDENT:

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

13 And again the floor is given to the Co-Prosecutors to continue  
14 putting questions to the witness. You may proceed.

15 BY MR. BOYLE:

16 Q. Thank you, Mr. President. I only have a few more questions  
17 before I turn the microphone over to my national colleague. Mr.  
18 Witness, as far as you know, had the Cham women and children that  
19 were arrested and taken to Wat Au Trakuon pagoda, had they done  
20 anything to -- to warrant their arrest? Was there any reason that  
21 they were arrested?

22 MR. PRESIDENT:

23 Witness, please hold on. And Counsel Koppe, you have the floor.

24 MR. KOPPE:

25 I object also to this question, Mr. President, as beyond the

1 realm of knowledge of this witness. He had no participation in  
2 any of the security forces, or in any office within the security.  
3 If I see people being arrested in the morning, I also wouldn't  
4 know without any insider knowledge of why people are arrested.  
5 So, it's simply beyond his knowledge. That's why I object.

6 [15.05.36]

7 MR. BOYLE:

8 Mr. President, if I could respond. I clearly limited the question  
9 to his knowledge, and he is entitled to respond as regards his  
10 knowledge. If he has any information, we can further explore, or  
11 Defence Counsel can further explore, where that information comes  
12 from. But he's certainly entitled to provide evidence or  
13 knowledge that he has regarding why the Cham might have been  
14 arrested.

15 MR. PRESIDENT:

16 The objection by the Defence Counsel is overruled, and Mr.  
17 Witness, please respond to the last question put to you by the  
18 Deputy Co-Prosecutor.

19 MR. SENG KUY:

20 A. Mr. Prosecutor, please repeat the last question. Thank you.

21 [15.06.41]

22 Q. As far as you know, was there any reason that the Cham were  
23 arrested in your village by the security forces?

24 A. I myself was not aware on the arrest of the Cham people. And  
25 the Cham people who were arrested were innocent Cham people. They

1 did not do anything wrong, and they strived to work very hard.

2 Q. During the Khmer Rouge period, did you see any arrests of  
3 persons that were not Cham in your village?

4 A. No, I did not see that.

5 Q. Mr. Witness, I'd like to get your explanation of a comment you  
6 made in your written record of interview, to further understand  
7 why you made that comment. This is at E3/5301, English ERN,  
8 00210483; Khmer ERN, 00635169; French ERN, 00622400. And this is  
9 what you said. You said: "I don't know why the Cham were gathered  
10 and taken to Wat Au Trakuon. I know that in 1977, there was  
11 intensive killing. I believe they did not want ethnic Cham to  
12 live in this village, or in Cambodia." Can you explain to the  
13 Court why you made that statement? And what you meant by it?

14 A. I made that statement that in 1977, the killing became  
15 widespread because other people said in the areas that they lived  
16 in, the Khmer Rouge purged the Cham people on a massive scale. In  
17 addition, in my <village>, New People came to settle from Phnom  
18 Penh, and there were about 10 families. And later on, they  
19 disappeared and never returned. And that happened in 1977, when  
20 they were told to work elsewhere, and they never returned. So, it  
21 was my conclusion that there was a purge going on in 1977.

22 [15.09.49]

23 Q. And why did you say, "I believe they did not want ethnic Cham  
24 to live in this village, or in Cambodia"?

25 A. During the Pol Pot regime, which was led by the Khmer Rouge



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1 group, they only wanted to have one pure race. They even killed  
2 their own Khmer people, so they would not spare any other  
3 ethnicity, including the Cham race.

4 Q. Thank you. I have one final question and it's in relation to  
5 something that you said earlier. You mentioned that shortly after  
6 the arrival of the Khmer Rouge in Angkor Ban commune, the Cham  
7 were transferred out of Angkor Ban One and Three villages. Can  
8 you give us an approximate number of months after the arrival of  
9 the Khmer Rouge that the Cham were transferred out of those two  
10 villages?

11 [15.11.10]

12 A. I cannot say for how many months, but I knew that in the early  
13 months, when the Khmer Rouge did not come to take charge yet,  
14 there were Cham people living in Angkor Ban One and Three  
15 villages. And during the period of the Democratic Kampuchea, Cham  
16 people were no longer allowed to live in villages One and Three  
17 respectively. And they had been evacuated elsewhere during that  
18 regime. <But, I did not know when they were evacuated during the  
19 period between 1975 and 1979.>

20 MR. BOYLE:

21 Thank you, Mr. Witness. Thank you, Mr. President. I have no  
22 further questions. I would like to turn the microphone over to my  
23 National colleague.

24 [15.12.07]

25 QUESTIONING BY MR. SENG LEANG:

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1 Q. Good afternoon, Mr. President, Your Honours, and good  
2 afternoon, everyone in and around the courtroom. And good  
3 afternoon, Mr. Witness. My name is Seng Leang. I'm a National  
4 Deputy Co-Prosecutor. I have some questions to put to you.  
5 And before I go into the topic of interest, I'd like to ask for  
6 some clarifications in your responses to my International  
7 counterpart. You were asked by my colleague, and it refers to  
8 your previous statement -- that is, E3/5301. ERN in Khmer is  
9 <00635168>; in English, 00210483; and in French, <00622400>.

10 THE INTERPRETER KHMER-ENGLISH:

11 The speaker speaks too fast, please slowdown.

12 BY SENG LEANG:

13 Q. ERN in French is 00622400. In that document, you said that the  
14 Khmer Rouge didn't want the Cham ethnicity to live in the  
15 village, or in Cambodia. And you continued, saying that: "The  
16 Cham people who were arrested from my village did not make any  
17 mistakes. They worked hard day and night. And to my  
18 understanding, that they were arrested purely because they were  
19 Cham people." And my question to you is how you came to make that  
20 conclusion?

21 [15.14.22]

22 MR. SENG KUY:

23 A. I reached that conclusion--

24 MR. PRESIDENT:

25 Mr. Witness, please hold on. And Counsel Kong Sam Onn, please

1 take the floor.

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I'd like to object to this question, as  
4 in fact this is a re-confirmation to the confirmation that was  
5 already made. The witness already stated that that statement was  
6 his personal conclusion, and that would not help in ascertaining  
7 the truth. And the witness is not an expert in this field. For  
8 that reason I object to this question, seeking for  
9 re-confirmation of the previous statement.

10 MR. SENG LEANG:

11 A. Mr. President, allow me to respond. What I just quoted is the  
12 statement made by this very witness, and for that reason I'd like  
13 to seek for his reason, that led him to reach that conclusion.

14 MR. PRESIDENT:

15 Mr. Witness, you are instructed not to respond to this question.  
16 And Deputy Co-Prosecutor, you <should ask different questions.  
17 Remember that the witness should not provide a concluding  
18 response. But, whatever response he gives is his personal matter.  
19 And, you> already know that it is a standing proceeding that you  
20 should not seek <to do anything that is not helpful to ascertain  
21 the truth>.

22 BY MR. SENG LEANG:

23 Q. Thank you, Mr. President. I now move on to the topic of the  
24 administrative structure. And Mr. Witness, do you know who was  
25 the secretary of Kang Meas district at the time -- that is, when

1 the country was under the control of the Khmer Rouge?

2 [15.16.33]

3 MR. SENG KUY:

4 A. To my knowledge, under the Khmer Rouge regime the district  
5 chief was Kan. He was sent from the Southwest to become a  
6 district chief in my area.

7 Q. You said Kan was reassigned from the Southwest Zone. And when  
8 did that happen? When did he become the Kang Meas district chief?

9 A. As to which year, I am not sure. I know that Kan came to chair  
10 meetings in Angkor Ban village, and he said that he was the  
11 district chief, and that he was assigned from the Southwest Zone.  
12 And he came to chair the meetings in 1977.

13 Q. So you are not sure as to when he arrived in your area?

14 A. Yes, that is correct. I am just an ordinary villager, and I  
15 did not know the precise time.

16 Q. And do you know who was in charge of security at the Wat Au  
17 Trakuon?

18 A. Yes, I do. It was Horn who was in charge of the security in Au  
19 Trakuon pagoda, or Wat Au Trakuon.

20 [15.18.30]

21 Q. And where did Horn come from?

22 A. I knew through Kan, the district chief, who actually was  
23 accompanied by Horn. And he made the announcement to the people  
24 that Horn also came from the Southwest together with him.

25 Q. So, according to what you know, Kan said that Horn came along

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1 with him, but you're not sure as to when; am I correct?

2 A. I do not know as to which year they came in.

3 Q. Can you tell the Court, upon the arrival of Kan and Horn, was  
4 it at the time that the 15 Cham people were <arrested>?

5 A. The arrest of the Cham -- of the 15 Cham people, took place  
6 under the reign of Kan and Horn.

7 Q. Do you know about some other events, for example, on the  
8 replacement of the East cadres by the Southwest cadres?

9 [15.20.25]

10 A. No, I don't.

11 MR. PRESIDENT:

12 Defence Counsel for Nuon Chea, Counsel Koppe, you have the floor.

13 MR. KOPPE:

14 No objection, Mr. President. But in my translation I heard the  
15 question "replacement of East Zone cadres", I think we are in  
16 Sector 41 in the Northern Zone, or Central Zone.

17 BY MR. SENG LEANG:

18 Mr. President, I apologize. Maybe I made a mistake. I meant the  
19 Central Zone.

20 Q. And were you aware of any relationship between Kan and Horn?

21 Did you know about the way they communicated?

22 MR. SENG KUY:

23 A. What I know was that Kan was the district chief, and Horn was  
24 in charge of the district security, and he was based right in the  
25 Wat Au Trakuon.

1 [15.22.06]

2 Q. And when did you come to know about Au Trakuon pagoda?

3 A. I know the pagoda very clearly, as it is not far from my  
4 village. And since when I was young, usually my family would go  
5 to attend the religious ceremonies in that pagoda.

6 Q. You mean that before you were instructed to take the Cham  
7 people to Au Trakuon pagoda, were you aware that the pagoda was  
8 transformed into a security centre?

9 A. I knew because when I was assigned to transport them, I knew  
10 that those people were being taken to that security centre.

11 Q. So, you had known about the pagoda transformed into the  
12 security centre before you were instructed to take those people  
13 to?

14 [15.23.26]

15 A. Au Trakuon pagoda had been transformed into the security  
16 centre right after the Khmer Rouge took charge in the area. It  
17 does not mean that I only knew when I took those Cham people  
18 there. I had known about this much earlier.

19 MR. SENG LEANG:

20 Mr. President, in the interests of time, I'd like to cede the  
21 floor to the Lead Co-Lawyers for civil parties to put questions  
22 to this witness.

23 MR. PRESIDENT:

24 The floor is now given to the Lead Co-Lawyers for civil parties  
25 to put questions to this witness. You may proceed.

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1 MR. PICH ANG:

2 Good afternoon, Mr. President. I'd like to seek your permission  
3 to assign Hong Kimsuon, Lawyer for civil parties, to put  
4 questions to this witness.

5 [15.24.32]

6 MR. PRESIDENT:

7 Yes, you may proceed. And Hong Kimsuon, you have the floor.

8 QUESTIONING BY MR. HONG KIMSUON:

9 Q. Thank you, Mr. President. And good afternoon, Mr. President,  
10 Your Honours, and everyone. Good afternoon, Mr. Witness. My name  
11 is Hong Kimsuon. I'm from the <Cambodian Defenders> Project, and  
12 I have some questions for you today. You already responded to  
13 many questions by the Co-Prosecutors, and I have some  
14 supplementary questions to put to you. You already spoke at  
15 length about the relationship between the Khmer people and the  
16 Cham people, and that you said you live in the Angkor Ban  
17 village, in Angkor Ban commune for almost the entire life. And  
18 that Cham people were living in the adjacent villages -- that is,  
19 Angkor Ban One and Angkor Ban Three. So does it mean that you  
20 lived in Angkor Ban Two; right?

21 [15.25.55]

22 MR. SENG KUY:

23 A. In the Angkor Ban commune, there were nine villages: namely,  
24 Angkor Ban One, Two, Three up to Angkor Ban Nine. And Angkor Ban  
25 Two is my home village, and it's the village that I have lived,

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1 and I'm still living in this village.

2 Q. And how many Khmer villages <and how many Cham villages are  
3 there> in the Angkor Ban commune?

4 A. In the Angkor Ban commune, as I said, there are nine villages.

5 And in Angkor Ban One and Three, the majority of people living  
6 there are Cham, but there was a small number of the Khmer  
7 families. And at the moment, at the present time, half of the  
8 people living in these two villages are Khmer, and half are Cham.

9 Q. My question is about the time before the Khmer Rouge regime.  
10 And then it went through the period of 1975, and later on through  
11 another period of 1979. And through all these stages, did any of  
12 the village names change?

13 A. In village Angkor Ban One, it actually was called Antung Sor  
14 (phonetic). And under the Khmer Rouge regime, it was referred to  
15 as Unit One. So, Unit One referred to village One.

16 [15.27.57]

17 Q. I'd like to put some questions to you in relation to the  
18 relationship between the Cham people. And you said that you were  
19 not that close to the Cham community. And you said there was  
20 common road in the village, that was used by both the Cham and  
21 the Khmer people. And my question to you is about the period  
22 before the arrival of the Khmer Rouge to control your area. Do  
23 you know how many Cham people were living in Angkor Ban commune  
24 before the Khmer Rouge regime?

25 A. It is only my estimate, as at the time I did not know for



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1 certain as to the total number of people, in particular in the  
2 two respective villages. So for that reason I'd rather not to  
3 give you my rough estimate.

4 Q. Let me put you in a different way. Because you lived adjacent  
5 to the Cham villages, although you do not know the precise  
6 number, can you tell me at least about the majority of the people  
7 living in your adjacent villages, were they Cham or Khmer?

8 [15.29.31]

9 A. Allow me to give you a comparison. In terms of the Cham people  
10 living in the villages at present -- and I'd like to tell you  
11 that at the moment I am the commune chief -- and the total number  
12 of the Cham people now was not much different from the Cham  
13 living in the previous regime. And currently, there are about 400  
14 Cham families living in my commune.

15 Q. You <said you could> not give us an estimate of the total  
16 population living in your commune. <But the number of the Cham  
17 people now was not much different from the Cham living in the  
18 previous regime.> And what about for the specific period -- that  
19 is, after 6 January 1979? <Or from 7 January, the first year,  
20 that is 1979>. Can you tell the Court how many <families of> Cham  
21 people lived in that commune?

22 A. After the Pol Pot regime was toppled in 1979, in Angkor Ban  
23 villages One and Three, no Cham people came to live yet. There  
24 were no Cham people at all.

25 Q. So you said that successively the Cham people keep coming to

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1 live in the two villages; am I correct?

2 <A. Please repeat.>

3 <Q.> Allow me to ask you again <>. So, the Cham people who came  
4 to live in the area, were they new Cham from other areas, or were  
5 they the Cham who lived there in the previous regime?

6 [15.31.48]

7 A. Through my observation, the Cham people who came to live in  
8 the Angkor Ban commune, and who are still living at present, they  
9 actually came in around 1982 and 1983. And from my questions to  
10 them, they came from various provinces, including <> Battambang<,  
11 Siem Reap and Pursat>.

12 Q. Now I'm moving to the treatment of Cham people. I have  
13 follow-up question continuing from those of the Co-Prosecutor.  
14 You made mention that you were eating a meal when Khmer Rouge  
15 <security guards> came to arrest Cham people <while they were  
16 having their meal. That was in 1977.> I would like you to tell  
17 the Court if Cham people were separated to eat in a separate  
18 group at that time?

19 A. During the Khmer Rouge period, we had a communal eating,  
20 within the same hall.

21 Q. Can you tell the Court whether there were distinct meals, or  
22 foods, for Cham people?

23 [15.33.23]

24 A. During meal time, we had the same food, or meal, to eat. For  
25 instance, if we were given a dish to eat <collectively>, and then

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1 Cham people would receive the same thing.

2 Q. Thank you. In relation to meals or food, you told the Court  
3 already that Cham people did not eat pork. So, during meal time,  
4 were Cham people forced to eat pork?

5 A. In relation to eating pork, I did not hear the unit chief say  
6 that Cham people had to eat pork. However, as I told you already,  
7 we had the same meal on the table <in the dining hall>.

8 Q. Did you notice what happened to Cham people if they did not  
9 agree to eat pork? Were Cham people tortured if they did not eat  
10 pork?

11 MR. PRESIDENT:

12 It is a conditional question, so this kind of question is  
13 prohibited by the Chamber.

14 BY MR. HONG KIMSUON:

15 Q. Thank you, Mr. President. I would like to re-phrase my  
16 question. During the meal time within that hall, were Cham people  
17 forced to eat pork?

18 [15.35.25]

19 MR. SENG KUY:

20 A. Regarding food or dishes, I did not know exactly at that time.  
21 I was sometimes ploughing the field, and I left for work in the  
22 morning, and I returned back to my home in the evening. So I  
23 rarely congregated with Cham people. <Sometimes I met them and  
24 sometimes I did not meet them>. And when it came to meal time, we  
25 had the same dishes or meal to eat. <But, I want to tell you that

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1 whenever the kitchen made pork soup, everyone had to have the  
2 dish together.> Whether Cham people ate pork or not, I have no  
3 idea; I did not pay attention to that matter.

4 Q. Thank you. Now, I want to ask you about the arrests of Cham  
5 people in 1977, when you were eating meal before the arrests.  
6 Were meetings held among your villagers to inform about the  
7 arrests? Or were you convened to secret meetings, and informed  
8 about the transportation of Cham people?

9 [15.36.58]

10 A. I was not part of the group who was in charge of transporting  
11 the Cham people. I was not a regular member within that  
12 transportation group. <I was a citizen assigned to plough the  
13 rice fields. When the arrest was made, I was assigned to join  
14 other people in transporting the arrested people.> No, we were  
15 not informed in advance, before we were assigned to transport  
16 Cham people. While we were eating meals, <four or five members  
17 of> the security forces came, and then arrests were made <right  
18 away>.

19 Q. Thank you. You made mention that mostly women and children  
20 were arrested. Did the security force come and arrest those women  
21 and children right away, without asking names first?

22 A. Regarding this matter, I do not have a clear knowledge. At  
23 that time, while I was eating meal, the arrests were made. Run  
24 was a local person within the village, so he knew very well who  
25 were Cham people. Perhaps at that time, Run himself made the

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1 arrests of Cham people. I did not see Run order anyone to point  
2 out who were Cham, or who were not Cham. I was very afraid of the  
3 situation at that time.

4 [15.38.54]

5 Q. Were Cham offended at that time?

6 A. During the time -- after Cham people had been arrested, the  
7 chief of the <commune security> scolded Cham people, that they  
8 betrayed Angkar. That is why there were purges against them.

9 Q. So, how did they arrest Cham people? Were Cham people -- were  
10 Cham people's hands tied <or faces blindfolded>, at that time?

11 MR. KONG SAM ONN:

12 Mr. President, it is a repeated question.

13 MR. HONG KIMSUON:

14 Regarding the -- regarding the fact that whether Cham people's  
15 hands were tied or not, I have not put any questions in relation  
16 to <the blindfold. That's why I am asking him this question.>

17 [15.40.02]

18 MR. PRESIDENT:

19 The objection by the Counsel for the Accused is overruled. Mr.  
20 Witness, you are instructed to respond to the question.

21 MR. SENG KUY:

22 A. Their hands were tied to a nylon string behind their backs,  
23 and they were not blindfolded.

24 BY MR. HONG KIMSUON:

25 Q. A while ago, I asked if Cham people were offended <or

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1 humiliated>, and now could you tell the Court whether Cham people  
2 were beaten and kicked <onto the ox-carts>?

3 MR. SENG KUY:

4 A. After they -- their hands were tied up, no, no beatings, no  
5 kicking. However, they were all pushed or thrown onto the ox  
6 carts. Children, small children, were thrown onto ox carts, and  
7 for older Cham people, they were pushed onto the ox carts.

8 Q. You made mention that there were four or five ox carts  
9 transporting Cham people to the district security centre. <So, I  
10 refer to them as a group because there were numerous ox-carts.  
11 Before the ox-cart group began> the trip, were Cham people  
12 prohibited from crying <or shouting or> from talking to one  
13 another, at that time?

14 A. I did not hear unit chief or security force prohibit Cham  
15 people from crying or from talking to one another. However,  
16 during the trip Cham people <dared not weep or shout. They> were  
17 sitting very quietly.

18 [15.42.14]

19 Q. So, when you reached the gate of the pagoda, so how did Cham  
20 people leave the ox carts? What happened then?

21 A. <When we arrived at that point, the adult> Cham people got off  
22 the ox carts by themselves. And as for children, small children,  
23 we -- the <charioteers> of the ox carts -- helped the children  
24 out of the ox <carts because their hands were tied up>.

25 <Q. "We" mean the charioteers?>

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1 <A. Yes, exactly. We, the charioteers, helped them as they were  
2 small children and could not alight from the ox-carts.>

3 Q. So, I would like to know: the one who received the Cham  
4 people, was he a civilian or a <Khmer Rouge> soldier?

5 A. The one who received Cham people was not known by me. I did  
6 not see his face because during the time, it was so dark. But we  
7 were told that after we dropped off Cham people, we could go back  
8 home.

9 [15.43.38]

10 Q. You made mention about husbands who were -- who had  
11 transferred elsewhere, to farther places. Did you ever see those  
12 husbands return to villages?

13 A. Regarding the husbands, I have never seen them back. Even  
14 today, I have not seen them.

15 Q. You have told the President and the Chamber about the  
16 intensive purges in 1977. A while ago, you stated about the  
17 purges. I have a question for you: did you ever witness corpses  
18 lying close to your village <or near the forests>?

19 A. Regarding corpses, they died -- I noticed that people died,  
20 and corpses were floating in the river during the flooding  
21 season. I heard from others that there were killings <in security  
22 centres> at different places.

23 Q. Thank you. You stated that Cham people did not commit any  
24 mistakes when they were arrested. What about Khmer people? Were  
25 they taken away and killed?

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1 A. There were New People evacuated from Phnom Penh, and <about  
2 ten families> were deposited to live in my village. And these New  
3 People disappeared from time to time, and <no more> New People  
4 from Phnom Penh in my village. And I think perhaps they had been  
5 taken away and killed.

6 [15.46.28]

7 Q. Did they make any mistakes? That is why they had been  
8 arrested?

9 A. All I know is that New People did not commit any wrongdoings.  
10 They were working very hard in the field, with Base People.

11 Q. Thank you. You made mention of a person by the name Run. Run,  
12 as said by you, was a chief of <security in Angkor Ban commune>.  
13 And Horn was a security centre chief at Au Trakuon pagoda.  
14 Besides the two, did you know the names of <the district or>  
15 sector <committee> chiefs?

16 A. Regarding district chief, his name was Kan. As for sector  
17 committees, there were Taing and Sreng, who were part of sector  
18 committee. I have never known the two guys. However, I heard  
19 people say that they were part of sector committee.

20 [15.48.01]

21 Q. You made mention that there were people <controlling the  
22 sector until 1977, when the Southwest cadres arrived>. So were  
23 the two individuals<, Taing and Sreng,> you have just mentioned,  
24 <on the sector committee before the> Southwest Zone <cadres  
25 arrived or had they been put in the positions from the



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1 beginning>?

2 A. I heard people say that Taing and Sreng were in positions at  
3 the same time when Kan was district chief.

4 Q. <Were they there before or after the arrival of the> Southwest  
5 Zone <cadres>?

6 A. <> Kan <mentioned Comrade Taing and Comrade Sreng> during the  
7 meeting. <It means they had been there before the arrival of the  
8 Southwest Zone cadres. They had been working there permanently.>

9 Q. Do you know the district -- the sector numbers? What number  
10 was assigned -- was designated to that sector in your area?

11 A. I do not know which -- what number was designated to the  
12 sector.

13 Q. Did the sector have a name? Or have any designated number?

14 A. I have no knowledge of the designated number or name of that  
15 sector.

16 Q. Thank you. Because you were <permanently> living in Angkor  
17 Ban, and you have been living there until now, have you ever  
18 visited the security centre at Au Trakuon pagoda <immediately  
19 after the liberation day of January 6>?

20 [15.50.12]

21 A. After 1979, I did not visit or enter the Au Trakuon security  
22 centre <immediately>.

23 Q. Did you join the <meeting that discussed the news about those  
24 who had died at> Au Trakuon pagoda <security centre>?

25 A. I attended a meeting immediately after Pol Pot regime was

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1   toppled. There were -- there were meetings after the regime, held  
2   by district <chief>. And we heard in the meeting that about  
3   30,000 people were killed by Pol Pot in the security centre at Au  
4   Trakuon pagoda. And we learned this number in the meetings.  
5   <However, this was an estimate only, not an accurate figure.>

6   Q. Did you witness the <corpse pits or> the skulls or bones at Au  
7   Trakuon security centre?

8   A. Yes, I used to see the skulls and bones remaining from the  
9   regime. Now there is a stupa, and bones and skulls were collected  
10   and placed inside the stupa. And there are ceremonies held  
11   annually for the deceased.

12   [15.52.06]

13   Q. Did you know whether there were other security centres used by  
14   Khmer Rouge <in the vicinity of Au Trakuon pagoda> at the time,  
15   and people were killed at those centres?

16   A. I have no idea, Mr. Lawyer.

17   MR. HONG KIMSUON:

18   Thank you, Mr. President. I am done with my line -- with my  
19   questioning. Thank you very much, Mr. Witness.

20   MR. PRESIDENT:

21   Thank you. So, we finish early this afternoon, compared to the  
22   morning sessions, and we may take the break now. But first, you  
23   have the floor now, Koppe.

24   MR. KOPPE:

25   Thank you, Mr. President. Just to inform you that we don't have

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1 any questions. I don't know if the Khieu Samphan team has  
2 questions. If they have only 10 minutes or 15 minutes, we could  
3 finish today. Just a suggestion.

4 [15.53.12]

5 MR. PRESIDENT:

6 Thank you very much for the information. You have the floor now,  
7 Counsel for Mr. Khieu Samphan. And can you tell the Chamber how  
8 much time you will need for questioning this witness? If you need  
9 very little time, we may continue. And if you need much time, you  
10 may start tomorrow.

11 MS. GUISSÉ:

12 I apologize to disappoint my colleague Victor Koppe, but I will  
13 need more time than 10 minutes.

14 MR. PRESIDENT:

15 So you can start the questioning now, if you need only 10 or 15  
16 minutes, because we may allow the witness to return to his  
17 residence afterwards. So how much time you need, Counsel? It is  
18 now seven to 4.00.

19 MS. GUISSÉ:

20 I think there was a problem in the interpretation. I said that I  
21 will need more than 10 minutes, so it's going to be impossible  
22 for me to begin <and finish> questioning this witness today, <Mr.  
23 President>. So I think <that> if you want to adjourn now, I don't  
24 know exactly how long I will need. Maybe 45 minutes. It will  
25 depend of course on the witness's answers. But for sure, it will

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1 be more than up until 4 o'clock. <Much longer>.

2 MR. PRESIDENT:

3 Mr. Kuy, do you have something you want to say?

4 MR. SENG KUY:

5 Thank you, Mr. President, Your Honours. Could you <complete the  
6 questioning and> finish the hearing of my testimony<>? Because I  
7 have been away from my house for three days, <it has been locked  
8 up unattended> and I am a commune chief, I have some things to do  
9 <in the local community. Please, Your Honours, conclude it this  
10 afternoon.>

11 [15.56.15]

12 MR. PRESIDENT:

13 We are trying to conclude hearing your testimony. However, more  
14 than 10 minutes cannot be used during this time. So I believe  
15 tomorrow we will not spend much time to hear you as a witness.  
16 <We will need a maximum one hour in the morning session tomorrow.  
17 So, we cannot conclude the hearing of your testimony this  
18 afternoon as the remaining time is too short.>

19 It is now time for the adjournment. The Chamber will adjourn now,  
20 and we will resume our hearing tomorrow, 10 September 2015, at 9  
21 a.m. Tomorrow, the Chamber will continue to hear witness Seng  
22 Kuy. Please be informed, and please be here on time.

23 Thank you, Mr. Seng Kuy. The hearing of your testimony as a  
24 witness has not come to an end yet. You are therefore invited to  
25 be here again tomorrow at 9 a.m.

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1 Court officer, in collaboration with WESU, please send Mr. Kuy  
2 back to the place where he is staying at the moment, and please  
3 invite him back into the courtroom at 9 a.m.

4 Security personnel are instructed to bring Mr. Khieu Samphan and  
5 Nuon Chea back to the detention facility of the ECCC, and have  
6 them returned tomorrow before 9.00 a.m.

7 The Court is now adjourned.

8 (Court adjourns at 1557H)

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