

~~ស/វ: ០១៦៦/១១~~



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges

សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File/Dossier Pénal
លេខ/No: 002/14-08-2006

លេខស៊ើបអង្កេត/Investigation/Instruction
លេខ/No: 002/19-09-2007-ECCC-OCIJ

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation-Religion-King

ឯកសារទទួល	
DOCUMENT RECEIVED/DOCUMENT REÇU	
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de reception):	
..... 10 / 09 / 2009	
ម៉ោង (Time/Heure):	
..... 10 : 30	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé	
du dossier: Uch Arun	

កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី
Written Record of Witness Interview

On the tenth day of July in the year two thousand and nine, at 0930 hours, at Prêk Tauch (ព្រែកតូច) village, Tonle Bet (ទន្លេបីទ) commune, Tbaung Khmum (ត្បូងឃ្មុំ) district, Kampong Cham province.

We, **Paolo PASTORE STOCCHI**, Investigator of the Extraordinary Chambers, being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 05 November 2008,

Noting the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004,

Noting Rules 24, 28 and 60 of the ECCC Internal Rules,

With Leng Heng An, as sworn Interpreter of the Extraordinary Chambers,

Recorded the statements of **TUOLOAS Sma El (ទូលីស ស្មាអែល)**, a witness, who provided the following information regarding his personal identity:

1

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១
Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkao Phnom Penh
Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkao, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

Original KH: 00349511-00349520

ឯកសារច្បាប់តាមប្រកាសរបស់អង្គជំនុំជម្រះ	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):	
..... 11 / 09 / 2009	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé	
du dossier: Uch Arun	

The undersigned **TUOLOAS Sma El**, named in his identity card as **TUOLOAS El**, was born on 06 June 1957 in Prêk Tauch village, Tonle Bet commune, Tbaung Khmum district, Kampong Cham province.

He is an ethnic Cham of Cambodian nationality, and is a farmer. His father, SOS Tuoloas (សុខៈ ទួល័ស), is deceased, and his mother, ឃីត ស៊ីម (អ៊ិត ស៊ីម), is living. His present address: Prêk Tauch village, Tonle Bet commune, Tbaung Khmum district, Kampong Cham province. His wife, NOU Halimās (នូ ហាលីម៉ាស), is living, and he has four children.

The witness has no criminal record.

The witness declared that he can read, write and understand the Khmer language.
 The witness declared that he can read and write the Cham language.
Therefore, the original of this Written Record is written in the Khmer language.

We instructed the witness that an audio or video recording was being made of this Interview.
 The witness told us that he is not related to either the Charged Persons or to any of the Civil Parties.
 The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.
 We notified the witness of his right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.

Questions - Answers:

Q. What was the composition of your family prior to April 1975?
A. I was not married at that time; I was a child. I lived with my family in the same village where we are now. My family consisted of seven members including myself. Their names are SOS Tuolos, my father, 67-68 years old; ឃីត ស៊ីម, my mother, 55 years old; TUOLOS Mās (ទួល័ស ម៉ាស), my brother, 16 years old; TUOLOS Sèt (ទួល័ស សែត), my brother, 14 years old; TUOLOS Mary (ទួល័ស ម៉ារី), my sister, 12 years old and TUOLOS Tâhiet (ទួល័ស តហៀត), my brother, 10 years old.

Q. Did you go to school then?
A. I was 17 at that time; I did not go to school

Q. What did you do at that time?

~~no/n. 5166/179~~

A. I helped my parents working in the paddies.

Q. What did your brothers and sisters do?

A. They all helped working in the paddies and fishing.

Q. Before the Khmer Rouge took over, how were the living conditions of your family?

A. Before 17 April 1975, the living conditions of my family were normal and easy like other people in the village.

Q. Did your father hold any official position within the community?

A. My father was a normal citizen; he did not hold any position.

Q. Did he hold any position within the Cham Community?

A. He was a Muslim, but he did not hold any official position

Q. In 1975 how many people lived in the village?

A. The population was more than 100.

Q. Where were the people in your village evacuated after 17 April 1975?

A. After 17 April 1975, my family and I were evacuated to Sector 555 in Sâmbaur (សំបួរ) village, Sâmbaur commune, Sâmbaur district, Kratie province. Other people from my village were evacuated, but to different provinces like Kratie province, Battambang province and other provinces.

Q. Did your family stay together during the evacuation?

A Yes, we were together then.

Q. How was the evacuation organised? Did somebody announce to the population that they had to leave the village? Did somebody knock on your door and call you out of your house?

A. At that time Village Com. Grandpa Sa (តាសា) made an announcement to the villagers to pack their belongings to prepare for evacuation. We were able to pack all our belongings, and we were transported in three trucks to the destination.

Q. Was Grandpa Sa a Khmer Rouge?

A. I was not sure who appointed Grandpa Sa as the village com., but I knew that Grandpa Sa belonged to the (Cambodian Liberation) Front. He did not wear any uniform but he was the chief of Prêk Tauch village.

Q. When was Grandpa Sa appointed as chief of the village?

A. My family fled to Chup (ជ័ប) during the LON Nol (លន់ នល់) regime because of

~~000/00. 0166/179~~

the war. My family returned to Prêk Tauch in early 1975, and I saw that Grandpa Sa was already the village chief.

Q. Do you remember the date when they evacuated the people from your village?
A. The evacuation was done during the time when Mekong River was high.

Q. Before the evacuation, did Grandpa Sa ask the people who wanted to leave and who did not want to leave?
A. Grandpa Sa told the people to get ready to go to live in a new place without telling them any reason for the transfer. The announcement did not contain threats; Grandpa Sa simply told the people that they had to leave. Grandpa Sa read out a list of names and told each person the province that person had to go. Two days later, the military trucks came to the village and transported us away.

Q. Do you recall of any other leaders except for Grandpa Sa, village leaders?
A. Grandpa Sa was the only leader in the village; he was around 50 years ago, and he was also a Muslim.

Q. Did Grandpa Sa mention anything about the Khmer Rouge when he announced the evacuation?
A. Grandpa Sa only read the list without mentioning the Khmer Rouge at that time.

Q. Were you aware then that the Khmer Rouge had taken power in Cambodia?
A. I was not aware at that time because I was very young; I was 16 years old. When I was still in the village, I had never heard about Angkar. I only heard about Angkar when I was in Kratie province.

Q. During the evacuation, were the people guarded by armed Khmer Rouge soldiers?
A. There were no armed Khmer Rouge soldiers guarding us, only the one driver was on the truck.

Q. Did they provide people with food and water?
A. The trip lasted two days. When we were hungry, they stopped the truck to allow us to cook food. We drank water from a river, creek and stream. No one got sick on the truck. We slept one night on the ground on a mat along the way in Rokar Khnor (រវការខ្ពុរ) village, Pongro (ពង្រៃ) commune, Krauch Chhmar (ក្រូចឆ្មារ) district before we reached our destination.

Q. Did you witness any mistreatment during the trip?
A. I did not witness any mistreatment during the trip.

Q. Were people happy to leave the village? How did you feel about that?
A. At that time, we were curious, but we did not dare ask them where we were being taken to.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។
Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkao Phnom Penh
Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkao, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

~~អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា ១៦៦/១៧១~~

Q. Were the people in your village told that you would return to their place of origin?
A. My family did not want to leave the village, but Grandpa Sa told them that we would only have to stay away temporarily, and then we would return to the village. Other families did not want to go, but they had no choice; so, they had force themselves to go.

Q. What happened when you arrived in Sâmbaur district, Kratie province?
A. When we arrived, we were accommodated with a family of the old people in the village. They specified that each family had to live with one old person family. We stayed under their house. A person in a black uniform with a red krâma (ក្រមា) (scarf) and wearing car-tire sandals accompanied us to the house.

Q. Did they gather the evacuees to tell them about any plans?
A. They did not say anything, but two weeks later, Angkar assigned another man dressed like the previous one and whose name I do not know to take my family to a new 5-by-4 meter house. After I lived in the new house for ten days, a black-uniformed man took me to work in a mobile unit. The mobile unit was the unit where all the young people of approximately my age were assembled to dig canals and build dams. I worked every day until I left Sâmbaur village in 1976.

Q. How were the living conditions in the mobile unit? Did you receive food, water, medicine?
A. We received gruel and rice; we had two meals per day, either rice or gruel. When people got sick, they would receive home-made medicines that we would call rabbit-dung medicines which did not help cure our illnesses. If people were very sick, they would be taken to the hospital. Some of them recuperated, while others did not. We drank well water.

Q. How many hours did you work per day?
A. We started working at 3 a.m. and worked until 11 a.m.; then we rested two hours for the meal and re-started at 1 p.m. until 5 a.m., and then we rested to have the second meal. From 6 to 9 p.m. we tread-milled the rice.

The interview was suspended at 1100 hours to allow the witness to go to the mosque for his religious worship, and the interview resumed at 1310 hours on 10 July 2009.

Q. Were your brothers and sisters and parents also forced to work?
A. At that time, I knew that my parents were sent to work in the paddies, while my younger brothers and sisters had to collect cow dung to make fertilizer.

Q. In your view, how were the living conditions in Sâmbaur village?

~~អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា ០១៦៦/១៧៩~~

A. I thought that it was unjust to be forced to do such very hard work; I was forced to do heavy labor, but I did not dare object.

Q. Why did you not dare say anything?

A. I was afraid of Angkar; I was afraid that they would take me to be re-educated. I was afraid that they would take me to be tempered which meant that I would have to work even harder.

Q. Were people who worked with you taken to be re-educated?

A. I know that they were taken to be re-educated, but I did not know how they were tempered.

Q. Did these people ever return after being re-educated?

A. The re-education was done in accordance with the type of offence they committed: and some were taken for 5 days and others for 10 days. After they returned, they were not allowed to talk to other people. If they dared to talk to others, they would be taken away like my close friend Prāk (ប្រាក់) who was accused of committing a sixth commandment offence, meaning that he loved a girl, and loving a girl was banned during the Khmer Rouge regime. This happened in late 1975 when Prāk was taken away and never returned. Prāk was from Phnom Penh; we met in Sâmbaur village, and we became friends.

Q. Did you attend self-criticism meetings in Sâmbaur village?

A. Yes, once a week we attended self-criticism meetings led by the village chief named Sâmbok (សំបុក). During the meetings, we were instructed not to do anything wrong. If someone did wrong time and time again, they would be taken away.

Q. Were you interrogated in Sâmbaur village?

A. This happened when I arrived in Sâmbaur village: A man who was possibly the chief of the village asked me some questions, like where I came from and what I had done in the past. After asking the questions, he allowed me to go.

Q. What happened when were you transferred away from Sâmbaur village? Where did you have to go?

A. In 1976, I lied to Angkar that I was married and I wanted to live with my wife. They allowed me to leave the mobile unit in the forest to return to Sâmbaur village. When I arrived back in Sâmbaur village, I married my current wife. That was in early 1976. A month after I married my wife, a man in a black uniform separated me from my family and had me and my wife stay in Daun Meas (ដួនមាស) village in the same commune, but they did not believe that we were husband and wife. My younger brothers and sisters remained in Sâmbaur Village with my parents. In Daun Meas village, they had me work in the paddies, where I thought the work was less

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkao Phnom Penh
Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkao, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

~~Handwritten signature and number 166/179~~

hard than when I was in the mobile unit; but I did not feel good there, because I was taken to be re-educated quite often even though I had committed only small mistakes, for instance, when I was transporting rice the ox cart broke down.

Q. What was the re-education about?

A. They told me to concentrate on my work or else Angkar would send me away. That was the first time; they did not beat me up; but the second time, when I broke a rice threshing wheel, I was taken to be re-educated again. I was taken alone at nighttime, and they told me that I had to be constantly careful. Then they released me, but they sent a militiaman to follow me. The re-education on the second occasion was done at the house of the group chairman; there were no other people being detained there. After the second re-education session, I tried to work very hard and obeyed all their orders. Once in 1978, the group chairman accused me of being a spy, but they did not do anything to me; they just kept me under closer surveillance.

Q. How long did you remain in Daun Meas village?

A. I remained in Daun Meas from 1977 until 1978, just before the regime fell.

Q. What happened to your family members?

A. They all survived. After the fall of the Khmer Rouge regime, we found out that some relatives of my wife had died in Battambang. Seven members of my older sister-in-law's family died of starvation, and five members of the family of my older brother-in-law were taken away and killed in Battambang province. One child from the family of my older sister-in-law survived; her name is SOP Phiyās (សុប ភីយ៉ាស់).

She is more than 30 years old and is living in Boeng Tunsong (បឹងទន្លេសាង) village, Tonle Bet commune, Tbaung Khmum district, Kampong Cham province.

Q. Did you hear of forced marriages during the period 1975-1979?

A. I heard and I saw that. In 1977 I saw an arranged wedding for 20-30 couples in Sâmbaur Village, and there was a big celebration. Angkar matched-up the couples and arranged the marriages. Some of the people getting married looked sad, and some others looked happy. I never spoke to any of them; I do not know their feelings.

Q. Did you witness any atrocities being committed by Angkar?

A. On 29 and 30 December 1978 when we were in Sâmbaur, Angkar gathered the people; they prepared the gruel for them and told them to get ready to move to new places. We were put on the boat, and we crossed the river until we reached a place called Koh Rongeaev (កោះរាំង), and then we were made to walk to the west. The boat returned to get all the people from the other bank of the river. I became suspicious that we would be taken to be killed, so I told my family to stop walking. We walked very slowly, but the Khmer Rouge soldiers forced us to walk faster. At that time, the liberation army arrived in the area; there was noise of shootings. I took advantage of the fact that the Khmer Rouge soldiers had gotten confused and had

7

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១
Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkao Phnom Penh
Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkao, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

Handwritten signature and date: 01/06/179

dispersed in the territory, so I walked until I met some Cambodian soldiers from the liberation army who helped me to hide with my family, and I returned to my village. I do not know what happened to the rest of the people who had been walking west with us.

Q. Where is the atrocity in the story you just told me?

A. In 1977, the Khmer Rouge ordered me to transport people they had arrested at the border to Sâmbaur village. These people were put in Sâmbaur village. They were kept three days in the village. The Khmer Rouge ordered other people from the village who could row boats to transport the prisoners. I assume that the prisoners were taken to be killed.

Q. Why were you ordered to transport the prisoners?

A. The Khmer Rouge assigned those who could row boats like me to transport the prisoners. There were armed Khmer Rouge soldiers guarding the prisoners; I just transported the prisoners via the river.

Q. Did you witness any crime such as murder, torture, or beating being committed during the Khmer Rouge regime?

A. No, I did not. But after the Khmer Rouge Regime fell, I saw many bodies floating in the river.

Q. What did you do when the Khmer Rouge Regime fell?

A. In 1979 I returned to my own village and continued my life as a normal citizen.

Q. During the period you were in Sâmbaur village and in Daun Meas village, did you see senior KR leaders visit the area?

A. I did not know them; I never saw them there.

Q. Do you know the names of the Khmer Rouge leaders in the villages you lived in?

A. I knew the persons named Touch (តូច), Chhâm (ឆាម), Lôm (លោម) and Kim (គីម). They were Khmer Rouge cadres in Daun Meas village. I do not know if they are still alive.

Q. Do you think that Muslims were discriminated against and persecuted during the Khmer Rouge Regime?

A. Yes, they were. I would like to raise three points; first, the Khmer Rouge did not allow us to speak the Cham language; second, they did not allow us to practice the religion of Islam; and third, we were never not allowed to communicate with other Chams.

One copy of the Written Record was provided to the witness.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១
Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkao Phnom Penh
Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkao, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

~~លេខ/ក: ០/០០/១៧១~~

E3/1678

The Written Record was read out to the witness; the witness had no objections and signed it.

After the Written Record was read out to the witness, the witness refused to sign it.

The interview was completed at 1550 hours on the same date.

Witness	Interpreter	Investigators
[Thumbprint]	[Signature]	[Signature]
TUOLOAS Sma El		

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
 ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩១៤
 Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkao Phnom Penh
 Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
 Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkao, Phnom Penh
 Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.