



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 September 2015

Trial Day 324

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

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For Court Management Section:  
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I N D E X

Mr. IT Sen (2-TCW-813)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

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

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

6 It Sen, and commencing hearing testimony of civil party

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

8 Parties and other individuals at today's proceedings.

9 THE GREFFIER:

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

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

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

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

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

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

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

17 [09.04.20]

18 MR. PRESIDENT:

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

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

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

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

23 effectively participate in future hearings, he requests to waive

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

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

2

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

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

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

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

16 [09.06.14]

17 QUESTIONING BY MR. KOPPE:

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

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

25 MR. IT SEN:

3

1 A. No, I was only living in Ampil in Peus commune at the time.

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

4 A. My knowledge at the time was that the situation on the ground  
5 was normal before the arrival of the Khmer Rouge group.

6 [09.07.55]

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

9 A. Yes, there were many people living in Ampil village at the  
10 time. Every house -- there was many people living in each house  
11 in the village.

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

15 A. I know there were many Chams living in Kampong Chhnang, Kampot  
16 and Battambang but I never went to these provinces.

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

20 A. It started in 1973. In fact I was still attending the school  
21 in 1972 but the school was closed down in 1973. At that time the  
22 Islam schools and the Khmer schools were closed down.

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

25 [09.10.24]

4

1 A. No, I don't know anyone by the name of Sos Man (phonetic). Are  
2 you referring to Sos Man (phonetic) or Sos Mat (phonetic)?

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

5 A. I know Mat Ly. He works--

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

8 A. Mat Ly worked in the unit in the East Zone and Tok Mat  
9 (phonetic)--

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

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

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

16 A. Mat Ly was in charge of the army with Tok Mat (phonetic) at  
17 the time and these two were usually together although I myself  
18 did not know his real position. But I usually saw Mat Ly together  
19 with Tok Mat (phonetic).

20 [09.13.03]

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

23 A. Yes, that is correct. He urged the people to enter the  
24 revolution.

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

1 A. Yes, he was a Cham person.

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

8 A. From what I understood, he did not talk about that. I heard  
9 about the prohibition about practising the religion but it was  
10 not from him, it was from someone else. Personally I did not hear  
11 him say anything regarding the closure of the Islamic religion.

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

13 [09.15.34]

14 A. The order came from the upper level to the village chief and  
15 to the group chief. It was from the Angkar above so that the  
16 village chief and the group chief had to instruct us to stop  
17 practising the religion.

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

19 MR. PRESIDENT:

20 Witness, please hold on and the Deputy Co-Prosecutor, you have  
21 the floor.

22 MR. LYSAK:

23 Thank you, Mr. President. I think Counsel should ask more  
24 specific questions about his position, we know from his interview  
25 he was a member of the district committee, some people might



6

1 interpret that as upper level some might not so I think Counsel  
2 should be more specific in his question.

3 [09.16.38]

4 BY MR. KOPPE:

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

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

9 MR. IT SEN:

10 A. I do not know his actual position. However he was in charge of  
11 the East Zone along with Tok Mat (phonetic) and these were two  
12 were always together. And he rarely came to Ampil village, he  
13 usually was at the Dambae district and Tbound Khmum. He only came  
14 once in a while to stay in Ampil village.

15 Q. Have you heard at a later stage maybe that Mat Ly was  
16 appointed in 1976 as a member of the Standing Committee of the  
17 National Assembly?

18 A. Yes, I do. I know that he was a member of the National  
19 Assembly as he was considered joining the resistance.

20 [09.18.31]

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

7

1 A. Yes, that is correct. I was in danger at the time. My cow  
2 became sick after the demonstration so I slaughtered the cows and  
3 as a result I was arrested and detained at a prison in Krouch  
4 Chhmar district. I was accused of killing an un-sick (sic) cow.

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

7 A. They did not beat me up or anything but they had to carry out  
8 the investigation first and if that was true, I would be detained  
9 for long time. I saw many inmates were tortured during their  
10 interrogations at the building behind the detention house but my  
11 turn was not yet ready for that as the investigation process was  
12 still underway.

13 [09.20.33]

14 Q. Do you know whether the Krouch Chhmar security centre was part  
15 of the district of Krouch Chhmar or whether it was part of the  
16 sector to which Krouch Chhmar belonged?

17 A. It belonged to the Krouch Chhmar district. It was a rather  
18 large house, it was a storage house and just on the ground floor  
19 there were four levels where prisoners were detained and both  
20 floors were fully crowded with inmates.

21 Q. Do you recall to which sector Krouch Chhmar belonged, what was  
22 the number of the sector to which this district that you lived in  
23 belonged?

24 A. Krouch Chhmar district extended from Kampong Treas to Roka  
25 Khnaor. That was the area under the Krouch Chhmar district and if

1 you were to make mistake, you would be arrested from these areas  
2 and detained at the Krouch Chhmar detention centre.

3 Q. Let me assist you because I don't have that much time, Mr.

4 Witness. Was Krouch Chhmar district part of region, sector rather  
5 21?

6 [09.22.46]

7 A. Yes, I think so.

8 Q. Do you know who after the liberation in April 1975, was the  
9 chief of Sector 21?

10 A. No, I don't. I don't know who was the chief at the time.

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

12 A. No, I cannot recall that name. I don't know where he lived or  
13 where he worked.

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

16 A. It was comrade Seng from the Southwest Zone who was present  
17 there and besides Seng I do not know who else was in charge of  
18 these sections.

19 [09.24.29]

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

23 A. I do not know Ouk Bunchhoeun.

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

1 A. No, Counsel, no I don't.

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

3 A. Kob Sath was a village chief at the time -- that is, during  
4 the period of arrest. He was there as a village chief. He was the  
5 one that ordered us to eat pork; we understood that he received  
6 such an order from the upper level.

7 Q. Was Kob Sath a Cham himself?

8 A. Yes, he was also a Cham person but he actually was afraid of  
9 the upper level and to my knowledge not long after he was  
10 arrested and killed.

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

12 [09.27.14]

13 A. Meng Hun worked for the security. However to my understanding,  
14 not long after he was arrested and put into a sack and thrown  
15 into a truck and drove away. I refer to a person by the name of  
16 Meng in the village and he worked for the security.

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

18 A. The name Leskasen does not ring a bell; did he live in Ampil  
19 village or elsewhere?

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

10

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

3 [09.29.17]

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

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

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

11 MR. PRESIDENT:

12 Judge Lavergne, you have the floor first.

13 JUDGE LAVERGNE:

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

18 MR. KOPPE:

19 FULRO Champa.

20 [09.30.46]

21 JUDGE LAVERGNE:

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

25 MR. KOPPE:

11

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

10 [09.32.12]

11 JUDGE LAVERGNE:

12 I'm sorry, is FULRO an acronym or is it actually a name?

13 MR. KOPPE:

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

15 JUDGE LAVERGNE:

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

17 BY MR. KOPPE:

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

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

23 MR. PRESIDENT:

24 Please hold on, Mr. Witness. You may now proceed International  
25 Deputy Co-Prosecutor.

1 [09.33.24]

2 MR. LYSAK:

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

13 MR. KOPPE:

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

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

22 [09.34.50]

23 MR. IT SEN:

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

25 Q. Let me ask you in general terms. In the period '73, '74, '75,

1 have you ever heard of any "rebellious Cham movement"?

2 A. No, I have only heard the rebellion at Kaoh Phal. Kaoh Phal  
3 rebellion when Cham people were fighting with the Khmer Rouge it  
4 was the only incident that I heard.

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

10 A. It happened long time ago, I mean the incident, we were  
11 prohibited from praying, from worship, from fasting, villagers  
12 from Kaoh Phal rose up and opposed to the prohibition by Khmer  
13 Rouge.

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

16 [09.37.12]

17 MR. PRESIDENT:

18 Please hold on, Mr. Witness. You may now proceed, International  
19 Deputy Co-Prosecutor.

20 MR. LYSAK:

21 Counsel is leading the witness and he is leading with a  
22 completely different account then, I think, everyone of us have  
23 read about this incident. So if he has ceased upon some  
24 miss-account of this, he at least he should be quoting it so we  
25 know where this information is coming from, the accounts of this



1 rebellion talk about one person -- soldier being attacked not 28.

2 [09.37.53]

3 MR. KOPPE:

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

7 JUDGE FENZ:

8 Counsel, generally can you prepare, provide for the benefit of  
9 the record, the basis for the question. I think that's what the  
10 Prosecutor asked.

11 MR. KOPPE:

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

18 MR. IT SEN:

19 A. I did not witness the incident but I have heard that soldiers  
20 were chopped to death in 1977. I do not know how many of them  
21 were chopped to death. My in-law also told me about that  
22 incident.

23 [09.39.42]

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

25 A. Yes, it was in 1975. It was actually before 1975, and in 1975

15

1 Cham people were evacuated because of the rebellion.

2 Q. What did you in-law tell you specifically about killing of

3 Khmer Rouge cadres on Kaoh Phal by Cham, how did this happen, who

4 was involved, how many people died?

5 A. I do not know for sure about the event. Cham people who had

6 swords, who had knives were killed by Khmer Rouge at that time.

7 Only these people were shot to death by Khmer Rouge soldier.

8 Other people who opposed Khmer Rouge at the time were not killed.

9 Q. Let me move on to how the rebellion was cracked down. Do you

10 know which forces were involved in the crackdown of the Kaoh Phal

11 rebellion, were these district forces or were these sector

12 forces?

13 [09.41.50]

14 A. I do not know about that. The soldiers came from the

15 districts, they were told to be ready to curb the rebellion at

16 Kaoh Phal.

17 Q. Have you heard of military forces with heavy artillery coming

18 from the rubber plantations in the south, having different kinds

19 of uniforms, carrying heavy weapons and that they were involved

20 in the cracking down of the Kaoh Phal rebellion.

21 A. I did not witness the incident. I heard that artilleries were

22 put behind Kaoh Phal village.

23 Q. What do you remember about this artillery?

24 A. I could not recall. No shooting at that time, but I heard gun

25 fire and artilleries were put behind Kaoh Phal in Saoy village

16

1 and some of the Cham people were tied up at the time.

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

4 [09.44.15]

5 MR. PRESIDENT:

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

8 MR. LYSAK:

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

16 MR. KOPPE:

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

21 [09.45.23]

22 MR. LYSAK:

23 Mr. President, Counsel shouldn't be testifying about the  
24 significance of military uniforms. Again, if he has information  
25 he wishes to present to the Court that's a part of the record, he

1 should cite it. He's leading here, he's testifying himself.

2 BY MR. KOPPE:

3 Again, I'm not testifying at all. I'm asking whether he knows  
4 anything about uniforms of the people of the military shooting  
5 with artillery, that's my question.

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

8 MR. IT SEN:

9 A. I saw boats arriving at Kaoh Phal and I noticed -- I noticed  
10 there were also artilleries and there was fire -- there was  
11 fighting at that Kaoh Phal for few days.

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

14 A. I do not know about that, Mr. Lawyer. I do not know how many  
15 mortars or artilleries.

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

17 [09.47.48]

18 MR. PRESIDENT:

19 Mr. Koppe, please repeat your question, there was no proper  
20 translation of your question.

21 BY MR. KOPPE:

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

24 MR. IT SEN:

25 A. I'm sorry, Counsel I do not know.

18

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

4 A. Yes, I have heard of the name Hun Sen. But I did not know at  
5 that time where he was stationed I only knew that he also joined  
6 the resistance in the jungle.

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

9 MR. LYSAK:

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

15 MR. KOPPE:

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

20 (Judges deliberate)

21 [09.51.15]

22 MR. PRESIDENT:

23 Mr. Koppe, please provide the basis or the documents that you  
24 quoted in particular the documents which were admitted to be used  
25 before the Chamber. Otherwise the Chamber will prohibit the

19

1 witness from answering to your question.

2 MR. KOPPE:

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

10 [09.52.40]

11 JUDGE LAVERGNE:

12 Mr. Koppe, can you repeat the reference, I'm sorry, I didn't have  
13 the time to note it down properly I heard E347.3.

14 MR. KOPPE:

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

20 JUDGE LAVERGNE:

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

23 MR. KOPPE:

24 No.

25 [09.53.57]

1 JUDGE LAVERGNE:

2 Are you sure? There never was a request to put this document  
3 before the Chamber and the Chamber never ruled on that request,  
4 are you sure?

5 MR. KOPPE:

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

8 JUDGE LAVERGNE:

9 Well then Counsel Koppe, it seems that Human Rights Report, at  
10 least that segment has not been put on the Case file.

11 [09.54.41]

12 MR. KOPPE:

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

20 MR. LYSAK:

21 We heard a impassion speech yesterday about how people need to  
22 rely on the investigation. This rebellion was investigated, I  
23 have been searching for references to Battalion 55 and if there  
24 is a basis for the question, that's fine, but Counsel should move  
25 this document into evidence if he think its reliable it's a Human

21

1 Rights Watch Report, Human Rights watch was obviously not at Kaoh  
2 Phal in 1975, so the real issue is, what is the source of this  
3 information. And when Counsel tries to present matters in this  
4 way and stand up in this courtroom and assert something as a fact  
5 when there is nothing in the investigation about it and it comes  
6 from a document that's not been put in evidence, these  
7 proceedings are distorted so we would have no objection if they  
8 move this into evidence but we need to know what the actual  
9 source of this evidence is if this proceeding is going to be  
10 meaningful.

11 [09.56.27]

12 MR. KOPPE:

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

19 MR. LYSAK:

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



22

1 to search this document. So I think it is entirely improper the  
2 way Counsel brings these matters before the Court.

3 [09.57.30]

4 MR. PRESIDENT:

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

7 MS. MARIE GUIRAUD:

8 Thank you, Mr. President. I was -- what I would like to specify  
9 that this document is not part of the case file that is the  
10 issue. So the point is not whether we're speaking about Hun Sen  
11 or not, here today we see once again the Nuon Chea defence is  
12 using, again, a document that is not in the case file and the  
13 Khieu Samphan defence tried to have this document admitted  
14 according to proper procedural rules and this document was  
15 dismissed by the Chamber. That's the issue; the issue is not whom  
16 we're speaking about but how this document is used by the Defence  
17 whereas the Defence knows perfectly well that this document has  
18 not been put on to the case file nor admitted.

19 [09.58.39]

20 MR. PRESIDENT:

21 You may now proceed, Judge Lavergne.

22 JUDGE LAVERGNE:

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

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

2 [09.59.22]

3 MS. GUISSÉ:

4 Thank you, Mr. President. Thank you -- good morning to all of  
5 you. I have a request for clarification because I believe the  
6 previous decisions including Case 002/01, that the issue of --  
7 when we were faced with this issue of where the document comes  
8 from but since the document is not presented, we felt that we had  
9 the liberty of putting all questions that are necessary. So I  
10 don't know why suddenly that each -- why each question put by the  
11 Defence has to be based on a specific document. Why? If we do not  
12 intend to confront the witness with a particular document, why do  
13 we have base all of our questions on a document? This is request  
14 for clarification because the Co-Prosecutors position does not  
15 seem to be in relation with the Chamber's jurisprudence regarding  
16 this matter.

17 MR. LYSAK:

18 If I may respond, the reason is you're leading the witness if you  
19 don't have some basis. You can't just stand up in Court and make  
20 an assertion that Hun Sen was part of an attack without some  
21 evidence and I'm reading this now, there is no cited evidence  
22 here, there's an unspecified interview by an academic without  
23 even identifying the source. So, for Counsel to stand up here and  
24 make these assertions without a proper evidentiary record, he is  
25 leading the witness. Yesterday both of you stood up and objected

1 when I asked this witness, how many Cham people lived in his own  
2 district. Now you want him to an expert on the entire structure  
3 of the East Zone.

4 [10.01.20]

5 MR. KOPPE:

6 It is a pathetic and shameful attempt to cut the Defence off to  
7 try to find--

8 MR. PRESIDENT:

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

11 MS. TY SRINNA:

12 Thank you, Mr. President. I would like to make an observation on  
13 this matter. In fact we, the civil parties, have put questions to  
14 civil parties and witnesses and usually the defence teams would  
15 rise and demand the sources that we quote in those questions. And  
16 to play a fair game I believe both sides have to refer to the  
17 sources that you extracted or that you relate them to your  
18 questions to the witness. Thank you.

19 [10.02.26]

20 MR. KOPPE:

21 On the record, Mr. President, what's happening here is an attempt  
22 to avoid evidence which might incriminate present government  
23 members as the perpetrators of the actual genocides, if there  
24 were any, in '75. So I think it is perfectly appropriate to find  
25 out what happened in '75, especially in Trea village which is

1 about to follow. So the Defence is perfectly entitled to find out  
2 what happened in '75 and whether Ouk Bunchhoeun and Hun Sen were  
3 involved in the killings.

4 MR. LYSAK:

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

12 [10.03.28]

13 MR. KOPPE:

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

16 MR. LYSAK:

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

19 (Judges deliberate)

20 [10.04.39]

21 MR. PRESIDENT:

22 Judge Fenz, you have the floor.

23 JUDGE FENZ:

24 Well, it cannot come as a great surprise. I mean, this is how  
25 criminal proceedings work; if you want to confront the party with

26

1 something if you put forward an allegation you have to cite the  
2 basis for this. If the basis is a document which hasn't been  
3 admitted during the proceedings or actually specifically rejected  
4 as in this case, find another basis and move on.

5 [10.05.14]

6 MR. KOPPE:

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

10 MR. PRESIDENT:

11 Counsel, you have to follow the standing practice and procedures  
12 in this courtroom so please move on.

13 BY MR. KOPPE:

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

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

18 [10.06.10]

19 MR. IT SEN:

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

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

24 A. As I said people were killed but I did not know how many as at  
25 the time I was hiding in a house in Ampil village.

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

3 MR. PRESIDENT:

4 The Deputy Co-Prosecutor, you have the floor.

5 [10.07.15]

6 MR. LYSAK:

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

12 MR. KOPPE:

13 At least read your sources, Mr. Prosecutor, I have it from  
14 Kiernan who is quoting Ponchaud, describing a massacre which was  
15 executed, in pretty much the same way as described yesterday by  
16 this witness, in November '75. I'll be happy to read it for you.  
17 "Ponchaud adds that in November '75, Chams in Trea village of  
18 Krouch Chhmar also rebelled. Then the Khmer Rouge tore the  
19 village apart with B40s 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." Ponchaud page 153.  
23 So I'm trying to figure out whether this massacre in Trea that  
24 the witness described yesterday wasn't actually in '78, but  
25 rather in '75.

1 [10.08.54]

2 MR. LYSAK:

3 Mr. President, I have no objection, again, he should read the  
4 document first, ask the witness if he is familiar with an event  
5 in Trea village in 1975, but he shouldn't stand up and suggest  
6 that what he just read is any way similar to what the witness  
7 described as happening in 1978 in Trea village, they're  
8 completely different. So he shouldn't be characterising and  
9 leading. If he wants to present and ask about what happened in  
10 Trae village in 1975, go ahead.

11 MR. KOPPE:

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

14 MR. IT SEN:

15 A. No, it was not in 1975. Seventy-five was the year that  
16 villagers were evacuated from villages.

17 [10.10.02]

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

23 MR. LYSAK:

24 Again, Counsel is leading, he is misstating the evidence. This  
25 witness has described one event that took place in Trae in 1978.

1 This book describes a completely different event in 1975 and he  
2 shouldn't be leading and trying to mischaracterise the evidence  
3 when he's asking questions here. This is utter deceit.

4 MR. PRESIDENT:

5 In order for us to proceed, the Deputy Co-Prosecutor please  
6 provide your grounds for your objection so that we can use it as  
7 the basis for our ruling. For example, whether there was no  
8 citation in the questions or whether it was a leading question,  
9 for example. And if your objection is not based on any firm  
10 ground I think it's just back and forth between two sides.  
11 We, as the Bench would like to facilitate the proceedings and  
12 issue our ruling based on the grounds that the Parties provide to  
13 the Chamber in order to proceed in an expeditious manner. And you  
14 all have been in this courtroom and involved in the proceedings  
15 for so many years already so please try to avoid a relapse of  
16 this lack of grounds.

17 [10.12.12]

18 MR. LYSAK:

19 Thank you, Mr. President. The ground is that Counsel is leading  
20 the witness; he's leading and suggesting to him that event in  
21 1978, was the same as a different event in 1975. That is a  
22 leading question.

23 BY MR. KOPPE:

24 I don't think it was a question. It was a possible theory that  
25 this witness might be very afraid of telling what happened in



30

1 Trae village in '75, and rather shifted to '78. But my question,  
2 a very factual question was, whether he knows anything of mass  
3 atrocities which are in certain details quite similar as to what  
4 he described yesterday? That's my question, does he know of any  
5 mass atrocities in November 1975 in Trae village?

6 [10.13.08]

7 MR. IT SEN:

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

9 MR. PRESIDENT:

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

12 Let us take a short break and resume at 10.30.

13 Court officer, please assist the witness at the waiting room for  
14 witnesses and civil parties during the break and invite him back  
15 into the courtroom at 10.30.

16 The Court is now in recess.

17 (Court recesses from 1013H to 1034H)

18 MR. PRESIDENT:

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

20 Before I give the floor to the defence team for Mr. Nuon Chea to  
21 resume his line of questioning, the Chamber would like to remind  
22 all Parties that yesterday I informed the Co-Prosecutors,  
23 together with the Lead Co-Lawyers, in relation to questioning of  
24 this witness. I instructed Co-Prosecutors and Lead Co-Lawyers  
25 that the questions should be simple and precise, and also short.

31

1 This witness, as I said yesterday, has difficulty in speaking  
2 Khmer, because as far as we are concerned, he has a different  
3 language, different culture and tradition from that of Khmer. So  
4 in order that the Chamber can ascertain the truth in this case,  
5 the questions should be short and precise.

6 [10.35.56]

7 I noticed that Parties in the previous session changed their  
8 position when they address the Court. They appear to deliver  
9 speeches to the Chamber. So, once again, the Chamber reminds  
10 everyone to stick to the form of questions allowed by the  
11 Chamber, and we have allowed such practice for over seven years.

12 And in addition to this, the Chamber wishes to inform that a  
13 Party has to adhere to their professionalism when they address  
14 the Chamber. Please avoid any disparaging speech here in this  
15 courtroom.

16 Now, the Chamber gives the floor to the defence team for Mr. Nuon  
17 Chea to resume his line of questioning. You may now proceed.

18 MR. KOPPE:

19 Thank you, Mr. President. Before I start, Mr. President, both the  
20 Khieu Samphan defence team and we are a bit concerned about the  
21 time that we still have left. We notice that I was objected to  
22 about nine or 10 times. Yesterday, there was also an additional  
23 20 minutes for the Prosecution. So we are enquiring as to how  
24 much time both defence teams still have today?

25 MR. PRESIDENT:

1 We are not competing each other here. However, if you made a  
2 request to have 20 additional minutes for your time to question  
3 this witness, the Chamber may grant you the request. However,  
4 questions with no basis, or irrelevant questions, will not be  
5 allowed in this courtroom. And when one Party is objecting to  
6 questions put by another Party, please make it clear. Try to  
7 avoid delivering any lengthy speech before the Chamber. So we  
8 have to be clear on this matter.

9 [10.38.55]

10 MS. GUISSÉ:

11 Mr. President, please. I need to react here. Since we will be  
12 speaking last, the issue of extra time of course will concern us  
13 particularly. So, I would like to inform you that we're going to  
14 ask for 20 minutes of extra time so that we can finish our  
15 cross-examination. Thank you.

16 MR. PRESIDENT:

17 I told you already that 20 minutes will be granted to you when  
18 you put significant or necessary questions to the witness.

19 BY MR. KOPPE:

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

23 [10.40.10]

24 MR. IT SEN:

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

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

3 A. I went on the boat along the river. I then arrived at Stueng  
4 Trang, and after Stueng Trang, we were taken to Sangkae before we  
5 reached Preaek Achi.

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

8 A. I am not quite sure on this matter. I did not know how long  
9 before I reached Preaek Achi. After the rebellion, we were  
10 evacuated to Preaek Achi. We were woken up at the night time, and  
11 we did not dare to say anything. Villagers in all houses were  
12 woken up and taken to Preaek Achi. And as I said, after -- the  
13 event took place after the rebellion.

14 [10.42.16]

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

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

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

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

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

25 A. I was living in Preaek Achi. I have never heard of any

1 killings at Trea village. In fact, when I was living in Preaek  
2 Achi, I did not hear any events about killings in Trea village.  
3 After I returned to Preaek Achi, that I heard about the incidents  
4 of killings.

5 [10.44.26]

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

9 A. Yes, that is correct. And after the replacement of the  
10 Southwest Zone, we were told that we could come back to our  
11 village.

12 Q. And how many other Cham families went from Preaek Achi to  
13 Ampil?

14 A. Regarding Preaek Achi village, it was a rather big village,  
15 and I did not know how many villagers came to Ampil village at  
16 that time, but there were many of them living in Ampil at that  
17 time, and Saoy village.

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

21 A. Yes, villagers from Trea village were allowed to go and live  
22 in Preaek Achi village, and some people from Preaek Achi village  
23 were taken to be killed after they arrived for a few days.

24 [10.46.53]

25 Q. I will make my question simpler. Were there families who had

1 been living in Preaek Achi for three years, were sent to either  
2 Trea or to Krouch Chhmar, or to other villages?

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

5 Q. You said you had been living with your family in Preaek Achi  
6 for three years. Then you were told you were allowed to go back  
7 to your home village. Do you know whether other Cham villagers  
8 were also allowed to go back to their home villages?

9 A. Yes, we were told as such, that we were -- we would be allowed  
10 to go and live in our respective houses. And I did not know where  
11 did these people go to. Later on, I learnt that people from  
12 Preaek Achi were told to go back to their respective villages.  
13 However, they were taken to be killed.

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

16 [10.49.00]

17 A. Yes, that is correct. I was living with my older sister.

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

20 A. Yes, that is correct. Yes, about that number living in Ampil  
21 village.

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

24 A. Yes, it is about right. I stayed there for about a fortnight,  
25 after which we were transferred to Kampong Thom.

1 Q. Kampong Thom?

2 A. I'm sorry, I may have confused. After Preaek Achi, I was sent  
3 to Trea, and at that time that they intended to take me to be  
4 killed. I'm sorry I was not evacuated after I left Preaek Achi.

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

8 A. I was not given any food rations to eat. I did not have any  
9 meal to eat before I was told to return.

10 Q. So when you moved then from Ampil to Trea, did your oldest  
11 sister, Afiah and those 20 or 40 families, stay behind in Ampil?

12 [10.51.51]

13 A. Some people stayed behind in Saoy village, and some others  
14 stayed behind in Ampil village.

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

17 A. My older sister had not been evacuated from Ampil, so she  
18 stayed in Ampil village, from the time that I was evacuated until  
19 the time that I returned to Ampil village.

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

23 MR. PRESIDENT:

24 Please hold on, Mr. Witness. You may now proceed, International  
25 Deputy Co-Prosecutor.

1 [10.53.17]

2 MR. LYSAK:

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

7 BY MR. KOPPE:

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

12 A. Yes. The Southwest Zone cadres came to replace the previous  
13 cadres, and we were told that we could return back to our home  
14 villages. After -- during the fortnight period in Ampil village,  
15 we were told that we could go back to live in our home villages.  
16 At that time, Comrade Seng told us to leave for Trea village.

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

19 A. My birth village was Ampil village. We were instructed to go  
20 to Trea village at that time.

21 [10.55.42]

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

25 A. There were too many villagers in Ampil village, and we were



1 not allowed to stay in Ampil. The order from upper level went  
2 through village chief to order some of us to go to Trea village,  
3 because there were too many people already in Ampil village.

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

7 A. No, I could not stay in Ampil village. The village chief would  
8 know that I insisted on living in the village, Ampil. And my  
9 older sister did not dare to put me in her house. It was a strict  
10 order at that time.

11 [10.57.32]

12 Q. But why go to Trea? Why not go to Krouch Chhmar? Or to Svay  
13 Khleang? What was the reason to go -- to have to go to Trea?

14 A. Soldiers, military, were living in the whole area of Trea  
15 village. Trea village was the place where people were put and  
16 killed. People were placed in the houses in Trea village, and  
17 killed afterwards.

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

20 A. No, I did not know. We were riding our ox carts. Kitchen  
21 tools, blankets, sleeping mats, and our belongings were placed on  
22 the ox carts.

23 Q. I'm trying to understand something, Mr. Witness. You were  
24 instructed to go to Trea. You said then your family was killed  
25 because they were Cham. But your sister, who was also Cham, was

1 allowed to stay in Ampil. Can you explain that to me?

2 A. Because my older sister had been living in the Ampil village  
3 for so long. Because I returned from Preaek Achi to Ampil, I was  
4 not allowed to stay in that Ampil village. And Base People, who  
5 had been already there in Ampil village, were allowed to stay in  
6 that Ampil village.

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

9 [11.00.25]

10 A. Yes. It was the same situation for those families. Since they  
11 had not been evacuated elsewhere, then they were allowed to stay  
12 in that Ampil village.

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

15 A. My elder sister lived in Ampil, and nothing wrong was done to  
16 her. However, later on, she was assigned to go with the group to  
17 deal with the house construction. She was with other 20 families.  
18 And later on, people kept disappearing, and that's after I  
19 returned from Trea village.

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

25 [11.02.15]

1 A. After we were evacuated from Preaek Achi to the village, and I  
2 did not know why we were considered the new Cham after we were  
3 evacuated from Preaek Achi. Because previously we had lived in  
4 that village, and nothing happened. And after our return from  
5 Preaek Achi, our right was not as equal to that who had lived in  
6 that village.

7 MR. KOPPE:

8 Mr. President, I am mindful of the time already passed, another  
9 10 minutes. For the record, I still have many questions to this  
10 witness, but I will give the floor now to the Khieu Samphan team.

11 MR. PRESIDENT:

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

14 QUESTIONING BY MS. GUISSÉ:

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

23 [11.04.20]

24 MR. IT SEN:

25 A. It was the soldiers who were guarding in the area. We were

1 prohibited from going. And if someone insisted on going, the  
2 person would be arrested and tied up.

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

5 A. I do not know which unit they attached to, but those soldiers  
6 could come from the district or the sector. And allow me to  
7 remind you that it was the rainy season, and some people had to  
8 go and collect grass for the cattle on boat. The soldiers would  
9 stop them and arrest them.

10 [11.05.38]

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

13 A. Yes, that area belongs to the East Zone. Later on, when the  
14 Southwest group arrived, they accused the East Zone cadres of  
15 having a Vietnamese head.

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

18 A. I do not know anything about that. I do not know who was  
19 leading the revolt.

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

23 A. No, I don't. I don't know who was the chief at the time. I  
24 heard about Tok Man (phonetic), but Tok Man (phonetic) was not in  
25 my area that often. He was usually based at the rice fields area.

1 Q. To be very specific, when you were at Ampil before you went to  
2 Preaek Achi, do you remember who was the chief? Whether you are  
3 talking of the district or the commune, was in office at the  
4 time?

5 A. I do not recall the names of the commune chief or the district  
6 chief. Li and Lah were chief of the village, but for the commune  
7 chief of Preaek Achi, I cannot recall the name.

8 [11.09.02]

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

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

14 Q. You have referred to security forces. Do you remember the name  
15 of any person who was chief of the security force, who issued you  
16 that order?

17 A. I remember some in Ampil village, namely Meng (phonetic) and  
18 Horn (phonetic). Horn (phonetic) is still living today, but he is  
19 very old. And there was another person, named Meng (phonetic),  
20 who worked in the security in Ampil village. Later on, Sath was  
21 chief. Kob Sath was the chief.

22 [11.10.43]

23 Q. When you say that Kob Sath became chief subsequently, when  
24 exactly did he assume his duties?

25 A. That happened during the time that people were being killed.

1 But about 10 days after, he was taken away and killed too. At  
2 that time, those village chiefs, and other chiefs, were taken  
3 away and killed, and replaced by new chiefs.

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

6 A. Yes, that was the year. That's when it happened.

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

9 A. Kob Sath was in Ampil. His parents also lived in Ampil.

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

13 A. Yes, that is correct.

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

16 [11.13.24]

17 A. I heard people saying that he was the Krouch Chhmar district  
18 committee, as he was in charge overall in the entire Krouch  
19 Chhmar district.

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

22 A. When the Southwest group came from the other side of the river  
23 to liberate the area in the East Zone, then the East Zone cadres  
24 scattered, and from that point onward, he was known as the  
25 district committee. And that's when the killing started.

1 Q. In E3/5195, your record of interview, you made mention of Kob  
2 Sath, and this is what you stated. And the ERN in French is as  
3 follows: 00274728; ERN in Khmer, 00004429; and in English,  
4 00242095. "Kob Sath then became village chief, in spite of his  
5 race, his Cham race. The situation got worse progressively. We  
6 were neither authorized to write nor to read the Cham language."  
7 End of quote. Now, did that situation deteriorate only in 1978?  
8 [11.16.26]

9 A. No, the situation intensified in 1978, until 1979 -- that is,  
10 until the day of the liberation by the prime minister.

11 Q. Are you sure that Kob Sath was appointed village chief only in  
12 1978?

13 A. It happened in 1978. That is when they started killing people.  
14 And as I said, he didn't work there for long. He only worked for  
15 a few months, and then he was taken away and killed.

16 Q. Do you know whether Seng had other duties outside of his  
17 functions as district chief, as you pointed out?

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

20 Q. Still document E3/5995, document 00274718 in French; ERN in  
21 English, 00242095; and Khmer, 00004430. And this is what you  
22 state, and you are giving more details on Seng. Osman, relates  
23 what you said: "Seng was at the same time military chief of the  
24 commune and commune chief." End of quote. Does that refresh your  
25 memory? That's in paragraph 6.

1 [11.19.22]

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

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

6 A. I do not know who was the village chief of Trea at the time. I  
7 saw many soldiers stationed in the village, and I saw comrade  
8 Seng going backwards and forwards on his motorbike to Trea  
9 village.

10 Q. If I properly understood your testimony, you stated that when  
11 you got to Trea village, you were all separated into groups of  
12 women and young girls. Did I understand you correctly?

13 A. Yes, that is correct. At the mosque, we were instructed to sit  
14 there for a while, and then we were separated into different  
15 groups: the men, the single unmarried women's group, and the  
16 women's group with children, the young children.

17 [11.21.16]

18 Q. You stated that you then came out of the mosque, and you were  
19 led to traditional houses. Do you know whether women remained in  
20 the mosque?

21 A. Men were taken out first, and the women's group were allowed  
22 to remain -- or were ordered to remain in front of the mosque,  
23 although some of them wanted to go with the men but they were  
24 prohibited from going. And later on, I did not know where they  
25 took those women to. They disappeared. As for men, we were then



1 tied up, under the house.

2 Q. Let us now talk about the time when you got in the traditional  
3 houses on stilts. You said that there were many houses around  
4 that particular location. My question is: how far was the nearest  
5 house to the house in which you were held in custody?

6 A. The distance, or the gap, from one house to another was  
7 between two metres to three metres or four metres. And you could  
8 see through the cracks of the wall of people in the adjacent  
9 house as rows of houses were built along the riverbank in Trea  
10 village.

11 [11.23.30]

12 Q. If the houses were built in rows, would I be right in saying  
13 that you could speak to people who were in houses to the left of  
14 your house, or to the right of your house? In which case, you  
15 were able to communicate with people in houses to your left or to  
16 your right? That is, left or right of the house where you were  
17 held?

18 A. Yes, that is correct. We were not allowed to speak to one  
19 another, even if among us within one house. We were warned by  
20 soldiers not to speak to one another, let alone speaking to  
21 others in the adjacent houses.

22 Q. Mr. It Sen, I'm putting this question to you because I  
23 understood from your answer to the Prosecutors that you did say  
24 that you knew that there were Cham in all the other houses,  
25 because you were able to communicate with them. Should I

1 therefore understand from what you've just said that you were not  
2 able to communicate with the people who were very close to you?

3 [11.25.19]

4 A. When we were walked by soldiers from the mosque, we could  
5 speak to one another. And actually, I was asked where I was from,  
6 and I said we came from Ampil village. And that conversation took  
7 place in the house that I was detained. And after that, we were  
8 prohibited from speaking to one another.

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

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

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

19 A. Yes, that is correct. At that time, it was dark and it was  
20 raining. And that was a chance for me to slip through, and to  
21 slip away.

22 [11.27.22]

23 Q. And if I understood your testimony correctly, you also  
24 explained that since it was dark and raining, when you arrived  
25 next to a pile of clothes, you did not see the clothes, but you

1 kind of felt that they were there; is that correct?

2 A. Yes, that is correct. I felt the clothes -- that is, after I  
3 crawled from the house. And actually, I felt and touched my water  
4 container amongst the piles of the clothes. So once I touched the  
5 water container, I realized that it was a pile of clothes.

6 Q. I ask for this clarification because in Ysa Osman's work,  
7 document E3/9334, this is what you stated. Let me give the ERNs:  
8 in French, 00274725; in English, 00204443; ERN in Khmer,  
9 00204438. And I quote:

10 [11.29.24]

11 "At midnight, having noticed that the Khmer Rouge were resting,  
12 or to drink, I came out and I saw a big pile of clothes. I got  
13 across those clothes. I later arrived on the riverbank, and then  
14 I saw a pile of clothes belonging to my family. And it was my  
15 wife who had been in charge of those clothes when we left. And I  
16 therefore understood that my wife and child were dead. And I also  
17 saw a canteen next to that. It was also mine. I took it, and  
18 walked into the river with it." The French translation is very  
19 bad. "And I floated along with the current, clutching that  
20 canteen." End of quote.[Free translation]

21 My question to you is as follows: is it correct that what  
22 happened was that you caught a glimpse of a pile of clothes, and  
23 then you swam to flee. And you finally stated that you didn't see  
24 your wife and child, who were dead. And all this has nothing to  
25 do with the extract I've just read out to you.

1 [11.31.09]

2 A. I was sure about that.

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

8 A. I touched the clothes and water container. I did not know  
9 whose clothes was it. However, I recognized that the container  
10 belonged to me, because there was a string tied to that  
11 container. And there were clothes at the place where I crawled  
12 to.

13 [11.32.36]

14 MS. GUISSÉ:

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

17 MR. PRESIDENT:

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

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

23 Security personnel are instructed to bring Mr. Khieu Samphan back  
24 to the holding cell downstairs, and please have him returned into  
25 the courtroom before 1.30.

1 The Court is now in recess.

2 (Court recesses from 1133H to 1332H)

3 MR. PRESIDENT:

4 Please be seated.

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

8 BY MS. GUISSÉ:

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

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

14 MR. IT SEN:

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

16 [13.34.15]

17 Q. Is it true also that you had met him before this interview?

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

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

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

22 Q. And if I tell you the date or if I speak about March 2001,  
23 does that somehow refresh your memory?

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

25 Q. You said that you had spent the entire day with him. Did he

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1 contact you again after this meeting in 2001 to cross-check the  
2 account that you had given to him?

3 A. I told him what I know.

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

6 A. No, it was the only one time that I met him; once at Ampil  
7 village and another one at Ampeak.

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

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

12 [13.37.30]

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

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

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

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

19 Q. And finally, do you know a surname Yusuf Romly alias Ly?

20 A. I do not know the individual you are referring to, Romly or  
21 Ly.

22 MS. GUISSÉ:

23 Thank you for these answers. And I will now give the floor to my  
24 colleague Kong Sam Onn.

25 QUESTIONING BY MR. KONG SAM ONN:

1 Q. Loek, Mr. Sen, I have a few questions in relation to the holy  
2 text of Koran. Do you hold any position in relation to your  
3 religion?

4 MR. IT SEN:

5 A. No, I have no position. But I was tasked with taking care of  
6 the mosque.

7 [13.39.45]

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

19 A. I did not witness -- I did not see the pit, but I was told  
20 that there was a pit close to the wall. It was a big pit. People  
21 were taken to the pit and they were placed at the pit.

22 Q. Mr. Witness, I want to interrupt you. I would like you to  
23 clarify a point in relation to a woman who was tied to a plank  
24 and her neck was cut. You were asked by Lead Co-Lawyer for civil  
25 parties yesterday, so I need your clarification whether you

1 witnessed this incident or you only heard from someone about the  
2 incident.

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

4 [13.42.50]

5 Q. Thank you. Who told you? Where did you hear this incident  
6 from?

7 A. Those who were with me during the time that we were detained.  
8 I did not know whether that was the actual incident taking place  
9 during that time.

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

11 A. No, I do not know. Some of them had been taken away and  
12 killed.

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

19 A. It was a traditional house, a stilt house. And it was 11  
20 metres long and 6 metres wide.

21 [13.44.45]

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

23 A. Two windows at each side. And there were doors in the front  
24 and at the back. And doors and windows were locked at that time  
25 when I was detained inside.



1 Q. So now, from my understanding, there were windows on each side  
2 and there were two doors as well. So now concerning the windows,  
3 so there were four windows on -- two windows on one side and  
4 another two windows on another side; is that correct?

5 A. Yes, that is correct.

6 Q. Thank you. A while ago, you stated that there was one door in  
7 the front and another one at the back. Besides the windows and  
8 the doors, were there any windows and doors on other side of the  
9 room?

10 A. No. My apology; there was only one door in the front; no back  
11 door. The door was in the front.

12 Q. Thank you. You have stated that doors and windows were locked  
13 completely. What about the walls, what was the wall made of?

14 A. The wall -- they were made out of plank and there were cracks  
15 in between the planks. And there were cracks and holes that we  
16 could see what happened inside the house.

17 [13.47.16]

18 Q. Thank you. Could you tell the Court the size of the cracks  
19 that you could look through it?

20 A. It was about the size between my two fingers and I could see  
21 the outside through the cracks.

22 Q. You showed to all of us that the size of the cracks were the  
23 -- of the size between my two fingers. Could you give an estimate  
24 how large was the cracks?

25 A. It was the size as the microphone.

1 Q. For proper record, so how large was it -- could you specify it  
2 in centimetres? Was it the size of one finger?

3 A. I could not get your question. What do you want to know from  
4 me?

5 [13.48.55]

6 Q. You raised your finger and showed to us the size of the  
7 cracks. So now could you tell the Court whether the cracks were  
8 the size of which finger on your hands?

9 A. So it was the size as the -- the space between my two fingers.

10 Q. Now, if compare to your thumb, was the -- were the cracks of  
11 your thumb size?

12 A. The cracks were smaller compared to my fingers or thumbs.

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

16 A. There was a large tree near the wall of the house. And there  
17 were bamboo trees as well -- there were bamboo trees close to the  
18 house. And near the river bank, there was a pier that the boat  
19 stopped.

20 Q. What about vegetables, were there any vegetables or fruit  
21 trees?

22 A. No. There were only bamboo trees along the river bank and  
23 close to the house.

24 Q. And how large were the bamboo trees?

25 A. The bamboo were rather large; it's about -- some of them were

1 about three metres long.

2 [13.51.42]

3 Q. Thank you. Could you tell the Court where were you sitting in  
4 the house? You made mention yesterday that you were standing in  
5 the rear that made you be able to untie the rope and made an  
6 escape. Did you sit or stand in one particular place, or were you  
7 able to move around in the house?

8 A. It was about 7.30 or 8 p.m. that night when the military or  
9 soldiers came into the house. I was at the back behind others.  
10 The soldiers were tightening the ropes. And some soldiers were  
11 relieving themselves near the house. And during that time, I was  
12 able to untie the rope and slid open the planks so that I could  
13 flee. So those who were in front of me could not see what I was  
14 doing at that time.

15 Q. Mr. Witness, during the day of -- during the daytime, where  
16 were you sitting?

17 A. We were sitting close to one another in the house, and our  
18 hands were tied to a rope.

19 [13.53.41]

20 Q. You stated that there were many of you inside the house. Does  
21 it mean you were sitting in the front -- inside the house in the  
22 front, near the door or at the back? So where were you at that  
23 time?

24 A. I was sitting on another side -- rather, at the back of the  
25 house. I was sitting close to the wall on the left side.

1 Q. Thank you. You stated that you could see the boats -- the boat  
2 towing the prisoners who were tied to the rope or strings. So  
3 where were you at that time that you could be able to see the  
4 boat?

5 A. I was inside that house and with my hands tied to the rope.

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

9 A. I was sitting close to the wall and I told others to look  
10 through the cracks, and we could see the boat through the cracks  
11 of the walls. All of us inside the house could see the boat.

12 Q. Did you see the boat clearly? You have just told the Court  
13 that there were bamboo trees close to the house.

14 A. The bamboo trees did not block our view. And the bamboo trees  
15 were 70 metres away from the pier. So the bamboo trees did not  
16 block the views. The bamboo trees were to the west of the house.

17 [13.56.40]

18 Q. You stated that you could see the boat towing people the whole  
19 day, entire day, and that you have stated that you were sitting  
20 at the back of the house. So could you tell the Court again the  
21 position where you were sitting in the house?

22 A. I was sitting close to the wall. I could see the whole  
23 incident when the people were tied -- their hands were tied to  
24 the string attached to the stand of the boat. Those people -- 30  
25 of them -- were tied to a rope. I could see it clearly.

1 Q. Thank you. Now I want to know about the time when you were  
2 able to flee the house. And you stated that it was raining while  
3 you were fleeing. Could you tell the Court when it was when you  
4 fled the house, what month was it?

5 A. I cannot recall the month exactly. It was raining during -- on  
6 that day. I cannot tell you the exact month when I was able to  
7 flee.

8 [13.58.32]

9 Q. What about the river, the water in the river -- the situation  
10 of the water in the river. You stated that you had a water  
11 container and you filled the water in that container. So can you  
12 tell about the situation of the water during the time?

13 A. If I stood on the bank, I could see the river below the bank.  
14 And from the house, I could see the boat. And the water was not  
15 high in that season.

16 Q. During that time, was it a rainy season or a dry season?

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

18 Q. What about the water flow, did the water in the river flow  
19 very fast?

20 A. Yes, the water did flow very fast in front of Trea or  
21 (inaudible) villages.

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

24 A. I cannot remember how many kilometres that I had to swim.  
25 However, when I left or when I started swimming, it was around

1 12.30 midnight. And I arrived at the side of the embankment at  
2 around 4 o'clock in the morning. So I cannot estimate how many  
3 kilometres that I had swum.

4 [14.01.04]

5 Q. Did you actually swim across the river or did you swim along  
6 the river before you reached the embankment on the other side?

7 A. I was actually swimming in the middle of the river. There was  
8 an island in the middle of the river near the Trea village.

9 Q. What was the distance from the middle of the river to the  
10 embankment?

11 A. I can only provide you an estimate. It was pretty far, it  
12 could be four to five kilometres long. However, this is a very  
13 rough estimate.

14 Q. I'd like to put a question to you in relation to the event  
15 that took place at Kaoh Phal. This morning at around 09.47, you  
16 testified about the preparation by soldiers for the attack at  
17 Kaoh Phal, and later on, a fight broke out. Could you tell the  
18 Court how long or how many days did the soldiers prepare  
19 themselves in the advancement of the fight?

20 [14.02.43]

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

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

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1 A. Yes. In fact, I learned it of my elder in-law. Since at that  
2 time, I was living in Ampil and my elder in-law fled to my  
3 village.

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

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

7 MR. KONG SAM ONN:

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

9 [14.03.54]

10 MR. PRESIDENT:

11 Thank you. The hearing of the testimony of Mr. It Sen is now  
12 concluded. And Mr. It Sen, the Chamber is grateful of your  
13 testimony as a witness for the last two days. Your testimony may  
14 contribute to ascertaining the truth in this case. You may now be  
15 excused and return to wherever you wish to go to, and the Chamber  
16 wishes you all the best.

17 Court officer, please in collaboration with WESU, make necessary  
18 transportation arrangement for the witness to return to and usher  
19 the civil party, namely, 2-TCCP-244 into the courtroom.

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

21 [14.06.35]

22 QUESTIONING BY MR. PRESIDENT:

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

24 MR. SOS MIN:

25 My name is Sos Ponyamin.

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

2 A. I was born in 1954.

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

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

6 [14.07.30]

7 Q. Where is your current address?

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

10 Q. And what is your current occupation?

11 A. I am a rice farmer.

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

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

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

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

18 [14.08.50]

19 MR. PRESIDENT:

20 Thank you. And Mr. Sos Ponyamin, at the conclusion of your  
21 testimony as a civil party, you will be given an opportunity to  
22 make an impact statement of suffering that were inflicted upon  
23 you during the Democratic Kampuchea regime, if you wish to do so.  
24 And that's pursuant to Rule 91bis of the ECCC Internal Rule.  
25 The Chamber will hand the floor first to the Lead Co-Lawyer for



1 civil parties to put question to this witness, Sos Ponyamin. And  
2 the combined time for both the Co-Prosecutors and the Lead  
3 Co-Lawyers for civil parties are two sessions. You may proceed.

4 MR. PICH ANG:

5 Thank you, Mr. President. And good afternoon, Your Honours. I'd  
6 like to assign Lor Chunthy, a civil party lawyer to put questions  
7 to the civil party and then my colleague, Marie Guiraud, will  
8 continue putting questions further.

9 [14.10.10]

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 QUESTIONING BY MR. LOR CHUNTHY:

13 Good afternoon, Your Honours. Good afternoon, everyone in and  
14 around the courtroom. My name is Lor Chunthy. I am a lawyer for  
15 civil parties, and I actually came from the Legal Aid of  
16 Cambodia. And good afternoon, Mr. Ponyamin. I'd like to put some  
17 questions to you in relation to the experience you went through  
18 during the Democratic Kampuchea regime from 17 April 1975 to 6  
19 January 1979.

20 Q. My first question is the following. Where were you after the  
21 17 April 1975? And were you ordered to leave your hometown?

22 MR. SOS MIN:

23 A. Allow me to respond to your question, Counsel. In fact, before  
24 1975, I was still living in Svay Khleang village.

25 [14.12.02]

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

2 A. As I said, before 1975, I was living in Svay Khleang -- that  
3 is, in my home village. And after 1975, I was evacuated to Dambae  
4 district in Kampong Cham province.

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

8 A. While I was living in Svay Khlaeng village -- and I had lived  
9 there since I was born -- allow me to put it in a timeline. Under  
10 their initial control, their policy was so good. They made a  
11 propaganda for us to join their action in order to liberate the  
12 country; they respected our religion, and that happened before  
13 1975. However, everything changed after April 1975 -- that is,  
14 after the liberation of Phnom Penh.

15 [14.14.10]

16 MR. PRESIDENT:

17 Defence Counsel, you may proceed.

18 MR. KONG SAM ONN:

19 Mr. President, thank you. I'd like to put a -- I'd like to submit  
20 a question to you, to instruct the civil party in order to use a  
21 proper language, not to use any inappropriate language. For  
22 example, the word "vea" in Khmer refers to an animal or to an  
23 object and not a human being. And here, before this Court, we  
24 have an Accused who is charged to be a leader of the Democratic  
25 Kampuchea regime. For that reason, it seems to be a contempted

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1 (sic) word when the civil party used the word "vea" toward the  
2 regime.

3 MR. LOR CHUNTHY:

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

6 [14.15.44]

7 MR. PRESIDENT:

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

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

16 BY MR. LOR CHUNTHY:

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

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

22 [14.17.17]

23 MR. SOS MIN:

24 A. In 1975, the regime started to impose a restriction on our  
25 religion, forced us to eat pork, and they did not allow us to

1 fast. The restriction was imposed also on the food ration  
2 compounded by hard manual labour. And that made us very difficult  
3 to survive.

4 Q. You just spoke about the restrictions imposed by the Khmer  
5 Rouge. Was the restriction also applied to the language or only  
6 to your religious practice?

7 A. Allow me to clarify it. The restriction was for us problematic  
8 since we were not allowed to speak the Cham language. And the  
9 restrictions applied almost to every aspects of life: on food, on  
10 clothing, and women -- Cham women were forced to cut their hair  
11 short. So the way of our living was extremely difficult.

12 [14.19.39]

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

16 A. We were forced to eat the food that we could not eat. And if  
17 we did not eat, we would be accused of not giving up to our  
18 religious practice. And that would be subject to be monitored. If  
19 we opposed any of the principles they imposed, then we would be  
20 accused of being an enemy of Angkar.

21 Q. Were there clear instructions as how you should act or should  
22 perform?

23 A. Please be more specific in your question.

24 Q. Thank you. What I mean is that, were there meetings held in  
25 your village, for instance, where instructions were told, where

1 restrictions were informed, for instance?

2 A. They had their principles and instructions. And whenever they  
3 wanted to impose those instructions, we would be called to the  
4 meetings so that those instructions would be relayed, and  
5 subsequently imposed. Usually, the cooperative chief or the  
6 commune chief would present such impositions.

7 [14.22.30]

8 Q. Please direct your response to the Bench when you answer my  
9 questions. So when such meetings were held where instructions or  
10 restrictions were announced, what would happen to anyone who  
11 violated those regulations or restrictions?

12 A. Allow me to inform the Chamber that as I just said, if anyone  
13 violated the principle, the person would be accused of being  
14 enemy. For that reason, people were tied up and arrested almost  
15 every night. I can say that out of the 30 days in a month, 20  
16 days where people were arrested and tied. So it is my  
17 understanding that those people who were arrested were accused of  
18 violating their regulations or restrictions. And usually, they  
19 came to arrest those people at night-time and put them on a horse  
20 cart and took them away.

21 Q. Mr. Civil Party, please try to avoid and try to refrain from  
22 using the word "vea". You should refer to a particular person,  
23 for example, a commune chief or village chief. Thank you.  
24 So you said people were arrested. And who made those arrests? And  
25 where were those arrested sent to?

1 A. I am sorry, Mr. President. I try my best not to use the word  
2 "vea", but it's very difficult for me to make a change suddenly  
3 as I have used the word throughout my life. I know he is being --  
4 he is under protection by law, but we also have to remember that  
5 he killed the people during the Democratic Kampuchea regime at  
6 his own discretion.

7 [14.25.21]

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

9 A. I apologize, Mr. President. I never been in a courtroom  
10 before, so please mind my words.

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

12 Q. You just stated that people were arrested, and my question to  
13 you was the following: Who actually arrested those people and  
14 where were they sent to?

15 A. I did not know where those soldiers -- who those soldiers were  
16 when they arrested people. I did not know whether they were  
17 security force from the commune or from the district. They  
18 actually arrested those people and they were detained at the  
19 security centre of the district. But I cannot make a conclusion  
20 that they were killed. However, I never saw them again. And if  
21 they were to survive, they would be more than 100 years old by  
22 now. So it is common sense that they died. But legally speaking,  
23 I cannot say that they were taken away and killed because I did  
24 not witness it.

25 [14.27.05]

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

4 A. I cannot tell the Chamber what mistakes those people made. And  
5 importantly, we could not say whether they made a mistake or not.  
6 If they wanted to arrest someone, they would do so. And those  
7 people to me, I could not say they make a mistake. Some of them  
8 never even knew Phnom Penh or they could not even count from one  
9 to 10, but instead they were accused of being a military colonel.

10 Q. So you just stated those people were arrested and sent to be  
11 detained at a district, and which district are you referring to?

12 A. They were sent to the detention centre of Krouch Chhmar  
13 district.

14 Q. So that's what happened in your village -- that is, people  
15 were arrested. And can you tell the Court whether later on you  
16 joined forces to involve in a revolt?

17 [14.29.32]

18 A. At that stage, in fact, we gathered around and there were  
19 about seven of us. Due to the extremely difficult living  
20 condition and we were thinking that if we did not revolt and we  
21 did not do anything, then our days would come, that's when we  
22 would be taken away and killed. For that reason, we gathered up  
23 amongst the seven of us and we organized a revolt -- that is the  
24 plan. We knew that we would be killed anyway because we did not  
25 have any weapons to attack them, and that we would be shot dead.

1 But we did not have any choice except opting for a revolt. And  
2 that's what we did.

3 Q. Within your group, who actually initiated the gathering of the  
4 forces to involve in the revolt?

5 A. I was -- and Rotanak (phonetic) and Srei Tam (phonetic) were  
6 spearheading the gathering of the group. And we gathered up to  
7 seven people, including us. And before our plan was broke out and  
8 actually, I learnt that that night, 80 people would be arrested.  
9 As we knew that they -- throughout the day we knew those people  
10 were being asked whether they knew about the Holy Koran. And at  
11 night time, there was a plan for their arrest.

12 [14.32.02]

13 Q. And how did you come to know about the arrest of the 80  
14 people? Who were those 80 people? To me, it's unclear from what  
15 you just said.

16 A. Allow me to expand it a little bit because this event took  
17 place many, many years ago. And I try to piece together the  
18 information. That day was the last day of the Ramadan period, the  
19 Raja day. We were not allowed to celebrate anything, any of our  
20 holy day. But it was rather strange, that day -- that is, on the  
21 Raja day, we were allowed to celebrate our holy day. And those  
22 people did not know at all that they were being monitored. So we  
23 celebrated the Raja day that day. And at night time, my younger  
24 sibling worked for the commune youth, and then a meeting was  
25 held, and said that there was a plan to arrest the 80 infiltrated



1 enemies that night. And that's how I learnt about the arrest.

2 Q. You stated that they allowed all of you to celebrate the Raja  
3 or Ramadan on that day. How did they know that you, all of you  
4 wanted to revolt?

5 [14.34.25]

6 A. From my understanding, I believe that I would not achieve what  
7 I wanted. But in my mind, if I did not do it or revolt, I would  
8 be killed. And at the time, during the time of the revolt, we  
9 were able to collect the name list of 80 people to be arrested  
10 and burn it. So they did not know who should be arrested. I,  
11 during the time, went to collect a name list and burnt it. My  
12 relative or cousin Mat (phonetic) was also in the list. Tess  
13 (phonetic) and Hin (phonetic) had been arrested by them at that  
14 time. And because of the arrest, the revolt took place.

15 Q. Thank you. Regarding the incident, when did it happen, what  
16 year was it, what month was it? Did the fighting happen at that  
17 time?

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

19 Q. Where did the fighting start first? And how did it happen?

20 [14.37.09]

21 A. The revolt took place in the night of 10 October 1975 during  
22 which I was guarding my uncle Ya Sleh (phonetic), Ya Ysa  
23 (phonetic), and Ya Mah (phonetic). I knew during that night that  
24 my three uncles would be arrested. Ya Sleh (phonetic) and Ya Ysa  
25 (phonetic), and Ya Mah (phonetic) were siblings. And they were

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1 accused of being linked to Lon Nol period. My uncles actually did  
2 not know even Phnom Penh during that time. I was guarding my  
3 uncles during that night. Nothing happened. I invited my seven  
4 friends and discussed with them that if we kept silent, we would  
5 die the day after because they had the name list. And I initiate  
6 and suggested that the revolt should start. And I had a  
7 discussion with my seven friends how to start the revolt. During  
8 the discussion, I told my seven friends to guard my uncles, and I  
9 was the one who went to collect the drum. The mosque was closed  
10 down and the drum was placed in that mosque. It was around 9.00  
11 or 10.00 that I went to collect the drum from Siek (phonetic).  
12 Villagers, people, Cham people in other places also went to  
13 collect drums because drums were used to signal each other in our  
14 Cham tradition. During that night, I decided that I had to start  
15 the revolt and attack the Khmer Rouge. If I did not attack or  
16 chop the Khmer Rouge, I would be killed afterwards.  
17 My apology, I am now still using the word "vea" because I am not  
18 used to use the proper word. My apology, Judges.

19 [14.40.07]

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

22 A. At that time, I screamed to the one who was in charge of  
23 making sound by using the drum to beat the drum. And everyone  
24 came to help and the fire started from that night.

25 Q. Did the Khmer Rouge soldier come to surround all of you? When

1 was it -- what time was it that the Khmer Rouge came to surround  
2 all of you?

3 A. Regarding the Khmer Rouge soldiers, I did not know at that  
4 time where they were from. I don't know either what districts  
5 they were from. There was a change of fire and there was fighting  
6 erupting at that time. I did not know at that time whether the  
7 soldiers belonged to the centre or belonged to any districts or  
8 communes.

9 [14.42.20]

10 Q. After the encounter, did people die form that encounter?

11 A. During the fighting or revolt, many people -- many of us died.  
12 I cannot tell you how many of us died. Some died in bushes close  
13 by.

14 Q. Thank you. After the crackdown by the soldiers or militiamen,  
15 what did the militiamen or soldiers do to villagers?

16 A. After we were surrounded, we were ordered to leave our  
17 villages; children and everyone were ordered to leave the  
18 villages. Men and women were separated from each other. We were  
19 placed in hospitals and schools. Hospitals during that time were  
20 quiet; no patients were allowed to be hospitalized. The men were  
21 put in the place where the medicines were made. As for women,  
22 they were placed in a pagoda under chrey (phonetic) tree.

23 Q. After you all were placed in various areas, were all of you  
24 interrogated and tortured?

25 [14.44.50]

1 A. Torture did happen in those places. We were put in those  
2 places for further selection. Forty of us were put in a school or  
3 classroom. We were interrogated and the bayonets were pointed to  
4 our necks and we were questioned who started the revolt. There  
5 were many questions put to all of us, and I could not recall all  
6 of them. The interrogation happened at night time. After a few  
7 days of interrogations, three or 10 of us from different  
8 classrooms were taken away. For instance, there was one room with  
9 50 Cham people in that room and only a few remained, because some  
10 others were taken away.

11 Q. You stated that those people had been taken away, where were  
12 they taken to?

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness, you have to observe the microphone  
15 before you speak.

16 MR. SOS MIN:

17 A. I cannot tell you where they were sent to, but I can tell the  
18 purpose of transfers because during the time that villagers were  
19 taken away, hoes were with the soldiers. These people were taken  
20 to the jungle and I did not know what the soldiers did to these  
21 villagers.

22 [14.47.20]

23 BY MR. LOR CHUNTHY:

24 Q. Was food given to those who were locked in the classrooms?

25 MR. SOS MIN:

1 A. We were given a ladle of food per meal. And the meal was  
2 cooked in a container. And when the meal became less, they took  
3 the water from the river and filled in the container. I would  
4 like to inform the Chamber that I myself ate also grass. During  
5 the time that I had the permission to relieve myself, I would  
6 fetch leaves, grass leaves or other leaves to fill my stomach.  
7 And I had to eat those leaves secretly. I put those leaves in my  
8 waistband. I ate all of those leaves during night time only to  
9 eat up the gruel that we were allowed to eat.

10 Q. Concerning your close colleagues who joined the revolt with  
11 you, were they also arrested by the Khmer Rouge at that time?

12 A. Sres Stam (phonetic) my close associate was arrested on the  
13 second day, and Reap Van Mon (phonetic) survived the period. He  
14 passed away two or three years ago.

15 [14.49.36]

16 MR. PRESIDENT:

17 Thank you, Civil Party Lawyer. It is now time for break. The  
18 Chamber will take a short break from now until 3 o'clock.  
19 Court officer, please find a proper room for this civil party  
20 during the break time and please invite him back into the witness  
21 stand in the courtroom at 3 o'clock.

22 The Court is now in recess.

23 (Court recesses from 1450H to 1503H)

24 MR. PRESIDENT:

25 Please be seated.

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1 The Court is now back in session, and again, the floor is given  
2 to the Lead Co-Lawyers for civil parties. And for this afternoon  
3 we will grant the Lead Co-Lawyers and the Co-Prosecutors 10 more  
4 minutes. So you will have until 4.00 -- 10 past 4.00.

5 You may proceed.

6 [15.03.53]

7 QUESTIONING BY MS. GUIRAUD:

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

14 Q. Does Village 5 is Svay Khleang (phonetic) where you were born,  
15 a Cham village or a village composed of people of mixed  
16 ethnicities.

17 MR. SOS MIN:

18 A. That village only had Cham people lived. Khmer people lived in  
19 the next village but there were no Khmer living in Village 5.

20 [15.05.03]

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

23 A. No, I cannot recall it.

24 Q. Can you tell us whether that was long before 1975, since you  
25 said it was an important date? And can you give us a rough idea?

1 Otherwise, would you like me to refresh your memory? Was it in  
2 1972 or in 1973?

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

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

6 A. I recall that it was in later 1973.

7 [15.06.50]

8 Q. Thank you. Was your village chief -- Were the village chiefs  
9 replaced when the Khmer Rouge arrived?

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

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

13 A. The village chief title was used only during the Khmer Rouge  
14 regime and under the Lon Nol administration such title was not  
15 used.

16 Q. During what period was the first village chief appointed by  
17 the Khmer Rouge?

18 A. It was from the day that they entered our Village 5. They  
19 organized their administrative structure in the village.

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

21 A. I recall that Kao was village chief at the time. And later on  
22 Kao was taken away and killed.

23 [15.09.16]

24 Q. Was that person a Cham?

25 A. Kao was a Cham person.

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

2 A. Before 1975, there were 1,242 Cham families living in the  
3 village.

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

6 Mr. Civil Party, do you know the number of families that lived in  
7 Village 5 when the Khmer Rouge arrived?

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

9 Q. How did you come by that information?

10 A. I learned of that information when I was asked to assist the  
11 people who were preparing the statistics released, and I saw the  
12 figure on the statistics.

13 [15.11.42]

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

15 A. It occurred in 1974.

16 Q. So if I understand you correctly, that census was conducted  
17 when the Khmer Rouge were already in the village? Did I  
18 understand correctly?

19 A. Yes, that is correct.

20 Q. Thank you. A while ago in answer to a question put to you by  
21 my colleague, you stated that the 17 of April marked a turning  
22 point in the manner in which the Khmer Rouge treated the Cham in  
23 Village 5. I will put a question to you regarding what happened  
24 before the 17 of April 1975 in order for us to know how the Khmer  
25 Rouge treated people in your village. Can you tell the Chamber



1 whether specific measures were taken against the Cham in Village  
2 5 before April 1975?

3 A. In fact, I stated about this already during my testimony and  
4 it's better for me not to repeat it. I actually told Lor Chunthy  
5 about the living condition of the Cham people prior to 1975.

6 [15.14.11]

7 Q. Was there a mosque in your village or were there one or  
8 several mosques in your village?

9 A. Before 1975, there were two mosques in our Svay Khleang  
10 commune since there were many Cham people, so two mosques were  
11 built to accommodate the congregations.

12 Q. Were those mosques closed subsequently?

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

14 Q. Thank you. I will now put a few very short follow-up questions  
15 to you regarding the October 1975 revolt. You told my colleague,  
16 Lor Chunthy, that there were seven of you at the head of that  
17 movement. Can you tell us the names of those persons? And can you  
18 also tell us whether those persons played different roles in the  
19 revolt?

20 A. The other four individuals did not have any role; they were  
21 very civilians and they were young. They -- their age was about  
22 17 to 18 years old.

23 [15.16.30]

24 Q. So, do I take it then that there was a group of three people  
25 of whom -- of which you were a member and another group of four

1 persons? If I properly understood your testimony?

2 A. No, that is not correct. I already testified the three of us  
3 were the initiators. However, in total there were seven of us in  
4 that group. So there was actually one group and not two separate  
5 groups.

6 Q. Thank you, Mr. Civil Party. And I crave your indulgence for  
7 putting repetitive questions to you, but unfortunately we have  
8 not received all the information in the interpretation we  
9 received. That is why I am asking you all these questions again.  
10 I simply did not understand all that you said.

11 I would like to ask you now what happened to you after your  
12 arrest. You told my colleague, Lor Chunthy, that you were  
13 detained in a school with other persons who had participated in  
14 that rebellion. For how many days were you held in that school?

15 A. I and other Cham people in Svay Khleang commune were detained  
16 for a period of 29 days.

17 [15.18.30]

18 Q. You told my colleague, Lor Chunthy, about interrogations you  
19 were subjected to at the school. Do you remember the questions  
20 that were put to you and the manner in which such interrogations  
21 were carried out?

22 A. I can recall part of it -- that is, the way they treated me.  
23 However, as for the questions, I cannot recall them. It happened  
24 almost 40 years ago. I am aging so I cannot recall them.

25 Q. Do you recall the number of persons who questioned you at the

1 time?

2 A. No, I cannot.

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

5 A. After I survived detention I was allowed to reunite with my  
6 family. However all the residents of the village were not allowed  
7 to enter the village again; we were evacuated to live elsewhere,  
8 including in Dambae, but not to return to our native village.

9 [15.20.35]

10 Q. How were you evacuated to Dambae?

11 A. We were put on a boat and we had to row the boat ourself. And  
12 for example, out of the 50 boats we had to row in a straight  
13 line. If a boat has to go left or right that boat would be shot  
14 at.

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

16 A. The boat trip was throughout the whole night. In fact, we left  
17 at 6 o'clock in the evening and we arrived at the destination at  
18 12.00 noon the next day.

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

21 A. From my estimate, the boat length was between seven to 10  
22 metres. So it could accommodate 20, 30 people. And for the larger  
23 boat it could accommodate up to 50 people.

24 Q. To the best of your recollection, the people on-board those  
25 boats, to repeat what my colleague is whispering to me, were

1 those people Cham or Khmer as well.

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

3 [15.23.40]

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

6 If yes, what do you remember about it?

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

8 And, some young children and the new-born, some of them died. We  
9 were not allowed to rest at all during the boat trip. We were so  
10 exhausted and starving but we had to row the boat. And actually,  
11 when we arrived ashore, we had to walk all day before we could  
12 reach the village of destination without any food.

13 Q. A while ago, you said that you had to row and if you stopped  
14 rowing you were shot at. Were you monitored or accompanied during  
15 that boat crossing?

16 A. We did not travel just by our group. We were being watched  
17 over and there were soldiers on about 10 boats who actually  
18 escorted us while we were on the boat trip and we had to comply  
19 with their instructions. They escorted us until we reached the  
20 village.

21 [15.26.00]

22 Q. A while ago, you talked about children and new-born children  
23 who died because of the bad weather. Is that something you  
24 witnessed with your own eyes, for instance, in your own canoe?

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

1 on my boat. I cannot tell you about what happened on other boats,  
2 but I could only speak about what happened on the boat that I was  
3 on

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

5 Which members of your family accompanied you on that boat trip?

6 A. Of course, there were other families traveling on that boat  
7 because the boat has to be full with people before it could  
8 depart.

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

11 A. My relatives who were on the boat included my mother; and Man  
12 Sen, that is my elder sibling; and Man So -- Man Hap So  
13 (phonetic), that is my elder sister; myself; and my younger  
14 sister Man Om Na (phonetic); and another younger sibling Man Sata  
15 (phonetic); and Koh Ly Joh (phonetic), my cousin.

16 [15.28.38]

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

22 A. When we arrived in Dambae, we were allowed to stay at Svay  
23 Kambet -- Svay Dambet (phonetic). That's Svay Bet (phonetic) in  
24 Dambae, and we were instructed to live -- to mix with the Khmer  
25 people.

1 Q. Did you have any kind of special status back then when the  
2 Khmer -- did the Khmer Rouge tell you anything about your special  
3 status?

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

8 [15.30.30]

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

11 A. Of course, I heard it and I lived there. We, the Cham people,  
12 were considered New People and the people who were living there  
13 were considered the Base People or the Old People. But for the  
14 evacuees from my area or from Phnom Penh, we were considered New  
15 People. So we were in the same status as those New People who  
16 were evacuated from Phnom Penh and we did not have any right.

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

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

22 Q. Thank you. When you were in Dambae, were you allowed to  
23 practice your religion?

24 A. No, it was forbidden. Everything to deal with the religion was  
25 forbidden. We were not even allowed to speak the Cham language.

1 And young children did not understand when we spoke the Khmer  
2 language.

3 [15.33.05]

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

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

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

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

11 A. No, I did not. However, I saw dead bodies when I walked. But I  
12 did not witness the execution myself.

13 [15.34.30]

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

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

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

18 A. Yes, I witnessed the arrests.

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

21 A. Not Cham people were arrested. Khmer people were arrested  
22 during that time. Khmer Rouge from the Centre came to my village  
23 and the Eastern Zone cadres were accused of having Khmer body,  
24 Vietnamese head. So, at that time I saw Khmer people were  
25 arrested and put onto trucks.

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

3 A. I lost one younger sibling because of her illness. She  
4 contracted malaria in the jungle. She died from malaria. In  
5 relation to my relatives, I lost seven -- I lost my relatives,  
6 seven families.

7 [15.37.14]

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

15 A. After I had returned from Kampong Thom, at the time I spent  
16 one month on foot travelling from Kampong Thom and also I was on  
17 cart. I did not recall when I left Kampong Thom but I could say  
18 that it was after 1979 liberation. If I happened to return from  
19 Kampong Thom during the Khmer Rouge time I would have been  
20 killed. Khmer people had lived already in the village in my  
21 hometown when I arrived. Khmer people were kind and they allowed  
22 all of us to go and live in our houses. Some Khmer people felt  
23 sympathy on Cham people at that time. Upon my arrival in my  
24 hometown, Khmer people left our houses and we were given back our  
25 houses. Some of Khmer people even gave rice to us to eat.



1 [15.39.35]

2 Q. Did you know back then how many Cham families were left in  
3 Village 5 or Svay Khleang?

4 MR. PRESIDENT:

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

6 MR. SOS MIN:

7 A. Later on I learnt very well that only 170 families remained in  
8 Svay Khleang village. Among 1,242 families, only 170 families in  
9 that Svay Khleang village and some families came to live in Svay  
10 Khleang and the number of families reached 190.

11 MS. GUIRAUD:

12 Thank you, Mr. Civil Party, for your patience and for having  
13 answered my questions. I am through with my questions, Mr.  
14 President.

15 MR. PRESIDENT:

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

18 [15.41.15]

19 QUESTIONING BY MR. SENG LEANG:

20 Thank you, Mr. President, Your Honours. Good afternoon everyone  
21 in and around the courtroom. Good afternoon Mr. Witness. I am  
22 Seng Leang, I am the National Deputy Co-Prosecutor. I think we  
23 still have only 30 minutes more which I have to share with my  
24 esteemed colleague from the International side so I will put very  
25 short questions to you, I have only a few.

1 Q. First I would like to ask you about the detention of Cham  
2 people after the revolt in Svay Khleang. How many people were  
3 detained at the time after the revolt?

4 MR. PRESIDENT:

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

7 [15.42.30]

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I have an observation in relation to  
10 geography. I heard civil party mentioned about Svay Khleang  
11 village and civil party also made mention about Village 5. It is  
12 confusing to me. So I would like the Co-Prosecutors to clarify  
13 with the civil party whether Svay Khleang was a commune or  
14 village.

15 BY MR. SENG LEANG:

16 Mr. President, I would like to respond to the observation. I  
17 heard civil party's mention of Village 5. Village 5 is the  
18 current name referred to by the villagers. In the past, Village 5  
19 was known as Svay Khleang village.

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

21 MR. PRESIDENT:

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

23 [15.43.47]

24 BY MR. SENG LEANG:

25 Q. Mr. Civil Party, how many of you were detained by Khmer Rouge

1 at the time?

2 MR. SOS MIN:

3 A. To better understand what I said, at the time I did not know  
4 how many people were detained by Khmer Rouge. What I can say is  
5 that the detention took place after Khmer Rouge surrounded all of  
6 us and we were placed in different places and all of us were  
7 transferred to live in different district, communes, at the time.

8 Q. You stated that prior to 1975 there were Cham people living in  
9 Svay Khleang village and the number reached 1,242 families. You  
10 state that Cham people were detained by Khmer Rouge after Cham  
11 people were selected and gathered up. So after detention, how  
12 many Cham people remained?

13 MR. PRESIDENT:

14 Please hold, Mr. Civil Party on; you have the floor now, Mr.  
15 Koppe.

16 [15.45.55]

17 MR. KOPPE:

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

25 MR. SENG LEANG:

89

1 I do not really understand why the Khmer Rouge word cannot be  
2 used here because before 1975 that area was under control of  
3 Khmer Rouge troops already and the troops which were sent to  
4 crack down the revolt belonged to the Khmer Rouge, so why am I  
5 not allowed to use the term "Khmer Rouge"?

6 MR. PRESIDENT:

7 We have a clear guideline that there should be no two objections  
8 from -- there should be no second objection from the Party, from  
9 another Party, so please be clear on this matter.

10 (Judges deliberate)

11 [15.48.55]

12 MR. PRESIDENT:

13 The Chamber does not prohibit completely the word "Khmer Rouge"  
14 to be used before the Chamber. However, I instruct the Deputy  
15 Co-Prosecutor to use specific term when you want to refer to any  
16 specific force because Khmer Rouge is a generic term and if you  
17 use the term liberated soldier or front, it has its meaning. So  
18 please use specific term. There are terms combatants, militiamen  
19 in the district level, so please make sure you refer to specific  
20 force when you want to refer to.

21 BY MR. SENG LEANG:

22 Thank you, Mr. President.

23 Q. Who detained all of you, were they combatant or militiamen?

24 [15.50.15]

25 MR. SOS MIN:

1 A. I cannot tell you whether soldiers were from the district  
2 level or provincial level. I think when I referred to Khmer Rouge  
3 soldiers I mean it is a general term that I can use. I do not  
4 know where those soldiers were from; I could not recognise their  
5 origin. So it is very difficult for me to specify for you which  
6 district or level those soldiers belong to.

7 MR. PRESIDENT:

8 Mr. Witness, you can use the term, the general term because you  
9 are an ordinary citizen but the problem here is the Parties. I am  
10 referring and instructing the Parties before all of us because  
11 all Parties have been here for many years and they may have been  
12 aware of the specific terms to be used.

13 [15.51.50]

14 BY MR. SENG LEANG:

15 Thank you, Mr. President.

16 Q. Mr. Civil Party, let me rephrase my question. After you had  
17 been detained following that revolt, after all of you were  
18 screened, so how many of you remained at the time?

19 MR. SOS MIN:

20 A. I could not have the full grasp of the information. I cannot  
21 tell you how many families remained after further transferred. I  
22 can tell you that they were further transfers to Kampong Thom and  
23 other places. Later on cadres from the Centre came into my  
24 village and people started to disappear one after another. Some  
25 of them were put on to a boat and some disappeared and I do not

1 know whether they were killed or not. As I told you, after 1979,  
2 only 170 families remained in my village and 25 other families  
3 came to live in the village so the number reached around 190  
4 families.

5 [15.53.38]

6 Q. Because of time I will ask you another question. It should be  
7 my last question. During the time that you were living in Svay  
8 Khleang, did you ever attend the wedding held by Khmer Rouge  
9 according to Cham religion?

10 A. I was living Svay Kambet for a period of two months. No  
11 marriage took place in that village.

12 Q. When did you get married?

13 A. I got married in late 1978 or early 1979 during Pol Pot time.  
14 I did not get married at Svay Kambet village; I in fact got  
15 married at Ta Kduoch Suong (phonetic).

16 MR. SENG LEANG:

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

19 [15.55.25]

20 QUESTIONING BY MR. LYSAK:

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

25 MR. SOS MIN:

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

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

4 A. Currently, I am a Hakim and also I am in charge of the  
5 district.

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

9 A. In every regime, there are Hakims and religious leaders within  
10 our community. Before the Khmer Rouge time there were also  
11 Hakims, however I could say that Hakims before Pol Pot time had  
12 already been arrested and they were the first target of the Khmer  
13 Rouge.

14 [15.57.47]

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

17 A. Hakims and Tuon religious leaders or teachers in Islamic  
18 religion were arrested in 1974.

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

22 A. Regarding Korans, we were prohibited from worship and prayers.  
23 Korans had been collected and placed in their office. All Korans  
24 had been collected whether the small holy books of Korans.

25 Q. You talked about in your interviews, findings some of the

1 Korans that had been collected on the first night of the  
2 rebellion in Svay Khleang. Can you tell the Court where it was  
3 that you found these Korans?

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

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

10 A. Korans that I found were at village chief's house.

11 [16.01.15]

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

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

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

21 A. Rebellion in Svay Khleang happened 15 days before Kaoh Phal  
22 rebellion.

23 [16.02.53]

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



1 A. Kaoh Phal rebellion happened first and later on, 15 days later  
2 there was a rebellion at Svay Khleang.

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

6 A. I have nothing to do with Kaoh Phal rebellion. I did not know  
7 about rebellion at Kaoh Phal. It was Kaoh Phal's business at the  
8 time, no one was allowed to move freely or trespass into other  
9 village area.

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

15 A. Back then there was a fighting and there were Khmer Rouge  
16 soldiers who were armed with different kind of weapons and for  
17 Cham people we had only two rifles: one AK and one Carbine. And  
18 in addition to the two rifles, we had swords and knives.

19 [16.05.50]

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

22 A. I do not recall the numbers clearly. At the time there were  
23 many of us.

24 Q. And you talked about the weapons of the Khmer Rouge, were  
25 there boats -- did the Khmer Rouge have boats that were firing on

1 your village?

2 A. They had marines; they had various types of weapons. They did  
3 not use boats to fire at us at the time because we were on the  
4 same -- we were on land.

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

6 A. They did not use only the light weapons; they had heavy  
7 weapons as well. The sounds of gun fire deafened our ears. I  
8 could not tell you whether there were different types of weapons  
9 used, I cannot draw a conclusion about the weapons.

10 [16.08.14]

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

15 A. I told my response to the lawyer already and now you have a  
16 follow up question. I will clarify it for you. I was allowed to  
17 stay in Svay Kambet village, Seda commune, Dambae district. I  
18 cannot recall when I arrived in that village. We were depressed  
19 at the time and we did not focus on the day when we arrived in  
20 the village. We left our place at night and we arrived in Svay  
21 Kambet village the following day at mid-day.

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

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

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

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

3 [16.10.37]

4 Q. I want to read to you and get your reaction on something your  
5 brother told the Court when he was interviewed. This is document  
6 E3/5205: Khmer, ERN 0021850; English, 00275163 to 64; French,  
7 00293922; again it is E3/5205. This is what your brother said  
8 about Svay Kambet village. "The villagers in those villages were  
9 all ethnic Khmer. Some of us lived in rice storage huts, some of  
10 us slept underneath their houses. They did not permit us to  
11 observe our religion or traditions. There was no medicine to  
12 treat malaria." End of quote. What I wanted to ask you about, Mr.  
13 Witness, is: Is it correct that some of the Cham people were  
14 required to sleep underneath the houses of Khmer families?

15 A. That is correct from my understanding.

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

17 [16.12.28]

18 MR. PRESIDENT:

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

21 MR. LYSAK:

22 I may have 10 minutes or 15 minutes if I would be allowed to  
23 continue tomorrow. I can continue now, I don't want to disrupt  
24 the bus schedule but I can continue now but I have about 10 more  
25 minutes or 15 minutes.

1 MR. PRESIDENT:

2 Thank you. So we will adjourn now and so you will be allowed to  
3 use 10 minutes or 15 minutes additionally tomorrow.

4 It is time now for the adjournment, the Chamber will resume  
5 tomorrow Wednesday, 9 September 2015. The Chamber will continue  
6 to hear the testimony of Sos Ponyamin, and then we will start to  
7 hear 2-TCW-832.

8 Thank you very much, Mr. Sos Ponyamin. The hearing of your  
9 testimony as a civil party has not come to an end yet. You are  
10 therefore invited to be here once again tomorrow at 9 a.m.

11 Court officer, in collaboration with WESU, please send Mr. Sos  
12 Ponyamin to his desired destination or the place where he is  
13 staying at the moment.

14 Security personnel are instructed to bring Mr. Khieu Samphan and  
15 Nuon Chea back to the detention facility and please have them  
16 returned tomorrow at 9 a.m.

17 The Court is now adjourned.

18 (Court adjourns at 1614H)

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