



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 September 2015

Trial Day 331

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

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KHIEU Samphan

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Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 331
Case No. 002/19-09-2007-ECCC/TC
28 September 2015

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. HIM Man (2-TCCP-252)	Khmer
Mr. KOPPE	English
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Ms. NO Sates (2-TCCP-270)	Khmer
Mr. PICH Ang	Khmer
Mr. SREA Rattanak	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, and as the Trial Chamber has scheduled and informed the

6 concerned Parties, the Chamber continues to hear the testimony of

7 a witness, Him Man. And when it's concluded, we'll hear testimony

8 of another civil party -- that is, 2-TCCP-270.

9 Ms. Se Kolvuthy, please report the attendance of the Parties and
10 other individuals at today's proceedings.

11 [09.05.09]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all Parties to this Case
14 are present.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has
16 waived his right to be present in the courtroom. The waiver has
17 been delivered to the greffier.

18 The civil party who is to conclude his testimony today -- that
19 is, Mr. Him Man is present and ready to be called by the Chamber.

20 The upcoming civil party -- that is, 2-TCCP-270 is present and
21 ready to be called by the Chamber.

22 Thank you.

23 [09.06.00]

24 MR. PRESIDENT:

25 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

2

1 request by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea, dated 28
3 September 2015, which states that due to his health: headache,
4 back pain, he cannot sit or concentrate for long, and in order to
5 effectively participate in future hearings, he requests to waive
6 his right to participate in and be present at the 28 September
7 2015 hearing. He affirms that his counsel has advised him about
8 the consequences of this waiver, that it cannot in any account be
9 construed as a waiver of his right to be tried fairly or to
10 challenge evidence presented to or admitted by this Court at any
11 time during this trial. Having seen the medical report of Nuon
12 Chea by the duty doctor for the Accused at the ECCC, dated 28
13 September 2015, which notes that Nuon Chea has chronic back pain
14 and dizziness when he sits for long, and recommends that the
15 Chamber grants him his request so that he can follow the
16 proceedings remotely from the holding cell downstairs.

17 Based on the above information and pursuant to Rule 81.5 of the
18 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
19 follow today's proceedings remotely from the holding cell
20 downstairs via audio-visual means. The Chamber instructs the AV
21 Unit personnel to link the proceedings to the room downstairs so
22 that he can follow it. And this applies to the whole day.

23 [09.07.52]

24 The Chamber has just received a submission by the Office of the
25 Co-Prosecutors to accept the disclosures of written records of

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1 interviews from Cases 003 and 004, and place in the current case
2 file pursuant to Rule 87.4. And the defence team for Khieu
3 Samphan wishes to respond to that submission. And for that
4 reason, the Chamber will give the floor to the defence team to
5 make the oral response to the submission and request by the OCP
6 before we proceed with hearing the testimony of the civil party.
7 And Defence Counsel, you may proceed.

8 [09.09.07]

9 MS. GUISSÉ:

10 Thank you, Mr. President. Good morning to all of you. Maybe a
11 point of clarification, what we requested in our email that we
12 sent to the Chamber was not to answer orally but the possibility
13 of asking orally for a delay to provide this answer, for two
14 reasons:
15 First of all, this request concerns only written statements that
16 come from investigations that are in the process in Cases 003 and
17 004, so this is a request that isn't directly connected with the
18 request E363 that we made before the Chamber regarding the way
19 that these documents coming from other investigations enter our
20 Trial gradually. So we would like to answer this request of the
21 Co-Prosecutors once the Chamber has ruled on our own request
22 E363. So that was the first aspect of -- of the first part of our
23 request. Of course, this request for delay is necessary because,
24 in our request -- or in the request of the Co-Prosecutors -- E327
25 -- they requested to include 25 witness statements which are

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1 quite substantial. So aside from the clarifications that we're
2 expecting from the Chamber, we need more time to be able to
3 address these issues in-depth. So we're asking, therefore, a
4 delay given the elements that I've just brought up. So I hope I
5 have been a little bit clearer about this. To be more specific,
6 we would like this delay to start once you notify us of your
7 decision regarding request E363, which we filed yesterday. Thank
8 you.

9 [09.11.20]

10 MR. PRESIDENT:

11 The International Deputy Co-Prosecutor, you have the floor.

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President; and good morning to all of you and to
14 Your Honours.

15 I note that this is a very limited request at this point in time.
16 The idea is to postpone the answer to our request to admit 25
17 written records of interview. Despite everything, if we accept
18 the request formulated by the Khieu Samphan defence team, it
19 would be a little bit too late to use these written records of
20 interview when necessary; that is to say, during the segment on
21 the Cham. Unless -- and this is what we want of course -- the
22 Chamber decides on the disclosures as soon as possible, which of
23 course would solve the problem. But in the meantime, we believe
24 that the Parties should use all of the written records of
25 interview that were disclosed a while ago already. In order to

5

1 put questions to the civil parties and to the witnesses, this is
2 what the Nuon Chea defence and the Khieu Samphan defence has done
3 in the past in fact without however placed on the case file a
4 submission to use these written records in order to put them into
5 evidence based on Rule 87.4. And this is even more so useful that
6 among the written records that are the subject of our request --
7 E3370 -- some are particularly important, some that are based on
8 the statements of witnesses who will come to testify, even the
9 witness who will testify this week or next week, 2-TCW-950, or a
10 witness that the Chamber wishes to hear proprio motu. And this is
11 2-TCW-987 if I'm not mistaken. But beyond these issues, for the
12 purposes of the ascertainment of the truth, it will be necessary
13 for the Parties to be able to refer to these documents, to quote
14 in these documents in their examination of the witnesses who will
15 come testify this weekend and the following. Of course, once
16 again we hope that the Chamber will decide as soon as possible,
17 which of course will allow us to solve this recurring problem.
18 And that is taking up a lot of our time, time that is precious.
19 That's all that we have to say with regard to this issue.

20 [09.14.40]

21 MS. GUISSÉ:

22 Thank you, Mr. President, for this speedy reply.

23 First, I would like to use or I'd like the words to be clear
24 here. Today, we're placing an 87.4 request of certain documents,
25 and the prosecutor says that these documents are very important

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1 to the ascertainment of the truth. But if we're told that these
2 documents were disclosed a few months ago, why then didn't the
3 Co-Prosecutor make this request back then if it was so important.
4 Second, I wish to remind when we objected to the use of these
5 documents or when we asked for delays back then to review these
6 documents, the Chamber said that it made a distinction between
7 statements that had been disclosed simply and statement whose
8 admission into evidence has been requested. So we're not going to
9 oppose the fact that there was a disclosure a few months ago. But
10 apparently, there is a distinction that's made between documents
11 that are disclosed in an important number of folders and
12 documents that are asked to be admitted into evidence.

13 [09.16.00]

14 And third, I would like the Co-Prosecutors to provide us with the
15 references because they said that we used on several occasions,
16 statements from Cases 003 and 004 in our examinations. But I
17 would like to remind you that the Khieu Samphan defence's
18 position has always been clear. When we're speaking about
19 statements that are prior to the testimony of the person here
20 before the Court, there is no objection because that is part of
21 the examination of this witness's credibility. So there is -
22 however, with regard to witnesses who are not going to testify
23 but who are alive and who are not asked to testify before the
24 Court, yes indeed, we object on a systematic basis to the usage
25 of related documents. So these are clarifications that I wish to

7

1 provide in my response.

2 [09.17.11]

3 MR. PRESIDENT:

4 Thank you. And the Chamber wishes to inform the Parties that the
5 submission made by the defence team for Khieu Samphan -- that is,
6 document E363 is being considered by the Chamber. And the Chamber
7 is confident that it will provide a response to that submission
8 very soon so that all the matters can be clear to all the Parties
9 concerned. We understand we all are trying our best to proceed in
10 a way that is expeditious, and the Chamber will also respond to
11 the request made by the Co-Prosecutors in due course.

12 Let we now hear the remaining testimony of the civil party Him
13 Man. And Court officer, usher the civil party into the courtroom.
14 Thank you.

15 MS. GUISSÉ:

16 I apologize, Mr. President. Just for the purposes of
17 clarification, so must I understand that you will rule on my
18 request for a delay later on? Please, can I be clear about this?

19 [09.18.50]

20 MR. PRESIDENT:

21 Yes, that is correct. The decision is not yet made. We are
22 deliberating your request -- that is, document E363. And the
23 decision will be issued soon. This is our response that will be
24 issued to you soon, and the Chamber at the same time considering
25 the submission made by the Co-Prosecutors. It would be nice for

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1 everyone if we can issue decisions on the two submissions: one by
2 your team and another one by the Co-Prosecutors; although its
3 nature is rather complicated and we will try our best to issue
4 our decision in due course. And it will be soon as this is to
5 deal with the practical matter before us.

6 (Judges deliberate)

7 [09.21.39]

8 MR. PRESIDENT:

9 Good morning, Mr. Him Man. Are you ready? And the Chamber will
10 give the floor to the defence teams to put their questions to
11 you. First, the defence team for Nuon Chea.

12 And Counsel, you may proceed.

13 QUESTIONING BY MR. KOPPE:

14 Thank you, Mr. President. Good morning, Your Honours. Good
15 morning, counsel. Good morning, Mr. Witness. I have a few
16 questions that I would like to put to you this morning following
17 up your testimony of two weeks ago.

18 Q. Let me first ask you some questions in relation to events in
19 1975, not in your village but a little further down the river in
20 Kaoh Phal. You, when asked the question about this, spoke briefly
21 about the rebellion in Kaoh Phal. You also spoke about the
22 rebellion to Ysa Osman. You have been quoted in his book. Mr.
23 President, that is E3/9336, English, ERN 00218503; French,
24 00286655; and Khmer, 00218496. And Mr. Witness, you talked about
25 the rebellion being crushed in 1975 by the use of artillery and

1 marines, boats from the marines. Who told you this? Do you
2 remember?

3 MR. HIM MAN:

4 A. While I was in the village, I heard people talking about it.
5 The rumours spread among the villagers in the village where I was
6 living at the time about that event. And I heard about it. That
7 is all.

8 [09.24.35]

9 Q. Do you remember who told you about the use of marines and
10 artillery to "smash the village"?

11 A. I heard the villagers talking about it, but I cannot recall
12 who actually said that. I was busy working in order to survive. I
13 was striving hard to work at the time. And while I was working, I
14 overheard people talking about this.

15 Q. This all happened in what is called the East Zone, Sector 21.
16 When people talked to you about the crushing of this rebellion,
17 did they speak about which kind of forces crushed that rebellion?
18 Were these district forces or rather forces from the sector or
19 the zone?

20 A. At that time, I heard about the so-called Khmer Rouge,
21 although I was not sure as to who they were referring to. As I
22 stated earlier, I was busy working and I only overheard people
23 talking about this.

24 [09.26.37]

25 Q. Very well, Mr. Witness. You also answered the question two

10

1 weeks ago about a rumour being spread that "the Khmer Rouge
2 considered the Cham to be the enemy number one". Was it indeed a
3 rumour, something that villagers told each other or was it more
4 than that?

5 A. The villagers talked about it and I only heard them talking
6 about it while I was working. And later on, after I heard about
7 it, I heard about the event connected to the Cham people. But as
8 I stressed, I only heard people talking about it and I cannot
9 recall as who were talking about this. I didn't dare look at the
10 faces of those people, and I concentrated on my work.

11 Q. Mr. Witness, I'm asking you this question because in that same
12 book from Ysa Osman that I just referred to, you are being cited
13 by saying that the fact that the Cham were the enemy number one
14 was announced -- announced in the villages. Am I now to
15 understand that this wasn't some announcement but it was just
16 what villages were telling each other; is that correct?

17 MR. PRESIDENT:

18 Mr. Civil Party, please hold on. And the National Lead Co-Lawyer
19 for civil parties, you have the floor.

20 [09.29.08]

21 MR. PICH ANG:

22 Mr. President, I am not objecting to this question, but please
23 instruct the defence team for Nuon Chea to provide the document
24 number and relevant ERN numbers.

25 MR. KOPPE:

11

1 No problem, Mr. Civil Party Lawyer. It's, as I said, the same
2 excerpt. It's English page 153 on the bottom. The ERN is
3 00218503; French, 00286655; and Khmer, 00218496. It says and I
4 quote: "In '74, they pressured--

5 MR. PRESIDENT:

6 Defence Counsel, please hold on. There is no French translation
7 through the channel. Please check it.

8 (Short pause)

9 MR. PRESIDENT:

10 Counsel Koppe, please continue and please, repeat the document
11 and the relevant ERN numbers.

12 [09.30.38]

13 BY MR. KOPPE:

14 Yes, Mr. President. As said, it is the book of Ysa Osman, E3/9336
15 on the bottom of page 153; English, ERN 00218502; Khmer,
16 00218496; and French, 00286655. And the quote reads as follows:
17 "In 1974, they pressured us even more. They announced that the
18 Cham was 'enemy number one'. Khmer enemy was enemy number two."

19 So my question again, Mr. Civil Party, is: Is it correct that it
20 was something that the villages were saying among each other, or
21 was it rather something that was announced? So which one of the
22 two is it?

23 MR. HIM MAN:

24 A. Concerning Cham enemy, at that time, the village chief was
25 also a Cham person. His name was Tham (phonetic). During the

12

1 meeting at that time, I was not there in the meeting. I was
2 digging up the dirt. I was in the village. I learned the
3 information from Tham (phonetic) the village chief, who was the
4 one who made the announcement that Cham enemy was the first in
5 the list. That is why at that time, we heard about Cham enemies.
6 Why I heard about this? Because at that time, Kaoh Phal was
7 referred to as Kaoh Pes (phonetic) because they were afraid that
8 there would be a rebellion at Kaoh Phal. So once again, Cham
9 people were referred to as the first enemy in the list.

10 [09.33.09]

11 Q. Mr. Witness, assuming for a second that your hearsay
12 information is correct, why would Thum (phonetic) who himself was
13 a Cham say that the Cham were enemy number one?

14 A. I am also doubtful why Cham people was considered the number
15 one enemy. I am in doubt as of now. I do not know why they
16 referred to Cham people as the number one enemy. And later on, I
17 noticed that Cham people were taken away and killed, including
18 me.

19 Q. I will get back to that a little bit later, Mr. Witness. You
20 also testified as to you and others being forced to eat pork. You
21 said that happened in '75, '76. Can you explain to us how that
22 went; how were people -- Cham people forced against their will to
23 eat pork? Was there enough pork meat around to force Cham people
24 to eat this? Or was there not enough fish from the Mekong River?
25 Can you explain to me a little bit how that went -- this forcing?

13

1 [09.35.05]

2 A. During the period, Cham people were forced to eat pork.

3 Religion was abolished. And we were prohibited from praying,

4 worship. Pork was given to all of us to eat and we were told to

5 cut our hair short and to become one nation -- that is, Khmer

6 nation. No other nations were allowed to be in the country; there

7 was only one Khmer nation. We were told to cut our hair or to

8 have our hair cut. We were prohibited from praying, from worship.

9 This is what I have known. Later on, the situation became worse.

10 There were no need to have guards at the kitchen. People were

11 working very hard to gain favour from Khmer Rouge. So no need

12 guards to guard the place -- the kitchen. And people -- even Cham

13 themselves would report on other Cham. From time to time, Cham

14 families were taken away one after another. So people in the

15 regime were trying to gain favour from Cham people. They wanted

16 to be considered loyal people by the Khmer Rouge. And at that

17 time, as I have told you, Cham families would disappear one after

18 another. I do not know the reason why they disappeared.

19 [09.37.16]

20 Q. Thank you for your very long answer, Mr. Witness. But I would

21 like to focus on one particular point. You said that the village

22 chief was Cham himself. Your village is right on the Mekong

23 River, which is full of fish as we all know. There's a lot of

24 evidence suggesting there was not enough to eat. So can you give

25 me one example where you witnessed yourself a Cham being forced

14

1 against his or her will to eat pork? When did this happen? Where
2 were you? Can you give me a concrete example please?

3 A. I was within group of people. If I refuse to eat pork, I was
4 afraid that the bullet would be shot -- I would be shot or I
5 would be beaten. So it applies to other people. If we refused to
6 eat pork, we would risk our lives. We had to eat pork. There were
7 lots of fish, but we were forced to eat pork, since they said
8 there was only one Khmer nation during the time.

9 [09.39.07]

10 Q. Is my understanding correct that you didn't actually witness
11 somebody being physically forced to eat pork but it was rather a
12 general fear that by not eating pork, you would somehow violate
13 rules? Is that how I should understand your testimony?

14 A. I agreed to what you said. There was an announcement that if
15 one refused eating pork, that person would be considered opposing
16 Angkar. They had to eat pork while weeping to save their own
17 lives.

18 Q. I still have some questions on this topic, but I'll move on
19 because of time, Mr. Witness. Let me now go to 1977, and more
20 particular to what you call the second lunar month, when you
21 married another Cham girl, your present wife. Just to be sure,
22 second lunar month in '77, would that be February '77?

23 MR. KOPPE:

24 Mr. President, I heard there was no Khmer translation?

25 [09.41.11]

15

1 MR. PRESIDENT:

2 Is there any problem with translation system?

3 You may now resume your questioning, Koppe, because there was
4 glitch in the system a while ago.

5 BY MR. KOPPE:

6 Q. Thank you, Mr. President. I will repeat my question, Mr.

7 Witness. And that is -- my question was about the marriage, your
8 wedding to your present wife, also Cham woman. You testified that
9 you married her in the second lunar month of 1977; would that be
10 February '77?

11 MR. HIM MAN:

12 A. Concerning my marriage, it happened a long time ago. I am
13 quite old now, I may not recall it well. I recall that I got
14 married in the Pol Pot time.

15 Q. Is it correct that when you got married to your present wife,
16 you were married together with 50 other couples at the ceremony
17 at Wat Au Trakuon?

18 A. Yes, that is correct. It was not only me and my wife who were
19 in the meeting. Perhaps there were 50 couples at that time
20 including my wife and me. And we were forced to eat pork during
21 the ceremony.

22 [09.43.33]

23 Q. I'll get back to that maybe. Do you recall, Mr. Witness,
24 whether there were Cham among these other 50 couples that got
25 married at Wat Au Trakuon?

16

1 A. I was there in the marriage ceremony. Other people as well
2 were in the ceremony, wedding ceremony. I do not recall all the
3 names.

4 Q. I understand. But were there also Cham who got married, Cham
5 among the 50 couples?

6 A. Yes, there were Cham people. And I also was there in the
7 marriage ceremony. My relatives were also there and Khmer people
8 were also in the marriage ceremony.

9 Q. And do you recall how many of the couples were Cham and how
10 many of the 50 couples were Khmer?

11 A. I cannot recall it, Mr. Lawyer. I only recall that there was a
12 marriage at that time. And I do not know how many couples were
13 there in the marriage. I do not have the full detail of the
14 information. There may have been around 50 couples in the
15 marriage.

16 [09.45.48]

17 Q. And do you recall whether Cham women were marrying Cham men,
18 and Khmer women were marrying Khmer men? Do you recall that?

19 A. We were advised to become Khmer nation. I do not know how they
20 paired me with my wife. My wife was actually my fiancée. And
21 there was another Cham person who was paired up with a Khmer girl
22 who was his -- or her fiancée at that time.

23 Q. Were you -- when marrying together with the other 50 couples,
24 were you at the site within the compound of Wat Au Trakuon? And
25 if yes, where were you exactly?

17

1 A. The marriage took place within the compound of Au Trakuon
2 pagoda. The venue was located to the west of the pagoda behind
3 the pagoda, from my recollection.

4 [09.47.52]

5 Q. And did you reach that point by going around the pagoda or
6 going through the compound of the pagoda?

7 A. I went directly to the table which were laid at that place. I
8 did not go or wander around because I was afraid of the time --
9 because I was afraid at that time. If I happened to wander
10 around, they would accuse me this or that. So I went directly to
11 the table already laid for everyone.

12 Q. But when you were approaching Wat Au Trakuon with the river in
13 your back, you can go straight taking the main entrance or you
14 can go around eastwards. Do you recall which route you took to
15 get to the ceremony?

16 A. I do not recall it well because it happened a long time ago. I
17 am sure that I was told to attend the wedding ceremony at Au
18 Trakuon pagoda. I did not know which way I used at that time --
19 which road I was travelling through at that time. I am quite old
20 now. Even you can see my teeth, I have no more teeth; only a few.

21 [09.50.17]

22 Q. When you were on the compound of Wat Au Trakuon, were you able
23 to see the temple, the big building on the left side when you
24 enter the main entrance?

25 A. I never climbed up into the temple. At that time, I went

18

1 directly to the venue, to the table laid for couples to get
2 married. So everyone was heading to the tables and we were paired
3 up. No one climbed out into the temple. It happened long time
4 ago, I cannot recall it well. But all I could remember is that I
5 was there attending the marriage ceremony.

6 Q. Do you recall hearing at that time in '77 whether there were
7 any prisoners being kept in the building of the temple on the
8 compound of the pagoda?

9 A. There was rumour around that there were chains, there were
10 shackles within the compound of pagoda. This is what I have
11 heard. I myself did not go and see whether there were actually
12 chains and shackles. I heard the rumour around, so I was afraid
13 in light of that rumour.

14 Q. Do you recall whether in '77 when you got married and the year
15 subsequently, there was a security parameter (sic) around the
16 compound of Wat Au Trakuon?

17 A. I myself did not go and see. I heard the rumour, and in light
18 of this, I was in fear. I did not dare to wander around, I was
19 focussing on my work. No one did dare to enter that pagoda at
20 that time. After we heard something's wrong, we would feel
21 afraid. We heard from others about the matter.

22 [09.54.05]

23 Q. Let me read something to you, Mr. Witness, something that
24 another witness testified to in this Chamber, in this room. Mr.
25 President, that's the testimony of Tay Koemhun -- his testimony

19

1 on the 16th of September 2015 at around 14.32. And I'm asking a
2 question, the question is as follows:

3 "So there was a parameter of 700 to 800 metres around the pagoda
4 where people were not allowed to come. But was there an extra
5 parameter in such a way that they, as you said, did not allow
6 people to live in the village?"

7 And then the witness answers: "You meant outside the premises of
8 the pagoda? If you talk about the external parameter of the
9 pagoda, it means actually the parameter of the premises of the
10 pagoda reached the river bank, and that area was also restricted.
11 So allow me to clarify. To the north of the pagoda was the river
12 front and to the south was a pond." And then a little further
13 down, he says and I quote: "All I know was that for the river
14 bank up to the compound of the pagoda, that area was not allowed
15 to walk or trespass into."

16 So Mr. Witness, this witness seems to say that from the pagoda
17 all the way down to the river was a restricted area where people
18 couldn't come. Is that your recollection as well?

19 [09.56.10]

20 A. I was living in Sach Sou village at that time. I heard about
21 that -- about what you have just said, the restricted area no one
22 dared to walk through or pass that restricted area. No people
23 were courageous enough to walk through that restricted location.

24 Q. Do you recall how far apart the external borders of the
25 parameter (sic) were? Did they stretch from the compound of the

20

1 pagoda all the way to the river? Or was the parameter (sic) even
2 bigger than that?

3 A. I have no idea, lawyer. I have told you already what I know.
4 As I said, in light of the rumour, everyone was afraid to go
5 close to the restricted area.

6 Q. Let me move on to what you testified to two weeks ago about
7 you walking in a parade of arrested Cham; you escaped together
8 with your wife, and then you hid 100 metres away from the pagoda.
9 Now, can you tell me exactly where you were because that's still
10 unclear to me? Where were you when you have the pagoda in your
11 back? Where were you exactly when you heard people screaming
12 allegedly while they're being killed?

13 [09.58.55]

14 A. I was to the east of the pits. From my estimates, the distance
15 from the pits and the place where I was hiding was about a 100
16 metre. For this reason, I could hear the screaming.

17 Q. And what was exactly 100 metres to the east of the pagoda?
18 What was there that allowed you to hide?

19 A. There were bushes, small bushes. I was hiding in the bush
20 where I could hear the screaming: "Oh Allah," and from there, I
21 could say it was about 100 metres away from the pits. I was
22 afraid -- I was concerned of my life, so I did not pay any
23 attention to other matters.

24 Q. Can you give us an estimate as to how far you were away from
25 the river, the Mekong River?

21

1 A. I can only give you an estimate. It was about half kilometre
2 from where I was hiding. So roughly, it's about 500 metres.

3 [10.01.22]

4 Q. And how far were you from the road that is eastward from the
5 pagoda -- the road that is directly on the east side of the
6 pagoda, how far were you?

7 A. Are you talking about the road on the east side of the pagoda?
8 If that is the case, I think the distance is quite similar from
9 where I was hiding. So from the pond, I was hiding to that
10 location is about one kilometre. This is a rough estimate only.

11 Q. What is exactly one kilometre, can you be a little more
12 specific?

13 A. The rough estimate is about one kilometre. Of course, I did
14 not have any tool to take any real actual measure of the
15 distance.

16 Q. But what is one kilometre; is that the pond where you were
17 hiding, one kilometre away from the river, or one kilometre away
18 from the pagoda?

19 A. The distance is from the pond that I was hiding to the Mekong
20 river bank. So let's say it's about 1,000 metres.

21 [10.03.45]

22 Q. So then the pond must be about half the distance, 500 metres
23 away from Wat Au Trakuon; is that correct?

24 A. I am unsure since I can only give you an estimate. And I do
25 not know the distance from where I was hiding to the pagoda.

1 Q. But we're talking about the same pond that you referred to in
2 your testimony two weeks ago when you said Khmer Rouge troops
3 fired "M79, B40, and AK rifle bullets at me in the pond". That's
4 the same pond where you were fired upon by heavy artillery; is
5 that correct?

6 A. The Khmer Rouge fired at the pond where I was hiding. They
7 fired many shots into the pond and they also fired the M79. I was
8 hiding in the water in the pond the whole day that day. And I
9 only heard the sounds of bullets being fired into the pond. And
10 by nightfall, they actually surrounded the pond. And actually,
11 next morning, they had villagers, many villagers coming to stomp
12 over the shallow part of the pond. And that happened next morning
13 -- that is, after they guarded the pond overnight. However, I was
14 laying under the water that day.

15 [10.06.34]

16 Q. But were they firing shots only at you or were there other
17 people in that pond as well?

18 A. In the pond, there were only my wife and I, and there was
19 nobody else. And of course, you can imagine they actually fired
20 into the pond in order to kill me, but luckily we were not hit.

21 Q. How is it, Mr. Witness, that you know that they fired M79 and
22 B40 ammunition at you? How is it that you found out that that
23 happened when you were hiding for three months and 29 days?

24 A. I did not see the bullets. However, I heard the loud noise of
25 B40 being fired. And from the sound, I could say it was a B40.

1 And the same thing applies to the M79. When I heard "pop, pop"
2 (phonetic) and then loud noise, I knew that it was the sound of
3 M79 being fired. Also the sound from AK-47 is different from the
4 sound of M79 or B40. I lived through the war time period and I
5 could distinguish the different sounds from different guns or
6 bullets being fired.

7 Q. So all this heavy the artillery was used to get only you and
8 your wife out of the swamp or the pond; is that correct?

9 [10.09.24]

10 A. It is very difficult for me to respond to your question. I
11 didn't know of their intention. But from what I knew, they fired
12 upon us in the pond. I heard they came to fire at the pond, and
13 that Cham people were being considered enemy number one. And I
14 did not know the motive behind their actions. However, before
15 they fired upon us, I heard they accused the Cham people as their
16 enemy number one. And of course, I was one of the Cham people
17 living in the area.

18 Q. But what you're describing you said must have taken place
19 somewhere in the middle of '77, whereas the Cham being enemy
20 number one was something you heard in '75 or '76. Was there any
21 connection?

22 A. As I stated, I do not recall the date or the year. But while I
23 was in Sach Sou village, I heard them talking about that. I
24 cannot specify the year. And for me, I am not really sure at all
25 about the date or the year, and let me stress that again and

24

1 again. But I did hear they say Cham people were their enemy --
2 number one enemy.

3 [10.12.01]

4 MR. PRESIDENT:

5 Thank you, Counsel. Thank you, Civil Party. It is now time for us
6 to have a short break. We take a break now and resume at 10.30.

7 Court officer, please assist the civil party during the break
8 time at the room for civil parties and witnesses, and have him
9 returned to attend the proceedings again at 10.30.

10 (Court recesses from 1012H to 1033H)

11 MR. PRESIDENT:

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

13 Before I give the floor to the defence team for Mr. Nuon Chea, I
14 would like to give a response to the defence team for Mr. Khieu
15 Samphan. The Chamber granted the request by defence counsel for
16 Mr. Khieu Samphan to delay time for the response to E370 until
17 the Chamber is notified the decision on the matter. The Chamber
18 would like to inform Parties that responses to document E370,
19 Parties are required to make oral submission in due course. No
20 written submissions are required by the Chamber.

21 The Chamber would like to inform that it will try its best to
22 make the decision on the request in relation to document E363 in
23 due course to deal with the challenges before all of us so that
24 we can proceed hearing civil party and witnesses as scheduled
25 this week and the following week.

25

1 Now I hand over the floor to the defence team for Mr. Nuon Chea
2 to resume his questioning to this civil party. You may now
3 proceed.

4 [10.36.13]

5 BY MR. KOPPE:

6 Q. Thank you, Mr. President. Good morning again, Mr. Witness. I'm
7 trying to understand where exactly you were when you testified
8 that you had been hiding for three months and 29 days in the pond
9 close to the pagoda. Let me first ask you: Do you know whether
10 the pond is still there today?

11 MR. HIM MAN:

12 A. Yes, it remained. It was -- it is still there. However, there
13 were -- there are not so many water hyacinths nowadays. In the
14 past, there were many of water hyacinths.

15 Q. Before the break, I was speaking to you about a road
16 immediately adjacent to the compound of the pagoda on the east
17 side. Do you recall whether there is a small road immediately on
18 the east side of the pagoda?

19 A. Regarding the small road on the east side of the pagoda, yes,
20 there was a small road. There were many small roads close to
21 where I was hiding myself. It was about 100 metre away from the
22 pits. Yes, there were secondary or small roads to the east of the
23 pagoda. I was hiding close to small roads -- very tiny roads --
24 to the east of the pagoda.

25 [10.38.45]

1 Q. And this particular road that I just spoke about east of the
2 pagoda, is that road going to the north and then around the pond,
3 and backwards to the south -- to the river; is that correct?

4 A. That tiny road was located to the east of the pagoda. That
5 road reached the pit where I was hiding myself. So that tiny road
6 was located to the east of a main road near the pagoda. And once
7 again, that tiny road reached the pit where I was hiding. I
8 cannot tell you the distance of that tiny road. And I already
9 told you the estimated distance from the pit where I was hiding
10 to the pond and also to the pagoda.

11 Q. Right now, there is a pond on the east side of the pagoda
12 about one kilometre north of the river, 500 metres, a kilometre
13 maybe away also from the pagoda, I'm not quite sure. But does the
14 road go around the pagoda and back to the south?

15 MR. PRESIDENT:

16 Please wait, Mr. Civil Party; you may now proceed, International
17 Deputy Co-Prosecutor.

18 [10.40.58]

19 MR. DE WILDE D'ESTMAEL:

20 I didn't rise earlier, but I think the lawyer has talked about
21 the geography of that location. We will refer to a document on
22 record, probably a photograph taken by the investigators of the
23 OCIJ. That would be something objective, because we are talking
24 in the air without any objective elements that we can rely on to
25 describe that geographical location.

1 MR. KOPPE:

2 Mr. President, the only thing that I'm trying to do is to
3 understand where he said he was hiding for three months and 29
4 days. It is correct that I am -- the use of the documents on the
5 case file are not now being used by me. I was there a few days
6 ago to just see how things are situated. It's very helpful.
7 Everyone should do that. But I'm trying to understand -- because
8 there's a road moving northwards right on the east side and it
9 goes around the pond. I'm just trying to understand from the
10 witness whether the pond that I think is there is the one that he
11 refers to.

12 [10.42.45]

13 MR. PRESIDENT:

14 The observation of the International Deputy Co-Prosecutor is
15 appropriate. This matter raised once again when we discussed
16 security centre of Krang Ta Chan.

17 Mr. Koppe, please rephrase your question. Please avoid testifying
18 yourself. Try to avoid the objective -- the subjective comments
19 provided through witnesses and then elicit the answer from the
20 civil party or witness.

21 Mr. Civil Party, you are instructed not to respond to the last
22 question put by the defence team for Mr. Nuon Chea.

23 BY MR. KOPPE:

24 Q. Let me reformulate the question, Mr. President. Do you know
25 today if there is a road leading from the east side of the pagoda

1 northwards to the pond? Is there a road that goes around the pond
2 today? Do you know?

3 [10.44.11]

4 MR. HIM MAN:

5 A. Nowadays, there is a new road and that new road reaches the
6 place where I was hiding. We can go from every direction to reach
7 the pit where I was hiding. It was to -- it is to the east of the
8 pagoda. I can tell you there are many newly-built roads, so you
9 will not get lost by using those newly-constructed roads. And
10 during the period, there were tiny roads in the fields and I was
11 trying to flee by using different tiny roads. The place where I
12 was hiding was the place called Bobaoh (phonetic).

13 Q. How far were you from the big road going southward from south
14 to north, road number 70; seven zero?

15 A. You want to know the number of the newly-constructed road --
16 that is, road 70? I cannot tell you the distance, but perhaps I
17 can give you the estimates, but it is very difficult for me to
18 give my response.

19 Q. I'm not sure if we are getting somewhere. Mr. Witness, I will
20 move on to another subject.

21 You said at one point in your testimony that you wanted to resist
22 what happened -- you wanted to resist after you had been hiding
23 and that you said that you went to a mosque to try to find a
24 weapon -- a gun. Why would you go to a mosque at the time to try
25 to find a gun or a weapon? What made you think at the time that

1 in the mosque there could be weapons?

2 [10.47.23]

3 A. I was hiding in that place and I -- I was hopeless. I heard
4 the screaming "Oh, Allah". And at that time I wanted to find any
5 weapons I could have to help myself, so I went around to
6 different places to find any weapons so that I could help Cham
7 people who had been -- who were going to be killed at the pits. I
8 went into a mosque to search for a weapon, but there was none.

9 And I was hopeless, finding no weapon. If I had found any
10 weapons, I would have used them to help my people, my Cham
11 people, my relatives, my villagers. So this is -- this was the
12 purpose that I was going to search for any weapons. I was not
13 hiding the weapons. I hoped at the time to find weapons so that I
14 could help my people, Cham people, who were mistreated.

15 Q. But you also testified that mosques weren't used anymore. You
16 said that rice was stored in the mosque. What made you think at
17 the time that notwithstanding that you could find a weapon in the
18 mosque? Why go to the mosque to find a weapon?

19 [10.49.35]

20 A. There were guards at the mosque because the mosques were not
21 allowed to use as a worship place, and the grinders were put in
22 the mosque. There were guards. Because there were guards, I was
23 thinking to myself that perhaps there were weapons -- arms -- by
24 those guards, so I decided to go to the mosque to search for
25 weapons. I saw guards lying in the mosque. I touch their -- his

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1 head, and that person was not aware that I was touching his head.
2 And in the mosque, I found no weapons. If there had been one or
3 there had been weapons, I would have taken them to help my
4 people, Cham people.

5 Q. And where was this mosque that you just described? Which
6 village?

7 A. This mosque was located in Ta Sou (phonetic) village. It was
8 in Ta Sou (phonetic), close to Peam Chi Kang. It was adjacent --
9 it was in the location adjacent to Peam Chi Kang. Once again,
10 that mosque was located in Ta Sou (phonetic) village.

11 [10.51.40]

12 Q. In your testimony, two weeks ago, Mr. Witness, you said - and
13 you were describing what happened at the pond -- this is, Mr.
14 President, at 2 -- 14.00.51, 17 September, you said, Mr. Witness:
15 "Somehow the people living nearby begged the Khmer Rouge to spare
16 my life since I was not involved in any accused activities." End
17 of citation.

18 What do you mean with you not being involved in accused
19 activities?

20 A. I lived -- I was allowed to live there because I had skills or
21 education in the matter. I was expert in diving to the bottom of
22 the river, and the fishing group needed the person who was
23 specialised in diving. For this reason, villagers loved me, and I
24 could survive. Since I was specialised in diving, I was needed by
25 them.

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1 [10.53.32]

2 Q. Mr. Witness, last week -- two weeks ago, you -- when asked a
3 question -- voluntarily offered to say -- quote: "I am not a
4 novelist. I am not here to create a story." What did you mean
5 when you said that?

6 A. I was -- I am not a novelist. It is my experience I have went
7 through. I witnessed the incidents and I am here to testify. I
8 may have forget some information because I am quite old at this
9 time. You can see that I have no many teeth. It is not a
10 creation, or it is not a novel created by me. It is the
11 experience I went through.

12 Q. Are the villagers today accusing you of being a novelist or
13 somebody who creates stories, or is that not the case?

14 A. Nowadays villagers, they did not -- they do not say I'm the
15 creators of the story. They do not say I am the novelist. You can
16 go and ask them. It is the experience I came across. I am Him Man
17 and went through that experience at that time.

18 [10.55.50]

19 Q. Very well. My last question, Mr. Witness, something that you
20 said while you were testifying here in court: You were asked a
21 question by the Prosecution -- Mr. President, that is at around
22 14.49, 17 September. You were asked a question by the Prosecution
23 about the evacuation of Cham at 3 p.m, villagers from Angkor Ban,
24 Sach Sou, Antung Sor, and you answered as follows: "All of them
25 died because everyone was sent to work in the dam site, in the

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1 worksite. So, all of these people may have died because of
2 labour." Why was it that you gave that answer to the question
3 about the arrest of the Cham? Were you implying that they were
4 arrested and subsequently were sent to work at the dam site or
5 the worksite?

6 A. Let me respond. Some Cham people were sent to that worksite.
7 They never returned afterwards. Some villagers were sent to work
8 in a worksite along National Road Number 6. They never came back
9 after they were sent. They never returned and only Ta Sos
10 (phonetic) returned. Villagers within the village were sent to
11 the worksite. Fifty per cent of the villagers were sent to that
12 worksite. And among that 50 per cent sent to the worksite, only
13 few came back -- that is, Sos (phonetic). Once again, 50 per cent
14 -- or some of the villagers were sent to the worksite -- that is,
15 number 6 worksite.

16 [10.58.44]

17 Q. So is my understanding then correct that when Cham villagers
18 were rounded up on the day of the parade, that they were sent to
19 worksites and worksites at road 6 and the dam site? Is that what
20 you're saying?

21 MR. PRESIDENT:

22 Please hold on, Mr. Man; you may now proceed, International
23 Deputy Co-Prosecutor.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you. I believe that the question is not at all clear with

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1 regard to the period when this happened and there might be also
2 confusion 10 days ago on the part of the witness, but it would be
3 useful here to clarify when because he was speaking apparently
4 about two different things: being sent to the worksite on road
5 number 6, which is very clearly different from what he said about
6 Wat Au Trakuon. So I think we should make a clear distinction
7 between the events and the periods that we're speaking about so
8 that we will not lead the witness to contradict himself.

9 [11.00.06]

10 MR. KOPPE:

11 I don't really see the contradiction. The answer given by the
12 witness was in relation to that question, and then he
13 specifically answered: "All of them died because everyone was
14 sent to work in the dam site, in the worksite." And I think he
15 just confirmed that. I can ask him about the period of time, but
16 that -- with this particular witness, that is kind of difficult,
17 it seems. So I think the objection should not be granted.

18 MR. PRESIDENT:

19 The objection by the Deputy International Co-Prosecutor is
20 sustained and the defence counsel should make it clear regarding
21 the facts you referred to in your questioning. He testified about
22 Cham being sent to Au Trakuon and the fact in your question seems
23 to be of a different timeline -- that is, the timeline was
24 different than that; the Cham was sent to work along National
25 Road 6. So please, make it clear in your question, rather than to

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1 confuse the witness due to the unclear nature of your question.

2 You may rephrase it, Counsel.

3 [11.02.11]

4 BY MR. KOPPE:

5 I'm not sure, Mr. President, but the 1st January Dam worksite we
6 have been discussing at length was in '77, same period of time
7 that we were discussing in relation to Wat Au Trakuon. But I will
8 rephrase my question.

9 Q. Mr. Witness, two weeks ago, you testified, and I quote again:

10 "All of them died because everyone was sent to work in the dam
11 site, in the worksite. So all of these people may have died
12 because of the labour, and they were arrested together with other
13 people and they all died. Cham people died. Cham people from Sach
14 Sou, Antung Sor, Angkor Ban villages died, who used to be working
15 together." When -- which period of time are you referring to when
16 you gave that testimony?

17 MR. HIM MAN:

18 A. I knew that when I was taken to be killed that the Cham people
19 there were also taken to be killed. And I learned of it when I
20 myself was being taken away to be killed.

21 [11.04.10]

22 Q. But again you're speaking specifically about people sent to
23 work in the dam site. "So, all of these people may have died
24 because of the labour." That's what you said. What did you mean
25 when you said that?

35

1 A. That was my personal conclusion because those people who were
2 sent disappeared and only Sang Kreach Sok (phonetic) returned,
3 who was actually the monk chief at the Ta Sou (phonetic) village.
4 Because nobody else returned, so I made my personal conclusion
5 that they all died. And that's my personal opinion. Only Yu Sof
6 (phonetic) returned. And maybe Sof (phonetic) knew how many Cham
7 people died. And Sof (phonetic) is still living today.

8 MR. KOPPE:

9 I'm mindful of the time now, so I will finish. Mr. President,
10 thank you.

11 [11.05.47]

12 MR. PRESIDENT:

13 Thank you, and the floor is now given to the defence team for Mr.
14 Khieu Samphan. You may proceed, Counsel.

15 QUESTIONING BY MS. GUISSÉ:

16 Q. Thank you, Mr. President. Good morning, Mr. Him Man. I am Anta
17 Guissé. I am the International Co-Counsel of Mr. Khieu Samphan,
18 and in that capacity, I'm going to put a few complementary
19 questions to you. First, I would like to put a few questions to
20 you about the period of 1975. You spoke about the Kaoh Phal
21 rebellion to my colleague. You said that you had heard about it.
22 So do we agree that in 1975 when you heard about that rebellion,
23 you were in Krouch Chhmar district?

24 MR. HIM MAN:

25 A. No, I was not in Krouch Chhmar district. I was in Sach Sou

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1 village in Peam Chi Kang. And I was digging the earth at the time
2 while I heard people talking about that event, about the
3 rebellion in Krouch Chhmar. That's the rumour that I heard. And
4 people who were digging the earth with me spoke about it.

5 [11.07.30]

6 Q. And those who were digging the earth with you, were they Cham
7 or were they Khmer?

8 A. It was a mixture of Cham and Khmer people. And we were digging
9 the earth together, and we were under watch by the Khmer Rouge
10 who were standing nearby, and we did not dare look at their
11 faces.

12 Q. During that period, or later on under Democratic Kampuchea,
13 did you meet people who came from Krouch Chhmar, or who were in
14 Krouch Chhmar when the rebellion happened?

15 A. No, I don't. I only heard villagers spoke about it throughout
16 the village. And later on, the Cham people were seriously
17 mistreated. And I did not understand why they were being
18 mistreated, and that they were accused of being enemy number one.
19 I did not know the reasons behind all this. So when I heard about
20 it, I was wondering what -- what was the motive behind it. Even
21 at the moment, I still do not understand the motive behind those
22 events. It was their secret and I am in no way of knowing it.

23 [11.09.43]

24 Q. You were interviewed by Ysa Osman who spoke -- who asked you
25 questions about your experience. And during these interviews, did

37

1 you bring up the Kaoh Phal rebellion? Do you remember having
2 brought up the Kaoh Phal rebellion with him?

3 A. Yes, I did. He came to interview me, and I spoke briefly about
4 this point. He asked me about the event that happened in Kaoh
5 Phal. And I told him, as I just stated, I heard other people
6 talking about what happened in Kaoh Phal, and that the Cham
7 people there were so stubborn. And one day, a Cham person, who
8 was considered an imam, was arrested by the Khmer Rouge. And then
9 he used the imam to speak on the loudspeaker to instruct all the
10 Cham living in the area -- that is, in Kaoh Phal area, to
11 surrender. And that they should not resist the Khmer Rouge. And
12 that was the reason behind the Cham's defeat. And later on, I
13 heard people say that Kaoh Phal later on was known or was
14 nicknamed "Kaoh Pes" (phonetic) -- that is, literally means the
15 "Island of Ashes". That is after the defeat of the Khmer Rouge,
16 who were accused of -- accused of being enemy number one by the
17 Khmer Rouge. And I still don't understand the clear motive of the
18 events that took place at Kaoh Phal, or what was the reason for
19 the Cham's rebellion.

20 [11.12.39]

21 Q. You spoke about Kaoh Phal. Aside from Kaoh Phal, do you know
22 if there were rebellions elsewhere in Krouch Chhmar district? Did
23 you hear of any other rebellions in other places as you heard
24 about Kaoh Phal?

25 A. I only heard about Kaoh Phal, and not about any other

1 rebellions - rebellions elsewhere. And the situation in my
2 village became even worse after we heard about what happened
3 there. And as I stated, I only heard about all these events while
4 I was digging the earth. And I was even fearful of losing my life
5 during the regime.

6 Q. Now I would like to speak about another period, the period
7 during which the Cham were arrested in Sach Sou. You said that
8 you don't remember exactly when the Cham were scattered,
9 according to what you said, but you said that you do remember the
10 period when you had to flee and hide in the pond, which you were
11 describing this morning. So my question is: Do you remember the
12 year when you hid in that pond?

13 [11.15.00]

14 A. I recall that it happened during the last year of the regime.
15 And that could mean it was in late 1978 or early '79. This is my
16 estimate only because when I was hiding in the pond. It happened
17 during the final year of the regime, so it could be in late 1978,
18 because upon my return, the regime fell.

19 Q. Can you confirm that in 1978, the Cham and the Khmer were
20 dressed in the same way, that the Cham were no longer wearing
21 their traditional clothes back then?

22 A. Before the regime fell, we could not wear any Cham traditional
23 dress. We had to wear the same dress as that of the Khmer people,
24 and we also had to cut our hair in the same way as the hair of
25 the Khmer people. We were not allowed to pray and we were forced

1 to eat pork. We were not allowed to pray or to worship anymore,
2 and if somebody tries to do it secretly and was caught, then the
3 person disappeared.

4 [11.17.15]

5 Q. Do you remember if when you were arrested, all the Cham who
6 were arrested as well were dressed as Khmer?

7 A. Yes, everyone. Everyone had their hair cut short in the same
8 style as that of the Khmer people. At the time, they said that
9 there had to be only one nation in Kampuchea. And when we were
10 taken away in droves to be killed, we had our short hair, and we
11 were not allowed to have any headscarves.

12 Q. You say they said that we were all Khmer, and that we belonged
13 to a same nation. Can you tell us who said that and when you
14 heard that?

15 A. I cannot tell you if this person A or person B used that term.
16 However, I heard it being said while I was working at the
17 worksite. So while we were working, I heard people speaking about
18 it and that from day to day the situation became worse, and the
19 Cham people did not dare to wear headscarves, for instance. We
20 did not dare to pray, and some people did secretly pray at night
21 time. However, they had to be careful and not allow the Khmer
22 Rouge to see it.

23 [11.20.00]

24 Q. When you were arrested, can you tell me, who was your direct
25 superior, your chief?

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1 A. I cannot recall as who was my direct superior when I was
2 arrested and taken away. I was being reassigned from one place to
3 another during the later part of the regime. My direct superior
4 was also a Cham person. I refer to my group chief, but I cannot
5 recall his name. And the people who came to arrest me were the
6 Khmer Rouge, and I did not know from which level they came. I was
7 only fearful of losing my life after I was arrested.

8 Q. In your -- in the information document relative to your civil
9 party application, English, ERN 00417865; Khmer, 00369053; and
10 there is no French ERN, you say, and this was -- you speak about
11 the period just before the end of the regime -- and you said that
12 an order had come down from the higher echelon. And who are you
13 speaking about when you speak about higher echelon, and who gave
14 you this information if you know it -- if you know where this
15 information came from?

16 A. We were living in the village, and while we attended the
17 meeting, we heard about instructions being come from the upper
18 echelon, or from Angkar at the upper level, but we were never
19 sure as which level it came. But we heard about it all the time,
20 about the upper level, upper echelon.

21 [11.23.18]

22 Q. But if I understood you well, no one explained to you who was
23 in question, and you never heard any names relating to what
24 Angkar actually meant. This was just a generic term that was used
25 if I understood your answer well.

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1 A. That is correct. I do not know any names of those people at
2 the upper level, although I only heard about instructions Angkar
3 at the -- at the upper level, upper echelon, but I do not hear
4 about their names.

5 MS. GUISSÉ:

6 Mr. President, I am aware of the time, and if the civil party
7 wishes to make his statement, I probably should stop right now
8 with my cross-examination.

9 [11.24.30]

10 MR. PRESIDENT:

11 Thank you.

12 Mr. Him Man, you are given an opportunity to make a statement of
13 harm and suffering regarding the crimes alleged against the two
14 Accused, Nuon Chea and Khieu Samphan, that happened during the
15 Democratic Kampuchea, resulting in your civil party application
16 to claim collective and moral reparations for physical, material
17 or mental injuries as direct consequences of those crimes, if you
18 wish to do so.

19 [11.25.58]

20 MR. HIM MAN:

21 At present, I am still suffering from what happened during the
22 regime. I lost all my hope since I lost many blood relatives and
23 distant relatives, as well as the property, although I don't want
24 to talk about the property. I have lost all of my relatives, and
25 sometimes I think it is better for me to die rather than to live.

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1 Sometimes I think that I become psychotic. People may think that
2 sometime I am crazy. Although it was fortunate that the saviours
3 came to rescue us, otherwise we would have died. Everyone,
4 including the Khmer people, would have died without the
5 intervention by the saviours. I do not know what other
6 descriptive statement that I can make before Your Honours since I
7 myself is illiterate. I cannot provide you any detailed statement
8 besides the fact that I do not have any hope in my life. At the
9 moment, I do not have any hope for my future. This is the result
10 of the suffering that I received during the regime. As I said,
11 all of my relatives, distant or blood, all died under the regime.
12 And I do not have anything else to add to that statement. And I
13 hope everybody knows what happened.

14 [11.28.56]

15 MR. PRESIDENT:

16 Thank you, Mr. Him Man. And the hearing of your testimony as a
17 civil party is now concluded. And the Chamber is grateful of your
18 time and testimony and that it may contribute to ascertaining the
19 truth in this Case. And you are no longer required to be present
20 in the courtroom and therefore you may return to your residence
21 or wherever you wishes to go -- you wish to go to. The Chamber
22 wishes you all the best.

23 Court Officer, please make necessary arrangement to transport Mr.
24 Him Man back to his residence, or wherever he wish to go to.
25 This afternoon, the Chamber will hear testimony of another civil

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1 party -- that is, 2TC- 2-TCCP-270.

2 It is now time for our lunch break. We will take a lunch break
3 now and resume at 1.30 this afternoon.

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

7 The Court is now in recess.

8 (Court recesses from 1130H to 1333H)

9 MR. PRESIDENT:

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

11 The Chamber will now hear the testimony of a civil party,
12 2-TCCP-270. However, before we invite 2-TCCP-270 into the
13 courtroom, the Chamber would like to inform the Parties that
14 during the hearing of this civil party there will be Sann Kalyan,
15 the staff from WESU to accompany her. And I would also like to
16 inform Parties as well that the witness, 2-TCW-928, which will
17 come to testify tomorrow will be cancelled, however we will have
18 another witness to replace him, that is, 2-TCW-845. The witness,
19 2-TCW-928, is not well and he is or she is not able to come and
20 testify tomorrow and the hearing of the testimony of this witness
21 will be informed to Parties in due course.

22 Court officer, you are instructed to bring in the civil party
23 together with the WESU staff.

24 (Civil party enters courtroom)

25 [13.36.31]

1 QUESTIONING BY THE PRESIDENT:

2 Good afternoon, Madam Civil Party, what is your name?

3 MS. NO SATES:

4 A. My name is No Sates.

5 Q. Thank you, Madam No Sates. When were you born, do you recall
6 it?

7 A. I do not recall the date exactly.

8 Q. And how old are you now?

9 A. I am 57 years old.

10 Q. Thank you. Where you were born?

11 [13.37.26]

12 A. I was born in Svay Khleang village, Svay Khleang commune,
13 Krouch Chhmar district, Kampong Cham province at that time but
14 now it is in Tboung Khmum province.

15 Q. What about your current address, where are you living now?

16 A. I am living in Svay Khleang. In 1975 there was a rebellion at
17 Svay Khleang and I was then evacuated to Khsach Prachheh Leu.

18 Q. Wait, Madam Civil Party, I would like to know where you're
19 living now?

20 A. I am living in Svay Khleang village, Svay Khleang commune,
21 Krouch Chhmar district, Kampong Cham province.

22 Q. What are your parent's names?

23 A. My father's name is Smas No and my mother's is Res Maisom
24 (phonetic).

25 Q. What about your husband, what is his name, how many children

45

1 do you have together?

2 [13.39.06]

3 A. My husband's name is Slaiman Min. I am the mother of eight
4 children who are living now.

5 Q. Thank you, Madam Civil Party. The Chamber would like to inform
6 you that at the end of your testimony as a civil party, you make
7 a victim impact statement if any, concerning the crimes and
8 sufferings suffered by you during the Democratic Kampuchea. In
9 accordance with Internal Rule 91bis of the ECCC, the floor is
10 first given to the Lead Co-Lawyers for civil parties before other
11 Parties. The combined time for Lead Co-Lawyers and Co-Prosecutor
12 is two session. You may now proceed.

13 MR. PICH ANG

14 Good afternoon, Mr. President, Your Honours, everyone in and
15 around the courtroom and I would like to cede the floor for Mr.
16 Lor Chunthy to put questions to the civil party, No Sates, and
17 then maybe Marie Guiraud will have some further questions.

18 [13.40.33]

19 MR. PRESIDENT:

20 You may now proceed.

21 QUESTIONING BY MR. LOR CHUNTHY:

22 Thank you, Mr. President. Good afternoon the Chamber, Judges at
23 the Bench. Good afternoon, Parties. My name is Lor Chunthy, I am
24 a lawyer for civil parties, I am from Legal Aids of Cambodia.
25 Good afternoon, Madam No Sates. I will have some questions to ask

1 you about your experience in the period of 1975 and 1979.

2 Q. First of all, before 1975, where did you live?

3 MS. NO SATES:

4 A. I lived in Svay Khleang, Krouch Chhmar district -- Svay
5 Khleang commune, Krouch Chhmar district, Kampong Cham province,
6 back then.

7 Q. Thank you. In your village, did this village belong to Cham
8 people or were there other people living together with Cham
9 people as well in your village?

10 [13.42.41]

11 A. It was considered a Cham village at that time.

12 Q. Thank you. Did Cham people in the village practise their
13 religion as normal back then?

14 A. In 1975 it was chaotic, there were no religions. There were no
15 Cham tradition and religion. The practising of religion was
16 prohibited; Cham people were not allowed to practice religion
17 within the mosque.

18 Q. Wait Madam Civil Party, I'm asking you about the specific
19 period of time before 1975, so please listen to my question
20 carefully. Did your people in the village practise their religion
21 as normal or did there any change in practising religion?

22 [13.44.26]

23 A. At that time, we could do the prayer or we could practise our
24 religion, however we were also in fear when we practised our
25 religion. Later on in late 1975, religion was abolished.

1 Q. Wait Madam Civil Party, please listen to my questions
2 carefully and please give the response specifically to the
3 question I put to you. Now, I would like to move on, following
4 the 17th April 1975, did Cham people in your village still live
5 in their own village at the time or were they transferred to any
6 other places?

7 A. In 1975, Cham people were evacuated. My villagers and I,
8 within the Svay Khleang, had been evacuated. Some were sent to
9 Dambae, Kampong Thom and Soupheas and I did not have a father at
10 the time so I was sent to live in Prachheh.

11 Q. You made mentioned that you were evacuated after 1975; could
12 you tell the Court where exactly your families were transferred
13 to?

14 A. I was sent to live in Prachheh. We all left Svay Khleang
15 village and stayed in Krouch Chhmar district. We were detained in
16 a drug warehouse for a month and later on we were further sent to
17 Prachheh.

18 [13.47.28]

19 Q. I want you to tell specifically to the Chamber, immediately
20 after the evacuation, where were you sent to, where did you stay?
21 Were you directly sent to Prachheh? So, where did you live before
22 you reached Prachheh?

23 A. Let me clarify. First I was sent to live in Krouch Chhmar Leu
24 the place where I was detained. I had already lost my father
25 before I was sent to Krouch Chhmar. He was arrested and put at

1 Samraong. I was told to walk to Krouch Chhmar Leu and stay in the
2 medicine warehouse. I was detained within the warehouse and they
3 were guarding me. My family, including my grandmother, was
4 detained within the warehouse. There were around 200 and 300
5 people detained at that warehouse. We were put in that warehouse
6 for a period of one month and three days after which we were
7 released to live in another place. We received no enough food to
8 eat, no medicines for treatment at that time. We were left
9 untreated until we got recovered from the disease.

10 [13.49.43]

11 Q. You stated that you had lost your father already before you
12 were sent to Krouch Chhmar, so could you explain further on this
13 matter?

14 A. My father had already been detained when we were being
15 evacuated. I had lost my father before I and my family were sent
16 to Krouch Chhmar.

17 Q. What about other villagers, who also had been evacuated, had
18 they also lost their family members as well, before they were
19 evacuated?

20 A. To my recollection, some of my neighbours disappeared and
21 never returned but some other returned. My father disappeared and
22 he has disappeared ever since.

23 Q. You made mention that you were put in a medicine warehouse or
24 tobacco kiln and what were people required to do in that kiln?

25 A. People were detained within that kiln so that they could find

1 out who the enemies were and we were gathered by the military or
2 soldiers. We were not told to do anything but to stay in that
3 kiln.

4 [13.52.08]

5 Q. You stated that all of you were placed in that kiln in order
6 that they could search out for enemies, so how did they search
7 for enemies among all of you?

8 A. They wanted to see whether we would rebel at the time.

9 Q. You made mention about the rebellion, do you know where the
10 rebellion started?

11 A. The rebellion took place in Svay Khleang at that time. In Svay
12 Khleang village and commune. After we had been defeated, we were
13 evacuated. If we refused to leave, we would be accused of being
14 enemies and we would be shot dead, if we want to survive, we had
15 to live according to their orders.

16 Q. Were you among other villagers on the day of the evacuation?

17 [13.53.56]

18 A. Yes, I was around 17 years old. I was one person among those
19 who were at the rebellion.

20 Q. During the rebellion, did you know the groups which Cham
21 belonged to, were they divided into groups?

22 A. I did not know at that time. I only knew that those who were
23 linked to the incident were taken away. I was among the group
24 during the rebellion back then.

25 Q. My apology, Madam Civil Party, I would like you to tell the

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1 Chamber about the rebellion, when exactly did the rebellion take
2 place, did it take place at night time, day time or when exactly?

3 A. The rebellion started at around 7 p.m. and it continued the
4 day after. And the day after at 7 p.m. the rebellion had been
5 defeated and we were evacuated out of Svay Khleang village.

6 Q. Thank you. I would like to move on to another fact. You made
7 mention that after the rebellion people were evacuated out of the
8 village and you stated that you were sent to live in Khsach
9 Prachheh Leu. Where was Khsach Prachheh Leu exactly, was it
10 within Krouch Chhmar district at the time?

11 A. I had been evacuated to live in Khsach Prachheh Leu and I told
12 you that I was detained in the kiln for a period of one month and
13 three days after which I was further transferred to live in
14 Khsach Prachheh Leu.

15 [13.56.53]

16 Q. How long did you stay in Khsach Prachheh Leu, did you stay in
17 Khsach Prachheh Leu until the end of 1979?

18 A. I was sent to live in Khsach Prachheh Leu and I was there
19 until the arrival of Southwest zone cadres. Upon their arrival,
20 we were gathered; I lived in Khsach Prachheh Leu for almost a
21 period of two years. I was living there in 1975, 1976 and perhaps
22 1977 during which the situation was becoming tense. People were
23 taken away and killed without discrimination.

24 Q. Thank you. Were you all invited to attend a meeting to be
25 informed of any other instructions?

1 [13.58.18]

2 A. I was ordered to live in Khsach Prachheh Leu area. I lived in
3 Ming Ouy's (phonetic) house. The meeting would take place once
4 every month or even earlier than that and we were told not to
5 speak Cham language. Our religion was abolished, we were
6 prohibited from practising our religion and we were not allowed
7 to say any prayers. And there would be one Khmer person living
8 with two Cham people and the food situation was good at the
9 beginning but later on in mid of the regime, the food situation
10 was becoming worse.

11 Q. You have just stated that there were meetings, you were
12 invited into a meeting or meetings and you were told of the
13 instruction by them not to practising Cham religion. So, if Cham
14 people refused to follow instructions, that is, if they still
15 practised their religion, what happened to them?

16 A. Those who did not follow instructions would be considered
17 enemies. We were prohibited from practising our religion or doing
18 the worship and if we still did it, we would be considered
19 enemies and taken away.

20 Q. Were you sent to elsewhere to work, for example in a mobile
21 unit?

22 [14.00.42]

23 A. Later I was sent to a mobile unit and during a dry season we
24 were sent to Boeng Krachab to build a dam there and the work was
25 completed in three months, that is, the dam construction. Each

1 day we had to complete three cubic metre of work quota and we
2 were given at the beginning a rather thick gruel mixed with salt
3 but later on the gruel became more watery, there was no taste in
4 the gruel itself. I became exhausted while I was working at the
5 dam worksite, I got dysentery one night at 2 a.m. and I was sent
6 to a hospital that day. I spent 10 days at that hospital but I
7 was afraid to stay any longer although I was not fully recovered,
8 I had to return to work so that I could survive. However, the
9 rest of relatives including my parents were not that lucky and
10 they died during the regime.

11 [14.02.25]

12 Q. You said the food ration was very little while you were
13 working at the worksite and were you forced to eat pork while you
14 were working there?

15 A. Indeed we were forced to eat pork but we could not, I only ate
16 gruel with salt. They did not cook food for us separately. They
17 cooked soup mixed with pork, some of us could take it, while
18 others did not, I myself could not take it so I ate salt with
19 gruel.

20 Q. About your mother who was staying at home, was she assigned to
21 do anything?

22 A. She was tasked to raise pigs, three pigs, but she was afraid
23 of raising pigs and she became sick. She did not dare touch pigs,
24 she only mix bran and give it to somebody else to give to the
25 pigs. If she didn't do it, she would be accused of opposing

1 Angkar.

2 Q. Were you assigned to dig a canal somewhere?

3 [14.04.40]

4 A. In the second year, that is, after the work completion in
5 Boeng Krachab, I was assigned to work at Teuk Chroev and we had
6 to walk for three days to reach Teuk Chroev area and we arrived
7 at nightfall. There was no shelter for us and actually we slept
8 in the area where graves were there. We had to sleep on those
9 graves and in the morning, we were asked to build a shelter so
10 that we could stay and we had to stay there for two months and
11 when it rained, the water rose to the height of my thigh and
12 there were plenty of leeches. Although we could not really sleep
13 properly during the night time since it was raining and water was
14 everywhere, we had to go and dig the canal. The canal was six
15 metre wide and two metres deep.

16 Q. From your testimony, when you were digging a canal there, how
17 the accommodation was organised, could you provide a little bit
18 more details?

19 A. We were in a shelter; however the water was leaking everywhere
20 when it rained. The villagers there did not dare to let us in,
21 they were afraid too.

22 [14.07.16]

23 Q. Now I would like to move on to another topic. You already
24 testified about being in a mobile unit and later on you were sent
25 to Khsach Prachheh and what happened when you were sent back?

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1 A. After I returned from Teuk Chroev, I returned to Khsach
2 Prachheh and three or four days later I was assigned again to
3 build a dam at Chumnik. And I was there for about a fortnight
4 then I heard gun fire but at that time it was when the southwest
5 group was fighting with the Khmer Sar or White Khmer and then we
6 ran back into the village from that worksite.

7 Q. While you were at Khsach Prachheh, was there a meeting where
8 people were gathered?

9 A. We were not called to attend any meeting because by that time
10 the situation was rather chaotic and there was exchange of fire
11 with another group. I was in Khsach Prachheh for about a
12 fortnight then the Southwest group gathered all the Cham people
13 and taken away. They told us that we were being relocated to the
14 other side of the river that is to Stueng Trang as that area was
15 abundant with food. My mother, my younger siblings and cousins,
16 along with other villagers who were Cham people, were gathered up
17 and sent there. As for me I was in a women's group, then we were
18 sent to Khsach Prachheh Kandal -- that is, Trea village while my
19 mother and the rest of my families got on a ferry. So I was at
20 the Khsach Prachheh Kandal and by about 1 o'clock in the
21 afternoon, we were sent to live in Trea village.

22 [14.10.30]

23 Q. Could you please tell the Chamber in detail about the process
24 of evacuation, where people were put on boats?

25 A. After I had left I was told by other people that my mother

1 amongst other Cham people were put on big ferry, that is all the
2 Chams in Krouch Chhmar district were rounded up and put on that
3 big ferry and they got off at Stueng Trang district at the other
4 side of the river.

5 Q. Was it the destination where your mother and the other people
6 Cham people got off, that is Stueng Trang?

7 A. They got off at Stueng Trang, although I was not sure whether
8 that was the intended destination. That's all I heard at the
9 time.

10 [14.12.01]

11 Q. Were members of your family on board that ferry or were some
12 families sent elsewhere?

13 A. Members of my family were put on this big boat or ferry along
14 with many other Cham families. All people on board were Chams,
15 there was no Khmer.

16 Q. Can you tell the Court the members of your family who were put
17 on that big boat?

18 A. Yes, I can do that. Besides myself, there were my younger
19 brother, my mother, my three younger sisters and my grandmother.

20 Q. Let me talk about you. You said you were relocated to Trea
21 village, how did you arrive at Trea village and how long did it
22 take you?

23 A. I was relocated to Trea village and we actually departed at 1
24 o'clock in the afternoon and we arrived in Trea village at around
25 6.00 or 7 o'clock at night; it was raining, we were so exhausted

1 as we did not have any food to eat at all, and then rested in
2 that house. And local villagers there actually looked at us
3 briefly and they did not dare to actually look at us and I could
4 hear the sound of their ankles or feet being chained in that
5 house.

6 [14.14.56]

7 There were four or five men in each house and I was exhausted so
8 I fell asleep quickly but maybe only 20 minutes later, we were
9 woken up by the presence of the district chief who was escorted
10 by other people and he woke us up and instructed us to stand up
11 and to let them tie us up. We didn't react for some reason. So
12 they tied us up and placed us in a long line, there were about
13 300 of us altogether. After they tied us up and lined us up, they
14 questioned us, asking whether we were Cham or Khmer. Then if
15 somebody answered that she was Cham, then she would be taken out
16 from the line, escorted by an armed person either with a weapon
17 or with a knife and they left. So, all those people who answered
18 that they were Cham, they were escorted by an armed person each
19 and they disappeared since.

20 [14.16.35]

21 After they tied me up, they questioned me and asking whether I
22 was Cham or Khmer and I said I was Khmer, then they used a torch
23 to light up my face and asking me whether I was a Yuon or
24 Vietnamese daughter, I protested that, "no", and I still insisted
25 that I was a Khmer person and after a few rounds of back and

1 forth, they believed that I was a Khmer girl. So then they took
2 away all those people who answered that they were Cham and there
3 were about only 30 of us and then they untied us and they said
4 that we were lucky as he was there to question us and that we
5 were Khmer.

6 And in the morning they brought us a pot of soup, that is, fish
7 with banana stem. It was pot of that size and a pot of gruel for
8 30 of us. I could not eat. However the soldiers insisted that we
9 should eat and we should not feel scared anymore.

10 Q. Let me go back little bit, you said you were sent to that
11 village, can you tell the Court, how many of you altogether?

12 [14.18.51]

13 A. All of us were women and we were escorted by soldiers. And as
14 I said at Trea village, after they took away all the Cham people
15 and we were untied, in the morning they asked us to write our
16 biography again. I was asked about the names of my parents and
17 siblings and I told them that my name was No Chea An (phonetic),
18 not No Sates. And then they spotted a pair of earrings that I was
19 wearing, then I was asked to give them the earrings so that
20 Angkar could use it to exchange for hoes. And I did. From that
21 day onward I don't wear any earrings anymore in order to remind
22 me that the earrings were taken off at that time so that my
23 children know what happened to me.

24 Q. Madam Civil Party, please compose yourself. And when you were
25 asked whether you were a Cham person or a Khmer person, can you

1 tell the Court -- rather you said that there were many women in
2 that house, please tell the Court how many women were left after
3 the questioning session concluded?

4 [14.21.20]

5 A. There were about 30 of us remained although I do not know
6 their present whereabouts. Some of them got married and moved on
7 to live in another village or another province and some passed
8 away and there may be only a few of us who are still living in
9 the same village.

10 Q. And for the group that was left, including yourself, were you
11 assigned to engage in any specific task?

12 A. I was detained there amongst other women for nine days. Then
13 they released us and before that they had a celebration as they
14 killed a pig and cooked it in a curry soup. That day I had to
15 force myself to eat pork. So I ate a few pieces of pork in order
16 to survive, to make them believe that I was not a Cham person.
17 Then we were reassigned to work in various parts in Trea village.
18 I was put into another house with the rest of the group and we
19 were tasked to dig the earth. They told us that it was to build
20 -- to dig the earth in order to build toilets. The size was half
21 a metre wide and two metres long.

22 [14.23.22]

23 And actually men whispered to us one night at about 10 o'clock,
24 that is when the situation was quiet. And allow me to say, the
25 Khmer soldiers also got scared, they did not walk around at night

1 time. Those men told us that why we were digging the earth and we
2 were told that actually we were digging our own grave. He also
3 said that we better flee from the area and I responded that I had
4 no means to go and he said that there were few boats available
5 that we could take and flee away. Then I thought that I would
6 make that arrangement tomorrow as I had to ask permission to go
7 and bring some clothes. Then they granted me the permission and
8 rest of the group was waiting for me at Khsach Prachheh Kraom. I
9 left at about 3.30 and we arrived at 4.30, and then we got off on
10 the boat to go into deep forest and they actually started
11 searching for us. They spent three days searching for us and for
12 other women who did not dare to flee remained on site, the Khmer
13 Rouge did not do anything to them and I was on that boat with two
14 other women.

15 [14.25.26]

16 Q. Before you reach that point, could please go back a little
17 bit, I refer to the period that you were assigned to work along
18 the river bank. Could you tell the Court whether you encountered
19 any specific event?

20 A. Yes, I did. I was assigned to work in the village along the
21 river bank. People were killed and dropped into the river. There
22 were lines of people who were killed and actually floating in the
23 river. I saw children who were tied up and floating in the river.
24 I actually recognised a man whose throat was slashed and floating
25 in the river. Actually the corpses did not flow with the current,

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1 it was flowing in circle, it seemed like the souls of the dead
2 didn't want to go away. The person that I recognised was Thol.

3 Q. You said you saw young children who were floating in the river
4 and their bodies were in sacks; am I understanding you correctly?

5 A. I saw dead bodies floating in the river and that's truth,
6 that's what I saw. Again, I saw dead bodies floating in the river
7 and it is because the corpses got swollen so the sacks broke and
8 I could see the body parts of the corpses and for that reason I
9 recognised one of the corpses that was the corpse of Thol.

10 [14.28.34]

11 Q. You spoke about dead bodies of children and that their sacks
12 were broken from the swollen bodies and that you recognised --
13 that you could see the dead corpses; am I understanding you
14 correctly?

15 A. Some sacks or bags were broken from the swollen corpses. Allow
16 me to stress, I did not see when people were killed or when the
17 bodies were put into those sacks but I saw those corpses floating
18 in the river. There were corpses floating in the river
19 everywhere, I did not even want to drink water from the river.

20 Q. You said that you saw those dead corpses and some of them were
21 soldiers, how could you identify that those dead bodies were
22 soldiers?

23 [14.29.53]

24 A. I knew that they were soldiers from the uniforms that they
25 wore. Actually those bodies floated in the river in line while

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1 they were still in uniforms, that's why I knew they were
2 soldiers. They were soldiers in the East Zone.

3 Q. What was the colour of the uniform was it black?

4 A. No it was not black in colour, it was military uniform it's
5 like a khaki colour. It's rather greenish.

6 Q. You stated that you saw that the throats were cut, did you
7 notice that cut on all bodies floating in the river?

8 A. I noticed that the body of Thol, his throat was cut and I do
9 not know about the bodies of other people, as I told you I saw
10 the bodies floating the river and I did not see the actual
11 killing but bodies floating in the river.

12 Q. Thank you. I have two last questions to put to you, Madam
13 Civil Party. When you were assigned to work in villages or
14 various places and you stated that you witnessed the incident
15 that you just mentioned. So after the incident, where did you go
16 and live? Did you go to live in Trea village, after you saw the
17 bodies floating in the river?

18 [14.32.46]

19 A. I was -- before I went into the forest I was working and
20 living in Trea village and three days later I ran into the
21 forest. I was thinking to myself, I would be happy to die in the
22 forest. I did not want other people to cut my throat -- my throat
23 and kill me so I did not think of any other things besides
24 running into the forest. I was living in the forest, they fired
25 me and my group, they went to search for all of us once or twice

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1 a day and I had scar on my upper -- on my calf and at the time I
2 got injury.

3 Q. Thank you. I would like to back track a little bit. You stated
4 that you were living in a house with tile roof in Trea village
5 and you said that you heard the shackles, the sound of shackles,
6 so could you expand a little bit further on this matter?

7 [14.34.18]

8 A. In Trea village, the military security centre was there,
9 district chief was also there. Detention took place at that site.
10 People were taken and put in houses in that site, one house may
11 accommodate -- may have accommodated 10 or 20 people.

12 Q. I would like you tell the Court once again, what made you
13 answer you were Khmer, at the time when you were asked?

14 A. The reason that I said was Khmer is that if I had not said I
15 was Khmer I would have been killed because Cham people were taken
16 away and killed. I was hopeless at that time and I was thinking
17 to myself that I would be killed on the night and I was thinking
18 to myself and convinced myself to answer that I was Khmer person
19 and in light of the answers I could survive.

20 Q. Thank you. Later on, after the 6th January 1979, did you
21 return to your birth village?

22 [14.36.29]

23 A. After the end of Pol Pot regime I went to live in Suong. The
24 front -- the liberation front gathered us up and let us live in
25 one certain location. After a month I sought the permission to

1 return to my birth village in Krouch Chhmar. I spent three days
2 walking in order to reach Krouch Chhmar. Upon my arrival at
3 Krouch Chhmar I saw no relatives, no parents and I noticed that
4 there had been two or three Cham families there when I arrived. I
5 asked whether these people saw my relatives, my parents and my
6 siblings but they said no. Every time I watched TV and saw the
7 broadcasting about the Khmer Rouge, about the treatment during
8 the regime, I cried and wept. I missed my parents; My relatives,
9 siblings and parents had died. Sometimes I have to go to the
10 field to cry and shout loudly to relieve myself. Every time I go
11 to transplant rice seedlings, I am singing, I am shouting to
12 relive myself like a crazy person and people sometimes ask me why
13 I am shouting and crying and I told them that no, I was acting as
14 normal.

15 Upon my arrival at my house in the birth village, I got married
16 and later on I had children and I could feel relieved as time
17 went by. However, I cannot forget the incident, the bad
18 experience I encountered.

19 [14.38.58]

20 Q. Thank you. My last question perhaps, in relation to villagers
21 who had been evacuated out of your village. Did you see them
22 during the time that you returned to your village after the end
23 of the regime?

24 A. My mother, my younger siblings disappeared. People who were
25 put in the kiln were sent to live in various places. People,

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1 those who were working and living together with me at that time,
2 disappeared.

3 MR. LOR CHUNTHY:

4 Thank you, Mr. President, I am done with my questioning. I would
5 like to cede the floor for my international colleague.

6 MR. PRESIDENT:

7 Thank you very much. It is now time for a short break, the
8 Chamber will take a short break from now until 3 p.m.

9 Court officer, please facilitate and find a proper room for this
10 civil party during the break time and please invite her back
11 together with the WESU staff into the courtroom at 3 p.m.

12 The Court is now in recess.

13 (Court recesses from 1440H to 1502H)

14 MR. PRESIDENT:

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

16 And again, the floor is given to the Lead Co-Lawyers for civil
17 parties to continue putting questions to the civil party. You may
18 proceed.

19 Do you still have any question to be put to the civil party?

20 MS. GUIRAUD:

21 President, no. We will give the floor to the Co-Prosecutors.

22 MR. PRESIDENT:

23 Thank you. The Chamber then would like to give the floor to the
24 Co-Prosecutors to put their questions to this civil party. And
25 you may proceed.

1 [15.03.14]

2 QUESTIONING BY MR. SREA RATTANAK:

3 Good afternoon, Mr. President, Your Honours, and everyone in and
4 around the courtroom. Good afternoon, Madam Civil Party. My name
5 is Srea Rattanak. I am a National Deputy Co-Prosecutor. I only
6 have a few follow-up questions to put to you in relation to what
7 happened in Trea village.

8 Q. Upon your arrival in Trea village, you stayed in a house and
9 can you tell the Court were there other people already in that
10 house upon your arrival?

11 MS. NO SATES:

12 A. No. When I went up the house, the house was empty. However,
13 against the walls, I saw some rings and earrings laying and
14 scattered there on the floor near the wall, that's upon my entry
15 into the house.

16 Q. For those women who went with you, were all of you placed into
17 that one house, or were they placed into other houses as well?

18 A. No, we were not separated. We were placed into that one house.

19 Q. In response to the questions put to you by your lawyer, you
20 said that the district chief Hor, came to meet you and to
21 question you. And how did you know him?

22 [15.05.36]

23 A. I knew he was a new district chief who came from the other
24 side of the river. Hor was the chief of the district, and I
25 cannot recall his deputies. It was Peng (phonetic), and the

1 member of the district was Chhim (phonetic). And there were also
2 other soldiers whose names I couldn't recall. Their office was
3 not far from where we were at the time.

4 Q. My question to you, Madam Civil Party, is that how did you
5 know that he was the district chief when he came to meet your
6 group?

7 A. I knew him as district chief as I learnt from the soldiers
8 there. So I learnt about him, Hor the district chief, about his
9 deputy and member of the district. In fact, they told us that
10 they were in charge of the district chief and Hor was the chief.

11 [15.07.13]

12 Q. For those women who said that they were Cham and they were
13 taken away, how many women actually responded that they were
14 Cham, and how many said that they were Khmer?

15 A. There were many women in the house. There were about 300
16 women. So those women who said that they were Cham were taken
17 away, and there were only about 30 of us left behind who said
18 that we were Khmer. I risked in responding to say that I was
19 Khmer, because I wanted to live to see what would happen in
20 Kampuchea. And actually, the questioning process happened at
21 night time. They lit a torch upon my face and said that I was a
22 Vietnamese girl, that is, Hor who was a district chief. But I
23 insisted and I protested that I was a Khmer girl. And upon the
24 third time that I said that I was a Khmer girl, he accepted it.
25 And I was allowed to be put in one side. Then other women also

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1 who came from my village responded that they were Khmer when they
2 were asked whether they were Khmer or Cham. So the 30 of us --
3 about 30 of us remained after we said that we were Khmer.

4 Q. Were you then under monitor again after that night? You said
5 that they did not believe that you were a Khmer girl, and you
6 were kept in that house for nine days as you testified earlier.
7 Were you under monitoring during this period?

8 [15.09.30]

9 A. Of course, we were under constant monitoring. And they knew
10 that we were sent there after what had happened. And in fact,
11 they went to my native village to ask whether we were Khmer. And
12 the people there had pity on us, then said that we were the
13 children of the Khmer families and that we were mistakenly taken
14 with other Cham people.

15 Q. And among the 30 or so people who were -- remained there, were
16 any of you found out to be not Khmer?

17 A. Please repeat your question as I don't fully get it.

18 Q. Among the group of about 30 of you who said that you were
19 Khmer, later on, was there any one of you found out not to be
20 Khmer and in fact Cham?

21 A. No. However, we were making plan of fleeing the area as we
22 were afraid that we would be the subject of killing again.

23 [15.11.12]

24 Q. And did you know what happened to those women who said that
25 they were Cham and they were taken off the house?

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1 A. They were asked whether they were Cham, and if the response is
2 yes, then they were taken off the house. And for us, when we said
3 that we were Khmer, then we were allowed to stay on that house.

4 Q. What I want to hear from you is that for the women who said
5 that they were Cham, then they were taken off the house to the
6 ground, what happened to them there?

7 A. They were taken off the house and I saw people who carried a
8 folding bat, AK47 and some were carrying knives. And these people
9 -- these armed people took the Cham people away, and they
10 disappeared since.

11 Q. I have two, actually three documents which are your statements
12 -- two of which are your statements. That is document E3/9333,
13 with the Khmer ERN, 00204450; and the English is, 00204453; and
14 French, 00224416. You said that you saw, "A Khmer Rouge walked a
15 woman with a headscarf heading to the river front. Then a Khmer
16 Rouge held the headscarf of the woman and slashed her throat, and
17 pushed her into the river. Other women were killed in the same
18 fashion until no one left. And no one screamed or resisted." End
19 of quote. [Free translation]

20 [15.14.04]

21 MR. PRESIDENT:

22 Co-Prosecutor, please repeat the document again.

23 MR. SREA RATTANAK:

24 It's document E305/13.1.3.23.

25 MR. PRESIDENT:

1 Please repeat the ERN again. Thank you.

2 [15.14.32]

3 BY MR. SREA RATTANAK:

4 Allow me to quote.

5 Question: "Why did you know they were being killed?"

6 Answer: "I saw it with my own eyes. Their throat was slashed near
7 the river front, and it was -- the water was high at the time."

8 Question: "How did you -- what did you see?"

9 Answer: "I witnessed it. They actually pulled the headscarf,
10 slashed the throat, and thrown the body into the river without
11 saying anything."

12 In document E3/5193, with the Khmer ERN, 00204445; and English,
13 00274704; and in French, 00224113; you said before the
14 investigators of the Office of the Co-Investigating Judges, that
15 you did not see the killing yourself, "but one person saw it and
16 told me about it." And you made some amendments to what you told
17 Mr. Ysa Osman that you witnessed the killing. So you made this
18 correction in this document and you said that you saw the killing
19 because you wanted justice to be done. And I'd like to hear your
20 reaction. Is it your purpose to find justice so that you told the
21 truth to the OCIJ investigators?

22 [15.16.50]

23 MS. NO SATES:

24 A. Of course, I want to see justice. And frankly speaking, I
25 cannot recall the statements that I made earlier. I still recall

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1 what I saw with my own eyes. And my main purpose is to seek
2 justice. I lost everything. And of course, my memory is not that
3 perfect. And what I have said so far before this Court is the
4 truth, is what I saw, is what I witnessed. However, when it came
5 to the slashing of the throat, I saw that person, Thol, with his
6 mouth open and his throat cut and his body was floating in the
7 river. The person was a former chief of a women group. And upon
8 the arrival of the Southwest group, I didn't know what happened
9 to him, but the body was floating in the river.

10 [15.18.24]

11 Q. I'd like to get a reaction from you as you used to be
12 interviewed by Mr. Ysa Osman that you did not witness the people
13 who were taken off the house, had their throat slashed. However,
14 later on, when you were interviewed by OCIJ investigators, you
15 amended it, you said that you didn't witness it, but in fact it
16 was told to you. And you said that you saw -- you told Osman that
17 you saw it because you want to see justice. And my question to
18 you is, you want justice and for that reason, you made the
19 amendment when you were interviewed by the OCIJ investigators?

20 A. I am here before this Court because I want justice.

21 MR. PRESIDENT:

22 Co-Prosecutor, your question is rather difficult to understand.
23 Please rephrase it to make it more precise and to the point. You
24 made a rather long description of the accounts, and it is rather
25 difficult in its form, so the civil party has difficulty to

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1 understand it.

2 MR. SREA RATTANAK:

3 Mr. President, I don't have any question and I'd like to hand the
4 floor to my international colleague.

5 MR. PRESIDENT:

6 Yes, you may proceed.

7 [15.20.23]

8 QUESTIONING BY MR. BOYLE:

9 Thank you, Mr. President. Good afternoon, Judges. Good afternoon,
10 Parties. Good afternoon, Madam Civil Party. I'd like to start
11 with a couple of questions to follow on regarding the period that
12 you were in Trea village. From what I've heard you describe so
13 far, you said that in the house with you, when you were
14 questioned about whether you were Cham or Khmer, there were
15 approximately 300 women and that approximately 30 of those women
16 stated that they were Khmer, and therefore were not taken away.
17 So I just want to confirm that those numbers that I heard are
18 correct, and that therefore approximately 270 women were taken
19 away on that night.

20 MS. NO SATES:

21 A. Yes, that is correct. Those women were taken away and I never
22 saw them returned. Those who said that they were Cham were taken
23 off the house and away.

24 [15.21.54]

25 Q. Thank you. You also mentioned that once the women who said

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1 they were Cham were taken away, those that had stated they were
2 Khmer, including yourself, continued to be under investigation.
3 You mentioned that enquiries were made in your own village, and
4 you mentioned pork soup being prepared for you. I'd like to ask,
5 on the day that the soup, the pork soup was prepared for you, was
6 the district chief Hor at that meal where you were made to eat
7 pork soup?

8 A. Only our group, the group of 30 women were instructed to eat
9 that pork soup. And Hor of course did not eat the soup with us.
10 And there were soldiers there who were watching us and seeing
11 whether we were eating the pork soup or not. And that was the
12 first time that I consumed pork.

13 Q. Even though Hor did not eat the soup himself, was he present
14 when you were being made to eat the soup?

15 A. Yes. Hor was there and he was overall in charge. So there was
16 presence of Hor the district chief, and then there were also
17 soldiers.

18 Q. The 30 women who stated that they were Khmer, in the period
19 after the Cham women were taken away, would you speak to each
20 other in Cham language or in Khmer language?

21 A. Please repeat your question.

22 [15.24.40]

23 Q. The 30 women who stated that they were Khmer, including
24 yourself, would you speak amongst yourselves in Khmer or in Cham
25 language?

1 A. Of course, we kept speaking Khmer until the end of the Khmer
2 Rouge regime.

3 Q. And did any of the Cham who were speaking Khmer speak with an
4 accent that might reveal them as Cham?

5 A. They did not pay much attention to the accent. They focus on
6 our response because at that time, all of us spoke Khmer without
7 accent. And they did not seem to pay much attention to the
8 accent.

9 Q. Thank you. You mentioned seeing men in shackles in the houses
10 near the house that you were detained in, in Trea village. Did
11 you ever see what happened to those men that were detained in
12 those houses?

13 [15.26.38]

14 A. I did not know what happened to them. However, later on, those
15 men from two or three houses nearby disappeared. They were no
16 longer there although I did not know whether they were killed.

17 Q. Madam Civil Party, I'd like to read to you from your civil
18 party application. That's E3/4705, English ERN, 00417852; Khmer,
19 00369026; and French, 00932677 to 78. And you stated: "As for the
20 males, I saw them in shackles and being put in motorboats and
21 taken away." Does that refresh your memory that you saw them
22 being taken away in shackles on motorboats?

23 A. No, I don't recall that I made that statement to the people
24 who interviewed me. I only saw those men on the houses and a day
25 or two later, they were all gone. I did not know where they were

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1 taken to. And that's what I said, if my recollection is correct.

2 Q. Thank you very much. I'd like to go back now to an earlier
3 period that you also discussed when you were in Svay Khleang. You
4 mentioned that Svay Khleang was a Cham village. Can you give us
5 an approximation of how many Cham were living in your village,
6 and if you know, an approximation of how many Cham were living in
7 your commune?

8 [15.29.20]

9 A. No, I don't have any figure on that. I was rather young at the
10 time. However, there were many Cham people living in Svay Khleang
11 village. There were thousands of Cham families living there. It
12 was into thousands, not hundreds. And that's all I can say.

13 Q. Were there any mosques in Svay Khleang commune?

14 A. Yes. (No Interpretation).

15 Q. I'm afraid there was no English translation of that last
16 statement by the civil party.

17 (Technical problem)

18 [15.31.08]

19 MR. PRESIDENT:

20 Please continue, Mr. Deputy Co-Prosecutor.

21 BY MR. BOYLE:

22 Q. So, I'll just repeat my question as to whether there were any
23 mosques in Svay Khleang commune and if so, how many?

24 MS. NO SATES:

25 A. There were two mosques and after 1975 when we were the mosques

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1 were deserted and in ruins. And later on when I returned there
2 were no mosques anymore, there was only ground where the mosques
3 were once were and then they built new mosques.

4 Q. Were the mosques ruined before you were evacuated?

5 A. After the evacuation, the mosques were ruined. After I left my
6 village, the mosques were ruined.

7 Q. And did you ever learn how the mosques were ruined or who
8 ruined them?

9 A. Perhaps the Khmer Rouge destroyed the mosques, or dismantled
10 the mosques. No one dared to dismantle or destroy the mosques.

11 Q. When did the Khmer Rouge arrive in Svay Khleang commune?

12 [15.33.24]

13 A. It started from 1975, when the situation became worse. I was
14 living in Svay Khleang at that time. The situation was difficult
15 before 1975, when the co-operatives were created and then in
16 1975, the rebellion started. Before the time, before 1975, they
17 intended to abolish the religion and worship, Cham language was
18 prohibited, Korans were collected and burnt, we were not allowed
19 to have the possessions of Korans and Korans were collected from
20 houses.

21 Q. Do you remember in what year were the Korans collected from
22 houses and burned?

23 A. In 1975, when we were evacuated, Korans were also collected
24 and I did not where Korans were sent to and put.

25 Q. Before you were evacuated, were you allowed to continue

1 wearing Cham clothes?

2 A. As for clothes -- Regarding clothing, we had only black
3 skirts, trousers or shirts, no traditional Cham clothes were
4 allowed to wear, we had to some clothes as Khmer people were
5 wearing at the time.

6 [15.35.47]

7 Q. Do you remember what year you were stopped being allowed to
8 wear Cham clothes?

9 A. It started in the period of 1975 and 1976, we were told to
10 wear black trousers, skirts and shirts. Other people and I were
11 wearing black skirts at the time. No modern clothes were allowed
12 to wear or no any kind of design clothes were allowed to wear.

13 Q. And what happened to all of the Cham traditional clothes when
14 you weren't allowed to wear them anymore?

15 A. We had to throw the clothes away since we were not allowed to
16 wear them. If we have -- if we had worn the clothes, our
17 traditional clothes, we would have been in danger.

18 Q. Were Cham women allowed to continue wearing their hair long?

19 A. They had short hairs at the time; they could not have long
20 hair in that regime.

21 Q. How was it communicated to you that you were not allowed to
22 use your Korans, or to wear your clothes or to have your hair
23 long, who told you this and how was it told to you?

24 A. It was Angkar. Angkar was believed to be from the top. Angkar
25 prohibited all of us from wearing head scarf or traditional

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1 clothes and we were instructed to cut our hair short, Korans were
2 not allowed to practice, to use; Angkar from the upper level
3 ordered such prohibition. I did not know about Angkar but it was
4 Angkar.

5 [15.38.56]

6 Q. And were you told all of these prohibitions in a meeting?

7 A. We were told in the meeting or meetings, we were invited into
8 a meeting or meetings and if one dared to refuse the instruction,
9 we would have been considered betraying Angkar.

10 Q. And who would speak at these meetings?

11 A. Commune chief, village chief, deputy village chief and members
12 of village committee. Villagers were informed of the instructions
13 and if they had not followed the instructions, they would have
14 been considered enemies.

15 Q. Were there any hakim or hakim rong (phonetic) in Svay Khleang
16 commune?

17 [15.40.20]

18 A. Regarding hakim, yes there were hakims. However no presence of
19 hakims in my village in 1975 but before 1975, there had been
20 hakims. So Cham tradition, culture, customs were abolished and we
21 were not allowed to speak Cham language. For instance, when -- we
22 were not allowed to assemble in a group of three or four unless
23 there was one Khmer person there in the group and if we dared to
24 assemble in a group of three and four without a Khmer person in
25 that group, we would have been considered enemies.

1 Q. And do you know what happened to the hakims, such that they
2 were not around anymore in 1975?

3 A. You mean hakim in 1975; all hakims were gathered and sent
4 away. I do not know where hakims or tuan (phonetic) were sent to.
5 Intellectual and professors were arrested and for this reason
6 there was rebellion in Svay Khleang.

7 Q. When you were being evacuated from your village, were you told
8 why you were being evacuated?

9 [15.42.37]

10 A. No, we were not told because perhaps there was a rebellion,
11 that is why all of us were being evacuated. Thirty to 40 people
12 had been collected and placed in detention although they had
13 nothing to do with the rank of lieutenant or first lieutenant or
14 captain, they had to be arrested. Krouch Chhmar security centre
15 was the place where they detained the arrested Cham people and
16 Cham people were accused of being CIA agent or enemies. And those
17 Cham people who had been arrested never returned. Only few of
18 them, one or two returned but they could return and stay in the
19 village for a period of two or three months and then they had to
20 go back. They were so skinny.

21 Q. Thank you. I'm just going to ask you, Madam Civil Party, to
22 try to keep your answers as brief as possible because we have
23 only have a little bit of time left and there's still a fair
24 number of things I would like to ask you about. Did you ever hear
25 -- while you were being evacuated, did you hear any announcements

1 being made?

2 [15.44.27]

3 A. We were told to leave and then we were informed over the
4 loudspeaker that they wanted to search for enemies and we were
5 informed over the loudspeaker that if we did not leave the
6 villages, we would be considered enemies. At that time we had to
7 leave, we laid down knives or any weapons and left the villages.
8 At that time they shot, they fired bullets to all of us.

9 Q. Are you saying they fired bullets in order to make you leave?

10 A. If one did oppose the instruction, she would be shot dead. So
11 if we did not leave villages, we would have been killed. At that
12 time there was gunfire and they were shooting at every direction
13 to those who refused to leave.

14 Q. Can you tell us, you mentioned this before but can you tell us
15 what happened to your father as you were being evacuated?

16 A. Concerning my father, we had been living together before the
17 rebellion. When we reached the bridge to another side of the
18 river, we were allowed to cross the bridge but my father was
19 arrested and detained and I have never seen him after that time.

20 Q. And when you saw your father being detained, did you see
21 anyone else detained with him?

22 [15.47.06]

23 A. Yes. I saw there were many people, particularly youth, male
24 youth. The detained people, by them, they were considered
25 enemies.

1 Q. You stated that you were then held at kiln. Were there any
2 arrests that took place while you were being held at the kiln for
3 about a month?

4 A. We were detained in that kiln. We were sent to the tobacco
5 kiln, all of us were female detained in that kiln. Some married
6 women had children, at that time I was below 20 years old, I was
7 about 17 years old. Children, babies were also detained and held
8 in that kiln. They were crying, they were screaming. Some of them
9 were so hungry. Each one could receive only a small ladle of
10 gruel with no taste at all, very plain taste.

11 [15.48.48]

12 Q. Thank you, Madam Civil Party. I'm going to ask that you pay
13 close attention to my questions and answer them as briefly as
14 possible. My question was, were you aware of any arrests taking
15 place while you were being held at the kiln?

16 A. We were held there in the kiln while being detained, they were
17 searching for enemies, they wanted to see those who dared to
18 oppose them, we were there for one month and three days after
19 which, female -- all female were sent to live in various villages
20 and were sent to different directions. Some were sent to Stueng
21 Trang, Srae Veal (phonetic). And as for widows they were sent to
22 live along the river of Krouch Chhmar district and these widows,
23 their husbands had been taken away already and later on they were
24 sent to live along the river bank in Krouch Chhmar district.

25 Q. I'm going to try one more. When you were being held at the

1 kiln were you aware of anyone being arrested while you were being
2 held at the kiln?

3 [15.50.44]

4 A. The prisoners. I could refer them as prisoners; some of them
5 were put in different places. There were "tras" trees in the
6 pagoda and we were staying there for a period of one month and
7 three days after which we were sent elsewhere. For those who were
8 not considered enemies, they had opportunity to see their spouses
9 and children and for others who were considered enemies, they
10 would be sent away and disappeared. My father and some others
11 were considered to be linked to CIA or KGB agent or enemies and
12 my father at that time could not even read or write and he was
13 considered an enemy.

14 Q. Thank you. I would like to move forward now quite a bit, to
15 when you were in Khsach Prachheh Leu. Were you ever aware of a
16 time, while you were there at Khsach Prachheh Leu, that cadres
17 from the Southwest Zone arrived there?

18 [15.52.28]

19 A. At the beginning, I was sent to live in and work in Khsach
20 Prachheh Leu. At the time the Southwest cadres had not arrived
21 yet. Later on in 1976 and 1977, they came and gathered Cham
22 people. When I was at Khsach Prachheh Leu, I was assigned to work
23 in a co-operative digging the canal and later on in the dry
24 season I was reassigned to build the dam at Krachab and for the
25 second year I was sent Boeng Krachab after which I was relocated

1 to Tuek Chrov and they were brutal. The situation was so
2 difficult at Tuek Chrov. I was required to work day and night. I
3 was ordered to carry dirt, three cubic metres of soil per day and
4 if I could not finish during the day time I had to continue
5 working until the night time. We sometimes slept in the rain at
6 night time and in the morning we were required to work although
7 we were soaked at night time. I was ordered to sleep on mats in
8 the grave field.

9 Q. Madam Civil Party, I want to talk specifically about the time
10 when the people from the Southwest Zone arrived in Khsach
11 Prachheh Leu. I understand that you were in a mobile unit before
12 that, I'm not asking you about that period, I'm asking you about
13 when the people from the Southwest Zone arrived in Khsach
14 Prachheh Leu, what year was it, that they arrived, the people
15 from the Southwest Zone?

16 [15.54.44]

17 A. There were many of them. I did not know when they came. I
18 cannot tell you exact day, month and year. What I can recall is
19 that upon their arrival, they had bad treatments on people, even
20 one committed a minor mistake he or she would be taken away. They
21 came to purge Cham people, all Cham people had to be collected
22 and we were told that we had to relocate to live at Stueng Trang
23 for instance, because at Stueng Trang there were sufficient food,
24 rice to eat and there was abundant of work at Stueng Trang.
25 People who were sent to Stueng Trang never returned.

1 [15.55.43]

2 Q. And how did the people from the Southwest Zone go about
3 determining who was Cham and who was not Cham?

4 A. The Southwest cadres ordered the village chiefs or other
5 people who were working in the village to identify who were Chams
6 and who were not Cham and the list or the reports would be sent
7 to the Southwest cadres. They wrote down lists of Cham people to
8 be sent to Southwest cadres.

9 Q. And once they made the list of Cham, what happened to the male
10 Cham that were in Khsach Prachheh Leu?

11 [15.56.59]

12 A. All of the Cham people including the male had been collected
13 and sent away. Male were the first -- male Cham people were the
14 first to be collected and they said they had to send male Cham
15 people first to build shelter for female Cham to be sent later
16 on. So for instance, male Cham people would be collected one day
17 before the arrests or collection of other female Cham people.

18 Q. And can you tell us about the collection of the female Cham
19 from Khsach Prachheh Leu, how did that go about?

20 A. They were called and invited into a meeting. All of them were
21 invited and they were told that they had to relocate to other
22 places. The village chiefs who were the ones responsible for
23 collecting and inviting all those female Cham people to be in the
24 meeting or meetings.

25 Q. And how did they relocate them to these new villages?

1 A. They were put on boats or ferries and when boats or big
2 ferries reached Stueng Trang they were told to get off. The ferry
3 was so big and it could fit 300 or 200 people.

4 [15.59.16]

5 Q. I've just a couple of more questions for you. The first is in
6 relation to the men -- the male and female Cham that were taken
7 from Khsach Prachheh Leu, were any of your relations in those
8 groups of male and female that were taken away from Khsach
9 Prachheh Leu after the Southwest Zone cadres arrived, any of your
10 family members?

11 A. I heard that Cham including male and female were collected. I
12 had no relation with them, during the regime we were not allowed
13 to trespass into other village, we were only told to focus on our
14 work in the co-operatives. Whenever they wanted all of us to any
15 other place, we had to go. I did not have any means of
16 communication with other people at the time. No telephones or
17 mobile phones used.

18 [16.00.41]

19 Q. Perhaps I shouldn't have used the word relations, what I'm
20 asking about is were any of your family members, mother, father,
21 siblings, brother, sister, were they amongst the Cham, male and
22 female that were taken away from Khsach Prachheh Leu?

23 A. All of them were gathered up including male, female, my two
24 younger siblings, my grandmother, my mother, all of them were
25 gathered up in groups, together with other villagers and they

1 were sent away.

2 Q. Did you ever see them again after that?

3 A. No. They disappeared since.

4 Q. And were any Khmer people also made to vacate Khsach Prachheh
5 Leu at that time?

6 A. Some Khmer people at Prachhes Leu were sent to Roka Khnaor but
7 they were not executed. However some who were working in units,
8 were taken away and killed. Some of them were sent to live in the
9 ministry of "krasoung", I did not see them return.

10 MR. BOYLE:

11 Thank you, Madam Civil Party. Thank you, Mr. President. I have no
12 further questions.

13 [16.03.09]

14 MR. PRESIDENT:

15 Thank you. The hearing today is now time for the adjournment. The
16 Chamber will resume its hearing tomorrow, Tuesday, 29 September
17 2015.

18 Tomorrow the Chamber will continue to hear the civil party No
19 Sates to conclude and then proceed to hear 2-TCW-845. Please be
20 informed and be on time.

21 Thank you, Madam No Sates, the hearing of your testimony as a
22 civil party has not come to conclusion yet. You are therefore
23 invited to testify once again tomorrow morning starting from 9
24 a.m.

25 Thank you also, staff from WESU, since the hearing of the

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1 testimony of this civil has not come to a conclusion yet, you are
2 also invited to accompany her during the time the civil party is
3 testifying before the Chamber tomorrow morning.

4 Court officer, please work with the WESU to send the civil party
5 to the place where she is staying at the moment and please invite
6 back her into the courtroom tomorrow at 9 a.m.

7 Security personnel are instructed to bring the two Accused, Nuon
8 Chea and Khieu Samphan, back to the ECCC detention facility and
9 have them returned to the courtroom tomorrow before 9 a.m.

10 The Court is now adjourned.

11 (Court adjourns at 1605H)

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