



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 22-Mar-2016, 15:12

CMS/CFO: Sann Rada

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

9 March 2016

Trial Day 379

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
LIV Sovanna  
SON Arun  
KONG Sam Onn  
Anta GUISSSE

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
Niccolo PONS

Lawyers for the Civil Parties:  
CHET Vanly  
Marie GUIRAUD  
HONG Kimsuon  
LOR Chunthy  
PICH Ang  
SIN Soworn  
VEN Pov  
TY Srinna

For the Office of the Co-Prosecutors:  
Travis FARR  
SONG Chorvoin

For Court Management Section:  
UCH Arun

INDEX

Mr. VAN Mat alias Sales Ahmat (2-TCW-893)

Questioning by The President (NIL Nonn) ..... page 3

Questioning by Mr. FARR ..... page 8

Questioning by Ms. CHET Vanly ..... page 48

Questioning by Judge LAVERGNE..... page 55

Questioning by Mr. KOPPE ..... page 59

Questioning by Ms. GUISSSE..... page 85

Questioning by Mr. KONG Sam Onn ..... page 104

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHET Vanly	Khmer
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. VAN Mat (2-TCW-893)	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0910H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear testimony of a witness -- that is,

6 2-TCW-893, in relation to the

7 treatment of the target group of the Cham people.

8 Ms. Chea Sivhoang, please report the attendance of the parties

9 and other individuals to today's proceedings.

10 [09.12.14]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case

13 are present.

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

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

16 been delivered to the greffier.

17 The witness who is to testify today -- that is, 2-TCW-893,

18 confirms that to the best of his knowledge, he has no

19 relationship, by blood or by law, to any of the two accused --

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

21 parties admitted in this case.

22 The witness will take an oath according to his religion before

23 his testimony.

24 Thank you.

25 [09.13.08]

2

1 MR. PRESIDENT:

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

3 The Chamber has received a waiver from Nuon Chea, dated 9 March

4 2016, which notes that due to his health, headache, back pain, he

5 cannot sit or concentrate for long. And in order to effectively

6 participate in future hearings, he requests to waive his right to

7 be present at the 9 March 2016 hearing.

8 He advises that his counsel has advised him about the consequence

9 of this waiver, that in no way it can be construed as a waiver of

10 his rights to be tried fairly or to challenge evidence presented

11 to or admitted by the Court at any time during the trial.

12 [09.13.51]

13 Having seen the medical report of Nuon Chea by the duty doctor

14 for the Accused at ECCC, dated 9 March 2016, which notes that

15 Nuon Chea has a chronic back pain and he cannot sit for long and

16 recommends that the Chamber shall grant him his request so that

17 he can follow the proceedings remotely from the holding cell

18 downstairs. Based on the above information and pursuant to Rule

19 81.5 of ECCC Internal Rules, the Chamber grants Nuon Chea his

20 request to follow today's proceedings remotely from the holding

21 cell downstairs via audio-visual means.

22 The Chamber instructs the AV Unit personnel to link the

23 proceedings to the room downstairs so that Nuon Chea can follow.

24 That applies for the whole day.

25 Court officer, please usher the witness into the courtroom.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

3

1 (Short pause)

2 (Witness enters the courtroom)

3 [09.16.52]

4 QUESTIONING BY THE PRESIDENT:

5 Q. Good morning, Mr. Witness. What is your name?

6 MR. VAN MAT:

7 A. My name is Van Mat.

8 Q. What about the name Sales Ahmat? Whose name is that?

9 A. Sales Ahmat is my birth name, and later on, I changed it.

10 Q. What about your official names that appear on your official  
11 identity card or other official documents?

12 A. My official name is Van Mat.

13 Q. And besides the two names, are you known by any other names?

14 A. No.

15 [09.18.10]

16 Q. According to a document from the Ministry of Interior, you are  
17 known by Mat Tauch. Is that correct?

18 A. That is my alias.

19 Q. And Mr. Van Mat, when were you born?

20 A. I was born on the 9th of November 1953.

21 Q. Where were you born?

22 A. I was born in <Chumnik village,> Chumnik commune, Krouh  
23 Chhmar district, Kampong Cham province. And currently, I am  
24 living in Kratie provincial town <in Kratie province>.

25 Q. And what is your current occupation?

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

4

1 A. I am a <military officer and a> bodyguard of Samdech Hun Sen.

2 Q. What are the names of your parents?

3 A. My father is Saing Sales and my mother is <Sales> Ti.

4 Q. And what is your wife's name, and how many children do you  
5 have?

6 A. My wife is Tel Rami. We have five children.

7 [09.20.04]

8 Q. And Mr. Van Mat, the greffier made an oral report that, to  
9 your best knowledge, you are not related, by blood or by law, to  
10 any of the two accused -- that is, Nuon Chea and Khieu Samphan,  
11 or to any of the civil parties admitted in this case.

12 Is that information accurate?

13 A. Yes, Mr. President, that is correct.

14 Q. And which religion are you practising?

15 A. I am a Muslim follower.

16 MR. PRESIDENT:

17 The Chamber would like to inform the parties that the document  
18 before the witness is the swearing words that the witness will  
19 repeat so that there will be no confusion amongst the parties.  
20 And Ms. Chea Sivhoang, please proceed with the swearing of this  
21 witness according to his religion.

22 [09.21.25]

23 THE GREFFIER:

24 Mr. Witness, I'd now proceed with the swearing words, and please  
25 place your right hand on the Koran text and repeat after me after

5

1 I finish the whole text.

2 I would like to answer only the truth from what I witnessed,  
3 heard, know and remember in the name of an Islamic believer who  
4 have only Allah as God, Muhammad as Allah's messenger, and the  
5 Holy Koran as the guideline for me to follow. I would like to  
6 swear in front of the Holy Koran Wa allahi, Bi allahi, which  
7 verified that all what I am going to say is true.

8 And witness, please repeat that.

9 MR. VAN MAT:

10 I would like to answer only the truth from what I witnessed,  
11 heard, know and remember in the name of an Islamic believer who  
12 have only Allah as God, Muhammad as Allah's messenger, and the  
13 Holy Koran as the guideline for me to follow. I would like to  
14 swear in front of the Holy Koran Wa allahi, Bi allahi, which  
15 verified that all what I am going to say is true.

16 [09.23.06]

17 BY MR. PRESIDENT:

18 Thank you, witness.

19 And the Chamber would like to inform you of your rights and  
20 obligations as a witness.

21 Mr. Van Mat, as a witness in the proceedings before the Chamber,  
22 you may refuse to respond to any question or to make any comment  
23 which may incriminate you. That is your right against  
24 self-incrimination.

25 Also, Mr. Van Mat, as a witness in the proceedings before the



6

1 Chamber, you must respond to any questions by the Bench or  
2 relevant parties except where your response or comment to those  
3 questions may incriminate you as the Chamber has just informed  
4 you of your right as a witness. And you must tell the truth that  
5 you have known, heard, seen, remembered, experienced or observed  
6 directly about an event or occurrence relevant to the questions  
7 that the Bench or parties pose to you.

8 Q. And Mr. Van Mat, have you been interviewed by investigators  
9 from the Office of the Co-Investigating Judges? If so, how many  
10 times, when and where?

11 [09.24.30]

12 MR. VAN MAT:

13 A. Mr. President, I was interviewed at my home in Kratie  
14 province.

15 Q. Do you recall the date of that interview or the year, at  
16 least?

17 A. It was in 2008.

18 Q. And before you appeared, have you read, reviewed the written  
19 record of your interview in order to refer your memories since it  
20 was done since 2008?

21 A. Yes, I have read and reviewed it.

22 Q. And to your recollection, is the written record of your  
23 interview consistent with what you said during the interview with  
24 the OCIJ investigators in 2008?

25 A. Yes, it is consistent.

7

1 [09.26.05]

2 Q. The Chamber also received information that, due to your  
3 health, you need to make a frequent visit to the bathroom. Please  
4 do not hesitate, if you need to visit the bathroom, just raise  
5 your hand and you may go during your testimony. And also, each  
6 session of the testimony will be for an hour or so. And if you --  
7 even if the period is rather short, but you need to visit the  
8 bathroom during this time, just raise your hand and you can go.  
9 And pursuant to Rule 91 bis of the ECCC Internal Rules, the  
10 Chamber hands the floor first to the Co-Prosecutors before other  
11 parties. And the combined time for the Co-Prosecutors and the  
12 Lead Co-Lawyers is two sessions.  
13 And the Co-Prosecutor, you may proceed.

14 [09.27.30]

15 MR. FARR:

16 Thank you, Mr. President. Good morning, Your Honours. Good  
17 morning, counsel. And good morning to you, Mr. Witness.  
18 Mr. President, before I begin my examination, I note that the  
19 witness, in fact, had a second interview with the OCIJ from 2011  
20 that's also been admitted in this case. I have a copy of it.  
21 I will be using it. I expect defence counsel will be using it as  
22 well. It would probably be helpful for the witness to have a  
23 chance to review it, but I don't know when the best time for that  
24 would be.  
25 And for the record, the document number is E3/8735.

8

1 Perhaps the document could be given to him to review during the  
2 first break and then, when we return from the first break, he  
3 could be asked the same questions about its accuracy as we  
4 ordinarily do.

5 [09.28.45]

6 BY MR. PRESIDENT:

7 Q. Mr. Van Mat, how many documents did you read before you  
8 appeared in the Chamber?

9 MR. VAN MAT:

10 A. Mr. President, I read only one document.

11 Q. Were you interviewed another time after your 2008 interview,  
12 probably during 2011?

13 A. I cannot recall that, Mr. President.

14 MR. PRESIDENT:

15 The document can be used since it is part of the case file.

16 However, questions in relation to the second interview should be  
17 posed to him after he has a chance to review it during the break  
18 time this morning.

19 [09.29.54]

20 QUESTIONING BY MR. FARR:

21 Thank you, Mr. President.

22 Q. Good morning, Mr. Van Mat. My name is Travis Farr. I'm counsel  
23 for the Prosecution. And I will be the first one asking you  
24 questions today.

25 And I want to just start by asking you a few questions about your

1 village of Chumnik.

2 First, can you tell us where it's located?

3 MR. VAN MAT:

4 A. The village is Chumnik village in Chumnik commune, Krouch  
5 Chhmar district, Kampong Cham province.

6 Q. And is it accurate to say that it lies on the south bank of  
7 the Mekong River?

8 A. That commune was located close to the Mekong River, to the  
9 south of Mekong.

10 Q. Can you tell us roughly how far it is away from Kaoh Phal?

11 A. It was about -- it was about 10 kilometres away from Kaoh  
12 Phal.

13 Q. And how far was it from Svay Khleang?

14 A. It was about -- it was more than 20 kilometres away from Svay  
15 Khleang.

16 [09.31.55]

17 Q. And how far was it from Svay Damnak pagoda?

18 A. From Wat Svay Damnak to Kaoh Phal, it was about nine  
19 kilometres away.

20 Q. I want to focus on the time prior to the arrival of the Khmer  
21 Rouge in your village.

22 Can you tell us, at that time, was the population of Chumnik all  
23 Cham, was it mixed Cham and Khmer, or was it some other  
24 combination?

25 A. Half of villagers were Cham and another half were Khmer <in

10

1 that commune>.

2 Q. Are you able to estimate how many Cham families there were in  
3 Chumnik before the arrival of the Khmer Rouge?

4 A. It was -- there were more than 10,000 Cham living in that  
5 village.

6 [09.33.27]

7 Q. And is that 10,000 individuals or 10,000 families that you're  
8 speaking of?

9 A. In one village, there were around 10,000 people or villagers.  
10 I do not know how many villagers in the whole commune.

11 MR. PRESIDENT:

12 Please give your answer again. When you answered the question  
13 earlier, the microphone was not yet activated, so if it was not  
14 yet activated, the sound would not be transmitted to interpreters  
15 to interpret them into other languages.

16 MR. VAN MAT:

17 My apology. I made mention about the number of villagers in one  
18 village, and I do not know how many people were living in the  
19 whole commune of Chumnik, but, as I said, there were around  
20 10,000 villager in Chumnik commune -- village, rather.

21 [09.34.37]

22 BY MR. FARR:

23 Q. Were there any hajis or tuons in Chumnik village?

24 MR. VAN MAT:

25 A. After Pol Pot came to control the country, <hajis, tuons> had

11

1    been sent away and killed.

2    Q. But focusing on the time before the -- before Pol Pot came to  
3    control the country, were there hajis or tuon or other religious  
4    leaders living in Chumnik village?

5    A. Before Pol Pot's time, there were tuons, haji and hakims.

6    Q. In your first OCIJ interview, the one that you've already had  
7    a chance to review, which, for the record, is E3/5209, in  
8    response to the first question, you said that before the Khmer  
9    Rouge arrived, you studied at the Muslim mosque in Chumnik.  
10   Can you tell the Court what you were studying there and how old  
11   you were when you were studying there?

12   A. I studied Muslim language at that mosque. At the time, I was  
13   about 17 years old.

14   [09.36.18]

15   Q. Did you study any non-religious subjects, or was the  
16   instruction primarily or exclusively religious?

17   A. We -- I studied the religious subject, not other non-religious  
18   subject.

19   Q. And who were your teachers when you were studying there at the  
20   mosque?

21   A. <Tuon> Chik (phonetic) was <my> teacher, <> Tuon Chik  
22   (phonetic).

23   Q. Did you continue studying at the mosque through the time that  
24   -- up until the time that the Khmer Rouge arrived in your  
25   village?

12

1 A. Yes. And after Khmer Rouge came into the country, we were not  
2 allowed to study.

3 Q. And again focusing on the period before the arrival of the  
4 Khmer Rouge, did you have any work or trade or job that you did  
5 at the same time that you were studying?

6 A. No, I had no particular <job> after my study. It was a time  
7 when Pol Pot came into the country, and I was asked to herd  
8 cattle.

9 [09.38.15]

10 Q. Okay. I want to turn now to the time when the Khmer Rouge  
11 arrived in Chumnik village.

12 And to start with, are you able to tell us approximately when  
13 that happened? Was it before the capture of Phnom Penh, around  
14 the same time as the capture of Phnom Penh, or after the capture  
15 of Phnom Penh, if you know?

16 A. It was after Khmer Rouge arrived in Phnom Penh, and conditions  
17 became even worse in 1996 (sic).

18 Q. So following the arrival of the Khmer Rouge, were there -- can  
19 you describe for us the changes and, in particular, were there  
20 any new rules or restrictions that applied to the Cham community?

21 A. Knives -- rather, we were prohibited from practising our  
22 religion, and we had been evacuated out of our home villages to  
23 live in Battambang from 1996 (sic).

24 Q. Okay. Well, we'll return to that -- to that evacuation in a  
25 few minutes.

13

1 But you've mentioned that you were unable to practise your  
2 religion. Were there any restrictions on speaking the Cham  
3 language, wearing traditional Cham clothes, the length at which  
4 women could keep their hair, things like that?

5 A. We were prohibited from practising our religion and not  
6 allowed to use Cham language. And people were required to cut  
7 their hair short, and we were <forced> to eat pork.

8 [09.40.52]

9 Q. Do you know what happened to the Korans or other religious  
10 texts in Chumnik village?

11 A. All of holy books of Koran had been collected and burned.  
12 <Some were used as toilet paper.> All of them had been burned.  
13 Religious texts of Muslim people had been burned.

14 Q. Can you tell the Court what happened to the mosque in Chumnik,  
15 where you had studied, after the arrival of the Khmer Rouge?

16 A. That mosque had been transformed into the place to keep cattle  
17 or cows.

18 [09.42.08]

19 Q. Okay. I want to turn to another topic now.

20 Can you tell me whether you were aware of the rebellions that  
21 took place in Svay Khleang and Kaoh Phal in late 1975?

22 A. I knew about that incident, but not well. At the time, we were  
23 not allowed to contact one another.

24 I heard that the rebellion had happened and, during that period,  
25 villagers were confined to be living or working within our



14

1 village. And we were not allowed to trespass into other villages.

2 Q. Okay. And I'll come back to what you learned about those  
3 rebellions in a few minutes, but for now, I'd like you to focus  
4 on the period after the arrival of the Khmer Rouge, but before  
5 those rebellions.

6 And focusing on that period in particular, can you tell me  
7 whether there were any arrests of Cham people in Chumnik village?

8 A. Most of them living in Chumnik and Kaoh Phal villages had been  
9 arrested under the accusation that they supposedly were CIA  
10 agent. Religious teachers, as well as intellectuals, had been  
11 arrested. At the time, they had been sent to a security centre in  
12 Krouch Chhmar district, and they never returned.

13 [09.44.08]

14 Q. Do you know where in Krouch Chhmar district that security  
15 centre was?

16 A. That building was dismantled, but to my recollection, it was  
17 located in Khsach Prachheh.

18 Q. Do you know who carried out these arrests?

19 MR. PRESIDENT:

20 Please observe microphone, Mr. Witness.

21 MR. VAN MAT:

22 A. They said the upper Angkar arrested the traitors, and the  
23 security guards came to the village -- to those villages to  
24 arrest them. This is the knowledge that I have acquired.

25 BY MR. FARR:

15

1 Q. You just mentioned that they were described as traitors. And a  
2 few minutes ago, you said that they had been accused of being CIA  
3 agents.

4 Were you personally aware of anything that those people had done  
5 that would cause them to be considered traitors or CIA agents?

6 [09.45.52]

7 MR. VAN MAT:

8 A. In fact, they were innocent. They were ordinary citizens. They  
9 were accused. They were ordinary citizens and they did not  
10 involve such things.

11 Q. I think you mentioned a few minutes ago that the people  
12 arrested included religious leaders as well as ordinary people.  
13 Focusing on the religious leaders, did that include the hajis or  
14 the tuon or the hakim that you mentioned earlier?

15 A. Haji, hakim and tuons were all arrested. No one left.

16 Q. Can you tell the Court what effect those arrests had on you,  
17 personally, and the people that you knew and talked to in  
18 Chumnik?

19 A. I know some of them. Many of them had been arrested, so I do  
20 not know all of them, as I said.

21 [09.47.23]

22 Q. But focusing on the effect of the villagers, did this affect  
23 the villagers' feelings of security or safety in any way?

24 A. We had no freedom, and we had distress on a daily basis. There  
25 was no time -- no happy time for all of us.

16

1 Q. I want to turn back to the topic of the rebellions at Kaoh  
2 Phal and Svay Khleang. And you've told us at that time you  
3 weren't allowed to leave your village.

4 But my question is: were you able to see or hear any of the  
5 fighting that was happening either in Kaoh Phal or Svay Khleang,  
6 or any effect of it?

7 A. I heard gun shooting from Kaoh Phal. Kaoh Phal was located  
8 closer to my village compared to Svay Khleang. I could not hear  
9 the sounds of guns shooting from Svay Khleang.

10 [09.48.55]

11 Q. Did you see any military boats on the Mekong River at that  
12 time and, if so, how many, and what were they doing?

13 A. Regarding military boats, they travelled on the river back and  
14 forth. Many of those military boats were on the river, so  
15 usually, they travelled from <Kratie> to Kampong Cham.

16 Q. And was the travel of these military boats something that you  
17 saw on a regular basis even when the rebellions were not  
18 happening?

19 A. It was after the rebellion when I saw large number of military  
20 boats. Before that time, there was one or two military boats  
21 guarding or travelling.

22 [09.50.20]

23 Q. So turning your attention now to the period after the  
24 rebellion in Kaoh Phal, did the Khmer Rouge do anything in your  
25 village, Chumnik, following that rebellion?

17

1 A. Nothing was done to villagers in Chumnik. People on Kaoh Phal  
2 island had been sent away, and it was quiet on that island after  
3 the rebellion.

4 Q. I think you may have mentioned earlier something -- correct me  
5 if I'm wrong -- about the population of Chumnik being moved out  
6 of the village at some point, perhaps to go work in Battambang or  
7 someplace else.

8 Can you tell the Court when that happened and describe that  
9 event?

10 A. They were not sent to Battambang province, but to Kampong Thom  
11 province. Villagers in Chumnik had been sent to Kampong Thom in  
12 1996 (sic).

13 MR. PRESIDENT:

14 When was that; 1996? I don't think that something happened in  
15 1996.

16 And observe the microphone before you speak, Mr. Witness.

17 MR. VAN MAT:

18 My apology; in fact, it was in 1976.

19 [09.52.25]

20 BY MR. FARR:

21 Q. And was it the entire Cham population of Chumnik that was  
22 moved out of -- that was moved to go work in Kampong Thom, or was  
23 it just a portion of the population?

24 MR. VAN MAT:

25 A. Villagers from that Chumnik village and also from Chhloung

18

1 district had been sent to Kampong Thom.

2 Q. Did that include you?

3 A. No, it did not include me, and I was evacuated only after 1978  
4 at the last stage of the evacuation.

5 [09.53.28]

6 Q. Okay. And I just want to make sure I'm understanding your  
7 testimony correctly.

8 Did you live in Chumnik village from the time the Khmer Rouge  
9 arrived until the final evacuation in 1978?

10 A. Yes, I remained living there until the end of the regime --  
11 that is, the liberation day.

12 MR. PRESIDENT:

13 You have the floor now, Koppe.

14 MR. KOPPE:

15 Thank you, Mr. President.

16 I should have raised a bit earlier to object to the question of  
17 the Prosecution. The Prosecution asked when the Khmer Rouge  
18 arrived. I'm not entirely sure whether he means reflecting the  
19 answer of the witness or the historical fact that Khmer Rouge  
20 forces arrived early in 1970 in Krouch Chhmar district.

21 [09.54.38]

22 MR. FARR:

23 Your Honour, I think we have to ask the witness questions based  
24 on his knowledge. He's used the term "Khmer Rouge" many times in  
25 his statements and I'm asking him based on his understanding of

19

1 what the "Khmer Rouge" is. If defence counsel wants to  
2 investigate with him further what he understood that to be,  
3 that's something that he'll have time to do.

4 MR. KOPPE:

5 Maybe my objection wasn't clear enough, Mr. President.

6 I was referring not to the entity "Khmer Rouge", but referring to  
7 the date of 1970. Krouch Chhmar was already under the occupation  
8 of the Khmer Rouge in 1970, not, as the witness says, in 1975.

9 JUDGE FENZ:

10 But Counsel, given that you're raising now, it's more a comment  
11 than an objection because the question has already been asked.

12 And you are free to clarify that in your interrogation.

13 [09.55.42]

14 BY MR. FARR:

15 Q. So you've just told us that you remained in Chumnik village  
16 until 1978. How many other Cham individuals remained with you in  
17 Chumnik village until 1978?

18 MR. VAN MAT:

19 A. I do not know exactly how many of them were remained living  
20 with me. Many of us, quite many of us, remained living there.  
21 There was no report <> about this issue at the time.

22 Q. And please tell me if you feel like this is a question that  
23 you're not able to answer, but can you estimate what percentage  
24 of the Cham population was sent elsewhere to work?

25 Was it 50 per cent, was it less than 50 per cent, was it more

20

1    than 50 per cent?

2    A. About 50 per cent of them had been sent to work.

3    [09.56.55]

4    Q. Okay. I just want to quickly ask you about something in your

5    first OCIJ statement, and this is E3/5209. The English ERN is

6    00242067, French is 00293936 and Khmer is 00218536. And this is

7    what you say -- quote:

8    "Later, they had me tend<> cattle and join the mobile brigade.

9    They had me work there through 1978, and later, I was assigned to

10   work in the jungle. That jungle located next to Boeng Krachab and

11   my family was also moved there, but we were assigned to work in

12   different worksites."

13   Can you tell us, is that accurate? And if so, how far is Boeng

14   Krachab from Chumnik village?

15   A. Many people had been sent to that place. The entire Krouch

16   Chhmar district had been sent to that place.

17   Q. And where is that located? Is that in Krouch Chhmar district,

18   or is that in another district?

19   A. It was located in Tboung Khmum district, Suong.

20   [09.58.50]

21   Q. So how far was that from Chumnik village?

22   A. It was about 100 kilometres away.

23   Q. And how long did you remain in Boeng Krachab?

24   A. I was there for three months when I had been assigned to go

25   there and build the dam.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

21

1 Q. And following those three months, did you then return to  
2 Chumnik village?

3 A. I was sent back to my village.

4 Q. And during the time that you were in Boeng Krachab, were you  
5 in a mobile brigade, as you indicated in your statement?

6 A. Correct. I was in a mobile <unit>.

7 [10.00.20]

8 Q. Did you remain in that mobile brigade after you returned to  
9 Chumnik, or were you discharged from it?

10 A. I was in that same <mobile unit>.

11 Q. And once you returned to Chumnik village, you continued to be  
12 in this brigade.

13 What was your work at that time, after you returned to Chumnik  
14 village, but remained in the mobile brigade? What kind of work  
15 did you do?

16 A. I was <still in the same mobile unit and I was> reassigned to  
17 build the dam<, in Kon Dea (phonetic),> behind Chumnik village;  
18 so again, I was assigned -- reassigned to build another dam  
19 behind Chumnik.

20 [10.01.21]

21 Q. And were the workers in this mobile brigade with you, were  
22 they Cham, were they Khmer, were they both?

23 A. We were living mixing together, Cham and Khmer people, but the  
24 chief of mobile <unit> was ethnically Khmer.

25 Q. Okay. Thank you.



22

1 I want to move now to another topic. Do you recall a point in  
2 time at which a significant number of Khmer Rouge cadres from the  
3 East Zone were arrested?

4 A. Yes, there were. At the time, there was a war between the  
5 Central Zone and the East Zone, so they came to purge the cadres  
6 in the East Zone. And the East Zone people actually surrendered  
7 their arms. They were accused of betraying Angkar, so those  
8 people were sent to purge them.

9 [10.02.42]

10 Q. And how do you know about this war between the Central Zone  
11 and the East Zone and the purging of the East Zone by the Central  
12 Zone?

13 A. At that time, they wore the same clothing and they came to ask  
14 for those East Zone people who were accused of betraying Angkar.  
15 In fact, they asked the villagers whether we saw those traitors.  
16 So they came to look for and chase those East Zone people, and  
17 they actually came from the Central Zone to purge them.

18 Q. Following that purge, do you know who took control of the East  
19 Zone, at least of your portion, your region of it?

20 A. I only knew that Angkar came from the Central Zone to  
21 <control> the East Zone<>.

22 [10.04.10]

23 Q. I want to ask you about something that you mentioned in your  
24 second interview. This is the one that you haven't had a chance  
25 to read yet.

23

1 Mr. President, perhaps I could just read a quote and see if that  
2 refreshes the memory -- the witness' memory. The document number  
3 is E3/8735; English ERN is 00722241; Khmer, 00716487; and French,  
4 00727597.

5 So in this later interview, one of the things you said was: "In  
6 fact, Ke Pauk served as secretary of the Central Zone, but after  
7 the arrest of the people in the East, Ke Pauk was assigned to  
8 control this region."

9 Is that something you remember saying? Does that reflect your  
10 memory of the events at the time?

11 A. At that time, I only heard that Pol <Pauk> came to control the  
12 Eastern Zone, but I never saw him in person. I only heard people  
13 talking about him.

14 [10.05.45]

15 Q. And as I heard you, you've just used the name Pol <Pauk>. Is  
16 that what you intended to say?

17 A. Pol Pauk.

18 MR. PRESIDENT:

19 Witness, please repeat your response again.

20 MR. VAN MAT:

21 A. His name is Pauk. Pol Pauk. He was in charge of the Central  
22 Zone. That's what I heard about him.

23 BY MR. FARR:

24 Q. Okay. And this person that you heard was in charge of the  
25 Central Zone, do you know whether he ever visited Krouch Chhmar

1 district?

2 A. I heard people say that he came, but I, myself, did not know  
3 about that.

4 Q. When did you hear people say that he came to Krouch Chhmar  
5 district?

6 A. I cannot recall the month. However, it happened in 1978.  
7 [10.07.32]

8 Q. And I just want to be perfectly sure that I'm understanding  
9 the name you're saying. As I understand it, you're not saying  
10 "Pol Pot". You're saying "Pol Pauk".  
11 Am I understanding you correctly? In other words, the given name  
12 is "Pauk".

13 A. Yes, that is the name. It's not Pol Pot, but it's Pol Pauk.

14 MR. FARR:

15 Mr. President, I notice it's almost the time for our break, and I  
16 also think that it may be important for the witness to have a  
17 look at his -- at his other statement, so perhaps we could break  
18 now and give him a chance to review that just because I'm coming  
19 to a point -- part of my examination that will rely on that  
20 statement quite a bit.

21 [10.08.34]

22 MR. PRESIDENT:

23 Thank you.

24 It is now appropriate for our short break. We'll take a break now  
25 and resume at 25 past 10.00.

25

1 Court officer, please assist the witness during the break time  
2 and invite him back into the courtroom at 25 past 10.00.

3 The Court is now in recess.

4 (Court recesses from 1009H to 1027H)

5 MR. PRESIDENT:

6 Please be seated.

7 The Chamber is now back in session and the floor is given to the  
8 International Deputy Co-Prosecutor to resume questioning to the  
9 witness.

10 BY MR. FARR:

11 Thank you, Mr. President.

12 Q. Mr. Witness, before the break, we were talking about the  
13 identity of the Central Zone secretary, and you had indicated  
14 that you thought his name was Pol Pauk.

15 You've now had a chance to review a second statement that you  
16 gave, and I'll just re-read the relevant quote from that  
17 statement. And again, for the record, the ERN pages are English,  
18 00722241; Khmer, 00716487; and French, 00727597. And this is what  
19 it says in the statement. It says -- quote:

20 "In fact, Ke Pauk served as secretary of the Central Zone, but  
21 after the arrest of people in the East, Ke Pauk was assigned to  
22 control this region." Referring to your region.

23 So having read that, does that refresh your memory regarding--

24 MR. KOPPE:

25 (Microphone not activated)

1 MR. PRESIDENT:

2 Mr. Witness, please hold on.

3 And the floor is given to Mr. Koppe. You may now proceed.

4 [10.29.36]

5 MR. KOPPE:

6 Thank you, Mr. President.

7 I have in front of me another document, E3/5209.1; English, ERN

8 01153931; French, 01152702; and Khmer, 01151671; which is a

9 partial transcription of audio file D125/104R. And it's the

10 interpreter talking to the witness, and it says as follows:

11 "But you said that you heard this -- you clearly heard that a

12 name during the meeting was Ke Pauk."

13 And then the witness answers:

14 "At that time, it was Pol <Pauk>, not Ke Pauk. That was a brother

15 of Pol Pot. One was Pauk and another one was Pot."

16 "Pauk?

17 "Yes, they were brothers."

18 [10.30.55]

19 So for all completeness -- for the completeness of the record, I

20 think this should be presented to the witness as well because he

21 clearly seems to indicate that there are two people, Pol Pauk and

22 Ke Pauk, and he refers to them as brothers.

23 [10.31.20]

24 BY MR. FARR:

25 Mr. President, I apologize. This is an oversight on my part. I

27

1 had not seen that document. I've called it up now. And it does  
2 seem to indicate that the witness said Pol Pauk.

3 Q. So Mr. Witness, it appears that in one statement, you've said  
4 that the secretary of the East Zone was named Pol Pauk, as you  
5 said today, and a subsequent statement, you used the name Ke  
6 Pauk.

7 Can you tell us your best memory of what the name was, if you're  
8 able to help us on that issue?

9 MR. VAN MAT:

10 A. I do not know his real name, but the inhabitants living there  
11 called him sometimes Ke Pauk, sometimes Pol Pauk.

12 [10.32.26]

13 Q. Okay. Thank you. Thank you for that clarification.

14 Now, I asked you a few minutes ago about him travelling to the  
15 East Zone, and I think you said that you had heard about perhaps  
16 a couple of visits to Krouch Chhmar.

17 I want to turn to another topic now, which is the topic of this  
18 person who I'll just refer to as Pauk, summoning leaders from the  
19 East Zone to meetings in the Central Zone.

20 Did you ever learn about Pauk summoning leaders from the East  
21 Zone to meetings in the Central Zone?

22 A. No, I did not hear about this. I only heard the local  
23 inhabitants sometime calling him Ke Pauk, sometime Pol Pauk from  
24 the Central Zone.

25 [10.33.38]

1 Q. Okay. And I want to ask you now about something that you said  
2 in your second interview, so the one that you've just had the  
3 chance to read. And this is English, page 00722241; Khmer, page  
4 0071 -- excuse me - 6487; and French, page 00727597.

5 So you were being asked about this person, Pauk, how often he  
6 came to the East Zone. And you mentioned a couple of visits to  
7 Krouch Chhmar district that you said you had heard about. But  
8 then you go on to say the following -- quote:

9 "But very often, I knew he convened East Zone leaders to meetings  
10 in the Central Zone, Kampong Thom province, whose secretary he  
11 served as."

12 Now, having heard that, does that refresh your memory? Do you  
13 know anything about Pauk summoning East Zone leaders to meetings  
14 in Kampong Thom?

15 A. Yes, I remember. At that time, Chumnik commune chief told <>  
16 the chief<s> of the mobile units <that they> needed to go to  
17 <join> the meeting in the Central Zone <with the zone leader, Ke  
18 Pauk>.

19 [10.35.23]

20 Q. And did that -- did that happen on only one occasion, or did  
21 that happen on more than one occasion that you heard that East  
22 Zone cadres had to go to a meeting in the Central Zone?

23 A. I heard only once. <They told> the mobile <unit> chiefs  
24 <during the meeting that they> needed to go to attend a meeting  
25 in the Central Zone.

1 Q. Okay. So you told us that it was the Chumnik commune chief who  
2 told you that mobile unit chiefs needed to go to this meeting in  
3 the Central Zone. What happened after that?

4 A. Not the mobile unit chiefs, but the commune chiefs and  
5 district chiefs who went there to attend the meeting. <The  
6 commune chiefs just convened a meeting to tell the mobile units  
7 chiefs that they would not be there; they had to go to the  
8 Central Zone.>

9 Q. And did you go to this meeting as well?

10 A. No, I did not go to attend the meeting because I did not hold  
11 any position. I was just simply an ordinary person.

12 [10.37.16]

13 Q. Did you travel to the location of that meeting with someone?

14 A. At that time, the <sangkat> chief asked me to drive the boat  
15 <for the district chief> to Stueng Trang. And at Stueng Trang, he  
16 did not know how to drive the motorbike, so he asked me to drive  
17 the motorbike for him. And at the meeting, Ke Pauk spoke on the  
18 microphone.

19 I was not at the meeting. I was waiting outside, and I heard on  
20 the microphone that every sector <had to> attend<> the meeting  
21 <about the East Zone. After the purge, they would appoint  
22 different people to be in charge of the East Zone>. <They were  
23 all from the Central Zone. That was all.>

24 Q. Okay. Thank you for that.

25 So -- now, tell us again who it was that you drove on the



30

1 motorcycle to the location of the meeting? Was it a commune chief  
2 or a district chief?

3 A. It was the commune chief. As for the district chief, he has --  
4 he had his own messenger to drive the motorbike for him.

5 [10.39.02]

6 Q. Do you remember the name of the commune chief that you drove  
7 to this meeting?

8 A. Yes, I can still remember. His name is Hun (phonetic).

9 Q. Was he the chief of Chumnik commune, or some other commune?

10 A. He was the commune chief of Chumnik. He was assigned to hold  
11 the position of the commune chief of Chumnik after the <purge>  
12 took place.

13 Q. Can you tell us as precisely as you're able where this meeting  
14 took place, what commune, district and zone -- sector and zone,  
15 if you can?

16 A. I can still remember. It was called Kampong Thma. <The  
17 worksite was in Kampong Thma.>

18 Q. And what district, sector and zone was that in?

19 A. At that time, it was said that Kampong Thma was located in  
20 Central Zone.

21 [10.40.53]

22 Q. Okay. You've told us that you weren't attending the meeting  
23 because you had a low position, but you said you were able to  
24 hear what was happening because they were using a loudspeaker.  
25 Can you describe the building? What kind of building was this

31

1 that the meeting took place in and what was the construction,  
2 what were the walls made out of?

3 A. The building was made from concrete, with tile roof and wooden  
4 windows.

5 Q. And where were you located? Were you outside the walls, were  
6 you somehow underneath the building?

7 A. (Microphone not activated)

8 MR. PRESIDENT:

9 Please hold on.

10 MR. VAN MAT:

11 A. I was near the building, but I was outside the building.

12 BY MR. FARR:

13 Q. So given that it was a concrete construction, can you tell us  
14 how you were able to hear what was happening inside?

15 [10.42.22]

16 MR. PRESIDENT:

17 Mr. Witness, please observe the microphone.

18 MR. VAN MAT:

19 A. The building had a tile roof and the -- and had wooden  
20 windows, so that's why I could hear the sound outside.

21 BY MR. FARR:

22 Q. Okay. And I think you said, a moment ago, that you heard on  
23 the microphone that every sector from the East Zone attended.

24 Can you tell us, as specifically as you remember, what, exactly,  
25 was said about the attendees at that meeting?

1 [10.43.15]

2 MR. VAN MAT:

3 A. I heard from the loudspeaker that the new chiefs assigned to  
4 the East Zone needed to implement the policy of the Angkar  
5 regarding the smashing of the Cham, and some of them answered  
6 that they had implemented 50 per cent of the policies. Some said  
7 they had implemented <30> per cent of the policy because Angkar  
8 gave the instruction to smash 100 per cent of the Cham and the  
9 targeted group that needed to be smashed needed to be the ones  
10 who betray the Angkar, regardless of their ethnicity, whether  
11 Cham or Khmer. <And another thing, for instance, nothing was left  
12 from what Angkar had provided, because they, the East Zone  
13 cadres, sold it to the "Yuon". So those cadres and> the people  
14 who were accused of betraying Angkar were collected and smashed.

15 Q. Okay. You just said that it was said at the meeting that --  
16 excuse me -- the lower level cadres needed to implement the  
17 policies of Angkar regarding the smashing of the Cham.

18 Do you remember or were you able to tell who said that?

19 A. The chief who introduced the presiding person of the meeting,  
20 and that presiding person of the meeting was Ke Pauk, who  
21 encouraged the chiefs who -- and cadres who attended the meeting  
22 to implement the Angkar's policy.

23 [10.45.40]

24 Q. And you also mentioned something about some people saying  
25 something had been 50 per cent accomplished, some people saying

1 something had been 80 per cent accomplished.

2 Who was it, if you know, that was saying the plan has been 50 per  
3 cent accomplished or the 80 -- or 80 per cent accomplished?

4 A. I heard from the commune chief of Chumnik, who said that he  
5 had achieved 50 per cent of the policy, but for other commune  
6 chiefs, I did not know.

7 Q. Did you hear anything about any kind of deadline being given  
8 at the meeting?

9 A. I only heard that when the attendees returned to their bases,  
10 they needed to implement and achieve a hundred per cent of the  
11 Angkar's policy.

12 Q. Do you recall how long this meeting lasted, approximately?

13 A. It lasted more than two hours.

14 [10.47.40]

15 Q. I want to turn now to the events following the meeting that  
16 you've described. After the meeting, did the Chumnik commune  
17 secretary say anything to you about the meeting or the things you  
18 heard?

19 A. He told me that whatever I heard at the meeting, I needed to  
20 keep it to myself and not to spread it to anyone else.

21 Q. Did he know that you were Cham?

22 A. At the beginning, he did not know that I was Cham. Later on,  
23 through our relationship, he -- that he assigned me to go here  
24 and there, for example, like I went with him in the boat, engine  
25 boat, and drove the motorbike for him.

1 Q. You told us a moment ago that he told you not to spread the  
2 information.

3 Did you follow that instruction, or did you tell anyone about  
4 what you had heard?

5 A. He told me that.

6 [10.49.32]

7 Q. When you returned to Chumnik, did you tell anyone about what  
8 you had heard at the meeting?

9 A. Yes, I told my friend<>, the mobile <unit chief,> that the  
10 situation was not normal, that <he should run> into the forest.  
11 <He then fled into the forest, and there was a panic in the  
12 commune.>

13 Q. And when you say you told your friends in the mobile brigade,  
14 you've told us that there were both Cham and Khmer in this mobile  
15 brigade.

16 Did you tell both the Cham and the Khmer? Did you tell only the  
17 Cham? Did you tell only the Khmer?

18 A. I told both the Khmer and the Cham, both the Khmer and the  
19 Cham <> mobile unit <chiefs>, and I told them to be careful  
20 because the situation could become worse.

21 [10.50.46]

22 Q. I want to ask you now about events that happened in Chumnik  
23 village a few days after this meeting.

24 Can you tell us what happened in Chumnik village in the days  
25 after this meeting?

1 A. After the meeting, they evacuated the Cham people.

2 Q. And can you tell us in a bit more detail how the evacuation  
3 was carried out?

4 For example, who told you that you had to evacuate?

5 A. During the evacuation, they had big empty boats to evacuate  
6 the people along the river, so there had been two or three rounds  
7 of evacuation before my turn that I was evacuated. <They were  
8 evacuated and never returned.> And <the belongings of the> women  
9 and children <were not brought with them>. <These belongings were  
10 piled up in Stueng Trang.>

11 Q. You've told us that the evacuees included adults, women and  
12 children. The evacuees that you were aware of, were they a mix of  
13 Cham and Khmer, or were they predominantly Cham, predominantly  
14 Khmer, or all of one ethnicity?

15 A. Among the <evacuees>, most <of them> were Cham, <including  
16 women and children>. Only a small minority were Khmer, who were  
17 people who had been evacuated from Phnom Penh.

18 [10.53.18]

19 Q. And of the remaining Cham population of Chumnik, do you know  
20 what portion of the remaining Cham population of Chumnik was  
21 evacuated at that time?

22 A. About 30 per cent remained.

23 Q. And when you say about 30 per cent remained, do you mean 30  
24 per cent remained following the evacuation you're talking about  
25 now, or 30 per cent remained before the evacuation you're talking

1 about now?

2 A. Thirty per cent remained after the evacuation.

3 Q. On the day that you personally were evacuated, do you remember  
4 how you found out that you would have to leave on that day? Who  
5 told you?

6 [10.54.40]

7 A. The deputy commune chief told us that we needed to be  
8 evacuated, so because I was told that I needed to be evacuated,  
9 so I went along with them. <I was the last one to be evacuated.>  
10 And when we arrived, I told my friends that the situation could  
11 be dangerous for us, so we <would need to> jump<> into the water  
12 <if we had to>.

13 At <Stueng Trang>, the Khmer Rouge cadre<s> came to tie us up,  
14 and they would -- they told us that they would tie us up for five  
15 minutes before we got on land<, because previously, there were  
16 enemies among the people and civilians were harmed>. So they told  
17 the people on the boat that they would be tied up, and the people  
18 on the boat agreed. And they used a string of about 10 metres to  
19 tie the people in line. But for me, along with some of my  
20 friends, we jumped into the water <when we heard that. They were  
21 shooting at us but we just dove in and swam,> and we escaped.

22 Q. And can you tell us what happened after you jumped into the  
23 water? Was there any attempt to prevent you from escaping?

24 A. Because I saw that people were tied up, so I could not trust  
25 them, so I needed to jump into the water. And because of jumping

1 into the water, it saved my life and I survived until nowadays.  
2 And some <> other people also jumped into the water, but because  
3 their hands were tied up, <I do not know where they went. I have  
4 not seen them until now>.

5 [10.56.56]

6 Q. Were there any armed men on the boat that took you to Stueng  
7 Trang?

8 A. Yes. In each boat, there were two or three persons. And at  
9 Stueng Trang, there were <many Khmer Rouge soldiers> waiting to  
10 receive us. Yes. That was in Stueng Trang district.

11 Q. Okay. I'll return to the events at -- sorry. One more question  
12 on that.

13 The armed men on your boat, did they shoot at you after you  
14 jumped off the boat?

15 A. Yes, they shot many bullets. <I dove in the water and> it was  
16 night-time, <it was 9 p.m.,> so their bullets could not  
17 accurately target me.

18 Q. Okay. I'll come back to the events at Stueng Trang and your  
19 subsequent escape. Those are both very important. But I want to  
20 make sure we understand the entire story, so I'm just going to go  
21 back in time a little bit.

22 You mentioned that it was the deputy commune chief who told you  
23 you needed to evacuate on that day. Do you remember his name?

24 [10.58.42]

25 A. (Microphone not activated)



38

1 MR. PRESIDENT:

2 Mr. Witness, please observe the microphone.

3 MR. VAN MAT:

4 A. The persons were Aun and Hao (phonetic).

5 BY MR. FARR:

6 Q. Okay. And did they tell you why you needed to evacuate?

7 MR. VAN MAT:

8 A. They did not tell us the reason. They simply said that Angkar  
9 require<d> us to be evacuated.

10 Q. Did you see anyone who refused to evacuate and, if so, what  
11 happened to the -- to that person?

12 MR. PRESIDENT:

13 Mr. Witness, please observe the microphone.

14 [10.59.44]

15 MR. VAN MAT:

16 A. Yes, <in Chumnik,> there were people who refused to get on the  
17 boat, and then they were <> beheaded and thrown into the river.

18 <That was for people who refused to evacuate.>

19 BY MR. FARR:

20 Q. Now, that's something that you mention in your OCIJ statement.

21 In your OCIJ statement, you seem to indicate that that happened  
22 to one person.

23 Did that happen to one person, or to multiple people?

24 MR. VAN MAT:

25 A. There was only one who dared to protest because his family

1 were not evacuated. Only he, alone, was evacuated, so he refused.  
2 <He was not Cham. He was Chinese-Khmer.> As for the Chams, we  
3 were afraid, so we follow<ed> the order. And as for that man,  
4 because <he was Chinese-Khmer and> his family were not evacuated,  
5 so he refused to go. And that's why he was arrested and killed.

6 [11.01.05]

7 Q. Now, did you actually board the boat at Chumnik, or did you  
8 board the boat at some other location?

9 A. I -- we were asked to walk from Chumnik to Svay Damnak  
10 village. It's about a kilometre away. Then we reach that village  
11 of Svay Damnak, which was situated along the riverbank. People  
12 who had to be evacuated were gathered at the Svay Damnak pagoda.

13 Q. So how many people were walking along with you as you went  
14 from Chumnik to Svay Damnak?

15 A. There were between 400 to 500 people at the time. As for the  
16 motorboats, there were between four to five.

17 [11.02.18]

18 Q. Once you arrived at Svay Damnak pagoda, was your group of four  
19 to five hundred people joined by any other groups, or were you  
20 the only group there at Svay Damnak?

21 A. No, only the people from Chumnik village were gathered up  
22 there. Some people were put in that <> place, <because> it's  
23 easier for them to <check the names> before the evacuation. And  
24 Svay Damnak pagoda was located near the commune office<, in front  
25 of the commune office>.

40

1 And in fact, the dining hall of the pagoda was used as the  
2 commune office.

3 Q. You told us earlier that the people evacuated with you were  
4 primarily Cham, with also a certain percentage of Khmer who had  
5 come from Phnom Penh. Are you able to give us an approximate  
6 percentage breakdown in those two groups?

7 Can you tell us, approximately, what per cent Cham, and  
8 approximately, what per cent Khmer from Phnom Penh, if you're  
9 able?

10 A. The Cham people comprised about 98 per cent of the group, and  
11 there was only about two per cent of Khmer who were evacuated  
12 from Phnom Penh. Actually, they were gathered up after many of  
13 them died in the forest, and they were placed in that village.  
14 [11.04.22]

15 Q. I want to ask you about something from your first OCIJ  
16 statement. This is E3/5209; English, page 00242068; Khmer, page  
17 00218538; and French, 00293938.

18 And you were asked what happened after you went to the meeting  
19 where you heard this person, Pauk, speak. And you said -- quote:  
20 "Thousands of people, including men, women and children, were  
21 evacuated before me."

22 Why do you say thousands of people? What were you referring to  
23 there?

24 A. Because the evacuation policy actually took place earlier, so  
25 thousands of people had been evacuated. And usually, <every four

41

1 to ten> day<s>, there were between four to five motorboats used  
2 for the purpose of the evacuation. <The evacuation never  
3 stopped.>

4 [11.05.40]

5 Q. When you arrived at Svay Damnak, did you board the boats  
6 immediately or did anything happen in the dining hall where you  
7 were gathered before you boarded the boats?

8 A. No food was given to us. We were instructed to wait there, and  
9 only when the night fell, we were instructed to board the boats.  
10 <They were afraid that others might know about the plan.> So we  
11 kept sitting there until the time that we were instructed to  
12 board the boat.

13 Q. You said there were four to five motorboats. How many people  
14 could each boat carry?

15 A. It depended on the size of the boat. Usually it could  
16 accommodate between 100 to 200 people per each.

17 Q. And you've mentioned that there were armed men in each boat.  
18 Approximately, how many armed men in each boat?

19 A. There were between two to three of them per boat. And I could  
20 see when I was boarding the boat. And at that time, it was around  
21 5 o'clock in the afternoon, and I saw those soldiers on each  
22 boat. There were about two of them on the smaller boat and about  
23 three on the bigger boats.

24 [11.07.34]

25 Q. How were they armed? What weapons did they have?

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 A. They carried AK rifles -- that is, AK-47.

2 Q. And you've told us, I think, that you then travelled by boat  
3 to <Stueng Trang>. Did all the boats travel together in a group?  
4 Did they all arrive at approximately the same time?

5 A. Yes, we departed at the same time. However, when we arrived,  
6 the women and children disembarked first, while men remained on  
7 the boats. Later on, men were tied up before they were allowed to  
8 disembark the boats.

9 Q. And do you remember anyone mentioning anything about looking  
10 for traitors at that time?

11 A. Yes, they said that we were evacuated by Angkar to the Central  
12 Zone in order to ease the situation in the East Zone. And there  
13 were traitors in the East Zone. And Angkar would also -- when  
14 Angkar actually gave logistic support to the East Zone, including  
15 <medicines,> rice and clothing, they actually -- those traitors  
16 in the East Zone actually <sold> it to the <"Yuon">. And that is  
17 the reason we were evacuated from the Eastern Zone to the Centre  
18 Zone.

19 [11.09.46]

20 Q. You've mentioned that there was a group of cadres there to  
21 meet you when the boat arrived. Can you describe the group of  
22 people who were meeting the boat? In other words, not the ones  
23 who travelled with you on the boat, but the ones who were waiting  
24 for you, how were they dressed, what were they carrying? Did they  
25 say anything?

1 A. They dressed in military uniform -- that is, the military  
2 uniform of the Khmer Rouge.

3 Q. Were they carrying any weapons?

4 A. Yes, each one of them was armed.

5 Q. And what kind of weapon did they have?

6 A. As I said earlier, they carried AK-47s.

7 [11.11.06]

8 Q. I'm going to jump ahead for just a moment.

9 Following the end of the Khmer Rouge era, following the  
10 Vietnamese invasion, did you ever return to Chumnik village?

11 A. When I returned to Chumnik village, I <gathered> those people  
12 in the mobile unit to flee to the forest so that we could not be  
13 killed. So they followed me into the forest. And about two months  
14 after, the liberation force arrived in the area, and we stayed in  
15 the forest for about two months during that time.

16 Q. Okay. Perhaps I'll return now to your escape.

17 You told us that you jumped into the water, bullets were fired at  
18 you but they didn't hit. What did you do then? Where did you go?  
19 The Mekong is a big river. How did you -- how did you make it to  
20 whatever your next destination was?

21 A. I jumped into the <river>, and when I knew that I was a bit  
22 far, then I tried to swim across to the other side of the  
23 riverbank. And <I couldn't find anything to hold on to.> I saw a  
24 lot of floating corpses, so then <my friends and> I <took off our  
25 clothes to wrap around the corpses and hung> on to <them>, and

1 then I swam along the tide of the river.

2 [11.13.06]

3 Q. And I think you've just told us that after you eventually made  
4 landfall, you went to find your mobile unit and told people  
5 something.

6 What did you tell them and what did you all do then?

7 A. I told them that the plan was <not to keep> those evacuees  
8 <alive> and that <those already evacuated had all died>. <They  
9 tore scarves into pieces and put them in several sacks, and they  
10 waited there to tie up the people in the mobile unit.> And upon  
11 hearing that, all the people in the mobile unit fled into the  
12 forest because <> we knew that <they planned to take all the  
13 people in the mobile unit to be killed;> they actually <tore>  
14 scarves <into pieces, but we did not know why they tore them like  
15 that. The plan was to tear these scarves> in order to tie the <>  
16 members of the mobile unit <and take them away> to <be killed>.  
17 <>

18 Q. And I think you mentioned in your OCIJ statement something  
19 about engaging in some kind of armed resistance. Can you describe  
20 that for us, just briefly?

21 [11.14.40]

22 A. I spoke with <my friends,> the mobile units <chiefs>, that if  
23 we did not <rebel>, then we would be killed, <including the  
24 civilians>. But then <my friends> said that we had no weapons.  
25 Then <the civilians> said that they saw this 09 group <throw>

1 some weapons in a well, so we went to that well and we found some  
2 weapons. And then we attacked those soldiers who were actually  
3 herding people to <be killed. My group shot at> the boats to  
4 prevent them from doing that. Then we actually shot at the boats  
5 and sank some boats. And at the time, the people dispersed and  
6 fled into the forest.

7 And then my group remained in the area in order to defend the  
8 villagers, <not to let them go into the village.> The Pol Pot  
9 group <would not dare go into the forest>. <There were a handful  
10 of people guarding in the forest.> And we actually had some  
11 weapons with us <to protect the people in the forest.>.

12 Q. From the operation you've just described, it sounds like you  
13 were trying to disrupt evacuations, further evacuations. Is that  
14 correct?

15 A. Our plan was to disrupt them and to prevent them from killing  
16 more people. And we knew that if we did not retaliate, then we  
17 would be dead anyway. And luckily, our retaliation succeeded. And  
18 a few months later, <we heard that> the liberation forces arrived  
19 <at Dambae>, <so we took the people to Dambae> and <we met the  
20 liberation forces there.> That's how we survived <to this day;  
21 otherwise, all of us would have died because>, at that time, they  
22 actually came to herd people <> every single day.  
23 <The Pol Pot group> came to look for people in the houses, but  
24 the houses were empty because <all> the people <went into> the  
25 forest.



1 [11.17.04]

2 Q. You said a moment ago that when you went back to the mobile  
3 unit, you told them that the people evacuated with you had been  
4 killed. What made you think that the people evacuated with you  
5 had been killed?

6 A. Among them, I knew some people, and, actually, I was told that  
7 those evacuees had been killed. Then I realized <at that time>  
8 that <the> Pol Pot killed people <for real, because>, some people  
9 who were tied up, while they were disembarking the boat and  
10 walking on a piece of plank, they slipped and fell into the  
11 water, and then they shot those people dead. <After hearing that,  
12 we ran and fell from the boats. They were shot dead just because  
13 they fell from the bridge.>

14 [11.18.18]

15 Q. You've told us that you stayed in the forest until the  
16 liberation arrived. After the liberation -- that is, after the  
17 Vietnamese invasion, did you then go back to your village of  
18 Chumnik?

19 A. Yes, I did. I returned to Chumnik after that.

20 Q. And can you tell us approximately what percentage of the  
21 original Cham population of Chumnik was in that village or  
22 returned to that village after the Vietnamese invasion?

23 A. I cannot say for certain on this topic. There were quite many  
24 of them remained.

25 Q. Of the four or five hundred people who were evacuated with

1 you, are you aware of having seen any of those people -- of the  
2 ones you remember, did you ever see any of those people again  
3 after the Vietnamese invasion?

4 A. No, none of them was left. They never returned to the village.  
5 And before our group, there were thousands and thousands of  
6 people who were killed.

7 [11.20.05]

8 Q. And can you tell the Court how long you remained in Chumnik  
9 village, and what year did you move to Kratie provincial town?

10 A. I lived in Chumnik since I was born, and I moved to Kratie  
11 province in 1991.

12 MR. FARR:

13 Thank you, Mr. Witness. Thank you for answering my questions.

14 Mr. President, I've concluded my exam. I've promised my  
15 colleagues from the civil parties 20 minutes. I note we started  
16 at about -- about 15 minutes late this morning, so I hope there's  
17 still sufficient time for them to have a 20-minute examination.

18 MR. PRESIDENT:

19 Yes. civil party lawyers, you may proceed.

20 MR. PICH ANG:

21 Good morning, Mr. President. Good morning, Your Honours. Lead  
22 Co-Lawyers would like to assign Madam Chet Vanly to put questions  
23 to the witness, and she may need about 20 minutes.

24 [11.21.34]

25 MR. PRESIDENT:

1 Yes, your request is granted.

2 QUESTIONING BY MS. CHET VANLY:

3 Good morning, Mr. President. Good morning, Your Honours. Good  
4 morning, everyone in the courtroom. My name is Chet Vanly. I'm a  
5 lawyer for civil parties. And good morning, Mr. Witness.

6 Q. Mr. Witness, you have testified before this Chamber since this  
7 morning about what happened to you. And I'd like to continue  
8 where the Deputy Co-Prosecutor stopped questioning you.

9 Can you tell the Court in what year that you were taken by boat  
10 to be killed but you survived because you jumped into the river?

11 MR. VAN MAT:

12 A. That happened in 1978.

13 [11.22.50]

14 Q. On the day that you departed on the boat -- and you also said  
15 that it was the last evacuation -- can you tell the Chamber how  
16 many boats all together and what was the reason that men were  
17 tied up and not the women and children?

18 A. They demanded men to be tied up because, of course, men were  
19 stronger than women. However, the evacuation was not the last. In  
20 fact, <it was the last, because> we disrupt<ed> many more  
21 evacuations <after I escaped>. Otherwise, <the evacuations would  
22 have still continued, and> all the people in East Zone would have  
23 been killed.

24 And when I said that we may be the last group who was evacuated  
25 at the time because there had been more groups who had been

1 evacuated earlier, <and they had all been killed>. So, <when I  
2 was evacuated after them, I jumped into the river and I escaped.  
3 I told the mobile unit chiefs about the issue of> the evacuation.  
4 And later on, when we ran into the forest, we came back to  
5 disrupt their evacuation plans. <That's how I have survived.>

6 [11.24.15]

7 Q. Did you know about the fate of women and children whom were  
8 not tied? Did you know what happened to them?

9 A. No, I did not because women and children were put on separate  
10 boats. Although we departed at the same time, I did not know  
11 where they actually landed.

12 Q. However, did you know whether those women and children were  
13 also killed?

14 A. It was certain that they had been killed because after I  
15 actually made landfall, I never saw them return.

16 Q. Can you also tell the Chamber, were those people mainly Chams  
17 -- that is, those who boarded the boat and later were killed?

18 A. Yes. Primarily, they were Cham. Almost a hundred per cent of  
19 them were Cham. There could be only about two per cent Khmer.

20 [11.25.42]

21 Q. Regarding the plan that you described from early this morning,  
22 did you know from which level the plan was initiated?

23 A. We only heard that it was Angkar's plan, but I did not know  
24 from which level the plan was initiated. Of course, Angkar  
25 referred to the upper echelon.

50

1 Q. When you referred to the upper echelon Angkar, did you know  
2 here of any names that were said that they were part of this  
3 upper echelon Angkar?

4 A. We mostly heard of Pol Pot's name, who was the senior leader.  
5 [11.26.46]

6 Q. I'd like now to move on to another topic.

7 This morning, you testified that from 1975, the Cham people were  
8 under depression and that they were forced to work hard and that  
9 they were prohibited from practising their customs and  
10 traditions.

11 My question to you is the following: Since Cham people did not  
12 eat pork, what food was given to you while you were working at  
13 the worksite?

14 A. When they had pork to eat, we tried to eat something else. We  
15 ate salt, for example, because we could not eat pork.  
16 [11.27.45]

17 Q. While you were at the worksite, could you describe the living  
18 condition of the Cham people, whether the work they did, whether  
19 the way they lived, <their health conditions, their traditions  
20 and culture> were <> similar to that of the Khmer people?

21 A. We were subject of monitoring by Angkar, and we were under  
22 this constant surveillance more than the Khmer people -- and the  
23 food was not sufficient for us, and we had to work more than the  
24 Khmer people.

25 Q. And while you were still at the worksite, did the Khmer Rouge

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

51

1 know that you were a Cham person?

2 MR. PRESIDENT:

3 Witness, please observe the microphone.

4 [11.28.52]

5 MR. VAN MAT:

6 A. The previous Angkar knew that I was Cham, but the later group  
7 did not know that I was Cham. And there were successive  
8 replacements of these people. And the situation became stricter  
9 after each successive replacement. <At the end, they were killing  
10 everyone.>

11 BY MS. CHET VANLY:

12 Q. You said that Cham people were prohibited from practising  
13 their religion and traditions of pray. Was there any Cham person  
14 who actually violated the order of the Khmer Rouge and who prayed  
15 in secret?

16 MR. VAN MAT:

17 A. We did not dare to practise our religion or pray. We only  
18 prayed in our mind, but not physically.

19 [11.30.00]

20 Q. Did the Khmer Rouge make an announcement in public -- that is,  
21 through a meeting, or were the Cham people gathered up and then  
22 they were told that they were banned from doing certain things,  
23 or was it done on an individual basis for each Cham person?

24 A. We were called to an open meeting where the announcement was  
25 made.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 Q. What was the announcement?

2 A. They announced that we should not believe in our superstitious  
3 religion. We were prohibited to practise our Islamic religion.

4 Q. This morning, you also testified that the holy Koran texts  
5 were destroyed or they were used inappropriately.

6 Did any people actually try to hide those holy texts and, if so,  
7 if they were found out, what happened to them?

8 A. Some people actually hid the Koran text in a <big jar> or  
9 under the ground. And the rest were collected from each house and  
10 destroyed.

11 [11.31.53]

12 Q. During the Khmer Rouge regime, you were prohibited from your  
13 religious practice and not to fast.

14 Can you tell us what happened to you during the Ramadan? Were you  
15 allowed to fast, or you could not know when Ramadan fell?

16 A. By that time, we did not know when the Ramadan fasting season  
17 fell. We only learned of it again after 7 January 1979.

18 During the regime, we did not even know when it -- what day it  
19 was.

20 Q. According to the Islamic religion, you were prohibited from  
21 killing a pig or eating pork.

22 During the Khmer Rouge regime, did you know that whether the  
23 Khmer Rouge forced you to <kill pigs, to> raise pigs or to eat  
24 pork?

25 A. Yes, the Khmer Rouge actually forced us to raise pigs. And

1 later on, they were forced to eat pork. And some of them dare not  
2 refuse and they ate pork and then, later on, they vomited.

3 [11.33.27]

4 MS. CHET VANLY:

5 Mr. President, may I have five more minutes to conclude my  
6 questioning?

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MS. CHET VANLY:

10 Q. During the Khmer Rouge regime, did the Cham people speak their  
11 own Cham language or did they speak Khmer?

12 MR. VAT MAT:

13 A. They spoke Khmer. We were banned from speaking the Cham  
14 language.

15 Q. Was it difficult for you to communicate in the Khmer language  
16 since usually Cham language was your language?

17 A. Of course it was beyond difficulty, but what could we do? If  
18 we were to speak Cham, we would be taken away and killed, so we  
19 tried to force ourself to speak Khmer language for our  
20 communication. And some Cham people did not speak Khmer fluently.

21 [11.34.45]

22 MR. PRESIDENT:

23 Counsel, please turn on the microphone.

24 BY MS. CHET VANLY:

25 Q. During the Khmer Rouge regime, did the children of the Cham



54

1 people gather the -- were gathered up by the Khmer Rouge in a  
2 centre -- that is, were they separated from their children and  
3 did you, as a parent of the Cham children, teach them to speak  
4 the Cham language or the Khmer language?

5 MR. VAN MAT:

6 A. At that time, young children were gathered in one place to  
7 collect cow dungs for fertilizer, and there <was> an older  
8 <person> who would look after them. And then they were instructed  
9 to speak the Khmer language.

10 [11.35.46]

11 Q. This is my last question, Mr. Witness.

12 During the Khmer Rouge regime, were you allowed to live with your  
13 wife and children, or were you separated to different worksites?

14 A. We were separated. We were not allowed to live together with  
15 our wives and children.

16 MS. CHET VANLY:

17 Thank you, Mr. Witness. Thank you for your responses to my  
18 question.

19 And Mr. President, I conclude my session.

20 MR. PRESIDENT:

21 Thank you.

22 It is now appropriate for our lunch break. We'll take a break now  
23 and resume at 1.30 this afternoon to continue our proceedings.

24 Court officer, please assist the witness at the waiting room

25 reserved for witnesses and civil parties and invite him back into

55

1 the courtroom at 1.30 this afternoon.

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

5 The Court is now in recess.

6 (Court recesses from 1137H to 1331H)

7 MR. PRESIDENT:

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

9 And the floor is given to the Defence Counsel for the Accused to  
10 put question to the witness, starting first from -- wait. Please  
11 wait. Judge Lavergne may have some question to put to the  
12 witness. You have the floor now, Judge Lavergne.

13 [13.31.57]

14 QUESTIONING BY JUDGE LAVERGNE:

15 Q. Yes, thank you, Mr. President. Good afternoon, Witness. I  
16 indeed have a few questions -- follow-up questions to put to you  
17 and, in particular, I would like to clarify a certain number of  
18 points regarding the meeting that took place in the Central Zone  
19 in 1978, in Kampong <Thom>, if I understood well. So can you  
20 remind us or can you specify who chaired this meeting?

21 MR. VAN MAT:

22 A. The zone chief, Ke Pauk, was presiding over that meeting. I  
23 was asked to accompany others to the meeting and that time I  
24 heard that Ke Pauk <or Pol Pauk> was presiding over that meeting.

25 [13.33.09]

1 Q. Fine. Did you -- whom did you hear speak? I don't know if --  
2 if this is being translated properly, but I wanted to know: Whom  
3 did you hear speak at that meeting?

4 MR. PRESIDENT:

5 Please observe the microphone.

6 MR. VAN MAT:

7 I heard, from the speech, that the -- the person who spoke at the  
8 time was chief of the zone.

9 BY JUDGE LAVERGNE:

10 Q. And what did he say, exactly, regarding the traitors because I  
11 understood, this morning, that the issue of traitors was brought  
12 up, so what did he say exactly in that regard?

13 MR. VAN MAT:

14 A. For traitors, he referred to those who were from East Zone and  
15 that those people were accused of betraying the upper Angkar and  
16 it was said that those people from the East Zone had to be  
17 purged.

18 Q. Was he speaking about all of the people in the East Zone? Or  
19 was he <> speaking about the people called the "New People", or  
20 did he speak about the Base People? <> Did he give any details  
21 about who these traitors were or <> did he say that all of the  
22 people in the East Zone had to be purged?

23 [13.35.14]

24 A. The -- in principle, all of the East Zone, including the Old  
25 and Base People, <Cham and Khmer,> had to be purged since they

1 were accused of having a Khmer body and Vietnamese mind.

2 Q. And at one point in time, during that meeting, did they speak  
3 about the Vietnamese; were Vietnamese people targeted, as far as  
4 you remember? If you don't remember, just say you don't remember.

5 A. He, in fact, said that the East Zone cadres were supposedly <>  
6 a Khmer body <with a> Vietnamese <head,> and <that the strongest  
7 force was the mobile units; they> were accused of being bandits.  
8 [13.36.35]

9 Q. And during the meeting, did they, specifically, speak about  
10 the Cham and what was said regarding the Cham?

11 A. No, at that time, nothing was discussed about Cham since Cham  
12 people were -- were being transported out. They discussed only  
13 people or cadres from the East Zone at the time.

14 Q. I'm going to read to you -- well, first of all, do you  
15 remember having been interviewed by a person by the name of Ysa  
16 Osman?

17 A. Yes, I recall that.

18 Q. Well, I'm going to read out to you, right now, an excerpt from  
19 his book, "The Cham Rebellion", which, in fact, was read out to  
20 you when you were interviewed by the OCIJ. And this is a document  
21 that is indexed at E3/9323 and the French ERN is, 00286658;  
22 Khmer, 00275387; and in English, 00218542.

23 And, at one point in time, Ysa Osman wrote the following  
24 regarding this meeting<>, <"At> one point in time, during the  
25 meeting, Ke Pauk, who was the Central Zone Secretary, <whose>

58

1 representatives had just captured the East Zone during a violent  
2 <takeover of power>, asked the Krouch Chhmar District Secretary  
3 which percentage of the plan defined by the Party had been  
4 achieved and speaking about you, he said, 'Sales stated that Ke  
5 Pauk then specified, 'You first must destroy the Cham in the  
6 mobile units; they are all traitors.'"

7 So does what I read out to you correspond to your memories or do  
8 you have anything you would like to add to this?

9 [13.39.36]

10 A. I indicated about this issue in the morning. The plan was to  
11 -- to purge, entirely, members of mobile <units>. That's all from  
12 my answer.

13 Q. But was the plan to eliminate all of the members of the mobile  
14 units or all of the Cham who were part of the mobile units?

15 A. All, each and every one from <the> mobile <units>, had to be  
16 purged.

17 Q. And, at one point in time, during the meeting, were there  
18 questions put regarding the Cham specifically?

19 [13.41.00]

20 A. The questions were asked about Cham, Khmer and the plan was to  
21 purge East Zone cadres.

22 Q. So there -- no mention was made of a plan that, apparently,  
23 was directed specifically at the Cham; directed at the Cham more  
24 than at other people who were considered traitors; is that what I  
25 must understand?

59

1 A. Yes, that is correct; all traitors needed to be smashed.

2 Q. Fine. Thank you very much, Witness. I have no further  
3 questions to put to you.

4 MR. PRESIDENT:

5 Now, the floor is given to the defence team for Mr. Nuon Chea to  
6 put questions to this witness. You have the floor now.

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President.

9 Q. Good afternoon, Mr. Witness. Let me start by asking you  
10 question to tell me who is Kun Kim?

11 [13.42.45]

12 MR. VAN MAT:

13 A. Excellency Kun Kim was one of the commanders in the liberation  
14 front, which Pol Pot wanted to kill the entire people, and he was  
15 one amongst the group who led the resistance against Pol Pot.

16 Q. And what was Kun Kim's position before he joined the National  
17 Salvation Front?

18 A. I do not know his actual position, during that time, but I  
19 know that he was a commander; before that time, I have no idea.  
20 During the time, as I said, he was one of the commanders who was  
21 resisting against Pol Pot.

22 Q. And what was his position within that army; what was his rank  
23 within the liberation army? Was he the same position as Heng  
24 Samrin, for instance, or did he have a higher position?

25 [13.44.26]

60

1 A. He did not hold high rank within a district; he was -- he was  
2 not senior and his rank could not be compared to that of Heng  
3 Samrin and Chea Sim. He commanded a small number of soldiers to  
4 help attack the base in Tboung Khmum and Krouch Chhmar.

5 Q. Let me read to you what you told the investigators. That is,  
6 Mr. President, document E3/5209; English ERN, 00242069; Khmer,  
7 00218538; and French, 00293938 up until 39.

8 "In 1978, we", that is you, as well, "fought against the Khmer  
9 Rouge in two battlefields, one in Krouch Chhmar District and  
10 another in front of Roka Khnaor Pagoda. Later, we joined with the  
11 big army of Kun Kim and continued to fight until the liberation."  
12 Now, when you said -- when you told the investigators "the big  
13 army of Kun Kim", what did you mean when you said that?

14 A. It meant that we work closely with the large number of  
15 soldiers from Kun Kim's -- Kun Kim's side and I had only a small  
16 number of soldier and could not resist the troop of Pol Pot;  
17 that's why we had to work closely together with Kun Kim's troop.

18 Q. I understand, but what do you mean when you said "the big army  
19 of Kun Kim"; how big was Kun Kim's army?

20 [13.46.53]

21 A. He commanded around 4 or 500, up to 1,000 soldiers. He had  
22 combined forces under his command to resist and fight against Pol  
23 Pot; that's why I referred to his troop as the big one.

24 Q. And do you know who was Kun Kim's superior commanding officer?

25 To whom did Kun Kim have to report?

61

1 A. I do not have the full knowledge of that since I commanded a  
2 small number of soldiers <in the village or district> and, as I  
3 said, he commanded <a> large number of soldiers, so his army was  
4 considered <a> big one, so I do not know which commanding officer  
5 he reported to.

6 And, as I said, we were confined to be in our own village during  
7 Pol Pot's time; only when we fought to liberate the country, that  
8 is -- that was the -- the only one time that we were able to move  
9 freely. We were confined to our base, at that time, not to move  
10 around freely.

11 [13.48.32]

12 Q. What's Kun Kim's present position today?

13 A. He is the Deputy Commander-in-Chief of the combined forces  
14 within the Royal Armed Force. He is, once again, the deputy  
15 commander-in-chief.

16 Q. Is he presently the highest ranking military person in  
17 Cambodia?

18 A. No, he is not the biggest one and there are people above him.  
19 So when we refer someone a deputy, usually he is -- he or she is  
20 not the biggest one. How can we use the word "deputy" if he is  
21 the -- the biggest one?

22 Q. Let me rephrase the question; is he a four star general who is  
23 now presently the chief of staff?

24 A. He is the deputy commander-in-chief.

25 Q. Were we talking about the same person; just to be sure, is he



62

1 -- is he someone who recently received their PhD in Vietnam?

2 [13.50.44]

3 A. I do not have any idea whether he obtained a doctorate degree  
4 from Vietnam.

5 Q. In Sector 21, to which Krouch Chhmar District belonged, there  
6 was a -- a chief of staff, a military person, called Kun Deth; do  
7 you know whether Kun Deth and Kun Kim are the same person?

8 A. I do not know that individual. I do not know his actual  
9 background or his actual surname.

10 Q. There was also a deputy chief of the Fourth Division in the  
11 East Zone, a person called Heng Kim, who became the chief of the  
12 Fifth Division in the East Zone, at one point in time; do you  
13 know whether he might have been the same person as Kim Kun or Kun  
14 Kim, excuse me?

15 [13.52.00]

16 MR. FARR:

17 Mr. President, I just ask for a reference for the documents that  
18 these questions are based on.

19 BY MR. KOPPE:

20 My last question, Mr. President, was based on Heng Samrin's  
21 interview to Ben Kiernan, E3/1568; English ERN, 00651892; Khmer,  
22 00713967; and French, 00743365.

23 Q. Apparently, you do not know who he was between '75 and '79,  
24 but was he a high-ranking cadre in the East Zone and was he  
25 originally from Kampong Cham?

1 MR. VAN MAT:

2 A. At that time, I did not know about that, so I cannot give my  
3 response to that question. I did not know, at the time, where he  
4 was located.

5 Q. Can you tell us, when you joined the big army of Kun Kim, what  
6 position you had, especially in relation to the battles that you  
7 were involved in -- the two battlefields; one in Krouch Chhmar  
8 District and another in front of Roka Khnaor Pagoda? What was  
9 your role as a liberation army soldier or National Salvation  
10 Front soldier; can you explain that?

11 A. Allow me to tell the Court, I held no actual position. As I  
12 was armed, I was assigned to protect and guard people; so when  
13 there was an issue arising, we worked together to deal with that  
14 issue.

15 And we were working closely <together> to resist <them in order>  
16 to <rescue> our people from that regime, so there was no one to  
17 be in charge of <anyone> at that time.

18 [13.54.35]

19 Q. Well, let me move on, a little bit, in your -- in the  
20 statement, the exact same ERNs as I just cited, Mr. President.  
21 You said, "Later, 300 of us in the mobile brigade fled into the  
22 jungle and we decided to fight against the Khmer Rouge to stop  
23 the killing of Cham people. We had only a few weapons, 15 rifles,  
24 and we named the movement as National Salvation Front in Prey  
25 Ngor Nguy, behind Chumnik village."

64

1 Is that something that you said to the investigators?

2 A. Yes, I did provide that statement. I, at the time, made  
3 mention that the National Salvation Front arrived at <Dambae  
4 district> and, at that time, we had no food remaining to eat, so  
5 we went to pick up the unhusked rice. So, as I said, we arrived,  
6 in fact, at <Dambae district, and we met the National Salvation  
7 Front> at the time.

8 [13.55.56]

9 Q. Where did your group get those 15 rifles?

10 A. <The civilians knew that there were> five rifles <that were>  
11 the result <of> the fighting between the Pol Pot soldiers and the  
12 East Zone soldiers and, at that time, they threw <> the five  
13 rifles <into a well>. So <they> went to collect <these> five  
14 rifles <to give them to the mobile units in order to rebel  
15 against Pol Pot, so that they could not continue evacuating more  
16 people>.

17 Q. In your statement, it says 15 rifles, but you just found them;  
18 is that you're saying? You didn't get them from -- from someone?

19 A. We, in fact, picked up those rifles from <the well/s in which>  
20 the weapons or rifles had been thrown<>. People -- villagers told  
21 us that the rifles had been thrown into the <well/s> during the  
22 time that Pol Pot's troops <were> trying to purge the East Zone  
23 cadres, <and when that failed, they hid the rifles in the well/s  
24 in order to flee.> So we heard from villagers and we went around  
25 to <the> <well/s> to pick up <these> thrown-away weapon<s> or

1 rifles.

2 Q. Let me just move up in time, a bit, and then I will go back.

3 This morning, answering a question from the President, you said

4 that you are now presently the bodyguard or maybe one of the

5 bodyguards of Prime Minister Hun Sen; is that correct?

6 [13.58.14]

7 A. Yes, that is correct.

8 Q. When did you get that position; was that before '79 or after

9 '79?

10 A. It was after 1979.

11 Q. Did you know Prime Minister Hun Sen before 1979?

12 A. I knew him, but I did not see him. He was <doing his job> and

13 I was <doing mine>.

14 Q. What do you mean he was in the West?

15 A. In fact, he was at the East and he was accused of betraying

16 Angkar by Pol Pot.

17 Q. Do you know when he left the East Zone? When he fled to

18 Vietnam, when was that; did he tell you?

19 [13.59.58]

20 A. I did not know at the time. We were not allowed by <the> Pol

21 Pot to move anywhere freely and, as I said, I could not trespass

22 into other villages. Samdech was in Memot, on the other side of

23 the river, and I was on another side of the river.

24 Q. Did he flee for Vietnam in June 1977?

25 A. I do not know when he fled -- in which year he fled. At the

66

1 time, there was no cell phones and radio to communicate with one  
2 another. The forests were -- was everywhere, so I could not go  
3 anywhere; like I said, I could not move freely. <If we went  
4 outside the village just a bit, the Pol Pot would shoot us dead.>

5 Q. Was he -- was he together with you in those two battlefields  
6 that you described, that you were involved, in the Krouch Chhmar  
7 District and Roka Khnaor Pagoda?

8 A. No, we did not combine forces. I was in Krouch Chhmar and,  
9 perhaps, he may have fought the battle in Phnom Penh, so we never  
10 combined forces together.

11 Q. Do you know what position he held in Sector 21 in 1975?

12 A. No, I did not know that because, at that time, I had not known  
13 him.

14 Q. I understand, but did he ever tell you later, maybe when he --  
15 when you became his bodyguard, that he was a deputy regiment  
16 commander in 1975 in Sector 21?

17 A. No, he did not tell me that.

18 [14.02.39]

19 Q. Did he ever tell you whether his regiment had any role in  
20 crushing the Cham rebellion in late-1975?

21 A. No, he did not. <I have never heard of that.>

22 Q. Let me read to you an excerpt from the Regiment or Battalion  
23 55 cadre, E3 -- Mr. President, E3/5261; Khmer, 00250947 -- sorry  
24 43; French, 00285329; English, 00274336.

25 "By that time, Sokh Saroeun had become -- had gone to become the

67

1 chairman of the zone division and Sokh Sat was the commander of  
2 D55. Sokh Sat organized the troops to suppress the Cham  
3 rebellion."

4 "Do you know --" Question: "Do you know whom Sokh Sat received  
5 orders from?"

6 Answer: "As far as I know, Sokh Sat received orders from Yun  
7 Sophi. Yun Sophi was in the Sector 21 military staff."

8 Did Prime Minister Hun Sen ever talk to you about this?

9 [14.04.35]

10 A. No, he never talked to me about that and I have never heard  
11 the names that you mentioned in your question.

12 Q. But you do -- have heard of the name of Heng Samrin; is that  
13 correct?

14 A. Of course, everybody heard of his name since after the  
15 liberation, as he was a -- a leader who led the troop to liberate  
16 the country, and that was at the time that I heard of his name.

17 Q. Was he, in 1975 and afterwards, the deputy chief of the zone  
18 military staff?

19 MR. FARR:

20 Mr. President, the witness just indicated that the first time he  
21 heard of Heng Samrin was after 1979, so I'm not sure what his  
22 foundation would be to discuss Heng Samrin's positions in 1975.

23 [14.05.39]

24 MR. KOPPE:

25 I'm -- I'm sure the witness must have met Heng Samrin afterwards,

1 but--

2 MR. FARR:

3 Well, that -- that should be asked first then, we would submit.

4 MR. KOPPE:

5 Fine.

6 BY MR. KOPPE:

7 Q. Mr -- Mr. Witness, have you ever met Heng Samrin after 1979?

8 MR. VAN MAT:

9 A. No, until today, I have never met him in person. I only heard  
10 of his name.

11 [14.06.18]

12 Q. Have you ever heard from someone else whether Heng Samrin was,  
13 in 1975 and -- and afterwards, the deputy chief of the East Zone  
14 military staff?

15 A. No, I haven't heard that. I do not know anything in relation  
16 to the period that you refer to. At that time, I only knew what  
17 happened on the ground where I stayed.

18 Q. Let me ask it more generally then. Have you ever heard whether  
19 Heng Samrin was, in fact, the highest military commander in the  
20 East Zone after So Phim between '75 and '79?

21 A. No, I never heard that. I didn't know his role or function at  
22 the time. As I said, I only heard of him after the 1979  
23 liberation and I did not know anything about him before that.

24 Q. Have you heard of So Phim?

25 A. No, I haven't heard of So Phim. I do not know who that person

1 was.

2 Q. So you were in the big army of Kun Kim, became Hun Sen's  
3 bodyguard, and you are telling me that you do not know who So  
4 Phim is?

5 A. Yes, that is correct because I do not know him. As for Kun  
6 Kim, I became known to him only about a month before the country  
7 was liberated and, prior to that, I did not know him or what --  
8 or what he did.

9 [14.08.51]

10 Q. Mr. Witness, there is evidence before the Trial Chamber which  
11 might seem to suggest that almost every villager in East -- in  
12 the East Zone or the former East Zone knew who So Phim was or at  
13 least heard of what they called, "So Phim event"; are you sure  
14 that you never heard of So Phim?

15 A. I never heard about him or what he did.

16 Q. Have you ever heard of a person named Chan, who was the Sector  
17 21 chief?

18 A. No, that name does not ring a bell. In summary, even the  
19 district chief of Krouch Chhmar, I did not know him or her. I  
20 only knew the people on the ground where I lived and the commune  
21 chief. I did not know even the district chief. How could you ask  
22 me about the name of the chief of the sector?

23 [14.10.29]

24 Q. Let me see if I can refresh your memory. Have you ever heard  
25 of Ouk Bunchhoeun?



1 A. No, I do not know Ouk Bunchhoeun.

2 Q. Maybe I -- I mispronounce the name, but -- did I pronounce it  
3 correctly?

4 Ouk -- Ouk Bunchhoeun the present high-ranking CPP minister.

5 MR. VAN MAT:

6 A. No, I don't. I don't know who he is or what he's doing.

7 Q. Let me return to Chan, Seng Hong alias Chan, the Sector --  
8 Sector 21 Secretary, to whom Ouk Bunchhoeun was deputy up until  
9 '78.

10 I have in front of me a WRI of his son, the son of Sector Chief  
11 Chan. Mr. President, it is document E3/5531.

12 Question and answer 66, he talks about a meeting he had with his  
13 father in '79 or '78, probably, and the father of this person, in  
14 other words, Chan, said the following.

15 "Don't speak about the previous things in Sector 21. He also told  
16 me to tell his former subordinates not to say anything and to  
17 show ignorance of Sector 21 and all should say that they used to  
18 be farmers at Kampong Trabaek."

19 Mr. Witness, have you ever heard of any orders to anyone in the  
20 former East Zone, basically, to play dumb on events in Sector 21?

21 [14.13.14]

22 A. No, I haven't heard about that and I don't even know this Chan  
23 person.

24 Q. Have you ever heard of a person Hem, H-E-M, Samin, Hem Samin?

25 A. No, I do not know this name.

71

1 Q. Just to help you, he had a high-ranking government position  
2 right after '79 in the PRK government; Hem Samin, does that mean  
3 anything?

4 A. I do not know this Hem Samin at all. The name does not ring a  
5 bell.

6 [14.14.24]

7 Q. Let me read to you an excerpt from a scholar's book, Mr.  
8 President; that is Ben Kiernan's book, E3/1593; ERN English  
9 00678637 (sic), Khmer 00637770 and 71, and French 00639034.  
10 And I'm quoting now, Mr. Witness.  
11 "Hem Samin, a Hanoi-trained communist then a political prisoner  
12 in the zone, blames the zone CPK Secretary So Phim for the first  
13 repression of local Chams. 'It was he who signed the orders for  
14 Phuong to kill the Chams in Trea in 1974. He was nasty.'  
15 So although you don't know Hem Samin or at least that's what you  
16 say, you don't know So Phim; at least that's what you say, have  
17 you ever heard anybody say that the former East Zone Secretary So  
18 Phim was, in fact, responsible possibly through Heng Samrin and  
19 Prime Minister Hun Sen for the repression of the Cham rebellion  
20 in '75 and '74?

21 [14.16.20]

22 A. No, I have not heard about that since 1970.

23 Q. Have you ever heard of a person named Pol Saroeun?

24 A. At present time, yes, I heard of his name, but in the past, I  
25 did not know what he did.

1 Q. What's -- what's he doing now?

2 A. He is the commander-in-chief of the Royal Armed Forces.

3 Q. So he's the superior officer to Kun Kim; is that correct?

4 A. At the present time, yes, but in the past, I did not know.

5 Q. Well, let me assist you. Do you know whether he -- Pol Saroeun  
6 was, after Heng Samrin, the second deputy chief of the zone  
7 military staff?

8 [14.18.07]

9 A. No, I did not know about that. I did not know about their  
10 previous positions.

11 Q. Have you ever heard -- do you know, rather, whether Pol  
12 Saroeun played a role -- a military role in the National  
13 Salvation Front?

14 A. I did not have any idea about that. I was -- I did not know  
15 whether he was in the front.

16 Q. Have you ever heard of a person named Mat Ly?

17 A. Yes, I heard of the name Mat Ly.

18 Q. And who was he?

19 A. I only heard of his name; I do not know who he was.

20 MR. PRESIDENT:

21 He did not know him and how you ask him who he was and your line  
22 of question is not really related to the scope of the facts being  
23 put before the Chamber, so please really try to return to the  
24 main topics. Although I try not to interrupt your line of  
25 questioning, you have wasted quite a number of -- quite a large

1 chunk of your time.

2 Please be reminded that you need to focus on the questions  
3 related to the knowledge of this witness so that we, altogether,  
4 can ascertain the truth in this matter.

5 MR. KOPPE:

6 Indeed, Mr. President, let's ascertain the truth, but I believe I  
7 heard the witness say that--

8 [14.20.24]

9 MR. PRESIDENT:

10 When the witness says he does not know then, please, try to move  
11 on and not to keep repeating that point.

12 MR. KOPPE:

13 I believe the witness does know Mat Ly; he just said that.

14 JUDGE FENZ:

15 At least we should clarify it because I heard in the English  
16 translation -- at least I think I heard -- he said yes. So either  
17 it's a translation issue; perhaps we can clarify that by  
18 repeating the question.

19 [14.20.58]

20 BY MR. KOPPE:

21 Q. Mr. Witness, did you just say that you knew Mat Ly?

22 MR. VAN MAT:

23 A. Allow me to say it again; I heard of the name, but I do not  
24 know who he is. <Who has never> heard of his name<? I am also>  
25 Cham <so I have heard of him>, but I do not know what he does or

74

1 what position he held. I only heard that he was one of those who  
2 liberated the country with Samdech and I never knew him in  
3 person.

4 Q. Fine, I'll move on. Mr. Witness, answering a question from the  
5 Prosecution, you said that the "Khmer Rouge arrived in Krouch  
6 Chhmar District in 1975". Isn't it true that Krouch Chhmar was  
7 already in the hands of the "Khmer Rouge" in 1970?

8 A. I did not know anything about the Khmer Rouge, Khmer Krahom,  
9 or the Blue Khmer or Khmer Khieu. <Only the same people came, but  
10 later on, it became more and more strict. I did not know where  
11 they were from; in the beginning, they did not harm or kill the  
12 people. But later on, the problems occurred.>

13 Q. Surely, Mr. Witness, you are able to say whether the Khmer  
14 Rouge arrived in Krouch Chhmar in 1970 or in the year that Phnom  
15 Penh was liberated?

16 [14.23.10]

17 A. I did not know whether they were the Khmer Rouge or the Khmer  
18 Front that happened in 1970. I only knew that the killing started  
19 after 1975.

20 Q. All the people in Trea village probably wouldn't agree with  
21 you, but is it correct that the people who were in charge in  
22 September, October of '75 were the same people who were in charge  
23 of Krouch Chhmar District in 1970 and subsequent years?

24 A. I didn't know the person who was in charge.

25 Q. But this morning you gave testimony that in relation to the

75

1 events in '75 that, and I quote, "Upper Angkar arrested the  
2 traitors". What did you mean when you said that?

3 [14.24.37]

4 A. I saw them coming to arrest the people, to arrest the <leaders  
5 of the> tuons, hajis> and hakims, etc., and we -- I heard that  
6 they came from the upper level, although I did not know who they  
7 were. They came to arrested the -- to arrest the educated people.  
8 They were taken away and never returned, including the hakim<s,  
9 hajis> and tuons. I heard that they were from the upper level  
10 Angkar.

11 Q. But you do not know who upper level of Angkar was?

12 A. I only knew that at the top level there was Pol Pot who issued  
13 orders. That's all I knew because if you referred to regime it  
14 was known as the Pol Pot's regime.

15 Q. Well, let's talk about Pol Pot a little bit. What made you say  
16 it during your WRI that Pol Pauk with a "K" was in fact a brother  
17 of Ke Pauk? What is the source of your information, source of  
18 your knowledge, rather?

19 MR. FARR:

20 Mr. President, my understanding after reading the transcript was  
21 that he was saying that Pol Pauk was the brother of Pol Pot  
22 rather than the brother of Ke Pauk. So perhaps that could be  
23 clarified with the witness before we continue?

24 BY MR. KOPPE:

25 Q. No problem. Were you saying that Pol Pauk was the brother of

1 Pol Pot?

2 [14.26.42]

3 MR. VANN MAT:

4 A. Yes, that's what I heard from other people that Pol Pauk was  
5 the younger brother of Pol Pot. Some other people referred to him  
6 as Ke Pauk and I heard this from people who knew from one another  
7 that Pol Pauk was related to Pol Pot and he was Chief of the  
8 Central Zone. That's why he was so vicious.

9 Q. Do you know now that Pol Pauk and Ke Pauk were not brothers at  
10 all?

11 A. No, I do not know it for certain. I only heard <that from>  
12 people at the time; <I did not> do <any> research <regarding  
13 their backgrounds>.

14 [14.27.52]

15 Q. Let me return again to the rebellion in '75. Asked a question  
16 on this, by the Prosecution, you were talking about military  
17 boats that you saw on the river. Can you describe those military  
18 boats for me?

19 A. The Pol Pot soldiers came to repress people in Kaoh Phal who  
20 rebelled against them and then they transported the wives and  
21 children of those people involved in the rebellion by boats, and  
22 I did not know where they were taken to. <They went along Roka  
23 Khnaor creek near Chumnik village.> And I heard <> the fishermen  
24 <say> that <they saw> villagers from Kaoh Phal <being> taken  
25 <into the forest, but they did not know where they were taken

77

1 to>. They were accused of opposing Pol Pot.

2 And in 1979, there was no one <remaining there>. There were only  
3 trees.

4 Q. I don't think any villager in 1975, had heard of the name Pol  
5 Pot, Mr. Witness. Are you sure you heard the name Pol Pot in  
6 1975?

7 A. Yes, I heard of his name even prior to 1975.

8 Q. Have you ever heard of the names FULRO or Khmer Sar, White  
9 Khmer?

10 A. No.

11 [14.30.16]

12 Q. Have you ever heard -- let me backtrack. Mr. President, I am  
13 referring to document E3/1568, ERN English, 00651889; Khmer,  
14 00713962; and French, 00743361. It's the interview of Heng Samrin  
15 who says that, "In 1976, '77, we had a struggle, but a secret  
16 one." End of quote.

17 Have you ever heard Heng Samrin speak of a secret struggle in '76  
18 or '77?

19 A. No, I did not know that. I was pretty young at the time.

20 Q. But nevertheless, you were able to overhear a meeting presided  
21 by Ke Pauk. Now, let's ask -- let's talk about that first for a  
22 while. How was it possible, do you know, that a commune chief was  
23 able to attend a meeting presided by Ke Pauk?

24 [14.32.02]

25 A. At that time, the district chiefs and the commune chiefs were



78

1 called to that meeting because there was a plan to evacuate the  
2 Cham people from the Chumnik <> commune. That's why the chiefs of  
3 the commune <> were called to that meeting <in order to make a  
4 plan to purge the Cham people in Chumnik commune, and> because in  
5 the <> commune there were several remaining Cham families, the  
6 new commune chief was called <and he was ordered to purge the  
7 Cham people there>. At that time, not only the Cham people were  
8 purged but Khmer <and Chinese> people were also purged.

9 Q. The reason I am asking, Mr. Witness, there is a lot of  
10 evidence that seems to suggest that zone leaders would only, most  
11 of the time, speak to sector leaders, sometimes even -- or  
12 sometimes the district chiefs, but hardly ever to commune chiefs.  
13 So when you were accompanying this commune chief did he tell you  
14 that it was a special occasion?

15 A. I was not told that it was a special case. They were told to  
16 go with the district chiefs to receive plans from chief of the  
17 zone. The target was to purge Chumnik commune since it was said  
18 that there were bandits within the Chumnik commune. They said  
19 bandits were from somewhere to cause the trouble to the plans of  
20 Angkar. So the meeting was meant to lay out plans to get out --  
21 get rid those bandits.

22 Q. What would the commune chief understand that the word purge  
23 meant when it was pronounced? What did that mean?

24 [14.34.20]

25 MR. FARR:

79

1 Mr. President, he is asking this witness what another person  
2 understood a particular word to mean. Unless that's based on a  
3 conversation that this witness had with the commune chief he has  
4 no way of knowing how the commune chief understood that.

5 BY MR. KOPPE:

6 Fine. No problem. I will rephrase.

7 Q. Mr. Witness, did you talk with the commune chief, what he  
8 understood the words purge to mean, the word "purge" to mean?

9 [14.34.57]

10 A. I was not entitled to question him about the meaning of that  
11 word. I was so terrified of him. He had rights to kill people;  
12 <as a commune chief, he could kill everyone in the commune if he  
13 wanted to>. He had the authority to kill all <the people in the  
14 commune>. <There was no court like today.> So, I was a small  
15 person and I had no right to ask -- question him. Whenever I was  
16 assigned to go anywhere, I would do the task and perform it. No  
17 matter I was asked to go and die, I would do it.

18 Q. Mr. Witness, you talked about also having heard the speaker,  
19 whoever he was, talk about percentages; 50 percent of the Cham  
20 people, I believe. Can you specifically recall hearing a  
21 percentage?

22 A. Regarding the percentage, <it was not about the Cham.> In  
23 fact, there was a question <about what percentage of the> purges  
24 <had been> done by each <sector>, and some <lower levels> said  
25 they could accomplish 50 per cent of <the> purges; <some said 30

1 per cent,> and I do not know what was <the reason for the purges  
2 as I was not a chief>.

3 Q. Mr. Witness, clearly you do not know but I am -- we have  
4 reviewed all documents that talk about meetings that you have  
5 described and whenever there is discussion about percentages,  
6 it's always about percentages of plans for crops and rice. So  
7 things would be said like 50 percent of the plans have been  
8 completed. Are you maybe mixing two things up, something that you  
9 heard about percentages in terms of rice production or other  
10 productions of crops?

11 [14.37.36]

12 A. When they referred specifically to rice, they would refer to  
13 it very clearly, <but they said "smashed">. So how could they  
14 refer to crops or rice to be <smashed>? <"Smashed"> was meant to  
15 be done <to> people.

16 Q. How would you know even know that, Mr. Witness, as a simple  
17 villager, that whenever cadres spoke during those meetings and  
18 used percentages, that they were referring to crops and rice  
19 production? How would you know that? Did you attend other  
20 meetings?

21 A. I was part of the mobile <units>. The head of the party of Pol  
22 Pot convened a meeting and it was widely known a slogan of,  
23 "Keeping is no gain, taking away is no loss." This is usually --  
24 a commonly well-known phrase at the time. <Angkar's slogan was  
25 like that, "Keeping is no gain, taking away is no loss, so smash

81

1     them.">

2     [14.39.02]

3     Q. Mr. Witness, I put it to you that you never overheard any  
4     meeting during which purges or executions were discussed. Isn't  
5     that true?

6     A. They were referring to the purges of the East Zoners and at  
7     the time, purges did happen as the zones -- as the cadres of the  
8     zone fled to this and there and they were accused of having a  
9     Khmer body <with a> Vietnamese <head>. <> At the time, people  
10    were assigned to dig the canals and build the dams, so how could  
11    they be accused of having Khmer bodies <with> Vietnamese minds,  
12    <CIA, etc.>?

13    Q. Last question, Mr. Witness. What are your qualifications that  
14    you became Prime Minister Hun Sen's bodyguard?

15    A. It is my willingness to protect, to give protection to him. It  
16    comes out of my mind. <He has> done good deeds and I am willing  
17    to defend, to give protection and security to him. <I am just a  
18    normal soldier.>

19    MR. KOPPE:

20    Thank you, Mr. Witness. Thank you, Mr. President.

21    [14.40.47]

22    MR. PRESIDENT:

23    Thank you. It is now a convenient time for a short break. The  
24    Chamber will take a short break from now until 3 o'clock.

25    Court officer, please assist the witness in the waiting room

1 during the break time and please invite him back into the  
2 courtroom at 3 o'clock.

3 The Court is now in recess.

4 (Court recesses from 1441H to 1500H)

5 MR. PRESIDENT:

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

7 And before the lunch break, Counsel Victor Koppe said that he had  
8 no more questions, so <is it because> you had no more questions  
9 or <because of the time>?

10 [15.01.16]

11 BY MR. KOPPE:

12 I did say that but as a matter of fact because we have a little  
13 bit of extra time, I have five more minutes of questions.

14 Q. Mr. Witness, before the break I asked you about your  
15 involvement in Kun Kim's army and two battles that you described.  
16 What is it that you can recall about those battles? Were there  
17 any civilian casualties? Were there casualties on the other side?  
18 Did you engage in shooting the enemy yourself? What is it that  
19 you can remember?

20 A. Yes, I can still recall there were no civilians involved.

21 There were only soldiers to soldiers engaging in the fighting.

22 <Some people were injured and some died during the fighting, on  
23 the enemy side and the liberating side.>

24 Q. And how big were the respective armies that were fighting each  
25 other?

1 A. It was small-scale fighting involving the -- about 50 to 100  
2 men <on each side>. When the Khmer Rouge soldiers came to gather  
3 up people, we fought back to prevent them from gathering up  
4 people. <If we had not fought back, they would have taken as many  
5 people as they wanted, and all the civilians would have died.>

6 Q. And that -- those battles, that fighting was that when you  
7 were in Kun Kim's army? If yes, was he commanding?

8 [15.03.41]

9 A. Yes, he was the commander of the big troops and he commanded  
10 the fighting in Kampong Cham Province.

11 Q. And was he, together with your forces, involved in the sinking  
12 of boats that you just referred to earlier this morning; is that  
13 correct?

14 A. It was not his troops who sank the boats. It was the troops  
15 stationed along the <National Road to Kampong Cham>. <For my  
16 group, we were standing guard along the river on the boats. When  
17 the> Pol Pot sent the boats to <take people away to be killed,  
18 his troops had no idea about us, because his troops was in Tboung  
19 Khmum and they were going to> Kampong Cham <province. And my  
20 group was in Krouch Chhmar district to protect the civilians and  
21 destroy Pol Pot's> boats <that> were sent <to take> people <away>  
22 to be killed.

23 [15.04.55]

24 Q. And you and your fellow combatants were involved in the  
25 sinking and shooting of those military boats; correct?

1 A. The military <> boats were used to transport people <> away to  
2 be killed, and our <youth unit went to destroy> the boats <so  
3 that they couldn't move forward>. We had a group of men who <went  
4 to destroy> the boats to prevent it from -- to prevent them from  
5 <moving forward>.

6 Q. And these fellow combatants who were they? Were they men of  
7 Kun Kim's army or were they former mobile brigade members? Who  
8 was that unit? Who was that military unit that shot those boats  
9 that sank those boats?

10 A. It was the men from the mobile <unit who got together as a  
11 group to rebel against Pol Pot>. There were no<> any big armies  
12 involved in that because the big army were involved in fighting  
13 at the provincial level. As for fighting at the base or local  
14 levels, it was men from the mobile <unit> who formed the  
15 <resistance> force against the Khmer Rouge <to prevent them from  
16 taking people away to be killed>. There was one group of forces  
17 <stationed in Roka Knaor that collaborated with us. It>  
18 belong<ed> to His Excellency <Seak> Socheat (phonetic) and he had  
19 about 20 or 30 men under his command.

20 Q. And that mobile brigade is the same mobile brigade that you  
21 refer to in your WRI, those 300 men consisting of both Khmer and  
22 Cham; correct?

23 [15.07.15]

24 A. Yes, that is correct. It was the men from the mobile <unit>.

25 Q. My last question. How did you and your fellow mobile brigade

1 members -- how were you able to do this? Did you receive some  
2 kind of military training that enabled you to sink those military  
3 boats?

4 A. There was no training but, because we <were> suffering, that's  
5 why we resisted. And when we had guns, <and> we used the guns to  
6 <shoot>. <Just knowing how to shoot was enough. Shooting a boat  
7 was not difficult. We just shot at it a bit and it sank.> So as  
8 I said, we received no training. <We just came out of the mobile  
9 unit and we did it.>

10 Q. And you used those 15 rifles to shoot down those, to sink  
11 those military boats, those 15 rifles that you refer to in your  
12 WRI; correct?

13 [15.08.40]

14 A. Yes, that is correct.

15 MR. KOPPE:

16 Thank you, Mr. President, for this additional time.

17 MR. PRESIDENT:

18 Thank you. Now, the floor is given to the defence team for Mr.

19 Khieu Samphan to put questions to the witness.

20 QUESTIONING BY MS. GUISSÉ:

21 Thank you, Mr. President. Good afternoon, everyone. Good  
22 afternoon, Witness. My name is Anta Guisse and I am International  
23 Co-Counsel for Mr. Khieu Samphan. I will put a few complementary  
24 questions to you.

25 Q. My first question has to do with the year 1975, during which



86

1 you stated that the Khmer Rouge arrived in your region. In answer  
2 to a question put to you by my colleague of the civil parties, I  
3 believe you stated that there was a meeting regarding the  
4 prohibition of religious practices.

5 I put this question to you because in your 2008 statement,  
6 document E3/5209, you stated -- and the ERN in French is,  
7 00293937; ERN in Khmer, 00218537; and ERN in English, 00242067;  
8 you stated that, "There was no meeting <or> political statements  
9 <against us,> but we were told that the <practice of the Muslim  
10 religion was a belief>". End of quote.

11 My first question, therefore, is whether there was any meeting  
12 held to discuss religious practices.

13 [15.11.04]

14 MR. VAN MAT:

15 A. The meeting was not only about the prohibition of religious  
16 practice of Islam but also the prohibition of the practices of  
17 other religions, including Buddhism. <It was not a meeting just  
18 for the Cham; it was for the whole commune.>

19 Q. So if I understand you correctly, when you stated that there  
20 was no meeting in the <context of the> statement I have just  
21 quoted, did you mean that there were no specific meetings to  
22 discuss Islam but it was a general meeting, a general information  
23 meeting to discuss general religious practices? Is that what I  
24 should understand from your testimony?

25 [15.12.06]

1 A. <> No, <that is not correct.> There was a meeting and the  
2 content of the meeting was later on <secretly> spread to the  
3 localities.

4 Q. Did you personally attend that meeting?

5 A. Yes, I attended the meeting. All the youths were called to  
6 attend the meeting. Women were instructed to cut their hair  
7 short. I mean the Cham women. And they were prohibited from  
8 wearing the head scarf.

9 Q. And we agree that those meetings were sometimes attended by  
10 both Cham and Khmer. Is that correct?

11 A. Yes, that is correct. The participants were both Khmer and  
12 Chams. Even the Khmer women were also instructed to cut their  
13 hair short.

14 Q. In answer to a question put to you by the Co-Prosecutor this  
15 morning, regarding the number of inhabitants of your village, I  
16 understood that by your reckoning there were <10,000> inhabitants  
17 of that village. However, I would like you to clarify this point  
18 because I didn't understand whether the 10,000 people you refer  
19 to include both the Cham and the Khmer because I understood from  
20 your testimony this morning that you did say that half of the  
21 population of your village was Cham and half was Khmer in 1975.  
22 So, may I know whether the 10,000 people you refer to is the  
23 entire population that is Cham and Khmer inclusive?

24 [15.14.54]

25 A. No, it doesn't mean that the total number of Khmer and Cham

1 together is 10,000. <There were more than 10,000 people in the  
2 commune. 10,000 people referred to the number of Cham people in  
3 one village. There were Cham people in> three villages <> in  
4 <Chumnik commune. For just> Chumnik village, it had more than  
5 10,000 people. <That did not include the Khmer.>

6 Q. And <did> the 10,000 people sometimes include Cham and Khmer  
7 in that village referred to as Chumnik?

8 A. <In Chumnik village>, the 10,000 people were Cham, not Khmer.  
9 Here, I refer to only the number of the Cham people, not the  
10 Khmer people. It's based on my estimate.

11 Q. And to be specific, how did you come by those estimates? How  
12 did you get that particular figure?

13 [15.16.32]

14 A. I based my estimate on the counting of families.

15 Q. This morning you stated that you are talking of 10,000  
16 persons. Can you tell us how many families would enable you to  
17 come by that estimate, if you do remember?

18 A. The 10,000 people equal to probably 1,000 families and there  
19 was more than 1,000 families in Chumnik village.

20 Q. Did you have any particular positions in Chumnik village?

21 A. No, I did not hold any position.

22 Q. Do you have any particular knowledge of the number of families  
23 because someone told you about that or you are relying solely on  
24 what you can remember?

25 A. The village chief told me.

1 Q. And who was that village chief and when did he tell you that?

2 A. His name is Mat <Him> (phonetic).

3 Q. And when did he tell you of the number of families in that  
4 village?

5 [15.19.15]

6 A. He told me in 1977.

7 Q. And was Mat <Him> (phonetic) Cham?

8 A. Yes, he was ethnic Cham.

9 Q. Do you know whether he remained village chief up to 1979?

10 A. He stopped working as village chief for a while and then later  
11 on, after the liberation in 1979, he became the village chief  
12 again. <At that time, everyone fled into the forest. There was no  
13 village chief or other chiefs.>

14 Q. Do you know when he stopped being village chief? Because you  
15 said that in <1977>, he was still chief. When did his functions  
16 change?

17 [15.20.43]

18 A. He stopped in 1978 after Pol Pot evacuated people away and  
19 then he stopped from working as village chief. <He fled into the  
20 forest. There was no village chief or other chiefs.>

21 Q. Do you know who replaced him?

22 A. There were no persons assigned to replace him because people  
23 fled into the forest. <Only after the liberation on 7 January  
24 were village chiefs appointed.>

25 Q. So, if I understand correctly, he remained village chief up

1 until the time when you fled, you yourself fled; is that correct?

2 A. Yes, that is correct.

3 Q. I would like us to talk about your work in the mobile unit

4 referred to this morning. In answer to a question put to you by

5 the Co-Prosecutor, you said you were initially assigned to herd

6 cattle and that you were subsequently assigned to build dams with

7 other members of the population, that is while you were in the

8 mobile unit. Do you remember when you started working in the

9 mobile unit?

10 A. I began my work at the mobile unit from 1977, 1978 <onward>.

11 Q. This morning you also stated that your mobile unit consisted

12 of Cham and Khmer. Do you remember how many members there were in

13 your entire mobile unit?

14 [15.23.17]

15 A. I do not know the exact number but it was in the hundreds and

16 thousands. I did not know about the specific figure because I was

17 not the one in charge of that unit. So I simply follow the

18 instructions when I was in the unit. If they order me to carry

19 water, I carry water.

20 Q. When you were interviewed by the Co-Investigating Judges,

21 document E3/5209, the ERN in French, 00293937; ERN in Khmer,

22 00218537; ERN in English, 00242068; you state that at a point in

23 time a cadre asked you to monitor the Commerce Office. Can you

24 tell us which cadre that was and when you were assigned to do

25 such monitoring?

1 A. It was the commune's cadre who assigned <me>; <the Commune  
2 Commerce Office handled the food supply for the mobile unit at  
3 the commune level>, and it was in 1977.

4 [15.25.01]

5 Q. When you stood guard were you armed?

6 A. No, I did not carry any weapons. I was there. I <was just  
7 sleeping there, guarding>. So I possessed no weapon. It was like  
8 herding the cattle so I had no guns.

9 Q. You stated that at a point in time -- we are talking about a  
10 situation in 1978, that is when a meeting was held and you said  
11 you accompanied a <commune head> to that meeting. So in 1978, you  
12 said this morning that in that year you accompanied the commune  
13 chief to a meeting held in the Central Zone. Do you agree with me  
14 that it was indeed a commune chief that you accompanied to that  
15 meeting?

16 A. Yes, it was the commune chief who assigned me to <take him  
17 there>. I referred to the new commune chief <who was appointed by  
18 Pol Pot>. <When> he <first arrived, he could conduct the purge,  
19 and> the old commune chief, <the cooperative, village chiefs,  
20 dining hall chiefs, etc.,> were purged. So <there was only him  
21 left> to <reorganize everything>.

22 Q. Is that <> chief Aun? For the interpreters, it is spelled as  
23 <A-U-N>. Was it Aun?

24 A. Aun was the deputy commune chief. For the commune chief, his  
25 name was Hun (phonetic). Aun was his deputy.

1 [15.28.00]

2 Q. And I understood from your testimony this morning that it was  
3 indeed Hun (phonetic), the commune chief, you accompanied on a  
4 motorcycle to the venue of the meeting in the Central Zone. Did I  
5 properly understand your testimony?

6 A. Yes, that is correct. He asked me to accompany him to the  
7 meeting.

8 Q. And if I understood you correctly, you stated that on that day  
9 the district chief was also present and that he was accompanied  
10 by his messenger, and that he also came to that venue on a  
11 motorbike. Is that correct?

12 A. Yes, that is correct.

13 [15.29.05]

14 Q. I am putting these questions to you for purposes of  
15 clarification, Witness, because as you stated a while ago, as  
16 Judge Lavergne said, a number of things were written in a book by  
17 Mr. Ysa Osman and it appears that there are some errors in that  
18 book. I'll read out to you what is stated in Ysa Osman's book,  
19 document <E3/9323> and the ERN in French is, 00286658; ERN in  
20 Khmer, 00275387; and the ERN in English, 00218542. And this is  
21 what is stated regarding you. It is stated as follows:

22 "He said that in late 1978, he drove a motorbike for the district  
23 secretary who did not know how to ride a motorcycle to a meeting  
24 in Sandaan district of Kampong Thom." End of quote.

25 In light of what you have just confirmed to me, do you agree that

1 it was not the district secretary you accompanied on a motorbike  
2 but indeed the commune chief whose name was <Hun (phonetic)>? Do  
3 you confirm your testimony then and, thereby, do you also confirm  
4 that there is an error in the passage I have just read out to  
5 you?

6 A. The commune chief and the district <secretary went there>  
7 together, but first I was assigned to <take> the district chief  
8 <there>. But <> the commune chief was not able to drive the  
9 motorbike, <> and for the district chief, he had his <>  
10 motorbike, <so he drove it there with us>.

11 [15.31.48]

12 Q. I believe that there might be an interpretation issue because  
13 what I heard -- indeed, I believe that there is a real problem  
14 with interpretation. So I am going to ask you -- Witness, I  
15 apologize, but I am going to ask you please to repeat because in  
16 French I heard that you said that you were assigned to the  
17 district secretary. So can you confirm that it was the commune  
18 chief that you brought that day on your motorcycle and not the  
19 district secretary?

20 A. I made mention about the commune chief and the secretary of  
21 the district. They were in the same journey at the time.

22 Q. This I understood but we agreed that the motorcycle you drove  
23 was the commune chief's motorcycle. Am I correct?

24 [15.33.09]

25 A. In fact, it did not belong to the commune chief. It belonged



1 to the commerce instead, but the commune chief asked the  
2 permission to borrow that motorbike <>.

3 Q. Thank you for these details, but my question is: can you  
4 confirm that you rode the motorcycle that transported the commune  
5 chief? That is what I am asking you to specify.

6 A. Before that journey, he asked the mobile <unit chief> whether  
7 there was a comrade who could ride the motorbike, and chief of  
8 the mobile <unit chief> said that I was able to drive the  
9 motorbike. <So, they requested me to take the commune chief and  
10 the district chief to the meeting in Kampong Thom.> In fact, we  
11 were on a boat and when we arrived at <Stueng Trang,> we got out  
12 of the boat and we continued our trip to Kampong Thom <along  
13 Chamkar Leu, Stueng Trang,> by our motorbikes.

14 Q. So I must understand from your answer that you drove the  
15 commune chief on your motorcycle and that the district secretary  
16 rode another motorbike with one of his messengers. Is that what I  
17 must understand? Is that what happened?

18 A. The district chief had the security guard, or <his secretary,  
19 ride the motorbike for> him at the time. <>

20 Q. Do you remember the name of the district chief back then?

21 [15.35.48]

22 A. No, I do not recall his name. He was there in the district for  
23 a <little> while and at that time, he was riding a different  
24 motorbike from mine. <He was in a high position,> so I did not  
25 dare <> ask him about <anything>.

1 Q. In the excerpt I just read out to you from Ysa Osman's book,  
2 mention is made or it is stated that this trip took place at the  
3 end of 1978. So does this jog your memory or do you still stand  
4 by the fact that you don't remember when this happened in 1978?

5 A. That is correct, in late 1978.

6 [15.37.03]

7 Q. We heard a certain number of witnesses before this Chamber who  
8 spoke about or about the revolutionary alias Ho, H-O, and they  
9 said that Ho was the nickname used by the district chief back  
10 then. So does this refresh your memory or does this not mean  
11 anything to you?

12 A. It does not refresh my memory. I have never heard of the name.  
13 I do not know the name of the district chief.

14 Q. Does the name <Phang>, <P-H-A-N-G>, mean anything to you?

15 A. No, I do not know the person by the name <Phang>.

16 Q. Without remembering his name, but do you still remember what  
17 happened to this district chief?

18 A. He came to gather up the mobile <unit> forces. <At that time,  
19 the mobile unit's forces were fighting against him.> The commune  
20 chief, secretary of the district and two other military had been  
21 killed. <When they evacuated people on the boats,> the members of  
22 the mobile <unit> were accused of being bandits<who came to shoot  
23 and destroy them to destroy their plan>. <> There was <only> a  
24 person by the name Aun <and another person who could escape;  
25 other than that, they all> died <>.

1 Q. I didn't understand from your answer if you believe that the  
2 district chief whom you said was present <during this movement>  
3 in the Central Zone, if he -- if you still believe that he is  
4 alive or if you believe that he passed away. Can you specify  
5 that?

6 [15.40.05]

7 A. He passed away in 1978, when he came to gather <civilians to  
8 be killed. He was fighting against> the members of <the> mobile  
9 <unit,> and at that time there was an exchange of fire. During  
10 the event, he was killed. He <turned to the commune chief to  
11 order him to prepare the boats to evacuate more civilians.>

12 Q. And Witness, you are sure that it is the district chief who  
13 died during this exchange of gunfire?

14 A. I am sure <of it. Because of the fact that> he died, <there  
15 were no more forces to evacuate more civilians.> There was no  
16 leader<>. The top leader <was in> Krouch Chhmar <district. He>  
17 was the one <who gave the order to the communes> to bring people  
18 to be killed. So after that leader was killed, <> they had no  
19 more <network>.

20 [15.41.53]

21 Q. I made a mistake by mentioning an alias that was used by the  
22 district chief back then. It wasn't Phang, but at the hearing of  
23 6 October 2015, a little bit -- well, between 11.19 and 11.21 in  
24 the morning, so-named Ban Seak said that he held the position of  
25 district chief during a certain period of time at Krouch Chhmar,

1 and he said that the name he used back then was Hang, H-A-N-G. So  
2 does that refresh your memory?

3 A. It does not refresh my memory. I have never heard of that  
4 name.

5 Q. And you're also sure that you never heard the alias Ho, H-O?

6 A. I am sure I have never heard of that name.

7 Q. Because this is also an alias that was discussed by the same  
8 witness. So what about the <alias> Phos, P-H-O-S. Does that ring  
9 a bell?

10 A. I do not know that person by the name Phos.

11 Q. Now, I would like to get back to the meeting that you say  
12 occurred at the end of 1978, and to which you said you brought  
13 the commune chief.

14 And do we agree -- because I understood from the testimony and  
15 please correct me if I'm wrong -- so do you -- do we agree that  
16 you were not -- you did not go inside the room where the meeting  
17 took place and that you only were outside?

18 A. <Yes, I agree.> I did not enter into the room. It was not my  
19 responsibility to go there and listen to the discussion of the  
20 meeting. I was assigned to accompany <them> to go <there>. <> I  
21 was <ordered> to stay outside, <so I stayed outside. I did not  
22 attended the meeting>.

23 [15.45.12]

24 Q. Did you see the people inside the room at any point in time?

25 A. No, I did not see anyone. I heard only <them> over the

1    loudspeaker <> outside.

2    Q. Here again, Witness, I'm putting this question to you because  
3    in the same excerpt of Ysa Osman's book which I quoted earlier  
4    on, that is document E3/9323 at the same ERNs, this is what it  
5    said regarding you:

6    "He stated that while he was waiting he could see the district  
7    secretaries from the East and Central Zones in the meeting room."  
8    End of quote.

9    So do you confirm that there is an error in this document? That  
10   is to say that you never saw the district secretaries inside the  
11   room where the meeting took place?

12   [15.46.50]

13   A. So I am confused with your question. Could you repeat it? My  
14   apology, could you repeat your question?

15   Q. No problem. Earlier I asked you if you had seen inside the  
16   room where the meeting took place, the people who were there, and  
17   you said no. You said that you only heard them speak and  
18   therefore I then read an excerpt to you from Ysa Osman's book in  
19   which, contrary to what you just said, it is said that you could  
20   see the people inside the room.

21   So my question is: do you confirm that there is a mistake in this  
22   document as there was a mistake regarding the person whom you  
23   brought to the meeting with your motorcycle? And can you confirm  
24   that you never saw <inside the room nor> the people inside the  
25   room where the meeting took place?

1 A. In fact, the secretary was in the same trip <> to the meeting,  
2 <but if> you want <> to ask <me> whether or not I saw them <in  
3 the building during the meeting, then no, I did not see them>. <I  
4 know they went to the meeting, but I was outside, so I could not  
5 see how many people were in there.>

6 I did not <> look<> into the <meeting> room <to see how many  
7 people there were>.

8 [15.48.40]

9 Q. So in order for everything to be clear, we agree that <> you  
10 did not look <inside> that room?

11 A. I <did not see> how many participants in the meeting. All I  
12 know is that <the district secretary attended that meeting. And  
13 the secretary and> the commune chief attended the meeting.

14 Q. Can you please answer my question clearly? Aside from the  
15 person you accompanied or from <the> people you saw, that is to  
16 say, the commune chief and the district secretary, did you see --  
17 did you see with your own eyes other people?

18 [15.49.52]

19 A. After they left the room, I saw those people, but I, at the  
20 time, did not know who they were. There were many of them walking  
21 out of the room and I, at the time, did not know what positions  
22 or ranks they held<>. <I only know a few people who went there  
23 with me.>

24 Q. So we agree that aside from the commune chief and from the  
25 district secretary, you knew no-one else, no-one else who went to

100

1 that meeting?

2 A. Yes, I agree with that statement.

3 Q. And you said that you heard a so-named Pauk speak or use a  
4 loudspeaker, and did you see him at any point-in-time?

5 A. No, I did not see him.

6 Q. Now, regarding Pauk in particular. I would like to revisit a  
7 document that was presented by my colleague from the Nuon Chea  
8 team, and this is an audio transcript of your interview in 2008.  
9 And I believe I understood this morning that, in your eyes, or  
10 according to you, you heard about Pol Pauk and Ke Pauk, and  
11 apparently this morning you told me that this was the same  
12 person. Am I correct?

13 A. Yes, that is what I said. Villagers refer<red to> him by using  
14 the two names, Pol Pauk or Ke Pauk. <They said the zone chief had  
15 two names,> and I do not know whether <it was the original name  
16 or it> was the new one given to him.

17 [15.52.48]

18 Q. In document -- therefore this audio transcript, E3/5209.1, you  
19 say the following -- and the interpreter, in fact, puts to you  
20 the following question:

21 "Q. So you say that you heard people speak about Ke Pauk very  
22 clearly during this meeting?"

23 And your answer was the following:

24 "A. No, it was rather Pol Pauk, who was one of Pol Pot's  
25 relatives, and not Ke Pauk."

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

101

1 And you specify that Pauk and Pot were two different people. And  
2 someone then asks you the question: "Pauk?" And you answer: "Yes,  
3 they were brothers." End of quote.

4 So I understand from this excerpt of your audio recording that  
5 you make a difference<, contrary to what you said this morning,>  
6 between Pol Pauk and Ke Pauk.

7 So can you tell the Chamber why in 2008 you said that Pol Pauk  
8 was Pol Pot's brother and that this person was not Ke Pauk?

9 [15.54.31]

10 A. In fact, Pol Pot and Pol Pauk were siblings, or were related,  
11 and people from the Central Zone said that Pol Pauk and <Ke Pauk>  
12 <were> the same person.

13 Q. This is what you're telling today, but in this excerpt from  
14 the audio transcript you tell us that this is not the same  
15 person. So what is the information that you gathered and when<?  
16 Because today> you <are> telling us <> a different story.

17 A. Could you repeat your question, please? I do not really get  
18 the gist of it.

19 Q. According to the excerpt that I just read out from your  
20 statements in 2008, you make a clear difference between Ke Pauk  
21 and Pol Pauk. And today you tell us that you heard some villagers  
22 say that this, in fact, was the same person. So my question is,  
23 why in 2008 did you say that Ke Pauk and Pol Pauk were two  
24 different people?

25 [15.56.24]



102

1 A. You may have confused my answer. I said Pol Pauk and Pol Pot  
2 were two different people. One was the elder brother and the  
3 other one was the younger brother. <It's> not <about Ke Pauk's  
4 story that he was> the same person<>. I <do> not know whether <it  
5 is> the author of the documents <or the speaker who was> confused  
6 <with> my statement.

7 I do not know their faces <or their names> clearly. I heard  
8 people <say> that the Central Zone chief was <> was actively  
9 involved in the killings of people. <That's why I bring up his  
10 name here.>

11 Q. Today when you were answering a question that was put to you  
12 by Judge Lavergne, you confirmed--

13 MR. PRESIDENT:

14 Please wait. He needs to visit the bathroom -- the restroom,  
15 rather.

16 (Short pause)

17 [15.59.47]

18 MR. PRESIDENT:

19 You may resume your questioning, Counsel for Mr. Khieu Samphan.

20 BY MS. GUISSÉ:

21 Thank you. Thank you, Mr. President.

22 Q. I was putting my last questions to you, Witness, and saying  
23 that today in answer to a question put to you by Judge Lavergne,  
24 you talked about purges in the East Zone and you stated that  
25 those purges were carried out at -- against Khmer and Cham

103

1 invariably, <and anyone considered> as the enemy.

2 And in statement <E3/8735>, dated 2011, ERN in French, 00727597;

3 ERN in Khmer, 00716487; and ERN in English, 00722240; this is

4 what is stated in the document:

5 "Reference was made to all the enemies in general, regardless of

6 whether they were Cham, Khmer or Chinese."

7 And you also stated that: "Anyone accused of being traitors

8 without any distinction as to race had to be smashed." End of

9 quote.

10 My question to you, Witness, is whether you told Mr. Ysa Osman

11 that when he interviewed you, that is, that everyone was smashed

12 regardless of their origins, whether they were Khmer, Cham, or

13 Chinese?

14 [16.02.17]

15 A. <> I do not recall <whether I answered that or not. But the

16 policy was like that,> they did not spare <anyone who betrayed

17 them. I do not know what was written there, but regarding the

18 policy, I stated a long time ago that> they <did not discriminate

19 between> Cham or Khmer, <because the policy was to purge the East

20 Zone>. So those who betray<ed> Angkar <would be> killed.

21 MS. GUISSÉ:

22 I have no further questions for the witness, Mr. President.

23 My colleague, Kong Sam Onn, has <five> minutes of questions to

24 put to the witness to wrap up today's examination of the witness.

25 [16.03.16]

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 MR. PRESIDENT:

2 You can now proceed, Counsel Kong Sam Onn.

3 QUESTIONING BY MR. KONG SAM ONN:

4 Thank you, Mr. President.

5 Q. Good afternoon, Mr. Witness. I want clarification from you.

6 You said that you worked in the mobile <unit> in 1977. Did you  
7 ever work in the mobile <unit> before 1977, or did you work in  
8 the mobile unit from 1975 to 1977?

9 MR. VAN MAT:

10 A. I was part of the mobile <unit> from 1975. The working  
11 conditions at the beginning were lenient and then it became  
12 harsher <over time>. The conditions within <the> mobile <unit  
13 when we were assigned to build dam/s, etc.,> in 1975, <were> not  
14 so harsh compared to <those> in <1977-78>.

15 Q. So who was the chief of that mobile <unit> from <1977>  
16 onwards?

17 A. Touch (phonetic) and Soy (phonetic). The one is -- one was the  
18 deputy and another one was the chief <>.

19 [16.04.45]

20 Q. What kind of power did they have?

21 A. <They> had the authority to assign all of us <in the mobile  
22 unit> to do whatever they wanted. For those who refused to work,  
23 <they> had the authority to send the reports to the commune  
24 chief.

25 Q. Thank you. You stated that in 1978, you <jumped> out of the

105

1 boat in order to make an escape when the Khmer Rouge wanted to  
2 tie you up. And at the time, you said you <went to meet the>  
3 chiefs of mobile <units>. Were those <> mobile <unit chiefs Soy  
4 (phonetic) and another one> that you <just mentioned>?

5 [16.05.54]

6 A. Later on, I met Soy (phonetic) and Touch (phonetic).

7 Q. What kind of relation did you have with those two people?

8 A. We were friends, and we discuss<ed> about the plans of Khmer  
9 Rouge as well <as their plans to take people in the mobile unit  
10 away> to be killed.

11 Q. Did you <not> feel afraid <of him since he was the unit chief  
12 and> you did not have the power to report that to him <at that  
13 time>?

14 A. I did not -- I was not afraid of him since we were friends. <I  
15 had to tell him because I knew about the situation. After I told  
16 him that, he actually fled into the forest before me. He fled>  
17 into the forest to find other forces to liberate <us>.

18 Q. So why -- what -- why did he believe you<? Did you have any  
19 proof> at the time?

20 A. He <> believed me at the time because <he was the one who  
21 ordered me to accompany> the commune chief to a meeting, and  
22 <when I knew about the situation, I reported that to him.>

23 Q. Regarding the resistance in the East, can you tell the Court  
24 when the resistance <of> the East Zone soldiers <fought> the  
25 Central Zone soldiers?

1 A. It happened in 1977.

2 [16.07.49]

3 Q. Thank you. Did you see or did you personally know about the  
4 fighting <between both sides> in any battlefields in 1977 and  
5 onwards?

6 A. I used to see the battlefields, but I myself was not engaged  
7 actively in the battlefields. I <ran away from> the exchange of  
8 gunfire <in the village. Villagers'> houses were burned. <It was  
9 in Preaek Ta Hok village, Preaek Ta Hok commune (sic). Angkar's  
10 army came from Chhloung, and the East Zone wanted to block them  
11 at the Kratie->Kampong Cham <border>.

12 Q. Did you happen to see the fighting quite often?

13 A. I saw only one time fighting. At the time, the East Zone  
14 soldiers threw away weapons and ran away.

15 [16.08.55]

16 Q. Thank you. Could you tell the Court about the timing when you  
17 jumped into the river to flee?

18 At the beginning you stated that it was in 1978, so what about  
19 the month? When -- what month was it?

20 A. Perhaps it was in September during the time that the water was  
21 rising -- the river water was rising.

22 Q. And from <September> onwards, did <the> fighting happen very  
23 often?

24 A. There were fighting on several locations but it was -- they  
25 were light -- small-scale fighting after September. <They were

107

1 fighting the Khmer Rouge because they had a small army. The Khmer  
2 Rouge army was also small. They were only scattered in the  
3 villages in order to evacuate the civilians>, and the mobile  
4 <unit> at the time was trying to <move> the villagers into the  
5 forest. <The Khmer Rouge did not dare go into the forest because  
6 they saw that there were a lot of people protecting in there.>  
7 Sometimes, the mobile <unit> went to surround the headquarters of  
8 the Khmer Rouge soldiers, <and they did> not <know that there  
9 were> many members of <the> mobile <unit, but there were> around  
10 30 or 40 <people>.

11 MR. KONG SAM ONN:

12 <Thank you, Mr. Witness. Mr. President, I have no further  
13 question.>

14 [16.10.33]

15 MR. PRESIDENT:

16 Thank you, Mr. Van Mat.

17 It is now time for the adjournment. The hearing of your testimony  
18 has now come to an end. You may be excused. You may return to  
19 your residence or to any places you wish to go. I wish you good  
20 health, good luck and prosperity in your life.

21 Court officers, please work with WESU to send Mr. Van Mat to his  
22 residence or to any location he wishes to go.

23 It is now time for the adjournment. The hearing will resume  
24 tomorrow on 10 March 2016.

25 Tomorrow, the Chamber will hear 2-TCW-921 in relation to the

108

1 Phnom Kraol Security Centre. Please be informed and be on time.  
2 Security personnel are instructed to bring Mr. Khieu Samphan and  
3 Nuon Chea back to the ECCC's detention facility and have them  
4 returned into the courtroom tomorrow before 9 a.m.  
5 The Court is now adjourned.  
6 (Court adjourns at 1611H)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*