



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

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 February 2016

Trial Day 370

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

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Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 370
Case No. 002/19-09-2007-ECCC/TC
10 February 2016

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Ms. SONG Chorvoin	Khmer
Mr. YSA Osman (2-TCE-95)	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of the expert, Ysa

6 Osman.

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

8 and other individuals to today's proceedings.

9 [09.03.00]

10 THE GREFFIER:

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

12 are present.

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

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

15 been delivered to the greffier.

16 The expert who is to continue his testimony today -- that is, Ysa

17 Osman, and the OCIJ legal officer, Julie Bardeche, are present in

18 the courtroom.

19 Thank you.

20 [09.03.35]

21 MR. PRESIDENT:

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

23 The Chamber has received a waiver from Nuon Chea dated 10

24 February 2016, which states that, due to his health, headache,

25 back pain, he cannot sit or concentrate for long. And in order to

2

1 effectively participate in future hearings, he requests to waive
2 his right to participate in and be present at the 10 February
3 2016 hearing.

4 Having seen the medical report of Nuon Chea by the duty doctor
5 for the Accused at the ECCC dated 10 February 2016, which notes
6 that Nuon Chea has chronic back pain when he sits for long and
7 recommends that the Chamber grant him his request so that he can
8 follow the proceedings remotely from the holding cell downstairs.
9 Based on the above information and pursuant to Rule 81.5 of the
10 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
11 follow today's proceedings remotely from the holding cell
12 downstairs via audio-visual means.

13 The Chamber instructs the AV Unit personnel to link the
14 proceedings to the room downstairs so that Nuon Chea can follow.
15 This applies to the whole day.

16 And I'd like now to hand the floor to the Co-Prosecutors to put
17 questions to the expert.

18 [09.05.20]

19 QUESTIONING BY MR. KOUMJIAN RESUMES:

20 Thank you, Mr. President.

21 I would like to begin, Your Honours, to apologize to Your Honours
22 and all in the courtroom for a miscalculation or typo from
23 yesterday on the -- my calculations of the information on page
24 120 of the witness' book, "Oukoubah". And you see that in the
25 village of Svay Khleang, the difference between the families in

3

1 1975 and 1979 should have been 1,120. That would affect the
2 calculations, just for the record, so the total for the seven
3 villages listing families would be 3,738. Multiplying that by an
4 average of five persons per family, that leaves 18,690
5 individuals. And then adding to that the individuals from Phal
6 and Peus village, it would leave a total of 20,821.

7 My apologies. I was responsible for that error.

8 Q. Sir, I want to go back now and talk to you more about the
9 history of Cham resistance to the Khmer Rouge.

10 You've talked about an incident in Trea village in 1973 and
11 rebellions in Svay Khleang and Kaoh Phal in 1975. At some point
12 in the Eastern Zone in Krouch Chhmar district, did forces from
13 other zones come to that district?

14 [09.07.30]

15 MR. YSA OSMAN:

16 A. Based on my research, there is no witness who confirms that
17 forces came from other zones. However, there were forces coming
18 from the sector level and, at that time, it was part of Sector
19 21.

20 MR. KOUMJIAN:

21 Sorry. I changed my headset because I got no translation. Did
22 others get translation?

23 Okay. One moment, please.

24 (Short pause)

25 [09.08.24]

4

1 BY MR. KOUMJIAN:

2 Q. I apologize, sir, but because of a technical problem, I did

3 not get your answer. I have a new headset now.

4 Just to confirm, I understand you said that, in Sector 21, other

5 forces came.

6 From what other zones did they come?

7 MR. YSA OSMAN:

8 A. Actually, I replied to your last question, but you didn't get

9 it. And allow me to repeat my response.

10 Through the people whom I interviewed, they never said that there

11 were other -- there were forces from other zones. However, there

12 were forces coming from the southern part of Krouch Chhmar

13 district -- that is, crossing the rice fields and the forest, to

14 Svay Khleang village. And it is my conclusion that those forces

15 came from the sector level -- that is, Sector 21 in the East

16 Zone. And there were no military forces coming from other zones

17 except the military forces from Sector 21.

18 [09.09.54]

19 Q. Thank you.

20 Let me make sure that we're speaking about the same period of

21 time. I'm talking now not about 1975, but I'm talking about --

22 let me just say the 1977/78, no earlier than 1977, through the

23 end of 1978.

24 Did those that you interviewed indicate that people had come from

25 other areas, from the other side of the Mekong, perhaps, or other

5

1 parts of Cambodia, other forces from the DK into Krouch Chhmar
2 district and other parts of the Eastern Zone?

3 A. If you indicate the time period between 1977 and '78, yes,
4 there were. However, my initial question was in relation to Kaoh
5 Phal.

6 And to answer your question, there were military forces, security
7 forces and administrative forces which were sent from the
8 Southwest and the Central Zones to control, to administer and to
9 purge the Cham people in Krouch Chhmar district which was in
10 Sector 21.

11 [09.11.36]

12 Q. So of those survivors that you interviewed from the Eastern
13 Zone from Krouch Chhmar and the other districts in the Eastern
14 Zone, the killings that they reported to you of Cham people, did
15 they occur when it was under the Eastern Zone or after these
16 other forces arrived, or both? Can you explain?

17 A. The killing of the Cham people, as I testified yesterday,
18 started since 1973. However, the scale of the killing was
19 different in -- from 1973 to '75. And from '75 to '77, the scale
20 of the killing was also different. And again, the killing between
21 '77 to late '78 was different.

22 The killing between 1977 to '78 was more serious and intensified.
23 It means the killing was done without incrimination. Whoever was
24 considered Cham or Cham related was subject to be killed. And the
25 killing between 1973 to '75 was meant for those who were

6

1 knowledgeable in religion, religious leaders, religious students,
2 intellectuals or those who were respected in the community or
3 those who were also wealthy. And that they were the target of the
4 killing between 1973 to '75.

5 [09.13.50]

6 As for the period between '75 to '77, the target of the killing
7 was similar to that of the Khmer people. It means those who
8 opposed the regime, those who refused to obey the instructions or
9 those who opposed the Revolution, those who refused to eat pork
10 or those who refused not to speak Cham or to change their name,
11 they were the targets of the killing between this period of '75
12 through '77.

13 And as I stated, the killing between '77 to '78 was those who
14 were considered Cham or Cham-related.

15 Q. Now, sir, there's some evidence in this case that in 1978,
16 fighting broke out in the Eastern Zone between DK forces.
17 What effect -- from your conversations with survivors, did that
18 have any effect upon the Cham people?

19 [09.15.18]

20 A. Between 1977 and '78, there were internal contradictions
21 within the Revolution and the Party rank -- that is, between the
22 East Zone and the Central Zone or the central leadership of the
23 Khmer Rouge. In particular, in 1978, the cadres and the military
24 forces in the East Zone were purged along with the Cham people.
25 However, in Kang Meas district and Stueng Trang district, which

7

1 were not part of the East Zone, they were, in fact, part of the
2 Central Zone. They were subject of the purge as well.

3 So it seems that this was nothing to do with the purge policy
4 from the Central Party to the cadres in the Eastern Zone, but it
5 was the target of the Cham people.

6 Q. You indicated yesterday that in your conversations with
7 survivors, Cham survivors, those who had taken part in resistance
8 were proud of that, and others were proud that Cham had resisted
9 the Khmer Rouge or rebelled against the Khmer Rouge.

10 In your conversations, did they indicate there was any organized
11 Cham resistance in 1977-1978 to DK forces that you recall?

12 [09.17.38]

13 A. Between 1977 to '78, there was no plan by the Cham or the Cham
14 who lived in the area to oppose the regime. As I said, by that
15 year, the Cham were not allowed to live as a community. They were
16 dispersed into various areas to live, mingled with the Khmer
17 people, so they did not have the opportunity to coordinate any
18 plan or to initiate any rebellious activity at all.

19 Q. Thank you.

20 I wanted to ask you now, switching topics, about some reports of
21 policy of the Khmer Rouge. I'm going to start with a couple of
22 quotes from, again, Ben Kiernan. And that's E3/1593. In English,
23 it's at page 280; the French ERN is 00639054; the Khmer ERN of
24 the quote I'm about to read is 00637796 and on to the next page.
25 He says -- Kiernan wrote that:

1 "In July 1977 in Krava sub-district, 20 families of Chams were
2 loaded onto security trucks from Kampong Thma in Svay Tong and
3 driven off, never to return. Ya Mat, who had relatives among this
4 group, pointed out that they had 'eaten pork and so on, and still
5 they were killed'. Mat explained this by reference to a '1978
6 document' from the Centre, 'about the Constitution of 1975-76'.
7 He recalled that it discussed 'subversion', and went on:
8 "It was Document No. 163. It said we will not spare the Chams
9 because if spared they will resist [and produce] revisionism. It
10 said that the Cham race is not to be spared because it has a
11 history of resisting the socialist revolution, and also in the
12 Champa period'. So we undertake a policy of discarding them (leah
13 bong) now. They hang with the Vietnamese, so they must all be
14 killed..."
15 [09.20.57]
16 Excuse me.
17 "They and the Vietnamese" -- I'll have to check the book -- "so
18 they must all be killed, all. It said the Chams had already
19 rebelled once in the Eastern Zone. It said we had fled
20 persecution in our Vietnamese country and could not be trusted.
21 The document said that 'now they must be smashed to pieces
22 (komtech caol). Whatever department they are in, they must be
23 smashed to pieces."
24 Before I ask you about this document, sir, let me read on to
25 Kiernan quoting immediately after that passage I read. He says

1 that:

2 [09.21.46]

3 "Mat's account was corroborated by Os El, who claims to have seen
4 'Document 163' in June 1978. It belonged to Yong, El's supervisor
5 of public works in Chan Lehong."

6 Sir, in your research, have you heard anything about this
7 document 163 or any similar policy documents?

8 A. I interviewed a witness named Sos Kamry, who claims that he
9 read a policy document that is entitled "Plan for progressive
10 cooperative". And he claims that he read it at Chamkar Leu
11 district in Kampong Cham province of Sector 42 of the Central
12 Zone.

13 There was one point of that policy document of the plan for
14 progressive cooperative, and it highlights the purges of the
15 enemy, including the Cham people, that they all had to be purged
16 before 1980. And the document in question, I have not heard of it
17 before, and the document that I heard from my witness was the one
18 that I just mentioned in my response.

19 [09.23.56]

20 Q. Thank you.

21 I believe the interview with Sos Kamry you discuss on page 116 of
22 your book. Do you have your book with you? Of Cham Rebellion. In
23 the book, "The Cham Rebellion".

24 Let me -- and you quote him as saying that the document he read,
25 as you said, it had the title "The plan for progressive

10

1 cooperatives". You quote him as saying, quote -- him saying that
2 the document stated -- quote: "Our immediate enemies are the
3 Cham. We must smash them all before 1980."

4 Is that what Sos Kamry told you? You can check your book if it
5 refreshes your recollection.

6 (Short pause)

7 [09.25.24]

8 MR. PRESIDENT:

9 International Co-Prosecutor, please refer to the ERN of the
10 document in your question.

11 MR. KOUMJIAN:

12 (Microphone not activated)

13 MR. PRESIDENT:

14 Please turn on your microphone, International Co-Prosecutor.

15 BY MR. KOUMJIAN:

16 Q. Apologies. The document is E3/2653. In Khmer, the ERN is
17 00904363; in French, 00943975; and in English, it's page 116. And
18 the end of the very first paragraph is what I just read, sir, on
19 the -- in the English, the end of the first paragraph.

20 Can you confirm that that is what Sos Kamry told you he recalled
21 the document stating?

22 [09.26.48]

23 MR. YSA OSMAN:

24 A. Yes, that is correct. I recalled what Sos Kamry told me, and I
25 used part of the interview in my book and the document that he

11

1 said he read, and I used it in English, the plan for progressive
2 cooperatives, and in Khmer it's "phenkar sahakor choeunloeun".
3 And it's not a development cooperatives, but the progressive
4 cooperatives.

5 Q. Sir, do you also recall writing about an interview you had
6 with an individual from Chumnik village in Krouch Chhmar named
7 Saleh Ahmat?

8 And just for the record -- I think we're going to get to this --
9 I'm referring to, again, the same document, E3/2653. In Khmer,
10 the ERN is 00904363, so on page 119 in English, I believe. And in
11 French, the ERN is 00943977. In English, it's page 118, 00219179
12 -- page 118 in English.

13 Perhaps, sir, you could read that to yourself and then I'll ask
14 you what you recall about the interview with Saleh Ahmat.

15 [09.29.32]

16 A. Saleh Ahmat is one of the people whom provided me with the
17 information, and from my recollection, he spoke about a farewell
18 to one of the district chiefs in Krouch Chhmar. He attended a
19 meeting in this North Zone, and there were district chiefs.

20 Amongst them was the chief of Krouch Chhmar district.

21 He was there only as to accompany the district chief, and he did
22 not participate in the meeting but, in fact, he was outside.

23 However, he could hear what they were discussing in the meeting,
24 and he recalled that the voice of the person who spoke at the
25 time was that of Ke Pauk. And Ke Pauk said the plan of the Party

12

1 was to smash the Cham people, to smash all of them, because they
2 were the traitors.

3 Q. Thank you.

4 You just said it was the North Zone, and in the passage, you call
5 it the Central Zone. Can you just explain that?

6 A. I'm sorry. You -- what is your question? I'm not clear your
7 purpose of questioning.

8 [09.31.27]

9 Q. You just stated that this was a meeting of the North Zone.

10 Okay. Let me move on. I don't think it's a big issue.

11 I want to ask you, at some point -- let me just clarify one
12 thing. You said yesterday that, at some point, the North Zone was
13 changed to another name. Is that correct? Or some parts of the
14 North Zone were changed to another name?

15 A. Yes, you are correct. The North Zone or, in Khmer Ourdor O
16 Khangcheung (phonetic), it was used synonymously in some case,
17 but based on my interview of some witnesses, they would call it
18 Phumipheak Khangcheung (phonetic), which is the North Zone. And
19 other called it Phumipheak Ourdor (phonetic). It is translated
20 into English as to say the North Zone.

21 And at some point in time, the Southwest cadre invaded the North
22 Zone and then it was changed to Phumipheak Kandal (phonetic),
23 which is the Central Zone.

24 [09.33.19]

25 Q. Thank you.

13

1 Now, in Saleh Ahmat's account that you just gave us, he mentions
2 Ke Pauk as being the secretary of that zone. I'd like to read to
3 you now from a record of interview on the case file -- that is,
4 E3/35, of an individual who says that he is the son -- was the
5 son of Ke Pauk, and this is Ke Pich Vannak.

6 In Khmer, the ERN that I will read is at 00340567; in French, at
7 00367727; and in English, at 00346155.

8 [09.34.20]

9 He was asked: "After So Phim was dead, what was your father's
10 role?"

11 He answered: "After that, they had my father take charge of two
12 zones, including the North and the Central Zone, in order to
13 reorganize the rear line."

14 Question: "Were the other levels purged later on?"

15 Answer: "After the arrival of the intervention division of Pin,
16 they purged the elements who used to have a connection with So
17 Phim. This included cadres and commanders of the whole East Zone
18 as well as the person in charge of the radio communication."

19 Question: "Where did they send those arrested people to?"

20 Answer: "They killed the arrested people on the site. During that
21 same period, there were headless corpses floating in the Mekong
22 River, and one day, a few floating headless corpses were caught
23 up at the dock in front of Pol Pot's office."

24 There's a break in the interview, and it then resumes, and the
25 witness was asked: "Can you continue to describe that event

14

1 further?"

2 [09.35.38]

3 He answered: "At that time, Pol Pot wondered why there were
4 corpses floating in the river. He then sent a telegram calling my
5 father to Phnom Penh immediately. At about 4 o'clock, I and my
6 father left for Phnom Penh on a Dakota airplane. At first, I
7 worried and was afraid they would arrest my father because,
8 before boarding the airplane, they took away his gun. They never
9 did that previously. While disembarking from the airplane, I saw
10 they had a car waiting for picking up my father, so I felt
11 relieved because the car looked like that for receiving a
12 delegation, but I did not accompany him. When my father returned,
13 I asked him what happened. He replied, 'It was a strange matter
14 because Brother (Pol Pot) saw the floating corpses were caught up
15 in front of his office, so he ordered an immediate
16 investigation'. After my father returned home, he ordered a
17 division chairman named Chhay, deceased, to lead an investigating
18 group over those floating corpses."

19 [09.37.00]

20 The witness was asked: "What was the result of the investigation
21 over the floating corpses?"

22 He answered: "The investigation found that the Cham people had
23 been arrested, placed in the boats and then were beheaded before
24 they were dumped into the river."

25 The question was: "Did you go with him -- them?"

15

1 He answered: "No, I did not. That event took place in Krouch
2 Chhmar district opposite from Stueng Trang district. The
3 intervention unit of the Centre led by Pin was involved in that
4 killing."

5 He was asked: "After receiving the result, how did your father
6 plan to do?"

7 And he answered: "After receiving the result, my father made a
8 report and sent it to Office M-70."

9 Mr. Witness, do you have any information from the interviews of
10 victims that you interviewed that would shed any light on how
11 headless corpses of Cham or headless corpses of individuals would
12 get into the Mekong River near Krouch Chhmar?

13 A. I used to read interview of Ke Pich Vannak. He is the son of
14 Ke Pauk.

15 [09.38.30]

16 Q. I don't want you to ask -- ask you about your work in the
17 OCIJ. I'm talking about your interviews with DC-Cam before going
18 to work for OCIJ.

19 Did any of those people you talked to, did they ever talk about
20 bodies in the Mekong River?

21 A. In fact, the corpses floating in the Mekong River at Krouch
22 Chhmar, it is correct, as stated by Ke Pich Vannak because in
23 1977, the Cham people were gathered for the purpose of purging.
24 As I told you earlier, it was a purge which is indiscriminately
25 -- which is no discrimination. Any Cham would be the target.

16

1 Previously, they would bury the corpses along the river,
2 especially the Cham from Trea village, but later, as the killing
3 occur, several and many times, and the burial site was not good
4 enough for all the corpses, so they changed their method of
5 disposal of the body or of the corpses. They drop into the river.
6 As I heard from certain witnesses, the corpses were not headless,
7 but there might be happen because of decomposition. The victims
8 were tied up from 15 to 20 people and they used the end of the
9 string and tied up to another boat and on the other side to
10 another boat, and people who were tied up between the two boats,
11 no one could escape or could flip from that incident.

12 [09.41.04]

13 And the boat were driven across the river, and the victim were
14 drawn to death in the river. And after that ordeal and the Khmer
15 Rouge would untie them and drop them into the water as the water
16 was flowing from Krouch Chhmar to Kampong Cham and then to Phnom
17 Penh.

18 And yes, I agree with the account of Pich Vannak that there were
19 corpses floating in the river. And based on his account, there
20 may be corpses of Cham people, but there might be other corpses
21 of people who were killed in area next to Phnom Penh.

22 Q. Sir, talking about Ke Pauk, you mentioned yesterday six
23 villages that the population had been almost completely wiped out
24 from Kampong Siem.

25 Kampong Siem was under which zone commander, let's say in 1977

17

1 and 1978?

2 A. Yes, in 1977 through 1978 in Kampong Siem, Kampong Siem was in
3 the Central Zone.

4 [09.42.58]

5 Q. So following up on this interview with Pich Vannak, who talked
6 about his father reporting on killing Cham to Pol Pot, I'd like
7 to ask you about document E3/266, which is called "Livre Noir" or
8 "Black Book". In Khmer, it is at ERN 00289650; in French,
9 00284574; and in English, 0082514.

10 And there's just one -- two sentences in that book that I want to
11 ask you about. It states that:

12 "In 1693, the Vietnamese 'swallowed' the whole Champa by annexing
13 the region of Phan Thiet. The Cham race was totally exterminated
14 by the Vietnamese."

15 In your research, had you heard other instances where Khmer Rouge
16 individuals or propaganda claimed that the Cham were killed by
17 the Vietnamese and exterminated centuries ago?

18 A. Yes, it is correct.

19 [09.44.40]

20 MR. PRESIDENT:

21 Hold on, Expert.

22 Anta Guisse, you may proceed.

23 MS. GUISSÉ:

24 Yes, Mr. President. I object to the manner in which the question
25 is being asked by the Prosecutor -- the Co-Prosecutor because

18

1 this question which deals with propaganda, it should be talking
2 of historic events since we're talking of the Champa, so the
3 manner in which the question is asked is particularly
4 tendentious.

5 BY MR. KOUMJIAN:

6 I'm not sure I understand the objection, but I do agree that my
7 question probably could be stated more clearly, so let me try
8 again.

9 Q. Sir, what I read from the "black book" is a statement claiming
10 that the Cham people were exterminated centuries ago.

11 Have you ever heard any other propaganda during the -- written or
12 issued during the Khmer Rouge period by the DK authorities
13 claiming that the Cham had been exterminated centuries before the
14 DK period?

15 [09.46.12]

16 A. In history, the incident happened like what you have said. The
17 Vietnamese exterminate or kill the Cham people, and Vietnam
18 swallowed Champa as a country, the whole of the country. And no
19 one can manipulate this history if you ask me about my research
20 on the Khmer Rouge regime.

21 And I know that the Khmer Rouge did not want the Cham to know
22 their history, and they keep purging them in any effort so that
23 they lose all their identity, their culture, their language and
24 their tradition. This was the purpose of the Khmer Rouge.

25 If you are talking about the encouragement for Cham to know or to

19

1 learn their history, there was none under the Khmer Rouge regime.

2 [09.47.34]

3 Q. In your research of the DK period and what happened to the
4 Cham people, did you come across any evidence that the Cham
5 people during the DK period were killed by Vietnamese?

6 A. In DK period, the Vietnamese did not kill any Cham. The
7 Vietnamese themselves were also victimized by themselves, and
8 they had no opportunity to kill any Cham people -- any Cham
9 person.

10 Q. Just so my question's clear, I'm not just speaking about
11 Cambodians of Vietnamese descent, but forces from Vietnam.
12 Were any of the Cham, in your research, killed by military forces
13 from Vietnam during the DK period?

14 A. No.

15 [09.48.56]

16 Q. I want to ask you about another interview in your book, "The
17 Cham Rebellion". And this is at Khmer, ERN 00904406; and in
18 English, at 00219209. There's not a French translation.

19 This is someone you indicate that you interviewed at Sach Sou
20 village in Kang Meas district in 2004. She told you:

21 "In 1978 they started taking measures to destroy the Cham, every
22 last one. I saw this purge with my own eyes when they sent me to
23 Wat Au Trakuon. They arrested me because I'd left my unit to go
24 get a sleeping mat from home. After one night at Au Trakuon
25 pagoda, I was released back to my unit. While I was there, I saw

20

1 a large group of children, some who could not yet walk, some who
2 could. Their parents had already been killed. I knew that most of
3 them were Cham children from my village, and others were the
4 children of the April 17 people. The Khmer Rouge tossed some of
5 the children in the air and speared them with knives. Some were
6 bashed against tree trunks and then thrown in pits on top of the
7 piled bodies of adults."

8 My question to you, sir, is, did you -- is this the only
9 interview where you heard of children being killed, or did you
10 have other persons indicate to you that Cham children were
11 killed?

12 [09.51.08]

13 A. In fact, the killing of children does not only happen in this
14 place, this area. The Khmer Rouge policies saying that when you
15 dig out the grass, you had to dig all the root, so when the
16 parents were considered enemy, their children will have no chance
17 of survival unless those children were living in hiding anywhere
18 in a Cambodian family or they change their identity that they are
19 not Cham children. So this happened not only at Au Trakuon. This
20 has happened in other places like Krouch Chhmar and other places
21 during the DK period.

22 Q. You've just stated that some children were spared if they
23 basically changed their identity to no longer be Cham. Can you
24 explain that?

25 Were children raised by anyone other than their parents, for

21

1 example?

2 A. As you are aware, the Khmer Rouge generally did not allow
3 children to live with their parents. The children were required
4 to live in the children units, and there were no specific
5 children unit for the Cham children. So for example, the chief of
6 the units who may have felt sympathy for the Cham children, the
7 chiefs may try to hide the identity of the children so the chief
8 reported to the -- their supervisors that, in the unit, there
9 were no Cham children. So the Cham children in this situation
10 could survive.

11 [09.53.38]

12 Q. Thank you.

13 I have one more topic, brief topic to cover with you before
14 turning over questioning briefly to my colleague. And this
15 concerns an appendix to "Oukoubah", E3/1822, page 119.
16 What I'm interested in discussing with you is the fate of leaders
17 of the Cham community. At French, the ERN is 00758331, and there
18 is not a Khmer translation.

19 I'm not interested in discussing the population, which we've
20 already done, figures, but in your -- in this appendix, you list
21 certain positions and the changes between the numbers of people
22 in those positions in 1974 and 1979. It's not very long, so let
23 me just read them quickly.

24 I heard there may be a translation problem in Khmer.

25 (Short pause)

22

1 [09.55.20]

2 MR. PRESIDENT:

3 You may now resume. There is not any problem.

4 BY MR. KOUMJIAN:

5 Thank you.

6 Q. So sir, in the appendix, you indicate the following positions

7 and changes between '74 and '79. First chief of religious

8 leaders, or mufti. There was one in '74, none in '79.

9 First deputy chief, one in '74, zero '79.

10 Second deputy chief, one in '74, zero '79.

11 Hakim, 113 in 1974, 20 in 1979.

12 First/second deputy hakim, 226 in 1974, 25 in 1979.

13 Tuon, which I believe -- I'll ask you about that in a second --

14 300 in 1974, 38 in '79.

15 Haji, which you discussed yesterday, told us is someone who has

16 made the trip to Mecca, the Hajj, more than 1,000 in 1974, and

17 about 30 in 1979.

18 Students who studied overseas, 26 in 1974, two in 1979.

19 And mosques, 113 in 1974, five in 1979.

20 So sir, first I want to ask you a couple quick questions about

21 some of these positions.

22 A Tuon, can you explain what is a tuon and what importance tuons

23 have to the Cham community existing as such? What is a tuon?

24 [09.57.46]

25 A. In simple terms, tuon is the religious teacher of Islam. And

1 in every village, there must be a tuon. There is no village that
2 doesn't have a tuon, and there must be -- and there could be more
3 than one tuon in each village. And it is an obligation of the
4 Cham parents who have to send their children to the religious
5 school, so this is the roles and obligation of the tuon, to teach
6 and educate children in the village to know about the religion
7 and religious practices of Islam.

8 Q. You've mentioned hakim, but can you give us a little bit more
9 definition, what is the -- what is a hakim and what role do they
10 have in preserving Cham religion, identity and culture?

11 A. First of all, I would like to correct some figures that may
12 come from the translation error or from you. You mentioned that
13 hakim in 1974, there were 130 (sic) hakim. In fact, there were
14 113 hakim in 1974.

15 And the -- for the role of hakim, hakim was responsible for
16 general supervision of Islam in each community. There can't be
17 any Islamic village that doesn't have a hakim. And there must be
18 only one hakim in each village. There cannot be two hakims with
19 equal rights in the -- with equal authority in the village.

20 [10.00.25]

21 The hakim is responsible for supervising villagers. And if anyone
22 breach the religion, hakim is responsible for educating and
23 guiding that person to practice along the path of the religion.
24 And hakim is also responsible for deciding who can become tuon.
25 In each village, there is a person who has a supreme authority,

24

1 and that is mufti. Mufti is responsible for assigning or
2 appointing any person in the village who is perceived as a good
3 person to become the hakim.

4 [10.01.32]

5 And I also would like to tell that when I was young, I noted that
6 mufti did not have much authority to appoint hakim because, after
7 1979, there were not yet mufti. It was the villagers who voted to
8 choose hakim after 1979.

9 Q. First of all, your appendix clearly states the number of hakim
10 in '74 as 113. I apologize if I made an error. I simply ask for
11 consideration of my -- I must be getting old.

12 Sir, mufti. I was a little confused with your answer. I thought I
13 understood you to say in translation there's one in each village.
14 Can you explain -- in the document, you indicate in '74 there was
15 one mufti. Can you explain how many muftis there were in Cambodia
16 in '74?

17 A. Mufti is in charge of the religion. He is the supreme leader
18 of the religion in the country. There is no mufti at the village
19 level. There is only one mufti in the whole country. In Cambodia,
20 in the past, there used to be a mufti named Res Lah who was
21 bestowed with the honorific title by the former King. At the
22 present time, there is also one mufti in the whole country, but
23 he has his first deputy and second deputies.

24 [10.01.42]

25 Q. Thank you.

25

1 Now, you also listed students who studied overseas. Can you
2 explain why you felt that this category was important enough to
3 include in this appendix?

4 What role did they have in the Cham community?

5 A. For students from overseas, I refer to those who study
6 religion in foreign countries. They are important because in the
7 old day, there was limited chance for student to go and study
8 overseas. Going to study overseas was a rare opportunity, so
9 that's why I included them in my writing because it's a great
10 honour and a great pride for the communities of the Cham in 1974
11 who had their students who went and studied overseas.

12 [10.05.00]

13 And those student absorbed knowledge from Islamic countries, for
14 example, in Malaysia, in Indonesia, in the Arab world where there
15 were deep studies of religion and they could bring the knowledge
16 from those country back to their community in Cambodia.

17 And at that time, it was difficult to bring back the knowledge or
18 material from foreign country into Cambodia because there was no
19 internet like nowadays, so it was a great honour for the Islamic
20 community in Cambodia in 1974 to have 26 students coming back
21 from overseas studies.

22 [10.06.00]

23 Q. Thank you.

24 So this appendix that you created showing the difference in the
25 number of these leaders that existed in 1974 and five years later

1 in 1975 (sic), can you explain why you felt it important to list
2 these, what effect the change in the numbers of these leaders
3 might have had upon the ability of Cham communities in Cambodia
4 to maintain their identity as Cham as such?

5 A. The Cham people live as a community as a minority, not as the
6 majority. That's why we needed a leader. We needed a
7 knowledgeable person, and we needed places to pray to our gods.
8 So when we lost the religious leaders, we lost someone who knew
9 about religion. This impacted on the young people who could not
10 study religion in an in-depth way.
11 We could gain good knowledge only when we had good, knowledgeable
12 teachers, so when we lost these good teachers, we were affected.
13 During the Khmer Rouge, the Khmer Rouge killed knowledgeable
14 religious scholars and teachers, and, as a result, the Cham
15 people lost the basis that they could gain knowledge and they
16 became -- they became weak and they lost someone who could guide
17 or teach them about religion, so they became -- the Cham people
18 became illiterate, low educated as a result.

19 [10.08.40]

20 Q. And slightly switching topics, one other question I want to
21 ask you.

22 You've talked about how Cham, before the DK period, lived in
23 concentrated communities, mainly along the river, particularly in
24 Kampong Cham. How important was it or is it to Cham communities
25 maintaining their identity of Cham as such within Cambodia to

1 live concentrated, to live close to many other Cham people as
2 opposed to being scattered in villages mixed with other
3 ethnicities throughout the country?

4 What role does the concentration of Cham have upon the ability to
5 maintain their identity as such?

6 [10.09.42]

7 A. It is necessary that the Cham need to live close to each
8 other. The religion encourage the people who follow Islam to live
9 close to each other because it is necessary to help each other in
10 case of emergency needs, and it's also easy for them to pray
11 together in the mosque.

12 It is also necessary for the Cham people to maintain their
13 identity when they live close to each other because it's easy for
14 them to speak to each other in Cham language, and they could also
15 maintain their culture and tradition. And as a result, living
16 close to each other help the Cham people to maintain their
17 identity and tradition.

18 Q. I promise this is my last question.

19 You talked about praying together, the importance of praying
20 together, in the Islam practised by Cham people in Cambodia. Are
21 there any rules about minimum number of people that should form a
22 prayer group or pray together?

23 [10.11.31]

24 A. Based on the discipline of the Islamic religion, there should
25 be a minimum of 40 prayers who join in the prayer in a mosque.

28

1 Ideally, there should be the entire community who are involved in
2 the praying. However, people could also pray elsewhere besides
3 the mosque.

4 They could pray at their residence. They could form a smaller
5 group, three or four individuals. However, for a mosque and for a
6 hakim to be valid, there should be at least 40 prayers who join
7 in the prayer.

8 MR. PRESIDENT:

9 Thank you.

10 It is now appropriate for a short break. We'll take a break now
11 and resume at 10.30.

12 Court officer, please assist the expert during the break time at
13 the waiting room for witnesses and experts and invite him as well
14 as the OCIJ legal officer back into the courtroom at 10.30.

15 The Court is now in recess.

16 (Court recesses from 1012H to 1033H)

17 MR. PRESIDENT:

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

19 And again the floor is given to the Co-Prosecutors to put further
20 questions to the expert.

21 MS. SONG CHORVOIN:

22 Thank you, Mr. President. And before I put questions to the
23 expert, I'd like to inquire with the President how much time that
24 we and the Lead Co-Lawyers have.

25 [10.34.32]

29

1 MR. PRESIDENT:

2 As we stated, the allotted time is one day and one session, so
3 you will have this session and maybe we will add another 15
4 session for the afternoon session -- another 15 minutes for the
5 afternoon session. So in short, we'll have this whole session
6 before the lunch break and, after we resume at 1.30, you will
7 have about 15 minutes if needed.

8 [10.35.19]

9 QUESTIONING BY MS. SONG CHORVOIN:

10 Thank you, Mr. President, for your advice.

11 Q. And good morning, Mr. Expert. You have responded quite
12 extensively to the International Co-Prosecutor, and I'd like to
13 put some additional questions to you.
14 Let me backtrack a little bit to the educational system for the
15 Cham people prior to 1975.
16 Can you inform the Chamber the kind of education provided to the
17 Cham children and Cham community before 1975, roughly around 1971
18 or '72? What was the educational system like?

19 [10.36.20]

20 MR. YSA OSMAN:

21 A. Good morning, National Deputy Co-Prosecutor. I do not know
22 whether I should refer to you as Miss or Madam.
23 As for the educational system, allow me to put it into two parts.
24 One is the national educational system -- that is, to enrol in
25 the state schools, and the second one is the religious or Islamic

1 school.

2 For the Islamic religious school, there is no clear curriculum
3 prior to the Khmer Rouge regime. This means that whoever was
4 knowledgeable in the religion or who could obtain a book -- a
5 teaching book or textbook from overseas would share that book or
6 information with the Cham people.

7 So that was limited to the knowledge of the teacher. There was no
8 national standardized curriculum for the Cham students.

9 As for the religious teachers, or tuon, they received wages
10 funded by the villagers and their community, and it was the hakim
11 who was responsible for providing these wages to the tuon or
12 religious teachers. So this is about the Islamic religious
13 educational system.

14 [10.38.08]

15 And let me now look into the state school educational system.

16 During the regime, there were not many Cham students who enrolled
17 in the state school. There were less numbers than the Cham
18 students who are enrolling now in the current system.

19 At that time, the Cham parents had a perception that they were
20 concerned that they would lose their identity when they sent
21 their children to attend the state schools.

22 There were some parents who decided to get their children to
23 study with monks at the pagoda and, of course, the monks were the
24 teachers. So they sent their children to study the Khmer language
25 with the monks at the pagoda, and the children, as a result,

1 would also know about Buddhism.

2 [10.39.20]

3 Q. And what about those who studied at the religious school with
4 the tuon? Can you tell the Chamber, was there a proper Islamic
5 school where they attended the schooling?

6 A. Some villages had a school, while others did not have this
7 so-called religious school, so for the schools that did not have
8 school, they would go and study at the houses of the teacher --
9 that is, at tuon's house. Tuon would provide tables, blackboards,
10 chairs for the students at his or her own house, and if tuon
11 could not afford the chairs, then they would sit on the floor
12 while they studied there. So this was a kind of limited to the
13 resources of the tuon.

14 Q. And after the Khmer Rouge soldiers came to control the areas
15 as you testified, based on your research, can you tell the
16 Chamber whether this kind of informal study with tuon continued?

17 A. No. Even prior to 1975 and that it could be in 1973, the
18 Islamic religion was closed. There were no Islamic schools for
19 Cham students. There were no longer any tuons, and mosques were
20 shut down as well. So by 1975, the Islamic schools were
21 completely shut down.

22 [10.41.35]

23 Q. Based on your research, can you inform the Chamber when the
24 religious practice and the religious school or study were
25 completely shut down? Was it in 1975?

1 A. It was completely closed after the event of rebellions in Svay
2 Khleang and Kaoh Phal. By that time, the Cham people were
3 evacuated from their community and dispersed along with the Khmer
4 people in various locations. When they no longer form a big
5 community and only a few families were allowed to live in each
6 village or cooperative, they were subject of being monitored
7 whether they forfeit their religion. And if not, they would be
8 taken away for killing.

9 So I would conclude that a complete shutdown took place after the
10 rebellions. The close-down actually started early. However, some
11 people attempted to teach in smaller forms in covert -- that is,
12 in -- within the Cham community. But the complete shutdown took
13 place after the rebellions.

14 [10.43.20]

15 Q. Thank you.

16 And I move on to another topic -- that is, in relation to the
17 purges of the Cham people between 1977 and '78. And as you have
18 testified before this Chamber, the purge was intensified during
19 this particular period. Can you inform the Chamber the means that
20 are used to engage in this intensified purge of the Cham people
21 between this period?

22 A. As I testified yesterday, between 1977 and '78, the Cham
23 people assimilated with the Khmer people, so it was rather
24 difficult for the Khmer Rouge to identify who were Cham and who
25 were Khmer. As for the youth and the children, the Cham children,

1 they could speak Khmer rather fluently, and some of them had
2 difficulty speaking Cham due to the prohibition by the Khmer
3 Rouge.

4 Then, during this period, they resorted to using a trick. They
5 said that the country was fully liberated, so the Cham people
6 should return to their respective home towns and villages in
7 order to unite with their family members. And that was easier for
8 the Khmer Rouge to identify the Cham people.

9 [10.45.07]

10 For instance, those Cham who returned to Svay Khleang were
11 gathered up, taken away and killed.

12 The same thing applied to other districts, including Kampong Siem
13 and Stueng Trang. So they knew that they were Chams since they
14 returned to the Cham villages. For that reason, they were taken
15 away and killed.

16 And the killing was indiscriminatory (sic), whether they were
17 women, whether they were children or whether they agreed to eat
18 pork or whether they could no longer speak Cham. As long as they
19 were Cham or they were Cham -- or they were mixed blood. Even
20 some youth who said that they were mixed blood, they were not
21 spared. They were taken away and killed.

22 [10.45.59]

23 And for the youth who lived -- assimilated with the Khmer people
24 and whose parents had been killed, those youth were gathered by
25 the Khmer Rouge together with the Khmer youth and then they asked

1 who were Khmer and who were Cham, and then they had to raise
2 their hand. And after they answered whether they were Cham, they
3 were half-blood or they were Khmer, they would be separated and,
4 later on, the Cham and half-blood Cham were taken away and
5 killed.

6 And that happened in Trea village, and I learned of this account
7 from a survivor who was there.

8 [10.46.55]

9 Q. Did your research indicate who actually initiated this plan to
10 purge the Cham people and, if so, from which level?

11 A. My research was based on the accounts of the victims who were
12 there or who lived through the event, and I also relied on the
13 accounts of the people who served the regime -- that is, the
14 perpetrators. And as I have stated earlier, there was no written
15 document on the instructions, namely, from the Centre to the
16 zone, or from the zone to the sector or from the sector to the
17 district that the Cham had to be gathered up and killed.

18 I have not seen such a written document. However, I met with the
19 individuals who saw the document, namely, Sos Kamry, who saw such
20 a document and who told me about it.

21 And this morning, I mentioned Saleh Ahmat, who heard what Ke Pauk
22 said during the meeting.

23 And there were also Khmer witnesses who saw such a document or
24 written instructions from the sector to the district and the
25 district to the lower level, and I was told about that.

1 [10.48.57]

2 Also, the witnesses who participated in the commune meetings told
3 me about a Cham being gathered up and killed. However, when I
4 asked for the -- any written document, they could not produce
5 such a document.

6 During the Khmer Rouge regime, such written document was
7 confidential, and only the limited number of people who could
8 actually see the document but who could not keep it.

9 Q. Throughout your research and interview, did any of your
10 witnesses talk about Cham people being sent for detention before
11 they were sent to be killed as part of this so-called purge?

12 [10.50.05]

13 A. In cases of the arrest and detention of the Cham people, it
14 happened since 1973. Nineteen seventy-three was the year where
15 the Cham people had the roles in their leadership, including
16 hakim, haji and tuon. Haji referred to those who went on
17 pilgrimage to Arabie country.

18 They were rounded up in 1973 and, in Krouch Chhmar district,
19 these people were gathered up and detained in a district security
20 centre near Krouch Chhmar market.

21 A similar event took place in other districts, and the arrests
22 continued until the event of the rebellions. And by 1977, the
23 Cham people were sent to live mingled with the Khmer people.

24 And between 1977 to '78, the Cham people were not the subject to
25 be arrest and detained, but they would be rounded up at each

1 location. They were sent to be detained provisionally for a day
2 or two before the previous batch were all killed. Then their turn
3 would come.

4 [10.51.54]

5 At Au Trakuon pagoda, there was a Cham person named Himam
6 (phonetic), if I recall it well. Himam (phonetic) and his wife
7 fled when they were rounded up the Cham people, and there were
8 hundreds of the Cham people. They were rounded up and sent from
9 the village to Au Trakuon pagoda. They fled, and those hundreds
10 of Cham people were killed.

11 They were not put in prison. They were not interrogated, and
12 there were no written records of their confessions, or lists of
13 their names. They were not detained, but they were killed.

14 Q. Did you know why the purges became intensified in 1977 and
15 '78?

16 A. I still have doubts on this issue why they did what they did,
17 why, after the Cham actually forfeited their religious, their
18 identity and adopted themselves to live the way they wanted and
19 they were still killed. I have no answer for that.

20 And if I were to die, I would die without peace because I could
21 not find the answer to that. I have lost a lot of relatives
22 during the regime.

23 [10.54.00]

24 Q. This is my last question to you.

25 What destruction caused to the Islamic community and the Islamic

1 religion starting from the 17 April 1975 and continued until 6
2 January 1979?

3 A. If you refer to the destruction, you could go through the loss
4 of the 100 thousands of lives of the Cham people who were killed.
5 And there was only a limited number of Cham people who survived
6 based on my research, and there were only about 200,000 Cham
7 people who survived, and about 400 to 500 thousand of them
8 perished their lives.

9 And even for the survivors, they were under severe trauma and
10 depression, and this kind of feeling remains with them till
11 today. This is a result of them witnessing the killing of their
12 relatives, of their grandparents and children are by themselves
13 without their parents or they couldn't find their parents. And
14 they were the orphans of the regime.

15 [10.55.45]

16 As for the Cham community, there were no longer any educated
17 leaders since religious leaders were exterminated during the
18 regime. There were no religious teachers, no tuon, and their
19 children -- and the children became illiterate in the Islam
20 religion and Islamic study. And that remains.

21 As a result, you can see that there is no remarkable development
22 or progress within the Cham community, and there are only a
23 limited number of religious leaders. And that is the result of
24 the destruction of the Khmer Rouge regime.

25 If the Khmer Rouge did not kill the Cham people, the Cham

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1 community would be in a much better shape, and that should be
2 acknowledged by the world.

3 [10.56.52]

4 MS. SONG CHORVOIN:

5 Thank you, Mr. Expert, for answering my questions.

6 And Mr. President, I have no longer any question for the expert.

7 MR. PRESIDENT:

8 I'd like now to hand the floor to the Lead Co-Lawyers to put
9 questions to this expert.

10 You may proceed.

11 [10.57.05]

12 QUESTIONING BY MS. GUIRAUD:

13 Good morning, everyone.

14 Q. Good morning, expert. My name is Marie Guiraud. I am the
15 lawyer representing the interests of the consolidated group of
16 civil parties in this trial, and I have a few follow-up questions
17 for you this morning, and certainly this afternoon.

18 Yesterday, in the morning, you stated that you worked at DC-Cam
19 as a researcher from 1999 to 2006, and you subsequently worked in
20 the Co-Investigating Judges Office for the Extraordinary
21 Chambers. You said that you carried out a number of interviews in
22 order to write the two books you wrote.

23 Can you give us an estimate of the number of interviews of Cham
24 you carried out since you started working on this matter?

25 [10.58.10]

1 MR. YSA OSMAN:

2 A. Yes. Good morning, counsel. It might be translation error or
3 your error. In fact, I started working with DC-Cam in 1999, and
4 the number of interviewees I interview, I did not count. If you
5 -- if someone asked me right immediately after that, I can tell,
6 but now, it's -- it is difficult for me to tell you the exact
7 figure.

8 It is -- I interview about two to 300 interviewee, based on my
9 recollections.

10 [10.59.06]

11 Q. What I wanted was an estimate of the people you interviewed.

12 Among the 200 to 300 persons you interviewed, was there a
13 significant proportion of Cham, or did you interview persons who
14 were not Cham during that period when you were working for DC-Cam
15 as a researcher?

16 A. The majority of them were Cham people, and a small number --
17 another number of interviewee were Cambodians. But I divided
18 Cambodian interviewees into two groups: one was the group of
19 victims who lived with the Cham people and who experienced
20 similar difficulty and suffering as the Cham people did, and
21 another group of my interviewee were the former official of cadre
22 who involved in the arrest or the execution of the Cham victims.

23 [11.00.30]

24 Q. Thank you.

25 Among the 100 or so Cham people you interviewed, did you hear --

40

1 or did you interview these victims throughout all of Cambodia, or
2 did you focus your research on one district or one particular
3 province?

4 So can you provide us with more details on where these Cham
5 people were located, these people whom you interviewed when you
6 were a researcher for DC-Cam?

7 A. I have interview people for writing my book, "Oukoubah". I did
8 not focus in a particular location or area, but I focused on the
9 Cham victims or their family members that suffer -- that
10 experienced their fate at S-21, and I would follow the story to
11 different places, Svay Khleang and Kaoh Thum. And to write this
12 book, I focus my interview of Cham people, most of them were
13 living in Krouch Chhmar district, Kang Meas district and Kampong
14 Siem and Stueng Trang districts, and some from other district,
15 including Tboung Khmum, etc., and also Ponhea Kraek district.
16 [11.02.35]

17 Q. Thank you.

18 You said yesterday at the beginning of the hearing that most of
19 the Muslims in Cambodia are Cham, implying, therefore, that there
20 are other Muslim minorities in Cambodia.

21 So can you tell the Court if there -- if there are, indeed, other
22 Muslim minorities in Cambodia and, if that is the case, which are
23 they?

24 A. The term "Cham", if they call themselves as "Cham", the
25 correct term, it is pronounced as "Chem", but Cambodian and other

41

1 people would pronounce as "Cham".

2 "Chem" or Cham originated in Champa, and they keep their religion
3 all the way to Cambodian -- to Cambodia. And other Cham was Cham
4 Chouy (phonetic). And these Cham Chouy (phonetic) did not flee
5 from any mistreatment from Vietnam, but they are -- they were
6 from Malaysia and from Indonesia.

7 If you look at their clothings, they would wear similar dress and
8 the Cham Chouy (phonetic) did not speak their Cham language. They
9 would speak Khmer language or their language from Indonesia.
10 So the Cham, as a general term, include the Cham people from
11 Champa and those who were from Indonesia.

12 During the Sangkum Reastr Niyum regime, the late King defined and
13 created a term which is "Khmer Islam".

14 [11.05.15]

15 Q. Thank you.

16 So to be clear about this, the Chouy (phonetic) are considered
17 Cham. Is that correct? Did I understand your testimony properly?

18 A. Yes, correct.

19 Q. You used the word "community" quite a bit yesterday and today.
20 Yesterday, you said in particular when you were speaking about
21 people who were transferred after the rebellions, you said that
22 these people had lost their sense of belonging to a community and
23 I wanted to get back to this idea of community -- of the Cham
24 community which seems to be something very, very important for
25 you.

42

1 So how do you define a community; how can you define a Cham
2 community? You spoke about religion; you spoke about the Cham
3 language, but are there other criteria to define what a community
4 -- what a Cham community is for you?

5 [11.06.17]

6 A. It is not difficult for you to understand, Counsel. The Cham
7 communities are places or area where Cham family are living
8 including the tuon and other families from 40 families or more.
9 It is called Cham community, one Cham community.

10 Q. Based on the research and the interviews you conducted, is
11 this concept of community different among the Cham and among the
12 Khmer?

13 A. For Cambodian people, as far as I understand, they don't often
14 use the term "community" because Cambodians are the majority
15 across the country. For ethnic minority who live in a country,
16 it's not only Cham, but also Chinese minority and Vietnamese
17 minority, they would be called community of Jarai, community of
18 Chinese, community of Vietnamese, so this term "community" is
19 referred or used for ethnic minority in a country.

20 [11.08.09]

21 Q. Earlier, you spoke about the notion of solidarity within the
22 community, so I wanted to know if there were specific solidarity
23 systems in the Cham communities and villages and if that is the
24 case, which systems were these before the Khmer Rouge arrived in
25 the areas that we will speak about further?

1 A. Yes, mutual help and assistance was obligated under the
2 religion. Each follower has to help each other. Cham who believe
3 in Islam, for example, an orphan who lost both of his or her
4 parents, the Cham community is obligated to help this orphan to
5 have a better education, clothing, and food.
6 And this also apply to the poor people in a community. If he or
7 she is the poorest of the poor, the community has an obligation
8 to raise fund under Islamic religion to help the poor. When Zakat
9 al-Fitr -- Fitr is defined as by the end of Ramadan, each Cham
10 person has to contribute in rice in a certain kilogram and every
11 villager have to contribute for the benefit of the poor.
12 Islamic religion taught the community to take care, to offer
13 medication for the poor, and to provide everything based on
14 solidarity to help one another. So the rich cannot violate the
15 poor; the rich shall contribute for the benefit for the poor.
16 [11.10.45]
17 The one with education shall contribute to teaching of the
18 ignorance. This is under Islamic principle for their own
19 community and for other people outside of their community and
20 overall to help one another.
21 Q. Thank you. So based on your research, did the solidarity
22 system remain during the DK period?
23 A. By the end of 1975, right after the rebellion, no solidarity
24 exists. The Cham people could not help one another; each of them
25 had to try their best to save his or her own life.

1 Q. Thank you.

2 Is the Cham community organized into subgroups, into castes or
3 into lineages; is this a concept that exists in the Cham
4 community?

5 A. When you are talking about group, yes, it is formed in order
6 to understand the need or any problem. And in each village a
7 small group was created; it's called -- in Cham, it's called
8 chum-ahs. Chum-ah is headed by one chief who will supervise or
9 work closely with the members.

10 So when you are talking about social class or caste, there's no
11 classification like that; for example, the rich class or the poor
12 class or the person who is well-educated or not; there was no
13 class like that in the Cham community.

14 But there was a teaching that each person in the community have
15 to love and help one another to the best of their ability.

16 [11.13.38]

17 Q. Thank you. You spoke to us yesterday about the different
18 religious leaders or the different religious authorities that
19 existed within the Cham communities. You spoke to us about the
20 hakim, about the hajji, about the me chum-ah stressing the fact
21 that these people were in charge of religious affairs and were
22 not involved in education or in the transmission of traditions.
23 And you also spoke to us this morning about the tuon and you just
24 spoke to us about the chum-ahs.

25 So within the Cham community, are there other groups or other

1 people who are in charge of transmitting Cham culture and
2 tradition or of educating young Cham beyond the tuon you spoke to
3 us about this morning?

4 [11.14.42]

5 A. You are correct, Counsel. Hakim, chi (sic) or chief of
6 chum-ahs or tuon, most of these people would focus on the
7 religious education. I admit that we lack of the teacher or
8 professor who will teach history and other subject for the
9 community.

10 But anyhow, I would like to appreciate a number of Cham people in
11 Kampong Chhnang, Pursat, Battambang province who are tuon or
12 hakim. They preserve their tradition, custom, but also teach
13 history and culture for young generation in their community.
14 I did not finish my research. I keep continuing research and I
15 will write the history of Champa and the country or the -- the
16 land of Champa so that I can bring knowledge and awareness to the
17 Cham in Cambodia.

18 [11.16.50]

19 Q. Is family traditionally a centre of transmission of Cham
20 culture and if that is the case, can you tell us how Cham culture
21 is transmitted within the family, such as the role of the father,
22 the role of the mother, the role of the children?

23 A. Talking about culture, we can maintain -- the language is part
24 of the culture and the dressing style of the Cham, but when we
25 talk about history, I would like to re-emphasize that regarding

1 the history, in the family, parent teach oral history to the
2 children, not the written one. For example, my parent told me the
3 oral history to me and I would pass on this to my children. My
4 parent told me about the glory of the Cham kingdom and who killed
5 our ancestors. So my parent told me about the history.
6 When we talk about culture of the Cham, the culture -- the
7 cultural aspect is intertwined with the religion. So the Cham
8 culture does not disappear because children follow the living
9 practices of their parent, but history can disappear because
10 there is no written record.

11 [11.19.17]

12 The written record perished during the old day because those
13 material -- historical material were burnt down or some of the
14 material were buried and those who bury the material passed away,
15 so no one knew where those material were exactly buried. I
16 received some of the materials from some people who ploughed the
17 field and they found the material buried underneath their paddy
18 fields and they gave those materials to me.

19 We knew that the Khmer Rouge hated the Vietnamese and wanted to
20 take revenge again the Vietnamese and we had document about this,
21 but as for the material about the Cham, we lost them -- many of
22 them.

23 If there had not been the Khmer Rouge regime, the Cham -- the
24 condition of Cham people would not be like nowadays; the Cham
25 people would be in good shape and would be more progressive and

1 prosperous and glorious.

2 The Cham now started very hard to re-establish their life and I
3 hope that there will be no longer any oppression or killing of
4 the Cham people.

5 [11.20.58]

6 Q. Thank you. You said earlier that the children -- the Cham
7 children, under the DK regime, were separated from their families
8 and sent into children's units. And did your research and
9 interviews allow you to conclude that this separation of families
10 had an impact on the Cham community?

11 A. The suppression severely affected the Cham people. Children
12 were no longer allowed to live with the parents, so they could
13 not speak the Cham language. The children -- the Khmer Rouge
14 labelled the children as the children of the Revolution and as
15 for the suppression, it did not take place only to the Cham
16 children, but also to the Khmer children who were separated from
17 their parents.

18 But for the Khmer children, they were not much affected because
19 everywhere people spoke Khmer, even the Khmer Rouge cadres, but
20 for the Cham children; they were not allowed to speak Cham and
21 they lived separately from their parents, so they lost the
22 opportunity to listen to the history of Cham from their parents
23 and as a result, they lost their identity.

24 [11.22.42]

25 Q. Thank you. I would like to put to you a few questions about

1 the collectivization of the lands, taking for example -- or using
2 as an example your home village. Did the Cham
3 communities have a special way of working the lands which was
4 different from the Khmer communities that were next door?

5 A. Cham people had some distinctive skill different from the
6 Khmer; for example, they possessed specific skill about fishing.
7 The Khmer also can fish, but they cannot fish like the Cham. The
8 Cham can get more fish than the Khmer and the Cham knew how to
9 sustain the number of fish in their fishing.

10 And another skill the Cham possessed is about blacksmith and the
11 Cham was very famous for blacksmiths. But nowadays, it's the Cham
12 who possess the three skills that they inherited from their
13 ancestors nearly face problems in their making a living because
14 fish in the rivers -- in the water now become decreased and as
15 for -- as for silk weaving, they also face problem because now
16 there are factories and there are also imported products from
17 abroad that threaten their career.

18 [11.25.39]

19 Q. Using for example, Krouch Chhmar District, where you focused
20 some of your research, can you tell us what the land
21 collectivization process was and if this process had a special
22 impact on the Cham communities and villages?

23 A. The collection did not take place only with land; it also took
24 place with people. People were gathered to live together and the
25 crops harvested were also gathered and put together.

1 And people were required to live in co-operative, so everything
2 became the collective things, even vegetables and fruits that we
3 grew in our -- on the land, we could not eat those fruits or
4 vegetables because everything became collective property.

5 [11.26.57]

6 Q. Did the co-operatives group together Cham and Khmer or were
7 there co-operatives that were set up only for Cham people at the
8 beginning?

9 A. There were no co-operatives which was for the Cham people
10 after 1975. Before 1975, yes, there were communities that had
11 only the Cham people.

12 Q. So if I understood your testimony properly, as of 1975, all of
13 the Cham were placed in co-operatives that were mixed that
14 included Cham people and Khmer people; so did I understand your
15 testimony properly?

16 A. Yes, you are right. From November 1975, the Cham lived in --
17 mingle with the Khmer in the co-operative.

18 [11.28.40]

19 Q. Did your research allow you to know if eating in common in the
20 collect -- in the co-operatives had a special impact on the Cham?
21 Yesterday, you spoke to us about pork and about the fact that the
22 Cham were obliged to eat pork; so were there other effects on the
23 Cham with regard to eating in common within the co-op?

24 A. The Cham people do not eat pork; this is the religious
25 regulation. But when they lived in the co-operative, I would like

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1 to explain that it's not only for pork, but it's also for chicken
2 and beef. The Cham could eat beef meat only when they are killed
3 by Muslim in a proper Islamic way that the Cham people can eat
4 those meat. But when the Cham people lived in the co-operative
5 with the Khmer people, these kinds of dietary practices could not
6 -- could no longer maintained. They had to eat commonly with the
7 Khmer people. They ate even pork.

8 [11.30.40]

9 In fact, the Khmer Rouge did not have enough pork to supply to
10 the co-operative, but the Khmer Rouge still try to find way to
11 force the Cham people in the co-operative to eat pork, despite
12 the inadequate pork supply. And those Cham people who resist
13 their instruction to eat pork, they were killed and those who
14 follow the order survived.

15 MS. GUIRAUD:

16 I'll go into another line of questioning, Mr. President. Perhaps
17 it is important for us to take the break now and then I'll
18 continue later.

19 MR. PRESIDENT:

20 It is now convenient time for lunch break. The Chamber will take
21 a break from now until 1.30.

22 Court officer, please find, for this expert, a proper place in
23 the waiting room reserved for this expert and please bring him,
24 along with his legal officer, back to this courtroom before 1.30.
25 Security personnel are instructed to bring Mr. Khieu Samphan back

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1 to the room downstairs and have him returned to this courtroom
2 before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1132H to 1332H)

5 MR. PRESIDENT:

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

7 And again, I'd like to hand the floor to the Lead Co-Lawyers for
8 civil parties to put further questions to the expert. You may
9 proceed.

10 BY MS. GUIRAUD:

11 Thank you, Mr. President, and may I inform you that it is
12 possible that I may exceed the 15 minutes you allotted to us
13 because we -- we need a bit more time than that. I'll try to
14 speed up, but it is possible that I exceed that time limit.

15 Q. Mr. Witness, to resume my examination where we left off for
16 the lunch break, I would like to start with a very simple
17 question: Can a Cham pray in Khmer?

18 [13.34.04]

19 MR. YSA OSMAN:

20 A. There are two kinds of religious practices; one is the sermons
21 to -- to say during the pray and that has to be in the Arabic
22 language; it cannot be translated into Khmer or into any other
23 languages. It only exists in the Arabic language and it is part
24 of the Koran.

25 However, if you pray for harmony or peace from Allah or what you

1 want to be granted by Allah, then you can use whatever languages
2 you -- you want to and as I said, you can use any languages for
3 such an occasion.

4 Q. That is much clearer and I thank you for that. Before the
5 lunch break, you talked of texts that were buried and that were
6 never found again and that people found those texts while tilling
7 the soil; can you be most precise and tell us what type of texts
8 were buried, at the time when they were buried, and the place or
9 places where the texts were found after they had been buried?

10 [13.35.56]

11 A. The text was found when a villager from Svay Khleang Village
12 plowed his field. Svay Khleang is a village where there are no
13 rice fields next to it and he actually plowed the field in the
14 village and he found this text which was buried under the ground.
15 He kept the text and he passed over some of the text to me. The
16 text themselves were religious text and they were text in Arabic
17 language and some were hand-written.

18 Q. During the numerous interviews you conducted, did you hear, on
19 other occasions, anyone say that texts had been buried and if
20 yes, in what periods were those texts buried?

21 A. As for the texts related to religion or related to the history
22 were the subjects to be burned and that was the clear instruction
23 by the Khmer Rouge. In particular, Koran was the main target.
24 One of the five conditions imposed on Kaoh Phal villagers was
25 that all the Korans and related religious text had to be burned.

1 So when the villagers were aware of the imposition of the
2 conditions, they tried to conceal the text and that happened not
3 only in Kaoh Phal, Svay Khleang; it happened in other villages.
4 So to the best of their ability, they hid the text or they buried
5 under the ground in the hope that they would be able to retrieve
6 it later on, so I believe there were more text that were hidden
7 or kept under the ground.

8 [13.39.18]

9 Q. A while ago, you said that the call to prayer was done in
10 Arabic, if I followed you correctly; were there any particular
11 persons in the Cham villages and committee -- communities who
12 called for prayers in Arabic or just about any Cham could make
13 that call for prayers in Arabic?

14 A. Praying is one of the obligations of the Cham people; I refer
15 to those who practice the Islamic religions. It was one of the
16 five obligations to be undertaken by the religious believers. And
17 if one fails to practice that, the person cannot be considered a
18 religious or a -- an Islamic believer.

19 Usually, the believers have to pray five times per day and tuon,
20 as well as the parents, bear the responsibility to teach their
21 children how to pray to Allah.

22 Q. And that call in Arabic which you refer to at the very
23 beginning of your testimony, early in the afternoon, who
24 concretely in the village was in charge of that call to prayers
25 in Arabic?

1 [13.41.22]

2 A. As I have just stated, it was the responsibility of the
3 parents as well as the tuon or the religious teachers who
4 actually teach the young children or their children to pray. And
5 if the parents do not have time, usually they would send their
6 children to study with the tuon and the children will learn the
7 way how to practice religion, to pray to Allah, and how to pray
8 in Arabic language.

9 The Arabic language there for prayer is the original Arabic
10 language; it's not the modified form or version of the later
11 Arabic language.

12 Q. Thank you for this clarification; it is very clear. Yesterday,
13 you cited the five conditions imposed on the villagers in Kaoh
14 Phal and the last had to do with marriages, so let me read out
15 what you read yesterday during the hearings; that men and -- Cham
16 men and women had to marry persons from other ethnic groups and
17 no longer Chams. I would like you to explain to the Chamber how
18 marriages in Cham communities were organized prior to the arrival
19 of the Khmer Rouge or in any case, before Democratic Kampuchea.

20 [13.43.08]

21 MR. PRESIDENT:

22 Mr. Expert, please hold on and Counsel Kong Sam Onn, you have the
23 floor.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. Allow me to object to the question on

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1 the summary of the statement by this expert on the topic of
2 marriage.

3 The expert does not mention any of the five conditions related to
4 this excerpt. What the expert says is that the Cham people could
5 marry other races besides the Cham race. So this is a
6 misinterpretation of the statement by the expert.

7 [13.44.03]

8 BY MS. GUIRAUD:

9 I am not sure I understood the objection of my colleague because
10 I don't have the impression that is what I stated, but let me
11 rephrase for purposes of simplicity.

12 Q. Could you, Mr. Expert, quickly explain how marriages were
13 organized for Cham persons before the Democratic Kampuchea
14 regime; did they get married between -- with one another; were
15 there -- were there marriages between Cham and Khmers; what were
16 the practices before the Democratic Kampuchea regime?

17 MR. YSA OSMAN:

18 A. Before the Khmer Rouge regime, majority of the marriages that
19 took place were between the Cham people and the Cham people;
20 however, there were instances where Cham married Khmer and at the
21 moment, it also happens.

22 There is no religious restriction that a -- an Islamic believer
23 has to marry the same race. In fact, the person could marry any
24 race who -- any race as long as the person converts to be Islamic
25 believer and to live in a way that is assimilated to the way the

1 Cham people live.

2 So if the person is willing to convert into an Islamic believer,
3 then the person could marry a Cham person and that also happened
4 before the Khmer Rouge regime.

5 As for the Khmer Rouge regime, the fifth condition that was
6 imposed on Kaoh Phal villagers was that the Cham men had to marry
7 Khmer women; likewise, the Cham women has to marry Khmer men. But
8 in practice, it did not actually happen because after the
9 imposition of the conditions, rebellions took place and as a
10 result, the Cham people were evacuated. And for that reason,
11 since the Cham did not live in a community, the fifth condition
12 was rarely imposed as the Cham people lived mingle with the Khmer
13 people and this is based on my research.

14 [13.47.14]

15 Q. So if I understand you correctly, you have confirmed that you
16 interviewed Chams who were married during the Democratic
17 Kampuchea regime; is that what I should understand from your
18 testimony? Did you interview persons who got married or were
19 married during the Democratic Kampuchea regime and I'm talking of
20 Cham?

21 A. Marriage was not a main subject of my research. My research
22 did not -- did not focus on the marriage.

23 Q. But do you recall interviewing Cham persons who had been
24 married under the Democratic Kampuchea regime or is -- is that
25 something you can remember or you don't recall that?

1 [13.48.30]

2 A. I cannot recall that clearly; however, I knew and I heard
3 about this. After the Khmer Rouge regime, I lived in the Cham
4 community and the survivors spoke about their backgrounds, about
5 their experience, and some people said that they were forced to
6 marry Khmer people and from late 1975 to 1978, they did not dare
7 to oppose any instructions in term of the marriage. For instance,
8 if they were to be instructed to marry a Khmer person, they would
9 do so, or if they were to be instructed to marry a Cham person,
10 that would be a good opportunity for them.

11 Q. Thank you. I would like us to revisit the period in -- in
12 1979, at the end of the regime. You state a while ago that there
13 were no longer any mufti and if I understood you correctly, you
14 said that after 1979, it was the villagers who had designated the
15 hakim; did I properly understand what you said this morning?

16 A. Yes, that is correct. In fact, the -- the previous mufti, as
17 well as his first and second deputies, were killed. And the
18 surviving hakims, in fact, the hakims were also killed during the
19 Khmer Rouge regime and the only best approach to elect a hakim
20 was to look for one of those survivors who had knowledge about
21 religion and who were a good, faithful, and respected person and
22 who could represent their community, then they would be selected
23 for -- to be voted and whoever received more votes would be
24 elected as hakim for that village.

25 Later on, however, when mufti was elected, mufti bears the

1 responsibility to appoint a hakim for the village and by that
2 time, the villagers did not involve in the election or choosing a
3 hakim for their community except where -- where the villagers
4 dissatisfy with the appointment of a particular hakim and they
5 wanted to vote for a particular person to become a hakim. If
6 there that is the case, usually mufti would consent to this vote.
7 [13.52.22]

8 Q. In what year was the new mufti elected? You said that in 1979,
9 there were no longer any muftis and the villagers were somehow
10 obliged to elect the mufti, in what year was the new mufti and
11 his assistant elected?

12 A. I cannot recall the exact year; however, I remember it
13 happened after the first general election in Cambodia in 1993
14 when there was this national election organized and supported by
15 UNTAC.
16 When the new government was formed after that election, the
17 government decided to find someone to be appointed as a mufti
18 and, in fact, the process of appointing the mufti, at the time,
19 was that all hakims throughout the country were gathered to elect
20 several of their representatives to be voted and the first person
21 who attracted more votes were appointed to be a mufti. And then
22 the mandate for that mufti was expired and then a -- a vote was
23 -- another mufti was elected. And the second mufti who was
24 elected was in that power with no expiry date of their mandate
25 and the person was recognized by the king.

1 [13.54.33]

2 Q. Do your research allow you to enlighten the Chamber on the
3 reason why there was a significant lapse of time between the term
4 of office of the mufti who died during the Democratic Kampuchea
5 regime and the one who took over from him in 1993; if I
6 understood you correctly, why did they take so much time to elect
7 the new mufti?

8 A. Yes, the time lapse was extensive and this is in relation to
9 the freedom to religion, the freedom to elect religious leaders
10 and to communicate with religious leaders locally and overseas as
11 well as the support from Islamic countries to the Islamic
12 community in Cambodia only existed after 1993 general election.
13 We can also say that the light of freedom, the light of democracy
14 started to take shape after 1993, that is, with the intervention
15 by the United Nations. And prior to 1993 such freedoms were not
16 fully exercised.

17 [13.56.26]

18 Q. I am asking this question because I would like to know whether
19 there was a link between the need to train a new mufti which
20 would take more time and the fact that he was elected in 1993, if
21 I understand your answer correctly, there were external reasons
22 related to the impact of Democratic Kampuchea on the Cham
23 committee that explained the fact that the new mufti could only
24 be elected in 1993. Is that the thrust of your answer?

25 A. From 1979 to 1993, the Cham people wanted to have their

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1 supreme religious leader but they were not in a position to have
2 one. And as I said, the freedom to religion or the light of
3 democracy started to take shape only after 1993.

4 Q. To wrap up this line of questioning in order to properly
5 understand you, when you said that the Cham were not able to have
6 a mufti between 1979 and 1993, what exactly are you referring to
7 when you say that you were not in a position to have a mufti?

8 [13.58.32]

9 A. I refer to the government that took control of the country
10 after 1979. I did not mean that the government killed the Cham
11 people or prohibited the practice of Islamic religion. However,
12 after I grew up the communication between Cambodia and other
13 countries was restricted as the country was still in a -- went
14 through a period of war. The government itself was organizing the
15 country and its structures.

16 After 1979, there were representatives of the government but
17 there was no mufti yet, although there were hakims and tuons and
18 there were only very minor incidences of people of haji who went
19 on a pilgrimage as they had no means to go overseas.

20 Q. Thank you, everything is very clear. I would like to finish
21 now with my questions by asking you for a few elements about your
22 personal history. You said often during the past two days that
23 you, yourself, were born during the DK period. You were born in
24 1971. You were born in Svay Khleang.

25 And I wanted to put a few questions to you about your experience

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1 during the DK regime since the Chamber's decision, E3/67,
2 authorizes us to do so. So I wanted to know if you have any
3 recollections, any personal recollections of what happened during
4 the rebellion in Svay Khleang.

5 A. I was so young at that time. I was only four years old. I
6 don't have direct or immediate memory. As far as I remember, I
7 heard from my parents, my relatives when I returned to my home
8 village in 1979, and more importantly based on my research.

9 Q. Can you explain to us if you know this because your parents
10 told you or because you went there after the rebellion? Is this
11 information that you obtained by speaking to your relatives?

12 [14.02.08]

13 A. In the rebellion even in Svay Khleang, many of my relatives
14 lost their lives. My grandparents were sent out of -- were told
15 to go out of the village but they refused to do so and saying
16 that this is our house, our village, so they refused to leave.
17 But in fact, in 1979, when we returned those who refused to
18 leave, the elderly, the pregnant women who could not travel who
19 refused to leave and stay there, and when we came back in 1979 we
20 didn't see any of them alive. Some other Cham people were sent
21 out and separated to be detained in separate places. At the
22 beginning the small children were allowed to be with the mother
23 or the parents.

24 And my family were sent to Kratie province. So only a few
25 families of Cham people were sent from Svay Khleang to Kratie

1 province.

2 In my family in Kratie none of our members were subject to any
3 mistreatment or killing except the force to eat pork. In 1976,
4 one of my elder brothers died of starvation and later in 1978 my
5 younger sister died in a hospital in Kratie province.

6 [14.04.42]

7 I remember very well about the starvation because I was so hungry
8 when I was young. I need more food. I heard from my parents that
9 in the past we would have enough food and they pleased me by
10 saying please try to be patient and to live until we have peace
11 and we can have enough food. And other young children did the
12 same way I did. We were wandering around collecting leftover
13 fruit or any food that was left and we collected for food.

14 Q. Did you remain with your parents in Kratie or were you
15 separated from your parents? Do you remember that or did anybody
16 tell you what happened?

17 A. My father was separated from my mother. Both mother -- they
18 were living far away from each other. But my sister was living
19 with my mother. But my sister would stay with my mother. But when
20 my mother left for the work site, the dam worksite, my younger
21 sister was sent to a children's group supervised by an old lady.
22 And my younger brother who died in 1976, he was sent to another
23 unit far away from the village.

24 I had no opportunity to meet my father or my brother. I could
25 meet with my father or mother with very limited occasion and I

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1 met either of them only at night when he or she returned from
2 their worksites during the daytime.

3 [14.07.31]

4 MR. PRESIDENT:

5 You seem to take more time than given -- than allocated, Counsel.

6 MS. GUIRAUD:

7 Well, I have a last question, Mr. President. So if you would
8 please allow me to, I will put it to the expert.

9 MR. PRESIDENT:

10 Yes, your request is granted.

11 BY MS. GUIRAUD:

12 Thank you.

13 Q. Well, to finish off with your account, in which year did you
14 return to Svay Khleang or, if yes, in which year and can you
15 explain or describe the challenges the villagers faced when they
16 returned to Svay Khleang?

17 [14.08.32]

18 MR. YSA OSMAN:

19 A. In 1979, when we returned, I saw houses left empty within --
20 without any villagers. I kept waiting to see a return of my
21 uncle, my aunts, my cousins, second cousins. We keep waiting a
22 year or two or three years and no one has returned. Then I assume
23 that they were all died or killed because it was a large village
24 of more than 10,000 families.

25 But in 1979 most of the houses were left empty, and the western

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1 part of our village in Svay Khleang when those houses were left
2 empty, the Cambodian families moved and lived there.
3 We started to build our community right after 1979, until now in
4 Svay Khleang even though we have a Cham family of more children.
5 But if we do the count of the actual number of families and
6 people, we still can find the number of families and population
7 which is less than what we had before 1975. If you would like to
8 know the exact information you could do your research or to do
9 the count at the village you will see the reality then.

10 [14.10.55]

11 MS. GUIRAUD:

12 Thank you, Expert. I am done with my questions.

13 Thank you very much, Mr. President.

14 MR. PRESIDENT:

15 Thank you. Now, the Chamber will give the floor for the Defence
16 Counsel. Counsel for Nuon Chea, you have the floor first.

17 Do any of the judges have any questions?

18 Counsel for Nuon Chea, please hold on. Now, Judge Lavergne, you
19 may proceed.

20 [14.11.38]

21 QUESTIONING BY JUDGE LAVERGNE:

22 Yes, thank you, Mr. President. Maybe there was a misunderstanding
23 here but, indeed, I have a certain number of questions to put to
24 the expert.

25 First, I would like to provide to the expert a document. This is

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1 document E3/154. This document is, in fact, the original copy in
2 the Khmer language of a telegram that is mentioned in its
3 totality in the book written by Mr. Osman, "The Cham Rebellion",
4 so in the book E3/2653. So, Mr. President, if I may, provide the
5 expert with this document?

6 MR. PRESIDENT:

7 (No interpretation)

8 BY JUDGE LAVERGNE:

9 Q. And Mr. Osman, the document in question is in the English
10 version of your book on page 166, English ERN, 00219227; the
11 French ERN is the following, 01125252 to 253; and in Khmer,
12 00008495.

13 So the title of this document is "Telegram Number 15". So before
14 I put a question to you about this document, I would like you to
15 tell me or I would like you to remind us when the incidents that
16 you describe occurred, that is to say, the rebellion in Kaoh Phal
17 and in Svay Khleang.

18 MR. YSA OSMAN:

19 A. The rebellion in two villages happened in 1975, but it
20 happened before the date appeared on this document. Based on the
21 recollection of the villagers at Kaoh Phal they said that the
22 rebellion in Kaoh Phal was one month earlier. So, in October
23 1975, in Kaoh Phal, so on the -- it's on the 30th of the Ramadan
24 month in 1975. Because the villagers remember very well the
25 rebellion in Svay Khleang because it was on the ending of the

1 Ramadan of the fasting and the rebellion happened on that day.

2 [14.15.24]

3 Q. So I would like to specify here that the telegram we are
4 speaking about is dated 30 November 1975. So this is a telegram
5 that -- whose author apparently is so-named Chhon. So can you
6 tell us if you know who Chhon is or who was?

7 A. I don't know who Chhon was, but I know other individuals
8 listed on this document.

9 Q. Well, okay, we will get to the other names maybe a little
10 later on. Well, the subject of this telegram is the sharing of
11 difficulties regarding the transfer of a certain number of
12 people. So can you tell us -- first of all, can you tell us if
13 you remember this telegram and can you tell us which this
14 telegram -- what this telegram corresponds to and what connection
15 there may be between the events in Kaoh Phal and Svay Khleang and
16 this population transfer that is described?

17 [14.16.53]

18 A. Yes, Your Honours, I remember well the information on this
19 "Telegram 15". I was the one who picked this document when I was
20 working with DC-Cam in 1996, because the information related to
21 Cham people and it directly related to the rebellion of Cham in
22 Kaoh Phal and Svay Khleang. Though it doesn't indicate Svay
23 Khleang or Kaoh Phal but on the document it says it is decided to
24 evacuate the Cham people from the Eastern Zone in order to
25 restore a situation, so that they need to disperse Cham people

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1 and move out to live in a different area. It is dated on the 30th
2 of November 1975.

3 So I believe that the figure and the information on this document
4 to ease the tension in the Eastern Zone; was meant to deport the
5 Cham people from their community. If the Cham people were allowed
6 to stay there might be other rebellions, so they should be
7 evacuated to different locations.

8 So, the evacuation of 1,000 families of Cham people, they were
9 not evacuated to live as a group or community of Cham but they
10 were dispersed or separated to live in different places.

11 MR. PRESIDENT:

12 International Prosecutor, you may proceed.

13 [14.19.25]

14 MR. KOUMJIAN:

15 I just wanted to bring to Your Honour's attention and the
16 parties' attention what I believe is a problem or discrepancy in
17 the translation of this document, particularly the last
18 paragraph, and advise you that there is another translation of
19 the very same document on the case file. That's at E3/1679. So
20 I'm only going by the English translation.

21 But, to be clear, I have contacted the translation unit and they
22 indicated there would be a correction. I don't know if there has
23 been yet on the copy, Your Honour, is using, a correction of
24 E3/154, I believe is the document you're using. Thank you. But
25 the other translation again is at E3/1679.

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1 JUDGE LAVERGNE:

2 Well, indeed, I have here a correct version which carries the
3 same index in English, E3/154/Corr-1. So is that the version you
4 are referring to? I see that you are nodding. So well maybe we
5 will be able to--

6 [14.20.57]

7 MR. KOUMJIAN:

8 Probably is, I am sorry, on my computer I had a little problem so
9 I have just been able to start it and I'll check. Thank you.

10 BY JUDGE LAVERGNE:

11 Well, the problem is that, well, they are indeed different index
12 numbers for the same document; one, E3/1679 but a priori speaking
13 that is not the latest reference number. There is a more recent
14 number which is E3/154/1Corr-1 (sic). So it is that version that
15 I think we should use because the -- obviously the references in
16 the original copy haven't changed.

17 Q. Well, Expert, you said that there was a connection between
18 these events and this telegram and I note that in this telegram
19 the idea or the point is to remove the Cham from the banks of the
20 Mekong in order to ease the tension. And Svay Khleang and Kaoh
21 Phal of course were on the banks of the Mekong or is this
22 reference to the banks of the Mekong linked to other events?

23 A. In Kaoh Phal and Svay Khleang villages and in Krouch Chhmar
24 District they were located along the banks of the Mekong River
25 which were located in Sector 21.

1 [14.23.11]

2 Q. And furthermore, the following is stated, and I will read it
3 in French. It's the penultimate paragraph, "In principle, the aim
4 of this transfer is to scatter the Cham as this was discussed
5 among ourselves."

6 So can you tell us about these discussions? Are you aware of
7 these discussions that took place before? Are you aware of any
8 kind of information related to this? And here again what's
9 important is to remind to whom this telegram is addressed because
10 the telegram is addressed to Brother Pol but there are, of
11 course, a certain number of recipients.

12 So regarding the recipients, can you tell us anything about them
13 and can you provide us with any complementary information
14 regarding prior discussions about a policy aimed at scattering
15 the Cham?

16 [14.24.30]

17 A. The contents in the telegram show clearly that the telegram is
18 about the evacuation of the Cham people out of the East Zone, and
19 it was in referring to the discussion, but I could not find the
20 minutes of the discussion. But if we looked at the real situation
21 after the rebellions took place, immediately after that the Khmer
22 Rouge called all the Cham to meetings in each village. And during
23 the meeting they threatened the Cham people. They told the Cham
24 to relinquish their religion, stop speaking their languages and
25 not to rise up against the Khmer Rouge, like the ones took place

1 in Svay Khleang and Kaoh Phal villages.

2 So if we compare the situation with the contents in this

3 telegram, I think that the evacuation of the people from the East

4 Zone, specifically from those living along the Mekong River bank,

5 but not from Tboung Khmum district because Tboung Khmum had only

6 a small area that bordered the Mekong River bank, so when they

7 refer to those who needed to be evacuated, I think it refers

8 specifically to those who live in Krouch Chhmar District.

9 So regarding the evacuation, it took place after the meetings

10 which were called after the rebellions. During the meeting the

11 Cham people were warned not to rise up.

12 And in this telegram the content is about the evacuation and is a

13 mass evacuation. So, according to this content, more than 100,000

14 people were to be evacuated. And those who were evacuated and

15 sent to various places, some of them were not received and they

16 were sent to other places.

17 And the recipient that this telegram is addressed to was Brother

18 Pol and based on my research, Brother Pol referred to Pol Pot.

19 The telegram was also cc'd to Brother Nuon, and to my research it

20 refers to Nuon Chea. And the telegram was also addressed to

21 Comrade Pauk. This person is no one but the secretary of the

22 North Zone.

23 [14.28.59]

24 Q. I am not sure that I saw Brother Pauk mentioned on the

25 telegram. It appears that in the list who are copied, there is

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1 Brother Nuon, Doeun, Bong Yaem and archives. So if you see Pauk
2 can you tell me where, because I don't see where he is mentioned?

3 A. Allow me to clarify in case I made a mistake, and now let me
4 repeat my response.

5 There was a mention of Comrade Pauk in the contents of -- in one
6 of the paragraphs of the telegram and it's not in the cc section.

7 Actually, his name was mentioned in the third paragraph which
8 says, "This matter might not have been made known to Comrade
9 Pauk".

10 Q. One last question concerning the telegram. You talked of the
11 district of Tboung Khmum and you said that it was not along the
12 Mekong. But I would like to know whether during that period you
13 knew who was the secretary of that district? Who were the leaders
14 in place at the time?

15 [14.30.46]

16 A. I did not say that Tboung Khmum district was detached from the
17 Mekong River bank. Part of Tboung Khmum was along the Mekong
18 River bank. However, the Cham people who lived in Tboung Khmum
19 was actually in Chirou commune and besides that there were no
20 other Chams living along the Mekong River bank in Tboung Khmum
21 district.

22 As I said, geographically part of Tboung Khmum is located along
23 the river bank and there is only a section of it where the Cham
24 people lived.

25 I cannot recall the leaders of Tboung Khmum district. At that

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1 time they were referred to as the district committee or the
2 district chief. However, through my research I am not sure who
3 were the district committee of Tboung Khmum.

4 Q. And do you know whether Mr. Math Ly was a member of the
5 district committee or was he a member of the district committee
6 at any point in time?

7 A. Math Ly was one of those who were in the leadership of the
8 Tboung Khmum District. However, it is unlikely that he was the
9 secretary of the district.

10 JUDGE LAVERGNE:

11 I would like us to talk about another telegram you refer to in
12 your book. And I would like to have shown to you the original
13 copy in Khmer, if it's possible, Mr. President?

14 [14.32.54]

15 MR. PRESIDENT:

16 Yes.

17 BY JUDGE LAVERGNE:

18 Q. You made mention of that telegram in your book titled, "The
19 Cham Rebellion" and it is on page 115. The ERN in English is
20 00239176 (sic) and the telegram also is in several versions. I do
21 not know whether the version I am providing is the most up to
22 date. That telegram is referred to as "Telegram Number 94" and
23 then it is also referred to at "4" something and again at "44",
24 as "44". I noted in addition to the differences in French. We
25 have the reference E3/511, ERN in French 00350762 and in English

1 the reference is in document E3/952 and the ERNs are as follows,
2 00182658 to 60.

3 There we are. First question, do you remember referring to this
4 telegram in your book?

5 [14.34.35]

6 MR. YSA OSMAN:

7 A. Yes. I recall that.

8 Q. Very well. I would also like to put this question to you.

9 Since the publication of the book have you been able to
10 crosscheck a number of translations to ascertain whether the
11 translation in your English version of your book is correct
12 because it appears that there are discrepancies between the
13 translations we have on record and the translations in your book.
14 Are you aware of these discrepancies?

15 A. Your Honour, could you please indicate where the discrepancies
16 exist so I can compare what I have in front of me? I referred to
17 the original document maintained at DC-Cam when I did my
18 research.

19 Q. Very well. In this telegram which is also addressed to Bong
20 Pol, that is, section number one with a number of sub-paragraphs
21 and it is stated as follows:

22 "As a matter of fact there were disturbances in Chamka Leu
23 district. The enemies were the former soldiers as well as Cham
24 and former heads of cooperatives. They put up photographs and the
25 communique on the 18th of March 1979." -- 1970, I beg your

1 pardon.

2 I say so because in your book reference has been made to enemies
3 and you are referring to soldiers of Lon Nol, to former heads of
4 cooperatives as well as an entire Cham race. And I have not seen
5 in the translations we have of that document any reference to the
6 entire Cham race.

7 [14.37.28]

8 A. I will compare the documents. However, I acknowledge that my
9 analysis of this document concerning the person named Khieu, that
10 I included in my book, I think there is a gap in my work. In
11 fact, this document was also sent to Nuon Chea and Khieu Samphan.
12 And when I wrote my book I did not make mention that Bong Khieu
13 or Brother Khieu meant Son Sen. I made an error that Brother
14 Khieu was Khieu Samphan but, in fact, Brother Khieu meant Son
15 Sen.

16 As for the discrepancy in the translation, I will review it.

17 Q. What I would propose to you, Mr. Expert, is that during the
18 break that we will take shortly, you should crosscheck the two
19 translations and tell us whether the translation in your book is
20 accurate and whether we should rely on the translations on the
21 Court's records, bearing in mind there are two major
22 discrepancies.

23 The first discrepancy is the reference to an entire Cham race as
24 the enemy and the second, the second discrepancy has to do with
25 the fact that Mr. Khieu Samphan is referred to as one of the

1 receivers of that telegram.

2 I would like also to talk about another question, and it is a
3 follow-up question because this morning the Co-Prosecutor read
4 out to you an excerpt of a book by Ben Kiernan, and the document
5 is E3/1593, and the ERN in English is, 0115147 (sic); and the ERN
6 in French is, 00639052 to 53; and in Khmer, 00637796. And it is
7 on page 280 of Ben Kiernan's book.

8 Mr. Co-Prosecutor talked of a "Document 163", or "Page 163", and
9 Ben Kiernan was referring to events that had occurred in the
10 sub-district of Krava in the Central Zone. And he talked of 20
11 families that had been taken away and one of the witnesses was
12 asking why those families were taken away because they had eaten
13 pork and done all what had been forbidden to do.

14 That witness refers to a document dated 1978, the famous
15 "Document 163", and the witness in question is called Ya Mat.
16 That person's statements are in Ben Kiernan's book confirmed by
17 another witness called Os El.

18 Now the question I want to put to you is as follows: Were you
19 aware of those interviews? Did you have access to the documents
20 on which Ben Kiernan relied?

21 [14.42.07]

22 A. I read Ben Kiernan's book and I also have read certain
23 documents that Ben Kiernan referred to. However, I cannot recall
24 all those documents that he referred to. As for this document,
25 related to what happened in Krava commune, I must say that I

1 cannot recall that.

2 Q. What I find relevant is the date given by the witness in 1978.

3 To your knowledge, Mr. Expert, can you tell us whether there were

4 any changes in the way the Cham were treated? Did they continue

5 to treat them as they had done in 1975? Were there any changes

6 and, if so, do you know why there were such changes?

7 [14.43.28]

8 A. Allow me to briefly reiterate the point. The event in 1978,

9 was the worst that happened to the Cham people regardless they

10 lived in Krouch Chhmar, in Kang Meas or in Kampong Siem

11 districts.

12 Even for the Cham who lived in other zones, the situation became

13 worse for them as well. As in this book when Ben Kiernan referred

14 to the events that happened in Krava commune it is similar to the

15 events that happened on the Cham people either if they were in

16 the East Zone or in the North Zone.

17 The Khmer Rouge used different strategies to attract the Cham

18 people to return to their respective native villages. They used

19 those techniques in order to identify who was Cham and who were

20 Khmer.

21 As highlighted by Ben Kiernan, although the Cham agreed to follow

22 the instructions by the Khmer Rouge to sacrifice everything,

23 alas, they were still killed. And the killing of the Cham people

24 and their race was almost wiped out, and that happened in around

25 1977 and '78.

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1 MR. PRESIDENT:

2 Thank you, Judge Lavergne. It is now appropriate for a short
3 break. We will take a break now and resume at 3 o'clock.

4 Court officer, please assist the expert during the break time and
5 invite him as well as the OCIJ legal officer back into the
6 courtroom at 3 o'clock.

7 The Court is now in recess.

8 (Court recesses from 1445H to 1501H)

9 MR. PRESIDENT:

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

11 And, again, I would like to give the floor to Judge Lavergne to
12 put the questions to the expert. You may proceed, Judge.

13 BY JUDGE LAVERGNE:

14 Yes, thank you, Mr. President.

15 Q. Mr. Osman, we were speaking about the issue of possible
16 changes or variations in the policy towards the Cham. And a
17 question that I would like to put to you is, what was the impact
18 of the conflict with Vietnam on these possible variations? Might
19 there be connections between a possible aggravation of this
20 policy and the broadening of the conflict with Vietnam?

21 [15.03.33]

22 MR. YSA OSMAN:

23 A. I do not think they are related. What happened in the East
24 Zone when the East Zone leaders were accused of traitors and of
25 colluding with Vietnam was a separate matter from the events of

1 killing the Cham people.

2 Cham people were not killed only in the East Zone but also in the
3 North Zone. So these are two separate events and are not related.

4 Q. Thank you. Before we move on to another topic I would like to
5 know if you had the opportunity of looking at this telegram which
6 I was referring to before the break and if you have any
7 observations to make regarding the quote from this telegram in
8 your book.

9 A. Yes, I have a look and I acknowledge the gap that happened. I
10 admit that there is a discrepancy between the Khmer and the
11 English text. My native language is Khmer and I was assisted by a
12 translator.

13 However, the discrepancy is not that great. In the telegram it
14 mentioned the Cham as well, the enemies including the Cham and in
15 the English translation it quotes the entire Cham race. So here
16 lies the discrepancy in the English translation and I admit that
17 there is a discrepancy there. Of course, people do make mistakes
18 regardless of your position or function either a monk, a prime
19 minister or a judge or an ordinary person.

20 [15.06.03]

21 Q. Fine. We will now move on to another topic. You spoke about
22 the way the Cham were treated in different locations in Cambodia.
23 I have a question to put to you regarding this.
24 Did you ever gain access to interviews that were conducted by a
25 journalist of a name of Nate Thayer? He is a relatively well

1 known journalist because he interviewed Pol Pot among other
2 things and apparently he interviewed quite a good number of Cham
3 who had sought refuge at the Thai/Khmer border. So did you ever
4 have access to these documents, to these interviews and what can
5 you tell us about them?

6 A. Yes, I read that document and it is also -- the DC-Cam has a
7 copy at its office. He interviewed several Cham people.

8 Q. Well, we are not going to go over all of the interviews that
9 were conducted by Nate Thayer. There might be close to 50 of
10 them. But, according to you, do you believe that there are major
11 trends that you can find in these interviews?

12 Personally speaking, I have the impression that some taboos
13 appeared on a constant basis and existed throughout Cambodia.
14 Maybe the treatment meted out to the Cham wasn't the same
15 everywhere. So what can you tell us about this?

16 [15.08.08]

17 A. There could be differences in the treatment, for example, on
18 the restriction or the imposition that the Cham people had to eat
19 the pork. And there was a small number of Cham people who were
20 assisted by the village chief or the cooperative chief. In such
21 areas where those cooperative chiefs or village chiefs had
22 sympathy for the Cham people, then they were lenient on the Cham
23 people so that the Cham people could continue to live in these
24 areas. And I do not believe there is a difference in the policies
25 overall, but this is about the sympathy by the Khmer people

1 towards the Cham people.

2 Historical information reflects the closeness between the Khmer
3 people and the Cham people. Vietnam actually killed many, many
4 Cham people during the Champa conflict and Cham people only
5 survived with the aid of the Khmer people. And if the Khmer
6 people didn't allow the Cham people to take refuge in Kampuchea
7 then the Chams would be fully exterminated.

8 Therefore, the Cham and the Khmer people have tight relationship.
9 And the former Khmer kings and the Cham kings were close despite
10 their various wars that existed. However, when there was a big
11 chaos usually the Cham would come to the Khmer side for support.

12 [15.10.22]

13 And let me go back to the Khmer Rouge regime. Despite the
14 policies to mistreat the Cham people or to kill the Cham people,
15 there were still Khmer who had sympathy for the Cham people and
16 who went lenient on the Cham people. And the Cham survivors
17 actually had gratitude for those Khmer people. Some of them in
18 fact forged closer ties. They became -- godfathers or
19 god-siblings due to this closeness. However, there were other
20 instances that those people became even more excessive than the
21 policies imposed.

22 Q. It's obviously clear that it's difficult to generalize here.

23 And I also read that sometimes the relations between the Cham and
24 the Khmer were based on a bit of distrust at least in the past.

25 So are you aware of this? For example, I think it is Mr. Vickery

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1 who says -- who said that the Khmer were afraid sometimes of the
2 Cham because they suspected that they were engaging in witchcraft
3 and that kind of thing.

4 [15.12.05]

5 A. Yes, I heard about that. I personally heard that and I must
6 admit that it is just a rumour in order to degrade certain
7 individuals. In fact, I have heard worse than that, that when a
8 Khmer person drowns the Cham person would actually kill that
9 Khmer person in order to receive mercy from Allah. But this is
10 just a form of degrading certain individuals.
11 However, if you refer to the historical context you can see the
12 close relationship forged between the Cham and the Khmer people.
13 They were considered like brothers and sisters. And in fact, in
14 Champa they held the same religion as the Khmer people, that is,
15 Hinduism. You can -- that is also reflected through the
16 historical structure, namely Angkor Wat and certain temples in
17 Vietnam that still exist in Vietnam.
18 The Khmer contexts, say the king was Jayavarman, and for the Cham
19 king the name of the king was the same, Varman. And if you look a
20 bit further, in hindsight, we could even say that they almost
21 have the same kingdom like Kok Thlok. All the family trees of the
22 kings, they were very similar in history and only later on that
23 the relationship fell apart and separate kingdoms were formed.
24 And for that reason I could conclude that what you put to me is
25 just a form of individual degradation and it is not meant for the

1 entire race.

2 [15.14.30]

3 Q. Well, we are going to maybe step away from ancient times a
4 little bit and about the harmony that existed between the Cham
5 and the Khmer and we can see, however, at Angkor Wat that there
6 was conflict between the Cham and the Khmer, however.

7 But this being said I would like now to talk about another topic
8 which concerns S-21. Did you -- what kind of documents did you
9 gain access to regarding S-21?

10 A. I read several documents and I cannot tell you which documents
11 that I read. I read many biographies, confessions and
12 correspondences. In my first book I referred to certain
13 confessions of the Cham people. And actually, I went to search
14 for the surviving members of those Cham people to ascertain that
15 they lost their family members during the regime; that the family
16 members were arrested, and some of them even were not aware of
17 the arrest of their relatives. So I could tell you that I have
18 read several documents from S-21.

19 [15.16.14]

20 Q. In particular, were you able to look at some of the notebooks
21 of the S-21 staff?

22 A. Yes, I have. I have read the notebooks of the minutes of
23 meetings. However, I cannot recall how many notebooks that I have
24 read.

25 Q. Well, let me put to you a question that is very general in

1 nature. As far as you remember and as far as you know, in these
2 notebooks, in these minutes or possibly in the annotations, in
3 the confessions, there is -- is there information that
4 demonstrates the existence of a policy targeted specifically at
5 the Cham?

6 A. The documents from S-21 that I read, including the notebooks
7 or the annotations, none of it mentions the point that the Cham
8 people had to be purged.

9 Q. Well, fine. You also reviewed a certain number of biographies
10 and I'd like to know, what was the number of Cham prisoners in
11 relation to the total number of prisoners at S-21? That number
12 doesn't seem to be very high apparently, so do you have any
13 comments to make about this? Can you provide us with any
14 clarification, telling us why there are so few prisoners of Cham
15 origin?

16 [15.18.27]

17 A. We all know, and the researchers also agreed, that S-21 is the
18 office for the detention of the so-called important persons,
19 namely, the former Lon Nol high-ranking officials or overseas
20 students, or even senior cadres of the Khmer Rouge itself who
21 were accused of traitors from various zones or sectors who were
22 subsequently arrested and detained at S-21. However, for ordinary
23 people, they were seldom sent to be detained in S-21. If they
24 were to be arrested, they would be arrested and could be killed
25 right in the commune where they lived or maybe some of them were

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1 sent to a district, and that is reflected through the small
2 number of the Cham people who were detained at S-21. They were
3 former Lon Nol officials, including Saleh Yahya who was a former
4 parliamentarian and another one who was a former military
5 commander of the former regime. They were arrested and detained
6 at S-21. As for Ismael Ahmad, he was a student who studied
7 overseas and who returned to Kampuchea and worked for a period of
8 time in Stueng Trang District, and later on he worked in a rice
9 field and he ended up in S-21.

10 [15.20.17]

11 There were other Cham people who were accused of traitors and
12 whose positions in the previous -- whose position, including the
13 former soldiers of the Khmer Rouge regime.

14 So I can sum up that S-21 was not actually the real target for
15 the persecution of the Cham people, and that is the point, that
16 there was no written document that I can find at S-21 on the
17 purging of the Cham people.

18 Q. Was the fact of being a Cham a handicap if one wanted to
19 become a soldier in the Khmer Rouge Army or did it become so, and
20 was it also a handicap to become a member of the CPK? Are there
21 many examples of high-ranking soldiers in the DK Army who are
22 Cham? And are there also many examples of people with high
23 positions in the DK administration who were of Cham origin, or
24 was this only exceptional?

25 A. Yes. However, it was not that senior. There were those who

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1 worked at the district level, as I said earlier. There is Math Ly
2 who was one of the leadership of Tboung Khmum District. There
3 were also some former village chiefs. When the Cham leave as a
4 community, they did not -- they seldom appointed the Khmer people
5 as their village chiefs. There was also another Cham named Youk
6 (phonetic) in Krouch Chhmar District who was a cadre there.

7 [15.22.34]

8 And based on my research, in order for them to destroy the Cham
9 culture, tradition and religion and what actually the Cham had in
10 mind, the only thing that they came up with was to get this
11 information from people who spoke Cham and not from the Khmer
12 persons. So they used these kinds of Cham people to report to
13 them.

14 Q. Well, time is running out, so let's move on to another topic.
15 What can you tell us about someone by the name of Les Kosem? What
16 was his origin and what was his role, in particular during the
17 Lon Nol regime?

18 [15.24.00]

19 A. I obtained information from my interviewees on Les Kosem. Les
20 Kosem was a military commander of Brigade 5 during the Lon Nol
21 regime, and it is my knowledge that he originally came from
22 Kampong Cham province.

23 Q. And he was Cham, right, of Cham origin or not?

24 A. Yes, that is true. He is Cham like myself.

25 Q. You also spoke about Battalion 5. Do you have any information

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1 -- any specific information about the role that Battalion 5
2 played during the Lon Nol regime?

3 A. Allow me to say that is Brigade 5, not Battalion 5. And the
4 Lon Nol government actually wanted the Cham people to have their
5 official role in the government or in the military, and as a
6 result, there were Chams who were parliamentarians in the
7 National Assembly and there were Cham who held high ranks in the
8 police and in the military, and this person was a military
9 commander of Brigade 5 and most of the soldiers in Brigade 5 were
10 Cham, most of them were Cham, and there were only a minor number
11 of soldiers who were Khmer in this Brigade 5.

12 [15.26.25]

13 Q. Well, some authors alleged -- and here I'm referring to the
14 book by Michael Vickery, document E3/1757 (sic), at ERN 00337271
15 -- that the unit led by Les Kosem distinguished itself because it
16 had systematically destroyed and exterminated the Khmer Rouge
17 villages it occupied.

18 And he adds that:

19 "This notoriety was so large that the government thought that it
20 was counter-productive and the battalion was dissolved into
21 several units."

22 So I'd like to specify that Michael Vickery provides no reference
23 to support this assertion, but is this something that you heard
24 and is this something that seems to be consistent and correct?

25 A. Allow me to be frank here. I did not conduct a thorough study

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1 of that brigade of Les Kosem or whether they -- it was later on
2 broken into smaller military units, and my knowledge is limited
3 to what I have just testified regarding this matter.

4 [15.28.21]

5 Q. Thank you. I'd like to specify, however, that among the
6 documents that the Nuon Chea defence has requested to be
7 admissible, there is a telegram that was revealed by WikiLeaks.
8 This is document E367/5.1.6. There must be an E3 number but I
9 don't have it on hand right now.

10 (Short pause)

11 [15.30.54]

12 MR. PRESIDENT:

13 The Chamber has just been informed by the security personnel that
14 the explosion occurred outside the premises of the ECCC and they
15 will investigate the matter and provide the Chamber with an
16 update.

17 And I believe that we can continue our proceedings and for that
18 reason Judge Lavergne can take the floor.

19 [15.31.38]

20 BY JUDGE LAVERGNE:

21 Thank you, Mr. President. I was referring to the telegram
22 revealed by WikiLeaks and the ERN is 01199963. There is no
23 version in French and in Khmer.

24 And reference is being made to a person called Lon Non, Lon Nol's
25 brother, and Non reports the following, and I'm quoting in

1 English.

2 "Non said that the government of the Khmer Republic had made a
3 mistake in not recruiting a division-sized Cham unit in 1970 and
4 had otherwise mishandled the number of opportunities to use this
5 important minority in Cambodia."

6 Q. Were you aware of the contents of this telegram?

7 MR. YSA OSMAN:

8 A. I am not aware of this telegram.

9 Q. That being the case, among the reasons for targeting the Chams
10 if need be, was there any desire to carry out reprisals against
11 Lon Nol troops or are these issues that you may have been aware
12 of, or that you may have learned about subsequently?

13 [15.33.40]

14 A. If the Khmer Rouge had an idea to take revenge because the
15 Cham was in some way related to the Lon Nol regime, they would
16 not leave the Cham to live until 1978. They would have killed
17 immediately.

18 So I think it was a different matter because Cham, at the
19 beginning, supported the Khmer Rouge movement. They supported the
20 Khmer Rouge movement then they supported the Lon Nol government
21 because the Khmer Rouge had good policy and it had King Norodom
22 Sihanouk who announced an appeal to the people to go to the
23 forests and join the Khmer Rouge movement.

24 If talking about Cham who joined both sides of the political
25 groups, Cham in the rural area joined the Khmer Rouge movement,

1 only a small number of Cham who live in towns and city who
2 supported the Lon Nol government.

3 Q. Do you mean that there was a difference between the Cham in
4 the rural areas and the Cham who lived near Phnom Penh in the
5 major cities, and that those Chams were closer to the Lon Nol
6 regime than those in the rural areas? Is that what I should
7 understand from your explanation?

8 A. Yes, you are right, Your Honour. Chams who lived in Phnom Penh
9 and close to the city whether they won or not they supported the
10 Lon Nol government. And the Lon Nol government did not persecute
11 or oppress the Cham people.

12 Q. Did you ever hear of a movement called FULRO, The United Front
13 for the Liberation of Repressed (sic) Races, and do you know what
14 was the involvement of Les Kosem and other Cham in that movement,
15 and the ties that movement could have had with other groups such
16 as the Khmer Krom or other minorities, whether we're talking of
17 Rhade, the Jarai or others?

18 Did you obtain any information on this subject or that is
19 something you did not research?

20 [15.37.07]

21 A. Yes, I received information about this so-called FULRO. I
22 first heard about it from my father who told me after 1979. He
23 told me there was a movement in the old day named FULRO movement.
24 And later on when I did my research at Tuol Sleng, I saw the
25 confession by Ibrahim (sic) and he talked a lot about this FULRO

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1 movement in an extensive way. And the content was not much
2 different from what my father told me. FULRO was a movement which
3 was established--

4 BY JUDGE LAVERGNE:

5 Perhaps we shouldn't go too much into the details of the contents
6 of that confession because we are bound by Rules of Evidence and
7 we cannot use this kind of document.

8 Q. Apart from the S-21 confessions did you, in the course of--
9 [15.38.38]

10 MR. PRESIDENT:

11 I would like to add that there is -- the explosion was the result
12 of a gas tank and it was not an incident of a grenade explosion
13 or something. So we may resume our proceeding.

14 Judge Lavergne, you have the floor.

15 BY JUDGE LAVERGNE:

16 Q. Apart from S-21 documents, as part of your work did you hear
17 anyone mention the FULRO as being one of the explanations for the
18 targeting of the Cham specifically?

19 MR. YSA OSMAN:

20 A. Thank you, Your Honour, for your remind me not to use the
21 confession. Regarding FULRO movement, I heard a lot from the Cham
22 community. Everyone was familiar with this story. My father and
23 the local inhabitants told me about that. This movement was
24 established to regain our territory. This movement had two
25 directions. One is to liberate Champa and regain Champa, and the

1 second goal was to regain Kampuchea Krom all over Cambodia from
2 Vietnam.

3 [15.40.47]

4 And as far as I know, Lon Nol himself was the chief of FULRO
5 movement. He was in charge of liberating Kampuchea Krom, and
6 other figures were in charge of liberating Champa territory.

7 And Ibrahim En Nhoul, who was an ethnic Jarai, and he had another
8 colleague, Im Kosem (sic), who was a Cham, and they had soldiers
9 who participated in the FULRO Champa and this FULRO Champa had
10 participants from other ethnic groups in -- from Mondolkiri
11 province who wanted to regain back the Champa territory.

12 And they conducted warfare with the Vietnamese in order to regain
13 back Champa territory but, unfortunately, Cambodia faced civil
14 war starting from 1970 and as a result FULRO had no more
15 activities. And FULRO movement, therefore, changed it's direction
16 to fighting against the Khmer Rouge.

17 [15.42.31]

18 Q. To the extent that the objective of the FULRO was to create a
19 Cham estate and to support the Champa, if I understood you
20 correctly, could the Khmer Rouge not have seen in such plans
21 something that could eventually pose a threat to the Democratic
22 Kampuchea regime, or, according to them it was in their interest
23 insofar as such a force risked turning increasingly against
24 Vietnam as opposed to Cambodia?

25 A. The history of the FULRO movement never wanted to capture

1 Cambodian territory and created the Champa state. The FULRO
2 movement itself was supported by the Cambodian government and by
3 Cambodian people. There was only one goal for the FULRO movement,
4 that was to regain back the territory of Champa, and that was
5 only one important goal.

6 So there was nothing related to the Khmer Rouge policy that --
7 the Khmer Rouge policy of treatment of the Cham people. In fact,
8 the Khmer Rouge should have supported this movement because the
9 Khmer Rouge itself wanted to fight against the Vietnamese. FULRO
10 movement did not contradict with the Khmer Rouge goals, so the
11 Khmer Rouge should have supported this movement.

12 [15.44.50]

13 Q. Thank you. I would like to put the last-but-one question to
14 you and it has to do with the treatment of religions in the
15 constitution of Democratic Kampuchea.

16 The constitution of the Democratic Kampuchea is document E3/259,
17 and there is an article numbered 20 and it has to do with
18 religious freedoms and it states that all Kampuchea citizens have
19 the right to practice their religions as they so wish and the
20 right not to practice any religion, but that all religions that
21 are reactionary and prejudicial to Democratic Kampuchea are
22 absolutely forbidden.

23 Now, can you explain what the constitution is driving at? To your
24 knowledge, were there any religions that were not considered as
25 reactionary?

1 [15.46.04]

2 A. Yes, I remember this very well because I read the constitution
3 of DK regime which you refer to. It reads the religion can be
4 believed -- or a person can have religion or no religion, but
5 reactionary religion is prohibited. But the religious leaders,
6 including in Buddhism and Islamic religion, after I ask those
7 leader what is a reactionary religion, no-one could provide me an
8 answer.

9 So the DK regime define a reactionary religion would include any
10 religion, including Buddhism and Islamic. As a result all the
11 monks, all the Buddhist monks, were defrocked and all the
12 Buddhist temples were destroyed, all the mosques were destroyed
13 and all parents and relatives were prohibited from practicing any
14 religious belief. So among those religion, Islam religion, was
15 also prohibited.

16 [15.47.54]

17 As I am one of the Islamic religion believer, I believe that
18 there is no reactionary religion in the world. Any religion has a
19 good intention to educate people to do good things, to avoid
20 killing. Any religion will lead people to do good things, good
21 deed, the only difference that a religion may have a different
22 method of doing thing than another one.

23 Q. Do you recall whether in Democratic Kampuchea documents,
24 reference were made to the rights of minorities living in
25 Cambodia and, if yes, what were the minority's rights recognized?

1 A. Your Honour, to be honest I have never met this kind of thing.

2 Q. However, did you come across or did you read in some speeches,
3 references to the Khmer race and, if yes, what does that Khmer
4 race mean? Does it also include minorities or it is a specific
5 reference to the Khmer race?

6 A. If we look at the real situation on the identity card, it
7 says, "Khmer Nationality". No distinction between Khmer and Cham.
8 So any other race or ethnic people who live in Cambodia, if you
9 look at their identity card so you can see only on the
10 nationality as "Khmer".

11 There is a recognition by the politician or the government that
12 inside a country there were different ethnic minorities including
13 Cham, Jarai, Rhade and so on, but there was no distinction on
14 their identity card to identify those ethnic minority. So I am
15 not very well -- or I'm not so familiar with the identity or
16 nationality of origin of Khmer and other ethnic minority.

17 [15.51.42]

18 Q. As we are running out of time, I'll go into another line of
19 questioning.

20 Mr. Expert, do you know whether shortly after the capture of
21 Phnom Penh, a meeting was held in Phnom Penh involving the major
22 leaders of the CPK to discuss the policies that had to be
23 implemented and policies regarding religions and in particular
24 the Cham?

25 A. I've read it, but I'm not remember very well. But I remember

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1 the information about the evacuation. But if you ask me about any
2 remark on Cham people, I not really remember reading any
3 documents which has this kind of information.

4 JUDGE LAVERGNE:

5 Very well. Thank you very much, Mr. Expert. I now end my
6 examination here.

7 [15.53.15]

8 MR. PRESIDENT:

9 Judges on the Bench, do you have any other questions for the
10 expert? So if you don't have any question to put for this expert,
11 it is now a convenient time for adjournment.

12 The Chamber will resume its hearing on Tuesday the 22nd, from 9
13 o'clock in the morning on the 23 and on the 24 and 25 of next
14 week -- of that week, we will hear the presentation of key
15 documents during that week.

16 So the hearing of the expert, Ysa Osman, will resume on
17 Wednesday, 2nd March 2016.

18 And also Mr. Ysa Osman and Julie Bardeche from the OCIJ, you are
19 invited to the hearing on that day.

20 And for the public, the Trial Chamber will not be in session
21 during the rest of this week and next week, so leave the time for
22 the party to prepare and for the Supreme Court Chamber to conduct
23 their appeal hearings.

24 And, Mr. Expert, your testimony has not been concluded. The Trial
25 Chamber invites you to continue your testimony on the 23rd of --

1 on the 2nd of March, and also Julie Bardeche, you are invited for
2 that purpose.

3 And, Court officers, please coordinate with the WESU staff to
4 arrange his trip -- Mr. Osman's trip to his residence.

5 And also security personnel are instructed to take the two
6 Accused back to the detention facility and have them back to the
7 Court hearing on the 23rd of February before 9 a.m.

8 The Court is adjourned.

9 (Court adjourns at 1556H)

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