



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម

ORIGINAL/ORIGINAL

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CMS/CFO: Sann Rada

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 February 2016

Trial Day 371

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
LIV Sovanna
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Anta GUISSSE
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Trial Chamber Greffiers/Legal Officers:
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LOR Chunthy
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
Dale LYSAK
SENG Bunkheang
William SMITH

For Court Management Section:
UCH Arun

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Bunkheang	Khmer
Mr. SMITH	English

1

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

2 (Court opens at 0909H)

3 MR. PRESIDENT:

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

5 Today, the Chamber is conducting the key document presentation

6 hearings in relation to the treatment of the three -- of the

7 targeted groups, namely, Cham, Vietnamese and former officials of

8 the Khmer Republic. These hearings are scheduled for three days.

9 For today and tomorrow, the Trial Chamber allows the parties to
10 present their key documents. Party are granted one day -- that

11 is, 25th February 2016, to prepare their responses or

12 observations on the key documents presented by other parties for
13 26 February 2016.

14 Ms. Se Kolvuthy, please report the attendance of the parties and
15 other individuals to today's proceedings.

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all parties to this case
18 are present.

19 International Counsel for Nuon Chea, Victor Koppe, is absent
20 without giving any reasons.

21 Mr. Nuon Chea is present in the holding cell downstairs. He has
22 waived his rights to be present in the courtroom. The waiver has
23 been delivered to the greffier.

24 Thank you.

25 [09.12.07]

1 MR. PRESIDENT:

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

3 The Chamber has received a waiver from Nuon Chea dated 23rd

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

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

6 effectively participate in future hearings, he requests to waive

7 his right to participate in and be present at the 23rd February

8 2016 hearing.

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

10 for the Accused at ECCC dated 23rd February, which notes that

11 Nuon Chea has back pain and dizziness when he sits for long and

12 recommends that the Chamber grant him his request so that he can

13 follow the proceedings remotely from the holding cell downstairs.

14 Based on the above information and pursuant to Rule 81.5 of the

15 ECCC Internal Rules, the Chamber grants Nuon Chea his request to

16 follow today's proceedings remotely from the holding cell

17 downstairs via audio-visual means.

18 AV Unit personnel are instructed to link the proceedings to the

19 room downstairs so that Nuon Chea can follow. This applies to the

20 whole day.

21 [09.13.42]

22 Before we proceed, the Chamber wishes to inform the parties that

23 the Chamber has received an email for admission of a document by

24 the Co-Prosecutor pursuant to Rule 87.4 and, in fact, the request

25 was made since November 2015. And the Chamber has not yet decided

1 on the document.

2 Due to the nature of the urgency, the Chamber will deliberate on
3 this issue during the break time this morning, so this is for
4 your information, the Co-Prosecutors.

5 In order to allow these hearings to proceed smoothly and to avoid
6 some confusion arising from previous key document presentation
7 hearings, the Chamber issued a memorandum on 28 January 2016 --
8 that is, E315/2, with the following clarifications.

9 [09.15.04]

10 Thus, the Chamber reiterates its preference for documents to be
11 proposed by the parties directly related to the relevant trial
12 topic.

13 Number 2, the parties may choose to present written records of
14 interviews and the civil parties' applications if they wish to do
15 so.

16 Three, the Chamber will allow the parties further flexibility and
17 permit the presentation of documents relevant to national level
18 policies, although it notes that these documents might be more
19 appropriate for trial topic on the role of the Accused.

20 D, or four, while recognizing that it may not be possible to
21 avoid altogether commenting on the probative value of documents,
22 the Chamber encourages the parties to focus on presenting key
23 documents that is in reference to the transcript of 28 April
24 2015; Khmer, page 14 to 15; English, 19 to 20.

25 [09.16.18]

4

1 Only admitted documents may be presented during these hearings.

2 As for the documents obtained by torture, they must adhere to the
3 Chamber's prior rulings on the use of such evidence.

4 On this particular point, the Chamber issues its decision of the
5 majority on evidence obtained through torture -- that is,
6 document E350/8.

7 In addition, the Chamber has repeatedly reminded the parties that
8 these hearings are not meant for the admissibility of the
9 evidence. The parties should, therefore, not discuss this issue
10 in these hearings since they were given an opportunity to
11 register their objections and to respond to the written
12 objections to the documents which have already been admitted
13 through Case 002/02 -- that is, in reference to document E327
14 dated 11 December 2014.

15 In its memorandum, E315/2, the Trial Chamber requested the
16 parties if they intended to present documents and to comment on
17 the key documents presented by other parties to inform the
18 Chamber no later than 4 February 2016.

19 [09.17.58]

20 The Chamber also advised the parties to provide the Chamber with
21 their list of documents which they intended to present together,
22 with ERN numbers in all available languages, prior to the start
23 of hearings and no later than 1.30 p.m., of 22nd February 2016.

24 The Co-Prosecutors, the Lead Co-Lawyers for civil parties and the
25 Defence for Khieu Samphan responded that they intended to present

1 their key documents and to respond to or to make observations on
2 the key documents presented by other parties. They also provided
3 the Chamber with their list of key documents as instructed.
4 The defence team for Nuon Chea, however, indicated that it
5 neither wished to present any key documents, nor did it wish to
6 respond to or to make observations on the key documents presented
7 by other parties.
8 During these hearings, each party is given half a day to present
9 their key documents in relation to the treatment of the three
10 targeted groups in an appropriate order. The key documents are
11 first presented by the OCP, followed by the Lead Co-Lawyers and
12 the Khieu Samphan defence team. Then, the Khieu Samphan defence
13 team, the OCP and the Lead Co-Lawyers are given half a day to
14 respond to or to make observations on the documents presented by
15 the defence team for Khieu Samphan.
16 [09.19.42]
17 At the end of hearings, the defence team of Khieu Samphan or the
18 -- Khieu Samphan is given one session of the hearings to make
19 their response to -- to make their replies to the responses of
20 the OCP and the Lead Co-Lawyers.
21 Parties may refer to an email by - of the Senior Legal Officer
22 dated 10 February 2016 in relation to the modification of time
23 allotted to parties in the key documentation presentation
24 hearings after the Nuon Chea defence team expressed its position
25 that they did not have any key documents to be presented or did

6

1 not intend to respond to the key documents presented by other
2 parties.

3 I would like now to hand the floor to the Co-Prosecutors to
4 present their key documents.

5 You may proceed.

6 And Deputy National Lead Co-Lawyer -- Prosecutor, please hold on.

7 And I give now the floor to the defence team, Anta Guisse.

8 [09.20.54]

9 MS. GUISSÉ:

10 Yes, Mr. President. Good morning. Thank you. I'll not be long.

11 I just want to make a remark. I would like to draw the attention
12 of the parties and particularly the Co-Prosecutors to a problem.

13 You explained the contents of your memorandum saying that the
14 parties were supposed to inform the Chamber by email at 13.30 of
15 the list of documents to be presented. I am providing this
16 information simply to indicate that I imagine that the time line
17 of 13.30 was supposed to give the parties to select the documents
18 and the relevant passages with the corresponding ERNs, and when
19 there is a delay, as was the case with the Co-Prosecutors, there
20 is an impact on the Khieu Samphan defence team, and I suppose to
21 the civil parties as well.

22 [09.22.02]

23 So we will use the day that is provided to us to try to follow up
24 and to see -- make sure that we have the right working
25 conditions. Our team is already stretched beyond the limit.

7

1 I know that there will be other documents hearings, and so if
2 documents are provided three days -- three hours later than the
3 time allotted, the teams are forced to work at length, and it
4 poses problems to them. So such delays impose certain constraints
5 on a team that is already working beyond its limits.

6 That is the remark I wanted to make. Thank you for giving me the
7 floor, Mr. President.

8 MR. PRESIDENT:

9 Thank you.

10 And the Co-Prosecutors, do you wish to provide explanations
11 regarding the delay? If not, then we can proceed with your key
12 document presentation.

13 [09.23.15]

14 MR. LYSAK:

15 Very briefly, Your Honour.

16 There was some technical issues in how we did things yesterday.

17 First of all, the lists -- our lists for the Cham and Lon Nol
18 documents were submitted perhaps 20 minutes after 1.30.

19 With respect to the Vietnamese documents, the Deputy
20 Co-Prosecutor had them uploaded onto the system at noon and did
21 that, and then realized after that we were sending lists, so
22 that's the reason the lists for the Vietnamese followed later in
23 the afternoon.

24 The responses to the document presentations, as Your Honours have
25 said, there's a day break and they won't happen until later in

8

1 the week, so I don't see how this will impact any -- any of the
2 Defence in terms of responding to our presentations.

3 [09.24.16]

4 MR. PRESIDENT:

5 Thank you.

6 This is merely an observation by the Defence. However, parties
7 should endeavour their best to submit the document per schedule.

8 The floor is now given to the National Deputy Co-Prosecutor.

9 MR. SENG BUNKHEANG:

10 Thank you, Mr. President. Good morning, Mr. President, Your
11 Honours. Good morning, parties, and good morning to everyone in
12 and around the courtroom.

13 I will be presenting some documents this morning relating to the
14 treatment of the Cham.

15 [09.25.05]

16 Your Honours have heard testimony from one of the experts -- that
17 is, Ysa Osman, who has extensively studied what happened to the
18 Cham people during the Khmer Rouge regime. So I will start with
19 some material from the other expert, who has done detailed
20 research on this subject -- that is, Mr. Ben Kiernan.

21 Chapter 7 of his book, "The Pol Pot Regime" -- that is, document
22 E3/1593, is entitled "Ethnic Cleansing: The CPK and Cambodia's
23 minorities, 1975 to 1977". This chapter contains a lengthy
24 section on the treatment of the Cham people during the Democratic
25 Kampuchea regime, in particular, in English at ERN 01050133 to 51

1 (phonetic); and in Khmer is at 00637752 to 7809; and in French,
2 00639020 to 9063.

3 In footnote 67 of this section, Kiernan describes the primary
4 sources for his research as follows:

5 This section is mainly based on the Office 29 further interviews
6 with Chams who lived through the DK period. All were tape
7 recorded in Cambodian villages, mostly in 1980. Several other
8 dozens were not taped. An additional 50 interviews were later
9 conducted with Cham refugees by Nate Thayer in Thailand and Dan
10 Dickason in the United States.

11 [09.27.58)

12 In his book, Kiernan writes about who the Cham people are as an
13 ethnic and religious group, and that is at English -- at Khmer,
14 00637752 to 54; English at 01150133 to 34; and French at 00639020
15 to 22. And allow me to quote:

16 "Their original home, Champa, one of Southeast Asia's early
17 Hindu-Buddhist states, was defeated by Vietnam in 1471. Five
18 centuries later, 60,000 Chams remained in central Vietnam. But
19 more lived in Cambodia, where their ancestors had migrated. They
20 had adopted Islam and intermarried with 'Malays', becoming the
21 largest 'indigenous' minority in Cambodia."

22 And continuing four paragraphs later, and I quote:

23 "The Vietnamese conquest of Phan Rang in 1693 sent 5,000 Cham
24 refugees (including much of Cham royalty) into Cambodia. They
25 settled north of Phnom Penh, and their descendants today form a

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1 distinct community of Chams, who still use their Indic alphabet
2 and practice a Hinduized form of Islam. But perhaps the largest
3 Cham migration to Cambodia occurred in the late 1790s. The
4 country's oldest mosque was built north of the capital in 1813."

5 [09.31.14]

6 Kiernan also writes about the early part of the Khmer Rouge
7 movement before they began persecuting the Cham people, a period
8 in which many Cham in the East Zone had joined and supported the
9 Khmer Rouge, and that is at Khmer, ERN 00637759 to 60; English,
10 at 01150136; and in French, 00639025 to 26. And allow me to
11 quote:

12 "Meanwhile, many Chams had joined the Communists. As early as
13 1950, a Cham elder named Sos Man had been one of the first
14 Cambodians to join the Indochina Communist Party. Sos Man
15 returned home in 1970 and joined the Eastern Zone CPK Committee.
16 He also established the 'Eastern Zone Islamic Movement', which he
17 ran with his son, Mat Ly.

18 "Sos Man was prestigious, but unique. In other zones, no Islamic
19 political organizations were tolerated by the CPK leadership
20 dominating those areas during the 1970 to 1975 war. In fact, the
21 Southwest Zone saw the earliest attacks on Cham culture. At
22 first, Cham women were forced to cut their hair short in the
23 Khmer style rather than wear it long as was their custom; then
24 the traditional Cham sarong was banned. These prohibitions all
25 began as early as mid-1972 in the Southwest on Ta Mok's orders."

11

1 [09.34.20]

2 Continuing on the following page at Khmer, ERN 00637761; English,
3 01150136; French, 00639027; let me quote:

4 "In Angkor Chey, the Southwest Zone Chams were officially called
5 moultanh phnoe (depositee base people). This is the earliest
6 known use of that term for deportees. Most significant, the
7 Southwest Zone Chams were still called deportees even after they
8 had returned to their home villages in 1974. This suggests the
9 classification was originally intended for Chams, for racial
10 reasons rather than geographical ones."

11 [09.36.03]

12 At Khmer, ERN 00637763 through 65; English 00 -- my apology,
13 01150137; French, 00639028 through 30; Ben Kiernan discusses CPK
14 documents from the 1973 and 1974 period that reflected the
15 discriminatory views of the CPK leaders against the Cham. The
16 first was in April 1973, CPK document title "Class Analysis and
17 the Class Struggle", which stated:

18 "All nationalities have labourers, like our Kampuchean
19 nationality, except for Islamic Khmers, whose lives are not so
20 difficult."

21 Kiernan wrote -- wrote that -- let me quote:

22 "Such 'class' analysis is really racist, and that, with their
23 distinct language and culture, large villages and independent
24 national organizational networks, the Cham probably seemed a
25 threat to the atomized, closely supervised society that the

12

1 Centre planned. The Chams were considered an obstacle to the
2 establishment of cooperatives." End quote.

3 [09.38.42]

4 Kiernan also describes a February 1974 CPK document from the
5 North Zone titled "Decisions Concerning the Line on Cooperatives
6 of the Party in Region 31", which stated:

7 "Concerning the fraternal Islamic Khmers delay having them join
8 (cooperatives), organize them into mutual aid teams. However, it
9 is necessary to break up this group to some extent; do not allow
10 too many of them to concentrate in one area."

11 Kiernan notes that this is the earliest record of the Centre
12 decision to disperse the Chams.

13 Kiernan describes how, in the East Zone in 1973, CPK leaders
14 began telling the Cham they devoted too much time to religious
15 matters, and not enough time to revolution, and that arrest --
16 arrests of Cham began in November 1973 after some Cham had
17 carried out demonstrations against the Communist suppression of
18 their religious belief.

19 [09.41.00]

20 He cites a paper written by Gaffar Peang-Meth in mid-1974 which
21 reported that at least 300 Khmer Muslims have been arrested, a
22 large majority of whom are from Krouch Chhmar district, Kampong
23 Cham province: "Most of the arrested persons were prominent
24 Muslim villagers and religious leaders, especially Koranic
25 teachers."

1 Based on his own interviews and research, Kiernan also wrote: "In
2 September 1974, Pol Pot personally visited the east for a Zone
3 Party Congress and the Eastern Zone Islamic movement was
4 disbanded. Sos Man was expelled from political life and confined
5 to a village. His dismissal coincided with the arrest in August
6 1974, of seventy-one other Eastern Zone Khmer Communists trained
7 in Hanoi."

8 I note that these acts by Pol Pot against the Hanoi-trained
9 cadres and the Cham members of the Khmer Rouge movement occurred
10 immediately following the well-known meeting of the Standing and
11 Central Committee that took place in June to July 1974.

12 [09.43.16]

13 Kiernan writes in detail about the experiences of the Cham people
14 in Sector 21 of the East Zone, one of the areas on which Your
15 Honours have also heard evidence. At Khmer, ERN 00637767 through
16 68; English, 01150138; French, 00639031 through 32; Kiernan
17 writes -- quote:

18 "Cambodia's largest Cham community is in Region 21, part of
19 Kampong Cham province, east of the Mekong and north of Highway 7.
20 Region 21 included the fertile riverbank land of Krouch Chhmar
21 district, the Chup rubber plantations, and the rice lands of
22 Suong in Tboung Khmum District. Krouch Chhmar was home to perhaps
23 30,000 Chams by the 1970s. Four 'very big communities' hugged the
24 east bank of the Mekong at Trea, Svay Khleang, Chumnik, and Poes.
25 They came under insurgent control in 1970. The Chams of this

14

1 region were some of the strongest supporters of the revolution
2 until 1975." End quote.

3 [09.45.26]

4 I would also note that the large number of Cham people in the
5 East Zone is also reflected by the 30th November 1975 telegram to
6 Pol Pot, copied to Nuon Chea, document E3/154, which reported
7 even after some Cham had already been dispersed and moved out of
8 the region, that "the remaining Cham in the East Zone amount to
9 more than 100,000".

10 At Khmer, ERN 00637773 through 74; English, 01150140; and French,
11 00639036 through 37; Kiernan describes the repression of the Cham
12 people in this region in 1975 and specifically addresses who was
13 responsible for that persecution as follows -- quote:

14 "A local Khmer who had worked for the revolution in Krouch Chhmar
15 since 1970 confirms the 1975 repression, but claims that a
16 'moderate' Cham cadre remained on the Krouch Chhmar CPK
17 Committee, like Mat Ly in Tboung Khmum. He also describes So Phim
18 as "a good man", but blamed 'some district chiefs', possibly
19 including Pha, for following Pol Pot's orders.

20 "The CIA station at the U.S. embassy in Bangkok claimed to have
21 intercepted radio transmissions from Phnom Penh ordering the
22 execution of Cham leaders in a village in 'central Cambodia'.

23 Whether or not this explains any of the violence in Krouch
24 Chhmar, it suggests that the Centre was directly involved in the
25 repressions even at the village level. In lectures to foreign

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1 ministry staff in 1976 through 1977, Ieng Sary and his aides
2 sometimes touched on the nationalities issue. According to a
3 witness, 'they just talked about one nationality, the Khmer. They
4 did not mention the Chams'. The Chams they did not like because
5 they had killed revolutionary cadres. They had been saying this
6 for years."

7 [09.49.12]

8 At the same ERN pages, Kiernan also writes about what happened to
9 the Cham Khmer Rouge cadres in that region. Mat Ly and his
10 father, Sos Man -- quote:

11 "The other Region 21 district with many Chams was Tboung Khmum.
12 When the Centre disbanded the Eastern Zone Islamic Movement in
13 1975, its president, Sos Man, had been confined to a house on
14 Highway 7 there. According to Mat Ly, from 1970 to 1974, his
15 father had enjoyed So Phim's support, but 'later, Phim obeyed Pol
16 Pot and withdrew his confidence, but built a house in which Sos
17 Man would live quietly'. In September 1975, his son says, two
18 strangers arrived on a motorcycle at Man's house and offered him
19 'medicine'. He took it, and died that night, at age 73."

20 [09.51.08]

21 "Like the Cham cadre in Krouch Chhmar, Mat Ly remained on the
22 Tboung Khmum committee for two years, but Ouch Bun Chhoeun from
23 the Region Committee says Ly was 'like a phantom -- he had no
24 freedom." End quote.

25 Kiernan interviewed Mat Ly in 1980 and 1986. There are also in

16

1 evidence at least two of other interviews of Mat Ly that were
2 conducted before his death, an interview by Stephen Heder on 7
3 August 1990, document E3/390, and audio recordings E3/2780R and
4 E3/2781R, and an interview of Mat Ly by Sim Sorya and Ysa Osman
5 conducted on 27 March 2000, document E3/7821, and an 11 July 1991
6 interview by Greg Stanton and Jeremy Stone that is on audio
7 recordings E3/2967R and E3/2968R.

8 [09.53.16]

9 During the Cham segment, the Defence, on several occasions, have
10 referred the fact -- fact that there was a Cham, Mat Ly, who was
11 a CPK cadre in Sector 21, but the Defence have carefully avoided
12 any reference to what Mat Ly had to say about the Khmer Rouge
13 treatment of the Cham people in his region.

14 So I would like now to present to Your Honours what Mat Ly had to
15 say about his subject in his various interviews.

16 In his 1990 interview with Steve Heder, E3/390 at Khmer, ERN
17 00392080 through 81; English, 00436856 through 57; and French,
18 00479792 through 93; Mat Ly described the repression and
19 persecution of the Cham that occurred during the Democratic
20 Kampuchea period as follows. Allow me to quote.

21 [09.55.12]

22 "It was post-liberation, June or July 1975 when they began to
23 have a unit to cut hair. The hair cutters mostly came from
24 outside. Second, they gathered up the sarongs and stuffed them in
25 bags. When they gathered up the sarongs, nothing had yet

17

1 happened. They placed them near the village chairman. Third, the
2 evacuations of bringing in ethnic Khmer and placing the Cham in
3 Khmer villages, lots of them, they forbid worship or religion. I
4 saw all of what I am talking about."

5 Continuing a few questions later:

6 "Sector 20 ordered us to burn the sarong. They had all villages
7 burn all the sarongs. Then they killed almost everyone. Nothing
8 remained. They serrated. Sometimes they took them away and killed
9 them: sometimes they sent them to villages in upper districts a
10 few at a time; and third, they put them in the forests to die
11 from disease. That was why Kaoh Phal (Island of Produce) was
12 called Kos Phes (Island of Ashes) instead.

13 "They stopped speaking Cham, and anyone who spoke Cham was tied
14 up... was tied up for the fire ants to bite for one night." End
15 quote.

16 [09.57.16]

17 At Khmer, ERN 00392096; English, 00436868; and French, 00479808;

18 Mat Ly told Heder about killings of his Cham relatives -- quote:

19 "Pol Pot killed my family, killed my wife, three of my children,
20 three children-in-law, one other wife, nine grandchildren, three
21 of whom were infants." End quote.

22 In the same document at Khmer, ERN 00392105; English, 00436874;

23 and French, 00479819; in response to a question about the reasons

24 given by Pol Pot -- by the Pol Pot regime for the screening and

25 purges, Mat Ly said -- I quote:

18

1 "I personally saw the killing beginning in 1975 when he had full
2 power in his hands. That was when it began. Like I said earlier,
3 ask them and they said CIA. Ask them, and they said lieutenant
4 colonel, second lieutenant. And the Cham brothers and sisters --
5 I am Cham too -- they led them away by their necks."

6 [09.59.36]

7 And in the next paragraph of the interview, at Khmer, ERN
8 00392106; English, 00436875; and French, 00479819; Mat Ly
9 described the numbers of Cham killed as follows -- quote:

10 "I tell you frankly that, as for Cham previously, there were more
11 than 700,000, according to the documentation. After liberation, I
12 have told people that there were 200,000, but in 1987, it is
13 still short of that, less than 200,000. That is the truth.
14 Thinking about it, 500,000 Cham were killed throughout the
15 country, more Cham killed than pigs. Even more than water
16 buffaloes."

17 In his 2000 interview with DC-Cam -- that is, document E3/7821 at
18 Khmer, 00229130; English, 00441578 to 79; and French, 00611785 to
19 86; Mat Ly talked about Pol Pot attending the East Zone Party
20 Congress in 1974 and a conversation in which Pol Pot admonished
21 him about ending Cham religious practices, and allow me to quote:
22 [10.02.05]

23 "I spoke about Cham, the dead soldiers who died near Cham village
24 and were requested to be buried by the Cham. In Cham tradition, a
25 body is buried with their head to the north and foot to the south

19

1 and body on their side facing the west. I made a request, and
2 then Ta Chea Sim said he would review it. Pol Pot did not blame
3 me during the congress. Pol Pot also attended in 1974. After the
4 congress, he went with So Phim. I did not know they were in
5 discussion, and went there. And Pol Pot asked if I could recite
6 Koran. I said I could. When I was about to leave, Pol Pot told me
7 that since we had joined the revolution, how the body was buried
8 was up to the revolution."

9 Sorya then asked him the question: "Did So Phim say that?" And
10 Mat Ly answers: "No, Pol Pot said to me by himself. I became
11 scared and apologized to him before I left. And he said it was
12 all right.

13 I told him that I spoke according to the tradition fearing that
14 the Cham rioted, and he said how they could riot? We were alive
15 up to this and not afraid of a few Cham. When walking out I
16 heard him speaking with So Phim that the deputy should be
17 arrested. 'That one needs to be resolved', he said."

18 [10.04.20]

19 And a few questions later, at Khmer, ERN 00229131; English,
20 00441579; and French, 00611786; Mat Ly was asked whether there
21 was a policy against Cham, Chinese and Vietnamese, and he
22 responded as follows:

23 "All were targeted. Vietnamese were even treated more badly. It
24 was also same for Chinese. None of the Chinese have survived
25 except those who spoke Khmer fluently, as they could avoid being

1 identified as Chinese."

2 I conclude my key -- my part of the key document presentation.

3 Now, Mr. President, I'd like to cede the floor to my

4 international colleague.

5 [10.05.34]

6 MR. LYSAK:

7 Good morning, Your Honours. I wish to continue by reading you a

8 few short excerpts from another person who's conducted research

9 on the experiences of the Cham in Democratic Kampuchea, a woman

10 named Farina So, who authored document E3/4519, a paper titled

11 "An Oral History of Cham Muslim Women in Cambodia Under the Khmer

12 Rouge", at Khmer, 00714582; English, 00554486; French, 00772376;

13 she wrote the following overview -- quote:

14 "Many mosques and monasteries were profaned or turned into

15 pigsties, storages, stables and torture chambers.

16 "The Grand mufti, his adjutants and hakim, as well as educated

17 religious teachers, were tortured and killed. Religious rituals

18 and religious books like the Buddha Dharma doctrine and the Koran

19 were collected to be burned or used as toilet paper. The Khmer

20 Rouge intended to assimilate all ethnic minorities into one

21 ethnicity, the Khmer." End of quote.

22 [10.07.36]

23 As what we heard from Ysa Osman and Mat Ly excerpt my colleague

24 just presented, Farina So also states that, before 1975, the Cham

25 Muslim community comprised 700,000 people. You'll find that at

1 Khmer, 00714583; English, 00554489; French, 00772379.

2 Her cited sources for that number are a 1974 report from the
3 Directorate of Islamic Association of the Khmer Republic and a
4 1987 report titled "Islam in Kampuchea".

5 And a last excerpt in a section of her paper titled, "The
6 Destruction of the Muslim Community and the Erasure of the Cham
7 Identity", which you'll find at Khmer, 00714617 through 18;
8 English, 00554567 through 569; French 00772452 through 454. She
9 writes, and I quote:

10 "The banning of religious beliefs and policies descended from the
11 top Khmer Rouge leaders down through zone leaders, to regional,
12 district, and cooperative chiefs. The Khmer Rouge organized
13 meetings and warned of serious consequences for anyone who
14 resisted their policies. Then they started to close down or
15 destroy mosques, pagodas, Buddhist statues, relics, churches and
16 religious books."

17 [10.09.58]

18 Continuing a few paragraphs later:

19 "After banning religions, the Khmer Rouge proceeded to erase the
20 identity of each ethnic minority group by ordering people to
21 embrace a single race: Khmer. They instituted a racist,
22 chauvinistic policy of forced assimilation, or 'Khmerization' of
23 the Cham and other ethnic minorities. The Khmer Rouge declared
24 that languages other than the Khmer were banned, and the Cham
25 language was considered foreign.

1 "In decrees sent to the provinces, the Khmer Rouge declared that
2 there is one Kampuchean revolution. In Kampuchea, there is one
3 nation and one language, the Khmer language. From now on, the
4 various nationalities do not exist any longer in Kampuchea. The
5 Cham mentality, Cham national language, costume, habits and
6 religion are abolished. Those who do not abide by this order will
7 reap all consequences."

8 [10.11.18]

9 And here, she is citing to a -- from a statement that was
10 submitted to the UN Human Rights Commission back during that
11 period.

12 Similar evidence, Your Honours, about the policy to eradicate
13 ethnic minorities like the Cham is provided by Kiernan in the Pol
14 Pot regime: E3/1593; Khmer, 00637772; English, 01150139 to 40;
15 French, 00639035.

16 Quoting from his September 1980 interview of former Sector 21
17 Deputy Secretary Ouch Bun Chhoeun, Kiernan writes, and quotes:
18 "There was no policy of allowing minority nationalities. Everyone
19 was mixed together. There was only one race, the Khmer. From
20 liberation in 1975, Pol Pot was very close to the Jarai and other
21 minorities, but he scattered the Islamic race.

22 "The reason was that the Muslims had an organization called
23 'FULRO Champa' to defend the interests of the Muslims, led by Les
24 Kasem, a colonel in Phnom Penh during the Lon Nol period. So Pol
25 Pot did not trust the Muslims. After 1975, in the eyes of the

1 state organization, there were no Muslims at all." End of quote.

2 [10.13.20]

3 Kiernan also writes on the following page of a meeting held in
4 Sector 21 of the East Zone in mid-1976, at which Party officials
5 announced, and I quote:

6 "Now we are in 1976, we have to go by a different plan. There are
7 two be no Chams or Chinese or Vietnamese. Everyone is to join the
8 same single Khmer nationality." End of quote.

9 Your Honours, I want to turn now to a few examples from the
10 documentary evidence about what happened to Cham who resisted the
11 CPK policies and the orders to eliminate the Cham religion,
12 language, culture and their identity as a separate people. I can
13 continue to this section, Mr. President, or if you wish to take a
14 break, I'm about to change subjects.

15 [10.14.41]

16 MR. PRESIDENT:

17 Thank you, Co-Prosecutor. It is now convenient to have a short
18 break.

19 We will take a break now and resume at 10.30.

20 The Court is now in recess.

21 (Court recesses from 1014H to 1032H)

22 MR. PRESIDENT:

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

24 Before the Chamber hands over the floor to the Co-Prosecutors to
25 resume its presentation on key documents, the Chamber would like

24

1 to issue a ruling in relation to document E319/33.3.4.

2 On 11 November 2015, the Chamber was seized of a request by the

3 OCP to admit a number of documents, E319/36. This request

4 includes document E319/33.3.4, which the OCP has indicated it

5 would like to use the -- use during the key document presentation

6 hearing today, 23rd February 2016.

7 Having heard the submission and responses by the parties on the

8 1st and 11 December 2015 on E319/36, the Chamber decides to admit

9 document E319/33.3.4 into evidence, with reasons to follow.

10 Now the floor is given to the OCP to resume its presentation on

11 the key documents in relation to the treatment of targeted

12 groups. You may now proceed.

13 [10.34.16]

14 MR. LYSAK:

15 Thank you, Mr. President.

16 I was about to provide some examples from the documentary

17 evidence and materials of what happened to Cham who resisted.

18 You've heard testimony, obviously, about Kaoh Phal and Svay

19 Khleang, so I won't touch upon those, but let me give you four

20 other references.

21 Document E3/178, E3/178, is a weekly report from the Sector 5

22 Committee dated 21 May 1977. Sector 5 was part of the Northwest

23 Zone, and included the districts that today form Banteay Meanchey

24 province.

25 [10.35.10]

1 And at Khmer, 00275588; English, 00342709; French, 00623305
2 through 06; the report states, I quote:
3 "The 17 April elements from Phnom Penh who were Cham nationals
4 conducted a protest in the common kitchen of the cooperative
5 concerning their belief in what they eat, according to their
6 religion, by pointing at and referring to Article 10 of the
7 Constitution. For this situation, we have taken special measures
8 -- that is, look for their string, look for the head of their
9 movement in order to sweep clean." End of quote.
10 There's also document E3/7145A. This is a complaint filed with
11 the Court by Cham who lived in Stueng Trang district in Kampong
12 Cham province during the regime. He states -- quote:
13 "One evening, the Khmer Rouge took my cousin, his wife and a
14 daughter to be killed on the accusation of secretly praying to
15 God. And one day, when I refused to eat pork, the chief of the
16 village ordered me to kill a pig and threatened me that I would
17 be killed if I did not."
18 [10.37.14]
19 Ben Kiernan writes about the experience of Cham in Kratie
20 province, autonomous Sector 105. This is in E3/1593 -- "The Pol
21 Pot Regime" - Khmer, 00637788 through 89; English, 01150144; and
22 French, 00639048. Kiernan writes -- quote:
23 "Khmer who lived there [referring to Kratie] comments that the
24 CPK wanted the Cham and Chinese to become Khmers. In 1977, Cham
25 in Sambuor openly rejected pork, knowing that this would mean

1 eventual execution. Their fate is unknown, but in Snuol district
2 where Chams were also forced to eat pork, a family of eight who
3 refused to do so were all executed in 1977."

4 And the fourth example on this subject comes from OCIJ statement
5 E3/9672 at answer 47. This was a Cham woman who lived in Bakong
6 district, Prasat province, who provides the following account of
7 what took place at a self-criticism meeting when she said she
8 could not eat pork. I quote:

9 [10.39.10]

10 "We were convened to the self-criticism meetings, where we were
11 present until 2200. During the meetings, I was asked why I could
12 not eat pork. I replied that I could not. I was asked to choose
13 between a bullet and pork. This meant I had to eat pork like the
14 other people." End of quote.

15 Your Honours, I now want to turn to some documents, evidence of
16 mass killings of the Cham by the Khmer Rouge. In particular, one
17 of the issues that has arisen in this trial segment is whether
18 killings were limited to Cham people who were so-called "bad
19 elements" or whether executions were of entire Cham families and
20 communities. And I will present some evidence on this from
21 various regions, starting with the specific districts that are
22 the subject of the genocide charges.

23 Krouch Chhmar district, part of Sector 21 of the East Zone, and
24 in Ysa Osman's book, "The Cham Rebellion", there are additional
25 interviews of at least three other witnesses regarding the Trea

1 village killings that corroborate the testimony you have heard in
2 Court from No Sates and Ahmad Sofiyah.

3 You'll find those at Khmer, 00904387 through 393; English,
4 00219198 through 202; and French, I believe, only for the third
5 individual, at 00943983.

6 [10.41.28]

7 Each of these people, women, talk about being taken into custody
8 by district chief Hor (phonetic) and being asked whether they
9 were Cham and, those who indicated they were Cham, being taken
10 away.

11 Ben Kiernan also had some research relating to killings of entire
12 Cham families in Sector 24 of the East Zone which began when the
13 Southwest Zone cadres took over that region. And these references
14 from E3/1593 are at Khmer, 00637785 through 86; English, 01150143
15 through 44; French, 00639045 through 46. Kiernan writes -- quote:
16 "Region 24 came under the firm control of Mok's Southwest Zone
17 forces, whom Ismael contrasts with So Phim."

18 And he's -- quotes here from an interview of Haji Ismael:

19 [10.42.54]

20 "So Phim was not responsible for much persecution or killing. Pol
21 Pot and the Southwest Zone were killers."

22 He then continues to reference an ethnic Chinese from Region 24
23 who recalls Chams living near his village until the Southwest
24 take over, and stated:

25 "They were killed in 1977, a family of eight people. I saw it.

1 The Khmer Rouge said the Cham were not of Khmer nationality, they
2 were an enemy nationality because they had rebelled in 1975."
3 In regards to Kang Meas district, which was part of Sector 41 of
4 the Central Zone -- and this Chamber, of course, has heard
5 testimony of mass executions of all the Cham from Peam Chi Kang
6 and Angkor Ban communes at the Wat Au Trakuon pagoda.
7 Here are a few additional references corroborating that testimony
8 and, in particular, relevant to the issue showing that entire
9 Cham families were arrested and killed, not merely individuals
10 who were bad elements.
11 E3/9654 is the OCIJ statement of another member of the Long Sword
12 militia group in Kang Meas district. At answers 12 to answer 13,
13 this former militiaman contrasted arrests of New and Base People
14 who he testified were arrested "when they committed wrongdoing or
15 stole".
16 [10.44.50]
17 He contrasts that to arrests of Cham, which he described as
18 follows -- quote:
19 "The arrests of ethnic Cham people were a little bit different.
20 All the people in each family were arrested at the same time and,
21 immediately, they were sent to Wat Au Trakuon."
22 E3/9671 is the statement of a person who was detained at Wat Au
23 Trakuon. At answer 13, this individual describes how, on the day
24 he was taken to Wat Au Trakuon, he saw 20 prisoners who were
25 ethnic Cham being taken to be killed -- quote:

1 "Those prisoners were both male and female, including children,
2 who were all ethnic Cham." End of quote.
3 E3/9661, 9661, is a statement from a Base person in Peam Chi Kang
4 who witnessed a group of over 500 Cham men, women and children
5 being taken to Wat Au Trakuon who were brought by boat, a boat he
6 describes as like a large ferry. And the same witness also
7 describes how, on another occasion, he was ordered himself by the
8 cooperative deputy chief to transport to Wat Au Trakuon a Cham
9 family, including the parents and a 10 year-old child. This is
10 all in answer 9 of that statement.

11 [10.46.45]

12 Ben Kiernan, Your Honours, provides us with some research as to
13 the number of Cham who were killed in Kang Meas district, E3/1593
14 at Khmer, 00637789; English, 01150145; and French, 00639049.

15 Kiernan writes -- quote:

16 "One Muslim leader says Chams died in the largest numbers in six
17 or seven sub-districts along the Mekong's north bank in Kampong
18 Cham. Not a family survived, only one or two people. In 1940, the
19 380 Cham households in three riverside villages of Kang Meas
20 district had supported two Muslim schools, with 50 students each.
21 Normal population growth would have brought these communities to
22 a total of about 1,200 families by 1975."

23 [10.48.06]

24 Kampong Siem district, Your Honours, was adjacent to Kang Meas
25 district on the north side of the Mekong River, also part of

30

1 Sector 41 of the Central Zone.

2 I made some references during a testimony of a witness from this
3 district to some materials from the Cham rebellion and "Oukoubah"
4 about the numbers of Cham in that area, that there were
5 thousands, many thousands of Cham who were killed to Ysa Osman's
6 research where he found in his list of 10 Cham villages where the
7 population entirely disappeared, five of those 10 were from
8 Kampong Siem.

9 Let me give you a few more references to statements from people
10 from Kampong Siem district, again, who witnessed mass arrests of
11 entire Cham families in 1977 to '78, not merely individuals who
12 were bad elements.

13 [10.49.22]

14 E319/33.3.4, the document Your Honours just admitted, is an
15 individual from Krala commune in Kampong Siem who describes how
16 100 Cham families were taken away from his village by ox cart in
17 April 1978. That's at answer 26.

18 And at answers 30 to 31, he gave the following evidence about
19 what took place after that:

20 Question: "Was there any meeting or announcement after they took
21 the Cham away?"

22 Answer: "Yes. There was a big meeting attended by the children's
23 unit, mobile unit and the Base People."

24 I'm going to leave out the names of the people here and just
25 indicate he refers to the district secretary as saying at this

31

1 meeting: "The Cham are the enemy of Angkar because they plan to
2 rebel, so Angkar has to smash them. If any Cham remain, this must
3 be reported so they can be swept clean because this is the plan
4 of upper echelon."

5 The district chief continued: "Any Base person hiding a Cham will
6 also be considered an enemy."

7 Question: "Did any Cham still live in your village after that?"

8 "No, there were not. No Cham remained." End of quote.

9 [10.51.10]

10 There are a number of other statements from witnesses in this
11 district confirming that arrests were of entire families.

12 E3/9657, a witness who talks about the arrests of the hundreds of
13 Cham ethnics in Trapeang Ruessei village after they were all
14 brought to a party that was called by the village -- the village
15 chief. The witness states:

16 "The next morning, I observed that it was quiet in Trapeang
17 Ruessei village, and all Cham ethnics, the old and the young,
18 disappeared. Even a small child named Romas (phonetic), whom I
19 knew and used to play with, also disappeared."

20 And the specific reference here, E3/9657 at answer 22.

21 [10.52.18]

22 Similar evidence on the same village from -- in document E3/9663.

23 Another commune in Kampong Siem district, Kaoh Roka, there is a
24 statement, E3/9651, answers 5 and answers 7 through 8 in which
25 the witness describes how Cham people were killed after the

1 Southwest group arrived.

2 He says there were many Cham in his village. They were all taken
3 to be killed. "The arrests were made many times from three to
4 four families at a time until all were gone."

5 And at E3/9548 is the statement of a cadre who worked at the
6 Krala commune office. In answer 11 of E3/9548, he states --
7 quote:

8 "All the Cham Muslims in Kampong Siem district were arrested and
9 executed right in the district. No Cham Muslim was spared except
10 for Phea, a person who was defended by the district chief."

11 The same witness, in statement E3/9667, answers 20 through 23,
12 states:

13 "The Cham were taken to be killed at the same time with the Lon
14 Nol soldiers and officials. During the dry season in late 1977, I
15 heard the district chief tell the commune chief--" and again,
16 here, I've left out the specific names --" to check to see if any
17 Cham remained or not. In district meetings, they said that the
18 Cham were from a different religion and were not considered
19 Khmer, so the Khmer Rouge feared that they would rebel later."
20 End of quote.

21 [10.54.45]

22 Your Honours, there is extensive research that was conducted by
23 Ben Kiernan in his book when he goes through each zone providing
24 evidence of what took place with the Cham. I won't go through
25 that with you this morning in the interests of time.

33

1 I will note that there is specific evidence relating to Chamkar
2 Leu district, the district in which Ban Seak alias Ho, had been
3 deputy secretary before he was transferred to Krouch Chhmar and
4 the district in which Ke Pauk's wife, Sou Soeurn, was district
5 chief.

6 [10.55.30]

7 Some of that was previously referenced, but you'll also find some
8 detailed accounts in Ben Kiernan's book, E3/1593, at English,
9 01150146; Khmer, 00637792 through 93; French, 00639051 to 52.

10 And I want to finish, Your Honours, with a statement from the
11 late Chea Sim who, of course, was a district secretary in the
12 East Zone during the Democratic Kampuchea regime. He was
13 interviewed by Ben Kiernan on the 3rd of December 1991.

14 This is document E3/1568 at Khmer, 00713929 through 930; English,
15 00651868; French, 00743336; and I quote from Ben Kiernan's
16 interview:

17 Question: "What did Pol Pot say about the Cham people?"

18 Answer: "At that time, the Cham people were considered as a
19 minority among the various nationalities throughout Cambodia,
20 like other various national groups, and they were all killed
21 together. Whether the minority groups were Cham or other
22 minorities, they were killed. The killings began before 1970.

23 There were more and more after 1970. In 1975, they kept on
24 increasing more and more. They were progressive."

25 [10.57.55]

1 And there is an issue, Your Honours, about the next and last
2 sentence in this statement that I want to raise with you. In the
3 typed transcript that was prepared by court officials, not from
4 the interview tapes, but from Kiernan's handwritten notes, the
5 last sentence on this says: "In 1973", this is referring to the
6 killings of the Cham, "they became [unclear Khmer words]. It
7 became an offensive."

8 But if you look at Kiernan's original handwritten notes, and
9 you'll find that E3/5593 at ERN 00419375, the actual year appears
10 to be 1978, which makes more sense because it follows the
11 chronological order of the statement. And the Khmer word is
12 legible.

13 So if you look at the handwritten notes, they read:

14 "In 1978", referring to the killings of the Cham, "they became
15 (khleng)", the Khmer word. "It became an offensive."
16 [10.59.12]

17 Now, because of this discrepancy, Your Honours, between the
18 version that was typed from Kiernan's handwritten notes and what
19 my reading of his notes, I would like to play the corresponding
20 clip from the audio recording of the interview, Kiernan's
21 interview of Chea Sim. This is E3/2960R, E3/2960R, at -- from
22 57.56 to 59.05 of that recording so the Court can hear for itself
23 the words that were used by Chea Sim.

24 So with your leave, if I may request the audio -- the AV booth to
25 play this audio clip with the volume as loud -- loud as it can.

35

1 MR. PRESIDENT:

2 Yes, the Chamber grants your request.

3 [11.00.38]

4 (Audio recording played)

5 "Did Pol Pot speak about the Cham people?

6 "At that time, the Cham people were considered one of those
7 ethnicities living in Cambodia.

8 "What about the other minorities?

9 "They were all killed regardless whether they were the Cham
10 ethnicity or other ethnicities.

11 "Question: Did you know Pol Pot killed those people?

12 "Answer: There were killings before 1970s, and it also continued
13 in the later part of 1970s. And more killings took place in 1975.
14 And it became intensified in 1978 since it was a campaign."

15 (End of audio presentation)

16 [11.01.50]

17 MR. LYSAK:

18 Your Honours, I thank you for the time.

19 MR. PRESIDENT:

20 Judge Lavergne, you have the floor.

21 JUDGE LAVERGNE:

22 Yes. For purposes of information, do we have a transcript of this
23 interview because we are hearing simultaneous interpretation, but
24 it would be better to have a written transcript? And of course,
25 the translation should be perfectly exact, accurate.

36

1 [11.02.34]

2 MR. LYSAK:

3 I think that's actually an excellent idea. What we have -- what
4 we have on the record are Kiernan's notes that he took during the
5 interview, and someone has typed those notes. And as you just
6 heard, the notes tracked fairly closely to the interview, but I
7 do believe that that would be a good thing. And we will make a
8 request that the actual interview tapes also be -- someone listen
9 to them and create a transcript from -- from the audio tapes as
10 well, since I think the existing record is -- comes from Kiernan
11 -- Kiernan's notes.

12 So we will -- we'll be happy to make that request, Judge
13 Lavergne.

14 Thank you for the time, and I'm going to turn the floor now to my
15 colleague, Mr. Smith, to talk about the Vietnamese.

16 MR. PRESIDENT:

17 Yes. And the Deputy Co-Prosecutor, Mr. William Smith, you have
18 the floor.

19 [11.03.48]

20 MR. SMITH:

21 Good morning, Mr. President. Good morning, Your Honours. Good
22 morning, counsel.

23 Your Honours, I'll be presenting some documents in relation to
24 the targeting of the Vietnamese.

25 There are many documents on the case file in relation to the

1 targeting of the Vietnamese, so in a short period of time, of
2 course, we can't bring out all of those documents. But to
3 highlight some of them, I've selected -- we have selected about
4 30 documents.

5 And the documents will concentrate on the contemporaneous
6 documents from the Communist Party of Kampuchea and also on some
7 expert opinions that have researched this issue.

8 [11.04.40]

9 There are many, many written records of interview and complaints,
10 civil party applications on the case file, in relation to
11 evidence of policy by the implementation of killings around the
12 country of Vietnamese. I will not discuss those documents because
13 of the time that we have, but I would prefer to concentrate on
14 the contemporaneous documents.

15 As an overarching idea, we submit that the documents being
16 presented today all go towards proving aspects of the genocide
17 charge against the Vietnamese, the crimes against humanity charge
18 against the Vietnamese and, also, grave -- grave breaches of the
19 Geneva Conventions in relation to Vietnamese taken to S-21 and Au
20 Kanseng.

21 So with that, Your Honours, I'll move into the first document.

22 And I'll aim to go in a chronological order in terms of the
23 incidents that occurred during the period.

24 And the first document I'll refer to is a document that relates
25 to an incident in April-May 1975. It's E3/7842, and the ERN is

1 00387429, that's English; Khmer, 00791383; and French, 00771176.

2 This document relates to an interview given by a former Division

3 164 soldier who was working on the coastline to the U.S.

4 Department of Defence, and this occurred on the 7th of June 2005.

5 [11.06.48]

6 And in discussing the incidents and the purges occurring that

7 year, in 1975, he states at paragraph 6 -- it's headed "Capture

8 of Other Boats":

9 "After the source was stationed on Poulo Wai Thmei Island in

10 April-May 1975, his unit captured a boat carrying more than 10

11 Vietnamese refugees, including women and children." On the

12 eastern side -- sorry. "The source's unit housed and fed the

13 Vietnamese near a concrete pier on the eastern side of Poulo Wai

14 Thmei Island for two or three days. After they captured the boat,

15 the 408th commander contacted Kampong Som for guidance on the

16 disposition of the refugees.

17 The High Command in Kampong Som ordered the commander to kill the

18 refugees. The commander and his deputy carried out the order."

19 Your Honour, this document goes to assist in proving that

20 Vietnamese civilians were targeted in 1975, as early as that, for

21 killing. Also, that orders to kill Vietnamese civilians were

22 coming from high up in 1975."

23 [11.08.22]

24 The next document I'd refer to is E3/759. It's a "Revolutionary

25 Flag, Issue 4 of April 1976".

1 And in that document, it includes a speech from the first
2 anniversary of Democratic Kampuchea, and then it goes on to say,
3 and I quote, "The second result of national revolution":
4 "Our people are called the 'Kampuchean people'. However, there
5 were many foreigners, hundreds of thousands, and one type of
6 foreigner that was strongly poisonous and dangerous to our
7 people. These people have what is called a poisonous composition
8 since they came to wolf us down, came to nibble at us, came to
9 swallow us, came to confiscate and take away everything, and came
10 to endanger our nation and our people. And they have caused us to
11 lose much territory in the past. Even recently, before we waged
12 the war of national liberation, and during that five-year period,
13 some territory and some locations were 99 per cent foreigner,
14 meaning 99 per cent of those districts were foreigners. We could
15 not get inside there. These foreigners came to confiscate and to
16 swallow.
17 Traitors and exploiting classes inside the country sold land to
18 foreigners, whole villages, sub-districts, districts, lakes and
19 swamps, and let them be the complete masters."
20 [11.10.04]
21 It goes on to say:
22 "Within 20 years, these foreigners will certainly have increased
23 to 10 million persons. It is this state that was swallowing and
24 wolfing-down our Kampuchean nation and people. This was the
25 actual state of our country.

1 "However, our revolution in particular on the 17th of April 1975
2 sorted this issue out cleanly and sorted it out entirely. We
3 assume that we sorted it out permanently. For thousands of years,
4 we were unable to resolve this issue, and did not resolve it. The
5 exploiting classes did not only sort this out, they sold whole
6 sections of land to these foreigners. Now we have sorted out this
7 issue."

8 [11.10.57]

9 "Our revolutionary workers and our revolutionary peasants and our
10 people, our revolutionary army, sorted this out -- issue out
11 completely and permanently. The dimensions of this victory are
12 huge, very profound, very magnificent. Sorting this out was not
13 easy. However, it was done by going along with the imperialists
14 and by following proper methods, following our revolutionary
15 principles.

16 That is the great typhoon of national movement, and the great
17 typhoon of our democratic revolution swept hundreds of thousands
18 of these foreigners clean and expelled them from our country, got
19 them permanently out of our country.

20 This is the great pride and full satisfaction of our entire
21 people, our entire army and our entire Party."

22 [11.11.55]

23 Your Honours, we submit this document goes to prove the expulsion
24 of Vietnamese, hundreds of thousands of Vietnamese, from Cambodia
25 in 1975, and it also, we submit, establishes that these -- this

41

1 population -- this Vietnamese population that was expelled were
2 viewed as non-Kampuchean, as unwanted outsiders, as foreigners
3 and as enemies.

4 Your Honours, the next document is E3/805. It's dated the 16th of
5 December 1976, and it's the Division 920 meeting minutes.

6 The meeting was about measures to cope with the Vietnamese, and I
7 quote at English, 00185237; Khmer, 00052333; and French,
8 00315067. Paragraph 1, quote:

9 "Enemy situations: Internally, there have been no changes since
10 the Organization decided there should be a purge. There was no
11 guarantee that a regimental cadre named Ol, who had once been in
12 a Vietnamese unit of organization, lacked a spirit of
13 responsibility and is in poor health, could serve the unit of the
14 organization. It was decided to gather in one place almost 100
15 persons who came out of the Vietnamese units of organization."
16 [11.13.46]

17 It goes on to state the internal situation, and I quote:

18 "Problems inside units of organization. On the matter of those
19 who used to be with the Vietnamese: do not allow them to
20 concentrate. They must be split up and sent to and sent to be
21 carpenters and water jar makers and the like, interspersed with
22 forces belonging to us whose stance is solid."

23 Your Honours, this document, we submit, assists in proving the
24 CPK view that anyone associated with the Vietnamese couldn't be
25 trusted and they had to be monitored and separated and closely

1 watched.
2 [11.14.42]
3 I now turn to the 19th of April 1977. That's E3/200. And this is
4 a speech of Khieu Samphan on the second anniversary of Democratic
5 Kampuchea. And here, he spoke about the great achievements of the
6 Revolution, and he discussed the enemies of the CPK. At English,
7 00004165; Khmer, 0029804 to 05; and French, 00612166, I quote:
8 "Immediately after liberation, when we suffered untold
9 difficulties as we had just emerged from the devastating U.S.
10 imperialist war, the enemy failed to cause us any serious
11 trouble. Today, the enemy certainly cannot do us any harm. This
12 is our firm belief stemming from concrete practical evidence.
13 However, we must carry on the task of defending our Democratic
14 Kampuchea, protecting our worker peasant administration, and
15 preserving the fruits of the Cambodian revolution by resolutely
16 suppressing all categories of enemies, preventing them from
17 committing aggression, interference and subversion against us. We
18 must wipe out the enemy in our capacity as masters of the
19 situation following the lines of domestic policy, foreign policy
20 and military policy of our revolutionary organization.
21 Everything must be done neatly and thoroughly. We must not become
22 absent-minded, careless or forgetful because of past victories.
23 On the contrary, we must further steel ourselves, remain alert,
24 constantly maintain the spirit of revolutionary vigilance and
25 continue to fight and suppress all stripes of enemies -- enemy at

1 all times."

2 [11.17.02]

3 Your Honours, we submit this speech was an indicator that the
4 Communist Party of Kampuchea had a very broad category as to who
5 was an enemy when Khieu Samphan said that all stripes -- we "must
6 suppress all stripes of enemies". And we submit this document
7 goes to support that anyone that was deemed to be an enemy would
8 be killed.

9 [11.17.37]

10 I'll now refer to April 1977 again, E3/742. And it's the special
11 issue of the "Revolutionary Flag" at English, 00478495; Khmer,
12 00062985; and at French, 00499753.

13 Actually, I have to repeat those ERN numbers, Your Honours. It's
14 a different passage.

15 So English, 00478496; Khmer, 00062986; and French, 00499954; and
16 I quote the "Revolutionary Flag" in April 1977:

17 [11.18.38]

18 "As for the enemy that are CIA, KGB and ''Yuon'' agents, the
19 cheap running dogs of the enemy that are sneakily embedded inside
20 our revolutionary and our revolutionary ranks, they are in a
21 state of extreme loss of mastery because their major and
22 intermediate apparatuses have fundamentally been smashed and the
23 forces that remain have been fundamentally scattered, like rats
24 being hit and falling from their nests into the water and being
25 chased and struck by the people and annihilated.

1 We must continue to strike them and trample them from our
2 position of absolute advantage and must constantly be on the
3 offensive against them during 1977 to smash them even more so
4 they cannot raise their heads. By doing so, we will create the
5 preconditions for us to attack the enemy even stronger during
6 1978, and in future years, and we will achieve additional major
7 victories."

8 [11.19.48]

9 Your Honour, this is evidence of a CPK directed killing campaign
10 against "Yuon" agents and associates within Cambodia.

11 In this message, the CPK compare "Yuon" agents to vermin, rats.

12 They dehumanize the Vietnamese in that manner.

13 I now go to another passage in this magazine, English, 00478500;

14 Khmer, 00062990 to 91; and French, 00499757 to 58 -- quote:

15 "Past experience leads us to better understand and more clearly
16 see that even though the internal and external enemies have been
17 seriously defeated in the past, they have not forsaken their
18 strategies of opposing our correct Kampuchea revolution. They,
19 the CIA part, the KGB part, and the 'Yuon' part, still strive to
20 struggle free to continue their criminal activities.

21 "This is a view that we must be constantly clear on in order to
22 have a high level spirit of revolutionary vigilance to resist and
23 eradicate the enemy in advance, with constant mastery."

24 [11.21.27]

25 And at 00478501, English; Khmer, 00062991; and French, 00499758;

1 I quote:

2 "It's imperative to indoctrinate and whip up the masses into a
3 force to seek out the enemy, assess the enemy, analyze the enemy,
4 track the enemy, pressure the enemy, capture the enemy, to smash
5 the enemy, and to make the enemy feel like a rat surrounded by a
6 crowd of people beating and smashing it."

7 Your Honours, these passages dehumanize the Vietnamese. They
8 create hysteria amongst the CPK forces. And it's a recognition
9 that the Vietnamese are part of the enemy inside of Cambodia.

10 [11.22.34]

11 And at English, 00478502; Khmer, 00062993; and French, 00499759;

12 I quote:

13 "One very important issue that has to be concentrated on is
14 clearly unmasking again and again the CIA and their agents, the
15 KGB and their agents, the territory-swallowing 'Yuon' and their
16 running dogs throughout the whole Party, throughout the whole
17 army and throughout the people, and attacking and breaking the
18 enemy politically and preventing them forever from sneaking into
19 our Party, our army and our people.

20 "And as for the old roots, some of whom still remain after we
21 have smashed them to bits, it's imperative to whip up the people,
22 to sweep more of them clean, and make things permanently clean."

23 And the last passage at English, 00458506 (phonetic); Khmer,
24 00062998; and at French, 00479764; it's headed "Instructions":

25 "Every base area and every unit must organize the study of this

1 document is imperative to organize its study, primarily
2 collectively. Then there must be additional study by group or
3 individually."

4 Your Honour, we submit this document goes to prove that CPK
5 policy at the highest level was studied at the lowest level in
6 Cambodia, and what was said was delivered to the rank and file
7 CPK cadre and assists in showing that the Vietnamese, not only
8 outside of Cambodia, but in Cambodia, were viewed as enemies.

9 [11.24.40]

10 I now refer to April 1977, and it's E3/18. And it's Khieu
11 Samphan's book in relation entitled "Recent History and the
12 Reasons Behind the Decision I Made".

13 And it's in relation to attacks that occurred in Vietnam by the
14 CPK forces as of about April 1977. And the purpose is to show
15 that, at that time, the CPK were aggressively attacking and
16 killing Vietnamese, regardless that it was outside of Cambodia.

17 At English, 01103759 to 60; Khmer, 00103849 to 50; and French,
18 00595446; Khieu Samphan states in his book: "This is how I
19 learned of the Cambodian attacks on Tinh Bien village in An Giang
20 province. At the end of April 1977, the Vietnamese responded to
21 these attacks using A-37 strike aircraft left by the Americans
22 after the war. These counterattacks were followed by even
23 bloodier Cambodian incursions at the end of September in
24 Vietnamese villages in Tây Ninh and Hà T?nh provinces. Of course,
25 any act of barbarism, from whatever side it comes, is loathsome

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1 and must be strongly condemned and the events recounted are
2 irrefutable. There is no doubt that the Khmer Rouge made forays
3 into Vietnamese villages along the border committing appalling
4 crimes against Vietnamese civilians. When I learned these
5 medieval-type cruelties, I became quite despondent."

6 [11.26.51]

7 The purpose of that document, Your Honours, is not to establish
8 that attacks were carried out in Vietnam for its own sake, but to
9 show the intent of the CPK to carry out crimes against Vietnamese
10 civilians as opposed to Vietnamese combatants.

11 And in support of this incident or the way Khieu Samphan
12 recounted the incident, I refer Your Honours to E3/7338 and it
13 relates to this April 1977 incident and it's from the Stephen
14 Morris book, "Why Vietnam Invaded Cambodia" and it's at English,
15 01001765. There's no Khmer or no French translation, but we will
16 ask for that to be obtained shortly.

17 [11.27.53]

18 Now, if I just quote this passage from Steven Morris:

19 "In April 1977, on the occasion of the second anniversary of the
20 liberation of Phnom Penh, the government and
21 government-controlled media in Hanoi offered congratulations and
22 praise for the Democratic Kampuchean regime. In its public
23 gestures, the Vietnamese government showed no signs of tension or
24 animosity towards its neighbour. Nhan Dan published a glowing
25 account of a Vietnamese woman's delegation that had recently

1 returned from Cambodia. It stated: 'The Cambodian people were
2 enthusiastically embarking on irrigation work, women are
3 vigorously surging forward and joining men to become owners of
4 the country and Vietnamese party and state leaders sent a message
5 congratulating their counterparts on the anniversary of their
6 victory, but this goodwill gesture reaped no beneficial
7 consequences for Vietnam."

8 [11.28.59]

9 "The Khmer Rouge deliberately chose the second anniversary of the
10 Vietnamese communist conquest of South Vietnam to leave a truly
11 blood calling card. On April the 30th, 1977, Khmer Rouge units
12 attacked several villages and towns in An Giang and Chau Doc
13 provinces of Southern Vietnam burning houses and killing hundreds
14 of civilians. The Vietnamese leaders were shocked by this
15 unprovoked attack and could not understand any strategic
16 rationale behind it. Nevertheless, they decided upon military
17 retaliation. According to the deputy commander of Vietnam's Tay
18 Ninh province, during April and May 1977, the Khmer Rouge forces
19 had carried out systematic attacks upon Vietnamese border
20 villages making it impossible for Vietnamese peasants to work
21 there."

22 [11.30.03]

23 "The Vietnamese side claimed that it then offered to settle the
24 border question peacefully with the Khmer Rouge, but the offer
25 was refused. According to the Vietnamese, the Khmer Rouge then

1 concentrated up to two divisions on the border adjacent to Tay
2 Ninh and in the middle of May, those forces undertook massive
3 attacks upon Vietnamese territory.'" "

4 Your Honour, the purpose of that document is to support the
5 proposition or the fact that in April 1977, massive attacks were
6 carried out by the CPK against civilians in Vietnam showing that
7 Vietnamese civilians, despite the fact that they're outside of
8 the country, were viewed to be enemies of the CPK.

9 Your Honour, if I can refer now to a record from the Tram Kak --
10 Tram Kak district and this is a record still in April 1977 on the
11 26th and it's E3/2435 and it's an instruction or request from the
12 Angk Ta Saom commune chief to the Tram Kak district office and
13 it's at English, 00322141; Khmer, 00271001 to 02; and French,
14 00612225.

15 [11.31.43]

16 And it's headed, "Letter of Request for Opinion" addressed to the
17 respected and beloved district Angkar organization and I quote:

18 "Concerning the registration and the list of the Kampuchea Krom
19 people, I would like to know as follows: There are husbands
20 living in our Cambodian country who got married to wives from
21 'Yuon' country, Vietnam, but some others are 'Yuon' Vietnamese
22 husbands who got married to our Cambodian wives. Now after we
23 registered them in the list, they always come and request for
24 authorization to go to Vietnam. If the Angkar allowed them, then
25 they would go. If all of them were 'Yuon', we would send one of

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1 the families to the Angkar organization. If it was like this,

2 what would the Angkar decide then? Please inform us."

3 Your Honours, this is relevant to show that the Vietnamese

4 civilians in Cambodia were targeted because of their race and

5 it's also assists in showing that pure Vietnamese families were

6 targeted for killing.

7 [11.33.10]

8 Your Honour, it's 11.30 now; I can continue or perhaps come back

9 after lunch.

10 MR. PRESIDENT:

11 Thank you, Deputy Co-Prosecutor.

12 It is now convenient for our lunch break. We take a break now and

13 resume at 1.30 this afternoon.

14 Security personnel, you are instructed to take Khieu Samphan to

15 the waiting room downstairs and have him returned to attend the

16 proceedings this afternoon before 1.30.

17 The Court is now in recess.

18 (Court recesses from 1133H to 1333H)

19 MR. PRESIDENT:

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

21 Before the Chamber gives the floor to the Co-Prosecutors, I would

22 like to be informed of the time needed by the Co-Prosecutors and

23 the Lead Co-Lawyer, so could you brief the Chamber of how much

24 more time you two need?

25 [13.34.14]

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1 MR. SMITH:

2 Good afternoon, Mr. President, Your Honours. The Prosecution
3 would be requesting another 45 minutes, if possible. The next
4 session will finish with the documents in relation to the
5 targeting of the Vietnamese, then we would like to, if we were
6 able, to present 45 minutes on Lon -- the targeting of Lon Nol
7 soldiers and officials. And what we would ask, if that was
8 possible, that the civil parties would continue from three until
9 four and then we present 45 minutes tomorrow.

10 If not, what we thought we may do was put forward the references
11 in a Rule 92 submission but, preferably, we would like to present
12 some of those documents for 45 minutes tomorrow. Thank you.

13 MR. PRESIDENT:

14 What about Lead Co-Lawyers for civil party?

15 [13.35.38]

16 MR. PICH ANG:

17 As the Co-Prosecutor stated, Lead Co-Lawyer for civil parties
18 will need one hour from 3 to 4 p.m., as stated by the
19 Co-Prosecutor.

20 MR. PRESIDENT:

21 So now, you two can proceed, Co-Prosecutors and Lead Co-Lawyers.

22 [13.36.03]

23 MR. SMITH:

24 Thank you, Mr. President, Your Honours.

25 Your Honours, we left off on the 26th of April 1977; I'd now like

1 to move to the 15th of June 1977 and it's a document E3/240. It's
2 a telegram from the Northeast Zone -- from the Northeast Zone
3 secretary to the Party Centre and if I can quote at EN - English,
4 ERN 00897667 to 68; Khmer, 00001266 to 67; and French, 00282550
5 to 51.

6 And if I can just briefly read the report, the Northeast Zone
7 secretary states that: "At 9 a.m., on the 14th of June, the
8 Production Unit 801 stationed at 107, while patrolling arrested
9 209 Vietnamese soldiers, including 9 females in the vicinity of O
10 Laak, four kilometres south of Road No. 9. Almost all of them are
11 of Jarai ethnicity who speak Khmer with an ethnic accent, and
12 they have already been kept in [our] custody."
13 They go on to -- the report goes on to state that "Based on our
14 examination, they're enemies from outside who had intended to
15 come to burrow in our territory but failed and were forced to
16 change their whereabouts."

17 [13.37.56]

18 Your Honours, the Northeast Zone secretary did not believe them
19 and at the end of the document, they said, "Angkar's comments are
20 requested." And this document was copied to Pol Pot, Nuon Chea,
21 and others and to the Office of Documentation.

22 Your Honours, on the case file, there is evidence -- and the
23 witnesses will be coming shortly -- and certainly in paragraph
24 804 of the Indictment, it states that these Vietnamese troops
25 were executed.

1 The relevance of that document, Your Honours, is that there was a
2 policy in place to kill combatants or civilians of Vietnamese --
3 of Vietnamese race.

4 The next document, Your Honour, I would like to refer to is a
5 Tram Kak record; it's of the 4th of August 1977 and it's E3/4112
6 and it's a report from the district and the chief of Kbal Pou
7 village reporting on a certain person named Hiek, H-I-E-K, and in
8 short, the report says that he was lazy; goes on to explain how
9 lazy he was and he was -- he was sick and hadn't eaten well, but
10 it goes on to say that it's -- it is to confirm that this name
11 Hiek is a half-breed Vietnamese and this is at 00322154 in the
12 English; Khmer, 00270987 to 88; and French, 00623850.

13 [13.40.07]

14 Your Honours, it is submitted that this report, identifying that
15 Hiek was a half-breed Vietnamese, is evidence of targeting of
16 Vietnamese civilians in the Tram Kak district.

17 If I can move to the 6th of September '77, the same E3 number
18 /2447 at English, 00355474; Khmer, 00270733 to 34; and French,
19 00632162; it's a similar report where it states that a Hy Di, a
20 youth in Leay Bour commune, a student, said that at present he
21 does not want to be alive. It would be better to die.

22 [13.41.05]

23 The report goes on to explain that he complained a lot about not
24 having enough food, etc., and then it further states at the end
25 of the report: "P.S. This person is a 'Yuong'."

1 And then it's further stated in the report that Comrade Kit, on
2 the 6th of September 1977 stated: "Request that a thorough
3 interrogation be conducted because this person is an organized
4 string of the CIA."

5 We would submit again, Your Honours, that this is evidence of a
6 policy to target Vietnamese civilians in the Tram Kak district.

7 And further, at E3/2050, and this is now on the 17th of September
8 1977 in Tram Kak, and I refer to English, 00276576 to 77; Khmer,
9 00079111; and French, 00858042; this report is dated on the 17th
10 of September '77; it's being sent to Angkar and the district and
11 it relates to the arrest of three women.

12 And it talks about the women having conflicts because they refuse
13 to do their labour work and they wouldn't basically do enough
14 work, but when it lists the three women, the first woman, Neang
15 Oeu, is listed as ethnic "Yuong", wife of a district chief; Angkar
16 has already smashed the husband. And the Prosecution is
17 submitting, Your Honours, that this indicates that -- again, that
18 Vietnamese civilians are being targeted and arrested because of
19 their -- because of their race.

20 [13.43.25]

21 I'd like -- now like to turn to the 1st of January 1978, and this
22 is E3/248 and it's at ERN Number English, 00324809; and Khmer,
23 00021054; and French, 00631446; and this is a report from Sao
24 Sarun to Office 870 and he reports on the security situation at
25 the border and he states:

1 "To: Respected and beloved Brothers of M-870:

2 "We would like to report nine 'Yuon' people fleeing from their
3 country. According to their interrogations, they said the 'Yuon'
4 had assigned them to come to spy inside Kampuchea and live with
5 the Kampuchean people in order to grasp the Kampuchean people."
6 And then it states, "Now we have swept them away."

7 Your Honour, we would submit that this, again, shows that
8 Vietnamese, either combatants or spies or civilians, were
9 targeted by the CPK and at the very least, were not given the
10 protections under the Geneva Conventions for prisoners of war if,
11 in fact, they were so, but they were killed.

12 [13.45.06]

13 Your Honour, I'd now like to turn to a document E374 -- /741 and
14 it's instructions of Office 870 and it's dated the 3rd of January
15 1978 and it relates to instructions to the RAK, the zones, the
16 sectors, the districts, the co-operatives regarding the
17 methodology to attack Vietnam enemies and spies. And if I refer
18 to the second paragraph -- or the first paragraph, perhaps, if I
19 give the ERN Number; English, 00296006 to 07; Khmer, 00284428 to
20 82; in French, 00611867 to 68; and at paragraph, it states -- I
21 quote:

22 "To sum in one word, it's imperative to be absolute in politics,
23 ideology, and organization to eliminate the pacifist agents,
24 espionage activities, and psychological warfare of the enemy. The
25 levels of the Party, zones, sectors, and the battlefield command

1 committees, Party committees, offices, and ministries must raise
2 clear measures and closely co-operate."

3 [13.46.51]

4 It then goes on to state: "It's imperative to constantly do
5 political, ideological, and organizational work among our people
6 to always make them warm by solving living conditions and
7 shelter. It's imperative to have firm base cadres present
8 constantly to constantly stir up national and class anger among
9 the people towards the 'Yuon' enemy invader in order to turn such
10 anger into material anger and carry out other activities."

11 Your Honour, it's submitted that this document assists in proving
12 that Vietnamese within Cambodia were the target of violence and
13 the document creates an -- a climate -- a high-level climate of
14 paranoia and distrust towards Vietnamese, non-combatants and
15 combatants alike.

16 [13.48.06]

17 Your Honour, I'd now turn to the 16th of January 1978 and it's
18 E3/4127 and it relates to a Tram Kak district record at English,
19 00362232; Khmer, 00270809; and French, 00632507; and it's a
20 report from Trapeang Thum Tboung from Chhom and he sends this
21 report to Comrade An to be notified of the activities of the
22 enemy who was sent by me as follows. And he refers to this person
23 called Nam, and basically the report explains that he was
24 complaining about carrying on with the Revolution.

25 And at the fourth paragraph states: "This contemptible Nam is a

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1 pure 'Yuon'." And he's asking his brother to acknowledge the
2 information; that's the person that wrote the report.
3 Again, Your Honours, we would say that this is further evidence
4 that civilians were targeted because they were of "Yuon" -- of
5 Vietnamese race.

6 [13.49.34]

7 I'd now like to turn to the 29th of January 1978, E3/1249 and ERN
8 number 00008894 to 95, English; and Khmer, 00224832; and French,
9 00292683. And, Your Honours, this is a FBIS report; it's a BBC
10 media report from the Phnom Penh Home Service Radio, and it's
11 dated the 29th of January and this is a report that relates to a
12 broadcast confession obtained from a captured Vietnamese soldier.
13 And the confession basically explains what the goals of the
14 Vietnamese -- the Vietnamese army were.

15 And we submit that this document assists in showing that captured
16 Vietnamese military -- tortured confessions were used as
17 propaganda to be publicized on the radio in order to incite the
18 population to direct their actions towards destruction of the
19 Vietnamese, whether combatants or civilians.

20 [13.51.16]

21 Your Honours, there were many of these broadcasted confessions on
22 the Phnom Penh radio and if we look at E3/9423, this, Your
23 Honours, is a prisoner list and it's called "Annex 27: The
24 Vietnamese Prisoners Entering S-21" and it's a list of 345
25 prisoners that were recorded on the master S-21 prisoner list,

1 E3/342. And this list was extracted from the larger list to show,
2 at least from the records, how many Vietnamese prisoners were
3 taken to S-21.

4 Of those 345, 19 on this list of 345 from S-21, had their
5 confessions broadcasted on Phnom Penh radio. I won't give you the
6 numbers now; we'll file them with the Court, but it goes to show
7 that Vietnamese prisoners, who were questioned under torture,
8 were used as propaganda to incite the Cambodian population and
9 forces against the Vietnamese.

10 You'll see from that list, Your Honours, that the prisoners
11 ranged from being -- from arriving at S-21 from as early as 1976,
12 and many from 1976, and the vast majority of them are not listed
13 as regular Vietnamese soldiers, but they're listed as spies and
14 they're listed as spies from different parts of Cambodia;
15 particularly, on the Eastern border.

16 And so we would submit that this document assists in proving that
17 Vietnamese combatants and non-combatants were arrested and taken
18 to S-21 and executed without being given, at the very minimum,
19 the protections under the -- under the Geneva Conventions.

20 [13.53.47]

21 I would now move to the 14th of February 1978; it's E3/9375, and
22 this describes the -- it's a military telegram and it's copied to
23 Nuon Chea and it describes the deployment of Vietnamese forces
24 and it also reports on the arrest of two Vietnamese and their
25 transfer to S-21 and Pol Pot and Nuon Chea are copied to that.

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1 And that's at English, 01185439; and Khmer, 00020949; and French
2 00329533.

3 And we submit this assists in proving that the policy of killing
4 Vietnamese combatants or civilians.

5 I'll now move to January-February 1978, E3/726; this is a
6 "Revolutionary Youth" magazine and in brief, it -- its -- it
7 talks about the enemy situation. But particularly, at English,
8 00278717; and Khmer, 00063495; and French, 00524420 to 21; it
9 states: "It's imperative to always see the life-and-death
10 contradictions with every type of external enemy; in particular,
11 the aggressive, expansionist, territory-swallowing 'Yuon' enemy
12 and their clique."

13 [13.55.38]

14 And we would submit the terms used, every type of external enemy
15 and the "Yuon" enemy and their clique, is a direction to the
16 troops to -- to kill -- a direction, sorry, to kill, not only
17 Vietnamese combatants, but Vietnamese civilians.

18 I would now turn to the 1st of April 1978 and it's E3/928 and
19 it's a report from the Division 164 commander, Meas Muth, on the
20 1st of April 1978. It's copied to Pol Pot, Nuon Chea, Ieng Sary,
21 and the documentation. And at English, 00183357; Khmer, 00017026;
22 and French, 00611668; it states that: "On the 1st of April 1978,
23 in sum, the number of 'Yuon' who've been captured and shot to
24 death from the 27th of March 1978 through 30th of March 1978 is
25 120."

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1 And we would submit, again, this is evidence of the intention of
2 CPK leadership to kill combatants and non-combat -- Vietnamese
3 combatants and non-combatants, as they were captured and then
4 shot to death.

5 [13.57.30]

6 And then, Your Honours, I would like to turn to the 15th of April
7 1978; this is E3/562, and it's a statement from Khieu Samphan.
8 It's a report from the Phnom Penh home service and it's headed
9 "Phnom Penh Rally Marks the 17th April Anniversary". This is the
10 third anniversary of Democratic Kampuchea. And Khieu Samphan
11 states -- gives this speech at a meeting of 20,000 people and it
12 covers a number of topics and including, of course, the defence
13 of Cambodia.

14 And if I can just take Your Honours to a few quotes at English,
15 S00010559 to 60; French, 00280375; I believe at this stage, for
16 this section, there's no Khmer translation. Khieu Samphan states:
17 I should -- quote:

18 "You should strive wholeheartedly to fulfill all the tasks the
19 Party has assigned each of us in contribution to the daily
20 activities so as to completely and forever eliminate the
21 aggressive enemies of all stripes; particularly, the
22 expansionist, annexationist Vietnamese aggressors from our
23 Cambodian soil."

24 [13.59.10]

25 And following from that, certain resolutions were adopted at that

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1 meeting and in English, it's 00010563; Khmer, 00249989; and
2 French, 00280380; and it states:
3 "In the field of national defence: to expel resolutely from
4 Cambodia territory and destroy forever all the expansionist,
5 annexationist Vietnamese aggressors; and 5), to exterminate
6 resolutely all agents of the expansionist annexationist
7 Vietnamese aggressors from our units and from Cambodian territory
8 forever."
9 We submit, Your Honours, that that is evidence of intent,
10 obviously, to kill combatants and non-combatants alike by the use
11 of terms -- Vietnamese combatants and non-combatants alike by the
12 use of terms "enemies of all stripes and all agents of the
13 Vietnamese."
14 [14.00.28]
15 Your Honours, I would refer now to the April 1978, the same
16 month, "Revolutionary Flag", E3/4604 and this is a published
17 speech of Pol Pot at the same anniversary. And he states at
18 English, 00519836; and Khmer, 00064717; and French, 00520348:
19 "Originally, did the 'Yuon' ever fight us and win? The 'Yuon'
20 have wanted to make Kampuchea their subject since 1930. In 1970,
21 could they take Kampuchea? Could they not take it? In 1975, were
22 they able to take Kampuchea? They could not. And now, how about
23 the 'Yuon'? There are no 'Yuon' in Kampuchean territory.
24 Formerly, there were nearly 1 million of them; now, there is not
25 one seed of them to be found. So then our view is: Do not give up

1 in advance; look at the history. Can the 'Yuon' swallow up
2 Kampuchea or not? They cannot."

3 [14.01.47]

4 The relevance of that passage, Your Honours, we would submit, is
5 that certainly by April 1978, (inaudible) admission by Pol Pot
6 that there were no Vietnamese left in Cambodia.

7 In this speech, Pol Pot goes on to address, at English, 00519838
8 to 39; Khmer, 00064720; and French, 00520351; the issue of the
9 principle of Cambodians killing -- individually killing 30
10 Vietnamese each and I quote:

11 "The Party has determined to keep on attacking them until they
12 accept the sea border and the air border too. We must keep on
13 fighting one against 30 for them to recognize this, recognize it
14 on paper and recognize it on the world stage that they dare not
15 approach our borders again."

16 And then, Your Honours, the speech goes on to talk about how
17 there were 50 million residents in Vietnam and only 8 million in
18 Cambodia and how is it that Cambodia's troops could overtake the
19 Vietnamese. I won't read that discussion out, Your Honours, but I
20 would ask you to look at it and if you can -- the Prosecution's
21 position is that the numbers of the population viewed to be
22 possible members of the fighting force are considered to be
23 civilians, certainly from the point of view of Pol Pot.

24 [14.03.52]

25 We would -- we would submit this is relevant in showing that this

1 type of speech created a climate of hate against the Vietnamese
2 amongst the Cambodian troops and also civilian authorities and
3 helped provide an atmosphere in which non-combatant Vietnamese
4 were killed as well as combatant Vietnamese, once captured, not
5 being given the protection of the Geneva Conventions.

6 If Your Honours now turn to E3/833, it's a notebook from S-21
7 from a senior interrogator called Mam Nai and in that notebook at
8 English, 00184607; and Khmer, 00077894; it appears, at this
9 stage, no French is available, that on the 6th of January 1978,
10 Chan writes:

11 "We went and beat the 'Yuon' thoroughly. The targets of the
12 'Yuon' attack were the front of the 3rd Division of the East
13 Zone. More than 150 regiments.

14 "That we say was a victory over the 'Yuon' -

15 "We attacked inside 'Yuon' territory and achieved the principle
16 of 1 to 30."

17 Again, this is a demonstration that what is said by the senior
18 leaders of the CPK is absolutely taken note of and put into
19 practice.

20 [14.05.39]

21 And then further at English, 00184616; and Khmer, 00077952; and
22 there is no French available at this stage; it states that," On
23 the 25th of July 1978 the instructions are to find the 'Yuon'. We
24 find them scattered everywhere. We know there are hidden 'Yuon'
25 in the East, in the Northwest, in Phnom Penh which we have not

1 found. But they do in fact exist."

2 He goes on, "We must eliminate the view that designates that it
3 is not necessary for us to look for this.

4 "Requirements: strive to find them (1);

5 "Must be correct and thorough (2)."

6 So, certainly as of July 1978, we submit that this notation is
7 relevant to showing that Vietnamese in Cambodia away from the
8 border dispute were sort of -- people were instructed to find
9 them, seek them out and to target them as the Vietnamese
10 civilians which would include them.

11 [14.07.04]

12 And then I go to the 17th of May 1978 at E3/863 and this is a
13 report from Ros Nhim to Office 870 and it describes the Thai
14 border situation, food shortages, etc., And then he raises the
15 question about mixed marriages. This is at English, 00321962;
16 Khmer, 0076287; and French, 00623409. And he states:

17 "The meeting raised the question about how to decide on the
18 elements of soldiers [from the previous regime] and the 'Yuons'
19 with Khmer spouses and the half-breed [Khmer-Yuon]. Regarding
20 this issue, the meeting would like to ask Angkar 870 what to do
21 with them. Whatever Angkar decides, please give instructions.

22 Generally speaking, these groups are scared of the situation and
23 worried about their fate. There is not yet any sign of opposing
24 activities. If any of them makes some suspicious activities, we
25 would decide not to take them out. I know it's difficult to do

65

1 that. The important thing is that we must be able to grasp them
2 continuously. If they show any suspicions we must be able to
3 master them straightaway." And then he said, "That is it my brief
4 report".

5 This assists in showing that Vietnamese civilians were certainly
6 the subject and the target of discrimination and consequently
7 helped prove the policy of their targeting of the Vietnamese.

8 [14.09.12]

9 Your Honour, I would now like to turn to a report on the 4th of
10 August 1978. It's E3/1094. This is a monthly report from the West
11 Zone and it states at English, 00315374 to 75; Khmer, 00143604;
12 and in French, 00593530, and I quote:

13 "It's about the screening of the 'Yuon' element, CIA agents, and
14 not the good elements:

15 "1. Smashed 100 ethnic 'Yuons' including small and big, adults
16 and children; and smashed 60 persons who had been from the
17 ranking group as well as the CIA."

18 And then it goes on, "There must be a measure for three 'Yuon'
19 combatants."

20 We would submit, Your Honours, this is clear evidence of policy
21 to kill Vietnamese combatants and civilians.

22 [14.10.26]

23 So I now just turn to the 2nd of January 1979 and this is
24 E3/8404. This is a statement of the Government of Democratic
25 Kampuchea. It is at English, 00419728; Khmer, 00716183; and

1 French, 00017542; and I quote:

2 "However, the just struggle of the Kampuchean nation and people
3 to defend their independence, sovereignty and territory and
4 integrity of the country and to defend the principles of
5 non-alignment, peace and stability in the southeast Asia, in Asia
6 and in the world will surely win final victory over Vietnam, the
7 Soviet international expansionists and the Warsaw Pact which are
8 arch criminals. Because our struggle is just, because we carry
9 out a protected peoples war, because the whole Kampuchea people
10 are against Vietnam which is our hereditary enemy because we have
11 more and more friends far or near to give us aid and support of
12 all kinds."

13 We submit this supports the issue that Vietnamese were targeted
14 because of race, rather than simply because they were -- some of
15 them were combatants.

16 [14.12.03]

17 Your Honours, I would now like to turn to briefly two of the
18 expert reports. The report of the 3rd of June 2010 of Elizabeth
19 Do, this is E3/4524. This is a study on the treatment of the
20 Vietnamese minority in Democratic Kampuchea from a comparative
21 perspective. This woman is from Stanford University. And the aim
22 of the study was to compare the treatment of ethnic Khmer and
23 ethnic Vietnamese during the Khmer Rouge period. She compares the
24 treatment of the Khmers and the Vietnamese in six areas: verbal
25 abuse, forced uniformity, material deprivation, expulsion,

1 re-education and detainment and disappearance and extermination.
2 The study was done over two and a half years with field research
3 for some part of that time in Cambodia. The sources she used were
4 CPK documents but largely a review of leading scholars and 48
5 interviews with Khmer, Vietnamese and Chinese survivors from
6 across the Eastern Zone of Democratic Kampuchea. So it's focused
7 on the Eastern Zone and she states that most of her informants
8 were from Prey Veng and others were from Svay Rieng and Kampong
9 Chhnang and Kandal province.

10 [14.13.38]

11 Could I ask Your Honours to look at that report but, in
12 particular, I would like to refer Your Honours to the section
13 relating to the treatment of the ethnic Vietnamese to that of the
14 ethnic Khmer in relation to disappearance and extermination
15 during the DK period.

16 At 00548856 to 59, English; Khmer, 00768961 to 65; and French,
17 00751016 to 20; she states:

18 "Informants generally referred to 1977 or the middle of the KR
19 period as the turning point in the Khmer Rouge treatment of the
20 Vietnamese in the Eastern Zone. Prior to this year, the
21 Vietnamese have been treated similarly to other people. However,
22 according to informants starting around 1976 or 1977, the Khmer
23 Rouge began collecting the Vietnamese in their villages.

24 Informants said that when Khmer Rouge cadres took the Vietnamese
25 away they used a variety of different excuses such as

1 re-education, relocation, work and arrest. People were generally
2 transported from the village by horse cart and never returned.
3 Informants who attested to the disappearance of Vietnamese people
4 in their villages said that by the end of 1977 or 1978 most if
5 not all of the Vietnamese had disappeared.

6 "Although a few Vietnamese survived -- did survive the Khmer
7 period, they represent the exception and not the rule. In fact,
8 the overwhelming majority of informants expressed the personal
9 opinion that if Khmer Rouge knew someone was Vietnamese he or she
10 would disappear or be killed without question. Of the 27
11 informants whom I asked whether it was dangerous to be Vietnamese
12 during the Khmer Rouge period, 92 per cent responded yes."

13 [14.16.06]

14 "When I asked a few ethnic Vietnamese how they survived, they
15 responded in a variety of ways. They successfully hid their
16 ethnic identity from the Khmer Rouge in their village, they were
17 protected by their local village chief or Khmer Rouge leader or,
18 and in one case, an informant said that the Khmer Rouge did not
19 care that he was Vietnamese because he was a Base person and a
20 good worker. It appears that the Khmer Rouge in the Eastern Zone
21 practised execution and disappearance against both Khmer New
22 People and Vietnamese people with significant death tolls and
23 some survivors on both sides."

24 [14.16.51]

25 "Although Khmer New People and Vietnamese people were both

1 extremely vulnerable to extermination by the Khmer Rouge, there
2 were some aspects of the Vietnamese experience that differed from
3 the Khmer experience. Firstly, informants from Pou Chentam noted
4 a pattern in how the local Khmer Rouge collected Vietnamese
5 families, all of which consisted of Khmer and Vietnamese spouses.
6 Informants said they observed the Khmer Rouge collecting the
7 mother and children of a family if the mother was Vietnamese, but
8 only the father of the family if the father was Vietnamese."

9 [14.17.40]

10 "Informants observed this pattern in the Khmer Rouge collection
11 of all four Vietnamese families in Pou Chentam and said that
12 Khmer Rouge cadres did not make such a distinction when they
13 collected other people from the village. Informants from other
14 villages, however, said that the Khmer Rouge in their village
15 collected only the Vietnamese parent and not his or her children.
16 And still other informants said that the Khmer Rouge collected
17 the entire family if they found out that even one member was
18 Vietnamese. All of these patterns were observed by informants and
19 never publicly announced as a policy of the Khmer Rouge. The
20 pattern observed in Pou Chentam village though it raises a
21 possible distinction between the Khmer and Vietnamese experience,
22 requires more investigation."

23 [14.18.40]

24 "There is more evidence of difference in the Vietnamese and Khmer
25 people's experiences in terms of each ethnic group's ability to

1 evade Khmer Rouge extermination. The Vietnamese in Democratic
2 Kampuchea had few personal means to evade execution. As was
3 discussed in the forced uniformity section, some ethnic
4 Vietnamese possessed obvious physical differences from ethnic
5 Khmer people such as lighter skin and different accents when
6 speaking Khmer. Such physical conditions were more difficult to
7 hide than something intangible such as the New People's class
8 status or previous employment. Vietnamese people's ethnic
9 difference, thus, made it more likely that they would be
10 identified by the Khmer Rouge and more easily exterminated."
11 [14.19.43]

12 "The degree to which the Khmer Rouge sought to eliminate the
13 Vietnamese also differed from its campaign against New People.
14 Khmer Rouge public announcements displaying a willingness to kill
15 fellow Khmer associated with Vietnam reveals the determination of
16 the Khmer Rouge to eliminate any remote traces of the Vietnamese
17 in their country. Informants also asserted that if the Khmer
18 Rouge found out someone was Vietnamese, he or she would surely be
19 killed. These examples illustrate how ethnic Khmer who remain in
20 Cambodia suffered more of an immediate threat to their livelihood
21 because the policies enacted towards them did not tolerate even
22 their mere physical presence. Doung elaborates on this point by
23 writing that, 'The regime did not give ethnic Vietnamese the
24 option to relinquish their ethnic identity as a mechanism for
25 survival.' One Khmer Rouge stated, 'If a person was ethnic

1 Vietnamese it was certain they wouldn't survive. Once they were
2 discovered that was it.'

3 "Lastly, the Khmer Rouge extermination practices exacted
4 different impacts on the Khmer and Vietnamese population.
5 Although a few Vietnamese survived, the overwhelming majority of
6 the population, the remaining Vietnamese died by the end of the
7 Khmer Rouge period, so much so that some scholars even propose
8 that the entire population was annihilated."

9 [14.21.33]

10 "Although Khmer and New People suffered extremely high numbers of
11 death, the extermination of those groups did not have the same
12 proportional impact on their populations. Mak writes about how
13 the organized nature of the Khmer Rouge extermination campaign
14 against the Vietnamese and the resulting death toll among the
15 population differentiates the Vietnamese case" -- and I quote:

16 "'Compared to other groups, the ethnic Vietnamese population was
17 completely exterminated. It estimated that 100 per cent of the
18 country's remaining ethnic Vietnamese populations or 10,000 to
19 20,000 people died between 1975 and '79. In contrast, 40 per cent
20 of the ethnic Lao, Thai and Cham populations died, obviously a
21 significant loss but not proportionally comparable.'

22 Additionally, while the DK also initiated irredentist campaigns
23 against Thailand and Lao, its aggression against Vietnam was the
24 most fervent. Numerous documents and decrees on Khmer and
25 Vietnamese relations illustrate DK's targeted and well-planned

1 campaign.'

2 "For these reasons, the Vietnamese and Khmer populations faced
3 different treatment in terms of extermination and disappearance."
4 [14.23.09]

5 Your Honours, I further turn to the author's conclusion at
6 English, 00548861; Khmer, 00768966 to 69; and French, 0078 --
7 sorry, 00751021 to 24. She states:

8 "Differences in the 'Forced Uniformity' and 'Expulsion'
9 categories were clear: the Vietnamese were forced to shed their
10 language and claim to their ethnic identity, which the New
11 People, being predominantly Khmer, did not; the Khmer Rouge also
12 carried out official campaigns to remove the Vietnamese from
13 Democratic Kampuchea, which it did not do to Khmer or New People.
14 The nature of the extermination campaigns against the two groups
15 also differed, as well as the impact that extermination had on
16 each group's greater population.

17 "In these episodes of disparate treatment, both ethnic and
18 political factors were at play. As soon as the Khmer Rouge took
19 power, it publicly announced that there was to be only a Khmer
20 race and began the regime's pursuit for an ethnically pure
21 Democratic Kampuchea. Most informants remember hearing Khmer
22 Rouge leaders in the village meetings and every day conversation
23 repeatedly call the Vietnamese the historical enemy and refer to
24 Vietnam's past exploitation and abuse of Khmer people such as the
25 'Tae Ong' incident."

1 [14.25.02]

2 "Informants also attested to the Khmer Rouge's almost exclusive
3 use of the word 'Yuon' to refer to the Vietnamese people.

4 Although the word may not have originated as hate speech the way
5 in which it was used during the Khmer Rouge period, as evidenced
6 in the 'Black Paper' loaded the term with at least a
7 disrespectful tone towards the Vietnamese which was very likely
8 known to those who employed the term. Such rhetoric provides
9 evidence of the fact that the Khmer Rouge was quite fixated on
10 promoting ethnic cleansing and invoking ethnic resentment. This
11 explains the regime's policies and practices of banning the
12 Vietnamese language and culture and even physically removing
13 Vietnamese people from the country. Ethnic identity also played a
14 role in the Khmer Rouge's extermination of the Vietnamese with
15 some Khmer Rouge carrying out massacres of whole Vietnamese
16 communities without any signs of provocation aside from race."

17 [14.26.05]

18 "It appears that the regime was also influenced by political
19 factors such as the antagonism with the VWP and the border war
20 that resulted from the breakdown in their political relationship.
21 We see evidence of such political motivations, particularly in
22 the regime's expulsion and extermination policies. In the context
23 of the regional war, security became a top priority for the DK
24 government.

25 In the 'Black Paper' the Khmer Rouge rationalized its purge of

1 the Vietnamese from the country by writing that, 'Vietnamese
2 nationals had secretly infiltrated into Kampuchea and were living
3 in hiding among the population.' Informant responses and
4 chronological records show that as diplomatic relations between
5 the two countries worsened, the Khmer Rouge's extermination of
6 ethnic Vietnamese became more frequent, violent, explicit and
7 widespread. Informants consistently cited 1977 or around 1977
8 when the border war began as the year the Khmer Rouge increased
9 hate speech about the Vietnamese and began collecting the
10 Vietnamese in their villages. This claim is further supported by
11 several public announcements in 1977 and 1978 inciting violence
12 against the Vietnamese in order to defend Cambodia."

13 [14.28.04]

14 "These findings indicate that the Vietnamese, at least in the
15 Eastern Zone of Democratic Kampuchea, were subject to
16 discriminatory treatment both in terms of the Khmer Rouge policy,
17 deliberately singling them out and in terms of Khmer Rouge policy
18 indirectly imposing a different impact on them."

19 So Your Honours, that was the conclusion from Elizabeth Doe's
20 paper based on 48 informant interviews that she made in Cambodia
21 in 2008 and 2009.

22 In relation to experts I would ask Your Honours to take note of
23 E3/2413 and this is the report of the 30th of September 2009. It
24 is the demographic report of Ewa Tabeau. Dr. Tabeau is a
25 demographer; as you know and she was tasked by the

1 Co-Investigating Judges to analyse the death toll which is
2 otherwise known as the excess mortality rates based on the best
3 information available during the DK period. She also examined the
4 demographic evidence to conclude on the death toll excess
5 mortality of the Vietnamese population living in Cambodia between
6 1975 and 1978. Sorry, I believe that should be 1979.

7 [14.29.53]

8 And at English, 00385310 to 11; and Khmer, 00499517 to 18; and
9 French, 00405354; she states in relation to the Vietnamese:

10 "The number of Vietnamese in Cambodia was consistently reported
11 to be 400,000 or more around 1970 by several authors; judging
12 from their figures on out-migration of the Vietnamese. Of those
13 400,000, some 200,000 were expelled by Lon Nol in 1970 and
14 another 150 to 200,000 left Cambodia after the Khmer Rouge took
15 power in April 1975."

16 [14.30.53]

17 "Many Vietnamese were killed, according to Kiernan, by Lon Nol
18 and Khmer Rouge forces, such that hardly any of them survived
19 until January 1979. Kiernan figures that 20,000 Vietnamese are
20 still living in Cambodia around April 1975 are likely a good
21 estimate; and so is his estimate that all 20,000 of them died
22 from the hands of the Khmer Rouge during the years from April
23 1975 to 1979."

24 Your Honours, if I can briefly turn to Ben Kiernan's book
25 E3/1593, "The Pol Pot Regime: Race, Power and Genocide in

76

1 Cambodia under the Khmer Rouge 1975-1979" first published in
2 1996, at English, 00678650; and Khmer, 0063 --

3 MR. PRESIDENT:

4 Deputy Co-Prosecutor, please slow your pace and repeat the last
5 document number and the related ERNs. Thank you.

6 [14.32.15]

7 MR. SMITH:

8 Thank you, Mr. President. I apologize; so English, 00678650;
9 Khmer, 00637821; and French, 006390734. In that -- from that
10 section down there is approximately a two-page section where Ben
11 Kiernan brings his research together on the Vietnamese and he
12 states in fact that 150,000 ethnic Vietnamese civilians had left
13 Cambodia or the CPK had expelled them by September 1975 and then
14 -- and I won't go through it in particular but he then goes
15 through talking about the period in mid-1976 and then discusses
16 the period 1977 in the West Zone and 1977 in the coastal regions
17 and also 1977 in the Eastern Zone and the Northeast Zone. And
18 certainly from his evidence that he footnotes in relation to
19 authors' interviews with CPK cadre, others, other reports, it's
20 his conclusion that there was a systematic campaign against the
21 Vietnamese that was countrywide, not just in the East Zone, not
22 just in Svay Rieng or Prey Veng but across the country and
23 particularly had solidified in 1977.

24 [14.34.39]

25 Just -- I will refer Your Honours to one last document and this

77

1 is from Nuon Chea's book, "Behind the Killing Fields" and it is
2 E3/4202 and written by Thet Sambath and Gina Chon and it is the
3 autobiography of Nuon Chea. There is one quote, 00757520 in
4 English; French, 00849413; and Khmer, 00858306; and he states --
5 Nuon Chea states:
6 "We did not kill the internal traitors in our Party. If we did
7 not smash the enemy there would be no Cambodia today. If we
8 looked at the resistance movement when we fought an enemy and had
9 good weapons and artillery, we thought it was a big deal. But the
10 internal enemies were the worst and even more dangerous to the
11 Party and country, but we did not kill innocent people."
12 [14.36.03]
13 In this quote and in the video "Enemies of the People" it's clear
14 that Nuon Chea admits to smashing enemies or killing enemies who
15 were not innocent people. I think, Your Honours, from -- well, we
16 submit from the documents, from the policy documents emanating
17 from Office 870, the speeches at the anniversary meetings, the
18 "Revolutionary Flags", they all paint together a picture that
19 Vietnamese -- not only combatants but civilians -- were viewed to
20 be enemies during the Democratic Kampuchea period. And certainly,
21 in relation to -- from Nuon Chea's perspective, we submit that
22 that type of quote supports the case that the Vietnamese were
23 targeted for killing during the Democratic Kampuchea period.
24 That's the end of the presentation.
25 [14.37.13]

78

1 MR. PRESIDENT:

2 Thank you.

3 It is now a convenient time for a short break. The Chamber will
4 take a short break from now until five to 3.00.

5 The Court is now in recess.

6 (Court recesses from 1437H to 1457H)

7 MR. PRESIDENT:

8 Please be seated.

9 The Court is now back in session and I would like to hand the
10 floor to the Lead Co-Lawyers for civil parties for their key
11 document presentations. You may proceed.

12 MR. PICH ANG:

13 Good afternoon, Mr. President, Your Honours, parties, civil
14 parties and everyone in and around the courtroom.

15 I would like to make my key document presentation regarding the
16 treatment against the Cham people.

17 [14.59.11]

18 The first document that I refer to is E3/6718 which is a civil
19 party application of Mat Keu with Khmer ERN at 0056355260. And
20 there is no English translation although the translation into
21 English was requested to ITU. And allow me to quote the excerpt
22 from the civil party applicant.

23 "I am Mat Keu. My current address is in Phum Ti Pram village,
24 Svay Khleang commune, Krouch Chhmar district, Kampong Cham
25 province.

1 "On the event of the rebellion by Svay Khleang villagers, Phum Ti
2 Pram, when the Khmer Rouge took control of Phnom Penh in 1975,
3 people who lived in the cities were evacuated to rural areas. The
4 elderly were carried by horse carts to villages, approximately 10
5 people per cart and there were four to five carts in total. I do
6 not know where the Khmer Rouge whom I did not know evacuated them
7 to, but I know that many did not return to the village. I believe
8 all were killed by the Khmer Rouge. The elderly people that the
9 Khmer Rouge took included Ly Pat's (phonetic) father named Ly Pat
10 (phonetic), Ali (phonetic), Ali Sou Kay's (phonetic) father, Son
11 Ly (phonetic), who were killed by the Khmer Rouge."

12 [15.01.33]

13 "I do not know why the Khmer Rouge killed these elderly people. I
14 heard from a Khmer Rouge cadre, Oeuk Mai (phonetic), who was
15 Khmer and security chief of Krouch Chhmar district, who said
16 during a meeting that the capitalists had all be - to be purged.
17 However, I did not know who these capitalists were.

18 "After the announcement, people from the village continued to
19 disappear. At that time chief of Phum Ti Pram village was a Khmer
20 Rouge cadre Mat (phonetic) and Sok (phonetic) were the village
21 security chief.

22 As villagers continued to disappear at night, I heard rumour of a
23 Khmer Rouge plan to arrest a group of 20 villagers and then for
24 the second group they will take 200 more villagers. They already
25 had a plan as whom they would take away. Having heard that, the

1 elderly people who remained in the village made a plan to rebel
2 against the Khmer Rouge who wanted to cleanse the ethnic Cham."
3 [15.03.23]

4 "The Khmer Rouge mistreated the Cham people more than they abused
5 the Khmer people. For example, if a Khmer Islam wanted to go
6 anywhere they needed to ask for travel permission from the Khmer
7 Rouge. Otherwise, they could not go.

8 "The Khmer Rouge prohibited the Cham people from studying the
9 Koran and they forced them to study the Khmer language in order
10 to eradicate the Cham language and literacy. I believe that was
11 the reason the villagers of Phum Ti Pram village revolted.

12 "The elderly people in the village plotted a rebellion against
13 the Khmer Rouge. I forget the names of those who were involved.
14 However, I can recall that they were Omar (phonetic), from Krouch
15 Chhmar, who is now called Sos Ponyamin, as one of the masterminds
16 behind the rebellion against the Khmer Rouge.

17 "On the eve of the rebellion, the Khmer Rouge spoke of selecting
18 20 people to be killed. Having heard that, the villagers planned
19 to rebel and to prevent the Khmer Rouge from killing the
20 villagers. At night time if the Khmer Rouge called anyone out
21 from their homes, the plan was to close the door and scream loud
22 enough for the nearby villagers to hear. When hearing the
23 screams, a villager bangs the drum as a signal for other
24 villagers to hear and signal that it was happening."

25 [15.05.49]

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1 "After that, villagers armed with knives and axes went to where
2 the Khmer Rouge were located. That night there were many Khmer
3 Rouge people -- the exact number was not known due to darkness.
4 The villagers fought against the Khmer Rouge and, as a result, a
5 Khmer Rouge cadre named Chet (phonetic) died.

6 "I joined the rebellion but I was not at the front line. I was at
7 the third front line because my wife had just given birth.

8 "The rebellion lasted two nights and one day and the Khmer Rouge
9 cadres surrounded the village and ordered the villagers to disarm
10 and they were evacuated to Wat Daeum Chrey pagoda and Wat Kang
11 Cha (phonetic) pagodas in Daeum Chrey village, Krouch Chhmar
12 commune, Krouch Chhmar district, Kampong Cham province.

13 "At Wat Daeum Chrey and Wat Kang Cha (phonetic) pagodas, the
14 Khmer Rouge separated women and children to stay separate from
15 the men who were ordered to stay at Khsach Prachheh School in
16 Krouch Chhmar district, Krouch Chhmar commune, Kampong Cham
17 province, which was about one and a half kilometres from Wat
18 Daeum Chrey and Wat Kang Cha (phonetic) pagodas."

19 [15.07.40]

20 "I was detained by the Khmer Rouge at Khsach Prachheh School.
21 There were seven members in my family, including my parents: my
22 grandfather, Mat Musa (phonetic); my younger brother, Mat Sin
23 (phonetic); my wife, Sok Man Yan (phonetic); and my daughter, Pao
24 Si Yas (phonetic), who was about two months old.

25 "My mother, my wife, my younger brother who was about 19 years

1 old and my daughter were all ordered to stay at Wat Daeum Chrey
2 pagoda while my father, grandfather and I were ordered to stay at
3 Khsach Prachheh School, Krouch Chhmar commune, Krouch Chhmar
4 district, Kampong Cham province.

5 "The Khsach Prachheh School had three rooms and each room housed
6 about 40 people. Having stayed there about a week, a Khmer Rouge
7 soldier who was a guard there carrying a list and began calling
8 out names from the list.

9 "In the room which I stayed, the Khmer Rouge called seven people
10 out. I do not remember whom but amongst them were my elder
11 brother-in-law, El Him (phonetic) and my sister-in-law Sim Tho
12 (phonetic). All were ordered to return home."

13 [15.09.16]

14 "Having stayed at Khsach Prachheh School for about a month, I was
15 released by the Khmer Rouge to meet my wife and children and then
16 we were evacuated to another location. I asked my mother and my
17 elder sister if they had met my brother or sister-in-law. They
18 replied that they had not. So I believe that those on the list
19 were all killed.

20 "At Khsach Prachheh School the Khmer Rouge abused and starved the
21 villagers. The Khmer Rouge provided a ladle of gruel to each
22 person to eat.

23 "The Khmer Rouge no longer allowed two villagers to bathe two at
24 a time because the school was near the river bank. If someone
25 went slowly the Khmer Rouge would beat him or her."

1 [15.10.26]

2 "At that school the Khmer Rouge closed the doors and windows
3 tightly, keeping light and wind out. Detainees such as May Run
4 (phonetic), Te Sreng (phonetic), Sos Steu (phonetic), who died in
5 1999, and other villagers whom I do not recall their names.

6 "After 30 days of detention at Khsach Prachheh School, the Khmer
7 Rouge brought rowboats to take the villagers to Chhing Ting
8 (phonetic) village, Kok Andoung (phonetic) commune of Krouch
9 Chhmar district, Kampong Cham Province.

10 "All seven members of my family travelled by boat and when we
11 arrived at Chhing Ting (phonetic) village, the Khmer Rouge
12 ordered villagers to walk to three separate villages, namely,
13 Banteay Chey, Chey Sambat (phonetic), and Dambae in Dambae
14 commune, Dambae district, Kampong Cham province."

15 [15.11.52]

16 And I will now move on to the second civil party applicant and I
17 refer to applicant -- civil party applicant Matt Mosa, Khmer, ERN
18 00499859; in English, 01063871 to 72; and the French ERN is at
19 00897184. The civil party application is E3/6035.

20 The civil party mentions about the events that also happened in
21 Cheyyou village in Kampong Cham province. And allow me to read
22 the excerpt from the civil party application as follows:

23 "In 1976 Angkar introduced the corrective eating regime. At the
24 time Chams suffered difficulties in freedom of expression,
25 worshiping of our God and eating. When the Khmer Rouge wanted to

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1 mistreat the Cham people they cooked rice gruel with pork for us
2 to eat two or three times a day. And if any Cham refused to eat
3 the prepared meals, Angkar would take them to the security centre
4 for execution. And if we refused to eat we had no choice but to
5 starve ourselves because we do not have our own kitchen utensils,
6 not even a spoon."

7 [15.14.25]

8 "And when we were so hungry, we had to pick up some tree fruit
9 without asking for permission from Angkar. And if that is the
10 case, then we would be punished. Even the fruit from the trees we
11 had planted ourselves around the house were not allowed to be
12 picked, let alone the fruits on the trees which belongs to
13 others. Especially Angkar would know immediately when there was a
14 smoke from any cooking. It had employed a lot of spies, mostly
15 children to spy on us."

16 And again, I would like to read some information from the same
17 civil party applicant, in his supplementary information form,
18 that is document E3/6035A with the Khmer ERN 00584903; and
19 English, 00858208; and French, at 00881065. And I'd like to read
20 the following excerpt from the supplementary information form of
21 Mr. Matt Mosa.

22 [15.16.04]

23 "3). Persecution of the Cham: Between 1975 and 1976, the Khmer
24 Rouge arrested and executed former soldiers and 17 April People.
25 Khmer Rouge soldiers also called me for questioning about my

1 background. They asked me if I had been a soldier. I said no as,
2 at the time, my name had not been entered in their list. And
3 those who had implicated me had already been executed by the
4 Khmer Rouge. Finally, I was released due to lack of evidence.
5 "After the executions, there was no classification between the
6 Base People and the New People. During the Khmer Rouge regime
7 they had me work as a cook because they knew that I was a Cham
8 and that I dare not steal pork, Angkar's pork to eat.
9 "They mistreated the Cham people, such as forcing us to eat pork.
10 Later I was tasked with finding fish in the river.
11 "The Khmer Rouge always humiliated us, calling us the stateless
12 people who needed to be completely rooted out."
13 [15.18.04]
14 And I would like now to move onto another civil party applicant
15 which is the supplementary application of Ael Les. Here I refer
16 to document E3/6226A at Khmer, ERN 00584410 to 11; English,
17 01184705; and French, 01202983. I would like to read the
18 following excerpts.
19 "During the Lon Nol regime, I was a peasant living in Trapeang
20 Chhuk village, Boeng commune, Baray district, Kampong Thom
21 province with my family. In early 1975, the Khmer Rouge
22 militiamen evacuated the villagers to Daom village, Bak Sna
23 commune, Baray district, Kampong Thom province.
24 Religious observance in my village was strongly restricted. For
25 example, we were forced to eat meat collectively in the

1 cooperative which was under the eyes of the militiamen. Sometimes
2 people were threatened to eat the meat."

3 [15.19.52]

4 "One of my villagers, Taim Sam, was forced to raise pigs, feeding
5 pigs at the backyard of my house. In late 1978, a Khmer Rouge
6 named Yem took him away to be killed at night because of his
7 complaints. Taim Sam was detained in Bak Sna cooperative prior to
8 being killed.

9 "I secretly prayed for about a year, but I stopped doing that
10 when the liberation day was approaching because I was afraid of
11 being executed.

12 "I also witnessed Khmer Rouge massive graves.

13 "The Khmer Rouge treated the Khmer people in my village less
14 severely than the Cham. If any Cham said something wrong, he or
15 she was more likely to be punished than the Khmer people. I
16 personally think that this kind of treatment was a form of
17 discrimination against the Cham people."

18 [15.21.24]

19 I would like now to move to another civil party applicant -- that
20 is, Math Hak, document E3/6725. There is no English or French
21 translation although the translation request was made on the 3rd
22 of August 2015. Allow me to read this document.

23 "My name is Math Hak. I am 69 years old. I live in Phum Ti Pram
24 village, Svay Khleang commune, Krouch Chhmar district, Kampong
25 Cham province. I would like to file a complaint with respect to

1 what happened during the Khmer Rouge as follows:

2 "In late August 1975, the Cham people in in Phum Ti Pram village,
3 Svay Khleang commune organized a rebellion against the Khmer
4 Rouge soldiers because they arrested villagers every day and
5 forbade us from practising our religion and praying. I witnessed
6 my neighbour named Som Minh (phonetic) who was being arrested by
7 two Khmer Rouge soldiers. They said that they needed him to go
8 with them quickly.

9 "After he got off the stairs from the house and reached the
10 ground, his hands were tied behind his back and he was escorted
11 towards the east along with some other villagers. And I did not
12 know where they were heading to.

13 The Cham people could no longer tolerate the oppressions and they
14 engaged in the rebellion as a result."

15 [15.24.34]

16 I will skip the lengthy information of the civil party applicant
17 and I will move to another civil party applicant named Li Pat,
18 and I would like to refer to his document with Khmer, ERN
19 00563582 to 84; English, 01069332; and French, 01139851. These
20 ERN refers to document E3/6719. And I'd like to make the
21 following -- to read the following excerpts:

22 "The events of uprising in Svay Khleang:

23 "Two months after the arrest of my father there was an uprising
24 in Svay Khleang commune after an early uprising in Kaoh Phal
25 village, Peus Muoy commune, Krouch Chhmar district. Two days

1 before the revolt in Phum Ti Pram village, Svay Khleang commune,
2 Krouch Chhmar district, Kampong Cham province, I heard people
3 whose names I do not know saying that there was a plan to arrest
4 50 to 60 more villagers. The news terrified the villagers. They
5 did not know who were going to be arrested by the Khmer Rouge."
6 [15.25.16]

7 "Having heard of these rumours, the Khmer Rouge started
8 restricting the practice of Islam. They did not allow the Cham
9 people to pray nor did they allow women to wear the long scarf --
10 that is, the hijabs. They also ordered the Cham people to have --
11 the gentlemen to have short hair though they know doing so
12 contradicted Islamic rules because women must wear hijabs to hide
13 their long hair.

14 Women, Muslim, would be presumed to have committed a sin and go
15 to hell if they breach the Islamic religious rules. The revolt
16 started at 8 p.m. At the start, 20 to 30 villagers started
17 beating the drums in an attempt to call other people to join the
18 revolt. It lasted from 8 p.m. that night until 7 p.m. the next
19 day, then a number of the Khmer Rouge soldiers who were armed
20 with B-40 rocket launchers and rifles rounded up the villages.
21 They then started shooting at the villagers to suppress them.
22 Because all the other villagers did not have any weapons to
23 confront the Khmer Rouge, a large number of them were shot dead.
24 Those who could make it alive were later arrested."
25 [15.26.50]

1 "The revolt took place in Phum Ti Pram village, Svay Khleang
2 commune, Krouch Chhmar district, Kampong Cham province, and at
3 that time I was just about 15 to 16 years old.

4 "I, and my elder sister, Li Neang, and my mother, Mat Yom,
5 together with my younger sister, Li Samraus and Li Paitas, as
6 there were approximately a thousand families were evacuated to
7 Krouch Chhmar commune, Krouch Chhmar district, Kampong Cham
8 province.

9 "The Khmer Rouge separated men, women and children from their
10 families. The reason the Khmer Rouge separated the men and the
11 women because they accused men from Phum Ti Pram village of Svay
12 Khleang commune as enemies. As for me, I lived with my mother and
13 sisters."

14 [15.27.55]

15 And I move on through another civil party applicant, and here I
16 refer to civil party applicant, Sok Viny, and the document that I
17 refer to is E3/5050 at Khmer, ERN 00565287; English, 01060089;
18 French, 00932703 to 04. Allow me to quote it again. He said that:

19 "There were no religious practices of any kind. The Khmer Rouge
20 eliminated them all. Muslims were not allowed to wear Muslim
21 attires."

22 In the same document, a bit further down, the civil party
23 applicant stated the following:

24 [15.29.28]

25 "Religious practices were strictly forbidden. My family is

1 Muslim. The Khmer Rouge forced us to eat pork or, at times, they
2 lied to us by making us eat porridge with pork. Muslim,
3 especially the young children who could not stand hunger, had to
4 force themselves to eat pork and willingly they had to violate
5 the rule of their religion. They forced us to eat pork and if we
6 did not, they would send us to be investigated by the
7 higher-ranking officers. In other words, we would be killed. Some
8 people agreed to eat while others did not. They would share 200
9 grams of pork to each of us and had a militiaman spied on us to
10 see whether we consumed the food or not. Some Muslims exchanged
11 the pork for some salt."

12 [15.30.43]

13 And I'd like now to move on to the information of the last civil
14 party applicant in relation to the treatment of the Cham people
15 -- that is, document E3/4892, with Khmer ERN at 00540804 to 06,
16 and English at 00890956 to 57, and French at 00894003. I'd like
17 to make the following quote:

18 "I am Hak Math, male, currently living in Phum Ti Pram village,
19 Svay Khleang commune, Krouch Chhmar district, Kampong Cham
20 province. I would like to make the following complaints.

21 "1) The ban on Islamic practice. The Khmer Rouge entered my
22 village since 1970. Only in 1975 did the Khmer Rouge begin to
23 repress the people. High-ranking people in the village were
24 arrested by the Khmer Rouge in 1973, including my father. He was
25 arrested in 1973 and had since disappeared. My father's name was

1 Man Hak. In late 1975, the Khmer Rouge banned praying of our
2 Allah and women had to keep their hair short which was a
3 violation of the Islamic religion. They prohibited us from
4 speaking the Cham language."

5 [15.32.42]

6 "2) Suppressing a revolt by Cham people: In late 1975, perhaps in
7 September, which was almost the end of the Ramadan, people in my
8 village began to revolt against the Khmer Rouge mistreatment.
9 Before the revolt, arrests had been made constantly which
10 explains why the people joined the revolt. The people in Svay
11 Khleang used machetes and axes in protest. They arrested and
12 killed a Khmer Rouge member, Cheth, a Khmer citizen working in
13 Svay Khleang commune, then the Khmer Rouge came to surround Svay
14 Khleang village. Men were arrested and taken to a tobacco
15 warehouse located to the west of Preaek Ta Duong Bridge in Krouch
16 Chhmar Commune. I was also detained at a tobacco kiln while women
17 were taken to pagodas and temples.

18 "At the tobacco warehouse, I received only two small bowls of
19 thin gruel for each meal, or twice a day. The food was not
20 sufficient. I was detained there for about 20 days. At the
21 warehouse, I saw the Khmer Rouge beat and persecute the people. I
22 remember that the Khmer Rouge beat a man named Man and another
23 villager Lok who was ill, who was taken to get treatment at
24 hospital and has since disappeared. At the kiln, the Khmer Rouge
25 screened the personal histories of those who were involved in the

1 revolt. Later, I was evacuated again and again to do farming
2 until 1979 when I returned to my village."

3 [15.35.05]

4 I conclude my part, Mr. President. I'd like to cede the floor to
5 my international colleague.

6 Thank you.

7 MS. GUIRAUD:

8 Thank you. I'd like to thank my colleague and thank you, Mr.
9 President. Good afternoon to all of you.

10 I have five documents that I'd like to present, linked to five
11 civil parties which were all admitted under the heading "The
12 Treatment of the Cham", and I'd like to focus essentially on the
13 information linked to the facts that the Chamber is seised of
14 regarding forced transfer -- population transferred two, and I
15 will start with another document linked to the civil party which
16 my colleague just spoke about, Mr. Hak Mat, who is from Svay
17 Khleang. And I am referring here to document E3/4893; English,
18 ERN 00851263 to 65; French, ERN 00905154 and 155; Khmer, ERN
19 00578133 to 8136. So I'm going to read out the first paragraph
20 here of this document where it is stated -- and I quote:

21 [15.36.56]

22 "After selecting the biographies, the Khmer Rouge evacuated my
23 family and a great number of Cham and none of them was connected
24 to any kind of rebellion. However, in Village 4 in Preaek A Chi
25 commune. Krouch Chhmar district, Kampong Cham province -- and

1 back then, the Khmer Rouge did not provide any reason for this
2 evacuation, they simply gathered us on a boat that transported us
3 to Village 4 and we were escorted by young men from the militia.
4 And when we arrived in this village, my family -- that is to say
5 myself, my wife and my three children -- lived under the same
6 roof as a good old Khmer woman who was rather old and her name
7 was Tor. This was at the end of 1975."

8 And then he indicates in paragraph -- in the following paragraph.
9 "There was a second transfer and they transported us by boat all
10 the way to Stueng Treng. At the beginning, they said that they
11 were taking us to Battambang and when we arrived in Stueng Treng,
12 however, some Cham people were transferred to Kampong Thom
13 whereas others in my family went to Soupheas village which was
14 located in Soupheas commune in Stueng Trang district in Kampong
15 Cham province."

16 [15.38.46]

17 Another civil party from Svay Khleang who is dead today and her
18 name is Ly Tae, had the same fate as Hak Mat after the rebellion
19 was crushed. He went through Preaek A Chi -- and I'm referring
20 here to his document E3/6715, in Khmer, ERN 005642553 to 55;
21 French, ERN 001203007 to 08; with an English translation which
22 was requested.

23 And this civil party explains in a more detailed way in his
24 Supplementary Information Form of his application at E3/6715a,
25 Khmer, ERN 00585940 to 41; in English, 01184736; and in French,

1 01203067.

2 And the living conditions and the measures meted out to the Cham
3 are explained in Stueng Trang district after having been
4 evacuated. And he indicates and -- I am therefore speaking about
5 the chapter called "Religious Persecutions" and he indicates --
6 and I quote:

7 [15.40.42]

8 "In 1977, I arrived in Soupheas village, Stueng Trang commune,
9 Kampong Cham province, where the Khmer Rouge forced the Cham to
10 eat pork meat. And each time they sent two-to-three militia men
11 whose identity I did not know to watch over us in order to see
12 that if we were indeed eating that pork meat. In the end, no Cham
13 person dared to protest otherwise we would be executed."

14 And he indicates a little bit further down towards the end of
15 this chapter regarding religious persecution:

16 "I saw the Khmer Rouge order the Cham women, whose name I forgot,
17 to go feed pigs. Daung forced Ta El, who is deceased, to take
18 care of the pigs in the village. The Khmer Rouge in the village
19 forbade prayer and the Cham language under the threat of
20 execution. However, sometimes we were able to do so in secret and
21 I do not know why the Khmer Rouge repressed the Cham religion in
22 this way. Life under the Khmer Rouge was very, very harsh."

23 [15.42.04]

24 And the last civil party whose document I'd like to mention and
25 who comes from Svay Khleang is Soh Mosteut who was 15 years old

1 in 1975. And I'm referring here to document E3/6716; French, ERN
2 0203011 to 3014; Khmer, 00563517 to 22; and English translation
3 was requested but the document has not yet been translated. And
4 this civil party who also was detained in Po Proek (phonetic)
5 pagoda, which my colleague spoke about, indicates regarding the
6 transfer of her family and here I am in the middle of the page in
7 the French version:

8 [15.43.23]

9 "Later on, the Khmer Rouge took my family and the other villagers
10 into a boat and transported us to Roka Khnaor village, Roka
11 Khnaor commune, Krouch Chhmar district, Kampong Cham province. I
12 remember having been evacuated at the same time as Lee Suu Ki's
13 family."

14 And he indicates in the following sentence:

15 "We lived in Roka Khnaor village for two years, I believe. In
16 this region, I had to graze oxen within a team whose chief was
17 named Prey who since has died. I did not know the chiefs -- the
18 village chiefs or the team chiefs or the cooperative leaders. In
19 this village, the Khmer Rouge did not force the Cham people to
20 eat pork meat, but they forbade us to speak the Cham language, to
21 practice our Muslim religion and to let us grow our hair long."

22 So I have two other civil party applications linked to the Cham,
23 but I'm looking at my colleague because I think that we also have
24 documents to present regarding the treatment of the Vietnamese,
25 so I'm going to speed up.

1 [15.44.32]

2 Two civil parties who both were admitted under the section of The
3 Treatment of the Cham and they were transferred: one from Kampong
4 Siem district to Chamkar Leu district, and I'm referring here to
5 document -- the document of civil party Sa Liep (phonetic) and
6 this is document E3/6816a. This is the Supplementary Information
7 Form of Sa Leb's civil party application; Khmer, ERN 00588463 to
8 65; French, ERN 00860859 to 860; and English, ERN 00853984 to
9 985. Sa Leb was 26 years old in 1975 and he indicates and here
10 I'm speaking about the second paragraph of the document of the
11 Supplementary Information Form here and I quote:
12 "In 1975, there were seven members in my family. There were me,
13 my wife Mat Am Nas; two sons Leb Puk Kri and Leb Sul Sari; and my
14 three daughters, Leb Hva Mas, Leb Sa Hvi Yah, and Leb Srei Hva,
15 and myself. My family was living in the Rongea village back then,
16 Sambuor Meas commune, Kampong Siem district, Kampong Cham
17 province."

18 This was translated from the text.

19 [15.46.19]

20 "A little after the Khmer Rouge had defeated the Lon Nol's army,
21 some unknown Khmer Rouge soldiers ordered the evacuation of my
22 family and all of the villagers, a total of about 1,000 people
23 from the village -- to the village of Kampong Krabei, Kampong
24 Cham province. At 11.30, we arrived in this village where the
25 Cham were also living, and my family settled in this region and

1 the Khmer Rouge ordered us to work in the rice fields."
2 And last document, this is civil party by name of Kasoem Touloas,
3 who was evacuated from Kaoh Soutin district therefore in Kampong
4 Cham province. He was evacuated to Battambang. And I'm referring
5 here to document E3/4776; English, ERN 00915942 (phonetic);
6 French, ERN 00 -- 01063310 to 3311; and Khmer, ERN 00497121 to
7 7122. And this civil party was very young in 1975 because she was
8 only 10 years old, and she says in here -- I'm at the first
9 paragraph of the document.

10 [15.48.08]

11 "When Phnom Penh fell in 1975, the Khmer Rouge expelled my family
12 that was made up of eight people: my parents, my two older
13 brothers, Touloas Ly and Touloas Sles; two younger brothers,
14 Touloas Him and Touloas Kop; and my youngest sister Touloas Srey
15 Fas; and myself. We were evacuated from Village Number 13, Kaoh
16 Soutin commune, Kaoh Soutin district, Kampong Cham province, and
17 we were evacuated to Vat Ching village, Battambang province with
18 many, many other of our neighbours such as Kop Sin, Kop Ches, Kop
19 Mak. And after about two months in Vat Ching village in
20 Battambang province, the Khmer Rouge whose name I don't remember
21 or did not know deported my family to Sla Kaet village, Sla kaet
22 commune, Battambang province, Sector 5. And during the rainy
23 season of 1977, my younger sister, Touloas Srey Fas, contracted
24 dysentery and died of starvation."

25 And I am done now, Mr. President, with the presentation of the

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1 complementary documents related to the Cham, and I can give the
2 floor to my colleague, Mr. Ang Pich, so that he may provide a
3 quick presentation of the documents that we would like to tender
4 regarding the treatment of the Vietnamese.

5 Thank you, Mr. President.

6 [15.49.51]

7 MR. PICH ANG:

8 Good afternoon, once again, Mr. President and Your Honours.

9 I would like to present key documents on the treatment of
10 Vietnamese. Another document, E322/13a, I will not read his whole
11 document, but I only refer you to the document number E22/13a. It
12 is about the treatment of Vietnamese.

13 There are a few civil party applications which I want to present
14 the Chamber, but somehow I will briefly present those documents.

15 The documents mention about the treatment of Vietnamese,
16 particularly the husband and wife, as well as the children.

17 The first document is civil party Chen Phe, document E3/5900.1.

18 This is an interview of this civil party by the Documentation

19 Centre staff member. ERN in Khmer is 00352748 through 50;

20 English, 01133203 through 05. There is no French translation at

21 the moment; however, we requested the document to be translated

22 into French on 21 August 2015. I will not read the whole excerpt

23 of that document, but only a small portion of his document. The

24 interviewer's name is Vichea. Let me quote:

25 [15.52.03]

1 "Vichea: You went to dig the canal as you have mentioned in 1977.

2 At the time, had the Khmer Rouge begun killing the Vietnamese?

3 "Answer: I don't think that the killing had started yet in 1977.

4 "Vichea: Did the Khmer Rouge start to kill the Vietnamese before
5 you went to dig the canal, or did they start to kill them after
6 you had returned from digging the canal?

7 "Answer: The killing started only after I returned home. The
8 Khmer Rouge were angry about the Vietnamese invasion, so they
9 began to investigate and search for the Vietnamese."

10 [15.52.54]

11 "Question: Did the Vietnamese invade along the border?

12 "Answer: I did not see it with my own eyes.

13 "Question: I see.

14 "Answer: I saw that some village -- some houses in the village
15 were burnt down.

16 "Vichea: After you returned home, the Khmer Rouge started a
17 search for the Vietnamese. Is that correct?

18 "Answer: Yes, it is.

19 "Vichea: How did they begin the search?

20 "Phe: They began to search for those who were Vietnamese -- those
21 who was Vietnamese.

22 "Question: Did they begin to search the elderly as well as the
23 young people?

24 "Phe: Anyone who had links to the Vietnamese would be taken away.
25 If their husband was a Vietnamese, he would be taken away. If the

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1 wife was a Vietnamese, she would be taken away together with the
2 children."

3 [15.54.10]

4 I am now moving to another document, the interview of a civil
5 party, Madam Khun Samit, document E3/7211. And this document
6 consists of another number, E3/7586. And I am now quoting the
7 ERN. ERN in Khmer, 00353071 through 72, and I have no English ERN
8 for you, Mr. President, but the French is 01155167. And Dany is
9 the interviewer. Let me quote Dany.

10 [15.55.32]

11 Question: Did Om Khun Mon, Khun Mon's wife know that they would
12 be taken away and killed?

13 Answer: Yes, she did. Any day there was a meeting, the unit
14 committee talked about the 'Yuon'.

15 Question: What did they say?

16 Answer: They said that the Vietnamese people were not allowed to
17 live with the Khmer. They had to be collected and cleansed from
18 Khmer. At first, we thought they would send them back to Vietnam.
19 We did not know they were rounded -- they were rounding them up
20 to take them to be killed.

21 Question: How did she feel when she learnt they were being
22 gathered up?

23 Answer: She realized.

24 Question: How did she feel? Was she afraid, crying?

25 Answer: She was so frightened that she became pale."

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1 [15.56.33]

2 And the same document, at ERN in Khmer 00350 -- 3073, and French
3 is 01155168, English is 00324465. Let me quote once again.

4 Samit's answers:

5 "The next morning, they came to take the children to meet with
6 their mother. I begged them to keep one of them, but they were
7 refused. At the time, my older brother also begged for one, but
8 they recalled him and made trouble for him another -- at night
9 too. Ta Mon's older siblings felt so sorry for their nephews and
10 they asked one to stay with them, but they were refused. All of
11 those children were taken to be killed. They re-educated them and
12 instructed them saying, 'Why should the 'Yuon' be kept alive to
13 pass on the bloodline. Kill them all.'

14 [15.57.32]

15 Question: Did they say that they had killed them all?

16 Answer: Yes, they did not keep them alive for fear they would
17 pass on the Yuan bloodline. My brother said that. They called him
18 but they did not call me."

19 I am now moving to another document, Phai Srung, written records
20 of the interview, E3/5632. He made mention about the deportation
21 of Vietnamese out of Cambodia to Vietnam. The ERN number in Khmer
22 is 00897516 through 18; English is at 00678299 through 300;
23 French, 00899197 through 98.

24 [15.58.32]

25 So let me quote as follows.

1 "Deportation to Vietnam: In July 1975, a few days before our
2 transfer/deportation to Vietnam, we were told by the Khmer Rouge
3 to prepare to leave. We asked where we were going to go, but they
4 did not let us know. We did not have a right to ask anything.
5 "Before they force us to go back to Vietnam, nothing was said to
6 us about where we had to go, but it was understood that they were
7 trading us for salt to the Vietnamese government. The trade of
8 salt was in exchange for Vietnamese person to be recused by
9 Vietnam. I did not see any salt or rice for my exchange, but I
10 heard about it from others and I believe that it was true because
11 if there was no such exchange program, Vietnamese would not be
12 allowed to go back home. If we had not been able to get our
13 transfer to Vietnam, we would have definitely died in Cambodia.
14 I was living in District 10, Baribour district, Kampong Chhnang
15 province and everyone had to be transferred down to port at
16 Kampong Leaeng district, Kampong Chhnang province. When we were
17 at the port, we saw that the Vietnamese people from Kep, District
18 16. We also - were also transferred from the mountain to the
19 port.
20 "Everyone was forced to leave from Kep Mountain and it took us
21 about one day to go from Kep Mountain to the port. All the people
22 were transferred from District 10 and District 16 in Kampong
23 Chhnang were placed in a boat to leave. All the people who were
24 ill died along the way. There were many of us. I can't remember
25 how many, we all just -- we all just grouped together. We were

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1 grouped together and then we left. We left Kampong Chhnang by
2 boat at night-time and passed Phnom Penh on the way to Vietnam
3 down the Tonle Sap River.

4 [16.00.56]

5 There were about seven or eight Khmer Rouge cadre with us on the
6 boat. I remember when we passed Phnom Penh. It was so dark at
7 night and I noticed there were no lights at all in Phnom Penh.
8 Upon our arrival in Vietnam and around 4 p.m. the next day, we
9 dropped -- we were dropped at the coast and the Vietnamese
10 authorities came to collect us.

11 [16.01.25]

12 I did not see any discussion between the Vietnamese authorities
13 and the Khmer Rouge officials about the exchange of persons for
14 rice and salt. Any agreement between the two authorities would
15 have been reached beforehand.

16 When we reached the border they did not -- they did another check
17 and anyone who was Khmer or Chinese had to stay on the boat and
18 were not allowed to go onto the shore or coast. The Vietnamese
19 were allowed to leave the boat. At the Cambodian/Vietnamese
20 border, they controlled and identified who was Khmer and who was
21 Vietnamese. They identified that - they identified the Vietnamese
22 from the Khmer because the Vietnamese spoke Vietnamese and Khmers
23 spoke their own language."

24 Mr. President, I will need 10 more minutes to conclude my
25 presentation or am I allowed only to present only the title of

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1 the document or I may need time tomorrow to present my key
2 document.

3 MR. PRESIDENT:

4 So I will give you a bit more time tomorrow to present your key
5 document.

6 [16.02.41]

7 It is now an appropriate time for the adjournment. The Hearing
8 will be resumed tomorrow on 24 February 2016 at 9 a.m.

9 The Chamber will continue to hear the presentation of key
10 documents in relation to the treatment of the three targeted
11 groups, Cham, Vietnamese and officials of the Khmer Republic.

12 [16.03.14]

13 And the defence team for Mr. Khieu Samphan will have the
14 opportunity to present the key document after the presentation by
15 the Lead Co-Lawyers for Civil Parties.

16 Security personnel are instructed to bring the two accused, Nuon
17 Chea and Khieu Samphan, back to the ECCC detention facility and
18 have them returned into the courtroom tomorrow before 9. a.m.

19 The Court is now adjourned.

20 (Court adjourns at 1603H)

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