



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 February 2016

Trial Day 369

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 07-Mar-2017, 11:32
CMS/CFO: Sann Rada

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

The Accused: NUON Chea  
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:  
EM Hoy  
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Lawyers for the Civil Parties:  
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TY Srinna  
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For the Office of the Co-Prosecutors:  
Nicholas KOUMJIAN  
SONG Chorvoin  
SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

Mr. YSA Osman (2-TCE-95)

Questioning by The President (NIL Nonn) ..... page 3  
Questioning by Mr. KOUMJIAN ..... page 37

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. BARDECHE	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. YSA Osman (2-TCE-95)	Khmer

1

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the testimony of an expert,  
6 2-TCE-95, in relation to the treatment of the Cham people. And  
7 the hearing of this expert is to be conducted for the <three>  
8 days' period.

9 And before we proceed to hear testimony of this witness,  
10 2-TCE-95, the Chamber would like to inform the parties that, for  
11 today's proceedings as well as for tomorrow, possibly, Judge You  
12 Ottara is absent due to health problems. After the Bench  
13 deliberated the matter, we decided to appoint Judge Thou Mony,  
14 who is a National Reserve Judge, in Judge You Ottara's place for  
15 today's proceedings and possibly for the following day until such  
16 time Judge You Ottara is able to return to the Bench. And this is  
17 pursuant to Rule 99.4 of the ECCC Internal Rules.

18 Mr. Em Hoy, please report the attendance of the parties and other  
19 individuals to today's proceedings.

20 [09.07.50]

21 THE GREFFIER:

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

24 Mr. Nuon Chea is present in the holding cell downstairs. He has  
25 waived his right to be present in the courtroom. The waiver has

2

1 been delivered to the greffier.

2 The expert who is to testify today -- that is, 2-TCE-95, confirms  
3 that to the best of his knowledge, he has no relationship, by  
4 blood or by law, to any of the two accused -- that is, Nuon Chea  
5 and Khieu Samphan, or to any of the civil parties admitted in  
6 this case.

7 The expert and the legal officer from the Office of the  
8 Co-Investigating Judges are waiting to be called by the Chamber.

9 [09.08.48]

10 MR. PRESIDENT:

11 Thank you, Mr. Em Hoy. The Chamber now decides on the request by  
12 Nuon Chea.

13 The Chamber has received a waiver from Nuon Chea dated 9th  
14 February 2016 which states that, due to his health, headache,  
15 back pain, he cannot sit or concentrate for long. And in order to  
16 effectively participate in future hearings, he requests to waive  
17 his right to participate in and be present at the 9th February  
18 2016 hearing.

19 He affirms that his counsel has advised him about the  
20 consequences of this waiver, that it cannot in any account be  
21 construed as a waiver of his rights to be tried fairly or to  
22 challenge evidence presented to or admitted by this Court at any  
23 time during this trial.

24 [09.09.40]

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

1 for the Accused at ECCC dated 9 January 2016, which notes that  
2 Nuon Chea has severe back pain when he sits for long and  
3 recommends that the Chamber grant him his request so that he can  
4 follow the proceedings remotely from the holding cell downstairs.  
5 Based on the above information and pursuant to Rule 81.5 of the  
6 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
7 follow today's proceedings remotely from the holding cell  
8 downstairs via audio-visual means.

9 The Chamber instructs the AV Unit personnel to link the  
10 proceedings to the room downstairs so that Nuon Chea can follow.  
11 This applies to the whole day.

12 Court officer, please usher the expert, 2-TCE-95, and the legal  
13 officer of the OCIJ into the courtroom.

14 (Short pause)

15 (Witness enters the courtroom)

16 [09.12.15]

17 QUESTIONING BY THE PRESIDENT:

18 Q. Good morning, Mr. Expert. Please tell the Chamber your full  
19 name.

20 And Mr. Expert, please observe the microphone. You should speak  
21 after you see the red light on the tip of the microphone so that  
22 your response will go through the interpretation system.

23 Please make a slight pause.

24 MR. YSA OSMAN:

25 A. Good morning, Mr. President, and good morning, Your Honours

1 and everyone.

2 My name is Ysa Osman.

3 [09.13.06]

4 Q. Thank you, Mr. Ysa Osman.

5 When were you born?

6 A. I was born on the 1st January 1971.

7 Q. What is your nationality and ethnicity?

8 A. I am a holder of a Khmer identity card. However, ethnically, I  
9 am Cham.

10 Q. And where is your current address?

11 A. I live in Phnom Penh at House 174, Street Number 2 in Borei  
12 Piphup Thmei, La (phonetic) Sensok along Mong Reththy Boulevard  
13 in Sensok Quarter, Phnom Penh Thmei district, Phnom Penh.

14 Q. And what is your current occupation?

15 A. I am one of the staff working for the Office of the  
16 Co-Investigating Judges of the ECCC.

17 [09.14.45]

18 Q. What religion are you practising?

19 A. I am an Islam follower.

20 Q. The greffier made an oral report this morning that, to your  
21 best knowledge, you are not related by any of the two accused --  
22 that is, Nuon Chea and Khieu Samphan, or to any of the civil  
23 parties admitted in this case. Is this information accurate?

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

25 BY THE PRESIDENT:

5

1 Q. And my next question is to the legal officer. Good morning,  
2 madam. Please state your full name.

3 MS. BARDECHE:

4 A. Good morning, Mr. President. My name is Julie Bardeche.

5 BY THE PRESIDENT:

6 Q. Are you the legal officer of the Office of the  
7 Co-Investigating Judges?

8 MS. BARDECHE:

9 A. Yes.

10 [09.16.15]

11 BY THE PRESIDENT:

12 Q. Mr. Ysa Osman, pursuant to Rule 31.2 of the ECCC Internal  
13 Rules, in your capacity as an expert, you need to take an oath or  
14 affirmation before the Chamber before providing testimony. Do you  
15 agree to this procedure?

16 MR. YSA OSMAN:

17 A. Yes, I do.

18 MR. PRESIDENT:

19 Mr. Em Hoy, please lead the expert in taking the oath or  
20 affirmation.

21 THE GREFFIER:

22 Good morning, Mr. Expert. I will proceed now with the taking of  
23 the oath.

24 Please place your right hand on the Koran and repeat after me.

25 I solemnly declare that I shall tell the truth, the whole truth,



6

1 and nothing but the truth.

2 I would like to answer only the truth from what I witness, heard,  
3 know and remember in the name of an Islamic believer who have  
4 only Allah as God, Mohammed as Allah's messenger and the Holy  
5 Koran as the guideline for me to follow.

6 I would like to swear in front of the Holy Koran, Wa allahi, Bi  
7 allahi, which verify that all what I am going to say is  
8 <entirely> true.

9 [09.17.55]

10 MR. YSA OSMAN:

11 I would like to answer only the truth from what I witnessed,  
12 heard, knew and remembered in the name of an Islamic believer who  
13 have only Allah as <the only Almighty> God, Mohammed as Allah's  
14 messenger and the Holy Koran as the guideline for me to follow. I  
15 would like to swear in front of the holy Koran, Wa allahi Bi  
16 allahi, which verify that all what I am going to say is  
17 <entirely> true.

18 THE GREFFER:

19 Mr. President, the swearing is now completed.

20 [09.18.36]

21 MR. PRESIDENT:

22 Thank you.

23 And in order to ensure the transparencies of the proceedings, the  
24 Chamber would like to record that on the 7 of August 2015, the  
25 Chamber, through its Senior Legal Officer, informed the party by

7

1 an email that the Chamber would hear testimony of the expert, Ysa  
2 Osman, on the facts of the treatment of the Cham people and on  
3 the 18 September 2015, the Chamber issued its decision to appoint  
4 the expert, Ysa Osman, through his authorship of two books while  
5 previously employed as a researcher for Documentation Centre of  
6 Cambodia through document E367.

7 [09.19.25]

8 Ysa Osman is currently employed as a <data> analyst with the  
9 Office of the Co-Investigating Judges. Later on, on 24 September  
10 2015, the International Co-Investigating Judge expressed his  
11 concerns on the modality of the questions to be put to the expert  
12 and requested that the Trial Chamber, one, inform the parties at  
13 once that Ysa Osman may not be questioned specifically on the  
14 information gathered during the Case 004 investigation and, two,  
15 permit an OCIJ legal officer to be present in the courtroom  
16 during Ysa Osman's testimony so that if any questions regarding  
17 the proper scope of his testimony should arise, the expert may  
18 consult the legal officer in the presence of the Trial Chamber  
19 and the parties, document E367/1, page 2.

20 [09.20.43]

21 The Chamber requested the parties to make oral submissions on the  
22 measure requested by the International Co-Investigating Judge on  
23 30 September 2015. After taking the observations and opinions by  
24 the party, on 5th February 2016, the Chamber issued its  
25 memorandum on the modality of the testimonies and the scope of

1 questions permissible by the Chamber to put to the expert and  
2 clarified on the role of the legal officer of the  
3 Co-Investigating Judges' Office -- that is, document E367/6 --  
4 correction 1.

5 The Chamber also instructed the parties to submit list of  
6 documents that they wish to use for questioning the expert, and  
7 the parties actually submitted about 250 documents for the  
8 purpose of questioning this expert.

9 [09.21.44]

10 The Chamber would also like to inform that the presence of the  
11 legal officer of the International Co-Investigating Judge in this  
12 hearing is to represent the interest of the Office of the  
13 Co-Investigating Judges concerning the confidentiality of the  
14 investigation, and she is not here to -- as a legal  
15 representative of the expert.

16 Considering the fairness of the proceedings, the concerns of the  
17 defence teams, as well as the conditions requested by the  
18 International Co-Investigating Judge, the Chamber instructs the  
19 legal officer not to make any intervention during the testimony  
20 of the expert except when issues of confidentiality in the  
21 investigation of Case 004 arise.

22 [09.22.40]

23 In addition, during the questioning of the expert, Ysa Osman, if  
24 parties wish to use any documents that exist only in one language  
25 and there are no official translations by the ITU, the parties

1 shall not use any in-house translation of such document and the  
2 appropriate methodology is to request for the documents to be  
3 translated by ITU. And in order to avoid any delay in hearing  
4 testimony of the expert, Ysa Osman, the Chamber would like to  
5 instruct the parties that wish to use an excerpt from any  
6 document that exists only in a language to use a member of its  
7 team to read that excerpt in the original language so that the  
8 interpreters can provide simultaneous interpretation in time.  
9 For example, if the document exists only in English, then a  
10 member of the team who speaks English should read that excerpt  
11 and then it will be interpreted into Khmer and French.  
12 However, ideally, such an excerpt shall be sent for translation  
13 in advance.

14 [09.24.04]

15 Q. And finally, for the expert, Ysa Osman, the Chamber would like  
16 to inform you that in our decision -- that is, E367, to appoint  
17 you as an expert that you may be questioned on all matters within  
18 your knowledge or expertise relevant to the treatment of the Cham  
19 in Case 002/02 and the assessment of the evidence is the  
20 responsibility of the Chamber.

21 The ultimate responsibility for determining the relevance of  
22 questions and evidence lies with the Trial Chamber. For that  
23 reason, to decide whether the Chamber shows any legal element of  
24 a genocide, persecution or other crime is the responsibility of  
25 the Chamber and not your responsibility.

10

1 BY THE PRESIDENT:

2 Q. Do you understand that?

3 MR. YSA OSMAN:

4 A. Yes, I do.

5 [09.25.00]

6 Q. I have some initial questions to put to the expert in relation  
7 to his knowledge and expertise.

8 And Mr. Expert, could you inform the Chamber of your academic  
9 qualification?

10 MR. YSA OSMAN:

11 A. I obtained a Bachelor degree of English at Build Bright  
12 University in Phnom Penh.

13 Q. And are you currently employed by the Office of the  
14 Co-Investigating Judges?

15 A. Yes, I am.

16 Q. Can you recall when you started working for the Office of the  
17 Co-Investigating Judges of the ECCC?

18 A. I started -- I started my employment in 2007.

19 Q. You just stated that you are employed by the Office of the  
20 Co-Investigating Judges <within the Khmer Rouge Tribunal or the  
21 Extraordinary Chambers in the Courts of Cambodia>. And what is  
22 your title or function within that office?

23 A. My function or title is an analyst within that office.

24 [09.27.27]

25 Q. Did you previously work at the DC-Cam Centre?

11

1 A. Yes, that was my previous job before I started working for the  
2 ECCC. I worked at DC-Cam from 1999 to 2006.

3 Q. What was your job when you worked for DC-Cam?

4 A. I worked as a researcher in relation to the Cham at the  
5 DC-Cam.

6 Q. Have you ever worked as a journalist?

7 A. No, I do not work as a journalist. However, I have written  
8 some articles which have been published in domestic newspapers.

9 Q. Are you also a researcher on the events of the Democratic  
10 Kampuchea regime?

11 A. Yes, that is correct. At DC-Cam, part of my role is to conduct  
12 research on the Cham people during the period of Democratic  
13 Kampuchea.

14 [09.29.32]

15 Q. Have you written articles or books in relation to Democratic  
16 Kampuchea regime?

17 A. Yes, I have. I have authored two books dealing with Democratic  
18 Kampuchea regime, and on my hand is the first book entitled  
19 "Oukoubah", which translated into Khmer as "Justice". And I also  
20 authored a second book entitled "The Cham Rebellion".

21 And besides the two books, I have written several articles  
22 concerning the Democratic Kampuchea regime, and I have been  
23 published in the "Searching for the Truth" magazines as well as  
24 some local newspapers.

25 I have also provided my interview regarding my research of the

1 Democratic Kampuchea regime, and such an interview was provided  
2 overseas.

3 [09.30.50]

4 Q. Can you tell the Chamber what made you or what convinced you  
5 into authoring the two books -- that is, "Oukoubah" and "The Cham  
6 Rebellion"? What actually interests you in writing the two books?

7 A. I am one of the Cham people who <were victimised by> the  
8 regime. Most of my relatives lost their lives during the <DK>  
9 regime, and I also noticed that <several> thousands of my <fellow  
10 villagers> died during <that> regime. I determined that I needed  
11 to conduct research in order to seek <> the truth <and> to find  
12 the cause or the reasons for the killing of my people. And  
13 writing the books are part of <> a history <about> what happened  
14 so that such history could not be repeated in the future <in this  
15 land of Cambodia>.

16 [09.32.22]

17 Q. Thank you.

18 And I'd like now to ask you some questions in relation to your  
19 two books, first on your first book -- that is, "Oukoubah".

20 Can you explain the actual meaning of the word "Oukoubah"? And  
21 you stated that "Oukoubah" means "justice". Can you elaborate a  
22 little bit further?

23 A. The term "Oukoubah" is an Arabic term. The Cham people  
24 practised Islamic religion, and the main source of their religion  
25 was from Arabic. And for that reason, I used the Arabic word as

13

1 the title for that book and literally translated into Khmer  
2 through my consultation with <> experts <of Arabic literature,>  
3 it has two connotations: one is punishment, second is justice.  
4 Within a certain context, the term denotes justice, and that is  
5 the meaning that I used for my book -- that is, it refers to  
6 justice.

7 [09.33.56]

8 Q. And in your book entitled "Oukoubah", what are the main themes  
9 of the book? Can you tell the Chamber the main contents of the  
10 book?

11 A. My first book, "Oukoubah", is the first publication that I  
12 made, and that's when I started working for DC-Cam.

13 DC-Cam -- when I initially started, DC-Cam did not actually  
14 permit me to search for other documents beside those libraries  
15 available in Phnom Penh, and at the Tuol Sleng museum or at the  
16 National Library <and within the DC-Cam itself>. So I determined  
17 to conduct the research to compile those documents related to the  
18 Cham people.

19 And I then went to do my research at Tuol Sleng museum as I  
20 noticed Cham people were killed at the Tuol Sleng museum, and  
21 that led me to read the biographies and the confessions and some  
22 telegrams in relation to my people -- that is, the Cham people.

23 And I compiled those related documents in addition to my other  
24 researches through interviewing witnesses, the elders, the  
25 victims of the Democratic Kampuchea regime.



1 [09.35.52]

2 I interviewed several of them, and the result of my interviews  
3 added to the compilation of <available> documents from various  
4 museums and libraries resulted in my publication of my first book  
5 -- that is, "Oukoubah".

6 And in the introduction, I also provided the figure of the Cham  
7 people in the book who lost their lives during the regime, <next>  
8 I also provided the instances of the death of each prisoner who  
9 died at S-21 after their arrest.

10 And toward the end of the book, I provided my conclusion.

11 [09.36.37]

12 Q. "Oukoubah" book, what was the date of the first publication?  
13 Was it <initially> written in English or in Khmer?

14 A. An official publication was made in 2002. At that time, my  
15 English ability was limited. Then I was writing it in Khmer, and  
16 I was assisted by translators at the Document Centre of Cambodia,  
17 and then the publication was only made in English version, but  
18 not the <official> Khmer version of the book.

19 Q. Thank you.

20 Your book, "Oukoubah", was published -- was it under the sponsor  
21 by any institution, <organisation, or individual? Or> was it  
22 initiated and sponsored by you, yourself?

23 A. I did my research for writing this book as I was a <> staff of  
24 DC-Cam, and the funding support for that research and publication  
25 was part of the project of DC-Cam.

15

1 [09.38.25]

2 Q. Thank you.

3 What were your research and study and what were your  
4 methodologies that lead to the writing of your book of  
5 "Oukoubah"?

6 A. Yes, Mr. President. As I told the Court earlier, this book was  
7 based on documentations<. There were two kinds of documents.> The  
8 documents prepared or made during DK regime. And the second group  
9 of documents, those documents are prepared by researchers who are  
10 my pioneers in that -- in this research.

11 And other source of my book was my interview with the victims who  
12 experienced their lives during DK regime.

13 [09.39.48]

14 Q. In your research for your book, what are the group of people  
15 that you interview for that purpose, and how many of them, as far  
16 as you remember?

17 A. Talking about witnesses and interviewees, I would like to tell  
18 Your Honours that I could not remember the exact number unless I  
19 count them again because a number of interviews that I used for  
20 my book<. Some interviews were related to my topic while> other  
21 interviews <were not. So,> I didn't use <unrelated interviews> as  
22 a basis for my book; I didn't include in that figure. That's all  
23 I can recall.

24 Q. Regarding the individuals you interviewed in order to write  
25 your books, who <were> they?

16

1 You said that the victims who experienced their live during DK  
2 regime. Were there any leaders <or> cadres at the <village or>  
3 community <level> or in the military of the DK?

4 A. Yes, you are correct, Mr. President. In fact, I interviewed  
5 the victims and also perpetrators. The victims are those who  
6 lived through the regime, who <have> knowledge of the regime. The  
7 perpetrators refer to the former cadres or the former employees  
8 or staff of the Khmer Rouge regime, including village head men,  
9 the militiamen at the village and the commune <and district  
10 level>, and other people which are belong to DK regime <>.

11 [09.42.11]

12 Q. Based on your research and study, could you indicate the  
13 statistics of Cham people in Cambodia during mid of April 1975?  
14 Did your research get into the figure of Cham people in Cambodia  
15 during mid-April 1975? And do you have any figure or any  
16 explanation to the Chamber on this matter?

17 A. In order to indicate the figure for you, based on my research,  
18 I don't have the documentation that recorded the figure or  
19 indicate the exact number of Cham people at all. But I  
20 interviewed the people who saw documents, and those statistic  
21 documents were <entirely> destroyed by the Khmer Rouge, so <there  
22 must have been such figures if those> documents <were not  
23 destroyed>.

24 So all I could do was that I interviewed the person who saw or  
25 who read the documents on statistic of Cham people, not only

1 during April 1975, but they talked about the figure of Cham  
2 people before that, during the Lon Nol regime, and a little bit  
3 earlier than April 1975. The total number <was around> 700,000 of  
4 Cham people in Cambodia.

5 [09.44.36]

6 Q. Thank you.

7 During the period prior to April 1975, across the country, can  
8 you tell the Chamber in which area that most Cham people were  
9 living in Cambodia?

10 A. Cham people who live in Cambodia, most of them were living in  
11 Kampong Cham province, and now, under the administrative  
12 structure, part of them was in Tboung Khmum province <, because,  
13 at that vicinity, it was close to former> Champa. This is the  
14 area that closed -- that is closed to Champa, and they fled to  
15 one entrance at the border at Kampong Cham. And they fled the  
16 <genocide> in Champa, and they went to the eastern part of  
17 Kampong Cham province, <currently> including Tboung Khmum  
18 district, Ponhea Kraek <district>, Dambae <district>, and Krouch  
19 Chhmar <district>.

20 And among these districts, there were more than 50 per cent of  
21 the Cham people across Cambodia. Most of them were living in <the  
22 eastern part of> Kampong Cham province.

23 [09.46.25]

24 Q. Thank you.

25 Based on your research on Democratic Kampuchea, can you tell the

18

1 Court what are the policies of DK towards the Cham people? Can  
2 you elaborate the basic policy of DK regime<, especially,>  
3 targeting at or towards the Cham people?

4 Please refer, or focus on your research and study to give your  
5 testimony before the Chamber.

6 A. Talking about DK policies, I could not find any documents on  
7 this matter. I could not find any document which <contained the  
8 instruction> by the Central Committee about the Cham, but I would  
9 base on the person who saw such document and, also, those who  
10 participated in the treatment or in the violation against the  
11 Cham people <in that regime>.

12 And based on what I heard what was really happened to Cham  
13 people, and I found that Cham people were gathered and brought  
14 for execution.

15 MR. PRESIDENT:

16 Please, you may proceed.

17 [09.48.20]

18 MR. KOUMJIAN:

19 I would just request that the witness be asked to clarify dates  
20 when he's talking about, particularly, policies because things  
21 can change over time, what dates he's speaking about.

22 Thank you.

23 I mean approximate dates, years

24 BY THE PRESIDENT:

25 Yes, Mr. Prosecutor. You have your time, and these are my

1 preliminary questions, so you are advised to put questions during  
2 your time when you would like to know dates or approximate dates.

3 Q. Based on your study and research, can you indicate the reason  
4 why DK has an intention to purge or to perish the Cham people in  
5 Cambodia?

6 [09.49.34]

7 MR. YSA OSMAN:

8 A. Yes, Mr. President.

9 Until today, I still have a lot of doubt in my mind as to why  
10 they tried to kill the Cham people. In 1975, Cham people were  
11 living in their communities. Cham people were considered to be  
12 stubborn, and they <were> strict to their religion and their  
13 tradition. They <didn't> want to give up. <But they were also  
14 afraid of death.> So <when things were imposed on them, they  
15 would comply. For instance, when they were told> to stop speaking  
16 Cham language <or> they were also forced to eat pork. They did  
17 that.

18 And later, in 1977, the Cham people were separated and put to  
19 live with Cambodian people in the Cambodian community<. These  
20 Cham people spoke Khmer, and they practiced the way of life of  
21 Khmer people>. I <still> could not find any reason behind that,  
22 why they continued to kill those Cham people<. This question  
23 should be put to> the leaders< of the regime, they perhaps know  
24 better>.

25 Q. Based on your research-

1 MR. PRESIDENT:

2 Mr. Koppe, I saw you on your feet, so you may proceed.

3 [09.51.10]

4 MR. KOPPE:

5 Thank you, Mr. President. Good morning, Your Honours.

6 I'm having a look again at document E215 of this Chamber, more  
7 particularly, paragraph 16, in which the Chamber considered the  
8 following, and I quote -- there seems to be no translation.

9 (Short pause)

10 [09.52.10]

11 MR. PRESIDENT:

12 Defence Counsel, there is no technical issue.< The interpreter  
13 was just a bit slow.> Please state your stance again.

14 MR. KOPPE:

15 Thank you, Mr. President.

16 It's not my intention to object, just to seek some clarification  
17 as to one of your considerations in your decision E215, more  
18 particularly, paragraph 16 where I read the following -- quote:

19 "Expert witnesses may not express opinions on ultimate issues of  
20 fact, as only the Chamber is competent to make a judicial  
21 determination on the issues in the case." End of quote.

22 And the Chamber refers to the decision of the ICTR.

23 You just asked this expert to express his opinion on what  
24 possibly is the ultimate issue of fact, whether a policy to  
25 exterminate or kill or destroy as a group existed. So, I'm a bit

21

1 puzzled as to this particular paragraph, which is coming from the  
2 Chamber itself, and the last two questions.

3 [09.53.54]

4 MR. PRESIDENT:

5 International Co-Prosecutor, you have the floor.

6 MR. KOUMJIAN:

7 Thank you, Your Honour.

8 Of course, counsel makes a valid point and the Order of Your  
9 Honours make a valid point that an expert cannot make an opinion  
10 on an ultimate issue that the Chamber has to determine, and that  
11 ultimate issues of fact or whether the evidence proves beyond a  
12 reasonable doubt the charges. So asking experts to give factual  
13 opinions that are not the ultimate determination of whether or  
14 not the evidence proves beyond a reasonable doubt so, for  
15 example, asking this expert, as Mr. President just did, if he has  
16 information about the reasons behind the policy to kill is a  
17 factual matter that the Court can consider in going -- in making  
18 its final determination.

19 [09.54.44]

20 It is not asking the witness, for example, "Does the evidence  
21 show an intention to destroy a group in whole or in part?" That's  
22 the ultimate issue that the expert should not be allowed to issue  
23 -- to make stated opinion on.

24 MR. PRESIDENT:

25 Thank you for your observations.



22

1 The questions I put to the expert is on his work only, and not  
2 beyond that. And the expert is reminded that if you can respond  
3 to the questions, please do so, and if you cannot or if you do  
4 not understand the questions, please also state so. And please do  
5 not try to point the finger to any other <> individual.

6 [09.55.52]

7 If you can respond to the question within your limit and  
8 knowledge, please do so. And the Chamber, of course, will consult  
9 all the available <evidence> within the case file as to decide  
10 which witnesses or experts <or civil parties> would be heard in  
11 this case.

12 BY THE PRESIDENT:

13 Q. And Mr. Expert, through your research and study, can you  
14 inform the Chamber how many Cham people actually survived after  
15 the fall of the Democratic Kampuchea regime -- that is, on the  
16 <7> January 1979? What is the <total> number of the Cham people  
17 who survived the regime based on your research?

18 MR. YSA OSMAN:

19 A. Through the sources of my research, it indicates that the Cham  
20 people who survived the killing are approximately 200,000.

21 [09.57.20]

22 Q. Thank you.

23 Now I move on to your second book -- that is, "The Cham  
24 Rebellion".

25 Can you tell us how many years did you engage in the research

1 before you published your second book -- that is, "The Cham  
2 Rebellion"?

3 A. My second book entitled "The Cham Rebellion" was officially  
4 published in English in 2006 by the Documentation Centre of  
5 Cambodia.

6 Q. And did you actually draft the book in English or in Khmer?

7 A. It's the same as my first book. I drafted the manuscript in  
8 Khmer. It was then translated in English and published in English  
9 only.

10 [09.58.50]

11 Q. Can you tell the Chamber the sources for that book?

12 A. The main source of this book is through my personal interviews  
13 with the victims, who were mostly the Cham people. However, there  
14 were some perpetrators whom I interviewed, and the victims were  
15 <mostly> those who survived the regime and who survived the  
16 rebellion against the Khmer Rouge. They were from Phum Pir or Pir  
17 village in Krouch Chhmar district.

18 Q. Again, what types of people whom you interviewed and, if you  
19 recall, how many of them?

20 A. I must acknowledge that I do not have an exact figure of the  
21 interviewees. The research was conducted prior to 2006, and the  
22 book was published in 2006. The types of people that I  
23 interviewed were the direct victims and survivors of the killing.  
24 And the second group is the former cadres who served as security  
25 <guards> or who were the executioners of the regime.

1 [10.00.58]

2 Q. Can you tell the Chamber the main themes of your second book  
3 -- that is, "The Cham Rebellion"?

4 A. The book is divided into six sections. The first section  
5 describes the taking control of the Khmer Rouge -- that is, the  
6 Khmer Rouge -- on the Khmer Rouge Revolution and the method  
7 employed by the Khmer Rouge <to coax> the Cham people prior to  
8 1975 -- that is, starting from <1970,> 1971<, 1972, 1973 and  
9 onwards>.

10 The second section of the book is on the <mass> arrest of the  
11 Cham people in various villages, namely, the arrest of those who  
12 were religious leaders, who were well off or who were respected  
13 in the villages, and the arrests took place prior to 1975.

14 The third section of the book describes the rebellion by the Cham  
15 people in Kaoh Phal village.

16 And the fourth section is on the rebellion by the Cham people in  
17 Svay Khleang village, which is my native village.

18 And the fifth section of the book describes the fate of the Cham  
19 people after the rebellions, in particular, the massacre that  
20 took place in 1977.

21 And the sixth section is the reference and some annotations to  
22 the book.

23 [10.03.15]

24 Q. Based on your research, can you tell the Chamber if you recall  
25 the dates of the rebellions by the Cham people against the Khmer

1 Rouge control? Did you find out the first rebellion that took  
2 place?

3 A. Regarding the main rebellions, there were two rebellions in  
4 Krouch Chhmar district, but before the two main rebellions took  
5 place, there was <a smaller> rebellion. And let me talk about the  
6 small rebellion which took place in Trea village, <> in 1973.  
7 <Later on,> I do not -- and we do not know the specific dates and  
8 month when it took place, but we just knew that it took place in  
9 1973.

10 And later on, another one took place in 1975. It took place  
11 probably in September. That was the rebellion in Kaoh Phal  
12 village in Krouch Chhmar district. And then, two weeks later,  
13 that was probably in October, at that time, the Cham people was  
14 under full control of the Khmer Rouge regime and, at that time,  
15 they had no calendar or watch or clock to tell about the date.  
16 But they speculated that it was probably in October. <In Islam,  
17 it> was during the Ramadan month based on the Islamic calendar.  
18 That was on the 29 of the Ramadan month. That was <around October  
19 1975,> the rebellion <erupted> against the Khmer Rouge <that>  
20 took place in Svay Khleang village.

21 [10.05.37]

22 Q. Thank you.

23 So what was the root cause of the Cham rebellion against the  
24 Khmer Rouge <control> in Svay Khleang village?

25 A. The rebellion took place first in Kaoh Phal village before the

1 one at Svay Khleang village, but <Your Honour,> because you asked  
2 me about the one in Svay Khleang village, so <I> talked about the  
3 one in Svay Khleang village.

4 The rebellion in Svay Khleang village was a little bit different  
5 from the one in Kaoh Phal because the villagers in Svay Khleang  
6 did not dare much to protest against the Khmer Rouge. <From '73,  
7 '74, '75, they were submissive.> They obeyed what the Khmer Rouge  
8 told them to do. For example, if the Khmer Rouge told them to  
9 close the mosque, they closed the mosque. If the Khmer Rouge  
10 asked them to have their hair cut, they had their hair cut. <In  
11 Islam, females were forbidden to have short haircut.> If the  
12 Khmer Rouge asked them not to put on scarf on their head for  
13 women, they took off scarf from their head.

14 [10.07.04]

15 So despite the -- although they followed the Khmer Rouge  
16 instruction, they still faced death. <They were taken to be  
17 executed at a Security Office located in Krouch Chhmar district.>  
18 When they resisted, they also faced death. So before they decided  
19 to rebel, there was a list<. There was a district security guard  
20 who went forth and back to work at a house belonged to a villager  
21 that served the tendency of the Khmer Rouge.> <In that> list,  
22 <there> contained names of about 100 people that would be  
23 arrested <in one or two more days>. So the youths in the village  
24 discussed about the list, that if we -- if we kept silent, they  
25 would -- we still would be killed. And if we resist, we also

1 would be killed, so it's better to resist.

2 So at the night time, the youths gather and they carried swords.

3 And the Khmer Rouge was aware of the plane -- the plan, so the

4 Khmer Rouge came to arrest. And the Cham youths, each of them

5 carried swords. <In each group, there were five to six of them.>

6 And when they saw the Khmer Rouge arrived, the youth group chased

7 the Khmer Rouge and used the sword to cut the Khmer Rouge.

8 [10.08.35]

9 And the youth group made announcement to the villagers to rise up

10 against the Khmer Rouge, that we had to struggle hard to defend

11 our religion and we dared to die for the cause of our religion.

12 So other villagers also rose up to rebel despite they did not

13 have clear plan or clear leadership for the rebellion, so each of

14 them took swords <and knives> to rebel against the Khmer Rouge

15 arrest. <They stopped the Khmer Rouge from arresting more

16 people.>

17 And in the next morning, the villagers dug trench because they

18 were aware that there would be bigger groups of the Khmer Rouge

19 who would come to arrest the Cham, so they dug trench in order to

20 hide themselves and in order to defend themselves from the Khmer

21 Rouge arrest. But because they had only -- they had only arms --

22 only swords that could not withstand the Khmer Rouge who had --

23 who had weapons <sent by commune, district, and sector level>, so

24 the rebellion by the Cham could withstand the Khmer Rouge

25 crackdown for only one day. And at the end, the Khmer Rouge

1 defeated the <rebels by using light and heavy weapons. They  
2 indiscriminately killed several Cham> peoples, including old  
3 people, young people<, women. The resistant> were forced to drop  
4 their -- their weapons. <The survivors> were arrested and  
5 gathered and put in the detention centre.

6 [10.10.39]

7 And during the arrest, <they selected mostly men> who were  
8 considered as having energy, who were considered as having force  
9 to rebel, they were gathered and killed because the detention  
10 facility could not house the -- too many people who were  
11 arrested. <They were imprisoned at school buildings and at kilns.  
12 Women on the other hand were put at a pagoda.> People became  
13 starved and sick and injured and, as a result, many of them died,  
14 one after another.

15 And during the detention, men were put in separate detention  
16 facility from the women, and children were separated from the  
17 mothers. And the remaining detainees who survived from the  
18 killing were later on allowed to reunite with their families.

19 <Angkar> evacuated <them> to other places, not to their old  
20 village.

21 They allowed families to <reunite>, but husband could not  
22 recognize wife and wife could not recognize husbands because they  
23 were <starved for 30 days>. And some of them were evacuated to  
24 <mingle with Cambodian people> in the East Zone, and some were  
25 evacuated to the North. <They crossed a river at Stueng Trang.>

1 This is my <brief> answer to your question, Mr. President.

2 [10.12.56]

3 MR. PRESIDENT:

4 Thank you for your detailed answer, and now is time for a break.

5 And the Chamber will take a break from now until 10.30.

6 And Court officer, please find for this expert and his legal  
7 officer in the waiting room reserved for them to rest during the  
8 break time, and please invite them back to the -- to this  
9 courtroom at 10.30.

10 The Court is now in recess.

11 (Court recesses from 1013H to 1033H)

12 BY THE PRESIDENT:

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

14 Q. And Mr. Ysa Osman, I only have a few remaining questions to  
15 put to you since you have responded to several of my questions.

16 Can you tell the Chamber how many Cham people were living in Svay  
17 Khleang before the rebellion? Did you find that out through your  
18 research?

19 MR. YSA OSMAN:

20 A. We did not know the total number of people. However, we had  
21 the figure of families. To my recollection, there were <over>  
22 1,240 families, and I think this figure is mentioned somewhere in  
23 my book. After the collapse of the Khmer Rouge regime, people  
24 returned to Svay Khleang village, and there were about 120  
25 families returning to the village. However, these -- these are



1 families, but there <were> certain members of the families lost  
2 their life during the regime.

3 [10.36.05]

4 Q. Thank you. I'd like now to refer to the Cham rebellion against  
5 the Khmer Rouge <control> in Kaoh Phal. Can you tell the Chamber  
6 whether you, through your research, found out the reasons for the  
7 rebellion by the Cham people against the Khmer Rouge in Kaoh  
8 Phal?

9 You have touched upon the rebellion in Svay Khleang; however, you  
10 said that the rebellion at Kaoh Phal took place before the  
11 rebellion in Svay Khleang village.

12 [10.36.52]

13 A. The rebellion in Kaoh Phal was different from the one in Svay  
14 Khleang. The Cham people in Kaoh Phal refused to follow the  
15 instructions of the Khmer Rouge. They were forced by the Khmer  
16 Rouge to close their mosques, to stop their five times a day  
17 <worshipping their God> and to relinquish their traditional  
18 attire <, and to do things contradictory to the faith of Islam>.  
19 Those in Kaoh Phal didn't <accept such> instructions, and then  
20 the suppression started in 1973.

21 The Khmer Rouge found it difficult to enter the Kaoh Phal area,  
22 and in about 1974, the village chief of Kaoh Phal, including the  
23 religious leaders, to hold a meeting outside Kaoh Phal village.  
24 And allow me to add that Kaoh Phal village was located on an  
25 island surrounded by the Mekong River. So the village chief and a

31

1 few of the religious leaders were called to get on a boat to  
2 attend a meeting. And then they -- the people in Kaoh Phal were  
3 concerned that they would be arrested and, for that reason, there  
4 were about 100 villagers who accompanied them to the meeting.  
5 And when they arrived, then they -- there was no proper meeting  
6 or any debate or discussion and they returned to their village.  
7 [10.39.00]

8 The Khmer Rouge kept sending the same messages to Kaoh Phal area  
9 that they should not practice their religion anymore and should  
10 follow the Revolution, but the villagers in Kaoh Phal refused to  
11 do that. They still held on to their religious <faith>, their  
12 customary tradition.

13 And in 1975, the Khmer Rouge actually entered the area. Initially  
14 there were <district> cadres from the Krouch Chhmar district,  
15 including the chief of the Krouch Chhmar district, to go into  
16 Kaoh Phal for one or second times and for their last entry, the  
17 rebellion took place. When they entered Kaoh Phal for the first  
18 or the second times, although they <were not so vocal,> the  
19 villagers did not follow their instructions and in around August  
20 of <1975>, it was Ramadan month, there were <district chief, Ta  
21 Pha (phonetic), and district> cadres from the district including  
22 the security forces who went to Kaoh Phal area to call a meeting.  
23 They instructed all the villagers to attend a meeting; however,  
24 some of the villagers did not go because they were afraid that  
25 the Khmer Rouge would take action against them. <So, they could

1 have a backup force if uncertain things arose.> Villagers  
2 attended the meeting and in the meeting, a serious plan was  
3 imposed upon the local villagers. The plan imposed five  
4 conditions and the five conditions include -- and allow me to  
5 quote--

6 [10.41.21]

7 MR. PRESIDENT:

8 Counsel Koppe, you have the floor.

9 MR. KOPPE:

10 Thank you, Mr. President. We've all read Mr. Osman's book, so I  
11 don't think there's a need for him to either quote or summarize  
12 his book and maybe, Mr. President, you can also instruct the  
13 witness to testify only to facts as to what he himself  
14 experienced because he's basically summarizing the statements he  
15 took for his book, not to mention that most things that he is  
16 saying or a -- at least the majority of things which he are --  
17 which he's testifying to are disputed facts. So I'm not quite  
18 sure what we have been doing this morning so far. We've all read  
19 Mr. Osman's book and I don't think there's a need for him to  
20 summarize, let alone quote, from his own book.

21 [10.42.23]

22 MR. KOUMJIAN:

23 Just very briefly, Your Honour, of course, the witness is being  
24 called as an expert witness, not a witness of fact. As an expert,  
25 an expert's entitled to explain to the Chamber whatever

33

1 information they rely on, whether it's something they read,  
2 something someone told them or something they experienced. So  
3 there's nothing improper about this witness explaining what  
4 happened and I'm sure counsel is going to ask questions,  
5 similarly, to the witness about what is in the book or what  
6 happened during the rebellions. Thank you.

7 [10.43.13]

8 MR. KOPPE:

9 Very briefly, Mr. President, the witness was four years old in  
10 '75, so he is basing himself upon what he has heard, although  
11 he's telling it like he was actually there. I think there's no  
12 basis in -- in case law for as to what the Prosecution just said.  
13 So I'm not quite sure what the point of the whole exercise up  
14 until now is other than the -- the expert summarizing the  
15 statements that he has collected and put in his book.

16 (Short pause)

17 [10.44.10]

18 BY THE PRESIDENT:

19 I am careful with my questions. Usually my question starts with  
20 based on <> research <of an expert>. Of course, he is not here as  
21 a fact witness. My question to put to him is based on his  
22 research and the chronology of his research resulted in the  
23 publication of his books.

24 Q. And Mr. Expert, you may now continue with your extract on the  
25 five conditions you posed by the Khmer Rouge and that you used in

1 your book.

2 MR. YSA OSMAN:

3 The five conditions are the following: Number 1: The women who  
4 are Cham have to cut their hair short following the revolutionary  
5 style and that they have to stop wearing head scarf. Second: The  
6 Koran, which is <foundation> the Islamic religion, shall  
7 <entirely> be gathered and burned. Three: All the Cham people in  
8 Kaoh Phal village have to raise pigs and eat pork. And the next  
9 condition is they stop -- they have to stop <worship God,> and  
10 all the mosques have to be closed down. And the last condition  
11 imposed is the Cham men and women have to marry other ethnic  
12 groups and not with the Cham people.

13 These five conditions were imposed; however, the Cham people  
14 living in Kaoh Phal did not accept any of them.

15 [10.47.12]

16 Q. Thank you. And based on your research, what was the  
17 <characteristics of> the suppressions against the Cham people  
18 living in Kaoh Phal; can you enlighten the Chamber the result of  
19 your research on the suppression <carried out by the Khmer Rouge  
20 authorities> against the Cham rebellion in Kaoh Phal?

21 A. Whether they would accept the conditions or not, <they still  
22 insisted.> The meeting still continued that day and then the  
23 meeting passed the prayer time<; in particular,> that month was a  
24 -- a fasting month and that they had to pray at about 6 p.m., but  
25 they were not allowed to do that as the meeting continued. So

1 while the meeting was still ongoing, where the district chief  
2 spoke, <there> a villager stood up and then shouted in the Arabic  
3 language; that is a call for pray. In the Cham or Arabic language  
4 is "azan" -- that is, call for prayer. He shouted to everyone or  
5 -- or called everyone for pray and then the situation became  
6 chaotic as the villagers, who were attending the meeting stood  
7 up<. They no longer listened to the speech made by those cadres>.  
8 Then there were those <backup> forces <appeared.> As they  
9 observed that there were more Cham people in the meeting, they<,  
10 the Khmer Rouge,> withdrew<>.

11 [10.49.50]

12 Next morning, they kept sending the same message to Kaoh Phal  
13 villagers that they had to surrender and that they had to  
14 acknowledge and accept the five conditions. The villagers still  
15 refused to accept the conditions.

16 Lastly, they sent in soldiers with all kinds of weapons of  
17 automatic rifles and artillery because they couldn't use firearms  
18 to fire from the other side of the river to Kaoh Phal and for  
19 that reason, they resorted to using artillery to shell into Kaoh  
20 Phal, then they sent their forces by boat.

21 And as for the villagers, they were in the same condition as  
22 those in Svay Khleang, they didn't have any weapons; they only  
23 had knives, swords and stones. So there were more victims at Kaoh  
24 Phal since they were fired upon by weapons and artillery and  
25 there were countless death of the villagers there.

1 [10.51.15]

2 <> There were 30 or 40 dead bodies in each pit and even those who  
3 carried the dead bodies sometimes were hit and died and for that  
4 reason, they could no longer be in a position to protest. They  
5 had to flee. Some of them had to swim crossing the Mekong River  
6 <to a safer place>, <but> some were recaptured and executed.  
7 Those who survived the ordeal were arrested and sent to Roka  
8 Khnaor commune. They were gathered there, then they alleged that  
9 all the villagers in Kaoh Phal were enemies. However, there were  
10 different kinds of enemies: category 1, 2, and 3, and the  
11 first-category enemy had to be sent to a location separately from  
12 those in the second and third categories. However, they were all  
13 sent to detain differently in Chhuk <commune, Krabei Kreak  
14 village>, <Phka Doung village>, <Chravak Daek village,> and Baray  
15 <village> as enemies were -- actually were considered four  
16 different kinds of enemies.  
17 But <the four areas were> infected with malaria and for that  
18 reasons, the Kaoh Phal villagers died a lot in that area. <Among  
19 the four villages, all> villagers from two villages died due to  
20 malaria and <a small number of> survivors from malaria were  
21 relocated to the north part of the river.

22 [10.53.23]

23 MR. PRESIDENT:

24 Thank you, Mr. Expert, for your time and I conclude my  
25 preliminary question and the Chamber will give the floor to the

1 Co-Prosecution to put the question to the expert before other  
2 parties and OCP and Lead Co-Lawyer will have one day and one  
3 session to put questions to the expert.

4 You may proceed, prosecutor.

5 [10.54.07]

6 QUESTIONING BY MR. KOUMJIAN:

7 Thank you, Mr. President.

8 Q. Mr. Witness, can you please help us by explaining to the  
9 Chamber, what is it that makes a Cham person in Cambodia identify  
10 themselves as Cham; what's different about Chams from other  
11 Cambodians?

12 MR. YSA OSMAN:

13 A. Thank you for your question, Mr. Prosecutor. Cham people are  
14 not very different than other, even though they live in any  
15 community, because they were from the same <nationality and the  
16 same> Champa land which was <invaded> and taken by Vietnam. A  
17 number of Cham people fled to Cambodia, other fled to Hainan in  
18 China, and some other fled to Thailand, and other fled to  
19 Malaysia, but they talk -- they speak the same language even  
20 though the mountainous ethnic minority Jarai and Rade, they could  
21 understand Cham language because they are -- they were originated  
22 from Cham<>. They are a little different in religious practice  
23 and religion.

24 [10.55.57]

25 Some of the Cham who practice Islam and other did not practice



1 Islam because, from the beginning, Champa was not different from  
2 Cambodia and they practised Hinduism. And when Cambodia changed  
3 its religion from Hinduism to Buddhism, some of the Cham people  
4 were also change -- also changed their religion <from Hinduism to  
5 Islam>. <But in the course of the conversion,> their country  
6 collapsed<. So some> of them still practised Hinduism, some of  
7 them were real Hinduists (sic); for example, some of the Cham in  
8 Vietnam and Cham in Cambodia are divided into the real Islam  
9 <but> others <> would practice Islam <mixed with Buddhism and>  
10 Hinduism; it's called "Cham imam son" (phonetic) <>. They would  
11 go to pray once a week. As for the Cham who practice <real> Islam  
12 from Arab countries, they would pray five times a day.  
13 And you can look at their appearance, their language, their  
14 tradition, and they have the same -- they share the same, but the  
15 only little difference was their religious practice.

16 [10.57.47]

17 Q. Okay, thank you. So you explained -- you've mentioned that  
18 Cambodians came from Champa, which was historic land in Vietnam,  
19 and in your book, you say that was the 15th Century, so about 600  
20 years -- 500 years before the DK regime. How was it that the Cham  
21 community in Cambodia was able to maintain its separate identity;  
22 what were the important factors, if any, for the Cham people to  
23 maintain their community Cham as such?

24 A. In Cambodia, Cham people speak Cham language and their  
25 lifestyle living as Cham in their communities and they did not

1 live with other people. They practice and they pray and they keep  
2 their names as Cham people and we were proud of our identity as  
3 Cham people, so we did not lose our identity. So you could  
4 identify Cham people by their language -- the language they are  
5 speaking and their dresses and so on.

6 [10.59.45]

7 Q. The Cham language, can you explain at the -- during the DK  
8 regime or at the start of the regime, did most Chams speak that  
9 language; could they read or write that language and if so, how  
10 did the language get passed down from one generation to another?

11 A. At any time, except during DK regime, in all generation, the  
12 Cham would speak Cham language; <In their families,> they would  
13 write Cham letter or vowel and consonant for their language. And  
14 their ancestors were not from Cambodia, but they were from  
15 Champa. Until today, we speak Cham language, but if you talk to  
16 Cham people, they have difficulty to speak Khmer and except other  
17 Chams who work with Cambodian people and learned Cambodian people  
18 like me and then we can speak Khmer fluently.

19 [11.01.18]

20 Q. What about religion -- and I'm talking specifically about the  
21 Cham in Cambodia -- how important is religion to their  
22 identifying themselves as Cham?

23 A. This is the point that people misunderstand in Cambodian  
24 societies and it is also misunderstood by people outside of  
25 Cambodia, so they would perceive that those who practice Islam,

40

1 they said they were Cham people but, in fact, it is not the  
2 truth<. Religion cannot determine a nationality>. For example, in  
3 Malaysia, <in Indonesia,> they practice Islam and in Kuwait, they  
4 practice Islam, so those who pray five times a day, who believe  
5 in Mohammad; they were Islam. But it is not true that those who  
6 practice Islam are all Cham people. For example, you talk about  
7 terrorism and they painted people who -- who commit that act were  
8 Cham but, in fact, they were not. To identify the Cham, you can  
9 identify <by> their <history, language>, the culture.

10 [11.03.12]

11 Q. It was my fault; my question wasn't clear. My question is:  
12 Cambodia obviously is a majority Buddhist country; how important  
13 is it for Cham people to maintain their own identity that they be  
14 allowed to practice Islam?

15 A. Yes, you are correct. Most Cambodians practice Buddhism, but  
16 when it comes to most people who practice Islam in Cambodia are  
17 Cham people, but there are also a minority group of people who  
18 practice Islam, but they are not Cham people.

19 Q. One more time, sir, my question is: For Chams who practice  
20 Islam, how important is their religion to them and to maintaining  
21 their communities; the freedom to practice their religion, how  
22 important is it to them?

23 A. Thank you. I have a better understanding of your question.  
24 Islam is an important religion for the believer. The believer  
25 must practice this religion and Cham people who believe in Islam,

41

1 they have to conserve -- to preserve this practice from the  
2 ancestors. They will never give up their religion and they have  
3 to keep and practice it as Islam except during DK regime, there  
4 was a kind of force them to stop practicing their religion.  
5 However, <after that regime,> they tried to practice and to  
6 believe in their religion in their community and we did not lose  
7 our religion.

8 [11.06.14]

9 Q. Thank you. Now, you answered the President's questions. You  
10 told us something about where Cham lived at the start of the DK  
11 regime and that Kampong Cham was the area that they were most  
12 concentrated. Can you expand upon that, a bit, and explain in  
13 what -- first of all, let me ask you, did Cham live in the same  
14 villages with Khmer people mixed or in separate villages?

15 A. No. Cham people lived in a separate community that all  
16 villagers are Cham people, but their religious or community  
17 bordering to Cambodian village, but they did not live, mingle or  
18 mix with Cambodian people.

19 Q. Sir, there's a document on the case file, E3/1593; this is the  
20 book by Ben Kiernan, and I want to read one quote from you and  
21 just see if you agree with this or not. This is at Khmer,  
22 00637755; English, 00678632; French, 00639022.

23 [11.07.56]

24 Okay, let me give the Khmer ERN again, a little slower, 00637755.

25 He wrote about the Cham -- quote:

1 "They are concentrated in about 70 villages near the banks of the  
2 Mekong and Tonle Sap in Kampong Cham province in the east and  
3 Kampong Chhnang and Pursat in the west. Muslims form a  
4 near-majority in only one district -- Krouch Chhmar, in northern  
5 Kampong Cham. They live together in big villages, their houses  
6 clustered side by side. In the 1950s, the Chams there numbered  
7 well over 20,000."

8 Would you agree with that description of where Cham lived in the  
9 early 1970s, sir?

10 A. I agreed with the point that he mentioned about the location  
11 where the Cham were living along Mekong River including Kampong  
12 Cham province, <such as> in Krouch Chhmar district, <and> Kampong  
13 Chhnang, Pursat provinces, but there were other locations.

14 But talking about the figure of Cham people, I don't mean to say  
15 that he -- he mentioned the wrong figure, but this figure needs  
16 to be <further> researched <. I cannot agree with the figure but  
17 I cannot say his figure is wrong>.

18 [11.10.02]

19 Q. So sir, I'm sure you are familiar with the zone structure of  
20 Democratic Kampuchea. Did Chams exist besides in the East Zone;  
21 did they exist in other zones? For example -- well, I'll let you  
22 explain -- were there Cham communities near Phnom Penh, in the  
23 West, in the Southwest; where were there Cham communities?

24 A. Yes, it is true. They were living almost all zones of the DK.  
25 If you -- you are talking about geography -- geographical area

1 and they -- they would live almost every <province. Some  
2 provinces, there are more Cham populations while others, there is  
3 less population of Cham people>. And in the vicinity of Phnom  
4 Penh, there were Cham people living <from the beginning up to  
5 these days>. So there were Cham people in Pursat, Battambang, and  
6 Kampot provinces. Only a few provinces that the -- there was no  
7 Cham; for example Kampong Speu province. But when you pass  
8 Kampong Speu, you can find some Cham villages <in Prey Nob>. So I  
9 can say that Cham people were living almost every zone of DK  
10 regime.

11 [11.11.58]

12 Q. In your book, you state that Krouch Chhmar district was long  
13 considered the heartland of Cambodia's Cham Muslims. Can you  
14 explain to the Court what you meant by that; why was Krouch  
15 Chhmar considered the heartland?

16 A. Yes, in Krouch Chhmar district, this geographical area is  
17 suitable for more Cham people to live and they were well-educated  
18 Cham, Cham intellectual or Cham scholars who went abroad to  
19 continue their study were from Krouch Chhmar district.

20 And government officials who hold -- who held high-ranking  
21 official during the -- during the regime before the Sangkum  
22 Reastr regime, there were Cham government officials and you can  
23 find Cham who were close friends to the king. His name is  
24 Slaiman, who was the close friend to the former king before King  
25 Norodom Sihanouk.

1 [11.13.54]

2 So any Cham people who would like to know history and religion,  
3 they would be sent to Krouch Chhmar to meet those Cham scholar  
4 and intellectual. So it is well-known that Krouch Chhmar is a  
5 well-educated area for Cham people, better than other locations  
6 in Cambodia.

7 Q. Thank you. In the period before the DK regime, which members  
8 of the community were important for the community to maintain its  
9 identity; were there any particular positions or leadership  
10 positions that were common in Cham villages?

11 A. Sorry, you -- your question focus on the period before  
12 Democratic Kampuchea regime or during the regime?

13 [11.15.13]

14 Q. I'm focusing on what existed before the policies of the regime  
15 came into place. I'll later ask you how the Khmer Rouge policies  
16 affected this. But for example, in your book, you talk about  
17 hakim; let's start there. Can you explain what is a hakim and is  
18 our -- is that position one that was important for Cham people to  
19 maintain their identity?

20 A. In Cham communities, there was always hakims. The hakim  
21 focused mainly on religion, not on culture or <history>. For to  
22 the one who maintained the religion in the community; for  
23 example, the <Islam> has a law related to the -- dealing with the  
24 assets of parents to children. So when dealing with the assets of  
25 parent to children, whether they want to deal it by using the law

1 of the state or the law from the religion, if the family agree  
2 that they would like to use the law from the religion and then it  
3 was the duty of the hakim to make decision about the sharing of  
4 the assets to family members. And if family members want to use  
5 the law of the state and then they would approach the commune or  
6 the police to make decision about the asset sharing. <Hakim is  
7 therefore overseeing the communities and responsible for the  
8 practice of Islam.>

9 [11.17.25]

10 Q. What about other positions, were there other teachers or  
11 others that had a role in helping the community maintain its  
12 identity?

13 A. Hakim is the first person in the community who was responsible  
14 for overseeing the religious practices in the village and then  
15 there are two deputies and the two of them were in charge of the  
16 community when the hakim was absent<, there was "Tuon" replacing  
17 Hakim. Tuons> are in charge of teaching religion. And the  
18 religious teachers, during the old day, they were <supported> by  
19 villagers who provided them with rice and food and "Tuon" did not  
20 go to approach the villager for food, but it was hakim who was  
21 responsible for collecting food.

22 And another one was haji, who was also a respected figure in the  
23 village, because he -- he went on Hajj. Based on the Arabic word,  
24 means he went on pilgrimage to Arabie Saoudite and when he came  
25 back to the village; he did not have the leading position, but



1 people in the village respected him because they knew that he was  
2 a good person, a moral person because of his pilgrimage on haji.

3 [11.19.32]

4 And then there's another religious leader called "me chum-ah" and  
5 in Khmer terms, it mean group leader. So according to hakim  
6 decision, he divided into 10 groups and then each group had a me  
7 chum-ah or group leader and the roles of the group leaders or me  
8 chum-ah acted as the assistants for the hakim.

9 Q. I'm trying to move along quickly. I want to start discussing  
10 the effects of Khmer Rouge policies on the Cham community, but I  
11 want us to do that distinguishing how the policy may have evolved  
12 over time and so I want to start, sir -- we've already had some  
13 discussion in the earlier questions, about the events in 1975 in  
14 Svay Khleang and Kaoh Phal, but I want to go back to the period  
15 between 1970 up until the defeat of the Lon Nol forces in April  
16 '75.

17 So during that period of the civil war in Cambodia, can you  
18 explain how the policies of the CPK and the Front, at that time,  
19 affected the Cham community?

20 [11.21.13]

21 A. Initially, in 1970, during the Khmer Rouge revolutionary  
22 front, the Cham were not affected. Cham like the Front because  
23 the Khmer Rouge paid attention to the Cham and especially during  
24 the appeal by the King Father Sihanouk for encouraging the  
25 villagers to go into the forest. <That time, majority of Cham did

1 not want to live under Lon Nol government. Living under the  
2 leadership of the King Father, the country was more prosperous.  
3 There was no war. So> the Cham people, they loved the King Father  
4 and supported the King Father; therefore, they supported the  
5 revolutionary front which was supposed to be led by the King  
6 Father. So in 1970, '71, '72, the Khmer Rouge still did good  
7 things to the Cham and the Khmer Rouge even educated Cham young  
8 people to safeguard their traditional and their religious  
9 identities so the Cham people loved the Khmer Rouge.

10 [11.22.51]

11 But starting from 1973, there were changes; Cham were arrested  
12 and detained and based on my research, in Krouch Chhmar district,  
13 there were the arrest of Cham people in 1973 and those who were  
14 arrested including religious leaders like hakim, haji, and me  
15 chum-ah. They were detained and some of them were killed and  
16 later on, some of them were released.

17 And in 1974, there were more arrest and the number kept  
18 increasing, so initially they arrested the leaders, but later on,  
19 they arrested -- their scope of arrest included the villagers.  
20 So the Cham villagers lost trust and confidence in the Khmer  
21 Rouge movement, but because their land was -- fall under the  
22 control of the Khmer Rouge, the Lon Nol government controlled  
23 only the <major> towns and provincial cities. So the Cham people  
24 could not go to seek help from the Lon Nol; they had to face <>  
25 the suppression -- all kinds of <religious> suppression by the

1 Khmer Rouge. They were killed. They were detained and that's why  
2 it led to the establishment of the resistant movement in the two  
3 villages I mentioned earlier.

4 [11.24.38]

5 And after the rebellions, about one month later, the Cham people  
6 were evacuated from their villages and the Cham community were  
7 abolished, so the evacuation of the Cham people were different  
8 from the evacuation of the Khmer people.

9 The Khmer people, who lived in the cities, who lived under the  
10 control of the Lon Nol regime were evacuated, but the Cham  
11 people, they supported the Khmer Rouge; they loved the Khmer  
12 Rouge at the beginning but, at the end, they were evacuated and  
13 their identities, their communities were abolished. So the  
14 suppression on the Cham people -- the persecution on the Cham  
15 people were different from the persecution on the Khmer people.

16 [11.25.39]

17 I would like to clarify that the Khmer Rouge cadres, they were  
18 Khmer people; they ate pork; they spoke Khmer, but for the Cham  
19 people, they were required to stop speaking their language,  
20 abolish their communities, stop wearing their clothes, but  
21 adopted Khmer clothes. So the way the Khmer Rouge treated them  
22 were different from the way the Khmer Rouge treated the Khmer  
23 people because the Khmer Rouge did not force the Khmer people to  
24 stop speaking Khmer or stop speaking -- or stop eating pork, so  
25 the policy that the Khmer Rouge issue severely affected the Cham

1 people who had a different or distinct ways of -- distinctive  
2 ways of living.

3 Q. Thank you. Sir, I'm going to come to the DK regime and their  
4 policies towards the Cham in just a moment, but sticking with the  
5 period of the civil war, can you tell us -- you said that many  
6 Cham joined the -- supported the Front and loved Sihanouk; did  
7 Cham fight on one side of the war or both sides of the war? Were  
8 there Cham soldiers with the Lon Nol forces, with the Front; can  
9 you explain?

10 [11.27.29]

11 A. Yes, they were on both sides because politics in Cambodia in  
12 all times, all regimes, they needed the support or force from the  
13 Cham people. For example, during the Lon Nol regime, Lon Nol was  
14 also close to the Cham people, especially Cham who lived close to  
15 the city. And there were Cham people who held high position in  
16 the government; some of them were commanders of the soldiers, for  
17 example, Brigade 5, whose commander was a Cham <whose named Les  
18 Ka Sim (phonetic)>, and there were also Chams who served in the  
19 parliament and commanders of the military police.

20 And for the Khmer Rouge, they also had the participation of Cham  
21 forces <who lived in rural areas>. As I mentioned earlier, at  
22 village, the rural area, there were Cham who loved and supported  
23 the <the Front of the King Father. These> Cham <people included  
24 Ta Suh Man (phonetic), the father of Ta Math Ly. He was one of  
25 other people who led the Khmer Rouge movement. So, Cham> joined

1 both sides of the political equation.

2 [11.29.05]

3 Q. Thank you. Now, there's one footnote in your book that I'd  
4 like you to explain and expand upon, a little bit more, and this  
5 is, again, regarding this period of the civil war.

6 It's footnote 175, so I think in all languages that it is exists  
7 that can be found.

8 It says, "Khmer Sar, White Khmer, was a resistance group created  
9 after 1970. It disappeared after 1975. A goal of the White Khmer  
10 was to oppose Lon Nol in order to demand power for Sihanouk. When  
11 they were active, they joined with the Khmer Rouge."

12 Can you expand, a little bit more, on this term "Khmer Sar"; was  
13 it used consistently; what was it?

14 A. I would like to say that I did not do much research on the  
15 White Khmer <in depth> because the White Khmer were not so much  
16 related to the Cham people, so I did -- I do not have much  
17 knowledge about the Khmer Sar or White Khmer.

18 [11.30.32]

19 Q. Okay, thank you. And we all appreciate whenever you don't have  
20 information, you just explain that. That's very useful, I'm sure,  
21 to the Judges.

22 So now, I want to come to the period after the Khmer Rouge  
23 victory in April 1975 and how that affected life for Cham people.

24 Can you explain -- I think you -- you perhaps started already,  
25 but can you explain how it affected Chams in regards to their

51

1 religion, their dress, their way of life; how did the policies of  
2 the DK regime, after 1975, affect the Cham people?

3 A. The effect on Cham people did not start from <the 17> April  
4 1975; it started earlier since 1973, as I told you earlier that  
5 the Khmer Rouge required them to stop practising their religion  
6 in 1973. But the effect on the Cham people <on 17 April> 1975, it  
7 affected the Cham who lived in cities or close to the provincial  
8 centres who were evacuated.

9 For -- as for the Cham people, who lived in rural areas, there  
10 were no remarkable changes to them. What occurred to them was  
11 after <> their rebellion< in October 1975. This rebellion  
12 resulted from more and more> suppression and persecution <against  
13 the Cham people>.

14 [11.32.30]

15 MR. PRESIDENT:

16 Thank you, Mr. Expert. It is now convenient time for lunch. The  
17 Chamber will take a break until 1.30.

18 Court officers, please find for this expert and the legal  
19 officers in the waiting room and please bring him along with his  
20 legal officers, back to the courtroom at 1.30.

21 Security personnel are instructed to bring Mr. Khieu Samphan back  
22 to the room downstairs and please bring him back before 1.30.

23 The Court is now in recess.

24 (Court recesses from 1133H to 1332H)

25 THE PRESIDENT:

1 Please be seated. The Chamber is now back in session.

2 And we give the floor to the Co-Prosecutors to put more questions  
3 to the expert. You may now proceed.

4 [13.33.00]

5 BY MR. KOUMJIAN:

6 Q. Good afternoon, sir. When we left off we were discussing Khmer  
7 Rouge policies before the Cham during the DK period. So I want to  
8 continue with talking to you about the DK period and the policies  
9 of the regime. You've mentioned restrictions on prayer and mosque  
10 and the Korans, beginning in 1973 and that this continued during  
11 the regime. How about the way that Cham people dressed? Was that  
12 -- was there a policy of the regime towards the dress of Cham  
13 people?

14 A. The Cham people have a different clothes style from other  
15 ethnic groups. For example, men had <their> own distinctive  
16 <sarong> and hat. For women, wear long clothes <but rarely wear  
17 trousers>, according to the tradition, their hair need to be  
18 covered with head scarf and cannot reveal the hair outside.

19 Q. By the way, the head gear that males, male Cham wear,  
20 traditionally is it one colour? Is there a particular colour for  
21 what the men wear?

22 A. Colours can be in different colours, but for the cap can be in  
23 either black or white. But this is for men. But for head scarf  
24 for women it can be in different colours depending on  
25 individual's preference.

1 [13.35.30]

2 Q. During the regime were -- did any Cham people change their  
3 names, the names that they use, and if so can you explain why?

4 A. Yes, there were changes in names because the name in Cham  
5 language it had Cham characteristics. That's why the Khmer Rouge  
6 <forced> them to change their names to Khmer names. Regarding the  
7 name change, it <happened> not only the Cham people but also to  
8 the Khmer people, especially those who were educated or were  
9 intellectuals they needed to change their name from usually long  
10 names to short names.

11 But for the name change for the Cham people, it means it results  
12 in the loss of their identity because their names in Cham  
13 language signify their identities.

14 [13.36.54]

15 Q. I think we all are aware of certain dietary restrictions under  
16 Islam. Were there changes imposed by the policy of the DK regime  
17 on the foods that Cham people could eat or were required to eat?

18 A. Based on religious <precepts>, Cham people have to eat certain  
19 types of food and not eat a certain type of food, for example;  
20 pork. <Cham people cannot eat or touch pork. There are some other  
21 meat such as> dogs, frogs or snakes<. Such meat is> banned and  
22 the most prohibited <one> is pork. They cannot even touch the  
23 pork. At that time the Khmer Rouge forced the Cham people to eat  
24 especially pork.

25 For Khmer people, pork is a normal food that they consumed every



54

1 day. The Khmer Rouge was well aware that the Cham people did not  
2 eat pork but they forced the Cham people to eat pork although  
3 during the Khmer Rouge regime there were not enough meat to feed  
4 people, but still the Khmer Rouge <> made soup that <contained>  
5 pork and forced the Cham people to eat pork. <In some cases, Cham  
6 people faced execution when they refused to eat such meat.>

7 [13.38.55]

8 Q. Thank you. There is one document on the case file, that is,  
9 E3/178, and I just want to ask you about a sentence in there --  
10 in this, this is an internal document from the regime. The Khmer  
11 ERN is 00275588; in French it is 00623305; and in English it is  
12 00342709.

13 And the document states that:

14 "The 17 April elements from Phnom Penh who were Cham nationals  
15 conducted a protest in the common kitchen of the cooperative  
16 concerning their belief in what they eat according to their  
17 religion by pointing at and referring to Article 10 of the  
18 Constitution."

19 The report goes on to say:

20 "For this situation we have taken special measures, that is, look  
21 for their string, look for the head of their movement in order to  
22 sweep clean."

23 I believe, sir, this is a document cited in your book. Is that  
24 correct?

25 [13.40.38]

1 A. Yes, I can still remember that I referred to this document in  
2 my book.

3 Q. And to your knowledge what happened to those Cham people who  
4 insisted on following the dietary restrictions of their religion  
5 or otherwise practicing their religion? Those who refused Khmer  
6 Rouge policies, what happened to them?

7 A. Based on my research, I did not go deep into how the documents  
8 were used, what measures were taken regarding those who resisted  
9 the -- the food. But most of my interviewees, when talking about  
10 the food during the regime, they said that they were forced to  
11 eat pork and to raise pigs and if they dared to refuse they would  
12 be killed. And there were cases which -- there were cases when  
13 people, when the Cham people refused and those people were taken  
14 away and killed.

15 [13.42.14]

16 Q. Thank you. I'd like to read to you again from Kiernan's book  
17 E3/1593. It's page 461 in English. The French ERN is 00639251.  
18 It's page 540 in French, and it talks about the results of  
19 interviews with Cham that he did. He says, "When asked whether  
20 Muslim Chams had been forced to eat pork, 41 interviewees said  
21 yes and only six said no. Similarly, when asked whether use of  
22 the Cham language had been prohibited by the DK authorities, 36  
23 said yes and only one said no. When asked whether Cham population  
24 had been displaced or broken up, 51 interviewees said yes and  
25 none said no."

1 Sir, how did the results of Kiernan's interview correlate with  
2 those that you have spoken to regarding -- excuse me -- regarding  
3 the use of the Cham language being prohibited, required to eat  
4 pork and the Cham being displaced?

5 Let's take it. Let me try to simplify and take it one at a time  
6 to make it simpler. Does that sound -- does Kiernan's results  
7 correlate to what were your results? He says out of 41 he spoke  
8 to about eating pork all but six, that is 35, said they were  
9 required and only six said no.

10 [13.44.12]

11 A. I do not object what Ben Kiernan found in his book, but for  
12 those six people who said that they were not forced to eat pork,  
13 I think this case may occur <in their personal experience>. But  
14 if you talk about the majority what happened overall, the  
15 majority were forced to eat pig, to eat pork and to stop speaking  
16 Cham language.

17 For the exceptional case that -- that may have happened, it may  
18 have happened <for those Cham people who lived> in very remote  
19 area; <also,> at the place<,> the local authority, the village  
20 <or commune> chief or <cooperative> chief may have <been kind  
21 toward Cham people. Based on my research, the treatment of Cham>  
22 depended on the local chiefs who may have loved or felt sympathy  
23 for the Cham people that they may let the Cham people to carry on  
24 their traditional practices. As I said, but for the majority they  
25 were displaced, they were forced to eat pork and to stop speaking

1 Cham language.

2 [13.45.53]

3 Q. At that time, based on your research, were there some Cham  
4 people that didn't speak Khmer?

5 A. Yes, there were, especially among elder people who did not  
6 come into frequent contact with Khmer people and who did not  
7 travel far from the village who spent most of their time with  
8 their community. So of course there were some people in the  
9 community who could speak some Khmer language but at a very  
10 limited way. But for young Cham people<, who travelled much and  
11 socialised with Khmer people,> could speak Khmer well.

12 Q. Prior to the DK period, how was the written Cham language  
13 taught to young people and did that continue during the DK  
14 period? What happened during DK?

15 [13.47.19]

16 A. No, at that time there were no schools, there were no teachers  
17 and students to study religion <and language>.

18 Q. Okay. Just the problem was my question was complicated. Before  
19 the DK who would teach the language?

20 A. Thank you for your question. Before Democratic Kampuchea  
21 regime there were not any problems for the Cham people regarding  
22 the learning and teaching of Cham language and the learning and  
23 teaching of Cham history. There were -- before Democratic  
24 Kampuchea regime there were no suppression on these aspects<,  
25 especially, in remote areas>.

1 <Before the DK regime and up to 1970, that means it was in>  
2 Sangkum Reastr Niyum <period,> there were not any suppression on  
3 the Cham people. The Cham people had full rights and freedoms to  
4 learn the language and history.

5 Q. Now, we all know that the regime lasted less than four years  
6 but from your research has there been any effect upon the Cham  
7 language and upon young people's ability to read and write in  
8 Cham language from the DK period?

9 [13.49.13]

10 A. As I told you earlier, during the DK regime the religious  
11 belief and practices were <entirely> abolished and the Cham  
12 people were forced to eat pork and to speak Khmer language. So  
13 there were some young people who were born in 1979 or after 1979,  
14 they could not speak Cham language. Even <my sister and> I <>  
15 also have some problems in speaking <Cham> language because after  
16 I spent more than three years in the regime, I lost my memory of  
17 some of my languages. <This happened to younger generation, but  
18 for elder people, they have no problem.>

19 Q. Thank you. Now, I am going to move to a different topic that  
20 we discussed a bit this morning from the President's questions  
21 and that is Cham resistance to DK policies. First, you mentioned  
22 -- you've talked in some detail about what happened in Kaoh Phal  
23 and Svay Khleang, but you mentioned that there also was some  
24 resistance in Trea. Can you briefly explain to us what happened  
25 in Trea in 1973?

1 [13.50.50]

2 A. Based on the accounts of the witnesses who participated in the  
3 rebellious activities in Trea village in 1973, the Khmer Rouge  
4 made an arrest of one person in Trea village. And the villagers  
5 were aware of the intention to arrest so they were fleeing. The  
6 Khmer Rouge actually fired at them <but it did not hit anyone>.  
7 And later on the Khmer Rouge force actually went there to make an  
8 arrest <>and then a group of Cham people came to the commune  
9 office to the east of the Trea village to protest against the  
10 arrest of that villager. And they asked for the reasons for the  
11 arrest. And they begged them to stop engaging in the arrest. The  
12 Khmer Rouge did not respond to their appeal and as a result, the  
13 protestors were angry and then they burned an office. It was a  
14 commerce office and not the commune office. Then they returned to  
15 their village.

16 As a result the Khmer Rouge retaliated by sending a group of  
17 soldiers to arrest those who were involved in the burning down of  
18 the office and those who were involved in the protest. Some were  
19 arrested and some fled as they had to swim across the river to  
20 Kampong Cham provincial town <where Lon Nol government  
21 controlled>. That was the first rebellious activity that happened  
22 in 1973, in Trea village.

23 [13.52.55]

24 Q. Thank you. Now, you have just talked about that as the first  
25 rebellious activity and, of course, the name of your book is

60

1 "Cham Rebellion". I want to ask you a bit about the use of that,  
2 what the goals of those engaged in this rebellion, as you call  
3 it, were. Were they seeking -- did they have a plan from your  
4 research to overthrow the regime to capture Phnom Penh?

5 A. The purpose of the rebellion was to seek freedom, the freedom  
6 to practice their religious belief and to preserve their  
7 traditions. That was the demand and it was the demand for freedom  
8 and not with the intention to overthrow the Democratic Kampuchea  
9 regime.

10 [13.54.08]

11 Q. Let's stick to Kaoh Phal and Svay Khleang in 1975. In either  
12 of these rebellions can you tell us what kind of weapons those  
13 who were resisting the regime possessed? Did they have artillery  
14 machine guns? What kind of weapons did they have?

15 A. For the rebels, <as the villagers>, for the Cham people, they  
16 <> did not have any <modern> weapons. They resisted the killing  
17 by the Khmer Rouge with knives, swords and stones except in Svay  
18 Khleang village where they actually seized two guns from the  
19 Khmer Rouge side and they used <them> to counter the attack by  
20 the Khmer Rouge. In other events, that is, in Trea and Kaoh Phal,  
21 they did not have any guns.

22 [13.55.22]

23 Q. Now, you talked about what happened in Kaoh Phal and that the  
24 island was shelled by DK forces. Prior to the shelling of the  
25 island had those resisting, those rebelling, killed any cadres in

61

1 Kaoh Phal?

2 A. Please repeat your question.

3 Q. In Kaoh Phal you talked about, explained what happened, that  
4 there was a prayer -- that there was a meeting held by cadres and  
5 eventually one of the Cham stood up and made the call to prayer.  
6 People walked out and there was a bit of chaos. Later you said, a  
7 few days later I believe, you said that the island was shelled by  
8 DK forces.

9 My question is, before the DK forces fired artillery on the  
10 island had the people of the island killed any cadres?

11 [13.56.43]

12 A. To my recollection, there is no witness who said he or she  
13 were involved in the killing or witnessed the killing of any  
14 Khmer Rouge cadres. It was the villagers who had swords they were  
15 the ones who were the victims of the Khmer Rouge shooting.

16 Q. Now, in your book, again, "The Cham Rebellion", E3/2653, you  
17 -- in there have various accounts of what happened on Svay  
18 Khleang and one or two accounts including that of a witness named  
19 Man Zain said that someone named Talib stabbed and killed a cadre  
20 named Chet before DK forces attacked Svay Khleang.

21 To your recollection, were there any other killings before the  
22 military attack on Svay Khleang by DK forces? I'm not talking  
23 about anyone who died during the attack on either side. I am just  
24 talking about before the attack.

25 [13.58.14]



1 A. If you ask about the events that unfolded in Svay Khleang that  
2 is correct as a Khmer Rouge cadre by the name of <Chaet  
3 (phonetic)> was killed at Svay Khleang but not at Kaoh Phal. The  
4 Khmer Rouge cadre<, Chaet (phonetic),> was killed at night when  
5 the rebellious forces chased him and his group away from the  
6 village. At that time <, Chaet (phonetic),> and his group was  
7 conducting the arrest of the villagers in the village. So at the  
8 outskirts of the village, the villagers caught up with them and  
9 then <,Chaet (phonetic)>, the Khmer Rouge cadre, was stabbed to  
10 death.

11 The next morning the Khmer Rouge sent their forces to suppress  
12 the villagers. However, nothing happened during the night, that  
13 is, after the stabbing death of that Khmer Rouge cadre.

14 [13.59.38]

15 Q. Thank you. Now, talking to those who were involved in these  
16 rebellions did they have contact with outside forces? Were there  
17 outsiders from other countries instigating them or in contact  
18 with them from what they've told you?

19 A. No, there was none. Those who were involved in the rebellion  
20 were the villagers themselves. Even when the rebellion took place  
21 at Kaoh Phal, those Cham people living in other areas, for  
22 example in Svay Khleang, was not -- were not aware of that  
23 rebellion. So there was no coordinated rebellions that took place  
24 here or there.

25 For example, there was a rebellion at Svay Khleang and it

1 initiated by a group of youth who resisted the arrest of their  
2 uncles and aunts. So they formed this group to resist the acts of  
3 the arrest and later on they were joined by the rest of the  
4 villagers. And there was no outside intervention or any support,  
5 material support from outsiders.

6 [14.01.24]

7 Q. Thank you. Now, sir, when you -- you conducted your research,  
8 these interviews, over what years? Can you tell us approximately  
9 the years that you have interviewed people about the resistance  
10 of Cham people during the DK regime?

11 A. It is difficult to state which year. After I first published  
12 my book; that is in 2002, I started my research on the rebellion  
13 by the Cham people. And in order to respond precisely to your  
14 questions, I need to refer to my actual record of how many  
15 interviews that I did per year.

16 Q. That's okay. Thank you. I think you have helped us because you  
17 indicated you started in 2002 and the book was published in 2006.  
18 So my question is during the interviews, the conversations that  
19 you've had with Cham people, are people reluctant to say that  
20 they were part of a resistance to the Khmer Rouge? In the Cham  
21 community is that viewed as something shameful or is it viewed as  
22 something to be proud of, or anything else? Can you explain?

23 [14.03.16]

24 A. They were happy and they were cooperative with my research.  
25 And they were proud of my research as they saw that I compiled

1 about the history of what happened to them. The interviews were  
2 conducted both in Khmer and the Cham languages. And when I spoke  
3 to them I used my Cham language.

4 Q. Thank you. My question is a little bit different. Let me try  
5 to explain it again more precisely. Within the Cham community are  
6 those who resisted the Khmer Rouge viewed as heroes or viewed as  
7 people that brought shame on the community? How are they viewed?

8 [14.04.24]

9 A. For those who lived in Svay Khleang and Kaoh Phal villages no  
10 one, no one at all blamed those who took part in the rebellion.  
11 Everyone involved in the rebellion, including the women, they  
12 took part in the form of transporting logistics, in digging pits  
13 to bury the dead bodies for instance. They took part in bandaging  
14 the wounded. Here I refer to villagers in Svay Khleang and Kaoh  
15 Phal.

16 As for the Cham people who lived in other villages or in other  
17 areas, they never put the blame on the Cham people in these two  
18 villages at all. No, because the arrest and the killing took  
19 place prior to the rebellions. They even said that if the two  
20 villages were to rebel and if they knew in advance they would  
21 actually rebelled as well <so that they had more solid force>.

22 [14.05.43]

23 Q. Thank you. Now, sir, there is something, a question I have and  
24 it's not in your book. That's why I have no idea how you will  
25 answer it but my understanding is that at least in the Arabic

1 language there is a special word for those who die fighting for  
2 their religion. Is there such a word used among the Cham  
3 community?

4 A. We use one word, "sabilillah", and according to its meaning in  
5 the Islamic religion if there is a restriction or a suppression  
6 on religion and the person is willing to sacrifice himself or  
7 herself for religion that person would receive the blessing from  
8 Allah and would go to heaven.

9 Q. Now, you mentioned that after these rebellions the people in  
10 those villages were displaced, moved to other areas; is that  
11 correct?

12 A. Yes, that is correct.

13 Q. Can you briefly explain where they were sent? Were they sent  
14 together or separated and how their lives were in these new  
15 locations?

16 [14.07.33]

17 A. About a month after the rebellion <all> Cham people who lived  
18 in other villages who did not take part in the rebellion were  
19 called for meetings. <First,> the Cham people were threatened,  
20 were intimidated and they were instructed to forfeit their  
21 religion and to follow the line of the <revolution>.

22 Secondly, they had to be relocated away from their native  
23 villages. And as I have stated earlier, in Kaoh Phal they were  
24 relocated immediately and in Svay Khleang they were detained for  
25 a few months before they were relocated and then the Cham people

1 who lived in other villages were relocated in about -- at the  
2 same time. And that happened in around November 1975.

3 [14.08.56]

4 They were relocated from their community and they were dispersed  
5 into various areas. They were sent to new locations and they were  
6 dispersed into various villages. For example, two or three  
7 families were placed in one village while a few other families  
8 were placed in another village and they would not be given any  
9 houses to stay in. They had to live under the house of the Khmer  
10 families in those villages. So about two or three Cham families  
11 were placed in each village and by that time the Cham community  
12 no longer exist -- existed and they could no longer attend to  
13 pray together as they were dispersed as at the instructions.

14 Q. What were the conditions of life in these areas that would  
15 affect survival of those sent to these areas?

16 A. When they were relocated to new areas, the first thing for  
17 them is that they lost their sense of community and it would be  
18 easier for them to be supervised. Then they could be monitored  
19 whether <these three families of Cham> continued to speak their  
20 Cham language. If they were forced to eat the pork they had to  
21 follow that instruction. With the non-existence of their  
22 community and that they had to live mingle with the Khmer  
23 community, it was easier for them to be the subject of  
24 monitoring. Even those few families in the village had to be  
25 separated according to their age range. They could no longer live

1 as a family but separated according to their age <and gender.>

2 [14.11.24]

3 Q. Now, sir, you've indicated, much earlier in your testimony  
4 this morning, that Chams were primarily located in Kampong Cham  
5 province and along the Mekong River. I believe you also indicated  
6 that these areas were generally areas that were controlled by the  
7 Front or the CPK early in the Civil War in the 1970 to '73  
8 period. So these were, I believe, base areas.

9 Were the people in these concentrated Khmer Rouge communities in  
10 Kampong Cham province and along the Mekong other than those from  
11 Kaoh Phal and Svay Khleang, were they also relocated or were they  
12 allowed to remain in their home villages?

13 [14.12.35]

14 A. For Kaoh Phal villagers, they were relocated to <four  
15 villages> in Chhuk <commune>. There were Krabei Kreak, Phka  
16 Doung, Baray and Chravak Daek. And they were the subject of  
17 malaria as the area was infected with malaria. And for those who  
18 survived the malaria they were relocated a second time <to the  
19 northern part>, crossing the river to Stueng Trang district.  
20 For Svay Khleang villagers after the rebellion, some of them were  
21 sent to the Dambae district while the rest were sent across the  
22 river to the northern part, that is, to Stueng Trang district and  
23 some were even sent in the area in Kampong Thom province, that  
24 is, in Preaek Prasab district in Kratie province. The same thing  
25 for the Cham people who did not involve in the rebellion. Some of

1    them were sent to the northern part while some remained in the  
2    East Zone. However, they were relocated to a new district.  
3    The Cham people were relocated from their districts and there  
4    were only a small number of them who were allowed to remain  
5    living in their villages. The majority of them were relocated.  
6    For those who were considered to have weak tendencies and did not  
7    seem to oppose against the lines of the parties then they would  
8    be allowed to remain living in the village and the Khmer people  
9    were also relocated elsewhere to come and live in their villages.  
10  [14.14.54]

11  Q. Thank you. There's another quote from Kiernan I would like to  
12  read to you. And it is on page 259, in English. In English the  
13  ERN is, 01150136. I cannot find the French ERN at the moment. I  
14  thought I had it, but I don't. It indicates -- let me read it to  
15  you. It's in his section discussing the Southwest Zone. And in  
16  the first full paragraph, the second sentence, "In Angkor Chey,  
17  the Southwest Zone Chams were officially called" -- I am going to  
18  pronounce it and then spell it because I am sure I am not going  
19  to pronounce it correctly -- "moultanh phnoe", M-O-U-L-T-A-N-H  
20  one word and the second word P-H-N-O-E and in parenthesis Kiernan  
21  indicates, "(depositee Base People)."  
22  "This is the earliest known use of that term for deportees. It  
23  predates the 1975 evacuation of Phnom Penh whose population  
24  became the archetypical deportees."  
25  And he goes on in the next sentence skipping one, to say, "Most

1 significantly, the Southwest Zone Chams were still called  
2 deportees even after they returned to their home villages in  
3 1974."

4 So sir, in the general DK period classification of New People,  
5 Base People; were the Cham treated as Base People or how were  
6 they treated, based on your research?

7 [14.17.30]

8 A. My research was not that thorough for <Cham people in> the  
9 Southwestern Zone as there were <not many> Cham people who lived  
10 there. However, I could generally speak <that> Cham people <were  
11 evacuated>. As for those who lived in the cities, that is the  
12 Khmer people who live in the cities were also relocated and they  
13 were labelled as "New People". The Cham people were also  
14 relocated and they were also labelled as New People as they left  
15 their home towns to go and live elsewhere with other people.

16 Q. So was it the case that Cham people were not considered Base  
17 even if they had come from areas that the CPK, the Front had  
18 controlled since 1970?

19 [14.19.06]

20 A. We observed that the Cham people were evacuated regardless  
21 whether they were part of the rebellion or whether they lived in  
22 Krouch Chhmar district. It happened elsewhere in Chhloung, in  
23 Krouch Chhmar, in Kang Meas and in Kampong Siem districts. They  
24 were all evacuated.

25 They were evacuated from their native villages to live mingled



1 with the Khmer people, and family members were separated at the  
2 new areas. They did not have sufficient food to eat, as the food  
3 ration for them was less than the food for the Base People.  
4 The Base People could hide some of the food that they had left,  
5 so they were in a better position, but for the Cham people, they  
6 lacked everything, even <shelter and> clothing. They did not have  
7 sufficient clothes to wear.

8 So the condition of the Cham people everywhere when they were  
9 evacuated was similar to the condition that the Khmer city  
10 dwellers <who> were evacuated from the cities. I, myself,  
11 concluded that the Cham people were in the same condition and  
12 they were labeled as New People, as those of the Khmer people who  
13 were evacuated from the cities.

14 [14.20.54]

15 Q. Okay. Thank you. Sir, I'm going to move to a new topic now,  
16 and that is to discuss with you some of the numbers of Cham --  
17 the estimates of numbers of the Cham population before and after  
18 the DK regime. And I want to start by getting your reaction to a  
19 quote from Michael Vickery, and this is E367/4.1.7. Excuse me.

20 This document, Your Honours, have given it an E3 number, and  
21 perhaps I could give you that after the break, but I don't have  
22 it. I don't think I have it with me at the moment.

23 In the second paragraph of that article, Michael Vickery says:

24 "All Cambodian population statistics of whatever period include a  
25 large measure of hypothesis, assumption, extrapolation and pure

1 guesswork, and they may not be adequate for the type of  
2 calculations undertaken by either Kiernan or myself."

3 And then, in another document, which you -- your letter to the  
4 "Phnom Penh Post" of 10 March 2006, -- Your Honours recently  
5 admitted it -- you indicated:

6 "Of course, this is a very difficult area of research since  
7 almost all leaders of Cham communities were lost in this period.  
8 All would certainly agree that more data based on actual field  
9 research in addition to the old colonial accounts still in use by  
10 scholars are sorely needed."

11 So my question for you is to comment on what Michael Vickery and  
12 yourself have said as far as the difficulty of obtaining figures  
13 of population before -- for Chams before and after the DK period.

14 [14.23.28]

15 A. Yes, I agree that the seeking for the accurate figure is  
16 difficult because we don't have a document or records indicating  
17 the exact figure of Cham people before the Khmer Rouge, but after  
18 the Khmer Rouge, the counting of number by scholars and people  
19 like myself, the figure come to 200,000 Cham survivors.

20 So the problem is the statistic before the Khmer Rouge and during  
21 the Khmer Rouge, but I relied on interviewee who saw or read  
22 statistics. But based on my findings, <witness gave the estimated  
23 figure,> there were 700,000 Cham people before the Khmer Rouge  
24 <or in Lon Nol period.> The scholars, Ben Kiernan and Vickery,  
25 would base on their documents -- the document they found.

1    However, if you would like him to prove based on his document, it  
2    will be hard for them to prove.

3    [14.25.14]

4    In my case, I rely <solely> on witnesses or my interviewees. For  
5    example, when the Cham people were evacuated from the Eastern  
6    Zone to the Northwest Zone and also from the Eastern Zone of --  
7    of 50,000 from the East Zone and the remaining -- the remaining  
8    Cham, there was 100,000<, it is in document 15>. So in the  
9    Eastern Zone <alone>, there were more than 100,000 Cham, so there  
10   were also other Cham people in other sectors and zones. So my  
11   figure, as I estimated based on my interviews, there were  
12   approximately 700,000 Cham people.

13   Q. I now have the E3 number, so let me give those. For the  
14   Michael Vickery quote, it is E3/9682. And for Mr. Osman's letter  
15   to the "Phnom Penh Post", it is E3/9680.

16   Sir, if I understand correctly, the data that Ben Kiernan and  
17   Michael Vickery, for example, are using, these come from census  
18   conducted by French colonial period during, in fact, the 19th  
19   century and from a 1962 government census. And I believe Kiernan  
20   also refers to a voter registration list.

21   Is that your understanding; that these come from colonial-era  
22   census and from a 1962 census?

23   [14.27.40]

24   A. Yes, I read Vickery's books and Ben Kiernan's book. They both  
25   rely on census statistic, but I would consider how reliable it

1 would be on those statistics. <I interviewed people> who were  
2 born during 1962 and who were born before that.

3 And I asked them were there -- was there any census conducted  
4 during the -- during that period <i.e. before and after 1962>,  
5 for Cham people. And no interview -- no interviewee could tell me  
6 about that, including those who were working as a village <chief>  
7 or commune chief.

8 They said, in fact, there were a census conducted, but there was  
9 no distinction in term -- in terms of statistic of Cham people or  
10 Chinese Cambodian or <or Vietnamese, or> other races. This is how  
11 I can say the reliability of their document and their figure, it  
12 should be -- it is difficult for me to rely on that.

13 [14.29.18]

14 Q. Okay. Thank you. Just to correct what I said, I said 19th  
15 century. It should be 20th century. As Kiernan and Vickery's  
16 article explains, Kiernan relies on a 1936 census in Cambodia,  
17 and there's also discussion of the 1962 census.

18 My question is, do you know, and if you don't, again, just tell  
19 us, how were these censuses conducted?

20 A. In fact, I did not research about any census conducted or made  
21 before the Khmer Rouge regime.

22 Q. So you mentioned that you did talk to older Chams. And did any  
23 of them explain to you that they recalled the 1962 census and how  
24 it took place, or the 1936 census? Did any of them recall those?

25 A. For witnesses I interviewed, no one remembered or recalled

74

1 those censuses. Those -- of those who I interviewed who were  
2 grown up in 1962, <they were young people.> They said that they  
3 did not know how the census were conducted and there was no  
4 figure of Cham people <and Khmer people> which <were> published  
5 or <broadcast on national radio>. They could not tell me such  
6 things.

7 [14.31.41]

8 Q. Do you know, and again, if you don't, you can simply answer  
9 no, in these censuses, were the interviewees asked simply, "What  
10 is your nationality?", were they asked, "What is your ethnicity?"  
11 or were they given choices, "Are you Chinese, Khmer, Cham?" Do  
12 you know how the questions were posed?

13 MR. PRESIDENT:

14 Mr. Expert, please hold on. Counsel for Khieu Samphan, you may  
15 proceed.

16 MS. GUISSSE:

17 Yes, I would like to object to the Co-Prosecutor's question. The  
18 witness has just explained that none of the people he spoke with  
19 remembered a census of any kind, so I do not understand on which  
20 basis he would be able to answer the questions put to him <today>  
21 because he, himself, said that he did not research <censuses>,  
22 nor <did he speak> to people who can speak about <them>. So I  
23 think the question is not really relevant.

24 [14.32.54]

25 BY MR. KOUMJIAN:

1 Fair enough. I'll move on. It's, I believe, relevant, but  
2 obviously, I agree Counsel, the witness is not going to know the  
3 answer.

4 Q. Sir, you said something at the very beginning of your  
5 testimony that interested me. When the President of the Court  
6 asked you -- I forget the exact question -- your ethnicity or  
7 nationality, I believe you said you were Cham, but your ID card  
8 says you are Khmer. So sir, do Chams in Cambodia, first of all,  
9 identify themselves as Cambodians?

10 MR. YSA OSMAN :

11 A. On my identity card, there is no -- there is no mention about  
12 my race as Cham, but in other documents issued by the current  
13 government and the information include religion, which indicate  
14 the religion or the origin of a person, including Cham or Chinese  
15 Cambodian, and let me refer you to the Sangkum Reastr Niyum under  
16 Sihanouk. <Cham people> were called Khmer Islam. But the person  
17 who created this term was the late King Norodom Sihanouk.  
18 However, this term, Cham <have been faded away as written in  
19 official documents such as ID.> So most Cham people were  
20 identified as Cambodian on the ID card< or they are officially  
21 referred to "Khmer Islam"> .

22 [14.35.25]

23 Q. Do you know of any reason, then, that in 1936 or 1962 it would  
24 be possible for a Cham person to say they were either Khmer or  
25 Kampuchean?

1 MR. PRESIDENT:

2 Hold on, Expert. Counsel for Mr. Khieu Samphan, Anta Guisse, you  
3 may proceed.

4 MS. GUISSÉ:

5 Yes, Mr. President, I'd like to object to the question such as it  
6 has been phrased. I don't know if this is a follow-up question on  
7 the issue of census, but here, he is asking for speculation, so  
8 maybe he should put complementary questions in order to justify  
9 on which base this question comes into play.

10 So I <have to say that I> think the way that the question has  
11 been formulated here leads to an objection, yes.

12 [14.36.26]

13 BY MR. KOUMJIAN:

14 Q. I'll try to rephrase the question. Sir, let's stick with the  
15 1960s, a little closer in time. Do you know of any reason why it  
16 might be to the advantage of a Cham person to say they were Khmer  
17 for reasons of prejudice against Chams, for reasons of obtaining  
18 an education, for any other reason?

19 MR. YSA OSMAN:

20 A. For Cham people themselves, wherever they went, they were  
21 proud of being Cham people, but what caused us to lose our  
22 identity, they were identified as Khmer Islam, which is more  
23 popular than Cham now. <This term is used in several official  
24 documents.> Sometime, in some cases, they were identified as  
25 race, they say Cambodian or Khmer <which appears in the ID>.

1 [14.37.47]

2 Q. Based on your experience throughout your life, is a Cham  
3 person more likely to identify themselves as Cham to a fellow  
4 Cham or to someone outside the group? Is there any difference?

5 MR. PRESIDENT:

6 Hold on, Expert. Counsel Anta Guisse, you may proceed.

7 MS. GUISSÉ:

8 I apologize to interrupt again, but I'm mixed up about the  
9 period. Are we speaking about the current period, are we speaking  
10 about the <Sihanouk> period <between 1970 and --> before the coup  
11 d'état? Could we here, please, specify where we are situated in  
12 time because this might <help> avoid vague answers.

13 [14.38.44]

14 BY MR. KOUMJIAN:

15 Q. Fair enough. Sir, in the 1960s, since we have a census in  
16 1962, or in the 1930s, are you aware of any reason why whether  
17 Khmer -- excuse me, Cham people, would be less likely to identify  
18 themselves as Cham to outsiders than they would to their own  
19 religious leaders, for example?

20 MR. PRESIDENT:

21 Please hold on, Expert. Anta Guisse, you may proceed.

22 [14.39.34]

23 MS. GUISSÉ:

24 I am really sorry but, here, the Co-Prosecutor refers to the two  
25 dates corresponding to the censuses <when> Ysa Osman explained



1 clearly that he <did not focus on the time period when the  
2 censuses took place>. So we are <basically> asking Ysa Osman to  
3 speak about something that he hasn't <studied or> researched. So  
4 <what is the foundation for his response, and are we not asking  
5 him to speculate?> <Even if he's an expert,> if he hasn't worked  
6 on the issue, I don't see how he can answer. <So I object to the  
7 question.>

8 BY MR. KOUMJIAN:

9 Your Honour, I think Counsel has a point, so I am going to move  
10 on to other areas.

11 Q. Sir, I am going to go to your own population estimates. You  
12 estimated, is it correct, that Cham were about 10 percent of the  
13 population of Cambodia in 1975; is that right?

14 [14.41.00]

15 MR. YSA OSMAN:

16 A. Yes, that is correct.

17 MR. KOUMJIAN:

18 Does Your Honour wish me to proceed or do you want to take a  
19 break now?

20 THE PRESIDENT:

21 Thank you, International Co-Prosecutor. It is now appropriate for  
22 a short break. We will take a break now and resume at 3 o'clock  
23 this afternoon.

24 Court officer, please assist <>the expert during the break and  
25 invite him as well as the OCIJ legal officer into the courtroom

1 at 3 o'clock.

2 The Court is now in recess.

3 (Court recesses from 1441H to 1501H)

4 THE PRESIDENT:

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

6 And the floor is given to the International Co-Prosecutor to  
7 resume your questions to the expert. You may now proceed.

8 BY MR. KOUMJIAN:

9 Q. Thank you. Sir, when we left off I was asking about your  
10 estimate of the pre-DK Cham population. In your book E3/1822  
11 "Oukoubah", in footnote 5 you list sources for your estimate of  
12 approximately 700,000 Cham and I want to ask you about some of  
13 them. But first of all, let me just list the sources in your  
14 footnote 5. You have Zakariya Adam, Res Lah, Vann Mat, Math Ly,  
15 Sos Kamry, otherwise known as Kamaruddin bin Yusof, Ney Pena, and  
16 an inspector in the Inspection Department of Ministry of Cults  
17 and Religious Affairs, Tres Soram.

18 Is it correct that you have -- that these seven sources are what  
19 you relied on or part of what you relied on for that 700,000  
20 figure?

21 [15.04.18]

22 MR. YSA OSMAN:

23 A. I would like to correct the figure in my book. It's not 70,000  
24 but it is 700,000 and the figure came from my interviewees who  
25 gave the same number. And in consultation with materials given

1 from the department -- from the Ministry of Cults and Religious  
2 Affairs, Mr. Tres Soram, and from other material, the book  
3 published by Ney Pena and Mr. Sos Kamry, these individuals gave  
4 similar estimates of the figures and these particular individuals  
5 worked for -- worked for the Cham council. And these five sources  
6 that I rely on gave similar figures. That's why I came to my  
7 conclusion that I can use this figure because it is based on the  
8 similar estimates given by the five sources I received.

9 Q. Thank you, sir. And I clearly understood in the book you said  
10 700,000. If I misstated that, I apologize. In Footnote 5 there  
11 actually are seven sources. So I just want to ask you about a few  
12 of them. One of them you just mentioned, Ney Pena; can you tell  
13 us who is Ney Pena?

14 [15.06.32]

15 A. I read Ney Pena's book. I believed he was a high-ranking  
16 official in the government that established after the fall of the  
17 Khmer Rouge in 1979.

18 Q. Starting also with the first source you cited, Zakariya Adam,  
19 you indicate that he said he had seen statistics on the Cham  
20 population in Cambodia compiled by, forgive my pronunciation, but  
21 Raja Thipadei. Who was Raja Thipadei, if you know?

22 A. His name is Res Lah. And as for "Raja Thipadei" it is an  
23 honorific title given to him by <the King> for his important role  
24 in supervision of the Cham people during the Sangkum Reastr Niyum  
25 regime and I can compare this honorific title to the current

81

1 title in current use, for example "Oknha"; for example "Oknha Sos  
2 Kamry" which is a title given by the king to the Oknha who was in  
3 charge of supervising the Cham people in Cambodia. So the  
4 honorific title, "Raja Thipadei", was in many ways the same like  
5 the honorific title that is in use right now.

6 [15.08.36]

7 Q. Okay. Thank you very much for correcting that. Clearly, I  
8 misunderstood. So just so we are clear I had two separate  
9 sources. The first source, Zakariya Adam said he spoke to Res  
10 Lah, who has the title of "Raja Thipadei", the former Grand  
11 Mufti, who told him about seeing these statistics. Is that  
12 correct? Do I understand correctly?

13 A. Yes, you are right.

14 Q. Okay. Thank you very much. Now, do you know how any of these  
15 statistics or estimates were made? Were they made by a census,  
16 were they made by asking leaders at some level, whether it was  
17 village or higher level, for the number of Cham? If you don't  
18 know, say so.

19 [15.09.42]

20 A. Mr. Raja Thipadei Res Lah, in his official role as the mufti  
21 or supervisor of Islam affairs, chief of religious -- Islam  
22 religious leader in Cambodia, he -- it is not different from the  
23 current mufti. They have structures from -- at the provincial,  
24 district and village levels.

25 This morning I talked about hakim. Hakim is an individual in

1 charge of the village, and he is under the structure or  
2 supervision of mufti. So the reports at the community level,  
3 hakim needed to make the reports and compile the figures and send  
4 the reports to mufti at the provincial level.

5 And then the mufti at the provincial level compiled them and send  
6 the report further to the mufti at the national level who was at  
7 that time Mr. Raja Thipadei Res Lah.

8 So the figures compiled by Mr. Raja Thipadei Res Lah came from  
9 the reports by the different levels of the hierarchical orders.  
10 So it's the same thing like the muftis at the present time who  
11 also has his own hierarchical orders of structure of reporting  
12 <which is different from the government structure.>

13 [15.12.06]

14 Q. Okay. Thank you. I want to go back for a moment to document  
15 E3/9680. This is a document recently added at the request of the  
16 Defence. This is your letter, sir, to the "Phnom Penh Post" in  
17 March 2006. You talked about, on the second page, the first full  
18 paragraph, of a Mr. Sen Mat who you say -- I'll read what you  
19 wrote.

20 "Mr. Sen Mat, aged 92, worked with the French in the Memot Rubber  
21 Plantation in Kampong Cham province. He told me that he once saw  
22 the French record the names of over 300 plantation workers, most  
23 of whom were Cham. The French, however, listed these workers  
24 simply as 'Cambodian rubber sap collectors'."

25 Sir, where was it, under what circumstances, did you interview

1 Mr. Sen Mat, do you recall?

2 A. I interviewed Sen Mat for the purpose of writing the article.

3 I did not include the information from the interview with him

4 into my books. I asked him whether he saw the census carried out

5 by the French during his working at the rubber plantation, and I

6 used the answers from my interview with him to write the article.

7 [15.13.59]

8 Q. Okay. Thank you, sir. I would like now to ask you about part

9 of your book, "Oukoubah". It's on page 120 of your book, that's

10 E3/1822, and the French ERN is 00758331 to 32.

11 In this appendix to your book, you have listed the difference of

12 some villages and the difference in the numbers of families or

13 persons in those villages between 1975 and 1979. I would like to

14 ask you about that and add up some of these numbers.

15 Your Honours, I believe it would be helpful for all of us to

16 follow this if, Your Honours, and counsel -- and I've given it to

17 counsel -- have a copy of my mathematics. I don't want that --

18 I'm not asking that to be admitted into evidence, it's simply

19 I've added in the column the loss of individuals, the difference

20 between 1975 and 1979.

21 So my first question is, would that be permissible, please, to

22 just have everyone follow along? I don't want it to be admitted

23 into evidence, but just so that, Your Honours, and the witness

24 can follow along with my mathematics?

25 I should have copies for everyone; of course, all of, Your

1 Honours. You were given copies, right?

2 [15.16.02]

3 MR. PRESIDENT:

4 The Chamber gives the floor to Judge Lavergne.

5 JUDGE LAVERGNE:

6 Deputy Prosecutor, if I understand correctly, you should just  
7 calculate on the basis of the figures that are provided on the  
8 expert's book<, and that's it>. <Or based on the figures that  
9 appear in the expert's book, right? And you calculate it and  
10 add.>

11 BY MR. KOUMJIAN:

12 Yes, but perhaps -- so I'm completely honest with, Your Honours,  
13 perhaps just one question I should first ask the witness without  
14 suggesting anything to him before I complete my answer and that  
15 is, Mr. Witness, you talked this morning about estimates of  
16 families, Cham families.

17 Q. When we're talking about the period 1975, what is your  
18 understanding of what an average family would contain in terms  
19 of, first of all, does that include grandparents or children,  
20 parents and what was the average size as far as the number of  
21 people?

22 [15.17.23]

23 MR. YSA OSMAN:

24 A. In Cambodia, regardless of Cham people or Khmer people, in  
25 some villages we do not know the specific numbers of people, but

1 we know the families. Families consisted of husband and wife and  
2 children. <For some families, they even have grandchildren.> So I  
3 gave the estimated figure. In each village -- in each family  
4 there consists of five or six members. That is the approximate  
5 number.

6 Q. Would families -- does that also coincide with a household  
7 with those that lived together in one house or dwelling?

8 A. They share the same house because when we call a family if --  
9 it is for the purpose of receiving gifts from the government even  
10 until the present time the calling of a family is for the purpose  
11 of receiving the gifts from the government. For example, each  
12 family receive one bag of rice, one sarong, so it's -- it's hard  
13 for the villagers to know about the number of people in the  
14 village. The villager knows only about the approximate numbers of  
15 families in the village. Only the village chief <knows> the  
16 statistic about the numbers of people in the village.

17 [15.19.56]

18 Q. Thank you. What about the situation where there were  
19 grandparents, or perhaps even great-grandparents, living together  
20 with their children or grandchildren, would that be considered  
21 one family?

22 A. Yes, that is correct. It is called a family.

23 MR. KOUMJIAN:

24 Thank you, Mr. Witness. So, Judge Lavergne, to fully answer your  
25 question, it is mathematics. The one thing that I added that I



86

1 wanted to check is I multiplied the number of families by five  
2 taking what I thought was a conservative estimate. I think from  
3 the witness's testimony he said a family averaged five or six. I  
4 think that is a conservative estimate in accordance with this  
5 witness's testimony.

6 [15.20.49]

7 So, all that I've done is taken the figures that the witness has  
8 given for villagers -- the number of families or individuals in  
9 these villages in 1975 and 1979 -- I believe it's a total of six  
10 villages where he lists families and two he lists individuals --  
11 I've multiplied the number of families by five as the witness has  
12 just indicated an average family would have five or six, so a  
13 conservative estimate would be five, and I've added all those  
14 together.

15 JUDGE FENZ:

16 Can I just add something? If there is no request to take this  
17 onto the case file, it is understood that you will refer to all  
18 of this in a way which allows us to follow your calculations or  
19 questions on the record only?

20 MR. KOUMJIAN:

21 Yes, I--

22 [15.21.46]

23 JUDGE FENZ:

24 Because otherwise, we have to make a decision on whether we take  
25 this on the case file.

1 My understanding is you are giving this to us because you will  
2 throw lots of numbers at us in the next 10 minutes and for us not  
3 to be completely confused, you allow us to follow here. But the  
4 record will reflect, the transcript will reflect all you want to  
5 say?

6 MR. KOUMJIAN:

7 Yes. I, of course, have no objection to it going on the case file  
8 but that's up to you. I see that my colleagues on the other side  
9 don't want it on the case file, I'm fine with that. It would  
10 allow, especially the witness and, Your Honours, to follow my  
11 mathematics and to challenge it if anyone -- if I've made a  
12 mistake which is always possible.

13 [15.22.33]

14 MR. PRESIDENT:

15 Ms. Guisse, you may proceed.

16 MS. GUISSÉ:

17 Yes, Mr. President. I must say I do understand and <I respect our  
18 desire to> follow the figures given by the prosecutor, but to use  
19 a document that the prosecutor has drawn up as documentary  
20 evidence is not proper. I understand the Co-Prosecutor's logic  
21 even though I do not quite understand the foundations of his  
22 figures, but before we proceed on this document <and> the  
23 figures, perhaps we should ask the expert to give us the basis  
24 for his calculations <in this survey.> <He uses his average  
25 calculation as the basis to say there were about five members per

1 family.> What are <his> <exact> sources <to say whether we can  
2 multiply based on these estimates>? <But I must say, I do not yet  
3 follow the reasoning behind his estimates. That is my first  
4 remark.>

5 <And it> is clear that as regards the principle of admitting into  
6 evidence a document prepared by the Co-Prosecutor, I would object  
7 to that.

8 Now, questions can be asked differently and I believe the  
9 Co-Prosecutor is not opposed to asking questions in such a way  
10 that we can use <the> document <drafted by the expert, that is>  
11 E3/1822 as the basis for asking these questions.

12 [15.24.26]

13 MS. GUIRAUD:

14 Thank you, Mr. President. I would like to make a brief remark.  
15 Would it be possible for us to have a copy of the document so  
16 that the parties can follow the debate because we, the civil  
17 parties, don't have that document. <Thank you.>

18 JUDGE FENZ:

19 I just want to come back to the record issue because if we all of  
20 us read this record in half-a-year, nobody has any idea what we  
21 are talking about.

22 So, as I said, if this is just to help us to understand what you  
23 are going to say into the record, I think that's fine, but then  
24 there should be some structure in it.

25 [15.25.05]

1 MR. KOUMJIAN:

2 I'll certainly try to structure it and, of course, will ask --  
3 the witness has already given his basis for the family estimate.

4 I will ask him -- he explained how families were constituted. I  
5 will ask him also the basis for these figures.

6 I simply want to help everyone follow the mathematics by having  
7 these numbers here. I think, of course, someone reading the  
8 transcript in the future could go through the same mathematics  
9 and will come out with the same figures.

10 So I'm just asking, is it possible for me to have a copy of this  
11 handed to the witness so he's able to follow my questions?

12 [15.26.02]

13 MR. PRESIDENT:

14 Prosecutor, your request is granted.

15 Court Officer, please bring the document from those prosecutor  
16 and hand it over to the expert.

17 JUDGE FENZ:

18 I'm sorry, but if it's handed to the witness I think it needs to  
19 be on the case file. We need to know on what basis the witness  
20 answers questions. Can we have a short break?

21 BY MR. KOUMJIAN:

22 (Microphone not activated) indicate that I planned to read  
23 everything that I've added to this into the record. So the whole  
24 record of the mathematics and the calculations will be on the  
25 transcript.

1 Okay, thank you.

2 Q. So, Mr. Witness, we see on page 120 of "Oukoubah" you have a  
3 list of certain villages and you list in your book the population  
4 1975 and 1979. What I've done here is added a third column for  
5 the difference, the loss between 1975 and 1979.

6 So, first of all, how did you obtain these figures that you have  
7 on page 120 of "Oukoubah"?

8 [15.27.45]

9 MR. YSA OSMAN:

10 A. In my book each figure was supported by reference and footnote  
11 and reference based on my interview with the <villagers> who  
12 survived the regime, who told me the number or the figure before  
13 1975, it's this figure, and after that is this figure. <I  
14 provided names of these villagers in my books.>

15 <In my book at page 120, verily>, in the village of Akmok, Oknha  
16 Sos Kamry told me this figure and in Chrouy Changva Kraom  
17 (phonetic), I received information from Zakariya bin Ahmad, and  
18 the same is true for other villages. < I selected witnesses and>  
19 I <> based <this figure> on the witness who gave me reliable  
20 information, so the figures here are recorded based on the  
21 witness account through my interview.

22 [15.29.06]

23 Q. Thank you. So going through -- first I'm going to go through  
24 the villages where you've listed families as opposed to persons.  
25 There's only two where you list persons and that's Kaoh Phal and

1 Peus.

2 So going through the ones you've listed families, Akmok, you said  
3 1975 1,100 families, 1979 100 families for a difference or loss  
4 of 1,000 families.

5 For Chrouy Changva Kraom the Ekraingsei Mosque, you said there  
6 were over 1,000 families in 1975 and 30 families in '79. So using  
7 the figure of 1,000 rather than anything above that, the loss  
8 would be 970.

9 For Doun Penh in '75, 150 families; in '79, 100; a loss of 50  
10 families.

11 In Samraong, 40 families in '75; four in '79; a loss of 36  
12 families.

13 Svay Khleang, 1,240 families in 1975, 120 families in 1979. So in  
14 this, your home village, a loss of 1,220 families.

15 [15.30.44]

16 In Trapeang Chhuk, 254 families in '75; 192 families in 1979; for  
17 a loss of 62 families.

18 In Trea, you said about 1,000 families in '75; 500 in '79; for a  
19 loss of 500.

20 Now, sir, I totaled that number of families from those six  
21 villages to be 3,838. Using an average of five people per family  
22 -- you said families averaged five or six -- that would total  
23 approximately 19,120.

24 First of all, do you follow my mathematics and do you have any  
25 comment or criticism of it?

1 A. Based on my research that I rely on information given by my  
2 interviewees, I think the number of loss which is 19,120, is  
3 accurate.

4 It is based on five member in a family is the number below  
5 average because, as you well aware, the Cham family or Cham  
6 people, they have a belief that they cannot <do the family  
7 planning,> so they would <> have more members in family. So five  
8 members in the family is below average. So in the past, each Cham  
9 family would have more than six members.

10 MR. PRESIDENT:

11 Please hold on. Could you hold for a moment, Prosecutor?

12 Judge Lavergne, you may proceed.

13 [15.33.19]

14 JUDGE LAVERGNE:

15 Yes, I have a question of clarification here, because we're  
16 speaking about losses. I rather see this as a difference between  
17 a population at a given moment and a population at a given moment  
18 in the future.

19 <Because> the idea of loss leads us to believe that the people  
20 died. That's how we can understand <it>. In any case, it <can be>  
21 ambiguous, so do we agree that this is a difference in terms of  
22 the population number, because <it is very possible that people  
23 did not return to the same place for various reasons>. Maybe they  
24 escaped abroad, maybe they settled in different areas.

25 [15.34.10]

1 BY MR. KOUMJIAN:

2 Yes, that's a valid point and I'll follow that up with questions.

3 Q. Now, sir, we've talked about the difference in families in  
4 1975 and '79, the number of families.

5 Is as the Judge just explained -- just stated correct; that these  
6 people you interviewed were talking just about the number of  
7 families that had returned to those villages, that were living in  
8 those villages in 1979?

9 MR. YSA OSMAN:

10 A. Yes, correct.

11 Q. Do you have any information or would it be speculation on your  
12 part as to what had happened to those families that didn't come  
13 back to the village, whether they were living somewhere else or  
14 had died?

15 [15.35.13]

16 A. The number of families that lost, in total, is about 99 per  
17 cent of family died of execution, of illness and starvation, and  
18 only a <small percentage of> people who could fled and survive  
19 and live abroad. <As indicated in my book,> the Khmer Rouge took  
20 control over these locations before 1975.

21 So <in 1975, their chance of fleeing> abroad <was very limited.

22 Talking about their returns to their native village,> it is

23 impossible to say that they are living in other villages. So

24 traditionally, the Cham people would come back to their community

25 or their villages in order to know whether their family members



1 and community villager are living and return. So <after the fall  
2 down of the Khmer Rouge regime in 1979,> it is impossible for  
3 them to stay in another village and not return to their original  
4 home village in this case.

5 [15.37.00]

6 Q. After the fall of the regime in 1979, based on your interviews  
7 with Cham people, did they indicate to you whether or not they  
8 wished to return, or did return, to their homes to live with  
9 other Cham people; to their home villages?

10 A. I didn't meet with anyone who told me that never come back to  
11 their village, their home village<. In general, they always  
12 returned to their native villages. So> they <could> meet each  
13 other in their home village<. After their family reunion, and in  
14 around '80, '81, '82,> then some of them moved out to another  
15 places where they can do better farming or in their home  
16 community they could not find relatives or family member, they  
17 would leave. But <after the fall down in 1979,> most or all of  
18 them who survived returned to their home villages.

19 [15.38.30]

20 Q. Another factor relevant to the calculations is, you stated  
21 this morning, I believe, in talking about Svay Khleang, you told  
22 us that about 120 families were all that returned in 1979. And  
23 you told us that those 120 families were not complete.  
24 Is that correct? Do I recall correctly your testimony that not  
25 all the members of the families that returned were still alive?

1 A. Yes, this is my home district. My family returned to our home  
2 village. At the time I was grown up, I saw only houses empty, no  
3 <house owners> there. It's only very few families who returned to  
4 the home village. I was young then but <older people> did the  
5 count and asked each other how many families of us survived and  
6 we did the counting and then we found only 120 families. And in  
7 1975 there were 1,240 families. So the loss is not 1,220, it is  
8 1,120.

9 [15.40.29]

10 Q. Yes, and that's reflected in the third column of my  
11 calculations there. So, sir, I want to move on to the two  
12 villages that you list, numbers of persons as opposed to  
13 families. So, reading those into the record.  
14 For Kaoh Phal for 1975 you list 1,864 persons. In 1979, 180  
15 persons; for a decrease of 1,684 persons.  
16 In Peus, you listed in '75, 1,005 persons; and in 1979, 558  
17 persons; for a decrease of 447 individuals. Adding up the  
18 decrease in Kaoh Phal, 1,684, and in Peus, 447, leads to a total  
19 of 2,131 individuals.  
20 And if we add that figure, 2,131 individuals from Kaoh Phal and  
21 Peus, to the estimate we made earlier from the other five  
22 villages that you listed by families, that is a decrease of 1,000  
23 -- excuse me -- 19,120 individuals, then we have a total in these  
24 eight villages of a decrease of 21,251 people.  
25 Sir, do you follow that and does that accord with your

1 understanding of what the people you interviewed told you?

2 [15.42.34]

3 A. In Kaoh Phal and Peu villages the persons whom I interviewed  
4 gave me the exact figures of individuals and not the families,  
5 and that is why I used the same numbers of persons and not the  
6 families. This is rather different from other villages where the  
7 figures of families were mentioned, and if you multiply the  
8 number of families by five or by six the number could be a bit  
9 different <from what I received from them>.

10 Q. Thank you. So thank you, sir, and I've finished discussing  
11 these population figures you have on page 120 and perhaps the  
12 document you don't need any more. However, on page 120 in the  
13 next paragraph after that table, you say this.

14 "In addition to the numbers in the table above, the Khmer Rouge  
15 killed almost the entire populations of 10 Cham villages (see  
16 below). The four or five persons left alive could no longer live  
17 in the villages or decided to abandon their homes and take asylum  
18 elsewhere."

19 On page 121, you list 10 villages and I want to go through those  
20 with you.

21 First of all, is this correct, my understanding that these  
22 villages in page 121 are those that you refer to in the previous  
23 page where virtually the entire Cham population was wiped out?

24 [15.44.50]

25 A. Yes, that is correct, International Co-Prosecutor. There are

1 10 Cham villages as stated on page 121, and these villages are  
2 located in Kampong Cham, Kampong Thom, and Kandal provinces.  
3 Previously, there were a lot of Cham people who lived in these  
4 large villages although I did not have the <exact> figures for  
5 the Cham people. However, after the Khmer Rouge collapsed, none  
6 of the villagers returned to these villages. In some of these  
7 villages only a few families returned and then they were waiting  
8 if other villagers would return but there was none, so they  
9 abandoned their native villages and went to live elsewhere in  
10 other villages.  
11 And after that, these 10 villages no longer were called the Cham  
12 villages. <In reality, these villages> had been <historically>  
13 the Cham villages since <> they fled Champa, but with the total  
14 loss of their community members, they abandoned their villages  
15 and currently they are also known as the villages where the Khmer  
16 people reside and not the Cham people.

17 [15.46.32]

18 Q. Thank you. I just want to go through this list of 10 villages  
19 and make sure we understand where they're located and in what  
20 administrative structures they were located during the DK regime,  
21 if you can help us with that. So starting with -- and perhaps you  
22 can follow along the names because of my pronunciation is  
23 probably bad.  
24 Baykay. Is it correct that that's in Lvea Aem district in Kandal  
25 province? And that would have been, is it correct, in the

1 Southwest Zone?

2 [15.47.28]

3 A. When I refer to the geography of Lvea Aem, and according to  
4 the administrative division of the Khmer Rouge, it is located in  
5 the East Zone<, not the Southwest Zone>. It's <in fact> a Cham  
6 village and I have some relatives who live there.

7 My father, when he came to Phnom Penh, used to tell me that I had  
8 quite a number of relatives who lived in Baykay village and it  
9 was not far from where I lived. It means we just cross the river  
10 and we would be there and, however, the relatives never returned  
11 to the village, and Baykay was no longer a Cham village. At the  
12 moment when we cross the river to the other side there is no more  
13 Cham village there.

14 [15.48.35]

15 Q. Okay. So Baykay was in Kandal province but part of the East  
16 Zone. Is that correct?

17 A. To my recollection, geographically on the other side of the  
18 river, that is, on the Lvea Aem, the area belonged to the East  
19 Zone.

20 Q. The next village Pou Tonle was in Kaoh Thum district. Would it  
21 be correct that that would have been in Sector 42 of the Central  
22 Zone?

23 A. No. Pou Tonle village is located in Kaoh Thum district and it  
24 is in Sector 25 and not <Sector> 42. And it is in the special  
25 zone. Later on, I believe it was reassigned to be part of the

1 Southwest Zone.

2 Q. I'm going to skip the next five for just a moment. So going to  
3 below -- I guess it would be number 8, Khvav village in Prey  
4 Chhor, Kampong Cham. Where -- what zone or sector would that be  
5 in, do you know?

6 A. Originally, Khvav village was located in Sector 41 in the  
7 North Zone. However, in 1977 the sector was reassigned to be part  
8 of the Central Zone.

9 Q. The next village, the ninth listed, is Chamkar Leu in Krouch  
10 Chhmar. Would it be correct that that was Sector 21 of the East  
11 Zone?

12 A. Yes, that is correct; it is in Sector 21 in the East Zone.

13 Q. The last listed is Tuol La-veang in Baray district. Would that  
14 also be in the Central Zone, Sector 43 or could you know where  
15 that is?

16 [15.52.00]

17 A. Tuol Lva-veang village is located in Sector 42 and it is like  
18 Sector 41, initially it was part of the North Zone. In early  
19 1977, however, it was reassigned to be part of the Central Zone.

20 Q. Now, I skipped and I wanted to come back to --- you have five  
21 villages listed from Kampong Siem district: Kaoh Prak, Chamkar  
22 Samseb, Krakor, Kaoh Roka. What sector and zone were those  
23 villages in?

24 A. In fact, you missed one village, that is La-ang, and they all  
25 belong to Kampong Siem district.

100

1 Geographically, Kampong Siem district is part of Sector 41,  
2 belongs to the North Zone, and in early '77 it belonged to the  
3 Central Zone.

4 [15.53.28]

5 Q. So thank you for that correction. It's actually six (sic)  
6 villages that you've listed there.

7 I want to read to you something again from Kiernan about Kampong  
8 Siem. This is E3/1593. The English ERN is -- English is at page  
9 260 (sic) and French it's at page 336. There's no Khmer  
10 translation.

11 He indicates that: "The neighbouring riverbank district of  
12 Kampong Siem was also in Region 41. In 1940, 3,800 Cham lived in  
13 the district. By 1975, the Cham population had reached 2,000  
14 families in seven villages."

15 And then he says, quote: "'All have perished', the new government  
16 claimed in 1980 (sic). It has not been possible to confirm this  
17 assertion, but the one independent account available from Kampong  
18 Siem district is suggestive. In Chranieng village, 12 Khmers were  
19 killed in 1975 to 1978, of whom eight were New People, but in  
20 1977 alone 13 families of Chams were murdered, over 80 people in  
21 all."

22 So, Mr. Witness, Kiernan has given an estimate that by 1975 in  
23 Kampong Siem there were 2,000 families of Cham. Do you have any  
24 comment on that estimate?

25 [15.55.33]

101

1 A. I do not wish to make my conclusion that the 2,000 families  
2 <in Kampong Siem> is a correct figure or not because I did  
3 conduct my research in Kampong Siem. I only knew that certain  
4 villages where the Cham people resided they were no longer there.  
5 Through my interview, Kampong Siem used to house many Cham  
6 families besides Krouch Chhmar district was Kampong Siem and then  
7 there were those who live in Kang Meas and Stueng Trang. These  
8 are the districts situated along the riverbanks.

9 And in this quote, Ben Kiernan asserted that there were 2,000  
10 Cham families who lived there. I do not wish to make the same  
11 conclusion further research need to be done. There may be those  
12 who used to live in Kampong Siem district may know.

13 [15.56.52]

14 And I also wish to add that at present there is a village in  
15 Kampong Siem district which is called Kokor and it is located in  
16 Kampong Krabei commune. That is the only Cham village remains,  
17 the rest of the Cham villages no longer exist.

18 As for the number of the Cham families or the Cham individuals,  
19 they had settled in the area since 1979. However, the total  
20 numbers remain --- seems to be remain unchanged despite new  
21 children are born and the same thing applies to some other  
22 locations despite the birth of babies, the number of the Cham  
23 families remain low compared to the original number of the Cham  
24 people living there before the Khmer Rouge regime.

25 Q. Thank you. Well, sir, in your book "The Cham Rebellion", you



102

1 do give a couple of accounts about what happened to those people  
2 from Kampong Siem, those Cham people who seemed to have  
3 disappeared, and this is -- first, you have something from an  
4 individual, an interview with Mat Sarin. This is at English,  
5 00219193; Khmer, 00904414; there's no French translation.

6 Mat Sarin you quote as saying:

7 "In 1978 they began to kill off the Cham people. This time the  
8 killing was carried out publicly, not done secretly like before."

9 He says -- he goes on to say:

10 "They killed the Cham in every village in Kang Meas and Kampong  
11 Siem districts. Those who survived were the people who had been  
12 evacuated away to far-away areas."

13 Do you recall anything about this interview with Mat Serin?

14 [15.59.23]

15 A. Yes. The account of this witness is similar, is no different  
16 from other accounts from other witnesses whom I interviewed.

17 There were mass killing that happened there, that is, in 1978.

18 <There was more killings than in '75-'76.> In fact, starting  
19 from 1978, the - 1977, the killing became intensified in Kampong  
20 Siem, Kang Meas, Stueng Trang and certain other locations as they  
21 conducted the purge. They actually rounded up the Cham people and  
22 they were taken away and killed <en masse>. No Cham people could  
23 survive the ordeal.

24 [16.00.20]

25 Q. In -- you have another account from Kampong Siem. At Khmer the

1 ERN is, 00904408; and in English the bottom of 00219210.

2 There you quote Ismail bin Abu Samas, a witness from Kokor  
3 commune, Kampong Siem.

4 You quote him as saying:

5 "In 1978, the Khmer Rouge announced that there were 2,000  
6 clandestine enemies within the sub-district. That caused me some  
7 amazement as the number seemed really excessive. Several days  
8 later their cadres came and wrote down the names of every single  
9 Cham in the sub-district. That certainly made me suspicious  
10 because there were about 2,000 Cham residents just matching the  
11 number of enemies they had calculated in advance and already  
12 announced. Then they chose Cham men for killing first."

13 You go on to say he said:

14 "After the men had been rounded up, they gathered up the women  
15 and children for killing."

16 Do you recall speaking to Ismail bin Abu Samas?

17 A. Yes, I recall that.

18 Q. The Cham that were targeted for killing during the Khmer Rouge  
19 regime, were they limited to military age men or was it common  
20 for women and children, as in this account, to also be killed?

21 [16.02.20]

22 A. They killed without discrimination. They killed those who were  
23 Cham.

24 In 1977, it was difficult for the Khmer Rouge to distinguish the  
25 Cham from the Khmer people, <> by <late 1975,> the Cham people

104

1 had been evacuated to live, mingle, with the Khmer people, and  
2 that started <> after the rebellions.

3 So Cham, some Cham people adapted themselves to the way the Khmer  
4 people lived. They forfeited their religious practice. They  
5 forced themselves to eat the pork. They associated with the Khmer  
6 people and they could speak Khmer fluently and for the Cham  
7 children they actually forgot to speak the Cham language.

8 [16.03.20]

9 So <in '77 and '78,> it was very difficult for the Khmer Rouge  
10 to identify who was Cham and who was Khmer since they mingled  
11 among the Khmer people. The children belonged to the children's  
12 unit<, they already forgot Cham language>. The youth belonged to  
13 the mobile units<, men with men and women with women,> and the  
14 old people lived with the Khmer old people.

15 The Khmer Rouge then came out with a policy. They said for any  
16 Cham wherever they resided or which unit they belonged to, they  
17 were requested to return to unite with their family members since  
18 now the country had been liberated and they appealed to all the  
19 Cham people to come to unite with their families at their native  
20 villages.

21 Then, <the> Cham people were so happy to hear that, and they  
22 decided to return to their native villages. And even Krouch  
23 Chhmar they actually returned to their villages and the same  
24 thing applied to those in Kang Meas and Kampong Siem. They  
25 returned to their native villages in order to find the remaining

1 family members.

2 And once the Khmer Rouge saw that they all came to their native  
3 villages, they were all <rounded> up without discrimination,  
4 whether they were children or whether they were women, <all Cham  
5 people> were all gathered up for killing.

6 [16.04.57]

7 However, there were some Cham who decided not to return to their  
8 native villages and decided to live with the Khmer people. And  
9 sometime it was the Khmer people who <loved and pitied on Cham,>  
10 actually stopped them from going to their native villages and  
11 asked them to wait a bit more to see whether the situation  
12 improved.

13 And those Cham survived, but for other Cham who decided to return  
14 to their native villages, most of them were gathered up and  
15 killed.

16 In Krouch Chhmar village, the <Cham people> were sent to be  
17 killed in Trea village. They were killed at a pit there or they  
18 were killed and dropped off into the Mekong River.

19 [16.05.51]

20 In Kampong Siem the way they killed the Cham people was  
21 different, and in Kang Meas there was another execution site for  
22 the Cham people at the Au Trakuon Pagoda. For the youth who did  
23 not receive that information and did not return to the native  
24 village were rounded up in one place. They were interrogated.  
25 They were asked about their ethnicity and some of them told the

106

1 truth that they were Cham people and some were concerned about  
2 their safety and they did not know which answer to respond, so  
3 they said -- some said they were Khmer or some said they were  
4 half-blood as their mother or father was Cham.

5 So those who responded that they were mixed blood or they were  
6 Cham would be placed in one group and those who responded as  
7 Khmer they were placed in another group. And for those who  
8 responded that they were Cham of mixed blood, they were killed.

9 And that happened in Trea village.

10 So first the <Khmer Rouge wanted to make sure> about <those  
11 people's> ethnicity before they were rounded up, put in that  
12 group and killed. <But> those who responded that they were Khmer,  
13 some of them survived.

14 [16.07.20]

15 MR. PRESIDENT:

16 Thank you, International Co-Prosecutor, and thank you, Mr.  
17 Expert.

18 Let me adjourn the hearing today and resume tomorrow, that is,  
19 Wednesday 10 February 2016, commencing from 9 o'clock in the  
20 morning.

21 Tomorrow the Chamber continues to hear the testimony of the  
22 expert, Ysa Osman. And, Mr. Ysa Osman, the Chamber thanks you for  
23 your testimony, however, it is not yet concluded and you are  
24 invited to return tomorrow commencing from 9 o'clock in the  
25 morning.

107

1 And Madam Julie Bardeche, the Chamber is grateful of your  
2 presence in your capacity as the OCIJ legal officer. You may also  
3 be excused, and please return tomorrow.

4 Court Officer, please collaborate with WESU to return Mr. Ysa  
5 Osman to his residence and invite him to return tomorrow starting  
6 from 9 o'clock in the morning.

7 Security personnel, you are instructed to take the two accused,  
8 Nuon Chea and Khieu Samphan, back to the detention facility and  
9 have them returned to attend the proceedings tomorrow before 9  
10 o'clock.

11 The Court is now adjourned.

12 (Court adjourns at 1608H)

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