



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

8 January 2016
Trial Day 353

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 14-Jan-2016, 13:43
CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:
EM Hoy
Maddalena GHEZZI
Niccolo PONS

Lawyers for the Civil Parties:
Marie GUIRAUD
PICH Ang
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. SOS Romly (2-TCW-904)

Questioning by Mr. KOUMJIAN page 2

Questioning by Mr. VEN Pov page 40

Questioning by Mr. KOPPE page 45

Questioning by Ms. GUISSÉ..... page 75

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SOS Romly (2-TCW-904)	Khmer
Mr. VEN Pov	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will continue hearing the witness before us.

6 Mr. Em Hoy, please report the attendance of parties and other
7 individuals at today's proceedings.

8 THE GREFFIER:

9 Mr. President, for today's proceedings, all parties to the case
10 are present.

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

14 The witness who is to testify today, Mr. Sos Romly, he and his
15 duty counsel are already before the Chamber. Today, there is no
16 reserve witness, Mr. President.

17 MR. PRESIDENT:

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

20 The Chamber has received a waiver from Nuon Chea, dated 8 January
21 2015 (sic) which states that, due to his health, headache, back
22 pain, he cannot sit or concentrate for long. And in order to
23 effectively participate in future proceedings, he requests to
24 waive his right to participate in and be present at the 8 January
25 2015 (sic) hearing.

2

1 [09.04.25]

2 Having seen the medical report of Nuon Chea by the duty doctor
3 for the Accused at the ECCC, dated 8 January 2015 (sic), who
4 notes that Nuon Chea has back pain and dizziness when he sits for
5 long and recommends that the Chamber grant him his request so
6 that he can follow the proceedings remotely from the holding cell
7 downstairs. Based on the above information pursuant -- and
8 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
9 grants Nuon Chea his request to follow today's proceedings
10 remotely from the holding cell downstairs via audio-visual means.
11 AV technicians are instructed to link the proceedings to the room
12 downstairs so that Nuon Chea can follow the proceedings. This
13 applies to the whole day.

14 Next, the floor is given to the Co-Prosecutors to resume their
15 questioning. You may now have the floor.

16 [09.05.34]

17 QUESTIONING BY MR. KOUMJIAN:

18 Good morning, Your Honours, counsel, Mr. Witness, and civil
19 parties.

20 Q. Sir, can you please tell us what education you had prior to
21 1970?

22 MR. SOS ROMLY:

23 A. I did not receive education before 1970.

24 Q. Thank you.

25 You indicated that you were chosen to be the commune clerk

3

1 because of your handwriting, so I presume you are literate. Can
2 you tell us where you learned to read and write? Did you ever
3 study in an Islamic school?

4 A. I went to Trea primary school, and I finished Grade 3 at the
5 time. But during the time that I studied, I read a lot of
6 newspapers.

7 Q. Thank you very much.

8 Were you -- before 1970, were you religious? Did you practise
9 Islam?

10 A. Yes.

11 [09.07.25]

12 Q. Sir, do you recall the 17th of April 1975, the day that Phnom
13 Penh fell to the Khmer Rouge forces? Is that a day that sticks in
14 your memory?

15 A. Yes, I could recall the day 17 April 1975.

16 Q. After 17 April 1975 through the end of 1978, did things change
17 for Cham people in Trea?

18 A. In 1975, Khmer Rouge started to close down mosques and Korans
19 were no -- were not allowed to use any more. And Cham people were
20 required to cut their hair short, and worship at home were not
21 allowed to be practised.

22 Q. Prior to that time, to 17 April 1975, did Cham people in Trea
23 pray according to Islamic traditions? I believe it is five times
24 a day, but you can explain.

25 A. Before 1975, regarding Islamic community, we were allowed five

4

1 times a day, seven days a week, and on Friday, we went to the
2 mosque to pray.

3 [09.09.55]

4 Q. Now, you said that that was no longer allowed after 1975,
5 after the fall of the Long Nol regime.

6 Can you tell us, how was that enforced? How did the authorities,
7 the Khmer Rouge in your area, convince the people not to pray and
8 not to go to mosques?

9 A. There was a ban imposed in the meeting, and we were told that
10 the religion was considered reactionary and we were not allowed
11 to practise the religion, both in mosques or anywhere.

12 Q. Sir, by the way, I noticed that Wednesday and today, you're
13 wearing some type of headgear. I apologize. I don't know the
14 name.

15 Is this typical of something that Cham people wear?

16 A. Yes, that is true. It is our tradition to wear it.

17 Q. From April 1975 through the end of 1978 in Trea, did you wear
18 headgear like that or did other Chams wear headgear like you're
19 wearing, and headscarves for women?

20 [09.11.48]

21 MR. PRESIDENT:

22 Please hold on, Mr. Witness.

23 You have the floor now, Mr. Koppe.

24 MR. KOPPE:

25 Thank you, Mr. President. Good morning.

5

1 No objection to this particular question, but an observation in
2 relation to the questions of the Prosecution, also an earlier
3 question. I'm not quite sure why it is that Prosecution limits
4 its questions as of 17 April '75 because there's plenty evidence
5 that that particular sector was already in the hands of "the
6 Khmer Rouge" in 1970 and that first arrests already took place in
7 '74.

8 So I'm not quite sure -- of course, Prosecution is free to do so,
9 but I don't think the evidence is there to suggest that things
10 changed all of a sudden as of 17 April '75.

11 [09.12.43]

12 BY MR. KOUMJIAN:

13 Your Honour, I hope that Defence does not need a lesson that the
14 jurisdiction of the Court begins on the 17th of April 1975, and
15 that's why the question is directed to the period of the
16 jurisdiction of the Court. Thank you.

17 Q. So sir, I don't know if you recall the question.

18 The question was whether the headgear like you are wearing today
19 and, for women, headscarves, did Cham people wear those between
20 17 April 1975 and the end of 1978?

21 MR. SOS ROMLY:

22 A. No, we were -- we were not allowed to wear headgear or scarf.

23 Q. Sir, did anyone refuse to give up practising their religion?

24 Were there any cases where people openly prayed or kept their
25 Korans or wore their headgear?

6

1 A. They were afraid after the crackdown at Svay Khleang. Trea
2 people -- villagers and Trea people were afraid after that
3 crackdown. The crackdown happened in 1975, and the Islamic
4 community was afraid of resisting any ban.

5 [09.14.30]

6 Q. Can you tell us -- explain a bit more, why were people afraid?
7 What happened that made people afraid in 1975, you said, after
8 the crackdown in Svay Khleang?

9 A. Everyone was afraid. There were arrests of hakim religious
10 teachers or other intellectuals, including physicians, before
11 1975. For this reason, people were afraid.

12 Q. What happened to those arrested, if you know?

13 A. I do not know what happened to them. I only knew that those
14 who were arrested held different positions.

15 Q. Sir, when you first became a clerk at the commune office, who
16 was your boss? Who was the head of the commune?

17 A. Chhean was the first one.

18 [09.16.14]

19 Q. What happened to Chhean?

20 A. Could you repeat your question, or what happened to them, I do
21 not really understand that question.

22 Q. Did Chhean remain the commune chief and, if not, do you know
23 where -- what happened to him? Was he transferred, was he
24 arrested? What happened to him?

25 A. In 1977, Chhean had been arrested under the accusation that he

7

1 betrayed the Party.

2 Q. And do you know what happened to him after he was arrested?

3 A. Later on, I heard that he died or he had been killed.

4 Q. Who replaced Chhean?

5 A. After the arrest of Chhean, a security cadre from Krouch
6 Chhmar district, Chem (sic), came to replace, and another one --
7 another person by the name Han also came.

8 [09.18.00]

9 Q. What happened to Chem (sic) and Han?

10 A. In mid-1978, both of them were arrested by the Central Zone.
11 They went to arrest Sim and Han.

12 Q. Do you know who was in charge of the forces that made that
13 arrest? If you don't, just tell us, but do you know who was --
14 from the Central Zone was in charge of those forces?

15 A. Thirty soldiers came to arrest the two individual, and Ho was
16 the chief of that group.

17 Q. Who replaced Chem (sic) and Han?

18 A. Later on, Ho appointed Meng to replace them.

19 Q. Where was Meng from? Do you know what part of -- where he was
20 from?

21 A. Meng was evacuated from Preaek A Chi to be chief in Trea.

22 Q. You've mentioned Ho as the man who appointed Meng. What was
23 the position of Ho?

24 A. To my knowledge, Meng was the Krouch Chhmar district chief.

25 [09.20.46]

8

1 Q. Sorry. The answer that I got is -- the translation was you
2 said that Meng was the district chief for Krouch Chhmar. I was
3 asking you about Ho.

4 Can you tell us, who was the district chief of Krouch Chhmar?

5 A. Meng appointed Ho to be the commune chief in replace of Sim.

6 Q. Okay. Who was higher in rank, Meng or Ho?

7 A. Ho was higher than Meng, since Ho appointed Meng to be the
8 commune chief.

9 Q. So -- and it may have been a simple translation problem;
10 probably my fault.

11 Can you tell us again what position Ho held at the time he
12 appointed Meng?

13 MR. PRESIDENT:

14 The name is Ho, not Hor (phonetic). Please use the name
15 specifically; otherwise, it is confusing. The name is Ho, not Hor
16 (phonetic).

17 [09.22.25]

18 BY MR. KOUMJIAN:

19 Q. Sorry, Mr. Witness, for the confusion. Let me try again.

20 Ho, can you tell us what position Ho held that he was able to
21 appoint Meng as chief of the commune? What was Ho's position?

22 MR. SOS ROMLY:

23 A. Ho came from the Central Zone. He led the group of 30
24 soldiers. Ho was the Krouch Chhmar district chief, and he came to
25 appoint Meng to be in one position, as I said earlier.

1 Q. Thank you very much.

2 By the way, how did you learn that his name was Ho?

3 A. First he was in charge of the fishing unit in Stueng Trang
4 region. And one day, he called my father-in-law to assist in his
5 fishing region. And my father-in-law told me that that person
6 name was Ho.

7 [09.23.56]

8 Q. Were you ever present at a meeting with Ho?

9 A. I joined one meeting with Ho.

10 Q. Can you tell us, did things change for Cham people in Trea
11 when Ho arrived?

12 A. Upon his arrival, Sim was arrested and Han, the deputy chief
13 of the commune, was also arrested. Yay Yorb (phonetic), the
14 member of Krouch Chhmar committee, was also arrested. That was
15 the first three individuals who were arrested.

16 Q. Okay. I believe you said you were the only Cham in the
17 administration of the commune, so I presume those three people
18 were not Cham; is that correct, the three you just named?

19 A. One person was Cham, Ya -- his name was Yay Yorb (phonetic).
20 He was part of the district committee, and he was in charge of
21 the fishing unit within Krouch Chhmar district.

22 Q. What happened, if you know, to those three individuals that
23 were arrested by Ho?

24 A. Later on, these three individuals were sent to Stueng Trang.
25 And I heard from others that the three individuals died already

10

1 since we have no longer seen them since that time.

2 [09.26.26]

3 Q. Did -- how did Ho treat the Cham people?

4 A. Ho convened 20 people from various units within the commune to
5 a meeting, and there was a colleague of Ho who was also invited
6 to the meeting. And they were told that they had to attend the
7 meeting at the commune -- at the district office, and the
8 district office was one used as the commune office.

9 Q. Do you know what happened when the -- at the -- with the
10 meeting?

11 A. Nothing happened in the meeting. We were told that we had to
12 go to the district office to join a study session.

13 Q. And did they -- did you all go to the district office?

14 A. Yes, we did go.

15 [09.28.10]

16 Q. And what happened at the meeting at the district office?

17 A. I do not know what happened. They went to the district office
18 and never returned.

19 Q. Have you ever seen them again?

20 A. No. I have seen no one after then.

21 Q. Can you describe where the district office was? You said this
22 was -- is this correct?

23 You're talking about what used to be the commune office that was
24 converted to the district office? Is that the same place?

25 A. No, it was not the case. Sim and Chhean were working in the

11

1 commune office, and Ho and his group came to work in that commune
2 office. And the old cadres who used to work in that commune
3 office went to find an office in their respective houses. Meng,
4 at that time, went to his house and used his house as the office.
5 [09.29.56]

6 Q. Did there come a time when new Cham people from other parts of
7 the eastern part of Cambodia arrived in Trea?

8 A. Some people were transported on ox cart to Trea, and these
9 people were brought into that district office in Trea.

10 Q. Do you recall when that was, approximately, that these people
11 arrived by ox cart?

12 A. Immediately after the arrival of Ho. Ho came to work in the
13 district office and, after which, he transported people, one
14 after another.

15 Q. Thank you.

16 Can you give us the year and, if you can, the month or
17 approximate month?

18 A. I could not remember the month, but it was in 1978,
19 approximately in May of 1978.

20 Q. This district office where they were taken to -- first of all,
21 sorry. Is Trea on the Mekong River; is that correct?

22 A. Yes, that's correct.

23 [09.31.57]

24 Q. Where in relation to the river was the district office? Can
25 you tell us how far it was from the river?

12

1 A. It was near the riverbank. The commune office was about 20 or
2 30 metres away from the riverbank.

3 Q. So what happened to these people that were taken to the
4 district office, if you know?

5 A. I saw the hole where about 20 or 30 -- 20 or 30 pits.

6 Q. Can you explain that? You saw a hole with pits.

7 First of all, when did you see this?

8 A. I saw it -- I saw them after the liberation day of 7 January.

9 About half month after I escaped into the forest when I arrived
10 in the village, I went around that area and I saw those pits. I
11 could not see them in 1978 because, in 1978, those areas were
12 flooded.

13 [09.33.45]

14 Q. And when you saw them -- was it in 1979 that you saw them, or
15 was it after that year?

16 A. I saw them in 1979.

17 Q. And do you know if there was anything inside these pits?

18 A. I saw the bones, piles of bones in the pits.

19 Q. When these people arrived by ox cart, what was the ethnicity
20 of these people?

21 A. I know they were all ethnic Cham.

22 Q. And did this happen one day, or did it happen more than one
23 day?

24 A. As far as I know, it was probably for about 10 days.

25 Q. Do you have any way to estimate the number of people that came

13

1 -- of Cham people who came to Trea by ox cart in 1978 during
2 these 10 days?

3 A. From my estimate, there were about 500 to 600 people,
4 including children and adults.

5 [09.36.10]

6 Q. Now, do you know if Ho had any role in -- or any contact with
7 these people, as far as you know?

8 A. I do not know.

9 Q. Thank you.

10 Now, sir, you said that at one time you fled. When was it that
11 you fled Trea?

12 A. I did not flee far away. I just fled to nearby areas. I was
13 Sim's clerk, and I heard that the East Zone were branded as
14 traitors, so my people in my unit were afraid, so we fled to
15 forest nearby.

16 Q. So the people that you fled with, were they mainly Khmer, were
17 they Cham, was it mixed?

18 A. Regarding this escape, we just fled temporarily.

19 Q. Okay. But were you fleeing with other cadre and, if so, what
20 was the ethnicity of the others?

21 A. I fled alone. As for other cadre, they also fled. But as for
22 me, I fled to the forest nearby my home.

23 Other cadres, ethnicity are Khmer, not Cham. Only I, alone, was
24 Cham.

25 [09.38.45]

14

1 Q. Sir, were you part of a conspiracy against Pol Pot? Were you
2 part of any plans to attack the regime?

3 A. I was not a core member or a Party member. I was simply an
4 ordinary worker. I simply performed what I was ordered to do. I
5 did not dare to protest anything.

6 Q. Did anyone try to recruit you into a plot against Pol Pot?

7 A. No, there were no one.

8 Q. Do you recall the approximately date when you fled Trea?

9 A. I told you already that I did not flee to faraway place. I
10 simply fled to nearby place because, at that time, there were
11 chaotic situation.

12 Q. Yes, thank you. You told us that, so let me then modify the
13 question.

14 When you fled nearby, when was that? When you fled to this nearby
15 place, can you tell us, approximately?

16 A. When Ho was about to arrive. We heard about the arrival, so we
17 escaped. We did not dare to stay at the district office. Some
18 escaped to their homes. Some escaped to nearby places before Ho's
19 arrival.

20 [09.41.12]

21 Q. But I'm a bit confused because you said you were at a meeting
22 with Ho, so can you explain that? Did you come back after fleeing
23 nearby? Can you explain?

24 A. At the time, I told you -- as I told you that I fled, and then
25 I returned, and then Meng was appointed. And then three months

15

1 later, Ho organized a meeting, so I attended one meeting.

2 Q. Okay. Thank you. Now I understand better.

3 So sir, at the end of 1978, were you in Trea?

4 A. I left Trea in late 1978. At that time, we all fled into the
5 forest because we heard that the Khmer Rouge gather people and
6 walk away with them, so we fled. The villager fled into the
7 forest, so it was not only me who flee -- who fled, but everyone
8 in the village fled.

9 [09.42.50]

10 Q. Now, can you tell us approximately how many weeks or months
11 that was before the Vietnamese arrived?

12 A. It was one month before the arrival of the Vietnamese.

13 Q. Thank you.

14 Now, at that time -- so this would have been late 1978. How many
15 Cham were living at that time in Trea in the five villages,
16 approximately?

17 A. I could not estimate.

18 Q. Okay. Fair enough.

19 Sir, I want to concentrate my questions now on what happened to
20 the Cham. Did you ever hear any Khmer Rouge cadre talk about any
21 plan regarding the Cham?

22 A. I heard once when I was Chhean's clerk in 1977. There was a
23 regional security guard who came to meet Chhean, and Chhean was
24 not there at that time because he went to supervise people
25 digging the canals. So the security guard spent the afternoon

16

1 with me, and he asked me where were those people gone.

2 I told him that the Cham were evacuated to Central Zone. And then
3 he asked me -- and then I told him that about only 80 to 85 per
4 cent were evacuated. There were around 15 per cent left in the
5 village. And he told me that those Cham people would be smashed.

6 [09.45.13]

7 Q. Thank you.

8 Now, this regional security person, do you recall anything else
9 about him, his name or where he was from?

10 A. I cannot recall his name. His -- I just know that he's
11 regional security officer, but I could not recall his name now.

12 Q. Thank you.

13 Now, did he come alone or did he have any bodyguards or troops
14 with him?

15 A. He came with another person.

16 [09.46.08]

17 Q. Do you know if he knew your ethnicity, if he knew that you
18 were Cham?

19 A. No, he did not know.

20 Q. Did he explain or did you ever hear why there was a plan to
21 smash the Cham?

22 A. I did not know.

23 Q. You told him that 80 or 85 per cent had previously been sent
24 from Trea to the Central Zone. What year was that that people
25 were transported, Cham people, from Trea to the Central Zone?

17

1 A. I did not know the reason. But as I told you, at our village,
2 we had rice to eat, and we were told that we would be sent to
3 harvest rice at Battambang province, not Central Zone, because in
4 Battambang province, there were lots of rice and we could have
5 enough to eat.

6 Q. Okay. I'm just trying to get an idea of the time.

7 Was that time when the 80 to 85 per cent were sent to the Central
8 Zone, if you know, before or after the 17th of April 1975?

9 A. It was in late 1975.

10 [09.48.28]

11 Q. Sir, you had mentioned that there were three hakims in Trea.
12 Do you know what happened to them between 1975 and -- to the end
13 of '78?

14 A. Hakims were arrested in early 1975.

15 Q. Do you know if they were detained or do you know if they --
16 did they disappear? Did you ever see them again?

17 A. They were detained in Krouch Chhmar district at Spean Ta Buon
18 (phonetic).

19 Q. Did they survive the regime, do you know?

20 A. They disappeared until now.

21 [09.49.50]

22 Q. I want to ask you about some other prominent people in the
23 Trea Cham community.

24 Please correct me, sir, if I'm wrong, but I understand hajis are
25 people who've made the trip to Mecca, and they have some

18

1 prominence in Islamic communities.

2 Were there hajis in Trea before 1975?

3 A. Before 1975, there were haji.

4 Q. Do you know about how many there were?

5 A. I cannot estimate well, but I think there were around 10
6 people.

7 Q. Do you know how many of them survived the regime? If you don't
8 know, just tell us.

9 MR. PRESIDENT:

10 The floor now is given to Counsel Victor Koppe.

11 [09.51.15]

12 MR. KOPPE:

13 Again, an observation, but this time in the form of an objection
14 as well.

15 Prosecution is limiting its questions to the period after 17
16 April '75, whereas there's plenty of evidence that specifically
17 in this district or in this sector, arrests, and possibly also
18 killings, happened before 1975, so before the jurisdictional
19 period.

20 Thank you for reminding me, Mr. Prosecutor, what the
21 jurisdictional period exactly was.

22 So to make an artificial distinction between -- artificial
23 distinction in relation to questions to this witness, that is
24 bringing this witness into trouble because he feels, I think, he
25 is forced to answer the questions as to what happened after 17

1 April '75.

2 This particular district was occupied by "the Khmer Rouge" in
3 1970. Many things happened in '73, '74 before the jurisdictional
4 period, so I think the Prosecution should ask open questions and
5 not limit the questions to strictly after 17 April '75.

6 [09.52.36]

7 BY MR. KOUMJIAN:

8 Thank you, Your Honours.

9 Of course, counsel's free to ask questions about the period 1970
10 to 1975 when it is his turn. It's obviously very critical to
11 understand what happened during the jurisdiction period of the
12 Court, and that's why specifically these questions are directed
13 at that.

14 How counsel believes that the witness thinks he's being forced to
15 answer questions when I tell him if he doesn't know, just tell
16 us, I don't know what the basis for that is.

17 Q. Mr. Witness, do you feel intimidated by my questions, sir?

18 MR. SOS ROMLY

19 A. No, I did not feel that I was intimidated by your question.

20 MR. PRESIDENT:

21 The Chamber overrules the objections of Counsel Victor Koppe
22 because this issue is related to what the Chamber want to hear
23 about the specificity and details about the situation so that we
24 can consider.

25 So Witness, please answer to the last questions of the

20

1 prosecutors, if you can.

2 [09.54.06]

3 MR. SOS ROMLY:

4 A. I could not remember the question. Please repeat the question.

5 BY MR. KOUMJIAN:

6 Q. Thank you.

7 Do you know how many hajis survived the regime? And if you don't
8 know, tell us.

9 MR. SOS ROMLY:

10 A. I know that only one survived the regime.

11 Q. Thank you.

12 How about teachers, sir? Were there teachers in Trea before 17
13 April 1975?

14 A. Talking about teachers of general skills, I did not know where
15 they came from.

16 [09.55.08]

17 Q. Sorry. I should be more precise.

18 How about were there teachers of religion, of Islam, people that
19 taught people how to pray, how to read the Koran?

20 A. Yes, there were three religious teachers.

21 Q. Do you know if they survived the regime?

22 A. All of them were arrested and taken away by the Khmer Rouge.

23 Q. Were they ever seen again by you or anyone you know?

24 A. I have never seen them again.

25 [09.56.13]

21

1 Q. Can you tell us about any other prominent people in Trea such
2 as intellectuals or village chiefs and what happened to them, if
3 you know, between 1975 -- April '75 and '78?

4 A. All the three religious teachers: one named Sos Sleiman
5 (phonetic), he came from Egypt. He went to study in Egypt. And
6 then another one is Sos Yako (phonetic). He went to study from --
7 in Malaysia. And he came to teach in Trea. And another one name
8 Ibrahim. He was a teacher, religious teacher, and he was trained
9 in the village.

10 Q. Do you know what happened to them between April '75 and 1978?

11 A. All the three were arrested. And I did not know what would be
12 their fates, their destiny, but I haven't seen them ever from
13 that time.

14 Q. Do you recall approximately when they were arrested? And if
15 you don't know, you can tell us.

16 A. At that time, it was approximately early 1975.

17 Q. Mr. Witness, you've mentioned you had five siblings. What
18 happened during the regime to your five siblings? Did they all
19 survive?

20 A. Out of my five siblings, only one was killed.

21 [09.59.02]

22 Q. And the sibling who was killed, who was that?

23 A. He's my first brother. He went to Vietnam, and when he
24 returned, the Khmer Rouge arrested him. And then he disappeared
25 -- disappeared until now.

1 Q. Do you know when it was that he was arrested?

2 A. In 1973, my brother went to Chramok Chrouk (phonetic)
3 province, and when he came back, along the road, he was arrested
4 and he disappeared since that time.

5 Q. Okay. Thank you.

6 Now, the other four siblings, did they stay in Trea village
7 between -- all the way to the end of 1978, or not?

8 A. They were all living with me.

9 Q. Did you do anything to protect them?

10 A. I did not have the ability to protect all of them.

11 [10.01.02]

12 Q. In Trea, did the people before 1970, before the Khmer Rouge
13 came -- did they follow Islamic traditions about burial, about
14 how a body should be prepared for burial and the other traditions
15 you had -- Islamic traditions?

16 A. Please ask the question again. I do not really get it about
17 the burial.

18 Q. Okay, sir. I'm not an expert, but I understand that, under
19 Islam -- or many of those practising Islam follow traditions that
20 a body must be clean, must be washed, it must be prepared in a
21 certain way before burial, and buried within a day of the
22 person's death. And I believe even there's something about the
23 way that the head -- the direction the head should be pointed.
24 But again, I don't -- I'm only asking you if you know about that,
25 and if those traditions -- any such traditions were followed in

1 Trea before the Khmer Rouge came.

2 [10.02.38]

3 A. Before 1975 and also now today, the body needs to be washed.

4 All parts of the body have to be washed.

5 No, the fingers were not used to be pointed at the head, but to

6 put on the chest.

7 Q. Okay. Sir, was there -- did you continue -- people in Trea,

8 Cham people, were they allowed to continue to follow that

9 tradition of washing the bodies during the regime, the Khmer

10 Rouge regime?

11 A. Concerning people who died because of diseases, in fact, we

12 could have the washing of the bodies since the Khmer Rouge did

13 not have interest in that kind of traditions.

14 Q. Thank you.

15 How about the Cham language? Before 1970, I believe these -- was

16 Cham, the language Cham, widely used in your village?

17 A. Yes, it was widely used before 1970.

18 Q. And specifically after April 1975 to the end of '78, were

19 people allowed to -- did they continue to use Cham in Trea?

20 A. No, Cham language was not allowed to speak, but the ban was

21 not so strict. At home, we could secretly use our own language.

22 [10.05.15]

23 Q. Thank you.

24 Now, sir, you mentioned cadre from the Central Zone arriving in

25 Trea. Did cadre from any other zones ever come to Trea?

1 A. There were two strange people. They spoke with an accent, and
2 they came from the Central Zone.

3 Q. Thank you.

4 Did any come from any other zones besides the Central Zone?

5 A. No. Perhaps no one came from other zones. I was not aware of
6 that.

7 Q. Did you ever know of any cadres from the Southwest Zone being
8 in Trea?

9 A. There were -- there was one female, and a male.

10 [10.06.45]

11 Q. Do you recall their names?

12 A. I know one name, Trim (phonetic). After Meng, after an
13 individual became the chief, Trim (phonetic) took that position.

14 Q. Can you please explain what position you mean?

15 A. Trim (phonetic) became the commune chief, but he usually was
16 not stationed within the commune office. He went to work in
17 superior's office and, once in a while, he would come to the
18 commune. And then he declared that he was the commune chief.

19 Q. Okay. Thank you.

20 This would be an appropriate time, if Your Honours want to break.

21 [10.08.10]

22 MR. PRESIDENT:

23 It is now the appropriate time for the break. The Chamber would
24 like to inform both the Co-Prosecutors and the Co-Lawyers that
25 you both have about 20 minutes more to finish the questioning of

25

1 this witness.

2 So it is now appropriate time for the break, and we will resume
3 at around -- at 10.30.

4 Court officer, please assist the witness during the break time
5 and please invite the witness back into the courtroom together
6 with his duty counsel at 10.30.

7 The Court is now in recess.

8 (Court recesses from 1008H to 1033H)

9 MR. PRESIDENT:

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

11 As now we have the immediate decision on the adversarial hearings
12 of parties, that's why we postponed the invitation of the witness
13 into the courtroom, now the Chamber would like to listen to the
14 oral submission.

15 On the 7 January 2016, the Office of the Co-Prosecutors informed
16 the Chambers and the party that a new disclosure of documents
17 from Case 003 and 004 is forthcoming and that a number of these
18 documents are relevant to Witness 2-TCW-938, who is scheduled to
19 appear before the ECCC on Monday, 11 January 2016.

20 [10.35.09]

21 Among other things, the Co-Prosecutor proposed that the hearing
22 of this witness be postponed until the end of the topic on the
23 treatment of the Cham before the hearing of 2-TCE-95.

24 Before proceeding with hearing the party response to the
25 International Co-Prosecutor's email, the Chamber would like the

26

1 Co-Prosecutors to clarify whether these documents are also
2 relevant to the testimony of 2-TCW-988, 2-TCW-987 and 2-TCW-894.
3 Further, the Chamber wish to inform the parties that, on 5
4 January 2016, the Chamber was informed that the International
5 Co-Investigating Judge has indicated that 2-TCW-938 and 2-TCW-894
6 are Category C witnesses. See E319/35, paragraph 3(c).

7 [10.36.48]

8 In keeping with the instructions set out in the memo of the
9 International Co-Investigating Judges, E319/35, the Chamber is
10 awaiting to receive from the Co-Investigating Judge an indication
11 of the condition of use that will be requested.

12 Now the floor is given to the International Prosecutor to talk
13 about his submission.

14 The floor is yours now.

15 MR. KOUMJIAN:

16 Thank you, Mr. President.

17 Your Honours, I'm not sure I can answer all of your questions at
18 this moment. I probably could, or I could have someone from my
19 office answer it by the end of the day, perhaps after this
20 witness is completed.

21 [10.37.46]

22 But what I would indicate is that, on the 18th of December, as we
23 indicated in the email, we got an order from a -- motions that
24 had been pending some time before OCIJ with quite a large amount
25 of materials authorized for disclosure. I don't have the figures

27

1 on what those are exactly, but it's enough material that it's
2 going to take us some time -- I believe some weeks -- to go
3 through all of it to determine whether they fit the categories
4 that Your Honours have indicated should be disclosed.

5 What we realized just a few days ago is that a couple of them
6 could relate to TCW-938, one being just an investigation report
7 that's referenced in an interview with that witness, and a couple
8 other witnesses, I believe, that mention that witness.

9 In the interests of erring on the side of disclosing too much
10 rather than too little, some other interviews that were relevant
11 to the Cham that the Prosecution expects to make an 87.4 motion
12 for were also disclosed by email yesterday.

13 So I would have to check whether -- and I think it would take us
14 maybe -- I hope we could answer today -- whether those interviews
15 are relevant to the witnesses you just named. You gave the TCW
16 numbers, but I honestly would have to check who they are. I could
17 not answer that question right now whether they're relevant to --
18 I believe it was 988 and another witness.

19 [10.39.31]

20 MR. PRESIDENT:

21 The floor is now given to Judge Claudia Fenz.

22 JUDGE FENZ:

23 Any idea how many weeks the Prosecution will still need to go
24 through the material?

25 MR. KOUMJIAN:

28

1 I think I could get you an answer on that by the end of the day.

2 I'm really not sure.

3 I'm not sure yet how much -- many pages we're talking about that
4 were authorized for disclosure. I don't know, to be honest.

5 It came on the 18th when most of the staff were on their way out
6 the door, and we also received on that day two orders for
7 important filings from OCIJ which were due last Monday and this
8 week -- next week. So that's what, frankly, took my time.

9 [10.40.36]

10 MR. PRESIDENT:

11 The challenge before the Chamber is that the Chamber is scheduled
12 to hear the said witness, and the Co-Prosecutor mentioned about
13 the relevant document to be used with the witness to be testify
14 on Monday.

15 As far as we're concerned, the witness is scheduled to testify
16 before the Chamber on Monday, so the Chamber would like to ask if
17 the documents proposed by the Co-Prosecutor are also relevant to
18 2-TCW-988, 2-TCW-987 and 2-TCW-894. So please, clarify the matter
19 for the Chamber. The Chamber want to assist with party concerns
20 and also to consult with WESU.

21 If there are no challenges, the Chamber will schedule the witness
22 accordingly so that we can have the proceedings go as smoothly as
23 possible.

24 So please, clarify the matter for the Chamber, Mr. Co-Prosecutor.

25 You have answers concerning the documents to be used with

29

1 2-TCW-938, but the Chamber want to know whether those documents
2 are also to be used and relevant to the three witnesses as I have
3 just mentioned.

4 [10.42.30]

5 The Chamber cannot drag on the matter because the WESU need to be
6 informed so that they have time -- proper time to adjust and to
7 bring in proper witnesses before the Chamber to testify as
8 scheduled by the Trial Chamber, particularly the schedule that
9 the Chamber has issued for Monday and the following days.

10 MR. KOUMJIAN:

11 Mr. President, just to clarify one thing, these documents that
12 were disclosed, we do not intend -- the Prosecution -- to use
13 with 938. We're disclosing them just because -- in case the
14 Defence, in particular, wanted to use any of them because they
15 appeared to be relevant to that witness.

16 One is something that was referenced in one of her - in one of
17 the witness' interviews and investigation report. So we do not
18 intend to use any of those documents.

19 [10.43.26]

20 Now, as for whether they have any relevance to the other three
21 witnesses that you mentioned, 988, 987, 894, I can -- I haven't
22 -- I don't have those statements in front of me or in my mind who
23 those -- what those witnesses have said.

24 I could check it. I sincerely doubt we would use them for any of
25 these witnesses, but again, if I could have till the -- this

30

1 afternoon or the end of the day, I'm sure we could make a more
2 clear statement to Your Honours about that, about what relevance,
3 if any, they have to those witnesses.

4 (Short pause)

5 [10.44.20]

6 MR. PRESIDENT:

7 You have something to address the Chamber, Counsel? You have the
8 floor now, Anta Guisse.

9 MS. GUISSÉ:

10 Thank you, Mr. President. Good morning, everyone.

11 For starters, I have a question for purposes of clarification
12 because I have a courtesy version of the Co-Prosecutor's motion
13 with the annex listing five statements that are likely to concern
14 Witness TCW-938. And contrary to what the Co-Prosecutor has just
15 stated a while ago, in that annex, it is stated that -- and it's
16 on a table. He has indicated the relevance of these statements in
17 principle, at least, as regards four of them -- the five
18 documents, and it is written in English. And I'll read it out in
19 English, "and may be included in Rule 87.4 requests".

20 The question that arises is one that I'll address directly to the
21 Co-Prosecutor when he says that it could be subject of a Rule
22 87.4 motion because we are not talking of a document from the
23 Office of the Prosecutors because I am lost somewhat here.

24 [10.45.46]

25 I do understand that it is true that there may be exculpatory

31

1 evidence involved, and I am unable to say so clearly now because
2 I've not looked at the statements, but I'll, nevertheless, need
3 to look at those documents, which stem from the Co-Prosecutor's
4 annex.

5 There may be need for a Rule 87.4 motion by the Co-Prosecutors,
6 which would tie in with what the Co-Prosecutors have said. That
7 is the first clarification I would like you to make.

8 The second clarification has to do with paragraph 3 of that
9 motion, and there is no ERN or any references mentioned. The
10 motion is titled, "The International Co-Prosecutor's disclosure
11 of Case 004 documents relevant to D193/61".

12 I'm sorry about the speed. In paragraph 3 of that motion, which
13 was sent to us as a courtesy copy, it is also indicated in
14 English and I'll again have to read it out in English -- I'm
15 sorry about that -- and it's at the end of the paragraph in
16 English.

17 [10.47.10]

18 "Because the parties were only recently informed of the
19 scheduling of upcoming witnesses testifying on issues concerning
20 the treatment of the Cham and because the Office of the
21 Co-Prosecutors has not yet had the opportunity to thoroughly
22 review the large amount of documents disclosed in the ICIJ's
23 decision on the 18th December in accordance with the Chamber
24 instruction, the Co-Prosecutor hereby discloses the material in
25 the interests of allowing all parties to familiarize themselves

1 at the earliest opportunity with information contained therein."
2 My question, and that is a question arising from that paragraph,
3 is that I had thought -- I understood that when the
4 Co-Prosecutors make a request for disclosure or when they talk
5 about the possibility of disclosing certain documents stemming
6 from the investigations, it is because the parties are aware from
7 these statements that the disclosure is meant to be in the
8 interests of all the parties.

9 [10.48.26]

10 In reading the Co-Prosecutor's motion, I had the impression that
11 the Co-Prosecutors don't know in advance the contents of those
12 statements, so my second request for clarification is as follows:
13 If you have made a request to the Co-Investigating Judges, it is
14 because you know the contents of these statement so I do not
15 understand the need for a time limit. If you know the contents of
16 the documents and you know that it is relevant to tender them
17 into evidence that is a problem that arises as far as we are
18 concerned.

19 And my third remark is to say that if the Co-Prosecutors,
20 themselves, who should normally know the contents of the
21 documents and that is the basis for which they were asking for
22 additional time, we, the Defence, have never seen those documents
23 so we'll also need time and I'm saying this, again, because we
24 are always told that we are asking for more and more time.
25 Let me point out here that we manage our case in view of the

33

1 information at our disposal so I would like to inform the Chamber
2 that I've not had time to crosscheck the documents that have been
3 sent to us as a courtesy copy this morning and I -- my -- for
4 one, only received those documents this morning so I am just
5 making these remarks as general comments.

6 [10.49.56]

7 MR. PRESIDENT:

8 You have the floor now, International Co-Prosecutor.

9 MR. KOUMJIAN:

10 Well, I think I can give a bit of information -- a bit more
11 helpful information in answer to the question that you asked me
12 at the beginning of the hearing, whether these documents have
13 relevance to other witnesses you've named. From our review, they
14 could be relevant to 894, but not to 988 and 987; so not relevant
15 to 988 and 987.

16 To explain, I think, perhaps, I didn't explain well to explain to
17 what defence counsel raised. These documents that we say in our
18 disclosure are a -- will be a subject of 87.4. That is, we do
19 anticipate making a motion on these documents that are so
20 indicated to have them admitted before Your Honours, but we do
21 not intend to use them with the upcoming -- the currently
22 scheduled witness, 938. We were not going to use them, but we
23 felt it would be necessary to disclose them.

24 [10.51.14]

25 I hope I can have an answer soon about how long it would take us

34

1 to finish the review, but let me explain that. When we made
2 motions originally to OCIJ, we were using a broader criteria as
3 for anything that would be possibly relevant to 002/02.
4 Since then, and I recall - I don't recall the exact date, Your
5 Honours came out with a decision which indicated what the
6 modalities would be and that it would be necessary for us to
7 disclose, first of all, at the request, I believe it was, of the
8 Khieu Samphan defence, which of the documents we're disclosing
9 because they potentially could be viewed as exculpatory and Your
10 Honours provided some further definition of how we should define
11 that term and how we should make that search and then other
12 documents that would be -- that we want to use, we would have to
13 be the subject of 87.4 motions.

14 [10.52.16]

15 So what is required now is different than the relevance criteria
16 that we used in making the motion with Judge Bohlander. We would
17 have to determine which of those that were authorized are
18 exculpatory and for others, whether or not we will seek their
19 admission under 87.4.

20 I think Your Honours made that decision so that we would not
21 disclose more documents than were necessary. So that's the
22 process that we still have to go through and I don't have an
23 answer, right now, about how long that would take, but I think I
24 probably could have you an estimate by the first session this
25 afternoon.

35

1 (Short pause)

2 [10.53.17]

3 MR. PRESIDENT:

4 Next, the floor is given to Lead Co-Lawyers for civil parties.

5 Now, one issue is not quite clear for the Chamber, however, if

6 the Chamber moved 2-TCW-988 and 987 to the beginning of the week,

7 is there any matter? The first issue, as mentioned by the

8 International Co-Prosecutor, is not yet clarified and we will

9 hear the clarification on this matter in the afternoon. So the

10 Chamber needs to be clearly informed of that matter, otherwise,

11 we are not able to schedule the hearings next week.

12 [10.54.27]

13 MS. GUIRAUD:

14 Thank you, Mr. President. Subject to the explanations provided by

15 the -- that will be provided by the prosecutor this afternoon, we

16 will be ready as far as 2-TCW-998 (sic) and 987 at the beginning

17 of the testimony of those witnesses.

18 MR. PRESIDENT:

19 Thank you. What about the defence counsel for the Accused about

20 the intention of the Trial Chamber to schedule to hear other

21 witnesses so which -- which have nothing to do with the proposed

22 document communicated by Co-Prosecutor in the email? So is there

23 an -- is there any matter to hear 2-TCW-988 and 987 at the

24 beginning of the week?

25 [10.55.42]

1 MR. KOPPE:

2 It's, to be honest, very difficult for me to answer this
3 question, Mr. President. I saw these four emails this morning. I
4 haven't had a -- didn't have a chance to actually read them,
5 obviously, because I also need to prepare today's witness. I'm
6 not quite sure or at least I think that one of the witnesses -- I
7 believe 987 -- is a witness who could testify as to events in
8 Kang Meas district in Sector 41, and that the other witnesses, if
9 I'm correct, are more in a position to testify about events in
10 Kampong Siem district in Sector 41. I refer to your decision
11 granting the request -- your decision of 24 December 2015.

12 [10.56.46]

13 Obviously, we have been hearing witnesses in relation to Wat Au
14 Trakuon Security Office. If indeed 2-TCW-987 can only give
15 factual evidence in relation to Wat Au Trakuon in Kang Meas
16 district, I would imagine that we can go ahead with that
17 particular witness, however, the other witnesses are relating --
18 are related to the chain of communication in Sector 41, more
19 particular to events in Kampong Siem district, and I find that
20 highly problematic to continue with those witnesses in the light
21 of these recent disclosures because I might add that we are very
22 unfamiliar, at this stage, with events in Kampong Siem district.
23 An alternative might be that we proceed in the way that we have
24 proceeded with 2-TCW-1000 because it has similarities with this
25 -- with this particular witness who testified earlier this week

37

1 in relation to the segment of the treatment of the Vietnamese and
2 with that I mean that the Prosecution could start -- although I
3 find that problematic -- but could start hearing or examining
4 2-TCW-938 and then we stop when it's our turn and then continue,
5 at one point in time, with questioning 938.

6 [10.58.36]

7 There are all kinds of complications, obviously, with that
8 because then the witness has to come back, but that could be an
9 alternative. But it's all highly problematic, I find.

10 MR. PRESIDENT:

11 Thank you. You have the floor now, Counsel Anta Guisse.

12 MS. GUISSÉ:

13 Thank you, Mr. President. I must say that I face the same
14 difficulty as my colleague as regards figuring out how to quickly
15 adapt to this new situation. I would have to look at the
16 situation more closely.

17 My first remark is that as far as Witness 2-TCW-987, I do
18 understand that the Co-Prosecutors wouldn't find any new
19 materials -- new documents that should be disclosed or tendered
20 into evidence as regards that witness. However, we see a link
21 between that witness and Witness 2-TCW-938 as regards what
22 happened in the zone.

23 [10.59.58]

24 Since there is, in any case, a link between the superior of
25 2-TCW-987 and the zone of Witness 2-TCW-938 so we'd have to look

1 at these new documents in greater detail in order to ascertain
2 whether we, ourselves, wouldn't have to file a Rule 87.4 motion.
3 And I am talking here in hypothetical terms given the fact that
4 we cannot do so at this particular stage with any concrete
5 evidence in hand.

6 And, then, since the proposal of my colleague is that we should
7 start with Witness 938 and then suspend proceedings to enable the
8 Defence to assimilate the new materials, I must say that we will
9 need to think about this among ourselves with my -- with the
10 other members of my team, Mr. Kong Sam Onn, in order to ascertain
11 what is manageable in the week. So we are not in a position to
12 give you any clear-cut answers at this point in time. I would be
13 hard put to it to give you any more precise information.

14 11.01.23]

15 The witness who will pose the least problems will be 2-TCW-988.
16 If it was possible for that witness to be called before the
17 others, that would be the way forward and I do not know what --
18 how easy it will be for the witness support section to do so. So
19 I'm not in a position to give you any clear-cut answer at this
20 point in time.

21 MR. PRESIDENT:

22 Thank you. Judge Fenz, you have the floor now.

23 JUDGE FENZ:

24 It's just an additional remark. Generally, 87.4 requests that
25 come a couple of hours before we hear a relevant witness are

1 obviously not desirable.

2 MR. KOUMJIAN:

3 Right, and just to be clear, we're not filing an 87.4 request for
4 -- excuse me, before the witness testifies. We disclosed that --
5 and maybe we erred in disclosing too much because we intend to
6 later, after the testimony, because it's relevant to the section,
7 file an 87.4 motion, but we did not plan to use the document with
8 the questioning of the witness.

9 [11.02.44]

10 MR. PRESIDENT:

11 Thank you for your remarks and inputs on the matter. As the
12 Chamber has to inform, it's necessary information to be able to
13 schedule for the -- for witnesses for the next -- for next week
14 and it's very difficult for WESU to arrange witnesses and experts
15 since WESU is responsible for bringing in witnesses and experts.
16 The Chamber needs information for the basis to decide in due
17 course.

18 As promised by the International Co-Prosecutor, I hope that the
19 Chamber will be enlightened by the International Co-Prosecutor in
20 the afternoon so that the Chamber is able to schedule to hear
21 specific witnesses for the following week -- for next week,
22 rather.

23 Now, the floor is given to Lead Co-Lawyers to resume questioning.
24 Court officer, please usher the witness, together with the duty
25 counsel, into the courtroom.

40

1 (Short pause)

2 (The witness enters the courtroom)

3 [11.04.54]

4 MR. PRESIDENT:

5 The floor now is given to the Lead Co-Lawyers for civil party to
6 put questions to the witness if you have any questions.

7 MR. PICH ANG:

8 Thank you, Mr. President, and the Bench. I now give the floor to
9 Ven Pov to put questions to the witness.

10 MR. PRESIDENT:

11 Your request is granted. The floor now is given to Counsel Ven
12 Pov.

13 [11.05.25]

14 QUESTIONING BY MR. VEN POV:

15 Thank you, Mr. President, and the Bench and the Chamber.

16 Q. Good morning, Mr. Witness. I have a number of questions to put
17 to you.

18 My first question is: On 6 January 2016, you replied to the
19 questions by the National Co-Prosecutor related to the mosque in
20 your village. You answered that in your commune there was a
21 mosque and the mosque was, later on, closed down by the Khmer
22 Rouge and transformed into a hospital.

23 I would like to ask you that in your commune were there any Khmer
24 temples -- pagodas?

25 MR. SOS ROMLY:

41

1 A. There was one in Kdok Dar (phonetic) village called Wat
2 Tokowan (phonetic).

3 Q. Were they -- were that pagoda allowed to practice Buddhism and
4 were there Buddhist monks in that pagoda during the Khmer Rouge?

5 A. From 1975, there were no Buddhist monks in that pagoda.

6 [11.07.04]

7 Q. Did you know or anyone told you what that Khmer pagoda were
8 transformed into during the Khmer Rouge regime?

9 A. The -- there was nothing in the pagoda, but sometimes the
10 pagoda were used as a base for mobile unit.

11 Q. Mr. President, I would like to quote from document E3/51 with
12 EN (sic) in Khmer, 00204456; in English, 00223087; in French, ERN
13 00274739. In his response to the question that the Khmer Rouge
14 were killed -- the Khmer Rouge killed the Cham or not, he
15 answered that: "First, from 1977 to 1973, there were not any
16 serious problems but later on, they started to indoctrinate that
17 the practice of religions is a waste of time and resource."

18 So I would like to ask you that whether the indoctrination -- so
19 who came to indoctrinate -- so they indoctrinated the cadre or
20 ordinary people?

21 A. First, they indoctrinated the cadres, but from 1975, they
22 started to indoctrinate all the people.

23 [11.09.05]

24 Q. Thank you for your answers. In the hearing on 6 January 19 --
25 2016, you also replied to the International Co-Prosecutor that

1 you had prepared the invitation for the village and unit chief to
2 come to the meeting. I would like to know how many -- how often
3 the meeting were organized in each month.

4 A. The meetings were not organized frequently; it's just once or
5 twice a month.

6 Q. So besides preparing the invitation letters, the commune chief
7 went to indoctrinate people at the village level or not?

8 A. The commune chief frequently went to the worksite and the
9 canal-digging site.

10 Q. In your response, you also said that as a clerk you made
11 reports. I want to ask you: where did you learn the reporting
12 skill from; who taught you how to make the reports?

13 A. First, the commune chief told me that the report is to report
14 about this and that. My responsibility was to make administrative
15 report especially what the instructions are -- were.

16 [11.11.15]

17 Q. Did you know that the report was sent further by the commune
18 level to the upper level or they were just simply kept at the
19 commune level?

20 A. Every month, the monthly report was sent further to the
21 district level.

22 Q. This morning, you responded to the International
23 Co-Prosecutor. You mentioned that in 1977, you met with a Khmer
24 Rouge cadre who were responsible for security matter. You said
25 that based on your observation, there were approximately between

43

1 15 per cent of Cham people who were left in the village, only
2 about 85 per cent who were evacuated away. I want to know
3 whether Cham were evacuated from the whole Trea commune or just
4 from your village.

5 A. At that time, I did not dare to discuss much with him. It was
6 he who asked me the question: Who were the owner of this house?
7 And I told them that this house belonged to the Cham and they
8 were evacuated already.

9 [11.12.48]

10 Q. Regarding the evacuation of the Cham to Central Zone, were
11 they forced evacuation or voluntary evacuation?

12 A. They were forced evacuation.

13 Q. Do you still remember that after the liberation on 7 January
14 1979, were those evacuated Cham returned after the liberation
15 day?

16 A. From my assumption, after the 7 January, there were
17 approximately 600 (sic) per cent of Cham who returned and the
18 district that the Cham were sent away and mostly disappeared were
19 from district Santuk.

20 Q. My next question about the marriage during the Khmer Rouge
21 regime. In your capacity as the commune clerk, did you witness or
22 heard about the marriage during the Khmer Rouge regime?

23 A. I heard about that and I, myself, was also married during the
24 Khmer Rouge regime.

25 [11.14.19]

1 Q. Could you tell us were the marriage happened voluntarily or
2 were they forced to get married and if so, where the order came
3 from?

4 A. In Trea village, there were one or two wedding ceremonies
5 organized during those years and there were only four couples
6 were arranged during the first wedding ceremony. And then in
7 1978, there were more than 20 couples who were married and some
8 of them married voluntarily and some were forced.

9 Q. Were the marriage happen between Cham and Cham or there were
10 mixed marriage between Khmer and Cham?

11 A. It was not mixed marriage. So it was married between Cham and
12 Cham, Khmer and Khmer couples.

13 Q. You already mentioned that in your village -- in your commune,
14 there were five Cham village and three Khmer village. In your
15 commune, I want to ask you whether there -- were there any ethnic
16 Vietnamese living in your commune during the Khmer Rouge regime?

17 A. From '75 to '79, there were no Vietnamese ethnic living in my
18 commune.

19 [11.16.11]

20 Q. You responded that in your Trea village, there were
21 approximately 200 families of Cham ethnicity and the total
22 population in the eight village were nearly 1,000 families. So
23 after the liberation day of 7 January 1979, for those Cham who
24 returned back to the village who survived the regime, could you
25 estimate how many family were there at that time?

45

1 A. After 7 January 1979, one month after that, I returned to my
2 village and I saw about 500 families came back.

3 MR. VEN POV:

4 Mr. President, I have no more questions to put to the witness.

5 MR. PRESIDENT:

6 Now, the floor is given to the defence counsel to put questions
7 to the witness. The floor is now given to the defence counsel for
8 Nuon Chea. You may now proceed.

9 [11.17.28]

10 QUESTIONING BY MR. KOPPE:

11 Thank you, Mr. President.

12 Q. Good morning, Mr. Witness. I have a few questions that I would
13 like to ask you this morning and this afternoon.

14 Let me first ask you a question about something you said to the
15 investigators, document E3/5196. The very first question you
16 answer that the Khmer Rouge arrived in your village in 1970; is
17 that correct?

18 MR. SOS ROMLY:

19 A. Yes, that's correct.

20 [11.18.25]

21 Q. Who was it exactly that arrived; were they at the time known
22 as the Khmer Rouge or who were they? Can you describe a little
23 bit what happened in 1970-1971; who was in charge of your
24 village, your commune or your district?

25 A. In 1970, when they first came, we did not know that they were

46

1 the Khmer Rouge. They told us that they were the National United
2 Front and they were mixed with the Khmer -- with the Vietnamese.
3 And Rat Mat Ly were name as the commune chief and -- but I could
4 not remember the name of the village chief because there were
5 subsequent replacements of the village chiefs.

6 Q. You just mentioned the Vietnamese came as well. You also said
7 that to the investigators. You said, "When they arrived in 1970,
8 they were a mixed group of 'Yvon' and Khmer."

9 What exactly did you mean with that; who were those Vietnamese
10 coming to your village or district?

11 A. Could I -- could you repeat the question because I don't get
12 your question?

13 [11.20.10]

14 Q. I asked you about when the Khmer Rouge arrived in your village
15 or your district; you said 1970. And then you also mentioned a
16 group of Vietnamese in your testimony which you also did in your
17 statement to the investigators. You said, "When the Khmer Rouge
18 arrived in 1970, they were a mixed group of 'Yvon' and Khmer."

19 My question is: Can you explain that a little bit; what did the
20 Vietnamese or the "Yvon" have to say in your village in 1970 and
21 onward?

22 MR. PRESIDENT:

23 There were no interpretation in Khmer language.

24 Counsel Victor Koppe, please repeat your question because there
25 were no interpretation into Khmer language.

1 [11.21.33]

2 BY MR. KOPPE:

3 Certainly, Mr. President.

4 Q. Mr. Witness, I asked you when the Khmer Rouge arrived in your
5 village -- your district; you said 1970. When you answered that
6 question, you also referred to Vietnamese who came to your
7 village or your district. You said the same thing to the
8 investigators. You said, "When the Khmer Rouge arrived, they were
9 a mixed group of 'Yuon' and Khmer."

10 So my question is: what exactly did those Vietnamese people have
11 to say or to do in your village; what was their position?

12 A. At that time, the Vietnamese did not bother the attention with
13 the administrative affairs. They were only paid attention to the
14 military affairs and as for the administrative affair, they were
15 responsible by the Khmer. And I did -- I, myself, did not know
16 what's the National United Front was.

17 Q. So if I understand correctly, the Vietnamese that you saw
18 between '70 and '75 were mostly or exclusively engaged in
19 military activities in your district; is that correct?

20 A. Yes, that's correct.

21 [11.23.20]

22 Q. And do you remember when these Vietnamese military left? At
23 what point in time did they leave your village or your district;
24 do you remember?

25 A. I could not recall because the Vietnamese soldiers did not

1 station at the village. They were simply mobilized to the village
2 at some points.

3 Q. Thank you. You just also mentioned someone with the name of
4 Mat Ly. Who was Mat Ly?

5 A. Mat Ly was a Trea villager. He was previously located at
6 Chamkar -- at the rubber plantation and then he was -- he
7 relocated to Trea village.

8 Q. Do you also know another person called Mat Ly who had a high
9 function within the East Zone; someone who later became a member
10 of the Assembly of Democratic Kampuchea?

11 A. I heard only the name, but I did not know him or had any
12 personal relationship with him.

13 Q. So just to be sure because I was -- wasn't quite certain, the
14 Mat Ly that you just mentioned is not the same Mat Ly who had a
15 high function within the East Zone and a role in the Assembly of
16 the Democratic Kampuchea Government; is that correct?

17 A. Yes, they were different people. Rat -- the person that I
18 mention, his name Rat Mat Ly; he was the teacher in Trea village.

19 [11.26.05]

20 Q. Is it also correct -- I think you said it, but I just would
21 like your confirmation that you, at no point in time, became a
22 member of the CPK or a Khmer Rouge cadre; is that correct?

23 A. I was not part of the CPK. I never got involved with the CPK.

24 Q. Were you able to observe or witness that there were, indeed,
25 quite some Cham people from your area who joined the Revolution

1 after 1970?

2 A. After 1970 -- it was probably in 1973, there were about 20
3 Cham youth who joined the Revolution and it was probably the
4 Khmer Rouge Revolution.

5 Q. So you're saying that you know of about 20 Cham who had joined
6 the Revolution in the early 70s. Is it correct when I say that
7 the other Mat Ly, whom you never met, was the highest ranking
8 Cham within the Khmer Rouge or within the CPK, rather?

9 A. As I told you that I did not know the person known Mat Ly. I
10 only heard about his name.

11 [11.28.38]

12 Q. I would like to read a few excerpts from someone's testimony;
13 someone who came from your area. His name is Man Sen. He has
14 given testimony to the investigators of the Co-Investigating
15 Judge in E3/5205, but he has also given evidence to someone who
16 wrote a book, Mr. Osman, and I would like to read a few excerpts
17 from his statement and then I would like to ask your reaction.

18 Mr. President, I'm referring to document E3/7675, more
19 particular, English, ERN 00221859; French, 00293924; and Khmer,
20 00221852 and 53.

21 This witness is from Svay Khleang sub-district in Krouch Chhmar
22 district and he says that "The Khmer Rouge began arresting
23 villagers at Svay Khleang in late 1973".

24 Were you able to observe whether arrests of Cham people were made
25 in 1973 already?

1 A. I would like to ask the question: Were the arrest took place
2 in Trea or in Khleang?

3 [11.31.02]

4 Q. He is only describing arrests in Svay Khleang in '73. My
5 question was whether you know whether arrests also took place of
6 villagers in Trea village?

7 A. Yes, there were.

8 Q. Do you remember who they were?

9 A. I do not know who came to make the arrests. I saw full loads
10 of soldiers in a truck.

11 Q. Now, he is also saying that in 1974, in his village -- his
12 area, the arrests continued and he talks about 60 arrests in
13 1974.

14 Do you recall any arrests of villagers in 1974, where you are
15 from, in Trea village?

16 A. In that 1974, the arrests happened once in a while; one or two
17 people were arrested.

18 Q. This particular person is saying that -- and I quote now: "In
19 late 1974, the arrests increased. None of the hakim's clerical
20 assistants, me chum-ah or 10 household group leaders escaped this
21 sweep. Over 200 people were arrested in this one action. Svay
22 Khleang village had 40 me chum-ah and more than a hundred 10
23 household groups."

24 My question is: do you know whether, in late 1974, the arrests
25 increased in your village?

51

1 A. In late 1974, the arrests in Phum Trea did not increase.

2 [11.33.53]

3 MR. KOPPE:

4 Mr. President, it's maybe an appropriate time.

5 MR. PRESIDENT:

6 It is now lunch break, the Chamber will take the break from now
7 until 1.30 p.m.

8 Court Officer, please assist and find a proper room for the
9 witness during the lunch break and please invite the witness back
10 together with his duty counsel to the witness stand before the
11 Chamber at 1.30 p.m.

12 Security personnel are instructed to bring Mr. Khieu Samphan to
13 the waiting room downstairs and please have him returned into the
14 courtroom before 1.30 p.m.

15 The Court is now in recess.

16 (Court recesses from 1134H until 1331H)

17 MR. PRESIDENT:

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

19 Before I give the floor to the defence team for Mr. Nuon Chea to
20 resume his questioning, first of all I would like to ask the
21 International Co-Prosecutor that I received an email from you
22 during lunchtime. Do you wish to enlighten the Chamber on the
23 matter? Once again, this email was sent by the Deputy
24 Co-Prosecutor. You may proceed if you have.

25 [13.32.35]

1 MR. KOUMJIAN:

2 Yes, Your Honours, I do have a bit more information than -- more
3 information than was included in that email, and I hope I can
4 answer some of the questions that I wasn't able to answer this
5 morning.

6 The total number of WRIs; the total number of witness statements,
7 WRIs that have been authorized by the ICIJ for disclosure, were
8 an additional 124 or 124 WRIs.

9 We have now disclosed as of yesterday through that email, and
10 formally we will be doing that, four of those that relate to the
11 Cham. These are the only ones that relate to the Cham. All
12 information relating to the Cham will have been disclosed or was
13 disclosed in that email.

14 [13.33.39]

15 What remains then, is another 120 witness statements, 16
16 investigation reports and a few annexes to statements and four or
17 500 civil party applications. Now, these are matters that we
18 need, following the orders that, Your Honours, gave about
19 disclosures, we need now to go through these again to determine
20 whether they fit the criteria that Your Honours indicated should
21 be disclosed and to label those that are exonerating or
22 mitigating as such as Your Honours ordered.

23 I'm guessing that it's about 1,500 to 2,000 pages. Not counting
24 the civil party applications it's probably less than 1,500 pages.
25 I think that prioritizing that we should be able to do that in

53

1 about two weeks. It probably would be possible to do it faster
2 but that would be more inaccurate and we'd end up disclosing more
3 information than was necessary and there would be the risk of
4 error.

5 So I propose that we -- we of course will prioritize it, that we
6 go through that and we will first, of course, concentrate on
7 disclosing the exonerating or mitigating information. At the same
8 time we will identify what will be the subject of 87.4 motions
9 and those will follow.

10 I could also indicate that, based on very preliminary review, it
11 appears that about 30 of the additional witness statements have
12 some relation to the Vietnamese segment that relate to Vietnamese
13 or Khmer Krom or mentioned at least. We can try to prioritize
14 those; out of the 120, those 30.

15 So, thank you.

16 [13.35.53]

17 MR. PRESIDENT:

18 Thank you very much for additional information.

19 The Chamber now rules the order of the witnesses for the next
20 week. The Chambers has heard submissions from the Parties on the
21 forthcoming disclosure and on the order of witnesses for next
22 week. The Chamber has also consulted with WESU on the
23 availability of witnesses for next week.

24 The Chamber decides to hear the following witnesses in the
25 following order starting Monday, 11 January 2016: 2-TCW-987,

54

1 2-TCW-988 and 2-TCW-928. After that -- after these witnesses, the
2 Chamber envisages to hear 2-TCW-894 and 2-TCW-938. Please be
3 informed.

4 Now, the Chambers gives the floor to the defence team for Mr.
5 Nuon Chea to resume its questioning. You may now have the floor.

6 [13.37.27]

7 BY MR. KOPPE:

8 Thank you, Mr. President.

9 Q. Good afternoon, Mr. Witness. Before the lunch break I asked
10 you questions about arrests in your village in 1974. Do you know
11 whether, by December 1974, arrests of Cham leaders in Trea
12 village provoked a rebellion?

13 MR. SOS ROMLY:

14 A. There was no rebellion in December.

15 Q. There might have been two rebellions in your village. Let me
16 first ask you about this possible first rebellion.

17 You remember that before the break I asked you about Mat Ly, not
18 the Mat Ly you know personal but the Cham leader, Mat Ly, and he
19 told an American scholar or Australian scholar rather, Ben
20 Kiernan, that there was a rebellion in 1974 that provoked
21 arrests.

22 Do you know anything about a rebellion a year before a possible
23 second rebellion?

24 [13.39.22]

25 A. What I can recall is that in late 1973, there was a minor

1 rebellion in Trea 5 village in Trea commune. At that time there
2 was a round of arrests and 20 people were arrested onto a
3 vehicle.

4 Q. Let me read to you this excerpt from -- from this scholar's
5 book, Kiernan, E3/1593, Mr. President; English ERN, 00678635;
6 French, 00639030; and Khmer, 00637765. And this excerpt reads as
7 follows:

8 "By December 1974, arrests of Cham leaders in Trea village of
9 Krouch Chhmar district provoked a rebellion. Casualty figures are
10 unknown but a Cham dominated insurgency known emerged in region
11 21 in association with local Sihanoukists and Vietnamese."

12 And the source, as I said for this information, is Mat Ly.

13 Is this, this rebellion that you refer to, that maybe might have
14 happened in '73, a rebellion which involved people local to --
15 loyal to Sihanouk and also of Vietnamese origin?

16 [13.41.40]

17 A. I was not aware of the issue. Perhaps it happened, but I was
18 not aware of it.

19 Q. That's no problem, Mr. Witness. I will move on now to 1975
20 and, again, I move to Man Sen's statement to Ysa Osman, the
21 academic, E3/7675, Mr. President; Khmer ERN, 00221853; French,
22 002939924 (sic); and English, 00221859.

23 Now, this person from another village, not your village but the
24 neighbouring village, Svay Khleang, he says by 1975, arrests were
25 carried out indiscriminately.

1 [13.42.51]

2 JUDGE FENZ:

3 May I just ask a question? You gave the reference, that's true,
4 but before I have to look it up, you are not referencing a
5 confession made under torture?

6 MR. KOPPE:

7 No, it's the book from Ysa Osman, "The Cham Rebellion".

8 JUDGE FENZ:

9 But he uses--

10 MR. KOPPE:

11 Ah, no. No, no.

12 JUDGE FENZ:

13 --as a source, confessions.

14 [13.43.15]

15 MR. KOPPE:

16 No, because it's the same person that I referred to also gave a
17 WRI statement. I just gave that E3 number. So it's his statement
18 to Ysa Osman. So he is saying--

19 MR. KOUMJIAN:

20 I apologize, but could I just get the ERN because I have even a
21 different document number for "The Cham Rebellion". I have
22 E3/2653. I don't know.

23 [13.43.53]

24 BY MR. KOPPE:

25 So it's E3/7675. I believe of his book there are actually two

57

1 versions, two E3 numbers, but I am quoting from E3/7675, the
2 English ERN 00221859 and the numbers that I just quoted in Khmer
3 and French.

4 Q. Mr. Witness, this person from Svay Khleang says that by 1975,
5 arrests were carried out indiscriminately, sometimes at night,
6 sometimes in broad daylight. Then he says, "Rumours had it that
7 the Khmer Rouge were arresting anyone connected with the White
8 Khmer movement. Hundreds were arrested."

9 My question, do you know anything about arrests in the beginning
10 of '75 and later in '75, and do you know anything about the
11 so-called White Khmer or Khmer Sar movement?

12 [13.34.17]

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness.

15 You have the floor now, International Co-Prosecutor.

16 MR. KOUMJIAN:

17 Your Honour, because the person that Ysa Osman talked about --
18 talked to, was talking about arrests in a different village than
19 this witness, I'm not clear on what the question is, whether the
20 witness is aware of arrests in 1975 in Khleang Svay, or in his
21 own village of Trea.

22 BY MR. KOPPE:

23 As my earlier questions -- in his own village -- I am only asking
24 about Trea village.

25 But he is saying, Mr. Witness, that there were many arrests in

58

1 Svay Khleang related to the so-called White Khmer movement.

2 Question to you is whether you know that people were arrested in
3 your village in 1975, because they were connected to the
4 so-called White Khmer movement.

5 [13.46.22]

6 MR. SOS ROMLY:

7 A. There was arrests taking place at the time and I did not know
8 about the issue of Khmer -- the so-called Khmer Sar, as you said.
9 I only knew that there was an arrest.

10 Q. So not in relation to arrests in '75, but also not at all that
11 you have ever heard of the -- the White Khmer movement is
12 something that you never heard of?

13 A. I heard of the so-called Khmer Sar in late 1974, and I did not
14 know the origin of Khmer Sar and where did they -- whom did they
15 go to contact with.

16 Q. And do you remember what it was that you heard in '75 -- '74,
17 '75 about the White Khmer movement?

18 A. I heard that there was a movement of White Khmer and I, at the
19 time, was not aware of the base of the White Khmer.

20 Q. Very well. Let's now move to what is possible your village,
21 the second rebellion, this time in 1975. In your own WRI you
22 speak about the '75 rebellion. Is it correct that this rebellion
23 in your area occurred in October 1975?

24 [13.48.28]

25 A. I never said that there was a rebellion in Trea village in

1 1975. I did say that there was a small rebellion in 1973, within
2 Trea 5 village.

3 Q. So in Trea village in October '75, according to you, nothing
4 happened in terms of rebellion; correct?

5 A. No, but there was a crackdown that year.

6 Q. No rebellion in Trea village, but a crackdown in Trea village;
7 is that what you're saying?

8 A. Yes, that is true. There was a crackdown.

9 [13.49.41]

10 Q. Let me read to you an excerpt again from this Australian
11 scholar's book, Kiernan.

12 Mr. President, that is, let me see, E3/159 (sic) -- excuse me.

13 And Kiernan, in his book on English ERN, 00678636; French,
14 00639034; and Khmer, 00637770; quotes -- at least let me finish
15 my question -- quotes a French person, a French witness, Francois
16 Ponchaud, and he says, and I quote:

17 "Ponchaud adds that in November '75, Chams in Trea village of
18 Krouch Chhmar also rebelled. Then the Khmer Rouge tore the
19 village apart with B40s and smashed the heads of any survivors
20 with pick handles. The corpses were thrown aside and left. They
21 even stuck heads on pikes and exposed them along the banks of the
22 Mekong."

23 And my question would be, having heard this, Mr. Witness, this
24 particular person describes a very serious crackdown with many
25 casualties in your village. Is it correct what he says or is it

60

1 not correct?

2 [13.51.52]

3 MR. KOUMJIAN:

4 Your Honour, what I was -- the reason I rose when Counsel read
5 the ERN is I have a completely different set of ERNs for 1593.
6 Now, I know this book was corrected earlier this year because
7 some pages were missing. So it could be either Counsel has the
8 wrong version or what I just got on Zylab is the wrong version,
9 but what I just got on Zylab, the ERN is a completely different
10 series.

11 MR. KOPPE:

12 I could make a mistake with French and Khmer but not with English
13 ERN because it's printed on.

14 MR. KOUMJIAN:

15 Well, that may be an old version. Perhaps to make it easy, if you
16 just give me the page of the book it would be the same whether
17 it's the new version or the old version.

18 [13.52.41]

19 BY MR. KOPPE:

20 Page 264.

21 Q. So Mr. Witness, this particular French person describes a very
22 serious crackdown of a rebellion with people's heads being
23 smashed, B40s being used, corpses thrown in the river, etc., and
24 this took place in November '75. Is that something that you know
25 anything about?

1 MR. SOS ROMLY:

2 A. I never heard of it.

3 Q. Have you heard of the crackdown of the rebellion in the
4 neighbouring villages, Svay Khleang and Kaoh Phal? Have you heard
5 what happened there?

6 A. I heard of the crackdown at Kaoh Phal and Svay Khleang
7 villages. I heard people were shot dead in a massive scale and
8 they went around to crackdown villagers in other villages as well
9 after that happening.

10 [13.54.19]

11 Q. Let me read to you an excerpt from this same person, Man Sen
12 from the same page from his story to Osman. He says the
13 following:

14 "Drum beats from the mosque sounded the signal for the villagers
15 to rise up together and rebel. There was no more reaction that
16 evening from the Khmer Rouge." So he is talking October '75.

17 "At eight o'clock the next morning, an armed Khmer Rouge force
18 headed for the village from the west. They attacked the rebels.
19 I, like everyone else, had a sword and was ready to fight. From
20 where I was standing, I could see that the Khmer Rouge were
21 district cadres and soldiers of Krouch Chhmar. They were not
22 able to penetrate the village. At nine o'clock, I saw an
23 additional force of hundreds just arrived, wearing uniforms
24 different from those of the district troops. They had backpacks
25 and all types of weapons. They fired heavy weapons and small arms

62

1 at the rebels. Khmer Rouge boats swept the riverbanks with
2 continuous fire." A little later he says, "Six Khmer Rouge
3 soldiers were stabbed or hacked to death."

4 When I just read that excerpt to you, does that sound familiar as
5 to what you know about the crackdown of the rebellion in Svay
6 Khleang and Kaoh Phal?

7 [13.56.22]

8 A. I heard that there was a crackdown of the rebellion in Svay
9 Khleang. The people who joined the rebellion shot dead a
10 commander at Svay Khleang. That's why there was a crackdown.

11 Q. But do you remember hearing the firing of heavy weapons,
12 artillery shooting; the use of boats? Do you remember anything
13 about the way that crackdown was executed?

14 A. I did not hear the firing of heavy weapons. Svay Khleang was
15 about 10 kilometres away from my village. I heard from others
16 about the matter, but I myself did not personally hear it.

17 Q. Did you personally see soldiers, either from the district or
18 from somewhere else, wearing different kinds of uniforms?

19 [13.57.52]

20 A. During the crackdown I saw the soldiers from the region. They
21 wore quite blue or green uniform. And I heard people say that
22 they were soldiers from the region.

23 Q. And how do you remember -- how do you remember that that is
24 what they were telling you? What is it exactly that they were
25 saying about these soldiers? Can you give us some more details,

1 please?

2 A. In the morning the soldiers went around to arrest people in
3 the list, as described. Then people were called out to come down
4 of their houses to the village and commune.

5 Q. But I am especially interested what you can tell me, what you
6 heard, about these soldiers from the region. They had different
7 uniforms, but what else do you remember hearing at the time about
8 these soldiers?

9 [13.59.22]

10 A. I noticed the presence of the soldiers. At first the soldiers
11 arrested a group of about 50 people. They were tied to a string.
12 Later on, as I said, people were called out of their houses from
13 -- within the villages, and then the soldiers went around also to
14 find other people within different houses.

15 Q. And do you know how villagers were able to make a distinction
16 between forces of the district Krouch Chhmar, on the one hand and
17 forces from the region, on the other hand?

18 A. I cannot make a distinction of them since ordinary people
19 could not know specific soldiers and also where they were from.

20 Q. Let me read to you a small excerpt from a statement of a
21 witness who unfortunately cannot testify, TCW-997. His name is
22 Sau Seimech. That is document E3/5261, English, ERN 00274336;
23 French, 00285329; and Khmer, 00250943.

24 This witness is a combatant of East Zone Battalion 55, and he
25 said that Battalion 55 of the East Zone was used to, "suppress

64

1 the Cham rebellion". This battalion was under the Sector 21
2 military staff.

3 Have you ever heard that Battalion 55 belonging to the Sector 21
4 military staff was involved in the crushing of the rebellion in
5 1975?

6 [14.02.32]

7 A. I did not know that battalion. I only heard that the soldiers
8 came from the sector.

9 Q. Have you ever heard that the present Prime Minister of this
10 country, Hun Sen, was the superior commander of battalion 55,
11 whether he was involved in the crushing of the rebellion in Kaoh
12 Phal and Svay Khleang?

13 A. I did not hear about that. As I told you that I did not know
14 affairs at the battalion level. I only knew -- I only heard that
15 they came from the sector level.

16 Q. The rebellion in '75, have you ever heard how many Cham people
17 were possibly victims, how many Cham casualties were there in
18 November -- October, November '75; have you ever heard of that?

19 A. Regarding the crackdown, there was no shooting, so there was
20 no casualties. There were only the arrests and about 50 to 60
21 people arrested.

22 [14.04.30]

23 Q. Mat Ly, the person that we discussed and the highest-ranking
24 Cham revolutionary in the East Zone and in the country in '75,
25 gave an interview and in E3/7821, English ERN, 00441577; French,

65

1 00611784; and Khmer, 00229128; seems to suggest that maybe
2 thousands of people died during that crackdown. He is even saying
3 20 or 30 percent of Kaoh Phal, of the Kaoh Phal families
4 survived. Do you have a reaction on his statement?

5 MR. PRESIDENT:

6 Mr. Witness, please hold on. The floor is now given to the
7 International Co-Prosecutor. You may proceed.

8 MR. KOUMJIAN:

9 Your Honour, it appears to me that the record may be confused
10 because Counsel's reading, originally about crackdowns in another
11 village, and then asking this witness if he observed it in his
12 village. And the witness has talked about what he observed in his
13 village. And now, I believe, counsel is comparing it to what
14 other people say happened outside of his village. So the
15 questions are not precise about whether we are asking the witness
16 what happened in Trea where he was or what happened outside of
17 Trea.

18 [14.06.26]

19 BY MR. KOPPE:

20 It might be worthwhile to have a look at these villages, but Trea
21 village is next to Svay Khleang. It passes on into Svay Khleang.
22 Kaoh Phal is on the other side. It doesn't exist anymore but was
23 an island in the river. It's all within a few kilometres
24 distance.

25 And I believe the rebellion, the Cham rebellion in '75, Mr.

66

1 President, was seen as one organized rebellion. But I'm happy to
2 limit my question to Kaoh Phal village because Mat Ly speaks
3 about Kaoh Phal village.

4 Q. So again my question, Mr. Witness, can you have a reaction --
5 can you give me a reaction on this statement of Mat Ly?

6 [14.07.16]

7 MR. KOUMJIAN:

8 Your Honour, asking a witness for a reaction, whatever that
9 means, to what happened in a place he wasn't at, that he has
10 already indicated was outside of his vision, is unclear. And for
11 Counsel to say that there was an organized rebellion, that is,
12 speaking a statement that simply needs to be explored by the
13 evidence. The evidence is -- if I can make an observation -- is
14 that there was a reaction to attempts to arrest Cham and the
15 rebellion was people with one rifle, Cham, trying to resist the
16 further arrests of people in their village. It wasn't an attempt
17 to overthrow the government.

18 If Counsel wants to go into those details he can, but he should
19 make clear with this witness is he asking him what he heard about
20 what happened in another village or what he saw and observed in
21 his own village. It's just not clear where he is asking.

22 [14.08.12]

23 MR. KOPPE:

24 If I may respond, Mr. President, I think the Prosecution is the
25 only -- this prosecutor is the only person who denies the

67

1 existence of this very big rebellion which needed to be crushed
2 by regiment forces -- region forces. I don't think there is any
3 doubt that it was a massive rebellion in '75, with massive
4 casualties. At least, that's what the evidence seems to suggest.
5 I am actually coming to the evidence given by the chief of, or
6 the number two rather, of Sector 21, present senator Ouk
7 Bunchhoeun, who in detail gives a description about how extensive
8 the rebellion was in '75. So again, I think I am allowed to ask
9 that question.

10 JUDGE FENZ:

11 I think the issue at stake, besides the question what is
12 established or not is -- and I am confused a bit too -- you are
13 confronting him with a statement which, if I understand
14 correctly, talks about an overall number of victims, while this
15 question of whether this person can say more than what happened
16 in his village and you, yourself said, well, then I am confining
17 it to my -- to his village, but at the same time you uphold the
18 quote. So, perhaps you can clarify what exactly the question is.

19 [14.09.38]

20 BY MR. KOPPE:

21 The question is, and it is an artificial distinction to make
22 between Trea village and Kaoh Phal and Svay Khleang, because it's
23 really next to each other, whether he knows anything about the
24 victims of this rebellion and if he can give a reaction to Mat Ly
25 who said something different than he does, and that's all. If he

68

1 cannot give a reaction, that's fine.

2 Q. So Mr. Witness, I'm sure you forgot the question but Mat Ly,
3 as I said, is indicating that there were many victims in the
4 crushing of the Cham rebellion in '75. Do you dispute that or do
5 you agree with that?

6 MR. SOS ROMLY:

7 A. Regarding what happened at Svay Khleang and Kaoh Phal, I did
8 not know because they were far away from each other. It's not
9 just 1 kilometre as you mentioned. They were 10 kilometres away
10 from each other. So I did not know what was happening in those
11 places because at that time we were confined to our place of
12 living. It's not easy to travel from one place to another. And
13 you asked me about what happened outside my place of living.

14 [14.11.18]

15 Q. Fine, no problem, Mr. Witness. I just mentioned it already,
16 there is evidence that seems to suggest that the present prime
17 minister was involved in a military crackdown of the Cham
18 rebellion in October '75, in Kaoh Phal and Svay Khleang and with
19 him of course, the number three, Heng Samrin, Chairman of the
20 National Assembly, who was a chief military person in the East
21 Zone.

22 The civilian person who was responsible for this crackdown in
23 which -- in Krouch Chhmar which fell into Sector 21, was Senator
24 Ouk Bunchhoeun, the present CCP senator. And let me quote a few
25 things from his statement or his interview, rather, that he gave.

1 That is document E3/387, English ERN, 00350206; and there seems
2 to be only -- no, there is a French ERN, 00441419 and 18; and the
3 Khmer, 00379486 and 87.

4 [14.12.46]

5 So I'm reading you a few excerpts from this interview of Ouk
6 Bunchhoeun, and he says the following:

7 "There were two movements against them." He says, "The first
8 movement was of Cham Muslims along the Mekong River, Krouch
9 Chhmar district, Tboung Khmum district and Sector 21 -- Sector
10 22. The movement intended to create a state within a state
11 because the Cham Muslims wished to occupy Cambodia territory on
12 the eastern bank of the Mekong River to Central Anam to create a
13 state."

14 So the number two of Sector 21, in which your village is falling
15 as well, is saying that the Cham Muslims created a movement to
16 create a state within a state. Have you ever heard of such a
17 thing?

18 A. I haven't heard about it.

19 [14.14.13]

20 Q. He says they were all destroyed and then goes on to talk about
21 the second movement, Kbal Sar, possibly the White Khmer. He says:
22 "The Kbal Sar was operating throughout the country in '73-'74
23 with the component of Khmer and Cham Muslims. We could not find
24 their leaders and did not who their real leaders were. But we
25 know that this person was a captain, that person was a major, but

70

1 did not know where they come from."

2 And then later he says the Kbal Sar movement failed and its
3 members were all arrested.

4 Could you give a reaction to what he says about the White Khmer
5 or Kbal Sar movement? Is that something that is in your memory as
6 well?

7 [14.15.18]

8 A. I haven't heard about that so-called White Khmer movement. I
9 heard about it, but I did not know where it was based.

10 MR. PRESIDENT:

11 The floor is now given to International Co-Prosecutors. You may
12 proceed.

13 MR. KOUMJIAN:

14 Your Honour, reading along in this statement that Counsel has
15 read, he talked about this movement to create a Cham state. The
16 person being interviewed in that interview, who talked about that
17 movement, gave the source of that information. It's on that page,
18 Counsel didn't read it. He says, "This was according to their
19 confessions." So apparently what we have been -- what Counsel has
20 been reading out is from confessions of those arrested by the
21 Khmer Rouge.

22 MR. KOPPE:

23 That is a perfect argument to have that particular person come as
24 a witness something, Mr. President, the Trial Chamber, on the
25 18th of December last year, three weeks ago today, unfortunately

71

1 refused. Maybe Senator Ouk Bunchhoeun has more knowledge than
2 just confessions. So, I think it's not quite sure if he bases
3 himself upon confessions but if he were to appear here, we could
4 ask him.

5 (Judges deliberate)

6 [14.17.24]

7 MR. PRESIDENT:

8 Counsel, you know clearly that the information you asked the
9 witness came from the confession as a result of torture and you
10 -- and we don't allow the witness to answer to this question.
11 This kind of question you should not ask. Please strictly follow
12 the rules of the ECCC such as the MOU regarding the torture.
13 So, witness, you don't have to answer these questions.
14 Now you can ask other questions, Counsel.

15 MR. KOPPE:

16 If I may very briefly respond to this, I understand the position
17 of the Chamber when it comes to confessions from S-21. However,
18 he is not speaking about S-21. He is speaking about district
19 centre of Krouch Chhmar, the security centre of Krouch Chhmar and
20 that is unfortunately not part of this trial. But I don't think
21 it is -- it can be argued or it can be concluded that--

22 [14.19.00]

23 MR. PRESIDENT:

24 Wherever it came from, if it is the confession comes from
25 torture, we, the Chamber does not grant you to ask about those

72

1 things. If you have no more questions the floor will be given to
2 other Parties in order not to waste the time.

3 BY MR. KOPPE:

4 I understand it's a very sensitive topic for this Chamber and
5 everybody, but I will move on, Mr. President.

6 Q. Let me now move on to Mat Ly again. You don't know Mat Ly, Mr.
7 Witness, but he spoke about the practice of religion. And let me
8 get for you his statement. It's the same E3 document, E3/7821.

9 So, Mat Ly, the Cham, the highest-ranking Cham, was still a
10 member of the East Zone and became a member of parliament in '76
11 and he says:

12 "During Pol Pot's regime in '75, 1975, religious ceremonies were
13 not banned but on 30 September '76, the ban was lifted to evade
14 us."

15 You were asked questions about -- questions about religious
16 practices being banned. Mat Ly is saying that didn't happen until
17 30 September 1976. Is that correct or is that not your
18 recollection?

19 [14.20.34]

20 MR. SOS ROMLY:

21 A. Regarding the ban of religious practices, it was banned after
22 the Khmer Rouge took over Phnom Penh and then they started to
23 restricted the religious practices.

24 Q. So what you are saying is Mat Ly is not correct when he says
25 that that wasn't banned until 30 September '76. So he is wrong;

1 is that what you are saying?

2 A. I did not know about that.

3 [14.21.44]

4 Q. One last question about Mat Ly. I know you don't really know
5 that very well, who he is, but was it -- is it possible or do you
6 know, rather, that he in 2000, the year 2000, was not only a
7 member of parliament for Kampong Cham but was also the personal
8 supreme counsel of the King? Do you know anything about that?

9 A. I do not know about what you are talking.

10 Q. Then my last question in relation to former East Zone cadres;
11 Do you know or do you remember who the leader was of the East
12 Zone in 1975? Who was the highest-ranking person of the East Zone
13 in 1975?

14 A. I did not know who were the leaders at the sector and zone
15 level. I knew only people at the village and commune level.

16 Q. So in those years between '75 and '79, or maybe even before
17 '75, you've never heard of the name So Phim?

18 [14.23.45]

19 A. Yes, I heard the name of the person called So Phim, that he
20 worked at the zone level, but I did not know whether he is the
21 chief of the zone or other positions.

22 Q. I understand. I realize you were not a CPK cadre but,
23 nevertheless, you had some position in your village.

24 Let me read something again in relation to So Phim from Ben
25 Kiernan's book; same ERN as just quoted before, Mr. President.

74

1 Kiernan is citing someone with the name Hem, H-E-M, Samin,
2 S-A-M-I-N. He was a member of the Peoples' Revolutionary
3 Committee Presidents between 1981 and 1986. So this Hem Samin
4 says, according to Kiernan, "Hem Samin, a Hanoi-trained
5 communist, then a political prisoner in the zone, blames the zone
6 CPK secretary, So Phim, for the first repression of local Chams.
7 'It was he who signed the order for Phuong to kill the Chams in
8 Trea in 1974. He was nasty.'"

9 So this high-ranking person, Hem Samin, is saying it was So Phim
10 who signed the orders to kill the Cham in your village and, as
11 you might know, So Phim was the direct superior of Heng Samrin
12 and Hun Sen. Do you know anything about that?

13 [14.25.53]

14 A. I don't know at all about this because at that time news was
15 very restricted. It was not my -- it was not like nowadays. So
16 people generally did not know about who was really in charge of
17 the country. For example, we even did not know who was the
18 district chiefs. We knew only about the village and the commune
19 level and, I, myself, even did not ever go to the district.

20 Q. My last question, Mr. Witness. This morning you spoke about
21 pits that you saw after '79, in your village. You haven't given
22 any detail as to the detailed situation in respect of these pits.
23 Is it possible from your knowledge and experience that the bones
24 of the corpses that you said you saw were victims of the
25 repression, suppression of the Cham rebellion in 1975; the

75

1 rebellion crushed by the present government members?

2 [14.27.31]

3 A. Regarding the pits, before there were pits the land belonged
4 to the villagers. The pits started to be dug in mid-1978, and
5 after the liberation I saw the existence of the pits. But before
6 that there were no such pits.

7 MR. KOPPE:

8 Thank you very much, Mr. Witness.

9 MR. PRESIDENT:

10 The floor now is given to Defence Counsel for Khieu Sampan to put
11 questions to the witness. You may now proceed.

12 [14.28.35]

13 QUESTIONING BY MS. GUISSÉ:

14 Thank you, Mr. President. Good afternoon, Witness. My name is
15 Anta Guisse and I am International Co-Counsel for Mr. Khieu
16 Sampan. And it is in this capacity that I will put a few
17 follow-up questions to you.

18 Q. You testified on the ban imposed on the practice of Islam as
19 of 1975. I did understand from your testimony that before 1975,
20 even when members of the Khmer Rouge front were there you had a
21 right to practice your religion; is that correct?

22 MR. SOS ROMLY:

23 A. Yes, that's correct.

24 Q. Did I properly understand your testimony? I believe you were
25 answering a question put to you by my colleague of the civil

76

1 parties regarding the fact that the ban on the practice of
2 religion was not only in respect of members of the Islamic faith
3 but it targeted all religions; is that correct?

4 A. Yes, that's correct.

5 Q. Can you tell the Chamber what the position of your family was
6 when you were appointed by the Khmer Rouge to the youth unit?

7 What was the situation of your family? Was your family well to do
8 or poor?

9 [14.30.46]

10 A. My family was a poor family.

11 Q. Do you know whether that factor played any role in your
12 assignment?

13 A. Yes, that's correct.

14 Q. So that factor was of some consequence in your assignment? Who
15 appointed you to that position?

16 A. First, the village chief asked me to be the member of the
17 youth.

18 Q. And who was the village chief at the time?

19 A. It was Samatt Nor (phonetic) .

20 Q. And was that village chief Cham or Khmer?

21 [14.32.23]

22 A. Cham.

23 Q. And was the village chief the person who told you that you
24 were appointed because of your unwell-to-do origins? Is he the
25 one who told you so?

1 A. At the time I was not told as such. I learned from the youth
2 chief that the selection or appointment based on the status or
3 class of the individual, particularly the poor class, would be
4 the preferred candidate.

5 Q. You stated that at Trea there was a series of villages, three
6 Cham villages and two Khmer villages. Before 1970, were there any
7 significant relations or ties among all those villages?

8 A. I want to correct what you said. I said that there were three
9 -- there were five Cham villages and three Khmer villages.

10 Q. Thank you, for that clarification. I crave your indulgence for
11 the error I made, but my question remains the same. Were those
12 three Cham villages and two Khmer villages related to one another
13 in any way? Were there any relations between those villages?

14 A. Very well. We had a good relationship and we were in
15 solidarity.

16 [14.34.48]

17 Q. Is it correct to say that as part of the Muslim traditions it
18 is preferable for persons to get married, particularly the women,
19 and that persons of Islamic religion or of the Islamic faith are
20 to get married to persons of the same faith?

21 A. Yes, that is correct.

22 Q. Is it also correct to say that a Muslim man has the right to
23 marry persons who are not of Islamic faith but they must marry
24 persons who are of the Jewish religion or of the Catholic faith?

25 A. Yes, you are right.

78

1 Q. Am I therefore right in saying that, before 1975, the
2 marriages that were organized were generally between Cham and
3 that there weren't any marriages or there weren't many marriages
4 between the Cham and the Khmer?

5 [14.36.20]

6 A. I cannot get your question fully. Could you repeat it?

7 Q. No worries. Perhaps it was a bit confusing. Let me repeat the
8 question. Is it correct to say that, before 1975, whenever there
9 were marriages in your community those marriages were between
10 Chams per se and not between Chams and Khmer?

11 A. There were no mixed marriages but they perhaps fell in love.
12 Later on they could be able to be married by parents but there
13 was only a few cases.

14 Q. I would like us to talk about the period after 1975. You
15 referred to a person by the name of Ho, district chief. Did that
16 person have another name? For instance, I understand that Ho was
17 his revolutionary name. Did he have any other aliases or other
18 names?

19 A. In fact that incident happened in 1978, not 1975, and I knew
20 only one name, Ho. I did not know whether he had another name.

21 Q. And how frequently did you see that person called Ho, chief of
22 the district?

23 [14.38.27]

24 A. I saw him twice, the first time when he first arrived and a
25 few months, two or three months later he convened a meeting and

1 the commune chief asked me to accompany him in the meeting. That
2 was the two times that I met Ho.

3 Q. And on both occasions did you see him move about on a
4 motorcycle or you do not know?

5 A. The first time I saw him walking in front of the mosque and
6 later on I saw him in the meeting that I attended.

7 Q. Can you tell the Chambers what was the subject of the meeting
8 you had with Ho on that day?

9 A. In the meeting there was a discussion of agricultural
10 production. That was only the main topic of the discussion.

11 [14.40.06]

12 Q. And we agree that that was the only meeting you attended
13 during which Ho was present. Is that correct?

14 A. Yes, that was the only time that I attended.

15 Q. You referred to a discussion. I do not recall the date of that
16 discussion with officials of that unit and they put questions to
17 you regarding the presence of the Cham in your village. Can you
18 tell the Chambers when that discussion took place, on what date
19 it took place?

20 A. It was in 1977. I did not personally discuss with him in the
21 meeting. He asked me where the Cham people were and I told him
22 that they had been evacuated to the Central Zone. And at the time
23 he said that in the future Cham people would be smashed, all of
24 them.

25 Q. How did you know that that person was in charge of security?

80

1 A. He showed me the letter and he asked me to see the commune
2 chief. And at the time he told me that he was the -- he was in
3 charge of the security at a district level and he wanted to see
4 the commune chief.

5 Q. And do you remember who was the commune chief in 1977?

6 A. Chhean. It was Chhean, the commune chief.

7 [14.42.35]

8 Q. And did that security official tell you he was accompanied by
9 someone else, and did he tell you what was the position of the
10 person who accompanied him?

11 A. I was not aware of it.

12 Q. I have a question that may appear to be naive to you, but I am
13 not very familiar with the faces of Cham people. But when I look
14 at you, I find that you look like someone who may be of North
15 African origin and who doesn't have Khmer physique. When that
16 person put questions to you regarding the Cham, did he or she not
17 put questions to you regarding your appearance?

18 A. They asked nothing. They put no questions to me. They did not
19 know perfectly that I was Cham because I spoke Khmer very
20 clearly. I was not asked about my past history or background.

21 [14.44.26]

22 MR. PRESIDENT:

23 Thank you. It is now the short break time. But before we take the
24 break, I would like to ask Counsel for Mr. Khieu Samphan, do you
25 have many more questions to put to this witness, and how much

81

1 more time you need? I need to be -- the Chamber needs to be
2 informed since we need to inform the department in charge of
3 transportation about the vehicles to transport staff back home.

4 MS. GUISSÉ:

5 I don't have many more questions to ask the witness, Mr.
6 President. I have at the very most 15 to 20 minutes of questions
7 left and my colleague, Kong Sam Onn, has confirmed that he
8 doesn't have any questions for the witness either. So these would
9 be the last questions for the witness.

10 MR. PRESIDENT:

11 Thank you very much for the information. It is now break time and
12 the Chamber will take the break from now until 3 p.m.
13 Court officer, please assist the witness during the break time
14 and please invite him back together with his duty counsel to the
15 witness stand before the Chambers at 3 p.m.

16 The Court is now in recess.

17 (Court recesses from 1445H to 1502H)

18 MR. PRESIDENT:

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

20 The Chambers gives the floor to the International Counsel for Mr.
21 Khieu Samphan to resume questioning. You may now have the floor.

22 BY MS. GUISSÉ:

23 Thank you, Mr. President.

24 Q. Witness, I am going to continue with my questions. Now, a last
25 question regarding the security chief whom you spoke about, did

82

1 you know who was his superior? Who was this person's superior?

2 [15.04.05]

3 MR. SOS ROMLY:

4 A. I do not know.

5 Q. Now, I would like to turn to the period when Ho was the
6 district chief. Do you remember if he had a deputy and what was
7 this deputy's name?

8 A. I cannot recall his deputy, but I knew that the group of him
9 consisted of 30 members. I did not dare to go close and build a
10 relationship with him.

11 Q. At one point in time after Ho's arrival, did you ever hear
12 about an incident during which a member of the district was
13 allegedly wounded?

14 A. I have never heard of it.

15 Q. At the hearing of 5 October 2015, a little bit after 3.05, a
16 certain Ban Seak spoke about his presence on a boat and he said
17 that militia men apparently shot one of the members of the
18 sub-district committee. So does this somehow ring a bell? So we
19 are speaking here about the Krouch Chhmar district.

20 A. I did not know about that incident.

21 [15.06.13]

22 Q. You spoke about a certain Yay Yorb (phonetic) -- well, given
23 my pronunciation, I will spell out. So it Y-O-R-B, is a certain
24 Yay Yorb (phonetic), who was a Cham who was in charge of a
25 fishing unit. Can you tell the Chamber when he was appointed to

1 become the head of a fishing unit, if you remember?

2 A. He was the chief of the fishing unit from 1974 onwards.

3 Q. And until when did he remain in that position?

4 A. When Ho arrived in 1978. It was a time when he had been taken
5 away by Ho.

6 Q. So if I understood well, from '74 to '78, he was -- he held
7 the same position. Is that the case?

8 A. Yes, that is.

9 [15.07.52]

10 Q. You also said to the Chamber this morning that four of your
11 brothers and sisters were living with you during the DK period.
12 Can you tell me if they were working during that period and if
13 they were working, what were they doing? What was their exact
14 jobs?

15 A. My younger brother was working in the kitchen. The second and
16 third younger brothers were working in the mobile unit.

17 Q. And did they work in those locations until the end of the DK
18 period; that is to say, up until the arrival of the Vietnamese in
19 January 1979?

20 A. Yes, that is true. They were in the positions -- they were
21 working in those locations until the arrival of Vietnamese
22 troops.

23 Q. Let me backtrack a little bit here. I forgot to ask you a
24 question. I am sorry about that. Well, you said that before the
25 -- before Ho's arrival you fled into the forest not too far from

84

1 your home, in fact, and then there were Khmer cadres who fled as
2 well. But you don't know where they fled to, if I understood your
3 testimony properly.

4 [15.09.38]

5 A. We were on our own when we fled, we were not in the same
6 group. Villagers from the entire village fled into the nearby
7 forest. It was when -- it was on the 1st January 1979. At first
8 we went hiding in nearby places close to our house and later on
9 the Khmer Rouge made announcement over the loudspeaker that we
10 needed to flee into the forest. And one week later Phnom Penh
11 fell.

12 Q. Fine. So now you're speaking to me about their flight when the
13 Vietnamese arrived. But when you testified, I believe I
14 understood that before Ho's arrival you fled to somewhere that
15 wasn't too far from your home, or did I not understand your
16 testimony properly?

17 A. Actually, I did not flee because of the arrival of Vietnamese.
18 It was because of the Khmer Rouge that I fled.

19 [15.11.15]

20 Q. Well, in fact, what I would like to focus on is the moment
21 when you said you fled. When you testified, I believe I
22 understood that it was when Ho arrived; that is to say, when he
23 was appointed as head of the district and it is then that you
24 fled and then that you returned to your village. Or maybe I
25 didn't understand that point in your testimony clearly.

1 A. When Ho arrived I went hiding in nearby place -- locations
2 close to my house.

3 Q. Fine, we agree upon that. And we also agree that it was not on
4 1 January 1979. This happened in 1978, I think. Is that the case?

5 A. Yes, that is correct.

6 Q. Well, I am interested in fact in that moment. You said, and
7 please correct me if I am wrong, you said that you were not the
8 only one who fled then, that other people fled together with you.
9 So did I understand you properly or not?

10 A. Let me clarify the point. It was not fleeing. I went into
11 hiding. Chief -- the deputy chief, or Ta Yay Yorb (phonetic) also
12 went into hiding. He left his unit to stay in his house. And for
13 chief and deputy chiefs they went to hide in their neighbours'
14 houses. The villagers within Trea village also went into hiding
15 in nearby houses.

16 [15.13.18]

17 Q. And we agree that the people who hid were Cham and Khmer?

18 A. Both of us, Khmer and Cham. Most of Khmer people went into
19 hiding. Yay Yorb (phonetic) and I had also joined the group going
20 into hiding and Yay Yorb (phonetic) left his unit.

21 Q. And for how long were you in hiding?

22 A. One day or two days later I heard that the village chief and
23 the deputy chief together with Yay Yorb (phonetic) were arrested.

24 Q. And you, yourself, when you came out of where you were hiding
25 did you take on the same duties again?

1 [15.14.33]

2 A. I did not accept the offer right away. After Ho appointed Meng
3 to be commune chief, Meng asked me to be his clerk.

4 Q. And did you know Meng from before?

5 A. I never knew him before. I started to know him after he was
6 transferred into Trea village. It was a time when I started to
7 know him.

8 Q. And do you know why she proposed to you to become commune
9 secretary?

10 A. I do not know the reason, because of my previous practice that
11 I was proposed to be his clerk. But, as I said, I do not know the
12 reason he wanted me to be his clerk.

13 Q. Do you know if there are people who recommended you?

14 A. No, I do not know about that.

15 Q. There's a last point I would like to obtain a bit of
16 clarification about, you spoke about a place where you saw pits,
17 in 1979, you said. And you said that these pits dated back to
18 1978 and you also said during your testimony that at one point in
19 time in 1978 there was a flood, a flood that flooded the pits. So
20 can you tell us when in 1978 this flood happened and was it
21 before or after you saw pits that were dug in that specific
22 location?

23 [15.17.05]

24 A. Regarding the flood in 1978, the flood occurred in September
25 of that year.

1 Q. And between May and September 1978, did you travel to that
2 location?

3 A. No, I never travelled to that location.

4 MS. GUISSÉ:

5 Thank you for this clarification.

6 Mr. President, I am done with my questions.

7 [15.17.55]

8 MR. PRESIDENT:

9 Thank you. The hearing on this testimony of Sos Romly has come to
10 a conclusion now. Thank you, Mr. Sos Romly for your time for two
11 days here. Your testimony will contribute to the truth. You may
12 now be excused. You may return to your residence or to any
13 destination you wish to go. I wish you good luck and prosperity
14 in your life.

15 Court officer, please help send Mr. Sos Romly back to his
16 residence or to any places he wishes to go.

17 Thank you as well, Mr. Duty Counsel. You may also be excused.

18 It is now time for the adjournment. The hearing will resume on 11
19 January 2016, at 9 a.m. On Monday, the Chamber will start to hear
20 2-TCW-987, in relation to the targeted group -- that is, Cham.

21 Please be informed and be on time.

22 Security personnel are instructed to bring Mr. Nuon Chea and Mr.
23 Khieu Samphan back to the ECCC detention facility and please have
24 them returned on Monday, 11 January 2016, before 9 a.m.

25 The Court is now adjourned.

1 (Court adjourns at 1519H)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25