



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 February 2016

Trial Day 369

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

The Accused: NUON Chea
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:
EM Hoy
Roger PHILLIPS

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

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

For Court Management Section:
UCH Arun

I N D E X

Mr. YSA Osman (2-TCE-95)

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Questioning by Mr. KOUMJIAN page 35

List of Speakers:

Language used unless specified otherwise in the transcript

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

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

2 (Court opens at 0905H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the testimony of an expert,

6 2-TCE-95, in relation to the treatment of the Cham people. And

7 the hearing of this expert is to be conducted for the two days'

8 period.

9 And before we proceed to hear testimony of this witness,

10 2-TCE-95, the Chamber would like to inform the parties that, for

11 today's proceedings as well as for tomorrow, possibly, Judge You

12 Ottara is absent due to health problems. After the Bench

13 deliberated the matter, we decided to appoint Judge Thou Mony,

14 who is a National Reserve Judge, in Judge You Ottara's place for

15 today's proceedings and possibly for the following day until such

16 time Judge You Ottara is able to return to the Bench. And this is

17 pursuant to Rule 99.4 of the ECCC Internal Rules.

18 Mr. Em Hoy, please report the attendance of the parties and other

19 individuals to today's proceedings.

20 [09.07.50]

21 THE GREFFIER:

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

23 are present.

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

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

2

1 been delivered to the greffier.

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

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

9 [09.08.48]

10 MR. PRESIDENT:

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

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

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

24 [09.09.40]

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

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

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

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

14 (Short pause)

15 (Witness enters the courtroom)

16 [09.12.15]

17 QUESTIONING BY THE PRESIDENT:

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

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

23 Please make a slight pause.

24 MR. YSA OSMAN:

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

1 and everyone.

2 My name is Ysa Osman.

3 [09.13.06]

4 Q. Thank you, Mr. Ysa Osman.

5 When were you born?

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

7 Q. What is your nationality and ethnicity?

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

10 Q. And where is your current address?

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

14 Q. And what is your current occupation?

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

17 [09.14.45]

18 Q. What religion are you practising?

19 A. I am an Islam follower.

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

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

25 BY THE PRESIDENT:

5

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

3 MS. BARDECHE:

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

5 BY THE PRESIDENT:

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

8 MS. BARDECHE:

9 A. Yes.

10 [09.16.15]

11 BY THE PRESIDENT:

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

16 MR. YSA OSMAN:

17 A. Yes, I do.

18 MR. PRESIDENT:

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

21 THE GREFFIER:

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

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

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

6

1 and nothing but the truth.

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

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

8 [09.17.55]

9 MR. YSA OSMAN:

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

16 THE GREFFER:

17 Mr. President, the swearing is now completed.

18 [09.18.36]

19 MR. PRESIDENT:

20 Thank you.

21 And in order to ensure the transparencies of the proceedings, the
22 Chamber would like to record that on the 7 of August 2015, the
23 Chamber, through its Senior Legal Officer, informed the party by
24 an email that the Chamber would hear testimony of the expert, Ysa
25 Osman, on the facts of the treatment of the Cham people and on

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1 the 18 September 2015, the Chamber issued its decision to appoint
2 the expert, Ysa Osman, through his authorship of two books while
3 previously employed as a researcher for Documentation Centre of
4 Cambodia through document E367.

5 [09.19.25]

6 Ysa Osman is currently employed as an analyst with the Office of
7 the Co-Investigating Judges.

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

19 [09.20.43]

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

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1 clarified on the role of the legal officer of the
2 Co-Investigating Judges' Office -- that is, document E367/6 --
3 correction 1.

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

8 [09.21.44]

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

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

21 [09.22.40]

22 In addition, during the questioning of the expert, Ysa Osman, if
23 parties wish to use any documents that exist only in one language
24 and there are no official translations by the ITU, the parties
25 shall not use any in-house translation of such document and the

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1 appropriate methodology is to request for the documents to be
2 translated by ITU. And in order to avoid any delay in hearing
3 testimony of the expert, Ysa Osman, the Chamber would like to
4 instruct the parties that wish to use an excerpt from any
5 document that exists only in a language to use a member of its
6 team to read that excerpt in the original language so that the
7 interpreters can provide simultaneous interpretation in time.
8 For example, if the document exists only in English, then a
9 member of the team who speaks English should read that excerpt
10 and then it will be interpreted into Khmer and French.
11 However, ideally, such an excerpt shall be sent for translation
12 in advance.

13 [09.24.04]

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

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

25 BY THE PRESIDENT:

10

1 Q. Do you understand that?

2 MR. YSA OSMAN:

3 A. Yes, I do.

4 [09.25.00]

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

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

9 MR. YSA OSMAN:

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

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

14 A. Yes, I am.

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

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

18 Q. You just stated that you are employed by the Office of the
19 Co-Investigating Judges. And what is your title or function
20 within that office?

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

22 [09.27.27]

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

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

11

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

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

4 Q. Have you ever worked as a journalist?

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

7 Q. Are you also a researcher on the events of the Democratic
8 Kampuchea regime?

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

12 [09.29.32]

13 Q. Have you written articles or books in relation to Democratic
14 Kampuchea regime?

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

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

23 I have also provided my interview regarding my research of the
24 Democratic Kampuchea regime, and such an interview was provided
25 overseas.

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1 [09.30.50]

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

5 A. I am one of the Cham people who fell victim of the regime.

6 Most of my relatives lost their lives during the regime, and I
7 also noticed that thousands of my people died during the regime.

8 I determined that I needed to conduct research in order to seek
9 for the truth to find the cause or the reasons for the killing of
10 my people. And writing the books is part of being a history of
11 what happened so that such history could not be repeated in the
12 future.

13 [09.32.22]

14 Q. Thank you.

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

17 Can you explain the actual meaning of the word "oukoubah"? And
18 you stated that "oukoubah" means "justice". Can you elaborate a
19 little bit further?

20 A. The term "oukoubah" is an Arabic term. The Cham people
21 practised Islamic religion, and the main source of their religion
22 was from Arabic. And for that reason, I used the Arabic word as
23 the title for that book and literally translated into Khmer
24 through my consultation with Arabic experts. It has two
25 connotations: one is punishment, second is justice.

1 Within a certain context, the term denotes justice, and that is
2 the meaning that I used for my book -- that is, it refers to
3 justice.

4 [09.33.56]

5 Q. And in your book entitled "Oukoubah", what are the main themes
6 of the book? Can you tell the Chamber the main content of the
7 book?

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

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

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

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

22 [09.35.52]

23 I interviewed several of them, and the result of my interviews
24 added to the compilation of documents from various museums and
25 libraries resulted in my publication of my first book -- that is,

14

1 "Oukoubah".

2 And in the introduction, I also provided the figure of the Cham
3 people in the book who lost their lives during the regime, and I
4 also provided the instances of the death of each prisoner who
5 died at S-21 after their arrest.

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

7 [09.36.37]

8 Q. "Oukoubah" book, what was the date of the first publication?

9 Was it written in English or in Khmer?

10 A. An official publication was made in 2002. At that time, my
11 English ability was limited. Then I was writing it in Khmer, and
12 I was assisted by translators at the Document Centre of Cambodia,
13 and then the publication was only made in English version, but
14 not the Khmer version of the book.

15 Q. Thank you.

16 Your book, "Oukoubah", was published -- was it under the sponsor
17 by any institution or was it initiated and sponsored by you,
18 yourself?

19 A. I did my research for writing this book as I was a member and
20 staff of DC-Cam, and the funding support for that research and
21 publication was part of the project of DC-Cam.

22 [09.38.25]

23 Q. Thank you.

24 What were your research and study and what were your
25 methodologies that lead to the writing of your books of

15

1 "Oukoubah"?

2 A. Yes, Mr. President. As I told the Court earlier, this book was
3 based on documentations, including the documents prepared or made
4 during DK regime. And the second group of documents, those
5 document are prepared by researchers who are my pioneers in that
6 -- in this research.

7 And other sources of my book was my interview with the victims
8 who experienced their lives during DK regime.

9 [09.39.48]

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

13 A. Talking about witnesses and interviewees, I would like to tell
14 Your Honours that I could not remember the exact number unless I
15 count them again because a number of interviews that I used for
16 my book, but other interviews that I didn't use as basis for my
17 book, I didn't include in the figure. That's all I can recall.

18 Q. Regarding the individuals you interviewed in order to write
19 your books, who are they?

20 You said that the victims who experienced their live during DK
21 regime. Were there any leadership cadre at the community or in
22 the military of the DK?

23 A. Yes, you are correct, Mr. President. In fact, I interviewed
24 the victims and also perpetrators. The victims are those who
25 lived through the regime, who has knowledge of the regime. The

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1 perpetrators refer to the former cadre or the former employee or
2 staff of the Khmer Rouge regime, including village head men, the
3 militia men at the village and the commune, and other people
4 which are belong to DK regime as leadership.

5 [09.42.11]

6 Q. Based on your research and study, could you indicate the
7 statistics of Cham people in Cambodia during mid of April 1975?
8 Did your research get into the figure of Cham people in Cambodia
9 during mid-April 1975? And do you have any figure or any
10 explanation to the Chamber on this matter?

11 A. In order to indicate the figure for you, based on my research,
12 I don't have the documentation that recorded the figure or
13 indicate the exact number of Cham people at all. But I interview
14 with people who saw documents, and those statistic document were
15 destroyed by the Khmer Rouge, so I could not rely on those
16 destroyed document.

17 So all I could do was that I interviewed the person who saw or
18 who read the documents on statistic of Cham people, not only
19 during April 1975, but they talked about the figure of Cham
20 people before that, during the Lon Nol regime, and a little bit
21 earlier than April 1975. The total number is 700,000 of Cham
22 people in Cambodia.

23 [09.44.36]

24 Q. Thank you.

25 During the period prior to April 1975, across the country, can

17

1 you tell the Chamber in which area that most Cham people were
2 living in Cambodia?

3 A. Cham people who live in Cambodia, most of them were living in
4 Kampong Cham province, and now, under the administrative
5 structure, part of them was in Tboung Khmum province. And they
6 were from Champa. This is the area that closed -- that is closed
7 to Champa, and they fled to one entrance at the border at Kampong
8 Cham. And they fled the killing and violation in Champa, and they
9 went to the eastern part of Kampong Cham province, including
10 Tboung Khmum district, Ponhea Kraek, Dambae, and Krouch Chhmar
11 provinces.

12 And among these districts, there were more than 50 per cent of
13 the Cham people across Cambodia. Most of them were living in
14 Kampong Cham province.

15 [09.46.25]

16 Q. Thank you.

17 Based on your research on Democratic Kampuchea, can you tell the
18 Court what are the policies of DK towards the Cham people? Can
19 you elaborate the basic policy of DK regime targeting at or
20 towards the Cham people?

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

23 A. Talking about DK policies, I could not find any documents on
24 this matter. I could not find any document which is issued by the
25 Central Committee about the Cham, but I would base on the person

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1 who saw such document and, also, those who participated in the
2 treatment or in the violation against the Cham people.

3 And based on what I heard what was really happened to Cham
4 people, and I found that Cham people were gathered and brought
5 for execution.

6 MR. PRESIDENT:

7 Please, you may proceed.

8 [09.48.20]

9 MR. KOUMJIAN:

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

13 Thank you.

14 I mean approximate dates, years

15 BY THE PRESIDENT:

16 Yes, Mr. Prosecutor. You have your time, and these are my
17 preliminary questions, so you are advised to put questions during
18 your time when you would like to know dates or approximate dates.

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

22 [09.49.34]

23 MR. YSA OSMAN:

24 A. Yes, Mr. President.

25 Until today, I still have a lot of doubt in my mind as to why

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1 they tried to kill the Cham people. In 1975, Cham people were
2 living in their communities. Cham people were considered to be
3 stubborn, and they are strict to their religion and their
4 tradition. They don't want to give up. So any force or threat
5 them to stop speaking Cham language, they were also forced to eat
6 pork. They did that.

7 And later, in 1977, the Cham people were separated and put to
8 live with Cambodian people in the Cambodian community. And I
9 could not find any reason behind that, why they continue to kill
10 those Cham people, unless I ask the Khmer Rouge leadership about
11 that.

12 Q. Based on your research-

13 MR. PRESIDENT:

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

15 [09.51.10]

16 MR. KOPPE:

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

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

21 (Short pause)

22 [09.52.10]

23 MR. PRESIDENT:

24 Defence Counsel, there is no technical issue. Please state your
25 stance again.

20

1 MR. KOPPE:

2 Thank you, Mr. President.

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

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

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

10 You just asked this expert to express his opinion on what
11 possibly is the ultimate issue of fact, whether a policy to
12 exterminate or kill or destroy as a group existed. So, I'm a bit
13 puzzled as to this particular paragraph, which is coming from the
14 Chamber itself, and the last two questions.

15 [09.53.54]

16 MR. PRESIDENT:

17 International Co-Prosecutor, you have the floor.

18 MR. KOUMJIAN:

19 Thank you, Your Honour.

20 Of course, counsel makes a valid point and the Order of Your
21 Honours make a valid point that an expert cannot make an opinion
22 on an ultimate issue that the Chamber has to determine, and that
23 ultimate issues of fact or whether the evidence proves beyond a
24 reasonable doubt the charges. So asking experts to give factual
25 opinions that are not the ultimate determination of whether or

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1 not the evidence proves beyond a reasonable doubt so, for
2 example, asking this expert, as Mr. President just did, if he has
3 information about the reasons behind the policy to kill is a
4 factual matter that the Court can consider in going -- in making
5 its final determination.

6 [09.54.44]

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

11 MR. PRESIDENT:

12 Thank you for your observations.

13 The questions I put to the expert is on his work only, and not
14 beyond that. And the expert is reminded that if you can respond
15 to the questions, please do so, and if you cannot or if you do
16 not understand the questions, please also state so. And please do
17 not try to point the finger to any other party or individual.

18 [09.55.52]

19 If you can respond to the question within your limit and
20 knowledge, please do so. And the Chamber, of course, will consult
21 all the available documents within the case file as to decide
22 which witnesses or experts would be heard in this case.

23 BY THE PRESIDENT:

24 Q. And Mr. Expert, through your research and study, can you
25 inform the Chamber how many Cham people actually survived after

22

1 the fall of the Democratic Kampuchea regime -- that is, on the 6
2 January 1979? What is the number of the Cham people who survived
3 the regime based on your research?

4 MR. YSA OSMAN:

5 A. Through the sources of my research, it indicates that the Cham
6 people who survived the killing is approximately 200,000.

7 [09.57.20]

8 Q. Thank you.

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

11 Can you tell us how many years did you engage in the research
12 before you published your second book -- that is, "The Cham
13 Rebellion"?

14 A. My second book entitled "The Cham Rebellion" was officially
15 published in English in 2006 by the Documentation Centre of
16 Cambodia.

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

18 A. It's the same as my first book. I drafted the manuscript in
19 Khmer. It was then translated in English and published in English
20 only.

21 [09.58.50]

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

23 A. The main source of this book is through my personal interviews
24 with the victims, who were mostly the Cham people. However, there
25 were some perpetrators whom I interviewed, and the victims were

1 those who survived the regime and who survived the rebellion
2 against the Khmer Rouge. And they were from Phum Pir or Pir
3 village in Krouch Chhmar district.

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

6 A. I must acknowledge that I do not have an exact figure of the
7 interviewees. The research was conducted prior to 2006, and the
8 book was published in 2006. The types of people that I
9 interviewed were the direct victims and survivors of the killing.
10 And the second group is the former cadres who served as security
11 forces or who were the executioners of the regime.

12 [10.00.58]

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

15 A. The book is divided into six sections. The first section
16 describes the taking control of the Khmer Rouge -- that is, the
17 Khmer Rouge -- on the Khmer Rouge Revolution and the method
18 employed by the Khmer Rouge on the Cham people prior to 1975 --
19 that is, starting from 1971 to 1975.

20 The second section of the book is on the arrest of the Cham
21 people in various villages, namely, the arrest of those who were
22 religious leaders, who were well off or who were respected in the
23 villages, and the arrests took place prior to 1975.

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

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

3 And the fifth section of the book describes the fate of the Cham
4 people after the rebellions, in particular, the massacre that
5 took place in 1977.

6 And the sixth section is the reference and some annotations to
7 the book.

8 [10.03.15]

9 Q. Based on your research, can you tell the Chamber if you recall
10 the dates of the rebellions by the Cham people against the Khmer
11 Rouge control? Did you find out the first rebellion that took
12 place?

13 A. Regarding the main rebellions, there were two rebellions in
14 Krouch Chhmar district, but before the two main rebellions took
15 place, there was one small rebellion. And let me talk about the
16 small rebellion which took place in Trea village, which took
17 place in 1973. And I do not -- and we do not know the specific
18 dates and month when it took place, but we just knew that it took
19 place in 1973.

20 And later on, another one took place in 1975. It took place
21 probably in September. That was the rebellion in Kaoh Phal
22 village in Krouch Chhmar district. And then, two weeks later,
23 that was probably in October, at that time, the Cham people was
24 under full control of the Khmer Rouge regime and, at that time,
25 they had no calendar or watch or clock to tell about the date.

25

1 But they speculated that it was probably in October. That was
2 during the Ramadan months based on the Islamic calendar. That was
3 on the 29 of the Ramadan months. That was the time when the
4 rebellion against the Khmer Rouge took place in Svay Khleang
5 village.

6 [10.05.37]

7 Q. Thank you.

8 So what was the root cause of the Cham rebellion against the
9 Khmer Rouge in Svay Khleang village?

10 A. The rebellion took place first in Kaoh Phal village before the
11 one at Svay Khleang village, but because you ask me about the one
12 in Svay Khleang village, so let me talk about the one in Svay
13 Khleang village.

14 The rebellion in Svay Khleang village was a little bit different
15 from the one in Kaoh Phal because the villager in Svay Khleang
16 did not dare much to protest against the Khmer Rouge. They obey
17 what the Khmer Rouge told them to do. For example, if the Khmer
18 Rouge told them to close the mosque, they closed the mosque. If
19 the Khmer Rouge asked them to have their hair cut, they had their
20 hair cut. If the Khmer Rouge asked them not to put on scarf on
21 their head for women, they took off scarf from their head.

22 [10.07.04]

23 So despite the -- although they followed the Khmer Rouge
24 instruction, they still faced death. When they resist, they also
25 face death. So before they decided to rebel, they -- there was a

1 list, and that list contained names of about 100 people that
2 would be arrested. So the youths in the village discussed about
3 the list, that if we -- if we kept silent, they would -- we still
4 would be killed. And if we resist, we also would be killed, so
5 it's better to resist.

6 So at the night time, the youths gather and they carried swords.
7 And the Khmer Rouge was aware of the plane -- the plan, so the
8 Khmer Rouge came to arrest. And the Cham youths, each of them
9 carried swords. And when they saw the Khmer Rouge arrived, the
10 youth group chased the Khmer Rouge and used the sword to cut the
11 Khmer Rouge.

12 [10.08.35]

13 And the youth group made announcement to the villagers to rise up
14 against the Khmer Rouge, that we had to struggle hard to defend
15 our religion and we dared to die for the cause of our religion.
16 So other villagers also rose up to rebel despite they did not
17 have clear plan or clear leadership for the rebellion, so each of
18 them took swords to rebel against the Khmer Rouge arrest.

19 And in the next morning, the villagers dug trench because they
20 were aware that there would be bigger groups of the Khmer Rouge
21 who would come to arrest the Cham, so they dug trench in order to
22 hide themselves and in order to defend themselves from the Khmer
23 Rouge arrest. But because they had only -- they had only arms --
24 only swords that could not withstand the Khmer Rouge who had --
25 who had weapons, so the rebellion by the Cham could withstand the

27

1 Khmer Rouge crackdown for only one day. And at the end, the Khmer
2 Rouge defeated the rebellers and many peoples, including old
3 people, young people were arrested and were forced to drop their
4 -- their weapons. And they were arrested and gathered and put in
5 the detention centre.

6 [10.10.39]

7 And during the arrest, the (unintelligible) who were considered
8 as having energy, who were considered as having force to rebel,
9 they were gathered and killed because the detention facility
10 could not house the -- too many people who were arrested. And
11 people became starved and sick and injured and, as a result, many
12 of them died, one after another.

13 And during the detention, men were put in separate detention
14 facility from the women, and children were separated from the
15 mothers. And the remaining detainees who survived from the
16 killing were later on allowed to reunite with their families. And
17 they were evacuated to other places, not to their old village.
18 So they allow families to get reunion, but husband could not
19 recognize wife and wife could not recognize husbands because they
20 were so hungry and thin. And some of them were evacuated to live
21 in the East Zone, and some were evacuated to the North.

22 And this is my answer to your question, Mr. President.

23 [10.12.56]

24 MR. PRESIDENT:

25 Thank you for your detail answer, and now is time for a break.

28

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

2 And Court officer, please find for this expert and his legal
3 officer in the waiting room reserved for them to rest during the
4 break time, and please invite them back to the -- to this
5 courtroom at 10.30.

6 The Court is now in recess.

7 (Court recesses from 1013H to 1033H)

8 BY THE PRESIDENT:

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

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

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

15 MR. YSA OSMAN:

16 A. We did not know the total number of people. However, we had
17 the figure of families. To my recollection, there were 1,240
18 families, and I think this figure is mentioned somewhere in my
19 book.

20 And after the collapse of the Khmer Rouge regime, people returned
21 to Svay Khleang village, and there were about 120 families
22 returning to the village. However, these -- these are families,
23 but there are certain members of the families lost their live
24 during the regime.

25 [10.36.05]

1 Q. Thank you. I'd like now to refer to the Cham rebellion against
2 the Khmer Rouge in Kaoh Phal.

3 Can you tell the Chamber whether you, through your research,
4 found out the reasons for the rebellion by the Cham people
5 against the Khmer Rouge in Kaoh Phal?

6 You have touched upon the rebellion in Svay Khleang; however, you
7 said that the rebellion at Kaoh Phal took place before the
8 rebellion in Svay Khleang village.

9 [10.36.52]

10 A. The rebellion in Kaoh Phal was different from the one in Svay
11 Khleang. The Cham people in Kaoh Phal refused to follow the
12 instructions of the Khmer Rouge. They were forced by the Khmer
13 Rouge to close their mosques, to stop their five times a day pray
14 and to relinquish their traditional attire.

15 Those in Kaoh Phal didn't follow the instructions, and then the
16 suppression started in 1973.

17 The Khmer Rouge found it difficult to enter the Kaoh Phal area,
18 and in about 1974, the village chief of Kaoh Phal, including the
19 religious leaders, to hold a meeting outside Kaoh Phal village.

20 And allow me to add that Kaoh Phal village was located on an
21 island surrounded by the Mekong River. So the village chief and a
22 few of the religious leaders were called to get on a boat to
23 attend a meeting. And then they -- the people in Kaoh Phal were
24 concerned that they would be arrested and, for that reason, there
25 were about 100 villagers who accompanied them to the meeting.

1 And when they arrived, then they -- there was no proper meeting
2 or any debate or discussion and they returned to their village.

3 [10.39.00]

4 The Khmer Rouge kept sending the same messages to Kaoh Phal area
5 that they should not practice their religion anymore and should
6 follow the Revolution, but the villagers in Kaoh Phal refused to
7 do that. They still held on to their religious practice, their
8 customary tradition.

9 And in 1975, the Khmer Rouge actually entered the area. Initially
10 there were cadres from the Krouch Chhmar district, including the
11 chief of the Krouch Chhmar district, to go into Kaoh Phal for one
12 or second times and for their last entry, the rebellion took
13 place. When they entered Kaoh Phal for the first or the second
14 times, although they didn't say anything, the villagers did not
15 follow their instructions and in around August of the year -- of
16 that year, it was Ramadan month, there were cadres from the
17 district including the security forces who went to Kaoh Phal area
18 to call a meeting.

19 They instructed all the villagers to attend a meeting; however,
20 some of the villagers did not go because they were afraid that
21 the Khmer Rouge would take action against them. So villagers
22 attended the meeting and in the meeting, a serious plan was
23 imposed upon the local villagers. The plan imposed five
24 conditions and the five conditions include -- and allow me to
25 quote--

31

1 [10.41.21]

2 MR. PRESIDENT:

3 Counsel Koppe, you have the floor.

4 MR. KOPPE:

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

16 [10.42.23]

17 MR. KOUMJIAN:

18 Just very briefly, Your Honour, of course, the witness is being
19 called as an expert witness, not a witness of fact. As an expert,
20 an expert's entitled to explain to the Chamber whatever
21 information they rely on, whether it's something they read,
22 something someone told them or something they experienced. So
23 there's nothing improper about this witness explaining what
24 happened and I'm sure counsel is going to ask questions,
25 similarly, to the witness about what is in the book or what

1 happened during the rebellions. Thank you.

2 [10.43.13]

3 MR. KOPPE:

4 Very briefly, Mr. President, the witness was four years old in
5 '75, so he is basing himself upon what he has heard, although
6 he's telling it like he was actually there. I think there's no
7 basis in -- in case law for as to what the Prosecution just said.
8 So I'm not quite sure what the point of the whole exercise up
9 until now is other than the -- the expert summarizing the
10 statements that he has collected and put in his book.

11 (Short pause)

12 [10.44.10]

13 BY THE PRESIDENT:

14 I am careful with my questions. Usually my question starts with
15 based on your research. Of course, he is not here as a fact
16 witness. My question to put to him is based on his research and
17 the chronology of his research resulted in the publication of his
18 books.

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

22 MR. YSA OSMAN:

23 The five conditions are the following: Number 1: The women who
24 are Cham have to cut their hair short following the revolutionary
25 style and that they have to stop wearing head scarf. Second: The

1 Koran, which is based on the Islamic religion, shall be gathered
2 and burned. Three: All the Cham people in Kaoh Phal village have
3 to raise pigs and eat pork. And the next condition is they stop
4 -- they have to stop praying and all the mosques have to be
5 closed down. And the last condition imposed is the Cham men and
6 women have to marry other ethnic groups and not with the Cham
7 people.

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

10 [10.47.12]

11 Q. Thank you. And based on your research, what was the activity
12 or suppression happened -- that is, the suppressions against the
13 Cham people living in Kaoh Phal; can you enlighten the Chamber
14 the result of your research on the suppression against the Cham
15 rebellion in Kaoh Phal?

16 A. Whether they would accept the conditions or not, they -- the
17 meeting still continued that day and then the meeting passed the
18 prayer time and that month was a -- a fasting month and that they
19 have to pray at about 6 p.m., but they were not allowed to do
20 that as the meeting continued. So while the meeting was still
21 ongoing, where the district chief spoke, a villager stood up and
22 then shouted in the Arabic language; that is a call for pray. In
23 the Cham or Arabic language is "azan" -- that is, call for
24 prayer. He shouted to everyone or -- or called everyone for pray
25 and then the situation became chaotic as the villagers, who were

1 attending the meeting stood up. Then there were those forces who
2 were there ready to suppress the Cham people, but as they
3 observed that there were more Cham people in the meeting, they
4 withdrew their forces.

5 [10.49.50]

6 Next morning, they kept sending the same message to Kaoh Phal
7 villagers that they had to surrender and that they had to
8 acknowledge and accept the five conditions. The villagers still
9 refused to accept the conditions.

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

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

20 [10.51.15]

21 Dead bodies were covered in big pits. There were 30 or 40 dead
22 bodies in each pit and even those who carried the dead bodies
23 sometimes were hit and died and for that reason, they could no
24 longer be in a position to protest. They had to flee. Some of
25 them had to swim crossing the Mekong River, some were recaptured

1 and executed.

2 Those who survived the ordeal were arrested and sent to Roka
3 Khnaor commune. They were gathered there, then they alleged that
4 all the villagers in Kaoh Phal were enemies. However, there were
5 different kinds of enemies: category 1, 2, and 3, and the
6 first-category enemy had to be sent to a location separately from
7 those in the second and third categories. However, they were all
8 sent to detain differently in Chhuk, Chamkar Andoung, and Baray
9 as enemies were -- actually were considered four different kinds
10 of enemies.

11 But our area was infected with malaria and for that reasons, the
12 Kaoh Phal villagers died a lot in that area. Mostly villagers
13 from two villages died due to malaria and the survivors from
14 malaria were relocated to the north part of the river.

15 [10.53.23]

16 MR. PRESIDENT:

17 Thank you, Mr. Expert, for your time and I conclude my
18 preliminary question and the Chamber will give the floor to the
19 Prosecution to put the question to the expert before other
20 parties and OCP and Lead Co-Lawyer will have one day and one
21 session to put questions to the expert.

22 You may proceed, prosecutor.

23 [10.54.07]

24 QUESTIONING BY MR. KOUMJIAN:

25 Thank you, Mr. President.

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

5 MR. YSA OSMAN:

6 A. Thank you for your question, Mr. Prosecutor. Cham people are
7 not very different than other, even though they live in any
8 community, because they were from the same Champa land which was
9 violated and taken by Vietnam. A number of Cham people fled to
10 Cambodia, other fled to Hainan in China, and some other fled to
11 Thailand, and other fled to Malaysia, but they talk -- they speak
12 the same language even though the mountainous ethnic minority
13 Jarai and Rade, they could understand Cham language because they
14 are -- they were originated from Champa. They are a little
15 different in religious practice and religion.

16 [10.55.57]

17 Some of the Cham who practice Islam and other did not practice
18 Islam because, from the beginning, Champa was not different from
19 Cambodia and they practice Hinduism. And when Cambodia changed its
20 religion from Hinduism to Buddhism, some of the Cham people were
21 also change -- also changed their religion for themselves. So
22 when their country collapsed and some of them still practised
23 Hinduism, some of them were real Hinduists (sic); for example,
24 some of the Cham in Vietnam and Cham in Cambodia are divided into
25 the real Islam and other Islam who would practice Islam and

1 Hinduism; it's called "cham imam son" (phonetic) in Arabic. They
2 would go to pray once a week. As for the Cham who practice Islam
3 from Arab country, they would pray five times a day.
4 And you can look at their appearance, their language, their
5 tradition, and they have the same -- they share the same, but the
6 only little difference was their religious practice.

7 [10.57.47]

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

15 A. In Cambodia, Cham people speaks Cham language and their
16 lifestyle living as Cham in their communities and they did not
17 live with other people. They practice and they pray and they keep
18 their names as Cham people and we were proud of our identity as
19 Cham people, so we did not lose our identity. So you could
20 identify Cham people by their language -- the language they are
21 speaking and their dress and so on.

22 [10.59.45]

23 Q. The Cham language, can you explain at the -- during the DK
24 regime or at the start of the regime, did most Chams speak that
25 language; could they read or write that language and if so, how

1 did the language get passed down from one generation to another?

2 A. At any time, except during DK regime, in all generation, the
3 Cham would speak Cham language; they would write Cham letter or
4 vowel and consonant for their language. And their ancestors were
5 not from Cambodia, but they were from Champa. Until today, we
6 speak Cham language, but if you talk to Cham people, they have
7 difficulty to speak Khmer and except other Chams who work with
8 Cambodian people and learned Cambodian people like me and then we
9 can speak Khmer fluently.

10 [11.01.18]

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

14 A. This is the point that people misunderstand in Cambodian
15 societies and it is also misunderstood by people outside of
16 Cambodia, so they would perceive that those who practice Islam,
17 they said they were Cham people but, in fact, it is not the true
18 -- it's not true. For example, in Malaysia, they practice Islam
19 and in Kuwait, they practice Islam, so those who pray five day --
20 five times a day, who believe in Mohammad; they were Islam. But
21 it is not true that those who practice Islam are all Cham people.
22 For example, you talk about terrorism and they painted people who
23 -- who commit that act were Cham but, in fact, they were not. To
24 identify the Cham, you can identify their religion, the culture.

25 [11.03.12]

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

5 A. Yes, you are correct. Most Cambodian practice Buddhism, but
6 when it comes to most people who practice Islam in Cambodia are
7 Cham people, but there are also a minority group of people who
8 practice Islam, but they are not Cham people.

9 Q. One more time, sir, my question is: For Chams who practice
10 Islam, how important is their religion to them and to maintaining
11 their communities; the freedom to practice their religion, how
12 important is it to them?

13 A. Thank you. I have a better understanding of your question.
14 Islam is an important religion for the believer. The believer
15 must practice this religion and Cham people who believe in Islam,
16 they have to conserve -- to preserve this practice from the
17 ancestors. They will never give up their religion and they have
18 to keep and practice it as Islam except during DK regime, there
19 was a kind of force them to stop practicing their religion.
20 However, they try to practice and to believe in their religion in
21 their community and we did not lose our religion.

22 [11.06.14]

23 Q. Thank you. Now, you answered the President's questions. You
24 told us something about where Cham lived at the start of the DK
25 regime and that Kampong Cham was the area that they were most

40

1 concentrated. Can you expand upon that, a bit, and explain in
2 what -- first of all, let me ask you, did Cham live in the same
3 villages with Khmer people mixed or in separate villages?

4 A. No. Cham people lived in a separate community that all
5 villagers are Cham people, but their religious or community
6 bordering to Cambodian village, but they did not live, mingle or
7 mix with Cambodian people.

8 Q. Sir, there's a document on the case file, E3/1593; this is the
9 book by Ben Kiernan, and I want to read one quote from you and
10 just see if you agree with this or not. This is at Khmer,
11 00637755; English, 00678632; French, 00639022.

12 [11.07.56]

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

14 He wrote about the Cham -- quote:

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

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

24 A. I agreed with the point that he mentioned about the location
25 where the Cham were living along Mekong River including Kampong

41

1 Cham province, in Krouch Chhmar district, Kampong Chhnang, Pursat
2 provinces, but there were other locations.

3 But talking about the figure of Cham people, I don't mean to say
4 that he -- he mentioned the wrong figure, but this figure needs
5 to be researched and studied further.

6 [11.10.02]

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

12 A. Yes, it is true. They were living almost all zones of the DK.
13 If you -- you are talking about geography -- geographical area
14 and they -- they would live almost every area. And in the
15 vicinity of Phnom Penh, there were Cham people living since the
16 1970s and until now. So there were Cham people in Pursat,
17 Battambang, and Kampot provinces. Only a few provinces that the
18 -- there was no Cham; for example Kampong Speu province. But when
19 you went (sic) after Kampong Speu and in Prey Nob, you can find
20 some Cham villages were there. So I can say that Cham people were
21 living almost every zones of DK regime.

22 [11.11.58]

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

1 Chhmar considered the heartland?

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

6 And government officials who hold -- who held high-ranking
7 official during the -- during the regime before the Sangkum
8 Reastr regime, there were Cham government officials and you can
9 find Cham who were close friends to the king. His name is
10 Slaiman, who was the close friend to the former king before King
11 Norodom Sihanouk.

12 [11.13.54]

13 So any Cham people who would like to know history and religion,
14 they would be sent to Krouch Chhmar to meet those Cham scholar
15 and intellectual. So it is well-known that Krouch Chhmar is a
16 well-educated area for Cham people, better than other location in
17 Cambodia.

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

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

24 [11.15.13]

25 Q. I'm focusing on what existed before the policies of the regime

1 came into place. I'll later ask you how the Khmer Rouge policies
2 affected this. But for example, in your book, you talk about
3 hakim; let's start there. Can you explain what is a hakim and is
4 our -- is that position one that was important for Cham people to
5 maintain their identity?

6 A. In Cham communities, there was always hakims. The hakim
7 focused mainly on religion, not on culture or tradition. For to
8 the one who maintained the religion in the community; for
9 example, the Cham religion has a law related to the -- dealing
10 with the assets of parents to children. So when dealing with the
11 assets of parent to children, whether they want to deal it by
12 using the law of the state or the law from the religion, if the
13 family agree that they would like to use the law from the
14 religion and then it was the duty of the hakim to make decision
15 about the sharing of the assets to family members. And if family
16 members want to use the law of the state and then they would
17 approach the commune or the police to make decision about the
18 asset sharing.

19 [11.17.25]

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

23 A. Hakim is the first person in the community who was responsible
24 for overseeing the religious practices in the village and then
25 there are two deputies and the two of them were in charge of the

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1 community when the hakim was absent and they are in charge of
2 teaching religion. And the religious teachers, during the old
3 day, they were fed by villagers who provided them with rice and
4 food and "tuon" did not go to approach the villager for food, but
5 it was hakim who was responsible for collecting food.

6 And another one was haji, who was also a respected figure in the
7 village, because he -- he went on Hajj. Based on the Arabic word,
8 means he went on pilgrimage to Arabie Saoudite and when he came
9 back to the village; he did not have the leading position, but
10 people in the village respected him because they knew that he was
11 a good person, a moral person because of his pilgrimage on haji.

12 [11.19.32]

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

18 Q. I'm trying to move along quickly. I want to start discussing
19 the effects of Khmer Rouge policies on the Cham community, but I
20 want us to do that distinguishing how the policy may have evolved
21 over time and so I want to start, sir -- we've already had some
22 discussion in the earlier questions, about the events in 1975 in
23 Svay Khleang and Kaoh Phal, but I want to go back to the period
24 between 1970 up until the defeat of the Lon Nol forces in April
25 '75.

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

4 [11.21.13]

5 A. Initially, in 1970, during the Khmer Rouge revolutionary
6 front, the Cham were not affected. Cham like the Front because
7 the Khmer Rouge were -- paid attention to the Cham and especially
8 during the appeal by the King Father Sihanouk for encouraging the
9 villagers to go into the forest.

10 The Cham people, they loved the King Father and supported the
11 King Father; therefore, they supported the revolutionary front
12 which was supposed to be led by the King Father. So in 1970, '71,
13 '72, the Khmer Rouge still do good things to the Cham and the
14 Khmer Rouge even educated Cham young people to safeguard their
15 traditional and their religious identities so the Cham people
16 loved the Khmer Rouge.

17 [11.22.51]

18 But starting from 1973, there were changes; Cham were arrested
19 and detained and based on my research, in Krouch Chhmar district,
20 there were the arrest of Cham people in 1973 and those who were
21 arrested including religious leaders like hakim, haji, and me
22 chum-ah. They were detained and some of them were killed and
23 later on, some of them were released.

24 And in 1974, there were more arrest and the number kept
25 increasing, so initially they arrested the leaders, but later on,

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1 they arrested -- their scope of arrest included the villagers.
2 So the Cham villagers lost trust and confidence in the Khmer
3 Rouge movement, but because their land was -- fall under the
4 control of the Khmer Rouge, the Lon Nol government control only
5 the towns and provincial cities. So the Cham people could not go
6 to seek help from the Lon Nol; they had to face with the
7 suppression -- all kinds of suppression by the Khmer Rouge. They
8 were killed. They were detained and that's why it led to the
9 establishment of the resistant movement in the two villages I
10 mentioned earlier.

11 [11.24.38]

12 And after the rebellions, about one month later, the Cham people
13 were evacuated from their villages and the Cham community were
14 abolished, so the evacuation of the Cham people were different
15 from the evacuation of the Khmer people.

16 The Khmer people, who lived in the cities, who lived under the
17 control of the Lon Nol regime were evacuated, but the Cham
18 people, they supported the Khmer Rouge; they loved the Khmer
19 Rouge at the beginning but, at the end, they were evacuated and
20 their identities, their communities were abolished. So the
21 suppression on the Cham people -- the persecution on the Cham
22 people were different from the persecution on the Khmer people.

23 [11.25.39]

24 I would like to clarify that the Khmer Rouge cadres, they were
25 Khmer people; they ate pork; they spoke Khmer, but for the Cham

1 people, they were required to stop speaking their language,
2 abolish their communities, stop wearing their clothes, but
3 adopted Khmer clothes. So the way the Khmer Rouge treated them
4 were different from the way the Khmer Rouge treated the Khmer
5 people because the Khmer Rouge did not force the Khmer people to
6 stop speaking Khmer or stop speaking -- or stop eating pork, so
7 the policy that the Khmer Rouge issue severely affected the Cham
8 people who had a different or distinct ways of -- distinctive
9 ways of living.

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

17 [11.27.29]

18 A. Yes, they were on both sides because politics in Cambodia in
19 all time, all regimes, they needed the support or force from the
20 Cham people. For example, during the Lon Nol regime, Lon Nol was
21 also close to the Cham people, especially Cham who lived close to
22 the city. And there were Cham people who held high position in
23 the government; some of them were commanders of the soldiers, for
24 example, Brigade 5, whose commander was a Cham, and there were
25 also Chams who served in the parliament and commanders of the

1 military police.

2 And for the Khmer Rouge, they also had the participation of Cham
3 forces. As I mentioned earlier, at village, the rural area, there
4 were Cham who loved and supported the Khmer Rouge as -- and so
5 Cham joined both sides of the political equation.

6 [11.29.05]

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

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

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

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

18 A. I would like to say that I did not do much research on the
19 White Khmer because the White Khmer were not so much related to
20 the Cham people, so I did -- I do not have much knowledge about
21 the Khmer Sar or White Khmer.

22 [11.30.32]

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

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1 So now, I want to come to the period after the Khmer Rouge
2 victory in April 1975 and how that affected life for Cham people.
3 Can you explain -- I think you -- you perhaps started already,
4 but can you explain how it affected Chams in regards to their
5 religion, their dress, their way of life; how did the policies of
6 the DK regime, after 1975, affect the Cham people?

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

13 For -- as for the Cham people, who lived in rural areas, there
14 were no remarkable changes to them. What occurred to them was
15 after -- was during their rebellion that their suppression and
16 persecution were worst.

17 [11.32.30]

18 MR. PRESIDENT:

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

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

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

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1 The Court is now in recess.

2 (Court recesses from 1133H to 1332H)

3 THE PRESIDENT:

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

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

7 [13.33.00]

8 BY MR. KOUMJIAN:

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

17 A. The Cham people have a different clothes style from other
18 ethnic groups. For example, men had his own distinctive clothes
19 and hat. For women, wear long clothes and, according to the
20 tradition, their hair need to be covered with head scarf and
21 cannot reveal the hair outside.

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

25 A. Colours can be in different colours, but for the cap can be in

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1 either black or white. But this is for men. But for head scarf
2 for women it can be in different colours depending on
3 individual's preference.

4 [13.35.30]

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

7 A. Yes, there were changes in names because the name in Cham
8 language it had Cham characteristics. That's why the Khmer Rouge
9 required them to change their names to Khmer names.

10 And regarding the name change it took place not only the Cham
11 people but also to the Khmer people, especially those who were
12 educated or were intellectuals they needed to change their name
13 from usually long names to short names.

14 But for the name change for the Cham people it means it results
15 in the loss of their identity because their name in Cham language
16 signifies their identities.

17 [13.36.54]

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

21 A. Based on religious regulation, Cham people have to eat certain
22 types of food and not eat a certain type of food, for example;
23 pork. Meat from dogs, from frogs or snakes are banned and the
24 most prohibited food is pork. They cannot even touch the pork. At
25 that time the Khmer Rouge forced the Cham people to eat

1 especially pork.

2 For Khmer people, pork is a normal food that they consumed every
3 day. The Khmer Rouge was well aware that the Cham people did not
4 eat pork but they forced the Cham people to eat pork although
5 during the Khmer Rouge regime there were not enough meat to feed
6 people, but still the Khmer Rouge people make sure that they had
7 their pork and forced the Cham people to eat pork.

8 [13.38.55]

9 Q. Thank you. There is one document on the case file, that is,
10 E3/178, and I just want to ask you about a sentence in there --
11 in this, this is an internal document from the regime. The Khmer
12 ERN is 00275588; in French it is 00623305; and in English it is
13 00342709.

14 And the document states that:

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

20 The report goes on to say:

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

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

1 [13.40.38]

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

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

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

16 [13.42.14]

17 Q. Thank you. I'd like to read to you again from Kiernan's book
18 E3/1593. It's page 461 in English. The French ERN is 00639251.
19 It's page 540 in French, and it talks about the results of
20 interviews with Cham that he did. He says, "When asked whether
21 Muslim Chams had been forced to eat pork, 41 interviewees said
22 yes and only six said no. Similarly, when asked whether use of
23 the Cham language had been prohibited by the DK authorities, 36
24 said yes and only one said no. When asked whether Cham population
25 had been displaced or broken up, 51 interviewees said yes and

1 none said no."

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

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

11 [13.44.12]

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

17 For the exceptional case that -- that may have happened, it may
18 have happened in very remote area at the place where the local
19 authority, the village chief or commune chief may have understood
20 about the tradition of the Cham. So it may have depended on the
21 local chiefs who may have loved or feel sympathy for the Cham
22 people that they may let the Cham people to carry on their
23 traditional practices.

24 As I said, but for the majority they were displaced, they were
25 forced to eat pork and to stop speaking Cham language.

1 [13.45.53]

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

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

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

14 [13.47.19]

15 A. No, at that time there were no schools, there were no teachers
16 and students to study religion.

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

19 A. Thank you for your question. Before Democratic Kampuchea
20 regime there were not any problems for the Cham people regarding
21 the learning and teaching of Cham language and the learning and
22 teaching of Cham history. There were -- before Democratic
23 Kampuchea regime there were no suppression on these aspects.
24 In Sangkum Reastr Niyum there were not any suppression on the
25 Cham people. The Cham people had full rights and freedoms to

1 learn the language and history.

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

6 [13.49.13]

7 A. As I told you earlier, during the DK regime the religious
8 belief and practices were abolished and the Cham people were
9 forced to eat pork and to speak Khmer language. So there were
10 some young people who were born in 1979 or after 1979 they could
11 not speak Cham language. Even I myself also have some problems in
12 speaking my language because after I spent more than three years
13 in the regime I lost my memory of some of my languages.

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

21 [13.50.50]

22 A. Based on the accounts of the witnesses who participated in the
23 rebellious activities in Trea village in 1973, the Khmer Rouge
24 made an arrest of one person in Trea village. And the villagers
25 were aware of the intention to arrest so they were fleeing. The

1 Khmer Rouge actually fired at them.

2 And later on the Khmer Rouge force actually went there to make an
3 arrest, withdrew and then a group of Cham people came to the
4 commune office to the east of the Trea village to protest against
5 the arrest of that villager. And they asked for the reasons for
6 the arrest. And they begged them to stop engaging in the arrest.
7 The Khmer Rouge did not respond to their appeal and as a result,
8 the protestors were angry and then they burned an office. It was
9 a commerce office and not the commune office. Then they returned
10 to their village.

11 As a result the Khmer Rouge retaliated by sending a group of
12 soldiers to arrest those who were involved in the burning down of
13 the office and those who were involved in the protest. Some were
14 arrested and some fled as they had to swim across the river to
15 Kampong Cham provincial town. That was the first rebellious
16 activity that happened in 1973, in Trea village.

17 [13.52.55]

18 Q. Thank you. Now, you have just talked about that as the first
19 rebellious activity and, of course, the name of your book is
20 "Cham Rebellion". I want to ask you a bit about the use of that,
21 what the goals of those engaged in this rebellion, as you call
22 it, were. Were they seeking -- did they have a plan from your
23 research to overthrow the regime to capture Phnom Penh?

24 A. The purpose of the rebellion was to seek freedom, the freedom
25 to practice in their religious belief and to preserve their

1 traditions. That was the demand and it was the demand for freedom
2 and not with the intention to overthrow the Democratic Kampuchea
3 regime.

4 [13.54.08]

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

9 A. For the rebellions, that is, for the Cham people, they had
10 bare hands. They did not have any weapons. They resisted the
11 killing by the Khmer Rouge with knives, swords and stones except
12 in Svay Khleang village where they actually seized two guns from
13 the Khmer Rouge side and they used it to counter the attack by
14 the Khmer Rouge. In other events, that is, in Trea and Kaoh Phal,
15 they did not have any guns.

16 [13.55.22]

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

21 A. Please repeat your question.

22 Q. In Kaoh Phal you talked about, explained what happened, that
23 there was a prayer -- that there was a meeting held by cadres and
24 eventually one of the Cham stood up and made the call to prayer.
25 People walked out and there was a bit of chaos. Later you said, a

1 few days later I believe, you said that the island was shelled by
2 DK forces.

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

5 [13.56.43]

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

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

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

19 [13.58.14]

20 A. If you ask about the events that unfolded in Svay Khleang that
21 is correct as a Khmer Rouge cadre by the name of Chen (sic) was
22 killed at Svay Khleang but not at Kaoh Phal. The Khmer Rouge
23 cadre was killed at night when the rebellious forces chased him
24 and his group away from the village. At that time Chen (sic) and
25 his group was conducting the arrest of the villagers in the

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1 village. So at the outskirts of the village, the villagers caught
2 up with them and then Chen (sic), the Khmer Rouge cadre, was
3 stabbed to death.

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

7 [13.59.38]

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

12 A. No, there was none. Those who were involved in the rebellion
13 were the villagers themselves. Even when the rebellion took place
14 at Kaoh Phal, those Cham people living in other areas, for
15 example in Svay Khleang, was not -- were not aware of that
16 rebellion. So there was no coordinated rebellions that took place
17 here or there.

18 For example, there was a rebellion at Svay Khleang and it
19 initiated by a group of youth who resisted the arrest of their
20 uncles and aunts. So they formed this group to resist the acts of
21 the arrest and later on they were joined by the rest of the
22 villagers. And there was no outside intervention or any support,
23 material support from outsiders.

24 [14.01.24]

25 Q. Thank you. Now, sir, when you -- you conducted your research,

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1 these interviews, over what years? Can you tell us approximately
2 the years that you have interviewed people about the resistance
3 of Cham people during the DK regime?

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

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

16 [14.03.16]

17 A. They were happy and they were cooperative with my research.
18 And they were proud of my research as they saw that I compiled
19 about the history of what happened to them. The interviews were
20 conducted both in Khmer and the Cham languages. And when I spoke
21 to them I used my Cham language.

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

1 [14.04.24]

2 A. For those who lived in Svay Khleang and Kaoh Phal villages no
3 one, no one at all blamed those who took part in the rebellion.
4 Everyone involved in the rebellion, including the women, they
5 took part in the form of transporting logistics, in digging pits
6 to bury the dead bodies for instance. They took part in bandaging
7 the wounded. Here I refer to villagers in Svay Khleang and Kaoh
8 Phal.

9 As for the Cham people who lived in other villages or in other
10 areas, they never put the blame on the Cham people in these two
11 villages at all. No, because the arrest and the killing took
12 place prior to the rebellions. They even said that if the two
13 villages were to rebel and if they knew in advance they would
14 actually rebelled as well.

15 [14.05.43]

16 Q. Thank you. Now, sir, there is something, a question I have and
17 it's not in your book. That's why I have no idea how you will
18 answer it but my understanding is that at least in the Arabic
19 language there is a special word for those who die fighting for
20 their religion. Is there such a word used among the Cham
21 community?

22 A. We use one word, "sabilillah", and according to its meaning in
23 the Islamic religion if there is a restriction or a suppression
24 on religion and the person is willing to sacrifice himself or
25 herself for religion that person would receive the blessing from

1 Allah and would go to heaven.

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

5 A. Yes, that is correct.

6 Q. Can you briefly explain where they were sent? Were they sent
7 together or separated and how their lives were in these new
8 locations?

9 [14.07.33]

10 A. About a month after the rebellion the Cham people who lived in
11 other villages who did not take part in the rebellion were called
12 for meetings. And the Cham people were threatened, were
13 intimidated and they were instructed to forfeit their religion
14 and to follow the line of the Party.

15 Secondly, they had to be relocated away from their native
16 villages. And as I have stated earlier, in Kaoh Phal they were
17 relocated immediately and in Svay Khleang they were detained for
18 a few months before they were relocated and then the Cham people
19 who lived in other villages were relocated in about -- at the
20 same time. And that happened in around November 1975.

21 [14.08.56]

22 They were relocated from their community and they were dispersed
23 into various areas. They were sent to new locations and they were
24 dispersed into various villages. For example, two or three
25 families were placed in one village while a few other families

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1 were placed in another village and they would not be given any
2 houses to stay in. They had to live under the house of the Khmer
3 families in those villages. So about two or three Cham families
4 were placed in each village and by that time the Cham community
5 no longer exist -- existed and they could no longer attend to
6 pray together as they were dispersed as at the instructions.

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

9 A. When they were relocated to new areas the first thing for them
10 is that they lost their sense of community and it would be easier
11 for them to be supervised. Then they could be monitored whether
12 they continued to speak their Cham language. If they were forced
13 to eat the pork they had to follow that instruction. With the
14 non-existence of their community and that they had to live mingle
15 with the Khmer community, it was easier for them to be the
16 subject of monitoring. Even those few families in the village had
17 to be separated according to their age range. They could no
18 longer live as a family but separated according to their age

19 [14.11.24]

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

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

5 [14.12.35]

6 A. For Kaoh Phal villagers they were relocated to Phum Buon in
7 Chhuk village. There were Kabei Kreak, Phka Doung, Baray and
8 Chravak Daek. And they were the subject of malaria as the area
9 was infected with malaria. And for those who survived the malaria
10 they were relocated a second time, crossing the river to Stueng
11 Trang district.

12 For Svay Khleang villagers after the rebellion, some of them were
13 sent to the Dambae district while the rest were sent across the
14 river to the northern part, that is, to Stueng Trang district and
15 some were even sent in the area in Kampong Thom province, that
16 is, in Preaek Prasab district in Kratie province. The same thing
17 for the Cham people who did not involve in the rebellion. Some of
18 them were sent to the northern part while some remained in the
19 East Zone. However, they were relocated to a new district.

20 The Cham people were relocated from their districts and there
21 were only a small number of them who were allowed to remain
22 living in their villages. The majority of them were relocated.
23 For those who were considered to have weak tendencies and did not
24 seem to oppose against the lines of the parties then they would
25 be allowed to remain living in the village and the Khmer people

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1 were also relocated elsewhere to come and live in their villages.

2 [14.14.54]

3 Q. Thank you. There's another quote from Kiernan I would like to
4 read to you. And it is on page 259, in English. In English the
5 ERN is, 01150136. I cannot find the French ERN at the moment. I
6 thought I had it, but I don't. It indicates -- let me read it to
7 you. It's in his section discussing the Southwest Zone. And in
8 the first full paragraph, the second sentence, "In Angkor Chey,
9 the Southwest Zone Chams were officially called" -- I am going to
10 pronounce it and then spell it because I am sure I am not going
11 to pronounce it correctly -- "moultanh phnoe", M-O-U-L-T-A-N-H
12 one word and the second word P-H-N-O-E and in parenthesis Kiernan
13 indicates, "(depositee Base People)."

14 "This is the earliest known use of that term for deportees. It
15 predates the 1975 evacuation of Phnom Penh whose population
16 became the archetypical deportees."

17 And he goes on in the next sentence skipping one, to say, "Most
18 significantly, the Southwest Zone Chams were still called
19 deportees even after they returned to their home villages in
20 1974."

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

24 [14.17.30]

25 A. My research was not that thorough for the Southwestern Zone as

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1 there were only some Cham people who lived there. However, I
2 could generally speak about the location of the Cham people. As
3 for those who lived in the cities, that is the Khmer people who
4 live in the cities were also relocated and they were labelled as
5 New People. The Cham people were also relocated and they were
6 also labelled as New People as they left their home towns to go
7 and live elsewhere with other people.

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

11 [14.19.06]

12 A. We observed that the Cham people were evacuated regardless
13 whether they were part of the rebellion or whether they live in
14 Krouch Chhmar district. It happened elsewhere in Chhloung, in
15 Krouch Chhmar, in Kang Meas and in Kampong Siem districts. They
16 were all evacuated.

17 They were evacuated from their native villages to live mingled
18 with the Khmer people, and family members were separated at the
19 new areas. They did not have sufficient food to eat, as the food
20 ration for them was less than the food for the Base People.

21 The Base People could hide some of the food that they had left,
22 so they were in a better position, but for the Cham people, they
23 lacked everything, even the clothing. They did not have
24 sufficient clothes to wear.

25 So the condition of the Cham people everywhere when they were

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1 evacuated was similar to the condition that the Khmer city
2 dwellers were evacuated from the cities. I, myself, concluded
3 that the Cham people were in the same condition and they were
4 labeled as New People, as those of the Khmer people who were
5 evacuated from the cities.

6 [14.20.54]

7 Q. Okay. Thank you. Sir, I'm going to move to a new topic now,
8 and that is to discuss with you some of the numbers of Cham --
9 the estimates of numbers of the Cham population before and after
10 the DK regime. And I want to start by getting your reaction to a
11 quote from Michael Vickery, and this is E367/4.1.7. Excuse me.
12 This document, Your Honours, have given it an E3 number, and
13 perhaps I could give you that after the break, but I don't have
14 it. I don't think I have it with me at the moment.
15 In the second paragraph of that article, Michael Vickery says:
16 "All Cambodian population statistics of whatever period include a
17 large measure of hypothesis, assumption, extrapolation and pure
18 guesswork, and they may not be adequate for the type of
19 calculations undertaken by either Kiernan or myself."
20 And then, in another document, which you -- your letter to the
21 "Phnom Penh Post" of 10 March 2006, -- Your Honours recently
22 admitted it -- you indicated:
23 "Of course, this is a very difficult area of research since
24 almost all leaders of Cham communities were lost in this period.
25 All would certainly agree that more data based on actual field

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1 research in addition to the old colonial accounts still in use by
2 scholars are sorely needed."

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

6 [14.23.28]

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

12 So the problem is the statistic before the Khmer Rouge and during
13 the Khmer Rouge, but I relied on interviewee who saw or read
14 statistics. But based on my findings, there were 700,000 Cham
15 people before the Khmer Rouge and the scholars, Ben Kiernan and
16 Vickery, would base on their documents -- the document they
17 found. However, if you would like him to prove based on his
18 document, it will be hard for them to prove.

19 [14.25.14]

20 In my case, I rely on witnesses or my interviewees. For example,
21 when the Cham people were evacuated from the Eastern Zone to the
22 Northwest Zone and also from the Eastern Zone of -- of 50,000
23 from the East Zone and the remaining -- the remaining Cham, there
24 was 100,000. So in the Eastern Zone, there were more than 100,000
25 Cham, so there were also other Cham people in other sectors and

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1 zones. So my figure, as I estimated based on my interviewee,
2 there were approximately 700,000 Cham people.

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

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

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

13 [14.27.40]

14 A. Yes, I read Vickery's books and Ben Kiernan's book. They both
15 rely on census statistic, but I would consider how reliable it
16 would be on those statistics, those who were born during 1962 and
17 who were born before that.

18 And I asked them were there -- was there any census conducted
19 during the -- during that period for Cham people. And no
20 interview -- no interviewee could tell me about that, including
21 those who were working as a village head man or commune chief.
22 They said, in fact, there were a census conducted, but there was
23 no distinction in term -- in terms of statistic of Cham people or
24 Chinese Cambodian or other race. This is how I can say the
25 reliability of their document and their figure, it should be --

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1 it is difficult for me to rely on that.

2 [14.29.18]

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

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

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

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

14 A. For witnesses I interviewed, no one remember or recall those
15 census. Those -- of those who I interviewed who were grown up in
16 1962, and they said that they did not know how the census were
17 conducted and there was no figure of Cham people in their area
18 which are published or announced in any media. They could not
19 tell me such thing.

20 [14.31.41]

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

1 MR. PRESIDENT:

2 Mr. Expert, please hold on. Counsel for Khieu Samphan, you may
3 proceed.

4 MS. GUISSÉ:

5 Yes, I would like to object to the Co-Prosecutor's question. The
6 witness has just explained that none of the people he spoke with
7 remembered a census of any kind, so I do not understand on which
8 basis he would be able to answer the questions put to him because
9 he, himself, said that he did not research the question, nor
10 spoke to people who can speak about this census. So I think the
11 question is not really relevant.

12 [14.32.54]

13 BY MR. KOUMJIAN:

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

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

23 MR. YSA OSMAN :

24 A. On my identity card, there is no -- there is no mention about
25 my race as Cham, but in other documents issued by the current

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1 government and the information include religion, which indicate
2 the religion or the origin of a person, including Cham or Chinese
3 Cambodian, and let me refer you to the Sangkum Reastr Niyum under
4 Sihanouk. And they were called as Khmer Islam. But the person who
5 created this term was the late King Norodom Sihanouk. However,
6 this term, Cham or Khmer Islam, has not been very popular or keep
7 it -- its identity, so most Cham people were identified as
8 Cambodian on the ID card. It's like that.

9 [14.35.25]

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

13 MR. PRESIDENT:

14 Hold on, Expert. Counsel for Mr. Khieu Samphan, Anta Guisse, you
15 may proceed.

16 MS. GUISSSE:

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

22 So I think the way that the question has been formulated here
23 leads to an objection, yes. I'm sorry.

24 [14.36.26]

25 BY MR. KOUMJIAN:

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1 Q. I'll try to rephrase the question. Sir, let's stick with the
2 1960s, a little closer in time. Do you know of any reason why it
3 might be to the advantage of a Cham person to say they were Khmer
4 for reasons of prejudice against Chams, for reasons of obtaining
5 an education, for any other reason?

6 MR. YSA OSMAN:

7 A. For Cham people themselves, wherever they went, they were proud
8 of being Cham people, but what caused us to lose our identity,
9 they were identified as Khmer Islam, which is more popular than
10 Cham now. And sometime, in some cases, they were identified as
11 race, they say Cambodian or Khmer.

12 [14.37.47]

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

16 MR. PRESIDENT:

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

18 MS. GUISSÉ:

19 I am -- I apologize to interrupt again, but I'm mixed up about
20 the period. Are we speaking about the current period, are we
21 speaking about the period before the coup d'état in 1970? Could
22 we here, please, specify where we are situated in time because
23 this might avoid vague answers.

24 [14.38.44]

25 BY MR. KOUMJIAN:

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1 Q. Fair enough. Sir, in the 1960s, since we have a census in
2 1962, or in the 1930s, are you aware of any reason why whether
3 Khmer -- excuse me, Cham people, would be less likely to identify
4 themselves as Cham to outsiders than they would to their own
5 religious leaders, for example?

6 THE PRESIDENT:

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

8 [14.39.34]

9 MS. GUISSÉ:

10 I am really sorry but, here, if the Co-Prosecutor refers to the
11 two dates corresponding to the censuses and that Ysa Osman
12 explained clearly that he was not focusing on the census. So we
13 are asking here, therefore, Ysa Osman to speak about something
14 that he hasn't researched. So the foundation of his answer would
15 not be very clear. This only leads to speculation. So if he
16 hasn't worked on the issue, I don't see how he can answer in a
17 very appropriate way.

18 BY MR. KOUMJIAN:

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

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

24 [14.41.00]

25 MR. YSA OSMAN:

1 A. Yes, that is correct.

2 MR. KOUMJIAN:

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

5 THE PRESIDENT:

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

9 Court officer, please assist the witness during the break time --
10 the expert during the break time and invite him as well as the
11 OCIJ legal officer into the courtroom at 3 o'clock.

12 The Court is now in recess.

13 (Court recesses from 1441H to 1501H)

14 THE PRESIDENT:

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

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

18 BY MR. KOUMJIAN:

19 Q. Thank you. Sir, when we left off I was asking about your
20 estimate of the pre-DK Cham population. In your book E3/1822
21 "Oukoubah", in footnote 5 you list sources for your estimate of
22 approximately 700,000 Cham and I want to ask you about some of
23 them. But first of all, let me just list the sources in your
24 footnote 5. You have Zakariya Adam, Res Lah, Vann Mat, Math Ly,
25 Sos Kamry, otherwise known as Kamaruddin bin Yusof, Ney Pena, and

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1 an inspector in the Inspection Department of Ministry of Cults
2 and Religious Affairs, Tres Soram.

3 Is it correct that you have -- that these seven sources are what
4 you relied on or part of what you relied on for that 700,000
5 figure?

6 [15.04.18]

7 MR. YSA OSMAN:

8 A. I would like to correct the figure in my book. It's not 70,000
9 but it is 700,000 and the figure came from my interviewees who
10 gave the same number. And in consultation with materials given
11 from the department -- from the Ministry of Cults and Religious
12 Affairs, Mr. Tres Soram, and from other material, the book
13 published by Ney Pena and Mr. Sos Kamry, these individuals gave
14 similar estimates of the figures and these particular individuals
15 worked for -- worked for the Cham council. And these five sources
16 that I rely on gave similar figures. That's why I came to my
17 conclusion that I can use this figure because it is based on the
18 similar estimates given by the five sources I received.

19 Q. Thank you, sir. And I clearly understood in the book you said
20 700,000. If I misstated that, I apologize. In Footnote 5 there
21 actually are seven sources. So I just want to ask you about a few
22 of them. One of them you just mentioned, Ney Pena; can you tell
23 us who is Ney Pena?

24 [15.06.32]

25 A.I read Ney Pena's book. I believed he was a high-ranking

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1 official in the government that established after the fall of the
2 Khmer Rouge in 1979.

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

7 A. His name is Res Lah. And as for "Raja Thipadei" it is an
8 honorific title given to him by Ministry of Interior for his
9 important role in supervision of the Cham people during the
10 Sangkum Reastr Niyum regime and I can compare this honorific
11 title to the current title in current use, for example "Oknha";
12 for example "Oknha Sos Kamry" which is a title given by the king
13 to the oknha who was in charge of supervising the Cham people in
14 Cambodia. So the honorific title, "Raja Thipadei", was in many
15 ways the same like the honorific title that is in use right now.
16 [15.08.36]

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

23 A. Yes, you are right.

24 Q. Okay. Thank you very much. Now, do you know how any of these
25 statistics or estimates were made? Were they made by a census,

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1 were they made by asking leaders at some level, whether it was
2 village or higher level, for the number of Cham? If you don't
3 know, say so.

4 [15.09.42]

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

10 This morning I talk about hakim. Hakim is an individual in charge
11 of the village, and he is under the structure or supervision of
12 mufti. So the reports at the community level, hakim needed to
13 make the reports and compile the figures and send the reports to
14 mufti at the provincial level.

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

18 So the figures compiled by Mr. Raja Thipadei Res Lah came from
19 the reports by the different levels of the hierarchical orders.

20 So it's the same thing like the muftis at the present time who
21 also has his own hierarchical orders of structure of reporting.

22 [15.12.06]

23 Q. Okay. Thank you. I want to go back for a moment to document
24 E3/9680. This is a document recently added at the request of the
25 Defence. This is your letter, sir, to the "Phnom Penh Post" in

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1 March 2006. You talked about, on the second page, the first full
2 paragraph, of a Mr. Sen Mat who you say -- I'll read what you
3 wrote.

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

9 Sir, where was it, under what circumstances, did you interview
10 Mr. Sen Mat, do you recall?

11 A. I interviewed Sen Mat for the purpose of writing the article.
12 I did not include the information from the interview with him
13 into my books. I asked him whether he saw the census carried out
14 by the French during his working at the rubber plantation, and I
15 used the answers from my interview with him to write the article.

16 [15.13.59]

17 Q. Okay. Thank you, sir. I would like now to ask you about part
18 of your book, "Oukoubah". It's on page 120 of your book, that's
19 E3/1822, and the French ERN is 00758331 to 32.

20 In this appendix to your book, you have listed the difference of
21 some villages and the difference in the numbers of families or
22 persons in those villages between 1975 and 1979. I would like to
23 ask you about that and add up some of these numbers.

24 Your Honours, I believe it would be helpful for all of us to
25 follow this if, Your Honours, and counsel -- and I've given it to

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1 counsel -- have a copy of my mathematics. I don't want that --
2 I'm not asking that to be admitted into evidence, it's simply
3 I've added in the column the loss of individuals, the difference
4 between 1975 and 1979.

5 So my first question is, would that be permissible, please, to
6 just have everyone follow along? I don't want it to be admitted
7 into evidence, but just so that, Your Honours, and the witness
8 can follow along with my mathematics?

9 I should have copies for everyone; of course, all of, Your
10 Honours. You were given copies, right?

11 [15.16.02]

12 MR. PRESIDENT:

13 The Chamber gives the floor to Judge Lavergne.

14 JUDGE LAVERGNE:

15 Deputy Prosecutor, if I understand correctly, you should just
16 calculate on the basis of the figures that are provided on the
17 expert's book. Are you working on that basis; on the basis of the
18 list?

19 BY MR. KOUMJIAN:

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

25 Q. When we're talking about the period 1975, what is your

1 understanding of what an average family would contain in terms
2 of, first of all, does that include grandparents or children,
3 parents and what was the average size as far as the number of
4 people?

5 [15.17.23]

6 MR. YSA OSMAN:

7 A. In Cambodia, regardless of Cham people or Khmer people, in
8 some villages we do not know the specific numbers of people, but
9 we know the families. Families consisted of husband and wife and
10 children. So I gave the estimated figure. In each village -- in
11 each family there consists of five or six members. That is the
12 approximate number.

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

15 A. They share the same house because when we call a family if --
16 it is for the purpose of receiving gifts from the government even
17 until the present time the calling of a family is for the purpose
18 of receiving the gifts from the government. For example, each
19 family receive one bag of rice, one sarong, so it's -- it's hard
20 for the villagers to know about the number of people in the
21 village. The villager know only about the approximate numbers of
22 families in the village. Only the village chief, who have the
23 statistic about the numbers of people in the village.

24 [15.19.56]

25 Q. Thank you. What about the situation where there were

1 grandparents, or perhaps even great-grandparents, living together
2 with their children or grandchildren, would that be considered
3 one family?

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

5 MR. KOUMJIAN:

6 Thank you, Mr. Witness. So, Judge Lavergne, to fully answer your
7 question, it is mathematics. The one thing that I added that I
8 wanted to check is I multiplied the number of families by five
9 taking what I thought was a conservative estimate. I think from
10 the witness's testimony he said a family averaged five or six. I
11 think that is a conservative estimate in accordance with this
12 witness's testimony.

13 [15.20.49]

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

22 JUDGE FENZ:

23 Can I just add something? If there is no request to take this
24 onto the case file, it is understood that you will refer to all
25 of this in a way which allows us to follow your calculations or

1 questions on the record only?

2 MR. KOUMJIAN:

3 Yes, I--

4 [15.21.46]

5 JUDGE FENZ:

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

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

13 MR. KOUMJIAN:

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

20 [15.22.33]

21 MR. PRESIDENT:

22 Ms. Guisse, you may proceed.

23 MS. GUISSÉ:

24 Yes, Mr. President. I must say I do understand and I understand
25 that we can follow the figures given by the prosecutor, but to

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1 use a document that the prosecutor has drawn up as documentary
2 evidence is not proper. I understand the prosecutor's logic even
3 though I do not quite understand the foundations of his figures,
4 but before we proceed on this document as regards the figures
5 perhaps we should ask the expert to give us the basis for his
6 calculations, such as to say that there were approximately five
7 members per family. What are the sources on which he is relying
8 to provide these estimates? That is -- the sources of the
9 estimates he's giving are not well-founded, that is my first
10 remark.

11 It is clear that as regards the principle of admitting into
12 evidence a document prepared by the prosecutor, I would object to
13 that.

14 Now, questions can be asked differently and I believe the
15 prosecutor is not opposed to asking questions in such a way that
16 we can use document E3/1832 as the basis for asking these
17 questions.

18 [15.24.26]

19 MS. GUIRAUD:

20 Thank you, Mr. President, I would like to make a brief remark.
21 Would it be possible for us to have a copy of the document so
22 that the parties can follow the debate because we, the civil
23 parties, don't have that document.

24 JUDGE FENZ:

25 I just want to come back to the record issue because if we all of

1 us read this record in half-a-year, nobody has any idea what we
2 are talking about.

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

6 [15.25.05]

7 MR. KOUMJIAN:

8 I'll certainly try to structure it and, of course, will ask --
9 the witness has already given his basis for the family estimate.
10 I will ask him -- he explained how families were constituted. I
11 will ask him also the basis for these figures.

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

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

18 [15.26.02]

19 MR. PRESIDENT:

20 Prosecutor, your request is granted.

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

23 JUDGE FENZ:

24 I'm sorry, but if it's handed to the witness I think it needs to
25 be on the case file. We need to know on what basis the witness

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1 answers questions. Can we have a short break?

2 BY MR. KOUMJIAN:

3 (Microphone not activated) indicate that I planned to read
4 everything that I've added to this into the record. So the whole
5 record of the mathematics and the calculations will be on the
6 transcript.

7 Okay, thank you.

8 Q. So, Mr. Witness, we see on page 120 of "Oukoubah" you have a
9 list of certain villages and you list in your book the population
10 1975 and 1979. What I've done here is added a third column for
11 the difference, the loss between 1975 and 1979.

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

14 [15.27.45]

15 MR. YSA OSMAN:

16 A. In my book each figure was supported by reference and footnote
17 and reference based on my interview with the person who survived
18 the regime, who told me the number or the figure before 1975,
19 it's this figure, and after that is this figure.

20 For example, in the village of Akmok, Oknha Sos Kamry told me
21 this figure and in Chrouy Changva Kraom (phonetic), I received
22 information from Zakariya bin Ahmad, and the same is true for
23 other villages. I would base on the witness who gave me reliable
24 information, so the figures here are recorded based on the
25 witness account through my interview.

1 [15.29.06]

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

6 So going through the ones you've listed families, Akmok, you said
7 1975 1,100 families, 1979 100 families for a difference or loss
8 of 1,000 families.

9 For Chrouy Changva Kraom the Ekraingsei Moque, you said there
10 were over 1,000 families in 1975 and 30 families in '79. So using
11 the figure of 1,000 rather than anything above that, the loss
12 would be 970.

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

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

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

19 [15.30.44]

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

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

24 Now, sir, I totaled that number of families from those six
25 villages to be 3,838. Using an average of five people per family

1 -- you said families averaged five or six -- that would total
2 approximately 19,120.

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

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

8 It is based on five member in a family is the number below
9 average because, as you well aware, the Cham family or Cham
10 people, they have a belief that they cannot protect their
11 children so they would like to have more members in family. So
12 five member in the family is below average. So in the past, each
13 Cham family would have more than six member.

14 MR. PRESIDENT:

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

16 Judge Lavergne, you may proceed.

17 [15.33.19]

18 JUDGE LAVERGNE:

19 Yes, I have a question of clarification here, because we're
20 speaking about losses. I rather see this as a difference between
21 a population at a given moment and a population at a given moment
22 in the future.

23 So is the -- because the idea of loss leads us to believe that
24 the people died. That's how we can understand. In any case, it's
25 ambiguous, so do we agree that this is a difference in terms of

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1 the population number because maybe people left and went
2 somewhere else for various reasons. Maybe they escaped abroad,
3 maybe they settled in different areas, they did not necessarily
4 die.

5 [15.34.10]

6 BY MR. KOUMJIAN:

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

8 Q. Now, sir, we've talked about the difference in families in
9 1975 and '79, the number of families.

10 Is as the Judge just explained -- just stated correct; that these
11 people you interviewed were talking just about the number of
12 families that had returned to those villages, that were living in
13 those villages in 1979?

14 MR. YSA OSMAN:

15 A. Yes, correct.

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

20 [15.35.13]

21 A. The number of families that loss, in total, is about 99
22 percent of family die of execution, of illness and starvation,
23 and only a few people who could fled and survive and live abroad.
24 And in this area the Khmer Rouge took control over these
25 locations before 1975.

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1 So only a few people could flee and are now living abroad, and so
2 it is impossible to say that they are living in other villages.
3 So traditionally, the Cham people would come back to their
4 community or their villages in order to know whether their family
5 members and community villager are living and return.
6 So it is impossible for them to stay in another village and not
7 return to their original home village in this case.

8 [15.37.00]

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

13 A. I didn't meet with anyone who told me that never come back to
14 their village, their home village, and when they return and met
15 each other in their home village and then some of them moved out
16 to another places where they can do better farming or in their
17 home community they could not find relatives or family member,
18 they would leave. But most or all of them who survived returned
19 to their home village.

20 [15.38.30]

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

1 all the members of the families that returned were still alive?

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

9 [15.40.29]

10 Q. Yes, and that's reflected in the third column of my
11 calculations there. So, sir, I want to move on to the two
12 villages that you list, numbers of persons as opposed to
13 families. So, reading those into the record.

14 For Kaoh Phal for 1975 you list 1,864 persons. In 1979, 180
15 persons; for a decrease of 1,684 persons.

16 In Peus, you listed in '75, 1,005 persons; and in 1979, 558
17 persons; for a decrease of 447 individuals. Adding up the
18 decrease in Kaoh Phal, 1,684, and in Peus, 447, leads to a total
19 of 2,131 individuals.

20 And if we add that figure, 2,131 individuals from Kaoh Phal and
21 Peus, to the estimate we made earlier from the other five
22 villages that you listed by families, that is a decrease of 1,000
23 -- excuse me -- 19,120 individuals, then we have a total in these
24 eight villages of a decrease of 21,251 people.

25 Sir, do you follow that and does that accord with your

1 understanding of what the people you interviewed told you?

2 [15.42.34]

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

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

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

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

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

24 [15.44.50]

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

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1 10 Cham villages as stated on page 121, and these villages are
2 located in Kampong Cham, Kampong Thom, and Kandal provinces.
3 Previously, there were a lot of Cham people who live in these
4 large villages although I did not have the figures for the Cham
5 people. However, after the Khmer Rouge collapsed, none of the
6 villagers returned to these villages. In some of these villages
7 only a few families returned and then they were waiting if other
8 villagers would return but there was none, so they abandoned
9 their native villages and went to live elsewhere in other
10 villages.

11 And after that, these 10 villages no longer were called the Cham
12 villages. They had been the Cham villages since after they fled
13 Champa, but with the total loss of their community members, they
14 abandoned their villages and currently they are also known as the
15 villages where the Khmer people reside and not the Cham people.

16 [15.46.32]

17 Q. Thank you. I just want to go through this list of 10 villages
18 and make sure we understand where they're located and in what
19 administrative structures they were located during the DK regime,
20 if you can help us with that. So starting with -- and perhaps you
21 can follow along the names because of my pronunciation is
22 probably bad.

23 Baykay. Is it correct that that's in Lvea Aem district in Kandal
24 province? And that would have been, is it correct, in the
25 Southwest Zone?

1 [15.47.28]

2 A. When I refer to the geography of Lvea Aem, and according to
3 the administrative division of the Khmer Rouge, it is located in
4 the East Zone. It's a Cham village and I have some relatives who
5 live there.

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

13 [15.48.35]

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

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

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

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

25 Q. I'm going to skip the next five for just a moment. So going to

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1 below -- I guess it would be number 8, Khvav village in Prey
2 Chhor, Kampong Cham. Where -- what zone or sector would that be
3 in, do you know?

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

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

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

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

14 [15.52.00]

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

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

22 A. In fact, you miss one village, that is La-ang, and they all
23 belong to Kampong Siem district.

24 Geographically, Kampong Siem district is part of Sector 41,
25 belongs to the North Zone, and in early '77 it belonged to the

1 Central Zone.

2 [15.53.28]

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

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

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

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

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

23 [15.55.33]

24 A. I do not wish to make my conclusion that the 2,000 families is
25 a correct figure or not because I did conduct my research in

1 Kampong Siem. I only knew that certain villages where the Cham
2 people resided they were no longer there.

3 Through my interview, Kampong Siem used to house many Cham
4 families besides Krouch Chhmar district was Kampong Siem and then
5 there were those who live in Kang Meas and Stueng Trang. These
6 are the districts situated along the riverbanks.

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

11 [15.56.52]

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

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

23 Q. Thank you. Well, sir, in your book "The Cham Rebellion", you
24 do give a couple of accounts about what happened to those people
25 from Kampong Siem, those Cham people who seemed to have

1 disappeared, and this is -- first, you have something from an
2 individual, an interview with Mat Sarin. This is at English,
3 00219193; Khmer, 00904414; there's no French translation.

4 Mat Sarin you quote as saying:

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

7 He says -- he goes on to say:

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

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

12 [15.59.23]

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

15 There were mass killing that happened there, that is, in 1978. In
16 fact, starting from 1978, the -- 1977 the killing became
17 intensified in Kampong Siem, Kang Meas, Stueng Trang and certain
18 other locations as they conducted the purge. They actually
19 rounded up the Cham people and they were taken away and killed.

20 No Cham people could survive the ordeal.

21 [16.00.20]

22 Q. In -- you have another account from Kampong Siem. At Khmer the
23 ERN is, 00904408; and in English the bottom of 00219210.

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

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1 You quote him as saying:

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

10 You go on to say he said:

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

13 Do you recall speaking to Ismail bin Abu Samas?

14 A. Yes, I recall that.

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

18 [16.02.20]

19 A. They killed without discrimination. They killed those who were
20 Cham.

21 In 1977, it was difficult for the Khmer Rouge to distinguish the
22 Cham from the Khmer people, so by that time the Cham people had
23 been evacuated to live, mingle, with the Khmer people, and that
24 started since 1975 after the rebellions.

25 So Cham, some Cham people adapted themselves to the way the Khmer

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1 people lived. They forfeited their religious practice. They
2 forced themselves to eat the pork. They associated with the Khmer
3 people and they could speak Khmer fluently and for the Cham
4 children they actually forgot to speak the Cham language.

5 [16.03.20]

6 So it was very difficult for the Khmer Rouge to identify who was
7 Cham and who was Khmer since they mingled among the Khmer people.
8 The children belongs to the children's unit. The youth belongs to
9 the mobile unit and the old people lived with the Khmer old
10 people.

11 The Khmer Rouge then came out with a policy. They said for any
12 Cham wherever they reside or which unit they belong to, they were
13 requested to return to unite with their family members since now
14 the country had been liberated and they appealed to all the Cham
15 people to come to unite with their families at their native
16 villages.

17 The Cham people were so happy to hear that, and they decided to
18 return to their native villages. And even Krouch Chhmar they
19 actually returned to their villages and the same thing applied to
20 those in Kang Meas and Kampong Siem. They returned to their
21 native villages in order to find the remaining family members.
22 And once the Khmer Rouge saw that they all came to their native
23 villages, they were all gathered up without discrimination,
24 whether they were children or whether they were women, they were
25 all gathered up for killing.

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1 [16.04.57]

2 However, there were some Cham who decided not to return to their
3 native villages and decided to live with the Khmer people. And
4 sometime it was the Khmer people who actually stopped them from
5 going to their native villages and asked them to wait a bit more
6 to see whether the situation improved.

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

10 In Krouch Chhmar village they were sent to be killed in Trea
11 village. They were killed at a pit there or they were killed and
12 dropped off into the Mekong River.

13 [16.05.51]

14 In Kampong Siem the way they killed the Cham people was
15 different, and in Kang Meas there was another execution site for
16 the Cham people at the Au Trakuon Pagoda. For the youth who did
17 not receive that information and did not return to the native
18 village were rounded up in one place. They were interrogated.
19 They were asked about their ethnicity and some of them told the
20 truth that they were Cham people and some were concerned about
21 their safety and they did not know which answer to respond, so
22 they said -- some said they were Khmer or some said they were
23 half-blood as their mother or father was Cham.

24 So those who responded that they were mixed blood or they were
25 Cham would be placed in one group and those who responded as

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1 Khmer they were placed in another group. And for those who
2 responded that they were Cham of mixed blood, they were killed.

3 And that happened in Trea village.

4 So first they clarify about their ethnicity before they were
5 rounded up, put in that group and killed. And those who responded
6 that they were Khmer, some of them survived.

7 [16.07.20]

8 MR. PRESIDENT:

9 Thank you, International Co-Prosecutor, and thank you, Mr.
10 Expert.

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

14 Tomorrow the Chamber continues to hear the testimony of the
15 expert, Ysa Osman. And, Mr. Ysa Osman, the Chamber thanks you for
16 your testimony, however, it is not yet concluded and you are
17 invited to return tomorrow commencing from 9 o'clock in the
18 morning.

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

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

25 Security personnel, you are instructed to take the two accused,

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1 Nuon Chea and Khieu Samphon, back to the detention facility and
2 have them returned to attend the proceedings tomorrow before 9
3 o'clock.

4 The Court is now adjourned.

5 (Court adjourns at 1608H)

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