



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 22-Jun-2017, 11:38
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

20 May 2015
Trial Day 283

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

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I N D E X

MR. OR HO (2-TCW-836)

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MR. PECH SOKHA (2-TCW-909)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. FARR	English
MS. GUISSÉ	French
MR. KOPPE	English
MR. KOUMJIAN	English
MR. OR HO (2-TCCP-836)	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. PECH SOKHA (2-TCW-909)	Khmer
MR. SREA RATTANAK	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber hears the remaining testimony of this witness

6 and at the conclusion of this witness's testimony <Mr. Or Ho and>

7 we will hear another witness's testimony -- that is, 2-TCW-909,

8 via a video link.

9 <The Greffier,> Ms. Se Kolvuthy, please report the attendance of
10 the Parties and other individuals to today's proceedings.

11 [09.02.34]

12 THE GREFFIER:

13 Mr. President, for today's proceedings all Parties to this case

14 are present. Mr. Nuon Chea is present in the holding cell

15 downstairs. He has waived his right to be present in the

16 courtroom; the waiver has been delivered to the greffier.

17 The witness who is to conclude his testimony -- that is, Mr. Or

18 Ho, is ready and present in the courtroom. The next witness --

19 that is, 2-TCW-909, will testify via video link. This witness

20 confirms that to the best knowledge, the witness has no

21 relationship by blood or by law to the two Accused, that is Nuon

22 Chea and Khieu Samphan or to any of the civil parties admitted in

23 this case. The witness took an oath already. Thank you.

24 [09.03.37]

25 MR. PRESIDENT:

1 Thank you. The Chamber now decides on the request by Nuon Chea.
2 The Chamber has received a waiver from Nuon Chea dated 20th May
3 2015, which states that due to his health -- that is, headache,
4 back pain, he cannot sit or concentrate for long and in order to
5 effectively participate in future hearings, he requests to waive
6 his right to participate in and be present at the 20th of May
7 2015 hearing. He advises that his counsel advised him about the
8 consequence of this waiver, that in no way it can be construed as
9 a waiver of his right to be tried fairly or to challenge evidence
10 presented or admitted to this Court at any time during this
11 trial. Having seen the medical report of Nuon Chea by the duty
12 doctor for the Accused at ECCC, dated 20th of May 2015, who notes
13 that Nuon Chea has a chronic back pain and dizziness when he sits
14 for long and recommends that the Chamber so grant him his request
15 so that he can follow the proceedings remotely from the holding
16 cell downstairs. Based on the above information and pursuant to
17 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon
18 Chea's his request to follow today's proceedings remotely from
19 the holding cell downstairs via an audio-visual means.
20 AV unit personnel are instructed to link the proceedings to the
21 room downstairs so that Nuon Chea can follow the proceedings and
22 that applies for the whole day.
23 The Chamber now hands the floor to the Defence teams, first to
24 Nuon Chea's defence to put questions to witness Or Ho. You may
25 proceed, Counsel.

1 [09.05.50]

2 QUESTIONING BY MR. KOPPE:

3 Thank you Mr. President, Good morning, Your Honours, good morning
4 counsel, good morning Mr. Witness. I have some more questions to
5 put to you after yesterday. I would like to start asking you some
6 questions about the time that you as chief of your village
7 received a request to bring and select work force for the
8 building of 1st January Dam.

9 Q. Do you remember who it was who made the request to you to
10 select people from your village?

11 MR. OR HO:

12 A. The person who made a request was my superior -- that is, the
13 commune committee who received instructions further from the
14 upper echelon.

15 [09.07.17]

16 Q. Do you remember the exact month of 1976, that he made that
17 request to you in your capacity as village chief?

18 A. The request was made in October, however first it was for the
19 mobile unit -- that is, the strong force in those mobile units
20 and about 30 workers were selected from each village <because>
21 the first wave of the force was to clear <the land and to burn
22 the bushes while> the big force was <still harvesting rice>.

23 [09.08.19]

24 Q. Is it correct to say that initially from your village 30
25 belonging to the mobile unit were sent to work for the dam -- at

4

1 the dam and then at a later stage some more people from your
2 village was sent to work, is that correct?

3 A. Yes, that is correct.

4 Q. Would be able to tell us how many in people in total have
5 worked, how many people in total from your village have worked at
6 the 1st January Dam?

7 A. For the middle age force there were about 100 and for those in
8 the mobile units the number was between 70 to 80 workers <in my
9 whole village>.

10 [09.09.35]

11 Q. So it would be correct that in a period of let's say seven to
12 eight months, a little less than 200 people from your village
13 have, one way or another, participated in the building of the
14 dam, is that correct?

15 A. Yes, that is correct.

16 Q. Do you remember which criteria you applied when selecting the
17 other people from your village not belonging to the mobile unit?

18 A. Please repeat your question.

19 Q. You said that people from the mobile unit were selected to
20 work but you said that also other people from your village you
21 selected, do you recall what criteria you used to assemble these
22 other people from your village, age or strength of the people,
23 can you recall?

24 [09.11.06]

25 A. People who were selected to work at the 1st January Dam work

1 site were those who had full strength, <and the elderly> people
2 were not selected as they were assigned to <make the earth
3 carrying baskets in> the village.

4 Q. Thank you. There's one point of clarification that I would
5 like to address with you, yesterday a number of 100 was
6 mentioned, 100 people that you might have supervised. However
7 when I read your statement to the investigators of the
8 Co-Investigating Judges, it seems that you when you were working
9 at the dam was supervising only a group of 20 people. Is that
10 correct, when you were working at the dam you were supervising a
11 group of 20 people or were you also responsible for the whole
12 selection of the people coming from your village?

13 [09.12.42]

14 A. The number of the people selected was correct and at the work
15 site the total number was sub-divided into smaller groups and
16 then for each group there would be a chief who would supervise
17 and work together with the team or the group members. And for the
18 20 people that I supervised, I also <carried earth> together with
19 them. That's how it was organised and usually we would meet
20 during our meal time at noon.

21 Q. I understand. So would it then be fair to say that in addition
22 to you supervising 20 people, there would another nine
23 supervisors working side by side with you supervising the other
24 let's say 180 people, is that a correct calculation?

25 A. There were 100 workers when we left the village and at the

6

1 work site the 100 workers were divided into five groups and for
2 each group <of 20 members,> one person would be appointed as
3 <their> chief and we were working nearby each other at the work
4 site.

5 Q. I understand. Do you recall who the other four supervisors
6 were working at the dam, who were the other four people
7 supervising the people that came from your village?

8 [09.14.55]

9 A. The other four people were the group chiefs from my village
10 and they were assigned to supervise those four groups.

11 Q. Do you remember any of the four names of those other four
12 group supervisors?

13 A. I recall some of their names but not all.

14 Q. Can you give it a try? Who were those other four supervisors?

15 A. They were <Net> (phonetic), Chheang (phonetic) and I cannot
16 recall the other three names. However they all passed away
17 because of the elderly age.

18 [09.16.29]

19 Q. And did the five of you make decisions in respect of the whole
20 group of 100, would that be fair to say?

21 A. We all volunteered to undertake the assignment as instructed
22 by Angkar.

23 Q. I understand that all five of you volunteered to be group
24 chiefs but was it also decided that the five of you would work
25 together in leading the total group of 100?

1 A. We all volunteered to undertake the work at the <canal>.

2 Q. I understand, but when, for instance, issuing instructions to
3 the 100 people of your village, did the five of you consult with
4 each other, work together with each other in order to implement
5 the working process?

6 A. We met each other in the evening and the five of us would talk
7 to each other and also the workers were there and sometimes we
8 exchanged conversation. But usually the five of us who were the
9 group chiefs, would meet and speak to one and another about the
10 <supervision of> the workers.

11 [09.19.08]

12 Q. And did you ever have conflicts with any of the other four
13 group chiefs or when there was conflict, or when there was
14 something you would discuss it together? Can you tell us a little
15 bit about how the five of you worked together?

16 A. The five of us who were working together <never had> any
17 conflict with one another, not at all and <we treated each other
18 as brothers and sisters;> usually we would share whatever food we
19 had and the same thing applies to the workers under our
20 supervision. We never criticised this worker or that worker was
21 <slow> or didn't work fast enough, for instance. <We just tried
22 to work together in order to complete our works.>

23 Q. And the five you then collectively reported to the person that
24 were -- was on an upper level of you, is that correct? The five
25 of you reported your experiences to the person who was

8

1 responsible for you; would that be a fair in summarising?

2 [09.20.54]

3 A. When we met, we exchanged the statistics and then <we>
4 gathered all the information and it was <me>, on behalf of the
5 group, made a report to the upper echelon and <there was someone
6 who would come and collect the report daily.> The report would
7 comprise of the strength of the workers as well as the health
8 condition of the workers.

9 Q. And you, on behalf of the other four, would report daily or
10 weekly or two weekly, do you remember?

11 A. The report was made daily. For example, how many work force
12 worked today and how many workers got ill <and how much work was
13 achieved> on <a> particular day. And the report was made to
14 someone who came to fetch it from the work site.

15 Q. And would you also report how many cubic meters ground for
16 instance on that day was taken away by the five groups together?

17 A. Yes, we also reported on the number of cubic <metres> that our
18 whole group dug for that day and that was based on <the four
19 people who would report about how many cubic metres their
20 individual group could achieve> and then I made the combined
21 report to the upper echelon. The report would include the
22 achievement <in> cubic <metres> as well as <the number of> the
23 work force who worked on that particular day.

24 [09.23.38]

25 Q. And did the five of you only have to limit yourselves to the

1 total of 100 people working under you or were you also involved
2 in what other villages, or other people from other villages were
3 doing?

4 A. Other villages had their own respective <village chiefs> and
5 of course they would organise <it based on their actual
6 situation> and as for me I would supervise my village workers
7 together with the other four group chiefs <based on the land
8 assigned to us>.

9 Q. Now I would like you to give a concrete example of somebody
10 within those five groups who would fall sick. If somebody, if a
11 worker in the morning would feel sick, for instance in your
12 group, what would you do, how would you act?

13 A. For example, in the morning if <a worker in any group was
14 sick,> then we would try to <help each other. If that individual
15 felt dizzy, we would use Khmer traditional coining treatment
16 because at that time as I said there were not many medicines>.
17 Usually we would use hot water with herbal or traditional
18 medicine and we <cut and dried herbs and then> cooked it in a big
19 pot. <For sick people, we would massage for them or use Khmer
20 traditional coining treatment> and then we would allow that sick
21 worker to rest <at our sleeping quarters>.

22 [09.25.47]

23 Q. Did you or any of your four group leaders ever force somebody
24 who was sick in the morning to work anyway?

25 A. As I have just said, we loved each other as brothers and

10

1 sisters. If a worker could not work, that worker would be allowed
2 to rest until he or she became better then he or she would
3 request to return to work.

4 Q. And he or she would make that request to his own particular
5 group leader and then the group leader would discuss it with you
6 and other group leaders. Is that correct summary?

7 A. Allow me to say we were all <>living together in a long hut as
8 part of our accommodation which was about 30 metres long; <we
9 slept with our legs opposite one another.> And of course we knew
10 <> if someone was sick, <and that sick person would be treated
11 with Khmer traditional coining treatment. We helped each other
12 and the sick would be allowed to rest at that place. We all>
13 could see it, other <four> group chiefs <and I could> see it
14 <personally>.

15 (Short pause)

16 [09.27.53]

17 Q. I do apologise. My -- I'm sorry, Mr. Witness would you be so
18 kind to repeat your answer, I had a technical malfunction.

19 A. Please repeat your last question.

20 Q. That's a good question. I will move on to the next question, I
21 apologise for this disruption. My point is where I would like to
22 get to is, the person reporting to the group chief that he was
23 sick, you would discuss it, I think, with the other group
24 leaders, what happened -- what would happen if somebody didn't
25 recover and would stay sick two days, three days, even four days,

11

1 what would you decide to do, the five of you in respect of this
2 particular person?

3 A. At this big work site, in fact <Angkar had organized the
4 hospital already,> and if the person did not get better then he
5 or she would be sent to that mobile hospital at the work site for
6 further treatment.

7 Q. And do you recall any particular instances where somebody
8 stayed sick and was then subsequently sent to this mobile medical
9 unit? Do you recall any specific people?

10 [09.30.05]

11 A. Yes, as I <mentioned of> the work at the construction
12 worksite, and allow me to give you an example, there was <a>
13 woman who was about 35 years old <at that time and she is 80
14 years old now> and there was an incident where the soil collapsed
15 upon her then. I, <as a chief,> assigned <two> or <three> workers
16 to rush her to that mobile medical unit for treatment. <I did not
17 assign other workers because I was afraid that they would be
18 late, so our workers rushed her> and she later on recovered after
19 four months treatment staying at the mobile medical unit. In fact
20 her husband thought that she had died but she survived until
21 recently. <She just passed away last dry season.>

22 Q. Thank you, Mr. Witness for the example, but what, for
23 instance, if somebody had woken up one morning with diarrhoea and
24 fever and this fever would not go even after two days or three
25 days, then I presume you would decide to send this person to the

12

1 hospital, if the person wouldn't get better at this mobile
2 hospital what would happen then? Do you recall any instances of
3 such situations?

4 A. At each major work site, Angkar organised and established a
5 medical unit on the ground and if the condition of the workers
6 did not get better, then the workers would be referred to the
7 sector hospital and if the condition still did not get better
8 then the patients would be referred to the zone hospital.

9 [09.32.51]

10 Q. Now, would you be able to recall in how many instances in
11 those six months, people of your 100 member unit were ever sent
12 to a sector hospital because he or she didn't get better?

13 A. Not many people <were> referred to the sector hospital<, to>
14 my knowledge. <Sometimes I did not send them to the sector
15 hospital.> I was working at Kampaeuy worksite. I sent my sick
16 workers to <the> district hospital. I was asked <by district
17 hospital as to> why the sick people were not <tended at> the
18 mobile medical unit at the worksite and I told medical staff at
19 the district hospital that because the medical unit at the
20 worksite and the district hospital were <within the same
21 distance>, so I decided to refer the sick people to district
22 hospital instead. <The district hospital would send them to the
23 sector hospital.> Actually, I could not recall all the details
24 because of my weak memory at the current time.

25 Q. But you and your four group leaders had around 100 people

13

1 working for you during a period of six months, roughly how many
2 people were not cured by the mobile hospital at the dam but had
3 to be sent to the district hospital? Was it two, was it five, was
4 it ten, in those six months? Can you give me a number?

5 [09.35.05]

6 A. We sent those who got serious illness to <the> sector
7 hospital, for<> minor ones, we would refer them to mobile medical
8 unit at the worksite and we would give them herbal medicines
9 <because at that time there were many people who knew how to
10 produce Khmer traditional medicines which were quite effective,
11 so the transfer was rarely made.> Unless we could not cure them
12 in the mobile hospital we would send them to district or sector
13 hospitals.

14 Q. Thank you. I understand completely what you're saying but are
15 you be able to give me an estimate about -- of how many people
16 were sent to the district hospital and then came back to work at
17 the dam in those six months? Was it two, was it five, was it ten,
18 can you, I realise it is difficult but can you give me an
19 estimate number?

20 A. As for the groups in my village, I <had> sent only one sick
21 person to the district hospital <since the worksite was just
22 started> and for the rest we allowed them to be treated in mobile
23 hospital at the worksite which had abundant of medicines for
24 treatment. <Angkar also paid attention to this matter.>

25 [09.37.08]

14

1 Q. I understand and the one person who couldn't be taken care of
2 by the medical unit and was sent to the district hospital, did in
3 fact return and was able to continue working, is that correct?

4 A. Four months later, this sick individual returned to work. He
5 or she was hospitalised in the district hospital for <15 days>.
6 This was based on what I was told by this individual. <I did not
7 go there personally>. He or she was hospitalised in the district
8 hospital for 15 days after that he or she was referred to the
9 sector hospital, four months later he returned back to work.
10 <This individual recovered normally.>

11 Q. I'm referring, Mr. Witness, to an answer that you gave
12 yesterday, of those 100 people from your village who worked under
13 your supervision and the other group leaders supervision, nobody
14 died of any sickness, is that correct?

15 A. At the work site, as I stated earlier, it appears that workers
16 were safe; <there was no death> and some of them fell sick but
17 they recovered from illness <within one day> after they got a
18 coin massage.

19 [09.39.11]

20 Q. Would it be fair to say, Mr. Witness, that the wellbeing, the
21 health of any of those 100 people was within the realm of your
22 decision, yours and the group leaders, that you five were
23 responsible for the wellbeing of your 100 people and that nobody
24 interfered, is that correct?

25 A. The 100 workers which under my supervision and other four

15

1 group chiefs, we actually supervised these 100 workers.

2 Q. Now what happened if one of those 100 workers would say,

3 "Right now I'm very tired, I cannot stand on my feet, is it

4 alright to have a 50 minute break?" Would you, in a such

5 situation, decide that it is okay or would you say to this

6 person, work on anyway?

7 [09.40.35]

8 A. <For this heavy work,> while we were working together we would

9 not allow one worker to take rest and if he or she could not

10 really work, we asked him or her to walk slowly or to do the work

11 very slowly and during the working hours we allowed three breaks

12 in the morning, we allowed three breaks in the morning. <Working

13 hours was from 6 a.m. to 11 a.m.>

14 Q. Would that be every hour or so, that people had a break or

15 every one hour and a half that people had a break, do you

16 remember?

17 A. For the break time, after two hours work, we allowed workers

18 to take 15 minutes break. It was the decision <of each group> for

19 break time for all workers <at the worksite>.

20 [09.42.16]

21 Q. So your group of 100 people would have a break at around the

22 same time as all the other groups coming from villages working at

23 the dam, is that correct?

24 A. Yes, that is correct. We had break at the same time.

25 Q. Were the five of you, you and the other four group chiefs,

1 also responsible for the housing of those 100 people? Were you
2 responsible for the places where they were sleeping at night?

3 A. Yes, five of us were in charge of the 100 workers including
4 sleeping at night time and meal for them and if something
5 happened we would make a report <to the rear line. At the dam
6 worksite, there were two lines.>. Actually those who were working
7 on the dam were the front lines and those who were working in
8 other areas were in the rear line and if the front line requested
9 something then the rear line would support it. <Those four people
10 would collaborate with each other and requested for things to the
11 rear line.>

12 [09.44.28]

13 Q. But it was responsibility of you and your four group chiefs to
14 make sure that the 100 people from your village slept as well as
15 possible under the circumstances at night, would that be a fair
16 assumption?

17 A. As for the accommodation, actually we did not have proper
18 place to sleep <like today> but there was actually a place for us
19 to sleep, <we used the leaves of small trees to sleep on or>
20 there <were> mats for us to sleep on and the <mats were> made
21 from palm leaves and I could say that the accommodation was not
22 really proper.

23 Q. I understand, but were you and your four group chiefs allowed
24 to bring material such as mats or maybe even mosquito nets from
25 your village? Were you allowed to bring anything that you liked

17

1 from your village to those sleeping quarters?

2 A. When we were working at the dam site, we told the workers
3 already that, "please get ready and be prepared" and those who
4 had <hammocks> or mosquito nets they should bring those materials
5 along to <use at> the worksite. <That was the first day when we
6 left for work. Those who had mosquito nets or other materials
7 would bring along in order to sleep together. Everyone was on
8 their own and those materials were from each worker's house.>

9 [09.46.51]

10 Q. So any of those 100 people could bring whatever he or she
11 felt, he or she needed to sleep at night, would that be a fair
12 assumption?

13 A. Yes, that is a fair assumption.

14 Q. Would the same apply for other material, if people returned
15 after one free day would they be allowed to bring stuff like, for
16 instance, food for the next nine days, would they be allowed to
17 bring anything they liked when they were returning to the dam
18 site?

19 A. If they had, they could bring those belongings or food
20 supplies with them, they could bring along.

21 Q. Did you or any of your other four group chiefs ever tell one
22 of those 100 people "No, you cannot bring this item with you to
23 the dam site"?

24 [09.48.39]

25 A. Actually we mentioned like what you said. They should not

18

1 bring their private food supplies but if they happened to bring
2 very little food supplies along then we would allow them to bring
3 them to the work site.

4 Q. Now I would like to ask some questions about these 100 people.
5 Did you know every single individual of this group of 100, by
6 name, by person, you knew everybody in that group, is that
7 correct?

8 A. I do not recall them all.

9 [09.49.56]

10 Q. I understand of course, but at that time, did you know each
11 and every individual from that group of 100? Did you know this
12 person from your village, did you know who he or she was?

13 A. We could know some of them for example, Uncle A, B or E were
14 in certain comrades group and I knew well my 20 workers in my
15 group.

16 Q. Would it be fair to say you and your four group leaders knew
17 every single individual from this group of 100, that the five of
18 you together knew everybody?

19 [09.51.15]

20 A. Yes, we knew that there were 100 workers in the groups but we
21 did not <know> them <personally. We just knew that they were in
22 the groups and they were the workers at the dam worksite>.

23 Q. I understand. Are you able to tell us if within this group of
24 100, who were original Base People and who were New People? Or
25 was it something that you didn't know?

1 A. Yes, I knew that certain people were Base People and others
2 were New People and we were also aware that some were Cham people
3 or <Khmer> because <I knew those who> were all in our group at
4 the work site.

5 Q. Did you or any of your four group leaders ever ordered
6 somebody who was New Person to work any harder than somebody who
7 was a Base Person?

8 A. No, I never imposed such a condition; we had the same work
9 condition <for New and Base People; it was the same workforce>.
10 It did not mean that New People worked harder than Base People,
11 we had the same work condition to achieve our plan.

12 [09.53.35]

13 Q. Would it then be fair to say that you and your four group
14 leaders treated every single individual within this group of 100
15 people in an equal manner?

16 A. Yes, that is correct.

17 Q. Now, within these six months that you and your four group
18 leaders supervised these 100 people from your village, did you
19 ever make a decision to send any of these 100 people to the upper
20 echelon for not working hard enough? Did you ever request
21 disciplinary measures to be taken against any of those 100
22 individuals?

23 A. As for the four group chiefs and I, we never sent our own
24 workers for disciplinary measure or actions and <if the work
25 could not be done,> we would try to resolve the work issue in our

1 groups <and would agree with one another> so that we could finish
2 the work <faster together>.

3 [09.55.22]

4 Q. Now, at the work site when the five groups of 20 people were
5 working, were there militia or military people watching and
6 controlling your group of 100 people?

7 A. At the work site actually we had those who provided the
8 security and safety for all workers. <They would not be left
9 behind.>

10 Q. But is my understanding correct, that the militia who were
11 walking there, were there because of external security problems
12 and not to supervise or instruct the workers; that is correct,
13 isn't it?

14 A. Militia men did not come to watch the workers; actually they
15 came to secure the external security.

16 Q. Thank you, Mr. Witness, for that answer. Now I would like to
17 revisit something that you said yesterday. During questions about
18 a camera crew coming to the work site and shooting a film about
19 your activity and your work at the dam site, you said that you
20 were quite proud of the work that your unit was doing. That
21 feeling of pride that you had about the work that you did, do you
22 remember whether the other four group chiefs had the same pride,
23 were they also happy and proud to work at the dam site?

24 [09.58.12]

25 MR. PRESIDENT:

1 Please wait Mr. Witness. You may now proceed International
2 Co-Prosecutor.

3 MR. KOUMJIAN:

4 Your Honour, Counsel is asking this witness to read the minds of
5 others who fortunately are not here to testify, similarly his
6 previous question, he asked the witness about the security and
7 what was the intention of security and it would be interesting to
8 hear if this witness had a role in security how he would know,
9 have knowledge of the answer he just gave as to the purpose of
10 the militia.

11 [09.58.48]

12 MR. KOPPE:

13 Mr. President, I agree with the Prosecution that the witness
14 cannot read minds of anybody, however he would be able to say
15 whether his four group chiefs, colleagues at that time said
16 things like they were proud of their work or they were happy that
17 they were contributing to building of the dam. So I'm not asking
18 the witness to read their minds but if he remembers the other
19 four group chief saying things to the effect that they were also
20 proud and happy to have worked at the dam. So I think I should be
21 allowed to ask my question.

22 [09.59.33]

23 MR. KOUMJIAN:

24 And I would just indicate if that is the question, he can ask it.
25 Did these other individuals say that they were happy in front of

1 other Khmer Rouge cadre.

2 MR. KOPPE:

3 Well, I think that's what my question was. Again, Mr. Witness,
4 did you--

5 MR. PRESIDENT:

6 Counsel Victor Koppe, please reformulate the question so that the
7 witness can provide certain and direct answer to your question.

8 BY MR. KOPPE:

9 Very well, Mr. President. Mr. Witness, you said yesterday that
10 you yourself were happy and proud to show your work to the film
11 crew. Do you recall if your four colleagues, group chiefs also
12 expressed happiness and pride at that time the film crew came
13 along?

14 [10.00.56]

15 A. Yes, we were so happy to be actors in the film during the
16 canal digging process and <for the red scarf, it was up to us; we
17 could put it around our neck or tie it around our waist.> We were
18 actually running carrying the earth, and we were <running> in two
19 lines, one line was going up the embankment and the other was
20 people going down <so that it looked active.> And the filming
21 process took about two hours and of course I did not run for the
22 two hours, we took turn however the lined people working and
23 running was continuous. <We were very active when we looked at>
24 what it was shown on the film.

25 Q. I understand your answer but just to be clear were you happy

1 and proud to be in the film, you and your colleagues or were you
2 happy and proud of the work which was shown in the film?

3 MR. KOUMJIAN:

4 If the question is directed to this witness's state of mind,
5 that's fine. He said, you and your co-workers, how does he know?

6 [10.02.30]

7 MR. KOPPE:

8 I will reformulate. Were you happy and proud to be in the film or
9 were you happy and proud of your work which was then shown to the
10 film? I know it's a little difficult distinction but I hope you
11 understand?

12 A. I was happy, although parts of the film I didn't see myself I
13 saw my other comrades carrying earth while others were running
14 carrying the earth too and <everyone was in caution in order to
15 make the film look good.>

16 Q. I apologise for the confusion. Let me return to my original
17 question. So, notwithstanding the film, do you know whether your
18 colleagues were happy and proud of the work they had done at the
19 1st January Dam?

20 MR. KOUMJIAN:

21 Same objection.

22 MR. KOPPE:

23 I'm not asking again to tell him to read their minds; did you
24 see, Mr. Witness, any expressions of joy or happiness from your
25 four group chiefs in relation to the work?

1 [10.04.26]

2 MR. OR HO:

3 A. They were all happy. They were all happy and delighted and
4 that included the group chiefs and usually the process was the
5 group chief would lead the workers in carrying the earth and
6 after they emptied their <baskets> they would return in a
7 separate line, then they would dig the earth, put the earth again
8 into the <baskets> and continue to another line up the embankment
9 and that is the process and that it continued in that way <while
10 the film was being shot. And when the film was shown, it looked
11 good>.

12 Q. Did you see any signs, at the time, of pride and happiness of
13 the work with any of the 100 individuals from your village? Did
14 you see that they were happy and proud of the work that they had
15 done building the dam?

16 [10.05.46]

17 A. I could not read the mind of those workers. However, when we
18 stopped during our rest time I asked them and they said they were
19 happy.

20 Q. And you said they, was it a few or were you able to tell that
21 the majority of the group of 100 people was happy with the work
22 that they had done for the 1st January Dam?

23 A. <As for my group of> 100 <> workers including the group chiefs
24 were happy.

25 MR. KOUMJIAN:

25

1 Your Honour, I would ask to strike the answer as not responsive.
2 The witness himself has said he can't read the minds of the
3 workers and the question was, express -- did they express, as I
4 understood the Counsel trying to make the question proper, were
5 there expressions of joy that he heard from the workers about the
6 work, and if the witness heard expressions of joy, he can tell
7 us.

8 [10.07.17]

9 BY MR. KOPPE:

10 I don't think we are in an American court where you can strike
11 answers of the witness, so it's on the record but I would be
12 happy to ask for clarification. Mr. Witness, did you see any
13 clear signs of happiness from any of the 100 individuals about
14 the work they had done working at the 1st January Dam, did you
15 see people expressing happiness and joy about the work when the
16 film crew came?

17 MR. OR HO:

18 A. They were happy when they were being filmed.

19 Q. I'll move on to another topic and that is the accident that
20 unfortunately happened in those six months and that you were
21 talking about yesterday. You said that there was at one point, a
22 landslide of earth, could you give us a little more details as to
23 why you think this accident happened? What was the reason, what
24 happened exactly preceding this unfortunate accident?

25 [10.09.09]

1 A. The reason for the soil collapse was that we worked at night
2 and each team was competing with one another and actually they
3 built up the embankment and they actually drilled a hole on the
4 <lower> surface of the embankment <so that those who were at the
5 higher part could pound it with a crowbar,> and <during the break
6 time, I did not tell them not to stay under that hole because I
7 thought they were old enough to know but then they took shelter
8 in the hole. After that> the soil collapsed. <No one stepped on
9 the soil; it actually collapsed by itself. In Buddhism, it was
10 considered as their karma.> And the total amount of soil that
11 collapsed was about one or two truck full. And it's because of
12 the nature of how the embankment was made, some workers went
13 underneath where the hole or the cave underneath was made and
14 then unfortunately the soil collapsed. <If they had taken shelter
15 far away, they would have been safe.> However, allow me to stress
16 that this soil collapse happened during the first year of the
17 construction and the<> collapse<> in 1988, <that was the palm
18 tree. The palm tree was near the embankment.> When the <>palm
19 tree stump <was dug, the palm tree fell down. The victims were
20 sent to the Zone for treatment; it took them four months to
21 recover. For the first collapse, they did not recover. They died
22 after the incident.>

23 [10.11.12]

24 Q. It's a difficult question but I will try to put it
25 understandably to you. Are you able to tell us whether what

1 happened was a tragic accident or whether it was the result of
2 hard working conditions forced upon you -- forced upon them by
3 you and the group chiefs?

4 A. I do not know how to respond to your question. It was part of
5 the working process <in which everyone was engaged> but, as I
6 said, the people who worked <there wanted> to have their work
7 done as soon as possible. <However, for those> who <went to take
8 shelter there without caution, I did not know what to do either.
9 It was their own choice>.

10 MR. KOPPE:

11 Mr. President, I'm looking at the clock, this might be an
12 appropriate time to break.

13 MR. PRESIDENT:

14 Thank you, the time is convenient for us to take a short break,
15 we will take a break now and resume at 10.30.

16 Court officer, please assist the witness in the waiting room for
17 the witnesses and experts during the break and invite him back in
18 to the courtroom at 10.30.

19 The Court is now in recess.

20 (Court recesses from 1012H to 1032H)

21 MR. PRESIDENT:

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

23 And the floor is given to the Defence Counsel for Mr. Nuon Chea
24 to put question to this witness.

25 BY MR. KOPPE:

1 Thank you, Mr. President. Good morning again, Mr. Witness. Mr.
2 Witness, before the break, we discussed how you and the four
3 other group chiefs were responsible for the situation of the 100
4 individuals from your village in terms of sleeping, in terms of
5 sickness, etc. I have one other topic that I would like to ask
6 you some questions about. And that is about the food situation of
7 the 100 people coming from your village.

8 Q. Were you and your four colleagues also responsible for
9 providing food to the 100 villagers?

10 [10.33.39]

11 MR. OR HO:

12 A. In relation to food for labourers or workers, so I may refer
13 them as labourers, the 100 workers that were working in our
14 worksite, they received food. I requested food from village and
15 <food supplies, including vegetable, and rice was transported to
16 our worksite.>

17 Q. So it was you and your four colleagues who were responsible
18 for the logistics of the food being brought to these 100
19 individuals working at the dam; is that correct?

20 A. Yes, that is correct.

21 Q. Could you be a little more specific as to how the process of
22 requesting food went and how the food then subsequently was
23 delivered to the group of 100 people? How did that go about in
24 the six months that you were working there?

25 [10.35.12]

1 A. We discussed about food supplies or food before we went to the
2 worksite to work. I informed those who were at<> the rear line
3 that if I <would request for> food supply for workers at the
4 front line, <they would need to> deliver them in time. And the
5 food supplies would be delivered <>in the morning <from> the
6 communal dining hall. <In one Sangkat, food was cooked only at
7 one place>. Some food supplies were kept in the kitchen and some
8 were <sent to> the worksite. But <food supplies for workers at
9 the worksite were more than those villagers because they worked
10 harder. The amount was not much. It was just a can of rice.> And
11 the food supplies would be delivered based on<> the numbers of
12 workers at the worksite. And the amount of food supply would also
13 cover the children -- young children who accompanied the workers
14 to the worksite as well.

15 [10.36.46]

16 Q. I'm talking now about the 1st January Dam. How was -- you were
17 mentioning a kitchen, was there a kitchen also, sort of an
18 improvised kitchen, at the dam site where you were working? Was
19 the food brought to an improvised kitchen belonging to the 100
20 villagers that you were working with?

21 A. When the food supplies arrived at our place, we organised the
22 improvised kitchen. And four people were assigned to be working
23 in the improvised kitchen. They were also responsible for
24 shouldering or carrying water, <and breaking the firewood into
25 small pieces. These four people were cooking for 100 workers.

1 There were two frying pans>. And there was a big pot for cooking
2 soup, <> one pot for boiling water, and the pots were used
3 collectively.

4 Q. So would you be able to tell us, in general, what the 100
5 people that you were -- and the other four group leaders
6 supervising, what they were eating in the morning, during lunch,
7 and at diner? Roughly, what were these 100 people eating every
8 day?

9 [10.38.35]

10 A. <It was not close to> our worksite. During mealtime, we
11 <carried> our own plates or bowls <and went to the cooking
12 place>. And we were given meals to eat, and we could have the
13 meal. And <for soup,> if three people brought three bowls or
14 plates, and then the food or meal would be supplied and placed
15 into the plates or bowls. There were no proper tables <or mats
16 for us to sit down>. We <had to squat directly on the ground to
17 have our meal>.

18 Q. But just to be very clear, you and your four colleagues were
19 responsible for the fact that the 100 people under your
20 supervision were fed in the morning, during lunch, and at night;
21 is that correct?

22 A. When I was working on the dam, we had no cooked rice to eat in
23 the morning. We were only provided with cooked rice at lunchtime
24 and in the evening. No cooked rice in the morning.

25 Q. I understand. But in terms of logistics, it was you and your

31

1 four colleagues who had to make sure that the 100 people under
2 your supervision were having something to eat in the morning,
3 during lunch, and in the evening; is that correct?

4 [10.40.45]

5 A. Yes, that is correct.

6 Q. Now was it the intention of you and your four colleagues to
7 make sure that the 100 people under your supervision would get as
8 much food as possible? May be not always sufficient, but it was
9 your aim to make sure that they ate well; is that correct?

10 A. Yes, that is correct. We were trying to provide sufficient
11 food for workers to eat so that they could work.

12 Q. Now, I have another question about the composition of the
13 group. There is a witness saying that groups coming from villages
14 sometimes rotated. Did any of those 100 individuals that were
15 working, were these the same people all six months, or were you
16 able to change people within your group by other villagers? Was
17 that your discretion as well?

18 [10.42.26]

19 MR. PRESIDENT:

20 Do you have any documents to lay the foundation for this
21 question? If you have any documents to cite from, please give
22 reference, ERN number or so.

23 BY MR. KOPPE:

24 I'm referring to the witness who is actually coming here after.

25 And I'm not quite sure if I follow completely what he said, but I

1 understood that there was rotation of groups. So I tried to on
2 purpose be a little vague about it. So, my question is not so
3 much about what other witnesses said, but whether he had
4 discretion within his group to decide to replace somebody within
5 the group. So I withdraw the reference.

6 Q. My question, Mr. Witness, is only were you able together with
7 your four group leaders, to rotate people within the group of
8 100? Or were these 100 people always the same during those six
9 months they worked?

10 [10.43.42]

11 MR. OR HO:

12 A. Actually we rotated workers.

13 Q. It was just your responsibility together with the other four
14 group leaders to make sure that 100 people were working; is that
15 correct? And it didn't matter which 100 people were working;
16 would that be a fair summary?

17 A. We tried to have the full composition in our group -- that is,
18 20 members in one group. And if the work was not so hard, <we
19 could remove the workforce. And if we were taking the offensive
20 in our work, we could not have less workforce because we were
21 fighting to get the work done by June in order to reach 1st
22 January Dam and Thnal Bandaoy.>

23 Q. So did it happen that people within the group of 100 were at
24 one point in time in those six months replaced by other people
25 from your village?

1 [10.45.27]

2 A. Yes, it happened. Some workers in our worksite got tired. They
3 requested to return home. Because of this, I told people in the
4 rear line to replace those who requested to return home. And as a
5 result, we had the replacement.

6 Q. Now are you able to tell, taking into consideration these
7 replacements, how many people in total from your village had at
8 one point worked at the dam? How many times people were replaced;
9 do you remember?

10 A. The replacement was not regular. And some workers were
11 replaced <>while <some others were not> because they were
12 progressive people. And for those who did not achieve the work,
13 then we would replace them. <They requested to work at the rear
14 line. They also had works to do at the rear line>. And they would
15 return them back to the village to work with the old <men> making
16 <earth carrying> baskets. It does not mean that the people who
17 were replaced and returned back to the village could take rest.
18 Everyone was working on the 1st January Dam site.

19 [10.47.45]

20 Q. Now Mr. Witness, I've been asking you questions about your
21 organisation and the functioning of the group of 100 people that
22 you supervised together with your four colleagues. However, we
23 also know that at one point in time, approximately 20,000 people
24 were working at the dam -- at the dam site. Are you able to make
25 a comparison between how you and your four colleagues supervised

1 your group of 100 villagers to other groups of 100 people, for
2 instance, from villages? Can you make any comparison how your
3 colleagues from other villages in Sector 42 for instance did
4 their job?

5 A. Allow me to inform you, Counsel, based on the workforce, the
6 achievement of work was sometimes of the same nature <and
7 sometimes it was different. I did not know how they organized
8 their work and it actually based on their own approaches>. And I
9 cannot give you the full picture of this.

10 [10.49.27]

11 Q. But while working at the dam site, were you able to observe
12 working conditions of other groups coming from other villages? In
13 other words, were you able to see how the unit chiefs were
14 dealing with their people and make any comparison how you did it
15 with your colleagues?

16 A. There were differences. And group leaders may have had their
17 different approaches in working manner. And I myself had another
18 or separate distinct approach in working manner.

19 Q. But in terms of working conditions and food situation, etc.,
20 were you and your four colleagues' sort of average supervisors?
21 Or were you more severe or less severe than other groups that
22 were working adjacent to where you were working; or is that
23 difficult to say?

24 [10.51.14]

25 A. When we were striving to work in the worksite, we would meet

1 among us to discuss how to achieve a best result. And we would
2 consider the opinion or comments, experience, made by workers, no
3 matter they were <New or Base> People.

4 Q. Would it be fair to say that the individual experience of any
5 worker at the dam was highly dependent on the way the supervisor
6 of this person treated this person?

7 A. You can say like that. It depended on the workers. If a worker
8 <agreed to work voluntarily, the group chief would just follow
9 him or her. We could not force anyone because everyone had the
10 same heart. When we gave> value on their opinion and idea, <they
11 would strive to work. If we did not value them, they would be
12 disappointed. No matter how hard the work was, they would try to
13 do it if they were valued>.

14 [10.52.05]

15 Q. Thank you, Mr. Witness. Now, my next question would be, if you
16 are able in general terms to say what the purpose was of building
17 the 1st January Dam. Why did Angkar decide to build the 1st
18 January Dam?

19 A. I do not know the reason. In my opinion, Angkar built the dam
20 to provide water for farming. Some <said> that Angkar built the
21 dam to make <the hydropower. I never saw any hydropower since
22 then. But there was actually a place which was named as
23 hydropower.> I have no idea about the hydropower dam. <I walked
24 with my colleagues who went to see it during the break day.> And
25 for me, I think the dam was used to provide water for farming.

1 [10.54.37]

2 Q. And who would ultimately profit from a dam that was
3 functioning properly? Who would be the ultimate benefactors of a
4 functioning dam?

5 A. The dam was built for one year. After one year, we could reach
6 Kampaeuy site. And after one year, <all villagers> could have
7 water to farm -- I mean <to do rice farming in dry season> in
8 1978. And at the present time, the dam was used to provide water
9 for farming <after the dam was already repaired>. And <today>
10 there is huge harvests as a result of <the dam construction>.

11 Q. And was it your understanding that the 100 people that you
12 supervised would at one day also profit from a functioning dam
13 that they had been working at for six months?

14 A. Yes, that is correct. At the present time, water from the dam
15 can be used to farm.

16 [10.56.24]

17 Q. And the ultimate purpose of this dam, providing food for the
18 100 individuals that you were supervising among others, was that
19 also a reason that you were proud of the work that you were doing
20 at the 1st January Dam?

21 A. Yes, that is true.

22 Q. And was it your observation that the 100 individuals that
23 worked at the dam also would see the potential profits of the dam
24 that they had been working on?

25 A. Yes. <Nowadays>, they benefit from the dam. And people who

1 have plots of land in the lower part of the dam, they could
2 benefit from the water in the dam <based their ability of
3 farming>. And some people can use the water for their vegetable
4 plantation. And some use the water for farming.

5 Q. Thank you, Mr. Witness. One last question in relation, I
6 think, to the dam. Have you ever seen wedding ceremonies at the
7 dam worksite? Were people married in groups at the dam site? Or
8 did marriages only occur in the respective villages?

9 [10.58.27]

10 A. In relation to marriage, after the construction or the
11 completion of the <1st January> dam, in the north side, <that was
12 the season for transplanting rice seedlings.> Marriages were
13 conducted <in villages> but not at the dam site<.>

14 Q. So wedding ceremonies or marriages had nothing to do with what
15 happened at the dam site; is that correct?

16 A. While we were building the dam, we were focussing on building
17 it <and there was no marriage>. And <when it was a> farming
18 season, the commune would reserve one day for marriage ceremony.
19 <That was why there were many couples.>

20 [10.59.44]

21 Q. Thank you, Mr. Witness. I have been asking you predominantly
22 questions about your capacity as group leader in relation to the
23 work at the dam. I also have a few additional questions to you in
24 your capacity as chief of your village because that seems to be
25 the focus of the questions of the Prosecution. Now, I have no

1 more questions about the dam, but now about things that happened
2 in your village. Let me start by asking the question following up
3 what you said yesterday that at one point in time in '78, you had
4 to leave your position because, as I understood, Angkar had lost
5 trust in you. Would you be able to explain to us what you meant
6 with the words "lose trust"? Why did Angkar lose trust in you?

7 A. I have no idea <as to> why they lost trust on me and <as to>
8 why I was removed. And for those who were removed by Angkar, very
9 few of them survived <because after the removal, they would be
10 re-instated and that was when Angkar would look for their
11 mistake>. And after my removal, I was never re-instated. And at
12 that time, the united <front for the national salvation> came
13 <into> the country.

14 Q. But were you disciplined by Angkar? Were you sent to a
15 re-education centre or were you just let go of your function?

16 [11.02.13]

17 A. For my removal, I was not sent for any re-education. I was
18 assigned to farm by using the cattle and cows for ploughing <like
19 a normal villager>. When I was the former chief, I was not doing
20 ploughing job. I was only supervising people. And after the
21 removal, I was made to be a normal or ordinary worker.

22 Q. Now in those three years or so after 1975, April '75, that you
23 were village chief, did you ever order the arrest of anybody?

24 [11.03.19]

25 A. Counsel, as for the order to arrest, I had never made any

1 order to arrest people. It was under the responsibility of the
2 security force <of Sangkat> in relation to the arrest. I was
3 <only> supervising people to work in the farm and to secure their
4 well-being <in the village>.

5 Q. Did you ever ask for instruction to have somebody sent for
6 re-education because he or she committed either minor offences or
7 serious offences?

8 A. I warned my people by myself. I have never sent my workers for
9 re-education. And my fellow colleagues working with me were also
10 involved in advising or warning our people. We were like brothers
11 and sister. We have never sent our own villagers or people for
12 re-education by others.

13 Q. What if somebody complained to you that he or she was hungry,
14 or that somebody had stolen cassava, for instance, because he or
15 she was hungry, what would you -- what did you do in such
16 situations when you were village chief?

17 [11.05.24]

18 A. As for stealing cassava, I <was> the one who told villagers to
19 plant cassava <for their own consumption>. So they owned cassava
20 plants and they could benefit from the cassava fruits. <As for
21 the collective, we planted it separately.> A plot of land with
22 the size of 20 by <30> metres was <given to each house> to grow
23 and plant cassava. And livestock were raised, <but if the dining
24 hall needed the livestock, some livestock, for example chickens
25 must be given to the hall. However, that did not apply to <>

1 cassava because the dining hall did not need it.>

2 Q. But did anybody ever complain that he or she did not have
3 enough food? And then subsequently you sent this person for
4 re-education, for instance, or that never happened?

5 A. No, not at all. No complaints. No one complained. As I stated
6 earlier, during the meetings to indoctrinate people or to educate
7 people, that's what was said at that time, after we returned from
8 work, we would take some time to plant cassava. And the plots or
9 the land in my area <>was very fertile for growing cassava. After
10 six months growing cassava, we could <harvest it. For cassava
11 that we grew in the dry season, it could be eaten in the raining
12 season.>

13 Q. Thank you, Mr. Witness. In those three years that you were
14 village chief, have you ever been in -- have you ever been in the
15 inside compounds, the inside buildings of a security centre or of
16 a re-education centre? Have you ever been inside one of those
17 institutions?

18 [11.08.06]

19 A. No, I never entered the compound <because I was easily
20 frightened>.

21 Q. I think I know the answer but I'm asking you anyway. Have you
22 ever witnessed any execution of people in the time that you were
23 village chief?

24 A. I never witnessed such an execution. And as I said, I was
25 easily frightened. And <I would feel unwell> to witness any

1 horrible situation.

2 Q. Now yesterday Mr. Witness, you were asked questions about
3 eight families who were living in your village and who were, you
4 said, I think, relocated to another village. Would it be possible
5 that these eight families were sent to a re-education centre?

6 MR. PRESIDENT:

7 Witness, please wait. And the International Co-Prosecutor, you
8 have the floor.

9 MR. KOUMJIAN:

10 Just to make the record clear, my recollection is 15 families
11 were identified. The witness hid eight families and seven
12 families were taken away. So it's important whether we're talking
13 about the eight families that were hidden by the witness or the
14 seven that were taken away.

15 [11.09.58]

16 BY MR. KOPPE:

17 I agree with the Prosecutor, Mr. President.

18 Q. Would it be possible, Mr. Witness, that the seven families
19 that were relocated, in your words, were sent to a re-education
20 centre?

21 MR. OR HO:

22 A. At that time, I was working at <a> Cham village. <On that day>
23 people were trucked to another location, probably to a rubber
24 plantation; <I did not know to where they were taken>. Although
25 I, myself was not sure. And some other people said they were

1 trucked out to <a place called Sralau Toung>. And that was the
2 security matter which I did not know. And I myself was busy
3 <leading the workforce to do> the rice transplantation at the
4 Cham village.

5 [11.11.15]

6 Q. Thank you, Mr. Witness. And then my last question would be to
7 you. Is it fair to say that you have no knowledge whatsoever what
8 the destiny was about -- the destiny of these seven families;
9 that you do not know for sure?

10 MR. PRESIDENT:

11 Counsel, please rephrase your question. And it seems that it was
12 a leading question, and may be the witness did not get your
13 question fully. And please try to avoid any leading question.

14 MR. KOPPE:

15 I'm not sure if I asked a leading question. I will do my best to
16 avoid that.

17 BY MR. KOPPE:

18 Mr. Witness, is it true that you have no knowledge of the fate of
19 these seven families?

20 [11.12.39]

21 MR. OR HO:

22 A. I have already stated -- I already made my point on that. I
23 was working at a rice field far from the village. It was about
24 seven kilometres away from the village <and I stayed at that
25 place>. And on that day, a truck was brought in to transport

1 those people out. I did not know whether they were taken to
2 Sralau Toung or to <a> rubber plantation.

3 MR. KOPPE:

4 Thank you very much, Mr. Witness, for your answers. Thank you,
5 Mr. President.

6 MR. PRESIDENT:

7 The Chamber would like to hand the floor now to Khieu Samphan's
8 defence. You may proceed, Counsel.

9 [11.13.54]

10 QUESTIONING BY MS. GUISSÉ:

11 Yes, thank you, Mr. President. Good morning, <Mr.> Witness.

12 My name is Anta Guisse. I am the <Lead> Co-Counsel-- <pardon me,
13 the International Co-Counsel> for Mr. Khieu Samphan, and I'm also
14 going to put questions to you so that you can <> provide
15 clarification about what you were talking about yesterday and
16 today.

17 Now, picking up on questions put to you by my colleague, with
18 regard to the objective of the dam. Yesterday you spoke about a
19 meeting which you attended, this was at around 1.46 in the
20 afternoon, and you said that people from the commune had come to
21 explain to you matters related to the dam. And you say <exactly
22 the following,> and I will quote: "They would explain how to
23 <perform> the work, they would explain to us that we had to work
24 <hard> in order to build an irrigation system. We were explained
25 how to build the dam." End of quote.

1 Q. So, when you explained to my colleague just a little while ago
2 that you thought that the aim of this dam was to have water for
3 agriculture, is this in connection to the explanations that were
4 given to you that day at that meeting?

5 [11.15.47]

6 MR. OR HO:

7 A. The explanation that was given to us is that the purpose of
8 building a canal was to irrigate the rice field. And that was the
9 actual result of the canal construction.

10 Q. And during that meeting, were you also given technical
11 instructions in order to explain to you how you should operate?
12 If I understood well, in the team that you were managing, you
13 <yourself> only worked on digging canals; is that correct?

14 A. I led the force directly to dig the canal. And I directly
15 supervised 20 workers. As for the other 80 workers, they were
16 divided into four groups. And we all tried to work hard.

17 [11.17.17]

18 Q. And during that meeting, in which the purpose of the dam was
19 explained to you, were you somehow trained or were you given
20 technical indications in order to understand how you should dig
21 this canal?

22 A. Yes, we were told. And in fact, a land survey was conducted on
23 the size of the canal, the depth, and the height of the
24 embankment. And we simply followed the guideline.

25 Q. And who were the people who gave you these instructions? Do

1 you remember<>?

2 A. They were Born and Vut, who were the commune committee that
3 provided us with instructions.

4 Q. I also understood that, when you were digging the canal, you
5 would sleep on site. So my question is, since <the principle
6 behind digging a canal implies that> you <didn't remain at the
7 same place and that you> had to move <gradually><forward> as the
8 canal was being dug, did you therefore still sleep in the same
9 place? Or as the canal <moved> along, did <the location of your
10 overnight lodgings> change <accordingly><>?

11 [11.19.28]

12 A. Allow me to explain to you that we were given a set distance
13 of the canal where our group had to dig. For example, a 100 metre
14 long <segment of the> canal was assigned to our group, and we had
15 to complete the work quota including the length<, >the depth and
16 the width of the canal. And we did not move our sleeping
17 <quarters> as we had to complete this particular segment of the
18 canal within the six month time period.

19 Q. So if I understood your answer well, during the six months you
20 <> remained in the same place because during those six months,
21 you were working on those 100 metres of the canal; is that what I
22 must understand from your answer?

23 A. Yes, that is correct.

24 [11.20.44]

25 Q. And I don't know if this escaped me when you testified, but

1 how far were you from the wall <section> of the dam? Because you
2 were assigned to digging the canal, but there were also other
3 groups who were assigned, I imagine, to the wall itself of the
4 dam; so how far were you from that wall?

5 A. If you measure the distance from the site where we worked and
6 the dam itself, we were about <> 700 metres away from the dam.
7 And other groups would remain working at the assigned location by
8 Angkar. And we had to finish the work at the assigned location.
9 <It took us the whole dry season to complete the assigned segment
10 because it was deep.>

11 Q. And <>, let me know if I'm mistaken, but you <told> my
12 colleague that the group of 100 people coming from your village
13 was divided into five subgroups. Were the other groups therefore
14 working on other parts of the canal or was it the entire group,
15 the 100 people, who were working on the 100 metres of the canal
16 that you were supervising?

17 A. We were working together, although workers were divided into
18 subgroups. But we stayed together. And once we finished that
19 segment of the canal, then we <moved> on to another segment. And
20 we moved together.

21 [11.23.17]

22 Q. Is it true that <> groups coming from other villages, <> would
23 work on different segments?

24 A. Yes, that is true. Different segments were assigned to
25 different villages, <sangkat, district, sector> or groups,

1 because, to the south, the project or that segment was assigned
2 to people or workers from Sector 42 or from Chamkar Leu<, while>
3 people from Sector 43 worked at the 6th January Dam construction
4 site.

5 [11.24.09]

6 Q. So in these conditions, when you told us that you would
7 exchange your experiences with other group leaders, can we say
8 that you would only exchange your experiences with group leaders
9 from your village or would you also exchange your experiences
10 with <other> group leaders coming from different villages?

11 A. We actually observed other groups, how fast they worked and
12 how good the working environment was within those groups. And
13 from this observation, we applied the <good> condition within our
14 groups <and we ignored the bad one. We did not criticize other
15 groups>.

16 Q. My question is; did you speak to group chiefs from the other
17 villages or not? In order to compare the working conditions <of
18 your workers.>

19 A. No, we did not discuss such matters with other groups as I
20 could not leave my own groups.

21 [11.25.51]

22 Q. So, is it true that under these conditions, you were
23 relatively autonomous <at the worksite for the 1st January dam>,
24 <based on the> villages or <> groups or <> regions <you> belonged
25 to<>?

1 A. I do not know about that. What I can say is that we were
2 confident to achieve the assignment that <was> given to us by
3 Angkar on the building and the completion of the dam
4 construction.

5 Q. You spoke about the drought yesterday and today as well, that
6 the region experienced between '76 and '77. So can you <pinpoint>
7 in which months the drought occurred in 1976 and in which months
8 the drought occurred in 1977?

9 A. During 1976, it happened during the Pchum traditional festival
10 or ceremony <and there was drought>. And in fact, the harvest
11 from 1976 would be kept for consumption in 1977. And that was the
12 hardest year for us as the drought hit hard and the rice produce
13 was not that much from the harvest that we gained.

14 [11.28.12]

15 Q. You also said that the works on the canals started <at some
16 point between> October <and> towards the end of 1976. And do you
17 know if this drought that you just described was one of the
18 reasons that led to the decision of building this canal?

19 A. I do not know about that. That would be the plan or the
20 intention of Angkar. What I know is that in October, the commune
21 chief invited other village chiefs to attend a meeting where he
22 announced that Angkar required us to build a canal <in this dry
23 season> from Anlong <Chorng Keang> (phonetic) crossing Prey
24 Srangae and Kampaeuy. And during the first year, the construction
25 only reached Kampaeuy area. And that was the information we

1 received before we started digging the canal. And upon receiving
2 such information, we prepared ourselves to be ready for canal
3 digging. <As at that time, the drought hit us hard and rice
4 plantations were destroyed, so> we were enthusiastic in preparing
5 ourselves to dig a canal so that we could irrigate the rice
6 field<>.

7 [11.30.08]

8 MS. GUISSÉ:

9 Mr. President, I'll move into another line of questioning. Would
10 it be the appropriate time for the break?

11 MR. PRESIDENT:

12 Thank you. It is now appropriate for our lunch break. We take a
13 break and resume at 1.30 this afternoon.

14 Court officer, please assist the witness at the waiting room for
15 witnesses and <experts> during the lunch break, and invite him
16 back to the courtroom at 1.30 this afternoon.

17 Security personnel, you are instructed to take Khieu Samphan to
18 the waiting room downstairs and have him return to attend the
19 proceedings in this courtroom before 1.30.

20 The Court is now in recess.

21 (Court recesses from 1131H to 1332H)

22 MR. PRESIDENT:

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

24 And the floor is given to the Defence Counsel for Mr. Khieu
25 Samphan to resume their line of questioning.

1 BY MS. GUISSÉ:

2 Q. Thank you, Mr. President. Good afternoon again, <Mr.> Witness.

3 I'll proceed. Yesterday, in answer to a question put to you by

4 Judge Lavergne, I <believe to have> understood that <you stated

5 that> there had been an initial dam. I <didn't understand>

6 whether that was during the Lon Nol regime <or before, but I did

7 understand there was an initial dam with> an irrigation canal

8 that was not deep. <Did I understand correctly? And> can you tell

9 us when that <first> dam was constructed, <more or less>?

10 MR. OR HO:

11 A. The first dam was not fully used. It was built <during> the

12 war against Lon Nol, and as I said, the dam was not functional.

13 [13.34.38]

14 Q. So, if I understand correctly, that 1st January Dam was the

15 first of its kind in your region?

16 A. Yes, it was the first dam, and we depended on this dam in our

17 life.

18 Q. This raises another question. Prior to the existence of that

19 dam, how did you irrigate your rice fields?

20 A. That dam -- actually there was no pumping machines at that dam

21 <like today>. And now, today, we <use> the pumping machine <>to

22 irrigate the water <for rice farming in dry season. In some

23 places in Baray, water was irrigated to the rice fields in dry

24 season, so> the water in the canal, the feeding canal, can be

25 used to farm twice a year, during the dry season. <For rice

1 farming in dry season, after the rice is harvested, land is
2 ploughed again.> And as of now, at this time of the year, it is
3 almost the harvest time.

4 [13.36.18]

5 Q. I do not know whether the question was clear enough. Let me
6 rephrase it. My question was as follows: prior to the existence
7 of that dam, how did you grow <crops and obtain water> during the
8 dry season? How did you <do it>, if <there was any way for you to
9 do> anything <at all>?

10 A. Your question is: before the dam, where did we get the water
11 from to irrigate the fields? Before we built the dam, we depended
12 on the rain. And if there was not enough rain, and <rice would
13 fail to produce its seed>.

14 Q. Yesterday as well, I believe I understood that you <mentioned>
15 the length of the dam, <and that it was> 10 kilometres. Did I
16 understand you correctly, or you were referring to another
17 distance?

18 A. It was about 10 kilometres. I mean the distance from the 1st
19 January Dam to 6th January Dam is about 10 kilometres. This is
20 not the distance in Baray dam. Let me inform again. The dam of
21 1st January started from National Road 71, and it <ran all the
22 way through the> 6th January Dam. And for 6th January Dam, it
23 was<> connected to the bridge of 6th January. So the two dams
24 <were> connected to each other.

25 [13.38.47]

1 Q. What I am interested in <particularly> is the length of the
2 1st January Dam. <I am putting these questions to you on the
3 length,> because we have on record a document, IS18.86, and the
4 ERN in French is as follows, 00347726; ERN in Khmer, 00231627;
5 and <ERN> in English, 00096744. This document deals with a
6 <field> trip <to> Kampong Thom, <dated 30> January 2007 <taken>
7 by the Office of the Co-Prosecutors, and <this document indicates
8 that> the length of that dam is 58 kilometres. <So> I wanted to
9 know whether <that length of 58 kilometres aligns with what you
10 know, or whether you don't> know the <exact> length of that 1st
11 January Dam<>?

12 A. If it is the length that you describe, it covers also the
13 feeding canals. Together with the feeding canals and the dams,
14 the length <>was about what you described. <The dam was short,
15 only the canal was long.>

16 Q. So if I understand your answer correctly, the 10 kilometres
17 you refer to, is the length of the wall of the dam <itself>. Is
18 that correct?

19 A. Yes, it was the length of the wall of the dam. That wall used
20 to prevent and keep the water.

21 [13.41.02]

22 Q. And how did you know that the length was 10 kilometres?

23 A. I did not measure it. It is my estimate.

24 Q. And what was the yardstick you used for calculating that
25 distance?

1 A. From my village to the 1st January Dam, it <is> about 4
2 kilometres. And from the 1st January Dam to the intersection, it
3 is about 4 kilometres. And from the intersection to the 6th
4 January Dam, it <is> about 4 kilometres. And perhaps, you know,
5 it is <more or less the distance>.

6 Q. Thank you for this clarification. I would like us to revisit
7 some passages in your statement of 2008, E3/5255. There's a
8 passage, and the ERN number is, <in French,> 00277227; in English
9 it is 00250045; and in Khmer it is; 00239909. <> Let me quote
10 what you stated in this record: "It was the middle <echelon> that
11 imposed the plan that had to be followed by the lower <echelon>
12 regarding the construction of the dam, and then <it> reported to
13 the upper <echelon>." What do you understand by the middle
14 <echelon>? And what do you understand by the lower <echelon> and
15 the upper <echelon>? Can you clarify this as regards the work you
16 did on the dam site?

17 [13.44.07]

18 A. As for the lower level, I was referring to the village level
19 <that I worked>. And for the middle level, I was referring to the
20 Sangkat level, to sector level. And above that, I was referring
21 to the people, the top levels. <The construction of dam was not
22 led by the lower level. It was led by the upper echelon.>

23 Q. And do you know the <names of those> people who are at the
24 upper level?

25 A. I do not know any leaders at the upper level. Angkar told me

1 about the work plan.

2 Q. And when you say it was Angkar that told you about <the plan>,
3 <> you <are> talking of the middle <echelon>, and these were your
4 direct supervisors? <So Vut, is> that the case?

5 A. Angkar <could> be <>the upper level, or <> the middle level.

6 When I was referring to Angkar here, I meant my supervisors. When
7 my immediate Angkar had information from the upper level, that
8 immediate Angkar would relay the information to me.

9 Q. And when you say that it was the middle <echelon> that imposed
10 the plan that had to be followed by the lower <echelon>, you say
11 that it was your direct superiors <Born and Vut> who determined
12 what that plans consisted of; is that the case?

13 [13.46.53]

14 A. No, not Born and Vut. Born and Vut received plans from the
15 district, and sector. Born and Vut were at the Sangkat level, but
16 they were under supervision of their superiors. As for Born and
17 Vut, they were my immediate superiors <after the middle level>. I
18 do not know how to respond to your question. I have no full
19 <grasp of> this matter.

20 Q. No problem. I'm only asking you to tell us what you know.
21 Another point in your statement is this. Yesterday, I understood
22 that when you referred to working hours on the work site, you
23 said that you started work at 4.00 a.m. That is in your
24 statement, E3/5255, same page in French, that is, 00277227; the
25 ERN in English is, 00250046; and in Khmer, 00239909; and this is

1 what you stated: "Work started at 6 a.m. in the morning up to 11
2 a.m. and <then> we continued from 2.00 until 5 p.m. and from 7.00
3 until 10 p.m. in the evening. To complete the dam construction
4 plan, they had us work from 4.00 until 11 a.m., and we continued
5 from 2.00 until 5 p.m. and <during the evening> from 7.00 until
6 10 p.m. <To finish the construction plan, workers were forced to
7 work from 4.00 in the morning until 11 a.m., then from 2.00 in
8 the afternoon until 5 p.m., and in the evening from 7.00 until 10
9 p.m." I understand from this excerpt from your statement that it
10 wasn't throughout the <entire> six-month period when the dam was
11 being built that people started work at 4 a.m., but <rather that
12 it was> towards the end, when you had to complete the work on the
13 dam site. Did I understand your statement correctly <or am I
14 mistaken>?

15 [13.49.21]

16 A. It is correct what you mentioned.

17 Q. You also stated during the hearing yesterday, that was at <a
18 bit before> 15.16, that you rested once every 10 days, <if I've
19 understood correctly>. My question to you is as follows; this
20 morning you <mentioned before my colleague> that at times there
21 was rotation between village <members> working at the site. Was
22 it during the <rest period every> ten-days <> that you
23 <performed> such a rotation, or <did it take place at some other
24 time>?

25 A. For the work that we were doing, we rested once every 10 days.

1 People in <> villages also rested in the time imposed by Angkar.

2 Q. Let me try and clarify my question. My question was whether it
3 was during the <rest> period that you <performed> rotations
4 between teams, <whenever you decided to undergo such rotations.
5 Or> <> was <the rotation> done at another <time>?

6 [13.51.23]

7 A. For the rotation, during the six-month period there was a
8 rotation of workers. <Such system of> rotation <was introduced>
9 because their forces were getting weak. That's why we rotated
10 workers <to the rear line. Those workers who were rotated, it did
11 not mean they stopped working. Actually they stopped working at
12 the canal but they were rotated to work at the rear line.>.

13 Q. <Okay, this will be my> last attempt. <Did such shift work> ,
14 occur during the <rest> period <every ten days> or at another
15 time?

16 A. Actually, the rotation would take place also during the time
17 that we were working <as long as there was a replacement>. If
18 villages <did not have> workers for replacement of the weak
19 workers, then <the weak workers had to continue to stay at the
20 worksite. They could not go to take a rest because there would be
21 less people if they did so.>.

22 Q. Thank you for this clarification. I would like us to move into
23 another line of questioning. And here I am interested in the
24 period when you were in your village, acting as village chief,
25 and not on the work site. You briefly referred to the situation

57

1 of the Cham in your village. I would like us to consider a number
2 of points you made when you were interviewed by OCIJ
3 investigators. I'll start by reading out to you what you stated
4 in the record of that interview, and, with the President's leave,
5 I would like us to watch an <extract of the> audio-visual
6 recording of that interview, <because it's a bit more precise>.
7 <Afterwards,> I'll put questions to you. <I warn you already-
8 firstly,> do I have your permission to <play this clip-- this
9 excerpt from the> audio recording? It is -- <perhaps it's best if
10 I share the reference number>-- recording number D166/35R, and it
11 is between 01.44.11 and 01.45.51. Let me point out that we sent
12 out an email informing the Chamber that we wished to use that
13 excerpt <from the audio>.

14 [13.54.27]

15 MR. PRESIDENT:

16 You may proceed.

17 MS. GUISSÉ:

18 For the audio-visual team, let me read out the excerpt <of the
19 written statement> first, <and I will inform you when it's time
20 to play the extract. So, in your statement,> E3/5255, the
21 <French> ERN is, 00277229; in English, 00250047; and in Khmer,
22 00239911. The following question is asked, this is how the
23 question was transcribed: "Were you aware of the <extermination>
24 policy <directed to> the Cham?" And your answer as noted was as
25 follows: "I <didn't> know. I only knew that they wanted there to

1 be only <Cambodians>." End of quote. As a matter of fact, <Mr.>
2 Witness, you were more specific, and I would like the
3 audio-visual team to have us listen to that excerpt <now, and I
4 will follow up with a question>.

5 MR. PRESIDENT:

6 AV technician, please play the portion of the recording as
7 requested by Counsel.

8 [13.56.15]

9 (Audio presentation)

10 [13.58.42]

11 MS. GUISSÉ:

12 I wish to ask the interpreters why there was no French
13 interpretation of what was said in Khmer? <Is it possible for us
14 to> listen to the extract again in order for what the witness
15 said to be interpreted into French? Because I didn't hear any
16 French interpretation.

17 <THE ENGLISH-FRENCH INTERPRETER:

18 Pardon me for interrupting, Counsel, but I believe that the sound
19 quality is far too poor for the Khmer booth to be able to
20 interpret it into French.>

21 [13.59.19]

22 MR. KOUMJIAN:

23 Your Honour, if I could -- Mr. President, if I could only make an
24 observation. If I understand Counsel's point, the Defence
25 believes that the interpretation that we have in the official

1 document is incorrect, or incomplete. And I certainly understand
2 they have a right to challenge that. I just think in the future
3 it would save a lot of time if there was a request made to CMS to
4 correct the translation, rather than asking the booth to listen
5 to a recording in Court, and make an instantaneous translation
6 that may or may not be the same in all languages. So, in the
7 future, I just think it's very important to point out any times
8 that translations are incorrect or incomplete, but it's much more
9 beneficial to all Parties if it's brought to CMS's attention
10 before the hearing, rather than debating it during a hearing.

11 MS. GUISSÉ:

12 <Let it be known that> I have no problem making a request to
13 CMS.<.> But given the length of the excerpt, I didn't believe
14 that this would be a problem for the interpreters to do it in the
15 booth. But if there's really a problem in <regard to> quality<>,
16 at least the Khmer speakers have heard the <entirety of the>
17 excerpt <and we will make a request to CMS>. But if I can still
18 continue with my question, I will pursue with the literal
19 translation I received from my team, and I'll ask the witness to
20 confirm. So, <concerning> what you answered to the investigators
21 who were questioning you--

22 [14.01.13]

23 MR. KOUMJIAN:

24 Excuse me, I would ask Counsel to ask the witness what he said.
25 That's very leading, to read to the witness what the team

1 interprets his words, and then asking him to confirm that.

2 BY MS. GUISSÉ:

3 Well, I really don't understand the Co-Prosecutor's reaction
4 here, because <precisely> the desire to focus on what was exactly
5 said by the witness was specifically because I <did not want
6 anybody to say that I was asking> leading questions. So, <in this
7 regard I believe the trial is truly mismanaged>.

8 Q. <Mr.> Witness, you listened again to what you told the
9 investigators that day. So, is it true to say that you said that
10 you did not quite know what the policy was with regard to the
11 Cham, but <the intent was> to have a single people, <neither>
12 Cham, <nor> Khmer. <Based on what you've just heard, does it
13 correspond to what you said? Because we did not get a translation
14 into all the languages.>

15 [14.02.21]

16 MR. OR HO:

17 A. After having heard the mid-level Angkar representative, who
18 said that in Kampuchea there would be only one single population
19 -- that is, Khmer. And there would be no <New People, no Base
20 People, no Javanese> or no Cham, but one Khmer population.

21 Q. You said yesterday, and you confirmed this in fact <again>
22 today, and we heard this in what you said here in the audio, you
23 said that you did not know what was happening in the other
24 villages, but that in your village, the Cham were not mistreated,
25 <nor> persecuted. Is that true?

1 A. Yes, that is correct. They were not mistreated.

2 Q. And you said, and I will request a bit of clarification in
3 that regard, this was yesterday, with regard to the Cham, when
4 you were being examined by the Co-Prosecutors, you said that the
5 Cham in your village had the possibility of slaughtering their
6 animals. So, my question is the following: does this mean that
7 they could slaughter animals other than pigs, by following their
8 rituals?

9 [14.04.14]

10 A. No, the Cham people who came to reside in my village said that
11 if they did not slaughter the animals by themselves, then they
12 would not eat the meat from the slaughtered animals. So, I told
13 the group chiefs not to mistreat that elderly Cham person, <and
14 let them slaughter the animal because he was an elderly but> he
15 said that it would not be sin for him to slaughter an animal; <it
16 would be blessed instead. He begged to do it because he was
17 afraid there would be nothing to eat for the day. Then they said
18 there was a break every 10 days and he had to slaughter the cow>
19 and the meat would be <shared> for the consumption within the
20 village. And on that day, he asked his two grandchildren -- and
21 who are still alive today <and I have met them once>, by the way
22 -- to watch him slaughter the cow. And I could only see what
23 happened from afar. And the two grandchildren were clapping their
24 hands <and were laughing>, and then the elderly man slaughtered
25 the cow. <He was chanting something which I did not understand.

1 After the cow was slaughtered, he said "I can eat it now">. And
2 later on he consumed the meat. And of course he did not eat pork,
3 but as for the fermented fish, he ate it.

4 [14.06.10]

5 Q. And with regard again to this question of the animals, you
6 said that animals could be slaughtered every 10 days. So, was
7 this done frequently in your village?

8 A. No, not that frequent. Sometimes we only had that opportunity
9 once a year. Allow me to say it happened only once a year, <not
10 every 10 days>. As for pigs, it happened rather more frequently.
11 For instance, every three months, then a pig would be killed. And
12 of course the meat would not be only confined within our group,
13 but the meat would be distributed to all villagers within the
14 village. And you can imagine, one pig or one cow's meat would be
15 very little when it comes to individual distribution <to> all the
16 people living in the village.

17 Q. You also spoke about the possibility of fishing. So my
18 question is; was there a special unit in charge of fishing, or
19 did each family fish <on their own accord>?

20 A. The thing is, we left for work at dawn, in very early morning,
21 <there was no watch. We got up when it was still a bit dark> and
22 when we returned home for meals, they would go to <take a shower
23 at the canal>, and those people were skilful in catching fish
24 alive in the river. <They had no fishing materials; they just
25 touched the rock and caught some fish.> They would then grill

1 those fish and eat it within their group. As for the soup, and
2 the cooked rice, it was distributed to everyone. Although it
3 sounds abundant, but in fact, it was just barely enough. And in
4 <my> village, people were assigned to go fishing in the area near
5 Tonle Sap or at some rivers. And in my village and area, new
6 bridges had been built, and usually you could find plenty of fish
7 at the newly-built bridge locations. <We asked militiamen at the
8 bridges to catch fish with the net and we would eat that fish.>

9 [14.09.46]

10 Q. A last point with regard to your village. You said that you
11 carried out the following operation, and I will refer again to
12 your written record of interview, <E3/5255; ERN> 00277229, in
13 French; <ERN> in English, 00250047; <and in> Khmer, 00239911. And
14 you said -- and I believe you said this also yesterday when you
15 answered one of the questions that were put to you by the
16 International Co-Prosecutor -- you said that: "From 1975 until
17 1977, they did not permit marriages in my sub-district, but
18 starting in September, 1977, they did permit marriages." End of
19 quote. And in your explanations yesterday, when you answered the
20 Co-Prosecutor's question, I believe I understood that you said
21 that marriages were not allowed because the country was at war.
22 So, my question is: did we properly note the dates that you
23 stated? And were marriages indeed forbidden between '75 and '77,
24 or were marriages forbidden before, when the country was still at
25 war? Can you please specify?

1 [14.11.23]

2 A. Allow me to explain. During the wartime, the male and female
3 youths did not get married. And if marriages went ahead during
4 the wartime, it was only for those handicapped soldiers. And for
5 youths and soldiers who were not incapacitated or disabled
6 <because they had fought for national defence>, they would not be
7 allowed to get married. <For those who were not disabled and
8 strong, they had to be in the army.> That happened prior to 1975.
9 And marriages of ordinary people took place in 1977.

10 Q. So, between '75 and '77 in your <village>, <you did not
11 organize any> marriage ceremonies. Is that the case?

12 A. No, there was no arrangement for the marriage.

13 Q. You then indicated that you had organized marriage ceremonies
14 for <sometimes> 30 to 40 couples at a time. So, my question is:
15 if between September '77 and mid '78, when you were no longer a
16 village chief, how many times did you organize marriage
17 ceremonies, if you remember?

18 [14.13.17]

19 A. There were three marriage ceremonies from <August> 1977. So,
20 most of the single people got married during this period.

21 Q. I'm sorry. I did not get the end of your answer. So, you said
22 that there were three marriage ceremonies as of September 1977.
23 Is that what I must understand?

24 A. From 1977 to '78 -- that is, until the time that I was removed
25 from my position, only three marriage ceremonies were organized.

1 And for each ceremony, there were <30 to 40> couples who got
2 married.

3 Q. And between mid '78 and when the Vietnamese arrived, do you
4 remember how many marriage ceremonies were organized, if any?

5 A. By that time, I did not have the capacity to know about that
6 <because> I was demoted to an ordinary person, and it was the
7 village chief or the commune chief who would know about that.

8 [14.15.25]

9 Q. If I understood your testimony well, you are still living in
10 the village of which you were the chief back then. <Is that so?>
11 Are you still living in <the same> village?

12 A. Yes, I am. However, the marriage ceremonies did not take place
13 in my village. They were conducted in other villages, and people,
14 or single people, from my village, <for example, five couples
15 from our village> would go to the other villages for the marriage
16 ceremonies. <There were also more couples from other villages.
17 That was why there were many couples in those marriage
18 ceremonies.>

19 Q. Fine, fine, fine. Please, Witness, I don't think you
20 understood my question. I'm asking you if today you are still
21 living in the same village, today -- now? I'm no longer speaking
22 about the marriages. <>

23 A. Currently I am residing at Toul Sala village, Chaeung Daeung
24 commune, <Baray district> which is the native village of my wife.
25 While I was the village chief, I was living at Prey Srangae

1 village, <Ballangk commune and Baray district.> I actually moved
2 to live at Tuol Sala village <in 1985>.

3 INTERPRETER:

4 Witness said 1985.

5 MS. GUISSÉ:

6 Q. <From the> people who were part of that group of 100 villagers
7 who participated with you on the building of the 1st January Dam,
8 <did you ever see them again>? Did you see <some of> them again,
9 since 1979? And do you know if some of them are still alive?

10 [14.17.37]

11 MR. OR HO:

12 A. Yes, many of them are still alive. And some of them are living
13 here in Phnom Penh, others are living in Siem Reap -- that is,
14 they returned back to their native villages. When the Pol Pot
15 regime fell, they returned to their native villages, or wherever
16 they wished to return to.

17 Q. <And> my last question: do you remember the names of these
18 people who are still alive? And if you do remember these names,
19 can you please give them to us?

20 A. There are some who are still living in Phnom Penh. Brother
21 Vung (phonetic) and Brother <It> (phonetic) and Brother Sai
22 (phonetic), Soun (phonetic), etc. I forget most of their names,
23 although I still recognize their faces. <We frequently meet each
24 other and sometimes I visit them;> sometimes they do visit me.

25 [14.19.09]

1 MS. GUISSÉ:

2 Thank you for <these clarifications>. Mr. President, we have no
3 further questions <from> the Khieu Samphan defence team for this
4 witness.

5 MR. PRESIDENT:

6 Thank you. It is now appropriate for a short break. We'll take a
7 break now and return at 20 to 3.00. This afternoon, the Chamber
8 will hear the testimony of a witness, 2-TCW-909, via a video
9 link. This is for the Parties and for the general public.

10 And Mr. Or Ho, the Chamber is grateful for your <valuable> time
11 and testimony as a witness during the last two days, and your
12 testimony may contribute to ascertaining the truth in this case.

13 Your testimony is now concluded, and you are not required to
14 remain at the ECCC. Therefore you may return to <your place of
15 residence or> wherever you wish to go. And the Chamber wishes you
16 all the best and safe journey back home.

17 Court officer, in cooperation with WESU, please make the
18 necessary transportation arrangements for Mr. Or Ho to return to
19 his residence or wherever he wishes to go.

20 The Court is now in recess.

21 (Court recesses from 1420H to 1442H)

22 QUESTIONING BY THE PRESIDENT:

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

24 And now the Chamber will hear witness, 2-TCW-909.

25 Good afternoon, Mr. Witness. Are you ready?

1 MR. PECH SOKHA:

2 Good afternoon Mr. President. I am waiting in the room.

3 Q. What's your name Mr. Witness?

4 A. My name is Pech Sokha.

5 Q. Thank you Mr. Pech Sokha. When were you born?

6 A. I was born on 10th November 1960.

7 Q. Thank you. <What> is your current address?

8 A. I am residing in Svay Chek village, Thlat commune, Anlong
9 Veang district.

10 Q. Thank you very much, Mr. Pech Sokha. What is your current
11 occupation Mr. Sokha?

12 A. I am a <public> physician.

13 [14.43.47]

14 Q. What are your parents' names?

15 A. My father's name is Pech Un and my mother's name is Hiek. They
16 are all deceased.

17 Q. What is your wife's name and how many children do you have
18 together?

19 A. My wife's name is Khut Nit. <We> have four children.

20 Q. Thank you, Mr. Pech Sokha. Based on the oral report of the
21 greffier, to your knowledge you have no relation with any Parties
22 to the proceedings. <Is that correct?>

23 A. Yes, I have no any relationship with any Parties to the
24 proceeding.

25 Q. Before you give your testimony I was told that you have

1 already taken an oath.

2 A. Yes, I have already taken an oath.

3 [14.45.04]

4 Q. Thank you very much. I would like to inform you of your rights
5 and obligations as a witness before the Chamber. Mr. Pech Sokha,
6 as a witness in the proceedings before the Chamber, you may
7 refuse to respond to any question or to make any comment which
8 may incriminate you. That is your right against
9 self-incrimination. As for your obligation Mr. Pech Sokha, as a
10 witness in the proceedings before the Chamber you must respond to
11 any questions by the Bench or relevant Parties, except where your
12 response or comment to those questions may incriminate you, as
13 the Chamber has just informed you of your rights as a witness. As
14 a witness you must tell the truth as you have known, heard, seen,
15 remembered, experienced or observed directly about any event or
16 occurrence relevant to any questions the Bench or Parties pose to
17 you. Do you understand the rights and obligations which have just
18 been informed to you?

19 [14.46.24]

20 A. Yes, I have understood them.

21 Q. Thank you very much, Mr. Pech Sokha. Have you ever been
22 interviewed by an Investigator of the Office of Co-investigating
23 Judges? If so, how many times have you given your interview<
24 Where> <and when> did they take place?

25 A. I gave one interview. I do not recall when it was <because it

1 was long time ago>. The interview was held in the hospital at
2 Anlong Veang.

3 Q. Thank you very much, Mr. Pech Sokha. Before you are sitting
4 and giving this testimony before the Chamber, have you read and
5 reviewed the written record of <your> interview which was
6 conducted in Anlong Veang?

7 [14.47.28]

8 A. I asked my staff to read the statement to me, however due to
9 my poor memory, because of my illness and I have bad health, I
10 could not recall them all. I am not so well at the <moment>.

11 Q. Could you tell the Chamber, as for the statement which you
12 asked your staff to read to you, <was your statement correct or
13 consistent or> does the statement reflect what you gave to the
14 investigator of the OCIJ?

15 Hello, Mr. Pech Sokha.

16 Court officers, perhaps there is a technical glitch.

17 (Technical problem)

18 [14.49.29]

19 BY THE PRESIDENT:

20 Mr. Pech Sokha, to your best knowledge, can you confirm for the
21 Chamber that the statement which you asked your staff to read to
22 you, <whether the> statement <reflects> what you have given to
23 the investigator?

24 MR. PECH SOKHA:

25 A. Yes, the statement reflects what I gave to the investigator.

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1 Q. The Chamber would like to inform you, Mr. Pech Sokha, because
2 you have a health issue or problem, and if you need to go to
3 <the> restroom or relieve yourself, please inform the Chamber.

4 The Chamber may allow you to <do so>.

5 Based on Rule 91bis of the Internal Rules <of ECCC>, the floor is
6 first given to the <Co-Prosecutors to put questions to the
7 witness, Mr. Pech Sokha> and the Chamber would like to inform
8 that the <Co-Prosecutors> together with the <Lead Co-Lawyers for>
9 civil parties have three sessions for this witness.

10 You may now proceed, International <Deputy> Co-Prosecutor.

11 [14.50.57]

12 QUESTIONING BY MR. FARR:

13 Thank you Mr. President. Good afternoon to Mr. President, Your
14 Honours and everyone else in and around the Courtroom. And good
15 afternoon to you also, Mr. Pech Sokha.

16 Q. I'd like to start by asking you about your studies in the
17 Ruessei Keo school in Phnom Penh, which you discussed in your
18 OCIJ statement. In that statement you said you were sent there in
19 1976 by a person named Sreng who was the Sector 41 committee and
20 a friend of your father. Why did Sreng send you to this school?

21 A. In relation to this matter I do not know why I was sent to
22 school. I was asked to go to school then I went anyway.

23 Q. Do you know whether the name Sreng was an alias or nickname,
24 or the person's real name?

25 A. I do not know whether it is his alias name or it is his

1 original name, but what I know is that his name is Sreng.

2 [14.52.29]

3 Q. Does the name Chor Chhan mean anything to you?

4 A. I know the <person by the> name <of> Chham, <and> Chham was
5 <a> group chief.

6 Q. Okay, and returning to Sreng for just a moment, can you tell
7 the Court what happened to him?

8 A. I have no idea. I only knew this person and I do not know what
9 happened to him.

10 Q. Now returning to the Chham -- the person named Chham that
11 you've just mentioned, can you tell the Court who Chham was and
12 how you got to know him?

13 A. As for Chham I knew this individual when I went to study in
14 Phnom Penh <with him>. I had not known him before.

15 Q. Do you know why he was sent to the Ruessei Keo school, or who
16 sent him?

17 A. I have no idea. I was sent to study in Ruessei Keo and when I
18 arrived there I saw him there as well. I did not know who sent
19 him there.

20 Q. Do you know what position he held or what job he did before he
21 was sent to the school?

22 [14.54.39]

23 A. I do not know. I only knew him when I arrived at that school
24 and he was my group leader.

25 Q. And when you say he was your group leader, at what time was he

1 your group leader and where?

2 A. When we went to <the> specialised school he was my group
3 leader and he remained my group leader after school.

4 Q. Later in your OCIJ interview you describe a person named Ta
5 Chham as your chairman at the 1st January Dam worksite. Is that
6 the same Ta Chham who was your classmate at Ruessei Keo school?

7 A. Yes, it was the same person. I knew only one person by the
8 name <of> Chham.

9 Q. And you also indicated in your OCIJ statement that your
10 classmates included a person named Long from Sector 42 and a
11 person named Hao from Sector 43. Can you tell us who those people
12 were and why they were sent to the Ruessei Keo school, if you
13 know?

14 [14.56.30]

15 A. Actually it was also the same as Chham's case. I do not know
16 why these people were sent to school there. We knew each other
17 when we were in school.

18 Q. Later in your statement you mention two people with the same
19 names, Long and Hao who disappeared from the 1st January Dam
20 worksite. Are those the same two people who were in your class at
21 the Ruessei Keo school?

22 A. Yes, as I said I knew them when we <were> in the Ruessei Keo
23 school and after we left school we worked together.

24 Q. Other than those three people, Chham, Long and Hao, do you
25 remember any of your other Ruessei Keo classmates?

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1 A. I do not recall the others. I do not recall any other friends
2 or colleagues. <I was not close to other friends.>

3 [14.58.06]

4 Q. You also stated that during your time at the school you were
5 very severely tempered. What do you mean when you say you were
6 severely tempered?

7 A. When I said I was very severely tempered it concerned my study
8 and the food we had. It does not have anything to do with
9 beating.

10 MR. PRESIDENT:

11 Please hold on, Mr. International <Deputy> Co-Prosecutor. You may
12 now proceed, Counsel.

13 MS. GUISSÉ:

14 Mr. President, <this is in reference to the> <methodology>. A
15 while ago the International Co-Prosecutor quoted a number of
16 <excerpts from the statement> but he didn't give the ERNs. <When
17 he only referenced> names, I <did not think to intervene>, but if
18 it's a <matter of quoting summary excerpts from the witness'
19 prior statements, I'd like for> the ERNs <to be provided so that
20 we may follow accordingly>. Thank you.

21 MR. PRESIDENT:

22 Thank you, and the <>International <Deputy> Co-Prosecutor, please
23 follow the practice in this courtroom. Thank you.

24 [14.59.50]

25 BY MR. FARR:

1 I'll do that, thank you, Mr. President.

2 Q. Mr. Witness, I'd now like to ask you about your assignment to
3 the 1st January Dam worksite. And you discussed receiving this
4 assignment in your OCIJ statement. The reference in Khmer is,
5 00389522; English is, 00403003; and French is, 00422237. And what
6 you say is that in early 1977 they collected four of you to build
7 the 1st January Dam and that you were surveying technicians. Can
8 you tell us, who were the other three in this group of four
9 surveying technicians, beside yourself?

10 [15.00.58]

11 MR. PECH SOKHA:

12 A. The four of us included Chham, Hao, Long and myself <>
13 attended the school in Phnom Penh together and later on we were
14 assigned to work at the 1st January Dam together.

15 Q. And who was it who assigned you to work at the 1st January Dam
16 and how did you receive the assignment?

17 A. After we left the school we were instructed to go and work at
18 the 1st January Dam worksite and I did not know from whom the
19 instruction was issued.

20 Q. Who communicated the instruction to you? Who personally told
21 you that you were assigned to work at that site?

22 A. It was Chham, my group chief who told us about that.

23 Q. Did you have any choice as to whether to accept the
24 assignment? In other words, could you have refused the assignment
25 if you had wanted to?

1 [15.02.25]

2 A. When you talk about refusal, I did not have the luxury to have
3 that option. <I just followed what had been told.>

4 Q. And why was it that you didn't have that luxury?

5 A. At that time we could not refuse. We had to follow the
6 assignment that we were given<>.

7 Q. What did you think would happen to you if you did not follow
8 the assignment you were given?

9 MR. PRESIDENT:

10 Counsel, please try not to use any hypothetical question and <let
11 the> Witness <speculate.> Please you do not need to respond to
12 the last question put to you by the Deputy Co-Prosecutor. And Mr.
13 Deputy Co-Prosecutor, please try to rephrase your question.

14 [15.03.51]

15 BY MR. FARR:

16 Q. Thank you, Mr. President, I'll move on to my next question.
17 Can you tell the Court when you arrived at the 1st January Dam
18 worksite and how long you remained there?

19 MR. PECH SOKHA:

20 A. I can recall that I worked for a bit over a year <from the
21 beginning of> the 1st January Dam worksite <to the completion of
22 the dam>.

23 Q. And do you recall the date on which you arrived, or the
24 approximate date on which you arrived, month and year perhaps?

25 A. I can recall it happened in 1977, but I cannot recall the

1 <exact> date.

2 Q. As a member of your group of survey technicians did you
3 usually work alongside ordinary workers, or did you work
4 primarily with other survey technicians?

5 A. I worked only within the surveying technicians. I mean there
6 were only four of us in that group.

7 Q. Did you ever help with the manual labour at the site, with the
8 digging and carrying of earth?

9 A. That work was only occasional and that happened when we did
10 not have any surveying work to do. Or sometimes we were required
11 to assist them to carry earth during the night-time.

12 [15.06.09]

13 Q. And can you estimate how often it was or how many time is was
14 that you helped with this kind of manual labour during your year
15 at the worksite?

16 A. I cannot recall how many times I did that because that was not
17 the core task that I was assigned to do at the time.

18 Q. Okay, thank you for that. I'd now like to ask you a few
19 questions about the plans for the worksite, which you also
20 mention in your OCIJ statement, and the page reference in Khmer
21 is, 00389522 through 23; in English it's, 00403004; and in
22 French, 00422239. And what you say is the following, you said,
23 quote: "I received the plans from the upper echelon Angkar." So,
24 what exactly do you mean when you say that you received the plans
25 from the upper echelon, Angkar?

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1 A. I meant that the plan was not made by us, it was done by the
2 upper echelon, at <a> level I did not know, but we received this
3 plan from my group chief and <and then we would discuss according
4 to the plan.> My group chief received it from the upper echelon.

5 [15.08.10]

6 Q. And when you say your group chief, I assume you are referring
7 to the Chham we were discussing earlier?

8 A. Yes, that is correct.

9 Q. And do you know what person your group chief Chham, received
10 the plans from?

11 A. That's what I just said, I did not know from whom he received
12 <it>, as I was his subordinate.

13 Q. So what made you think that the plan came from the upper
14 echelon? Or what do you mean by the upper echelon in this
15 context?

16 [15.09.05]

17 A. During the time the upper echelon referred to Angkar and
18 nobody knew who Angkar was.

19 Q. Can you tell the Court what the plans for the dam actually
20 looked like? What were they physically; were they drawings on a
21 piece of paper; was it a technical drawing or a model; what did
22 you receive or what did you see?

23 A. The plan was not photographic. It was a sketch drawn on a
24 paper.

25 Q. Was it just a single piece of paper? And how big was it?

1 A. <To my estimate, the> paper size was about 60 by 80, and it
2 was just a single sheet.

3 Q. Do you remember an individual named Sao (phonetic), being
4 involved in the construction of the 1st January Dam or having the
5 plans?

6 A. No. Sao (phonetic), that name does not ring a bell.

7 Q. I will try to pronounce it again; it's Sauv (phonetic).

8 A. I don't know anyone by the name of <Sao> (phonetic).

9 [15.11.46]

10 MR. SREA RATTANAK:

11 I'd like to assist my colleague with the name; the name is Sao
12 (phonetic), Mr. President.

13 MR. PECH SOKHA:

14 A. No, I am not familiar with that name.

15 BY MR. FARR:

16 Q. Can you describe for the Court, in general terms, what the 1st
17 January Dam was and what it's purpose was, if you know, and again
18 only if you know?

19 MR. PECH SOKHA:

20 A. The general landscape of the 1st January Dam was to -- was for
21 agricultural irrigation to the nearby rice fields. That was the
22 primary purpose. And I do not know if there were any other
23 purposes for the construction of that dam.

24 [15.13.02]

25 Q. In your interview with the OCIJ, and the page reference here

1 is Khmer, 00389526; English, 00403007 through 08; and French,
2 00422238; you were asked whether the 1st January Dam was 60
3 kilometres long and you said, quote: "60 kilometres did not
4 include only the 1st January Dam, but the 60 kilometres also
5 linked to the 6th January Dam." Can you give us a little more
6 information about that? What were these two projects and how were
7 they linked?

8 A. As I said in my previous statement the distance of 60
9 kilometres <in length> is the combined length of the two dams.

10 Q. And do you know what the purpose of linking the two dams were,
11 or how they were linked to each other?

12 A. I do not know what the purpose of the linkage; I only did what
13 I was assigned to do. However the 1st January Dam had been
14 constructed before the 6th January Dam, and later on, the linkage
15 was established.

16 Q. I'd like to now ask you a few questions about Ke Pauk's visits
17 to the 1st January Dam worksite, which you discuss also in your
18 OCIJ interview, and the page reference here is Khmer, 00389525 to
19 26; English, 00403007; and French, 00422242. And this is what you
20 said, quote: "Ke Pauk came to control almost every day by jeep
21 with his two or three bodyguards so we did not need to report to
22 the upper echelon, but I did not know if Ke Pauk reported to the
23 higher level or not. Ta Pauk never scolded us. When he came, he
24 always advised us to follow the plan properly, not to do anything
25 deviant from the plan. We did not do anything different from the

1 plan. At that time, Chham was my group chairman because he was
2 older than me." Can you tell us more about these occasions in
3 which Ke Pauk--

4 [15.16.28]

5 A. In brief, the statement that you just read out is correct.

6 Q. Thank you. Can you tell us a bit more about these occasions
7 when Ke Pauk would come and tell you to follow the plan properly?
8 Can you tell us for example where you were when he said this, and
9 who you were with when he made these statements?

10 A. He told us at the worksite. He told the four of us that we
11 should strictly follow the guidelines and follow the plan and not
12 do anything deviant from the plan.

13 Q. And where were you at the worksite? Were you outside; were you
14 in a public area; or were you enclosed somewhere?

15 [15.17.35]

16 A. We were where the general workers were -- that is, at the
17 worksite. However we were in a separate shelter <for technical
18 groups> from <those> of the general workers.

19 Q. And you said that he would come almost every day. Would he
20 address your group of four surveyors almost every day?

21 A. No, in fact he did not come to see us, the technical group
22 every day, but he did come to inspect the dam construction
23 <frequently>.

24 Q. And on those occasions when he did come and speak to your
25 group, did members of your group give updates on the work?

1 A. Yes, we would respond to any question that he asked our group.

2 <If he did not ask, we would not talk.>

3 Q. And do you recall what kinds of questions he would ask your
4 group?

5 A. He asked whether we did anything which <was> not in the plans
6 and that basically was his main point.

7 Q. Did your group leader Chham, ever tell you anything about how
8 he felt about Ke Pauk, or do you know anything about the
9 relationship between those two men?

10 A. No, I don't. As I said I knew them only when I attended the
11 study session in Phnom Penh. <I did not know him before that.>

12 [15.20.04]

13 Q. So in the same answer I was just reading from before, you also
14 described Ke Pauk as; "The Central Zone committee and the overall
15 manager of the construction site." How did you know that Ke Pauk
16 was the overall manager of the construction site?

17 A. At that time they made an announcement on the loudspeaker
18 before the commencement of the work at the worksite and that was
19 the message played over the loudspeaker.

20 Q. And how did you know that Ke Pauk was also the Central Zone
21 committee?

22 A. Again, that message was broadcast through the loudspeaker at
23 the commencement of the dam worksite and I did not know him or
24 know about his position previously.

25 Q. When he would come on these visits to the dam worksite to

1 check progress, do you know how long he would stay approximately?

2 A. I cannot recall as I did not make any observation or waited to
3 see him, and constantly our team was on mobile doing the
4 surveying of the land -- the landscape.

5 [15.22.05]

6 Q. Okay, thank you. I'd like to ask you now about something that
7 you may have just referred to, and that is the opening ceremony
8 of the dam construction, and you describe this in your OCIJ
9 interview, in Khmer page, 00389527; in English page, 00403008;
10 and French page, 00422243. And this is what you said, quote: "I
11 recall that there was an opening ceremony of the dam construction
12 participated by the zone secretary and the sector chairman. As
13 for the senior leaders from the centre I did not see their
14 participation. During the opening of the construction site four
15 of us also joined to listen with people." Now here you are
16 referring to--

17 A. Yes, this is my statement that I made earlier and that's what
18 I saw during that particular ceremony.

19 Q. And I assume that when you are referring to the zone secretary
20 here that is Ke Pauk? Correct?

21 A. Yes.

22 [15.23.44]

23 Q. Can you tell us the name of the sector chairmen who
24 participated in that ceremony, if you recall?

25 A. Over the loudspeaker announcement I heard about the

1 participation of people from Sector<> 42 and <Sector> 43
2 respectively.

3 Q. Did you hear an announcement of the names of those sector
4 chairmen?

5 A. I cannot recall that.

6 Q. And can you tell us, as best you can recall, everything that
7 you remember being said at that opening ceremony?

8 A. <To> my recollection, it was about the day of the opening of
9 the construction worksite, the dam, and that we should try to
10 work hard <to achieve it>.

11 [15.25.18]

12 Q. Was anything said about the importance of the project or the
13 speed with which it was to be completed?

14 A. I cannot recall that.

15 Q. I'd like to ask you now about the visit of foreign delegations
16 to the dam. And you also discussed this in your statement, at
17 page, in Khmer page, 00389527; in English page, 00403008 to 09;
18 and French page, 00422244; and this is what you say, quote: "I
19 saw Chinese and Korean guests coming to see and take photos and
20 then they returned." And when asked who accompanied these
21 foreigners you said, quote: "The zone committee and others I did
22 not know." And just for clarity the zone committee you are
23 referring to here is Ke Pauk, correct?

24 A. Whatever I said in my previous statement is correct.

25 [15.26.57]

1 Q. Did you ever learn the names or identities of any of the
2 Chinese or Korean guests who came to the worksite?

3 A. No, I don't.

4 Q. Okay, I'd now like to ask you a couple of questions about the
5 fate of two of your classmates from the Ruessei Keo school in
6 Phnom Penh; the two people named Long and Hao. And in your OCIJ
7 statement at page, 00389524 to 25, in Khmer; page 00403006, in
8 English; and page 00422241, in French; you were asked a question
9 about the arrests of people accused of being enemies, and you
10 said the following, quote: "As for me I never came across but in
11 my group two people named Long and Hao disappeared. Both of them
12 were summoned by Angkar to return, both of them showed me the
13 letter and said goodbye to me. The letter was handwriting. Both
14 of them were well educated. I learned a lot from them. I just
15 knew after the reintegration that both of them were arrested and
16 killed." So can you tell us how you learned that Long and Hao
17 were arrested and killed?

18 A. Initially I did not know, however later on I <concluded> that
19 if they survived then I would receive information about them
20 because they were my friends, but I presumed that they <are
21 dead>.

22 Q. Now you gave that answer in response to a question about the
23 arrest of people accused of being enemies. Did you ever have any
24 reason to think that Long and Hao had been accused of being
25 enemies?

1 [15.29.50]

2 A. As I said from the outset, they said goodbye to me and left
3 and I did not know and I thought that they returned to their
4 native village, and I presumed that they died because I have
5 never seen them again.

6 Q. You also said that they had handwritten letters summoning them
7 to return and that they showed the letters to you. Do you
8 remember what the letters said?

9 A. I cannot recall it, however I was shown the letter that they
10 would be transferred back to their original location and I wished
11 them well and they said that I should try to<> work hard.

12 [15.30.55]

13 Q. Okay, I'll move on to another portion of your OCIJ interview.
14 And this quote is from page -- in Khmer page, 00389527; English,
15 00403008; and French, 00422243 to 44. And this is what you said
16 about your experience, quote:

17 "Every day they played revolutionary songs at the site. It looked
18 like it was happy. They played songs everywhere but in fact it
19 was very difficult in eating and staying, and there were health
20 problems. But nobody dared to say. Now if I look back it was
21 terrifying, I should not have survived until this time."

22 So in that quote you describe your experience as terrifying. What
23 made the experience terrifying for you?

24 [15.32.06]

25 A. That is what I said earlier, that is the overall image. It

1 seems that it was a happy act. But in reality everything was
2 horrible. The food was insufficient <and there was health
3 problem> and the manual labour was hard. <It was terrible.>

4 Q. So other than the food and the manual labour, was there
5 anything else that made you describe this as a terrifying, or as
6 you have just said now, horrible experience?

7 A. That's what I knew and that's what I felt at the time.

8 Q. You also say that you should not have survived, you say; "I
9 should not have survived until this time." Why do you think --
10 why are you surprised that you survived your time at the 1st
11 January Dam worksite?

12 A. It's because of the manual labour. If we worked day and night
13 with insufficient food given, it was not reasonable for us to
14 survive.

15 [15.34.04]

16 Q. And you also said that no one dared to say anything about
17 problems. I'll ask you to focus just on yourself though. Why did
18 you never complain about these problems, about the food or the
19 manual labour?

20 A. We could not complain as the current time, we worked hard in
21 order to survive.

22 Q. And maybe that's a useful comparison; you've just said we
23 cannot complain as in the current time. What was it about that
24 time that meant you were not free to express your views in the
25 way you feel free to express them today?

1 [15.35.04]

2 A. During that period my group had only four of us so we would do
3 the work as we were assigned and other people would do the work
4 that they were assigned and no one <would complain>.

5 Q. Did any other people ever tell you why they didn't dare to
6 complain?

7 A. It is beyond my knowledge. I have no idea. What I knew is the
8 work that my group was doing at that time.

9 Q. So can I just ask you, what did you subjectively fear? What
10 were you afraid of?

11 A. I did not know what I was afraid of, but we were trying to
12 work.

13 Q. I'm going to read another quote from your interview. The page
14 reference for this is Khmer, 00389525; English, 00403006 to 07;
15 and French, 00422241. And this is what you said, you said quote:
16 "I, Hao and Long did not attend meetings or have a discussion, we
17 just had a chat. At that time I felt miserable but I did not know
18 what to do. We did not dare to say, we had better just act like
19 deaf and dumb or grow kapok trees. I did not want anything. I
20 just wanted to survive."

21 So can you tell us what you meant when you said that you had
22 better act deaf and dumb in the context of saying you just wanted
23 to survive? Why was it necessary to act deaf and dumb?

24 [15.38.03]

25 A. I remember this message from my teacher. I was young at that

1 time and I asked my teacher about the regime. My teacher asked me
2 to <bear this in mind, and to> act like deaf and dumb in order to
3 survive, that's what I remembered. I did not have any <in-depth>
4 view about politics.

5 Q. That was actually what I was going to ask you about next, and
6 I'd like to read the full question and your full answer from your
7 interview, and this follows on, this is the question after the
8 one I just read. So the question you were asked in your interview
9 was: "You said that you did not dare to have a discussion. Did
10 you know anything about people being sent for execution?" And
11 your answer was: "My teachers told me that for communism just do
12 what we were told to do. Do not challenge them. You had to grow
13 kapok trees to survive. If we had ideas for change, or gave
14 ideas, we would be in trouble." And you've just mentioned getting
15 that message from your teacher again. Can you tell us which
16 teacher told you that?

17 [15.39.50]

18 A. I constantly asked permission from my teacher to have the
19 session<> at his home. <I was young and I was not really aware of
20 anything but I frequently went to study with him and he told me
21 that "if I want to know, I must try to learn." He liked me
22 because I frequently asked him lots of questions.> He advised me
23 this matter, that's what I remember since then.

24 Q. And did you understand this as advice, as a threat or what?
25 How did you understand what your teacher said?

1 A. It was his advice. He wanted me to be safe because he knew
2 that I was very young <and I did not know anything> at that time.

3 Q. Now the reason that I read the question just now was because I
4 wanted to ask you, why you gave the response in response to this
5 particular question. And the question again was; "Did you know
6 about people being sent for execution?" And your answer was; "My
7 teachers told me just do what we're told to do, don't challenge
8 them." Why did you give that answer in response to a question
9 about executions?

10 [15.41.30]

11 A. I did not witness the execution <and I did not know of it
12 either>. I learned about the execution at the current time.
13 During that period there was no information at all and we could
14 not walk freely. This <was> what my teacher told me.

15 Q. Is it fair to say that you intentionally tried to avoid
16 finding out about bad things if you could help it?

17 A. In fact I was not trying to avoid bad things, but I <just> do
18 not know.

19 Q. So the last thing you indicated your teacher said was, quote:
20 "If we had ideas for change or gave ideas, we would be in
21 trouble." So what did you understand him to mean by saying that
22 you would be in trouble if you had ideas for change or gave
23 ideas?

24 [15.43.14]

25 A. <To> my understanding, we should not speak of any matter. We

1 needed to plant the kapok tree <and to do what had been assigned>
2 in order to survive. That's what I learned in that period.

3 Q. And what matters in particular are you talking about? Are you
4 talking about political matters or something else?

5 A. When<> I was referring to kapok trees, <it means that> we
6 <were not supposed to be> concerned about any other matter. We
7 needed to do the work that we were assigned to do. <Apart from
8 the assigned tasks, we did not know anything because there were
9 no other works but the technical works for the four of us.>

10 Q. So, you've -- you've told us today that you found the manual
11 labour to be very difficult, that the food was insufficient and
12 you've described the conditions as well as horrible. Given all of
13 that, did you ever tried to leave the 1st January Dam worksite?
14 And if you did, what happened? And if you did not, why not?

15 [15.44.57]

16 A. I do not know how to explain and give my response. If you were
17 me, you would <become> even <more> afraid more than <I was>.

18 Q. And can you tell us why you are afraid to try to leave the
19 worksite?

20 A. I do not know where to escape. I was very young at that time,
21 and I did not know the geographical area <in Cambodia> at that
22 time, and <I just worked at a place where I was assigned.> I do
23 not know where to escape.

24 Q. Okay. I'd like to now move on to a question about the size of
25 the workforce at the 1st January Dam, and again I'll be reading

1 from your OCIJ interview, Khmer page, 00389523; English, 00403004
2 to 05; and French, 00422239. So at that point you were asked --
3 at that point in your interview you were asked how many people
4 joined in building the 1st January Dam and you said the
5 following.

6 "Based on what I heard from the loudspeakers they said the
7 participating forces were 10,000 people from Sector 42, 1,000
8 people from the mobile units and Sector 41, and 10,000 people
9 from Sector 43, so in total there were forces of more than 20,000
10 people."

11 Is that an announcement that you heard just once on the
12 loudspeaker or would you regularly hear these kinds of
13 announcements at the worksite?

14 [15.47.16]

15 A. I heard <it> only <once> during the time of inauguration
16 ceremony.

17 Q. And in your position as a surveyor, were you ever able to
18 learn anything about the way workers on other teams were
19 organised? Did you learn anything about the size of their teams
20 or their groups or anything like that?

21 A. I have no idea.

22 MR. TRAVIS FARR:

23 Thank you. Mr. President, I'd now like to pass the floor to my
24 colleague, the National Deputy Co-Prosecutor.

25 MR. PRESIDENT:

1 Thank you, you may now proceed.

2 [15.48.20]

3 QUESTIONING BY MR. SREA RATTANAK:

4 Good afternoon, Mr. President, Your Honours, everyone in and
5 around the courtroom. Good afternoon, Mr. Pech Sokha. I still
6 have a few questions in relation to working condition. Document
7 E3/403, Khmer <ERN is at, 00389524, English ERN is at, 00403006,
8 French ERN is at, 00422240. You mentioned before an investigating
9 judge.>

10 INTERPRETER:

11 Your Honour, could you please ask the Co-Prosecutor to repeat ERN
12 once again?

13 BY MR. SREA RATTANAK:

14 The document was recorded by the OCIJ and the <dam construction>
15 was divided into groups, <district, sector and individual. Each
16 person had to carry earth two cubic metres per day> and earth had
17 to be carried and placed on <the crest of> the dam. I would like
18 to know who divided the work condition or who divided the work
19 plan?

20 MR. PECH SOKHA:

21 A. I do not know who divided the work plan, but normally there
22 was <an> announcement over the loudspeaker. I do not know who
23 divided the work plan.

24 [15.49.45]

25 Q. Based on <the> answer you gave to the Chamber, as a surveyor,

1 <did> you also <work> with other workers? I would like to know
2 how far <it> was <from the crest of the dam to> the place where
3 you carried earth to the dam?

4 A. The -- it was not really far. It was about 50 <metres> away.
5 We had to dig the earth and carry it to put on the <crest of the>
6 dam.

7 Q. What about the soil condition? Was it hard or soft?

8 A. The work was not always easy or difficult so the soil
9 condition varied.

10 Q. So if the work was difficult, the soil condition was not good
11 for you, so how difficult was it?

12 A. Some soil had rock <and it was hard>.

13 Q. So if the soil that had rock, did it impact on the work quota,
14 <two cubic metres> that you were assigned to do?

15 [15.51.19]

16 A. Actually <> those who <dug the soil with rocks,> did not
17 receive any punishments. <Those> people <would be> assigned to
18 dig the soil. <For the rock, they would use the explosive.>

19 Q. What about the work <quota of two cubic metres>? <Was the work
20 quota divided according to age, gender and the health of workers
21 or> was the work <quota was the same for every worker?>

22 A. Actually, the work plan was that <a> worker had to complete
23 and carry two cubic <metres> of <soil, though I did not know the
24 detail work plan.>

25 Q. Did you ever see anyone refuse the work quota?

1 A. I have no idea because I was engaged in the carrying earth
2 once in a while.

3 MR. PRESIDENT:

4 You -- I notice you are on your feet. You may now sit, Counsel
5 for Mr. Khieu Samphan.

6 MS. GUISSÉ:

7 Thank you, Mr. President. <I would> just like to remind the
8 Prosecutor to make a pause between the question and the answer
9 because we have <> two Khmer speakers here, and <I've got the
10 impression that> it's difficult for the <interpretation>, and
11 since <the> French <interpretation comes last- I believe it's
12 making things difficult> .

13 [15.53.05]

14 MR. PRESIDENT:

15 Thank you, Counsel. Actually, I did <>advise<> the National
16 Co-Prosecutor <directly and> I made a <signal> to him, <but he
17 probably could not understand,> so please <>Co-Prosecutor, please
18 keep pause between question and answer. <When you asked
19 questions, please asked slowly so that interpreter could
20 interpret it because a moment ago the interpretation could not be
21 done on time>.

22 BY MR. SREA RATTANAK:

23 <I will follow your instruction, Mr. President. When> I saw your
24 signal and I <did> try to slow down <but still the interpretation
25 could not catch up>, and I will keep more space for

1 interpretation.

2 Q. Concerning the work quota <of> two cubic metres per day>, have
3 you ever not completed the work quota?

4 MR. PECH SOKHA:

5 A. I was not part of the core force carrying <>earth. I was the
6 surveyor. I do not know whether workers could complete or achieve
7 the work quota.

8 [15.54.24]

9 Q. When you were signed to work as others did, did you receive
10 the same quota as other workers did or was it your extra job?

11 MR. PRESIDENT:

12 Please hold on, Mr. Witness. Mr. Koppe, you may now proceed.

13 MR. KOPPE:

14 I think this is the third time that National Co-Prosecutor is
15 trying to ask questions about tasks that this witness only
16 incidentally fulfilled. He made it very clear that he was a group
17 or four surveyors, so he doesn't have anything substantial to say
18 on the content. I think he repeated that already several times so
19 I don't see the point in repeating this question, so I object to
20 the question being repetitive.

21 [15.55.28]

22 MR. SREA RATTANAK:

23 I think that the -- the witness gave answer already that he had
24 joined the work carrying earth and he was involved in the work.
25 <It was not a coincidence that he just did the work sometimes>,

1 so I just would like to know about the <extra> work that this
2 witness was doing <apart from his works>.

3 MR. PRESIDENT:

4 The objection is overruled. Witness, please respond to the <last>
5 question put to you by <the National Deputy> Co-Prosecutor. The
6 Chamber needs to hear the answer.

7 MR. PECH SOKHA:

8 A. I would like to tell the Court that carrying earth was not my
9 core work. I was assigned to carry earth once in a while and the
10 work quota was not the same as others -- that is, two cubic
11 <metres>. So when the working hours ended we stopped working.

12 [15.56.50]

13 BY MR. SREA RATTANAK:

14 Q. In document, E3/403, ERN in Khmer is, 00389524; English ERN is
15 at, 00403006; French ERN is at, 00422240; you stated that at
16 night time you worked from 6.30 p.m. until 10.00 p.m. You stated
17 that; "Workers <could> complete the work quota. <Only when they>
18 were sick, <could they not complete it. If> they could not
19 complete the work quota <at the day time, they would continue to
20 work at night with the light.> From your experience <at 1st
21 January Dam>, did you notice that <most of the> workers
22 <continued> working at night time if they could not complete the
23 work quota or <most of them> could complete the work quota at day
24 time?

25 MR. PECH SOKHA:

1 A. I have no full detail of this matter. Once in a while workers
2 were asked to <take the offensive in their> work <at night>, but
3 workers mostly worked during the daytime.

4 Q. So when did the work begin during daytime, and when did the
5 work ended?

6 [15.58.48]

7 A. <To> my recollection, work started from <7.30> a.m. until
8 <11.30> a.m. and -- and it started again from <1.30> p.m. in the
9 afternoon until 5.00 p.m.

10 Q. In relation to food ration, you stated earlier that there was
11 no enough food to eat. I would like to know what <>you <had> for
12 your meal?

13 A. I do not want to tell the story of others, but for myself some
14 time I had cooked rice with cassava and banana <and when there
15 was a shortage, I had gruel>. For this reason, I said I did not
16 have enough food to eat. It was different from the current time.
17 <In these days,> we could have coffee or noodles or rice.

18 Q. Based on your observation, did anyone die from starvation?

19 [16.00.21]

20 A. <Through> my observation, I never witnessed anyone die from
21 starvation. Those who fell sick were sent to be treated at the
22 hospital.

23 Q. Mr. President, I still have a few more questions, two or
24 three, and it will take only five minutes.

25 <Were> there enough medicines for those who fell sick during that

1 period?

2 A. During that period I was not a medic at that time so I could
3 not say that the <medicines were> enough or not. The medicine
4 could be used to treat abdominal pain or headache.

5 Q. In order to assist your response, allow me to ask whether the
6 medics were skilful or whether they were properly trained?

7 A. It is difficult for me to respond to that question as to
8 whether they were properly trained and we were all dressing in
9 black uniform although there were so-called medics.

10 [16.02.05]

11 Q. On the living condition and you stated earlier that your group
12 stayed separately from other workers, what was the sleeping
13 arrangement for your group? Where did you sleep for instance?

14 A. We did not stay like kilometres away from the workers.
15 However, we had a separate building or shelter for our group.
16 <The roof of the shelter was made from palm leaves. The wall was
17 not made from wood; it actually was made out of bamboo like other
18 buildings for the workers.>

19 Q. I'd like to know about the condition of the accommodation and
20 the way you <made> the sleeping arrangement?

21 A. I do not know what else I can tell you from what I have just
22 said. The building was separate from the <buildings> for the
23 workers. Although it was separate but it was not far; <it was
24 just that there were only four of us, the technicians in the
25 shelter,> and the sleeping floor was made out of bamboo <and the

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1 roof was made out of palm leaves>. It was nothing special.

2 Q. Were there mosquito nets, pillows or sleeping mats as to what
3 we have today?

4 [16.03.38]

5 A. Come on, how can you compare the situation there to the
6 situation now. You cannot do it.

7 Q. Please respond directly to my question. Were there mosquito
8 nets, blankets, pillows, sleeping mats that were provided to you?

9 A. For my group we had a bed in the building, but actually we
10 slept in hammocks. Although we did not spend much time sleeping
11 <>in that shelter or building, <and when we were> at the
12 worksite, <each of us also hung the hammock to sleep>.

13 Q. You said you did not sleep or stay far from the workers. What
14 was your observation regarding the sleeping condition of those
15 workers?

16 A. From what I observed they <lived> jointly in a long
17 bamboo-made building and males and <females were housed in
18 separate> buildings.

19 MR. PRESIDENT:

20 Counsel Koppe, what's on your mind?

21 [16.05.06]

22 MR. KOPPE:

23 Well, the answer has been given so I don't have any objection
24 anymore, but National Co-Prosecutor is asking questions about
25 sleeping conditions of about 20,000 people. I think that's beyond

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1 the knowledge of this witness. So I think National Co-Prosecutor
2 should be much more specific when he asks questions as we know he
3 must have been listening to the witness this morning. Things
4 could probably vary per group of individuals coming from separate
5 villages. So I think when asking about conditions, be it food, be
6 it shelter of the workers -- of the 20,000 workers in general,
7 the National Co-Prosecutor should be quite specific as to which
8 group of people he refers to.

9 MR. PRESIDENT:

10 And the Co-Prosecutor, please move on in the Khmer channel, the
11 line of question is for his observation for those workers living
12 nearby his sleeping <quarters>, not about all the workers at the
13 worksite, and this kind of question is permissible. And Deputy
14 Co-prosecutor, you may continue.

15 [16.06.35]

16 MR. SREA RATTANAK:

17 I don't have any more questions, Mr. President.

18 MR. PRESIDENT:

19 Thank you. Today's hearing is now concluded. The Chamber will
20 adjourn and resume tomorrow -- that is, Thursday, 21st May 2015,
21 commencing from 9 o'clock in the morning. Tomorrow the Chamber
22 will continue to hear the testimony of witness Pech Sokha via a
23 video link. The information is for the Parties and the general
24 public.

25 [16.07.11]

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1 And thank you, Mr. Pech Sokha. The hearing of your testimony as a
2 witness is not yet concluded, and you are invited to return again
3 <> to that same office <where you are testifying via video link>
4 for your testimony tomorrow, commencing from 9 o'clock in the
5 morning. You may now rest, Mr. Pech Sokha.

6 MR. PECH SOKHA:

7 Thank you, Mr. President.

8 MR. PRESIDENT:

9 The security personnel, you're instructed to take the two Accused
10 back to the detention facility <of ECCC> and have them returned
11 to attend the proceedings tomorrow before 9 o'clock in the
12 morning.

13 The Court is now adjourned.

14 (Court adjourns at 1607H)

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