



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 May 2015
Trial Day 284

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 14-Jun-2017, 11:02
CMS/CFO: Sann Rada

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

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I N D E X

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
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PECH Sokha (2-TCW-909)	Khmer
Ms. TY Srinna	Khmer
Mr. SREA Rattanak	Khmer

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1 PROCEEDINGS

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the testimony of Witness Pech

6 Sokha via a video link.

7 Ms. Chea Sivhoang, please report the attendance of the Parties

8 and other individuals to today's proceedings.

9 THE GREFFIER:

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

11 are present.

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

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

14 been delivered to the greffier.

15 The witness who is going to conclude his testimony today -- that

16 is, Mr. Pech Sokha via video link is ready. The AV Unit informs

17 the Chamber that the link has been ready, so is the witness.

18 Thank you.

19 [09.09.16]

20 MR. PRESIDENT:

21 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the

22 request by Nuon Chea.

23 The Chamber has received a waiver from Nuon Chea, dated 21st May

24 2015, which notes that due to his health -- that is, headache,

25 back pain, he cannot sit or concentrate for long and in order to

2

1 effectively participate in future hearings, he requests to waive
2 his right to participate in and be present at the 21st May 2015
3 hearing. He advises that he has been advised by his counsel that
4 in no this waiver can be construed as a waiver of his right to be
5 tried fairly or to challenge evidence presented or admitted to
6 this Court at any time during this Trial.

7 Having seen the medical report of Nuon Chea by the duty doctor
8 for the Accused at ECCC, dated 21st May 2015, who notes that Nuon
9 Chea's condition remains the same -- that is, he has backache and
10 dizziness when he sits for long and recommends that the Chamber
11 shall grant him his request so that he can follow the proceedings
12 remotely from the holding cell downstairs.

13 [09.10.51]

14 Based on the above information and pursuant to Rule 81.5 of the
15 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
16 follow today's proceedings remotely from the holding cell
17 downstairs via an audio-visual means.

18 The AV Unit personnel are instructed to link the proceedings to
19 the room downstairs so that Nuon Chea can follow the proceedings
20 remotely; that applies for the whole day.

21 The Chamber would like to enquire from the Co-Prosecutors about
22 their position in questioning this witness.

23 MR. FARR:

24 Your Honour, with the Chamber's leave we have one more area that
25 we would like to explore with this witness.

1 [09.11.52]

2 MR. PRESIDENT:

3 The Chamber will allow that; however, the Chamber would like to
4 remind that the questions shall be on the substance of the fact
5 that are being tried and the combined time for the Co-Prosecutors
6 and the Lead Co-Lawyers for civil parties is for one session only
7 this morning. You may now proceed.

8 MR. FARR:

9 Your Honour, I'd understood from the Chamber's ruling yesterday
10 that there was a combined three sessions for the Co-Prosecutors
11 and the civil party Lead Co-Lawyers; did I misunderstand the
12 Chamber's ruling yesterday?

13 [09.12.57]

14 MR. PRESIDENT:

15 That is correct; however, yesterday it seems that the
16 Co-Prosecutors concluded your questions yesterday and that you
17 sought to ask three additional questions and we only received
18 further information via an email after the adjournment of the
19 hearing yesterday. That's why the Chamber grants you the request
20 with the additional time so that the witness who is to continue
21 his testimony today shall conclude it by the end of today's
22 proceedings and that is also due to his poor health. And if it
23 cannot be concluded today, it means that we have to continue
24 doing it tomorrow and that's why the Chamber made such
25 instruction.

1 MR. FARR:

2 Your Honour, may I briefly confer with the civil party Lead
3 Co-Lawyer regarding the split of time?

4 (Short pause)

5 [09.14.27]

6 MS. GUIRAUD:

7 <I'm going to take the floor Mr. President to ask you for a point
8 of clarification.>

9 It was agreed with the Co-Prosecutors that we would have an hour
10 to put questions to the witness. We were basing ourselves on the
11 principle that we would have sufficient time this morning in
12 order for the Co-Prosecutors to be able to put <whatever
13 additional> questions <they wish to put> to the witness <this
14 morning,> and that, as agreed, we would be allotted the time we
15 had envisaged when we talked of sharing <> time with regard to
16 this witness. So, <all in all,> we would need one hour 20
17 minutes, bearing in mind that this is only an approximation, and
18 that it is possible that I and my colleague may need a little
19 less time than that. But in any case, I would <estimate> an hour
20 and 20 minutes to <also> allow the prosecutor to be able to also
21 put questions to the witness.

22 MR. PRESIDENT:

23 Yes, I think the time allocation should be about right for the
24 one morning session; you have about one hour and 10 minutes. So
25 now the Chamber will grant <you another 10 minutes so> a total

5

1 combined time to the Co-Prosecutors and the Lead Co-Lawyers this
2 morning for one hour and 20 minutes and should commence their
3 questioning now.

4 [09.16.08]

5 MR. FARR:

6 Thank you, Mr. President. Is the video link open, can I begin
7 asking questions to the witness?

8 MR. PRESIDENT:

9 Good morning, Mr. Pech Sokha. Are you ready?

10 MR. PECH SOKHA:

11 Yes, I am ready.

12 MR. PRESIDENT:

13 Thank you and we now resume our hearing and you will be
14 questioned again by the Co-Prosecutors.

15 Mr. <International Deputy> Co-Prosecutor, you may proceed.

16 [09.16.50]

17 QUESTIONING BY MR. FARR RESUMES:

18 Thank you, Mr. President.

19 Q. Good morning, Mr. Pech Sokha. I would like to start this
20 morning by asking you about a quote from your OCIJ statement and
21 the page reference is in Khmer, 00389528; in English, 00403009;
22 and in French, 00423244. On that page you were asked - quote:
23 "Did you know about the purge of the Central Zone leaders?"
24 And your answer was - quote: "I did not know, but when I visited
25 my younger sibling who lived with Sreng at the public work office

6

1 at Sector 41, I knew that Sreng had disappeared. At that time
2 Tiang took over. Later on, when I visited my sibling in the
3 second time, Tiang also disappeared. Sreng and Tiang were my
4 father's friends; both of them disappeared in 1977."

5 And earlier in your statement, and as you told us yesterday,
6 Sreng was the Sector 41 committee and he was the one who sent you
7 to study in Phnom Penh and that's in your statement at Khmer,
8 page 00389520 to 21; English, 00403002 to 3003; and French,
9 0042237. So I would like to ask you about this first visit to see
10 your siblings at Sector 41 public works office. Approximately,
11 when did that take place?

12 [09.18.58]

13 MR. PECH SOKHA:

14 A. Regarding this statement that you just read out, indeed it's
15 my statement and that is what I knew at the time. I made a visit
16 to my <younger> sibling in 1978.

17 Q. Are you able tell us how long after you arrived at the 1st
18 January Dam site, your visit to your siblings occurred?

19 A. I visited my younger sibling <> a little bit over a year
20 <after my arrival at the dam>.

21 Q. When you arrived for this visit, how did you learn that Sreng
22 was not there at the public works office anymore?

23 A. Sreng did not work at the public works office; Sreng was the
24 Chairman of Sector 41 committee.

25 Q. And so when you went to visit your siblings, how did you learn

7

1 that he had disappeared, who told you or how did you find out?

2 A. I knew it as my younger sibling told me about that when I
3 asked where Sreng was, I was told that Sreng <had> disappeared
4 and I didn't know where he disappeared to.

5 [09.21.28]

6 Q. And moving on to Tiang, you said he was replaced by Tiang; can
7 you tell us who Tiang was and what his position was?

8 (Technical problem)

9 [09.24.16]

10 MR. PRESIDENT:

11 Again good morning, Mr. Pech Sokha.

12 MR. PECH SOKHA:

13 Yes, good morning, Mr. President.

14 MR. PRESIDENT:

15 There <was> a technical glitch in the interpretation system; it
16 has been solved. And let's resume, and the Deputy Co-Prosecutor,
17 you may resume your questioning.

18 BY MR. FARR:

19 Thank you, Mr. President.

20 Q. Mr. Sokha, in your statement you said Sreng was replaced by
21 Tiang. Does that mean that Tiang became the sector secretary
22 after Sreng?

23 MR. PECH SOKHA:

24 A. After Sreng <had> disappeared, Tiang replaced him in that
25 position.

8

1 [09.25.23]

2 Q. And can you tell us how you found that Tiang disappeared?

3 A. That was towards the end of 1978 when I knew about that and
4 that was when I made my last visit to my younger sibling.

5 Q. And did you ever find out who replaced Tiang as sector
6 secretary?

7 A. I didn't receive any further information.

8 MR. FARR:

9 Mr. President, in the context of this evidence from the witness,
10 I just like to note a few documents for the record. I'm not
11 asking to use them with the witness; I just want to draw the
12 Chamber's attention to them in light of this evidence.

13 The first document is E3/2956. This document is an S-21 prisoner
14 list. The first person on the list is someone with alias Sreng,
15 who is listed as a member of the zone standing committee of the
16 North Zone. Item 56 on the same list is a person with an alias
17 Tiang, listed as the secretary of Sector 31, which we submit is a
18 typographical error for 41. And we would also draw the Chamber's
19 attention to E3/3857 and E3/2797 which are S-21 confessions of
20 Sreng, and E3/2464, which is S-21 confession of Tiang. And for
21 present purposes, we rely on these documents simply to establish
22 that those men ended up in S-21. And Tiang is also mentioned in
23 E3/3861, a list of prisoners from the North Zone smashed on 8th
24 July 1977 and he's at Number 103.

25 [09.27.44]

1 And with the Chamber's leave, I would now like to ask the witness
2 a few brief questions about the statement of his former
3 supervisor, Mr. Ieng Chham. These questions relate to matters
4 that in Mr. Chham's statement relate two things done by his team,
5 things of which this witness should, based on his testimony, have
6 knowledge.

7 BY MR. FARR:

8 Q. Mr. Sokha, I'm now going to read you a few brief excerpts from
9 a statement -- not of your statement -- but from the statement of
10 Ieng Chham, your former supervisor -- and the document number for
11 counsel's reference is E3/5513 -- and Mr. Sokha, I believe the
12 Court officer there with you has a printed copy of this statement
13 and the first question I would like to read is from Answer 53.

14 There, Chham says - quote:

15 [09.29.04]

16 "At first, Sao and I received an order from Ke Pauk to examine a
17 location and survey the 1st January Dam in Sector 42, Baray
18 district. The group leader named Sao (his wife named Sim);
19 unknown if she is alive or dead) was from the Ministry of Public
20 Works."

21 And I will now continue with Answer 58, Chham was asked: "When
22 you conducted the survey, who did you report to?"

23 And he said - quote: "I reported to Sao."

24 And skipping ahead to Answer 83, Chham said - quote: "At that
25 time, my team tried very hard to work to do whatever to finish

10

1 the work set by the upper echelon. When we were not able to
2 complete according to the set plan, we would be in danger. For
3 instance, the front part of the spillway that Sao ordered us to
4 use less cement and iron, it means we needed to use the materials
5 economically (use less) and maintain the quality, but after I
6 tried opening the rear water gate, half of the front part of the
7 spillway was broken; this made my group very frightened because
8 we could be accused that we made technical mistakes."

9 [09.30.47]

10 And in the next question immediately following is: "When did Sao
11 disappear?", and Chham's answer was "I did not know; I did not
12 see him come to examine the construction site like before the
13 problem happened."

14 And finally in Answer 85, Chham said, "After the disappearance of
15 Sao, Ke Pauk appointed me to be in charge of continuing the
16 construction."

17 So Mr. Sokha, do these statements of your former chairman refresh
18 your recollection about this person named Sao who disappeared
19 after the spillway failed?

20 MR. PECH SOKHA:

21 A. For me, the person by the name of <So (phonetic)> is not
22 familiar and I only know Chham.

23 Q. You told us yesterday that you found your experience
24 terrifying, was one of the reasons that you found it terrifying
25 that you feared that you could disappear if you made a mistake in

11

1 your work?

2 A. I do not have anything else to add to what I have stated
3 already.

4 [09.32.36]

5 MR. FARR:

6 Your Honour, just quickly for the record in connection with the
7 individual Sao, just discussed in Chham's statement, I would
8 refer the Chamber to document E3/2166, another S-21 list of
9 prisoners from the Central Zone at item Number 106.

10 MR. PRESIDENT:

11 Deputy Co-Prosecutor, please hold and Counsel Kong Sam Onn, you
12 have the floor.

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. I think the way the Co-Prosecutor makes
15 his observations is not the right time. The time now is to put
16 questions to the witness and he can do that at later stage of the
17 proceedings. Thank you.

18 [09.33.35]

19 MR. FARR:

20 Your Honours, we're just interested in assisting the Chamber in
21 the most efficient way possible. In my experience, it's helpful
22 to have these references in the context when a person has just
23 been discussed. We're happy to make our submissions whenever it
24 would be helpful to the Chamber, it would take less than a minute
25 for me to finish but I defer to the Chamber.

1 MR. PRESIDENT:

2 Yes, you can actually proceed and allow me to stress that you
3 should pronounce the word of the name properly. For example, the
4 person named Sao, not So, and the National Deputy Co-Prosecutor
5 should assist your colleague.

6 [09.34.26]

7 MR. SREA RATTANAK:

8 In fact my colleague meant Sao but he followed the spelling of
9 the Latin word and maybe the interpreter does not refer to the
10 Khmer script on the record, the Khmer script is not Sao but So
11 (phonetic) and yesterday I made a mistake when I said the word
12 "Sao" and not So (phonetic).

13 MR. PRESIDENT:

14 Thank you for the clarification; and indeed Sao <and So
15 (phonetic)> refers to the same individual.
16 Deputy Co-Prosecutor, you may proceed to conclude your
17 questioning.

18 MR. FARR:

19 Thank you, Your Honour, there's just one more document to
20 reference in connection with the person we've just been
21 discussing -- that is, document D43/IV Annex 44, which is an
22 excerpt from the S-21 confession of Yap Yan alias Sao, and again
23 for this purpose we're only relying on the document to establish
24 that he ended up in S-21. And with that, I pass the floor to the
25 Civil Party Lead Co-Lawyers. Thank you, Your Honour.

1 MR. PRESIDENT:

2 <Yes, you may now proceed.>

3 [09.36.10]

4 MS. GUIRAUD:

5 <Thank> you, Mr. President, I'm going to give the floor to my
6 colleague, Ty Srinna.

7 MR. PRESIDENT:

8 Yes, you may now proceed.

9 QUESTIONING BY MS. TY SRINNA:

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

12 Q. Good morning, Mr. Pech Sokha. Do you hear me?

13 MR. PECH SOKHA:

14 A. Yes, I can hear you.

15 [09.36.55]

16 Q. I have a few questions to seek your clarification while you
17 were working in the dam -- that is, the 1st January Dam. Could
18 you tell me where the 1st January Dam <was>?

19 A. The 1st January Dam was located at Stueng Chinit; it was near
20 Kampong Thma <>, it was in the district of Baray.

21 Q. When did the construction start and when did it end?

22 A. I remember that the dam was constructed in 1977 and the
23 construction was not fully completed.

24 Q. Thank you. During that period, who <was> in charge of the
25 construction sites?

14

1 A. I have no idea; I only knew that I was working <in a group of
2 four men>.

3 Q. Thank you very much, Mr. Witness. I would like to ask about
4 the dam construction. I would like to know whether the whole dam
5 was <> to <be constructed> anyway or one part of the dam <at a
6 time> was asked to be constructed.

7 A. I do not have the details in relation to the construction of
8 the dam and for me I was involved in measuring the land. I was in
9 this assignment until the time that I was asked to stop working,
10 and as for the overall construction of the dam, I have no idea.

11 [09.39.27]

12 Q. Thank you. I would like to ask you <questions> in relation to
13 your task as a surveyor. As a surveyor at the dam site, were you
14 assigned to survey the land from the construction site <> to the
15 end of the construction site?

16 A. Actually I was asked to measure the land or survey the land on
17 a daily basis. <It was not a one-day task. I carried out my task
18 from the beginning of the dam towards the end of the dam.>

19 Q. So does this mean that while you were working as a surveyor,
20 you were surveying the land on the whole dam <from one end of the
21 dam through to the other end of the dam>; is that correct?

22 A. Actually we were shown with the plan and we implemented our
23 work according to the plan.

24 Q. Thank you. I would like to seek your clarification on this
25 matter.

1 While you were working as a surveyor, you received a plan to
2 survey the land, how long did it take to complete your survey of
3 the land?

4 A. Actually we had to do the work constantly and <only> when the
5 construction stopped <could> we <stop surveying> the land.

6 [09.41.20]

7 Q. Thank you very much. Where did you survey the land?

8 A. We started surveying the land first at Stueng Chinit and then
9 the work and the survey of the land continued <through to the
10 other end of the dam. And we had to go back and forth from one
11 end to the other end of the dam.>

12 Q. Thank you. In relation to the technical aspect of your work,
13 so which part of the dam was the most important part that you had
14 to do the survey?

15 A. I really do not get your question, Counsel.

16 Q. Actually, in the whole dam perhaps there was one portion of
17 the construction site which was important. <So which part of the
18 dam was considered the most crucial?>

19 A. Actually, the <main> reservoir was the <most> important aspect
20 of the dam <where its structure was made of concrete>; it was
21 <the main area where the water was stored; however, that was not
22 our area of responsibility>.

23 Q. Thank you, I would like to move on. <So where was the main>
24 reservoir <>?

25 A. The reservoir was at Stueng Chinit.

16

1 [09.43.25]

2 Q. Thank you.

3 MR. PRESIDENT:

4 You may proceed, Ms. Anta Guisse.

5 MS. GUISSÉ:

6 <Pardon me.> Good morning. I have the same remark as yesterday. I
7 think there is not enough space between the question and the
8 answer, because in French, we lost a part of the previous answer,
9 so if you could please make a <longer> pause so that <a full>
10 translation <may be conveyed>. Thank you.

11 BY MS. TY SRINNA:

12 Thank you, I will slow down in my line of questioning.

13 Q. Mr. Sokha, I would like to continue my line of questioning in
14 relation to the time that you first started your work. When you
15 started your work, were you asked -- were you and your group
16 asked to do the survey at the reservoir or where were you asked
17 to do your survey? <Where did you exactly start working at the
18 dam?>

19 MR. PECH SOKHA:

20 A. As I told you earlier, we started surveying the land at the
21 major part of the dam and then we continued our survey based on
22 the plan.

23 [09.45.15]

24 Q. Thank you. I would like to <know whether there were already
25 workers at the dam by the time you arrived as a surveyor.>

17

1 A. When I was first assigned to do the survey - actually, there
2 were marks at the dam site, and I could not see any workers
3 there.

4 Q. Thank you. Until when did you see workers at the dam site? Do
5 you recall it?

6 A. I do not recall the date, but workers were <> at the dam in
7 1977. <I just arrived there a bit before they did>.

8 Q. Based on your observation, when you did the survey at the
9 <main> reservoir, how many workers were there <at the initial
10 stage>? Were there many workers <already> at that dam site, or
11 were there only a few workers when you first started surveying
12 the land? Could you tell the Court about this?

13 A. I do not have a full <grasp of the situation> because I know
14 that there were many workers. As I told the Chamber yesterday, in
15 the inauguration ceremony I could hear the announcement of the
16 number of workers at the dam site. But I did not see them all
17 there at the same time <as, I did not work at one fixed
18 location.>

19 [09.47.56]

20 Q. Thank you. I would like to move on. You stated that you were a
21 mobile surveyor. You did not stay in one particular place to do
22 your work. When you were walking and doing your survey, what
23 <were> the <locations> that you conducted your survey? And how
24 long did <you spend at each location before moving to> another
25 <location> to do the survey?

1 A. Actually, we had to change our place to stay, so we had to
2 move around. <We had to move from one location to another, every>
3 10 kilometres<. And I had to move around within this distance. We
4 actually stayed four to five days at one spot.> So, I had to move
5 from one place to another. I could not stay in one particular
6 place.

7 Q. So I have a follow-up question. Do you recall the name of the
8 places where you conducted your survey?

9 A. I do not remember; I do not know the <geography of the area>.
10 [09.49.30]

11 Q. I would like to know about <> workers who <were> in <those>
12 particular <locations you stayed>. You stated that you would stay
13 in one particular place to conduct your survey for five days.
14 Based on your observation, what was the working condition of
15 <those> workers? Were workers active?

16 A. From what I saw, I could see them working. I do not know
17 whether they were active or not.

18 Q. Thank you. Based on your observation, what about the physical
19 appearance of the workers? What was it like?

20 A. Based on my own observation, I could see that they were in
21 normal shape.

22 Q. Could you clarify this for the Court? You stated that the
23 workers -- their physical appearance was in their normal shape. I
24 would like to know, were they healthy? Were they fat or skinny?

25 A. When I said they were in normal shape, I mean that they could

1 do their work as normal, and I did not see any of them collapse.

2 [09.51.45]

3 Q. Thank you. I would like to move back to the reservoir location
4 where you were asked to do your survey. When you first started
5 surveying the land at the reservoir, do you recall that many
6 people were working there? And how many people were working at
7 the reservoir, from your observation?

8 A. As for the number of workers there, I really have no idea. But
9 I could see there were many workers at the reservoir.

10 Q. What about the working condition at the reservoir, as you
11 stated? What was the working condition like at the reservoir
12 sites?

13 A. I do not have the full detail because the work there was
14 different from that in my place.

15 Q. Thank you. I would like to seek your clarification on one
16 point. Based on your own observation, I would like to know about
17 the workers at the 1st January Dam site. Were they volunteers? Or
18 were they forced to work at that dam site?

19 A. It's beyond my understanding. It's far beyond my
20 understanding. I do not know.

21 [09.53.35]

22 Q. Thank you. I would like to move to the topic of people's
23 freedom and liberty. I would like to know, while the people were
24 working at the 1st January Dam, did they have their freedom of
25 expression? Could they communicate with each other? Could they

1 express their views in relation to the work that they were doing?

2 So, once again, do they -- did they have freedom of expression

3 while they were working?

4 A. I do not know whether they had full liberty to express

5 themselves. And I was not the one to observe their way of

6 speaking or communicating.

7 Q. Thank you very much. What about you, Mr. Witness? Did you have

8 the right to communicate? Did you have freedom of expression when

9 you were working? Can you express -- could you express your views

10 in relation to the work or the job that you were doing? Did you

11 have rights to denounce the work plan?

12 A. For me, I <> never thought of the freedom of expression. I was

13 focusing on my work -- that is, surveying the land, the technical

14 aspect of my work.

15 [09.55.27]

16 Q. Thank you. You were a technician. Once again, did you have

17 freedom of expression to share your views in relation to your

18 technical aspect?

19 A. Among the four of us, we discussed about the plan and we

20 discussed -- on <what> particular day, we had to do the survey at

21 <which> particular place, and the group chief discussed with us

22 that we had to do the work in accordance with the plan. <That was

23 the extent of discussion we had.>

24 Q. Thank you. After your discussion <within> your group to

25 implement the plan according to what you were asked to do, were

21

1 you the one who told other members in your group, or was it
2 anyone else who was in charge of this?

3 A. I don't mean that <any of my group> gave an order to <anyone>.
4 We discussed among ourselves. When the mark or the poles fell
5 down, we needed to install it back, so we discussed how to do our
6 work well.

7 [09.57.20]

8 Q. Thank you. I would like to focus on the freedom of movement.
9 Could you tell the Court whether or not workers <at> the dam site
10 had freedom of movement? And did they have rights to request to
11 move to another place to work?

12 A. I have no idea.

13 Q. I would like to move back to the working conditions of
14 workers. What were the job differences between male and female
15 workers?

16 A. I really have no idea about this matter.

17 Q. Thank you. I have a question in relation to your own
18 observation. From your own observation, did female and male
19 workers work together? Or were they <instructed to work
20 separately>?

21 [09.58.57]

22 MR. PRESIDENT:

23 Mr. Pech Sokha, please give your response.

24 MR. PECH SOKHA:

25 Mr. President, I do not really get the question.

1 MR. PRESIDENT:

2 Counsel, please repeat your last question.

3 BY MS. TY SRINNA:

4 Q. Based on your observation, in relation to female and male
5 workers, were they allowed to work together? Or <did> they <work
6 separately at the main reservoir>? I would like to know your
7 observations, based on what I have just asked you.

8 MR. PECH SOKHA:

9 A. From my own observation, they were working together.

10 [10.00.11]

11 Q. And also based on your own observation, what kind of jobs and
12 work were female workers <asked> to do? Do you recall it?

13 A. I do not know. I could only see that people -- male and female
14 workers -- had the same work to do. They were carrying earth.

15 Q. Thank you. And while the dam was being constructed, <were>
16 there <> militiamen or <guards watching over workers> at the
17 worksite?

18 A. It seems that I did not see any guards who were watching over
19 the workers.

20 Q. I'd like to ask you <questions> in relation to <pagodas. Were>
21 there any <pagodas> nearby the dam construction site?

22 A. At the location where I worked, there was no pagoda, nor any
23 nearby village.

24 Q. What about the area near Chinit River? Did you see any pagoda
25 nearby the Chinit River?

1 A. I never reached any pagoda nearby that area, as mostly we
2 stayed at the worksite.

3 [10.02.22]

4 Q. And during the period that you worked at the dam worksite, did
5 you know or hear about <the> searching for the enemies, or the
6 KGB spies or agents?

7 A. No, I did not.

8 MS. TY SRINNA:

9 Thank you, and thank you, Mr. President. I'd like to hand the
10 floor over to Madam Guiraud, my international colleague.

11 MR. PRESIDENT:

12 Yes, International <Lead Co-lawyer> for civil parties, you have
13 the floor.

14 [10.02.54]

15 QUESTIONING BY MS. GUIRAUD:

16 Thank you, Mr. President.

17 Q. Good morning, <Mr.> Witness. Thank you for being willing to
18 answer <my> questions. My name is Marie Guiraud, and I am
19 International Counsel representing the interests of the
20 <collective> of <victims who have constituted themselves as>
21 civil parties in this case. And I <> have some questions to put
22 to you regarding <what you> experienced <> when you worked on the
23 1st January Dam worksite. For a start, I would like you to react
24 to one of the answers you gave to investigators when you were
25 <interviewed> in October 2009. And I'm referring to document

1 E3/403, ERN in French, 00422238; <> ERN <in> Khmer<,> 00389522;
2 and <ERN in> English, ERN 00403004.

3 <Mr.> Witness, when the question was put to you regarding <how
4 many years> the <construction of the> dam <was meant to take>,
5 your answer was, <and I quote>: "<Regarding the plan,> the upper
6 echelon <set a target of> one year to complete this plan, but it
7 was not completed according to the <deadline>." I would therefore
8 like to ask you, <Mr.> Witness, whether you can tell us a bit
9 more as to whether the <project> took more time than envisaged or
10 less time than planned.

11 A. I stand by the statement that I made previously, including the
12 time, and that we did not -- that the dam was not completed
13 according to the plan.

14 [10.05.45]

15 Q. Thank you. Can you be more specific? Did the construction take
16 more time than envisaged -- that is, <more than> one year <set
17 out>, or <did it take> less time?

18 A. As I said, the dam construction was not completed according to
19 the plan. It took more time <> for the dam construction to
20 complete.

21 Q. When you were a surveyor on the worksite, did you feel you
22 were under <any sort of> pressure to complete the work in time,
23 and to respect the <plan and the> one-year deadline <>?

24 A. I think there was no pressure upon us <when it was not
25 completed> as we continued doing our work <>.

1 Q. Did that presuppose that you had to work more, and therefore
2 <that your work schedule entailed> longer hours in order to meet
3 the deadline <that had been fixed>?

4 A. Yes, that is true, as we had to continue doing our work.

5 [10.07.50]

6 Q. Thank you. Another witness who testified just before you <was
7 the head of a unit at the 1st January Dam>. That person was the
8 chief of <the village of> Prey Srangae, <> and it was very close
9 to the 1st January Dam. And <during his hearing> that witness
10 <stated that> he witnessed a landslide on the worksite of the
11 dam, which caused the deaths of three <workers in> his unit. Did
12 you witness this <type of workplace accident>, and the landslide
13 that occurred while you were working at the dam worksite?

14 A. No, I was not aware of any soil collapse, as I did not stay at
15 one place.

16 Q. Thank you. <Mr.> Witness, I would like you to react to a
17 statement by a civil party, and it is by a victim who expressed a
18 wish to participate in this trial. That person was a member of a
19 mobile unit at the 1st January Dam's <reservoir>. I am referring
20 to document E3/5120, and the ERNs are as follows: in French, it
21 is 00940161; Khmer, ERN 00584860; and English, ERN 00937096. And
22 I will read out to you a passage from that person's statement,
23 and I would like you to react to it if you can. That person was a
24 member of the mobile unit <on the bank of the reservoir>, and
25 this is what she stated:

1 [10.10.25]

2 "I witnessed the collapse of the dam when we had attained close
3 to 10 metres in depth. In spite of that, we were ordered to
4 continue digging <out> the <soil for the dam, inside of which>
5 there were hundreds of people working <> at the time. It would
6 appear that <by that point> the concrete had not hardened enough
7 to support the water pressure, which caused the dam to collapse,
8 causing several deaths. People in my group were working on the
9 bank of that reservoir. <I escaped by running out of the way; I
10 cried and I was very frightened>. They told me not to <report
11 this incident>. During the <construction of the dam>, the Khmer
12 Rouge said that, since there were <a large number of> people, <it
13 was best for some to die so as> to <have more free space>." End
14 of quote.

15 <Mr.> Witness, I would like to know whether you heard of that
16 problem, whether you heard of that defect <with> the dam. Is that
17 something you were aware of at the time?

18 A. Thank you for that statement. Personally, although I try to
19 recall, I did not know about that event, or it might have
20 happened when I was not there, or maybe I was away from that
21 event. <I am not trying to evade your question. Genuinely, I was
22 not aware of this.>

23 Q. Thank you. Do you recall whether <there were> any other
24 problems, including defects, in the <construction of the> dam,<>?
25 Is that something that might ring a bell to you? Or <not> at all?

1 A. In relation to the cement <or concrete structure of> the
2 <main> reservoir, my team did not have anything to do with that.
3 Our team was to survey the area, the land, and to put the post
4 markers on the spots.

5 [10.12.58]

6 Q. Thank you. I will quote another passage from your <> record of
7 <> interview before the Co-Investigating Judges in October 2009.
8 It is still document E3/403, and I am referring to page, in
9 French, 00422242; and the ERN in English is 00403007; and the ERN
10 in Khmer is 00389525. I will read the question that was put to
11 you at the time, and the answer you gave to it, and then I will
12 put some follow-up questions regarding what you said at the time.
13 The question that was put to you was as follows: "Did you see the
14 security guards or <secret agents spend their time inspecting>
15 the workplace?"

16 And your answer at the time was as follows: "There were no
17 <secret agents present>."

18 And this is what you confirmed when my colleague put questions to
19 you a while ago. "There were only <> zone soldiers, but there
20 were not many. They patrolled <> the construction site, <for
21 fear> that the enemy would <come to> destroy the <work already
22 completed>. They <never> disturbed us. <They didn't even fire> a
23 gunshot <to make noise -- bang, bang. What's more,> I never saw
24 <them shoot anybody.>"

25 [10.14.49]

1 In this response, <Mr.> Witness, you said that there were <zone>
2 soldiers on the worksite <>. Can you tell us how you were able to
3 tell at the time that these were <zone> soldiers <>?

4 A. I knew it because I heard other people saying that those
5 soldiers came from the zone level.

6 Q. When you state that they <patrolled> the worksite, can you be
7 more precise? What were they doing precisely?

8 A. I cannot tell you the details of their patrol. I only saw them
9 walking on foot. It looked like they were guarding the workers,
10 and that's all I can say.

11 Q. Thank you. You state in your answer that they were armed, but
12 <that> they never <fired> their weapons <to make noise>. Can you
13 tell us what kind of weapons those soldiers, attached to the
14 zone, were carrying?

15 A. From what I saw at the time, and the only thing I know, is
16 that they were holding the AK-47 rifles.

17 [10.16.49]

18 Q. Thank you. In the answer you gave to the investigators, you
19 indicated that those soldiers were patrolling the area because
20 they were afraid that the enemy would come and destroy the work
21 that had already been done. <I would like to know:> What do you
22 understand by the term "enemy"? According to you, who were the
23 enemies <at that time that> the soldiers <were keeping watch
24 for>?

25 A. We only heard about the use of the word "enemy" from one

1 another, and that we were told that they were on patrol in order
2 to be vigilant of the enemy. <I had no idea of who those enemies
3 were.>

4 MR. PRESIDENT:

5 Thank you. The time is convenient for a short break. We'll take a
6 break now, and return at 25 to 11.00.

7 And Mr. Pech Sokha, you'll take a short break, and you may rest
8 as well. And we will resume at 25 to 11.00.

9 The Court is now in recess.

10 (Court recesses from 1018H to 1038H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Court is now back in session and the floor is given to the
14 Lead <Co-Lawyers> for civil <parties>. You may now proceed.

15 Again, good morning, Mr. Witness. Are you ready?

16 Good morning, Mr. Pech Sokha, once again.

17 MR. PECH SOKHA:

18 Good morning, Mr. President.

19 MR. PRESIDENT:

20 Are you ready?

21 Good morning once again, Mr. Pech Sokha.

22 (No interpretation)

23 [10.41.26]

24 MR. PRESIDENT:

25 Once again, good morning, Mr. Pech Sokha.

1 MR. PECH SOKHA:

2 Good morning, once again, Mr. President.

3 MR. PRESIDENT:

4 Now we resume our hearing. And the floor is given to the Lead

5 <Co-Lawyers> for civil <parties>.

6 [10.41.53]

7 BY MS. GUIRAUD:

8 Thank you, Mr. President. Good morning one more time, <Mr.>

9 Witness. This is Marie Guiraud again, <from the other side of the
10 screen>.

11 Q. I have a few brief questions to put to you. We were speaking

12 about the presence of zone soldiers <armed> with AK-47s who were

13 patrolling the worksite. And you <told us> right before the break

14 <what your> notion of enemy <was>. And I asked you the question,

15 what <did that> mean for you <at that time,> to be an enemy? <>

16 And I wanted to have you react to what the witness before you had

17 said. He was unit chief on the dam when you were there. And the

18 Co-Prosecutor asked him a question which I'm going to read out,

19 and I'm going to also read out his answer, and I would like to

20 know what you think of <it>. And this is at 11.30 yesterday

21 morning. So the Co-Prosecutor put the following question: "I

22 wanted to get back to this topic of enemies. Could we call people

23 who did not reach the quota or who did not cart enough dirt, for

24 example, <an enemy>?" And the previous witness who was unit chief

25 on the worksite -- so he did not have the same duties as you --

1 he said that: "Based on what people would say, we would consider
2 these people <to be> enemies who had infiltrated. And these were
3 people who would obstruct <> progress <or advancement>." So back
4 then, Witness, did you also hear these reasons? Did you <> hear
5 <> that enemies were people who would obstruct <> progress <or
6 advancement>?

7 [10.43.58]

8 MR. PECH SOKHA:

9 A. The word "enemies", in my opinion, I heard people saying about
10 enemies. And for what categories of enemy there were in that
11 area, I cannot give any description.

12 Q. And when you speak about categories of enemies, what do you
13 mean by that?

14 A. When I am referring to categories of enemies, I do not know
15 what other witnesses said about enemies, and I do not know how
16 many categories of enemy were there at that site. I really do not
17 know <as to whom they were referring to. I just heard the term
18 "enemy".>

19 Q. Thank you, <Mr.> Witness. What's important for us today is
20 what you are saying, not necessarily what the previous witnesses
21 said. So <I am interested in> what you said and what you saw back
22 then. So <don't hesitate> to tell us spontaneously what you
23 remember. So, <as far as you are concerned, were> the two people
24 in your unit, who disappeared and whom you spoke about this
25 morning, considered enemies <at the time>?

1 A. I do not know. What I know is that they disappeared. I do not
2 know what happened to them.

3 [10.45.49]

4 Q. What is the conclusion you drew back then following the
5 disappearance of your two <friends --> colleagues?

6 MR. PRESIDENT:

7 You do not need to give your response to the question put to you,
8 Mr. Witness. Such question should not be asked. You cannot ask a
9 witness to give any conclusion because this witness is not an
10 expert witness.

11 MS. GUIRAUD:

12 I will not insist upon this, <Mr. President>. But with all due
13 respect, we can put questions to the witness about what they
14 experienced, and that's <exactly> what I was trying to do. I was
15 trying to <put a question about the> witness' <feelings, his>
16 experience back then. But I will stop then. <Because --> I will
17 <> defer to your wisdom, but I believe that this question is
18 perfectly in line with the questions that are permitted before
19 this Chamber.

20 [10.47.02]

21 BY MS. GUIRAUD:

22 Q. <Mr.> Witness, I'm going to move on. So you said to my
23 colleague a little earlier that the workers <onsite seemed all>
24 to be in perfectly normal shape. And you said something a bit
25 different to the investigators because you said, and I will refer

1 <here to>-- French, ERN 00422239; English, <ERN> 00403005; and
2 Khmer, <ERN> 00389523; and you indicated, when the question about
3 their health was put to you, that <they were not in a healthy
4 state;> the people's health was <poor>. And then you explained
5 that there were medics at the site, and that there was <> an
6 infirmary. So <> what can you tell us today about these remarks
7 <that you> made back then? Do you confirm that the workers were
8 not in good health?

9 MR. PECH SOKHA:

10 A. As to this question, I gave my statement yesterday already. I
11 said that workers were in normal shape. And I responded to the
12 question what working condition of people when they were carrying
13 earth. And I believe I gave my response already. As for people
14 who were seriously sick, they were sent <away>. And for workers
15 at the site, I could consider that they were in normal shape.

16 [10.49.10]

17 Q. Thank you, <Mr.> Witness. I simply wanted you to note that
18 your answer in 2009 was quite different from what you said
19 yesterday. And you noted that the workers were not in very good
20 health. But I will stop here.

21 I have a last question for you. You were already questioned about
22 the hygiene conditions on the worksite. And the witness before
23 you told us that there was a particularly high number of flies on
24 the worksite <which appeared to be> connected <> to a lack of
25 sanitation. Is this something that you also noted?

1 A. I agreed to what was said by that witness. I <experienced> the
2 same <thing>.

3 Q. The witness told us that this was a serious problem. And it
4 was a particular problem when people were eating. So concretely
5 speaking, how many flies were there, and what kind of discomfort
6 would this cause? When I say how many, I'm not asking for a
7 precise figure <Mr. Witness>, but can you give us an idea.
8 Because when I read the different accounts, <it turns out that>
9 this issue <is> particularly pressing on this <particular>
10 worksite, so I would like to hear your remarks about this.

11 A. In relation to flies, there were many, many flies. I could not
12 give you the figure. There were many workers. And at that time,
13 it was the dry season, so there were many, many flies.

14 MS. GUIRAUD:

15 Well, I will stop at that. <Mr.> Witness, thank you for answering
16 my questions.

17 Thank you, Mr. President. I am done with my examination.

18 [10.51.43]

19 MR. PRESIDENT:

20 Now the floor is given to the defence counsels for the Accused.

21 And the floor is first given to the defence counsel for Mr. Nuon

22 Chea to put their <questions> to this witness, Mr. Pech Sokha.

23 You may now proceed.

24 QUESTIONING BY MR. KOPPE:

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

1 morning, Counsel. Good morning, Mr. Witness.

2 Q. I have a few questions to you. I don't think very many. I
3 would like to start with you by going back to something you said
4 yesterday about your education. When you went to the school in
5 Ruessei Keo in Phnom Penh and when you were speaking yesterday
6 about around 100 students who were in your class, I was wondering
7 whether you know whether before your class that lasted for six
8 months, there was also another class, another year of students.
9 Or was your class the first class at that school? Would you -- do
10 you know?

11 [10.53.13]

12 MR. PECH SOKHA:

13 A. In relation to my education at that place, I would like to
14 inform the Court that before I was sent to school there, I <had>
15 no idea whether or not there had been a course before the time
16 that I was there. <I just knew the one that I attended.>

17 Q. Very well, thank you. In your statement to the investigators,
18 Mr. Witness, on the very first question -- that is, English, ERN
19 00403002; Khmer, 00389520; and French, 00422236; you said -- and
20 I quote: "They had many fields of study: public work, car
21 repairing, lath machine, agriculture, irrigation,
22 hydroelectricity, and the iron". And then you said, "I was
23 interested in the irrigation and hydroelectricity". Do you
24 remember why at the time you were particularly interested in that
25 subject?

1 A. As for my interest in the subject, because the field of
2 irrigation and hydroelectricity are of my interest, <because the
3 subject sounded weird,> that is why I decided to take that field.

4 [10.55.10]

5 Q. I understand that and I realise it's a long time ago. But do
6 you remember why that particular field was of so much interest to
7 you?

8 A. I cannot give any further elaboration on this field. To me, I
9 am very interested in the irrigation and hydroelectricity. <The
10 course title sounded weird; that> is why I decided to take the
11 course. <I just wanted to find out what would one study in this
12 course.> That's what I can explain.

13 Q. Do you remember that in 1976 the country was hit by a drought?

14 A. I could not remember it.

15 Q. When you finished your six months study in Phnom Penh in the
16 field of irrigation and hydroelectricity, do you remember whether
17 you were happy to start working at one of the dam constructions
18 in the country? Or you don't remember that?

19 [10.57.01]

20 A. During that time, <it had nothing to do with the issue of
21 willingness. One had to follow whatever the> Angkar assigned
22 <him> to do <>.

23 Q. Let me now take you to the actual work at the dam site, Mr.
24 Witness. Do you recall what -- if any -- machinery used at the
25 dam site?

1 A. I could remember it. We saw <units of heavy> machinery
2 <including bulldozers and> excavators.

3 Q. Do you recall at the time at the worksite how many of these
4 bulldozers and excavators were in operation?

5 A. I cannot recall the number because I was not the one who was
6 in charge <of> the machinery.

7 Q. In your statement to the investigators -- English, 00403004;
8 French, 0042238; and Khmer, 00389523 -- you said that excavators
9 and machineries were used to dig up rock. And a little further,
10 you also indicate that gunpowder was used to break the rock. Is
11 that a fair description of the reason of use of these machines
12 and the gunpowder?

13 A. As I stated earlier, nothing else was there <besides> the
14 things that I described yesterday.

15 [10.59.55]

16 Q. But is it correct that when at the site rocky bottom was
17 located, that it was the machines that were used to work over
18 there or explosives rather than human forces?

19 A. I stated yesterday that's what I could see. Whether <it was>
20 correct <or not regarding what was stated, I am not an expert in
21 the field>.

22 Q. I understand. Mr. Witness, yesterday you spoke about your
23 three direct colleagues. Do you know whether there were any other
24 technicians or engineers working at the dam site?

25 A. I don't understand your question.

1 Q. You were a surveyor; you were working in a team of four
2 people, so I just referred to you as a technician or an engineer.
3 Do you know if there were other people like you working at the
4 worksite, supervising the work at the dam?

5 A. I knew only that there was a group of four technicians. I
6 didn't know whether there were other groups.

7 [11.01.47]

8 Q. Thank you. Now Mr. Witness, you also testified yesterday and
9 before the investigators that people who were working at the
10 worksite were asked or requested or instructed to carry around
11 two cubic metres per person of soil. Do you know on which
12 calculation it was based on at the time that people had to on
13 average carry two cubic metres of soil per person?

14 A. I learned of that information through the announcement over
15 the loudspeaker and I did not know if each worker could complete
16 that work quota of two cubic metres of soil per day.

17 Q. But do you have any knowledge, maybe from your studies in the
18 school in Phnom Penh, why it was two cubic metres on average per
19 person and not for instance one and a half, or two and a half
20 cubic metres per person? Why was it calculated that an average
21 person could carry two cubic metres of soil per person?

22 A. I cannot respond to that question since I do not know about
23 it.

24 [11.03.53]

25 Q. Very well, thank you. Do you know, maybe also based on your

1 studies or on your conversations with your colleagues, why it was
2 that approximately 20,000 people of labour force were needed at
3 the construction of the dam? Why it was, why 20,000, why for
4 instance not 25,000, or 15,000? Do you have any idea as to the
5 reasons for this particular number of people?

6 A. No, I don't have that knowledge. As for <> the reasons, I had
7 no idea and I heard about the total numbers through the
8 announcement over the loudspeaker.

9 Q. Thank you for that answer, Mr. Witness. Now I have some follow
10 up questions in relation to working conditions at the dam site. I
11 noted down a few of your answers that you gave yesterday, and
12 also before the investigators. You said that people worked mostly
13 during the daytime; once in a while you said they were asked to
14 strive to work hard. Before the investigators you said that they
15 could take a rest once finished in digging and carrying the soil
16 early, and that within various periods of the day they had a
17 15-minute break. Did I, in general terms, summarise correctly
18 what you said in relation to working times and conditions?

19 A. I am sorry but I don't get your question.

20 [11.06.10]

21 Q. I just gave you a few quotes from your own testimony, both
22 yesterday and before the investigators, and my question simply
23 was whether I adequately summed up what you said in terms of
24 working hours at the worksite. I'd be happy to repeat them for
25 you. You said that the workers worked mostly daytime, that once

40

1 in a while they were asked to strive to work hard, that they
2 could take a rest once they finished digging and carrying early,
3 and that every part of the day they had a 15-minute break. Is
4 that a fair summary of the working times?

5 MR. FARR:

6 Your Honour, Mr. President, before the witness answers, I simply
7 don't see the point of this question. Counsel is purporting to
8 summarise evidence that he says is on the record. These are not
9 direct quotes, they are paraphrases. The evidence is already on
10 the record. There's no reason to repeat it in this way and get
11 the witness to adopt counsel's summary of the witness's testimony
12 when we have the witness's testimony before us.

13 [11.07.32]

14 MR. KOPPE:

15 I think I'm at liberty to ask the questions that I think I should
16 ask. All of the four quotes that I gave were literal quotes, both
17 from the testimony and his written statement, so I think I should
18 be able to ask whether this is a fair summary of what he has
19 said, what he has testified so far on working hours.

20 MR. FARR:

21 Your Honour, if they are literal quotes then the question is even
22 more pointless. The evidence is already on the record. He is
23 asking the witness essentially, what is the evidence on the
24 record? There's no reason to do that. And if the quotes are not
25 accurate then it leads to an introduced contradiction.

1 (Judges deliberate)

2 [11.10.15]

3 JUDGE FENZ:

4 Counsel, before we make a decision, is the objective of this
5 summary of yours to lay the foundation for further related
6 questions? Or is it summarizing for summarizing sake?

7 BY MR. KOPPE:

8 I'll move on, Your Honour.

9 Q. Mr. Witness, I would like to ask you some specific questions
10 in relation to working times. In your statement to the
11 investigators, English, page 00403006; in French, 00422241; and
12 Khmer, 00389524; you said that the working times at the dam site
13 were from 7.00 a.m. to 11. 00 a.m. in the morning; and in the
14 afternoon, from 2.00 p.m. to 5.00 p.m. During the working hours,
15 you said the workers were allowed to have a 15-minute break and
16 at night the work started from 6.30 p.m. to 10.00 p.m. I will get
17 back to the question on the night-time later but I have a
18 question to you. Do you know why people didn't work between 11.00
19 and 2.00 p.m.?

20 MR. PECH SOKHA:

21 A. I don't know the reason; however, we were allowed to rest
22 during that period.

23 [11.12.15]

24 Q. Do you know whether these three hours of rest during the day
25 between 11 .00 and 2.00 p.m. had something to do with that period

1 in time being the hottest time of the day?

2 A. Yes, during the day that was the hottest period.

3 [11.12.51]

4 Q. Have you ever heard at the time that that was the reason to
5 allow all 20,000 workers a break of three hours?

6 A. No, I don't. I simply knew that was the period that we were
7 allowed to rest.

8 Q. This 15-minute break that you spoke about in your written
9 statement, was this 15-minute break coming every day at around
10 the same time, and if yes, was it announced over the complete
11 work site at the time? What do you remember about these 15-minute
12 breaks during working hours?

13 A. I recall that for each morning and afternoon session and about
14 -- in the middle of the combined time for each session the
15 workers were allowed to have that short break.

16 [11.14.10]

17 Q. And do you remember whether that was centrally announced,
18 maybe through loudspeakers, that all workers at the same time sat
19 down to have their 15-minute breaks in the various points in the
20 day?

21 A. Yes, the announcement was made through the loudspeaker -- that
22 is, the time to have a rest and the time to resume the work.

23 Q. And did the loudspeaker announce also the beginning of the
24 three-hour break around lunchtime and the end of that three-hour
25 break? Was that also centrally announced through the

1 loudspeakers?

2 A. Yes.

3 [11.15.18]

4 Q. Did you ever see anybody instructed or ordered to work during
5 these three hours of break, respectively these 15-minute breaks?

6 A. I didn't try to make that observation.

7 Q. Then working at night-time, I have an additional follow up
8 question on this. You said that people worked at night as well,
9 as I understood not always and not regularly. Following up on
10 that observation, have you ever heard of an announcement which
11 was also related in a "Revolutionary Flag" magazine of 1977 in
12 relation to the benefits and the disadvantages of working at
13 night-time?

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

15 Q. Allow me, Mr. Witness, to read a very small excerpt from a
16 "Revolutionary Flag" to you, and it's, Mr. President, document
17 E3/170, English, ERN 00182578; French, 00665429; and Khmer,
18 00064792. And on that particular page of this "Revolutionary
19 Flag", I read the following:

20 "Our past has experienced the being that the profitable aspects
21 of night work are small, whereas there are a lot of costly
22 aspects: 1) Adverse effect on health; 2) Expenditure of
23 electricity; 3) But the biggest losses are political and
24 ideological."

25 Have you ever heard at the time any remarks from your superiors

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1 or others, that working at night, according to the "Revolutionary
2 Flag" or the CPK, had adverse effects on the health of the
3 people?

4 [11.18.27]

5 A. No, I did not hear about that statement.

6 Q. What about the availability of electricity at the dam site?

7 What do you remember about the possibility of having electricity
8 for the night-time?

9 A. I recall that at night-time there was electricity for <>
10 lighting purposes. <However, I do not remember whether the
11 electricity supply was regular.>

12 Q. Very well. My last question in relation to workforce et cetera
13 is: Do you know whether within the group of 20,000 workers, there
14 was also a rotation of work forces? That -- workforces who were
15 there were at one point replaced by other work forces? In other
16 words, the 20,000 people or so, who were working during a period
17 of six months or longer, were not always the same? Do you have
18 any knowledge about that?

19 [11.20.06]

20 MR. PRESIDENT:

21 Mr. Witness, please hold on. Mr. Pech Sokha, please hold on, and
22 the counsel for the civil parties, you have the floor.

23 MS. TY SRINNA:

24 Thank you, Mr. President. I'd like to make my objection to this
25 question. Defence Counsel Koppe put a question to the witness by

1 quoting the number of around 20,000 workers. Yesterday, and also
2 this morning, the witness confirmed that he does not know about
3 the totality of the workers at the worksite and that he knows
4 only about his own group. <Thus, the Defence Counsel may need to
5 rephrase his question.> And that is the base for my objection.

6 Thank you.

7 MR. KOPPE:

8 I think, and I don't think we dispute that there were
9 approximately 20,000 workers, and I believe even this witness
10 testified to the proximity of that number. So I think I would be
11 able to ask that question.

12 [11.21.29]

13 MR. PRESIDENT:

14 The objection by the lawyer for civil parties is overruled and
15 the witness can respond to that. The nature of the work of the
16 witness was <to survey the worksite> from the beginning of the
17 dam construction worksite to the end of the length of the dam, so
18 it is appropriate for the witness to respond to that question.
19 And please, Mr. Witness, respond to the last question put to you
20 by the defence counsel.

21 MR. PECH SOKHA:

22 A. On the issue of the rotation of work forces, I have no
23 knowledge about it. <I was not involved in the said task.>

24 BY MR. KOPPE:

25 Q. Very well; thank you, Mr. Witness. Now I would like to move on

1 to a question on the medical situation -- health situation, but
2 particularly yours. Did you yourself at the time that you worked
3 at the dam site ever experienced illness, for instance in the
4 form of having diarrhoea, having fever et cetera? And if yes, do
5 you remember whether you were provided medicine and whether you
6 subsequently were cured of your sickness?

7 [11.22.59]

8 MR. PECH SOKHA:

9 A. I myself contracted a fever at the time and I was given some
10 tablets and I recovered from the illness. <In fact, I never fell
11 severely ill.>

12 Q. In your statement to the investigators on this matter -- that
13 is, ERN 00403004 in English; French, 00422240 - 39, sorry; and
14 Khmer, 00389523; you said that the medicine that was given to you
15 was effective. The medicine that was given to you was effective
16 for you. Were you able to observe other people you saw who had
17 been sick and who had been given medicine were subsequently cured
18 and that apparently the medicine was effective?

19 A. I cannot say anything about that as I had nothing to do with
20 the medical unit or with the medicine.

21 Q. Very well, Mr. Witness. I don't have many more questions. A
22 very last question: Do you remember ever having seen any wedding
23 ceremonies, mass wedding ceremonies taking place at the 1st
24 January Dam site?

25 A. Personally, I never witnessed any marriage ceremony.

1 [11.25.00]

2 MR. KOPPE:

3 Thank you very much, Mr. Witness, you have been very helpful.

4 Thank you.

5 MR. PRESIDENT:

6 Thank you. The Chamber now hands the floor to the defence counsel

7 for Mr. Khieu Samphan. Counsel, you may proceed.

8 QUESTIONING BY MS. GUISSÉ:

9 Thank you, Mr. President.

10 Q. Good morning, Mr. Pech Sokha, I am Anta Guisse, <I am the>

11 International Co-Counsel for Mr. Khieu Samphan, and I have a few

12 follow-up questions following what you said in the past few days.

13 First of all, I'd like us to talk about the first point in your

14 statement, E3/403, <given before the Co-Investigating Judges>;

15 the ERN in French is 00422238; in English, 00403004; and in

16 Khmer, 00389522. This was <the> question that was put to you on

17 that day regarding <> the construction < blueprint for> the dam.

18 "Do you think the plan, <the basis on which you surveyed, was

19 correct according to the scale>?" And your answer was as follows:

20 "I think that the <blueprint's foundations were precise> because

21 if <one> looked from <above, one can see the horizontal lines,

22 according to scale>." End of quote. My question on this point,

23 <Mr.> Witness, is whether you learned how to read a <blueprint>

24 as part of your training at Ruessei Keo?

25 [11.27.08]

1 MR. PECH SOKHA:

2 A. Personally, my personal knowledge <acquired from the Ruessei
3 Keo school> about the reading of the plan about the irrigation
4 for instance, I think that the plan <was> proportionate and
5 correct.

6 Q. I have indeed understood that point. My question was whether
7 you learned how to read such <irrigation blueprints> as part of
8 your training.

9 A. During my training at the Ruessei Keo school, the main topic
10 was how to conduct a survey on the landscape or on the dam
11 worksite.

12 Q. As part of your training as a surveyor, were you also taught
13 how to read irrigation <blueprints>?

14 A. No, I did not <receive> that kind of training.

15 [11.28.52]

16 Q. Was it with your instructor -- <your> supervisor, Chham, that
17 you discussed the <blueprint> and got to know that it was
18 according to scale?

19 A. Chham was not my instructor, but was my group chief and he was
20 more knowledgeable than me and he told us that the plan was
21 proportionate and according to scale. <In fact, I was the
22 youngest in the team.>

23 Q. Another point. You spoke about this <excerpt> in your
24 testimony with my colleague Victor Koppe, <but I'd like to get
25 back to it and explore it more thoroughly. It's> still on the

1 same page, the same ERNs I just quoted. <So> you spoke about the
2 usage of <machines -- of> excavators, and I quote, and you said:
3 "I heard through the loudspeakers that the compatriots were told
4 to pay attention because we had to use explosives in order to
5 remove stones." End of quote. <>

6 So were these security messages <> frequently broadcast <over>
7 the loudspeakers on the work site?

8 A. Yes, every time before the gunpowder explosion was initiated,
9 <an announcement would be> made through the loudspeaker <so that
10 it would cause no harm or injury to any workers there.>

11 [11.30.45]

12 Q. Aside from these security broadcasts, were there also
13 broadcasts related to <> sanitation for the workers on the
14 worksite?

15 A. I cannot recall that.

16 Q. Do you remember if medics would come to provide specific
17 instructions either <through the loudspeakers or by other means,
18 perhaps through your superiors?> Did you receive any kind of
19 specific instructions in medical terms with regard to certain
20 practices that should be followed?

21 A. I cannot recall that.

22 Q. You also spoke about the presence of flies when you answered
23 the civil party counsel, and do you remember if any measures were
24 taken on the worksite to get rid of the flies? For example, <via
25 the> use <of> pesticides<.> Do you remember anything in that

1 regard?

2 A. Yes, I did. In order to eliminate those many flies, <medics>
3 actually used pesticide to kill them.

4 [11.32.48]

5 Q. Do you know <if -- actually,> who was in charge of spraying
6 these pesticides? Was it a specific unit or you don't know?

7 A. No, I do not know.

8 Q. In another segment of your statement, in the document E3/403,
9 ERN French, 00422243; English, ERN 00403008; and Khmer <ERN>,
10 00389527; you speak about a slogan that you had heard stating the
11 following: "When there is water, there are fish; when there is
12 rice, there is everything that <one needs>." Do you remember when
13 you heard this slogan, and was this something that was put forth
14 on the worksite?

15 A. I heard over the loudspeaker there was such an announcement.
16 <Revolutionary songs were also> played in that period. I believe
17 that the people <during that> period also heard the same thing.
18 [11.34.38]

19 Q. And this will be my last question. So "when there is water,
20 there are fish", is this something you heard for the first time
21 on that worksite or was this some kind of popular saying that
22 existed <even before> the Khmer Rouge period?

23 A. I did not know before that time that I went to work at the
24 work site.

25 Q. <I think there> might have been a translation issue because my

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1 question was if the slogan, that is to say "when there is water,
2 there are fish", if this was a popular saying that existed before
3 the Khmer Rouge period, or is this something you heard for the
4 first time at the worksite?

5 A. I only heard the slogan or the saying at the worksite; I had
6 never heard it before the time that I was working at the
7 worksite.

8 Ms. GUISSÉ:

9 Mr. President, I am done. I believe that my colleague Kong Sam
10 Onn has a few short questions, so I think we could finish our
11 examination, if you could give us a little bit of extra time this
12 morning. I will let you decide, Mr. President.

13 [11.36.29]

14 MR. PRESIDENT:

15 You may proceed now.

16 QUESTIONING BY MR. KONG SAM ONN:

17 Thank you, Mr. President.

18 Q. Good morning, Mr. Pech Sokha. I have a few short questions.

19 First, I would like to know and I would like to hear your
20 clarification concerning the dam, the 1st January Dam, and you
21 said that the length of the 1st January Dam was about 58
22 kilometres <>. Does this length cover also the 6th January Dam?
23 <Do the two dams have a total length of 58 kilometres?>

24 MR. PECH SOKHA:

25 A. As for the length of the dam stated by me from my

1 recollection, the total length of the <two> dams was about 60
2 kilometres or less than that, including the feeding canal.

3 Q. Thank you. Could you elaborate for the Court <> the width of
4 the dam?

5 A. I cannot recall it. <Moreover, the width of the dam varied.>
6 [11.38.01]

7 Q. You stated that <the width of the dam varied>, so was there a
8 particular place at the dam which consisted of -- which was
9 bigger than the other area? <Can you clarify how big or small at
10 particular areas?>

11 A. I do not recall it.

12 Q. Thank you. Could you give the clarification or the calculation
13 <on the amount of soil in cubic metres> which was used to build
14 the dam?

15 A. I could not give any explanation in relation to this.

16 Q. Thank you <>. In relation to the written record of your
17 statement, document E3/403, at Khmer ERN 00389526; French ERN is
18 at 00422243; and English ERN is at <00403008>. I would like to
19 quote your statement when you were questioned about the 1st
20 January Dam and the 6th January Dam. Let me quote: "The name of
21 the <6th> January Dam was given at the time that Vietnamese
22 troops came into the country <for the first time (on the 6th of
23 January 1978)> and it was also the date of the opening
24 construction of the dam." I would like to seek your clarification
25 in relation to the 6th January Dam, you said that the 6th January

1 <1978> was <the date> that the Vietnamese troops attacked and
2 went into the country, <how did you know that>?

3 A. <Chham, my> group chief told me that <that was how> the name
4 was given <to the dam. I did not know the details with this
5 regard>.

6 [11.40.48]

7 MR. KONG SAM ONN:

8 Thank you very much, Mr. Witness.

9 Mr. President, I conclude my line of questioning.

10 MR. PRESIDENT:

11 Thank you, Counsel. The hearing today comes to an end before the
12 time planned by the Chamber and hearing will not be held in the
13 afternoon <as there is no reserve witness today>. The hearing
14 will resume on Monday, <25 April 2015 (sic)> starting from 9 a.m.
15 And as for hearing next week, the Chamber will hear 2-TCW-856 --
16 851 rather.

17 Thank you, Mr. Pech Sokha, for your valuable time and thank you
18 for giving your testimony via video link yesterday and today. And
19 your testimony will contribute to the truth and the hearing of
20 your testimony comes to an end and I wish you good health and
21 best wishes.

22 MR. PECH SOKHA:

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Security personnel are instructed to bring Mr. Khieu Samphan and

1 Mr. Nuon Chea back to the detention facility and bring them back

2 on 25th May 2015, before 9 a.m.

3 The Court is now adjourned.

4 (Court adjourns at 1142H)

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