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

Request for Correction

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Case: 002/19-09-2007-ECCC/TC

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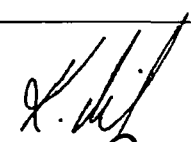
The changes tracked in this transcript are the result of a quality control exercise undertaken by the Transcription Unit as directed by the Office of Administration and of which the parties were notified on 27 August 2015. It indicates where substantive errors or inaccuracies were corrected by comparing what was said in the original language in court with what was relayed by the interpreter.


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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 Sokha via a video link.

6 Ms. Chea Sivhoang, please report the attendance of the Parties and other individuals to today's
7 proceedings.

8 THE GREFFIER:

9 Mr. President, for today's proceedings, all Parties to this case are present.

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

12 The witness who is going to conclude his testimony today -- that is, Mr. Pech Sokha via video link is
13 ready. The AV Unit informs the Chamber that the link has been ready, so is the witness. Thank you.

14 [09.09.16]

15 MR. PRESIDENT:

16 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the request by Nuon Chea.

17 The Chamber has received a waiver from Nuon Chea, dated 21st May 2015, which notes that due
18 to his health -- that is, headache, back pain, he cannot sit or concentrate for long and in order to
19 effectively participate in future hearings, he requests to waive his right to participate in and be
20 present at the 21st May 2015 hearing. He advises that he has been advised by his counsel that in
21 no this waiver can be construed as a waiver of his right to be tried fairly or to challenge evidence
22 presented or admitted to this Court at any time during this Trial.

23 Having seen the medical report of Nuon Chea by the duty doctor for the Accused at ECCC, dated
24 21st May 2015, who notes that Nuon Chea's condition remains the same -- that is, he has backache
25 and dizziness when he sits for long and recommends that the Chamber shall grant him his request
26 so that he can follow the proceedings remotely from the holding cell downstairs.

1 [09.10.51]

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

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

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

9 MR. FARR:

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

12 [09.11.52]

13 MR. PRESIDENT:

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

17 MR. FARR:

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

21 [09.12.57]

22 MR. PRESIDENT:

23 That is correct; however, yesterday it seems that the Co-Prosecutors concluded your questions
24 yesterday and that you sought to ask three additional questions and we only received further
25 information via an email after the adjournment of the hearing yesterday. That's why the Chamber
26 grants you the request with the additional time so that the witness who is to continue his testimony

1 today shall conclude it by the end of today's proceedings and that is also due to his poor health. And
2 if it cannot be concluded today, it means that we have to continue doing it tomorrow and that's why
3 the Chamber made such instruction.

4 MR. FARR:

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

6 (Short pause)

7 [09.14.27]

8 MS. GUIRAUD:

9 ~~<I'm going to take the floor Mr. President to ask you for a point of You're asking for clarification.>~~

10 ~~It~~ it was agreed with the Co-Prosecutors that we would have an hour to put questions to the witness.

11 We were basing ourselves on the principle that we would have sufficient time this morning in order

12 for the Co-Prosecutors to be able to put ~~<whatever additional>~~ questions ~~<they wish to put>~~ to the

13 witness ~~<this morning,>~~ and that, as agreed, we would be allotted the time we had envisaged when

14 we talked of sharing ~~of<>~~ time with regard to this witness. So, ~~<all in all,>~~ we would need one hour

15 20 minutes, bearing in mind that this is only an approximation, and that it is possible that I and my

16 colleague may need a little less time than that. But in any case, I would ~~need<estimate>~~ an hour

17 and 20 minutes to ~~put questions to the witness and this would therefore<also>~~ allow the prosecutor

18 to be able to also put questions to the witness.

19 MR. PRESIDENT:

20 Yes, I think the time allocation should be about right for the one morning session; you have about

21 one hour and 10 minutes. So now the Chamber will grant ~~<you another 10 minutes so>~~ a total

22 combined time to the Co-Prosecutors and the Lead Co-Lawyers this morning for one hour and 20

23 minutes and should commence their questioning now.

24 [09.16.08]

25 MR. FARR:

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

1 MR. PRESIDENT:

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

3 MR. PECH SOKHA:

4 Yes, I am ready.

5 MR. PRESIDENT:

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

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

9 [09.16.50]

10 QUESTIONING BY MR. FARR:

11 Thank you, Mr. President.

12 Q. Good morning, Mr. Pech Sokha. I would like to start this morning by asking you about a quote
13 from your OCIJ statement and the page reference is in Khmer, 00389528; in English, 00403009;
14 and in French, 00423244. On that page you were asked – quote:

15 “Did you know about the purge of the Central Zone leaders?”

16 And your answer was – quote: “I did not know, but when I visited my younger sibling who lived with
17 Sreng at the public work office at Sector 41, I knew that Sreng had disappeared. At that time Tiang
18 took over. Later on, when I visited my sibling in the second time, Tiang also disappeared. Sreng and
19 Tiang were my father’s friends; both of them disappeared in 1977.”

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

25 [09.18.58]

26 MR. PECH SOKHA:

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

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

5 A. I visited my younger sibling, <and it was<> about a little bit over a year <after my arrival at the
6 dam>.

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

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

10 Q. And so when you went to visit your siblings, how did you learn that he had disappeared, who told
11 you or how did you find out?

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

14 [09.21.28]

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

17 (Technical problem)

18 [09.24.16]

19 MR. PRESIDENT:

20 Again good morning, Mr. Pech Sokha.

21 MR. PECH SOKHA:

22 Yes, good morning, Mr. President.

23 MR. PRESIDENT:

24 There <is-was> a technical glitch in the interpretation system; it has been solved. And let <s-me
25 resume, and the Deputy Co-Prosecutor, you may resume your questioning.

26 BY MR. FARR:

1 Thank you, Mr. President.

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

4 MR. PECH SOKHA:

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

6 [09.25.23]

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

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

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

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

12 MR. FARR:

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

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

24 [09.27.44]

25 And with the Chamber's leave, I would now like to ask the witness a few brief questions about the
26 statement of his former supervisor, Mr. Ieng Chham. These questions relate to matters that in Mr.

1 Chham's statement relate two things done by his team, things of which this witness should, based
2 on his testimony, have knowledge.

3 BY MR. FARR:

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

9 [09.29.04]

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

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

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

16 And skipping ahead to Answer 83, Chham said -- quote: "At that time, my team tried very hard to
17 work to do whatever to finish the work set by the upper echelon. When we were not able to
18 complete according to the set plan, we would be in danger. For instance, the front part of the
19 spillway that Sao ordered us to use less cement and iron, it means we needed to use the materials
20 economically (use less) and maintain the quality, but after I tried opening the rear water gate, half of
21 the front part of the spillway was broken; this made my group very frightened because we could be
22 accused that we made technical mistakes."

23 [09.30.47]

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

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

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

5 MR. PECH SOKHA:

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

7 Q. You told us yesterday that you found your experience terrifying, was one of the reasons that you
8 found it terrifying that you feared that you could disappear if you made a mistake in your work?

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

10 [09.32.36]

11 MR. FARR:

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

15 MR. PRESIDENT:

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

17 MR. KONG SAM ONN:

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

21 [09.33.35]

22 MR. FARR:

23 Your Honours, we're just interested in assisting the Chamber in the most efficient way possible. In
24 my experience, it's helpful to have these references in the context when a person has just been
25 discussed. We're happy to make our submissions whenever it would be helpful to the Chamber, it
26 would take less than a minute 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 should pronounce the word of the
3 name properly. For example, the person named Sao, not So, and the National Deputy Co-
4 Prosecutor should assist your colleague.

5 [09.34.26]

6 MR. SREA RATTANAK:

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

10 MR. PRESIDENT:

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

13 MR. FARR:

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

19 MR. PRESIDENT:

20 <(No interpretation) Yes, you may now proceed.>

21 [09.36.10]

22 MS. GUIRAUD:

23 <TYes, thank> you, Mr. President, I'm going to give the floor to my colleague, Ty Srinna.

24 MR. PRESIDENT:

25 Yes, you may now proceed.

26 QUESTIONING BY MS. TY SRINNA:

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

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

3 MR. PECH SOKHA:

4 A. Yes, I can hear you.

5 [09.36.55]

6 Q. I have a few questions to seek your clarification while you were working in the dam -- that is, the

7 1st January Dam. Could you tell me where the 1st January Dam <was>?

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

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

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

12 Q. Thank you. During that period, who <were-was> in charge of the construction sites?

13 A. I have no idea; I only knew that I was working <with-in my-a group of four men>.

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

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

20 [09.39.27]

21 Q. Thank you. I would like to ask you the-<questions> in relation to your task as a surveyor. As a
22 surveyor at the dam site, were you assigned to survey the land from the construction site until-<> to
23 the end of the construction site?

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

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

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

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

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

7 A. Actually we had to do the work constantly and <only> when the construction stopped <-could>
8 we <no longer stop surveyed surveying> the land.

9 [09.41.20]

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

11 A. We started surveying the land first at Stuong Chinit and then the work and the survey of the land
12 continued <on other areas until we completed our survey through to the other end of the dam. And
13 we had to go back and forth from one end to the other end of the dam.>

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

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

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

19 A. Actually, the <main> reservoir was the <most> important aspect of the dam <where its structure
20 was made of concrete>; it was <the main area where the water was used to keep the water stored;
21 however, -and as for this main that was not our area of responsibility, I was not in charge of>.

22 Q. Thank you, I would like to move on. <In relation to So where was the main> reservoir -where was
23 it<>?

24 A. The reservoir was at Stuong Chinit.

25 [09.43.25]

26 Q. Thank you.

1 MR. PRESIDENT:

2 You may proceed, Ms. Anta Guisse.

3 MS. GUISSÉ:

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

8 BY MS. TY SRINNA:

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

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

14 MR. PECH SOKHA:

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

17 [09.45.15]

18 Q. Thank you. I would like to <know ask my follow up question: whether there were already workers
19 at the dam When by the time you were working as arrived as a surveyor, were there workers— had
20 there been workers already at that place?>

21 A. When I was first assigned to do the survey – actually, there were marks at the dam site, and I
22 could not see any workers there.

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

24 A. I do not recall the date, but workers were already <> at the dam in 1977. <I just arrived there a bit
25 They had been there before me they did>.

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

5 A. I do not have a full <idea-grasp of the situation> because I know that there were many workers.
6 As I told the Chamber yesterday, in the inauguration ceremony I could hear the announcement of
7 the numbers of workers at the dam site. But I did not see them all there at the same time- <as, I did
8 not work fixed-at one fixed location.>

9 [09.47.56]

10 Q. Thank you. I would like to move on. You stated that you were a mobile surveyor. You did not stay
11 in one particular place to do your work. When you were walking and doing your survey, what <is
12 were> the <particular place> locations that you conducted your survey? And how long did <it take to
13 travel from one place to you spend at each location before moving to> another <place> location to do
14 the survey?

15 A. Actually, we had to change our place to stay, so we had to move around. <From one place to
16 another place, there was about We had to move from one location to another, every> 10 kilometres
17 away<. And I had to move around within this distance. We actually stayed four to five days at one
18 spot.> So, I had to move from one place to another. I could not stay in one particular place.

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

21 A. I do not remember; I do not know the <geographical area there> of the area.

22 [09.49.30]

23 Q. I would like to know about the <> workers who had been assigned to work<were> in <one-those>
24 particular place<locations you stayed>. You stated that you would stay in one particular place to
25 conduct your survey for five days. Based on your observation, what was the working condition of
26 other<those> workers? Were workers active?

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

2 Q. Thank you. Based on your observation, what about the physical appearance of the workers?

3 What was it like?

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

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

7 A. When I said they were in normal shape, I mean that they could do their work as normal, and I did
8 not see any of them collapse.

9 [09.51.45]

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

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

15 Q. What about the working condition at the reservoir, as you stated? What was the working
16 condition like at the reservoir sites?

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

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

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

22 [09.53.35]

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

25 Could they communicate with each other? Could they express their views in relation to the work that

1 they were doing? So, once again, do they -- did they have freedom of expression while they were
2 working?

3 A. I do not know whether they had full liberty to express themselves. And I was not the one to
4 observe their way of speaking or communicating.

5 Q. Thank you very much. What about you, Mr. Witness? Did you have the right to communicate?
6 Did you have freedom of expression when you were working? Can you express -- could you express
7 your views in relation to the work or the job that you were doing? Did you have rights to denounce
8 the work plan?

9 A. For me, I ~~have~~ never thought of the freedom of expression. I was focusing on my work -- that
10 is, surveying the land, the technical aspect of my work.

11 [09.55.27]

12 Q. Thank you. You were a technician. Once again, did you have freedom of expression to share
13 your views in relation to your technical aspect?

14 A. Among the four of us, we discussed about the plan and we discussed -- on ~~one~~ particular
15 day, we had to do the survey at ~~one~~ particular place, and the group chief discussed with us
16 that we had to do the work in accordance with the plan. That was the extent of discussion we
17 had.

18 Q. Thank you. After your discussion ~~among~~ your group to implement the plan according to
19 what you were asked to do, were you the one who told other members in your group, or was it
20 anyone else who was in charge of this?

21 A. I don't mean that ~~any of my was the one group~~ who gave an order to ~~my group~~
22 ~~members anyone~~. We discussed among ourselves. When the mark or the poles fell down, we
23 needed to install it back, so we discussed how to do our work well.

24 [09.57.20]

1 Q. Thank you. I would like to focus on the freedom of movement. Could you tell the Court whether or
2 not workers ~~in~~at the dam site had freedom of movement? And did they have rights to request to
3 move to another place to work?

4 A. I have no idea.

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

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

8 Q. Thank you. I have a question in relation to your own observation. From your own observation, did
9 female and male workers work together? Or were they instructed to work separately~~ly~~?

10 [09.58.57]

11 MR. PRESIDENT:

12 Mr. Pech Sokha, please give your response.

13 MR. PECH SOKHA:

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

15 MR. PRESIDENT:

16 Counsel, please repeat your last question.

17 BY MS. TY SRINNA:

18 Q. Based on your observation, in relation to female and male workers, were they allowed to work
19 together? Or ~~were did~~ they ~~work separated separately at the main reservoir~~in their work? I

20 would like to know your observations, based on what I have just asked you.

21 MR. PECH SOKHA:

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

23 [10.00.11]

24 Q. And also based on your own observation, what kind of jobs and work were female workers
25 ~~allowed~~asked to do? Do you recall it?

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

3 Q. Thank you. And while the dam was being constructed, ~~<was-were>~~ there ~~a presence of<>~~
4 militiamen or ~~soldiers<guards watching over workers>~~ at the worksite?

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

6 Q. I'd like to ask you ~~a<questions>~~ in relation to ~~a pagoda<.~~ ~~Was-Were>~~ there any ~~<pagoda>~~
7 nearby the dam construction site?

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

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

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

11 [10.02.22]

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

14 A. No, I did not.

15 MS. TY SRINNA:

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

18 MR. PRESIDENT:

19 Yes, International ~~<Counsel-Lead Co-lawyer>~~ for civil parties, you have the floor.

20 [10.02.54]

21 QUESTIONING BY MS. GUIRAUD:

22 Thank you, Mr. President.

23 Q. Good morning, ~~<Mr.>~~ Witness. Thank you for being willing to answer ~~our<my>~~ questions. My
24 name is Marie Guiraud, and I am ~~!~~international ~~C~~counsel representing the interests of the
25 ~~consolidated<collective>~~ group of ~~<victims who have constituted themselves as>~~ civil parties in this
26 case. And I ~~<>~~ ~~would~~ have some questions to put to you regarding ~~the<what you>~~ experiences~~ds~~

1 ~~you had~~ when you worked on the 1st January Dam worksite. For a start, I would like you to react
2 to one of the answers you gave to investigators when you were ~~heard~~ interviewed in October
3 2009. And I'm referring to document E3/403, ERN in French, 00422238; English ERN ~~or~~
4 ~~rather~~ in Khmer, ~~ERN~~ 00389522; and ~~lastly, the~~ ERN in English, ERN 00403004.
5 Mr. Witness, when the question was put to you regarding the duration of that work on how many
6 years the construction of the dam in terms of years was meant to take, your answer was, and
7 I quote: "Regarding the plan, the upper echelon gave the duration of set a target of one year
8 to complete this plan, but it was not completed according to the plan deadline." I would therefore
9 like to ask you, Mr. Witness, whether you can tell us a bit more as to whether the work project
10 took more time than envisaged or less time than planned.

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

13 [10.05.45]

14 Q. Thank you. Can you be more specific? Did the construction take more time than envisaged -- that
15 is, more than the one year set out that was provided for, or did it take less time?

16 A. As I said, the dam construction was not completed according to the plan. It took more time for
17 the for the dam construction to complete.

18 Q. When you were a surveyor on the worksite, did you feel you were under any sort of pressure
19 to complete the work in time, and to respect the plan and the one-year deadline provided for in
20 the plan?

21 A. I think there was no pressure upon us when it was not completed as we continued doing our
22 work until we finished our part.

23 Q. Did that presuppose that you had to work more, and therefore that your work schedule
24 entailed you had to work longer hours in order to meet the deadline that had been fixed?

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

26 [10.07.50]

1 Q. Thank you. Another witness who testified just before you ~~testified before this Court~~ was the head
2 of a unit at the 1st January Dam. That person was the chief of <the village of> Prey Srangae, ~~the~~
3 ~~chief of that village,~~ <> and it was very close to the 1st January Dam. And <during his hearing> that
4 witness ~~testified about his work on the worksite, and he said~~ <stated that> he witnessed a landslide
5 on the worksite of the dam, which caused the deaths of three ~~members of~~ <workers in> his unit. Did
6 you witness this <type of occupational hazard workplace accident>, and the landslide that occurred
7 while you were working at the dam worksite?

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

9 Q. Thank you. <Mr.> Witness, I would like you to react to a statement by a civil party, and it is by a
10 victim who expressed a wish to participate in this trial. That person was a member of a mobile unit at
11 the 1st January Dam's <reservoir>-worksite. I am referring to document E3/5120, and the ERNs are
12 as follows: in French, it is 00940161; Khmer, ERN 00584860; and English, ERN 00937096. And I
13 will read out to you a passage from that person's statement, and I would like you to react to it if you
14 can. That person was a member of the mobile unit ~~on the worksite~~ <on the bank of the reservoir>,
15 and this is what she stated:

16 [10.10.25]

17 "I witnessed the collapse of the dam when we had attained close to 10 metres in depth. In spite of
18 that, we were ordered to continue digging <out> the ~~earth~~ <soil for the dam on the worksite, and
19 inside of which> there were hundreds of people working ~~there~~ <> at the time. It would appear that
20 <by that point> the concrete had not hardened enough to support the water pressure, which caused
21 the dam to collapse, causing several deaths. People in my group were working on the bank of that
22 reservoir, <I escaped by running out of the way; so we could escape, but I was frightened, and I
23 cried and I was very frightened>. They told me not to ~~say anything~~ <report this incident>. During the
24 <construction of the dam>-work, the Khmer Rouge said that, since there were ~~too many~~ <a large
25 number of> people, ~~some should die~~ <it was best for some to die so as> to ~~reduce the space~~
26 burden <have more free space>." End of quote.

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

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

6 Q. Thank you. Do you recall whether <there were> any other problems, including ~~a~~<defects>, in the
7 <construction of the> dam, ~~<>~~<occurred>? Is that something that might ring a bell to you? Or ~~it doesn't~~
8 ~~ring a bell~~<not> at all?

9 A. In relation to the cement ~~<or concrete used for structure of>~~ the <main> reservoir, my team did
10 not have anything to do with that. Our team was to survey the area, the land, and to put the post
11 markers on the spots.

12 [10.12.58]

13 Q. Thank you. I will quote another passage from your ~~the~~<> record of ~~your~~<> interview before the
14 Co-Investigating Judges in October 2009. It is still document E3/403, and I am referring to page, in
15 French, 00422242; and the ERN in English is 00403007; and the ERN in Khmer is 00389525. I will
16 read the question that was put to you at the time, and the answer you gave to it, and then I will put
17 some follow-up questions regarding what you said at the time.

18 The question that was put to you was as follows: "Did you see the security guards or ~~militiamen~~
19 ~~<secret agents spend their time inspecting>~~walking and supervising at the workplace?"

20 And your answer at the time was as follows: "There were no ~~militiamen~~<secret agents presents>."

21 And this is what you confirmed when my colleague put questions to you a while ago. "There were
22 only ~~the~~<> zone soldiers, but there were not many. They patrolled ~~in~~<> the construction site, ~~being~~
23 ~~afraid~~<for fear> that the enemy would <come to> destroy the ~~achievements~~<work already
24 completed>. They ~~did not~~<never> disturbed us. ~~There was not even~~<They didn't even fire> a
25 gunshot <to make noise -- bang, bang. What's more,> I never saw ~~people being shot to death~~
26 ~~either~~<them shoot anybody>. "End of quote.>

1 [10.14.49]

2 In this response, <Mr.> Witness, you said that there were <zone> soldiers on the worksite <>, or in
3 the zone of the worksite. Can you tell us how you were able to tell at the time that these were
4 <zone> soldiers <>, who were assigned to work on the zone?

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

6 Q. When you state that they were on patrol at <patrolled> the worksite, can you be more precise?

7 What were they doing precisely?

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

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

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

14 [10.16.49]

15 Q. Thank you. In the answer you gave to the investigators, you indicated that those soldiers were
16 patrolling the area because they were afraid that the enemy would come and destroy the work that
17 had already been done. <I would like to know:> What do you understand by the term "enemy"?

18 According to you, who were the enemies <at that time that who were being monitored at the time by
19 the soldiers <were keeping watch for>?

20 A. We only heard about the use of the word "enemy" from one another, and that we were told that
21 they were on patrol in order to be vigilant of the enemy. <I had no idea of who those enemies were.>

22 MR. PRESIDENT:

23 Thank you. The time is convenient for a short break. We'll take a break now, and return at 25 to
24 11.00.

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

1 The Court is now in recess.

2 (Court recesses from 1018H to 1038H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now back in session and the floor is given to the Lead <Co-Lawyer> for civil

6 <party/parties>. You may now proceed.

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

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

9 MR. PECH SOKHA:

10 Good morning, Mr. President.

11 MR. PRESIDENT:

12 Are you ready?

13 Good morning once again, Mr. Pech Sokha.

14 (No interpretation)

15 [10.41.26]

16 MR. PRESIDENT:

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

18 MR. PECH SOKHA:

19 Good morning, once again, Mr. President.

20 MR. PRESIDENT:

21 Now we resume our hearing. And the floor is given to the Lead <Co-Lawyer> for civil

22 <party/parties>.

23 [10.41.53]

24 BY MS. GUIRAUD:

25 Thank you, Mr. President. Good morning one more time, <Mr.> Witness. This is Marie Guiraud

26 again, <from the other side of the screen>.

1 Q. I have a few brief questions to put to you. We were speaking about the presence of zone soldiers
 2 <armed> with AK-47s who were patrolling the worksite. And you said to us<told us> right before the
 3 break ~~—you described<what your>the~~ notion of enemy <was>. And I asked you the question, what
 4 <did that>oes it mean for you <at that time,> to be an enemy? <> What did it mean back then? And I
 5 wanted to have you react to what the witness before you had said. He was unit chief on the dam
 6 when you were there. And the Co-Prosecutor asked him a question which I'm going to read out, and
 7 I'm going to also read out his answer, and I would like to know what you think of <it>this. And this is
 8 at 11.30 yesterday morning. So the Co-Prosecutor put the following question: "I wanted to get back
 9 to this topic of enemies. “Could we call enemy people who did not reach the quota or who did not
 10 cart enough dirt, for example, <an enemy>?” And the previous witness who was unit chief on the
 11 worksite -- so he did not have the same duties as you ~~---But~~ he said that: “Bbased on what people
 12 would say, we would consider these people <to be> enemies who had infiltrated. And these were
 13 people who would obstruct ~~the<>~~ progress on the worksite<or advancement>.” So back then,
 14 Witness, did you also hear these reasons? DAnd did you also<> hear people telling you<> that
 15 enemies were people who would obstruct ~~the<>~~ progress of the work on the worksite<or
 16 advancement>?

17 [10.43.58]

18 MR. PECH SOKHA:

19 A. The word “enemies”, in my opinion, I heard people saying about enemies. And for what
 20 categories of enemy there were in that area, I cannot give any description.

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

22 A. When I am referring to categories of enemies, I do not know what other witnesses said about
 23 enemies, and I do not know how many categories of enemy were there at that site. I really do not
 24 know: <as to whom they were referring to. I just heard the term “enemy”.>

25 Q. Thank you, <Mr.> Witness. What's important for us today is what you are saying, not necessarily
 26 what the previous witnesses said. So ~~what I would like to focus on is<~~ I am interested in> what you

1 | said and what you saw back then. So ~~I'd like you~~ <don't hesitate> to tell us spontaneously what you
2 | remember. So <as far as you are concerned, were> the two people in your unit, who disappeared
3 | and whom you spoke about this morning, ~~were they~~ considered enemies <at the time>?

4 | A. I do not know. What I know is that they disappeared. I do not know what happened to them.

5 | [10.45.49]

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

8 | MR. PRESIDENT:

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

12 | MS. GUIRAUD:

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

18 | [10.47.02]

19 | BY MS. GUIRAUD:

20 | Q. <Mr.> Witness, I'm going to move on. So you said to my colleague a little earlier that the workers
21 | <onsite seemed all> to be in perfectly ly normal shape. And you said something a bit different to the
22 | investigators because you said, and I will refer ~~to your record~~ <here to>--- French, ERN 00422239;
23 | English, <ERN> 00403005; and Khmer, <ERN> 00389523; and you indicated, when the question
24 | about their health was put to you, that <they were not in a healthy state;> ~~talking about health, it was~~
25 | ~~not pleasant~~ <was frowned upon>. ~~t~~The people's health was weak <poor>. And then you explained
26 | that there were medics at the site, and that there was ~~<> even~~ an infirmary. So ~~can you tell us~~ <>

1 | what can you tell us today about these remarks <that you> made back then? Do you confirm that
2 | the workers were not in good health?

3 | MR. PECH SOKHA:

4 | A. As to this question, I gave my statement yesterday already. I said that workers were in normal
5 | shape. And I responded to the question what working condition of people when they were carrying
6 | earth. And I believe I gave my response already. As for people who were seriously sick, they were
7 | sent to hospital <away>. And for workers at the site, I could consider that they were in normal shape.

8 | [10.49.10]

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

12 | I have a last question for you. You were already questioned about the hygiene conditions on the
13 | worksite. And the witness before you told us that there was a particularly high number of flies on the
14 | worksite and he <which appeared to be> connected this <> to a lack of sanitation. Is this something
15 | that you also noted?

16 | A. I agreed to what was said by that witness. I could <experienced> the same <thing>.

17 | Q. The witness told us that this was a serious problem. And it was a particular problem when people
18 | were eating. So concretely speaking, how many flies were there, and what kind of discomfort would
19 | this cause? Well I'm <> of course, when When I say how many, I'm not asking for a precise figure
20 | <Mr. Witness>, but can you give us an idea. Because when I read the different accounts, <it turns
21 | out that> this issue seems to be <is> particularly pressing on this <particular> worksite, so I would
22 | like to hear your remarks about this.

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

25 | MS. GUIRAUD:

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

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

2 [10.51.43]

3 MR. PRESIDENT:

4 Now the floor is given to the defence counsels for the Accused. And the floor is first given to the
5 defence counsel for Mr. Nuon Chea to put their <questions> to this witness, Mr. Pech Sokha. You
6 may now proceed.

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President. Good morning, Your Honours. Good morning, Counsel. Good morning,
9 Mr. Witness.

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

16 [10.53.13]

17 MR. PECH SOKHA:

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

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

26 A. As for my interest in the subject, because the field of irrigation and hydroelectricity are of my

1 | interest, <because the subject sounded weird,> that is why I decided to take that field.

2 | [10.55.10]

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

5 | A. I cannot give any further elaboration on this field. To me, I am very interested in the irrigation and
6 | hydroelectricity. <The course title sounded weird-interested me; [That]> is why I decided to take the
7 | course. <I just wanted to find out what would one study in this course.> That's what I can explain.

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

9 | A. I could not remember it.

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

13 | [10.57.01]

14 | A. During that time, <it's-it had nothing to do with> ~~not~~ the matter-issue of happiness-or-notwillingness.
15 | One had to follow whatever. The matters-thatthe> Angkar assigned <to mehim> to do the work<>—
16 | ~~assigned us to do the work, so we had to do it.~~

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

19 | A. I could remember it. We saw <units of heavy> machinery <-There wereincluding bulldozers -
20 | ~~there were-and>~~ excavators.

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

23 | A. I cannot recall the numbers because I was not the one who was in charge <in-of> the machinery.

24 | Q. In your statement to the investigators -- English, 00403004; French, 0042238; and Khmer,
25 | 00389523 -- you said that excavators and machineries were used to dig up rock. And a little further,
26 | you also indicate that gunpowder was used to break the rock. Is that a fair description of the reason

1 of use of these machines and the gunpowder?

2 A. As I stated earlier, nothing else was there ~~<-only besides>~~ the things that I described yesterday.

3 [10.59.55]

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

6 A. I stated yesterday that's what I could see. Whether ~~<it's-it was>~~ correct ~~<or not regarding what
7 was stated to use the machines or explosive, I have no idea, I am not an expert in the field>~~.

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

10 A. I don't understand your question.

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

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

16 [11.01.47]

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

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

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

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

2 [11.03.53]

3 Q. Very well, thank you. Do you know, maybe also based on your studies or on your conversations
4 with your colleagues, why it was that approximately 20,000 people of labour force were needed at
5 the construction of the dam? Why it was, why 20,000, why for instance not 25,000, or 15,000? Do
6 you have any idea as to the reasons for this particular number of people?

7 A. No, I don't have that knowledge. As for ~~the number of the workers or~~ the reasons, I had no
8 idea and I heard about the total numbers through the announcement over the loudspeaker.

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

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

17 [11.06.10]

18 Q. I just gave you a few quotes from your own testimony, both yesterday and before the
19 investigators, and my question simply was whether I adequately summed up what you said in terms
20 of working hours at the worksite. I'd be happy to repeat them for you. You said that the workers
21 worked mostly daytime, that once in a while they were asked to strive to work hard, that they could
22 take a rest once they finished digging and carrying early, and that every part of the day they had a
23 15-minute break. Is that a fair summary of the working times?

24 MR. FARR:

25 Your Honour, Mr. President, before the witness answers, I simply don't see the point of this
26 question. Counsel is purporting to summarise evidence that he says is on the record. These are not

1 direct quotes, they are paraphrases. The evidence is already on the record. There's no reason to
2 repeat it in this way and get the witness to adopt counsel's summary of the witness's testimony
3 when we have the witness's testimony before us.

4 [11.07.32]

5 MR. KOPPE:

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

10 MR. FARR:

11 Your Honour, if they are literal quotes then the question is even more pointless. The evidence is
12 already on the record. He is asking the witness essentially, what is the evidence on the record?

13 There's no reason to do that. And if the quotes are not accurate then it leads to an introduced
14 contradiction.

15 (Judges deliberate)

16 [11.10.15]

17 JUDGE FENZ:

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

20 BY MR. KOPPE:

21 I'll move on, Your Honour.

22 Q. Mr. Witness, I would like to ask you some specific questions in relation to working times. In your
23 statement to the investigators, English, page 00403006; in French, 00422241; and Khmer,
24 00389524; you said that the working times at the dam site were from 7.00 a.m. to 11. 00 a.m. in the
25 morning; and in the afternoon, from 2.00 p.m. to 5.00 p.m. During the working hours, you said the
26 workers were allowed to have a 15-minute break and at night the work started from 6.30 p.m. to

1 10.00 p.m. I will get back to the question on the night-time later but I have a question to you. Do you
2 know why people didn't work between 11.00 and 2.00 p.m.?

3 MR. PECH SOKHA:

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

5 [11.12.15]

6 Q. Do you know whether these three hours of rest during the day between 11 .00 and 2.00 p.m. had
7 something to do with that period in time being the hottest time of the day?

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

9 [11.12.51]

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

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

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

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

18 [11.14.10]

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

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

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

26 A. Yes.

1 [11.15.18]

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

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

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

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

10 Q. Allow me, Mr. Witness, to read a very small excerpt from a "Revolutionary Flag" to you, and it's,
11 Mr. President, document E3/170, English, ERN 00182578; French, 00665429; and Khmer,
12 00064792. And on that particular page of this "Revolutionary Flag", I read the following:

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

16 Have you ever heard at the time any remarks from your superiors or others, that working at night,
17 according to the "Revolutionary Flag" or the CPK, had adverse effects on the health of the people?

18 [11.18.27]

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

20 Q. What about the availability of electricity at the dam site? What do you remember about the
21 possibility of having electricity for the night-time?

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

24 Q. Very well. My last question in relation to workforce et cetera is: Do you know whether within the
25 group of 20,000 workers, there was also a rotation of work forces? That -- workforces who were
26 there were at one point replaced by other work forces? In other words, the 20,000 people or so, who

1 were working during a period of six months or longer, were not always the same? Do you have any
2 knowledge about that?

3 [11.20.06]

4 MR. PRESIDENT:

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

7 MS. TY SRINNA:

8 Thank you, Mr. President. I'd like to make my objection to this question. Defence Counsel Koppe put
9 a question to the witness by quoting the number of around 20,000 workers. Yesterday, and also this
10 morning, the witness confirmed that he does not know about the totality of the workers at the
11 worksite and that he knows only about his own group. <Thus, the Defence Counsel may need to
12 rephrase his question.> And that is the base for my objection. Thank you.

13 MR. KOPPE:

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

17 [11.21.29]

18 MR. PRESIDENT:

19 The objection by the lawyer for civil parties is overruled and the witness can respond to that. The
20 nature of the work of the witness was <to survey the worksite> from the beginning of the dam
21 construction worksite to the end of the length of the dam, so it is appropriate for the witness to
22 respond to that question.

23 And please, Mr. Witness, respond to the last question put to you by the defence counsel.

24 MR. PECH SOKHA:

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

1 BY MR. KOPPE:

2 Q. Very well; thank you, Mr. Witness. Now I would like to move on to a question on the medical
3 situation -- health situation, but particularly yours. Did you yourself at the time that you worked at the
4 dam site ever experienced illness, for instance in the form of having diarrhoea, having fever et
5 cetera? And if yes, do 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 tablets and I recovered from the
10 illness. <In fact, I never fell severely ill.>

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

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

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

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

21 [11.25.00]

22 MR. KOPPE:

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

24 MR. PRESIDENT:

25 Thank you. The Chamber now hands the floor to the defence counsel for Mr. Khieu Samphan.

26 Counsel, you may proceed.

1 QUESTIONING BY MS. GUISSÉ:

2 Thank you, Mr. President.

3 Q. Good morning, Mr. Pech Sokha, I am Anta Guissé, <I am the> International Co-Counsel for Mr.
 4 Khieu Samphan, and I have a few follow-up questions following what you said in the past few days.
 5 First of all, I'd like us to talk about the first point in your statement, E3/403, <given before the Co-
 6 Investigating Judges>; the ERN in French is 00422238; in English, 00403004; and in Khmer,
 7 00389522. This was a <the> question that was put to you on that day regarding <> the plan for the
 8 construction <plan blueprint for> of the dam. "Do you think the plan, <the basis on which you
 9 surveyed, was correct according to the scale> that you surveyed was correct according to the
 10 scale?" And your answer was as follows: "I think that the plan's- <blueprint's foundations were
 11 precise> was clear because if we <one> looked from <above, one can see the horizontal lines,
 12 according to scale> the upper surface at the widths and right and left sides they had correct scales."
 13 End of quote. My question on this point, <Mr.> Wwitness, is whether you learned how to read a
 14 plan <blueprint> as part of your training at Ruessei Keo?

15 [11.27.08]

16 MR. PECH SOKHA:

17 A. Personally, my personal knowledge <acquired from the Ruessei Keo school> about the reading
 18 of the plan about the irrigation for instance, I think that the plan <is-was> proportionate and correct.

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

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

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

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

26 [11.28.52]

1 Q. Was it with your instructor ~~-- and <your>~~ supervisor, Chham, that you discussed the ~~plan~~
2 ~~<blueprint>~~ and got to know that it was according to scale?

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

6 Q. Another point. You spoke about this ~~passage <excerpt>~~ in your testimony with my colleague
7 Victor Koppe, ~~<but I'd like to get back to it and explore it more thoroughly. It's>~~ still on the same
8 page, the same ERNs I just quoted. ~~<So>~~; you spoke about the usage of ~~<machines -- of>~~
9 excavators, and I quote, and you said: "I heard through the loudspeakers that the compatriots were
10 told to pay attention because we had to use explosives in order to remove stones." End of quote.

11 ~~[Free translation]<>~~

12 So were these security messages ~~frequent and <>~~ frequently broadcast ~~by <over>~~ the loudspeakers
13 on the work site?

14 A. Yes, every time before the gunpowder explosion was initiated, ~~a broadcast <an announcement~~
15 ~~would be> was~~ made through the loudspeaker. ~~<so that it would cause no harm or injury to any~~
16 ~~workers there.>~~

17 [11.30.45]

18 Q. Aside from these security broadcasts, were there also broadcasts related to ~~sanitation, <>~~
19 sanitation for the workers on the worksite?

20 A. I cannot recall that.

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

25 A. I cannot recall that.

26 Q. You also spoke about the presence of flies when you answered the civil party counsel, and do

1 | you remember if any measures were taken on the worksite to get rid of the flies? For example, ~~do~~
2 | ~~you remember any measures being taken to~~<via the> use <of> pesticides<.> ~~or that kind of thing?~~

3 | Do you remember anything in that regard?

4 | A. Yes, I did. In order to eliminate those many flies, ~~<they medics>~~ actually used pesticide to kill
5 | them.

6 | [11.32.48]

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

9 | A. No, I do not know.

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

15 | A. I heard over the loudspeaker there was such an announcement. ~~<There was a r~~Revolutionary
16 | songs were also played in that period. I believe that the people ~~in the~~<during that> period also
17 | heard the same thing.

18 | [11.34.38]

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

22 | A. I did not know before that time that I went to work at the work site.

23 | Q. <I think There> might have been a translation issue because my question was if the slogan, that
24 | is to say "when there is water, there are fish", if this was a popular saying that existed before the
25 | Khmer Rouge period, or is this something you heard for the first time at the worksite?

26 | A. I only heard the slogan or the saying at the worksite; I had never heard it before the time that I

1 was working at the worksite.

2 Ms. GUISSÉ:

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

6 [11.36.29]

7 MR. PRESIDENT:

8 You may proceed now.

9 QUESTIONING BY MR. KONG SAM ONN:

10 Thank you, Mr. President.

11 Q. Good morning, Mr. Pech Sokha. I have a few short questions. First, I would like to know and I
12 would like to hear your clarification concerning the dam, the 1st January Dam, and you said that the
13 length of the 1st January Dam was about 58 kilometres away. Does this length cover also the 6th
14 January Dam? <Do the two dams have a total length of 58 kilometres?>

15 MR. PECH SOKHA:

16 A. As for the length of the dam stated by me from my recollection, the total length of the combined
17 two dams was about 60 kilometres or less than that, including the feeding canal.

18 Q. Thank you. Could you elaborate for the Court what was the width of the dam?

19 A. I cannot recall it. <Moreover, the width of the dam varied.>

20 [11.38.01]

21 Q. You stated that you did not remember <the width of the dam varied>, so was there a particular
22 place at the dam which consisted of -- which was bigger than the other area? <Can you clarify how
23 big or small at particular areas?>

24 A. I do not recall it.

25 Q. Thank you. Could you give the clarification or the calculation <about on the amount of soil in
26 cubic metres which was used to build the dam?

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

2 Q. Thank you ~~very much~~. In relation to the written record of your statement, document E3/403, at
3 Khmer ERN 00389526; French ERN is at 00422243; and English ERN is at ~~004030908~~. I would
4 like to quote your statement when you were questioned about the 1st January Dam and the 6th
5 January Dam. Let me quote: "The name of the ~~1st~~ 6th January Dam was given at the time that
6 Vietnamese troops came into the country for the first time (on the 6th of January 1978) and it was
7 also the date of the opening construction of the dam." I would like to seek your clarification in
8 relation to the 6th January Dam, you said that the 6th January ~~Dam-1978~~ was ~~named at the~~
9 ~~time the date~~ that the Vietnamese troops attacked and went into the country, how did you know
10 that?

11 A. ~~Chham, The-my~~ group chief told me that that was how the name was given to the dam. I
12 did not know the details with this regard ~~at the time that the troops, the Vietnamese troops attacked~~
13 ~~and went into the country. Chham was my group chief and he told me about this.~~

14 [11.40.48]

15 MR. KONG SAM ONN:

16 Thank you very much, Mr. Witness.

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

18 MR. PRESIDENT:

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

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

26 MR. PECH SOKHA:

1 Thank you, Mr. President.

2 MR. PRESIDENT:

3 Security personnel are instructed to bring Mr. Khieu Samphan and Mr. Nuon Chea back to the
4 detention facility and bring them back on 25th May 2015, before 9 a.m.

5 The Court is now adjourned.

6 (Court adjourns at 1142H)