



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 02-May-2017, 08:00  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 July 2015  
Trial Day 304

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

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KHIEU Samphan

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SENG Leang

For Court Management Section:  
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I N D E X

Mr. SEN Sophon (2-TCCP-220)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Mr. SEN Sophon (2-TCCP-220)	Khmer

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1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

4 Please be seated. The Chamber continues its hearing in Case  
5 002/02.

6 As scheduled by the Trial Chamber, and which has been informed to  
7 the public and the concerned Parties, the Chamber shall hear  
8 testimonies of witnesses and civil parties in relation to  
9 Trapeang Thma Dam worksite. And today, the Chamber hears  
10 testimony of a civil party -- that is, 2-TCCP-220.

11 However, the Chamber has been seized by a submission of the  
12 <International> Co-Prosecutor, on 24 July 2015, concerning <a  
13 request to disclose the statements of the Civil Party  
14 applications for> Case 004 <>, in relation to Trapeang Thma Dam,  
15 that the statements shall be included in Case 002/02. For that  
16 reason, the Chamber will hold a brief submissions and  
17 observations by both the Co-Prosecutors and the concerned Parties  
18 before we proceed to hear testimony of a civil party, 2-TCCP-220.  
19 For the substantive hearing today, and the following days, the  
20 Chamber wishes to inform the Parties that it is likely that from  
21 today, and it may last for two weeks, Judge Fenz is absent due to  
22 urgent personal matters. And after the Bench deliberated the  
23 matter, Judge Martin Karopkin<, a reserve International Judge,>  
24 has been selected to replace Judge Fenz during her absence, until  
25 such time she is able to return to the Bench. That decision is

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1 based on Rule 79.4 of the ECCC Internal Rules.

2 Greffier, Ms. Se Kolvuthy, please report the attendance of the  
3 Parties and other individuals at today's proceedings.

4 [09.05.55]

5 THE GREFFIER:

6 Mr. President, for today's proceedings, all Parties to this case  
7 are present. Mr. Nuon Chea is present in the holding cell  
8 downstairs, as he requests to waive his direct presence in the  
9 courtroom. His waiver has been delivered to the greffier. The  
10 civil party who is to testify today, namely 2-TCCP-220, is ready  
11 to be called by the Chamber. Thank you.

12 MR. PRESIDENT:

13 Thank you. The Chamber now decides on the request by Nuon Chea.  
14 The Chamber has received a waiver from the Accused, Nuon Chea,  
15 dated 27 July 2015, which notes that due to his health, namely  
16 headache, backache, and that he cannot sit and concentrate for  
17 long and in order to effectively participate in future hearings,  
18 he requests to waive his rights to participate in and be present  
19 at the 27 July 2015 hearing. The Defence for the Accused has  
20 informed his client of the consequences of the waiver, that it  
21 cannot be construed as a waiver of a fair trial right, or right  
22 to challenge evidence presented or admitted to the Court at all  
23 times.

24 Having seen the medical report on Nuon Chea by the duty doctor  
25 for the Accused at ECCC, dated 27 July 2015, who notes that Nuon

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

8 The AV Unit personnel are instructed to link the proceedings to  
9 the room downstairs, so that Nuon Chea can follow it remotely.  
10 That applies for the whole day.

11 [09.08.28]

12 And before the resumption of its hearing, the Chamber wishes to  
13 inform the Parties and the public that on 24 July 2015, it was  
14 seized with the International Co-Prosecutors latest disclosure of  
15 Case 004 statements, and its submissions that all 54 statements  
16 and civil party applications relate to the Trapeang Thma Dam  
17 worksite, <shall be included in Case 002/02,> that is document  
18 E319/25.2.

19 Considering the effect disclosure may have on the Chamber's  
20 present schedule, at the outset of the hearing, the Chamber  
21 informed the Parties <on the 24 July 2015> and invites them to  
22 provide observations whether the disclosure will make an impact  
23 on the hearing of the Trapeang Thma Dam. And on 29 and 30 July  
24 2015 respectively, the Chamber actually scheduled to hear two  
25 witnesses who are not related to the Trapeang Thma Dam worksite.

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1 However, it may have <some minor impact on> the disclosure of the  
2 statements requested by the International Co-Prosecutor. <On  
3 Wednesday the 29 July 2015, the Chamber will hear the testimonies  
4 of the witness> 2-TCW-866, on Kampong Chhnang Airport, and after  
5 that, the Chamber will hear another witness -- that is,  
6 2-TCW-926, on the 1st January Dam worksite.

7 And the Chamber would like to ask the Co-Prosecutors as to when  
8 those disclosures would be made per your request, and whether it  
9 has any impact on the facts being debated in relation to Trapeang  
10 Thma Dam worksite. The Chamber will then hand the floor to the  
11 Lead Co-Lawyers and the Defence teams to respond to the  
12 submission by the Co-Prosecutors, and each team will have 10  
13 minutes to make such an observation to the Co-Prosecutors'  
14 submission.

15 And first, the Chamber would like to give the floor to the  
16 Co-Prosecutors to make an oral submissions in regards to the  
17 impact of your request of disclosures concerning the scheduling  
18 of hearings already made by the Trial Chamber for today and the  
19 following days in relation to the Trapeang Thma Dam worksite. And  
20 Co-Prosecutor, you may proceed.

21 [09.12.13]

22 MR. LYSAK:

23 Thank you. Good morning, Mr. President, Your Honours, Parties.

24 Let me first answer the first issue that was raised in the email  
25 you circulated on Friday, which is to address the substance and

1 timing of the disclosure. There are essentially two types of  
2 documents that were disclosed in this filing. The first was five  
3 recent OCIJ interviews from Case 004 that contain some  
4 information relevant to Trapeang Thma Dam. As this Court is  
5 aware, there have been a large number of witness interviews  
6 conducted in Case 004, relating to Preah Netr Preah district, and  
7 therefore touching upon the Trapeang Thma Dam. Over 60 such  
8 interviews were disclosed earlier this year, in March and April.  
9 Since that time, there have been five new OCIJ interviews  
10 relevant to this subject that were notified to us, and which we  
11 received translations between May and July, 2015. So that is the  
12 first group of documents disclosed -- five new OCIJ interviews.  
13 [09.13.38]

14 The larger part of the disclosure consists of civil party  
15 applications, a total of 47 civil party applications from Case  
16 004 that relate or contain some references to the Trapeang Thma  
17 Dam. There are two things I would like to note about those civil  
18 party applications. First, in regards to the number of pages  
19 disclosed. If you were to add up the total number of pages of the  
20 civil party applications, it would look fairly high, over 500  
21 pages. But as this Court knows, most of the pages in the civil  
22 applications are form matters with procedural content, where the  
23 civil parties check boxes, biographical information, addresses,  
24 and such things, copies of National ID cards.  
25 For each of these civil party applications, there are usually a



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1 one or two page insert at the end in which the civil party  
2 describes the information they have, in terms of what they  
3 experienced during the regime. So, we've gone through them, and  
4 the actual number of pages from these 47 civil party applications  
5 in which there are actual statements from the civil party, is  
6 only 94 pages. For the five new OCIJ interviews, fortunately they  
7 are fairly short, so they total about 44 pages between the five.

8 [09.15.29]

9 I would also note that only part of these filings actually relate  
10 to Trapeang Thma. When you look at these civil party  
11 applications, you usually see that there's perhaps one paragraph  
12 out of the one or two page description, that is about Trapeang  
13 Thma. So, there is -- perhaps my first comment is that there's  
14 not as much material to review as may appear if you look at the  
15 ERN pages. I was -- myself, I was away in Canada for the past  
16 three weeks, so the first time I saw these new materials was on  
17 Friday. And even in my jet-lagged condition, I was able to get  
18 through those materials in the afternoon.

19 [09.16.24]

20 The second point I want to make sure that is understood about the  
21 civil party applications, is that the date which appears in the  
22 annex we filed is the date that the document was prepared or  
23 signed by the civil party. It is not the date that the document  
24 was notified to our office, or put on the case file.

25 Civil party applications, as you may know, go through a process

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1 where they go through the Victims Unit, who enters them into a  
2 database, and does some other things that I'm not completely  
3 familiar with, before they get to the case file. So, let me give  
4 you an example of the timing relating to these civil party  
5 applications. If you look at the first civil party application in  
6 our annex, that's number 2 in the chart, a document that's now  
7 been assigned the number E319/25.3.2, E319/25.3.2, in our annex  
8 you'll see the date of 1 June 2013. That is the date the  
9 application was signed by the civil party.

10 The document was processed by the Victims Unit on 27 June 2014,  
11 so about one year later. When you look at these documents, the  
12 stamp that you will see on the cover page with the date, is not  
13 the date it was put on the case file, it's the date it was  
14 processed by the Victims Unit. So this application, signed June  
15 2013, processed by Victims Unit June 2014, the application, the  
16 original Khmer, was notified and placed on the case file on 1  
17 September 2014, and the English translation of that application  
18 was placed on the case file on 11 March 2015.

19 [09.18.44]

20 Another thing I want to bring to the Court's attention is that  
21 some of the dates listed in our annex, which is a printout from  
22 our case map database, turn out to be incorrect. I was -- I  
23 checked into this because when I looked at the annex on Friday,  
24 there was a number of applications that had 2009, 2011 dates.  
25 That seemed early for me. And when I checked the actual dates of

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1 these, there are 17 applications that we listed as -- that were  
2 listed from the case map printouts as 2009 or 2011, which were  
3 all actually dated or signed by the civil party in 2013. There is  
4 only two of these applications that were earlier, and again to  
5 give you a sense of the timing related to these applications, let  
6 me point out one of those.

7 Number 33 on our annex is one of the two civil party applications  
8 that was from 2011. It was signed by the civil party applicant on  
9 14 June 2011, filed by his lawyer on 30 June 2011, processed by  
10 the Victims Unit on the 13th November 2012, and not placed on the  
11 case file and notified to the Parties, including us, until 8 May  
12 2013. The English translation of that application was posted 30  
13 April 2015.

14 [09.20.36]

15 So, in terms of your question regarding timing, it should be  
16 understood that the dates in our annex, in addition to some of  
17 them being incorrect, do not represent the dates these materials  
18 became available to our office.

19 All that said, we all understand it is far from ideal -- far from  
20 ideal for us to have to file these the week before trial segment  
21 is to begin. That is certainly something we don't want to do, and  
22 would like to try to avoid. Everyone in this Court works with  
23 limited resources, including the people who have to process and  
24 file the civil party application, which I presume is why they  
25 take a while to work their way from the civil party into the case

1 file.

2 [09.21.35]

3 So, while it is -- if you look at the actual dates, the English  
4 translations of these applications generally became available to  
5 us between 2014 - 2015. Nonetheless, our office has to set  
6 priorities in terms of what we do. So, our first priority with  
7 the Case 004 investigation and disclosure issues, was the  
8 interviews, the witness interviews, conducted by OCIJ. Those  
9 struck us from the beginning as something that was an important  
10 source of evidence, and our first effort was to get on top of  
11 those, and make sure the witness interviews were disclosed where  
12 relevant. The civil party applications were a second and next  
13 priority of our office, and that is part of the reason that this  
14 timing comes now rather than earlier in this year. I wish we were  
15 able to have the resources and the ability to review all these  
16 civil party applications as soon as they come in. That's simply  
17 not the case. If we had allocated resources to review the some  
18 1000 civil party applications in Case 004, we would have had to  
19 take away resources from other things. So, I think that -- I hope  
20 that answers your first question in terms of the substance and  
21 timing of what we disclosed.

22 [09.23.21]

23 Let me address your other question, which is: does this affect  
24 the ability to go forward? I believe the answer to that is no.  
25 Reason: there are almost 100 OCIJ witness interviews relevant to

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1 Trapeang Thma that have been before the Parties for some time.  
2 Those from Case 002, which have been available since the judicial  
3 investigation, and those from Case 004, which were made available  
4 in March or April of this year. There are another 84 witness  
5 statements, primarily DC-Cam interviews, some originating in Case  
6 002, and others that were part of a later group of DC-Cam  
7 interviews that were included in our June 2014 trial document  
8 list. And there were 99 civil parties who filed applications or  
9 supplementary statements relating to Trapeang Thma Dam in Case  
10 002. Why am I telling you all this? There is a wealth of  
11 information that has been available to the Parties for a long  
12 time, and because of that, it is highly unlikely that there is  
13 any unknown or new information in these largely civil party  
14 applications, that would have any effect on how our office, or  
15 the other Parties, will proceed in questioning the witnesses who  
16 are to be heard on Trapeang Thma.

17 [09.25.06]

18 It's inconceivable to me, with there being almost 200 witness  
19 interviews, and 100 civil party applications relating to this  
20 Trapeang Thma Dam, that these new case -- civil party  
21 applications from Case 004 cover any new ground. I've looked over  
22 them myself, and indeed, I would describe them as what you would  
23 expect. They're corroborative of what the other hundreds of  
24 victims, who have statements already before this Court, have said  
25 about the general conditions at this dam. Is this something that

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1 would affect how we would proceed this week? No. The only  
2 document I would point out that I believe is likely to be used  
3 over the next few weeks is a civil party application that comes  
4 from 2-TCW-908. This document is number 48 on our annex, and this  
5 is an individual who is scheduled to testify. He is the last  
6 Trapeang Thma Dam witness, however, number 11 on the list. So I  
7 am assuming or estimating that he won't testify for probably  
8 three weeks. So that, I hope, answers your questions. I'm  
9 prepared to answer any other questions you may have.

10 [09.26.46]

11 MR. PRESIDENT:

12 Thank you, and Judge Lavergne, you have the floor.

13 JUDGE LAVERGNE:

14 Thank you, <Mr.> President, for giving me the floor. And thank  
15 you, Mr. Prosecutor, for these explanations. I have a question. I  
16 read through the annex, <attached to your request,> and I have  
17 noticed that for some documents, the ERNs are not mentioned,  
18 neither in Khmer, English nor French. Could you perhaps <be more  
19 specific with regards to the versions of these documents, and  
20 also those that> are available <> in Khmer, English or French? I  
21 imagine that all these documents are available in Khmer <but> I  
22 would like to be certain of that. Could you tell us how many of  
23 these documents are available in <> English <>? Perhaps they are  
24 all available in English? And which ones are available in French?  
25 <Given that earlier you> said that on the civil party

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1 applications, <there were more or less> 94 pages <of information  
2 that> were relevant. <I'm assuming> that these are 94 pages  
3 <worth of information> in English. That is my first question to  
4 you, Mr. Prosecutor.

5 [09.28.16]

6 MR. LYSAK:

7 Thank you, Judge Lavergne. I'm not sure which documents you are  
8 referring to that lack ERNs. The version of the annex that I'm  
9 looking at has ERNs. Perhaps there has been some error. There are  
10 a small number that -- there's maybe one of them, or two, that  
11 are only in Khmer, and there is one that is listed only in -- is  
12 available only in English. But the others, I believe, all have  
13 Khmer and English ERN, but I'd need to go through. I'm flipping  
14 through it right now, and at least in the version that I have,  
15 almost all of them have both Khmer and English ERN. A smaller  
16 number have French translations. My observation is that the --  
17 with both the witness interviews and the civil party applications  
18 in Case 004, they're being translated into English first, French  
19 after that. So, I don't know whether there's a specific document  
20 that you're concerned of, whether there's something wrong with  
21 the annex that made it through into the filing. But the annex  
22 that I have does have those ERNs.

23 [09.29.46]

24 JUDGE LAVERGNE:

25 Well, the document I was referring to is E319/25.3, documents 4,

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1 6, 8, 9, 11, 14. There's <> a relatively <significant> number <of  
2 documents> -- 17, 18, 19, 22, 28, 29, 36. <So, a significant>  
3 number of documents have no ERNs, and that is why I'm raising the  
4 issue. <I see that, for> example, 40, 42, 43, 45, 46, 49, 52 <--  
5 a significant number of documents> have <no> ERN, which is why  
6 I'm wondering if these documents are available in <all> the  
7 various languages <>.

8 MR. LYSAK:

9 They are available, Your Honour. I'll need to take a look at  
10 what's happened. I can assure you that there is an annex that was  
11 prepared, and I believe it was our original annex filed, that has  
12 ERNs for all of those. I have no idea why you have a version of  
13 an annex that doesn't have those ERNs. We will look into that,  
14 and we will get -- make sure that there is a version -- we'll  
15 make sure there is a version circulated that has the ERNs. I  
16 don't know why that is, because the copy that I'm holding has  
17 ERNs for every document, with the exception of three; two that  
18 are only in Khmer, one that's only in English. But I will look  
19 into that, and make sure that they're there. But I can assure you  
20 that, in terms of what will be placed into the folders, the  
21 electronic folders, there are Khmer and English translations for  
22 all these documents, except for three which are only in one  
23 language.

24 [09.32.08]

25 JUDGE LAVERGNE:



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1 Thank you very much for <this clarification>. I have no further  
2 questions to <put to> the Prosecutor.

3 MR. PRESIDENT:

4 Thank you. The Chamber now would like to hand the floor to the  
5 Lead Co-Lawyers for Civil Parties to make an observation  
6 regarding the submission by the Co-Prosecutor. You may proceed.

7 MS. GUIRAUD:

8 Thank you, Mr President. Good morning to everybody. Is it  
9 possible for us to make our comments after we have heard the  
10 comments from the Defence, so that we can respond to any  
11 <potential motions or specific requests> that our colleagues  
12 might make? Otherwise, at this stage I <am equally happy to> make  
13 some general comments, and I may <subsequently> ask for the floor  
14 to respond to the Defence <>.

15 It's as you wish, Mr. President.

16 [09.33.29]

17 MR. PRESIDENT:

18 The Chamber requires you to make an observation now, so that we  
19 can expedite our proceedings. As you may be aware, the Defence  
20 teams will have the last chance to speak.

21 MS. GUIRAUD:

22 <Very well, thank> you very much. In that case we have some very  
23 brief observations to make. <Firstly,> just to recall that Ang  
24 Pich and myself, <the Lead Co-Lawyers, are> in the same  
25 predicament as the Defence <> lawyers. We do not have access to

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1 case files 003 and 004, and so we came across these documents on  
2 Friday as the other Parties did. In the folder provided, we can  
3 see there are 54 documents in Khmer, 54 in English, and we are  
4 therefore assuming that all of the documents have been translated  
5 into English <and that> only 20 <were translated into> French. We  
6 <> perused these documents on Friday afternoon, and we defer to  
7 the wisdom of this Court as to whether <a report of certain  
8 witness hearings from Trapeang Thma> should be deferred or not.  
9 <I believe that we have been consistently moderate concerning our  
10 observations on the subject of disclosure.>  
11 <For one thing we fully> understand <any prospective motions> and  
12 objections <that may come> from the Defence <for each> party  
13 must, of course, be able to decide <for themselves> what  
14 information <and which documents are> necessary <when it comes to  
15 this> new segment. We're also keen to point out what is important  
16 to us, namely that the trial should move forward as swiftly as  
17 possible. And therefore, we defer to the Chamber to weigh up  
18 these different rights <for each Party> within the trial, <we are  
19 of the conviction that> this week can go forward <on the basis  
20 that> we have one witness <for Kampong Chhnang Airport>, and one  
21 <for> the 1st January Dam. But again, we defer to the wisdom of  
22 the Tribunal on this point, and we do understand <> that  
23 objections may be raised by other Parties. <>  
24 [09.36.05]  
25 MR. PRESIDENT:

16

1 Thank you. The floor is now given to the Defence teams for the  
2 Accused. First, the Defence team for Mr. Nuon Chea. You may  
3 proceed to make an observation in relation to the disclosure of  
4 new documents by the OCP. You may now proceed.

5 MR. KOPPE:

6 Thank you, Mr. President. Good morning, Your Honours. Good  
7 morning, Counsel. I think it might be worthwhile to put this last  
8 disclosure in a little bit of perspective. We have done some  
9 math, and have now seen that this is the thirteenth disclosure  
10 since the first one in November, 2014. Those 13 disclosures bring  
11 us to a total of 7,744 pages, plus an estimated 600 pages, a  
12 total of 8,344 pages, so almost eight and a half thousand pages.  
13 To remind the Chamber of earlier disclosure, I would like to  
14 refer to, for instance, the disclosure of 20 March 2015, where we  
15 received about 2,600 pages. Disclosure number 10, April -- 28  
16 April 2015, where we received about 1,057 pages. Now, with  
17 another 600 pages, like I said, bringing it to a total of eight  
18 and a half thousand pages. Speaking about resources, have we been  
19 able -- has the Defence been able to read all these new documents  
20 coming from Case 003 and 004? The only answer that we can give to  
21 that question is: marginally. We have had a very demanding trial  
22 schedule in the last months before the recess. Of course, we had  
23 to prepare for the three hearings in appeal, held by the Supreme  
24 Court Chamber early July. Have we really been able to properly  
25 read these documents, in the sense of really evaluating the

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1 documents as evidence? No. The question is -- the answer to the  
2 question is no. Have we been able to discuss the content of these  
3 disclosures with our client? No.

4 [09.39.13]

5 So, now again, a day before we start a new segment, we are again  
6 being confronted with 600 new pages. So it's simply for us  
7 impossible to even pretend to having read these documents. I have  
8 no idea how the judges -- how you, the Judges of the Trial  
9 Chamber, are doing this. We certainly can't, especially taking  
10 into consideration our resources in relation to the Prosecution.  
11 That's my first point.

12 My second point is, I'm still a little bit puzzled as to the  
13 timing. I've heard -- I listened carefully to the International  
14 Co-Prosecutor on the timing of, the filing of these civil party  
15 applications. Even if it's -- even if the date that I'm looking  
16 at, for instance, number 3 civil party application, document  
17 D5857, if it's not from 2009, but let's say from 2013, why did it  
18 take two years to present this civil party application of this  
19 civil party? Why did we have to wait until now? I don't  
20 understand the delay in time of another two years.

21 [09.40.59]

22 There are a number of other documents that are not civil party  
23 applications, in respect of which the timing also doesn't really  
24 make sense to us. For instance, the first document is an OCP  
25 interview of somebody whose name I shall not mention. But that's

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1 dated the 5th of August 2008. Why was that filed seven years  
2 later? I don't understand. There's also a report of an execution  
3 of rogatory letter, dated September, 2011, and that's being filed  
4 now. Also that is something that I don't understand. Actually the  
5 same goes also for the written records of investigation of the  
6 witnesses in Case 004. I've looked through them, but most of them  
7 -- one is from March, 2015. One is from April, 2015. One is from  
8 May, 2015. One is from 10 June 2015. One is from April, 2015. We  
9 are all fully aware that this segment was even scheduled before  
10 the recess. I really don't see a reason why we are being  
11 confronted with these WRIs at this stage. So, I would say that  
12 the categorisation as 'far from ideal' is maybe the  
13 understatement of the year, I wouldn't say, but it's quite an  
14 understatement. What it all boils down to is that we simply have  
15 no room -- we have no possibility to properly question the  
16 witness or the civil party that is upcoming.

17 [09.42.59]

18 Obviously, we need to have a look, even only a marginal look, at  
19 these new civil party applications, whether they have any bearing  
20 or effect on these upcoming witnesses. Of course, maybe the most  
21 principled question is why should we even allow these civil party  
22 applications to enter our case? What is their material importance  
23 that would allow them to be brought into our case file? Why can't  
24 we simply say, "Let the lawyers and the judges in Case 003 and  
25 004 deal with these civil party applications"? What's the

19

1 necessity, what's the strong necessity to have these civil party  
2 applications become part of Case 002? Of course I understand  
3 what's behind it, or it's maybe speculation. But the idea that  
4 Case 003 and 004 will ever happen, that's of course very  
5 unlikely. That's probably the reason why we are still being  
6 flooded with all that new evidence coming from Case 003 and 004.

7 [09.44.11]

8 But going back to the remarks I made in the beginning, putting  
9 this in perspective of almost eight and a half thousand pages, I  
10 think we have now reached a moment that we should say, "Enough is  
11 enough. Let these civil party applications belong to where they  
12 were originally filed, in Case 003 and 004. Let them deal with  
13 it." And if you think that should not be the situation, then  
14 obviously we need some time to have a look at them. We didn't  
15 receive them yet. We are in the lucky position, or lucky between  
16 brackets, that on Wednesday and Thursday we have two witnesses  
17 who are not related to this segment. So by postponing today's  
18 civil party and tomorrow's witness, we would in effect have in  
19 total a week extra. But of course, I say that with the big caveat  
20 that actually having the resources and time to properly read  
21 these civil party applications, I don't think that is really the  
22 issue.

23 [09.45.29]

24 Last remark: I might add that civil party applications are not  
25 just merely applications. In the Judgement in 002/01, these

20

1 applications have formed a very important part of the used  
2 evidence. So, based on our experience in Case 002/01, these civil  
3 party applications need to be considered, need to be given the  
4 same weight as proper evidence coming from witnesses. And in  
5 addition, we have seen in 002/02, in this trial, that a lot of  
6 those civil party applications have all kinds of defects in them.  
7 Witnesses sometimes come here and say, "I've never said that."  
8 They are written down by unknown people, who have sometimes no  
9 idea what the actual civil party has said. So, we have to be  
10 very, very careful with these civil party applications. Will we  
11 now let them in like this? They're in, they will never go out,  
12 and that is problematic. So, I don't think we should make any  
13 distinction, really, between civil party applications as such and  
14 WRIs of proper witnesses. So, Mr. President, one: dismiss the  
15 request. Two: if you do not dismiss the request, give us at least  
16 today and tomorrow to have a first look at these new disclosures.  
17 Thank you.

18 [09.47.11]

19 MR. PRESIDENT:

20 Thank you. Now the Defence team for Mr. Khieu Samphan have the  
21 floor.

22 MS. GUISSÉ:

23 Thank you, Mr. President. Good morning to you, Sir, to the  
24 Chamber, to all of the Parties here. <I must say> Mr. President,  
25 <that> from the standpoint of the Khieu Samphan Defence, we see

1 this <issue of recurring communication of documents to be> taking  
2 on alarming proportions, and <it is in itself putting> the  
3 fairness of the trial <into question>. I think it's  
4 <particularly> lightweight of the Co-Prosecutors to say that in  
5 one afternoon you can go through these 54 new documents <-- as  
6 was suggested this morning>. I think that's taking the work of  
7 the Defence somewhat lightly, because when documents are  
8 communicated, it's not a matter <of crassly skimming> through  
9 them. You have to do proper Defence work, cross-check information  
10 contained in the documents with other <pieces of evidence, it  
11 essentially entails thorough analysis.>

12 Now, if the Co-Prosecutor is picking up on work that's already  
13 been done by his colleagues, so he can go through the documents  
14 quickly, well, that is <his choice and that is> something that he  
15 is entitled to do. But <do not> expect the Defence to <rush their  
16 work. That's the first point I wanted to make.> The most  
17 important point, perhaps, is the <shift> we've seen over the last  
18 few <weeks, or months rather> whereby within Trial 002, we are  
19 seeing <the introduction of a mass> of documents <coming from> an  
20 investigation that is currently underway. And <when I mention  
21 that the investigation is ongoing> I must stress this because, as  
22 my colleague from the Nuon Chea Defence team has said, there are  
23 defence teams that are working on the investigations for Cases  
24 003 and 004, and there are rights that are attached to those  
25 people being <questioned or are still under investigation>, and



1 they <will> have the <possibility if they so wish to request  
2 certain information> and that is not our case here <today>.  
3 [09.49.44]  
4 <Increasingly requests are made to introduce new documents.> My  
5 colleague referred to the actual figures <> just now, <these are>  
6 documents that we don't really -- that we're not really  
7 acquainted with. Now, today, what we're trying to find out is to  
8 know what the purpose is of the disclosure by the Prosecution.  
9 <Are the documents likely to be> exculpatory material? In which  
10 case, <it would be useful to know which documents they are and to  
11 know what points are being focused on. If we are dealing with a  
12 simple case of supplementary information, is it then the case  
13 that the evidence in Case 002 is not sufficient enough>? What  
14 I've also heard< , what I've heard the Co-Prosecutor say this  
15 morning,> appears to be, "Well, we can go through these documents  
16 pretty briskly because they don't provide any new information".  
17 In which case, if they don't provide any new information, I would  
18 say then why bring them into the <trial>? Why have <tonnes and  
19 tonnes> of new evidence that we are not acquainted with? I remind  
20 you that we are not <part of> the investigations for Cases 003  
21 and 004.  
22 [09.50.49]  
23 So, my first reaction is: if these documents are so  
24 insignificant, <as the Co-Prosecutor indicated this morning, then  
25 we should not accept them,> they should be rejected, and <> there

1 won't be any <problems with> delays. <That is the third point I  
2 wanted to insist upon.>

3 In the last few months, we have <found ourselves in the position  
4 of having to> continually beg for extra time, so as to review  
5 documents that might lead <to a conviction> for our clients. And  
6 we are therefore working under difficult conditions <when we>  
7 have other <tasks to perform> at the same time, and we are being  
8 asked to be endlessly more and more flexible, to work in harder  
9 and harder conditions, and in conditions that <are less conducive  
10 to allowing us to properly> defend our clients <because, oh well,  
11 the trial must go on>.

12 <Let's be clear here I have no problem with the trial advancing,  
13 for it is in my client's interest, but not> under any conditions  
14 whatsoever.

15 Now, today, we've been told "54 documents -- well, <no, it's> 500  
16 pages, but <in reality there are only 94> pages <that> are  
17 actually useful" <said the Co-Prosecutor.> Well, <I feel like  
18 saying,> that may be the position of the Prosecution, but as we  
19 stand here and now, I haven't <had access to> these documents <>.  
20 We have to sign off<, as has been the case for documents coming  
21 from the investigation -- we have to sign a discharge form to be  
22 granted access to these> documents. And on <that day, Friday> we  
23 weren't actually <planning on coming into> the office. <We are  
24 here today so, only today are we in the position to> sign the  
25 <discharge form> that will allow us to see the documents.

1 <Documents that, for the most part,> are not available in French  
2 anyway. So, here again, the question of the necessary time to  
3 review them comes up, so that we can sit down with the people who  
4 work in Khmer <and> in English, in our team. <That's another  
5 point in itself>  
6 [09.52.52]  
7 <So, today,> we're being told, "Oh, we can push forward. There's  
8 no problem really. It's not going to make things too difficult  
9 for the Defence. Don't worry. <The Chamber can continue, business  
10 as usual.>" Well, what is the point of the 54 documents if we can  
11 just proceed with business as usual?  
12 <I ask you,> if there's no particular point to them, let's simply  
13 withdraw them, <put them behind us>. If they have a purpose, <>  
14 if they're useful, and if the Prosecution is intending to use  
15 them either now or later on by requesting <that they be tendered  
16 into evidence under 87.4> then I simply state that we should be  
17 given the time to <familiarise ourselves with them>. It is just a  
18 matter of equal arms between the Parties.  
19 Today we are speaking blindly. I'm talking about documents that  
20 I've only seen the description of in the annexes. I don't know  
21 what the contents of the documents are. I <cannot tell you, yes  
22 or no,> if we can continue with the civil parties in this way.  
23 So, <a simple solution> is, <once again,> to take these documents  
24 off the file, and <to stop trying to use documents in Case 002  
25 that are from the ongoing investigations 003 and 004. Those

1 investigations are ongoing, we do not know what could happen with  
2 them. We do not know what requests could be made, requests that  
3 could require such or such civil party to come and clarify a  
4 certain point.>.

5 <And again, as> my colleague Nuon Chea said, <and we were there  
6 again> a few weeks ago <before this Chamber,> a certain number of  
7 civil parties have <shown to what degree certain> documents  
8 filled out in their name were not actually reliable. <And,  
9 today,> I don't wish to see them filed without knowing <> those  
10 civil parties <will have a day to come and testify before this  
11 Chamber>.

12 [09.54.38]

13 Therefore, <two things, if> there are <fundamental> reasons why  
14 the Prosecution would like to see these documents <tendered>, or  
15 <these testimonies heard before this Chamber, they put forward a  
16 request, and, at that point, there is a contradiction. I'm losing  
17 the thread here a bit and I'm speaking a bit too fast, I will try  
18 to slow down.

19 So there may be a real contradiction here, there are certain  
20 people that the Prosecution intend to have testify before this  
21 Chamber. They put forward a request for that purpose. However,  
22 we must cease admitting an infinite number of written testimonies  
23 and written materials for -- of which we are not really  
24 familiar. On thing is clear, if you decide that these elements  
25 must indeed be disclosed to the Parties and that they must be --

1 and that they can be used by the Parties, it is obvious that it  
2 is impossible to hear whichever witness that has ties to the  
3 Trapeang Thma. That, that's very -- we must be clear.> We cannot  
4 just proceed with business as usual and then leave us blindly at  
5 a disadvantage vis-a-vis the Prosecution <>.

6 [09.55.59]

7 Then there's another <pressing> question that <I believe> we have  
8 to come back to, which is that of the weight to be given to the  
9 statements that have already been put on the case file <through  
10 this process>, and the <potential> requests that may be made by  
11 the Prosecution <in this sense>. But, <again,> let me remind you  
12 that <we are dealing with a case in which there is an  
13 investigation> going on, in which Mr. Khieu Samphan has certain  
14 rights, <and, right now, there is an ongoing investigation and we  
15 cannot take> statements <that are likely to be investigated in  
16 Cases 003 and 004> at face value just like that.

17 So either completely reject all of these new documents, and then  
18 we can continue. If you wish us to base our debates on these  
19 documents <at any given time>, then <> we have to have the time  
20 to review them, and <the> two days of hearing <up to> today are  
21 not going to be enough. <So either we have> a proper deferral of  
22 one week in addition to the two days of this week, <of this  
23 ongoing week>, because we don't have any problem, <naturally, to  
24 continue> dealing with witnesses <regarding> Kampong Chhnang  
25 <Airport> and the 1st January Dam. <But do not> say that this

1 <disclosure> is something that has almost no relevance to the  
2 <preparation> work <carried out by> the Defence<, it is not  
3 true>. That's the way the Prosecution sees <in any case and that  
4 perspective is unique to the Prosecution>.

5 [09.57.40]

6 MR. PRESIDENT:

7 You may now proceed, Deputy Co-Prosecutor.

8 MR. LYSAK:

9 Thank you, Mr. President. First, I wanted to update the  
10 information I received in regard to Judge Lavergne's question. I  
11 think what happened is, before we did the formal filing, we  
12 circulated a preliminary version of the annex, so that the  
13 process of assigning document numbers and processing could begin.  
14 And what made it into your hands was not the filed version of the  
15 annex, but a preliminary version. So, I'm told that's the reason  
16 that you may have ended up with the version of the annex that  
17 doesn't have the ERNs in it.

18 [09.58.28]

19 Second, I do want to respond to the issue of when these documents  
20 -- when the Defence could have started reviewing these documents.  
21 They were offered to them lunchtime Friday. The Nuon Chea team  
22 responded, saying they didn't want the documents. They wouldn't  
23 sign the acceptance. They didn't want them until lunchtime on  
24 Monday. As I said, and I was not relying on anyone else's work, I  
25 went through these materials by myself Friday afternoon to see

1 what was there. They refused to take the documents Friday at  
2 lunchtime. The Khieu Samphan team didn't respond -- even respond  
3 to our email sent at Friday lunchtime, offering to make these  
4 documents available. The second thing I want to make sure is  
5 clear: this is not a request for admission of these documents.  
6 This is a disclosure. It is a disclosure so that these civil  
7 party applications, which are in Case 004, are available should  
8 the Trial Chamber, should the Parties want to look at them. It's  
9 not our intention to request that these be admitted. The only  
10 ones I foresee potentially being admitted, for sure, are the ones  
11 that relate to, for example, the witness who is going to testify.  
12 I would think that probably one of the Parties will want to make  
13 use of that document.  
14 But there is already -- it is certainly true there is already  
15 plenty of corroborative, civil party applications, victim  
16 statements from people who won't testify as witnesses here,  
17 without us having to admit these. So the reason we are disclosing  
18 them is just so they are available, should one of the other  
19 Parties look and say, "Oh, this particular individual looks quite  
20 interesting to me. I would like to request them to come and  
21 appear at some time in these proceedings, which will continue for  
22 another year." We want that option to be available.  
23 [10.00.34]  
24 Now should the Defence not want us to disclose further civil  
25 party applications, we would be happy to be relieved from that

1 burden. But it will need to be done with the clear waiver and  
2 statement from the Defence. We of course would continue --  
3 instead of doing what we did here, which was to make available as  
4 a disclosure all the interviews, all the civil party  
5 applications. We would still disclose ones obviously that related  
6 to people who would testify. If there was a civil party  
7 application that was exculpatory, we certainly would make it  
8 available. If there was something that was of particular  
9 significance, we would do that. What we have done here is a  
10 disclosure of the civil party applications relating to Trapeang  
11 Thma Dam, as a matter of fairness to make sure they are  
12 available, not as a request to admit these documents. That's an  
13 important, important distinction.

14 [10.01.38]

15 A couple of other points. The OCP interview from 2008: this  
16 disclosure was done while some of us from the trial team were not  
17 here. The reason this was not disclosed earlier was because it  
18 really doesn't have any substantive information on Trapeang Thma.  
19 It's someone who said they knew of the site, but then said they  
20 didn't have any information about it. Our instructions to people  
21 were to err on the side of disclosure, but not to disclose  
22 documents where someone mentions Trapeang Thma Dam, but doesn't  
23 provide any information. So, the 2008 document is, as you will  
24 see when you look at the documents, not one that has any material  
25 information. It probably -- it should not have been disclosed.



1 I think I've responded to the issues that have come up, so unless  
2 you have any further questions?

3 [10.02.45]

4 MR. PRESIDENT:

5 Judge Lavergne, you have the floor.

6 JUDGE LAVERGNE:

7 <Just a point of> clarification that I would like the OCP to give  
8 us. What is <this> document? <What is its number in the list of  
9 documents> in the <annex? The> 2008 document that you just  
10 mentioned, that should not have been communicated because it is  
11 not relevant? Is it the first one? <D1.3.11.3>?

12 MR. LYSAK:

13 Yes, the documents are in alphabetical order, by the name. And so  
14 the name of this person -- yes, this is the first one that  
15 appears. And it's not as if there's any -- anything that's been  
16 improperly disclosed. It's simply, when I read this interview on  
17 Friday, the witness says that they participated in the building  
18 of the Trapeang Thma Dam, but then when asked what were the  
19 conditions, said, "I did not participate in the work." For me, if  
20 I were here when this disclosure was made, we wouldn't have  
21 disclosed this, just because it does not seem to be of any  
22 weight. That's simply the point I'm making about this 2008  
23 document. The reason it wasn't disclosed earlier was because we  
24 reviewed it, and decided it wasn't of any particular relevance.  
25 And somehow in the process of doing this disclosure, it got

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1 thrown into the mix.

2 [10.04.39]

3 MR. PRESIDENT:

4 Any other Parties, do you wish to make an additional observation?

5 Anyone? It seems none.

6 (Judges deliberate)

7 [10.05.29]

8 MR. PRESIDENT:

9 The Chamber wishes to express its sincere thanks to all Parties  
10 for your submissions on this matter -- that is, on the disclosure  
11 of statements in <> Case 004 to Case 002/02 <requested by the  
12 Co-Prosecutors, dated the 24th July> . And the Chamber will take  
13 a break now and resume at twenty to 11.00, so that during this  
14 break, the Chamber will deliberate this matter amongst the Judges  
15 of the Bench. Then we will proceed after the break.

16 (Court recesses from 1006H to 1104H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Chamber would like to inform the Parties and the general  
20 public that the submission made by the <International>  
21 Co-Prosecutor this morning, as well as the observations made by  
22 the respective Parties to the case, the Chamber deliberated  
23 during the break. However, we have not yet reached a conclusion,  
24 and we need more time to make such a ruling. For that reason we  
25 will adjourn the Chamber -- we will adjourn the proceedings this

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1 morning, and resume at 1 o'clock this afternoon.

2 Security personnel, you are instructed to take Khieu Samphan to  
3 the waiting room downstairs, and have him returned to attend the  
4 proceeding this afternoon, before 1 o'clock.

5 The Court is now in recess.

6 (Court recesses from 1105H to 1310H)

7 MR. PRESIDENT:

8 Please be seated. The Court is back in session. And before we  
9 proceed with hearing testimony of a civil party as scheduled, the  
10 Chamber will present a rescheduling of the Trapeang Thma Dam  
11 worksite regarding the request for disclosures by the  
12 Co-Prosecutor. In fact today, the Trial Chamber is scheduled to  
13 start hearing evidence on a Trapeang Thma Dam worksite and we are  
14 scheduled to hear evidence from a civil party -- that is,  
15 2-TCCP-220. However, on Friday 24 July 2015, the International  
16 Co-Prosecutor filed a notification disclosing documents that he  
17 had identified as relevant to the Trapeang Thma Dam worksite.  
18 Having considered the overall submissions of the Parties made  
19 this morning as to the impact of this disclosure, the Trial  
20 Chamber decides that it will proceed to hear 2-TCCP-220 today, to  
21 be followed by 2-TCW-858. In keeping with the Trial Chamber's  
22 prior practice, the materials disclosed by the International  
23 Co-Prosecutor are not yet admitted into evidence in Case 002.  
24 This would require an application which satisfies the  
25 requirements of Internal Rule 87. No such application has been

1 made and at this point in time, the Trial Chamber only takes not  
2 of the disclosure which makes the concerned documents available  
3 to all the Parties. As for the impact of the disclosure on  
4 scheduling, 2-TCCP-220 is here at the ECCC having travelled a  
5 considerable distance <in order to give a testimony.> 2-TCW-858  
6 has also been brought to Phnom Penh. To reschedule their evidence  
7 would cost significant practical difficulties. If a reasoned  
8 application is made in the future which demonstrates that the  
9 Parties were <impacted> by the International Co-Prosecutor's  
10 disclosure, persons can be recalled for further questioning.

11 [13.14.00]

12 Following the conclusion of 2-TCW-858's <hearing>, the Trial  
13 Chamber will hear <the testimony of the witness> 2-TCW-866, in  
14 relation to Kampong Chhnang Airport. Then the Trial Chamber will  
15 hear <the testimony of the witness> 2-TCW-926, in relation to the  
16 1st January Dam. These <two witnesses were> previously selected  
17 by the Trial Chamber but who were unavailable to testify when  
18 scheduled earlier in the year. Their <testimonies will not be>  
19 affected by the latest disclosure. As for scheduling next week,  
20 the Trial Chamber rules that the Parties must be given an  
21 adequate opportunity to review the disclosed materials before  
22 continuing further with Trapeang Thma Dam witnesses.  
23 For that reason and considering the fact that this is the latest  
24 of numerous disclosures and that the Parties have been heavily  
25 engaged in appeal proceedings at the beginning of this month, the

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1 Trial Chamber will make adjustment to next week's schedule. The  
2 Trial Chamber has also taken into consideration the fact that the  
3 two Judges will be unavailable in the coming week. Therefore  
4 following the conclusion of <testimony 2-TCW-226 (sic)>, the  
5 Trial Chamber will not sit next week. That concludes the Trial  
6 Chamber's ruling.

7 Court officer, please usher civil party, 2-TCCP-220, into the  
8 courtroom. And please also invite the TPO staff with the civil  
9 party in order to provide support to this civil party during the  
10 testimony.

11 (Civil party enters courtroom)

12 [13.17.26]

13 QUESTIONING BY THE PRESIDENT:

14 Good afternoon, Mr. Civil Party. What is your name?

15 MR. SEN SOPHON:

16 A. My name is Sen Sophon.

17 Q. And thank you, Mr. Sen Sophon. When were you born?

18 A. I was born on 3rd May 1960.

19 Q. Thank you. And where were you born?

20 A. I was born in Os Tuk village, Kampong Preang commune, Sangkae  
21 district, Battambang province.

22 Q. And where is your current address?

23 A. I live in Phsar Kandal (phonetic) village, Poipet commune,  
24 Poipet district, Banteay Meanchey province.

25 [13.18.44]

1 Q. What is your current occupation?

2 A. I am a labourer.

3 Q. What are the names of your parents?

4 A. My father's name is Sokh Yon and my mother's name is Sanh Sal.

5 Q. Thank you. And what is the name of your wife and how many  
6 children do you have together?

7 A. Her name is Lok Tan (phonetic) and we have four children  
8 together.

9 Q. Thank you. And the Chamber would like to inform you that at  
10 the conclusion of your testimony, you will be given an  
11 opportunity to make a statement of impact on the suffering that  
12 occurred during the Democratic Kampuchea period if you wish to do  
13 so. And the Chamber would like to inform the Parties and the  
14 public that sitting next to the civil party is a TPO staff, Sieng  
15 Hun Taing, who is allowed by the Trial Chamber to sit next to the  
16 civil party in order to provide support to the civil party per  
17 his request regarding his testimony. And that pursuant to Rule 91  
18 bis, the Chamber will hand the floor to the Lead Co-Lawyers for  
19 Civil Parties first to put questions to this civil party. And the  
20 combined time for the Co-Prosecutors and the Lead Co-Lawyers for  
21 Civil Parties is half day session. And you may proceed.

22 [13.20.58]

23 MR. PICH ANG:

24 Good afternoon, Mr. President, Your Honours and everyone else.

25 For questioning this civil party, Sen Sophon, 2-TCCP-220, Lawyer

1 Hong Kimsuon is assigned to lead the questioning. Thank you.

2 MR. PRESIDENT:

3 Yes, you may do so. And Hong Kimsuon, you may proceed.

4 QUESTIONING BY MR. HONG KIMSUON:

5 Good afternoon, Mr. President, Your Honours. And good afternoon,  
6 everyone in and around the courtroom as well as the audience in  
7 the public gallery, and everyone else who is following these  
8 proceedings. And good afternoon, Mr. Sen Sophon. My name is Hong  
9 Kimsuon and I'd like to put some questions to you regarding your  
10 personal experience from 17 April 1975 to 6 January 1979.

11 Q. Could you please briefly tell the Chamber where you lived  
12 before 17 April 1975?

13 [13.22.28]

14 MR. SEN SOPHON:

15 A. Before April 1975, I lived in Phnom Penh in Lot Number 3 in Ou  
16 Ruessei quarter.

17 Q. Thank you. Were you living with your parents or were you  
18 living by yourself?

19 A. I was living with my parents and my siblings at the time.

20 Q. How many persons in your household at the time?

21 A. There were six of us.

22 Q. Please describe. <Who were they?>

23 MR. PRESIDENT:

24 Mr. Civil Party, please observe the microphone.

25 [13.23.40]

1 MR. SEN SOPHON:

2 A. There were my <two fathers (sic)> and myself and my <three>  
3 younger siblings. Altogether, there were six of us.

4 BY MR. HONG KIMSUON:

5 <You said there were two fathers, did> you mean your father and  
6 your mother?

7 MR. SEN SOPHON:

8 A. Yes, there was my mother and there was my father and my three  
9 siblings and myself.

10 Q. Thank you. And on the 17 April 1975, namely your family  
11 members, your parents, your siblings, were you still living in  
12 the same house or were you living elsewhere?

13 A. Please repeat your question.

14 Q. My question to you is the following. On 17 April 1975, did  
15 your family go to live elsewhere -- that is, to leave Phnom Penh?

16 A. On 17 April 1975, the Khmer Rouge attacked and took control of  
17 Phnom Penh. We were told by Khmer Rouge soldiers to leave Phnom  
18 Penh and that we had to <leave> the city in three days' time. And  
19 in fact, only on the <17> April 1975, <1976,> we left the city.

20 [13.25.38]

21 Q. Your answer is rather unclear. You said the Khmer Rouge  
22 entered Phnom Penh on the 17th, and my question to you is the  
23 following: did you go anywhere on the 17th? And if <yes>, on  
24 which day that you left the city?

25 A. I left on the 16th of April.



1 Q. I don't get your response, <it> is rather confusing. You said  
2 you saw the Khmer Rouge enter Phnom Penh on the <17th April> and  
3 you said that you did not leave on that day. And my question to  
4 you is that after the 17 April 1975, did your family members go  
5 to live elsewhere?

6 A. We left Phnom Penh to S'ang district -- that is, to Preaek  
7 Reang village in S'ang district.

8 Q. Please if you do not understand my question, ask me to  
9 rephrase it before you respond. Now I ask you again about your  
10 journey to another location from Phnom Penh and I want to know  
11 the exact date, since your response so far is rather confusing.  
12 As you said that you left on the 16th, but 16th means it's before  
13 the 17 April. Please try to recall it clearly as to which day you  
14 actually left Phnom Penh.

15 [13.27.54]

16 A. My apology. In fact. We left the city on the 18th April.

17 Q. Thank you. So you left Phnom Penh to S'ang district in Kandal  
18 province. And can you recall as to which month you arrived in  
19 S'ang district, Kandal province?

20 A. I arrived in S'ang in March -- my apology, it was in May.

21 Q. As I said, please listen to my question carefully before you  
22 respond. Now I move on to my next question. And I'd like to refer  
23 to your civil party application form -- that is, document  
24 E3/4821. It exists in the Khmer language and the English  
25 language. And I'd like to refer to your evacuation in 1976. Do

1 you recall that you were evacuated elsewhere in 1976?

2 A. We were evacuated from Preaek Reang village to Battambang  
3 province.

4 [13.30.06]

5 Q. Can you elaborate a little bit further, that is for the time  
6 period when you were transferred from Preaek Reang village to  
7 Battambang province? Under whose instruction were you sent to  
8 Battambang province?

9 A. The village chief made an announcement that we should leave to  
10 S'ang, Preaek Touch in order to be with other families and that  
11 we will be subsequently sent to return to Phnom Penh.

12 Q. Did you then go by yourself or you went with your family  
13 members?

14 A. All family members went together and there were also other 17  
15 April People who were with us.

16 Q. Can you please tell the Chamber when you were evacuated from  
17 your last residence to Battambang province, as to which village  
18 or commune you were sent to Battambang?

19 A. We were sent to Bat Trang village, Preah Netr Preah district.

20 [13.31.53]

21 Q. And do you recall the sector and the zone?

22 A. It was in Sector 5.

23 Q. Did you know what the name of the province or zone was at the  
24 time?

25 A. I do not know where it was because I had to travel a long way

1 by a vehicle.

2 Q. I would like to know about your journey from Preaek Reang to  
3 <Bat Trang village,> Preah Netr Preah <district>. How did you go  
4 to Preah Netr Preah? Did you go by boat, did you go on foot, what  
5 was the means of transportation?

6 A. After we left Preaek Reang village, <we carried our mat and  
7 mosquito net,> we passed an open field for <five> kilometres, and  
8 after that we arrived in S'ang, Preaek Touch.

9 Q. Could you please go on and elaborate, elaborate the fact.

10 A. When we arrived in S'ang, Preaek Touch, there were 20  
11 vehicles. All people were called to board the vehicles. And after  
12 everyone boarded the vehicles, the vehicles left the area. And  
13 the vehicles went past Phnom Penh. Everyone was doubtful at that  
14 time <because we were told that we were sent to Phnom Penh, but>  
15 why <did they transport us further> and we were talking to each  
16 other that perhaps they lied to us. And the vehicles were heading  
17 to Preaek <Pnov>. And at that time, <two vehicles were> first in  
18 the convoy and the vehicle stopped <at Preaek Pnov for two hours>  
19 to wait for other vehicles to arrive. <Then the other 18 vehicles  
20 arrived. It was in the afternoon. I asked why it took other  
21 vehicles so long to arrive. I was told that those vehicles were  
22 detoured from Phnom Penh because they did not want people to see  
23 the situation in the city. My vehicle went past Phnom Penh and> I  
24 witnessed the incident at that time. I saw no one in the city.  
25 There <was> only rubbish in the city. I could see <only a> few

1 <soldiers> walking in the city.

2 [13.34.57]

3 Q. I want you to tell the Court about the time when you arrived  
4 in Battambang. So what happened?

5 A. We arrived at the railway station in Battambang province and  
6 we were told to board the train. We were told that we could not  
7 go by road because the road <to Serei Saophoan> was cut. We went  
8 further from Battambang towards Serei Saophoan. And when we  
9 arrived at Serei Saophoan, <there were around 10> tractors there  
10 <to pick us up>.

11 Q. Thank you. I would like to backtrack a little bit. When you  
12 boarded the vehicle at Preaek Reang and the vehicle left for  
13 Battambang, at that time were you allowed to bring along  
14 belongings namely rice, pots and other important tools? <Did they  
15 distribute food to you and other people on the way?>

16 [13.36.16]

17 A. We were not given any tools or rice. We could only bring the  
18 rice that we brought along from the village.

19 Q. Did the vehicle stop along the way to allow people to relieve  
20 themselves or to cook to eat?

21 A. When the vehicle passed Kampong Chhnang, they stopped for a  
22 short period of time. And after that, the vehicle went on until  
23 we arrived in Battambang province.

24 Q. <In your trip from Preaek Reang to> Battambang and after that  
25 you went further to Serei Saophoan <and then from Serei Saophoan

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1 to the village where you resided -- that is, Bat Trang village,  
2 Preah Netr Preah district, Sector 5, how> long did it take to  
3 arrive <at the final destination>?

4 A. It took us two days and one night.

5 Q. Did you and your family live in Bat Trang until the fall of  
6 regime?

7 A. My family and I lived in Bat Trang village until the fall of  
8 the regime.

9 [13.37.55]

10 Q. Thank you. In 1976, you stated you lived in Bat Trang village,  
11 Preah Netr Preah district <>. What group were you in at that time  
12 and where did you work?

13 A. The village chief told me to be in the middle age group  
14 <ploughing the field.>

15 Q. Concerning your group, what group was it? <Was it the youth  
16 group or the adult group?>

17 A. It was called adult group or middle age group.

18 Q. So you were in that group and you stated that you worked in  
19 the field. So how long did you work in that group?

20 A. I was told to plough the field for a period of one year so  
21 that we could have the land to grow <cassava> and rice.

22 Q. I would like to know about the food ration when you were in  
23 the middle age group. What was the food ration like?

24 A. The food was not enough for everyone. We receive only two cans  
25 of rice for 15 of us. <We ate gruel.>

1 [13.40.14]

2 Q. What about working conditions and working hours, could you  
3 tell the shifts of your work?

4 A. Everyone had to wake up at 2 a.m. in the morning so that we  
5 could take cattle to the field. And we worked in the field in the  
6 very early morning and we had to work until 11.30 after which we  
7 could have time to have <gruel>.

8 Q. You stated you work in the middle age group or adult group.

9 Did you ever witness that anyone from your group was arrested?

10 A. No. I never witnessed it.

11 Q. Thank you. I would like to move on to the period of 1977. In  
12 your document E3/4821, you stated the time that you were in a  
13 mobile unit. Could you tell the Court where were you assigned to  
14 work when you were in a mobile unit?

15 A. The cooperative chief told us and gathered us, <young people,>  
16 to form a group so that we could go and build Trapeang Thma  
17 reservoir.

18 [13.42.24]

19 Q. Could you tell the Court <> when was your group sent to  
20 construct Trapeang Thma reservoir?

21 A. It was in 1977.

22 Q. Do you recall where Trapeang Thma construction site was, what  
23 district or sector was it in?

24 A. It was in Phnum Srok district, Sector 5.

25 Q. Thank you. What was the assignment like and what were the

1 working conditions at that time?

2 A. We were required to finish three cubic metres of soil per day.

3 Q. What about working hours, what time were you told to work?

4 A. At 4 a.m. in the morning, unit chief bang the bell so that  
5 everyone woke up and went to carry the earth and we had to work  
6 until 11.30 after which we were allowed to eat gruel.

7 Q. What about the afternoon, from what time until what time were  
8 you required to work? And when did you have rest?

9 A. We resumed our work at 1.00 in the afternoon and we had to  
10 continue working until 9.00 or 10 p.m. If we could not finish the  
11 work quota, we had to make our best efforts to complete it.

12 [13.45.02]

13 Q. Do you recall where exactly were you required to work on that  
14 site?

15 A. I was instructed to work at Spean Reap (phonetic).

16 Q. Thank you. I would like to move back a little bit. You stated  
17 that the work quota was three cubic metres per worker per day. So  
18 I would like to know: Was the work quota the same for everyone?

19 A. The work quota was different from one another. Some were  
20 required to complete three cubic metres per day, some 3.5 cubic  
21 metres, some four cubic metres. <The people who were in the  
22 so-called front battlefield were required to complete four cubic  
23 metres of soil per day.> And for me, I was asked only to complete  
24 three cubic metres of soil per day.

25 Q. Could you tell the Court why were you required to complete

1 only three cubic metres per day?

2 A. Because I was in <the so-called rear battlefield.>

3 [13.46.37]

4 Q. You stated that you were told to work at Spean Reap (phonetic)  
5 at that time. Could you tell the Court was the place where you  
6 have to carry the earth away from the place where you dump the  
7 earth?

8 A. It was about 15 metres away from the place where I dumped the  
9 soil that I carried.

10 Q. Could you tell the Court how high the dam was and how large  
11 was the dam?

12 A. The dam itself was different inside. And the place where I  
13 work, the crest was about 30 metres<, the height of the dam was  
14 15 metres,> and the base of the dam was about 50 metres.

15 Q. I would like to know whether there were <many male and> female  
16 <mobile units working at the place where you were stationed?>

17 A. There were many of them. I could see many <of them> everywhere  
18 at the base of the dam and at other worksites.

19 [13.48.28]

20 Q. I would like to ask you about the sleeping quarters. Were  
21 houses built or were proper shelters built for all workers in  
22 mobile units?

23 A. A long hall was built and the hall was not tall, it was high  
24 enough for us to go in and sleep.

25 Q. How long did you work at that Trapeang Thma worksite?



1 A. I had to carry earth at that worksite for a period of two  
2 months. I was the last one to join the group. And after two  
3 months, I was <transferred> to go to work at <Spean Sraeng> site.

4 Q. Besides sleeping quarter, I would like to know about the  
5 health condition of the workers. Were there any medics at the  
6 worksite or was medicine given to the sick?

7 A. No medicine at all for the sick. Anyone who fell sick had to  
8 rest in the hall. And even the rice, sometimes we were not given  
9 any rice to eat as for the sick.

10 Q. What about the torture and arrest, have you ever heard or  
11 known that people were arrested and tortured <while you were at  
12 Trapeang Thma Dam worksite>?

13 A. I do not know but I noticed that people disappeared from the  
14 unit. I noticed that members of my unit disappeared one after  
15 another from time to time.

16 [13.50.56]

17 Q. What about clothes and drinking water, was there enough water  
18 to drink or was there enough clothes for you to wear?

19 A. There was not enough water for us to <drink>. The horse cart  
20 had two containers<. The water was transported from a lake and  
21 it> was kept in that two containers and it was not enough for  
22 workers.

23 Q. Do you recall the name of the leader who was in charge of that  
24 Trapeang Thma worksite?

25 A. Yes, I could recall the name. His name was Ta Val.

1 Q. Was Ta Val the one who was in charge of your only unit or he  
2 was in charge other units as well?

3 A. He had overall supervision in Sector 5. And everyone said that  
4 Ta Val was the chief leader.

5 Q. While you were carrying earth at that Trapeang Thma worksite,  
6 did you ever witness high ranking people visited the worksite?

7 A. No, I never witnessed anyone visiting the site.

8 [13.52.51]

9 Q. Thank you. You have just stated that you worked in a mobile  
10 unit carrying earth for a period of two months. And after that  
11 you were assigned to work at <Spean Sraeng> worksite. <How far  
12 was it> from Trapeang Thma worksite <to Speang Sraeng worksite>?

13 A. It was not far away from each other. In fact, the dam  
14 connected to each other.

15 Q. You have answered about working condition and food ration  
16 already. I would like to move on and would like to know about the  
17 time that you were working at <Trapeang Thma Dam worksite or>  
18 Spean <Sraeng>. Were you allowed to take a rest while you were  
19 working at that place?

20 A. No resting time for all workers. No holiday even during the  
21 time that we deserve to have.

22 Q. While you were working at the two worksites, were you able to  
23 make a request to visit your parents at home?

24 A. I had made a request to visit my parents but the request was  
25 rejected. I was not allowed to visit my parents.

1 [13.54.57]

2 Q. Again I would like to know about clothes. While you were  
3 working at that <> dam worksite, were you given <> clothes<,  
4 scarf> and shoes to wear?

5 A. Frankly speaking, only one set of clothes was given to each  
6 worker in addition to one scarf or krama.

7 Q. I would like to move to the period of 1978. In your document  
8 E3/4821, do you recall or where were you assigned to work after  
9 you left Trapeang Thma or Spean Sraeng worksites?

10 A. After the two worksites, I was assigned to dig the canal at  
11 Phnum Lieb worksite.

12 Q. Was it a canal that you had to dig or was it a dam that you  
13 had to build?

14 A. It was a canal that I was assigned to dig.

15 [13.56.53]

16 Q. Thank you. What about the working conditions, were the working  
17 conditions <at Phnum Lieb worksite> different from those at  
18 Trapeang Thma and Spean Sraeng worksites?

19 A. The working conditions were the same. We had to complete three  
20 cubic metres of soil per day that I had to dig. <We were not  
21 allowed to eat if we could not complete the quota.> And I had to  
22 complete it every day. <Sometimes, I worked until 10 p.m. Then we  
23 are allowed to eat. There was no rice. We were given only gruel.>

24 Q. How far was it from Trapeang Thma to Phnum Lieb worksite?

25 A. It was in a long distance from Trapeang Thma to Phum Lieb. I

1 could not tell you exactly how long it was.

2 Q. Thank you. Could you tell the President and the Chamber what  
3 happened to you while you were <working at> Phnum Lieb  
4 <worksite>?

5 A. As I said, I was assigned to dig the canal at Phnum Lieb  
6 worksite and <> after 15 days, I noticed there was a woman. At  
7 that time, it was 10 p.m. I was going to get the rice. That lady  
8 came to tell me that, "Uncle Phon, you will be taken away and  
9 killed". I was horrified at that time.

10 [13.59.26]

11 Q. Take your time, Mr. Sophon. I will have a few more questions  
12 to ask you. As you were told by the President, you will have time  
13 to make victim impact statement lastly.

14 Could you tell the Court what happened after you were told that  
15 you would be taken away and killed?

16 A. <Srey Em (phonetic)> told me that, "Uncle Phon, you will be  
17 taken away and killed". And unit chief were told about that and  
18 the message were relayed to the militiaman. <She suggested I run  
19 away.> At that time, I was running away and was trying to find  
20 way to escape with the containers to keep rice. I was making my  
21 effort to make an escape. I did not know where I was heading at  
22 that time.

23 Q. Where was you thinking at the time and where were you heading  
24 to?

25 A. I was not thinking of anything besides making an escape. I was

1 doing my utmost to make an escape <from the mobile unit because I  
2 was afraid that I would be taken away and killed. I did not know  
3 exactly where I was heading to but I just ran away from the  
4 mobile unit>.

5 [14.01.25]

6 Q. Where did you go and where did you arrive?

7 A. I was making my way to the north of Phnum Lieb mountain. I was  
8 heading westward at that time and I arrived at Prey Moan. It was  
9 during the night-time that I had to travel. <Before arriving at  
10 Prey Moan,> I was so exhausted at that time, so I fell asleep in  
11 the open field.

12 Q. And where did you go, where did you arrive at the time?

13 A. I arrived at Chroab <village>.

14 Q. From Phnum Lieb canal to Chroab, how long did it take you and  
15 how did you survive by means of food?

16 A. It took me more than a week to be on foot and I did not have  
17 any rice to eat. And when I arrived at Prey Moan, I saw a  
18 <cassava> farm. So I actually took some <cassavas>. And I also  
19 saw a well there. So I actually cooked those <cassavas> and I  
20 kept it with me and I continued my journey until I reached Chub  
21 village.

22 [14.03.35]

23 Q. Thank you. So you said you reached Chroab village. Did you  
24 stay there or did you continue with your journey?

25 A. I reached Chraob village as I stated and I <met> an older

1 woman <by the name Troap,> who knew me and asked where I was  
2 heading to. And I asked her how long she had lived there. And she  
3 said that the area that we previously lived was flooded and she  
4 asked whether I knew about what happened to my parents. And I  
5 said I did not know. She said that both my parents were taken  
6 away and killed. That's what she told me. And she asked where I  
7 was heading to and I told her I did not know since my parents  
8 were dead. And I told her that I did not know which unit I would  
9 go to and I did not have anything to eat. She said since your  
10 parents and your younger siblings had all been killed and you had  
11 nowhere else to go, then I could stay with her.

12 [14.05.28]

13 Q. Thank you. And the village that you arrived -- that is,  
14 Chroab, that you met this woman by the name of <Troap,> how far  
15 was it from that village to the Trapeang Thma Dam worksite, if  
16 you can recall?

17 A. I do not know the exact distance. I think the distance from  
18 Chroab Mountain to Trapeang Thma Dam was more than 20 kilometres.

19 Q. Thank you. And did that old woman, <Troap,> tell you the  
20 reasons that your parents and family members were killed?

21 A. In fact, it was my father who was taken first to be killed  
22 since he was a former soldier. But then my mother said if my  
23 father was going to be <taken>, then <the rest of the family  
24 should be taken as well. Otherwise, it would be difficult for  
25 them to live separately.> But in fact, by the time they did not

1 tell them that they were taken away to be killed but that they  
2 were to be moved to a distant location. However, they were all  
3 killed.

4 [14.07.20]

5 Q. Thank you. Were you being tracked when you met the old woman,  
6 <Troap? Were you able to work there?>

7 A. No, they did not send anyone to track me down. And the old  
8 woman <Troap> told me that I could stay with her <and pretended  
9 to be> her son<. She suggested I tell others that prior to coming  
10 to the place, I was sick and stayed in the hospital; therefore, I  
11 did not belong to any unit. For these reasons,> I could be  
12 included into a unit as she herself was in a widows unit. And  
13 there were more than 70 widows in the unit. She told her unit  
14 chief and she actually convinced her to have me included in the  
15 unit. And I was in the unit for only three days and I did not  
16 even know members of the unit. As we almost had nothing to eat;  
17 it was a very watery gruel with only a few pieces of rice in it.  
18 I became so fatigued. I was so skinny and the knees were as big  
19 as my head. So then <the unit chief> assigned <me and> another  
20 person <by the name Uth (phonetic) to go and find fish in order  
21 to supplement our food condition. And off <we> went.

22 Q. Thank you. And in your document, that is same document  
23 E3/4821, you talked about foraging fish in Kambao river. And what  
24 happened there?

25 A. I was <fishing in the Kambao river, I was> using a net to

1 catch fish in the river there. I was with another person <by the  
2 name Uth (phonetic)> and we were on a small boat. <Uth (phonetic)  
3 was rowing the boat.> While we were fishing<,> I heard a few  
4 gunshots not far from our location, so then <Uth (phonetic) said  
5 someone> jumped into the river. And in fact, a person was shot  
6 dead while he was jumping into the river. And three or four days  
7 later, the body floated or surfaced.

8 [14.10.18]

9 Q. And did you know reason for that man being shot?

10 A. No. I don't know the reason for him being shot as I was at a  
11 distance from where he was shot dead.

12 Q. While you were working at the Trapeang Thma Dam worksite and  
13 also while you worked at a canal in Phnum Lieb, were you under  
14 the same supervision of Ta Val while you were working at these  
15 two separate worksites?

16 A. Ta Val controlled the two mobile units. However, workforce was  
17 assigned separately. For instance, <> a group of workforce was  
18 assigned to go to one worksite while another was assigned to a  
19 separate worksite. <They were called the "100-Member" unit.>

20 Q. Do you know the name of the unit chief at Phnum Lieb worksite?

21 A. By the later time, the Southwest group actually arrived and by  
22 that time, Ta Val name was no longer spoke of and I heard of  
23 another name of a woman by the name of Chaem, Yeay Chaem.

24 [14.12.06]

25 Q. Did you see <Ta Val and> Yeay Chaem in person <during the time



1 you were building the dam>?

2 A. I neither saw Ta Val nor Yeay Chaem, I only heard of their  
3 names.

4 Q. And after you survived the regime -- that is, after the  
5 collapse of the Khmer Rouge regime on 6 January 1979, did you  
6 ever attempt to locate your parents?

7 A. I tried every means of finding them. I went to Siem Reap, I  
8 went to Battambang, to their native place of birth, but I could  
9 not find them. And I knew that they were dead.

10 Q. Since you survived the regime, do all those events that  
11 happened during the Khmer Rouge regime still live on in your  
12 memory or they simply disappeared?

13 A. The events and experience are with me always. Every time it  
14 comes to my mind, I just barely can afford myself not to weep.  
15 [14.14.19]

16 Q. Before the Trial Chamber of the ECCC, <as a civil party,>  
17 you're entitled to request for reparation. And what kind of  
18 reparation that you wish to seek?

19 A. My request is to adjudicate this case; to prosecute the Khmer  
20 Rouge leaders as I lost everything. I lost my house, my land and  
21 my family members. And that's all I want from this Court.

22 Q. And do you have any questions that you would like to ask the  
23 Accused? However, you cannot put any direct question to the  
24 Accused, you have to make a request to the President of the  
25 Chamber. Or maybe at the conclusion of your testimony after you

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1 make your statement of suffering, you can put questions to the  
2 Accused through the President. And that's all the questions that  
3 I have for you, Mr. Sen Sophon.

4 And thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you. The Chamber now gives the floor to the Co-Prosecutors  
7 to put questions to this civil party. And you may proceed.

8 [14.16.15]

9 QUESTIONING BY MR. SENG LEANG:

10 Good afternoon, Mr. President, Your Honours. And good afternoon,  
11 everyone in and around the courtroom. My name is Seng Leang. I am  
12 a National Deputy Co-Prosecutor and I have some questions to put  
13 to the witness.

14 Q. My first question is the following. When you went to work at  
15 the Trapeang Thma Dam worksite, did you volunteer?

16 MR. SEN SOPHON:

17 A. No, I did not. I was assigned by the cooperative chief.

18 Q. Could you refuse to go?

19 A. No, I could not. If I refused to go, I would be accused of  
20 being an enemy and I would be taken away and killed.

21 Q. So you said you did not refuse. Did you not want to refuse or  
22 did you dare not to refuse?

23 A. The fact is I was afraid to die.

24 [14.18.05]

25 Q. And through your experience, did you know if anyone actually

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1 refused to go to work at the Trapeang Thma Dam worksite?

2 A. No. But we knew that <> whoever was appointed by Angkar to  
3 work, we had to go and work.

4 Q. And actually who made that statement?

5 A. It was chief of the cooperative.

6 Q. And what is the name?

7 A. It's Uncle Phon. The name is as my name.

8 Q. You said that you went to work at the Trapeang Thma Dam  
9 worksite in 1977, could you please specify the month of the year?

10 A. I cannot recall the month, however, I recall that it's around  
11 mid-1977.

12 [14.19.35]

13 Q. Mr. President, with your permission, I'd like to read an  
14 extract of the civil party application in order to refresh this  
15 civil party recollection. The document is E3/4821 and the Khmer  
16 ERN is 00523263, and the English ERN is 00916890, and the French  
17 ERN is 00909833. In your civil party application, you said that  
18 "in May 1977, the chief of the cooperative, Phon, assigned me to  
19 work in a mobile unit at Preah Netr Preah together with <Vat and>  
20 Oeun. And there were 10 of us altogether". [Free translation]  
21 And Mr. Civil Party, does that refresh your memory? <When did you  
22 go to work at the Trapeang Thma Dam worksite?>

23 MR. PRESIDENT:

24 And Defence Counsel, Victor Koppe, you have the floor.

25 [14.21.19]

1 MR. KOPPE:

2 Thank you, Mr. President. I know -- I realise that a question as  
3 phrased is framed by the Co-Prosecutor is allowed by the Trial  
4 Chamber or has been allowed already many times. However, I would  
5 like to point the Trial Chamber to practice that is now being  
6 adopted by the Supreme Court Chamber in its recent hearings. In  
7 its recent hearings, the Supreme Court Chamber has specifically  
8 directed Parties not to read excerpts from their own statements  
9 and then ask for confirmation. Now I realise that that is not a  
10 decision as such, so technically you are not bound by a practice.  
11 However, I think it is worthwhile noting to the Trial Chamber  
12 that that is now what we are supposed to do in appeal. So I think  
13 we have a new situation and my request would be to the Chamber in  
14 light of this adopted practice by the Supreme Court Chamber to  
15 reconsider its practice and forbid the Prosecution to simply read  
16 an excerpt and then ask for confirmation.

17 MR. PRESIDENT:

18 Judge Lavergne, you have the floor.

19 [14.23.10]

20 JUDGE LAVERGNE:

21 Counsel Koppe, could it be possible, Mr. Koppe, so that the  
22 Chamber may render a decision on <your request as best as  
23 possible --

24 Counsel Koppe, could it be possible, so that the Chamber may  
25 render a decision on your request as best as possible, for you to

1 provide us with the exact references of the transcripts of the  
2 hearings in which this practice was referenced>?

3 MR. KOPPE:

4 Not now by heart but it was a written decision. It wasn't an  
5 actual instruction during the hearings itself. It was laid down  
6 in decision on guidelines and practices before the Supreme Court  
7 Chamber in respect of the witnesses. It's F26. I have the French  
8 version but I'm happy to read the French version to you. It's  
9 French, ERN 01110269. For the interpretation booth, I now would  
10 try my best French: "Except if there are anything to the  
11 contrary, examination should not consist of only reading to the  
12 witness an excerpt of their previous declarations and asking them  
13 to confirm it. Previous statements can be used to test the  
14 credibility of a witness or to shed some clarity on any  
15 contradictions that may exist between different statements."

16 [14.25.36]

17 MR. PRESIDENT:

18 The International Deputy Co-Prosecutor, you may proceed.

19 MR. BOYLE:

20 Thank you, Mr. President. Just a couple of brief observations.

21 First, this was not a situation where counsel was asking to  
22 confirm a statement. This was a situation where he asked a  
23 question and then asked the President's leave to refresh the  
24 witness's memory. So I want to make that distinction.

25 Second of all, as counsel noted, the practice of reading

1 statements to witnesses and to civil parties is one that has been  
2 followed for a long time in this Chamber. I think if counsel  
3 intended to ask this Chamber to change that practice, it's  
4 certainly something that could have been made in writing and then  
5 giving all Parties an opportunity to respond to that suggestion.  
6 And third of all, I just like to make the observation that of  
7 course this Trial Chamber has wide discretion in regards to how  
8 it chooses to conduct its hearings and the way that the Supreme  
9 Court Chamber chooses to conduct its hearings in the context of  
10 evidentiary hearings on appeal do not necessarily have bearing in  
11 regards to how this Chamber chooses to conduct its hearings.

12 Thank you very much.

13 (Judges deliberate)

14 [14.34.24]

15 MR. PRESIDENT:

16 I'd like to hand the floor to Judge Lavergne to respond to the  
17 observation made by the defence counsel for Nuon Chea, Counsel  
18 Koppe, on the questioning put last by the Deputy National  
19 Co-Prosecutor to the civil party. And Judge Lavergne, you have  
20 the floor.

21 JUDGE LAVERGNE:

22 <Yes.> Thank you, President. The Trial Chamber understands the  
23 recommendation coming from the Supreme Court Chamber <as a means  
24 to> avoid a general practice during the examination of a civil  
25 party or a witness, which would <consist of repeatedly and

1 extensively> reading out <> statements <made previously by the  
2 person being heard before the Chamber.> And indeed this is not an  
3 appropriate way to conduct an examination. However, for limited  
4 reasons such as refreshing a civil party or witness's memory or  
5 to test their credibility, it is possible <that> a Party may  
6 refer to <and cite> previous passages of statements <given by the  
7 person being heard>. But <this> must be <> clearly <stated>. That  
8 is why,< it would be ideal if, for example,> the last question  
9 that the civil party lawyer asked be rephrased so it may be clear  
10 to all Parties what is the purpose of such a quote from a  
11 previous statement. <I consider it important that it is --  
12 consider it important that it> be made clear to everyone that the  
13 objective <> is <to ask> the civil party if he remembers having  
14 said what <has been read out> and if it does indeed correspond to  
15 what he remembers. And so this could<, perhaps,> be the practice  
16 henceforth <>.

17 [14.36.45]

18 BY MR. SENG LEANG:

19 Thank you very much, Your Honour. I would like to rephrase my  
20 question. Civil party stated that he worked at Trapeang Thma  
21 worksite in 1977, but <he did> not <specify> the <month>. So I  
22 wanted to know about the month of the year that he was working at  
23 that Trapeang Thma worksite. To get the response in relation to  
24 the month, I had to resort to the document -- that is, E3/4821.  
25 Now I would like to rephrase the question so that the civil party

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1 can understand my question clearly. I would like to read the  
2 statement again.

3 Q. You stated: "In May 1977, <the> unit chief named Phon called  
4 me and told me to work in a mobile unit in Preah Netr Preah  
5 together with <Vat>. I do not know whether <Vat> is alive or  
6 dead. <Oeun> is deceased. I was assigned to work together with 10  
7 other workers." <>

8 Do you stand by your statement? You stated in your document that  
9 you went to work at Trapeang Thma worksite in May 1977. Do you  
10 stand by the statement in your document?

11 [14.39.14]

12 MR. SEN SOPHON:

13 A. Yes, I was working there in May 1977.

14 Q. Thank you, Mr. Witness. You have just given your responses to  
15 the question by civil party lawyer. You stated that you worked at  
16 Trapeang Thma worksite for two months after which you went to  
17 work at Spean <Sraeng>. Is it correct what I have just read to  
18 you?

19 A. Yes, it is correct.

20 Q. After you arrived at Trapeang Thma worksite in May 1977, was  
21 the dam completed already?

22 A. The construction of the dam was about to finish. <I was sent  
23 there to finish up the construction.>

24 Q. So does this mean that after you left that worksite, the dam  
25 was not completed yet; is that true?



1 A. It was not 100 per cent completed when I left. <They still  
2 needed to flatten the land.>

3 [14.41.00]

4 MR. PRESIDENT:

5 Thank you, Mr. Deputy Co-Prosecutor for the National side. It is  
6 now convenient time for the break. And we will take the break  
7 from now until 3 o'clock.

8 Court officer, please find a proper room for this witness to take  
9 rest during the break time, and please invite him back together  
10 with TPO staff into the courtroom at 3 o'clock.

11 The Court is now in recess.

12 (Court recesses from 1441H to 1458H)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is back in session and again the Chamber hands the  
16 floor to the Deputy Co-Prosecutor to continue putting questions  
17 to the civil party and you may proceed.

18 BY MR. SENG LEANG:

19 Thank you, Mr. President.

20 Q. Mr. Witness, before the break I asked you a question that you  
21 actually went to work at the Spean Sraeng worksite. Could you  
22 elaborate a little further, what kind of work were you involved  
23 in the Spean Sreang worksite and did it have any connection to  
24 the Trapeang Thma Dam worksite?

25 MR. SEN SOPHON:

1 A. We actually built a dam at the Spean Sraeng worksite and in  
2 fact that dam was linked to Trapeang Thma Dam.

3 Q. What was the purpose of construction of Spean Sraeng dam?

4 A. No, I don't know the reason for its construction.

5 [15.00.50]

6 Q. Let me turn to the Trapeang Thma Dam worksite. Can you tell  
7 the Court how many workers were on site at the Trapeang Thma Dam  
8 worksite?

9 A. There were thousands of workers.

10 Q. Were those workers mixture of male and female for example, and  
11 their age range, can you elaborate on that?

12 A. The workers were between 18 years old to 30 years plus, they  
13 were in mobile units.

14 Q. Were they mainly men or there were mixture of men and women?

15 A. There were both male and female workers. There were male and  
16 female youth workers; that's what they used to call at that time.

17 Q. Did the worker have the right to choose the work that they did  
18 or they only had to follow the work assignment by their  
19 respective unit chiefs?

20 A. They did not have any work choice. They had to complete the  
21 work assignments by units chief.

22 Q. Did anyone refuse to carry out the work assignment and if so  
23 what happened to them?

24 A. No, I do not know if there was anyone who dared to refuse.

25 [15.03.25]

1 Q. In your response to the lawyer for civil parties, you said  
2 that you were required to carry three cubic metre of soil per  
3 day. You also added that certain workers in certain groups had to  
4 do three and half cubic metres and even up to four cubic metres  
5 per day. Can you tell the Court why your group was assigned three  
6 cubic metres each and why in other groups they had to do 3.5  
7 cubic metres while the other group had to do four?

8 A. I was in a group with less than regular manpower and we were  
9 assigned less than the regular manpower units.

10 Q. What is the difference between a regular manpower group and  
11 your group, for instance, does that refer to the members of the  
12 group due to their personal strength, for instance?

13 A. My group was selected <> from the so-called rear battlefield,  
14 while the regular work force groups were already assigned to the  
15 front battlefield in terms of engaging in that kind of work.  
16 <Those from the rear battlefield were considered weaker than  
17 those in the front battlefield.>

18 [15.05.28]

19 Q. Were there any groups that were assigned to carry less than  
20 three cubic metres per day?

21 A. No.

22 Q. In doing the three cubic metres of soil per day, what kind of  
23 tools or equipment were given to your group?

24 A. The only things that we were given were baskets, carrying  
25 poles and hoes.

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1 Q. Were heavy machines used to aid your work?

2 A. No, the things we had were the hoes.

3 Q. So does it mean you had only carrying baskets and hoes to  
4 complete the three cubic-metre work assignment per day?

5 A. Yes, we had to use the hoe to dig the soil and some time we  
6 had to use our hands to put the soil onto the basket and carry  
7 the basket to dump the soil at the dam.

8 [15.07.09]

9 Q. Were you able to complete the three cubic-metre work quota on  
10 a daily basis?

11 A. I don't understand your question.

12 Q. Allow me to rephrase my question. You stated that you were  
13 assigned to carry three cubic metres of soil per day and that was  
14 the daily plan assigned by your unit chief and what did you do in  
15 order to complete this work quota?

16 A. If I could not complete the three cubic metre work quota, I  
17 would be deprived of food until -- and I had to continue working  
18 until 10 o'clock at night before I would be allowed to stop  
19 working and eat.

20 Q. You also stated that you started working at 4 a.m. in the  
21 morning and at night-time you continued to work until 9.00 or 10  
22 o'clock through the night. Did you have sufficient rest time in  
23 order to resume your work again?

24 MR. PRESIDENT:

25 The defence counsel, Kong Sam Onn, you have the floor.

1 [15.08.54]

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. From what I heard, the civil party  
4 confirms that by 4 o'clock, the unit chief actually rang the bell  
5 and it was not the time that they commenced working in the field.

6 BY MR. SENG LEANG:

7 Q. Allow me to clarify that with the civil party.

8 Mr. Civil Party, what time actually did you start working in the  
9 morning?

10 MR. SEN SOPHON:

11 A. We would work whenever it was clear enough that we could see  
12 other workers.

13 Q. Did you have to wake up when the unit chief rang the bell at 4  
14 o'clock in the morning?

15 A. The bell was rung at 4.00, and if anyone did not get up by  
16 that time then the person would be whipped.

17 [15.10.09]

18 Q. You went to sleep at 10 o'clock at night and you had to wake  
19 up at 4.00 in the morning; did you have sufficient sleep to  
20 continue working the next day?

21 A. No. I did not have the actual strength to work the next day  
22 but I had to force myself; otherwise, I would be deprived of  
23 food.

24 Q. You said in the unit there were both men and women, and were  
25 female workers required to carry three cubic metres of soil as

1 men?

2 A. Everyone, every worker had to engage in the three cubic metres  
3 work quota on a daily basis.

4 Q. In your response to the lawyers for civil parties, that you  
5 had to carry the soil for a distance of 15 metres; can you  
6 actually tell the Chamber how many kilos of earth you put on each  
7 basket that you carried?

8 A. The weight was about 30 to 40 kilograms.

9 [15.11.48]

10 Q. On a daily basis, who actually engaged in doing the inspection  
11 in order to ensure that workers completed the daily work quota  
12 that you and your group did?

13 A. It was unit chief Va (phonetic) who did that inspection.

14 Q. You stated earlier that you would be deprived of food until  
15 such time that you completed your work quota -- that is, by 10  
16 o'clock at night, and if you couldn't complete your work by 10  
17 o'clock at night, were you still given food to eat?

18 A. We would be given food to eat by 10 o'clock even if the work  
19 was not, or the quota was not completed.

20 Q. Did you ever hear that some workers were accused of being  
21 lazy?

22 A. There were workers who were accused of being lazy and they  
23 were deprived of gruel; however, workers who were sick were given  
24 gruel to eat.

25 Q. Did you ever hear about any measure taken against any worker

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1 who was alleged of being lazy; for example, they were assigned to  
2 a separate unit?

3 A. No. If, for example, a worker was lazy, the unit chief would  
4 come and whip him and then chase him to go to work.

5 [15.14.30]

6 Q. Also in your response to the lawyer for the civil parties, you  
7 made a request to visit your home but it was not allowed. Were  
8 you given the reason that you were not allowed to visit your  
9 home?

10 A. No, they did not give any reason. They said that I was not  
11 simply allowed to visit home.

12 Q. In your unit, was there any member who actually missed home a  
13 lot and without authorisation that person actually ran home to  
14 visit his or her home?

15 A. No, there was no such case in my group.

16 Q. In your case you sought permission but it was not granted and  
17 you did not go as a result; and can you tell the Court the reason  
18 why you did not go?

19 A. I dared not go because I was afraid that I would be killed if  
20 I was still stubborn and went I would be killed by Angkar.

21 [15.16.22]

22 Q. And how did you learn that?

23 A. It was spread through the unit chief during the meeting that  
24 if anyone did not obey Angkar, the person would be taken away and  
25 killed.

1 Q. At the Trapeang Thma Dam worksite were there any guards or  
2 soldiers who were watching over the workers?

3 A. There were no soldiers. However once in a while I saw a  
4 militiaman carrying a weapon walking up and down at the worksite.

5 MR. PRESIDENT:

6 Court officer, could a check -- I think there is an alarm bell  
7 ringing or something? It seems there is nothing and the Deputy  
8 Co-Prosecutor, you may continue.

9 [15.17.51]

10 BY MR. SENG LEANG:

11 Thank you Mr. President.

12 Q. Now on the seriousness of the work condition, did you ever  
13 hear or see any worker die from overwork or from starvation?

14 MR. SEN SOPHON:

15 A. I saw with my own eye that a person died from starvation,  
16 however, that happened when I was at the ploughing unit, the  
17 person was actually starving and begged for a piece of rice but  
18 no rice was given and the person actually died and it happened in  
19 front of me.

20 Q. <Were> there any workers who died from overwork?

21 A. No, I did not see any.

22 Q. In your response to the lawyer for civil parties on the  
23 sleeping quarter, what kinds of necessities given to you at the  
24 sleeping quarter; for example, was a mosquito net, a sleeping mat  
25 or a blanket given to you?



1 [15.19.45]

2 A. No. There was no mosquito net, no pillow, no <blanket>; we had  
3 to find means of sleeping by ourselves. For example you could  
4 find a piece of mat and you actually slept on it and other people  
5 actually slept on the ground itself.

6 Q. During the time that you worked at the worksite, was there any  
7 day that it rained or any night it rained while you were sleeping  
8 at your sleeping quarter?

9 A. Yes, sometimes it rained at night and due to the patchy roof,  
10 the raindrops fell in and we could not sleep, we had to sit up  
11 all night and we had to still start working in the early morning  
12 the next day.

13 Q. Did you mean that your group members were soaked under the  
14 rain and that you could not sleep at night when it was raining?

15 A. We were not allowed to rest the next day as we had to continue  
16 working despite the rain the previous night.

17 [15.21.26]

18 Q. Were there any toilets or any facilities that you could  
19 relieve yourselves nearby your sleeping quarter or the work  
20 place?

21 A. No, there was no toilet or anything. Actually people relieved  
22 themselves in bushes nearby.

23 Q. Were there insects or mosquitoes -- or, rather, flies on site?

24 A. If you talk about flies, there were swarms of flies and you  
25 could actually see the darkness of flies on your bowl of gruel.

1 Q. Did you have access to drinking water or to bathe yourselves  
2 at the worksite?

3 A. No. Water was transported by ox cart to the worksite for rice  
4 cooking and we had to go and wash ourselves in the nearby stream  
5 <after we completed our task, if we did not complete our quota,  
6 we could not go wash ourselves as we had to keep working>.

7 Q. So there was no sufficient water on site and the water had to  
8 be transported from elsewhere. Where was the water transported  
9 from? <How far was it from your worksite?>

10 A. They would go and fetch water from any available stream or  
11 pond nearby the worksite.

12 Q. And was the water that you drank properly filtered or boiled?

13 A. No, it was rather muddy but we had to drink it.

14 [15.23.55]

15 Q. Since there was no sufficient water and no toilet facility,  
16 what happened to those female workers for example who experienced  
17 their monthly cycle?

18 A. I cannot tell you about that.

19 Q. During the time that you worked at the Trapeang Thma Dam  
20 worksite, did you ever fall sick?

21 A. Yes, twice. Actually I contracted fever twice; I was mainly  
22 given two tablets of rabbit drop pallets.

23 Q. So you had fever and you were given rabbit drop pallets; and  
24 if you were sick of other diseases, what kinds of medicines were  
25 given to you?

1 A. No, I cannot tell you about that but there were no proper  
2 medicines on site.

3 Q. What about the medical staff, were they experienced in terms  
4 of providing medical care?

5 A. I did not know whether they were knowledgeable, however, the  
6 pallets that were given to us were in the shape of rabbit drops.  
7 [15.25.57]

8 Q. How old were the medical staffs?

9 A. The ages ranged between 22 to 23 years old, they were female  
10 medical staff, <in the so-called youth medical unit>.

11 Q. While you were working at the Trapeang Thma Dam worksite, did  
12 you see any work-related accidents on site?

13 A. Yes, there was; people nearby the place that I was digging the  
14 soil, and accidentally the hoe hit the head of another worker and  
15 he was bleeding everywhere.

16 Q. And where was the person sent for treatment?

17 A. No, he was not sent anywhere but to the sleeping quarter to  
18 rest there and then a female medical staff would attend to the  
19 wound <with red liquid medicine>.

20 [15.27.20]

21 Q. Do you recall if at the worksite or at your sleeping quarter,  
22 a loudspeaker was used to make announcement or to play music?

23 A. Yes, a loudspeaker was used and they played the revolutionary  
24 songs including the victory of the 17th April day.

25 Q. Besides songs played over the loudspeaker, was other

1 information broadcast?

2 A. No. Besides songs there was nothing else played over the  
3 loudspeaker, however, loudspeaker was used when workers were  
4 called to attend a meeting.

5 MR. SENG LEANG:

6 Mr. President, I don't have any further questions for this  
7 witness and I would like to cede the floor to my international  
8 colleague and thank you Mr. Civil Party.

9 MR. PRESIDENT:

10 Thank you. And the International Deputy Co-Prosecutor, you may  
11 proceed.

12 [15.28.45]

13 QUESTIONING BY MR. BOYLE:

14 Thank you, Mr. President.

15 Mr. Civil Party, I just have a few questions to follow up on from  
16 what my colleagues have asked you earlier.

17 Q. Can you please tell us how many people were in your mobile  
18 unit when you were working at the Trapeang Thma Dam?

19 MR. SEN SOPHON:

20 A. There were 70 workers in my unit and my unit was known as <> a  
21 big unit and there were other units in the form of 100 men unit  
22 or 1000 men unit.

23 Q. Who was in charge of your 100 men unit?

24 A. There were other units and respective chiefs, and in my unit  
25 there were 70 workers and we were under the supervision of the

1 unit chief.

2 [15.30.18]

3 Q. You remember the name of the unit chief?

4 A. No, I forget his name.

5 Q. Other than Ta Val whom you mentioned and the chief of your 10  
6 men group Ra, do you remember anyone at Trapeang Thma who had  
7 supervisory authority?

8 A. Yes, there were unit chiefs at different level. For example  
9 100 men unit chiefs, or big unit chiefs but I do not recall their  
10 names.

11 Q. You mentioned earlier that when you were at Trapeang Thma Dam,  
12 you were in Sector 5; do you remember what zone Sector 5 was in?

13 A. It was under the Northwest Zone.

14 Q. And did you know who was in charge of the North West Zone?

15 A. I do not know. I know only Ta Val.

16 Q. Were you aware of a time while you were in the Northwest Zone  
17 that people from Southwest Zone took control?

18 A. Yes, I know. Yeay Chaem.

19 [15.32.44]

20 Q. And do you remember when it was that you were aware that  
21 people from the Southwest Zone had taken control of the Northwest  
22 Zone?

23 A. I cannot recall it well. What I can say is that it was in  
24 1978; Yeay Chaem was the one who came to arrest Ta Val's  
25 <network> and my parents to be killed.

1 Q. And how did you learn that Ta Val had been arrested?

2 A. People in mobile units said that Ta Val was taken away and  
3 killed and they said that those from the Southwest were good  
4 people and they came to replace the old cadres. After a period of  
5 time, Yeay Chaem was <ten times> crueller than <Ta Val>.

6 Q. Can you explain how Yeay Chaem was crueller than the previous  
7 persons in charge?

8 A. What I know is that after Yeay Chaem came to replace the  
9 previous cadre, many people died. Before that, not many people  
10 died <of starvation> when Ta Val was in charge. <However, more  
11 people died of starvation and many others were taken away to be  
12 killed when Yeay Chaem was in charge.>

13 [15.34.56]

14 Q. Did your life as a worker get worse, better or stay the same  
15 after the persons from the Southwest Zone took control?

16 A. Quota -- work quota remained the same. We were assigned -- I  
17 was assigned to complete three cubic metres of soil. <There was  
18 no change.>

19 Q. Thank you. Can you tell us how many times a day while you were  
20 at the Trapeang Thma Dam, were you allowed to eat?

21 A. At the beginning we were allowed to eat three times a day.  
22 Later on we were reduced to have only the thick gruel.

23 Q. Later on would you still eat three times a day?

24 A. No. The rice was running out and later on we were allowed to  
25 have rice at lunch time and we received another meal in the

1 evening.

2 [15.37.07]

3 Q. So am I correct in understanding that later on you would only  
4 eat twice a day, once at lunch time and once in the evening.

5 A. Yes, that is correct.

6 Q. While you were living in Preah Netr Preah, were you ever asked  
7 to write your biography?

8 A. No, no biography was asked, no notebooks, no pencils at that  
9 time, nothing at all.

10 Q. You referred to yourself earlier as a 17 April person; can you  
11 explain what that means?

12 A. 17 April People were evacuated to live in Preah Netr Preah  
13 district and the local people there were named Base People and  
14 the newcomers would be named New People or 17 April People.

15 Q. And how would people know that you were a 17 April person or a  
16 new person versus being a base person?

17 A. It <> is known by the way we speak. Base People spoke with  
18 their accents, so they would know that we were New People by our  
19 accents.

20 [15.39.45]

21 Q. And who would refer to you as a 17 April person or as a new  
22 person?

23 A. The cooperative chief. The cooperative chief said that we were  
24 the 17 April People because we were new at the place and 17 April  
25 People were allowed to have only gruel not rice. Rice was

1 reserved for Base People.

2 Q. Were there any other ways that 17 April People were treated  
3 differently from Base People?

4 A. Sorry, I could not get your question.

5 Q. You just mentioned that 17 April People would receive gruel  
6 whereas Base People would receive rice to eat and I was wondering  
7 if there were other ways in which 17 April People were treated  
8 differently from Base People.

9 A. Base People did not work very hard; they could tell the New  
10 People or the 17 April People to work instead of them.

11 Q. Were there a lot of New People working at Trapeang Thma Dam?

12 A. There were thousands of them.

13 [15.42.20]

14 Q. Were you ever required to attend any meetings while you were  
15 working at the dam?

16 A. Yes. Sometimes we were called into a rally or big meeting, to  
17 alert us to strive in our work and we were required to be in the  
18 meeting to make a commitment that we had to meet three cubic  
19 metres of soil per day.

20 Q. And who would speak at these meetings?

21 A. Unit chiefs, the big unit chiefs, chief of 100 member units,  
22 chief of 1000 member units, they did not mention their names at  
23 the meetings.

24 Q. And would they discuss anything else besides that you had to  
25 meet your work quota?



1 A. We were told to meet the work quota set by Angkar.

2 Q. Were you aware of any people who were considered to be  
3 Vietnamese or to have Vietnamese ancestry that were working at  
4 the Trapeang Thma Dam worksite?

5 A. I have never heard of people talking about that matter at my  
6 worksite.

7 [15.44.50]

8 Q. Were you aware of any persons who were Cham who were working  
9 at the Trapeang Thma Dam worksite?

10 A. Chams were living with us. They spoke with accent and Cham  
11 people sometimes said they did not eat pork and workers teased  
12 them because of that statement.

13 Q. And from what you observed, were Cham persons treated any  
14 differently from other workers at the Trapeang Thma Dam worksite?

15 A. At my worksite nothing happened as you said. Perhaps something  
16 happened at other worksites.

17 Q. You mentioned earlier that you were aware of people going  
18 missing. Were you aware of people going missing from your unit or  
19 was it people going missing from a bigger group of workers?

20 A. Members from my unit or group disappeared. Oeun disappeared;  
21 he was taken away and killed.

22 [15.46.50]

23 Q. Did you see Oeun being taken away?

24 A. No, I did not witness. But I did not see him, he disappeared.

25 Q. And why do you conclude that he was killed after he

1 disappeared?

2 A. I have told the Court already, in one instant I was told to  
3 get the string of the earth basket and at that time I was told  
4 that I would be taken away and killed so I <> managed to make an  
5 escape. I told the civil party lawyer already about this.

6 Q. And were you aware of other workers, other than Oeun, who also  
7 disappeared?

8 A. I cannot recall all the names. Many people disappeared from  
9 time to time.

10 Q. From the time that you were expelled from Phnom Penh until  
11 early January 1979, were you aware of any marriages that took  
12 place?

13 A. Yes, I was aware of the marriage. The men and women did not  
14 love each other at that time and they were paired up and they  
15 were allowed to get married, 10 or 20 couples married at a time.  
16 [15.49.35]

17 Q. And these marriages that you're referring to, did they happen  
18 when you were in Kandal, when you were in Preah Netr Preah or in  
19 both?

20 A. When I was at Spean Sreang, I noticed there was a marriage, I  
21 noticed that there was five men and five women, they were paired  
22 up and they were told to sit across each other and in that  
23 ceremony they were asked to stand up to make a commitment that  
24 they would get married. I was not forced to get married at that  
25 time but I was there as a witness in the ceremony.

1 Q. And do you know who made the pairings of the man and the woman  
2 and who led the ceremony?

3 A. The unit chiefs.

4 Q. And what happened after the marriage ceremony was concluded?

5 A. I did not know what happened after the marriage.

6 MR. BOYLE:

7 Thank you, Mr. Civil Party.

8 Thank you, Mr. President, no further questions.

9 [15.51.40]

10 MR. PRESIDENT:

11 Thank you.

12 It is convenient time for the adjournment because we still have  
13 only a few minutes. The Chamber adjourns its hearing now and it  
14 will resume its hearing tomorrow on the 28 July 2015, and it will  
15 continue Mr. Sen Sophon. After that we will hear 2-TCW-858,  
16 please be informed.

17 Thank you very much, Mr. Sen Sophon. The hearing of your  
18 testimony as a civil party has not come to an end yet. You are  
19 therefore invited to be here again at 9 a.m.

20 Court officer is instructed to send Mr. Sen Sophon to the place  
21 where he is staying at the moment and please invite him back into  
22 the courtroom before 9 a.m.

23 Thank you as well, Mr. Sieng Hun Taing, TPO staff. The Chamber  
24 would like to invite you to be here again to support the civil  
25 party during the Court proceeding tomorrow at 9 a.m.

1 Security personnel are instructed to bring Mr. Nuon Chea and  
2 Khieu Samphan back to the detention facility of the ECCC and have  
3 them returned tomorrow before 9 a.m.

4 The Court is now adjourned.

5 (Court adjourns at 1553H)

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