



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
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 July 2015
Trial Day 306

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
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Anta GUISSSE
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Trial Chamber Greffiers/Legal Officers:
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SIN Soworn
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For Court Management Section:
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I N D E X

Mr. MAM Soeurm (2-TCW-858)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUISSÉ	French
Ms. KHIN Vat (2-TCW-866)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. MAM Soeurm (2-TCW-858)	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. SONG Chorvoin	Khmer
Mr. VEN Pov	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now in session. The Court continues its hearing.

6 Today the Chamber continues to hear the remaining testimony of

7 Mr. Mam Soeurm and commence hearing testimony of witness

8 2-TCW-866, regarding Kampong Chhnang Airport worksite.

9 Greffier Em Hoy, please report the attendance to the Parties and
10 individuals at today's proceedings.

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this case
13 are present. Mr. Nuon Chea is present in the holding cell

14 downstairs, as he waives his direct presence in the courtroom.

15 His waiver has been delivered to the greffier. The witness who is
16 to conclude his testimony today, namely Mam Soeurm, is ready and
17 present in the courtroom. We also have a reserve witness today

18 that is 2-TCW-866 and the witness confirms to his best knowledge

19 and ability, he has no relationship by blood or by law to any of

20 the Accused -- that is, Nuon Chea and Khieu Samphan, or to any of
21 the civil parties admitted in this case. The reserve witness will

22 take an oath before the Iron-Club Statue this morning.

23 [09.05.12]

24 MR. PRESIDENT:

25 Thank you. The Chamber now decides on the request by Nuon Chea.

2

1 The Chamber has received the waiver from the Accused, Nuon Chea,
2 dated 29th July 2015, which notes that due to his health namely
3 headache, back ache and that he cannot sit and concentrate for
4 long and in order to effectively participate in future hearings,
5 he requests to waive his rights to participate in and be present
6 at 29 July 2015 hearing. Having seen the medical report of Nuon
7 Chea by the duty doctor for the Accused at the ECCC, dated 29th
8 July 2015, who notes that Nuon Chea has chronic back pain when he
9 sits for long and recommends that the Chamber so grant him his
10 request so that he can follow the proceedings remotely from the
11 holding cell downstairs.

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

16 The AV Unit is instructed to link the proceedings to the room
17 downstairs so that Nuon Chea can follow it remotely. That applies
18 for the whole day.

19 [09.06.57]

20 Before the Chamber hands the floor to the Parties to put further
21 questions to the witness, the Chamber would like to inform the
22 Parties that, late yesterday afternoon, the Chamber received an
23 email from the Defence Counsel for Nuon Chea with the attached
24 document of list of the 66 DC-Cam documents that were requested
25 by the OCP to be part of the case file. The Chamber would like

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1 now to put questions to the Co-Prosecutors regarding the 66
2 documents in the attachment by the Defence Counsel and as
3 requested by the defence team yesterday, is the information
4 correct and what about the translation of those DC-Cam documents.
5 And the Chamber will seek clarification from the Co-Prosecutors
6 and you may proceed Deputy Co-Prosecutor.

7 [09.08.27]

8 MR. FARR:

9 Good morning, Mr. President, and thank you. So a few points about
10 these documents, first of all we don't intend to rely on all 66
11 of the documents that were listed in the DC-Cam summary, 55 of
12 those documents were on the Office of Co-Prosecutor's Rule 80.3,
13 document list prior to the beginning of the Trial. That list was
14 filed in June 2014, so all of these documents have been available
15 to the Trial Chamber and the Parties for more than a year, that
16 filing was E305/13. At the time that that document list was
17 filed, the documents were not put on zylab, they were put on a
18 shared folder, if Your Honours look at paragraph 5 of E305/13,
19 you'll see a reference to the shared document folder where all
20 the documents were placed. So again, Trial Chamber and all of the
21 Parties have had access to the documents for more than a year.
22 The specific annex that the documents were listed in is Annex C2,
23 the document number of Annex C2 is E305/13.23 and that annex in
24 addition to listing the documents also contains a short summary
25 of the contents and lists the points of the indictment that each

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1 document is relevant to. So not only have the documents been
2 available to since June 2014, the Parties have all been on notice
3 at least in general terms of the contents of the documents and
4 that they relate to Trapeang Thma dam.

5 [09.10.35]

6 Now, our calculation is that of the 55 documents -- the 55 DC-Cam
7 statements, that on -- are part of that annex -- and I should
8 also indicate that that annex has been fully translated into
9 French and so the relevance of all these statements to Trapeang
10 Thma has also been available to anyone working in French -- our
11 calculation is that of the 55 documents, 25 have been translated
12 into English so far. I don't believe any of them have been
13 translated into French yet. So as far as translation goes, I
14 wasn't here during the last trial but my understanding was -- the
15 position is, obviously, that there is more material than can be
16 immediately translated by ITU and the Chamber's guidance was that
17 each Party was to prioritise, for translation, the documents that
18 they wish to rely on, on an ongoing basis -- that's a process
19 that OCP is engaged in -- with the understanding that anything
20 that's not translated by the end of the case will not be
21 considered properly put before the Chamber and will not be relied
22 on by the Chamber. So we are aware of that and we understand that
23 it's our obligation to translate anything that we wish to rely on
24 and we wish to have before the Chamber at the end of the case.

25 [09.12.15]

5

1 Now in terms of notice, we submit that there's no issue with
2 notice. The documents have been available for more than a year.
3 The relevance to this Trial segment has been available to the
4 Parties for more than a year. Obviously both defence teams have
5 national lawyers who work in Khmer, they can read the documents
6 and it's also open to them to apply for translation for any
7 documents they wish to use in a witness examination. Even for
8 untranslated documents, obviously questions can be asked in Khmer
9 using a Khmer document to a Khmer speaking witness.
10 I think those are all my comments at the moment unless the
11 Chamber has more questions.

12 MR. PRESIDENT:

13 Judge Lavergne, you have the floor.

14 [09.13.24]

15 JUDGE LAVERGNE:

16 Thank you, Mr. President. <I have some follow up questions.> Mr.
17 Co-Prosecutor, you mentioned 55 documents <which were> on a list,
18 <and therefore> accessible to all Parties since June 2014. But
19 are these documents also part of those that were declared
20 admissible by the Chamber in decision? <I think it's on the
21 admissibility of documents -- decision> E305/17, which contains a
22 certain number of annexes <stating> which documents it considers
23 admissible and which objections from the Parties it has
24 sustained. So <it is important for us to know whether> these
25 documents <are documents> that are already on the case file <and

6

1 which> are considered admissible, or <if> they <are merely>
2 documents <> that have been available to the Parties.

3 <On the second point,> you also told us that the Parties are
4 <indeed> responsible for <ensuring> the translation of <>
5 documents that are tended into the debate in reasonable time.

6 [09.15.02]

7 Now, <it is true that> today we're <discussing topics linked to
8 the> Trapeang Thma <site> and I do note that out of the 66
9 statements summarised by DC-Cam in <document> E353.1, there were
10 18, actually, that weren't on the file, unless I am mistaken. So,
11 do I take it that those 18 are <18> statements that you don't
12 intend to use? If that is not the case please make that clear.
13 <Of> the remainder of the statements, there are perhaps 13 --
14 again I may have miscalculated -- that are available both in
15 English and in Khmer; and there <should be> 38 that are on file
16 but which are only available in Khmer.

17 So <what the> Chamber is really interested <in knowing>, if you
18 are able to tell us, is precisely when these documents <should>
19 be available in English. <As I understand,> all of the defence
20 teams and all of the Parties do have <the capacity and have>
21 Cambodian National staff that can read these documents.

22 <Nonetheless, it is important that the International Parties
23 have> access to the documents as well. Now, <we would like to get
24 that information.> I don't know if you are able to provide this
25 information <today,> if that's not the case perhaps after our

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1 lunch break you could update us on all of that. Thank you.

2 [09.16.54]

3 MR. FARR:

4 Yes, it might perhaps be better for me to research it a bit
5 further over lunch. I can say that those statements that are on
6 the Defence's list that were not included in our original
7 document list, are things that we don't intend to rely on, those
8 are things that we haven't asked to be part of the case file,
9 those are things that we have made a decision that we are not
10 interested in. Now in terms of things that have been translated
11 into Khmer and English, or things that are only available in
12 Khmer, it's my understanding that we're in the process of
13 prioritising everything and we need to decide exactly what it is
14 that we want to have on the case file at the end of the case. But
15 let me do more research over lunch and try to give you more
16 precise answers about this.

17 [09.17.56]

18 MR. PRESIDENT:

19 Thank you. And Counsel Anta Guissé, you have the floor.

20 MS. GUISSÉ:

21 Thank you, Mr. President and good morning<>. Perhaps <I should
22 offer some clarification, because> I cannot <allow> the
23 Prosecution <to say> that in June 2014, we were notified of these
24 documents, as if we ourselves haven't done our own <job>. I
25 should point out that in our exceptions to admissibility relating

8

1 to certain documents on Trial 002/02, document E327/3, we stated
2 in paragraph 17 <of that document>, that the Chamber reminded the
3 partners of their duty to make sure that <proposed> documents
4 were available in the three official languages of the ECCC <in
5 reasonable time. We stated that> and we pointed out that we <had>
6 a <> number of exceptions to <> the documents' <admissibility,>
7 and <that> the documents that are under discussion <today had>
8 not been translated and <> consequently, <we could not analyse
9 them properly nor formulate objections, based on the latter. So
10 beginning with> the February 2015 <submissions,> we had already
11 pointed out that we had a problem <with those documents, under
12 footnote 5 of that submission. So,> there were translation
13 problems, as we stated <at one point, which made it difficult>
14 for us to make comments about the admissibility of the documents.
15 <Which means that> we were rather surprised when we heard the
16 decision of the Chamber accepting those documents, since we <had>
17 not been able to submit our comments in due time because the
18 documents were only available in Khmer. And so our problem today
19 is that we have documents that already have been given an E3
20 number, and it seems to me that <within the context of> this
21 procedure before the Chamber, <having an E3 number> does signify
22 that it is a document that has been tendered before the Chamber.
23 <However, one of the parties -- actually I mean,> most of the
24 defence <> staff <on our team> do not understand the contents of
25 the <statements that are already considered as tendered before

1 the Chamber,> because some of them are only available in Khmer.
2 Well yes of course, <I understand that> we do have Khmer staff
3 members <on> our teams, but when you look at <how thick the
4 DC-Cam statements are>, when you are aware of the work load that
5 <they> are facing, and also <let me remind you of> the fact that
6 in the <entire> second <half> of 2014 we were rather monopolized
7 working on the appeal; we <cannot then monopolize our scarce
8 resources for performing translations, which is not, a priori,
9 the responsibility of> the <legal> staff, who are <responsible
10 with legal work or evidence analysis, and for whom translation
11 issues, which incidentally have been created by the very people
12 who want to bring these elements into evidence, does not fall
13 within the scope of their responsibilities>. So, <to summarize,
14 let me> once again <remind you that> in <document> E327/3, we
15 raised the problem of the translations that had not been done,
16 the Chamber nevertheless accepted the <statements that were just>
17 in one language, <but> we <had already> stated that we could not
18 <even> take a position on the admissibility of <these> documents
19 because they were <available> in one single language.
20 And <today> the problem has come up,<> with these <statements
21 which already have an E3 number and which are therefore available
22 to be used by any of the Parties, except for the fact that there
23 are important statements here which have not been translated. And
24 I remind you that it is up to the party which requested these
25 statements be included on the lists to take responsibility for

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1 the translations.> So don't say to us that, "<you were> notified
2 <of this> in 2014 and now you haven't done your <job>". No, we
3 said at the time <in our submissions that> there was a
4 translation problem and <it> should have been dealt with at the
5 time. Thank you, Mr. President.

6 [09.22.09]

7 MR. PRESIDENT:

8 Thank you for the observations made by the concerned Parties on
9 this matter. The Chamber now hands the floor to the defence teams
10 to put questions to the witness. First, to the defence team for
11 Nuon Chea and Counsel, you may proceed.

12 QUESTIONING BY MR. KOPPE:

13 Thank you, Mr. President. Good morning, Your Honours. Good
14 morning, Counsel. Good morning, Mr. Witness. I have a few
15 questions that I would like to ask you, some follow up questions
16 I would like to start with.

17 Q. Yesterday you were asked a question by the International
18 Co-Prosecutor about arrests of three members of your unit.
19 Yesterday, I believe, also in your statement you said that these
20 arrests were made secretly. Can you explain to the Trial Chamber
21 how you came to find out about these arrests while they were
22 being secret at the same time, can you expand a little bit on
23 that please?

24 MR. MAM SOEURM:

25 A. < I would like to elaborate on that particular covert arrest.>

11

1 When they came to make <the> arrest they did not inform anyone,
2 neither <in> the group nor the unit<. The moment they arrived,
3 the arrest took place. And for this reason, I was referring to it
4 as> a <confidential> matter. <They just kept the matter from the
5 group or unit. When the arrest took place, no one in the group or
6 unit was aware of it.>

7 Q. I understand now. But then my question to you is also the
8 following, you said yesterday that you were, "horrified of the
9 arrest because there was no justification for the arrest". Now if
10 people weren't told the reason for the arrests, how at the same
11 time could you then be horrified because there was no
12 justification?

13 A. Allow me to expand on that. I was fearful because of what
14 <had> happened -- that is, because of the arrest <that was
15 carried out abruptly, and no warning was issued.> I was afraid
16 that <the things I had done unknowingly could have had some
17 negative effects which could lead to my own> arrest. <That was
18 the sort of fear I was having.>

19 Q. That I understand, Mr. Witness, but you were, at that time,
20 not in a position to say whether there was a justification for
21 these arrests, yes or no, is that correct?

22 A. In the sector unit, everyone minded his or her own business.
23 Even if sometimes we knew of something or we heard of something
24 but we kept it to ourselves. <We just kept silent.> It would be
25 risky to say anything to anyone and usually we adhered to the

12

1 principle in Khmer which we say is "to grow a Kapok tree" -- that
2 is, to keep our mouth shut. <As a result, I did not say anything
3 about what I had heard and seen; and I rarely talked.>

4 Q. I understand, Mr. Witness, but is it then for me fair to say
5 that because you didn't know the reason for the arrest, your
6 statement yesterday that there was no justification for it, is
7 speculation on your side?

8 A. That was my personal thought <after I had learned about the
9 arrest, but not the reason behind it. Hard-working colleagues of
10 mine got> arrested<,> and I did not know <of> the reason <of
11 their> arrest<; and I did not know whether or not they had done
12 something wrong. So as a member of the same unit,> I myself, <got
13 scared. That was what I was thinking to myself at that time>.

14 [09.27.36]

15 Q. Thank you, Mr. Witness. Let me move on to something that you
16 said yesterday about the working hours while you were at the dam
17 worksite. You said there were three shifts per day and that the
18 morning shift would start, if I say that correctly, 6 o'clock in
19 the morning. The day before yesterday, there was another witness
20 testifying in relation to the dam worksite and he said that
21 workers at the dam started working when, "it was clear enough to
22 see other workers". Is that statement of his accurate and does
23 that confirm the working time in your memory was 6 o'clock --
24 from 6.00 till 11.00 in the morning?

25 [09.28.47]

1 A. Allow me to readdress the point. The working hours varied, we
2 started earlier when the situation was demanding, however the
3 regular hours for the morning shift was <between 6 a.m. and 11
4 a.m.> and for the afternoon <shift was between 2 p.m. and 5 p.m>.
5 And when the situation was demanding, <people were put to work on
6 three shifts;> for example, <there> would <be people working>
7 nonstop from 6 o'clock in the morning until <9.00> at night.
8 <This is what I can tell the Chamber about the working hours. As
9 mentioned, it was situation-based.>

10 Q. Thank you, Mr. Witness. I would like to move to another topic
11 and that's relating to some people that you discussed yesterday
12 and also in your statement to the investigators of the
13 Investigating Judge. Yesterday you spoke briefly about Ta Nhav
14 and that he was, as you said yesterday, in the circle of Ta Val.
15 What do you mean, what did you mean when you said that Ta Nhav
16 was in the circle of Ta Val?

17 A. I already confirmed the point yesterday. Ta Nhav's group was
18 the one who had the supervisory role above us<, the mobile unit;
19 thus, it means that> Ta Nhav <> belonged to the sector <unit>
20 under the supervision of Ta Val<. In other words, the unit of Ta
21 Nhav, that supervised my unit, belonged to the unit of Ta Val.>

22 Q. I understand, maybe it's a translation issue but I was
23 intrigued by the word that you used "in the circle of Ta Val",
24 that's something possibly different than under the supervision.
25 What do you mean when you said "in the circle of Ta Val"?

14

1 A. I do not know how to <put this correctly>. <It> means that
2 within <a main> unit <under an overall chief,> there were groups
3 and sub-groups so the chief of units were in charge of groups and
4 chief of groups were responsible for sub-groups. <It was a
5 hierarchical organization.>

6 Q. Okay, thank you, Mr. Witness. Yesterday you also described Ta
7 Val as the overall leader. What is exactly do you mean or did you
8 mean with the words "overall leader"

9 [09.32.10]

10 A. He was in charge of <mobile units within the sector working
11 at> Trapeang Thma <dam> worksite<. He had an> overall supervisory
12 role <over those mobile units> at that site.

13 Q. What do you recall about the demeanour of Ta Val, what kind of
14 leader was he? Was he a gentle person or was he a harsh person,
15 was he -- how did he express himself, can you give us some
16 details about Ta Val?

17 [09.32.59]

18 A. Allow me to tell the Court <that> I was not with him <as> I
19 was living and working in a different <unit. Although he was the
20 overall chief at the site, he lived separately from others>.
21 Whether he was violent or not, I have no idea <as> there were no
22 issues in my group or unit.

23 Q. Mr. Witness, I would like to read an excerpt from a statement
24 of another person who worked at the dam, a statement that he gave
25 to the DC-Cam, a statement about Ta Val and after having read

15

1 that excerpt, I would like to ask your reaction.

2 MR. FARR:

3 Objection, Mr. President. Your Honour, the Chamber's ruling
4 yesterday, as I understood it, was that witnesses were not to be
5 led on the contents of statements and that's what Counsel is
6 trying to do now.

7 MR. KOPPE:

8 First of all those we're -- although it is not a common law
9 court, we're cross examining, but having --letting that aside, I
10 properly introduced Ta Val, I asked him questions about Ta Val
11 and now I would like to read an excerpt from another witness that
12 says something -- who says something about Ta Val and after
13 having exhausted open questions I can now at this point in time
14 ask him a question about this particular excerpt.

15 MR. PRESIDENT:

16 The objection is overruled. You may now proceed, Mr. Counsel. Mr.
17 Witness, if you get the question, please give your response but I
18 remember that the question has not been yet put to the witness,
19 if I am right.

20 [09.35.18]

21 BY MR. KOPPE:

22 Thank you, Mr. President. So, Mr. Witness, I'll be reading a very
23 short excerpt from this statement and then I will ask your
24 reaction.

25 Question; "How about Ta Maong and Ta Val, did they ever reprimand

16

1 you?" And then this person answers as follows; "I rarely met them
2 because I was at regiment level lower than theirs but these
3 people were very good at reprimanding others because they were
4 very unkind and ruthless men. They were much tougher than Yeay
5 Chem. I heard that people always called him the golden fanged
6 man." Question, "Who was called that name?" "That was Ta Val, he
7 never spoke clear words and we did not know what he was saying
8 sometimes. He always responded using the words ba, ba, and never
9 articulated the word 'bat'." Yes for Khmer. I'm not sure if I
10 pronounce it properly in Khmer, Mr. Witness, but having read to
11 you these two excerpts on Ta Val, can you give us your reaction
12 please?

13 [09.37.00]

14 MR. MAM SOEURM:

15 A. I have told the Court already. I did not <cause> any trouble
16 within my group<. Since I had no contact with him,> I <did> not
17 know whether he was <mean> or not. <And those who claimed to have
18 met him could have known the type of person he was. Moreover, he
19 did nothing harmful to my unit.>

20 Q. Very well, Mr. Witness, thank you. At one point in time Ta Val
21 was arrested, do you recall when Ta Val disappeared, when he was
22 arrested?

23 A. <> I <did> not know <of the date of his> arrest<. I just> knew
24 that he <had> disappeared. <I had no idea of the date of his
25 actual> disappearance<>. He disappeared in 1977; <but> I <did>

17

1 not know the exact date or month. <As a worker, I just focused on
2 the tasks assigned to me. I was not paying attention to the
3 affairs of> the <high-ranking> people <>.

4 Q. Thank you, Mr. Witness. Yesterday you testified that you were
5 working at the dam site almost the entire period of 1977, it
6 seems that Ta Val was arrested on 28th June 1977, so that would
7 mean half way in the period that you were working at the dam,
8 does that somehow jog your memory that in mid-term of the period
9 that you were working Ta Val was arrested, June 1977, does that
10 ring a bell?

11 [09.39.35]

12 A. <I testified that> Ta Val was arrested in 1977<; however, I
13 did> not know <of> the <exact> date <and month> he was arrested.
14 <I was actually working there by the time of his arrest.
15 Moreover, there> was no announcement <or meeting held regarding
16 his arrest. I had no idea as to how he was arrested>.

17 Q. I understand. But are you able, I realise that's a difficult
18 question, but are you able to make a distinction in terms of
19 working conditions, etc. Between the periods before June '77 and
20 the period after June '77 or is that difficult?

21 [09.40.38]

22 A. <The> working conditions were not different too much in
23 nature. We <still> had similar or the same working <and living
24 conditions, particularly the amount of work and food remained the
25 same>.

1 Q. Do you recall at the time when Ta Val was arrested, that
2 workers were talking among each other as to the possible reasons
3 for his arrest, was anything communicated as to why Ta Val was
4 arrested? Do you remember anything about information being given
5 to you or maybe your fellow mobile unit members, do you recall
6 anything?

7 A. <I was not sure of this; however, there were rumours going
8 around among groups and mobile units> that Ta Val <had
9 disappeared, or Ta Val had been> arrested. I <did> not know
10 whether Ta Val <had> betrayed the regime. <We just knew that he>
11 had been arrested<. Nobody> knew <what had actually happened to
12 him. We just> heard <of his> arrest from one another. <After his
13 disappearance,> everyone started to question each other where Ta
14 Val was <going>. Some said Ta Val <had left for a> study session,
15 <while> some others <claimed that> he <had been> arrested<. As>
16 part of a small group<, we paid no attention on the affairs of
17 the high-ranking people; however, I just heard information about
18 them>.

19 [09.42.45]

20 Q. Do you recall whether at the time, people talked about the
21 hiding rice in secret places, rice that was meant to feed the
22 villagers and the workers, did you hear anything about that as
23 the possible reason for TA Val's arrest?

24 A. I <did> not have the full grasp of the situation. Within a
25 mobile unit we could not move freely, after we received the

1 assignment, we would go to the exact location to work. And as I
2 said we could not move freely. <Free movement was absolutely
3 prohibited.>

4 Q. Did you hear, at the time, anything about fighting between
5 various military forces in 1977, forces from, on the one hand the
6 Southwest Zone, and forces on the other hand from the Northwest
7 Zone; did you hear anything about that at the time?

8 A. I have never heard of it.

9 [09.44.35]

10 Q. Mr. Witness, I would like to read an excerpt from that same
11 statement that I just read an excerpt from earlier. Mr.
12 President, it is E3/8991 and document ERN 00969904; and Khmer
13 page 00730232.

14 MR. PRESIDENT:

15 Please repeat ERN Numbers, there was no translation a while ago.

16 BY MR. KOPPE:

17 Yes, of course, Mr. President. English ERN, 00969904; and Khmer,
18 00730232. The question to this person, that same person, is as
19 follows: "The purge became intensive in 1978 right?" "Yes but
20 according to my knowledge it was much slower in 1977 and took
21 place only at mobile unit level." Question; "Did these people
22 work in the same place?" Answer; "Yes, they worked in the same
23 place but they were in different groups. If any members of one
24 group went too far away from their base, they would be arrested
25 by their rivals. I once saw Ta Nhim's forces cross a remote field

1 but if anyone of this went too far away from their group, they
2 would be arrested right away by the other ones. I knew this
3 because one day I was in the field hunting for eels and I met
4 those forces of Ta Nhim's were also hunting for eels in the
5 field. I chatted with them and I noticed they had weapons in
6 their hands; they hunted for their rivals too. These people
7 killed each other and I was not sure of how they became
8 traitorous against each other. It depended on who did the arrests
9 and killings first and if you managed to do it before anyone else
10 you would be the winner. But the people from the Southwest Zone
11 were able to do so first. They came in numbers and first made
12 arrest of Ta Nhim and his subordinates and later on everyone else
13 associated with them."

14 [09.47.14]

15 So, Mr. Witness, this is that same person speaking earlier about
16 Ta Val and he's talking about clashes of forces from Ta Nhim with
17 forces from the Southwest Zone. Considering the likelihood that
18 Ta Val was part of Ta Nhim's forces, did you -- do you recall of
19 any -- anything of such clashes, people talking about fighting?

20 MR. FARR:

21 Objection, Mr. President. I waited until Counsel had read the
22 excerpt because I wanted to get a full picture of the question
23 but what happened is, he asked the witness, "Did you ever hear
24 anything about the fighting between the Southwest Zone and
25 Northwest Zone?" The witness said "No", he then read a long

21

1 excerpt, that amounts to an argument, made an assumption that Ta
2 Val was part of some hypothetical force of Ta Nhim and then
3 repeated exactly the same question to the witness which was, did
4 you hear about any conflict between Northwest Zone and Southwest
5 Zone, so it has to be answered with a lengthy and, we would
6 submit, unnecessary reading of a statement in between.

7 [09.48.41]

8 MR. KOPPE:

9 I agree the part on Ta Val was an argument so I am happy to
10 withdraw that part of the question and formulate the question
11 more neutrally to the witness. And the question now would be,
12 having heard this excerpt, Mr. Witness, clashes between Ta Nhim's
13 forces and Southwest Zone forces, does that ring a bell?

14 MS. SONG CHORVOIN:

15 Mr. President I would like to <make> an objection to the
16 question; it is a repetitive one and the witness said <clearly
17 that> he did not <hear or> know <of the clashes between the
18 Southwest Zone forces and Ta Val's. It is certainly a repetitive
19 question; and I would like to object to the question.>

20 MR. KOPPE:

21 That's correct, that's why I am now confronting with an excerpt
22 from somebody else and ask him whether that somehow refreshes his
23 memory. I think that is a practice which is well allowed.

24 [09.49.48]

25 (Judges deliberate)

1 [09.51.37]

2 MR. PRESIDENT:

3 The objection by the Co-Prosecutor -- the National Co-Prosecutor
4 is granted. It is a proper objection put by National Deputy
5 Co-Prosecutor. Mr. Witness, please do not give the response to
6 the repetitive question. Mr. Koppe you may now resume your line
7 of questioning.

8 MR. KOPPE:

9 I'm not sure if I understand, Mr. President, this was the first
10 time I asked him a question about this state however I will move
11 on.

12 [09.52.23]

13 MR. PRESIDENT:

14 I explained <clearly to the> Parties already in response to your
15 request yesterday. Parties are required to put open questions
16 first and after such questions to refresh the witness's memory,
17 you can -- Parties are allowed to take some <portions of the
18 witness' previous statements> to ask the witness <for
19 clarification regarding the discrepancy>. As for the last
20 question put by you, you received the response from witness
21 already that he did not know about that fact and you started to
22 quote a statement <on the same fact> from another witness to put
23 to this witness. <The witness confirmed over and over that he was
24 not aware of the event.> As I said the objection by the National
25 Co-Prosecutor is correct. The question is a repetitive one

1 because <the> witness gave already <a> clear response.

2 BY MR. KOPPE:

3 Thank you, Mr. President. Mr. Witness, I will move on. Yesterday
4 you also spoke about somebody called Ta Cheal and you spoke about
5 him in terms of someone who chaired a conference. What else do
6 you recall about Ta Cheal?

7 [09.54.07]

8 MR. MAM SOEURM:

9 A. I told the court already <regarding the meeting and assembly
10 held at Trapeang Thma dam worksite. As members of> a mobile
11 unit<, we were asked to attend the assembly, and stand among the
12 crowd to cheer. Only on that occasion did I attend a meeting
13 chaired by> Ta Cheal <as I told the Chamber yesterday. I did not
14 know> anything else <relating to him. As a member of a mobile
15 unit, I could not know him personally. I just knew him to the
16 extent he was introduced in the meeting. I did not know him on
17 any other occasion. I saw him clearly on the occasion where he
18 was speaking at the assembly>.

19 Q. Do you know to whom he was related?

20 A. I do not know.

21 Q. Do you recall, it's a long time ago I understand, Mr. Witness,
22 but do you recall any topics that he discussed during the
23 conference?

24 [09.55.39]

25 A. During the Democratic Kampuchea, the <"Great> Leap Forward"

1 slogan was <constantly mentioned in meetings. It means that when
2 a task was assigned to anybody, at all cost, he could not back
3 off, and the most> important <thing of all was that the task
4 needed to be completed to the maximum of quality and speed.
5 Everything had to be super and great. Every statement needed to
6 be phrased with the words "super" and "great". Nothing else, but
7 the> slogan was regularly <mentioned in meetings. The slogan was
8 also shouted to cheer. I do not recall the exact wording anymore
9 by now.> I do not know what else I can explain. At the time, the
10 <most common> slogan was "Long Live" or <"Great Leap Forward">.
11 Q. Mr. Witness, this Ta Cheal spoke on 15th March 1978, or maybe
12 one or two days before, to a delegation of Yugoslavian
13 journalists, Mr. President -- that is, E3/1113, English,
14 00434864; French, 00623009; and Khmer, 00001080. He answered
15 questions from these Yugoslavian journalists about topics like
16 food, marriage, what was generally done at the dam site with
17 people who were lazy. So the questions from the Yugoslavian
18 journalists are specifically related to the dam. Asked a question
19 about food he said and I quote as follows, "Food would include
20 beef, pork, fish, fish paste (prahok)." Is that answer that he
21 gave to the journalists a correct one? Is that corresponding to
22 your recollection that people were given beef, pork, fish and
23 prahok?
24 [09.58.44]
25 A. We were given such a meal once in a while<;> for example<,>

1 during the <assembly. However, > after <such a> big event
2 <including the assembly,> we were not given such meal or dishes.
3 <We were not given that kind of meal every day.>

4 Q. He also said and I quote as follows.

5 "There is a three day break per month and one morning or one or
6 two hours are spent for education" Question, "If there are bad or
7 lazy people in the worksite what do you do with these people?" He
8 said, "The issues are rare, however if such a case happens the
9 person would be trained with politics and consciousness."

10 The answer, Mr. Witness, that he gave to these journalists, does
11 that correspondence with your own experience?

12 A. I am not able to give you the explanation <to the question>.

13 It is broad to say that. It depended on the chiefs of the
14 worksite or units. Some chiefs were <more understanding than
15 others> so I cannot say, cannot explain <to> you on this matter.

16 [10.01.03]

17 Q. Very well. He was also asked questions, Mr. Witness, about
18 marriage, all kinds of questions and he replied to the
19 journalists as follows.

20 "The mobile unit members are allowed to get married if a proposal
21 for marriage is made. The mobile unit commanding committee or the
22 cooperative decides to arrange the marriage. If anyone is
23 married, they can go to live with their spouse. He or she is
24 allowed to write home and a messenger is used to collect or
25 deliver the letters from one place to another. It's not difficult

1 here."

2 Yesterday you spoke at the end of your testimony about marriage.

3 What Ta Cheal said to these Yugoslavian journalists, is that

4 corresponding to your memory?

5 [10.01.32]

6 A. I said already yesterday, <that marriages were> held by Angkar
7 at the worksites. There were weddings in different places. Some
8 marriages were forced but some were voluntary. I mean if the
9 marriage was voluntarily held, the man and woman <loved> each and
10 they were able to have each other as husband and wife. And I told
11 the Court already, the marriage was held at the worksite<. Those
12 newlyweds remained working on the worksite> after <their>
13 marriage<. A small room was built for each new couple in their
14 respective worksites. I can say that on some occasions, right
15 after the wedding ceremonies, because it was dark and the brides
16 and the grooms did not know each other well, they went off with a
17 different spouse. As I mentioned, the wedding ceremonies in those
18 days were not the same as the ones being held these days>. Only
19 <some wild flowers, plants> or rice stalk were <sufficient
20 enough> to decorate <a> venue <where some 50, 60 or even 100
21 couples were to marry in a response to the requests from mobile
22 units to the Angkar. People got married at that time; however,
23 whether or not they got along well with each other after the
24 marriage, I was not so sure of. There were some issues with some
25 couples as they did not get along well with each other. For

1 example, the man loved his wife, but wife did not love him; so
2 they did not live together. As a result, they were in danger>.

3 MR. PRESIDENT:

4 Please wait a little bit Mr. Koppe. You may now proceed, Judge
5 Lavergne.

6 [10.03.29]

7 JUDGE LAVERGNE:

8 Just for information purposes and for <the record. I would like
9 to specify that document> E3/1113, <which Counsel Koppe is
10 referring to,> is in fact a telegram that was sent to Office
11 <870> and which is a report <on> the visit by the <Yugoslavian>
12 journalists, and this <telegram> was <addressed> to the office
13 and to the archives <with a copy to Uncle -- Om -- Uncle Nuon,
14 Bong Vorn and Bong Van>. Just for <clarification>.

15 MR. KOPPE:

16 Indeed it was, Judge Lavergne, and then to be complete there is
17 also document E3/2670, which is a document with ERN 00525831, in
18 English; 00389204, in French; and 00555723, in Khmer.

19 MR. PRESIDENT:

20 Please repeat the identity of the document, there was no
21 interpretation a while ago, there was no interpretation in Khmer.

22 BY MR. KOPPE:

23 Yes, Mr. President, E3/2670. It's a despatch note from the
24 Embassy of France in Yugoslavia to the Minister of Foreign
25 Affairs and its relating the same interview from the Yugoslavian

1 journalists in which almost an identical version of the content
2 of that interview is being provided. Just to be complete. Mr.
3 President, I am mindful of the clock, I still have two questions
4 on marriage. Thank you.

5 Q. Yesterday you spoke about the women who were marrying, that
6 they didn't know their husbands, didn't love their husbands, did
7 you know any of those married couples, did you know any of them
8 personally and if yes, can you give us a name?

9 [10.06.15]

10 MR. MAM SOEURM:

11 A. No, I <didn't. It> happened a long time ago and I don't
12 remember them all. <I do not even remember those people in the
13 same batch as mine. Furthermore, we have never seen each other
14 again.>

15 Q. But do you remember if any of those couples, persons within
16 those couples spoke to you and told you clearly that they didn't
17 like to marry this person; did you speak to any of them about
18 their marriage at the time?

19 A. <I was aware of that. During the regime, those who were to
20 marry were asked by the Angkar to make an impression. For
21 example, after the event, a man claimed that the night before he
22 had made an impression on another man's bride, and found that the
23 bride in the room was not his. I then asked him what was actually
24 confusing him. He said that there were so many couples that it
25 was hard for him to know which bride was his. Having heard that,

1 I realized that> many men and women were married at the time<.>I
2 didn't attend <any of> the marriage <ceremonies myself> but I was
3 told by the men who got married at the time<. It amused me> after
4 <hearing that> some of them could not <identify> their <brides
5 and which rooms they were supposed to check in. As I told the
6 Chamber yesterday that, some couples knew each other> before they
7 got married<, and among some of the couples who had known each
8 other before could not find each other after the marriage as
9 there were so many couples. The situation was rather chaotic.
10 Thus,> I cannot tell you any <> specific <couples I knew>.

11 [10.08.19]

12 Q. But did any of those men tell you specifically--

13 MR. PRESIDENT:

14 Please hold on. And Judge Lavergne you may proceed.

15 JUDGE LAVERGNE:

16 I'm sorry to interrupt you Counsel Koppe. But I'm checking the
17 information that you gave; that <is> document E3/2670<, which
18 should have> confirmed the contents of document E3/1113. But
19 E3/2670, concerns information relating to the Vietnamese border
20 and has no relation whatsoever with Trapeang Thma.

21 MR. KOPPE:

22 I don't know what's in the French. French ERN is 00389204, and
23 the E3 is 2670--

24 JUDGE LAVERGNE:

25 <I turned> the page and <there is> the title on the following

1 page.

2 [10.09.43]

3 MR. KOPPE:

4 No, it's an Embassy of France, in Yugoslavia, Belgrade, 31st
5 March '78 and then on Page 7, "On the dams among the brigadiers"
6 and following pages are all about the dam and it's written by
7 Dragoslav Rancic, on the 25th (sic) of March and as of French
8 ERN, 00389208; English, 00525837; and Khmer, 00555728. It starts
9 in English "On the dams among the brigadiers" and then it speaks
10 about Trapeang Thma dam.

11 JUDGE LAVERGNE:

12 Let me check. There <might be> two references for the same
13 document.

14 BY MR. KOPPE:

15 Q. I'm not sure, Mr. Witness, if you recall my question, I hope I
16 do. I think I asked you if recall any of those men specifically
17 telling you, "I did not want to marry that woman that I just
18 married." Do you recall any such conversation?

19 [10.11.39]

20 MR. MAM SOEURM:

21 A. No, no such thing happened and as I <> stated, men and women
22 <got> married <because they fell in love with each other;
23 however, there were also certain cases where a man loved the
24 girl, and the girl did not love him. And> for that reason you can
25 say they were forced to get married. Usually marriage should be

1 consensual. However, there was one case at Trapeang Thma dam
2 <where after the marriage, the bride refused to sleep with the
3 groom, and> they argued all night<. That> highlights the fact
4 that they did not <get along well> with <each other. I was not
5 given the names of the couple. This is what I have learned.>

6 Q. My last question, Mr. President. Did you ever encounter any of
7 those couples after 1979, and if yes, do you know if any of those
8 couples have filed for a divorce?

9 A. <At that time, some> of them remained as <husband and wife> as
10 I later on met them; however, others got divorced. And not every
11 couple remained together since. That's what I can say, some
12 remained as <husband and wife> while others got divorced.

13 Q. Then the very last follow-up question. I apologise, Mr.
14 President. Did they tell you, Mr. Witness, the reason for their
15 divorce?

16 A. I cannot tell you that. I cannot tell you about their
17 thinking<. I am not so sure of this. I cannot> tell you <exactly
18 what was on their mind. I just knew that they did get married>. I
19 could not tell you what went behind the scene.

20 MR. KOPPE:

21 Thank you very much, Mr. Witness. Thank you, Mr. President.

22 MR. PRESIDENT:

23 Thank you, Counsel. It is now appropriate for a short break; we
24 take a break now and resume at <10:30 a.m.>

25 Court officer, please assist the witness during the break at the

1 waiting room for witnesses <and experts> and have him return to
2 the courtroom at <10:30 a.m.>

3 The Court is now in recess.

4 (Court recesses from 1015H to 1030H)

5 MR. PRESIDENT:

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

7 The floor is now given to the defence team for Mr. Khieu Samphan
8 to put questions to this witness. You may now proceed.

9 QUESTIONING BY MS. GUISSÉ:

10 Q. Thank you, <Mr.> President. Good morning, Mr. Heng Samouth. My
11 name is Anta Guisse. I am Co-Counsel for Khieu Samphan's defence.

12 I have a few questions for clarification this morning and I
13 shouldn't be very long. First, about your <statement before the
14 OCIJ,> in document E3/7323, <ERN in French, 00483958; in Khmer,
15 00279087;> ERN in English, 00289997. Now, you said yesterday
16 <when answering the general background questions put by the
17 President, you stated that you were a farmer. Yet, on this page
18 in your statement, the investigators noted that you were a
19 teacher. Were they mistaken?>

20 THE INTERPRETER:

21 The interpreter did not hear the question.

22 MR. FARR:

23 Mr. President, the English interpreter did not hear counsel's
24 question.

25 BY MS. GUISSÉ:

1 Q. Allow me to say it again. You said in response to the
2 President's question <concerning your background,> that you were
3 a farmer. However, on the page <> of your written record <that I
4 just mentioned>, it says that you are a teacher. I would like to
5 know <whether> there's a mistake on the written record?

6 MR. MAM SOEURM:

7 A. <There was a mistake on> the written record.<>

8 Q. Yes. I'm only asking you if there's a mistake <-- so it's
9 possible that it is indeed a mistake. I'm just asking you to
10 specify:> are you a farmer or are you a teacher? Or were you a
11 teacher at the time of your interview with the OCIJ, and <later
12 on you changed careers? It's just so that> the record <will
13 reflect the correct answer>.

14 [10.34.36]

15 A. The <> response <indicating that> I am a teacher <is correct>.

16 Q. Very well. <Let the Parties correct me if I am wrong, now.> I
17 heard that you said that you were a farmer when the President
18 asked you your profession. Is there a reason why there's such a
19 discrepancy?

20 A. I did not say I <was> a rice farmer. In the document, I told
21 the investigator that I was a teacher. And as for the different
22 names, I have informed the Chamber already. After the <regime
23 that lasted for> three years, eight months and twenty days, <I
24 applied to become a teacher for the Ministry of Education in
25 either> 1981 <or early 1982. My> name <on the application was>

34

1 Heng Samouth. And because Mam Soeurm did not go to perform the
2 task as a teacher, and I was instructed to use the name instead.
3 That's why I used that name. <I then end up having two names.>
4 And in the document, I said I am a teacher <by profession>, not a
5 farmer.

6 [10.36.25]

7 Q. Very well. You said that you worked for almost a full year at
8 the Trapeang Thma dam worksite. And you said you were part of a
9 mobile unit. During that year, were you only at the <Trapeang
10 Thma> worksite? Or perhaps, <from time to time, depending on the
11 labor demand, for example, in the context of agriculture, did you
12 perform other activities?>

13 A. <My> worksite <was not moved anywhere>. I was constantly
14 working at the dam site, and I was sleeping in the quarters at
15 the worksite.

16 Q. Before <working on the dam>, and <even> before 1975, is it
17 true that you always lived in that region? I see that you were
18 born in Phnum Srok district. And so, are you from the area? And
19 did you <always> live in that area until 1975?

20 A. Can you repeat your question? I <did> not get it.

21 Q. Is it true that you were born in Phnom Srok district? And that
22 you have always lived in that district, or in the Battambang
23 region, until 1975?

24 A. That is correct.

25 [10.38.38]

1 Q. Do you come from a farming family?

2 A. My parents were farmers.

3 Q. I'm asking all these questions for context, because I would
4 like to ask you a few questions now on these meetings that you
5 said you attended. One, in <particular, that you stated in> reply
6 to a question from the civil parties Lawyer, <during which you
7 explained you were given an explanation of the> reason why the
8 dam was being built, <and notably an explanation of the need for>
9 an irrigation system. And so, <my question is as follows:> you,
10 <who> have always lived in that region <and whose> parents <were>
11 farmers, did you understand the need for such an irrigation
12 system in Trapeang Thma?

13 A. At the beginning, < as member> in a mobile unit <,> I did not
14 pay <much> attention <regarding the construction of the canal
15 system in order to do farming both in the dry season and the
16 rainy season. I did not even think of doing farming during the
17 dry season as> we did <> rice farming <mostly only> during the
18 rainy season. <It was explained that> the dam was <being> built
19 <so it was possible to do farming during> the dry season as well.
20 <Although after the dam was completed, it was possible for only
21 certain areas to do farming, while it was still impossible for my
22 family to do so as they lived far away from the reservoir. This
23 simply means that it was applicable only for those who lived next
24 to the reservoir to do farming during the dry season. It means
25 that people could do farming only in the areas as far as the

1 canal stretched. While working at the dam, I had no idea of what
2 their development plan was all about for having the dam
3 constructed. However, during meetings,> we <were instructed to
4 produce > 3 tonnes of <rice> per hectare. <Farmers were required
5 to do rice farming three times per year; and for each harvest
6 which was three times per year, at all cost, they had to meet the
7 quota. They were actually planning to make a huge progress. In
8 reality, farmers themselves did not have enough to eat. Although,
9 we went through lots of hardship and hunger, still we did not
10 have enough to eat>.

11 [10.41.34]

12 Q. You still live in the area. Can you tell us if the dam is
13 still in use today?

14 A. Nowadays, the dam <had been> renovated <> so that we could
15 have water to irrigate the fields <for farming during the dry
16 season>. In the last few years, the dam was broken, and <they are
17 planning the renovation again. The reservoir has been emptied.
18 Some parts of the dam were destroyed by the flood. Again, they
19 are planning another renovation.>

20 Q. I'd like to touch upon another issue. You mentioned the visits
21 of delegations, <in particular> Chinese delegations<>, that came
22 to the worksite. And you said that people with a bigger build
23 would stay in front, and those who were skinnier would stay
24 behind. Could you tell us who <asked you to position yourselves
25 like that?> Was it your group chief, unit chief? Can you tell us

1 who <requested> this arrangement?

2 [10.43.16]

3 A. I told the Court already about the matter. Those who were
4 healthy<, big, strong, and nice-looking> were required to stand
5 in front rows. <As for me who> was weak <and being swollen I was
6 not allowed> to stand in the front lines.

7 Q. <Yes>. I was asking you a different question. Please listen
8 <carefully> to what I'm asking you. <> I asked you, <> who
9 <ordered> this arrangement? Who asked some people to be in the
10 front, and others in the back? <That is my question.>

11 A. It was the arrangement within groups and units. <The groups
12 and units themselves made such an arrangement.>

13 Q. I'm not sure you understood my question. I will ask you in a
14 different way <for the last time>. Who asked you to go behind,
15 and who asked the <stronger> ones to go in front? Who was the
16 person <in charge> who <issued this request>?

17 [10.44.40]

18 A. I told the Court already. It was the arrangement of the groups
19 or units. <Upon arrival, the strong ones were asked to stand in
20 the front rows, while the thin ones were to stand in the back
21 rows. People> within <those respective groups or units came up
22 with the> arrangement. And as I -- I told the Court already about
23 this matter.

24 Q. Am I to understand that it was the group and unit chiefs who
25 made that decision?

1 A. The arrangement was made within <my> group or unit.

2 Q. I'll move on. Perhaps <my question is> a bit too complex. I'd
3 like to go back on the way your unit <> and the other units that
4 worked on the <same> worksite <you worked at, were organized. So,
5 first> question <on that place>: if my notes are correct, you
6 said that you worked on building the reservoir. And this was on
7 the west side of the bridge. Did I understand <your testimony>
8 correctly?

9 [10.46.19]

10 A. <My worksite was on> the east <of the bridge; however,> and I
11 was assigned to work <in the areas to> the west and <> the north
12 of the <bridge, and at the bridge itself. My working station
13 varied>. I was moving around, and worked <around the dam. When
14 the rains came> some parts of the dam had been <broken>, we had
15 to <repair the> broken parts of the dam.

16 Q. <Very well.> And so, over the months in which you worked on
17 the dam, you worked at different areas. And <were any of these
18 areas you worked at> on the reservoir, or near the reservoir?

19 A. I'm sorry. I could not get your question.

20 Q. Among the many areas of the worksite where you worked, did you
21 <ever> work on <> the reservoir of the dam?

22 A. <As mentioned, since I belonged to a mobile unit, I went to
23 work from one place to another> around <the reservoir. I was
24 based at the reservoir. I did not go anywhere else>.

25 [10.48.06]

1 Q. And in that part of the reservoir, do you remember if there
2 was any machinery<> used to build certain parts of that dam?

3 A. <Some pieces of machinery were used alongside human labour to
4 build some> bridges<; however, most tasks> were <done by human>
5 labour.

6 Q. Are you certain that throughout your stay at the worksite, you
7 never saw any machinery?

8 A. No. <> From my observation <as a worker>, we had only
9 <earth-carrying> baskets and hoes as tools to work. <No heavy
10 machinery including an excavator or a bulldozer was spotted. They
11 could have engaged some pieces of> machinery <in the early stage,
12 while pure> manual labour was used <in the later stages. So by
13 the time I was working there, not a single excavator or
14 <bulldozer was spotted. The tasks including digging and carrying
15 the earth were all done by human labour.>

16 Q. Well, the reason I ask is that we have a statement on the case
17 file, <statement> E3/7800, <> French <ERN>, 00486078; Khmer
18 <ERN>, 00267760; and <> English <ERN>, 00277827. So this person,
19 who also worked on that <dam>, said that there was <indeed>
20 manual labour, but <that they> also <employed tractors. So,> now
21 you <assert> that you haven't seen any, but do you exclude the
22 possibility that there may have been <tractors> while you were
23 working in a different area of the <dam>?

24 [10.51.07]

25 A. I have told the Court already. <While I was working at

1 Trapeang Thma dam worksite> in late 1976 and early 1977<, I did
2 not notice any piece of> heavy machinery <. I did not notice any
3 machinery either when the dam was being constructed or after the
4 dam was constructed. Generally speaking,> I did not witness the
5 presence of any heavy machinery. <There could> have been <some
6 pieces of> heavy machinery <as you said, but they were not any
7 helpful to us who were members of mobile units working there>.

8 Q. In your statement, document E3/7353, you've indicated that <at
9 the dam you saw -- well, that> there were labourers from Sector 3
10 and Sector 5. Could you tell us <which sector or region you came
11 from yourself and> how you knew that there were people from
12 Sectors 3 and 5?

13 A. Allow me to clarify <this point. Since there> were many
14 labourers<, I wanted to know from where those mobile units came.
15 Words started to spread around from one to another that those
16 mobile units came from> Sector 3 and <Sector> 5. <The place where
17 I was residing was in Sector 5. Then I started to realize that
18 not only> labourers <from Phnum Srok alone, but labourers from
19 many other districts> were mobilized <to engage in the dam
20 construction. I had no idea of what areas were in Sector 3;
21 however, the newly-established province of Banteay Meanchey was
22 in Sector 5. Again, I had no idea as to how big Sector 5
23 covered>.

24 [10.53.40]

25 Q. Can you tell us <over what distance the dam was built>? How

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1 many kilometres, <for example,> did the dike measure?

2 A. I <did> not have the full grasp of the situation. <Having
3 moved around to work from one bridge to another, I just knew that
4 the distance between> one bridge <and> another was <at least> 2
5 kilometres. <I cannot tell the exact distance. But it was a bit
6 far.> Some -- And the dam itself <ran all the way from north,
7 made a turn, and continued from that point towards> the west<. It
8 was a wide dam, but I did not know how long it was>.

9 Q. <If I told you that we have a document on the case file,>
10 E3/8050, ERN in French, 00450434; English, 00428005; and Khmer,
11 00464719. So, <if I told you that> this document on the case file
12 is a report that indicates that the dam <measured> 10 kilometres
13 in length and seven kilometres in width. Does that fit your idea
14 <> when you say that "it was long"?

15 [10.55.37]

16 A. <To my estimation, it could be between> seven <and> 10
17 kilometres.

18 Q. Would you agree to say that, in the context of your work at
19 the dam, you only worked on <> one <section> of <the dam>? Is
20 that correct?

21 A. I <was talking in the context when I was working at the
22 worksite. And what happened in the cooperative was something
23 different. Since I was working at Trapeang Thma dam worksite, I
24 only knew what happened there. And I had no idea of what was
25 happening back in the cooperative>.

1 Q. When you say you were sent to different <locations>, does that
2 mean that you worked in different communes?

3 A. I told the Court yesterday already, I <worked in a> mobile
4 <unit in which> I was <sent to work> in <various> villages and
5 communes. <There were mobile units at village, commune and
6 district levels.> And later on, I was reassigned to work <in a
7 mobile unit of the sector>. So I <had worked in the mobile units
8 of the commune, and the district before being> reassigned to work
9 in <the mobile unit of the sector. Before being made a member of
10 the sector's mobile unit, I was sent to work in> different
11 places<; for example, I was sent to harvest paddy in> Thma Puok,
12 <and after which> I was reassigned to the worksite, the dam
13 worksite. <I was constantly mobile. I had no permanent worksite.
14 The moment> I arrived at Trapeang Thma worksite, I <knew
15 immediately> that <> I would <not be sent to work anywhere else.
16 I went from a level of a mobile unit to another, and finally, to
17 Trapeang Thma dam worksite>.

18 Q. I probably was not clear enough in my question. <I'll try once
19 again.> As you worked on the worksite for the Trapeang Thma dam,
20 did you work in different communes? And so, were the <sections>
21 of the dam where you worked, were <they> in different communes?
22 Or were you always in the same commune?

23 [10.58.41]

24 A. I <had worked> in <many> different places. <For example,> I
25 went to harvest rice <in> Thma Puok <district> in Battambang

1 province <then, but> it is now <in> Banteay Meanchey province. I
2 <would like to expand a bit regarding> this point<, but I won't
3 be long. After Thma Puok, I went to dig a canal along the road to
4 Poipet at a place so-called> Sala Krahom (phonetic) <>. And after
5 <Sala Krahom,> I was <mobilized to work at> Trapeang Thma dam
6 worksite. So <before I ended up working at Trapeang Thma dam
7 worksite>, I <had worked in many> different places <already. This
8 is the shortest summary I can make. The more I describe, the
9 longer it takes.>

10 Q. <Very well, I believe we will need clarification.> You talked
11 about the period of 1977, saying that for almost the entirety of
12 the year you were working on <the> Trapeang Thma <dam>. And now
13 you've just answered that <at one point,> you went to harvest
14 rice. Are we to understand that when you <speaking about going to>
15 harvest rice, <it> was not <during> the same time as when you
16 were working on the dam?

17 [11.00.17]

18 A. Let me differentiate the accounts. After I <had returned from
19 harvesting> rice, I was moved to Trapeang Thma worksite. So,
20 again to be clear: first I worked <for one month and half> at
21 Thma Puok, harvesting rice, and after which, I went to work at
22 Trapeang Thma worksite. <So I started working at the dam worksite
23 after I had returned from harvesting paddy.>

24 Q. Is all of Trapeang Thma dam located in one <single> commune,
25 or <does it extend across> several <communes>?

1 A. Trapeang Thma dam <ran all the way> from Paoy Char <commune
2 through the border of> Ponley <commune> in Phnum Srok district,
3 Banteay Meanchey province.

4 Q. Having heard that description, my following question is: while
5 you were working on the dam, did you work on parts of it that
6 were located in different communes?

7 A. <We did not stay in the village while working there. We
8 remained at the dam worksite all the time. Although it was very
9 close to boundary of> Ponley commune, <we were not allowed to
10 enter the village. Actually, the reservoir was ending exactly on
11 the boundary> of the Ponley commune. And for example, on another
12 occasion, also still at the dam worksite, when I was assigned to
13 construct <a> bridge, then <> our sleeping quarters <was set up
14 next> to the location where the bridge was being built. So, I was
15 constantly on mobile from one segment to the next segment within
16 the dam construction worksite<, and we set up our sleeping
17 quarters next to those sites as well. When we finished our
18 segment on a particular place, we would move to a new segment. We
19 kept repeating the process. However, we did not work anywhere
20 else outside the dam worksite. I went to work at different areas
21 of the dam worksite as my task was to maintain the dam and fix
22 any> parts of the dam <damaged by the rain, and carry> earth to
23 build bridges, <and> the embankment of the dam.

24 [11.03.22]

25 Q. Thank you for that information. One more point before I pass

1 the floor to my colleague Kong Sam Onn: <> this morning, <before>
2 my colleague from the Nuon Chea team, <you also mentioned> the
3 arrest of three people who belonged to your group. I didn't quite
4 understand from your testimony if you yourself personally
5 witnessed the arrest, or if <it was> hearsay. Can you enlighten
6 us on that<>?

7 A. <I mentioned the> three workers <the other day.> I was told. I
8 did not witness it, but I was told that the three workers were
9 arrested and put on the truck <behind our quarters>. And I did
10 not know the reason for the arrest of these three workers,
11 because they seemed to be active workers too. <I did not pay
12 attention on the arrest, either. I was not interested in it
13 because whenever they made any arrest of people they did not
14 surprise us with it.>

15 [11.04.42]

16 Q. So, you heard about the event but you didn't witness it, and
17 you don't actually know if they were <assigned> to another
18 <location>. Is that correct?

19 A. <I heard about the event. However, after members of a mobile
20 unit had been arrested and taken away by truck, they would> never
21 <have> returned<. We> did not know where they were sent to.
22 Because after they were trucked away, we never saw them again.

23 Q. Did the three people come from your commune <or> your
24 <sector>?

25 A. They were 17 April People, and in fact they were former Phnom

1 Penh dwellers, although I did not know their origin or
2 background. They were part of the mobile units, but I did not
3 know the details as to which village or commune they came from.

4 Q. One final question: so you don't actually know if they were
5 sent back to the <sector> they came from, or not?

6 A. From what I understood, the workers who were put on the truck
7 and sent away could not survive, because I was told that the
8 truck was to come and take away prisoners. And the truck was
9 covered.

10 Q. One <follow up> question: when you said you were told this,
11 who told you this particular fact?

12 [11.07.39]

13 MR. PRESIDENT:

14 Witness, please observe the microphone.

15 MR. MAM SOEURM:

16 A. It was workers within my group and my unit who told me about
17 this event.

18 MS. GUISSÉ:

19 I have no further questions, Mr. President. I'd like to pass the
20 floor to my colleague <Kong Sam Onn>. Thank you, <Mr. Witness>.

21 MR. PRESIDENT:

22 Thank you, Counsel. And Counsel Kong Sam Onn, now you have the
23 floor.

24 QUESTIONING BY MR. KONG SAM ONN:

25 Q. Thank you, Mr. President, and good morning, Mr. Mam Soeurm. I

1 only have some follow-up questions to put to you. So far, through
2 your testimony you confirm that you worked at the Trapeang Thma
3 dam worksite, and you did two distinct works. One was to engage
4 in building the dam, and the second part was to provide
5 maintenance to the dam. Am I correct?

6 [11.08.48]

7 MR. MAM SOEURM:

8 A. Yes, you are correct.

9 Q. Thank you. Can you give us the timeline for your first part of
10 working at the dam worksite? For example, from which month to
11 which month? And what about the second engagement in the dam?
12 That is, to engage in maintaining the dam? You told the Court
13 that you worked almost throughout the year of 1977, but could you
14 provide a bit more specific details regarding the two natures of
15 work you did at the site?

16 A. When I was in the mobile unit to engage in building the dam,
17 we built the embankment and also the crest on top of the dam. And
18 later on, I engaged in the maintenance work of the dam. I
19 actually did not go anywhere, and I was still at the dam worksite
20 throughout the year of 1977 -- that is, starting from the
21 beginning of 1977, and I left towards the end of 1977. And I was
22 involved in the maintenance work -- that is, to patch any broken
23 segment, or where the bridge actually was unstable, and at
24 various other parts of the dam where maintenance work was
25 required. So, I was always on mobile during this period--

1 [11.11.00]

2 Q. My question to you, Witness, is in regards to the timeline.
3 You stated earlier that you worked at the dam worksite in 1977,
4 and I wanted to know clearly as to when you engaged in the dam
5 construction work, and when you commenced working, or engaging,
6 in the maintenance work of the dam after its completion.

7 A. The dam construction commenced in early January, when I
8 actually carried the soil to build the embankment of the dam.
9 Everyone was doing the same kind of work. And after the
10 embankment was completed, other workers from other mobile units
11 were reassigned elsewhere. But my unit remained on site to engage
12 in the second part of the work -- that is, the maintenance work.
13 And for that reason, I cannot give you the timeline. <I can say
14 it was in 1977, but I cannot be more specific than that.>

15 [11.12.21]

16 Q. Thank you for that. And what about the time that you engaged
17 in the maintenance work? Was it during a rainy season, when it
18 rained a lot? Or was it during a dry season of the year?

19 A. It was during the raining season. The <rain> water <washed the
20 dam away and some bridges had not been fully completed>, so parts
21 of the dam were broken. And some water sluices had not fully
22 completed, and we had to provide maintenance to that. And parts
23 of the embankment <were> eroded by strong pressure of the water,
24 and we had to divide our team members to engage in various repair
25 work for the dam. So, in fact we were split into smaller groups

1 to engage in the repair work, or the maintenance work of the dam.
2 <And for this reason, I cannot provide to you with the specific
3 timeline.> And of course, when the dam was completed parts of the
4 embankment was eroded by the rain water.

5 Q. What about the number of workers remaining to engage in the
6 maintenance work in comparison to the actual start of the dam
7 construction, when you engaged in the building of the dam and its
8 embankment, was the number much different?

9 A. <At first, the work was different.> There were many workers
10 engaged in the building of the dam itself. And after, for the
11 maintenance work, only a small number from the mobile unit
12 remained on site for maintenance purpose of the dam.

13 [11.14.48]

14 Q. Also, please tell the Court how long did it take you to engage
15 in this maintenance work?

16 A. I cannot tell you the actual number of months. I was
17 constantly on mobile from one part of the dam to the next. And I
18 was assigned to this location or that location to repair the dam,
19 as I was assigned. So, it is difficult to tell you the exact
20 number of months I spent working on the maintenance part of the
21 dam. <So, I cannot say how many days or months.>

22 Q. Can you at least tell us how long did it take for the dam
23 itself to be fully completed?

24 A. As I said, the dam was almost completed when I left the dam
25 worksite in late '77. I actually ran away from the mobile unit at

1 the time. <I never went back to the dam worksite again;
2 particularly in 1978. Having felt unsecured within the mobile
3 unit, I approached the unit chief for his leave. I was not given
4 the leave so I fled from my unit.>

5 Q. You were asked by my international colleague on the issue that
6 you said earlier that <fat,> healthy workers were assigned to
7 stand in the front row, while people who were not healthy, or
8 were bony or skinny, were asked to <stand> at the back row. Who
9 actually gave such instructions? Was it the group chief or the
10 mobile unit chief?

11 [11.17.20]

12 A. Actually, I answered that question a few times already. In
13 fact, the arrangement was made for <good-looking appearance>, or
14 good image. So, healthy <or fine-looking> workers were assigned
15 to stand at the front row, while <the skinny> people like myself
16 were ordered to stand at the back row--

17 Q. My question to you is that, who actually gave instructions to
18 the workers to do so? You simply say yes or no. If you don't
19 know, you say you don't know.

20 A. No, I don't know.

21 MR. KONG SAM ONN:

22 Thank you. Mr. President, I am done with this witness.

23 (Short pause)

24 [11.18.40]

25 MR. PRESIDENT:

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1 The hearing of the testimony of the witness Mam Soeurm is now
2 concluded. And the Chamber is grateful to you, Mr. Mam Soeurm,
3 for your time and testimony during yesterday's afternoon and
4 today's morning session. Your testimony may contribute to
5 ascertaining the truth in this case. And you are no longer
6 required to be present in the courtroom, therefore you can return
7 to <your residence or> wherever you wish to go to. And the
8 Chamber wishes you all the very best, and safe journey home.
9 Court officer, in collaboration with WESU, please make the
10 necessary transportation arrangements for the witness to return
11 to his home, or wherever he wishes to return to. And please usher
12 the next witness --that is <TCW-866> into the courtroom.

13 [11.19.50]

14 (Witness enters the courtroom)

15 [11.24.11]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Madam Witness. What is your name?

18 MS. KHIN VAT:

19 A. My name is Khin Vat.

20 Q. Thank you, Madam Khin Vat. When were you born?

21 A. I do not recall my date of birth.

22 Q. How old are you this year?

23 A. I am 65 years old.

24 Q. And Madam Khin Vat, please observe the microphone. You should
25 only speak when you see the red light on the tip of the

1 microphone, so that your voice can go through the system. Then it
2 will be interpreted into two other official languages of the
3 Court -- that is, English and French. And Madam, where were you
4 born?

5 A. I was born in Ou village, Ponley commune, Baribour district,
6 Kampong Chhnang province.

7 Q. <What> is your present address?

8 A. I live in the same village that I just mentioned.

9 Q. What are the names of your father and mother?

10 A. Van Koy is my father's name, and Din Vin is my mother's.
11 They're both deceased.

12 [11.26.10]

13 Q. What is your husband's name, and how many children do you have
14 together?

15 A. My husband's name is Chhi Sron, and we have five children
16 together.

17 Q. Thank you, Madam Khin Vat. And to your best knowledge, are you
18 related by blood or by law to any of the two Accused -- that is,
19 Nuon Chea and Khieu Samphan, or to any of the civil parties
20 admitted in Case 002?

21 A. No, I am not related to any of them. Not at all.

22 [11.27.05]

23 Q. Have you taken an oath before the Iron-Club Statue before your
24 appearance this morning?

25 A. Yes, I have.

1 Q. Thank you. And Madam Civil Party, the Chamber would like to
2 inform you of your rights and obligations as a witness. As a
3 witness, Madam Khin Vat, in the proceedings before this Court,
4 you may decide to refuse to respond to any question, or to make a
5 comment, which may incriminate you. That is your right against
6 self-incrimination. And as a witness, you must respond to all
7 questions put to you by the Bench or by any of the relevant
8 Parties, except those questions or comments that you think may
9 incriminate you, as I just informed you a while ago. And also as
10 a witness, you must tell the truth that you have heard, known,
11 remembered, or experienced or observed directly, in relation to
12 an event put to you by the Bench or the concerned parties. And
13 Madam Khin Vat, have you been interviewed by investigators of the
14 Office of the Co-Investigating Judges?

15 A. Yes, I have. It took place at my house in my village.

16 Q. And how many times? Madam, how many times have you been
17 interviewed? And please observe the red light on the tip of the
18 microphone.

19 A. I was interviewed once at my house.

20 [11.29.56]

21 Q. And before you appeared before us, have you reviewed or read
22 the written record of your statement, in order to refresh your
23 memory?

24 A. In fact, my nephew read it aloud to me.

25 Q. And to your best recollection, does the written record of your

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1 statement reflect the words that you used during your interview
2 with OCIJ investigators at your house?

3 A. Yes, I can -- I can recall what I said.

4 Q. Is the written record consistent with what you told the OCIJ
5 investigators during your interview?

6 A. Yes, it is consistent.

7 [11.31.20]

8 MR. PRESIDENT:

9 Thank you, Madam Witness. It is now appropriate for our lunch
10 break. And we'll take a break now and resume at 1.30 this
11 afternoon.

12 Court officer, please make necessary arrangements for the witness
13 <to rest in the waiting room reserved for witnesses and experts>
14 during the lunch break, and usher her into the courtroom again at
15 1.30 this afternoon.

16 Security personnel, you are instructed to take Khieu Samphan to
17 the waiting room downstairs, and have him return to attend the
18 proceedings in this Court at 1.30 <p.m.> The Court is now in
19 recess.

20 (Court recesses from 1132H to 1332H)

21 MR. PRESIDENT:

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

23 Before the Chamber gives the floor to the Co-Prosecutors to put
24 questions to this witness, the Chamber wishes to hear a
25 clarification from OCP in relation to the 66 statements from

1 DC-Cam which was mentioned by Nuon Chea defence team yesterday.
2 This morning I heard the clarification made by the OCP and now
3 the Chamber would like OCP to make clearer points on these
4 documents.

5 [13.33.40]

6 MR. FARR:

7 Thank you, Mr. President. So we've looked into the matter a bit
8 further and I think the position is that because of the relative
9 recency of the admission of the documents, requests for
10 translation have not yet been made. We've calculated that the
11 total number of pages required to translate everything into
12 French and English is 790 pages of translation. And we're
13 currently communicating with CMS to determine what kind of
14 timeline that would be for them. So the number is 790, we're
15 communicating with CMS and we can inform the Chamber either later
16 today or by email what their estimate for the translation time
17 for those documents would be.

18 [13.34.50]

19 MR. PRESIDENT:

20 Thank you for this clarification and the Chamber will take it
21 into consideration and use it as a basis for the decision in a
22 later stage.

23 Madam Khin Vat, based on the report of the greffier, you stated
24 that you need to go to the restroom frequently <during your
25 testimony>. And please <feel free to> raise your hand if you wish

1 to use the restroom. Under Internal Rule 91bis of the ECCC, the
2 floor is now given to the OCP to put questions to this witness.
3 And OCP <and the Lead Co-Lawyers have> the whole afternoon to put
4 questions to this witness.

5 QUESTIONING BY MR. FARR:

6 Thank you, Mr. President. Good afternoon to you, Ms. Khin Vat. My
7 name is Travis Farr. I'm a lawyer for the Office of the
8 Co-Prosecutors and I'll be asking you a number of questions this
9 afternoon. I know you discussed more than one topic in your
10 statement but I will be focussing primarily on your experiences
11 at the Kampong Chhnang Airport worksite.

12 Q. So to start off with, can you tell us, to the best of your
13 memory, when you first were sent to the Kampong Chhnang Airport
14 worksite?

15 [13.37.09]

16 MS. KHIN VAT:

17 A. I arrived in Kampong Chhnang Airport in late 1977. It was in
18 July 1977. I was working in the paddy field when I was there. <As
19 part of the unit assigned to construct the airport,> I was
20 <tasked to work> in the field <>.

21 Q. And why were you sent to that airport construction site? Who
22 sent you and what was the reason?

23 A. Back then, my husband <who had> had <allegedly Vietnamese
24 affiliation was removed by the Angkar>. I was working <at>
25 Pochentong Airport and my husband was working in Kampong

1 Chhnang<. It was alleged that he had had a Vietnamese
2 affiliation. I did not learn this personally from them. It was a
3 colleague of mine who whispered to me> that my husband <had been
4 removed for having affiliated with the Yuon. And then> I was
5 removed from <the> Pochentong <airport,> and sent to <work in
6 paddy fields at> Kampong Chhnang <airport>.

7 Q. So was your being sent to Kampong Chhnang Airport then some
8 kind of punishment for your husband's perceived link to the
9 Vietnamese?

10 [13.39.20]

11 A. <From> my own analysis and <perspective, they could have lost
12 their> trust <in> me. For this reason, I was <no longer
13 entrusted> to work <> with the Chinese. <Instead,> I was
14 reassigned to <do farming> in order to support their units. <They
15 said it was the task of the low-ranking.>

16 Q. And what happened to your husband when this allegation or
17 accusation of links with the Vietnamese was made -- what happened
18 to him?

19 A. I did not know. At the time, information was not disclosed to
20 me. <I was not informed of his removal.> My husband <just>
21 disappeared ever since. The upper echelon did not tell me the
22 reason and I did not have the courage to question on his
23 disappearance <for fear of losing> my <own> life <as well>.

24 Q. How did you learn about his disappearance?

25 A. <I just got married for one week at that time. My marriage

1 ceremony took place in Kampong Chhnang provincial office. My
2 husband and I never knew each other before.> It was one week
3 after my marriage that <I was sent back to the Pochentong
4 Airport. After that, I never had any contact with him to the time
5 of his disappearance>.

6 [13.41.28]

7 Q. And did you learn that he disappeared because someone told you
8 he disappeared or had you been with him and then he was no longer
9 there? How exactly did he disappear?

10 A. My <friends who had worked> with him <told me that the upper
11 echelon arrested him and transported him by truck> to Phnom Penh.
12 <My friends told me to keep silent and never ask anything about
13 him again. From then on, I dared not ask about him>.

14 Q. What was your husband's job prior to his disappearance?

15 A. He was in charge of a unit <of dump trucks, and he worked
16 with> the Chinese <on making measurements and conducting a survey
17 of the runways within> that new airport worksite.

18 Q. And just so the record is clear, your husband was measuring
19 land at the -- was a driver for the Chinese measuring land for
20 the Kampong Chhnang Airport worksite; correct?

21 A. Yes, that is correct. It is true.

22 [13.43.40]

23 Q. So prior to your transfer to the Kampong Chhnang Airport
24 worksite, had you been a member of the military -- of a military
25 unit?

1 A. I was removed and sent to Kampong Chhnang. Before <being>
2 transferred to Kampong Chhnang, I was <placed> in a woman unit
3 <based in Chumpu Voan, whose members were spouses of soldiers,
4 and tasked to take> care of children and do rice farming.

5 Q. But before that transfer to the -- to Kampong Chhnang, had you
6 been in a military unit? And if so, which one?

7 A. Prior to 1975, I was part of Southwest Zone army -- that is,
8 the female army of 304. In 1975, my 100-women unit was reassigned
9 to clean up <Pochentong> airport <where> the Chinese <guests were
10 working, maintaining aeroplanes, and training the Khmer Rouge
11 soldiers to fly aeroplanes. That was what I did before I got
12 married>.

13 Q. Were you ever a member of a division referred to as 502?

14 A. Yes, I was under <Division> 502.

15 Q. And was that during your time at Pochentong, during your time
16 at Kampong Chhnang, or both?

17 A. I was under Division 502, both <at> the time that I was
18 <working> in Kampong Chhnang and at <the time I was working at>
19 Pochentong Airport.

20 [13.46.32]

21 Q. Okay. Can you tell us who the commander of Division 502 was?

22 A. The <commander> was Ta Met. I do not know his surname. <Ta
23 Lvey was his> deputy, <and the other one> was <Pu> Thuok.

24 Q. Can you tell us when you arrived at the Kampong Chhnang
25 Airport worksite, what did you first see, what did you first

1 notice?

2 A. At the outset, I was told to do <> rice <farming> and I was
3 living and sleeping at <a worksite in Pongro -> Wat Preah Theat
4 (phonetic). I was required to do <> rice farming <in the areas
5 around the airport, and in the lower areas close to> the <lake>.
6 And it was almost the <harvesting> time <when> I was told that
7 the Vietnamese <troops were advancing>. So I had to make an
8 escape at that time <from the airport, and headed westward. The
9 truck I was on was heading westward>.

10 Q. How close was the place where you were doing your rice farming
11 to the airfield itself, to the runway, the control tower, and the
12 other facilities?

13 A. Wat Preah Theat (phonetic) was <to the> east of the new
14 airport construction site. It was about one kilometre away from
15 <the mountain where the rock quarries were located>.

16 [13.49.20]

17 Q. I'm sorry. I'm not familiar with the names of all of the
18 locations. Could you tell us in relation to the runway itself,
19 the control tower itself, how far away were you from those
20 locations?

21 A. I was <doing> rice farming <in the areas around> the airport
22 construction site. <Those paddy fields were located about> one
23 kilometre away <on the east of> the airport construction site.

24 Q. So from the place where you were doing your rice farming, were
25 you able to observe any of the construction activities? And if

1 so, how?

2 A. Yes, I could see the construction. At first, <upon my
3 arrival>, I saw <> soldiers pushing carts and the Chinese
4 <surveying the runways, water routes, installing> electrical
5 wires, <and mixing> cement to build a five-storey building.
6 <Rocks from the nearby quarries were also being transported to
7 the airport construction site. That was what I saw.>

8 Q. And how far away were you from these workers when you were
9 seeing them pushing these carts or laying cement, what was the
10 distance between you and the workers?

11 [13.51.23]

12 A. <I saw them from a distance. However, on> some <occasions,> I
13 was <walking by> the place where <those> soldiers were pushing
14 carts. <Anyway, I lived in a place about one kilometre away from
15 that place.> And <sometimes on my way> to do <> rice farming, I
16 <had to> walk past <> the <roads or runways they were building in
17 order to go to the foot of the mountain on the south of the
18 airport construction site where the rock quarries were>.

19 Q. So you've mentioned seeing people in military uniforms. Did
20 you ever learn anything about the identities of the workers at
21 the airport worksite?

22 A. I <did> not have <a> full picture <of the situation>. I <just>
23 noticed that <those workers were soldiers, but I did not know as
24 to which units they belonged. I also knew that it was the
25 soldiers of> Division 502 <who led> the workforce together with

1 the Chinese <in every aspect of the construction works including
2 installing> electrical wires, <constructing the runways,> and
3 <building the> five-storey building<.> As I stated, Division 502
4 was in charge of leading the construction work.

5 Q. So aside from Division 502, did you ever learn what other
6 divisions or units were present at the worksite?

7 [13.53.25]

8 A. I <did> not have first-hand information. <Anyway, those who
9 worked with me on> the field told me that they <had belonged to>
10 the east <unit,> and that <their> chiefs <had been> removed<,
11 while ordinary unit members were kept>. They were working with me
12 <but> I did not know <as to> when <their> chiefs <had been>
13 removed. I <actually worked there just> for a <short> period of
14 time. That is what I know.

15 Q. Did your colleagues whom you were farming rice with tell you
16 how they learnt that these workers were from the east?

17 A. They said they were from the <East Zone,> and their chiefs had
18 been removed. This is what I know. We were afraid <that>
19 something <could> happen <to> us, so we <did not discuss much>.
20 We <just kept> working hard.

21 Q. Do you know whether these workers from the east were members
22 of military units or had been members of military units?

23 A. I <did> not know <> that <either>. From my <assumption,> they
24 <could have been> soldiers, <and for> that <reason,> they <were>
25 sent to work at that place. <I did not know this clearly.>

1 [13.55.40]

2 Q. Did you ever learn anything about different treatments between
3 members of Division 502 and the other people working at the site?

4 A. I <did> not know about that.

5 Q. And do you know anything about why these workers from the east
6 had been assigned to the Kampong Chhnang Airport worksite?

7 A. I <had> no idea because I was <just> a low-ranking person.
8 Only the high-ranking people knew about that.

9 Q. Did you ever hear the words "tempering" or "refashioning" used
10 during your time at the Kampong Chhnang Airport?

11 A. Yes<, I did>. People were tempered. <Those workers> were told
12 to be hard-working. <They spent the whole day> striving to build
13 the airport; and in the evening, they <grew vegetables> for
14 <their respective> units. And as for old <women> or old people --
15 adult people like me, during night-time, we were making
16 fertilizers. <The working condition was very demanding. Word
17 spread around among my colleagues that those tasked to build the
18 airport were constantly forced to expedite their work in order to
19 have the airport completed and put into operation as soon as
20 possible. That was what I heard.>

21 [13.58.00]

22 Q. So what did these words "tempering" and "refashioning" mean to
23 you in the context of the Kampong Chhnang Airport?

24 A. <I experienced the term "tempering" while> I <was living in>
25 Kampong Chhnang. When I was <working at> Pochentong Airport, I

1 <did not> experience <"being tempered". I was not aware of any
2 moment of hunger. Only> after I had been transferred to <work and
3 live in> Kampong Chhnang <did I experience being tempered and
4 hard-working. We were exposed to hard labour work>.

5 Q. So I want to make sure that I am understanding you correctly;
6 are you saying that you considered your experience at the Kampong
7 Chhnang Airport to be tempering or refashioning?

8 A. From what I <saw, they were not re-educating anyone, they were
9 actually assigning people to work in different targets. In fact,
10 we were instructed to do certain tasks. Like it or not, people
11 had to work hard to finish the tasks they were assigned. We had
12 to keep working except when you were sick>.

13 [14.00.05]

14 Q. I want to ask you now about two terms that you used in your
15 statement which were translated in the English as "Force 1" and
16 "Force 2". Can you tell us what those two terms meant?

17 A. Force 1 comprised of women who did not have children and
18 <physically strong> men. <Healthy people> were put in this
19 so-called Force 1 to work. <> As for Force 2, people who were
20 weak like me were put in this group -- that is, Force 2. Members
21 of Force 2 were assigned to do rice farming and grow vegetable
22 for units.

23 Q. And what were the members of Force 1 assigned to do?

24 A. Force 1 -- members of Force 1 were assigned to construct the
25 airport <>. Some of them were working with the Chinese

1 technicians to measure the land, some <drilled rocks, some
2 blasted rocks>, some <were> drivers, and some were assigned to
3 transport <rocks,> gravel and earth <by using trucks>. And they
4 were also assigned to <use motors to flatten and reinforce> the
5 runways.

6 [14.02.25]

7 Q. Was either of the forces associated with Division 502?

8 A. Force 1 was associated with 502<; however, since there were
9 not enough forces> from 502 <to do all the tasks, some members of
10 Division 3 who had already worked there were merged>.

11 Q. And why couldn't people from Division 502 build the airport
12 construction site?

13 A. At that time, the 502 did not have the technical ability to do
14 the airport construction and <they were actually sent to work
15 there after> Division 3<. I heard from others that Division 502
16 people just mastered the skills to work there later compared to
17 Division 3 people who used to be in charge of the area at the
18 very beginning. Initially, it was the Division 3 people who
19 started working in the area from scratch including digging up
20 palm trees there>. And for that reason, <although after> 502
21 <people> came <to work there,> they had to work <alongside> those
22 <experienced workers> from Division 3. <They had to work together
23 as many tasks had to be completed at the airport construction
24 site. A few people would not be able to get the work done. Many
25 roads and runways had to be built. It required a lot of people to

1 work at the tower station, quarries, gas station, and caves for
2 aircrafts>. So for that reason, Division 502 could not handle the
3 job alone.

4 Q. So I'd like to ask you, and tell us if you don't know the
5 answer to this, but do you know anything about the working
6 conditions of the people who were building the airport, the
7 people who were flattening the earth, laying the cement, moving
8 soil, as you've said? Do you know anything about, for example,
9 their working hours, their food ration?

10 [14.05.23]

11 A. No<. I did> not know those details since they were in <a>
12 separate unit from mine. <I had no idea of their living
13 condition.>

14 Q. Okay. I'd like to ask you a few questions now about the
15 leaders of Division 502 that you mentioned. So can we start with
16 Met, can you tell us -- Met -- who he was?

17 A. Met was the secretary of <> Division 502.

18 Q. And do you know what his responsibilities were?

19 A. No, I don't. I simply <knew> that he <was in charge of the
20 division,> but I <did> not know the details of his work.

21 Q. Did you ever personally have any interaction with him, did you
22 speak to him, or did you hear him speaking to other people?

23 A. <I used to attend a meeting chaired by him where he reported
24 on the progress of the work> within the division<. So> I used to
25 listen to him.

1 [14.07.18]

2 Q. And what would he say in those meetings; what did you hear him
3 say?

4 A. He actually educated his subordinates to be loyal to him and
5 to strive to complete the work assignment by Angkar. That is the
6 main gist that I can recall.

7 Q. Did he say what he meant by Angkar?

8 A. He didn't explain <as to> what or who Angkar was. However,
9 <to> my understanding<, he was referring> to the upper echelon
10 leadership <when he was speaking of the Angkar>.

11 Q. And what was your understanding based on, why did you believe
12 that?

13 A. I was under his supervision and we received education from
14 him<. We believed> that the instructions came from above -- that
15 is, from the upper level or from Angkar <for us to work in the
16 fields>.

17 Q. Did Met ever say anything about the urgency of the project or
18 the necessity of completing it quickly?

19 A. Yes, he spoke about <completing the project quickly. He said>
20 that <they wanted the airport to be in operation soon so that
21 aeroplanes could land. In the presence of the Chinese, he was
22 urging workers to complete the airport quickly>.

23 [14.09.57]

24 Q. And what about Lvey, another person you mentioned as a leader;
25 who was he and what was his position, if you know?

1 A. Lvey was Met's deputy and he usually accompanied the Chinese
2 visitors to the worksite. He had also a supervisory role of the
3 soldiers there. He worked with the Chinese and he received report
4 and instructions from the Chinese. Lvey was direct subordinate to
5 Ta Met. <He worked directly with soldiers under his command.>

6 Q. Did you ever speak to him or did he ever address you as part
7 of a group?

8 A. No, Lvey did not. He did not provide education to us or spoke
9 to my unit.

10 Q. And the last person's name -- I hope I can pronounce it
11 correctly -- Thuok, can you tell us who he was?

12 A. Thuok was <Ta> Lvey's assistant and Thuok was usually in
13 charge when Lvey was away. So he would lead workers to work
14 <alongside the Chinese visitors> during Lvey's absence; for
15 example, when Lvey had to go to Phnom Penh.

16 [14.12.32]

17 Q. And did you ever speak to him or did he ever address you as
18 part of a group?

19 A. When I was a cook before I went to do farming, he used to talk
20 to me. He also used to give me work assignment. However, that
21 communication ceased when I was assigned to work in the rice
22 field. <Moreover, we never saw each other afterwards.>

23 Q. A moment ago, you mentioned Lvey going to Phnom Penh on
24 occasion. Do you know why he was going to Phnom Penh?

25 A. He went to Phnom Penh to -- probably to receive his work plan

1 and work assignment from his superior -- that is, from Ta Met.

2 Q. I'd like to turn now to your working hours when you were at
3 the airport worksite. Can you just give us a chronology of a
4 typical day, what time would you wake up, what would you do after
5 waking up, what time would you begin working? And go from there.

6 [14.14.20]

7 A. During my time in Kampong Chhnang and while <being on
8 assignment to work on the> rice field, I woke up at 5 o'clock in
9 the morning to line up and attend the meeting. That's when I was
10 together with women who had children. And after that, we would go
11 to the field to work. And that was around 7 a.m. And in the
12 evening, we had our dinner at <5 p.m.> and <rested; however,> if
13 there was a work assignment for us to engage in fertilizer
14 making, we would continue doing that until around <8 p.m.> when
15 we stopped to rest. <If we did not have to make fertilisers we
16 took a rest early in the evening.>

17 Q. And just so we're clear, that's 8.00 or 9.00 in the evening
18 that you're talking about; correct?

19 A. Yes, <8 p.m.> Sometimes <when we were> busy making fertilizer
20 at that time.

21 Q. You mentioned a meeting that you would attend after waking up,
22 what would be discussed at the meeting and who would lead it?

23 A. The morning meeting was to assign the workforce to engage in
24 various works. For example, Group 2 which comprised of certain
25 workers would be assigned to do a specific task while Group 3 and

1 so forth were assigned to engage in other works. The work
2 assignment meeting usually held in early morning -- that is, at 5
3 o'clock in the morning. That was for work assignment and work
4 distribution amongst members of the groups. <And after that, we
5 left for work.>

6 [14.16.45]

7 Q. And who would run those meetings; who was in charge of those
8 meetings?

9 A. It was <Bong> Maly (phonetic) who chaired the meetings. She
10 passed away.

11 Q. And what was her position or role; what was her title?

12 A. I do not know her real position. What I knew was that she
13 received the work plan from her superior and she relayed those
14 work plan and instructions to us.

15 Q. Do you know the name or position of her superior?

16 A. No, I don't. And she was a newcomer; she was not part of
17 Division 502. <I did not know from where she had come.> She came
18 to supervise us for a brief period of time.

19 [14.18.13]

20 Q. Okay. I'd like to ask you now about your food ration. Can you
21 tell me how many times per day you would eat and what kinds of
22 food you would be given?

23 A. While I was working in a rice field, cooked rice was
24 distributed to us for <> lunch -- that is, we would be given a
25 pack of steamed rice. Then it was accompanied by a sour soup

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1 mixed with morning glory or water lily with fish from Tonlé Sap
2 River. Or sometimes, we were given <fermented fish or> dry fish.

3 Q. And in your experience, was the food sufficient to give you
4 the energy for the work you were expected to carry out?

5 A. The food was rationed, so <those with a big appetite> could
6 not eat <their> fill since we were given only a ration. And
7 sometimes I had to drink more water to fill up my stomach. And
8 each week, we would be given <a> dessert.

9 Q. And can you tell us something about the hygiene of the area
10 where you lived and worked? Was it a healthy environment or did
11 members of your unit get sick?

12 A. Regarding hygiene, hygiene was not available at all. I mean
13 the water was not boiled and <the place was not regularly
14 cleaned; thus,> we -- workers usually had some kind of disease
15 including <fever, and numbness in hands and legs. And those who
16 got sick went to the hospital.>

17 [14.21.19]

18 Q. And this may be difficult to estimate but can you tell us on a
19 given day how many workers in your unit would be sick?

20 A. I think the situation varied. Under hot working condition and
21 weather <and due to high level of exhaustion>, sometimes five to
22 10 workers became sick. So it was weather-related condition. I
23 cannot tell you exactly but usually under such a weather
24 condition, five to 10 workers would become sick.

25 Q. And that would be five to 10 workers out of a total of how

1 many in your unit?

2 A. There were about 90 workers in my unit.

3 Q. And when people fell ill, was there any kind of medical
4 treatment or were they allowed to rest or were they expected to
5 continue working?

6 A. Those sick people who could walk would be assigned to engage
7 in lighter tasks. However, for those who <were sick and> could
8 <neither> walk <nor> eat, then <they> would be sent to a
9 hospital. So even if you fell sick but you could walk, then you
10 would be assigned to work, that is a lighter nature of work or to
11 produce fertilizer<, care for children, or> lend hands to the
12 people working in the kitchen hall.

13 [14.24.05]

14 Q. Are you aware of any situation in which workers in your unit
15 died either from overwork or from illness?

16 A. There were quite a number of workers who fell ill and died and
17 that mainly from numbness and from fatigue and malaria.

18 Q. Can you give us an estimate of the number of workers who died
19 in your unit from numbness or fatigue or malaria?

20 A. In my rice farming unit, five workers died from illness.

21 Q. And that's out of a total of 90 as you told us; correct?

22 A. Yes.

23 [14.25.47]

24 Q. I'd like to ask you now some questions about arrests and
25 disappearances at the worksite. And can I ask you first if you

1 ever attended any meetings at which arrests were discussed,
2 particularly in reference to links to Vietnamese people?

3 A. I did not attend such meetings. However, my friends who were
4 workers in the unit spoke or whispered quietly about
5 disappearances of certain workers; for example, why or where did
6 this person <go>? And we learnt that it was probably he or she
7 was called away <for a study> by the upper echelon<, and the
8 person disappeared. And> it was our conclusion that the person
9 <could have> been arrested.

10 Q. I'd like to read you a brief excerpt from your statements just
11 to see whether you remember what you've said in your statement
12 and to ask you whether it's correct. This is Khmer page 00304365
13 through 66; it's English, 00315915; and French, 00375493; and the
14 document number is E3/5284. So you were asked about cases of
15 arrests and what you said was: "I don't know it clearly either,
16 but my husband was arrested with the allegation that he was
17 involved with the Vietnamese." And then, the part that I'm more
18 interested in at the moment: "There were meetings held by Lvey,
19 the general supervisor of Kampong Chhnang Airport. The meetings
20 were about the purges against those who had links with the
21 Vietnamese by means of arrests. I heard this myself." And then
22 you go on to say that you never personally saw people arrested.
23 So that reference to meetings led by Lvey in your statement, is
24 that something you remember or something that you don't remember?
25 [14.29.05]

1 A. I did not know about the details of those meetings chaired by
2 Lvey since I was not there.

3 Q. Okay. Thank you. So I'd like to go back now to your husband's
4 arrest. Now as I understood what you said earlier, you were not
5 present when he was arrested; is that correct?

6 A. When my husband was arrested, I was at the Pochentong Airport
7 while he was at the five-storey house at the Chan Sari barrack
8 <within the provincial hall compound>.

9 Q. And so who informed you of your husband's arrest, how did you
10 learn about it?

11 A. There was a messenger who was close to my husband from the
12 same unit wrote a letter secretly to me and he sent it through a
13 food transportation vehicle. And I received that letter. That's
14 how I learnt about his arrest.

15 [14.31.00]

16 Q. And in this letter that your husband's friend sent to you, did
17 he indicate who carried out the arrest?

18 A. He did not know because he said that people from the general
19 staff in Phnom Penh went to arrest my husband and brought him <by
20 truck> to Phnom Penh.

21 Q. And in this letter that he sent you, did he indicate any
22 reason for the arrest?

23 A. No, he did not tell me the reasons for my husband's arrest
24 since he did not know the reasons either. And what he said in the
25 letter was to advise me not to <make> any more <inquiry> about my

1 husband since he <had been> taken away.

2 Q. So did he tell you why you shouldn't make any enquiries about
3 your husband?

4 A. He said that if that was the case, he was concerned that I
5 <would> be taken away and killed like my husband.

6 [14.33.03]

7 Q. I think you mentioned that earlier that you were also aware of
8 cases of disappearances beside your husband. Can you recall any
9 specific cases and describe them for us?

10 A. There was a person named Uong who used to work and stay
11 together with me, and she used to accompany the Chinese team.
12 Later on, she disappeared and I asked about her whereabouts, and
13 I was told that she <had been> requested by Angkar to go for
14 further education at the upper level. And based on that, I
15 concluded that <since she was also holding a leadership
16 position,> she <must have> been arrested since I no longer saw
17 her. I must say I do not know this for fact, but it was my
18 personal conclusion based on what I observed.

19 Q. And can you tell us approximately when she disappeared and
20 from where?

21 A. She disappeared in 1977 when she was working at the Kampong
22 Chhnang provincial town hall. <She used to work there. And when I
23 went there after I had returned from the Pochentong airport>, I
24 did not see her and I noticed that she disappeared.

25 [14.35.14]

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1 Q. So other than Uong who you've just described for us, are there
2 any other concrete cases that you can remember?

3 A. Yes, there was another case. A woman in my battalion, her name
4 was <Khon (phonetic)>. She was arrested in '77, I mean Khon --
5 she was arrested in '77.

6 Q. And do you know where and when she was arrested? Sorry, you've
7 told us when but can you tell us from where she was arrested?

8 A. I no longer saw her in 1977. I <did> not know where she was
9 arrested. I parted from her to work with the Chinese. And from
10 that time, I no longer saw her.

11 Q. So in addition to those two cases, are there any other
12 specific cases of disappearance that you're aware of?

13 A. No, no other cases. I knew only that my husband had
14 disappeared. Uong and Khon had also disappeared. I did not know
15 about other arrests or disappearance.

16 Q. In your statement, you also mentioned the name of Laoth. Does
17 that refresh your recollection that you know a person named
18 Laoth?

19 A. Laoth was my former husband.

20 [14.38.02]

21 Q. And you also mentioned a person named Muth. Do you recall a
22 person named Muth and anything that happened to that person?

23 A. I do not know fully what happened to Muth. What I know is that
24 Muth was working in the division.

25 Q. And beyond the fact that he was working in the division, do

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1 you have any idea what happened to him?

2 A. No. I was working <> far <away> from <him>.

3 MR. PRESIDENT:

4 Thank you, the Deputy Co-Prosecutor. It is now time for break and

5 the Chamber will take the break now until <3 p.m.>

6 Court officer, please find a proper room for this witness <to

7 rest in the waiting room reserved for witnesses and experts during

8 the break>, and please invite her back into the courtroom at <3

9 p.m.>

10 The Court is now in recess.

11 (Court recesses from 1439H to 1502H)

12 MR. PRESIDENT:

13 Please be seated.

14 The Chamber is now back in session, and again, the floor is given

15 to the Deputy Co-Prosecutor to continue putting further questions

16 to the witness. You may proceed.

17 BY MR. FARR:

18 Thank you, Mr. President.

19 Q. So earlier today, you told us that you were aware of Lvey

20 occasionally going to Phnom Penh. Are you able to say how often

21 that happened?

22 MS. KHIN VAT:

23 A. It varied. Sometimes he would go three times in a month,

24 sometimes only for one time in a month. That's when I worked

25 close to him -- that is, during the time that I <was a cook> for

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1 the guests. And when I was reassigned to work in the rice fields,
2 I no longer knew about his trips down to Phnom Penh <because I
3 was far away from him>.

4 [15.04.16]

5 Q. And can you tell us of when were you cooking for guests; what
6 period was that?

7 A. That was in -- that was during 1976, and that continued until
8 late 1977 when I was reassigned. So in 1976, I worked <as a cook>
9 at Pochentong Airport; then in late 1977, I went to Kampong
10 Chhnang for one week to marry my husband and then I returned <>
11 to Pochentong Airport. And this <was> the period <I> knew about
12 his trip to Phnom Penh.

13 Q. So during that period, was Lvey one of the people you were
14 cooking for?

15 A. No, he did not <dare to> have meal with the guests. However,
16 he ate his own meal which was prepared by his messengers.

17 Q. So can you tell us who the guests were that you were cooking
18 for?

19 A. The guests were Chinese, all of them were Chinese <who came to
20 build the airport>.

21 [15.06.30]

22 Q. And I think you also indicated earlier when discussing Lvey's
23 trip to Phnom Penh, that you assumed or believed that that was to
24 get instructions from Met. Can you tell us why you believed that
25 he was getting instructions from Met when he went to Phnom Penh?

1 A. That was my personal conclusion that he went to receive
2 instructions from his superior in Phnom Penh but I did not know
3 the details about the matter. It was my personal conclusion
4 anyway.

5 Q. And during the period when you were cooking for these Chinese
6 guests, would they be eating alongside non-Chinese staff members,
7 leaders, Khmer people from the worksite?

8 A. No. It did not happen that way. The food was prepared for the
9 Chinese. As for the Khmer people, the food was prepared
10 separately by another group of cooks and kitchen staff. <However,
11 the guests' chauffeurs also ate with the Chinese guests. And>
12 those <truck drivers> who <engaged in transporting soil for
13 building the airport <belonged to a separate unit, and they also
14 had their own cooks>.

15 [15.08.45]

16 Q. And where was the kitchen for the Chinese; what building or
17 structure?

18 A. In Kampong Chhnang -- that is, in Chan Sari barrack, the house
19 was located to the east of the existing airport. The house was
20 built <with> concrete on the lower floor, and the top floor was
21 built from wood.

22 Q. And during the time you were there cooking for the Chinese,
23 were you ever able to overhear any conversations either among the
24 Khmer-speaking leaders of the airport worksite or conversations
25 between the Chinese and the Khmer-speaking leaders of the

1 airport?

2 A. No, I did not pay <> attention or try to overhear their
3 conversations. I was busy doing my own work. And I did not try to
4 listen what they were saying at the time.

5 Q. You indicated earlier that you would sometimes be close enough
6 to the workers to see what they were doing. And I think you may
7 have also indicated that you sometimes even crossed the airport
8 runway. At those times, did you see armed men guarding the site
9 or guarding the workers?

10 A. No, there was no guard at that time. There were only people
11 who worked in their respective units but there were no guards.

12 [15.11.25]

13 Q. During your time at the airport worksite, did you ever see or
14 learn about any workers committing suicide?

15 A. I heard about a rock transportation <truck> driver who said
16 <among his mates> that <a> youth <worker> actually ran into <his
17 truck> and then he couldn't <press the brake in> time <so the
18 person was> killed <>.

19 Q. Did he say that happened one time or many times?

20 A. I only heard him speaking about that for one time that he was
21 driving his truck and the worker actually ran into the truck, and
22 he couldn't <put on the brake in> time, <so the truck ran over>
23 and killed the worker. <He felt very sorry for that worker.> And
24 that's all I heard about it. <I dared not make more inquiry
25 regarding the incident.> And I was rather afraid to hear that.

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1 Q. And just to be clear, was he -- did the driver who told you
2 about this did he believe it was an accident from the perspective
3 of the worker who was killed or did he believe it was an
4 intentional act on the part of the worker who was killed?

5 A. From what people said, that person actually <was running> into
6 the <truck. When he was driving he did not see anyone around.
7 But, having arrived at that point, that person suddenly ran into
8 the truck.>

9 [15.13.45]

10 Q. So I just asked you about suicides. Are you aware of any
11 intentional killings that took place at the Kampong Chhnang
12 Airport worksite?

13 A. There was another person <working at the truck garage located>
14 at Krang Leav who <hung himself by the neck and> jumped <off the
15 truck to get himself killed>.

16 Q. And what about situations in -- not in which a person killed
17 himself, but in which one person killed another person
18 intentionally?

19 A. No.

20 Q. During your time at the Kampong Chhnang Airport worksite, were
21 you free to leave if you wanted to leave?

22 A. Besides the work that we had to do during the daytime, we had
23 to sleep during the night. We had no free time to move round
24 <during the day-time>; we were always <kept> busy doing our work.

25 [15.15.48]

1 Q. My question wasn't whether you were free to live for a short
2 period of time and come back. My question was whether you were
3 free to quit your job there, to leave to go home and never come
4 back. Was that a possibility for you during that time?

5 A. No, I never went anywhere beyond the unit that I was assigned
6 to. I myself was very well aware of my safety. I knew that I had
7 to be vigilant concerning my movements, since my husband had
8 already been arrested. <I had to be cautious and obedient to
9 their rules. I was frightened. So, I dared not move around.>

10 Q. And can you just tell us a little bit more about that. Why did
11 you have to be vigilant about your movements because your husband
12 had been arrested?

13 A. At that time, <> I heard during the meetings that if any
14 worker who was liberal and didn't adhere to the instructions,
15 that person would be removed. And upon hearing that, I was rather
16 concerned and I had to be very vigilant <at all times>.

17 Q. And what did it mean to say that someone would be removed?

18 A. It was my thought that if I was not vigilant enough and if
19 anyone <or> my superior<, who hated me, reported> the matter to
20 the upper echelon, then I would <end up being removed or be at
21 risk of being accused of having done something>. For that reason,
22 I had to be vigilant.

23 [15.18.32]

24 Q. I'd like to ask you now about visits of leaders to the Kampong
25 Chhnang Airport worksite. Are you aware of any senior leaders

1 visiting the worksite?

2 A. During the later part of the year when the airport site was
3 almost completed, I knew that <Uncle> Khieu Samphan and his
4 colleagues, whom I did not know, together with the leadership
5 from 502 who accompanied them<, paid a visit> to the <airport>
6 worksite. But I must say I cannot recall the date of his visit, I
7 only knew that he came to inspect the airport worksite.

8 Q. And can you describe that event for us as best you remember
9 it; how he was dressed, who he came with, what vehicles he came
10 with, what he did, what he saw, what he said, any of those
11 details that you can remember?

12 A. I did not see him in person. I only knew that he came to the
13 worksite. For that reason, I cannot tell you the details of how
14 he dressed or which vehicle he was in as I did not witness it.
15 But I can say -- I can tell you that I knew that he made his
16 visit to the worksite.

17 [15.20.42]

18 Q. And how did you know that he had come to visit the worksite;
19 how did you learn that?

20 A. At that time, my friends who were at the worksite visited me
21 and told me that the senior leaders came to inspect the worksite.

22 Q. Did they mention the name of Khieu Samphan specifically?

23 A. Yes, the name was mentioned. At the time, Khieu Samphan was
24 known as Om Khieu Samphan or Uncle Khieu Samphan.

25 Q. And besides the fact of his visit, did your friends from the

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1 worksite tell you any other details about the visit?

2 A. No, she did not give further details. I only know what I have
3 told you.

4 Q. You mentioned that the leadership of 502 was connected with
5 that visit. Can you tell us specifically who you're referring to
6 as the leadership of 502?

7 A. The leadership included <Ta> Lvey and Thuok.

8 [15.22.55]

9 Q. And in what way were they connected to Khieu Samphan's visit?

10 A. I <did> not know the details regarding this matter. I only
11 knew that they went to the worksite. That's what my friend told
12 me.

13 Q. Other than Khieu Samphan, do you recall the visits of any
14 other leaders to the worksite?

15 A. I <did> not know those people. However, I saw a convoy or
16 vehicle coming to the worksite from Phnom Penh direction and I
17 <did> not know who those people were or what their names were.

18 Q. I'd like to just ask you about one question or one sentence in
19 your statement from Khmer page 00304366; English, 00315915; and
20 French, 00375493. And on that page, you just say "I saw Ta Mok
21 come to inspect once in late 1977"; is that something you
22 remember or something you don't remember?

23 A. Yes, that is correct. <I have forgotten to mention that>, in
24 fact Ta Mok also went along.

25 [15.25.20]

1 Q. Was that part of the same visit of Khieu Samphan or was that
2 on a separate occasion?

3 A. He went along with the delegation at that time.

4 MR. FARR:

5 Okay. Ms. Khin Vat, thank you for answering my questions.

6 Mr. President, I'll hand the floor over now to my colleague for
7 the civil parties.

8 MR. PRESIDENT:

9 Thank you. And the Lead Co-lawyers for civil parties, you may
10 proceed.

11 MR. PICH ANG:

12 Good afternoon, Mr. President. I'd like to seek the Chamber's
13 <leave> for my lawyer for civil party, <Mr. Ven Pov>, to put
14 questions to this witness.

15 MR. PRESIDENT:

16 Yes, the Chamber grants your request and Ven Pov, you may
17 proceed.

18 [15.26.30]

19 QUESTIONING BY MR. VEN POV:

20 Thank you, Mr. President and good afternoon, Mr. President, Your
21 Honours, and everyone in and around the courtroom. And hello,
22 Madam Witness. My name is Ven Pov. I'm a lawyer for civil
23 parties. I only have some additional questions to put to you.

24 Q. You have told the Court that you joined the <female army in>
25 1970. Did you become a member of the Communist Party of Kampuchea

1 <during the Democratic Kampuchea period>?

2 MS. KHIN VAT:

3 A. At that time, I did not know anything about the Party;
4 however, I had a role to play within it. <I was aware of the
5 Party's existence, but I did not have any role within the Party.>

6 Q. Thank you. You said that you were sent by the Khmer Rouge to
7 work at the airport site in Kampong Chhnang <in late 1977. During
8 the course of your testimony, it also inferred that before you
9 were actually sent to work at the airport construction site, you
10 had come in and out of that airport construction site while
11 working at Pochentong Airport. Is this correct>?

12 [15.28.27]

13 MR. PRESIDENT:

14 Witness, please observe the microphone.

15 MS. KHIN VAT:

16 A. I actually went to Kampong Chhnang to <get married to> my
17 husband and I spent only a week there. And <after that one week,>
18 I returned to my workplace at Pochentong Airport.

19 BY MR. VEN POV:

20 <So before> you were sent to work in Kampong Chhnang in 1977, you
21 <had> not actually <been> with the Chinese working group into the
22 airport worksite and that you only <had been> to Kampong Chhnang
23 to marry your husband; is my understanding correct?

24 MS. KHIN VAT:

25 A. I only went to marry my husband and I only spent <seven days>

1 there, then I returned to my workplace.

2 [15.29.45]

3 Q. Mr. President, I'd like to read her extract from <her WRI, it
4 is> document E3/5284 and the document in Khmer is 00304365; and
5 in English, 00315914; and in French, 00375492. In her statement,
6 she says that; "While I was working at the Pochentong Airport, I
7 went with the Chinese team to the Kampong Chhnang Airport and
8 they made the trip there frequently, probably three times per
9 month".

10 And Madam Witness, does that refresh your memory?

11 MR. PRESIDENT:

12 Witness, please observe the microphone.

13 MS. KHIN VAT:

14 A. I did not go with the Chinese team. I went to Kampong Chhnang
15 at that point in time to marry my husband, and I spent only
16 <seven days there>, then I returned to Pochentong. And after my
17 husband <had been> removed, I returned to work in the rice field
18 in Kampong Chhnang. And that happened in late '77.

19 [15.31.16]

20 BY MR. VEN POV:

21 Q. Thank you. And concerning your work that you were sent <by the
22 Khmer Rouge> to work at the Pochentong (sic) Airport worksite in
23 late '77 after the arrest of your husband, my question to you is
24 the following: Were you forced to go and work at that airport
25 worksite<? And> could you refuse to go?

1 MS. KHIN VAT:

2 A. After I got married <to> my husband and after I spent a week
3 there, I <was asked to> return. And I had to return because that
4 was the instruction. So I <got> separated from my newlywed
5 husband and returned to Pochentong. I could not refuse since I
6 had to adhere to that instruction.

7 Q. And when you were assigned to work at the worksite -- that is,
8 to work at the rice field around the vicinity of the airport,
9 were you given any proper accommodation -- that is, <was there
10 any shed> to sleep in?

11 A. When I was reassigned to return, I stayed at an old existing
12 house to the north <of> Preah Theat (phonetic) pagoda and the
13 house was vacant. And that house belonged to a local cooperative
14 there, so all workers who worked in the rice field stayed in that
15 <house>.

16 [15.33.32]

17 Q. And how many workers actually stayed in that house together
18 with you?

19 A. In my unit, there were about 90 members and we were in the
20 secondary labour group that we were assigned to work in <the>
21 rice <fields>, so some of us actually slept in the house or on
22 the ground nearby<. A long hall was also built in the cooperative
23 as a kitchen where we came to eat. We> were assigned to live and
24 stay in that cooperative <on the north of> Preah Theat (phonetic)
25 pagoda.

1 Q. Were <blankets> and mosquito nets distributed to your group?

2 A. Yes, we were given <> mosquito nets, white mosquito nets. No
3 blankets were provided to us. We received only mosquito nets but
4 not the blankets.

5 Q. While you were working, did they ask you to make <a>
6 biography?

7 A. No. I was reassigned to live and work at that place and my
8 biography was not asked for. I <went to live there for a short
9 period of time. It was after the transplanting season and before
10 the harvesting time that we fled from the airport construction
11 site. We were asked to flee from that site as the Vietnamese
12 troops were advancing>.

13 [15.35.47]

14 Q. Was your unit chief male or female? Was he or she from the
15 same Division 502?

16 A. I do not know his or her biography <or background>. This chief
17 came from Phnom Penh; he was reassigned <from Phnom Penh> to work
18 at that place <. The> chief <was a man>.

19 Q. Did he remain your unit chief <through> 1979 when the regime
20 fell?

21 A. Upon my arrival, as I told the Court already, I was there for
22 a brief period of time, perhaps <less than> six months, when the
23 rice was not <ready for> harvest. <He remained my unit chief
24 throughout the period. And finally, he fled together> with me.
25 <He was not replaced by anyone. However, I did not know the

1 details of this matter. During the regime, when I was assigned to
2 do anything, I dared not question anything. I just did the work
3 as I was afraid of them. After a task was assigned to me, I would
4 do it immediately>.

5 Q. Thank you. I have another question for you. <The question also
6 relates to the work you did.> You have stated about hard labour
7 -- that is, the explosive was installed to blast the <rocks> in
8 the mountain. <Were you aware, or told by anyone, of incidents
9 where> workers who were in charge of blasting the <rocks got>
10 injured?

11 A. When the <rocks were> blasted by the explosive, we could hear
12 the loud sound. I <did> not <learn from anyone of such incident>.
13 I <only> heard <> the noise.

14 [15.38.30]

15 Q. Thank you. I would like to ask you about <your> marriage. You
16 stated that you <got> married <to> your husband in Kampong
17 Chhnang province. Was <it a voluntary or a forced> marriage <>?

18 A. <At that time,> I was <somehow> forced to get married. I was
19 told that it was time for me to marry my husband. <I was told
20 that if I was to> refuse the marriage, Angkar would not be
21 responsible <>. I did not refuse at the time, <but followed the
22 instruction. I went> alone at that time, I did not -- I had not
23 known my husband before. <After the marriage, we dared not> speak
24 to <each other because we had not known each other before>. My
25 husband advised me <not say anything as he would not harm me

1 although I did not love him, and that I would be dead if I
2 happened tell anyone that I did not love him. He said> people
3 <who were living around us were actually monitoring us, and
4 trying to listen to us. Having heard that, I got scared. I then
5 forced myself to accept him as my husband. On the other hand I
6 also felt pity on him. Since I was in such a situation, I just
7 thought to myself that it was my karma, and I was willing to go
8 with the flow. It was> unfortunate <enough that my> parents <were
9 not aware of my marriage; moreover, I had to remain committed,
10 and ready to endure all sorts of hardship ahead.>

11 [15.40.38]

12 Q. Do you recall how many couples were getting married at that
13 time?

14 A. There was only one couple -- that is, me and my husband. The
15 marriage was held in the provincial town hall. <At my wedding
16 ceremony, we> were instructed to <stand before the Party's
17 flagpole, repeat after them our pledge of allegiance to the
18 Party, accept the man as my husband, and declare our commitment
19 as> husband and <wife. We just had to repeat after them all these
20 things>.

21 Q. So in conclusion, your marriage was not consensual; is that
22 correct?

23 A. Yes, that is correct. It is true what you have just said.

24 Q. Thank you. My last question for you: I would like to seek your
25 clarification. You have already responded to the question put by

1 the Deputy Co-Prosecutor about the visit of Khieu Samphan while
2 you were working at that place. Did you know what position Khieu
3 Samphan held at that time<? Or did> anyone tell you about his
4 position?

5 A. My unit chiefs told me that he was the second Om or second
6 Uncle; that is what I know. I <had> no idea <of> what his
7 responsibility <was> at that time. What I <knew was> that he was
8 <known as> the second Uncle or "Om Ti Pi".

9 [15.42.45]

10 Q. Thank you. What about Ta Mok or what was Ta Mok position at
11 that time?

12 A. Back then, he <was in charge of the army in the> Southwest
13 Zone <>. Later on, I did not know what his responsibilities were.
14 I never saw him personally, I only heard of his name.

15 MR. VEN POV:

16 Thank you, Madam Witness. Mr. President, that concludes my line
17 of questioning.

18 MR. PRESIDENT:

19 Thank you very much. Now the floor is given -- wait, please wait.
20 And Judge Lavergne you have the floor first.

21 [15.43.52]

22 QUESTIONING BY JUDGE LAVERGNE:

23 Thank you. I believe that the civil party lawyers have completed
24 their questioning. But I have a couple of follow-up questions for
25 the witness.

1 Q. Madam, first can you tell us the <> full name of your husband,
2 <if you remember. Earlier> you said that he was called Laoth, but
3 could you give us his full name, please?

4 MS. KHIN VAT:

5 A. I do not recall his surname. I only recall his first name,
6 Laoth. <Originally, he> was <from> Kandal province; <however,> I
7 do not recall the village, his birth village. He <lost a leg.>

8 Q. Was he in Division 502?

9 A. No, he was not under 502. He belonged to Division 11. <He was
10 from Division 11.>

11 Q. I'd like to ask you something about what you were able to
12 witness when you were working at Pochentong. You told us that you
13 worked in the kitchen cooking for Chinese guests. Can you give us
14 <a rough> idea <> of the number of Chinese guests <> and what
15 they had come to do?

16 [15.46.00]

17 A. I noticed the presence of the Chinese. I <did> not know how
18 many of them <there were> there -- at Pochentong Airport. I was a
19 cook for some <of those> Chinese, some of them were <actually
20 teaching> the Khmer Rouge soldiers <to> fly <aeroplanes and>
21 helicopters. They <were> also <training> the Khmer Rouge soldiers
22 to <repair and maintain aeroplanes> and <> to operate a radar.
23 This is what I can recall.

24 As for the figure of the Chinese, I <did> not know how many of
25 them <there were> at the airport.

1 Q. When you were in Pochentong, <do you remember having seen>
2 Chinese delegations or foreign delegations, representatives of
3 foreign states, coming to Pochentong?

4 A. Most of the time, I noticed there were <the> Chinese and <the>
5 Vietnamese, and some were Burmese. That is what I know.

6 Q. So these Vietnamese and Burmese people, were they technicians
7 or were they people <who came> in official delegations; <were
8 they officials, were they diplomats? Could you offer some
9 clarification? Do you have anything to add> on that subject?

10 A. <To> my knowledge, <> they <could> have been <> diplomats <who
11 were making courtesy visits to the leadership of the Democratic
12 Kampuchea regime>. They were not technicians from my
13 recollection.

14 [15.48.50]

15 Q. Did you ever take part in major receptions to receive foreign
16 delegations or to welcome <prominent> Cambodians <> who were
17 coming back to the country?

18 A. Back then, I knew that the late King came back into the
19 country. I <did> not know anything else besides this fact because
20 I was a cook working only in the kitchen.

21 JUDGE LAVERGNE:

22 Thank you very much, madam. I haven't got any more questions for
23 you <>.

24 MR. PRESIDENT:

25 Thank you. It is now convenient time for the adjournment. The

1 Court will adjourn its hearing now and it will resume the hearing
2 tomorrow 30th of July of 2015, at 9 a.m. And the Chamber will
3 continue hearing Khin Vat, after which we will hear 2-TCW-926 in
4 relation to <allegations regarding> the 1st January Dam worksite.
5 Thank you very much, Madam Khin Vat. The hearing of your
6 testimony as a witness has not come to a conclusion yet. You are
7 therefore invited to be here again tomorrow at 9 a.m. You may be
8 excused.

9 Court officer, with WESU unit, send this witness back to the
10 place where she stays at the moment and please invite her back
11 into the courtroom tomorrow at 9 a.m.

12 Security personnel are instructed to bring Mr. Nuon Chea and
13 Khieu Samphan back to ECCC detention facility, and please have
14 them returned <to the courtroom> tomorrow at 9 a.m.

15 The Court is now adjourned.

16 (Court adjourns at 1551H)

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