



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 13-Apr-2017, 09:07
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 July 2015
Trial Day 307

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
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Matthew MCCARTHY

Lawyers for the Civil Parties:
PICH Ang
Marie GUIRAUD
LOR Chunthy
TY Srinna

For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Travis FARR
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Ms. KHIN Vat (2-TCW-866)

Questioning by Mr. KOPPE	page 3
Questioning by Ms. GUISSÉ.....	page 24
Questioning by Mr. KONG Sam Onn	page 29

Mr. OM Chy (2-TCW-926)

Questioning by The President (NIL Nonn)	page 32
Questioning by Mr. SENG Leang.....	page 36
Questioning by Mr. DE WILDE D'ESTMAEL	page 52
Questioning by Mr. LOR Chunthy	page 77
Questioning by Mr. KOPPE	page 83
Questioning by Ms. GUISSÉ.....	page 96
Questioning by Mr. KONG Sam Onn	page 109

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Ms. KHIN Vat (2-TCW-866)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Mr. OM Chy (2-TCW-926)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Mr. SON Arun	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0910H)

3 MR. PRESIDENT:

4 Please be seated. The Court continues its proceedings.

5 Today, the Chamber continues to hear the remaining testimony of

6 <Khin Vat,> the current witness in relation to the Kampong

7 Chhnang Airport worksite, and after that we'll commence hearing

8 the testimony of another witness -- that is, 2-TCW-926, in

9 relation to <allegations regarding> the 1st January Dam worksite.

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

11 and other individuals at today's proceedings.

12 [09.11.45]

13 THE GREFFIER:

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

15 are present.

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

17 requests to waive his direct presence in the courtroom. His

18 waiver has been delivered to the greffier.

19 The witness who is to conclude her testimony today -- that is,

20 Madam Khin Vat, is present and ready in the courtroom.

21 We also have a reserve witness today; namely, 2-TCW-926. The

22 witness confirms to his best knowledge that he has no

23 relationship by blood or by law to any of the two Accused -- that

24 is, Nuon Chea and Khieu Samphan, or to any of the civil parties

25 admitted in this case. The witness will take an oath before the

2

1 Iron Club Statue this morning before the commencement of his
2 testimony. Thank you.

3 [09.12.52]

4 MR. PRESIDENT:

5 Thank you. And the Chamber now decides on the request by the
6 Accused Nuon Chea.

7 The Chamber has received a waiver from the Accused Nuon Chea,
8 dated 30 July 2015, which notes that due to his health; namely,
9 headache, backache, and that he cannot sit and concentrate for
10 long, and in order to effectively participate in future hearings,
11 he requests to waive his rights to participate in and be present
12 at the 30th July 2015 hearing.

13 Having seen the medical report of Nuon Chea by the duty doctor
14 for the Accused at the ECCC dated 30th July 2015, who notes that
15 Nuon Chea has a back pain when he sits for long, and recommends
16 that the Chamber <grants> him his request so that he can follow
17 the proceedings remotely from the holding cell downstairs.

18 [09.14.01]

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

23 The AV Unit personnel are instructed to link the proceedings to
24 the room downstairs so that Nuon Chea can follow it remotely.

25 That applies for the whole day.

3

1 The Chamber now hands the floor to the defence teams to put
2 questions to this witness. First, Nuon Chea's defence team is
3 having the floor.

4 And you may proceed, Counsel.

5 [09.14.46]

6 QUESTIONING BY MR. KOPPE:

7 Thank you, Mr. President. Good morning, Your Honours. Good
8 morning, counsel.

9 Q. Good morning, Madam Witness. I have a few questions today that
10 I would like to put to you. And I would like to start with
11 something that you said yesterday morning, when you were asked
12 some questions by the President. And I will read this little
13 excerpt from the transcript to you.

14 The President, at 11.29 yesterday, asked you: "And before you
15 appeared before us, have you reviewed or read the written record
16 of your statement in order to refresh your memory?"

17 Then you answered this question from the President: "In fact, my
18 nephew read it aloud to me."

19 Then the President asked you: "And to your best recollection,
20 does the written record of your statement reflect the words that
21 you used during your interview with OCIJ investigators at your
22 house?"

23 And then you answered: "Yes, I can. I can recall what I said."

24 Then the last question from the President: "Is the written record
25 consistent with what you told the OCIJ investigators during your

1 interview?"

2 Then you answered: "Yes, it is consistent."

3 Madam Witness, when exactly did your nephew read aloud your
4 statement to you?

5 [09.16.50]

6 MS. KHIN VAT:

7 A. My nephew read the statement aloud to me before my appearance
8 yesterday morning.

9 Q. And at the time when he read it to you, you didn't think there
10 were parts in the statement which maybe weren't correct, or which
11 you maybe remembered differently?

12 A. I may forget some because I cannot remember everything. My
13 memory is <limited>.

14 Q. Do you recall the interview in 2009, the interview from the --
15 taken by the investigator of the Office of the Investigating
16 Judges?

17 A. I actually almost forgot what I said as it was quite a long
18 time ago when the statement was made. <Moreover, my health was
19 also deteriorating due to sickness.> However, it refreshed my
20 memory when my nephew read it aloud to me. And I recall that I
21 was asked to be summoned to appear before this Court, and I said
22 that I would appear before this Court if my health permits. And
23 upon the statement being read aloud to me, it refreshed my
24 memory. But I cannot recall every point that I said to the OCIJ
25 investigators at the time of the interview.

1 [09.19.20]

2 Q. I understand, but do you remember whether the statement that
3 you gave six years ago, whether that testimony was read out to
4 you by the investigator, and then after hearing it, you signed
5 it? Do you recall any of that?

6 A. I did not review the statement; however, I told them that I
7 <was> willing to be a witness if my health permits.

8 Q. I understand, Madam Witness, but if my understanding is also
9 correct, you are not able to read and write. But do you recall
10 whether the investigator that interviewed you six years ago read
11 back to you what you had stated to him?

12 A. I do not recall that.

13 [09.21.03]

14 Q. The reason, Madam Witness, that I'm asking these questions is
15 that there seem to be quite some discrepancies between what you
16 testified to yesterday, and what you have stated earlier, six
17 years ago, before the investigator. We have counted about eight
18 examples of possible discrepancies. Would you be able to shed
19 some light on this? Or should I, for instance, point you to one
20 or two examples, and then ask your answer?

21 A. I do not recall every point, as I stated earlier. And you can
22 ask me questions on whatever point you wish to. And if I recall
23 it, I will say so. If not, I can tell you that I do not remember.

24 Q. I shall try with one example. Madam Witness, yesterday -- no,
25 let me first go to what you said in your statement -- that is,

6

1 E3/5284.

2 Mr. President, Khmer, page 00315914; French, 00375492; and Khmer,
3 00304364; in your statement to the investigator, you said that
4 while working at Pochentong Airport, you accompanied the Chinese
5 to study at Kampong Chhnang Airport about three times a month.
6 Yesterday, you testified that you never went with the Chinese
7 team, and that you only went to Kampong Chhnang the first time in
8 1977 for a week to marry your husband.

9 [09.23.44]

10 MR. FARR:

11 Mr. President, I would just draw the Chamber's attention to the
12 fact that the witness did testify that she was cooking for
13 Chinese guests at Kampong Chhnang Airport for about a week on one
14 occasion. It's not an objection, it's just to remind everyone
15 what her evidence was, that she was at Kampong Chhnang Airport,
16 and she was cooking for Chinese. So she was there with the
17 Chinese guests at one point.

18 BY MR. KOPPE:

19 Thank you for this observation, Mr. Prosecutor.

20 Q. Is there a discrepancy between the two, or am I mistaken,
21 Madam Witness?

22 [09.24.35]

23 MS. KHIN VAT:

24 A. I think I already made my statement and I cannot recall every
25 point that I told the OCIJ investigators at my home during the

7

1 interview. I can tell you that I didn't stay for long in Kampong
2 Chhnang. I was there to get married, and then I cooked for a week
3 for them. And my second trip to Kampong Chhnang was that I was
4 reassigned to work in the rice field near the Kampong Chhnang
5 Airport worksite <during an entire rice-farming season>.

6 MR. PRESIDENT:

7 Parties, please try to carefully read the transcript and the
8 responses by the witness. <Having reviewed the Khmer version of
9 her statement,> I think the witness <was> actually correct in
10 making her response. And yesterday, Ven Pov, the lawyer for civil
11 parties, also got confused. The statement in the transcript by
12 the witness is that she <came> with the Chinese guests. And it
13 was the Chinese guests who made <frequent> trips to the airport
14 site -- that is, about three times per month. <>. And it was not
15 her who actually went to the airport<, but it> was the Chinese
16 team that went to the airport <three times per month. She made it
17 clear that she went there with the Chinese who were going to see
18 the airport three times a month. This is what I understand from
19 the Khmer version.> And that point was not clearly transmitted,
20 and that was -- that led to the question being asked by the
21 lawyer for civil parties, Ven Pov, yesterday.

22 [09.26.55]

23 BY MR KOPPE:

24 Let me try another example then, Mr. President.

25 Q. In your statement to the investigators, you said that you

8

1 overheard the talks of airport leaders, senior leaders such as
2 Lvey and Thuok. Yesterday, I believe, you said that you minded
3 your own business, and that you tried not to listen to what
4 others were saying. So my question is: Did you overhear the talks
5 of the leaders at the Kampong Chhnang Airport site or didn't you?
6 And were you just minding your own business?

7 MS. KHIN VAT:

8 A. While I was cooking for them, they were speaking amongst
9 themselves about the work plan, but I did not pay attention to
10 that. I only knew that they were talking about the work plan for
11 the airport worksite.

12 Q. One last example and then I will move on, Madam Witness.
13 Yesterday, you were asked questions about alleged suicides at
14 Kampong Chhnang Airport. Yesterday, you gave two possible
15 examples. However, in your statement to the investigators of the
16 Investigating Judge, you said that suicide by running under the
17 wheels of trucks took place "very often". Is your testimony from
18 yesterday correct, or is what you said to the investigator
19 correct?

20 [09.29.27]

21 A. I did not know <how often it happened>. I knew <only> one case
22 <where> a man ran into a truck and killed himself. <I overheard
23 this when the truck drivers were talking among themselves.>

24 Q. Thank you, Madam Witness. I will move on now to some other
25 questions. Yesterday you also gave testimony about your missing

9

1 husband; Laoth is his name, I understand. Is it possible that he
2 was a commanding officer in the handicapped unit of Division 502?

3 A. I do not know about his real position; however, I heard people
4 say that he came from the children's handicapped unit.

5 Q. But do you recall whether he had a rank? Whether he was a
6 commander?

7 A. I knew that he had a supervisory role, though I <did> not know
8 his actual rank or position.

9 [09.31.36]

10 Q. Do you know whether he was a member of the handicapped unit
11 because he was -- because he had been wounded in the war?

12 A. He <lost> his leg and that's what I could observe.

13 Q. And did he tell you that he was injured during battle? If yes,
14 how did it come about? Did he tell you that?

15 A. I do not remember that. I do not know whether I asked that
16 question or not. I cannot remember it. I only knew that he was
17 injured in a battlefield, although I do not know which
18 battlefield he was injured in. He was from Division 11.

19 Q. And was that division part of the Southwest Zone forces? Do
20 you know that?

21 A. I do not know about that. I do not know whether Division 11
22 was from <Kandal province or the> Southwest Zone. <>

23 [09.34.08]

24 Q. Are you saying that you had no idea where the Southwest Zone
25 was? Is that my understanding?

10

1 A. That is correct. I also -- I also did not know whether
2 Division 11 was part of <the> Southwest Zone.

3 Q. I will return to your husband. I'll make a sidestep to the
4 Southwest Zone. You said in the very first answer to the question
5 to the investigators that -- and I quote: "Before 17 April '75, I
6 was a soldier in Battalion 304 of Division 502 under the command
7 of Khon in the Southwest, based in Samraong,
8 Kampong Speu." And at the end of that same answer, you said: "I
9 knew that Ta Mok was in charge of the Southwest." Can you explain
10 that to me, please?

11 A. I only <knew> that he was within the Southwest Zone, and I
12 myself <did> not know how many divisions that there were in the
13 Southwest Zone. I knew that Division 502 was part of the
14 Southwest Zone. People said that <Ta Mok> was in charge of the
15 Southwest <Zone>.

16 [09.36.43]

17 Q. Very well, Madam Witness. I will move on, and again to your
18 husband. Yesterday you said that you were "required" to marry
19 Laoth, who became your husband, and that, if I understand your
20 testimony correctly, the marriage wasn't consensual. Do you
21 remember who asked you to marry Laoth? Who was it, and what did
22 he say?

23 A. I had no choice back then. I said that I <surrendered myself
24 to Angkar and> would follow Angkar, no matter what the decision
25 from Angkar was. I had no choice. I would follow Angkar.

11

1 Q. I understand, Madam Witness, but do you recall who it was that
2 asked you to marry Laoth? And whether he or she -- and what --
3 and whether he or she said something when he required this? Do
4 you remember anything of that conversation?

5 A. I cannot recall his name; perhaps <Mao> (phonetic). It is in
6 the -- I cannot think of it. He said that Angkar required me to
7 marry a man at Kampong Chhnang Airport worksite. I was told that
8 at 5 a.m. <> the <next> morning, I had to be ready <to depart
9 for> Kampong Chhnang. I did not know the <> man, my future
10 husband, at that time, and I only learned of his name when I met
11 him <in the evening on our> wedding <day. We> had never seen
12 <each other> before that time.

13 [09.39.39]

14 Q. Do you remember whether the person who asked you to marry
15 Laoth said anything about his injury from the battlefield?

16 A. He did not tell me at that time. He only told me his name,
17 Laoth, and he said that he was based in Kampong Chhnang.

18 Q. Thank you, Madam Witness. I will move on to the next question.
19 In your statement to the investigators, you said that you, at one
20 point in time, joined the National Salvation Front. Do you recall
21 why it was that you joined the National Salvation Front?

22 A. I was stationed in a base area at that time. I was stationed
23 in my village and commune. Cadres came to villages and communes
24 and encouraged women to join a study session; that there was a
25 coup against the late King. We were told that the Lon Nol regime

1 was supported by <the> Americans and <Thieu and Ky>, and they
2 encouraged us<. If we loved the nation, and wished to save it and
3 to sacrifice our life for its sake, we were> to join the <front,
4 and we could do that via> cadres at <> village or commune level.
5 After I learned about this, I made a decision that <I would not
6 be able to help my country much by just remaining as a village
7 lady. I put all my faith in the Salvation> Front to liberate the
8 country. Back then, people loved <and respected> the late King.
9 For this reason, everyone volunteered to <join the Salvation
10 Front to> liberate the country.

11 [09.42.42]

12 Q. In your written record of interview, you were asked that same
13 question as well. It's the second question in this document, and
14 you said to the investigators: "At that time, there was a
15 movement in the countryside among the people, in order to save
16 the country from the oppression of the capitalists and feudalists
17 who were exploiting the poor." Do you remember saying that to the
18 investigators?

19 A. I could recall it. At that time, I joined the Front and
20 committed to follow the line of the Front. I was trained by
21 cadres <who worked> in the commune and local areas.

22 Q. Do you recall what you meant when you said that the
23 capitalists and the feudalists were oppressing and exploiting the
24 poor?

25 A. In my opinion, at that time, capitalists were the rich and

13

1 powerful, to my understanding, and they oppressed us. And they
2 did not let us <> have any freedom, or <> have the right of
3 association. And they prevented us from <earning our living. I
4 was of the opinion that they were dictators.>

5 [09.45.23]

6 Q. Thank you, madam, for that explanation. I would like now to
7 move on to the Kampong Chhnang airfield itself. Yesterday you
8 were asked questions about the military, or the soldiers, that
9 you saw working at the airfield site. Do you recall -- you were
10 asked the question, but I will ask it in general terms first --
11 do you recall where the various divisions were coming from? From
12 which parts of the country?

13 A. I heard them say, or my colleagues say that they were from the
14 east. This is all what I know. They were from the east <and> the
15 southwest.

16 Q. Thank you, Madam Witness. In your statement, you answered that
17 there were two divisions from the east, one division from the
18 north, and two divisions from the southwest. Could that be
19 correct as well?

20 A. Yes, that is correct. This is my understanding.

21 [09.47.20]

22 Q. Do you remember the numbers of these divisions? You yourself
23 were from Division 502, but do you remember the numbers of the
24 two divisions from the east?

25 A. I <did> not know <their numbers>. I was there for a short

14

1 period of time, and my work colleagues in the rice field
2 <mentioned the numbers>, but I could not recall it. What I <knew
3 was> that there were different people from <three> different
4 divisions working in that site. <I did not know their division
5 numbers.>

6 Q. And do you remember whether the soldiers belonging -- the
7 number of the soldiers belonging to the divisions from the
8 southwest, whether that number was the same, or roughly the same,
9 as the soldiers that were coming from the two divisions from the
10 east? In other words, are you able to tell so many soldiers from
11 the east, so many soldiers from the north, and so many soldiers
12 from the Southwest Zone?

13 [09.49.05]

14 A. <From my own> analysis <>, there were many soldiers from <the
15 divisions of> the north and the east <as they were working on
16 many aspects of work.> There were not so many soldiers <from>
17 Division 502 working at the worksite.

18 Q. Yesterday you testified that you saw "many people in military
19 uniforms". Were you able to make a distinction on the basis of
20 your recognition of uniforms, whether soldiers were coming from
21 the East Zone, the North Zone, or the Southwest Zone?

22 A. Soldiers had the same uniform. However, people who were
23 working with the Chinese wore different uniforms; namely, those
24 who <were building the runways, those who were installing>
25 electrical wire, <those who were constructing the five-storey

15

1 building, and so on>. But to me, soldiers had the same military
2 uniform.

3 Q. So just to be sure, all the military that you saw, they were
4 all wearing the same uniform? The same would apply to soldiers
5 from the East Zone, the North Zone, and the Southwest Zone; is
6 that correct?

7 A. Yes, that is true. They had the same uniforms to wear.

8 [09.52.03]

9 Q. Were there also soldiers wearing green uniforms, rather than
10 black uniforms?

11 A. No.

12 Q. Yesterday, you confirmed something that you had also said to
13 the investigators, that the forces from the -- or the military
14 from the east who were working at the site, were from a division
15 or unit from which the chief was removed. Do you remember the
16 name of the chief of these East Zone forces that was removed?

17 A. I <did> not know their names, and I <did> not have the full
18 knowledge. Upon my arrival, I noticed only the presence of
19 low-ranking soldiers<, not their chiefs>. And soldiers from
20 Division 502 were assigned to be in charge of other working men.
21 Division 502 led the working forces, and they received
22 instruction from the Chinese. As I told the Court already, I was
23 there working for a brief period of time only.

24 Q. And do you know whether the reason that Division 502 soldiers
25 were in charge was because Division 502 was also known as the Air

16

1 Force?

2 A. Yes, it is true.

3 [09.54.54]

4 Q. When you were sent to work at the rice fields close to Kampong
5 Chhnang airfield, was that because you were a soldier belonging
6 to Division 502? That the instruction to work there was within
7 the realm of your normal duties as a 502 division soldier?

8 A. Back then, I learnt all the matters from Thuok. <It was on his
9 order that I was> called <from> Ou Baek K'am, and <sent to> do
10 the rice farming at that worksite.

11 Q. But when he instructed or ordered you to do that, was that a
12 normal military order, as any other orders that you would
13 regularly receive as a soldier?

14 MR. PRESIDENT:

15 Please wait, Madam Witness. You have the floor, Lead Co-Lawyer
16 for civil Parties.

17 [09.56.50]

18 MS. GUIRAUD:

19 Thank you, <Mr.> President. I have a brief remark. <The Chamber
20 and the Parties should correct me, if necessary, because> I
21 haven't read the transcripts again <before the beginning of the
22 hearing, and I am simply reading> my notes, <but> I believe that
23 the witness was very clear yesterday <about the fact> that she
24 <had been> sent to the Kampong Chhnang Airport as a form of
25 punishment. And so this is in complete contradiction with what

17

1 the witness stated yesterday. <Our> colleague's questions <seem
2 to me to be particularly> leading <>, and I <would simply ask him
3 to rephrase the question much more generally because I> think
4 there's a complete contradiction with what was stated yesterday
5 by the witness. <>

6 MR. PRESIDENT:

7 Judge Lavergne, you may now proceed.

8 JUDGE LAVERGNE:

9 <Yes,> Mr. Koppe, could you tell us what <> a <normal> military
10 order <is>? Is there a difference <between that and> an
11 extraordinary military order? <And what would it be>?

12 [09.57.58]

13 MR. KOPPE:

14 Well, there are many kinds of normal military orders. I think an
15 average soldier, also in peacetime in every country, would get
16 many orders per day, meaning go to the shooting range, do this,
17 do that. The same, of course, applies to the soldiers working
18 within Division 502.

19 And to reply to the civil party lawyers, one doesn't necessarily
20 exclude the other. It can be a military order on the one hand,
21 and some form of punishment on the other hand. It's still a
22 military order. So I think I'm entitled to ask that question.
23 There is not necessarily, from a military law perspective, a
24 discrepancy between the two.

25 (Judges deliberate)

18

1 [09.59.42]

2 MR. PRESIDENT:

3 Mr. Koppe, you may resume your line of questioning. You may
4 <rephrase the> last question you put to this witness <as she may
5 have forgotten what your question was>.

6 BY MR. KOPPE:

7 Q. Repress or repeat? I heard "repress".

8 THE KHMER INTERPRETER:

9 Correction from the interpreter: rephrase.

10 BY MR. KOPPE:

11 Rephrase. Thank you, Mr. President.

12 Q. Madam Witness, when you were ordered or instructed by your
13 superior commander to go to Kampong Chhnang airfield, was that a
14 military order as you would receive normally, or as you would
15 have received prior to your mission of going to Kampong Chhnang
16 airfield?

17 [10.00.46]

18 MS. KHIN VAT:

19 A. I <had no impression that I was still considered> a soldier
20 <as I had been placed in a women unit whose members were spouses
21 of soldiers. Having received the order, I packed up> my
22 belongings <and headed for> the rice field. I had to go <as
23 ordered>.

24 Q. What do you mean when you say that you were "no longer a
25 soldier"? I'm not sure if I understand. Maybe something in the

19

1 translation. But can you explain what you mean with that?

2 A. After I had <been> married <to> my husband, and <by the time
3 of> my <husband's disappearance>, I stopped working with the
4 Chinese as a cook. I was reassigned to <a womens unit and tasked
5 to> do the rice farming <at> Ou Baek K'am<. On one occasion>, I
6 was told to pack my belongings <in order to go> to work in
7 Kampong Chhnang <. By that time,> I was thinking that I was
8 deprived of the status of a soldier. I was required to work as an
9 ordinary worker doing the rice farming <to support the army. I
10 was thinking that I was deprived of my former rights>.

11 Q. I think I understand your answer now. But were you were
12 officially dismissed as a soldier? Did you have a letter, for
13 instance or an official notification that you were no longer a
14 soldier of 502?

15 [10.03.25]

16 A. No, <not any form of> official or formal <notification.
17 However, the moment I was removed from> being a cook for the
18 Chinese, <> I realised that <my entitlements as> a soldier <could
19 have been withdrawn. This is only my personal presumption>. There
20 was no official or formal letter <from the commander regarding my
21 reassignment. They simply> reassigned <me> to do <> rice farming
22 <in> Kampong Chhnang.

23 Q. But when you were done with the rice farming at Kampong
24 Chhnang, what did you do then?

25 A. After I worked in the paddy field, I worked with other

1 <elderly> women to produce fertilisers. <The man who was my
2 superior instructed me to lead those elderly women, who were
3 considered the secondary or weak workforce,> to cut kantreang
4 khet <plants to make fertilisers during the course of the day,
5 and we were to chop them up in the evening> to make fertiliser
6 for the <rice fields>. And that <was what> happened <on> the
7 location to the south of the Preah Theat (phonetic) pagoda.

8 [10.05.12]

9 Q. Where were you when you heard the gunshots from the Vietnamese
10 invading the country? Do you recall?

11 A. We <became very frightened>, and the situation was chaotic
12 throughout the airport. Some women <were delivering> their babies
13 on <a> truck. Everyone tried to board a truck, and we were so
14 afraid that <> we <would> not survive.

15 Q. Did you jump on the military truck when you were escaping from
16 the Vietnamese?

17 A. Those women <with> young babies, <and> who were pregnant, were
18 allowed to board the military trucks <heading westward>. I myself
19 was asked to lend support to help those women, pregnant women and
20 women with young babies, to board the truck. <I also boarded the
21 truck and left with them.> And from that point onward, <people
22 from my unit were scattering all over the place.> I did not know
23 <where those women were heading>.

24 Q. And did you escape yourself? Did you go to the west as well?

25 A. I went along with other people on the truck.

1 Q. A military truck?

2 A. Yes, <they were military trucks given by the Chinese> to the
3 Cambodians <to use for the sake of the airport construction. In
4 such an emergency situation, the drivers used the trucks to
5 transport people, while those who could walk were fleeing via
6 Krang Skear heading for Aoral mountain. Those who could hardly
7 walk, including pregnant women and women with children, were
8 transported by those trucks.>.

9 [10.08.17]

10 Q. The fact that you were able to flee the Vietnamese on a
11 military truck, does that not imply that you are still a member
12 of Division 502?

13 MR. FARR:

14 Mr. President, I think that question is basically an argument. I
15 don't think that it's anything that the witness is going to be
16 able to help us with.

17 MR. KOPPE:

18 Mr. President, I know there is quite some testimony referred to
19 in secondary sources that many soldiers were not very happy with
20 the fact that they were asked to do all kinds of things that they
21 didn't consider to be military. Maybe that is the same thing with
22 this witness. I'm trying to figure out whether her discontent
23 with her tasks didn't actually mean that she was discharged
24 formally as a military.

25 (Judges deliberate)

1 [10.09.31]

2 MR. FARR:

3 Your Honour, I think it still amounts to an argument. I mean, the
4 inference that he wants is that if she was on a military truck,
5 she was therefore still a soldier. She's already told us
6 everything she can, I think, about what she knows about what her
7 status as a soldier or not was at that time.

8 MR. KOPPE:

9 I still think I can ask the question whether she was still
10 considered a Division 502 member, yes or no. And if the answer is
11 no, then I'm sure she'll be able to say so.

12 MR. PRESIDENT:

13 The National Lead Co-Lawyer for civil parties, you have the
14 floor.

15 MR. PICH ANG:

16 <I would like to clarify the point.> I listened attentively to
17 the witness' statement<. She never> said she was no longer a
18 soldier. <However, she> used words to the effect that she thought
19 that she was no longer <considered> a soldier, or that she made a
20 conclusion that she was no longer a soldier, that she was feeling
21 that she was no longer a soldier. That's what went behind her
22 mind. But she never said that she actually left the military.

23 [10.11.01]

24 MR. PRESIDENT:

25 All the objections raised are not sustained, and overruled. And

1 the Counsel, you may specify your question again to the witness.

2 BY MR. KOPPE:

3 Thank you, Mr. President.

4 Q. Madam Witness, you just testified that you escaped the
5 Vietnamese by boarding a military truck. Having heard that, my
6 question to you -- to you was: Were you at the time that you
7 boarded that military truck still a member of Division 502?

8 MS. KHIN VAT:

9 A. At that time I was still attached to Division 502.

10 [10.12.07]

11 MR. KOPPE:

12 Thank you, Madam Witness. Thank you, Mr. President

13 MR. PRESIDENT:

14 Thank you, Counsel. It is now appropriate for our short break.

15 We'll take a break now and resume at 10.30 <a.m.>

16 Court officer, please assist the witness during the break time at
17 the waiting room for civil parties and witnesses, and usher her
18 into the courtroom again at 10.30 <a.m.>

19 The Court is now in recess.

20 (Court recesses from 1012H to 1030H)

21 MR. PRESIDENT:

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

23 The floor is now given to the defence teams but first I would
24 like to know whether Mr. Koppe has further questions to put to
25 this witness, if you do not have, you have the floor counsel for

1 Mr. Khieu Samphan.

2 QUESTIONING BY MS. GUISSÉ:

3 Thank you, Mr. President. Good morning to all, and good morning,

4 Madam Khin Vat. I would like to introduce myself. I am Anta

5 Guisse and I am <International> Co-Counsel <> for Mr. Khieu

6 Samphan and <it is in this capacity that> I will ask you a few

7 brief questions <> for clarification on your testimony.

8 Q. Now, first point because in the French translation<, it was

9 not> very clear <--> you said that when you <got> married to your

10 husband, you spent a week in Kampong Chhnang. Do you remember the

11 date of your wedding?

12 MS. KHIN VAT:

13 A. I got married in 1977. I cannot recall the month; perhaps it

14 was in late 1977.

15 [10.32.35]

16 Q. <Specifically, you> said that you <had been> reassigned to

17 Kampong Chhnang <approximately> at the end of 1977. <So, using>

18 the date <> you were reassigned to Kampong Chhnang to work in the

19 rice <fields>, could you give us <at least> an idea <of a time

20 frame>? Was it a month, two <months, or> three months before you

21 <got> married <or another time estimate? Might that> help you

22 situate yourself on the timeline?

23 If you don't remember<, I don't want to make it difficult for

24 you>. It's only that<, as> you said you had been assigned <after,

25 do you have a time frame or not? If> you don't remember, just say

1 so.

2 A. I do not recall it.

3 Q. No problem. <However, regarding a specific fact, you> said
4 that after your wedding you spent a week with your husband. Did
5 you work during that week in the kitchen <while you were
6 spending> time with your husband?

7 A. <When> I was <living> with my husband<, I worked> in the
8 kitchen. <During the day when he went to work, I cooked for the
9 barracks of> Chan Sari<. And> my husband would come to spend time
10 with me at night-time <during those> seven days.

11 [10.35.14]

12 Q. Thank you for <that clarification>. You said that you worked
13 in rice fields following that, rice fields that were located
14 <about one> kilometre from the Kampong Chhnang Airport<, and you>
15 said that you worked with women soldiers from the East Zone<. My
16 question is:> did you have a <> specific function within that
17 unit, when you worked in the rice fields?

18 A. I was instructed to be in charge of <a unit whose members
19 were> soldiers' wives in the second force or Force Number 2<.
20 Those women with children and I were assigned> to <> collect
21 kantreang <khaet plants> to make fertilisers. <I was assigned to
22 lead those women to do the task.>

23 Q. And this happened as soon as you arrived <at> the rice field
24 next to the Kampong Chhnang Airport<? It was right when> you were
25 assigned <that you began this work>?

1 A. <Upon my arrival>, I rested at my location near the Preah
2 Theat (phonetic) pagoda. One day <later,> there was a meeting
3 <during which I was assigned> to be in charge of the <elderly
4 women who were considered> the second force or Force Number 2. I
5 was the one who led the group making fertilisers.

6 [10.37.55]

7 Q. Does this mean that you had some command authority <over>
8 these women?

9 A. Back then I received plan or instructions from my <superior
10 who was a> male. He instructed me to <lead> the work force to
11 make fertilisers so I was in charge of the married women, I mean
12 the wives of the soldiers <tasked to make> fertilisers.

13 Q. Another point I would like to ask. Do you remember <if,>
14 during the year 1977, when you were <working> in the rice
15 <fields,> any soldiers from Division 502 or other divisions<, if
16 you know about them,> were sent to fight the Vietnamese troops<?
17 Do> you remember this?

18 A. At that time I did not know whether they were sent to fight
19 against the Vietnamese. <I just knew that all of them> were
20 working with the Chinese at the airport worksite. I <did> not
21 know whether <any of them were> sent to fight against the
22 Vietnamese.

23 [10.40.51]

24 Q. You said <several> times that you stayed <a relatively> brief
25 time <working in> the rice fields near Kampong Chhnang Airport;

1 do you remember <about> how long it was? <I thought that, in> my
2 notes, I wrote down "for six months" but <I'm not sure. I'd like
3 you to clarify. Do> you remember, approximately, how many months
4 you worked on that assignment?

5 A. <> I can recall <> that I <had sown> the seeds <and
6 transplanted the seedlings, but> the rice was not yet <ready for>
7 harvest<. The rice had not been harvested yet when we fled. That
8 is what> I can recall<>.

9 Q. From <your> answer, I understand that you left before the rice
10 was harvested; is that the case?

11 A. Yes, that is what I said.

12 Q. Could you tell me, generally speaking, during which month of
13 the year is the rice usually harvested?

14 A. The harvest took place mostly in December.

15 Q. You spoke of <an> incident of suicide, and my colleague raised
16 it again this morning, which was <reported to you> by a driver<,
17 you said yesterday. Do> you remember the name of the driver who
18 told you about <this incident>?

19 A. No, I do not remember. During the resting time, the drivers
20 were chit chatting <among themselves> about that matter and I did
21 not try to find out what <had> happened or the <name> of that
22 person. I <just overheard the incident when the drivers> were
23 discussing <among themselves>.

24 [10.43.25]

25 Q. I would like to <come back now to what you> said yesterday

1 <about> a visit <by> Khieu Samphan<..You said> that you hadn't
2 seen him personally<, but> that it was a friend of yours who told
3 you about it. Could you tell us the name of this person and could
4 you tell us if it was a man or a woman?

5 A. <It> was a man; his name was <Sokun (phonetic)>. He was
6 working with the Chinese <in the area of surveying the runways.
7 He> told me about that matter.

8 Q. And do you remember what his job was?

9 A. He was <a soldier> of Division 502; he was <carrying a
10 telescope, and> accompanying <the> Chinese <while surveying the
11 runways>.

12 Q. I know this was a long time ago, but do you remember the
13 <exact> words he used <> when he spoke of Khieu Samphan's visit?
14 [10.45.31]

15 A. I cannot recall it. Later on I knew that the soldiers who were
16 working at the site were allowed to watch a film at night <when
17 those> soldiers <> working <there were given a day-off> on
18 Sunday. <Rumours went around among my colleagues that we needed
19 to continue working hard as our> condition <> would be better. I
20 could recall that <I used to> go and watch a film at the
21 five-storey house.

22 Q. <Do you know> who the <Chief of Staff> of Democratic Kampuchea
23 <was at that time -- basically, the Commander-in-Chief of the
24 Army -- did, or do> you know who it was?

25 A. I <did> not know who <> the commander <was>; I <did> not know

29

1 the senior <leaders or high-ranking> people.

2 Q. <Does the name> Son Sen <> ring a bell?

3 A. I <> heard of his name; however, I did not know his face at
4 that time and I did not know his position and duty as well <>.

5 Q. Do you <> know what his revolutionary <alias> was?

6 A. No.

7 [10.48.15]

8 Q. <And do> you know what Khieu Samphan's revolutionary <alias>
9 was?

10 A. No, I cannot recall it. I did not know his alias name.

11 Q. Yesterday you <said> that someone had told you that Khieu
12 Samphan was called Uncle Number Two. Did you hear any other names
13 <besides this Uncle Number Two from> this person who mentioned
14 <this to you>?

15 A. I heard people <referring to him as> Uncle Number Two; that is
16 all what I know. I <knew> nothing else.

17 MS. GUISSÉ:

18 Thank you, Madam <>.

19 I don't have any more questions, Mr. President. <My> colleague,
20 Mr. Kong Sam Onn, has some follow-up questions <>.

21 MR. PRESIDENT:

22 You have the floor now, Counsel Kong Sam Onn.

23 [10.50.00]

24 QUESTIONING BY MR. KONG SAM ONN:

25 Thank you, Mr. President. Good morning, Madam Witness, Khin Vat.

30

1 I have short questions in relation to the time while you were
2 working in the rice field at Kampong Chhnang worksite.

3 Q. You stated that you got married in 1977 and you also stated
4 that you did not recall the month. You mentioned as well you were
5 working in rice field near Kampong Chhnang Airport less than six
6 months. Can you tell the Court <about the last time you left the
7 rice field in Kampong Chhnang?>

8 MR. FARR:

9 Your Honours, I don't recall the witness saying that she worked
10 there for less than six months and I would appreciate a
11 reference. I know Madam Guisse represented that was in her notes
12 but I'm not aware of the witness having said that.

13 MR. KONG SAM ONN:

14 Mr. President, I can look into my notes. I took note yesterday
15 what she said. From my recollection, witness said that she was
16 working in the rice field at Kampong Chhnang worksite for less
17 than six months. Perhaps I can ask the witness to clarify the
18 matter.

19 [10.51.48]

20 MR. KOPPE:

21 It is in the transcript; in English transcript, six months.

22 MR. FARR:

23 Could you give us a page number for that?

24 MS. GUISSSE:

25 <Pardon me, it> is a bit before 15.37 <> yesterday, thanks to my

1 team's efficiency.

2 BY MR. KONG SAM ONN:

3 May I resume my line of questioning, Mr. President? Thank you Mr.
4 President.

5 Q. I would like to go back to the last question I put to you a
6 while ago. You already stated that you left Kampong Chhnang
7 worksite by <a> military truck when the Vietnamese <were
8 entering> the country, could you tell the Court when it was,
9 whether it was in late <1978 or early 1979>?

10 [10.53.16]

11 MS. KHIN VAT:

12 A. Yes, it is true that I fled Kampong Chhnang worksite. I recall
13 that I fled that worksite in 1979.

14 Q. Thank you. Concerning the timeline, you stated particularly in
15 relation to the time when you were working in the rice field, you
16 stated that immediately after you arrived at Kampong Chhnang you
17 sowed the seeds and the harvest was not yet done at that time
18 when you fled the <site>. What kind of rice were you doing --
19 were you <farming>?

20 A. It was called the <heavy rice;> and it <took> six months
21 <before> the harvest <could take place>.

22 Q. Thank you. So is it correct to say that you went to Kampong
23 Chhnang in mid-1978?

24 A. It <could be> right; I may have forgotten the year.

25 MR. KONG SAM ONN:

32

1 Thank you Madam Witness. I conclude my line of questioning Mr.
2 President.

3 [10.55.21]

4 MR. PRESIDENT:

5 The hearing of your testimony is now concluded. Thank you very
6 much, Madam Khin Vat. Thank you for spending time giving
7 testimony as a witness, yesterday <afternoon> and this morning.
8 Your testimony will contribute to justice and to the truth. You
9 may now be excused; you may go to any place you would like to go.
10 I wish you good luck and safe trip.

11 Court officer, please work with WESU to send Madam Khin Vat back
12 to her preferred destination.

13 Now the Chamber continues to hear 2-TCW-926 concerning the 1st
14 January Dam, and the Chamber would like to inform the Parties
15 that if we cannot conclude to hear 2-TCW-926 <this afternoon>,
16 the Chamber will summon this witness to come back and testify at
17 a later stage.

18 Court officer, please usher 2-TCW-926 into the courtroom.

19 (Witness 2-TCW-926 enters courtroom)

20 [10.58.20]

21 QUESTIONING BY THE PRESIDENT:

22 Good morning, Mr. Witness. What is your name?

23 MR. OM CHY:

24 A. My name is Om Chy.

25 Q. Thank you, Mr. Om Chy. When were you born?

1 Mr. Witness, please observe the microphone -- that is, when you
2 see the red light on the tip of the microphone, then you can
3 begin speaking.

4 A. I was born in 1952.

5 Q. And <> where <were> you born?

6 Again, Mr. Witness, please wait a moment before you speak, and
7 that would give a little bit of time for the Court to interpret
8 your statement into other official languages so that all Parties
9 can hear your testimony in the <three> official languages of the
10 Court.

11 A. I was born in Chey Mongkol village, Ballangk commune, Baray
12 district, Kampong Thom province.

13 [11.00.02]

14 Q. <What> is your current address?

15 A. I live at Yeay Tieng village, Ballangk commune, Baray
16 district, Kampong Thom province.

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

18 A. My father is Um Chun and my mother is Bun Sun and my wife's
19 name is Hin Vuth; we have six children.

20 Q. Thank you. And Mr. Om Chy, to your best knowledge and ability,
21 are you related by blood or by law to any of the two Accused -
22 that is, Nuon Chea and Khieu Samphan, or to any of the civil
23 parties admitted in Case 002?

24 A. No. I am not related to any of the two Accused or to any of
25 the civil parties.

1 Q. Have you taken an oath before the Iron Club Statue this
2 morning before your appearance?

3 A. Yes, I have.

4 [11.01.28]

5 Q. Thank you. The Chamber now informs you of your right and
6 obligation.

7 As witness before the proceedings in this Court, you may refuse
8 to respond to any question or to make any comment which you think
9 could incriminate you; that is your right against
10 self-incrimination. And on your obligation as a witness, you must
11 respond to all questions put to you by the Bench or by relevant
12 Parties except where you think your responses or comments would
13 incriminate you, as I have just stated. And as a witness, you
14 must tell the truth that you have known, heard, <remembered> or
15 experienced or observed directly -- that is, in relation to any
16 event raised in the questions put to you by the Bench or by the
17 concerned parties.

18 Mr. Om Chy, have you been interviewed by the investigators of the
19 Office of the Co-Investigating Judges? If so, how many times,
20 when and where?

21 A. In 2009, the ECCC officers came to interview me in <Tras
22 village,> Ballangk commune, Baray district, Kampong Thom province
23 at 10.00 a.m. in the morning.

24 [11.03.08]

25 Q. Thank you. And before you appeared before us, have you read or

35

1 reviewed your written record of your statement of the interviews
2 that you gave to the Office of the Co-Investigating Judges
3 Investigators in order to refresh your memory?

4 A. Yes. I read parts of it; however, I don't remember everything
5 as the events took place about 40 years ago.

6 Q. You said that you read parts of your written record of your
7 statement and can you tell the Chamber whether the written record
8 of your statement is consistent with what you told the OCIJ
9 investigators at your place of residence in 2009?

10 A. I read the written record of statement concerning the Accused
11 and the victims; however, it is not a hundred percent clear to
12 me; I can remember parts of the statement but not everything.

13 [11.04.46]

14 Q. What I want to ask you is that, whether that written record is
15 consistent with the statement you provided to the investigators
16 at your place of residence in Kampong Thom province in 2009?

17 A. The written record that I read is consistent to the statement
18 that I provided to the ECCC officers <during the interview>.

19 MR. PRESIDENT:

20 Thank you. Pursuant to Rule 91bis of the ECCC Internal Rules, the
21 Chamber gives the floor first to the Co-Prosecutors before other
22 Parties <to put questions to witness Om Chy,> and the combined
23 time for the Co-Prosecutors and the Lead Co-Lawyers for civil
24 parties <is> two <court> sessions. And if possible, please try to
25 reduce your time. If that is the case, we might be able to

36

1 conclude the testimony of this <witness> today. This witness is
2 rather busy with his business. Thank you.

3 [11.06.09]

4 QUESTIONING BY MR. SENG LEANG:

5 Thank you, Mr. President. Good morning, Mr. President, Your
6 Honours and everyone and good morning, Mr. Witness. My name is
7 Seng Leang, I'm a National Deputy Co-Prosecutor. I have some
8 questions that I would like to put to you and my first question
9 to you is the following:

10 Q. When were you <assigned> to build the <canal that was
11 connected to> the 1st January Dam?

12 MR. OM CHY:

13 A. I was assigned to build <a canal that was connected to> the
14 1st January Dam in 1978.

15 Q. Do you recall the month<>?

16 MR. PRESIDENT:

17 Mr. Om Chy, please wait for the microphone to be operational.

18 MR. OM CHY:

19 A. It occurred in February<>.

20 BY MR. SENG LEANG:

21 Q. And what was your position at the time?

22 MR. OM CHY:

23 A. <At the time of that assignment,> I was <chief of> a mobile
24 unit<>.

25 [11.07.55]

1 Q. And how many workers were under your supervision?

2 A. At that time, they gathered people to build the canal. <A
3 total of 500 workers were collected> from all the villages
4 <within> the commune<>.

5 Q. Upon your arrival at the worksite, was the 1st January Dam
6 fully built?

7 A. Yes, it was completed.

8 Q. Was the canal <> you had to build part of the 1st January Dam
9 project or was it <> a separate project?

10 A. The dam actually connected <with> the 1st January Dam.

11 Q. Can you give the Court an estimate as to how many workers were
12 working on <the dam that was connected to the 1st January Dam>?

13 A. The dam project <was the project of> the sector<, so they
14 were> between 5,000 <and> 6,000 workers.

15 [11.09.48]

16 Q. Can you please identify the location of that canal?

17 MR. PRESIDENT:

18 Mr. Witness, please observe the microphone.

19 MR. OM CHY:

20 A. The canal <> was <located on> the border <between> Chong DOUNG
21 <commune> and Ballangk communes.

22 BY MR. SENG LEANG:

23 Q. You just stated there were between <5,000 and 6,000> workers
24 who worked on this connecting dam, did those workers volunteer to
25 work there or were they instructed to go and work there?

1 MR. OM CHY:

2 A. Nobody actually volunteered to go there; however, during the
3 regime, everyone was forced and we were forced to go and work
4 there at the work site.

5 MR. PRESIDENT:

6 Counsel Koppe, you have the floor.

7 [11.11.10]

8 MR. KOPPE:

9 Thank you, Mr. President. I don't have an objection to this
10 particular question, I would like to raise a jurisdictional point
11 - or, rather, a question of scope. Obviously, the witness has not
12 been working on the 1st January Dam. According to the Closing
13 Order, the 1st January Dam was finished by the time the 6th
14 January Dam was built. Although it seems that the site was
15 connected to the 1st January Dam, it does seem a separate
16 project, certainly from a temporal perspective. So the question
17 arises whether his testimony does in fact fall within the scope
18 of this particular segment. We believe it's not.

19 MR. DE WILDE D'ESTMAEL:

20 Good morning, Mr. President, Your Honours. Good morning,
21 everybody <in the courtroom>. I don't think this objection is
22 justified. If <we take, for example,> paragraph 352 of the
23 Closing Order, it <is clearly explained> that there was a whole
24 series of canals that had been <> dug to bring water from the
25 dams to the rice fields. There's a reference to <a main canal,

39

1 and I think here, we're also talking about the main canal> that
2 went in the southward direction. All of this together has to be
3 considered as part of the 1st January Dam <construction site.
4 There's> also the 6th January Dam, but there are all of these
5 canals, and <without these canals, these dams would have served>
6 no purpose at all<, since the objective, we were told, was> to
7 irrigate the <surrounding rice> fields. I consequently believe
8 that this <witness's testimony is relevant and is> well within
9 the scope of the trial and the Closing Order. Thank you <>.

10 [11.13.29]

11 MS. GUISSÉ:

12 If I may take the floor, Mr. President; <I'm hearing> the
13 Co-Prosecutor <say that it seems that> we're talking about <a>
14 southern canal<. Perhaps -- before> taking a decision <on this
15 issue>, perhaps <> the Co-Prosecutor <should ask preliminary
16 questions to determine geographically what> we are talking about,
17 so as to see whether it was <in fact> attached to the 1st January
18 Dam or not. These are <> questions that have to be put first to
19 the witness rather than somehow asserted by the Prosecution.

20 MR. DE WILDE D'ESTMAEL:

21 <Just to follow up on that point,> Mr. President, the witness has
22 just said he was working <on the canal> between the communes of
23 Chong Doun and Baray, and if you look at a map from <that time>,
24 you can see that it is <precisely> to the south of the 1st
25 January Dam. <>

1 [11.14.45]

2 MR. PRESIDENT:

3 The objection by the defence counsel is overruled as this fact is
4 related to the 1st January Dam worksite and is part of the
5 Closing Order as indicated by the International Deputy
6 Co-Prosecutor. And Deputy Co-Prosecutor, you may continue.

7 BY MR. SENG LEANG:

8 Thank you, Mr. President.

9 Q. Mr. Witness, you stated that there were <between 5,000 and>
10 6,000 workers working on this connecting dam to the 1st January
11 Dam. Did they all volunteer to go there or <were> they <>
12 obligated to go there and work?

13 MR. OM CHY:

14 A. They were required to go and work there. <Not a single> worker
15 volunteered and it was imperative for them to follow
16 instructions.

17 [11.15.55]

18 Q. Did they dare not refuse or did they not want to refuse?

19 MR. PRESIDENT:

20 Mr. Witness, please hold on; and Counsel Koppe, you may proceed.

21 MR. KOPPE:

22 Thank you, Mr. President. I should have objected to the earlier
23 question because the witness cannot possibly say anything about
24 the state of mind of all 5000 workers. Surely he can for himself
25 and his -- the workers that were close to him -- but not for all

1 5000.

2 [11.16.30]

3 MR. PRESIDENT:

4 The objection by the defence counsel for Nuon Chea is sustained
5 and this matter happens rather repeatedly and for that reason,
6 the Co-Prosecutor is reminded to put questions within the scope
7 of the knowledge of the witness or the facts being debated before
8 this Court and not to put the questions that would elicit an
9 assumption from the witness. You should make your questions
10 precise and specific within the scope of knowledge of the witness
11 and the witness has been reminded of his obligation and rights
12 before this Court.

13 BY MR. SENG LEANG:

14 I'll rephrase my question to the scope or the knowledge of the
15 witness.

16 Q. Mr. Witness, within your unit <of> 500 workers, <> did they
17 mostly volunteer to work or were they forced to go and work
18 there?

19 MR. OM CHY:

20 A. <Through> my observation <about those> small <units>, nobody
21 volunteered to go to work or engage in this kind of hard work.

22 [11.18.25]

23 Q. If that is the case, why did they not refuse to work, did they
24 dare not or did they not want to refuse?

25 A. During the regime, every worker, including myself, did not

1 dare to refuse; we had to <do the tasks we were assigned>.

2 Q. And why was it so, including yourself, can you give the Court
3 the reason?

4 A. During the regime -- and Mr. Co-Prosecutor, you may as well
5 know -- throughout the country, not only <at> the location that I
6 was engaged in, everybody had to adhere to <strict military
7 rules; if anyone failed to do certain things according to their
8 principles, he or she would be accused of opposing the society
9 under their leadership>.

10 Q. So <what would have happened if someone was considered an
11 enemy of the society under their leadership>?

12 A. It means that <the person would have put himself or herself at
13 risk. If such a case had happened, the person would have been
14 arrested and sent for> re-education at <a> detention centre or
15 <a> commune office.

16 [11.20.12]

17 Q. Could you please tell the Court during the time that your
18 group members were building the dam, did <your mobile unit
19 members> reside at the worksite with their family members?

20 A. During the building of the dam, all the workers in my <mobile>
21 unit were unmarried.

22 Q. Where did they stay<? Did> they stay with their family
23 members?

24 A. They built a shelter along the dam embankment and they had to
25 stay there. They would not <be allowed> to visit <their family>

1 except when <they were given a day-off>.

2 Q. Besides the <day-off> as you put it, could those workers seek
3 permission to visit their home?

4 A. If it was out of necessity or urgency; namely, their child or
5 their wife was sick <at home>, then <they> could seek permission
6 <to visit them accordingly;> otherwise, they could not.

7 Q. If there was no such an urgent matter but a worker missed
8 <his> family members, could they seek <the> permission?

9 [11.22.16]

10 MR. PRESIDENT:

11 This is a kind of question that the Chamber prohibits, so Mr.
12 Witness, you do not need to respond to this question as it tries
13 to elicit your answer in a hypothetical way.

14 BY MR. SENG LEANG:

15 Q. Did any workers from your group run to visit his or her house
16 without authorisation?

17 MR. OM CHY:

18 A. Yes, there were such cases as some <youths> ran away to visit
19 their house and later on the unit chiefs would go and get them
20 back to the worksite.

21 Q. Was any sanction or punishment imposed on those workers who
22 ran to visit their home without authorisation?

23 A. The relevant unit chiefs did not impose any sanctions but
24 those workers were reprimanded and allowed to return to work.

25 [11.23.52]

1 Q. Did the workers in your unit actually strictly adhere to the
2 regulations and the disciplines?

3 A. There were many workers in my unit and not everyone could
4 strictly adhere to the regulations. They were about 20 to 30 per
5 cent of them who could not actually follow the regulations and
6 they had to be <constantly> advised.

7 Q. I would like now to move on to the working hours. Please tell
8 the Court how the working hours were arranged within your unit.

9 A. The working hours started from 4 o'clock in the morning,
10 continued until 11 a.m. when we stopped for meal and within this
11 hour we had a 15-minute break between 9.00 <and> 10 a.m.

12 Q. What about the afternoon shift?

13 MR. PRESIDENT:

14 Mr. Witness, please observe the microphone.

15 MR. OM CHY:

16 A. For the afternoon shift, we started from 1 p.m. and continued
17 until 5 p.m. and we had 15-minute break <at around 3 p.m.>

18 [11.25.54]

19 BY MR. SENG LEANG:

20 Q. Were you required to work night shift?

21 MR. OM CHY:

22 A. When the work plan was demanding, we also had to work through
23 the night -- that is, starting from 6 o'clock in the evening and
24 continued until 11 p.m.

25 Q. Who actually made decision on this shift or the working hours

45

1 or was a meeting held to make a decision on the shift hours?

2 A. The decision was made by chief of the worksite on behalf of
3 the sector <whose office was in the district office>. All the
4 chiefs at the worksite were called to a meeting and <then, the
5 decision reached at the meeting regarding the shift hours> was
6 relayed.

7 [11.27.10]

8 Q. Were workers in your unit happy with this arrangement?

9 A. Workers in my unit were not happy with these working hours
10 since it was too tiring for them as we had also sometime through
11 the night; however, there was nothing we could and we had to
12 follow their instruction.

13 Q. If they were not happy with it, did anyone protest and if
14 there was no one who protested, what was the reason? Did they
15 dare not to protest or did they <not> want to protest?

16 A. During the regime, as you might know it, nobody dared to
17 protest, we had to carry out the work plan <as indicated>.

18 Q. What would <have happened> to a worker who <had> dared to
19 protest?

20 MR. KONG SAM ONN:

21 Mr. President, this is a hypothetical question as pointed out by
22 the President a moment ago.

23 MR. PRESIDENT:

24 Deputy Co-Prosecutor, please rephrase your question and as the
25 Chamber has just reminded you, please try not to use any

1 hypothetical question <as only hypothetical responses will be
2 given by the witness.>

3 [11.29.01]

4 BY MR. SENG LEANG:

5 Thank you, Mr. President. I'll move on.

6 Q. Mr. Witness, you stated that sometimes you were required to
7 work between 6 <p.m. and> 10 p.m., and that you had to start
8 working again next morning at 4 a.m. With this working hour
9 arrangement, could workers actually sustain at this particular
10 dam worksite?

11 MR. OM CHY:

12 A. Workers could adhere to the working hour arrangement but
13 mentally or emotionally they could not. But they had no choice;
14 they had to follow the guidelines.

15 Q. You said they could adhere to the work plan; however, please
16 tell the Court whether they were healthy enough to do it or they
17 were struggling to do it because they did not dare to protest?

18 [11.30.26]

19 A. They were struggling to complete the work, nobody dared to
20 protest, including myself and members of my unit.

21 Q. When workers were woken up at 4 a.m. in the morning, how did
22 it happen?

23 A. When workers had to wake up and go to work at 4 o'clock in the
24 morning, it was by means of a whistle blow.

25 Q. And what happened to those who could not get up on time?

1 A. Everybody had to wake up and go, except those who were sick
2 and could not get up.

3 Q. I <was referring> to those workers who had to work through the
4 night and were in deep sleep and could not hear the whistle blow,
5 what happened to them if they could not hear the whistle blow?

6 MR. KONG SAM ON:

7 Mr. President, this is the same <> question that was prohibited
8 by you a moment ago as it was hypothetical in nature.

9 [11.32.13]

10 MR. PRESIDENT:

11 The objection is sustained and Mr. National Deputy Co-Prosecutor,
12 please rearrange your question again and your question seems to
13 be in a form of hypothetical nature as you keeping saying "what
14 if", "what if" again and again. Please try to make your questions
15 specific as we are trying to conclude this witness's testimony
16 today. If you put this kind of question which leads to objections
17 raised, then it's a waste of time.

18 BY MR. SENG LEANG:

19 I'll move on, Mr. President; and thank you.

20 Q. Mr. Witness, now on the issue of work plan, what was the daily
21 work quota for each worker in your unit?

22 [11.33.16]

23 MR. OM CHY:

24 A. When we were working on the crest of the dam, we were required
25 to finish three cubic metres of soil.

1 Q. Were workers able to meet the work quota -- that is, three
2 cubic metres of soil per day?

3 A. The workers who were digging the earth, some of them were able
4 to meet the quota but some were not. While I was in charge of
5 them, there were only a few workers who could not meet the work
6 quota but if some of them could not finish the very little amount
7 of earth that they had to do, I could allow them to take rest <as
8 usual according to the schedule>.

9 Q. <In percentage, how> many of your workers could meet the work
10 quota?

11 A. <About sixty> per cent of them were able to meet the work
12 quota.

13 Q. Sixty or 70 per cent?

14 A. I could not give you the specific percentage<; however, it
15 could go up from 60 to 70> per cent of them. <Only a small
16 percentage of them could not meet the quota.>

17 [11.35.18]

18 Q. Mr. President, I would like to read E3/5265 to refresh this
19 witness memory in relation to some information he gave to the
20 investigators. Am I allowed to do so, Mr. President?

21 MR. PRESIDENT:

22 The Chamber made decision already. If it is a document concerning
23 this witness concerned, you -- Parties are allowed to use the
24 document and the Chamber also informs Parties that first they
25 need to ask open questions after which they can go into detail

1 <for clarification if any discrepancies arise.>

2 BY MR. SENG LEANG:

3 Thank you, Mr. President. I would like to read E3/5265. ERN in
4 Khmer, <00271398 to 99>; English, ERN 00282347; French, 00487925;
5 you stated that "workers were required to dig three cubic metres
6 of earth per day and most of them could not meet the work quota
7 and only 30 per cent of workers could meet work quota. When they
8 did not meet the work quota, I did not make a report to the upper
9 echelon and as a result the upper echelon did not know about this
10 case. Within my group, those who could not meet the work quota
11 were not punished by me because I told lies in the report
12 submitted to Angkar."

13 Does this refresh your memory, Mr. Witness? Could you clarify for
14 the Chamber how many people could meet the work quota?

15 [11.38.20]

16 MR. OM CHY:

17 A. Some workers who were weak could not meet the work quota. For
18 those who were strong, they were able to finish the quota and
19 based on what you read, I never made <such> a report concerning
20 the fact that some of them could not meet the quota. There was
21 another chief above me and I was required by my chief to make a
22 daily report to him concerning whether or not workers could meet
23 the work quota. <I agree that what I said earlier was not
24 reflecting the truth.>

25 Q. Could you tell the Court, who set out the work quota and was

50

1 the work quota set based on the <capability of> people <>?

2 A. Chief of the construction site at the district level

3 instructed all <the unit> chiefs to set such a quota. There were

4 many units or groups<, not only my unit> within the construction

5 site.

6 [11.39.55]

7 Q. In the document that I have just read, you stated that you did

8 not make a report when some of your workers were not able to meet

9 the work quota. <Why did you-->

10 MR. PRESIDENT:

11 Counsel for the defence team, you may now proceed.

12 MS. GUISSÉ:

13 <Yes, thank> you, Mr. President. I regret the interruption. This

14 is not an objection but we are going beyond <the time set for the

15 break established to accommodate> the health <concerns of Mr.>

16 Khieu Samphan. <> I <have asked how he is feeling at regular

17 intervals>, and we are coming to a point where it's becoming <>

18 difficult for him, and so <I felt I needed to inform the Chamber

19 to> ask if there will be a break shortly.

20 MR. PRESIDENT:

21 Thank you, Counsel. I observed that on some occasions there were

22 requests made by the defence team for the Accused that they

23 requested to go <not> beyond <11:45 p.m.> on some occasions, so

24 what the Chamber is doing now is trying to finish the hearing of

25 testimony of this witness by 4 p.m. <and> we are <not> expecting

51

1 <to run> the hearing <beyond 4 p.m. Moreover, there is no hearing
2 for tomorrow.> And the witness confirmed and told the Court that
3 he may be unavailable sometime in the future.

4 Now I would like to ask the position of Parties whether we can
5 resume our hearing at 1 o'clock this afternoon?

6 It is now convenient time for a lunch break but I would like to
7 seek position from Parties whether or not we can resume our
8 hearing at 1 o'clock in the afternoon today. We observed that
9 there have been many objections put by <the> Parties and on
10 Monday we lost <the whole morning which was> a rather long period
11 of time for <hearing the witness>.

12 [11.42.32]

13 MS. GUISSÉ:

14 My client tells me that he can make an effort to be here at 1.00.
15 I would like to <clarify,> however, that if on the Defence side
16 we <have sometimes gone over the time limit>, we always ask Mr.
17 Khieu Samphan how he feels <beforehand. So> Mr. Khieu Samphan <is
18 telling me that> he can make the effort today, but I cannot tell
19 you what's going to happen this afternoon.

20 MR. PRESIDENT:

21 Thank you. This is just a try by the Chamber and the Chamber
22 wishes to adhere to the Scheduling Order of the Chamber. Thank
23 you very much, Counsel, for your information and it is now time
24 for lunch break and it will resume at 1 p.m.

25 Court officers, please find a proper place for this witness

52

1 during the lunch break and please invite him back into the
2 courtroom at 1 p.m.

3 Security personnel, please bring Mr. Khieu Samphan back to the
4 waiting room downstairs and please invite him back into the
5 courtroom at 1 p.m.

6 The Court is now in recess.

7 (Court recesses from 1144H to 1259H)

8 MR. PRESIDENT:

9 Please be seated. The Court resumes its hearing.

10 Once again the floor is given to the Co-Prosecutors to continue
11 putting questions to the witness. You may proceed.

12 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

13 Thank you <>, Mr. President. <Mr. Witness,> I'm going to continue
14 <the questioning> where my colleague left off <earlier, and
15 perhaps I'll ask some> follow-up questions <first.>

16 Q. <Mr. Witness, you> said that <you arrived> in February 1978<,
17 at the site where> canals linked up to the 1st January Dam <were
18 being dug. Can> you tell us until what <> date you were working
19 there and did you work without any break?

20 MR. OM CHY:

21 A. I worked on the canal until <its inauguration>.

22 Q. How <long> before the arrival of the Vietnamese <was the canal
23 able to be completed?>

24 MR. PRESIDENT:

25 Mr. Witness, please observe the microphone.

1 [13.01.24]

2 MR. OM CHY:

3 A. It concluded in August 2008.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. <I heard "2008", but I understand that it was presumably
6 "1978". Is that correct, 1978 -- August 1978 <>?

7 MR. OM CHY:

8 A. I worked in 1978 and <it was inaugurated> in August of the
9 same year -- that is, 1978.

10 Q. Thank you. Among the group of 500 people that you were in
11 charge of, <500 young men>, were there also New People?

12 A. The workers were mixed; they were both Old People and New
13 People.

14 Q. Were there also Cham people there?

15 A. Yes, there were Cham people.

16 Q. When you were <managing> these 500 people, and you said that
17 it was forced labour, you said <earlier> that you got your
18 <orders or> instructions from <your superiors. Did> you yourself
19 <have to> hold meetings to convey the instructions that you had
20 <gotten> from the higher echelons?

21 [13.03.42]

22 A. Yes. When I arrived at the worksite, I conducted meetings to
23 relay the instructions to the small unit chiefs.

24 Q. Did these 500 people <you spoke of> make up the entirety of
25 the people in the Ballangk commune who were working on <this>

1 canal <construction site>?

2 A. The 500 workers were from <all the> different villages within
3 Ballangk commune<.>

4 Q. <Very well. Concerning the> meetings, did you yourself also
5 have to <participate in> criticism or self-criticism meetings or
6 did you <have to> chair meetings of this kind <for> your group?

7 A. I did not chair <any> criticism or self-criticism meetings
8 with all members in the unit. I usually held meetings <among the
9 group> chiefs under my subordination.

10 Q. Did the workers <themselves> hold these kinds of meetings with
11 their <own> unit chiefs and, if they did<, at> what time <of day
12 would they> take place?

13 [13.05.50]

14 A. Meetings were held at night <> after the dinner time.

15 Q. Earlier you talked about meetings you had attended<. Did> the
16 commune or district heads <explain to> you why it was necessary
17 for the regime to build the 1st January Dam and the canals
18 connected to it?

19 A. The policy of the Khmer Rouge regime to build dam and to dig
20 that canal in order to get access to water to irrigate the rice
21 field and to obtain three yields of rice per year.

22 Q. Were you told <during meetings> what the additional rice that
23 <would be> harvested <following construction of this> dam <> was
24 to be used for<? Were> you told that <> rice was going to be
25 exported?

55

1 A. I was not sure <of> that. I did not know where the rice was
2 taken to. <I noticed that> after the harvest trucks came to
3 transport <the> rice away.

4 Q. <What direction did> you see <these> trucks leaving <> in <>?
5 Did they unload <the entire supply within each commune or were
6 they meant to go in another direction>?

7 [13.08.07]

8 MR. PRESIDENT:

9 Witness, please hold on and Counsel Guisse, you have the floor.

10 MS. GUISSSE:

11 <Yes>, Mr. President. Once again I'm intervening<, as it
12 frequently happens> with this Co-Prosecutor, to <ask him to>
13 leave his questions open and not to include <multiple-choice>
14 answers in his questions. The last two <sentences were
15 unnecessary>.

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. Mr. President, we have very little time so I won't answer
18 that. Do you know, Mr. Witness, where the <harvests were taken
19 from the rice fields that were grown in> your commune or your
20 district?

21 MR. OM CHY:

22 A. As I just stated, I was not sure where the harvest was taken
23 to. They said Angkar required to take the harvest away at to --
24 in order to help -- given to the military.

25 [13.09.32]

1 Q. Thank you. During the six or seven months you were working
2 there, <if I counted correctly,> did any zone authorities or
3 regime authorities from Phnom Penh or <any> foreigners <come> to
4 visit the construction site of the canal <you were working on>?

5 A. No, there were no foreigners. However there were sector
6 committee and district committee who came to the worksite.

7 Q. Well we'll look at their <> names at a later stage. During
8 commune, district or sector meetings <--> in fact you might help
9 us <clarify> what sort of meetings you attended <--> did you ever
10 hear the higher echelons talk <to you> about the <notion> of
11 enemies?

12 A. Yes I did. I heard them talking about the enemy. Anyone who
13 <did not follow> the regulations would be considered enemy.

14 Q. Can you <specify> which different people talked to you about
15 this notion of enemies?

16 A. It was the sector committee and district committee who spoke
17 about the notion of enemy during meetings.

18 [13.11.42]

19 Q. And what did they tell you about the fate that was awaiting
20 such enemies <under> the Democratic Kampuchea regime? <What was
21 done to enemies?>

22 A. Regarding the fate of those people, <> I heard that they would
23 be smashed as they were <blocking the progress of their>
24 construction.

25 Q. So when <these> sector or district chiefs were talking of

1 enemies<, did they refer,> in particular, to <> enemies who might
2 sabotage the construction of the 1st January Dam or the canals
3 <surrounding> it?

4 A. They <never talked about any specific> enemy who <had
5 sabotaged the worksite or the dam. However, they just mentioned
6 that any enemy who was slowing down the progress of their work
7 would be smashed>.

8 Q. Very well, on the construction site <of> the canal linked to
9 the 1st January Dam, did you yourself witness one person or
10 several being arrested?

11 [13.13.37]

12 A. Yes, I did<. While> working there, <> security forces from the
13 district <> were overseeing us. However the worker who was
14 arrested was not from my <unit. He or she was a member> from
15 Tnaot Chum commune who was working nearby.

16 Q. How old was that person, that worker?

17 A. <In my estimation,> the worker was <either> 18 or 19 years
18 old.

19 Q. Did you find out why that worker was arrested by the security
20 forces?

21 A. The arrest was made in order to deter other workers <from
22 following his example>.

23 Q. <I would just like to cite an instance when you said something
24 a> little bit more precise<. In your record of interview
25 E3/5265>, in Khmer, <it's 00271397 to 98; in French, 00482924>;

1 and in English, 00282346. And you said <the following:>
2 "One day, I saw <with my own eyes the arrest of> a child in the
3 mobile unit <>. He <had just been> talking and he was arrested by
4 the internal security agents from the work place. He was called
5 from his work post to go to the top of the dam, where he was
6 publicly arrested." <End of quote.> So was <it> forbidden to <>
7 chat <or to stop working> without authorisation on the
8 construction site<, at the risk of being punished by> the
9 security forces <>?

10 [13.16.31]

11 A. During the regime, we were prohibited from talking to one
12 another on anything that was not compliant with the <lines> of
13 the Party <>.

14 Q. <Alright.> You told us that <these> security agents came from
15 the district. Were you able to find out which zone of the country
16 they originally came from?

17 A. At a later stage, those security forces and the cadres at the
18 commune or the district levels <mostly> came from the Southwest
19 Zone.

20 Q. Did you ever see the person who was arrested again or did you
21 ever learn what happened to that person?

22 A. For anyone who was -- who had been arrested<, and taken away,
23 he or she> never appeared again.

24 [13.18.15]

25 Q. <You just> said "anyone who was arrested." <You mentioned the

1 arrest of one person that you saw.> Am I to understand that you
2 saw or heard <that> other people <> were arrested on the
3 construction site, maybe not in your own unit but <maybe> in
4 other units?

5 A. I did not witness any other arrest as I only focused and
6 mainly stayed at the location where I was assigned to work. <I
7 was not aware of all the aspects.>

8 Q. <Even so, did> you ever hear <that> other people <had been>
9 arrested?

10 A. Yes, especially it happened in my village. I worked in the
11 plantation and when I returned home, the neighbours disappeared
12 and when I asked around I was told they had been arrested. I only
13 heard about this event but I personally did not witness it.
14 <Again, I knew about their disappearances.>

15 Q. <Very well. I'm> staying <more or less> on the canal and dam
16 construction site, <but later,> I will <come back to what
17 happened in> your village<. A clarification now: did> the village
18 of Tras <or Tros (phonetic),> in the Ballangk commune, <> have a
19 security centre and, if it did, what was its name?

20 A. <There> was a security centre <in Tras village>; it was
21 located at the Baray Choan Dek pagoda.

22 [13.20.36]

23 Q. <Was it> near the <pagoda or was it actually inside the> Baray
24 Choan Dek pagoda <>?

25 A. The security centre was within the compound of the Baray Choan

60

1 Dek pagoda.

2 Q. <Did you learn during> meetings or in <discussions> what
3 happened to people who were detained in <Wat> Baray Choan Dek?

4 MR. PRESIDENT:

5 Mr. Witness, please hold on and Counsel Koppe you have the floor.

6 MR. KOPPE:

7 Thank you, Mr. President. There's no connection between the
8 security centre at Baray Choan Dek pagoda and the worksite. In
9 addition to that it's outside the scope of this Trial, of this
10 segment, so also considering the time, I think Prosecution should
11 move on.

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, if I may, I will answer. We have <already> had
14 this discussion before <this> Chamber<. It has already been>
15 established that we could ask questions about <Wat> Baray Choan
16 Dek and I <will be doing so> for two reasons: firstly because
17 other witnesses made a link between this and the construction
18 site and also, and we'll come back to this in a minute, <because>
19 there were purges in the Ballangk commune, as well.

20 [13.22.24]

21 MR. PRESIDENT:

22 The objection raised by the Defence Counsel for Nuon Chea is
23 overruled and the reason given by the <International>
24 Co-Prosecutor is <right> so and the Chamber <has already ruled
25 on> the connection between the Baray Choan Dek pagoda <and> the

61

1 1st January Dam worksite. And Mr. Witness, you are now instructed
2 to respond to the last question put to you by the <International>
3 Co-Prosecutor if you can recall it<; and> if not, the
4 <International Co-Prosecutor> may repeat the question.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. My question, Mr. Witness, was about whether or not you <found
7 out> what happened to people who were detained inside <Wat> Baray
8 Choan Dek?

9 MR. OM CHY:

10 A. I did not witness the event. I only heard that the place was
11 used as a security centre and I myself was even afraid to go near
12 it.

13 Q. Did you ever attend <a> meeting <that was> held towards the
14 end of the regime in the pagoda of <Wat> Baray Choan Dek?

15 [13.23.59]

16 A. Yes, I attended <> meetings <at the place where the security
17 centre was once based>. However, at that time, there was a
18 directive from Office 870 <regarding the pardon granted to those
19 allegedly CIA and KGB networks. The> security centre <had been>
20 relocated from that pagoda, and <the location was given back to
21 the cooperative where meetings were held. I attended meetings
22 there.>.

23 Q. <All right. During this> meeting, were you able to see any
24 signs <indicating> that this <centre> had been used as an
25 execution site?

1 A. I did. When I attended <meetings> inside the <Buddhist main
2 hall and the eating> hall, I actually saw <bloodstains> on the
3 <walls of the main hall> and <> the <eating hall.> I also saw
4 <remnants of clothes in heaps> scattered on the ground.

5 Q. And <was> there still <an> odour <> of <decaying> corpses
6 <remaining> when you were there?

7 [13.25.33]

8 A. Yes, the bad odour was still lingering in the air when I was
9 there.

10 Q. Coming back to the canal <itself, were there, at the time -- I
11 know that the canal was perhaps not that deep --> but were there
12 <> accidents that occurred, for example mud slides which buried
13 or injured the workers who were there?

14 A. Throughout the canal worksite, <of course,> there were
15 <work-related> injuries<. For> instance, rock fragments fell on
16 to workers and as a result they <got injured. I cannot recall the
17 details.>

18 Q. <Were> those workers taken to hospital, <and> did they always
19 come back to resume their place in the <work units>?

20 A. After the injury, the responsible chief would have them taken
21 for treatment at the hospital but I did not know what happened
22 next.

23 Q. <Very well. Earlier,> you said that huts <had been built very>
24 near the canal to house the workers<. Can> you describe these
25 huts to us very briefly<? What> were they made of<? Were> they

1 strongly built?

2 [13.27.48]

3 A. The sleeping shelter built for the mobile unit workers were
4 made from young wood and they used hay to build <the> roof. They
5 built floor for workers to sleep on. Some workers had their own
6 mat and they could use it and some other workers <converted>
7 their sack <into> pillows. Other workers had their own hammock so
8 they did not have to sleep on the floor.

9 Q. You were working <there at the height of> the rainy season<.
10 Were> the roofs of these huts waterproof or not?

11 A. Of course, it was kind of waterproof for small and light rain
12 but it could not sustain the heavy down pour. <When it was
13 raining heavily, we could not find anywhere to sleep.>

14 Q. Could you <also> describe the clothing of the workers<? What
15 was its condition>?

16 A. During the regime there was severe shortage of clothing. We <>
17 had only a pair of clothes <each> and parts of the clothes were
18 torn. <The clothes we had were in all colours. At that time, they
19 also distributed to us heavy-duty cloth in the colours of> grey
20 and black.

21 Q. What about the food<? Could> you describe the <quantity> but
22 also the <quality> of the food? Was the food <supplied such that
23 it was> sufficient to allow the workers to complete <their>
24 tasks?

25 [13.30.16]

1 A. On the matter of food, we were given rice <in the morning,>
2 and for the dinner, we were given gruel<. The soup provided to us
3 was not sufficient. It> was kind of sour soup with morning glory
4 or with small fish and of course it was not sufficient. Once in a
5 blue moon we were given pork to eat.

6 Q. Did the Cham, <in the various units working on the site,> have
7 to eat the pork when <> there was <pork, even if it happened
8 rarely>?

9 A. The Cham people who strictly adhered to their religious
10 practice would restrain themselves from eating pork and they
11 would resort to eating salt instead while others <who> could not
12 stand <the hunger would eat the soup, not the> pork.

13 Q. What about the water that the workers drank<? Was it water
14 that was suitable for drinking? Was it potable water, or not>?

15 A. The waters for workers were unsanitary. Water source was from
16 the <canal itself. The water available there was both for
17 cleaning> ourselves and <for drinking>.

18 Q. <Could you tell us if the medical staff who were there onsite,
19 were qualified, and> did they have <the necessary medications?>
20 [13.32.28]

21 A. During the time medics or medical staff were not qualified.
22 <Young people between 14 and 18 years of age were recruited from
23 villages>. After they got a <10 - 15 day> training, they would be
24 despatched to treat people<. And> as for medicines, usually they
25 used the traditional medicines <commonly> known as the rabbit

65

1 dropping pellets and there were also <orange-juice bottles filled
2 with red liquid or B12> for treatment.

3 Q. Were there any people who were too sick and <had to be>
4 transferred to the hospital<, and if so,> did they <always>
5 return or did you never see them again?

6 A. <Severely> sick people <were> referred to the hospital at the
7 district level. Some people <> recovered and some did not and
8 died at <the> hospital.

9 [13.34.00]

10 Q. Very well, I would like to touch on another topic now. I would
11 like to talk about <what happened to> the New People <> in the
12 village <of Chey Mongkol> where you hail from. Did you, indeed,
13 work in <this village,> Chey Mongkol, in Ballangk commune between
14 1975 and 1979 at <some> point?

15 MR. PRESIDENT:

16 Please observe microphone, Mr. Om Chy.

17 MR. OM CHY:

18 A. <I was not assigned to any specific task during the regime.> I
19 was just a youth at that time and I was <at their disposal, and
20 ready for engaging in building dykes in paddy fields>.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. <When> you worked in Chey Mongkol <village>, did you see any
23 New People, <> who had been <evacuated> and had <come to> settle
24 <> in that village, and if that is the case, can you tell us
25 <about> how many <there were>?

1 MR. OM CHY:

2 A. After the fall of Phnom Penh in 1975, <about 20 families of
3 New People, including the Khmer, the Cham and the Chinese, were
4 sent to my village>.

5 Q. How many families came to your village, <of> New People?

6 A. I could not recall everything because I was not in charge of
7 the statistics; I was <just a worker in a> youth unit <>.

8 [13.36.20]

9 Q. Very well. Before the <Investigating Judges, it is record of
10 interview> E3/5265, <on> Khmer <page> 00271396; <in> French,
11 <00482923>; and in English, 00282345; <> you said that <there
12 were deportations of people to your village, roughly 20 families,
13 and that these 17 April People came> from Phnom Penh<. Does this
14 figure of 20 families> refresh your memory<? Is that about
15 right>?

16 A. Yes. As I stated I was not in charge of the statistics. <In my
17 estimation,> perhaps there were 20 families <including the Cham
18 and the Khmer families who were> evacuated from <> Phnom Penh.

19 Q. Could you briefly <tell us> how were they housed <once they
20 arrived in> the village?

21 A. First<, some of them> were allowed to live <on the ground
22 floor of the houses> of the Base People, and they could go and
23 live <on the first floor if those houses were big. However, for
24 small houses, they had to live on the ground floor.>

25 [13.38.16]

1 Q. Very well, were any huts built for them to live in
2 <afterwards>?

3 A. Later on, huts were built for them <in open spaces within the>
4 villages and these people were disbursed <to live throughout the>
5 villages.

6 Q. <At some point between> 1975 and the beginning of 1979, were
7 <17 April> families <> subject to arrest <and> execution<? And>
8 I'm speaking here of any families within the 20 <families you
9 spoke to us about>.

10 A. <There> was a plan to purge people <in 1977>, however I was
11 not in the village at that time <.> I was relocated to work <on
12 a> plantation <away from the village; thus,> I did not know who
13 <were> purged.

14 Q. Could you <specify> the date again<? I heard "1970", and I
15 don't think that is correct. Could you repeat the year when that
16 occurred? And please,> wait until your microphone is turned on.

17 A. The plan <for purges came about> in 1977, exactly it was in
18 1977.

19 [13.40.25]

20 Q. Afterwards you became the leader of 500 people<. Before that,
21 in> 1977, did you <also> attend meetings within the commune or
22 the district where this plan <> for purges <was discussed>?

23 A. I told the Court already <in that same year,> I was reassigned
24 to work <on a> farm or plantation away from the village. I was
25 <reassigned> to work in Kokir Thum commune <which was about> 20

1 kilometres away from my previous village. <I rarely came back to
2 the village. And only when we ran out of food, did I come to the
3 village once in a while. I did not attend any of such meetings>.

4 Q. Very well. I don't believe you've said how many families were
5 affected by <the executions. Do you remember?>

6 A. <As mentioned earlier, when> I came to visit my previous
7 village, <I noticed that some of> my neighbours <had>
8 disappeared<. After making inquiry, I learned> that some of them
9 had been purged. Five families I believe <were purged.>

10 Q. And who arrested these five families, according to what you
11 heard, and what happened to <the people> who arrested them?

12 [13.42.25]

13 A. <According to the villagers to whom I talked> when I visited
14 <my village, those people had been called to attend a meeting to
15 discuss about their transfer to a new village, then a truck came
16 to take them away. No one knew where they were being taken>.

17 Q. I would like to quote at this point what you said to the
18 investigators of the Investigative Judges Office<, E3/5265. In>
19 Khmer, <it's on page 00271396 to 97; in> French, 00482923; and
20 <in> English, 00282345. <The question you> were asked <is as
21 follows:>

22 "Who was the chief of the cooperative and who took those <five>
23 families away to kill them?" You answered, "At the time, Heng was
24 the chief of the small cooperative, and Leak was the chief of the
25 large <> cooperative. <These two people> took these <five>

1 families to <execute them. Afterwards,> these two were<, in
2 turn,> arrested and <executed in that> same year, 1977." <End of
3 quote.>

4 Do you confirm <this>?

5 A. I stand by my statement. It is correct. I recall it as you
6 have just read. <What I just mentioned earlier was a bit beyond
7 the truth.> It happened a long time ago. <At that time,> Heng was
8 <> chief of the small cooperative and Leak was <> chief of <the
9 big> cooperative. <After the plan for purges had been carried
10 out, the plan for purging cadres followed. Eventually, Leak and
11 Heng were arrested and taken away>.

12 Q. <Do> you know <> if these two people <or> others<, also> were
13 replaced by people from other zones?

14 [13.45.02]

15 A. Following the arrest <of the two men>, cadres from the
16 Southwest Zone came <as a replacement for them in> Ballangk
17 commune, Baray district.

18 Q. While we are on the topic of the command structure in your
19 sector <-- and then we will also come to the district and the
20 commune -- who, to your knowledge, was <> the head of Sector 42
21 in 1977 and 1978>?

22 A. In 1977 and '78, Oeun was ,<> chief of the sector.

23 Q. Was he part of Ke Pauk's family? Allow me to rephrase. Do you
24 know <> Ke Pauk<, first of all>?

25 [13.46.25]

70

1 A. I have heard of the name. I <never met him, worked with him,
2 or attended any meeting chaired by him. I never managed to get
3 close to him. I just> heard that Ke Pauk was <a sector> chief <>.
4 As I stated, I <did not know him>.

5 Q. Very well. <So,> before Oeun in <1977 and 1978>, did you know
6 <a sector secretary called> Chan Mon, alias <> Tol <>?

7 A. I <did> not know this person. I have heard of the name Tol,
8 but I never <knew or> saw this individual.

9 Q. And do you know what happened to this Tol?

10 A. I have no idea, <after a while he just> disappeared. I did not
11 know what happened within the rank of the Party.

12 Q. <Very well. Perhaps> closer to your level, at the Baray
13 district level, do you remember the names of the <successive>
14 district secretaries<, so> those who followed one another between
15 <'75> and '79?

16 A. I only recall Moul when I was working at the worksite. He was
17 the one who chaired <meetings and lead us to work on the worksite
18 in the early stage>. Three or four months later, Moul was
19 <relocated to Tang Kouk and replaced by Pauch. Pauch remained
20 there until the canal was completed>.

21 [13.48.42]

22 Q. So this Pauch, did he come from the Southwest <Zone>?

23 A. I heard that he was also from <the> Southwest Zone. During
24 that time I did not dare to ask where <the> Southwest Zone was.

25 Q. <Were> there any <changes in> the daily <lives of the region's

1 inhabitants once> the Southwest Zone cadres came and, in some
2 cases, replaced the previous cadres<? Did> you notice any
3 changes<? Of> instructions, <of> orders, <or of> living
4 conditions?

5 A. After the reshuffle of <> cadres <came> a circular or
6 <directive from> the Party. I did not know <which level> the
7 circular or <directive> came from<, but it came> from Office 870
8 <regarding> the pardon <being granted> to those who <had>
9 allegedly <been CIA and KGB networks, and again were given equal
10 status as other ordinary people.>

11 Q. Was this <directive, this> Party circular, in writing? Were
12 you able to read it yourself?

13 [13.50.41]

14 A. I never read that circular <itself>. During the break that we
15 were allowed to have once in every 10 days, <the commune chief
16 usually raised the matter concerning the circular or directive
17 among us during meetings>. But I myself did not read the
18 circular.

19 Q. And <> at which level was the meeting<? Commune, district, or
20 sector>?

21 A. The meeting was held at the commune level <after they had
22 received work plan from their superiors. After> every 10 days,
23 there was a wrap up meeting <where all> workers were invited to
24 <attend and be informed of the> circular.

25 Q. <Very well.> Do you know <about> how long before the end of

72

1 the construction <> on the canal you <received> notice of <this>
2 circular?

3 A. The canal <was not completed yet that year. The canal was
4 actually still under construction. At that time, we were given a
5 day-off for> every 10 <working> days <where workers were invited
6 to a meeting. I heard the announcement from one of these
7 meetings>. I do not recall the month <the meeting was convened>.

8 Q. I will try to <> identify this document <with you>. And <now,>
9 with your leave, Mr. President, I would like to <provide to the
10 witness> document E3/763 <and to display it on the screen, at
11 least the> pages that I am about to give you. This document is
12 <dated> 20 <> June 1978, <and it came> from the <Central
13 Committee> of the Communist Party of Kampuchea.

14 MR. PRESIDENT:

15 You can do so.

16 [13.53.24]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. So, I think the way to go about it is to show the front page
19 and you'll see the title of the document. I will read the title
20 <to you. You> have it before you. It reads as follows:

21 "<Directive> of the <Central Committee> of the Communist Party of
22 Kampuchea, on the Party's policy towards <> persons who have
23 <mistakenly> joined the CIA, <or those who have been agents of
24 the Vietnamese, or those who> joined <> the KGB <in order to>
25 oppose <> the Party, <the> Revolution, <the> People and

1 Democratic Kampuchea". <So,> Mr. Witness, if you <look at> the
2 part that is underlined <in this document>, there are various
3 categories that have been <singled out>. The first category is
4 those who joined <> the CIA, <who supported the> Vietnamese or
5 <who joined> the KGB <between 1946 and> 1967. The second category
6 is for those who joined those groups from 1968 and 1970 and the
7 third category, between 1970 and 1975. For these three categories
8 of people, the document says that the Party does not condemn
9 them<, but> only if they have not committed any act of treasons
10 after. Do you remember these points, <concerning> people who had
11 joined the <enemies> before <April 1975? Was> this brought <> to
12 your attention during the meetings?

13 [13.55.35]

14 MR. OM CHY:

15 A. I have no idea. I myself did not know what CIA or KGB
16 <networks were. I just> heard that they were <being> pardoned.

17 Q. <And, just another quote that I would like to refer to
18 regarding the> fourth category <that was set out> in this
19 circular<. It> is for those who joined <> the CIA, <or who
20 supported the> Vietnamese <or who joined the> KGB between 1975
21 and 1978. This <category> can be found <on page 2, I believe, in
22 all languages, and> I will quote, so the first subcategory of
23 this fourth group, this is what the circular says <about them:
24 "This concerns those who continued to oppose the Communist Party
25 of Kampuchea, to fight against the revolutionary power of the

74

1 workers and farmers, to fight against the socialist and
2 collectivist regime, to fight against the> Kampuchean people and
3 <finally, to fight against> Democratic Kampuchea <itself. Those
4 people are guilty. In fact, they have intentionally committed
5 treasonous acts, with a> resolute <> opposing stance, with <a>
6 stance <of devotion, heart and soul to> the enemies<, who were
7 the CIA, or the Vietnamese or the KGB. These people have very
8 clearly defined> their <> boundaries<. Thus,> the CPK must
9 <destroy> them." End of quote. Do you remember this specific
10 category <of people>?

11 MR. PRESIDENT:

12 Mr. Koppe, you may have the floor now.

13 [13.57.57]

14 MR. KOPPE:

15 Thank you, Mr. President. It would be very helpful if the next
16 paragraph be read as well because it says that, I will do it for
17 the Prosecution, "For any individual who stops to carry out the
18 traitorous activity from this July '78 onwards and who tries to
19 re-educate himself or herself, who makes his or her efforts in
20 fulfilling the revolutionary duty, such individuals shall not be
21 punished."

22 MR. KONG SAM ONN:

23 Mr. President, I would like to <> object <> to the last question
24 put by the Deputy Co-Prosecutor. Mr. Witness said already that he
25 was not aware of the content in the circular or directive. He did

75

1 not <even understand what> KGB or CIA <were about>. So this
2 question was meant to <elicit only> speculation from <the>
3 witness.

4 [13.59.04]

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, if I could <first reply. First of all, he
7 actually> said that this directive <> had been read to him<>.
8 <That's the first thing. Second,> I was about to <get to this>
9 second paragraph but I wanted to <first> ask a question on the
10 first <paragraph>. I did not have the time to ask my question<,
11 which means I> don't <> understand why there <would already be>
12 an objection, <since> I haven't even asked <a> question yet on
13 the paragraph that I <just read. So,> I would like to be able to
14 ask my question.

15 MR. PRESIDENT:

16 Yes, you can now put your question first.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. <So,> to sum up, within this fourth category <of people>,
19 there is a distinction made between a first subcategory <of
20 which> I read the quote -- that is, those who <continued to
21 pursue> their traitorous activities, and <a> second category for
22 those who <renounced traitorous activities as of> July 1978. <Do>
23 you remember<, at the time, of> a category of people who,
24 according to the Party, had to be smashed <or destroyed,> even
25 after this directive had been <issued>, because they continued to

1 oppose the Party?

2 [14.00.33]

3 MR. OM CHY:

4 A. After the issuance of that circular, anyone who committed
5 wrong in contradictory to the guideline, <would still be subject
6 to arrest; however,> as I said after the circular was issued, <>
7 people were <given more freedom compared to the period prior to
8 circular>.

9 Q. Just to close <with this; I won't have time to cover other
10 subjects, so,> after the <issuance of this> circular, did you
11 yourself see <that> one or several <cadres> in your commune or
12 district <were, in fact,> arrested?

13 A. <No> arrest <occurred> in my village after the circular was
14 issued. I heard <from> people <> that there were arrests but I
15 myself did not see the actual arrests. <We just cannot trust what
16 people said.>

17 Q. Very well, but can you tell us exactly what you did hear about
18 with respect to those arrests that took place after the circular
19 had been <dispatched and announced>?

20 A. I heard <> that <those who were leading people to do tasks
21 against their guidelines were considered enemies. They would
22 arrest only this type of people, not anyone else.>

23 [14.02.42]

24 MR. DE WILDE D'ESTMAEL:

25 <Thank you,> Mr. President<. Given the time constraints,> I shall

1 therefore stop there<. Thank> you <>.

2 MR. PRESIDENT:

3 Thank you. The floor is now given to the Lead Co-Lawyers for
4 civil parties.

5 MR. PICH ANG:

6 Good afternoon Mr. President. I would like to get your permission
7 for my lawyer for civil party, Lor Chunthy to ask questions on my
8 behalf.

9 MR. PRESIDENT:

10 Yes, Mr. Lor Chunthy, you may proceed.

11 QUESTIONING BY MR. LOR CHUNTHY:

12 Thank you, Mr. President. Good afternoon, Your Honours and
13 everyone in and around the courtroom. Good afternoon, Mr.
14 Witness. My name is Lor Chunthy, I am a <Civil Party> lawyer
15 <from Legal Aid of Cambodia> and I would like to put some
16 additional questions to you and to get your response concerning
17 certain events that took place between 1975 and 1979.

18 Q. My first question is the following. <Was> there a security
19 centre known as Sarikakaev <in the nearby areas you have worked>?

20 [14.04.27]

21 MR. OM CHY:

22 A. No, I don't <know>. There might be a security centre <in>
23 another commune <so-called> Chaeung Daeung.

24 Q. <Thank you. Regarding the time you were building> the canal,
25 you were asked whether <> there was any <visit of> foreign

78

1 delegation <> to <> the worksite and you said there was none<;
2 however, there were visits of the> sector committee and district
3 committee <> to the worksite. So can you tell the Court if you
4 know the names of those sector committee or district committee?

5 MR. PRESIDENT:

6 Witness, please observe the microphone.

7 [14.05.28]

8 MR. OM CHY:

9 A. The sector committee was Oeun and Moul was the district
10 committee; and later on <Moul> was replaced by Pauch.

11 BY MR. LOR CHUNTHY:

12 Q. You said you were a unit chief at the worksite. Upon the
13 arrangement of the work distribution how was it organised, was
14 the work quota determined on a daily basis for each worker?

15 MR. OM CHY:

16 A. The work quota was set for each shift -- that is, one and <a>
17 half cubic metres for the morning shift and another one and <a>
18 half cubic metres for the afternoon shift.

19 Q. How was the food distributed to the workers, how many meals
20 per day?

21 A. As I stated earlier, the food ration was not enough. We had
22 cooked rice for lunch and for dinner we had gruel.

23 [14.07.30]

24 Q. A while ago you spoke <of> the condition of hygiene on site.

25 Was there a proper arrangement for workers to relieve themselves?

1 A. Workers had to dig a <pit> in the rice field <and to cover the
2 spot with several palm leaves> in order to relieve themselves.
3 However, when <it rained and flooded the pit, or when the pit was
4 full,> they had to go <> into the bushes to do so.

5 Q. <Thank you.> Concerning sick workers, you said there were
6 medical staff on site who only received <14 or 15 days of>
7 training and then administered the injection. What kind of
8 injection was given to workers who were sick?

9 [14.09.05]

10 A. Usually the medicine and injection at the time was <mostly>
11 made from natural <herbs> and then they would filter it into
12 bottles <and labelled as "B1", "B12" or whatsoever. As I did not
13 have medical knowledge, I did not know what medicine was for a
14 treatment of a specific disease. Tablets were also extracted from
15 natural herbs. Some of them came in black while some others came
16 in red. As mentioned earlier,> they were in the form of rabbit
17 drops. <Those were the medicines distributed to people for
18 treatment. As I was not a medic myself, I did not know what they
19 really were>.

20 Q. Based on your observation was such a medicine effective?

21 A. On the effect of the medicine, some workers recovered from
22 their illnesses and that applied to both injection and to the
23 pellets. So the situation varied.

24 Q. For people who were working at the dam site, what was their
25 physical appearance, were they healthy for instance?

1 A. During the regime and as you can imagine, when the food was
2 not sufficient nobody looked fat apparently, they were emaciated.

3 Q. You said at a certain point you attended study sessions. What
4 were the main topics that you studied?

5 [14.11.40]

6 A. The study sessions that I participated in and as I said
7 earlier, the people including myself were asked to attend that
8 kind of study session and that happened every 10th day, it was
9 kind of criticism and self-criticism <meetings>.

10 Q. Were instructions set or were work plans discussed and relayed
11 to workers and to you during those sessions?

12 A. They made general announcements that each unit chief
13 responsible for a certain target had to <report their respective
14 accomplishment and made> sure that the work plan determined by
15 the Party be completed on time.

16 Q. I would like to move on to another topic. You said that there
17 were many male and female youth workers and in your case you had
18 500 workers under your supervision. Were any marriages organised
19 at the worksite?

20 [14.13.33]

21 A. Yes, there were marriages. However the marriage ceremonies did
22 not occur at the worksite. Usually they organised such ceremonies
23 at the commune office or at the pagoda or sometimes at <the
24 security> centre. And for each marriage ceremony <involved
25 between 10 and> 15 couples <>.

81

1 MR. PRESIDENT:

2 Lawyer for civil parties, please try to use only five more
3 minutes of the time and for this afternoon, we cannot exceed 4
4 p.m. as certain interpreters have to leave the courtroom <latest>
5 by 4 p.m.

6 BY MR. LOR CHUNTHY:

7 Thank you, Mr. President.

8 Q. My question to you is related to the arranged marriage. Can
9 you tell the Court, the men and women <whose marriages> were
10 organised <>, did they consent to the marriage?

11 MR. OM CHY:

12 A. The marriage was determined by the village chief. They
13 reviewed the biographies and if they matched <>, then they would
14 organise <for the couple> to get married. For example, if they
15 <both> belonged to the same peasant class then they would be
16 matched and likewise it applies to other classes. <Those
17 marriages were matched and determined by village chiefs and
18 approved by the commune chief.>

19 [14.15.28]

20 Q. And what about the individuals who were actually the subject
21 of the marriage, did they consent to the marriage?

22 A. Certain couples actually consent to the marriage arrangement
23 but others did not, as a result after the marriage some of them
24 could not stay together.

25 Q. You spoke <of the making of> biography, from the beginning <>

1 there <were> evacuees coming to settle in your village<. Were
2 they required to make a biography>?

3 A. This applied across the board. It also applies to the new
4 evacuees, so the village chief would look at their biography and
5 if they were both evacuees from Phnom Penh then they could be
6 matched.

7 [14.16.40]

8 Q. What about the Cham people, what was the arrangement for them?

9 A. The same principle applied like those who were from Phnom
10 Penh. So the Cham people would be matched with the Cham people.
11 <There was not a single case where a Cham was forced to get
12 married to a Khmer.>

13 MR. LOR CHUNTHY:

14 Thank you, Mr. President, I am done and thank you, Mr. Witness.

15 MR. PRESIDENT:

16 It is now appropriate for a short break; we take a break now and
17 resume at <2 p.m.> to continue our proceedings.

18 Court officer, please assist the witness during the break time at
19 the waiting room for civil parties and witnesses and invite him
20 back into the courtroom at <2 p.m.>

21 The Court is now in recess.

22 (Court recesses from 1417H to 1427H)

23 MR. PRESIDENT:

24 Please be seated. The Court is now back in session and the floor
25 is given to the defence teams for the Accused. First, the defence

83

1 team for Mr. Nuon Chea, you have the floor.

2 QUESTIONING BY MR. KOPPE:

3 Thank you, Mr. President. Mr. Witness, I would like to ask you
4 some questions, not very many. So I will be done quickly.

5 Q. You just testified before the break in respect of the time
6 that you and your 500 workers were working at the river. Did you
7 work with these 500 workers from the beginning until the end, in
8 other words, from February '78 until August '78? Were these
9 always the same 500 workers, if yes?

10 [14.29.08]

11 MR. OM CHY:

12 A. Back then, I was single. And later in August, I was required
13 to get married after which I was dispatched to work and live in a
14 village. <I did not stay until the project was completed.>

15 Q. I'm not sure if my question was properly translated. I was
16 referring to the 500 workers. You commanded 500 workers. My
17 question was whether these 500 workers were there under your
18 command from the beginning in February '78 until the end that you
19 worked there, August '78.

20 A. These 500 workers were not under my responsibility <throughout
21 the period>. Some of them were <recruited into the army, some of
22 them got married. The number actually became smaller and smaller
23 over time. I myself also got married and moved away. I did not
24 stay there until the project was completed>.

25 [14.30.28]

84

1 Q. So were they then replaced by new workers?

2 A. <So only chiefs of small units and chiefs who worked directly
3 with the commune continued to work there>.

4 Q. Let me try to ask you differently. In the period that you were
5 working at the river digging the canal, were there always 500
6 workers?

7 A. Not all of them went to work. Some <members of small units>
8 fell sick<, so> there were not <always> 500 workers.

9 Q. That was exactly where I was going to. In the period between
10 February and August '78, do you recall how many workers of the
11 approximately 500 workers got sick?

12 A. I <did> not remember it well <as those sick people belonged to
13 the small units. The situation varied. Some of them who> got sick
14 <> did not go to work. <But when they recovered from their
15 sickness, they went back to work.>

16 Q. I will refresh your memory, hopefully, Mr. Witness. In your
17 statement to the investigators on English page 00282347; French,
18 00482926; and Khmer, 00271399; you said the following: "Since
19 there was not enough food, a number of people became ill. Four or
20 five (sic) persons out 500 were sick due to hunger, some were
21 swollen and some were very thin." Does that refresh your memory
22 that of about 500 workers in the period that you were working
23 there, around four or five people got sick?

24 [14.33.30]

25 A. I recall it now<. That was what I mentioned.>

85

1 Q. Do you recall their names, do you recall what happened to
2 them, and do you recall whether some of them or all of them were
3 brought to the hospital?

4 A. The sick were sent to a hospital. I do not recall the names of
5 those who were sick at that time.

6 Q. Do you agree with me that it's not very many, four or five out
7 of 500 during the period of six months?

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, I object. The quote <talks about> four to 10 sick
10 people<, from what I see,> and there's something else that <I
11 would like> the Defence <to perhaps> clarify with the witness,
12 because it's not clear. <Was it> four to 10 people <who> were <>
13 permanently missing <from the work site>? Or was it four to 10
14 people <in all> throughout the <entire> period of <> construction
15 <>?

16 [14.35.09]

17 BY MR. KOPPE:

18 I thought I had clarified that, but I will ask again. The four or
19 five people who got sick, was that a number of all the 500
20 workers during the whole period of six months?

21 MR. PRESIDENT:

22 Please observe the microphone, Mr. Witness, before you speak.

23 MR. OM CHY:

24 A. As I told the Court already, the 500 workers were not working
25 always at the worksite. Some of them were <recruited into the

1 army, some of them got married; thus, the number became smaller
2 and smaller over time. There were about 300 workers left>. And
3 those who fell sick were dispatched to the hospital. They fell
4 sick from day to day. On one day, there may have been five or 10
5 people who fell sick <but stayed there at the worksite. Sick
6 people were constantly spotted staying in the sleeping quarters
7 at the worksite.>

8 Q. But just before, you said it was only four or five people, and
9 you confirmed that. Is it now more all of a sudden?

10 [14.36.32]

11 A. <As mentioned, not all the people who fell sick were sent to
12 the hospital>. I said that <there could have been between four
13 and 10 severely sick people sent to the hospital. There were
14 always sick people staying at the sleeping quarters on a daily
15 basis>. And as I said, <the> five or 10 <severely sick people who
16 were sent to the hospital could have returned to their respective
17 villages, while some of them returned to their respective units.
18 I did not tell the full story that's why I am being challenged
19 before this court>.

20 Q. Very well, Mr. Witness, I will move on to another subject. You
21 spoke earlier about an arrest of a young worker, and you said
22 that that arrest was intended to "deter other workers". Did you
23 ever speak to the security agents, as you call them, who arrested
24 this young man?

25 A. I <did not speak to them. Those security people were new, and

1 I had no> contact with them<. I did not dare to ask them>.

2 [14.38.19]

3 Q. Did you ever speak to the persons that these security guards
4 brought the young man to? Did you ever speak to anybody else in
5 relation to the arrest of the young man?

6 A. I used to meet <only> unit chiefs <who were> working close to
7 my worksite. <On some occasions,> I did not <fully speak of> some
8 points, <and for this reason, I am being accused by the
9 Co-Prosecutors. As a matter of fact, it was not a short canal,
10 but a long one. Workers from each village were deployed to finish
11 a segment. On certain occasions, unit chiefs could go and reclaim
12 their members; however, if the workers were severely charged,
13 they could not be reclaimed>.

14 Q. Let me rephrase my question. Did you ever speak to anybody in
15 an official position who was in the authority to say why this
16 young man was arrested?

17 A. <As mentioned earlier on, I did not speak to anyone about
18 that>. At the time, <my main task was to lead people to work, and
19 I dared not make any contact with people I knew were holding>
20 high-ranking positions <>.

21 Q. Is it, Mr. Witness, then fair to say from me that the arrest
22 of this young man in order to deter other workers is speculation
23 on your side?

24 A. Yes. <I saw the arrest. If he had committed a serious offense,
25 he would not have been arrested that way. However, he was

1 arrested from the large crowd or in such a manner in order to
2 deter other workers. That was what I observed from the nearby
3 position.>

4 [14.41.11]

5 Q. But it's nevertheless speculation; correct? I'll move on, Mr.
6 Witness.

7 A. Yes.

8 Q. I would like to ask you now the question on another matter.

9 Earlier you testified that night work at the site was occasional.

10 You said when it was demanding and that people worked "sometimes

11 through the night". Can you give us an example of a situation

12 when on a particular evening or night, it was demanding to work?

13 One example of a situation when night work was demanded at the

14 time.

15 A. <On some occasions, workers> were required to work at night at

16 <the> worksite <as in certain areas, they were not able to use

17 the explosives; thus, workers were required to get the job done

18 in time>.

19 [14.42.51]

20 Q. Thank you, Mr. Witness. Are you aware, Mr. Witness, that at

21 one point in time there was a guideline or an instruction from

22 "the upper echelon", that night work in general should be limited

23 because of various reasons?

24 A. I heard of that matter. They required us to work at night so

25 that they could finish the construction of the <> canal in time

1 before the <rainy season started; as the downpour could make it
2 difficult for the workers to build the canal>.

3 Q. Maybe you didn't understand my question well, but are you
4 aware of a guideline or instruction in October - November '77 to
5 limit night work as much as possible?

6 A. In principle, there was a guideline but it depended on those
7 who led the work group. <The guideline was not fully implemented
8 anyway.>

9 Q. Mr. President, I would like to read a very small excerpt from
10 a "Revolutionary Flag", a special number from October - November
11 1977, E3/170, English page 00182578; Khmer, 00064792; and French
12 I don't have at the moment but I will give you later. Mr.
13 Witness, in this "Revolutionary Flag", it says as follows: "Our
14 past experienced has been that the profitable aspects of night
15 work are small, whereas there are a lot of costly aspects: one,
16 adverse effect on health; two, expenditure of electricity; three,
17 but the biggest losses are political and ideological". Does this
18 somehow ring a bell with you, the instruction for these reasons
19 to limit night work as much as possible?

20 [14.46.04]

21 A. I am not clear on this point. We were located at only the
22 designated area that we were working. <So when the worksite
23 chief> required us to work<, we had to work. In principle, a
24 guideline was a guideline. It could somehow bring about some
25 political disadvantages; however, if we did not work when we were

1 required to do so by our supervisor, we could be accused of not
2 complying> with the guideline<>.

3 Q. Thank you, Mr. Witness. Is it correct that the 500 workers at
4 the site were working according to the village they were coming
5 from, that they were divided into groups as per the village that
6 they were living in?

7 A. Yes. <Workers were classified into units according to their
8 respective villages.> There <was also a chief for each village
9 unit. I was the person who led them to work, and relayed to them
10 work plans from the upper echelon>.

11 Q. And from your statement I understood that workers were allowed
12 to bring personal belongings, for instance, for the sleeping
13 quarters, things like mats or hammocks, etc. Who was responsible
14 for the decision in respect of what workers could bring with
15 them, was that the unit chief or was that you on a higher level?

16 [14.48.14]

17 A. It was the decision made by <the> respective <unit> chiefs.
18 <They decided on what their members were to bring to the worksite
19 in order to live and work there.>

20 Q. But is that the reason why some people had hammocks and other
21 people didn't have hammocks, for instance, that that decision was
22 made on a lower level, and that there wasn't a central decision;
23 is that correct?

24 A. Indeed, <there> was not enough <gear> for everyone. <As
25 mentioned earlier, some brought along their gear, and> some did

91

1 not <have anything to bring along>. For those who did not have
2 sleeping mat, they would sleep on the <floor>. During that time,
3 workers had a <small sack where they put their old clothes>, so
4 they <converted it into> a pillow to sleep on.

5 Q. Earlier, Mr. Witness, you spoke about, when asked questions by
6 the prosecution about smashing of enemies, and you said in
7 particular that enemies were smashed who may sabotage the
8 movement. What exactly do you mean when you say "who may sabotage
9 the movement"? What does that mean?

10 [14.50.26]

11 A. I am not clear on this point. In every worksite, <some people
12 were actually provoking passive workers . In such a case,> if the
13 upper echelon <had> found <that out, those people would not have
14 kept them. However, no such event occurred> at my work place<. As
15 mentioned earlier, I did not report on such a matter.>

16 Q. There is quite some testimony, Mr. Witness, that would imply
17 that if somebody was inactive or lazy, that either he would be
18 reprimanded, sometimes re-educated, sometimes there could be a
19 little harsher punishment. Can you be a little more specific if
20 you have any knowledge as to what would happen to people whom
21 sabotaged the movement?

22 MR. PRESIDENT:

23 Please observe the microphone, Mr. Witness, before you give your
24 response.

25 [14.51.50]

1 MR. OM CHY:

2 A. I told the Court earlier that meetings were held <in order to
3 identify those> who <were committing acts of> sabotage. And if
4 the upper echelon <happened to identify those people, they could>
5 be taken away for <either torture or> re-education <>.

6 BY MR. KOPPE:

7 But have you ever actually seen anybody being tortured?

8 MR. OM CHY:

9 A. I never <witnessed> the actual torture. <I did> not witness
10 <such a thing in general> at the canal construction site <due to
11 the fact that we slept and worked in different sleeping quarters
12 and areas of responsibility. Again, I did not witness such a
13 thing within my unit. On the other hand, I did not go around that
14 much>.

15 Q. Thank you, Mr. Witness. For the record, Mr. President, the
16 French ERN that I owe you is 00665429. Mr. Witness, I would like
17 to move on to another topic and that is a person with the name
18 Pauch. I'm not sure if I pronounce it correctly. You just
19 mentioned that name. My national colleague will say it again.

20 MR. SON ARUN:

21 <A. Yes I recall that I spoke of> Pauch.

22 [14.53.41]

23 BY MR. KOPPE:

24 Do you recall just speaking about this person?

25 MR. OM CHY:

1 A. Yes, I recall that I spoke <of Pauch>.

2 Q. About him or to him -- what did you say?

3 A. I mentioned <that> the individual by the name <of> Pauch
4 <became a> district committee <as a replacement for> Moul <>.

5 Q. Do you remember anything about this person, Pauch?

6 A. I cannot recall <much. I just knew> that he <became a>
7 district committee <as a replacement for> Moul. <I was not aware
8 of his activities.>

9 [14.55.07]

10 Q. Did you ever hear stories about him being very cruel or other
11 things like that?

12 A. No<, I did not>. Pauch came to work at Baray <district> after
13 the <circular or directive on pardon had been issued. Moreover, I
14 did not hear from anyone saying that about him. He came to work
15 in the area towards the very end of the regime.>

16 Q. I'm not sure about that, Mr. Witness. But let me ask you
17 another question. Did you ever hear allegations against Pauch,
18 that he without any authority killed families living in his
19 district?

20 A. I told the Court already <earlier.> Pauch had not arrived <>
21 yet <when the purges were taking place. Only after> the circular
22 <had been> issued <towards the very end of the regime did Pauch
23 arrive. The circular came as a huge relief to the people, and
24 they started to enjoy freedom>.

25 MR. PRESIDENT:

1 You may now proceed, Judge Lavergne.

2 JUDGE LAVERGNE:

3 <Counsel> Koppe, I've heard of allegations <against this Pauch.
4 Could you tell us what> are the sources <you are drawing on to
5 make> these allegations<>?

6 [14.57.08]

7 BY MR. KOPPE:

8 I base myself upon a statement, E3/35. It's a statement of the
9 son, Ke Pauk. I was about to read an excerpt from his WRI. The
10 English ERN is 00346157; Khmer, 00340572; and French, 00367729.
11 That's my source. Let me return to my question, although I'm not
12 quite sure what it was.

13 Q. But I think I was asking you whether you know anything about
14 Pauch killing families in his district without any authorisation.
15 Have you heard any of those allegations?

16 MR. OM CHY:

17 A. I told the Court already. Pauch came to work at Baray
18 <district> at a later stage, and the killing did not happen
19 seriously at the later stage when Pauch came<. I was not aware of
20 the information, and from where the information came. I myself
21 never knew or heard such a thing.>

22 [14.58.52]

23 Q. Mr. Witness, let me read to you an excerpt from a statement of
24 the son of Ke Pauk the zone leader. Mr. President, that is
25 exactly that -- on the ERN that I just mentioned.

1 "I remembered later my father received news about people in
2 truckloads were killed at Phnom Pros Phnom Srey. One day after he
3 received that news, he went down to the 1st January Dam. During
4 the trip, he stopped by Krava Bak Sna village in Baray district
5 where he saw about 200 families who had been arrested and put in
6 the pagoda waiting to be killed. At that time, he asked those
7 people, 'Why many of you are gathering here?' The people replied,
8 'Pauk, you should not do this to us.'" -- to Ke Pauk. "My father
9 continued, 'What has happened?' The people replied, 'Pauk, you
10 ordered them to arrest us to kill and they will kill us tonight.'
11 My father told me this story personally. At that time, the person
12 who drove him there named Chiem." -- was Chim. "He knew all of
13 those people because they used to support him with food since
14 during the time he was in the struggling movement in the jungles.
15 At that time, he told the militias to call the district committee
16 named Pauch to come and see him, but the district committee
17 refused to come. Then the commune committee of the Krava or Bak
18 Sna commune arrived, so my father ordered him to release all
19 those people and warned that no one absolutely was allowed to
20 touch these people."
21 This is the story, Mr. Witness, that happened in the district
22 that you were from. Does his story somehow ring a bell?
23 [15.01.04]
24 A. I do not know about that. I am not hiding the information.
25 Frankly, I do not know about it. <When he came to work in Baray

1 district, his office was located in the commune of Ballangk,
2 specifically at Kampong Thma market. I did not hear anything
3 about his activities. I was not aware of people being taken to
4 commune offices>.

5 Q. Very well, Mr. Witness. Earlier you were asked a question
6 about a person that you said you didn't know, somebody with the
7 name Tol. Tol was replaced at one point by Oeun who is the
8 brother-in-law of the earlier mentioned Ke Pauk. Have you ever
9 heard of truckloads of weapons being sent to the predecessor of
10 Oeun coming from division of the revolutionary army, Division
11 310?

12 A. <In my capacity, I did not know> anything about <such an
13 event. Since I was mostly based in villages, I was not aware of
14 the progress of their movement>.

15 MR. KOPPE:

16 That, I understand. Thank you very much, Mr. Witness.

17 [15.02.56]

18 MR. PRESIDENT:

19 Thank you, Counsel. The floor is now given to the defence team
20 for Khieu Samphan. Counsel, you may proceed.

21 QUESTIONING BY MS. GUISSÉ:

22 Thank you, Mr. President. Good afternoon, Mr. Witness. My name is
23 Anta Guisse. I am <the> International <Co-Lawyer> for Mr. Khieu
24 Samphan and, as such, I am going to ask you <several clarifying
25 questions>. You answered a question from the International

1 Co-Prosecutor or perhaps it was the national one, I don't recall,
2 saying that when you started to work on digging <canals>, it was
3 after the <> 1st January Dam <had been finished. Can you explain
4 what> you mean <when you say "the construction was finished?">
5 What <exactly> was finished?

6 [15.04.04]

7 MR. OM CHY:

8 A. <It was in 1977, when> the 1st January Dam was constructed<.
9 In that year, I was living in the village, and was assigned by
10 the> village chief <> to work <on a farm. After the dam had been
11 completed -- and it was in 1978, when --> I was assigned to build
12 <a canal> connecting <> to the 1st January Dam. <And for this
13 reason,> I am not familiar at all with <the matters regarding>
14 the construction of the 1st January Dam <>.

15 Q. Should I understand <from your answer> that the canals you
16 <have been> talking about during this hearing were connected with
17 the 6th January Dam rather than the 1st January Dam? I see that
18 the International Co-Prosecutor <may have an objection. I would
19 clarify that I would like him to refrain from providing elements
20 of a response to the witness. It is an answer that I need and
21 that I think the Parties> need to hear <directly> from the mouth
22 of the witness <>. I'm seeking a clarification<, so I would
23 prefer to make this preliminary observation before the
24 Co-Prosecutor's> objection. <>

25 MR. DE WILDE D'ESTMAEL:

1 Thank you. My objection concerns the fact that the witness <has>
2 never talked about the 6th January Dam. We were only ever talking
3 about a canal linking the 1st January Dam to his region<, and
4 that's it>. So I really <don't see where> this question <is
5 coming from>.

6 [15.05.43]

7 BY MS. GUISSÉ:

8 Let me <reformulate> this question more clearly.

9 Q. Mr. Witness, you've <just told me> that you <do> not know what
10 <the situation was concerning construction of> the 1st January
11 Dam. <Could you explain to me which canals you were talking about
12 when you spoke to us today about the canals you had to dig?
13 Which> dam were they linked to<>?

14 MR. OM CHY:

15 A. <I was referring to the> canal that <was connected to> the 1st
16 January Dam. <Actually, a portion of about five kilometres in
17 length of the canal coming from the dam had been constructed; and
18 in 1978, we were assigned to continue working on the construction
19 of the canal. We were working on the segment towards the south>.

20 [15.06.40]

21 Q. <So, if> I understood correctly, there was already a first
22 part of the canal that had been dug already when you yourself
23 started your work; is that correct?

24 A. Yes, that is correct.

25 Q. And these canals that had already been dug before you

1 <yourself started to> work, were they already functioning<? Were
2 they already being used> for <> agriculture in the region?

3 A. No, that canal was not yet functional. It could only irrigate
4 certain parts of the Ballangk commune. However, the section that
5 I worked on <would go through> two nearby communes <namely Chhuk
6 Khsach and> Treal communes. <According to their work plan, the
7 canal would run all the way through Treal commune>.

8 Q. Did you yourself go to the 1st January Dam site<, meaning> to
9 the place where there was <the> reservoir and the bridges<, etc.?
10 Did> you <> go to that main section of the <1st January> Dam?

11 A. After the arrival of the Vietnamese, the dam was used <by>
12 everyone -- that is, for all the people in the region and I used
13 to ride my <ox-cart> on its crest.

14 [15.08.58]

15 Q. Yes, just to be more precise<, my> question was <> whether,
16 before 1979 and <even> before you worked on the canals that you
17 have <just told us about, had you ever been on> the dam or was
18 the first time <that you went to this main> dam after the arrival
19 of the Vietnamese?

20 A. As I stated earlier, <I did not go there as I was assigned to
21 work on a farm in that same year.> I never went to the main body
22 of the dam or the reservoir itself. Only after the arrival of the
23 Vietnamese <did I travel back and forth on the dam when I was
24 collecting firewood>. During the regime, I would not be able to
25 have the liberty to go anywhere besides the work assignment at

100

1 the specific locations.

2 Q. Thank you. I'd like now to look at your role as a unit chief.
3 You <said> that you were a unit chief <of a> group of about 500
4 people. Who appointed you to this position?

5 A. I was transferred from the plantation <to work on the project
6 by> the arrival of the southwest group. <Everyone, including
7 myself, trembled in fear the moment we heard of the Southwest
8 group.> And since I was single, I was <removed from the farm and>
9 assigned to go and build the <canal. The> village chief <told me>
10 that I could not refuse because <we were under the command of a
11 totally new group of people.> Chin and Dong who came to supervise
12 the Ballangk commune appointed me to lead the workforce to go
13 there. And Dong himself also went to the <canal> construction
14 site.

15 [15.11.19]

16 Q. Was there any particular reason why the unmarried people were
17 sent to the worksites? You just told us that you were chosen<,
18 appointed,> because you were not married<. You> also said that
19 you were at the head of the unmarried unit. Was there any
20 particular reason for this?

21 A. We were unmarried and we would not be allowed to <live among
22 the middle-aged people. Upon arrival> in the village<,we> were
23 gathered <and formed into a> mobile unit <before leaving to work
24 there>. And since I was a bit older than the rest, I was
25 appointed to lead them.

101

1 Q. Yes. My question was slightly different actually. I will try
2 and use different words. Were only single people chosen for the
3 mobile units?

4 A. Members of the mobile unit were all unmarried, no one had a
5 wife or was married.

6 Q. <You said that, below you, as a unit chief,> there were group
7 chiefs or subunit chiefs. <Were you the one who appointed> these
8 people?

9 A. Actually, <the workers from different villages came along with
10 their group chiefs who had been appointed by their respective
11 village chiefs before> they came to work at <the canal> worksite.

12 Q. <And were you> their hierarchical superior, <> on the dam or
13 rather, on the canals?

14 [15.13.55]

15 A. I was overall in charge of that mobile unit. And partly, I was
16 also in charge of the workers from my village.

17 Q. You said that, in your unit, there were <both> Base People and
18 New People. As unit chief, did you give any instructions <for
19 these two groups to> be treated differently?

20 A. No, there was no such instance. We worked together. We did not
21 differentiate between the Base People and the New People. And
22 usually, those New People were stronger physically than the Base
23 People and we worked together as a team. <Personally, I never
24 discriminated against anyone on the basis of their status.>

25 Q. As unit chief, did you give instructions to your group leaders

102

1 to carry out corporal punishment of workers in your unit?

2 A. No, I never did that. Some group chiefs actually came to
3 request permission to punish certain members, but I denied the
4 request. <I told them that those people were also human beings.
5 If I had done anyone wrong, I would not have been living> after
6 the 1979 fall of the regime.

7 Q. And did these <group> chiefs who asked your permission to
8 perform corporal punishment <or general punishment, was that
9 coming from their own chiefs? Was it they, themselves, who took
10 this initiative to come and ask your authorization to proceed
11 with punishments>?

12 A. It was their own initiative. And I could also see that certain
13 members were pretty young <and naughty>, so they did not pay much
14 attention to the work. And sometimes, <many of them got sick. And
15 as mentioned earlier on, members of each unit were not from the
16 one place. They were required to stay and work only on their
17 section of responsibility. However, workers were from between
18 four and ten villages within the same commune, and worked and
19 lived on the worksite>.

20 [15.17.14]

21 Q. With the Co-Prosecutor, you were talking about evening
22 meetings <convened or> conducted by the <unit chiefs -- pardon,>
23 group or subunit heads. Do you know if these meetings were held
24 every day or was the frequency different?

25 A. No, it was not held every day. It was held sometimes once a

1 week or sometimes we had to <wait until> a bigger meeting <was
2 held>.

3 Q. You talked about the food rations and the meals. In your unit,
4 how did you organize things in order to provide cooked meals for
5 the people in your unit? Whose job was it to go and fetch the
6 rice and <where did the rice that was served at meals come from>?

7 A. In my unit, a small group of workers was assigned to <prepare
8 food for workers. They had to> transport rice from Ta Prok
9 village in Ballangk district -- Ballangk commune rather, however,
10 it is now in another commune. <As you may imagine, they were
11 single; thus, they were not good at cooking. As for stew, there
12 was not a balance between meat and water. They just boiled those
13 things together. I personally found it hard to eat the stew;
14 however, if I had not eaten it, I would have gone hungry>.

15 [15.19.38]

16 Q. You <say> that the rice came from the village. During the
17 entire five or six months that <you said> you were present on the
18 canal, did the rice <always> come <> from the same village or
19 <could it> vary depending on which month it was?

20 A. The rice was transported only from that same village. And I
21 was <constantly> asked to provide a rather firm statistic of the
22 number of workers for rice transportation purpose. <As mentioned
23 earlier, youth workers ate a lot. And since some of them had been
24 recruited in the army and those who got married went back to live
25 in their respective villages, I never submitted to them accurate

104

1 reports as requested concerning number of workers. If I had
2 submitted to them the accurate number of workers, the supply of
3 rice would not have been sufficient to feed those workers>.

4 Q. <And was it> the head of that village <who was> in charge of
5 providing you with your rations or <do you know if there> was <>
6 a different form of organisation<? Do you know how things worked
7 there to make sure rations were provided>?

8 A. <Only> Ta Prok village <transported to us our rice supply>. As
9 for the food, <it> came from the economic section of the commune.
10 And that's where we <obtained> our food <every morning>.

11 [15.21.31]

12 Q. And was everything cooked on the actual worksite?

13 A. Yes, <> food was <prepared> on site near a water source that
14 <was> at the canal section which had been built.

15 Q. As unit leader, did you authorize <workers> under <your>
16 authority to <sometimes> go fishing to add a little bit of food
17 to the rations provided?

18 A. No, I did not because food ration was the responsibility of
19 the commune. And if we <had done so> to supplement our food,
20 <and> the commune <later found out, we would have been accused of
21 going against their assignment. We could not do that. We just
22 waited to receive the supply from them>.

23 Q. Are you saying this because you <have> an example of somebody
24 having their rations cut after <such an occurrence>?

25 [15.23.13]

105

1 A. The main principle was not to reduce our ration. However, if
2 we <had> assigned a group of workers from our unit to find
3 supplementary food, then <we would have been accused of going
4 against their order as food <> was already provided to us. Thus,
5 it was not necessary for us to find our own food. As a result, we
6 did not find any supplementary food. We just waited to receive
7 whatever amount of food provided>.

8 Q. Mr. Witness, I am saying <this to you, Mr. Witness,> because
9 we had another witness who <came to testify> in this Chamber, who
10 was also a unit chief<. It was witness> Or Ho, who<, at the
11 hearing> on the 19th of May 2015, in document E1/301.1, a little
12 before 9.43, said that he, as <> unit chief, <authorized> people
13 to catch fish in the streams, and <he did not mention> any food
14 reduction measures <>. That's why I <asked> you this <question.
15 So, were you aware of other unit chiefs, such as Or Ho, who
16 authorized, for example, their> workers to go fishing?

17 A. I myself did not dare do that. <At the worksite, if anyone
18 happened to do that, one would immediately identify the unit he
19 belonged to.> In the case of Or Ho, he was actually not a unit
20 chief, he was a village chief. So he had the authority to assign
21 people to go fishing. <I do agree with him when he stated that
22 the life and death of people in a village depended heavily on the
23 village chief and his management. However, I dared not do that>
24 at the worksite.

25 [15.25.28]

106

1 Q. <Which means that,> in your unit, it was the village chief
2 where you went to collect your rice who <> had <this>
3 responsibility; do I understand correctly?

4 A. In <a> village, it was the village chief who had the authority
5 to <assign> people to go fishing in order to improve the living
6 condition of the villagers. And for us, <members of a mobile
7 unit,> the food was <supplied and rationed by the commune.
8 Whether or not the food ration was sufficient,> we did not dare
9 to go and find any supplementary food on our own initiative.

10 Q. And as unit chief, did you ever ask the village head for
11 permission to have <supplementary> food of one sort or another?

12 A. No, I did not dare ask for that kind of permission as I was
13 concerned that they would say the food distribution to us was
14 sufficient. And if we were to ask for more, then they would say
15 that we <had not been> tempered enough <as we were supposed to
16 undergo tempering experiences during the regime.>

17 [15.27.16]

18 Q. <You> also talked <> about the water that was used by the
19 workers both for drinking and <for> washing, <explaining> that it
20 was not <potable> water. <Also,> before this Chamber, <at the
21 hearing of> the 2nd of June 2015, we had a civil party, Seang
22 Sovida, document E1/308.1, who said that on the site where <she>
23 was working, there were arrangements <made> for boiling <> water.
24 <So my> question <> is, at any stage, did you ever think about
25 taking similar steps, as unit chief?

107

1 A. At that time, due to the lack of the necessary <resources> and
2 due to the large number of workers, I did not give any
3 instructions to have <the water constantly> boiled <> for my
4 workers. <We just used water straight from the canal. I
5 acknowledged that the water was dirty.>

6 Q. You <> stated that <it was possible to make requests for
7 permission> to move around during <> days off<, which, if I
8 understand your testimony correctly,> happened every 10 days.
9 <In> your unit, <when> a worker wanted to <leave or to> go
10 somewhere else, <for whose permission did> the worker <have to
11 ask? Was it> the head of the group or <> you, as the unit chief?

12 MR. SENG LEANG:

13 Mr. President, the Defence Counsel used a hypothetical question
14 "if", and that would lead to drawing a presumption from the
15 witness.

16 [15.29.39]

17 BY MS. GUISSÉ:

18 No issue. I can rephrase. <I think> it's a question of language.

19 Q. <When> someone wished to go somewhere during their day off, to
20 whom did that person have to place this request, to the unit
21 chief or the group chief?

22 MR. OM CHY:

23 A. On the day off, they never sought permission from me. Workers
24 had their own respective group chiefs. And in fact, on the day
25 off, in the morning, they had to attend the meeting in order to

108

1 reinforce their work commitment<, be updated on the progress and
2 management issues, in general. About half of the workers remained
3 on the worksite, while the other half> of the workers <went> to
4 visit their villages. And of course, I cannot tell you what kind
5 of food they ate on their <day-off> at their villages <as I did
6 not follow them to their villages.> And later during the day,
7 they returned to the worksite.

8 [15.30.52]

9 Q. From your answer, I understand that workers were given
10 authorisation to travel back to their <villages>. If you weren't
11 the one <they asked, am I right to conclude that> it was <to
12 their> group chief that the workers would <make this request>?

13 A. Yes, they sought permission from their respective group
14 chiefs. And of course, I didn't have anything to do with it
15 because it was a <day-off>. And wherever they wanted to go, they
16 could go as long as they obtained the permission from their group
17 chiefs. <Some workers remained in the sleeping quarters on the
18 worksite.>

19 Q. I'd like to touch on a different topic <now>. With the
20 International Co-Prosecutor, you discussed <the> Baray Choan Dek
21 pagoda, <saying> that it was a security centre but that<, at one
22 point,> the security centre was <> transferred elsewhere and that
23 you were able to go to <this> pagoda to attend a meeting. Are you
24 certain that you attended a meeting in that pagoda?

25 [15.32.25]

109

1 A. Yes, I did attend that meeting there when the security centre
2 had already been relocated elsewhere. <And by then, the workshop
3 where elderly men worked was placed within the compound.>

4 Q. I ask the question<, Mr. Witness,> because <at the hearing> on
5 25 May 2015, a witness<,> Meas Layhuor, document E1/304.1,
6 shortly after <15:51:19, said> that the security centre existed
7 until the fall of the regime, <so> until the arrival of the
8 Vietnamese. <So> I would like to know if there is a mistake and
9 if you are <> certain that this security centre was relocated
10 before the fall of the regime.

11 A. I am clear on the point that I made earlier. I am saying only
12 the truth. If you do not believe me, you can go to ask the people
13 living close by to that security centre. I am not evading the
14 question. The security centre was relocated to a <new> place<,
15 so-called Khnaor Baek (phonetic) near the current> Kampong Thma
16 market. <It was just a small and unwell-known place.> Some people
17 <did not even notice that it was actually a> security centre.
18 Southwest Zone cadres were sent to be in charge of that centre.

19 [15.34.23]

20 MS. GUISSÉ:

21 <I have finished with my questions>, Mr. President.<My>
22 colleague, Kong Sam Onn<,> will <take over>.

23 MR. PRESIDENT:

24 You have the floor now, Counsel Kong Sam Onn.

25 QUESTIONING BY MR. KONG SAM ONN:

110

1 Thank you, Mr. President. Good afternoon, Mr. Chy. I want to ask
2 you concerning your position. You stated that you were in charge
3 of 500 workers. You stated that you were a unit chief. Could you
4 tell the Court whether you were <a> unit chief at the commune
5 level or district level?

6 [15.35.13]

7 MR. OM CHY:

8 A. <It was a commune-level position that I held> after I left my
9 village <to work there with other workers>. So I was the unit
10 chief at the commune level.

11 Q. Thank you. Who did you make the report to?

12 A. Regarding the report, I submitted the report <on the progress
13 at my section> to Dong <who was a deputy to> the commune chief<,
14 and was based at the worksite>.

15 Q. Thank you. Who were your direct subordinates -- I mean who
16 were your subordinates namely the group chiefs or subgroup
17 chiefs?

18 A. I have told the Court so far. Concerning the structure below
19 me, I was the unit chief in charge of groups and subgroups <from
20 various villages>. And I had to assign the work to my members
21 based on the <order> of the commune chief.

22 Q. Thank you. Could you tell the Court how many mobile units
23 <actually came> from your <commune>?

24 A. <At that time, workers from> 10 villages <in the commune came
25 to work at the worksite>.

111

1 [15.37.52]

2 Q. <Thank you.> Within each <village, were workers further>
3 divided into subgroups <or were they formed into just one group>?

4 A. <Workers from each village were split into subgroups. For some
5 small villages,> there were 10 members <per subgroup. And for big
6 villages,> there were five subgroups <of 10 members each> within
7 one group.

8 Q. Thank you. You were in charge of group chiefs from various
9 villages. So what did you <exactly> do while you were in charge
10 of them?

11 A. <In each group,> I always <reminded the chief> to advise <his>
12 members not to wander around <due to the fact that> if the upper
13 echelon <had learnt of such a case,> we would <have been accused
14 of not being able to keep workers under control>.

15 Q. Thank you. You stated that the group chiefs <had made
16 requests> to you to impose corporal punishment against their
17 members and you refused the requests. I would like to know
18 whether <> any group chief <had imposed> corporal punishment <on>
19 their members without seeking your permission.

20 [15.40.32]

21 A. From my observation, no such things happened <in any group.
22 They did not dare to do that>.

23 Q. Thank you. In relation to the reduction of <the daily> food
24 rations <>, did this happen within your mobile unit?

25 A. I do not get your question, could you clarify it?

112

1 Q. Thank you. I would like to rephrase my question. In relation
2 to the reduction of daily food ration because a youth <worker> or
3 a member within a mobile unit did not comply with the
4 discipline<.> I would like to know whether <any case of deduction
5 of food ration occurred within group or mobile>.

6 A. From my observation, food ration was not reduced. Workers had
7 to <go and> get the food or meals from the kitchen. <It was
8 likely the case that> the kitchen <staff had prepared and put the
9 food on a separate tray for each group. I> never heard <any case
10 in which any particular unit chief had deducted food ration of
11 his members. No such a case occurred>.

12 [15.42.19]

13 Q. Thank you. Concerning <an> answer you <gave> earlier, you
14 stated that before you were assigned to work on <the canal
15 construction site to build a canal that was connected to> the 1st
16 January Dam<,> Dong, <who was a> commune chief at one time <--
17 but> you just said a while ago that Dong was a deputy chief of
18 the commune <-- told you that those people, including the
19 security people, belonged to a totally new circle of people. So>
20 what do you mean by that?

21 A. <> I <mentioned> that <> because <if we had come> from the
22 same village, we <would have had more understanding towards each
23 other; and for that reason,> we could <have shared> jokes <> and>
24 sometimes <> we could <have worked together on serious matters.
25 Upon the arrival of the Southwest group, those former cadres were

113

1 demoted and removed from their positions. Since they no longer
2 enjoyed the authority they once had, although a few remained in
3 their positions but were still under the Southwest group's
4 command, they became frightened as they had been traumatized by
5 the 1977 events. For this reason, we kept reminding each other
6 with that regard>.

7 Q. Thank you. Could you tell the Court <the> differences in
8 <terms of> working method <between> the new cadres <and the
9 former cadres>?

10 [15.44.41]

11 A. I have no idea in relation to this matter. <Initially>, we
12 worked <with people and led them to work in the very place where
13 we lived>. Later on <in> 1977, when the Southwest Zone cadres
14 <went to work in a place, in principle, old cadres> were removed
15 <from their positions> and their <authority stripped from them;
16 thus, the former cadres became reluctant. It was obvious that
17 those new cadres were seemingly harsh.> So we were afraid of
18 them.

19 Q. Thank you. Could you <explain to> the Court <the reasons of
20 the fear that arose between> the new cadres <> from the Southwest
21 Zone <and the former cadres>?

22 A. I do not really understand <this> as well. They came to
23 replace the <former> cadres and they were <seemingly harsh> as I
24 stated. <I had no idea of their policy. We were just afraid of
25 them. Our hard work was bartered for our daily survival. By that

114

1 time, there was no more trust among us>.

2 Q. Thank you. You mentioned <of> your marriage and also marriages
3 of other youth <workers> within the mobile unit. I would like to
4 know whether you had ever held <any> marriage ceremony for those
5 youth <workers across the mobile units or> within <your own>
6 mobile unit.

7 A. Marriages happened during that time. For example, <a youth
8 worker by the name of A fell in love with another youth worker by
9 the name of B, and> they came to make the request to me and
10 <then> I made a report to the <village chief through whom their
11 biographies were made before their proposal was finally submitted
12 to the commune chief. I myself had no authority to make their
13 biography. That was the decision I made with that regard>.

14 [15.47.40]

15 Q. What do you mean by saying <"that was the decision I made with
16 that regard">?

17 A. I <meant that I just gave them guidelines to follow. I didn't
18 guarantee that their marriage would take place as I had no
19 authority to approve anyone's marriage. Usually, a request had to
20 be sent back to me by the concerned village chief in order to
21 have that specific member removed from the canal worksite in
22 order to get married. I had no authority to approve anyone's
23 marriage. As mentioned over and over, I only had the authority to
24 tell them to contact their respective village chiefs>.

25 Q. Thank you. <Regarding these marriages, you> also stated that

115

1 <village chief had the authority to approve> the request made by
2 <a concerned youth worker. I would like to know whether there was
3 any case in which, by order of either a commune chief or a
4 village chief, you were required to send workers to> get married?
5 [15.49.07]

6 MR. PRESIDENT:

7 Please wait, Mr. Witness. Please observe the microphone before
8 you give your answer.

9 MR. OM CHY:

10 A. After the <village chief and the> commune chief <had matched
11 their biographies and the date of the marriage ceremony was
12 finalised, I would attend the wedding ceremonies>.

13 BY MR. KONG SAM ONN:

14 I <was referring to> the marriage <that was> proposed by <either>
15 the commune chief or the <village chief>, not the marriage <that
16 was> proposed <by the concerned> couples <themselves. According
17 to the responses you have given earlier, when a youth worker
18 submitted a marriage request to you, you would later on inform
19 the village chief or the commune chief.> So I would like to know
20 <whether there> was <> any case <in which a> commune chief <or a
21 village chief issued an order to you where you were asked to>
22 send some particular <youth members to get married without the
23 consent of those respective members.>

24 MR. OM CHY:

25 A. I really do not get your question, Counsel. Could you repeat

116

1 it?

2 Q. Let me try one more time. I wanted to know whether <any>
3 commune chief <or village chief> had ordered you to send any
4 youth <members to get married without the consent of those
5 respective members>. Do you understand my question now?

6 A. No, it did not happen at my place. Usually, the <concerned
7 youth members had already fallen in love with each other before
8 they came with the request. Not a single male member was forced
9 to get married to any girl. No such a case occurred in my place>.

10 [15.51.33]

11 Q. You stated already about the arrest <and execution> of five
12 families <by order of a> village chief<>. Do you know the name of
13 the village chief who <issued the order>?

14 A. <By the time those> people were selected, Heng and Leak were
15 <chiefs of the cooperative>. They <> selected the five families.
16 I did not witness the incident because I was working <on a farm>.
17 When I returned, I did not see the five families and I was told
18 that Angkar had purged the five families. <Regarding the names,
19 as I stated in the document that those people used to live next>
20 my house, Ta Chheng, Yeay Au, Ta Kin, Yeay Man, they were living
21 close to my house. We sometimes had chitchat with each other
22 <when we returned home from work. On one occasion,> when I
23 <returned> from work, <and did not see them,> I asked <people>
24 about the five families and I was told that they had been purged.
25 <Of course, I had no authority to question that.>

117

1 [15.53.06]

2 Q. Thank you. Could you clarify <how you learnt about their
3 disappearance>? You stated that you returned to your house and
4 you learnt that the five families had disappeared. <Besides what
5 you have mentioned, what else did you learn regarding the
6 disappearance of the five families>?

7 A. I don't know <what else to respond to you besides what I have>
8 told you already. <I was told that Angkar had sent the> five
9 families <> to live in a new village. <I did not dare question
10 anymore, as you may know what could have happened to me if I did
11 that during the regime.>

12 Q. I <would like to confirm that according to what you have just
13 testified, the> Angkar had transferred them to live in a new
14 village<; however,> you assumed that the village chief had taken
15 the five families away and killed. Is this your answer?

16 MR. SENG LEANG:

17 Mr. President, to my understanding, witness did not make an
18 assumption <but the> witness said that he <heard about> the
19 arrest or the disappearance <of those families> from <> his
20 <neighbours>.

21 BY MR. KONG SAM ONN:

22 Thank you. Mr. Witness, could you give your response?

23 [15.54.48]

24 MR. PRESIDENT:

25 Please observe microphone, Mr. Witness before you give your

118

1 response.

2 MR. OM CHY:

3 A. It is true what the Co-Prosecutor said. <"Disappearance" or
4 "living in another village" means "being taken away and killed".
5 They must have been killed that's why they disappeared. It is
6 just my conclusion. Although I did not witness the execution, I
7 knew that they had disappeared>.

8 MR. KONG SAM ONN:

9 Thank you, Mr. Witness. Mr. President, that concludes my line of
10 questioning.

11 [15.55.31]

12 MR. PRESIDENT:

13 Thank you. Before the Chamber adjourns the hearing today, the
14 Chamber wishes to remind and inform the Parties <and the public>
15 once again that the Chamber will not hold hearings next week to
16 hear witnesses <and Civil Parties> in relation to Trapeang Thma
17 <Dam> worksite. The Chamber gives the time next week for Parties
18 to review the new documents disclosed by the International
19 Co-Prosecutor.
20 And <> I, President of the Trial Chamber, has personal business
21 next week, I will be away<; thus,> I am not available <to preside
22 over the hearing scheduled on the second week of August, that is
23 10 --13 August 2015. During my absence,> Judge Ya Sokhan<, a
24 senior National> Judge within the Trial Chamber, will take my
25 place in accordance with the Internal Rule <79.5, and a reserve

119

1 judge will be sitting on the Bench as well>.

2 The hearing today is now adjourned and the Chamber will resume
3 its hearing <> on Monday<, 10th August, 2015> at 9:00 a.m. The
4 Chamber will continue to hear witnesses in relation to Trapeang
5 Thma <Dam> worksite starting from 2-TCW-845 and after which the
6 Chamber will follow the list of witnesses <and Civil Parties> as
7 informed <to the Parties by the senior legal officer of> the
8 Chamber in the past.

9 Thank you, Mr. Om Chy. The hearing of your testimony is now
10 concluded. Thank you for your valuable time before the Chamber as
11 a witness. Your testimony will contribute to the truth within
12 this case. You may now be excused. I wish you good luck.

13 Court officer, please work with WESU unit to send Mr. Om Chy back
14 to his preferred destination. Security personnel are instructed
15 to bring Mr. Khieu Samphan and Nuon Chea back to the detention
16 facility of the ECCC and have them return on 10 August 2015,
17 <before> 9 a.m.

18 The Court is now adjourned.

19 (Court adjourns at 1558H)

20

21

22

23

24

25