



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**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 August 2015

Trial Day 317

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
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KONG Sam Onn  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:  
EM Hoy  
Roger PHILLIPS

Lawyers for the Civil Parties:  
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LOR Chunthy  
PICH Ang  
VEN Pov

For the Office of the Co-Prosecutors:  
Joseph Andrew BOYLE  
SONG Chorvoin  
SREA Rattanak

For Court Management Section:  
UCH Arun

I N D E X

Mr. NHIP Horl (2-TCCP-269)

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Questioning by Mr. KONG Sam Onn ..... page 59

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
Mr. NHIP Horl (2-TCCP-269)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SREA Rattanak	Khmer
Mr. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the testimony of a civil party,

6 2-TCCP-269. And this civil party will have a support of <You

7 Tharath,> TPO staff during the time that he is testifying.

8 Greffier, Mr. Em Hoy, please report the attendance of the Parties

9 and other individuals at today's proceedings.

10 [09.00.13]

11 THE GREFFIER:

12 Good morning, Mr. President. For today's proceedings, all Parties

13 to this case are present.

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

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

16 been delivered to the greffier.

17 The civil party who is to testify today, 2-TCCP-269, he is now in

18 the Court, and he is waiting to be summoned by the President of

19 the Trial Chamber.

20 [09.00.59]

21 MR. PRESIDENT:

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

23 The Chamber has received a waiver from Nuon Chea, dated 25th of

24 August 2015, which states that due to his health reasons of

25 headache, back pain, he cannot sit or concentrate for long, and

2

1 in order to effectively participate in future hearing, he  
2 requests to waive his right to participate in and be present at  
3 the 25th of August hearing.

4 Having seen the medical report of Nuon Chea by the duty doctor  
5 for the Accused at the ECCC, dated 25th of August 2015, who notes  
6 that Nuon Chea has chronic back pain and dizziness when he sits  
7 for long and recommends that the Chamber shall grant him his  
8 request and allow him to follow the proceedings remotely from the  
9 holding cell downstairs. Based on the above information and  
10 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
11 grants Nuon Chea leave to follow today's proceeding remotely from  
12 the holding cell downstairs via audio-visual means.

13 AV Unit personnel are instructed to link the proceeding to the  
14 room downstairs, so that he can follow the proceedings. That  
15 applies for the whole day.

16 Court officer, please usher the civil party and the TPO staff  
17 into the courtroom.

18 (Witness enters courtroom)

19 [09.03.54]

20 QUESTIONING BY THE PRESIDENT:

21 Good morning, Mr. Civil Party. What is your name?

22 MR. NHIP HORL:

23 A. Mr. President, my name is Nhip Horl.

24 Q. <Thank you Mr. Nhip Horl.> What is your date of birth; do you  
25 recall it?

3

1 A. I could only recall the year when I was born. I was born in  
2 1952.

3 Q. Thank you, Mr. Nhip Horl. Where were you born?

4 A. I was born in Roul Chruk village, Chob Veari commune, Preah  
5 Netr Preah district, Battambang province.

6 Q. Thank you. What about your current address, where are you  
7 living now?

8 A. I am living in the same village, commune, and district but in  
9 different province. Now it is Banteay Meanchey province.

10 [09.05.30]

11 Q. What are your parents' names?

12 A. My father's name is Nhip Roeun (phonetic) and my mother's  
13 Chhay Chaom (phonetic).

14 Q. What about your wife, what is her name? How many children do  
15 you have?

16 A. My wife's name is Set <Deang> (phonetic). I am a father of  
17 four children; <> two sons and two daughters.

18 MR. PRESIDENT:

19 Thank you, Mr. Nhip Horl. You are summoned to testify before the  
20 Court as a civil party. As a civil party, after you provide the  
21 testimony, you may make a victim's impact statement, if any,  
22 concerning the crimes which affect you during the Democratic  
23 Kampuchea. In accordance with Internal Rule 91bis of the ECCC,  
24 the floor is first given to the <Civil Party Lead Co-Lawyers to  
25 put questions to this civil party> before other Parties.

4

1 I would like to inform that the combined time for  
2 <Co-Prosecutors> and <Civil Party Lead Co-Lawyers> is two  
3 sessions <to put questions to this civil party>. You may now  
4 proceed.

5 [09.07.17]

6 MR. PICH ANG:

7 Good morning, Mr. President. Good morning, Parties, everyone in  
8 and around the courtroom. I would like to cede the floor for Mr.  
9 Lor Chunthy to put questions first to Mr. Nhip Horl, and after  
10 which I will have some further questions.

11 MR. PRESIDENT:

12 Yes. You may now proceed, Lawyer Lor Chunthy.

13 [09.07.46]

14 QUESTIONING BY MR. LOR CHUNTHY:

15 Thank you. First, very good morning, Mr. President, Your Honours,  
16 everyone in and around the courtroom. Good morning, Mr. Nhip  
17 Horl. I am Lor Chunthy, a civil party lawyer. I am also  
18 representing you. I am from Legal Aid of Cambodia.

19 Q. Today, I have some questions for you concerning your  
20 experience during the Democratic Kampuchea. And I will focus on  
21 the period <between> 1975 and 1979. And the topic I am going to  
22 explore is about Trapeang Thma Dam worksite. First, I would like  
23 to ask you about the time before 1975, where did you live before  
24 1975?

25 MR. NHIP HORL:

5

1 A. Before 1975, I was living in Roul Chruk village. I was a  
2 farmer. I was living in Roul Chruk village, Chob Veari commune,  
3 Preah Netr Preah district, Battambang province. I was a farmer at  
4 that time.

5 Q. Thank you. After 17 April 1975, was your area liberated on  
6 that day -- that is, 17 of April 1975, or was it liberated on any  
7 other day?

8 A. My village was liberated on 17 of April 1975.

9 [09.10.34]

10 Q. Following the liberation, did you live together with your  
11 family in the same village or did you have to move to live in  
12 another place?

13 A. Following the 17 of April 1975, two or three days after that  
14 day, I was told to <move from Roul Chruk village to> Chroab Thmei  
15 village, Chob Veari commune, Preah Netr Preah district. <We were  
16 then told to move out of> my village<, and> to <stay in> that  
17 village <only for> three days.

18 Q. When you were told to leave your village for three days, what  
19 was the purpose that you were told to leave your village for  
20 three days? Were you told that you would come back to your birth  
21 village after three days?

22 A. I was told to leave my village <and stay in that village only>  
23 for three days. They said that they were afraid of the aerial  
24 bombing by American fighters <that they asked us to leave the  
25 village>. So my parents and everyone left the village as



6

1 instructed by <the> Khmer Rouge.

2 [09.12.35]

3 Q. Does it mean that all villagers <were> removed from your  
4 village and they were told to live in Chroab Thmei village? <Or  
5 were> some of your villagers told to leave for other villages  
6 other than Chroab Thmei village?

7 A. All my villagers were told to go to Chroab Thmei village.

8 Q. Upon the arrival, was accommodation built for villagers? So  
9 what did they do when all of you arrived at Chroab Thmei village?

10 A. No accommodation had been built for us. We had to stay on our  
11 own <ox-carts>. Some people had ox-cart to ride on. And for those  
12 who did not have any ox-cart, they asked other people to keep  
13 their belonging on ox-carts<, while they carried only light stuff  
14 themselves.>

15 Q. How <long> did you stay at that village before you returned to  
16 your village?

17 A. We were told <that we would stay there for> only three days.  
18 <And since they mentioned nothing of our return,> no one had the  
19 courage to <ask them about the return>. So we had to <continue  
20 to> stay there at Chroab Thmei village.

21 [09.15.05]

22 Q. So, does it mean that you stayed at Chroab Thmei village on a  
23 permanent basis, or were you told to leave for any other  
24 villages?

25 A. I cannot remember it. I only remember that <my parents stayed

7

1 behind when some> villagers were recruited to be part of mobile  
2 unit. At that time, I volunteered to be part of a mobile unit  
3 <and was later on tasked> to harvest rice.

4 Q. You made mention that villagers were recruited to be part of a  
5 mobile unit to harvest rice. What sector were you required to be  
6 stationed?

7 A. Regarding the recruitment of <members of the> mobile <unit>,  
8 we were selected to be part of a mobile unit to harvest rice at  
9 Sala Kraham in Serei Saophoan district in the period of 1976, I  
10 cannot tell you the exact month. What I could remember is that  
11 villagers were recruited to be part of a mobile unit <in 1976>.

12 Q. Did you go alone to harvest rice or did someone else go with  
13 you as well at that time?

14 A. I cannot recall it, Lawyer. I could only remember that I went  
15 to harvest rice.

16 [09.17.40]

17 Q. While you were working at that place, what was the health  
18 situation like? Did you fall sick while you were working at that  
19 site?

20 A. While I was harvesting rice at Sala Kraham, I was told to  
21 harvest rice during the daytime. And at night-time, I was  
22 instructed to carry rice sacks onto wagons of the train. My  
23 health situation was terrible. I had to do the work for the sake  
24 of my life. If I refused the assignment and if I did not go <and>  
25 carry out <the assigned tasks, I would be accused of protesting

1 against the assignment of the> Angkar.

2 Q. You made mention that "if we did not go, it meant that we  
3 opposed the instruction of Angkar". <How did> you <learn> that  
4 you would be punished or tortured if you refused the assignment?  
5 What were you told about the refusal of assignment?

6 A. <During meetings, we> were told that we had to respect the  
7 instruction <or assignment> of Angkar. <We were told that  
8 whenever> Angkar <assigned someone> to go <somewhere, he or she>  
9 had to go <there at all cost, and if> not, it meant that <he or  
10 she was against the assignment of the> Angkar <>.

11 [09.20.15]

12 Q. Thank you. I would like to backtrack a little bit in relation  
13 to your ailment. What kind of illness did you suffer from? Were  
14 you sick <or bedridden>? Did you receive any medical treatment  
15 from any medical staff?

16 A. Regarding my illness, <> while I was carrying rice <sacks> at  
17 Sala Kraham, I <coughed up> blood <>. There was no medication for  
18 me at that time. I was harvesting rice <during> the daytime<,  
19 while> at night-time, I had to carry out rice <sacks. And only>  
20 when I <passed> out <was I taken to be> hospitalized in a  
21 village. I did not know <as to how and> where I was taken to at  
22 the time. But when I woke up one day, I knew that I was in a  
23 hospital. I <was coughing up> blood <>.

24 Q. You made mention that you fell sick at the time. Did they send  
25 you to somewhere else without taking you to a proper hospital?

1 A. <After I had passed> out, I <was> transferred <from> Sala  
2 Kraham <to be hospitalised in Serei Saophoan district>. I was  
3 unconscious at that time. And when I became conscious, I was told  
4 by <an acquaintance that since I had lost consciousness for  
5 several days, I was taken to the morgue at the> hospital. It was  
6 lucky for me at that time <that after I had coughed up the blood,  
7 I gained consciousness.> They <were about> to bury me at that  
8 time because they thought <that I had> died already. But when  
9 they noticed that I <was moving> my limbs, they <brought> me  
10 back.

11 [09.23.37]

12 Q. Did your family members know about your health condition at  
13 that time?

14 A. No one knew. No one was aware of my health condition. Kinship  
15 relationship between human beings did not exist at that time.  
16 <Emotional feelings as humans toward one another, among family  
17 members, were totally cut off>. Family members did not even know  
18 where their relatives were living. So we did not have any means  
19 to communicate <with> our family members about our health or our  
20 situation. <We just had no means of communication.>

21 Q. Thank you. I am now moving into a topic, a major topic. When  
22 were you sent to Trapeang Thma Dam construction site<? Do> you  
23 recall it?

24 A. <About 10 days after I had> recovered from my illness, <> I  
25 was sent to <work on the> Kang Va <cotton plantation where I was

10

1 assigned to uproot tree stumps. On a daily basis, I had to uproot  
2 between 30 and 50 tree stumps. So after I left the hospital, my  
3 unit based in Sala Kraham transferred me to work at Kang Va  
4 to uproot tree stumps. Later on in June 1977, I was transferred  
5 to Trapeang Thma construction site to carry dirt.

6 [09.25.58]

7 Q. Thank you. You have just stated that you were assigned to  
8 uproot tree stumps at Kang Va. Was Kang Va area close to  
9 Trapeang Thma construction site? What was Kang Va?

10 A. Kang Va was a cotton plantation worksite during the period  
11 of Khmer Rouge regime. We had to work the land by uprooting  
12 stumps to make way for growing cotton for the Khmer Rouge. And  
13 this Kang Va area is located in Serei Saophoan district, Banteay  
14 Meanchey province now today.

15 Q. Thank you. You made mention that you were transferred to  
16 Trapeang Thma construction site in 1977. When you first arrived  
17 at the site, what kind of situation did you observe?

18 A. When I first arrived at Trapeang Thma, hoes and earth-carrying  
19 baskets were distributed to all of us. The next morning, we  
20 were shown the plot of land to the north of Trapeang Thma  
21 construction site close to Bridge Number 1 for us to work on.

22 [09.28.13]

23 Q. So, when you first arrived, you received a hoe and  
24 earth-carrying baskets, and you had to do the job right away the  
25 the next morning. I wanted to know during the time you first

11

1 arrived at the place, how did they organize the groups? Were you  
2 put into a unit? Did you observe there were many people who had  
3 been <there> already? What did you see when you first arrived?

4 A. Upon my first arrival, <sleeping halls with thatch roofs> had  
5 already been built <for us. Those long sleeping halls were built  
6 low to the ground>. And <each hall at Trapeang Thma> could house  
7 100 people. They were located <about> one kilometre away from  
8 Trapeang Thma construction site. The halls themselves were  
9 <closer to> Trapeang Thma village.

10 Q. So, am I correct to understand that the halls were located  
11 about one kilometre away from the worksite?

12 A. Yes, halls were away from the construction site about one  
13 kilometre away. We were not allowed to stay close to the  
14 construction site. And I was told to see the portion of land when  
15 they wanted to tell me about the portion of land that I had to  
16 work on.

17 [09.30.31]

18 Q. How many of you were there in your group or unit?

19 A. <I belonged to> a 100-person unit. We were all youth; no  
20 middle-aged people <or> female youth<>. My unit consisted of 100  
21 <male> youth.

22 Q. Thank you. Were you aware that those youths were from the same  
23 village as you or did they come from different villages?

24 A. We were from different villages in Sector 5 and my unit was  
25 <part of the sector's mobile unit>. We were from different

12

1 districts within that sector.

2 Q. Were you allowed to communicate with one another <so that> you  
3 know whether they were from, for example, Phnom Penh or they were  
4 only from <various parts of> Battambang <>? Were there <any>  
5 people from outside of Battambang province?

6 [09.32.52]

7 A. I do not recall that well. It has been for so many years since  
8 then, and I have forgotten the people. I know that they were from  
9 different places. There were people, the so-called 17 April  
10 People from Phnom Penh as well, but I have forgotten mainly of  
11 this.

12 Q. Thank you. You said that upon your arrival, <they distributed  
13 to you earth-moving baskets> and hoe, and you went down to work.  
14 Who distributed the <earth-moving baskets> and the hoe <to> you?  
15 And who actually determined the quota for you to complete <each>  
16 day? Were the hoes and <earth-moving baskets> given for the  
17 entire unit or it was given to individual worker?

18 A. They <gave them> to individual workers, and they would  
19 allocate <a plot of> five cubic metres for <each> worker, and we  
20 had to complete it. They <measured> it for us and they would put  
21 the pole sign there for <each> worker.

22 Q. <Thank you.> You earlier said that they assigned a  
23 five-cubic-metre quota for each individual worker, and you said  
24 that they would measure it in terms of width and length as well  
25 as the depth of that. How did they go about measuring the work

13

1 size or the quota for individual worker?

2 [09.35.21]

3 A. For my unit, they would plan a signpost for us on a daily  
4 basis, five cubic metres for a person. They would measure it on a  
5 daily basis for individual worker. And then it depended on the  
6 signpost for an individual. And we had to complete that within  
7 the day.

8 Q. So you are saying that they would give you five cubic metres.  
9 But how many days, can you tell the Court, that you need to  
10 complete the task?

11 A. No. Within the day -- we had to complete it within the day.  
12 Within five cubic metres per person, we had to complete it. And  
13 we had our meal in the pit that we actually dug and carried the  
14 earth, so our food ration was given over there, we did not go and  
15 eat anywhere else.

16 [09.36.55]

17 Q. Thank you. I would like to go back a little bit on what you  
18 said. When you first arrived at the place, were you given  
19 immediately five cubic metres right away or that was a gradual  
20 increment of the workload for you to get you used to the working  
21 condition there?

22 A. No. At the start, they gave us three cubic metres. If we could  
23 complete it at, for example, 1.00 or 2.00 in the afternoon, then  
24 they increased the workload to five cubic metres.

25 Q. Do I understand you correctly then that when you first



14

1 arrived, you were given three cubic metres quota to complete for  
2 the day. And then once you complete it earlier during the days,  
3 then they gradually increase the workload for you to, say, four  
4 cubic metres per day, and then eventually five cubic metres per  
5 day. Is my understanding correct what you are saying now?

6 A. There was no specific procedure anyways. But they simply  
7 increased. If we could complete three cubic metres and if we  
8 could finish it earlier for the days, they simply increased the  
9 workload for us for another two cubic metres per day.

10 Q. Thank you. So the increment of the workload was due to the  
11 fact that this mobile unit was considered as a labour --- core  
12 labour unit. So the increase of five cubic metres per day per  
13 person, were all the members of the mobile unit able to complete  
14 the quota for the day once it was increased to five cubic metres  
15 per day?

16 [09.39.49]

17 A. At the time, they did not give us any other tools. We had to  
18 use our own labour on the earth basket. They put the dirt on the  
19 basket and then they step on the earth in the basket in order to  
20 have more load on the basket for all the people.

21 Q. So, you're saying that they tried to squeeze the amount of  
22 dirt on the basket. Could you tell the Court the approximate  
23 weight of the dirt in the basket? <Could each basket weigh around  
24 50 kg?>

25 A. If it was dry dirt, it was rather light. But if it were the

15

1 wet dirt, it was very heavy. Probably, it could be around 20  
2 kilogrammes per one <side> of the earth <baskets>.

3 [09.41.27]

4 Q. So in the mobile unit, for yourself, did you complete the  
5 quota for the day earlier than others in your unit?

6 A. Sometimes we had to help each other. For example, if I could  
7 complete five cubic metres by 5 p.m., then I had to help my  
8 co-workers to complete their task. And some other days when I  
9 could not complete my workload for the day, others <in the same  
10 group> would come and give me a helping hand.

11 Q. So they imposed a quota of five cubic metres per day; how did  
12 they measure the completion of the task per day? And who actually  
13 conducted the measurement of the achievement of the work per day?

14 A. There was a unit chief and <he> had to report to the chief of  
15 the construction site. We had a 100-unit member chief. <He would  
16 come to supervise us working and> measure. So there was a working  
17 group on measuring the workload for individual worker. They would  
18 measure the size of the workload, <that was 5 metres long, 1  
19 metre deep and 1 metre wide>. And if we could not complete it  
20 within our unit, we had to help each other to complete it for the  
21 day. <Only when our daily quota was met could we call it a day.>

22 Q. So you say that you had to complete the work for the day. You  
23 mean that within the 100-member unit, you had to help each other  
24 until you got the job done?

25 [09.44.07]

16

1 A. In terms of the squad, we have a 10-member squad, 30-member  
2 unit. And as for me, I assisted each other within a 10-member  
3 squad. <And each of us was> given five-cubic-metre quota per day.  
4 If anyone in our squad could not complete their task, then we  
5 would help each other <among the squad>.

6 Q. When you were carrying dirt, what was the working hour then?  
7 Or they did not actually determine the working hours at all; it  
8 was up to you to complete the work quota for the day regardless  
9 of the starting working hours in the morning or during the day?  
10 Can you tell the Court <as to what the working hour> was like?

11 A. No, they did not actually determine the working hours. We had  
12 to complete the quota for the days. We would get up around 3  
13 a.m.<,> sometimes 4 a.m. or 5 a.m. in the morning. We had to wake  
14 each other up, and then we went out to work. We had to go and  
15 inspect our respective workload and the site we <needed> to  
16 complete<,> the previous evening, so that we knew clearly where we  
17 would be working the next morning>. We must not <move> the post  
18 that was planted on our respective quota. So they would plant the  
19 post, the signpost there for us, and the job <was done>, they  
20 would <come and> measure it again. <We just could not cheat on  
21 them.>

22 [09.46.21]

23 Q. So you are saying that in the evening you would go to see the  
24 place where you were supposed to work <>, and then the next  
25 morning, you would get up very early in the mornings, and then

17

1 you go and work. So, did they wake you up and you were required  
2 to get up at certain hour in the morning to get to work or it was  
3 up to you to decide?

4 A. In the mornings, they would wake us up. They woke us up to get  
5 to work. Sometimes at 4.00 in the morning, at other times, it was  
6 at 5 a.m. So it was under the direction of Angkar. It depended on  
7 them what their requirements were, and we had to complete the  
8 assignments they gave to us.

9 Q. How about the food ration? You had to get up early in the  
10 morning. Where did you have your breakfast? Were your breakfasts  
11 given at the worksite or at your sleeping place?

12 A. There was no food ration or food given in the morning. We were  
13 only given something to eat during the break time <at> noon.

14 [09.48.33]

15 Q. Just now you said that food was given at noontime. So, can you  
16 tell the Court what or how much food was given to workers? Was it  
17 sufficient for you actually to endure such working condition?

18 A. Concerning the living condition, at the time, we were given  
19 only <a> bowl of gruel, and that was it. It was only a bowl of  
20 gruel. Whether <we> were full or not, it was not an issue for  
21 them. We were only given this much.

22 Q. Can you please tell the Court if it was rice or rice gruel?

23 A. It was not rice, but it was actually porridge.

24 Q. How about other food to go with this porridge?

25 A. Nothing besides morning glory or lily plant. Sometimes, we

1 also had some <sour> soup with <smoked> fish.

2 [09.50.52]

3 Q. So that was the food ration at the time. For you, was it  
4 enough for you? Was it enough for you to endure the work  
5 conditions and requirements of five cubic metres of earth to be  
6 carried per day? Do you think that that was proportionate to the  
7 work condition imposed on you?

8 A. No, of course not. But we had to do it <for> fear <of death>.  
9 We had to work, actually we tried to work but physically, we  
10 could not endure it. But we had to do it out of our fear <of  
11 death>. We dare not protest against Angkar. We had to do it out  
12 of our <inner energy and fear>.

13 Q. When you were working there, was there any time that you were  
14 not given any food at all, you had to work without food? Was  
15 there any such instance throughout your work over there?

16 A. When we were building the dam, we never encountered that  
17 shortage. But when we were working under dry season rice field,  
18 there was such an instance <where we did not eat lunch>.  
19 Sometimes, we did not have rice to eat until around 4 p.m. When  
20 they delivered the rice, we could prepare <porridge> to eat <for  
21 dinner>.

22 Q. I want to focus on the Trapeang Thma worksite. You said that  
23 the food ration was not enough and you did your work out of your  
24 fear. So my follow-up questions on this: if you were not full at  
25 that time and you were still hungry while you were working, could

19

1 you go look for other food stuff to supplement your food ration  
2 at the time?

3 [09.54.18]

4 A. Yes, we could go look for other food stuff to supplement only  
5 after we completed our quota for the day. We generally dug for  
6 the root of <"plong" (phonetic) water plant. The bulbs of "plong"  
7 (phonetic) were sweet, and we kept them to eat at night when we  
8 were about to go to sleep. It was sweet and it could at least  
9 make our stomach full>.

10 Q. So you are saying that you could go and look for something  
11 else. And you said just now "bulb of 'plong'" (phonetic) plant;  
12 what was it?

13 A. "Plong" (phonetic) -- "plong" (phonetic) was a kind of wild  
14 plant and it grows naturally with the rice in the rice field. And  
15 we commonly call it "plong" (phonetic). <Usually, a "plong"  
16 (phonetic) plant has a cluster of bulbs which were sweet and full  
17 of starch.>

18 [09.55.52]

19 Q. How about the insufficient food regime and then your physical  
20 strength diminished? I would only like to focus on your own unit.  
21 Did anybody <in your unit> fell sick because of this food  
22 condition and working condition?

23 A. Yes. There were, but I've forgotten the people. <It> was a  
24 long time ago and I could not recall it very well. But I knew  
25 that there were people who fell sick then.

20

1 Q. To your recollections, when people were sick, did they have  
2 access to medical treatment, were they given medicines or were  
3 there any medics attending to them? <What about food rations  
4 given to the sick?>

5 A. As for the food regime, for sick workers, they would reduce  
6 the food ration. For example, the ordinary workers, they were  
7 given a full bowl of porridge, but the sick ones would be given  
8 less ration. And I cannot recall whether or not there were  
9 physician or medics attending to the sick people at that time. <I  
10 did not really notice the presence of medics.>

11 Q. For the mobile unit members when they fell sick, what were the  
12 common diseases or sickness <they were suffering from> at the  
13 time?

14 [09.58.31]

15 A. Mainly, they had pain in their chest because of overwork. They  
16 had to carry dirt on a daily basis. And they had the pains in the  
17 chest. And they also <suffered> from other diseases, but I cannot  
18 recall them.

19 Q. To your recollection, when you ate your food or drank your  
20 water, what was the hygiene condition like at that time? Or at  
21 that time, you could eat virtually everything that you could  
22 find, and then it led to diarrhoea or cholera or anything like  
23 that?

24 A. At that time, I think our immune system got used to these  
25 kinds of food and water conditions because we got used to it at

21

1 that time. <Although we had to drink water from the pond where  
2 buffaloes were bathing, it was fine. After years of hardship,>  
3 our immune system <became strong>, and we got used to it at that  
4 time.

5 Q. So you meant that those who <were sick and> could not get up  
6 <were suffering from> chest pain because of heavy work. Did you  
7 observe that <any of them was coughing up> blood <>?

8 A. I cannot recall it. I only knew that there were people who  
9 <suffered from> chest pain.

10 [10.01.05]

11 Q. Do you recall the time when the sick people -- do you recall  
12 that the serious ill people were transferred out of your unit?

13 A. When people fell seriously ill; they were referred to the  
14 hospital. After they got recovered, they would be sent back into  
15 their respective units.

16 Q. After you had been relocated to work at Trapeang Thma Dam  
17 worksite, how long did you stay at that worksite?

18 A. I was there for quite some time, perhaps six months.

19 Q. Thank you. Within that six-month period, did you have leave or  
20 have time to visit your family?

21 A. No. I did not even know where my family members were residing  
22 at that time. <I had no information about them.> I had to carry  
23 dirt in the morning. And at night-time, I had to go to sleep to  
24 recover strength. So I did not pay any attention <to thinking  
25 about my family or> paying visits to family members.



1 [10.03.34]

2 Q. <Were> you <> married at that time?

3 A. I was a single youth within a mobile unit. There were only  
4 unmarried youth within my unit. <There were no married men in our  
5 unit.>

6 Q. When you were there, did you observe whether there were any  
7 marriages held?

8 MR. PRESIDENT:

9 Civil Party, please hold on. You have the floor now, Mr. Koppe.

10 [10.04.39]

11 MR. KOPPE:

12 Thank you, Mr. President. Good morning, Your Honours. I don't  
13 have an objection to the last question because obviously it's a  
14 relevant question as to circumstances at the dam. But what I --  
15 I'm a bit at a loss at is the following issue. We are hearing the  
16 testimony of this civil party, and he is here primarily as a  
17 civil party. And in that capacity, I think he has to give  
18 testimony as to what his injuries were which were the direct  
19 effect of his working at the Trapeang Thma Dam site.

20 I'm looking very specifically at his own civil party application  
21 -- E3/5018 -- in which it is actually formulated what the  
22 relevant criteria are. It says, "in order for a civil party  
23 action to be admissible, the injury must be a) physical,  
24 material, or psychological; and b) a direct consequence of the  
25 offence, personal and have actually come into being." Now, maybe

1 I'm wrong, but none of the questions so far have any bearing on  
2 his admission as a civil party directly related to the dam. So  
3 the question really is: why are we hearing this witness or this  
4 person as a civil party not just as a normal witness? And  
5 shouldn't it be the task of the civil party lawyers to focus on  
6 that specific segment? Obviously, it's not up to me to decide how  
7 to ask questions, but I'm lost as to why this person is not just  
8 a normal witness -- I mean, why is he a civil party?

9 [10.06.48]

10 MS. GUIRAUD:

11 Thank you, Mr. President. I would like to make a brief remark. I  
12 believe that at a point in time, it would be important for the  
13 Defence of Nuon Chea to read the Internal Rules, understand what  
14 a civil party <is>, and <> understand <what> the rules of  
15 admissibility of civil parties <are so they may learn the  
16 difference because> the Defence could have done this during the  
17 investigations, and they didn't do so, and <this is what is in  
18 play in the hearing today>.

19 <What our colleague just spoke about, were the rules of  
20 admissibility.> This person was admitted as a civil party by the  
21 Co-Investigating Judges at the time for the harm suffered in  
22 relation to the crimes committed at Trapeang Thma. <The order is  
23 now in full effect, this> civil party was admitted and he is  
24 testifying today within the framework of the consolidated group  
25 of civil parties participating in this Trial. And it is entirely

24

1 <conceded and allowed> that this civil party should testify  
2 regarding facts, <and> that <is what> occurred <since> the <very>  
3 establishment of the ECCC. <So,> I think the <Defence> should  
4 stop <questioning the very principle of the participation of  
5 civil parties in this trial>, they should read the Internal Rules  
6 <once and for all, as well as> the decisions of the Chamber, the  
7 Judgement, and <get a basic idea of> what we are doing in this  
8 Trial.

9 [10.08.14]

10 MR. PICH ANG:

11 Thank you, Mr. President, for allowing me the floor. I would like  
12 to add what has been mentioned by International Lead Co-Lawyer.  
13 It is not the first time that the civil party mentions about  
14 something which has no bearings on the impact. The civil party  
15 here is talking about his experience <and his observation> within  
16 the scope of the trial. Since the start of the trial of Case  
17 <002/01> and Case 002/02, and also in relation to Case 001, <for  
18 instance in case of Duch,> civil <parties had> the right to make  
19 mention of any facts <not necessarily of his own impact> as long  
20 as those facts <were> within the scope of this Trial. I will not  
21 bring the matter up before the Chamber again. <As> for injuries  
22 and other facts, I believe civil party has the right to state all  
23 of the facts and suffering. So this matter should not be brought  
24 up by the defence team of the Accused.

25 MR. PRESIDENT:

1 You may now proceed, Arthur Vercken.  
2 [10.09.59]  
3 MR. VERCKEN:  
4 Very rapidly, Mr. President, I'd like to point out that my  
5 colleague, Mr. Victor Koppe's objection occurs at the time when  
6 the civil party lawyer is questioning this gentleman on something  
7 that <as far as I understand> is not referred to in the civil  
8 party application -- that is, marriages. That's it, marriages.  
9 And so, insofar as we are dealing with a civil party and  
10 therefore a person, who could have conferred with his lawyers  
11 <this very morning>, there's no problem <with that>. He's  
12 <somebody who -- contrary to an average witness --> can confer  
13 with his lawyers before appearing in Court the day before <--  
14 right up to the last minute. Still, it> is not surprising that  
15 the Defence is surprised to see <a> civil party <lawyer moving  
16 from one thing to the next> and looking for elements;  
17 <particularly when these elements have never been discussed  
18 before and, above all, when just a few minutes before, as luck  
19 would have it,> the witness <provides answers which> refer to  
20 points mentioned in the hearing of yesterday and <appear> to fill  
21 <in the> gaps <of the preceding hearings that have taken place  
22 over the past few days>.  
23 <So, I believe that also explains the reaction. We have the  
24 feeling that> there's no distinction being made between a normal  
25 witness <for whom certain precautions are taken> and a civil

26

1 party whose status is completely different. And that is the  
2 reason why I believe we should be on the same wavelength <so that  
3 at least the> points not mentioned <by the civil party in> the  
4 civil party's application <are neither> mentioned before this  
5 Chamber during these hearings. <It's the least we can do.>

6 [10.11.40]

7 MR. PRESIDENT:

8 If the Chamber gives time for every Party to speak, then you <may  
9 likely> have <something> to say. <But if the Chamber gives you  
10 the chance to speak, I am certain that you do not have anything  
11 to speak>. For example, if the Chamber gives you five days <to  
12 speak on the issue, I> believe that you <may not have anything to  
13 speak. Don't just stand up and speak for the sake of speaking>. I  
14 would like to remind all of you that we have to be clear and the  
15 matters should be <well> differentiated. We have to be clear on  
16 the separation of status -- that is, a civil party and a witness.  
17 Because of the suffering one endured, he or she may apply to be a  
18 civil party. So the facts that we are going to explore another  
19 major point that we want to know. And however, they are relevant.

20 [10.12.55]

21 It is right that the defence team for the Accused argument  
22 stating that if this person is here to be <as a> witness we  
23 should explore facts rather than the sufferings he endured. So we  
24 are here to explore the sufferings the civil party endured. And  
25 concerning facts, they are subsidiary points that we can ask.

1 Number two, I noticed that the lawyers have many years of  
2 experience, and <still> some of the questions may be out of the  
3 scope. So this may cause problem with the proceeding. <And it  
4 would be a waste of your time, if I keep refrain you from putting  
5 the questions over and over.> So if you ask questions, you have  
6 to be sure that this person is here <as> a civil party not a  
7 witness. <A civil party shall be asked about facts, not to make a  
8 conclusion.> And you have time allocated by the Chamber. So you  
9 have to use the time effectively, so that you can elicit  
10 information which can contribute to <ascertaining> the truth.  
11 This is the intention that we have the trial before us.  
12 It is now convenient time for the break, so the Chamber will take  
13 the break from now until 10.30 a.m. Court officers, please find a  
14 proper room for the civil party during the break <> and please  
15 invite him back together with the TPO staff back into the  
16 courtroom <at 10:30 a.m>.  
17 The Court is now in recess.  
18 (Court recesses from 1014H to 1030H)  
19 MR. PRESIDENT:  
20 <Please be> seated. The Court is now back in session.  
21 I now hand over the floor to the Lead <Co-Lawyers> for <> civil  
22 <parties> to put <questions> to the civil party in question. And  
23 for your information, both the Lead <Co-Lawyers> for the civil  
24 <parties> and the <Co-Prosecutors> have <a combined time of> one  
25 more session this morning to put <> questions to this civil

28

1 party. Please put the substantive questions, and if you have any  
2 issues, you may file written submissions so that we can address  
3 your issue formally.

4 MS. GUIRAUD:

5 We will certainly present our written submissions, <Mr.  
6 President,> given what has been said before the break. I simply  
7 wanted it to be clear in the record that we would like to refer  
8 to the decision of the Chamber -- E315/1 -- by which you very  
9 clearly have acknowledged that civil parties could testify on the  
10 facts as well as on their suffering. It's very clear, and that  
11 has been the <ongoing practice in matters of> jurisprudence <in>  
12 your Court. So what happened before the break seems to be a  
13 completely unexpected> reversal. I note that the Defence has  
14 always put questions on facts to the civil parties. The Defence  
15 has even explicitly requested the civil parties testifying on the  
16 harm <suffered> should be heard on facts, so <it appears that>  
17 the Defence wants everything and <the complete opposite> at the  
18 same time--

19 [10.33.28]

20 MR. PRESIDENT:

21 Please make your submission in writing and submit it to the  
22 Chamber and please put substantive questions now to the civil  
23 party.

24 MS. GUIRAUD:

25 Thank you, Mr. President. I simply wanted to express

1 disagreement.

2 MR. PRESIDENT:

3 <Please be seated>. Do you <want to take the floor to put  
4 questions or not>?

5 [10.34.04]

6 QUESTIONING BY MR. PICH ANG:

7 Thank you, Mr. President. I now put <questions> to the civil  
8 party.

9 Mr. Nhiep Horl, good morning. My name is Pich Ang. I am the  
10 National Lead Co-Lawyer for the civil parties. I continue the  
11 questions from my learned colleague, Mr. Lor Chunthy, on the  
12 working conditions at the Trapeang Thma worksite <where you once  
13 lived and worked>.

14 Q. Earlier, you said that you were required to carry earth up  
15 five cubic metres -- between three to five cubic metres. Could  
16 you tell the Court how you could accomplish this target of five  
17 cubic metres required?

18 MR. NHIP HORL:

19 A. Three to five cubic metres of workload. For those who got used  
20 to working, they of course could complete it, but for those who  
21 never did it, it was too <much> for them. For those who had never  
22 done such hard work, it was too much for them. In today's world,  
23 people could not do it--

24 Q. Let me interrupt you, Civil Party. I would like to now know  
25 the distance between the place where you dug the earth and the



1 place where you had to <dump> the <earth from your baskets>. How  
2 far was it and what was the conditions back then?

3 A. From the pit, <where> we dug the earth, to the <place where we  
4 dumped the earth> was <between> 30 <and> 50 metres away.

5 [10.36.51]

6 Q. Was it a flat land or it was an uphill land?

7 A. It was uphill because we had to build the dams, then we had to  
8 walk up the hill. We had to move up as the dam got higher.

9 Q. When you were carrying, were you carrying it and you walked  
10 casually or what?

11 A. We could not walk as usual. Actually when we were carrying the  
12 earth, we had to run at that time because we need to get some  
13 speed from running up to the top of the dam. <It was a bit high.>

14 Q. <Thank you.> When you were working over there, was there any  
15 meeting convened by the supervisors of the worksite?

16 A. There were fairly frequent meetings in order to receive work  
17 plans.

18 [10.38.40]

19 Q. You said fairly often. How often was <it>? How many times per  
20 week or month?

21 A. They, at that time, divided into small groups. They <were  
22 split into a squad> of three, <a group of> 10, or <a unit of> 30  
23 members. <Sometimes we held meetings among squad members, group  
24 members or members of the 30-member unit.> The meetings were not  
25 held so often, but it took place in different places and <in

1 their respective groups and units. So we could say that> it was  
2 rather often.

3 Q. So apart from setting out the work plans, what else did they  
4 share in the meeting, usually? Did they, for example, encourage  
5 people to intensify their efforts?

6 A. In the meetings, they never encouraged us or anything, but  
7 they insisted that we reiterate our commitment. We have to commit  
8 to complete the task allocated. If we had to carry earth, we had  
9 to meet the requirement.

10 [10.40.27]

11 Q. Were you entitled to, at that time, refuse <the assigned> task  
12 <>?

13 A. No, not at all. If we were sick, we had to go to the hospital  
14 but we never knew where the hospital was at Trapeang Thma  
15 worksite.

16 Q. Were you free to roam around? For example, you went to visit  
17 friends or to go anywhere; did you have that freedom?

18 A. No, we did not have time at all. We did not even have time to  
19 take rests. At night, we would rush to go to bed and knowing that  
20 tomorrow early morning, we would have to go and carry the earth.  
21 We did not really have time to visit. If we had some time, we  
22 would go and search for food to supplement it. We never thought  
23 of looking for relatives or parents or friends to visit. No, not  
24 at all.

25 Q. Were you allowed to talk to your co-workers when you were

1 working?

2 A. No. We did not discuss or talk to each other. We had to focus  
3 on our work. We had to commit to achieve our assigned task, so we  
4 did not have time to talk to each other.

5 [10.42.50]

6 Q. Thank you. Now I move to the subject concerning the visit of a  
7 foreign or the delegates or guests coming to visit the Trapeang  
8 Thma worksite. Did you ever see any guests coming to visit the  
9 worksite?

10 A. On this point, I do not recall the date. But there was once  
11 <when> they asked us to line up. There were <two rows of> youths  
12 <standing on both sides of the road that stretched from Trapeang  
13 Thma village through to the first bridge of Trapeang Thma dam  
14 construction site> to welcome the guests. And I had no idea who  
15 the guests were. But that was once when we had to do that.

16 Q. <Do> you know how the guests were dressed at the time?

17 A. No, I did not know because I dared not even look at their  
18 <faces>. I was actually standing there but I <dared> not glance  
19 at <their faces>.

20 Q. Were there many people accompanying the guests at the time?

21 And to your recollection, what <occasion> was <it> at that time?

22 A. They said that the guests <were paying a> visit <to> the  
23 worksite. I only saw the cars and went -- the black coloured cars  
24 at that time. <I had no idea who those guests were. I just stood  
25 there to welcome them.>

1 [10.45.00]

2 Q. Did they actually shout or announce the arrival of the guests  
3 at the time?

4 A. I do not recall the event very well.

5 Q. You said that people were required to line up to welcome the  
6 guests. Who told you to come and line up and how were you  
7 required to line up at the time? <Did anyone tell you as to how  
8 all of you should line up?>

9 A. We simply <stood on both sides of> the road, one <side of men,  
10 and the other side of women>. And then <the guests sat in the  
11 cars that were driven along the road>, and then we <clapped> our  
12 hands <> to welcome them. I <do> not recall <well>; I only recall  
13 that instance when there were guests visiting. <I remember that  
14 we were taught to shout something to welcome them, but I just  
15 don't recall what it was exactly.>

16 Q. I would like to talk about the queue. How was the queue  
17 arranged at that time? Were they asked, for example, the healthy  
18 ones standing in the front rows, and then the thinner ones  
19 standing at the back or so? Was that the situation to your  
20 recollection?

21 MR. PRESIDENT:

22 Mr. Witness, please hold on. Counsel Arthur Vercken, you may  
23 proceed.

24 [10.46.50]

25 MR. VERCKEN:

34

1 Yes, Mr. President. I'd like to draw the Chamber's attention  
2 however to the rather perilous exercise my colleague <risks  
3 engaging> in. We are here in a situation that seems to be very  
4 <particular indeed>. In a trial in France, when a civil party has  
5 <formed before an Investigating Judge>, the civil party would  
6 have <still> been questioned by the Investigating Judge. Here, we  
7 are in a situation in this Trial, where the civil parties  
8 testifying before you today have not been interviewed by an  
9 Investigating Judge. So <all that> this person is speaking about,  
10 and that was never included in their <civil party> application,  
11 we are <just> discovering it just now. We are discovering it now  
12 at this <very> moment. <And I find that>, without the  
13 Investigating Judge's interviews, the situation <that is> mixed  
14 with the fact that the civil parties can speak to their counsel  
15 is quite perilous. And I don't understand that the Chamber can  
16 authorize this gentleman <-- with all due respect --> to express  
17 himself about points that he never brought up in his civil party  
18 application.

19 [10.48.13]

20 MR. PRESIDENT:

21 Lead Co-Lawyers for the civil party, you may proceed with your  
22 line of questionings. And the observation by the counsel for  
23 Khieu Samphan is not correct. If you refer to the Internal Rules,  
24 it allows. Because this line of questioning is relevant to the  
25 facts, that's why he is joining as a civil party before the

1 proceeding now.

2 BY MR. PICH ANG:

3 Q. Mr. Civil Party, do you recall my last <question>? When you  
4 were over there, they lined you up to welcome, but how did they  
5 arrange the queue, the healthy ones and the weak ones? How would  
6 they arrange this queue to welcome these guests?

7 MR. NHIP HORL:

8 A. At the time, they would not let the sick or the weak ones come  
9 to welcome the guests. They only allowed the healthy ones to come  
10 and queue up to welcome the guests. <The thin and sick ones were  
11 allowed to stay at their respective sleeping quarters.>

12 [10.49.52]

13 Q. Who made this arrangement?

14 A. It was the person who was in charge of the construction of the  
15 first bridge of the Trapeang Thma worksite. He said that the  
16 people who were to welcome the guests had to be healthy enough.

17 Q. Thank you, Mr. Witness. I would like you to be brief in your  
18 response because I'm also running short of time. Did you actually  
19 have the proper clothes at the time?

20 A. In welcoming the guests--

21 Q. Let me interrupt, let me reformulate my questions. When you  
22 were at Trapeang Thma Dam worksite, did you have proper clothes  
23 and sandals to wear at the time when you were working?

24 A. At that time, we were given <a pair of sandals> made of used  
25 tires. And as for our clothes, we <had only a set>. We <made our>

36

1 blankets <out of rice sacks>.

2 Q. How about your accommodation, the place where you stayed at  
3 night. Did you stay on a bed or anything?

4 A. We actually had the bamboo -- bamboo <beds that were very  
5 close to the ground>. But it was not actually a bed just bamboo,  
6 and then we <used logs to lift the> bamboo <off> the ground, and  
7 then we slept on it.

8 [10.52.41]

9 MR. PICH ANG:

10 Mr. President, thank you very much. <Thank you for your answers,  
11 Mr. Civil Party.> I have no further questions and I thank you for  
12 granting me the floor to put the questions to the civil party.

13 MR. PRESIDENT:

14 Next, I hand over the floor to the <Co-Prosecutors> to put  
15 <questions> to this civil party.

16 QUESTIONING BY MR. SREA RATTANAK:

17 Good morning, Mr. President. Good morning to all. My name is Srea  
18 Rattanak. And good morning to Mr. Civil Party. I am from the  
19 <National> Prosecution office of the ECCC.

20 Q. Earlier on, you told the Court that you received  
21 five-cubic-metre quota for a day to complete. If I remember  
22 correctly, when you first arrived you received a different work  
23 quota. So, I would like to ask you: on the five cubic metres,  
24 when did you start receiving this special work requirement?

25 [10.54.01]

1 MR. NHIP HORL:

2 A. The five-cubic-metre requirement was a special requirement to  
3 complete the construction of the first bridge. When we first  
4 arrived, they required us to complete three cubic metres. But  
5 <the quota of> five cubic metres was the special task assigned to  
6 us to complete the first bridge.

7 Q. How long did you have to do that for the special assignment of  
8 five-cubic-metre requirement per day? How long did it last?

9 A. I do not recall it, <> the only thing I could recall is that I  
10 -- at some point in time, I was required to complete five cubic  
11 metres<, and I managed to meet the quota>. But I do not recall  
12 <as to how long it lasted>.

13 Q. Did it last long <or only for a short period of time>?

14 A. It was until we completed the construction of that first  
15 bridge.

16 Q. What were the overall working conditions like? I want to know  
17 about the difficulties that you had to endure at the time  
18 compared to your ordinary work requirements when you first  
19 arrived.

20 A. At the time, we had to get up very early in the morning, from  
21 3 a.m. in the morning, and we had to work until 5.00 in the  
22 afternoon to complete the work quota at the time. I do not recall  
23 how long it lasted, but I remember that I did it. And we had to  
24 actually complete the earlier stage of the construction of the  
25 first bridge.



1 [10.56.29]

2 Q. Did any members in your unit fail to achieve the quota of five  
3 cubic metres per day?

4 A. I do not recall it but people who could not achieve the quota  
5 for the day were mainly women at the time.

6 Q. So what happened to them if they failed to complete the work  
7 quota for the day?

8 A. That I do not know. That was the issue mainly with the  
9 company. <We worked in a different unit.> But for my unit, we  
10 could complete the work requirement.

11 [10.57.32]

12 Q. Earlier on you told the Court that you had to complete this  
13 work out of fears. What were you fear of?

14 A. We were fear of being taken away for execution. We were fear  
15 of the disciplinary direction of the Angkar.

16 Q. Did you ever witness anything that led to your fear?

17 A. I was not sure. I heard from others through Angkar that the  
18 historical <wheel> -- we <had to> catch up <with> the historical  
19 <wheel>. So in the meeting, they asked us to reiterate our  
20 commitment and we had to follow what they told us.

21 Q. At the construction where you were working, did you ever see  
22 <anyone being punished> in front of you?

23 A. No, I never saw it.

24 [10.59.10]

25 Q. When you were working in an extraordinary work assignment, did

1 you have to work at night as well?

2 A. In that extraordinary assignment, we had to get up very early  
3 in the morning at 3 a.m.<, and would not be done> until 5.00 in  
4 late <afternoon>. We did not have time to take a rest, we had to  
5 have our meal in the pit that we dug.

6 Q. Apart from this work, were there any additional assignments  
7 when you were working at the Trapeang Thma Dam worksite?

8 A. After filling and constructing the first dam, I was <assigned  
9 to cultivate dry-season rice there>. And we call the dry season  
10 rice paddy.

11 Q. Does it mean that you had to complete the construction of the  
12 bridge before you were assigned to do another assignment; is that  
13 correct? You stated that you did not have to work at night. I  
14 want to know if there was any additional assignment in addition  
15 to the special assignment that you received at that time.

16 [11.00.50]

17 A. No. No additional work assignment. I had to work until 4.00 or  
18 5 p.m. <after which> it was the time for me to rest.

19 Q. Earlier on, you said that you did not have enough food ration  
20 to eat, so you had to go and dig up "plong" (phonetic) plant --  
21 plant <bulb>. Did you go to dig the so-called "plong" (phonetic)  
22 openly, meaning that -- or you had to go to dig "plong"  
23 (phonetic) secretly? <Did they allow everyone to do so?>

24 A. I could not go and dig up "plong" (phonetic) in an open  
25 fashion. I had to do it secretly.

1 Q. Was there any time that you were caught on the spot while  
2 digging up the "plong" (phonetic)?

3 A. I dug up "plong" (phonetic) while I was working in the  
4 <ricefield>, because it grew in the field so I did not need to do  
5 it secretly. But I had to spend little time to dig it while  
6 working.

7 Q. You made mention that you did not go secretly to dig the  
8 "plong" (phonetic), but you had to take your little time secretly  
9 to dig up the "plong" (phonetic). How did you manage to do that?

10 A. After I completed the work quota, after 5 p.m. or after 4 p.m.  
11 when I completed the work assignment, I would spend four or five  
12 minutes digging up the "plong" (phonetic).

13 [11.03.21]

14 Q. So, does it mean that you dug the "plong" (phonetic) secretly  
15 without letting anyone know that you were there and digging the  
16 "plong" (phonetic); is that correct?

17 A. Yes, that is correct.

18 Q. Thank you very much, Civil Party. Mr. President, I would like  
19 to cede the floor for my esteemed <International> colleague.

20 MR. PRESIDENT:

21 You may now proceed.

22 QUESTIONING BY MR. BOYLE:

23 Thank you, Mr. President. Good morning, Counsel. Good morning,  
24 Mr. Civil Party. I have just a few more questions for you.

25 Q. When you were working at the Trapeang Thma Dam worksite, did

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1 you ever hear of any workers being referred to as lazy?

2 [11.04.20]

3 MR. NHIP HORL:

4 A. I do not really get your question.

5 Q. Would you ever hear anyone at the worksite either your unit  
6 chief or another person in a position of authority describe  
7 certain workers as being lazy or not working hard enough?

8 A. During the meetings, we were educated that we had to comply  
9 with <the> instruction <of the Angkar>. No one was allowed to be  
10 lazy. No, no one could be lazy at that time. I have never heard  
11 of that.

12 Q. While you were at the dam, did you ever hear of a unit called  
13 the "special case unit"?

14 A. No, I have never heard of that so-called special case unit. I  
15 do not know what that was.

16 Q. Were you ever asked to write your biography while you were at  
17 the dam site?

18 A. No, they did not instruct me to write biographies. When I said  
19 I did not know how to do it, then they did not force me.

20 [11.07.05]

21 Q. Did anyone ever ask you about your background, about where you  
22 were from, about who your family was, or anything like that?

23 A. No, they never asked because <> I did not know how to <speaking  
24 well>.

25 Q. I'm sorry; I don't understand your answer. You said -- what I

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1 heard is that they never asked because you did not know how to  
2 explain it to them. Can you explain what you mean by, that you  
3 did not know how to explain your background to them?

4 A. I said I did not know <how to respond to them> when I was  
5 asked. And as of this, they stopped asking me because I said I  
6 did not know.

7 Q. So, just so that I am clear, you were asked about your  
8 background. You said you did not know about your background, and  
9 they stopped asking you questions about your background; is that  
10 correct?

11 [11.08.47]

12 A. I did not know at that time.

13 Q. Were you ever aware while you were at the Trapeang Thma Dam of  
14 yourself or other members of your unit being monitored by  
15 individuals at the dam site?

16 A. Back then, I was not interested in who was monitoring whom. I  
17 was much interested in resorting to sleep when I had no longer  
18 energy. I did not spend time chitchatting with anyone.

19 Q. Were you aware at the time of anyone that was a former  
20 official or soldier in the Lon Nol government that worked at the  
21 Trapeang Thma Dam?

22 A. I do not know about that. I don't know.

23 Q. At any time that you were at the dam, did you become aware of  
24 cadres from the Southwest Zone arriving at the dam site?

25 A. Regarding the Southwest Zone, at the time I did not know them.

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1 I heard that there were Southwest Zone cadres.

2 [11.11.20]

3 Q. Did you ever see any arrests while you were at the dam site?

4 A. <No.> I never witnessed any arrests. <>

5 Q. Were you ever aware of people disappearing from your unit?

6 A. I do not know about that. I do not know.

7 Q. When you mentioned earlier that at meetings, they would

8 discuss the work plan with you. Who was it who was discussing the

9 work plan with you at these meetings?

10 A. It was during the meetings convened by chief of 100-person

11 unit. He said it was from the upper echelon, and I guessed

12 perhaps that that chief <also repeated what he was told by his

13 superior, and so it was hard to know as to who> the upper echelon

14 <was>.

15 [11.13.38]

16 Q. And what did the work plan consist of at these meetings? What

17 type of information would be contained in the information that

18 the unit chief was conveying from the upper echelon regarding the

19 work plan?

20 A. It was about the so-called work plan; namely, <information

21 about> building the dam. It was <only> about that, building the

22 dam<, nothing else>. It was the goal of Angkar to have the dam

23 built.

24 Q. Were you ever provided with a date that the dam had to be

25 built or completed by?

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1 A. I have no idea. I was told to carry dirt so that the bridge  
2 could be built. And later on, I was told to stop and I stopped,  
3 anyway. I knew nothing else.

4 Q. Did you ever hear of the Trapeang Thma Dam worksite being  
5 referred to as a hot battlefield?

6 A. I do not know about that. I came to carry the dirt as I was  
7 assigned. Whether it was a hot battlefield or cold battlefield, I  
8 have no idea.

9 MR. BOYLE:

10 Thank you, Mr. Civil Party. Mr. President, I have no further  
11 questions.

12 MR. PRESIDENT:

13 You have the floor now, Judge Lavergne.

14 [11.16.05]

15 QUESTIONING BY JUDGE LAVERGNE:

16 Q. <Yes, good morning, Mr. President.> Good morning, <Mr.>

17 Witness. I have a few follow-up questions for you. This morning  
18 you said that before going to the Trapeang Thma Dam worksite, you  
19 were seriously ill and that was at a time when you were working  
20 in a mobile unit, and you were assigned to harvest rice. If I  
21 properly understood what you said this morning, you went to the  
22 dam worksite in June 1977, is that indeed the date on which you  
23 went to the dam worksite?

24 MR. KOPPE:

25 Mr. President, just an observation. I'm sure it was a slip of the

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1 tongue of Judge Lavergne, but he said "Bonjour, Monsieur Le  
2 Temoin", but I think it should be a "Good morning, Mr. Civil  
3 Party".

4 BY JUDGE LAVERGNE:

5 Thank you, Mr. Koppe, for pointing out my <slip of the tongue>. I  
6 think it is quite useful for the conduct of this trial. But let  
7 me return to my questions now.

8 Q. Mr. Civil Party, can you please confirm to us that you were  
9 indeed transferred to the Trapeang Thma Dam worksite in June  
10 1977.

11 [11.17.46]

12 MR. NHIP HORL:

13 A. Yes.

14 Q. Regarding your illness and your hospitalization, when did that  
15 happen: was it long before you were <transferred to> Trapeang  
16 Thma or shortly before <>?

17 A. It was long: four, five, or six months. After I recovered --  
18 four or five months, or six months after I recovered, I was  
19 transferred.

20 Q. Very well. So, at the time when you were sick, you were  
21 harvesting rice and you were also transporting bags of rice. Did  
22 I properly understand <>?

23 A. I was harvesting rice during the daytime, and at night-time, I  
24 was made carrying rice sacks.

25 MR. PRESIDENT:



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1 You have anything to put before the Chamber, Mr. Kong Sam Onn?

2 [11.19.37]

3 MR. KONG SAM ONN:

4 I am not clear in the interpretation into Khmer, and <I heard> it  
5 was asked that <when> the witness was sick<,> he was asked to  
6 harvest rice and carry rice sacks. <But according to what was  
7 mentioned earlier,> the witness <fell ill as a result of being  
8 required to harvest rice during the day, and carry rice sacks at  
9 night>. So <I wish to know as to how the question was asked  
10 originally. Thank you>.

11 MR. PRESIDENT:

12 Please, Judge Lavergne, could you repeat the question to be clear  
13 for everyone.

14 [11.20.34]

15 BY JUDGE LAVERGNE:

16 Q. Well, Mr. Civil Party, this morning you said that you were  
17 hospitalized and that you <coughed up> blood. And if I properly  
18 understood what you said, you did say that that event occurred  
19 while you were <performing tasks such as> harvesting rice and  
20 also transporting bags of rice; is that indeed what you stated  
21 this morning?

22 MR. NHIP HORL:

23 A. Yes. It is the response that I gave this morning.

24 Q. Very well, and that is what I also understood. I hope that  
25 <now it> is clear <for> everyone. So, <could you tell us whether

1 at this time --> you did say that you were exhausted by the work  
2 you had to do -- can you also tell us whether during that period  
3 you had enough to eat?

4 A. During the time, sometimes I had <steamed> rice while I was  
5 harvesting rice. And later on after the harvesting season, there  
6 was no rice, and I was given gruel to eat instead.

7 [11.22.32]

8 Q. During that period, did you or the other workers at the  
9 worksite suffer from <a> food shortage -- <or on the contrary,  
10 did you receive enough food>?

11 A. Regarding food ration, it was not enough back then. However,  
12 as I stated during the harvesting season, there was <steamed>  
13 rice for us. And later on after the harvesting season, we were  
14 given gruel to eat.

15 Q. Very well. When you were instructed to transport bags of rice  
16 to put them in <railcars>, were you told where those bags of rice  
17 were being carted to?

18 A. I have no idea about the matter. There were bags of rice, and  
19 the bags of rice were uploaded onto the wagon of the train. I do  
20 not know where those bags of rice were carted to.

21 Q. Did you see any trains bringing rice where you were working?  
22 Or, <not -- did you see trains that brought rice to where you  
23 were working or did you only see trains take the yield that you  
24 produced at the worksite, away>?

25 A. <There were no> incoming trains <that brought rice>, but I

1 noticed that trains were transporting salt to my area.

2 [11.24.57]

3 Q. You're telling us that salt was being brought to the region  
4 where you were. And where was the salt being brought from?

5 A. I do not know about that. I was told to carry <bags> of salt  
6 <off> the trains and also to carry bags of rice into the train.

7 Q. For how long did the work you did loading rice last?

8 A. I had to do the job until all bags of rice were out of the  
9 warehouse. And bags of rice were collected from different places  
10 within Sector 5 and placed in that warehouse. And I had to do the  
11 job until all those bags of rice were carried into the wagons. <I  
12 do not know as to where exactly those sacks of rice were being  
13 transported.>

14 Q. So, the warehouse you are referring to collected rice  
15 <sourced> from <all of> Sector 5, and that rice was then put in  
16 <railcars>. For how long did such work go on? Did it go on for a  
17 day, two days, three days? So for how long did <you> transport  
18 bags of rice?

19 A. I do not recall it. Whenever they required me or members from  
20 my mobile units to do the job, they came to call us to work. I  
21 did not know how long it lasted.

22 [11.27.18]

23 Q. Was there only one train or <were there> several trains. What  
24 can you tell us in that regard?

25 A. I never saw the head of the train but I knew that there were

1 wagons of train.

2 Q. Very well. There may <have been> an interpretation problem.

3 Did the train come only once or on several occasions?

4 A. It was not one time. They came on different occasions, but I  
5 cannot tell you how many trips the train would come.

6 Q. Well, I believe we have come to the end of the <> session, and  
7 I'll stop my questioning here, <Mr. Witness --> Mr. Civil Party.

8 [11.28.42]

9 MR. PRESIDENT:

10 Thank you. It is now lunch break. The Chamber will take a lunch  
11 break from now until 1.30 p.m. so that we can proceed.

12 Court officers, please find a proper place or waiting room for  
13 the witness and the TPO staff, and please invite them back into  
14 the courtroom at 1.30 in the afternoon.

15 Security personnel are instructed to bring Mr. Khieu Samphan to  
16 the holding cell downstairs and bring him back before 1.30 in the  
17 afternoon.

18 The Court is now in recess.

19 (Court recesses from 1129H to 1328H)

20 MR. PRESIDENT:

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

22 The Chamber is now going to give the floor to the Defence  
23 <teams>. First, to the Nuon Chea defence.

24 [13.29.32]

25 QUESTIONING BY MR. KOPPE:

1 Thank you, Mr. President. Good afternoon, Your Honours. Good  
2 afternoon, Mr. Civil Party.

3 Q. I have not many questions for you today, just a few. Let me  
4 start with asking you whether my understanding is correct that,  
5 while working at the Trapeang Thma Dam worksite, you didn't get  
6 sick yourself; correct?

7 MR. NHIP HORL:

8 A. Yes, that's true.

9 Q. And is my understanding also correct that, while working at  
10 the Trapeang Thma Dam worksite, you yourself didn't get  
11 disciplined by your superior?

12 A. Yes, that's true.

13 [13.30.50]

14 Q. Is my understanding also correct that while working at the  
15 Trapeang Thma Dam worksite, you yourself didn't get injured by an  
16 accident?

17 A. Yes, that's true. I never was injured.

18 Q. Mr. Civil Party, is my understanding correct that you  
19 yourself, while working at the Trapeang Thma Dam worksite didn't  
20 get beaten or physically mistreated in any other sense by  
21 someone?

22 A. No, never. But I was assigned to do certain tasks in an  
23 absolute manner.

24 Q. I understand, Mr. Civil Party. Finally, is my understanding  
25 correct that you, while working at the Trapeang Thma Dam

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1 worksite, didn't witness any killing or maltreatment of  
2 co-workers?

3 A. No, I never witnessed that kind of savagery.

4 Q. Mr. Civil Party, have you suffered any material injury for  
5 having worked at the Trapeang Thma Dam worksite, such as loss of  
6 property or loss of income?

7 A. Well, since I had <or owned> nothing, so I lost nothing.

8 [13.33.35]

9 Q. It makes perfect sense, Mr. Civil Party. Have you, Mr. Civil  
10 Party, suffered or are presently suffering from mental disorders  
11 or psychiatric trauma, such as post-traumatic stress disorder,  
12 for having worked at the Trapeang Thma Dam worksite?

13 A. Yes, I suffer from post-traumatic stress disorders. I was  
14 absolutely exhausted because of the work. And given what I  
15 experienced, I am very anguished. That's what I can tell you.

16 Q. Are you seeing, are you visiting, or have you been seeing or  
17 visiting recently, a psychologist or a psychiatrist?

18 A. No, I don't.

19 Q. How is it that you know that you yourself -- that you are  
20 suffering from a post-traumatic stress disorder?

21 A. Because I don't know whom to talk to. I am suffering from  
22 stress all the time, silently.

23 Q. I understand, Mr. Civil Party. But are you able to tell us if  
24 your suffering is related to those months that you had been  
25 working at the dam, or whether it is caused by your illness six

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1 months before, or maybe what happened to your father and  
2 siblings? Are you able to make a connection between --  
3 specifically between your work at the dam and your present  
4 condition?

5 A. It is because of the working conditions at the dam site.

6 [13.37.00]

7 Q. I'm looking back now -- I'm looking now at your civil party  
8 application. And I understand from it that you have filled it in  
9 yourself. But in it -- and that is, Mr. President, document  
10 E3/5018; English, ERN 01060039; Khmer, 00560150; and French,  
11 00897059; you describe the loss of two younger siblings, a  
12 father, an older sibling, and a nephew. You describe properties,  
13 but you do not indicate, or at least seem not to indicate, that  
14 you have suffered psychological trauma from your work at the dam.  
15 Was there any particular reason why you didn't mention this?

16 MR. PRESIDENT:

17 Civil Party, please hold on. Deputy Co-Prosecutor, please  
18 proceed.

19 [13.38.39]

20 MR. BOYLE:

21 Just a note for the record, Mr. President, that directly below  
22 the portions that Counsel just described in the civil party  
23 application, there is a line that he did not describe that says:  
24 "Number 6: I was overworked until I became terribly weak." So I  
25 want to note that for the completeness of the record.

1 MR. KOPPE:

2 And lost a toe, it says.

3 JUDGE FENZ:

4 Can I just ask a question? I've listened now for a while. It  
5 would appear, Counsel, that you are basically revisiting the  
6 admission of this person as a civil party. This has happened in  
7 pre-trial. There is a decision that deals with it, so if you want  
8 to know why the person has been admitted, I'm sure you can read  
9 the decision. Beyond that, what's the relevance of these  
10 questions? The ones about his personal suffering?

11 [13.39.33]

12 MR. KOPPE:

13 The relevance is the next provision in the Internal Rules, Rule  
14 23 quinquies, which -- and that's how I interpret it: "If an  
15 Accused is convicted, the Chamber may award only collective and  
16 moral reparations. And that moral reparations for the purpose of  
17 these rules are measures that acknowledge the harm suffered by  
18 civil parties as a result -- as a result of the commission of the  
19 crimes for which an Accused is convicted."

20 Now, maybe Nuon Chea will be convicted for whatever happened at  
21 the Trapeang Thma Dam worksite, but what happened to this civil  
22 party in this hospital six months before is something that he  
23 definitely will not be convicted for.

24 JUDGE FENZ:

25 But the decision on whether this is a bona fide civil party or



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1 not has been made on pre-trial. We cannot re-open this here. And  
2 that -- it appears to me that this is what you are trying to do.

3 MR. KOPPE:

4 Yes, but he is one of 4,000 civil parties. How were we ever in a  
5 position to challenge the merits of the application or the  
6 admission? This is the only time that we can do it. And you have  
7 to establish whether he has suffered from the crimes at Trapeang  
8 Thma Dam worksite. That's -- otherwise, it just doesn't make any  
9 sense.

10 [13.41.04]

11 JUDGE FENZ:

12 There might be a misunderstanding about the procedure. This has  
13 been done. The admission has been done finally in pre-trial, with  
14 all the possibilities to appeal, et cetera. Now he's part of the  
15 consolidated group. Re-opening the admission process or decision  
16 doesn't work on trial, not under these Internal Rules.

17 [13.41.29]

18 MR. KOPPE:

19 So there is no possibility of trying to figure out whether his  
20 harm, that you have to establish, is a direct result of the  
21 crimes committed at the Trapeang Thma Dam worksite? That's what  
22 you have to do, according to Rule 23 quinquies. So I think for  
23 the defence lawyer, it's perfectly legitimate to try to establish  
24 this. We're not trying to fight the admission. I know he is in.  
25 But whether you can reward damages to him for him having suffered

1 any loss or damages at the Trapeang Thma Dam worksite, that is  
2 something I think is open in trial.

3 [13.42.15]

4 MR. PRESIDENT:

5 Please proceed, Civil Party Lead Co-Lawyer.

6 MS. GUIRAUD:

7 Thank you, Mr. President. I <sat back down again> because I saw  
8 that Judge Lavergne <also> wanted to speak. I think that there's  
9 a major confusion on the part of our colleague. Apparently, he  
10 just <glanced> at the Internal Rules over lunch, and he  
11 apparently has not understood everything <or been able to process  
12 all the information>. It's important that he understands that the  
13 civil parties are no longer participating <in the trial> on an  
14 individual basis, but they are participating through a collective  
15 of consolidated civil parties <or as a consolidated group>. And  
16 <that> reparations are given to this group <as an entity> and  
17 <then subdivided among each> individual civil party. So I think  
18 the Defence really needs to <reread> the Judgment and the  
19 decisions <-- because it's quite clear in the judgement> as well  
20 -- so that the questions <may> be relevant <today>. The Defence  
21 had the possibility of appealing each admission decision at the  
22 level of the Investigating Judge, and that was in 2010. And  
23 neither the Khieu Samphan defence, nor the Nuon Chea defence, nor  
24 the Ieng Sary <defence>, nor the Ieng Thirith defence back then  
25 appealed any of the admissibility decisions. So I think that it's

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1 good to remind you of the basic rules. If you wanted to have this  
2 discussion, you could have had it earlier and you could have had  
3 it during the investigation phase.

4 [13.43.56]

5 MR. PRESIDENT:

6 Judge Lavergne, you wish to share some observations with regard  
7 to this matter? Because we would like this problem not to happen  
8 again.

9 JUDGE LAVERGNE:

10 <No,> I have no specific comments <having> heard what has been  
11 said by the Civil Party Co-Lead Lawyers.

12 MR. PRESIDENT:

13 Counsel Koppe, please proceed with your examination.

14 BY MR. KOPPE:

15 Actually, I finished almost all my questions on this subject. I  
16 have a last question.

17 Q. Mr. Civil Party, why did you decide to become a civil party,  
18 and not remain a possible witness at the time?

19 [13.45.20]

20 MR. PRESIDENT:

21 Judge Lavergne, please proceed.

22 JUDGE LAVERGNE:

23 <Listen, I believe that> this question is completely  
24 inappropriate. The person in question just <exercised> his right.  
25 He has the right to join as a civil party, so I don't know why

1 <we would put that question> asking why he exercised that right.

2 MR. KOPPE:

3 Well, I think I'm entitled to ask this question because I think  
4 maybe this civil party is not aware of the fact that he is being  
5 questioned not under oath. And because he is questioned not under  
6 oath, the value of his statement is - the evidentiary value is  
7 much less than a witness. So I'm not sure if he's aware of this.  
8 I was just wondering if he could answer that question. If he  
9 doesn't want to answer the question, it's fine as well.

10 [13.46.18]

11 JUDGE LAVERGNE:

12 <Mr. Koppe are you telling us that>, as a defence lawyer, you're  
13 going to give advice to this civil party; is that what <you've  
14 just said>? Here, I must say that we are <venturing into>  
15 completely surrealistic <territory>.

16 MR. KOPPE:

17 I'm just trying to find out why of 20,000 people working at the  
18 Trapeang Thma Dam worksite, the civil party lawyers indeed picked  
19 this one to appear. That is a miracle to me, and I was trying to  
20 figure out what the reason was behind it. But I will--

21 MR. PRESIDENT:

22 Civil Party, do not answer this question. Counsel Koppe, if you  
23 have such questions, you should have put them to the <Office of  
24 Co-Investigating Judges>, as well as to the PTC. So you can ask  
25 them <as to> why the civil party was admitted. So we should stop

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1 here about this. Counsel, do you have any other questions or  
2 issues to raise? Or do you wish to proceed with this debate? I  
3 have a feeling that we're basically turning around in circles.  
4 [13.47.39]

5 MS. GUIRAUD:

6 I don't want <> to stagnate <the matter>. I just want to have on  
7 the record that I <am opposed to what has been said by our  
8 colleague. I> cannot accept having on the record that <> the  
9 testimony of a civil party will <necessarily> have less probative  
10 value than the testimony of a witness. The Chamber <was clear on  
11 the fact that it will> assess this on a case per case basis.  
12 <Nevertheless,> I'd like this to be on the record because we're  
13 dealing here with the Court's jurisprudence <once more.>

14 MR. PRESIDENT:

15 Counsel, do you have any factual questions to put to this civil  
16 party?

17 The Chamber will now give the floor to the Khieu Samphan defence.

18 [13.48.51]

19 MR. VERCKEN:

20 Mr. President, I will give the floor to my colleague, Kong Sam  
21 Onn. I just would like to say, however, something because  
22 <everyone else here has said something> on the record. Here, I  
23 think we <are testing> the limits of this hybrid procedure, and  
24 that's the problem. We cannot challenge the credibility of this  
25 civil party because he has not been interviewed by a

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1 Co-Investigating Judge. <Because he> has been admitted prior <as  
2 a civil party>, maybe during the investigation <stage and>  
3 without having been questioned substantially by the Investigating  
4 Judge. <So today, in the hearing,> you cannot discuss his  
5 credibility because this person is already a civil party. And you  
6 cannot challenge the link that there may be between <the> harm  
7 <he suffered> and the facts being tried <because --> if there's  
8 going to be reparation <based on harm suffered --> this  
9 <reparation> is going to be a group reparation. I'm not accusing  
10 anyone here <not at all: neither the Chamber nor anyone else>.  
11 I'm simply saying that in my eyes, we have reached here the  
12 limits of the logic behind <the hybrid nature of this> trial.  
13 <That is all.>

14 Now I will give the floor to my colleague.

15 [13.50.05]

16 MR. PRESIDENT:

17 We have chosen a certain method. We have finished Case 001, Case  
18 002/01. Now we're beginning with Case 002/02, and we've had no  
19 problems until now. So here problems are coming up. So if there  
20 are issues, why don't you put questions to the decision-makers  
21 themselves?

22 Counsel Kong Sam Onn, you have the floor.

23 QUESTIONING BY MR. KONG SAM ONN:

24 Q. <Thank you, Mr. President.> Good afternoon, Mr. Nhiep Horl. I  
25 have a certain number of questions to put to you before I may

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1 obtain clarification from you. This morning, when you were  
2 answering questions that were put to you by the Prosecution,  
3 questions regarding your biography when you were at the Trapeang  
4 Thma Dam site. So, the first question that was put to you by the  
5 Prosecution was: did you produce your own biography? And you said  
6 no. But you mentioned the fact that you did not understand  
7 exactly how a biography needed to be produced. And then there was  
8 a leading question that was put to you, which was: you said that  
9 somebody asked you to produce your biography, and you said that  
10 you did not know how to proceed about that. And so I'd like to  
11 know if someone indeed came to you and asked you to produce your  
12 biography. Or no one came to see you at the Trapeang Thma Dam  
13 site regarding this matter?

14 [13.52.13]

15 MR. PRESIDENT:

16 Please proceed, <National Lead Lawyer for Civil Party>.

17 MR. PICH ANG:

18 Good afternoon, Mr. President. I object to the way this question  
19 was put to the civil party. This is a very long question, and  
20 there are many, many elements grouped together in this question  
21 as well as its own conclusion: a conclusion that was put by the  
22 counsel himself before even putting the question. And this  
23 conclusion is erroneous and does not correspond to what <the  
24 civil party has testified>. So, I would like the counsel to put  
25 shorter questions to the civil party so that the civil party may

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1 answer the questions appropriately.

2 [13.53.14]

3 BY MR. KONG SAM ONN:

4 Thank you. That's not an issue. I thought that my question was  
5 brief. Well, let me put the question to you again.

6 Q. You provided an answer that wasn't very clear this morning. So  
7 please provide some clarification here. What was therefore the  
8 exact nature of your answer? I believe that you said that you did  
9 not produce your biography. However, as you did not produce your  
10 biography, did someone come ask you to produce a biography or no  
11 one came to see you in that regard?

12 MR. NHIP HORL:

13 A. No one came to ask anything of me or to ask me to produce a  
14 biography. No, no one ever came to see me about that.

15 Q. Thank you. This morning you said that the work at the dam site  
16 when you arrived, consisted in working on the first bridge. That  
17 was in mid-1977. So, what I would like to know is, if you noted  
18 when you arrived what the situation was like at that dam site.

19 [13.55.20]

20 A. At Bridge Number 1, when I arrived, there was not enough earth  
21 at each bridge head. So my unit was in charge of banking up the  
22 soil there at each bridge head. And we would also dig up some  
23 earth to the north of the bridge.

24 Q. Was your unit assigned to work at Bridge Number 1 itself or  
25 right next to the bridge?



1 A. We were in a unit whose job was to <only> bank up earth. <We  
2 were not specialized workers.>

3 Q. No. What I wanted to know was if your unit had to work on the  
4 first bridge itself or to work next to Bridge Number 1.

5 A. We were working next to the bridge and not at the bridge  
6 itself.

7 Q. So this means that you would dig trenches next to the bridge,  
8 and you had to bank up the earth right at the bridge itself; is  
9 that correct?

10 [13.57.40]

11 MR. PICH ANG:

12 Well, in reality, maybe the way he's speaking confuses us a  
13 little bit. In Khmer we could say it was -- you're speaking about  
14 the bridge, the head of the bridge itself. And maybe Counsel Kong  
15 Sam Onn did not understand the answer well. He might have  
16 understood that as being next to the bridge, whereas he was  
17 saying at the bridgehead itself.

18 BY MR. KONG SAM ONN:

19 Q. When you're speaking about the bridgehead, are you speaking  
20 about the extremities of the bridge?

21 MR. NHIP HORL:

22 A. Yes. Yes, indeed. We were working at the extremities of the  
23 bridge. That is where we had to lay in concrete.

24 Q. So, what did you see next to the bridge? For example, did you  
25 see any offices, or any kind of shelter, or maybe some kind of

1 warehouse?

2 A. I wasn't really paying attention, and I don't remember what  
3 there was next to the bridge.

4 [13.59.24]

5 Q. Thank you. How far was your unit from the bridge?

6 A. My unit was about one kilometre away from the bridge.

7 Q. Thank you. I would like to put some questions to you regarding  
8 the periods under the Democratic Kampuchea regime, particularly  
9 during the first phase of the Democratic Kampuchea regime -- that  
10 is, from the <17th> of April 1975 up to December 1976. You have  
11 stated that you were evacuated from your village, <Choul> Chruk  
12 (sic) to Chroab village, Chob Veari commune. I would like to know  
13 for how long you lived in Chroab village. Was that shortly after  
14 the 17th of April or much later?

15 A. I no longer recall the period. I lived there for quite a long  
16 time. I am unable to give you a very specific duration or time  
17 frame.

18 Q. Do you recall whether you stayed there until the time you were  
19 transferred to grow cotton at Sala Kraham <>?

20 A. I was not growing cotton at Sala Kraham; I was there  
21 harvesting rice and carrying bags of rice. I grew cotton at Kang  
22 Va instead.

23 [14.02.08]

24 Q. So, could you confirm whether you left <Chroab Thmei> and went  
25 to Kang Va to grow cotton.

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1 A. When I left Chroab Thmei village -- I cannot recall when I  
2 left that Chroab Thmei village. Perhaps I left <Sala Kraham> in  
3 <December of> the same year.

4 Q. Could you confirm the year, what year was it?

5 A. I left in 1976.

6 Q. Thank you. What about your villagers in <Choul> Chruk (sic)? I  
7 would like to know whether other villages were also evacuated  
8 together with you.

9 A. Villagers from two <target> villages -- <Chub (phonetic)> and  
10 Roul Chruk -- were evacuated.

11 [14.04.03]

12 Q. Perhaps I mispronounced your birth village. It was not <Choul>  
13 Chruk (phonetic), but it was Roul Chruk; is that correct?

14 A. It was Roul Chruk village, and not <Choul> Chruk (phonetic)  
15 village.

16 Q. Thank you. So, were all villagers from <Roul Chruk evacuated  
17 to> Chroab Thmei village <> together with you at that time?

18 A. No one could stay together with their family members.

19 Q. Thank you. Regarding the commune -- I believe it was in the  
20 same commune -- how far was it from Roul Chruk village to Chroab  
21 Thmei village?

22 A. It was about 500 -- rather five to six kilometres away from  
23 Roul Chruk to Chroab Thmei <village>.

24 Q. Thank you. Now I would like skip some points and jump to  
25 another topic regarding timeline.

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1 Prior to 1975, what did you do, could you confirm it again for  
2 the Court? What did you do before 1975?

3 A. Before 1975, I was a rice farmer in my birth village.

4 Q. Did you remain a farmer at that time until 1975? Did you have  
5 other jobs?

6 A. No other jobs. I was only doing rice farming.

7 MR. KONG SAM ONN:

8 Thank you, Mr. Witness. Mr. President, I am done with my line of  
9 questioning.

10 [14.07.14]

11 MR. PRESIDENT:

12 Thank you. Mr. Nhiep Horl, now you may make a victim impact  
13 statement, if any, concerning the crimes which are alleged  
14 against the two Accused, Nuon Chea and Khieu Samphan, and harms  
15 inflicted upon you during the Democratic Kampuchea, resulting in  
16 your civil party application to claim collective and moral  
17 reparations for physical, material or mental injuries as direct  
18 consequences of those crimes. You may proceed.

19 [14.08.03]

20 MR. NHIP HORL:

21 I could survive the regime. Lucky me. I endured hardship. I lost  
22 my relatives and my beloved ones. <> I am weak now as a result of  
23 the experience. I lost freedoms at that time. In particular, I  
24 lost my siblings and parents. At that time, whenever I fell sick,  
25 no relatives, no close relatives or siblings came to ask me or

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1 help me. No medicines were given to me when I was sick. No  
2 encouragement from anyone of my family members or relatives. I  
3 was sick alone. And I was alone at that time. I lost my  
4 relatives, immediate siblings, parents. I cannot mention all  
5 suffering I endured.

6 MR. PRESIDENT:

7 Do you have more to express, Civil Party?

8 MR. NHIP HORL:

9 I would like to have two questions, Mr. President. Number one:  
10 regarding Khmer Rouge regime, were leaders of the regime aware of  
11 the hardship endured by its people, by their people? And I  
12 received instruction or direction from Angkar. Who was Angkar at  
13 that time? Was Angkar referred to one particular person <or>  
14 unit? I heard of Angkar instruction and direction, but I was not  
15 aware who Angkar was at that time.

16 [14.12.06]

17 MR. PRESIDENT:

18 You want to put the questions through me or are you directing the  
19 <questions> to whom now?

20 MR. NHIP HORL:

21 I would like to put the questions to former leaders of the  
22 Democratic Kampuchea.

23 MR. PRESIDENT:

24 So, who are you directing the questions to?

25 MR. NHIP HORL:

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1 I want to put the <questions> to Nuon Chea.

2 THE KHMER INTERPRETER:

3 Interpreter could not hear what the President said.

4 [14.12.50]

5 MR. PRESIDENT:

6 Are you asking Nuon Chea now or are you referring the questions  
7 to Khieu Samphan as well? You have to put the questions through  
8 me, through the President of the Trial Chamber.

9 MR. NHIP HORL:

10 Yes, I would like to put the questions to the two former leaders  
11 of that regime.

12 [14.13.16]

13 MR. PRESIDENT:

14 Thank you, Mr. Nhip Horl. The Chamber wishes to inform that on 8  
15 January 2015, after ascertaining the position of both Accused  
16 regarding the exercise of their right to remain silent, the  
17 Chamber notes that the two Accused maintained their expressed  
18 position, unless and until such time the Chamber is expressly  
19 informed otherwise by the two Accused or their counsels. It is  
20 therefore incumbent upon them to inform the Chamber in a timely  
21 and efficient manner should the Accused resolve to waive their  
22 rights to remain silent and be willing to respond to questions by  
23 the Bench or relevant Parties at any stage of the proceedings. As  
24 of today, the Chamber is not yet informed that the two Accused  
25 have changed their expressed position, and thus agree to provide

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1 their responses to questions. The Chamber would like to inform  
2 everyone that the Chamber cannot force the two Accused to waive  
3 their right to remain silent.

4 [14.14.54]

5 It is now time for the adjournment. The Chamber will adjourn now  
6 and it will continue hearings tomorrow, on the 26th of August  
7 2015 at 9 a.m. Tomorrow, the Chamber will hold key document  
8 hearings concerning the documents which have been put so far  
9 before the Chamber. <The key documents relate to> Kampong Chhnang  
10 airport, Trapeang Thma Dam worksite, and the 1st January Dam  
11 worksite. Please be on time tomorrow and the following days.

12 Thank you very much, Mr. Nhip Horl. Thank you for coming here as  
13 a civil party. Your <> testimony has now come to an end and it  
14 will contribute to ascertain the truth. You may now be excused  
15 and you may return to your desired destination or residence. I  
16 wish you good health, good luck, happiness and prosperity.

17 Thank you, Mr. Yourn Sarath, TPO staff. Thank you for giving  
18 support and assisting the proceeding of the Trial Chamber. It is  
19 now time for the adjournment, so you may also be excused.

20 Court officer, please work with WESU to send Mr. Nhip Horl back  
21 to his residence or any desired destination.

22 Security personnel are instructed to take the two Accused Khieu  
23 Samphan and Nuon Chea back to the ECCC detention facility and  
24 have them returned tomorrow before 9 a.m.

25 The Court is now adjourned.

1 (Court adjourns at 1416H)

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