



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

2 September 2015

Trial Day 321

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

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KHIEU Samphan

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Trial Chamber Greffiers/Legal Officers:
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For the Office of the Co-Prosecutors:
Travis FARR
SONG Chorvoin
SENG Bunkheang

For Court Management Section:
UCH Arun

I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LOR Chunthy	Khmer
Mr. MEAN Loeuy (2-TCCP-994)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAM Sak (2-TCCP-993)	Khmer
Mr. SENG Bunkheang	Khmer
Ms. SIN Soworn	Khmer

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1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber hears the impact statement of <two> civil

6 <parties> and we will hear the statement from the first

7 2-TCCP-993 and when that statement concludes, we hear another

8 civil party's impact statement 2-TCCP-994, in relation to the

9 facts at the Trapeang Thma Dam worksite.

10 <The Greffier,> Ms. Se Kolvuthy, please report the attendance of

11 the Parties and other individuals at today's proceedings.

12 THE GREFFIER:

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

14 are present.

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

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

17 been delivered to the greffier.

18 The civil parties who are to make their impact statements;

19 namely, 2-TCCP-993 and 2-TCCP-994, are present and we also have

20 TPO staff, Mr. Sarath, present to provide support to the civil

21 parties and they are waiting to be called by the Chamber.

22 [09.05.18]

23 MR. PRESIDENT:

24 Thank you. The Chamber now decides on the request by Mr. Nuon

25 Chea.

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1 The Chamber has received a waiver from Nuon Chea, dated 2nd
2 September 2015, which states that due to his health: headache,
3 back pain, he cannot sit or concentrate for long and in order to
4 effectively participate in future hearings, he requests to waive
5 his rights to participate in and be present at the 2nd September
6 2015 hearing.

7 Having seen the medical report of Nuon Chea by the duty doctor
8 for the Accused at the ECCC, dated 2nd September 2015, who notes
9 that Nuon Chea has severe back pain when he sits for long, and
10 recommends that the Chamber grant him his request so that he can
11 follow the proceedings remotely from the holding cell downstairs.
12 Based on the above information and pursuant to Rule 81.5 of the
13 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
14 follow today's proceedings remotely from the holding cell
15 downstairs via audio-visual means. The Chamber instructs the AV
16 Unit personnel to link the proceedings to the room downstairs so
17 that he can follow the proceedings. This applies to the whole
18 day.

19 Court officer, please usher civil party 2-TCCP-993 <and the TPO
20 staff> into the courtroom<>.

21 (Civil party enters courtroom)

22 [09.08.19]

23 QUESTIONING BY THE PRESIDENT:

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

25 MR. SAM SAK:

3

1 A. My name is Sam Sak. I was born on 1st August 1963. I was born
2 at Phnum Pir village, Svay Torng district<, Moat Chruk (phonetic)
3 or An Giang Province> in Vietnam.

4 Q. And where is your current address and what are you doing for
5 living at the moment?

6 A. Currently, I am living in <Cheav Bdei Khang Lech village,> Ta
7 Ou <commune>, Kiri Vong district, Takeo province, and I am a rice
8 farmer.

9 Q. What are the names of your parents?

10 A. My father's name is Sam San and my mother is Phoeung Song.

11 Q. What is the name of your wife and how many children do you
12 have together?

13 A. My wife is Kong Vanna and we have two children together.

14 [09.10.02]

15 MR. PRESIDENT:

16 Thank you. For the hearing of the impact statement of this civil
17 party, the Chamber has arranged the presence of a TPO staff, <Mr.
18 Yourn Sarath,> to provide emotional support to the civil party
19 during the entire proceeding of hearing this statement of impact.
20 And Mr. Sam Sak, as a civil party, the Chamber will give you the
21 floor so you can make your statement of harm and suffering
22 inflicted upon you physically, emotionally and materially, as a
23 direct result of crimes that existed and that continues to affect
24 you until today, and which led you to become a civil party in
25 this Case, and which involved the two Accused -- that is, Nuon

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1 Chea and Khieu Samphan. As per your application, the crimes
2 <which affected you> refer to those that committed during the
3 period of Democratic Kampuchea from 17 April 1975 to 6 January
4 '79, and <the facts> which are related to what happened at the
5 Trapeang Thma Dam worksite.

6 To start with, the Chamber hands the floor to the Lead Co-Lawyers
7 for the civil parties <to put questions related to his statement
8 of harm and suffering inflicted upon the civil party>.

9 [09.12.08]

10 MR. PICH ANG:

11 Good morning, Mr. President; and good morning, Your Honours and
12 everyone in and around the courtroom; and good morning, Mr. Civil
13 Party. The Lead Co-Lawyers would like to designate Lor Chunthy, a
14 civil party lawyer to put questions to the civil party, Mr. Sam
15 Sak. He is the lawyer for the civil party as well.

16 MR. PRESIDENT:

17 Yes, you may proceed.

18 QUESTIONING BY MR. LOR CHUNTHY:

19 Thank you, Mr. President. And allow me to say good morning to
20 everyone in and around the courtroom. My name is Lor Chunthy. I
21 am a civil party lawyer in this Case <and I am from Legal Aid of
22 Cambodia (LAC)> and I'd like to put some questions to Mr. Sam Sak
23 in relation to his statement of harm and suffering that inflicted
24 upon him during the Democratic Kampuchea regime and that happened
25 in the Trapeang Thma Dam worksite.

5

1 Q. I'd like to clarify one matter with you, Mr. Civil Party. You
2 said <earlier that> you were born at Phnum Pir village, Svay
3 Torng, Moat Chruk; however, in your identity card it shows that
4 your place of birth at <Cheav Bdei Khang Lech> Ta Ou, Kiri Vong,
5 Takeo province. Could you please clarify the matter for the
6 Chamber?

7 [09.14.09]

8 MR. SAM SAK:

9 A. Thank you. I actually was born in Kampuchea Krom, but I came
10 to live <and study> in Kiri Vong district a long time ago, and
11 when I became a soldier I changed my place of birth to the place
12 of birth of my wife.

13 Q. Can you tell the Court the reason for you to make that change?

14 A. I was a soldier and I did not want them to find out that I
15 originally came from Khmer Krom; for that reason, I changed my
16 background to be a Khmer Leu.

17 Q. Thank you. Where were you <before 17 April 1975> and <>after
18 17 April 1975, <when> the Khmer Rouge captured Phnom Penh as well
19 as towns throughout the country, <where were you and your family
20 members evacuated>?

21 [09.15.57]

22 A. On 17 April 1975, I lived in Phnom Penh, near the vicinity of
23 the Olympic market. At about 5 o'clock in the afternoon, the
24 Khmer Rouge came to our house and chased us away from our
25 residence. They told us that we had to leave Phnom Penh and move

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1 to live in the outskirts of Phnom Penh provisionally -- that is,
2 for a period of three days only. So we had to move from the city
3 for a distance of three kilometres, and after Angkar cleaned the
4 city, then we would be allowed to return to Phnom Penh. As a
5 result I came to live at the area near Ou Baek K'am, which was
6 about three kilometres from Phnom Penh centre, and I was there
7 only for two to three days.

8 The Khmer Rouge chased us to move further as -- at the time, my
9 family were thinking of returning to our native village -- that
10 is, to Kampuchea Krom. So we decided to make a trip to National
11 Road Number 2. And when we reached the Thnaol Totueng area, the
12 Khmer Rouge asked us where we were heading to and we lied to them
13 that we were heading to Takeo province. However, we were not
14 allowed to proceed further by the Khmer Rouge and we stayed at
15 the Trayueng village. At that time I was pretty young and they
16 asked me to <herd> the cattle, to collect cow dung and to build
17 <rice> dikes.

18 [09.18.50]

19 We were then evacuated further to Pursat province and that was
20 about the start of the rainy season and we didn't stay there for
21 long. We were put in a house which was crowded with 17 April
22 People. <Human excrement and urine was all over the stairs.> The
23 situation there was terrible. Two or three days after we lived in
24 that house, my family, as well as the rest of the 17 April People
25 there, were put on a train heading towards Svay Sisophon. And we

1 got off at the Svay Sisophon railway station and I was not
2 familiar with the area at all. We stayed there overnight <at a
3 train station> and next morning we were put on <two> trailers
4 towed by a tractor and we were among the other 17 April People
5 <from Phnom Penh>. There were many tractors on site and we were
6 sent to various districts. Some were sent to Preah Netr Preah
7 district, to Phnum Srok district, or Thma Puok district. And my
8 family got on a tractor which was heading to Phnum Srok district
9 and that's where we got off. Then the Base People came to the
10 area where we got off the tractors with ox carts and then we were
11 put on those ox carts together with other 17 April People and
12 with some Sino-Khmer people and I was sent to Nam Tau village,
13 Samraong commune. I was subsequently put into a children's unit,
14 and the task assigned to me was to collect cow dung, and each day
15 we had to collect <90 to 100> kilogrammes of cow dung. So we
16 actually tried to compete with one another in order to collect
17 cow dung to reach the daily quota.

18 [09.22.05]

19 Later on I was sent to live in another area -- it was a bit
20 uphill -- at <Kouk> Ta Siev (phonetic) hill. It was quite
21 graveyard-like hill. All the children in the children's unit
22 belonged to the families of the 17 April People, and the task
23 assigned to us at that area was to clear the forest, to fell
24 bamboo in order to make vegetation farm to plant <cassava> and
25 other vegetation. And that was the year that they started to

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1 mistreat us, the children. I myself was pretty young and I never
2 knew before how to cut bamboo. And not only that we had to fell
3 bamboo trees, but we had to uproot them in order to make the
4 farm, and later on to transform the area into a village to house
5 17 April People.

6 We worked at various hours regardless of the time of the day or
7 the weather condition.

8 [09.23.54]

9 As for food, 10 of us were given a can of rice and that happened
10 at the beginning so we had to cook it as gruel, and we could only
11 see water in the gruel. And later on the situation worsened --
12 that is, one can of rice for 20; and later on, one can of rice
13 for 30 children. And in order to resolve the matter we had to
14 supplement our food with morning glory. <After it was boiled, it
15 would be put into> a large jar and<> then each child would be
16 given a scoop of the watery gruel. And the situation worsened
17 than that, because later on no rice was given to us and we were
18 given only <rice> bran. The bran smelled awful and there were
19 worms in the bran. It was barely edible; however we had no
20 choice. We had to wash the bran thoroughly before we could boil
21 it. Actually we packed it with banana leaves, then we kind of
22 burnt it or grilled it. And because of the situation, many
23 children became sick from swollen disease, from malaria, and some
24 children started to die one after another. There was no medical
25 treatment or sick people were sent to the hospital, no, that was

1 not the case. And the medicine that was given to us was rabbit
2 drop-like pellets. These pellets were given for all kinds of
3 treatments: abdominal pain; or whatever pain you had you would be
4 given the same medicine. It was very painful to bear such a
5 horrible situation.

6 [09.26.41]

7 And I was by myself without any family members living nearby. As
8 the rest of my relatives and family members were sent to work in
9 the cooperatives, in the rice fields, far away from where I
10 worked.

11 Due to the unbearable situation, I decided to leave the
12 children's unit and join a mobile unit, as in the mobile unit,
13 members were given gruel to eat, whereas in the children's unit,
14 only bran was given. So I worked in a mobile unit at the Trapeang
15 Thma Dam worksite and I lived and worked at that worksite, and I
16 was the youngest member of the mobile unit. And I was asked
17 whether I was able to work in the mobile unit because I was so
18 young, and I said of course I could. And since they saw me as the
19 youngest member of the mobile unit, I was given the task to ride
20 an ox cart <with two cows> to transport firewood for the kitchen.

21 [09.29.05]

22 So my task at the time was, in the morning to go into the forest
23 to cut some wood return the wood to the kitchen. And some mobile
24 unit members envied me for doing that task. As a result I was
25 reassigned to go and carry dirt. But because I was young, I could

1 not dig the ground and I could only carry the dirt. And there was
2 a daily quota for carrying the dirt at the worksite. Due to
3 overwork I became sick. I had fever and it was a relapse fever
4 but I did not dare to stop working. Once I recovered from the
5 relapse I returned to work immediately. I was afraid that they
6 would find some kind of mistake that I make, or that they would
7 accuse me of becoming an imaginary sick person. There was a
8 saying at the time that because people could eat and could not
9 work, then they said it was the fever of the tractor, and that
10 fever meant that it was an imaginary fever. For that reason, if
11 you could eat, it means you could work and your sickness was
12 imaginary.

13 [09.31.25]

14 I have never forgotten the so-called slogan of the Khmer Rouge at
15 that time. I was doing my best. I was doing my best to work
16 although sometimes I was sick. I had to do the work to survive. I
17 did not think at that time I could survive the regime. I never
18 expected that I would survive the other day. If I probably made
19 mistake I would be taken away and killed. So I did not dare to
20 say anything. I rather pretended to be a dumb and deaf person; to
21 plant a kapok tree. My elder sibling told me not to speak, not to
22 say anything <about our family background or the previous regime>
23 during the regime.

24 I was assigned to work for them during the regime. The Trapeang
25 Thma dam worksite was considered a hot battlefield at that time

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1 and I had to work very hard. I was engaged in work regardless of
2 rain, regardless of the hot sun and thunder. When it was time to
3 work I would go to work. Every morning at 4.00 or 5.00, we were
4 woken up to work. And when we were at the working place, we could
5 hear only the sounds of hoes digging <and could barely see the
6 people>. We had to work from the morning until 11.00 when we were
7 given a short time to break. We had lunch for a short period of
8 time and we resumed work at 1 p.m. We continued to work until 5
9 p.m. in the evening, then we had another short break. It took
10 quite a while to arrive at the sleeping quarters and <and took>
11 baths. <We> had dinner and we took a short break and we started
12 work at night-time. We also worked at night from 7 p.m. until 10
13 p.m. So I could not compare the <hardship of the> situation at
14 that time to the current situation.

15 [09.35.55]

16 We were given thick gruel in a small bowl. I could not eat my
17 fill; it was not enough for me. I would not eat the thick gruel
18 right away. I had to go and collect edible leaves to mix with the
19 thick gruel to fill my stomach. Sinn Chanchhaya was my colleague
20 at the time. He was the son of Sinn Sisamouth, the singer. He
21 was with me going to pick up - rather, Sinn Chanchhaya, he stole
22 part of my food ration when I was away collecting leaves. When I
23 noticed my food ration was stolen, I was weeping and crying at
24 the time. I went to my unit chief to inform him that Sin
25 Chanchhaya stole some of my food ration and Sin Chanchhaya was

1 beaten at that time. I felt pity on him. However in the regime,
2 the regime did not teach us to love each other, to help each
3 other.<It was like the slogan "where your head is, your own hair
4 can grow.">

5 And regarding the work quota, if we received two <or three> cubic
6 metres of soil per day, we had the same work quota. We were not
7 watched to be in solidarity. If we could not fulfil the work
8 quota, our food ration would be reduced. During that time there
9 were self-criticism and criticism sessions in order to encourage
10 us to work hard for Angkar, for the sake of Angkar.

11 [09.38.35]

12 One time, I felt sick. There was no medicine for me and I was
13 given with the rabbit dropping pellets. And my knee caps were so
14 big at the time, my hair was not tidy. I was tremble. I had a
15 fever. No one came to help me and I had to take in the situation,
16 and it was called the relax fever. My clothes, my shirts and
17 trousers were full of lice, and they were smelly. There were lice
18 in my clothes. No soap, no detergent for us to clean our clothes.
19 <We> did not have even time to wash ourself.

20 Regarding the time that we slept, we used the <carrying> baskets
21 as pillows and hoes as bolsters. We were sleeping directly on the
22 ground. It was a terrible situation. It was so painful for me. I
23 was seriously mistreated since I was considered a 17 April
24 person. They hated <> the 17 April People so much because 17
25 April People were said to be capitalists and feudalists. And 17

1 April People would come with only a set of clothes, no belongings
2 with them, when they were evacuated. Because they were told to
3 leave their places for a period of a few days, three or four
4 days, <three kilometres from Phnom Penh,> they had only a set of
5 clothes with them.

6 [09.41.27]

7 We worked, worked and worked, no rest, no blankets. During the
8 winter season, we had to burn things to warm ourselves. Sometimes
9 we would get burned because of the ember. Some people who had
10 fever, they would warm themselves by burning the ember and some
11 of them got killed by the ember, as I made -- mentioned a while
12 ago, only rabbit dropping pellets were given to all of us for
13 every kind of diseases.

14 Q. I would like to put a few more questions to you, Mr. Civil
15 Party. You <mentioned> a while ago that, first, you were in a
16 children unit. Could you tell the Court why you were transferred
17 to be part of a mobile unit at the Trapeang Thma Dam worksite
18 <since you were still a child>?

19 A. Thank you, Mr. Lawyer. <>I was within a children unit. I told
20 you already I could not bear <to eat rice bran. A can of rice was
21 for 30 people. It was cooked with morning glory, and when> there
22 was no more food ration for us; only <rice> bran was given to all
23 of us. For this reason, I decided to leave the children unit and
24 join the mobile unit with adult so that I would get some rice
25 <>to eat.

1 [09.43.40]

2 Q. Thank you. Upon your first arrival the dam worksite, did you
3 receive the same and equal work quota <like other members in the
4 unit>?

5 A. Thank you, Mr. Lawyer. The work within the mobile unit, no
6 matter how young we were at the time, was the same in terms of
7 work quota. If we did not complete the work quota, our food
8 ration for the whole group would be reduced. They would reduce
9 the food ration and give to other groups who had completed the
10 work quota. Although a small amount of food ration was <given to
11 us>, they had to do that in order to deter us. I was the youngest
12 in the unit. I was weeping, crying. I felt sad that I could not
13 meet the work quota. Later on, I could do the work as other did.
14 So I could achieve what other adults did. Let me backtrack a
15 little bit. When I was young in the children unit, I was so
16 hungry at the time, nothing to eat. At the time when we were
17 given a can of rice for 30 children, because there was no enough
18 food for me, I went around and picked up fish bones<, that were
19 thrown away by the Base People,> to fill my stomach and even the
20 skin <>of frogs were picked up by me to eat. So it was terrible
21 for me. I was a 17 April person. I had never had such kind of
22 food before in my life.

23 [09.46.03]

24 The waste water from rinsing rice was collected by me to drink. I
25 was warned and reprimanded. <I was reprimanded for eating that

15

1 waste>. For this reason, I <decided> to be part of a mobile unit.

2 Q. When you had been transferred to the mobile unit, did you have
3 the latitude to communicate or contact your family members?

4 A. When I became a member of a mobile unit, no time to visit my
5 elder siblings. There was one time I had a permission to visit my
6 elder sibling in the evening. And the day after in the morning, I
7 returned to my worksite. My <>elder sibling advised me not to
8 talk freely, <just do the work as assigned and> not to say
9 anything. I was there to visit <my elder sibling> for a brief
10 moment <and then my elder sibling went to work, so I came back
11 because I dared not stay there for long>.

12 [09.47.39]

13 Q. What else did you experience <that hurt you badly> while you
14 were working in the mobile unit beside what you have told the
15 Court?

16 A. I was working in a mobile unit<>. There were a lot of
17 incidents happened within the mobile unit. People were taken away
18 and killed. I did not know at the time what kind of mistakes
19 those people committed and why they were taken away and killed.
20 While we were working at night, the halls where we slept were
21 quiet after 7 p.m., but there were people coming to check to make
22 sure that no one was <> staying in the hall. There were some
23 people who fell sick and there were others who had night
24 blindness. For the night-blinded people, they were guided toward
25 the latrines. This was an experiment or a test for them. A

16

1 container was used to be a latrine, and <two pieces of wood> were
2 put on the containers so that we could relieve ourselves. One
3 time, the night-blinded people were guided toward the latrine.
4 For those who did not actually have the night blindness disease,
5 they jumped over the pit or the latrine. But for those who had
6 the night blind diseases, they fell into the latrine or the pit.
7 So it was okay for the one who had the actual night blindness,
8 they could survive, but for those who pretended to have the kind
9 of diseases, disappeared one after another. <But I did not know
10 the exact date.>

11 [09.50.43]

12 Q. In your experience, what did you feel at the time?

13 A. In that period, it was a terrible situation. I was terrified.
14 People were taken away. And I was afraid of my life. I could say
15 I was lucky during the regime. I did not have the so-called night
16 blindness. I only contracted a fever and a swollen disease. My
17 legs, my feet were swollen. I could barely walk. <The swollen
18 legs looked like shoes full of water, so it was viscous when I
19 walked.> And when I used my fingers to touch my feet and legs, I
20 could see that <the skin was dented, and even my face was
21 swollen.> So I had the two kinds of disease -- that is, swollen
22 disease and fever during the Khmer Rouge.

23 [09.52.31]

24 Q. Were there any medical staff to treat you and other people?

25 A. No medical staff during the time. No medical staff or doctors

1 to take care all of us. But we could ask for medicines through
2 unit chiefs <and we would get the medicine>. No modern medicines.
3 There were only rabbit dropping pellets. They were given to all
4 of us for any kind of diseases. It was said that the pellets were
5 <very> effective for all kinds of diseases.

6 Q. Thank you. I would like to backtrack a little bit. In your
7 experience, when you were young in the children unit or in the
8 mobile unit, <>were you educated <or received any training>
9 within the children unit and mobile unit?

10 A. Thank you, Mr. Lawyer. During the regime, I received no
11 trainings, no education at all, no education for children.
12 Children were instead educated how to cut a "kantreang khet" and
13 pick up cow dung. No schools for children at that time.

14 Q. I would like to go back a little bit regarding the time when
15 you visited your elder <sister>. Your elder <sister> told you not
16 to reveal your own background. <What> made her advice you in such
17 way?

18 [09.55.10]

19 A. Thank you, Mr. Lawyer. My elder <sister> had been well
20 educated. Her husband held a senior position in the former
21 regime. She advised me not to mention or reveal our background of
22 our family situation, because she understood that there were
23 people who had been taken away and killed. My elder sister
24 survived the period as well. In fact, during the regime, my
25 sister had divorced her husband already. Her husband was a

18

1 soldier at Neak Loeung. She told me to shut up my mouth not to
2 reveal anything about our family background <for fear of being
3 killed>.

4 Q. In relation to your siblings and relatives, did you lose any
5 loved one in your family <during the regime>?

6 A. Thank you, Mr. Lawyer. In relation to my family members who
7 perished in the Khmer Rouge regime, my uncle and aunt died, the
8 whole family <including children>, that is <>her whole family
9 died. And my mother younger sibling was a colonel in the former
10 regime. The whole family was taken away and killed. Only one
11 survived, only one member from his or her family survived the
12 period.

13 [09.58.27]

14 Q. Do you recall who else disappeared during the regime;
15 particularly, did any loved ones who <raised you up> when you
16 were young disappear?

17 A. My mother <was the one> who raised me up, <but in 1969, my
18 great uncle took me to Phnom Penh. He> raised me and <all> my
19 <elder> siblings <as well as sent us to school> in Phnom Penh. My
20 uncle was a minister in the Lon Nol regime. His name was Chau Sau
21 (phonetic). He was the one who provided support to my elder
22 siblings to receive high education. He was killed by Khmer Rouge.
23 I had a great suffering because of his <death without guilt>. Two
24 of my elder brothers disappeared with him, with my uncle. I have
25 never seen them back until now.

1 Q. When you recalled what you have experienced in the period, how
2 do you feel <now>?

3 A. So far, I have lost my aunts, my uncles, my nephews and other
4 relatives whom I could depend upon in life. I feel terrible for
5 the loss of these lives, including the life of my mother. They
6 took care of me. The rest of my siblings, they provided us with
7 education, but ultimately they died under the hands of the Khmer
8 Rouge regime. Nothing was as painful as the loss of these lives.
9 Nothing can compare to it, and it's thanks to the regime that so
10 far has destroyed the future of my family. They deprived us of
11 education. We didn't have the chance to study at all. And that is
12 the most painful thing in my life.

13 [10.02.42]

14 Q. Would you express your true feeling about the period that you
15 worked at the Trapeang Thma Dam worksite <when> you <were
16 fatigued and you> were not given sufficient food to eat. What was
17 your true feeling at the time?

18 A. Thank you, Counsel, for asking this question. While I was in
19 the mobile unit, I overworked. I never had enough sleep and the
20 food was never sufficient. Nothing could describe such a horrible
21 situation. Sometimes we were so hungry and we spoke to one
22 another. As long as I could be given just a plate full of rice
23 and a cooked chicken, I would change it for my life as my last
24 meal. Some other would say just a bowl of <noodle and a glass of
25 icy water> would be sufficient for them to feel satisfied and

20

1 they could rest in peace. You can imagine how terrible the
2 situation was. <When we were too hungry, and we would exchange
3 our life with one last meal.> We could feel that just give us a
4 good last meal and we would feel satisfied.

5 Q. While you were working at the Trapeang Thma Dam worksite, did
6 you ever envisage the benefit from your sacrifice, or from your
7 hard work on the construction?

8 [10.05.30]

9 A. Talking about the sacrifice and about the benefit from working
10 at the dam worksite, my life there could be regarded as the life
11 of an animal, and that applies to all the workers. As for the
12 benefit, we knew nothing about the benefit of what the purpose of
13 building the dam. Everything was organized by Angkar. And for us,
14 we tried to survive on a daily basis. When we woke up we knew
15 that, okay we could live for that day, but we did not know what's
16 going to happen the next day or that late evening. We could not
17 envisage anything at all. And we never knew their true intention
18 on the building of the Trapeang Thma Dam worksite, not at all. We
19 were completely in the dark and that was compounded by the fact
20 that I was pretty young at the time. I kept doing what I was
21 asked to do, to build the dam or to work the dry season rice
22 farming.

23 [10.07.05]

24 Q. This is my last question to you, Mr. Civil Party. Again, while
25 you were working at the worksite, and as you just stated, you

21

1 never knew what was going to come, whether you would be killed in
2 the <morning or in the evening>? <Did all members in your unit
3 feel the same way as you> at the time<? Could> you describe to
4 the Court how painful such a feeling was? <Did you live in fear
5 from day to day?>

6 A. I believed my feeling at the time was similar to all of those
7 workers in the mobile unit, since mostly they were 17 April
8 People <who was evacuated from the city>. And yes, there were a
9 handful of Base People in the mobile unit, but they were the one
10 playing a different role. They would monitor our activities or
11 the works that we spoke.

12 Q. And Mr. Civil Party, lastly, do you have any questions that
13 you wish to put to the Accused through the President of the Trial
14 Chamber?

15 A. Thank you, Counsel.

16 Mr. President, with your permission and through you, I'd like to
17 put the questions to the Accused.

18 One, during the Khmer Rouge regime they said that they considered
19 children as pillars of the <revolution>. Why did they deprive
20 education from the children, and instead why were they forced to
21 cut "kantreang khet" trees, to collect cow dungs, and why were
22 they deprived of food and only a can of rice was given to 30
23 children?

24 [10.10.05]

25 Second, in the Democratic Kampuchea regime, Angkar said we should

1 yield three to four tonnes of rice produce per hectare. What
2 happens to the yield? Why the yields were not given to the people
3 to eat?

4 Third, during the Democratic Kampuchea period they said it was a
5 great leap forward. If that was the case, why no machineries were
6 used for the building of the Trapeang Thma Dam worksite, and
7 instead people were forced to engage in manual labour <and they
8 were deprived of food>?

9 MR. PRESIDENT:

10 Thank you, Mr. Sam Sak, and the Chamber wishes to inform you that
11 after ascertaining the position of both Accused on 8 January
12 2015, regarding the exercise of the right to remain silent, the
13 Chamber notes that the two Accused maintain their expressed
14 position unless and until such time the Chamber is expressly
15 informed otherwise by the Co-Accused or their counsels. It is
16 therefore incumbent upon them to inform the Chamber in a timely
17 and efficient manner should the Accused resolve to waive the
18 right to remain silent and be willing to respond to questions by
19 the Bench or relevant parties at any stage of the proceedings. As
20 of today, the Chamber is not informed the Co-Accused have changed
21 their expressed positions and have agreed to provide a response
22 to questions. For that reason, the Chamber is not in a position
23 to compel the Accused to <waive the right to remain silent and>
24 respond to your questions.

25 The time is appropriate for a short break. We take a break and

1 resume at 10.30 a.m.

2 Court officer, please assist the civil party during the break and
3 invite him, together with the TPO staff, back into the courtroom
4 to continue proceedings of hearing the impact statement by this
5 civil party at 10.30 a.m.

6 The Court is now in recess.

7 (Court recesses from 1012H to 1030H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court is now back in session and now the floor is given to
11 the Co-Prosecutors to put questions to the civil party, if any.

12 You may now proceed.

13 QUESTIONING BY MR. SENG BUNKHEANG:

14 Good morning, Mr. President. Good morning, Your Honours, everyone
15 in and around the courtroom. Good morning also Mr. Sam Sak. My
16 name is Seng Bunkheang, I am the National Deputy Co-Prosecutor. I
17 have a few questions to put to you and I need your clarification
18 for the Court.

19 Q. First I would like to know about workers at Trapeang Thma Dam
20 worksite. What was the composition of workers at the worksite,
21 <for example,> were there any Base <People>, New Peoples, <adult,
22 or> children at the dam site?

23 MR. SAM SAK:

24 A. Thank you. At Trapeang Thma Dam worksite, most of the workers
25 were full-fledged people. The age range was <from> 16 to early

1 40s and most of members within the mobile units consisted of the
2 17 April People.

3 [10.33.40]

4 Q. Could you give the estimate to the Court, how many workers
5 were there at the Trapeang Thma Dam worksite?

6 A. Regarding the mobile units at Trapeang Thma Dam worksites, no
7 one can give the exact numbers or figures of workers there.
8 <Many> people from different districts came to join force and
9 work at the dam worksite. There were thousands, <>or even<>
10 millions of workers at the dam site.

11 Q. I would like you to give a rough estimate, how many workers
12 were there at the worksite; <were there hundreds, thousands, or
13 tens of thousands of workers?>

14 A. I cannot give you even the rough estimate. People were in long
15 rows working.

16 Q. Thank you. A while ago you <mentioned> that you were assigned
17 to work at Trapeang Thma Dam worksite, could you tell the Court
18 <how many cubic metres were you required to dig the soil?>

19 [10.35.29]

20 A. Regarding mobile units at the dam worksites, we received about
21 two or three cubic metres of soil to work on, on a daily basis.
22 First we received perhaps three cubic metres of soil; later on,
23 when we had to carry earth and dump it in a far place, we
24 received only two cubic metres of soil per day.

25 Q. To your observation, what happened to those who did not meet

1 the work quota?

2 A. Concerning the work quota set by Angkar, we were instructed to
3 complete whatever work quota set by Angkar. For example, if we
4 received two or three cubic metres of soil per day, we had to
5 complete the work quota by the end of the day. <>Majority of us
6 could complete the work quota; only few of them did not meet the
7 work quota.

8 Q. Thank you. From your own observation from what you saw or from
9 any sources, what happened to those who did not meet the work
10 quota, what did they do to those who did not complete the work
11 quota?

12 [10.37.33]

13 A. We were assigned to carry dirt within the mobile units. For
14 example, if we did not complete the work quota by the end of the
15 day, we would be invited to attend the criticism and
16 self-criticism session and we were advised to try to complete the
17 work quota.

18 Q. Thank you. Did it happen if one was called into a criticism
19 and self-criticism session and that person <still could> not meet
20 the work quota, what happened to them if they still <could> not
21 meet the work quota?

22 A. Regarding mobile units at Trapeang Thma Dam worksite, they
23 monitored <us> whether <we> could complete the work quota. I do
24 not know what happened to those who did not meet the work
25 quota<>.

1 [10.39.18]

2 Q. Thank you. Regarding the self-criticism session mentioned by
3 you, have you ever been invited into a self-criticism session at
4 your unit and <if you were invited,> how often did self-criticism
5 and criticism session hold?

6 A. Thank you. I used to attend one criticism and self-criticism
7 session in a group <consisted of three or six people. I could not
8 recall the exact number> at the time. I was criticised because I
9 did not fulfil the work quota by the end of the day, I was in the
10 meeting and I was criticised. Someone in the group said that he
11 wished to criticise Comrade Sam Sak and I was advised to complete
12 the equal work quota received by others and after the criticism
13 by that person in the group, then it was time for me to admit the
14 mistake to confirm that later on I would try to complete the work
15 quota.

16 Q. Thank you. Regarding the criticism and self-criticism session,
17 who chaired the sessions?

18 A. Thank you. The upper echelon instructed self-criticism and
19 criticism sessions to be held among members of groups or units
20 and the time that I was invited into a self-criticism session,
21 <but I did not know about that.> There were six of us within the
22 group <and we were told to sit in circle>. I was criticised and
23 then I was asked to admit my mistake. For instance, <Mr. B> was
24 criticised and after the criticism <Mr. B> had to admit the
25 mistake. The same applied to the group chief. So the meeting was

1 meant to reflect ourselves, our performance.

2 [10.42.26]

3 Q. Thank you. Now I would like to mainly focus on the work that
4 you did at Trapeang Thma Dam worksite. Did you observe <any>
5 worker died <or injured> on the spot at the worksite<>?

6 A. I did not notice anyone injured at the worksite. <We were
7 divided into different units> and I do not know about the fact
8 that other workers within different units injured at the
9 worksite.

10 Q. Thank you. To your observation, what was the health
11 <condition> of workers at the worksite? Were they pale? Were they
12 skinny?

13 A. Thank you. Within mobile units at Trapeang Thma worksite, yes
14 of course there were <>people who fell sick <because> no enough
15 food for us to eat, <and> no enough time for us to sleep, <so
16 people would suffer from the fatigue>. As I told the Court
17 already, my knee caps were as big as my <head>. Some people had
18 relapsed fever, some had trembling disease, some other had
19 malaria, their faces looked very pale; <the body was swollen with
20 big belly,> and their knee caps were<> extremely big and some
21 sick people died.

22 Q. Thank you. I believe you have told the Court already in
23 relation to your sleeping time. You stated that you did not have
24 enough sleep. But what I would like to know is about the working
25 times at the worksite. So when did you start the work, <>when did

1 the work end and when did you have resting time?

2 [10.45.29]

3 A. Thank you. Over there, we had to <work three shifts per day
4 and I> could not tell you the exact time that we started work at
5 the dam worksite. <We just heard the rooster's crow.> I could say
6 perhaps we started the work at perhaps 4.00 or 5 a.m. when the
7 roosters were singing. At that time, 4.00 or 5.00 in the morning,
8 we could hardly see each other; what we were hearing was the
9 sound of hoes banging each other. It was quite dark in the
10 morning that we started work and we continued until 11 a.m. in
11 the morning. So we depended much on the sun that is the
12 biological clock. So at 11.00, we had a short break to have lunch
13 <or clean ourselves> and we resumed at 1 p.m., we continued until
14 5 p.m. in the evening and after 5 p.m., we had a short break,
15 taking bath, having gruel, we were given a ladle of food, and the
16 food was placed into our bowl equally, equal for everyone; then
17 <we took> a bath. And at 6 p.m., we started work again perhaps
18 from 7 p.m. So, we engaged in work actively until 10 p.m., after
19 which we came back to sleep.

20 [10.47.58]

21 Q. I still have a few more questions to ask you; please bear with
22 me, Civil Party. In relation to the work at the dam worksite,
23 what did you do when you and other workers felt thirsty, was
24 there water available for all of you to drink, I mean clean
25 water?

1 A. Thank you. During the time, no clean water was given to all of
2 us, the water was quite dirty. No sanitation; the water was not
3 hygienic and <when I felt very thirsty,> I had to use my shirt as
4 filter so that I would not drink in insects in the water.

5 Q. Thank you. And can you tell the Court who was in charge of the
6 Trapeang Thma Dam worksite?

7 A. Thank you. During the time I had no idea who had overall
8 supervision of my unit. What I knew at the time is that Ta Val
9 had the overall supervision at the worksite. I held no rank, no
10 position <to know this>, <and> what I had to do <>was to work to
11 avoid committing any mistakes from my part. I did not know at the
12 time who was my unit chief. And as I told you already, Ta Val had
13 overall supervision of Trapeang Thma Dam worksite.

14 [10.50.35]

15 Q. I believe it is my last question now; I want you to tell the
16 Court, to your observation, from what you heard, did senior
17 leaders from upper echelon ever visit the dam worksite?

18 A. Thank you. I used to see the leadership when I was at the
19 site. I was not standing close to the leadership at the time; I
20 was far away digging, carrying dirt. I was in a great distance
21 from them.

22 Q. You saw them from afar; <Did you know any of them? Or> did
23 anyone within your group tell you that those people were
24 particular individuals, did anyone tell you <about that>?

25 A. During the time that I was working at the dam worksite, yes

30

1 the visits were paid by the leadership. Chinese delegation came
2 to the site to visit and the Chinese were in black clad clothes,
3 they had fair complexion. <We were far from them.> Those who were
4 working close to the place where the delegation were walking,
5 they could recognise who they were but for me I was away working
6 so I did not know and see clearly.

7 [10.52.50]

8 Q. Thank you. I would like to focus <on> the visit of Chinese
9 delegation. Did you notice any <national> senior leadership <in
10 Democratic Kampuchea> join the <Chinese> delegation at the time?

11 A. All I know is that the delegation came to visit the dam
12 worksite. I do not know who accompanied the delegation at the
13 time. I did not know whether the senior leaders from district,
14 from sector or from zone level accompanied the delegation.

15 MR. SENG BUNKHEANG:

16 Mr. President, I am concluded with my line of questioning.

17 MR. PRESIDENT:

18 Thank you very much, Co-Prosecutor. It is now time for the
19 defence team for the two Accused to put questions to this civil
20 party. If you have questions, you may now proceed: first, counsel
21 for Mr. Nuon Chea.

22 [10.54.07]

23 QUESTIONING BY MR. KOPPE:

24 Q. Thank you, Mr. President. Good morning, Mr. Civil Party. I
25 have a few follow-up questions that I would like to put to you.

31

1 This morning you said that when you became a soldier you changed
2 your place of birth to the place of birth of your wife and you
3 said that you did not want them to know that you were Khmer Krom
4 originally but that you were from - that you were Khmer Leu. Can
5 you explain to me why you didn't want them to know your original
6 place of birth?

7 MR. SAM SAK:

8 A. Thank you. I have changed my biography but I still use the
9 same name. I <just changed my address or homeland from Kampuchea
10 Krom to> the upper land of Cambodia and I myself do not want
11 others to know my background that I was originally from the lower
12 part of the country -- that is, Kampuchea Krom. I do not intend
13 to conceal my biography; however, as I stated I do not want
14 others to know my background from Kampuchea Krom.

15 [10.56.04]

16 Q. I understand that's what you said earlier this morning but my
17 question is: Why? Why are you hiding your original identity today
18 and also I supposed in the 80s?

19 A. I do not know what else to tell you; as I told you already I
20 hid <>my original identity and when I became a soldier, <I
21 changed my address to Cheav Bdei village.> I changed my original
22 identity so that when something happened to me, <such as injury,>
23 when I was a soldier, my wife could <know about it because my
24 parents already passed away. Only my wife and my parents in law>
25 stay in the country, <so they could know when I were injured.>

1 Q. I'll move on, Mr. Civil Party. Is my understanding correct
2 that you were living close to the Olympic market in Phnom Penh on
3 17 April 1975?

4 A. Of course, I lived behind -- in the area behind the Olympic
5 market at the time.

6 Q. And can you tell us where you or your family kept the cows and
7 the buffaloes that you were having?

8 A. Could you repeat your question once again because in Phnom
9 Penh town, at the time, no one raised cows and buffaloes?

10 [10.58.40]

11 Q. I agree with you; in your civil party application, you claimed
12 -- you request to be compensated for the loss of your cows,
13 buffaloes and your house. That's why I was wondering where you
14 kept your cows and buffaloes.

15 A. No, I did not. I do not ask reparation in the forms of cows
16 and buffaloes. I was quite young at that time and I did not fully
17 grow yet, <so I did not raise any cattle> at the time.

18 MR. PRESIDENT:

19 You are on your feet. You may now proceed, Counsel Pich Ang.

20 MR. PICH ANG:

21 I would like Counsel Koppe to refer us specifically to the page
22 which the civil parties stated that he raised cows and buffaloes
23 and in <point 7 that the civil party said he requested
24 reparation; namely, cows and cattle. <But he did not say that he
25 lost cows and buffaloes, so Counsel, which part of his

1 application are you referring to?>

2 [11.00.16]

3 BY MR. KOPPE:

4 I was referring, Mr. President, to D22/3209/1 and the English,
5 ERN is 00562491. In the English translation it says: "The
6 applicant requests to be compensated for the loss of his cows,
7 buffalo and house." But it's not important; the civil party
8 already answered the question so I think I can move on, Mr.
9 President, if you do not mind.

10 Q. Mr. Civil Party, let me ask you something about your WRI,
11 specifically about something you said in document E319/19.3.10,
12 Question and Answer 146. In this WRI, you were asked the
13 question: "Could you estimate how many people died of starvation,
14 disease or killing?", and then you answered: "I do not know how
15 many died but many died. As for the Chinese, they died until
16 entire villages went silent." What exactly did you mean when you
17 gave this answer to the investigators?

18 [11.02.33]

19 MR. SAM SAK:

20 A. Yes, that is my statement. In fact I arrived at the Samraong
21 village as we were tasked to clear the forest and there was a
22 nearby village named <Chroh> Oul (phonetic), and Chinese people
23 were placed in that village <while Khmer were placed in Thmei
24 village> and many of the Chinese people died. And in some houses,
25 the whole family died, the whole family members died; <I

1 witnessed it personally.> 17 April People, I refer to some of
2 them died from illnesses or from being killed as they were
3 accused of stealing corn, for example, and some died from
4 starvation. As for the Chinese, the main cause of their death was
5 lack of food and <illness>.

6 Q. So am I to understand that they didn't die because they were
7 Chinese but because they didn't have enough food and they
8 happened to be Chinese, is that what you're saying?

9 A. When I say they were Chinese, they were not pure Chinese from
10 <China> but they were Sino-Khmers, those Sino-Khmers from around
11 <Ou Ruessei market or Phsar Thmei,> for instance, they were not
12 pure Chinese, you could also consider them Chinese <who lived in
13 Cambodia and were> within the 17 April People group. They had
14 <fair> complexion than the pure Khmer people and <they were rich
15 Chinese who sold gold at the market.> They died from illness <and
16 starvation>, they were not killed.

17 [11.04.57]

18 Q. But were people of Chinese ethnicity mistreated for some
19 reason?

20 A. They were under the same condition as that of the 17 April
21 People. However, they were considered capitalist by the Khmer
22 Rouge as they were accused of exploiting the society. For that
23 reason, they were segregated and placed in one group and they
24 were considered the rich Chinese and many of them died from
25 <malaria>, from swollen conditions. However, the working

1 condition was the same for them as that for the 17 April People.

2 Q. Let me just ask one follow-up question to understand what
3 you're saying. In the same WRI that I just mentioned, you were
4 asked questions 36 and 37, you were asked first about Cham and
5 you said there were no Cham where I was living but you said there
6 were some Chinese. Question: "Were those Chinese arrested?" and
7 then you answered: "They did not kill the Chinese but they
8 mistreated them." The answer seems to suggest that Chinese were
9 mistreated because they were Chinese or is that not what you
10 meant?

11 [11.06.56]

12 A. They treated the Chinese in the same way as they treated the
13 17 April People from Phnom Penh. However the Chinese were placed
14 into <Chroh> Oul (phonetic) village and that village was a former
15 <>graveyard <which was full of forest, and Chinese were taken
16 there to clear that forest land. They were put in one place in
17 that village.> As for working conditions, they received or they
18 were under the same working condition as that of the 17th April
19 people.

20 Q. This morning you said that 17 April People were "seriously
21 mistreated"; is that now what you're saying as to what happened
22 to Chinese people as well?

23 A. We were all mistreated as these Chinese were oppressed in the
24 mobile unit. The work quota was the same. For example if the
25 Khmer people were given three cubic metres of work quota to

1 finish per day, the Chinese would receive the same work quota
2 <because we were 17 April People. It was just that Chinese were
3 put in one place>.

4 [11.08.40]

5 Q. Let me move on to another topic, Mr. Civil Party, and it's a
6 question about hospitals and medicine. In your civil party
7 application E3/5033, English, ERN 00919930; French, 00922767; and
8 Khmer, 00562499; you said as follows: "In that village many
9 people got malaria and died due to the unavailability of
10 medicine, treatment or hospital and starvation." Is this only
11 referring to '75 or were there also no hospitals when you were
12 working at the dam in 1977?

13 A. On the issue of medicine and hospital, there was a hospital;
14 however, there were no patients there. Actually I went to ask for
15 medicine at the hospital in Samraong district and what I was
16 given when I had a fever was <rabbit> drop-like pellets. <Whether
17 it was fever or swollen disease, I always received rabbit
18 drop-like pellets.>

19 Q. My question is -- let me rephrase my question. Were there
20 people who were working at the Trapeang Thma Dam site who had
21 gotten sick and subsequently sent to the hospital to get better?

22 A. I do not have that knowledge; I do not know whether sick
23 people were sent to hospital within the vicinity of the Trapeang
24 Thma Dam worksite. <I did not know where the hospital was.> While
25 I was at the Trapeang Thma worksite, I did not attend or was

1 admitted to any hospital. I was given this <rabbit> drop-like
2 pellets when I was sick.

3 [11.11.55]

4 Q. But it is correct that there was a hospital in Phnum Srok
5 district, correct?

6 A. I do not know whether there was any hospital in Phnum Srok
7 district as I was not there. I mainly worked at the Trapeang Thma
8 Dam worksite or I was at Samraong district.

9 Q. Let me read to you your answer to question 29 in your WRI.
10 Question 29 and 30, rather Question 30: "Were there medicines and
11 hospital in Phnum Srok district?" and you answered: "Yes, there
12 was a hospital with rapid dropping pills." Does that refresh your
13 memory?

14 A. Yes, I recall that but I never went to seek medicine from any
15 hospital in Phnum Srok district. <I never said that.>

16 Q. Do you know anything about the food ration for the special
17 mobile unit at Trapeang Thma Dam?

18 A. Please repeat your question.

19 Q. My question was whether you know anything about the food
20 ration for the special mobile unit at Trapeang Thma Dam?

21 A. As I have already stated regarding the food ration for the
22 mobile unit, we were given thick gruel and during the dry season
23 we were given rice to eat. <After the harvesting season, we would
24 have thick gruel.> But I do not know about the food ration for
25 the so-called special mobile unit that you referred to.

1 [11.14.41]

2 Q. I am looking at your WRI and in Question 55, you were asked:

3 "What was the special mobile unit like?", and then you said: "The
4 special mobile unit let us eat solid rice; watery rice porridge
5 was given to the children's unit. If we completed all the work as
6 planned, we will receive the full food ration but if we could not
7 complete all the work assigned by the deadline, half of our food
8 ration would be cut." That's why I was asking you if there was
9 any special food regime.

10 A. What I said is correct; we were given rice to eat as I said
11 during the harvest season. They have a flat basket and they put
12 banana leaves on it and they pour the cooked rice on to it.

13 <There were flies coming all over the rice>. We ate this rice for
14 about a month during the season and then it would return to gruel
15 again.

16 Q. Let me now ask you about your time working at the dam. You
17 said that you recall a visit of a Chinese delegation, you also
18 recall Ta Val being in charge of the dam site. Do you recall the
19 months or the year that you have been working at the dam, how
20 many months have you been working at the dam site?

21 [11.16.54]

22 A. I worked in the mobile unit at the Trapeang Thma Dam work site
23 in 1977 and I remained there until the fall of the Khmer Rouge
24 regime. I recall that I fled the Trapeang Thma dam to find my
25 <elder> siblings in Samraong district.

1 Q. There is evidence suggesting, Mr. Civil Party that the dam --
2 the working at the dam itself was finished after two or three
3 months sometime April '77 or May '77 and that it started
4 mid-February 1977. What exactly were you doing after the dam was
5 finished?

6 MR. FARR:

7 Mr. President, an objection to the question; there is evidence to
8 that effect. There is also evidence that -- including
9 contemporaneous documents -- that construction continued at least
10 through the dry season of 1978. So if the question is what were
11 you doing after May of '77, no objection. But it shouldn't be put
12 to the witness that the evidence is only that construction
13 occurred in '77.

14 [11.18.45]

15 BY MR. KOPPE:

16 Q. I will rephrase. Isn't it correct that you were only working a
17 few months at the Trapeang Thma Dam worksite and not two or three
18 years or one year and a half?

19 MR. SAM SAK:

20 A. I did not work for a few months but I continued working there.
21 I actually worked there in three phases. For the first phase, I
22 worked near the base of the dam; the second stage, I was in the
23 first bridge; and the third stage, I worked at the water sloughs
24 near the bottleneck <>connecting to the small dam; and when the
25 regime of the Khmer Rouge fell, I was at the third phase.

40

1 However, I cannot tell you the exact month or year that I worked
2 at the construction site. During the regime, nobody could
3 actually know the exact date of the day or of the year.

4 [11.20.05]

5 Q. But the carrying of the soil, did that happen also -- did that
6 continue after the first phase was finished?

7 A. When I was working there the bridges were not fully
8 constructed as the bridge construction itself was not fully
9 fledged, there were still holes near the start and the end of the
10 bridge and they had to make a detour around the bridge. And
11 actually <I was> working at that <Trapeang Thma Dam> site <and> I
12 was instructed to work the dry season rice farming nearby, but by
13 that time the dam itself was not yet completed as they had to
14 finish the working at the first bridge <because it was still
15 under construction>.

16 Q. When you working in the second phase at this bridge, were you
17 then also carrying soil?

18 A. Yes, I still carried soil at the second phase. However, during
19 the second phase I was also reassigned to work at the Spean
20 Sraeng dam. I was transported by truck at night-time to work at
21 the Spean Sraeng dam at the Spean Sraeng river. <I did not
22 remember the exact date but I just knew that there were two
23 trucks,> and later on when the regime fell in 1979, I went
24 looking for my <elder> siblings.

25 [11.22.20]

1 Q. My last question. You were asked a question by the Prosecution
2 about people dying at the worksite, you answered that you didn't
3 see anybody dying because of an accident. But did you see people
4 dying because of overwork or starvation at the worksite itself?

5 A. No. I did not witness any injured workers while they were
6 carrying soil but I knew that people disappeared as they were
7 sent away and killed.

8 Q. My question was about overwork and starvation, you have said
9 in your civil party application that many people, "many people
10 had died due to overwork and starvation", but it's correct that
11 you didn't actually see that yourself; am I right?

12 A. It is the lack of food that led people to become sick, to be
13 emaciated and to get swollen and ultimately die.

14 Q. Yes, but they were sent to hospital and you didn't see them
15 actually dying; is that correct?

16 A. Yes, that is correct. I did not see them die <in the
17 hospital>. As I said earlier I did not know the whereabouts of
18 the Phnum Srok hospital.

19 MR. KOPPE:

20 Thank you, Mr. President.

21 [11.24.40]

22 MR. FARR:

23 Mr. President, just quickly before we move to the Khieu Samphan
24 defence, I wanted to just clarify one thing for the record
25 regarding the witness's request for compensation. The document

1 that the Nuon Chea defence was quoting from -- D22/3209/1 -- is
2 not the civil party application, it is a report on the civil
3 party application prepared by WESU, it's a summary of the civil
4 party application and it appears to be inconsistent with the
5 application itself, which is E3/5033. In E3/5033, part C,
6 Question 7, the civil party is asked about reparation and it does
7 say that he is seeking cattle and an appropriate home, but there
8 is no representation that he previously had cattle so he is not
9 representing that he lost cattle and lost a house, he is seeking
10 cattle and seeking a house.

11 [11.25.45]

12 MS. GUISSÉ:

13 Mr. President, it's 25 past 11.00, so <I can tell you already
14 that> I won't be able to finish with my <examination of the civil
15 party> in five minutes<.> I <don't want to catch anyone off
16 guard. So I wish to point out that> from the <outset that> it is
17 going to be impossible for me to put all the questions I have
18 <in> five minutes.

19 MR. PRESIDENT:

20 And how much time do you anticipate because there is another
21 civil party this afternoon? Would it be possible for you to
22 conclude at 11.40? <Could Khieu Samphan continue until 11.40? If
23 yes, please proceed your line of questioning.>

24 MS. GUISSÉ:

25 Well, Mr. President, I would like to <confidently> say 'yes' but

1 <a> number of things have been said that lead me to seek
2 clarification. <And then--> you might <have noted> that when we
3 don't have <many points to clarify>, we don't ask many
4 questions<,> but now I need some clarification <based on what the
5 civil party has stated today> so I cannot guarantee that I will
6 be done by <11:40.> And here we are actually speaking about
7 substantial matters <regarding what happened> <at> the dam<,>
8 which <constitute elements that> might be <used to convict> my
9 client so I cannot refrain from asking questions. So, <in all
10 honesty,> Mr. President, I am sorry I know that I will need the
11 extra time <based on the current allocation> <in order to ensure
12 a clear discourse and allow> the civil party to clarify certain
13 things<.> <So <40 seems--> I prefer <to> start and maybe <go
14 beyond the time-limit, even if I have to make up for the extra
15 time by shortening> my time when it comes to the next civil
16 party, <if needed>. So I would like to be clear from the <onset
17 of the examination>.

18 [11.27.58]

19 MR. PRESIDENT:

20 As I said, we may be flexible with time this morning. <It is
21 better than continuing in the afternoon like yesterday> because
22 if we extend the time for the afternoon session, there are
23 logistical issues with transporting staff back into town <due to
24 traffic congestion> and also you need to consider the health
25 condition of your client, Mr. Khieu Samphan, how much time he can

1 sit this morning. If he can continue then we can extend this
2 morning's time; if not, we adjourn now and resume in the
3 afternoon. However we try not to face the same situation as for
4 yesterday's afternoon session.

5 MS. GUISSÉ:

6 I <very well> understand<,> <Mr President, but> in that case,
7 given all the elements that you brought up, I would prefer <><to
8 concentrate and finish -- starting and finishing at the beginning
9 of the afternoon and then I will <deal with the consequences when
10 it comes to the <next> civil party>.

11 [11.29.14]

12 MR. PRESIDENT:

13 The Chamber can grant you 15 extra minutes this morning and I
14 hope it is not going to affect your client's health and <if you
15 cannot finish within 15 minutes, the Chamber will adjourn, and>
16 then we can continue with the new civil party this afternoon so
17 that it does not affect the logistical arrangement -- with the
18 transportation of the ECCC staff back to town, as of course, we
19 try to avoid the traffic congestion and we don't want to repeat
20 what happened yesterday and <we try to save time. If we can
21 extend 15 minutes, we don't want to be late again.> I think you
22 understand the situation well. However you also have to take into
23 account the health condition of your client as he needs to have
24 sufficient break also for the morning session.

25 MS. GUISSÉ:

45

1 I am well aware of that, Mr. President; I will not <waste> any
2 more time. I'll do what I can do today but I would have preferred
3 to have more time this afternoon <to --> even if that means
4 cutting some <time from the next examination>. <But it's alright,
5 I won't drag this out. I'll start now and we'll see how it goes>.
6 [11.30.36]

7 QUESTIONING BY MS. GUISSÉ:

8 Q. Mr. Sam Sak, I would like you to clarify a few things. <First,
9 allow> me to introduce myself:> I am Anta Guissé, International
10 Co-Counsel for Mr. Khieu Samphan. I would therefore like you to
11 clarify a few points regarding what you have stated in your
12 testimony. The first point is: <can you specify> for how long you
13 worked at the Trapeang Thma Dam worksite?

14 MR. SAM SAK:

15 A. Thank you. I recall that I left the children unit and went to
16 work in a mobile unit <in Trapeang Thma>. I cannot tell you the
17 date of my transfer and <rotation>. However, I recall the time
18 when I attended a meeting--

19 Q. Excuse me, Mr. Civil Party; I am obliged to cut you short
20 because I don't have a lot of time. In your statement
21 E319/19.3.10 in response to Question 99, you were asked "For how
22 long <did> you work at the Trapeang Thma dam?" and you said that
23 "I worked there <until> around 1977". Does that refresh your
24 memory?

25 [11.32.26]

1 A. Yes, that is correct. Yes, in 1977.

2 Q. And do you also remember when you left?

3 A. I can recall that I went to work at the Trapeang Thma Dam
4 worksite in the dry season when I had rice to eat.

5 Q. I put this question to you, <Mr. Civil Party,> because in the
6 statement I've just referred to in <>Answer 112, you state that,
7 "I worked at the Trapeang Thma worksite from 1977 until the fall
8 of the Khmer Rouge regime," that is, <until more or less> January
9 1979. Does this refresh your memory and do you confirm <your>
10 statement?

11 A. My apology; I do not recall the exact date. There was no
12 calendar for everyone to know that it was Wednesday, Monday or
13 Tuesday, we <just> had to work.

14 [11.34.06]

15 Q. I'm sorry, <I'm very sorry to interrupt you, but truly: my
16 time is limited.> I just wanted to know whether what I said
17 refreshed your memory or not. <We can move on to another point.>

18 A. <Yes.>

19 Q. You <also> said -- <and this you mentioned at least twice this
20 morning> -- that you wanted to leave the children's unit in order
21 to work in the special unit because you wanted to be able to eat
22 rice. Can you tell us under what circumstances you made that
23 request and to whom?

24 A. Yes, I did make a request to join the mobile unit so that I
25 could have rice to eat. It was a terrible situation in the

1 children unit having only gruel.

2 Q. To whom did you make that request?

3 A. I cannot recall it. I do not remember it. I forget it. <It was
4 long time ago.>

5 Q. Was that to the chief of the children's unit that you made
6 that request?

7 A. Yes, perhaps so. The request was made through chief of
8 children's unit, <Me Net (Phonetic)>.

9 Q. When you arrived in the special unit, who was your direct
10 superior? You said Ta Val was the overall supervisor at the
11 worksite, but who was your immediate superior, <your immediate
12 chief>?

13 A. I was quite young at that time. I did not know who was my
14 group chief or unit chief. I only knew that we were the 17 April
15 People in the group. All I knew is that Ta Val was a supervisor
16 over all of us.

17 [11.37.35]

18 Q. A while ago when you were questioned on the composition of
19 your unit, you said that it was mainly composed of 17 April
20 People and that there were Base People <but that they were
21 responsible for supervising you. So, a priori, you recall that at
22 least you had superiors, people who were responsible for
23 supervising you and> who were Base People. Do you remember
24 whether the person who was in charge of supervising the group was
25 a man or a woman?

1 A. <The chief> was a man.

2 Q. And was that <man> a member of the Base People's group?

3 A. The 17 April People had different accent so we could make a
4 distinction between the Base People and the 17 April People.

5 Q. You haven't answered my question. My question was whether that
6 person was from the Base People's group?

7 A. <The chief> was a man and he was a Base person; 17 April
8 People and Base People had different accent in their speaking.

9 [11.39.18]

10 Q. Within your group, were there men and women or only men?

11 A. There were only men, no women within my group. However workers
12 at the site consisted of both male and female. Again, within my
13 unit, there were no female at all.

14 Q. And you stated that there were youths aged between 16 and 20
15 and that you were the youngest, do you know whether some of them
16 were married?

17 A. Within my group most of them were married men. I called them
18 comrade fathers, they were married men. They were older than me
19 in terms of age.

20 Q. In terms of quotas, you stated this morning that the quota
21 that was imposed on you on a daily basis was either three cubic
22 metres or two cubic metres. Did I properly understand your
23 testimony?

24 A. Yes, that is correct.

25 [11.41.10]

1 Q. In report E319/27.4.109/1, the ERN in English is 01031297 and
2 this is what is stated therein by the person who drafted the
3 report -- and I quote in English: "They were assigned to dig five
4 cubic metres per day--" My question is as follows: I will start
5 all over again because there was no translation in Khmer. <"They
6 were assigned to dig five cubic metres per day". My question is
7 as follows: Did you tell anyone at any point in time that there
8 was a quota of five cubic metres <per> day?

9 A. I do not recall it, I forget it.

10 Q. So you don't recall the name of your immediate superior but
11 <on the other hand,> you do recall Ta Val, did you have any
12 personal interactions with Ta Val?

13 A. You do not need to mention the opportunity that I could
14 communicate and talk to Ta Val; I did not dare to look at his
15 face. I heard of the name<>, I have never seen him. Thank you.

16 Q. Who checked to make sure that you had met the quota or not on
17 a daily basis?

18 A. Group chiefs, unit chiefs, they were the ones who verified or
19 checked the work quota and then they made the report and if we
20 told lies to them, if I told lie to them about the performance
21 that I did, I would be in danger. We did not dare to tell lies at
22 the time.

23 [11.44.23]

24 Q. How were such quotas checked by what means and through whom?

25 A. No measurement tape at the time was used. The pole of the hoe

1 was used to measure the quota that we completed so no measurement
2 tape was used to measure the land that we completed; they used
3 the pole of the hoe.

4 Q. And regarding your group leader whose name you no longer
5 recall, was that the person who was in charge of managing food
6 rations and housing <for the group>?

7 A. The group chief was not responsible for the food rations.
8 Everyone received the same and equal food ration. However, the
9 group chief controlled our working manners; <he had to work the
10 same as us and even more difficult than us,> and the group chief
11 was there to see when we were working, digging the soil, carrying
12 the soil.

13 MR. PRESIDENT:

14 Thank you, Madam Counsel. Lead Co-Lawyer, I notice you are on
15 your feet.

16 So now it is time for a short break.

17 [11.46.28]

18 MS. GUIRAUD:

19 Thank you, Mr. President. I just want <to make> a clarification;
20 I believe the counsel made an error when she quoted the report of
21 the victim's unit. That report actually has to do with the next
22 civil party. It appears she quoted E319/27.1.4.0109 in which the
23 figure of five cubic metres was indeed mentioned. <But> we do not
24 have that information in the victim's <unit>report regarding this
25 particular civil party. I don't know whether she erred and in

51

1 which case perhaps she should give us the right reference <number
2 so that this is clear>.

3 [11.47.09]

4 MS. GUISSÉ:

5 <The> document <I cited> is E319/27.4.109/1. <Fine,> it was an
6 error on my part; for this reason, there shouldn't be any
7 concern.

8 Mr. President, are you trying to say that I have run out of time?

9 MR. PRESIDENT:

10 I told you that it is now time for a short break so we should
11 take a break first. I am afraid that you will be on your feet and
12 mention about your client's condition that he has no longer been
13 able to sit in the courtroom <until 12 p.m.> in the <afternoon>
14 that is why I adjourn the hearing now and we may resume in the
15 afternoon.

16 [11.48.10]

17 Now it is time for the lunch break. The hearing will continue in
18 the afternoon at 1.30. In the afternoon the Chamber will continue
19 to hear the responses from civil party, Sam Sak, to questions put
20 by the defence counsel for Mr. Khieu Samphan, after which we will
21 continue to hear <a statement of harm and suffering of civil
22 party> 2-TCCP-994.

23 Thank you, Mr. Sam Sak, the hearing of the victim impact
24 statement has not yet come to a conclusion so you are invited to
25 be here once again in the afternoon at 1.30. You may now be

52

1 excused<>.

2 Court officer, please find a proper room for the civil party
3 during the lunch break and please invite the civil party and the
4 TPO staff back into the courtroom at 1.30 p.m.

5 Security personnel are instructed to bring Mr. Khieu Samphan back
6 to the holding cell downstairs and please have him returned into
7 the courtroom <before> 1.30 p.m.

8 The Court is now in recess.

9 (Court recesses from 1149H to 1330H)

10 MR. PRESIDENT:

11 Please be seated. The Court is now back in session.

12 And again the floor is given to the defence team for Khieu
13 Samphan to continue putting questions to the civil party, Sam
14 Sak. You may proceed, Counsel.

15 BY MS. GUISSÉ:

16 Q. Thank you, Mr. President. Good afternoon <again>, Mr. Sam Sak.

17 This morning, you were speaking about the issue of quotas when
18 you were addressing the Co-Prosecutors, and you gave an answer
19 that's different from the answer that can be found in your WRI,
20 E319/19.3.10. And this is the question that was put to you. It's
21 question 132: "Did they impose a work quota on the people?" And
22 your answer is the following: "The day workers had to transport
23 one cubic metre of soil per day with their shoulder pole, but the
24 night workers had no quota that they had to meet." End of quote.

25 So can you tell the Chamber which version is correct? Was it one

1 cubic metre per day during the day, and no quota at night? Or was
2 it the two to three cubic metres that you were speaking about
3 this morning?

4 MR. SAM SAK:

5 A. I said I recall that the work quota for the day work was one
6 cubic metre, and for the night shift, no quota was imposed, but
7 we had to work until 10 o'clock at night.

8 Q. Can you confirm, because apparently the interpreter wasn't
9 sure whether it was one cubic metre per day or not?

10 A. I think I made a mistake. It was not one cubic metre work
11 quota.

12 [13.34.03]

13 Q. So which version is the correct one, then?

14 A. I will stand by the statement of the three cubic metres work
15 quota.

16 Q. And in your WRI again, you say -- or you make a difference
17 between the day and night workers. Can you be a bit more specific
18 about <> how things were organized in that regard?

19 A. During the day shift, we worked by quota, and also we worked
20 at certain hours. For instance, we started working in the morning
21 and rested at 11.00, started again at 1.00 <and stopped at 5
22 p.m.>. And for the night shift, no quota was imposed, but we
23 continued working until 10 o'clock.

24 [13.35.29]

25 Q. But in your answer 132, we get the impression that the day

1 workers are not the same as the night workers, and that there was
2 a rotation. So can you please be more specific about that?

3 A. I don't think I made that statement. There was no shift
4 change, no people on rotation basis.

5 Q. You indicated, and I wasn't quite clear about this this
6 morning and please therefore clarify, you were speaking about the
7 kind of work you were doing at the 1st January Dam site. So, as
8 soon as you arrived at the worksite, until the end of your stay
9 there when the Vietnamese arrived, did you always do the same
10 kind of job?

11 A. No, it was not the 1st January Dam. It was the Trapeang Thma
12 Dam worksite.

13 Q. I'm sorry, that's my mistake. Indeed, Trapeang Thma, yes. My
14 question is the same: did you do the same job from day one until
15 the day you left the Trapeang Thma Dam site?

16 A. I worked there until the day I ran to look for my other sister
17 in Samraong district. So I worked at the Trapeang Thma Dam
18 worksite, but allow me to clarify that <I did not remember
19 whether> the dam construction was not fully completed. And as I
20 said, I worked there in phases: namely, working at the first
21 bridge, and later on at the narrow part of the dam.

22 Q. My question was: did you do the same kind of job all the time,
23 that is to say, carrying <soil>?

24 A. After I completed the work at the dam site, I was assigned to
25 work the dry season farming, also near the area of the dam

1 worksite. And I worked within the vicinity of the reservoir until
2 the day the Vietnamese troops arrived, <then I ran away from
3 Trapeang Thma worksite>.

4 [13.39.29]

5 Q. So therefore I understand <from your response> that at one
6 point in time, you stopped carrying earth, and that you did
7 agricultural work; <have I understood correctly>?

8 A. Yes, you are correct.

9 Q. And at answer 102 in your WRI, you say the following:

10 "Initially, because I was <very> young, they had me drive an ox
11 cart to deliver firewood for cooking rice for the mobile unit
12 people." End of quote. So, is it true as you said to the
13 investigators, that when you had just arrived at the Trapeang
14 Thma site, you didn't, right away, work <on the construction of>
15 the dam?

16 A. I stated the same thing this morning because initially upon my
17 arrival, I was considered a young boy. For that reason, I was
18 given a task to drive an ox cart <with two cows> to deliver
19 firewood for the kitchen.

20 Q. Is it true as well that the children's unit were not allowed
21 to work at the dam site?

22 [13.41.28]

23 A. Yes, that is correct, because personally, I never saw children
24 <unit> working at the dam.

25 Q. Is it also true that, aside from your group or unit leader, no

1 one else was in charge of watching over you?

2 A. Yes, that is correct.

3 Q. You said, when you were answering the Co-Prosecutor this
4 morning, that you saw a Chinese delegation at least arrive, and
5 that you attended a meeting. Do you remember if the <> purpose of
6 the dam was discussed during that meeting?

7 A. Yes, they did discuss this matter, and they said that we had
8 to try to accomplish the work plan set forth by Angkar. And they
9 made that announcement during the anniversary celebration of the
10 17th April<>.

11 [13.43.15]

12 Q. And in the speeches you heard that day, was there any
13 explanation about the purpose of the dam?

14 A. I did not pay much attention, <or> listen to what was
15 announced <> during the meeting, and I can only recall what I
16 have just stated. <I don't remember anything.>

17 Q. This will be my last question now: in your civil party
18 application, <> document E3/5033, at Khmer ERN, 00562496; you
19 speak about a certain Chau Ny as a witness. So can you tell the
20 Chamber who this Chau Ny is, whom we heard as civil party in Case
21 002/01? Can you tell me what kind of kinship <ties> you <>have
22 with <him>?

23 A. Chau Ny is my elder brother-in-law.

24 Q. When you say older brother-in-law, can you specify who is
25 married to whom?

1 A. When I say that he is my elder brother-in-law, it means that
2 he is married to my elder sister.

3 [13.45.43]

4 MS. GUISSÉ:

5 Thank you for this clarification. Mr. President, I am done. Thank
6 you for the extra time you have granted me.

7 MR. PRESIDENT:

8 Thank you. And Mr. Sam Sak, the Chamber is grateful of your
9 presence, and your statement of harm and suffering that you claim
10 you suffered under the Khmer Rouge regime at the Trapeang Thma
11 Dam worksite <is now concluded>, and you may be excused. And Mr.
12 Sarath, since you are still needed to provide support to the
13 upcoming civil party, please remain seated as we will have
14 another civil party ushered in shortly.

15 Court officer, please collaborate with WESU to make arrangements
16 for Mr. Sam Sak to return to his residence, <or anywhere he
17 wishes to go,> and please usher the new civil party<> -- that is,
18 2-TCCP-994 <into the courtroom>, for the purpose of the
19 presentation statement of harm and suffering.

20 (Civil party enters courtroom)

21 [13.48.12]

22 QUESTIONING BY THE PRESIDENT:

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

24 MR. MEAN LOEUY:

25 A. Mr. President, my name is Mean Loey.

1 Q. Thank you, Mr. Mean Loeuy. When were you born?

2 A. I was born on 22 December 1954.

3 Q. And where were you born?

4 A. I was born in Thnal Dach village, Srah Chik commune, Phnum
5 Srok district, Battambang province. Currently it is in Banteay
6 Meanchey province.

7 Q. What is your current occupation? And what are the names of
8 your parents?

9 A. At present I am a rice farmer. And my father is Mean <Luy>
10 (phonetic), and my mother is <Pok> Mai (phonetic).

11 Q. What is the name of your wife? And how many children do you
12 have together?

13 A. My wife is Sok Hoeum (phonetic), and we have six children
14 altogether: one son and five daughters.

15 [13.49.52]

16 Q. Thank you, Mr. Mean Loeuy. The Chamber would like to inform
17 the Parties and the public that the Chamber has arranged a TPO
18 staff <Mr. Yourn Sarath> to provide support to this civil party
19 during the proceedings of hearing his statement of harm and
20 suffering as he claimed inflicted upon him during the Democratic
21 Kampuchea regime <as he mentioned in his civil party
22 application>.

23 And Mr. Mean Loeuy, as a civil party in this proceeding, you are
24 given an opportunity to make your statement of harm and
25 suffering, materially, emotionally and physically, which are the

1 direct result of the crimes that happened, and the effects
2 continue to the present day; and that led you to become a civil
3 party in this case; and which are alleged against the two
4 Accused, Nuon Chea and Khieu Samphan; and which happened <from>
5 17 April 1975 to 6 January 1979, in particular the events that
6 happened at the Trapeang Thma Dam worksite.

7 Per request by the Lead Co-Lawyers, the Chamber will give the
8 floor to the Lead Co-Lawyers to put questions to this civil party
9 <,Mr. Mean Loeuy, > in relation to his impact statement.

10 [13.51.40]

11 QUESTIONING BY MR. PICH ANG:

12 Q. Thank you, Mr. President. In fact, Mr. Mean Loeuy had a
13 toothache today, so it might have some impact on his health <and
14 memory>. For that reason, we would like to seek your permission
15 that my lawyer for civil parties, Mrs. Sin Soworn, puts some
16 questions to the civil party.

17 [13.52.07]

18 MR. PRESIDENT

19 Yes, you may proceed in that fashion.

20 QUESTIONING BY MS. SIN SOWORN:

21 Q. Thank you, Mr. President. Good afternoon everyone in and
22 around the courtroom. My name is Sin Soworn. I am a lawyer <at
23 Cambodian Defenders Project> and I am also a civil party lawyer
24 for Mr. Mean Loeuy. I'd like to put some questions to him
25 regarding his emotional, physical, and material suffering as a

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1 result of crimes committed during the Democratic Kampuchea
2 regime, which the effects remained until today. And Mr. Mean
3 Loey, prior to 17 April 1975, where were you and your family
4 living? And what were you doing for a living at that time?

5 [13.53.08]

6 MR. MEAN LOEUY:

7 A. Prior to 17 April 1975, I lived in <Thnal Dach> village in
8 Srah Chik commune, Phnum Srok district, Battambang province.
9 However, in 1972 I ordained as a monk in <Piseh> Moni Bo
10 (phonetic) pagoda. I remained there for a year, and then I
11 returned to study at Phnum Sampov <pagoda> in Battambang
12 province, and for the second year I went to study in another
13 pagoda, <which is Chol Thearea Sambath Chub (phonetic) pagoda> in
14 Preah Netr Preah district.

15 Q. Thank you. So you ordained as a monk at Bo (phonetic) pagoda,
16 and you ordained in 1972. And did you remain in monkhood until
17 1975?

18 [13.54.12]

19 A. In 1975, I returned from Chol Thearea Sambath (phonetic)
20 pagoda to Bo (phonetic) pagoda in Phnum Srok district. And while
21 I was still at the pagoda, the Khmer rouge liberated the Phnum
22 Srok district. And there were 20 monks still remained in the
23 pagoda on that day. The Khmer Rouge soldiers made an
24 announcement, asking people in the entire district -- that is,
25 comprised of seven <villages>, to come to a big meeting held in

1 that pagoda. And it was crowded, because people from all the
2 seven communes attended the meeting. They announced that for
3 ranked soldiers of the Lon Nol regime, they <had to> congregate
4 in one place, and <stand in line according to their rank while>
5 civilians <had> to gather in another group.
6 By about 8 o'clock at night, they announced that they will take
7 those ranked soldiers away so that they would be reinstated. And
8 for us, we were instructed to leave to the villages, that
9 includes the civilians and the monks, through two directions: one
10 heading to the north and the other heading to the east. As I was
11 still a monk -- actually, at that time we cooked rice in order to
12 prepare for tomorrow, and we started the journey at 4 o'clock in
13 the morning, and we stayed at Thnal Dach village for seven days.
14 Then we were allowed to return to the pagoda.
15 All the monks, including the chief monks, remained at the Bo
16 (phonetic) pagoda. And in the morning the Khmer Rouge soldiers,
17 who were the messengers of the district chief, came to insist
18 that we should leave the monkhood, that we would not be allowed
19 to be in monkhood anymore in the near future. But I insisted that
20 I want to remain in monkhood because, based on the tradition and
21 the religion, that we should be in monkhood for 10 to 15 years in
22 order to absorb the knowledge and the Buddhist disciplines. I
23 remained a monk from that month of April, and I continued until
24 July before I decided to leave the monkhood, although they came
25 to urge us to leave the monkhood every single day. And the main

1 chief assistants to monks also did not want to leave the
2 monkhood.
3 [13.57.26]
4 And <>every monk had to decide what to do. So on the first day,
5 two monks left the monkhood, and the next day, six more monks.
6 And it continued until there <were only three> monks left. The
7 monk named Tuy In Brasith (phonetic), <called Yuy Saroth
8 (phonetic)> who used to <study in> Battambang still insisted that
9 he didn't want to leave the monkhood, as he wanted to search for
10 the Buddhist enlightenment <and he was with two other young
11 monks>. A month later he was sent to Nam Tau <commune>, and he
12 was accompanied by two young monks to go. And when two young
13 monks returned, they left the monkhood. And from that day, we did
14 not hear about him, but we heard that he was sent to Beng
15 <commune> in Oddar Meanchey province. We did not hear from him
16 since, until 1979 when the country was liberated. And by 1980, a
17 <>chief of Beng <commune>, said that they held a funeral for a
18 monk who was sent by the Khmer Rouge to Beng village, and that he
19 was killed.
20 And I <just> remember that he was a commune chief during the
21 Khmer Rouge regime <but I did not remember his name>. So we
22 attended the funeral ceremony at a house near the former Khmer
23 Rouge district office, and we were told they heard that the Khmer
24 Rouge said that why the monk wanted to remain in monkhood? And
25 <he> was beaten by the Khmer Rouge. <They used purlin to beat

1 him.> And he heard later that the Khmer Rouge killed that monk.
2 And the piece of tool that they beat the monk to death was later
3 on put on his <grave> where he was buried.

4 [13.59.48]

5 Q. And after monks were ordered to <defrock>, what were they
6 assigned to do, and where?

7 A. For me, after I left the monkhood, I lived in Thnal Dach
8 village. I worked as an ordinary villager, together with other
9 local villagers. I was assigned to uproot the tree stumps, to
10 work in the rice fields, <to build the rice dike, to clear forest
11 land> or to clear termite mounds.

12 After we left the monkhood, we were not given any new sets of
13 clothes. However, I asked my elder sister to make clothes from
14 the Buddhist monk robe that I had <and then I dyed it with
15 "Dongkor" (phonetic) fruit>. I worked at Thnal Dach village. I
16 worked collectively with other villagers. And that happened <from
17 1975 to> late 1976.

18 Q. And when were you sent to work at the Trapeang Thma Dam
19 worksite?

20 [14.01.06]

21 A. It was in late 1976, chief of cooperative, Yan, gathered force
22 and sent all of us to build the dam at Trapeang Thma worksite.
23 People from cooperatives were gathered in large groups, and we
24 were sent to work at the dam site. I was part of a 100 person
25 unit. <Comrade Thorn (phonetic)> was the chief of my unit. My

1 group was working close to the Bridge Number 1, and then we were
2 <rotated> to the north of Bridge Number 1, to work on another
3 segment of the length.

4 The working conditions were difficult. We woke up in the very
5 early morning, and went to work. At 11 a.m., we were allowed to
6 take a very short rest. Then we continued working. For the daily
7 quota, we had to complete three cubic metres of soil per day.

8 Q. At Trapeang Thma Dam worksite, do you know who was in charge
9 of that dam worksite?

10 A. I do not know that person clearly. I heard people call that
11 individual by the name <Ta> Val.

12 Q. Who divided the work for you<>? And <you told the Chamber it
13 was three cubic metres per day,> who set the work quota for you?

14 A. It was the 100-person unit chief.

15 Q. Thank you. While you were working at Trapeang Thma Dam
16 worksite, were you assigned only to work on the segment close to
17 Bridge Number 1, or were you <rotated> to work on other segments?

18 <Could you please describe your works in sequence to the
19 Chamber?>

20 [14.03.54]

21 A. When I was working there, I first started working at Bridge
22 Number 1, and I worked from Bridge Number 1 to Pongro <village>.
23 And after that, I built the dam from <Kong> Seim (phonetic) to
24 Kaun Klaeng. Not only 100 members from my unit were working at
25 that place: people from different units joined the work force.

1 <It did not take a long time to complete the dam from Kong Seim
2 (phonetic) to Kaun Klaeng. It took about half a month as I
3 estimated because the dam was not so deep and the embankment was
4 small.>

5 Q. <Did you have a normal work or> did they set the work quota at
6 that time for all of you to work?

7 A. The work was not normal. We received three cubic metres of
8 soil work quota per day.

9 Q. Three cubic metres of soil was assigned to you to complete.
10 Did you fulfil the work quota? What happened to you if you failed
11 to fulfil the work quota at that time?

12 A. We had to complete it. If we failed to meet the work quota, we
13 were invited to be in criticism and in self-criticism sessions.
14 And if we did not deter our mistakes, we would be in trouble.

15 Q. What did you mean by saying that you would be in trouble if
16 you <were criticized for two or three times and> did not deter
17 your mistakes? Or if you did not meet the work quota still?

18 [14.06.03]

19 A. If we were criticized for a few times, and we still failed to
20 meet the work quota, we would disappear, or we would be taken
21 away for re-education <or to be killed>.

22 Q. You stated that <you were scared because if people were
23 criticized for a few times, they would> disappear, <had you ever
24 seen any disappearance during that time?> Did you witness someone
25 disappear from your group or unit at that time?

1 A. Regarding the disappearances, I did not witness the
2 disappearances <but there was disappearance>. People -- some
3 people fell sick. They could not go to work. They were accused of
4 having the so-called imaginary disease or sickness, and <at night
5 that person was called to re-educate and then disappeared>. And
6 there was no information or news concerning the disappearance of
7 these people.

8 Q. Because <you saw ongoing disappearances within your unit>, you
9 were working hard in order to<> save your life; is that true?

10 A. Yes, that is true.

11 Q. Thank you. Regarding food rations <and> clothes during the
12 time: first, I want to know about the food rations. While you
13 were working at the Trapeang Thma Dam worksite, <>what were the
14 food rations like?

15 [14.08.08]

16 A. While I was working at Trapeang Thma Dam worksite, I did not
17 have enough food to eat. Initially, we had cooked rice once in a
18 while. Later, we had thick gruel. And we received only a small
19 bowl of food ration. We were weak, no strength at all. We were
20 afraid. I used to hear people say that monks are worms, sucking
21 blood. Monks are leeches, sucking blood. And <after I was no
22 longer a monk, I became 17 April People, and> it was said that we
23 had never been <tempered> before, so for this reason I had to
24 bear the situation, although I did not have enough food to eat.

25 Q. Thank you. While you were working at Trapeang Thma Dam

1 worksite, were you happy to work there, in a < > huge worksite?

2 [14.09.40]

3 A. For me myself, as well as for other workers, we were not
4 happy. We were not satisfied with the work < at Trapeang Thma Dam
5 worksite >. We followed the guideline, the line of Angkar. If we
6 did not follow -- if we had not followed, we would have been
7 killed.

8 Q. When you were working there, were there any medical staff to
9 treat you when you felt sick? Or were there any medicines for
10 treatment of sick workers?

11 A. When we fell sick, no medics were there to help us. But we
12 reported it to our chief, and the medic would come. They would
13 come with a bag, and the so-called rabbit dropping pellets were
14 given to all of us for any kind of diseases.

15 Q. Thank you. You told the Court that there were plenty of
16 workers at the dam worksite, including youth, female youth and
17 male youth. To your observation, from what you saw < when you were
18 working there >, did you witness the marriages arranged for the
19 male and female youths at Trapeang Thma Dam worksite?

20 A. No.

21 Q. What about you? Did you get married < during Khmer Rouge
22 regime >?

23 A. I got married during the Khmer Rouge period, while I was
24 working at Trapeang Thma Dam worksite. My < > unit chief told me
25 that < the day after tomorrow > the marriage would be held for me,

1 and <my name was given to the cooperative>. I got married at
2 <Cooperative 13> at Thnal Dach village. There were many couples
3 in the marriage: 63 couples. And the couples included Base People
4 and evacuees from Phnom Penh. However, <>the Base People could
5 not marry New People. At that time, <>I felt that I <had never
6 seen the woman> whom I would get married. I was a bit afraid <and
7 at that time I was 23 years old>. We were told to sit in the
8 middle, and there was a table <and a bottle> with the flowers on
9 it. There were representatives <who> chaired the marriage.
10 Perhaps the representatives were from cooperatives <or from
11 district>, but I'm not quite sure. The marriage was held at
12 night, perhaps around 8.00 or 9.00. During that ceremony, they
13 announced that today it is the marriage for the 63 couples, so
14 all of you have to respect the line of Angkar. And after the
15 announcement, we were told to hold each other's hands, and we
16 were instructed to make resolution, and to make sure that we
17 followed the line, or guideline, of Angkar, and we were told to
18 complete and achieve three <or four> tonnes of rice per hectare.
19 [14.14.51]
20 In the marriage, some couples did not know each other in advance,
21 and after the marriage they could not even find their spouses.
22 <>I originated from the rural area. <So, I thought that even
23 though we did not know each other before, or we were arranged by
24 Angkar, we had to love each other>
25 We were allowed to rest for seven days, after which we were sent

1 to work at an area after Bridge Number 3 <at Trapeang Thma>, to
2 build a <rice dike> and dig a canal <from the west of Bridge
3 Number 3 to Ta Vong village>. All the 63 couples were sent to
4 build the <rice dike> and dig the canal after Bridge Number 3. We
5 were working together. However, <female workers had to sleep in
6 female unit and the same applied to male workers.> After we
7 completed building the canal, husbands and wives could only meet
8 each other during the meal time, because there was a decision
9 that married men and women had to sleep in different places.
10 After we completed digging the canal, we were <rotated> to east
11 of Spean Sraeng, and we had to <dig a canal from Prasat 5
12 (phonetic), Au Ta Phal (phonetic)> until <Phnum Lieb,> National
13 Road Number 6 in Preah Netr Preah district.
14 While we working in that segment, after we left Trapeang Thma Dam
15 worksite, we were allowed to stay together with our spouses.
16 I was working in an area from Spean Sraeng to <Phnum> Lieb. It
17 was raining. There was a heavy rain one day, <the worksite was
18 flooded> and we could not work on that day, so our forces were
19 <rotated> back to <the cooperative>.
20 [14.17.50]
21 Q. Thank you. Regarding the marriage, you stated that you did not
22 know your future wife in advance, and the marriage was arranged
23 for you <by Angkar>. Did you love your future wife at that time?
24 A. I have learnt a lot about the virtues, good deeds, and
25 whatever that I had to do the good things. So, after the

1 marriage, I had to love my wife.

2 Q. After the marriage, did you and your wife consummate the
3 marriage?

4 A. Yes, we did.

5 Q. Thank you. Now, do you and your wife live together?

6 [14.19.10]

7 A. No. Let me tell the Court. After we left for the cooperative
8 to work, I was assigned to do the rice farming in <Spean> Thum
9 (phonetic) <and Lolom> Thum (phonetic) <in Spean Sraeng commune>.
10 During the raining season, my father-in-law was taken away to be
11 killed, because he was accused to be in charge of 50 houses in
12 the former regime -- that is, the Lon Nol regime. So <>we were
13 sent to <harvest rice in> Kouk Kraol, <and then to Preaek Chik in
14 Kouk Trach> and male workers were sent to do the harvest in a far
15 place, and women workers were allowed to work in a place close
16 by. In <late 1978>, there was a chaos, or a chaotic situation.
17 People were not satisfied with the regime. At that time people
18 from the villages were evacuated <by the cooperative chief> to
19 live close to streams and rivers. At that time my aunts and my
20 <cousins who worked together> went to find our family members. I
21 did not know at that time the situation was chaotic <because> I
22 was harvesting rice in a far place.

23 In the evening, my aunts and my relatives, 13 of them were sent
24 Phnum Srok district hall. When I returned from work in the
25 evening, I was told that your relatives had gone to Anlong Thom

1 (phonetic) to look for your family members. I did not believe in
2 that statement at that time. I said I had to go, too. And I <>
3 afterwards left and followed them.

4 When I arrived at Kbak (phonetic), I was told that my family
5 members and relatives had been arrested, and sent to Phnum Srok
6 district hall. At that time, I really wanted to go and search for
7 them, because I knew that the word 'arrest' means dead. At that
8 time, I really wanted to look for them, but my remaining family
9 members stopped me from going.

10 [14.22.53]

11 And <my other relatives told me> that if I went alone, then it
12 <would be hard. However, if only female relatives went there,
13 they might be released. At night, I went to stay with my
14 relatives at Kandal pagoda in Phnom Srok.> My relatives were also
15 looking for my family members who had been arrested. All my
16 relatives, 13 of them, had been sent to the north side <in
17 Tralach village> and killed. The two-year-old child was not
18 spared. His or her life was not spared. Only one among the 13
19 relatives could survive the period.

20 My neighbours <>told me that my family members and relatives had
21 been taken away and killed. Among the 13 relatives, one was my
22 wife. I did not know whether at that time she was pregnant
23 <because we had been living together for two or three months>.
24 And one sibling of my wife was also among them, <including my
25 two> aunts, <an elder sister and one child, two <younger>

1 brothers and four <cousins>. And as I stated, <>there was one
2 two-year-old child, and a five-year-old child among them. <Their>
3 throats were cut.

4 [14.25.21]

5 In the morning, my neighbours in Phnum Srok district helped me to
6 leave the place, to the <Thbaeng (phonetic) forest <>. Then I
7 reached the cooperative, <I met the chief of the cooperative> and
8 I was asked where I was going. I replied I went to look after my
9 sick relative. <One of my aunties were sick and later on she
10 passed away.> I was clever at that time. I noticed there was a
11 messenger on a horse. At that time three of us, I with two other
12 colleagues, were returning to the cooperative.

13 <When we were about to arrive at the village,> the cooperative
14 <>chiefs and other people were trying to shoot us behind. We were
15 trying to run and escape. <I ran to Spean Sraeng village, and I
16 saw my younger brother.> My younger brother, who was among the 13
17 people who had been taken away, could make an escape. He broke
18 <>the rope which was tied to his hand. <They tried to chase him.
19 He ran and fell against the canal dike and his face was swollen.
20 He told me that the other relatives were all killed.> I feel lost
21 <and empty>. I feel unhappy. Everyone in this world wants to
22 <live>. <I did not have a chance to see the dead bodies of my
23 relatives.> I was trying to make an escape, to <cross> Spean
24 Sraeng, and I made my way and reached Siem Reap.

25 Q. Thank you. Could you tell the Court about your suffering? In

1 particular, your wife, your aunts, relatives, niece and nephews
2 who lost their lives. Could you express your suffering, how you
3 feel today?

4 [14.28.01]

5 A. It has been over 30 years. I have never forgotten the
6 suffering <>even for a brief moment. Although I remarried a new
7 wife and had six children, I still love and miss my wife. I hold
8 Buddhist ritual to commemorate <> my former wife's soul annually.
9 The Angkar at that time was known as the leap great forward
10 Angkar, but people were killed like animals.

11 Let me add here: after I returned from Siem Reap, <>I went to see
12 the dead body of my family members and relatives. I could see the
13 children, whose throats were cut, and their bodies remained at
14 the place <and the corpse was just skin and bone and I turned the
15 corpse over, it was still wet at the back because it was
16 raining>. Twelve bodies I found at that place. I, together with
17 the religious people or achar at the time, held a ceremony and
18 buried the corpses, after I found those corpses. <I cannot forget
19 this suffering for the rest of my life.>

20 Q. Thank you. Now, I would like to know whether you have any
21 questions to put to the Accused through the President of the
22 Chamber.

23 [14.30.03]

24 A. I have a request and proposal through Mr. President. I ask the
25 Chamber to sentence the Accused to life <imprisonment>, and place

74

1 them in the dark prison. And I'd like to request for reparation,
2 as I declared it through my lawyer. And I'd like to put the
3 questions to the Accused through the President of the Chamber.
4 Nuon Chea and Khieu Samphan were leaders of the Democratic
5 Kampuchea regime, and during the period from 17 April 1975 to 6
6 January 1979, you cut off all communications with outsiders, and
7 with overseas countries. Nuon Chea and Khieu Samphan stated that
8 during the regime, <Angkar> had <many> eyes, as many as
9 pineapples' eyes. How come you didn't see the suffering of the
10 people, and people were starved to death? And why people were
11 forced to marry in a flock, like cattle? And why you forced
12 people to marry, and later on you separated them from one
13 another?

14 [14.31.52]

15 MS. SIN SOWORN:

16 Thank you, Mr. Civil Party. Mr. President, I don't have any
17 further questions to be put to the civil party, <but my colleague
18 would like to ask more questions. Apology, my colleague does not
19 have any question>. Thank you.

20 MR. PRESIDENT:

21 Thank you. And I noticed that Kong Sam Onn is on his feet. You
22 may proceed, Counsel.

23 MR. KONG SAM ONN:

24 Thank you. I'd like to make a brief observation regarding the
25 <request made> by the civil party; that he requests to put my

1 clients into a life imprisonment in the dark dungeon. And that is
2 not according to the existing law and procedure. Thank you.

3 [14.32.38]

4 MR. PRESIDENT:

5 Mr. Civil Party, the Chamber wishes to inform you that after
6 ascertaining the position of both Accused on 8 January 2015,
7 regarding the exercise of their right to remain silent, the
8 Chamber notes that the two Accused maintain their express
9 position unless and until such time the Chamber is expressly
10 informed otherwise by the Co-Accused or their Counsels. It is
11 therefore incumbent upon them to inform the Chamber in a timely
12 and efficient manner, should the Accused resolve to waive their
13 right to remain silent and be willing to respond to questions by
14 the Bench or relevant Parties at any stage of the proceedings. As
15 of today, the Chamber is not informed that the Co-Accused have
16 changed their express position and thus agreed to provide their
17 responses to questions. And for that reason, the Chamber is not
18 in a position, legally speaking, to compel the Accused to respond
19 to your questions.

20 It is now appropriate to take a short break. We'll take a break
21 now and return at 10 to 3.00. <Please be back in the Courtroom.>
22 Court officer, please assist the civil party in the waiting room
23 for civil parties and witnesses, and invite him, as well as the
24 TPO staff, back into the courtroom to continue proceedings in
25 relation to the statement of harm and suffering, at 10 to 3.00.

1 The Court is now in recess.

2 (Court recesses from 1434H to 1451H)

3 MR. PRESIDENT:

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

5 And the floor is given to the Co-Prosecutors to put questions to
6 this civil party if you have any. You may proceed.

7 [14.52.12]

8 QUESTIONING BY MR. FARR:

9 Thank you, Mr. President. Good afternoon, Mr. Civil Party. My
10 name is Travis Farr and I am a lawyer for the Prosecution, and I
11 just have a few questions for you. I want to start by asking you
12 something about your first wife.

13 Q. You told us that you had consummated your marriage and you
14 said that at the time she died you didn't know whether she was
15 pregnant or not. Did you ever learn later whether she was
16 pregnant at the time she was killed?

17 MR. MEAN LOEUY:

18 A. The fact that I did not know whether she was pregnant or not
19 because during the time that we were together, we were not
20 <allowed to be> together every day<. Sometimes> I was allowed to
21 <visit> her once a month so I did not know whether she was
22 pregnant.

23 [14.53.28]

24 Q. Did you ever learn, following her death, whether she had been
25 pregnant at that time or did you never -- never learn that one

1 way or the other?

2 A. No, I did not learn anything new.

3 Q. I'd like to ask you now about your emotional condition when
4 you were working at the Trapeang Thma Dam. Can you tell us what
5 your emotional condition was? Were you happy, were you sad, were
6 you fearful? What emotions did you feel in that period of your
7 life?

8 A. I never feel happy after that. I actually missed my late wife.
9 I missed the times that we were together although it was for a
10 brief period of time but it was the happiest time that I had with
11 her as a husband and wife.

12 Q. And, focusing now on your time as a worker at the Trapeang
13 Thma Dam, at that time did you believe that you were going to
14 survive the DK period?

15 [14.55.20]

16 A. During the time that I stayed at the Trapeang Thma Dam
17 worksite I could not ever imagine that I could survive. Every
18 morning when I opened my eyes I knew that I lived for another day
19 and I could not possibly know what would happen the next day. <At
20 night, we were afraid of being killed for fear that we committed
21 any mistake during the day time.> We kept saying to one another
22 that if we lived through the day we might not survive during the
23 night and we only looked forward to one day at a time.

24 Q. And was that fear something that you were able to forget to
25 time -- from time to time when you were working? Or was that fear

1 something that was with you on a more or less continual basis?

2 A. There was never a single day that I felt happy. The concerns
3 and the worries and the fear stayed with me every time.

4 [14.]

5 Q. And what about in your life today, how often do you think
6 about -- about that period of your life? How many times per month
7 or week or day do you recall it?

8 A. Until the present time the memory is still vivid in my mind
9 and when I attend any religious ceremony <or do meditation,> that
10 feeling subdues slightly. <Without> such intervention, the
11 feeling remains with me every day.

12 Q. I want to ask you about something you said about
13 disappearances. You mentioned first that people who failed to
14 meet their work quota a few times would sometimes disappear, but
15 you also mentioned that people who couldn't work because of
16 illness would sometimes disappear. And my question is did you
17 ever hear the phrase "to keep them is no gain, to kill them is no
18 loss" in reference to either of those groups of people?

19 A. Yes I heard that phrase.

20 Q. Who did you hear speak those words? Who used that phrase?

21 A. It was the unit chief group who said that.

22 Q. And did he say it on just one occasion or did he say it on a
23 regular basis?

24 [14.59.35]

25 A. Every time when there were more sick workers, <they> said that

1 phrase.

2 Q. And do you recall where it was that you heard him say that?

3 Was it in your sleeping quarters, at the worksite, at a meeting?

4 Where were you physically when you heard him say that?

5 A. I heard him saying that at the worksite.

6 Q. I think you mentioned criticism and self-criticism meetings.

7 Could you tell us a little bit more about that? Who was in charge
8 of them, who ran them, who spoke, what did they say?

9 A. For criticism and self-criticism meetings, it was the unit
10 chief who called us to the meeting. For instance, in a group of
11 10 workers, and if we could not complete the work quota that day
12 we as a group would be called to attend such as meeting and we
13 were criticized for being not self-mastery <or self-reliance, or
14 for abusing other's labour> and that we have to strive harder to
15 be more active. And they warned us that if you keep doing that
16 then you should be mindful of the Angkar's phrase -- that is, "to
17 keep is no gain and to kill is no loss". And upon hearing that we
18 were so afraid.

19 [15.01.44]

20 Q. Did you ever hear anyone talking about enemies of Angkar or
21 enemies of the revolution when you were at the Trapeang Thma Dam
22 worksite?

23 A. Regarding enemies. For instance, earth carrying baskets,
24 <carrying stick> and hoes had to be kept in good place. If one
25 basket was lost, one individual would be accused of being an

1 enemy. The same applies to the <carrying stick> if we broke <it>.

2 Q. And can you tell us who was keeping track of all of these
3 things, of your -- whether you achieved the work quota, whether
4 equipment was lost, whether equipment was broken? Who was
5 monitoring that?

6 A. It was the unit chief who checked the equipment and the unit
7 chief would go around and monitor the tools whether the baskets
8 were broken, the hoes <and carrying sticks> were broken. The unit
9 chief would go around and check.

10 Q. And what about investigation into peoples' backgrounds, into
11 who they had been and what they had done before the DK regime.
12 Were you ever aware of any sort of investigation into those
13 matters being carried out?

14 [15.03.58]

15 A. No.

16 Q. Were you ever aware of any district militiamen being present
17 at the dam worksite?

18 A. I have never seen them, I do not know about that.

19 Q. Did you ever learn about any workers attempting to escape from
20 the worksite?

21 A. I do not know about that.

22 Q. And what about beatings or any other form of physical
23 violence? Did you ever witness any physical violence or beating
24 at the worksite?

25 A. No.

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1 Q. Was your work -- were you primarily involved in digging earth
2 or carrying earth or did you do both?

3 [15.05.32]

4 A. I was the one who carried the dirt.

5 Q. And are you able to estimate for us how far it was from the
6 place where the earth was dug to the place where you had to
7 deposit it?

8 A. Regarding the segment at Bridge Number 1, I heard the unit
9 chief say about the distance. It was about 100 metres from the
10 middle of the road to Bridge Number 1, and <it was 200 metres
11 from the base> when we dumped the dirt and make the dam from time
12 to time the height of the dam was getting higher and higher so we
13 had to work hard and use to our strength to move up on the dam
14 and dump the earth. <Other areas were not as far as this place.>

15 Q. And do you have any way of estimating how much each load of
16 earth that you carried would weigh?

17 A. I could not give the estimate of the weights.

18 Q. I just want to ask you quickly about your working hours. You
19 discussed that a little bit before. But can you give us an idea
20 of the time you started, the time you stopped for lunch, the time
21 you began after lunch, the time you stopped in the evening and
22 then the shift you worked at night, just to the extent you are
23 able to?

24 [15.07.55]

25 A. Regarding working hours, in the morning we had to arrive at

1 the worksite to dig the earth when the sun rose. We took a short
2 break at 11.00 and we resumed work at 1.00 in the afternoon. We
3 continued from - working from 1.00 until 5 p.m. after which we
4 had another short break.

5 Q. And after that other short break, what were the working hours
6 after that?

7 A. Concerning night shift, we started from perhaps 6.00 p.m.

8 There was no clock no watch for us to <>to see the time. I think
9 <>we started night shift from 6.00 until 10.00. At that time, the
10 part of the dam was broken so we had to <be> on an offensive to
11 fix and repair the dam <day and night>. In my area, <in late
12 1977> during September, the flood situation was high and we had
13 to work hard to build the dam and try to block the water from
14 breaking the dam.

15 Q. Sir, my -- my last question. You've told us about food, hard
16 work, long hours, fear. Can you tell us what was the most
17 difficult aspect of your time at the Trapeang Thma Dam worksite?
18 What was the hardest for you from a physical and emotional
19 perspective?

20 [15.10.47]

21 A. Mentally and physically the work was hard for me because <at
22 Trapeang Thma worksite> I had to carry dirt in extremely huge
23 work quota. My back was almost bent because of the hard work so
24 in terms of mentally and physically situation it was very hard.

25 MR. FARR:

1 Thank you for answering my questions, Mr. Civil Party. Thank you,
2 Mr. President, no further questions.

3 MR. PRESIDENT:

4 Thank you. The floor is now given to the defence teams for the
5 Accused. You may first start counsel for Mr. Nuon Chea. You can
6 now put questions to this civil party.

7 [15.11.56]

8 QUESTIONING BY MR. KOPPE:

9 Thank you, Mr. President. Good afternoon, Mr. Civil Party. I have
10 a few questions that I would like to put to you. You just
11 answered a question from the Prosecution that you, while at the
12 dam, never saw anyone being beaten. Did you ever watch anybody
13 being killed while at the dam?

14 A. No, I did not.

15 Q. Did you ever see somebody get hurt or wounded because he or
16 she was involved in an accident?

17 A. No, I did not.

18 Q. Did you ever see anybody get arrested while you were working
19 at the dam?

20 A. No, I did not.

21 Q. Did you ever get disciplined by your unit chief or beaten
22 physically?

23 A. No.

24 [15.13.37]

25 Q. Did you ever fall sick while working at the dam?

1 A. Yes.

2 Q. What happened?

3 A. I had a high temperature and a fever.

4 Q. And when you felt these symptoms, what did you do? Did you ask
5 leave to stop working and lie down?

6 A. <Whenever> I fell sick, I told my unit chief. He would allow
7 me to rest.

8 Q. Did any of your workers -- any of the workers in your unit get
9 sick, subsequently stay sick and then have to go to the hospital
10 to recover?

11 A. No, I did not witness such incidents.

12 Q. Have you ever heard whether workers who got sick and who
13 didn't recover could ask to be put on an ox cart to go to the
14 district hospital to get better?

15 A. No, I have never heard.

16 [15.15.47]

17 Q. Have you ever seen somebody die, not because he or she was
18 killed, but because of exhaustion at the dam worksite?

19 A. No, I did not.

20 Q. Just -- Just now you were asked a question by the Prosecution
21 about a saying or proverb "to keep you is no gain to lose you is
22 no loss". You said that you had heard this that your unit chief
23 had said this a few times. Can you explain why it was that he
24 said this but at the same time allowed you on few occasions to
25 lie down when you were sick and get better?

1 A. It was because I was regular at work. Whatever work I was
2 assigned to do I always did it so the chief would allow me to
3 take rest when I fell sick once in a while.

4 Q. So maybe it wasn't clear to me but to whom was your unit chief
5 referring then when he was using this saying, "to keep you is no
6 gain" etc.? Who did he mean?

7 [15.17.55]

8 A. In the meetings this slogan was announced so that everyone
9 could hear.

10 Q. I understand but who did you think at the time did he have in
11 mind when he was using this proverb?

12 A. It was general speech or slogan for everyone in the meetings.
13 So the slogan was referred to everyone in general.

14 Q. What -- What did it mean to you to you at the time when you
15 heard it? What was your understand what he meant with it?

16 A. The so-called slogan or proverb was no -- "to keep you is no
17 gain to lose you is no loss", one who did not follow the
18 guidelines of Angkar, would be taken away <> and killed. This is
19 my understanding.

20 Q. I see. You just also spoke about working when it was dark
21 between 7.00, 6.00 or 7.00 and 10.00 p.m. Was night work
22 occasional, once in a while when an offensive was needed or was
23 it regularly?

24 A. It was not permanent work for us to do.<>It happened only when
25 we were told to be on an offensive.

1 [15.20.45]

2 Q. Did the woman that you married and that you spoke about
3 earlier work at the dam site as well?

4 A. No, she was not working at the dam site.

5 Q. What about any of her relatives, any of her 13 relatives who
6 -- whom you said they were killed any of them work at the dam
7 worksite?

8 A. Yes, some of them worked at the worksite.

9 Q. Who were Ret and Oeun?

10 A. Oeun was the district chief. As for Ret he was the militia man
11 at the district level.

12 Q. Did Ret and Oeun have any position at the dam worksite did
13 they -- were they unit chiefs or were they in any commanding
14 function?

15 A. I did not see them at that time.

16 [15.22.49]

17 Q. In your civil party application, Mr. Civil Party, D22/1934,
18 you hold both Ret and Oeun responsible for the harm and for the
19 crimes. What exactly are they responsible for?

20 A. When my family members and relatives had been arrested, the
21 two individuals had to be responsible for the arrest because they
22 were <district chief or district committee> and <military chief>.
23 And I was told <by my younger brother> that my family members and
24 relatives had been arrested under the responsibility of the two
25 individuals.

1 Q. Did the arrest of your wife and your family members have
2 anything to do with their work on the dam?

3 A. At the time, it was <at the rice field while the rice was
4 harvested.>.

5 Q. So, I'm not sure if I understand correctly but does it mean,
6 or are you implying that the arrests had nothing to do with some
7 of them working at the dam?

8 A. The arrests had nothing to do with the work at the dam
9 worksite. I told the Court already they had been arrested when
10 they were harvesting rice. And, I was told that my wife and her
11 family members had been arrested and placed at the district hall.

12 Q. In the additions to -- in addition to Ret and Oeun, you also
13 hold late King Father Norodom Sihanouk for the crimes because as
14 you said he created the Khmer Rouge. What exactly do you mean
15 with that?

16 [15.26.09]

17 A. On this point, at that time, there was an appeal from the late
18 king father to encourage children to go into the maquis or
19 jungle, and after which there was Khmer Rouge. And after the
20 appeal, we noticed that the Khmer Rouge took control of the
21 country and the late King Father was one of the victims as well
22 of the regime, although he made <> the appeal.

23 MR. KOPPE:

24 Thank you, Mr. Civil Party. Thank you, Mr. President.

25 MR. PRESIDENT:

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1 Thank you. Now the floor is given to the defence team, the
2 defence team for Mr. Khieu Samphan. You may now proceed.

3 [15.27.16]

4 QUESTIONING BY MS. GUISSÉ:

5 Thank you, Mr. President. Good afternoon, <Mr.> Civil Party. I
6 have some brief questions to put to you as counsel for Mr. Khieu
7 Samphan. We have several documents in our possession; these are
8 reports including your civil party application. And, I would like
9 to know <if what> you mentioned <in your interview with> a number
10 of persons who helped you to fill your application, <if you
11 indeed <told them> what you told us> today, that the quota <that
12 you> applied at Trapeang Thma Dam worksite was three cubic metres
13 a day.

14 <>

15 MR. PRESIDENT:

16 Please hold on Mr. Civil Party. Lead Co-Lawyer, you may now
17 proceed.

18 MS. GUIRAUD:

19 Thank you, Mr. President. I would like to make a very brief
20 clarification because I am not sure that all the Parties
21 understand how the report of the victim's unit was drafted. In
22 fact it was someone in the victims unit who <summarized the>
23 information <contained> in the civil party's application in
24 Khmer<,> <but> when that report was prepared there was no
25 interaction between the staff member of the victim's unit and the

1 civil party, it was simply a summary of the civil party
2 application in Khmer. The original document was the civil party
3 application in Khmer and the victim's unit simply did a summary
4 of the contents in English.

5 [15.29.14]

6 MS. GUISSÉ:

7 Thank you for this clarification. In document E3/4889 which is
8 the victim's information sheet that was filled out, we find on
9 that document a number of points regarding what you said when you
10 filled out that form. My question therefore is to know whether --
11 <so, E3/4889, in> French 00895211 and <I believe that> in Khmer
12 it is 0054045 <and> 46 <> and in English 01061251.

13 Q. It is stated on this document that you did say that there was
14 a quota of five cubic metres, so my question is whether this is
15 an error in this document, or you have always said as you did
16 during these proceedings that the quota was three cubic metres?

17 [15.30.40]

18 A. I made mention about the three cubic metres of soil that I had
19 to do.

20 Q. Thank you for this clarification. Another point of
21 clarification now. You said to my colleague that the death of the
22 members of your family had no link with the Trapeang Thma Dam. So
23 can you confirm that it is in 1979 that you learned of their
24 deaths -- that is to say, after the Vietnamese had arrived?

25 A. The death of my family members was known to me since the day

1 they had been arrested. However, it was my younger relative who
2 told me <about my wife> after 1979, that<> her throat had been
3 slashed and killed and that he had survived. In fact that
4 information was learned in late 1978, and not in 1979.

5 MS. GUISSÉ:

6 Thank you for this clarification. I have no further questions,
7 Mr. President.

8 [15.32.23]

9 MR. PRESIDENT:

10 Thank you. Today's hearing has come to an adjournment and the
11 Chamber will adjourn the proceedings now and resume tomorrow --
12 that is, <Thursday>, 3rd September 2015 <at 9 a.m.) And for
13 tomorrow's proceedings, we will hear the key document debates in
14 relation to those dams: <1st January Dam, Kampong Chhang airfield
15 worksite> and <Trapeang Thma> worksites as scheduled. It will be
16 proceeded first by the Co-Prosecutors and the Lead Co-Lawyers for
17 civil parties. <Please be informed and be on time.>

18 And Mr. Mean Loeuy the Chamber is thankful for your time, and
19 your statement of harm and suffering that you claim you suffered
20 under the Democratic Kampuchea regime at the Trapeang Thma Dam
21 worksite <is now concluded>. And you may be excused. And Mr.

22 Yourn Sarath the TPO staff, the Chamber is grateful of your
23 support as well, and you also are excused.

24 Court officer, please make an arrangement with WESU for the civil
25 party to return to his residence or to wherever he wishes to go.

1 Security personnel you are instructed to take the <two> Accused
2 <Nuon Chea and Khieu Samphan> back to detention facility <of the
3 ECCC> and have them returned to attend today's proceedings
4 tomorrow prior to 9 o'clock in the morning.

5 The Court is now adjourned.

6 (Court adjourns at 1533H)

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