



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 July 2015  
Trial Day 307

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
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LIV Sovanna  
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CHEA Sivhoang  
Matthew MCCARTHY

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Marie GUIRAUD  
LOR Chunthy  
TY Srinna

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

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

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

1

1 PROCEEDINGS

2 (Court opens at 0910H)

3 MR. PRESIDENT:

4 Please be seated. The Court continues its proceedings.

5 Today, the Chamber continues to hear the remaining testimony of  
6 the current witness in relation to the Kampong Chhnang Airport  
7 worksite, and after that we'll commence hearing the testimony of  
8 another witness -- that is, 2-TCW-926, in relation to the 1st  
9 January Dam worksite.

10 Ms. Chea Sivhoang, please report the attendance of the Parties  
11 and other individuals at today's proceedings.

12 [09.11.45]

13 THE GREFFIER:

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

16 Mr. Nuon Chea is present in the holding cell downstairs. He  
17 requests to waive his direct presence in the courtroom. His  
18 waiver has been delivered to the greffier.

19 The witness who is to conclude her testimony today -- that is,  
20 Madam Khin Vat, is present and ready in the courtroom.

21 We also have a reserve witness today; namely, 2-TCW-926. The  
22 witness confirms to his best knowledge that he has no  
23 relationship by blood or by law to any of the two Accused -- that  
24 is, Nuon Chea and Khieu Samphan, or to any of the civil parties  
25 admitted in this case. The witness will take an oath before the

2

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

3 [09.12.52]

4 MR. PRESIDENT:

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

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

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

18 [09.14.01]

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

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

25 That applies for the whole day.

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

4 And you may proceed, Counsel.

5 [09.14.46]

6 QUESTIONING BY MR. KOPPE:

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

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

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

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

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

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

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

1 interview?"

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

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

5 [09.16.50]

6 MS. KHIN VAT:

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

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

12 A. I may forget some because I cannot remember everything. My  
13 memory is not 100 percent perfect.

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

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

25 [09.19.20]

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

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

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

11 A. I do not recall that.

12 [09.21.03]

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

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

23 Q. I shall try with one example. Madam Witness, yesterday -- no,  
24 let me first go to what you said in your statement -- that is,  
25 E3/5284.



6

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

8 [09.23.44]

9 MR. FARR:

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

17 BY MR. KOPPE:

18 Thank you for this observation, Mr. Prosecutor.

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

21 [09.24.35]

22 MS. KHIN VAT:

23 A. I think I already made my statement and I cannot recall every  
24 point that I told the OCIJ investigators at my home during the  
25 interview. I can tell you that I didn't stay for long in Kampong

1 Chhnang. I was there to get married, and then I cooked for a week  
2 for them. And my second trip to Kampong Chhnang was that I was  
3 reassigned to work in the rice field near the Kampong Chhnang  
4 Airport worksite.

5 MR. PRESIDENT:

6 Parties, please try to carefully read the transcript and the  
7 responses by the witness. I think the witness is actually correct  
8 in making her response. And yesterday, Ven Pov, the lawyer for  
9 civil parties, also got confused. The statement in the transcript  
10 by the witness is that she was with the Chinese guests. And it  
11 was the Chinese guests who made trips to the airport site -- that  
12 is, about three times per month. And that she herself went with  
13 the Chinese. And it was not her who actually went to the airport.  
14 It was the Chinese team that went to the airport. And that point  
15 was not clearly transmitted, and that was -- that led to the  
16 question being asked by the lawyer for civil parties, Ven Pov,  
17 yesterday.

18 [09.26.55]

19 BY MR KOPPE:

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

21 Q. In your statement to the investigators, you said that you  
22 overheard the talks of airport leaders, senior leaders such as  
23 Lvey and Thuok. Yesterday, I believe, you said that you minded  
24 your own business, and that you tried not to listen to what  
25 others were saying. So my question is: Did you overhear the talks

1 of the leaders at the Kampong Chhnang Airport site or didn't you?

2 And were you just minding your own business?

3 MS. KHIN VAT:

4 A. While I was cooking for them, they were speaking amongst  
5 themselves about the work plan, but I did not pay attention to  
6 that. I only knew that they were talking about the work plan for  
7 the airport worksite.

8 Q. One last example and then I will move on, Madam Witness.

9 Yesterday, you were asked questions about alleged suicides at  
10 Kampong Chhnang Airport. Yesterday, you gave two possible  
11 examples. However, in your statement to the investigators of the  
12 Investigating Judge, you said that suicide by running under the  
13 wheels of trucks took place "very often". Is your testimony from  
14 yesterday correct, or is what you said to the investigator  
15 correct?

16 [09.29.27]

17 A. I did not know about the very often suicide. I knew there was  
18 one case that a man ran into a truck and killed himself.

19 Q. Thank you, Madam Witness. I will move on now to some other  
20 questions. Yesterday you also gave testimony about your missing  
21 husband; Laoth is his name, I understand. Is it possible that he  
22 was a commanding officer in the handicapped unit of Division 502?

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

25 Q. But do you recall whether he had a rank? Whether he was a

1 commander?

2 A. I knew that he had a supervisory role, though I do not know  
3 his actual rank or position.

4 [09.31.36]

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

7 A. He wounded his leg and that's what I could observe.

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

10 A. I do not remember that. I did not know whether I asked that  
11 question or not. I cannot remember it. I only knew that he was  
12 injured in a battlefield, although I do not know which  
13 battlefield he was injured in. He was from Division 11.

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

16 A. I do not know about that. I do not know whether Division 11  
17 was from Southwest Zone. And I myself do not know where Southwest  
18 Zone was.

19 [09.34.08]

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

22 A. That is correct. I also -- I also did not know whether  
23 Division 11 was part of Southwest Zone.

24 Q. I will return to your husband. I'll make a sidestep to the  
25 Southwest Zone. You said in the very first answer to the question

10

1 to the investigators that -- and I quote: "Before 17 April '75, I  
2 was a soldier in Battalion 304 of Division 502 under the command  
3 of Khon in the Southwest, based in Samraong,  
4 Kampong Speu." And at the end of that same answer, you said: "I  
5 knew that Ta Mok was in charge of the Southwest." Can you explain  
6 that to me, please?

7 A. I only know that he was within the Southwest Zone, and I  
8 myself do not know how many divisions that there were in the  
9 Southwest Zone. I knew that Division 502 was part of the  
10 Southwest Zone. People said that he was in charge of the  
11 Southwest.

12 [09.36.43]

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

19 A. I had no choice back then. I said that I would follow Angkar,  
20 no matter what the decision from Angkar was. I had no choice. I  
21 would follow Angkar.

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

11

1 A. I cannot recall his name; perhaps Maus (phonetic). It is in  
2 the -- I cannot think of it. He said that Angkar required me to  
3 marry a man at Kampong Chhnang Airport work site. I was told that  
4 at 5 a.m. in the morning, I had to be ready and went to Kampong  
5 Chhnang. I did not know the proposed man, my future husband at  
6 that time, and I only learned of his name when I met him at the  
7 wedding. I had never seen him before that time.

8 [09.39.39]

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

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

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

17 A. I was stationed in a base area at that time. I was stationed  
18 in my village and commune. Cadres came to villages and communes  
19 and encouraged women to join a study session; that there was a  
20 coup against the late King. We were told that the Lon Nol regime  
21 was supported by Americans and (inaudible) Vietnamese, and they  
22 encouraged us to join the National Salvation Front. I was  
23 introduced by cadres at a village or commune level. After I  
24 learned about this, I made a decision that I had to join the  
25 Front to liberate the country. Back then, people loved the late

1 King. For this reason, everyone volunteered to liberate the  
2 country.

3 [09.42.42]

4 Q. In your written record of interview, you were asked that same  
5 question as well. It's the second question in this document, and  
6 you said to the investigators: "At that time, there was a  
7 movement in the countryside among the people, in order to save  
8 the country from the oppression of the capitalists and feudalists  
9 who were exploiting the poor." Do you remember saying that to the  
10 investigators?

11 A. I could recall it. At that time, I joined the Front and  
12 committed to follow the line of the Front. I was trained by  
13 cadres in the commune and local areas.

14 Q. Do you recall what you meant when you said that the  
15 capitalists and the feudalists were oppressing and exploiting the  
16 poor?

17 A. In my opinion, at that time, capitalists were the rich and  
18 powerful, to my understanding, and they oppressed us. And they  
19 did not let us to have any freedom, or to have the right of  
20 association. And they prevented us from doing living.

21 [09.45.23]

22 Q. Thank you, madam, for that explanation. I would like now to  
23 move on to the Kampong Chhnang airfield itself. Yesterday you  
24 were asked questions about the military, or the soldiers, that  
25 you saw working at the airfield site. Do you recall -- you were

1 asked the question, but I will ask it in general terms first --  
2 do you recall where the various divisions were coming from? From  
3 which parts of the country?

4 A. I heard them say, or my colleagues say that they were from the  
5 east. This is all what I know. They were from the east, or the  
6 southwest.

7 Q. Thank you, Madam Witness. In your statement, you answered that  
8 there were two divisions from the east, one division from the  
9 north, and two divisions from the southwest. Could that be  
10 correct as well?

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

12 [09.47.20]

13 Q. Do you remember the numbers of these divisions? You yourself  
14 were from Division 502, but do you remember the numbers of the  
15 two divisions from the east?

16 A. I do not know about the figure. I was there for a short period  
17 of time, and my work colleagues in the rice field said about the  
18 figure, but I could not recall it. What I know is that there were  
19 different people from different divisions working in that site.

20 Q. And do you remember whether the soldiers belonging -- the  
21 number of the soldiers belonging to the divisions from the  
22 southwest, whether that number was the same, or roughly the same,  
23 as the soldiers that were coming from the two divisions from the  
24 east? In other words, are you able to tell so many soldiers from  
25 the east, so many soldiers from the north, and so many soldiers



1 from the Southwest Zone?

2 [09.49.05]

3 A. In my analysis and in my opinion, there were many soldiers  
4 from the north and the east. There were not so many soldiers in  
5 Division 502 working at the worksite.

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

10 A. Soldiers had the same uniform. However, people who were  
11 working with the Chinese wore different uniforms; namely, those  
12 who installed electrical wire, or those who did other types of  
13 work, had different clothes to wear. But to me, soldiers had the  
14 same military uniform.

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

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

20 [09.52.03]

21 Q. Were there also soldiers wearing green uniforms, rather than  
22 black uniforms?

23 A. No.

24 Q. Yesterday, you confirmed something that you had also said to  
25 the investigators, that the forces from the -- or the military

15

1 from the east who were working at the site, were from a division  
2 or unit from which the chief was removed. Do you remember the  
3 name of the chief of these East Zone forces that was removed?

4 A. I do not know their names, and I do not have the full  
5 knowledge. Upon my arrival, I noticed only the presence of  
6 low-ranking soldiers. And soldiers from Division 502 were  
7 assigned to be in charge of other working men. Division 502 led  
8 the working forces, and they received instruction from the  
9 Chinese. As I told the Court already, I was there working for a  
10 brief period of time only.

11 Q. And do you know whether the reason that Division 502 soldiers  
12 were in charge was because Division 502 was also known as the Air  
13 Force?

14 A. Yes, it is true.

15 [09.54.54]

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

20 A. Back then, I learnt all the matters from Thuok. He called me  
21 at Ou Baek K'am, and told me to go and do the rice farming at  
22 that worksite.

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

1 MR. PRESIDENT:

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

4 [09.56.50]

5 MS. GUIRAUD:

6 Thank you, President. I have a brief remark. I haven't read the  
7 transcripts again, so this is for the Parties. But I have just  
8 read my notes, and I believe that the witness was very clear  
9 yesterday, and she said that she was sent to the Kampong Chhnang  
10 Airport as a form of punishment. And so this is in complete  
11 contradiction with what the witness stated yesterday. And it also  
12 -- I think that my colleague's questions are a bit leading in  
13 nature, and I think there's a complete contradiction with what  
14 was stated yesterday by the witness. Thank you

15 MR. PRESIDENT:

16 Judge Lavergne, you may now proceed.

17 JUDGE LAVERGNE:

18 Mr. Koppe, could you tell us what is an ordinary, regular,  
19 military order? Is there a difference with an extraordinary  
20 military order? What exactly do you have in mind?

21 [09.57.58]

22 MR. KOPPE:

23 Well, there are many kinds of normal military orders. I think an  
24 average soldier, also in peacetime in every country, would get  
25 many orders per day, meaning go to the shooting range, do this,

17

1 do that. The same, of course, applies to the soldiers working  
2 within Division 502.

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

9 (Judges deliberate)

10 [09.59.42]

11 MR. PRESIDENT:

12 Mr. Koppe, you may resume your line of questioning. You may  
13 repress (sic) your last question you put to this witness.

14 BY MR. KOPPE:

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

16 THE KHMER INTERPRETER:

17 Correction from the interpreter: rephrase.

18 BY MR. KOPPE:

19 Rephrase. Thank you, Mr. President.

20 Q. Madam Witness, when you were ordered or instructed by your  
21 superior commander to go to Kampong Chhnang airfield, was that a  
22 military order as you would receive normally, or as you would  
23 have received prior to your mission of going to Kampong Chhnang  
24 airfield?

25 [10.00.46]

1 MS. KHIN VAT:

2 A. I did not pay any attention at that time. I only knew that I  
3 was no longer a soldier. I was put in a female unit belonging to  
4 that worksite. I was told to pack my belongings so that I could  
5 go and work in the rice field. I had to go.

6 Q. What do you mean when you say that you were "no longer a  
7 soldier"? I'm not sure if I understand. Maybe something in the  
8 translation. But can you explain what you mean with that?

9 A. After I had married my husband, and my husband disappeared, I  
10 stopped working with the Chinese as a cook. I was reassigned to  
11 do the rice farming. At Ou Baek K'am, one day, I was told to pack  
12 my belongings to work in Kampong Chhnang worksite, so I was  
13 thinking that I was deprived of the status of a soldier. I was  
14 required to work as an ordinary worker doing the rice farming.

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

19 [10.03.25]

20 A. No, no official or formal letter. But my rights and status as  
21 a soldier was removed. I stopped being a cook for the Chinese,  
22 and I realised that I was no longer a soldier because they  
23 deprived me of that status. There was no official or formal  
24 letter. I was reassigned to do the rice farming at Kampong  
25 Chhnang.

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

3 A. After I worked in the paddy field, I worked with other older  
4 women to produce fertilisers. That's the instruction I received  
5 from the superior -- that is, to cut kantreang khet trees --  
6 leaves, in the morning. And we cut them into pieces in the  
7 afternoon to make fertiliser for the rice field. And that  
8 happened at the location to the south of the Preah Theat  
9 (phonetic) pagoda.

10 [10.05.12]

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

13 A. We were very afraid, and the situation was chaotic throughout  
14 the airport. Some women had to deliver their babies on the truck.  
15 Everyone tried to board a truck, and we were so afraid that we  
16 thought we could not survive.

17 Q. Did you jump on the military truck when you were escaping from  
18 the Vietnamese?

19 A. Those women who had young babies, or who were pregnant, were  
20 allowed to board the military trucks, and made their way to the  
21 west direction. I myself was asked to lend support to help those  
22 women, pregnant women and women with young babies, to board the  
23 truck. And from that point onward, I did not know what happened  
24 to those women.

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

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

2 Q. A military truck?

3 A. Yes, it was a military truck which was given to the Cambodians  
4 who worked at the airport. So the truck was used to transport  
5 those people who could not walk, for example, or to transport  
6 those pregnant women.

7 [10.08.17]

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

11 MR. FARR:

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

15 MR. KOPPE:

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

23 (Judges deliberate)

24 [10.09.31]

25 MR. FARR:

21

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

6 MR. KOPPE:

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

10 MR. PRESIDENT:

11 The National Lead Co-Lawyer for civil parties, you have the  
12 floor.

13 MR. PICH ANG:

14 I listened attentively to the witness' statement, and she said  
15 she was no longer a soldier. She used words to the effect that  
16 she thought that she was no longer a soldier, or that she made a  
17 conclusion that she was no longer a soldier, that she was feeling  
18 that she was no longer a soldier. That's what went behind her  
19 mind. But she never said that she actually left the military.

20 [10.11.01]

21 MR. PRESIDENT:

22 All the objections raised are not sustained, and overruled. And  
23 the Counsel, you may specify your question again to the witness.

24 BY MR. KOPPE:

25 Thank you, Mr. President.



22

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

5 MS. KHIN VAT:

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

7 [10.12.07]

8 MR. KOPPE:

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

10 MR. PRESIDENT:

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

12 We'll take a break now and resume at 10.30.

13 Court officer, please assist the witness during the break time at  
14 the waiting room for civil parties and witnesses, and usher her  
15 into the courtroom again at 10.30.

16 The Court is now in recess.

17 (Court recesses from 1012H to 1030H)

18 MR. PRESIDENT:

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

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

24 QUESTIONING BY MS. GUISSÉ:

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

1 Madam Khin Vat. I would like to introduce myself, I am Anta  
2 Guissé and I am co-counsel of the defence for Mr. Khieu Samphan  
3 and I will ask you a few brief questions this morning for  
4 clarification on your testimony.

5 Q. Now, first point because in the French translation we did not  
6 get it very clearly; you said that when you were married to your  
7 husband, you spent a week in Kampong Chhnang. Do you remember the  
8 date of your wedding?

9 MS. KHIN VAT:

10 A. I got married in 1977. I cannot recall the month; perhaps it  
11 was in late 1977.

12 [10.32.35]

13 Q. You said that you were reassigned to Kampong Chhnang at the  
14 end of 1977. Using that as a reference point -- that is, the date  
15 at which you were reassigned to kampong Chhnang to work in the  
16 rice field, could you give us an idea? Was it a month, two, three  
17 months before you were married, could you give us an idea of the  
18 date, perhaps this could help you situate yourself on the  
19 timeline?

20 If you don't remember I won't ask you anymore. It's only that you  
21 said you had been assigned and so perhaps I can help you -- if  
22 you don't remember, just say so.

23 A. I do not recall it.

24 Q. No problem. You said that after your wedding you spent a week  
25 with your husband. Did you work during that week in the kitchen

1 as you spent some time with your husband?

2 A. I was with my husband in the kitchen. I was a cook at Banteay  
3 Chan Sari and my husband would come to spend time with me at  
4 night-time for that seven days.

5 [10.35.14]

6 Q. Thank you for these clarifications. You said that you worked  
7 in rice fields following that, rice fields that were located by  
8 the kilometre from the Kampong Chhnang Airport worksite. You said  
9 that you worked with women soldiers from the East Zone; did you  
10 have a particular position, specific function within that unit,  
11 when you worked in the rice fields?

12 A. I was instructed to be in charge of soldiers' wives in the  
13 second force or Force Number 2, those women had baby or children  
14 with them and we were going to find and collect kantreang to make  
15 fertilisers.

16 Q. And this happened as soon as you arrived to the rice field  
17 next to the Kampong Chhnang Airport, as soon as you were  
18 assigned?

19 A. Immediately I arrived at Kampong Chhnang, I rested at my  
20 location near the Preah Theat (phonetic) pagoda. One day after  
21 there was a meeting to assign me to be in charge of the old  
22 ladies within the second force or Force Number 2. I was the one  
23 who led the group making fertilisers.

24 [10.37.55]

25 Q. Does this mean that you had some command authority on these

1 women?

2 A. Back then I received plan or instructions from my chief; he  
3 was male. He instructed me to lift the work force to make  
4 fertilisers so I was in charge of the married women, I mean the  
5 wives of the soldiers making fertilisers.

6 Q. Another point I would like to ask. Do you remember during the  
7 year 1977 when you were in the rice field? Did any soldiers from  
8 Division 502 or other divisions were soldiers that were sent to  
9 fight the Vietnamese troops, do you remember this?

10 A. At that time I did not know whether they were sent to fight  
11 against the Vietnamese. What I know is that they were working  
12 with the Chinese at the airport worksite. I do not know whether  
13 they were sent to fight against the Vietnamese.

14 [10.40.51]

15 Q. You said a few times that you stayed brief time at the rice  
16 field near Kampong Chhnang Airport; do you remember how long it  
17 was? In my notes, I wrote down for six months but perhaps you can  
18 explain that, do you remember, approximately, how many months you  
19 worked on that assignment?

20 A. What I can recall is that I was sowing the seeds in the field  
21 at that time and the rice was not yet harvested and I can recall  
22 that, at the time, I ploughed the area.

23 Q. From that answer, I understand that you left before the rice  
24 was harvested; is that the case?

25 A. Yes, that is what I said.

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

3 A. The harvest took place mostly in December.

4 Q. You spoke of the incident of suicide, and my colleague raised  
5 it again this morning, which was -- or you were told of the  
6 suicide by a driver; do you remember the name of the driver who  
7 told you about it?

8 A. No, I do not remember. During the resting time, the drivers  
9 were chit chatting about that matter and I did not try to find  
10 out what happened or the names of that person. I heard they were  
11 discussing about the matter.

12 [10.43.25]

13 Q. I would like to touch upon what said yesterday; you spoke of a  
14 visit of Khieu Samphan, and you explained that you hadn't seen  
15 him personally; that it was a friend of yours who told you about  
16 it. Could you tell us the name of this person and could you tell  
17 us if it was a man or a woman?

18 A. He was a man; his name was So Kun (phonetic). He was working  
19 with the Chinese at the place where the roads were being built,  
20 he told me about that matter.

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

22 A. He was part of Division 502; he was accompanying Chinese  
23 technician measuring the land.

24 Q. I know this was a long time ago, but do you remember the words  
25 he used, what words did he use when he spoke of Khieu Samphan's

1 visit?

2 [10.45.31]

3 A. I cannot recall it. Later on I knew that the soldiers who were  
4 working at the site were allowed to watch a film at night and the  
5 soldiers who were working at that place were also allowed to have  
6 resting time on Sunday. We were told that in the next few years  
7 our life conditions would be better. I could recall that. At one  
8 time at night, I could go and watch a film at the five-storey  
9 house.

10 Q. At the time, do you remember who was the chief of staff of  
11 Democratic Kampuchea -- commander chief of the army -- did you  
12 know who it was?

13 A. I do not know who was the commander; I do not know the senior  
14 ranking people.

15 Q. Son Sen, does that ring a bell?

16 A. I have heard of his name, however, I did not know his face at  
17 that time and I did not know his position and duty as well at  
18 that time.

19 Q. Do you remember or do you know what his revolutionary name  
20 was?

21 A. No.

22 [10.48.15]

23 Q. Do you know what Khieu Samphan's revolutionary name was?

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

25 Q. Yesterday you mentioned that someone had told you that Khieu

1 Samphan was called Uncle Number Two. Did you hear any other names  
2 given - or, rather, this person who mentioned brother -- Uncle  
3 Number Two, did he mention another name?

4 A. I heard people called him Uncle Number Two; that is all what I  
5 know. I know nothing else.

6 MS. GUISSÉ:

7 Thank you, Madam Witness.

8 I don't have any more questions, Mr. President. However, my  
9 colleague, Mr. Kong Sam Onn, has some follow up questions to ask.

10 MR. PRESIDENT:

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

12 [10.50.00]

13 QUESTIONING BY MR. KONG SAM ONN:

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

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

17 Q. You stated that you got married in 1977 and you also stated  
18 that you did not recall the month. You mentioned as well you were  
19 working in rice field near Kampong Chhnang Airport less than six  
20 months. Can you tell the Court --

21 MR. FARR:

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

1 MR. KONG SAM ONN:

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

7 [10.51.48]

8 MR. KOPPE:

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

10 MR. FARR:

11 Could you give us a page number for that?

12 MS. GUISSÉ:

13 It is a bit before 15.37 p.m. yesterday, thanks to my team's  
14 efficiency.

15 BY MR. KONG SAM ONN:

16 May I resume my line of questioning, Mr. President? Thank you Mr.  
17 President.

18 Q. I would like to go back to the last question I put to you a  
19 while ago. You already stated that you left Kampong Chhnang  
20 worksite by military truck when the Vietnamese came in the  
21 country, could you tell the Court when it was, whether it was in  
22 late 1977 or late 1978?

23 [10.53.16]

24 MS. KHIN VAT:

25 A. Yes, it is true that I fled Kampong Chhnang worksite. I recall



1 that I fled that worksite in 1979.

2 Q. Thank you. Concerning the timeline, you stated particularly in  
3 relation to the time when you were working in the rice field, you  
4 stated that immediately after you arrived at Kampong Chhnang you  
5 sowed the seeds and the harvest was not yet done at that time  
6 when you fled the country. What kind of rice were you doing -  
7 were you farm?

8 A. It was called the rice for the rainy season and it lasted for  
9 six months to get the yield or the harvest.

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

12 A. It is about right; I may have forgotten the year.

13 MR. KONG SAM ONN:

14 Thank you Madam Witness. I conclude my line of questioning Mr.  
15 President.

16 [10.55.21]

17 MR. PRESIDENT:

18 The hearing of your testimony is now concluded. Thank you very  
19 much, Madam Khin Vat. Thank you for spending time giving  
20 testimony as a witness, yesterday and this morning. Your  
21 testimony will contribute to justice and to the truth. You may  
22 now be excused; you may go to any place you would like to go. I  
23 wish you good luck and safe trip.

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

31

1 Now the Chamber continues to hear 2-TCW-926 concerning the 1st  
2 January Dam, and the Chamber would like to inform the Parties  
3 that if we cannot conclude to hear 2-TCW-926, the Chamber will  
4 summon this witness to come back and testify at a later stage.  
5 Court officer, please usher 2-TCW-926 into the courtroom.

6 (Witness 2-TCW-926 enters courtroom)

7 [10.58.20]

8 QUESTIONING BY THE PRESIDENT:

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

10 MR. OM CHY:

11 A. My name is Om Chy.

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

13 Mr. Witness, please observe the microphone -- that is, when you  
14 see the red light on the tip of the microphone, then you can  
15 begin speaking.

16 A. I was born in 1952.

17 Q. And when where you born?

18 Again, Mr. Witness, please wait a moment before you speak, and  
19 that would give a little bit of time for the Court to interpret  
20 your statement into other official languages so that all Parties  
21 can hear your testimony in the official languages of the Court.

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

24 [11.00.02]

25 Q. Where is your current address?

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

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

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

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

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

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

14 A. Yes, I have.

15 [11.01.28]

16 Q. Thank you. The Chamber now informs you of your right and  
17 obligation.

18 As witness before the proceedings in this Court, you may refuse  
19 to respond to any question or to make any comment which you think  
20 could incriminate you; that is your right against  
21 self-incrimination. And on your obligation as a witness, you must  
22 respond to all questions put to you by the Bench or by relevant  
23 Parties except where you think your responses or comments would  
24 incriminate you, as I have just stated. And as a witness, you  
25 must tell the truth that you have known, heard, remember or

1 experienced or observed directly -- that is, in relation to any  
2 event raised in the questions put to you by the Bench or by the  
3 concerned parties.

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

7 A. In 2009, the ECCC officers came to interview me in Ballangk  
8 commune, Baray district, Kampong Thom province at 10.00 a.m. in  
9 the morning.

10 [11.03.08]

11 Q. Thank you. And before you appeared before us, have you read or  
12 reviewed your written record of your statement of the interviews  
13 that you gave to the Office of the Co-Investigating Judges  
14 Investigators in order to refresh your memory?

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

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

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

24 [11.04.46]

25 Q. What I want to ask you is that, whether that written record is

1 consistent with the statement you provided to the investigators  
2 at your place of residence in Kampong Thom province in 2009?

3 A. The written record that I read is consistent to the statement  
4 that I provided to the ECCC officers.

5 MR. PRESIDENT:

6 Thank you. Pursuant to Rule 91bis of the ECCC Internal Rules, the  
7 Chamber gives the floor first to the Co-Prosecutors before other  
8 Parties and the combined time for the Co-Prosecutors and the Lead  
9 Co-Lawyers for civil parties are two sessions. And if possible,  
10 please try to reduce your time. If that is the case, we might be  
11 able to conclude the testimony of this civil party today. This  
12 witness is rather busy with his business. Thank you.

13 [11.06.09]

14 QUESTIONING BY MR. SENG LEANG:

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

20 Q. When were you appointed to build the canals that linked the  
21 1st January Dam?

22 MR. OM CHY:

23 A. I was assigned to build the canal that connected the 1st  
24 January dam in 1978.

25 Q. Do you recall the month or the year?

1 MR. PRESIDENT:

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

3 MR. OM CHY:

4 A. It occurred in February of the year.

5 BY MR. SENG LEANG:

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

7 MR. OM CHY:

8 A. I was appointed as a mobile unit chief.

9 [11.07.55]

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

11 A. At that time, they gathered people to build the canal. They  
12 collected workers from all the villages in the commune and the  
13 total number was 500.

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

16 A. Yes, it was completed.

17 Q. Was the canal that you had to build part of the 1st January  
18 Dam project or was it in a separate project?

19 A. The dam actually connected from the 1st January Dam.

20 Q. Can you give the Court an estimate as to how many workers were  
21 working on this linked dam?

22 A. The dam project belongs to the sector and there was between  
23 5000 to 6000 workers.

24 [11.09.48]

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

1 MR. PRESIDENT:

2 Mr. Witness, please observe the microphone.

3 MR. OM CHY:

4 A. The canal location was at the border of Chong DOUNG and  
5 Ballangk communes.

6 BY MR. SENG LEANG:

7 Q. You just stated there were between 5 to 6000 workers who  
8 worked on this connecting dam, did those workers volunteer to  
9 work there or were they instructed to go and work there?

10 MR. OM CHY:

11 A. Nobody actually volunteered to go there; however, during the  
12 regime, everyone was forced and we were forced to go and work  
13 there at the work site.

14 MR. PRESIDENT:

15 Counsel Koppe, you have the floor.

16 [11.11.10]

17 MR. KOPPE:

18 Thank you, Mr. President. I don't have an objection to this  
19 particular question, I would like to raise a jurisdictional point  
20 - or, rather, a question of scope. Obviously, the witness has not  
21 been working on the 1st January Dam. According to the Closing  
22 Order, the 1st January Dam was finished by the time the 6th  
23 January Dam was built. Although it seems that the site was  
24 connected to the 1st January Dam, it does seem a separate  
25 project, certainly from a temporal perspective. So the question

1 arises whether his testimony does in fact fall within the scope  
2 of this particular segment. We believe it's not.

3 MR. DE WILDE D'ESTMAEL:

4 Good morning, Mr. President, Your Honours. Good morning,  
5 everybody. I don't think this objection is justified. If you look  
6 at paragraph 352 of the Closing Order, it does state quite  
7 clearly that there was a whole series of canals that had been  
8 being dug to bring water from the dams to the rice fields.  
9 There's a reference to the principal channel that went in the  
10 southward direction. All of this together has to be considered as  
11 part of the 1st January Dam, there's also the 6th January Dam,  
12 but there are all of these canals and channels that were there as  
13 well and the dam itself serves no purpose at all if it wasn't  
14 possible to draw the water out of it so as to irrigate the  
15 fields. I consequently believe that this is well within the scope  
16 of the trial and the Closing Order. Thank you, Mr. President.

17 [11.13.29]

18 MS. GUISSÉ:

19 If I may take the floor, Mr. President; the Co-Prosecutor has  
20 said that we're talking about this southern canal, but before  
21 taking a decision, perhaps a question should be put by the  
22 Co-Prosecutor so that we can know exactly what we are talking  
23 about so as to see whether it was attached to the 1st January Dam  
24 or not. These are the questions that have to be put first to the  
25 witness rather than somehow asserted by the Prosecution.



1 MR. DE WILDE D'ESTMAEL:

2 Mr. President, the witness has just said he was working between  
3 the communes of Chong Doung and Baray, and if you look at a map  
4 from the day, you can see that it is straight to the south of the  
5 1st January Dam. Thank you.

6 [11.14.45]

7 MR. PRESIDENT:

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

12 BY MR. SENG LEANG:

13 Thank you, Mr. President.

14 Q. Mr. Witness, you stated that there were about 5 to 6000  
15 workers working on this connecting dam to the 1st January Dam.  
16 Did they all volunteer to go there or they were obligated to go  
17 there and work?

18 MR. OM CHY:

19 A. They were required to go and work there. No worker volunteered  
20 and it was imperative for them to follow instructions.

21 [11.15.55]

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

23 MR. PRESIDENT:

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

25 MR. KOPPE:

1 Thank you, Mr. President. I should have objected to the earlier  
2 question because the witness cannot possibly say anything about  
3 the state of mind of all 5000 workers. Surely he can for himself  
4 and his -- the workers that were close to him -- but not for all  
5 5000.

6 [11.16.30]

7 MR. PRESIDENT:

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

17 BY MR. SENG LEANG:

18 I'll rephrase my question to the scope or the knowledge of the  
19 witness.

20 Q. Mr. Witness, within your unit which comprised 500 workers,  
21 were they -- did they mostly volunteer to work or were they  
22 forced to go and work there?

23 MR. OM CHY:

24 A. To my observation, throughout the small unit, nobody  
25 volunteered to go to work or engage in this kind of hard work.

1 [11.18.25]

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

4 A. During the regime, every worker, including myself, did not  
5 dare to refuse; we had to adhere to the work plan.

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

8 A. During the regime -- and Mr. Co-Prosecutor, you may as well  
9 know -- throughout the country, not only about the location that  
10 I was engaged in, everybody had to adhere to the principles;  
11 otherwise, we would be accused of opposing their society.

12 Q. So if you were considered to oppose their society, what would  
13 happen?

14 A. It means that you put yourself in a risky situation and that  
15 you would be detained to be sent for re-education at the  
16 detention centre or at the commune office.

17 [11.20.12]

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

21 A. During the building of the dam, all the workers in my unit  
22 were unmarried.

23 Q. Where did they stay; did they stay with their family members?

24 A. They built a shelter along the dam embankment and they had to  
25 stay there. They would not allow to visit home except when there

1 was a resting day.

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

4 A. If it was out of necessity or urgency; namely, their child or  
5 their wife was sick, then we could seek permission otherwise they  
6 could not.

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

9 [11.22.16]

10 MR. PRESIDENT:

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

14 BY MR. SENG LEANG:

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

17 MR. OM CHY:

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

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

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

25 [11.23.52]

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

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

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

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

12 Q. What about the afternoon shift?

13 MR. PRESIDENT:

14 Mr. Witness, please observe the microphone.

15 MR. OM CHY:

16 A. For the afternoon shift, we started from 1 p.m. and continued  
17 until 5 p.m. and we had 15-minute break between 3.00 to 4 p.m.

18 [11.25.54]

19 BY MR. SENG LEANG:

20 Q. Were you required to work night shift?

21 MR. OM CHY:

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

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

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

2 A. The decision was made by chief of the worksite on behalf of  
3 the sector. All the chiefs at the worksite were called to a  
4 meeting and this instruction was relayed.

5 [11.27.10]

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

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

11 Q. If they were not happy with it, did anyone protest and if  
12 there was no one who protested, what was the reason? Did they  
13 dare not to protest or did they don't want to protest?

14 A. During the regime, as you might know it, nobody dared to  
15 protest, we had to carry out the work plan.

16 Q. What would happen to a worker who dared to protest?

17 MR. KONG SAM ONN:

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

20 MR. PRESIDENT:

21 Deputy Co-Prosecutor, please rephrase your question and as the  
22 Chamber has just reminded you, please try not to use any  
23 hypothetical question.

24 [11.29.01]

25 BY MR. SENG LEANG:

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

2 Q. Mr. Witness, you stated that sometimes you were required to  
3 work between 6.00 to 10 p.m., and that you had to start working  
4 again next morning at 4 a.m. With this working hour arrangement,  
5 could workers actually sustain at this particular dam worksite?

6 MR. OM CHY:

7 A. Workers could adhere to the working hour arrangement but  
8 mentally or emotionally they could not. But they had no choice;  
9 they had to follow the guidelines.

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

13 [11.30.26]

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

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

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

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

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

23 Q. I refer to those workers who had to work through the night and  
24 were in deep sleep and could not hear the whistle blow, what  
25 happened to them if they could not hear the whistle blow?

1 MR. KONG SAM ON:

2 Mr. President, this is the same thing as a question that was  
3 prohibited by you a moment ago as it was hypothetical in nature.  
4 [11.32.13]

5 MR. PRESIDENT:

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

13 BY MR. SENG LEANG:

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

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

17 [11.33.16]

18 MR. OM CHY:

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

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

23 A. The workers who were digging the earth, some of them were able  
24 to meet the quota but some were not. While I was in charge of  
25 them, there were only a few workers who could not meet the work



1 quota but if some of them could not finish the very little amount  
2 of earth that they had to do, I could allow them to take rest.

3 Q. How many of your workers could meet the work quota?

4 A. Sixty per cent of them were able to meet the work quota.

5 Q. Sixty or 70 per cent?

6 A. I could not give you the specific percentage, only 60 per cent  
7 of them.

8 [11.35.18]

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

12 MR. PRESIDENT:

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

17 BY MR. SENG LEANG:

18 Thank you, Mr. President. I would like to read E3/5265. ERN in  
19 Khmer, 00 - English, ERN 00282347; French, 00487925; you stated  
20 that "workers were required to dig three cubic metres of earth  
21 per day and most of them could not meet the work quota and only  
22 30 per cent of workers could meet work quota. When they did not  
23 meet the work quota, I did not make a report to the upper echelon  
24 and as a result the upper echelon did not know about this case.  
25 Within my group, those who could not meet the work quota were not

1 punished by me because I told lies in the report submitted to  
2 Angkar." [Free translation] Does this refresh your memory, Mr.  
3 Witness? Could you clarify for the Chamber how many people could  
4 meet the work quota?

5 [11.38.20]

6 MR. OM CHY:

7 A. Some workers who were weak could not meet the work quota. For  
8 those who were strong, they were able to finish the quota and  
9 based on what you read, I never made a report concerning the fact  
10 that some of them could not meet the quota. There was another  
11 chief above me and I was required by my chief to make a daily  
12 report to him concerning whether or not workers could meet the  
13 work quota.

14 Q. Could you tell the Court, who set out the work quota and was  
15 the work quota set based on the experience that people could do  
16 the work?

17 A. Chief of the construction site at the district level  
18 instructed all chiefs to set such a quota. There were many units  
19 or groups within the construction site.

20 [11.39.55]

21 Q. In the document that I have just read, you stated that you did  
22 not make a report when some of your workers were not able to meet  
23 the work quota.

24 MR. PRESIDENT:

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

1 MS. GUISSÉ:

2 Thank you, Mr. President. I regret the interruption. This is not  
3 an objection but we are going beyond 11.30, which was the hour  
4 set for the health of my client Khieu Samphan, so I asked him,  
5 and we are coming to a point where it's becoming a little more  
6 difficult for him and so I'm asking if there will be a break  
7 shortly.

8 MR. PRESIDENT:

9 Thank you, Counsel. I observed that on some occasions there were  
10 requests made by the defence team for the Accused that they  
11 requested to go beyond 11.30 on some occasions, so what the  
12 Chamber is doing now is trying to finish the hearing of testimony  
13 of this witness by 4 p.m. because we are expecting that the  
14 hearing of this witness could not finish by 4 p.m. And the  
15 witness confirmed and told the Court that he may be unavailable  
16 sometime in the future.

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

19 It is now convenient time for a lunch break but I would like to  
20 seek position from Parties whether or not we can resume our  
21 hearing at 1 o'clock in the afternoon today. We observed that  
22 there have been many objections put by Parties and on Monday we  
23 lost a rather long period of time for what we've been doing.

24 [11.42.32]

25 MS. GUISSÉ:

1 My client tells me that he can make an effort to be here at 1.00.

2 I would like to add however that if on the defence side we went  
3 overboard, we always ask Mr. Khieu Samphan how he feels and so  
4 Mr. Khieu Samphan tells me he can make the effort today but I  
5 cannot tell you what's going to happen this afternoon.

6 MR. PRESIDENT:

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

11 Court officers, please find a proper place for this witness  
12 during the lunch break and please invite him back into the  
13 courtroom at 1 p.m.

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

17 The Court is now in recess.

18 (Court recesses from 1144H to 1259H)

19 MR. PRESIDENT:

20 Please be seated. The Court resumes its hearing.

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

23 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

24 Thank you very much, Mr. President. I'm going to continue where  
25 my colleague left off before we broke. One or two follow up

1 questions if I may.

2 Q. You said that in February 1978, you were working on the job of  
3 digging canals linked up to the 1st January Dam, can you tell us  
4 until what you date you were working there and did you work  
5 without any break?

6 MR. OM CHY:

7 A. I worked on the canal until it was closed down.

8 Q. How quickly was the canal actually terminated before the  
9 arrival of the Vietnamese?

10 MR. PRESIDENT:

11 Mr. Witness, please observe the microphone.

12 [13.01.24]

13 MR. OM CHY:

14 A. It concluded in August 2008.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. 1978 is presumably the date that you were saying, August 1978  
17 is that correct?

18 MR. OM CHY:

19 A. I worked in 1978 and the project was closed down in August of  
20 the same year -- that is, 1978.

21 Q. Thank you. Among the group of 500 people that you were in  
22 charge of, young people, were there also New People?

23 A. The workers were mixed; they were both Old People and New  
24 People.

25 Q. Were there also Cham people there?

1 A. Yes, there were Cham people.

2 Q. When you were heading up these 500 people, and you said that  
3 it was forced labour, you said that you got your instructions  
4 from the higher echelons but did you yourself hold meetings to  
5 convey the instructions that you had got from the higher  
6 echelons?

7 [13.03.42]

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

10 Q. Did these 500 people make up the entirety of the people in the  
11 Ballangk commune who were working on digging the canals?

12 A. The 500 workers were from different villages within Ballangk  
13 commune?

14 Q. Coming back to these meetings, did you yourself also have to  
15 attend criticism or self-criticism meetings or did you chair  
16 meetings of this kind in your group?

17 A. I did not chair the criticism or self-criticism meetings with  
18 all members in the unit. I usually held meetings for the unit  
19 chiefs under my subordination.

20 Q. Did the workers hold these kinds of meetings with their unit  
21 chiefs and if they did what time in a day did it take place?

22 [13.05.50]

23 A. Meetings were held at night that is after the dinner time.

24 Q. Earlier you talked about meetings you had attended, did the  
25 commune or district heads tell you why it was necessary for the

1 regime to build the 1st January Dam and the canals connected to  
2 it?

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

6 Q. Were you told at the meeting what the additional rice that was  
7 harvested thanks to the dams was to be used for, were you told  
8 that the rice was going to be exported?

9 A. I was not sure about that. I did not know where the rice was  
10 taken to. That is after the harvest trucks came to transport  
11 those rice away.

12 Q. Did you see the trucks leaving and if so in what direction?  
13 Did they unload their rice in different communes or was it  
14 elsewhere they were going?

15 [13.08.07]

16 MR. PRESIDENT:

17 Witness, please hold on and Counsel Guissé, you have the floor.

18 MS. GUISSÉ:

19 Thank you, Mr. President. Once again I'm intervening with this  
20 Co-Prosecutor to leave his questions open and not to include  
21 multiple answers in his questions. The last two examples were  
22 very illustrative of this.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. Mr. President, we have very little time so I won't answer  
25 that. Do you know, Mr. Witness, where the harvest was taken --

1 were taken after leaving your commune or your district?

2 MR. OM CHY:

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

6 [13.09.32]

7 Q. Thank you. During the six or seven months you were working  
8 there, did any zone authorities or regime authorities from Phnom  
9 Penh or foreigners who were coming to visit the construction site  
10 of the canal, ever appear?

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

13 Q. Well we'll look at their actual names at a later stage. During  
14 commune, district or sector meetings, in fact you might help us  
15 with that, exactly what sort of meetings you attended; did you  
16 ever hear the higher echelons talking about the concept of  
17 enemies?

18 A. Yes I did. I heard them talking about the enemy. Anyone who  
19 violated the regulations would be considered enemy.

20 Q. Can you tell us which different people talked to you about  
21 this notion of enemies?

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

24 [13.11.42]

25 Q. And what did they tell you about the fate that was awaiting



1 such enemies in the Democratic Kampuchea regime?

2 A. Regarding the fate of those people, what I heard that they  
3 would be smashed as they were interfering with their movement of  
4 construction.

5 Q. So when the sector or district chiefs were talking of enemies  
6 were they referring in particular to those enemies who might  
7 sabotage the construction of the 1st January Dam or the canals  
8 connected to it?

9 A. They did not specify that any enemy who may sabotage any  
10 specific location but they referred to enemy who may sabotage the  
11 movement.

12 Q. Very well, on the construction site for the canal linked to  
13 the 1st January Dam, did you yourself witness one person or  
14 several being arrested?

15 [13.13.37]

16 A. Yes, I did because while we were working there, there were  
17 security forces from the district who were overseeing us. However  
18 the worker who was arrested was not from my commune. It was from  
19 Tnaot Chum commune who was working nearby.

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

21 A. It's my estimate that the worker was about 18 or 19 years old.

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

24 A. The arrest was made in order to deter other workers to  
25 continue working harder.

1 Q. What you actually said was little bit more precise in your  
2 statement E3/763, in Khmer, 00139708; French, 00482928; and in  
3 English, 00282346. And you said, "One day I saw a child in the  
4 mobile unit being arrested. He was just talking and he was  
5 arrested by the internal security agents from the work place. He  
6 was called from his work post to go to the top of the dam where  
7 he was publicly arrested." So was he forbidden to stop and chat  
8 without authorisation on the construction site and did he run the  
9 risk of sanctions from the security forces if he did so?

10 [13.16.31]

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

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

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

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

21 A. For anyone who was -- who had been arrested never appeared  
22 again.

23 [13.18.15]

24 Q. Well you said anyone who was arrested and at the same time you  
25 seem to be talking about one single person who was arrested. Am I

1 to understand that you saw or heard about other people who were  
2 arrested on the construction site, maybe not in your own unit but  
3 in other units?

4 A. I did not witness any other arrest as I only focused and  
5 mainly stayed at the location where I was assigned to work.

6 Q. Did you ever hear of other people being arrested?

7 A. Yes, especially it happened in my village. I worked in the  
8 plantation and when I returned home, the neighbours disappeared  
9 and when I asked around I was told they had been arrested. I only  
10 heard about this event but I personally did not witness it.

11 Q. Thank you. Well, staying for the moment on the canal and dam  
12 construction site, I will continue there, I will ask you about  
13 your village in a minute. But in the village of Tras in the  
14 Ballangk commune, did that have a security centre and if it did  
15 what was its name?

16 A. In Tras village there was a security centre; it was located at  
17 the Baray Choan Dek pagoda.

18 [13.20.36]

19 Q. Do you mean near the Baray Choan Dek pagoda or actually inside  
20 it?

21 A. The security centre was within the compound of the Baray Choan  
22 Dek pagoda.

23 Q. And at meetings or in talks with people did you ever discover  
24 what happened to people who were detained in Baray Choan Dek?

25 MR. PRESIDENT:

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

2 MR. KOPPE:

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

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, If I may I will answer. We have had this  
10 discussion before the Chamber already and it was established that  
11 we could ask questions about Baray Choan Dek and I'm doing this  
12 for two reasons, firstly because other witnesses made a link  
13 between this and the construction site and also, and we'll come  
14 back to this in a minute, there were purges in the Ballangk  
15 commune as well.

16 [13.22.24]

17 MR. PRESIDENT:

18 The objection raised by the Defence Counsel for Nuon Chea is  
19 overruled and the reason given by the Co-Prosecutor is rightly so  
20 and the Chamber determines the connection between the Baray Choan  
21 Dek pagoda to the 1st January Dam worksite. And Mr. Witness, you  
22 are now instructed to respond to the last question put to you by  
23 the Co-Prosecutor if you can recall it if not, the Prosecutor may  
24 repeat the question.

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. My question, Mr. Witness, was about whether or not you knew  
2 what happened to people who were detained inside Baray Choan Dek?

3 MR. OM CHY:

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

7 Q. Did you ever attend meetings held towards the end of the  
8 regime in the pagoda of Baray Choan Dek?

9 [13.23.59]

10 A. Yes, I attended the meetings there. However at that time there  
11 was a directive from Office 870 that the security centre was  
12 relocated from that pagoda and it was no longer operational.

13 Q. And at the meeting, were you able to see any signs or traces  
14 of the fact that this place had been used as an execution site?

15 A. I did. When I attended the meeting inside the dining hall, I  
16 actually saw blood stain remained on the wall in the temple and  
17 in the dining hall and I also saw a remnant of torn pieces of  
18 clothing scattered on the ground.

19 Q. And were there still odours of corpses at that time when you  
20 were there?

21 [13.25.33]

22 A. Yes, the bad odour was still lingering in the air when I was  
23 there.

24 Q. Coming back to the canal. Maybe it wasn't so deep this canal  
25 but were there nevertheless accidents that occurred, for example

1 mud slides which buried or injured the workers who were there?

2 A. Throughout the canal worksite, yes there were work related  
3 injuries, for instance rock fragments fell on to workers and as a  
4 result they were injured.

5 Q. And then were those workers taken to hospital, did they always  
6 come back to resume their place in the teams?

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

10 Q. Recent -- just now you said that huts were built near the  
11 canal to house the workers, can you describe these huts to us  
12 very briefly, what were they made of, were they strongly built?

13 [13.27.48]

14 A. The sleeping shelter built for the mobile unit workers were  
15 made from young wood and they used hay to build roof. They built  
16 floor for workers to sleep on. Some workers had their own mat and  
17 they could use it and some other workers would have their sack to  
18 be used as pillows. Other workers had their own hammock so they  
19 did not have to sleep on the floor.

20 Q. You were working during the rainy season, were the roofs of  
21 these huts water proof or not?

22 A. Of course, it was kind of waterproof for small and light rain  
23 but it could not sustain the heavy down pour.

24 Q. Could you describe the clothing of the workers, what state  
25 were their clothing?

1 A. During the regime there was severe shortage of clothing. We  
2 all had only a pair of clothes and parts of the clothes were  
3 torn. And the clothing that we had only existed in two colours,  
4 grey and black.

5 Q. What about the food, could you describe the quality but also  
6 the quantity of the food? Was the food sufficient to allow the  
7 workers to complete the tasks?

8 [13.30.16]

9 A. On the matter of food, we were given rice for a meal -- as a  
10 meal and for the dinner, we were given gruel and the soup was  
11 kind of sour soup with morning glory or with small fish and of  
12 course it was not sufficient. Once in a blue moon we were given  
13 pork to eat.

14 Q. Did the Cham, who were part of the units at the time, have to  
15 eat the pork whenever there was any?

16 A. The Cham people who strictly adhered to their religious  
17 practice would restrain themselves from eating pork and they  
18 would resort to eating salt instead while others could not stand  
19 it but ate pork.

20 Q. What about the water that the workers drank, was it clean, was  
21 it drinkable?

22 A. The waters for workers were unsanitary. Water source was from  
23 the stream or the river and that water was used to clean  
24 ourselves and also to drink.

25 Q. Were there any medics and were they qualified; did they have

1 any medication in sufficient quantities?

2 [13.32.28]

3 A. During the time medics or medical staff were not qualified.

4 They were young people, their age ranged from 14 to 18 years old.

5 After they got a short training, they would be despatched to

6 treat people and as for medicines, usually they used the

7 traditional medicines and it was known as the rabbit dropping

8 pellets and there were also (inaudible) or (inaudible) for

9 treatment.

10 Q. Were there any people who were too sick and were transferred

11 to the hospital, did they subsequently return or did you never

12 see them again?

13 A. The serious sick people would be referred to the hospital at

14 the district level. Some people got recovered and some did not

15 and died at that hospital.

16 [13.34.00]

17 Q. Very well, I would like to touch on another topic now. I would

18 like to talk about the New People and what happened to them in

19 the village where you hail from. Did you indeed work in Chey

20 Mongkol in Ballangk commune between 1975 and 1979 at any point?

21 MR. PRESIDENT:

22 Please observe microphone, Mr. Om Chy.

23 MR. OM CHY:

24 A. I was just a youth at that time and I was there building the

25 embankment.



1 BY MR. DE WILDE D'ESTMAEL:

2 Q. So when you worked in Chey Mongkol, did you see any New  
3 People, New People who had been transferred and had settled in  
4 that village and if that is the case, can you tell us how many?

5 MR. OM CHY:

6 A. After the fall of Phnom Penh in 1975, people were evacuated  
7 from Phnom Penh and these people were Cham or perhaps the Chinese  
8 ethnic.

9 Q. How many families came to your village, New People?

10 A. I could not recall everything because I was not in charge of  
11 the statistics; I was there in the youth unit working.

12 [13.36.20]

13 Q. Very well. Before the OCIJ interviewers, E3/5265, Khmer,  
14 00271396; French, 00482933; and in English, 00282345; now you  
15 said that people were coming in from Phnom Penh at that page, 20  
16 families, does this refresh your memory, does it -- about the  
17 amount of families that came from Phnom Penh?

18 A. Yes. As I stated I was not in charge of the statistics. From  
19 my estimate perhaps there were 20 families namely Cham or Khmer  
20 evacuated from the city Phnom Penh.

21 Q. Could you briefly describe where they were living, how were  
22 they housed when they came to the village?

23 A. First they were allowed to live in the house of the Base  
24 People and they could go and live in those houses no matter how  
25 big those houses were.

1 [13.38.16]

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

3 A. Later on huts were built for them in villages and these people  
4 were disbursed everywhere in villages.

5 Q. Between 1975 and the beginning of 1979, were families of New  
6 People ever subjected to arrest or executions and I'm speaking  
7 here of any families within the 20 that you've just described.

8 A. It was in 1970, there was a plan to purge people, however I  
9 was not in the village at that time, I was relocated to work in  
10 another farm or plantation and I did not know who was the purged.

11 Q. Could you tell us the date again, you said 1970, that does not  
12 seem accurate. Could say the year again please and please wait  
13 until your microphone is turned on.

14 A. The plan was issued in 1977, exactly it was in 1977.

15 [13.40.25]

16 Q. Afterwards you became the leader of 500 people but before  
17 1977, did you ever attend meetings within the commune or the  
18 district where this plan was described the plan for purges?

19 A. I told the Court already I was reassigned to work in another  
20 farm or plantation away from the village. I was relocated to work  
21 in Kokir Thum commune it was 20 kilometres away from my previous  
22 village and it was away that is why I did not attend the meeting  
23 or meetings.

24 Q. Very well. I don't believe you've said how many families were  
25 affected by execution, could you tell us how many?

1 A. When I came to visit my previous village, my neighbour  
2 disappeared and when I asked where they were going, I was told  
3 that some of them had been purged. Five families I believe.

4 Q. And who arrested these five families, according to what you  
5 heard and what happened to those who arrested them?

6 [13.42.25]

7 A. Back then the information I got from the villagers when I  
8 visited villages these people were called to live and join the  
9 meeting in the new village of Phum Thmei and the truck or  
10 vehicles came in to truck them away.

11 Q. I would like to quote at this point what you said to the  
12 investigators of the Investigative Judges Office. So in Khmer,  
13 00271397; French, 00482923; and English, 00282345; you were  
14 asked, "Who was the chief of the cooperative and who took those  
15 families away to kill them?" You answered, "At the time Heng was  
16 the chief of the small cooperative and Leak was the chief of the  
17 larger cooperative. They took these families to be killed.  
18 Furthermore these two were arrested and killed in the same year  
19 in 1977." Do you confirm?

20 A. I stand by my statement. It is correct. I recall it as you  
21 have just read. It happened a long time ago. Chief Heng was the  
22 chief of the small cooperative and Leak was also the chief of  
23 cooperative. These two guys had been arrested during the purge.

24 Q. Can you tell us or do you know rather, if these two people and  
25 others were replaced by people from other zones?

1 [13.45.02]

2 A. Following their arrest, cadres from the Southwest Zone came to  
3 control Ballangk commune, Baray district.

4 Q. While we are on the topic of the command structure in your  
5 sector and we'll discuss this sector -- the commune and the  
6 district. And so who was at the head of Sector 42 between '77 and  
7 '78, as far as you know?

8 A. In 1977 and '78, Oeun was the chief of the sector.

9 Q. Was he part of Ke Pauk's family? Allow me to rephrase. Do you  
10 know who Ke Pauk is, did you know him?

11 [13.46.25]

12 A. I have heard of the name. I was not working close to the place  
13 where he was working or staying. I heard that Ke Pauk was chief  
14 of a sector. As I stated I never worked at a place close to his  
15 office.

16 Q. Very well. And so before Oeun, in '77 - '78, did you know a  
17 Chan Mon alias or aka Tol who would have been a sector secretary?

18 A. I do not know this person. I have heard of the name Tol, but I  
19 never saw this individual.

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

21 A. I have no idea, his name disappeared. I did not know what  
22 happened within the rank of the Party.

23 Q. A bit closer to your level, at the Baray district level, do  
24 you remember the names of the various district secretaries and  
25 those who followed one another between '77 and '79?

1 A. I only recall Moul when I was working at the worksite. He was  
2 the one who chaired the meeting. Three or four months later Moul  
3 was moved to another place and Pauch came to replace Moul's  
4 position.

5 [13.48.42]

6 Q. So this Pauch, did he come from the Southwest?

7 A. I heard that he was also from Southwest Zone. During that time  
8 I did not dare to ask where Southwest Zone was.

9 Q. Was there any change to the daily life for the inhabitants  
10 after the Southwest Zone cadres came and in some cases replaced  
11 the previous cadres, did you notice any changes, new  
12 instructions, different orders, different living conditions?

13 A. After the reshuffle of the cadres, there was a circular or  
14 instruction by the Party. I did not know where the circular or  
15 instruction came from and the instruction from Office 870 gave  
16 the pardon to those who were allegedly accused of being linked to  
17 enemy and they were allowed to come back and work.

18 Q. Was this circular, Party circular, in writing? Were you able  
19 to read it yourself?

20 [13.50.41]

21 A. I never read that circular. During the break that we were  
22 allowed to have once in every 10 days, I heard the -- I was in  
23 the meeting and there was someone reading the content of the  
24 circular. But I myself did not read the circular.

25 Q. And where was the -- at which level was the meeting, district,

1 commune, sector level?

2 A. The meeting was held at the commune level and after every 10  
3 days there was a wrap up meeting and workers were invited to join  
4 that meeting and we were given such circular.

5 Q. Do you know how long before the end of the construction or the  
6 work on the canal, did you receive notice of the circular?

7 A. The canal had not yet been built at the time. I received  
8 notice during the meetings every 10 days. I do not recall the  
9 month.

10 Q. I will try to go with you and identify this document. And so  
11 with your leave, Mr. President, I would like to show document  
12 E3/763, on pages that I am about to give you. This document is  
13 from 20th June 1978, from the central committee of the Communist  
14 Party of Kampuchea.

15 MR. PRESIDENT:

16 You can do so.

17 [13.53.24]

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. So, I think the way to go about it is to show the front page  
20 and you'll see the title of the document. I will read the title,  
21 you have it before you. It reads as follows: "Guidance of the  
22 central committee of the Communist Party of Kampuchea, on the  
23 Party's policy towards misled persons who have joined the CIA,  
24 served as "Yuon" agents, or joined with the KGB and opposed the  
25 Party, Revolution, People and Democratic Kampuchea". Mr. Witness,

1 if you could pay to the attention to the part that is underlined,  
2 there are various categories that have been outlined in this  
3 document. The first category is those who joined with the CIA,  
4 Vietnamese or the KGB from 1946 to 1967. The second category is  
5 for those who joined those groups from 1968 and 1970 and the  
6 third category between 1970 and 1975. For these three categories  
7 of people the document says that the Party does not condemn them  
8 only if they have not committed any act of treasons after. Do you  
9 remember these points, do you remember these guidance about  
10 people who had joined the enemy before 1975, was this brought up  
11 to your attention during the meetings?

12 [13.55.35]

13 MR. OM CHY:

14 A. I have no idea. I myself did not know what CIA or KGB was but  
15 I heard that they were pardoned.

16 Q. Now, I would like to quote another part of this document. The  
17 fourth category in this circular is for those who joined with the  
18 CIA, Vietnamese and KGB between 1975 and 1978. This can be found  
19 at page 2 of all versions of this document. I will quote, so the  
20 first subcategory of this fourth group, this is what the circular  
21 says, "Any person who is recalcitrant and continues to carry out  
22 his or her activity against the CPK, the State Revolutionary  
23 Authority or the workers, farmers, the socialist collective  
24 regime, Kampuchean people and the Democratic Kampuchea, such  
25 person shall be punished because he or she is carrying out

1 treacherous activity intentionally with his or her resolute  
2 position opposing stance, with his or her satisfaction stance in  
3 serving the enemies such as the CIA, "Yuon" and KGB. This sort of  
4 people has made clear marks of their own boundaries and thus the  
5 CPK must eliminate them." End of quote. Do you remember this  
6 specific category?

7 MR. PRESIDENT:

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

9 [13.57.57]

10 MR. KOPPE:

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

18 MR. KONG SAM ONN:

19 Mr. President, I would like to pose an objection to the last  
20 question put by the Deputy Co-Prosecutor. Mr. Witness said  
21 already that he was not aware of the content in the circular or  
22 directive. He did not know about KGB or CIA either. So this  
23 question was meant to ask speculation from witness.

24 [13.59.04]

25 MR. DE WILDE D'ESTMAEL:



1 Mr. President, if I could reply. He said that this directive  
2 circular had been read to him first. And I was about to raise the  
3 second paragraph but I wanted to ask a question on the first one.  
4 I did not have the time to ask my question and I don't even  
5 understand why there was an objection, I haven't even asked my  
6 question yet on the paragraph that I quoted. I would like to be  
7 able to ask my question.

8 MR. PRESIDENT:

9 Yes, you can now put your question first.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. And so to sum up, within this fourth category there is a  
12 distinction made between a first subcategory I read the quote --  
13 that is, those who maintained their traitorous activities, and  
14 the second category for those who stop after July 1978. Now at  
15 the time do you remember that there was a category of people who,  
16 according to the Party, had to be smashed and even after this  
17 directive had been sent because they continued to oppose the  
18 Party?

19 [14.00.33]

20 MR. OM CHY:

21 A. After the issuance of that circular, anyone who committed  
22 wrong in contradictory to the guideline, they would be arrested  
23 and as I said after the circular was issued these people were  
24 pardoned.

25 Q. Just to close after the circular went around; did you yourself

1 see one or several officials in your commune or district being  
2 arrested?

3 A. There was no arrest made in my village after the circular was  
4 issued. I heard people say that there were arrests but I myself  
5 did not see the actual arrests.

6 Q. Very well, but can you tell us exactly what you did hear about  
7 with respect to those arrests that took place after the circular  
8 had been despatched?

9 A. I heard they said that people were misled in their working  
10 manners and these people were accused of being enemies.

11 [14.02.42]

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, time is too short to go on. I shall therefore stop  
14 there and I thank you Sir.

15 MR. PRESIDENT:

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

18 MR. PICH ANG:

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

22 MR. PRESIDENT:

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

24 QUESTIONING BY MR. LOR CHUNTHY:

25 Thank you, Mr. President. Good afternoon, Your Honours and

1 everyone in and around the courtroom. Good afternoon, Mr.  
2 Witness. My name is Lor Chunthy, I am a lawyer representing the  
3 civil parties in this case and I would like to put some  
4 additional questions to you and to get your response concerning  
5 certain events that took place between 1975 and 1979.

6 Q. My first question is the following. Nearby the area that you  
7 worked in, was there a security centre known as Sarikakaev?

8 [14.04.27]

9 MR. OM CHY:

10 A. No, I don't. There might be a security centre at another  
11 commune Chaeung Daeung.

12 Q. And when you went to build the canal, you were asked whether  
13 any there was any foreign delegation came to inspect the worksite  
14 and you said there was none. However there was sector committee  
15 and district committee who actually went to the worksite. So can  
16 you tell the Court if you know the names of those sector  
17 committee or district committee?

18 MR. PRESIDENT:

19 Witness, please observe the microphone.

20 [14.05.28]

21 MR. OM CHY:

22 A. The sector committee was Oeun and Moul was the district  
23 committee and later on he was replaced by Pauch.

24 BY MR. LOR CHUNTHY:

25 Q. You said you were a unit chief at the worksite. Upon the

1 arrangement of the work distribution how was it organised, was  
2 the work quota determined on a daily basis for each worker?

3 MR. OM CHY:

4 A. The work quota was set for each shift -- that is, one and half  
5 cubic metre for the morning shift and another one and half cubic  
6 metres for the afternoon shift.

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

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

11 [14.07.30]

12 Q. A while ago you spoke about the condition of hygiene on site.  
13 Was there a proper arrangement for workers to relieve themselves?

14 A. Workers had to dig a hole in the rice field in order to  
15 relieve themselves. However when time passed by they could no  
16 longer have any spare space at the fields for them to relieve  
17 themselves so they had to go a bit further into the bushes to do  
18 so.

19 Q. Concerning sick workers, you said there were medical staff on  
20 site who only received four or five days training and then  
21 administered the injection. What kind of injection was given to  
22 workers who were sick?

23 [14.09.05]

24 A. Usually the medicine and injection at the time was made from  
25 natural herb and then they would filter it into bottles for the

1 treatment of all kinds of diseases including fever and malaria.  
2 The same thing applies to pellets. They existed in brown colour  
3 or red colour and they were in the form of rabbit drops as I  
4 mentioned a while ago.

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

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

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

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

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

15 [14.11.40]

16 A. The study sessions that I participated in and as I said  
17 earlier, the people including myself were asked to attend that  
18 kind of study session and that happened every 10th day, it was  
19 kind of criticism and self-criticism studies.

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

22 A. They made general announcements that each unit chief  
23 responsible for a certain target had to make sure that the work  
24 plan determined by the Party be completed on time.

25 Q. I would like to move on to another topic. You said that there

1 were many male and female youth workers and in your case you had  
2 500 workers under your supervision. Were any marriages organised  
3 at the worksite?

4 [14.13.33]

5 A. Yes, there were marriages. However the marriage ceremonies did  
6 not occur at the worksite. Usually they organised such ceremonies  
7 at the commune office or at the pagoda or sometimes at another  
8 centre. And for each marriage ceremony 10 to 15 couples were  
9 matched.

10 MR. PRESIDENT:

11 Lawyer for civil parties, please try to use only five more  
12 minutes of the time and for this afternoon, we cannot exceed 4.00  
13 p.m. as certain interpreters have to leave the courtroom by 4.00  
14 p.m.

15 BY MR. LOR CHUNTHY:

16 Thank you, Mr. President.

17 Q. My question to you is related to the arranged marriage. Can  
18 you tell the Court, the men and women who were organised to get  
19 married, did they consent to the marriage?

20 MR. OM CHY:

21 A. The marriage was determined by the village chief. They  
22 reviewed the biographies and if they matched one another, then  
23 they would organise to get married. For example, if they belonged  
24 to the same peasant class then they would be matched and likewise  
25 it applies to other classes.

1 [14.15.28]

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

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

7 Q. You spoke about the screening of the biography, from the  
8 beginning were there any evacuees coming to settle in your  
9 village?

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

14 [14.16.40]

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

16 A. The same principle applied like those who were from Phnom  
17 Penh. So the Cham people would be matched with the Cham people.

18 MR. LOR CHUNTHY:

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

20 MR. PRESIDENT:

21 It is now appropriate for a short break; we take a break now and  
22 resume at 2.30 to continue our proceedings.

23 Court officer, please assist the witness during the break time at  
24 the waiting room for civil parties and witnesses and invite him  
25 back into the courtroom at 2.30.

1 The Court is now in recess.

2 (Court recesses from 1417H to 1427H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now back in session and the floor  
5 is given to the defence teams for the Accused. First, the defence  
6 team for Mr. Nuon Chea, you have the floor.

7 QUESTIONING BY MR. KOPPE:

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

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

15 [14.29.08]

16 MR. OM CHY:

17 A. Back then, I was single. And later in August, I was required  
18 to get married after which I was dispatched to work and live in a  
19 village.

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

25 A. These 500 workers were not under my responsibility always.



1 Some of them were sent to work elsewhere.

2 [14.30.28]

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

4 A. And after I left to live in the village, the group chiefs and  
5 subgroup chiefs were in charge of those workers.

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

9 A. Not all of them went to work. Some fell sick, so at worksite,  
10 there were not all 500 workers.

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

14 A. I do not remember it well. Some workers were under  
15 responsibility of subgroup chiefs, and if some of them got sick,  
16 they did not go to work.

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

25 [14.33.30]

1 A. I recall it now, yes.

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

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

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

9 MR. DE WILDE D'ESTMAEL:

10 Mr. President, I object. The quote is of four to 10 sick people  
11 and there's something else that the Defence can clarify with the  
12 witness because it's not clear. These four to 10 people, were  
13 they permanently missing? Or was it four to 10 people throughout  
14 the period of the construction site?

15 [14.35.09]

16 BY MR. KOPPE:

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

20 MR. PRESIDENT:

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

22 MR. OM CHY:

23 A. As I told the Court already, the 500 workers were not working  
24 always at the worksite. Some of them were relocated to somewhere  
25 else working, and there were sick people. And those who fell sick

1 were dispatched to the hospital. They fell sick from day to day.  
2 On one day, there may have been five or 10 people who fell sick  
3 and they were sent to the hospital.

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

6 [14.36.32]

7 A. Not all workers fell sick. I said that the serious -- the  
8 people who fell seriously ill were sent to hospital, and that  
9 they got sick from day to day. And as I said, five or 10 of them  
10 fell sick daily. So they were dispatched to the hospital to be  
11 treated. And after they recovered, they would be sent back to the  
12 worksite. I did not elaborate a while ago, that is why there was  
13 accusation from you against me.

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

19 A. I do not know. The guards were new faces. I did not make any  
20 contact with them, so I do not know.

21 [14.38.19]

22 Q. Did you ever speak to the persons that these security guards  
23 brought the young man to? Did you ever speak to anybody else in  
24 relation to the arrest of the young man?

25 A. I used to meet unit chiefs working close to my worksite. I did

1 not elaborate on some points, that is why you accused me that I  
2 was not saying the truth. And the workers were working at that  
3 time and some of them were working within the area of other  
4 units. And if they found out, they would chase these people back  
5 to work at their certain locations.

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

9 A. I never spoke of that point concerning the arrest. At the  
10 time, I learnt that some cadres held high-ranking positions, so I  
11 did not dare to make any contact with them.

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

15 A. Yes. There were arrests but the arrest was not made to -- for  
16 another purpose besides to deter other workers.

17 [14.41.11]

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

20 A. Yes.

21 Q. I would like to ask you now the question on another matter.  
22 Earlier you testified that night work at the site was occasional.  
23 You said when it was demanding and that people worked "sometimes  
24 through the night". Can you give us an example of a situation  
25 when on a particular evening or night, it was demanding to work?

1 One example of a situation when night work was demanded at the  
2 time.

3 A. Workers were required to work at night at one worksite,  
4 explosives were required to install in order to break the rocks.  
5 And because they were afraid that the worker did not finish in  
6 time, they required to work at night.

7 [14.42.51]

8 Q. Thank you, Mr. Witness. Are you aware, Mr. Witness, that at  
9 one point in time there was a guideline or an instruction from  
10 "the upper echelon", that night work in general should be limited  
11 because of various reasons?

12 A. I heard of that matter. They required us to work at night so  
13 that they could finish the construction of the dam and canal in  
14 time before the flood.

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

18 A. In principle, there was a guideline but it depended on those  
19 who led the work group.

20 Q. Mr. President, I would like to read a very small excerpt from  
21 a "Revolutionary Flag", a special number from October - November  
22 1977, E3/170, English page 00182578; Khmer, 00064792; and French  
23 I don't have at the moment but I will give you later. Mr.  
24 Witness, in this "Revolutionary Flag", it says as follows: "Our  
25 past experienced has been that the profitable aspects of night

1 work are small, whereas there are a lot of costly aspects: one,  
2 adverse effect on health; two, expenditure of electricity; three,  
3 but the biggest losses are political and ideological". Does this  
4 somehow ring a bell with you, the instruction for these reasons  
5 to limit night work as much as possible?

6 [14.46.04]

7 A. I am not clear on this point. We were located at only the  
8 designated area that we were working. And if they required us to  
9 work and we did not comply with the guideline, it was against  
10 their decision.

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

15 A. Yes. There were unit chiefs in charge of their work. And  
16 usually, they work within the arrangement of those unit chiefs.

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

22 [14.48.14]

23 A. It was the decision made by respective chiefs. And how could  
24 we sleep if we had no necessary equipment like sleeping mats and  
25 hammock?

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

5 A. Indeed, this equipment was not enough for everyone. Some had  
6 them, some did not possess this kind of equipment. For those who  
7 did not have sleeping mat, they would sleep on the ground. During  
8 that time, workers had a sack, so they could use the sack as a  
9 pillow to sleep on.

10 Q. Earlier, Mr. Witness, you spoke about, when asked questions by  
11 the prosecution about smashing of enemies, and you said in  
12 particular that enemies were smashed who may sabotage the  
13 movement. What exactly do you mean when you say "who may sabotage  
14 the movement"? What does that mean?

15 [14.50.26]

16 A. I am not clear on this point. In every worksite, it was said  
17 that some workers were inactive. And if the upper echelon found  
18 out that they were inactive, they would be in danger. And at my  
19 work place, nothing happened to them.

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

1 MR. PRESIDENT:

2 Please observe the microphone, Mr. Witness, before you give your  
3 response.

4 [14.51.50]

5 MR. OM CHY:

6 A. I told the Court earlier that meetings were held to find out  
7 who committed sabotage. And if the upper echelon found out, they  
8 would be taken away for re-education or to be tortured.

9 BY MR. KOPPE:

10 But have you ever actually seen anybody being tortured?

11 MR. OM CHY:

12 A. I never witness the actual torture. And the torture was not  
13 witnessed by me as well at the canal construction site. We were  
14 sleeping in different places within the area that our workers  
15 were sleeping. And the same applied to working.

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

21 MR. SON ARUN:

22 Pauch.

23 [14.53.41]

24 BY MR. KOPPE:

25 Do you recall just speaking about this person?



1 MR. OM CHY:

2 A. Yes, I recall that I spoke to him.

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

4 A. I mentioned the individual by the name Pauch. He was the  
5 district committee. He came to replace Moul after he was  
6 relocated to somewhere else.

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

8 A. I cannot recall what he was like. What I know is that he was  
9 the district committee replacing Moul.

10 [14.55.07]

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

13 A. No. Pauch came to work at Baray area after the letter of  
14 pardon was issued.

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

19 A. I told the Court already. During the time that the purge took  
20 place, Pauch had not arrived at the area yet. After the circular  
21 was issued, Pauch was relocated to replace other former cadres at  
22 that worksite.

23 MR. PRESIDENT:

24 You may now proceed, Judge Lavergne.

25 JUDGE LAVERGNE:

1 Mr. Koppe, I've heard of allegations -- or rather where are the  
2 sources of these allegations against this Pauch on which you base  
3 what you say?

4 [14.57.08]

5 BY MR. KOPPE:

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

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

14 MR. OM CHY:

15 A. I told the Court already. Pauch came to work at Baray at a  
16 later stage, and the killing did not happen seriously at the  
17 later stage when Pauch came to work.

18 [14.58.52]

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

22 "I remembered later my father received news about people in  
23 truckloads were killed at Phnom Pros Phnom Srey. One day after he  
24 received that news, he went down to the 1st January Dam. During  
25 the trip, he stopped by Krava Bak Sna village in Baray district

1 where he saw about 200 families who had been arrested and put in  
2 the pagoda waiting to be killed. At that time, he asked those  
3 people, 'Why many of you are gathering here?' The people replied,  
4 'Pauk, you should not do this to us.'" -- to Ke Pauk. "My father  
5 continued, 'What has happened?' The people replied, 'Pauk, you  
6 ordered them to arrest us to kill and they will kill us tonight.'  
7 My father told me this story personally. At that time, the person  
8 who drove him there named Chiem." -- was Chim. "He knew all of  
9 those people because they used to support him with food since  
10 during the time he was in the struggling movement in the jungles.  
11 At that time, he told the militias to call the district committee  
12 named Pauch to come and see him, but the district committee  
13 refused to come. Then the commune committee of the Krava or Bak  
14 Sna commune arrived, so my father ordered him to release all  
15 those people and warned that no one absolutely was allowed to  
16 touch these people."

17 This is the story, Mr. Witness, that happened in the district  
18 that you were from. Does his story somehow ring a bell?

19 [15.01.04]

20 A. I do not know about that. I am not hiding the information.  
21 Frankly, I do not know about it. He was working at Ballangk,  
22 Kampong Thma, and I do not know about the information.

23 Q. Very well, Mr. Witness. Earlier you were asked a question  
24 about a person that you said you didn't know, somebody with the  
25 name Tol. Tol was replaced at one point by Oeun who is the

1 brother-in-law of the earlier mentioned Ke Pauk. Have you ever  
2 heard of truckloads of weapons being sent to the predecessor of  
3 Oeun coming from division of the revolutionary army, Division  
4 310?

5 A. I never knew anything about that. My status at that time would  
6 not allow me to know anything that sensitive.

7 MR. KOPPE:

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

9 [15.02.56]

10 MR. PRESIDENT:

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

13 QUESTIONING BY MS. GUISSÉ:

14 Thank you, Mr. President. Good afternoon, Mr. Witness. My name is  
15 Anta Guissé. I am co-international lawyer for Mr. Khieu Samphan  
16 and as such, I am going to ask you for one or two points of  
17 information. You answered a question from the International  
18 Co-Prosecutor or perhaps it was the national one, I don't recall,  
19 saying that when you started to work on digging the canal, it was  
20 after the conclusion of the 1st January Dam work. What do you  
21 mean by the work was concluded or finished? What was finished,  
22 please?

23 [15.04.04]

24 MR. OM CHY:

25 A. In 1977, the 1st January Dam was constructed, and later on, I

1 was appointed to be village chief and to work at the plantation  
2 by 1978. I was assigned to build the connecting dam which linked  
3 to the 1st January Dam. So I am not familiar at all with the  
4 construction of the 1st January Dam section.

5 Q. Should I understand that the canals you were talking about  
6 during this hearing were connected with the 6th January Dam  
7 rather than the 1st January Dam. I see that the International  
8 Co-Prosecutor has risen to his feet. I believe that we need to  
9 hear this from the mouth of the witness, Mr. President, and not  
10 from the International Co-Prosecutor. I'm seeking a clarification  
11 and I would like to make that particular point before we hear the  
12 objection. Thank you.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you. My objection concerns the fact that the witness never  
15 talked about the 6th January Dam. We were only ever talking about  
16 a canal linking the 1st January Dam to his region. So I really  
17 can't see the source of this question.

18 [15.05.43]

19 BY MS. GUISSÉ:

20 Let me put this question more clearly.

21 Q. Mr. Witness, you've told us that you did not know what had  
22 happened to the 1st January Dam. But when you were talking about  
23 canals that you had to excavate today, precisely which dam were  
24 they linked to, can you tell us?

25 MR. OM CHY:

1 A. The canal that I dug was the canal that connected from the 1st  
2 January Dam. It actually continued from the 1st January Dam for  
3 about five kilometres stretch and by 1978. My unit was assigned  
4 to continue working from that extension.

5 [15.06.40]

6 Q. Very well. If I understood correctly, there was already a  
7 first part of the canal that had been dug already when you  
8 yourself started your work; is that correct?

9 A. Yes, that is correct.

10 Q. And these canals that had already been dug before you got down  
11 to your work, were they already functioning in the sense of  
12 working for the overall agriculture in the region?

13 A. No, that canal was not yet functional. It could only irrigate  
14 certain parts of the Ballangk commune. However, the section that  
15 I worked on could irrigate the two nearby communes including the  
16 Treal commune. And that was the main project.

17 Q. Did you yourself go to the 1st January Dam site to the place  
18 where there was this reservoir and the bridges; did you yourself  
19 go to that main section of the dam?

20 A. After the arrival of the Vietnamese, the dam was used for  
21 everyone -- that is, for all the people in the region and I used  
22 to ride my horse cart on its crest.

23 [15.08.58]

24 Q. Yes, just to be more precise. My question was to know whether  
25 before 1979 and before you worked on the canals that you have

1 described to us, have -- did you ever visit the dam or was the  
2 first time you visited the dam after the arrival of the  
3 Vietnamese?

4 A. As I stated earlier, I never went to the main body of the dam  
5 or the reservoir itself. Only after the arrival of the  
6 Vietnamese, then I travel along to the dam. During the regime, I  
7 would not be able to have the liberty to go anywhere besides the  
8 work assignment at the specific locations.

9 Q. Thank you. I'd like now to look at your role as a unit chief.  
10 You told us that you were a unit chief in that group of about 500  
11 people. Who appointed you to this position?

12 A. I was transferred from the plantation and upon the arrival of  
13 the southwest group. And since I was single, I was assigned to go  
14 and build the dam. And the village chief said that I could not  
15 refuse because Chin and Dong who came to supervise the Ballangk  
16 commune appointed me to lead the workforce to go there. And Dong  
17 himself also went to the dam construction site.

18 [15.11.19]

19 Q. Was there any particular reason why the unmarried people were  
20 sent to the worksites? You just told us that you were chosen  
21 because you were not married and you also said that you were at  
22 the head of the unmarried unit. Was there any particular reason  
23 for this?

24 A. We were unmarried and we would not be allowed to stay in the  
25 village. We were gathered from the cooperative to be in the

1 mobile units. And since I was a bit older than the rest, I was  
2 appointed to lead them.

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

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

8 Q. Below you, there were group chiefs or subunit chiefs. Now, did  
9 you appoint these people?

10 A. Actually, group chiefs and workers came from different  
11 villages and they had already been appointed by their respective  
12 village chiefs when they came to work at dam worksite.

13 Q. You were therefore their hierarchical superior, were you, on  
14 the dam or rather on the canals?

15 [15.13.55]

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

18 Q. You said that in your unit, there were Base People and New  
19 People. As unit chief, did you give any instructions to ensure  
20 that the two types of people be treated differently?

21 A. No, there was no such instance. We worked together. We did not  
22 differentiate between the Base People and the New People. And  
23 usually, those New People were stronger physically than the Base  
24 People and we worked together as a team.

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



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

2 A. No, I never did that. Some group chiefs actually came to  
3 request permission to punish certain members, but I denied the  
4 request. You can imagine how I survive after the 1979 fall of the  
5 regime.

6 Q. And did these unit chiefs who asked your permission to perform  
7 corporal punishment, was it on their own initiative that they  
8 were making that request?

9 A. It was their own initiative. And I could also see that certain  
10 members were pretty young, so they did not pay much attention to  
11 the work. And sometimes, they was a little bit liberal. And as  
12 people came from different villages, so their behaviour was a bit  
13 different.

14 [15.17.14]

15 Q. With the Co-Prosecutor, you were talking about evening  
16 meetings conducted by the group or subunit heads. Do you know if  
17 these meetings were held every day or was the frequency  
18 different?

19 A. No, it was not held every day. It was held sometimes once a  
20 week or sometimes we had to attend a bigger meeting.

21 Q. You talked about the food rations and the meals. In your unit  
22 how did you organize things in order to provide cooked meals for  
23 the people in your unit? Whose job was it to go and fetch the  
24 rice and who cooked it?

25 A. In my unit, a small group of workers was assigned to transport

1 rice from Ta Prok village in Ballangk district -- Ballangk  
2 commune rather, however, it is now in another commune. But the  
3 soup was a traditional Khmer sour soup and there was a little bit  
4 of meat only in it, and it was not sufficient.

5 [15.19.38]

6 Q. You said that the rice came from the village. During the  
7 entire five or six months that you were present on the canal, did  
8 the rice come always from the same village or did that vary  
9 depending on which month it was?

10 A. The rice was transported only from that same village. And I  
11 was asked to provide a rather firm statistic of the number of  
12 workers for rice transportation purpose. But due to the movement  
13 of certain workers, sometimes the food or the rice that we  
14 obtained was not sufficient for the members of the unit.

15 Q. Was the head of that village in charge of providing you with  
16 your rations or was there a different form of organisation to  
17 provide you with these food rations?

18 A. For rice, only Ta Prok village that gave it to us. As for the  
19 food, the food came from the economic section of the commune. And  
20 that's where we obtain our food.

21 [15.21.31]

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

23 A. Yes, the food was cooked on site near a water source that is  
24 at the canal section which had been built.

25 Q. As unit leader, did you authorize people under you authority

1 to go fishing to add a little bit of food to the rations  
2 provided?

3 A. No, I did not because food ration was the responsibility of  
4 the commune. And if we were to supplement our food, then if was  
5 found out by the commune, then they would cut or reduce our food  
6 ration.

7 Q. Are you saying this because you could quote an example of  
8 somebody having their rations cut after information of that kind?

9 [15.23.13]

10 A. The main principle was not to reduce our ration. However, if  
11 we assigned a group of workers from our unit to find  
12 supplementary food, then it is against the principle that the  
13 food ration was the responsibility of the commune.

14 Q. Mr. Witness, I am saying these things because we had another  
15 witness who testified in this Chamber, who was also a unit chief,  
16 Or Ho, who on the 19th of May 2015, in document E1/301.1, a  
17 little before 9.43, said that he, as the unit chief, did allow  
18 people to catch fish in the streams and there doesn't seem to  
19 have been any food reduction measures as a result. That's why I'm  
20 asking you this. Did you ever, like Or Ho, another unit chief,  
21 allow workers to go fishing?

22 A. I myself did not dare do that. In the case of Or Ho, he was  
23 actually not a unit chief, he was a village chief. So he had the  
24 authority to assign people to go fishing. And that was partly the  
25 responsibility of the village chief and not the unit chief at the

1 worksite.

2 [15.25.28]

3 Q. So in your unit, it was the village chief where you went to  
4 collect your rice who also had that other responsibility; do I  
5 understand correctly?

6 A. In the village, it was the village chief who had the authority  
7 to find people to go fishing in order to improve the living  
8 condition of the villagers. And for us, the food was rationed, so  
9 we did not dare to go and find any supplementary food on our own  
10 initiative.

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

13 A. No, I did not dare ask for that kind of permission as I was  
14 concerned that they would say the food distribution to us was  
15 sufficient. And if we were to ask for more, then they would say  
16 that we were not tempered enough.

17 [15.27.16]

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

1 A. At that time, due to the lack of the necessary equipment and  
2 due to the large number of workers, I did not give any  
3 instructions to have a constant boiled water for my workers.

4 Q. You've stated that people could ask to be able to move around  
5 during their days off. If I understand correctly, these breaks  
6 happened every 10 days. So in your unit, if a worker wanted to go  
7 somewhere else, to whom must the worker ask permission, to the  
8 head of the group or to you as the unit chief?

9 MR. SENG LEANG:

10 Mr. President, the Defence Counsel used a hypothetical question  
11 "if", and that would lead to drawing a presumption from the  
12 witness.

13 [15.29.39]

14 BY MS. GUISSÉ:

15 No issue. I can rephrase. Perhaps it's a question of language.

16 Q. So when someone wished to go somewhere during their day off,  
17 to whom did that person have to place this request, to the unit  
18 chief or the group chief?

19 MR. OM CHY:

20 A. On the day off, they never sought permission from me. Workers  
21 had their own respective group chiefs. And in fact, on the day  
22 off, in the morning, they had to attend the meeting in order to  
23 reinforce their work commitment. Half of the workers probably  
24 would go to visit their villages. And of course, I cannot tell  
25 you what kind of food they ate on their day off at their

1 villages. And later during the day, they returned to the  
2 worksite.

3 [15.30.52]

4 Q. From your answer, I understand that workers were given  
5 authorisation to travel back to their village. If you weren't the  
6 one to give permission, it was the group chief that the workers  
7 would ask for permission?

8 A. Yes, they sought permission from their respective group  
9 chiefs. And of course, I didn't have anything to do with it  
10 because it was a day off. And wherever they wanted to go, they  
11 could go as long as they obtained the permission from their group  
12 chiefs.

13 Q. I'd like to touch on a different topic. With the International  
14 Co-Prosecutor, you discussed Baray Choan Dek pagoda, that it was  
15 a security centre but that the security centre was subsequently  
16 transferred elsewhere and that you were able to go to the pagoda  
17 to attend a meeting. Are you certain that you attended a meeting  
18 in that pagoda?

19 [15.32.25]

20 A. Yes, I did attend that meeting there when the security centre  
21 had already been relocated elsewhere.

22 Q. I ask the question because on 25 May 2015, a witness that  
23 appeared before the Chamber Meas Layhuor, document E1/304.1,  
24 shortly after 10, that person mentioned that the security centre  
25 existed until the fall of the regime, until the arrival off the

100

1 Vietnamese. And I would like to know if there is a mistake and if  
2 you are indeed certain that this security centre was relocated  
3 before the fall of the regime.

4 A. I am clear on the point that I made earlier. I am saying only  
5 the truth. If you do not believe me, you can go to ask the people  
6 living close by to that security centre. I am not evading the  
7 question. The security centre was relocated to a place near  
8 Kampong Thma market. Some people may not have had knowledge  
9 concerning the security centre. Southwest Zone cadres were sent  
10 to be in charge of that centre.

11 [15.34.23]

12 MS. GUISSÉ:

13 That's it from me, Mr. President. But my colleague Kong Sam Onn  
14 will ask a few follow-up questions.

15 MR. PRESIDENT:

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

17 QUESTIONING BY MR. KONG SAM ONN:

18 Thank you, Mr. President. Good afternoon, Mr. Chy. I want to ask  
19 you concerning your position. You stated that you were in charge  
20 of 500 workers. You stated that you were a unit chief. Could you  
21 tell the Court whether you were the unit chief at the commune  
22 level or district level?

23 [15.35.13]

24 MR. OM CHY:

25 A. I was at the commune level after I left my village. So I was

1 the unit chief at the commune level.

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

3 A. Regarding the report, I submitted the report to Dong. He was  
4 the commune chief.

5 Q. Thank you. Who were your direct subordinates -- I mean who  
6 were your subordinates namely the group chiefs or subgroup  
7 chiefs?

8 A. I have told the Court so far. Concerning the structure below  
9 me, I was the unit chief in charge of groups and subgroups. And I  
10 had to assign the work to my members based on the decision of the  
11 commune chief.

12 Q. Thank you. Could you tell the Court how many mobile units  
13 coming from your village?

14 A. There were 10 villages and units were from those 10 villages  
15 working at the site.

16 [15.37.52]

17 Q. Within each unit, whether the people were divided into  
18 subgroups?

19 A. Subgroups were divided into each village and there were 10  
20 members within one group, and there were five subgroups within  
21 one group.

22 Q. Thank you. You were in charge of group chiefs from various  
23 villages. So what did you do while you were in charge of them?

24 A. I always mentioned to my group chiefs that they had to advise  
25 their members not to wander around. And if the upper echelon



1 found out that our members were wandering around and we would be  
2 in trouble.

3 Q. Thank you. You stated that the group chiefs made a request to  
4 you to impose corporal punishment against their members and you  
5 refused the request. I would like to know whether there were any  
6 group chiefs there to impose corporal punishment against their  
7 members without seeking your permission.

8 [15.40.32]

9 A. From my observation, no such things happened.

10 Q. Thank you. In relation to the reduction of food rations on a  
11 daily basis, did this happen within your mobile unit?

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

13 Q. Thank you. I would like to rephrase my question. In relation  
14 to the reduction of daily food ration because a youth or a member  
15 within a mobile unit did not comply with the discipline, I would  
16 like to know whether this individual who committed wrong against  
17 the discipline of your unit was reduced -- I mean the food  
18 ration.

19 A. From my observation, food ration was not reduced. Workers had  
20 to get the food or meals from the kitchen. And the kitchen had  
21 been cooked by the cook, and I have never heard a case that food  
22 ration was reduced or was deprived of.

23 [15.42.19]

24 Q. Thank you. Concerning your answer you made earlier, you stated  
25 that before you were assigned to work on a dam site connecting

1 the 1st January Dam worksite, you stated that Dong was the  
2 commune chief at one time. And you just said a while ago that  
3 Dong was a deputy chief of the commune. You stated that these  
4 people had their own circle, so what do you mean by that?

5 A. Why I stated that, because we from the same village, we knew  
6 each other, so we could play jokes to each other sometimes and we  
7 could understand each other. And when he came in to be in charge,  
8 we had no more liberty. And we were worried at that time from  
9 1977. And from that time onward, I was very worried. So I gave  
10 advice to my group chiefs about the matter.

11 Q. Thank you. Could you tell the Court what differences in the  
12 working method when the new cadres came to replace?

13 [15.44.41]

14 A. I have no idea in relation to this matter. As I told the  
15 Court, we worked on a designated location where we were told to  
16 work on. Later on after 1977 when the Southwest Zone cadres came  
17 to control, the old comrades were removed from position and their  
18 rights were deprived of. So I could say that the newcomer -- I  
19 mean the new cadres from the Southwest Zone they were harsher. So  
20 we were afraid of them.

21 Q. Thank you. Could you clarify for the Court why you were all in  
22 paranoia situation, why were you afraid of the new cadres coming  
23 from the Southwest Zone?

24 A. I do not really understand as well. They came to replace the  
25 previous cadres and they were harsher as I stated. So we lost

1 trust with each other and we had to work on a daily basis to  
2 survive.

3 Q. Thank you. You mentioned about your marriage and also  
4 marriages of other youths within the mobile unit. I would like to  
5 know whether you had ever held marriage ceremony for those youths  
6 within the mobile unit.

7 A. Marriages happened during that time. For example, youth A  
8 loved youth B, so they came to make the request to me and I made  
9 a report to the commune. This is what I could do at that time.

10 [15.47.40]

11 Q. What do you mean by saying the last sentence?

12 A. I stated that I wrote down their request and I submitted the  
13 request to the commune. I could not make any other decision on  
14 the matter. I had no rights to allow them to get married or to  
15 hold a ceremony for them. I, as a unit chief, had the right but  
16 my right was limited to only making a report to the commune chief  
17 about their request.

18 Q. Thank you. You also stated that the commune chief decided the  
19 request made by the applicants or the one who proposed to get  
20 married. Did it ever happen that the commune chief ordered that  
21 such individuals had to pair and get married?

22 [15.49.07]

23 MR. PRESIDENT:

24 Please wait, Mr. Witness. Please observe the microphone before  
25 you give your answer.

1 MR. OM CHY:

2 A. After the commune chief verify the biography, he or she would  
3 make a decision to hold a wedding ceremony for the couples. I was  
4 one attended the wedding ceremony.

5 BY MR. KONG SAM ONN:

6 I wanted to know about the marriage proposed by the commune chief  
7 or the deputy, not the marriage held for the proposed couples. So  
8 I would like to know was there any case that the commune chief  
9 ordered you to send some particular individual to the commune in  
10 order that the marriage could be held for them?

11 MR. OM CHY:

12 A. I really do not get your question, Counsel. Could you repeat  
13 it?

14 Q. Let me try one more time. I wanted to know whether the commune  
15 chief had ordered you to send any youth to the commune so that  
16 the marriage could be held for that youth. Do you understand my  
17 question now?

18 A. No, it did not happen at my place. Usually the youth love one  
19 particular woman and he came to make a request to me. Nothing  
20 happened and it did not happen like what you said in my unit.

21 [15.51.33]

22 Q. You stated already about the arrest of five families by the  
23 village chief and that they were taken away to be killed. Do you  
24 know the name of the village chief who ordered the arrest?

25 A. At that time people were selected, Heng and Leak were chief of

1 cooperatives. They were the one who selected the five families. I  
2 did not witness the incident because I was working in a far  
3 distance. When I returned, I did not see the five families and I  
4 was told that Angkar had purged the five families. Near my house,  
5 Ta Chheng, Yeay Au, Ta Kin, Yeay Man, they were living close to  
6 my house. We sometimes had chitchat with each other. And when I  
7 return from work, I asked them about the five families and I was  
8 told that they had been purged.

9 [15.53.06]

10 Q. Thank you. Could you clarify your answer for the Court. How  
11 did you know they disappeared? You stated that you returned to  
12 your house and you learnt that the five families had disappeared.  
13 So how did you learn this?

14 A. I don't know how to give other response to you. I told you  
15 already. Angkar told me that these five families had been sent to  
16 live in a new village.

17 Q. I want to ask you once again. You stated that Angkar had  
18 transferred them to live in a new village and you assumed that  
19 the village chief had taken the five families away and killed. Is  
20 this your answer?

21 MR. SENG LEANG:

22 Mr. President, to my understanding, witness did not make an  
23 assumption and witness said that he learnt the arrest or the  
24 disappearance from people living close to his home.

25 BY MR. KONG SAM ONN:

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

2 [15.54.48]

3 MR. PRESIDENT:

4 Please observe microphone, Mr. Witness before you give your  
5 response.

6 MR. OM CHY:

7 A. It is true what the Co-Prosecutor said. Angkar had taken them  
8 to live in a new village, so they disappeared. As I said, they  
9 disappeared.

10 MR. KONG SAM ONN:

11 Thank you, Mr. Witness. Mr. President, that concludes my line of  
12 questioning.

13 [15.55.31]

14 MR. PRESIDENT:

15 Thank you. Before the Chamber adjourns the hearing today, the  
16 Chamber wishes to remind and inform the Parties once again that  
17 the Chamber will not hold hearings next week to hear witnesses in  
18 relation to Trapeang Thma worksite. The Chamber gives the time  
19 next week for Parties to review the new documents disclosed by  
20 the International Co-Prosecutor.

21 And because I, President of the Trial Chamber, has personal  
22 business next week, I will be away. I am not available. And Judge  
23 Ya Sokhan the senior Judge within the Trial Chamber will take my  
24 place in accordance with the Internal Rule.

25 The hearing today is now adjourned and the Chamber will resume

1 its hearing tomorrow on Monday the following week at 9.00 a.m.

2 The Chamber will continue to hear witnesses in relation to

3 Trapeang Thma worksite starting from 2-TCW-845 and after which

4 the Chamber will follow the list of witnesses as informed by the

5 Chamber in the past.

6 Thank you, Mr. Om Chy. The hearing of your testimony is now

7 concluded. Thank you for your valuable time before the Chamber as

8 a witness. Your testimony will contribute to the truth within

9 this case. You may now be excused. I wish you good luck.

10 Court officer, please work with WESU unit to send Mr. Om Chy back

11 to his preferred destination. Security personnel are instructed

12 to bring Mr. Khieu Samphan and Nuon Chea back to the detention

13 facility of the ECCC and have them return on 10 August 2015, at 9

14 a.m.

15 The Court is now adjourned.

16 (Court adjourns at 1558H)

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