



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 18-Aug-2015, 14:42
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 August 2015

Trial Day 310

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Travis FARR

For Court Management Section:
UCH Arun

I N D E X

Mr. LAT Suoy (2-TCW-889)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHET Vanly	Khmer
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LAT Suoy (2-TCW-889)	Khmer
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. PICH Ang	Khmer
The President (YA Sokhan)	Khmer

1 PROCEEDINGS

2 (Court opens at 0859H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remainder of the
6 testimony of Lat Suoy and if it is possible a new witness will be
7 heard today -- that is, 2-TCW-937. Mr. Em Hoy, the greffier,
8 please report the attendance of the Parties and other individuals
9 at today's proceedings.

10 THE GREFFIER:

11 Mr. President, all Parties to this case are present today and Mr.
12 Nuon Chea is present in the holding cell downstairs as he
13 requests to waive his direct presence in the courtroom. The
14 waiver has been delivered to the greffier, the witness who is to
15 conclude his testimony today that is Mr. Lat Suoy is ready and
16 present in the courtroom with his duty counsel, Mr. Moeurn
17 Sovann. We also have a reserve witness today -- that is,
18 2-TCW-937, who confirms that to his best knowledge and ability he
19 has no relationship by blood or by law to any of the two Accused
20 -- that is, Nuon Chea and Khieu Samphan, or to any of the civil
21 parties admitted in this case. The witness will take an oath
22 before the Iron-Club Statue this morning before his appearance in
23 the courtroom. He also has Mr. Moeurn Sovann as his duty counsel.
24 [09.01.52]
25 MR. PRESIDENT:

2

1 Thank you. The Chamber now decides on the request by Nuon Chea.
2 The Chamber has received a waiver from the accused Nuon Chea,
3 dated 12th August 2015, which notes that due to health reasons
4 namely headache, backache and that he cannot sit and concentrate
5 for long and in order to effectively participate in future
6 hearings he requests to waive his rights to participate in and be
7 present at the 12th August 2015 hearing. Having seen the medical
8 report of Nuon Chea by the duty doctor for the Accused at the
9 ECCC dated 12th August 2015, who notes that Nuon Chea has severe
10 back pain and difficulty when he moves and recommends that the
11 Chamber so grant him his request so that he can follow the
12 proceedings remotely from the holding cell downstairs. Based on
13 the above information and pursuant to Rule 81.5 of the ECCC
14 Internal Rules, the Chamber grants him his request to follow the
15 proceedings remotely from the holding cell downstairs via an
16 audio visual means.

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

19 That applies for the whole day.

20 I note that Judge Lavergne has some questions to be put to the
21 witness and you may proceed, Judge.

22 [09.04.05]

23 JUDGE LAVERGNE:

24 Thank you, Mr. President, for giving me the floor. I would like
25 to make a request to Mr. Dale Lysak because yesterday during his

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1 examination of the witness, he referred to a document E3/1900,
2 that is a list of prisoners who were smashed on 6th March 1978.
3 What I would like to know is whether there is a document, an
4 original document in Khmer, if at all such a document exists I
5 haven't found any versions of this document in Khmer as an
6 original. I don't know whether that document is from S-21 or it
7 was provided by DC-Cam or is it a document from Tuol Sleng. I see
8 the title T202 (sic), final draft. I don't know exactly what it
9 is. Would it be possible for you to clarify this matter today
10 that would be of interest to all of us? Thank you.

11 MR. PRESIDENT:

12 Mr. Deputy Co-Prosecutor, you may proceed.

13 [09.05.40]

14 MR. DALE LYSAK:

15 Thank you, Judge Lavergne. I noticed that myself also and started
16 some enquiries about that. The reference to "Rich" is a fairly
17 well known translator who's worked at this Court for a long time.
18 It's clear here that he was translating an original document from
19 Tuol Sleng there's a T203 reference. So we're tracking down the
20 original Khmer version from which this would have been prepared
21 and we'll submit that. In that process we've also, I will tell
22 you, found another S-21 record relating to Ta Val also confirming
23 his arrest or his entry to S-21 in late June 1977, and also
24 apparently there is an S-21 confession for Ta Val. So we're
25 looking into -- that all started from looking into this issue

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1 that you've raised, we'll submit that in writing to the Court
2 when we have that altogether.

3 [09.07.01]

4 MR. PRESIDENT:

5 Counsel Koppe, you have the floor.

6 MR. KOPPE:

7 Thank you, Mr. President. Good morning, Your Honours, you still
8 also owe me, I owe you sorry, an answer in relation to the
9 objection that I raised yesterday about Men Chun. We were -- I
10 was basing myself upon a document when I said that he was
11 arrested in February 1977, document E3/2474. It is an English
12 version, describes an annotation of Duch, that his responses are
13 reported to him on 2nd February 1977. However, on the basis, not
14 only of this document which seems to be wrongly translated,
15 because the date of 2nd February 1977, does not appear on the
16 original Khmer version, and as often it seems to be case, the
17 French translation is correct, it refers to December 1977.
18 However on the basis of the confession itself it is clear indeed
19 that the Prosecution was right when it comes to Men Chun he was
20 arrested sometime in June 1977, although there is another
21 document E3/1993, which is a document that was put before the
22 People's Revolutionary Tribunal held in Phnom Penh in August
23 1979, document E3/1993. And on English ERN you can read 00064831
24 that Hoeng was arrested on 20th August 1977. However I agree that
25 it is most likely that he was, together with Ta Val, arrested in

5

1 June 1977. Having said that it doesn't change the crux of my
2 objection and that is that arrests in the Northwest Zone were
3 executed in a course over a year, starting in June '77 all the
4 way up till May '78, when not only Ros Nhim was arrested but also
5 Cheal, the Sector 5 deputy chief. So, I think the Prosecution
6 will agree with me that arrests started in June 1977, and
7 continued all the way up until May 1978.

8 [09.10.07]

9 MR. PRESIDENT:

10 Judge Lavergne you have the floor again.

11 JUDGE LAVERGNE:

12 Mr. Koppe there is a slight translation problem. It appears that
13 yesterday we had the same problem. Are you referring to the
14 arrest of Hu Nim or Ros Nhim because Hu Nim doesn't appear to
15 have any particular relationship with the Northwest Zone?

16 [09.10.36]

17 MR. KOPPE:

18 I fully agree, I think that there's something in the translation.
19 I said Ros Nhim that is his -- that's the way you pronounce it in
20 Khmer but it sounds like Hu Nim. But is Ros Nhim in English, but
21 Ros Nhim in Khmer. So I was referring to Ta Nhim, the zone chief.

22 JUDGE LAVERGNE:

23 Thank you for that clarification, I think we'll have to
24 cross-check yesterday's transcript because yesterday we also
25 heard you refer to the arrest of Hu Nim.

1 MR. PRESIDENT:

2 The Chamber now again gives the floor to the Co-Prosecutor to
3 continue putting questions to the witness and now you may
4 proceed.

5 [09.11.27]

6 QUESTIONING BY MR. LYSAK RESUMES:

7 Thank you, Mr. President. Good morning, Mr Witness. I will try to
8 finish my questions to you this morning fairly quickly, so I can
9 pass the floor to the civil parties.

10 Q. We were talking about the arrival of southwest cadres in your
11 region. I'm wondering if you could give the Court a general
12 description of how things changed in the region, if at all, in
13 terms of living conditions, work conditions, numbers of arrests,
14 after the arrival of southwest cadres in Sector 5?

15 MR. LAT SUOY:

16 A. I did not hear your question.

17 Q. Let me repeat it. My question was asking you if you could give
18 us a description of how, if at all, things changed in your
19 sector, your region after the arrival of southwest cadres. How
20 things changed, if at all, in terms of living conditions, numbers
21 of arrests?

22 [09.13.22]

23 A. Please repeat your question again as I have problem with my
24 headset.

25 Q. Thank you. My question is, could you please tell the Court --

7

1 give us a description of how, if at all, things changed in your
2 region, in Sector 5 after the arrival of southwest cadres in
3 terms of the living conditions, in terms of number of arrests and
4 disappearances. Can you give us a description of how things
5 changed when they arrived?

6 A. Good morning, Your Honours. Upon on the arrival of the
7 southwest, they started arresting the northwest group as they
8 accused them of being traitors and they limited the food supply
9 to 100 cans of rice per 100 people. For that reason people became
10 weak and their bodies got swollen due to insufficient food and
11 the work at night became more severe -- that is, from 5.00 to
12 11.00 and also the morning shift started earlier and ended at 11
13 a.m.

14 Q. Thank you for that. I want to ask you referring to a specific
15 statement you made in your DC-Cam interview this is E3/9060,
16 Khmer ERN, 00733035 - 036; English, 00728734; French 01123688;
17 and you were describing here the new cadres that arrived. I
18 quote:

19 "There were two groups. One was from southwest or people from the
20 Southwest Zone. Another group was from Kampong Chhnang and
21 Pursat. Those from the southwest were very mean. Those from
22 Ka-Koh Kampong Chhnang were nice. They were all women but those
23 from Takeo were very mean." End of quote.

24 Why is it that you said that the cadres from the Southwest Zone
25 were very mean? Why did you say that?

1 [09.16.14]

2 A. I said the southwest people were mean because they were female
3 and they became the commune committee. They were all soldiers and
4 if they accused us of being, of making mistakes, they would
5 arrest us and kill us. People who were starving stole a piece of
6 potato or something else to eat and if they were caught, they
7 would be severely mistreated and that was the opposite of the
8 northwest cadres. I was later on transferred back to my native
9 village.

10 [09.17.07]

11 Q. And on the subject of, again on the subject of purge, I wanted
12 to ask you about something you said in your OCIJ interview, this
13 is E319/19.3.20, at answer 90 of your OCIJ interview.

14 Question: "Did you know why all the southwest cadres arrested the
15 northwest cadres and replaced them with the southwest cadres?"

16 Answer: "I did not know the reason well. I just knew that the
17 northwest cadres were replaced by the southwest. Ta Nhim told us
18 about it." End of quote.

19 What I wanted to ask you was, when and where was it that you
20 heard Ta Nhim talk about the arrest and replacement of northwest
21 cadres?

22 A. When the southwest people came Ta Nhim was still the zone
23 secretary and he called the big chiefs to a meeting. He told them
24 that we were accused of being traitors and that he told his
25 subordinates to be careful of being arrested by the southwest

1 group and only a few days later he was arrested. So we, as his
2 subordinates, knew that he was -- or he had been arrested by the
3 southwest group.

4 Q. Were you yourself present at this meeting where Ta Nhim told
5 people this?

6 A. No, I did not attend the meeting however we were told by our
7 chief that the southwest came to take control of us in Sector 5
8 and that Ta Nhim had been arrested.

9 [09.19.41]

10 Q. Now I'm going to ask you just a couple of questions on some
11 things from your interview that I think probably, the defence
12 counsel will spend a lot of time asking you about and I don't
13 have -- won't have the opportunity to question you after, so let
14 me ask you just about a couple of points. You talk about in your
15 interview, a time at which you retreated into the jungle and you
16 talk about possibly transporting weapons into the forest. My
17 question for you and the specific reference I'll give to you is
18 your DC-Cam interview, E3/9060. Khmer ERN, 00733053 - 054;
19 English, 00728747 - 748; and French, 01123699. This is what you
20 said.

21 "Ta Nak held a military meeting with chiefs of district and
22 commanders. He told the troops and informed the Northwest Zone to
23 get ready. In order to defeat the southwest, we got ready by
24 transporting weapons to the forest. After being called to return,
25 we were arrested easily at home." End of quote.

10

1 First of all, I want to ask you, do you know, were you personally
2 involved in transporting any weapons into the forest?

3 [09.21.38]

4 A. The sector soldiers who knew about it transported weapons to
5 Kaun Khlaeng forest. At that time I was with my group on the
6 crest of the dam and about ten days after they returned to Svay
7 and they were easily arrested by the southwest group under the
8 pretext that they were called to a meeting one by one.

9 Q. What I wanted to ask you, Mr. Witness, about this is, do you
10 know whether this activity was part of some secret plot of Ros
11 Nhim to rebel against Pol Pot or was this just an effort by the
12 sector forces to defend themselves and protect themselves against
13 people who were coming to arrest and kill them?

14 MR. PRESIDENT:

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

16 MR. KOPPE:

17 Now if we do not have a textbook definition of a leading question
18 then I do not know. Why does the Prosecution not ask an open
19 question first as to what the reasons was for storage of these
20 weapons but just gives in his second part of the question, a
21 suggestion that he hopes the witness will confirm. So I object
22 strongly to this question. It's very suggesting.

23 MR. LYSAK:

24 This is not a leading question; it gives the witness a choice in
25 contrast to what Mr. Koppe has done with every witness which is

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1 to simply ask them as if a rebellion actually was in works. I'm
2 not going to have a chance to ask rebuttle questions. Mr. Koppe
3 has never asked any witness this, he always leads the witnesses
4 with an assumption that there was a plot, I would just like to
5 hear from this witness, was there a plot rebel or was this part
6 of an activity trying to defend themselves, I think it is a fair
7 question.

8 (Judges deliberate)

9 [09.24.34]

10 MR. PRESIDENT:

11 The Deputy Co-Prosecutor you may resume your questions.

12 BY MR. LYSAK:

13 Q. Do you remember my question, Mr. Witness? I'm asking you
14 whether you know this effort to move weapons in the forest, was
15 this part of some plot to rebel against Pol Pot or was this an
16 effort to defend against people who were coming to arrest and
17 kill you.

18 MR. LAT SUOY:

19 A. I heard sector soldiers speaking about their storage of
20 weapons in the forest. They were actually in the process to
21 counter attack the people from the southwest to take control of
22 Sector 5.

23 Q. And the next issue I would like to ask you about, you mention
24 in your DC-Cam interview seeing currency that had been printed.
25 What I wanted to ask you, Mr. Witness, is whether you were

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1 familiar with the currency that had been printed by the Party
2 leaders in Phnom Penh in -- before they had decided whether or
3 not to have markets and are you able to tell us, are you in a
4 position to tell us whether the currency, the bills you saw, were
5 bills that had been printed in Phnom Penh or currency that had
6 been printed in the Northwest Zone?

7 A. The currency was printed in Phnom Penh. I saw the notes itself
8 and the colour of the notes was reddish with some picture of
9 people farming in the field.

10 Q. Thank you, Mr. Witness. I have just a couple of more
11 questions, in your DC-Cam interview, you talked about how your
12 unit reported to Ta Nak about the Trapeang Thma Dam and how Ta
13 Nak would then write letters to Ta Val. My question to you is,
14 how did you know that Ta Nak wrote reports or letters to Ta Val?
15 [09.27.42]

16 A. Ta Nak went to attend meeting with Ta Val while he was at the
17 Trapeang Thma Dam worksite.

18 Q. And you indicated in your DC-Cam interview, E3/9060, at Khmer,
19 00733028; English, 00728727; and French, 001123682 (sic).

20 Question: "To whom was the report sent?"

21 Answer: "To superiors."

22 Question: "Who?"

23 Answer: "Ta Nak."

24 Question: "Ta Nak?"

25 Answer: "Yes, Ta Nak wrote the letters to Ta Val."

13

1 And again what I wanted to clarify with you is, did Ta Nak send
2 written reports to Ta Val and if so, how do you know that?

3 [09.29.10]

4 A. When he wrote letters then he instructed his messenger to take
5 those letters to Ta Val. The report mainly focused on the
6 protection of the Trapeang Thma Dam and to make sure that there
7 won't be any breaches of the dam wall.

8 Q. Thank you. My last question for you, Mr. Witness, at the very
9 end of your DC-Cam interview, you stated that after the end of
10 Khmer Rouge regime you returned only once to visit the Trapeang
11 Thma Dam about 20 years ago and that when you returned there you
12 said and I quote; "So sad." End of quote. Can you tell us why you
13 were sad when you returned to visit the Trapeang Thma Dam?

14 A. When I returned to the Trapeang Thma Dam I felt sad as I
15 recalled the time that we were used days and nights and we were
16 only given half a can of rice per day for our ration.

17 MR. LYSAK:

18 Thank you for answering my questions, Mr. Witness. Mr. President,
19 we have no further questions.

20 MR. PRESIDENT:

21 Thank you, Mr. Prosecutor. Next I hand over the floor to the Lead
22 Co-Lawyers for the civil party to put questions to the witness,
23 you may proceed.

24 MR. PICH ANG:

25 Good morning, Mr. President. Thank you. I would delegate this

14

1 questioning to my Madam Chet Vanly then my esteemed international
2 colleague would follow after Madam Chet Vanly's questioning.

3 [09.31.36]

4 MR. PRESIDENT:

5 Counsel, you may now proceed.

6 QUESTIONING BY MS. CHET VANLY:

7 Mr. President, Your Honours, members of the Bench, my name is
8 Chet Vanly, I am the lawyer for the civil party.

9 Q. Yesterday you clarified a few points for the Court based on
10 the question put forth by the Prosecution. Today I would like to
11 ask for a few more clarifications so as to enlighten the Chamber
12 on the topic. Yesterday you said that you were appointed to guard
13 the Trapeang Thma construction dam. Can you please expand further
14 how many times did you go to the Trapeang Thma Dam?

15 [09.32.44]

16 MR. LAT SUOY:

17 A. I went to Trapeang Thma Dam twice when I was in the army, I
18 was taken there as the guard but when I was a civilian I went to
19 the Trapeang Thma Dam at that time they made us carry the human
20 excrement as the fertiliser for vegetable.

21 Q. You said that you went to Trapeang Thma Dam construction
22 twice. Can you please a bit more detail when did you go there on
23 the first time and where did you go specifically?

24 A. It was in 1976, when I was in the army, they redeployed me to
25 guard Trapeang Thma Dam. At that time we had to protect the dam

15

1 from being broken by flood water and then afterwards they --
2 after the Southwest Zone cadres arrived, they accused the
3 northwest cadres and others as traitors so they disbursed our
4 group and at that time I turned civilian and they made us to
5 carry excrement as the fertiliser.

6 Q. Yesterday you told the Court and the prosecutors that you were
7 redeployed from here to there, from one place to another, why was
8 it so frequent in terms of the transfer of your role from one
9 place to another?

10 A. No, it was not only for me but it was for others, for the 90
11 members, they disbursed us and we had to rotate to do different
12 things. Some had to go to plough the field, others had to carry
13 excrement and those who were attached to the mobile unit had to
14 do different tasks based on their assignment.

15 Q. Thank you. I still have a few more questions concerning this
16 Trapeang Thma Dam. Could you please tell the Court when the
17 construction of the dam started, what year was it started?

18 A. It was constructed in early 1976 from Ponley village to
19 Trapeang Thma village.

20 Q. What was the dam for, what benefits would the people get from
21 this construction?

22 [09.36.26]

23 A. They made reservoir, water reservoir for people to do farming
24 during dry season. These would be the biggest water reservoir for
25 rice farming.

16

1 Q. When was this construction completed?

2 A. I did not have the knowledge of it because I was withdrawn and
3 I was attached to the village. So I returned from the Trapeang
4 Thma Dam and I back to resettle in my hometown.

5 Q. Following the completion of the construction of Trapeang Thma,
6 to your knowledge, did you know that there was any inauguration
7 ceremony of the completion of the construction?

8 A. Once the construction was completed, they did not inaugurate
9 it, they only withdrew the mobile group, mobile unit to move to
10 Trapeang Sraeng Dam. Even a few bridges over there were not
11 completed either.

12 [09.37.56]

13 Q. Yesterday you told the prosecutor that the northwest cadres
14 was arrested like Ta Val, Ta Hoeng and others. When they arrested
15 these cadres, was the construction of Trapeang Thma Dam
16 completed.

17 A. When they arrested Ta Maong, Ta Hat, the construction was
18 completed already except the bridges.

19 Q. Who continued the project following the arrest of Ta Val?

20 A. Once Ta Val was arrested, I did not know who came to take over
21 but I continued to see people continuing to build the dam on a
22 daily basis.

23 Q. So who took over from Ta Val to your knowledge?

24 A. That I do not know.

25 [09.39.24]

1 Q. Thank you. Yesterday you said that Ta Val and other cadres
2 were arrested subsequently. So to your knowledge did you know
3 about their family members, were their family members also
4 arrested together with them?

5 A. After the arrest of Ta Val and other cadres after about ten
6 days their family members were also arrested.

7 Q. How about other cadres like Ta Maong, Ta Hat, Ta Hoeng, how
8 about their family members, were they also arrested?

9 A. Ta Maong's wife was arrested. I saw only two, as for the wife
10 of Ta Hat I did not know.

11 Q. Can you tell the Court why their family members were arrested?

12 A. I only knew that their wife and children were working at that
13 time. I did not know their responsibilities or duties but I only
14 that they were in the management level.

15 [09.40.57]

16 Q. Thank you, Mr. Witness. You said that you went to Trapeang
17 Thma Dam twice. When you were standing guarding the Trapeang Thma
18 construction site, did you ever see the visit of the senior Khmer
19 Rouge leaders like Khieu Samphan or Nuon Chea or other leaders
20 visiting that construction site?

21 A. When I was at the dam they told us that Angkar would visit the
22 construction site but they told us as a guard not to look at the
23 Angkar when they were down to visit, I did not know who was who
24 but I sometime took a glance at them. I only saw them wearing
25 short sleeve white shirt but I did not know who was who because

18

1 they did not allow us as the guard to stand facing the visitors.

2 Q. You said Angkar, are you referring to the senior leaders or
3 who are you referring to?

4 A. For Angkar, they were the upper echelon, the higher upper
5 echelon. They are much higher than the civilians in the village.

6 Q. When you saw the convoy of senior leaders visiting the
7 construction dam, what did you see at that time, was it a big
8 convoy or what?

9 [09.42.50]

10 A. I saw a long fleet of vehicles. There were different kinds of
11 cars, trucks, I did not know the names of the vehicles or the
12 make of the vehicles, there were some van or trucks. It was like
13 tourist cars and others, but there were a lot of people coming to
14 visit but I only notice that they were wearing short sleeves
15 white shirt and at that time there was a clear instruction that
16 we must not look at the visitors because as the guards we were
17 supposed to stand facing off from the visitors.

18 Q. How often did the convoy or the senior officials visit the
19 dam?

20 A. Once every three months or four months they would come to
21 visit the dam. Whenever they came to visit nobody was allowed to
22 come close to the visitors. They were standing guards in
23 different layers.

24 Q. Who among the leaders visited Trapeang Thma Dam the most often
25 there to your knowledge?

19

1 [09.44.46]

2 A. Ta Val was the one who inspected the construction worksite on
3 a daily basis. He would supervise the work and inspected whether
4 or not the work was done according to the plan.

5 Q. Besides Ta Val, who was the commander of the construction
6 site, did you see any other leaders who came to assist Ta Val or
7 supervise the work there?

8 MR. PRESIDENT:

9 Mr. Witness, please hold on. Counsel for the defence -- Counsel
10 for Khieu Samphan, you may proceed.

11 MS. ANTA GUISSÉ:

12 Yes, Mr. President, I believe that we have explored this topic in
13 depth, I'm objecting because this question was put many, many
14 times and answers were always provided to this question. So I
15 don't think it is necessary to repeat the question hoping for an
16 answer that will not come because the witness already said that
17 there were people with white shirts who came, that he was not
18 able to see them. So I think we can move on to another topic,
19 another line of questioning.

20 MS. CHET VANLY:

21 Mr. President, for the upper echelon I ask that question already,
22 but I would like to know the immediate supervisor of Ta Val, not
23 the senior leaders only the immediate supervisors who may come to
24 supervise the construction site.

25 [09.46.43]

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 BY MS. CHET VANLY:

4 Q. Now, I would like to move on to the working condition of the
5 construction worksite in Trapeang Thma. Yesterday you said you
6 were there at Trapeang Thma Dam and you saw lots of workers over
7 there. To your knowledge how many workers were there if you could
8 estimate and where were they from?

9 [09.47.25]

10 MR. LAT SUOY:

11 A. When I was working at Trapeang Thma construction worksite they
12 were within the Sector 5. In other words if you talk about today
13 it is the entire Banteay Meanchey province would come. They would
14 call people to come and build the dam.

15 MR. PRESIDENT:

16 Madam Lawyer, you please make sure that your mic is activated.

17 BY MS. CHET VANLY:

18 Q. Yesterday you answered to the Prosecutor's question, you said
19 that you were working at Trapeang Thma construction site and you
20 also enlightened the Court on the food regime and other working
21 conditions. Now I would like to know further on the conditions of
22 workers at the dam. How did the worker live over there? Now after
23 the completion of the daily work, where did they go, did they stay
24 in a communal hall or they have to go to their respective house?

25 MR. LAT SUOY:

1 A. At that time workers had to build shelter along the rice field
2 and they had to stay in those temporary shelters along the rice
3 field.

4 [09.49.22]

5 Q. Did the workers build those shelter or huts by themselves or
6 Angkar prepared for them, how about the mattress or how about the
7 mosquito net or so, were they supplied to the workers?

8 A. The mobile unit workers built the shelter by themselves and as
9 for the mattress or the mosquitoes, we had to take from our
10 individual house, Angkar did not provide these materials to us.

11 Q. Based on these living conditions, what was the overall health
12 status of the workers, they did not have proper shelter, they did
13 not have mosquito nets, for example, and they sometime had to
14 sleep directly on the soil, so what was the health condition to
15 your observation?

16 A. They suffered from malaria in many cases.

17 Q. Did you ever witness people died of that disease?

18 [09.51.06]

19 A. I saw many, many people die of that disease. Some of them died
20 of malaria and others died of the over work, they carried too
21 much soil.

22 Q. Besides malaria what other diseases that workers over there
23 may have died of?

24 A. Besides malaria others suffered from swollen body, they could
25 not walk.

1 Q. Thank you, Mr. Witness. Just one more point, in that
2 construction worksite, they mobilised mobile work force and among
3 the workers there were male and female workers, were there
4 children in the -- among the work force over there? If there
5 were, how many of them, if you could estimate?

6 A. In those mobile units we did not have the children. Children
7 were actually put in one group, so called children hall, and it
8 was located in the village and there were elderly ladies who take
9 care of them in the village.

10 Q. You were talking about mobile unit, to your knowledge what was
11 the minimum age of the members of the mobile unit?

12 A. The members whose age were below 40 down to around 17, 18
13 years old.

14 Q. How about the labour division, did they divide female groups
15 and male groups separately or they had to join the mobile unit
16 together?

17 [09.53.52]

18 A. There was a separation. We have male unit and female unit and
19 they also invited challenge among them as well as to who could
20 achieve more work than others, Angkar was interested in knowing
21 that.

22 Q. How about the plan, they issued quotas, was it -- was that
23 quota imposed for individual member or was that for the group or
24 unit?

25 A. It was by unit each, they would give certain quotas. For

1 example one unit would be responsible for 20 metres by 15 metres
2 or 10 metres and we had to carry earth and try to accomplish that
3 within our unit.

4 Q. So what would happen if each unit could not accomplish the
5 quota set?

6 A. If any unit failed to meet the quota, then Angkar would take
7 them for education and they actually considered us as betraying
8 Angkar.

9 Q. You said that they take them for education or so, what do you
10 mean by that?

11 [09.55.53]

12 A. It means that they would be taken for execution; they would be
13 shot to death.

14 Q. Were there any machine or machineries to assist labour at that
15 construction site?

16 A. No at that time there was no any machinery, there were only
17 trucks who carried food stuff or rice for workers.

18 Q. Thank you, Mr. Witness. In fulfilling their work, did the
19 workers have any freedom, for example to leave the unit and go
20 somewhere else? And was there any accident at the work place at
21 that time?

22 A. After we completed day work, we did not have time to talk to
23 each other and we were under constant surveillance at that time
24 by Angkar, we had to go to and take rest individually.

25 Q. In completing your work, the daily work, were you under

1 surveillance, for example, by the militiamen or any other people
2 during your work and after your work?

3 A. After working hours there were undercover who tried to monitor
4 us and observe people so we dare not talk, we would not say
5 anything about our hard working conditions they wanted to hear
6 only the pleasant words.

7 [09.58. 19]

8 Q. Did the workers at the construction site ever complain about
9 the hard working conditions over there or the lack of food and
10 things like that, did they ever complain at all?

11 A. At that time nobody dare complain about lack of food. When
12 they asked -- when they were given only a bowl of watery gruel,
13 they were asked whether or not they were full, they said well,
14 they were full.

15 Q. Among the workers over there were there any pregnant women?

16 A. No, nobody was pregnant. We were forbidden from loving each
17 other. If anybody was found loving each other they would be
18 accused of committing moral offences then they would be taken
19 away for execution.

20 [09.59.41]

21 Q. In your daily life, working, living and eating, were there
22 segregation between the Old People and the New People?

23 A. At that time they segregated the class category. They would
24 consider one as a group of Old People and New People. The New
25 People were those who lived in the unliberated areas and the Old

1 People were those who were from the liberated villages and areas.

2 Q. Thank you, Mr. Witness, and here is my last question. While
3 you were working at the Trapeang Thma Dam, did you witness any
4 arrest or did you know about disappearance of workers and if it
5 did happen, when did it happen?

6 A. While I was doing my guard duty at the Trapeang Thma Dam, I
7 was separate from the people working in the mobile unit, the
8 mobile unit belonged to the Sector for that reason the arrest
9 would be conducted by them.

10 Q. Did you know of any detention centre at that worksite or did
11 you know whether people who were arrested were sent elsewhere for
12 the detention?

13 A. There was no detention centre there. People who had been
14 arrested disappeared.

15 [10.01.42]

16 MS. CHET VANLY:

17 Thank you, Mr. Witness, for your clarification to my questions.

18 Mr. President, I am done and I would like to seek the floor for
19 my international colleague, thank you.

20 MR. PRESIDENT:

21 The International Lead Co-Lawyer for civil parties, you have the
22 floor.

23 QUESTIONING BY MS. GUIRAUD:

24 Thank you Mr. President. Good morning everyone. I have only a few
25 minutes left, so I will put to you a few follow up questions to

1 you, Witness. Good morning my name is Marie Guiraud, I am counsel
2 for the consolidated group of civil parties. I have a few short
3 questions to put to you this morning.

4 Q. My first question has to do with the first period when you
5 were on the dam worksite mounting guard; I would like to know if
6 you were armed during that period and if yes, what weapons were
7 you carrying?

8 [10.02.49]

9 MR. LAT SUOY:

10 A. While I was doing my guard duty, we were given the weapons, we
11 were on patrol along the dam in order to inspect if any dam wall
12 was breached and also the purpose was to make sure that no
13 workers attempted to flee and if that was the case, we had to
14 catch them and return them to their respective unit.

15 Q. What weapons were you carrying during that period?

16 A. It was CKC rifle.

17 Q. You referred to ten members who were working with you during
18 that period; did they also carry the same weapon?

19 A. Yes, we were given a CKC rifle each.

20 Q. Did you ever use that weapon when you tried to stop people who
21 had escaped from the worksite?

22 A. Actually at that time I didn't know how to use the rifle yet,
23 I only carried the rifle over my shoulder.

24 Q. Thank you. You stated that you were posted to the worksite to
25 make sure no one damaged anything on the worksite. Were you able

1 to find out whether any part of the dam was damaged during that
2 period?

3 [10.05.02]

4 A. When it rained, when there was flood, the water put pressure
5 on the dam wall and as a result some parts of the walls breached.

6 I reported to Ta Nak and Ta Nak made a further report to Ta Val.

7 Q. Were people punished whenever you discovered that there were
8 cracks on the wall of the dam at the dam worksite?

9 A. I did not get your question, please rephrase it.

10 Q. I will repeat my question. You said that there were regularly
11 cracks and you reported that to Ta Val, do you know what happened
12 after you reported such matters to him, were those people who had
13 built the dam, wherever there were cracks, punished?

14 [10.06.16]

15 A. No one was punished. Actually we made a report to our chief
16 that the crack was the result of the pressure from flooding or
17 from heavy rain.

18 Q. Thank you. I will now put questions to you regarding the
19 second time you went to the dam worksite when you were a
20 civilian. Did you have sufficient time to rest during that
21 period?

22 A. While I was working at Trapeang Thma Dam we only had an hour
23 rest during the day and actually we had to be constantly on
24 patrol, walking along the crest of the dam or while we had to
25 stand guard at one fixed location.

1 Q. Another witness who testified before you--

2 MR. PRESIDENT:

3 Defence counsel for Khieu Samphan, you have the floor.

4 [10.07.41]

5 MS. GUISSÉ:

6 Yes, thank you, Mr. President. This is not so much an objection
7 as a request for clarification. My learned colleague said during
8 your first assignment and during your second assignment whereas
9 in an answer to a question put to him by the prosecutor, he said
10 he only worked on the worksite once. In order to properly
11 understand the thrust of my learned friend's question it is
12 important for her to clarify this point.

13 BY MS. GUIRAUD:

14 No problem with that, Mr. President, I was trying to press on, I
15 relied on answers given by the witness to my colleague earlier
16 this morning. The witness said that he worked at Trapeang Thma
17 Dam worksite on two occasions first as a guard with the status of
18 a soldier and the second time as a civilian that is why I am
19 asking him to share with us his experience regarding his second
20 stay at the dam worksite. I hope I have answered my learned
21 friend's question. I know there has been a problem because the
22 testimony was less clear yesterday and that is why my colleague
23 asked the witness to clarify this matter. Regarding the request
24 made by my learned friend, may I request your leave to proceed,
25 Mr. President, because I don't have much time.

1 Witness, can you rephrase -- let me rephrase my question. The
2 witness who testified before you said that some workers slept on
3 the worksite, is that something that you witnessed during that
4 period?

5 [10.09.35]

6 MR. LAT SUOY:

7 A. Workers at the worksite had to sleep on site.

8 Q. Did it happen that some workers slept while they working? Is
9 that something that you witnessed while you were there?

10 A. Nobody dare to sleep while working, everyone was striving to
11 work hard so that we would not be accused of being lazy and
12 killed. However some people got some sicknesses including
13 malaria.

14 Q. Thank you. I have one last question perhaps two. Yesterday at
15 the beginning of your testimony you said that you slept -- you
16 wept a lot because you missed your parents when you joined the
17 army. May I know whether during the period you spent at the
18 Trapeang Thma Dam worksite were you able to visit your parents?

19 [10.11.00]

20 A. When I was taken to the forest, actually I missed my parents a
21 lot, and I wept secretly, I did not allow anyone to see me
22 weeping because I was afraid that I was not absolute and then I
23 would be killed.

24 Q. And subsequently when you stood guard at the dam worksite,
25 were you able to go and visit your family?

1 A. We were not authorised to go off the site and there was no
2 regulation for us to visit our family or parents. We were
3 considered absolute and that we had to forfeit all the personal
4 belongings or possessions.

5 [10.12.15]

6 MS. GUIRAUD:

7 Thank you, Mr. President, I have run out of time. Thank you, Mr.
8 Witness, for having answered my questions.

9 MR. PRESIDENT:

10 Thank you, Madam Counsel for civil parties. It is now appropriate
11 for a short break. We take a break now and resume at 10.30 to
12 continue our proceedings.

13 Court officer, please assist the witness during the short break
14 at the waiting room for witnesses and civil parties as well as
15 for the duty counsel and invite them both into the courtroom at
16 10.30.

17 The Court is now in recess.

18 (Court recesses from 1013H to 1029H)

19 MR. PRESIDENT:

20 Please be seated.

21 Next may I ask the members of the Bench, do you have any
22 questions to put to this witness? Judge Jean Marc Lavergne, you
23 may proceed please.

24 QUESTIONING BY JUDGE LAVERGNE:

25 Thank you, Mr. President. Good morning, Witness. I'm going to put

31

1 a few follow up questions to you. First of all, you were asked
2 this morning which kind of weapon you had when you would stand
3 guard at the Trapeang Thma Dam, and I didn't understand your
4 answer clearly. Can you repeat your answer please and tell us
5 which kind of weapon you had available? I heard F15 or a CKS, I
6 didn't really quite understand. So was it, where did the weapon
7 come from? Was it a one-shot weapon or could you shoot several
8 bullets at the same time? What kind of weapon was it exactly?

9 MR. LAT SUOY:

10 When I was guarding there they armed us; that rifle was called a
11 CKC rifle and we could only shoot it once at a time.

12 Q. So you could -- it was a single shot weapon. But were there
13 several cartridges in the magazine or not?

14 [10.31.20]

15 A. In one magazine there were around ten bullets.

16 Q. And do you know in which country this gun was manufactured?

17 A. I was told that it was manufactured in China and it was
18 commonly called CKC rifle.

19 Q. Thank you. And you explained to us that you volunteered as a
20 soldier and that you volunteered to become an absolute soldier.
21 You said that you did not know exactly know what this meant when
22 you volunteered. So, can you tell us if you took an oath, if you
23 took any kind of special oath, or if there was any kind of
24 process that one had to follow to become an absolute soldier, and
25 what was the oath if you had to take an oath?

1 MR. PRESIDENT:

2 Please hold on Witness, and Counsel you may proceed, Counsel for
3 Mr. Khieu Samphan.

4 [10.33.00]

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. I just would like to seek clarification
7 on the testimony provided by this witness. He said absolute, so
8 absolute doesn't mean in this context the absolute soldier. We
9 want -- to my recollection of the testimony of this witness,
10 absolute members were selected from the mobile unit and that
11 person was an absolute member from the mobile unit.

12 MR. PRESIDENT:

13 The witness is now directed to respond to the question put
14 forward by the judge.

15 MR. LAT SUOY:

16 For the word absolute, it means that they selected the absolute
17 members. At the time I was in the village, I raised my hand. We
18 were ignorant at that time and we did not understand what it
19 meant by absolute. They only put this question out to us who were
20 absolute. They said something like absolute in terms of
21 construction of the dam, and then I simply raised my hand and a
22 few others raised their hands as well and then they recruited us.

23 [10.34.42]

24 BY JUDGE LAVERGNE:

25 Q. So I understand that when you were recruited you did not

1 understand what the meaning of this word absolute was. So, later
2 on however did you get a better grasp of what this term absolute
3 meant? Did this commit you in a stronger way than other soldiers
4 or than other members of the mobile units? Why did they say
5 absolute? Did you understand why? Or you never knew what this
6 term absolute meant?

7 MR. LAT SUOY:

8 A. I did not understand, they only said absolute and I simply
9 raised my hand. And then eventually I joined the army and then at
10 that time my literal understanding was that we were absolute to
11 join the army and I joined the army in Svay Rumduol (phonetic).

12 Q. Can you tell us, Witness, how long after the Khmer Rouge took
13 power in your region you joined the army? Was it a little while
14 after the 17th of April, was it several months after? Can you
15 give us some indications in that regard?

16 [10.36.34]

17 A. The Khmer Rouge came to my village for about a month and then
18 they announced to us that they needed people to dig the canal and
19 build the dam from Rohan (phonetic) to Prey Moan, so they wanted
20 to recruit people to construct the dyke and dam over there.

21 Q. When did you join the army?

22 A. I constructed the dam with my sister for about half a month
23 and then they went to the village and they wanted to recruit the
24 absolute members, and I did not really understand what it meant
25 by absolute, I only raised my hand and then I was recruited. They

1 said that those who raised their hands in that gathering would be
2 considered the absolute members and then I was eventually
3 recruited.

4 Q. When you joined the army, were you immediately assigned to a
5 unit, to a regiment that was the district regiment, or was this a
6 sector regiment that later on was spread over several districts?

7 [10.38.33]

8 A. Upon our recruitment they inscripted us into the battalion
9 stationed in Phnom Lieb, and then later on they called for a
10 meeting and then they screened us in Svay. They said that those
11 who were from 17 April People, they would be taken away and then
12 they were admitted to Phnom Srok military. So we were admitted
13 into the district military unit in Phnom Srok.

14 Q. What do you mean when you are speaking -- when you say that 17
15 April People were brought to Phnom Srok? Do you mean that the 17
16 April People were given weapons to become soldiers in Phnom Srok?
17 Is that what you mean?

18 A. They removed the 17 April People for the battalion members,
19 they were for the Old People only, people who were from the
20 liberated zones. As for the 17 or New People, they were attached
21 to the district military unit. So they sent me to the rear in
22 Phnom Srok military unit.

23 [10.40.28]

24 Q. So if I understood well, the 17 April People became
25 servicemen, or were they taken away to be executed? I still --

1 I'm not very clear on this.

2 A. For the 17 April People, there were a mixture of educated and
3 uneducated people. At that time the Angkar cadres had to screen
4 them. They screened for the ignorant, the illiterate ones, and
5 then they recruited. Those who were educated they would be taken
6 and put into one group and they were attached to the rear in the
7 village. So at that time they took me out as well from the list
8 and then they attached me to the Phnom Srok district military
9 unit instead.

10 Q. Yesterday, if I understood well, you said back then anyone
11 who was educated was killed. Is this something that you can
12 confirm, or did I not understand correctly?

13 A. Those who were educated, for example teachers, once they found
14 that we were educated, they were subject to execution. So those
15 who were educated at that time had to pretend that they were
16 illiterate. So at that time when I joined the army I pretended to
17 be illiterate as well. They taught us some words and some
18 writings and things like that to me, and I pretended as if I did
19 not know how to write and read at the time, so I followed them in
20 that learning session.

21 [10.42.48]

22 Q. Fine. So I understand that you were part of a unit that took
23 an absolute commitment, that was part of a district unit. However
24 what I did not understand, whom did your superiors have to report
25 to? There might be here a few contradictions that need to be

1 solved, and I understood that your superiors would report to the
2 district chief who was Ta Ak (phonetic), but I also understood
3 that your chief could also report to Ta Hoeng or Ta Phi, and that
4 Ta Hoeng and Ta Phi were not at the head of the district but that
5 they were part of Sector 5. And I also heard a little earlier on
6 that when you were at Trapeang Thma, your superior would also
7 report to Ta Val. So would they report to everyone at the same
8 time, or were there any changes? Can you somehow shed some light
9 on this?

10 [10.44.25]

11 A. When I was attached to Trapeang Thma construction worksite, I
12 was guarding that place. If the dam was broken I would report it
13 to Ta Val and Ta Val would order to his subordinates to reinforce
14 the work force to the place in order to prevent it from being
15 destroyed. And then Ta Hat would report it to the district
16 committee.

17 Q. So it was Ta Val who was being referred to at the district
18 committee, or was it Ta Nak?

19 A. Ta Val was the commander over there so everything would report
20 to him from the mobile units, all mobile units subordinate to
21 Sector 5 had to report to Ta Val. They had to prepare all the
22 reports from all mobile units to Ta Val.

23 Q. From a geographic point of view was the Trapeang Thma district
24 in Phnom Srok district?

25 A. Yes, Trapeang Thma Dam was located in Phnom Srok district,

1 Banteay Meanchay province.

2 Q. At one point you said that you had been sent to stand guard in
3 a forest called Chamkar Khnol, or the jackfruit plantation. So
4 can you tell us if, back then, you were still a member of the
5 Phnom Srok district army and if the place where you were was in
6 Phnom Srok district?

7 A. When they sent me to stand guard in Chamkar Khor (phonetic)
8 road I was at that time in the sector military in mid-1975.

9 [10.47.41]

10 Q. Okay. So sometimes you were placed under the sector army's
11 authority and sometimes under the district army's authority, so
12 there were changes in your situation. Is that what we must
13 understand?

14 A. Before the sector military recruited the absolute members and
15 then later on they screened us and then they segregated us. The
16 17 April People were attached to the district military unit, so
17 we were subordinate to Ta Nak's military unit attached to the
18 district.

19 Q. Fine. When you would stand guard at Chamkar Khnol, did you see
20 military trucks drive by and did you see trucks transporting
21 prisoners?

22 [10.49.01]

23 A. No, I never saw those trucks because I was standing guard
24 along the road in Chamkar Khnol, today it is called Phsar Thmei,
25 I was actually standing guard along that road.

1 Q. I would like also to clarify a point regarding the relations
2 between the army and the militia. You said that the militiamen
3 were essentially -- it was essentially the militiamen who were in
4 charge of arresting people. And you said that you as well had
5 arrested people, in particular people who were trying to escape.
6 So can you tell us how the work was shared between the army and
7 the militia?

8 A. They had separate tasks, the militia got the work in the
9 commune and the village, and as for soldiers, they were in charge
10 of monitoring people who fled into the jungles or they left the
11 military unit.

12 Q. When the militiamen would arrest someone, whom would they give
13 this person to and at any moment were these persons transferred
14 to the army?

15 A. Once the militiamen arrested the people they would refer them
16 to Ta Hat, the district committee. And sometimes they executed
17 them by themselves.

18 Q. So the militiamen sometimes would execute the people that they
19 had arrested themselves. But sometimes were these arrested people
20 handed over to the army?

21 A. They never referred to the military, they only referred to the
22 upper echelon and then they would refer to others, because they
23 had to report it to their chain of command.

24 [10.52.22]

25 Q. Can you tell us what measures were taken to monitor the Thai

1 border? Were people afraid that people would flee to Thailand?

2 What measures were taken from a military standpoint to watch over
3 the Thai border?

4 A. That I do not know, the situation along the Khmer-Thai border
5 because I was somewhere in Phnum Khlaeng -- Kaun Khlaeng. Kaun
6 Khlaeng was quite close to Trapeang Thma Dam, and when I was over
7 there I never met people who were arrested on fleeing, that's why
8 I didn't know about it.

9 Q. Did you ever here about the existence of three front lines,
10 three battlefronts to guard the border? Did you ever hear about
11 traps, about bamboo traps?

12 A. I heard it through rumours that at that time the elderly in
13 the villages would sharpen the bamboo sticks as a trap. At the
14 time they would send those bamboo sticks to the soldiers and that
15 they would be taken to the border line. But I did not know how it
16 all worked with the bamboo sticks that were sent, but I heard
17 through rumours about that.

18 [10.54.34]

19 Q. Well yesterday we spoke about the tests that were given to
20 people who were claiming to have eyesight problems at night,
21 people who said that they could not see at night. So did you ever
22 hear about such tests that would have consisted in having people
23 walk at night in places where embers were placed?

24 A. I never saw it, I only heard it from the mobile unit who was
25 stationed close to my village. They said that those who pretended

1 to have night vision problems they would ask them to walk past
2 the hole, and if they really had the night vision problems they
3 would fall into the hole, but they would pull them back. But
4 those who could avoid it, then they actually did not suffer from
5 night vision problem. So those who actually fell into the hole,
6 they would be saved and they would be re-educated and they
7 advised them to avoid the so-called conscious illness; and if
8 they were educated and then they did not correct themselves, the
9 next time if they found repeating the same thing, they would
10 eventually be killed.

11 [10.56.44]

12 Q. But these tests with the pits, is this something that you saw
13 personally or not?

14 A. No, I did not see it by myself, I heard it from other workers
15 who have constructed the dam. He told me that one man pretended
16 to have night vision problems and then he asked them to arrest at
17 night, and then they were given the test to that man and then he
18 actually fell into that hole and then this person was known as
19 suffering from night vision problem. But the other one did not
20 suffer from that and he avoided the hole, then the unit chief
21 push him into the hole and then later he was saved and then he
22 was sent for criticism -- for self-criticism and then
23 refashioned. That's what I heard from one worker over there, then
24 I learned from him about that.

25 Q. And these tests where people were walked at night over embers,

41

1 did you hear about this, did you see it?

2 [10.58.24]

3 A. No, that I never saw it by myself, I only heard from the
4 mobile unit members. They talked from one to another. They worked
5 very hard and some tried to employ other tricks in order to avoid
6 being forced to work.

7 Q. Earlier you spoke about banknotes, banknotes that apparently
8 you saw. Can you tell us a little more about this? When did you
9 see these banknotes? In which period? Was it a little after 17
10 April 1975 or was it a little bit before the Vietnamese arrived?

11 A. For the banknotes it was about two months before the arrival
12 of the Vietnamese. And then I heard from them that this was the
13 banknotes for our salary. For combatants we got about ten riel
14 and those who were in the head of the unit, so they got 20 riel,
15 and then I asked where you got this banknotes from and he said I
16 got it from our brothers. And then I took the notes and review
17 it, I saw in the notes there were pictures of people harvesting
18 crops, people carrying hoes on that banknote. It was a bit dark
19 brown in colour on that note and for about two months the
20 Vietnamese soldiers came and liberated.

21 [11.00.50]

22 Q. So when you saw those bank notes, do we take it that during
23 that period, cadres from the Northwest Zone had already been
24 arrested by forces from the Southwest Zone?

25 A. But by that time, the northwest group had all been arrested by

1 the southwest, and the money was organised by the latter group.

2 Q. I do not quite understand what you're saying. Do you mean that
3 it was the cadres from the southwest who organised the
4 circulation of currency in the Northwest Zone?

5 A. I do not have the full knowledge. However, I heard from my
6 peer that he got the note from the elder brother. And by that
7 time, allow me to stress, all cadres in the Northwest Zone had
8 been rounded up and arrested and the area was under the control
9 of the southwest cadres.

10 [11.02.26]

11 JUDGE LAVERGNE:

12 I have no doubt that counsel for the defence will have a lot of
13 questions on this subject. I have no further questions for the
14 witness, Mr. President.

15 MR. PRESIDENT:

16 Thank you, Judge Lavergne. The Chamber now hands the floor to the
17 defence teams to put questions to this witness. First the floor
18 is given to the defence team for Nuon Chea. And counsel, you may
19 proceed.

20 QUESTIONING BY MR. KOPPE:

21 Thank you, Mr. President. Good morning, Mr. Witness. I have
22 indeed quite a few questions for you -- to put to you. I would
23 like to start with questions relating to exactly when you were
24 guarding as a militiaman the Trapeang Thma Dam, because that's
25 still quite confusing to me. I understand it's difficult to think

1 in terms of months and dates. But if I would provide you some of
2 these dates, maybe that would somehow refresh your memory, Mr.
3 Witness.

4 [11.03.56]

5 The day before yesterday in this same courtroom, we heard a
6 witness say the work at the Trapeang Thma Dam started on the 14th
7 of February 1977, and that just before Khmer New Year mid-April
8 '77 the work was finished. We also have a copy of a speech that
9 the Northwest Zone leader Ros Nhim gave in December 1977 before
10 Chinese guests, during which he said that the work of the dam was
11 completed within a period of two months. And in addition to this,
12 there's also a Revolutionary Flag of June '77 saying that the
13 work was finished in May '77. Now would it be possible that when
14 you performed your duty as a militiaman at the Trapeang Thma Dam
15 worksite that that was between mid-February and sometime the end
16 of April 1977?

17 MR. LAT SUOY:

18 A. I do not get your question, Counsel.

19 Q. I understand it was a long question. What I did was giving
20 some evidence on specific dates during which the dam was
21 construction. And this evidence suggests that the dam was
22 constructed between mid-February 1977 and Khmer New Year '77,
23 maybe a few weeks longer. So my question to you is, would it be
24 possible that you worked as a militia guard at the dam between
25 mid-February 1977 and April-May 1977?

1 [11.06.55]

2 A. While I was on my guard duty at the worksite and that was
3 under the instruction of Ta Nak, we were there to guard the dam
4 worksite -- and at that time, the dam was not fully completed.
5 And then the southwest group arrived and Ta Nak's group was
6 arrested. Then we were removed from the dam worksite and
7 reintegrated into a mobile unit at the village level not at the
8 sector level. Then I was assigned to go and pick up cow dung. In
9 fact, we were assigned to do that work under the pretext that we
10 would later on be arrested and killed. And we tried not to make
11 any mistake during this period of time.

12 Q. Mr. Witness, allow me, excuse me, to interrupt. Maybe I should
13 ask it differently. Do you know whether the Trapeang Thma Dam
14 worksite was -- the construction of it was finished by the time
15 it was Khmer New Year in 1977?

16 [11.08.29]

17 A. I did not know which month the dam construction was completed.
18 However, I know that after our group had been reassigned and I
19 only saw a small number of mobile unit workers working on the
20 dam, and there were only about a hundred of them. But allow me to
21 stress I cannot recall the exact period.

22 Q. I understand. Let me try another question. Had you left the
23 Trapeang Thma Dam worksite by the time Ta Val was arrested?

24 A. My group left the worksite after Ta Val, Ta Nak and his group
25 had been arrested. And there were only 90 soldiers remain on

1 site. Then we were instructed to lay down our arms. And then we
2 were reassigned into the mobile unit under the control of Ta
3 Maong. And Ta Maong was a person from the southwest.

4 Q. Okay, now we're getting somewhere, Mr. Witness. Do you recall
5 how many days or how many weeks it was after Ta Val's arrest that
6 you were reassigned?

7 [11.10.41]

8 A. Ta Val and his group had been arrested for a fortnight. Then
9 they came to conduct a research amongst the northwest soldiers --
10 that is, us working at the dam worksite. Then we were called to
11 gather at the Phnum Srok district office to lay down our arms
12 there. And after that, we were reassigned to work in a mobile
13 unit.

14 Q. Okay. It seems clear to me now, Mr. Witness, when you left the
15 dam. Now let's try to see if we can figure out when exactly you
16 arrived at the dam. Do you recall when you arrived for the first
17 time at the dam whether there were 10,000 or 15,000 people
18 already working or was it -- or did these people still have to
19 come?

20 A.. After I had been reassigned to work in a mobile unit, I went
21 to pick up cow dung and I saw 100 people remained on site at the
22 dam worksite in order to guard and to maintain the dam in case
23 there was a crack on the dam wall. But I cannot recall when it
24 was whether it was still in '76 or in 1977.

25 [11.12.37]

1 Q. I'm not sure if I entirely follow your answer but were
2 stationed at the dam before all those thousands of mobile unit
3 workers would arrive? And if yes, how many weeks or days was that
4 before?

5 A. The large number of mobile units were actually reassigned to
6 work at the Trapeang Sraeng Dam worksite. And only a small number
7 of mobile unit workers remained on site to do the maintenance and
8 the repair work.

9 Q. I'm sure it's my question, Mr. Witness. But one last time.
10 When you first laid eyes on the dam, were there already many
11 people working or did the work still have to start?

12 [11.14.05]

13 A. When I first saw workers at the dam and that was when I was at
14 Koun Khlaeng (phonetic) area, I saw people conducting the
15 measurement and the land surveying at the Trapeang Thma Dam
16 worksite. And after, I saw the sector mobile unit workers coming
17 down to the site and actually they were gathered from various
18 villages and communes within the sector. And there were tens of
19 thousands of them working at the dam worksite.

20 Q. Okay, thank you, Mr. Witness. Now, one other thing which is
21 something that I'm not quite sure if I understand correctly. In
22 your statement to the investigators of the Investigating Judge,
23 in question 30, you said the following. The question is: "Before
24 you were recruited as a district soldier, how long had you worked
25 at the Trapeang Thma Dam?" And then you answered: "I did not work

1 for long. I stayed there for around 10 days. Then they recruited
2 me as a Phnum Srok district soldier." So what is exactly this
3 period of 10 days referring to?

4 A. When I was a soldier and that I was there for the ten days
5 period, I still remained at the vicinity of the Trapeang Thma
6 Dam.

7 Q. All right. I will move on, Mr. Witness. And that is relating
8 to your guarding duty. In your DC-Cam statement, English ERN,
9 00728728; and Khmer, 00733027; you said:

10 "At Trapeang Thma, there weren't too many troops. There was only
11 a military platoon. There were many troops at Koun Khlaeng."

12 Question: "Therefore there was only a military platoon at
13 Trapeang Thma Dam?"

14 "Yes, a platoon of Ta At."

15 Was one of the instructions from Ta At to the members of this
16 platoon to guard all 10,000 or 15,000 workers? This platoon, was
17 that deemed sufficient to guard all those people?

18 [11.17.46]

19 A. Ta At was in charge of a platoon and he assigned his
20 subordinates to guard along the crest of the dam at Prolung Tun
21 Trean (phonetic) and at Thmenh Trei. That's the two areas he
22 placed his guards.

23 Q. How many men were in this platoon?

24 A. In the platoon, there were 30 members. And they were placed --
25 one group was placed at one location and another group was placed

1 at the second location as I mentioned.

2 Q. And what was exactly the instruction for the one group? What
3 was the instruction from Ta At to the other group? What were both
4 groups supposed to do exactly?

5 [11.19.10]

6 A. Ta At gave instructions to his subordinates to stand guard and
7 to monitor if any worker attempted to flee.

8 Q. In your DC-Cam statement, on English page, 00728727; and
9 Khmer, 00733025; you said that when you were guarding, there were
10 actually no escapees. But I'm wondering how Ta At thought it was
11 possible to guard 15,000 or even 20,000 workers with only so few
12 men in one platoon.

13 A. He assigned those soldiers to guard there and that they had to
14 work 24 hours shift. And the shift had to be constantly on
15 rotation. And workers did not dare to flee as they were not
16 familiar with the location. And it was near jungles -- that is,
17 Preah Khlar (phonetic) and Preah Damrei.

18 Q. Thank you, Mr. Witness. I will move on now to ask you some
19 questions about Ta Val. Is it correct when I say that the time
20 that you worked at the dam that the vast majority of that time,
21 Ta Val was the leading commander?

22 [11.21.43]

23 A. I don't get your question, Counsel.

24 Q. The period that you were guarding as a militiaman at the dam,
25 was Ta Val at all times the responsible commander for the work at

1 the dam?

2 A. At the dam construction worksite, Ta Val was overall in charge
3 in Sector 5. In fact, he was in charge of all the dam
4 construction projects within Sector 5 as there were many mobile
5 units which had been deployed to various dam worksites including
6 Spean Sraeng, Runtieth Baen (phonetic), and Trapeang Thma Dam
7 worksites. So he was in charge of all the forces in the sector
8 mobile units. He was also in charge of those mobile unit workers
9 working at the village level. They were all under his
10 supervision.

11 Q. So it was Ta Val who was responsible for the working
12 conditions, for the working times, for the treatment of people
13 who were sick; that's correct, isn't it?

14 [11.23.23]

15 A. For workers who fell sick, they would be checked by medical
16 staff on site. However, these medical staff did not have any
17 modern medicine. They only had traditional medicine. Sometimes,
18 they made these soft pellets from herbs for the treatment of
19 various fevers and other conditions. And in fact, the pellet was
20 about the size of a thumb, it was pretty large. And for the
21 current time, I don't think we can swallow.

22 Q. But Mr. Witness, the testimony that you had been giving this
23 morning and yesterday about all the things that you saw while at
24 the dam, the things that people were suffering from, etc., that
25 was all from the very beginning till the end, the responsibility

1 of Ta Val; is that correct?

2 A. From 1975 until the day the regime fell, Ta Val was overall in
3 charge in the area, whether it was the forces in the mobile units
4 or not.

5 Q. In fact, when asked by the investigator of DC-Cam, you called
6 the Trapeang Thma Dam "the Ta Val dam"; is that true?

7 A. Yes. People in Sector 5 -- that is, in Banteay Meanchey
8 province, knew that the dam was also referred to as Ta Val's dam
9 as he was overall in charge there and he was the one who led the
10 forces to build the dam. So that dam was referred to as Ta Val.
11 And not only that Trapeang Thma Dam, other dams including the dam
12 at Prey Moan was referred to as Ta Val's dams as they were
13 initiated and built by him.

14 [11.26.16]

15 Q. Now, Mr. Witness, let's talk a little bit about this Ta Val.
16 You have yourself described him as an absolutist person. Was Ta
17 Val in your recollection a vicious, mean person or was he a kind
18 and gentle person?

19 A. Ta Val was a very mean person. His words were very mean and
20 nobody dared to look at his face. If he found out that a person
21 committed an offence, then he would send that person to be
22 executed and that's the reason the reason people feared him.

23 Q. Let me, Mr. Witness, refer to a few things that other people,
24 who are quite familiar with Ta Val, have said about him. There
25 was one person who called him a very unkind and ruthless man,

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1 very good at reprimanding others, he was a killer and a very
2 vicious person. Would you agree with these--

3 [11.28.17]

4 MR. PRESIDENT:

5 Mr. Witness, please hold on and the Deputy Co-Prosecutor, you
6 have the floor.

7 MR. LYSAK:

8 I think the witness has already given his own testimony about
9 this. But if counsel wants to refer other documents, I think he
10 should identify it. I don't think he should be providing his own
11 characterisation if he wants to refer these statements to the
12 witness. I'm not sure why given the witness's testimony and
13 answer why it's necessary but I think he should specifically
14 reference the documents that he wants to use here.

15 [11.28.55]

16 BY MR. KOPPE:

17 No problem. When I was saying very good at reprimanding others,
18 very unkind and ruthless, I was referring to E3/8991. I think
19 it's wiser not to give the name of this particular person yet.

20 English ERN, 00969903; and Khmer 00736232. When I was saying that
21 Ta Val was a killer, I refer to E3/7805, English ERN, 00277815;
22 and Khmer 00267743. And there was another witness who called Ta
23 Val very vicious and that was E3/9052, English ERNs and Khmer I
24 will give you, Mr. President with your leave, later. So these are
25 the apparently characteristics of Ta Val. Mr. Witness, do you

1 agree with these -- what these witnesses have to say about Ta
2 Val?

3 [11.30.29]

4 MR. LAT SUOY:

5 A. From my observation, the way he spoke and the way he worked,
6 he was very mean and we should not make any mistake and let him
7 know.

8 MR. PRESIDENT:

9 Thank you, Counsel. The time is appropriate for our lunch break.
10 We take a break now and resume at 1.30 this afternoon so that we
11 can continue our proceedings.

12 Court officer, please assist the witness at the waiting room for
13 witnesses and civil parties during the lunch break and invite him
14 including his duty counsel back into the courtroom at 1.30 this
15 afternoon.

16 Security personnel, you are instructed to take Khieu Samphan to
17 the waiting room downstairs and have him returned to attend the
18 proceedings this afternoon before 1.30.

19 The Court is now in recess.

20 (Court recesses from 1131H to 1328H)

21 MR. PRESIDENT:

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

23 I hand over the floors to the defence team for Nuon Chea to
24 resume his questioning. Mr. Koppe, you may now proceed.

25 BY MR. KOPPE:

1 Thank you, Mr. President. Good afternoon, Your Honours. Good
2 afternoon, counsel. And good afternoon, Mr. Witness. Before the
3 lunch break, I was asking you questions about Ta Val. Before I go
4 to ask you some questions about his arrest, there's one other
5 issue I would like to discuss with you in relation to Ta Val. In
6 your recollection, was Ta Val an intellectual?

7 [13.30.22]

8 MR. LAT SUOY:

9 A. Ta Val to my knowledge was not -- they would arrest anybody
10 regardless of whether they were educated or not so long as they
11 were in the cadre's rank.

12 Q. I'm not sure if I got the translation right. I will repeat my
13 question. In your recollection, was Ta Val himself an
14 intellectual?

15 A. No, I did not know that.

16 Q. What do you mean you did not know that. You knew Ta Val, you
17 spoke with him. What was his original profession? Was he somebody
18 or a person like what you called an intellectual -- was he an
19 intellectual?

20 A. When I got to know him, it was not because he was in my
21 hometown and I did not have any idea whether or not he was
22 educated or uneducated, I did not know.

23 Q. Do you know whether he was a teacher originally?

24 A. In the past, I got to know him because he was in charge of
25 military. And when I was admitted to the armies under his

1 command, people told me that he was Ta Val and he was the
2 commander. And as for his level of education, I did not have any
3 knowledge of and I never saw him writing anything either.

4 [13.33.09]

5 A. Do you know whether he spoke French?

6 Q. At the time, nobody was allowed to speak foreign language. No
7 matter how senior you were, you were not allowed to speak foreign
8 languages. And at time, people had to pretend even if they were
9 educated that they were uneducated, they were ignorant in order
10 to avoid being taken away for execution.

11 Q. I will get back to that in a second. How about Ta Hoeng the
12 chief of Sector 5, was he an intellectual?

13 A. As I inform you, I did not know him. I only actually heard his
14 name, I only saw him. But as for his level of education, I could
15 not comment on it. I did not know what level of education he
16 obtained.

17 [13.34.37]

18 Q. So you don't know whether he was a professor who was able to
19 speak French fluently, you don't know anything about that?

20 A. No, I do not know. Because I never work closely with him, then
21 I could not comment whether or not he was educated or was not
22 educated.

23 Q. Let me also get back to that one, Mr. Witness. I will now read
24 to you an excerpt from a statement of a witness whom we will be
25 hearing soon, so I will not give you his name. But for the

1 Chamber, it's TCW-918. It's document E3/9094, English ERN,
2 00728657; and Khmer ERN, 00734053. This witness is being asked
3 question about Ta Hoeng and I will read the excerpt from his
4 statement to you, and then ask for reaction.

5 [13.36.21]

6 "Ta Hoeng, who was he?"

7 And then the witness answers: "He was the top intellectual. He
8 was not ignorant. Where did he come from? He was also from Takeo.
9 Where did he receive his education from? I don't know where he
10 received his education from but his talking was that of the level
11 of educated people, not the ignorant. The ignorant speak in a
12 different way. All students and intellectuals sent from Phnom
13 Penh and put into the mobile unit were called up to attend the
14 meeting."

15 And on the next stage in English: "Whenever intellectuals came
16 down there, he asked them to attend the meeting. He spoke very
17 beautiful like educated people."

18 Now not only this excerpt I would like to read but also an
19 excerpt of another witness who is coming to testify sometime
20 later this week or next week TCW-937. And his statement is -- you
21 can find it in E305/13/23/306. English ERN, 00731124; and Khmer
22 007--

23 MR. PRESIDENT:

24 Judge, you may proceed.

25 JUDGE LAVERGNE:

1 Counsel Koppe, could you please repeat the references of the
2 documents that you intend to quote. The interpreter wasn't able
3 to hear them.

4 [13.38.17]

5 BY MR. KOPPE:

6 Yes, of course, Judge Lavergne. It's E305/13.23.306, English ERN,
7 00731123 to 24; and Khmer, 00728797 until 98. And this is
8 witness, as I said, TCW-937. This witness is being asked a
9 question about Ta Val, asked to describe Ta Val. He first says
10 that Ta Val was mean, but we know that already. He was thin. He
11 came from Kampong Cham. Then there is a question about his hair
12 which is not very interesting. But a little further down is as
13 follows:

14 "Well, he was absolute."

15 "Absolute?"

16 "According to his behaviour and speech, he might be a teacher."

17 "A teacher?"

18 "Yes, because he spoke French with Ta Hoeng. Ta Hoeng was a
19 professor from Phnom Penh."

20 "Did he speak French when he met Ta Hoeng?"

21 "Yes, he spoke French when he walked."

22 "Did you ever hear him speak French with Ta Hoeng?"

23 "They spoke. I sometimes walked behind them to monitor people
24 building the dam, and what they did not want us to hear about,
25 they spoke in French."

1 [13.40.02]

2 And then further down, "Ta Val was a professor from Phnom Penh."

3 Having read these excerpts, does that somehow make you change

4 your position, Mr. Witness?

5 I will withdraw the question. Mr. Witness, can you give me your

6 reaction to these excerpts that I just read to you?

7 MR. LAT SUOY:

8 A. As for his level of education, I maintain that I cannot

9 comment on it. Overall, I never worked close to him, so I cannot

10 comment. So I did not know whether or not he was educated -- an

11 educated person.

12 [13.41.07]

13 Q. Well, then I will ask you to give your reaction to something

14 that I will read now. It's an excerpt from -- also a DC-Cam

15 statement, E3/9004, English ERN, 00984978; Khmer, 00730602. Now

16 what's happening here is, at least in the English translation,

17 the DC-Cam investigator speaks to this witness. They speak about

18 Ta Val. But apparently a neighbour of this interviewee is present

19 and she intervenes in the conversation. She says as follows or he

20 says as follows:

21 "I'm not sure. They were in the army together. It was after they

22 arrested Ta Man and Ta Val. They stayed with each other. They

23 escaped from here to hide in the forest."

24 "What was his name?"

25 "Lat Suoy. He knows clearly because they were in the army

1 together."

2 "They were in the army together?"

3 "Yes. You can ask him about the date and the month of Ta Man's
4 arrest."

5 And then the witness: "Right. When you ask me, I know nothing
6 about that. I know nothing about the date and month."

7 "Did Lat Suoy stay with Ta Maong, Ta Val, and Ta Sorn?"

8 "Yes, they stayed together."

9 Mr. Witness, this excerpt seems to indicate that you and Ta Maong
10 and Ta Val and Ta Sorn knew each other from the army and stayed
11 together; is that correct or is that not correct?

12 [13.43.20]

13 A. Well, at that time, I did not live with them. I was his
14 subordinate but I was stationed in different locations. But he
15 was working somewhere in Phnum Lieb.

16 Q. From the translation -- from this excerpt, it's not entirely
17 clear. But were you called Ta Man?

18 A. I never heard of Ta Man but I did hear about Ta Maong.

19 [13.44.10]

20 Q. Very well. Now let me turn to the arrest of Ta Val, Ta Maong
21 and others. You gave testimony as to what happened at the
22 Trapeang Thma Dam, that the working conditions, the hygiene
23 conditions, etc., were all responsibility of Ta Val. Were you, do
24 you recall, happy to hear that Ta Val was finally arrested?

25 A. When Ta Val and his cadres were arrested, we were all

1 frightened and we consulted with each other that we had to flee
2 into the jungle. Because if he were arrested, we would be
3 executed. Then we were very vigilant at that time and we tried to
4 escape and to be -- and avoid being arrested.

5 Q. Please help me here, Mr. Witness. We have, I think,
6 established that Ta Val was a vicious, mean killer. He was
7 finally arrested yet you were not pleased but you were afraid for
8 arrest yourself. How is that possible?

9 [13.45.58]

10 MR. PRESIDENT:

11 Mr. Witness, please hold on. Mr. Prosecutor, you have the floor.

12 MR. LYSAK:

13 Thank you. The question isn't seeking any sort of factual
14 information from this witness. Counsel seems to be -- want to
15 engage in an argument about the merits of the arrest of this
16 person. And is premising his question on the assumption that Ta
17 Val was arrested for what he did at Trapeang Thma when the exact
18 opposite is the case. I mean the position of the Prosecution is
19 that -- what is been proven is that Ta Val was carrying out the
20 policies of the party at Trapeang Thma. His arrest had nothing to
21 do with what he did at Trapeang Thma. So the entire premise of
22 this question is flawed.

23 MR. KOPPE:

24 I agree there were multiple -- I agree with the Prosecution that
25 the primary reason for his arrest was possibly something

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1 different. I will turn to that subject in five minutes. But I
2 think I'm entitled to ask the question if he can explain to us
3 why at the time he wasn't relieved that this vicious killer was
4 finally arrested. Why was he afraid that he himself would be
5 arrested? I think that is a proper question.

6 [13.47.24]

7 MR. PRESIDENT:

8 Counsel, please make your question as simple and clear as
9 possible, so that it is easy for the witness to respond.

10 BY MR. KOPPE:

11 I will split my question in two.

12 Q. Mr. Witness, why were you not credibly relieved that Ta Val
13 was finally arrested?

14 MR. LAT SUOY:

15 A. We were not relieved because for the military rank, if the
16 senior leaders were arrested, we would be arrested altogether,
17 and we would eventually be executed. That's why we were fearful
18 and then we tried to escape. Later on actually they arrested
19 other cadres down the rank. And then we were even more frightened
20 afterwards.

21 [13.48.35]

22 Q. But Mr. Witness, we've heard from you this morning and
23 yesterday that you were forced into the army, that you had to
24 follow orders otherwise you would be killed. You had nothing to
25 fear, isn't that true?

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1 A. I am afraid I do not understand the question clearly.

2 Q. You have been testifying that you were forced into the Khmer
3 Rouge army , that you just followed orders because otherwise you
4 would be killed. We know Ta Val was a vicious killer himself, he
5 was arrested yet you yourself were afraid to be arrested. I just
6 don't understand.

7 A. Frightened of being arrested because we were the soldiers
8 subordinate to Sector 5 and in the Northwest Zone. And once the
9 Southwest Zone came, they arrested the cadres in the Northwest
10 Zone. So we were frightened of being arrested and killed by the
11 Northwest Zone.

12 [13.50.24]

13 Q. Let me ask it differently and then I will move to a different
14 subject. Were you yourself like Ta Val a vicious killer?

15 MR. PRESIDENT:

16 Mr. Prosecutor, you have the floor.

17 MR. LYSAK:

18 There is no basis for putting this question to this witness. And
19 again, it's based on a ridiculous premise that Pol Pot and Nuon
20 Chea were arresting Ta Val because he was a vicious killer. That
21 had absolutely nothing to do with it. This question -- there's no
22 basis to be asking this witness whether he was a vicious killer.
23 If you want to ask factual questions, great. Your engaging in an
24 argument.

25 [13.51.38]

1 MR. KOPPE:

2 I think it's a factual question. Were you a vicious killer, yes
3 or no? You can say no, I wasn't. Then I'll move on to the next
4 subject.

5 (Judges deliberate)

6 [13.52.00]

7 MR. PRESIDENT:

8 Counsel, please move on.

9 BY MR. KOPPE:

10 Let me now turn maybe to another reason why you were fearful of
11 being arrested, Mr. Witness. Let's talk about the hiding of
12 weapons that you were referring to earlier in your testimony. Do
13 you recall what kind of weapons were being hid in the forest?

14 MR. LAT SUOY:

15 A. The weapons were not buried in the undergrounds, but actually
16 because the troops were stationed in the forest and then they
17 actually keep those weapons in the forest. When we talk about
18 hiding the weapons, we mean that they actually hid themselves
19 together the weapon in the jungle.

20 Q. That's fine, Mr. Witness. But my question was, what kind of
21 weapons were they? Were they machine guns, pistols, heavier arms
22 or -- can you give us some explanation?

23 [13.53.48]

24 A. Weapons include the 80 -- the machine guns and different kinds
25 of other rifles. And then they stationed in the Kaun Khlaeng

1 jungle. And they stationed there for about half a month. And then
2 they withdrew to Svay and they also brought together with their
3 machine guns. And then at that time, the Southwest Zones lured
4 them to surrender themselves and then they could arrest all of
5 them eventually.

6 Q Where did these weapons originally come from?

7 A. That I do not know. I only saw them with the weaponries when
8 they left Svay.

9 Q. Have you ever heard of weapons, arms, etc., in a number of
10 thousands taken from former Lon Nol military in April '75 and
11 then hid in secret places in the forest?

12 A. That I did not have the knowledge of because I was very young
13 at the time. I only knew that when I started joining the mobile
14 unit and when I joined the army later on, I learn about that.

15 [13.55.46]

16 Q. And the weapons that you do know about, do you know when you
17 first heard about the existence of these weapons that were
18 somewhere in the jungle?

19 A. Before the arrival of the Southwest Zone cadres. It was before
20 the arrival off the Southwest Zone.

21 Q. Did you know beforehand that the Southwest Zone cadres would
22 be coming to the Northwest Zone?

23 A. Before they arrested Ta Nhim, the sector was aware of that.
24 They fled into the jungle and they brought together with them
25 weaponries and hid themselves in the jungle.

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1 Q. My question was did you or others know that before cadres of
2 the Southwest Zone were coming to the Northwest Zone -- sorry, I
3 will rephrase. Did you know it beforehand? So before they came
4 from Phnom Penh, did you know that they would be coming?

5 [13.57.40]

6 A. The arms and weaponries that they actually hid in the forest
7 were done before the arrival of the Southwest Zone cadres.

8 Q. Is it then correct, Mr. Witness, that the proposition of the
9 Prosecution that these weapons were there to protect you from the
10 Southwest Zone cadres is not correct, because at the time you
11 didn't know that they would be coming in the first place?

12 A. Before the arrival of the Southwest Zone cadres in Sector 5--
13 (Short pause)

14 [13.59.00]

15 Q. I'm not sure if I heard the answer. But I'll move on because I
16 have many other questions. He answered? I'll move on, Mr.
17 Witness. Let me turn to the question of currency and money. Now
18 you, before the lunch break, answered the question as to when you
19 saw the currency or when this currency was issued. You said, two
20 months before the Vietnamese arrived. Now we all know that the
21 Vietnamese arrived end '78 beginning '79. However, in your
22 statement to DC-Cam, you said it was Ta Nhim himself who issued
23 the currency. And we all know that Ta Nhim was arrested in May
24 '78. And you also said in your statement that soon after the
25 issue of this currency, East Zone cadres were being arrested. Now

1 is it -- and that would be sometime in May or June '78. Is it
2 possible that you are mistaken, that the currency was issued in
3 fact in the beginning of 1978?

4 A. Nobody actually knew about the notes, even the villagers. And
5 only the soldiers -- only a soldier who brought in the bank note
6 knew about it. And I asked him to see what it looks like. And he
7 showed that to me and that we would get wage in the form of the
8 currency. And that's how I saw the note. The note had a peasant
9 working in a field and peasants carrying hoes.

10 Q. Mr. Witness, before I go to ask you questions about how those
11 notes look like, I want to ask you a question about who issued
12 this currency. You said earlier that it was the Southwest Zone
13 cadres who issued these notes. In your statement, you said that
14 it was Ta Nhim. Ta Nhim is as we know the chief of the Northwest
15 Zone. So who was it that issued this currency? Was it the
16 Southwest Zone cadres or was it Ta Nhim?

17 [14.02.06]

18 MR. PRESIDENT:

19 Mr. Deputy Co-Prosecutor, you have the floor.

20 MR. LYSAK:

21 Yes, thank you, Mr. President. I'd just ask the question be more
22 specific. Issued -- asking when or who issued currency is rather
23 vague. There's two different things here: who originally printed
24 this currency or is he asking who was giving it to the soldiers?
25 Those are two different things. So I'll just ask counsel to be

1 more specific in his question.

2 BY MR. KOPPE:

3 I agree that the term issues may be a little, what's the word --

4 I'll use another word. When was it that Ta Nhim gave the currency

5 to the soldiers? When did the soldiers -- when did you see these

6 bank notes?

7 [14.03.18]

8 MR. LAT SUOY:

9 A. I saw the bank note in late 1977. However, allow me to clear

10 -- to provide you a clear event that I did not know how that

11 soldier got the bank note. And he only showed us one bank note.

12 Q. I now know again why I used the word issued instead of gave.

13 Let me in this respect read, Mr. President, an excerpt from the

14 witness statement and then ask if that's correct. That is his own

15 statement before DC-Cam, E3/9060, English ERN, 00728746; and

16 Khmer ERN, 00733051. There's first a question about a Chinese

17 diplomatic being murdered. I'll get to that as well. Then you

18 say, "No, Ta Nhim did not know about it. He planned to reform

19 society."

20 "Oh", says the interviewer.

21 And then you say, "He planned to get people to do business, and

22 that's why the currency was printed."

23 "Oh."

24 "He was printing the money so that people could buy products from

25 the cooperatives."

1 So, Mr. Witness, in your own statement you talk about Ta Nhim
2 printing the money in order to have people do business again.
3 Does that refresh your memory?

4 [14.05.12]

5 A. While Ta Nak was there, he said that business will be
6 reorganised again in the cooperatives and that bank notes would
7 be circulated. And that the upper echelon would give salary to
8 soldiers. And it is my understanding that the upper echelon
9 referred to Ta Nhim and those who worked in Phnom Penh.

10 Q. But did you hear yourself say -- did you hear yourself, Ta
11 Nhim say that he was giving money to soldiers and the people in
12 the cooperatives?

13 A. I only heard from my other colleagues -- that is, people who
14 were in the same position as mine. But the announcement was not
15 yet made by the senior level.

16 [14.06.44]

17 Q. Let me read another excerpt, Mr. Witness, from your statement,
18 English ERN, 00728739; and Khmer, 00733042 and 043.

19 "I saw", that's what you say, "the currency with my own eyes. We
20 talked amongst the soldiers. A private would get 25 riels and
21 those in higher ranks got from 30 to 50. The currency disappeared
22 sometimes. The currency was seen locally. Yes, issued locally.
23 One month after it was issued, the arrests of the easterners were
24 heard about. First, there were arrests in the Eastern Zone. When
25 the Eastern Zone arrests happened, Ta Nhim understood the

1 situation. And that's why he told Ta Hoeng to mobilise troops and
2 fled to the forest. The intention was to fight against the
3 southwesterners, against Takeo, but Ta Mok took action first. Ta
4 Mok was fast and got Nhim to a meeting."

5 Question: "That means the currency had arrived in Phnum Srok?"

6 "Yes."

7 Question: "Did you see that currency?"

8 "Yes, I saw the currency. It had the sign of a cow and a plough."

9 Question: "That must be Lon Nol's currency with the sign of a cow
10 and a plough."

11 You answered, "No, no. No, not currency from the old region. The
12 currency had a bronze colour and it was this big."

13 "What did you see written on it?"

14 "Cow."

15 "No, I'm not talking about a writing. Was Lon Nol or Democratic
16 Kampuchea written or what?"

17 "I did not notice the writing. I noticed the picture of a person
18 wearing a scarf on their head."

19 [14.08.52]

20 Mr. President, I would like to show the witness, with your leave,
21 a coloured copy of bank notes both from the Lon Nol regime and
22 bank notes which were intended to be used in the DK regime. In
23 the case file, there is a document, E190.1.404. It's a page from
24 a book of an author, Margaret Slocomb. It's called "An Economic
25 History of Cambodia in the Twentieth Century". However, these are

1 black and white pages in that book of the currency. And we have
2 produced a coloured version of these notes. I have for all
3 Parties and for the Chamber a coloured version of the bank notes
4 and I would like to show them to the witness and ask if he
5 recalls what he has seen when he talks about this currency.

6 [14.10.36]

7 MR. PRESIDENT:

8 The Deputy Co-Prosecutor, you have the floor.

9 MR. LYSAK:

10 Thank you, Mr. President. I think this issue could have been
11 notified at least by email, so that we had a chance to look at
12 what it is that counsel wants to represent was the printed
13 currency of the Khmer Rouge versus the printed currency of the
14 Lon Nol regime. If he wants to provide it to us and come back to
15 this issue after the break, we can look at it. If this is
16 legitimate, these are legitimate representations, this might be
17 useful. But I think the Parties need to have an opportunity to
18 examine this before counsel starts using it with witnesses.

19 MR. KOPPE:

20 I have no problem at all to give the Chamber and the Parties both
21 the ERN black and white version and the coloured version, and
22 then get back to it after the break. I have no problem.

23 MR. PRESIDENT:

24 Judge Lavergne, you have the floor.

25 [14.11.57]

1 JUDGE LAVERGNE:

2 Mr. Koppe, may I ask you why you are doing this in the last
3 minute? Couldn't you have prepared for this earlier because you
4 didn't come up with this idea suddenly? You could have made a
5 request earlier. These bills are not new documents. I think it is
6 possible that you knew about this long before today. And my
7 question is, why did you not make an application earlier?

8 MR. KOPPE:

9 Well, we put on the interface these documents with the black and
10 white pages. And we just thought it would be very helpful because
11 it's only one page.

12 [14.12.56]

13 JUDGE LAVERGNE:

14 Now, Mr. Koppe, did you place in the interface the pages with the
15 bank notes, the coloured bank notes, since we are not talking of
16 the same bank notes?

17 MR. KOPPE:

18 Well, I've never actually put anything myself on the interface.
19 But I understand that something if it's not on the case file, you
20 cannot put it on the interface. So that's technically not
21 possible. However, I think I'm doing the same thing you did
22 earlier in Case 002/01, Judge Lavergne, when you were showing
23 witness, Al Rockoff, photos that you had downloaded from
24 internet. So, basically doing the same thing. And I think the
25 bank notes are on the case file, just only in black and white,

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1 and I thought it would be helpful to show a colour version.

2 JUDGE LAVERGNE:

3 In future, it would be perhaps better to follow the rules
4 regarding placing new documents on the case file.

5 MR. KOPPE:

6 But like I said, that's technically not possible because this is
7 not on the case file. So Mr. President, with your leave, I'm
8 happy to give the colour version of the black and white ERNs to
9 the Parties, and then I could revisit the issue after the break.

10 [14.14.39]

11 MR. PRESIDENT:

12 Yes, and you may proceed with your line of questioning.

13 BY MR. KOPPE:

14 Thank you, Mr. President.

15 Q. Mr. Witness, on a few occasions, you have provided a reason
16 for the arrests of people like Ta Val, Ta Maong, Ta Hoeng. And
17 you said that they were arrested because they were traitors, they
18 had betrayed Angkar. What exactly do you mean with the word
19 treason? What was considered to be treason?

20 [14.15.35]

21 MR. PRESIDENT:

22 The Deputy Co-Prosecutor, you have the floor.

23 MR. LYSAK:

24 I think counsel's misstated the witness's testimony. The witness
25 didn't say that he believed they were traitors. The witness said

1 that the Southwest Zone accused them of being traitors. That's a
2 rather big difference and I think counsel has to take that into
3 account in his questionings.

4 BY MR. KOPPE:

5 I have no problem in reformulating.

6 Q. Mr. Witness, you testified that Ta Val and others were
7 arrested because they were accused of being traitors. Did you
8 hear at the time what it was that they had allegedly done in
9 order for the southwestern cadres to call them traitors?

10 MR. LAT SUOY:

11 A. They accused Ta Val of being traitors. And actually the
12 accusation applied to the whole group -- that is, to the
13 northwest group. And I was wondering what they meant when they
14 accused us of being traitors. For me I did not understand at the
15 time. I did not know about the policy of this later group.

16 [14.17.21]

17 Q. Let me read an excerpt, Mr. Witness, from your statement. You
18 were asked a question about Eastern Zone forces and in your
19 DC-Cam statement -- that is, on English ERN, 00728748; and Khmer,
20 00733054. You said as follows: "Yes, because the Eastern Zone was
21 about to flee to the forest in order to join forces with the
22 northwest. The friendship between these two zones was meant to
23 crush the southwest to extinction in order to re-establish the
24 revolution. That included conducting business among
25 cooperatives."

1 What you said there to the investigators, is that somehow
2 connected maybe with the accusation of treason or you don't know?

3 A. On the accusation by the southwest group, I did not know the
4 reason. I only knew that people talked that the southwest group
5 would come to take over the northwest group as the northwest
6 group was accused of being traitors.

7 [14.19.17]

8 Q. But have you ever heard whether the treason allegedly
9 committed by the Northwest Zone troops together with the East
10 Zone troops, consisted of starting an armed rebellion, takeover
11 power from the centre, maybe even issuing new currencies, all
12 this, was that what the treason was about, do you remember? The
13 accusation of treason was--

14 MR. PRESIDENT:

15 Deputy Co-Prosecutor, you have the floor.

16 MR. LYSAK:

17 I think counsel was clarifying his question at the end but I
18 think it's important that if he's asking this question, he's
19 asking whether he was ever provided with specifics by the
20 Southwest Zone cadres or someone else as to the basis for the
21 treason. If that's the specific question, I think it's fine. If
22 he's trying just to fish and put words in the mouth of the
23 witness, then I think the question is leading.

24 [14.20.41]

25 BY MR. KOPPE:

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1 I'm in a good company, Mr. Prosecutor. But I think I changed my
2 question at the very last moment.

3 Q. The starting of an armed rebellion, collection of arms in the
4 forest, mobilising of troops, issuing of new currency,
5 establishing of markets, etc., were these things that you ever
6 heard when you heard about the accusations? Were these the
7 accusations of the Southwest Zone cadres?

8 MR. LAT SUOY:

9 A. I only heard about the accusation that the southwest accused
10 the northwest group of being traitors. And that's I only heard
11 about it. And about two months after I heard about it, the
12 southwest group arrived. And that's when Ta Nhim and his group
13 started to disappear.

14 [14.22.22]

15 Q. But, Mr. Witness, you yourself have been fighting against
16 Southwestern Zone forces. Can you really not recollect what the
17 substantial basis was for the accusation of treason? Have you
18 never heard anything like that?

19 MR. PRESIDENT:

20 Deputy Co-Prosecutor, you have the floor.

21 MR. LYSAK:

22 Thank you, Mr. President. This is repetitive. He's asked this a
23 number of times. The witness has told him what he was told and
24 he's told him that's all -- all he knows. To keep asking him and
25 to suggest as if there was some Court process in which it was --

1 people were actually -- charges were actually publicly announced,
2 we all know that's not the case. So I think the question is
3 repetitive. The witness has told him what he knows already.

4 BY MR. KOPPE:

5 I'll move on, Mr. President.

6 Q. Mr. Witness, you also spoke in your statement to DC-Cam about
7 the murder of a Chinese diplomat or at least that you heard a
8 rumour about this. What is it that you recall about that?

9 [14.23.55]

10 MR. LAT SUOY:

11 A. I heard the sector soldiers saying that the northwest group
12 actually killed that Chinese and for that reason they were
13 accused of being traitors. But personally I never saw any Chinese
14 coming to the Northwest Zone.

15 Q. Have you heard what would have been a possible reason for the
16 murder of a Chinese diplomat by Northwestern Zone troops?

17 A. I was not aware of that at the time.

18 [14.24.55]

19 Q. Let me revisit the issue that was just objected to and let me
20 formulate it differently, Mr. President. I will read, Mr.
21 Witness, a small paragraph which I just read earlier as well to
22 you from your statement, 00728748, in English ERN; Khmer,
23 00733055. "The friendship between the Eastern Zone and the
24 Northwest Zone was meant to crush the Southwest to extinction in
25 order to re-establish the revolution." Now Mr. Witness, these are

1 your words. What exactly do you mean, "to crush the Southwest to
2 extinction in order to re-establish the revolution, that was the
3 reason for the friendship of these two zones"? What is it that
4 you mean?

5 A. When the East and the Northwest group joined hand upon hearing
6 the accusation made by the southwest and the East Zone came to
7 discuss the matter with the northwest, and that's how it
8 happened.

9 Q. But your statement is: "the friendship between these two zones
10 was meant to crush the southwest to extinction in order to
11 re-establish the revolution." What then did you mean with the
12 words, "to re-establish the revolution"?

13 A. I never said anything about establishing a revolution. What I
14 said at the time was that the two zones collaborated with one
15 another after there was an accusation that the Chinese was
16 murdered. That's the limit of my knowledge.

17 [14.27.49]

18 Q. But in your statement to DC-Cam, you elaborated on
19 re-establishing the revolution because you say, "that included
20 conducting business among cooperatives". What does that mean?

21 A. The northwest group actually wanted to turn the society around
22 so that people would have adequate means of living and to
23 re-establish businesses at the cooperative level with this
24 bartering system or exchanges. And later on, the matter came to
25 the awareness of the southwest group and they came to take

1 control and arrested those northwest cadres. They accused the
2 northwest cadre of being traitors.

3 Q. Did you hear Ta Val ever speak about re-establishing the
4 revolution, crushing the Southwest Zone cadres?

5 [14.29.28]

6 A. By that time, I was no longer with Ta Val. I was reassigned to
7 work with the Phnum Srok district military. And in fact, I
8 learned about that from Ta Nak who relayed certain information to
9 his subordinates. We were told that they will restructure the
10 cooperative so that there will be -- would be markets and that
11 wages would be given to soldiers and to all cadres across the
12 field.

13 Q. I might get back to that, Mr. Witness. Let me go to another
14 subject -- that is, in your possible conversations that you had
15 yourself with Southwest Zone cadres. Did you ever talk to women,
16 female cadres coming from the Southwest Zone?

17 A. I had an argument with a female named Nget from the Southwest
18 Zone. She was chief of cooperative of Ta Paen (phonetic)
19 cooperative. Actually, I went up to her house and I forgot to
20 take off my shoes. And then the southwest group arrested me and
21 wanted to send me away to be killed. And at 12.00 a.m., I
22 actually resisted their arrest, I fought them back using my old
23 Khmer traditional martial arts. I fought them off and then I fled
24 up to the mountain, Preah Netr Preah mountain. Then about 2.00
25 a.m. that early morning, I left Preah Netr Preah mountain and

1 returned to my native village.

2 [14.31.51]

3 Q. I think you've told us the story already but did you also
4 like, as a man, women from the Southwest Zone?

5 A. No, I never like them. But after all, I did not know them. And
6 in addition, the Southwest Zone cadres alleged the Northwest Zone
7 cadres as the traitors.

8 Q. Allow me to maybe refresh your memory a little bit, Mr.

9 Witness. English ERN, 00728745; Khmer, 00733049 and 50.

10 Question: "How many southwesterners did you know, can you give
11 their names?"

12 Answer: "I knew some. I was quite flirty."

13 "How?"

14 "I was flirty and at that time, it meant many wives."

15 "Yes?"

16 "During that time, I was single and I was talkative."

17 Does that refresh your memory, Mr. Witness?

18 A. I knew the Southwest Zone lady by the name of Nget, Tha
19 (phonetic), Choeun (phonetic). And I have forgotten some of their
20 names. These are the names that I can recall.

21 [14.33.56]

22 Q. And do you remember when you were being flirty with a
23 southwestern female cadre, whether you heard during conversations
24 what the reason was for the arrest of cadres like Ta Val?

25 MR. PRESIDENT:

1 This questions is not relevant. Could you please reformulate your
2 question so that it is relevant to the topics?

3 BY MR. KOPPE:

4 I will leave the flirty thing out, Mr. President. Sorry.

5 Q. When you spoke to Southwest Zone female cadres, did you ever
6 hear in conversations reasons for the arrest of cadres like Ta
7 Val?

8 MR. LAT SUOY:

9 A. No, I never heard of it. They generalised at the time when
10 people alleged the Northwest Zone as traitors. They generalised
11 that everyone was traitor in the Northwest Zone.

12 MR. KOPPE:

13 Mr. President I'm -- I think I am through most of my questions
14 except the ones in relation to the money. Maybe this would be a
15 good moment to have a break and then return after the break with
16 questions on the money.

17 [14.35.44]

18 MR. PRESIDENT:

19 Thank you, Counsel. The time is now appropriate for adjournment.

20 The Chamber adjourns now and resume at 3 p.m.

21 Court officer, please assist the witness during the break and his
22 duty counsel as well. And following the break, please have them
23 back in this courtroom at 3 p.m.

24 The Court is now adjourned.

25 (Court recesses from 1436H to 1459H)

1 MR. PRESIDENT:

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

3 And Counsel Koppe, you may resume your questioning.

4 MR. KOPPE:

5 With -- with your leave, Mr. President, I would like to give the

6 Court officer a copy of the coloured version of the banknotes.

7 Let me take the opportunity that the black and white version also

8 has an E3 number, just for the completeness of the record. It's

9 E3/4535, and has the same ERN numbers.

10 MR. PRESIDENT:

11 Deputy Co-Prosecutor, you have the floor.

12 MR. LYSAK:

13 Yes, Mr. President. I'll be a little careful in my observations,

14 because I don't want to say certain things with the witness here.

15 These are copies that represent the pages from this book. On the

16 other hand, so if the Court is inclined, I think it's okay to

17 show this to the witness. I think that there's some limited value

18 because there's -- what's going to be shown to the witness only

19 includes two of the notes from the Khmer Rouge period, so this

20 doesn't include all possibilities of the notes that the witness

21 might have seen. Nonetheless, rather than postponing and delaying

22 this any further, I think that if the Court is inclined, we have

23 no objection to showing it to the witness in case he can

24 recognize what one of these -- but I would also note that the one

25 -- the one that probably closest matches the description, some of

1 these are not of equal quality. That said, this may be useful, so
2 we would have no objection.

3 [15.02.14]

4 MR. KOPPE:

5 I'm not quite sure what the last suggestion means. What we have
6 done in our team, Mr. President, is to take those notes which
7 resemble his statements as much as possible, so that's why we
8 took these particular banknotes. So, with your leave, I would
9 like to show the witness these banknotes.

10 MR. PRESIDENT:

11 Court officer, please take the document from the Defence Counsel
12 and show it to the witness.

13 (Short pause)

14 [15.03.53]

15 MR. KOPPE:

16 Q. I would prefer if counsel refrains from speaking to the
17 witness. Mr. Witness, I will just ask you an open question. Is
18 there anything that you can say, having just seen these
19 banknotes?

20 MR. PRESIDENT:

21 Deputy Co-Prosecutor, you have the floor.

22 MR. LYSAK:

23 Thank you, Mr. President. I think if we're going to go through
24 this exercise, Counsel should ask a more intelligible question,
25 which I assume he did this so that he would ask the witness, "Is

1 one of these -- does one of these represent what you saw back in
2 1978?" Rather than "What do you think about this?" So, I would
3 ask that he ask a more specific question, if this is going to be
4 a valuable use of Court time.

5 BY MR. KOPPE:

6 Q. Well, I didn't ask that question on purpose, because we don't
7 know what exactly he saw. So I think I should ask it as open as I
8 can. Because, there's a third possibility. So I think the only
9 proper way to ask this question is, can you tell us please, Mr.
10 Witness, what you see on that paper?

11 [15.05.37]

12 MR. LAT SUOY:

13 A. The banknote that I saw was a 10 riel banknote, and there were
14 two people appearing on a side. On one side of the note, carrying
15 the hoes.

16 Q. Let me now then ask a specific question. Mr. Witness, you see
17 on one page a red, reddish-coloured banknote with 1975 written on
18 it, and with the notes 10 on it. It's a 10 riel note, so it
19 seems. Is this the banknote that you remembered? Or is this a
20 different one?

21 A. The note that I saw showed -- depicting one person harvesting
22 the crop, while another one was standing, carrying a hoe.
23 However, in this banknote before me, there are many -- several
24 peasants appearing.

25 [15.07.20]

1 Q. How about the other notes on that same page? Mr. Witness, do
2 you recognize any of these notes?

3 A. The banknote with a lady carrying a pot on her head belongs to
4 the Lon Nol regime, and the other banknote also was circulated
5 during the Lon Nol regime.

6 Q. That's indeed on one page, one side of the page, the
7 green-coloured notes. But now, turning to the other side, the
8 reddish-looking notes, do you recognize any of these?

9 A. I think the note that I saw was similar to this reddish-colour
10 banknote. However, here it seems that more people appear on the
11 banknote.

12 Q. And when you say--

13 MR. PRESIDENT:

14 Judge Lavergne, you have the floor.

15 JUDGE LAVERGNE:

16 Pardon me. In order for this to be properly noted, the witness
17 has just said that he remembers that some of the banknotes were
18 similar to those in the ERN 00685868, unless I am mistaken.

19 BY MR. KOPPE:

20 Q. That's how I understood it as well, Judge Lavergne. However,
21 he added, I think, that he remembered less people ploughing. What
22 about the other three notes that you see on that same page? Do
23 you -- Do any of these look familiar to you?

24 [15.10.28]

25 MR. PRESIDENT:

1 Deputy Co-Prosecutor, you have the floor.

2 MR. LYSAK:

3 I think this exercise has almost reached the end of its
4 usefulness. Asking if they look familiar doesn't tell us
5 anything. The witness has already said he recognizes two of them
6 as currency that was in use in the prior regime, so he is
7 familiar with them. That doesn't answer -- help us here. So,
8 unless counsel has some different questions, I think the witness
9 has told us the best he can. Counsel didn't get all of the
10 available notes, which would be the only way for us to go any
11 further than this. So, I think the exercise has reached the end
12 of its use to this Court.

13 [15.11.09]

14 BY MR. KOPPE:

15 I'm afraid I don't agree. I think the witness is already saying
16 things. What I'm trying to establish, Mr. President, is whether
17 the notes that he saw were indeed the DK notes printed just
18 before April '75, or whether possibly he saw different notes,
19 printed by Ros Nhim in the Northwest Zone. So that's what I'm
20 trying to establish, so I think my question is proper.

21 Q. In relation to the other three notes that you see on that
22 page, Mr. Witness, do you recognize any of them?

23 MR. PRESIDENT:

24 Deputy Co-Prosecutor, you have the floor again.

25 [15.12.07]

1 MR. LYSAK:

2 Again, Mr. President, the same objection. If he really wanted to
3 establish this, he would have needed to prepare and have all of
4 the notes that the Khmer Rouge issued before the witness, because
5 we're not going to be able to establish anything without having
6 all of the notes. And asking him whether he's familiar with
7 currency from the prior regime, he is familiar. So that's not
8 going to establish anything.

9 MR. KOPPE:

10 Mr. President, to respond. In his DC-Cam statement, he says on
11 00728747, ERN in English; and Khmer, 00733053 and 52. "I do not
12 know. My superiors showed us the currency, and said that the
13 currency would be issued and used. I saw the scarf on the head, a
14 plough, and the money was red. It was bronze. The colour was
15 similar to this wood. I was shown three notes. All of them were
16 10 riel notes. One 10 riel note, one 20 riel note. Ah, sorry. He
17 says two 20 riel notes." So, he says that he saw a 10 riel note,
18 which is the one that we might have here. At least we have a 10
19 riel note from the DK printed money. If it's the same as the one
20 he saw, that's something that we have to establish.

21 [15.13.50]

22 MR. PRESIDENT:

23 The objection raised by the Prosecution is overruled, and Mr.
24 Witness, you are instructed to respond to the question by the
25 defence counsel. And Defence Counsel, please repeat your last

1 question.

2 BY MR. KOPPE:

3 Q. Mr. Witness, you just said something about this third note
4 here. Now I would like to ask you if you recognize those first
5 two notes, the top one and the second one?

6 MR. LAT SUOY:

7 A. I am not familiar with the second note. Also, I am not
8 familiar with the other note. The note that I was shown was a 10
9 riel note, in reddish colour, and there was a woman with a scarf
10 on her head, and she was harvesting crops in the field, while
11 another man -- while a man was carrying a hoe. And he was
12 actually digging the paddy field with the hoe.

13 Q. So then, returning to that third note on this page, what
14 you're describing doesn't seem to correspond--

15 [15.15.35]

16 MR. PRESIDENT:

17 Defence Counsel, please move on.

18 MR. KOPPE:

19 Q. Well, my last question, I had arrived there, Mr. President.

20 I'm just trying to establish if that note that you saw, the third
21 note, wasn't how you remembered it, because you spoke about, not
22 multiple persons ploughing. And also, I didn't hear you say
23 something about a soldier on the note that you remembered. Is
24 that correct?

25 MR. LAT SUOY:

1 A. I never said that. I don't recall that I said anything to that
2 effect.

3 Q. Then my only last question is: is that third note the note
4 that you remember seeing in '77, '78? Or isn't it?

5 A. The note that I saw had a similar reddish colour, but it had
6 less people in it.

7 [15.17.12]

8 Q. Thank you, Mr. Witness. My very last subject, and I only have
9 a few questions, and that is a question about your wife. You told
10 the DC-Cam investigator that your wife was the chief of the
11 district's medics. Is that correct?

12 A. My wife worked at the Phnom Srok district medical unit.

13 Q. Do you remember when she became the chief of the district's
14 medics?

15 MR. PRESIDENT:

16 Counsel, your question is out of the scope of facts being debated
17 here.

18 [15.18.31]

19 MR. KOPPE:

20 I am not sure if I understand, Mr. President. The reason I'm
21 asking, I'm happy to clarify. The reason I'm asking about his
22 wife being the chief of the district's medics, is if he has any
23 knowledge of the way medicines were being dealt with, the way the
24 health care was being dealt with in the district. There's all
25 kinds of questions about health and disease, etc., and I was

1 wondering whether he, because his wife had a position as chief of
2 the district medics, whether he is able to say -- to tell us
3 anything about this. So I think it's within the scope. So, if you
4 allow me to continue, Mr. President?

5 [15.19.32]

6 MR. PRESIDENT:

7 Counsel, you may proceed.

8 BY MR. KOPPE:

9 Q. Thank you, Mr. President. My question was, Mr. Witness, do you
10 remember when she became the chief of the medics of the district?

11 MR. LAT SUOY:

12 A. I cannot recall that. It was after 17 April 1975, and she
13 became the district chief of the medics. And at that time, she
14 was not -- I wasn't -- I did not marry her yet. Only about a
15 month after, she was reassigned to work in the cooperative. That
16 was the regulation at the time -- that is, she was reassigned
17 after she got married.

18 Q. And do you know whether she had a medical background, in the
19 sense that she had a medical education?

20 A. I did not know for sure about her medical background.

21 Q. Do you know whether she was involved in the treatment of
22 people who got sick while having worked at the Trapeang Thma
23 worksite?

24 [15.21.40]

25 A. When I went to visit her, I saw her treating patients in that

1 hospital.

2 Q. And do you remember anything about the way she was treating
3 patients? Was she using traditional medicine? Or was she using
4 other medicine?

5 A. The treatment for those patients was actually based on
6 traditional way of treatment. They relied on herbs, and they
7 actually moulded herbs to make pellets for patients to swallow.
8 And they also produced liquid from the herbs for the patients.

9 Q. Although you don't know exactly what her education was, but do
10 you remember when you saw her at work whether she was qualified
11 to treat the patients? Did the patients get better after her
12 treatment?

13 A. What I saw was that patients in severe condition could be
14 recovered, since she was gentle to the patients and she provided
15 them with treatments, with medicines. And then they recovered.

16 [15.23.46]

17 MR. KOPPE:

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

19 MR. PRESIDENT:

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

22 QUESTIONING BY MS. GUISSÉ:

23 Q. Thank you, Mr. President. Good afternoon, Witness. My name is
24 Anta Guisse, and I am International Co-Counsel for Mr. Khieu
25 Samphan. I have a few questions to put to you, and my colleague,

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1 Kong Sam Onn, will also have a few questions to put to you
2 subsequently. I would like for starters to broach a subject dealt
3 with by Judge Lavergne yesterday during the hearing, at about
4 13.43. It's the period of April 1975, when the Khmer Rouge
5 arrived in your area. And you stated -- that was shortly before
6 13.43 at the hearing yesterday -- that about mid-1975, they
7 separated the 17 April People and sent them to different
8 districts. And in answer to another question by Judge Lavergne,
9 you stated that the people who were considered as 17 April People
10 could not be assigned in the army at the level of the sector, but
11 they could work in the district. Did I properly understand your
12 testimony? And do you confirm what I have just stated?

13 [15.25.46]

14 MR. LAT SUOY:

15 A. Please, Counsel, repeat your question. I don't fully get it.

16 Q. I will start all over, and I'll try to be as brief as
17 possible. First question: in mid-1975, did 17 April People join
18 the army?

19 A. On 17 April 1975, people were selected to join the sector
20 military. At that time they did not conduct a background search
21 on those people. And later on, for the sector military, they only
22 selected those Base People. Others would be sent or reassigned to
23 work at the Phnom Srok district. At Phnom Srok district and Preah
24 Netr Preah district, if your background was found out, that you
25 were or you had a certain level of education, you would be

1 removed from the district military and sent to work at the
2 cooperative level.

3 [15.27.36]

4 Q. Were you considered as a 17 April Person? Or a Base Person?

5 A. 17 April People refer to New People who had just been
6 liberated throughout the country on that day. And that
7 previously, or before that, they had lived in the areas under the
8 control of the Lon Nol administration. For those people who had
9 lived in the liberated zone, they were referred to as Base
10 People.

11 Q. So my question to you is as follows: to which group did you
12 yourself belong?

13 A. I belonged to the New Peoples group.

14 Q. Is it therefore correct to say that you were assigned to the
15 district army? Is that correct? If I properly understood your
16 testimony, what you're saying is that at a point in time you were
17 in the district army. Is that correct?

18 [15.29.16]

19 A. The reassignment was carried out -- was done at Svay, and my
20 group was reassigned to Phnom Srok district. That is, we were
21 removed from the sector army to go and work at the Phnom Srok
22 district, under the supervision of Ta Nak.

23 Q. Thank you for this clarifications. Now I would like to focus
24 in particular on the moment when you worked as a guard at the
25 Trapeang Thma Dam site. You answered my colleague from the civil

1 parties that you were armed when you were guarding that site, but
2 I understood from your answer that you did not know how to use
3 the weapon you had. So my question is the following: weren't you
4 trained to use the weapon that was given to you?

5 A. We were never given any military training, or how to fire a
6 weapon. We were equipped with a rifle. In fact, we asked from one
7 another about how to use the weapon, how to cock the gun, for
8 instance. There was no proper training facility given to us.

9 [15.31.12]

10 Q. And did you ever use this weapon?

11 A. I never used the weapons because I was only learning before I
12 joined the army. It was only until I joined the absolute group,
13 then I got to know the weapon.

14 Q. You said that you were part of a unit that was sent to the
15 Trapeang Thma Dam. So, did you have any kind of special position
16 within this unit, or were you just an ordinary guard?

17 A. I was a combatant in the unit. I did not have any role or
18 position. I was a normal combatant. When I was guarding over
19 there, I was not the only one. There were rotations of other
20 units as well who had to stand guard at the construction
21 worksite. When my work shift arrived, I was assigned there.

22 Q. Did you have any kind of authority over the mobile chief units
23 while you were standing guard?

24 A. At that time, when I was standing guard them, I had distinct
25 responsibility. In my unit, we had to protect the dam from being

1 broken by water. But as for other units, they had different
2 responsibilities. For example, constructing or building the dam.
3 So we never had any contacts with other people from other units.

4 Q. When you said you had no contact, does that mean that you
5 never spoke to them?

6 [15.34.18]

7 A. Yes, because as a guard, we did not have time to chit-chat
8 with anyone because we did not want to waste their time. They
9 were respectively busy with their assigned task. For instance,
10 carrying earth. So we did not have time to talk to them.

11 Q. So, is it true that when you were assigned to the Trapeang
12 Thma Dam site, you yourself never worked with the mobile units to
13 carry dirt? Is that correct?

14 A. I am sorry. I did not get your question.

15 Q. Let me rephrase it. That's not a problem. While you were a
16 guard at Trapeang Thma, you never partook in the mobile unit work
17 to carry dirt. Is that the case?

18 A. Yes, that is correct. I never partook in carrying the dirt
19 with others.

20 Q. Is it also true that you would have your meals in your
21 battalion, I think, or with your soldier colleagues? So you would
22 eat with your soldier colleagues, and you would not eat with the
23 mobile units that were working on the dam. Is that also true?

24 [15.36.39]

25 A. I did not quite catch the question.

1 Q. Well, did you eat with your soldier colleagues? Or would --
2 sometimes you would eat with the people in the mobile units?

3 A. For dining, I never ate with members of the mobile units. I
4 ate with my unit members, who were standing guard the dam.

5 Q. I'm putting these questions to you, Witness, because a certain
6 number of questions were put to you regarding the working
7 conditions, the food rations, and you provided a few answers
8 regarding this. I would like to read out to you, or confront you
9 with statements that were made by another witness who testified
10 before you. And he said that he was working as the head of a
11 sub-unit of a mobile unit, and he said things that were a bit
12 different from what you said in terms of food rations. So I'd
13 like to hear your comments about this. This is witness Kan Thorl,
14 who at the hearing of 10 August 2015, a little bit after 3.36 in
15 the afternoon, said -- and he's speaking about the food rations
16 at the dam site -- and he said the following: "At the beginning,
17 each person had three meals per day, therefore three cans of rice
18 per day." Then, a little later on he said: "Later on, the food
19 rations were reduced, and we only received two cans of rice per
20 day, and sometimes even less. Sometimes one and a half only." End
21 of quote.

22 [15.38.57]

23 So, when you were questioned about the food rations given to the
24 workers at the worksite, I understood that you were only
25 referring to one can of rice per day. So my question is: did you

1 eat with your soldier comrades? And in that case, you did not
2 know exactly what the rations were for the mobile units?

3 A. Because when I was standing guard the dam, we were given only
4 one can of rice per day. That was due to the shortage of food.
5 And sometimes we also received less ration of food. And in the
6 worst case, we did not even have rice given to us.

7 [15.40.18]

8 Q. So, if I understood you correctly, what you're speaking about
9 is your own experience as a member of the platoon at the Trapeang
10 Thma Dam site. Am I correct?

11 A. I did not talk about other people. But for the work on the
12 dam, it was my unit. We were standing guard after them on the bed
13 of the dam. But as for other mobile units, we -- I could not
14 comment on that. As for our group, sometimes we did not have the
15 rice given to us for the day, when the situation was worsened at
16 the time, and I heard from other people that others did not have
17 much food either.

18 Q. At one point in time during your stay at the dam, did you take
19 charge of a unit? Of your own unit of soldiers, or of another
20 unit?

21 [15.42.04]

22 A. I do not follow the question. I could not really understand
23 the question.

24 Q. Let me put it to you again. At any moment, did you ever take
25 charge of a unit at Trapeang Thma? Whether it be a military unit,

1 or a mobile unit, or any kind of unit?

2 A. No, I never took any roles in leading the unit. At some points
3 in time I was almost removed from my unit too, so I never assumed
4 any responsibility as the leader of the unit back then.

5 Q. I'm putting this question to you because a witness is soon
6 going to come testify, and a priori, his recollection is
7 different. This is TCW-937. In document E3/9008, French ERN,
8 01123741; Khmer, 00728838; English, 00731149; and before I read
9 out the excerpt of this testimony, I would like to have leave,
10 Mr. President, because I cannot give this witness's name. So, I
11 would like to provide him with the first page of this testimony,
12 so that he could know who this person is. So, if the Court
13 officer could provide the witness with the first page in Khmer of
14 this DC-Cam testimony?

15 MR. PRESIDENT:

16 Request granted. Court officer, please take the document from
17 counsel and present it to the witness.

18 [15.44.36]

19 BY MS. GUISSÉ:

20 Q. Witness, before I put the following questions to you, I would
21 like to let you know that we cannot read out the person's name,
22 so I underlined in orange the name of the person in question. But
23 please do not say his name. This is simply for you to know whom
24 I'm talking about. So, if now you know the name, I'm going to
25 read an excerpt of his statement to DC-Cam. And this was a

1 question that was put to him.

2 So the question is: "Did you know Chum Seng and Lat Suoy?"

3 Answer, the witness's answer: "I know Suoy, but I have almost
4 forgotten everything."

5 Question: "What did Suoy do?"

6 Answer: "He was in charge of a small unit." End of quote.

7 So my question is: were you at any given moment in charge of a
8 small unit? Yes or no?

9 MR. LAT SUOY:

10 A. I swear in front of this Court that I never -- was never in
11 charge of any unit. I did not have any role whatsoever in the
12 military. I was an ordinary combatant in the unit. If I did not
13 tell the truth, may God punish me.

14 [15.46.41]

15 Q. I am not asking for all -- requesting so much from you. I
16 simply would like to know, since you saw this person's name, if
17 you know this person? If this name rings a bell? And of course,
18 please don't speak out the name. It's a very simple question in
19 fact. If you do not remember, or if you do not know who this
20 person is, just tell us. This is not a tricky question. I'm just
21 simply asking if this name rings a bell or not.

22 A. No, I don't know this name.

23 Q. You said that in your job at Trapeang Thma, one of your duties
24 was to check that there were no cracks in the dam, and to inform
25 the site manager if necessities were -- if reparations were

1 necessary. So my question is the following; aside from informing
2 the person in charge of the worksite, did you then have to
3 accompany the teams that would come work on the cracks?

4 [15.49.05]

5 A. I reported to the upper echelon so far, before I let the unit,
6 my unit, inspect the damage on the dam, where the water broke it.

7 Q. So, must I understand that you would then not escort the units
8 that would perform the reparations? Is that what I must
9 understand?

10 A. When the mobile unit arrived, I had to accompany them to look
11 at the reparation effort, because the dam was about to be broken.

12 Q. So is it true that among your duties -- or that your duties
13 were essentially focused on the wall of the reservoir?

14 A. Well, they -- they redeployed our unit, together with the
15 mobile unit of around 100 members, to stand guard the dam at that
16 time, because we had to be careful just in case the flood would
17 damage the dam.

18 Q. Do you remember the name of the place where you were stationed
19 while you were standing guard?

20 A. I was stationed at the first bridge, in Trapeang Thma village.

21 [15.51.54]

22 Q. In your DC-Cam statement -- and I would like to ask if you're
23 speaking about the same bridge? So you say at French ERN -- this
24 is document E3/9060. French ERN, 01123683; Khmer ERN, 00733027;
25 and English, 00728728. And in answer to the question that is put

1 to you, which is the following:

2 "Were soldiers deployed all along the dam?"

3 And your answer: "No. The soldiers were deployed in one single
4 place. The dam was there, and the bridge was over there."

5 And you specified later: "It was in Sreh." S-R-E-H.

6 So, the following question put to you was: "When you would
7 inspect the dam, did you inspect all of the corners of the dam?"

8 Answer: "Yes. When it was my turn, I would walk to Kambaor." End
9 of quote.

10 So, my question is the following: where was Kambaor in relation
11 to the place where the bridge was located? And which distance did
12 you have to cover when you were guarding the Trapeang Thma
13 bridge?

14 [15.53.40]

15 A. No, I never stood guard of that place. I only stood guard at
16 Trapeang Thma Dam. When the people actually finished constructing
17 the dam, then they withdrew -- my superior withdrew my unit, to
18 be stationed in a different place.

19 Q. So, first point of clarification in relation to your answer:
20 when you say in DC-Cam statement, that you walked all the way to
21 Kambaor, what did you actually mean by that?

22 A. When I walked all the way to Kambaor, at that time I was made
23 to observe the dam. There was 10 members of us. And when I
24 reached there, then I returned to Trapeang Thma Dam. And Ta Val's
25 subordinates and unit was there, constructing the dam.

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1 Q. So must I understand that while you were guarding, you would
2 go to Kambaor only on an exceptional basis? So, most of the time
3 you were working by the bridge; is that what I must understand?

4 A. Yes, that is correct.

5 Q. And a last point of clarification; is it true, when you
6 stopped working at Trapeang Thma as a guard, you then joined a
7 mobile unit following the arrest of your chiefs? Is that what I
8 must understand?

9 A. Yes, that is correct.

10 [15.56.39]

11 Q. And can you please specify where exactly you worked in this
12 village mobile unit?

13 A. I was stationed in the village. It was called Trapeang Ampil
14 in Pong Val (phonetic). It was the home town of my wife.

15 Q. And how far was this village from the Trapeang Thma Dam site?

16 A. From Trapeang Thma worksite, it was about 5 kilometres away.

17 MS. GUISSÉ:

18 Thank you for this clarification. Mr. President, I have come to
19 the end of my first line of questioning, so maybe we could
20 adjourn now.

21 [15.57.58]

22 MR. PRESIDENT:

23 Mr. Kong Sam Onn, do you have any questions to put?

24 Thank you, Counsel. Time is now appropriate for the day

25 adjournment. The Chamber shall adjourn now and resume on 13

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1 August 2015, from 9 a.m.

2 And the hearing tomorrow, we will hear testimony of Mr. Lat Suoy
3 and complete it within the day. And we will continue with the
4 hearing of 2-TCW-937. And the Chamber invites all Parties and
5 individuals concerned to be ready for the hearing tomorrow.

6 Mr. Lat Suoy, your testimony has not yet come to an end. We
7 invite you to come here again to continue your testimony
8 tomorrow.

9 Court officer is instructed to facilitate the transfer of Mr. Lat
10 Suoy to the place where he takes the rest for the day, and then
11 have him return to this courtroom, together with his duty
12 counsel, for the hearing on the 13th of August, 2015.

13 Security guards are instructed to bring the Co-Accused, Mr. Nuon
14 Chea and Khieu Samphan, back to the detention facility, and have
15 them back to participate in the proceeding on Thursday, 13 August
16 2015.

17 The Court is now adjourned.

18 (Court adjourns at 1559H)

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