



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

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

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

24 August 2015

Trial Day 316

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
LIV Sovanna  
SON Arun  
KONG Sam Onn  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:  
Robynne CROFT  
SE Kolvuthy

Lawyers for the Civil Parties:  
Marie GUIRAUD  
PICH Ang  
LOR Chunthy  
SAM Sokong  
SIN Soworn  
VEN Pov

For the Office of the Co-Prosecutors:  
Travis FARR  
SONG Chorvoïn

For Court Management Section:  
UCH Arun

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHHUY Huy (2-TCW-915)	Khmer
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. SONG Chorvoin	Khmer
Mr. VERCKEN	French

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a witness,

6 2-TCW-915. Greffier, Ms. Se Kolvuthy, please report the

7 attendance of the Parties whom the Chamber has invited to attend

8 the proceedings today.

9 [09.04.52]

10 THE GREFFIER:

11 Mr. President, for today's proceedings all Parties to the case

12 are present except Mr. Nuon Chea, who is present in the holding

13 cell downstairs. He has requested to waive his right to be

14 present in this courtroom. The waiver has already been delivered

15 to the Greffier. The witness who is to testify today -- that is,

16 2-TCW-915, the witness says that to the best of his knowledge, he

17 has no relationship by blood or by law to any of the two Accused,

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

19 admitted to this case. The witness took an oath before the

20 Iron-Club Statue this morning, before coming to testify, and he

21 is accompanied by Mr. Moeurn Sovann as the duty counsel. And we

22 also have a reserve civil party, 2-TCCP-269, waiting today. Thank

23 you, Mr. President.

24 [09.06.08]

25 MR. PRESIDENT:

2

1 Thank you. Before inviting the witness to come to the courtroom,  
2 the Chamber would rule on the waiver of Mr. Nuon Chea. The  
3 Chamber now decides on the request by Nuon Chea. The Chamber has  
4 received a waiver from Mr. Nuon Chea, dated the 24th of August  
5 2015, which states that due to his health reason, of headache,  
6 back pain, he cannot sit or concentrate for a long time, and in  
7 order to effectively participate in the future hearings, he  
8 waives his right to participate in the proceedings today. Having  
9 seen the medical report of Nuon Chea by the duty doctor for the  
10 Accused, at the ECCC, dated the 24th August 2015, who notes that  
11 Mr. Nuon Chea has a back pain when he sits for long and  
12 recommends that the Chamber grant him his request, and allow him  
13 to follow the proceedings remotely from the holding cell  
14 downstairs.

15 So, based on the above information, and pursuant to Rule 81.5 of  
16 the ECCC Internal Rules, the Chamber grants Nuon Chea leave to  
17 follow today's proceedings remotely from the holding cell  
18 downstairs via audiovisual means for the whole day's proceedings  
19 today. So, as Mr. Nuon Chea has waived his right to be present in  
20 the courtroom, the Chamber instruct the AV unit personnel to link  
21 the proceedings to the room downstairs, so that he can follow the  
22 proceedings. And that applies for the whole day.

23 The Chamber now asks the court officer to bring the witness and  
24 his duty counsel to the courtroom.

25 (Witness enters the courtroom)

1 [09.09.39]

2 QUESTIONING BY THE PRESIDENT:

3 Q. Mr. Witness, what is your name?

4 MR. CHHUY HUY:

5 A. My name is Chhuy Huy.

6 Q. When were you born?

7 A. I was born in the Year of Dragon.

8 Q. Do you remember the date?

9 A. It was in 1957.

10 [09.10.32]

11 Q. Thank you, Mr. Chhuy Huy. Where were you born?

12 A. In Thmei village.

13 Q. Your birthplace. Please tell the Court your village, commune,  
14 district and province of Cambodia, if you were born in Cambodia  
15 back then.

16 A. In Thmei village, Nam Tau commune, Phnum Srok district,  
17 Banteay Meanchey province.

18 Q. How about your current address? Where are you currently  
19 residing?

20 A. In the same village and commune. Thmei village, Nam Tau  
21 commune.

22 Q. Is it the same? The same village and commune?

23 A. Yes, that is correct. In the same village.

24 Q. So then, at that time, it was not in Banteay Meanchey  
25 province. In the previous regime, it was actually in Battambang

4

1 province. So your birthplace at that time was in Battambang  
2 province. It was not in Banteay Meanchey province.

3 [09.12.31]

4 A. Yes, that is correct. It was, back then, in Battambang  
5 province.

6 Q. What is your current occupation?

7 A. I am a rice farmer, Mr. President.

8 Q. Thank you. How about your parents? What is your father's and  
9 mother's names?

10 A. My father's name is Nhep Chhuy, and my mother's name was Nhep  
11 Soeun.

12 Q. How about your wife, what is her name? And do you have any  
13 children?

14 A. My wife's name is Chhoeung Tek, and we have got six children.

15 [09.13.29]

16 Q. Thank you, Mr. Chhuy Huy. Based on the report by the greffier  
17 just now, you are not related by blood or by law to the  
18 Co-Accused, Mr. Nuon Chea and Mr. Khieu Samphan, or the civil  
19 parties admitted to Case 002; is that correct?

20 A. That is correct.

21 Q. And the greffier also says that you have already taken an oath  
22 before you come to testify before us; is that correct?

23 A. Yes.

24 Q. Now, I advise you in your capacity as the witness before the  
25 Chamber, Mr. Chhuy Huy. As the witness in the proceeding before

5

1 the Chamber, you may refuse to respond to any question or to make  
2 any statement which may incriminate you. That is the right  
3 against self-incrimination. As for your obligations, Mr. Chhuy  
4 Huy, as a witness in the proceedings before the Chamber, you must  
5 respond to any questions by the Bench or relevant Parties, except  
6 where your response or statement to those questions may  
7 incriminate you, as the Chamber has informed you of your right as  
8 a witness. You must tell the truth, and nothing but the truth,  
9 that you have known, heard, seen, remembered, experienced or  
10 observed directly about an event or occurrences relevant to the  
11 questions that the Bench or Parties pose to you. Mr. Chhuy Huy,  
12 have you ever provided any testimony or interview to the  
13 investigator of the Office of Co-Investigating Judges? If you  
14 have, how many times have you done it? And where did they take  
15 place?

16 [09.15.47]

17 A. I did it once in Thmei Khang Tboung village.

18 Q. When was it?

19 A. I do not recall it.

20 Q. Thank you, Mr. Chhuy Huy. Before coming to testify before the  
21 Court today, have you reviewed or revisited the record of  
22 interview when you gave to the investigator in Thmei Khang Tboung  
23 village?

24 A. That I do not recall. I have forgotten most of it.

25 [09.16.39]



6

1 Q. But have you reviewed or read, or have you got anybody read  
2 back to you the record of interview you gave in Thmei Khang  
3 Tboung village, before you come here?

4 A. I have read, but after reading it, I have forgotten most of  
5 it.

6 Q. So after reading, to the best of your recollections, can you  
7 tell the Court that the record of interview of your -- that you  
8 conducted at Thmei Khang Tboung in Thmei village, is it  
9 consistent with what you told the investigators back then?

10 A. Yes, I agree. It's consistent with what I said with the  
11 investigator at the time.

12 Q. Mr. Chhuy Huy, now you have one duty counsel that is appointed  
13 by the Chamber through the Witness and Support Section in  
14 accordance with your request, Mr. Moeurn Sovann. And have you  
15 consulted with your duty counsel, before you came to the  
16 courtroom?

17 A. I do not have any comment.

18 [09.18.28]

19 MR. PRESIDENT:

20 In examining this witness, based on Rule 91 bis, the Chamber will  
21 give the floor to the prosecutor to put the questions before any  
22 other Parties to the proceeding. Please note that both the  
23 Prosecution and the Lead Co-Lawyers for the civil parties will  
24 have two sessions to put the question to this witness during the  
25 examination. Now you may proceed.

7

1 QUESTIONING BY MS. SONG CHORVOIN:

2 Thank you, Mr. President. Good morning to all Parties, and good  
3 morning to Mr. Witness. I am representing the Office of  
4 Co-Prosecutors, and I have a few questions to put to you this  
5 morning.

6 Q. First of all, I would like you to tell the Court, before 1975  
7 -- that is, the 17 of April 1975, where did you live and what did  
8 you do back then?

9 [09.19.39]

10 MR. CHHUY HUY:

11 A. At that time, I entered monkhood in a local pagoda in my  
12 locality.

13 Q. So, you entered monkhood. What year was it and with which  
14 pagoda?

15 A. I entered monkhood in 1957, in Nam Tau pagoda.

16 Q. You said that you entered monkhood. How old were you at that  
17 time, to your recollection?

18 A. I was 21 years old.

19 Q. How long did you stay as a monk in that pagoda?

20 A. I was a monk in that pagoda for two years.

21 Q. So, you entered monkhood before 17 of April 1975; is that  
22 correct? Was it before the Khmer Rouge came to power or it was  
23 after the Khmer Rouge era?

24 [09.21.25]

25 A. It was before the Khmer Rouge regime.

8

1 Q. How about in your village, in your locality, when did the  
2 Khmer Rouge, so-call, liberate your village?

3 A. I do not recall.

4 Q. You said that you were a monk for two years. And were you  
5 still a monk before the Khmer Rouge came to power? Why did you  
6 leave monkhood? Was it because the Khmer Rouge forced you, or  
7 what?

8 A. I left monkhood when the war broke up. And at that time, the  
9 Khmer Rouge burnt down the village, and including the pagoda.

10 Q. So, do I understand you correctly that you left monkhood  
11 because your pagoda was burnt down by the Khmer Rouge; is that  
12 correct?

13 [09.22.54]

14 A. I did not know actually who burnt down the pagodas. I could  
15 not stay in the pagoda anymore because it was burnt down already.

16 Q. Mr. Witness, in your record of interview with the  
17 investigators of the Office of Co-Investigating Judges, E3/8283,  
18 ERN in Khmer, 00295941; English, 00321196; French, 00702918; you  
19 told the investigator that when the Khmer Rouge arrived, they  
20 burnt down the pagodas. And then they forced the monks to leave  
21 the pagoda. So I would like to dwell for a bit on this event.  
22 When the Khmer Rouge arrived, where were you? And what was the  
23 overall situation at that time?

24 A. At that time, I fled and then I left monkhood. I left monkhood  
25 and I was being evacuated at that time to different places.

9

1 Q. So, you fled and you left monkhood. Was it at your own will or  
2 was it under duress? In other words, you were forced to leave  
3 monkhood?

4 A. At that time, I was very fearful. And then we were evacuated  
5 from one village to another, so we could not stay being a monk  
6 any more.

7 [09.25.06]

8 Q. So, after the arrival of the Khmer Rouge, and they forced the  
9 monk to leave pagodas, and they burnt down the pagoda, where did  
10 you end up at that time? Where did you leave for?

11 MR. PRESIDENT:

12 Mr. Witness, please hold on. And Mr. Victor Koppe, you may  
13 proceed.

14 MR. KOPPE:

15 Thank you, Mr. President. Good morning. I just heard the witness  
16 testify that he doesn't know who were the ones that burnt down  
17 the pagoda. It might as well have been Lon Nol troops. We don't  
18 know. So, summarizing that he had said today that the Khmer Rouge  
19 burnt down the pagoda is inaccurate.

20 [09.25.54]

21 BY MS. SONG CHORVOIN:

22 Mr. President, I referred to the record of interview of the  
23 witness, and earlier on, I ask him for clarifications. And in  
24 order to be precisely clear, let me ask the question again to the  
25 witness.

10

1 Q. Mr. Witness, you said that the pagoda was burnt down and then  
2 they forced the monks to leave pagodas. Who actually burnt down  
3 the pagoda? Was it the Lon Nol soldiers or the Khmer Rouge, at  
4 that time? To your knowledge.

5 MR. CHHUY HUY:

6 A. That I did not know. All of a sudden the pagoda was burnt  
7 down, and we had to flee to the village. At that time, I went to  
8 Souphi village.

9 Q. When you got to Souphi village, what did you do immediately  
10 after you got there?

11 A. At that time, we only fled for our lives. We were frightened  
12 and we just resettled over there.

13 Q. When you got to Souphi village, to your recollection, when was  
14 it? What was the date of your arrival in Souphi village?

15 A. I never thought of the date, so I do not recall it.

16 Q. Did you ever work with the sector mobile brigade?

17 A. Yes, I, at that time, was a worker at the Trapeang Thma Dam  
18 worksite.

19 [09.28.06]

20 Q. When did you start working at the Trapeang Thma Dam worksite?  
21 Do you recall the date when you started working there?

22 A. I do not recall the date.

23 Q. So, when you arrived at Trapeang Thma worksite, what was your  
24 role back then? And what were you supposed to do on a day-to-day  
25 basis?

11

1 A. At that time, we were made to carry dirt in order to build the  
2 dam.

3 Q. So, to your knowledge, who was the commander or the  
4 supervisor, of the worksite?

5 A. I heard from other workers that they called the supervisor at  
6 the site by the name of Ta Val.

7 [09.29.41]

8 Q. So, Mr. Witness, just a point for clarification. When you got  
9 to Trapeang Thma Dam worksite, did you assume any other role,  
10 other than a worker who carried dirt to build dams? Or did you  
11 have any, for example, role in the mobile unit, in the sector's  
12 mobile brigade?

13 A. Well, at that time, they charged me with the responsibility  
14 for the mobile unit. That was a separate appointment.

15 Q. You were responsible for a unit or a squad? How many members  
16 were there in a squad? And were you the chief of the squad? Or  
17 you were deputy chief or member of the squad? Can you please tell  
18 the Court?

19 A. I was the chief of the squad, a 55-member squad.

20 Q. Were you company chief or platoon chief? Could you clarify it  
21 for the Court?

22 A. I was chief of a company.

23 Q. What company was it? Was there any number for that company?

24 A. I cannot recall it. I do not recall how many companies there  
25 were at that site.

12

1 [09.32.11]

2 Q. When you were a company chief, what company was it? Was there  
3 any number designated to that company?

4 A. I cannot recall it, Ms. Co-Prosecutor, because it happened a  
5 long time ago.

6 Q. In the written record of the statement, 00295942 -- that is,  
7 Khmer; English, 00321197; and French, 00702919; you stated that  
8 you were appointed to be chief of Company 1. Do you recall the  
9 statement you gave to the investigator?

10 A. I cannot recall it.

11 Q. Do you recall the names of battalions' chiefs?

12 A. I cannot recall their names since they were in different  
13 villages.

14 [09.33.51]

15 Q. I am now referring to the written record of the interview,  
16 Khmer ERN on the same page, English is on the same page, both in  
17 English and French, and you stated, I quote:

18 "My company was under Chhuong, battalion chief. I heard that he  
19 is now in Siem Reap. I do not know whether he is alive or not.

20 And above Chhuong, there were Ta Val, Ta Thang, and Ta Pheng. Ta

21 Pheng and Ta Thang were sector mobile unit chiefs and they were

22 the immediate subordinates below Ta Val." Could you tell the

23 Court whether Chhuong was chief of a battalion at that time? Does

24 this -- does this statement correct? Is this statement correct,

25 rather?

1 A. Yes, that is correct.

2 Q. Did you ever attend the meeting held by Ta Chhuong or Ta Val  
3 at that time?

4 A. Yes, I used to be in the meetings, and I was instructed to  
5 work hard in building the dam.

6 Q. I will come back to ask about the two individuals later on.

7 Now, I am asking about the conditions when you started working at  
8 Trapeang Thma Dam worksite. Upon your arrival, what kind of work  
9 did you do? And what about working hours? When did the work  
10 start?

11 [09.36.37]

12 A. We started work from 7.00 in the morning until 10.00 or 11.00,  
13 and then we had a break.

14 Q. What about in the afternoon and at night time? Were you  
15 required to work in the afternoon and also at night? And what  
16 were the working hours?

17 A. When the flood -- when there was issue about floods, and then  
18 we were required to work at night.

19 Q. Regarding the work plan, was there any quota for each worker  
20 or for each unit? And how many cubic metres of soil was required  
21 for one worker on a daily basis? Do you recall it?

22 A. Two cubic metres of soil was given to one worker on a daily  
23 basis.

24 Q. You stated that two cubic metres of soil was given to one  
25 worker daily. Who set out that work quota?



14

1 A. The upper echelon set out the work quota for us.

2 Q. Who were you referring to, when you state -- when you made  
3 mention about upper echelon?

4 A. Ta Val, the chief of the Trapeang Thma Dam worksite.

5 [09.39.03]

6 Q. When did he give such an order; was it in a meeting or was it  
7 when he went to the worksite?

8 A. There were meetings. Meetings were convened to impose the work  
9 quota.

10 Q. During the meetings, were they general meetings for everyone  
11 to attend, or were the meetings convened only among chiefs of  
12 units?

13 A. The meetings were convened for everyone to attend.

14 Q. After the meetings, after instructions were delivered to  
15 workers, could workers at the worksite accomplish the work quota?  
16 And if they failed to meet the work quota, was there any  
17 punishment for them?

18 A. Those who were weak requested help from others, so that we  
19 could meet the work quota for our unit.

20 [09.41.08]

21 Q. Could you expand a little bit further in relation to the work  
22 quota -- that is, two cubic metres of soil; could workers  
23 accomplish the work quota? And what if -- what happened, and how  
24 did you do when one member within your group was not able to meet  
25 the work quota?

15

1 A. Some were late in their accomplishment. And we agreed to help  
2 each other, so that we could meet the work quota.

3 Q. When you were working, who was the one who was there to verify  
4 the work quota whether or not it was completed? And did that  
5 person report -- make a report?

6 A. It was the chief who was there to verify whether one could  
7 meet the work quota.

8 Q. You are referring to the upper echelon or the one who was  
9 there to verify the work quota? Do you recall his or her name?

10 A. He was the battalion chief. He was responsible for the  
11 verification of work quota.

12 Q. Was it Chhuong? Or was it someone else?

13 A. Yes, it was Chhuong. He was battalion chief, who was  
14 responsible for the verification of the work quota.

15 [09.43.29]

16 Q. Was he the one who was there to verify the work quota on a  
17 permanent basis or was there someone else there to check the work  
18 quota?

19 A. He was there on a daily basis.

20 Q. When did he come to check the work quota? Was it in the  
21 morning, afternoon, or at night time?

22 A. He came to monitor and check the work quota while we were --  
23 at the time that we were working.

24 Q. Besides Chhuong, was there anyone else from the upper level  
25 who came down to verify the work quota?

16

1 A. No. It was Ta Val who would come to verify the work quota.

2 Q. Thank you. What about food ration at Trapeang Thma worksite?

3 How was it like?

4 A. Regarding food ration, sometimes there was a shortage of food.

5 And if the food could not be transported in time, then we would

6 have a shortage of food.

7 [09.45.23]

8 Q. You stated that when the food could not be transported in

9 time, there was a shortage of food. Did workers at Trapeang Thma

10 worksite have enough food to eat?

11 A. For instance, if 30 cans of rice were given to workers within

12 one unit, and when we faced the shortage of rice, that food

13 ration would be reduced.

14 Q. And how many of you were there within one unit that received

15 30 cans of rice per day?

16 A. I cannot remember it, Ms. Co-Prosecutor. I was then mentioning

17 an example about the time that the food ration was reduced.

18 [09.46.43]

19 Q. You state that food was reduced when there was a shortage of

20 food ration.

21 A. The food rations would be reduced when there was a shortage of

22 rice, so that everyone could have the same amount of food ration.

23 Q. I would like to know how much of food was reduced? Was it

24 reduced to half or below -- even below half?

25 A. The food ration was reduced to only half of the amount that we

17

1 received on a permanent basis.

2 [09.47.47]

3 Q. Did it happen very often, concerning food reduction?

4 A. No, not very often. It happened once in a while.

5 Q. Do you recall how often did you suffer the shortage of food?

6 Did it happen once in a fortnight or once a month?

7 A. Food shortage would happen once in every 20 or 25 days.

8 Q. Once in every 20 or 25. Did I make a correct summary for that?

9 A. It would happen -- the shortage of food would happen on the --  
10 between the 20th and the 25th.

11 Q. What about the working condition or situation of worker at the  
12 dam worksite? And what about their health situation?

13 A. Regarding their health situation--

14 MR. PRESIDENT:

15 Please hold on, Mr. Witness. You have the floor now, Mr. Koppe.

16 [09.49.44]

17 MR. KOPPE:

18 Thank you, Mr. President. An observation, also relating to  
19 earlier questions. I would recommend that the Prosecution, if  
20 asking questions, limits the questions to what he knows as to the  
21 workers in his company or in his unit, or at least for what he  
22 knows. It seems that the questions are now very general in terms  
23 of everyone who was working. If that's not the case, then I'm  
24 mistaken, but that's how I understood the questions.

25 MS. SONG CHORVOIN:

18

1 Mr. President, I have asked him about the position of this  
2 witness back then, and he stated that he was chief of a company.  
3 So I am exploring what he has known about the situation at that  
4 time.

5 [09.50.43]

6 MR. PRESIDENT:

7 Ms. Co-Prosecutor, could you be a little bit specific when asking  
8 questionS. Are you asking about what happened within his unit or  
9 are you asking about the situation in general at the dam  
10 worksite? There were 30 -- perhaps 30,000 of workers at the dam  
11 site, so you have to be specific when you ask the question.

12 BY MS. SONG CHORVOIN:

13 Thank you, Mr. President. I will do so.

14 Q. Mr. Witness, a while ago I was asking you about the health  
15 situation of workers. Have you got any idea about the health  
16 situation of members within your own unit and members within  
17 other units close by?

18 MR. CHHUY HUY:

19 A. Regarding their health situation, I think I could observe that  
20 they were healthy enough to work and to meet the work quota.

21 Q. Did anyone fall sick at that time? And were there any  
22 medicines for them?

23 [09.52.05]

24 MR. PRESIDENT:

25 Mr. Witness, please wait before you give your answer, so that the

19

1 response is correct. You can take time to think how to respond  
2 before you answer. This can also leave time for the microphones  
3 to be activated. If you respond promptly without observing the  
4 microphone, there will be an issue about the sound system,  
5 because here, three languages -- three working languages are  
6 used, and your response has to be interpreted into two different  
7 languages. And if you give your response while the microphone is  
8 not activated yet, it means that there is no answer.

9 Co-Prosecutor, could you repeat your last question for the  
10 witness?

11 [09.53.19]

12 BY MS. SONG CHORVOIN:

13 Q. Mr. Witness, regarding the unit that you were a member of and  
14 regarding the units close by, were there any sick people? And how  
15 many of them?

16 MR. CHHUY HUY:

17 A. There were sick people, people who fell sick within each unit.  
18 Four or five of them would fall sick. And there was a medic on  
19 standby to treat the sick.

20 Q. I would like to have a clarification regarding the statement  
21 you gave to the investigator. Document E3/5283, ERN in Khmer,  
22 00295946; English, 00321201; French, 00702924. You were asked by  
23 an investigator about the sick within your unit. Your answer is:  
24 "In my unit, many people became sick. 20 out of 100 people became  
25 sick." You further stated that: "We could find out who was sick

20

1 and who was not when people were reporting for work at the  
2 beginning of the day. At that time, the sick people would report  
3 that they were not able to go to work. The illnesses included  
4 diarrhoea, cholera, headache and dizziness. Food ration for those  
5 sick people was reduced to porridge."

6 My question is: you stated that there were 20 people would fall  
7 sick, and a while ago, you state that there were four or five  
8 people who would fall sick at -- at the worksite. So, which  
9 statement is correct?

10 [09.55.59]

11 A. I have no idea because of my memory. I cannot recall it well.  
12 The event happened a long time ago. I cannot remember it.

13 Q. To your best recollection, were there four, five or 20 people  
14 sick within the unit?

15 MR. PRESIDENT:

16 Please wait, Mr. Witness. You have the floor now, Counsel Kong  
17 Sam Onn.

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. I would like to pose an objection to  
20 the question. It is a repetitive question. The witness already  
21 stated that he cannot remember it, about the event. If the  
22 Co-Prosecutor is resisting (sic) on the answer, so I believe it  
23 is a repetitive one, a repetitive question.

24 [09.57.18]

25 MS. SONG CHORVOIN:

21

1 The witness gave two different statements. And I know that he  
2 said he cannot remember well the event, but I would like to  
3 clarify the number: four, five, and 20. You know, it's a  
4 different -- much different number.

5 MR. PRESIDENT:

6 So the previous statement can be quoted to ask the witness, so  
7 that the witness can respond whether it is right or wrong. So the  
8 question should be specific, and we have to understand that the  
9 witness has sometimes limited ability to respond to the question  
10 posed.

11 BY MS. SONG CHORVOIN:

12 Thank you very much, Mr. President.

13 Q. You stated that four or five people fell sick. And in your  
14 written record of the statement, you stated 20 out of 100 people  
15 fell sick. So, which one is correct, regarding your statement?

16 [09.58.38]

17 MR. CHHUY HUY:

18 A. It depended on the work. Sometimes there were a few workers  
19 who fell sick, and on some other occasions, there would be many  
20 workers who would fall sick.

21 Q. Regarding the sick, so on a daily basis, how many of them  
22 would fall sick at the minimum?

23 A. Four or five workers would fall sick at the minimum. And at  
24 most, 20 people would fall sick.

25 Q. Thank you. When people fell sick, was there any treatment for



22

1 the sick and was there any medicine for the sick? And what type  
2 of medicine was given to the sick?

3 A. I cannot recognize the type of medicine. It depended on the  
4 medic who administered the treatment or prescribed the drug.

5 [10.00.14]

6 Q. Regarding your unit, did anyone die because of illness?

7 A. No.

8 Q. I have just read one portion of the written record of your  
9 interview you gave to investigator. And in that statement, you  
10 made mention that food ration for the sick people was reduced to  
11 porridge. How did they do in regarding food reduction? And was  
12 food ration reduced until those sick people recovered?

13 A. There was a plan that the sick had to be given only porridge.  
14 And after they had recovered, they would have rice to eat.

15 Q. Regarding hygiene at Trapeang Thma worksite, how was the  
16 hygiene like? Were there any toilets or latrines, or water for  
17 workers to drink?

18 A. We dug a pit as a latrine. And as for hygiene, it was very bad  
19 at that time. I had my people boil water to drink, but that  
20 lasted for only about a month. Then after that, we stopped doing  
21 that.

22 [10.02.40]

23 Q. You said you boiled water to drink for a month or so. So after  
24 that, what kind of water did you drink then?

25 A. At that time, we drank water directly.

1 Q. Where did you take the water from?

2 A. It was from a pond nearby the construction site.

3 Q. How about accommodation, a place where you stayed at night,  
4 what was it like at that time?

5 A. We built a communal hall and we used palm leaves or tree  
6 leaves in order to make a shelter.

7 Q. You talked about a communal hall. How many people stayed in  
8 the hall? And how far was it from the actual construction  
9 worksite?

10 A. It was not far. It's about a few hundred metres away from the  
11 construction worksite.

12 [10.04.38]

13 Q. How many people lived in the communal hall?

14 A. One unit -- one unit is housed under one communal hall.

15 MS. SONG CHORVOIN:

16 Mr. President, I am about to move to the next subject. I am under  
17 your direction.

18 MR. PRESIDENT:

19 Thank you. The time is now appropriate for a short recess. We  
20 will adjourn now and resume at 10.30. And once again, it is  
21 reminded that the Prosecution and Lead Co-Lawyer for civil  
22 parties, you only have one more session.

23 Court officer, please help the witness during the recess, and  
24 have him back in this courtroom by 10.30. The Court is now in  
25 recess.

1 THE GREFFIER:

2 All rise.

3 (Court recesses from 1006H to 1029H)

4 MR. PRESIDENT:

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

6 The floor is now given to the Co-Prosecutors. Co-Prosecutors  
7 together with Lead Co-Lawyers will have this session to put  
8 questions to the witness. You may now proceed.

9 [10.29.51]

10 BY MS. SONG CHORVOIN:

11 Thank you, Mr. President.

12 Q. Mr. Witness, in the first session we discussed about the  
13 working condition at Trapeang Thma Dam worksite. Before I move to  
14 a new topic, I have a few last questions in regarding the last  
15 topic. I was asking you about the medics whether or not there  
16 were medics standby at the dam worksite. You made mention about  
17 this point to investigator of the OCIJ, English ERN, 00321201;  
18 Khmer ERN, 00295947; and French ERN, 00702924. You were asked by  
19 an investigator whether there were any clinics and medic at the  
20 dam construction site, you answer is: "There were medics on duty  
21 going to see people at the mobile unit. In my unit, there was no  
22 medic on duty. Those medics were not trained because they had  
23 been selected from villages and put to work straightaway.  
24 Medicines which were adopted from traditional formulas had blue  
25 colour in pill shape and were very hard to swallow. Some people

25

1 took those medicines but some others did not. Instead they  
2 secretly threw them away."

3 Do you recall that you gave a statement very clearly to an  
4 investigator about the blue colour and you, in the first session,  
5 mentioned about the fact that you did not recall whether there  
6 were any medicines? So which statement is correct, to your best  
7 recollection?

8 [10.32.12]

9 MR. CHHUY HUY:

10 A. The statement within the written record of the interview is  
11 correct and reflects the situation back then. Because I am  
12 confused and I have suffered from illness, from time to time, I  
13 cannot recall the event fully. When (inaudible) went to interview  
14 at the time in the village, I was sick in bed, I could not even  
15 get up -- get out of my back. I had suffered from illness for a  
16 long period of time back then.

17 [10.33.05]

18 Q. So regarding this testimony you gave before this Court in the  
19 first session and the statement you gave to investigator back  
20 then in the past; so which statement is correct and which one do  
21 you agree with?

22 MR. PRESIDENT:

23 Please give your response.

24 MR. CHHUY HUY:

25 A. I do not know which one is correct. I am trying to recall, but

1 I cannot recall it which one is the most accurate one.

2 BY MS. SONG CHORVOIN:

3 Very well, Mr. Witness. I have another question regarding the  
4 time you were working at Trapeang Thma Dam worksite. Were you  
5 ever accused of having the so-called imaginary sickness?

6 [10.34.34]

7 MR. CHHUY HUY:

8 A. No, no one accused me of that. I heard the term 'consciousness  
9 illness' or 'imaginary illness'.

10 Q. What about you yourself; were you ever accused of having the  
11 so-called imaginary disease?

12 MR. PRESIDENT:

13 Please hold on, Mr. Witness. The floor is now given to Counsel  
14 Kong Sam Onn. You may proceed.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I would like to pose an objection to  
17 the last question. The witness made mention already that no one  
18 was accused of having the so-called imaginary sickness. And he  
19 said that it was a general term mentioned by everyone.

20 [10.35.52]

21 BY MS. SONG CHORVOIN:

22 I think I have understood the witness statement differently, that  
23 is why I asked a question for clarification. Now I am referring  
24 to a document to be sure.

25 Q. Mr. Witness, you made mention in your written record of the

27

1 interview in Khmer ERN, 00295947; English ERN, 00321202; French,  
2 00702924. You gave a statement to the investigator, I quote:  
3 "I was removed -- they removed me from the company chairman  
4 position because at the time, I was a little sick and not able to  
5 go down to worksite regularly. They accused me of having a  
6 consciousness illness."

7 Mr. Witness, do you recall whether or not you were accused of  
8 having the consciousness illness? What do you understand about  
9 the term 'consciousness illness'?

10 [10.37.15]

11 MR. CHHUY HUY:

12 A. That is true, I was not well back then on the day. I was not  
13 able to go to work and I was accused of having a consciousness  
14 illness. Because of my illness, I was reassigned to clear and  
15 pick up rumpeak at Khchay and I was assigned to carry dirt, ten  
16 baskets load a day. And when I could accomplish the work, I was  
17 assigned back to my unit.

18 Q. So it means that you were really sick at that time, you were  
19 not having the consciousness illness at that time; is that true?

20 A. I was really sick on the day. I was not able to work because  
21 of my sickness.

22 Q. After you had been transferred to make the baskets --  
23 earth-carrying baskets and to pick up rumpeak, and who assigned  
24 you to do the job and where was he from?

25 A. He was from a different unit and workforce was gathered to do

1 the work that I was doing at that time. Workforce from other  
2 units was also gathered to work at that place.

3 Q. Once again, who removed you and who assigned you to make the  
4 earth-carrying baskets and to pick up rumpeak trees?

5 A. I do not know. My battalion chief told me that I had to go to  
6 make earth-carrying basket and pick up rumpeak trees.

7 [10.39.49]

8 Q. Battalion chief, you are referring to battalion chief. What  
9 was his name?

10 A. His name was Chhuong.

11 Q. When you were told to collect or pick up rumpeak trees and to  
12 make baskets, did you have right to refuse that assignment?

13 A. No, I did not dare to refuse the assignment. I had to go based  
14 on the instruction.

15 Q. Why? You told the Court just now that you were really sick at  
16 that time. Why did you not dare to refuse that assignment?

17 A. I did not dare to do so. At that time, if one dared to refuse  
18 assignment, it was a problem -- he or she was in trouble. I had  
19 to resort to bring the medicine along so that I could have it  
20 while I was working.

21 [10.41.25]

22 Q. While you were working at Trapeang Thma Dam worksite, did you  
23 work there voluntarily? Did you have rights to refuse the  
24 assignment when you were told to carry dirt?

25 A. Youth in every village was gathered to work at the dam site

1 including the female.

2 Q. Did you go to work voluntarily or were you forced to the dam  
3 site? Did you have the right to refuse the relocation or the  
4 transfer to the worksite?

5 A. No. I had to go, female and male youths had to go based on the  
6 instruction.

7 Q. Why? Why did you all have to go? What happened if you refused  
8 the assignment?

9 A. They told us to go and we had to do so. We had to go, we had  
10 to go with all others.

11 Q. While you were working there at Trapeang Thma Dam worksite,  
12 were biographies collected from workers at the dam site?

13 A. Some biographies were collected.

14 Q. Who collected the biographies or what for?

15 [10.43.58]

16 A. Battalion chiefs went around and asked us to make biographies.

17 Q. Battalion chiefs, did they require all workers at the dam site  
18 to make biography or only members from your unit required to make  
19 biographies?

20 A. We all were required to make our biographies.

21 Q. Why? Do you have any idea why biographies were being collected  
22 from workers at that time?

23 A. I do not know. It is a doubt for me as well.

24 Q. As a company chief back then, did you give any instructions to  
25 your workers about biography being collected or were you



1 instructed of the matter?

2 A. I was told that biographies would be collected from units and

3 I was told that biographies had to be collected from everyone.

4 [10.46.01]

5 Q. Regarding your unit, were you the one who collected the

6 biography or was someone else doing the work?

7 A. There was someone else who went around and collect the

8 biographies of the newcomers.

9 Q. Do you have any idea whether reports were made after biography  
10 were collected? And where were the reports sent to?

11 A. I do not know where the biographies were taken to after they  
12 had been collected.

13 Q. Thank you, Mr. Witness. I am now moving to another topic  
14 regarding the arrests and killings of people at Trapeang Thma Dam  
15 worksite. Did any arrests and killings happen within your unit  
16 from your recollection?

17 A. There was one incident, one person was arrested.

18 Q. Could you elaborate on the incident that one was killed and  
19 taken away? And who was he?

20 MR. PRESIDENT:

21 Please hold on, Mr. Witness. Mr. Koppe, you have the floor now.

22 [10.48.00]

23 MR. KOPPE:

24 I object to this question. The question was already a bit dubious  
25 to start with, having two subjects in one sentence 'arrest and

31

1 kill'. But then when the question was asked, the witness  
2 answered, I know of one incident and someone was arrested. And  
3 then the subsequent question was tell me about the incident of  
4 someone being arrested and killed. He didn't say that.

5 MS. SONG CHORVOIN:

6 I do not know how the interpretation was rendered. I was asking  
7 about what happened to the individual. The witness did mention  
8 that that individual was arrested and killed. So I am now  
9 exploring.

10 [10.]

11 MR. PRESIDENT:

12 The objection is about the arrest and killing, whether it was  
13 really mentioned by the witness. And the Co-Prosecutor, the  
14 lawyer wants to know whether there was an actual arrest and  
15 killing at that time. So the question should be clear and should  
16 be separated on the topic. And I believe that the witness may  
17 have had a different knowledge about the arrests and killings.  
18 And the answer is not very clear from the witness. So, if you  
19 combine the two facts together -- that is, arrest and killing,  
20 and perhaps the witness may be confused, and you cannot elicit  
21 the proper response from the witness. So your question should be  
22 clear, and you should separate the arrest and killing from each  
23 other when you put your question.

24 BY MS. SONG CHORVOIN:

25 Thank you, Mr. President. I will try to distinguish the two

1 incidents. Khmer ERN, 00295943; English, 00321198; French,  
2 00702920.

3 Q. Mr. Witness, you stated that; "there were arrests of a member  
4 from your unit and they were killed" (free translation). Now I am  
5 asking about the arrests of people. Where did they happen  
6 regarding the arrests of members from your unit, could you tell  
7 about the incident to the Court?

8 [10.51.12]

9 MR. CHHUY HUY:

10 A. The arrest was made at Rumchek, Trapeang Thma construction  
11 site.

12 Q. Who was arrested? And how did the event happen? Could you  
13 elaborate on the incident.

14 A. I do not know why that individual was arrested. I heard about  
15 the incident. The arrest -- I heard that the arrest was made  
16 because of the biography.

17 Q. You mentioned that the arrest was made based on the biography.  
18 In Khmer, what do you want to say on the matter, could you expand  
19 on this?

20 A. After the biography had been collected, it was known that the  
21 individual was working in the civil aviation and that individual  
22 -- the request was made to individual to strip off and to get  
23 away his or her clothes.

24 Q. Who came to arrest that individual?

25 [10.53.03]

33

1 A. I do not know. The arrest occurred at night time.

2 Q. Within the written record of the interview on the same page  
3 and perhaps it's on another page, you made mention that the  
4 arrest was made by Ta Val soldiers. My question; is the statement  
5 you made mention to the investigator correct -- that is, the  
6 arrest was made by Ta Val's soldiers?

7 A. I did not witness the arrest. I overheard about that and I  
8 mentioned it based on what I heard.

9 Q. A while ago, you made mention that that individual was working  
10 in the civil aviation; how did you know about that? How did you  
11 know his biography? Where did he work?

12 A. Evacuees, the newcomers told me about that.

13 Q. The new evacuees or newcomer, are you referring to the 17  
14 April People who had been evacuated from Phnom Penh; is that  
15 correct?

16 MR. PRESIDENT:

17 (Microphone not activated)

18 [10.55.15]

19 THE INTERPRETER:

20 Mic is not activated, Your Honour. Mr. President, mic is not  
21 activated.

22 MR. CHHUY HUY:

23 A. I cannot hear what the president said.

24 BY MS. SONG CHORVOIN:

25 Please give your response again because your response was made

34

1 before the mic was activated. You made mention about the newcomer  
2 or new evacuees, are you referring to the 17 April People who had  
3 been evacuated from Phnom Penh?

4 MR. CHHUY HUY:

5 A. Yes, that is true.

6 [10.56.02]

7 Q. Did you know -- do you know that individual workplace, as you  
8 stated that you heard he was working in civil aviation?

9 A. I do not know about that.

10 Q. Mr. Witness, within your written record of your interview on  
11 one page after the previous page I read to you, you made mention  
12 to an investigator that:

13 "Before they arrested anyone, they first had to go and ask the  
14 unit chairman. Because that person was a member of my unit, they  
15 first came to ask me for the name of the targeted person. At that  
16 time, I told them his name and then they came to arrest him while  
17 they were working at that night."

18 My question is about that event, what time was it at night time?

19 A. I was not focussing to look at the watch or clock at that time  
20 or what time it was. I did not pay attention to time at that  
21 night.

22 Q. So, when the arrest happened, was it at the time you were  
23 working at the dam site or was it at the time you were taking  
24 rest after work?

25 [10.58.08]

35

1 A. It was not yet the resting time. I was still working.

2 Q. After the arrest, where was he taken to?

3 A. I do not know where he was taken to.

4 Q. Mr. Witness, on the same page in your written record of  
5 interview, I quote: "At that time, I was following them. When  
6 they walked him and reached Kouk Rumchek about 60 metres from our  
7 worksite, that person was trying to escape. At that time, I  
8 wanted to help him."

9 MR. PRESIDENT:

10 You have the floor, Mr. Koppe.

11 [10.59.26]

12 MR. KOPPE:

13 Thank you, Mr. President. In itself, I have no objection to the  
14 question posed because in his answer the witness says that he  
15 didn't remember things. However, I would like to avoid the  
16 situation that we had last week when too many details are being  
17 read from the previous statement, in effect helping the witness  
18 remember things. And we can all see that this witness, as the  
19 previous witness by the way, has memory issues. So, I would urge  
20 the Prosecution if they start telling or relaying details from  
21 the witness statement to be -- not to give too many details away  
22 in the excerpts that are being read. So step by step is my  
23 request.

24 MR. PRESIDENT:

25 This is only an observation. And the national prosecutor can do

36

1 it within the framework of the written record of the interview  
2 but not the explanation, the additional explanation beyond the  
3 record in the interview. If it is a direct quote from the record  
4 of interview, it's clear and would be good.

5 [11.01.10]

6 BY MS. SONG CHORVOIN:

7 Mr. Witness, you have answered to the question of the  
8 investigator. You said that at the time you also went together,  
9 and then we -- they walked them to Kouk Rumchek about 50 metres  
10 away. "At that time, he attempted to escape but they pushed me  
11 aside and they shot him to death in the middle of the rice  
12 field." So my question to you: to your knowledge, who was the  
13 person who shot the man to death and where was he from?

14 MR. CHHUY HUY:

15 A. He was a soldier in the army. He was actually from the army  
16 attached to the Trapeang Thma construction dam.

17 Q. Earlier, you said that the soldier was from Ta Val group. Was  
18 it the same soldiers from the same unit who came from Ta Val's  
19 group, and then he shot the person to death?

20 A. Yes, that's correct. They were in the group of the soldiers  
21 who came to arrest him.

22 Q. Yes. You said that it was that soldier but I am referring  
23 specifically to the person who shot the person to death, was it  
24 the same soldiers who came to arrest him or a different person?

25 [11.03.24]

1 A. That I did not know. At that time, they pushed me aside and I  
2 was frightened. I did not know who actually shot the person.

3 Q. So when they were shooting the man, where were you and did you  
4 witness that shooting?

5 A. I did not see; I only heard the gunshot. They did not allow me  
6 to see it.

7 Q. Mr. Witness, it seems that there is a variation in your  
8 statement you made with the Office of Co-Investigating Judges. In  
9 your previous record of interview, you say that you saw the  
10 shooting by your own eye. And now, I am asking you whether or not  
11 you actually saw that by your own eye at that time or you only  
12 heard the gunshot; which answer are you confirming now?

13 A. I was at some distance. I only heard the gunshot and I assumed  
14 that the man was killed.

15 Q. So when the investigator asked you in your interview with him,  
16 you say that you saw by your own eye that the man was shot?

17 A. I did not see the shooting by my own eye; I only heard the  
18 gunshot. Then I assumed that he was killed. At that time, when I  
19 was answering to the question of investigator, in that instance I  
20 assumed that I saw it.

21 [11.05.53]

22 Q. So after the alleged shooting of the man, did you ever see him  
23 again the next day or the following days?

24 MR. KONG SAM ONN:

25 Mr. President, I have observations on this line of questioning.



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1 The witness says that a man he saw and he was arrested and he was  
2 shot to death. But there was another record in the statement that  
3 the man was walked away and then he attempted to flee and then he  
4 was shot.

5 MR. PRESIDENT:

6 But that is what the prosecutor is asking the question. She wants  
7 to ascertain whether or not he saw that man. That's why she is  
8 asking for clarification on the facts that is subject to the  
9 examination now. Madam Prosecutor, you may continue.

10 [11.07.04]

11 BY MS. SONG CHORVOIN:

12 Do you recall my last question or had better put this question  
13 again to you? After you heard the gunshot, did you ever see the  
14 man again later on?

15 MR. CHHUY HUY:

16 A. Ever since, the man disappeared.

17 MS. SONG CHORVOIN:

18 Thank you, Mr. President. And thank you, Mr. Witness. I do not  
19 have any further questions. I would like to cede the floor to the  
20 Lead Co-Lawyer for the civil parties.

21 MR. PRESIDENT:

22 Mr. Lead Co-Lawyer for the civil parties, you may proceed.

23 [11.08.02]

24 QUESTIONING BY MR. PICH ANG:

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

1 morning to Mr. Witness. My name is Pich Ang, I am a National Lead  
2 Co-Lawyer for the civil parties. I have a few questions I would  
3 like to put to the witness.

4 Q. Good morning, Mr. Witness. I would like to start off with the  
5 issue of the marriage during the Khmer Rouge era that you knew  
6 and you encounter by yourself. Did you know about the marriage  
7 procedures during the Khmer Rouge era? And if so, what was it  
8 like, can you tell the Court?

9 [11.08.59]

10 MR. CHHUY HUY:

11 A. Thank you. To my knowledge at that time, before we got  
12 married, we have to inform the chief of the unit, for example, we  
13 would inform the chief of the female unit. Whether or not she  
14 approve, that was up to her. But if she approved, then the  
15 weddings would proceed.

16 Q. Just now, you said that it was up to the women chief to decide  
17 or to approve on any marriage proposal. What are you trying to  
18 tell the Court in this instance, can you elaborate it?

19 A. We had to do it in our line of channel. We have to propose it  
20 to our superior, and then they would talk to the chief of women  
21 unit.

22 Q. Did you know at your location that there were many marriages  
23 held or wedding held?

24 A. Yes, I knew the marriages. At one time, there was a marriage  
25 of 20 to 30 couples at that time.

40

1 Q. Can you expand a little further during the 3 year 8 months and  
2 20 day period, how many wedding were held? Can you tell the Court  
3 as to how many times the wedding was arranged at the time?

4 A. Two times: in the village -- in Trapeang Thma village once and  
5 at the bridge once. So there were two times.

6 [11.12.05]

7 Q. You talked about bridge, where was it located? Was there any  
8 name attached to the bridge?

9 A. We call it Trapeang Thma Dam bridge. It was the first bridge.

10 Q. I want to know about the marriage held in the village. Did you  
11 participate in the marriage ceremony yourself or you only heard  
12 from others about the marriage that was held in the village?

13 A. I did not participate; I only heard of the ceremony.

14 Q. How did you hear about it, can you tell the Court? At the  
15 time, the marriage was held in the village, how many couples were  
16 in the ceremony based on what you heard at that time?

17 A. There were 20 couples.

18 Q. Did you know any couple among the 20 couples who got married  
19 then?

20 A. I do not know.

21 Q. How did you learn about the marriage ceremony? Did you hear  
22 from others or -- how did you get to know this marriage ceremony?

23 [11.14.10]

24 A. They asked us to sit in one place.

25 Q. Let me reformulate my question. How did you learn about the

41

1 marriage ceremony held in the village, did you hear from others  
2 or did you witness it? And if you were told by somebody, who told  
3 you that?

4 A. I saw it. Each couple at that time came to commit to their  
5 marriage relationship that they would love each other and they  
6 would take care of each other.

7 Q. Thank you. Can you tell the Court about the proceedings of the  
8 wedding ceremony. You said that you saw the wedding ceremony.  
9 Could you tell the Court who were participating in the wedding,  
10 for example, the unit chief or anybody in the wedding ceremony?

11 MR. PRESIDENT:

12 Mr. Witness, please hold on. Counsel Kong Sam Onn, you may  
13 proceed.

14 [11.15.43]

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I think that the question is rather  
17 confusing and so is the statement or the answer to the question.  
18 With regard to the issues that the witness participated in the  
19 wedding ceremony or not, he said it very clearly that he did not  
20 participate. But then later on, the witness has said that he  
21 witnessed the wedding ceremony. So it is not clear. So I think  
22 that it is good to ask for the clear statement from the witness  
23 whether or not he participated himself in the wedding ceremony.

24 MR. PRESIDENT:

25 For the Parties, please note that now, the Witness state of

1 health is not really stable, and this event took place long time  
2 ago. He cannot recall all the event completely. So for that  
3 reason, the Parties should prepare the question, and all the  
4 question must be succinct so that the witness find it easy to  
5 understand, so that he can respond clearly. If the question is  
6 complicated, is long-winding with the descriptions, then it is  
7 not likely that we'll get the statement from the witness. So  
8 please be succinct in your question. If you want to demonstrate  
9 your ability to put the questions, it sounds good, but the  
10 outcome may not be satisfactory because the witness might not  
11 understand a question completely.

12 [11.17.51]

13 BY MR. PICH ANG:

14 Thank you, Mr. President. In the interest of time, I'd like to  
15 move on now and I try to be as succinct as possible.

16 Q. You saw the wedding ceremony in the village, didn't you?

17 MR. CHHUY HUY:

18 A. I only went to see the ceremony quickly, and then I just walk  
19 away at that time.

20 Q. So what were the activities they were doing at the ceremony  
21 when you saw it briefly?

22 A. I did not notice any activities. I did not stay there long; I  
23 just went there briefly.

24 Q. Now I move on to another wedding ceremony which was, according  
25 to you, held at the first bridge of Trapeang Thma worksite. When

1 was the ceremony held, can you tell us the date the wedding  
2 ceremony held?

3 A. I never thought of it and I do not recall the date at all.  
4 [11.19.59]

5 Q. How did you get to know the wedding ceremony held there; did  
6 you witness it by yourself or you were told by somebody else?

7 A. There was a loudspeaker at the time and there was an  
8 announcement or pronouncement of the couple. And when I heard  
9 that, I just went there to simply look at the function briefly.

10 Q. Did you see many couples in the wedding ceremony?

11 A. There were many couples. There were 20 couples, five couples.

12 Q. So the wedding ceremony held at the first bridge at Trapeang  
13 Thma worksite, how many couples were in the wedding ceremony, to  
14 your estimation?

15 A. In my estimation, there were 13, 14 couples and up to 20  
16 couples. It was held in two different times.

17 [11.21.50]

18 Q. Were there any religious functions or rituals performed in the  
19 wedding ceremony held at the first bridge? During -- I mean  
20 during the wedding ceremony, was there any religious functions or  
21 rituals performed then?

22 A. Yes, I saw the bouquet of flowers. They put it up before the  
23 -- in front of the hall.

24 Q. Were there other people in the attendance at the wedding  
25 ceremony besides couples to be married at the time who were in

1 attendance?

2 A. There weren't any other people.

3 Q. So who led the wedding ceremony? To your recollection, the  
4 wedding that was held at the first bridge of the dam worksite,  
5 who led the ceremony?

6 A. It was the supervisor of the Trapeang Thma construction site.

7 Q. Can you be a little more specific; who was he and what role  
8 did he assume at the Trapeang Thma worksite?

9 A. Ta Val. Ta Val was the person in charge of the construction  
10 worksite.

11 [11.24.01]

12 Q. So was Ta Val in attendance at the wedding ceremony at the  
13 time?

14 A. I am not sure on this point. There were other people at the  
15 wedding ceremony; I did not know them all.

16 Q. Let me ask you again. The people who were in charge of  
17 organizing the wedding ceremonies or people who presided over the  
18 wedding ceremony, according to your observation when you saw  
19 there, who presided over the wedding ceremony? Who else beside  
20 the couple were participating in the wedding ceremony then?

21 A. I did not know them all. I saw the subordinates of Ta Val  
22 there, but I did not really know all of them.

23 [11.25.31]

24 Q. Thank you. I am sorry to interrupt you. But you, yourself,  
25 during the Khmer Rouge regime, were you married? If so, when did

1 you get married?

2 A. I got married during this era. I got married in the village at  
3 the cooperative.

4 Q. How many couples were there at the time when you got married?

5 And can you tell the Court the proceeding of the marriage  
6 ceremony at the time?

7 A. They followed the same proceedings as what they did with the  
8 couples at the Trapeang Thma worksite. But in my case, the chief  
9 of the cooperative arranged the wedding ceremony.

10 Q. How many couples were there at the time?

11 A. There were only four couples then.

12 Q. In your statement -- in your record of interview Khmer,  
13 00295947; English, 00321201; and French, 00702924; you said that  
14 there were three couples then. Can you tell the Court which one  
15 is correct because just now you said that there were four  
16 couples, but in your statement earlier you gave to the  
17 investigator, you say there was three couples; which one is  
18 correct?

19 [11.28.10]

20 A. No.

21 Q. When you got married, how many couples were there at that time  
22 at the wedding ceremonies that you yourself got married at the  
23 time? I have only very few more questions for you.

24 That is okay if it is difficult for you to recall. You do not  
25 need to answer this question. I will move on. Can you tell the



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1 Court, during the Khmer Rouge era, could the male gentleman and  
2 woman who love each other, could they propose and then decided on  
3 the marriage by themselves?

4 A. No, they could not do that. They had to propose it through  
5 their respective chief.

6 Q. So if they decided to live with each other by themselves, what  
7 would happen to them?

8 A. If they did it by themselves without recognition from other,  
9 that was considered moral offence.

10 [11.29.58]

11 Q. So my last question for now for you. At that time, you were  
12 the company chief and you were also in charge of this company  
13 chief attached to the construction worksite. So to the best of  
14 your knowledge, what was the main objective of the marriage that  
15 was arranged by the upper echelon? So did they make mention the  
16 objective of the marriage arranged at that time?

17 A. No, they did not describe it much; they only ask individual  
18 people to commit to the relationship.

19 MR. PICH ANG:

20 Thank you, Witness. I understand that your health condition is  
21 not very good now. But you have tried to answer my question. I  
22 thank you very much. And thank you, Mr. President, for granting  
23 me the floor to put the questions to the witness. I do not have  
24 any further question, Mr. President.

25 MR. KOPPE:

47

1 Thank you, Mr. President. An observation. Maybe it's because of  
2 the translation, but I heard that today he is fine and he wasn't  
3 fine six and a half years ago when he gave his written statement.  
4 At least that's how I understood it in the translation. And you  
5 just also said that he is not fine now, which I don't think from  
6 observing him. But could it be clarified whether he was not  
7 feeling well six and a half years ago when he gave his WRI or  
8 whether that is the situation now.

9 [11.32.07]

10 MR. PRESIDENT:

11 Earlier, I made an observation on his statement that before he  
12 encountered the serious ailment and we invited him to come to  
13 testify in this Court, and he has made an effort to testify  
14 before the Court. And since he has just recovered from his  
15 serious illness, I advise the witness to try to respond the  
16 questions and I ask the Parties to make the questions succinct so  
17 that it is easy for him to respond to the question. If he try to  
18 use academic verbosity or complex questions, then it would be  
19 difficult for him to answer. For example, if you ask about the  
20 proceedings at the wedding ceremony, it require a lengthy  
21 explanation. That's why I ask the Party to put the question, for  
22 example, who attended the meeting. Make it that succinct. That's  
23 it.

24 And the time is now appropriate for lunch adjournment. The  
25 Chamber shall adjourn now and resume at 1.30 this afternoon.

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1 Court officer is now instructed to assist the witness and his  
2 duty counsel during the lunch break and have them back in this  
3 courtroom before 1.30.

4 And security guards are now instructed to bring Mr. Khieu Samphan  
5 to the holding cell downstairs and have him back in this  
6 courtroom this afternoon before 1.30.

7 The Court is now adjourned.

8 THE GREFFIER:

9 All rise.

10 (Court recesses from 1134H to 1329H)

11 MR. PRESIDENT:

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

13 The Chamber now gives the floor to the defence teams for the  
14 Accused to put question to this witness. First, the floor is  
15 given to the defence team for Mr. Nuon Chea. You may now proceed.

16 QUESTIONING BY MR. KOPPE:

17 Thank you, Mr. President. Good afternoon, Counsel. Good  
18 afternoon, Mr. Witness.

19 Q. I have a few questions that I would like to put to you today.

20 First, I would revisit something that you said before the lunch  
21 break. And maybe it's my understanding which is not correct, but  
22 you said something about sickness, you having been sick. And you  
23 also said something about you having a problem with memory. What  
24 exactly is your present condition and what was your condition  
25 when you gave the interview to the investigators of the

1 Co-Investigating Judge some six years ago?

2 (Short pause)

3 [13.31.48]

4 MR. PRESIDENT:

5 Mr. Witness, can you give your response to the question put by  
6 the defence team?

7 MR. CHHUY HUY:

8 A. I do not really get the question.

9 MR. PRESIDENT:

10 Are you hearing me talking? Koppe, please ask the question again.

11 Keep your question as simple as possible.

12 BY MR. KOPPE:

13 Yes, I will do that, Mr. President.

14 Q. Mr. Witness, are you having, as we speak now, some form of  
15 sickness?

16 MR. CHHUY HUY:

17 A. Yes. I sometimes do not feel well. And I may not recall well.

18 [13.33.04]

19 Q. And the sickness that you're having, is that affecting, do I  
20 understand that correctly, your memory?

21 A. Yes.

22 Q. Were you having the same condition some five or six years ago  
23 when you gave your statement to the investigators?

24 A. At that time, I may not have recall everything because of my  
25 memory and because of my thinking and analysis.

1 Q. But is this sickness potentially affecting your capability of  
2 memory? What is it, what is your condition?

3 A. I'm sorry, Counsel, I cannot get your question. I do not  
4 really understand your question.

5 Q. Did a doctor tell you what causes you to have memory problems?

6 A. I do not get the gist of your question. I do not know how to  
7 respond.

8 [13.35.15]

9 Q. You said you have problems with your memory. Do you know why  
10 you have problems with your memory? Did maybe a doctor tell you  
11 the reason for your memory problem?

12 A. No, the doctor did not say anything about that.

13 Q. But can you tell us what kind of memory problems do you have?  
14 How do these memory problems manifestate (sic) themselves with  
15 you?

16 A. I had a few disease. The doctor told me that I had a few  
17 disease.

18 Q. Are you having difficulty to remember what happened 40 years  
19 ago during the Democratic Kampuchea regime or are you having  
20 trouble remembering something that happened recently?

21 A. I was not well a few months two or three months ago.

22 JUDGE FENZ:

23 Counsel just -- sorry, for the interruption. We're just checking  
24 -- I seem to remember there's a report from WESU which details to  
25 a degree the medical history. We're just looking for it. And as

1 soon as it's there, so perhaps if you move on and then we can get  
2 back to the question of sickness.

3 [13.37.49]

4 BY MR. KOPPE:

5 Yes, thank you, Judge Fenz.

6 Q. Let me ask you now a concrete question as to something that  
7 you said before the lunch break. One want a concrete example of  
8 differences between what you said today and what you said some  
9 years ago. Today you said that you only heard a man being shot  
10 after he had been arrested. Five years ago, you said, "I saw they  
11 shot him with my own eyes." Can you explain the difference  
12 between the two? Why is it that you said now that you didn't see  
13 it and back then you'd said you saw it?

14 MR. CHHUY HUY:

15 A. I heard -- I said I heard because it happened close to my  
16 workplace.

17 Q. Do you remember when you gave your statement five years or six  
18 years ago that this statement was read out to you, and that after  
19 it was read out to you, you signed it with a thumbprint?

20 [13.39.36]

21 A. Yes, but I may not recall everything in it.

22 MR. KOPPE:

23 Mr. President, I would like to show the witness the last page of  
24 his statement which is a drawing. And I would like to ask him  
25 whether this is his handwriting.

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1 MR. PRESIDENT:

2 Mr. Chhuy Huy, are you able to read and write?

3 MR. CHHUY HUY:

4 A. No.

5 MR. KOPPE:

6 Could I nevertheless show it to him whether he maybe recognizes  
7 something on this page?

8 Because it's not only -- at least in my English version -- it's  
9 not only words; it's also streets--

10 JUDGE FENZ:

11 Drawings?

12 MR. KOPPE:

13 Drawings.

14 [13.41.39]

15 MR. PRESIDENT:

16 You can show it to the witness.

17 BY MR. KOPPE:

18 Mr. Witness, do you recognize this page? Is this something that  
19 you drew?

20 MR. CHHUY HUY:

21 A. I have never seen it before.

22 Q. Very well. Mr. President, could I ask the statement to be  
23 given back again?

24 The microphone isn't on. Maybe you want to repeat what you just  
25 said?

1 [13.43.42]

2 A. I do not understand.

3 Q. Very well, Mr. Witness. I'll move on. You testified earlier  
4 that you also -- your unit was also working at night time. What  
5 did it mean when you said that your unit also worked at night  
6 time, which hours?

7 A. We worked at that time because there was a minor flood at that  
8 time that required us to work at night. But it was not a frequent  
9 basis to work at night. We only repaired the broken parts of the  
10 dam when it was required us to do.

11 Q. It is my understanding that there is no word in Khmer for  
12 evening, period between -- the period after 6 p.m. What do you  
13 mean with working occasionally at night, would that be from 6  
14 p.m. till 9 p.m. or 10 p.m.?

15 A. It started from 7.00 to 9.00, and then we stopped.

16 Q. There are witnesses who have testified that working at these  
17 hours was mainly possible when the moon would give enough light;  
18 is that your memory as well?

19 A. Yes, yes. When the moon giving us light, we were able to work  
20 at night during that season.

21 [13.46.43]

22 Q. You've been asked also questions this morning, Mr. Witness,  
23 about something called night blindness. Did you know at the time  
24 what caused people to have night blindness?

25 A. I heard and learned from chief of groups. When they had night



1 blindness, it depended on unit chief whether the workers would be  
2 assigned to go to work or not.

3 Q. But my question was whether you at the time were told what the  
4 causes were for workers to have night blindness.

5 A. No. I heard only that people had night blindness and that they  
6 were not able to go to work. As a result, they were allowed to  
7 stay at their place.

8 [13.48.21]

9 Q. In your statement to the investigators at English page  
10 00321201; French, 00702923; and Khmer, 00295946; you said that  
11 each unit was responsible for finding their own meat and that  
12 therefore, you assigned members you group to fish; is that what  
13 you told the investigators?

14 A. I do not recognize.

15 Q. What is it that you don't recognize; this excerpt that I have  
16 just read to you?

17 A. You mentioned about Sa Met (phonetic), an individual by the  
18 name Sa Met (phonetic), and I did not catch it very well. That is  
19 why I don't understand.

20 Q. It's undoubtedly my fault in formulating my question I will  
21 phrase it differently, Mr. Witness.

22 Did your unit go out finding fish in the river or in the lake?

23 A. They had to be responsible for their respective units in terms  
24 of economy -- that is, to find fish.

25 Q. Did your unit, find -- catch fish on a daily basis?

1 A. Yes. And we could solve the problem of economy.

2 Q. Did members of your unit eat fish with the rice every day?

3 [13.51.35]

4 A. We had fish. However, there were some days that we did not  
5 have. We did not have fish every day. And sometimes the chief of  
6 the construction site would intervene you know, to give dried  
7 fish and or fermented fish paste.

8 Q. And what about vegetables? Did you have vegetables on a daily  
9 basis in addition to the rice?

10 A. Yes. It was normal that some days we had and some other days  
11 we did not have.

12 Q. And do you remember what kind of vegetables were you able in  
13 your unit to eat?

14 A. There were morning glories growing in the open field so that  
15 we could pick up those morning glories to cook for food. There  
16 were plenty of them in the field.

17 Q. Have you ever heard at the time whether there was a connection  
18 between eating fish and vegetables on the one hand and night  
19 blindness on the other hand?

20 [13.54.18]

21 A. Yes, I saw some night blinded people dropped into pits or  
22 bumped some, you know, pieces in front of them.

23 JUDGE FENZ:

24 Counsel, may I just take the opportunity so you can actually  
25 organize your questioning time. It would appear that there is no

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1 WESU report on this person. So please ask all the questions about  
2 -- relevant question about his medical condition you consider  
3 appropriate or important.

4 MR. KOPPE:

5 Would -- would it be help -- I don't know, does the Trial Chamber  
6 know what he actually has or no idea? Because I'd be happy to  
7 just receive an email and then I know what's going on.

8 [13.55.33]

9 MR. PRESIDENT:

10 There is no medical report before the Trial Chamber I only  
11 received the report about his health issue, and I was reported  
12 that perhaps the testimony given by this witness today may not be  
13 as good as the one given to the investigator in 2009. WESU  
14 reported to me that this witness -- after this witness has  
15 recovered from the illness, there is some issue with his memory.  
16 He may forget something in his response. That is why this morning  
17 I inform Parties that question should be precise, short so that  
18 he is able to give response to those question and to make our  
19 proceedings go smoothly. I also informed the Party once again  
20 before the lunch break. For this reason, I think that there is no  
21 need to bring the medical report of this witness before us to  
22 have a discussion. And I as the President does not announce that  
23 the hearing of the testimony of this witness should be deferred.  
24 I received a report from WESU that after recover from illness,  
25 this witness perhaps has some issue with memory. He may forget

1 some of the events.

2 [13.57.30]

3 MR. KOPPE:

4 I -- I understand, Mr. President. But is it a memory affect in  
5 the sense of he forgot where he was in the morning or is it a  
6 short-term memory thing? Was it something else and what sickness  
7 is causing it? Normally, I wouldn't be so interested in what a  
8 witness is suffering from, however, there seem to be quite some  
9 discrepancies, substantial discrepancies between his WRI and his  
10 present testimony. So I think it would benefit all Parties I  
11 presume that we receive a copy of whatever WESU has instructed or  
12 has reported to you, Mr. President. And maybe we can have a look  
13 at it during the break and then maybe revisit it.

14 MR. PRESIDENT:

15 Now the Chamber instructs you to continue your line of  
16 questioning. Co-Prosecutor and Lead Co- Lawyers has done their  
17 best to conclude their line of questioning. Number two, I will  
18 ask the greffiers to contact WESU about the medical report or any  
19 other statement about the health issues of this witness and will  
20 give to you as soon as possible.

21 [13.59.02]

22 BY MR. KOPPE:

23 Thank you, Mr. President.

24 Q. Now let me move on to another question in relation to health  
25 -- the health situation at the dam. You -- Let me rephrase. Do

1 you know anything about people working at the dam suffering from  
2 cholera?

3 MR. CHHUY HUY:

4 A. Some had cholera at their accommodations. And usually if they  
5 fell sick, they could rest at their places, and for people who  
6 were healthy went to work.

7 Q. And how were you able to determine that they were suffering  
8 from cholera? Or how did you know? Or did the medics maybe tell  
9 you at the time?

10 [14.00.35]

11 A. It depended on the medic who treated the sick and there was a  
12 medic on standby.

13 Q. From your WRI, I also understand that if somebody wasn't or  
14 didn't recover while being sick at the dam, you were sent --  
15 transferred as you said to the district hospital. Which hospital  
16 was that; was that the unknown Anlong Sar hospital?

17 A. I do not know about the hospital and I do not know about this  
18 matter.

19 Q. Very Well. My last question, Mr. Witness. Do you recall  
20 whether members in your unit were able to sleep in mosquito nets?

21 A. No, we did not -- there was none at that time.

22 Q. Only in your unit or did you observe this with other units as  
23 well.

24 A. No. With other units as well.

25 Q. Last week, Mr. Witness, and this is my final question, we had

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1 a witness who testified and he said that he was sleeping at night  
2 in a mosquito net. Are you able to tell whether that man is in  
3 general an exception or whether that would have been depending on  
4 his unit or his cooperative where he was from?

5 [14.02.59]

6 MR. PRESIDENT:

7 Mr. Witness, please hold on. Madam Prosecutor, you may proceed.

8 MS. SONG CHORVOIN:

9 Mr. President, I think it is very helpful if the counsel is  
10 referring to a particular reference, document or particular  
11 witness, that he is referring to and the corresponding ERN for  
12 ease of reference. Thank you, Mr. President.

13 MR. KOPPE:

14 I'm happy to give the ERN. I don't have it right now in front of  
15 me. It was the witness of last week who said that, who  
16 confirmed--

17 [14.03.50]

18 MR. FARR:

19 If it's the witness I'm thinking of, the witness said that he  
20 brought -- he was permitted to bring his own mosquito net and  
21 that it was not provided at the dam worksite. So I'm happy for --  
22 for Mr. Koppe to ask that question but I think that ought to be  
23 clear.

24 BY MR. KOPPE:

25 That is exactly the purpose of my question whether -- if it's --

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1 if it's correct what this witness has been saying that he had in  
2 fact a mosquito net, whether that would be something incidental  
3 or whether that would be possible in other units. Let me  
4 rephrase, Mr. President.

5 Q. Mr. Witness, do you know anything about mosquito nets being  
6 present for members in other units?

7 MR. CHHUY HUY:

8 A. No I did not see. I did not see any mosquito net. We only had  
9 the mosquito net we brought along with us from our home. There  
10 were one or two we brought along with us from home.

11 Q. One or two in your unit? Or what exactly did you mean when you  
12 said there were one or two mosquito nets that you saw?

13 A. In my unit, we brought mosquito net with us from our home. And  
14 as for other members, I did not know whether or not they had  
15 mosquito nets.

16 [14.05.55]

17 Q. So do I know understand correctly that almost all or all  
18 members in your unit had mosquito nets to sleep in?

19 A. We worked there for a few months. We were given mosquito nets.  
20 But earlier on we were not given mosquito nets. We did not have  
21 mosquito nets for one or two years and then they -- the upper  
22 echelon provided the mosquito net as well as some clothes.

23 Q. These were my questions, Mr. President. Just for completeness'  
24 sake I was referring to witness Kan Thorl E3/7803, English ERN,  
25 00277822; who said that he slept in a mosquito net. Thank you.

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1 MR. PRESIDENT:

2 Thank you. You may proceed. Yes, you may proceed the National  
3 Counsel for Mr. Nuon Chea.

4 [14.07.37]

5 QUESTIONING BY MR. LIV SOVANNA:

6 Good afternoon, Your Honours. My name is Liv Sovanna. I am the  
7 national lawyer for Mr. Nuon Chea. Good afternoon, Mr. Witness, I  
8 have a few questions to put to you.

9 Q. For the daytime work, what time did you start work and what  
10 time did you finish it for the day.

11 MR. CHHUY HUY:

12 A. We started at 6 o'clock in the morning until 11.00.

13 Q. How about the afternoon shift. What time did you start work?

14 A. We resume at 3.00 until 5.00.

15 Q. In both shifts, were you allowed to take a short break in  
16 between?

17 A. It depended on the agreement in respective units. Once they  
18 agreed in the unit, for example, if they were tired then they  
19 agreed to take breaks. So, it all depended on the respective unit  
20 to decide.

21 Q. How about the unit under your supervision. Did the workers  
22 have time to take rests in between during working hours?

23 [14.09.40]

24 A. I was very kind to my members. They were all very happy with  
25 my leadership at that time. And I never made them work too hard.



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1 If they were exhausted they could take the break.

2 Q. This morning you said that in your unit, you were imposed a  
3 quota of two cubic meters of dirt per person. So my question to  
4 you now is; was there any member in your group who did not meet  
5 that quota?

6 A. Yes, there were some but it was only some tardiness. The  
7 others could finish earlier and while the others could not finish  
8 it on time. Then we would assist one another once other members  
9 could not finish the work within the day.

10 Q. So those who failed to meet the quota imposed, and you  
11 reinforced by giving more labour to them, did you ever impose any  
12 punishment, sanctions or reprimands against those who failed to  
13 meet the quota of the day?

14 [14.11.19]

15 A. No, because I observed that some members was very weak  
16 physically. So we had to help each other; we help each other only  
17 at that times, there was no reprimand or punishment.

18 Q. Based on your observation in your unit under your supervisions  
19 or your nearby units, in the course of the work, did any members  
20 or workers suffer from work-related accidents or they were taken  
21 to be killed at the time?

22 A. No, nobody suffered from anything. They were all happy.

23 MR. FARR:

24 Mr. President. That last question was a two-part question. He  
25 asked first about work-related accidents and then about people

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1 being taken away to be killed. I think that runs the risk of  
2 confusing the witness. So, I would just ask that Counsel  
3 separate, separate topics in his questions.

4 MR. LIV SOVANNA:

5 Mr. President, actually there might have been an issue in the  
6 translation. I was asking about the work-related accident that  
7 leads to the deaths of the workers over there.

8 [14.12.57]

9 MR. PRESIDENT:

10 Counsel, please put that question to the witness again.

11 BY MR. LIV SOVANNA:

12 Let me clarify my questions. In the course of your work, based on  
13 your observation, did any worker suffer any work-related accident  
14 and he or she lost his own life because of that work-related  
15 accident?

16 MR. CHHUY HUY:

17 A. No there was no one actually got any death accident.

18 Q. So, when you were working over there, did you see any soldiers  
19 guarding the workers who were working there?

20 [14.14.04]

21 A. Yes. Yes, there were soldiers. The workers were under  
22 surveillance.

23 Q. Why did they guard workers working over there?

24 A. I did not know. They would come, and they would sit here, and  
25 then they moved to another place. I did not know what they

1 intended to do.

2 Q. How far was it from the place you where were working and the  
3 place that they were guarding?

4 A. It was not far from each other. Actually, the soldiers came to  
5 converse with the workers from time to time too.

6 Q. So when the workers were exhausted, as you put it earlier, did  
7 these soldiers blame the workers that they had to continue  
8 working?

9 A. No. They never lay any blame on the workers.

10 Q. Is my understanding correct then that the task allocation, the  
11 labour division is under the responsibility, the sole  
12 responsibility and discretion of the respective unit chief, it  
13 has nothing to do with the military personnel then; is that a  
14 fair summary of what you have told the Court?

15 [14.16.30]

16 A. Yes, it was not under the military sphere. Actually, it was  
17 under the direct responsibility of the respective unit chief.

18 Q. You said earlier that there was an economic group who was  
19 charged with the responsibility to look for fish or vegetable.  
20 Was it under the company or was it under the unit chief's  
21 responsibility.

22 A. Actually they were -- this economic chief responsible for  
23 looking for all of this for the entire company. They were looking  
24 for fish and they also cooked rice, but there were different  
25 people responsible for these two tasks.

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1 Q. How many members were there in this economic unit?

2 A. There were four members who were charged to look for fish and  
3 four others for preparing rice.

4 [14.18.10]

5 Q. So, the cooking actually it was -- the cooking was prepared by  
6 this group for the entire company, it was not for the individual  
7 unit subordinate to the company?

8 A. Yes the cooking was actually for the communal dining hall, so  
9 it was for the entire company.

10 MR. LIV SOVANNA:

11 Thank you very much, Mr. Witness. I have no further question, Mr.  
12 President.

13 MR. PRESIDENT:

14 Thank you. Next, I hand over the floor to the defence team for  
15 Mr. Khieu Samphan, to put the question to the witness. You may  
16 now proceed.

17 [14.19.07]

18 QUESTIONING BY MR. VERCKEN:

19 Thank you, Mr. President. Good afternoon, Witness. My name is  
20 Arthur Vercken and I am one of Mr. Khieu Samphan's counsels.

21 Q. First, I would like to ask you if it is true that your native  
22 village is in Phnum Srok district?

23 MR. CHHUY HUY:

24 A. Yes. Yes, it was in Phnum Srok district.

25 Q. In between your village and the dam, what's the distance? Can

1 you give us an idea?

2 A. It was 12 kilometres away.

3 Q. You said that for two years you were a monk at Nam Tau pagoda  
4 in the same district -- that is to say, Phnum Srok district. So  
5 then, how far is that pagoda from the dam approximately?

6 A. It was approximately 13 kilometres away.

7 Q. And was this pagoda also close to your native village? Was  
8 your native village far from the pagoda or not?

9 [14.21.20]

10 A. It was about three kilometres from my village to that pagoda.

11 Q. Fine. I noted that in your 2011 WRI, that you speak Lao and  
12 Thai on top of Khmer; is that so?

13 A. No. No, that is not correct. I don't know. I speak very  
14 little. I've never been to Thailand.

15 Q. Fine. Maybe there was an interpretation issue or a translation  
16 issue because I was looking at the French version, and apparently  
17 that was checked off on the translated document. So, what were  
18 you doing when you were at that pagoda? What were your  
19 activities? Were you learning or were you also teaching?

20 A. I was a monk, an ordinary monk in the pagoda. I was not  
21 educated enough to teach at the time.

22 Q. This morning when you were questioned about the biographies,  
23 you said that everyone had to establish his or her biography and  
24 you didn't understand why it was necessary to do so. So can you  
25 tell us what you wrote down in your biography or what you put

1 into your biography? Did you say, for example, that you had been  
2 a monk?

3 [14.24.07]

4 A. Yes, in my biography, I put it that I used to be a monk.

5 Q. And, did that give rise to any issues? Were you criticized for  
6 having been a monk?

7 A. No, there was no issue with it at all.

8 Q. Well, it seems that they even trusted you because you were  
9 appointed company leader. And then you had a high level of  
10 responsibility. And in this regard, I would like to get back to  
11 something you said in 2011, when you were questioned. You  
12 indicated that your chiefs would hold meetings every two to three  
13 days. And you spoke about these meetings, but you also spoke  
14 about assemblies. So I don't know how this would be translated  
15 into Khmer, but when we read your WRI, both words are used in  
16 French at least: "reunion - meeting" or "assemblée - assembly".  
17 When you speak about the assemblies, you say that during the  
18 assembly time, you were granted rest. So does that remind you of  
19 something? Can you tell us in fact what difference there might  
20 have been between meetings and assemblies? Was there a  
21 difference? Was a difference made back then between both? And  
22 therefore, can you explain if that was the case?

23 [14.26.29]

24 A. For the word 'assembly', it means that we could take a rest  
25 one or two days in order to save our energy for the active work

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1 the next day or the following days.

2 Q. Well, I still don't know what the word in Khmer is for  
3 assembly. But in French the word 'assembly' or 'assemblée' refers  
4 to a gathering of people discussing or maybe discussing an issue  
5 or maybe taking decisions in relation to that issue; is that what  
6 you mean by assembly?

7 MR. FARR:

8 We don't -- we don't need a discussion of what the French word  
9 means in French. The witness is here to tell us what he saw.  
10 Counsel can ask him questions about what he saw.

11 MR. VERCKEN:

12 May I proceed, Mr. President. I don't really understand the  
13 objection here.

14 MR. FARR:

15 Your Honour, in that case I'll try to be clear. Sorry, I was  
16 speaking too fast. It's in essence a leading question. He  
17 suggested to the witness what he believes an assembly is. And  
18 he's asked the witness to confirm that. He should just ask the  
19 witness what the witness meant by an assembly.

20 [14.28.34]

21 BY MR. VERCKEN:

22 Witness, what does the word assembly mean aside from the fact  
23 that you were granted rest when there were assemblies? Was there  
24 another purpose for these assemblies?

25 MR. CHHUY HUY:

1 A. The word assembly, they would convene people to meet in one  
2 place and then I heard the cheer of the people, 'long live  
3 something', and try to complete the work as planned. So that was  
4 all about it.

5 Q. And whenever there were assemblies, it did not concern the  
6 entire worksite? Did it concern the entire worksite or only part  
7 of the worksite?

8 [14.29.54]

9 A. All took rest, from everyone from every unit came to assemble  
10 in one place and we all took rest.

11 Q. How often did such assemblies hold?

12 A. I am -- I was not able to grasp of the situation. It happened  
13 once in every two or three years. And usually when the assembly  
14 was held, leaders would attend the assembly and we had to line  
15 the street and welcome the leaders.

16 Q. How many times did you work on the worksite in all during the  
17 Democratic Kampuchea regime between 1975 and 1979? Did you work  
18 at the worksite throughout the regime or only during part of the  
19 regime? And I would like you to tell us how many times you stayed  
20 on the worksite?

21 A. I can say I worked there until the end and I fled home since I  
22 was not interested in the work there. And I got married during  
23 the time and my wife was still working in the field and I fled  
24 home alone. Later on, my wife learnt that I stopped working at  
25 the worksite. I was no longer within the mobile unit. My wife



1 also went back home.

2 [14.32.39]

3 Q. Did she also flee?

4 A. She was an older member and she was included in the unit in  
5 the village.

6 Q. Did she also flee from her post? I didn't quite understand  
7 what you meant when you said she joined you. Did she also flee  
8 when she heard that you had left the unit?

9 A. She was getting old, and it was not proper for her to stay  
10 with the unit working at the site. It was better to be in a unit  
11 in the village close to her parents.

12 Q. So that was not flight, so to speak. It was merely a change of  
13 employment or position -- a transfer?

14 A. I made a request. I submitted a request to battalion chief  
15 that I was old and I was not able to stay in the mobile unit.  
16 During that time, my request was granted.

17 Q. And did your wife do the same thing? Is that what you are  
18 saying, Sir?

19 [14.35.14]

20 A. My wife had trouble. There was a trouble at that time, there  
21 was a change of situation almost at the end of that time, and she  
22 fled.

23 Q. Very well. So she was the one who fled, isn't that the case?  
24 In your case, you were transferred at your request and that  
25 request was granted, isn't that the case, Sir?

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1 A. It depended on her work.

2 Q. Mr. Witness, do you recall the date on which the work on the  
3 worksite started? Because you stated that you stayed at the  
4 worksite, the dam worksite practically up to the end. Can you  
5 tell us when the works on the worksite started? Are you able to  
6 give us a date or not?

7 A. I cannot remember it. It happened long, long time ago. It  
8 started when I was in the age of 22 or 23. I cannot recall it,  
9 Counsel.

10 MR. VERCKEN:

11 Mr. President, I'm looking at the time and it may be time for us  
12 to take a break.

13 [14.37.40]

14 MR. PRESIDENT:

15 Thank you. Before the break time, I would like to inform Mr.  
16 Koppe that there is no medical report of this witness before he  
17 appears before the Trial Chamber. However, there is a report by  
18 WESU at the time that WESU went to collect the witness, whether  
19 or not he is able to come here to testify. And in the report,  
20 there was one point stating about the fact that he may have some  
21 issue in relation to his memory after he recovered from the  
22 illness. And the witness was saying that he tried his best to  
23 come here and give the best testimony before the Chamber. So  
24 there is a report by WESU about this matter, not the medical  
25 report. It is now break time and the Court will take break from

1 now until 3 o'clock.

2 Court officer, please find a room for this witness during the  
3 rest time and please invite the witness together with the duty  
4 counsel into the courtroom at 3 p.m.

5 The Court is now in recess.

6 (Court recesses from 1439H to 1458H)

7 MR. PRESIDENT:

8 Please be seated. Counsel Vercken, please hold on. And I hand  
9 over to Judge Claudia Fenz, first. Judge, you may proceed.

10 [14.59.08]

11 JUDGE FENZ:

12 Yes, we have during the break tried to solve the mystery of the  
13 WESU report. Actually, there is no written WESU report. What has  
14 happened is the following. In the first break, the witness told a  
15 WESU staff member that he has had -- that he has been sick  
16 recently and might therefore not remember as well as before. This  
17 information, which was related orally, was given to the legal  
18 officer of the Chamber and in turn provided to the President.

19 MR. PRESIDENT:

20 Counsel Vercken, you may proceed.

21 [15.00.04]

22 QUESTIONING BY MR. VERCKEN:

23 Thank you, Mr. President.

24 Q. Witness, you have just heard what has just been said by Judge  
25 Fenz. So can you therefore tell us specifically what this illness

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1 was that you spoke about this morning?

2 MR. CHHUY HUY:

3 A. I ask the hospital based in Phnum Srok district. There were  
4 numerous ailments, and I have actually asked the additional  
5 medical doctors or healers, my relatives, my children have  
6 actually sent me to meet them to get the treatment.

7 [15.01.26]

8 Q. I don't know how to put that question to you but what is the  
9 name of that illness? What was the illness? That's what I'd like  
10 to know. What were the symptoms of that illness as well?

11 A. As for the symptom, it was not something noticeable, but  
12 generally, I was very tired and I usually sweat terribly and I  
13 got so exhausted. Afterwards, I got injection and I spent up to  
14 20,000 Thai baht on the treatment.

15 MR. PRESIDENT:

16 Mr. Vercken, could you please move on and please focus on  
17 substantive questions because now we are running out of time, and  
18 this examination is approaching the end.

19 BY MR. VERCKEN:

20 But I still have 55 minutes, Mr. President, I believe. Well, what  
21 I would like to know in fact was if this illness had some kind of  
22 link with his memory problems, the fact of feeling tired and  
23 sweating, is not necessarily connected to that.

24 Q. But, Witness, let me get back to my examination because -- I  
25 need to understand your stance today with regard to this episode

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1 of a man who allegedly was shot down at the worksite, and that he  
2 discussed with the prosecutor this morning and also when you  
3 answered my colleague, Victor Koppe. And everyone noted today  
4 that there is a difference between what you said in 2011, or in  
5 any case what you signed off in 2011, and what you said to us  
6 today before the Chamber. So I'd like to ask you therefore, when  
7 you say today that you only heard a gunshot and therefore you  
8 concluded from that, that someone had been killed; is that your  
9 testimony or is that just something you're saying because you  
10 might have memory problems? So, I really want to understand why  
11 you have changed your testimony. Do you remember today clearly  
12 that you did not see this person being shot dead?

13 [15.04.56]

14 MR. CHHUY HUY:

15 A. Yes. I only heard the gunshot and I concluded that he was shot  
16 dead.

17 Q. So then what happened in 2011, when you said that you remember  
18 hearing your testimony being read back to you? So why did you  
19 sign it if there -- you said that you saw directly this person  
20 being shot dead? Why did you sign it off in which -- why did you  
21 sign off this document in which it was written that you saw this  
22 person being shot dead? Can you tell us why -- can you tell us  
23 why in 2011 you signed that document?

24 [15.06.13]

25 A. I did not see it because it was at night, it was dark. So I

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1 was actually quite close to them at that time but I did not see  
2 it; I only heard the gunshot. And I thought that that was it, the  
3 man must have been shot dead.

4 Q. How far were you from that person? When you say you were very  
5 close, how far were you?

6 A. That was about 50 or 60 metres away.

7 MR. FARR:

8 Mr. President, the last question in my submission was not clear  
9 as to whether he was being asked his distance from the shooter or  
10 his distance from the victim. And I think that could be an  
11 important distinction. So if counsel could clarify that, I think  
12 that would be in the interest of the evidence.

13 [15.07.32]

14 BY MR. VERCKEN:

15 So how far were you from the shooter, Witness?

16 MR. CHHUY HUY:

17 A. It was about 70 metres away. It was very dark at that time.

18 Q. So you could -- you could see this shooter in the dark 70  
19 metres away or not?

20 A. No, it was very dark. I did not see the shooter.

21 Q. And what about the victim? Were you able to see the victim?  
22 Were you able to see the victim fall?

23 [15.08.42]

24 A. No, not either. I only heard the gunshot. And I was frightened  
25 myself so I escaped.

1 Q. Fine. Now, getting back to my initial question which you  
2 haven't answered yet, but however what you were saying interested  
3 me that's why I proceeded. Well let me get back to that question.  
4 Why did you sign that written record of interview in March 2009,  
5 whereas apparently what -- its contents does not correspond to  
6 your memories? Can you tell us why, we would like to know why you  
7 signed it - why you signed this written record?

8 A. I do not really understand the question.

9 Q. Do you remember how many times you met the investigators in  
10 March 2009? I would like to remind you that apparently you saw  
11 them in Thmei Khang Tboung village, Nam Tau commune, in Phnum  
12 Srok district. Do you remember this encounter that happened  
13 nonetheless six years ago? So does this encounter with the  
14 investigators of the tribunal ring a bell?

15 [15.10.47]

16 A. Yes, I met him once.

17 Q. So you met him only once and only for one day; is that the  
18 case?

19 A. Yes, it is. It lasted for only one hour within the day.

20 Q. Are you sure of that -- are you sure of that it only lasted  
21 one hour?

22 A. I estimated that it was only for one hour back then.

23 Q. Well, I'm being told that the audio file that we have on the  
24 case file is two hours long, and that was six years ago. However,  
25 there is a segment in this audio file which leads me to put

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1 another question to you. That day Mr. Em Hoy and Mr. Thomas  
2 Grange Morrow questioned you, and therefore they were  
3 investigators at the ECCC back then. And we had part of the audio  
4 file translated and this is at -- at minute 16.

5 [15.12.56]

6 MR. FARR:

7 A document reference number and an ERN please.

8 MR. VERCKEN:

9 Yes. D166/123.1, that's the reference number. We requested the  
10 translation and we have a Khmer transcription as well with ERN  
11 01132539. But we do not yet have the translation of this  
12 transcript.

13 MR. PRESIDENT:

14 Judge Jean-Marc Lavergne, you have the floor.

15 JUDGE LAVERGNE:

16 Yes. In order to make sure that everything is clear. So if I  
17 understood well there was a transcript of the audio recording  
18 from the witness that was the interview by the investigators, and  
19 you have today the Khmer transcript as well as an unofficial  
20 translation of that transcript; is that the case?

21 [15.14.56]

22 BY MR. VERCKEN:

23 Yes, indeed. And yes and this translation is going to be focused  
24 on one word and it's quite easy. And our Cambodian colleagues can  
25 check this as well as our Cambodian colleagues with the



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1 Prosecution. So it's at minute 16, the investigator, I think it's  
2 Mr. Em Hoy is speaking then, says to the witness: "In the  
3 previous interview, you said this, this, and this, and this." So  
4 that's quite surprising because Mr. Em Hoy seems to be referring  
5 to a meeting that happened prior. And we are only at minute 16 in  
6 this particular interview. So, let me put the question to you  
7 again and then I will move onto another topic. So are you  
8 absolutely sure that you met the investigators of the tribunal  
9 once only -- that is to say, 31 March 2009? Because we have the  
10 audio file of this interview, and the investigator is referring  
11 to an interview that happened prior with him apparently. So does  
12 this remind you of anything?

13 MR. CHHUY HUY:

14 A. Yes, I was interviewed once in Thmei Khang Tboundg village, Nam  
15 Tau commune, Phnum Srok district. That was only once.

16 Q. Once and that was it. So you only saw this investigator once;  
17 is that so?

18 A. Yes, only once.

19 [15.17.18]

20 Q. Well fine. Thank you for this answer. But I'd like you to  
21 know, Mr. President, that this is not the first time that this  
22 issue comes up. So we would like to have more clarification on  
23 the working methodology of the investigators. And it might be  
24 possible to obtain some clarification but not today  
25 unfortunately. So, I am going to now move on to another topic,

1 another issue regarding the quota, the quota of earth that you  
2 had to carry. You were questioned about this a little earlier and  
3 you said that Chhuong and Ta Val would come to check the quota --  
4 the quota of earth that had been carried. So my question is how  
5 did these people go about it to verify the quantity of earth that  
6 had been transported? Practically, how could they do it? What  
7 were the technical means that these people had available to  
8 control the work of maybe 30,000 people who were working at the  
9 dam site? You who are a company chief, can you tell us what the  
10 technical, practical methods were used to control and check that  
11 the earth quota were met?

12 A. Well, I received the instructions from the upper echelon to  
13 monitor the task allocation to be given to people down below the  
14 structure. I had to monitor that they follow the plan.

15 [15.19.49]

16 Q. But Witness, back then you were therefore able to understand  
17 what two cubic metres of earth corresponded to? And if that was  
18 the case, how would you go about it to check that each one of  
19 your 150 unit members had transported the two cubic metres of  
20 earth that was assigned to them each day? How would you go about  
21 that, how could you check that?

22 A. We measure it. We -- they had to make every effort to complete  
23 the quota. Those who failed to meet the quota for the day, I  
24 would ask other people to assist these people so that they could  
25 complete the quota for the day.

1 Q. And how would you measure these two cubic metres of earth? Was  
2 it with a scale or with some kind of measurement tape? Or how  
3 would you measure it?

4 [15.21.34]

5 A. They measured it by using wooden metre.

6 Q. And you were the one who would check that or were there people  
7 who all day long were assigned to check that the quotas were  
8 being met? So what would happen, would you come in the morning  
9 with a stick that you would give to each person, and then you  
10 would assign to each person a segment to work on, and then in the  
11 evening you would come back with this stick to measure? So how in  
12 fact precisely would you decide or determine if someone had met  
13 the quota or not?

14 A. As a chief, I monitored on the day to day basis. I had to be  
15 on standby at all times and I had to make sure that they achieve  
16 the quota. Anybody failed to meet the quota then I would ask  
17 other people to help in order than he can complete the quota for  
18 the day. And as for the measurement, when we got to the place,  
19 the unit chief or the supervisor or leader of each group, they  
20 had to do the measurement for their group members.

21 Q. I'm sorry but all of this is kind of confusing. You're  
22 speaking about a worksite with tens of thousands of workers and  
23 based on what you are saying, it was practically necessary to  
24 have as many people transporting earth as people checking that  
25 the people had met their quotas. So, of course, we are not going

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1 to dwell on this forever, but let me ask you a more precise  
2 question.

3 [15.24.04]

4 MR. FARR:

5 Your Honour, these comments are unnecessary and inappropriate. To  
6 some extent he's inviting speculation as to what was happening  
7 with the other 9,900 workers at the site. He seems to be sort of  
8 criticizing the witness's answer but not really asking a  
9 question.

10 MR. PRESIDENT:

11 Mr. International Co-Prosecutor, can you please advise the  
12 Chamber as to your approach that you are adopting, that you are  
13 actually teaching the other Party how to frame the question. Of  
14 course, in the course of the proceedings, one Party may object  
15 against the question by another Parties, but here we are not  
16 trying to teach another Party how to do it. So if you have any  
17 other jurisprudence from any international court, so you may  
18 refer to the previous transcript of the previous proceedings from  
19 other international prosecutors, that is not the ways that we  
20 should adopt. So generally, if you object to the question by the  
21 other Party, and so far the Prosecution has commented on this  
22 approach when one Party is instructing or teaching another Party  
23 to put the question.

24 [15.25.43]

25 MR. FARR:

1 Your Honour, I apologize if I came off as pedantic. My objection  
2 was simply that Counsel was not asking a question; he was  
3 arguing.

4 MR. PRESIDENT:

5 You may object to the questions or any leading questions by the  
6 other Party. Of course, you can object, but we do not adopt the  
7 approach when we are actually teaching the other Party.

8 [15.26.27]

9 BY MR. VERCKEN:

10 Witness, let me suggest something to you or let me propose  
11 something to you, and you would tell me if I'm right or not. I  
12 suggest that in your unit the way the that people checked that  
13 the quotas were met was superficial. It was completely random,  
14 you would just random check. You would look more or less to see  
15 approximately how much earth had been transported. It was  
16 impossible to check that for all the workers at the worksite. So  
17 does this seem to be in fact the case?

18 MR. PRESIDENT:

19 The National Lead Co-Lawyer for the civil party, you may proceed.

20 MR. PICH ANG:

21 Thank you, Mr. President. The Witness has answered the question  
22 as to the measurement of the quota. He said that they use the  
23 wooden metre. And Mr. Vercken continued to ask the question  
24 whether or not this measurement was accurate using the naked eye?  
25 So I would object to this question. If the witness answered that

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1 they used the eyes to see the measurement -- I think that it was  
2 rather confusing.

3 [15.28.21]

4 MR. PRESIDENT:

5 Judge Jean-Marc Lavergne, you may proceed.

6 JUDGE LAVERGNE:

7 Yes. Counsel Pich Ang has just reminded us what the witness had  
8 said, which I also remember, that is to say, onsite there was a  
9 measurement stick that would define quantities. That's what I  
10 understood. Counsel Vercken, is it this stick that you consider  
11 the basis of random estimation of how much was being transported?  
12 I really can't understand.

13 BY MR. VERCKEN:

14 Let me try to clarify things, Your Honour.

15 Q. Witness, this stick you spoke about, was there only one stick  
16 or were there several sticks or was this stick fixed all day  
17 long? Where was this stick precisely? Can you provide us with  
18 some clarification in regard to that?

19 [15.29.39]

20 MR. CHHUY HUY:

21 A. We -- at that time, we practised it every day. We would be  
22 able to measure it, for example, we would use traditional  
23 measurement using our hand to measure it. So we would be able to  
24 measure it using this wooden metre to measure it. So it was the  
25 common practice over there. And we could measure it by that

1 means.

2 Q. And how many yardsticks did you have in your unit, Sir, for  
3 the 150 workers under your orders?

4 A. It was a common practice at that time that we use this wooden  
5 metre to measure it. That was the measurement we used. And we  
6 actually tried to remember it and replicate it for other  
7 measurements for the work quota for the following days.

8 [15.30.20]

9 Q. I am sorry I have to insist, Sir. But your answer is not clear  
10 to me, at least from what I hear in the French. What I'm trying  
11 to understand from you Sir, is how you managed to cross-check on  
12 a daily basis that each of the workers transported two cubic  
13 metres of earth. And what you say is that you used a stick, and  
14 yet there were 150 workers. All I am asking of you is to remember  
15 what happened during that period, and how from morning till the  
16 end of the day you were able to ascertain that each of the  
17 workers managed to respect the quotas of earth that had to be  
18 transported. How did you managed to cross-check that?

19 MR. PICH ANG:

20 Mr. President, I would like to object to this question because  
21 this question has already been answered by this Witness. He said  
22 that each unit chief would measure it, and then they would come  
23 to him for the report. And if anyone failed to meet the quotas,  
24 then he would send more forces to help those people. So it  
25 doesn't mean that the he, himself, went to conduct the

1 measurement by himself, but there were other group leaders who  
2 did the measurement and reported to him.

3 MR. PRESIDENT:

4 Mr. Vercken, please move on. I think that that is to the best of  
5 the ability of this witness to respond to this line of  
6 questioning.

7 [15.33.27]

8 MR. VERCKEN:

9 I have the impression that I am advancing the manifestation of  
10 the truth. And it appears that the civil party seem to know what  
11 happened very clearly at the time. That is just my observation.

12 MR. PRESIDENT:

13 Witness, you are instructed not to respond to the question.  
14 Counsel, please move to another line of questioning.

15 BY MR. VERCKEN:

16 Witness, how, at the end of the day, did you find out that each  
17 of your workers had transported two cubic metres of earth? Who  
18 told you so and who told you to cross-check that yourself? Did  
19 you have in your team people who were specialized in doing that?  
20 How were you able to know at the end of the day that the quotas  
21 had been respected?

22 [15.34.41]

23 MR. CHHUY HUY:

24 A. I can recall that I was there to cross-check the work quota  
25 until everyone completed their work. I could not go anywhere



1 before the work was done.

2 Q. Mr. Witness, this will be my last question to you. The mother  
3 of your six children, is that the person you married during the  
4 Khmer Rouge regime -- that is, the Democratic Kampuchea regime?

5 A. During the time when I was building the dam.

6 Q. Is that woman indeed the mother of your six children? Is that  
7 the person you married between 1975 and 1979? Is that person  
8 still your wife?

9 A. Yes, you are right.

10 MR. VERCKEN:

11 I give the floor to my colleague.

12 MR. PRESIDENT:

13 You have the floor now, Kong Sam Onn.

14 [15.37.07]

15 QUESTIONING BY MR. KONG SAM ONN:

16 Thank you, Mr. President. Good afternoon, Mr. Chhuy Huy. I have  
17 only a few brief questions for you to clarify.

18 Q. First, I want to ask you about the situation -- working  
19 situation, close to Bridge Number 1 at Trapeang Thma Dam  
20 worksite. You have given your answer so far. However, I would  
21 like to know the working situation on the crest of the dam close  
22 to Bridge Number 1. Were there any workers sleeping, you know,  
23 close to Bridge Number 1?

24 MR. CHHUY HUY:

25 A. Now, today, there are many people and there are markets as

1 well.

2 [15.38.27]

3 Q. I am asking about the period when you were building the dam,  
4 not the current situation.

5 A. No, there were only workforce. There were only workers.

6 Q. Yes, you are right. However, I would like to know whether  
7 there was accommodation close to the worksite. Now, can you tell  
8 the Court, were there any shelters close to the dam worksite?

9 A. No. There were only labourers building the dam close to Bridge  
10 Number 1.

11 Q. What do you mean by saying there were labourers building the  
12 dam? You want to say the shelters were there for labourers who  
13 were building the dam?

14 A. There were -- there were those who were in charge of the  
15 construction sites and there were people who supervised the  
16 workers.

17 Q. Thank you. Could you tell the Court how many of them stayed  
18 close to Bridge Number 1?

19 [15.41.10]

20 A. I cannot remember it. There was a majority of them. And  
21 workers had to focus on the segment that they were assigned to  
22 work on.

23 Q. Thank you. In document E3/5283, the written record of your  
24 interview, ERN in Khmer is at 00295943; English, 00322198;  
25 French, 00702920; you were asked about Ta Val and your answer is:

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1 "They stayed near the first bridge." Can you tell the Court how  
2 many members were there within Ta Val's group?

3 A. I have no idea. He had unlimited number of subordinates.  
4 Vehicles came and went frequently.

5 Q. Thank you. I am not asking about Ta Val but about others  
6 within Ta Val group or I am asking about close associates of Ta  
7 Val. Were there any members from Ta Val's group staying at the  
8 shelter where Ta Val was staying when he was absent?

9 A. People who were in charge of logistic were there on a  
10 permanent basis when Ta Val was absent.

11 [15.44.16]

12 Q. Thank you. From your knowledge, when was Ta Val's office  
13 built? And how long did Ta Val stay in that office?

14 A. I do not know. I cannot remember it. There were heavy  
15 machinery. There were hoes at the worksite. I cannot recall it  
16 well.

17 Q. I am not -- I do not really understand your answer. Are you  
18 saying there were no heavy machinery at the worksite, there were  
19 no hoes at the worksite; is that correct what you're saying?

20 A. There were many of heavy machinery. There were vehicles, there  
21 were heavy machinery, there were asany (phonetic).

22 Q. Thank you. After Ta Val disappeared, did anyone else use that  
23 office? Did someone else who came to replace Ta Val use that  
24 office, I mean, office of Ta Val?

25 A. I did not work at the site until the completion of the

1 construction. Later on, I was reassigned to Bantoat Baoh to do  
2 rice farming in a dry season. I was working in the rice field for  
3 six month, and after that time, as I told you already, I made a  
4 request to my chief that I wanted to go back home.

5 [15.46.46]

6 Q. Thank you. From my understanding, after your marriage, you  
7 made a request to go back home and it happened almost at the end  
8 of the regime, I mean at the end of the Democratic Kampuchea; is  
9 that correct?

10 A. Yes, it happened almost at the end of the Democratic Kampuchea  
11 when I made a request to go back home.

12 Q. Thank you. I am moving now to a new topic in relation to the  
13 testimonies you gave this morning in relation to the removal of  
14 your position. You were removed from the position and you were  
15 assigned to collect and pick up rumpeak and make earth-carrying  
16 baskets. In addition to what you said, you were sick and you were  
17 accused of having the so-called imaginary disease. Consequently,  
18 you were removed from the position of company chief. I want you  
19 to tell the Court about your real experience while you were  
20 working at the dam site building the dam, collecting rumpeak and  
21 making baskets. So which work condition, you know, which working  
22 condition were harsher?

23 [15.48.49]

24 Q. I told already that when I did not go into the battlefield to  
25 work, I was not well at that time. And I was accused of refusing

1 work. And they said since I did not work, I had a psychological  
2 -- I had an imaginary disease, and I was removed from my unit at  
3 that time and reassigned into another work assignment -- that is,  
4 making five or six earth-carrying baskets per day. Since I was  
5 able to meet the work quota -- that is, I could complete the  
6 assignment, I was reassigned back to my unit.

7 A. Thank you. I want to know about working conditions in relation  
8 to what I have just mentioned, comparing to the time you were  
9 working at the dam site -- that is, company chief and collecting  
10 rumpeak and making baskets. Which work was harsher, I mean  
11 working condition?

12 Q. The working conditions were quite the same. And I had to work  
13 hard to go around and look for rumpeak so that I could collect  
14 and pick up rumpeak. So the work conditions were the same.

15 [15.51.02]

16 Q. Thank you. Can you tell the Court how long you worked at the  
17 place where you were collecting rumpeak and making earth-carrying  
18 baskets?

19 A. What do you want me to tell you?

20 Q. I am asking about the time when you were collecting rumpeak  
21 and making earth-carrying baskets. So how long did you work  
22 there?

23 A. I cannot recall it. I cannot recall it well. Perhaps, I was  
24 there for two months -- two weeks or three weeks.

25 MR. KONG SAM ONN:

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1 Thank you. I am done with my line of questioning, Mr. President.

2 [15.52.24]

3 MR. PRESIDENT:

4 Thank you, Counsel. The hearing today comes to an adjournment  
5 now, and the Chamber will adjourn from now on and we will resume  
6 tomorrow, on Tuesday, 25th of August 2015.

7 You have the floor, Mr. Koppe.

8 MR. KOPPE:

9 Thank you, Mr. President. Very briefly. We just received this  
10 afternoon two emails from the Senior Legal Officer in relation to  
11 the upcoming key document presentation hearing. We would like to  
12 make some submissions in respect of the practicality of the  
13 suggested scheme. Maybe now is not the time, but I would like to  
14 request if we would be allowed tomorrow morning in the first part  
15 of the first session to make some submissions on this.

16 JUDGE FENZ:

17 (Microphone inactivated)

18 Can you just give us an idea how long you expect the submission  
19 to take?

20 [15.54.16]

21 MR. KOPPE:

22 Well, it's actually very brief and I can do it now. I've seen  
23 that the idea is to have submissions per worksite, and then have  
24 the Prosecution, one trial session together with civil parties,  
25 then the Defence can react in the next trial session or have

1 their own submissions and then react in the afternoon. The  
2 problem is that we have been preparing for this obviously in the  
3 last week, and we have identified quite a number of documents  
4 which we think are relevant for all three worksites. To give you  
5 an indication, we probably up until now have identified about 30  
6 documents for the worksites, and it seems that about 22 or 23 of  
7 those documents are relevant for each worksite. And we were  
8 wondering whether it might not be more practical to have a full  
9 day for the Prosecution for all worksites and the Civil Party  
10 Lawyers. And then the next day, a full presentation from the  
11 Defence on all worksites. And then after the weekend, all Parties  
12 can react to each other, which also allows them much more time in  
13 formulating their reactions than now is being provided. So, there  
14 are some practical issues which made us -- make us believe it  
15 would be more practical to have submissions on documents for all  
16 worksites at the same time. So, that's what our suggestion would  
17 be.

18 [15.56.12]

19 MR. VERCKEN:

20 Yes, I would like to add something to what my colleague has said.  
21 In a situation which is very complicated, taking stock of  
22 documents presented by the various Parties as from tomorrow 1.30  
23 p.m. when we would be sitting, and to subsequently in the same  
24 day, respond to the various submissions, responses being very  
25 crucial and we have been sitting all this time, I don't know how

1 we can respond to documents which we would not have been able to  
2 study, which is the minimum we can do. And the second remark is  
3 the experience I had in the last key documents presentation  
4 session. I would like to know whether such organization via  
5 worksites is again a case in which the Chamber is excluding all  
6 documents that do not specifically deal with one of the  
7 worksites. For instance, the minutes of the standing committee  
8 that deal with general policy, the work of an author dealing with  
9 questions that have to do with the zone in general, or issues  
10 regarding food rations and feeding and the production of rice,  
11 and so on and so forth. Are we going to have a work session, as  
12 was the case in the last key documents session, in which the  
13 documents presented were focused on each site specifically? Or  
14 are we to envisage something broader? These are the two questions  
15 I wanted to raise. We have a problem of not having enough time to  
16 respond, to study the documents and respond to them, and the  
17 second problem has to do with the scope of the trial.

18 [15.58.43]

19 MR. FARR:

20 Mr. President, the Prosecution doesn't have a strong view on this  
21 issue. We see the merits to the way that the Chamber has  
22 organized it initially, to the extent that documents are relevant  
23 to just one segment, then it may be helpful to hear everything  
24 about one segment. But at the same time, we can prepare a  
25 presentation for all of the segments at the same time. So, that's



1 on scheduling, we defer to the Trial Chamber. In terms of the  
2 scope, I'm not really prepared to make submissions on that point.  
3 I think that's probably something that can be dealt with more  
4 helpfully in concrete cases as documents are used during the  
5 hearing.

6 [15.59.30]

7 MS. GUIRAUD:

8 Thank you, Mr. President. No objections with regard to the Nuon  
9 Chea team's proposal. I think that this way of proceeding will  
10 indeed be easier for us so that we get to know all of the  
11 documents. But, of course, we will rely on the Chamber's wisdom  
12 to decide. And we will follow along.

13 [15.59.59]

14 MR. PRESIDENT:

15 Thank you for the comments made by Parties. So the scheduling  
16 order on document hearings is based on the opinions and comments  
17 of Party. And we think -- the Chamber thinks that it is  
18 appropriate is to have the schedule as we have planned. We have  
19 now received further comments and opinions by Parties and we will  
20 take all of these into consideration during the document hearing.  
21 Mr. Arthur Vercken, we selected the 26th and 27th of August 2015,  
22 for the key document hearing, and we have Friday, one day, for  
23 every Parties, and also weekend for Parties before we proceed to  
24 the third day of document hearings. And I think it is a good  
25 schedule for Parties. And the schedule has been notified to

1 Parties -- was notified to Party on the 19 of August 2015. Why  
2 Mr. Koppe is shaking his head? Perhaps I missed something in the  
3 scheduling order. Is it clear that we will hold the key document  
4 hearing on the 26th, 27th and 31st of August 2015.

5 [16.01.50]

6 MR. KOPPE:

7 I was shaking my head for different reasons. But what I do like  
8 to say, maybe I wasn't clear enough, we have no problem with the  
9 schedule in itself, having the Monday and the weekend and the  
10 Friday to react. But the way it is now construed, we have to  
11 react immediately or almost immediately, and that's the problem.  
12 So, we have no problem at all with the schedule, but we would  
13 like to rather react with everything on a Monday.

14 [16.02.28]

15 MR. PRESIDENT:

16 Once again, I will take all your comments into consideration and  
17 I will confirm about the matter tomorrow. The Chamber will take a  
18 break -- the adjournment now, and we will resume tomorrow at 9  
19 a.m., and the Chamber will hear 2-TCW-269. You're all invited.  
20 The hearing of your testimony has come to a conclusion now, Mr.  
21 Chhuy Huy. Thank you very much for spending time before the  
22 Chamber. Your testimony will contribute to the truth in this  
23 case. You may now be excused. You may be return to your residence  
24 or any desired destination. I wish you safe trip home and good  
25 luck, happiness and prosperity.

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1 Thank you, Mr. Moeurn Sovann, duty counsel for the witness. And  
2 as I mentioned, the hearing of the testimony of Chhuy Huy has  
3 come to a conclusion and you may be excused.

4 Court Officer with WESU unit, please send Mr. Chhuy Huy to his  
5 residence or to any desired destination. And also please return  
6 TCP-269 (sic) to the place where she is staying now and please  
7 invite her back into the courtroom at 9 a.m. tomorrow.

8 Security personnel are instructed to bring the two Accused, Khieu  
9 Samphan and Nuon Chea, back to ECCC detention facility and have  
10 them back tomorrow at 9 a.m.

11 The Court is now adjourned.

12 (Court adjourns at 1604H)

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