



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 01-Sep-2015, 08:00  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 August 2015

Trial Day 317

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
LIV Sovanna  
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PICH Ang  
LOR Chunthy  
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For the Office of the Co-Prosecutors:  
SONG Chorvoin  
SREA Rattanak  
Joseph Andrew BOYLE

For Court Management Section:  
UCH Arun

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**List of Speakers:**

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

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

6 2-TCCP-269. And this civil party will have a support of TPO staff

7 during the time that he is testifying.

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

9 and other individuals at today's proceedings.

10 [09.00.13]

11 THE GREFFIER:

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

13 to this case are present.

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

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

16 been delivered to the greffier.

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

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

19 the Trial Chamber.

20 [09.00.59]

21 MR. PRESIDENT:

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

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

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

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

2

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

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

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

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

18 (Witness enters courtroom)

19 [09.03.54]

20 QUESTIONING BY THE PRESIDENT:

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

22 MR. NHIP HORL:

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

24 Q. What is your date of birth; do you recall it?

25 A. I could only recall the year when I was born. I was born in

1 1952.

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

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

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

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

9 [09.05.30]

10 Q. What are your parents' names?

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

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

15 A. My wife's name is Set Ding (phonetic). I am a father of four  
16 children; namely, two sons and two daughters.

17 MR. PRESIDENT:

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

25 I would like to inform that the combined time for Co-Prosecutor

4

1 and civil party lawyers is two sessions. You may now proceed.

2 [09.07.17]

3 MR. PICH ANG:

4 Good morning, Mr. President. Good morning, Parties, everyone in  
5 and around the courtroom. I would like to cede the floor for Mr.  
6 Lor Chunthy to put question first to Mr. Nhiep Horl, and after  
7 which I will have some further questions.

8 MR. PRESIDENT:

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

10 [09.07.46]

11 QUESTIONING BY MR. LOR CHUNTHY:

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

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

21 MR. NHIP HORL:

22 A. Before 1975, I was living in Roul Chruk village. I was a  
23 farmer. I was living in Roul Chruk village, Chob Veari commune,  
24 Preah Netr Preah district, Battambang province. I was a farmer at  
25 that time.

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

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

5 [09.10.34]

6 Q. Following the liberation, did you live together with your  
7 family in the same village or did you have to move to live in  
8 another place?

9 A. Following the 17 of April 1975, two or three days after that  
10 day, I was told to live in Chroab Thmei village, Chob Veari  
11 commune, Preah Netr Preah district. I was transferred from my  
12 village to that village for three days.

13 Q. When you were told to leave your village for three days, what  
14 was the purpose that you were told to leave your village for  
15 three days? Were you told that you would come back to your birth  
16 village after three days?

17 A. I was told to leave my village for three days. They said that  
18 they were afraid of the aerial bombing by American fighters. So  
19 my parents and everyone left the village as instructed by Khmer  
20 Rouge.

21 [09.12.35]

22 Q. Does it mean that all villagers had been removed from your  
23 village and they were told to live in Chroab Thmei village? Were  
24 some of your villagers told to leave for other villages other  
25 than Chroab Thmei village?



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

2 Q. Upon the arrival, was accommodation built for villagers? So

3 what did they do when all of you arrived at Chroab Thmei village?

4 A. No accommodation had been built for us. We had to stay on our

5 own carts. Some people had ox-cart to ride on. And for those who

6 did not have any ox-cart, they asked other people to keep their

7 belonging on ox-carts.

8 Q. How did you stay at that village before you returned to your

9 village?

10 A. We were told to leave only three days. They said that we were

11 allowed to come back, but no one had the courage to come back. So

12 we had to stay there at Chroab Thmei village.

13 [09.15.05]

14 Q. So, does it mean that you stayed at Chroab Thmei village on a

15 permanent basis, or were you told to leave for any other

16 villages?

17 A. I cannot remember it. I only remember that member villagers

18 were recruited to be part of mobile unit. At that time, I

19 volunteered to be part of a mobile unit to harvest rice.

20 Q. You made mention that villagers were recruited to be part of a

21 mobile unit to harvest rice. What sector were you required to be

22 stationed?

23 A. Regarding the recruitment of mobile units, we were selected to

24 be part of a mobile unit to harvest rice at Sala Kraham in Serei

25 Saophoan district in the period of 1976, I cannot tell you the

1 exact month. What I could remember is that villagers were  
2 recruited to be part of a mobile unit.

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

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

7 [09.17.40]

8 Q. While you were working at that place, what was the health  
9 situation like? Did you fall sick while you were working at that  
10 site?

11 A. While I was harvesting rice at Sala Kraham, I was told to  
12 harvest rice during the daytime. And at night-time, I was  
13 instructed to carry rice sacks onto wagons of the train. My  
14 health situation was terrible. I had to do the work for the sake  
15 of my life. If I refused the assignment and if I did not go to  
16 carry out my assignment, I was afraid of Angkar.

17 Q. You made mention that "if we did not go, it meant that we  
18 opposed the instruction of Angkar". Were anyone told you that you  
19 would be punished or tortured if you refused the assignment? What  
20 were you told about the refusal of assignment?

21 A. We were told that we had to respect the instruction of Angkar.  
22 We were told about this instruction during the meetings. Wherever  
23 Angkar told me to go, we had to go. If not, it meant that we  
24 opposed Angkar's instruction.

25 [09.20.15]

1 Q. Thank you. I would like to backtrack a little bit in relation  
2 to your ailment. What kind of illness did you suffer from? Were  
3 you sick in sleeping mats? Did you receive any medical treatment  
4 from any medical staff?

5 A. Regarding my illness, I contracted a disease while I was  
6 carrying rice sack at Sala Kraham. I vomited blood out of my  
7 mouth. There was no medication for me at that time. I was  
8 harvesting rice at the daytime. And at night-time, I had to carry  
9 out rice sack. During the night-time, when I fell out, I was  
10 hospitalized in a village. I did not know where I was taken to at  
11 the time. But when I woke up one day, I knew that I was in a  
12 hospital. I vomited blood out of my mouth.

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

15 A. I fell out on one day and I had been transferred into a  
16 hospital at Sala Kraham. I was unconscious at that time. And when  
17 I became conscious, I was told by my colleague that I was  
18 transferred into a hospital. It was lucky for me at that time.  
19 And they placed me in a place where corpses were kept. They  
20 intended to bury me at that time because they thought I died  
21 already. But when they noticed that I could move my limbs, they  
22 took me back.

23 [09.23.37]

24 Q. Did your family members know about your health condition at  
25 that time?

1 A. No one knew. No one was aware of my health condition. Kinship  
2 relationship between human beings did not exist at that time.  
3 They were prohibited. Family members did not even know where  
4 their relatives were living. So we did not have any means to  
5 communicate to tell our family members about our health or our  
6 situation.

7 Q. Thank you. I am now moving into a topic, a major topic. When  
8 were you sent to Trapeang Thma Dam construction site, do you  
9 recall it?

10 A. After I got recovered from my illness, 10 days after the  
11 recovery of the disease, I was sent to Kang Va to pull out the  
12 rice seedlings, 30 of them. After I recovered from my disease, I  
13 was transferred into Kang Va. I had to uproot rice seedling.  
14 Later on in June 1977, I was transferred to Trapeang Thma  
15 construction site to carry dirt.

16 [09.25.58]

17 Q. Thank you. You have just stated that you were assigned to  
18 uproot rice seedlings at Kang Va. Was Kang Va area close to  
19 Trapeang Thma construction site? What do you mean by referring to  
20 Kang Va?

21 A. Kang Va was one of the worksites growing cottons. Cotton was  
22 grown during the period of Khmer Rouge regime. Land was cleared  
23 to grow the cotton. And this Kang Va area is located in Serei  
24 Saophoan district, Banteay Meanchey province now today.

25 Q. Thank you. You made mention that you were transferred to

1 Trapeang Thma construction site in 1977. When you first arrived  
2 at the site, what kind of situation did you observe?

3 A. When I first arrived at Trapeang Thma, hoes and earth-carrying  
4 baskets were given to all of us. The day after in the morning, we  
5 were shown the plot of land to the north of Trapeang Thma  
6 construction site close to Bridge Number 1 for us to work on.

7 [09.28.13]

8 Q. So, when you first arrived, you received a hoe and  
9 earth-carrying baskets, and you had to do the job right away in  
10 the morning. I wanted to know during the time you first arrived  
11 at the place, how did they organize the groups? Were you put into  
12 a unit? Did you observe there were many people who had been dead  
13 already? What did you see when you first arrived?

14 A. Upon my first arrival, halls had already been built. The roof  
15 of halls were made out of thatch. They were thatched-roof halls.  
16 And halls could house 100 people. They were located one kilometre  
17 away from Trapeang Thma construction site. The halls themselves  
18 were located in Trapeang Thma village.

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

21 A. Yes, halls were away from the construction site about one  
22 kilometre away. We were not allowed to stay close to the  
23 construction site. And I was told to see the portion of land when  
24 they wanted to tell me about the portion of land that I had to  
25 work on.

1 [09.30.31]

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

3 A. It was a 100-person unit. We were all youth; no middle-aged  
4 people were included in my unit. There were no female youth as  
5 well in my unit. My unit consisted of 100 youth.

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

8 A. We were from different villages in Sector 5 and my unit was at  
9 the sector level. We were from different districts within that  
10 sector.

11 Q. Were you allowed to communicate with one another? And did you  
12 know whether they were from, for example, Phnom Penh or they were  
13 only from the Battambang localities? Were there people from  
14 outside of Battambang province?

15 [09.32.52]

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

21 Q. Thank you. You said that upon your arrival, you were given the  
22 earth basket and hoe, and you went down to work. Who distributed  
23 the earth basket and the hoe for you? And who actually determined  
24 the quota for you to complete for the day? Were the hoe and earth  
25 basket given for the entire unit or it was given to individual

1 worker?

2 A. They give to individual worker, and they would allocate five  
3 cubic metres for individual worker, and we had to complete it.  
4 They measure it for us and they would put the pole sign there for  
5 individual worker.

6 Q. You earlier said that they assigned a five-cubic-metre quota  
7 for each individual worker, and you said that they would measure  
8 it in terms of width and length as well as the depth of that. How  
9 did they go about measuring the work size or the quota for  
10 individual worker?

11 [09.35.21]

12 A. For my unit, they would plan a signpost for us on a daily  
13 basis, five cubic metres for a person. They would measure it on a  
14 daily basis for individual worker. And then it depended on the  
15 signpost for an individual. And we had to complete that within  
16 the day.

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

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

25 [09.36.55]

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

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

9 Q. Do I understand you correctly then that when you first  
10 arrived, you were given three cubic metres quota to complete for  
11 the day. And then once you complete it earlier during the days,  
12 then they gradually increase the workload for you to, say, four  
13 cubic metres per day, and then eventually five cubic metres per  
14 day. Is my understanding correct what you are saying now?

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

19 Q. Thank you. So the increment of the workload was due to the  
20 fact that this mobile unit was considered as a labour --- core  
21 labour unit. So the increase of five cubic metres per day per  
22 person, were all the members of the mobile unit able to complete  
23 the quota for the day once it was increased to five cubic metres  
24 per day?

25 [09.39.49]



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

5 Q. So, you're saying that they tried to squeeze the amount of  
6 dirt on the basket. Could you tell the Court the approximate  
7 weight of the dirt in the basket?

8 A. If it was dry dirt, it was rather light. But if it were the  
9 wet dirt, it was very heavy. Probably, it could be around 20  
10 kilogrammes per one size of the earth basket.

11 [09.41.27]

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

14 A. Sometimes we had to help each other. For example, if I could  
15 complete five cubic metres by 5 p.m., then I had to help my  
16 co-workers to complete their task. And some other days when I  
17 could not complete my workload for the day, others would come and  
18 give me a helping hand.

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

22 A. There was a unit chief and they had to report to the chief of  
23 the construction site. We had a 100-unit member chief. They came  
24 to measure. So there was a working group on measuring the  
25 workload for individual worker. They would measure the size of

15

1 the workload. And if we could not complete it within our unit, we  
2 had to help each other to complete it for the day.

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

6 [09.44.07]

7 A. In terms of the squad, we have a 10-member squad, 30-member  
8 unit. And as for me, I assisted each other within a 10-member  
9 squad. Now we were given five-cubic-metre quota per day. If  
10 anyone in our squad could not complete their task, then we would  
11 help each other.

12 Q. When you were carrying dirt, what was the working hour then?  
13 Or they did not actually determine the working hours at all; it  
14 was up to you to complete the work quota for the day regardless  
15 of the starting working hours in the morning or during the day?  
16 Can you tell the Court what it was like?

17 A. No, they did not actually determine the working hours. We had  
18 to complete the quota for the days. We would get up around 3 a.m.  
19 in the -- sometimes 4 a.m. or 5 a.m. in the morning. We had to  
20 wake each other up, and then we went out to work. We had to go  
21 and inspect our respective workload and the site we need to  
22 complete. We must not remove the post that was planted on our  
23 respective quota. So they would plant the post, the signpost  
24 there for us, and the next morning, they would measure it again.

25 [09.46.21]

1 Q. So you are saying that in the evening you would go to see the  
2 place where you were supposed to work no, and then the next  
3 morning, you would get up very early in the mornings, and then  
4 you go and work. So, did they wake you up and you were required  
5 to get up at certain hour in the morning to get to work or it was  
6 up to you to decide?

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

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

15 A. There was no food ration or food given in the morning. We were  
16 only given something to eat during the break time in the noon.

17 [09.48.33]

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

21 A. Concerning the living condition, at the time, we were given  
22 only bowl of gruel, and that was it. It was only a bowl of gruel.  
23 Whether or not you were full or not, it was not an issue for  
24 them. We were only given this much.

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

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

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

3 A. Nothing besides morning glory or lily plant. Sometimes, we  
4 also had some soup with dry fish.

5 [09.50.52]

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

11 A. No, of course not. But we had to do it because we fear for our  
12 life. We had to work, actually we tried to work but physically,  
13 we could not endure it. But we had to do it out of our fear for  
14 our life. We dare not protest against Angkar. We had to do it out  
15 of our fear.

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

19 A. When we were building the dam, we never encountered that  
20 shortage. But when we were working under dry season rice field,  
21 there was such an instance. Sometimes, we did not have rice to  
22 eat until around 4 p.m. When they delivered the rice, we could  
23 prepare gruel to eat.

24 Q. I want to focus on the Trapeang Thma worksite. You said that  
25 the food ration was not enough and you did your work out of your

1 fear. So my follow-up questions on this: if you were not full at  
2 that time and you were still hungry while you were working, could  
3 you go look for other food stuff to supplement your food ration  
4 at the time?

5 [09.54.18]

6 A. Yes, we could go look for other food stuff to supplement only  
7 after we completed our quota for the day. We generally dug for  
8 the root of the plant in the bush. And we could find some. And at  
9 that time, we could live partly because of that as well. Because  
10 at night, we were very hungry, so we could have that to  
11 supplement it at night.

12 Q. So you are saying that you could go and look for something  
13 else. And you said just now "chom plong" (phonetic) plant; what  
14 was it?

15 A. "Plong" (phonetic) - "plong" was a kind of wild plant and it  
16 grows naturally with the rice in the rice field. And we commonly  
17 call it "plong" (phonetic).

18 [09.55.52]

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

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

1 Q. To your recollections, when people were sick, did they have  
2 access to medical treatment, were they given medicines or were  
3 there any medics attending to them?

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

9 Q. For the mobile unit members when they fell sick, what were the  
10 common diseases or sickness was it at the time?

11 [09.58.31]

12 A. Mainly, they had pain in their chest because of overwork. They  
13 had to carry dirt on a daily basis. And they had the pains in the  
14 chest. And they also suffer from other diseases, but I cannot  
15 recall them.

16 Q. To your recollections, when you ate your food or drank your  
17 water, what was the hygiene conditions like at that time? Or at  
18 that time, you could eat virtually everything that you could  
19 find, and then it led to diarrhoea or cholera or anything like  
20 that?

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

25 Q. So you meant that those who could not get up was because they

1 had chest pain because of heavy work. Did you observe that this  
2 kind of people vomited in blood as well?

3 A. I cannot recall it. I only knew that there were people who had  
4 a chest pain.

5 [10.01.05]

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

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

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

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

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

16 A. No. I did not even know where my family members were residing  
17 at that time. I had to carry dirt in the morning. And at  
18 night-time, I had to go to sleep to recover strength. So I did  
19 not pay any attention of paying visits to family members.

20 [10.03.34]

21 Q. Did you get married at that time?

22 A. I was a single youth within a mobile unit. There were only  
23 unmarried youth within my unit.

24 Q. When you were there, did you observe whether there were any  
25 marriages held?

1 MR. PRESIDENT:

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

3 [10.04.39]

4 MR. KOPPE:

5 Thank you, Mr. President. Good morning, Your Honours. I don't  
6 have an objection to the last question because obviously it's a  
7 relevant question as to circumstances at the dam. But what I --  
8 I'm a bit at a loss at is the following issue. We are hearing the  
9 testimony of this civil party, and he is here primarily as a  
10 civil party. And in that capacity, I think he has to give  
11 testimony as to what his injuries were which were the direct  
12 effect of his working at the Trapeang Thma Dam site.  
13 I'm looking very specifically at his own civil party application  
14 -- E3/5018 -- in which it is actually formulated what the  
15 relevant criteria are. It says, "in order for a civil party  
16 action to be admissible, the injury must be a) physical,  
17 material, or psychological; and b) a direct consequence of the  
18 offence, personal and have actually come into being." Now, maybe  
19 I'm wrong, but none of the questions so far have any bearing on  
20 his admission as a civil party directly related to the dam. So  
21 the question really is: why are we hearing this witness or this  
22 person as a civil party not just as a normal witness? And  
23 shouldn't it be the task of the civil party lawyers to focus on  
24 that specific segment? Obviously, it's not up to me to decide how  
25 to ask questions, but I'm lost as to why this person is not just



22

1 a normal witness -- I mean, why is he a civil party?

2 [10.06.48]

3 MS. GUIRAUD:

4 Thank you, Mr. President. I would like to make a brief remark. I  
5 believe that at a point in time, it would be important for the  
6 defence of Nuon Chea to read the Internal Rules, understand what  
7 is a civil party, and to understand the rules of admissibility of  
8 civil parties. And the Defence should have done this during the  
9 investigations, and he didn't do so, and it is making this  
10 objection today belatedly.

11 This person was admitted as a civil party by the Co-Investigating  
12 Judges at the time for the harm suffered in relation to the  
13 crimes committed at Trapeang Thma. This civil party was admitted  
14 and he is testifying today within the framework of the  
15 consolidated group of civil parties participating in this Trial.  
16 And it is entirely proper that this civil party should testify  
17 regarding facts that occurred at the beginning of the  
18 establishment of the ECCC. I think the counsel should stop  
19 objecting as he's doing, he should read the Internal Rules, the  
20 decisions of the Chamber, the Judgement, and understand somewhat  
21 what we are doing in this Trial.

22 [10.08.14]

23 MR. PICH ANG:

24 Thank you, Mr. President, for allowing me the floor. I would like  
25 to add what has been mentioned by International Lead Co-Lawyer.

1 It is not the first time that the civil party mentions about  
2 something which has no bearings on the impact. The civil party  
3 here is talking about his experience within the scope of the  
4 trial. Since the start of the trial of Case 002/02 (sic) and Case  
5 002/02, and also in relation to Case 001, civil party has the  
6 right to make mention of any facts as long as those facts are  
7 within the scope of this Trial. I will not bring the matter up  
8 before the Chamber again. Injuries -- as for injuries and other  
9 facts, I believe civil party has the right to state all of the  
10 facts and suffering. So this matter should not be brought up by  
11 the defence team of the Accused.

12 MR. PRESIDENT:

13 You may now proceed, Arthur Vercken.

14 [10.09.59]

15 MR. VERCKEN:

16 Very rapidly, Mr. President, I'd like to point out that my  
17 colleague, Mr. Victor Koppe's objection occurs at the time when  
18 the civil party lawyer is questioning this gentleman on something  
19 that is not referred to in the civil party application -- that  
20 is, marriages. That's it, marriages. And so, insofar as we are  
21 dealing with a civil party and therefore a person, who should  
22 have conferred with his lawyers so far, there's no problem. He's  
23 appearing as a normal person and he can confer with his lawyers  
24 before appearing in Court the day before. It is not surprising  
25 that the Defence is surprised to see that the civil party is

24

1 casting his net widely and looking for elements and issues that  
2 are not referred to in the application. The witness is referring  
3 to points mentioned in the hearing of yesterday and is trying to  
4 fill gaps in other testimonies. And there's no distinction being  
5 made between a normal witness who should testify to facts and a  
6 civil party whose status is completely different. And that is the  
7 reason why I believe we should be on the same wavelength and we  
8 should agree that points not mentioned in the civil party's  
9 application should not be mentioned before this Chamber during  
10 these hearings.

11 [10.11.40]

12 MR. PRESIDENT:

13 If the Chamber gives time for every Party to speak, then you will  
14 have more to say. For example, if the Chamber gives you five  
15 days, I believe that you can stand up and raise your arguments  
16 for that period of five days. I would like to remind all of you  
17 that we have to be clear and the matters should be  
18 differentiated. We have to be clear on the separation of status  
19 -- that is, a civil party and a witness. Because of the suffering  
20 one endured, he or she may apply to be a civil party. So the  
21 facts that we are going to explore another major point that we  
22 want to know. And however, they are relevant.

23 [10.12.55]

24 It is right that the defence team for the Accused argument  
25 stating that if this person is here to be witness we should

1 explore facts rather than the sufferings he endured. So we are  
2 here to explore the sufferings the civil party endured. And  
3 concerning facts, they are subsidiary points that we can ask.  
4 Number two, I noticed that the lawyers have many years of  
5 experience, and some of the questions may be out of the scope. So  
6 this may cause problem with the proceeding. So if you ask  
7 questions, you have to be sure that this person is here to be a  
8 civil party not a witness. And you have time allocated by the  
9 Chamber. So you have to use the time effectively, so that you can  
10 elicit information which can contribute to the truth. This is the  
11 intention that we have the trial before us.

12 It is now convenient time for the break, so the Chamber will take  
13 the break from now until 10.30. Court officers, please find a  
14 proper room for the civil party during the break time and please  
15 invite him back together with the TPO staff back into the  
16 courtroom.

17 The Court is now in recess.

18 (Court recesses from 1014H to 1030H)

19 MR. PRESIDENT:

20 Be seated. The Court is now back in session.

21 I now hand over the floor to the Lead Co-Lawyer for the civil  
22 party to put the question to the civil party in question. And for  
23 your information, both the Lead Co-Lawyer for the civil party and  
24 the Prosecution have only one more session this morning to put  
25 the questions to this civil party. Please put the substantive

1 questions, and if you have any issues, you may file written  
2 submissions so that we can address your issue formally.

3 MS. GUIRAUD:

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

16 [10.33.28]

17 MR. PRESIDENT:

18 Please make your submission in writing and submit it to the  
19 Chamber and please put substantive questions now to the civil  
20 party.

21 MS. GUIRAUD:

22 Thank you, Mr. President. I simply wanted to express  
23 disagreement.

24 MR. PRESIDENT:

25 Do you have any question?

1 [10.34.04]

2 QUESTIONING BY MR. PICH ANG:

3 Thank you, Mr. President. I now put the question to the civil  
4 party.

5 Mr. Nhiep Horl, good morning. My name is Pich Ang. I am the  
6 National Lead Co-Lawyer for the civil parties. I continue the  
7 questions from my learned colleague, Mr. Lor Chunthy, on the  
8 working conditions at the Trapeang Thma worksite.

9 Q. Earlier, you said that you were required to carry earth up  
10 five cubic metres -- between three to five cubic metres. Could  
11 you tell the Court how you could accomplish this target of five  
12 cubic metres required?

13 MR. NHIP HORL:

14 A. Three to five cubic metres of workload. For those who got used  
15 to working, they of course could complete it, but for those who  
16 never did it, it was too difficult for them. For those who had  
17 never done such hard work, it was too much for them. In today's  
18 world, people could not do it--

19 Q. Let me interrupt you, Civil Party. I would like to now know  
20 the distance between the place where you dug the earth and the  
21 place where you had to build the dam. How far was it and what was  
22 the conditions back then?

23 A. From the pit, we dug the earth to the dam. It was about 30 to  
24 50 metres away.

25 [10.36.51]

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

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

4 Q. When you were carrying, were you carrying it and you walked  
5 casually or what?

6 A. We could not walk as usual. Actually when we were carrying the  
7 earth, we had to run at that time because we need to get some  
8 speed from running up to the top of the dam.

9 Q. When you were working over there, was there any meeting  
10 convened by the supervisors of the worksite?

11 A. There were fairly frequent meetings in order to receive work  
12 plans.

13 [10.38.40]

14 Q. You said fairly often. How often was often? How many times per  
15 week or month?

16 A. They, at that time, divided into small groups. They had small  
17 groups of three, 10, or 30-member units. The meetings were not  
18 held so often, but it took place in different places and  
19 different groups. That's why it was rather often.

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

23 A. In the meetings, they never encouraged us or anything, but  
24 they insisted that we reiterate our commitment. We have to commit  
25 to complete the task allocated. If we had to carry earth, we had

1 to meet the requirement.

2 [10.40.27]

3 Q. Were you entitled to, at that time, refuse to accept the task  
4 allocation?

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

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

10 A. No, we did not have time at all. We did not even have time to  
11 take rests. At night, we would rush to go to bed and knowing that  
12 tomorrow early morning, we would have to go and carry the earth.  
13 We did not really have time to visit. If we had some time, we  
14 would go and search for food to supplement it. We never thought  
15 of looking for relatives or parents or friends to visit. No, not  
16 at all.

17 Q. Were you allowed to talk to your co-workers when you were  
18 working?

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

22 [10.42.50]

23 Q. Thank you. Now I move to the subject concerning the visit of a  
24 foreign or the delegates or guests coming to visit the Trapeang  
25 Thma worksite. Did you ever see any guests coming to visit the



1 worksite?

2 A. On this point, I do not recall the date. But there was once  
3 they asked us to line up. There were one queue comprising of  
4 youths from the Trapeang Thma to the first bridge to welcome the  
5 guests. And I had no idea who the guests were. But that was once  
6 when we had to do that.

7 Q. Did you know how the guests were dressed at the time?

8 A. No, I did not know because I dared not even look at their  
9 face. I was actually standing there but I dare not glance at  
10 their face.

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

12 And to your recollection, what was the ceremony about at that  
13 time?

14 A. They said that the guests would come to visit the worksite. I  
15 only saw the cars and went -- the black coloured cars at that  
16 time.

17 [10.45.00]

18 Q. Did they actually shout or announce the arrival of the guests  
19 at the time?

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

21 Q. You said that people were required to line up to welcome the  
22 guests. Who told you to come and line up and how were you  
23 required to line up at the time?

24 A. We simply queue along the road, one for the youths and the  
25 other one for the workers. And then they drove the car, and then

31

1 we put our hands out to welcome them. I did not recall; I only  
2 recall that instance when there were guests visiting.

3 Q. I would like to talk about the queue. How was the queue  
4 arranged at that time? Were they asked, for example, the healthy  
5 ones standing in the front rows, and then the thinner ones  
6 standing at the back or so? Was that the situation to your  
7 recollection?

8 MR. PRESIDENT:

9 Mr. Witness, please hold on. Counsel Arthur Vercken, you may  
10 proceed.

11 [10.46.50]

12 MR. VERCKEN:

13 Yes, Mr. President. I'd like to draw the Chamber's attention  
14 however to the rather perilous exercise my colleague is engaging  
15 in. We are here in a situation that seems to be very special. In  
16 a trial in France, when a civil party has joined, the civil party  
17 would have been questioned by the Investigating Judge. Here, we  
18 are in a situation in this Trial, where the civil parties  
19 testifying before you today have not been interviewed by an  
20 Investigating Judge. So what this person is speaking about, and  
21 that was never included in the person's application, we are  
22 discovering it just now. We are discovering it now at this  
23 moment. So, without the Investigating Judge's interviews, the  
24 situation mixed with the fact that the civil parties can speak to  
25 their counsel is quite perilous. And I don't understand that the

1 Chamber can authorize this gentleman to express himself about  
2 points that he never brought up in his civil party application.  
3 [10.48.13]

4 MR. PRESIDENT:

5 Lead Co-Lawyers for the civil party, you may proceed with your  
6 line of questionings. And the observation by the counsel for  
7 Khieu Samphan is not correct. If you refer to the Internal Rules,  
8 it allows. Because this line of questioning is relevant to the  
9 facts, that's why he is joining as a civil party before the  
10 proceeding now.

11 BY MR. PICH ANG:

12 Q. Mr. Civil Party, do you recall my last questions? When you  
13 were over there, they lined you up to welcome, but how did they  
14 arrange the queue, the healthy ones and the weak ones? How would  
15 they arrange this queue to welcome these guests?

16 MR. NHIP HORL:

17 A. At the time, they would not let the sick or the weak one come  
18 to welcome the guests. They only allowed the healthy ones to come  
19 and queue up to welcome the guests.

20 [10.49.52]

21 Q. Who made this arrangement?

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

25 Q. Thank you, Mr. Witness. I would like you to be brief in your

1 response because I'm also running short of time. Did you actually  
2 have the proper clothes at the time?

3 A. In welcoming the guests--

4 Q. Let me interrupt, let me reformulate my questions. When you  
5 were at Trapeang Thma Dam worksite, did you have proper clothes  
6 and sandal to wear at the time when you were working?

7 A. At that time, we were given this sandal made of used tires.  
8 And as for our clothes, we did not have a proper one. We used the  
9 old blankets actually to make clothes.

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

12 A. We actually had the bamboo -- bamboo bed. But it was not  
13 actually a bed just bamboo, and then we laid a bamboo stick  
14 directly on the ground, and then we slept on it.

15 [10.52.41]

16 MR. PICH ANG:

17 Mr. President, thank you very much. I have no further questions  
18 and I thank you for granting me the floor to put the questions to  
19 the civil party.

20 MR. PRESIDENT:

21 Next, I hand over the floor to the Prosecution to put the  
22 question to this civil party.

23 QUESTIONING BY MR. SREA RATTANAK:

24 Good morning, Mr. President. Good morning to all. My name is Srea  
25 Rattanak. And good morning to Mr. Civil Party. I am from the

1 Prosecution office of the ECCC.

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

7 [10.54.01]

8 MR. NHIP HORL:

9 A. The five-cubic-metre requirement was a special requirement to  
10 complete the construction of the first bridge. When we first  
11 arrived, they required us to complete three cubic metres. But  
12 five cubic metres was the special task assigned to us to complete  
13 the first bridge.

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

16 A. I do not recall it, but I -- the only thing I could recall is  
17 that I -- at some point in time, I was required to complete five  
18 cubic metres. But I do not recall.

19 Q. Did it last long?

20 A. It was until we completed the construction of that first  
21 bridge.

22 Q. What were the overall working conditions like? I want to know  
23 about the difficulties that you had to endure at the time  
24 compared to your ordinary work requirements when you first  
25 arrived.

1 A. At the time, we had to get up very early in the morning, from  
2 3 a.m. in the morning, and we had to work until 5.00 in the  
3 afternoon to complete the work quota at the time. I do not recall  
4 how long it lasted, but I remember that I did it. And we had to  
5 actually complete the earlier stage of the construction of the  
6 first bridge.

7 [10.56.29]

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

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

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

14 A. That I do not know. That was the issue mainly with the  
15 company. But for my unit, we could complete the work requirement.

16 [10.57.32]

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

19 A. We were fear of being taken away for execution. We were fear  
20 of the disciplinary direction of the Angkar.

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

22 A. I was not sure. I heard from others through Angkar that the  
23 historical will -- we may not catch up the historical will. So in  
24 the meeting, they asked us to reiterate our commitment and we had  
25 to follow what they told us.

1 Q. At the construction where you were working, did you ever see  
2 any punishment in front of you?

3 A. No, I never saw it.

4 [10.59.10]

5 Q. When you were working in an extraordinary work assignment, did  
6 you have to work at night as well?

7 A. In that extraordinary assignment, we had to get up very early  
8 in the morning at 3 a.m. until 5.00 in late afternoons. We did  
9 not have time to take a rest, we had to have our meal in the pit  
10 that we dug.

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

13 A. After filling and constructing the first dam, I was working in  
14 the rice field. And we call the dry season rice paddy.

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

20 [11.00.50]

21 A. No. No additional work assignment. I had to work until 4.00 or  
22 5 p.m. when it was the time for me to rest.

23 Q. Earlier on, you said that you did not have enough food ration  
24 to eat, so you had to go and dig up "plong" (phonetic) plant --  
25 plant roots. Did you go to dig the so-called "plong" (phonetic)

1 openly, meaning that -- or you had to go to dig "plong"

2 (phonetic) secretly?

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

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

7 A. I dug up "plong" (phonetic) while I was working in the field,  
8 because it grew in the field so I did not need to do it secretly.  
9 But I had to spend little time to dig it while working.

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

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

16 [11.03.21]

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

20 A. Yes, that is correct.

21 Q. Thank you very much, Civil Party. Mr. President, I would like  
22 to cede the floor for my esteemed colleague.

23 MR. PRESIDENT:

24 You may now proceed.

25 QUESTIONING BY MR. BOYLE:



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

3 Q. When you were working at the Trapeang Thma Dam worksite, did  
4 you ever hear of any workers being referred to as lazy?

5 [11.04.20]

6 MR. NHIP HORL:

7 A. I do not really get your question.

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

11 A. During the meetings, we were educated that we had to comply  
12 with organisational instruction. No one was allowed to be lazy.  
13 No, no one could be lazy at that time. I have never heard of  
14 that.

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

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

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

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

23 [11.07.05]

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

1 A. No, they never asked because I was -- I did not know how to  
2 explain them.

3 Q. I'm sorry; I don't understand your answer. You said -- what I  
4 heard is that they never asked because you did not know how to  
5 explain it to them. Can you explain what you mean by, that you  
6 did not know how to explain your background to them?

7 A. I said I did not know when I was asked. And as of this, they  
8 stopped asking me because I said I did not know.

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

13 [11.08.47]

14 A. I did not know at that time.

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

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

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

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

25 Q. At any time that you were at the dam, did you become aware of

1 cadres from the Southwest Zone arriving at the dam site?

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

3 I heard that there were Southwest Zone cadres.

4 [11.11.20]

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

6 A. I never witnessed any arrests. No.

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

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

9 Q. When you mentioned earlier that at meetings, they would  
10 discuss the work plan with you. Who was it who was discussing the  
11 work plan with you at these meetings?

12 A. It was during the meetings convened by chief of 100-person  
13 unit. He said it was from the upper echelon, and I guessed  
14 perhaps that that chief would follow what the upper echelon told  
15 him to do.

16 [11.13.38]

17 Q. And what did the work plan consist of at these meetings? What  
18 type of information would be contained in the information that  
19 the unit chief was conveying from the upper echelon regarding the  
20 work plan?

21 A. It was about the so-called work plan; namely, building the  
22 dam. It was about that, building the dam. It was the goal of  
23 Angkar to have the dam built.

24 Q. Were you ever provided with a date that the dam had to be  
25 built or completed by?

41

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

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

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

9 MR. BOYLE:

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

12 MR. PRESIDENT:

13 You have the floor now, Judge Lavergne.

14 [11.16.05]

15 QUESTIONING BY JUDGE LAVERGNE:

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

23 MR. KOPPE:

24 Mr. President, just an observation. I'm sure it was a slip of the  
25 tongue of Judge Lavergne, but he said "Bonjour, Monsieur Le

1 Temoin", but I think it should be a "Good morning, Mr. Civil  
2 Party".

3 BY JUDGE LAVERGNE:

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

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

10 [11.17.46]

11 MR. NHIP HORL:

12 A. Yes.

13 Q. Regarding your illness and your hospitalization, when did that  
14 happen: was it long before you were assigned to work at Trapeang  
15 Thma or shortly before you were transferred to the Trapeang Thma  
16 Dam worksite?

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

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

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

25 MR. PRESIDENT:

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

2 [11.19.37]

3 MR. KONG SAM ONN:

4 I am not clear in the interpretation into Khmer, and then it was  
5 asked that the witness was sick when he was asked to harvest rice  
6 and carry rice sacks. But the witness may have responded  
7 differently. So please, Judge Lavergne, you have the question  
8 again because the translation in Khmer was not clear a while ago.

9 MR. PRESIDENT:

10 Please, Judge Lavergne, could you repeat the question to be clear  
11 for everyone.

12 [11.20.34]

13 BY JUDGE LAVERGNE:

14 Q. Well, Mr. Civil Party, this morning you said that you were  
15 hospitalized and that you vomited blood. And if I properly  
16 understood what you said, you did say that that event occurred  
17 while you were harvesting rice and also transporting bags of  
18 rice; is that indeed what you stated this morning?

19 MR. NHIP HORL:

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

21 Q. Very well, and that is what I also understood. I hope that is  
22 clear to everyone. So, you did say that you were exhausted by the  
23 work you had to do. Can you also tell us whether during that  
24 period you had enough to eat?

25 A. During the time, sometimes I had cooked rice while I was

1 harvesting rice. And later on after the harvesting season, there  
2 was no rice, and I was given gruel to eat instead.

3 [11.22.32]

4 Q. During that period, did you or the other workers at the  
5 worksite suffer from food shortage -- in other words, did you  
6 receive sufficient food?

7 A. Regarding food ration, it was not enough back then. However,  
8 as I stated during the harvesting season, there was cooked rice  
9 for us. And later on after the harvesting season, we were given  
10 gruel to eat.

11 Q. Very well. When you were instructed to transport bags of rice  
12 to put them in coaches, were you told where those bags of rice  
13 were being carted to?

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

17 Q. Did you see any trains bringing rice where you were working?  
18 Or, you only saw trains taking away the rice yield that you  
19 produced at the dam worksite?

20 A. No incoming trains, but I noticed that trains were  
21 transporting salt to my area.

22 [11.24.57]

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

25 A. I do not know about that. I was told to carry bag of salt out

1 of the trains and also to carry bags of rice into the train.

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

3 A. I had to do the job until all bags of rice were out of the  
4 warehouse. And bags of rice were collected from different places  
5 within Sector 5 and placed in that warehouse. And I had to do the  
6 job until all those bags of rice were carried into the wagons.

7 Q. So, the warehouse you are referring to collected rice from the  
8 entire Sector 5, and that rice was then put in coaches. For how  
9 long did such work go on? Did it go on for a day, two days, three  
10 days? So for how long did you have to transport bags of rice?

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

14 [11.27.18]

15 Q. Was there only one train or several trains. What can you tell  
16 us in that regard?

17 A. I never saw the head of the train but I knew that there were  
18 wagons of train.

19 Q. Very well. There may be an interpretation problem. Did the  
20 train come only once or on several occasions?

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

23 Q. Well, I believe we have come to the end of the morning  
24 session, and I'll stop my questioning here, Mr. Civil Party.

25 [11.28.42]



1 MR. PRESIDENT:

2 Thank you. It is now lunch break. The Chamber will take a lunch  
3 break from now until 1.30 so that we can proceed.

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

7 Security personnel are instructed to bring Mr. Khieu Samphan to  
8 the holding cell downstairs and bring him back before 1.30 in the  
9 afternoon.

10 The Court is now in recess.

11 (Court recesses from 1129H to 1328H)

12 MR. PRESIDENT:

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

14 The Chamber is now going to give the floor to the Defence. First,  
15 to the Nuon Chea defence.

16 [13.29.32]

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President. Good afternoon, Your Honours. Good  
19 afternoon, Mr. Civil Party.

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

24 MR. NHIP HORL:

25 A. Yes, that's true.

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

4 A. Yes, that's true.

5 [13.30.50]

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

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

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

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

16 Q. I understand, Mr. Civil Party. Finally, is my understanding  
17 correct that you, while working at the Trapeang Thma Dam  
18 worksite, didn't witness any killing or maltreatment of  
19 co-workers?

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

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

24 A. Well, since I had nothing, so I lost nothing.

25 [13.33.35]

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

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

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

10 A. No, I don't.

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

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

15 Q. I understand, Mr. Civil Party. But are you able to tell us if  
16 your suffering is related to those months that you had been  
17 working at the dam, or whether it is caused by your illness six  
18 months before, or maybe what happened to your father and  
19 siblings? Are you able to make a connection between --  
20 specifically between your work at the dam and your present  
21 condition?

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

23 [13.37.00]

24 Q. I'm looking back now -- I'm looking now at your civil party  
25 application. And I understand from it that you have filled it in

1 yourself. But in it -- and that is, Mr. President, document  
2 E3/5018; English, ERN 01060039; Khmer, 00560150; and French,  
3 00897059; you describe the loss of two younger siblings, a  
4 father, an older sibling, and a nephew. You describe properties,  
5 but you do not indicate, or at least seem not to indicate, that  
6 you have suffered psychological trauma from your work at the dam.  
7 Was there any particular reason why you didn't mention this?

8 MR. PRESIDENT:

9 Civil Party, please hold on. Deputy Co-Prosecutor, please  
10 proceed.

11 [13.38.39]

12 MR. BOYLE:

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

18 MR. KOPPE:

19 And lost a toe, it says.

20 JUDGE FENZ:

21 Can I just ask a question? I've listened now for a while. It  
22 would appear, Counsel, that you are basically revisiting the  
23 admission of this person as a civil party. This has happened in  
24 pre-trial. There is a decision that deals with it, so if you want  
25 to know why the person has been admitted, I'm sure you can read

1 the decision. Beyond that, what's the relevance of these  
2 questions? The ones about his personal suffering?

3 [13.39.33]

4 MR. KOPPE:

5 The relevance is the next provision in the Internal Rules, Rule  
6 23 quinquies, which -- and that's how I interpret it: "If an  
7 Accused is convicted, the Chamber may award only collective and  
8 moral reparations. And that moral reparations for the purpose of  
9 these rules are measures that acknowledge the harm suffered by  
10 civil parties as a result -- as a result of the commission of the  
11 crimes for which an Accused is convicted."

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

16 JUDGE FENZ:

17 But the decision on whether this is a bona fide civil party or  
18 not has been made on pre-trial. We cannot re-open this here. And  
19 that -- it appears to me that this is what you are trying to do.

20 MR. KOPPE:

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

1 sense.

2 [13.41.04]

3 JUDGE FENZ:

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

9 [13.41.29]

10 MR. KOPPE:

11 So there is no possibility of trying to figure out whether his  
12 harm, that you have to establish, is a direct result of the  
13 crimes committed at the Trapeang Thma Dam worksite? That's what  
14 you have to do, according to Rule 23 quinquies. So I think for  
15 the defence lawyer, it's perfectly legitimate to try to establish  
16 this. We're not trying to fight the admission. I know he is in.  
17 But whether you can reward damages to him for him having suffered  
18 any loss or damages at the Trapeang Thma Dam worksite, that is  
19 something I think is open in trial.

20 [13.42.15]

21 MR. PRESIDENT:

22 Please proceed, Civil Party Lead Co-Lawyer.

23 MS. GUIRAUD:

24 Thank you, Mr. President. I was sitting down because I saw that  
25 Judge Lavergne wanted to speak. I think that there's a major

1 confusion on the part of our colleague. Apparently, he just  
2 looked at the Internal Rules over lunch, and he apparently has  
3 not understood everything. It's important that he understands  
4 that the civil parties are no longer participating on an  
5 individual basis, but they are participating through a collective  
6 of consolidated civil parties. And these reparations are given to  
7 this group and not to the individual civil parties. So I think  
8 the Defence really needs to go over the Judgment and the  
9 decisions as well, so that the questions be relevant. The Defence  
10 had the possibility of appealing each admission decision at the  
11 level of the Investigating Judge, and that was in 2010. And  
12 neither the Khieu Samphan defence, nor the Nuon Chea defence, nor  
13 the Ieng Sary, nor the Ieng Thirith defence back then appealed  
14 any of the admissibility decisions. So I think that it's good to  
15 remind you of the basic rules. If you wanted to have this  
16 discussion, you could have had it earlier and you could have had  
17 it during the investigation phase.

18 [13.43.56]

19 MR. PRESIDENT:

20 Judge Lavergne, you wish to share some observations with regard  
21 to this matter? Because we would like this problem not to happen  
22 again.

23 JUDGE LAVERGNE:

24 I have no specific comments. I have just heard what has been said  
25 by the Civil Party Co-Lead Lawyers.

1 MR. PRESIDENT:

2 Counsel Koppe, please proceed with your examination.

3 BY MR. KOPPE:

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

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

8 [13.45.20]

9 MR. PRESIDENT:

10 Judge Lavergne, please proceed.

11 JUDGE LAVERGNE:

12 I have a question. This question is completely inappropriate. The  
13 person in question just used his right. He has the right to join  
14 as a civil party, so I don't know why you are putting that asking  
15 why he exercised that right.

16 MR. KOPPE:

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

24 [13.46.18]

25 JUDGE LAVERGNE:



1 So, as a defence lawyer, you're going to give advice to this  
2 civil party; is that what you're telling us? Here, I must say  
3 that we are -- this is becoming completely surrealistic.

4 MR. KOPPE:

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

9 MR. PRESIDENT:

10 Civil Party, do not answer this question. Counsel Koppe, if you  
11 have such questions, you should have put them to the  
12 Investigating Judge, as well as to the PTC. So you can ask them  
13 why the civil party was admitted. So we should stop here about  
14 this. Counsel, do you have any other questions or issues to  
15 raise? Or do you wish to proceed with this debate? I have a  
16 feeling that we're basically turning around in circles.

17 [13.47.39]

18 MS. GUIRAUD:

19 I don't want this to stagnate here. I just want to have on the  
20 record that I cannot accept having on the record that this civil  
21 party -- the testimony of a civil party will have less probative  
22 value than the testimony of a witness. The Chamber must assess  
23 this on a case per case basis. I'd like this to be on the record  
24 because we're dealing here with the Court's jurisprudence.

25 MR. PRESIDENT:

1 Counsel, do you have any factual questions to put to this civil  
2 party?

3 The Chamber will now give the floor to the Khieu Samphan defence.  
4 [13.48.51]

5 MR. VERCKEN:

6 Mr. President, I will give the floor to my colleague, Kong Sam  
7 Onn. I just would like to say, however, something because all of  
8 this is on the record. Here, I think we have reached the limits  
9 of this hybrid procedure, and that's the problem. We cannot  
10 challenge the credibility of this civil party because he has not  
11 been interviewed by a Co-Investigating Judge. He has been  
12 admitted prior, maybe during the investigation, but however  
13 without having been questioned substantially by the Investigating  
14 Judge. So you cannot discuss his credibility because this person  
15 is already a civil party. And you cannot challenge the link that  
16 there may be between his harm and the facts being tried. Because  
17 if there's going to be reparation, this is going to be a group  
18 reparation. I'm not accusing anyone here. I'm simply saying that  
19 in my eyes, we have reached here the limits of the logic behind  
20 this Trial.

21 Now I will give the floor to my colleague.

22 [13.50.05]

23 MR. PRESIDENT:

24 We have chosen a certain method. We have finished Case 001, Case  
25 002/01. Now we're beginning with Case 002/02, and we've had no

1 problems until now. So here problems are coming up. So if there  
2 are issues, why don't you put questions to the decision-makers  
3 themselves?

4 Counsel Kong Sam Onn, you have the floor.

5 QUESTIONING BY MR. KONG SAM ONN:

6 Q. Good afternoon, Mr. Nhip Horl. I have a certain number of  
7 questions to put to you before I may obtain clarification from  
8 you. This morning, when you were answering questions that were  
9 put to you by the Prosecution, questions regarding your biography  
10 when you were at the Trapeang Thma Dam site. So, the first  
11 question that was put to you by the Prosecution was: did you  
12 produce your own biography? And you said no. But you mentioned  
13 the fact that you did not understand exactly how a biography  
14 needed to be produced. And then there was a leading question that  
15 was put to you, which was: you said that somebody asked you to  
16 produce your biography, and you said that you did not know how to  
17 proceed about that. And so I'd like to know if someone indeed  
18 came to you and asked you to produce your biography. Or no one  
19 came to see you at the Trapeang Thma Dam site regarding this  
20 matter?

21 [13.52.13]

22 MR. PRESIDENT:

23 Please proceed, Counsel.

24 MR. PICH ANG:

25 Good afternoon, Mr. President. I object to the way this question

1 was put to the civil party. This is a very long question, and  
2 there are many, many elements grouped together in this question  
3 as well as its own conclusion: a conclusion that was put by the  
4 counsel himself before even putting the question. And this  
5 conclusion is erroneous and does not correspond to what he said.  
6 So, I would like the counsel to put shorter questions to the  
7 civil party so that the civil party may answer the questions  
8 appropriately.

9 [13.53.14]

10 BY MR. KONG SAM ONN:

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

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

19 MR. NHIP HORL:

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

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

1 [13.55.20]

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

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

8 A. We were in a unit whose job was to bank up earth.

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

11 A. We were working next to the bridge and not at the bridge  
12 itself.

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

16 [13.57.40]

17 MR. PICH ANG:

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

24 BY MR. KONG SAM ONN:

25 Q. When you're speaking about the bridgehead, are you speaking

1 about the extremities of the bridge?

2 MR. NHIP HORL:

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

5 Q. So, what did you see next to the bridge? For example, did you  
6 see any offices, or any kind of shelter, or maybe some kind of  
7 warehouse?

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

10 [13.59.24]

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

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

13 Q. Thank you. I would like to put some questions to you regarding  
14 the periods under the Democratic Kampuchea regime, particularly  
15 during the first phase of the Democratic Kampuchea regime -- that  
16 is, from the 1st of April 1975 up to December 1976. You have  
17 stated that you were evacuated from your village, Roul Chruk to  
18 Chroab (sic) village, Chob Veari commune. I would like to know  
19 for how long you lived in Chroab (sic) village. Was that shortly  
20 after the 17th of April or much later?

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

24 Q. Do you recall whether you stayed there until the time you were  
25 transferred to grow cotton at Sala Kraham; is that correct?

60

1 A. I was not growing cotton at Sala Kraham; I was there  
2 harvesting rice and carrying bags of rice. I grew cotton at Kang  
3 Va instead.

4 [14.02.08]

5 Q. So, could you confirm whether you left Sala Kraham and went to  
6 Kang Va to grow cotton.

7 A. When I left Chroab Thmei village -- I cannot recall when I  
8 left that Chroab Thmei village. Perhaps I left in the same year.

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

10 A. I left in 1976.

11 Q. Thank you. What about your villagers in Chau Chruk (phonetic)?

12 I would like to know whether other villages were also evacuated  
13 together with you.

14 A. Villagers from two villages -- Chroab (sic) village and Roul  
15 Chruk -- were evacuated.

16 [14.04.03]

17 Q. Perhaps I mispronounced your birth village. It was not Chau  
18 Chruk (phonetic), but it was Roul Chruk; is that correct?

19 A. It was Roul Chruk village, and not Chau Chruk (phonetic)  
20 village.

21 Q. Thank you. So, were all villagers from Chroab Thmei village  
22 evacuated together with you at that time?

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

24 Q. Thank you. Regarding the commune -- I believe it was in the  
25 same commune -- how far was it from Roul Chruk village to Chroab

1 Thmei village?

2 A. It was about 500 -- rather five to six kilometres away from  
3 Roul Chruk to Chroab Thmei villages.

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

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

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

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

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

12 MR. KONG SAM ONN:

13 Thank you, Mr. Witness. Mr. President, I am done with my line of  
14 questioning.

15 [14.07.14]

16 MR. PRESIDENT:

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

24 [14.08.03]

25 MR. NHIP HORL:



1 I could survive the regime. Lucky me. I endured hardship. I lost  
2 my relatives and my beloved ones. I lost -- I was -- I am weak  
3 now as a result of the experience. I lost freedoms at that time.  
4 In particular, I lost my siblings and parents. At that time,  
5 whenever I fell sick, no relatives, no close relatives or  
6 siblings came to ask me or help me. No medicines were given to me  
7 when I was sick. No encouragement from anyone of my family  
8 members or relatives. I was sick alone. And I was alone at that  
9 time. I lost my relatives, immediate siblings, parents. I cannot  
10 mention all suffering I endured.

11 MR. PRESIDENT:

12 Do you have more to express, Civil Party?

13 MR. NHIP HORL:

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

21 [14.12.06]

22 MR. PRESIDENT:

23 You want to put the questions through me or are you directing the  
24 question to whom now?

25 MR. NHIP HORL:

1 I would like to put the questions to former leaders of the  
2 Democratic Kampuchea.

3 MR. PRESIDENT:

4 So, who are you directing the question to?

5 MR. NHIP HORL:

6 I want to put the question to Nuon Chea.

7 THE KHMER INTERPRETER:

8 Interpreter could not hear what the President said.

9 [14.12.50]

10 MR. PRESIDENT:

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

14 MR. NHIP HORL:

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

17 [14.13.16]

18 MR. PRESIDENT:

19 Thank you, Mr. Nhip Horl. The Chamber wishes to inform that on 8  
20 January 2015, after ascertaining the position of both Accused  
21 regarding the exercise of their right to remain silent, the  
22 Chamber notes that the two Accused maintained their expressed  
23 position, unless and until such time the Chamber is expressly  
24 informed otherwise by the two Accused or their counsels. It is  
25 therefore incumbent upon them to inform the Chamber in a timely

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1 and efficient manner should the Accused resolve to waive their  
2 rights to remain silent and be willing to respond to questions by  
3 the Bench or relevant Parties at any stage of the proceedings. As  
4 of today, the Chamber is not yet informed that the two Accused  
5 have changed their expressed position, and thus agree to provide  
6 their responses to questions. The Chamber would like to inform  
7 everyone that the Chamber cannot force the two Accused to waive  
8 their right to remain silent.

9 [14.14.54]

10 It is now time for the adjournment. The Chamber will adjourn now  
11 and it will continue hearings tomorrow, on the 26th of August  
12 2015 at 9 a.m. Tomorrow, the Chamber will hold key document  
13 hearings concerning the documents which have been put so far  
14 before the Chamber. One is Kampong Chhnang airport, Trapeang Thma  
15 Dam worksite, and the 1st January Dam worksite. Please be on time  
16 tomorrow and the following days.

17 Thank you very much, Mr. Nhip Horl. Thank you for coming here as  
18 a civil party. Your -- the testimony has now come to an end and  
19 it will contribute to ascertain the truth. You may now be excused  
20 and you may return to your desired destination or residence. I  
21 wish you good health, good luck, happiness and prosperity.

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

25 Court officer, please work with WESU to send Mr. Nhip Horl back

1 to his residence or any desired destination.  
2 Security personnel are instructed to take the two Accused Khieu  
3 Samphan and Nuon Chea back to the ECCC detention facility and  
4 have them returned tomorrow before 9 a.m.  
5 The Court is now adjourned.  
6 (Court adjourns at 1416H)

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