



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): 09-Sep-2015, 13:25
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 September 2015

Trial Day 322

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

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KHIEU Samphan

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For Court Management Section:
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Judge LAVERGNE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SMITH	English

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today the Chamber proceeds with key document hearing in relation
6 to the three worksites, namely the 1st January Dam, the Kampong
7 Chhnang Airport and the Trapeang Thma Dam worksite respectively
8 -- that is, in relation to those testimonies that we have heard
9 so far from witnesses and civil parties.

10 Greffier, Mr. Em Hoy, please report the attendance of the Parties
11 and other individuals at today's proceedings.

12 THE GREFFIER:

13 Mr. President, for today proceedings of the key document
14 presentation hearings, all Parties to this case are present. Mr.
15 Nuon Chea is present in the holding cell downstairs; he has
16 waived his rights to be present in the courtroom. The waiver has
17 been delivered to the greffier. Thank you.

18 [09.03.09]

19 MR. PRESIDENT:

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

21 The Chamber has received a waiver from Nuon Chea, dated 3rd
22 September 2015, which states that due to his health, headache,
23 back pain, he cannot sit or concentrate for long, and in order to
24 effectively participate in future hearings, he requests to waive
25 his right to participate in and be present at 3rd September 2015

2

1 hearing. Having seen the medical report of Nuon Chea by the duty
2 doctor for the Accused at the ECCC dated 3rd September 2015, who
3 notes that Nuon Chea has back pain and dizziness with a moderate
4 high blood pressure and recommends that the Chamber grant him his
5 request so that he can follow the proceedings remotely from the
6 holding cell downstairs.

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

11 The Chamber instructs the AV unit personnel to link the
12 proceedings to the room downstairs so that he can follow the
13 proceedings. This applies to the whole day.

14 The Chamber now hands the floor to the Co-Prosecutor to continue
15 presenting the key documents. You may proceed.

16 [09.05.00]

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. Good morning Your Honours and good
19 morning to the Parties and to the public. Today I will resume my
20 presentation of key documents on the 1st January Dam which began
21 last week. Before referring to certain records of interviews
22 regarding that dam worksite, I would like to point out that
23 regarding video E3/3048R, the passages that we can view to see
24 adolescents and young adolescents are found in that video
25 footage. In most cases we can't see the faces of people close up

1 but the passages show that there are young people working on
2 those sites and those passages are 00.16 seconds to 00.17 seconds
3 and the second passage is 1 minute (sic) 00.29 seconds up to
4 00.33 seconds and towards the end of the video as from 03.46 to
5 03.47. On this video footage we see two young boys to the left
6 and 03.56 to 04.01, we see a very young boy pouring earth onto a
7 dyke. Another clarification for the Nuon Chea defence team, in so
8 far as this may be of interest to them, the WESU document
9 testifying to the death of Ieng Chham which I referred to last
10 time, document 128/68 (sic).

11 [09.07.11]

12 I'll now talk about another record of interview which is on the
13 list of the Khieu Samphan defence team, it is that of Ke Pich
14 Vannak alias Vannak, Tha and Yuth; son of Ke Pauk. It is document
15 E3/35. That person is also deceased according to document
16 E144/1.1; he was also present with Ieng Chham and Meas Sokha at
17 the Ruessei Keo technical school for six months. Regarding the
18 dam, significant information provided to our mind is as follows.
19 First of all French page is, 00367721; in English, 00346149 up to
20 05; and Khmer, 00340563; and I quote:

21 Question, "After your training what were you tasked with doing?"
22 Answer by Ke Pich Vannak, "I returned to Kampong Cham, I followed
23 my father to prepare the 1st January Dam construction site. The
24 project to build that dam started at the beginning of 1976. The
25 Central Zone committee was the general supervisor of those works

4

1 -- that is, my father, Pou Srach Pou Tol and Pou Chan
2 respectively, the heads of Sector 41, 42 and 43. According the
3 plan each region had to provide ten thousand people for the
4 construction works." End of quote. [Free translation]

5 [09.09.23]

6 On the same page -- let me point out that on the same page; "We
7 had only two technicians one was called Chham and the other was
8 called Sokha. Chham was the commander of the group and the
9 chairman of the public works office." End of quote.

10 Regarding living conditions of the workers at the 1st January Dam
11 worksite, Ke Pich Vannak said the following and it is on the same
12 page in French and English and in Khmer it is page, 00340563 up
13 to 64.

14 And I quote "I visited the long halls in which the mobile unit
15 was staying and I never saw or heard any people had been arrested
16 and killed but there were complaints about food shortages. As a
17 matter of fact it is true that there was shortage of food. I saw
18 sick persons in each shelter and asked about their condition,
19 they said they did not have any medicines to take. I told those
20 facts to my father who then ordered the sectors to assign medics
21 to help with the treatment of patients in each shelter but the
22 sector said they did not have medicines. During the dam
23 construction I knew that there were people dying because they
24 lacked medicines or because they were ill." End of quote.

25 [09.11.06]

1 And lastly regarding visits by Democratic Kampuchea leaders on
2 the worksite, which to our mind highlights the importance of that
3 worksite for the Party Centre. Ke Pich Vannak says the following,
4 and the French page is 00367722; in English, 00346151; and in
5 Khmer, 00340564; and I quote:

6 "There were Khmer delegation, for example, grand uncle Pol Pot
7 made two official visits but he made multiple unofficial visits."
8 End of quote. On the same page, he refers to Ieng Sary's visit
9 with Pol Pot for the inauguration as well as that of Chen
10 Yonggui, that of the delegation of Laos women and that of a North
11 Korean delegation.

12 [09.12.17]

13 Document E3/5264, is another record of interview of a deceased
14 member of Ke Pauk's family. Ke Pauk was the chief of the former
15 North Zone and Central Zone, and it is Ke Un alias Aok. His death
16 certificate is mentioned in document E21/471. He was nephew and
17 driver of Ke Pauk and often came to the worksite -- that is, the
18 1st January Dam worksite. His testimony is very relevant and
19 significant for us because this is an external observer of the
20 situation on the worksite and he starts by saying in this
21 document, E3/5264, page 5 in French; 5 and 6 in English; and page
22 6 in Khmer; and this is what he says and I quote: "Ke Pauk
23 visited the dam regularly and almost every day and I saw the
24 activities of the people working almost every day." End of quote.

25 [09.13.40]

6

1 He points out, further down in the document, that Ke Pauk's
2 office was about six to seven kilometres from the dam worksite;
3 page 5 in French; page 5 in English; and page 6 in Khmer; and
4 this is what he says and I quote:

5 "People were very afraid of Ke Pauk's car, they were afraid of
6 being led away to be executed. They killed anyone who would
7 uproot a single sweet potato, let's not even talk of those who
8 came to talk to me, this was high ranking personality."

9 Question, "At the time did you know that people were being
10 killed?"

11 "Yes I knew. I had known from the very beginning, people who were
12 traitors were arrested and they were executed."

13 I would like to recall that Un said the following regarding
14 hygiene on the 1st January Dam worksite. On Page 4 in French; 5
15 in English; and 5 and 6 in Khmer. And I quote "At the time there
16 were thousands of people working very hard, particularly women
17 when they were having their period, they didn't have any water to
18 clean up themselves so their buttocks were followed and
19 surrounded by flies. At the worksite there were too many flies
20 which looked like bees. When I accompanied Ke Pauk to the dam
21 worksite, there were also other people in the group including
22 Oeun whose rank was next to Ke Pauk's." End of quote.

23 [09.15.33]

24 We have two other records of interview which I would mention. And
25 it is, first of all, the record of interview E3/9349. That is a

1 witness who worked for two weeks at the 1st January Dam worksite
2 as deputy head of a mobile unit from the village of Doung and he
3 also was as chief of guards on the bridge. On Page 4 in French; 3
4 and 4 in Khmer; and 3 in English; this is what he stated

5 regarding work on the dam worksite and I quote:

6 "While we working workers were not authorised to communicate with
7 one another, because they were afraid that the plan would not be
8 implemented."

9 Question: "Who told them not to work (sic) while they were
10 working?"

11 Answer: "The upper level that is the sub-district chiefs gave
12 orders to the village chiefs who then gave orders to the mobile
13 unit chiefs." End of quote. [Free translation]

14 [09.16.52]

15 Page 5 in French; page 5 in Khmer; and 4 in English; the question
16 -- the following question was put to him.

17 "As deputy head of the mobile unit were you tasked with spying on
18 others?"

19 Answer: "Yes, they told me to monitor and report. Village chief
20 told me to do that, I never reported to upper echelon. I just
21 have concealed things." End of quote.

22 And lastly regarding arrests in the mobile unit on page 5 in
23 French; page 5 in Khmer; and 4 and 5 in English; this is what he
24 states in answer to the following question:

25 "Did you see people arrested and killed?"

1 Answer: "I saw some of them trick people and take them away to
2 kill them but I did not personally see any killings."

3 And later on: "According to my observation it was the heads of
4 the mobile units who blindfolded them in order to kill them. I
5 saw the chiefs of the mobile units come and tell them that this
6 afternoon five of you will go to transport sand and load it in
7 trucks. Most of the people were 17th April People or New People."

8 And further down, he points that: "I saw that they were being led
9 down to the Choan Dek pagoda." End of quote. [Free translation]

10 [09.18.30]

11 And lastly the record of interview I would like to mention is
12 E3/5287, and that is the uncle of the previous witness. And this
13 testimony is interesting because it focuses essentially on
14 detention conditions at the Baray Choan Dek security centre in
15 Tras village, commune of Ballangk, Baray district and it is said,
16 in regard to this document, that it was related to the 1st
17 January Dam construction site. I realised that I do not have the
18 ERNs or the page numbers but I will disclose this later.

19 Question: "Do you know the relation between the security centres
20 situated at Baray Choan Dek monastery and the 1st January Dam
21 worksite?"

22 Answer by the witness: "I do not anything as regard the
23 relationship in question, because I wasn't authorised at all to
24 talk about it to anyone. But once the construction started, the
25 number of prisoners transported by vehicles or horse drawn carts

1 only kept increasing. Previously vehicles transporting prisoners
2 came once every two to three days. In 1978, the vehicles and
3 horse drawn carts came more often and in 1978, that was the year
4 when people from the Southwest Zone came to take control of the
5 prison." End of quote. [Free translation]

6 [09.20.29]

7 I'd now to talk about the third subject that I would like address
8 during this hearing and the documents in question show that
9 purges were committed in that zone and in that sector and those
10 purges nevertheless did not affect progress in the construction
11 of the 1st January Dam. These are documents that established that
12 as of February 1977, that is from the beginning of the
13 construction of the bridge and throughout the construction period
14 in 1977, purges were carried out by cadres of the Zone from
15 Sectors 41, 42 and 43, and also within districts close to the dam
16 particularly of Santuk and Baray.

17 The first document I would like to refer to is document E3/2782,
18 which also has the following reference E3/2783, and this is an
19 interview titled, "Ke Pauk's autobiography". This is an
20 autobiography that dates back to 1986. And now what does Ke Pauk
21 say in this document. First the French page is 00596210; in
22 English 00089713; and Khmer 00164130. He is talking about what
23 happened at the beginning of 1977, and the sectors in the zone as
24 well as the offices of the different ministries that were found
25 in his zone. And this is what Ke Pauk says and I quote; [Free

1 translation]

2 [09.22.40]

3 "In Phnom Penh I went to Pol Pot and Mr. Nuon Chea, they showed
4 me documents from all the regions and all the ministries and the
5 testimonies were so clear that we could not modify them in anyway
6 -- amend them in anyway." Further down he says; "In February 1977
7 a truck belonging to security department in Phnom Penh came to
8 arrest the chiefs of ministries and the chief of the rubber
9 plantation." Let me point out that when we refer to ministries
10 here in French I believe they are referring to regional offices
11 in each zone. Let me press on with Ke Pauk's statement. "During
12 the same year 1977, a security truck from Phnom Penh came to
13 arrest five or six persons from Region 41 committee, five or six
14 from the Region 42 committee and five or six from the Region 43.
15 After the region members were all arrested, they arrested the
16 heads of the regional level ministries."

17 [09.23.59]

18 On the next page in French, 00596211; English, 00089713 up to 14;
19 and in Khmer, 00164131 up to 33; Ke Pauk says the following and I
20 quote: [Free translation]

21 "Subsequently a security truck from Phnom Penh came to arrest the
22 military commanders of the zones. In all there were between 50
23 and 60 cadres from the regions and ministries who had to be
24 arrested. Shortly thereafter, and that was still in 1977, around
25 May, a security truck from Phnom Penh came again to arrest

11

1 district heads. All the district heads were arrested. In a
2 district there were two or three heads who were arrested then a
3 number of commune chiefs were also arrested. In June, the first
4 wave of arrests was completed at the time I was the only one
5 left. If you looked at the situation in the Central Zone you'll
6 find that there were no longer any cadres left. The upper echelon
7 decided to transfer the cadres from the Southwest Zone and to
8 place them there. There were about 200 cadres from the Southwest
9 Zone. In summary, the upper echelon transferred the Central Zone
10 to a new North Zone and appointed me secretary while Kang Chab
11 was the deputy secretary and Mr. An was a member." End of quote.

12 [09.25.55]

13 The list of prisoners who had to be executed at S-21 confirmed
14 what Ke Pauk said regarding the purge of the Central Zone and the
15 former North Zone except for the fact that the number of cadres
16 purges was as a matter of fact higher.

17 We have first of all document E3/2956, that is a list of
18 prisoners from S-21 from the North Zone from the 1st February to
19 27th March 1977.

20 MR. PRESIDENT:

21 Counsel Kong Sam Onn, you have the floor.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. I would like to make observation
24 regarding the presentation by the Co-Prosecutor regarding the
25 word "ministry" and he believes that the word "ministry" is

12

1 incorrect. However in the Khmer text, the word is "ministry"

2 Thank you.

3 [09.27.03]

4 MR. PRESIDENT:

5 Thank you for your observation and the Co-Prosecutor, you may
6 resume.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you. Let me resume my presentation, I was talking of
9 document E3/2956. This is a list of S-21 prisoners from 1st
10 February 1977 to 27th March 1977, it includes 94 names of
11 prisoners from the North Zone, particularly from offices or
12 ministries of commerce, industry, handicrafts, agriculture but
13 also from the public works ministry and we also find on this list
14 heads of public works projects and the first chief was Yoek,
15 Y-O-E-K, Hong, H-O-N-G alias Khoem, K-H-O-E-M, and that name is
16 number 10 on the list, was arrested on 17th April 1977, his
17 assistant is number 11 on the list.

18 We also have cadres from the 117 Division, from rubber
19 plantations in the Regions 41, 42 and 43 and we also have people
20 from the various districts including districts that were very
21 close by to the dam worksite, Baray and Santuk. We have
22 secretaries and deputy secretaries from the two districts they
23 are number 56, 57, 81 and 82 on the list.

24 [09.29.01]

25 We also have document E3/3861, that is a register of executions

1 at S-21 titled, "List of prisoners from the North Zone smashed on
2 the 8th of July 1977", and that list includes the names,
3 functions and dates on which they were admitted to S-21 and the
4 173 cadres from the North Zone who were imprisoned at S-21
5 between February and June 1977. Also for the record I would like
6 to mention other lists that followed in 1977, because the purges
7 continued and in one of these lists, this is list
8 E3/2166, E3/2166, we can find the name of the second chief of the
9 works of the 1st January Dam site -- that is, the head of the
10 public works of the zone, known -- the person whose name was Sao
11 or Yap, Y-A-P, Youn, Y-O-U-N, alias Sao, S-A-O or S-O-R. I
12 already spoke about the confessions of this person before, this
13 was document E3/7414, in this list E3/2166 his name is at number
14 6 and it is said that he entered S-21 on 20th September 1977, so
15 it is he who Ieng Phan replaced at the 1st January Dam worksite.
16 [09.30.56]

17 And finally, there is a list E3/2165, of S-21 prisoners dated
18 November 1977, and we can see that there are several cadres from
19 the North Zone on that list. And I'm going to finish by speaking
20 about the visits that occurred, visits of foreign delegations at
21 the worksites.

22 First of all I'm going to mention document E3/2410 which is an
23 article titled, "The double faced mirror" which appeared on the
24 information bulletin about Cambodia in October, November 1978.
25 His author is Francois Ponchaud, probably, although the article

1 is not signed. At page 19 in French; 28 in English; and 40 in
2 Khmer; the following is stated regarding the foreign delegations
3 and I quote:

4 "The visits always followed the same pattern. After the visit of
5 one or two factories outside of Phnom Penh, the delegations
6 travelled to Takeo province with a visit to the Ang Khnor
7 cooperative and to the Leay Bour cooperative."

8 [09.32.36]

9 And I will skip over certain location names and then the
10 following is said; "And then they go back to Phnom Penh, they go
11 to Angkor and they go through Battambang and Sisophon by train or
12 by car." End of quote. [Free translation]

13 A little bit further down and I quote: [free translation] "On the
14 way back the delegations stopped to look at the 1st and 6th
15 January Dam worksites in the Baray region and visit the latex
16 factory in Chamkar Andoung and before they leave, the delegations
17 are received solemnly by Prime Minister Pol Pot." End of quote.

18 [Free translation]

19 So the 1st January Dam site and the 6th January Dam site are
20 listed among the achievements that the regime was sufficiently
21 proud of to show to the foreign delegations. And for the purposes
22 of the record, I am going to give you a list of certain
23 delegations that visited this 1st January Dam and I'll give you
24 the dates of the visits and the references of the documents. So
25 it might be a little fastidious but I'll try to be quick. First

15

1 there is a visit at the beginning of February 1977, that is to
2 say, at the very beginning of the works of North Korean
3 journalists.

4 [09.34.02]

5 It is document E3/284. So this is a FBIS report, English page
6 00168413, and there is no translation in the other languages yet
7 but it has been requested as well as for the other documents I'm
8 going to mention now. And then there is a Romanian journalist who
9 visited the dam as it was being built on 5th April 1977, and this
10 is document E3/286, at English page 00168194. And then there is
11 the delegation of Lao patriotic women led by Ms. Boupha and you
12 probably remember that we showed photos to a witness of the visit
13 of this Laotian delegation that was accompanied by Ieng Thirith
14 and this is also mentioned at document E3/286, and this occurred
15 between the 20th and 28th of April 1977. In French it is on page
16 00701453 to 54; in English, 00168253; and Khmer, 00681225 to 26;
17 and in this article mentioned is and I quote: "Tens of thousands
18 of peasant workers struggling to build the dams and to dig canals
19 at the worksite." [Free translation] End of quote.

20 [09.35.59]

21 And then there is the visit of the deputy minister Kim Hyong-Yul
22 from North Korea between 17 and 20 July 1978, so we skip one year
23 here, and this is E3/293, at English page 00169739 to 40. And
24 then in this same document -- in a same document, E3/755, there
25 are three delegations the Marxists Workers Leninist Danish Party,

1 on 4 August 1978, at English page 00168945. And then there is a
2 delegation from the Cambodia Belgium Association led by Francois
3 Rigaud, which dates back to the beginning of August 1978, in the
4 same document and the page in English 0168941. And then finally
5 the Swedish Cambodia Friendship Association led by Gunnar
6 Bergstrom, towards the end of August 1978, at the French page
7 01074580; English, 00169017; and what's interesting to note in
8 this article is that it's indicated that in August 1978,
9 thousands of peasants from the cooperatives were endeavouring to
10 complete the dam project, the 6th January Dam project.

11 [09.38.00]

12 And the following document E3/76 also relates a visit of a
13 delegation from the French Communist Party as well as a
14 delegation from the magazine called the "Aydinlik", on 13th
15 September 1978, at English page 00170396; and mention is made
16 that they visited the 1st and 6th January Dam worksites and I
17 quote: "That thousands of people from the cooperatives and the
18 peasants are endeavouring to complete." End of quote. [Free
19 translation]

20 At the end of the September in the same document E3/76, we see
21 that the Japan Cambodia Friendship Association also visited the
22 dam site, it's at English page 00170431.

23 And finally the two last documents. First document E3/294,
24 mentions a visit by the Norwegian Communist Party on 26 September
25 1978, at English page 00170186. And in the last document we see

17

1 five visits in December 1978, this is document E3/295. And first
2 there is the delegation of the West German Communist Party led by
3 Durer on 5 December 1978, at page 00169084. On 7 December 1978, a
4 Chinese delegation of foreign trade presided by Cheng Chieh, it
5 is at page 00169074 in English.

6 [09.40.16]

7 On 11 December, there was a delegation of the Japanese worker's
8 party, it's at page 00169118 to 19. And in mid-December, of
9 course there is the famous visit of Professor Caldwell and of
10 Dudman and of Elizabeth Becker, it is in the same document
11 E3/295, at Page 00169169. And finally from the 18th to 21st
12 December 1978, there is a delegation from the Romanian Civil
13 Aviation that finished its visit just before the arrival of the
14 Vietnamese and it's at page 00169858 in English.

15 So I am done. I believe that these many visits demonstrate the
16 importance of these dams in the eyes of the Party Centre. I am
17 done, I believe now that the Co-Lead Lawyers for the civil party
18 should also present documents on the 1st January Dam site before
19 we will speak about the airport, Kampong Chhnang Airport site.

20 [09.41.42]

21 MR. PRESIDENT:

22 (No interpretation)

23 [09.41.49]

24 JUDGE LAVERGNE:

25 Yes, thank you, Mr. President. A simple request for the

18

1 Prosecutors; would it possible to have, in advance, the ERNs of
2 the documents you intend to use because sometimes we only get the
3 reference and I think it would be useful for everyone to know
4 exactly which part of the document you intend to use.

5 Furthermore, the listing is fastidious to listen to, it's true,
6 so would it be possible even today or later for you to provide
7 the list before hand with the ERNs. Because marking this down
8 during the hearing is a little bit difficult.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Your Honour. Of course, in any case I believe the
11 interpreters had these tables but I will be able to provide these
12 tables, regarding the visits, to the parties in the course day.
13 But regarding the rest, I don't if it will be possible to change
14 our way of preceding today by providing all the ERNs ahead of
15 time, but in any case we have heard your request and we will give
16 it proper attention.

17 [09.43.09]

18 MR. PRESIDENT:

19 (No interpretation)

20 [09.43.27]

21 MR. PICH ANG:

22 Good morning, Mr. President. Good morning, Your Honours. Good
23 morning colleagues as well as good morning to the public. I am
24 Pich Ang, I'm a civil party Lead Co-Lawyer and I would like to
25 present documents regarding the 1st January Dam in the following

19

1 order; but I first I would like to tell the Chamber that the
2 documents I'm going to present, especially the civil party
3 applications that are being translated, some have been
4 translated, some not yet, so we hope that the translations will
5 be available on the 30th of June or -- they have not yet been
6 translated, if there are no ERNs please forgive me because these
7 documents have not yet been translated.

8 [09.44.50]

9 So the first document that I want to present is document E3/6850,
10 and this is a civil party application and the civil party is
11 named May Lunn, Khmer ERN, 00570948; we do not yet have a French
12 or English translation. May Lunn worked at the 1st January Dam
13 site and he said that, "In 1976, from 1976 to 1977, my children
14 and myself were obliged to work at the Stueng Chinit worksite at
15 the dam named 1st January and at the dam named 6th January. And
16 we were also obliged to harvest, to grow rice and we were
17 deprived of food and of medicine and the Khmer Rouge obliged us
18 to work without rest and in one day we had to work 16 to 18
19 hours."

20 Mr. May Lunn also adds that in 1978, that he was arrested by a
21 Khmer Rouge cadre called (inaudible), and he was taken away to be
22 executed in Tnaot Chum village, in Tnaot Chum commune, Baray
23 district, "But thank God, I was released."

24 [09.46.59]

25 The following document is E3/75 (sic), this is a civil party

1 application and the civil party is called Kim Huon, this is a
2 woman, Khmer ERN 00496687 to 88; English, 00893526 to 27; and
3 French, 00923453 to 54. The civil party said:
4 "During the dry season at the end of 1976, I was sent to the 1st
5 January worksite to build dams and to transport stones. I lived
6 in the Trapeang Chrey pagoda in Prey Srangae village, Kampong
7 Thma commune, Phnom (sic) Santuk district that borders Baray
8 district, this was about a kilometre away from the worksite. We
9 had to work day and night and we were obliged to finish the job
10 within a month and a half. Now regarding food, we got a little
11 bit of rice and a bit of rice soup open -- that was rather thick
12 and the work ended at the end of the dry season and we were
13 already in 1977 and then I came back to live with the female
14 medics. Then in March or April 1977, I was sent to dig canals at
15 the Samraong pagoda, Samraong village, Baray commune, Baray
16 district.
17 [09.49.21]
18 According to the plan back then, one person had to dig canals and
19 build a six metre long dyke that was one metre wide and 70
20 centimetres high. And regarding our diet, we had a ladle full of
21 rice, a bowl of fish soup called "somlop prohal", which we shared
22 among four to five people. There were one or two pieces of fish
23 in the soup and sometimes we ate prahok sauce with kandal
24 (phonetic) sprouts and it was at this worksite that Chhim
25 Sinorng, my current husband, fell in love with me and then my

1 male friends teased but I didn't notice anything and I was only
2 informed of this during the marriage. At the period we met to
3 speak, we didn't speak about love because this was considered a
4 form of moral misconduct. At the end of 1977, after the harvest
5 towards the month of "chet", I had to go dig a canal at Pou Khtum
6 (phonetic) village worksite, Chhuk Khsach commune, Baray
7 district. It was the canal coming from the 1st January Dam. The
8 food then -- my eating conditions they were similar to those of
9 the Samraong pagoda worksite as well as the 1st January Dam
10 worksite."

11 [09.51.22]

12 The following civil party, document E3/6324, and this is a
13 supplementary information sheet from Chhim Rim, the civil party
14 named Chhim Rim. Khmer ERN 00580542; English, 00866864; and
15 French ERN 01132692. And in this supplementary information sheet
16 mention is made of the following. "In 1978 the Khmer Rouge
17 assigned me to the 1st January Dam worksite at Stuong Chinit
18 because I refused to get married. I could not accept that because
19 my husband was still alive, the working conditions at this
20 worksite were terribly hard, each person had to carry two cubic
21 metres of earth per day and we were each given four baskets to
22 carry the earth and we would work from 6.00 to 12.00 and our diet
23 was a bit of pasty rice with banana soup, the baskets were
24 enormous and we had to then trample the ground and we had to do
25 it two or three times before we could finish the job. If we did

1 not complete the two cubic metres per day, we had to continue
2 working during the night. If there was pasty rice left, they
3 would let it dry next to the latrines and so the worms would of
4 course eat this food and then we were given rice soup. After
5 having worked one year at the 1st January Dam site I was sent
6 back to Tang Krasang village.

7 [09.54.08]

8 Following document E3/6324, Khmer ERN 00533402; English,
9 001066660; and there is no French translation yet. And the civil
10 party says:

11 "After having organised everything, I was assigned to build a
12 hangar to store the rice and to make -- and fertiliser and to dig
13 canals and I was six months pregnant, seven months pregnant back
14 then. At that time, I received no news from my husband."

15 The following civil party document E3/6810A, this is
16 supplementary information form from Kang Rom. Khmer ERN 00588434;
17 French, 00588431; there is no English translation yet. The civil
18 party talks about the following and I quote [Free translation]:

19 "At the end of 1976, I was ordered to carry earth, I was part of
20 the mobile unit, I was working at a worksite in Kampong Thma. Now
21 regarding my two younger brothers they were deported and sent to
22 Ta Ream village, I was the only one among the three to carry
23 earth at the Kampong Thma worksite. It was necessary for me to
24 carry earth, three cubic metres of earth in one day. I had to
25 clear the area and then dump, then carry the earth in a basket

1 and I would see children of my age working at the worksite, I
2 believe that there were about 300 children there and there were
3 also many elderly people I could not count them all because the
4 worksite was enormous and filled with people.

5 [09.57.33]

6 And when it was time for a meal during which we would eat rice
7 soup but we all had to arrive at the same time in order to eat
8 this rice soup.

9 In order to avoid the leaking of water we had to dam the dyke and
10 we built a big cement reservoir to store water, it was 12 metres
11 wide.

12 I was in the mobile unit in Kampong Thma, every morning at 3
13 o'clock in the morning we were woken up with a whistle so that we
14 would start working and we had to work until 12.00 and then we
15 were given a ladle full of soup and then we had to get back to
16 work until 5 p.m. and in exchange we were given very thin rice
17 soup, we did not eat to our fill and some of us hanged
18 themselves."

19 [09.59.02]

20 The following document, this is the last document I'm going to
21 present to you, it's not a civil party application but a
22 statement by witness. It's document E3/9350, in this WRI, at ERN
23 00239949; French, 00274344; English, 00244169 and 70; and she
24 answered the following question which is: "Were you aware of the
25 building of the 1st January Dam site?"

1 Answer: "Yes, but I don't know when the construction began."

2 Following question: "Do you know the number of workers who
3 partook in the construction of the dam?"

4 Answer: "I saw there were many of them but I did not know how
5 many there were."

6 And the next question is the following: "Please describe the
7 activity of building the 1st January Dam."

8 [10.01.01]

9 Answer: "I was tasked to dig the dirt and to carry it in the
10 basket up to the embankment and the work quota was one cubic
11 metre. And if I could not complete the work quota then I would be
12 called to attend a meeting and the meetings were usually held at
13 night after we stopped working and usually only those who could
14 not complete the work quota was called. I myself was called to
15 attend such meeting twice. In the said meetings, they stated
16 that, 'If you, comrade, cannot complete the work quota you must
17 be careful.' And actually at that time I do not know what it
18 meant but usually I had a cramp in my leg that's why I could not
19 complete the work quota and usually even if I was sick I had to
20 work, I was afraid and usually the chief of the unit called me to
21 go to work and there were people monitoring us while we working
22 on site and for anyone who was considered not to complete the
23 work quota or was lazy would be reported to the upper echelon and
24 the unit chief would call them to a refashion meeting."

25 [10.02.47]

1 In the same document -- that is, E3/9350, at ERN Khmer, 00239951;
2 and in English, 00244170; and in French, 00274345; in her response
3 she said the following and I quote:

4 "Were workers sick on site?"

5 Answer "At the worksite there was no sanitation at all, there was
6 no proper toilet for us to relieve ourselves and if we were to
7 relieve ourselves we had to go to the forest and at the sleeping
8 quarters there were so many black head flies. Many workers became
9 sick and the majority of the sickness was dysentery, fever, etc.
10 At each sleeping quarter there was a medic on standby and usually
11 when a worker got sick they were given a round pill which look
12 like a rabbit drop. Some people got recovered while others did
13 not and for whatever sickness you have, you would be given the
14 same pills. Sometimes they also gave an injection from a liquid
15 in an orange like bottle and one worker died at the worksite from
16 illness and I witnessed it myself however the person was not in
17 my group and I also do not recall the name of that dead worker.
18 At the worksite the majority of workers were emaciated and that's
19 due to lack of food and overwork."

20 [10.05.21]

21 The next document that I would like to present is a short video
22 clip and part of this clip had been shown by the Co-Prosecutors.
23 However I would like to make -- present part of another clip of
24 this video -- that is, document E3/301R. This video presents the
25 presence of young children carrying earth at 15 seconds and at 38

1 second time mark. And also on the clip we will see many workers
2 who walked bare feet. As for the clothing, it was not a proper
3 clothing that they were wearing at the time and they had to walk
4 a long distance to carry the dirt and those workers had to run
5 while they were carrying the dirt and they were not allowed to
6 speak to one another while they were working and we could see the
7 crowd of workers. And I request Mr. President's permission to
8 present this video clip that is the video clip of document
9 E3/301R. And I notice that Mr. Kong Sam Onn is on his feet.

10 MR. PRESIDENT:

11 Counsel Kong Sam Onn, you have the floor.

12 [10.07.20]

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. I do not object to the request for the
15 National Lead Co-Lawyer to present that video clip, however I
16 strongly object to his description of that video clip. In
17 particular he provides such a description before we even see the
18 clip, this is a presumption that he should not have made.

19 MR. PICH ANG:

20 Mr. President, allow me to respond to that observation. In fact
21 in order to help everyone, I do not make my own conclusion but I
22 would like to bring everyone's attention to what is on the video
23 clip so that it is easier for the audience to follow and I seek
24 your permission to present this short video clip. It is a four
25 minute long clip. Thank you.

1 (Judges deliberate)

2 [10.09.25]

3 MR. PRESIDENT:

4 The National Lead Co-Lawyer, are you requesting only the 15
5 second time mark and the 30 (sic) second time mark as you said or
6 you want the entire clip to be played. And as you indicated the
7 Deputy Co-Prosecutor already played parts of the clip and as you
8 understand there was an objection by the Nuon Chea's Defence last
9 time and also actually the objection sustained. So please specify
10 whether you wish to play only the relevant time mark in relation
11 to the key document presentation that you are doing this morning
12 and not the entire clip. Because as you said it is as the 15
13 second time mark and at the 38 second time mark respectively. So
14 please be specify, I do not see itself the interest of all
15 parties if the entire clip has to be played while you yourself
16 specified the time mark of interest to your key document
17 presentation. And we, the Chamber, have not yet considered the
18 source of that video clip. So please make your presentation more
19 specific in relation to this clip.

20 [10.11.21]

21 MR. PICH ANG:

22 Thank you, Mr. President, for your instruction. In fact I would
23 like to be more specific as specific as possible in my
24 presentation. Previously the Co-Prosecutors, that is, last week,
25 presented a video clip but it is not the same video clip. However

28

1 I recall that the video clip was shown during the questioning by
2 the Co-Prosecutor to a witness and only a brief portion of that
3 clip was shown to that witness and in fact at that time from my
4 recollection, the Co-Prosecutor wishes to emphasise on the long
5 distance that the witness had to walk while carrying the dirt.
6 And for my presentation, as I said, I indicated that the segments
7 that I am interested in is 15 second time mark and at the 38 time
8 mark respectively. However there are various time marks where you
9 could observe the worker walk bare feet with improper clothing in
10 addition to the long distance of carrying the dirt. And some
11 workers were running while they were carrying the dirt and that
12 is the general view of the clip. And I believe the entire four
13 minute clip shall be shown so that all the interest points that I
14 mentioned could be observed.

15 MR. PRESIDENT:

16 You may proceed if that is the case. And the AV unit please play
17 the clip as requested by the National Lead Co-Lawyer.

18 [10.14.07]

19 (Audiovisual presentation)

20 [10.14.50]

21 MR. PICH ANG:

22 It seems that the clip seems to finish prematurely. Anyway, I'm
23 still grateful for your permission. And I am done, Mr. President,
24 with the 1st January Dam worksite and we are thankful for your
25 granting us the time to make the key document presentation

1 regarding to the 1st January Dam worksite.

2 MR. PRESIDENT:

3 Thank you. It is now appropriate to have a short break; we will
4 take a break now and return at 10.30 The Court is now in recess.

5 (Court recesses from 1015H to 1031H)

6 MR. PRESIDENT:

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

8 The Chamber is now going to give the floor to the Prosecution so
9 that the prosecutor may present -- continue presenting his
10 documents.

11 (Technical problem)

12 [10.34.01]

13 MR. PRESIDENT:

14 There apparently is a technical issue here. There is some kind of
15 hiss in the background, so AV, can you please solve the problem.

16 JUDGE FENZ:

17 I've been told it might be my headset, so please try again.

18 MR. SMITH:

19 I think it's working now; is that correct, Your Honours?

20 Good morning. Your Honours. This presentation will concentrate on
21 the Kampong Chhnang airfield construction site, and the

22 Prosecution will be highlighting particular documents -- that is,
23 not trial testimony -- with the aim of supporting and

24 corroborating and proving elements of the crimes against humanity
25 that occurred at the airfield, that the Prosecution alleges

1 occurred, during the DK period.

2 [10.35.31]

3 The crimes that we would submit that these documents would assist
4 in proving are that of attacks against human dignity,
5 enslavement, extermination, enforced disappearances, murder and
6 political persecution. Many of the documents have multiple facets
7 in terms of the areas that they would assist in proving, so
8 perhaps this introduction can apply to most of the relevance of
9 those documents.

10 Your Honours, I propose to present about 39 documents in the time
11 that we have, and with the aim of putting forward some
12 contemporaneous documents from 1975 to 1979, but within that
13 general time line, interposing some written records of interview
14 given to the Office of the Co-Investigating Judges, to help
15 elaborate and corroborate those documents and the oral testimony
16 that Your Honours have heard already.

17 [10.36.49]

18 The first document, Your Honours, is E3/182, and it's dated the
19 9th of October 1975, and it's a Standing Committee meeting
20 minutes of the Communist Party of Kampuchea. And at English,
21 00183407; Khmer 0019126; and French, 00292886; and at this
22 meeting it was recorded -- this conversation was recorded: "As
23 for the military airfields, we have plans to build the different
24 sites. We can perhaps examine Kampong Chhnang, strengthening and
25 expanding it. If it's too far, we can build in Sector 15, so our

31

1 goals are different, immediately combine with Pochentong."
2 Your Honour, where it says that the goals are different, if you
3 look at the context of that document, they appear to be referring
4 to the goals of the Chinese. The relevance of this document is
5 that it assists in showing Nuon Chea and Khieu Samphan's
6 awareness of, and the -- perhaps the first record we have in
7 terms of the establishment, or the idea, being proposed that
8 there might be an airfield at Kampong Chhnang.
9 I'll move to the next document, Your Honours, and it's E3/1139,
10 and I'd ask if it could be shown on the screen. And it's dated
11 the 22nd of January 1976. And this document will assist in
12 showing that the military command structure at the airfield --
13 Division 502 - were, in the early days, very concerned with
14 political stances and class of the cadres in the Division 502.
15 Your Honours, if I can ask that the document be shown on the
16 screen? It's in Khmer, so people can see it.

17 [10.39.04]

18 MR. PRESIDENT:

19 Yes, you may proceed. And AV Unit, please project the said
20 document, as requested by the International Deputy Co-Prosecutor.

21 MR. SMITH:

22 As it comes up, Your Honour, the document will briefly show the
23 number of CPK cadres in 502; and it's a table that will show the
24 sex of the cadres and the stance they have -- the stance they
25 have on the communist ideology, whether it was good, fair or

1 weak; and the class that they came from. And the purpose of this
2 document, Your Honours, is to show that the issue of class, class
3 enemy, etc., is very much entrenched in the Division 502 thinking
4 at an early stage -- the 22nd of January 1976. It looks like that
5 document didn't come up, but I think I can move onto the next
6 one.

7 [10.40.08]

8 Your Honour, the next document is E3/229, and this is dated the
9 22nd of February 1976. And then this again is a Standing
10 Committee meeting minutes of that date. And we particularly note
11 on this document that Nuon Chea and Khieu Samphan are present at
12 this meeting. And at English, 00182627; Khmer, 00000716; and at
13 French, 00334960; you can see that it's raised again -- the
14 airfield -- at (E), it states: "We propose the examination of a
15 new site, something somewhat deep inside, for example in the
16 vicinity of Tmat Pong or Kampong Chhnang." The relevance, Your
17 Honour, is that the thought processes are still at play with the
18 Standing Committee as to where they will in fact set up this
19 airport, as of 22nd of February 1976.

20 The next document, Your Honour, is E3/236, and that's dated the
21 19th to the 21st of April 1976. And again, it's a Standing
22 Committee meeting minutes, and it records the decision to, in
23 fact, not just discuss the idea of the airfield, but to establish
24 the airfield at Kampong Chhnang. And if I refer to English,
25 00183419; Khmer, 00019145; and French, 00322970; it states number

1 2:

2 "Military Airfields: We will set up operations in Kampong
3 Chhnang. We must, to defend the country effectively. Whatever
4 they want, we will do that." I believe they're referring to the
5 Chinese, when you look at the context of that. "Some things we
6 will buy in additional quantities." So, Your Honours, as of April
7 1976, it appears that there's been a decision that the airport be
8 established.

9 [10.42.34]

10 The next document, Your Honours, is E3/222. It's dated the 15th
11 of May 1976, and it's a Standing Committee meeting minutes again.
12 In these particular minutes, both Nuon Chea and Khieu Samphan are
13 both recorded as being present. And it records -- it appears to
14 record the actual commencement of the construction, or the
15 immediate construction of the airfield. And if I refer to
16 English, 00182666; Khmer, 00000771; and French, 00323892; it
17 states: "The airfield: Comrade Khieu reported" -- obviously
18 referring to Son Sen -- "at Pongro, they have had to place much
19 gravel. They asked us what the buildings are roofed with --
20 whatever to roof with so that it will not be hot. Now the
21 drilling group has arrived." So, it appears that work had
22 started, was about to start, certainly around about May 1976.

23 [10.44.05]

24 Your Honours, if I can now refer to document E3/13, and I would
25 ask that this document be placed on the screen when I read the

1 text. And it's dated the 9th of October 1976. And it's relevant
2 to assist in proving the commander of Division 502, Sou Met, who
3 was responsible for the airfield construction, had the intent to
4 purge soldiers within the RAK more generally. And the document's
5 entitled "Minutes of the Meeting of Secretaries of Divisions as
6 Independent Regiments". And it's chaired by -- the meeting's
7 chaired by Son Sen. And it briefly -- the minutes briefly record
8 the communications between the general staff and the Centre
9 divisions, about their role in internal purges and re-education
10 of enemies, amongst other matters.

11 [10.45.15]

12 And at this meeting, Sou Met was present -- the commander of
13 Division 502. And at English, 00940350; Khmer, 00052411; and
14 French, 00334980; he's recorded as saying this:

15 "After the Party revealed the upper traitorous links belonging to
16 American imperialism and the revisionists, I was happy and had
17 more faith in the Party. This experience proves that our Party
18 has a solid grip on things and a stance of constant vigilance. If
19 there are contradictions, it [the Party] grasps them clearly, and
20 this is a victory for our Party.

21 "With regards to this problem, it can be said that the enemies
22 have been basically eliminated, but it is imperative to take
23 further measures to prevent this from happening a second, a
24 third, a fourth or more times.

25 "The enemy will not be able to do anything to us so as long as

1 our military is politically hard and clean. It is imperative to
2 strengthen the Party politically, ideologically and
3 organizationally. It is imperative to dare absolutely to conduct
4 purges."

5 [10.46.58]

6 And Your Honour, that is of the 9th of October 1976. And the
7 reason why these documents relating to Sou Met are being put
8 before Your Honours today, is to show that the person responsible
9 with the construction of the airfield was also, at the same time,
10 actively involved in purging of members of the RAK under his
11 responsibility. That's why we put forward that it's relevant,
12 particularly in relation to the evidence you've heard of purges
13 occurring at the airfield.

14 Your Honours, the next section of the document, E3/13, is also
15 relevant. It relates to Sou Met's immediate superior, Son Sen,
16 who seems to chair the meeting. And at English, 00940354-55;
17 Khmer, 00052414; and French, 00334982-83; the chair of the
18 meeting, Son Sen, concludes the meeting with some operational
19 paragraphs at the end. And he refers to operational methods,
20 after hearing all the other divisional commanders talking about
21 the issues in relation to enemies and purges. And he states at:
22 "1). Continuous education is imperative.
23 2). It is imperative to purge no-good elements absolutely in the
24 sense of an absolute class struggle. The purge is premised on
25 three principles:

1 Category 1: The dangerous category: They must be absolutely
2 purged.

3 Category 2: The ordinary liberal category: they must be educated
4 again and again in our education schools.

5 Category 3: The category of those who have merely been incited by
6 the enemy, merely believing in the enemy incitement. As a first
7 step, they should undergo refashioning to get them to no longer
8 believe the enemy."

9 [10.49.36]

10 The purpose of this, of course, is to show the absolute
11 preoccupation of the army of Kampuchea in purging the enemy and
12 categorizing people at three different levels, as to what would
13 happen to them once discovered.

14 Your Honours, the next document I'd like to refer to is a written
15 record of interview, and it's E3/5279. And it's relevant in
16 relation to proving the whole -- the list of crimes that have
17 been alleged in the indictment at Kampong Chhnang airfield. This
18 witness, who was a 20-year-old male in 1975, and was merged into
19 Division 502, he was sent to the airfield from late 1976 to early
20 1977, until at least 1978. And this is what he told the
21 investigators as a member of Division 502, what his experience
22 was at the airfield, at English, 00293008-10; Khmer, 0287548-51;
23 and French, 00342677-79.

24 [10.51.12]

25 He was asked: "Question: When you were first sent to Kampong

1 Chhnang Airport construction site, when were you first sent?"

2 "They sent me to the Kampong Chhnang Airport construction site in
3 late 1976 or 1977, but I do not remember the month. I was sent
4 there because I was a former soldier of District 20 in 1972.

5 Later on between 1972 and 1973, I was transferred [...]"

6 "When you were transferred from Division 11 of the Special Zone
7 to Division 502, when were you?" Answer: "After Phnom Penh fell
8 on 17 April 1975, my group was included in Division 502 under Met
9 as the commander and Lvey and Phal as his deputies (I do not know
10 where these people are now). Division 502 was very large; it
11 controlled the air force troops at Pochentong, and air defence
12 troops."

13 [10.52.15]

14 "What did you see when you first arrived at the Kampong Chhnang
15 Airport construction site?"

16 "At that time, the place was a paddy; there were only palm trees
17 and other trees. The first activity I saw there was people
18 digging up the stumps of palm trees and trees and cleaning the
19 earth. Each unit followed its plan led by hundreds of Chinese
20 experts. As far as I knew, most people were from Prey Veng and
21 Svay Rieng provinces, and hundreds of trucks transported people
22 to that place. In 1978, more and more people were sent [to the
23 construction site], and there were also more and more killings."

24 "The people from Prey Veng and Svay Rieng were the East Zone
25 people. Why did you know they were from there?" That was the

1 question.

2 He answered: "The people from Prey Veng and Svay Rieng provinces
3 were separated to live with me, and they personally told me that
4 they were from the East Zone. All of them were soldiers who did
5 not know why they were sent to Kampong Chhnang; they just knew
6 their leaders were accused of being traitors. They worked and
7 stayed with me; they told me the people who came here were just
8 combatants, but they did not know where they sent their leaders
9 whose positions were platoon-level and above."

10 [10.53.44]

11 Question: "What did they tell you with regard to the sending of
12 their group to the airport construction?"

13 "He said that there were summoned to attend a meeting and were
14 disarmed; then they had themselves prepare to build at the
15 Kampong Chhnang Airport construction site."

16 Then the interview goes on, and there's clarifications are asked
17 for. And the question's asked: "Question: Please explain clearly
18 based on what you know", in relation to "more and more killings".
19 And he stated: "I would like to explain two points. First, when I
20 went to cut small trees to make the halls at the airport, I saw
21 many dead bodies' pits of the people who were just killed at Peam
22 Lok mountain approximately five kilometres from the airport, and
23 dog scratching traces were still there. I presume that they
24 definitely took people from the airport construction site to be
25 killed there because a number of people in my unit disappeared.

1 Second, I knew that the killings were done every day; they
2 tricked them and they took them to help the people harvest rice.
3 I knew this because the guards of the trucks transporting the
4 people there told me that they were transported -- that they
5 transported the people to be killed. They told me to escape if I
6 could. The trucks transporting the people drove to the direction
7 of the Romeas railway."

8 [10.55.23]

9 Question: "Could you tell" -- Sorry, question: "It was very hard
10 work. How was your situation at the Kampong Chhnang Airport
11 construction site?"

12 "There were people dying of disease every day; some people died
13 of starvation and overwork. I saw them carry the dead bodies to
14 bury in the forest near the airport construction site. The
15 patients were also taken to the hospital near the airport
16 construction site."

17 This witness gave another interview and the other interview is
18 E3/5263, and he further talks about being taken from the airfield
19 and placed in S-22. And I refer to English, ERN 00282224-25;
20 Khmer, ERN 00270178-80; and French, ERN 00283349-51.

21 Yes, Mr. President?

22 MR. PRESIDENT:

23 Maybe there is an error. You're referring to S-21 or S-22?
24 Because I don't know of the existence of S-22. Please specify
25 because I heard S-22. Up until now, I have never heard of S-22.

1 So were you referring to S-21, or actually really to S-22?

2 [10.57.37]

3 MR. SMITH:

4 Your Honour, I was in fact referring to S-22. It hasn't been
5 discussed much at the Trial, but it was the security centre of
6 Division 502 particularly, and this witness explains a bit more
7 about S-22, and so if I can read out his passage, please?

8 "Later I was extracted and placed at S-22, located west of the
9 Tuek L'ak School. I can't remember the name of the leadership of
10 S-22. Hundreds of people were detained at S-22, all soldiers of
11 Division 502 who had just been brought in from their former units
12 in the Special Zone. After I had been at S-22 for three to four
13 months, I went to work only once a week, and ate only banana
14 stalks, bananas, and morning glory, mixed with a few grains of
15 rice. The guards at S-22 had food rations. In late 1977, I was
16 extracted again to work at the Kampong Chhnang airfield."

17 So this is the second time that this person worked at the
18 airfield. He states: "The tens of thousands of troops working
19 there had been disarmed, and those from the East came in sheets
20 (droves). I saw that hundreds of people had died there, since I
21 saw pits and blood-stained bodies when I was sent into the forest
22 to saw firewood. I knew that those who died had fallen ill as the
23 result of the almost non-stop work, or they had stolen food to
24 eat, food which was all the harvest of what they themselves had
25 grown."

41

1 [10.59.24]

2 Your Honour, I would now like to move to the next document,
3 E3/84, and if possible, I'd ask that it be placed on the screen.
4 It's dated the 15th of December 1976. And again, it's another
5 minutes of meetings of the RAK, of which the divisional
6 commanders and general staff met and discussed various issues,
7 particularly their role in the internal purges and the
8 re-education of enemies. I'd like to refer to a passage where the
9 chief of staff, Son Sen, includes by remarking -- at English,
10 00233718; Khmer, 00008478; and French, 00386208 -- and he states:
11 "1). On the enemy: External enemies, in general, there has not
12 been any problem. As for the internal enemies, they have
13 basically been scattered. But at the same time, there have been
14 some occurrences showing that enemies are still active embedding
15 inside our army."

16 [11.00.46]

17 He goes on to state: "Our measures: we must closely grasp the
18 problems of screening and purifying our Army. There have been a
19 few occurrences which we must pay attention to and monitor. In
20 fact, the reasons are related. Do not have the view that this is
21 normal. The way to find them, we must monitor and meet and
22 examine each occurrence. The external enemy is not anything to
23 worry about, but we must pay attention to the remaining internal
24 enemies. If we are lax and are in a state of pacifism, they will
25 seize the opportunity to attack our revolution."

1 The importance of that, Your Honours, is clear in the sense that
2 we would say the general policies in relation to purging of
3 enemies of the Khmer Rouge are being implemented in a pragmatic
4 fashion within the RAK, and at that particular meeting, Sou Met
5 was present. And that was, perhaps you could say, the standing
6 order from Son Sen.

7 [11.02.00]

8 Your Honours, if we can move to E3/362, and this document relates
9 to -- is relevant in the sense that it assists in showing why
10 East Zone cadres were sent to the Kampong Chhnang Airport. And it
11 assists in showing the persecutory element of their presence
12 at the airport. The witness is in fact a 23-year-old male in
13 1975, and he was a battalion commander from the Southwest Zone
14 from 1975 to 1977. He was appointed as a regiment commander in
15 the Centre division 703. At English, 00268895; at Khmer,
16 00210209; and at French, 00268903; he states -- he puts the --
17 first of all, he puts the East Zone purge in the context of other
18 purges, and explains where the East Zone people went. He states:
19 "Before the integration of the army of the South-western Zone to
20 fight against the cadres of the Eastern Zone, it was true that
21 there was a scheme and preparation to purge those internal
22 cadres. There was a planning meeting of the Standing Committee
23 which comprised Pol Pot, Nuon Chea, and Ieng Sary. The purge was
24 caused by lack of internal trust and an accusation of a moral
25 offence. As a result, some were arrested and sent to S-21 and

1 some were sent to build the airbase in Kampong Chhnang." And Your
2 Honours, this is before the Eastern Zone purge.

3 [11.04.04]

4 He goes on: "In 1975-1976, Sam Bit ordered the arrests of those
5 in the army who had connections with Vietnam. In 1975, a number
6 of the commanders of the battalion, and that of the regiment,
7 were arrested and charged with 'being spies of Vietnam'. So, the
8 army was purified from the beginning. The reason why those in the
9 army were arrested was because they were accused of helping
10 Vietnam. They were arrested from 'the strings of traitors'. The
11 arrests were made on the order of the Zone, which I think was
12 from someone who was above Sam Bit. Some of the arrested were
13 sent to Phnom Penh, and some were taken to Kampot's security
14 office."

15 Then the interview goes on, and he starts to talk about -- this
16 witness starts to talk about the Eastern Zone purge, of which he
17 was a part of. Your Honours, he was a witness in the prior case,
18 in Case 002/01. And at English, ERN 00268896-97; and Khmer,
19 00210211-12; and at French, 00268904-05, the same witness stated
20 in response to this question:

21 [11.05.36]

22 Question: "Please tell us, from your knowledge, about a story
23 concerning 'a purge' in the Eastern Zone."

24 "Before a cadre purge mission in the Eastern Zone, the military
25 commanders and I were called, in mid-1977, to attend a meeting in

1 Ta Mok's home in Takeo. We were told that we would be sent to
2 'cleanse' those in the Eastern Zone who had collaborated with the
3 Vietnamese. The purpose of this mission was two-fold: fight the
4 Vietnamese in Cambodia and sweep up the Vietnamese collaborators.
5 Attending the meetings were Suoy, commander of the South-western
6 Zone; Ren, division commander; Thy Pousé, commander of Division
7 210; Ieng Phan, commander from Takeo; and Sok Chhean, commander
8 from Kampot. The meeting was urgent and was held for one day.
9 There were 700 soldiers from Kampot, 1,000 from Takeo, and 700 to
10 800 from Kandal. A day after the meeting, we were sent to Phnom
11 Penh. We stayed overnight in Boeng Trabek, where Division 703
12 headquarters was located. A day later, Son Sen told us again in a
13 meeting about the purpose of this mission and ordered all
14 commanders to prepare a comprehensive plan. A day later, we went
15 to Svay Rieng, but we stayed in Neak Loeung for a couple of
16 weeks. There were many meetings at the division level to prepare
17 this scheme. Ren, Ta Mok's son-in-law, sent a telegram to me,
18 asking me to return to Phnom Penh to attend a special meeting
19 with the top leaders who would discuss the purge of the Eastern
20 cadres."

21 [11.07.36]

22 "There were about 600 to 700 participants, including Meas Muth,
23 Sok Chhean, Ieng Phan, Dy and Thy with the presence of Pol Pot,
24 Ta Mok, Nuon Chea and Son Sen. In the meeting, Nuon Chea said:
25 'We must purge the 'internal enemy', and 'fight the Vietnamese

1 invaders'.' The purge intensified in 1978, as told by
2 'Revolutionary Flag No. 7'. This magazine also talked about
3 building a core force from local farmers by excluding the
4 intellectuals."

5 In another witness -- in another interview from this witness, he
6 particularizes more about how the East Zone cadres -- or East
7 Zone soldiers were sent to Kampong Chhnang Airport, and I refer
8 to E3/361, at English, ERN 00766453; Khmer, ERN 00194467-68; and
9 French, ERN 00268884-85.

10 [11.08.57]

11 The question was: "What did you do to the East Zone cadres?"

12 He answered: "The Centre sent me and others to the East Zone to
13 arrest all cadres in all nine brigades and send them to the
14 airfield construction project. The commanders were sent to Phnom
15 Penh, and the subordinate soldiers were sent to construct the
16 airfield in Kampong Chhnang province. I don't know how many East
17 Zone commanders were sent to Phnom Penh, or to S-21. Almost all
18 of the subordinate soldiers were transported by military trucks,
19 with military teams as escorts, to the airfield construction site
20 in Kampong Chhnang. The division sent to the East Zone to purge
21 the cadres there included Division 221, under the command of Ieng
22 Phan; Division 703, under Dy; Division 340, under Thy; and
23 Division 460, a naval force from Kampong Saom. I don't remember
24 the name of that division commander. It may have been Saom Savy.
25 More than 10,000 soldiers were sent to make the arrests."

1 [11.10.15]

2 Further on in the interview, at English, 00767457; Khmer,
3 00194471-72; and French, 00268889-90; he was asked this question:

4 "Who made the decision to use the East Zone cadres to build the
5 airfield at Kampong Chhnang and to Phnom Penh?"

6 He said: "Orders came from Son Sen, and Son Sen received orders
7 from the Centre. The transport was done by removing them and
8 taking them to the division location of Ren at the airfield west
9 of Svay Rieng, and they were transported in Phnom Penh by GMC
10 trucks and Chinese AZINE trucks. About 5,000 people were taken."

11 What -- The question was put: "What did Nuon Chea say in detail
12 relating to the 'cleansing inside the Party ranks'?"

13 And he states: "Nuon Chea spoke about purging embedded enemies
14 boring holes inside, enemies that were the arms and legs of the
15 Yuon. Nuon Chea ordered the arrests, meaning the purge. In that
16 era, the term 'purge' meant to arrest and kill. I regret this
17 very much. They accused the leaders of being traitors, and the
18 subordinate soldiers were also arrested. This is the truth."

19 [11.11.55]

20 So, Your Honours, that -- those two interviews are from a witness
21 who was heavily involved in the purge of the East Zone, and so we
22 would submit that the facts put forward have a high level of
23 probative value.

24 Your Honours, I'd now like to move to another document, E3/807.

25 And if this can be placed on the screen as well, please? It's

1 dated the 1st of March 1977, and it relates to another RAK
2 divisional and general staff meeting with Son Sen and Sou Met,
3 and other division leaders. At that meeting, they discussed their
4 role in internal purges and re-education, and other matters. At
5 this meeting, at English, 00933834; and Khmer, 00052304-05; and
6 French, 00323922; Sou Met, Division 502 commander, responsible
7 for the airport, was recorded as saying: "Internally, there was
8 the problem of a grenade being tied up to kill a comrade. It was
9 said that there was a contradiction because the chairman of a
10 platoon had made a severe criticism. It is obvious that a number
11 of elements whom we had previously arrested really are enemy
12 elements. More than 50 no-goods have been sent to S-21. There can
13 only be reliability if five more company secretaries are
14 removed."

15 The relevance of this: of course, Your Honours, this is the
16 behaviour of the person very responsible for the running of the
17 Kampong Chhnang airfield. We don't know whether those 50 no-goods
18 in fact had come from the airfield, or some other place, but it
19 certainly indicates his attitude, role, in purges more generally.

20 [11.14.24]

21 And if I can further refer to E3/1140, dated the 1st of April
22 1977, and this is a report from Sou Met, the commander of
23 Division 502, to Duch at S-21. This is April 1977. I don't think
24 we need the ERN numbers because a lot of these documents are
25 single pages. And he states:

1 "To Comrade Brother Duch for information:

2 After obtaining the confession of Soam of M-62, we have
3 transferred the following to S-21:

4 1). Phorn, whose wife named Phal [the network of Soam], was sent
5 on the 30th of March 1977.

6 2). Sie, whose wife named Hoeung, is a traitor and has already
7 been arrested. Also, he is Saom's network of M-62.

8 3). Muk, a member of Battalion 512 [based on the confessions of
9 Sarum and Soam...], was sent during the night of the 31st of March
10 1977.

11 4). Phal, a member of Battalion 514 [based on the confession of
12 Sarum and Soam...], was sent in the morning of the 1st of April
13 '77.

14 I wish to request Angkar's advice on the remainder, in order to
15 take further action." And that's signed by: "For Military
16 Committee of Division 502, Met", to Duch.

17 [11.16.05]

18 Your Honours, if we can just move, say perhaps, six days forward
19 to the 7th of April 1977, and if we can look at the document,
20 E3/849, and if I can ask that it be placed on the screen? Your
21 Honour, this is a document that has been briefly discussed in
22 Court. It's an RAK report, listing the numbers of people in the
23 different divisions, and the total number of the RAK forces. And
24 that total number -- it's very hard to see on the screen -- but
25 it's a grand total of 61,189. The interesting thing about this

1 document, of course, is that when we look at item 2 and 3,
2 Division 310 and Division 450, a significant percentage of those
3 divisions appear to have been sent to Kampong Chhnang, which we
4 believe is the airfield, based on the evidence, 1,127 from 310,
5 and 1,526 from 450. What's interesting, I think, about the
6 document, Your Honours, is that that number adds up to over 2,600
7 people at the airfield. That doesn't account for the people from
8 502, which were obviously there. It doesn't account for Division
9 170, which as we may have heard, and as the documents will show,
10 were also at the airfield. And it doesn't account for people from
11 other divisions that were sent to the airfield as well. So, when
12 we're starting to establish the numbers, I think these are a very
13 good base -- base-level figures, absolute minimum figures, of
14 which the number would be far higher because of the obvious
15 omissions in this document of other divisions at the airfield.

16 [11.18.17]

17 Your Honours, if we now can turn to document E3/970, and this is
18 dated the 30th of May 1977, and again, it's a report from Sou
19 Met, the commander of Division 502, to Duch at S-21. And if I
20 just read out the report briefly:

21 "To: Beloved Comrade Brother Duch, be advised.

22 On the night of the 29 May 1977, I sent 27 traitors from the
23 traitorous strings of Division 310 and 450, a traitorous string
24 of [illegible]" -- but then the number "(25) and a string of Saom
25 and Mao."

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1 "Last evening we sent only 25 persons. I will send two others in
2 the afternoon and evening as reported in the table.

3 "At 7 or 8 tonight, I will send four more, a traitorous string of
4 the old 25, and Hien, who was sent to you on the 25 March, 1977.

5 "At 10 or 11 tonight, seven more of the traitorous string of Mao
6 and that of the previous group will be sent.

7 "On the previous day, you said you would give the responses of
8 Mao to my side if Angkar did not object. I request this document
9 to continue to search out the enemies."

10 [11.19.51]

11 This document says a lot of things, Your Honours, but obviously
12 one thing it does say, is that Sou Met, Division 502 commander,
13 responsible for the airfield, of which there are obviously large
14 numbers of RAK members, is actively purging members of the RAK.

15 Your Honours, in that document, it referred to 27 traitors,
16 Division 310 and 450, were sent to S-21. I would now like to go
17 to some written records of interview from people that were in
18 Division 310, and were forced to work at the airfield. Again,
19 it's not clear whether all -- any of those 310 and 450 that were
20 sent on this day to S-21 were from the airfield, but it is
21 interesting to look at the experiences of 310 and 450 at the
22 airfield, to see if there's any correlation between their
23 experience and overall purges.

24 [11.21.10]

25 Your Honours, the next document is E3/7877; it's a written record

51

1 of interview; it's of a 20-year-old male in 1975. He was a
2 Division 310 soldier. He was sent to Kampong Chhnang airfield,
3 and at English, 00346979; Khmer, 00342437; and at French,
4 00411785-86; he states this:

5 "They told me -- Tuy told me that I would have to be sent to be
6 tempered at Kampong Chhnang."

7 Question: "How many people were sent to Kampong Chhnang? What did
8 they have you do in Kampong Chhnang?"

9 Answer: "I was sent to Kampong Chhnang alone in approximately
10 1978. They made me make holes in the rock to put dynamite for the
11 blasting in order to make caves for parking aircraft, and the
12 rocks were grinded for the airfield runways. On average, five to
13 six people got injured because of the blasting. Sometimes they
14 had me dig dirt at the airfield worksite."

15 Question: "Were there many people at the airfield work site?"

16 Answer: "There were hundreds of people there. These people were
17 sent there to be tempered; and most of them had either CIA
18 tendency or KGB tendency."

19 [11.22.46]

20 The next document, Your Honours, is E3/5276. It's from a
21 21-year-old male in 1975, a Division 310 soldier. He was sent
22 there to the airfield from early 1977 until early 1978. And at
23 English, ERN 00287356; Khmer, 00282954-55; and French, ERN
24 00339922; he responded to this question:

25 "Some witnesses said they had seen people whose arms were being

1 tied and transported out of the construction site to be killed.

2 Please state what you know."

3 Answer: "I never personally saw these events, but during meetings

4 I heard them say that if they found anyone making mistakes at

5 work, they'd take them to Prey Sar prison and kill them. I

6 noticed that the people working with me disappeared; I was told

7 that they withdrew this person to work at this place or that

8 place, etc. I never saw those people who had disappeared return."

9 [11.24.08]

10 The next document, Your Honour, is E3/3959, and this is also from

11 a Division 310 soldier, a 19-year-old male in 1975, and he was

12 sent to the airfield in late 1976 to late 1977. And at English,

13 00278685; at Khmer, 00270168; and at French, 00486100; he

14 answered in response to this question:

15 "When did Angkar have you go build the airfield at Kampong

16 Chhnang?"

17 Answer: "It was approximately late 1976 when I was sent by Angkar

18 to build the Kampong Chhnang airfield. There I worked at digging

19 up the stumps of coconut trees and palm trees. It was just my

20 comrades who built that airfield; no other groups were there

21 before us or after us. There were 600 of us, and there were two

22 Chinese technicians to supervise [each] 50 persons. I worked

23 there for about five months."

24 Question: "How were the workers there?"

25 Answer: "There were no killings there; the deaths were from

1 disease and overwork, that's all. Ta Thuok and Ta Lvey were the
2 superiors there. I don't know whether they are alive or dead now.
3 They were from the Southwest and were in Division 502."

4 [11.25.40]

5 But further on, the witness talks about going to hospital, and
6 then coming back to the airfield, and he gives a further
7 impression. And this is at English, 00278686-87; Khmer,
8 00270169-70; and French, 004826101; and he was asked:

9 "What happened to you next?"

10 Answer: "Later" -- this is after the five-month period - "I was
11 wounded and sent to the 17 April Hospital. After that, they sent
12 me back to the Kampong Chhnang airfield. I saw many Khmer Rouge
13 soldiers from the East Zone and from other locations living
14 there, especially the handicapped and wounded. Those soldiers had
15 no weapons. Later on, those handicapped and wounded soldiers were
16 taken away and killed at Amleang after having been told that they
17 were going to fight. I was spared because company chairman Chan,
18 my chairman during the fighting with the Vietnamese, helped me.
19 At that time, Ta Chan [...] was the person who killed those people.
20 He was from the Southwest. Ta Song was also killed at the same
21 time."

22 [11.27.09]

23 And Your Honours, if we can move to E3/3962, and this is another
24 statement from a Division 310 soldier, a 21-year-old male in
25 1975. He was at the airfield from early 1978 to January 1979, and

1 he told investigators at ERN 00293367-69 -- that's the English;
2 Khmer, 00287538-40; and French, 00355875-78; he answered in
3 response to this question:

4 "When you first reached the Kampong Chhnang Airport worksite,
5 what did you see? What were you asked to do?"

6 Answer: "When I first arrived, I saw all the trees had been
7 felled, and I witnessed tens of thousands of people working. At
8 that time, they had me dig roots of trees and palm trees, and had
9 me clean the land."

10 Question: "What type of actions were taken on those who had been
11 criticized and on the lazy people who did not work under
12 command?"

13 Answer: "Those who were lazy were to be educated and if they
14 still failed to follow, they were called to training sessions and
15 there would be permanent disappearance. Disappearance, I heard
16 from an acquaintance, means they were taken to be killed. At the
17 Kampong Chhnang Airport worksite, I witnessed wrongdoers were
18 called to training sessions. They were tied and uploaded onto
19 trucks, driven away. Reang and Ieng reminded me to try to
20 self-temper because I was noted to be sent to Phnom Penh to Tuol
21 Sleng, if not Prey Sar. After that, a meeting on the Southwest
22 was actually held to criticize me."

23 [11.29.21]

24 Further, he states to this question: "Do you have any ideas why
25 more people were from the East Zone went to work at the Kampong

1 Chhnang Airport worksite?"

2 Answer: "At the Kampong Chhnang Airport worksite, I joined the
3 meetings with those who were within the unit to be advised and
4 informed that the people in the East Zone betrayed the Party and
5 ran into Vietnam. So, they were sent to work here to be kept
6 under surveillance."

7 Question: "Did you note that what types of actions were taken on
8 the people from the East Zone?"

9 And the answer was: "I noted that once they made an infraction,
10 they would disappear. Infractions included being non-compliant
11 with the set plans, being indiscipline and irresponsible in
12 speaking. Then there would be a call informing about going to
13 training sessions, and they have disappeared ever since."

14 [11.30.21]

15 Question: "How long did you work at the Kampong Chhnang Airport
16 worksite?"

17 Answer: "I worked there until Vietnamese fighting entered Kampong
18 Chhnang in a month in 1979. Having seen troublesome situations,
19 senior people ordered us to have stuff such as rollers, soil
20 compactors, trucks, tractors, and other stuff for airport
21 construction burned, and to run in the direction of Ra Romeas
22 direction in Tuek Phos district."

23 Question: "You have told us that there was cleansing of many
24 people from the East Zone who were working at the airport
25 worksite. Please clarify this more clearly."

1 This is the last answer, Your Honour, of this written record of
2 interview, and he answered:

3 "When we escaped from the airport worksite, 10 days later, in
4 Tuol Khpos village, on the way to Amleang in Kampong Speu
5 province, they gathered and told the East Zone, who together
6 escaped from Kampong Chhnang Airport, to arm the Vietnamese -- or
7 to be armed for the Vietnamese. These people raised their hands
8 and said that they were from the East Zone. On the same day, they
9 were taken towards the south of Tuol Khpos pagoda where pits had
10 already been dug. The ones who took those people away were armed.
11 Before they were taken away, I saw a tractor digging up a 15 by
12 15 metre pit, about three metres deep. Five days later, we were
13 removed to another village about one kilometre from Tuol Khpos
14 village, where I saw many piles of clothes, and I asked one
15 individual who told me that the owners of these clothes had
16 already been killed within the compound of the pagoda in Tuol
17 Khpos. Five days later, we were armed to fight with Vietnam.
18 While riding on the truck passing in the pagoda of Tuol Khpos
19 village, I smelled the decomposed corpses from near the Tuol
20 Khpos pagoda, so I assumed that the people who had been escorted
21 there were all killed and put into the pit that I saw them dig."
22 Your Honour, I note the time.

23 [11.32.48]

24 MR. PRESIDENT:

25 Thank you. It is now appropriate for us to have our lunch break;

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1 we'll take a break now and resume at 1.30.

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

5 The Court is now in recess.

6 (Court recesses from 1133H to 1329H)

7 MR. PRESIDENT:

8 Please be seated. The Court is now back in session. And again the
9 floor is given to the Co-Prosecutors to continue presenting their
10 key documents. And you may proceed. Mr. Deputy Co-Prosecutor
11 please hold on, and I notice the International Defence Counsel
12 for Khieu Samphan on her feet. You may proceed.

13 MS. GUISSÉ:

14 Yes, thank you, Mr. President. I apologise Co-Prosecutor for
15 interrupting you, but I would like to make a short request, Mr.
16 President, with your leave.

17 MR. PRESIDENT:

18 Yes, you may proceed, Counsel.

19 [13.31.06]

20 MS. GUISSÉ:

21 Thank you. I would like to ask on behalf of the Khieu Samphan
22 team to enjoy the possibility of addressing the Co-Prosecutor's
23 presentation, as well as the Co-Lead Lawyers presentation of key
24 documents on Monday morning. Because I spoke to my colleagues of
25 the Nuon Chea team who told me that they do not intend to present

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1 any key documents, which means that we will not take more time
2 than expected, therefore the hearing may be able to be conducted
3 normally as scheduled. This request I am making so that I can
4 come up with something that is more structured with the ERNs and
5 so that I may address the different parts of the documents that
6 were presented by the Prosecution. So that is the short request
7 that I wish to make now given, of course, the Chamber's schedule.

8 [13.32.23]

9 MR. PRESIDENT:

10 Judge Lavergne, you have the floor.

11 JUDGE LAVERGNE:

12 Yes, thank you, Mr. President. In order to be completely clear
13 about all of this, I understand that both the defence teams will
14 not present any key documents, and I would like to know if the
15 Nuon Chea -- which will not present any key documents, intends to
16 make comments on the documents that were already presented by the
17 Co-Prosecutors and by the Lead Civil Party Co-Lawyers.

18 MR. KOPPE:

19 No, we will not, Judge Lavergne.

20 (Short pause)

21 [13.33.24]

22 MR. PRESIDENT:

23 The Chamber notices the request made by the International
24 Co-Counsel for Khieu Samphan to have an opportunity to make
25 comments to the key documents presentation made by the

1 Co-Prosecutors and the Lead Co-Lawyers and she needs appropriate
2 time to make such preparation. There is sufficient ground for
3 this request so that the Chamber grants you your request. So that
4 on Monday next week we will give the floor to the defence team
5 for Khieu Samphan to make observations on those documents
6 presented by the Co-Prosecutor and the Lead Co-Lawyer for civil
7 parties. And for the remaining time we will start with witnesses
8 for the new effect. And the Deputy Co-Prosecutor you may now
9 resume your presentation on key documents.

10 [13.34.42]

11 MR. SMITH:

12 Thank you, Mr. President, Your Honours. Good afternoon Counsel
13 and the public. Your Honours, just firstly, we are wondering
14 whether, and we don't expect an answer now, whether you envisage
15 that the Prosecution would reply to Khieu Samphan's response. It
16 would be useful to know that at some point today, if replies are
17 expected or not.

18 Your Honours, we intend to stick to the schedule that you set in
19 terms of timing for the key document presentations. The
20 Prosecution has provided a list to the senior legal officer on
21 25th August, last week, of the documents they wanted to bring to
22 Your Honour's attention. On that list we had documents for 1st
23 January Dam, Trapeang Thma Dam and Kampong Chhnang Airport.
24 Certainly in relation to Kampong Chhnang Airport or airfield
25 construction site, we won't have enough time fully to present

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1 those documents, however I will summarise the content of the
2 remainder of the documents which we would like, Your Honours, to
3 consider. And we would also ask that that list that we provided
4 to the Chamber be something as a useful guide of documents that
5 we think are important in demonstrating the crimes that occurred
6 at Kampong Chhnang airfield and also the involvement of the
7 leaders of the airport site in purges.

8 [13.36.34]

9 So if I can briefly summarise the documents that we would like
10 Your Honours to take aware of. First this morning we presented
11 some documents in relation to Sou Met, commander of Division 502
12 responsible for the airfield. We presented some correspondence
13 that he had with Duch, the chairman of S-21, the torture and
14 killing centre there, and to show that Sou Met was actively
15 involved in the purge of military personnel. The other documents
16 that would help demonstrate that, letters from -- letters,
17 documents, telegrams from Sou Met to Duch, we would like, Your
18 Honours, to take into account, to support that proposition.
19 That's E3/1054, and that's dated 1st June 1977. second document,
20 E3/9381, it also appears in the form of E3/1050, and that's dated
21 2nd June 1977. Then E3/1141, dated 28th July 1977, E3/1040, dated
22 10th August 1977, E3/8385, dated 4th October 1977, and E3/1087,
23 dated 3rd October 1977. These are all documents, in addition to
24 the other ones that were sort of read out more completely this
25 morning, that are correspondence from Sou Met to Duch, either

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1 sending people to S-21 from various divisions or alternatively
2 requesting information from Duch as to what detainees at S-21 had
3 said about other members of his division or other RAK members
4 that he was able to investigate.

5 [13.38.55]

6 Those documents show that Sou Met was actively involved in
7 purging, in particular, killing of subordinates and other army
8 personnel without any legal justification, either from the
9 Kampong Chhnang airfield and/or from other places. They support
10 the witness testimony of purging of workers through killings,
11 disappearances, re-educating and refashioning at the airfield by
12 Division 502, of which testimony you have heard recently.

13 The second group, or the second two documents we would like to
14 refer to Your Honours, that demonstrate the purging of Division
15 710 at the airfield -- Your Honours, will remember Division 710
16 in terms of the numbers of people at the airfield that did not
17 appear in an inventory of the RAK in 1977 -- but clearly from
18 this document, contemporaneous document, it's E3/1182, dated 6th
19 July 1978, from Ung Ren to the general staff, RAK general staff.
20 It clearly shows that certainly significant numbers of Division
21 710 were working at the airfield and there was an active role in
22 purging that division, certainly in general terms in that
23 document, and that's dated July 1978.

24 [13.40.42]

25 And then Your Honours that record, or that document we submit

1 would read well with E3/369, which is a written record of
2 interview with the Office of the Co-Investigating Judges of a
3 Division 170 regiment commander who is in fact present at the
4 airfield and gives evidence of the crimes and purges there.
5 Thirdly -- a third document demonstrates a different idea, and
6 this idea is particularly in relation to the idea of enslavement.
7 The fact that soldiers/workers, whether or not they had the
8 ability to leave the airport or whether they were detained within
9 those grounds, as large as they were. And that document is
10 E3/1094, dated 4th August 1978, from Office 41, that's in the
11 West Zone. It's addressed generally to Angkar, and it talks about
12 a number of incidents in July where detainees, or soldiers, or
13 workers escaped from the airport and they were arrested on
14 different occasions, and they were perceived or viewed to be as
15 enemies for doing so.

16 [13.42.17]

17 It also -- that document further talks about the importance of
18 taking measures, security measures, having soldiers more heavily
19 guard the perimeter of the airfield to stop those escapes from
20 occurring again, and that, we submit, is relevant to this whole
21 issue of whether or not people sent to the airfield had freedom
22 of movement, where they were enslaved to the extent that they
23 were unable to leave.

24 And then, perhaps the fourth and last group of documents that
25 we'd like, Your Honours, to look at and consider in the light of

1 all the evidence. And they are the documents that relate to what
2 actually happened to West Zone, sorry, East Zone detainees that
3 were taken to the airfield as a result of a massive purge of that
4 zone. What actually happened to them when the Vietnamese came and
5 the airport was abandoned. Your Honours, have heard some
6 testimony of that, but also today, Your Honours, have heard a
7 document read out to you talking about, or discussing, or
8 providing evidence of some of those East Zone soldiers being
9 executed near Romeas railway station which is about 20 kilometres
10 from the airfield.

11 [13.43.55]

12 There are two witnesses that give very specific evidence in this
13 regard, in addition to what Your Honours have heard, and that's
14 E3/7893, and that witness talks about his observations of the
15 massacre at the Tuek Phos pagoda, and another witness -- which is
16 near Romeas town train station a few kilometres away -- and
17 another witness that talks about another massacre in E3/7894, a
18 massacre at an old fort that is in the other direction from the
19 Romeas train station. But both talk about massacres and
20 executions of East Zone soldiers that fled the airport when the
21 Vietnamese arrived in the area, and they discuss how they were
22 tricked to come and line up and be armed to fight the Vietnamese,
23 and once those identifications were made clear they were
24 executed.

25 [13.45.09]

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1 Your Honours, the Prosecution is well aware that the Accused
2 aren't charged with those executions because they appear -- they
3 occurred -- it appears that they occurred after the temporal
4 jurisdiction of this Court, so we're not asking, Your Honours, to
5 make any findings or use that evidence to prove these facts.
6 Clearly that's not possible, nor is the case. But we do ask, Your
7 Honours, to think about that evidence when you are thinking about
8 were those East Zone detainees or workers, were they being
9 persecuted at the Kampong Chhnang airfield. And so evidence of
10 --evidence of how they were treated after, we would say, is
11 relevant to your determination of whether or not they were
12 treated in a persecution manner whilst they were at the
13 airport. And we would submit that that evidence is not barred.
14 But certainly no findings of fact as to the Accused's guilt in
15 relation to those massacres, we understand that.

16 Your Honours, just to finally conclude, in short, the documents
17 presented today demonstrate that as Division 502 were managing
18 the building of the airfield in order to defend themselves from
19 outside enemies, and clearly that was Vietnam and other foreign
20 powers, they were simultaneously killing, re-educating and
21 refashioning some of the builders of the airfield that they
22 believed were enemies, in order to defend themselves from
23 internal enemies.

24 [13.47.04]

25 The documents presented show that the RAK, including the command

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1 of Division 502, believed that the internal enemies were in fact
2 a greater threat than external enemies. They demonstrate that the
3 RAK and Division 502 leadership, which was responsible for the
4 construction of the airfield, viewed that this dual approach of
5 building whilst purging was neither contradictory nor
6 self-defeating. So, Your Honours, that concludes the presentation
7 on Kampong Chhnang. I'd think we hand the floor to -- I'd ask,
8 Your Honours, to hand the floor to the civil parties, I believe
9 they have five or 10 minutes to present some documents on this
10 area.

11 MR. PRESIDENT:

12 Thank you. And the Chamber now hands the floor to the Lead
13 Co-Lawyer for civil parties.

14 [13.48.23]

15 MR. PICH ANG:

16 Thank you, Mr. President. Good afternoon, Your Honours. Good
17 afternoon everyone in and around the courtroom. In relation to
18 Kampong Chhnang Airport worksite, I do not have many key
19 documents to present and I only have two civil party
20 applications. And I will read brief extractions from the two
21 applications.

22 The two civil parties at that time were minors when they were
23 sent to the Kampong Chhnang Airport worksite. They both were
24 around 15 to 16 years old. The first civil party, namely Rou Ren,
25 has filed a civil party application -- that is, document E3/4694.

1 Mr. Rou Ren was recruited into an army stationed in Phnom Penh
2 and later on was transferred to work at the Kampong Chhnang
3 airfield worksite. He was put into the 703 Division at the time
4 and I'd like to read an extract from his civil party application,
5 with Khmer ERN, 00365048; in English, 00398344; and the ERN in
6 French is at 00909841. And below is the following quote: "In
7 1977, I was transferred to work at the airport worksite in
8 Kampong Chhnang province. I was asked to break rock at the
9 mountain and I worked days and nights, and I remained working
10 there until late 1978. There were many workers who died from
11 starvation while others were sent to be killed by Angkar. There
12 were countless of workers who died there." End of quote.

13 [13.52.11]

14 And lastly, the second civil application that I have on my list
15 is that of Mr Chhae Heab and the document is E3/6427A. The civil
16 party stated that initially he lived in Srayov, Kampong Svay
17 district, which is now Stueng Saen district, and later on he was
18 drafted into 310 Division, as there was a subdivision where
19 children were enlisted. That division was based in Phnom Penh
20 according to the information in the civil party application, and
21 it was based near the vicinity opposite the Calmette hospital. He
22 was assigned to provide treatment to patients in that hospital as
23 well, and later on he was transferred to work at the Kampong
24 Chhnang Airport worksite. And I'd like to make a quote from the
25 Khmer page with ERN 00581529, and there is no ERN in English or

1 French. And I'd like to read the following extract: "Later on
2 there was an event of arresting Sao Phim, and after that event
3 took place I was transferred to work at the airport worksite at
4 Kampong Chhnang. My task that I was assigned to was to clean and
5 clear the rubbish at the worksite, to work with cement and to
6 water vegetables there. I had to wake up at three or four o'clock
7 to water vegetables there. People kept disappearing from my unit
8 and I did not know where they disappeared to." End of quote.

9 [13.55.13]

10 Your Honours, these are the two documents that we would like to
11 present as a part of the key documents in relation to the Kampong
12 Chhnang Airport worksite. Briefly, they talk about the airport
13 worksite itself and about their involvement while they were
14 working there. And in order to clarify the document number, allow
15 me to repeat it again. The first civil party application is
16 E3/4694 -- that is, of Mr. Rou Ren. Thank you, Mr. President.

17 MR. PRESIDENT:

18 Thank you. And again the floor is given to the Co-Prosecutor to
19 continue making key document presentation, and you may proceed.

20 [13.56.14]

21 MR. FARR:

22 Thank you, Mr. President, and good afternoon to, Your Honours,
23 and to Counsel. As, Your Honours, are aware I will be continuing
24 with the Trapeang Thma Dam portion of the presentation. And the
25 first document that I would like to draw your attention to is

1 E3/771. This document is an issue of "Revolutionary Youth"
2 magazine; it's dated July, August 1977. And it's an interesting
3 document because it contains several pages related to the
4 Trapeang Thma Dam project. The relevant ERNs are 00509685 to 87
5 in English; 00376343 to 45 in Khmer; and 00594052 to 55 in
6 French. And the first thing I would draw your attention to is
7 that this document contains an extremely detailed description of
8 the project. It also gives a start date in February 1977, and it
9 indicates that after a building period in 1977, construction will
10 continue in the dry season of 1978. And I'll just read those
11 parts now to give a flavour for the document.

12 [13.57.55]

13 "Brothers began this worksite on 16th February 1977. At the
14 beginning brothers start the construction of the dam from
15 Trapeang Thma in the northwest direction, building it through the
16 field of Trapeang Thma towards Ponley mountain, which is 8480
17 metres long. On the other side brothers start from Trapeang Thma
18 in the east direction, going by Paoy Ta Ong village, turning
19 northward behind Paoy Pongro village and then eastward to reach
20 Suong lake. And from Suong lake it goes north through the plain
21 of Suong lake and Khang Kaeut forest to reach Kaun Khlaeng
22 mountain, and this line is 14800 metres long. In total the dam of
23 the Trapeang Thma water reservoir is 20 kilometres long, five
24 metres high, 40 to 70 metres wide at the bottom, and seven to
25 eight to 10 metres wide at the top. Down from the dam, brothers

1 dig three big canals. Each is 12 metres wide on the top, six
2 metres wide at the bottom and one to two metres deep. The first
3 canal starting from the first water gate of the reservoir, down
4 to Rumdoul river is over 20 kilometres long."

5 And then it continues with a description of the second and third
6 canals, which I won't read.

7 [13.59.42]

8 Then the portion about the continuing construction, it says: "In
9 the dry season of next year, brothers will strengthen and expand
10 this reservoir, bigger and stronger, by increasing the height of
11 the dam up to eight metres, enlarging the bottom to 120 metres
12 wide and the top to 25 metres wide, so it will be able to hold
13 hundreds of millions of cubic metres of water."

14 And before I continue with this document, I would just note that
15 this description is consistent with the description in the site
16 identification report, which is E3/8050. Now this description is
17 considerably more detailed than the description in the site ID
18 report, but it is consistent. For example the site ID report
19 states that one arm of the dam is approximately nine kilometres
20 long while the other is approximately 13 kilometres long, and
21 that is at English ERN page, 00428005; Khmer page, 00464720; and
22 French page, 00450434.

23 [14.01.06]

24 So this portion of this document, we submit, is relevant to the
25 Centre's detailed knowledge of the project, the scale of the

1 project and plans for future construction, future improvements.
2 So I'd like to continue with this document. And the other things
3 to note is that the document says that the dam was constructed in
4 order to achieve the Party's plan. And it also discussed the
5 conditions that the workers worked under. And it discusses those
6 conditions in the context of the conditions faced by the Khmer
7 Rouge army during the war against the Lon Nol regime. So I'll
8 just read that part now. It says:
9 "During the time of building this Trapeang Thma reservoir, our
10 cooperative male, female youths of the northern sector of
11 Battambang, used all of their mental and physical strength and
12 sacrificed everything in order to serve the collective interest
13 and to achieve the Party's plan totally and successfully.
14 Brothers worked and stayed at the worksite for months, like what
15 our male, female combatants of the revolutionary army had done
16 when they were fighting to destroy the enemy during the war.
17 Brothers fought to dig up and carry the earth all day and night
18 under the burning sun for the entire dry season without any
19 complaining. However brothers were always happy at work. When the
20 work became harder, brothers were more unified and closely and
21 extraordinarily loved each other. Geographically, there were
22 rarely any lakes or ponds on this plain field and since there
23 were tens of thousands of people working at the Trapeang Thma
24 water reservoir worksite, our male, female youths had to face and
25 fight to solve other problems besides their daily core task.

1 Obviously they had to face the problem of water shortage. That
2 was because the carts and trucks were not able to deliver water
3 to the worksite on time and as needed. Even in this situation
4 brothers still had no doubt or did not complain about it. Instead
5 brothers agreed with a view and stance that our hardship here,
6 whatever it was, still could not be compared to that of our elder
7 cadres and male female combatants of the revolutionary army when
8 they were fighting to build the revolutionary forces and bases to
9 destroy the enemy during the underground struggle in the internal
10 war, and during the past five years of the revolutionary war."
11 So this portion, we submit, is relevant to a number of things.
12 First of all, the Centre's knowledge of the conditions that the
13 workers were working under, that the workers were working there
14 in order to achieve the Party's plan totally and successfully and
15 also the scale of the work force, saying that there were tens of
16 thousands of people working at the reservoir worksite.

17 [14.04.44]

18 The next document I want to move to is E3/300, and this document
19 consists of excerpts from a "Voice of Kampuchea" news broadcast
20 from Phnom Penh. So these excerpts specifically mention the
21 Trapeang Thma Dam. And they put the project in the context of the
22 CPK plan as a whole. So I'll read a few quotes in a moment, but
23 first, the relevant ERNs are in Khmer, S00704541; in English,
24 S00702870; and in French, S0006803. So, this broadcast was
25 celebrating the 22nd anniversary of the founding of the union of

1 Kampuchean workers, and that anniversary occurred on the first of
2 November of 1977.

3 So, I'll just read a few excerpts. First, there's a section
4 entitled, "The collectivist and private ownership systems are as
5 different as day and night." And in that section, the broadcast
6 said:

7 [14.06.07]

8 "Under the just and far-sighted leadership of the Communist Party
9 of Kampuchea, our people and our revolutionary army, adhering
10 firmly to the position of independence, sovereignty and
11 self-reliance, established a new collectivist system throughout
12 Kampuchea in record time."

13 It then goes on to explain some of what that collectivist system
14 involved. And it says, quote:

15 "As regards nation building, under this magnificent collectivist
16 system, the rural areas in Democratic Kampuchea have undergone
17 profound transformations and are now entirely different from what
18 they were during the war and before liberation. Water-supply
19 projects have put in place in all the zones, regions and
20 districts."

21 And then a bit further down, it gives examples of water-supply
22 projects undertaken and it lists the Trapeang Thma reservoir
23 project as one of those. So, again, the relevance is situating
24 this project in the broader CPK program.

25 [14.07.28]

1 The next document I would like to draw, Your Honour's, attention
2 to is E3/18, which is Khieu Samphan's book entitled, "Cambodia's
3 Recent History and the Reasons Behind The Decisions I Made." And
4 the relevant ERNs here are 00103780 in English; 00103878 in
5 Khmer; and 00595487 in French. And I highlight this document only
6 to draw your attention to the fact that Khieu Samphan discusses
7 seeing the Trapang Thma water reservoir at some point during the
8 DK period, between '75 and '79. And he also makes the same point
9 in document E3 -- excuse me, in document E3/592, which is an open
10 letter from Khieu Samphan. And in that document he says the
11 following, quote:

12 "In addition, although I travelled very little between the years
13 1975 and '79, I saw with my eyes some achievements which I had
14 long wanted to have, such as irrigating the countryside by
15 channelling water from Trapeang Thma water reservoir, Phnom Srok
16 district, Banteay Meanchey province and Kamping Puoy water
17 reservoir east of Battambang province and the endless rice
18 patties shaped in a checkerboard pattern. All of these made me
19 believe in this regime and respect the souls of hundreds of
20 thousands of those who had sacrificed their lives, as well as all
21 of our people working hard in worksites."

22 The relevance of this we suggest is Khieu Samphan's knowledge of
23 the project and of its scale. And the ERN page for that document,
24 00002803; French, 00623766; and Khmer, 00002799.

25 [14.10.10]

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1 The next document I'd like to turn to is E3/178, which is a
2 weekly report of the Sector 5 committee from May 1977, and
3 specifically, it's dated 21 May 1977. It's addressed to the zone
4 secretary and to M560. And it -- excuse me, it contains a number
5 of pieces of information relevant to the Trapeang Thma Dam
6 worksite.

7 The first portion that I'd like to read is entitled, "About the
8 reservoir", and it says:

9 "The strategic reservoir in Trapeang Thma, the construction of
10 the water gates for the three major directions are being
11 continued, that is, the lower part will be finished in this May;
12 the construction of the upper part will be finished later on. The
13 water dam and water gates at Cheung Kruos were completed. The 23
14 kilometre canal that connects from the first water gate of
15 Trapeang Thma to Anlong Sar river whose upper mouth is 12 metres,
16 the low bottom is six metres, the depth is one metre, has been
17 completed."

18 So this portion is relevant to two things. First reporting from
19 the sector level upward and also the future construction plans
20 where it says the construction for the upper part will be
21 finished later on. And that passage is at English page, 00342719;
22 Khmer page, 00275596; and French page, 00623317.

23 [14.12.17]

24 So the second thing I want to mention in this document is that it
25 describes what it characterizes as attempts to sabotage the

1 project, which it attributes to 17 April People, and I'll read
2 that portion now.

3 "By searching and finding the traitors, the 17 April elements
4 from Phnom Penh, who have prepared a plan to destroy our water
5 reservoir. By searching and realizing the enemy's trick in which
6 they have hidden the tools, such as hoes, knives, saws, axes,
7 etc., they have waged this trick in order to prevent us from
8 using the tools. And if we mobilize or appoint them to work, they
9 would allege that there were no tools to work with. We have
10 successively searched for and found those who bore insignias, and
11 the traitors who were the 17 April elements from Phnom Penh. The
12 examination of their activities are based on their confessions of
13 their networks and based on the photographs for which the Angkar
14 has asked to search."

15 And that's English page 00342709, Khmer 00275587, and French
16 00623305.

17 [14.13.56]

18 And the last thing I would draw the Chamber's attention to in
19 this document is a statement that the sector committee is trying
20 to promote, "Trust in the party's plan by trying to sincerely
21 implement all parts of the '77 plan of the Party."

22 And that's at page 00342711 in English; 00275589 in Khmer; and
23 00623307 in French. So, again, the relevance here is both
24 illustrating the search for enemies related to the reservoir
25 project and -- excuse me -- situating the project in the CPK

1 program as a whole.

2 The next document is E3/179. And this is a report from Office
3 560, dated 29 May 1977. So, this document is eight days after the
4 previous document. And it comes from an entity that was an
5 addressee from the previous document. It contains information
6 about a number of sectors in the Northwest Zone. For Sector 5, it
7 includes the following information.

8 [14.15.23]

9 "The building of three sluice gates of Yuttasass (strategic)
10 water basin at Trapeang Thma is underway and is expected to
11 finish in May. We have completed a canal of 23 kilometres long,
12 one metre deep, with an upper base of 12 metres and a lower base
13 of six metres wide."

14 And those ERNs are English, 00183016 to 17; Khmer, 00008501; and
15 French, 00236772. And the interesting aspect of this document is
16 it's six days after the previous document, and it appears to
17 contain a summary of the information in the previous document.

18 The next two documents I want to deal with are from a year later.
19 So, May of 1978, rather than May of 1977. These are telegraphs
20 sent by Nhim to Angkar 870. And the first one is E3/950.

21 And it is dated 11 May 1978 and Nhim starts by writing the
22 following to Angkar 870.

23 "I would like to report on general situation and work in the zone
24 in the following: 1. Following my meeting with Angkar, I returned
25 and went to work in Regions 5, 3, 1 and 4. On May 10, I met and

1 worked with comrades of the permanent organizational assignment
2 committee. During my meeting with them, I reported about the
3 recommendations of 870 and then we reviewed situations in the
4 zones as follows."

5 [14.17.50]

6 And then further down in the document there's a section entitled,
7 "Planting and building in all areas" and within that section
8 there is a portion that says: "Water reservoirs in Region 5.
9 Trapeang Thma water reservoir has been promoted."

10 So the word "promoted" here in May of 1978, I would just recall
11 that this is from near the end of the dry season of 1978, and
12 therefore it appears to be consistent with the revolutionary
13 youth magazine that we looked at initially.

14 So in this telegram, Nhim also discusses his cooperation with a
15 cadre from the Southwest Zone, Ta Rin. In discussing the food
16 situation, it says:

17 "It was said that the entire four districts of Region 5 faced
18 shortage, but I have made with comrade Rin and proposed to him to
19 review the harvested rice to see what it lacked, how many months
20 the paddy rice would ripe and what the rations were."

21 And finally, at the end of the document, Nhim writes: "Please,
22 Angkar, give ideas and advice."

23 [14.19.27]

24 And the pages that I've quoted from in this document are English,
25 00185215 through 18; Khmer, 00021043 to 45; and French, 00296221

1 to 23. So the relevance of this document and our submission is,
2 first it discusses the Trapeang Thma Dam and it also illustrates
3 the functioning of the hierarchy in the Northwest Zone in May
4 '78.

5 The second telegram from Nhim to Angkar 870 is from six days
6 later. That document is E3/863, and it's dated 17 May 1978. And
7 like the previous one, it's also from Nhim to Angkar 870. And in
8 this telegram, Nhim again mentions his cooperation with Ta Rin on
9 food matters; specifically, he says: "But Sector 5 still has a
10 problem with seed shortage for early season rice. I worked with
11 comrade Rin on this problem, asking him to send me 14,000 sacks
12 of rice seed so that we can plant them on the whole land areas as
13 planned by him." And that is English page, 00321961; French,
14 00623408; and Khmer, 00076286. And again, the significance of
15 this document is to show the functioning of the hierarchy around
16 the North West Zone leader in May of 1978.

17 [14.21.42]

18 The next two documents I want to look at, both deal with
19 something that has been mentioned quite a few times, and that's
20 the visit of Chen Yonggui to Cambodia in December of 1977. And
21 the first document is E3/1783. This document is a Chinois News
22 Agency report, so the Chinese press agency. It establishes that
23 visit occurred in early December 1977, and it also established
24 that Chen Yonggui was accompanied on his visit by Pol Pot. It
25 also indicates that Ros Nhim met with Pol Pot and Chen Yonggui

1 and gave them a sort of presentation about the construction of
2 the reservoir, including the fact that the construction was done
3 in response to the call from the Party's Central committee. And
4 this is what it says specifically.

5 [14.22.51]

6 "Comrade Nhim Ros, second vice-president of the Presidium of the
7 State of Democratic Cambodia, secretary of the Northwest Zone
8 Committee of the KCP and chairman of the Northwest Zone Serve The
9 People Committee, said that the reservoir was built in less than
10 two months this year by the people of the fifth region of the
11 Northwest Zone in response to the call of the Party's Central
12 committee to build water conservancy projects in a big way. This
13 year, it holds 150 million cubic metres of water. Then three
14 canals were dug in a week's time linking the reservoir which
15 irrigates over 7,000 hectares of paddy fields. The reservoir is
16 now being expanded. After four years it will hold 300 million
17 cubic metres of water." And he also talked about the conditions,
18 Ros Nhim said: "Drought set in when we started to build the
19 reservoir and the 20,000 people engaged in construction even had
20 not enough drinking water." And there the relevant ERNs are
21 English, 00498180 to 81; Khmer, 00659259 to 60; and French
22 00606766.

23 So this again is relevant to the ongoing construction point,
24 discussing the plans to expand the reservoir in December of 1977.
25 It's also relevant to the knowledge of conditions of high level

1 Party leaders, and finally the scale of the workforce, 20,000
2 people.

3 [14.25.00]

4 The second document on this topic is E3/1339, and this is -- the
5 last one was a Chinese press service report, this is the Phnom
6 Penh domestic press service report from a FBIS document. The
7 English ERN is 00168341, and at the moment there are no French or
8 Khmer translations for this portion. So, this deals with the same
9 event. It describes how Chen Yonggui travelled from Siem Reap to
10 the Northwest Zone in the company of Pol Pot and Vorn Vet, and it
11 also describes Ros Nhim's involvement in the event as follows -
12 quote:

13 "At the boundary between the northern and North-western regions,
14 Comrade Chen Yonggui and other Chinese comrades were warmly
15 greeted by Comrade Ros Nhim, secretary of the KCP North-western
16 Region Committee and chairman of the North-western Serve the
17 People Committee", and it then goes on to mention the visit to
18 the reservoir at Trapeang Thma that afternoon.

19 The next document I'd like to look at also deals with the visit
20 of foreigners. This deals with the visit of Yugoslav journalists,
21 and this documents is E3/4604, which is the issue of
22 "Revolutionary Flag" magazine from April of 1978. It contains
23 something called: "The Presentation of the Comrade Secretary of
24 the Communist Party of Kampuchea on the Occasion of 3rd
25 Anniversary of the Great Victory of 17 April." So, that's

1 basically the contents of this edition of the magazine is this
2 presentation.

3 [14.27.15]

4 And the particular section that mentions the Trapeang Thma water
5 reservoir, the section is called: "Next, I want to inform you
6 about item 2, to speak about building the country." And that
7 section says the following -- quote:

8 "The movement to resolve water was vast, mighty, and huge. I wish
9 to report, in the name of the Party, in the name of the
10 government, to this meeting that we have built many water
11 reservoirs of 100 million cubic metres and above, like seas.
12 "Yugoslav journalists came to look at our reservoirs in
13 Battambang called Trapeang Thma at Phnum Srok. Looking at it,
14 they could not see the banks, and they said they had just come
15 from Kampong Som and seen the sea at Kampong Som, before coming
16 to look at the reservoir at Phnum Srok and Battambang. They said
17 there was another sea there. They were impressed with this other
18 sea, meaning that the reservoir was big, vast, water as far as
19 the eye can see, nearly 200 million cubic metres. We built it in
20 just one year."

21 So again, relevance is to duration of construction, here it's
22 given as one year, and also to the scale of the project and the
23 Party Centre's knowledge of the scale of the project. And the
24 relevant ERNs are English, 00519843; Khmer, 00064727; and French,
25 00519843, and that must be a mistake, that's the same as the

1 English ERN. I'll get the correct French ERN.

2 [14.29.23]

3 So, I want to turn now to a few written records of interview and
4 these are relevant specifically to the later -- conditions in the
5 later period of construction after the Southwest cadres had
6 arrived. And the first one I want to look at in that regard is
7 E319/19.3.33.

8 So, in this WRI at Question 9, the witness was asked: "What were
9 your responsibilities at Trapeang Thma?"

10 And his answer was -- quote: "I carried dirt and helped build the
11 dam. Ms. Ngan was the chief of the Thma Puok district mobile unit
12 and Sorn was the deputy chief. Both were from the Southwest Zone.
13 Uong, deceased, was another deputy chief. He was from the
14 Northwest Zone."

15 Then skipping down a bit in the same answer: "Ta Yun, from the
16 Southwest Zone, was in charge of all of the mobile units in
17 Trapeang Thma."

18 [14.30.45]

19 The next question the witness was asked -- question and answer 10
20 -- he was asked the standard question: "Would you like to add
21 anything else?" And what he said was: "I would like to add that
22 life under the Southwest Zone People's Authority was extremely
23 hard, because we received an insufficient food supply despite
24 hard work, and because they killed a lot of people. Sometimes we
25 had to work day and night." So, the relevance of this is, of

1 course, conditions under the Southwest Zone are, but also Ta Yun
2 as one of the successors of Ta Val.

3 The next document in this regard is E319/21.3.5, and the portion
4 I'll be quoting here is Answer 27 and 28.

5 Question: "You said that you worked in a mobile unit at Angk
6 Trapeang Thma and at the Spean Sraeng worksite. Tell us what the
7 living conditions and working situation were. What were they like
8 after the Southwest cadres arrived?"

9 Answer: "Answer 27. Before the Southwest cadres arrived, they had
10 us dig two to three cubic metres of soil per day. When the
11 Southwest cadres arrived, they had us carry three cubic metres of
12 soil. As for the food rations, it was the same for those who
13 worked in mobile units. There was not enough food to eat. They
14 had us carry soil both day and night, before and after the
15 Southwest cadres arrived."

16 Question: "Were the situation and the arrests and killings the
17 same as before the Southwest people arrived?"

18 Answer 28: "Actually, before the Southwest cadres arrived,
19 arrests and killings were not frequent, but after the Southwest
20 cadres arrived, the arrests and killings of people became more
21 frequent."

22 [14.33.04]

23 The next document in this regard is E319/19.3.47, and this is
24 Question and Answer 18. The witness was asked who controlled the
25 Sector 5 mobile unit during the time he worked at the Trapeang

1 Thma Dam, and he answered - quote: "Ta Val controlled the Sector
2 5 mobile units that worked at Trapeang Thma Dam." He was then
3 asked about his roles at Trapeang Thma Dam and he said the
4 following -- quote:
5 "I controlled a 30-member unit. I worked at Trapeang Thma for
6 three months, during which Trapeang Thma was completed before
7 Khmer New Year in 1977. Perhaps in May 1977, the Southwest group
8 arrived, disbanded the mobile units and began to arrest the
9 Northwest leadership cadres, such as the chiefs of mobile units
10 and the chiefs of battalions and regiments. I was transferred to
11 work at Kor Bei Dam. Actually, Trapeang Thma Dam was successfully
12 completed, except a number of bridges that were still
13 incomplete."
14 [14.34.29]
15 Now earlier in the interview at Question 13, he had been asked:
16 "Could you please describe the living and working conditions
17 under the control of the Southwest group and the Northwest
18 group?" And he answered -- quote: "The living and working
19 conditions under the control of the Northwest group were better
20 than those under the control of the Southwest group, because we
21 had sufficient food. By contrast, under the control of the
22 Southwest group, things were extremely difficult because we did
23 not have sufficient food."
24 The next WRI on this point is E319/19.3.24, and this is another
25 witness who worked at the Trapeang Thma construction site at the

1 time that he says that Im Chaem arrived in the area in July or
2 August of 1977. And again, the question he was asked was, "Do you
3 have anything to add?" He said the following -- quote: "I want to
4 add that under the Khmer Rouge era, under the control of both the
5 Northwest and Southwest people, the living was extremely
6 difficult and we did not receive enough food to eat."

7 [14.36.00]

8 And the last document I want to deal with on this particular
9 point is E319/21.3.3. Here, in Question 103, the witness was
10 asked: "You previously said that Ta Val was the highest ranking
11 leader at Trapeang Thma Dam. After he was arrested, who came to
12 replace him?" And his answer was - quote: "Ta Phal came from the
13 Southwest Zone to replace him." And then at Question 105, the
14 witness was asked of Ta Phal, was he from the Southwest Zone, and
15 his answer was: "Yes, he was. He was vicious. He had crossed
16 eyes." Later in the interview he was asked about rapes that he
17 had mentioned in his civil party application and he said the
18 following -- quote: "Two women" -- and then he gives their names
19 -- "from Preah Netr Preah district were medics in mobile unit.
20 They were taken to be killed by Ta Phal, who was from the
21 Southwest, and one of his associates. I did not see this killing
22 first hand. But the workers in my unit told me that the corpses
23 of the victims were left completely naked." And he then goes on
24 to say that because the corpses had been left naked, he assumed
25 the women had been raped.

1 [14.37.40]

2 So the same witnesses at answers 92 through 94 was asked what
3 life was like after the Southwest group arrived, and he said that
4 living conditions became more difficult. When asked about food,
5 he said: "They provided only a single can of rice to be shared
6 between 30 people, and they had us work both day and night." And
7 at answer 94, he was asked: "After the Southwest group took
8 charge, what was the situation with disappearances and arrests?"
9 And he said: "Yes, more and more people disappeared or were
10 arrested."

11 Mr. President, I'm turning to a new topic now and I note the
12 time. I don't know if it's a convenient time for a break.

13 MR. PRESIDENT:

14 Thank you. It is now convenient to have a short break; we take a
15 break now and resume at 3 p.m.

16 (Court recesses from 1438H to 1501H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Court is back in session and the floor is now given to the
20 Co-Prosecutor team to continue the presentation of key documents.

21 You may now proceed.

22 [15.01.41]

23 MR. FARR:

24 Thank you, Mr. President. The next category of documents I want
25 to look at contains, sort of, general information about the

1 relevant area, about Sector 5 of the North Zone. And the first
2 one of those is E3/1181, which is entitled "General View of
3 Sector 5 Northwest Zone" and the date is 27 June 1977. So this
4 document has two parts. The first part of the document is an
5 organizational chart of the leadership of Sector 5 and of each
6 district within Sector 5, and the second part is a narrative
7 summary about the population of each district. The portion that
8 is the organizational chart contains quite a few of the names
9 we've heard about in testimony. The name of Hoeng as the
10 secretary of Sector 5 and the chart indicates that he has been
11 arrested. It also contains the name Cheal, as an assistant to
12 Sector 5 committee. It lists Maong and Sam At in Preah Netr Preah
13 district, and Hat for Phnum Srok district and that is at page
14 00223175, in English; 00612290, in French; and 00214487, in
15 Khmer. The second part of the document is entitled "General View
16 of Individual Districts", and I draw your attention to the
17 portion regarding Phnum Srok district, and the portion regarding
18 Preah Netr Preah district. The portion regarding Phnum Srok
19 district says -- quote: "There is a population of 70,000. Base
20 People amount to approximately 300 families. Approximately 50,000
21 people have come from Phnom Penh. Local New People consist of
22 more than 20,000." And then for Preah Netr Preah district, the
23 document says -- quote: "The population of Preah Netr Preah prior
24 to 17 April was 150 families. More than 70,000 have come from
25 Phnom Penh. More than 30,000 people are in Preah Netr Preah in

1 post 17 April period. Preah Netr Preah and Prasat sub-districts
2 compose of a number of [tendencies/no-good] elements." And that
3 portion is 00223176, in English; 00214490, in Khmer; and
4 00612291, in French.

5 [15.05.03]

6 The second document that contains general background information
7 on the area is E3/9284. It lists all the districts in Sector 5
8 and then it lists all of the communes falling under those
9 districts, which may assist, Your Honours, in understanding some
10 witness testimony.

11 And, the last page of the document contains the words: "In the
12 document. A Hoeng also talks about the organization of CIA
13 networks in the villages, communes and districts of Sector 5."
14 And for this we rely on the whole document so I don't think it is
15 necessary to read the ERNs.

16 [15.06.01]

17 The next category of documents I want to look at are documents
18 from S-21 related to individuals that we've heard about in this
19 trial segment. And the first document that I would mention in
20 this regard is E3/1900. This is a list of prisoners smashed on
21 the 6 March 1978. And number 12 on the list is a person named Aok
22 Horn, with the nickname Val, who is listed as an assistant for
23 Sector 5, and his date of entry into S-21 is given as 29 June
24 1977. And the ERNs for that document in English, it's 00193556;
25 in French, 00909168. The Khmer original of the document was just

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1 filed two weeks ago when we realized that it wasn't on the case
2 file for some reason and that document hasn't yet been associated
3 with E3/1900, so at the moment it's still under document number
4 E357.1 and the relevant ERN page is 01128615.

5 The second S-21 document is E3/3972; it's entitled "Monthly List
6 of Prisoners from the Northwest Zone and West Zone for September
7 1977". Number 42 on this list is Men Chun alias Hoeng, listed as
8 secretary of Sector 5, and that's English, page 00837611; Khmer,
9 page 00086932; and French, page 00864731.

10 [15.08.30]

11 The next document is E3/2285. This is a compilation of many lists
12 of prisoners who were smashed on various dates. The list of
13 prisoners smashed on 18 October 1977 begins at page 00873633 in
14 English, and 00009303 in Khmer, and there is still no French.

15 Number 134 on that particular sub-list is Orn Mang from Northwest
16 Zone listed as the Deputy Secretary of Preah Netr Preah district.

17 The next document is E3/2254, which is another S-21 prisoner
18 list. And there under the section entitled "Northwest Zone", it
19 reads, "Heng Rin alias May, secretary of Sector 5", and states
20 that he was arrested on 16 November 1978. It also indicates that
21 his wife was arrested shortly after him and that his 13-year-old
22 niece was arrested in December of 1978. And the ERN there is
23 English, 00789707; Khmer, 00086766; and French, 00834853.

24 [15.10.23]

25 The next document I want to mention is the OCP revised S-21

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1 prisoner list which is in evidence as E3/342, and again, a number
2 of cadres discussed during this segment appear on that list.
3 Number 5100 is Moen Chun alias Hing, listed as secretary of
4 Sector 5 of the Northwest Zone. Number 2431 is Heng Rin alias
5 Mei, also listed as secretary of Sector 5 of the Northwest Zone,
6 and he was Ta Hoeng's successor. Number 81 is Aok Haun alias Val,
7 listed as chief of the Sector 5 mobile work unit. Number 6146 is
8 Ngan Nhem alias Hat, listed as secretary of Phnum Srok district
9 in Sector 5 of the Northwest Zone. And number 57 is An Maong,
10 listed as secretary of the Preah Netr Preah district in Sector 5.
11 The next group of documents I, I'm just going to list document
12 numbers. These are documents that have been referred to as S-21
13 confessions and I know that there is -- there is still a
14 discussion going on about how and whether they can be used. So
15 I'll just list document numbers so they're available for easy
16 reference for the Chamber.

17 For Ta Hoeng, the document number is E3/2474; Ta Rin, E3/57.4.;
18 Ta Hat, D159/5.61; and Ta Maong, E3/7395.

19 MR. PRESIDENT:

20 You may now proceed, Counsel for Mr. Khieu Samphan.

21 MS. GUISSÉ:

22 [15.12.44]

23 Yes, Mr. President. Thank you. I would like to make an objection
24 to one of the documents referred to by the Co-Prosecutor -- that
25 is, D159/5361, which is not a document on record. Whether he is

1 referring to this document for purposes of simply having the name
2 of the person, or with regard to using the contents of that
3 document, I don't think he can do so.

4 MR. FARR:

5 Mr. President, to be perfectly honest I hadn't even noticed that;
6 I was listing the document number for the convenience of the
7 Chamber but I will withdraw any comment related to that document.

8 [15.13.35]

9 The last two documents I would like to draw the Chamber's
10 attention to are documents that were used during the examination
11 of witnesses in this segment, and I just want to contextualize
12 the portions that were put before Your Honours in Court. The
13 first document is E3/8991 and the particular portion used in
14 Court was on English, page 00969903; and Khmer, page 00730232;
15 and there is still as yet no French translation. That quote, to
16 remind the Chamber, was as follows -- quote:

17 Question: "How about Ta Maong and Ta Val, did they ever reprimand
18 you?"

19 Answer: "I rarely met them because I was at a regiment level
20 lower than theirs. But these people were very good at
21 reprimanding others because they were very unkind and ruthless
22 men. They were very much tougher than Yeay Chaem. I heard that
23 people always called him the golden fanged man." The witness who
24 said this was later interviewed by OCIJ and asked to explain
25 those comments. That document is E319/19.3.46; the relevant

1 portion is Question and Answer 42 and 43.

2 So Question 42 -- quote: "On page 16 of the written record of
3 your interview with the Documentation Centre of Cambodia, you
4 said that Ta Maong and Ta Val were far more vicious than Yeay
5 Chaem. Can you tell us who Ta Maong was?"

6 Answer 42: "Ta Maong was Preah Netr Preah district committee.
7 When Yeay Chaem came to Preah Netr Preah district she replaced Ta
8 Maong. The reason I say that Ta Maong and Ta Val were more
9 vicious than Yeay Chaem is because, Ta Maong was previously in
10 charge of the military and Ta Maong and Ta Val always spoke
11 loudly, so everyone was afraid of them."

12 [15.16.00]

13 Question: "Under whose rule did more people disappear, Ta Maong's
14 or Yeay Chaem's?"

15 Answer 43: "Many people disappeared under the rule of Yeay
16 Chaem."

17 And the second document that I want to contextualize is E3/7805.
18 This is a written record of interview from the OCIJ and the
19 portion used in Court was on page 00277815 in English, page
20 00267743 in Khmer, and page 00315174 in French. And that page
21 talks about Ta Val and says that he was, "killed during the Khmer
22 Rouge era because he was also a killer." And the portion that I
23 want to mention comes two pages later, English, 00277817; Khmer,
24 00267746; and French, 00315177; and that discusses Ta Yun who was
25 one of Ta Val's successors. And it says the following: "Ta Yun

1 came from the Southwest Zone to supervise the Trapeang Thma Dam.
2 He arrested and killed many people."

3 [15.17.37]

4 And just one note, Your Honour, with respect to the document
5 that was just objected to, apparently it's been admitted as
6 E3/7366, so my apologies for not having the proper number for
7 that.

8 Mr. President, those are the documents that I wish to present to
9 the Chamber. So with the Chamber's leave, I will now pass the
10 floor to the Civil Party Lead Co-Lawyers.

11 MR. PRESIDENT

12 Yes, you may now proceed, Lead Co-Lawyer for civil parties.

13 MR. PICH ANG:

14 Good afternoon, Mr. President and Your Honours, Parties, everyone
15 in and around the courtroom, good afternoon once again.

16 I would like to present some information from civil party
17 applications and these civil parties were admitted in the Case in
18 relation to Trapeang Thma Dam worksite. And here I am going to
19 present the extracts, the extracts from four civil party
20 applications.

21 [15.19.16]

22 Number 1, document E3/6453; it is victim information form of Sun
23 Saliem. I would like to present the extract from her application;
24 ERN in Khmer is 00553167, and there are no French or English ERNs
25 since we have not received the French and English translations

1 yet at the moment. However, we submitted the -- this application
2 to ITU for translation already. I would like to present the
3 extract:

4 "Pol Pot assigned me to carry dirt at Trapeang Thma Dam worksite
5 days and nights. I had dressed at 11.00 in the morning. I
6 overslept and could not wake up in time. When I did not wake up
7 in time and went to work late, they hit me with a stick with the
8 sides of my toe and they hit me on the backbone until I felt very
9 hurt. And then I was told to go and work. I was beaten four or
10 three times per month. Later on I was transferred to leave and
11 worked at Kaun Khlaeng village, where I was given a spoonful of
12 water to drink per meal and I received two meals per day."

13 [15.21.58]

14 The second document I am going to present is the civil party
15 application, as well, it is the victim information form of the
16 civil party, Leam Penh, document E3/6382 and the information I am
17 going to quote is from the ERN in Khmer, 00540480. There are no
18 English and French ERNs. I would like to quote as follows:

19 "After harvesting rice, Val, the chief of a big unit at Trapeang
20 Thma Dam worksite, ordered us to build the dam. While we were
21 building the Trapeang Thma Dam worksite, Comrade Val ordered me
22 together with Comrade Pit (phonetic), alive; Comrade Tuok
23 (phonetic), alive; Comrade Suon (phonetic), deceased; and others
24 whom I do not recall their names, to dig a cubic metres of soil
25 per day. And at the time, Comrade Suon, deceased, was the group

1 chief. At that time we were trying to work very hard relentlessly
2 and sometimes we had to work at night if we did not complete the
3 work quota at day time. We had to do the hard labour every day.
4 And they did not give us enough food to eat. Because of this,
5 after work, I spent some time to go and pick up mushroom, find
6 the crabs and fish so that I could cook for my food.

7 [15.24.48]

8 I could recall that one day, my colleagues, whom I do not recall
9 his or her name, could not fulfil the work quota -- that is,
10 digging the canal. He was arrested and his hands were tightened
11 to the back and he was killed later on. I was afraid at that
12 time. Therefore, I was trying to work very hard every day because
13 if I had not fulfilled the work quota, I would have been taken
14 away and killed.

15 Every day, although I did not have enough food to eat, I did not
16 dare to complain although I had only watery gruel at the time."

17 The third document I am going to present to Your Honours, it is
18 the victim information form of Blek Saleut, document E3/6391.

19 There is only Khmer ERN available, 00540623. This civil party
20 made mention about her working conditions as follows: I would
21 like to quote:

22 "In 1976 Comrades Haet (phonetic) and Huoy (phonetic) ordered my
23 units, and ordered Comrade Mom (phonetic) , alive; Comrade Mal
24 (phonetic) , alive; Comrade Taz (phonetic) , alive; Comrade Heut
25 (phonetic) , alive; and other evacuees from Phnom Phen, whom I do

1 not recall their names to go and build the Trapeang Thma Dam. At
2 the Trapeang Thma dam worksite, Val, deceased, was the chief of a
3 big unit. And later on, Comrade Run (phonetic), whom I do not
4 know whether he is alive or deceased; Comrade Kraun (phonetic),
5 whom I do not know whether he is alive or deceased; Comrade Koy
6 (phonetic), deceased; they were the mobile unit chiefs. They
7 ordered us to dig the canal and we received three cubic metres of
8 soil to dig per day. At the time the work was so hard and we were
9 forced to endure hard labour. We did not have enough food to eat.
10 If anyone could not dig the three cubic metres of soil, they had
11 to continue digging and complete it until night time. At Trapeang
12 Thma dam worksite, there were many people who died from
13 starvation from diseases and some others also died but I do not
14 know where these people were taken away to by the militiamen."

15 [15.28.52]

16 The last document I am going to present is document E3
17 (phonetic); it's document from a civil party, Thun Ham, E3/6630,
18 ERN in Khmer is at 00558119; and ERN in English is at 01069323.
19 There is no French ERN as of now. I would like to quote it as
20 follows. Once again it is from the victim information form or
21 Thun Ham -- quote:

22 "In 1976, Comrade Rot (phonetic), unit chief, assigned me
23 together with Comrade Pech, (phonetic), Comrade Vanna (phonetic),
24 Comrade Huoy (phonetic) and Comrade Phuong (phonetic), all alive,
25 to work in a mobile unit building a canal at Trapeang Thma

1 reservoir. At Trapeang Thma reservoir worksite, Comrade Val,
2 deceased, who was the company commander ordered us -- each of us
3 to dig three cubic metres of soil a day to build a canal and dam.
4 At that time the others and I had to dig and carry earth; it's to
5 build a dam. If we could not do it, Angkar would take us to be
6 re-educated. In that regime, re-education was meant to be killed.
7 Therefore, every day we tried to work very hard even though it
8 was raining and windy or no matter how cold we were. We never
9 dared to take a break.

10 "Regarding the accommodation, we did not have a proper shelter.
11 After we finished our work, we slept right there at the workplace
12 because there was no place to stay. We had to sleep on the dam in
13 the rain and open air and we even bitten by mosquitos.

14 "In relation to our food rations, it was worse. No matter how
15 hard we worked, they gave us only a plate or bowl of rice for
16 meal time. Five months later, Comrade Val imposed a new order.
17 Everyone had to dig five cubic metres of soil. If we could not
18 finish it, Angkar would take us to be re-educated. It was during
19 that time that I had to work very hard regardless of day time or
20 night-time because I was afraid of being killed."

21 [15.32.09]

22 I would like to end my presentation, however, I would like to
23 mention that the ERN of the first document, once again, it is not
24 E3/6453; it is document E3/6543. I have presented Your Honours in
25 relation to working conditions of four civil parties, so I would

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1 like to seek Your Honours to consider the information I
2 presented. Thank you very much, Mr. President.

3 MR. PRESIDENT:

4 Thank you.

5 (Judges deliberate)

6 [15.36.38]

7 MR. PRESIDENT:

8 The Deputy Co-Prosecutor, what is on your mind?

9 MR. DE WILDE D'ESTMAEL:

10 Yes, thank you Mr. President. Simply, earlier I mentioned
11 document E3/5287 without mentioning the relevant ERNs and the
12 segment I quoted was French, ERN 00404191; English, ERN 00330776;
13 and Khmer, 00321783. So this is the WRI that I mentioned
14 regarding the 1st January Dam site. Thank you.

15 MR. PRESIDENT:

16 Thank you. And the Chamber actually received a piece of
17 information through the legal officer and we would like to
18 clarify the matter that the defence counsel for Khieu Samphan
19 objects to the testimony of a witness for the upcoming segment --
20 that is, on treatment of Cham. If that is the case, could you
21 please provide us the background for your objection to this
22 particular witness so that the Chamber will have reasonable
23 grounds to make decisions after the invitation of observations
24 from the concerned parties?

25 [15.38.29]

1 As you understand, scheduling witnesses takes some logistical
2 arrangements as some of them live far away from the Court. If
3 that is the case, Counsel, please you may take the floor.

4 MS. GUISSÉ:

5 Yes, thank you, Mr. President. I think you are referring to a
6 request that we have just notified and it's entitled "The
7 Defence's" - "Khieu Samphan's Defence's Objection to the
8 Appearance of 2-TCW-987". This week we had email exchange and we
9 understood that following the impossibility of a witness to
10 testify the Chamber, proprio motu, called this new witness to
11 come in his place, 2-TCW-987. So I have no problem with having a
12 replacement witness, but the problem here is that this is a
13 witness who was not at all listed as a potential witness in Case
14 002. A witness, in fact, who has not been even interviewed during
15 the investigation, and a witness who was interviewed in another
16 investigation for another case and therefore -- and the Chamber
17 called him to come in the place of another witness for -- who was
18 interviewed during the investigation. So there are two problems
19 here. This sends us back to the problem that we raised, and we
20 felt that this problem was coming when, following multiple
21 exchanges of WRIs from other investigations, even when the
22 prosecutors do not ask for new documents, even when the
23 prosecutors do not ask to have new witnesses to come testify, we
24 note that the Chamber itself, proprio motu, may decide to draw
25 from this reservoir coming from other investigations to have

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1 witnesses testify.

2 [15.41.01]

3 So of course, yes we object to the appearance of 2-TCCW --
4 2-TCW-987 because we believe that his testimony, aside from the
5 fact that we only learnt of this a few days ago and that there
6 was no means knowing that in fact he would come testify as a
7 witness, there is also the generic problem of Mr. Khieu Samphan's
8 right to be able to defend himself appropriately, that is to say,
9 to defend himself against the accusations that are brought to his
10 attention during the Closing Order. That is to say to be notified
11 in advance of the witnesses who are going to testify. And, for
12 whom he has been able to prepare his defence and that is what our
13 request is about. I hope I am clearer now.

14 [15.41.55]

15 I don't know if the other parties were notified of this request
16 but this is indeed the issue; it's an issue of principle because
17 this is a witness who was not interviewed before for this
18 particular case. So, of course, in order to make sure that we are
19 understood, this is a request that is connected with the
20 submission we filed regarding the WRIs related to Cases 003 and
21 004, which of course depend on the decision of your change
22 because I think the parties have to answer this. So yes, we
23 object to the testimony of this witness for the reasons that I
24 brought up, reminding you once again that Mr. Khieu Samphan is a
25 defendant here at the ECCC and we are following a civil law

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1 procedure with an investigation, with a Closing Order, and with,
2 as you said, lists filed by the different parties -- lists of
3 different witness that they wish to hear on such and such an
4 issue, such and such a topic. Of course the Chamber has the right
5 to carry out investigations on a case by case basis, but I don't
6 -- but on the basis of the elements I have now, if following the
7 reception of documents that we object to, the Chamber has used
8 that to call upon this witness, well then we oppose to having him
9 testify.

10 [15.43.44]

11 MR. PRESIDENT:

12 Judge Lavergne, you have the floor.

13 JUDGE LAVERGNE:

14 Yes, if I understood well, of course you may correct me, but I
15 understand that the fundamental legal argument here is respecting
16 Mr. Khieu Samphan's right to a proper defence. Aside from this
17 general principle, I also heard that you were referring to the
18 civil law system but without any further specifications. So can
19 you provide us with specific legal points that you wish to bring
20 up and we would like to remind you that in the Internal Rules,
21 there are provisions, Internal Rule 87.4 which allow to declare
22 admissible, in the course of a trial, evidence upon the
23 initiative of the Chamber only.

24 [15.44.53]

25 MS. GUISSÉ:

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1 Absolutely, but I believe that what I was saying, I was
2 underscoring the problem that this brings before the Khieu
3 Samphan defence, because in this Chamber's decision, we feel that
4 you are allowing all of the investigation of Cases 003 and 004
5 because indeed you have this Rule 87.4 and it does raise an issue
6 in a civil law case in which there already was an investigation.
7 Of course, you have the possibility of giving us new elements of
8 evidence, but what's the point here? We are hearing here that
9 there is an investigation that has lasted for x amount of years
10 and that there was an introductory submission. There was a final
11 submission in the Closing Order, and suddenly in 2015, we need to
12 go pick from other investigations that are in the process,
13 witnesses to bring inculpatory evidence against my client, so
14 this is a very important issue. I am not saying the rule does not
15 exist in the Internal Rules, but I think here, in terms of the
16 process and in terms of the volume of documents that are
17 forwarded by the Prosecution, which, again, are the object of a
18 pending submission, there is a grave problem in relation to the
19 rights of the Defence.

20 [15.46.21]

21 JUDGE LAVERGNE:

22 Just to let you know; it appears that these written records of
23 interview were made available to all parties on 20 March 2015.

24 MS. GUISSÉ:

25 I do not question that, Your Honour. And if you are referring to

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1 the pending submissions of your Chamber regarding this problem of
2 disclosure -- and we are indeed answering this, because we are
3 indeed submerged by an important number of such records. And I
4 note that this witness was not the object of an 87.4 request from
5 the Prosecution. And when you say that last week or at the
6 beginning of this week that this witness is being considered,
7 then we certainly learned that this person who was not part of
8 the documents that we had prioritized -- it -- well, this person
9 is not related to the documents that we drew from, because it was
10 not -- he -- because previously there was no request to have him
11 admitted.

12 [15.47.30]

13 So this is a new request and I can say that there are hundreds
14 and hundreds of documents that we do not know, and which we
15 haven't focused on because there is now a trial that is in the
16 process and these elements are part of another case, and if they
17 haven't been the subject of a request to be admitted, then they
18 are not part of -- they are not one of our priorities in
19 defending Khieu Samphan in this Case 002/02.

20 MR. PRESIDENT:

21 The Deputy Co-Prosecutor, you may proceed.

22 MR. DE WILDE D'ESTMAEL:

23 Thank you. I stood up indeed to remind the Defence that these
24 documents were disclosed in March, we are in September. There is
25 a submission that is pending that dates back to the end of

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1 August. So there was nothing mentioned by the Defence regarding
2 this previously. Then, we are all facing the same situation. We
3 have a witness who was supposed to testify on Wednesday, and
4 there are only two WRIs that were put on the case file and that
5 do not represent more than 15 pages in French. So this is not an
6 unsurmountable task, nor for the Defence, nor for us to review
7 this WRI and to be ready for Wednesday. And it is up to the
8 Chamber, proprio motu, to decide that a person should be heard or
9 not.

10 [15.49.20]

11 MR. PRESIDENT:

12 Any other observations by other Parties before we give the floor
13 to the defence team of Khieu Samphan to respond last?

14 MS. GUIRAUD:

15 Thank you, Mr. President. Well since we haven't been able to read
16 the defence -- the Khieu Samphan's defence's request, we would
17 like to make oral submissions on Monday morning in order to
18 understand well the substance of their motion. As far as we are
19 concerned, we have no a priori objections to have this witness
20 testify. Of course, we don't follow the -- the Khieu Samphan's
21 Defence's position regarding the disclosed documents, so a
22 priori, we do not object to having this witness testify. However,
23 we would like to read, calmly, the Defence's motion so that we
24 may possibly react to it on Monday.

25 [15.50.30]

1 MR. PRESIDENT:

2 The Chamber actually informs the Parties about the scheduling of
3 the hearings for next week. Since the Chamber has to coordinate
4 with WESU in terms of the logistical arrangements for the
5 witnesses to come to the ECCC, because it does not mean the
6 witness has to leave their home today for today's proceedings. It
7 has to be made prior to his or her appearance and this kind of
8 logistical arrangement has to be made beforehand with WESU so
9 that we could have a proper and smooth proceedings. And the
10 Chamber has heard the grounds for this objection and Chamber now
11 would like to hand the floor to the defence team for Khieu
12 Samphan to respond last if you would wish to do so. Since the
13 floor has been given to other Parties already and we are almost
14 running out of time, so the floor is given to you last to deal
15 with this issue.

16 [15.52.03]

17 MS. GUISSÉ:

18 Thank you, Mr. President. I will be very brief. I am obliged once
19 again to remind the Co-Prosecutor that we have to stop being told
20 about the number of pages of the WRIs. Of course it's an element;
21 we know. Yes, but we should, however not be told that preparing
22 for this is simply reading these records without doing anything
23 more. We know that when we are working on a topic we have to
24 cross-check information with other witnesses and that's why an
25 investigation has a purpose. That's why there have been -- each

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1 month during the investigation we have the possibility depending
2 on the witnesses who have been heard by the Investigating Judge,
3 while we have the possibility of being -- of working with these
4 witnesses for us to prepare our defence. So the point is not
5 knowing if there are 20 or 15 or two pages, the point is, if in
6 this Case 002/02, if it is normal that with regard to Trapeang
7 Thma or another segment, if it is normal that once an
8 investigation has been closed, once procedural acts have been
9 produced, is it normal that we suddenly decide that there is
10 another investigation that may enrich without limit a trial that
11 is in the process. And that is our issue. So once again, please
12 do not tell us that the whole point is only about reading a few
13 pages. No. It is a deeper problem, it's a more generic problem
14 and it's a problem of being able to serve -- to review the
15 evidence in its totality. So as well, we do not know how many
16 other witnesses may be called in other cases and that is a
17 problem for us. I imagine that it is a problem for other parties
18 too, but since I am however defending Mr. Khieu Samphan, and yes
19 of course I have to be able to defend him properly, this does
20 become a fundamental problem that I am raising. If it doesn't
21 bother anybody else, no problem; but for me, yes, it is a
22 problem.

23 [15.54.50]

24 MR. PRESIDENT:

25 Thank you. The Chamber will consider all the points raised by the

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1 Parties and a ruling will be made in due course so that it would
2 assist the Chamber in scheduling the upcoming witnesses. And
3 before today's adjournment, the Chamber will make an oral ruling
4 concerning the request made by the Deputy Co-Prosecutor -- that
5 is, Mr. William Smith, as to whether the Co-Prosecutor is allowed
6 an opportunity to reply to the observations by the Khieu
7 Samphan's defence team. And the ruling is that the Co-Prosecutors
8 will not be given any opportunity to reply to such observation.
9 That is consistent with the 22 August 2015 -- 27 August 2015
10 ruling.

11 [15.56.07]

12 Today the proceeding has come to an adjournment. The Chamber will
13 adjourn it now and recommence on Monday, next week, commencing at
14 9 o'clock in the morning.

15 On Monday, 7 September 2015, the Chamber will see the comments
16 and observations by the defence team for Khieu Samphan to the key
17 document presentation so far that has been made by the
18 Co-Prosecutors and Lead Co-Lawyers for civil parties concerning
19 the three worksites, namely the 1st January Dam, Kampong Chhnang
20 Airport, and Trapeang Thma Dam worksite. And then we will
21 commence hearing testimony of a witness -- that is, 2-TCW-813.
22 The information is for the Parties and the public.

23 Security personnel, you have instructed to take the two Accused,
24 Nuon Chea and Khieu Samphan, back to the detention facility and
25 have them returned to attend the proceedings on Monday, 7

1 September 2015, before 9 o'clock in the morning.

2 The Court is now adjourned.

3 (Court adjourns at 1557H)

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