



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): 14-Jun-2018, 14:47

CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 November 2015

Trial Day 340

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Roger PHILLIPS

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
Dale LYSACK
SONG Chorvoin

For Court Management Section:
UCH Arun

I N D E X

Witness 2-TCW-918

Questioning by Mr. President (NIL Nonn) page 14

Questioning by Mr. LYSAK page 16

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-918	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0906H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session for the proceedings
5 in Case 002/02.

6 As informed by the Chamber today, that is, the 30 November 2015,
7 the Chamber will hear the testimony of a witness, that is,
8 2-TCW-918, in relation to Trapeang Thma Dam worksite. Ms. Chea
9 Sivhoang, please report the attendance of the parties and other
10 individuals at today's proceedings.

11 [09.07.42]

12 THE GREFFIER:

13 Mr. President, for today's proceedings, all parties to this case
14 are present. Mr. Nuon Chea is present in the holding cell
15 downstairs. He has waived his right to be present in the
16 courtroom. The waiver has been delivered to the greffier. A
17 witness who is to testify today, that is, 2-TCW-918, confirms
18 that to the best of his knowledge, he has no relationship by
19 blood or by law to any of the two Accused, that is, Nuon Chea and
20 Khieu Samphan, or to any of the civil parties admitted in this
21 case. The witness took an oath before the Iron Club Statue this
22 morning. He has Mr. Mam Rithea as his duty counsel. Both are
23 ready to be called by the Chamber. Thank you.

24 [09.08.46]

25 MR. PRESIDENT:

*Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 340
Case No. 002/19-09-2007-ECCC/TC
30 November 2015*

2

1 Thank you. The Chamber now decides on the request by Nuon Chea.
2 The Chamber has received a waiver from Nuon Chea dated 30
3 November 2015, which states that due to his health: headache,
4 back pain, he cannot sit or concentrate for long, and in order to
5 effectively participate in future hearings, he requests to waive
6 his right to participate in and be present at the 30 November
7 2015 hearing. He affirms that his counsel has advised him about
8 the consequences of this waiver, that it cannot in any account be
9 construed as a waiver of his rights to be tried fairly or to
10 challenge evidence presented to or admitted by this Court at any
11 time during this trial. Having seen the medical report of Nuon
12 Chea by the duty doctor for the Accused at the ECCC, dated 30
13 November 2015, which notes that, today, Nuon Chea has severe back
14 pain when he sits for long and recommends that the Chamber grant
15 him his request so that he can follow the proceedings remotely
16 from the holding cell downstairs. Based on the above information
17 and pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
18 grants Nuon Chea his request to follow today's proceedings
19 remotely from the holding cell downstairs via audio-visual means.
20 The AV unit is instructed to link the proceedings to the room
21 downstairs so that Nuon Chea can follow it. This applies to the
22 whole day.
23 For the proceedings, certain matters are of concern to the <>
24 International Co-Investigating Judge, <that is the in-camera
25 hearing,> and we have received some documents from that office,

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1 namely E319/35 and E319/35/2, concerning the document E319/17
2 <and E319/7/3. We found that> there has been some changes to the
3 proceedings. And before we proceed with hearing testimonies of
4 witnesses, the Chamber would like to hear additional comments and
5 observations from concerned parties. We received a request from
6 the Co-Prosecutors and from Khieu Samphan's defence team on this
7 matter. However, some other issues have emerged from the
8 <International> Co-Investigating Judge's office. And in order to
9 have <sound> grounds for the <correct, precise, and effective>
10 proceedings from now on and in order to avoid any unintentional
11 mistakes in the proceedings concerning the confidentiality of the
12 investigation, we would like to hear comments and observations
13 from other parties first before we <gain our ground to> issue our
14 ruling. And that should be done before we proceed to hear the
15 testimony of the witness today, that is, 2-TCW-918. And the
16 Chamber would like now to hand the floor to the Co-Prosecutors
17 first. You may proceed.

18 [09.12.50]

19 MR. KOUMJIAN:

20 Thank you, Mr. President. I do not have those particular rulings
21 or memos from the Office of Co-Investigating Judges in front of
22 me now, and I didn't come prepared to address them specifically,
23 however, some general remarks. First of all, it's our position
24 that the prior -- our position remains the same as in our last
25 pleading. We believe that the procedures that were in place were

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1 sufficient and will be sufficient to assure the confidentiality
2 of the investigations. Of course, nothing, nothing we can do is
3 going to be a hundred per cent without any possibility of errors.
4 But we believe it was working and it will continue to work, and
5 we haven't seen yet any damages done by any breach of those prior
6 procedures. I'd also point out that in our pleading, we make the
7 point which I want to reiterate, that it's the obligation of the
8 Trial Chamber. Any time the Trial Chamber decides that there's a
9 necessity to compromise the right to a public trial, to do that
10 on a witness by witness basis, with a justification -- particular
11 justification for each witness for the measures imposed. And
12 that's not something obviously that can be delegated to another
13 judge who's not of this Chamber. The decision has to be of Your
14 Honours. It is a problem if rules about what will be public in
15 this trial are being set by a judge that the parties do not
16 appear in front of. So we would ask the Court to consider it
17 point by point. I understand the very legitimate concerns of the
18 Co-Investigating Judges; we want to assure the confidentiality of
19 investigations, but we want to do that in a way that compromises
20 to the least extent possible the public's right to have access to
21 this trial.

22 [09.15.06]

23 MR. PRESIDENT:

24 Thank you, the International Co-Prosecutor, for your observation.

25 The Chamber now would like to hand the floor to the Lead

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1 Co-Lawyers for civil parties if you wish to make your
2 observation.

3 MS. GUIRAUD:

4 Thank you. Thank you, Mr. President, and good morning to all of
5 you. No specific objections regarding document E319/35, and
6 regarding the different categories of witnesses and civil parties
7 that are proposed by the International Co-Investigating Judge. So
8 we would rely on the Court's wisdom regarding this issue. <Thank
9 you.>

10 [09.15.48]

11 MR. PRESIDENT:

12 Thank you. And the Chamber now would like to give the floor to
13 the defence team for Nuon Chea if you wish to make observation
14 regarding this matter.

15 MR. KOPPE:

16 Good morning, Mr. President. Good morning, Your Honours. We were
17 also not prepared to make submissions right now. At this point in
18 time, we don't have any comments in respect of this memo from the
19 Co-Investigating Judge. The only thing I would like to say is
20 that in reaction to Prosecution, the right to a public trial is a
21 right of an accused and not of the public. Having said that, at
22 this point in time, no comments.

23 MR. PRESIDENT:

24 Thank you. And lastly on this matter, the Chamber would like to
25 hand the floor to the defence team for Khieu Samphan if you wish

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1 to make your observation regarding the -- in addition to the
2 submission you have already filed with the Chamber.

3 [09.17.02]

4 MS. GUISSÉ:

5 Yes. Good morning. Thank you, Mr. President. We stand by the
6 position that we have developed in our written submissions
7 regarding this point and the necessity of a public hearing. I
8 have read the recommendations of the Co-Investigating Judge
9 regarding this point. However, I did not understand if he was
10 just focussing on general considerations. I thought that there
11 would be specific information depending on the witnesses who may
12 guide your Chamber. But in any case, regarding the witnesses who
13 made statements that are public, I do not see why we could not
14 mention them here in a public hearing. And regarding the other
15 statements, I think that the measures that have been <enacted> in
16 the past should, <as long as we abide by them,> be sufficient.
17 Thank you.

18 [09.18.01]

19 MR. PRESIDENT:

20 Thank you for the comments and observations made by all the
21 parties this morning in relation to the proceeding of hearing
22 testimonies of witnesses and the use of the documents related to
23 the issue of confidentiality of the investigation, and the
24 measures that need to be taken pursuant to the document issued by
25 the International Co-Investigating Judge. And such a matter may

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1 be involved in the hearing of the witness today. And for that
2 reason, we thank you for your observation, and for that the
3 Chamber would like to discuss among ourselves before we proceed
4 to hear the witness today <to make the proceeding more effective
5 and optimum>. And the Chamber will take a 25-minute break now in
6 order to discuss and deliberate on this issue. And we will resume
7 at twenty to 10.00 this morning. The Court is now in recess.

8 (Court recesses from 0919H to 1000H)

9 MR. PRESIDENT:

10 Please be seated.

11 The Chamber now issues its oral ruling on the request to rescind
12 order E319/7/3.

13 The Chamber is seized of a Khieu Samphan's defence request
14 supported by the <International> Co-Prosecutors to rescind its
15 order E319/7/3. That order, one, required that all testimonies of
16 any individual who testified in Cases 003 and 004 be held in
17 closed sessions and two, required that questions to any witness
18 based on Case 003 and 004 statements also be held in closed
19 session.

20 The International Co-Investigating Judge initially requested such
21 an order but has since stated that <condition> is no longer
22 necessary.

23 The Co-Prosecutor and the defence team for Khieu Samphan
24 maintains their statements and their submissions and other
25 parties do not raise any new concerns. Pursuant to Article 34

8

1 (new) of the ECCC law and Internal Rule 79.6, the Accused has a
2 fundamental right to a public trial.

3 [10.02.57]

4 The Chamber also considers it to be in the interest of justice
5 and judicial <principles> to respect the requirements of
6 confidentiality of on-going investigations. As the International
7 Co-Investigating Judge no longer deems it necessary to hold all
8 of the above discussed testimony in closed session, the Chamber
9 reconsiders and reverses its order in E319/7/3. The Chamber's
10 prior ruling in E319/7 shall remain in force and effect subject
11 to the following additional guidelines.

12 The ICIJ has requested in addition to the procedures set forth in
13 E319/7, that the Chamber requires the use of pseudonyms for any
14 Case 003 <and> 004 witness or civil party who testifies in Case
15 002/02. This protective measure is narrowly tailored, permits the
16 Chamber to continue in public session and does not unfairly limit
17 the questioning of witnesses. See document <E319/2>, paragraph 11
18 to 12. Therefore the Chamber orders the use of pseudonyms for
19 such witnesses and civil parties. The ICIJ has also indicated
20 that he will request WESU assessments for individuals whom he
21 considers may require additional protective measures for their
22 safety or security. The Chamber notes that the right to a public
23 trial must be balanced against the need to protect the identity
24 of witnesses and victims.

25 [10.05.30]

9

1 Pursuant to Internal Rule 29 and Article 4.1 of the Practice
2 Direction on protective measures, the Chamber will apply any
3 protective measures ordered by the <International
4 Co-Investigating Judge> for Case 003, 004 witnesses.
5 Finally the <International Co-Investigating Judge> requests that
6 a relatively small group of witnesses to be identified in future
7 be heard in closed session and that the Chamber respect other
8 unspecified measures for such individuals. The Chamber will
9 communicate to the <International Co-Investigating Judge>
10 concurrently with the parties in Case 002/02, the list of
11 witnesses, civil parties and experts, selected to testify on each
12 topic.
13 Until the <International Co-Investigating Judge> has identified
14 which of these individuals should be heard in closed session, it
15 cannot fully assess this last request. This constitutes the
16 Chamber's official response to <E336 and E336/1>. *****
17 [10.07.05]
18 The Chamber will proceed with the hearing in public session of
19 witness 2-TCW-918. However, the Chamber notes that witness
20 2-TCW-918, has been questioned on an on-going investigation. The
21 International Co-Investigating Judge has suggested that a
22 pseudonym be used for such witnesses to protect the
23 confidentiality of the investigation. The Chamber considers that
24 this limited protective measure is warranted and that such
25 properly balances the need for a public trial with a need to

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1 protect the integrity of the investigations. The parties are
2 further reminded to respect order E319/7, for the use of Case 003
3 and 004 statements.

4 Court officer, please usher the witness and his duty counsel into
5 the Courtroom. I notice the International Co-Prosecutor is on his
6 feet. You may proceed.

7 MR. KOUMJIAN:

8 Thank you, Mr. President. Just one clarification for future
9 witnesses, regarding the first category of witnesses identified
10 by the International Co-Investigating Judge and the use of
11 pseudonym. Our question is in the case where the witnesses are
12 asked by WESU, do you have any objection to you name being used
13 in public session and the witness indicates that they do not have
14 any objection to their names being used in public session, in
15 that case it seems to us, perhaps, Your Honours, can clarify this
16 at some point, that the pseudonym would not be necessary if the
17 witness themselves say they have no problem with their name being
18 used in public session?

19 [10.09.21]

20 If I could just make a very quick note on -- while I certainly
21 agree with the defence submission on the right to public trial,
22 is a right of all accused persons, we made that point in our
23 filing, but it is also, in our view, a right of all parties and
24 the public. Internal Rule 79.6 does not limit it to the accused.
25 The accused can't decide to close a session on its own. The

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1 Karadzic protective measures decision of 26th May 2009, paragraph
2 11, recognises the public interest in a public trial as does the
3 European Court for Human Rights case Pretto versus Others --
4 excuse me -- Pretto and Others versus Italy, 1984. Thank you.

5 MR. PRESIDENT:

6 Thank you and the defence counsel for Khieu Samphan, you may
7 proceed.

8 MS. GUISSÉ:

9 <Yes, thank you Mr. President. Just to follow up, a request for
10 clarification on behalf of the Defence. I'm not sure if I
11 misunderstood something, but: do we agree that for the witnesses
12 -- is there no interpretation?>

13 [10.10.36]

14 JUDGE FENZ:

15 I don't get an English translation. Nor does anybody else -- you
16 do, four? Okay. No, four is completely -- three, okay.

17 MS. GUISSÉ:

18 I'll take it again. I'm asking for clarifications following the
19 decision you have just rendered. I don't know whether I'm the one
20 who hasn't properly understood you. <Do we agree that for> the
21 witness in Case 002/02 before being heard by the Co-Investigating
22 Judges, do we agree that there is no need for them <to> use of a
23 pseudonym, a priori, <because they are first and foremost
24 witnesses in Case 002/02. That is what I wanted clarified.>

25 JUDGE FENZ:

12

1 I didn't hear your request because I didn't get the whole
2 translation.

3 MS. GUISSÉ:

4 Let me repeat <this> again for the third time. My request for
5 clarification has to do with witnesses who were heard in Case
6 002/02 before being heard by the Co-Investigating Judges. Do we
7 agree that in that case we don't need pseudonyms because they
8 were <already> witnesses in Case 002/02 and their statements were
9 not subject to protective measures in terms of confidentiality,
10 <a priori,> because they were heard before the Chamber as part of
11 Case 002/02? So, that is what I want the Chamber to clarify so
12 that everyone should properly understand.

13 (Judges deliberate)

14 [10.12.46]

15 MR. PRESIDENT:

16 Yes, the Co-Prosecutor, you may proceed.

17 MR. LYSAK:

18 Thank you, Mr. President, I just wanted to add to something on
19 the issue that Khieu Samphan's counsel has raised. Your Honours,
20 asked a question on this very issue to the International
21 Co-Investigating Judge in a memorandum you sent, a question that
22 I had too which was, is -- do we use pseudonyms for anyone who
23 has given a Case 003 or 004 interview or only those who were
24 exclusively known through the investigations. You received their
25 response they said that it would primarily for those who were

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1 only -- who were exclusively known through the investigations but
2 there may be some cases where it would extend to others. So the
3 situation we are in right now, if I surmise, is that we haven't
4 heard from the International Co-Investigating Judge about his
5 position on this particular witness, which under that
6 circumstance, I'd assume that we would proceed with a pseudonym.
7 However, if it is possible for our officers, one of your clerks
8 to communicate with OCIJ, I think there is a possibility that
9 because this witness gave his first interview to DC-Cam and was
10 learned of by everyone including ourselves and OCIJ through his
11 public DC-Cam interview, this may be a witness for whom the
12 International Co-Investigating Judge does not have concerns and
13 we -- therefore we don't need to worry about pseudonyms. But I
14 recognise we may not know at this time so I just wanted to add
15 that because I think that is partly in response to the question
16 that counsel has raised.

17 (Judges deliberate)

18 [10.16.00]

19 MR. PRESIDENT:

20 In practice, our proceedings will be based on our oral ruling we
21 have just read out and for this current witness in order to
22 balance the public hearing and the confidentiality of the
23 on-going investigations as requested by the International
24 Co-Investigating Judge, the proceedings will be in public.
25 However pseudonyms shall be used in relation to those statements.

14

1 For future proceedings, the Chamber will consider the matter on a
2 case by case basis and that is also based on the request by the
3 International Co-Investigating Judge. And we will see in the
4 future proceedings if it is worthwhile to hold the proceedings in
5 closed sessions, however, based on the current estimate there is
6 only a minor instances where hearings shall be in closed session,
7 due to changes in the restrictions requested by the International
8 Co-Investigating Judge. However, the changes is within the
9 restriction that not all the proceedings shall be held in public,
10 we need to consider the matter on a case by case basis for all
11 the witnesses in Case 002/02, as we have to consider the matter
12 of the confidentiality in the on-going investigations in Case 003
13 and 004.

14 [10.18.37]

15 I'd like to proceed with the initial questioning of the witness,
16 that is, 2-TCW-918, due to the protective measure and the use of
17 pseudonym. Mr. Witness, 2-TCW-918, who is now before the Chamber,
18 please refer to the identity information in the document that is
19 before you that is <E319/19.3.17 which is on page 2, ERN
20 01003840>. And Greffier, please take the document to the witness
21 and you do not need to respond in microphone, just inform the
22 greffier whether the information on this page is accurate and
23 Duty Counsel, please assist your client.

24 QUESTIONING BY THE PRESIDENT:

25 Mr. Witness, upon reading the highlighted portion on this page,

15

1 can you inform the Court whether the information is accurate?

2 [10.20.58]

3 2-TCW-918:

4 A. Good morning, Mr. President, good morning, Your Honours. The
5 information is correct.

6 Q. Thank you. Greffier, please remove the document from the
7 witness <and place it back into the file>. And Mr. Witness, the
8 greffier made an oral report that to the best of your knowledge
9 you are not related to any of the two Accused, that is, Nuon Chea
10 and Khieu Samphan, or any of the civil parties admitted in Case
11 002. Is this correct?

12 A. Yes, that is correct. I am not related to any of them.

13 Q. Have you taken an oath before the Iron Club Statue this
14 morning <on the east side of this courtroom>?

15 A. Yes, I have.

16 [10.22.24]

17 Q. The Chamber would like to inform you of your rights and
18 obligations as a witness. Regarding your rights; as a witness in
19 the proceedings before the Chamber you may refuse to respond to
20 any question or to make any comment which may incriminate you,
21 that is your right against self-incrimination. This means that
22 you may refuse to provide your response or make any comments that
23 could lead you to being prosecuted. Now of your obligations; as a
24 witness in the proceedings before the Chamber, you must respond
25 to any questions by the Bench or relevant parties except where

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1 your response or comment to those questions may incriminate you
2 as the Chamber has just informed you of your rights as a witness.
3 You must tell the truth that you have known, heard, seen,
4 remembered, experienced or observed directly about an event or
5 occurrence relevant to the questions that the Bench or parties
6 pose to you.

7 Mr. Witness, have you ever been interviewed by the investigators
8 of the Office of the Co-Investigating Judges, if so, how many
9 times, when and where?

10 A. I have been interviewed at the Preah Netr Preah district at my
11 own house and I think there were <> two or three times, I cannot
12 recall it exactly.

13 Q. Thank you. And before you appeared before the Chamber have
14 your reviewed or read the written records of your statements that
15 you were interviewed two or three times at your house in Preah
16 Netr Preah district in order to refresh your memory?

17 [10.24.59]

18 A. To my recollection, I cannot recall everything from the
19 written records of interview and that's also related to my
20 current health condition.

21 Q. My question to you is whether you have read the written
22 records of your interview or had them read aloud to you in
23 relation to what you told the investigators at your house in
24 Preah Netr Preah district in order to refresh your memory?

25 A. Yesterday I read those statements and also had them read aloud

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1 to me and that of course refreshed <much of> my memory.

2 Q. Thank you. And to your best recollection can you tell the

3 Chamber whether the written records of your interviews that you

4 have read them and that you have them read out to you are

5 consistent with the statements you provided to the Investigators

6 at your house?

7 [10.26.23]

8 A. Yes, they are consistent. They are mostly consistent with what

9 I said, however some portions are not consistent.

10 MR. PRESIDENT:

11 Thank you, Mr. Witness, and now you are being assisted by a duty

12 counsel through WESU per your request that is duty counsel, Mam

13 Rithea.

14 For questioning this witness, pursuant to Internal Rule 91(bis),

15 the floor will be given first to the Co-Prosecutors before other

16 parties. You may proceed, Co-Prosecutor. The combined time for

17 the Co-Prosecutors and the Lead Co-Lawyers is one day.

18 [10.27.38]

19 QUESTIONING BY MR. LYSAK:

20 Thank you, Mr. President. Good morning, Mr. Witness. My name is

21 Dale Lysak, I'll be asking you some questions today. I wanted to

22 start with some questions about your background, positions and

23 your work history before and during the Democratic Kampuchea

24 regime. I'll be asking you something questions later about the

25 Trapeang Thma Dam, but I first wanted to ask you about your

18

1 experience working on construction of dams before Trapeang Thma.

2 Can you tell us, identify for us how many, or the names, of the
3 different dams that you worked on, that you helped to build in
4 the years 1974, 1975 and 1976, prior to the time you worked at
5 Trapeang Thma.

6 [10.29.01]

7 2-TCW-918:

8 A. First I worked at a dam at Phnom Kambaor and that extended to
9 Sreh. The length of the dam was 13 kilometres and the <first
10 phase> was put in operation after the completion. Second <phase
11 began> at the Kouk Rumchek Dam, it extended to Smach Char
12 (phonetic), Kouk Tiem to the east and to the west to Tean Kam
13 commune <> which was the adjacent of Phnum Srok and Preah Netr
14 Preah districts.

15 The third <phase, our labour force> was reassigned to plant
16 cotton trees at another worksite <in Sector 5>. And the fourth
17 <phase, the upper echelons> assigned <me> to measure land in
18 order to build road from Samraong Khnang, to Dang Noyd (phonetic)
19 to the west that is towards the Cambodian-Thai border. <Lastly,>
20 I was assigned to <organise> work at the Trapeang Thma Dam which
21 was the last worksite that I worked at the time.

22 Q. Thank you. I'll come back and ask you some questions later on
23 the two dams that you mentioned before Trapeang Thma, Kambaor and
24 Kouk Rumchek. I wanted to ask you though whether you also worked
25 on a dam in 1974, a dam called Ta Kou (phonetic), Ta Khieu Dam

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1 that was in Mongkol Borei district. Did you also work on the
2 construction of that dam?

3 A. I started working in that worksite in 1974, it was a small
4 worksite. I worked there to get water for the field.

5 [10.32.21]

6 Q. Can you tell the Court, how the Khmer Rouge got workers to
7 assist in the building of that dam?

8 A. Concerning Kambaor Dam worksite, workers were selected from
9 districts and communes. There were female and male youths and
10 some were from Phnom Penh, they were evacuated from Phnom Penh to
11 live in the villages <> and cooperatives<, together, we formed
12 the mobile work force>.

13 Q. There may have been some misunderstanding, Mr. Witness. I was
14 not asking you about Kambaor Dam, I was asking you about the Ta
15 Khieu Dam that you worked on in 1974. How did -- can you tell the
16 Court how the Khmer Rouge got the workers who built that dam?

17 A. Actually they were people living in the forest. They were in
18 the rear battlefield and these people <> were the elderly, adult
19 and adolescence, not so many people<. These people were liberated
20 by us.> .

21 [10.34.15]

22 Q. Were the people who were arrested and sent to work at that
23 dam?

24 A. Some people who went <> fishing and used to be in Lon Nol's
25 area were mobilised by Khmer Rouge to work at that dam site.

20

1 After a few days, <all of them> escaped.

2 Q. Do you remember how many people were arrested and sent to work
3 at the Ta Khieu Dam?

4 MR. PRESIDENT:

5 Please hold on, Mr. Witness. You have the floor now, Counsel Kong
6 Sam Onn.

7 MR. KONG SAM ONN:

8 Mr. President, I would like to register my objection since <this
9 question> is not within the scope of the debates before the
10 Chamber and regarding the timeline and location alleged in this
11 case, they are not within the scope of the trial. The witness
12 mentioned the fact happened in 1974, which is not within the
13 scope of the trial in our case.

14 [10.36.12]

15 MR. LYSAK:

16 Mr. President, if I may respond, the purpose of these questions
17 is because the policy and practices of the Khmer Rouge, the CPK,
18 in establishing worksites is very much an issue and this
19 evidence, the fact that people were arrested and sent to work at
20 the dam site establishes that this was not -- this is relevant to
21 the enslavement issue, relevant to the fact that people were --
22 did not have a choice to work at dams. So I don't intend to spend
23 any time on this I simply wanted to get some indication from the
24 witness of the scope of the practice of arresting people and
25 forcing them to work at this dam.

21

1 (Judges deliberate)

2 [10.37.59]

3 MR. PRESIDENT:

4 The objection by the defence counsel for Mr. Khieu Samphan is
5 overruled. It actually is outside the scope of the trial in terms
6 of timing and location, however the questions are related to the
7 policy of the Democratic Kampuchea and the Chamber instructs the
8 International Co-Prosecutor to put only relevant questions and <>
9 not <going into details of such questions because it is far from
10 the alleged facts that the Chamber wishes to hear about matters
11 relative to Trapeang Thma Dam site, rather than any other>
12 matters.

13 Mr. Witness, you are instructed to give your answers to the
14 question put by the International Co-Prosecutor and if you do not
15 recall you can ask the Co-Prosecutor to repeat it.

16 2-TCW-918:

17 A. I cannot get what you said, Mr. President.

18 [10.39.25]

19 QUESTIONING BY MR. LYSAK:

20 Mr. President, let me -- let me also focus the witness,
21 particularly on a prior statement that he made that may get to
22 this quickly.

23 Q. In an interview you gave to DC-Cam, this is document E3/9094,
24 E3/9094, Khmer ERN, 00734039 through 040; English, 00728647
25 through 648; French, 01123611 through 12. You made the following

22

1 statement and this is in regards to the Ta Khieu Dam.

2 "As construction was going for a while, those who were from Preah
3 Netr Preah were arrested." Continuing below: "When they were
4 arrested where were the people taken to?"

5 Answer: "They were taken to help build the dam."

6 And on the following page: "As they arrested more people in Preah
7 Netr Preah to help build the dam, my forces were taken to dig up
8 the road in Mek Cha-ba."

9 Does that refresh your memory Mr. Witness? Can you give us some
10 sense of the number of people that were arrested from Preah Netr
11 Preah district and sent to work at this dam?

12 [10.41.31]

13 2-TCW-918:

14 A. I cannot recall the numbers of people who worked at that dam
15 site.

16 Q. Let me move on to your positions during Democratic Kampuchea
17 regime. You described, in your DC-Cam interview, how you were
18 initially a member of the Preah Netr Preah commune responsible
19 for supervising and assigning youth from July 1975 to January
20 1976, and at that time you were appointed to be the deputy chief
21 of the Sector 5 mobile forces. My question; who was it that
22 appointed you to be deputy chief of the Sector 5 mobile forces?

23 A. No one appointed me to be the deputy chief. In fact I was in
24 charge of measuring the land going around and observe the land
25 and arranged the work force, I was not appointed to be the deputy

23

1 chief at that time. Perhaps the people who interviewed me may
2 have <misunderstood> me. I was not the deputy chief. When Ta Val
3 was absent, he would ask me to be in charge of the task that I
4 have just told you.

5 [10.43.40]

6 Q. Let me try to refresh your memory with a couple of statements
7 that you made, Mr. Witness. In one of your OCIJ interviews,
8 E3/9483, E3/9483, and this is answer number 1, you made following
9 statement.

10 "I was deputy chief of Sector 5 mobile unit which was under the
11 supervision of sector committee chief named Ta Hoeng." End of
12 quote.

13 And you said the same thing in your DC-Cam interview. E3/9094,
14 Khmer ERN, 00734049; English, 00728654; French, 01123618; where
15 you said -- gave the following evidence.

16 Question: "In January 1976, you were recruited to be deputy chief
17 of a regional mobile unit, who appointed you at that time?"

18 Answer: "Our colleagues not anyone else. We were called to see
19 the secretary of the region, he was preparing the work at the
20 battlefield directly. He said it is up to you", and I've omitted
21 your name here, "it was up to you", Mr. Witness, "to supervise if
22 Ta Val is absent. If Ta Val was there, Ta Val was the supervisor,
23 if not, I was the supervisor." End of quote.

24 Does that refresh your memory, Mr. Witness? Is it correct that
25 the sector secretary Ta Hoeng, appointed you deputy chief under

24

1 Ta Val and instructed that you were to supervise when Ta Val was
2 absent, is that right?

3 [10.46.24]

4 A. Back then I was not appointed to be the deputy chief. As I
5 said, when Ta Val was absent, he asked me to supervise. <In
6 replacing> him, however I did not fully supervise all the work.
7 <For the workforce, I was not in a position to order workers.
8 They already had their own unit chief or group leaders that
9 supervised them.> I was responsible for some tasks in the
10 replacement of Ta Val. <My work was merely to check if the work
11 went in line of the set plan.> I was called the commander of the
12 battlefield which <meant> that I had to go around <all places
13 where our> workers <were performing their tasks on dam
14 construction. But I was not a deputy chief>.

15 Q. Can you tell us, Mr. Witness, what your position was then in
16 Sector 5 mobile unit? What was your position, were you a
17 battalion commander, a regiment commander, what position did you
18 hold?

19 A. <>The commander of the battlefield within the sector mobile
20 force and <> there were only six people<. However>, I was not in
21 charge of hundreds of work force and concerning workers, those
22 who carried the dirt, dig the dirt, they were under <a> chief of
23 <the> regiment, <and a chief of the> battalion, so on and so
24 forth. <Only six of us who were> assigned to go around and
25 observe people who worked at the dam site.

25

1 Q. In 1976, when you were working on Kambaor and Kouk Rumchek
2 Dams and in 1977, when you did work relating to Trapeang Thma,
3 what was your relationship with Ta Val, did you report to Ta Val
4 and how often would you meet with him?

5 A. In 1977, I started working at Trapeang Thma Dam site, I would
6 report to Ta Val every evening concerning the completion of the
7 soil which was done by the workers <in one regiment>. I would
8 report to him every evening.

9 [10.49.14]

10 Q. Did you also report to Ta Val in 1976, when you were building
11 the Kambaor and Kouk Rumchek Dams?

12 A. I did not report to Ta Val when I was working at Kambaor Dam
13 worksite because Ta Val was directly involved in the work.
14 Concerning Kouk Rumchek Dam worksite, <though I was sent to the
15 front,> I did not report to him every time, I <> submitted the
16 report to him only when he arrived at Kouk Rumchek Dam worksite.

17 Q. Let me just clarify a little more, Mr. Witness, and I'm
18 talking here about 1976, when you were working at Kambaor and
19 Kouk Rumchek Dams, who was your supervisor, who was your
20 immediate superior during that time, was it Ta Val or was it
21 someone else?

22 [10.51.16]

23 A. When I was working at Kambaor and Kouk Rumchek Dam worksite,
24 it was Ta Val who was my immediate supervisor.

25 Q. And what was Ta Val's position in 1976 and 1977?

26

1 A. He was the Chief of Sector 5 mobile unit; he was in charge of
2 Sector 5.

3 Q. Were you one of Ta Val's deputies?

4 A. I was not a deputy chief; I told you a while ago, that I was
5 <merely> considered a commander of the battlefield within Sector
6 5 mobile force.

7 Q. Let me read another past statement of yours, Mr. Witness. This
8 is again from your DC-Cam interview, E3/9094, Khmer ERN,
9 00734044; English, 00728651; French, 01123615.

10 Question: "Ta Val was the chief, how many deputies were there?"

11 Answer: "Only me".

12 Mr. Witness, if you weren't Ta Val's deputy in 1976 and 1977, who
13 was?

14 [10.53.40]

15 A. There were no deputy chiefs within the unit of Ta Val. There
16 was only chief, that is, Ta Val, and as I said I was simply the
17 commander of the battlefield and I would replace him once in a
18 while when he was absent. As I told you already there was only
19 <the> chief of the Sector 5, that is, Ta Val, and as far as
20 everyone was concerned, everything was dependant on Ta Val.
21 <There had never been a deputy chief.>

22 Q. Was anyone else who replaced Ta Val when he was absent or was
23 it just you who replaced him when he wasn't there?

24 A. Whenever he was absent, the <> chiefs of <> regiments would be
25 in charge of their work forces when Ta Val was absent. <This

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1 applied to other places.>

2 Q. Alright. You referred to yourself as someone who was a
3 commander of the battlefield, can you explain to us why military
4 terms like battlefield were used in relation to projects to build
5 dams?

6 [10.55.44]

7 A. I have no idea, Mr. Co-Prosecutor; I <had never been a>
8 soldier at the time. I heard people mention the word battlefield
9 so I used the term accordingly<. Even a younger person, 21 or 22
10 years old, if he held a high position, people would address him>
11 as Ta or grandfather<. So, at the worksite where a dam was being
12 built was> called a "battlefield" and within that field there
13 were chiefs of battalions and regiments. There were also
14 commanders of battlefields who were in charge of measuring the
15 land and conducted the observation of the fields. <The terms that
16 you used were in fact the military terms.> As I said, the elderly
17 would be addressed by others as grandfather or Ta in Khmer.

18 Q. Let me read to you the answer you gave to this question to the
19 DC-Cam. This is in E3/9094, Khmer, 00734050; English, 00728655;
20 and French, 01123619. These were your words or explanation in
21 response to the same question to DC-Cam.

22 "We just talked in military terms, if we talked about troops, we
23 supervised the mobile unit like we were supervising the troops.
24 To fight in the battlefield in Kambaor was building dams and
25 canals, they were called battlefield. We fought at the first

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1 battlefield in Kambaor Dam. We would determined a win over it by
2 completing it in a certain number of months and we had to
3 supervise the forces to make sure it was finished as planned. It
4 was impossible if you could not finish it." End of quote.

5 Mr. Witness, did you and Ta Val receive instructions to supervise
6 the sector mobile forces like you were supervising troops,
7 military troops?

8 [10.58.47]

9 A. When we were preparing for the battlefield at Kambaor Dam
10 worksite, for instance, the instruction from the top would be for
11 a period of four <or five> months to complete the dam worksite
12 and Ta Val would convene chiefs of regiments in a meeting and
13 told all the chief that the upper echelon wanted us, all of us to
14 complete the worksite for four months<, for example,> and he
15 would ask whether or not everyone was courageous enough to make
16 commitment to the dam worksite, since chiefs of regiments and
17 those people wanted to be promoted or gain favour they would say,
18 they could complete the worksite for only three months. <This was
19 not the original plan issued by the upper echelon, but by the
20 local chiefs and the regimental chiefs who decided to execute
21 their own plan.> So when they decided to complete the worksite
22 for only three months, that would have the negative consequences
23 on workers and this, as I said, would affect the worker. So as I
24 said, although the upper echelon wanted all of us to complete the
25 dam worksite for four months and chiefs of regiments would say

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1 that they could complete worksite for only three months. <In that
2 period, there was a saying, "a hen that cannot take care of its
3 chicks is to be slaughtered.>

4 [11.01.04]

5 Q. And you just said that trying to complete the dam in three
6 months had negative consequences or effects on workers. What were
7 the negative consequences or effects on the workers?

8 MR. PRESIDENT:

9 Witness, please hold on. And Counsel Kong Sam Onn, you have the
10 floor.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. Please direct the Co-Prosecutor to
13 identify the location because if my understanding is correct, the
14 witness has not mentioned that location yet.

15 MR. LYSAK:

16 Mr. President, I'm asking the witness general questions about the
17 dams that he was involved in building so he is providing
18 testimony here, not about a specific dam but about his experience
19 with all the dams. So this is not a question about a specific
20 dam, it's about his experience as someone who has worked on
21 multiple dams in Sector 5.

22 Q. So, my question, Mr. Witness, you said that having to build
23 the dams in three months had negative consequences for the
24 workers, what were those negative consequences?

25 [11.02.54]

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1 MR. PRESIDENT:

2 Counsel Kong Sam Onn, you have the floor.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. Again I would like to object to this
5 question. The question by the Deputy International Co-Prosecutor
6 seeks an assumption to be made by the witness. The witness
7 responded to his last question <as an example to clarify the
8 point> and now the Deputy Co-Prosecutor asks what happens if <it
9 was not completed> within <three months. So> it's a leading
10 question and seeks an assumption from the witness <which is
11 prohibited in this Court.>

12 MR. LYSAK:

13 Mr. President, I am asking the witness to explain his own words.
14 It is the witness who said that this had negative consequences
15 for the workers; I'm asking what he meant.

16 [11.03.53]

17 MR. PRESIDENT:

18 The objection by the Defence Counsel is overruled. This question
19 wants to illicit the response from the witness regarding his
20 personal experience and the witness can respond to this kind of
21 question and the Chamber also would like to hear his response.
22 For that reason the witness is instructed to respond to the last
23 question by the Deputy Co-Prosecutor.

24 2-TCW-918:

25 A. In fact, we all committed to achieve the work plan ahead of

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1 the time limit, for that reason we needed to work harder. Let me
2 give you an example, if the work quota is two cubic metres per
3 day and if we thought and believed that it would not be ready
4 before the said time then we needed to push ourselves to do three
5 cubic metres per day and that's my personal observation and it
6 was not strictly set in stone by Angkar. Let me give you another
7 example, the work plan was set for four months but we determined
8 to have it completed within three months and if we were to follow
9 Angkar's plan, we would not exhaust ourselves since it's much
10 easier for us to complete it in four months' time limit but we
11 pushed ourselves a bit harder and we could complete it in three
12 months' time frame.

13 [11.05.55]

14 Q. Thank you. You gave the same response, similar information, to
15 DC-Cam on the same pages as the prior quote that I just read from
16 document E3/9094. You talked about how situations where the plan
17 was four months but commanders committed to finish in three
18 months and at the very end of your DC-Cam answer, you made the
19 following statement about that.

20 "They wanted the strong ones, therefore the people had to suffer
21 extremely." End of quote.

22 In regards to this issue of building dams in three months rather
23 than four months, what did you mean when you said "they wanted
24 the strong ones"?

25 A. To work harder it means we wanted to achieve the work quota

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1 before the set time limit. So each regimental commander <wanted>
2 to <have the> work <completed before the set plan> so that they
3 could maintain their positions within the work force. <They
4 themselves did not want to be removed from their positions;
5 otherwise, they would be tasked to carry dirt like other unit
6 members.>

7 [11.07.40]

8 Q. Did commanders, who were able build dams in three months
9 instead of four months, receive promotions within the regime?

10 A. In the regime, those who were in charge to lead people to do
11 work and when they could complete the work plan then they would
12 be promoted for instance from battalion to regimental level and
13 they could be labelled as the "special force" and wherever a work
14 needed to be done quickly then they would sent to that worksite.

15 Q. During the Democratic Kampuchea regime, Mr. Witness, did you
16 hear of or know what the Central Committee of the Party was, did
17 you know the Central Committee of the Party?

18 A. I heard people talking about it but I myself did not know
19 <what> the Central Committee of the Party <was> and of course I
20 did not know whether they referred to <an animal> or to a group
21 of people.

22 [11.09.24]

23 Q. What did you hear about the Central Committee and what did you
24 understand its role to be?

25 A. The Central Committee of the Party was the top echelon of the

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1 Party, although I did not know who were in that committee or
2 their names. I only heard of it, in fact initially I thought it
3 was a legal body and not a group of people and only when the
4 Vietnamese arrived in 1979, that I knew that there were people at
5 the committee and there was Pol Pot but during the regime nobody
6 knew who Pol Pot was. And as I said only when the Vietnamese
7 arrived in Cambodia then we learnt about the names of those
8 people and I only heard people refer to those names.

9 Q. Do you remember during the Democratic Kampuchea regime,
10 hearing the term "great leap forward"? Did you hear Party leaders
11 use the words "great leap forward" and what did you -- if so,
12 what did you understand that to mean?

13 [11.11.19]

14 A. No, I did not hear the phrase, "great leap forward". In my
15 mobile unit I did not hear people using that word. If the word
16 was used in the cooperative or the district then I was not aware
17 of it.

18 Q. Do you know whether the top leaders of the Party had a policy
19 to build dams and irrigations projects throughout the country as
20 quickly as possible, did you ever hear that?

21 A. No, I did not know about <the direction of> their policy. I
22 focused on the task at hand, if I was assigned to measure land
23 then I did it, but I did not know about their policy.

24 [11.12.33]

25 Q. I want to refresh your recollection, by referring you, reading

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1 to you, from a couple of documents back in 1977 that relate to
2 the Trapeang Thma Dam, Mr. Witness. The first is document
3 E3/1783, E3/1783, ERN's Khmer, 00659260; English, 00498181;
4 French, 00606766. Mr. Witness, this is a December 1977 article
5 from a Chinese news agency reporting on a trip of a Chinese
6 leader to the Trapeang Thma Dam and it reports a statement from
7 Northwest Zone secretary Ros Nhim, that the Trapeang Thma
8 reservoir and I quote: "[...] was built in less than two months
9 this year by the people of the fifth region of the Northwest Zone
10 in response to the call of the Party Central Committee to build
11 water conservancy projects in a big way." End of quote.

12 Does this refresh your memory, Mr. Witness, about any policy or
13 instructions that were provided to the zone by the Central
14 Committee were you aware of any instructions from the Central
15 Committee regarding the construction of dams?

16 [11.14.50]

17 A. To respond to your question, I did not see or know <of> any
18 Chinese delegation visiting the Trapeang Thma Dam worksite. I
19 myself did not know anyone from the Central Committee of the
20 Party visiting the site. Everything I knew was relayed from Ta
21 Val and <Ta Hoeng and> my knowledge was based on what he told us.
22 I did not know anything at all about the <irrigation dams that
23 were planned by the> Central Committee of the Party.

24 Q. You told DC-Cam that you had, in 1975 to 1976, responsibility
25 in Preah Netr Preah commune for supervising the youth in that

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1 area, did you know of a Party publication, a monthly magazine,
2 called "Revolutionary Youth"?

3 A. No, I did not see it. So it means that I did not read it and
4 even if I might have seen it I did not read it because my
5 knowledge in reading is very limited. <It was not my business at
6 all.>

7 Q. Mr. President, with your leave I would like to show the
8 witness a copy of the July-August 1977 issue of "Revolutionary
9 Youth". It is document E3/771, E3/771, to see if he recognises
10 the cover page and whether he has seen -- whether he saw
11 documents like this at any time during the regime?

12 [11.17.28]

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 QUESTIONING BY MR. LYSAK:

16 Q. Mr. Witness, this is a black and white photocopy of a document
17 from 1977, and I understand from testimony that you did not read
18 these publications; did you ever see these documents either
19 "Revolutionary Youth" or "Revolutionary Flag" in any of the
20 offices where you worked?

21 2-TCW-918:

22 A. When I worked there, I did not see these Flag magazine, I
23 never saw this kind of document.

24 Q. I may have some questions later on that but I'll read them to
25 you as there are some statements in there specifically relating

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1 to the Trapeang Thma Dam that we'll come back to it. Let's turn
2 now to a few questions I have relating specifically to the
3 Kambaor and Kouk Rumchek Dams that you've identified as projects
4 you worked on. When was it that you worked on those two dams, Mr.
5 Witness?

6 [11.19.36]

7 A. I cannot recall the exact time that I worked at those
8 worksites. However, I might recall it by season. Actually when I
9 worked at the Kambaor worksite it was when the water started to
10 recede, it could mean I started working there in mid-December or
11 early January that is for Kouk Rumchek Dam. As for the Kambaor
12 Dam worksite, I may have started working there by mid-December or
13 late December.

14 Q. Just to make sure I understand the time period here when you
15 talk about late December or early January, are you talking about
16 December 1975 and January 1976 and if so, do I understand
17 correctly that you worked on these dams at some point during the
18 first half of 1976, is that correct?

19 A. Yes, it was in 1976. However I did the land measurement and it
20 might be in late 1975 when I did that.

21 Q. How many workers were assigned to build those two dams?

22 A. I was assigned to be the battlefield commander to lead the
23 force to work there and actually <there were> six <of us who did
24 that job.> We initially measured the land. So, after a group of
25 six of us measured the land and <check whether the site was

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1 straight or not,>, then work forces came from various districts
2 and cooperatives to work at the dam worksite. <Only six of us who
3 measured and surveyed the land. If we needed oxcarts or bamboos,
4 we would ask people for these things.>

5 [11.22.42]

6 Q. Were the Sector 5 mobile forces used to for both these dams
7 and can you tell us how many people were in this sector mobile
8 forces in 1976?

9 A. The work force in 1976, when we started working on the Kambaor
10 Dam, <in total there were> 6,500 <people>.

11 Q. And can you tell us, give us a sense of how big these dams
12 were, what was the length of the Kambaor and Kouk Rumchek Dam and
13 how long were you given to complete the construction of those
14 dams?

15 A. The Kambaor Dam was 13 kilometres long and the base was 10
16 metres and the crest was five metres and the height was between
17 1.5 to two metres depending on the level of <land and> water. And
18 for the canal, the base was five metres and the crest was 10
19 metres, that's for the Kambaor Dam. For the other dams <such as
20 Kouk Rumchek Dam, Smach Char (phonetic), Kouk Teap (phonetic) and
21 Tean Kam>, the length was 18 kilometres with the same basement
22 and crest and I refer again to the same basement and crest for
23 both the dam and the canal.

24 [11.24.59]

25 Q. And for those two dams, how long were the sector mobile forces

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1 given to complete the construction of those dams?

2 A. For the Kambaor Dam project, we were told to complete it
3 before the new year. However for the Kouk Rumchek Dam which was
4 18 <kilometres> long, the time limit was the same, we had to
5 complete it before the new year and the work force for the Kouk
6 Rumchek Dam was around 4,000 <people>. However we were given
7 three excavators <and bulldozers> to work at that dam and I
8 proceeded at the Kouk Rumchek Dam according to the time schedule
9 as I could not force them to <> complete it before the set time
10 as there was a different work force at the Kouk Rumchek Dam than
11 at the Kambaor Dam.

12 Q. And do I understand correctly when you say, you had to
13 complete it by new year, you are referring to the Khmer new year
14 in April, what would have April 1976, is that right?

15 A. Yes, we had to complete the work before the Khmer new year as
16 the Khmer new year usually fell <in April> and that is different
17 from <that of> the Chinese. Usually the Chinese celebrate the new
18 year in January.

19 [11.27.22]

20 Q. Is it correct then that for both of these dams, you were
21 expected to build them in three or four months, do I understand
22 correctly?

23 A. <Partly>, that is correct. However because the lengths of the
24 Kouk Rumchek Dam was longer, that is, 18 kilometres, <but> the
25 Kambaor Dam worksite<, the length was 13 kilometres. Therefore,

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1 Kambaor Dam> had to <be> completed first <before the new year.>
2 Of course we committed to finish that dam first but we couldn't
3 guarantee that Kouk Rumchek Dam, which was 18 kilometre long,
4 could be completed within the said time limit.

5 Q. I wanted to ask you, Mr. Witness, in terms of the general work
6 conditions and procedures, was the construction of the Kambaor
7 and Kouk Rumchek Dams the same as construction of Trapeang Thma
8 Dam or were the differences in how the work conditions and
9 procedures between those three dams, specifically for example
10 work hours and quotas? Did workers have the same work hours and
11 quotas at all three dams that you worked at, Kambaor, Kouk
12 Rumchek and Trapeang Thma or did workers have different hours and
13 conditions at each site?

14 [11.29.25]

15 A. Regarding the three dam worksites, the <duration of lunch
16 break was the same.> We <> resumed <work> at 1.30 or sometimes at
17 2 o'clock in the afternoon. <The> sector mobile unit <> was given
18 three cans of rice <per day> and we had three meals per day and
19 for each meal we received a can of rice each.

20 Q. And what about work quotas were they the same at all three
21 dams?

22 A. No, the work quota for the three dam worksites was different
23 because Trapeang Thma Dam worksite was huge in scale and distance
24 <but> the Kambaor and Kouk Rumchek Dams were smaller and not far
25 from where the earth was dug. For instance at Kouk Rumchek Dam we

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1 could carry a full basket of dirt in a shorter time than <that>
2 at the Trapeang Thma Dam worksite due to the distance. For the
3 two smaller dam worksites, it took us quicker to carry the dirt
4 for example, we only -- the place where we had to dig the dirt
5 was only a few metres away from <> where we had to carry the dirt
6 to <fill. As the result, the work was different due to distance>.
7 [11.31.29]

8 Q. Thank you, we'll come back to talk about work quotas later.
9 Specifically in regards to the Kouk Rumchek Dam, Mr. Witness, do
10 you remember any dignitaries or Party leaders coming to visit the
11 Kouk Rumchek Dam worksite?

12 A. Yes, there was at the Kouk Rumchek Dam; however I did not know
13 them. I saw a vehicle <parked> and a man got out of the vehicle
14 and observed us working, he did not speak to anyone nor did he
15 call the regimental commanders to meet him and after that he got
16 back into the vehicle and drove off to Phnum Srok district, I did
17 not know which Angkar <level> he represented and that was the
18 occasion that I saw this vehicle <and he was the only person in
19 that vehicle>.

20 MR. PRESIDENT:

21 Thank you, Deputy Co-Prosecutor. Thank you Mr. Witness, it is now
22 convenient for us to take a lunch break. We take a break now and
23 resume at 1.30 this afternoon.
24 Court officer please assist the witness during the lunch break
25 and invite him as well as duty counsel back into the courtroom at

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1 1.30 this afternoon.

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

5 The Court is now in recess.

6 (Court recesses from 1133H to 1332H)

7 MR. PRESIDENT:

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

9 And the Chamber gives the floor to the Deputy Co-Prosecutor to
10 put question to this witness. You may now proceed.

11 QUESTIONING BY MR. LYSAK:

12 Thank you, Mr. President. Good afternoon, Mr. Witness. We were
13 talking -- I had asked you about whether any leaders had come to
14 visit the Kouk Rumchek Dam worksite. And you had described one
15 incident in which you saw a person come and get out of the car,
16 and indicated that you had not at first recognized that person.
17 After that person left in his car, did your superior Ta Val tell
18 you who it was -- who that person was?

19 [13.34.05]

20 2-TCW-918:

21 A. Mr. President, at the time, Ta Val, who was the leader, told
22 us that the person was Khieu Samphan. But at that time, I did not
23 recognize Khieu Samphan. Now today, I have seen Mr. Khieu
24 Samphan, but he is small built different from the person I saw at
25 that time who was large built.

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1 Q. I'll get back to the person that Ta Val told you was Khieu
2 Samphan a little later. Before the person Ta Val identified as
3 Khieu Samphan came to the Kouk Rumchek, did the king -- late King
4 Father Sihanouk come to visit that site?

5 A. No. <The> late king never visited the site.

6 Q. Do you remember seeing him, the king father, when he came to
7 Phnum Srok or Preah Netr Preah district in 1976?

8 A. I did not see him go to visit Phnum Srok at that time. But he
9 went to Prey Moan or Kaubei Dam (phonetic). The late King Father
10 did not visit Phnum Srok.

11 [13.36.35]

12 Q. Let me read to you, Mr. Witness, a few excerpts from your
13 DC-Cam interview to have you explain your responses, starting
14 with -- this is document E3/9094, Khmer ERN, 00734078 through 79;
15 English, 00728675 through 76; and French, 01123637 through 38.
16 And here's the evidence you gave in these excerpts.

17 Question: "Khieu Samphan and Samdech came to visit Trapeang Thma
18 Dam?"

19 Answer: "No, he came to visit the Kouk Rumchek Dam that I built."

20 Question: "At that time, who did Samdech come with?"

21 Answer: "Samdech came with his wife and Samdech Penn Nouth."

22 Question: "There were three people? Later, Khieu Samphan came on
23 his own?"

24 Answer: "Yes. Later, Khieu Samphan came with two or three people.
25 I knew clearly Khieu Samphan."

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1 Question: "What year did Samdech come to visit Kouk Rumchek Dam?"

2 Answer: "Samdech came in 1976."

3 Question: "In 1976, and what month?"

4 Answer: "It was the month that people started ploughing the
5 field. There was no rice crop yet. It was between April and May."

6 Mr. Witness, does that refresh your memory that Samdech, the late
7 King Father came to visit the Kouk Rumchek Dam along with his
8 wife and Penn Nouth?

9 [13.39.10]

10 A. At that time, Samdech did not visit Kouk Rumchek dam worksite.

11 However, he went to visit Prey Moan or Kaubei Dam (phonetic).

12 Q. Please explain to us where the area was, what district and
13 what commune, the area was that the King Father came to visit.

14 A. Kok Romcheck was situated in Preah Netr Preah, Banteay
15 Meanchey province now today.

16 Q. And what -- specifically, what did the King Father come to
17 look at or see when he came on this trip?

18 [13.40.28]

19 A. I did not know at that time what the king wanted to see. He
20 came in a vehicle and he left his vehicle on the <red gravel>
21 road <leading to Phnum Srok, that was on the north, 2 kilometres
22 from> Prey Moan or Kaubei Dam (phonetic). The King Father did not
23 go down to the field; he was standing on the <red gravel> road
24 <and then he went back to Prey Moan>.

25 Q. And was this a road near the dam where you were working? Is

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1 that how you saw the King Father?

2 A. He was <about 10 kilometres> away from the dam site. <> When
3 the king visited the place, I was invited to welcome the late
4 King Father. For this reason, I could see his presence at that
5 place.

6 [13.42.01]

7 Q. In your DC-Cam interview, you described how the area was
8 prepared before the King Father arrived, how you were told in
9 advance he was coming and how various things were done to the
10 site. Can you describe for the Court what was done to the area
11 that the King Father was coming to visit?

12 A. Concerning the preparation, I did not know about it at that
13 time. I was told on the day that the King came that I had to go
14 and welcome the late King Father. I was not told in advance that
15 the King would come. Different from the former regime, we were
16 told in advance when the King came to visit the place. And I was
17 the only one in the unit who was told that I had to go and
18 welcome the King.

19 [13.43.22]

20 Q. Let me read to you, Mr. Witness, what you told DC-Cam about
21 the preparations for the King's visit. This is again E3/9094,
22 Khmer, ERN 00734079 through to 080; English, 00728676 through
23 677; French, 01123638 through 3639. This is what you told at
24 DC-Cam:

25 "When Samdech visited there, they sent the people who were

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1 skinny, sick or swollen away from the National Road. They sent
2 all people out not allowing anyone to stay there, not to allow
3 Samdech to see them. He was allowed to see only the women in the
4 camps and units, those who had shoes and black clothes, namely
5 those who were beautiful. It was really good what Samdech saw.
6 They were all good, but they did not allow Samdech to see the
7 skinny ones because the cooperative chiefs sent them all out."

8 [13.44.51]

9 And on the following page:

10 Question: "You knew that the swollen were sent out?"

11 Answer: "Yes, because the upper ordered me to prepare the mobile
12 forces to receive Samdech." End of quote.

13 Mr. Witness, does this refresh your recollection? Do you recall
14 that the sick and skinny people were taken and sent away before
15 the King Father arrived? And do you remember getting instructions
16 from your superiors to prepare the mobile forces to receive the
17 King Father?

18 A. I was not ordered to lead the mobile forces to receive the
19 late King Father. I was the only one person who was <sent> to
20 welcome the late King Father. Upon my arrival, I noticed that
21 those who were welcoming the King Father were wearing black
22 clothes <and their shoes were made> from the east. And I have no
23 idea where the skinny and the sick had been sent to and had been
24 sent away from the National Road. I was doubtful at the time
25 since I did not see <> the skinny people.

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1 [13.46.41]

2 Q. Alright. I want to go back now to the instance or the day that
3 you saw a person get out of the car, who Ta Val told you later
4 was Khieu Samphan. When did that take place in relation to the
5 time that the King Father came to visit your area?

6 A. It was in April. And it was within the <12th> month of the
7 lunar calendar. I <indeed> saw a person getting out of the car,
8 but I did not recognize him. Later, I was told by Ta Val that he,
9 that person was Khieu Samphan. <After hearing this, I kept
10 silent.> Now today, one day before I entered into the courtroom,
11 I realized that the person I saw back then was not Khieu Samphan
12 since that person had a large build <and tall>.

13 Q. When you say he had a large build, can you be more precise,
14 how tall was this person? What do you mean when you say they had
15 a large build?

16 A. I cannot give you the estimate of how tall he was. He was
17 about over 1.70 metres, or perhaps 1.80 metres. That person was
18 not short. Khieu Samphan now today is not quite tall, and the
19 person I saw back then was tall, very tall.

20 [13.49.25]

21 Q. How tall is Khieu Samphan in your estimate, Mr. Witness?

22 A. Last year, I saw him from afar. He was about 1.67 or 68 metres
23 in terms of his height. He was not 1.70 metres relating to his
24 height.

25 Q. Where is it that you were able to see Khieu Samphan close

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1 enough to be able to tell that he was 1.67 or 1.68 metres?

2 A. It was the time when I had been invited to the courtroom, it
3 was in 2013, from my recollection and if I'm not mistaken.

4 Q. The person that came to visit the site that your superior told
5 you was Khieu Samphan but that now you think may not have been
6 Khieu Samphan because he wasn't -- Khieu Samphan was not 1.7
7 metres tall, when that person came to visit, were you given --
8 were you told in advance that someone was coming to visit the
9 site? Were you asked to do anything to prepare the worksite
10 before that person arrived?

11 A. No. Even Ta Val did not know in advance who would come to
12 visit the site. We received no prior information.

13 [13.51.45]

14 Q. And you indicated in your interviews that when you saw this
15 person arrive, you thought that he was a high-ranking cadre. Can
16 you explain how it was that you knew that this person was a
17 high-ranking cadre?

18 A. To my estimate at the time, the person was a <senior cadre>
19 since he <> came in a vehicle. At that time, ordinary people <>
20 did not <have such vehicle>.

21 Q. What kind of vehicle was it?

22 A. I cannot recall it, Mr. Co-Prosecutor, in terms of the brand
23 name.

24 Q. Mr. Witness, the person that your superior told you was Khieu
25 Samphan, what did he do when he got out of the car?

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1 A. No. I did not see the person doing anything. He left out of
2 the vehicle and was standing next to the vehicle. No one went
3 close to see the person. He was standing alone after which he got
4 into the vehicle and left for Phnum Srok.

5 [13.53.48]

6 Q. Was this person standing on the embankment of the dam watching
7 the workers?

8 A. No. He was not standing on the embankment. He was standing on
9 <> the red <gravel> road leading to Phnum Srok district.

10 Q. Let me read to you, Mr. Witness, what you told DC-Cam on this
11 same question. Again E3/9094 at Khmer, 00734082; English,

12 00728678; French, 01123640 -- quote:

13 "As we were building the Kouk Rumchek dam, he stood on the dam's
14 embankment and watched."

15 Question: "Did he stand there for long?"

16 Answer: "Relatively long. I walked toward him because I saw him
17 standing there for so long. I thought he was Ta Val or Ta Hoeng.

18 I thought that the high-ranking cadre had arrived and I had to
19 receive them. As I approached him, I didn't know him." End of
20 quote.

21 Mr. Witness, you say that you approached and walked close to this
22 person, how close were you to him?

23 [13.55.58]

24 A. I was standing close to him. I said that because workers were
25 carrying the earth to build the dam, was about two kilometres

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1 away from the place where he was standing. And I walked <but I
2 did not reach that red gravel road. I stopped at a hill that was>
3 about 250 metres away from him. I could not get as close as two
4 metres from him.

5 Q. I want to make sure I understood correctly. Are you saying the
6 closest you got to this person was 250 metres?

7 A. Yes. It was about 250 metres away from him. I did not get
8 close to him, as close as 10 metres <or 20 metres> away from him.

9 Q. And your testimony to this Court, Mr. Witness, is from that
10 distance, you're able to tell us that this was a person who was
11 1.70 metres tall, not 1.67 or 1.68 metres tall; is that your
12 testimony?

13 A. That person was over 1.70 metres tall. He did not reach 1.80
14 metres tall from my estimate.

15 [13.58.15]

16 Q. One last quote from your DC-Cam interview on this subject.

17 This is the same page as the last quote -- that is, Khmer,
18 00734081; English, 00728677 through 78; French, 01123639:

19 Question: "Did you prepare anything" -- these are questions about
20 the person that your superior Ta Val identified as Khieu Samphan.

21 Question: "Did you prepare anything to receive him?"

22 "No, no one knew he was coming."

23 Question: "You didn't know. Didn't you prepare people to receive
24 him?"

25 Answer: "No."

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1 Question: "Did he see the people clearly, including the skinny?"

2 Answer: "Yes." End of quote.

3 Is it correct, Mr. Witness, that this leader that came to visit
4 that your superior told you was Khieu Samphan, that unlike the
5 King Father's visit, the sick and skinny people had not been
6 removed when this person came; is that correct?

7 [13.59.49]

8 A. No, it is not correct. That was a different time of the event.
9 The skinny people were removed when the King visited Prey Moan.
10 At that time, that person was standing and could not see people
11 who were <building dams>. That person <left the vehicle and he>
12 was <walking alone> on the secondary road. <He did not come to
13 supervise Kouk Rumchek worksite.>

14 Q. Let's move to another subject, Mr. Witness, and that is the
15 construction of the Trapeang Thma Dam worksite. My first
16 question: Did you, sir, participate in any meetings which the
17 plans for the construction of the Trapeang Thma Dam were
18 developed or discussed?

19 A. Regarding the <joint> meeting at the Trapeang Thma Dam, I did
20 not participate in such meetings. I never attended those meetings
21 either with the upper echelon or the lower echelon. At the
22 worksite, I was assigned to build the road as I mentioned this
23 morning.

24 [14.01.48]

25 Q. Let me read to you what you told the Office of the

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1 Co-Investigating Judges in interview E3/9504 -- E3/9504. This is
2 the first question and answer in that interview:

3 Question: "Did you attend the meeting to prepare the plan for the
4 dam construction?"

5 Answer: "Yes, I did. The meeting was attended by the sector
6 committee, the zone committee, the sector mobile brigade chief,
7 and the chiefs of the sector mobile units from other worksites."
8 End of quote.

9 Where did this meeting take place that you testified to in your
10 OCIJ statement, Mr. Witness, the meeting that was attended by
11 both the sector and zone committee?

12 A. Regarding that meeting, I did attend it. It was held at Svay
13 Sisophon at the political school over there. It is currently
14 being used as the Party's office. And the meeting there was for
15 work assignment to the regimental commanders of the workforce as
16 well as that of the chief of the sector <, chief of> mobile unit
17 <and the zone chief>. I saw some chiefs there, but I did not know
18 them. They came from within the same zone. And the plan was on
19 the construction of the Trapeang Thma reservoir. I mentioned
20 earlier that I did not attend any meeting. That was before that
21 meeting when my group was assigned to measure the land <,as
22 assigned by Ta Val,> and to build the road <from Kanang
23 (phonetic) to Daunsoy (phonetic). Later on, when the reservoir
24 was built, we were summoned for a meeting.> As I mentioned just
25 then, the place where I attended the meeting in Svay Sisophon is

1 now the Party's office.

2 [14.04.32]

3 Q. So the meeting that you attended at Svay Sisophon, this was
4 after the plan for the construction of the dam had already been
5 completed? Do I understand correctly?

6 A. Yes. After we did the preparatory work there, then we were
7 called to attend the meeting. And prior to that meeting, I did
8 not attend any other meetings.

9 Q. In your OCIJ interview, you indicate that this meeting that
10 you attended, that it was also attended by the sector committee
11 and the zone committee. Who attended the meeting from the zone
12 committee?

13 A. I did not know them. I did not dare even look at their faces.
14 I heard that they came from the zone level, so I was rather
15 afraid of them.

16 [14.05.54]

17 Q. Who was at that meeting that you did know?

18 A. I only knew Ta Val and Ta Hoeng amongst the participants in
19 the meeting. These two actually <were my direct supervisors>. And
20 besides these two, I did not know those senior people.

21 Q. Now in your various interviews, in particular your DC-Cam, you
22 talked about how you were initially assigned to go out and to
23 build a road, a road that was to run all the way to Thailand, and
24 that at some point, the plan was changed and you were instead
25 instructed to work on building the Trapeang Thma Dam. This

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1 meeting that you attended at Svay Sisophon, was it before or
2 after you worked -- did your work on the building of the road?

3 A. The meeting was held after I was assigned to measure the land
4 for building the road.

5 Q. Now when you were instructed to build the road, were you told
6 who it was whether it was sector, zone, or centre level, who it
7 was that had ordered the construction of that road?

8 A. It was Ta Val who gave me the instruction to build that road
9 <since he was my direct supervisor>. However, I did not know from
10 which level he received instruction before he relayed those
11 instructions to me.

12 [14.08.45]

13 Q. Let me read to you, M. Witness, what you told DC-Cam on this.

14 E3/9094, ERNs 734059 through 734061 in Khmer; in English,

15 00728662 to 63; French, 01123625 through 26 -- quote:

16 "As we were called upon for a meeting, I found out it was because
17 the[upper] Angkar asked us to prepare the plan.[...] We were asked
18 to make a road to go to Thailand. We were asked to prepare an
19 electricity system to allow water to run from here to Thailand."

20 And continuing on the next page: Question: "Who was[Upper]

21 Angkar?"

22 Answer: "[Upper] Angkar was called... brother party's central
23 committee."

24 Question: "Central committee means those from Phnom Penh?"

25 Answer: "Yes. Central Committee, Pol Pot, Central Committee."

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1 Question: "He said brother central committee asked us to build
2 the road?"

3 Answer: "That's right." End of quote.

4 Does that refresh your recollection, Mr. Witness, that you were
5 told by someone that it was the Central Committee that had
6 instructed or given directions to build this road?

7 [14.10.53]

8 A. No. There was no instruction from the Centre. What I knew was
9 that I received instructions from Ta Val, and <they> had nothing
10 <> to do, to my knowledge, with the Centre.

11 Q. What about when the plan changed and you were instructed to
12 build the Trapeang Thma Dam instead of the road, were you told at
13 that time who had ordered the change in plans and instructed that
14 the dam was to be built?

15 A. As for those who gave instruction for the building of the
16 Trapeang Thma Dam, I did not know precisely who gave the
17 instructions. However, Ta Val who was my immediate supervisor was
18 the one who gave us the instructions to <make sure things were
19 more meticulous than usual> . And as I stated, I did not know
20 whether he received instructions from any level. But it is my
21 conclusion that if he did not receive any instruction from the
22 upper level, he would not give us the instructions to build the
23 dam. However, that is only my conclusion since I received
24 instructions directly from Ta Val.

25 [14.12.34]

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1 Q. Once again, Mr. Witness, you were more direct, more detailed
2 in your answer that you gave to DC-Cam on this. Here's what you
3 told DC-Cam, E3/9094; Khmer, 00734065; English, 00728666; French,
4 01123629.

5 Question: "But was the plan changed to build the dam from the
6 Central Committee or just from Ta Hoeng?"

7 Answer: "The upper one changed the plan."

8 Question: "Who were the upper ones?"

9 Answer: "The Central Committee changed the plan."

10 Question: "Are you sure about that? Maybe Ta Hoeng was not the
11 one who changed the plan on his own."

12 Answer: "No, not Ta Hoeng. The Party's Central Committee ordered
13 Ta Hoeng."

14 Question: "Did you hear directly?"

15 Answer: "Yes."

16 Does that refresh your memory at all, Mr. Witness? Do you recall
17 hearing directly that Ta Hoeng had received instructions from the
18 Central Committee?

19 [14.14.19]

20 A. No, I cannot recall that. As I said, I received instruction
21 from Ta Val. And I cannot recall whether I mentioned anything
22 about the Centre or the Central Committee. However, I made my own
23 conclusion that Ta Val and Ta Hoeng were likely to receive
24 instructions from the upper echelon before he gave us those
25 instructions. <Without the instruction from the upper echelons,

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1 they would not have the authority to do so.>

2 Q. How often did you see Ta Hoeng, the Sector 5 secretary? How
3 often did you see him or attend meetings where he was present?

4 A. No, I did not attend the meeting with Ta Hoeng frequently. It
5 happened once every one or two months. However, the meetings were
6 rather often with Ta Val.

7 Q. So you would meet frequently with Ta Val, but with Ta Hoeng
8 only once every one or two months. Where is it that you would
9 meet Ta Hoeng? Where was Ta Hoeng's office located?

10 A. Ta Hoeng's office was located at Svay -- that is, at the
11 current Party's office. However, during the regime, it was
12 referred to as the political school.

13 [14.16.31]

14 Q. Did that office have a code number of any sort?

15 A. No. There was no code or numerical code for that.

16 Q. When was it, Mr. Witness, that the construction of the
17 Trapeang Thma Dam started? And I mean by that not the period that
18 you were doing measurements. But when was it that the workers
19 showed up and started building the Trapeang Thma Dam?

20 A. I cannot recall it. I cannot recall which month it was. At the
21 time, the workforces started working at the Trapeang Thma Dam
22 worksite was in the month after the harvest season, because by
23 that time, the rice had all been harvested. So it was likely in
24 January or February.

25 Q. And we're talking -- in terms of years, we're talking January

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1 or February 1977; is that right?

2 A. Yes, it was in 1977.

3 [14.18.40]

4 Q. The "Revolutionary Youth" publication -- Party publication
5 that I provided to you earlier for July to August 1977 contains a
6 detailed description of the construction of the Trapeang Thma
7 Dam. And this is it document E3/771; Khmer, 00376343; English,
8 00509686; French, 00594053. Let me repeat the Khmer, 00376343.

9 And on that page, it states -- quote: "Brothers began this
10 worksite on 16 February 1977." Does that ring a bell, Mr.
11 Witness? Does that date sound about the time that the workers
12 began to construct Trapeang Thma Dam?

13 A. I do not know whether February march with which month of the
14 lunar calendar.

15 Q. Now you've testified that before the workers arrived, you did
16 some work surveying and measuring the site. How long were you at
17 the Trapeang Thma Dam doing this surveying and measuring before
18 all the workers arrived to begin construction?

19 A. Before the arrival of the workforce <to that worksite>, I was
20 there <to prepare for half a month>.

21 Q. And how long did you continue to work at Trapeang Thma Dam
22 after the workers arrived?

23 A. I remained working with the workers after their arrival, and I
24 was working with them for almost a period of two months. Then I
25 was reassigned to go and find fish for the workers at the

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1 worksite.

2 [14.22.05]

3 Q. Approximately how many people, how many workers in total were
4 assigned to build the Trapeang Thma Dam?

5 A. For the Trapeang Thma Dam worksite, there were 6,500 workers.

6 And later on, districts also sent their district mobile units --

7 that is, from four districts <such as Phnum Srok, Preah Netr

8 Preah, Serei Saophoan, and Thma Puok>, to supplement the workers

9 <> who have already been working on the Trapeang Thma Dam

10 worksite. However, I could not tell you the number of the workers

11 from the four districts. I only knew the total number of the

12 sector mobile unit.

13 Q. So the 6,500 workers you referred to, did that represent the

14 number of workers in the sector mobile force?

15 A. Yes, <these 6,000 workers> belonged to the sector mobile unit.

16 [14.23.55]

17 Q. And how long -- did the sector workers arrive first? And if

18 so, how long after the arrival of the sector workers did the

19 supplemental forces from the district come to the site?

20 A. Actually, the sector mobile forces worked there for almost a

21 month before the additional forces from the districts arrived.

22 Q. And during the two months that you were there while the

23 workers were building the dam, was there a particular area of the

24 dam that you were assigned to? Or did you have responsibilities

25 throughout the area in which the Trapeang Thma Dam was being

1 built?

2 A. At the Trapeang Thma Dam worksite, my role was to overall in
3 charge of the workers there. However, for each district mobile
4 unit, it had its own battlefield commander or chief who
5 supervised their respective workers. However, they were in charge
6 only of their respective district mobile unit, while I myself was
7 overall in charge of those forces at the worksite.

8 [14.26.11]

9 Q. And did Ta Val as the sector mobile unit chairman, did he have
10 authority over all the workers at the site, both those that came
11 from the sector mobile units and those that came from the
12 district mobile units?

13 A. Ta Val had the authority to supervise all the forces, I meant
14 the sector mobile forces as well as the district mobile forces.
15 Although for each district mobile unit, they had their respective
16 chiefs. However, those chiefs were under the instructions of Ta
17 Val as well.

18 Q. And was it Ta Val who decided what assignments to give to the
19 district forces that came? Did he decide what part of the dam
20 they would work on and what they would do? Or did someone else
21 give those assignments?

22 A. It was Ta Val who assigned work to all the workers there
23 including to all the respective district mobile units.

24 [14.28.05]

25 Q. Approximately what percentage of the workers in the sector and

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1 district workforces, approximately how many of them were 17 April
2 or New People?

3 A. They were all 17 April People. Because the people who lived in
4 the village, they were also referred to as the 17 April People.
5 And the people who were evacuated from Phnom Penh were called New
6 People, and they were also considered the 17 April People. So
7 they -- for the people who lived in the village, they were
8 referred to as Base People or the Old People, and those who were
9 evacuated from Phnom Penh were referred to as New People. These
10 two groups were known together as the 17 April People.

11 Q. Let me then make a distinction between the Base People and the
12 New People, the evacuees who came from Phnom Penh or other
13 locations. Approximately how much of the workforce was Base
14 People and how much of it was New People, evacuees who came from
15 Phnom Penh or other areas?

16 A. In terms of all the workers in the mobile units, the number of
17 the Old People and the New People was about equal. Here I refer
18 to the <> mobile unit <of Sector 5>. However, for those workers
19 from the cooperative or the commune amongst them, there were more
20 people coming from Phnom Penh than the Base People. The ratio
21 could be one-third was the Base People, and two-third was the New
22 People or those who were evacuated from Phnom Penh.

23 [14.31.16]

24 Q. Thank you. Let me ask you a few questions about work quotas at
25 the Trapeang Thma Dam. What was the work quota that was assigned

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1 to workers at Trapeang Thma? How much dirt were workers required
2 to dig and carry each day?

3 A. Concerning the work quota, I did not have the full knowledge
4 of it since I did not lead the workforces. Some workforces had to
5 work during the daytime, meaning morning and afternoon. And some
6 other workforces only worked in the morning and <resumed working>
7 in the afternoon on the other day. So I had no knowledge of it
8 regarding the work quota.

9 [14.32.44]

10 Q. Let me read to you what you told DC-Cam, document E3/9094;
11 Khmer, ERN 00734070 through 71; English, 00728670; French,
12 01123632 through 33. This is what you told DC-Cam, Mr. Witness --
13 quote:

14 "The direction was that one person had to fight to finish three
15 cubic metres. If you finished during the daytime, you could rest
16 in the daytime. If you could not finish, you worked until you
17 finished." Continuing a few answers later: "If those forces could
18 finish at 10.00, you could sleep the whole evening. You could
19 rest and not be too tired." End of quote.

20 Does that refresh your memory, Mr. Witness? Was the work quota at
21 Trapeang Thma three cubic metres per day?

22 A. Concerning the division of workload, some members received
23 three cubic metres of soil per person. And for some workers who
24 finished digging or carrying the earth at 11.00, they could sleep
25 in the afternoon. <So, they resumed work in the morning of the

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1 next day.> And some other workers would finish two cubic metres
2 in the morning, and they would continue to get it done in the
3 afternoon. And after that, they could have time to sleep. So it
4 depended on the chief of the regiment who regulated the division
5 of work. <It was not me who set this. It was their regimental
6 chief.>

7 [14.35.25]

8 Q. You told DC-Cam that people had to continue working until they
9 finished their quota. When people -- were there people who had to
10 work at night-time to finish their quota? And were there lights
11 at the worksite for people who needed to work until the evening?

12 A. When I was there, I did not see anyone working during
13 night-time. They <managed to complete their quota> during the
14 daytime, so <there was> no night shift. I am not sure whether
15 other units would work during the night-time. Perhaps in other
16 units, they worked at night, but I'm not sure.

17 Q. This morning, you--

18 MR. PRESIDENT:

19 Please hold on, Deputy Co-Prosecutor. You have the floor now, Mr.
20 Koppe.

21 MR. KOPPE:

22 Thank you, Mr. President. No objection, just an observation. It's
23 my understanding that in Khmer there's no difference between, or
24 in words between the evening and the night. I think analysing his
25 answer, he's only speaking about the period that it is dark as

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1 opposed to the period that it is not dark. Obviously in English
2 and in other languages, there's a difference between evening and
3 the night-time. So I think we should be clear on the exact period
4 that he refers to.

5 [14.37.27]

6 BY MR. LYSAK:

7 It's an observation. I think because of the time the sun goes
8 down in Cambodia, I'm not sure that there is such a difference
9 between the evening and night. But I'll keep that in mind for
10 further questioning.

11 Q. You told us this morning, Mr. Witness, that there was
12 different work quotas at the Kambaor and Kouk Rumchek dams,
13 different work quotas there than at Trapeang Thma. What were the
14 work quotas at those other dams at Kambaor and Kouk Rumchek dams?

15 2-TCW-918:

16 A. I told you once already this morning. I did tell you that
17 there were different work conditions. At some worksites, workers
18 had to carry up the steep dam. And at other worksite, they had to
19 use very little energy since the work conditions were different
20 depending on the location. So they had to use their energy
21 differently at different places.

22 [14.39.12]

23 Q. I understood your testimony about the different layout of the
24 site. You told DC-Cam that the work quota at Trapeang Thma was
25 three cubic metres per day. My question to you is: What was the

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1 work quota, how many cubic metres at Kambaor and Kouk Rumchek
2 dams?

3 A. <Among worksites at> Kouk Rumchek, Kambaor and <Trapeang Thma>
4 worksites, <Kambaor worksite was to complete> the three cubic
5 metres of soil per day <but this> was not set by Angkar. It
6 depended on the members of the unit who agreed upon the workload.
7 The same applied to Trapeang Thma Dam worksite, three cubic
8 metres per day. If one worker <started at 6 a.m, he or she would>
9 finish two cubic metre of soil at 11.00, they could rest during
10 the break time, and they only had to finish another cubic metre
11 of soil, after which they had time to rest. And this work quota
12 was not decided by Angkar. It depended on the unit.

13 [14.40.57]

14 Q. Mr. Witness, are you telling this Court that each unit was
15 free to decide itself on its own quota? Is that what your
16 testimony is, that work units could decide themselves what their
17 daily quota of work was?

18 A. The unit would want to have time to relax and rest, so the
19 unit would decide how to finish the work quota.

20 Q. I understand that a unit would decide -- could decide how to
21 go about accomplishing its quota. My question to you is: Did the
22 units themselves decide what the daily quota was or was that
23 something set as part of the work plan?

24 A. They could achieve the work quota within the units, three
25 cubic metres of soil per day. And they had time to rest.

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1 [14.42.37]

2 Q. Let me read to you again, Mr. Witness, what you told DC-Cam in
3 your prior interview on this very same subject, document E3/9094;
4 Khmer, 00734071; English, 00728670; French, 01123632: Question:
5 "Were you the one who decided that one person had to dig up soil
6 for three cubic metres, or was it from Ta Hoeng or the central
7 party?"

8 Answer: "From the upper, from the region committee.

9 Question: "From the region committee?"

10 Answer: "Yes, because the region committee said that the plan was
11 a hot measure to make sure each person finished three cubic
12 metres."

13 Continuing a few questions later: Question: "Do you remember what
14 Ta Hoeng said?"

15 Answer: "He said, 'Now we have to finish the plan as soon as
16 possible in order not to allow the A forces' -- I assume that
17 means the contemptible forces - "which means we have to fight to
18 finish three cubic metres." End of quote.

19 Does that refresh your recollection, Mr. Witness, that it was the
20 region committee, the sector committee that established the three
21 cubic metres work quota?

22 [14.44.51]

23 A. The region committee did not decide the work quota -- that is,
24 three cubic metres of soil. It was the chiefs of regiment who
25 decided the three cubic metres of soil per day. And the chief of

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1 regiment said that that plan was considered to be the hot measure
2 so that workers could finish the plan before Khmer New Year and
3 before the time frame. <This was discussed among themselves in
4 the regiments.>

5 MR. PRESIDENT:

6 Thank you very much, Deputy Co-Prosecutor. Thank you, Mr.

7 Witness. It is now break time. We will take the break from now
8 until <> 3 p.m.

9 Court officer, please find a proper room for the witness to relax
10 during the break time, and please also invite witness back with
11 his duty counsel into the courtroom at 3 p.m.

12 The Court is now in recess.

13 (Court recesses from 1446H to 1509H)

14 MR. PRESIDENT:

15 Please be seated.

16 The Court is back in session, and the floor is given to the
17 Deputy Co-Prosecutor to resume his line of questioning.

18 BY MR. LYSAK:

19 Thank you, Mr. President.

20 Q. We were talking about work quotas, Mr. Witness, before the
21 break. I want to come back to something you talked about this
22 morning. We were talking about -- you were talking about how, if
23 the time -- the timeline to complete construction of the dam was
24 shortened from four to three months, the conditions for the lives
25 of the workers became harder, because they had to work harder in

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1 order to complete that dam. And you told us that commanders who
2 were able to finish their projects within the time set by the
3 work plan were rewarded, or promoted. What about commanders,
4 people responsible for worksites who weren't able to finish their
5 projects as planned? Who weren't able to finish on time?

6 2-TCW-918:

7 A. Concerning the plan at Kambaor dam site, we had to complete it
8 before the New Year, and we could do it. And after the
9 completion, they prepared for the Khmer New Year, and they
10 celebrated the Khmer New Year.

11 [15.13.07]

12 Q. I read this statement to you this morning. This is your DC-Cam
13 interview, E3/9094; Khmer, 00734050; English, 00728655; French,
14 01123619. And this is the statement in which you said -- quote:

15 "We would determine a win by completing it in a certain number of
16 months. And we had to supervise the forces to make sure it was
17 finished as planned. It was impossible if you could not finish
18 it." End of quote.

19 What did you mean when you said, "It was impossible if you could
20 not finish it"?

21 A. Regarding what I said, it was the plan concerning Kambaor dam
22 worksite. We were told to complete it <> before the New Year. And
23 as for the 18-kilometre dam at Kouk Rumchek <located in Tuol Char
24 (phonetic), Kouk Team (phonetic) and Team Kaim (phonetic)>, we
25 were not able to accomplish it. That dam site was not completed

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1 before the New Year. The timeline was extended. This morning I
2 made mention about the completion of Kambaor dam worksite.

3 [15.15.15]

4 Q. Just to clarify something, though. The Kouk Rumchek dam,
5 construction on that dam started after Kambaor; is that right?
6 And if so, how long after the start of the Kambaor dam did you
7 begin working on the Kouk Rumchek dam?

8 A. Kambaor dam worksite was completed before the Khmer New Year,
9 and then we started the work at Kouk Rumchek dam worksite, and
10 Kouk Rumchek dam worksite was completed in August or September
11 the same year.

12 Q. When we broke, you were talking about work quotas, and I read
13 to you a quote in which the three cubic metres work quota was
14 referred to as a "hot measure". And you said that that -- you
15 testified that hot measure was necessary to ensure the dam -- the
16 Trapeang Thma Dam -- was finished by a certain time. Who was it
17 that set the timeline? Or who was it that had told you when it
18 was that they expected Trapeang Thma to be completed?

19 [15.17.20]

20 A. No one told us. Nothing was mentioned about that timeline <for
21 Trapeang Thma Dam>. I was only referring to Kambaor dam worksite;
22 that we had to finish before the Khmer New Year. As for Trapeang
23 Thma Dam worksite, there was no timeline for us to complete it.

24 Q. Is it your testimony that you and Ta Val were told you could
25 take as long as you needed to build the Trapeang Thma Dam? There

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1 was no timeline in the work plan for the completion of Trapeang
2 Thma?

3 A. At that time, the regional level and Ta Val -- Ta Hoeng and Ta
4 Val did not lay down the timeline to finish or complete the
5 Trapeang Thma Dam worksite. No timeline was set, since Trapeang
6 Thma Dam worksite was a large worksite. We could complete the dam
7 worksite whenever we were able to. There was no clear timeline
8 for us to get it done.

9 Q. Was the Trapeang Thma Dam project not considered, or was it
10 considered a "hot battlefield"?

11 A. It was not considered a hot battlefield. It was only Kambaor
12 dam worksite which was considered a hot battlefield <because> we
13 had to complete Kambaor dam worksite by the timeline.

14 [15.19.52]

15 Q. I'd like to read to you now, Mr. Witness, an excerpt from the
16 July-August 1977 issue of the Party publication, "Revolutionary
17 Youth". This is a document that you were provided with earlier,
18 if you wish to look at the page. It is document E3/771 -- Khmer,
19 ERN 00376344; English, 00509686; French, 00594054. And in the
20 document, after discussing very specific details about the
21 construction of the Trapeang Thma Dam between February and May
22 1977, the Party document states -- and I quote:
23 "During the time of building this Trapeang Thma reservoir, our
24 cooperative male-female youths of the northern sector of
25 Battambang used all of their physical and mental strength and

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1 sacrificed everything in order to serve the collective interest
2 and to achieve the Party's plan totally and successfully.

3 Brothers worked and stayed at the worksite for months like what
4 our male-female combatants of the revolutionary army had done
5 when they were fighting to destroy the enemy during the war.

6 Brothers fought to dig up and carry the earth, all day and night,
7 under the burning sun, for the entire dry season without any
8 complaining."

9 [15.21.55]

10 And at the conclusion of this section, a few paragraphs later --
11 quote: "In conclusion, in order to join in and totally achieve
12 the[19]77 work plan or even to exceed it, and in order for our
13 Kampuchea motherland to progress in the wonderful great leap
14 forward speed, our cooperative male-female youths in the northern
15 part of Battambang dare to sacrifice everything..." End of quote.

16 Mr. Witness, does this refresh your recollection at all? Wasn't
17 there a 1977 work plan that specified when the Trapeang Thma Dam
18 was to be completed?

19 A. I have never heard and known about the said work plan. No work
20 plan was laid out for all of us, as you said -- as you quoted
21 from the document. I have never heard of it.

22 [15.23.20]

23 Q. Well, it seems you had heard of it when DC-Cam spoke to you.

24 Quoting from your DC-Cam interview, E3/9094, at Khmer, 00734066;

25 English, 00728667; French, 01123629; you were being asked here

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1 about the Trapeang Thma Dam.

2 Question: "Was the plan to build the dam from the central party?"

3 Answer: "Yes."

4 Mr. Witness, you told DC-Cam there was a plan. You gave a lot
5 more testimony about the development of the plan. Is it not the
6 case that there was a plan, a work plan, that was developed for
7 construction of the Trapeang Thma Dam, that would have included
8 the size of the dam, the number of workers to be assigned?

9 Details like that. Were those details not part of a work plan?

10 A. Regarding the plan that I have heard from you, I never came
11 across such a plan. I worked with Ta Val, and he never said about
12 the work plan from the Centre. I have just heard <it> now. What I
13 know is that all the tasks could not be only decided by Ta Val
14 and Ta Hoeng. Without the instructions from the upper echelon,
15 the lower level could not do the work as they wanted. And
16 regarding the work plan <from the Centre>, I have never heard of
17 it. I have just heard of it now. And once again, without the
18 instructions from the superior, the subordinates could not dare
19 do the work.

20 [15.26.05]

21 Q. Who -- who decided, Mr. Witness, how long the Trapeang Thma
22 Dam would be, and how big it would be: the height, width, those
23 types of details? Who made that decision?

24 A. Regarding the work that I was asked to do, Ta Hoeng issued the
25 instruction to Ta Val, and then Ta Val relayed the instruction to

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1 me, which I had to comply <> with the instructions. And I do not
2 know where <Ta Hoeng received> the instructions <> from.

3 Q. The instructions you received, were they in writing or were
4 they given orally?

5 A. I received the instructions orally, not in writing. Six of us
6 were invited to his house, and <we were> told about the work at
7 Trapeang Thma Dam worksite. There was no big meeting at the level
8 of regional or sector levels about that worksite.

9 [15.28.01]

10 Q. Is it your testimony then that you were never, never given a
11 document, a written document, that contained the specifications
12 for the dam, its length, width, height, all those parameters?
13 There was never a written document that was given to you with
14 that information?

15 A. There was none. No written instruction sent to me. He would
16 tell the instruction to me directly, or in verbal manner.

17 Q. One of the questions that has come up in this part of the
18 Trial is how workers, or how units were monitored to make sure
19 that they had finished whatever their designated quotas were.
20 What can you tell the Court about how units, or how individual
21 workers were monitored to determine whether they were meeting
22 their quotas?

23 A. Regarding the monitoring of the work quota completed by the
24 worker, commanders of regiments would be called in and make the
25 reports about the daily completion of work quotas, and the

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1 reports would be submitted to Ta Val. <I personally did not know
2 this because that was not my business.>

3 [15.30.14]

4 Q. And do you have any knowledge of how, within the units that
5 reported to Ta Val, how they determined how much earth had been
6 dug up or carried by their workers each day? Do you know how that
7 was done?

8 A. I did not know how the commanders of regiments reported to Ta
9 Val. Every evening, commanders of regiments would go to see Ta
10 Val and <submitted> the report. I did not know how they made the
11 reports.

12 Q. What happened to workers who could not meet quotas, or who
13 were considered lazy? What was done with workers like that at the
14 Trapeang Thma site?

15 A. In each group, if there were weaker workers, or those who
16 could not complete the work quota, the workers would be sent to
17 the hospital for rehabilitation until the person got better, and
18 then they were returned to the work site.

19 [15.32.22]

20 Q. I'm not talking here about workers who became sick. I'm
21 talking about workers who, for whatever reason, their supervisors
22 decided that they were lazy people. Were there units, special
23 units, called "case units" at Trapeang Thma to which workers like
24 that were assigned?

25 A. In their respective unit -- in fact, the so-called case unit

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1 that you referred to was the <unit in> the hospital.

2 Q. So your testimony, Mr. Witness, is that workers who were
3 assigned to <>case units were in fact being sent to the hospital
4 for treatment; is that your testimony?

5 A. It was called the case unit because those workers were sent to
6 the hospital for a check-up, whether they were actually sick or
7 not, and that was the determination by the medical staff. And I
8 did not know what happened.

9 [15.34.31]

10 Q. What about workers who committed mistakes, or engaged in
11 conduct that was considered to be wrong, moral -- immoral
12 conduct, for example? What happened to people like that at the
13 Trapeang Thma site?

14 A. Workers who violated the regulations or the disciplines, or
15 who committed the moral misconduct, the person would be
16 refashioned by their respective unit. They would be reprimanded
17 once, and twice, and up to a maximum of three times. <Once or
18 twice or three times,> if the worker could not be re-educated,
19 then they would be arranged to marry amongst themselves. And for
20 the women, or those workers who could be refashioned within the
21 three strikes, then they would be resent to their respective
22 cooperative. And of course, no physical abuse was conducted
23 toward those people. They would be refashioned for a maximum of
24 three times, then they would be sent to their respective
25 cooperatives <or villages>.

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1 [15.36.35]

2 Q. I just want to clarify something to make sure I understood
3 correctly. In English, it was translated that if the people
4 couldn't be re-educated after three times, they were sent to be
5 married amongst themselves. Is that what you're testifying that
6 these people who could not be re-educated were -- were married?
7 Or did I misunderstand?

8 A. That is not the case. I did not refer to the lazy workers <or
9 industrious workers>, but I referred to those who committed moral
10 misconduct. If they committed moral misconduct, and they could
11 not be refashioned for these three strikes, then they would be
12 organized to marry amongst themselves.

13 Q. Just to make sure I understand. So, in that case -- you're
14 talking, in that case about, for example, a couple that was
15 having an affair contrary to the Party rules. You're saying that
16 those people, if they couldn't be re-educated -- people who were
17 having an affair, having affairs, would be married? Is that what
18 you're saying?

19 A. It's because they could not be refashioned, so then they would
20 be married.

21 Q. And where would they be sent to be married?

22 A. The marriage ceremony would be held at their respective unit
23 at the worksite. For example, at the Trapeang Thma worksite, the
24 wedding ceremony would be held at the Paoy Ta Ong location.

25 [15.39.14]

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1 Q. I want to ask you about a statement you made in one of your
2 OCIJ interviews on the subject we've been talking about. This is
3 document E3/9567, E3/9567. This is one of your OCIJ statements.
4 At Answer 52, you said -- quote: "If a person were lazy at work,
5 we would arrest him or her and send them back to the
6 cooperative." End of quote.

7 In what situation -- my question, Mr. Witness: In what situations
8 would people be arrested and sent out of the worksite? And who
9 had the responsibility or authority to make decisions on arrests?

10 A. There was no physical arrest. When the workers could not be
11 refashioned, they would be sent back to their respective
12 cooperative. There was no physical arrest on site, but they would
13 be sent back to their <respective> cooperatives.

14 [15.40.50]

15 Q. There is an incident, however, that you talk about in your
16 DC-Cam interview in which there was arrests of students or
17 intellectuals, and in which you made an effort to protect some of
18 those people. Can you tell us -- tell us about what took place,
19 whether there were arrests of intellectuals or students? And tell
20 us about when that took place, and what happened?

21 A. At that time, there were some <students and> intellectuals who
22 were working at the worksite and who belonged to the sector
23 mobile unit. They initiated some plans to build a university in
24 Svay Sisophon, so they made such a demand for the formation of a
25 university. The upper echelon then made a decision to call the

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1 intellectuals <and students> to a meeting to discuss the
2 formation of a university, and I did not know what Ta Val and Ta
3 Hoeng knew about that situation. Ta Val then told me not to allow
4 those students and intellectuals to attend the meeting, and if
5 they wanted a certificate, they should start working hard at the
6 worksite, because that was the actual output. Because if they
7 were to go to attend the meeting, he would not know where they
8 would be sent to, so he <secretly> told me not to allow those
9 former students or intellectuals in my group to go and attend the
10 meeting.

11 [15.43.28]

12 Later on, I saw a vehicle belonging to the Northwest Zone<, I did
13 not know the brand of such vehicle>. It was actually a former
14 cargo vehicle with an iron cage. They came to transport those
15 students and intellectuals to attend a meeting to discuss the
16 creation of the university. However, because I learnt from Ta Val
17 last evening, I <told> my workers who were former students and
18 intellectuals <not> to go and attend that meeting. <I told them
19 that here, right at this worksite, was a certificate, that meant,
20 it was an actual output.> So the vehicle came to the location and
21 none of the workers from my unit actually went with that vehicle.
22 However, a few other workers actually went on that vehicle, and I
23 did not know where it took them to.
24 Q. Who was it that sent the vehicle to pick up these
25 intellectuals?

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1 A. I did not know who; we only learnt that the vehicle came from
2 the Zone, and of course, the people on the vehicle were soldiers
3 wearing the uniform belonging to the Zone. But I did not know
4 them.

5 [15.45.15]

6 Q. I want to read an excerpt from your DC-Cam interview about
7 this incident. This is E3/9094, at Khmer, 00734084; English,
8 00728679 through 80; French, 01123641 -- quote:

9 "Anyone who demanded to open the schools, we were required to
10 report, and then they were taken away."

11 Question: "Who did you report to?"

12 Answer: "To the region secretary. When the region secretary saw
13 the report, they would ask those people to attend a congress
14 meeting. They got trucks to take the students and intellectuals.
15 Some went, some didn't go. For some who became good friends with
16 me, I pulled them down from the trucks. If they went, they would
17 die for sure. So I pulled them down." End of quote.

18 Why did you believe that these people would die for sure if they
19 got onto the truck?

20 A. It was my belief that these former students and intellectuals
21 made such a demand, and I did not have any confidence at all in
22 it because they would not be allowed to open a school or a
23 university, <that was the reason,> they were assigned to work in
24 building the dam. And I did not know who actually initiated the
25 demand to build a university.

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1 [15.47.50]

2 Q. You stated in the response I just read that a report was sent
3 to the region secretary, the sector secretary, about these
4 intellectuals having made this demand to open the schools. Who
5 was it that sent this report to the region secretary?

6 A. I did not know who it was who sent such a report.

7 Q. Did you receive any instructions on what types of conduct you
8 were required to report to your superiors, such as people who
9 were making a demand to open a school? Did you ever receive any
10 instructions from the Party on what types of people you were
11 required to report?

12 A. No, I did not. <> I was not in a position to make any report.
13 My role was to focus on the practical work on the site, whether
14 the dam crest was straight or bent. I did not have anything to do
15 with a report.

16 Q. Let me turn back. I want to ask you a few questions on the
17 subject of food rations at the Trapeang Thma worksite. Were there
18 differences at the Trapeang Thma worksite on the food rations
19 that were given to sector mobile workers, and the rations that
20 were provided to workers who came from the district or
21 cooperatives?

22 A. The ration to be given to the sector mobile unit workers was
23 supplied from the sector. Each day, they had three meals, and
24 each worker received three cans of rice per day. But in fact, we
25 did not have time to have three meals, so we actually had two

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1 meals per day, but the ration per day was three cans of rice. And
2 I could not tell you about the ration for those workers from the
3 communes or the cooperatives. They had their own ration, and the
4 rice supplied was from their respective communes or cooperatives
5 <or districts. So they had separate ration>. But for us, the
6 sector mobile unit force, the food supply came from the sector.
7 So I cannot tell you about the ration for those workers from the
8 communes or the cooperatives.

9 [15.51.39]

10 Q. You just said that "we didn't have time to have three meals";
11 why didn't you have time to have three meals?

12 A. When I said we did not have time to have three meals, it was
13 due to various reasons. One was the limited amount of water, and
14 the firewood to use to cook the rice. For that reason, we decided
15 to only have two meals per day.

16 [15.52.32]

17 Q. I want to read in your OCIJ -- your second OCIJ interview,
18 E3/9483 -- E3/9483, at Answer 1, you made the following statement
19 -- quote:

20 "Mobile units at commune, cooperative and district levels had a
21 weaker livelihood than at the sector level, so that they had to
22 eat gruel while the sector level people had sufficient food to
23 eat, i.e. three meals per day, and for each meal, a can of rice
24 for every person." End of quote.

25 How is it -- Mr. Witness, how is it that you knew that workers

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1 from the communes or district levels were eating gruel?

2 A. I knew that they ate gruel because while they were having
3 their meal, I walked past and I saw them having <> gruel. <But it
4 was not watery gruel; it was> like thick gruel, but it was not
5 actual cooked rice. So I only saw what they ate, and I did not
6 know about the ration given to each worker for their section.
7 [15.54.22]

8 Q. You said that the district got its rice or its food rations
9 from their cooperatives, and the sector had its own supplies.
10 Where was it that the sector obtained rice? Did the sector have
11 its own cooperatives where rice was farmed, that were separate
12 from the district cooperatives?

13 A. I did not know about the arrangement. I did not know how the
14 sector obtained rice. I only knew about the ration given to us --
15 that is, three cans of rice per person per day.

16 Q. Isn't it correct, Mr. Witness, that the only cooperatives
17 where rice was harvested and grown were the district's, and that
18 all the rice used by either the sector or the district came from
19 those same cooperatives? Wasn't that the case?

20 A. I did not know from where the sector obtained rice. As I said,
21 I knew that each worker in the sector mobile unit received three
22 cans of rice per day, because we were considered to work harder.
23 And as I said, I did not know whether the sector obtained rice
24 from cooperatives or not.

25 [15.56.38]

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1 Q. You just said, "we were considered to work harder," who were
2 you referring to by that? Who was the "we" that were considered
3 to work harder?

4 A. I said we worked harder. I referred to the sector mobile unit
5 force. Because we, the sector mobile unit, <worked harder than
6 those in the cooperative because the sector mobile unit force>
7 received heavy work plans throughout the sector, whereas the <>
8 mobile units <force of the district cooperative> usually worked
9 within the limit of their district boundary.

10 Q. When sector and district forces were working together at the
11 Trapeang Thma Dam, you were working based on the same work plan.
12 Weren't you working equally hard during those periods?

13 A. We were all carrying dirt, but I did not know how their work
14 distribution was organized, whether the work quota was set
15 individually or set per group. I only knew that for us, the
16 sector mobile unit, the work quota was individual -- that is,
17 three cubic metres per day. As for the district mobile unit, they
18 could only probably achieve the work quota per their group or per
19 their unit, based on the number of workers <such as 10, 20, or
20 100 workers per group>.

21 [15.58.46]

22 Q. And do you -- do you know, Mr. Witness, do you have any -- did
23 you know who was responsible for allocating available rice
24 supplies between the sector, the district and the zone? Who, who
25 made those decisions, do you know?

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1 A. No, I don't. I have no idea about the rice distribution. As I
2 said, I was engaged and focussed on the work on task on hand here
3 at the worksite.

4 Q. Were there periods in 1977 when the Trapeang Thma Dam was
5 being constructed, when there were food shortages in Phnum Srok
6 or Preah Netr Preah district, and food rations had to be reduced?
7 Do you remember any incidents like that?

8 A. No, I don't. I did not know anything about the food shortage.
9 [16.00.23]

10 Q. I want to read to you an excerpt from a document, a surviving
11 report -- a weekly report from Sector 5, dated the 21st of May
12 1977. This is document E3/178, E3/178. The ERNs: Khmer, 00275597;
13 English, 00342721; French, 00623318 through 19. In that document,
14 the Sector 5 reported as follows -- quote:

15 "As for Phnum Srok district where the food was gone since
16 mid-April, nowadays the zone trucks have helped transport
17 vigorously[rice][...] as estimated the rice supply transported from
18 Thma Puok will not guarantee the consumption up to the time when
19 Phnum Srok can produce its own rice this September, October if it
20 is set based on the ration that Angkar has set..."

21 [16.01.57]

22 And the report continues on to discuss food shortages in Preah
23 Netr Preah district, and then concludes on the subject as follows
24 -- quote:

25 "About the ration in the front line in charge of carrying out

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1 storm attack on the strategic early rice, currently only two tins
2 of rice are provided because if a ration of three tins continues
3 taking place, it will affect the districts of deficiency. If a
4 ration of two tins is set, the remaining one tin can be given to
5 the deficient districts." End of quote.

6 I have a few questions for you about this. First, the report:
7 this report from Sector 5 refers to a ration of three tins or
8 cans of rice that had been previously set by Angkar, which needed
9 to be reduced because of these shortages in Phnum Srok and Preah
10 Netr Preah. Do you remember, Mr. Witness, who was the Angkar --
11 who was it that set the ration of three tins of rice per person?

12 A. On the reduction of three cans of rice per meal to two cans of
13 rice, I was not aware of that. At my worksite, the ration
14 remained the same. And if there was a reduction for those
15 district or commune mobile units, I was not aware of it <because
16 it was their own affair>. But as I said, there was no reduction
17 at all at my worksite.

18 [16.04.15]

19 Q. My question was: do you know -- the report refers to Angkar
20 having set a ration of three tins of rice. Do you know which
21 level it was that had set that ration? Was it set at the Sector
22 level, the Zone level, the Centre level, or by someone else? Do
23 you know?

24 A. No, I don't.

25 MR. PRESIDENT:

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1 Thank you, Mr. Deputy International Co-Prosecutor. It is now time
2 to adjourn today's proceedings, and we will resume tomorrow --
3 that is, Tuesday, 1 December 2015, from 9 o'clock in the morning.
4 Tomorrow the Chamber continues to hear the testimony of this
5 witness -- that is, in relation to the <facts of>Trapeang Thma
6 Dam worksite.

7 And Mr. Witness, the Chamber is grateful of your testimony.
8 However, it is not yet concluded. Therefore, you are invited to
9 return to the courtroom again tomorrow.

10 And the Chamber would like to thank Mr. Mam Rithea, the duty
11 counsel. You may now be excused from the courtroom, and please
12 return tomorrow morning to provide your assistance to the
13 witness.

14 Court officer, please, in cooperation with WESU, make the
15 arrangements for witness 2-TCW-918 to return to his place of
16 accommodation, and have him returned to the courtroom at 9
17 o'clock tomorrow.

18 Security personnel, you are instructed to take the two Accused,
19 Khieu Samphan and Nuon Chea, back to the detention facility and
20 have them returned to attend the proceedings tomorrow before 9
21 o'clock.

22 The Court is now adjourned.

23 (Court adjourns at 1606H)

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