



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, 14:52
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 July 2015
Trial Day 305

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

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
Maddalena GHEZZI

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
PICH Ang
SIN Soworn
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Travis FARR
SENG Leang
SONG Chorvoin

For Court Management Section:
UCH Arun

I N D E X

Mr. SEN Sophon (2-TCCP-220)

Questioning by Mr. KOPPE page 9

Questioning by Ms. GUISSÉ..... page 28

Questioning by Mr. KONG Sam Onn page 36

Mr. MAM Soeurm (2-TCW-858)

Questioning by The President (NIL Nonn) page 44

Questioning by Mr. FARR..... page 48

Questioning by Ms. SONG Chorvoin page 76

Questioning by Ms. SIN Soworn page 81

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. MAM Soeurm (2-TCW-858)	English
The President (NIL Nonn)	Khmer
Mr. SEN Sophon (2-TCCP-220)	Khmer
Ms. SIN Soworn	Khmer
Ms. SONG Chorvoin	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

4 Please be seated. The Chamber continues its hearing.

5 Today the Chamber continues to hear the remaining testimony of
6 civil party Sen Sophon, and we'll then commence to hear testimony
7 of a witness, 2-TCW-858. <The Chamber wishes to inform the
8 Parties and the public that>, Sieng Hun Taing, the TPO staff who
9 accompanied the civil party during his testimony yesterday is not
10 available today <for personal matters> and the Chamber therefore
11 assigns Choung Sophearith, a WESU staff, to accompany the civil
12 party during his testimony today.

13 Greffier Chea Sivhoang, please report the attendance of the
14 Parties and other individuals at today's proceedings.

15 [09.03.37]

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all Parties to this case
18 are present.

19 Mr. Nuon Chea is present in the holding cell downstairs as he
20 waives his direct presence in the courtroom. His waiver has been
21 delivered to the greffier.

22 The witness who is to conclude his testimony today -- that is,
23 Mr. Sen Sophon, is ready and present in the courtroom.

24 We have a reserve witness today -- that is, 2-TCW-858. The
25 witness confirms to his knowledge, he has no relationship by

2

1 blood or by law to any of the two Accused; namely, Nuon Chea and
2 Khieu Samphan, or any of the civil parties admitted in this case.
3 The witness took an oath yesterday before the Iron Club Statue.
4 Thank you.

5 [09.04.45]

6 MR. PRESIDENT:

7 Thank you. And before the Chamber hands the floor to the defence
8 teams, the Chamber decides on the request by Nuon Chea.
9 The Chamber has received a waiver from the Accused, Nuon Chea,
10 dated 28 July 2015, which notes that due to his health; namely,
11 headache, backache, and that he cannot sit and concentrate for
12 long, and in order to effectively participate in future hearings,
13 he requests to waive his rights to participate in and be present
14 at the 28 July 2015 hearing. The defence for the Accused has
15 informed his client of the consequences of the waiver, that it
16 cannot be construed as a waiver of a fair trial right, or right
17 to challenge evidence presented or admitted to the Court at all
18 times.

19 [09.05.40]

20 Having seen the medical report of Nuon Chea by the duty doctor
21 for the Accused at the ECCC, dated 28 July 2015, who notes that
22 Nuon Chea has chronic back pain and dizziness when he sits for
23 long, and recommends that the Chamber grants him his request so
24 that he can follow the proceedings remotely from the holding cell
25 downstairs. Based on the above information, and pursuant to Rule

3

1 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
2 request to follow today's proceedings remotely from the holding
3 cell downstairs via an audio-visual means.

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

6 That applies for the whole day.

7 The Chamber now hands the floor to the defence team for Nuon Chea
8 to put questions to the civil party. And Counsel, you may
9 proceed.

10 [09.06.54]

11 MR. KOPPE:

12 Thank you, Mr. President. Good morning, Your Honours. Good
13 morning, counsel.

14 Mr. President, before I ask my questions to the civil party, with
15 your leave I would like to make some observations and requests
16 for clarification in respect of a document from which I would
17 like to read an excerpt to the civil party. I was intending to
18 read an excerpt from a document, a DC-Cam statement, document
19 E305/13.23.292. It is a document that has also an E3 number,
20 E3/8991. As I understand from a recent request for disclosure
21 from the Prosecution, and also checking ZyLAB, this is one of 66
22 DC-Cam statements relating to Trapeang Thma Dam. If I understand
23 correctly, these documents have been added and created in ZyLAB
24 only very recently -- mid-June of this year. So, one month, six
25 weeks ago.

4

1 [09.08.38]

2 Yesterday, I think we didn't put in the discussion the fact that
3 we also have to deal, in relation to the upcoming witnesses and
4 civil parties, with, I presume, two and a half thousand pages of
5 DC-Cam statements. What I would like to ask clarification now
6 from the Prosecution is whether it's correct that only a limited
7 number of these DC-Cam statements are translated into English. We
8 know for sure that none of them are translated into French. And
9 if that's the case, then that would be another problematic
10 situation for us having to read another two and a half thousand
11 pages on a short notice.

12 But it seems that, other than the Prosecution, no Parties or the
13 Judges, I think, were having access to these documents before
14 mid-June a month ago.

15 So, two things summing up: I think the issue of those 66 DC-Cam
16 statements leading up to approximately two and a half thousand
17 pages should be a matter, I think, that should have been raised
18 yesterday to have a full picture of the disclosures. But also we
19 have a problem because, obviously, part of our team can read
20 Khmer but the International side of our team obviously cannot. So
21 I don't know if the Prosecution can shed light on whether they
22 know when translations in English are going to be available of
23 these DC-Cam statements. Thank you.

24 [09.10.45]

25 MS. GUISSÉ:

5

1 <Just to clarify,> if there is a problem with English
2 translations, they are even more dire in French. We have done
3 some verification and there are no French translations available
4 <right now>.

5 MR. PRESIDENT:

6 Judge Lavergne, you have the floor.

7 JUDGE LAVERGNE:

8 To make <> everything clear for everyone, could it be possible to
9 explain whether there was a decision deeming these documents
10 receivable <as new evidence or was it solely made available to
11 the Parties so that they may be informed of the contents
12 therein>?

13 MS. GUISSSE:

14 The prosecutors <-- the Co-Prosecutors have> followed the same
15 procedure that they did for the statements in 003 and 004 that
16 were made available to the Parties. It's the same principle.

17 JUDGE LAVERGNE:

18 <Very well, so Counsel> Koppe, <if you hear -- I understand that
19 you are making a request to be able to use this document for the
20 examination of this witness. So you want this document to be
21 admitted as <a new piece of> evidence?

22 [09.12.20]

23 MR. KOPPE:

24 No, I think it's already admitted. It has even an E3 number, so I
25 don't think the issue of admitting documents is the relevant

6

1 question right now. What I think my colleague referred to was the
2 summary of all 66 persons that testified to DC-Cam. A summary was
3 recently made -- was recently disclosed to us. So that's why we
4 know it's 66 statements. That was recently disclosed -- two weeks
5 ago, last week, I think. I have an English translation of this
6 particular DC-Cam document, of which I would like to show an
7 excerpt to this witness. But, trying to see the broader picture
8 of these DC-Cam statements, we then realise what the background
9 is of this particular statement, and the other 65 DC-Cam
10 statements. So, the reason that I was rising is to complement the
11 things that I said yesterday. What we are dealing with in terms
12 of case file, and the enlargement of case file when it comes to
13 the dam, and asking for clarification in respect of the
14 outstanding English translations of these 66 DC-Cam statements,
15 of which at least this one is already translated. That's why I
16 was able to read it, and that's why I was planning to read an
17 excerpt to this particular civil party.

18 [09.14.04]

19 JUDGE LAVERGNE:

20 Thank you <for that clarification>. So, <> today <everything is
21 clear,> you want to use this DC-Cam statement for your
22 examination. But you're also asking, more generally speaking,
23 whether these documents will be admitted as evidence in the case
24 at hand?

25 MR. KOPPE:

7

1 No, because I think technically they are admitted. Because if
2 they have an E3 number, that means that they must have been
3 admitted by the Trial Chamber already. How that was done without
4 having a translation, I'm not quite sure. So, for practical
5 purposes, the excerpt from the document that I'm going to be
6 quoting from is admitted as evidence. It has an E3 number,
7 E3/8991. But I was wondering how to position this document in the
8 broader context of these 66 DC-Cam statements?

9 [09.15.20]

10 JUDGE LAVERGNE:

11 I apologise for insisting <once again>.. But <> I seem to
12 understand that this document was <only handed in or --> put in
13 ZyLAB only in June. And so having been put in June, <I wonder>
14 how could it be <already considered as> admitted into the case
15 file? I don't understand <very well. I find that somewhat
16 confusing>, but perhaps the Co-Prosecutors could shed some
17 <necessary> light on the matter <for us>?

18 MR. PRESIDENT:

19 The International Deputy Co-Prosecutor, you may proceed.

20 MR. BOYLE:

21 Thank you, Mr. President. I have to admit I'm not -- I don't
22 fully understand what the concern is here. What I see on ZyLAB is
23 that this is a document that was admitted onto ZyLAB in April of
24 this year, and it's a document that is dated 16 June 2011. In
25 relation to broader questions about what translations are

8

1 available: when we disclose documents, we disclose all available
2 translations that we have. The schedule of translations is
3 something that's controlled by the Interpretation and Translation
4 Unit. And one final point that I would make at this time is that
5 of course DC-Cam documents are publicly available documents, so
6 these are not documents that were available exclusively to the
7 Co--Prosecutors before we chose to disclose them into Case 002.

8 [09.17.10]

9 Sorry, I will say one additional thing in relation to the
10 document that Counsel for Khieu Samphan, I believe, was referring
11 to, which was a summary of DC-Cam statements. Most, if not all of
12 those DC-Cam statements that those summaries are based on, are
13 themselves already been disclosed into Case 002. And so the issue
14 of the summaries, whether that has been translated or not, I
15 think is somewhat of a secondary matter.

16 MR. PRESIDENT:

17 Once again, the floor is given to Judge Lavergne.

18 JUDGE LAVERGNE:

19 <Yes,> could you tell us if this specific document <-- this
20 document in particular which Counsel> Koppe <intends on using>
21 today, was covered by a request to be admitted as new evidence?
22 <Or has> the Chamber already ruled on the admissibility of this
23 document? Or, regardless, do you or the civil parties have an
24 objection to Mr. Koppe using this document this morning for his
25 examination?

1 [09.18.36]

2 MR. BOYLE:

3 I would have to do some research to find out what the procedural
4 history of this particular document is. Obviously, since it's
5 only being raised in court at this time, I haven't had a full
6 opportunity to research that. Again, based on the fact that it
7 has an E3 number, that would usually indicate that it has been
8 admitted, but I have no objection to Mr Koppe using this document
9 with the civil party today.

10 MR. PRESIDENT:

11 And the Lead Co-Lawyers for civil parties, do you wish to make
12 any observation regarding the request made by defence counsel
13 Koppe?

14 [09.19.54]

15 MS. GUIRAUD:

16 We have no objection, Mr. President, insofar as what I understand
17 is that this document that Nuon Chea's defence wants to use is
18 part of the documents that were <uploaded> on the interface
19 yesterday. <On that basis, the procedure seems to have been
20 properly adhered to> and this document has an E3 number. In the
21 end, I don't understand what the problem is<. Yet in any case,>
22 we have no objection <from our side>.

23 (Judges deliberate)

24 [09.22.10]

25 MR. PRESIDENT:

10

1 Since the document that Counsel Koppe would like to use during
2 his questioning to the civil party already bears the E3 number as
3 part of the case file, Counsel Koppe actually can refer to this
4 document during his questioning to the civil party.

5 And you may proceed, Counsel.

6 QUESTIONING BY MR. KOPPE:

7 Thank you very much, Mr. President. Good morning, Mr. Civil
8 Party. I have some questions that I would like to ask you this
9 morning.

10 Q. Did I understand correctly that you were born in Battambang
11 province? But were you also raised there? Or did you and your
12 parents move to Phnom Penh quickly afterwards?

13 MR. SEN SOPHON:

14 A. Actually, I grew up in Phnom Penh, since my father was a
15 soldier working in Phnom Penh.

16 [09.23.43]

17 Q. So, let's say in the first five or 10 years of your life, you
18 lived in Phnom Penh; is that correct?

19 A. Yes, that is correct.

20 Q. What rank, if you know, did your father have in the Lon Nol
21 army?

22 A. He was a lieutenant in CBE section.

23 Q. And where was he stationed? Was he stationed in Phnom Penh, or
24 was he stationed outside of Phnom Penh?

25 A. He was based at <Chamkar Mon>, and later on he was sent to

11

1 station at Trapeang Prei in Phnom <Praseth> (phonetic).

2 Q. Yesterday you testified that your father was killed because he
3 was a Lon Nol military. Do you know when he was killed?

4 A. I did not know as to when. I only heard about the death of my
5 father from the old woman <living near his house>, and his death
6 was around late '77 or early '78. That was the time that my
7 father's village was flooded, and he was evacuated to another
8 area.

9 [09.26.00]

10 Q. So, do I understand your testimony correctly to be that your
11 father was still alive sometime in '77?

12 A. He was probably still alive in 1977. However, Yeay Chaem's
13 group arrived in 1978, and it was likely that my father was
14 killed by that time.

15 Q. Why do you say "likely"? You aren't technically allowed to
16 speculate, but I would like to ask you anyway. Why do you say
17 "likely killed in '78"?

18 A. Because there was a flood at that time, and he was evacuated.
19 And later on <in late 1979,> I met the old woman, Trap, and she
20 told me the area that he <was killed during that flooding period
21 in that rainy season>.

22 Q. He was evacuated because of a flood? How do you know, or why
23 are you saying that he was likely then killed in '78? I'm not
24 sure if I understand correctly.

25 A. I don't understand your question. Please rephrase it.

12

1 Q. My original question to you is why you say that he was likely
2 killed in '78. Then you answered that he was evacuated after a
3 flood. So my question is: What has the evacuation and the flood
4 to do with the likely killing of your father?

5 [09.28.35]

6 A. During the evacuation, Yeay Trap, who was living next to my
7 parents' house, told me that my father was taken away and my
8 mother accompanied him. That was the time the flood actually
9 entered the area, and since <then> my family members, including
10 my parents, disappeared.

11 Q. I understand, but why are you saying that your father was
12 killed because he was a former Lon Nol military? What is your
13 source of knowledge leading you to say that?

14 A. The old woman Trap worked together with my father, and <> she
15 told me that my father was taken away <and killed> because of his
16 military background. And that's what I was told.

17 Q. But do you know whether your father had been hiding his
18 military background during '75, 1976, 1977, and even part of
19 1978?

20 A. He actually tried to conceal his personal background. He told
21 us, including myself, not to say anything to anyone about his
22 personal background <as a soldier>. And I did not know how they
23 found out about his military background.

24 [09.31.05]

25 Q. But what you are saying that they found out about his military

13

1 background, is based upon what somebody else said to you; is that
2 correct? You don't have any direct knowledge of why he
3 disappeared?

4 A. Yes.

5 Q. Have you heard whether he might have been a victim of the
6 flood?

7 A. I was told Bat Trang village was completely flooded, and at
8 the area where my house was located, the water rose three metres
9 high <because my village was next to an inundated forest,> and no
10 one was allowed to stay there, and everyone had to be evacuated
11 to the higher land.

12 Q. And did this neighbour tell you how they found out that your
13 father had had a military background? Did she have any direct
14 knowledge of that?

15 A. I do not know about that. Yeay Trap told me that his
16 <military> background was found out, and he was taken away and
17 killed.

18 [09.33.05]

19 Q. I'll move on to another subject, Mr. Civil Party, and that is
20 your work at Trapeang Thma Dam. You testified yesterday that you
21 had been working there for two months, and that you were
22 appointed by the cooperative chief, Ta Phon. Do you remember
23 whether he told you and others why you had to work there for two
24 months? Did he give a reason? Did he give an explanation why it
25 was two months?

14

1 A. He told me that my mobile unit was taken to reinforce other
2 units, so that we could complete that worksite within that
3 two-month period. <That was why those who were in the rear
4 battlefield were taken to the worksite.>

5 Q. But he didn't say why it was only two months? Was that
6 something -- was that the time period that other villagers worked
7 there as well? Do you know whether the two-month period was a
8 time fixed for all workers? Or you have no knowledge about that?

9 A. I have no idea. We were told that we had to strive to complete
10 that dam <as soon as possible> to avoid the possible flood in the
11 future. <After that those workers would continue to work at Spean
12 Sraeng.>

13 [09.35.15]

14 Q. I would like to ask you now some questions about the working
15 hours. At the time that you were working at the dam, did you have
16 a watch on which you could look for the time?

17 A. I did not have any watch. I had to resort to biological clock
18 -- that is, the sun. And I had to make an estimate what day was
19 it, or what time was it based on the sun. <I did not know the
20 date at all, and one thing that I knew was work.>

21 Q. Yesterday, you also testified that in that two-month period,
22 you started working in the morning when -- I quote: "It was clear
23 enough to see other workers." What does it mean, "clear enough to
24 see other workers"? In your experience, what time would it be
25 then?

15

1 A. <When the> sky was clear enough <and> we could see each other,
2 <it> was the time that we had to start work.

3 Q. But would you be able to give a number in hours when that
4 would be clear enough to see people? Would that be 6 o'clock, or
5 6.30? Because it was in the dry season.

6 A. From my estimate, it was around 5.00 or 5.30 -- that is <day
7 break>, the sky was clear enough for us to work.

8 [09.37.40]

9 Q. Yesterday, you also spoke about loudspeakers. Did the
10 loudspeakers indicate the time to start working for all 10, or
11 15, or 20,000 workers? Was there a sort of an alarm going on in
12 the morning, that everybody had to start working?

13 A. No, the announcement was not made over the loudspeaker. The
14 loudspeaker was reserved for playing revolutionary music.
15 Actually, they went around and forced us to go to work, like
16 cattle.

17 Q. Who was "they"? When you say "they forced us", who was the
18 actual person telling you to wake up and to start digging and
19 carrying the soil? Was that Ra?

20 A. I was referring to unit chiefs. They went around and chased us
21 to go to work.

22 Q. Who was the person actually telling you, and the other members
23 of your unit, to wake up and to set the goals for that day? Who
24 was that? Was that Ra?

25 A. I do not know who the big chief. I knew that the chief of my

16

1 unit came to chase us to go to work, and the same applied for
2 other units.

3 Q. And did the chief of your unit come from the same cooperative
4 that you were from?

5 A. No, he was in a different cooperative. <But he was put in the
6 same unit with us.>

7 [09.40.37]

8 Q. So, he was not in the same cooperative as Ta Phon; is that
9 correct?

10 A. Yes. I do not know this chief, because he was in a different
11 cooperative.

12 Q. Yesterday, you spoke about not finishing -- or the
13 consequences of not finishing your quota. In those two months
14 that you worked at the dam, did you ever not finish your quota --
15 quotum? Did you ever one day fail to achieve the three cubic
16 metres? Did that ever happen?

17 A. I could not meet the three cubic metre quota. From the time I
18 started working, I could not meet it. I had to work hard, until
19 10 p.m., <that was> when <I was told to stop and then> I could
20 rest. And as I said, I could not meet the three cubic metres
21 quota.

22 Q. And why was that?

23 A. Because I was weak. I did not have enough energy to work, and
24 I was thin. The kneecap was bigger than my body.

25 [09.42.40]

17

1 Q. So, are you saying that in those 60 days that you worked at
2 the dam, you never -- you were never able to finish the quota; is
3 that correct?

4 A. Yes, that is correct.

5 Q. Yesterday, you said that people who didn't finish their quota
6 would be either deprived of food, or whipped. Were you deprived
7 of food or whipped 60 times? Or is that not correct, what I'm
8 saying?

9 A. No, I was not deprived of food <or whipped 60 times. I never
10 experienced that>. As I said, I was not allowed to take a rest
11 <during the working hour>.

12 Q. So, you were never whipped, and you were never deprived of
13 food in those two months? Is my understanding correct?

14 A. That is correct.

15 Q. But who were the people, then, that were in fact whipped or
16 deprived of food? Did you ever see something like this happening
17 to other members of your unit?

18 A. I never saw them. These people were whipped in the morning
19 when they did not wake up after the bell rang. And they were
20 whipped to leave the hall to work.

21 [09.45.25]

22 Q. But who was it that had this whip in his hand? What was the
23 name of this person?

24 A. I do not know the name of this big unit chief.

25 Q. Is it because you don't remember it now, or is it because you

18

1 didn't know it at the time?

2 A. I cannot recall this individual's name or their names.

3 Q. Yesterday you spoke about Ta Val, as the "overall leader" of
4 Sector 5. Did he ever witness the unit chief using the whip
5 against members of your unit?

6 A. From my observation, Ta Val did not use the whip. Perhaps he
7 gave the instruction. I have heard of his name, but I never saw
8 him at my worksite. He would visit once in a while.

9 MR. KOPPE:

10 Mr. President, I would now like to read that particular excerpt
11 that I was speaking about earlier -- that is, for the record
12 again, E305/13.23.292. As indicated before, it has also an E3
13 number: 8991; English, ERN 00969903; in Khmer, 00730232.

14 [09.47.55]

15 BY MR. KOPPE:

16 Q. Mr. Witness, this is a question that was asked to somebody who
17 was working at the dam as well, and he was asked a question about
18 Ta Val. And I would like to read that passage from his statement
19 to you, and then ask for your reaction. The question from the
20 DC-Cam investigator is in the middle of that page:

21 "How about Ta Maong and Ta Val, did they ever reprimand you?"

22 And then this particular person answers: "I rarely met them,
23 because I was at a regiment level lower than theirs. But these
24 people were very good at reprimanding others, because they were
25 very unkind and ruthless men. They were much tougher than Yeay

1 Chaem. I heard that people always called him the golden fanged
2 man."

3 Mr. Civil Party, is that your experience as well, that Ta Val was
4 very unkind and a ruthless man?

5 [09.49.30]

6 MR. PRESIDENT:

7 Civil Party, please wait. Mr. Hong Kimsuon, you may now proceed.

8 MR. HONG KIMSUON:

9 Mr. President, I would like to put my objection to this question.
10 The civil party already said that he never saw Ta Val
11 <personally>. Ta Val would visit the worksite once in a while
12 <but he did not know him>. So this civil party could not tell
13 anything about the behaviour of Ta Val.

14 MR. KOPPE:

15 Well, maybe not from his direct experience, in the sense of
16 seeing him at the dam site. But he might have heard it. He might
17 have got the information through other means, like for instance,
18 about the fate of his father. He heard something from somebody,
19 so I think I should be entitled to ask this specific question to
20 the civil party.

21 [09.50.40]

22 MR. PRESIDENT:

23 The Chamber needs to hear this testimony to the question. Mr.
24 Civil Party, if you understand the question, please give your
25 response to the question put by the defence team for Mr. Nuon

1 Chea.

2 MR. SEN SOPHON:

3 A. I heard people said that Ta Val was aggressive. I could not
4 see him well at that time, because he was walking on the crest of
5 the dam. It was far away from me. There were four of them in the
6 group while they were walking.

7 [09.51.36]

8 BY MR. KOPPE:

9 Q. Yesterday, you spoke about Yeay Chaem. In fact, yesterday you
10 said -- and I quote: "It was in 1978 that Yeay Chaem was the one
11 who came to arrest Ta Val, and my parents to be killed." This
12 particular person, while speaking to DC-Cam, said that Ta Val was
13 much, very much tougher, than Yeay Chaem. Is that something that
14 you have heard as well?

15 MR. SEN SOPHON:

16 A. I have never heard of that statement, as you quoted.

17 Q. The last small part of that excerpt, people calling Ta Val
18 "the golden fanged man"?

19 For the Translation Unit, there's a Khmer word in the English
20 translation, because it's apparently a very specific Khmer
21 expression. So, maybe before I ask the question, the Khmer
22 translation could actually use the word that is in the original
23 Khmer version. Assuming that they can use the word, my question
24 is: Mr. Civil Party, was Ta Val known as "the golden fanged man"?

25 A. I do not know. I have never heard the expression "golden

21

1 fanged man".

2 [09.53.50]

3 Q. Very well. Now I would like to ask you a question about
4 somebody else in Sector 5. Have you ever heard the name Ta Cheal
5 or Ta Chhnang (phonetic)?

6 A. No, I have never heard the name Ta Chiel or Ta Chhnang
7 (phonetic).

8 Q. I'm actually referring to the same person: Ta Chhnang
9 (phonetic) also known as Ta Cheal. He was the son of Northwest
10 leader Ros Nhim. If I say that, does it then ring a bell?

11 A. I have never heard of the name.

12 Q. Very well. I'll move on to another subject, Mr. Civil Party,
13 and that is the difference that you say existed in treatment
14 between New People and Base People, and that it was possible to
15 make a distinction for local cadres, because of the difference in
16 accents of people. Can you tell me how that worked? I mean, for
17 instance, in terms of distribution of food? Did somebody have to
18 speak first before he was given rice or gruel? Or how did that
19 work in practice?

20 A. They said nothing. They said the livelihood or food ration was
21 insufficient, so we were given a ladle of food. And the
22 distribution of food was different in nature. Base People had
23 rice, and we, New People or 17 April People, had only <a ladle
24 of> gruel.

25 [09.56.14]

1 Q. I understand your testimony. That's what you said yesterday as
2 well on the question from Prosecution. But then, when he asked
3 you how this distinction, or this difference in food, how that
4 came about, and then you said, well, Base People spoke with a
5 different accent than the newcomers. But how were people
6 establishing that someone had a different accent? How did that
7 work? Did somebody have to say something first in Khmer before he
8 was given rice or gruel? Or how did that go?

9 A. They had different accents. People <from> Phnom Penh had <a>
10 different accent <from> those living in Battambang province.
11 <Those who lived in my place had a unique accent.> The cadres
12 knew that they were from Phnom Penh, and as I said, New People
13 were required to work, <while> Base People <just observed>.
14 [09.57.32]

15 Q. I'm not sure if I follow, Mr. Civil Party. Someone's accent
16 cannot be discerned from his face, so somebody should speak first
17 before you hear an accent. So the person who was distributing
18 food within the cooperative, or even at the dam, how -- what
19 happened when he was trying to determine whether this person
20 should get rice or gruel? Did somebody have to say something
21 first, so that the person who was giving the food could hear an
22 accent?

23 A. No, it was not like what you said. All New People were members
24 of the group, and there were leaders of the group. So the leaders
25 of the group had a different meal.

1 Q. However, it's my understanding that many people who were
2 evacuated from Phnom Penh went to the region in the country where
3 they were originally from. So, I would imagine that a vast number
4 of those evacuees were able to speak the same accent of the
5 people in Battambang. So, I'm still not clear as to how this
6 distinction in food was made in practice. So I'll try it one more
7 time. Can you explain to us why there was a difference in
8 treatment, and how that came about, between New People and the 17
9 April people? New People and Base People, excuse me.

10 A. Base People were in charge of New People, so Base People knew
11 very well <from an accent> that these particular groups of people
12 were from Phnom Penh <or Battambang> or they were New People. So,
13 there were New and Base People at the area.

14 [10.00.25]

15 Q. Very well, Mr. Civil Party. I think I have only one last
16 question left for you. In your -- in a report on your
17 application, your civil party application, D22/1232; English, ERN
18 0523258 -- it seems that there is no, Mr. President, Khmer or
19 French ERN -- in this report on your application, it's dated 20
20 January 2010, there are some categories called "Alleged Crimes",
21 "Date of Crimes", "Alleged Harm", "Reparation Asked". There is
22 also a category called "Alleged Responsible", so that was the
23 person or persons that you thought were responsible for whatever
24 happened to you during the regime. And in that box, you filled in
25 the name of King Norodom Sihanouk as the person responsible for

24

1 your harm. Could you explain that to the Chamber?

2 A. I don't understand your question, Counsel.

3 [10.02.25]

4 Q. I will try to make it simpler. I apologise, Mr. Civil Party. I
5 have here a document, a document which is called "Report on Civil
6 Party Application". It was made up by something called "Victims
7 Unit" -- that's some people that work here at the Tribunal -- and
8 they have written down in the category of the people that you
9 thought were responsible for your harm, King Norodom Sihanouk.

10 So, my question is: Did you ever hold -- did you ever tell people
11 from the Victims Unit here that you thought King Norodom Sihanouk
12 was responsible for your harm?

13 A. Yes, I recall that. In fact, it's him who actually introduced
14 the Communist Party of Kampuchea into Cambodia.

15 Q. Would you be able to elaborate a little bit on that? What
16 exactly was the late King Father's role, and the position of the
17 Communists?

18 A. I don't know the details. However, my father told me that it
19 was the King who introduced communism into Cambodia, in order to
20 overthrow the Lon Nol regime.

21 [10.04.38]

22 Q. In your civil party application, you're asking for \$1,000
23 reparation. As we all know, King Norodom Sihanouk doesn't live
24 here anymore -- doesn't live anymore, excuse me. Do you want
25 \$1,000 from his heirs?

1 MR. PRESIDENT:

2 Civil Party, please hold on. And the <> International <Deputy>
3 Co-Prosecutor, you have the floor.

4 MR. BOYLE:

5 Mr. President, I just object to the question on the grounds of
6 relevance as to these proceedings. Who the civil party believes
7 should pay him reparations, I don't think is relevant to the
8 criminal responsibility of Nuon Chea and Khieu Samphan, or the
9 potential criminal responsibility for the crimes alleged in Case
10 002/02.

11 [10.05.52]

12 MR. KOPPE:

13 Well, this is, I think--

14 MR. PRESIDENT:

15 Lawyer for civil parties, Hong Kimsuon, you have the floor.

16 MR. HONG KIMSUON:

17 Thank you, Mr. President. I also would like to object to the
18 question. The question is in Khmer, "Do you believe --" <so he
19 did not know precisely who the Accused was. This question has
20 nothing> to do with <the> claim <for> reparation from the late
21 King, <Norodom Sihanouk, or his successors. The reparation was
22 only related to the Accused in this Court>. Thank you.

23 MR. KOPPE:

24 Mr. President, I think I'm allowed to ask the question on behalf
25 of my client, whether it's my client that should pay \$1,000 to

1 him when convicted, or alternatively, the heirs of King Father
2 Sihanouk. I think reparations are an integral part of this trial.
3 [10.06.58]

4 MS. GUIRAUD:

5 <Putting aside the facts of this hearing>, let us perhaps be a
6 little more serious <for a couple of minutes>. It is very clear
7 that civil parties <have no right to> ask for financial
8 reparations before the Chamber, and also <very clear that since
9 the investigation> the client of <our colleague> Mr. Koppe has
10 been declared indigent. <And that> therefore, <what our colleague
11 has just said> is pure fantasy. And so I would ask you to not
12 allow this question, the only purpose of which is to put on a
13 show. And this is <clearly> what our colleague is trying to do
14 this morning. <>

15 MR. PRESIDENT:

16 The objection raised by the International Deputy Co-Prosecutor,
17 as well as the Lead Co-Lawyer for civil parties, to the last
18 question by the Defence Counsel to the civil party is based on
19 <proper> reasons. <The question has nothing to do with the
20 hearing proceedings, so> the Chamber <does not need> to hear the
21 response from the civil party <regarding> the last question put
22 <earlier> by the Defence Counsel <for Nuon Chea>.

23 Let me repeat my <statement> again. Actually the Chamber
24 acknowledged the objection raised by the International Deputy
25 Co-Prosecutor, as well as the Lead Co-Lawyer for civil parties to

1 the last question by the Defence Counsel for Nuon Chea to the
2 civil party; <the objection has proper justification>. Since the
3 question is not related to the facts being debated before this
4 Court, therefore the Chamber does not need to hear the response
5 to the last question by Counsel Koppe to the civil party. And
6 civil party is therefore instructed not to respond to the last
7 question.

8 [10.09.16]

9 MR. KOPPE:

10 That was indeed my last question, so I'm done now, Mr. President.

11 Thank you.

12 MR. PRESIDENT:

13 Judge Lavergne, you have the floor.

14 JUDGE LAVERGNE:

15 <Yes, thank> you very much, Mr. President. I would like to make a
16 few observations on <the request made by Counsel> Koppe this
17 morning. I did some verification with regard to E305/13.23.292.
18 <This morning> Mr. Koppe said that this document had been put on
19 ZyLAB in April 2015. This is not the case. If I have read the
20 ZyLAB indications properly, that document was put before the
21 Parties on 13 June 2014. And additional proof of this is that
22 there is a seal on the document, showing that the document was
23 translated in January 2014. Furthermore, this document is part of
24 the package of documents that were deemed admissible by the
25 Chamber on 30 June 2015. <Hence,> I <absolutely> do not

1 understand the relevance of <his speech> this morning <>.

2 [10.10.45]

3 MR. KOPPE:

4 Maybe I was unclear. To reiterate, there's no problem with this

5 particular document, because, as we can all see, it has an E3

6 number, and we have it. We have the English version. What I do

7 like to say about this document is that according to ZyLAB--

8 JUDGE LAVERGNE:

9 Mr. Koppe, I apologise for this interruption, but if there is no

10 problem <whatsoever> with the document, <> why did you request

11 <the authorization> to be able to use it during <the> examination

12 of <this> witness?

13 MR. KOPPE:

14 I wasn't requesting permission to use it, because I put it on

15 ZyLAB -- on the interface yesterday. My question was about the

16 other 65 DC-Cam statements referred to in the recent disclosure.

17 We have established that--

18 [10.11.43]

19 JUDGE LAVERGNE:

20 Mr. Koppe, I must be <experiencing an auditory hallucination.>

21 Everybody <in this Chamber must> be <experiencing auditory

22 hallucinations for> I'm pretty sure that <I heard you, precisely

23 this morning, put forward a request> to use this document during

24 your examination of <this> witness.

25 MR. KOPPE:

1 Yes, I did. But I was entitled to, because I put it on the
2 interface yesterday. And I said in the very beginning that the
3 problem wasn't about this document. The problem was about the
4 other 65 DC-Cam documents, of which a certain number doesn't have
5 any English translations, so it seems. And I was also talking
6 about the other 65 documents because according to ZyLAB, they
7 have been recently added to ZyLAB. For instance, this document
8 has a creation date on ZyLAB of 17 June 2015, so, very recently.
9 So, again, it wasn't -- the problem wasn't about this specific
10 document, and maybe I wasn't clear in my explanation. The problem
11 is about the other 65 documents which were recently added to
12 ZyLAB.

13 [10.12.53]

14 JUDGE LAVERGNE:

15 <Counsel> Koppe, I think in the interest of all Parties, in the
16 future you may be <crystal> clear in your requests.

17 MR. PRESIDENT:

18 The time is appropriate for a short break. We'll take a break now
19 and resume at 10.30.

20 Court officer, please assist the civil party during the break at
21 the waiting room for civil parties and witnesses, and <invite>
22 the witness, as well as the WESU staff, back into the courtroom
23 at 10.30.

24 The Court is now in recess.

25 (Court recesses from 1013H to 1031H)

30

1 MR. PRESIDENT:

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

3 The floor is now given to the defence team for Mr. Khieu Samphan
4 to put <questions> to this civil party. You may now proceed.

5 [10.31.36]

6 QUESTIONING BY MS. GUISSÉ:

7 Thank you, Mr. President. Good morning, Mr. Sen Sophon. My name
8 is Anta GuissÉ and I am Co-International Counsel for Mr. Khieu
9 Samphan. I'm going to ask you a few brief questions <of
10 clarification> to <you, which are based on your testimony>.

11 Q. Yesterday, you said -- and <you> confirmed <it> this morning
12 -- that you worked on the Trapeang Thma Dam for two months, as of
13 May 1976. So the questions I'm going to ask you concern only that
14 particular period and the work that you were doing on the dam
15 site. Yesterday you were answering a question from, I believe,
16 the International Co-Prosecutor and you said that when you left
17 the <> site <of the dam>, the dam itself was almost finished, not
18 entirely but practically finished. Do you know when the work on
19 the dam was <actually> completed?

20 MR. SEN SOPHON:

21 A. I do not know about that. I was working there for a brief
22 moment after which I was removed to work at Spean <Sraeng dam>
23 worksite.

24 [10.33.15]

25 Q. And do you know when the work began on the dam?

1 A. I do not know when the work at the dam began. I was called to
2 help at that worksite.

3 Q. One final <question on this point>. Although you can't
4 remember when the dam was completed, did you ever hear of the dam
5 itself actually being inaugurated at any point in time?

6 A. There was no inauguration ceremony there. We were invited into
7 a big meeting or rally at that time. And <I did not remember the
8 exact date, but it was a meeting during which> the big person was
9 speaking and addressing the attendees.

10 Q. And was that at the end of the work on the dam or at the
11 beginning?

12 A. I was there -- I had been there for one month and after that I
13 was invited into a meeting <and they instilled the ideology for
14 us> to strive to work.

15 [10.35.16]

16 Q. So <based on what you mentioned to us,> I don't think you're
17 really talking about <any type of> inauguration here. You're
18 talking about <a> visit to the dam's <bridge. Is that correct?>

19 A. It was not inauguration ceremony like the present time; it was
20 <just a normal> meeting that I attended.

21 Q. Thank you <for your clarification>. Another point <of
22 clarification that I wanted to obtain from> you, you talked about
23 the kind of work you were doing on the site, carrying <soil> in
24 baskets. During the two months that you were working on the dam,
25 did you always work in the same place?

1 A. I worked in the same place.

2 Q. Can you then tell us which commune the place you were working
3 in was situated in? And from where you were working, could you
4 see a bridge that <formed the> basic inner structure of the dam?

5 A. The place where I was working was named Spean <Reap>
6 (phonetic). I was not allowed to move around freely. I had to
7 station at my worksite.

8 [10.37.29]

9 Q. Yes. My question was to know whether or not you could see a
10 bridge from where you were; just yes or no, that's <simply the
11 point of clarification that I am looking for>.

12 MR. PRESIDENT:

13 Please wait, Mr. Civil Party. You have to observe the microphone.

14 A. The place that I <worked> was called Spean <Reap> (phonetic).

15 BY MS. GUISSÉ:

16 I'm going to ask again. From that place, could you see a bridge?

17 MR. SEN SOPHON:

18 A. Yes, I was able to see the bridge. The bridge was close by.

19 Q. And do you know what bridge this was?

20 A. So why are you are resisting on my answer. I already told you
21 that it was Spean <Reap> (phonetic).

22 [10.39.14]

23 Q. Let me point out, <to the attention of the Civil Party and all
24 the parties,> that in the document E3/8050, which is a
25 geographical situation report, it says on French page 00450434;

1 English, ERN 00428005; Khmer, 00464719; it says that the <site --
2 the> dam was <allegedly> 10 kilometres long and seven kilometres
3 wide. So <based on that>, my questions were designed to situate
4 precisely where you were working in that dam. I understood your
5 explanations but I <wanted to clarify that as> that was the
6 reason behind my questions. <You> said that you were working in a
7 unit which had about 70 people in it and that around you there
8 were other units containing about a hundred people. Now if you
9 remember, can you tell me how many units were working in the
10 sector that you were <working> in?

11 A. I cannot get the question; however, I am trying to respond.
12 Yes, it is true that there were certain members in my unit. As
13 you mentioned, there were other units and there were many people
14 working along the dam. <I cannot give you the exact number, but
15 there were thousands of people, not one or two hundred.>

16 [10.41.38]

17 Q. <>Turning to the functioning of the units, is it true to say
18 that you didn't know how the other units functioned and that what
19 you told us only concerned the unit of 70 people in which you
20 were working?

21 A. That is true.

22 Q. Earlier on answering a question put to you by my colleague
23 Victor Koppe, you said that it was the unit chief whose name you
24 didn't remember who woke you up in the morning. And I believe I
25 understood that there was <a> bell <>. Now this bell which you

34

1 mentioned this morning, was it used in your unit exclusively or
2 was it also for the other units that were close to your own?

3 A. To my observation, there was one bell within the compound of
4 my unit and there were bells in other units. The bells were rung
5 <by the unit chief> to wake us up to start work.

6 Q. And every day, did you see the unit chief<, whose name you
7 cannot remember, again,> apart from in the morning? Or would it
8 be more likely that you would see the head of your group, Ra?
9 <Can you clarify that?>

10 A. Yes. A head of the group was directly supervising us and he
11 was close by. And as for the unit chief, <he did not really come
12 close by, and> he would go around and see us and observe us.
13 [10.44.15]

14 Q. Now you also talked about the question of quotas <for your
15 group, amounting to> three cubic metres of <soil> per day and per
16 person. Can you tell us, among Ra the head of the group and the
17 unit chief, who was in charge of checking your daily quota?

18 A. It was the head group who verify the quota that we met and
19 then he reported to unit chief.

20 Q. But in practical terms, how were those checks carried out? How
21 did they know whether or not you had actually <reached> your
22 three cubic metres of <soil>?

23 A. The stick or branch of the tree was used as a measurement and
24 then the stick was used to measure the earth; <the length of the
25 stick was up to our waist, which was equal to> one metre, and

1 then they <told us to dig the soil>.

2 [10.45.54]

3 Q. Yesterday, in the courtroom at about 3.37 in the afternoon,
4 you said that at the beginning you had meals three times a day,
5 and then after that, you only had thick gruel. And you said<, and
6 I cite,> that if you didn't have three meals a day anymore, it
7 was because the rice had run out. Now during the two months
8 during which you were working on the dam site, for how long did
9 you actually have those three meals a day?

10 A. I cannot get your question. What are you asking, <three meals
11 a day>?

12 Q. Let me put it another way. At yesterday's hearing, a question
13 was put to you: "Could you tell us when you were at the Trapeang
14 Thma Dam how many <meals per> day you were authorised to <> eat?"
15 And your answer was: "At the beginning, we were authorised to
16 <have our meals> three times a day. And then after that, we only
17 had thick gruel." And then the next question put to you was: "And
18 after that, did you always have three meals a day?" And your
19 answer was: "No, the rice had run out. Later, we were allowed to
20 have rice at lunchtime and we had a second meal in the
21 evening."<End of quote.> So my question now is: During the two
22 months that you spent at the dam site, at what stage did you stop
23 having three meals a day?

24 A. The question appears to be long, so I do not know how to
25 respond to it.

1 [10.48.27]

2 Q. Well, it was very long because I was trying to refresh your
3 memory about what you said yesterday. But don't worry, let me put
4 it another way. You said that during the two months spent on the
5 Trapeang Thma Dam site, you <first> had three meals a day and
6 then that switched to being two meals a day. For how long did you
7 get the three meals a day?

8 A. It was one month later after I could have three meals per day.
9 And one month later as I stated, I heard the food ration was
10 reduced.

11 Q. You said that the rice had run out. My question is: Who told
12 you that the rice had run out? And do you know where the
13 provisions came from, that were used for making the meals in your
14 unit?

15 A. I did not know where the rice was taken from. I do not know
16 who went to bring food supplies. I only knew that <I had to
17 strive to complete my work, and> I had gruel at the time that I
18 went to eat meal.

19 Q. So is my understanding correct that nobody explained to you
20 why the meal <frequency> was being reduced at that particular
21 point in time?

22 A. That is true; no one came to explain us about that.

23 [10.50.48]

24 Q. You said that you attended a meeting at one particular point.
25 While you were in Trapeang Thma, were you at any point in time

1 told what the whole purpose of building the dam was?

2 A. I cannot get your question.

3 Q. You said that you had attended meetings or at least one
4 meeting. And at the meeting or at any other meeting, did anybody
5 explain to you why the dam was being built in that place?

6 A. No, no explanation was made. The meeting was convened to
7 instruct us to strive to work. No explanation was made at that
8 time why the dam was built.

9 Q. Do you know if the dam went on being in use after 1979?

10 A. I cannot get your word or question.

11 Q. After 1979, did the dam continue to be used as part of the
12 wider agriculture in the region?

13 A. Could you repeat your question, I really could not get it.

14 [10.53.13]

15 Q. Yes, no problem. I was asking you if you knew whether the dam
16 continued to be used as part of the regional agriculture after
17 1979.

18 A. I have no idea because I have never been there after the time
19 that I had left the dam site.

20 MS. GUISSÉ:

21 Thank you, Mr. President. I have no further questions. My
22 colleague Kong Sam Onn has <a few brief> questions that he would
23 like to ask <in addition>.

24 MR. PRESIDENT:

25 Thank you. You may now proceed, Counsel Kong Sam Onn.

1 QUESTIONING BY MR. KONG SAM ONN:

2 Thank you, Mr. President. Good morning, Mr. Sen Sophon. I have
3 some questions in relation to the answers you made earlier this
4 morning.

5 Q. You said that Yeay Chaem gave an order to kill your father.
6 Could you tell the Court whether you knew Yeay Chaem during the
7 Democratic Kampuchea?

8 MR. SEN SOPHON:

9 A. I did not know Yeay Cheam. I heard people mention the name
10 Yeay Cheam.

11 [10.54.57]

12 Q. Thank you. Now I want to know about the time or period <in
13 your answers to Counsel Koppe>; you stated that your father
14 perhaps perished or died in late 1977 or early 1978. You also
15 stated that your father died in the period or flood in 1977 or
16 1978. <And then you said there was a flood some time in 1978.>
17 You <responded> to the question by Counsel Koppe that Yeay Trap
18 <after fleeing the flood> told you that your father died during
19 the flooding. My question is as follows: Did you know whether
20 your father passed away in late 1977 or early 1978 <during
21 deluge>?

22 A. It is my estimate regarding the time that he died. I did not
23 know whether he died in late 1977 or early 1978. I knew that it
24 was a rainy season <when there was a lot of water, and it was a
25 dry season when there was no water>.

1 Q. Thank you. It is clear for you that your father died in rainy
2 season <during deluge> in 1978; is that true?

3 A. Yes, that is true.

4 [10.57.00]

5 Q. Thank you. Does this mean that Yeay Trap told you about your
6 father's death <during flooding or after flooding? Could you
7 confirm that?>

8 A. The water receded already during that time that I was told.

9 Q. Thank you. <I would like to seek your clarification. For> our
10 <geographical aspects, rainy season, especially flood or> the
11 water <rising is> in the Pchum Ben period -- that is, in
12 September or October; is that true to your knowledge?

13 A. Yes, that is true. It is the time that it is the rainy season.

14 Q. Thank you. <This means that when> Yeay Trap told you that your
15 father had <been> taken away and killed, <it was in September or
16 October 1978, not in late 1977 or early 1978>. So is that true
17 she told you that your father <had been> taken away and killed in
18 September -- or October in 1978?

19 A. Yes, perhaps in <the middle of the year> 1978 when the water
20 rise.

21 Q. Thank you. I would like to know about the time that you were
22 working at the dam site, particularly the work quota. I would
23 like you to tell the Court about the division of work within your
24 group <during that two months when you worked at Trapeang Thma
25 Dam>. Did the work was divided within the group for particular

40

1 individual or was it divided for the whole group <or unit>?

2 A. At my worksite, I had to complete the work quota which was set
3 for the whole group.

4 [11.00.08]

5 Q. Could you tell the Court how many workers there were in your
6 unit?

7 A. There were 10 of us in my group.

8 Q. Thank you. You have told the Court already about the work
9 quota and you stated that you had to finish three cubic metres of
10 earth per day. You also stated that you did not meet the work
11 quota during the daytime and you had to continue working in order
12 to finish it at night-time. Did the whole group <have> to work
13 <together> with you <or you worked alone> when you did not meet
14 the work quota <and had to continue to work at night>?

15 A. Everyone could not take rest. We had to work all together
16 until 10 p.m. <that was when we were told to stop>. No one could
17 finish the work quota during the daytime. We had to continue
18 working at night-time to finish the work quota.

19 Q. Can you tell the Court about the daily work measurement
20 assigned to you and your group, for example, a certain length of
21 -- or certain stretch of land that were assigned to your group;
22 <how was the overall measurement done>?

23 [11.02.05]

24 A. In fact, the plot was rather long. <It was 3 multiplied by 10,
25 so it was 30 cubic metres> because after the land was measured,

41

1 it was assigned to the group. And it was pretty a long stretch of
2 land, <and we all were fatigued due to this big size, but> we had
3 to try to work hard. <Some dug the soil, some carried the earth
4 while some others placed the soil in the baskets.> Everybody <in
5 the group was exhausted, but we> had to try to work hard;
6 otherwise, we would not be given food to eat.

7 Q. You said <earlier, that 3 cubic metres multiplied by 10 was 30
8 cubic metres, so> a stretch of 30-metres <was> a long <plot of
9 land> that was assigned to your group. Can you give us a bit more
10 specific; for example, the width <and length> of the land plot
11 and the depth of the land plot that was assigned to your group?

12 A. It was a 30-square metres piece of land that was assigned to
13 our group and the depth <was> half a metre.

14 Q. Based on your description, it was a 30-square metres plot of
15 land with half a metre depth that was assigned to your group; am
16 I correct?

17 A. Yes.

18 Q. So let me clarify this with you. It means it's 30-square
19 metres -- that is, 30 metres runs on <all> sides of the piece of
20 land that was assigned to your group with a half a metre depth;
21 am I correct?

22 A. Yes.

23 [11.04.20]

24 Q. And for this particular piece of measurement that was assigned
25 to your group, how long did it take your group to complete it --

1 that is, among your 10-men group?

2 A. I don't understand your question.

3 Q. Allow me to rephrase it. For that land measurement that was
4 assigned to your group -- that is, 30 by 30 metres long with a
5 half a metre depth, was your group <of 10 members> required to
6 complete this work assignment on a daily basis or what? <How long
7 did it take to complete it?>

8 A. It was a daily quota for the group.

9 Q. So this is a daily quota for your group. And can you calculate
10 a cubic metre of this land measurement? For example, this is 30
11 by 30 metres long with a half metre depth; what is the cubic
12 metre of this land measurement?

13 [11.06.15]

14 A. The focus at the time was to conclude or complete the work
15 quota and we had to do whatever it <took> to complete it <all
16 together> and then to move on in order to complete a three-cubic
17 metre for each worker. However, allow me to stress we could <not>
18 complete this work measurement, <and we had to stay at the
19 worksite until 10 p.m.>

20 Q. My question to you <was> for you to calculate a cubic metre
21 size of this land measurement. <I did not ask you whether you
22 completed your work>. If you can't do it, it's all right.
23 Please answer my question. Can you do the calculation in cubic
24 metres?

25 A. If I'll take the calculation, it means each of us could not

1 complete the three cubic metres assignment. For three cubic
2 metres work assignment for each worker, it means the depth had to
3 be one metre.

4 MR. KONG SAM ONN:

5 Thank you. And Mr. President, I'm done with the civil party.

6 MR. PRESIDENT:

7 Thank you. And Mr. Sen Sophon, we are at the conclusion of your
8 testimony, <so you can make a statement> regarding the alleged
9 crimes against Nuon Chea and Khieu Samphan. And the harms that
10 caused you<, during Democratic Kampuchea period,> to become a
11 civil party to seek moral and collective reparation <from the two
12 Accused> before this Court, the harms include the physical,
13 material or emotional harms, and it could be direct or indirect
14 harms that inflicted upon you and the results are still with you
15 today. You are now given an opportunity to make your statement of
16 impact if you wish to do so.

17 [11.08.34]

18 MR. SEN SOPHON:

19 From 1975 when I was forced to leave Phnom Penh, I faced all
20 kinds of hardship. I had to move to Preaek Reang (phonetic) and
21 further moved to Battambang. We lacked everything, including
22 clothes and food. And <> my family members <and I were maltreated
23 gravely during this regime>. And by 1977, the food was even
24 scarce. We were given only a ladle of thin gruel for each meal. I
25 became so desperate. I did not have any more hope in my life as I

1 lost all my family members including my parents and younger
2 siblings.

3 (Short pause)

4 [11.10.14]

5 MR. SEN SOPHON:

6 I lost my property, I lost my home.

7 MR. PRESIDENT:

8 WESU staff, Mr. Sophearith, please assist the civil party. He may
9 need a few minutes to compose himself.

10 MR. SEN SOPHON:

11 And I became an orphan. I lost all my relatives and family
12 members. They were all killed. I did not have anyone to hang on
13 to. And I'm still in the same condition at present day. It
14 happened to me and it happened to every Cambodian living under
15 the regime. And we could not imagine that we survived the regime.
16 This is the truth, the truth that I am speaking of and the truth
17 that I experienced. And I urge the Court to judge their act upon
18 us during the Democratic Kampuchea regime. And I urge the Court
19 to prosecute them and to sentence them to a life imprisonment.
20 And that is my request. I am done.

21 [11.12.36]

22 MR. PRESIDENT:

23 Mr. Civil Party, do you have anything else to add?

24 MR. SEN SOPHON:

25 I have two questions that I'd like to put to the Accused Nuon

1 Chea.

2 MR. PRESIDENT:

3 You may do so, however, your questions have to go to the Bench --
4 that is, to me the President of the Bench first.

5 MR. SEN SOPHON:

6 Mr. President, please convey my message to the Accused. My first
7 question is the following: People in Phnom Penh were told to
8 leave Phnom Penh for three days and that they could return but it
9 never happened. And secondly, we were told while we were in
10 Preaek Reang (phonetic) to return to Phnom Penh. However, on the
11 contrary, we were only at the outskirts of Phnom Penh and then we
12 were sent to Battambang province. To me these are lies, lies
13 committed by the leadership of the regime. And I'd like to get
14 his response as to who actually made those <orders>.

15 [11.14.17]

16 MR. PRESIDENT:

17 Thank you, Mr. Sen Sophon. The Chamber wishes to inform you that
18 after ascertaining the position of both Accused on 8th January
19 2015, regarding the exercise of the right to remain silent, the
20 Chamber notes that the two Accused maintained their express
21 positions on the right to remain silent unless and until such
22 time as the <Trial> Chamber is expressly informed otherwise by
23 the Co-Accused or their counsels. It is therefore incumbent upon
24 them to inform the Chamber in a timely and efficient manner,
25 should the Accused resolved to waive the right to remain silent

46

1 and be willing to respond to questions by the Bench or relevant
2 Parties at any stage of the proceedings. However, as of today,
3 the Chamber is not informed that the Co-Accused have changed
4 their expressed position and thus agreed to provide their
5 responses to questions by the Bench or by relevant Parties.

6 And the hearing of the testimony of civil party Sen Sophon is now
7 concluded.

8 [11.16.01]

9 For the afternoon session, the Chamber will hear testimony of a
10 witness 2-TCW-858.

11 And Mr. Sen Sophon, the Chamber wishes to thank you for your
12 testimony as well as the statement of impact of the alleged harms
13 inflicted upon you during the Democratic Kampuchea regime. And
14 your presence is no longer required in this Court. And you may
15 return therefore to your place of residence <or anywhere you wish
16 to go>. And we wish you bon voyage.

17 The Chamber would also like to thank Mr. Sophearith, the WESU
18 staff for your support given to the civil party during his
19 testimony this morning. And you may also be excused.

20 Court officer, in collaboration with WESU, please make necessary
21 transportation arrangement for Mr. Sen Sophon to return to his
22 place of residence <or anywhere he wish to go>.

23 And security personnel, you are instructed to take Khieu Samphan
24 to the waiting room downstairs and have him returned to attend
25 the proceedings this afternoon before 1.30 <in the afternoon>.

47

1 The Court is now in recess.

2 (Court recesses from 1117H to 1335H)

3 MR. PRESIDENT:

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

5 Now the Chamber will commence to hear 2-TCW-858. Court officer,
6 please invite the witness into the courtroom.

7 (Witness enters courtroom)

8 [13.36.55]

9 QUESTIONING BY THE PRESIDENT:

10 Q. Good afternoon, Mr. Witness. What is your name?

11 MR. MAM SOEURM:

12 A. My name is Mam Soeurm.

13 Q. Thank you, Mr. Mam Soeurm. There is no Mam Soeurm <and there
14 is only Heng Samuoth>, I mean the name, in the document so who is
15 Heng Samuoth?

16 A. I have two names and the name refers to me.

17 Q. So what is your official name?

18 A. My official name is Mam Soeurm.

19 [13.38.06]

20 Q. What about Heng Samuoth, when do you <> use this name, in the
21 past you mentioned only the name Heng Samuoth and you did not
22 state that you have <alias or> another name Mam Soeurm.

23 A. Let me clarify. Before I started work I used the name Heng
24 Samuoth and <when I applied for a job,> the name <> Heng Samuoth
25 was used <> because at that time there was problem with the

1 processing of the document, I was asked to use the name <Mam
2 Soeurm. Therefore, this name, Mam Soeurm, was the name of another
3 person, and it becomes my official name now.>

4 Q. What is your birth name?

5 A. My birth name is Heng Samuoth.

6 Q. When were you born?

7 A. I was born on 24th February 1956.

8 Q. Where were you born?

9 A. I was born in <Thmei Khang Tboung> village, Nam Tau
10 sub-district, Phnum Srok district, Battambang province <but now
11 it is Banteay Meanchey province.>.

12 Q. What is your current address?

13 A. My current address is in Thmei Khang Tboung village, Nam Tau
14 sub-district, Phnum Srok district, Banteay Meanchey province.

15 Q. What is your current occupation?

16 A. Currently I am a rice farmer.

17 [13.41.00]

18 Q. What are your parent's names?

19 A. My father's name is Uy Samoeun, deceased and my mother <Chin>
20 Yan (phonetic), deceased.

21 Q. What is your wife's name, how many children <do you have>
22 together?

23 A. I have four children. My wife's name is Sim Lon.

24 Q. Now, which <name> do you want to use before this Chamber, to
25 be clear for all of us because you have <> two different names

1 <and it is different name in the document> and there is no alias
2 for you. So which name <do> you want to use now?

3 A. In the official document my name is Mam Soeurm and I use this
4 name currently in my work.

5 Q. Mr. Mam Soeurm to your best knowledge you have no connection
6 or relationship with the two Accused<, Nuon Chea and Khieu
7 Samphan> and to any other party admitted in this Case <002>, is
8 that true?

9 A. That is true. I have no relationship.

10 [13.43.10]

11 Q. And I was told that you have already taken an oath <before
12 coming to give testimony in this Courtroom>, is that also true?

13 A. Yes, I have already <taken> an oath.

14 Q. Mr. Mam Soeurm, as a witness in the proceeding before the
15 Chamber you may refuse to respond to any question or to make any
16 comment which may incriminate you, that is your right against
17 self-incrimination. As for your obligations, as a witness in the
18 proceeding before the Chamber you must respond to <all> questions
19 by the Bench or relevant Parties except where your response or
20 comments to those questions may incriminate you as the Chamber
21 has just informed you of your rights as a witness. You must tell
22 the truth that you have known, heard, seen, remembered,
23 experienced or observed directly about an event or occurrence
24 relevant to the questions that the Bench or Parties pose to you.
25 Mr. Mam Soeurm, have you ever been interviewed by an investigator

50

1 of the OCIJ, if you have been interviewed how many times did it
2 happen? <Where and when did it take place?>

3 [13.44.50]

4 A. The interview took place in <> Thmei Khang Tbound village, Nam
5 Tau sub-district, Phnum Srok district, in January 2009.

6 Q. Before you are here, have you reviewed or read the <previous>
7 statement that you made to the investigator to refresh your
8 memory?

9 A. Yes I have read already but I cannot recall all the
10 information in the document.

11 Q. To your best knowledge, <was> this statement <correct and
12 consistent, or does it> reflect what you have given <in the
13 interview> to the investigator at your home?

14 A. I was interviewed by an investigator at that time but some
15 points were not clear in the document so I will clarify those
16 points before the Chamber. In 1975, I mean 17th April 1975--

17 [13.46.36]

18 Q. I do not want to know what is in the document but I would like
19 to ask you whether the document reflects what you gave in the
20 past? I mean <is it the same and accurate, and> does this
21 statement <refresh your memory or> reflect what you have given to
22 the investigator <in 2009 at your home>? I will not go into the
23 detail about what you said in the document, you will be asked by
24 Parties later on.

25 A. I was interviewed by the investigator. Questions were put to

51

1 me and I provided my responses to those questions.

2 Q. Once again, have you read this document <so far>, did you read
3 this document in the morning?

4 A. Yes, I have read it Mr. President but I cannot recall
5 everything.

6 Q. Do you recall which name you used during the time that you
7 were interviewed <in 2009> at your home?

8 A. At that time I used the name Heng Samuoth.

9 Q. I think it is not too long from that time until now, why <did
10 you use> the name Heng Samuoth when you were interviewed and now
11 you prefer to use your name Mam Soeurm instead?

12 A. When I was interviewed, I don't think it will cause any
13 problem to me <or it will be used officially> when I used the
14 previous name.

15 [13.49.10]

16 MR. PRESIDENT:

17 Based on Internal Rule 91 <bis> of the ECCC, the Chamber now
18 gives the floor to the Co-Prosecutors to put questions <to this
19 witness> before other Parties. I would like to inform
20 Co-Prosecutors and <the Lead Co-Lawyers for> civil parties that
21 the combined time for you, is half day or two sessions. <You may
22 proceed, Co-Prosecutors.>

23 QUESTIONING BY MR. FARR:

24 Thank you, Mr. President, and good afternoon, Mr. President, Your
25 Honours, Counsel and everyone in and around the courtroom. And

1 good afternoon to you also, Mr. Mam Soeurm. My name is Travis
2 Farr, I am lawyer with the Office of the Co-Prosecutors and I
3 will be asking you a number of questions this afternoon.

4 Q. Now you covered a number of topics in your witness statement
5 but I'm going to be focusing on your experiences at the Trapeang
6 Thma Dam worksite. So start with, can you just tell us, to the
7 best of your memory, when you were sent to the Trapeang Thma Dam
8 worksite?

9 [13.50.36]

10 MR. MAM SOEURM:

11 A. I participated in the construction of Trapeang Thma <Dam, in
12 the east of Trapeang Thma Dam>. I have built the dam,
13 <constructed the bridge> and made the reservoir <at the
14 worksite>.

15 Q. When you first arrived at the Trapeang Thma Dam worksite, had
16 the construction already begun at that point?

17 A. I participated in the Trapeang Thma worksite and I carried
18 earth to build the dam, west of the bridge.

19 Q. I'm trying to establish the time you were there, are you able
20 to give us a month and year when you arrived or do you not
21 remember?

22 A. I would like to tell the Court that upon my arrival at
23 Trapeang Thma I moved <> from <one location to another>. First I
24 worked in the rice field <and engaged in harvesting rice. After
25 that I was moved to work at Trapeang Thma Dam>, I could only

1 recall that I started working from place to place <> in late 1976
2 or early 1977. <My work at that time was digging canals, building
3 dams, rice farming and so on.> As I stated I was not thinking of
4 the date at that time so as I told you I could not recall it
5 when.

6 [13.52.55]

7 Q. And did you remain at the Trapeang Thma Dam worksite until
8 construction was completed on the dam?

9 A. I was working at Trapeang Thma <until late> 1977, and I left
10 that Trapeang Thma worksite <because I started to feel unsafe
11 there. I only worked there from late 1976 through late 1977>.

12 Q. Okay, thank you for that. When you went to the Trapeang Thma
13 Dam worksite, did you volunteer to go or were you sent?

14 A. I was <sent to> the worksite. It was <their> decision <> to
15 send me <to work there. In fact, I did not have the rights to
16 choose where I wanted to work.>

17 Q. Which worksite were you removed from?

18 A. I was removed from the <mobile> unit <of> the commune. I was
19 assigned to harvest rice at Thma Puok after which I was sent to
20 Trapeang Thma to build the dam, construct bridges. They could
21 send me anywhere they liked at that time. <And I just had to
22 follow the instruction.>

23 Q. And who was it who sent you to Trapeang Thma Dam?

24 [13.55.07]

25 A. There <were> group chiefs or unit chiefs and they <were> the

1 <ones> who assigned work force to certain location as they
2 wanted. <I did not know. I just> had to go after they assigned to
3 me any particular place. I had to follow the assignment.

4 Q. You just said, they could send me anywhere they liked and you
5 had to follow the assignment. Why did you have to follow their
6 assignment?

7 A. How could I refuse to go<? Although> I did not want to go, I
8 had to go <wherever I was assigned>.

9 Q. And why did you feel that you had no choice in that matter?

10 A. If I <refused> to go, they <would> say that I was stubborn <or
11 against Angkar and the rule>.

12 Q. And what did you think would happen to you if they decided you
13 were stubborn.

14 MR. KOPPE:

15 I object Mr. President, he's asking for speculation.

16 [13.57.59]

17 MR. FARR:

18 Your Honour, I'm not asking for speculation, I'm asking for the
19 witness's subjective perception of his position which is
20 certainly relevant to the voluntariness of what happened.

21 MR. PRESIDENT:

22 The Chamber overrules the objection put by Mr. Koppe, the Defence
23 team for Mr. Nuon Chea. The question can be put by the Deputy
24 Co-Prosecutor. <The Chamber needs to hear the response from the
25 witness to this question.> Mr. Witness, you are instructed to

55

1 give your response to the question.

2 MR. KONG SAM ONN:

3 Mr. President, the question has not been yet fully translated,
4 interpreted into Khmer; perhaps the witness has not received the
5 translation, <so I think both the witness and I would like to
6 know the question first>.

7 [13.58.28]

8 MR. PRESIDENT:

9 <The> International <Deputy> Co-Prosecutor, could you repeat the
10 question to be clear for the witness.

11 BY MR. FARR:

12 Yes Mr. President, I'll do that.

13 Q. Mr. Witness, can you tell us what you believe would happen if
14 you refused to go and were judged to be stubborn?

15 MR. MAM SOEURM:

16 A. I could not refuse the assignment. If Angkar decided the place
17 where I had to go, I had to go <or we would not be accused of
18 being against Angkar at that time, and> it was under the
19 assignment by Angkar. <One needed to follow the assignment.>

20 Q. Okay, thank you. I'd like to ask you now a little bit about
21 the organisation and the hierarchy of the work force at the
22 Trapeang Thma Dam worksite and can you tell us first which unit
23 you were in?

24 MR. PRESIDENT:

25 Please observe microphone, Mr. Witness.

1 [13.59.54]

2 MR. MAM SOEURM:

3 A. <At Trapeang Thma worksite, I was working in a> mobile unit
4 <of a> Sector level.

5 BY MR. FARR:

6 Q. And which sector was the mobile unit associated with, which
7 sector number?

8 A. It was called Sector 5 at the time. I was in Sector 5.

9 Q. Do you know who was the overall commander of the Sector 5
10 mobile unit?

11 A. I could not recall it. I heard there were leaders of Sector 5,
12 but I <was> not <quite sure, and I just saw the face>. I knew
13 only that Ta Val was the overall leader. <I dared not ask or know
14 more about him.>

15 Q. When you say that Ta Val was the overall leader, what did you
16 understand Ta Val's position to be?

17 [14.01.24]

18 A. He was in charge of the sector and in charge of the mobile
19 units at the Trapeang Thma Dam worksite.

20 Q. Okay, so other than the Sector 5 mobile unit, were you aware
21 of any of the other units present at the Trapeang Thma Dam
22 worksite?

23 A. I could not grasp the situation there as I could not contact
24 any other <workers> from other sectors. <They just paid attention
25 to their work, so did I. And> there were many workers on site. We

1 could not go and mingle with other workers from another sector
2 for example. <We had to remain stationed in our own worksite.>

3 Q. Do you have any idea what the total number of workers was at
4 the Trapeang Thma Dam worksite?

5 A. I could not answer your question. I knew there were many
6 workers there but I cannot give you the <exact> figure.

7 Q. I want to ask you now about a person that you mentioned in
8 your statement by the name of Nhav and I hope that I'm
9 pronouncing that correctly. You mentioned him as your chief in
10 the sector mobile unit. My question is can you tell us how many
11 people Nhav had under his direct command?

12 A. Ta Nhav supervised a big unit and the big unit actually
13 comprised of three small units and each small unit comprised of
14 30 workers.

15 [14.03.45]

16 Q. So is it correct then that a big unit, as you used the term,
17 would mean approximately 90 workers?

18 A. Maybe it was less although in theory yes <> but in practice,
19 each small unit comprised only about <more than> 20 workers,
20 <some small units comprised of 30 workers, so it was not exactly
21 the same number>.

22 Q. And this, what you call big unit, was that in turn part of
23 even a bigger unit as far as you know?

24 A. As I said one big unit comprised three small units. Mobile
25 units were divided into small units and big units<. Three small>

1 units formed one big unit <or a battalion.> that is my
2 understanding because <I was not sure about big units or small
3 units, I just knew that> I belonged to a <small> unit and there
4 were <30 workers in the> unit.

5 Q. Did you ever hear the terms platoon or company or battalion,
6 referred to, with reference to any of the units in the Sector 5
7 mobile unit?

8 [14.05.37]

9 MR. PRESIDENT:

10 Witness, please observe the microphone.

11 MR. MAM SOEURM:

12 A. I don't know the details of the organisation of <a big unit>
13 or <a small unit>. I only knew that a small unit should comprise
14 <of> 30 workers and then under the small unit there were three
15 groups and each group comprised <of> about 10 to 12 workers.
16 <Although there were not enough members to make up a group, the
17 group would be made anyway as more people would be added into the
18 group along the way.> That's my understanding about the group and
19 the unit that I was attached to.

20 Q. Okay. So, going back to Nhav, the big unit chief, did he you
21 give instructions or assignments about your work or any other
22 aspects of your life at the Trapeang Thma Dam worksite?

23 A. He was chief and he instructed us to do the work and usually
24 the instruction was relayed in a meeting. He was the one who
25 actually imposed the work plan upon us. And we had to carry out

1 the work plans as instructed and we had to complete the work
2 plan. He received instruction from the <upper echelon> and he
3 relayed those instructions to us <in the unit or group>.

4 Q. You just said that he received instructions from above and
5 relayed those instructions to you. Can you tell us how you know
6 about him receiving instructions from above?

7 [14.07.50]

8 A. <> When he was about to attend a meeting, he told us that he
9 would go to attend a meeting, <but> I did not know where he
10 attended those meetings and later on he relayed us the
11 instructions on work plan.

12 Q. You've said you don't know where he attended the meetings; do
13 you know who he attended these meetings with?

14 A. I do not know. I do not know about his meetings.

15 Q. Okay. Can you tell us whether Nhav remained the big group
16 chief for the entire team you were at Trapeang Thma Dam worksite?

17 [14.09.02]

18 A. Yes, Nhav did that. I was with him <in early or late> 1977. <I
19 was with him at hospital,> and later on, I cannot be sure, maybe
20 in late 1977, he disappeared and I thought that he was arrested
21 because by that time <we were separated and> a new group came
22 from the southwest to supervise the work and most leaders had
23 disappeared and people fled everywhere. I also fled from the
24 worksite and some workers had been gathered up and returned to
25 the worksite. I myself fled to my house.

1 Q. Okay. I'd like to get a big more clarity on when Ta Nhav
2 disappeared compared to your timeline at the worksite. Are you
3 saying that Ta Nhav disappeared after the construction of the dam
4 was already complete?

5 A. He disappeared about the time that the Trapeang Thma Dam was
6 almost completed. Actually in general the construction was <not>
7 completed <entirely> but some parts of the embankment broke due
8 to the high pressure from the water so workers were used to patch
9 those parts and after that <when the dam was almost completed,>
10 he disappeared. The situation became serious and people left the
11 worksite <and no one dared to stay>. There were rumours about
12 this or that and no one was sure of anything as many people had
13 disappeared and we heard that he was arrested because we were
14 afraid that when our leader was arrested, we<, as subordinates,>
15 would be next. At the worksite, usually we tried to ignore
16 anything else but focus on our work and <we would be in trouble
17 if we knew too much, so> we tried to be ignorant.

18 [14.11.54]

19 Q. So you've just told us that you were afraid when your leader
20 was arrested, you would be next. Why did you fear that you would
21 be next after your leader was arrested?

22 A. We were the subordinates, we were simply afraid <of being
23 arrested> and I myself did not have any role to play. I was
24 simply a member of the mobile unit under his supervision.

25 Q. Okay, so going back now to the time before Ta Nhav was

61

1 arrested, were you ever aware of Ta Nhav being in communication
2 with Ta Val?

3 A. He was part of <> Ta Val's group <because he was the
4 subordinate> and as he was also <part of> the sector mobile unit,
5 he surely was within the group of Ta Val <because Ta Val
6 supervised the worksite and mobile units in the sector,> and that
7 is based on my observation at the time. Ta Nhav was part of the
8 circle of Ta Val.

9 [14.13.32]

10 Q. And you say that's based on your observation at the time, can
11 you give us the details of that observation that led you to this
12 conclusion?

13 A. I said that because I was always on site at the Trapeang Thma
14 Dam worksite. I did not go anywhere. In the morning I would
15 attend the work and I would return to the sleeping quarter later
16 in the evening and I made that observation because I noticed the
17 disappearance <and the situation was changed and in chaos, but> I
18 only kept it to myself and did not discuss the matter with
19 others. I did not dare to speak to others about my observation
20 and everybody just kept on working at the worksite. And that
21 applied to every worker at the Trapeang Thma Dam worksite. We
22 were careful and attentive to our work assignment.

23 Q. So can I ask, did you continue working after Ta Nhav's
24 disappearance and if so, who replaced him as the big group chief?

25 A. After Ta Nhav disappeared <or died>, I ran away from the

1 worksite and did not know who replaced him. And allow me to
2 repeat it, after Ta Nhav had been arrested I returned to the base
3 -- that is, to my house. <I returned home because I was sick and
4 my> body became swollen and I could not work and because of the
5 chaotic situation that I observed on site, I fled and returned to
6 the cooperative in order to seek treatment for my swollen
7 condition and to avoid being at the worksite.

8 [14.16.17]

9 Q. I think I just have one more question about the structure of
10 your unit. Towards the end of your statement you mention another
11 person named Phan. When you were asked who your group chief was,
12 you answered that it was someone named Phan. Can you tell us who
13 that person is?

14 A. Phan was my group chief. He was the leader of my group and he
15 was the one who led us to work.

16 Q. And how many people were in that group that you're talking
17 about?

18 A. There were 10 of us in my group <and we all were separated>.
19 However at present I do not know if any of them survive and now I
20 forget names of those group members.

21 Q. Okay. I'd like to turn now to the subject of arrests at the
22 worksite and I'd like to start by asking you to clarify something
23 that you said in your statement and this is in Khmer at page,
24 00279088; English, 00289999; and French, 00483959. And what you
25 said was, "If they wanted to arrest us they started with a spy

63

1 and they asked about our parents or relatives backgrounds, title,
2 class or official rank. So my question is who were these spies
3 and how did you know about their existence?

4 [14.18.23]

5 MR. KOPPE:

6 Mr. President.

7 MR. PRESIDENT:

8 Witness, please hold on and Defence Counsel Koppe, you have the
9 floor.

10 MR. KOPPE:

11 Thank you Mr. President. This morning I objected to a similar
12 question, reading a part of an excerpt and then asking for
13 confirmation, that's not I think the way it is supposed to be
14 done at least not according to the Supreme Court Chamber, he can
15 ask -- the Prosecution can ask questions if things are unclear or
16 he hasn't testified anything -- whether discrepancies for
17 instance, but just reading and asking for clarification is
18 basically the same thing as just reading from excerpt and asking
19 for confirmation. So I object to this manner of questioning.

20 [14.19.20]

21 MS. GUISSÉ:

22 Thank you, President. I would like to add my voice to this
23 because this is a question that will be raised again with the
24 following <witnesses>. Now, I understood -- and I <carefully>
25 read the rules -- that the Supreme Court Chamber set out which

64

1 were recommendations for the Chamber. Now, I understand that Mr.
2 Prosecutor <is asking> who the spies were, but <before getting
3 there> he didn't ask any open questions on arrests in general and
4 it is only if a witness does not remember what they'd said in
5 their previous statements then <one> can read it to them. <But
6 it> would be preferable to have spontaneous testimony from
7 witnesses as opposed to reading a long excerpt from a previous
8 statement and then a small question following it, without
9 allowing the witness to spontaneously <speak before the Chamber>.
10 These were the recommendations of the Supreme Court Chamber and
11 <allow me to remind you that> this is also what has been said at
12 the beginning of the Trial when we were opposed to the fact the
13 witnesses should be able to read <> their previous statements
14 before appearing before the Chamber. In any event, <when the
15 parties examine the witness,> it would be preferable to <first>
16 ask open questions <to see what the witness says in a spontaneous
17 manner,> before putting words in their mouth by reading what they
18 said <or what they allegedly said> previously in their
19 statements.

20 [14.20.52]

21 MR. FARR:

22 Mr. President, if I could -- if I could just respond. First of
23 all what I was doing was not reading the witness's statement and
24 asking him to confirm the contents, I was reading him a portion
25 of what he's already said and then asking the first of several

1 clarifying questions on the particular topic. I was essentially
2 drawing his attention to a particular topic and to what he's
3 already said. Your Honour will remember this morning, when
4 Defence Counsel for Nuon Chea was asking the civil party who he
5 felt was responsible for the crimes, he took him to his -- well
6 to a translation of his statement and said, "You previously said
7 that King Sihanouk was the one who was responsible for the crimes
8 against you, why did you say that?" He did not say, "Who do you
9 think was responsible for the crimes against you?" In my mind
10 that's not an objectionable way to proceed because if he had
11 said, who do you believe is responsible for the crimes against
12 you, the witness would have probably started with his unit chief,
13 he might have mentioned other people, five minutes later we would
14 have got to King Sihanouk and he could proceed. I just don't
15 think we have that kind of time in these proceeding. I understand
16 that it's not permissible to ask for simple confirmation and
17 that's not what I'm doing.

18 [14.22.12]

19 Just one more comment. I don't want the Chamber to be confused
20 about what happened before the Supreme Court Chamber. Statements
21 were put to witnesses before the Supreme Court Chambers, these
22 were witnesses who were proposed by the Nuon Chea Defence and a
23 witness, SCW-5, for example, when he was being examined on 6th
24 July, by Defence Counsel for Nuon Chea, they questioned him in
25 exactly the same way that I'm questioning this witness and I can

1 read an example. And this was a witness proposed by the Nuon Chea
2 Defence, so it's not a cross examination situation, it is their
3 own witness. They said, "You said in your statement to the
4 investigators that at one point in time you collected about
5 20,000 weapons coming from Lon Nol soldiers and that at one point
6 in time you stored these weapons. You've just acknowledged that
7 you were a weapons collector. Where did you store these weapons
8 and why was it necessary that these weapons were stored?"
9 Summarising a portion of the statement and then proceeding to ask
10 for clarification. The witness answered. Nuon Chea's next
11 question was, "In your statement to the investigators, you said
12 that you stored these weapons in a warehouse in a bamboo forest,
13 is that correct?" That's just a request for simple confirmation.
14 It was then used as the foundation for further clarification. So
15 I think we need to be very clear about situations which a portion
16 of the statement is put and confirmation is sought versus the use
17 of a statement to direct the witness's attention to something
18 that he has already said and to use that as a basis for further
19 examination. That is the efficient way to proceed.

20 [14.24.10]

21 MR. KOPPE:

22 There's a crucial difference between the witnesses that were
23 asked questions in appeal and this witness and other witnesses in
24 this case, it's not an appeal, is that all these witnesses read
25 their statements beforehand, they were given by WESU a copy of

67

1 their statement. And that is a practice by the way, and we will
2 address that matter another time, that is a practice that was
3 also prohibited by the Supreme Court Chamber. The Supreme Court
4 Chamber explicitly instructed WESU not to give any prior
5 statements of the witnesses to the witnesses. And in addition, I
6 would like to say that just giving an example without first
7 clarifying whether I asked the question already in general terms
8 is not very helpful. But more problematic is that this witness
9 and all other witnesses have received their earlier statements so
10 there is a crucial difference.

11 [14.25.28]

12 MS. GUIRAUD:

13 Mr. President, thank you for giving me the floor and I don't want
14 to interrupt unduly my colleague from the Prosecutor's office,
15 but I believe there is a question of principle here. And this is
16 a question that will return <again> several times, so perhaps it
17 would be best to <to take the time and> clarify this question as
18 to what happened before the Supreme Court Chamber and then the
19 Trial Chamber can make a ruling fully informed. The Supreme Court
20 Chamber released a memorandum on instructions on the hearings.
21 However <it> did not render a decision on the points raised by
22 the Nuon Chea <and Khieu Samphan> Defence on the use of <WRIs>
23 and the reading of these <WRIs> before appearing before the
24 Chamber. And this was just a memo, so that <we are clear on> the
25 <legal> nature of <the> document <referenced yesterday by our

1 colleagues from the Defence>.

2 I would also like to refer to your decision, Mr. Judge Lavergne,
3 yesterday you told us what you considered to be the
4 interpretation of this document and you exhorted <and instructed>
5 us to not use as a general practice the repetitive and extensive
6 quoting of excerpts from written records. I think we should just
7 limit ourselves to these instructions. You have told us that we
8 should not <> quote repetitively and extensively these passages
9 from <WRIs> but <> we should keep the practice that we've had
10 since the beginning of this case and <> the Defence <must be more
11 careful with their words>.

12 The Supreme Court Chamber did not make a ruling on points <> on
13 appeal; it was a memo, instructions on how the proceedings would
14 go ahead. Let us be very clear about what happened. I myself used
15 <WRIs> during <this> hearing to confront the witness <with
16 their> statements. So we <could all have done much better> than
17 what the Defence is <pointing out> today.

18 [14.27.40]

19 (Judges deliberate)

20 [14.30.37]

21 MR. PRESIDENT:

22 The Chamber wishes to inform the Parties that this issue is a
23 partition of the previous issue and it is not a minor issue that
24 we have to deal with and in order to make it clear, all Parties
25 are instructed to ask open questions to the witnesses and civil

1 parties. And upon the responses of the witnesses or the civil
2 parties, and if they are contradictory to their previous
3 statement then follow up questions can be or can incorporate
4 extract of his or her previous statement in order to clarify the
5 matter. That is the first point and the second point is that, if
6 previous statement is read out, it is more or less similar to a
7 form of a leading question and that should be avoided. So,
8 <please rearrange the question and> all Parties please refrain
9 yourselves from doing so and ask open questions to the witnesses
10 and civil parties and as I said, if there is discrepancy then
11 extract from the previous statement can be used as a follow up
12 question.

13 MR. FARR:

14 Thank you, Mr. President. Mr. Witness can you tell us--

15 MR. PRESIDENT:

16 Judge Lavergne you have the floor. And the Deputy Co-Prosecutor,
17 please hold on.

18 JUDGE LAVERGNE:

19 This may just be a question of interpretation but I heard a
20 reference to statements made subsequently -- <subsequent
21 statements>. But I believe that we are referring to statements
22 made prior to a witness testifying obviously, so it is
23 recommended that open questions be put before referring to any
24 statements made at a prior stage by the witness.

25 BY MR. FARR:

1 Thank you, Judge Lavergne and thank you, Mr. President.

2 Q. Mr. Witness, can you tell us whether you and the other workers
3 at the worksite were monitored in any way?

4 [14.33.40]

5 MR. MAM SOEURM:

6 A. We were under watch at the worksite. They wanted to know
7 whether we actually worked at the worksite and they assigned us
8 certain quota for example two or three cubic metres of soil to
9 complete per day and they watched over us whether or not we were
10 active in our work. They had to watch us in order to see whether
11 we could meet the work quota. <If we could not complete it while
12 others could do it, they would think that we were not attentive
13 to our work.> For example, if we were assigned to finish two
14 cubic metre of soil per day and if we could finish it, then they
15 would consider the work quota. <We were under observation every
16 time. They had their own network, but we did not know whom.> For
17 example in my group, I did not know who was spy and
18 self-criticism would be held to criticise each other whether
19 there were groups were inactive or whether there were other
20 groups were more active. So as I said, there were self-criticism
21 sessions, once again we were under watch every time when we were
22 working at the dam site or anywhere else. <Our working activities
23 never went unnoticed.>

24 [14.35.24]

25 Q. Were you aware of any members of your group being arrested?

71

1 A. I may have forgotten <who had> been arrested at that time but
2 I could not recall the names or those who had been arrested
3 <because it was long time ago>.

4 Q. Without asking about the names in particular, do you remember
5 any particular occasion on which you saw someone being arrested?

6 A. Let me inform the Court, when we were required to strive to
7 work or when there was a <work> plan set for us, for example to
8 complete the dam in two or three days, incidents would happen and
9 <that person would have a reaction, which made it easy for them
10 to observe and> there would be arrests to be made. If they wanted
11 to arrest people, <> it was easy for the cadre to do so by
12 setting more <difficult work or> quotas for workers to do. <Those
13 who were not active or committed would show unhappy reaction, and
14 the cadre could notice that worker.> There were incidents
15 occurring at the time.

16 [14.37.09]

17 Q. Do you recall whether any members of your group of 10 people
18 or your larger group of 30 people were arrested?

19 A. I was not able to grasp the situation. I could not recall who
20 had been arrested. <I forgot their name and their face because> I
21 was not attentive to what happened <> around me <at that time,
22 except those who were very close to me>. There were 17th April
23 People, people from the city -- that is, Phnom Penh, I could not
24 <know them all or> get the full grasp of the situation and I
25 could not recall fully what happened.

1 Q. Mr. President, with the Chamber's leave I would like to put a
2 portion of this witness's previous statement to him in which he
3 describes witnessing the arrest of three people.

4 [14.38.35]

5 (Judges deliberate)

6 [14.38.59]

7 MR. PRESIDENT:

8 As instructed by the Chamber, open questions needs to be asked
9 first or you need to elicit what the witness remembered first
10 before you can do so.

11 MR. FARR:

12 Mr. President, that's what I had been trying to do, given that
13 the witness has, in his statement, described a situation which he
14 personally witnessed the arrest of three people and given that he
15 has now saying that he doesn't remember that. Those were the open
16 questions; I believe there is now a contradiction between his
17 testimony in Court and his prior statement that I'd like to --
18 and I'd like to put his prior statement to him to see if it
19 refreshes his recollection of this particular event.

20 MR. PRESIDENT:

21 The Chamber has instructed you already and you can do so now.

22 [14.40.19]

23 BY MR. FARR:

24 Thank you Mr. President.

25 Q. Mr. Witness, I'm going to read a brief part of one of your --

73

1 of your previous statement and for counsel's reference the Khmer
2 version is page 00279088; English, 00289999; and French is,
3 00483959. Sir this is what your statement says, "In one evening I
4 saw the Khmer Rouge arrested three members from my group. I did
5 not know what their faults were, they were hard working workers.
6 Since they were 17th April People I do not recall their names
7 now. They made the arrest secretly and then they trucked the
8 victims away. The victims were secretly arrested and trucked away
9 because my group was in the sector mobile unit and arrest of a
10 member of the sector mobile unit was made in secret." Does
11 hearing that, refresh your recollection about witnessing this
12 event or not?

13 [14.41.34]

14 MR. MAM SOEURM:

15 A. Oh yes, I could recall it now. It happened close to the hall,
16 truck was driven to the hall. I did not know why they were
17 arrested. I was told that the truck came to arrest people and I
18 was <not> told who would be arrested. I was told at that time
19 three people had been arrested and these three individuals were
20 trucked away. I noticed that the three people arrested were very
21 active <and did not commit any mistake, but I did not know their
22 tendency, so we did> not know why they were arrested, what was
23 the reason <behind it>. I was horrified because they were
24 arrested with no justification. I may have forgotten a while ago.

25 MR. PRESIDENT:

74

1 Thank you. It is now proper time for a short break and the
2 Chamber will take a break <> from now until 3 o'clock <and please
3 be back in the courtroom>.

4 Court officer, please find a proper room for this witness and TPO
5 support staff and please invite them back to the courtroom at 3
6 o'clock.

7 The Court is now in recess.

8 (Court recesses from 1443H to 1501H)

9 MR. PRESIDENT:

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

11 And again the floor is given to the Co-Prosecutor to continue
12 putting questions to the witness. <> And you may proceed Counsel
13 <Victor Koppe>.

14 [15.02.13]

15 MR. KOPPE:

16 Thank you very much, Mr. President. I request the Chamber
17 permission to revisit the topic this morning for two minutes, to
18 share with you what we have established in relation to these
19 DC-Cam statements because it is directly relevant also to this
20 witness. If you'll allow me, I only need one or two minutes.
21 So this morning, Mr. President, I raised the situation -- the
22 problem with these DC-Cam statements one of which I read to the
23 -- an excerpt of to the witness of this morning. That was part,
24 as I said earlier, of a batch of 66 DC-Cam statements. And we
25 have now established that of these 66 DC-Cam statements, all of

75

1 which have E3 numbers, only 13 statements are translated into
2 English. As I said earlier this morning, none of them into
3 French, but only 13 translated into English. It seems that all of
4 these DC-Cam statements are quite -- or sometimes highly relevant
5 to the witnesses of the dam site. So the question remains -- we
6 know that they are relevant because a week ago, we received 64
7 summaries of these DC-Cam statements -- so the question now is,
8 how should we proceed with documents that are very relevant to
9 this segment of the trial but which are only 13 out of 64
10 translated -- are not translated, are only in Khmer. The question
11 of course is who is responsible for the translation and how quick
12 can the translation be done of these remaining 51 extremely
13 important DC-Cam statements on the dam? So that's the question
14 that I would like to raise. I'm not sure if it's actually a
15 problem of the Prosecution or whether it's now in the hands of
16 the Trial Chamber because the Trial Chamber gave E3 numbers to
17 all of these 64 documents on the 15th of June 2015.

18 [15.04.56]

19 (Judges deliberate)

20 [15.05.39]

21 MR. PRESIDENT:

22 Thank you, Counsel, for raising that concern. The Chamber will
23 consider the matter tomorrow. And the Co-Prosecutor, you may now
24 resume your questioning.

25 BY MR. FARR:

1 Thank you, Mr. President. Mr. Witness, just one more question on
2 the three arrests you've just described. Were the people arrested
3 members of your group?

4 MR. MAM SOEURM:

5 A. On the issue of the arrest, yes, arrests were made in my unit.

6 Q. And other than those three people, were -- was anyone else
7 arrested in your unit?

8 A. Arrests were made in my unit and <I saw> they were trucked
9 out. And I did not see any other arrest besides the arrest that I
10 mentioned.

11 [15.07.19]

12 Q. Can you tell us to your knowledge what the total number of
13 arrests made in your unit was?

14 A. I only knew about the arrest of the three workers for my unit
15 <because I saw it personally>. And I do not know about any other
16 arrest. As I informed the Court, we did not speak to one another
17 on this issue. And when we returned from the worksite, we simply
18 slept and did not talk <or go anywhere>.

19 Q. And were these three members, members of your 10-person group,
20 your 30-person group or the 90-person big unit?

21 A. The arrest was made in the small unit -- that is, the 30 men
22 unit.

23 Q. Okay, thank you. I'd like to turn now to your working hours.
24 Can you tell us what your working hours were on a typical day at
25 that Trapeang Thma Dam worksite?

1 A. On the working hours, allow me to inform you that the working
2 hours varied. Some workers would start waking one another up
3 during the hard period at 3.00 or 4 o'clock in the morning and we
4 began working immediately. However, <> when the situation was not
5 that demanding, we started working at around 5 o'clock in the
6 morning. So as I said, the working hours varied. <We woke one
7 another up and carried hoes and baskets and went to work.> It
8 could be from 5 o'clock in the morning and continued until 11.00
9 when we stopped for lunch. And then we started working again from
10 2.00 to 5.00. And after dinner, it was from 6.00 to 9.00. And
11 that is the typical <shifts>, that is, the three <shifts> per
12 day.

13 [15.10.13]

14 Q. And just so I'm understanding you correctly, are you saying
15 that you did the evening shift from 6.00 to 9.00 every day or
16 almost every day?

17 A. The evening shift from 6.00 to 9.00 p.m. was during the time
18 when the situation was demanding or when there was an emergency
19 to patch the dam or to actually complete the remaining workload
20 for the particular segment of the worksite. So it was not a
21 regular shift but it was according to the need and the urgency of
22 the workload. <They would give us a particular period to complete
23 our work in the unit or group. > So we actually adhered to the
24 instructions and that we had to complete the work quota <and meet
25 the deadline.>

1 Q. And you've just mentioned your work quota. Can you tell us
2 what your work quota was on a typical day?

3 [15.11.51]

4 A. According to the work plan, a quota was set at the beginning
5 which was two cubic metres per day. And if we could complete the
6 work quota of the two cubic metres per day during the daytime, an
7 additional one cubic metre was added for the evening shift. And
8 if <some groups of> workers in the unit could not complete the
9 three cubic metres per day, then <that group> would be criticised
10 since other workers from other groups could complete the work
11 quota. And that's how it went. <They wanted to know the reason
12 why the work quota was not met.>

13 Q. How far did you have to carry the soil that you would dig and
14 transport to the dam?

15 A. It was about ten metres away -- that is, to go from the ground
16 up to the embankment of the dam <and the height was about 4, 5,
17 6, or 7 metres up>.

18 Q. And do you know how much each load of soil that you would
19 carry would weigh?

20 A. It is difficult to tell you exactly the load. If we had to
21 complete the work quota earlier, we had to put more load onto the
22 baskets. So the load varied depending on the situation. However,
23 usually at the beginning, we would put more loads onto the basket
24 but once our strength became weaker, we put less into the
25 baskets.

1 [15.14.19]

2 Q. And what about your food ration, can you tell us how much food
3 you were given each day as you were carrying out this work?

4 A. We were given two meals per day, <that is in the morning and
5 in the evening> and a can of rice was given to two workers. And
6 the food was organised and distributed by the economic section.
7 And <if the worksite was far away,> the food <would be> cooked
8 <and would be> transported to the worksite to give to the
9 workers. That was to save time <for work. During demanding
10 periods, food would be prepared and cooked at the worksite.>

11 Q. And so this amount of food, did it -- did it feel like enough
12 or did it feel like not enough? Were you hungry, were you weak or
13 did you feel okay?

14 A. Of course the food was not enough. I don't want to talk much
15 about this but the food was not enough. You can imagine a can of
16 rice for two workers. And sometimes, it was not cooked rice that
17 was given to us but gruel. <Only sometimes when rice was reduced
18 from that watery gruel, the remaining rice would be cooked for
19 us. The food was not adequate at all but I had to endure it.>

20 [15.16.23]

21 Q. Can you tell us something about the hygiene conditions at the
22 worksite?

23 A. Hygiene was problematic at the worksite. <> I refer to how we
24 <relieved> ourselves, <food> and the diseases that we contracted
25 including dysentery, <stomach pain or swollen and sickness>. And

1 that was the difficulty we experienced in terms of hygiene <in
2 the unit or group>. The sleeping <area at the worksite> was not a
3 proper one and <some dug the soil and put the bamboo down to
4 sleep on while some others had a hammock made from rice sack;
5 most of the workers had the hammocks>. And sometimes workers had
6 to sleep directly on the ground. <As for our group, we had
7 hammocks, and we erected two wooden poles to hang the hammock to
8 sleep on.> So the situation was difficult and every worker had to
9 find own means to sleep.

10 Q. In your last answer, you mentioned diseases including
11 dysentery. Can you give us a feel for how often the workers that
12 you personally knew and worked with would get some kind of
13 disease?

14 A. The food was not prepared according to the safety standard and
15 we simply ate what was given in order to fill our stomach. And we
16 simply followed the flow. <We had no other choice, and we had to
17 struggle in that life.> And for that reason, including myself,
18 had dysentery but there was nothing much that we could do.
19 Nothing was made available to us in terms of hygiene.

20 [15.19.17]

21 Q. Do you know anyone in your unit or otherwise who died of
22 disease during their time at the worksite?

23 A. Yes. People died from dysentery. And the death was the result
24 of lack of medical treatment or medicine. And I myself knew at
25 least one person died from dysentery. We could not have access to

81

1 a hospital unless we had to leave the worksite. There were
2 medical units at the cooperatives but there was no such access at
3 the worksite.

4 Q. And going back to your work quota and your work quota and your
5 working hours, how often were you able to complete your work
6 quota during the time allotted?

7 [15.20.48]

8 A. No. <It> varied actually. Sometimes I could complete the work
9 quota, at other times, I could not. <But most of the time I could
10 not complete it,> for that, I was criticised. <Sometimes my
11 co-workers came to help me, and sometimes I finished only half of
12 the quota because I was weak and could not reach the work quota
13 quite often.> But I tried my best to meet the work quota. And
14 sometimes workers or those who completed their work quota earlier
15 <in the daytime> would assist members within the group who did
16 not yet reach the quota. <Some workers were the last who
17 completed the quota because no one came to help.> And as I said,
18 when the time or the day went on, we became weaker and we could
19 not put heavy load onto the baskets.

20 MR. FARR:

21 Mr. President, with the Chamber's leave, I'll now pass the floor
22 to my National colleague.

23 QUESTIONING BY MS. SONG CHORVOIN:

24 Good afternoon, Mr. President, Your Honours, and everyone in and
25 around the courtroom. And Mr. Witness, good afternoon. My name is

1 Song Chorvoin. I'm a National Deputy Co-Prosecutor and I have
2 some supplementary questions to put to you. You told the Court
3 that you arrived in the Trapeang Thma worksite in late '76 --
4 that is, after the rice harvest and that you remained on site
5 until 1977. Could you please confirm as to which month or which
6 period of the year that you remained in 1977?

7 [15.22.49]

8 MR. MAM SOEURM:

9 A. As I stated earlier, I cannot tell you the date. I can only
10 remember the year but not the day or the month.

11 Q. So you remained at the worksite in 1977. Was it, for example,
12 before the Khmer New Year or after, or was it during the rainy
13 season of the year?

14 A. It was in January 1977. When I referred to late 1976, that was
15 after I harvested rice in <November or> December and then I began
16 working at the Trapeang Thma worksite in probably January 1977.
17 And as I said, I had been in many worksites as part of the mobile
18 unit. I harvested rice in Thma Puok in late '76, and by early
19 '77, I was assigned to work at the Trapeang Thma worksite.

20 [15.24.17]

21 Q. In order to make it clear regarding the period that you worked
22 at the Trapeang Thma Dam worksite -- here I refer only to the
23 time that you actually worked at the worksite -- how many months
24 did you spend working at Trapeang Thma Dam worksite?

25 A. I was there during 1977 and I remained there until late '77,

1 so I spent almost a whole year of '77 at the worksite.

2 Q. So during the period of almost a year that you were there, and
3 you already said that there were many workers on site, could you
4 just give us an estimate whether the workers were in hundreds, in
5 thousands or in ten thousands?

6 A. I cannot give you the figure. However, people were everywhere
7 <like in the market> and there were crowds of people along the
8 embankment of the dam from the beginning to the end. And we were
9 in different sections <or different mobile units> according to
10 work assignment. And allow me to say <Trapeang Thma worksite was
11 divided into different sections including> mobile units <and
12 different groups from> various cooperatives, <villages or
13 districts> and they worked on different sections of the Trapeang
14 Thma Dam embankment. So I cannot tell you the exact figure <of
15 workers who were working there>.

16 [15.26.25]

17 Q. You already informed the Chamber about the criticism meeting;
18 was such meeting held often and when was it held?

19 A. I actually informed the Court already about such meetings. The
20 meetings were held when the work plan was imposed. And the
21 meetings were also held upon the end of the work plan. We were
22 criticised or members of the group criticised one another if we
23 could not complete the quota. And the purpose of the criticism
24 meeting was to reinforce the workload <in the group> and <that
25 particular individual was criticised so that they could be more

1 active and did not turn away from the work and> pay more
2 attention to the work plan.

3 Q. Was such a meeting held on a daily basis, for example, at the
4 end of the work shift in the evening or was it held fortnightly
5 or monthly?

6 A. The group or the unit meetings were <not> held <regularly> and
7 they varied depending on <the work plan and> the urgency of the
8 situation. <If it was during> the demanding period, <the workers
9 would be under observation and criticism> meetings <would be>
10 held, <but the meetings were not held daily or monthly.> They
11 were held only when needed.

12 [15.28.36]

13 Q. And who actually led the criticism meetings?

14 A. The meetings were held within the group subordinated to the
15 unit. And then instructions were relayed to us. And that's how
16 the meetings went. And if members <in particular unit> were
17 inactive, then <> such members were criticised.

18 Q. So the group chiefs or the unit chiefs actually chaired the
19 meetings, or the meetings were held only amongst the workers?

20 A. It was the unit chief who actually chaired the meeting, and
21 after that the group chief would reinforce the message from the
22 unit chief. And that's how the reinforcement was processed, that
23 is from the unit chief to the group chief and to the members of
24 the group <in order to strengthen their group>. So usually the
25 unit chief would reinforce the message within the unit while the

1 group chief reinforced such message in the group.

2 Q. And you mentioned about this special unit or "kang karoney" in
3 Khmer; can you elaborate a little bit further on this type of
4 unit?

5 [15.30.40]

6 A. The word "kang karoney" or special unit was formed and I
7 myself did not understand about the term that was used. However,
8 members of the unit were those who were alleged of being stubborn
9 <> or who committed mistakes or who were inactive. So those who
10 were not active in doing their works or who were considered
11 <inattentive would be> placed into that special unit <so that
12 they could be more active and committed to the work plan>. That's
13 how I understand it. And the word the Khmer - the Khmer word that
14 used was "<kang> karoney" or <>case unit. So for those who were
15 considered difficult workers were put into that <>case unit for
16 being tempered.

17 Q. And what did they do to those members of the so-called <>case
18 unit?

19 A. Workers who were assigned into this <>case unit had to work
20 hard as they were being tempered <or maltreated> as part of the
21 member of the unit. I myself did not belong to the <>case unit
22 but I knew that if workers who were considered inactive would be
23 removed from their regular group and put into the <>case unit,
24 and that they had to work harder in that <>case unit. <When I
25 heard about "kang karoney", I knew immediately that it was a very

1 tough unit.> So like it or not, if <someone was> considered
2 inactive, <that person> would be assigned to work in the <>case
3 unit and the work condition there was harder than the regular
4 unit workload.

5 [15.32.57]

6 Q. So the working condition was hardest in the <>case unit as
7 they were being tempered <and maltreated>. Can you elaborate a
8 little bit further on that? <How were those members treated?>

9 A. I myself was not part of the <>case unit, however, I was told
10 about the working condition of the members in the <>case unit. I
11 was told that they had to work hard, much harder. And if we were
12 to make a mistake, then we would be removed from our regular
13 group and put into that <>case unit. <That was why I said that it
14 was difficult,> and I do not know any further details regarding
15 the nature of the workload of the <>case unit <because I was not
16 a member of that unit>.

17 MS. SONG CHORVOIN:

18 Thank you, Mr. Witness. Thank you, Mr. President. I conclude my
19 line of questioning. I would like now -- I would like the Chamber
20 to give the floor to Lead Co-Lawyer <for Civil Parties>.

21 MR. PRESIDENT:

22 The floor is now given to Lead Co-Lawyers to put question to this
23 witness. You may now proceed.

24 [15.34.15]

25 MR. PICH ANG:

87

1 Thank you, Mr. President. Good afternoon, Judges and Parties. I
2 would like to ask the Chamber to give the floor to Sin Soworn to
3 put <questions> to this witness. I would like to ask, Mr.
4 President, this afternoon, we observed that there were <various>
5 objections <and requests> by Parties. So I would like to know how
6 much time left for Civil Party Lawyers?

7 MR. PRESIDENT:

8 You have time from now on until 4 o'clock. No additional time for
9 you.

10 QUESTIONING BY MS. SIN SOWORN:

11 Thank you, Mr. President. Thank you, Judges and everyone in and
12 around the courtroom. Good afternoon, Mr. Witness. I am Sin
13 Soworn, <from Cambodian Defenders Project, a> lawyer <for> civil
14 parties in Case 002. I have a few questions for you, so please
15 respond to the <questions I will be asking>. First, I would like
16 to know about Trapeang Thma Dam. When did the inauguration take
17 place and did you attend the inauguration ceremony?

18 [15.36.05]

19 MR. MAM SOEURM:

20 A. I did not attend the inauguration ceremony because I was the
21 last one to be there. As for meetings or conferences <at Trapeang
22 Thma>, I attended those meetings. Once again, as for the
23 inauguration, I did not attend it. I was not there when the
24 inauguration took place.

25 Q. <Thank you.> Perhaps it <was an assembly> or meetings that you

1 attended, <not inauguration>. Why <were> fat workers <> required
2 to attend the <assemblies> and they were asked to stand in front
3 of other <skinny> workers -- why, what was the reason?

4 A. I told the Chamber already, every time <an assembly> was held,
5 there were many people there <>. And during the <assembly, they
6 never let skinny people to be in front rows, and> only <good
7 looking and> fat people were required to stand in the front line.

8 And as for me, I was thin and I had swollen disease. I was told
9 to stand <in the second or third row> behind the fat workers.

10 <From my observation, they did not allow those who were ugly to
11 stand in the front because it would not look nice.> I was
12 standing behind at that time <because I was not good looking>. I
13 was rarely allowed to stand in the front line.

14 Q. <Thank you.> I have other questions I would like to ask you.
15 Who chaired <those assemblies>?

16 A. The <assembly> was chaired by a cadre from sector level. <That
17 was Sector 5 and> it was Ta Cheal, Ta Cheal presided over the
18 <assembly,> he addressed the attendees at <mobile units in> the
19 worksite.

20 [15.39.04]

21 Q. Thank you. Who was Moul Sambath? Do you know who this
22 individual was?

23 A. I do not know him personally. I heard people say that Moul
24 Sambath was chief of the zone. I overheard this from my <>
25 colleagues. I <never saw> his face, I do not know him personally.

1 Q. Thank you. During the <assemblies>, did the speakers mention
2 the reason the <Trapeang Thma> Dam was built?

3 A. The slogan was announced that certain tons of rice yield
4 needed to be achieved. <And how many times people could have meal
5 per day.> This slogan was made and was announced to workers <and
6 people, to let them not worry. There would be enough food>. And
7 it was said that there was irrigation system that was filled for
8 workers to work on <to achieve certain tons of rice>. So the
9 announcement and slogan was mentioned to <encourage> workers <who
10 joined the assembly> to strive to work.

11 Q. Now, I would like to move to another topic concerning purging.
12 Purging was conducted from top to the bottom levels. How did you
13 know this?

14 [15.41.08]

15 A. <I heard about this because> workers within units heard that
16 purge would take place <and were panic>. When the cadres from
17 Southwest Zone came to replace the previous cadres, disappearance
18 could be seen. Unit chiefs started to disappear from time to
19 time, <so we whispered and told one another>. And we ordinary
20 workers started to fear after the disappearance of unit chiefs
21 <and we, the subordinates also fled the site>. And I heard that
22 purge would be <carried out> from -- against the cadres from the
23 top to the bottom. Disappearances <of those who were related>
24 happened at that time. Unit chiefs of <companies> or <platoons>
25 disappeared. And I realised that it was not a good situation at

1 all. Units from Southwest Zone came to replace the previous
2 cadres at my worksite.

3 [15.42.41]

4 Q. Thank you. You said that disappearance happened from time to
5 time. Did they disappear from work or what do you mean by
6 disappearance? <Did they escape or die?>

7 A. <Their disappearance does not mean they were alive. They just
8 disappeared forever as> I could not see them <again. I did not
9 know where those people were going.> And members within units,
10 <who I knew and I used to see them around,> disappeared.

11 Q. Thank you. I would like to ask about workers at Trapeang Thma
12 Dam including you. Were you allowed to rest on monthly basis or
13 yearly?

14 A. I did not have any resting time within my unit. After the dam
15 had been built, we were required to patch the broken parts of the
16 dam. And some people <who completed their work, they could go>
17 back to villages. <As for me, who was> assigned to build the dam,
18 <after the construction work was completed,> we had to go <and
19 fix damaged areas> and construct bridges. <Therefore, I could not
20 go anywhere. I was assigned to remain at the worksite.>

21 [15.44.27]

22 Q. Thank you. Did work-related accidents happen to workers at
23 Trapeang Thma Dam? For example, were workers hit by the hoes <>
24 while soil was dug or did soil collapse <on workers or was any
25 worker swept away by high water currents; was there any death> at

1 Trapeang Thma Dam?

2 A. During the time that I was working at Trapeang Thma Dam, I was
3 one of the workers. Nothing happened, no work-related accident.

4 Why I said that? Because <for the water rises, we could know in
5 advance, and> we would try to prevent the dam to cause any
6 problems to workers. If we found out that there would be broken
7 parts on the dam, we would go and <stay on the dam even it was
8 nigh time in order to> patch the broken part. <That was planned>
9 in advance, <so there were no work-related incidents for those
10 who were in our unit>. I have no idea what happened within other
11 units at other locations.

12 Q. Thank you. I would like to ask you about workers at the
13 worksite, Trapeang Thma worksite. Were they happy to work at that
14 Trapeang Thma Dam?

15 [15.46.18]

16 MR. PRESIDENT:

17 Please wait, Mr. Witness. Mr. Koppe, you may now proceed. Please
18 wait, Mr. Witness. You may now proceed, Koppe.

19 MR. KOPPE:

20 Thank you, Mr. President. I think the witness can say whether he
21 was happy, maybe he can say something about his fellow unit
22 members to whom he spoke and asked at the time whether they were
23 happy, but surely he cannot say whether all ten thousand people
24 were happy. So I think Counsel should limit her question to the
25 actual knowledge of this witness.

1 [15.47.00]

2 BY MS. SIN SOWORN:

3 Mr. President, I would rephrase my question.

4 Q. Were you happy to construct Trapeang Thma Dam?

5 MR. MAM SOEURM:

6 A. I would like to tell the Chamber <that, generally> speaking, I
7 was not happy. I never experienced such work assignment
8 regardless the fact that I was satisfied with the assignment or
9 not, I had to do it anyway. <That was it and I could not figure
10 out what to do at that time.>

11 Q. Thank you. From your observation, were there any Chinese
12 delegates or were there senior leaders visiting the site,
13 Trapeang Thma Dam?

14 A. Yes, there were delegates visiting the dam. I noticed there
15 were Chinese delegates. We -- I rarely saw foreign or Chinese
16 delegates coming to visit the dam site. At that time, I could see
17 them at the worksite taking photos of <the reservoir,
18 construction activities and> Trapeang Thma Dam. They were coming
19 in vehicles. <They were big and fat people.>

20 Q. Was film shot at Trapeang Thma Dam?

21 A. I do not know about the filming whether or not it was shot.

22 [15.49.12]

23 Q. Thank you. Now I would like to move to another topic -- that
24 is, the forced marriage at Trapeang Thma worksite. From your
25 observation and as you perhaps know, the construction of Trapeang

1 Thma Dam started in late 1976 and completed in <> 1977. From
2 <your statement, most workers at Trapeang Thma were> middle-age
3 groups, <male youth groups, female youth groups>, and <only a
4 few> children groups <> working at the dam site. But I would like
5 to know about the forced marriage. Were forced marriages held at
6 Trapeang Thma Dam?

7 A. Yes, there were marriages. Marriages were held for many
8 couples at that time<, dozens of couples>. And <some> people <>
9 did not know who <their spouses were. They were confused and
10 could not find their husband/wife.>.

11 [15.50.47]

12 Q. Thank you. You have just stated that there were many couples
13 in the wedding. How many couples were there in that wedding?
14 <Were there 10, 20, 30, 100, or 150 couples?>

15 A. At that time, I did not get married and <I just went to look
16 at their marriage.> I did not know how many couples <exactly>
17 there were at the wedding.

18 Q. Thank you. From your observation and you have told the Court
19 about what happened, some people did not know each other and had
20 never seen each other before they got married. And couples were
21 paired up, did they have courage to refuse the couples that were
22 selected for them?

23 A. Yes. Their marriage was forced but for instance, a man loved a
24 woman but this man did not dare to say he loved the woman. And
25 this woman was forced to get married with another man. So this

1 man could not get married and live with <> the woman that he
2 loved. <They were separated, and sometimes this could lead to
3 death because it was a forced marriage and they did not love each
4 other. It would not be a matter if they agreed with each other
5 before, but> marriages were mostly forced marriages for the
6 couples. I want to say that the marriage was held <and they did
7 not recognize the face of their spouse because> after the
8 marriage, <there was no electricity at night, and> they did not
9 know where to go and spend time together because it was dark in
10 the night after the marriage. <So, they were separated and they
11 confused their own spouse. My relatives who also got married told
12 me about that.>

13 Q. You stated that the newlywed would confuse their future
14 husband or wives. Did you mean that the marriage take place at
15 night time?

16 A. Yes, the marriage took place at night time.

17 [15.53.32]

18 Q. After the marriage, what happened to those who refused to
19 consummate their marriage?

20 A. After the wedding or marriage, if the newlywed were not
21 satisfied with each other and if they refuse to consummate the
22 marriage, they would risk their lives because it was against the
23 decision of Angkar. <This means that> Angkar made the selection
24 for them <as a couple> and if they dared to refuse spending time
25 together, they would risk their lives. If the woman refused to

1 spend time together with the husband, something would happen on
2 her -- that is, she would risk her life <and the same applied to
3 man. In short, there were problems about marriage at that time>.

4 Q. You stated that if they -- the newlywed refused the
5 consummation of their marriage, they would risk their life. So
6 could you clarify were the newlywed under watch <by militiaman>
7 after their marriage at night time?

8 [15.55.08]

9 A. Actually <they were careful and> surveillance was conducted at
10 that time and they really wanted to know whether the newlywed got
11 along with each other. And the female people would be understood
12 by their <> female colleagues that she did not spend time with
13 the husband, and the same applied to male workers. <They knew
14 what happened through surveillance after the marriage, so people
15 could not refuse the forced marriage.>

16 Q. From your observation, after men and women were paired up and
17 got married, was there any militiaman conducting surveillance
18 over the newlywed or the new couples who had just got married
19 <whether they consummated their marriage>?

20 A. I am not able to tell you because as I said, I did not get
21 married at that time.<And I did not know in detail about this
22 matter because I could not go next to them.>

23 <Q. Let me ask you another question, did you ever see rape
24 happening after the forced marriage at Trapeang Thma? Were there
25 any cases of rape there?

1 A. As I told you, I did not-->

2 (Technical problem)

3 [15.58.45]

4 MR. PRESIDENT:

5 You may now resume your line of questioning, Civil Party lawyer.

6 BY MS. SIN SOWORN:

7 I would like to resume my line of questioning. From your

8 observation, did you ever see rape happening after the marriage

9 -- the forced marriage at Trapeang Thma Dam worksite?

10 MR. MAM SOEURM:

11 A. I never <witnessed> any rape and I do not know about rape.

12 [15.59.29]

13 MR. PRESIDENT:

14 There may be <sound> system glitch, there was no translation in

15 French.

16 You may now resume your line of questioning, Civil Party lawyer.

17 Wait Civil Party lawyer. Lawyer for Khieu Samphan, Anta Guisse,

18 you may now proceed.

19 MS. GUISSSE:

20 Yes, I'd like to <react on> the last question <that> the witness

21 has already answered but <--> I believe it was not relevant. <>

22 [16.00.22]

23 BY MS. SIN SOWORN:

24 Thank you. I want to continue asking question about the visit of

25 delegates. Besides the Chinese delegates visiting and filming,

1 taking <photos> at the dam worksite, were there <national> senior
2 leaders visiting the dam worksite?

3 MR. MAM SOEURM:

4 A. I have no idea who the senior <leaders> were. I noticed there
5 were vehicles at that time.

6 Q. Thank you. Now you have seen Mr. Khieu Samphan. In the past,
7 he was young. Could you tell the Court whether you noticed he was
8 there visiting the dam worksite.

9 MR. PRESIDENT:

10 Please wait, Mr. Witness. Anta Guisse, you may now proceed.

11 MS. GUISSSE:

12 <Honestly,> I don't know if I even need to raise an objection <at
13 this point>, it <seems so> obvious <to me>. The witness <just>
14 said he didn't know who <the> senior leaders were. He did not
15 know if someone came to visit. And now my colleague <reformulates
16 by saying>, "Did you see Mr. Khieu Samphan?" I don't even need to
17 make a comment, I have an objection. And if this is the type of
18 examination that we're going to be listening to, perhaps she
19 could go straight to the point as there is very little time left.

20 [16.02.16]

21 MS. SIN SOWORN:

22 Thank you very much. I conclude my line of questioning. That was
23 the last question from me <>.

24 MR. PRESIDENT:

25 Mr. Witness, you are instructed not to respond to the question.

98

1 Mr. Koppe, to allow the Chamber to make a decision on the request
2 made by you in relation to DC-Cam documents, the Chamber requires
3 you to provide a list of the documents with ERN numbers <via
4 email> to the senior legal officer this afternoon, so that the
5 Chamber can have a proper list of <documents> and can decide on
6 your request tomorrow.

7 [16.03.16]

8 MR. KOPPE:

9 Mr. President, that was already ready. Within five minutes,
10 you'll have the email with the attachment. So we were already
11 preparing it and within the next five or ten minutes, you will
12 have that email with attachment.

13 MR. PRESIDENT:

14 Thank you then. You may now proceed, Judge Lavergne.

15 INTERPRETER:

16 Mr. Lavergne's microphone is not turned on.

17 JUDGE LAVERGNE:

18 <Sorry,> Mr. Koppe, can you tell us if one of the relevant
19 documents is E353.1? <For if that is the case, I should point out
20 that this> document which <indeed> refers to the <66> DC-Cam
21 <statements> does not have <ERN references> or E3 numbers that
22 may have been attributed to these documents. That is why we need
23 a bit more information.

24 [16.04.30]

25 MR. KOPPE:

1 I'm sorry. Could you -- I have all 66 documents here with all the
2 numbers. Could you be so kind and repeat the number that you just
3 said. Could you just--

4 MS. GUISSÉ:

5 Or perhaps I can help clarify the matter. My colleague said that
6 this document is being prepared. <Actually, they> have done
7 research <on> the names that are in this <famous> document that
8 you just quoted. And so they looked into ZyLAB for the names that
9 correspond to <these> statements and we could see that these
10 statements were only available in one language <and had> had an
11 E3 <number>. So this is not a <> list <attached to> the document
12 that <was> just mentioned, but rather a <list> that <was>
13 prepared by the Nuon Chea defence team. So that's why I <>
14 interrupt and <spell it out clearly> in French <because we
15 referred to the earlier situation. So, to clarify,> this is a
16 list that the Nuon Chea defence <team has drafted, following
17 research>.

18 [16.05.32]

19 JUDGE LAVERGNE:

20 Yes. But I will note that <> we need an entire hearing day to
21 have a <clearer> idea of the request that the Chamber is seized
22 with.

23 MR. KOPPE:

24 Here is the document that we are about to send to you. It's an
25 overview of all 66 DC-Cam statements, all with the original E305

100

1 number and all with the subsequent E3 number. And in the next
2 column, we have indicated which ones are translated into English
3 which is only 13 out of 66. So you will have in -- as I said in
4 the next five minutes, this Excel overview with the documents
5 which are translated into another language.

6 [16.06.28]

7 MR. PRESIDENT:

8 Thank you, Counsel. It's now time for the adjournment. And the
9 Chamber will adjourn from now on. The hearing will resume
10 tomorrow 29 July 2015, at 9 a.m.

11 Tomorrow, the Chamber will continue to hear witness Mam Soeurm
12 and after which the Chamber will hear 2-TCW-866 in relation to
13 Kampong Chhnang airport worksite. Please be informed and please
14 be on time.

15 Thank you very much, Mr. Mam Soeurm. The hearing of your
16 testimony as a witness has not come to an end yet. You are
17 therefore invited to be here again at 9 a.m. tomorrow. You may
18 now be excused.

19 Court officer, please work with WESU to send this witness back to
20 the place where he is staying at the moment and please invite him
21 back into the courtroom tomorrow at 9 a.m.

22 Security personnel are instructed to bring Mr. Khieu Samphan and
23 Nuon Chea back to the detention facility of the ECCC and please,
24 bring them back tomorrow <before> 9 a.m. The Court is now
25 adjourned.

1 (Court adjourns at 1607H)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25