



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

ឯកសារដើម
ORIGINAL/ORIGINAL
 ថ្ងៃ ខែ ឆ្នាំ (Date): 25-May-2015, 10:51
 CMS/CFO: Sann Rada

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 May 2015
 Trial Day 282

Before the Judges: NIL Nonn, Presiding
 YA Sokhan
 Claudia FENZ
 Jean-Marc LAVERGNE
 YOU Ottara
 Martin KAROPKIN (Reserve)
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I N D E X

MR. OR HO (2-TCW-836)

Questioning by The President page 2

Questioning by Mr. Seng Leang page 5

Questioning by Mr. Koumjian page 20

Questioning by Mr. Hong Kimsuon page 57

Questioning by Judge Fenz page 71

Questioning by Judge Lavergne page 77

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. HONG KIMSUON	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. KOUMJIAN	English
JUDGE LAVERGNE	French
MR. OR HO (2-TCW-836)	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SENG LEANG	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber is going to hear the testimony of the first
6 witness in relation to the 1st January Dam worksite. And the
7 first witness today for that worksite is, 2-TCW-836.

8 Ms. Chea Sivhoang, please report the attendance of the Parties
9 and other individuals at today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case
12 are present. Mr. Nuon Chea is present in the holding cell
13 downstairs. He has waived his right to be present in the
14 courtroom. The waiver has been delivered to the greffier. A
15 witness who is to testify today -- that is, 2-TCW-836, confirms
16 that to his best knowledge, he has no relationship by blood or by
17 law to any of the two Accused -- that is, Nuon Chea and Khieu
18 Samphan, or to any of the civil parties admitted in this case.
19 The witness took an oath before the Iron-Club statue this
20 morning. Thank you, Mr. President.

21 [09.06.55]

22 MR. PRESIDENT:

23 Thank you. The Chamber now decides on the request by Nuon Chea.
24 The Chamber has received a waiver from Nuon Chea dated 19 May
25 2015, which states that due to his health -- that is, headache,

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1 back pain, he cannot sit or concentrate for long, and in order to
2 effectively participate in future hearings, he requests to waive
3 his right to participate in and be present at the 19 May 2015,
4 hearing. He advises that his counsel advised him about the
5 consequence of this waiver, that in no means it can be construed
6 as a waiver of his right to be tried fairly or to challenge
7 evidence presented or admitted to this Court at any time during
8 the proceedings against him.

9 Having seen the medical report on Nuon Chea by the duty doctor
10 for the Accused at the ECCC, dated 19 May 2015, who notes that
11 Nuon Chea has a chronic back pain when he sits for long and
12 recommends that the Chamber so grant him his request so that he
13 can follow the proceedings remotely from the holding cell
14 downstairs.

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

19 The Chamber instructs the AV unit personnel to link the
20 proceedings to the room downstairs so that he can follow the
21 proceedings. That applies for the whole day.

22 [09.09.02]

23 QUESTIONING BY THE PRESIDENT:

24 Good morning Mr. Witness. What is your name?

25 MR. OR HO:

1 A. My name is Or Ho.

2 Q. Thank you Mr. Or Ho. Do you recall when you were born?

3 A. I was born on 5 October 1945.

4 Q. Thank you. Where is your current address?

5 A. Currently, I live in Tuol Sala village, Chong DOUNG sub
6 district, Baray district, Kampong Thom province.

7 Q. What is your current occupation?

8 A. I am a rice farmer.

9 [09.10.21]

10 Q. What are the names of your father and mother?

11 A. My father's name is Or Ket and my mother is Oum Mam.

12 Q. And what is your wife's name and how many children do you have
13 together?

14 A. My wife's name is Saom Ret, and we have nine children
15 altogether. And four passed away.

16 Q. Thank you, Mr. Or Ho. The greffier made an oral report that to
17 your best knowledge none of your father, mother, ascendants or
18 descendants, in-laws or wives is admitted as a civil party in
19 this case; is that information correct?

20 A. Yes, that is correct.

21 [09.11.33]

22 Q. And the greffier also reported that you took an oath before
23 your appearance in this Chamber; is that correct?

24 A. Yes, I took an oath.

25 Q. Thank you. And the Chamber would like to inform you of your

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1 rights and obligations as a witness. Regarding your rights, Mr.
2 Or Ho, as a witness in the proceedings before the Chamber, you
3 may refuse to respond to any question or to make any comment
4 which may incriminate you. That is your right against
5 self-incrimination. This means that you may refuse to provide
6 your response or make any comments that could lead you to being
7 prosecuted. Regarding your obligations, Mr. Or Ho, as a witness
8 in the proceedings before the Chamber, you must respond to any
9 questions by the Bench or relevant Parties, except where your
10 response or comments to those questions may incriminate you, as
11 the Chamber has just informed you of your right as a witness. You
12 must tell the truth that you have known, heard, seen, remembered,
13 experienced, or observed directly in relation to any event or
14 occurrence relevant to the questions that the Bench or the
15 Parties pose to you. And Mr. Or Ho, have you been interviewed by
16 the investigators of the Office of the Co-Investigating Judges?
17 If so, how many times, when, and where?

18 [09.13.26]

19 A. It was held once at Ballangk commune.

20 Q. And before you appear before the Chamber, have you read or
21 reviewed the written record of your statements that you provided
22 to the OCIJ investigators in order to refresh your memory?

23 A. Mr. President, I cannot recall everything.

24 Q. Have you in fact read it or reviewed it?

25 Mr. Witness, have you read or reviewed the written record of your

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1 statement before you appear in this Chamber?

2 A. I could not locate the written record of my statement.

3 [09.14.57]

4 Q. Does it mean that you have not read it? And Mr. Or Ho, please
5 observe the function of the microphone. You should only speak
6 when you see the red light on the tip of the microphone, so that
7 your voice will go through the interpretation system.

8 A. I cannot recall your last question. Please repeat it.

9 Q. Does it mean that you have not read the written statement of
10 your interviews with the OCIJ investigators; is that correct?

11 A. Yes, I have not read it.

12 Q. Thank you. The Chamber has been informed that you have some
13 health issues and that you need to relieve yourself frequently.

14 And please do not hesitate to signal the Chamber by raising your
15 hand so that the Chamber will give you time to relieve yourself.

16 And for questioning this witness and in pursuant to Rule 91bis of
17 the ECCC Internal Rules, the Chamber grants the floor first to
18 the Co-Prosecutors before other Parties. And the combined time
19 for the Co-Prosecutors and the Lead Co-Lawyers for civil parties
20 is three sessions. You may now proceed.

21 [09.17.14]

22 QUESTIONING BY MR. SENG LEANG:

23 Thank you, Mr. President. And good morning, Your Honours, Mr.

24 President, and everyone in and around the courtroom. And good

25 morning, Mr. Witness. My name is Seng Leang, National

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1 Co-Prosecutor. Today I have some questions for you to clarify to
2 the Court in relation to certain topics. Initially your
3 background before 1975; the treatment on the 17 April People; the
4 treatment on former Lon Nol soldiers and officials; and the
5 treatment on Buddhism; the treatment on Cham people; and lastly
6 forced marriage. After that, my international colleague will have
7 some questions relating to the working conditions and
8 organisational structure at the 1st January Dam, at the security
9 centres and some other questions as well.

10 [09.18.25]

11 I want now to begin my question with your background before 1975.

12 Q. Could you tell the Chamber where you lived before 17 April
13 1975?

14 MR. OR HO:

15 A. Before, 17 April 1975, I lived in Prey Srangae village,
16 Ballangk sub district, Baray district, Kampong Thom province.

17 Q. Thank you. Can you also tell the Court when the Khmer Rouge
18 occupied your area?

19 A. The Khmer Rouge occupied my area since 1970.

20 Q. Thank you. In your OCIJ interview -- that is, document
21 E3/5255, at ERN in Khmer, 00239906; in English, 00250043; and in
22 French, 00277224; answering to the question, "Where did you live
23 prior to 1975?", you said that, and I quote: "Prior to 1975, I
24 lived at Prey Srangae village, Ballangk sub district, Baray
25 district." And answering to the next question, "Where were you

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1 from 17 April 1975 until 1979, and what did you do?", and you
2 said that, and I quote: "I remain chief village at Prey Srangae
3 until July 1977." Can you tell the Court, when did you join the
4 revolution?

5 [09.21.05]

6 A. I began my work with the revolution since 1972, and I
7 continued in that fashion until 1978.

8 Q. When you started working in 1972, what was your function or
9 position?

10 A. In 1972, I was the deputy chief of Prey Srangae village.

11 MR. PRESIDENT:

12 Court officer, could you please check with the witness whether he
13 has a document that he reads from.

14 Mr. Or Ho, please respond to your best recollection. And if you
15 cannot recall it, please say so. There is no need for you to
16 refer to any written document. This is a live question - answer
17 session. And the National Deputy Co-Prosecutor, you may resume
18 your questioning.

19 BY MR. SENG LEANG:

20 Thank you, Mr. President.

21 Q. And Mr. Witness, can you inform the Chamber when you became
22 the village chief?

23 MR. OR HO:

24 A. I became the village chief of Prey Srangae in 1975.

25 [09.23.36]

8

1 Q. Who appointed you to be village chief?

2 A. I was appointed by Born, Vut, and two other individuals whose
3 names I cannot recall.

4 Q. Who are Born and Vut?

5 A. They were commune chief and deputy commune chief.

6 Q. Until when you were the village chief?

7 A. I started to become a village chief in 1975. And I continued
8 to carry out that position until 1978, when I was removed from
9 that position by Angkar.

10 Q. Can you please confirm whether it was 1975, '77, or '78, when
11 you stopped being the village chief?

12 A. I stopped being in that position in 1978.

13 [09.25.47]

14 Q. Can you tell the Court the month?

15 A. It was in July.

16 Q. So you mean that you were the village chief until July 1978;
17 is that correct?

18 MR. PRESIDENT:

19 Mr. Witness, please respond as what you said earlier did not go
20 through the microphone system.

21 MR. OR HO:

22 A. I started working in 1975, and I continued working until July
23 1978.

24 [09.26.48]

25 BY MR. SENG LEANG:

1 Q. Can you tell the Court then what you did after July 1978, when
2 you stopped being the village chief?

3 A. At that time, many cadres had been killed and as I was -- and
4 I was one of the targets.

5 Q. And because you were the target of the investigation and that
6 because many cadres had been killed, you stopped being a village
7 chief; is that correct?

8 A. After I was removed from that position by Angkar, it's because
9 Angkar did not have confidence in me.

10 [09.28.20]

11 Q. Thank you. My colleague will put more questions to you
12 regarding this event. And please tell the Chamber where you lived
13 after July 1978.

14 A. After July 1978, I remained still in Prey Srangae village.

15 Q. And what were you doing then?

16 A. I became an ordinary villager working in the rice field as
17 other villagers did.

18 Q. Can you tell the Chamber who were chiefs of commune, district,
19 sector, or zones at the time?

20 A. After July that year, I do not know who became the commune
21 chief. As at that time, I was demoted to become an ordinary
22 villager and I was not allowed to attend any monthly meeting. As
23 for the sector committee, I only know the previous committee
24 members, however to my knowledge, they all died.

25 [09.30.18]

10

1 Q. I'd like you to give the Chamber the names of the previous
2 chiefs of communes, districts, or sectors when you were chief of
3 the Prey Srangae village.

4 A. The commune committee during the time that I was village chief
5 were Born, Vut, Leak, Chad (phonetic), Chin, and Dong.

6 Q. And what about members of the district committee?

7 A. I do not recall their names. However, there was an alias for
8 the district committee, Moul.

9 Q. What about the names of members at the sector committee and at
10 the zone level, if you know them?

11 A. Pauk was the zone committee at the time. As for the sector
12 committee members, I cannot recall their names.

13 [09.32.04]

14 Q. When you say Pauk, are you referring to Ke Pauk?

15 A. Yes, I refer to Ke Pauk.

16 Q. Thank you, Mr. Witness. Did you personally know Ke Pauk?

17 A. I did not know Ke Pauk well, but I saw him in a vehicle
18 passing my village to the worksite. I could see him 50 metres
19 away from where he was in the vehicle.

20 Q. Thank you, Mr. Witness. I'll now move to another topic -- that
21 is, treatment on the New People.

22 In your OCIJ interview, document E3/5255, at Khmer ERN, 00239906

23 - 07; and the English ERN is at, 00250043; French ERN is at,

24 00277225; you stated and I quote, "The 17 April 1975 evacuation

25 was from Phnom Penh. The people were called 17 April group or New

11

1 People group." My question is as follows. When did this group of
2 people arrive in your area?

3 A. They arrived at my place in late April. I do not recall the
4 dates.

5 [09.34.53]

6 Q. How many families that they -- were sent to your commune and
7 village?

8 A. For the 17 April People, there were many of them. There were
9 300 families, and my commune received only 100 families.

10 Q. Thank you, Mr. Witness. Were people in your commune divided
11 into groups according to whether they were Base Person, or a New
12 People, or 17 April People?

13 A. Yes, they were divided as such. As for Base People, they were
14 put in a different group. However, New People and Base People,
15 they conduct work -- they conducted the same work. They worked in
16 the field.

17 Q. So how many groups were divided?

18 [09.36.42]

19 A. There were full rights member people, candidate people, and
20 depositee.

21 Q. Could you tell the Court what differences between the three
22 groups as mentioned by you?

23 A. I do not know about other villages or communes. As people in
24 my commune and village, they worked in the field. They did not
25 have different work to do.

12

1 Q. So why were they classified into three groups then?

2 A. I do not know. It was the decision of the upper echelon.

3 [09.38.14]

4 Q. Do you know who told you to group people as such?

5 A. I was called into a meeting, and we were told that people had
6 to be divided into such groups.

7 Q. You said that you were called into a meeting at the quarter.

8 So what did you mean by referring to a quarter, was it a commune?

9 A. Actually, I was referring to the commune when I said the word
10 "sangkat" or quarter.

11 Q. Thank you very much, Mr. Witness. Could you tell the Court
12 which category was your family in?

13 A. For my family, we -- my family members were put in the
14 candidate people group.

15 [09.39.55]

16 Q. Can you tell the Court did the three groups of people receive
17 the same treatment or receive different treatment?

18 A. In my village, as I said I do not know about other villages,
19 the three groups of people received the same treatment.

20 Q. Can you tell the Court, was the food ration the same or
21 different between Base and New People?

22 A. Actually at that time, we had to eat collectively.

23 Q. What about the food ration for Base People, New People, and
24 Candidate People; was the food ration different or the same?

25 [09.41.43]

1 A. As for food ration, we had gruel. We received the same amount
2 of gruel. If one group of people receive two ladles of gruel,
3 another group would receive the same amount.

4 Q. Did you know that people in your commune or village died from
5 starvation?

6 A. No. People in my village and commune, they did not die from
7 starvation because they received the same food ration. And when
8 they returned from work, they could go to catch fish in the
9 stream.

10 Q. Thank you very much, Mr. Witness. Concerning New People and
11 Base People, when they committed minor offences, were they
12 treated the same or differently?

13 A. As for New People and Base People, when they committed
14 offences or wrongdoings, they received the same treatment. They
15 were reprimanded the same.

16 [09.43.55]

17 Q. In your OCIJ statement, document E3/5255, at Khmer ERN,
18 00239911; ERN in English is at, 00250047; and French ERN is at,
19 00277229 - 30; answering to the question, "What categories of
20 people were arrested and prosecuted the most?" You responded and
21 I quote: "Deposittee people were more easily found to be at fault
22 and were punished more than the other people." So how could you
23 explain this to the Chamber?

24 A. For 17 April People, when they committed minor offences or
25 wrongdoings, the commune chief would reprimand them. But if they

14

1 committed serious wrongdoings, the commune chief did not
2 reprimand them. The commune chief could not guarantee their
3 safety. In my commune, people did not commit any serious offences
4 or wrongdoings.

5 [09.46.11]

6 Q. I do not really understand what you have just said. I would
7 like to go back into the statement which I quoted. You said, "The
8 depositee people were more easily found to be at fault and were
9 punished more than the other people." Is it true for this
10 statement that you said in the OCIJ interview?

11 A. For depositee people, when they had committed wrongdoings in
12 other communes away from their work place, they were easily found
13 to be at fault.

14 [09.47.12]

15 Q. I would like your clarification on the points that you said,
16 depositee people were more easily found to be at fault; is this
17 statement true and you still confirm -- you still stand by your
18 statement?

19 A. Yes, that is true. I still stand by my statement as you
20 quoted.

21 Q. Thank you very much, Mr. Witness. Did you know why the
22 depositee were the target of mistreatment and persecution?

23 A. I do not have any clear information on this point.

24 Q. How did you know that depositee people were more easily found
25 to be at fault?

15

1 A. Depositee people had their friends in other commune. And these
2 depositee people would tell the secret matters to their friends.

3 [09.48.59]

4 Q. In your experience, did you know that there were frequent
5 arrests, killing, or disappearance of the 17 April People?

6 A. Actually there were no frequent arrests, killing, or
7 disappearance, but I could see people were transported in
8 vehicles.

9 Q. Thank you very much, Mr. Witness. Because of the time, I would
10 like to move to another topic concerning treatment of Lon Nol
11 soldiers and officials. My question is as follows. Can you tell
12 the Court what happened to people in Baray district? In your
13 whole district, your people were identified as official or
14 soldier of Lon Nol regime. So can you tell us what happened to
15 them?

16 [09.50.28]

17 A. Could you repeat your question, Mr. Co-Prosecutor?

18 Q. Can you tell the Chamber what happened to your people in Baray
19 district? Your people in Baray district were identified as former
20 official or soldier of Lon Nol regime; what happened to them?

21 A. These people confided the secret to other people. So they told
22 that they were such official -- former official or soldier.

23 Q. After the cadre learned that they were former official or
24 soldier of Lon Nol; so what happened to these people?

25 [09.51.50]

16

1 A. From my observation, when they were learned that they were
2 former official or soldier, we feel pity on these people. If the
3 information leaked to the security personnel, the security
4 personnel would come to arrest the former official or soldiers.

5 Q. Where were they arrested to?

6 A. They were arrested and put into a security office.

7 Q. I would like to move to another question. When New People
8 arrived in Baray district in late April as you have just stated,
9 do you know whether the Khmer Rouge tried to identify people who
10 were soldiers, officials, or otherwise connected to the Lon Nol
11 regime?

12 A. Upon their arrival -- actually they arrived at Pir Trav
13 (phonetic) pagoda. During that time, people's biographies were
14 made. And commune chiefs would be called to collect their
15 respective people.

16 [09.54.23]

17 Q. In your OCIJ statement, document E3/5255, at Khmer ERN,
18 00239907; English ERN is at, 00250044; and French ERN is at,
19 00277225; you stated, "When the New People were evacuated from
20 Phnom Penh on 17 April 1975, they had a list of names which I
21 received. But later in 1977, they made a different list of names,
22 and the name list was also sent to me. And I was told that I had
23 to prepare those people to board trucks to go live at a new
24 village." My question is as follows. Can you explain to the
25 Court, how was the list prepared?

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1 A. I do not know how it was prepared. It was sent -- the 17 April
2 1975 name list, was sent to another sangkat, and I was in
3 different commune.

4 Q. You mentioned the 17 April 1975 name list; who prepared the
5 list and who gave the list of names to you?

6 A. Actually, I do not know where it was sent from. But I received
7 the list of names of 17 April 1975, from the commune chief.

8 Q. Can you tell the Court whose signature was on the name list
9 that you received?

10 A. Actually, the signature belongs to comrade Chab (phonetic).
11 [09.57.30]

12 Q. Was Chab (phonetic) the commune chief at the time?

13 A. Chab was the commune chief. His name was Chab (phonetic).

14 Q. Thank you very much for your clarification. I would like to
15 move to another question in relating to your OCIJ statement,
16 document E3/5255, Khmer ERN is at, 00239907; ERN in English is
17 at, 00250044; and French ERN is at, 00277225. You stated, "17
18 April People were killed because of the information were
19 originated from them. Because at the time Khmer Rouge played a
20 role of 17 April to ask about and find the people who had worked
21 during the previous regime. Furthermore, Khmer Rouge gave one set
22 of black clothing and a red scarf to a youth named Kao. This
23 individual was a former teacher during the Lon Nol era and he was
24 the 17 April Person. This individual was to indoctrinate him in
25 the ideology and stances." Can you tell the Court the statement

18

1 that you answered in the OCIJ document?

2 [10.00.01]

3 A. From my recollection, at the time, guards wore the bright
4 colour clothing. They said that they were the 17 April. And they
5 said they were captains. They went around and asked people to
6 tell the truth whether they -- whether the people were former
7 soldiers. And I was told at that time not to confide the truth or
8 our previous position. As for youth named Kao, this individual
9 Kao was a former teacher during Lon Nol era. Comrade Chab
10 (phonetic) gave Kao a new set of clothing and a scarf. And Kao
11 received also a bicycle. Kao was indoctrinated so that he could
12 go and search for anyone who had ranks in the former regime. And
13 Angkar would kill all intellectuals at that time. I do not know
14 the intention of Angkar at that time. I learned this information
15 because I was reprimanded by my commune chief. I was said that I
16 colluded with the enemies.

17 Q. Please explain to the Court when the New People told the ones
18 who acted as the 17 April People or told Kao, and that they were
19 reported on to the upper echelon what happened to them?

20 A. If by mistake they said those words, they could not be saved.
21 They had to die.

22 [10.03.04]

23 Q. Thank you. And for the sake of time, I move on to another
24 topic. In the same document and ERN in the next sentence, you
25 stated that and I quote, "At the time, there was a list of the

19

1 names of 15 families in my village who upper level had selected.
2 But I had to conceal eight families. As for seven other families,
3 they were taken away by truck after being told they were being
4 taken to a new village. I think that this new village was a
5 killing site because I never saw those people returned." Can you
6 tell the Court why you helped to conceal those eight families?

7 A. The eight families were not of any special circumstance.
8 However, it was easier to conceal them as they were not talkative
9 and they did not go around or speak to anyone.

10 [10.04.42]

11 Q. In the last part of the quote that I said, you said that you
12 thought the new village was a killing site because you never saw
13 those people returned. Did you have any other information that
14 made you to conclude that those people were taken to be killed?

15 A. I came to that conclusion for the following reason. In fact,
16 the clothing was insufficient and the clothing from those people
17 were brought in. And that was the base of my conclusion.

18 Q. For the interest of time, I move to another topic that is on
19 the treatment of Cham people. In your OCIJ statement -- that is,
20 document E3/5255, at ERN in Khmer, 00239911; in English,
21 00250047; and in French, 00277229; answering to the question,
22 "Were any of the Cham living in your village arrested?", you
23 responded that -- and I quote, "The ethnic Cham were considered
24 to be even lower than the 17 April People. And the ethnic Cham
25 were forced to eat pork. Their religions were closed down, and

20

1 they were not allowed to worship." End of quote. And what
2 happened to the mosque and the Cham people who lived in your
3 area?

4 [10.07.16]

5 A. The Cham people in my village at the time were treated that
6 way. It was strict for them, and it happened in every village.
7 However, in my village, the Cham people were not mistreated. As
8 for their practice, the Cham people only would consume the meat
9 of the animal that they slaughter by themselves. And that's how I
10 witnessed it.

11 Q. In the same document and the same ERN in response to the next
12 question, answering to the question, "Do you know of the policy
13 to eliminate the ethnic Cham?", you responded that -- and I
14 quote, "I don't know. I only know that they wanted there to be
15 only ethnic Khmer." End of quote. How did you know about that?

16 A. I did not have the concrete source for that information.
17 However, I knew that they only wanted to have only ethnic Khmer,
18 but they failed to achieve that.

19 MR. SENG LEANG:

20 Thank you, Mr. President. And in fact I have some more topics to
21 cover. And due to the interest of time, I hand the floor to my
22 international colleague to continue putting questions to this
23 witness.

24 [10.09.56]

25 QUESTIONING BY MR. KOUMJIAN:

21

1 Mr. Or Ho, thank you for coming here and explaining to us what
2 life was like during the DK period for you and others in your
3 community. I'd like to just go back and get a little bit of your
4 background.

5 Q. What was your education?

6 MR. OR HO:

7 A. I did not attend any proper schooling. However, I ordained as
8 a monk and I studied at the pagoda. I was a monk for ten years.

9 Q. When the Khmer Rouge took over your area, were you a monk at
10 that time?

11 A. I actually left the monkhood by that time.

12 Q. So in 1970, what was your occupation when the Khmer Rouge came
13 to your area?

14 A. In 1972 -- that is, prior to 1975, I was the deputy chief of a
15 village. And by 1975, I was promoted to become the village chief.
16 And in 1978, Angkar removed me from that position.

17 [10.11.45]

18 Q. Thank you. You said that before, but my question is, before
19 you were the deputy village chief, were you a rice farmer or what
20 was your occupation?

21 A. While I was the deputy village chief, I also worked as a rice
22 farmer.

23 Q. When you were made the deputy village chief and then the
24 village chief, at any time were you made a member of the Party?
25 Was it--

22

1 A. No, I did not become a Party member. However, I was the core
2 person for the Party.

3 Q. What do you mean by that? Explain that.

4 MR. PRESIDENT:

5 Mr. Witness, please observe the microphone function.

6 [10.13.08]

7 MR. OR HO:

8 A. A core person for the party referred to a progressive person.

9 It means that the person would be able to achieve the goals or
10 instructions of the Party, or to lead the people to work based on
11 the instructions of the Party successfully.

12 BY MR. KOUMJIAN:

13 During the time that you were the village chief from 1975 until
14 '78, you told us, what was -- how did you receive instructions
15 about how you were supposed to carry out your task?

16 MR. OR HO:

17 A. During the performance of my task starting from 1975, I
18 received the instructions from the commune chief.

19 Q. You mentioned attending a commune meeting; was that a frequent
20 occurrence? Can you tell us, did you have meetings once a week,
21 once a month, once a year - can you explain?

22 A. Sometimes the meeting was held on a monthly basis or a
23 fortnight basis, so it varied.

24 Q. Besides the commune leadership, the commune committee, did
25 anyone attend from a higher level, from the sector for example?

1 [10.15.10]

2 A. Sometimes the meetings were attended or chaired by senior
3 cadres from the district or from the sector level.

4 Q. Just so we're clear by the way, you lived in Baray district;
5 did that have a number during the DK period?

6 A. I do not know whether there was a designated number for that
7 district.

8 Q. And what about the sector?

9 A. As for the sector, and in fact the Central Zone was divided --
10 was sub-divided into three sectors namely Sector 41, 42, and 43.

11 Q. Which sector were you village chief in? Your village was in
12 which sector?

13 A. It was in Sector 42.

14 Q. Sir, you indicated that you were a core member -- considered a
15 core member by the Party, but you also indicated that your family
16 was classified as candidate members rather than full rights. Can
17 you explain why it was that your family was a candidate member
18 family as opposed to full rights members?

19 [10.17.16]

20 A. That is my personal conclusion. Usually, full rights people
21 refer to the pure classed poor peasant who could only earn a
22 living on a day by day basis. And when people were a little bit
23 better than that, would be considered a middle class, and those
24 who were a bit more wealthy would be considered the upper class.
25 And that's how they divide the social status of the people during

24

1 the regime.

2 MR. PRESIDENT:

3 Thank you, Mr. Co-Prosecutor. It is now convenient to have a
4 short break. We have a break now and return at 25 to 11.00.

5 Court officer, please assist the witness during the short break,
6 and invite him to return to the courtroom at 25 to 11.00.

7 The Court is now in recess.

8 (Court recesses from 1018H to 1038H)

9 MR. PRESIDENT:

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

11 And the floor is given to the International Co-Prosecutor to put
12 further questions to this witness. You may now proceed.

13 BY MR. KOUMJIAN:

14 Q. Mr. Or Ho, I would just like to follow up and better
15 understand a few of the questions that you answered this morning.
16 You indicated that you had nine children, but four of them died.
17 Did any of your children die during the DK regime?

18 MR. OR HO:

19 A. In the Democratic Kampuchea period, I had one child that died
20 in that period. My deceased child was very small and young at
21 that time, and he or she could not eat gruel, and there was no
22 treatment for him or her.

23 [10.39.46]

24 Q. Thank you, sir. I may come back to that in a moment, but I
25 want to follow up again on the -- ask you a few more questions.

25

1 You indicated that you received a list when you were the village
2 chief, of 15 families, and you were told that they would be sent
3 to a new village. Is that correct?

4 A. Yes, that is correct.

5 Q. These 15 families, did they have anything in common that you
6 could understand why they were on this list? Were they all people
7 of a particular category?

8 A. Actually, the relocation was under the pretext and they were
9 told that they would go and live with their relatives.

10 Q. Thank you. I understand that, and I'll come to that in a
11 moment. But the names on the list, the families on the list,
12 could you see or understand why these 15 families were selected?
13 Were they all New People, for example?

14 A. They were New People. They were New People.

15 Q. Did you know if any of them had any ranks in either the Lon
16 Nol army or civil service, or if they were intellectuals?

17 [10.42.00]

18 A. These people who were asked to relocate, to live in a new
19 village? Is that what you want to ask?

20 Q. Yes, I am speaking about the 15 families on the list you were
21 given.

22 A. As for the list of families, 15 families, some of them were in
23 civil service and some were in the army.

24 Q. Now, earlier you mentioned this young man, Kao I believe his
25 name was, who was given a bicycle and clothing, and asked to

1 search for ranks. Do you know what the instructions were, as far
2 as what ranks the Khmer Rouge regime at that time was searching
3 for?

4 [10.43.18]

5 A. They would -- the Khmer Rouge would search for those who
6 graduated, "bak-doub", or in the current system, schooling
7 system, it was -- it is in 12, Grade 12.

8 Q. What happened to those they found that were graduates at that
9 rank, or who had served in a high civil service position, or who
10 were officers in the Lon Nol army? Do you know what happened to
11 them?

12 A. After they were found, danger would bestow on them.

13 Q. Did any of them disappear?

14 A. Yes, there was disappearance.

15 Q. Now going back to the 15 families. You indicated that you were
16 able to save eight of those families. So now I'd like to talk
17 about the seven families that you were not able to hide. Were
18 these families all people of adult age, in their 20s or 30s? What
19 ages were these people?

20 [10.45.14]

21 A. There was a mixture of ages, there were some elderly people,
22 there were children. In one family, there were five or eight
23 members.

24 Q. Were the children also taken away?

25 A. Yes.

1 Q. Did you ever see any of those people in those seven families
2 again?

3 A. I have never seen them back.

4 Q. And then, sir, you indicated something about clothing being
5 returned, in relation to these families. Can you explain in a bit
6 more detail what happened with the clothing that made you -- led
7 you to conclude that the people were killed?

8 [10.46.40]

9 A. When they were taken away and clothing was returned, and some
10 would recognize the clothing of one particular individual. During
11 that time there was a lack of clothing to wear.

12 Q. So, tell me if this is correct or not. Was the clothing that
13 was returned the very same clothing that the people were wearing
14 when they disappeared? When they were taken away?

15 A. There were new and old clothing. Not all of them were old.

16 Q. My question is, was the clothing returned, the clothing that
17 the people were wearing when they were taken away from your
18 village?

19 A. The clothing which were returned, some of the clothing
20 belonged to those who were wearing it at the time they were taken
21 away, and some was new clothing.

22 [10.48.17]

23 Q. Thank you, sir. Now, I want to move to another topic, and that
24 is the 1st January Dam. Sir, did you work on the construction of
25 a dam by that name?

1 A. I was working in irrigation, and the worksite that I was
2 working was 300 metres away from the dam. And for those, the
3 number one group which has strength, built the dam.

4 Q. So the work -- by the way were you supervising a unit of
5 workers? Was that your assignment?

6 A. In the dry season, I was asked to dig the irrigation system,
7 and in the rainy season, I was working in the fields.

8 [10.49.44]

9 Q. Do you know, sir, when did the construction of this 1st
10 January Dam begin?

11 A. The 1st January Dam, the comrades from the Party held,
12 chaired, the inauguration ceremony on the 1st of January. That is
13 why the name was named as such.

14 Q. The 1st January of which year? Which year was the inauguration
15 ceremony?

16 A. The construction started -- the inauguration started on 1
17 January, but actually, the actual construction started before 1
18 January. On 1 January, the inauguration ceremony, it was chaired
19 by Pol Pot.

20 Q. Okay, so the construction started at the end of which year?
21 The ceremony was January 1st, but the construction began in 1975,
22 '76, '77? Could you explain which year?

23 [10.51.15]

24 A. The construction started in early 1977, and also it started in
25 late 1976.

1 Q. You mentioned the inauguration ceremony. Did any high
2 officials attend that ceremony?

3 A. I do not know those individuals, the high-ranking officials. I
4 noticed there was the presence of Pol Pot, and the chief of the
5 Zone pointed to Pol Pot, and told me that he was Pol Pot.

6 Q. Your saying that Ke Pauk pointed out to you Pol Pot? Is that
7 correct?

8 A. Actually, those -- the high-ranking officials, were not
9 referred by name, but we were told that Angkar came to attend the
10 inauguration. I do not recall the word used exactly at that time
11 to refer to Angkar, or those who chaired the inauguration
12 ceremony.

13 Q. Okay, thank you. This 1st January Dam, what body of water did
14 it hold back, did it dam? Was it a river of a particular name?

15 A. The 1st January Dam was to hold the water at Steung Chinit.
16 And at the current time, the water could be used to irrigate the
17 fields at that area. Actually, the old dam was kept and used. It
18 was not destroyed. There was a bombing on the old dam, and
19 because of the bombing and the destruction of the old dam, the
20 new one was built.

21 [10.53.38]

22 Q. So, if I understood you correctly, it was the river Chinit
23 that was dammed. Is that correct?

24 A. Yes, the dam was used to keep water in Steung Chinit to
25 irrigate the fields.

1 Q. Can you tell us where it was that the dam was built? Is there
2 a name of the village or commune where that dam was? Or could you
3 tell us the district it was in?

4 A. The 1st January Dam was in Ballangk commune, in the southern
5 part of Ballangk commune, and it was situated in Kampong Thma in
6 the north. And there was another dam, named 6th January Dam, it
7 was in the north.

8 [10.55.58]

9 Q. So that -- thank you for bringing that up, what is the
10 relationship -- first of all, what is the distance between the
11 1st January Dam and 6th January Dam?

12 A. I do not know the distance, but for the approximate distance,
13 it was about four or five kilometres away from each other.

14 Q. Now, you indicated that you were working on irrigation near
15 the dam. Connected to the dam projects, were there projects to
16 build canals from the water out to irrigate fields? So there were
17 irrigation projects extending the water trapped by the dam; is
18 that correct? Is my understanding correct?

19 A. Yes, it is correct. Actually, the canal was a duct so that the
20 water can be channelled to the lower part of the area.

21 Q. Was there a connection between the 1st January Dam and the 6th
22 January Dam? Were there any canals between them?

23 A. Actually, the 1st January Dam and the 6th January Dam were
24 close to each other. Actually, the water was from Steung Chinit,
25 but from the 6th January Dam to another area, it was -- the water

1 was from another stream or river.

2 [10.58.12]

3 Q. The group that worked on the 1st January Dam, was it the same
4 group working on the 6th January Dam, or were they separate?

5 A. Actually, I was working in the dam construction of the 1st
6 January Dam. And for the 6th January Dam, it was constructed by
7 those in Kampong Thom province. My commune -- that is, Srangae
8 commune, it was close to the 1st January Dam. So, from my house
9 to the bridge where there was the 1st January Dam, it was about
10 three kilometres.

11 Q. So when you worked on the dam, how many people did you work
12 with or supervise?

13 A. In my worksite, there were many people. There were about a
14 hundred workers. I supervised the workers, not to allow them to
15 fall sick. And if a worker fell sick, we would find medicines for
16 them to have. Actually, there were no modern medicines at that
17 time, and the medicine was made from rabbit drops.

18 [11.00.28]

19 Q. Thank you, I'm going to get to that, and let me just caution
20 you to try to just answer the question I have, because many of
21 the things I will come to later. So, I asked you about the -- I
22 believe I asked you about the number of people you were working
23 with, and you said 100. How many people were working in total on
24 the 1st January Dam at one time? Can you give an estimate of the
25 number of workers?

1 A. I cannot answer that question. However, I knew that there were
2 many, many workers at the worksite.

3 Q. Well, we certainly understand you cannot give us a precise
4 number. But can you give us an estimate? Or would it help you --
5 let me first try you now -- now can you give us an estimate of
6 the number of people that were working on the 1st January Dam?

7 A. I cannot give you an estimate because there were tens of
8 thousands of workers there. So, the workers started working, not
9 only at the 1st January Dam, but also at the 6th January Dam.

10 [11.02.12]

11 Q. Thank you. Well, sir, just to remind you, in your statement to
12 OCIJ, on the fourth page in both English and French, and the
13 fifth page in Khmer -- excuse me, also the fourth page in Khmer,
14 you estimated 20,000 people from Sectors 41, 42 and 43 came to
15 participate. Does that sound accurate to you now, what you told
16 the investigators quite a few years ago, in 2008?

17 MR. PRESIDENT:

18 Witness, please observe the microphone.

19 MR. OR HO:

20 A. There were many workers, and the number that you quoted is
21 about right.

22 [11.03.24]

23 MR. KOUMJIAN:

24 Q. Was the dam finished while you were still the village chief?

25 A. When I was still the village chief, the worksite of the dam

1 reached Krabau area, and from Krabau to Baray, the work started
2 in 1978. So, I conclude that the construction of the dam was not
3 yet concluded when Angkar removed me from the village chief
4 position. However, the irrigation water was used while the dam
5 was still being constructed.

6 Q. Was the dam finished during the DK period, if you know? Before
7 the fall of Democratic Kampuchea, was the dam completed?

8 A. The construction was not completely concluded, however I
9 believe it was 90 percent complete, as irrigation water was
10 already used. Then they continued to finish the work later on.

11 [11.05.18]

12 Q. Did the dam have any problem during the rainy seasons? Was
13 anything destroyed or washed away?

14 A. At the time of its completion, it was in its basic form. There
15 was no damage, and people were deployed to maintain the dam.
16 There were about 100 of them who were assigned to watch over the
17 dam or to patch any areas that was leaking.

18 Q. Who was in charge of the dam project, if you know? Perhaps
19 I'll repeat my question, because I think there's no
20 interpretation coming. Do you know, Mr. Witness, do you know who
21 was in charge of the dam project?

22 A. I do not know who was in charge, as it is beyond my
23 understanding.

24 [11.07.04]

25 Q. Do you know if Ke Pauk had any role in the dam?

1 A. Ke Pauk was assigned from the upper echelon to be overall in
2 charge of the workforce of the district at the worksite. And he
3 would visit the worksite almost on a daily basis.

4 Q. Thank you. And do you know who was below him, directly below
5 him? Who his deputies were?

6 A. No, I do not know.

7 Q. Sir, I believe you indicated your village was about three
8 kilometres from the site. Did you and the workers you supervised
9 sleep in your village when you worked on the dam?

10 A. No, we did not stay at home. Huts were built at the worksite,
11 although it was close to the village. But we rested at the
12 worksite, at the dam worksite. And only every 10 days we would be
13 allowed to visit home.

14 [11.09.09]

15 Q. So, during the 10 day periods you were at the worksite, where
16 would people sleep?

17 A. They were resting in the same area that I was resting.

18 Q. What was the youngest age of the workers? From what age did
19 people begin to work?

20 A. The majority of the workers there was from 18 years old and
21 above, as they were the main force in the mobile units. I refer
22 to the workforce for the dam construction. As for the workers at
23 the feeding canals, usually they were married men or women.

24 Q. So there were no children working on the dam? Is that what
25 you're saying, or do I misunderstand?

1 A. No, there were no young children working there. Young children
2 usually were assigned to collect cow dung.

3 Q. So, were the children working in other jobs, is that what
4 you're saying, but not on the dam?

5 [11.11.31]

6 A. Yes, that is right.

7 Q. What were the hours, the working hours, for those working on
8 the dam?

9 A. The working hours started from 4 o'clock in the early morning.
10 We continued working until 11.00, when we stopped for gruel. And
11 we re-started working again from 2.00 until 5.00 when we stopped
12 and ate our gruel again.

13 Q. And then after 5 o'clock, what happened?

14 MR. PRESIDENT:

15 Mr. Witness, please observe the microphone.

16 [11.12.41]

17 MR. OR HO:

18 A. After we ate our meal at 5.00, and in order to expedite the
19 work at the worksite, we started working again, and we worked
20 through the night until 10 o'clock.

21 MR. KOUMJIAN:

22 Q. So, Mr. Witness, if you started up again at 7.00 p.m., and
23 worked till 10.00, I think what you've just told us, 4.00 a.m. to
24 11.00 is seven hours; 2.00 to 5.00, three more, that's 10.00;
25 7.00 to 10.00, three more. That's 13 hours, if I calculated

1 correctly. How much were the workers paid?

2 A. How can you talk about the wage? The only thing that we wanted
3 at the time was just sufficient gruel to eat, and there was not
4 even enough gruel for us to eat.

5 Q. Well, sir, did any of those workers prefer to go back and farm
6 for rice, or become fishermen, or do other work? Were people
7 working on that dam voluntarily, or were they forced?

8 [11.14.34]

9 A. It is difficult to say, either it was voluntary or it was
10 forced. Whatever the condition was, we had to work there.

11 Q. Well, Mr. Witness, I saw you laughing when I asked about the
12 salary, and you smiled again when I asked about people
13 volunteering. Is it a fact, sir, that the people who were working
14 there were afraid that if they didn't do exactly what they were
15 told and carry out that work, that something very bad would
16 happen to them?

17 A. Yes, that is correct.

18 [11.15.41]

19 Q. So you talked about how only adults were working at the dam.
20 So what happened with families? If the man and woman were there,
21 and they had three or four young children, would they spend the
22 nights together, eat with their families and speak to their
23 children at night?

24 A. Sometimes, for those parents who had many children, they
25 requested to return to their children at night time if their

1 villages were nearby, and they would be allowed to do so. But for
2 other parents, whose villages were far from the worksite, they
3 would not be allowed to return to their children at night time.

4 Q. Did families eat together, husbands and wives at least, who
5 were working on the site?

6 A. Only if they were working at the same worksite, then they
7 would be allowed to eat together. Otherwise, they would eat
8 separately.

9 [11.17.25]

10 Q. There was communal eating. Is that correct?

11 A. Yes, they ate communally. Usually, the gruel was cooked in
12 large pots, and would be distributed evenly to every worker,
13 namely one or two ladles of gruel for each worker. Sometimes, if
14 they were given cooked rice, the same amount would be given to
15 each worker.

16 Q. Was the work physically difficult?

17 A. The work was extremely difficult, and it was during the hot
18 months. When the weather was hotter, it meant we had to work
19 harder because there was no rain, and our skin was exposed
20 directly to the sunlight.

21 Q. Was this gruel that workers were fed, whatever else they were
22 fed, sufficient for people to keep up their strength, from your
23 observations?

24 [11.19.25]

25 MR. PRESIDENT:

1 Witness, please observe the microphone.

2 MR. OR HO:

3 A. I apologize. The gruel was merely enough. As the workforce at
4 the dam worksite was the regular workforce, although we were
5 given gruel to eat, it was not the watery gruel. It was rather a
6 thick gruel.

7 MR. KOUMJIAN:

8 Q. So, were people healthy or did you observe them to be
9 malnourished?

10 A. No, they were not in the best health form, but everyone just
11 tried to work there. And sometimes we had to seek traditional
12 medicine for their treatment for illness. And we also cooked in
13 large pots the herbal medicine for the workers at the worksite to
14 drink.

15 Q. Were workers -- excuse me, were workers given a quota, for
16 example, a certain amount of dirt to carry per day?

17 [11.21.45]

18 A. Based on what happened on the ground, not everyone could
19 achieve the work quota. It depended on the soil condition.
20 Sometimes we could achieve one cubic metre or on other days, we
21 could achieve two cubic metres of dirt, digging.

22 Q. What would happen if those above you learned that workers did
23 not fulfil the quota? What would happen to the worker?

24 A. If the village chiefs had ill intentions, and reported on to
25 the upper echelon, then there would be problems. However, if the

1 village chief understood the situation, and kept quiet on the
2 work quota, then we just kept on working.

3 Q. What would happen, sir, if your supervisor said your team is
4 not working well? Did you fear at all consequences for you
5 yourself if the work did not go to plan?

6 [11.23.48]

7 MR. PRESIDENT:

8 Witness, please hold on. And Counsel Koppe, you have the floor.

9 MR. KOPPE:

10 Thank you, Mr. President. I object to this question. It's asking
11 for speculation. The witness can be asked on concrete events, but
12 not on asking -- not on speculating as to what would happen. So
13 this is asking for speculation. That's why I object

14 BY MR. KOUMJIAN:

15 I thought my question, but I could rephrase it, was "did he
16 fear". And I'm happy to rephrase it so that there's nothing
17 conditional about it.

18 Q. So, when you were working there, did you fear that if the
19 plans of the upper level were not met, that you could face
20 serious consequences yourself?

21 MR. OR HO:

22 A. If the group did not achieve the work quota, the group had to
23 be responsible to the chief, and the chief had to resolve the
24 matter. Whether the chief had to report the matter with reasons,
25 to the upper echelon, then the group would be all right.

1 [11.25.34]

2 Q. Mr. Witness, let me just ask you to explain a comment you made
3 during your interview in 2008, and this is on the fourth page in
4 English, the French ERN is, 00277227; and in Khmer it's,

5 00239909. At the bottom of the page in English, you stated:

6 "During the construction, middle level designated the plans for
7 lower level to do, then reported to upper level. After the upper
8 level inspected, and saw that work was not going to plan, upper
9 level accused lower level of betrayal and killed them. Sometimes
10 middle level arrested and killed lower level, too. In particular,
11 the majority of the team leaders were the ones who reported and
12 arrested their own team members after having accused them of
13 being enemies."

14 So, sir, there's many things I'd like you to explain about this
15 statement. First of all, is this accurate, what you said in 2008?

16 A. Please repeat your question.

17 [11.27.20]

18 Q. Is it true what you said in 2008; that if work didn't go to
19 plan, upper level would accuse lower level of being enemies and
20 kill them?

21 A. Yes.

22 Q. And who would carry out the killing? Were they people from a
23 district or sector, do you know?

24 A. I do not know who did that. However, those people would be
25 arrested and sent to be detained at the security office, and most

1 of them would not return to the worksite.

2 Q. What was the security office? Was that a former pagoda?

3 A. After monks had been disrobed, the pagoda was turned into a
4 security office.

5 [11.29.21]

6 Q. And sir, there's another term in what I read from your
7 statement that is of interest to me, and I'd like you to explain.
8 You said when work didn't go to plan, leaders could accuse their
9 team members of being enemies. So, during this DK period, what
10 did it take for someone to be accused of being an enemy? Was it
11 sufficient not to carry enough dirt would make you an enemy?

12 A. If others could achieve the work quota, and we did not, then
13 we would be in a difficult position, and in some cases the people
14 would be taken away, or the chief would be taken away.

15 Q. Thank you, but my question has to do with the word "enemy".
16 Were people called "enemies" simply if they didn't carry enough
17 dirt, didn't fulfil their quota?

18 A. From what people said, those people would be considered the
19 infiltrated enemies, and that they were the ones who obstruct the
20 work progress, or the worker movement.

21 Q. We only have a few minutes before the lunch break. Sir, were
22 there any accidents that you were aware of at the dam
23 construction where people died, workers died?

24 A. In my unit, none of my workers was taken away. However, some
25 members of my unit died from a landslide at the dam worksite.

1 [11.32.18]

2 Q. So, is it they died when the soil collapsed and it buried them
3 alive? Is that what happened?

4 A. Yes, that is correct. Because people were competing amongst
5 others, and sometimes because they were working at night, and the
6 soil from the upper part of the dam collapsed onto the workers at
7 a lower part of the dam.

8 Q. And these individuals, my last question, who were buried alive
9 and died, what happened afterwards? Were they given a traditional
10 funeral? Were their families compensated in any way?

11 A. For workers who died from soil collapse, there was nothing in
12 the form of a compensation. They simply died.

13 MR. PRESIDENT:

14 Thank you. And thank you, Mr. Or Ho. It is now time for the lunch
15 break. We'll take a break now and resume at 1.30 this afternoon.

16 Court officer, please assist the witness in the witness and
17 experts waiting room during the lunch break, and invite him to
18 the courtroom again at 1.30 this afternoon.

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

22 The Court is now in recess.

23 (Court recesses from 1134H to 1330H)

24 MR. PRESIDENT:

25 Please be seated.

1 The Court is now back in session and the floor is given to the
2 International Co-Prosecutor to put further questions to this
3 witness. I would like to tell the Co-Prosecutor and the civil
4 party that you still have one session this afternoon.

5 BY MR. KOUMJIAN:

6 Good afternoon, sir. Sir, could you tell the Court, so we have a
7 better idea, how far is it from Phnom Penh to where the 1st of
8 January Dam was built? Can you give us an estimate either in
9 kilometres or tell us how long takes to drive in a vehicle?

10 MR. OR HO:

11 A. From Phnom Penh to the 1st January Dam, it is about 115
12 Kilometres, this is my rough estimate. Perhaps it is above that
13 or lower than that or shorter than that.

14 [13.32.16]

15 Q. During the DK period do you know how long it would take in a
16 vehicle to travel between Phnom Penh and the 1st January Dam?

17 A. If we are travelling today, we have smooth roads, new roads,
18 but the road is still under construction. I think, by vehicle, we
19 would spend two to three hours. But if the road was in good
20 condition as before, I believe it will take only two hours from
21 Phnom Penh to the 1st January Dam.

22 Q. Sir, during the DK period did you ever see visitors from Phnom
23 Penh come to the 1st January Dam?

24 A. There were visitors. They were from Korea and China. As for
25 ordinary people, I rarely saw them visiting that place.

1 [13.33.59]

2 Q. Sir, did you ever see films being made or film crews at the
3 dam site?

4 A. On the inauguration day, there was filming and people were
5 asked to carry earth and the film was shot.

6 Q. You've already told us about on one occasion Ke Pauk told you
7 that Angkar was visiting; do you remember if there were other
8 occasions when leaders from Phnom Penh visited?

9 A. I do not recall it. I do not know them all. Some people, they
10 told me some of the names but I do not recall them all.

11 Q. Thank you and thank you, sir, for keeping your answers precise
12 and not speculating, we appreciate that.

13 Before any of the visit of the foreigners or the inauguration
14 ceremony that was filmed, did you ever receive instructions about
15 how to prepare for those visits?

16 A. I do not know about it. But if there was filming, we were
17 asked to work hard and carry earth and the head of the group
18 needed to be in the front and he was asked -- or he or she was
19 asked to work hard in carrying earth.

20 [13.36.34]

21 Q. Thank you. If time permits I will show you a short video
22 later. But sir, I want to ask you to clarify a few things that
23 were recorded as having -- that you said during your 2008
24 interview and the first one occurs on the fourth page in English,
25 the fifth in French and in Khmer, the ERN is 00239909. You

1 answered that Vut told me -- that's you, sir. I'll begin again:

2 "Vut told me that if anyone was lazy I had to report that to

3 upper level, for instance 'Fever and convulsion, fever and

4 trembling, tractor fever, truck fever, fever but with an

5 appetite, ideological[psychological] fever'." Sir, what did you

6 mean by explaining that Vut told you that you had to report these

7 various types of fever?

8 A. The meeting frequently mentioned about these types of diseases

9 and the meeting mentioned about those who had ideological fever

10 or some might have fever or truck fever.

11 [13.38.38]

12 Q. What did that mean, for instance truck fever, does it mean a

13 person is physically ill with a high temperature or does it mean

14 something else?

15 A. At that time people felt sick, they were physically sick and

16 they were allegedly sick. I do not know whether they had any

17 intention. People were accused of being lazy but actually they

18 felt sick and if they felt sick and if they were being accused

19 that they were lazy, usually Khmer Rouge says they had truck

20 fever. Actually it is better not to report on them.

21 Q. Thank you for clarifying that. Then on the next page, you're

22 answering a question and again this would be page 5 of the

23 English version of the statement, page 6 in French and in Khmer,

24 ERN 00239910, you said "Since there was not enough food, most of

25 the people were emaciated and felt ill". The investigator then

46

1 asked you "What were the living conditions there?", and you
2 talked about how people slept in buildings with men and women
3 separated and then you said, "Living there was unhygienic. Each
4 team dug a latrine for the respective team. There was no soap and
5 they bathed in the Stueng Chinit". Can you explain, what was the
6 hygiene like for those working and living at the dam?

7 [13.41.07]

8 A. There was no hygiene in the worksite during that period. We
9 bathed -- we could bath but we had to relieve ourselves
10 everywhere in the forest, in the pits that we dug and there were
11 big flies everywhere and if we did not wave away flies, there
12 would be many flies during the time that we were eating.

13 Q. Were people supplied with mosquito nets?

14 A. No, we were not provided with mosquito nets.

15 Q. Were people -- was everyone given footwear, some type of shoe
16 or sandal to wear?

17 A. Yes, we had sandal made from the tyre of the car.

18 Q. You mentioned meetings where these lazy people who had fevers
19 were discussed, were those meetings just for you as a village
20 leader and those above you or were there also meetings that
21 regular workers had to attend?

22 A. It was not a secret meeting; the meeting was held in public
23 everyone could hear.

24 [13.43.19]

25 Q. Let me break it down. Talking first not about leaders but

1 ordinary workers, were they required to attend any political
2 sessions where they were taught Khmer Rouge ideology?

3 MR. PRESIDENT:

4 Please hold on, Mr. Witness, you may now proceed, Mr. Victor
5 Koppe.

6 MR. KOPPE:

7 Thank you, Mr. President. I have an objection because it's not
8 quite clear to me what the questions are aiming at. Are the
9 questions looking at the 20 men or women who were under the
10 supervision of this witness or is he being asked something about
11 the conditions of all 20,000 workers at the dam? Because if
12 that's the case, obviously he's not in a position to give any
13 evidence to this, so my objection would be this, that the
14 Prosecution limits its question to the people that were actually
15 under the supervision of this witness, those 20 men that he is
16 referring to in his earlier testimony; otherwise, he is entering
17 into the zone of speculation.

18 [13.44.35]

19 BY MR. KOUMJIAN:

20 Your Honour, I'm happy to break it down but certainly it's very
21 possible this witness is aware of what happened to people outside
22 this small group he organised.

23 Q. So let's start, Mr. Witness, with the group that you were in
24 charge of, the workers that you supervised. I believe today you
25 said it was 100 approximately. How many did they have to attend

1 political meetings where the ideology of Khmer Rouge was taught
2 to them?

3 MR. OR HO:

4 A. They joined the meetings and people from sangkat came to chair
5 the meeting and they gave instructions to the workers.

6 [13.45.39]

7 Q. So people from the commune level came to teach; is that
8 correct?

9 A. They did not come to teach us, they just came to explain us.

10 Q. What did they explain?

11 A. They explained how to do the work. We were explained that we
12 had to work hard so that we could have the irrigation system. We
13 were instructed how to build a dam and if we work fast and we
14 could finish building the dam very quickly we have the farming,
15 have the farming very fast and very quickly.

16 Q. Was this type of meeting held only by your group or do you
17 know if other groups at the 1st January Dam have the same kinds
18 of meetings? If you don't know just tell us.

19 A. I do not know about it. I knew only what happened in my group.

20 [13.47.21]

21 Q. When they discussed how to do the work, did the sector talk
22 about enemies among the people?

23 A. I have never been in the meeting of the zone -- of the sector
24 committee, rather.

25 Q. Sorry. Sir, I'm asking you about the meetings -- it's my

1 fault. You said the commune came and spoke to the people, when
2 the commune came and spoke to the people, did they discuss the
3 need to look for enemies among the people?

4 A. They discussed the enemy as well. They said enemies had to be
5 removed. They said that the worm needs to be removed one by one.

6 Q. Sir, during the DK period, were there marriages in your
7 village?

8 A. Yes, there were marriages held in late 1977, there were
9 marriages being held.

10 Q. Thank you. And from 1975 until late 1977, were marriages
11 prohibited?

12 MR. PRESIDENT:

13 Please wait, Mr. Witness. You may now proceed, Mr. Koppe.

14 [13.49.55]

15 MR. KOPPE:

16 Thank you, Mr. President. I have some difficulty with this
17 question on marriages. This is the first witness of a new
18 segment. We're talking about the 1st January Dam. Now, obviously,
19 this witness had a role in the construction of this dam within
20 his 20-person unit. I have obviously no problems on some
21 questions about his background and what his position was but if
22 we now move to the regulation of marriage in general and then go
23 to whatever happened in his village, I really don't see the point
24 of doing that, it just opens up a whole new layer of possible
25 evidence that I don't think we should be focusing on right now.

50

1 We're focusing on the 1st of January Dam and his specific role
2 and theoretically it is of course within the scope but I think
3 it's much more appropriate to focus with every witness within
4 this segment on his testimony relating to that segment and if
5 you're opening up now, we need to focus on that as well taking
6 away time from other relevant elements which we should be
7 discussing rather.

8 [13.51.23]

9 MR. KOUMJIAN:

10 Your Honour, I'm not sure much of a response is required; the
11 Chamber has made it clear from the beginning that witnesses will
12 be examined about all aspects of the Case that they have
13 knowledge about. I'm sure counsel has read the statements, I'm
14 sure he knows that this witness has said that he conducted
15 marriages in his village. So it should come as no surprise to the
16 Defence that we are discussing the marriage policy.

17 (Judges deliberate)

18 [13.52.33]

19 MR. PRESIDENT:

20 This question is allowed to be put to the witness; you may resume
21 your line of questioning, Mr. Co-Prosecutor.

22 BY MR. KOUMJIAN:

23 Thank you.

24 Q. Let me try it this way, Mr. Witness. Let me read from an
25 answer you gave in your 2008 interview. In Khmer the ERN is

1 00239911; it's on page 6 in both the English and French, page 7
2 in the French, and page 6 in the English version. You said -- you
3 were asked about marriages and you said:

4 "From 1975 until 1977, they did not permit marriages in my
5 sub-district. But starting in September 1977, they did permit
6 marriages. The village chief arranged for the men in the village
7 to marry the women in the same village for fear that there would
8 be single women remaining in the village. I arranged marriages
9 for them, sometimes 30 to 40 couples married at the same time."

10 Sir, is that accurate what you told the investigators in 2008, is
11 that an accurate description of the marriage policy in your
12 village during DK period?

13 A. Yes, that is correct.

14 [13.54.28]

15 Q. Now, once marriages were permitted, you indicated that
16 sometimes 30 to 40 couples married at the same time. Who was it
17 that arranged these marriages?

18 A. As for the marriage, the people from the commune would act as
19 parents and from the village we only brought the couples to the
20 marriage place. The women in my village would be asked to get
21 married to the man whom she loved but the marriage had to be
22 complied with the Angkar policy.

23 Q. And sir, what was Angkar policy on marriages? What marriages
24 fell within the policy and which marriages would have been
25 prohibited?

1 A. The war was not over yet and Angkar did not allow marriage to
2 happen during that time because Angkar needed men and women to go
3 into war and after the war was over, people would be allowed to
4 get married and for some men and women in the villages, they had
5 not got married yet that's why they were arranged to get married.

6 [13.56.37]

7 Q. But who suggested then the partnerships, who would decide this
8 woman should marry this man and what was the criteria?

9 A. I do not know about the procedure in other villages and in my
10 village the man would tell that he loved certain woman and
11 likewise the woman would do the same and after that we would make
12 a report to the upper echelon about this.

13 Q. When you reported the couples that were potential partners
14 that wanted to get married, did the upper echelon have to approve
15 that marriage before the couple could get married?

16 A. For the upper echelon, they received the biography that we
17 send to them and after that they would arrange the place for the
18 marriage to take place.

19 [13.58.06]

20 Q. Okay, I'm going to move on because I'm running out of time. I
21 want to ask you about another answer you gave on page 5 of the
22 English interview and also page 5 of the French interview and
23 Khmer ERN is 00239909. Sir, you were asked by the investigator,
24 "Did you personally see them arrest anyone?", and you answered,
25 "Yes, I did see that but I was unable to do anything about it.

1 The arrest broke the spirits of the others. Many people were
2 arrested and taken away but I don't remember their names. Later
3 Born and Vut were arrested and taken to Baray Choan Dek pagoda
4 and they were never seen to return. I knew this because I
5 recognised the security person who worked at the Baray Choan Dek
6 pagoda security office", and a few lines down you say that his
7 name was Chairman Comrade Mao and that he was killed in 1977.
8 Sir, these people that were arrested were in the leadership; is
9 that correct?

10 A. Yes, that is correct.

11 Q. What reason was given for arresting Born and Vut and comrade
12 Mao?

13 A. I do not know the reason because it is beyond my knowledge.
14 [14.00.26]

15 Q. You also mentioned earlier in your interview that the Sector
16 42 chairman was Tol, and Sector 43 chairman was Chan and they are
17 both now dead -- or were dead in 2008 when you were interviewed
18 and at the Baray district committee was Sim and Ka, both of who
19 are deceased and Ballangk district committee was Born and Vut who
20 we just discussed, all of them deceased. When you say they were
21 deceased, do you know if all of these people -- and tell me if
22 this correct or not because I don't want to put words in your
23 mouth -- were they arrested and then they never appeared again or
24 how did they die?

25 A. They were put in the security office and they were taken to be

1 killed.

2 MR. PRESIDENT:

3 Please repeat your answer; some part of your answer did not go
4 through the microphone.

5 MR. OR HO:

6 A. I forgot looking at the red chip of the microphone. Born and
7 Vut and Comrade Mao, they were all deceased. They had been
8 arrested. I did not know why they were arrested. It is beyond my
9 understanding.

10 [14.02.15]

11 BY MR. KOUMJIAN:

12 Q. I'll try to cover one further topic quickly. Mr. Witness, in
13 your statement on page 6 in the English version, page 7 in the
14 French and Khmer ERN 00239911, you were asked about Cham in your
15 area. First of all before I read what you said, sir, was there a
16 large community of Cham living in Kampong Thom province when the
17 Khmer Rouge came in your province?

18 MR. KOPPE:

19 Mr. President, I object to this question, he is asking for
20 speculation. The witness can answer to something that happened in
21 his village, in his unit and that's about it. He doesn't know
22 anything about what happened in Kampong Thom or about the size of
23 the population.

24 MR. KOUMJIAN:

25 Your Honour, I believe the witness definitely knows more than any

55

1 of us about how many, who the people were, who lived in his
2 province. It will be like asking any of us about different
3 minorities living in our countries and this is not such a huge
4 place, Kampong Thom province. He lived there all his life. If the
5 witness doesn't know, he can say so.

6 [14.03.58]

7 MR. PRESIDENT:

8 The objection by the defence counsel is overruled as the Chamber
9 needs to hear the response from the witness to the question by
10 the International Co-Prosecutor, and Mr. Witness, please respond
11 to the last question if you can recall it.

12 MR. OR HO:

13 A. I do not know for sure, I only know about Trapeang Chhuk
14 village and I cannot say about the population in other parts of
15 the province.

16 BY MR. KOUMJIAN:

17 Q. Thank you, sir. The village that you just mentioned, was that
18 a Cham village, predominantly Cham?

19 MR. OR HO:

20 A. Trapeang Chhuk commune, from my observation at that time,
21 comprised between 100 to 150 families.

22 [14.05.24]

23 Q. Were there many Cham in that village? Is that what you are --
24 can you tell us, approximately, how many Cham were there?

25 A. I cannot give you an estimate as the village was rather far

1 from my village; it was about 10 kilometres away from where I
2 lived but I knew that the Cham people lived in that area.

3 Q. Did the Cham people have a distinctive way of dressing so that
4 you could recognise Cham by the way they dressed?

5 A. If they did not speak we could not say they were the Cham
6 people.

7 Q. Did they speak their own language?

8 A. They spoke Khmer; however, the accent -- or their accent was
9 different from the way the Khmer people spoke Khmer.

10 [14.07.11]

11 Q. Sir, on page 6 in English, page 7 in French, in Khmer ERN
12 00239911, you said this and I want you to listen to it and then
13 explain to me why you said it. You said: "The ethnic Cham were
14 considered to be even lower than the 17 April People. The ethnic
15 Cham were forced to eat pork, their religion was closed down and
16 they were not allowed to worship." Sir, what did you see or hear
17 during the Democratic Kampuchea period that made you tell the
18 investigator that?

19 A. At that time from what I saw, they were not allowed to stay in
20 their village and they were relocated or dispersed here and there
21 in various other locations and if they knew blacksmith, then they
22 would be friended and they were forced to eat pork and some of
23 them refused to eat pork and they tried to find salt to eat it
24 instead. And as for their religion -- or, we can say also for
25 Buddhism -- the religion was abolished. They were not allowed to

1 worship anymore.

2 MR. KOUMJIAN:

3 Thank you very much, sir, for your patience and answers.

4 Your Honour, my colleagues from the civil party have further
5 questions.

6 [14.09.03]

7 MR. PRESIDENT:

8 The floor is now given to the Lead Co-Lawyers for civil parties.

9 MS. GUIRAUD:

10 Thank you, Mr. President. I would give the floor to my learned
11 colleague Hong Kimsuon.

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 QUESTIONING BY MR. HONG KIMSUON:

15 Good afternoon, Mr. President, Your Honours and everyone in the
16 courtroom. My name is Hong Kimsuon representing the civil parties
17 and I have supplementary questions to what has been asked by the
18 International Co-Prosecutor to this witness.

19 Q. Good afternoon, Mr. Witness and I would like to ask you
20 questions in relation to Old People and Base People. This morning
21 you already replied to the questions by the Co-Prosecutors on the
22 various categories of the people -- that is, the full rights
23 people, the candidate people and the depositee people. Could you
24 please inform the Chamber the distinction between the three
25 groups?

1 [14.10.37]

2 MR. OR HO:

3 A. The full rights people were those who were considered poor, I
4 mean really poor that they could hardly earn enough for a daily
5 living and that they were living in the base. They will be put
6 into this category. For those who had enough food to eat yearly,
7 they will be considered the candidate or preparatory people; as
8 for those who were transferred from Phnom Penh or the Cham
9 people, they were considered the deposittee people.

10 Q. Thank you. I would like to ask you a question in relation to
11 your role in managing the people as a village chief that you were
12 promoted to be a village chief from 1975 and then you also
13 received people from Phnom Penh in the amount of 100 families. In
14 terms of the different categories of people namely, workers and
15 students, which group of categories were they placed in?

16 A. People who had been transferred from Phnom Penh were
17 considered 17 April People, all of them would be considered that
18 way.

19 [14.12.52]

20 Q. Thank you. Now I'd like to move to the construction of the 1st
21 and 6th January dams. You were the village chief and you also led
22 your people to work at the dam construction. How were people
23 selected from the village to work at the dam construction site
24 and who had the authority to make that decision?

25 A. On the assignment of the people to work at the work site, in

1 fact we received instruction from the commune as to the number of
2 people from each village to be sent to work at the dam
3 construction worksite during the dry season.

4 Q. Thank you. As on how the people were selected from the
5 village, how did you make that decision? For example, did you
6 make the selection based on the strength of the people in your
7 village or on the age?

8 A. The people who were single -- I mean they were unmarried -- we
9 could not touch them as they belonged to their respective mobile
10 units. As for me, I could only make decision on those people who
11 were married: men or women.

12 [14.14.58]

13 Q. Thank you. In your village and when you engaged in the
14 selection process of those married men and women, how many
15 families, including the Base People and the Old People were
16 selected?

17 A. There were 100 Base People families, then we had another 100
18 families of the New People, so in total, I had 200 families in my
19 village.

20 Q. For the selection of people in your village, including the
21 Base People and the New People, who were selected the most to
22 engage in the dam construction?

23 A. In my village, it applied across the board. For those who knew
24 how to work at the dam construction worksite would be sent there
25 and for those who knew how to climb palm trees would be sent to

60

1 climb palm trees and would not be sent to work at the dam and
2 that applied to both the Old People and the New People groups.

3 [14.16.40]

4 Q. When you led people to work at the dam construction, did you
5 provide them with tools -- that is, to those who were under your
6 supervision?

7 A. Are you referring to baskets and hoes?

8 Q. I refer to different aspects, the tools for digging or
9 building dam, who were given you the tools or those tools and
10 what about the clothes and the food?

11 A. For us carrying baskets and hoes, we were given by the commune
12 in exchange of unhusked rice. From my recollection, for each hoe
13 that was given to us we had to give back about 15 or 20
14 kilogrammes of unhusked rice and this exchange programme also
15 applied to the clothing that was provided to us. As for the earth
16 carrying basket, we made them by ourselves.

17 [14.18.21]

18 Q. This is the first time that I have heard about the exchange
19 programme of hoes with the unhusked rice. Can you elaborate a
20 little bit more how the exchange was done, who set the exchange
21 rate or the price?

22 A. For each year of rice harvest, Angkar would take from us the
23 amount they considered the price for the hoes that were given to
24 us and that was done through a list kept by the commerce office.

25 Q. Thank you. Let me move on from this exchange programme. For

61

1 the people under your supervision and that they were sent to work
2 at the 1st January Dam, how was the living at the worksite
3 organised? Did you build accommodation for your people or were
4 the accommodations provided to you and your people?

5 A. As for the living at the worksite, we ourselves had to manage
6 our own accommodation so that we would be able to stay there at
7 the worksite.

8 [14.20.30]

9 Q. And your people were sent from your village and tools were
10 provided to you. Now on the issue of making your huts or
11 accommodation, where did you find the material, for example the
12 wood to build the huts?

13 A. In my area there were plenty of timber that is further up of
14 the 1st January Dam area so we cut the trees and built the
15 accommodation and we used hay, we sewn hay together to make roofs
16 for the huts, However, allow me to say the roof was only good to
17 protect us from sunlight but not from the rain.

18 Q. Regarding the living condition at the 1st January Dam worksite
19 and you already replied to the question this morning that you
20 were given thick gruel for meals, what about the soup or the
21 dishes?

22 A. For the dishes, we the village chiefs would assign some
23 workers to go and find food or to go and find fish at the lower
24 part of the area and they sometime found dry fish called locally
25 katoro (phonetic).

1 [14.22.42]

2 Q. It's okay, please continue.

3 This morning you made a response to the Co-Prosecutor on the food
4 ration, you said that you were given two meals per day and allow
5 me to ask whether the meals that were given twice daily were
6 sufficient.

7 A. The two meals that were provided were merely sufficient for
8 that time. Of course, I cannot say that we ate our fill as what
9 we do today, but for that particular period, it was sufficient.

10 Q. Do you mean that it was sufficient, just symbolic sign of it
11 or was it really sufficient?

12 A. It was actually sufficient although I must stress it was not
13 as sufficient as what we eat every day now. We had a dish or two
14 dishes for each meal. At least, we would have a dish for our meal
15 and sometimes when there was plenty of food then we could have
16 two dishes. However, in 1976 and early '77, it was a drought
17 season and the food and fish were not that abundant.

18 [14.24.56]

19 Q. Now I would like to move on. In your response to the
20 Co-Prosecutor this morning -- that is, in relation to the
21 document E3/5255, you said that per day you would be given only a
22 can of rice with morning glory soup. Did the ration of food have
23 any impact on the general health condition of the workers at the
24 dam worksite?

25 A. Allow me to say the taste of food was not that rich as well as

1 compounded by the lack of hygiene and the overcrowded environment
2 of many workers.

3 Q. Thank you for your response. And for your document, in Khmer
4 it is 00239908; and in English, 00250044; I would like to ask you
5 again about what you said about digging canals in your group that
6 each was required to dig three cubic metres of dirt day and
7 night; is that information correct?

8 MR. PRESIDENT:

9 Mr. Witness, please hold and counsel Anta Guissé, you have the
10 floor.

11 [14.26.56]

12 MS. GUISSÉ:

13 Yes, Mr. President, thank you. I would like a little
14 clarification to be made, I didn't hear the ERN and I don't know
15 whether it was an interpretation problem. We did not receive that
16 ERN in French.

17 BY MR. HONG KIMSUON:

18 Mr. President, I apologise I only have the ERN for the Khmer and
19 English text and I cannot locate the ERN for the French language
20 and I believe this practice is allowed in this Chamber. Thank
21 you. And allow me to move on.

22 Q. Again in relation to the dam construction worksite, you said
23 that each worker was required to dig three cubic metres of dirt
24 per day and night, what would happen if the quota could not be
25 reached? Was an additional topped the current quota for the next

64

1 day?

2 A. At the location where I led my people to work, the quota was
3 correct, however some people due to their weak strength, they
4 could only do one or two cubic metres per day, but we just tried
5 to cover for their lack of completeness of the quota.

6 [14.28.55]

7 Q. Thank you. Also in the same document, you said that none of
8 your workers had been arrested or sent to be killed but that
9 happened with other groups. When the instructions were given from
10 the upper echelon and that quota could not be reached, when the
11 upper echelon or inspectors came to inspect the worksite, what
12 was your solution when they found out that your workers could not
13 achieve the said quota?

14 A. Actually the inspectors when they came, they did not pay
15 particular attention to the actual digging of the dirt; they were
16 involved in the security matters.

17 Q. Thank you. You, a while ago, spoke about the clothing and the
18 shoes and you said that shoes were made from car tyres. Did the
19 people at the worksite find car tyres so that they can make shoes
20 from?

21 [14.30.40]

22 MR. PRESIDENT:

23 Mr. Witness, please hold, and Counsel Koppe you have the floor.

24 MR. KOPPE:

25 Again, Mr. President, same kind of objection. If the witness is

65

1 confined to the 20 or so people working under his supervision, no
2 problem with the question; if he's asked to answer about the
3 shoes and clothes of all the other 20,000 people working at the
4 dam site, obviously he cannot answer so again I would ask the
5 civil parties to restrict their questions to what is within the
6 realm of knowledge of this witness.

7 JUDGE FENZ:

8 Counsel, may I ask a question what makes you draw the conclusion
9 that he can only know about this 100, there can be other sources
10 of knowledge, we'll only know that once he has answered.

11 MR. KOPPE:

12 Well, then the foundation has to be established. He can see maybe
13 some of the other 20,000 workers but in his statement he said he
14 was supervising 20 and going from his supervised group to 20,000
15 is just too big of a step and he should first give testimony as
16 to the foundations of his knowledge which is continuously going
17 from one place to another place making it a gigantic step
18 covering the whole dam and that's simply not the way it should be
19 done.

20 [14.32.15]

21 MR. PRESIDENT:

22 Counsel Hong Kimsoun, please try to follow the modality of
23 questioning by the Co-Prosecutor. Actually this morning some
24 questions by the Co-Prosecutors had been objected by the defence
25 teams and he then tried to use alternative approaches which

1 focused more on the personal knowledge of the witness and I think
2 you should follow that fashion. Please try to rephrase your
3 question -- that is, try to sub-divide your questions into
4 different questions.

5 BY MR. HONH KIMSUON:

6 Thank you, Mr. President. Allow me to rephrase my question.

7 Before -- just then I asked you a rather broad question and allow
8 me to rephrase that. Comparing your group to the other groups
9 working nearby, did you observe whether car tyres could be
10 obtained by your group or by other groups for making shoes?

11 [14.33.40]

12 MR. OR HO:

13 A. On the matter of shoes, actually not everyone knew how to make
14 shoes so for those who knew how to make shoes would make shoes
15 for himself or herself and then they would be asked to make for
16 others as well.

17 Q. Thank you. I'd like to ask you about the women working in your
18 unit and concerning the health issues of women, in particular
19 those married women, were they given pad or cloth for their
20 period?

21 A. Forget about the sanitary pads, as long as you had sufficient
22 old clothing that would be good enough.

23 Q. Thank you very much. I would like to go back to your statement
24 in relation to the filming of people carrying earth. You said, as
25 the head of the group you were running -- carrying earth in front

1 of your workers, is that true?

2 A. Yes. Actually we were happy to have the film shot by those
3 crews that is why we worked very hard during the time that the
4 film was shot.

5 [14.35.53]

6 Q. In relation to the earth in the basket that workers were
7 carrying, if the soil fell out of the basket, did Angkar punish
8 them?

9 A. Actually there was no punishment for the workers who spill
10 over the earth from the basket. Actually, at that time, the earth
11 rarely spilled over the basket. Actually, during that time there
12 were no film and we were happy to have the film shot.

13 Q. Thank you. Mr. Witness, because of the time, I would like to
14 move to another topic in relation to the marriage. You stated
15 that you arranged women and men to get married. Sometime 30 to 40
16 couples married at the same time and men and women agreed to get
17 married, so you would report to the upper echelon so that the
18 marriage could be arranged. My question is as follows: Were there
19 -- did anyone disagree with the marriage arranged by Angkar?

20 A. Yes, there were some people did not agree to get married.

21 [14.37.52]

22 Q. What happened to those who refused marriage?

23 A. For those who refused marriage, nothing happened to them.
24 Punishment was not imposed on them, the marriage had not been
25 arranged for them and when they refused nothing happened to them.

1 If one agrees to get married, then we would arrange for them.

2 Q. Thank you. You told the Court that you or commune chief would
3 chair the marriage. What about the parents of the couple who were
4 to get married? Were parents of the couple informed of the
5 marriage and were they invited to the marriage?

6 A. The parents did not attend the marriage and parents were not
7 informed; the commune chief chaired the marriage. Militiamen,
8 village chiefs attended the meeting; only these people and the
9 couples who were to be married were at the ceremony or at the
10 wedding place.

11 [14.39.46]

12 Q. I would like to seek your clarification concerning the
13 marriage. Were there traditional music played during the marriage
14 and were reception arranged, was a reception party arranged?

15 A. Concerning dishes, food and traditional music, there were no
16 such thing; only -- we were only allowed to have meal in the
17 dining hall and the couple were asked to sit close to each other
18 so couple were sitting close to each other and after that, Angkar
19 would introduce those who were to get married and the couples
20 would also be asked to make a resolution. Usually the marriage
21 would last about three hours. There was no -- any lucrative
22 dinner or meals for those who were present.

23 Q. Thank you. Were the commune chief -- or did the commune chief
24 or the village chief allow the newlywed to consummate their
25 marriage and where would they spend their time together?

1 A. Actually, if the newlyweds had their parents alive, they would
2 go to their parent house to spend time together, but if the
3 newlywed did not have their parents, the commune chief or the
4 village chief would find a house for them to spend time together.

5 [14.42.18]

6 Q. Thank you. And how long could the newlyweds spend time
7 together?

8 A. Actually, in the village, people were working not far away
9 from their houses so the newlyweds could return home after work
10 and they could spend time together.

11 Q. Thank you very much, Mr. Witness. You said that the newlyweds
12 were sometimes working in different unit or different worksite. I
13 would like to know how many days did Angkar allow the newlywed to
14 spend time together after their marriage.

15 A. I have no idea about this matter and I was not part of the
16 leadership that is why it is beyond my leadership.

17 Q. Thank you very much. I would like to know after their
18 marriage, did the newlywed get along well with each other and if
19 they did not get along with each other, what happened to them?

20 A. After the marriage, from my observation, I did not see any
21 disagreement or dispute among the newlyweds in my village and
22 their marriage last until now; they have children now and if the
23 newlywed did not get along with each other, the village chief
24 would call them and explain and also give advice. So, if they
25 could get along with each other, they would live happily.

1 [14.44.45]

2 Q. Thank you very much. Mindful of the time, I would like to move
3 to another topic with regard to Cham ethnicity. I would like you
4 to tell the Chamber about your village.

5 You said this morning that you were in monkhood for about 10
6 years; you also said that you were working in the dam site and
7 did you know the Baray Choan Dek pagoda?

8 A. This pagoda was called Baray Choan Dek. I knew Baray Choan Dek
9 was the name of this pagoda but I have never been to this pagoda.
10 Actually the pagoda was turned into a security office.

11 Q. Could you clarify for the Court what do you mean by saying it
12 is a security office?

13 A. In the former period, people were brought into that security
14 for re-education and those who committed wrongdoings, perhaps
15 they would also be sent somewhere; that I have no idea.

16 [14.46.33]

17 Q. Thank you. After the liberation, after our country received
18 peace, have you ever been to Baray Choan Dek pagoda to have a
19 look?

20 A. After the war is gone, Baray Choan Dek pagoda returned to its
21 normal operation. I have been to the pagoda to join the religious
22 ceremony at that pagoda.

23 MR. PRESIDENT:

24 Thank you very much, Counsel, you have gone beyond the time
25 allotted to you. It is now convenient time for a short break. The

71

1 Chamber will take a short break until 3 o'clock.

2 Court officer, please find a proper place for this witness to
3 take a rest and have him return before 3.00 p.m.

4 The Court is now in recess.

5 (Court recesses from 1447H to 1503H)

6 MR. PRESIDENT:

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

8 The fellow Judges of the Bench, do you have any questions to put
9 to the witness?

10 Judge Claudia Fenz, you have the floor.

11 [15.04.05]

12 QUESTIONING BY JUDGE FENZ:

13 Thank you, President.

14 Q. I have two follow up questions on what the prosecutor has
15 asked this morning. Let me first recall the working conditions
16 and you tell me if I got it right. Then I have a question.

17 You talked about 13-hour working day with two rather meagre meals
18 per day, unsavoury working conditions, we've heard about
19 landslides or collapsing parts of the dam, unsatisfactory medical
20 treatment, did I get that correctly, did I sum that up correctly?

21 MR. OR HO:

22 A. Yes, that is about right.

23 Q. Now my follow up question is giving these working conditions,
24 how many if any at all of your 100 people died per month, if any?

25 A. There was one incident where people died from the soil

1 collapse as the soil was piled up -- high and it collapsed on
2 those workers died. Three workers died actually. One died on the
3 spot, the other one died when -- the person was dragged away, and
4 another one died at home. And when I worked at Kampaeuy, a worker
5 was crushed to death by a palm tree when he was uprooting that
6 palm tree. I actually took that injured worker to the hospital
7 and then he was forwarded further to the sector hospital in
8 Kampong Cham. And allow me to correct, in fact, the person did
9 not die but the person is alive today.

10 [15.07.06]

11 Q. So let me sum up: in three years of working under what it
12 sounds like harsh conditions, only three out of your 100 people,
13 of the 100 people under your supervision died; is that correct?

14 A. Only three workers died from work related reason -- that is,
15 in connection to the dam building. As for other causes of death,
16 that's a different matter altogether.

17 Q. Then let us now deal with this different matter. I understand
18 four people died from accidents, so what about the number of
19 people who died for other reasons, again out of your group of 100
20 per month, how many people died for whatever reason? That's the
21 first question, for whatever reason, out of your 100 per month.

22 A. Besides. it seems that none of my workers died; they tried to
23 find supplementary food to eat and none of them died as a result
24 of being haunted by traditional belief in superstition or ghost,
25 but allow me to say those workers were not in good shape as what

73

1 we are now, they were skinnier than what we are.

2 Q. Can you then explain to me your previous answer which was four
3 people died from accidents; as to other causes, this is another
4 matter. What did you mean by that?

5 [15.09.30]

6 MR. PRESIDENT:

7 Counsel Kong Sam Onn, you have the floor.

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. I'm on my feet just to make observation
10 in relation to the questions by Judge Fenz. In fact the witness
11 stated that three workers died and the fourth one actually
12 survived after he was sent to the hospital. This is just my
13 observation.

14 BY JUDGE FENZ:

15 Fine, I'm not contesting that. Let me repeat my question.

16 Q. You answered earlier three people died related to accidents;
17 as to other deaths, that is another matter. What did you mean by
18 that?

19 MR. OR HO:

20 A. Other workers died from other causes when they returned to the
21 village and worked at the rice field, not at the dam or worksite.
22 And allow me to say, there were only a few of them and maybe one
23 or two of them -- of the 100 workers died from illness. And
24 although they were being treated, the treatment failed as it was
25 mainly a traditional form of treatment. If you believe in

1 superstition, it seems that not many workers in my area became
2 ill although I cannot say about other villages but the situation
3 was very similar.

4 [15.11.43]

5 Q. You said one or two died of illness, one or two in three years
6 or one or two in one year or in one month?

7 A. In relation to the canal construction worksite, the three
8 workers died when they worked near the 1st January Dam, and in
9 1978, they started working on a feeding canal which continued
10 from the previous location where we worked and a work force from
11 the sector worked in a separate location from where we were
12 working and other communes were working at different designated
13 areas. I said that I did not see workers die; although we did not
14 have abundant food to eat, we actually ate despite the limited
15 taste of the food.

16 Q. Let me come back to the original question. You said one or two
17 workers died from illness, I just want to ask you one or two in
18 the three years or one or two per year or one or two per month,
19 if you can tell.

20 A. In between 1977 to '78, those people that I mentioned died and
21 that was all.

22 [15.14.06]

23 Q. So altogether, out of your 100 in this period, roughly five to
24 six people died; that sounds like a healthy working environment.

25 Okay, let me get to my second question, I understand you

1 supervising 100 people, your group of 100, were you working at
2 the dam at an isolated spot or were you working together with
3 some of the remaining 9900? I believe you told us there were
4 10,000 workers.

5 A. Allow me to respond, In 1977, while we were working at the
6 Chinit river, we were working toward the south part of the Chinit
7 river, and in 1978, we continued working along Stueng Chinit
8 river; however, it was about three kilometres away from where we
9 originally worked.

10 On the issue of the living condition, we built our series of huts
11 and we stayed together there and we were allowed to rest every
12 tenth day and for the married men and women, on that day they
13 would request to visit their spouse while others remained at the
14 worksite.

15 [15.16.07]

16 Q. Could you please try and answer my questions as succinctly as
17 possible. The question was easy: Did your group of 100 ever work
18 together with some of the other workers, 9900, if your 10,000 is
19 correct or were you working for three years in a completely
20 isolated place, isolated from all the others?

21 A. We actually worked separately from other units. I refer to the
22 second stage of working; it was near Baray. But initially when we
23 worked at the feeding canal of the 1st January Dam, we were
24 closer to other groups but for the second stage in Baray, we were
25 about three kilometres away from where we originally worked and

1 we were separate from other working groups. We were given a plot
2 of land of about 100 metres long and that we had to dig three
3 metres or four metres deep to make a canal and our group was
4 assigned to complete that work quota. We started working in
5 January and by June we had to finish the work so that we can
6 return to do the rice plantation in the rice fields.

7 [15.18.19]

8 Q. This is now my last question. At the time when you were
9 working together with other groups and as far you could observe
10 at that time, were the working conditions the same or was your
11 group having special working conditions either better or worse
12 than other groups you could observe while you were co-operating
13 with them?

14 A. If you refer to the time that we were working closer to other
15 groups, we tried to console one and another and we would try to
16 share fruit, namely mango fruit with other people in order to
17 create a better environment with other groups because it was not
18 easy to share mango fruit during the regime and that gave the
19 initiative to the workers to work harder and we were trying to
20 work as one force or one group and we achieved whatever we were
21 assigned to do.

22 Q. So I take it there was at least for some period of time not
23 only cooperation but also communication between various working
24 groups, units?

25 A. Our work depended on our strength and if we united our

1 strength as one force we could achieve whatever we were assigned
2 to do; of course we tried to achieve the work quota assigned to
3 us so that we could say that our team completed the work quota.

4 [15.21.04]

5 JUDGE FENZ:

6 Thank you.

7 MR. PRESIDENT:

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

9 QUESTIONING BY JUDGE LAVERGNE:

10 Thank you, Mr. President. Good afternoon, Mr. Or Ho. I would like
11 to put a few questions to you to clarify some of your answers.

12 Q. This morning, if I properly understood what you said, you said
13 prior to the 1st January Dam construction, there had been another
14 dam on that construction site and that dam was destroyed because
15 of bombing. Did I properly understand your testimony or I am
16 wrong?

17 MR. OR HO:

18 A. No, it was not an aerial bombardment; they did not continue
19 working on the dam anymore because people used grenade to kill
20 the fish in the dam so then they worked on another dam in
21 parallel to the existing dam and the new dam is still being used
22 at present, and I may say it is being fully used at the moment.

23 [15.22.55]

24 Q. Can you please tell us when the Khmer Rouge started building
25 dams, were there any worksites that existed before the 17th of

1 April 1975 or construction projects started after the 17th April
2 1975?

3 A. The dam which was named 1st January Dam was named so when it
4 was inaugurated on 1st January by Comrade Pol Pot, but the actual
5 work on the dam had started earlier than that; in fact, it had
6 started in October the previous year but it was officially
7 inaugurated and named so on 1st January and later on it continued
8 toward the west and the other segment was named the 6th January
9 Dam. And actually the work on the dam was kind of great work, but
10 later on it was damaged by people who used grenade to kill the
11 fish living in the dam.

12 Q. And prior to the construction of the 1st January Dam or the
13 6th January Dam, was there in place a policy for the construction
14 of dams, reservoirs or canals? Did such work start with the 1st
15 January Dam or there had been previous construction projects?

16 [15.25.29]

17 MR. PRESIDENT:

18 Mr. Witness, please observe the microphone.

19 MR. OR HO:

20 A. Allow me to elaborate a little bit further on this matter.

21 Before the collapse of the Lon Nol regime, a canal to the east
22 was constructed, however, the height of the canal was rather
23 shallow and the water was from another source -- from a creek and
24 by mid-1976 -- or, rather, by October 1976, the upper echelon
25 decided to construct the 1st January Dam and they brought in

1 heavy machinery tools to clear the forest and the land and to
2 uproot large trees. Then they commenced digging the ground and
3 then they decided that for our group they had to dig a canal
4 towards the south and for the mobile units, they would be
5 assigned to build the dam and many people working with their
6 hands on the dam construction project and during the movie
7 filming they were filming the people who were carrying the dirt
8 and the village chiefs or the group chiefs were trying to carry
9 the earth while running along with other workers. And, of course,
10 a few days later we were shown the film and we were so happy to
11 see it. And that's about the 1st January Dam; although it was so
12 named, the actual work started much earlier than that. It was so
13 named because it was inaugurated on that particular day.

14 [15.28.04]

15 Q. You have just stated that you noted the presence of bulldozers
16 that were used to uproot trees; you also stated that many workers
17 worked with their hands. Did you observe the presence of many
18 machines on the site or the bulk of the work was done by the
19 workers using their hands? And may I also ask whether animals
20 were used to do the work, were they oxen used to drag the earth?

21 A. Allow me to respond, the heavy machinery that I referred to, I
22 meant only three heavy machineries were used for the entire 1st
23 January Dam construction. There was a bulldozer, a tractor, and
24 another machinery. And besides that, workers were used with their
25 bare hands for the construction of the dam.

1 Q. Were there animals which were used such as buffalos or oxen?

2 A. No, no animals were used to drag or transport dirt. People
3 were used to carry the dirt.

4 Q. Fine. So if I understood well, there were several tens of
5 thousands of people working on the worksite, there was one
6 bulldozer and there were no animals, was that the case?

7 A. We could say that the machineries were not actually used for
8 this large and extensive range of dam, the machineries were used
9 only to level the ground and the tractor was used for that
10 purpose. The tractor was not used to push the dirt to build the
11 shoulder for the dam, not at all. Purely, manpower was used for
12 the building of that dam and no animal was used at all.

13 [15.31.19]

14 Q. So the building of the dam, as I understood it, therefore
15 consisted in building a levy, a levy of earth in order to retain
16 the water. Can you tell us, according to what you know about
17 this, what the height was of this levy and what was its length?
18 Was the embankment a few 100 metres or a few 1000 metres long,
19 what did this represent exactly?

20 A. As for the 1st January Dam, it started from Prey Srangae
21 village and it continued until it joined the 6th January Dam and
22 the total distance was about 10 Kilometres long. However, the
23 height of the embankment varied. In some parts, the embankment
24 was higher; in others, it was lower and sometimes a tractor was
25 used to level the ground. I did not see everything; I was only

81

1 told about that in other parts of the project as I met those
2 people every tenth day when we were allowed to rest.

3 Q. So you spoke about a meeting that was held every 10 days, was
4 this a meeting among the group chiefs who worked at the worksite
5 or was this a meeting among technicians? What kind of meeting are
6 you speaking about?

7 A. As for meeting every 10 days, the meeting was held among 100
8 workers and people from sangkat would also join the meeting and
9 if there was a new plan from the upper echelon, we would sit and
10 listen to the plan described by those from sangkat.

11 [15.34.23]

12 Q. And were these meeting called criticism meeting or
13 self-criticism meetings or beyond these meetings every 10 days
14 there were self-criticism and criticism meetings?

15 A. Actually at my worksite, there were rarely any self-criticism
16 or criticism meetings. We held meeting to encourage workers to do
17 their work. We held the meeting to admire each other and some
18 workers wanted to be part of the special force so they worked
19 very hard. The special force would start work earlier than other
20 groups and they finished work after the other groups and special
21 force received fish sauce and meal, and for ordinary force, when
22 they needed fish sauce or certain meal, they would have to ask
23 for.

24 [15.36.09]

25 Q. Did I understand well, when I say that your group was an elite

1 group, that is to say the workers you were supervising were elite
2 workers who were supposed to act as models for the other workers,
3 is that what you are telling us?

4 A. Perhaps so. One day the district committee sent people to
5 bring 10 pythons for the lead group to eat, we received 10
6 pythons to eat one day and it was said that our group was an
7 elite group and the best group, so I shared the python meat with
8 other workers and with other people.

9 Q. And then was the expression "hot fighting" used, were you part
10 of what was called the "hot struggle" group or the "hot fighting"
11 group?

12 A. I do not know whether another name was used as referred to by
13 Your Honour and perhaps my group could be named as such. People
14 admired our group so we tried to work very hard and we could have
15 meal, delicious meal. When I say delicious meal I do not mean
16 that we could receive pork, we could only have fish piece or
17 fermented fish piece.

18 [15.38.55]

19 Q. So can we also say that the workers who were working in your
20 group had been chosen among the strongest physically in order to
21 be able to show the example and to go beyond the assigned quotas?

22 A. That is true, Your Honour. In 1977, one month before I was
23 removed, I do not know whether he was the district chief or the
24 sector chief and he asked me whether I and my group could finish
25 the work. I sought Angkar's help, I asked Angkar to give dyke

1 metal or dyke (inaudible) and shovel to help in our work so
2 Angkar provided with the materials as requested and we could
3 finish -- could finish our work before the New Year. I mean -- I
4 am referring to the New Year in 1978.

5 Q. So I have another question which of course concerns the people
6 who were working in your work, but also concerns at least as far
7 as you know, those who were selected to work on the 1st January
8 Dam worksite. Were these people who were chosen, did these people
9 have the possibility of refusing to go work at that worksite? And
10 once these people were onsite, did they have the possibility of
11 stopping their work and then to leave the worksite? Was this
12 something that was allowed?

13 [15.41.25]

14 A. When I left my worker to do farming in the field and to work
15 in the worksite, my worker never refused the work. We would go to
16 work all together, and some time we work at night. And at our
17 worksites, we -- there were many fish in the water and workers
18 could find fish to eat, so my worker wanted to go to work, even
19 at night-time.

20 Q. Fine.

21 Now, I'm going to move on to another series of questions, and I
22 would like you to tell me that when you were a village chief, if
23 there were militiamen in your village?

24 A. In my village, there were militiamen as there were in other
25 villages and militiamen listened to my order and I never threaten

1 those militiamen. We had to do the same work. We had to
2 transplant the rice and militiamen had to do the same work. New
3 People and Base People had the same work to do, and Base People
4 never look down on New People because we knew that the New People
5 were newcomers coming to live in our place.

6 [15.43.56]

7 Q. And did the militiamen have a special role to play with regard
8 to security?

9 A. Militiamen provided security and safety for people. They
10 secured the safety and prevent any theft of chicken or livestock.
11 I told militiamen to secure the safety and not to allow anyone to
12 steal the chicken or ducks. Livestock were raised and they were
13 put in the dining hall and those who raised the livestock if --
14 because they were the owner, if they wanted to eat and cook the
15 livestock, they could do so. We gave freedom to the owners.
16 Actually, we had many ducks and chicken raised in my area.

17 Q. And would the militiaman ask to make reports if they noted
18 that they were enemies among the people?

19 A. If there were enemies, militiamen would report about the
20 enemies to sangkat and I was also informed about that
21 information. And if I told militiamen not to report about
22 enemies, they did not dare to make any report. Everyone committed
23 mistakes but we tolerated their mistakes. I had my own way or
24 modality of leadership different from other sangkat or villages.
25 And the sangkat chief said if -- if we wanted to know which

1 groups better and then the groups should be put to compete with
2 each other in their work and if I received the assignment to work
3 in the field at 6.00 a.m., in the morning, I would allow my
4 workers to have breakfast at 5.00 a.m., before the work started,
5 and we had our own meal and rice to eat. I had to support my
6 groups so that it could -- my groups could be admired during the
7 time that there was competition among our work in the field. We
8 have been very happy since that time until now. I mean, our
9 group.

10 [15.48.11]

11 Q. Can you tell me, sir, if during the Democratic Kampuchea
12 period while you were village chief, therefore, if elections were
13 held in order to elect people's representatives?

14 A. There was no election actually to select village chief.
15 Village chief was assigned by the upper echelon and if the
16 village chief did not perform good work and if he was not
17 satisfied with the work performance and then the village chief
18 would be removed.

19 Q. I was not speaking about the village chiefs. I was speaking
20 about Kampuchea as a whole and there was an assembly, which was
21 called the People's Representatives Assembly. So did you ever
22 hear of this assembly and were elections organised in order to
23 appoint people in charge of representing the people at this
24 assembly?

25 A. Yes, there was election after long -- after the collapse of

1 Lon Nol regime. Fifteen days or one month after the collapse of
2 Lon Nol regime there was an election held in Baray pagoda. Only
3 Base People could vote. Cham people and 17 April People were not
4 allowed to cast their votes.

5 [15.50.20]

6 Q. And who would appoint the candidates?

7 A. Oh, I cannot give you the response. I do not know. It's beyond
8 my understanding. I do not know how to respond.

9 Q. Fine. I have a last series of questions that concerns
10 religions. You said earlier that no one was allowed to practice
11 his or her religion, whether it be the Cham, but also the
12 Buddhists, so can you tell us when you noted that it was
13 forbidden to practice a religion, was it the before 17 April 1975
14 or did this start after?

15 A. Let me tell you, Your Honour, Buddhism and Islamic religion,
16 actually, we had the religion. We have practiced the religion in
17 1973 -- rather, Cham people and those who practiced Buddhism were
18 not allowed to have any worship. In 1975, Buddhist monks started
19 to leave monkhood one after another, and Cham people no longer
20 had latitude or had time to pray.

21 Q. I'm not sure that I fully understood what you just told us so
22 therefore I'm going to ask you to clarify things a bit. So did
23 you tell us that as of 1973, people were no longer allowed to
24 practice their religion or on the contrary, you said that in
25 1973, people could still practice their religion? Can you please

1 clarify that?

2 A. At the outset, there were monks and there were Islamic people,
3 Cham people could practice their religion. However, in 1973 and
4 1974, Cham people were evacuated and Cham people were not allowed
5 to go to their mosque to pray and as for monks, they would also
6 do the work in order to help support the battlefield. And later
7 in 1975, monks left monkhood one after another, because monks
8 were considered that they did not know -- they did not want to be
9 in monkhood anymore.

10 [15.53.57]

11 Q. So, were the monks therefore free to choose whether or not
12 they wanted to defrock or was that decision imposed upon them and
13 do you know if certain monks refused to defrock? And if that
14 happened, what did happen to them?

15 MS. GUISSÉ:

16 Thank you, Mr. President, because I have a question, since I
17 cannot object to the questions of the Judge, but I simply wanted
18 to know if we were still within the scope of the trial because
19 pursuant to your Severance Order, It seems to me that this
20 question of Buddhist is not part of the measures to targeted
21 groups because we are now supposed to only focus on Tram Kak, so
22 I would like to know if with this witness who is supposed to
23 describe the 1st January Dam, if we are maybe now straying from
24 the scope of the trial and therefore what is the party's
25 positions with regard to this question?

1 (Judges deliberate)

2 [15.56.35]

3 MR. PRESIDENT:

4 Actually, in the facts that the Chamber decided, we only -- party
5 were asked to cover the -- to put the question in relation to 1st
6 January Dam. Actually, the persecution of Buddhist and Cham
7 people were not related to 1st January Dam, but the question
8 wishes -- wish to know about the policy of the CPK?

9 BY JUDGE LAVERGNE:

10 Well, maybe to clarify things, well, there is an alleged policy
11 that targeted a certain number of groups throughout Cambodia,
12 including Buddhists, so therefore it is of course worthy to see
13 -- to understand this policy. So I just want to speak about the
14 general context. I'm not going to go into the details with regard
15 to these issues on the January 1st site.

16 Q. So, Witness, do you remember my question or would you like me
17 to rephrase it or to put it to you again rather?

18 MR. OR HO:

19 A. I got the question put by Your Honour.

20 [15.58.20]

21 Q. Yes, Witness, I was asking you if you knew if certain monks or
22 if the decision of certain monks to defrock was a wilful decision
23 or was this a decision that was imposed upon them? And if you
24 know, can you tell us if certain monks have refused to defrock,
25 and if they had refused to defrock, what then happened to them?

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1 A. In relation to this matter, I do not have full knowledge of
2 this matter. However, what I know is that all monks left their
3 monkhood in 1975.

4 Q. And my last question now, when you were working on the 1st
5 January worksite, did you ever hear of someone called Tram Kak
6 Tai (phonetic)? And who apparently was a former monk?

7 A. I do not know this monk. I have never seen and known this
8 individual.

9 JUDGE LAVERGNE:

10 Fine, thank you. I have no further questions to put the witness.

11 [16.00.29]

12 MR. PRESIDENT:

13 It is now time for the adjournment. The Court will take an
14 adjournment for 15 minutes -- sorry, I confused.

15 It is now time for the adjournment. The Chamber will resume --
16 the hearing will resume tomorrow on the 20th May 2015, starting
17 from 9.00 a.m., and the Chamber will continue hearing the
18 testimony of Mr. Witness Or Ho as planned.

19 Thank you very much, Mr. Or Ho. Your testimony -- the hearing of
20 your testimony has not come to an end yet, and the Chamber will
21 resume hearing your testimony tomorrow, starting from 9.00 a.m.
22 Court officer, together with WESU unit, please find and send the
23 witness to the place where he is now staying and have him
24 returned to the courtroom before 9.00 a.m.

25 Security personnel are instructed to bring the two Accused back

1 to the detention facility and have them returned to the courtroom

2 before 9.00 a.m.

3 The Court is now adjourned.

4 (Court adjourns at 1602H)

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