



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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Sann Rada
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 August 2015

Trial Day 309

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KAN Thorl (2-TCW-881)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LAT Suoy (2-TCW-889)	Khmer
Judge LAVERGNE	French
Mr. LYSAK	English
The President (YA Sokhan)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the testimony of witness Kan

6 Thorl, and after its conclusion, we will hear testimony of

7 another witness -- that is, 2-TCW-889.

8 Ms. Chea Sivhoang, please report the attendance of the Parties

9 and other individuals at today's proceedings.

10 [09.00.25]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this Case

13 are present, except the National Lead Co-Lawyer for civil

14 parties, who is absent due to health reasons.

15 Mr. Nuon Chea is at the waiting room downstairs as he waives his

16 right to be present in the courtroom. The waiver has been

17 delivered to the greffier, and the witness, Kan Thorl, is already

18 in the courtroom. We also have a reserve witness -- that is,

19 2-TCW-889, who states that to the witness's knowledge he has no

20 relationship by blood or by law to any of the two Accused -- that

21 is, Nuon Chea and Khieu Samphan, or to any of the civil parties

22 admitted in this Case. The witness will take an oath before the

23 Iron Club Statue this morning.

24 Mr. Mam Rithea is a duty counsel for the reserve witness.

25 Thank you.

2

1 [09.01.41]

2 MR. PRESIDENT:

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

4 The Chamber receives the waiver from the Accused Nuon Chea, dated

5 11th August 2015, who notes that due to health reasons; namely,

6 headache and backache, and that he cannot sit and concentrate for

7 long, and in order to effectively participate in future hearings,

8 he requests to waive his right to be waived to participate in and

9 be present at the 11th August 2015 hearing.

10 Having seen the medical report of Nuon Chea by the duty doctor

11 for the Accused at the ECCC, dated 11th August 2015, who notes

12 that Nuon Chea has a chronic back pain and recommends that the

13 Chamber grant him his request so that he can follow the

14 proceedings remotely from the holding cell downstairs. Based on

15 the above information and pursuant to Rule 81.5 of the ECCC

16 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 AV Unit personnel are instructed to link the proceedings to

20 the room downstairs so that Nuon Chea can follow it remotely.

21 That applies for the whole day.

22 I would like to ask Judges of the Bench if you have any questions

23 to be put to the witness.

24 And Judge Lavergne you have the floor.

25 [09.03.52]

1 QUESTIONING BY JUDGE LAVERGNE:

2 Yes, thank you, Mr. President. Good morning, Mr. Kan Thorl. I am
3 Judge Lavergne and I have a few questions to put to you to try to
4 clarify the statements you made yesterday. Yesterday when you
5 were answering the questions put to you by the Cambodian
6 Co-Prosecutor, you said that you had to work at the station where
7 you had been appointed within the mobile unit. You specified that
8 you did not have the courage to refuse this order and that you
9 were afraid and that you were afraid of the rules and of the way
10 that you may be treated and you concluded this segment by saying
11 -- specifying that you were afraid that you would be taken away
12 and killed. So my first question is:

13 Q. Did I understand, first of all, your statement correctly is
14 that what you told us yesterday?

15 [09.05.18]

16 MR. KAN THORL:

17 A. Yes, that is true.

18 Q. So can you explain to us why you said that you were afraid of
19 being taken away and killed?

20 A. At that time when I was instructed from the upper echelon to
21 carry out the work assignment; namely, to lead the work force to
22 work in order to reach the three cubic metre of soil per each
23 worker, I dare not refuse the instructions.

24 Q. I understood that; however, you said that you were afraid that
25 you would be taken away. So, did you witness or did you hear

4

1 about some people being taken away, did you witness any
2 disappearances?

3 A. No, I did not witness any arrest or disappearance.

4 Q. So why were you afraid of being taken away?

5 A. Because I heard it from other people that if anyone opposed,
6 then that person would disappear.

7 [09.07.30]

8 Q. Who told you that?

9 A. It's a rumour, a word from one person to the next and it was
10 from cadres at the upper level down to the lower level.

11 Q. So everyone was spreading this rumour. Everyone was saying
12 that, "We can be taken away". That was a fear that was widespread
13 that was shared by everyone; is that so?

14 A. Yes, that is true.

15 Q. And these people who were afraid of being taken away, did they
16 tell you that people would disappear?

17 A. Yes, indeed.

18 [09.08.53]

19 Q. And did the same people tell you that some people were killed?

20 A. In fact it was from other people

21 Q. Can you clarify this answer a little bit because I'm not very
22 clear about this? Who were these other people and what did these
23 other people say?

24 A. When I said other people, I refer to those who lived in the
25 bigger unit together

1 Q. And what was this big unit, was it a unit coming from the
2 sector?

3 A. Big unit comprised of 100 workers and it means it comprised of
4 three small units.

5 Q. I now would like to read out a segment of some of the
6 statements you made before the Co-Investigating Judges and ask
7 you if this refreshes your memory, in any way. So, this is your
8 written record of interview, this is document E3/7803: French,
9 ERN 00486083; English, 00277821; Khmer, 00267755.

10 [09.11.30]

11 "And one day, I saw people being arrested. They were being tied
12 up and that they were escorted to the shelter where I stayed at
13 night, but I did not know their names. Those who escorted them
14 were dressed in black and they had rifles slung over their
15 shoulders so I concluded that they were -- so I assumed that they
16 were soldiers. People came down to inspect my team. Some nights,
17 those people slept with us so they could secretly listen to us
18 talking. In my group, someone disappeared. I went to the house to
19 look for him but still did not see him. His name was Khoeun and
20 he was from Phnom Penh (17 April group). Khoeun has remained
21 disappeared since then." [Free translation]

22 So, does this refresh your memory?

23 A. Yes, that is correct and that is my statement.

24 Q. So who were these people who would come to listen at night,
25 were these militia men, were these spies, were there spies within

6

1 your unit, within your group who were in charge of denouncing
2 enemies?

3 A. I did not know them as who they were.

4 [09.13.35]

5 Q. You did not know them, okay. But did you know if they were
6 people who were in charge of spying?

7 A. In the unit, no one monitored the activities of the workers
8 and when people came even to rest at the sleeping quarters or
9 along the sleeping quarter, nobody dared to ask any question.

10 Q. So who were these people who would come at night to listen to
11 what other people were saying, who were these people who would
12 come to spy or to watch over you?

13 MR. PRESIDENT:

14 Mr. Witness, please repeat your response as when you spoke the
15 microphone was not on.

16 MR. KAN THORL:

17 A. I did not know them.

18 BY JUDGE LAVERGNE:

19 Q. Can you tell us who appointed you to become the deputy chief
20 of your group within the mobile unit, who appointed you to that
21 position?

22 MR. KAN THORL:

23 A. It was the regiment commander who made that appointment.

24 [09.15.42]

25 Q. So what was his name therefore?

1 A. His name was Run.

2 Q. Did you partake in any political training sessions?

3 A. No, I did not.

4 Q. Were you told if the CPK had enemies, and if so, who might
5 these enemies have been?

6 A. I did not have that knowledge.

7 Q. Did you note if the 17 April People were treated in a special
8 way? You said earlier on that it was a 17 April Person who had
9 disappeared, so did you hear or did you directly witness
10 particular treatments being meted out to 17 April People?

11 A. I was one of those 17 April People.

12 [09.17.40]

13 Q. There might be a problem here. The 17 April People apparently
14 are people who had been evacuated from the cities. You, if I
15 understood properly, you were born in Trapeang Thma, you spent
16 your whole life there, you were never evacuated so in -- you
17 would have been considered as a Base person back then normally,
18 an Old person, so the question that I was putting to you was
19 related to the people who were called 17 April People or New
20 People. So, did you see people from that category being treated
21 in a special way?

22 A. Yes, I do get your question. In my area I would be referred to
23 as an Old Base Person; however, I would like to clarify that the
24 Khmer Rouge did not liberate my area and the liberation only came
25 on the 17 April 1975.

8

1 Q. Fine. I understand indeed that the country was only liberated
2 on the 17 April 1975; but were there differences in treatment
3 between the New People and the Old People -- that is to say, New
4 People who had been evacuated from the cities, whether it be
5 Phnom Penh or Battambang or other cities, were these people
6 treated in a special way, and in particular, for example, did
7 former officials of the Lon Nol regime, as well as former
8 servicemen, were these people that were being tracked down?

9 A. Yes, that happened.

10 [09.20.15]

11 Q. And what would happen when someone -- or when it was
12 discovered that someone was a former serviceman of the Lon Nol
13 regime?

14 A. If the person was found to have a military rank in the former
15 Lon Nol regime, that person would be called to a study session.

16 Q. When people were summoned to re-education meetings, what would
17 that mean? Were these people who were summoned to re-education
18 meetings, did they disappear; did they come back to the worksite?

19 A. In my area there were no such cases.

20 [09.21.26]

21 Q. In the unit you were in charge of, were there people of
22 Vietnamese origin?

23 A. No, there was none.

24 Q. Did you hear about a policy directed at treating the
25 Vietnamese in a special way, were these people who were -- looked

1 for and eventually arrested?

2 A. At that time I heard about this.

3 Q. I didn't understand; you said that you heard about this, is
4 that what I must understand? And if so, what did you hear?

5 A. I heard other people said that any Vietnamese who was found
6 would be sent away to be executed.

7 Q. And who said that, were these people from the higher echelon,
8 who told you this?

9 A. It's a word of mouth, everybody knew about it even in the
10 mobile unit.

11 [09.23.35]

12 Q. So everyone knew or had heard that the Vietnamese if they were
13 found, would be arrested and executed; is that what I must
14 understand?

15 A. Yes, that is correct.

16 Q. Now I would like to discuss the issue of discipline. Did you
17 ever hear that there were units appointed to special cases --
18 that is to say, people who had disciplinary issues because they
19 didn't work hard enough or they did not follow the rules? Did
20 such units exist?

21 A. Yes there was.

22 Q. What was the status of the people working in the special cases
23 unit, were they treated in a harsher way than the other workers?

24 A. Workers who were assigned to the special case unit had to work
25 full day during the day time as they were said that they were

10

1 half blind at night and that they couldn't work at night, so they
2 had to work full day.

3 [09.25.35]

4 Q. Were these people in the special cases unit requested to
5 produce a higher quota than the other workers? We know that there
6 was a general quota which was three cubic metres of dirt per day
7 that had to be transported, so in the special cases unit, did
8 these people had to carry more dirt?

9 A. I did not have that knowledge.

10 Q. You said yesterday that at times people would pretend to be
11 ill whereas they were not and that these were imaginary sick
12 people, so how did people go about it to know that if these
13 people were faking it or not, how was this determined and who
14 would decide on whether or not the person was really ill?

15 A. There were medical staff who were on standby and who would
16 monitor those sick people and they said that when workers went
17 out to work in the field, for those imaginary sick people, they
18 would just stay at the sleeping quarter and tease or joke amongst
19 themselves.

20 [09.27.40]

21 Q. So it was because an ill person could talk to another person
22 who was ill that we would consider that all of these people were
23 faking it. The fact of discussing with another ill person led
24 people to believe that they were faking it, is that so?

25 A. Yes, that is correct.

11

1 Q. And once these people were considered as imaginary sick
2 people, were they treated in a harsher way, would they for
3 example reduce their food rations, did they have to work more
4 than the others to produce a higher quota, what were the
5 consequences?

6 A. After the medical staff made such a report, the unit chief
7 would call those people for a criticism or self-criticism meeting
8 and that had to be done immediately in order for those said
9 people to not do it again.

10 Q. Was the food ration for them cut down?

11 A. If they kept doing it again then the food ration would be
12 reduced.

13 [09.30.00]

14 Q. Were they asked to more than the other people so as to make up
15 for the loss of production?

16 A. No. If after the criticism the person changed, then he or she
17 will be engaged in a normal work routine.

18 Q. You talked about people who had poor sight, who had to work
19 during the day time because they couldn't work at night-time.
20 Were there tests to people who said they had night vision
21 problems? What measures were used to find out if what they were
22 saying was true or false?

23 A. At the time, these people were tested. They would walk these
24 people to walk over a hole on the ground and if this person did
25 not avoid this hole then that person was not considered having

12

1 the night vision problems, but if he fell into that hole, then
2 they found out that this person actually suffer from night vision
3 problem.

4 Q. Tell us about this hole, was it an ordinary hole or was it a
5 hole dug for a latrine?

6 A. It was the hole when -- where people actually put the boil
7 water from the rice cooking into it during the day time.

8 [09.32.53]

9 Q. Yesterday you talked to us about sickness and disease at the
10 worksite. You said some people had high temperatures and
11 diarrhoea. Now did some people die on the worksite, did that
12 happen?

13 A. No, nobody died of those diseases.

14 Q. And were the sick people left were they were or were they
15 taken to a medical service or a hospital and if the answer is
16 yes, where was the medical service or where was the hospital?

17 A. If the sick person remained sick for longer than five days,
18 they would be taken to hospital in Paoy Ta Ong. Paoy Ta Ong was
19 the hospital for Paoy Char commune.

20 Q. So was that Trapeang Thma district hospital, what hospital was
21 this, where was it, who were the health care providers?

22 A. That place, it was called the sangkat hospital. It was
23 attached to Paoy Char sangkat, at that time, it was not called
24 commune, it was called sangkat: Trapeang Thma village, Paoy Char
25 sangkat.

1 [09.35.10]

2 Q. Was it a big hospital with a lot of patients, did people who
3 were in the hospital eventually get cured or were there some
4 people who died in the hospital?

5 A. Some admitted to that hospital recovered and others died in
6 the hospital.

7 Q. One final set of questions. Yesterday you talked about the
8 visit from a Chinese delegation with a Chinese person at the
9 head. Can you tell us exactly when the delegation came to visit
10 the dam?

11 A. That I do not recollect the date of their visit.

12 Q. Did other people accompany the Chinese delegation, were there
13 senior officials from the Communist Party of Kampuchea with them
14 as well?

15 A. Yes, of course, Ta Nhim accompanied the delegation.

16 Q. When the delegation came, were there projections of films and
17 propaganda materials and were explanations given to you about who
18 it was who was coming to visit you?

19 A. Yes. At that time, a film was screened.

20 [09.37.39]

21 Q. What was the film about, what was it meant to explain to you,
22 was the Chinese experience put forward as an example?

23 A. Well, in that film, it mentioned Tachai, who demolished a
24 mountain and turned that mountain into a rice paddy field.

25 Q. Tachai, I think, is the right Chinese name just for the

1 purpose of the transcript.

2 Now, Mr. Witness, could you tell us if there were Chinese
3 technicians working at the worksite, Chinese officials who were
4 supervising the building of the dam?

5 A. No, there wasn't.

6 Q. A final question. You were born in that region and you stayed
7 there during the Khmer Rouge dispensation and you stayed there
8 afterwards as well. Did you ever hear or see anything suggesting
9 that there were pits used for burying people who had been
10 executed?

11 A. Yes, I have seen it.

12 [09.39.40]

13 Q. Where were these pits?

14 A. I saw it in the eastern part of Trapeang Thma reservoir and
15 the other place was along the roadside.

16 Q. Were there a large number of corpses in these pits?

17 A. There weren't many corpses actually in those pits; there were
18 around three people or so.

19 Q. So, you saw two pits each with three people in; is that my
20 understanding?

21 A. No. Actually, I saw the corpses in one pit.

22 Q. Alright. So you saw one pit containing three corpses?

23 A. Yes.

24 JUDGE LAVERGNE:

25 Very well, I have no further questions for the witness, Mr.

15

1 President, thank you very much.

2 MR. PRESIDENT:

3 Thank you very much, Judge. Next, I hand over the floor to the
4 defence team to put the question to the witness, starting with
5 the defence team for Mr. Nuon Chea. Mr. Koppe, you may proceed.

6 [09.42.00]

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President. Good morning, Your Honours. Good
9 morning, counsel; and good morning to you, Mr. Witness. I have a
10 few questions for you that I would like to ask you this morning.
11 Q. Yesterday and also in your statement before the investigators
12 you said that you started working at Trapeang Thma Dam worksite
13 on 14th February. Can you tell us how you know that it was
14 exactly the 14th of February that you started working and not for
15 instance--

16 MR. PRESIDENT:

17 Mr. Counsel, please hold on because it appears that the
18 microphone is not working well.

19 (Short pause)

20 [09.45.02]

21 MR. PRESIDENT:

22 Mr. Koppe, you may resume now your questions.

23 MR. KOPPE:

24 Thank you, Mr. President. Mr. Witness, I think it's better to
25 repeat my question fully.

1 MR. PRESIDENT:

2 Please be seated, Counsel. Please wait until we're advised that
3 the system is working.

4 (Technical problem)

5 (Short pause)

6 [09.49.59]

7 MR. PRESIDENT:

8 Counsel, you may now resume.

9 BY MR. KOPPE:

10 Thank you, Mr. President.

11 Q. Mr. Witness, yesterday you gave testimony indicating that you
12 started working at the Trapeang Thma Dam worksite on the 14th
13 February 1977. Can you tell us why you know this exact date that
14 you started working there, why was it 14th? Is there any specific
15 memory that you have?

16 MR. KAN THORL:

17 A. The reason why I can recall it because before I left for the
18 construction of the dam they advised us that the mobile unit had
19 to be present on the 10th February together at the construction
20 site and then we had to take a break for three days and during
21 that three-day period, we had to build our shelter and on the
22 14th we had to go to field in order to construct the dam
23 altogether.

24 [09.51.34]

25 Q. Thank you, Mr. Witness. Yesterday you also testified that the

1 construction at the dam was finished before Khmer New Year. Do
2 you recall how many days before Khmer New Year the work was
3 finished?

4 A. It completed on the first day before the Khmer New Year.

5 Q. You were just asked a question about a meeting, reception of
6 Chinese guests where Ta Nhim spoke, do you recall Ta Nhim saying
7 that the dam had been finished in less than two months?

8 A. At the time, I did not hear him say anything.

9 [09.52.10]

10 Q. There are some other details I would like to ask you about
11 during the speech of Ta Nhim.

12 Mr. President, if you allow me I would like to read an excerpt
13 from a document E3/1783: English, ERN 00498181; French, 00606766;
14 and Khmer, 00659260.

15 I read, Mr. Witness as follows:

16 "Comrade Nhim Ros, second vice-president of the Presidium of the
17 State of Democratic Cambodia, Secretary of the Northwest Zone
18 Committee of the CPK, and Chairman of the Northwest Zone
19 Serve-the-People Committee, said that the reservoir was built in
20 less than two months this year by the people of the fifth region
21 of the Northwest Zone in response to the call of the Party
22 Central Committee to build water conservancy projects in a big
23 way. This year it holds 150 million cubic metres of water. Then,
24 three canals were dug in a week's time linking the reservoir
25 which irrigates over 7,000 hectares of paddy fields. The

18

1 reservoir is now being expanded. After four years, it will hold
2 300 million cubic metres of water."

3 Ros Nhim said also as follows: "'Drought set in when we started
4 to build the reservoir, and the 20,000 people engaged in
5 construction even had not enough drinking water'. One simply
6 could not help but admire the Kampuchean people for their
7 revolutionary zeal to build the country and their tremendous
8 achievements scored in the short span of two years after the
9 war."

10 "Now reservoirs, big or small, got large expanses of fertile land
11 crisscrossed with irrigation canals, rice is growing well
12 everywhere."

13 When I read these words which Ros Nhim apparently said to you,
14 does that somehow jog your memory?

15 [09.56.05]

16 MR. PRESIDENT:

17 Prosecutor, you may proceed.

18 MR. BOYLE:

19 Thank you, Mr. President. I think that the way the excerpt was
20 read, conveyed that all of the passage that was just read were
21 the words of Ros Nhim, and that is not my understanding of that
22 document. There are clear quotes set around certain passages; the
23 rest of it, I believe, was language from the news agency that was
24 reporting on this trip. So if the question could be rephrased and
25 focus on the quotes from this document at least claims were from

1 Ros Nhim, I think that would be preferable.

2 BY MR. KOPPE:

3 Thank you, Mr. Prosecutor, I agree partially with the
4 Prosecution. However, it seems that one passage is a direct
5 quote, it is in between brackets in the English version and the
6 other one seems to be an indirect quote because it says, "Comrade
7 Ros Nhim said". So I think both seem to be direct quotes from him
8 -- or quotes from him: one direct and one indirect. So I think my
9 question should be formulated like this. So it is coming, it
10 seems, from the mouth of Ros Nhim and I think my question, Mr.
11 Witness was: do you recall any of these words when you were
12 there?

13 MR. KAN THORL:

14 A. No, I do not recall it.

15 [09.57.58]

16 Q. One specific detail and then I will move on. You said that you
17 had heard that there were 15,000 workers working at the dam, he
18 speaks it seems about 20,000 people, does that number somehow
19 sound familiar?

20 A. At the time, he made mention that there were 15,000 workers
21 from different districts, but from Phnum Srok, there was another
22 provisional reinforcing workers who came to assist.

23 Q. You've been asked a few questions already about Ta Nhim, Ros
24 Nhim, is there anything that you recall that you had heard about
25 him or what kind of person he was except for his function? Is

1 there anything you recall from period '75-'79 about Ros Nhim?

2 A. No; that I have never known.

3 [09.59.45]

4 Q. Did you know his son, somebody by the name Cheal, also known
5 as Chhnang?

6 A. I only heard of the name Cheal and people said Cheal was the
7 son of Ta Nhim.

8 Q. And what is it that you recall of Ta Cheal, who was he, what
9 was his function?

10 A. I heard that Cheal was chief of the youth in Sector 5.

11 Q. Have you heard whether he also had a function in the very top
12 of Sector 5?

13 A. No, I did not hear about it.

14 Q. Did you see Cheal ever walking around at the dam site?

15 A. No, I did not.

16 Q. Do you know -- do you remember whether Cheal was present at
17 this meeting during which his father Ta Nhim spoke to the Chinese
18 delegation?

19 A. No, I did not.

20 [10.02.03]

21 Q. Yesterday you spoke about Ta Hoeng. Do you know Ta Hoeng's
22 real name?

23 A. No, I did not know his surname. I only know him as Ta Hoeng.

24 Q. Does the name Men Chun mean something?

25 A. No, it doesn't ring a bell.

1 Q. Have you heard whether he might have been called Brother
2 Number Seven?

3 A. No, I never heard about it.

4 Q. Do you know whether Hoeng was ever arrested and do you know
5 when, if he was arrested, when he was arrested?

6 A. No, I did not.

7 [10.03.43]

8 Q. Do you know whether Ta Val of whom you spoke yesterday as well
9 was ever arrested and if yes, do you know when that was?

10 A. No, I did not know.

11 Q. Do you know whether Ta Cheal was ever arrested and if yes,
12 when that was?

13 A. I did not know about it.

14 Q. Have you heard whether Ta Nhim or Ros Nhim was arrested and if
15 yes, when did this happen?

16 A. I did not know about it.

17 Q. Finally, yesterday you spoke about Ta Khleng, have you ever
18 heard whether he was arrested and if yes, when he was arrested?

19 A. I did not know.

20 Q. Have you heard later after '79 as to the reasons for arrests
21 of these people that I just mentioned?

22 A. No.

23 [10.05.43]

24 Q. Have you ever heard of money that was printed and salaries
25 that were given in the period of DK in 1977 in the Northwest

1 Zone?

2 A. No, I did not know.

3 Q. Have you ever heard about Ta Hoeng mobilising troops who were
4 fleeing into the forests preparing for a rebellion?

5 A. No, I never heard about it.

6 Q. Have you heard about the shooting of a Chinese diplomat?

7 A. No.

8 Q. Have you ever heard of forces of Ta Nhim transporting weapons
9 into the forest?

10 A. No, I never heard about it.

11 [10.07.45]

12 Q. Have you ever heard of Northwest Zone military joining forces
13 with military from the East Zone?

14 A. No, I never heard about it.

15 Q. Yesterday you spoke about cadres from the Southwest Zone
16 coming to the Northwest Zone, have you ever heard of cadres
17 coming from the West Zone to the Northwest Zone in 1977?

18 A. Yes, I saw them.

19 Q. What did you see?

20 A. One person named Ta Soen (phonetic); he was in charge of the
21 mobile unit in 1978. He said he came from the West Zone.

22 Q. Did he say from where in the West Zone?

23 A. No.

24 MR. PRESIDENT:

25 Thank you, Counsel. It is now appropriate for a short break. We

1 take a break now and resume at 10.30.

2 Court officer, please assist the witness during the break time at
3 the waiting room for witnesses and civil parties and usher him
4 back into the courtroom at 10.30.

5 The Court is now in recess.

6 (Court recesses from 1010H to 1028H)

7 MR. PRESIDENT:

8 Please be seated.

9 The Court is now back in session, and I invite Mr. Koppe to
10 resume his question for the witness.

11 BY MR. KOPPE:

12 Thank you, Mr. President.

13 Q. Mr. Witness, I have a few questions left for you, not very
14 many. If I understand your testimony correctly, you said that you
15 have not seen anyone die at the Trapeang Thma Dam worksite.

16 However, in your statement you do speak about one person from
17 your unit that had died later in a hospital -- a person named
18 Dau. What do you remember exactly about this person Dau? What
19 happened to him?

20 [10.29.51]

21 MR. KAN THORL:

22 A. At that time, a man by the name of Dau, he died at the
23 hospital. He died of a disease known commonly in Khmer as the
24 spirit effect. At that time, the people used the chilli and the
25 paper to blow into his nose in order to chase the spirit out of

1 his body. But unfortunately, when the papers and chilli was blown
2 into the nose of Dau, the blood came out of his nose and he died
3 instantly.

4 Q. I'm not sure if I fully understand. But did this person die at
5 the hospital because of this treatment or -- can you be a little
6 more specific?

7 A. Well, when he fell seriously sick, I actually did not meet
8 him. But it was after he passed away, then I went there and I
9 asked the medical personnel over there for the reason of his
10 death. And they told me that it was the disease commonly known in
11 Khmer as the spirit issue. So at that time, they administered the
12 traditional Khmer medicine to the patient and then he die
13 instantly in the hospital.

14 Q. When you say "spirit issue", what does that mean exactly?

15 A. That was a superstition in Cambodia.

16 [10.32.45]

17 Q. So do I understand correctly that his unfortunate death had
18 nothing to do with the working -- with his working or the working
19 conditions at Trapeang Thma Dam; is that a correct understanding
20 or do I see that wrongly?

21 A. Yes, that's correct.

22 Q. Another question, Mr. Witness, yesterday you were asked a
23 question by the Prosecution about whether you ever heard the term
24 "hot battlefield" in relation to working at Trapeang Thma Dam.
25 Your mobile unit was also organised in platoons. You spoke about

1 your battalion commander or your regiment commander. Do you know
2 why such military structures were used for the mobile unit that
3 you were working in?

4 A. That I do not know.

5 [10.34.15]

6 Q. Very well. Yesterday, Mr. Witness, you also spoke about
7 working at night between 7 p.m. and 10 p.m. But you used the word
8 "sometimes". Sometimes your mobile unit was working at night
9 between 7.00 and 10 p.m. Why was it "sometimes" and what does it
10 mean, "sometimes"? Can you be a little more specific?

11 A. At that time, we had to try to get the project done, then we
12 had to be on an offensive in order to get the project completed.

13 Q. You have been working at the dam approximately two months. Can
14 you give a more precise or a description of sometimes when you
15 relate the word "sometimes" to you working around two months at
16 the dam? "Sometimes", is that one or two times in those two
17 months or maybe more?

18 A. At the beginning, we did it two or three times; at that time,
19 it was during the waxing moon. But during the other period, it
20 was very dark at night, there was no moonlight, then we could not
21 do the job. But when we work until the morning, it was during the
22 night when there was moonlight. Then we could work the whole
23 night because there was moonlight all night.

24 [10.36.35]

25 Q. That's clear, Mr. Witness. Another question -- yesterday you

1 were asked about drinking water. And you answered that the water
2 that you had been drinking at the dam working at the dam was
3 coming from a stream nearby. You yourself are born and raised in
4 the area, region where the dam is situated. Did you yourself
5 before '75 or after '79 ever drink water directly from streams or
6 from a stream such as the one that you described yesterday?

7 A. Well, it was common for villagers in my village. We had to
8 drink water directly from the pond.

9 Q. And today, is it still common to use -- or to drink water
10 directly from the stream for villagers?

11 A. Nowadays, they drink distilled water.

12 Q. Let me formulate it differently. Is it still without a problem
13 for the health to drink -- is it still possible to drink water
14 from streams in your region without getting into trouble
15 health-wise?

16 MR. PRESIDENT:

17 Mr. Prosecutor, you may proceed.

18 [10.38.47]

19 MR. BOYLE:

20 Thank you, Mr. President. I think the witness might be able to
21 speak to his own experience, but I don't that he can speak
22 generally as to villagers' experiences health-wise drinking water
23 from the streams today. So I object to the question.

24 BY MR. KOPPE:

25 I understand the objection. Let me make an attempt to

1 reformulate, Mr. President.

2 Q. Do you forbid your children nowadays or earlier to drink water
3 from the streams in your region?

4 MR. KAN THORL:

5 A. Well, yes, I forbid my children. I explained them that water
6 in the stream or in the lake are intoxicated and we had to only
7 drink distilled water.

8 Q. But you said that you were drinking water from the stream at a
9 time. Did people get sick because of drinking from the water in
10 the streams?

11 A. In the past when we did not have access to distilled or pure
12 drinking water, it was common for people to drink water from the
13 stream or from the pond.

14 [10.40.42]

15 Q. Thank you, Mr. Witness. Last question, last subject: This
16 morning you were asked a few questions about the Vietnamese
17 people in your region, and you said that you had heard that
18 Vietnamese were arrested. Did you also hear what the reason was
19 that Vietnamese people should be arrested?

20 A. That I do not know.

21 MR. KOPPE:

22 Thank you, Mr. Witness. Thank you, Mr. President.

23 MR. PRESIDENT:

24 Thank you, Counsel. Next I hand over the floor to the defence
25 team for Mr. Khieu Samphan. Counsel, you may now proceed.

1 [10.41.47]

2 QUESTIONING BY MS. GUISSÉ:

3 Thank you, Mr. President. Good morning to everybody here. Good
4 morning, Mr. Witness. My name is Anta Guissé. I am

5 Co-International Lawyer for Mr. Khieu Samphan and I have a few
6 issues for clarifications to put to you this morning.

7 Q. Just now you answered Judge Lavergne by saying that you were
8 appointed as deputy chief of your 30-person unit by the
9 commander. Do you know who actually appointed the commander?

10 MR. KAN THORL:

11 A. I do not know.

12 Q. And do you know who appointed your unit chief?

13 A. The battalion chief appointed my squad chief.

14 Q. You said that in the large unit, there were smaller units of
15 30 people each, three of them. Do you know if the people in
16 charge of the other two 30-person units were also appointed by
17 the battalion leader?

18 A. The appointment was made once for all. There was the chief,
19 deputy chief, and members in the squad.

20 [10.43.48]

21 Q. Do you know how the appointments were made for the other
22 100-person unit who were also working on the Trapeang Thma site?

23 A. That I do not know.

24 Q. Your testimony told us that within the unit, there were 17
25 April People and Base People; now is my understanding correct?

1 A. Yes, you are correct.

2 Q. As the deputy chief of your unit, did you set different
3 working conditions for the 17 April People?

4 A. No.

5 Q. What about the food rations, did the 17 April People in your
6 unit get different rations?

7 A. No. We are at together, so we were given the same equal
8 ration.

9 [10.45.39]

10 Q. Generally speaking, were you told by your commander or the
11 unit chief to treat the 17 April People differently?

12 A. No, no.

13 Q. In your instructions, were you told to impose bodily
14 punishment on the workers under your command?

15 A. I would like to refrain from answering this question.

16 Q. Let me try in another way. Did you yourself ever inflict
17 corporal punishment on people who were under your orders?

18 A. That I maintain the exercise of my right not to respond to
19 that question.

20 Q. Apart from the orders that you received from your superiors,
21 did your duties include taking initiatives on a day-to-day basis?

22 [10.47.25]

23 MR. PRESIDENT:

24 Mr. Prosecutor, you have the floor.

25 MR. BOYLE:

30

1 Thank you, Mr. President. Just in relation to the witness'
2 invocation of his right to remain silent, I just believe that it
3 should be clarified whether he is doing so on the basis of his
4 right not to self-incriminate. It's our understanding that that
5 would be the sole basis on which he would be allowed to maintain
6 silence before this Court.

7 (Judges deliberate)

8 [10.49.09]

9 MR. PRESIDENT:

10 The Chamber has advised the rights of the witness already in
11 testifying before the Chamber, that's why the witness may
12 exercise his right to remain silent. So counsel is now advised to
13 resume your line of questioning.

14 BY MS. GUISSÉ:

15 Thank you, Mr. President.

16 Q. So, on a daily basis, Mr. Witness, who gave you your orders?

17 MR. KAN THORL:

18 A. We received the instruction from the upper echelon. As a
19 smaller squad, we had to receive instruction from the upper
20 authority.

21 Q. Yes. But when you say the upper echelon, are you referring to
22 the head of your unit? And if the answer is yes, could you remind
23 us of his name?

24 A. Could you please repeat your question?

25 [10.50.35]

1 Q. You were referring to the upper echelon and I'm wondering if,
2 as far as you're concerned, the upper echelon really means the
3 unit chief.

4 A. The upper echelon, I mean it was from the platoon and regiment
5 or battalion or so. So these were considered our upper echelons.

6 Q. Should I understand that sometimes you received direct orders
7 from the battalion leader rather than it been transmitted through
8 the unit chief?

9 A. At that time, there was a total command. And that is
10 disseminated down the communication line to the squad. Then the
11 squad chiefs would hand down the instruction to his subordinate
12 down the line.

13 Q. So if I understand your answer, you didn't receive direct
14 orders from the battalion leaders. It was always the person who
15 was just above you who sent you your orders; is that the correct
16 understanding?

17 A. Well, upon receiving the instruction, it was the instruction
18 for all.

19 [10.52.40]

20 Q. Yes. My question wasn't exactly that. I was asking you who you
21 directly received your orders from. Was it always the unit chief
22 or did other people sometimes give you orders?

23 A. When the platoon chief was absent, I took his place; I was in
24 charge. But when we both were present, we had to be in charge
25 altogether.

1 Q. And when the section chief was absent, who did you talk to if
2 you had a problem you needed to discuss, did you wait for him to
3 get back or did you go to the battalion leader?

4 A. There was another member in my squad. I consulted with him.

5 Q. Excuse me, I don't understand. There was another member; did I
6 catch you there? Could you please be a little bit more precise?

7 A. In one platoon, there were three people in charge of the
8 leadership: we have one chief, one deputy chief, and a member.

9 Q. So if I've understood correctly therefore, when your section
10 chief was absent, you took decisions in conjunction with this
11 other member; is that right?

12 A. Yes.

13 [10.55.12]

14 Q. Did the unit chief sometimes disappear for a long time or was
15 he present at the worksite throughout the entire day?

16 A. Sometimes he was called to attend the meeting. And whenever he
17 was attending the meeting, the deputy chief would be the officer
18 in charge.

19 Q. What about you, were you ever called away or were you on the
20 worksite every day?

21 A. Occasionally, I was absent as well.

22 Q. And when you were absent, who was in charge of the 30 workers
23 under your responsibility?

24 A. Whenever I was absent, my responsibilities were undertaken by
25 the squad chief.

1 Q. You told us about quotas that had to be fulfilled by the
2 workers. How did you make sure in practice that these quotas were
3 being fulfilled?

4 A. They cut the bamboo stick as a judge stick to measure the
5 cubic metre of soil. So we would have the -- around half a metre
6 width with two metre length. And in terms of depth, it would be
7 one metre deep by one metre. Then they use the bamboo stick in
8 order to measure the size.

9 [10.58.16]

10 Q. Yesterday, I believe, you told us that when the quota was not
11 met, that you as the deputy chief were allowed to give some help
12 to make sure that the worker actually attained the quota. Can you
13 explain to us how that assistance actually worked out in
14 practice?

15 A. At the time, whenever we went together, the chief would assist
16 the first group and the deputy chief assisted the second, and
17 members would assist the third one. And whenever we saw that
18 anybody who was so weak he could not do his job, then we had to
19 give each other's hand -- helping hand for that person.

20 Q. Yesterday, you spoke about night work. In French in fact, the
21 interpretation wasn't very clear. I'd like to clarify this. So
22 you were speaking about four shifts. You said that there was a
23 first shift from 7.00 to 10.00. You said this a little bit after
24 2.18 in the afternoon. A second shift was from 10.00 to 1.00,
25 another shift from 1.00 to 3.00, and another shift--

1 [11.00.09]

2 MR. PRESIDENT:

3 Counsel, please slow down.

4 BY MS. GUISSÉ:

5 Yes. I'll repeat this.

6 Q. So yesterday you were speaking about four shifts. One shift
7 from 7 p.m. to 10 p.m.; another from 10 p.m. to 1 a.m.;
8 therefore, another from 1 a.m. to 3 a.m.; and another from 3 a.m.
9 to 5 a.m. Were these different groups working in these different
10 shifts during these different time slots or was it the same group
11 working in this -- covering these shifts? Is my question clear?
12 So the people working from 7.00 to 10.00, for example, were they
13 the same people working from 10.00 to 1.00 and from 1.00 to 3.00
14 etc., or was there a rotation?

15 [11.01.35]

16 MR. KAN THORL:

17 A. For all workers in the unit, for instance, the first group
18 would go to work from 7.00 to 10 p.m. And then the second group
19 would take over, let's say from 10.00 to 1.00. And when the
20 second group ended that working hours, the third group would take
21 over from 1.00 to 3.00. And that's the rotation system.

22 Q. Thank you for this clarification, because it was not clear to
23 me when you spoke about this yesterday. You also spoke about the
24 way your unit was organised, in particular, in terms of food
25 rations. You said that there was one person in charge of cooking.

1 So my first question is: Where did the food supplies come from to
2 prepare the meals for the workers?

3 A. Rice was given to us from the district economic section. And
4 that includes the vegetable for us. That was at the beginning.

5 Later on, food supply was given to us from the sector. They
6 actually had a storage warehouse for the food supply and that's
7 where we got our food supplies from.

8 [11.03.43]

9 Q. You said that it came from the district first, then during the
10 sector. So during the two months when you worked on the dam, do
11 you remember when the district was in charge of this and in which
12 period was the sector in charge of this process?

13 A. I cannot actually recall the exact date. However, I recall
14 that for our first work deployment, the food supplied came from
15 the district. And for the second part of the work assignment
16 there, the food supplies came from the sector.

17 Q. You also said that there was a person in charge of fishing, if
18 I understood you correctly. So can you tell us who decided that
19 there would be a person in charge of fishing to supply fish to
20 your unit?

21 A. The appointment came from the upper echelon that a worker for
22 each unit was assigned to go and find fish or to go to the forest
23 to find wild to fix the carrying baskets.

24 Q. When you speak about the -- when you tell us that the higher
25 echelon decided, can you tell us who in particular? Was this the

1 unit chief, was this the battalion chief? Can you be more
2 specific about this?

3 [11.05.55]

4 A. At that time, I did not know from which level the instruction
5 was. We were told by the unit chief that he learnt from the
6 meeting that we shall appoint one person to forage for fish.

7 Q. You spoke about the fact that in your village the Revolution
8 only arrived on 17 April 1975. So I'd like to put a few questions
9 to you about the period prior to Democratic Kampuchea and prior
10 to the arrival of the Khmer Rouge. You spoke about traditional
11 medicine often. So my first question is: Before 17 April 1975,
12 within your village, was here a medical staff available, and did
13 you frequently rely on traditional medicine?

14 A. Prior to 1975, in my village, there were both medical staff
15 and traditional healers. Some villagers would go to traditional
16 healers while others opted for medical staff. However, there was
17 no proper medical shelter or hospital. The medical staff actually
18 treated people at their houses.

19 [11.08.09]

20 Q. And what about the people who practised traditional medicine,
21 were these people who were literate?

22 A. For traditional healers, actually they knew some pally
23 (phonetic) or the old way of preaching.

24 Q. And you yourself, did you ever use traditional medicine or did
25 you use it often before 1975?

1 A. Sometimes I went to the medical staff and when it was not
2 available, then I would in turn go to traditional healers.

3 Q. You spoke about the -- well, I'd like to get back to the
4 period after 1975 and about the specific moment when you were at
5 the Trapeang Thma Dam site. You said that you had partaken in
6 meetings. And my colleague spoke in particular about a speech by
7 Ta Nhim during one of these meetings. And during one of these
8 meetings, were you ever told about the aim of this dam -- about
9 the reason they were building this dam in your region?

10 A. I heard that the Trapeang Thma Dam was to built in order to
11 provide irrigation.

12 Q. You said that you had always lived in this region. Do you
13 remember periods of drought before 1975?

14 A. Yes, there were periods when there was drought.

15 [11.11.28]

16 Q. And more specifically, do you remember a drought in 1974?

17 A. No, I cannot recall that.

18 Q. You who remained in the region after the dam was built, did
19 you see this dam in operation and were you able to note if there
20 were any improvements in terms of agriculture thanks to this dam?

21 A. After the dam was built, the reservoir was abandoned with
22 fish. And the water from the reservoir was irrigated to the paddy
23 fields nearby in the area.

24 Q. And was the fish fished for the sake of the people in the
25 region?

1 A. Yes, the fish was consumed by the villagers. And they not only
2 consumed it, but they also sold it.

3 Q. Now I would like to turn to a few points that were brought up
4 in Judge Lavergne's questions. You spoke about rumours, rumours
5 that you had heard regarding the Vietnamese. So my first question
6 is: Personally, did you witness the arrest of a Vietnamese person
7 at the Trapeang Thma Dam site?

8 A. No, I never did.

9 [11.14.12]

10 Q. Did you witness any kind of arrest or execution of a
11 Vietnamese person?

12 A. No, I never did.

13 Q. In the period from '75 to '79, that is to say the DK period,
14 did you ever hear about any -- about border conflicts with
15 Vietnam?

16 A. No, I did not.

17 Q. You spoke about the issue of a special cases unit when you
18 were answering Judge Lavergne. So my first question is: Was there
19 a special cases unit within your 100-person unit?

20 A. No, there wasn't. A special cases unit was deployed elsewhere.

21 Q. Did you ever see this unit at work, this special cases unit?

22 A. No, I never saw them working.

23 Q. So if I understood you properly, you only heard about this
24 unit, if you didn't see it?

25 A. Yes, that is correct.

1 [11.16.27]

2 Q. And who told you about this?

3 A. I heard everybody speaking about this so-called special cases
4 unit, working here, working there at a far distance from where we
5 worked but I never saw them.

6 Q. I understood from your testimony, and please correct me if I'm
7 wrong, that in this special cases unit, there were people who
8 could not see at night. Was that what you meant by the special
9 cases unit or was this unit something else?

10 A. I did not know about this matter.

11 Q. So when answering Judge Lavergne, you said -- you told him
12 about things that you had heard about but you yourself, you did
13 not know how these units were made up nor how these units were
14 operating.

15 A. Yes, that is correct.

16 MS. GUISSÉ:

17 Thank you for having answered my questions. And now, I'd like to
18 give the floor to my colleague, Kong Sam Onn, to continue with
19 the examination. It appears to me that on top of the 10 minutes
20 before the lunch break, we still have 40 minutes corresponding to
21 the examination of Judge Lavergne. It's just for me to be clear
22 about this so that we can organize ourselves.

23 [11.18.53]

24 MR. PRESIDENT:

25 Yes, your calculation is correct. And Counsel Kong Sam Onn, you

1 have the floor.

2 QUESTIONING BY MR. KONG SAM ONN:

3 Thank you, Mr. President. I don't think I need much time to put
4 questions to this witness.

5 Q. Mr. Witness, Kan Thorl, first of all allow me to say good
6 morning to you. I'd like to clarify the actual location where you
7 worked. To me it seems that you actually moved from one work
8 location to another while you were working on the crest of the
9 Trapeang Thma Dam. Could you please tell the Court the exact
10 location where you were working at the time?

11 [11.20.04]

12 MR. KAN THORL:

13 A. At the beginning, I stayed to the west of the water sloughs of
14 the Trapeang Thma Dam. Second, I was relocated to another part at
15 the so-called area called Trapeang Krau Chak (phonetic). However,
16 it was still within the perimeter of the working area of the
17 worksite. I was on the outer part of the dam. And that was the
18 second location where I worked.

19 Q. Thank you. Could you please tell the Court the distance from
20 the first location to the second location that you worked?

21 A. From the first to the second location, it was about two and
22 half kilometres.

23 Q. If you were to compare to the entire Trapeang Thma location,
24 were you working, for example, toward a far end of the dam or in
25 the middle part of the dam?

1 A. Please repeat your question.

2 Q. My question to you is to tell you the location that you worked
3 comparing to the entire length of the Trapeang Thma Dam. Were you
4 working towards the end part or the middle part of the Trapeang
5 Thma Dam?

6 A. It was close to the location of the first bridge. It was about
7 100 metres from the base of the dam.

8 [11.22.18]

9 Q. What was the length of the segments that you worked for the
10 first location that you just told the Court -- that is, when you
11 started working about the 10th of February until the New Year's
12 day in April? So in your group of 30 members, how far did you
13 work in terms of length?

14 A. For the first location, the length was measured for us. Allow
15 me to give an example, for our 30-men unit, the length would be
16 30 metres. That is about the length on the crest of the dam. And
17 the same thing would apply, for example, 100 metres for 100-men
18 unit.

19 Q. And for the 30-metre length measurement, how long did it take
20 your unit to complete?

21 A. From my recollection, it took us more than 20 days to complete
22 it.

23 [11.24.01]

24 Q. Again my question is about the measurement and the size or the
25 length that you worked with your unit members. For the first

1 location that you worked, how long did your unit achieve in terms
2 of length of the crest of the unit?

3 A. For the first location, we completed this 30-metre stretch of
4 land.

5 Q. Thank you. And what about the second location?

6 A. For the second location, we actually went to lend our hands to
7 another unit because the second location was lower than the first
8 location that we worked.

9 Q. What about the length size measurement that your unit chief
10 when you worked at the second location, that is to lend
11 assistance to the unit which was already working there?

12 A. No, I cannot recall that.

13 Q. Let me go back to the first location that you worked and that
14 you said for your 30-member unit you worked and completed 30
15 metres of the dam crest, and that it took your unit more than 20
16 days to complete it. Can you please tell the Court the height of
17 the dam where you worked, and the width of the crest at the top
18 part and at the lower part?

19 A. For that location, the dam height was five metres, the lower
20 base was 18 to 20 metres wide.

21 [11.27.20]

22 Q. What about the width of the crest?

23 A. The crest was 10 metres wide.

24 Q. Can you recall the work routine of your unit at the time, for
25 instance, what was the work quota for your 30-men unit per day?

1 A. The work varied depending on the number of the workforce. For
2 example, each day, three to five workers fell sick, so our unit
3 was not at its full capacity. And I cannot give you an actual
4 measurement of how much we achieved per day.

5 [11.28.53]

6 Q. I move now to another topic and that is in relation to
7 questions put to you by Judge Lavergne -- that is, on the
8 so-called imaginary sick status of some workers. If my
9 understanding is correct, there seems to be a contradiction in
10 your statements. Initially you said, those sick people were
11 allowed to stay at the sleeping quarter and that they did not
12 have to go to work. And medical staff would come to examine them.
13 And you said that later on, the medical staff who found that
14 these sick people were playing with one another reported to the
15 upper echelon. And you stated that those people were then called
16 imaginary sick people. When Judge Lavergne put a question to you,
17 the Judge asked you whether they were speaking to one another and
18 not playing one another. And you said that one medical staff came
19 and saw them speaking to one another, then they reported. So
20 there is a distinction between playing with one another or
21 speaking to one another or chit-chatting with one another. Could
22 you please clarify which one is true -- whether the playing with
23 one another is true or whether speaking to one another is true?
24 A. Allow me to clarify the matter. What I mean was playing with
25 one another.

1 [11.31.01]

2 Q. Thank you. Can you elaborate a little bit further on your
3 so-called playing with one another? Here in this Court of law, we
4 want everything to be clear, to be precise, as some international
5 Judges may not understand your concept of playing with one
6 another.

7 A. When I say playing with one another, I meant the people who
8 said they were sick were, for example, finding lice on other
9 people's head or they were poking one another.

10 MR. KONG SAM ONN:

11 Thank you. Mr. President, the time seems a little bit past half
12 and I have only one question left. Can I go ahead?

13 MR. PRESIDENT:

14 Yes, you may.

15 BY MR. KONG SAM ONN:

16 Q. Thank you. My next question is in relation to flood in 1978.
17 Do you recall the flooding event in your area in that year?

18 MR. KAN THORL:

19 A. Yes, I do.

20 [11.32.40]

21 Q. Can you please describe about the flooding event that happened
22 that year?

23 A. It was in 1978 when there was severe flooding, and the lower
24 area of the reservoir was flooded and broken. Paddy rice about
25 one kilometre to the south of the first bridge was flooded and

1 rice was completely destroyed.

2 Q. Did the flooding have any impact on food and food supplies in
3 the local area?

4 A. I don't have that full knowledge.

5 Q. What about other vegetables or crops in the area in the nearby
6 villages, what was the impact on it as a result of flooding that
7 year?

8 A. When there was flooding, the lower area was affected but the
9 highland was not.

10 Q. When you spoke of the lowland area, are you referring to the
11 rice fields?

12 A. Yes, it was the areas down below the reservoir.

13 [11.34.46]

14 Q. Can you please be more specific -- what was it for -- what's
15 that location for?

16 A. Could you please repeat your question?

17 Q. You said that the flood affected the areas down below the
18 reservoir. I would like to know what that field or lower area
19 for? Was it the rice paddy or it was the bush? Only the--

20 A. The area down below the reservoir was all rice paddy.

21 Q. Do you recollect the scale of damage as a result of flood in
22 that area?

23 A. No, I do not recall it.

24 Q. In comparison to the length of the Trapeang Thma Dam, can you
25 estimate as to the magnitude of the damage caused by the flood at

1 that time?

2 A. I cannot make that comparison.

3 MR. KONG SAM ONN:

4 Thank you. Mr. President, I do not have any further question.

5 [11.36.42]

6 MR. PRESIDENT:

7 Thank you, Counsel. The hearing of the testimony of this witness
8 in question has come to an end. The Chamber wishes to thank, once
9 again, Mr. Kan Thorl, for taking your valuable time to testify
10 before the Chamber in a capacity as the witness yesterday and
11 today. And your testimony will significantly contribute to
12 ascertaining the truth in the case before the Chamber. We wish
13 you all the best and safe trip back home.

14 Court officer and WESU unit are now instructed to coordinate the
15 transport for the witness back home. Thank you.

16 The time is now appropriate for lunch adjournment and the Chamber
17 shall adjourn now and resume at 1.30 this afternoon. And I invite
18 all Parties and people concerned to proceed to hearing another
19 witness 2-TCW-881.

20 And security guards are instructed to bring the Co-Accused to the
21 holding cell downstairs and have them back in this courtroom
22 before 1.30.

23 The Court is now adjourned.

24 (Court recesses from 1138H to 1329H)

25 MR. PRESIDENT:

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

2 Court officer, please invite 2-TCW-889, and the duty counsel for
3 witness to the courtroom.

4 (Witness enters courtroom)

5 [13.31.40]

6 QUESTIONING BY THE PRESIDENT:

7 Good afternoon, Mr. Witness. What is your name?

8 MR. LAT SUOY:

9 A. Mr. President, my name is Lat Suoy.

10 Q. When were you born?

11 A. I was born -- I do not recall it. I am now 55 years old.

12 Q. What is your occupation? Could you repeat your answer?

13 [13.32.48]

14 A. I am a rice farmer.

15 Q. What are your parent's name?

16 A. My -- Lat Nok is my father and Nab Khuon is my mother.

17 Q. What is your wife's name and how many children have you got?

18 A. My name is Dam Ret and I have got six children.

19 Q. Thank you, Mr. Lat Suoy. Based on the report of the greffier
20 this morning, in accordance -- to the knowledge of the Chamber,
21 you are not related to by blood or by law with the co-accused,
22 Khieu Samphan, or any individual admitted as a civil party in
23 Case 002; is that correct?

24 A. That is correct. I have never known any of them.

25 Q. Thank you. And you have already taken an oath before the

1 spirit of Iron-Club; is that correct, before you came to testify
2 before the Chamber today?

3 A. Yes, I have already taken an oath before the Iron-Club statue.
4 [13.34.48]

5 Q. Thank you. Next, I advise you of your rights and obligation,
6 in your capacity as the witness before the Chamber, your right.
7 Mr. Lat Suoy, in your capacity as the witness before this
8 Chamber, you may refuse to respond to the questions or any
9 request for your statement or statements which may incriminate
10 you. The right against self-incrimination. On your duty, in your
11 capacity as the witness, you shall respond to all questions put
12 to you by the Parties or the member of the Bench unless certain
13 questions or any comment which may incriminate you as I advise
14 you earlier. In your capacity as the witness, you have to answer
15 and tell the truth what you have heard, what you have known or
16 you can recollect or you have experienced or you have observed
17 directly of the event that relates to the question put to you by
18 the witnesses and Judges. Do you understand this, Mr. Lat Suoy?

19 [13.36.23]

20 A. Yes.

21 Q. Mr. Witness, have you given any testimony or interview with
22 any investigator of the Office of Investigating Judges? If you
23 have, how many time have you given such interview and where did
24 they take place?

25 A. I have given the interview to them twice.

1 Q. Where did they take place?

2 A. One in Netr Preah commune, the second one was here in the
3 Court.

4 Q. Thank you. Before appearing before the Chamber today, have you
5 review or examined the record of interview you provided to the
6 investigators of the Office of Co-Investigating Judges in order
7 to refresh your memory?

8 [13.37.55]

9 A. Yes, I have review. I have read the record of that -- those
10 interviews.

11 Q. And to the best of your knowledge, can you confirm that the
12 record of interviews which you have read to refresh your memory
13 corroborate with your statements that you provided to the
14 investigators of the Investigating Judges?

15 A. Yes, of course, they corroborated with my answer.

16 Q. Thank you. So in examining this witness, in accordance with
17 Rule 91 bis, the Chamber would give the floor to the prosecutor
18 and the Lead Co-Lawyers for the civil party before other Parties.
19 And please be advised that the Co-Prosecutor and the Lead
20 Co-Lawyer for the civil parties will have three sessions to put
21 the question to this witness. Mr. Prosecutor, you may now proceed
22 with your questions.

23 [13.39.23]

24 QUESTIONING BY MR. LYSAK:

25 Thank you, Mr. President, Your Honours, Counsel. Mr. Witness,

50

1 I'll be asking you questions this afternoon. I represent the
2 Co-Prosecutor's Office and I want to start with a few questions
3 about your background and your positions during the Democratic
4 Kampuchea regime. You've described in your interviews how you
5 became a Khmer Rouge soldier when you were about 15 years old.
6 Can you start please by telling the Court about how it was that
7 you ended up joining or being assigned to the Khmer Rouge
8 military?

9 [13.40.16]

10 MR. LAT SUOY:

11 A. When I was 15 years old, they recruited me. I was inscripted
12 (sic). They said it was an absolute requirement that I had to
13 join the army. At that time, they said that it was an absolute
14 requirement, then I raise my hand. I did not even understand what
15 army was all about. And then they took me into the jungle. And I
16 still recall at that time, I was always crying in the jungle. I
17 miss my parents and my relatives.

18 Q. You mentioned the word "absolute", and I just want to clarify.
19 When they said -- when you we're recruited to the Khmer Rouge
20 army, did they tell people they were looking for absolutes and
21 did you have any understanding as to what was meant when they
22 asked for absolutes?

23 A. They did not explain what absolute meant. Among many people,
24 we were building the dam and the dike, and then they selected the
25 absolute people. At that time, we were struggling in life. It was

1 a very tough condition, so we did not understand what it was
2 about. And then we simply raised our hand. And those who raised
3 our hand were gather and put in one group. And I did not
4 understand at that time, what they would take us for.

5 [13.42.22]

6 Q. And when you were first assigned to the Khmer Rouge military,
7 do you know -- were you part of a zone unit, military unit, part
8 of the sector military or part of the district military?

9 A. They took me out and I was part of the sector army of Sector
10 513.

11 Q. You mentioned 513, was that your battalion number?

12 A. It was one regiment, but I actually belonged to the battalion.

13 Q. And did there come a time where your battalion was broken up
14 and some of the units including yours were assigned to the
15 districts?

16 A. Yes. Then they recruited the absolute 17 April People, and
17 they admitted them to the district military. They actually, at
18 that time, divided into two district. The other one, Preaek Preas
19 (phonetic) district.

20 Q. And when your former battalion was divided up, which district
21 military were you assigned to at the time?

22 A. I was assigned to Phnum Srok military -- district military.

23 [13.45.03]

24 Q. Do you remember approximately when it was that the battalion
25 was divided and you were assigned to the Phnum Srok district

1 military?

2 A. They divided it in mid-1975. They divided up the 17 April
3 People and they were assigned to various districts.

4 Q. And how many people were in your unit, your new unit to which
5 you were assigned in the Phnum Srok district military?

6 A. There were 90 members who were attached to Phnum Srok district
7 military.

8 Q. Who was the commander of the 90 members of the Phnum Srok
9 district military?

10 A. The commander was a man by the name of Ta Chun. He is the
11 commander of the company.

12 Q. And Mr. Witness, in your interviews, you identified -- also
13 identified a person named Ta Nak. What was Ta Nak's position and
14 what was Chun's in the Phnum Srok district military?

15 A. Ta Nak is the deputy commander of the company.

16 [13.47.52]

17 Q. So your current recollection, I understand is that Chun was
18 the commander and Nak was the deputy; do I understand correctly?

19 A. Yes.

20 Q. I want to ask you now a few questions about some events in
21 your area that took place after the Khmer Rouge assumed power, on
22 the 17th of April 1975. And I'd like if you could tell the Court
23 please, after the Khmer Rouge took control in your area, what
24 happened to the people who were identified as former officials or
25 soldiers of the Lon Nol regime?

1 A. On the 17 of April 1975, they came to all the village and
2 commune. And then they screen those who had relatives who were
3 the former Lon Nol soldiers. They would take them away and
4 executed them. I was very worried myself because I was one of the
5 -- from the intellectual's families. So I was afraid that I would
6 be implicated, then eventually would be killed at that time.

7 [13.49.42]

8 Q. What do you mean when you say that you were from an
9 intellectual's family? What was the history of your family?

10 A. Because at that time, they would kill anybody who were
11 educated.

12 Q. And who was it in your family that would have been considered
13 a part of the intellectual group?

14 A. My relatives in the village, they, at that time studied to
15 Grade 1 or Grade 2. They would not call themselves intellectuals
16 but they have some education.

17 Q. Who was it that went around screening families looking for Lon
18 Nol people?

19 A. It was the village chief, but village chief of the liberated
20 villages of the Khmer Rouge.

21 Q. And what village and commune were you living in at the time?

22 A. At that time, I was living in my hometown in Cheung Voat
23 village, Preah Netr Preah commune, Preah Netr Preah district.

24 Q. Do you know where the people who were identified as having
25 connections to the Lon Nol regime, do you know where those people

1 were taken?

2 [13.52.15]

3 A. I only heard from others that they would be killed. They
4 arrested them and took them away. And then they disappeared.

5 Q. Did you know any people in your village or commune who were
6 Lon Nol soldiers or who had positions in the Lon Nol regime, who
7 were taken away?

8 A. In my village, they arrested the former village chief by the
9 name of Ney Rheam (phonetic) and his wife was also arrested
10 together with him, and they both were executed. At that time, I
11 was very young. I minded the cattle at that time.

12 Q. In your interviews, you describe how after you became a member
13 of the military, you were assigned to work as a guard at a place,
14 Chamkar Khnol, a jack fruit plantation in Svay Sisophon, where
15 you were asked to guard a road. Can you tell us what were your --
16 do you remember the orders or instructions that you received when
17 you were assigned to guard Chamkar Khnol?

18 MR. PRESIDENT:

19 Counsel, you have the floor, you may proceed.

20 [13.54.34]

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I have one small observation and I also
23 have an objection at this juncture concerning the line of
24 questionings that the International Deputy Prosecutor is pursuing
25 now concerning the time when he work as the soldiers and the

1 execution of the former Lon Nol soldiers. Second is the
2 uncertainty of the facts which the witness is testifying. What he
3 said was that that was before the 17 of April 1975. So there
4 might be confusion here as to the timeframe of what he is asking.
5 Secondly, on the facts that is being ascertained now, is not
6 within the scope of the current case that the Chamber is hearing.
7 I think that it is not the point that we should try to ascertain
8 concerning the killing of the Lon Nol soldiers in other places.
9 The execution of this Lon Nol soldier may be within the context
10 of Tram Kak or the execution site at Tram Kak. For that reasons,
11 I would like to object to this lines of questioning pursuing by
12 the prosecutor now. Thank you.

13 [13.56.11]

14 MR. LYSAK:

15 Let me respond if I may, Mr. President, briefly. First, there's
16 no question that we are talking about a period after 17 April
17 1975. The witness has a detailed statement in which it is clear
18 that he was recruited to the military after. And second, there is
19 a segment of this trial that relates to the purge -- the
20 targeting of former Lon Nol people. This is an issue disputed by
21 the Defence. And throughout this trial, we have and will continue
22 to put forward evidence from showing that this was a systematic
23 policy that was implemented across the regime. So this is a
24 district soldier. He has specific evidence relating to the
25 targeting of Lon Nol personnel and that is highly relevant to

1 this Trial.

2 MR. KOPPE:

3 Mr. President?

4 MR. PRESIDENT:

5 Counsel Koppe, you may proceed.

6 [13.57.32]

7 MR. KOPPE:

8 If I may, briefly respond to the latter part of the submission of
9 the Prosecution, or the answer of the Prosecution. As I
10 understand your decision determining the segments and the scope
11 of the second Trial, the treatment of Lon Nol officials and
12 soldiers is limited to three specific sites: Tram Kak district,
13 Trapeang Thma Dam, and S-21. This particular security site that
14 the Prosecution is now referring to does not form part of your
15 decision. Your decision is the treatment of Lon Nol officials is
16 limited to those three security centres. That is specifically in
17 your decision. I don't have it right in front of me now but I
18 think that is how you phrased it.

19 MR. LYSAK:

20 Mr. President, the policy is an issue. The Defence dispute that
21 this was a policy of the regime and the Prosecution's best
22 evidence of that is the fact the simultaneously in every region
23 of the country, Lon Nol people were rounded up and executed. This
24 evidence has been elicited in every phase of the case not just
25 those specific sites. And the timing of this objection is rather

1 strange.

2 [13.58.58]

3 MR. KOPPE:

4 Then if I may again briefly respond. Then I would like to get--

5 MR. PRESIDENT:

6 Counsel, please hold on. The Bench will deliberate on this.

7 (Judges deliberate)

8 [14.00.01]

9 MR. PRESIDENT:

10 The Chamber rejects the objection because the purge at Trapeang

11 Thma also is part of the widespread purges policy. Mr.

12 Prosecutor, you may now proceed.

13 MR. KOPPE:

14 Excuse me, I just found the document--

15 [14.00.34]

16 MR. PRESIDENT:

17 Counsel, the issue is ruled upon. So Mr. Prosecutor, you may

18 proceed.

19 MR. KOPPE:

20 Just a very brief request for clarification then, because I'm

21 looking at E315, and it says here under C: "Former Khmer Republic

22 officials, implementation limited to Tram Kak cooperation, 1st

23 January dam worksite, S-21 security centre and Krang Ta Chan

24 security centre". Then maybe I'm misunderstanding the reading of

25 E315, ERN page 01024938.

1 [14.01.43]

2 MR. PRESIDENT:

3 I noticed that the International Lead Co-Lawyer for civil parties
4 is on her feet. Are you raising a new matter or are you going to
5 speak about the matter which has just been ruled upon?

6 MS. GUIRAUD:

7 Well indeed, this is in relation to the issue and to share with
8 the Chamber our interpretation. We base ourselves on the basis
9 that the existence of this policy has to be demonstrated at a
10 national level and the implementation of this policy is the
11 object of a specific annex. So we're speaking about the
12 implementation of the policy. But the existence of the policy has
13 to be demonstrated at the national level.

14 MR. PRESIDENT:

15 The Co-Prosecutor, you may resume your questioning.

16 BY MR. LYSAK:

17 Thank you, Mr. President.

18 Q. Mr. Witness, I was asking you about the time you were assigned
19 to work as a guard at Chamkar Khnol and specifically, I'd like to
20 know if you were provided instructions by your superiors relating
21 to Lon Nol soldiers.

22 [14.03.34]

23 MR. LAT SUOY:

24 A. The upper echelon instructed us to guard along the main road,
25 and there was no clear instructions as to what we had to do, what

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1 we were guarding along the road. I heard about the Chamkar

2 Khnol--

3 MR. KONG SAM ONN:

4 I'd like to object to the question.

5 MR. PRESIDENT:

6 Are you giving an observation or an objection?

7 [14.04.09]

8 MR. KONG SAM ONN:

9 It's an observation, Your Honour. I'd like the Bench to direct
10 the Co-Prosecutor to provide a clear timeline and the
11 geographical location. When he referred to Chamkar Khnol, it is
12 rather general. So it is better to give a precise location, and
13 after that, I may decide whether I shall object the question.

14 MR. PRESIDENT:

15 And Mr. Deputy Co-Prosecutor, please provide the geographical
16 location as requested by the Defence Counsel for Khieu Samphan.

17 BY MR. LYSAK:

18 I'm happy to. It's in the interview -- I will ask the witness.

19 Q. Mr. Witness, could you tell us the Chamkar Khnol site where
20 you were assigned to guard, where was that located?

21 MR. LAT SUOY:

22 A. When I was assigned to guard, I was not given a specific
23 instruction to guard Chamkar Khnol but in fact to guard along the
24 road.

25 [14.05.30]

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1 Q. The site that you have identified and discussed in your
2 interviews, the Chamkar Khnol site, where was it located?

3 A. I heard people talking about Chamkar Khnol, but I myself did
4 not know where Chamkar Khnol was. However, I myself was assigned
5 to guard -- to stand guard along the main road in town.

6 Q. And what town are you talking about? Where was it that you
7 were guarding this road?

8 A. It was along the road to Chamkar, to Phsar Thmei (phonetic).
9 It's along the road to Chamkar Thmei (phonetic) -- Chamkar Kor
10 (phonetic), rather.

11 Q. Did you know of a execution site that was called Chamkar
12 Khnol?

13 A. No, I did not. And I did not see the location. I only heard
14 people being killed there, but I myself did not know where it was
15 or how large it was. I only heard about it.

16 Q. I'd like to take you now to some questions relating to the
17 period you worked at the Trapeang Thma Dam. You describe in your
18 interviews how, as a soldier in the Phnum Srok district military,
19 you were assigned to work as a guard at Trapeang Thma. Can you
20 tell us how long you worked as a guard at the Trapeang Thma Dam
21 worksite? And do you remember the year or month when you were
22 first assigned to that site?

23 [14.07.55]

24 A. I was assigned to guard at the Trapeang Thma Dam in 1976. The
25 main purpose was to guard the dam in case it -- each part was

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1 broken. If that was the case, then we had to repair the dam wall.

2 Q. And how long did you work as a guard at Trapeang Thma?

3 A. I remained there for about a month.

4 Q. I wanted to clarify from your interview. Did you work at
5 Trapeang Thma two different times, two different periods or were
6 you only there working as a guard once?

7 A. I worked at the Trapeang Thma Dam for one time only.

8 Q. Were you there when the dam was completed, when the
9 construction of the dam was completed?

10 A. When the dam was completed, I was there.

11 Q. And can you give us your best recollection of when that was,
12 what year and what month the construction of the Trapeang Thma
13 Dam was finished?

14 [14.10.12]

15 A. The dam construction was concluded probably in late 1976 or
16 early '77.

17 Q. We may come back later to try and clarify some of these dates
18 with you, Mr. Witness. Let's talk about your assignment as a
19 soldier to guard at the site. How many soldiers from the Phnum
20 Srok district military were assigned to be guards at Trapeang
21 Thma Dam?

22 A. I was assigned to stand guard at the Trapeang Thma Dam and we
23 -- I was part of a 10-man group to go and guard there.

24 Q. How many other units of guards were you aware of at the
25 Trapeang Thma site in addition to your 10-man unit?

1 A. There was no other unit. If there were, they would remain at
2 their assigned locations. But because our unit was close to the
3 Trapeang Thma Dam, then we were assigned to go and guard there.

4 Q. Who was the chief of your 10-man unit?

5 A. The team chief was Phan.

6 [14.12.18]

7 Q. And who did Phan report to?

8 A. Above Phan was another man by the name of Ta Nak.

9 Q. And are you referring to the person you identified earlier as
10 the deputy commander of the Phnum Srok district military? Is that
11 who you were referring to by Ta Nak?

12 A. Yes, that is correct.

13 Q. You were part of the district -- the Phnum Srok district
14 military, do you know whether or not there were any soldiers from
15 the sector military that were assigned and located at the
16 Trapeang Thma Dam?

17 A. The sector army did not come to guard at the district level.
18 They stationed in Svay at their barrack. And they actually
19 assigned their soldiers to guard along the border.

20 [14.14.00]

21 Q. And what part of the Trapeang Thma Dam was your 10-man guard
22 unit assigned to?

23 A. Our unit was assigned to stand guard at the first bridge and
24 to that extent to Ponley village where parts of the dam was
25 broken.

1 Q. Who was in charge of the Trapeang Thma Dam worksite?

2 A. Person who was in charge of all the mobile units at the
3 Trapeang Thma Dam was Ta Val.

4 Q. What was Ta Val's position?

5 A. He was in charge of the mobile units in Sector 5.

6 Q. Did Ta Val use to be part of the Sector 5 military before he
7 was assigned responsibility for the sector mobile units?

8 [14.16.01]

9 A. His former position was that he was chief or former chief of a
10 military regiment. And later on, he was reassigned to take
11 control of the sector mobile unit on the dam construction
12 project.

13 Q. Did you know Ta Val when he was in the sector military and the
14 chief of one of its regiments?

15 A. I began to know him well when I was part of the sector force.

16 Q. Was there a period of time where you lived at the same place
17 as Ta Val?

18 A. He actually selected me to be a part of this absolute unit.

19 And that's where I stayed near or -- where he stayed.

20 Q. In your interview, you talked about living with him and being
21 present or -- you talk about his wedding in 1975. I wanted to
22 clarify, were you present at Ta Val's wedding in 1975?

23 A. No, I did not attend his marriage ceremony. I heard my
24 colleagues telling me that Ta Val went to get married to his wife
25 in Svay. And later on, he came together with his wife. And in

1 fact from what I heard, his marriage was arranged.

2 Q. What can you tell us about what kind of person Ta Val was and
3 where was he from? Did you know his full name? Can you tell us a
4 little bit about Ta Val?

5 [14.18.50]

6 A. I do not know his full name and I knew that he came from Svay
7 Kaeut area.

8 Q. For those of us who aren't familiar with that area, can you
9 tell us what district or what province that is?

10 A. I myself do not know from which area he came. However, he
11 spoke with an accent cheung-cheung (phonetic).

12 Q. Can you tell us approximately how old Ta Val was during the
13 Khmer Rouge regime when you knew him?

14 A. At that time, Ta Val was around 52 or 53 years old.

15 Q. Did you see Ta Val come to the Trapeang Thma worksite when you
16 were working as a guard there?

17 A. I saw him coming in the morning to the dam to oversee the work
18 being done by mobile units or to inspect workers working in the
19 paddy fields.

20 Q. How often did he come to the Trapeang Thma site? Did he come
21 there every day or was it less frequent than that?

22 [14.21.06]

23 A. He came to the Trapeang Thma Dam every two or three days.
24 Sometimes, he came every day. So it varied.

25 Q. Do you know where his office was, where he was located, where

1 he would come from when he came to the Trapeang Thma Dam

2 A. I do not know where his office was. Sometimes he went to work
3 at another dam at (inaudible) and sometimes he came to the dam.

4 Q. What can you tell us about what kind of person he was, what
5 kind of leader he was as the person in charge of overseeing the
6 Trapeang Thma Dam? Can you tell us anything about that?

7 [14.22.37]

8 A. In terms of his personality, he led people to work and people
9 had to complete the work that he assigned.

10 Q. Would you consider him to be a strict person?

11 A. Ta Val was a very firm person.

12 Q. Were people at the worksite afraid of Ta Val?

13 A. Amongst the workers in the mobile units, every time Ta Val
14 came, everybody was afraid of him and they had to try to work
15 harder.

16 Q. As someone who knew Ta Val from before when he was -- when you
17 were in the sector military, did you have the occasion to talk to
18 him at all when you were at the Trapeang Thma Dam?

19 A. I never had an opportunity to speak to him and I can say this,
20 I was afraid of him. I even dare not to look at his face.

21 Q. Thank you, Mr. Witness. I want to turn now to some questions
22 about arrests of workers at the Trapeang Thma Dam site. Can you
23 tell us, first of all, who it was that was responsible for
24 conducting arrests of workers at the site?

25 A. The arrest at the Trapeang Thma Dam worksite was carried out

1 by Ta Val's subordinates.

2 Q. And could you be a little bit more specific, who are you
3 referring to when you say Ta Val's subordinates?

4 A. I couldn't grasp who they were. What I heard was that some
5 members of the workers committed some wrongdoings and then they
6 disappeared. The unit chiefs made such a report to Ta Val and Ta
7 Val subsequently made the order for the arrest and the killing.

8 Q. Who did you hear this from?

9 A. I heard this from members of the workers in the mobile unit
10 under his supervision. He came to tell me that, for example, that
11 night Chhuoy disappeared and he did not know who actually made
12 his arrest or where he was sent to.

13 [14.27.03]

14 Q. Getting back to the people who were responsible for carrying
15 out the arrests you identified as Ta Val's subordinates, are you
16 talking about people who were chiefs of battalions, companies or
17 platoons that were part of the Sector 5 mobile units or are you
18 talking about some other group?

19 A. I couldn't grasp the situation back then. People disappeared
20 from the mobile units including those villagers from my village.
21 And I was told as in the previous example, Chhuoy disappeared.
22 And when I asked about his arrest, I was told that it was made by
23 his unit chief. So I made a conclusion that it was the chiefs of
24 the big units or the units who made arrest of their unit members.

25 Q. This Chhuoy person that you've referred to, was he a member of

1 a sector mobile unit or was he part of a village or commune level
2 unit?

3 [14.28.50]

4 A. Chhuoy was in the village mobile unit. Then he was reassigned
5 to work at the sector mobile unit. His implication was that he
6 had a connection with the former Lon Nol army and that was the
7 main reason for his arrest.

8 Q. How did you learn that the reason for his arrest was that he
9 had a connection to the Lon Nol regime?

10 A. Chhuoy himself was a former soldier and at that time, he was
11 about 20 years old. However, he lied to them, he said that he was
12 a boy who actually lived in the pagoda and that he was an orphan.

13 Q. I want to make sure that I understand correctly. You're saying
14 that Chhuoy was actually a former Lon Nol soldier but had lied
15 and said that he was a boy who came from a pagoda; do I
16 understand you correctly?

17 A. Yes. Initially, he also used to live in the pagoda but later
18 on, he volunteered to be a soldier. So that's how the
19 complication started.

20 Q. And I want to ask about one group -- a group of people
21 specifically, Mr. Witness. Were there workers who tried to flee
22 or escape the Trapeang Thma worksite who were arrested?

23 [14.31.07]

24 A. The mobile units who were assigned to work at the Trapeang
25 Thma Dam worksite and if any member attempted to flee, he or she

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1 would be arrested and accused of trying to flee to Thailand.

2 Q. And who was it that would arrest workers that tried to flee --
3 who were they arrested by?

4 A. It depends. It depends on where they were fleeing. If they,
5 for example, fled somewhere around the border lines, then the
6 military at the border line would arrest them.

7 MR. LYSAK:

8 Mr. President, with your leave, at this time I'd like to provide
9 to the witness his two prior statements as I had some
10 clarifications that I want to direct him to regarding the
11 subject. This is document E319/19.3.20, E319/19.3.20; that is his
12 OCIJ interview. And document E3/9060, E3/9060; is his DC-Cam
13 interview. With your leave, may I provide these to the witness?

14 [14.33.06]

15 MR. PRESIDENT:

16 Court officer, please obtain the document from the prosecutor and
17 hand it over to the witness for his review.

18 BY MR. LYSAK:

19 Mr. Witness, I'd like to ask you about some specific information
20 you provided regarding arrests of workers who tried to escape in
21 those two interviews. First, if you could refer to your DC-Cam
22 interview, document E3/9060, ERN pages Khmer, 00733010; English,
23 00728716; French, 01123672. You were asked here and I quote:
24 "Question: What was it like when you first arrived at Trapeang
25 Thma? Answer: When it comes to construction, it was not yet

1 completed. There were many mobile unit members, many of whom ran
2 back home. They were arrested by security police. The village
3 security police formed combat lines waiting only to arrest those
4 fleeing and to return them to work."

5 Mr. Witness, what I'd like to ask you is, the village security
6 forces that you referred to here, what village were they from,
7 and whose command were those security forces under?

8 [14.35.20]

9 MR. LAT SUOY:

10 A. They were the village mobile unit, and then they were
11 arrested. They sent to the commune. So generally, they would
12 arrest them and take them back. Even if they were our parents, we
13 could not help them. The militiamen would arrest them and take
14 them back to their base.

15 Q. That's what I wanted to clarify. When you talked about village
16 security forces, were you referring to a local militia, people
17 who were sometimes referred to as "chlop"?

18 A. Yes, they are called militia or village militiamen or commune
19 militiamen.

20 Q. And Mr. Witness, were there also some occasions where your
21 unit arrested people who were trying to escape?

22 A. For my unit, we never.

23 [14.36.57]

24 MR. PRESIDENT:

25 Counsel for Khieu Samphan, you may proceed.

1 MR. KONG SAM ONN:

2 Thank you, Mr. President. I would like to ask the prosecutor to
3 refer to any specific document, because if you do not point to
4 any specific ERN numbers it gives rise to leading the witness. So
5 we do not know where the -- which document the prosecutor is
6 referring to now.

7 MR. LYSAK:

8 Mr. President, I asked an open question first. The witness has
9 given me an answer. Now I 'm going to refer him to some answers
10 he gave in both of these interviews which I can proceed to do now
11 or you want to take the break. If this is the time for the break,
12 I will refer to these passages when we come back.

13 [14.38.02]

14 MR. PRESIDENT:

15 The time is now appropriate for a short break. Chamber shall
16 adjourn now and resume at 3 p.m. Court officer, please assist the
17 witness during the break and have him back to this courtroom
18 before 3 p.m. The Court is now adjourned.

19 (Court recesses from 1438H to 1458H)

20 MR. PRESIDENT:

21 Please be seated. And the Prosecutor, you may resume your
22 questioning.

23 BY MR. LYSAK:

24 Q. Thank you, Mr. President. Mr. Witness, we were talking about
25 arrests of people who tried to escape or flee Trapeang Thma. I

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1 want to direct you to two responses you gave in your two
2 interviews, starting with your OCIJ interview, which is document,
3 E319/19.320, at answer 57. "Question: When you were a soldier,
4 did your chief ever give you a list and order you to arrest
5 anyone whose name was on the list? Answer: No, this work was
6 carried out by militiamen. My unit did not do this work, but
7 sometimes I received an order from the upper echelon to arrest
8 someone who was on the run. Sometimes I managed to catch them,
9 but other times they managed to escape."

10 And in your DC-Cam interview, E3/9060, ERN Khmer, 00733024,
11 that's Khmer ERN, 733024; English, 00728726; and French,
12 01123681.

13 "Question: So, as you were in the troops, your role was to guard
14 and inspect the dam, checking if there was damage. Did you also
15 guard against something else? Answer: Guard against everything.
16 If they contacted us, and we found people escaping, we would
17 arrest them. Even after the arrest, we could not kill them. We
18 arrested them and sent them over to the superiors to deal with
19 them." End of quote.

20 Mr. Witness, does that refresh your memory that, while arrests
21 were not your primary function, that there were some occasions
22 where you and your unit were assigned and arrested workers who
23 tried to escape from the site?

24 [15.02.06]

25 MR. LAT SUOY:

1 A. While I was working, and when we were instructed to capture a
2 worker, sometimes we tried to do that. And if the person was
3 rearrested, then the person would be sent to his respective unit,
4 so that the unit chief would deal with him.

5 Q. In the answers I read, you referred to receiving an order from
6 the upper echelon to try to arrest someone who was -- who had
7 escaped. When you referred to "upper echelon", who was it
8 specifically that the orders came from, down to your unit? Who
9 was it that provided those orders?

10 A. The order came from Ta Nak. His order was to catch those
11 workers who were fleeing from the mobile unit. And if we could
12 catch them, then we would send them to the upper echelons to
13 resolve the matters.

14 Q. And specifically, when those workers were caught, who were
15 they turned over to? You've said that they were turned over to
16 the upper echelon, or your superiors. Specifically, who would
17 those workers be turned over to?

18 A. The man, or the person, would be given back to the chief of
19 the unit, or the chief of the regiment.

20 Q. Were you aware, Mr. Witness, of any instances where workers
21 were killed at the Trapeang Thma Dam worksite?

22 [15.04.33]

23 A. I did not have a full understanding about the killing at the
24 Trapeang Thma Dam worksite, as our duty did not have to deal with
25 that. We had to stand guard at the Trapeang Thma Dam worksite,

1 and we adhered to these instructions. Otherwise, we would risk
2 our life.

3 Q. I understand that. More specifically, can you tell us, tell
4 the Court, please, what happened to workers at the Trapeang Thma
5 Dam who said they could not work at night because of night
6 blindness? Can you please tell the Court what happened to those
7 people?

8 A. I heard from workers in the mobile unit, for those who had
9 night blindness, some of them actually did not have night
10 blindness. So they made a test of them. They were instructed to
11 walk toward a pit, and if they actually avoided the pit, then
12 they would be accused of pretending to have night blindness, and
13 they would be rearrested -- arrested, rather.

14 [15.06.13]

15 Q. I'd like you to refer to, if you could, your OCIJ interview,
16 E3/9060. I'm sorry, your DC-Cam interview, E3/9060. The ERN
17 references: Khmer, 00733020 - 021; English, 00728724; French,
18 01123679 - 3680. And I quote your statement in your DC-Cam
19 interview:

20 "When one was having night blindness, the person was accused of
21 having consciousness blindness. The big or small unit, of which
22 that person was a member, transported the person to the pits. If
23 the person avoided the pits, they would say that the person did
24 not have night blindness. Those pits, it would result in death if
25 you fell into them." Continuing below on the same page: "If the

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1 person was led to a pit and avoided the pit, the accompanying
2 person would push that person into the pit. Question: Did you
3 witness the event? Answer: I saw it. Because it had nothing to do
4 with the troops, they did the work amongst themselves. The
5 killings of people were not done by troops, but by the chief of
6 battalion, regiment and company." End of quote.

7 Mr. Witness, is it correct as you told DC-Cam, that you witnessed
8 these events?

9 A. They did what they had to do.

10 [15.08.39]

11 MR. PRESIDENT:

12 And defence counsel Kong Sam Onn, you have the floor.

13 MR. KONG SAM ONN:

14 Thank you, Mr. President. I'd like to make my remark on the
15 extract from -- by the Co-Prosecutor. In the Khmer version, the
16 witness did not state that falling into the pit would result in
17 death. And it referred to those who avoided the pit, then the
18 person would be pushed into the pit.

19 BY MR. LYSAK:

20 Q. Thank you, Counsel. I read the English translation. I don't
21 understand the inconsistency between them. Mr. Witness, let me
22 ask you about these pits. Where were the pits located at the
23 worksite? And how deep were they?

24 [15.09.43]

25 MR. LAT SUOY:

1 A. The pit was not far from where they got the dirt for the dam
2 site, and the depth was about one metre.

3 Q. And your statement in here indicates that if people avoided
4 the pit, that someone would push them into that -- into the pit.
5 Is that correct? Did you see that happen?

6 A. Yes, I saw it. People who had the psychological sickness, and
7 if they avoided the pit and they were pushed into the pit, they
8 might have a joint dislocation, or swollen ankle. And for people
9 who were found out to have lied to them, they would be
10 re-educated or reprimanded. But falling into the pit did not
11 result in death, but injury.

12 [15.11.16]

13 Q. Do you know--

14 MR. PRESIDENT:

15 Defence counsel Koppe, you have the floor.

16 MR. KOPPE:

17 Thank you, Mr. President. I would like to make an observation as
18 following up on the observation or objection from my colleague
19 from the Khieu Samphan team. If -- I mean, indeed in the English
20 version, I agree with the Prosecution, it says those pits, it
21 would result in death if you fell into them. Now if that sentence
22 doesn't appear in the original Khmer version, I find that quite
23 troubling. So, I would be really interested. And considering the
24 evidence just given by the witness, that it is only a pit of one
25 metre, that your ankle would get swollen, I think that's a

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1 difference that I would like to have cleared when it comes to
2 translation. So, the request really is: what does the original
3 Khmer version say? Does it say something to the effect it would
4 result in death if you fell into them?

5 MR. LYSAK:

6 The Parties are certainly able to pursue this, and review the
7 Khmer original. It's not something I can do, standing here now.
8 Let's revisit this after people who can interpret and translate--
9 (Recording malfunction).

10 [15.12.47]

11 MR. PRESIDENT:

12 Actually, we have the witness here before us, and you can clarify
13 the matter with him, Co-Prosecutor.

14 BY MR. LYSAK:

15 I will clarify with the witness. But the issue about the
16 transcript is something that will have to be dealt with later by
17 people who can review the original Khmer transcript.

18 Q. Mr. Witness, we want to make sure this is clear. The people
19 who avoided the pits, and were pushed into them, did any of them
20 die to your knowledge?

21 [15.13.29]

22 MR. LAT SUOY:

23 A. To my knowledge, none of them died. They wanted to know
24 whether they, those workers, pretended to be sick in order to
25 avoid going to work by telling them that they had night

1 blindness. For that reason, those people were led into -- walking
2 into the pits. And if they actually fell into the pits, then they
3 would be allowed to rest at night. However, for those who did not
4 fall into the pits, they would be accused of pretending to be
5 sick, and then they would be reprimanded or criticized. And if,
6 after one or two occasions, they still repeated this imaginary
7 sickness, then they would be taken away and killed.

8 Q. Let's start, first of all, with people who actually did have
9 night blindness, and who were forced to walk, and fell into these
10 pits. Were any of them injured as a result of being forced to
11 walk into the pits at night-time when they couldn't see?

12 A. For people who actually had night blindness, they were about
13 to step into the pits, but they were stopped by the people at the
14 pit. And they knew that they, these people, these workers,
15 actually had night blindness. However, for other workers who
16 pretended to be -- to have night blindness, they would step away
17 from the pit, and then they would be called for re-education, as
18 actually they pretended to have night blindness.

19 Q. And for the people who were determined to be pretending, and
20 who were sent for re-education, do you know -- do you know what
21 happened to them after they were sent for re-education? Or were
22 you not involved in the process?

23 [15.15.55]

24 A. On the re-education issue of those workers, it was the duty of
25 the unit chiefs or group chiefs of the mobile units. Those people

1 would be criticized, and they had to be refashioned, and they had
2 to stop lying to the unit chiefs again.

3 Q. And what about people who couldn't be refashioned, Mr.
4 Witness? What happened to them?

5 A. If after re-education, the person was not refashioned or
6 changed, then the unit chief would have to deal with that issue.

7 Q. And do you know how unit chiefs dealt with situations like
8 that?

9 A. The solution was to kill that worker.

10 Q. Mr. Witness, did you know of any locations at or near the
11 Trapeang Thma site where people were taken for execution?

12 A. Regarding the Angk Trapeang Thma Dam and its vicinity, I never
13 heard of the centre.

14 Q. Was there a security centre in Phnom Srok district?

15 A. There was a district security centre at Phnom Srok district.

16 Q. And was there a sector security office? And if so, where was
17 the sector security office located?

18 [15.18.34]

19 A. As for the sector security office, it was located at the
20 current district office. And in fact, it was a concrete house
21 which turned into a security centre, and which is currently the
22 district office.

23 Q. Just to clarify, Mr. Witness. The location you're just talking
24 about, the concrete house that is at the current location of the
25 district office, are you talking about where the location of the

1 Phnom Srok security office? Or was that the Sector 5 security
2 office? Could you clarify that?

3 A. The Phnom Srok Security Office, it belongs to the Phnom Srok
4 district. As for the Sector 5 security office, it was located in
5 Svay.

6 Q. When you say Svay, are you referring to Sisophon provincial
7 town?

8 A. Yes, it is at Svay Sisophon. And that office at the time was
9 known as Sector 5 security office.

10 [15.20.28]

11 Q. I want to turn to a few general questions about the conditions
12 at Trapeang Thma, starting with work hours at the site. Can you
13 tell us what the work hours were during the time you were at the
14 Trapeang Thma Dam worksite?

15 A. The mobile unit workers started working from 7 a.m. till 11
16 a.m. And they resumed again from 1.00 to 5 p.m., then again from
17 6.00 to 10 p.m.

18 Q. Let me just clarify something with you. In your OCIJ
19 interview, E319/19.3.20, at answer 81, you indicated that work
20 started at 6 a.m. Just now you said 7 a.m. Can you give us your
21 best recollection? Was it 6 a.m. or 7 a.m. that workers started
22 working at Trapeang Thma?

23 [15.22.11]

24 A. For my unit, we started working at 5 a.m., and continued until
25 11.00. Then we had lunch at 12 p.m.

1 Q. In regards to work during night time, how often did people
2 have to work at night time while you were at Trapeang Thma? Was
3 it every night? Or was it only some nights?

4 A. They continued working in these shifts every day until the dam
5 project was completed.

6 Q. What can you tell us about the food rations and work quotas at
7 the Trapeang Thma worksite?

8 A. For the dam construction workers, the workers would be given a
9 can of rice each per day.

10 Q. And did you know what the -- if those workers had a work
11 quota, in terms of the amount of dirt they had to dig and carry
12 each day?

13 A. In general, the quota was not meant for an individual worker.
14 However, it applied to the unit as a whole. And the measurement
15 was in terms of a land measurement of height, with 10 metres
16 width. And the unit had to carry the dirt, and if they could
17 complete the work quota, then they would be given a can of rice
18 each per day. And for those who failed to meet the work quota,
19 then the ration was reduced to gruel.

20 Q. In your DC-Cam interview, Mr. Witness, you referred to there
21 being what you called "special units", that had different quotas
22 and different food rations than the regular workers. Can you
23 explain to the Court what these special units were?

24 [15.25.36]

25 A. A while after, male and female youths were selected to put in

1 the so-called special unit. And for one cubic metre, they only
2 carried them in baskets, and they would make only 10 trips. And
3 they would be given the rice, a can of rice each for the workers
4 in these so-called special units. And as I stressed again, they
5 only carried 10 -- they only made 10 trips of carrying baskets,
6 to carry this one cubic metre of dirt.

7 Q. Let me refer you to your DC-Cam interview, E3/9060. Khmer ERN,
8 00733011, 733011; English, 00728716 - 717; and French, 01123673.

9 I quote:

10 "Members of special units were given two cans of rice each day.
11 Members of on-foot units were given one can of rice each day.
12 Special units would carry one cubic metre of earth in eight
13 carrying trips. Women were even running while carrying the
14 baskets back and forth. These were the special units." End of
15 quote.

16 I want to make sure I understand correctly. Are you saying that
17 these special units received higher food rations, and had to
18 perform more work? Or do I not understand? Or is that incorrect?
19 Can you clarify? Were these special units, units that had higher
20 work quotas and received -- therefore received greater food
21 rations? Is that right?

22 [15.28.20]

23 A. The special unit workers worked more progressively, so the
24 food ration was more than the ordinary mobile unit workers. And
25 in terms of clothing, then they had better clothing to wear than

1 the ordinary barefoot mobile unit workers. And they were an
2 exemplary model for the mobile units.

3 Q. And how many workers at Trapeang Thma were in such a special
4 unit, that received more -- a larger amount of food, and more
5 progressive work assignments?

6 A. In the special unit, they actually had a force of workers of a
7 size of a regiment, and they were female youth.

8 Q. This unit of female youth that you referred to as a 'special
9 unit', how many -- how many females were in this unit?

10 A. In that unit, there were women in two big units, and there
11 were male youths in another unit. And they were the absolute
12 force, and they were selected to be part of this so-called
13 special unit.

14 [15.30.17]

15 Q. Let me read to you another excerpt from your DC-Cam interview,
16 E3/9060. This is at Khmer 00733030; English, 00728730; French,
17 01123684 - 85. I quote: "The special unit was composed of only
18 100 members. The rest were normal mobile units, which were
19 estimated in the tens of thousands. Four to five persons of the
20 normal mobile unit carried one cubic metre of earth, and they had
21 small rations." And continuing below on the same page: "Question:
22 So, the remaining tens of thousands of other people were given
23 only one can of rice per day? Answer: Yes, one can per day." End
24 of quote. Does this refresh your recollection, Mr. Witness, that
25 the special unit that you've described only had 100 members? Is

1 that correct?

2 A. Yes, that is correct. As for the special unit that were female
3 members, who served in the special unit, and they were entitled
4 to one can of rice per day, as for the food ration for them.

5 [15.32.27]

6 Q. Where did the people at the Trapeang Thma Dam site get water
7 to drink?

8 A. They carried the water for us to drink. There were a group of
9 labourers who brought the water for us to drink, and other
10 members also carried the water from the nearby ponds and stream
11 to drink.

12 Q. Mr. Witness, did people at the Trapeang Thma site get sick
13 often? What did you observe while you were there, in terms of the
14 health of the workers at the site?

15 A. The workers at Trapeang Thma site, there were many people who
16 were sick. Some were poisoned by eating wild plants or wild
17 mushrooms. And they also suffered from many different kinds of
18 diseases. Some had their body, swollen -- swollen body.

19 Q. Let me refer you to, again, your DC-Cam interview, E3/9060.
20 Khmer ERN, 00733030 - 31; English, 00728731; French, 01123685.

21 Quote, I quote, Mr. Witness, this is what you said to DC-Cam.

22 "People were emaciated, without enough food to eat. Lack of
23 nutrition led to exhaustion. For some, their knees were bigger
24 than their heads." End of quote.

25 Mr. Witness, was this the case during the entire time you were at

1 the Trapeang Thma worksite?

2 [15.35.19]

3 A. Yes, it was the case. At that time, those who were skinny,
4 they did not have sufficient food to eat, and some had to do
5 overwork, and they were not given enough food. So, they became
6 very thin and weak, and of course others you know, had their
7 knees bigger than their heads. They asked for medicine when they
8 were sick, but they were given nothing more than the rabbit drop
9 pill.

10 Q. Thank you, Mr. Witness. I want to ask you also about the
11 hygiene at the worksite. Can you tell us, where did people go to
12 relieve themselves? Were there latrines? Or where was it that
13 people would have to go to relieve themselves?

14 A. At that time, the upper echelons constructed the latrine for
15 us in the different units, so that we could relieve ourselves.
16 And -- but anyway, it was not enough. Others had to relieve
17 themselves somewhere around that latrine.

18 [15.37.11]

19 Q. Were there a lot of flies and insects at the worksite?

20 A. Yes, yes, there was swarms of flies. Mosquitoes. At night, if
21 we did not have a mosquito nets, we were -- you know, lots of
22 mosquitoes bit us. And in the morning, we had to get up early in
23 order to go to work.

24 Q. I want to turn to another subject for the time we have left
25 today. Do you remember a period when the local cadres in the

1 Northwest Zone were arrested and replaced by cadres who came from
2 the southwest? Do you remember that? And what can you tell us
3 about what happened to the Northwest Zone cadres at that time?

4 A. At the time when I was working at the Trapeang Thma
5 construction dam, I heard the upper echelon. They told me that
6 they would arrest the Northwest Zone cadres, and they summoned
7 them for the meeting. And the cadres from the Southwest Zone
8 carried out the arrests. They accused them of betraying.

9 Q. When you say that you were told by the upper echelon that they
10 were going to arrest the cadres, who was it that told you this?

11 Who do you mean by, the upper echelon?

12 [15.39.35]

13 A. Ta Nak. Ta Nak was my superior, and he knew that. And he told
14 to his subordinates that we had to be extra-vigilant in our work.
15 And then, later on, the Southwest Zone cadres came to the
16 Northwest Zone.

17 Q. When you said that when people were arrested, they were called
18 to attend meetings or study sessions, can you tell us how it was
19 -- how it happened when people were called to these study
20 sessions? Who would tell them that they had to go and where was
21 it that they were told to go?

22 A. I did not know the details of how it was carried out, but I
23 only heard from others that they were summoned to attend the
24 meeting or study session, and then they disappeared ever since.

25 [15.40.53]

1 Q. Let me read to you an excerpt from your DC-Cam interview,
2 E3/9060. This is at Khmer 00733047; English, 00728742 - 743; and
3 French, 01123695. Quote -- let me repeat the Khmer ERN. It is
4 00733047. This is what you said, Mr. Witness.

5 "Those south-westerners did not even bother to point a gun at us.
6 They would call us to have a chat. Then they told us to go up to
7 the concrete house, and they arrested us. They put us in a truck,
8 and sent us to the secret place. The secret place at Svay
9 Sisophon, the police station of Mr. Launh." End of quote.

10 Mr. Witness, who was this person, Mr. Launh? And what was the
11 police station that he had responsibility for in Sisophon?

12 [15.42.36]

13 A. In the security section attached to Sector 5, I only heard of
14 a man by the name of Launh, who was in charge of security.

15 Q. I want to ask you about some of the local Northwest Zone
16 cadres identified in your interviews, and what happened to them
17 during this period. First of all, you identify a person named Ta
18 Hoeng. Who was Ta Hoeng? And what happened to him at or around
19 the time the southwest cadres arrived in your region?

20 A. Upon the arrival of the Southwest Zone cadres, they called for
21 a meeting. And Ta Hoeng was arrested. And from that time onward,
22 people knew that the Northwest Zone cadres were arrested by the
23 Southwest Zone.

24 Q. What was Ta Hoeng's position?

25 A. He was the chief of Sector 5.

1 Q. Did you know a cadre named Ta Maong from Preah Netr Preah? And
2 can you tell us what happened to him when the southwest cadres
3 arrived?

4 A. When the Southwest Zone arrived, Ta Maong was also convened to
5 a meeting. And at that time, he was arrested.

6 Q. We've talked a little today already about Ta Val, the Sector 5
7 mobile work chairman, who supervised the Trapeang Thma Dam. What
8 happened to Ta Val when the southwest cadres arrived?

9 [15.45.37]

10 MR. PRESIDENT:

11 Counsel, you have the floor. You may proceed.

12 MR. KOPPE:

13 Thank you, Mr. President. I have some trouble with the way this
14 question is formulated, "when the Southwest Zone cadres arrived".
15 It was fine in respect of the first two Northwest Zone cadres,
16 but the next one that we're discussing, I think the Prosecution
17 will agree, was arrested four months later. Three months later.
18 And the last Northwest Zone cadre was arrested a year later. So,
19 saying that there is a wave of arrests the moment that the
20 Southwest Zone cadres arrived is simply incorrect.

21 [15.46.34]

22 MR. LYSAK:

23 Mr. President, Counsel is not here to give evidence. I can assure
24 him from the S-21 records that he's wrong. There was a wave of
25 arrests. It's documented in the records of S-21. I'm actually

1 going to make some references to try to refresh memory on dates,
2 so I will get to some of those S-21 records. In the meantime, I'm
3 asking the witness simply what happened when the southwest cadres
4 arrived, and getting his recollection. Then we'll take a look at
5 the S-21 records to see when this took place. So, if I may
6 proceed, the question I'd like to ask the witness now is: what
7 happened to Ta Val after the southwest cadres arrived? With your
8 leave, Mr. President.

9 MR. PRESIDENT:

10 Yes, you may proceed, Prosecutor.

11 BY MR. LYSAK:

12 Q. What happened to Ta Val, Mr. Witness?

13 [15.47.49]

14 MR. LAT SUOY:

15 A. After Ta Maong was arrested, he disappeared ever since. Then
16 for about 10 days or so, they arrested Ta Val. They called him
17 for a meeting.

18 Q. How did you learn that Ta Val had been arrested?

19 A. Because I learnt from Ta Nak, who escaped. And he came to meet
20 with me at the construction site. He told me that they had
21 arrested all the cadres in the Northwest Zone, and that arrest
22 was carried out by the southwest cadres.

23 [15.49.01]

24 Q. And the last person I wanted to ask you about was Ta Hat. Who
25 was Ta Hat? And what happened to him after the southwest cadres

1 arrived?

2 A. After the Southwest Zone cadres arrived, Ta Hat also was
3 called to attend a meeting at Svay.

4 Q. Do you remember the year and month when Ta Hoeng, Ta Maong, Ta
5 Val and Ta Hat were arrested? Are you able to tell us what year
6 and month that took place?

7 A. To the best of my recollection, it was about at the beginning
8 of the year, and toward the end of the year, we attained peace.

9 [15.50.26]

10 Q. Let me see if I can refresh your memory on this, Mr. Witness.
11 There are a number of surviving records relating to these people.
12 First of all, document E3/1181. E3/1181 is a report titled
13 "General View of Sector 5". It's dated 27 June 1977, and it
14 records that the Sector 5 secretary, Hoeng, had been arrested as
15 of that date, as of June, 1977. We have a document, E3/1900,
16 E3/1900, it is an S-21 prisoner list, titled "Names of Prisoners
17 smashed on 6 March 1978." Number 12 on that list is--

18 MR. PRESIDENT:

19 Counsel, you may proceed.

20 [15.51.54]

21 MR. KOPPE:

22 Yes, it does. We have different information when it comes to Men
23 Chun, alias Hoeng. He was arrested in February '77.

24 MR. LYSAK:

25 I'd be curious to the site. There's multiple documents that

1 establish it was June 1977, including a reference in his S-21
2 confession that specifically -- gives us a specific date, in June
3 also. In any event, if you have a document, you're entitled to
4 ask the witness about it during your examination. Mr. President,
5 may I proceed?

6 [15.52.39]

7 MR. PRESIDENT:

8 Judge Lavergne, you may proceed now.

9 JUDGE LAVERGNE:

10 Counsel Koppe, could you please give us the references of the
11 document that you were referring to? Thank you.

12 MR. KOPPE:

13 If you allow me to do that, not just now, but tomorrow morning
14 early?

15 BY MR. LYSAK:

16 Q. If I may continue? In addition to the document relating to
17 Sector 5 secretary, Hoeng, E3/1900 records that an Aok Horn,
18 alias Val, identified as an assistant to Sector 5, entered S-21
19 on 29 June 1977. And in regards to a Preah Netr Preah district
20 secretary, An Maong, E3/342, E3/342, the OCP revised S-21
21 prisoner list. Number 57 on that list records that Maong entered
22 S-21 on 28 June 1977. So we have three documents that all have
23 dates -- the 27th, the 28th and the 29th of June, 1977. Mr.
24 Witness, I realize this was a long time ago. Does that refresh
25 your recollection that these arrests took place at some point in

1 mid-1977? Possibly in June of that year?

2 [15.54.53]

3 MR. LAT SUOY:

4 A. At that time I was very young, but the arrests were carried
5 out quite close to one another, actually. They arrested first of
6 all Ta Val, and then followed by others. And they intended
7 actually to arrest all the cadres at the time.

8 Q. You've talked about a deputy commander, Ta Nak, from Phnom
9 Srok district military. What happened to Ta Nak?

10 A. Then Ta Nak was also called for the study session. And as his
11 subordinate, I knew that he would be arrested if he went there.
12 Then he did not listen to me, and he went to attend the meeting.
13 But then I did not see him return. And then his wife told
14 everyone that Ta Nak had already been arrested.

15 [15.56.31]

16 Q. Mr. Witness, was there a time that the--

17 MR. PRESIDENT:

18 Counsel Kong Sam Onn, you may proceed.

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I would like to request that the
21 Co-Prosecutor make reference to document E3/19100 (sic). It seems
22 to me that this document doesn't appear in the case file, so
23 could you please ask the prosecutor to verify this?

24 MR. PRESIDENT:

25 Mr. Prosecutor, can you please verify this document reference?

1 BY MR. LYSAK:

2 Q. Yes. I think he's referring to something from five minutes
3 ago. But the document is E3/1900. E3/1900. Mr. Witness, my next
4 question is about yourself. Was there any time where the
5 southwest cadres tried to arrest you? And if so, can you tell the
6 Court what happened?

7 [15.58.05]

8 MR. LAT SUOY:

9 A. After they arrested all cadres, we all separated. I fled to my
10 house. Then the southwest cadres arrested me. And then I tried to
11 escape. Eventually and luckily I could escape.

12 Q. Where were you taken when you were arrested, Mr. Witness?

13 A. I was taken and sent to a commune, Preaek Preas (phonetic)
14 commune.

15 Q. How was it that you were able to escape?

16 A. At that time, I used Khmer traditional martial arts, and I
17 knocked down the security guards over there, and then I fled the
18 scene.

19 Q. And my last question today, Mr. Witness, before we break:
20 after the arrests of your commander, Nak, and Chun, what happened
21 to your military unit after your commanders were arrested?

22 [15.59.55]

23 A. After my superiors were arrested, they accused our village as
24 the traitors, so they suspected us of being traitors. They
25 intended to arrest all of us, and then we had to -- took refuge

1 in the jungle. At that time we fled into the forest.

2 MR. LYSAK:

3 Mr. President, I can continue with questions if you wish me to go
4 on. I see we're at 4 o'clock.

5 MR. PRESIDENT:

6 Thank you, Mr. Prosecutor. The time is now appropriate for the
7 day's adjournment. The Chamber shall adjourn now, and we will
8 resume tomorrow, on Wednesday, 12 August 2015, starting at 9 a.m.
9 The Chamber would continue to hear the witness Lat Suoy, and we
10 will summon another, 2-TCW-937. And I ask members and relevant
11 parties to be present tomorrow morning.

12 And Mr. Lat Suoy, for your information, your testimony has not
13 yet been concluded, so I invite you to come to testify here
14 before the Chamber again tomorrow.

15 Court officers are instructed now to coordinate with the WESU to
16 assist the transportation of Mr. Lat Suoy to his place, and have
17 him back in this courtroom on Wednesday, 12 August 2015, before 9
18 a.m.

19 Security guards are instructed to bring the two Co-Accused, Mr.
20 Nuon Chea and Mr. Khieu Samphan, back to the detention facility,
21 and have them back in the hearing on 12 August 2015, before 9
22 a.m.

23 The Court is now adjourned.

24 (Court adjourns at 1602H)

25