



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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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

13 August 2015

Trial Day 311

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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SREA Rattanak
Travis FARR

For Court Management Section:
UCH Arun

I N D E X

Mr. LAT Suoy (2-TCW-889)

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Mr. CHHIT Yoeuk (2-TCW-937)

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Questioning by Judge LAVERGNE page 91

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHHIT Yoeuk (2-TCW-937)	Khmer
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Mr. LAT Suoy (2-TCW-889)	Khmer
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. PICH Ang	Khmer
Ms. TY Srinna	Khmer
The President (YA Sokhan)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0857H)

3 MR. PRESIDENT:

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

5 Today the Chamber will conclude hearing testimony of Witness Lat

6 Suoy, and then commence hearing testimony of another witness --

7 that is, 2-TCW-937.

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

9 and other individuals at today's proceedings.

10 [08.59.08]

11 THE GREFFIER:

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

13 are present.

14 Mr. Nuon Chea is present in the holding cell downstairs as he

15 requests to waive his right to participate in and be present in

16 the courtroom. The waiver has been delivered to the greffier.

17 The witness who is to conclude his testimony today -- that is,

18 Mr. Lat Suoy, is ready and present in the courtroom with his duty

19 counsel. And the reserve witness -- that is, 2-TCW-937, took an

20 oath before the Iron Club Statue yesterday morning, and he has

21 Mr. Moeurn Sovann as his duty counsel.

22 [09.00.01]

23 MR. PRESIDENT:

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

25 The Chamber has received a waiver from Nuon Chea, dated 13 August

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1 2015, which notes that due to his health -- that is, headache,
2 back ache and that he cannot sit and concentrate for long, and in
3 order to effectively participate in future hearings, he requests
4 to waive his right to participate in and be present at the 13
5 August 2015.

6 Having seen the medical report by Nuon Chea by the duty doctor
7 for the Accused at the ECCC, dated 13 August 2015, who notes that
8 Nuon Chea has moderate back pain and it becomes severe when he
9 moves and recommends that the Chamber grant him his request so
10 that he can follow the proceedings remotely from the holding cell
11 downstairs.

12 Based on the above information and pursuant to Rule 81.5 of the
13 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
14 follow today's proceedings remotely from the holding cell
15 downstairs via an audio-visual means. The AV Unit personnel are
16 instructed to link the proceedings to the room downstairs so that
17 Nuon Chea can follow it remotely. That applies for the whole day.
18 The Chamber now hands the floor to the defence team for Khieu
19 Samphan to continue putting questions to the witness.
20 Counsel, you may proceed.

21 [09.02.15]

22 QUESTIONING BY MS. GUISSÉ RESUMES:

23 Q. Thank you, Mr. President. Good morning to all of you. Good
24 morning, Witness. I am going to continue with my questions and I
25 will soon be done. Yesterday, you spoke about a certain number of

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1 facts with my colleague Victor Koppe pertaining to the relations
2 between the Northwest Zone and the East Zone. And my first
3 question is: Do you know the links that existed between the heads
4 of both zones?

5 MR. LAT SUOY:

6 A. I did not know about their communication. I only heard from
7 ordinary soldiers like me that these two zones made a mutual
8 friendship.

9 [09.03.18]

10 Q. And aside from communication, do you know what the
11 relationship was between So Phim and Cheal?

12 A. I did not know about those senior people; I only knew about
13 the lower rank soldiers, like myself, who were working at the
14 Trapeang Thma Dam.

15 Q. You said that you heard about relations -- friendly relations
16 between the Northwest Zone and the East Zone through soldiers
17 like you. So can you tell us what they said exactly?

18 A. They said the East and the Northwest Zones were considered
19 like brothers. That's all I heard about the zones.

20 Q. And did they say for how long there was this proximity between
21 both of these zones?

22 A. I did not have that detailed knowledge. Actually, during the
23 time that we were resting, we talked about this. And that's the
24 information or the limit of information that I gained.

25 [09.05.11]

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1 Q. In your DC-Cam statement, E3/9060 at French, ERN 01123699;
2 English, 00728747 to 48; and Khmer, 00733053; you spoke about
3 meetings on the projects between the Northwest Zone and the East
4 Zone. So my first question is: How did you learn -- and here I'd
5 like to quote you. You said that the East Zone was ready to flee
6 into the forest in order to group its forces with the Northwest
7 Zone. So how did you learn about that?

8 A. I heard those sector soldiers speaking about this while they
9 came to live at the Phnum Srok district.

10 Q. Yesterday, a little after 09.27 in the morning, you spoke
11 about meetings between Ta Nak and Ta Val at the Trapeang Thma Dam
12 site. So did you personally participate in these meetings?

13 A. Because I was a low-rank soldier, I was never allowed to
14 attend such a meeting. I was assigned to stand guard outside. And
15 I heard that he was called to that meeting.

16 [09.07.40]

17 Q. Who spoke to you about the content of these meetings since
18 apparently you did not attend them?

19 A. When he returned from the meeting, he convened a meeting for
20 us and he relayed those information.

21 MR. PRESIDENT:

22 The Deputy Co-Prosecutor, you have the floor.

23 MR. LYSAK:

24 Thank you, Mr. President. I just want to make sure one thing is
25 clear for the record because counsel -- the questions have been a

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1 little vague. The meetings that are discussed in excerpts she's
2 reading here are meetings between Sector 5 and district military,
3 not meetings between the East Zone and Northwest Zone. I'm not
4 sure -- at least in the translation, the questions were a little
5 unclear on that, so I want to make sure the record is clear that
6 the meetings that are being talked about here are not meetings
7 between the East Zone and the Northwest Zone.

8 [09.09.10]

9 BY MS. GUISSÉ:

10 No, indeed, that was not what I was saying. There was indeed a
11 problem maybe in the interpretation. I spoke between the
12 relationship between the East and the Northwest Zone first, and
13 then I spoke about the meetings between Ta Nak and Ta Val. So
14 these are two different matters.

15 Q. So I don't remember if you answered my question. Let me put it
16 to you again. Can you confirm to me that Ta Nak after the meeting
17 he had with Ta Val came to you and spoke to you about what he
18 discussed at that meeting with the military leaders? Is he the
19 one who relate to you the content of that meeting?

20 MR. LAT SUOY:

21 A. Yes. After he returned from the meeting with Ta Val, he called
22 us to attend a meeting and he told us about that.

23 [09.10.23]

24 Q. In your DC-Cam statement -- I think it's at the same pages I
25 mentioned earlier -- you said that Ta Nak apparently told you

6

1 that he said to the troops and had informed the Northwest Zone to
2 be ready. And you specify: "In order to defeat the Southwest
3 Zone, we got ready by bringing the weapons into the forest" --
4 the French translation is a little bit problematic - "and then we
5 were easily arrested." That's what is written later. So my first
6 question is: "We got ready by transporting the weapons into the
7 forest"; whom are you speaking about here when you say that "we
8 got ready"? Who are you speaking about exactly, which troops?

9 A. I spoke about sector soldiers who went to station in the
10 forest near the Trapeang Thma Dam reservoir.

11 Q. You, Witness, did you see these soldiers stationed near
12 Trapeang Thma? And did you see where the weapons were stored?

13 A. We were not allowed to enter the area that they stationed.

14 Q. And where were they stationed exactly?

15 A. They stationed in the forest near the reservoir and they did
16 not stay there for long, only about 10 days. Then they returned
17 with weapons back to Svay.

18 [09.13.08]

19 Q. Now I would like to read out an excerpt from the statement of
20 the witness whose name I cannot mention. This is document
21 E319/19.3.18. And it is question and answer 49. And then I will
22 put a question to you regarding this. So the question that is put
23 to this witness is the following -- unfortunately, I don't have
24 the French translation of this document, so I'm going to have to
25 read out the question in English.

7

1 "You talked about the preparation of a detailed plan in which,
2 you said, Ta Hing had a plan to use all the members who worked in
3 the mobile unit as soldiers to fight the Khmer Rouge. Can you
4 explain this event?"

5 And the answer is the following, and I will give it to you in
6 English again: "At that time, they got the materials in the
7 warehouse at the Trapeang Thma worksite ready and there was a
8 meeting at night, at 12 p.m. or 1 a.m. And Ta Hing announced to
9 the mobile unit that all of us would become captains in the
10 future. I thought he was talking about the arrangement for us to
11 become soldiers to fight the Khmer Rouge." End of quote.

12 So my first question is: Did you hear about or did you see a
13 warehouse in which equipment was stored at the Trapeang Thma Dam
14 worksite?

15 [09.15.08]

16 A. There was no weapon warehouse at the Trapeang Thma Dam. The
17 sector soldiers transported the weapons to the area and they were
18 preparing themselves in the forest and the weapons were never
19 hidden or buried under the ground.

20 Q. Witness, you seem sure about this. But since you were not a
21 high-ranking soldier based on what you said, maybe you were not
22 aware of everything. Why are you so sure about what you are
23 saying?

24 A. Because when I saw those soldiers retreating, they took with
25 them all the weapons that they had brought in.

8

1 Q. And what kind of weapons were these, because apparently you
2 saw these weapons?

3 A. I saw AK-47 rifles that they were carrying and the A80
4 (phonetic)
5 [09.16.51]

6 Q. And can you estimate the number of weapons they were or is
7 this too difficult for you?

8 A. I only saw them with the weapons and I did not pay attention
9 as to how many weapons they had at the time.

10 Q. Now, I also would like to read out an excerpt of another
11 statement by another witness who was not called to testify so I
12 can mention his name. This is a DC-Cam document, E3/9076, French,
13 ERN 00 -- sorry, not in French. It's English, 00731172; Khmer,
14 00728870 to 71; so this is a witness, Mun Mut, who is speaking
15 about an encounter with Ta Val. And this is what he says and I'm
16 going to read it out in English again:

17 "[...] Cambodian sandals from the Eastern [Zone] for the mobile
18 units." He continues, "Nice sandals were given to us. At the time
19 there was a plan. I was very afraid of that plan." So the
20 question -- his answer: "When [Ta] Val spoke, at the same time
21 scarves, (cigarette)s lighters, and white shirts were given to
22 the leaders. Then he would say, 'You are all captains'. He
23 repeated, 'You are all captains, colonel'. He pointed at and
24 walked out joking with the cadres after the meeting. He compared
25 this selection of mobile unit the same the military did. The plan

9

1 was at Phnom Kaun Khlaeng. The plan could not be executed but I
2 just learned about that plan."

3 [09.19.45]

4 And he continues a little further down: "It was a plan to harm
5 the mobile units, but it could be not executed. The supplies had
6 already arrived. The progress of this plan was not known of and
7 we were unable to speak out about it. It was clear, so we did not
8 to speak this out." End of quote.

9 So, my first question, Witness is: Did you hear about or did you
10 see a delivery of sandals coming from the East Zone?

11 MR. PRESIDENT:

12 Deputy Co-Prosecutor, you have the floor.

13 MR. LYSAK:

14 Yes, Mr. President, I don't have an objection to the question.

15 But again, I want to make sure it's clear for the record the
16 witness that she just read from is the same witness as from the
17 prior statement, not a different witness. So the record should be
18 clear that this is the same witness from which counsel read the
19 statement in a prior question.

20 [09.21.08]

21 MR. PRESIDENT:

22 Defence counsel, please be mindful of the time allocation that
23 you should have 20 minutes only this morning. And your time is
24 about to run out. And you may proceed now.

25 BY MS. GUISSÉ:

10

1 I will hurry up, of course, to give the floor to my colleagues. I
2 was trying, of course, to abide by the confidentiality directions
3 that were given, but I think this is pointless now but okay.

4 Q. So my question is: Witness, did you hear about or did you -- a
5 delivery of sandals from the East Zone at one point in time?

6 [09.22.20]

7 MR. LAT SUOY:

8 A. I didn't know when that happened. However, I saw those workers
9 in a mobile unit wearing those sandals.

10 Q. And did you ever hear about a meeting with Ta Val and some
11 members of the mobile unit in which apparently he said that
12 everyone was going to become a captain?

13 A. They did not let anyone know about it. And in my case, the
14 meeting was held only amongst us and no outsider was allowed as
15 it was confidential.

16 MS. GUISSÉ:

17 Well, I'm going to put an end now to my examination because I'm
18 running out of time and I will give the floor to my colleague
19 Kong Sam Onn.

20 [09.23.32]

21 MR. PRESIDENT:

22 Counsel Kong Sam Onn, you have the floor.

23 QUESTIONING BY MR. KONG SAM ONN:

24 Thank you, Mr. President. Good morning, Your Honours. And good
25 morning, Mr. Lat Suoy. I only have a few remaining questions to

11

1 conclude my time allocation.

2 Q. First allow me to ask you about your age. The day before
3 yesterday when you were asked by the President, you said that you
4 were 55 years old and that you do not recall your date of birth.
5 However, in your written record of interview with DC-Cam, you
6 stated that in 19 -- rather, in 2011, you were 55 years old. And
7 now it's about five years after and you still said you are 55
8 years old. So please, tell the Court what is your real age, if
9 you can recall that. Because about five or six years ago, you
10 said you were 55 and two days ago, you said you're still 55 years
11 old; which one is true?

12 [09.25.02]

13 MR. LAT SUOY:

14 A. When I said I was 55 years old, that was true. However, I
15 haven't counted my age thus far and I still recall that I was 55
16 years old.

17 Q. So when you said that you were 55 years old with DC-Cam
18 interviewer and that's correct according to your recollection.
19 And you still maintain that now you are still 55 years old?

20 A. I do not count my age since then. So I still recall that I
21 said that I was 55 years old. And when the President asked me, I
22 gave that answer.

23 Q. Based on my calculation, if in 2011 -- that is in May 2011
24 when you were interviewed by DC-Cam, you were 55 years old -- it
25 means that you were born in 1956 or around that. And it means

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1 that in 1975, you were about 19 years old. Is my calculation
2 about right?

3 A. In 1975, my mother told me that I was 15 years old. At that
4 time, I did not even get used to wearing pants, I was wearing
5 only shorts.

6 [09.27.09]

7 Q. I think there are two instances where you may get confused. In
8 1970, that is when the coup d'état took place. And secondly, that
9 is the event in 1975 and the Khmer Rouge gained victory. Can you
10 try to recall when actually your mum told you that you were 15
11 years old?

12 MR. PRESIDENT:

13 Deputy Co-Prosecutor, you may proceed.

14 MR. LYSAK:

15 Yes, counsel's leading the witness trying to suggest to him that
16 his mother told this in 1970. So the question is leading. And I'm
17 also not sure why counsel is not referring the witness to the
18 specific date of birth in his official OCIJ record, which is
19 probably based on some official identification. But the question
20 he's asking right now is leading.

21 [09.28.24]

22 MR. KONG SAM ONN:

23 Mr. President, I do not ask any leading question. Actually, I
24 gave the witness two possibilities regarding his response to the
25 event in 1975. And the witness may get confused, that's why I

13

1 provided him with the two events. And I seek your permission to
2 continue.

3 MR. PRESIDENT:

4 Mr. Witness, please respond to the question by the defence
5 counsel.

6 MR. LAT SUOY:

7 A. When my mother told me that I was 15 years old, it was the
8 time that people were selected from the village to go to a mobile
9 unit in Prey Moan.

10 BY MR. KONG SAM ONN:

11 Do you recall the year of the animal that you were born?

12 MR. LAT SUOY:

13 A. No, I do not know as to which animal sign I was born in, as my
14 parents did not tell me about it.

15 [09.30.00]

16 Q. In relation to your interview with OCIJ and as the
17 Co-Prosecutor stated, you mentioned that your year of birth was
18 1958. And if that is your true year of birth, you could not be 15
19 years old in 1975. So how did you come with 1958 as your year of
20 birth?

21 A. Regarding the year of birth, I was told by my mother that I
22 was born on Monday and it was the Year of the Dog.

23 Q. I now would like to move to a different subject. Yesterday, my
24 esteemed colleague from the defence team for Mr. Nuon Chea, he
25 asked you a question concerning one document during the

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1 Democratic Kampuchea in document E3/9060, which is your interview
2 with DC-Cam, ERN Khmer 00733052 to 53; French, 01123698 to 99;
3 English, 00728747. I would like to quote:

4 Question: "How many pages?"

5 Response: Three pages - "three notes", rather. "[Suoy] The notes
6 of 22 sheets."

7 "So how many should you get during the discussion?"

8 "I got 20."

9 "Dara: 20 riel?"

10 Response: "[Suoy]: Yes." End quote.

11 [09.33.16]

12 I would like to ask for your confirmation whether or not you
13 maintain this testimony that you saw the bank notes, three
14 sheets, the 10 riel note and two 20 riel notes.

15 A. When they presented the bank notes to us, they said that we as
16 the combatants we would be given 20 riel each.

17 Q. Yes, I got that statement already. But I would like to ask for
18 your confirmation whether or not you saw three notes, one a
19 10-dollar note and the other two sheets was the 20 riel notes.

20 A. Because at that time, my colleague presented this paper to me.
21 They told me that we were given 20 riel each. And at that time,
22 we snatched from one another to examine this bank note.

23 Q. So are you confirming that you did see the 20 riel bank note?

24 A. For the 20 riel bank note, I did not actually get the 20 riel
25 bank note. I only saw the 10 riel bank note. I noted that it had

15

1 rather brown colours with people harvesting as a picture on it.

2 Q. Since you also worked at the Trapeang Thma Dam, when did you
3 leave Trapeang Thma Dam toward the end of the Democratic
4 Kampuchea -- at which stage of the Democratic Kampuchea era did
5 you leave Trapeang Thma Dam?

6 [09.36.03]

7 A. I left Trapeang Thma Dam when we almost obtained peace. At
8 that time, I was withdrawn back. Our unit was withdrawn at that
9 time.

10 Q. Did you encounter flood during 1978?

11 A. I do not get your question, Counsel.

12 Q. Do you recall that there was flood in your areas in Trapeang
13 Thma Dam in 1978?

14 A. At that time, there was no big flood during 1978. Of course,
15 there were water flowing from the upstream down close to the
16 water reservoir, but I actually, at that time, was withdrawn and
17 I resettle in my hometown.

18 Q. During the rainy season of 1978, where did you reside then?

19 A. In 1978, I resided in my hometown.

20 Q. Can you tell the Court the commune?

21 A. Pou Roam Bon village, Ponley commune, Phnum Srok district.

22 [09.38.15]

23 Q. How about the land conditions over there; was it the uphill
24 land or it was the lowland?

25 A. Over there, it was highland full of forest. It was generally

16

1 called the forest area.

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I have no further question to this
4 witness.

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 Mr. International Prosecutor, you may proceed.

8 MR. LYSAK:

9 Yes. Thank you, Mr. President. Just so this is on the record and
10 since counsel spent time on this, 1958 was a Year of the Dog. And
11 the specific date given in the OCIJ interview, which I'm assuming
12 came from some official identification is -- of the witness's
13 birth was 10 June 1958, which would make him 16 years old as of
14 17 April 1975.

15 [09.39.38]

16 MR. PRESIDENT:

17 Thank you, Mr. Prosecutor. The hearing of the testimony of Mr.
18 Lat Suoy has come to an end now. Mr. Lat Suoy, the Chamber wishes
19 to thank you for spending your valuable time to testify in your
20 capacity as the witness. Your testimony will contribute to
21 ascertaining the truth in this case before us. We wish you the
22 best of luck and safe trip back home. The Chamber would also like
23 to thank the duty counsel for assisting this witness throughout
24 his testimony.

25 Court officer, please work with the WESU to arrange for the

1 transport of this witness back home.

2 Counsel Koppe, you may proceed.

3 [09.41.13]

4 MR. KOPPE:

5 Thank you, Mr. President. Good morning, Your Honours. I would
6 like to take the opportunity to make two small requests. First
7 request is to the Chamber asking you to have the colour print
8 version of these bank notes that we have been discussing added to
9 the case file as evidence. So I'm doing an oral 87.4 request and
10 asking you to have this colour version added officially to the
11 case file. That's my first request.

12 My second request is to the Prosecution. I heard the
13 International Co-Prosecutor say yesterday that they have located
14 documents that indicate Ta Val having been sent to S-21 and also
15 having found their confession - or, his confession. We haven't
16 been able to localize (sic) either of those two documents in the
17 case file, so I assume they are not part of the case file. My
18 request is to the Prosecution to tell us -- or to give us an
19 update as to when we can expect a copy of Ta Val's confession
20 that he referred to yesterday as well as the document indicating
21 his arrest and his detention in S-21.

22 MR. PRESIDENT:

23 Mr. Prosecutor, you have the floor.

24 [09.43.00]

25 MR. LYSAK:

18

1 Yes. We were waiting till we had all three things before we file.
2 However, in the interest of getting these into the hands of
3 people, I'll ask someone to informally distribute what we have
4 scanned at this time around to the Parties and the Chamber. We're
5 still waiting -- we're still trying to track down the S-21 list
6 that -- the Khmer that corresponds to E31900 (phonetic). But as I
7 mentioned, in looking for that, we found these other two records.
8 But we will have that circulated so that it's available to the
9 Parties informally. And then when we have that last record, we'll
10 file a formal document with the Court.

11 MR. PRESIDENT:

12 Thank you, Mr. Prosecutor.

13 Court officer, please usher in the witness, 2-TCW-937.

14 (Witness enters courtroom)

15 [09.46.51]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Mr. Witness. What is your name?

18 MR. CHHIT YOEUK:

19 A. My name is Chhit Yoeuk.

20 Q. When were you born?

21 A. I was born on the 1st of May 1946.

22 Q. What is your current occupation?

23 A. I am a rice farmer and I also work as a private guard to look
24 after other people's house.

25 Q. What are your parents' names?

1 A. My father's name is Chiem.

2 Q. How about your mother, what is her name?

3 A. Lou Tang Voeur.

4 [09.48.10]

5 Q. How about your wife and do you have any children?

6 A. My wife's name is Vong Ry, and we have three children.

7 Q. Thank you, Mr. Chhit Yoeuk. According to the report by the
8 greffier this morning, to the best of your knowledge, you are not
9 related to the Co-Accused, Mr. Nuon Chea and Khieu Samphan, or
10 any individuals admitted as the civil parties in Case 002; is
11 that correct?

12 A. Yes.

13 Q. And you have taken an oath before the Iron Club Statue before
14 you are coming to testify before the Chamber; is that correct?

15 A. Yes.

16 [09.49.29]

17 Q. Thank you, Mr. Chhit Yoeuk.

18 Next, I am advising you on your rights and obligation. As the
19 witness before the Chamber, your rights: Mr. Chhit Yoeuk, as a
20 witness in the proceedings before the Chamber, you may refuse to
21 respond to any question or to make any statement which may
22 incriminate you. That is your right against self-incrimination.
23 Your obligations: As a witness in the proceedings before the
24 Chamber, you must respond to any question by the Bench or
25 relevant parties, except where your response or comment to those

20

1 questions may incriminate you as the Chamber has just informed
2 you of your rights as a witness earlier.

3 As a witness, you must tell the truth and nothing but the truth
4 that you have known, heard, seen or remember, experienced or
5 observed directly about an event or occurrences relevant to the
6 questions that the Bench or Parties put to you. Do you
7 understand, Mr. Chhit Yoeuk?

8 A. Yes, I do.

9 Q. Mr. Chhit Yoeuk, have you ever given any interview with the
10 investigator of the Office of the Co-Investigating Judges? And if
11 you have, how many times have you given that interview and where
12 did they take place?

13 A. I have given the interview twice: once at my house and the
14 other time, it was at an organisation.

15 [09.51.55]

16 Q. Thank you, Mr. Chhit Yoeuk. And before you come to testify
17 before the Chamber, have you reviewed the written record of your
18 interviews with the Office of the Co-Investigating Judges to
19 refresh your memory of what you have told them?

20 A. Yes, I have gone through it briefly.

21 Q. So to the best of your knowledge, can you tell the Court that
22 the record of interviews that you have read to refresh your
23 memory is correct and corroborate with the substance of what you
24 gave to the investigators during your interview with them?

25 A. Yes.

21

1 MR. PRESIDENT:

2 In examining this witness, pursuant to Rule 91bis, the Chamber
3 would grant the floor to the prosecutor to put the question
4 first. And the prosecutors and the Lead Co-Lawyers for the civil
5 parties have three sessions to put their questions to this
6 witness.

7 Mr. Prosecutor, you have the floor now.

8 [09.53.36]

9 QUESTIONING BY MR. KOUMJIAN:

10 Thank you, Mr. President. Good morning, Your Honours and to
11 everyone in the courtroom. Good morning, sir.

12 Q. A few questions for you. What is your level of education?

13 MR. CHHIT YOEUK:

14 A. I studied up to level 7, grade 7 of the old -- in the old
15 education system.

16 Q. Thank you. So will that mean that you had stayed approximately
17 six years in school?

18 A. That's correct. Yes, around six years of schooling.

19 Q. Sir, have you ever worked as a teacher?

20 A. Later I worked as a teacher in the refugee camp. And then
21 later on, I used to be a teacher too when I was a monk.

22 [09.55.11]

23 Q. Thank you. For how many years were you a monk, sir?

24 A. For three years.

25 Q. What years were those, do you recall approximately?

22

1 A. For three years from 1975 to 1978.

2 Q. And so what I heard you say through the translation is that
3 you were a monk from 1975 to '78, those are the years of the
4 Khmer Rouge regime. Is that the time period when you were a monk?

5 A. No. For a monkhood -- I was a monk during the Lon Nol regime;
6 during the three years eight months period, I was not a monk. I
7 did not get the question right earlier on.

8 Q. No problem. We all make mistakes on dates.

9 Do you recall which decade it was when you were a monk; was it
10 the 1960s, 1970s?

11 A. It was during the 1960s.

12 [09.57.10]

13 Q. Sir, are you still a Buddhist, do you practise Buddhism now?

14 A. Yes, I am a Buddhist.

15 Q. How about during the regime -- during the Pol Pot regime, were
16 you able to practise Buddhism then?

17 A. During that era, no we--

18 MR. PRESIDENT:

19 The Lead Co-Lawyer for the civil party, you may proceed.

20 MR. PICH ANG:

21 Good morning, Mr. President; and good morning, everybody. I am
22 sorry to interrupt. I did not intend to but I heard just now, Mr.
23 Witness said that he was a monk during Lon Nol era. And then the
24 subsequent question by the prosecutor whether it was in 1960s and
25 then the witness said that it was in the 1960s, so it seems that

1 this time period was not correct. It may be worth asking for
2 clarification on this.

3 [09.58.42]

4 MR. PRESIDENT:

5 Mr. Prosecutor, you may proceed with your line of questioning.

6 BY MR. KOUMJIAN:

7 Q. Thank you. So sir, during the regime -- the Khmer Rouge regime
8 -- after April 1975 until January 1979, were you able to practise
9 Buddhism?

10 A. No, we could not practise Buddhism at all.

11 Q. Why is that, sir?

12 A. Because all the monks were disrobed and they all were forced
13 to leave the monkhood.

14 Q. Sir, is it correct you were born in Preah Netr Preah?

15 A. Yes, that's correct. I was born in Preah Netr Preah.

16 [10.00.00]

17 Q. Did you live there all the way up until 1970, at least; were
18 you living there in 1970?

19 A. Yes, I was living in my native village in 1970.

20 Q. At some point, did the Khmer Rouge capture that Preah Netr
21 Preah?

22 A. I lived in Tuck Chour "sangkat" or commune, that is part of
23 the Preah Netr Preah district. And the Khmer Rouge actually
24 entered the area in around 1973.

25 Q. Okay. Is it correct that they had captured different parts of

24

1 the district, is that what you're saying, at different time? Some
2 was controlled earlier than 1973 and your village was captured in
3 1973?

4 A. Yes.

5 Q. What year did you join the Khmer Rouge?

6 A. Regarding the Khmer Rouge movement, actually they entered my
7 village since 1970, but it was on and off.

8 Q. Okay. Thank you for that explanation. And what year did you
9 join the movement?

10 A. I left my house in 1973.

11 [10.02.36]

12 Q. Does that mean -- again my question is: What year did you join
13 the Khmer Rouge. Did you start working for them in 1973 or when?

14 A. Yes, it was in 1973.

15 Q. What was your job for the Khmer Rouge? Before 1975 -- before
16 their victory in 1975, what did you do for the movement?

17 A. I actually was a merchant buying goods from the Lon Nol
18 control area and sell them to those in the area under the control
19 of the Khmer Rouge.

20 Q. Were you in the militia at some point?

21 A. When I went to the forest, I was selected to be part of the
22 militia.

23 Q. Did you become a commander in the militia; did you command
24 other men or women?

25 A. I was voted to become chief of the militia but it was the

25

1 female militia group – the male militia group, not the female
2 one.

3 [10.04.50]

4 Q. The group that you were voted to head the male militia, was
5 that a group for a particular area, or village or district, or
6 commune?

7 A. They were young people coming from the village. And it's
8 because I was a bit older, I was selected to lead them.

9 Q. Thank you. Were they coming from Preah Netr Preah district?

10 A. Most of them came from my village and the adjacent village.

11 Q. Okay. And your village was Char Leu?

12 A. Yes, the name is Char Leu.

13 Q. Can you tell us the difference between being a member of the
14 militia and being a soldier in the Khmer Rouge, what was the
15 difference?

16 A. A militia role was to assist in the transportation. It did not
17 have anything to do with the military affairs. Usually, militia
18 would deal with logistical issues.

19 [10.06.55]

20 Q. Did the militia play a role in monitoring areas under Khmer
21 Rouge control or persons who could create problems?

22 A. We were tasked to monitor activities of people who may cause
23 troubles. And that only happened for a limited time.

24 Q. Who did you report to?

25 A. I reported to the commune chief.

26

1 Q. You said you were selected because you were older than others.
2 What was the age range in the militia; what was the youngest and
3 the oldest?

4 A. They did not consider the age range but they actually
5 considered the marital status and that those were unmarried.

6 [10.08.27]

7 Q. What was the youngest age of the boys that were in the
8 militia?

9 A. At that time, the youngest one was about 19 to 20 years old.

10 Q. Now in the -- at some point, did the Khmer Rouge capture your
11 village Char Leu?

12 A. The Khmer Rouge entered the villages in my area in 1973.

13 MR. PRESIDENT:

14 Thank you, Co-Prosecutor. It is now appropriate for a short
15 break. We take a break now and return at 10.30 to continue our
16 proceedings.

17 Court officer, please assist the witness in the waiting room for
18 witnesses and civil parties, as well as for his duty counsel
19 during the break. And invite both of them back into the courtroom
20 at 10.30.

21 The Court is now in recess.

22 (Court recesses from 1009H to 1028H)

23 MR. PRESIDENT:

24 Please be seated.

25 Mr. Prosecutor, you may resume your questioning.

1 BY MR. KOUMJIAN:

2 Q. Sir, were your parents able to stay in your native village
3 during the Khmer Rouge regime, or what happened to them?

4 MR. CHHIT YOEUK:

5 A. My parents were evacuated by the Khmer Rouge into the jungle.

6 Q. When was that, that your parents were evacuated?

7 A. It was in late 1973.

8 Q. Why were they taken from their homes to the jungle?

9 A. I did not know the reason, and I dared not question that
10 either.

11 [10.30.30]

12 Q. Was it just your parents, or were others in the village forced
13 to leave their homes?

14 A. All, all the villagers. Two or three villages had to be
15 evacuated into the jungle.

16 Q. So, let me go now to after the victory of the Khmer Rouge in
17 April 1975. What was your first job after the Khmer Rouge
18 victory?

19 A. At the beginning, they assigned me as the militiaman, and then
20 later on, they recruited me and sent me to the district office. I
21 did not know the level clearly, but I only knew that it was the
22 district office.

23 Q. Okay. When you said you first, after April 1975, were assigned
24 to the militia, were you again a commander? And if so, how many
25 militia did you command?

28

1 A. At that time I was no longer a commander. I was an ordinary
2 militiaman, together with other militiamen. Two or three of us
3 would go in the village and monitor in the village.

4 Q. Okay. You said you then were sent to the district office. Was
5 that the Preah Netr Preah office?

6 A. Yes, that is correct.

7 [10.33.00]

8 Q. Do you recall when that was? Or whether it was -- what year it
9 was? Whether it was dry season, rainy season?

10 A. It was quite close to the beginning of rainy season in 1975.

11 Q. Who was the head of the district, Preah Netr Preah, when you
12 started your job there?

13 A. Loeum. Before, Loeum was in charge of Preah Netr Preah
14 district office.

15 Q. Was Loeum eventually replaced?

16 A. Yes. Later, Ta Maong replaced him.

17 Q. Do you know why Loeum was replaced?

18 A. At that time I did not know; I only heard from others that he
19 committed moral offences, and he was removed.

20 Q. Did Loeum have a connection with Khieu Samphan that you were
21 aware of?

22 A. I only heard from others that he used to work with Khieu
23 Samphan, but I cannot confirm it because I only heard from
24 others.

25 [10.35.02]

1 Q. After Loeum was removed, do you know if he was punished or was
2 given another job?

3 A. To my knowledge, he was sent back to Battambang.

4 Q. In your statement somewhere, you mentioned seeing him in a
5 car. Did you later see him in a car? And tell us what that meant
6 to you?

7 A. At that time, he was taken to a car from the Zone.

8 Q. Okay, I'll move on. I may come back to that later.

9 Sir, the job that you had in the district office, can you explain
10 what your job was? What kind of work did you do?

11 A. When I was in the district office, I did not have a major
12 role. I only received the instruction from the district leaders
13 that I need to send people from Phnom Penh to different places.
14 And I also had to help distribute supplies and foods for them.

15 Q. Did you work with a census?

16 A. No, that was not my responsibility. It was somebody else's
17 responsibility for that.

18 [10.37.22]

19 Q. Did you have statistics that you used in the distribution? And
20 did you use a census in making the distribution?

21 A. Yes. At that time there was a census conducted, so that they
22 could manage the demographics of the regions, so that we could
23 distribute supplies and food accordingly.

24 Q. When you talk about a census, can you just explain what kind
25 of information was available there -- was gathered to the census?

30

1 Did you have the names of everyone who lived in the district?

2 A. No, we only had the total number of people. We did not have
3 the exact names of people.

4 Q. Do you know how that was determined? Did village chiefs, or
5 someone else, actually list the names? If you don't know, please
6 say so.

7 A. To my understanding, it was reported by the village chief and
8 commune chief.

9 [10.39.05]

10 Q. Did someone actually record your name for a census?

11 A. No. As for the names, I don't think, to my knowledge, that it
12 was recorded.

13 Q. What was your next job?

14 A. And later on, I was taken from the district office and I was
15 attached to the district mobile unit.

16 Q. Did you become the head of a youth mobile brigade?

17 A. At that time, I was the chief, but I did not have the overall
18 supervision of the brigade. I got assistance from others, too.

19 Q. Thank you. How many workers were under you?

20 A. Around 600 to 1000 people, but I had to supervise with the
21 assistance from others as well.

22 Q. What was the age range of those in the youth mobile brigade?

23 A. From 13 years of age to about 27–28 years of age, because at
24 that time, I was about 28.

25 Q. Now, at some point were you taken from a district mobile

31

1 brigade and moved to something else?

2 A. That, I do not recall because I worked at the district office
3 for about six months. And then they took me out.

4 [10.42.04]

5 Q. Okay, thank you. Let me just try to refresh your recollection.

6 In your DC-Cam, when you spoke to--

7 (Recording malfunction)

8 [10.42.10]

9 BY MR. KOUMJIAN:

10 Q. -to recall, first of all, that one of the interviews that you
11 gave was with someone from DC-Cam, a couple of people from
12 DC-Cam, who met you and talked about the Trapeang Thma Dam in
13 2011. Do you recall speaking to someone named Dany and Dara in
14 2011?

15 MR. CHHIT YOEUK:

16 A. I recall some of the events.

17 Q. Okay. In that interview, on page -- that's Khmer -- it's the
18 ERN 00728790; it's page 14 in English; and in French, it is at
19 01123715; you were asked by Dany: "When did you move from
20 district mobile to state region?" And you said, "It was in 1976,
21 approximately in October." So my question is: What did you mean
22 that you moved from the district mobile to the state?

23 A. It means that the youth mobile brigade attached to the
24 district is different from that of the regional -- region, or the
25 sector's level.

1 [10.44.22]

2 Q. So when you said, at least in my translation, "state region",
3 you were transferred to a sector-level brigade? Is that what you
4 meant?

5 A. Yes, because they recruited them from the youth mobile
6 brigades of the district, and then they attached them to the
7 sector's level.

8 Q. Now, you mentioned in that interview that there were some
9 conflicts between the state and cooperative level about food. Can
10 you explain that? About rations?

11 A. Because at that time, the mobile brigades and the cooperatives
12 worked differently. For example, for us at the mobile brigade, we
13 were given two cans of rice. As for the cooperatives, they did
14 not have the same food ration, because they considered the mobile
15 brigades as the call force.

16 [10.46.00]

17 Q. Do you know what the ration was for the cooperatives at that
18 time?

19 A. To some of my knowledge -- I did not know much about the
20 cooperatives, but I heard from people who told me. They said that
21 they had access to about half a can of rice per day, and there
22 were certain circumstances when they did not have it at all.

23 Q. Sir, I want to ask you about a document. I'm going to read
24 something from a document. It's E3/1181 -- E3/1181. It's a short
25 document, and I'm reading the paragraph marked number 4, so in

33

1 all three languages it's easy to follow. This is a document in
2 Khmer, dated 27 June 1977. And sir, what it says is:

3 "Preah Netr Preah: The population of Preah Netr Preah prior to 17
4 April was 150 families. More than 70,000 have come from Phnom
5 Penh. More 30,000 people are in Preah Netr Preah in post-17 April
6 period. Preah Netr Preah and Prasat sub-districts compose of a
7 good number of no-good elements. Peam Kam--" Let me just stop
8 there for a moment.

9 With what I've read so far, is that accurate as far as you
10 recall?

11 [10.48.10]

12 MS. GUISSÉ:

13 Mr. President, I'm sorry for interrupting.

14 MR. PRESIDENT:

15 Counsel, you may proceed.

16 MS. GUISSÉ:

17 Simply an observation; maybe to assist the interpreters, you
18 could provide them with the ERNs so that they could follow at the
19 same time, because at least in French, it's a little bit
20 difficult to follow the excerpts that are being quoted.

21 MR. PRESIDENT:

22 Mr. Prosecutor, you may proceed.

23 BY MR. KOUMJIAN:

24 I didn't provide the ERN because it's a short document and
25 they're marked by paragraphs, so I was reading paragraph 4, so

34

1 all three languages have that marked as number 4.

2 Q. Sir, is that accurate, what I read about Preah Netr Preah?

3 MR. CHHIT YOEUK:

4 A. Before 1975, I did not know how many people there were back
5 then. I simply did not know.

6 [10.49.33]

7 Q. Is it correct when it says that -- it said more than 30,000
8 are in Preah Netr Preah in post-17 April period; is that correct?

9 A. Yes.

10 MR. PRESIDENT:

11 Counsel, you may proceed.

12 [10.50.10]

13 MR. KONG SAM ONN:

14 Your Honours, I would like to register my objection for the use
15 of this document. If the Prosecution wishes to use this document,
16 he should explain to the Court first on the nexus of this
17 document with the witness in question. Because the presentation
18 of the document to the witness, of which the witness is not
19 aware, then I am of the view that we do not establish the
20 credibility on the evidence being examined. So, the Prosecution
21 should ask whether or not this witness is aware of this document
22 at all.

23 BY MR. KOUMJIAN:

24 Your Honour, the document speaks about Preah Netr Preah where
25 this witness was born, is from and was working at the time in the

1 district office. So he has knowledge of Preah Netr Preah. What
2 I'm reading is simply to ask him, with his personal knowledge, to
3 either confirm or correct whether this is true or not.

4 Q. So sir, if I can just read and try to finish this quickly,
5 there is another point in this document. It says, "It is the
6 worst place of starvation, which last year alone killed more than
7 20,000 people". So again, this document is dated June '77. In
8 1976, are you aware of people starving in Preah Netr Preah, sir?

9 MR. CHHIT YOEUK:

10 A. In that year, of course people died. Some died at the site,
11 and as for the number, I did not know the number.

12 [10.52.35]

13 Q. I'm going to go on to another document, and this is E3/1783.
14 The portion I'm reading: the Khmer, ERN 00659260; in French,
15 00606766; and in English, 0049180; and over to the next page. I
16 believe it was read to the last witness by defence counsel. Sir,
17 this is a document from the Khmer Rouge period that actually is
18 labelled -- let me go on. It says that:

19 "Standing on the Trapeang Thma reservoir, in the fifth region of
20 the northwest zone, the guests and hosts could see the mountains
21 in the distance and a motorboat sailing in the lake, and enjoyed
22 the wonderful scenery.

23 Comrade Nhim Ros, second vice-president of the Presidium of the
24 State of Democratic Kampuchea, secretary of the northwest zone
25 committee of the KCP, and the chairman of the northwest zone

1 serve-the-people committee, said that the reservoir was built in
2 less than two months this year by the people of the fifth region
3 of the northwest zone in response to the call of the Party
4 Central Committee to build water conservancy projects in a big
5 way."

6 Let me -- before I read this to you, I should go back and ask
7 you, sir: At some point, were you sent to work at the Trapeang
8 Thma Dam site?

9 A. Yes, I was sent to work over there too, in early 1976, maybe
10 in April or May, when people had to harvest their crops.

11 [10.55.18]

12 Q. Before I ask you about the year, when you arrived, was the
13 construction underway, or were you the very first group to
14 arrive?

15 A. When I arrived there, I saw people were constructing the dam.
16 So I think the project was underway.

17 Q. Sir, in your prior statements, you said -- well, let me just
18 ask you. Do you remember when the project started? What month and
19 year?

20 A. I do not recall it clearly, but to my recollection, it started
21 in early 1976, but I cannot recollect it very well.

22 Q. Okay. Sir, can you tell us how long you were at the dam? How
23 long?

24 A. I worked there until late 1977.

25 Q. Do you recall then approximately how long you worked there?

1 How many months?

2 A. Approximately from May 1976 till December 1977 or '78. I
3 cannot recall it well.

4 [10.57.50]

5 Q. Okay. So, you're saying you were there for over a year; is
6 that correct?

7 A. Yes.

8 Q. Ros Nhim went on to say -- the same page -- he said: "Drought
9 set in when we started to build the reservoir, and the 20,000
10 people engaged in construction even had not enough drinking
11 water." Do you recall that to be the case when you were there,
12 that there was insufficient water?

13 A. Yes, I recall it. At that time, we faced the shortage of
14 water, and there were trucks carrying water to supply to us.

15 Q. During the day when you would work there, did you have water
16 to drink or not?

17 A. During the daytime, we had water to drink but it was not
18 sufficient. Those who were stationed close to the lake, they had
19 access to water. But those who were a bit far from the lake, they
20 received the water from the trucks carrying water for them.

21 Q. When you worked at the dam, were you leading a group? Were you
22 leading the youth mobile brigade, or another group?

23 A. At the beginning, I was a member. And later on, I was
24 reassigned to carry number one quality fertiliser.

25 [11.00.05]

1 Q. We'll come back to that in a moment. But when you were a
2 member, what do you mean by "a member"? Did you supervise others,
3 or were you just an ordinary worker?

4 A. I was a member, so I was a kind of assistant to the chief.

5 Q. Who was the chief at that time?

6 A. Initially, it was Ta Val who was the overall chief of all the
7 mobile units.

8 Q. How long did you work as Ta Val's assistant?

9 A. I worked as his assistant for about four months, and then I
10 was reassigned to carry fertiliser.

11 Q. Why were you assigned to carry fertiliser?

12 A. They made a reassignment and I did not know the reason for
13 that. And I did not dare to ask them why I was being reassigned.

14 [11.02.00]

15 Q. I'll come back to that in a moment. When -- before the dam
16 began, are you aware of any meeting that Ta Val had about the
17 work?

18 A. I could not know about that. The meetings at that level would
19 be held at the sector. They would discuss other matters,
20 including the work plan -- that is, to my understanding.

21 Q. Did Ta Val inform you and others about meetings he attended
22 about the dam construction?

23 A. When he returned, the information was disseminated to various
24 units under his subordinates. They spoke about the overall plan
25 of the dam construction, the size of the reservoir, and the

1 timeline of the project.

2 Q. Did they say who the plan came from? Who the instructions came
3 from?

4 A. It was from the Zone.

5 Q. I'm asking you, sir, do you know if there was a meeting in
6 Svay one or two months before the dam began?

7 A. Yes, there was a meeting held in Svay, and only leaders were
8 requested to attend the meeting.

9 [11.04.28]

10 Q. Did any leaders come from the Centre? Did anyone come from the
11 Centre Party?

12 A. It seemed there was none. Or even if there was, I would not
13 know because I did not know them, nor did they tell me about
14 those people.

15 Q. Sir, let me remind you of something that you said in the
16 interview recorded by DC-Cam. This is, for counsel and Your
17 Honours, in Khmer, ERN 00728803; in English, 00731127; and in
18 French, 01123722. You told Dany: "Because Trapeang Thma was
19 started in February. It was probably in 1977. But they met one or
20 two months earlier. They conducted the study on the site before
21 they made the decision and forming a committee."

22 [11.06.03]

23 Dany asked you who was present at the meeting. You said, "Ta
24 Nhim." He asked, "Were there any people from the Central Party?"
25 And you said, "They came, but I did not know them." He asked you,

40

1 down a few lines, to tell him more about the meeting place, and
2 you said you did not know anybody from the Central Party in Phnom
3 Penh. You said no, you did not. "But did they come?" you were
4 asked. And you said, "Yes." You also said Ta Nhim came to the
5 meeting. You also said people from the sector, from Ta Hoeng's
6 region. You also said, "All members of the district committee."
7 Going down to the next page in English, you were then -- you then
8 said that "They first met in Svay, and then in Trapeang Thma."
9 Danny asked you if you came to the meeting, and you said, "No."
10 You were asked, "But why did you know about the meeting?" You
11 said, "Well, they told us that tomorrow there will be a meeting
12 with Central Party members, district committee, chief of zone and
13 region."

14 Is what I said correct, that that's what you told the
15 interviewers in 2011?

16 I'm waiting for your response.

17 (Short pause)

18 [11.08.50]

19 BY MR. KOUMJIAN:

20 Q. I'm not sure, sir, if I need to read that all again. Can you
21 tell me if you heard what I read?

22 I'm still waiting for you to respond. Did you hear what I read?

23 And did you hear my question? Or do you want me to read it again,
24 or just repeat the question?

25 MR. CHHIT YOEUK:

1 A. No, I couldn't get your question.

2 Q. Sir, I'm going to read again, and try to summarize -- go to
3 the key points only.

4 You said that the Trapeang Thma Dam started in February, probably
5 in 1977, but that one or two months earlier, there was a meeting.
6 That at the meeting, there was Ta Nhim and people from the
7 Central Party. You also said that there were people from Ta
8 Hoeng's region, and all members of the district committee, and
9 you said the chief of the mobile brigade, Ta Val. You were asked,
10 "Where did they meet?" And you said, "First in Svay, and then
11 Trapeang Thma." You said that you did not go to the meeting, but
12 that "They told us that tomorrow there will be a meeting with
13 Central Party members, district committee, chief of zone and
14 region."

15 Is that correct, that you were told about this meeting in Svay
16 and Trapeang Thma about the dam?

17 [11.11.10]

18 A. Yes, that is correct. After the meeting was held in Svay, then
19 another meeting was held at the Trapeang Thma Dam worksite.

20 Q. And were you told that Central Party members, district
21 committee, chief of zone and region, were all present at the
22 meeting?

23 A. No, they did not tell us those details. The information was
24 later disseminated regarding the work plan for the dam
25 construction.

1 Q. Well, sir, in the DC-Cam interview, which was recorded, this
2 is what you said. You said: "Well, they told us that tomorrow
3 there will be a meeting with Central Party members, district
4 committee, chief of zone and region." Did you lie to those
5 interviewers?

6 A. No, that's how they told us, but I did not know details of the
7 names of those people. And indeed, a meeting was convened.

8 [11.12.54]

9 Q. And did they tell you that Central Party members were present?

10 A. From what I heard, yes, but I did not know who actually
11 attended the meeting.

12 Q. When you were working at the dam for the mobile brigade, what
13 was your food ration?

14 A. Regarding the food ration during the busy period, we were
15 given three cans of rice per day each. However, during the normal
16 period, the ration reduced to one and a half cans, and sometimes
17 it reduced further.

18 Q. Now, you said that -- by the way, did others in different --
19 different types of workers get different rations? For example,
20 when you were assigned to collect fertiliser, what was the ration
21 you received then?

22 A. For those carrying fertiliser, they received the same rations
23 as we did. And that also applied to other workers in other mobile
24 units.

25 [11.14.54]

1 Q. You're saying -- my question is: When you were collecting
2 fertiliser, which did you receive? Did you receive three cans of
3 rice? You said sometimes that was when you were working hard, and
4 when not working hard, it would be a can and a half, I believe
5 you said. What did you get when you collected fertiliser?

6 A. When I carried fertiliser, if other workers received three
7 cans of rice, then I also received three cans of rice. Here, I
8 refer to the busy period.

9 Q. Were you still in the mobile brigade when you were collecting
10 fertiliser?

11 A. Yes, I was still part of the mobile unit, but I was reassigned
12 to carry fertiliser.

13 Q. Did you carry it at the dam, or was it a different location?

14 A. It varied. Sometimes it was near the dam worksite. However,
15 later on, I carried fertiliser as part of a mobile unit along to
16 the forest area.

17 [11.16.40]

18 Q. You said you were -- it was fertiliser number 1. Collecting it
19 does not sound like a pleasant job. Sir, why were you taken from
20 being the assistant to Ta Val and sent to collect fertiliser?

21 A. I did not know what mistake I made, and I was reassigned to
22 carry fertiliser, so I did. And I thought maybe somebody made an
23 accusation against me, that's why I was reassigned.

24 Q. Who reassigned you?

25 A. Ta Val held a meeting, and he was the one who reassigned me to

1 carry fertiliser number 1.

2 Q. Why didn't you ask him why you were reassigned?

3 A. During the regime, nobody dared to ask any questions. If you
4 were assigned to carry out a task, you had to carry it out.

5 Nobody dared to ask.

6 [11.18.30]

7 Q. Could you have -- well, why didn't you refuse the job?

8 A. I did not dare to refuse it, as I just mentioned it. During
9 the regime, you could not refuse it. And I was already fearful
10 when I was being reassigned. So, how could I dare to refuse the
11 reassignment?

12 Q. Sir, when you said you were fearful, it may be obvious to you,
13 but can you explain to us what were you afraid of? What were you
14 afraid of happening to you?

15 A. The fear was that I was wondering if someone made an
16 accusation against me. If that is the case, then I would be in a
17 big risky situation, that I might be arrested and sent to be
18 killed.

19 Q. Were you aware of that happening to other people?

20 A. I might have heard about it, but personally I did not see it.
21 At that time, we only whispered to one another about
22 disappearance of this worker or that worker, for no reason.

23 Q. Do you recall if many workers disappeared for no reason during
24 the time you were working at the dam?

25 A. People disappeared without any reason. And in fact, during the

1 regime, nobody dared ask any question about this issue. For
2 example, if I was to be taken away, and that's the end of the
3 story. Nobody dared to ask about why I was being taken away.

4 [11.21.12]

5 Q. By the way on this subject, did you ever -- were you ever
6 questioned about -- by officials during the regime, about the
7 fact that you had previously been a teacher and a monk?

8 A. No, they did not ask me any question on this matter. However,
9 we were asked to make our biography, and it is up to individuals
10 to write what is true about ourselves.

11 Q. Did you disclose that? Or did you keep that secret at the time
12 to protect yourself?

13 A. I actually did not disclose it, and I wrote that I studied at
14 a pagoda. And in fact, they asked villagers from my village about
15 my education, but they didn't learn anything, since the villagers
16 did not know as to which grade I studied up to.

17 Q. Thank you. How long were you assigned to collect fertiliser?

18 A. To my recollection, I did that job for five to six months, and
19 only after Ta Val had been arrested that I stopped that work.

20 [11.23.20]

21 Q. Do you know approximately when Ta Val was arrested?

22 A. I can only tell you the estimate time. It happened in 1977,
23 and it could be in late 1977 - or, rather, it could be in the
24 early part of the year.

25 Q. Who arrested Ta Val?

1 A. I didn't know that for sure.

2 Q. Do you know where he was taken?

3 A. No, I did not. I only heard that he was called to attend a
4 study session, and he disappeared since. And I did not know where
5 he was arrested.

6 Q. You said "early 1977". Who was the zone leader, if you recall,
7 at the time that Ta Val was arrested?

8 A. It was Ros Nhim.

9 Q. Do you know if the people that arrested Ta Val were from the
10 Northwest Zone, or originally from another zone?

11 A. I could not possibly know that. The situation was fluid, and
12 remained changing at the time.

13 [11.25.36]

14 Q. After your -- you said you worked collecting fertiliser. I
15 believe you said about five months. What did you do next?

16 A. After that, and after the arrest of Ta Val, there was a change
17 of management -- that is, the Southwest came to replace those
18 people, and I was reassigned to distribute rice.

19 Q. Who actually replaced Ta Val in his job?

20 A. After his arrest, Ta Pheng, the former Phnum Srok district
21 committee, replaced him.

22 Q. When you were Ta Val's assistant, how many workers were under
23 him, if you know?

24 A. If you think of the number of workers -- that is, all the
25 workers within the mobile unit, there were about 8,000 of them.

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1 [11.27.25]

2 Q. Can you tell us anything about Pheng, who replaced Ta Val?

3 Where he came from?

4 A. He was from -- he was a former Phnum Srok deputy committee.

5 Q. So he was also from the northwest? Is that correct? Northwest
6 Zone?

7 A. Yes, yes. That is correct.

8 Q. In the job that you had distributing rice, who did you report
9 to?

10 A. At that time, I reported to Brother Yoan, who was actually in
11 charge of the mobile unit, under the supervision of Ta Pheng.

12 Q. And this was -- would it be correct that this mobile unit was
13 the mobile unit for Sector 5? Is that correct or no?

14 A. Yes, that is correct. It was the Sector 5 mobile unit.

15 MR. KOUMJIAN:

16 Does Your Honour wish to break now?

17 [11.29.10]

18 MR. PRESIDENT:

19 Thank you, Mr. Co-Prosecutor. It is appropriate time for us to
20 take our lunch break. We'll take a break now and resume at 1.30
21 this afternoon to continue our proceedings.

22 Court officer, please assist the witness in the waiting room for
23 witnesses and civil parties during this lunch break, and invite
24 him back into the courtroom at 1.30 this afternoon.

25 Security personnel, you are instructed to take Khieu Samphan to

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1 the waiting room downstairs, and have him returned to attend the
2 proceedings this afternoon before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1130H to 1328H)

5 MR. PRESIDENT:

6 Please be seated. The Chamber announces the resumption of the
7 proceedings.

8 Now the Chamber announces the overall ruling on Nuon Chea's
9 request pursuant to Internal Rule 87.4 to admit new evidence.

10 Concerning the Nuon Chea's defence request to admit as new
11 evidence a colour copy of various Cambodian bank notes, the
12 Chamber notes that this document was used in Court yesterday on
13 12 August 2015, without any objections. The document is

14 colourised version of a black and white document already on the
15 case file, document E3/4535, at ERN 00685868-69, 00685827 and
16 00685772. The Chamber therefore, grants the Nuon Chea request.

17 However, the Chamber reminds the Parties that, if they intend to
18 use in Court a document that is not on the case file, they must
19 file a request in advance and not at the last minute in Court.

20 Now Mr. Prosecutor, you may resume your examination.

21 [13.31.25]

22 BY MR. KOUMJIAN:

23 Thank you, Mr. President, Good afternoon to all.

24 Q. Sir, when you worked at the Trapeang Thma Dam, were you aware
25 of any visits of people from Phnom Penh?

1 MR. CHHIT YOEUK:

2 A. No. That, I did not know because at that time I was engaged
3 with my assigned task, so whenever there were visits from other
4 people, I was not aware.

5 Q. Thank you. Now when we ended this morning you explained that
6 after you were removed from the assignment of collecting
7 fertiliser and given a job distributing rice, who did you
8 distribute rice to, was it to a mobile brigade, was it to a
9 district sector?

10 A. For the rice, it was distributed within the sector's
11 committee.

12 [13.32.51]

13 Q. When you say it was distributed within the sector's committee,
14 I'm a bit confused; does that mean you distributed rice
15 throughout this sector, Sector 5, or do you mean only to the
16 committee members, can you explain?

17 A. So it was on mobile brigade of the sectors, we did not
18 distribute to the people directly, we distributed to the mobile
19 brigade subordinate to the sector.

20 Q. How many people received the rice you distributed, how many
21 workers were there at the time?

22 A. To my recollection, for the people at the time, there were
23 around 20,000 people; they were on mobile work force.

24 Q. Where did you receive the rice from?

25 A. At that time when I was assigned to the distribution task, I

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1 had to collect the rice from the cooperative of the district and
2 then we had to unhusk the rice and then we distributed it back.

3 [13.34.48]

4 Q. Okay, so you took the rice from the cooperatives that were
5 growing rice and then distributed it, took it to a warehouse, if
6 I understand correctly, and then distributed it to the workers --
7 to approximately to 20,000 workers; is that correct? Did I
8 understand correctly? I don't want to put -- I'm just trying to
9 see if I understand you.

10 A. Yes, that is correct.

11 Q. Sir, these numbers, I know that you are making estimates, but
12 in your written interview with DC-Cam, at page -- the Khmer -
13 00728822; the French, 01123731; and English, 00731139; you said
14 you distributed to 32,000 workers. Can you just explain, do you
15 think it was 20,000 or 32,000, can you explain the difference?

16 A. When they convened a meeting to put forth the plan, they told
17 us that the mobile brigade members accounted for more than 20,000
18 people and they were subject to be given the rice.

19 [13.36.24]

20 Q. Thank you. When you distributed the rice, who did you give it
21 to, did you give it individual workers or did you give it to
22 leaders, who did you take the rice to?

23 A. The mobile brigades were all from the district so there were
24 their representatives; we distributed the rice to their
25 representative in each mobile brigade.

1 Q. Do you recall now how the rice was kept, was it in bags or how
2 did you actually give it to them?

3 A. Yes, we put the rice in the bag and then we stored them and on
4 the distribution days, we would distribute the rice in bags.

5 Q. Did you distribute rice every day or every week, how often
6 would it be distributed?

7 A. When we were on the offensive at that time, we distributed
8 sometimes once every three days.

9 Q. A word, by the way, you used "offensive"; I'm familiar with
10 that as a military term but what did you mean by the word
11 "offensive", what did it mean at that time when you used that
12 word?

13 A. The word "offensive" in this means that at that time we had to
14 make our -- we had to do our level best to accomplish plan or a
15 target set and then we tried to accomplish that, that was called
16 the offensive.

17 [13.38.50]

18 Q. So about how many bags would you distribute per day?

19 A. We distributed it accordingly, to the representative coming to
20 receive the distribution. For example, there are 400 cans of rice
21 per bag and then it all depended on the day when the
22 representative of each mobile brigade came on the day and we had
23 to do the division based on the numbers of people coming to
24 collect it. For example, if they receive three cans per day then
25 it had to be divided accordingly.

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1 Q. Thank you. But I'm just asking, if you can, if you recall now,
2 do you recall how many bags you distributed in a day or in a
3 month, do you recall what that statistics was?

4 A. To my estimation, three cans per person and sometimes we
5 distributed up to 30 bags per day depending on the location of
6 the mobile brigades where we distributed it.

7 Q. Sir, do you mean 30 bags per day were distributed from your
8 warehouse to different -- in total to different districts, do I
9 understand correctly? So some bags maybe three district each got
10 10 for a total of 30, is that what you mean?

11 A. Yes, it depended on the labour force of the district. It was
12 in proportionate (sic) to the labour force. So on one day we
13 would distribute it to the mobile brigade of one district and
14 another day with another mobile brigade in another district.

15 [13.41.15]

16 Q. A can of rice, do you recall approximately how many kilos that
17 was, what part of a kilo was in one can of rice?

18 A. Four cans of rice is one kg (sic) and then we can do the
19 calculation, it is divided by four, we can do the calculation
20 altogether how much it weighs.

21 Q. So it's quarter of a kilo per can, just so we understand, the
22 cans that you're talking about that were used, were these the
23 condensed milk cans?

24 A. Yes, that is correct; it was by condensed milk can.

25 Q. So that would mean that in a 100 kilos you would have 400 cans

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1 of rice, that we previously said that one bag equals (inaudible)
2 so the bags then, did they weigh a 100 kilos each?

3 A. Yes one bag weighs 100 kilogrammes.

4 Q. Thank you. Now, what happened if people were not able to meet
5 their quota, did they receive the full ration of three cans per
6 day or whatever the ration was for that day?

7 MR. PRESIDENT:

8 Witness, please hold on. Counsel for Mr. Khieu Samphan, you may
9 proceed.

10 [13.43.41]

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. I would like to object to this question
13 because this question invites speculation from the part of the
14 witness.

15 BY MR. KOUMJIAN:

16 Q. This witness worked at the dam and the question was based on
17 his experience of course.

18 When someone did not meet their quota, did they receive the full
19 ration or not? I'm not asking you to speculate, I'm asking you
20 what you saw when you were working there.

21 MR. CHHIT YOEUK:

22 A. On this issue whether or not they achieved the quota or not,
23 it depended on the decision of their respective unit chief. As
24 for us, we were only assigned to distribute the rice. So it all
25 depended on the unit chief to tell us.

1 [13.45.08]

2 Q. When you were working in that sector mobile brigade, did you
3 have contact -- when you distributing rice, working distributing
4 rice for the sector mobile brigade, did you have contact with the
5 secretary of Sector 5?

6 A. At the time sometimes the sector committee came down to
7 inspect the quantity of rice and the distribution and sometimes
8 he send his delegate. For example, amongst they were supposed to
9 transport to the place for 4,000 bags and then if they supplied,
10 for example, 6,000 bags, how many bags left after the
11 distribution, so they came over to inspect the distribution and
12 quantity of rice available.

13 Q. Who was the sector leader or sector leaders when you were in
14 that position distributing rice?

15 A. Bong Rin, Brother Rin.

16 Q. Can you tell us something about Rin, where was he from?

17 A. Brother Rin was from the Southwest Zone.

18 [13.46.55]

19 Q. Do you recall the town that he was from or the province?

20 A. That I do not know; I only know that he came from the Zone. At
21 the time, it was not easy to ask people about their personal
22 details.

23 Q. Thank you. We don't want you to guess, thank you for telling
24 us that. Now tell us a little about Rin's -- what he was like as
25 a leader of the sector. How was he as a sector leader, can you

1 give us any details about that?

2 A. It was based on my personal experience. Personality-wise,
3 whenever he got there, he would go straight to take the hoe or
4 the earth carrying basket and he would bend down – would go down
5 with the workers and he did together with others.

6 Q. You mean he worked together with others, is that what you
7 mean?

8 A. Yes, he helped the mobile brigade at that time. Sometime even
9 the members did not know that he was there because the way he
10 dressed, the way he behaved was more ordinary than the members
11 there.

12 [13.48.53]

13 Q. What happened to Rin, do you know his fate?

14 A. Later on, he was removed and I did not know where he had gone
15 to, he disappeared.

16 MR. KOUMJIAN:

17 Thank you, Mr. Witness.

18 Just for Your Honours, there are two documents relevant to the
19 fate of Rin: one is E3/2254, in Khmer, the page -- the relevant
20 page with the ERN is 0086766; in French, it is 00834853; and in
21 English, 00789707. It is indicated on that list from S-21 that
22 Rin was "finished" in 1978.

23 We also have a document E3/7403, which is reportedly the
24 confession of Rin.

25 MR. PRESIDENT:

1 Mr. Prosecutor, could you please slow down when it comes to
2 reading the ERN numbers so that it is clear for the record.

3 [13.50.38]

4 BY MR. KOUMJIAN:

5 Certainly; should I repeat any of them? Okay. Again, E3/2254, the
6 relevant ERNs are 00 -- in Khmer, 0086766; in French, 00834853;
7 and in English, 00789707. The other document I mentioned which is
8 the confession of Rin is document E3/7403.

9 Q. Mr. Witness, have you ever heard that Rin was arrested and
10 taken to S-21?

11 MR. CHHIT YOEUK:

12 A. To my knowledge, I did not know whether or not he was replaced
13 or he was removed or they did something to him, I did not know.

14 Q. Do you know who it was that replaced Rin?

15 A. Later I heard that Yeay Chaem was the provisional sector
16 committee chair.

17 [13.52.45]

18 Q. Just so we are clear, Yeay Chaem, is that the same person as
19 Im Chaem, a woman from the Southwest Zone?

20 A. Yes, she was from the Southwest Zone.

21 Q. Do you know who it was that was the sector chief immediately
22 before Rin, who Rin replaced as the chief of Sector 5?

23 A. The immediate of -- predecessor of Rin was Cheal. Cheal was on
24 provisional appointment after Ta Hoeng.

25 Q. And is Cheal the son of Ros Nhim?

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1 A. That I heard from others; I did not know it myself that he was
2 the son of Ros Nhim.

3 Q. Do you recall when it was that Rin became the sector chief and
4 when he disappeared, can you give us an approximate month and
5 year for those two events?

6 A. It was sometime in early 1977 or toward the middle of the
7 year; I did not recall the exact date.

8 [13.55.00]

9 Q. I'm not clear on which of the two dates I asked about you're
10 answering but maybe it's my fault for asking for two things at
11 once. Let's go to the issue of when Rin disappeared, was no
12 longer the sector chief; do you remember how long that was before
13 the Vietnamese came, was it a few months or more than a year?

14 A. I cannot recall it. It was in early 1978.

15 Q. Okay, thank you. Do you recall for about how long Rin was the
16 chief of the sector?

17 A. He was the chief of Sector 5 not for long. It was a little
18 over one year -- or one year, I did not calculate it at the time
19 but it was about one year.

20 Q. Sir, I believe you talked about Maong as being the person who
21 replaced Loeum as a district chief in Preah Netr Preah, do you
22 know what happened to Maong?

23 A. Maong was arrested and he disappeared since then.

24 [13.57.05]

25 Q. Do you recall what year he was arrested?

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1 A. It is a bit difficult. It could have been in early 1977, I do
2 not recall it well.

3 Q. Thank you. What about his deputy, do you recall his name, and
4 can you tell us whether he was arrested?

5 A. As for his deputy, he was arrested as well. Ta At.

6 Q. Is that Sam At?

7 A. Yes, At.

8 Q. Did you know a -- before Cheal was the sector chief, who was
9 the sector chief?

10 A. Ta Hoeng.

11 Q. What happened to Ta Hoeng?

12 A. I did not know the situation at that time and it was not my
13 business either but I heard from others that he was arrested and
14 he disappeared.

15 MR. PRESIDENT:

16 Counsel for Khieu Samphan, you may proceed.

17 [13.59.09]

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. I would like to ask Mr. Prosecutor to
20 verify on document E3/2254 concerning a man by the name of Rin. I
21 looked at this document, I did not find his name in this
22 document. Can you please clarify this?

23 MR. KOUMJIAN:

24 Yes, it's on the page in Khmer, it's at the very top of the page
25 and I think I read out before the ERN number, 0086766. It's the

1 very first name on the top of the page.

2 MR. KONG SAM ONN:

3 Mr. President, I actually tried to locate the exact page, the
4 name was either Von (phonetic) or Ron (phonetic) but not the name
5 that the prosecutor spelled.

6 [14.00.33]

7 MR. KOUMJIAN:

8 Your Honours, we read it as Rin and it says "secretary, Sector
9 5", I believe, in the next column. But Your Honours can read it
10 and determine yourself what it says.

11 MR. PICH ANG:

12 Mr. President, in the document quoted by the Co-Prosecutor --
13 that is, on page 4, the full name is Heng Rin -- that is, on the
14 first line of that page. Thank you.

15 BY MR. KOUMJIAN:

16 Thank you.

17 Q. So sir, can you describe what happened in Preah Netr Preah in
18 Sector 5 with these various arrests? Without going through the
19 many names with you, can you tell us -- you talked about a number
20 of individuals disappearing -- was there some pattern that you
21 can explain about what happened?

22 MR. CHHIT YOEUK:

23 A. What I may know is that for those who disappeared -- and here
24 I cannot speak about other villages but I speak about the Preah
25 Netr Preah district, including the names of Ta Val, Ta Maong, Ta

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1 Sam At and Ta Chhang -- I knew that they disappeared.

2 [14.02.48]

3 Q. Was -- did people come in from outside the zone into Sector 5
4 when you were there during the regime?

5 A. There was this Southwest group that came.

6 Q. What happened regarding arrests and disappearances when the
7 Southwest group arrived, did they stop, did they increase,
8 explain what happened?

9 A. From my understanding, disappearance had happened before the
10 arrival of the Southwest group and the disappearance continued
11 after the arrival of the Southwest group.

12 Q. Okay. Thank you. Couple other names quickly to run by you; Ta
13 Hat from Thma Puok, do you know someone by that name?

14 A. Ta Hat, from what I understand was not from Thma Pouk but from
15 Phnum Srok. He was a former Phnum Srok district chief. I don't
16 know; maybe I make a mistake.

17 [14.04.40]

18 Q. I'm sure the error is mine. Can you explain what happened to
19 him?

20 A. Concerning his arrest or disappearance, I cannot tell you the
21 details. However, when people disappeared, we all presumed that
22 they had been arrested.

23 Q. And then I have another name Ta Pheng, which I had listed as
24 Phnum Srok, but maybe I misunderstood a previous answer you gave
25 in another interview. Do you know of Ta Pheng from Phum Srok?

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1 A. Yes, I knew Ta Pheng. Ta Pheng was also arrested and he was
2 from Phnum Srok district.

3 [14.05.53]

4 Q. There is another -- I want to read something else to you; it's
5 from a book, it's E3/1593, the Kiernan book, the ERN in Khmer is
6 00637738; in French, the ERN is 00639009; and in English,
7 00678616. And in this book the author wrote -- sir, please listen
8 carefully:

9 "In Preah Netr Preah, the Base People also suffered from the
10 Southwest's domination. Horl says that they had been on good
11 terms with the Northwest Zone cadres 'who were the children and
12 relatives'. But the Southwesterners killed these local cadres,
13 alienating the peasantry -- and producing a new solidarity
14 between New and Base People. Local peasants concur, Sarun,
15 working in the district chalat, recalls the arrival of male and
16 female cadres from the Southwest in early 1977. They were very
17 tough and began a largescale series of arrests and execution.
18 Anyone in any way connected with the Lon Nol government
19 disappeared, including former village chiefs and school teachers,
20 and people 'who had been Lon Nol soldiers even just for one day'.
21 Sarun's boyhood friend from his village was arrested and killed."
22 Did you, sir, ever had any experience along these lines when the
23 Southwest cadres came, did you see them? Was there any new effort
24 to look for Lon Nol persons with the background in the Lon Nol
25 army or government?

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1 [14.08.56]

2 MR. PRESIDENT:

3 Mr. Witness, please hold on, and Counsel Koppe, you have the
4 floor.

5 MR. KOPPE:

6 I have an objection to this question I think for various reasons;
7 first of all, it's a leading question in the sense that this
8 witness has not been asked any question so far to this witness as
9 the alleged fate of Lon Nol officials, so I think it would be now
10 a standard practice to first ask an open question whether this
11 witness knows anything about this, then possibly confront him
12 with this excerpt from Kiernan.

13 I also have an objection to this particular excerpt because we
14 have no idea who the sources are that Kiernan is basing himself
15 upon; plus the excerpt looks -- or seems to look at the treatment
16 of Base People and has nothing to do with the arrest that we were
17 just talking about; plus, in addition, this witness has said that
18 Rin, who had replaced Hoeng, was a Southwest Zone cadre, who was
19 a very mild and a very fair person so I'm not quite sure where
20 this is all coming from. So, I have an objection on various
21 grounds, notable grounds.

22 [14.10.27]

23 MR. KOUMJIAN:

24 Thank you. First of all, Your Honour, when counsel said that the
25 witness said that Rin was a mild-mannered and fair person, I

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1 don't recall him saying that, I recall him saying Rin worked --
2 would come to the worksite and would work himself, that's a
3 different quality.

4 Secondly, regarding the sources, in fact there are named, the
5 names are given in Kiernan's book of the people that he has
6 interviewed both in the text and in footnotes and of course that
7 would go to the weight in any event.

8 In regards to the issue of whether or not this is relevant, in my
9 understanding of the Defence, particularly the Nuon Chea defence,
10 is, it's their position that the Southwest Zone had an order from
11 Ta Mok not to touch Lon Nol officers, that the policy of the
12 Southwest was not to touch them, so it's directly relevant to
13 that defence contention unless they have abandoned it. And I did
14 ask the witness about the pattern of arrests, an open question,
15 once the Southwest Zone came and now I'm asking him to comment on
16 this more specific discussion of the pattern. May I proceed?

17 [14.11.51]

18 MR. KOPPE:

19 But we - sorry--

20 MR. PRESIDENT:

21 The objection by the defence counsel is overruled; however, the
22 Co-Prosecutor, please rephrase your question.

23 BY MR. KOUMJIAN:

24 Q. Sir, when the Southwest Zone came into your area, were there
25 any particular kinds of people that they were looking for as far

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1 as you could determine by who they arrested or what questions
2 they asked?

3 MR. CHHIT YOEUK:

4 A. At that time, I was at the mobile unit so I was not quite
5 familiar what happened at the cooperative. I worked at a far
6 distance from the cooperative and I did not know what was
7 actually happening at the cooperative itself.

8 [14.13.20]

9 Q. Did you ever hear any announcements on the radio after the
10 Southwest came about traitors in various parts of the region?

11 A. Generally speaking, communication was very limited during the
12 regime. There was no radio to listen to, for instance.

13 Q. And, sir, wasn't there Phnom Penh radio wouldn't that be
14 broadcast at meetings?

15 A. To my understanding, no, because I did not have any radio to
16 listen to. For senior cadres, they might have their own radios to
17 listen to but not for us.

18 [14.14.40]

19 Q. Let me read you another extract from the same book, the ERN
20 numbers are in Khmer, 00637984; French, 00639202 at the bottom
21 and on to the next page; and in English, 00678710; says:

22 "In Region 5: In mid-1977, Ros Nhim's son Diel was briefly taken
23 over from Hing as secretary of Region 5. He was now replaced by a
24 Southwest Zone cadre Heng Rin. In late 1978, Western Zone
25 officials had already begun to take over the Sisophon district or

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1 Region 5. Refugees reported that 'under the old leaders a lot
2 were allowed to slip by. But the new leaders punished every
3 infraction. They were unbearable.' On 26 June, Western units took
4 over the Thma Puok district headquarters, also in Region 5. They
5 'arrested the five men ruling committee and disarmed the 100-man
6 civil district militia. From there the operation fanned out to
7 the district's 15 cooperatives'. Then, on 5 July, the newcomers
8 'officially announced that of the 70,000 citizens in the
9 district, 40,000 were traitors who had collaborated with the US
10 Central Intelligence Agency and concealed the names of former Lon
11 Nol soldiers and agents of Thailand and Vietnam."

12 Sir, do you recall any announcement that people from this
13 district, from Thma Puok, were traitors who had collaborated with
14 the CIA, Vietnam and Thailand?

15 [14.17.38]

16 A. I did not know this matter that well. When the Vietnamese
17 arrived, we all fled and I did not know about this announcement,
18 Thma Puok was far from the mobile unit location so I was not
19 aware of that matter.

20 Q. Okay. Thank you. Sir, did you know the name of Rin's wife?

21 A. No, I don't, I don't know her name.

22 Q. Did you know if Rin had a 13-year old niece?

23 A. No, I am not aware of that.

24 [14.18.44]

25 Q. Your Honours, the previous document that I had mentioned

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1 E3/2254, also lists a woman on the same page and a 13-year old
2 girl on the same page, below Heng Rin's name.

3 Sir, I'm almost finished with my questions for you. I would like
4 to end by asking you for reaction to something Khieu Samphan has
5 written, and this is document E3/18, in Khmer, it is 00103878; in
6 French it is 00595492; and in English it is 001037823 (phonetic).

7 Khieu Samphan wrote:

8 "Maybe it was naive for me to allow myself to become obsessed
9 about the dam reservoir complexes. The sea walls and the canals
10 that began to appear and which raised the prospects of the modern
11 Cambodian countryside for which I had longed hoped. Maybe it was
12 naïveté that finally brought me to trust Pol Pot to submit to the
13 general discipline and to cloister myself in his headquarters
14 without the slightest idea of his ultra-radical policy and his
15 brutal methods were bleeding the nation dry and making it a weak
16 defendant against Vietnam."

17 First of all, sir, did you notice among the leadership an
18 obsession with building dams?

19 A. It is difficult for me to respond to this question. I think
20 the force was simply a tool to be used by them but when you talk
21 about obsessiveness, I do not know what to say.

22 [14.21.40]

23 Q. Would you agree with Khieu Samphan that Pol Pot's
24 ultra-radical policy and brutal methods bled Kampuchea dry and
25 made it weak against Vietnam?

1 MR. PRESIDENT:

2 Witness, please hold on, and defence counsel for Khieu Samphan,
3 you have the floor.

4 MS. GUISSÉ:

5 Mr. President. I am obliged to object here. The previous answer
6 of the witness is very clear, we're not dealing with an expert
7 here so let's ask questions on what he went through and what he
8 can testify about, but asking general questions after a general
9 reading of a document by Khieu Samphan that he does not know, I
10 don't think that the witness is able to provide much information
11 here.

12 BY MR. KOUMJIAN:

13 Q. I'm happy to rephrase the question. Sir, based upon your own
14 experience, what you saw in Preah Netr Preah, Trapeang Thma Dam,
15 did you see ultra-radical policies inflicted upon the ordinary
16 people, based upon the arrests and disappearances that you
17 witnessed, did you believe that this ended up making the country
18 weaker, did you observe that?

19 [14.23.20]

20 MR. CHHIT YOEUK:

21 A. It is difficult for me to respond to your question. I was at a
22 very low rank level, I never thought about this matter. I was
23 trying to survive and try to earn my living. I never paid
24 attention to that; that would be the matters to be dealt with by
25 the upper level.

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1 MR. KOUMJIAN:

2 Thank you, Mr. President, I don't have any further questions I
3 turn it over to my colleagues from the civil party.

4 MR. PRESIDENT:

5 The Lead Co-Lawyer for civil parties, you have the floor.

6 MR. PICH ANG:

7 Good afternoon, Mr. President, Your Honours. We seek your leave
8 to allow the lawyer for civil parties, Ty Srinna, to put
9 questions to this witness and after that the International Lead
10 Co-Lawyer will take the floor. Thank you.

11 [14.24.40]

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 QUESTIONING BY MS. TY SRINNA:

15 Thank you, Mr. President. Good afternoon, Mr. President, Your
16 Honours, and everyone in and around the courtroom; and good
17 afternoon, Mr. Witness. My name is Ty Srinna, I am a lawyer
18 representing civil parties.

19 Q. Before I put some questions to you, I would like to get your
20 clarifications on some responses that you provided to the
21 International Co-Prosecutor this morning, as well as for this
22 afternoon session. You were asked about the reassignment, your
23 reassignment, and you stated that at that time you dare not
24 refuse the reassignment although you were reassigned to carry
25 number one fertiliser and that you were afraid. My question to

1 you is the following: Was your superior aware of all the nature
2 of tasks that were assigned to you?

3 [14.26.10]

4 MR. CHHIT YOEUK:

5 A. At that time someone was assigned to be responsible for
6 monitoring the activities of us carrying fertiliser and that the
7 kind of chain of command put in place at the time.

8 Q. So for people who did the same kind of work like you, you were
9 constantly under a monitoring system by someone; is my
10 understanding correct?

11 A. Yes. From my observation the monitoring was constant; they
12 would monitor us and see how much work we produced; for example,
13 on a weekly basis.

14 Q. What kind of people were those that came to monitor your
15 activities and what kind of clothes they were wearing?

16 A. The clothing was black in colour and we knew some of them but
17 not all and they were tasked to monitor our activities and we did
18 not dare to ask them any questions.

19 [14.27.37]

20 Q. And do you know from which level the assignment was made to
21 those people to monitor your activities?

22 A. To my understanding, they were assigned by persons who were in
23 charge of the sector and they would occasionally come and monitor
24 our activities.

25 Q. Was only your group under monitoring or were all workers under

1 this kind of monitoring system?

2 A. They would monitor all workers who were assigned to work with
3 fertilisers, they would see how much we had produced or if there
4 was any shortage, what was the reason for such shortage.

5 Q. Let me go back a little bit to the time when you worked as an
6 assistant to Ta Val, were you also under this monitoring system
7 when you worked there?

8 [14.29.48]

9 A. Because I was one of the six or seven assistants and usually I
10 was assigned to a specific location in order to lend my hand and
11 I tried my best to educate and advise those youths to work harder
12 that's when I worked as an assistant.

13 Q. Allow me to rephrase my question; it seems that you don't
14 understand it fully. My question to you is that, while you were
15 working as Ta Val's assistant, and yes Ta Val might have several
16 other assistants besides you, while you worked for him, were you
17 or all assistants being monitored -- that is, for the activities
18 that you did, or you could just carry out the tasks freely
19 without being monitored?

20 A. Of course we could not make any decision on our own,
21 instructions had to come from the above; for example, a worker
22 had to work a two cubic metre plot of land each day, then
23 instruction had to be relayed to all the workers to complete the
24 work quota and the decision was not ours.

25 [14.31.48]

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1 Q. And while you were working for Ta Val, what were the kinds of
2 work that Ta Val gave you?

3 A. In my capacity as an assistant and one of those six or seven
4 assistants, I was probably the last on the queue of the
5 assistants to Ta Val and the work that was given to me was of a
6 minor nature. So usually it had to deal with reinforcing the
7 daily quota and after I relayed those instructions to the
8 workers, then I would report to him that at a particular location
9 of the worksite, the work quota was completed.

10 Q. I have another question concerning Ta Val. So the task
11 assigned to you and you delegated further down the line, was the
12 instruction from Ta Val or it was the decision of the collective
13 meeting and then the work -- or the task assigned to you?

14 A. There was a meeting; they convened a meeting of the members
15 before they assigned the task to us.

16 [14.33.40]

17 Q. Then it was not the discretion of Ta Val alone to assign the
18 work or task to you but actually it was the decision of the
19 collective committee meeting for the delegation of tasks to you
20 and your subordinates; is that correct?

21 A. Yes, that is correct and then they delegated it further down
22 the line.

23 Q. Now I turn to the issue of the rice distribution. This morning
24 you answered to questions by the prosecutor concerning this
25 topic. You said that one person was given three cans of rice per

1 day and you said that the rice was distributed to the mobile
2 brigade; is that correct?

3 A. To my knowledge, only the mobile unit forces were distributed
4 with the rice and they were given three cans of rice per person.
5 As for those who worked in the cooperatives, I did not have the
6 knowledge as to how many cans of rice they received.

7 Q. So the distribution of three cans of rice per day, when did it
8 start, did it start when the construction of Trapeang Thma Dam
9 commenced or it was only distributed at the beginning of the
10 construction dates?

11 A. To my recollection, it was not regular distribution at that
12 time. Because whenever they had to reinforce the construction,
13 then they had to provide more rice for them. There was rice
14 reserve for them and others could have some -- would have one can
15 and a half per day and at other times they had only one can of
16 rice or even half a can of rice or nothing at all.

17 [14.36.43]

18 Q. So you are saying that there were times when you were not
19 given not even a can of rice per day; is that correct?

20 A. Yes, I myself also did not receive the rice in certain days.
21 Even the rice bran, we had to have the rice bran at that time.

22 Q. You used to live at the construction site even though you were
23 in the mobile brigade you may have heard or you may have seen the
24 scene at the construction site. I would like you to tell the
25 Court about the overall working conditions of people at the

1 worksite.

2 A. The working conditions overall for the people over there, at
3 the early days of the construction, some had to work even at
4 night and then later on they did not do at night, but at the
5 beginning, they started working during night time, starting from
6 7 p.m. in the evening.

7 [14.38.29]

8 Q. Thank you. Do you know why they were required to work at
9 night?

10 A. It was my personal understanding, if they had the target to
11 accomplish, for example, the construction of the dam of one
12 kilometre of length and they wanted to complete it within certain
13 number of days and they had to try to complete it within the time
14 frame.

15 Q. Thank you. I am interested in one point that you mentioned.
16 You said that if they set the target to accomplish, they had to
17 do everything to accomplish it, so in the construction of this
18 dam, what was the plan? Do you have any idea as to how long the
19 project had to be completed?

20 A. Actually, I distributed rice to them. Generally, we
21 distributed the rice when they had to complete or they had to do
22 intensifying job; for example, if they set the target that they
23 had to complete this project within this date, we reinforce the
24 force and then we distributed the rice accordingly and they had
25 to make effort to complete that project.

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1 [14.40.32]

2 MR. PRESIDENT:

3 Thank you, Lawyer. The time is now appropriate for short recess
4 and we shall adjourn now and resume at 3.30 -- 3.00, rather, this
5 afternoon.

6 Court officer, please assist the witness and his duty counsel
7 during the recess.

8 Counsel, if you have any questions, you may proceed.

9 MS. GUISSÉ:

10 Thank you. Mr. President, very briefly. In order that you may ask
11 the prosecutor to look at the document and answer my questions,
12 regarding Heng Rin, he referred to document E3601403 (phonetic)
13 in English, that document has to do with Heng Rin. In the Khmer
14 version, E3/1403 (phonetic), we have a distinction. It is not the
15 same person, Heng Rin; in the Khmer version E3/7403, we see Heng
16 Rin not being of Sector 5 but of the fire fighters company. If it
17 is possible to crosscheck and tell us whether there is an error,
18 that would be of interest to us. In any case, there is a
19 distinction and an error in the two versions, if the
20 Co-Prosecutor can crosscheck that, that would be most useful for
21 us.

22 [14.42.17]

23 MR. PRESIDENT:

24 Court officer please help the witness during the break and then
25 have him back in this courtroom before 3 p.m.

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1 The Court is now in recess.

2 (Court recesses from 1442H to 1459H)

3 MR. PRESIDENT:

4 Please be seated.

5 Now the lawyer for the civil parties, you may resume your
6 examination.

7 MS. TY SRINNA:

8 Thank you, Mr. President. Before I continue, I would like to ask
9 for your advice as for the time remain for the Lead Co-Lawyers
10 for the civil parties. I would like to know how much time we have
11 left for us to put the questions to the witness.

12 (Judges deliberate)

13 [15.01.18]

14 MR. PRESIDENT:

15 Madam Lawyer for the civil party, please be advised that you have
16 30 more minutes left.

17 BY MS. TY SRINNA:

18 Thank you, Mr. President.

19 Q. Mr. Witness, before we broke off this afternoon, I now want to
20 turn a little bit back to the construction of the Trapeang Thma
21 Dam because it is relevant. I do not want to go back and forth
22 but I would like to ask you further on the people who actually
23 decided on the construction of the Trapeang Thma Dam. Who made
24 that decision for the construction?

25 MR. CHHIT YOEUK:

1 A. I did not attend the meeting, but I heard from others that in
2 the construction of the dam was not the decision at the sector
3 level. It was the decision from the Zone and the higher level. So
4 that was not actually the decision of the sector. This is to my
5 knowledge.

6 [15.02.49]

7 Q. So at the time, what was the plan? When was the construction
8 supposed to commence and when was it supposed to be completed?

9 A. As far as we knew at the time, the project had to be completed
10 within the year. But whether there would be any obstacles or so,
11 we had to see. But in the actual construction, it was begun from
12 Ta Val's until Rin. And it was not fully completed, but the
13 majority of the construction was complete. But then it was broken
14 by flood water. It was not totally completed.

15 Q. So when the plan was handed down, who received the direct
16 instruction to oversee the construction of the dam?

17 A. The instruction was from the upper echelon and then Ta Val was
18 the commander who supervised the construction. And generally
19 there were people from the Zone coming to inspect the
20 construction and monitor the progress made at the construction
21 worksite.

22 Q. Just now you said that there were people from the Zone on the
23 construction. How often did they come to the worksite?

24 A. For the sector level, they came rather often. When we were
25 building the dam, we saw them two or three times per month.

1 [15.05.05]

2 Q. And subsequently, did they come regularly until the time when
3 Vietnamese troops came in? Is that correct?

4 A. According to my observation, earlier on they came to inspect
5 and toward the later date, they also came. And they actually went
6 to work with the labourers and workers together.

7 Q. Thank you. Now I would like to talk about the implementation
8 of the plan of the dam construction. People who were brought to
9 build the dam, where were they from? Were they from the villages
10 or they were only those who were in the rank of the armies who
11 were sent to build this dam?

12 A. As for the workers, they were recruited from the districts.
13 The youths from the village and then -- there was no soldiers
14 mixed up with the workers in the construction, but they recruited
15 youths and people from the district to work at the site.

16 [15.06.52]

17 Q. Were there any evacuees from Phnom Penh working there?

18 A. To my observations, there were many evacuees from Phnom Penh
19 too. There were more people from Phnom Penh than the Base People.

20 Q. Thank you. About the Phnom Penh evacuees who were sent to work
21 at the dam, did they or were they required to work together with
22 the Base People or they had to work within a different work
23 station?

24 A. They were mixed up with the Base People and they worked all
25 together. There was no segregation, separation of them.

1 Q. In relation to the work, when they first arrived at the
2 worksite, how many kinds of work were they supposed to do, how
3 did they divide the work over there?

4 MR. PRESIDENT:

5 Witness, please hold on until the microphone is activated before
6 you respond to the question.

7 [15.08.23]

8 MR. CHHIT YOEUK:

9 A. When the workers arrived, first people who had to prepare the
10 hoes and others were in charge of preparing the earth-carrying
11 basket as well as some (inaudible) and other tools. So if we, for
12 example, the hoe or basket were broken or so, people will have to
13 mend it.

14 BY MS. TY SRINNA:

15 Q. So what was the overall condition of work at the time, for
16 example, the working hours and the scope of work that each worker
17 had to complete at the time? How did they divide the task among
18 workers?

19 MR. CHHIT YOEUK:

20 A. They had to start work at 7.00 in the morning until sometimes
21 11.30 and then at noontime, it is from 1.00 until 5 p.m.

22 [15.09.45]

23 Q. How about the task assigned to workers, how did they assign
24 the task to workers?

25 A. They actually divided by quotas like two cubic metres of soil

1 to carry. And if they work in groups, that is multiplied by the
2 numbers of group members. And sometimes, those who could not
3 complete the quota for the day, they would ask other people to
4 help as well.

5 Q. So you are saying that there are 30 members in the unit or
6 group and then each person is supposed to complete two cubic
7 metres of earth per day. So within these two cubic metres of
8 earth according to your observation, do you know that they could
9 do it without the assistance from others? Did you observe in
10 general if they could complete it within the day?

11 A. Earlier on, they could not do it and they had to continue
12 until the evening. Those who could not complete it, they had to
13 continue working until they completed it. But as they got used to
14 it, then they could accomplish the task.

15 [15.11.45]

16 Q. How about those who could not do it as per the quota imposed,
17 was there any sanction or punishment imposed against those who
18 did not complete the task assigned?

19 A. For the first, second times, they would be invited to hear the
20 comments. And then they make effort to complete it. But those who
21 could not complete it, we could see it, and then after lunch,
22 they had to continue to complete it. As for the punishment or so,
23 I did not know because I was not working with the workers back
24 then.

25 Q. Probably I do not understand the point very well. Of course

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1 you have a quota to complete within the day. Those who could not
2 complete it, they would continue until in the evening. Was that
3 considered a punishment for tardiness in the work because they
4 could not complete it for the day, was that constituted a
5 punishment for them?

6 A. Yes, it was a sanction or punishment if they could not
7 complete it as set. Then they would have to continue to complete
8 it. But those who were weak and they received help form others.
9 So generally, it was that punishment that they had to complete
10 this quota.

11 [15.13.45]

12 Q. Did you ever hear or see people working there and they could
13 not cope with the work, and then they collapse or they die
14 because of the hard labour over there? Did you ever witness that
15 instance?

16 A. I never saw anybody die while working over there, but I saw
17 some people who fell down. I actually saw that by my own eyes
18 that some just fell down when they were working.

19 Q. Thank you. Did you ever hear from the people that if they for
20 example broke the hoe or the earth-carrying basket, they were
21 alleged of being a traitor, did you ever hear that? Did you ever
22 hear people talk about that?

23 A. I heard it from some people who came to receive the rice when
24 it was distributed, but I did not pay that much attention to
25 that. I got some acquaintance at the time who actually talked

1 about that. I only heard that actually from some of them.

2 Q. Thank you. So when people were working in the construction
3 site, did the workers' biography -- did the biographies of
4 workers were taken at the time?

5 A. To my knowledge, as for the biography for example, if they had
6 to recruit people or any person had any problems, they would take
7 their biography. They did not have all the biographies of all
8 people working in the brigade units because there were tens of
9 thousands of workers.

10 [15.16.43]

11 Q. I have a question. Can you explain us a little more on why
12 they needed biography from the workers?

13 A. It is my understanding, the biography was to get the
14 information from individual person, particularly the background
15 of that person, whether or not that person received any education
16 or they were from this family or that family. So they prepared
17 this biography because they wanted to know the backgrounds of all
18 workers.

19 Q. Why did they know these particulars as to where they from,
20 which village they were from and whether or not they were from
21 wealthy family or poor peasant?

22 A. That I do not know. It was very difficult to comment on the
23 motive of this because in any society or any administration, when
24 they suspected of anybody they would have to conduct some
25 research on the background of the person. So it depended on what

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1 they wanted. I did not know what they wanted or what intention
2 they had. But I think that they wanted to know whether or not
3 they were from wealthy family or their family backgrounds and
4 education background or so.

5 [15.18.40]

6 Q. Thank you. Did you ever hear or notice that some workers
7 working in the construction site disappeared?

8 A. Yes. There were cases of disappearance of workers. But as to
9 where they took them to and how they disappeared, that I did not
10 know.

11 Q. Thank you. Were there many disappearances among the people
12 there?

13 A. It was rather difficult to answer because at that time, if it
14 was within my unit, I would know it. But since I worked
15 separately, I was responsible for distributing rice for them, so
16 I only knew some information and not complete story.

17 Q. Thank you. Now I would like to turn to you yourself, Mr.
18 Witness. If you were assigned the task and you could not
19 accomplish that task, so what do you think would happen to you
20 based on your experience at the time?

21 [15.20.18]

22 A. Yes, I had come across that. I was required to carry earth up
23 to eight cubic metres and I had to do it day and night. And at
24 the time, I kept the earth that I have just dug up and carried.
25 And so at that time, I manipulated it a bit so that when they

1 came to measure the quantity of work I did, then I met the
2 requirement. So actually, if we were required to complete eight
3 cubic metres, even if we had to start as early as 3 o'clock in
4 the morning until 8 o'clock at night, we could not accomplish it.
5 So I had to learn how to do that in order to meet the quota
6 requirement.

7 Q. Thank you. This is important to us. So I would like to ask you
8 a little more about your superior, Ta Val. Earlier the prosecutor
9 asked you about Ta Maong, Sam At, Ta Cheal, and the construction
10 of the dam and other supervisors, Ta Hoeng, and a few others
11 until the Vietnamese troops came. So if they could not complete
12 the task that was assigned by their superiors, would there be
13 anything happen to them if they could not accomplish the task?

14 [15.22.25]

15 A. To my knowledge, during the rainy season, we encountered some
16 difficulties. For example, when we had to carry the earth, it was
17 not that easy. And they had to postpone the work sometimes. For
18 example, one unit was redeployed to work on the repairing the
19 damaged dam or so. So there were some impediments to the
20 construction of this worksite. One reason was because of the rain
21 and the other reason was the workforce actually was not as strong
22 in the early days and some of them were sick. That is my
23 observation.

24 Q. Thank you. So let me try to get your points. Ta Val and other
25 leaders including Ta Rin and they could not complete the

1 construction site. So was this the reason for their disappearance
2 or not, to your knowledge?

3 A. I was not sure of the reason for their disappearance. I don't
4 know whether or not it was because of the failure to accomplish
5 the project or not. I cannot comment on it. And I only knew that
6 those people who were supervising on the construction site over
7 there all disappeared.

8 [15.24.38]

9 Q. I just want to ask you so that I am clear with your testimony.
10 So you saying that the work carried out by Ta Val, Ta Rin, and
11 others were the work delegated by the upper echelon. In other
12 words, they received the instruction from the upper echelon and
13 they had to report to the upper echelon. So whatever they did,
14 the upper echelon was informed; is that correct?

15 A. Yes, that is it to my knowledge. There was no such information
16 disseminated clearly at the time to the people down below the
17 line. But of course, when the working procedures in our lower
18 level as well, we had to keep our superior informed of what we
19 did.

20 Q. Thank you. In relation to this Trapeang Thma Dam worksite,
21 were there any children working there?

22 A. There were children because I was in charge of distributing
23 rice at that time and children ration was less than that of
24 adult. So as for the work quota for them, I did not know. But of
25 course, there were children over there. And as for the

1 distribution of rice, the adult would get three cans of rice, as
2 for children, they would get only two cans off rice.

3 [15.26.43]

4 Q. How about the work allocation for the small children, how did
5 they divide?

6 A. It was difficult. I do not have the exact answer. I could not
7 say that they had one cubic metre or 1.5 cubic metres of earth to
8 be carried. That I did not know. Because you may have other
9 witness who will be in a better position to explain that. Because
10 I was mainly in charge of distributing rice, I did not monitor
11 the worksite myself.

12 Q. How about the children who were working in the worksite, can
13 you tell the Court as to their age range, how old were they and
14 how many of them altogether, to your knowledge?

15 A. To my estimation -- actually it happened long time ago, I may
16 not recall it perfectly well -- but in my estimation, there could
17 have been around 600 to 1,000 children in that mobile brigade.
18 And as for the age range, there were some -- were seven years
19 old, there were less from seven to 11. But from 11 to 15 or 16,
20 there were a lot more.

21 [15.28.47]

22 Q. How about the pregnant women? Were there any pregnant women at
23 the Trapeang Thma construction worksite?

24 A. In the sector's mobile brigade, there were no pregnant women.
25 Even those who were married, the ladies who were married, were

1 not actually instructed to work at the worksite, or else they
2 would be assigned to grow vegetables and foodstuffs to supply to
3 them instead.

4 Q. Thank you. So, just a point of clarification for you so that
5 we are clear, there were no pregnant women at the dam site. But
6 were there any pregnant women at all over there?

7 A. To my knowledge when we talk about women, we refer to those
8 who were married and if there were women, there were only a
9 minority of them, but I did not know that very well because I was
10 not responsible for that. I was responsible for distributing rice
11 to them. There were some who sometimes came from the cooperative
12 and joined; and others from here to join the cooperative, so I
13 did not--

14 [15.30.50]

15 Q. So you say that there were only a minority numbers of women
16 over there. So what was the task allocation for women? Did they
17 have to carry soil as well, like men too?

18 A. You had to make a distinction between the female workers and
19 women. When you refer to women, you refer to married women. And
20 the majority of the women there were female workers and of course
21 they received the same work quota, for instance two and a half
22 cubic metres each per day. But I do not have a figure for the
23 number of children working on site.

24 Q. Still on the Trapeang Thma Dam, have you heard of a slogan
25 that in order to make the bridge strong, females had to be killed

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1 at the sluice of the bridge, so that the bridge can sustain? Did
2 you hear such a saying during the regime?

3 A. I can tell you only what I heard; however, what you have said
4 is not something that I heard of at the time, and for that reason
5 I cannot tell you whether this thing happened.

6 [15.32.47]

7 MR. PRESIDENT:

8 Counsel Koppe, you have the floor.

9 MR. KOPPE:

10 Thank you, Mr. President. Not necessarily an objection, but I
11 didn't quite hear it well in the translation, but I would like to
12 ask Counsel, if that's alright, where this is coming from, this
13 saying, because I don't think I've heard it before.

14 MS. TY SRINNA:

15 Thank you, Counsel. The saying that I quoted was from the Closing
16 Order and that's why I put it to the witness whether he knows
17 about this. And I actually have some more questions and they are
18 based on paragraphs in the Closing Order, thank you.

19 [15.33.51]

20 MR. PRESIDENT:

21 Lawyer for civil parties, how many more questions do you have?
22 Actually your 30-minute time allocation runs out.

23 MS. TY SRINNA:

24 I have two more questions, Mr. President.

25 MR. PRESIDENT:

1 You may proceed then.

2 BY MS. TY SRINNA:

3 Q. Mr. Witness, have you heard or knew about pregnant women who
4 were killed and dropped into the Trapeang Thma reservoir? And
5 second, were people killed and dropped into the Trapeang Thma
6 reservoir in order to support the belief that the bridges would
7 be firm?

8 MR. PRESIDENT:

9 Counsel Kong Sam Onn, you have the floor.

10 [15.35.02]

11 MR. KONG SAM ONN:

12 Thank you. I do not object to this question; however, the lawyer
13 for the civil parties, please provide the actual paragraph
14 numbers of the Closing Order that you refer to?

15 MR. KOPPE:

16 I can actually assist because we found this saying, but it's not
17 a saying, it's coming from a witness cited in the Closing Order,
18 footnote 1452, paragraph 349, and it's a witness who says that, I
19 think, he or she heard something from a CPK cadre, so I'm not
20 sure it's a saying as suggested by Counsel.

21 MS. TY SRINNA:

22 Mr. President, the relevant paragraph in the Closing Order is
23 paragraph 349 in the Khmer language. And Mr. President, I'd like
24 Mr. President to direct the witness to respond to my question.

25 [15.36.27]

1 MR. PRESIDENT:

2 Mr. Witness, please respond to the last – to that question.

3 MR. CHHIT YOEUK:

4 A. You asked me whether I have heard or seen the event you
5 described, but personally I don't. I never heard about pregnant
6 women being killed and dropped into the reservoir. And of course
7 I knew about some deaths on site, but not what you described. Or
8 maybe it happened but I was not told.

9 BY MS. TY SRINNA:

10 Q. Here comes my last question to you that is in relation to what
11 happened at the Trapeang Thma Dam worksite. Since you lived and
12 worked there, what was the physical condition of workers at the
13 dam worksite? Were they emaciated? Were they healthy looking?

14 MR. PRESIDENT:

15 Defence Counsel Koppe, you have the floor.

16 [15.38.01]

17 MR. KOPPE:

18 I object to the way the question is phrased. I don't think this
19 witness would be able to say something intelligently about the
20 physical conditions of 10,000 or 15,000 workers. If the question
21 is limited to people that he knew or saw then I wouldn't have any
22 problem with it, but asking of the physical conditions of all
23 workers is something beyond the realm of knowledge of this
24 witness, that's why I object.

25 BY MS. TY SRINNA:

1 Allow me to rephrase my question.

2 Q. Mr. Witness, the workers that you saw at the worksite, those
3 workers at the sites that you actually went to, what was their
4 physical condition? Was the physical condition the same for a
5 particular site, or were -- in the same physical condition the
6 same across the sites that you went to?

7 [15.39.24]

8 MR. CHHIT YOEUK:

9 A. For mobile unit workers, and this is from my personal
10 observation, some of them were emaciated, and usually they became
11 emaciated during the rainy season as during such season food
12 ration was reduced and they did not have adequate sleep at night
13 as a result of rain, this is my personal understanding. For that
14 reason, they became skinnier.

15 Q. Were many of them emaciated during such a period?

16 A. They became emaciated during the time that food ration was
17 reduced and I can say that about half of them - that is, 50 per
18 cent of them became emaciated for the reasons that I mentioned,
19 namely, reduction of food ration and lack of sleep.

20 MS. TY SRINNA:

21 Thank you, Mr. Witness, and Mr. President, I am done with this
22 witness and I'd like to cede the floor to my international
23 colleague.

24 MR. PRESIDENT:

25 Thank you. Counsel Kong Sam Onn, you have the floor.

1 [15.41.13]

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I'd like to respond to the reference
4 she made to paragraph 349 of the Closing Order. From my reading,
5 the Closing Order doesn't say that that is a saying or a slogan
6 of Angkar, that in order to reinforce the bridge, people had to
7 be killed; no, it was just a statement from a witness. Thank you.

8 MR. PRESIDENT:

9 The Chamber would now like to hand the floor to the defence team
10 for Nuon Chea. And I notice that Judge Lavergne wants to have the
11 floor. You may proceed, Judge.

12 [15.42.15]

13 QUESTIONING BY JUDGE LAVERGNE:

14 Thank you, Mr. President. I have a few questions to put to this
15 witness.

16 Q. Mr. Witness, I understood that after the 17th April 1975, you
17 were sent to villages as a militiaman. Can you please specify the
18 role you played as a militiaman?

19 MR. CHHIT YOEUK:

20 A. As a militiaman we were instructed to watch over the people
21 because after Lon Nol regime was defeated, they were concerned
22 that some people would not agree with the regime's policies. For
23 that reason, we were instructed to monitor their activities;
24 that's the first point. And secondly, we were asked to be on
25 patrol up and down for no particular reason, as people had been

1 gathered up in certain locations.

2 Q. What were the methods employed to monitor people? How did you
3 go about monitoring people?

4 A. I'd like to say that, at that time the militia did not receive
5 any specific instruction as to eavesdrop on those people. What
6 the instruction was that we had to be vigilant for those people
7 who just had been liberated as a result of the defeat of the Lon
8 Nol regime. And as I said, later on I was no longer a militiaman.

9 [15.44.50]

10 Q. So if I understand you correctly, you monitored them without
11 listening to them?

12 A. No, we did not eavesdrop on them; we tried to observe whether
13 anyone wanted to engage in any rebellious activity. If there that
14 was the case, then we had to report to the upper echelon. And as
15 I said, people had been segregated and placed at certain fixed
16 locations.

17 Q. And were the people you were asked to monitor, targeted
18 persons, were they 17 April People or Base People?

19 A. Upon the end of the war, there was no distinction between the
20 Old and the New People. Anyone who opposed the new regime would
21 be brought to the attention of the regime. However, in the area
22 that I lived, there was no apparent rebellious activity at all.
23 We were instructed to observe if there was any such activity, and
24 if there was, then we had to report to them.

25 [15.46.40]

1 Q. Did you receive any particular instructions regarding the
2 Vietnamese -- that is, people of Vietnamese origin?

3 A. No, I did not have anything to do with the Vietnamese. As I
4 said I was a low-ranking person; I did not know any policy or
5 anything to do with the Vietnamese. That would be the matter to
6 be dealt with by the upper level. I was just a low-rank
7 militiaman and I did not give or receive any instruction
8 regarding the Vietnamese.

9 Q. And you have no idea as to what was the policy vis-à-vis the
10 Vietnamese; is that the case?

11 A. Yes, that is the case. During the regime, I did not know
12 anything about that. I was never called to attend any meeting on
13 this matter.

14 Q. If someone objected to the actions of the Revolution, was that
15 considered as a fault? Was such a person arrested, and if so, who
16 gave instructions for such persons to be arrested, and who
17 arrested them?

18 A. It is my understanding that, at that time, the administrative
19 structure of the commune or the district was not yet put in
20 place, and for that reason certain cadres would control certain
21 areas, and if someone opposed, or was alleged to oppose the
22 regime, that person would be handed over to the military.

23 [15.49.18]

24 Q. Who in concrete terms carried out the arrests of such persons
25 and handed them to the soldiers?

1 A. Where such an issue occurred, the soldiers would go to the
2 area, to that location. At that time nobody had any weapon
3 besides the soldiers.

4 Q. We have heard many witnesses who were soldiers who said that
5 it was the militiamen who arrested those persons, and we had
6 militiamen on the one hand who said that it was the soldiers, and
7 the soldiers said it was the militiamen who arrested persons. Let
8 us move on to another subject. Were certain persons empowered to
9 carry out arrests? Or were there any changes? Was it the same
10 persons? Were there any changes in the policies regarding the
11 arrests of persons who committed shortcomings?

12 A. On the issue of arrests, and or killing, only in 1978 I heard
13 from the meeting at - by the chiefs of the mobile units who said
14 that lower cadres did not have the authority to kill anyone. And
15 only the decision to kill someone could only be made by the
16 Centre, and I heard about this in 1978.

17 [15.51.47]

18 Q. So up until 1978, who in concrete terms was empowered to
19 decide to arrest anyone and eventually to execute any person
20 considered as having committed offences? Was it at the level of
21 the village, the commune, the district, the sector? Who exactly
22 was in charge of that?

23 A. The message that was delivered during the meeting was that it
24 was only the Centre who had the authority on the decision to kill
25 anyone, and authority at the village or commune levels did not

1 have the right to make that decision.

2 Q. So before 1978, authorities in the village or the commune
3 could decide to carry out executions; is that what I should
4 understand from your testimony?

5 A. We have to think about this altogether. It might be possible
6 that those cadres made their own decision to kill people and
7 that's why later on there was this directive from the Centre
8 prohibiting them to kill in 1978.

9 [15.53.52]

10 Q. So when you talk of the Centre, from 1978, what exactly do you
11 mean, who exactly were involved? Are you talking of the district
12 authorities, the regional authorities -- that is, at the level of
13 the sector? Who exactly? If you can give us a name, that would be
14 even better.

15 A. It is difficult to define the Centre, or a level below the
16 Centre. It is my understanding the word "Centre" referred to
17 those who were at the top level, but personally I did not know
18 who they were.

19 Q. For instance, was Yeay Chaem someone who could be considered
20 as operating at the level of the Centre?

21 A. No, Yeay Chaem was district committee; she was not at the
22 level of the Centre. The level of the Centre was at the top
23 hierarchy, and it is not possible for Yeay Chaem to operate at
24 the level of the Centre, as she worked only at the district
25 level.

1 Q. I would like you to explain what you wanted to say in your
2 statement, Exhibit E27.5.6 (phonetic) and it is answer to
3 question 24. You said that as of 1978, there was a change in the
4 practice and this is what you stated: "However in practice the
5 instructions given in 1978 were not implemented since some
6 persons were executed without a report having been issued at the
7 regional level." What did you mean by that, and are you referring
8 to incidents that you witnessed yourself?

9 [15.56.34]

10 A. The thing is this; and allow me to give you an example. One
11 was the chief of group. That group chief could not make any
12 decision without going through the village chief, and whether
13 such adherence to the principle of chain of command was carried
14 out, I cannot tell you. So I cannot tell you whether, despite the
15 directive from the upper echelon, the lower levels would adhere
16 to it, implement it, or stop the killing, I cannot tell you that.

17 Q. Mr. Witness, when I read your statement you stated that some
18 persons were executed without a report having been issued at the
19 regional level. Is this something that you were aware of? Is this
20 something you witnessed with your own eyes, or you heard anyone
21 talk about it?

22 A. I did not witness it personally, however, some people may know
23 about it.

24 [15.58.10]

25 Q. Very well. When you were in charge of the distribution of

1 rice, did your duties also include the distribution of clothing?
2 Were you in charge of logistics? Since you were in charge of
3 logistics, did such logistics only include the distribution of
4 rice, or they went beyond that?

5 A. I did not distribute clothes, however, when there was a need
6 for clothes for various units, they would make such a request in
7 writing to me, then I would forward it to the sector commerce and
8 then the product, or the clothes would be brought in for
9 distribution.

10 Q. And how many times per year were clothes distributed?

11 A. It's not that regular, depending on the demand. For instance,
12 for a five-month period, some workers had their clothes torn, for
13 instance, then they had to replace with new clothes. There was no
14 set period that new clothes had to be given to workers. So a
15 request had to be made then, it would be forwarded to the sector
16 commerce.

17 [16.00.10]

18 Q. Fine. I understood that you were in charge of distributing
19 rice to the mobile units. Were you also in charge of distributing
20 rice to people who were detained in the security centres? And did
21 this happen at the same time, and if that was the case, under
22 whose orders were you?

23 A. I was under the supervision of Ta Rin.

24 Q. So when you distributed rice to the mobile units, you also
25 distributed rice to the security centres. So what were these

1 security centres?

2 A. While I was in charge of rice distribution, the security
3 centre I refer to – I referred to the one at the Phnom Trayong --
4 or, Trayong mountain security centre, the rice had to be
5 distributed to those people who were breaking rocks at that
6 centre.

7 Q. Phnom Trayong, was this simply a place where people broke
8 rocks, or was that also a place where people were executed?

9 A. There were security people working there and I cannot tell you
10 about any execution as I personally did not witness it. What I
11 can tell you is that a security force was there, and workers from
12 mobile unit were there to break rocks.

13 [16.02.40]

14 Q. How many people were working or were detained at Phnom
15 Trayong, and up until when did you supply rice to Phnom Trayong?

16 MR. PRESIDENT:

17 Defence Counsel, you have the floor.

18 MS. GUISSÉ:

19 Thank you, Mr. President. I am a little bit troubled because I
20 don't have the impression that the security centre we are
21 referring to now, which Judge Lavergne is asking questions about,
22 it doesn't seem that it's part of the scope of this Trial. I'd
23 just like to have some clarification on this, I'm not necessarily
24 objecting.

25 [16.03.30]

1 BY JUDGE LAVERGNE:

2 I believe that the witness told us that back then distribution
3 was given to the mobile units and I'm simply trying to understand
4 how his work was organised when he was in charge of supplying
5 rice to all the mobile units, that's all.

6 Q. So Witness, I believe you started answering, so could you
7 please finish your answer?

8 MR. CHHIT YOEUK:

9 A. It was from the time that I distributed rice to them and that
10 continued until the arrival of the Vietnamese, and if my
11 recollection is right, there were about 600 of them.

12 JUDGE LAVERGNE:

13 Thank you. I have no further questions, I think I have used up my
14 time.

15 [16.04.45]

16 MR. PRESIDENT:

17 Thank you, Judge Lavergne. It is now appropriate for today's
18 adjournment. We will adjourn the proceedings now and resume on
19 Monday, 17 August 2015, commencing from 9 o'clock in the morning.
20 And on next Monday, we will continue to hear testimony of the
21 current witness, Chhit Yoeuk, and then commence hearing testimony
22 of another witness -- that is, 2-TCW-828.

23 And Mr. Chhit Yoeuk, the Chamber is thankful of your testimony;
24 however, it is not yet concluded. For that reason, you are
25 invited to return to this Court again on Monday, 17 August 2015,

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1 starting at 9 o'clock in the morning.

2 And Court officer, please collaborate with WESU to make necessary
3 arrangement to transport this witness to where he stays and have
4 him returned to attend the proceedings on Monday next week.

5 Security personnel, you are instructed to take the two Accused --
6 that is, Nuon Chea and Khieu Samphan, back to the detention
7 facility and have them returned to attend the proceedings on
8 Monday, 17 August 2015, before 9 o'clock in the morning.

9 The Court is now adjourned.

10 (Court adjourns at 1606H)

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