



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

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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

2 September 2015

Trial Day 321

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

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KHIEU Samphan

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SIN Soworn
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For the Office of the Co-Prosecutors:
Travis FARR
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LOR Chunthy	Khmer
Mr. MEAN Loeuy (2-TCCP-994)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAM Sak (2-TCCP-993)	Khmer
Mr. SENG Bunkheang	Khmer
Ms. SIN Soworn	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber hears the impact statement of a civil party and

6 we will hear the statement from the first 2-TCCP-993 and when

7 that statement concludes, we hear another civil party's impact

8 statement 2-TCCP-994, in relation to the facts at the Trapeang

9 Thma Dam worksite.

10 Ms. Se Kolvuthy, please report the attendance of the Parties and

11 other individuals at today's proceedings.

12 THE GREFFIER:

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

14 are present.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has

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

17 been delivered to the greffier.

18 The civil parties who are to make their impact statements;

19 namely, 2-TCCP-993 and 2-TCCP-994, are present and we also have

20 TPO staff, Mr. Sarath, present to provide support to the civil

21 parties and they are waiting to be called by the Chamber.

22 [09.05.18]

23 MR. PRESIDENT:

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

25 Chea.

2

1 The Chamber has received a waiver from Nuon Chea, dated 2nd
2 September 2015, which states that due to his health: headache,
3 back pain, he cannot sit or concentrate for long and in order to
4 effectively participate in future hearings, he requests to waive
5 his rights to participate in and be present at the 2nd September
6 2015 hearing.

7 Having seen the medical report of Nuon Chea by the duty doctor
8 for the Accused at the ECCC, dated 2nd September 2015, who notes
9 that Nuon Chea has severe back pain when he sits for long, and
10 recommends that the Chamber grant him his request so that he can
11 follow the proceedings remotely from the holding cell 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 audio-visual means. The Chamber instructs the AV
16 Unit personnel to link the proceedings to the room downstairs so
17 that he can follow the proceedings. This applies to the whole
18 day.

19 Court officer, please usher civil party 2-TCCP-993 into the
20 courtroom as well as the TPO staff.

21 (Civil party enters courtroom)

22 [09.08.19]

23 QUESTIONING BY THE PRESIDENT:

24 Q. Good morning, Mr. Civil Party. What is your name?

25 MR. SAM SAK:

3

1 A. My name is Sam Sak. I was born on 1st August 1963. I was born
2 at Phnum Pir village, Svay Torng district in Vietnam.

3 Q. And where is your current address and what are you doing for
4 living at the moment?

5 A. Currently, I am living in Ta Ou, Kiri Vong district, Takeo
6 province, and I am a rice farmer.

7 Q. What are the names of your parents?

8 A. My father's name is Sam San and my mother is Phoeung Song.

9 Q. What is the name of your wife and how many children do you
10 have together?

11 A. My wife is Kong Vanna and we have two children together.

12 [09.10.02]

13 MR. PRESIDENT:

14 Thank you. For the hearing of the impact statement of this civil
15 party, the Chamber has arranged the presence of a TPO staff to
16 provide emotional support to the civil party during the entire
17 proceeding of hearing this statement of impact.

18 And Mr. Sam Sak, as a civil party, the Chamber will give you the
19 floor so you can make your statement of harm and suffering
20 inflicted upon you physically, emotionally and materially, as a
21 direct result of crimes that existed and that continues to affect
22 you until today, and which led you to become a civil party in
23 this Case, and which involved the two Accused -- that is, Nuon
24 Chea and Khieu Samphan. As per your application, the crimes refer
25 to those that committed during the period of Democratic Kampuchea

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1 from 17 April 1975 to 6 January '79, and which are related to
2 what happened at the Trapeang Thma Dam worksite.

3 To start with, the Chamber hands the floor to the Lead Co-Lawyers
4 for the civil parties.

5 [09.12.08]

6 MR. PICH ANG:

7 Good morning, Mr. President; and good morning, Your Honours and
8 everyone in and around the courtroom; and good morning, Mr. Civil
9 Party. The Lead Co-Lawyers would like to designate Lor Chunthy, a
10 civil party lawyer to put questions to the civil party Sam Sak.
11 He is the lawyer for the civil party as well.

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 QUESTIONING BY MR. LOR CHUNTHY:

15 Thank you, Mr. President. And allow me to say good morning to
16 everyone in and around the courtroom. My name is Lor Chunthy. I
17 am a civil party lawyer in this Case and I'd like to put some
18 questions to Mr. Sam Sak in relation to his statement of harm and
19 suffering that inflicted upon him during the Democratic Kampuchea
20 regime and that happened in the Trapeang Thma Dam worksite. Q.
21 I'd like to clarify one matter with you, Mr. Civil Party. You
22 said you were born at Phnum Pir village, Svay Torng, Moat Chruk;
23 however, in your identity card it shows that your place of birth
24 at Ta Ou, Kiri Vong, Takeo province. Could you please clarify the
25 matter for the Chamber?

1 [09.14.09]

2 MR. SAM SAK:

3 A. Thank you. I actually was born in Kampuchea Krom, but I came
4 to live in Kiri Vong district a long time ago, and when I became
5 a soldier I changed my place of birth to the place of birth of my
6 wife.

7 Q. Can you tell the Court the reason for you to make that change?

8 A. I was a soldier and I did not want them to find out that I
9 originally came from Khmer Krom; for that reason, I changed my
10 background to be a Khmer Leu.

11 Q. Thank you. And where were you and what were you living before
12 and after 17 April 1975 -- that is, after the Khmer Rouge
13 captured Phnom Penh, as well as towns throughout the country?

14 [09.15.57]

15 A. On 17 April 1975, I lived in Phnom Penh, near the vicinity of
16 the Olympic market. At about 5 o'clock in the afternoon, the
17 Khmer Rouge came to our house and chased us away from our
18 residence. They told us that we had to leave Phnom Penh and move
19 to live in the outskirts of Phnom Penh provisionally -- that is,
20 for a period of three days only. So we had to move from the city
21 for a distance of three kilometres, and after Angkar cleaned the
22 city, then we would be allowed to return to Phnom Penh. As a
23 result I came to live at the area near Ou Baek K'am, which was
24 about three kilometres from Phnom Penh centre, and I was there
25 only for two to three days.

6

1 The Khmer Rouge chased us to move further as -- at the time, my
2 family were thinking of returning to our native village -- that
3 is, to Kampuchea Krom. So we decided to make a trip to National
4 Road Number 2. And when we reached the Thnaol Totueng area, the
5 Khmer Rouge asked us where we were heading to and we lied to them
6 that we were heading to Takeo province. However, we were not
7 allowed to proceed further by the Khmer Rouge and we stayed at
8 the Trayueng village. At that time I was pretty young and they
9 asked me to tend the cattle, to collect cow dung and to build
10 dykes.

11 [09.18.50]

12 We were then evacuated further to Pursat province and that was
13 about the start of the rainy season and we didn't stay there for
14 long. We were put in a house which was crowded with 17 April
15 People. The situation there was terrible. Two or three days after
16 we lived in that house, my family, as well as the rest of the 17
17 April People there, were put on a train heading towards Svay
18 Sisophon. And we got off at the Svay Sisophon railway station and
19 I was not familiar with the area at all. We stayed there
20 overnight and next morning we were put on a trailer towed by a
21 tractor and we were among the other 17 April People. There were
22 many tractors on site and we were sent to various districts. Some
23 were sent to Preah Netr Preah district, to Phnum Srok district,
24 or Thma Puok district. And my family got on a tractor which was
25 heading to Phnum Srok district and that's where we got off. Then

7

1 the Base People came to the area where we got off the tractors
2 with ox carts and then we were put on those ox carts together
3 with other 17 April People and with some Sino-Khmer people and I
4 was sent to Nam Tau village, Samraong commune. I was subsequently
5 put into a children's unit, and the task assigned to me was to
6 collect cow dung, and each day we had to collect 80 to 90
7 kilogrammes of cow dung. So we actually tried to compete with one
8 another in order to collect cow dung to reach the daily quota.

9 [09.22.05]

10 Later on I was sent to live in another area -- it was a bit
11 uphill -- at Ta Siev (phonetic) hill. It was quite graveyard-like
12 hill. All the children in the children's unit belonged to the
13 families of the 17 April People, and the task assigned to us at
14 that area was to clear the forest, to fell bamboo in order to
15 make vegetation farm to plant potatoes and other vegetation. And
16 that was the year that they started to mistreat us, the children.
17 I myself was pretty young and I never knew before how to cut
18 bamboo. And not only that we had to fell bamboo trees, but we had
19 to uproot them in order to make the farm, and later on to
20 transform the area into a village to house 17 April People.
21 We worked at various hours regardless of the time of the day or
22 the weather condition.

23 [09.23.54]

24 As for food, 10 of us were given a can of rice and that happened
25 at the beginning so we had to cook it as gruel, and we could only

8

1 see water in the gruel. And later on the situation worsened --
2 that is, one can of rice for 20; and later on, one can of rice
3 for 30 children. And in order to resolve the matter we had to
4 supplement our food with morning glory. We had to cook it in a
5 large jar and when it's boiled then each child would be given a
6 scoop of the watery gruel. And the situation worsened than that,
7 because later on no rice was given to us and we were given only
8 bran. The bran smelled awful and there were worms in the bran. It
9 was barely edible; however we had no choice. We had to wash the
10 bran thoroughly before we could boil it. Actually we packed it
11 with banana leaves, then we kind of burnt it or grilled it. And
12 because of the situation, many children became sick from swollen
13 disease, from malaria, and some children started to die one after
14 another. There was no medical treatment or sick people were sent
15 to the hospital, no, that was not the case. And the medicine that
16 was given to us was rabbit drop-like pellets. These pellets were
17 given for all kinds of treatments: abdominal pain; or whatever
18 pain you had you would be given the same medicine. It was very
19 painful to bear such a horrible situation.

20 [09.26.41]

21 And I was by myself without any family members living nearby. As
22 the rest of my relatives and family members were sent to work in
23 the cooperatives, in the rice fields, far away from where I
24 worked.

25 Due to the unbearable situation, I decided to leave the

1 children's unit and join a mobile unit, as in the mobile unit,
2 members were given gruel to eat, whereas in the children's unit,
3 only bran was given. So I worked in a mobile unit at the Trapeang
4 Thma Dam worksite and I lived and worked at that worksite, and I
5 was the youngest member of the mobile unit. And I was asked
6 whether I was able to work in the mobile unit because I was so
7 young, and I said of course I could. And since they saw me as the
8 youngest member of the mobile unit, I was given the task to ride
9 an ox cart to transport firewood for the kitchen.

10 [09.29.05]

11 So my task at the time was, in the morning to go into the forest
12 to cut some wood return the wood to the kitchen. And some mobile
13 unit members envied me for doing that task. As a result I was
14 reassigned to go and carry dirt. But because I was young, I could
15 not dig the ground and I could only carry the dirt. And there was
16 a daily quota for carrying the dirt at the worksite. Due to
17 overwork I became sick. I had fever and it was a relapse fever
18 but I did not dare to stop working. Once I recovered from the
19 relapse I returned to work immediately. I was afraid that they
20 would find some kind of mistake that I make, or that they would
21 accuse me of becoming an imaginary sick person. There was a
22 saying at the time that because people could eat and could not
23 work, then they said it was the fever of the tractor, and that
24 fever meant that it was an imaginary fever. For that reason, if
25 you could eat, it means you could work and your sickness was

1 imaginary.

2 [09.31.25]

3 I have never forgotten the so-called slogan of the Khmer Rouge at
4 that time. I was doing my best. I was doing my best to work
5 although sometimes I was sick. I had to do the work to survive. I
6 did not think at that time I could survive the regime. I never
7 expected that I would survive the other day. If I probably made
8 mistake I would be taken away and killed. So I did not dare to
9 say anything. I rather pretended to be a dumb and deaf person; to
10 plant a kapok tree. My elder sibling told me not to speak, not to
11 say anything during the regime.

12 I was assigned to work for them during the regime. The Trapeang
13 Thma dam worksite was considered a hot battlefield at that time
14 and I had to work very hard. I was engaged in work regardless of
15 rain, regardless of the hot sun and thunder. When it was time to
16 work I would go to work. Every morning at 4.00 or 5.00, we were
17 woken up to work. And when we were at the working place, we could
18 hear only the sounds of hoes digging. We had to work from the
19 morning until 11.00 when we were given a short time to break. We
20 had lunch for a short period of time and we resumed work at 1
21 p.m. We continued to work until 5 p.m. in the evening, then we
22 had another short break. It took quite a while to arrive at the
23 sleeping quarters and we had dinner before we slept, and I could
24 say we could take a little bit of sleep only before we woke up in
25 the early morning at 5 a.m. to have gruel, to take baths. Rather

11

1 we had dinner and we took a short break and we started work at
2 night-time. We also worked at night from 7 p.m. until 10 p.m. So
3 I could not compare the situation at that time to the current
4 situation.

5 [09.35.55]

6 We were given thick gruel in a small bowl. I could not eat my
7 fill; it was not enough for me. I would not eat the thick gruel
8 right away. I had to go and collect edible leaves to mix with the
9 thick gruel to fill my stomach. Sinn Chanchhaya was my colleague
10 at the time. He was the son of Sinn Sisamouth, the singer. He
11 was with me going to pick up – rather, Sinn Chanchhaya, he stole
12 part of my food ration when I was away collecting leaves. When I
13 noticed my food ration was stolen, I was weeping and crying at
14 the time. I went to my unit chief to inform him that Sin
15 Chanchhaya stole some of my food ration and Sin Chanchhaya was
16 beaten at that time. I felt pity on him. However in the regime,
17 the regime did not teach us to love each other, to help each
18 other.

19 And regarding the work quota, if we received two cubic metres of
20 soil per day, we had the same work quota. We were not watched to
21 be in solidarity. If we could not fulfil the work quota, our food
22 ration would be reduced. During that time there were
23 self-criticism and criticism sessions in order to encourage us to
24 work hard for Angkar, for the sake of Angkar.

25 [09.38.35]

12

1 One time, I felt sick. There was no medicine for me and I was
2 given with the rabbit dropping pellets. And my knee caps were so
3 big at the time, my hair was not tidy. I was tremble. I had a
4 fever. No one came to help me and I had to take in the situation,
5 and it was called the relax fever. My clothes, my shirts and
6 trousers were full of lice, and they were smelly. There were lice
7 in my clothes. No soap, no detergent for us to clean our clothes.
8 Even time -- we did not have even time to wash ourself.
9 Regarding the time that we slept, we used the earth baskets as
10 pillows and hoes as bolsters. We were sleeping directly on the
11 ground. It was a terrible situation. It was so painful for me. I
12 was seriously mistreated since I was considered a 17 April
13 person. They hated so much the 17 April People so much because 17
14 April People were said to be capitalists and feudalists. And 17
15 April People would come with only a set of clothes, no belongings
16 with them, when they were evacuated. Because they were told to
17 leave their places for a period of a few days, three or four
18 days, they had only a set of clothes with them.

19 [09.41.27]

20 We worked, worked and worked, no rest, no blankets. During the
21 winter season, we had to burn things to warm ourselves. Sometimes
22 we would get burned because of the ember. Some people who had
23 fever, they would warm themselves by burning the ember and some
24 of them got killed by the ember, as I made -- mentioned a while
25 ago, only rabbit dropping pellets were given to all of us for

1 every kind of diseases.

2 Q. I would like to put a few more questions to you, Mr. Civil
3 Party. You made mention a while ago that, first, you were in a
4 children unit. Could you tell the Court why you were transferred
5 to be part of a mobile unit at the Trapeang Thma Dam worksite?

6 A. Thank you, Mr. Lawyer. For -- initially, I was within a
7 children units. I told you already I could not bear the
8 situation. I could no longer at the barn. There was no more food
9 ration for us; only bran was given to all of us. For this reason,
10 I decided to leave the children unit and join the mobile unit
11 with adult so that I would get some rice or food rations to eat.

12 [09.43.40]

13 Q. Thank you. Upon your first arrival the dam worksite, did you
14 receive the same and equal work quota?

15 A. Thank you, Mr. Lawyer. The work within the mobile unit, no
16 matter how young we were at the time, was the same in terms of
17 work quota. If we did not complete the work quota, our food
18 ration for the whole group would be reduced. They would reduce
19 the food ration and give to other groups who had completed the
20 work quota. Although a small amount of food ration was used, they
21 had to do that in order to deter us. I was the youngest in the
22 unit. I was weeping, crying. I felt sad that I could not meet the
23 work quota. Later on, I could do the work as other did. So I
24 could achieve what other adults did. Let me backtrack a little
25 bit. When I was young in the children unit, I was so hungry at

14

1 the time, nothing to eat. At the time when we were given a can of
2 rice for 30 children, because there was no enough food for me, I
3 went around and picked up fish bones to fill my stomach and even
4 the skin of toad, of frogs were picked up by me to eat. So it was
5 terrible for me. I was a 17 April person. I had never had such
6 kind of food before in my life.

7 [09.46.03]

8 The waste water from rinsing rice was collected by me to drink. I
9 was warned and reprimanded. I ate so very much. For this reason,
10 I was transferred to be part of a mobile unit.

11 Q. When you had been transferred to the mobile unit, did you have
12 the latitude to communicate or contact your family members?

13 A. When I became a member of a mobile unit, no time to visit my
14 elder siblings. There was one time I had a permission to visit my
15 elder sibling in the evening. And the day after in the morning, I
16 returned to my worksite. My brother - my elder sibling advised me
17 not to talk freely, not to say anything. I was there to visit him
18 for a brief moment.

19 [09.47.39]

20 Q. What else did you experience while you were working in the
21 mobile unit beside what you have told the Court?

22 A. I was working in a mobile unit, a mobile unit. There were a
23 lot of incidents happened within the mobile unit. People were
24 taken away and killed. I did not know at the time what kind of
25 mistakes those people committed and why they were taken away and

15

1 killed. While we were working at night, the halls where we slept
2 were quiet after 7 p.m., but there were people coming to check to
3 make sure that no one was not staying in the hall. There were
4 some people who fell sick and there were others who had night
5 blindness. For the night-blinded people, they were guided toward
6 the latrines. This was an experiment or a test for them. A
7 container was used to be a latrine, and the bowls, two bowls were
8 put on the containers so that we could relieve ourselves. One
9 time, the night-blinded people were guided toward the latrine.
10 For those who did not actually have the night blindness disease,
11 they jumped over the pit or the latrine. But for those who had
12 the night blind diseases, they fell into the latrine or the pit.
13 So it was okay for the one who had the actual night blindness,
14 they could survive, but for those who pretended to have the kind
15 of diseases, disappeared one after another.

16 [09.50.43]

17 Q. In your experience, what did you feel at the time?

18 A. In that period, it was a terrible situation. I was terrified.
19 People were taken away. And I was afraid of my life. I could say
20 I was lucky during the regime. I did not have the so-called night
21 blindness. I only contracted a fever and a swollen disease. My
22 legs, my feet were swollen. I could barely walk. And when I used
23 my fingers to touch my feet and legs, I could see that -- I could
24 feel the pain. So I had the two kinds of disease -- that is,
25 swollen disease and fever during the Khmer Rouge.

16

1 [09.52.31]

2 Q. Were there any medical staff to treat you and other people?

3 A. No medical staff during the time. No medical staff or doctors
4 to take care all of us. But we could ask for medicines through
5 unit chiefs. No modern medicines. There were only rabbit dropping
6 pellets. They were given to all of us for any kind of diseases.
7 It was said that the pellets were effective for all kinds of
8 diseases.

9 Q. Thank you. I would like to backtrack a little bit. In your
10 experience, when you were young in the children unit or in the
11 mobile unit, had you been educated before and were you educated
12 within the children unit and mobile unit?

13 A. Thank you, Mr. Lawyer. During the regime, I received no
14 trainings, no education at all, no education for children.
15 Children were instead educated how to cut a "kantreang khet" and
16 pick up cow dung. No schools for children at that time.

17 Q. I would like to go back a little bit regarding the time when
18 you visited your elder sibling. Your elder sibling told you not
19 to reveal your own background. Why did -- what made her advice
20 you in such way?

21 [09.55.10]

22 A. Thank you, Mr. Lawyer. My elder sibling had been well
23 educated. Her husband held a senior position in the former
24 regime. She advised me not to mention or reveal our background of
25 our family situation, because she understood that there were

17

1 people who had been taken away and killed. My elder sister
2 survived the period as well. In fact, during the regime, my
3 sister had divorced her husband already. Her husband was a
4 soldier at Neak Loeung (phonetic). She told me to shut up my
5 mouth not to reveal anythings about our family background.

6 Q. In relation to your siblings and relatives, did you lose any
7 loved one in your family?

8 A. Thank you, Mr. Lawyer. In relation to my family members who
9 perished in the Khmer Rouge regime, my aunt or uncle died, the
10 whole family, his family, her whole family died. And my mother
11 younger sibling was a colonel in the former regime. The whole
12 family was taken away and killed. Only one survived, only one
13 member from his or her family survived the period.

14 [09.58.27]

15 Q. Do you recall who else disappeared during the regime;
16 particularly, did any loved ones who supported you when you were
17 young disappear?

18 A. My mother, who raised me up, lost her life. My aunt, my uncle,
19 later on my uncle raised me and my siblings in Phnom Penh. My
20 uncle was a minister in the Lon Nol regime. His name was Chau Sau
21 (phonetic). He was the one who provided support to my elder
22 siblings to receive high education. He was killed by Khmer Rouge.
23 I had a great suffering because of his killing. Two of my elder
24 brothers disappeared with him, with my uncle. I have never seen
25 them back until now.

18

1 Q. When you recalled what you have experience in the period, how
2 do you feel?

3 A. So far, I have lost my aunts, my uncles, my nephews and other
4 relatives whom I could depend upon in life. I feel terrible for
5 the loss of these lives, including the life of my mother. They
6 took care of me. The rest of my siblings, they provided us with
7 education, but ultimately they died under the hands of the Khmer
8 Rouge regime. Nothing was as painful as the loss of these lives.
9 Nothing can compare to it, and it's thanks to the regime that so
10 far has destroyed the future of my family. They deprived us of
11 education. We didn't have the chance to study at all. And that is
12 the most painful thing in my life.

13 [10.02.42]

14 Q. Would you express your true feeling about the period that you
15 worked at the Trapeang Thma Dam worksite despite the fact that
16 you overworked? You were not given sufficient food to eat. What
17 was your true feeling at the time?

18 A. Thank you, Counsel, for asking this question. While I was in
19 the mobile unit, I overworked. I never had enough sleep and the
20 food was never sufficient. Nothing could describe such a horrible
21 situation. Sometimes we were so hungry and we spoke to one
22 another. As long as I could be given just a plate full of rice
23 and a cooked chicken, I would change it for my life as my last
24 meal. Some other would say just a bowl of food would be
25 sufficient for them to feel satisfied and they could rest in

19

1 peace. You can imagine how terrible the situation was. We could
2 feel that just give us a good last meal and we would feel
3 satisfied.

4 Q. While you were working at the Trapeang Thma Dam worksite, did
5 you ever envisage the benefit from your sacrifice, from your hard
6 work on the construction?

7 [10.05.30]

8 A. Talking about the sacrifice and about the benefit from working
9 at the dam worksite, my life there could be regarded as the life
10 of an animal, and that applies to all the workers. As for the
11 benefit, we knew nothing about the benefit of what the purpose of
12 building the dam. Everything was organized by Angkar. And for us,
13 we tried to survive on a daily basis. When we woke up we knew
14 that, okay we could live for that day, but we did not know what's
15 going to happen the next day or that late evening. We could not
16 envisage anything at all. And we never knew their true intention
17 on the building of the Trapeang Thma Dam worksite, not at all. We
18 were completely in the dark and that was compounded by the fact
19 that I was pretty young at the time. I kept doing what I was
20 asked to do, to build the dam or to work the dry season rice
21 farming.

22 [10.07.05]

23 Q. This is my last question to you, Mr. Civil Party. Again, while
24 you were working at the worksite, and as you just stated, you
25 never knew what was going to come, whether you would be killed in

20

1 the afternoon or next day? And if this is the way that you felt
2 at the time, could you describe to the Court how painful such a
3 feeling was?

4 A. I believed my feeling at the time was similar to all of those
5 workers in the mobile unit, since mostly they were 17 April
6 People. And yes, there were a handful of Base People in the
7 mobile unit, but they were the one playing a different role. They
8 would monitor our activities or the works that we spoke.

9 Q. And Mr. Civil Party, lastly, do you have any questions that
10 you wish to put to the Accused through the President of the Trial
11 Chamber?

12 A. Thank you, Counsel.

13 Mr. President, with your permission and through you, I'd like to
14 put the questions to the Accused.

15 One, during the Khmer Rouge regime they said that they considered
16 children as pillars of the country. Why did they deprive
17 education from the children, and instead why were they forced to
18 cut "kantreang khet" trees, to collect cow dungs, and why were
19 they deprived of food and only a can of rice was given to 30
20 children?

21 [10.10.05]

22 Second, in the Democratic Kampuchea regime, Angkar said we should
23 yield three to four tonnes of rice produce per hectare. What
24 happens to the yield? Why the yields were not given to the people
25 to eat?

21

1 Third, during the Democratic Kampuchea period they said it was a
2 great leap forward. If that was the case, why no machineries was
3 used for the building of the Trapeang Thma Dam worksite, and
4 instead people were forced to engage in manual labour?

5 MR. PRESIDENT:

6 Thank you, Mr. Sam Sak, and the Chamber wishes to inform you that
7 after ascertaining the position of both Accused on 8 January
8 2015, regarding exercise of the right to remain silent, the
9 Chamber notes that the two Accused maintain their expressed
10 position unless and until such time the Chamber is expressly
11 informed otherwise by the Co-Accused or their counsels. It is
12 therefore incumbent upon them to inform the Chamber in a timely
13 and efficient manner should the Accused resolve to waive the
14 right to remain silent and be willing to respond to questions by
15 the Bench or relevant parties at any stage of the proceedings. As
16 of today, the Chamber is not informed the Co-Accused have changed
17 their expressed positions and have agreed to provide a response
18 to questions. For that reason, the Chamber is not in a position
19 to compel the Accused to respond to your questions.

20 The time is appropriate for a short break. We take a break and
21 resume at 10.30.

22 Court officer, please assist the civil party during the break and
23 invite him, together with the TPO staff, back into the courtroom
24 to continue proceedings of hearing the impact statement by this
25 civil party at 10.30.

22

1 The Court is now in recess.

2 (Court recesses from 1012H to 1030H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now back in session and now the floor is given to
6 the Co-Prosecutors to put questions to the civil party, if any.

7 You may now proceed.

8 QUESTIONING BY MR. SENG BUNKHEANG:

9 Good morning, Mr. President. Good morning, Your Honours, everyone
10 in and around the courtroom. Good morning also Mr. Sam Sak. My
11 name is Seng Bunkheang, I am the National Deputy Co-Prosecutor. I
12 have a few questions to put to you and I need your clarification
13 for the Court.

14 Q. First I would like to know about workers at Trapeang Thma Dam
15 worksite. What was the composition of workers at the worksite,
16 were there any Base, New Peoples and also children at the dam
17 site?

18 MR. SAM SAK:

19 A. Thank you. At Trapeang Thma Dam worksite, most of the workers
20 were full-fledged people. The age range was between 16 to early
21 40s and most of members within the mobile units consisted of the
22 17 April People.

23 [10.33.40]

24 Q. Could you give the estimate to the Court, how many workers
25 were there at the Trapeang Thma Dam worksite?

1 A. Regarding the mobile units at Trapeang Thma Dam worksites, no
2 one can give the exact numbers or figures of workers there.
3 People from different districts came to join force and work at
4 the dam worksite. There were thousands, 10,000 or even one --
5 millions of workers at the dam site.

6 Q. I would like you to give a rough estimate, how many workers
7 were there at the worksite; did the number reach 100,000, tens of
8 thousands?

9 A. I cannot give you even the rough estimate. People were in long
10 rows working.

11 Q. Thank you. A while ago you made mention that you were assigned
12 to work at Trapeang Thma Dam worksite, could you tell the Court
13 what was the work quota on your daily activities?

14 [10.35.29]

15 A. Regarding mobile units at the dam worksites, we received about
16 two or three cubic metres of soil to work on, on a daily basis.
17 First we received perhaps three cubic metres of soil; later on,
18 when we had to carry earth and dump it in a far place, we
19 received only two cubic metres of soil per day.

20 Q. To your observation, what happened to those who did not meet
21 the work quota?

22 A. Concerning the work quota set by Angkar, we were instructed to
23 complete whatever work quota set by Angkar. For example, if we
24 received two or three cubic metres of soil per day, we had to
25 complete the work quota by the end of the day. Not all of us,

24

1 majority of us could complete the work quota; only few of them
2 did not meet the work quota.

3 Q. Thank you. From your own observation from what you saw or from
4 any sources, what happened to those who did not meet the work
5 quota, what did they do to those who did not complete the work
6 quota?

7 [10.37.33]

8 A. We were assigned to carry dirt within the mobile units. For
9 example, if we did not complete the work quota by the end of the
10 day we would be invited to attend the criticism and
11 self-criticism session and we were advised to try to complete the
12 work quota.

13 Q. Thank you. Did it happen if one was called into a criticism
14 and self-criticism session and that person did not meet the work
15 quota, what happened to them if they still not meet the work
16 quota?

17 A. Regarding mobile units at Trapeang Thma Dam worksite, they
18 monitored mobile unit -- whether mobile units at the dam site
19 could complete the work quota. I do not know what happened to
20 those who still did not meet the work quota after they were
21 invited to the session.

22 [10.39.18]

23 Q. Thank you. Regarding the self-criticism session mentioned by
24 you, have you ever been invited into a self-criticism session at
25 your unit and how often did self-criticism and criticism session

1 hold?

2 A. Thank you. I used to attend one criticism and self-criticism
3 session in a group at the time. I was criticised because I did
4 not fulfil the work quota by the end of the day, I was in the
5 meeting and I was criticised. Someone in the group said that he
6 wished to criticise Comrade Sam Sak and I was advised to complete
7 the equal work quota received by others and after the criticism
8 by that person in the group, then it was time for me to admit the
9 mistake to confirm that later on I would try to complete the work
10 quota.

11 Q. Thank you. Regarding the criticism and self-criticism session,
12 who chaired the sessions?

13 A. Thank you. The upper echelon instructed self-criticism and
14 criticism sessions to be held among members of groups or units
15 and the time that I was invited into a self-criticism session,
16 there were six of us within the group. I was criticised and then
17 I was asked to admit my mistake. For instance, Ton (phonetic) was
18 criticised and after the criticism Ton had to admit the mistake.
19 The same applied to the group chief. So the meeting was meant to
20 reflect ourselves, our performance.

21 [10.42.26]

22 Q. Thank you. Now I would like to mainly focus on the work that
23 you did at Trapeang Thma Dam worksite. Did you observe workers
24 die on the spot at the worksite or injured?

25 A. I did not notice anyone injured at the worksite and I do not

1 know about the fact that other workers within different units
2 injured at the worksite.

3 Q. Thank you. To your observation, what was the health situation
4 of workers at the worksite? Were they pale? Were they skinny?

5 A. Thank you. Within mobile units at Trapeang Thma worksite, yes
6 of course there were sick people, people who fell sick. No enough
7 food for us to eat, no enough time for us to sleep. As I told the
8 Court already, my knee caps were as big as my hat. Some people
9 had relapsed fever, some had trembling disease, some other had
10 malaria, their faces looked very pale and their knee caps were so
11 extremely big and some sick people died.

12 Q. Thank you. I believe you have told the Court already in
13 relation to your sleeping time. You stated that you did not have
14 enough sleep. But what I would like to know is about the working
15 times at the worksite. So when did you start the work, when did
16 it end, when did the work end and when did you have resting time?
17 [10.45.29]

18 A. Thank you. Over there, we had to -- as well others could not
19 tell you the exact time that we started work at the dam worksite.
20 I could say perhaps we started the work at perhaps 4.00 or 5 a.m.
21 when the roosters were singing. At that time, 4.00 or 5.00 in the
22 morning, we could hardly see each other; what we were hearing was
23 the sound of hoes banging each other. It was quite dark in the
24 morning that we started work and we continued until 11 a.m. in
25 the morning. So we depended much on the sun that is the

1 biological clock. So at 11.00 we had a short break to have lunch
2 and we resumed at 1.00, we continued until 5 p.m. in the evening
3 and after 5.00, we had a short break, taking bath, having gruel,
4 we were given a ladle of food, and the food was placed into our
5 bowl equally, equal for everyone then I take a bath. And at 6
6 p.m., we started work again perhaps from 7 p.m. So, we engaged in
7 work actively until 10 p.m., after which we came back to sleep.

8 [10.47.58]

9 Q. I still have a few more questions to ask you; please bear with
10 me, Civil Party. In relation to the work at the dam worksite,
11 what did you do when you and other workers fell thirsty, was
12 there water available for all of you to drink, I mean clean
13 water?

14 A. Thank you. During the time, no clean water was given to all of
15 us, the water was quite dirty. No sanitation; the water was not
16 hygienic and I had to use my shirt as filter so that I would not
17 drink in insects in the water.

18 Q. Thank you. And can you tell the Court who was in charge of the
19 Trapeang Thma Dam worksite?

20 A. Thank you. During the time I had no idea who had overall
21 supervision of my unit. What I knew at the time is that Ta Val
22 had the overall supervision at the worksite. I held no rank, no
23 position, what I had to do is - was to work to avoid committing
24 any mistakes from my part. I did not know at the time who was my
25 unit chief. And as I told you already, Ta Val had overall

1 supervision of Trapeang Thma Dam worksite.

2 [10.50.35]

3 Q. I believe it is my last question now; I want you to tell the
4 Court, to your observation, from what you heard, did senior
5 leaders from upper echelon ever visit the dam worksite?

6 A. Thank you. I used to see the leadership when I was at the
7 site. I was not standing close to the leadership at the time; I
8 was far away digging, carrying dirt. I was in a great distance
9 from them.

10 Q. You saw them from afar; did anyone within your group tell you
11 that those people were particular individuals, did anyone tell
12 you?

13 A. During the time that I was working at the dam worksite, yes
14 the visits were paid by the leadership. Chinese delegation came
15 to the site to visit and the Chinese were in black clad clothes,
16 they had fair complexion. Those who were working close to the
17 place where the delegation were walking, they could recognise who
18 they were but for me I was away working so I did not know and see
19 clearly.

20 [10.52.50]

21 Q. Thank you. I would like to focus the visit of Chinese
22 delegation. Did you notice any senior leadership join the
23 delegation at the time?

24 A. All I know is that the delegation came to visit the dam
25 worksite. I do not know who accompanied the delegation at the

1 time. I did not know whether the senior leaders from district,
2 from sector or from zone level accompanied the delegation.

3 MR. SENG BUNKHEANG:

4 Mr. President, I am concluded with my line of questioning.

5 MR. PRESIDENT:

6 Thank you very much, Co-Prosecutor. It is now time for the
7 defence team for the two Accused to put questions to this civil
8 party. If you have questions you may now proceed: first, counsel
9 for Mr. Nuon Chea.

10 [10.54.07]

11 QUESTIONING BY MR. KOPPE:

12 Q. Thank you, Mr. President. Good morning, Mr. Civil Party. I
13 have a few follow-up questions that I would like to put to you.
14 This morning you said that when you became a soldier you changed
15 your place of birth to the place of birth of your wife and you
16 said that you did not want them to know that you were Khmer Krom
17 originally but that you were from – that you were Khmer Leu. Can
18 you explain to me why you didn't want them to know your original
19 place of birth?

20 MR. SAM SAK:

21 A. Thank you. I have changed my biography but I still use the
22 same name. I moved to live in the upper land of Cambodia and I
23 myself do not want others to know my background that I was
24 originally from the lower part of the country -- that is,
25 Kampuchea Krom. I do not intend to conceal my biography; however,

1 as I stated I do not want others to know my background from
2 Kampuchea Krom.

3 [10.56.04]

4 Q. I understand that's what you said earlier this morning but my
5 question is: Why? Why are you hiding your original identity today
6 and also I supposed in the 80s?

7 A. I do not know what else to tell you; as I told you already I
8 hide my identity, my original identity and when I became a
9 soldier at Banteay Kdei (phonetic) or Preaek Kdei (phonetic)
10 barrack, I changed my original identity so that when something
11 happened to me when I was a soldier, my wife could stay in the
12 country and could stay around.

13 Q. I'll move on, Mr. Civil Party. Is my understanding correct
14 that you were living close to the Olympic market in Phnom Penh on
15 17 April 1975?

16 A. Of course, I lived behind -- in the area behind the Olympic
17 market at the time.

18 Q. And can you tell us where you or your family kept the cows and
19 the buffaloes that you were having?

20 A. Could you repeat your question once again because in Phnom
21 Penh town, at the time, no one raised cows and buffaloes?

22 [10.58.40]

23 Q. I agree with you; in your civil party application, you claimed
24 -- you request to be compensated for the loss of your cows,
25 buffaloes and your house. That's why I was wondering where you

1 kept your cows and buffaloes.

2 A. No, I did not. I do not ask reparation in the forms of cows
3 and buffaloes. I was quite young at that time and I did not fully
4 grow yet at the time.

5 MR. PRESIDENT:

6 You are on your feet. You may now proceed, Counsel Pich Ang.

7 MR. PICH ANG:

8 I would like Counsel Koppe to refer us specifically to the page
9 which the civil parties stated that he raised cows and buffaloes
10 and in the part that the civil party said he requested
11 reparation; namely, cows and cattle.

12 [11.00.16]

13 BY MR. KOPPE:

14 I was referring, Mr. President, to D22/3209/1 and the English,
15 ERN is 00562491. In the English translation it says: "The
16 applicant requests to be compensated for the loss of his cows,
17 buffalo and house." But it's not important; the civil party
18 already answered the question so I think I can move on, Mr.
19 President, if you do not mind.

20 Q. Mr. Civil Party, let me ask you something about your WRI,
21 specifically about something you said in document E319/19.3.10,
22 Question and Answer 146. In this WRI, you were asked the
23 question: "Could you estimate how many people died of starvation,
24 disease or killing?", and then you answered: "I do not know how
25 many died but many died. As for the Chinese, they died until

1 entire villages went silent." What exactly did you mean when you
2 gave this answer to the investigators?

3 [11.02.33]

4 MR. SAM SAK:

5 A. Yes, that is my statement. In fact I arrived at the Samraong
6 village as we were tasked to clear the forest and there was a
7 nearby village named Chrak Oul (phonetic), and Chinese people
8 were placed in that village and many of the Chinese people died.
9 And in some houses, the whole family died, the whole family
10 members died; 17 April People, I refer to some of them died from
11 illnesses or from being killed as they were accused of stealing
12 corn, for example, and some died from starvation. As for the
13 Chinese, the main cause of their death was lack of food and
14 stealing.

15 Q. So am I to understand that they didn't die because they were
16 Chinese but because they didn't have enough food and they
17 happened to be Chinese, is that what you're saying?

18 A. When I say they were Chinese, they were not pure Chinese from
19 china but they were Sino-Khmers, those Sino-Khmers from around
20 Olympic market for instance, they were not pure Chinese, you
21 could also consider them Chinese within the 17 April People
22 group. They had pale complexion than the pure Khmer people and
23 they died from illness, they were not killed.

24 [11.04.57]

25 Q. But were people of Chinese ethnicity mistreated for some

1 reason?

2 A. They were under the same condition as that of the 17 April
3 People. However, they were considered capitalist by the Khmer
4 Rouge as they were accused of exploiting the society. For that
5 reason, they were segregated and placed in one group and they
6 were considered the rich Chinese and many of them died from
7 illnesses, from swollen conditions. However, the working
8 condition was the same for them as that for the 17 April People.

9 Q. Let me just ask one follow-up question to understand what
10 you're saying. In the same WRI that I just mentioned, you were
11 asked questions 36 and 37, you were asked first about Cham and
12 you said there were no Cham where I was living but you said there
13 were some Chinese. Question: "Were those Chinese arrested?" and
14 then you answered: "They did not kill the Chinese but they
15 mistreated them." The answer seems to suggest that Chinese were
16 mistreated because they were Chinese or is that not what you
17 meant?

18 [11.06.56]

19 A. They treated the Chinese in the same way as they treated the
20 17 April People from Phnom Penh. However the Chinese were placed
21 into Chrak Oul (phonetic) village and that village was a former
22 quite forest, it looked like a graveyard.

23 As for working conditions, they received or they were under the
24 same working condition as that of the 17th April people.

25 Q. This morning you said that 17 April People were "seriously

34

1 mistreated"; is that now what you're saying as to what happened
2 to Chinese people as well?

3 A. We were all mistreated as these Chinese were oppressed in the
4 mobile unit. The work quota was the same. For example if the
5 Khmer people were given three cubic metre of work quota to finish
6 per day, the Chinese would receive the same work quota.

7 [11.08.40]

8 Q. Let me move on to another topic, Mr. Civil Party, and it's a
9 question about hospitals and medicine. In your civil party
10 application E3/5033, English, ERN 00919930; French, 00922767; and
11 Khmer, 00562499; you said as follows: "In that village many
12 people got malaria and died due to the unavailability of
13 medicine, treatment or hospital and starvation." Is this only
14 referring to '75 or were there also no hospitals when you were
15 working at the dam in 1977?

16 A. On the issue of medicine and hospital, there was a hospital;
17 however, there were no patients there. Actually I went to ask for
18 medicine at the hospital in Samraong district and what I was
19 given when I had a fever was rapid drop-like pellets.

20 Q. My question is -- let me rephrase my question. Were there
21 people who were working at the Trapeang Thma Dam site who had
22 gotten sick and subsequently sent to the hospital to get better?

23 A. I do not have that knowledge; I do not know whether sick
24 people were sent to hospital within the vicinity of the Trapeang
25 Thma Dam worksite. While I was at the Trapeang Thma worksite, I

35

1 did not attend or was admitted to any hospital. I was given this
2 rapid drop-like pellets when I was sick.

3 [11.11.55]

4 Q. But it is correct that there was a hospital in Phnum Srok
5 district, correct?

6 A. I do not know whether there was any hospital in Phnum Srok
7 district as I was not there. I mainly worked at the Trapeang Thma
8 Dam worksite or I was at Samraong district.

9 Q. Let me read to you your answer to question 29 in your WRI.
10 Question 29 and 30, rather Question 30: "Were there medicines and
11 hospital in Phnum Srok district?" and you answered: "Yes, there
12 was a hospital with rapid dropping pills." Does that refresh your
13 memory?

14 A. Yes, I recall that but I never went to seek medicine from any
15 hospital in Phnum Srok district.

16 Q. Do you know anything about the food ration for the special
17 mobile unit at Trapeang Thma Dam?

18 A. Please repeat your question.

19 Q. My question was whether you know anything about the food
20 ration for the special mobile unit at Trapeang Thma Dam?

21 A. As I have already stated regarding the food ration for the
22 mobile unit, we were given thick gruel and during the dry season
23 we were given rice to eat. But I do not know about the food
24 ration for the so-called special mobile unit that you referred
25 to.

1 [11.14.41]

2 Q. I am looking at your WRI and in Question 55, you were asked:

3 "What was the special mobile unit like?", and then you said: "The
4 special mobile unit let us eat solid rice; watery rice porridge
5 was given to the children's unit. If we completed all the work as
6 planned, we will receive the full food ration but if we could not
7 complete all the work assigned by the deadline, half of our food
8 ration would be cut." That's why I was asking you if there was
9 any special food regime.

10 A. What I said is correct; we were given rice to eat as I said
11 during the harvest season. They have a flat basket and they put
12 banana leaves on it and they pour the cooked rice on to it. We
13 ate this rice for about a month during the season and then it
14 would return to gruel again.

15 Q. Let me now ask you about your time working at the dam. You
16 said that you recall a visit of a Chinese delegation, you also
17 recall Ta Val being in charge of the dam site. Do you recall the
18 months or the year that you have been working at the dam, how
19 many months have you been working at the dam site?

20 [11.16.54]

21 A. I worked in the mobile unit at the Trapeang Thma Dam work site
22 in 1977 and I remained there until the fall of the Khmer Rouge
23 regime. I recall that I fled the Trapeang Thma dam to find my
24 siblings in Samraong district.

25 Q. There is evidence suggesting, Mr. Civil Party that the dam --

1 the working at the dam itself was finished after two or three
2 months sometime April '77 or May '77 and that it started
3 mid-February 1977. What exactly were you doing after the dam was
4 finished?

5 MR. FARR:

6 Mr. President, an objection to the question; there is evidence to
7 that effect. There is also evidence that -- including
8 contemporaneous documents -- that construction continued at least
9 through the dry season of 1978. So if the question is what were
10 you doing after May of '77, no objection. But it shouldn't be put
11 to the witness that the evidence is only that construction
12 occurred in '77.

13 [11.18.45]

14 BY MR. KOPPE:

15 Q. I will rephrase. Isn't it correct that you were only working a
16 few months at the Trapeang Thma Dam worksite and not two or three
17 years or one year and a half?

18 MR. SAM SAK:

19 A. I did not work for a few months but I continued working there.
20 I actually worked there in three phases. For the first phase, I
21 worked near the base of the dam; the second stage, I was in the
22 first bridge; and the third stage, I worked at the water sloughs
23 near the bottleneck to -- connecting to the small dam; and when
24 the regime of the Khmer Rouge fell, I was at the third phase.
25 However, I cannot tell you the exact month or year that I worked

1 at the construction site. During the regime, nobody could
2 actually know the exact date of the day or of the year.

3 [11.20.05]

4 Q. But the carrying of the soil, did that happen also -- did that
5 continue after the first phase was finished?

6 A. When I was working there the bridges were not fully
7 constructed as the bridge construction itself was not fully
8 fledged, there were still holes near the start and the end of the
9 bridge and they had to make a detour around the bridge. And
10 actually after I finished working at that site I was instructed
11 to work the dry season rice farming nearby, but by that time the
12 dam itself was not yet completed as they had to finish the
13 working at the first bridge.

14 Q. When you working in the second phase at this bridge, were you
15 then also carrying soil?

16 A. Yes, I still carried soil at the second phase. However, during
17 the second phase I was also reassigned to work at the Spean
18 Sraeng dam. I was transported by truck at night-time to work at
19 the Spean Sraeng dam at the Spean Sraeng river and later on when
20 the regime fell in 1979, I went looking for my siblings.

21 [11.22.20]

22 Q. My last question. You were asked a question by the Prosecution
23 about people dying at the worksite, you answered that you didn't
24 see anybody dying because of an accident. But did you see people
25 dying because of overwork or starvation at the worksite itself?

1 A. No. I did not witness any injured workers while they were
2 carrying soil but I knew that people disappeared as they were
3 sent away and killed.

4 Q. My question was about overwork and starvation, you have said
5 in your civil party application that many people, "many people
6 had died due to overwork and starvation", but it's correct that
7 you didn't actually see that yourself; am I right?

8 A. It is the lack of food that led people to become sick, to be
9 emaciated and to get swollen and ultimately die.

10 Q. Yes, but they were sent to hospital and you didn't see them
11 actually dying; is that correct?

12 A. Yes, that is correct. I did not see them die. As I said
13 earlier I did not know the whereabouts of the Phnum Srok
14 hospital.

15 MR. KOPPE:

16 Thank you, Mr. President.

17 [11.24.40]

18 MR. FARR:

19 Mr. President, just quickly before we move to the Khieu Samphan
20 defence, I wanted to just clarify one thing for the record
21 regarding the witness's request for compensation. The document
22 that the Nuon Chea defence was quoting from -- D22/3209/1 -- is
23 not the civil party application, it is a report on the civil
24 party application prepared by WESU, it's a summary of the civil
25 party application and it appears to be inconsistent with the

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1 application itself, which is E3/5033. In E3/5033, part C,
2 Question 7, the civil party is asked about reparation and it does
3 say that he is seeking cattle and an appropriate home, but there
4 is no representation that he previously had cattle so he is not
5 representing that he lost cattle and lost a house, he is seeking
6 cattle and seeking a house.

7 [11.25.45]

8 MS. GUISSÉ:

9 Mr. President, it's 25 past 11.00, so of course I won't be able
10 to finish with my questions in five minutes so I would like to be
11 clear from the start, it is going to be impossible for me to put
12 all the questions I have to put within the next five minutes.

13 MR. PRESIDENT:

14 And how much time do you anticipate because there is another
15 civil party this afternoon? Would it be possible for you to
16 conclude at 11.40? So it means we give you another 10 minutes on
17 top of the five minutes remaining.

18 MS. GUISSÉ:

19 Well, Mr. President, I would like to say yes but there are
20 certain number of things have been said that lead me to seek
21 clarification. So you might note that when we don't have any
22 questions, we don't ask many questions but now I need some
23 clarification so I cannot guarantee that I will be done by 20 to
24 12.00. And here we are actually speaking about substantial
25 matters related to the dam and which might be held against my

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1 client so I cannot refrain from asking questions. So Mr.
2 President, I am sorry I know that I will need the extra time but
3 I cannot tell you how much and I need the civil party to clarify
4 certain things so 20 to 12.00 seems a little short, so I prefer
5 starting and maybe to go over and maybe I will shorten my time
6 when it comes to the next civil party. So I would like to be
7 clear from the start that I cannot guarantee that I would be done
8 by 20 to 12.00.

9 [11.27.58]

10 MR. PRESIDENT:

11 As I said we may be flexible with time this morning because if we
12 extend the time for the afternoon session, there are logistical
13 issues with transporting staff back into town and also you need
14 to consider the health condition of your client, Mr. Khieu
15 Samphan, how much time he can sit this morning. If he can
16 continue then we can extend this morning's time; if not, we
17 adjourn now and resume in the afternoon. However we try not to
18 face the same situation as for yesterday's afternoon session.

19 MS. GUISSÉ:

20 I understand. Well, in that case, given all the elements that you
21 brought up, I would prefer starting and finishing at the
22 beginning of the afternoon and then I will draw my conclusions
23 for what continues.

24 [11.29.14]

25 MR. PRESIDENT:

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1 The Chamber can grant you 15 extra minutes this morning and I
2 hope it is not going to affect your client's health and then we
3 can continue with the new civil party this afternoon so that it
4 does not affect the logistical arrangement -- with the
5 transportation of the ECCC staff back to town, as of course, we
6 try to avoid the traffic congestion and we don't want to repeat
7 what happened yesterday and I think you understand the situation
8 well. However you also have to take into account the health
9 condition of your client as he needs to have sufficient break
10 also for the morning session.

11 MS. GUISSÉ:

12 I am well aware of that Mr. President, I will not ask for any
13 more time I'll do what I can do today but I would have preferred
14 to have more time this afternoon even if that means cutting some
15 of my questions short. So that said I would like to start now.

16 [11.30.36]

17 QUESTIONING BY MS. GUISSÉ:

18 Q. Mr. Sam Sak, I would like you to clarify a few things. I am
19 Anta Guissé, International Co-Counsel for Mr. Khieu Samphan. I
20 would therefore like you to clarify a few points regarding what
21 you have stated in your testimony. The first point is: For how
22 long did you work at the Trapeang Thma Dam worksite?

23 MR. SAM SAK:

24 A. Thank you. I recall that I left the children unit and went to
25 work in a mobile unit. I cannot tell you the date of my transfer

1 and relocation. However I recall the time when I attended a
2 meeting--

3 Q. Excuse me, Mr. Civil Party; I am obliged to cut you short
4 because I don't have a lot of time. In your statement
5 E319/19.3.10 in response to Question 99, you were asked "For how
6 long you worked at the Trapeang Thma dam?" and you said that "I
7 worked there probably around 1977". Does that refresh your
8 memory?

9 [11.32.26]

10 A. Yes, that is correct. Yes, in 1977.

11 Q. And do you also remember when you left?

12 A. I can recall that I went to work at the Trapeang Thma Dam
13 worksite in the dry season when I had rice to eat.

14 Q. I put this question to you because in the statement I've just
15 referred to in question - Answer 112, you state that, "I worked
16 at the Trapeang Thma worksite from 1977 until the fall of the
17 Khmer Rouge regime -- that is, in January 1979". Does this
18 refresh your memory and do you confirm what you stated in that
19 statement?

20 A. My apology; I do not recall the exact date. There was no
21 calendar for everyone to know that it was Wednesday, Monday or
22 Tuesday, we had to work.

23 [11.34.06]

24 Q. I'm sorry, Witness; I had to interrupt you I just wanted to
25 know whether what I said refreshed your memory or not. You said

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1 this morning that you wanted to leave the children's unit in
2 order to work in the special unit because you wanted to be able
3 to eat rice. Can you tell us under what circumstances you made
4 that request and to whom?

5 A. Yes, I did make a request to join the mobile unit so that I
6 could have rice to eat. It was a terrible situation in the
7 children unit having only gruel.

8 Q. To whom did you make that request?

9 A. I cannot recall it. I do not remember it. I forget it.

10 Q. Was that to the chief of the children's unit that you made
11 that request?

12 A. Yes, perhaps so. The request was made through chief of
13 children's unit, Net.

14 Q. When you arrived in the special unit, who was your direct
15 superior? You said Ta Val was the overall supervisor at the
16 worksite, but who was your immediate superior?

17 A. I was quite young at that time. I did not know who was my
18 group chief or unit chief. I only knew that we were the 17 April
19 People in the group. All I knew is that Ta Val was a supervisor
20 over all of us.

21 [11.37.35]

22 Q. A While ago when you were questioned on the composition of
23 your unit, you said that it was mainly composed of 17 April
24 People and that there were Base People and at least you do recall
25 that there were heads of unit who were Base People. Do you

1 remember whether the person who was in charge of supervising the
2 group was a man or a woman?

3 A. He was a man.

4 Q. And was that person a member of the Base People's group?

5 A. The 17 April People had different accent so we could make a
6 distinction between the Base People and the 17 April People.

7 Q. You haven't answered my question. My question was whether that
8 person was from the Base People's group?

9 A. He was a male, he was a man and he was a Base person; 17 April
10 People and Base People had different accent in their speaking.

11 [11.39.18]

12 Q. Within your group, were there men and women or only men?

13 A. There were only men, no women within my group. However workers
14 at the site consisted of both male and female. Again, within my
15 unit, there were no female at all.

16 Q. And you stated that there were youths aged between 16 and 20
17 and that you were the youngest, do you know whether some of them
18 were married?

19 A. Within my group most of them were married men. I called them
20 comrade fathers, they were married men. They were older than me
21 in terms of age.

22 Q. In terms of quotas, you stated this morning that the quota
23 that was imposed on you on a daily basis was either three cubic
24 metres or two cubic metres. Did I properly understand your
25 testimony?

1 A. Yes, that is correct.

2 [11.41.10]

3 Q. In report E319/27.4.109.1, the ERN in English is 01031297 and
4 this is what is stated therein by the person who drafted the
5 report -- and I quote in English: "They were assigned to dig five
6 cubic metres per day--" My question is as follows: I will start
7 all over again because there was no translation in Khmer. My
8 question is as follows: Did you tell anyone at any point in time
9 that there was a quota of five cubic metres a day?

10 A. I do not recall it, I forget it.

11 Q. So you don't recall the name of your immediate superior but
12 you do recall Ta Val, did you have any personal interactions with
13 Ta Val?

14 A. You do not need to mention the opportunity that I could
15 communicate and talk to Ta Val; I did not dare to look at his
16 face. I heard of the name, I heard of his name, I have never seen
17 him. Thank you.

18 Q. Who checked to make sure that you had met the quota or not on
19 a daily basis?

20 A. Group chiefs, unit chiefs, they were the ones who verified or
21 checked the work quota and then they made the report and if we
22 told lies to them, if I told lie to them about the performance
23 that I did, I would be in danger. We did not dare to tell lies at
24 the time.

25 [11.44.23]

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1 Q. How were such quotas checked by what means and through whom?

2 A. No measurement tape at the time was used. The pole of the hoe
3 was used to measure the quota that we completed so no measurement
4 tape was used to measure the land that we completed; they used
5 the pole of the hoe.

6 Q. And regarding your group leader whose name you no longer
7 recall, was that the person who was in charge of managing food
8 rations and housing?

9 A. The group chief was not responsible for the food rations.
10 Everyone received the same and equal food ration. However, the
11 group chief controlled our working manners and the group chief
12 was there to see when we were working, digging the soil, carrying
13 the soil.

14 MR. PRESIDENT:

15 Thank you, Madam Counsel. Lead Co-Lawyer, I notice you are on
16 your feet.

17 So now it is time for a short break.

18 [11.46.28]

19 MS. GUIRAUD:

20 Thank you, Mr. President. I just want a clarification; I believe
21 the counsel made an error when she quoted the report of the
22 victim's unit. That report actually has to do with the next civil
23 party. It appears she quoted E319/27.1.4.019 in which the figure
24 of five cubic metres was indeed mentioned. We do not have that
25 information in the victim's possession -- report regarding this

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1 particular civil party. I don't know whether she erred and in
2 which case perhaps she should give us the right reference.

3 [11.47.09]

4 MS. GUISSÉ:

5 Document is E319/27.4.109/1. It was an error on my part; for this
6 reason, there shouldn't be any concern.

7 Mr. President, are you trying to say that I have run out of time.

8 MR. PRESIDENT:

9 I told you that it is now time for a short break so we should
10 take break first. I am afraid that you will be on your feet and
11 mention about your client's condition that he has no longer been
12 able to sit in the courtroom in the morning that is why I adjourn
13 the hearing now and we may resume in the afternoon.

14 [11.48.10]

15 Now it is time for the lunch break. The hearing will continue in
16 the afternoon at 1.30. In the afternoon the Chamber will continue
17 to hear the responses from civil party, Sam Sak, to questions put
18 by the defence counsel for Mr. Khieu Samphan, after which we will
19 continue to hear 2-TCCP-994.

20 Thank you, Mr. Sam Sak, the hearing of the victim impact
21 statement has not yet come to a conclusion so you are invited to
22 be here once again in the afternoon at 1.30. You may now be
23 excused but you are invited to be here again in the afternoon.

24 Court officer, please find a proper room for the civil party
25 during the lunch break and please invite the civil party and the

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1 TPO staff back into the courtroom at 1.30.

2 Security personnel are instructed to bring Mr. Khieu Samphan back
3 to the holding cell downstairs and please have him returned into
4 the courtroom at 1.30.

5 The Court is now in recess.

6 (Court recesses from 1149H to 1330H)

7 MR. PRESIDENT:

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

9 And again the floor is given to the defence team for Khieu
10 Samphan to continue putting questions to the civil party, Sam
11 Sak. You may proceed, Counsel.

12 BY MS. GUISSÉ:

13 Q. Thank you, Mr. President. Good afternoon, Mr. Sam Sak. This
14 morning, you were speaking about the issue of quotas when you
15 were addressing the Co-Prosecutors, and you gave an answer that's
16 different from the answer that can be found in your WRI,
17 E319/19.3.10. And this is the question that was put to you. It's
18 question 132: "Did they impose a work quota on the people?" And
19 your answer is the following: "The day workers had to transport
20 one cubic metre of soil per day with their shoulder pole, but the
21 night workers had no quota that they had to meet." End of quote.
22 So can you tell the Chamber which version is correct? Was it one
23 cubic metre per day during the day, and no quota at night? Or was
24 it the two to three cubic metres that you were speaking about
25 this morning?

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1 MR. SAM SAK:

2 A. I said I recall that the work quota for the day work was one
3 cubic metre, and for the night shift, no quota was imposed, but
4 we had to work until 10 o'clock at night.

5 Q. Can you confirm, because apparently the interpreter wasn't
6 sure whether it was one cubic metre per day or not?

7 A. I think I made a mistake. It was not one cubic metre work
8 quota.

9 [13.34.03]

10 Q. So which version is the correct one, then?

11 A. I will stand by the statement of the three cubic metres work
12 quota.

13 Q. And in your WRI again, you say -- or you make a difference
14 between the day and night workers. Can you be a bit more specific
15 about that? Can you say how things were organized in that regard?

16 A. During the day shift, we worked by quota, and also we worked
17 at certain hours. For instance, we started working in the morning
18 and rested at 11.00, started again at 1.00. And for the night
19 shift, no quota was imposed, but we continued working until 10
20 o'clock.

21 [13.35.29]

22 Q. But in your answer 132, we get the impression that the day
23 workers are not the same as the night workers, and that there was
24 a rotation. So can you please be more specific about that?

25 A. I don't think I made that statement. There was no shift

1 change, no people on rotation basis.

2 Q. You indicated, and I wasn't quite clear about this this
3 morning and please therefore clarify, you were speaking about the
4 kind of work you were doing at the 1st January Dam site. So, as
5 soon as you arrived at the worksite, until the end of your stay
6 there when the Vietnamese arrived, did you always do the same
7 kind of job?

8 A. No, it was not the 1st January Dam. It was the Trapeang Thma
9 Dam worksite.

10 Q. I'm sorry, that's my mistake. Indeed, Trapeang Thma, yes.
11 However, my question is the same: did you do the same job from
12 day one until the day you left the Trapeang Thma Dam site?

13 A. I worked there until the day I ran to look for my other sister
14 in Samraong district. So I worked at the Trapeang Thma Dam
15 worksite, but allow me to clarify that even by the end of the
16 regime, the dam construction was not fully completed. And as I
17 said, I worked there in phases: namely, working at the first
18 bridge, and later on at the narrow part of the dam.

19 Q. My question was: did you do the same kind of job all the time,
20 that is to say, carrying earth?

21 A. After I completed the work at the dam site, I was assigned to
22 work the dry season farming, also near the area of the dam
23 worksite. And I worked within the vicinity of the reservoir until
24 the day the Vietnamese troops arrived.

25 [13.39.29]

1 Q. So therefore I understand that at one point in time, you
2 stopped carrying earth, and that you did agricultural work; is
3 that so?

4 A. Yes, you are correct.

5 Q. And at answer 102 in your WRI, you say the following:

6 "Initially, because I was young, they had me drive an ox cart to
7 deliver firewood for cooking rice for the mobile unit people."

8 End of quote. So, is it true as you said to the investigators,
9 that when you had just arrived at the Trapeang Thma site, you
10 didn't right away work on the dam?

11 A. I stated the same thing this morning because initially upon my
12 arrival, I was considered a young boy. For that reason I was
13 given a task to drive an ox cart to deliver firewood for the
14 kitchen.

15 Q. Is it true as well that the children's unit were not allowed
16 to work at the dam site?

17 [13.41.28]

18 A. Yes, that is correct, because personally, I never saw children
19 working at the dam.

20 Q. Is it also true that, aside from your group or unit leader, no
21 one else was in charge of watching over you?

22 A. Yes, that is correct.

23 Q. You said, when you were answering the Co-Prosecutor this
24 morning, that you saw a Chinese delegation at least arrive, and
25 that you attended a meeting. Do you remember if the dam, and the

1 purpose of the dam, was discussed during that meeting?

2 A. Yes, they did discuss this matter, and they said that we had
3 to try to accomplish the work plan set forth by Angkar. And they
4 made that announcement during the anniversary celebration of the
5 17 April day.

6 [13.43.15]

7 Q. And in the speeches you heard that day, was there any
8 explanation about the purpose of the dam?

9 A. I did not pay much attention, listening to what was announced
10 on -- during the meeting, and I can only recall what I have just
11 stated.

12 Q. This will be my last question now: in your civil party
13 application, in your VIF, document E3/5033, at Khmer ERN,
14 00562496; you speak about a certain Chau Ny as a witness. So can
15 you tell the Chamber who this Chau Ny is, whom we heard as civil
16 party in Case 002/01? So can you tell me what kind of kinship
17 link you might have with this Chau Ny?

18 A. Chau Ny is my elder brother-in-law.

19 Q. When you say older brother-in-law, can you specify who is
20 married to whom?

21 A. When I say that he is my elder brother-in-law, it means that
22 he is married to my elder sister.

23 [13.45.43]

24 MS. GUISSÉ:

25 Thank you for this clarification. Mr. President, I am done. Thank

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1 you for the extra time you have granted me.

2 MR. PRESIDENT:

3 Thank you. And Mr. Sam Sak, the Chamber is grateful of your
4 presence, and your statement of harm and suffering that you claim
5 you suffered under the Khmer Rouge regime at the Trapeang Thma
6 Dam worksite, and you may be excused. And Mr. Sarath, since you
7 are still needed to provide support to the upcoming civil party,
8 please remain seated as we will have another civil party ushered
9 in shortly.

10 Court officer, please collaborate with WESU to make arrangements
11 for Mr. Sam Sak to return to his residence, and please usher the
12 new civil party in -- that is, 2-TCCP-994, for the purpose of the
13 presentation statement of harm and suffering.

14 (Civil party enters courtroom)

15 [13.48.12]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good afternoon, Mr. Civil Party. What is your name?

18 MR. MEAN LOEUY:

19 A. Mr. President, my name is Mean Loey.

20 Q. Thank you, Mr. Mean Loey. When were you born?

21 A. I was born on 22 December 1954.

22 Q. And where were you born?

23 A. I was born in Thnal Dach village, Srah Chik commune, Phnum
24 Srok district, Battambang province. Currently it is in Banteay
25 Meanchey province.

1 Q. What is your current occupation? And what are the names of
2 your parents?

3 A. At present I am a rice farmer. And my father is Mean Loeuy
4 (phonetic), and my mother is Bok Mai (phonetic).

5 Q. What is the name of your wife? And how many children do you
6 have together?

7 A. My wife is Sok Hoeum (phonetic), and we have six children
8 altogether: one son and five daughters.

9 [13.49.52]

10 Q. Thank you, Mr. Mean Loeuy. The Chamber would like to inform
11 the Parties and the public that the Chamber has arranged a TPO
12 staff to provide support to this civil party during the
13 proceedings of hearing his statement of harm and suffering as he
14 claimed inflicted upon him during the Democratic Kampuchea
15 regime.

16 And Mr. Mean Loeuy, as a civil party in this proceeding, you are
17 given an opportunity to make your statement of harm and
18 suffering, materially, emotionally and physically, which are the
19 direct result of the crimes that happened, and the effects
20 continue to the present day; and that led you to become a civil
21 party in this case; and which are alleged against the two
22 Accused, Nuon Chea and Khieu Samphan; and which happened between
23 17 April 1975 to 6 January 1979, in particular the events that
24 happened at the Trapeang Thma Dam worksite.

25 Per request by the Lead Co-Lawyers, the Chamber will give the

1 floor to the Lead Co-Lawyers to put questions to this civil party
2 in relation to his impact statement.

3 [13.51.40]

4 MR. PICH ANG:

5 Thank you, Mr. President. In fact, Mean Loey had a toothache
6 today, so it might have some impact on his health. For that
7 reason, we seek your permission that my lawyer for civil parties,
8 Sin Soworn, puts some questions to the civil party.

9 [13.52.07]

10 MR. PRESIDENT

11 Yes, you may proceed in that fashion.

12 QUESTIONING BY MS. SIN SOWORN:

13 Q. Thank you, Mr. President. Good afternoon everyone in and
14 around the courtroom. My name is Sin Soworn. I am a lawyer for
15 civil parties in this Court, and I am also a civil party lawyer
16 for Mr. Mean Loey. I'd like to put some questions to him
17 regarding his emotional, physical, and material suffering as a
18 result of crimes committed during the Democratic Kampuchea
19 regime, which the effects remained until today. And Mr. Mean
20 Loey, prior to 17 April 1975, where were you and your family
21 living? And what were you doing for a living at that time?

22 [13.53.08]

23 MR. MEAN LOEUY:

24 A. Prior to 17 April 1975, I lived in my village in Srah Chik
25 commune, Phnum Srok district, Battambang province. However, in

1 1972 I ordained as a monk in Moni Bo (phonetic) pagoda. I
2 remained there for a year, and then I returned to study at Phnum
3 Sampov in Battambang province, and for the second year I went to
4 study in another pagoda in Preah Netr Preah district.

5 Q. Thank you. So you ordained as a monk at Bo (phonetic) pagoda,
6 and you ordained in 1972. And did you remain in monkhood until
7 1975?

8 [13.54.12]

9 A. In 1975, I returned from Chol Thearea Sambath (phonetic)
10 pagoda to Bo (phonetic) pagoda in Phnum Srok district. And while
11 I was still at the pagoda, the Khmer rouge liberated the Phnum
12 Srok district. And there were 20 monks still remained in the
13 pagoda on that day. The Khmer Rouge soldiers made an
14 announcement, asking people in the entire district -- that is,
15 comprised of seven communes, to come to a big meeting held in
16 that pagoda. And it was crowded, because people from all the
17 seven communes attended the meeting. They announced that for
18 ranked soldiers of the Lon Nol regime, they should congregate in
19 one place, and civilians to gather in another group.
20 By about 8 o'clock at night, they announced that they will take
21 those ranked soldiers away so that they would be reinstated. And
22 for us, we were instructed to leave to the villages, that
23 includes the civilians and the monks, through two directions: one
24 heading to the north and the other heading to the east. As I was
25 still a monk -- actually, at that time we cooked rice in order to

1 prepare for tomorrow, and we started the journey at 4 o'clock in
2 the morning, and we stayed at Thnal Dach village for seven days.
3 Then we were allowed to return to the pagoda.
4 All the monks, including the chief monks, remained at the Bo
5 (phonetic) pagoda. And in the morning the Khmer Rouge soldiers,
6 who were the messengers of the district chief, came to insist
7 that we should leave the monkhood, that we would not be allowed
8 to be in monkhood anymore in the near future. But I insisted that
9 I want to remain in monkhood because, based on the tradition and
10 the religion, that we should be in monkhood for 10 to 15 years in
11 order to absorb the knowledge and the Buddhist disciplines. I
12 remained a monk from that month of April, and I continued until
13 July before I decided to leave the monkhood, although they came
14 to urge us to leave the monkhood every single day. And the main
15 chief assistants to monks also did not want to leave the
16 monkhood.
17 [13.57.26]
18 And everybody, every monk, had to decide what to do. So on the
19 first day, two monks left the monkhood, and the next day, six
20 more monks. And it continued until there was no more monks left.
21 The monk named Tuy In Brasith (phonetic), who used to stay at
22 Battambang still insisted that he didn't want to leave the
23 monkhood, as he wanted to search for the Buddhist enlightenment.
24 A month later he was sent to Nam Tau village, and he was
25 accompanied by two young monks to go. And when two young monks

1 returned, they left the monkhood. And from that day, we did not
2 hear about him, but we heard that he was sent to Beng village in
3 Oddar Meanchey province. We did not hear from him since, until
4 1979 when the country was liberated. And by 1980, a village chief
5 of Beng village, said that they held a funeral for a monk who was
6 sent by the Khmer Rouge to Beng village, and that he was killed.
7 And I remember that he was a commune chief during the Khmer Rouge
8 regime. So we attended the funeral ceremony at a house near the
9 former Khmer Rouge district office, and we were told they heard
10 that the Khmer Rouge said that why the monk wanted to remain in
11 monkhood? And that the monkhood was beaten by the Khmer Rouge.
12 And he heard later that the Khmer Rouge killed that monk. And the
13 piece of tool that they beat the monk to death, was later on put
14 on his -- where he was buried.

15 [13.59.48]

16 Q. And after monks were ordered to disrobe, what were they
17 assigned to do, and where?

18 A. For me, after I left the monkhood, I lived in Thnal Dach
19 village. I worked as an ordinary villager, together with other
20 local villagers. I was assigned to uproot the tree stumps, to
21 work in the rice fields, or to clear termite mounds.

22 After we left the monkhood, we were not given any new sets of
23 clothes. However, I asked my elder sister to make clothes from
24 the Buddhist monk robe that I had. I worked at Thnal Dach
25 village. I worked collectively with other villagers. And that

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1 happened around late 1976.

2 Q. And when were you sent to work at the Trapeang Thma Dam
3 worksite?

4 [14.01.06]

5 A. It was in late 1976, chief of cooperative, Yan, gathered force
6 and sent all of us to build the dam at Trapeang Thma worksite.
7 People from cooperatives were gathered in large groups, and we
8 were sent to work at the dam site. I was part of a 100 person
9 unit. Yan was the chief of my unit. My group was working close to
10 the Bridge Number 1, and then we were relocated to the north of
11 Bridge Number 1, to work on another segment of the length.

12 The working conditions were difficult. We woke up in the very
13 early morning, and went to work. At 11.00, we were allowed to
14 take a very short rest. Then we continued working. For the daily
15 quota, we had to complete three cubic metres of soil per day.

16 Q. At Trapeang Thma Dam worksite, do you know who was in charge
17 of that dam worksite?

18 A. I do not know that person clearly. I heard people call that
19 individual by the name Val.

20 Q. Who divided the work to you to do? And who set the work quota
21 for you?

22 A. It was the 100 person unit chief.

23 Q. Thank you. While you were working at Trapeang Thma Dam
24 worksite, were you assigned only to work on the segment close to
25 Bridge Number 1, or were you relocated to work on other segments?

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1 [14.03.54]

2 A. When I was working there, I first started working at Bridge
3 Number 1, and I worked from Bridge Number 1 to Pongro. And after
4 that, I built the dam from Seim to Kaun Klaeng. Not only 100
5 members from my unit were working at that place: people from
6 different units joined the work force.

7 Q. Did they set the work quota at that time for all of you to
8 work?

9 A. The work was not normal. We received three cubic metres of
10 soil work quota per day.

11 Q. Three cubic metres of soil was assigned to you to complete.
12 Did you fulfil the work quota? What happened to you if you failed
13 to fulfil the work quota at that time?

14 A. We had to complete it. If we failed to meet the work quota, we
15 were invited to be in criticism and in self-criticism sessions.
16 And if we did not deter our mistakes, we would be in trouble.

17 Q. What did you mean by saying that you would be in trouble if
18 you did not deter your mistakes? Or if you did not meet the work
19 quota still?

20 [14.06.03]

21 A. If we were criticized for a few times, and we still failed to
22 meet the work quota, we would disappear, or we would be taken
23 away for re-education.

24 Q. You stated that people would disappear, and would be sent away
25 for re-education. Did you witness someone disappear from your

1 group or unit at that time?

2 A. Regarding the disappearances, I did not witness the
3 disappearances. People -- some people fell sick. They could not
4 go to work. They were accused of having the so-called imaginary
5 disease or sickness, and they disappeared the day after, in the
6 morning. And there was no information or news concerning the
7 disappearance of these people.

8 Q. Because of this, you were working hard in order to survive and
9 to save your life; is that true?

10 A. Yes, that is true.

11 Q. Thank you. Regarding food rations, clothes during the time:
12 first, I want to know about the food rations. While you were
13 working at the Trapeang Thma Dam worksite, what was the food --
14 what were the food rations like?

15 [14.08.08]

16 A. While I was working at Trapeang Thma Dam worksite, I did not
17 have enough food to eat. Initially, we had cooked rice once in a
18 while. Later, we had thick gruel. And we received only a small
19 bowl of food ration. We were weak, no strength at all. We were
20 afraid. I used to hear people say that monks are worms, sucking
21 blood. Monks are leeches, sucking blood. And it was said that we
22 had never been educated before, so for this reason I had to bear
23 the situation, although I did not have enough food to eat.

24 Q. Thank you. While you were working at Trapeang Thma Dam
25 worksite, were you happy to work there, in a big and huge

1 worksite?

2 [14.09.40]

3 A. For me myself, as well as for other workers, we were not
4 happy. We were not satisfied with the work there. We followed the
5 guideline, the line of Angkar. If we did not follow -- if we had
6 not followed, we would have been killed.

7 Q. When you were working there, were there any medical staff to
8 treat you when you fell sick? Or were there any medicines for
9 treatment of sick workers?

10 A. When we fell sick, no medics were there to help us. But we
11 reported it to our chief, and the medic would come. They would
12 come with a bag, and the so-called rabbit dropping pellets were
13 given to all of us for any kind of diseases.

14 Q. Thank you. You told the Court that there were plenty of
15 workers at the dam worksite, including youth, female youth and
16 male youth. To your observation, from what you saw, did you
17 witness the marriages arranged for the male and female youths at
18 Trapeang Thma Dam worksite?

19 A. No.

20 Q. What about you? Did you get married at Trapeang Thma Dam
21 worksite?

22 A. I got married during the Khmer Rouge period, while I was
23 working at Trapeang Thma Dam worksite. My squad chief, unit
24 chief, told me that the marriage would be held for me, and the
25 name was released to me. I got married at Bei (phonetic) village

1 -- at Thnal Dach village. There were many couples in the
2 marriage: 63 couples. And the couples included Base People and
3 evacuees from Phnom Penh. However, we could not -- however, the
4 Base People could not marry New People. At that time, I felt -- I
5 felt that I was not sure of the one whom I would get married. I
6 was a bit afraid. We were told to sit in the middle, and there
7 was a table with the flowers on it. There were representatives
8 chaired the marriage. Perhaps the representatives were from
9 cooperatives, but I'm not quite sure. The marriage was held at
10 night, perhaps around 8.00 or 9.00. During that ceremony, they
11 announced that today it is the marriage for the 63 couples, so
12 all of you have to respect the line of Angkar. And after the
13 announcement, we were told to hold each other's hands, and we
14 were instructed to make resolution, and to make sure that we
15 followed the line, or guideline, of Angkar, and we were told to
16 complete and achieve three tonnes of rice per hectare.

17 [14.14.51]

18 In the marriage, some couples did not know each other in advance,
19 and after the marriage they could not even find their spouses. I
20 was -- I originated from the rural area. However, I think the
21 arranged marriage was not what I wanted.

22 We were allowed to rest for seven days, after which we were sent
23 to work at an area after Bridge Number 3, to build a dam and dig
24 a canal. All the 63 couples were sent to build the dam and dig
25 the canal after Bridge Number 3. We were working together.

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1 However, the married men had to sleep in different places from
2 those of the married men (sic). After we completed building the
3 canal, husbands and wives could only meet each other during the
4 meal time, because there was a decision that married men and
5 women had to sleep in different places. After we completed
6 digging the canal, we were relocated to east of Spean Sraeng, and
7 we had to work there until National Road Number 6 in Preah Netr
8 Preah district.

9 While we working in that segment, after we left Trapeang Thma Dam
10 worksite, we were allowed to stay together with our spouses.

11 I was working in an area from Spean Sraeng to Lieb. It was
12 raining. There was a heavy rain one day, and we could not work on
13 that day, so our forces were removed back to Trapeang Thma Dam
14 worksite.

15 [14.17.50]

16 Q. Thank you. Regarding the marriage, you stated that you did not
17 know your future wife in advance, and the marriage was arranged
18 for you. Did you love your future wife at that time?

19 A. I have learnt a lot about the virtues, good deeds, and
20 whatever that I had to do the good things. So, after the
21 marriage, I had to love my wife.

22 Q. After the marriage, did you and your wife consummate the
23 marriage?

24 A. Yes, we did.

25 Q. Thank you. Now, do you and your wife live together?

1 [14.19.10]

2 A. No. Let me tell the Court. After we left for the cooperative
3 to work, I was assigned to do the rice farming in Thum Veal Thum
4 (phonetic). During the raining season, my father-in-law was taken
5 away to be killed, because he was accused to be in charge of 50
6 houses in the former regime -- that is, the Lon Nol regime. So we
7 -- we were sent to Kouk Kraol, and male workers were sent to do
8 the harvest in a far place, and women workers were allowed to
9 work in a place close by. In 1977, there was a chaos, or a
10 chaotic situation. People were not satisfied with the regime. At
11 that time people from the villages were evacuated, and to live
12 close to streams and rivers. At that time my aunts and my
13 relatives, we went to find our family members. I did not know at
14 that time the situation was chaotic, and I was harvesting rice in
15 a far place.

16 In the evening, my aunts and my relatives, 13 of them were sent
17 Phnum Srok district hall. When I returned from work in the
18 evening, I was told that your relatives had gone to Anlong Thom
19 (phonetic) to look for your family members. I did not believe in
20 that statement at that time. I said I had to go, too. And I --
21 afterwards left and followed them.

22 When I arrived at Kbak (phonetic), I was told that my family
23 members and relatives had been arrested, and sent to Phnum Srok
24 district hall. At that time, I really wanted to go and search for
25 them, because I knew that the word 'arrest' means dead. At that

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1 time, I really wanted to look for them, but my remaining family
2 members stopped me from going.

3 [14.22.53]

4 And they said that if I went alone, then it was not good for me.
5 I had to go with female relatives. At that time, I arrived in one
6 place, and my relatives were also looking for my family members
7 who had been arrested. All my relatives, 13 of them, had been
8 sent to the north side and killed. The two-year-old child was not
9 spared. His or her life was not spared. Only one among the 13
10 relatives could survive the period.

11 My neighbours -- my neighbours told me that my family members and
12 relatives had been taken away and killed. Among the 13 relatives,
13 one was my wife. I did not know whether at that time she was
14 pregnant. And one sibling of my wife was also among them. Aunts,
15 two elder brothers and four relatives. And as I stated, there was
16 a two-year-old -- there was one two-year-old child, and a
17 five-year-old child among them. The children's throats were cut.

18 [14.25.21]

19 In the morning, my neighbours in Phnum Srok district helped me to
20 leave the place, to the forest (inaudible). Then I reached the
21 cooperative, and I was asked where I was going. I replied I went
22 to look after my sick relative. I was clever at that time. I
23 noticed there was a messenger on a horse. At that time three of
24 us, I with two other colleagues, were returning to the
25 cooperative.

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1 The cooperative chief -- the cooperative chiefs and other people
2 were trying to shoot us behind. We were trying to run and escape.
3 My younger brother, who was among the 13 people who had been
4 taken away, could make an escape. He broke the line -- the rope
5 which was tied to his hand. I feel lost. I feel unhappy. Everyone
6 in this world wants to leave. I was trying to make an escape, to
7 leave Spean Sraeng, and I made my way and reached Siem Reap.

8 Q. Thank you. Could you tell the Court about your suffering? In
9 particular, your wife, your aunts, relatives, niece and nephews
10 who lost their lives. Could you express your suffering, how you
11 feel today?

12 [14.28.01]

13 A. It has been over 30 years. I have never forgotten the
14 suffering even a brief moment -- even for a brief moment.
15 Although I remarried a new wife and had six children, I still
16 love and miss my wife. I hold Buddhist ritual to commemorate my
17 wife's -- my former wife's soul annually. The Angkar at that time
18 was known as the leap great forward Angkar, but people were
19 killed like animals.

20 Let me add here: after I returned from Siem Reap, I went -- I
21 went to see the dead body of my family members and relatives. I
22 could see the children, whose throats were cut, and their bodies
23 remained at the place. Twelve bodies I found at that place. I,
24 together with the religious people or achar at the time, held a
25 ceremony and buried the corpses, after I found those corpses.

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1 Q. Thank you. Now, I would like to know whether you have any
2 questions to put to the Accused through the President of the
3 Chamber.

4 [14.30.03]

5 A. I have a request and proposal through Mr. President. I ask the
6 Chamber to sentence the Accused to life, and place them in the
7 dark prison. And I'd like to request for reparation, as I
8 declared it through my lawyer. And I'd like to put the questions
9 to the Accused through the President of the Chamber. Nuon Chea
10 and Khieu Samphan were leaders of the Democratic Kampuchea
11 regime, and during the period from 17 April 1975 to 6 January
12 1979, you cut off all communications with outsiders, and with
13 overseas countries. Nuon Chea and Khieu Samphan stated that
14 during the regime, you had eyes, as many as apples' eyes. How
15 come you didn't see the suffering of the people, and people were
16 starved to death? And why people were forced to marry in a flock,
17 like cattle? And why you forced people to marry, and later on you
18 separated them from one another?

19 [14.31.52]

20 MS. SIN SOWORN:

21 Thank you, Mr. Civil Party. Mr. President, I don't have any
22 further questions to be put to the civil party. Thank you.

23 MR. PRESIDENT:

24 Thank you. And I noticed that Kong Sam Onn is on his feet. You
25 may proceed, Counsel.

1 MR. KONG SAM ONN:

2 Thank you. I'd like to make a brief observation regarding the
3 questions by the civil party; that he requests to put my clients
4 into a life imprisonment in the dark dungeon. And that is not
5 according to the existing law and procedure. Thank you.

6 [14.32.38]

7 MR. PRESIDENT:

8 Mr. Civil Party, the Chamber wishes to inform you that after
9 ascertaining the position of both Accused on 8 January 2015,
10 regarding the exercise of their right to remain silent, the
11 Chamber notes that the two Accused maintain their express
12 position unless and until such time the Chamber is expressly
13 informed otherwise by the Co-Accused or their Counsels. It is
14 therefore incumbent upon them to inform the Chamber in a timely
15 and efficient manner, should the Accused resolve to waive their
16 right to remain silent and be willing to respond to questions by
17 the Bench or relevant Parties at any stage of the proceedings. As
18 of today, the Chamber is not informed that the Co-Accused have
19 changed their express position and thus agreed to provide their
20 responses to questions. And for that reason, the Chamber is not
21 in a position, legally speaking, to compel the Accused to respond
22 to your questions.

23 It is now appropriate to take a short break. We'll take a break
24 now and return at 10 to 3.00.

25 Court officer, please assist the civil party in the waiting room

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1 for civil parties and witnesses, and invite him, as well as the
2 TPO staff, back into the courtroom to continue proceedings in
3 relation to the statement of harm and suffering, at 10 to 3.00.
4 The Court is now in recess.

5 (Court recesses from 1434H to 1451H)

6 MR. PRESIDENT:

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

8 And the floor is given to the Co-Prosecutors to put questions to
9 this civil party if you have any. You may proceed.

10 [14.52.12]

11 QUESTIONING BY MR. FARR:

12 Thank you, Mr. President. Good afternoon, Mr. Civil Party. My
13 name is Travis Farr and I am a lawyer for the Prosecution, and I
14 just have a few questions for you. I want to start by asking you
15 something about your first wife.

16 Q. You told us that you had consummated your marriage and you
17 said that at the time she died you didn't know whether she was
18 pregnant or not. Did you ever learn later whether she was
19 pregnant at the time she was killed?

20 MR. MEAN LOEUY:

21 A. The fact that I did not know whether she was pregnant or not
22 because during the time that we were together, we were not
23 together every day, because sometimes I was allowed to receive
24 her once a month so I did not know whether she was pregnant.

25 [14.53.28]

1 Q. Did you ever learn, following her death, whether she had been
2 pregnant at that time or did you never -- never learn that one
3 way or the other?

4 A. No, I did not learn anything new.

5 Q. I'd like to ask you now about your emotional condition when
6 you were working at the Trapeang Thma Dam. Can you tell us what
7 your emotional condition was? Were you happy, were you sad, were
8 you fearful? What emotions did you feel in that period of your
9 life?

10 A. I never feel happy after that. I actually missed my late wife.
11 I missed the times that we were together although it was for a
12 brief period of time but it was the happiest time that I had with
13 her as a husband and wife.

14 Q. And, focusing now on your time as a worker at the Trapeang
15 Thma Dam, at that time did you believe that you were going to
16 survive the DK period?

17 [14.55.20]

18 A. During the time that I stayed at the Trapeang Thma Dam
19 worksite I could not ever imagine that I could survive. Every
20 morning when I opened my eyes I knew that I lived for another day
21 and I could not possibly know what would happen the next day. We
22 kept saying to one another that if we lived through the day we
23 might not survive during the night and we only looked forward to
24 one day at a time.

25 Q. And was that fear something that you were able to forget to

1 time -- from time to time when you were working? Or was that fear
2 something that was with you on a more or less continual basis?

3 A. There was never a single day that I felt happy. The concerns
4 and the worries and the fear stayed with me every time.

5 [14.]

6 Q. And what about in your life today, how often do you think
7 about -- about that period of your life? How many times per month
8 or week or day do you recall it?

9 A. Until the present time the memory is still vivid in my mind
10 and when I attend any religious ceremony that feeling subdues
11 slightly. I try meditation and without such intervention the
12 feeling remains with me every day.

13 Q. I want to ask you about something you said about
14 disappearances. You mentioned first that people who failed to
15 meet their work quota a few times would sometimes disappear, but
16 you also mentioned that people who couldn't work because of
17 illness would sometimes disappear. And my question is did you
18 ever hear the phrase "to keep them is no gain, to kill them is no
19 loss" in reference to either of those groups of people?

20 A. Yes I heard that phrase.

21 Q. Who did you hear speak those words? Who used that phrase?

22 A. It was the unit chief group who said that.

23 Q. And did he say it on just one occasion or did he say it on a
24 regular basis?

25 [14.59.35]

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1 A. Every time when there were more sick workers he said that
2 phrase.

3 Q. And do you recall where it was that you heard him say that?
4 Was it in your sleeping quarters, at the worksite, at a meeting?
5 Where were you physically when you heard him say that?

6 A. I heard him saying that at the worksite.

7 Q. I think you mentioned criticism and self-criticism meetings.
8 Could you tell us a little bit more about that? Who was in charge
9 of them, who ran them, who spoke, what did they say?

10 A. For criticism and self-criticism meetings, it was the unit
11 chief who called us to the meeting. For instance, in a group of
12 10 workers, and if we could not complete the work quota that day
13 we as a group would be called to attend such as meeting and we
14 were criticized for being not self-mastery and that we have to
15 strive harder to be more active. And they warned us that if you
16 keep doing that then you should be mindful of the Angkar's phrase
17 -- that is, "to keep is no gain and to kill is no loss". And upon
18 hearing that we were so afraid.

19 [15.01.44]

20 Q. Did you ever hear anyone talking about enemies of Angkar or
21 enemies of the revolution when you were at the Trapeang Thma Dam
22 worksite?

23 A. Regarding enemies. For instance, earth carrying baskets and
24 hose has to be kept in good place. If one basket was lost one
25 individual would be accused of being an enemy. The same applies

1 to the hoe if we broke the hoe.

2 Q. And can you tell us who was keeping track of all of these
3 things, of your -- whether you achieved the work quota, whether
4 equipment was lost, whether equipment was broken? Who was
5 monitoring that?

6 A. It was the unit chief who checked the equipment and the unit
7 chief would go around and monitor the tools whether the baskets
8 were broken, the hoes were broken. The unit chief would go around
9 and check.

10 Q. And what about investigation into peoples' backgrounds, into
11 who they had been and what they had done before the DK regime.
12 Were you ever aware of any sort of investigation into those
13 matters being carried out?

14 [15.03.58]

15 A. No.

16 Q. Were you ever aware of any district militiamen being present
17 at the dam worksite?

18 A. I have never seen them, I do not know about that.

19 Q. Did you ever learn about any workers attempting to escape from
20 the worksite?

21 A. I do not know about that.

22 Q. And what about beatings or any other form of physical
23 violence? Did you ever witness any physical violence or beating
24 at the worksite?

25 A. No.

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1 Q. Was your work -- were you primarily involved in digging earth
2 or carrying earth or did you do both?

3 [15.05.32]

4 A. I was the one who carried the dirt.

5 Q. And are you able to estimate for us how far it was from the
6 place where the earth was dug to the place where you had to
7 deposit it?

8 A. Regarding the segment at Bridge Number 1, I heard the unit
9 chief say about the distance. It was about 100 metres from the
10 middle of the road to Bridge Number 1, and when we dumped the
11 dirt and make the dam from time to time the height of the dam was
12 getting higher and higher so we had to work hard and use to our
13 strength to move up on the dam and dump the earth.

14 Q. And do you have any way of estimating how much each load of
15 earth that you carried would weigh?

16 A. I could not give the estimate of the weights.

17 Q. I just want to ask you quickly about your working hours. You
18 discussed that a little bit before. But can you give us an idea
19 of the time you started, the time you stopped for lunch, the time
20 you began after lunch, the time you stopped in the evening and
21 then the shift you worked at night, just to the extent you are
22 able to?

23 [15.07.55]

24 A. Regarding working hours, in the morning we had to arrive at
25 the worksite to dig the earth when the sun rose. We took a short

1 break at 11.00 and we resumed work at 1.00 in the afternoon. We
2 continued from – working from 1.00 until 5.00 p.m. after which we
3 had another short break.

4 Q. And after that other short break, what were the working hours
5 after that?

6 A. Concerning night shift, we started from perhaps 6.00 p.m.
7 There was no clock no watch for us to watch -- to see the time. I
8 think it was -- we started night shift from 6.00 until 10.00. At
9 that time, the part of the dam was broken so we had to on an
10 offensive to fix and repair the dam. In my area, annually during
11 September, the flood situation was high and we had to work hard
12 to build the dam and try to block the water from breaking the
13 dam.

14 Q. Sir, my -- my last question. You've told us about food, hard
15 work, long hours, fear. Can you tell us what was the most
16 difficult aspect of your time at the Trapeang Thma Dam worksite?
17 What was the hardest for you from a physical and emotional
18 perspective?

19 [15.10.47]

20 A. Mentally and physically the work was hard for me because I had
21 to carry dirt in extremely huge work quota. My back was almost
22 bent because of the hard work so in terms of mentally and
23 physically situation it was very hard.

24 MR. FARR:

25 Thank you for answering my questions, Mr. Civil Party. Thank you,

1 Mr. President, no further questions.

2 MR. PRESIDENT:

3 Thank you. The floor is now given to the defence teams for the
4 Accused. You may first start counsel for Mr. Nuon Chea. You can
5 now put questions to this civil party.

6 [15.11.56]

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President. Good afternoon, Mr. Civil Party. I have
9 a few questions that I would like to put to you. You just
10 answered a question from the Prosecution that you, while at the
11 dam, never saw anyone being beaten. Did you ever watch anybody
12 being killed while at the dam?

13 A. No, I did not.

14 Q. Did you ever see somebody get hurt or wounded because he or
15 she was involved in an accident?

16 A. No, I did not.

17 Q. Did you ever see anybody get arrested while you were working
18 at the dam?

19 A. No, I did not.

20 Q. Did you ever get disciplined by your unit chief or beaten
21 physically?

22 A. No.

23 [15.13.37]

24 Q. Did you ever fall sick while working at the dam?

25 A. Yes.

1 Q. What happened?

2 A. I had a high temperature and a fever.

3 Q. And when you felt these symptoms, what did you do? Did you ask
4 leave to stop working and lie down?

5 A. When I -- whenever I fell sick, I told my unit chief. He would
6 allow me to rest.

7 Q. Did any of your workers -- any of the workers in your unit get
8 sick, subsequently stay sick and then have to go to the hospital
9 to recover?

10 A. No, I did not witness such incidents.

11 Q. Have you ever heard whether workers who got sick and who
12 didn't recover could ask to be put on an ox cart to go to the
13 district hospital to get better?

14 A. No, I have never heard.

15 [15.15.47]

16 Q. Have you ever seen somebody die, not because he or she was
17 killed, but because of exhaustion at the dam worksite?

18 A. No, I did not.

19 Q. Just -- Just now you were asked a question by the Prosecution
20 about a saying or proverb "to keep you is no gain to lose you is
21 no loss". You said that you had heard this that your unit chief
22 had said this a few times. Can you explain why it was that he
23 said this but at the same time allowed you on few occasions to
24 lie down when you were sick and get better?

25 A. It was because I was regular at work. Whatever work I was

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1 assigned to do I always did it so the chief would allow me to
2 take rest when I fell sick once in a while.

3 Q. So maybe it wasn't clear to me but to whom was your unit chief
4 referring then when he was using this saying, "to keep you is no
5 gain" etc.? Who did he mean?

6 [15.17.55]

7 A. In the meetings this slogan was announced so that everyone
8 could hear.

9 Q. I understand but who did you think at the time did he have in
10 mind when he was using this proverb?

11 A. It was general speech or slogan for everyone in the meetings.
12 So the slogan was referred to everyone in general.

13 Q. What -- What did it mean to you to you at the time when you
14 heard it? What was your understand what he meant with it?

15 A. The so-called slogan or proverb was no -- "to keep you is no
16 gain to lose you is no loss", one who did not follow the
17 guidelines of Angkar, would be taken away and kill -- and killed.
18 This is my understanding.

19 Q. I see. You just also spoke about working when it was dark
20 between 7.00, 6.00 or 7.00 and 10.00 p.m. Was night work
21 occasional, once in a while when an offensive was needed or was
22 it regularly?

23 A. It was not permanent work for us to do. It was -- It happened
24 only when we were told to be on an offensive.

25 [15.20.45]

1 Q. Did the woman that you married and that you spoke about
2 earlier work at the dam site as well?

3 A. No, she was not working at the dam site.

4 Q. What about any of her relatives, any of her 13 relatives who
5 -- whom you said they were killed any of them work at the dam
6 worksite?

7 A. Yes, some of them worked at the worksite.

8 Q. Who were Ret and Oeun?

9 A. Oeun was the district chief. As for Ret he was the militia man
10 at the district level.

11 Q. Did Ret and Oeun have any position at the dam worksite did
12 they -- were they unit chiefs or were they in any commanding
13 function?

14 A. I did not see them at that time.

15 [15.22.49]

16 Q. In your civil party application, Mr. Civil Party, D22/1934,
17 you hold both Ret and Oeun responsible for the harm and for the
18 crimes. What exactly are they responsible for?

19 A. When my family members and relatives had been arrested, the
20 two individuals has to responsible for the arrest because they
21 were militia man and unit chief. And I was told that my family
22 members and relatives had been arrested under the responsibility
23 of the two individuals.

24 Q. Did the arrest of your wife and your family members have
25 anything to do with their work on the dam?

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1 A. At the time, it was when the rice was almost harvested.

2 Q. So, I'm not sure if I understand correctly but does it mean,
3 or are you implying that the arrests had nothing to do with some
4 of them working at the dam?

5 A. The arrests had nothing to do with the work at the dam
6 worksite. I told the Court already they had been arrested when
7 they were harvesting rice. And, I was told that my wife and her
8 family members had been arrested and placed at the district hall.

9 Q. In the additions to -- in addition to Ret and Oeun, you also
10 hold late King Father Norodom Sihanouk for the crimes because as
11 you said he created the Khmer Rouge. What exactly do you mean
12 with that?

13 [15.26.09]

14 A. On this point, at that time, there was an appeal from the late
15 king father to encourage children to go into the maquis or
16 jungle, and after which there was Khmer Rouge. And after the
17 appeal, we noticed that the Khmer Rouge took control of the
18 country and the late King Father was one of the victims as well
19 of the regime, although he made the appeal -- the appeal.

20 MR. KOPPE:

21 Thank you, Mr. Civil Party. Thank you, Mr. President.

22 MR. PRESIDENT:

23 Thank you. Now the floor is given to the defence team, the
24 defence team for Mr. Khieu Samphan. You may now proceed.

25 [15.27.16]

1 QUESTIONING BY MS. GUISSÉ:

2 Thank you, Mr. President. Good afternoon, Civil Party. I have
3 some brief questions to put to you as counsel for Mr. Khieu
4 Samphan. We have several documents in our possession; these are
5 reports including your civil party application. And, I would like
6 to know as you mentioned a number of persons who helped you to
7 fill your application, you stated today that the quota applied at
8 Trapeang Thma Dam worksite was three cubic metres a day.

9 Q. Isn't that what you stated?

10 MR. PRESIDENT:

11 Please hold on Mr. Civil Party. Lead Co-Lawyer, you may now
12 proceed.

13 MS. GUIRAUD:

14 Thank you, Mr. President. I would like to make a very brief
15 clarification because I am not sure that all the Parties
16 understand how the report of the victim's unit was drafted. In
17 fact it was someone in the victims unit who did a synthesis of
18 information in the civil party's application in Khmer. But when
19 that report was prepared there was no interaction between the
20 staff member of the victim's unit and the civil party, it was
21 simply a summary of the civil party application in Khmer since
22 the original document was the civil party application in Khmer
23 and the victim's unit simply did a summary of the contents in
24 English.

25 [15.29.14]

1 MS. GUISSÉ:

2 Thank you for this clarification. In document E3/4889 which is
3 the victim's information sheet that was filled out, we find on
4 that document a number of points regarding what you said when you
5 filled out that form. My question therefore is to know whether
6 (inaudible) French 00895211 and in Khmer it is 005404546 (sic)
7 and in English 01061251.

8 Q. It is stated on this document that you did say that there was
9 a quota of five cubic metres, so my question is whether this is
10 an error in this document, or you have always said as you did
11 during these proceedings that the quota was three cubic metres?

12 [15.30.40]

13 A. I made mention about the three cubic metres of soil that I had
14 to do.

15 Q. Thank you for this clarification. Another point of
16 clarification now. You said to my colleague that the death of the
17 members of your family had no link with the Trapeang Thma Dam. So
18 can you confirm that it is in 1979 that you learned of their
19 deaths -- that is to say, after the Vietnamese had arrived?

20 A. The death of my family members was known to me since the day
21 they had been arrested. However, it was my younger relative who
22 told me after 1979, that my wife had been, her throat had been
23 slashed and killed and that he had survived. In fact that
24 information was learned in late 1978, and not in 1979.

25 MS. GUISSÉ:

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1 Thank you for this clarification. I have no further questions,
2 Mr. President.

3 [15.32.23]

4 MR. PRESIDENT:

5 Thank you. Today's hearing has come to an adjournment and the
6 Chamber will adjourn the proceedings now and resume tomorrow --
7 that is, 3rd September 2015. And for tomorrow's proceedings we
8 will hear the key document debates in relation to those dams and
9 worksites as scheduled. It will be proceeded first by the
10 Co-Prosecutors and the Lead Co-Lawyers for civil parties.
11 And Mr. Mean Loey the Chamber is thankful for your time and your
12 statement of harm and suffering that you claim you suffered under
13 the Democratic Kampuchea regime at the Trapeang Thma Dam
14 worksite. And you may be excused. And Mr. Yourn Sarath the TPO
15 staff, the Chamber is grateful of your support as well, and you
16 also are excused.

17 Court officer, please make an arrangement with WESU for the civil
18 party to return to his residence or wherever he wishes to go to.
19 Security personnel you are instructed to take the Accused back to
20 detention facility and have them returned to attend today's
21 proceedings tomorrow prior to 9 o'clock in the morning.

22 The Court is now adjourned.

23 (Court adjourns at 1533H)

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