



អណ្ឌីសិទ្ធិប្រជាជាតិក្រសួងពិធីរាជការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ នាស់នា ព្រះមហាក្សត្រ

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

ឯកសារដើម

ORIGINAL/ORIGINAL

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អណ្ឌីសិទ្ធិប្រជាជាតិក្រសួងពិធីរាជការកម្ពុជា

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File № 002/19-09-2007-ECCC/TC

11 August 2015

Trial Day 309

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

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
Robynne CROFT

For the Office of the Co-Prosecutors:  
Joseph Andrew BOYLE  
Travis FARR  
Dale LYSAK  
SONG Chorvoi  
SREA Rattanak

For Court Management Section:  
UCH Arun

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
LIV Sovanna  
SON Arun  
Anta GUISSE  
KONG Sam Onn

Lawyers for the Civil Parties:  
CHET Vanly  
Marie GUIRAUD  
LOR Chunthy  
PICH Ang  
VEN Pov

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**List of Speakers:**

Language used unless specified otherwise in the transcript

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

Extraordinary Chambers in the Courts of Cambodia

Trial Chamber – Trial Day 309

Case No. 002/19-09-2007-ECCC/TC

11 August 2015

\*

1

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

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

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

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

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

9 and other individuals at today's proceedings.

10 [09.00.25]

11 THE GREFFIER:

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

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

14 parties, who is absent due to health reasons.

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

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

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

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

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

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

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

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

23 Iron Club Statue this morning.

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

25 Thank you.

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*

1 [09.01.41]

2 MR. PRESIDENT:

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

4 The Chamber receives the waiver from the Accused Nuon Chea, dated  
5 11th August 2015, who notes that due to health reasons; namely,  
6 headache and backache, and that he cannot sit and concentrate for  
7 long, and in order to effectively participate in future hearings,  
8 he requests to waive his right to be waived to participate in and  
9 be present at the 11th August 2015 hearing.

10 <The Chamber has> seen the medical report of Nuon Chea by the  
11 duty doctor for the Accused at the ECCC, dated 11th August 2015,  
12 who notes that Nuon Chea has a chronic back pain and recommends  
13 that the Chamber grant him his request so that he can follow the  
14 proceedings remotely from the holding cell downstairs. Based on  
15 the above information and pursuant to Rule 81.5 of the ECCC  
16 Internal Rules, the Chamber grants Nuon Chea his request to  
17 follow today's proceedings remotely from the holding cell  
18 downstairs via an audio-visual means.

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

21 That applies for the whole day.

22 I would like to ask Judges of the Bench if you have any questions  
23 to be put to the witness.

24 And Judge Lavergne you have the floor.

25 [09.03.52]

1     QUESTIONING BY JUDGE LAVERGNE:

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

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

15    [09.05.18]

16    MR. KAN THORL:

17    A. Yes, that is true.

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

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

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

1 you hear about some people being taken away? Did you witness any  
2 disappearances?

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

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

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

7 [09.07.30]

8 Q. Who told you that?

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

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

14 A. Yes, that is true.

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

17 A. Yes, indeed.

18 [09.08.53]

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

20 A. In fact it was from other people.

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

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

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

2 A. <A big unit> comprised of 100 workers and it means it  
3 comprised of three <small units>.

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

9 [09.11.30]

10 "And one day, I saw people being arrested. They were being tied  
11 up and that <then> they were escorted to the shelter where I  
12 stayed at night, but I did not know their names. Those who  
13 escorted them were dressed in black and they had rifles slung  
14 over their shoulders. So I <> assumed that they were soldiers.  
15 <In my group, there were monitors>. Some nights, those people  
16 slept with us so they could <> listen to us <>. In my group,  
17 someone disappeared. I went to <his> house to look for him but <I  
18 didn't find> him. <The> name <of the person who disappeared> was  
19 Khoeun and he was from Phnom Penh (<member of the> 17 April  
20 group). <He> has remained disappeared since then." <>  
21 So, does this refresh your memory <sir>?

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

23 Q. So who were these people who would come to listen at night;  
24 were these militia men, were these spies, were there spies within  
25 your unit, within your group who were in charge of denouncing

1     enemies?

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

3     [09.13.35]

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

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

9     Q. So who were these people who would come at night to listen to  
10    what other people were saying, who were these people who would  
11    come to spy or to <monitor> you?

12    MR. PRESIDENT:

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

15    MR. KAN THORL:

16    A. I did not know them.

17    BY JUDGE LAVERGNE:

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

21    MR. KAN THORL:

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

23    [09.15.42]

24    Q. So what was his name <then>?

25    A. His name was Run.

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

2 A. No, I did not.

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

5 A. I did not have that knowledge.

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

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

11 [09.17.40]

12 Q. There might be a <comprehension> problem here. The 17 April  
13 People, apparently, are people who had been evacuated from the  
14 cities. You -- if I understood properly -- you were born in  
15 Trapeang Thma, you spent your whole life there, you were never  
16 evacuated so <in the parlance of that time,> you would have  
17 <probably> been considered as a Base Person<, or> an Old Person,  
18 so the question that I was putting to you was related to the  
19 people who were called 17 April People or New People. So, <were>  
20 people from that category <> treated in a <particular> way?

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

25 Q. Fine. I understand indeed that the country was only liberated

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

8     A. Yes, that happened.

9     [09.20.15]

10    Q. And what would happen <> when it was discovered that someone  
11    was a former serviceman of the Lon Nol regime?

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

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

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

18    [09.21.26]

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

21    A. No, there was none.

22    Q. Did you hear about a policy directed at <discriminating -->  
23    treating the Vietnamese in a <particular> way, were these people  
24    who were <tracked down> and eventually arrested?

25    A. At that time I heard about this.

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

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

5 Q. And who said that, were these people from the higher echelon,  
6 <from the chain of command?> Who told you this?

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

9 [09.23.35]

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

13 A. Yes, that is correct.

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

19 A. Yes there was.

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

22 A. Workers who were assigned to the <>case unit had to work full  
23 day during the day time as they were said that they <had night  
24 blindness> and that they couldn't work at night, so they had to  
25 work full day.

10

1 [09.25.35]

2 Q. Were these people <who worked> in the special cases unit  
3 requested to produce a higher quota than the other workers? We  
4 know that there was a general quota which was three cubic metres  
5 of <soil> per day that had to be transported. So, in the special  
6 cases unit, did these people have to <abide by a greater quota>?

7 A. I did not have that knowledge.

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

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

18 [09.27.40]

19 Q. So it was because an ill person could talk to another person  
20 who <also stayed back because he or she> was ill<, or who  
21 pretended to be so,> that we would consider that all of these  
22 people were faking it. The fact of <talking> with another ill  
23 person, led people to believe that they were faking it, is that  
24 so?

25 A. Yes, that is correct.

1 Q. And once these people were considered as imaginary sick  
2 people, were they treated in a harsher way? Would they, for  
3 example, reduce their food rations? Did they have to work more  
4 than the others to produce a higher quota? What <happened to  
5 them>?

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

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

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

13 [09.30.00]

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

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

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

23 A. At the time, these people were tested. They would <lead> these  
24 people <by the hand> to walk over a hole on the ground and if  
25 this person <avoided> this hole then that person was not

12

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

4     Q. Tell us about this hole, was it an ordinary hole or was it a  
5     hole <people used to relieve themselves? Was this hole what we  
6     call> a latrine? <Or was this just a normal hole>?

7     A. It was the hole <> where people actually put the <boiled>  
8     water from the rice cooking into it during the day time.

9     [09.32.53]

10    Q. Yesterday you talked to us about <the sick> and diseases  
11    <which existed> at the worksite. You said some people had high  
12    temperatures and diarrhoea. Now did some people die on the  
13    worksite, did that happen?

14    A. No, nobody died of those diseases.

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

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

21    Q. So was that Trapeang Thma district hospital? What hospital was  
22    this, where was it <located>, who were the health care providers?

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

1 Paoy Char.

2 [09.35.10]

3 Q. Was it a big hospital with a lot of patients <hospitalised?

4 Were the people> in the hospital eventually <> cured or were  
5 there some people who died in the hospital?

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

8 Q. One final set of questions <to ask you, sir>. Yesterday you  
9 talked about the visit from a Chinese delegation with a Chinese  
10 person at the head. Can you tell us exactly when <-- do you  
11 remember when> the delegation came to visit the dam?

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

13 Q. Did other people accompany the Chinese delegation? Were there  
14 senior officials from the <CPK, the> Communist Party of  
15 Kampuchea, with them as well?

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

17 Q. When the delegation came, were there projections of films and  
18 propaganda materials <that explained> who it was who was coming  
19 to visit you?

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

21 [09.37.39]

22 Q. What was the film about, what <did it> explain to you? Was the  
23 Chinese experience put forward as an example?

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

1 Q. <Dazhai>, I think, is the right Chinese name just for the  
2 purpose of the transcript.

3 Now <sir>, could you tell us if there were Chinese technicians  
4 working at the worksite, Chinese officials who were supervising  
5 the building of the dam?

6 A. No, there wasn't.

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

12 A. Yes, I have seen it.

13 [09.39.40]

14 Q. Where were these pits?

15 A. I saw it in the eastern part of Trapeang Thma reservoir <near>  
16 the roadside.

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

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

20 Q. So, you saw two pits, each with three people in; is that <what  
21 you're telling us>?

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

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

24 A. Yes.

25 JUDGE LAVERGNE:

1     Very well, I have no further questions for <you>, thank you very  
2     much <sir>.

3     MR. PRESIDENT:

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

7     [09.42.00]

8     QUESTIONING BY MR. KOPPE:

9     Thank you, Mr. President. Good morning, Your Honours. Good  
10    morning, counsel; and good morning to you, Mr. Witness. I have a  
11    few questions for you that I would like to ask you this morning.

12    Q. Yesterday and also in your statement before the investigators  
13    you said that you started working at Trapeang Thma Dam worksite  
14    on 14th February. Can you tell us how you know that it was  
15    exactly the 14th of February that you started working and not for  
16    instance--

17    MR. PRESIDENT:

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

20    (Short pause)

21    [09.45.02]

22    MR. PRESIDENT:

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

24    MR. KOPPE:

25    Thank you, Mr. President. Mr. Witness, I think it's better to

1 repeat my question fully.

2 MR. PRESIDENT:

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

5 (Technical problem)

6 (Short pause)

7 [09.49.59]

8 MR. PRESIDENT:

9 Counsel, you may now resume.

10 BY MR. KOPPE:

11 Thank you, Mr. President.

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

17 MR. KAN THORL:

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

25 [09.51.34]

1     Q. Thank you, Mr. Witness. Yesterday you also testified that the  
2     construction at the dam was finished before Khmer New Year. Do  
3     you recall how many days before Khmer New Year the work was  
4     finished?

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

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

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

10    [09.52.10]

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

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

16    I read, Mr. Witness as follows:

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

1 which irrigates over 7,000 hectares of paddy fields. The  
2 reservoir is now being expanded. After four years, it will hold  
3 300 million cubic metres of water."

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

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

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

16 [09.56.05]

17 MR. PRESIDENT:

18 Prosecutor, you may proceed.

19 MR. BOYLE:

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

1 focus on the quotes from this document at least claims were from  
2 Ros Nhim, I think that would be preferable.

3 BY MR. KOPPE:

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

14 MR. KAN THORL:

15 A. No, I do not recall it.

16 [09.57.58]

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

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

24 Q. You've been asked a few questions already about Ta Nhim, Ros  
25 Nhim, is there anything that you recall that you had heard about

20

1 him or what kind of person he was except for his function? Is  
2 there anything you recall from period '75-'79 about Ros Nhim?

3 A. No; that I have never known.

4 [09.59.45]

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

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

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

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

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

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

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

16 A. No, I did not.

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

20 A. No, I did not.

21 [10.02.03]

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

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

25 Q. Does the name Men Chun mean something?

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

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

4 A. No, I never heard about it.

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

7 A. No, I did not.

8 [10.03.43]

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

11 A. No, I did not know.

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

14 A. I did not know about it.

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

17 A. I did not know about it.

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

20 A. I did not know.

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

23 A. No.

24 [10.05.43]

25 Q. Have you ever heard of money that was printed and salaries

1     that were given in the period of DK in 1977 in the Northwest  
2     Zone?

3     A. No, I did not know.

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

6     A. No, I never heard about it.

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

8     A. No.

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

11    A. No, I never heard about it.

12    [10.07.45]

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

15    A. No, I never heard about it.

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

19    A. Yes, I saw them.

20    Q. What did you see?

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

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

24    A. No.

25    MR. PRESIDENT:

1     Thank you, Counsel. It is now appropriate for a short break. We  
2     take a break now and resume at 10.30.

3     Court officer, please assist the witness <by finding a room for  
4     him to rest> during the break time at the waiting room <reserved>  
5     for witnesses and <experts> and usher him back into the courtroom  
6     at 10.30.

7     The Court is now in recess.

8     (Court recesses from 1010H to 1028H)

9     MR. PRESIDENT:

10    Please be seated.

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

13    BY MR. KOPPE:

14    Thank you, Mr. President.

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

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

22    [10.29.51]

23    MR. KAN THORL:

24    A. At that time, a man by the name of Dau, he died at the  
25    hospital. He died of a disease known commonly in Khmer as the

1 spirit <possession>. At that time, <a teacher from social affairs  
2 department> used <> chilli and <black pepper> to blow into his  
3 nose in order to <expel> the spirit out of his body. But  
4 unfortunately, when the <black pepper> and chilli <were> blown  
5 into the nose of Dau, the blood came out of his nose and he died  
6 instantly <at the hospital>.

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

10 A. Well, when he fell seriously sick, I actually did not meet  
11 him. But it was after he passed away, then I went there and I  
12 asked the medical personnel over there for the reason of his  
13 death. And they told me that it was the disease commonly known in  
14 Khmer as the spirit <possession. The patient had his eyes rolling  
15 back. He did not speak and his eyes went red.> So at that time,  
16 <the social affairs official> administered the traditional Khmer  
17 medicine to the patient and then he died instantly in the  
18 hospital.

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

20 A. That was a superstition in Cambodia.

21 [10.32.45]

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

1 A. Yes, that's correct.

2 Q. Another question, Mr. Witness, yesterday you were asked a  
3 question by the Prosecution about whether you ever heard the term  
4 "hot battlefield" in relation to working at Trapeang Thma Dam.

5 Your mobile unit was also organised in platoons. You spoke about  
6 your battalion commander or your regiment commander. Do you know  
7 why such military structures were used for the mobile unit that  
8 you were working in?

9 A. That I do not know.

10 [10.34.15]

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

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

18 Q. You have been working at the dam approximately two months. Can  
19 you give a more precise or a description of sometimes when you  
20 relate the word "sometimes" to you working around two months at  
21 the dam? "Sometimes", is that one or two times in those two  
22 months or maybe more?

23 A. At the beginning, we did it two or three times; at that time,  
24 it was during the waxing moon. But during the <waning moon>, it  
25 was very dark at night, there was no moonlight, then we could not

1 do the job. <We could not dig the soil and carry it because of  
2 the darkness.> But <we could be on an offensive> during the night  
3 when there was moonlight. Then we could work the whole night  
4 because there was moonlight all night.

5 [10.36.35]

6 Q. That's clear, Mr. Witness. Another question -- yesterday you  
7 were asked about drinking water. And you answered that the water  
8 that you had been drinking at the dam working at the dam was  
9 coming from a stream nearby. You yourself are born and raised in  
10 the area, region where the dam is situated. Did you yourself  
11 before '75 or after '79 ever drink water directly from streams or  
12 from a stream such as the one that you described yesterday?

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

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

17 A. Nowadays, they drink distilled water.

18 Q. Let me formulate it differently. Is it still without a problem  
19 for the health to drink -- is it still possible to drink water  
20 from streams in your region without getting into trouble  
21 health-wise?

22 MR. PRESIDENT:

23 Mr. Prosecutor, you may proceed.

24 [10.38.47]

25 MR. BOYLE:

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

5     BY MR. KOPPE:

6     I understand the objection. Let me make an attempt to  
7     reformulate, Mr. President.

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

10    MR. KAN THORL:

11    A. Well, yes, I forbid my children. I explain them that water in  
12    the stream or in the lake <is currently polluted with chemicals>  
13    and we have to only drink distilled water.

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

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

20    [10.40.42]

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

1 A. That I do not know.

2 MR. KOPPE:

3 Thank you, Mr. Witness. Thank you, Mr. President.

4 MR. PRESIDENT:

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

7 [10.41.47]

8 QUESTIONING BY MS. GUISSE:

9 Thank you, Mr. President. Good morning to everybody here. Good  
10 morning, Mr. Witness. My name is Anta Guisse. I am  
11 Co-International Lawyer for Mr. Khieu Samphan and I have a few  
12 <questions> for clarification to put to you this morning.

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

16 MR. KAN THORL:

17 A. I do not know.

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

19 A. The <regiment> chief appointed my <unit> chief.

20 Q. You said that in the large unit, there were <three> smaller  
21 units of 30 people each <>. Do you know if the people in charge  
22 of the other two 30-person units were also appointed by the  
23 battalion leader?

24 A. The appointment was made once for all. There was the chief,  
25 deputy chief, and members in the <unit>.

1 [10.43.48]

2 Q. Do you know how the appointments were made for the other  
3 100-person units who were also working on the Trapeang Thma site?

4 A. That I do not know.

5 Q. <From> your testimony <I understood> that within <your> unit,  
6 there were <both> 17 April People and Base People; now is my  
7 understanding correct?

8 A. Yes, you are correct.

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

11 A. No.

12 Q. Did the 17 April People <> get different <food> rations?

13 A. No. We <> were given the same equal ration.

14 [10.45.39]

15 Q. Generally speaking, <did you receive instructions from> your  
16 commander or the unit chief to treat the 17 April People  
17 differently?

18 A. No, no.

19 Q. In <the> instructions <you received>, were you <instructed> to  
20 impose bodily punishment on the workers under your command?

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

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

24 A. That I maintain the exercise of my right not to respond to  
25 that question.

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

3 <I take-->

4 [10.47.25]

5 MR. PRESIDENT:

6 Mr. Prosecutor, you have the floor.

7 MR. BOYLE:

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

14 (Judges deliberate)

15 [10.49.09]

16 MR. PRESIDENT:

17 The Chamber has advised the rights of the witness already in  
18 testifying before the Chamber, that's why the witness may  
19 exercise his right to remain silent. So Counsel is now advised to  
20 resume your line of questioning.

21 BY MS. GUISSE:

22 Thank you, Mr. President.

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

24 <Generally speaking.>

25 MR. KAN THORL:

1 A. We received the instruction from the upper echelon. As a  
2 <unit>, we had to receive instruction from the <big unit>.

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

6 A. Could you please repeat your question?

7 [10.50.35]

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

11 A. The upper echelon, I mean it was from the <company> and  
12 regiment <> or so. So these were considered our upper echelons.

13 Q. Should I understand that sometimes you received direct orders  
14 from the battalion leader, <directly,> rather than it <being>  
15 transmitted through the unit chief?

16 A. At that time, there was <an overall> command. And that is  
17 disseminated down the communication line to the <platoon chief>. Then the <platoon> chiefs would hand down the instruction to his  
18 subordinate down the line.

19 Q. So if I understand your answer <correctly>, you didn't receive  
20 direct orders from the battalion leaders. It was always the  
21 person who was just above you who <gave> you your orders; is that  
22 the correct understanding <or have I misunderstood>?

23 A. Well, upon receiving the instruction, it was the <general>  
24 instruction for all.

1 [10.52.40]

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

5 A. When the platoon chief was absent, I <,as deputy chief,> took  
6 his place; I was in charge. But when we both were present, we had  
7 to be in charge altogether.

8 Q. And when <your> section chief was absent, who did you talk to  
9 if you had a problem you needed to discuss? Did you wait for him  
10 to get back or did you <have the option to> go to the battalion  
11 leader?

12 A. There was another member in my <platoon>. I consulted with  
13 him.

14 Q. Excuse me, I don't understand <your response>. There was  
15 <also> another member; did I catch <that correctly>? Could you  
16 please be a little bit more precise?

17 A. In one platoon, there were three people in charge of the  
18 leadership: we had one chief, one deputy chief, and a member.

19 Q. So if I've understood correctly <there>, when your section  
20 chief was absent, you took decisions in conjunction with this  
21 other member; is that right?

22 A. Yes.

23 [10.55.12]

24 Q. Did the unit chief sometimes disappear for a long time or was  
25 he <overall> present at the worksite throughout the entire day?

1 A. Sometimes he was called to attend the meeting. And whenever he  
2 was attending the meeting, the deputy chief would be the officer  
3 in charge.

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

6 A. Occasionally, I was absent as well.

7 Q. And when you were absent, who was in charge of the 30 workers  
8 under your <orders -- under your> responsibility?

9 A. Whenever I was absent, my responsibilities were undertaken by  
10 the <unit> chief.

11 Q. You told us about quotas that had to be fulfilled by the  
12 workers. How did you make sure, in practice, that these quotas  
13 were being fulfilled? <What was the verification process?>

14 A. They cut the bamboo stick as a <metre> stick to measure the  
15 cubic metre of soil. <For example, if it was one cubic metre,  
16 then> we would have <> half a metre width with two metre length.  
17 And in terms of depth, it would be one <square> metre deep <>.

18 Then they used the bamboo stick in order to measure the size.

19 [10.58.16]

20 Q. Yesterday, I believe, you <also> told us that when the quota  
21 was not met, that you as the deputy chief, <you> were allowed to  
22 give some help to make sure that <any given> worker actually  
23 attained the quota. Can you explain to us how that assistance  
24 actually worked out in practice?

25 A. At the time, whenever we went together, the chief would assist

1 the first group and the deputy chief assisted the second, and  
2 <one> member would assist the third one. And whenever we <found  
3 someone> who was so weak he could not do his job, then we had to  
4 give <a> helping hand <to> that person.

5 Q. Yesterday, you spoke about night work. In French in fact, the  
6 interpretation wasn't very clear. <So> I'd like to clarify this.  
7 <You> were speaking about four shifts. You said that there was a  
8 first shift from 7.00 to 10.00. You said this a little bit after  
9 2.18 in the afternoon. A second shift was from 10.00 to 1.00,  
10 another shift from 1.00 to 3.00, and another shift--

11 [11.00.09]

12 MR. PRESIDENT:

13 Counsel, please slow down.

14 BY MS. GUISSE:

15 Yes. I'll repeat this <as I was speaking too quickly>.

16 Q. So yesterday you were speaking about four shifts. One shift  
17 from 7 p.m. to 10 p.m.; another from 10 p.m. to 1 a.m.; <so,>,  
18 another from 1 a.m. to 3 a.m.; and another from 3 a.m. to 5 a.m.  
19 Were these different groups working in these different shifts,  
20 during these different time slots, or was it the same group <>  
21 covering these shifts? Is my question clear? So the people  
22 working from 7.00 to 10.00, for example, were they the same  
23 people working from 10.00 to 1.00 and from 1.00 to 3.00 etc.? Or  
24 was there a rotation?

25 [11.01.35]

1 MR. KAN THORL:

2 A. <All> workers <were> in the <same> unit, for instance, the  
3 first group would go to work from 7 <p.m.> to 10 p.m. And then  
4 the second group would take over, let's say from 10.00 to 1.00.  
5 And when the second group ended that working hours, the third  
6 group would take over from 1.00 to 3.00. And <then it would move  
7 back to the turn of the evening group>.

8 Q. Thank you for this clarification, because it was not clear to  
9 me when you <first> spoke about this <>. You also spoke about the  
10 way your unit was organised, in particular, in terms of food  
11 rations. You <explained> that there was one person in charge of  
12 cooking. So my first question is: Where did the food supplies  
13 come from to prepare the meals for the workers?

14 A. Rice was given to us from the district economic section. And  
15 that <included> the vegetable for us. That was at the beginning.  
16 Later on, food supply was given to us from the sector. <The  
17 sector mobile unit> actually had a storage warehouse for the food  
18 supply and that's where we got our food supplies from.

19 [11.03.43]

20 Q. You said that it came from the district first, then <from> the  
21 sector. During the two months when you worked on the dam, do you  
22 remember <in which period> the district was in charge of this?  
23 And, in which period was the sector in charge <>?

24 A. I cannot actually recall the exact date. However, I recall  
25 that for our first work deployment, the food supplied came from

1     the district. And for the second <phase> of the work assignment  
2     there, the food supplies came from the sector.

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

7     A. The appointment came from the upper echelon that a worker for  
8     each unit was assigned to go and <catch> fish or to go to the  
9     forest to find <vines> to fix the carrying baskets.

10    Q. When <> you tell us that the "higher echelon decided", can you  
11    tell us who <that was in particular, according to you>? Was this  
12    the unit chief, was this the battalion chief? Can you be more  
13    specific about this?

14    [11.05.55]

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

18    Q. You spoke about the fact that, in your village <at least,> the  
19    Revolution only arrived on 17 April 1975. So I'd like to put a  
20    few questions to you about the period prior to Democratic  
21    Kampuchea and prior to the arrival of the Khmer Rouge. You spoke  
22    about traditional medicine <and remedies> often. So my first  
23    question is: Before 17 April 1975, within your village, was there  
24    <> medical staff available, <or> did you frequently rely on  
25    traditional medicine?

1     A. Prior to 1975, in my village, there were both medical staff  
2     and <Khmer> traditional healers. Some villagers would go to  
3     traditional healers while others opted for medical staff.

4     However, there was no proper <health centres or facilities>. The  
5     medical staff actually treated people at their houses.

6     [11.08.09]

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

9     A. For <Khmer> traditional healers, actually they knew some <Pali  
10    (phonetic) magic words> .

11    Q. And you yourself, did you <> use traditional medicine <> often  
12    before 1975?

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

15    Q. You spoke about the -- well, I'd like to get back to the  
16    period after 1975 and about the specific moment when you were at  
17    the Trapeang Thma Dam site. You said that you had partaken in  
18    meetings. And my colleague spoke in particular about a speech by  
19    Ta Nhim during one of these meetings. And during one of these  
20    meetings, were you ever told about the aim <behind the  
21    construction of> this dam -- about the reason <why> they were  
22    building this dam in <this> region?

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

25    Q. You said that you had always lived in this region. Do you

1 remember periods of drought before 1975?

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

3 [11.11.28]

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

5 A. No, I cannot recall that.

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

9 A. After the dam was built, the reservoir was <abundant in> fish.

10 And the water from the reservoir was irrigated to the paddy  
11 fields nearby in the area, <so the rice was rarely fruitless.>

12 Q. And was the <fishing done to the benefit> of the people in the  
13 region?

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

16 Q. Now I would like to turn to a few points that were brought up  
17 in Judge Lavergne's <examination>. You spoke about <> rumours  
18 that you had heard regarding the Vietnamese. So my first question  
19 is: Personally, did you witness the arrest of any Vietnamese  
20 person at the Trapeang Thma Dam site?

21 A. No, I never did.

22 [11.14.12]

23 Q. Did you witness any kind of arrest or execution of a  
24 Vietnamese person, <at the dam or elsewhere>?

25 A. No, I never did.

1 Q. In the period from '75 to '79, that is to say the DK period,  
2 did you ever hear about <> border <disputes> with Vietnam?

3 A. No, I did not.

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

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

8 Q. Did you ever see this <> special cases unit <at work>?

9 A. No, I never saw them working.

10 Q. So if I understood you properly, you only <ever> heard about  
11 this unit -- you didn't see it?

12 A. Yes, that is correct.

13 [11.16.27]

14 Q. And who told you about this?

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

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

22 A. I did not know about this matter.

23 Q. So when answering Judge Lavergne, <> you told him about things  
24 that you had heard about but you yourself, you did not know how  
25 these <special cases> units were made up nor how these units were

1 operating.

2 A. Yes, that is correct.

3 MS. GUISSE:

4 Thank you for having answered my questions. And now, I'd like to  
5 give the floor to my colleague, Kong Sam Onn, to continue with  
6 the examination <on behalf of the Khieu Samphan team. Unless the  
7 Chamber cares to correct me,> it appears to me that on top of the  
8 10 minutes before the lunch break, we still have <the> 40 minutes  
9 corresponding to the examination of Judge Lavergne. It's just for  
10 me to be clear about this so that we can organize ourselves.

11 [11.18.53]

12 MR. PRESIDENT:

13 Yes, your calculation is correct. And Counsel Kong Sam Onn, you  
14 have the floor.

15 QUESTIONING BY MR. KONG SAM ONN:

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

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

24 [11.20.04]

25 MR. KAN THORL:

1     A. At the beginning, I stayed to the west of the water sloughs of  
2     the Trapeang Thma Dam. Second, I was <rotated> to another part at  
3     the so-called area called Trapeang <Krochab> (phonetic). However,  
4     it was still within the perimeter of the working area of the  
5     worksites. I was on the outer part of the dam. And that was the  
6     second location where I worked <at the first phase>.

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

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

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

14    A. Please repeat your question.

15    Q. My question to you is<, please tell me about> the location  
16    that you worked comparing to the entire length of the Trapeang  
17    Thma Dam. Were you working towards the end part or the middle  
18    part of the Trapeang Thma Dam <or were you working at the eastern  
19    end or at the western end of the dam>?

20    A. It was close to the location of the first bridge. It was about  
21    100 metres from the base of the dam.

22    [11.22.18]

23    Q. What was the length of the segments that you worked for the  
24    first location? You just told the Court <that> you started  
25    working <from> the 10th of February <to> the New Year's day in

1 April? <It was about two months.> So in your group of 30 <or 100>  
2 members, how far did you work in terms of length?

3 A. For the first location, the length was measured for us. Allow  
4 me to give an example, for our 30-men unit, the length would be  
5 30 metres. That is about the length on the crest of the dam. And  
6 the same thing would apply, for example, 100 metres for 100-men  
7 unit.

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

10 A. From my recollection, it took us more than 20 days to complete  
11 it.

12 [11.24.01]

13 Q. Again my question is about the measurement and the size or the  
14 length that you worked with your unit <of 30> members <in which  
15 you were a deputy chief>. For the first location that you worked,  
16 how long did your unit achieve in terms of length of the <dam>  
17 crest <>?

18 A. For the first <phase>, we completed this 30-metre stretch of  
19 land.

20 Q. Thank you. And what about the second <phase>?

21 A. For the second <phase>, we actually went to lend our hands to  
22 another unit because the second location was <the lowest>  
23 location that we worked.

24 Q. What about the length size measurement <> when you worked at  
25 the second location <where your unit provided> assistance to the

1     <other> units which was already working there?

2     A. No, I cannot recall that.

3     Q. Let me go back to the first <phase> that you worked and you  
4     said for your 30-member unit, you worked and completed 30 metres  
5     of the dam crest, and that it took your unit more than 20 days to  
6     complete it. Can you please tell the Court the height of the dam  
7     where you worked, and the width of the crest at the top part and  
8     at the lower part?

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

11    [11.27.20]

12    Q. What about the width of the crest?

13    A. The crest was 10 metres wide.

14    Q. Can you recall the work routine of your unit at the time, for  
15    instance, <how> was the work quota for your 30-men unit  
16    <achieved> per day? <Did your unit have to complete the work  
17    quota of 30 metres?>

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

22    [11.28.53]

23    Q. I move now to another topic and that is in relation to  
24    questions put to you by Judge Lavergne -- that is, on the  
25    so-called imaginary sick status of some workers. If my

1 understanding is correct, there seems to be a contradiction in  
2 your statements. Initially you said, those sick people were  
3 allowed to stay at the sleeping quarter and that they did not  
4 have to go to work. And medical staff would come to examine them.  
5 And you said that later on, the medical staff who found that  
6 these sick people were playing with one another, <the medical  
7 staff would report> to the upper echelon. And you stated that  
8 those people were then called imaginary sick people. When Judge  
9 Lavergne put a question to you, the Judge asked you whether they  
10 were speaking to one another and not playing one another. And you  
11 said that one medical staff came and saw them speaking to one  
12 another, then they reported <that they were imaginary  
13 sicknesses>. So there is a distinction between playing with one  
14 another or speaking to one another or chit-chatting with one  
15 another. Could you please clarify which one is true -- whether  
16 the playing with one another is <called imaginary sickness> or  
17 whether speaking to one another is <called imaginary sickness>?  
18 A. Allow me to clarify the matter. What I mean was playing with  
19 one another.

20 [11.31.01]

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

1 A. When I say playing with one another, I meant the people who  
2 said they were sick were, for example, finding lice on other  
3 people's head or they were <tickling> one another.

4 MR. KONG SAM ONN:

5 Thank you. Mr. President, the time seems a little bit past <> and  
6 I have only one question left. Can I go ahead?

7 MR. PRESIDENT:

8 Yes, you may.

9 BY MR. KONG SAM ONN:

10 Q. Thank you. My next question is in relation to flood in 1978.

11 Do you recall the flooding event in your area in that year?

12 MR. KAN THORL:

13 A. Yes, I do.

14 [11.32.40]

15 Q. Can you please describe about the flooding event that happened  
16 that year?

17 A. It was in 1978 when there was severe flooding, and the lower  
18 area of the reservoir was flooded and broken. <The rice trees>  
19 about one kilometre to the <west> of the first bridge was flooded  
20 and <were> completely <lying flat on the surface because of the  
21 water current>.

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

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

25 Q. What about other vegetables or crops in the area in the nearby

1       villages, what was the impact on it as a result of flooding that  
2       year?

3       A. When there was flooding, the lower area was affected but  
4       <crops on> the highland <were> not.

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

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

8       [11.34.46]

9       Q. Can you please be more specific <> what <field that was>?

10      A. Could you please repeat your question?

11      Q. You said that the flood affected the areas down below the  
12     reservoir. I would like to know what that field or lower area  
13     <was>? Was it the rice paddy, <clear land> or <> was <it> the  
14     <forest?>

15      A. The area down below the reservoir was all rice paddy <fields>.

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

18      A. No, I do not recall it.

19      Q. In comparison to the length of the Trapeang Thma Dam, can you  
20     estimate as to the magnitude of the damage caused by the flood at  
21     that time?

22      A. I cannot make that comparison.

23      MR. KONG SAM ONN:

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

25      [11.36.42]

1 MR. PRESIDENT:

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

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

11 The time is now appropriate for lunch adjournment and the Chamber  
12 shall adjourn now and resume at 1.30 this afternoon. <Please be  
13 back in the courtroom> and I invite all Parties and people  
14 concerned to proceed to hearing another witness <2-TCW-889>.

15 And security guards are instructed to bring the <Mr. Khieu  
16 Samphan> to the holding cell downstairs and have <him> back in  
17 this courtroom before 1.30.

18 The Court is now adjourned.

19 (Court recesses from 1138H to 1329H)

20 MR. PRESIDENT:

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

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

24 (Witness enters courtroom)

25 [13.31.40]

1     QUESTIONING BY THE PRESIDENT:

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

3     MR. LAT SUOY:

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

5     Q. When were you born?

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

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

8     [13.32.48]

9     A. I am a rice farmer.

10    Q. What are your parent's names?

11    A. <> Lat Nok is my father and Nab Khuon is my mother.

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

13    A. My <wife's> name is Dam Ret and I have got six children.

14    Q. Thank you, Mr. Lat Suoy. Based on the report of the greffier  
15    this morning, <> to <your> knowledge <>, you are not related to  
16    by blood or by law <to> the <two> co-accused, <Nuon Chea and>  
17    Khieu Samphan, or any individual admitted as a civil party in  
18    Case 002; is that correct?

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

20    Q. Thank you. And you have already taken an oath before the  
21    <guardian> spirit of Iron-Club; is that correct, before you came  
22    to testify before the Chamber today?

23    A. Yes, I have already taken an oath before the Iron-Club statue.

24    [13.34.48]

25    Q. Thank you. Next, I advise you of your rights and obligation,

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

15      [13.36.23]

16      A. Yes.

17      Q. Mr. Witness, have you given any testimony or interview with  
18      any investigator of the Office of <Co-Investigating> Judges? If  
19      you have, how many times have you given such interview and where  
20      did they take place <and when>?

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

22      Q. Where did they take place?

23      A. One in <Preah> Netr Preah commune, the second one was here in  
24      the Court.

25      Q. Thank you. Before appearing before the Chamber today, have you

1 reviewed or examined the record of interview you provided to the  
2 investigators of the Office of Co-Investigating Judges in order  
3 to refresh your memory?

4 [13.37.55]

5 A. Yes, I have reviewed. I have read the record of that -- those  
6 interviews.

7 Q. And to the best of your knowledge, can you confirm that the  
8 record of interviews which you have read to refresh your memory  
9 corroborate with your statements that you provided to the  
10 investigators of the Investigating Judges?

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

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

19 [13.39.23]

20 QUESTIONING BY MR. LYSAK:

21 Thank you, Mr. President, Your Honours, Counsel. Mr. Witness,  
22 I'll be asking you questions this afternoon. I represent the  
23 Co-Prosecutor's Office and I want to start with a few questions  
24 about your background and your positions during the Democratic  
25 Kampuchea regime. You've described in your interviews how you

1      became a Khmer Rouge soldier when you were about 15 years old.

2      Can you start please by telling the Court about how it was that  
3      you ended up joining or being assigned to the Khmer Rouge  
4      military?

5      [13.40.16]

6      MR. LAT SUOY:

7      A. When I was 15 years old, they recruited me. <> They said it  
8      was an absolute requirement that I had to join the army. <I did  
9      not know what 'being absolute' really meant. They simply assigned  
10     me to build the dam and canals. I just knew how to build a dam  
11     and dig canals. I did not know what> an absolute <force was>,  
12     then I raise my hand. I did not even understand what army was all  
13     about. And then they took me into the jungle. And I still recall  
14     at that time, I was always crying in the jungle. <Every evening,  
15     I was crying for> my parents <>.

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

21     A. They did not explain what 'absolute' meant. Among many people  
22     <who> were building the dam and the dike, <> they selected the  
23     absolute people. At that time, we were struggling in life. It was  
24     a very tough condition, so we did not understand what <'being  
25     absolute'> was about. And then we simply raised our hand. And

1 those who raised our hand were gathered and put in one group. And  
2 I did not understand at that time, what they would take us for.

3 [13.42.22]

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

7 A. They took me out and I was part of the sector army of Sector  
8 513 <with male and female youth in Sector 5>.

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

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

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

14 A. Yes. Then they recruited the absolute 17 April People, and  
15 they admitted them to the district military. <We were selected to  
16 be part of the Phnum Srok district unit.> They actually, at that  
17 time, divided into two districts. <That was Phnum Srok district  
18 and> the other one <was Preah Netr Preah> district.

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

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

22 [13.45.03]

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

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

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

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

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

9     A. The commander was a man by the name of Ta Chun. He <was> the  
10    commander of the company. <And Ta Nak was the deputy commander of  
11    the company in charge of Phnum Srok district.>

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

15    A. Ta Nak <was> the deputy commander of the company.

16    [13.47.52]

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

19    A. Yes.

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

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

9     [13.49.42]

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

12    A. Because at that time, they would kill anybody who <was>  
13    educated <and kept the ignorant only>.

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

16    A. My relatives in the village, they, at that time studied to  
17    Grade 1 or Grade 2. They would not call themselves intellectuals  
18    but they had <no> education.

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

21    A. It was the village chief, but village chief of the liberated  
22    villages of the Khmer Rouge.

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

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

1 Q. Do you know where the people who were identified as having  
2 connections to the Lon Nol regime, do you know where those people  
3 were taken?

4 [13.52.15]

5 A. I only heard from others that they would be killed. They  
6 arrested them and took them away. <But, I did not know where they  
7 had been taken to.> And then they disappeared.

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

11 A. In my village, they arrested the former village chief by the  
12 name of <Ream> (phonetic) and his wife was also arrested together  
13 with him, and they both were executed. At that time, I was very  
14 young. I <tended> the cattle at that time. <I had not been  
15 assigned to work in the mobile unit yet.>

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

22 <A. The period when I was assigned to guard-->

23 MR. PRESIDENT:

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

25 [13.54.34]

1 MR. KONG SAM ONN:

2 Thank you, Mr. President. I have one small observation and I also  
3 have an objection at this juncture concerning the line of  
4 questionings that the International Deputy Prosecutor is pursuing  
5 now concerning the time when he worked as the soldiers and the  
6 execution of the former Lon Nol soldiers. Second is the  
7 uncertainty of the facts which the witness is testifying. What he  
8 said <at first> was that it was <after> the 17 of April 1975. So  
9 there might be confusion here as to the timeframe of what he is  
10 asking. Secondly, <> the facts that are being ascertained now <>  
11 are not within the scope of the current case that the Chamber is  
12 hearing. I think that it is not the point that we should try to  
13 ascertain concerning the killing of the Lon Nol soldiers in  
14 <Serei Saophoan district or> other places. The execution of this  
15 Lon Nol soldier may be within the context of Tram Kak or the  
16 execution site at Tram Kak. For that reason, I would like to  
17 object to this line of questioning pursuing by the prosecutor  
18 now. Thank you.

19 [13.56.11]

20 MR. LYSAK:

21 Let me respond if I may, Mr. President, briefly. First, there's  
22 no question that we are talking about a period after 17 April  
23 1975. The witness has a detailed statement in which it is clear  
24 that he was recruited to the military after. And second, there is  
25 a segment of this trial that relates to the purge -- the

1 targeting of former Lon Nol people. This is an issue disputed by  
2 the Defence. And throughout this trial, we have and will continue  
3 to put forward evidence from showing that this was a systematic  
4 policy that was implemented across the regime. So this is a  
5 district soldier. He has specific evidence relating to the  
6 targeting of Lon Nol personnel and that is highly relevant to  
7 this Trial.

8 MR. KOPPE:

9 Mr. President?

10 MR. PRESIDENT:

11 Counsel Koppe, you may proceed.

12 [13.57.32]

13 MR. KOPPE:

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

25 MR. LYSAK:

1 Mr. President, the policy is an issue. The Defence dispute that  
2 this was a policy of the regime and the Prosecution's best  
3 evidence of that is the fact the simultaneously in every region  
4 of the country, Lon Nol people were rounded up and executed. This  
5 evidence has been elicited in every phase of the case not just  
6 those specific sites. And the timing of this objection is rather  
7 strange.

8 [13.58.58]

9 MR. KOPPE:

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

11 MR. PRESIDENT:

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

13 (Judges deliberate)

14 [14.00.01]

15 MR. PRESIDENT:

16 The Chamber rejects the objection because the purge at Trapeang  
17 Thma also is part of the widespread purges policy. Mr.  
18 Prosecutor, you may now proceed.

19 MR. KOPPE:

20 Excuse me, I just found the document--

21 [14.00.34]

22 MR. PRESIDENT:

23 Counsel, the issue is ruled upon. So Mr. Prosecutor, you may  
24 proceed.

25 MR. KOPPE:

1     Just a very brief request for clarification then, because I'm  
2     looking at E315, and it says here under C: "Former Khmer Republic  
3     officials, implementation limited to Tram Kak cooperation, 1st  
4     January dam worksite, S-21 security centre and Krang Ta Chan  
5     security centre". Then maybe I'm misunderstanding the reading of  
6     E315, ERN page 01024938.

7     [14.01.43]

8     MR. PRESIDENT:

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

12    MS. GUIRAUD:

13    Well indeed, this is in relation to the issue and to share with  
14    the Chamber <and the parties> our <own> interpretation. We base  
15    ourselves on the basis that the existence of this policy has to  
16    be demonstrated at a national level <but that> the implementation  
17    of this policy is the object of a specific annex <as was  
18    mentioned by my learned colleague>. So we're speaking about the  
19    implementation of the policy. But the existence of the policy has  
20    to be demonstrated at the national level.

21    MR. PRESIDENT:

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

23    QUESTIONING BY MR. LYSAK:

24    Thank you, Mr. President.

25    Q. Mr. Witness, I was asking you about the time you were assigned

60

1     to work as a guard at Chamkar Khnol and specifically, I'd like to  
2     know if you were provided instructions by your superiors relating  
3     to Lon Nol soldiers.

4     [14.03.34]

5     MR. LAT SUOY:

6     A. The upper echelon instructed us to guard along the main road,  
7     and there was no clear instructions as to what we had to do, what  
8     we were guarding along the road. I heard about the Chamkar  
9     <Khnaor (phonetic) but I had never seen that place. I just  
10    guarded along the road at Chamkar Kor.>

11    MR. KONG SAM ONN:

12    I'd like to object to the question.

13    MR. PRESIDENT:

14    Are you giving an observation or an objection?

15    [14.04.09]

16    MR. KONG SAM ONN:

17    It's an observation, Your Honour. I'd like the Bench to direct  
18    the Co-Prosecutor to provide a clear <> geographical location.  
19    When he referred to Chamkar Khnol, <we are not sure as to in  
20    which village, commune, district or province or sector Chamkar  
21    Khnor was located when the witness was doing that job.> So it is  
22    better to give a precise location, and after that, I may decide  
23    whether I shall object the question <or not>.

24    MR. PRESIDENT:

25    And Mr. Deputy Co-Prosecutor, please provide the geographical

1     location as requested by the Defence Counsel for Khieu Samphan.

2     BY MR. LYSAK:

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

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

6     MR. LAT SUOY:

7     A. When I was assigned to guard, I was not given a specific  
8     instruction to guard Chamkar Khnol but in fact to guard along the  
9     road.

10    [14.05.30]

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

13    A. I heard people talking about Chamkar Khnol <that it's in  
14    Svay>, but I myself did not know where Chamkar Khnol was.  
15    However, I myself was assigned <> to stand guard along the main  
16    road in town. <It's the road that led to Thma Puok.>

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

19    A. It was along the road to <> Phsar Thmei <which was called>  
20    Chamkar Kor <road>, rather.

21    Q. Did you know of a execution site that was called Chamkar  
22    Khnol?

23    A. No, I did not. And I did not see the location. I only heard  
24    people being killed there, but I myself did not know where it was  
25    or how large it was. <I did not see what it looked like.> I only

1 heard about it.

2 Q. I'd like to take you now to some questions relating to the  
3 period you worked at the Trapeang Thma Dam. You describe in your  
4 interviews how, as a soldier in the Phnum Srok district military,  
5 you were assigned to work as a guard at Trapeang Thma. Can you  
6 tell us how long you worked as a guard at the Trapeang Thma Dam  
7 worksite? And do you remember the year or month when you were  
8 first assigned to that site?

9 [14.07.55]

10 A. I was assigned to guard at the Trapeang Thma Dam in 1976. The  
11 main purpose was to guard the dam in case <> each part was  
12 broken. If that was the case, then we<, the mobile unit,> had to  
13 <carry earth to> repair the dam wall.

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

15 A. I remained there for about a month.

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

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

20 Q. Were you there when the dam was completed, when the  
21 construction of the dam was completed?

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

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

1 [14.10.12]

2 A. The dam construction was concluded probably in late 1976 or  
3 early '77.

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

9 A. I was assigned to stand guard at the Trapeang Thma Dam and <>  
10 I was part of a 10-man group to go and guard there.

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

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

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

17 A. The team chief was Phan.

18 [14.12.18]

19 Q. And who did Phan report to?

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

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

24 A. Yes, that is correct.

25 Q. You were part of the district -- the Phnum Srok district

1 military, do you know whether or not there were any soldiers from  
2 the sector military that were assigned and located at the  
3 Trapeang Thma Dam?

4 A. The sector army did not come to guard at the district level.  
5 They stationed in Svay at their barrack. And they actually  
6 assigned their soldiers to guard along <their> border.

7 [14.14.00]

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

10 A. Our unit was assigned to stand guard at the first bridge and  
11 to that extent to Ponley village <in case> parts of the dam  
12 <were> broken.

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

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

16 Q. What was Ta Val's position?

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

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

20 [14.16.01]

21 A. His former position was that he was chief or former chief of a  
22 military regiment <of Sector 5>. And later on, he was reassigned  
23 to take control of the mobile unit of Sector 5 on the dam  
24 construction project. <He led his mobile forces to build the dam  
25 and canals.>

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

3 A. I began to know him well when I was part of the sector <unit  
4 with him>.

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

7 A. He actually selected me to be a part of this absolute unit.  
8 And that's where I stayed near <> where he stayed.

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

12 A. No, I did not attend his marriage ceremony. I heard my  
13 colleagues telling me that Ta Val went to get married to his wife  
14 in Svay. And <the day after>, he came together with his wife. And  
15 in fact from what I heard, his marriage was arranged.

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

19 [14.18.50]

20 A. I do not know his full name and I knew that he came from <the  
21 east> area. <I did not know where exactly the east area was at  
22 that time.>

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

25 A. I myself do not know from which area he came. However, he

1 spoke with an accent cheung-cheung (phonetic).

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

4 A. At that time, Ta Val was around 52 or 53 years old. <However,  
5 this is only my estimation.>

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

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

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

13 [14.21.06]

14 A. He came to the Trapeang Thma Dam every two or three days.

15 Sometimes, he came every day. So it varied.

16 Q. Do you know where his office was, where he was located, where  
17 he would come from when he came to the Trapeang Thma Dam

18 A. I do not know where his office was. Sometimes he went to work  
19 at another dam <that is Ronteas Banh (phonetic) dam> and  
20 sometimes he came to the dam. <I did not know where he exactly  
21 stayed.>

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

25 [14.22.37]

1     A. In terms of his personality <as a general supervisor>, he led  
2     people to work and <he was firm. And,> people had to complete the  
3     work that he assigned.

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

5     A. Ta Val was a very firm<, strict and strong> person.

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

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

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

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

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

19    A. The arrest at the Trapeang Thma Dam worksite was carried out  
20    by Ta Val's subordinates.

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

23    A. I couldn't grasp who they were. What I heard was that some  
24    members of the workers committed some wrongdoings and then they  
25    disappeared. <They were his mobile regiment chiefs. They made

1 decisions and killed people. It's all up to them. Then, they  
2 would report to> Ta Val <>.

3 Q. Who did you hear this from?

4 A. I heard this from members of the workers in the mobile unit  
5 under his supervision. <One night, he> came to <chit-chat with>  
6 me, <saying> that, <the> night <before an individual named>  
7 Chhuoy disappeared and he did not know who actually made his  
8 arrest or where he was sent to.

9 [14.27.03]

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

15 A. I couldn't grasp the situation back then. People disappeared  
16 from the mobile units including those villagers from my village.

17 And I was told as in the previous <night>, Chhuoy disappeared.

18 And when I asked about his arrest, I was told that it was made by  
19 his unit chief. So I made a conclusion that it was the chiefs of  
20 the <company> or the <regiment> who made arrest of their unit  
21 members.

22 Q. This Chhuoy person that you've referred to, was he a member of  
23 a sector mobile unit or was he part of a village or commune level  
24 unit?

25 [14.28.50]

1 A. Chhuoy was in the village mobile unit. Then he was reassigned  
2 to work at the sector mobile unit. His implication was that he  
3 had a connection with the former Lon Nol army and <he had been  
4 followed. That> was the main reason for his arrest.

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

7 A. Chhuoy himself was a former soldier and at that time, he was  
8 <young> about 20 years old. However, <his elder brother> lied to  
9 them, <saying> that he was a <pagoda> boy who actually lived in  
10 the pagoda <because> he was an orphan.

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

15 A. Yes. Initially, he also used to live in the pagoda but later  
16 on, <when the war nearly came to an end> he volunteered to be a  
17 soldier. <Then, there was peace.> So that's how <he was  
18 implicated as a former soldier>.

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

22 [14.31.07]

23 A. The mobile units were assigned to work at the Trapeang Thma  
24 Dam worksite and if any member attempted to flee, he or she would  
25 be arrested and accused of trying to flee to Thailand.

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

3 A. It depends. It <depended> on where they were fleeing. If they,  
4 for example, fled <through the area where they came across the  
5 border soldiers, then they would be arrested. But, if they fled  
6 through the area where border soldiers were not stationed> then  
7 <they> would <be fine. No one would arrest them>.

8 MR. LYSAK:

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

15 [14.33.06]

16 MR. PRESIDENT:

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

19 BY MR. LYSAK:

20 Mr. Witness, I'd like to ask you about some specific information  
21 you provided regarding arrests of workers who tried to escape in  
22 those two interviews. First, if you could refer to your DC-Cam  
23 interview, document E3/9060, ERN pages Khmer, 00733010; English,  
24 00728716; French, 01123672. You were asked here and I quote:  
25 "Question: What was it like when you first arrived at Trapeang

1 Thma? Answer: When it comes to construction, it was not yet  
2 completed. There were many mobile unit members, many of whom ran  
3 back home. They were arrested by security police. The village  
4 security police formed combat lines waiting only to arrest those  
5 fleeing and to return them to work."

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

9 [14.35.20]

10 MR. LAT SUOY:

11 A. They were the village <militia> mobile unit, and then <when>  
12 they were arrested, <they would be sent back to mobile unit or>  
13 to the commune. So generally, they would arrest them and take  
14 them back. <For example, if they were from Preah Netr Preah  
15 commune the mobile militia mobile unit of the commune would make  
16 the arrests and send them back to the same commune.> Even if they  
17 were our parents, we could not help them. The militiamen would  
18 arrest them and take them back to their base.

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

22 A. Yes, they <were> called <local base> militia or village  
23 militiamen or commune militiamen.

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

1 A. For my unit, we never <made any arrests>.

2 [14.36.57]

3 MR. PRESIDENT:

4 Counsel for Khieu Samphan, you may proceed.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. I would like to ask the prosecutor to  
7 refer to any specific document, because if you do not point to  
8 any specific ERN numbers it gives rise to leading the witness. So  
9 we do not know <> which document the prosecutor is referring to  
10 now.

11 MR. LYSAK:

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

17 [14.38.02]

18 MR. PRESIDENT:

19 The time is now appropriate for a short break. Chamber shall  
20 adjourn now and resume at 3 p.m. Court officer, please assist the  
21 witness <by giving him room to rest> during the break <at the  
22 waiting room reserved for witnesses and experts> and have him  
23 back to this courtroom before 3 p.m. The Court is now adjourned.  
24 (Court recesses from 1438H to 1458H)

25 MR. PRESIDENT:

1 Please be seated. And the Prosecutor, you may resume your  
2 questioning.

3 BY MR. LYSAK:

4 Q. Thank you, Mr. President. Mr. Witness, we were talking about  
5 arrests of people who tried to escape or flee Trapeang Thma. I  
6 want to direct you to two responses you gave in your two  
7 interviews, starting with your OCIJ interview, which is document,  
8 E319/19.320, at answer 57. "Question: When you were a soldier,  
9 did your chief ever give you a list and order you to arrest  
10 anyone whose name was on the list? Answer: No, this work was  
11 carried out by militiamen. My unit did not do this work, but  
12 sometimes I received an order from the upper echelon to arrest  
13 someone who was on the run. Sometimes I managed to catch them,  
14 but other times they managed to escape."

15 And in your DC-Cam interview, E3/9060, ERN Khmer, 00733024,  
16 that's Khmer ERN, 733024; English, 00728726; and French,  
17 01123681.

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

25 Mr. Witness, does that refresh your memory that, while arrests

1        were not your primary function, that there were some occasions  
2        where you and your unit were assigned and arrested workers who  
3        tried to escape from the site?

4        [15.02.06]

5        MR. LAT SUOY:

6        A. While I was working, and when we were instructed to capture a  
7        worker, sometimes we tried to do that. And if the person <fled  
8        and was arrested>, then the person would be sent to his <or her>  
9        respective unit, so that the unit chief would deal with him  
10      <accordingly>.

11      Q. In the answers I read, you referred to receiving an order from  
12      the upper echelon to try to arrest someone who was -- who had  
13      escaped. When you referred to "upper echelon", who was it  
14      specifically that the orders came from, down to your unit? Who  
15      was it that provided those orders?

16      A. The order came from Ta Nak. His order was to catch those  
17      <mobile> workers who were fleeing from the mobile unit. And <> we  
18      could catch them, then we would send them to the upper echelons  
19      to resolve the matters.

20      Q. And specifically, when those workers were caught, who were  
21      they turned over to? You've said that they were turned over to  
22      the upper echelon, or your superiors. Specifically, who would  
23      those workers be turned over to?

24      A. The man, or the person, would be given back to the chief of  
25      the <mobile> unit, or the chief of the regiment.

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

3 [15.04.33]

4 A. I did not have a full understanding about the killing at the  
5 Trapeang Thma Dam worksite, as our duty did not have to deal with  
6 that. We had to stand guard at the Trapeang Thma Dam worksite,  
7 and <if any part of the dam broke> we would risk our life.

8 Q. I understand that. More specifically, can you tell us, tell  
9 the Court, please, what happened to workers at the Trapeang Thma  
10 Dam who said they could not work at night because of night  
11 blindness? Can you please tell the Court what happened to those  
12 people?

13 A. I heard from workers in the mobile unit <saying> for those who  
14 had night blindness, some of them actually did not have night  
15 blindness. So <their respective mobile unit chief led> them <by  
16 the hand to push them into the pits. If they were really night  
17 blind they would be led back> and if they <were not actually  
18 night-blind, but pretended> to have night blindness, <then> they  
19 would be <pushed to fall into the pit>.

20 [15.06.13]

21 Q. I'd like you to refer to, if you could, your OCIJ interview,  
22 E3/9060. I'm sorry, your DC-Cam interview, E3/9060. The ERN  
23 references: Khmer, 00733020 - 021; English, 00728724; French,  
24 01123679 - 3680. And I quote your statement in your DC-Cam  
25 interview:

1     " When one was having night blindness, the person was accused of  
2     having consciousness blindness. The big or small unit, of which  
3     that person was a member, transported the person to the pits. If  
4     the person avoided the pits, they would say that the person did  
5     not have night blindness. Those pits, it would result in death if  
6     you fell into them." Continuing below on the same page: "If the  
7     person was led to a pit and avoided the pit, the accompanying  
8     person would push that person into the pit. Question: Did you  
9     witness the event? Answer: I saw it. Because it had nothing to do  
10    with the troops, they did the work amongst themselves. The  
11    killings of people were not done by troops, but by the chief of  
12    battalion, regiment and company." End of quote.  
  
13    Mr. Witness, is it correct as you told DC-Cam, that you witnessed  
14    these events?

15    A. They did what they had to do <because-->  
16    [15.08.39]

17    MR. PRESIDENT:

18    And Defence Counsel Kong Sam Onn, you have the floor.

19    MR. KONG SAM ONN:

20    Thank you, Mr. President. I'd like to make my remark on the  
21    extract <> by the Co-Prosecutor. In the Khmer version, the  
22    witness did not state that falling into the pit would result in  
23    death. And it referred to those who avoided the pit, then the  
24    person would be pushed into the pit.

25    BY MR. LYSAK:

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

5 [15.09.43]

6 MR. LAT SUOY:

7 A. The pit was not far from where they got the dirt for the dam  
8 site, and the depth was about one metre. <And the unit chief led  
9 them by hand. If someone -- that is-->

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

13 A. Yes, I saw it. People who had the psychological sickness  
14 <would be led by hand to make them fall into> the pit<, which was  
15 about 1 metre deep.> and <when> they were pushed into the pit,  
16 they might have <their> ankle <sprained. So, they would know that  
17 person was being lazy.> And for people who were found out to have  
18 lied to them, they would be re-educated or reprimanded <while  
19 those who really had night blindness would be given time to  
20 rest>. But falling into the pit did not result in death, but  
21 injury.

22 [15.11.16]

23 Q. Do you know--

24 MR. PRESIDENT:

25 Defence Counsel Koppe, you have the floor.

1 MR. KOPPE:

2 Thank you, Mr. President. I would like to make an observation as  
3 following up on the observation or objection from my colleague  
4 from the Khieu Samphan team. If -- I mean, indeed in the English  
5 version, I agree with the Prosecution, it says those pits, it  
6 would result in death if you fell into them. Now if that sentence  
7 doesn't appear in the original Khmer version, I find that quite  
8 troubling. So, I would be really interested. And considering the  
9 evidence just given by the witness, that it is only a pit of one  
10 metre, that your ankle would get swollen, I think that's a  
11 difference that I would like to have cleared when it comes to  
12 translation. So, the request really is: what does the original  
13 Khmer version say? Does it say something to the effect it would  
14 result in death if you fell into them?

15 MR. LYSAK:

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

20 [15.12.47]

21 MR. PRESIDENT:

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

24 BY MR. LYSAK:

25 I will clarify with the witness. But the issue about the

1 transcript is something that will have to be dealt with later by  
2 people who can review the original Khmer transcript.

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

6 [15.13.29]

7 MR. LAT SUOY:

8 A. To my knowledge, none of them died. They wanted to know  
9 whether they, those workers, pretended to be sick in order to  
10 avoid going to work by telling them that they had night  
11 blindness. For that reason, those people were led into <> the  
12 pits. And if they actually fell into the pits, then they would be  
13 allowed to rest <>. However, for those who <avoided the pits and>  
14 did not fall into the pits, they would be accused of pretending  
15 to be sick, and then <their respective unit chiefs> reprimanded  
16 or <re-educated them>. And if, after one or two occasions, they  
17 still repeated this imaginary sickness, then they would be taken  
18 away and killed.

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

23 A. For people who actually had night blindness, they were about  
24 to step into the pits, but they were stopped by the people at the  
25 pit. And they knew that <> these workers, actually had night

1 blindness. However, for other workers who pretended <> to have  
2 night blindness, they would step away from the pit, and then they  
3 <would know that those workers told a lie and> would be called  
4 for re-education, as actually they pretended to have night  
5 blindness <and would be instructed not to tell a lie again>.

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

10 [15.15.55]

11 A. On the re-education issue of those workers, it was the duty of  
12 the unit chiefs or group chiefs of the mobile units. Those people  
13 would be criticized, and they had to be refashioned, and they had  
14 to <change their behaviours and> stop lying to the unit chiefs  
15 again.

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

18 A. If after re-education, the person <did> not <learn the lesson>  
19 or <not> change, then the unit chief would have to deal with that  
20 issue.

21 Q. And do you know how unit chiefs dealt with situations like  
22 that?

23 A. The <only> solution was to kill that worker.

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

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

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

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

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

7     [15.18.34]

8     A. As for the <district> security office, it was located at the  
9     current district office. And in fact, it was a concrete house  
10    which turned into a security centre, and which is currently the  
11    district office.

12    Q. Just to clarify, Mr. Witness. The location you're just talking  
13    about, the concrete house that is at the current location of the  
14    district office, are you talking about where the location of the  
15    Phnom Srok security office? Or was that the Sector 5 security  
16    office? Could you clarify that?

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

20    Q. When you say Svay, are you referring to Sisophon provincial  
21    town?

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

24     [15.20.28]

25    Q. I want to turn to a few general questions about the conditions

1 at Trapeang Thma, starting with work hours at the site. Can you  
2 tell us what the work hours were during the time you were at the  
3 Trapeang Thma Dam worksite?

4 A. The mobile unit workers started working from 7 a.m. till 11  
5 a.m. And they resumed again from 1.00 to 5 p.m., then again from  
6 6.00 to 10 p.m.

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

12 [15.22.11]

13 A. For my unit, we started working at 5 a.m., and continued until  
14 11.00. Then we had lunch at 12 p.m.

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

18 A. They continued working in these shifts every day until the dam  
19 project was completed <and then we were rotated>.

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

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

24 Q. And did you know what the -- if those workers had a work  
25 quota, in terms of the amount of dirt they had to dig and carry

1 each day?

2 A. In general, the quota was not meant for an individual worker.

3 However, it applied to the unit as a whole. And the measurement  
4 was in terms of a land measurement of <15 metres> height, with 10  
5 metres width. And the unit had to carry the dirt, and if they  
6 could complete the work quota, then they would be given a can of  
7 rice each per day. And for those who failed to meet the work  
8 quota, then the ration was reduced to gruel.

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

13 [15.25.36]

14 A. A while after, male and female youths were selected to put in  
15 the so-called special unit. And for one cubic metre <of earth>,  
16 they only carried them in baskets, and they would make only 10  
17 trips <of earth-carrying>. And they would be given the rice,  
18 <two> cans of rice each for the workers in these so-called  
19 special units. And as I stressed again, <> they only made 10  
20 trips of carrying baskets, to carry this one cubic metre of dirt.

21 Q. Let me refer you to your DC-Cam interview, E3/9060. Khmer ERN,  
22 00733011, 733011; English, 00728716 - 717; and French, 01123673.

23 I quote:

24 "Members of special units were given two cans of rice each day.

25 Members of on-foot units were given one can of rice each day.

1     Special units would carry one cubic metre of earth in eight  
2     carrying trips. Women were even running while carrying the  
3     baskets back and forth. These were the special units." End of  
4     quote.

5     I want to make sure I understand correctly. Are you saying that  
6     these special units received higher food rations, and had to  
7     perform more work? Or do I not understand? Or is that incorrect?  
8     Can you clarify? Were these special units, units that had higher  
9     work quotas and received -- therefore received greater food  
10    rations? Is that right?

11    [15.28.20]

12    A. The special unit workers worked more progressively, so the  
13    food ration was more than the ordinary mobile unit workers. And  
14    in terms of clothing, then they had better clothing to wear than  
15    the ordinary barefoot mobile unit workers. And they were an  
16    exemplary model for the mobile units.

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

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

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

24    A. In that unit, there were women in two <companies>, and there  
25    were male youths in another <company>. And they were the absolute

1 force, and they were selected to be part of this so-called  
2 special unit.

3 [15.30.17]

4 Q. Let me read to you another excerpt from your DC-Cam interview,  
5 E3/9060. This is at Khmer 00733030; English, 00728730; French,  
6 01123684 - 85. I quote: "The special unit was composed of only  
7 100 members. The rest were normal mobile units, which were  
8 estimated in the tens of thousands. Four to five persons of the  
9 normal mobile unit carried one cubic metre of earth, and they had  
10 small rations." And continuing below on the same page: "Question:  
11 So, the remaining tens of thousands of other people were given  
12 only one can of rice per day? Answer: Yes, one can per day." End  
13 of quote. Does this refresh your recollection, Mr. Witness, that  
14 the special unit that you've described only had 100 members? Is  
15 that correct?

16 A. Yes, that is correct. As for the special unit that were female  
17 members, who served in the special unit, and they were entitled  
18 to one can of rice per day, as for the food ration for them. <And  
19 for ordinary barefoot mobile unit members, we each got half a can  
20 of rice.>

21 [15.32.27]

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

24 A. They carried the water for us to drink. There were a group of  
25 labourers who brought the water for us to drink, and other

1 members also carried the water from the nearby ponds and stream  
2 to drink.

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

6 A. The workers at Trapeang Thma site, there were many people who  
7 were sick. Some were poisoned by eating wild plants or wild  
8 mushrooms. And they also suffered from many different kinds of  
9 diseases. Some had <> swollen bodies.

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

12 Quote, I quote, Mr. Witness, this is what you said to DC-Cam.  
13 "People were emaciated, without enough food to eat. Lack of  
14 nutrition led to exhaustion. For some, their knees were bigger  
15 than their heads." End of quote.

16 Mr. Witness, was this the case during the entire time you were at  
17 the Trapeang Thma worksite?

18 [15.35.19]

19 A. Yes, it was the case. At that time, those who were skinny,  
20 <because some were in special unit and tried to carry soil, for  
21 example, some female workers tried to carry soil so hard to earn  
22 merits in performance that their lumbar vessel severed and they  
23 died. Some others> did not have sufficient food to eat, and some  
24 had <swollen and skinny bodies>, and of course others you know,  
25 <could not walk as> their knees <grew> bigger than their heads.

1 They asked for medicine when they were sick, but they were given  
2 nothing more than the rabbit drop pill. <So, how come they could  
3 feel better?>

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

8 A. At that time, the upper echelons constructed the latrine for  
9 us in the different units, so that we could relieve ourselves.  
10 <But some workers> relieved themselves somewhere around <the  
11 sleeping quarter, and diseases were spread among the workers>.

12 [15.37.11]

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

14 A. Yes, yes, there were swarms of flies and mosquitoes. At night,  
15 <we> did not have <> mosquito nets, <and> lots of mosquitoes bit  
16 us. <We did not have enough sleep.> And in the morning, we had to  
17 get up early in order to go to work.

18 Q. I want to turn to another subject for the time we have left  
19 today. Do you remember a period when the local cadres in the  
20 Northwest Zone were arrested and replaced by cadres who came from  
21 the southwest? Do you remember that? And what can you tell us  
22 about what happened to the Northwest Zone cadres at that time?

23 A. At the time when I was working at the Trapeang Thma  
24 construction dam, I heard <from the people in> the upper echelon.  
25 <People like Ta Nak> told me that they would arrest the Northwest

1     Zone cadres, and they summoned them for the meeting. And the  
2     cadres from the Southwest Zone carried out the arrests. They  
3     accused <the northwest cadres> of betraying.

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

6     Who do you mean by, the upper echelon?

7     [15.39.35]

8     A. Ta Nak. Ta Nak was my <chief>, and he knew that. And he told  
9     to his subordinates that we had to be extra-vigilant in our work.  
10    <He told us to be ready for an escape.> And then, later on, the  
11    Southwest Zone cadres <arrived in> the Northwest Zone.

12    Q. When you said that when people were arrested, they were called  
13    to attend meetings or study sessions, can you tell us how it was  
14    -- how it happened when people were called to these study  
15    sessions? Who would tell them that they had to go and where was  
16    it that they were told to go?

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

20    [15.40.53]

21    Q. Let me read to you an excerpt from your DC-Cam interview,  
22    E3/9060. This is at Khmer 00733047; English, 00728742 - 743; and  
23    French, 01123695. Quote -- let me repeat the Khmer ERN. It is  
24    00733047. This is what you said, Mr. Witness.  
25    "Those south-westerners did not even bother to point a gun at us.

1 They would call us to have a chat. Then they told us to go up to  
2 the concrete house, and they arrested us. They put us in a truck,  
3 and sent us to the secret place. The secret place at Svay  
4 Sisophon, the police station of Mr. Launh." End of quote.

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

7 [15.42.36]

8 A. In the <Svay Sisophon> security section attached to Sector 5,  
9 I only heard of a man by the name of <Ta Boeun (phonetic)>, who  
10 was in charge of security.

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

16 A. Upon the arrival of the Southwest Zone cadres, they called for  
17 a meeting <with Ta Hoeng>. And Ta Hoeng was arrested. And from  
18 that time onward, people <at lower levels> knew that the  
19 Northwest Zone cadres were arrested by the Southwest Zone. <All  
20 cadres throughout Sector 5 were herded and arrested right away.>

21 Q. What was Ta Hoeng's position?

22 A. He was the chief of Sector 5.

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

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

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

6     [15.45.37]

7     MR. PRESIDENT:

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

9     MR. KOPPE:

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

18    [15.46.34]

19    MR. LYSAK:

20    Mr. President, Counsel is not here to give evidence. I can assure  
21    him from the S-21 records that he's wrong. There was a wave of  
22    arrests. It's documented in the records of S-21. I'm actually  
23    going to make some references to try to refresh memory on dates,  
24    so I will get to some of those S-21 records. In the meantime, I'm  
25    asking the witness simply what happened when the southwest cadres

1 arrived, and getting his recollection. Then we'll take a look at  
2 the S-21 records to see when this took place. So, if I may  
3 proceed, the question I'd like to ask the witness now is: what  
4 happened to Ta Val after the southwest cadres arrived? With your  
5 leave, Mr. President.

6 MR. PRESIDENT:

7 Yes, you may proceed, Prosecutor.

8 BY MR. LYSAK:

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

10 [15.47.49]

11 MR. LAT SUOY:

12 A. <Ta Val called Ta Maong to a meeting.> After Ta Maong was  
13 arrested, he disappeared ever since. Then for about 10 days  
14 <later>, they arrested Ta Val. They called him for a meeting.

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

16 A. Because I learnt from Ta Nak, who escaped. And he came to meet  
17 with me at the construction site <of Trapeang Thma Dam>. He told  
18 me that they had arrested all the cadres in the Northwest Zone,  
19 and that arrest was carried out by the southwest cadres. <Only  
20 Phnum Srok district committee was still not arrested.>

21 [15.49.01]

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

25 A. After the Southwest Zone cadres arrived, Ta Hat also was

1       called to attend a meeting at Svay.

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

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

7       [15.50.26]

8       Q. Let me see if I can refresh your memory on this, Mr. Witness.

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

16      MR. PRESIDENT:

17      Counsel, you may proceed.

18      [15.51.54]

19      MR. KOPPE:

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

22      MR. LYSAK:

23      I'd be curious to the site. There's multiple documents that  
24      establish it was June 1977, including a reference in his S-21  
25      confession that specifically -- gives us a specific date, in June

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1 also. In any event, if you have a document, you're entitled to  
2 ask the witness about it during your examination. Mr. President,  
3 may I proceed?

4 [15.52.39]

5 MR. PRESIDENT:

6 Judge Lavergne, you may proceed now.

7 JUDGE LAVERGNE:

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

10 MR. KOPPE:

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

13 BY MR. LYSAK:

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

25 [15.54.53]

1 MR. LAT SUOY:

2 A. At that time I was very young, but the arrests were carried  
3 out quite close to one another, actually. They arrested first of  
4 all <Ta Maong,> Ta Val, and <that was> then followed by <Ta Hat  
5 in the same year>. And <then> they <arrested Ta Nak and> all <his  
6 subordinate> cadres at the time.

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

9 A. <After Ta Hat was arrested,> then Ta Nak<, chief of the  
10 company,> was also called for the study session. And as his  
11 subordinate, I knew that he would be arrested if he went there.  
12 Then he did not listen to me, and he went to attend the meeting.  
13 <I was expecting him to come back to have lunch with me that  
14 day.> But then I did not see him return. And then his wife told  
15 everyone that Ta Nak had already been arrested.

16 [15.56.31]

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

18 MR. PRESIDENT:

19 Counsel Kong Sam Onn, you may proceed.

20 MR. KONG SAM ONN:

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

25 MR. PRESIDENT:

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

2     BY MR. LYSAK:

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

8     [15.58.05]

9     MR. LAT SUOY:

10    A. After they arrested all cadres, we all separated. I fled to my  
11    house. Then the southwest cadres arrested me. And then I <fought  
12    with them and> tried to escape. Eventually and luckily I could  
13    escape.

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

15    A. I was taken and sent to <their> commune, <Preah Netr Preah>  
16    commune.

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

18    A. At that time, I used Khmer traditional martial arts, and I  
19    knocked down the <10> security guards over there, and then I fled  
20    the scene <to the mountain>.

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

24    [15.59.55]

25    A. After my <chiefs> were arrested, they accused <the Northwest

1     cadres> as traitors<. Then, they> intended to arrest <and  
2     transport> all of us <to Svay>, and then <> we fled into the  
3     forest.

4     MR. LYSAK:

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

7     MR. PRESIDENT:

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

14    And Mr. Lat Suoy, for your information, your testimony has not  
15    yet been concluded, so I invite you to come to testify here  
16    before the Chamber again tomorrow, <on Wednesday, 12 August 2015,  
17    starting at 9 a.m>.

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

22    Security guards are instructed to bring the two Co-Accused, Mr.  
23    Nuon Chea and Mr. Khieu Samphan, back to the detention facility  
24    <of the ECCC>, and have them back in the hearing on <Wednesday,>  
25    12 August 2015, before 9 a.m.

Extraordinary Chambers in the Courts of Cambodia

Trial Chamber – Trial Day 309

Case No. 002/19-09-2007-ECCC/TC

11 August 2015

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1     The Court is now adjourned.

2     (Court adjourns at 1602H)

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*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*