



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

19 August 2015
Trial Day 314

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

The Accused: NUON Chea
KHIEU Samphan

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I N D E X

Mr. CHHUM Seng (2-TCW-828)

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Mr. TAK Boy (2-TCW-908)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHHUM Seng (2-TCW-828)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Mr. DUCH Phary	Khmer
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. TAK Boy (2-TCW-908)	Khmer
Mr. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session. Today, the Chamber
5 will <conclude> the testimony of witness Chhum Seng, and then it
6 will start to hear 2-TCW-908. For today's proceeding and
7 tomorrow's proceeding<, the 20th August 2015, the Chamber
8 requests all Parties to speak slowly, in order to allow the
9 proceeding to go smoothly> because there is a shortage of
10 interpreters during the proceedings<>. Mr. Em Hoy, please report
11 the attendance of the Parties and individuals to today's
12 proceedings.

13 [09.00.42]

14 THE GREFFIER:

15 Thank you, Mr. President. Everyone is now present at today's
16 proceeding. As for Mr. Nuon Chea, he is present in the holding
17 cell downstairs. He has waived his right to be present in the
18 courtroom. The waiver has been delivered to the greffier. The
19 witness who is to testify today is Mr. Chhum Seng. <Mr. Chhum
20 Seng and his duty counsel are> now before us. And we also have a
21 reserve witness today -- that is, 2-TCW-908. To his best
22 knowledge, he has no relationship by blood or by law to any of
23 the two Accused, Nuon Chea and Khieu Samphan, or to any of the
24 civil parties admitted in this case. This witness will take an
25 oath before the Iron-Club statue this morning. Thank you, Mr.

1 President.

2 [09.01.47]

3 MR. PRESIDENT:

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

5 The Chamber has received a waiver from Nuon Chea dated 19 of

6 August 2015, which states that due to his health, headache, back

7 pain, he cannot sit or concentrate for long, and in order to

8 effectively participate in future hearings, he requests to waive

9 his right to participate in and be present at the 19 of August

10 2015 hearing. Having seen the medical report of Nuon Chea by the

11 duty doctor for the Accused at the ECCC, dated 19 of August 2015,

12 who notes that Nuon Chea has a chronic back pain when he sits for

13 long and recommends that the Chamber grant him his request and

14 allow him to follow the proceeding remotely from the holding cell

15 downstairs. Based on the above information and pursuant to Rule

16 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea

17 leave to follow today's proceeding remotely from the holding cell

18 downstairs via audio visual means.

19 AV technician is instructed to link the proceedings to the room

20 downstairs so that he can follow the proceedings. That applies

21 for the whole day.

22 Now, the Chamber gives the floor to the defence teams for the

23 Accused to put question to the witness. First, the floor is given

24 to the defence team for Mr. Nuon Chea.

25 [09.03.42]

1 QUESTIONING BY MR. KOPPE RESUMES:

2 Thank you, Mr. President, and good morning. Good morning, Your
3 Honours. Good morning, Counsel, and good morning, Mr. Witness. I
4 have a few more questions that I would like to put to you this
5 morning. First, I have some questions about the structure of the
6 mobile units. Now, you yourself have stated to DC-Cam that there
7 were three battalions under Ta Val. Can you tell us who were the
8 respective commanders of those three big units or battalions; do
9 you recall?

10 MR. CHHUM SENG:

11 A. Within battalions, the three battalions -- three battalions
12 <made> up a regiment. In relation to regiment, I have no idea <as
13 to> who the chiefs were. I only knew that at that place, the
14 <three> battalions <were under the command of> Ta Val <>.

15 [09.05.32]

16 Q. It's my understanding, Mr. Witness, that Ta Val was the person
17 who was in charge overall. But I'm now particularly interested in
18 the names of the commanders of the three big battalions or big
19 units or big cells.

20 A. Three battalions made up a regiment, as I told you already.
21 First, workers were divided into <working> groups, and one group
22 consisted of ten members. Actually, <workers were even divided
23 into squads>, and in <each squad>, there were three members.
24 Three <squads> made up one <group consisting of 10 members
25 including a chief. And three groups made up a> platoon, and three

4

1 platoons <made up a> company. And three companies <made up> a
2 battalion. And three battalions <made up a> regiment. This is the
3 <organizational> structure <on the worksite. However, I was only
4 aware of the existence of battalions, not any> regiment there
5 <on> the worksite.

6 [09.07.30]

7 Q. Let me see if I can assist you a bit in finding out who the
8 commanders were of those three big battalions. Is it correct that
9 the commander of the first big battalion or big cell was someone
10 with the name Ta Vit? The second was commanded by someone who was
11 called Ta Phan and the third battalion was commanded by the
12 person whose name I showed you yesterday and of whom you said
13 that you know him very well, so I shall not name his name here.
14 But is that correct; the three battalion commanders were Ta Vit,
15 Ta Phan, and the person whose name I showed you yesterday?

16 MR. PRESIDENT:

17 You may now proceed, <the> International Deputy Co-Prosecutor.

18 [09.08.48]

19 MR. DE WILDE D'ESTAMAEL:

20 Thank you. Good morning, Mr. President. Good morning, Your
21 Honours. Good morning to all Parties. I <object> to this question
22 because no source <is cited and also> because the witness has
23 already said several times <that> Battalion 1 -- or in any case
24 at one given point -- was led by Ta Vorn and Ta <Khauv. Also,> it
25 might be useful to know which period the counsel was speaking

5

1 about <-- when he mentions Ta Vit, Ta Phan and a third
2 individual, since> there was a succession of battalion leaders,
3 in particular owing to the arrest of the previous <ones>. So all
4 this is not very clear <and it> might <mislead> the witness<, the
5 more so as he has already provided some names. We should perhaps>
6 start from the base, <> Battalion 1. <He said several times in
7 his statements and before this Chamber> that it was Ta Vorn and
8 Ta <Khauv>. But we should however specify <during> which period
9 <they were leaders back then. But, in any case,> the question as
10 it is put right now <is seemingly unlikely to elicit a clear and
11 relevant answer for this Chamber>.

12 MR. KOPPE:

13 I'm referring obviously to the period that Ta Val was still in
14 charge. Secondly, I'm not making up these names. I have them from
15 a DC-Cam statement of one of the three big battalion commanders
16 who actually happens to be the person that this witness knows
17 quite well and whose testimony I showed him yesterday. And he is
18 saying the first big cell as he calls it was led by Ta Vit and
19 the second big cell was led by Ta Phan and the third big cell was
20 led by me.

21 [09.10.49]

22 JUDGE FENZ:

23 Just for the benefit of the transcript, can you repeat the
24 source.

25 BY MR. KOPPE:

6

1 Yes, of course. E3/9076, English ERN, 00731161; and Khmer,
2 00728855 and 56; and again, no French ERN. So I'm basing myself
3 in reply to the objection on evidence on the case file.

4 Q. So Mr. Witness again, if I am allowed to continue, Mr.
5 President, is it correct that the big battalions were led
6 respectively by commanders Ta Vit, Ta Phan, and that one person
7 that we discussed yesterday morning -- yesterday afternoon?

8 [09.11.54]

9 MR. CHHUM SENG:

10 A. Regarding <the name of Vit, and all the other> names in the
11 document, actually I know all of them. However, I did not know
12 their <positions> at that time. I only knew that they were <among
13 the cadres of the sector's mobile units. Again, I did not know
14 their actual roles and functions>. I knew only <> Ta Khauv and Ta
15 <Vorn who were the commanders of my battalion. I did not know as
16 to who the commanders of other battalions were>.

17 Q. The person whose name I showed you yesterday, who had been
18 talking about Ta Val issuing scarves and cigarettes to people,
19 that person, you said that you knew him, that you knew him quite
20 well. What was his function during the Trapeang Thma Dam worksite
21 work?

22 A. I would like to tell you for the third time. The two names in
23 the document, I knew these people very well. However, as I said,
24 I did not know about their <roles and functions, and> whether
25 they were chief of battalions<,> squads<,> platoons or companies.

7

1 I only knew that they were all cadres. I had no idea about their
2 positions at that time. I knew only what happened in my company
3 or battalions.

4 [09.14.00]

5 Q. Let me formulate it differently. The three people that I just
6 referred to, were they higher in rank or lower in rank than you?
7 Remember yesterday, we spoke about the chain of command in the
8 military structure. So my question is, were Ta Vit, Ta Phan and
9 this third commander higher in rank than you were?

10 A. <I would like to inform you> the fourth time <that> I only
11 knew that they were cadres. I was not aware of their position. <I
12 did not know whether they were chiefs of battalion, company,
13 platoon or squad. I just knew people within> my unit <>. But I
14 have no idea <of who was who within> other units.

15 Q. Very well. Mr. Witness, in your first answer to my question,
16 you spoke about the structure, that three battalions would make
17 up one regiment. The chief of the regiment, was that someone with
18 the name Ta San?

19 [09.15.32]

20 A. I do not know this individual. I knew only Ta Val who had
21 overall supervision. I had no idea <of who was in charge of> the
22 regiment. <I did not even hear his name.>

23 Q. Is it correct, Mr. Witness, or do you know anything about
24 this, that there were also three battalions or big cells
25 consisting of women working at the Trapeang Thma Dam worksite?

8

1 A. That is true. The <names mentioned were among the people who
2 worked> at Trapeang Thma Dam worksite. <However>, I did not know
3 <San. I knew> Sreh, Vit, <and some others, but> I did not know
4 their <positions>. I knew only they were <among the cadres of
5 the> mobile units. <Again, I did not know whether they were
6 company or platoon chiefs.>

7 Q. I think I know the answer to the question that I'm about to
8 ask you but I'm asking it anyway. Did you -- do you know or did
9 you know the names of the three female commanders who were
10 leading those three battalions or cells of these women? Do you
11 know these names?

12 A. I knew <a female unit chief by the name of Daet> (phonetic).
13 <Actually,> I made a request <to her in order to get married to
14 my wife> at that time. <I just knew one of them.>

15 [09.17.48]

16 Q. Have you ever heard of the names of possibly the three female
17 commanders of these battalions, one woman called Mao, another
18 woman called Mit, and a third woman called Kin?

19 A. I have never heard of the names not mentioning about their
20 physical appearance.

21 Q. Let me now move to Ta Val again and more particularly to his
22 wife. Do you know who Ta Val's wife was?

23 A. When Ta Val <was having his house built in Chup Vary in the
24 district of> Preah Netr Preah, I saw his wife<, but> I did not
25 know her name <or> where she was <from. I just> knew at that time

9

1 that <she was the wife of> Ta Val, but I did not <know where she
2 was exactly from>.

3 [09.19.23]

4 Q. Realizing that you don't know her name, but if I'm telling you
5 her name was comrade Kin, does that maybe somehow remind you of
6 her name?

7 A. <In fact,> I did not <even> know <> Ta Val's background. And
8 if I happen to see him today, perhaps, I may not <be able to>
9 recognize him and his wife <as it has already been over 30 years
10 now since we last met. I would like to reiterate that I do not
11 know the name of Ta Val's wife.> His wife <> never <came to work
12 at> the worksite<. She just stayed at home.> I only saw her from
13 time to time when I visited his house. I did not know her name as
14 well as her birth village.

15 [09.20.26]

16 Q. Have you heard that Kin is indeed still alive today?

17 A. I don't even know the name <so it is impossible for me to>
18 know whether she is alive now today<.> I have no idea <of her
19 current whereabouts>.

20 Q. Fair enough, Mr. Witness. Do you recall Ta Val's secretary --
21 a female secretary to Ta Val?

22 A. In fact, I knew only Ta Val. Besides him, I had no idea <of>
23 his assistants or secretaries. I <did> not <even> know <that he
24 happened to have> any secretaries or assistants.

25 Q. Yesterday, you said you were close to Ta Val and that you

10

1 spoke to him often. Did you ever see in his surrounding, a woman,
2 a New Person, who apparently was very skilful in her tasks or you
3 never saw such a woman?

4 A. I <am not lying to you>. I was <closest> to Ta Val compared to
5 others. <> Ta Val <always asked me to run various errands
6 including bringing sugar from cooperatives, and many other
7 things. However, I never went> into his resident or home.

8 Q. Have you ever heard of someone who at the time was referred to
9 as Brother Yoeuk?

10 A. I do not know this individual.

11 Short pause

12 [09.23.35]

13 MR. KOPPE:

14 I'm hesitating because, Mr. President, I'm thinking it might be
15 worthwhile to show the witness a photo of the person who was
16 probably Brother Yoeuk, it's the person who testified before this
17 witness. Maybe he doesn't know the name but he knows the face,
18 and we have a face.

19 JUDGE LAVERGNE:

20 Counsel Koppe, can you tell us where this photograph comes from?
21 That you're suddenly speaking about<. Is it in the case file? Is>
22 it a new document? What is it exactly? How can we make sure that
23 this is Brother Yoeuk's photograph?

24 [09.24.25]

25 MR. KOPPE:

11

1 Well, we don't know for a 100 per cent sure. There was a Yoeuk --
2 Yoeuk testified -- there was a person with a name Yoeuk who
3 testified before him in this courtroom. I have photos of the
4 person that I -- whose name I showed him yesterday. And I have a
5 photo of a person from the DC-Cam statement as well. And I am
6 looking backward and there might be on the case file a photo of
7 Yoeuk, the person who testified in this courtroom last week.

8 JUDGE LAVERGNE:

9 So in order to be clear about this, <this is> a photograph <>
10 that <appears on the record of> interview of a witness who <came
11 here and who testified before DC-Cam>? So this is <the>
12 photograph that's attached to his DC-Cam interview?

13 [09.25.31]

14 MR. KOPPE:

15 Yes, that is correct. There is on the case file, it's a recent
16 disclosure from the Prosecution. It's Document E353.1, which is a
17 DC-Cam summary of all the people who have been questioned on the
18 dam. And of all people whose summaries -- whose story summaries
19 were made, there are photos on the case file. So the person who I
20 think could be Brother Yoeuk probably has a photo as well. And
21 I'm looking -- so the photos were taken of all the people who
22 gave statements to DC-Cam.

23 JUDGE FENZ:

24 Sorry, what exactly does it mean, "could be Brother Yoeuk"? Could
25 you be a bit more specific on what makes you connect this photo

12

1 with the person you think it is.

2 [09.26.37]

3 MR. KOPPE:

4 In the statement that -- the DC-Cam statement that I've been
5 referring to, E3/9076, this person speaks about a high-ranking
6 person close to Ta Val named Brother Yoeuk. We had a witness here
7 in the courtroom whose name is Yoeuk as well. I think, 90 per
8 cent sure, that this is the same person. And yes, we do have a
9 photo. So this is the same person that was in the courtroom last
10 week. It's document E353.1, English ERN 00729900. And with your
11 permission, with your leave, Mr. President, I would like to show
12 this photo to the witness and ask him whether he recognizes this
13 person.

14 (Judges deliberate)

15 [09.27.57]

16 JUDGE FENZ:

17 Counsel, can you ensure that we all see the picture, that they
18 have it on the screen through your--

19 MR. KOPPE:

20 Yes, by all means. Yes, we will do that right now.

21 (Short pause)

22 [09.28.44]

23 MR. KOPPE:

24 And to be specific on Brother Yoeuk, I was referring, as I said,
25 to E3/9076, English ERN, 00731178; and Khmer, 007288--

1 MR. PRESIDENT:

2 <Counsel Koppe, please> repeat the reference once again. The
3 interpreter <was> not able to catch <up with> you <>.

4 MR. KOPPE:

5 Yes, I'll be slower. I apologize. E3/9076, English ERN, 00731178;
6 Khmer, 00728880. And the particular witness says, "Brother Yoeuk
7 was with Ta Val who ran everything overall like Ta San, but he
8 was in charge of the economy that supplied us with rice". And
9 being in charge of the economy makes me think that Yoeuk is in
10 fact the Yoeuk -- the person on the photo that I'm about to show.
11 Yes, I think we can put the photo on the screen now, if
12 everything goes well.

13 [09.30.20]

14 JUDGE FENZ:

15 They've already had it on the screen. But yes.

16 BY MR. KOPPE:

17 Mr. Witness, do you recognize this person?

18 MR. CHHUM SENG:

19 A. Yes, I recognize him. He <was> called <Ta> Yoeuk.

20 Q. And do you know what Yoeuk's function was at the dam?

21 A. I <usually> saw him transporting rice and distributing it to
22 the mobile units.

23 Q. Do you know whether Yoeuk had an adopted brother called Nuon
24 Narin?

25 A. I only recognize Yoeuk himself. He was in a mobile unit. I do

14

1 not know his <wife or> relatives.

2 Q. Very well, Mr. Witness. I'll move on to my next question.

3 Yesterday, you will remember we spoke about the execution of 11
4 people at Bridge Number 1 close to the dam. I asked you specific
5 questions about this, and you said it was Ta Val who was behind
6 the order of the execution. The person that I -- of whose
7 statement I've been referring to this morning and the person that
8 you know very well said that he, while at the dam site, never saw
9 the Khmer Rouge arrest or kill people. It's a difficult question,
10 I realize. But do you have an explanation as to why the commander
11 of one of the three big cells had no knowledge of executions or
12 arrests and you did?

13 [09.33.27]

14 MR. PRESIDENT:

15 Witness, <hold on>. The <International Deputy Co-Prosecutor, you
16 may have> the floor.

17 MR. DE WILDE D'ESTAMAEL:

18 First of all, we have this method which is quite questionable,
19 <that is,> using information without quoting sources. <I know he>
20 talked about this yesterday, <but the> ERNs are <there for a
21 reason>. Secondly, <this question is the very same question he>
22 asked yesterday. <In other words, the> question <is> asked with a
23 view to having the witness speculate <on whether a> person didn't
24 know something, another person didn't know something. <He was not
25 in the position of the other potential witnesses.> This witness

15

1 is here to testify to what he saw and witnessed and not what
2 <others might not have seen There is no explanation required.>
3 This witness is not an expert, <he is not here to> speculate and
4 <draw conclusions about what the others may not have seen.> The
5 question <is completely inappropriate>. Mr. President, I would
6 suggest that counsel move to another line of questioning.

7 [09.34.36]

8 MR. PRESIDENT:

9 The objection is upheld. The witness should not <respond to such
10 a> question <>. Counsel, proceed to another line of questioning.

11 BY MR. KOPPE:

12 I will try it differently, Mr. President.

13 Q. You talked yesterday about executions that you said happened
14 under the instruction of Ta Val. Do you know anybody else who has
15 been working at the dam, who, like yourself, has knowledge about
16 these executions?

17 [09.35.32]

18 MR. CHHUM SENG:

19 A. I <cannot draw a conclusion as to who had such knowledge. For
20 instance,> I, myself, when I was aware of something I would say
21 so. <And if> I was not aware of <something, I would not claim to
22 know it>. A while ago, you showed me <a photograph, and since, I
23 knew the person, I told you that I> recognized the person <in>
24 that photograph. So I am not in a position to tell you who was
25 <or wasn't> aware of what happened. <Anyway, I saw such an event

16

1 only once>.

2 Q. But when you were flattening the earth to cover up the corpses
3 as you testified, was there someone present, someone who saw what
4 you did?

5 A. As a matter of fact, the <people who were taken to be killed
6 had worked in my unit. If a lot was assigned to a unit, members
7 from that unit had to flatten the earth in that lot. The beating
8 actually took place right next to where my unit was based and
9 where they were buried. Although, I did not witness the actual
10 killing, I saw those people being arrested and being taken to the
11 ember. Those people wore no shirt. Only a few of them wore pants,
12 while most of them wore shorts. When I went to flatten the earth,
13 I saw those bodies without shirt. Thus, I was thinking that they
14 must have been the eleven people who were arrested and executed
15 the previous night next to my unit. Again,> I did not witness the
16 execution but I <just noticed that those men> were not wearing
17 any shirts<, and none of those bodies was clothed with a shirt;
18 thus, I drew that conclusion>.

19 [09.37.55]

20 Q. For the record, Mr. President, I was referring to E3/9076
21 earlier, ERN 00731169; and Khmer, 00728867. And in this
22 statement, this high-ranking battalion commander says that he
23 never saw the Khmer Rouge arrest or kill people at the dam
24 worksite. Having said that, I will move on to my last few
25 questions. Mr. Witness, have you heard of the Anlong Sar

1 hospital?

2 A. As a matter of fact, <it was not> Anlong Sor (phonetic)<, but
3 Anlong Sar> which is <currently> in the district of Preah Netr
4 Preah<, next to Stueng Rumduol or Rumduol River in Phnum Lieb
5 commune>. It was not Anlong Sor (phonetic) but Anlong Sar. There
6 was a hospital there, but I never went to that hospital. <I knew
7 that there was a hospital there.>

8 Q. Did this hospital belong to the mobile unit -- the mobile
9 units, plural, of which you were a member?

10 A. Yes, that hospital was meant to receive members of mobile
11 units. If there were many sick people, they <would be> taken to
12 that hospital. If there weren't many sick persons, they <would
13 be> taken to <> Trapeang Thma <pagoda>. So there were many
14 patients. When there were many patients, they <would be> taken to
15 that hospital in <> Anlong Sar.

16 [09.40.30]

17 Q. Did you yourself ever send someone who was sick and couldn't
18 recover at the site itself to Anlong Sar hospital?

19 A. In my unit, there were no persons who were so seriously ill
20 that they had to be transported to that hospital. Very often,
21 they <just> didn't feel well<, and only some of them who were
22 sick and> couldn't walk. And the medical personnel would take
23 them to the hospital <> at Trapeang Thma <pagoda>.

24 Q. Have you ever heard whether this hospital had in stock, not
25 only traditional medicine but also medicine called Paracetamol

18

1 Number 300 and Vitamin B complex, in other words, non-traditional
2 medicine?

3 A. I do not know. I neither saw nor was aware of that hospital. I
4 never went to that hospital. I have no idea whatsoever.

5 [09.42.20]

6 MR. KOPPE:

7 Thank you very much, Mr. Witness. Thank you, Mr. President.

8 MR. PRESIDENT:

9 The Chamber now gives the floor to the defence for Khieu Samphan
10 so that they may question the witness.

11 QUESTIONING BY MR. VERCKEN:

12 Thank you, Mr. President. Good morning to the Chamber and all
13 Parties here present. We'll be very brief<, in view of the very
14 complete questioning of the witness by the Nuon Chea defence.>

15 Q. Mr. Witness, I'd like to start by putting a question to you
16 regarding your status as a former soldier of the Lon Nol
17 <Republic. What> I would like to know <is whether this is>
18 something you <managed to keep> secret throughout the Khmer Rouge
19 regime<, the> fact that <for two years> you had <previously> been
20 a member of the army of the Khmer Republic <>?

21 [09.43.42]

22 MR. CHHUM SENG:

23 A. I was evacuated from Phnum Lieb village to <Kambaor> village.
24 It was not possible for me to conceal my identity because
25 <militia members> were looking for me to execute me. However, one

19

1 militiaman <who> knew my father <> came <to tell> my father that
2 <Seng would be> kept. And he asked what he meant by keeping <me>.
3 And he said he meant that <I would be> taken away <and> executed
4 in a village. <He then asked my father to approach the village
5 chief to ask if I could be spared.> So my father <approached the
6 village chief of Bet Trang in Phnum Lieb by the name of Ta Cheng
7 (phonetic), -- who is deceased now -- but he said that he could
8 help anyone who had committed various offenses, but not a soldier
9 of the puppet.> And my father said he couldn't help me<, so he
10 suggested that I should slip away. By that time, I was staying at
11 Kambaor village. I then fled from the village to> join the mobile
12 unit headed by Ta Val <in> 1975.

13 [09.44.55]

14 Q. Indeed, that is the thrust of my question because not only do
15 we have your father adopting this approach, you referred to that
16 -- what he did vis à vis the militiamen <-- but also the fact
17 that it was> your <home> village <> and the place where you
18 served as bodyguard of a commander of the Khmer Republic<, and
19 the dam that we are speaking about today -- all these places are>
20 very close. <One is within a circumference of some tens of>
21 kilometres <>. So my question to you is as follows. You joined a
22 unit, you even became the head of that unit and you had absolute
23 power over the people who were under your <orders>, since you
24 said yesterday that you had the powers to kill people. And yet
25 nobody, since this <place> where you were stationed was very

20

1 close to your place of origin and the place where you had worked
2 as a soldier in the Lon Nol army <,knew> your biography? How do
3 you explain <that>?

4 A. From <Tro Louk> village<,> Kambaor village, I went to Phnum
5 Lieb <village. I did not physically enter the village. Instead, I
6 went to work in a mobile unit with Siek as> a unit chief. A few
7 days later, <I was removed from the unit, and was recruited in
8 another unit, and assigned to work at Prey Moan. And after Prey
9 Moan, I was subsequently assigned to work at Kambaor Sreh
10 (phonetic). For all these times,> I had always hidden my
11 biography. And there, there weren't many Base People -- that is,
12 in Phnum Lieb <village. Most of them were> people who came from
13 afar <so they> did not know my biography. And when I was asked
14 what I was doing, I told them for an answer that I had simply
15 been a village <self-defence member> and I had never been a
16 soldier under the Lon Nol regime. If they had known that I had
17 worked as a soldier in the Lon Nol regime, I wouldn't be alive
18 today.

19 [09.47.49]

20 Q. Regarding the people who were under your orders in that unit
21 at the dam worksite, were all these people New People?

22 A. The unit chiefs were Base People. And I myself was a unit
23 chief and <my deputies were Sou (phonetic) and Hauj> (phonetic).
24 And I did not know where they came from -- the two assistants --
25 because <on a daily basis I was trying to conceal my biography,

21

1 nothing else. First, my main focus was on> respecting or
2 complying with discipline <of the Angkar, and secondly, I was
3 trying to conceal my biography>. And those who <had been>
4 soldiers at Phnum Lieb were all massacred and only a few people
5 were left. Only a few people survived.

6 [09.48.56]

7 Q. I know that your father died during the regime and you indeed
8 said so, due to the shortage of water and the illness he suffered
9 from even before the regime started. <But what> I would
10 specifically like to know is that your father did not die because
11 he <, for example,> revealed to the militia that you were a
12 former soldier of the Khmer Republic<. Since> when he went to ask
13 the militiamen to assist him, I believe he revealed your
14 situation. And yet, it is not because of that revelation that he
15 died; is that correct?

16 A. Horn (phonetic) <from Phnum Lieb village> was a militiaman.
17 <He already passed away.> He told my father that, and that is why
18 I fled. My father did not die under the Lon Nol regime but under
19 the Khmer Rouge regime. He died between 1975 and 1976, when I was
20 a member of the mobile unit. <By that time, he> was sent to Bat
21 Trang <village> and my father died of hunger. He died of
22 deprivation of food. <My father was an old man, and he could not
23 work. He could not perform work when he> was assigned to guard a
24 farm<. He could not do the job as well when he was assigned to
25 raise chickens because he was too old to do that. Only people who

1 could work received food. Since my father could not work,
2 according to my mother, at a point in time, he had only three
3 spoons of rice. As a result, his body started swelling, and he
4 died of hunger. And he suffered from a disease, his body was
5 swollen and he died of ill health.

6 [09.51.15]

7 Q. When you were interviewed on the 18th of June 2011 by DC-Cam
8 -- is E3/9010, you made a statement regarding the power of
9 life and death you had over your subordinates. I will read it out
10 to you again. Because the contents of that statement prompt me to
11 raise questions regarding what you did or did not do during that
12 period.

13 [09.51.58]

14 And the extract I want to read is at French ERN, 01123589; in
15 English, <00728623>; and in Khmer, 00730784. Let me read the
16 question that was put to you by Dara. <And I quote:> "With the
17 disappearance of certain members, Ta Val the chief of the
18 battalion, did he ask questions as to the reasons for the
19 disappearance of <members>?" Let me repeat; I must admit I went
20 too fast. <Question:> "With the disappearance of certain members,
21 Ta Val the battalion chief, did he ask questions as to the
22 reasons for the disappearance of the members?" And your answer
23 was as follows: "No, he did not at all put any questions to me.
24 Nevertheless, if the intolerant unit chief <,for example,> hated
25 anyone, that person would be executed. After the execution, we

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1 simply informed the battalion chief the next <morning that
2 'Brother, I dismantled this person. She argued, opposing the
3 orders and she was not working. This person said that
4 transporting earth is not her mother's job and that there wasn't>
5 enough food.' <In fact, this person hadn't said> anything. And in
6 uttering such words, he was free to kill people." End of quote.
7 <> I note that <when reading this extract,> you were speaking in
8 the first person. You gave an example of how <it was> possible <>
9 to have someone executed by accusing the victim of criticizing
10 the disciplinary system and the food rations<, and> you used the
11 word 'we'. <So,> let me put the question to you again, Witness<,
12 although I know you have answered it already>. You never
13 exercised the right to kill other people which was <in your power
14 and apparently,> something that was very easy for you to do,
15 since all you had to do was to accuse the victim of criticizing
16 the regime, the orders, the disciplinary scheme, and so on and so
17 forth?

18 MR. DUCH PHARY:

19 Mr. President, the question asked by counsel for Khieu Samphan
20 consists in finding out whether the witness exercised his right
21 to kill people. And such a question would lead the witness to
22 incriminate himself. So may I request your leave to consult with
23 my client?

24 <MR. PRESIDENT>

25 <Your request is granted.>

1 (Short pause)

2 [09.56.06]

3 MR. CHHUM SENG:

4 A. This is a very specific question. It's a very particular
5 question and it is very fair. Since Ta Val was the person issuing
6 orders directly during that period, it was Ta Val who issued
7 orders for people to be executed. He did so himself, whereas, in
8 my unit, no such incident occurred. I am not aware of what
9 happened in other units. Those who were under my orders did not
10 cause any concerns for me because I <kept reminding them that>
11 society <> did not need intellectuals and they <passed> for
12 ignorant people. All they did was work and carry earth to save
13 our lives. <I was only trying to convey the message from Ta Val
14 when> I said that the unit leaders had the powers of life and
15 death over the members. That applied only to other units. That
16 was not the case in my unit. And so I am therefore not aware of
17 what happened in other units.

18 [09.57.50]

19 BY MR. VERCKEN:

20 In that case, Witness, as far as you are concerned, even though
21 you may not have exercised that right, you had such rights<, that
22 is what you stated yesterday before this Chamber,> even though
23 you say you didn't exercise it, because the people who worked
24 under your orders obeyed you. But you did enjoy such rights, and
25 I mean the right to kill people, <or> didn't you?

1 MR. CHHUM SENG:

2 A. <In that regard, let> me repeat <over and over> what I've <>
3 stated. <It was on the order of> Ta Val <that unit leaders had
4 to> monitor <their unit members>. So <those respective> unit
5 <leaders> had the right to kill <their unit members> and that
6 order was from Ta Val.

7 Q. Very well, I indeed understand your description. In <the
8 excerpt of> your DC-Cam statement which I read out to you <>, you
9 describe a situation in which Ta Val does not ask any questions
10 regarding members of the unit who disappear in so far as he is
11 told that the people executed criticized orders and did not work,
12 and that sufficed; is that correct? Isn't that what you say in
13 that interview, specifically in the extract I read out to you<?
14 That> in so far as explanations were given to the hierarchy that
15 the victim of the execution had not obeyed orders <and did not
16 work>, it sufficed and no further questions were put to you;
17 isn't that correct?

18 [10.00.12]

19 A. Ta Val would give orders but he never monitored if they were
20 implemented and <how many members in those respective units had
21 disappeared, and> to see if -- he simply gave the order to
22 eliminate <any traitors to the Revolution, the "Yuon"> enemies
23 and the CIA agents and people opposing the party. I did not know
24 what happened in other units and I'm only speaking about my unit.
25 And in my <battalion or> unit, this kind of incident never

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1 occurred <although such a right was authorized by Ta Val>. So
2 that's all I can tell you.

3 Q. Please correct me if I'm mistaken but I believe that you
4 <explained> before the Chamber that <you observed that> people
5 who had responsibilities at the dam site were people without
6 education. And <I know that although> Victor Koppe questioned you
7 at length about the people who had the same level of
8 responsibility as you did<, you were not very precise>. But, can
9 you <at least> tell us <whether> when you were telling us about
10 <uneducated> leaders, <> this also included unit <chiefs> that
11 you might have met during meetings or at other occasions? Did
12 this also included people who were at the same level as you,
13 other unit <chiefs>?

14 [10.02.21]

15 A. I am speaking for myself. I was not really well educated. I
16 could read and write a little bit. I was in schooling until Grade
17 9 in the old system. During the Democratic Kampuchea, they did
18 not want the literate people, they wanted to recruit only
19 illiterate people so that these people could <easily> be
20 instructed to kill people even their parents. <They could kill
21 their own parents under the pretext that they were only killing
22 enemies.> And as I said, illiterate people were recruited to
23 work. I considered myself to be an illiterate person, however, I
24 would not implement the blanket orders. <For> example, if we
25 <pinch>ourselves, we <would> understand the feeling. <So if we

1 pinch another person, he or she would get hurt as well.> And <>
2 if we committed a killing against others<, sooner or later, we
3 would have been killed as well. That's my personal
4 understanding.> I am speaking for myself <that I considered
5 myself an illiterate>. And as for others, I do not know about
6 their level of education.

7 Q. <> I would like to revisit -- and this would be the last point
8 I will question you about, <I believe> -- and I'm thinking about
9 this <instance in which> you were <packing the soil over bodies
10 buried> at the foot of Bridge Number 1 <>. And you said that
11 generally speaking, when you were working at the dam site, it was
12 to <level the soil>. So can you tell us what <levelling the soil>
13 meant exactly? Did that mean that people would bring dirt to you,
14 and then you would have some kind of tool that would allow you to
15 <level> it <>, maybe something like a steamroller <or similar?
16 Can you tell us> how <> your work <was> carried out in practical
17 terms?

18 [10.05.01]

19 A. It depended on units. Members of my unit carried the dirt from
20 the bottom of the dam and dumped it on the crest of the dam. And
21 because the level of the soil at that time was not in the same
22 condition, I was using the spade of hoes to flatten the earth.
23 There were no steamrollers. And the chief of units had the
24 responsibility to flatten the earth <on the crest of the dam>
25 after their members dumped the earth on certain areas.

1 Q. What I'd like to understand is, that <day -- that> morning you
2 spoke about -- that is to say, the morning after the <hot embers>
3 test, why did you intervene? I don't understand why you ended up
4 <levelling> or flattening the <soil at the location> where bodies
5 had been, according to you, buried. What were you doing there?
6 Why were you there? What was happening? Can you give us a bit
7 more detail about this? Were you told <"Go and> bury bodies or
8 were you there by chance? <> I'd like to understand <>.

9 [10.07.12]

10 A. At that time, we had to dig the soil in the canal and dump the
11 earth on to make an embankment. And it was at night time at that
12 time. I was on the crest of the dam. <From where my unit was
13 based,> I could see the light from a candle and I was wondering.
14 I went to the scene <with a hoe> and I could notice there were 12
15 people, they had no shirts but only shorts <while some had
16 trousers>. Phorn -- at that time, I could see Phorn who was
17 <leading those men to> step on the ember<. The first 11 men
18 avoided the ember, and only the last man stepped on the ember,
19 and> was shouting, it was hot. So <only that man was spared> and
20 the other 11 <men with no shirts> were taken away and killed. <I
21 was then thinking to myself that something was not going right>.
22 And a little bit after that time, it was a break time. And we
23 went to relax and sleep. The day after in the morning at perhaps
24 <4.00 or> 5 a.m., <we> went to carry the dirt and to dump the
25 embankment. When I was there <on the crest of the dam flattening

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1 the earth> on the preparatory line or area that it was the place
2 where the 11 people had been killed last night. <I saw the bodies
3 and concluded that these bodies must be the men I saw the
4 previous night. They must be the 11 men I saw the previous night,
5 and they> had no shirts, I could recall, at that time. As I told
6 the Court already, I did not see the actual or physical killing,
7 whether they were shot or beaten to death. <I only saw dead
8 bodies.> I could say that they were the same people because they
9 had no shirts but only trousers or shorts. <So it was my
10 conclusion that the dead bodies must have been the 11 men without
11 shirts I saw the previous night.>

12 [10.09.37]

13 Q. Witness, <> had they been shot <dead? Did you hear any
14 gunshots> from where you were<?>

15 A. The bullets were not very often used to kill people at that
16 time. Bullets were only used to kill those who <betrayed the
17 Revolution and> fled the area to Thailand or bullets were used at
18 the front line or border. From my observation, they preferred to
19 use the back of the hoes or bamboo sticks.

20 MR. PRESIDENT:

21 Thank you, Counsel. It is now convenient time for a short break.
22 The Chamber will take a short break from now until <10.30 a.m.>
23 Court officers, please find a proper room for the witness and the
24 duty counsel to rest during the break and please invite them back
25 into the courtroom at <10.30 a.m.>

30

1 The Court is now in recess.

2 (Court recesses from 1011H to 1030H)

3 [10.31.00]

4 MR. PRESIDENT:

5 Please be seated. <The Court is now back in session.> The Chamber
6 now gives the floor to Khieu Samphan's Defence to continue
7 examining the witness. Please proceed.

8 BY MR. VERCKEN:

9 Q. If it is possible, I would like you to situate the event of
10 the hot embers test and the burial of the 11 bodies <during> the
11 time when you worked on the dam worksite<. Did> that event occur
12 at the very beginning of the time you were on the dam site<? Was
13 that towards the end>? I would like you to situate that event
14 within <the> time frame <during which you worked and exercised
15 your duties at this worksite>.

16 [10.32.08]

17 MR. CHHUM SENG:

18 A. Let me repeat that you have put this question to me four times
19 and I still <can answer> your question. At that time, the mobile
20 unit carried earth at night, and I was on the crest of the dam.
21 And there was <> fire on the perimeter <near> where we were
22 working. I saw the flames and I went towards the fire<, and I saw
23 them.>

24 Q. Let me interrupt you, <and please excuse me>, because you
25 haven't understood my question. Listen carefully. We are talking

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1 about <the> episode in which you said you witnessed a test being
2 administered<, to which> 12 persons were subjected <> in the
3 evening. And that <was just> the day <after> you buried the
4 bodies. Did that <tragic> episode you referred to occur at the
5 beginning of your assignment on the dam worksite, <at> the
6 beginning of your presence at that location, or towards the end?
7 Where would you situate that episode within that time frame? <Can
8 you do so?> You had just arrived on the dam worksite, <and you
9 were going to leave the place shortly thereafter. Can> you
10 situate that event within that time frame? <>

11 [10.34.05]

12 A. That was in 1978. Mobile units were transporting earth in
13 order to use it for building the dam <between> the first bridge
14 <and> Pongro village.

15 Q. <Furthermore>, Witness, <earlier, when you discussed the
16 events that took place> in the evening immediately after the test
17 of the hot embers, <> you said <and I quote: "They were
18 executed."> How did you know at that time, that evening, that
19 they were <indeed> executed? Did you hear <> screams? You said
20 you didn't hear any gunshots. Perhaps you heard screams. Why did
21 you leave after the test<? Or were the people led away?> Can you
22 tell us what you did personally, at that time, after you
23 witnessed the hot embers test? And why did you <do that>? Thank
24 you.

25 [10.35.40]

1 A. When I saw soldiers tying them up and leading them to the
2 northern direction, I don't know in what specific <destination>,
3 they were bare-bodied. The next day, when I went to level the
4 earth, I saw the <bodies without shirts on the spot where my unit
5 was working>. I did not witness the execution per se. All I saw
6 were the bodies. The next day, they were bare-bodied, and I
7 inferred from that that it was the men I had seen the day before.

8 Q. When you arrived at that location, Bridge Number 1, <the next
9 morning,> the bodies had not yet been buried <>? Were they still
10 on the ground?

11 A. That is correct. They were placed on the crest of the <dam>.
12 Our task was to pour earth on the <dam>. And on that morning, my
13 unit had to raise the <dam> at that location where the bodies
14 lay.

15 Q. Was that the only time when you <saw> bodies under such
16 circumstances, <when> you had to bury the bodies?

17 [10.37.43]

18 A. Yes, I witnessed that event only once.

19 Q. And how did you know that it was in 1978? What makes you <>
20 remember that date, <> that particular detail?

21 A. <That> was in 1978. I do not recall whether it was at the
22 beginning of the <year> or not, because we had to raise the <dam
23 between> the first bridge <and> Pongro village, and <it would
24 continue from Pongro village to Trapeang Suong (phonetic). That
25 was the project; however, the> first stage of the work had not

1 been completed. We <needed more forces> to continue raising the
2 <dam>, and so on and so forth.

3 Q. Very well. I have one last question regarding your assignment
4 to guard a commander of the Lon Nol army, which is what you did
5 <for> two years before the regime. First of all, can you
6 <briefly> describe to us your <duties>? What did your tasks
7 during those two years in the Lon Nol army consist of?

8 A. In 1972, I was not successful in school. My parents wanted me
9 to go to school, so I <ran away from Phnum Lieb village to>
10 voluntarily <> join the <Lon Nol> army <at> the Training Centre
11 Number 4<, currently located> in Chamkar Kor <of Banteay Meanchey
12 province>, and it was under the supervision of Tan Chen Meng
13 (phonetic), and subsequently <> Uk Sam Oeun<, who was a major>.
14 At the time, we took courses in military strategy and we were
15 told that we would be sent to <Lam Seung (phonetic) in> Vietnam.
16 And since <Uk> Sam Oeun found that I was very small, he withdrew
17 me from the unit in order to assign me to work as his immediate
18 bodyguard.

19 [10.40.41]

20 Q. During that period, did you accompany that officer <on his
21 trips> to different theatres of operations? Did your task consist
22 in accompanying him <wherever he went>?

23 A. I was a member of the team of bodyguards. He went to the In
24 Tam <> school <in Malai>, and we subsequently went to Sam Nong In
25 (phonetic) in Thailand, and <to Poipet on the south of> Kilometre

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1 Number 6 <>. We were stationed there. We were also stationed at
2 the <In> Tam <> school <in Malai for> two months there.
3 Subsequently, we went to <Nok Heurn (phonetic) pagoda in Kauk
4 Nimit-Khai Don (phonetic), and afterwards to Naung Sang Naung
5 Eang> (phonetic) on the border between Cambodia and Thailand. But
6 he was not always present. He only went there for short periods
7 of time. And thereafter, we returned to the country together,
8 leaving behind his subordinates to manage affairs at that
9 location.

10 [10.42.07]

11 Q. Does that mean that during the two years when you were a
12 soldier, you were rarely present on operational theatres <and war
13 sites? Is that> what I <should> understand from <what you've just
14 described>. You talked of training and the fact that you
15 accompanied your boss during brief periods to the battle front.
16 Can I therefore <infer> that you were rarely present on the
17 battle <sites>.

18 A. To tell you the truth, I only attended courses in military
19 strategy. I never went to the battle front or theatres of
20 operation. We went everywhere, escorting and protecting our boss
21 <on an A2 Jeep to> Siem Reap <and other places>.

22 MR. VERCKEN:

23 I have no further questions, Mr. President. Thank you. I believe
24 my colleague <Kong Sam Onn> doesn't have any <> either.

25 [10.43.49]

35

1 MR. PRESIDENT:

2 <Thank you, Counsel.>The examination of witness Chhum Seng is
3 coming to an end, and the Chamber thanks you for testifying
4 before this Chamber as a witness for two days. Your testimony
5 contributes in bringing the truth to light, and you are now free
6 to leave the courtroom and to go back home. The Chamber wishes
7 you a safe journey back home.

8 Court officer, please take the necessary measures in cooperation
9 with the Witness Support Section, to enable the witness to go
10 back home if he so wishes. The Chamber thanks Mr. Duch Phary
11 <,duty counsel. The examination of witness Chhum Seng comes to an
12 end; therefore, you may now be excused.>

13 The Chamber will now hear witness <2-TCW-908>. So may the court
14 officer please lead the witness into the courtroom.

15 (Short pause)

16 [10.48.10]

17 MR. PRESIDENT:

18 Mr. Em Hoy, please go and find out why the witness is not being
19 ushered into the courtroom.

20 (Witness enters courtroom)

21 [10.49.50]

22 QUESTIONING BY THE PRESIDENT:

23 Q. Good morning, Witness. What is your name?

24 MR. TAK BOY:

25 A. My name is Tak Boy.

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1 Q. Thank you, Mr. Tak Boy. What is your date of birth?

2 A. I was born on the 10th of October 1954.

3 Q. Thank you. What is your place of birth?

4 A. I was born in the village Trapeang Thma Tboung, <> Paoy Char
5 <commune>, district of <Phnum Srok>, Battambang province.

6 Q. Thank you. And what is your current place of residence?

7 A. I live in Trapeang Thma Tboung village<, Paoy Char commune,
8 Phnum Srok district, Banteay Meanchey province>.

9 Q. Thank you. And what is your profession?

10 A. I am a <rice> farmer.

11 [10.51.20]

12 Q. Thank you. What are your parents' names?

13 A. My father's name is Tak Bun. He is deceased. He died under the
14 Khmer Rouge regime. And my mother, Buth Koeun, died under the Lon
15 Nol regime.

16 Q. And what is your wife's name? And how many children do you
17 have?

18 A. My wife's name is Chhoeun Chantha. We have six children. There
19 are only five who are alive. One died following a road accident.

20 Q. Thank you, Mr. Tak Boy. According to the report of the Court
21 officer this morning, you asserted that to your knowledge, no
22 member of your family, descendant or spouse, is related either be
23 it by marriage or by blood as a civil party within the framework
24 of this trial; is that correct?

25 [10.52.48]

1 A. I have no kinship ties with these people you have just
2 referred to or named.

3 Q. Before coming before this Court, did you make a solemn
4 declaration or take an oath, before the Iron Statue?

5 A. Before coming into this courtroom, I took an oath before the
6 Iron Statue.

7 Q. Thank you. Witness, do you wish to waive your rights as a
8 witness? You have the right not to answer any questions that
9 incriminate you. As a witness, you are to answer all questions
10 asked by the Parties and the Judges, except questions that are
11 self-incriminating. As a witness, you must tell only the truth of
12 what you heard, or saw, or observed, in relation to all events
13 that you remember in answer to questions put to you by the Judges
14 and the Parties. Do you understand your rights and obligations?

15 A. Please repeat what you have stated, because I have difficulty
16 following what you are saying.

17 [10.54.47]

18 Q. You have the right to -- you have the right not to answer any
19 questions that are likely to incriminate you. That is to say, if
20 you have committed any crimes and questions are put to you
21 concerning all that, you have the right to answer or not to
22 answer such questions. And if you consider that answering such
23 questions would expose you to risk -- to the risk of
24 self-incrimination, you shouldn't respond. But you are under a
25 duty to answer all questions put to you by the Judges and the

1 Parties, except for questions that would lead you to incriminate
2 yourself. You are also under a duty to tell only the truth,
3 depending on what you heard, saw, or observed, and which you
4 remember, in light of the questions put to you by the Judges or
5 the Parties. Do you understand that?

6 [10.56.06]

7 A. Yes. I will answer questions put to me in accordance with what
8 I saw, heard or observed.

9 Q. Yes. So, you are under a duty to tell the Chamber only what
10 you saw, heard or observed, in line with your experiences. Have
11 you testified before the Office of Co-Investigating Judges? <Or
12 have you given any interview to investigators from the OCIJ?> If
13 yes, how many times <,when> and where?

14 A. In 2007, a team came to <interview> me at my home. In 2008, I
15 received a letter inviting me to visit Tuol Sleng <prison,>
16 Choeung Ek <killing field, and> the Iron Statue <here>. I was
17 <interviewed again in 2012 and I led the team> to the Spean
18 Sraeng Dam before <we> went to Trapeang Thma <reservoir>. In
19 2015, <a lady by the name of> Nimol <> came to my home.

20 Q. At a point in time, the record of your interview was
21 established, right?

22 A. Yes. I was questioned, and a record of the interview was drawn
23 up.

24 Q. When was that done? And where?

25 A. I was interviewed in my home.

1 Q. Before coming before this Chamber, did you read the record of
2 the interview that was conducted in your home in order to refresh
3 your memory?

4 A. Yes. I read the record of interview very rapidly and I do not
5 remember all its contents, Mr. President.

6 Q. Do the contents of the record of interview you read correspond
7 to the questions that were put to you and the answers you gave in
8 your home?

9 A. Yes, I read the answers, and I remember my previous
10 statements. And these written records do correspond to what I
11 said previously.

12 [10.59.54]

13 MR. PRESIDENT:

14 Thank you, Witness. Rest assured you are safe here. You are
15 called to testify, to contribute to the ascertainment of the
16 truth, so please focus on the questions that will be put to you.
17 If you do not understand the questions, of course you can ask for
18 the question to be repeated, so that you may provide answers<.
19 Pursuant to> Rule 91 bis of the Internal Rules, the Chamber will
20 now give the floor to the <Civil Party> Co-Lead Lawyers so that
21 they may put questions to you first. The Chamber grants two
22 sessions to the <Civil Party Co-Lead Lawyers and the
23 Co-Prosecutors,> to examine the witness. <You may have the
24 floor.>

25 [11.01.19]

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1 MR. PICH ANG:

2 <Thank you,> Mr. President, <and good morning, Your Honours, and
3 everyone in and around the courtroom,> with regard to this
4 witness, who was proposed by the Lead Co-Lawyers, we have
5 arranged ourselves with the <OCP,> and we <,the Lead Co-Lawyers,
6 would put questions to> the witness first. And I would like to
7 request your leave to give the floor to Counsel Ven Pov, so that
8 he may examine the witness.

9 MR. PRESIDENT:

10 Please proceed.

11 [11.02.05]

12 QUESTIONING BY MR. VEN POV:

13 Q. Mr. President, Your Honours, dear colleagues. Good morning,
14 Witness. My name is Ven Pov. I am a civil party lawyer, and I
15 would like to put questions to you regarding your experiences
16 under the Khmer Rouge regime. I would like to know where you were
17 living before 17 April 1975 and what you were doing then?

18 A. Before 1975, I was living in Trapeang Thma village, Paoy Char
19 commune, Phnum Srok district, Battambang province. After I
20 completed my education, I was recruited into Lon Nol army.

21 Q. When did you become a Lon Nol soldier, and where was your
22 station?

23 A. I became a soldier in 1972 and I was stationed at Phnum Srok
24 district.

25 [11.03.42]

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1 Q. What was your position and rank at that time?

2 A. I was a <private>, a rank-and-file soldier, at that time. I
3 did not hold any position.

4 Q. <Thank you. After> 17 of April 1975, where did you live and
5 what was your occupation at that time?

6 A. <After the 17th of April 1975,> I was living in Trapeang Thma
7 Tboung village, Paoy Char commune, Phnum Srok district,
8 Battambang province. I was a member in a mobile unit in a
9 village.

10 Q. You were a member of a mobile unit in a village. And where did
11 you go afterwards, after becoming a member in the mobile unit?

12 A. I was a youth in the village. I was assigned to build an
13 embankment of the field in the village <and the commune> at that
14 time.

15 Q. <Do> you know Trapeang Thma <reservoir>?

16 A. Yes, I <do>. Trapeang Thma <reservoir is> situated in my
17 village. <But at that time-->

18 [11.05.41]

19 Q. I will have some more questions for you, Mr. Witness. Where
20 was Trapeang Thma Dam worksite? In which village, <sector, and>
21 zone at that time? Were you told of it?

22 A. Trapeang Thma reservoir was situated in Trapeang Thma village,
23 Sector 5, Northwest Zone.

24 Q. Before the construction started, was there any meeting? Did
25 people, or you <> attend a meeting before the construction

1 started?

2 A. I do not know about that, because I was perhaps -- I was not
3 yet at the place.

4 Q. Had you ever been assigned to work at Trapeang Thma Dam
5 worksite? If so, when was it?

6 A. We were <removed from the village, and> sent to <build the
7 dam> in 1977<>.

8 Q. After all of you were sent, were all members in your group
9 sent to that place or was it only you, sent to that place?

10 A. There was a selection at that time. Male youths and female
11 youths, unmarried youths, were selected, and they were put in
12 groups and placed in <the sector's> mobile unit.

13 [11.08.03]

14 Q. Did you all go voluntarily or were you forced to go? Did you
15 have any right to refuse the assignment?

16 A. Back then, we were required. We were forced to work at that
17 place. No one could refuse the assignment. Otherwise, we would
18 disappear. We had to go anywhere they wanted us to go.

19 Q. Who assigned you to work at that place? Do you recall that
20 individual's name?

21 A. It was the chief of the cooperative who selected male and
22 female youths to be part of mobile units. His name was Chhin
23 (phonetic), deceased.

24 Q. Thank you. Could you expand a little bit further upon your
25 arrival at the worksite. You already told the Court that you

1 arrived at the worksite in 1977. Was it in early 1977, mid- or
2 late 1977?

3 [11.09.29]

4 A. <To> my recollection, it was in <February> 2077 (sic) that I
5 was selected to be part of a mobile unit. It was in a dry season
6 at that time.

7 Q. Did you mean that it was in February 1977? Were houses built
8 for you? Were shelters built for all of you?

9 A. Regarding shelter and houses, we had to be on our own. We had
10 to go <and cut> down trees and collect planks <of wood> or the
11 tree trunks to build houses and shelter for ourselves.

12 Q. You stated that you went to <cut> down trees in order that you
13 get the trunks, or the sticks, to build houses. Was it away from
14 your worksite? How far was it?

15 A. It was about one kilometre away from our worksite, that we
16 could reach the forest. Perhaps, <the closest> was about 500
17 metres away from the worksite.

18 Q. Regarding the distribution of materials, such as <blankets>,
19 mosquito nets, etc., did any of this material -- were any of
20 these materials given to you <and members of the mobile unit>? Or
21 did you have to bring this material from the <village> where you
22 were <>?

23 [11.11.39]

24 A. <Shortly after> we had been there, <> we were given <a pair
25 of> black trousers, and a shirt.

1 Q. Thank you. What about mosquito nets and blankets? Were you
2 given these materials?

3 A. <No> mosquito nets <or> blankets <were distributed to us>.

4 Q. What about hammocks and sleeping mats? So, how did you sleep
5 without those materials? Did you sleep directly on the ground <or
6 on the floor>?

7 A. Some people chopped -- split the bamboo <>, and <use them to
8 make the floor and they slept on the floor made out of bamboo
9 planks>. And <there were no sleeping mats, but some had rice
10 sacks>, and then they tied <the sacks together to make> hammocks,
11 and sleep in <the hammocks>.

12 [11.13.08]

13 Q. What about toilets <or> latrines? Were latrines built for all
14 of you by Angkar <or your unit chief>?

15 A. Back then, there were no proper toilets <or> latrines. Members
16 within units had to dig <half a square> metre <> deep pits, and
17 <they put> two sticks <> on the pit, and we would squat <down>
18 and relieve ourselves. And we used <panels of thatch> to make
19 walls, so that no one could see <our buttocks> when we were
20 relieving ourselves<; however, our heads were exposed. Some
21 others would just relieve themselves anywhere in the nearby
22 fields and bushes. Thank you.>

23 Q. Thank you. To your observation, were there many members from
24 mobile units in the sleeping quarters or at the worksite? Could
25 you <estimate as to> how many of them were there working<, in

1 hundreds or in thousands>?

2 A. I do not know. There were many of them. Some of them were from
3 Thma Puok, Mongkol Borei, Sisophon, Preah Netr Preah, Phnum Srok,
4 and others were from <the sector's> mobile units <>. I could not
5 tell you how many of them <were> at the worksite.

6 Q. Thank you. Regarding working conditions, where were the areas
7 <that> your units were working? Was it at the edge of the dam
8 worksite itself? Or was it in the middle of the dam worksite?

9 A. Members from my unit were stationed <right on the corner to>
10 the north <of> Bridge Number 1 <>. We were <> working <neither
11 towards the edge nor> in the middle of the dam worksite. We were
12 stationed to the north of Bridge Number 1.

13 [11.15.41]

14 Q. Thank you. Can you tell the Court what <> your position <was>
15 at the worksite? Were you an ordinary member within your mobile
16 unit <or were you holding any position>?

17 A. I was chief of a platoon.

18 Q. What was your function? And how many <workers were under your
19 command>?

20 A. I had one deputy and one member -- two of them were below me.
21 <But both> of them passed away already. <They were soldiers.>

22 Q. I would like you to tell the Court how many members within a
23 platoon? You mentioned that <> you had two people below you. But
24 I would like to know <the number of members within> platoon. How
25 many of you were there in that platoon?

1 [11.17.04]

2 A. There were 30 members in my platoon. Beside me and my two
3 subordinates, there were other members within that platoon. And
4 some of them were from different <villages, not just one village>
5 and some others were from Phnom Penh. These <> people had been
6 evacuated from Phnom Penh.

7 Q. <So there was a mixture of Base People and New People or> 17
8 April People from Phnom Penh <with your platoon.> Could you tell
9 the Court whether there were <any> differences <regarding> work
10 <conditions> between the 17 April People and <the Base People>?

11 A. Regarding this matter, I could tell you that<, in fact,> they
12 were all <the 17 April People, and the difference was that> one
13 group of people had been living in the city, and <the other one
14 had been living in the villages>.

15 Q. <Thank you.> What about <the> work quota? Were <the> work
16 quotas <the same or> different between the 17 April People and
17 Base People?

18 A. <There was no difference>. Everyone <including the unit and
19 group leaders> had to meet the <daily work quota of> three cubic
20 metres of dirt<. All the unit members> had the same work quota.

21 Q. Thank you. As a platoon chief, was there any plan for you to
22 hold frequent meetings among your members, within the platoon?

23 [11.19.15]

24 A. There were no frequent meetings. We <> would convene meetings
25 once in a while to advise them not to be <malingering or> lazy.

1 Q. What about biographies? When there was a meeting, was there
2 any instruction <> to ask your members to make any biography?

3 A. <I never asked anything regarding their biography as I myself>
4 was a former soldier, and I was afraid at that time. I was afraid
5 <because if they happened to know> my background<, I> would
6 <have disappeared. So, I paid no attention on keeping track of
7 the> biographies <of my platoon members>. I did not know the
8 biographies of my members at that time.

9 [11.20.15]

10 Q. In short, you <were trying to conceal> your biography<,
11 weren't you>?

12 A. Yes, I tried to <conceal> my biography, but still some
13 information was leaked out. After unit chiefs were transferred <>
14 elsewhere and the new chiefs came in to replace, I was <trying to
15 conceal the fact> that I <had been> a former soldier. And later
16 on, <after the arrival of the Southwest cadres, I became a
17 village self-defence member, and later, I became an ordinary
18 villager>.

19 Q. <Thank you.> Could you tell the Court why <> you <were so>
20 afraid that you had to <conceal> your biography <to hide the fact
21 that you had been> a former soldier? <What could have happened if
22 they had known that someone was a former Lon Nol soldier>?

23 A. Back then, if it was found out that one was a former
24 soldier<,> gendarmerie<,> customs officer<,> or a spy,> this
25 individual would be killed. <They would not keep such a person.>

1 Q. Thank you. You made mention <of> the work distribution or work
2 quota already. And <everyone had to finish the work quota of>
3 three-cubic metres of soil per day. <What would happen when
4 someone or a member> in your platoon could not complete the work
5 quota?

6 A. <Work> quota <was> set for <all> my members. At the beginning,
7 we were able to accomplish two cubic metres of soil per day. And
8 if we were able to accomplish that work quota, the work quota
9 would be increased up to three cubic metres of soil per day.
10 <Each of us> had to try to work. We had to do our best to work.

11 Q. I would like to backtrack a little bit. <Earlier, you
12 mentioned that> If one was found that he or she was a former
13 soldier<, a> gendarmerie<, a> customs official, <or a spy,> he or
14 she would be taken away and killed. So, how did you know such
15 instruction<? Were you informed by your superior? Or was it a
16 general policy of the Angkar? How did you learn of such
17 information?>

18 [11.23.10]

19 A. The upper echelon did not lay out such instruction. However, I
20 observed that from time to time people disappeared, and most of
21 them were former soldiers or civil servants <from my village>.
22 That is why I was trying my best to hide my biography. <For this
23 reason, I dared not stay in my village. I left my native village,
24 and moved elsewhere.>

25 Q. Thank you. What about working hours? <What time> did the work

1 start <and finish>? And <how much time of rest did you have> on a
2 daily basis?

3 A. We started working from 7 a.m. until 11 a.m. And in the
4 afternoon, from 2 <p.m> to 5 p.m.

5 [11.24.13]

6 Q. Were you aware that there was a night shift besides the two
7 shifts you mentioned?

8 A. Yes. We had to work at night as well as in the daytime. At the
9 beginning, we were required to work only during the daytime, but
10 when time passed by, <> people who <had night blindness> were
11 required to work during the daytime. As for others, who had no
12 <night> blindness <>, they were required to work at night.

13 Q. Thank you<. Did you hear of> 'special case unit' while you
14 were working at that Trapeang Thma worksite?

15 A. I have no idea. I have never heard of the special case unit,
16 because perhaps I was working in different part of the worksite.

17 Q. In relation to mistakes or wrongdoings, did you observe anyone
18 committed moral offences?

19 A. I have heard of moral offences. However, I have no idea what
20 moral offences were. Yes, <workers were required to attend> a
21 meeting <during the> Khmer New Year.

22 Q. What <was the> meeting <held during> Khmer New Year <about>?
23 What was discussed in that meeting?

24 [11.26.19]

25 A. I cannot recall it. <It has been a long time now. During> the

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1 meeting, <we sat in rows and listened to the> radio <> broadcast
2 <>. And we would clap our hands when we saw leaders clap their
3 hands. <I do not recall the content of the meeting.>

4 Q. Thank you. I think it is now almost time for lunch break. I
5 have one last question for you before I stop. Were there any
6 guards <or militiamen> monitoring <while workers were working>?

7 A. There were no soldiers <or> militiamen monitoring all of us at
8 my worksite. But at night time, there were military people
9 walking around<, but> I did not know <what they were doing. They
10 were doing their tasks, and we were doing ours>.

11 MR. VEN POV:

12 Thank you, Mr. President. I think it is now appropriate time for
13 lunch break. I would like to stop here first.

14 [11.27.35]

15 MR. PRESIDENT:

16 Thank you. Judge Lavergne, you have the floor.

17 JUDGE LAVERGNE:

18 <Yes, thank> you, Mr. President, for giving me the floor. I think
19 it's the right moment now to provide some clarification with
20 regard to this witness, because Mr. Tak Boy is testifying today
21 as a witness. But I <would like to point out> that in Case 004,
22 Mr. Tak Boy is a civil party, and that the documents regarding
23 his civil party application are <on the record of> Case 002
24 <since> they were <disclosed.> to the Parties. And they're under
25 the following <references>: E319/25.3.48 and E319/25.3.48/1. So,

1 thank you, Mr. President.

2 MR. PRESIDENT:

3 <Is> it in Case <002 or Case> 004, regarding his status as a
4 civil party? Judge Lavergne, <you mentioned Case 002. The Chamber
5 invited this witness> to testify <in Case 002> as a witness<, not
6 a civil party.>

7 [11.29.02]

8 JUDGE LAVERGNE:

9 Apparently, there's a problem in the interpretation. Can you hear
10 me? Yes? Well, I was saying that Mr. Tak Boy in Case 002 is not a
11 civil party, so therefore he is testifying as a witness in a
12 perfectly normal way. But for purposes of transparency, I would
13 like to inform <the parties> that in Case 004, which is of course
14 a different case, Mr. Tak Boy is a civil party. And I'm also
15 informing you that the civil party applications in Case 004 have
16 been <disclosed> in Case 002, and I have just provided you with
17 the <references> of the civil party applications <as they appear>
18 in Case 002. So, therefore they are accessible and <can be
19 consulted, and> they are part of Case 002.

20 MR. KOPPE:

21 If I may briefly respond, Mr. President. I was already wondering
22 why he was being questioned first by the civil party, since he
23 has a TCW number and is a witness. But I'm not quite sure how it
24 works, that somebody who has been -- who is a civil party in Case
25 004, by simply forwarding his applications to our case, he

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1 becomes a civil party in our case. Oh, he isn't?

2 [11.30.59]

3 JUDGE FENZ:

4 I think there's a misunderstanding. Perhaps it's easier if I do
5 it in English, which is our common language. What Judge Lavergne
6 said is he's a witness here. He's heard as a witness. That's his
7 status in 002/02. For transparency's sake, he mentioned that this
8 person has applied and been accepted as a civil party in Case
9 004. So, he has two different statuses in two proceedings.

10 MR. KOPPE:

11 But why in this particular case, do the civil party lead lawyers
12 start and not just, as always, the Prosecution?

13 MR. PRESIDENT:

14 Let me clarify. Based on <the Trial Chamber's> instruction and
15 Rule 91bis of the ECCC, the witness will be first examined by the
16 Party who requests the presence of him or her. <It is clear that
17 in Case 002,> this witness was requested by <the> Civil Party
18 <Co-Lead Lawyers> to come here <and testify> as a witness, that
19 is why I, as the President of the Chamber, have the right to
20 accommodate the arrangement when it fits.

21 Now it is time for lunch break. The Chamber will take the break
22 from now until 1.30 p.m. Court officer, please find a proper room
23 for this witness during the lunch break and please invite him
24 back into the witness stand before the Chamber at 1.30 in the
25 afternoon.

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

4 The Court is now in recess.

5 (Court recess from 1133H to 1329H)

6 MR. PRESIDENT:

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

8 The Chamber now gives the floor to <the Civil Party Co-Lead
9 Lawyers> to question the witness. <Please hold on, Lawyer.> Mr.
10 Vercken, please proceed.

11 [13.29.58]

12 MR. VERCKEN:

13 <Thank you, Mr. President. I have> a remark, a question or
14 <recommendation>; I don't know exactly how to call it. That was
15 following the remark made by Honourable Judge Lavergne who told
16 the Parties that there was a <disclosed> civil party application
17 of <this> witness in Case 004. And I would wonder whether the
18 logical aftermath of that <observation> shouldn't be that the
19 Chamber should admit this document on the case file, and <it is
20 true that> the prosecutor, <through> Mr. Lysak, <announced> that
21 he would do so. <But this witness was rescheduled for earlier
22 than expected and perhaps that was the reason it> was not done --
23 I don't know <. In any case,> it is a <prior> statement by the
24 witness. I personally must admit that I have not had time to
25 prepare for this witness because <he> has been called <before the

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1 Chamber> in an impromptu manner and I've not had enough time to
2 prepare to question him<, and much less, have I had the time to>
3 read that civil party application with as much attention as
4 possible. <But, in any case, I assume> it is logical that your
5 Chamber should admit this document into evidence. That is the
6 remark <or recommendation> that I would like to make <>.

7 MR. PRESIDENT:

8 <You may have the floor, the International Deputy Co-Prosecutor.>

9 [13.31.50]

10 MR. FARR:

11 Your Honour, I didn't get any English translation. However, just
12 so the record is clear, I just want the record to be clear that
13 the document is available to all the Parties, it has been
14 disclosed. I don't actually know whether it's been admitted yet
15 but we certainly have no objection to it being admitted.

16 [13.32.22]

17 MR. PRESIDENT:

18 I am not sure about that. You disclosed the document and you
19 didn't object to the admission of the document into evidence. So
20 disclosing the document is for purposes of transparency and it
21 allows for the consideration and the debate of the document <for
22 Case 002>, and it takes a decision by the Chamber for Parties to
23 be clearly informed. And that is why from the outset I would like
24 to draw your attention to that problem. Mr. Vercken, the document
25 referred to by Judge Lavergne was given an E3 number, E319/125.

1 So that document is on record and I do not know at which level of
2 admissibility that document is. We have already issued precise
3 instructions regarding the disclosure of documents <filed by OCP>
4 and that is in keeping with international case law. We have
5 indeed clearly pointed out that this is for the purposes of
6 disclosure of documents. And in order for documents to be
7 considered <as evidence> and debated upon, the Parties have to
8 file a request, a formal request to that effect, and that request
9 should be accepted by the Chamber. So debates regarding such
10 documents are necessary, adversarial debates are necessary. <You
11 may have the floor, the International Co-Lead Lawyer.>

12 [13.34.50]

13 MR. VERCKEN:

14 I totally agree with you, Mr. President. And that is why I raised
15 that point recalling that at this point in time in spite of the
16 announcement made by Mr. Lysak, when he tendered into evidence<,
17 I believe> about 50 civil party applications about a few weeks
18 ago. At that time, he did announce that those documents did not
19 contain any really important materials except for the civil party
20 application of this witness <which, as> Mr. Lysak said at the
21 time<, was going to be the subject of an application for
22 admission> into evidence. Today, the witness is appearing and
23 <there has> not been any request for the admission of the civil
24 party application into evidence in spite of the announcement made
25 by Mr. Lysak. And I observe that neither the civil parties nor

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1 the Co-Prosecutors have mentioned that document on their list of
2 documents prior to the appearance of this witness. <You, perhaps,
3 I see> the civil party <signalling>, but I have not seen any
4 document. <Whichever the case, no request exists. I don't feel --
5 well, I have not had the time to do so, which is why I am not
6 making this request. But> I note that nobody is making such an
7 application. And I note that Judge Lavergne reminds us that that
8 document exists <,that it is a prior> statement <made> by the
9 witness<. So I wonder if perhaps that> has not been translated
10 <correctly, and hence, is the reason that you have not fully
11 understood me, Mr. President>. Your Honours, should your Chamber
12 not spontaneously have this document <> admitted and received
13 into evidence<?>

14 [13.36.40]

15 MS. GUIRAUD:

16 Thank you, Mr. President. <If I may> make some remarks<, the>
17 documents were disclosed and we took <note> of that, same as the
18 two defence teams. It appears that the practice is as follows.
19 Documents are disclosed and placed at the disposal of Parties in
20 an electronic folder, and all Parties have access to that
21 <folder. Everybody is> able to use <these documents>. We, for our
22 part, yesterday, <actually uploaded these documents to the
23 interface to notify> the Parties that <we> would use <these
24 documents>. At a subsequent stage, <we will have to decide
25 whether these documents will be the subject to a> formal

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1 application <> under <> Rule 87.4. <But, it> appears that <since
2 the beginning of> this process of disclosure, the prosecutors
3 disclose <> documents, the Parties are able to use <those
4 documents during hearings, and> if need be all the Parties are
5 free to file <Rule> 87.4 applications. <But> I do remember <many
6 instances in which> records of interviews <> filed by the
7 prosecutors <were then used by the defence during hearings,>
8 whereas the defence <had not filed explicit requests under> Rule
9 87.4<. So,> we have <only followed what we believed to be the
10 current practice before the Chamber. We> notified the <other>
11 Parties that we intend to use <these documents> <>, but we did
12 not have the time to file Rule 87.4 applications. In that regard,
13 I hope I have answered the question asked by my learned friend
14 <>.

15 [13.38.37]

16 MR. VERCKEN:

17 <Not really. Not really because first of all, you have made a
18 thinly veiled accusation claiming> the defence <is> using
19 documents that were not validated before. That is false and I
20 object to that. <I don't believe we have ever done that. And in
21 my opinion, a> Rule 87.4 application <must be made> before <> we
22 should be able to use <a> document <during hearings>.

23 [13.38.57]

24 MS. GUIRAUD:

25 <If I may respond --> I didn't make a veiled accusation, I am

1 only referring to a practice that has been put in place and that
2 has been used <and respected, I believe,> by all the Parties: the
3 defence, the prosecutors and the civil parties -- <in the same
4 way>. So this is <absolutely> not a <practice, disclosure or>
5 veiled accusation <>. All I meant to do was to present my
6 position to the Chamber regarding the current practice and <the>
7 practice <respected by> all the Parties to this Trial <since the
8 very beginning>.

9 (Judges deliberate)

10 [13.46.38]

11 MR. PRESIDENT:

12 The Chamber gives the floor to Judge Lavergne to provide
13 clarifications to Counsel Vercken.

14 JUDGE LAVERGNE:

15 Thank you, Mr. President. The Chamber is well aware that the
16 document <or documents> in question regarding Mr. Tak Boy's civil
17 party application has been made available to all the Parties. The
18 Chamber <is aware> that the Civil Party Lead Co-Lawyers intend to
19 use that document to examine Mr. Tak Boy<. So> to the extent that
20 the Chamber understands that none of the Parties intends to
21 object to the use of this new document, unless I am mistaken and
22 if so, let me know immediately. <Although> I do not think there
23 is any objection <>. And so the Chamber considers that the
24 document is admissible and it is tendered into evidence and it
25 can therefore be used as a new document in that regard. It is not

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1 necessary to make a Rule 87.4 motion in respect of that document
2 and the <admission> decision is thus taken <here during> these
3 proceedings. So the practice <we have followed for some time> is
4 that, when Parties intend to use a new document, the other
5 Parties are informed. And <when> the document is used during
6 hearings and there's no objection from the Parties<,> the
7 document is therefore understood as admitted into evidence. <I
8 hope this has clarified the situation. Let> me point out
9 nevertheless that the disclosure of a very large number of civil
10 party applications raises a number of difficulties, and the
11 Chamber is considering that matter and will inform the Parties
12 <>.

13 [13.48.46]

14 MR. PRESIDENT:

15 Thank you, Honourable Judge <Lavergne>. I now give the floor to
16 the Lead Co-Lawyers of the civil parties.

17 BY MR. VEN POV:

18 Thank you, Mr. President. Good afternoon, Mr. Witness. I will
19 proceed with my examination.

20 Q. I would like us to talk about the issue of food rations at
21 Trapeang Thma <Dam worksite>. What food rations did you receive
22 at that worksite?

23 MR. TAK BOY:

24 A. I wouldn't know how food was distributed. But there was
25 sufficient food for everyone, but people had a hard time eating

1 or didn't eat well or enough because everyone <did not get enough
2 sleep>.

3 [13.49.56]

4 Q. What food items were doled out to the people, the workers, was
5 it rice gruel or normal rice? <Did the people eat collectively?
6 Were there cooks who prepared the food?>

7 A. There were cooks preparing the food and they distributed it to
8 the workers.

9 Q. Can you be more specific, was it light gruel or sometimes you
10 were given ordinary rice while you were working at the Trapeang
11 Thma Dam worksite?

12 A. We ate ordinary <steamed> rice and we had enough to eat in
13 order to build the dyke.

14 Q. As regards sanitation or hygiene, was the food well protected
15 and covered before it was given out to the workers? <Were there
16 many flies at the eating place?>

17 A. The food was not protected <or covered>; it was exposed and
18 therefore covered by flies.

19 Q. Thank you. Did you hear any members of your group complaining
20 about the shortage of food or the fact that they did not eat
21 enough <or the food was not good?>

22 A. No, no one <in my platoon> complained. However, we faced the
23 problem that everyone was sleepy, we weren't sleeping enough so
24 we didn't eat enough either. <We had enough to eat, but we could
25 not eat as we had to work at night and did not have enough

1 sleep.>

2 [13.52.27]

3 Q. Thank you. So you said that people did not eat well because
4 they did not have enough sleep. Did you note that any members of
5 your unit fell sick out of physical exhaustion?

6 A. Regarding what I was able to observe, some people had
7 diarrhoea, it was hot and people drank dirty water, and so they
8 fell sick and were sent to hospitals. I do not know exactly where
9 they were sent, they used to say they were sent to hospitals, but
10 I do not know where exactly.

11 Q. <Thank you.> When members of the mobile unit were <> ill <or
12 had diarrhoea>, were there any healthcare workers permanently on
13 the site who distributed medicines to the sick?

14 A. There were healthcare workers on duty, but what they had was
15 mostly traditional <medicine> made <from> tree roots. <Herbal
16 roots were pounded and turned into tablets.> So whenever someone
17 had diarrhoea or fever, he or she was given those medicines made
18 with tree roots. I do not <really> know how those medicines were
19 made. They were tablets of a brownish colour <and they looked
20 like rabbit pellets>.

21 [13.54.32]

22 Q. <Thank you.> When you talk of healthcare workers, do you know
23 whether those persons had received appropriate adequate <medical>
24 training?

25 A. The healthcare workers assigned to work in those units had not

1 undergone any studies. But they were referred to as healthcare
2 workers. And the sick had to go to receive medicines in
3 hospitals. <However, I do not know where they went to collect the
4 medicines.> Those medicines were referred to us rabbit pellets
5 and they were used to treat diarrhoea.

6 Q. Still as regards illnesses, did you observe or see any people
7 die of illness, <or> exhaustion <>?

8 A. Those who were taken ill were sent somewhere, I don't know
9 whether they died, I don't know whether they were treated. <It
10 could be the case that after recovery, they returned> to their
11 respective cooperatives. <Usually, after they were sent away,
12 they would just disappeared. I do not know whether they were
13 being treated, they died, or they went back to their respective
14 cooperatives.>

15 Q. Thank you. I would like to put a few questions to you
16 regarding occupational accidents. Did you know or see any members
17 of the mobile units who were injured during the work they were
18 doing in the course of their work?

19 [13.56.30]

20 A. Never.

21 Q. Thank you. Regarding work on the Trapeang Thma Dam worksite,
22 did such work require the use of <machineries> or such work
23 entailed only manual labour without <machineries>?

24 A. There was no <machinery>. All the work was done manually since
25 all we had to do was to dig the earth and to carry it ourselves.

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1 Q. Thank you. I would like us to talk about another subject. In
2 your unit, did you hear anyone talk about arrests or
3 disappearances on the Trapeang Thma Dam worksite or did you
4 witness such arrest with your own eyes?

5 [13.57.54]

6 A. <I heard from> battalion chiefs <> that <the big chief,> Ta
7 Val <had been> arrested, but I was not an eye witness to that. It
8 was one of my superiors who told me that Ta Val had been
9 arrested.

10 Q. In fact, my question did not have to do with the arrest of Ta
11 Val. All I wanted to know was whether workers in your unit were
12 arrested or whether you heard the arrest of the members of their
13 unit.

14 A. In my unit no one was arrested.

15 Q. Did you see with your own eyes or did you hear anyone say that
16 anyone who was somehow related to Vietnam or had links with
17 Vietnam was arrested and led away?

18 A. I was not a yet full-fledged member of the sector unit but in
19 the villages if there were any ethnic Chinese or Vietnamese, they
20 would be arrested and led away by the soldiers. That is all I was
21 able to find out.

22 Q. You said that Ta Val had been arrested. Could you tell the
23 Chamber what his duties were, what his position was?

24 [13.59.36]

25 A. He was the chief of <the sector's> mobile unit <>. I did not

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1 know his exact position <on either the sector or zone's
2 organizational structure> but he was in charge of the mobile
3 units in the sector.

4 Q. You said that he had been arrested, who arrested him?

5 A. No, I don't know who arrested him. But the battalion chiefs
6 told me that he had been arrested.

7 Q. Now regarding the execution sites and the pits, did anyone
8 point to you places where executions occurred?

9 A. Can you please be more specific <regarding those dead bodies>,
10 which pits?

11 [14.01.00]

12 Q. I was speaking about the pits where the members of the mobile
13 units who had been taken away were buried. Did you know that back
14 then that there were pits that were close to Trapeang Thma?

15 A. Yes. On the dam itself -- by the dam itself, there were pits
16 <on the crest of the dam, at the base of the dam, and in the
17 reservoir itself. They dug those pits with hoes. Those people
18 were killed and buried during the night time;> and we don't know
19 why exactly. <Those people just disappeared.> And when we carried
20 dirt in order to build the dyke, we came across bodies <roughly
21 buried on the crest of the dam; and only then could I draw a
22 conclusion that those bodies must have been killed the previous
23 night>.

24 Q. Were there many bodies <that you or your unit members came
25 across while carrying dirt>?

1 A. <There were countless bodies.> There were bodies at the bottom
2 of the dam and also on the crest of the dam and also in the
3 <open> fields. And the bodies were covered with soil and dirt.
4 While people were ploughing, they would find <skulls> in the
5 field. <Thus,> I do not know how many bodies were there at the
6 worksite.

7 [14.02.33]

8 Q. Concerning forced marriage, were you aware of any marriage at
9 that time? Did you attend the marriage ceremony while you were
10 there?

11 A. The marriage was not actually forced. The couple agreed to
12 marry one another after which they were required to hold each
13 other's hand and make a resolution. <This is what happened at my
14 place; however, I do not know what actually happened in other
15 places.>

16 Q. You said the marriage was not forced, did the marriage
17 arranged by the unit chief or did the couple voluntarily agree to
18 marry at that time?

19 A. Normally, the couples selected their own <destined> or future
20 spouses. For example, a man <would fall in love with> a woman at
21 that time. After that, <he would approach his unit chief to make
22 a proposal to the girl's unit chief. Only after an agreement was
23 reached would> the marriage <> be held for them. And as for
24 marriage, usually there were many couples, 50 <or 60> couples at
25 a time.

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1 Q. You stated that there were <50-60> couples in one marriage.
2 Did you personally attend the marriage ceremony at that time? <Or
3 did you hear of this from others?>

4 A. I was invited to be a guest at that time in the marriage
5 ceremony where the couples were required to hold each other's
6 hand and make a resolution.

7 Q. Did you observe that parents from both sides, I mean the bride
8 and groom, attended the wedding? <Or only their respective unit
9 members attended the ceremony?>

10 A. No, only the candidates -- that is, the couples, were at the
11 venue. Their parents were not there.

12 Q. Concerning religion, when people died, were rituals allowed to
13 be held?

14 [14.05.00]

15 A. <> Buddhism <was not allowed to be practiced. No ritual was
16 held when someone died. Neither> achar <nor monks> would <> be
17 invited to <preach the sermon or> attend the funeral <> at that
18 time. <When someone died, the only thing we did was to carry his
19 or her body away to be buried.>

20 Q. What about pagodas, were there any monks in pagodas? <Or what
21 did they use pagodas for?>

22 A. No monks in the pagoda. Pagoda was turned to be a workshop to
23 produce traditional medicine.

24 Q. Thank you. This is my last question, Mr. Witness. I would like
25 to ask you when you were working at the Trapeang Thma Dam

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1 worksite, did you ever participate in <any> ceremony <to welcome
2 the visit of any delegation or senior leaders> of the Democratic
3 Kampuchea <to the worksite>?

4 A. I was once -- I once attended the meeting <to welcome a
5 Chinese delegate by the name of> Chen <Yonggui who was visiting>
6 Trapeang Thma worksite.

7 Q. At that time, did leaders from the <sector, the zone, or the
8 Centre from Phnom Penh> or from other places attend the meeting
9 where the Chinese delegation was there?

10 [14.06.38]

11 A. I do not know about that <as I was only a low-ranking person>.
12 There were around 20 vehicles coming to the site. And people in
13 the vehicles were wearing black trousers, <and> white shirts.
14 <They were very well groomed>. And I was told that <a Chinese
15 delegate by the name of> Chen <Yonggui> was visiting the site and
16 <on that night,> a film about the work in China -- work conducted
17 in China, was projected for all of us.

18 MR. VEN POV:

19 <Thank you, Mr. Witness.> Mr. President, <I have no more
20 questions to put to the witness, but the National Co-Lead Lawyer
21 has a few questions to put to the witness. Thank you, Mr.
22 President>.

23 MR. PRESIDENT:

24 <Thank you.> You may now proceed.

25 [14.07.24]

1 QUESTIONING BY MR. PICH ANG:

2 Q. Mr. President -- good afternoon, Mr. President, <I have only a
3 few questions for the witness.> Good afternoon, Mr. Witness.<My
4 name is Pich Ang. I am a Civil Party Co-Lead Lawyer.> I will have
5 a few questions in relation to working hours. You provided your
6 answers to lawyer Ven Pov that you started work from 7 a.m. to 11
7 a.m. in the morning. And you also mentioned about the afternoon
8 shift. I would like you to make a clarification regarding members
9 of your mobile unit and members of other mobile units. Did
10 members of other units start their work at the same time as your
11 members did?

12 MR. TAK BOY:

13 A. When we were working at the dam worksite -- that is, digging
14 the earth to build the dam, we <worked> from 7 a.m. until 11 a.m.
15 in the morning. This shift <was> only <for> the people who had
16 night blindness. <My apologies for the errors I made this
17 morning. As for the afternoon, we worked from 1 p.m. through 5
18 p.m. These two shifts were designed only for those who had night
19 blindness.> And there was night shift which consisted of people
20 who did not have night blindness.

21 [14.08.54]

22 Q. Did anyone <in your unit or other units> go to work before 7
23 a.m. in the morning?

24 A. No we had to be on time. When it was time to work, we had to
25 be there and work.

1 Q. Are you referring to members of your own unit or you talking
2 about other people from different units?

3 A. I am talking about members of my unit. We lived and worked in
4 different places, and I do not know about them but we had the
5 same work to do, to my recollection.

6 Q. I have one more topic to cover. You stated that bodies were
7 buried on the dam itself and also at the base of the dam. Did you
8 witness the bodies in those pits? And were there many bodies?

9 A. I did not witness the corpses. While I was carrying dirt by
10 using the earth carrying baskets, the soil was soft and I could
11 understand that there were bodies covered with the dirt below the
12 soil. And <we saw> many pits <at the base of the dam and in the
13 reservoir> when we went to relieve ourselves. <I cannot give you
14 an estimate, but there were many.>

15 Q. You stated the soil was soft while you were walking on it,
16 what did you mean by that?

17 [14.11.09]

18 A. By that, I can say that normally the earth that we dumped on
19 one particular place was solid but some places were soft while we
20 were stepping on, <and we knew that there was no water
21 underneath> and we could understand that there <were bodies>
22 below it. <Those bodies were actually not deeply buried.>

23 Q. The soft soil you said -- you mentioned, the soil was it soft
24 because of the rain? Or the soil -- what did you mean by saying,
25 the soil was soft while stepping on it?

1 A. <The soil was soft even though it was in the dry season, not
2 in the> rainy season at that time. <And the> earth that we dug
3 was really hard and solid. And how could it -- was soft when we
4 dumped it on the specific places. <Thus, there must have been
5 dead bodies below it that made it soft when we were stepping on
6 the soil.>

7 Q. You made mention of pits a while ago. Could you describe the
8 pits, how large <> and how deep <were they>?

9 A. They were not big <and deep pits, and the bodies or corpses
10 were not buried> deep in the earth. <Thus,> when the <bodies or
11 corpses swelled, the crest of the pits cracked, and the stench
12 spread around. One could easily feel that those were the pits
13 where bodies were buried>.

14 [14.13.18]

15 Q. You made mention <of> the soft soil while working and you
16 stepped on the soft soil. And you said there were corpses under
17 it. <Did you come across such an incident often>?

18 A. I witnessed one <incident> at one time that I was working and
19 carrying earth and I <was stepping on the soft ground. However, I
20 came across pits that were cracking open in the fields>.

21 Q. You stated that <> there <was stench from the soft soil that
22 was cracking open>; so what smell was it?

23 A. The smell <was not from the soft soil area but it was> in the
24 open <fields where bodies had not been buried deeply enough. And
25 only when those pits cracked open did one smell the stench.

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1 However, there was no stench coming out from the base of the dam
2 as we were> dumping the earth at the base of the dam. <I was
3 referring to the stench that one could smell coming from the open
4 fields. When> we went to relieve ourselves <in the fields>, we
5 could smell the <stench>.

6 Q. You stated <about the open fields;> did you witness there were
7 many bodies buried in the open <fields? Did you see many pits
8 when you went to the open fields?>

9 [14.15.03]

10 A. Many corpses were buried at the <reservoir itself. Only when
11 we got close to those pits could we smell the stench. We would
12 smell the stench when we went southwards into the fields between
13 200 and 300 metres away from> the base of the dam <where we
14 worked. We experienced the stench when we went to relieve
15 ourselves in the fields, and usually, we told each other about
16 the pits, and everyone in the unit was surprised>.

17 Q. <Thank you.> This is my last question, Mr. Witness. You made
18 mention <of> the open <fields,> that you <came across pits where
19 you believed people were buried>. Was the open field within <or
20 out of the perimeter of the reservoir>?

21 A. <There were open fields both inside and outside the reservoir;
22 particularly, open fields located to the south of the reservoir.
23 There were also open fields around the reservoir. So there were
24 open fields inside and outside the perimeter of the reservoir>.

25 MR. PICH ANG:

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1 Thank you, Mr. President. We would like to cede the floor for the
2 International Co-Prosecutor.

3 MR. PRESIDENT:

4 Thank you. The Chamber now gives the floor to the Co-Prosecutor
5 to put questions to this witness. You may now proceed.

6 [14.16.53]

7 QUESTIONING BY MR. FARR:

8 Thank you, Mr. President.

9 Q. Mr. Witness, to start with, are you able to give us any
10 estimate of the time that you were at the Trapeang Thma Dam
11 worksite, perhaps the month and year that your arrived and the
12 month and year you departed, if you are able?

13 MR. TAK BOY:

14 A. I cannot recall it well because it happened <a> long time ago.

15 Q. Now you mentioned being in a mobile unit before going to the
16 Trapeang Thma Dam worksite. The mobile unit you were in at the
17 Trapeang Thma Dam worksite, was that associated with a district,
18 a sub-district, a sector, what kind of mobile unit was it?

19 [14.18.00]

20 A. Before I became part of a mobile unit, I was <working> in a
21 cooperative in a village <under a> sangkat <or a district>.

22 Q. I think you mentioned previously that your work -- your
23 deployment to the Trapeang Thma Dam worksite was involuntary. Can
24 you tell us a bit more the story about how you were selected for
25 the unit and how you were deployed to the worksite?

1 A. The work was not voluntary. Male and female youth were
2 separated from parents and <selected to> go to work in mobile
3 units.

4 Q. I want to read you something from your statement to DC-Cam and
5 ask you if you can expand on it for us a little bit. And for
6 reference, this is document number D366 -- actually, now it has
7 an E3 number. It is E3/7968. The English page number is,
8 00726128; Khmer, 0057749 to 50; and French, 00743261. So you were
9 asked if you joined on a voluntary basis, and you said, "No, I
10 was selected, they required us to go." And then a bit later,
11 "They would point us out who would go. They distributed the new
12 recruits and collected to their respectively targets. And we had
13 to follow them with mixed feelings whether we were going to die
14 or survive. We were full of fears when they first came to collect
15 us. Only upon arrival at the worksite were we equipped with hoes
16 and spades and knew we would survive."

17 So my question is, why did you have doubts about your potential
18 survival at the time that you were being collected and sent to
19 the worksite? What made you doubt that you would survive or at
20 least question whether you would survive?

21 [14.20.58]

22 A. We were selected and sent to the worksite. After we arrived at
23 the place, we were divided into <working groups and> units and I
24 was part of a platoon. At that time, <> earth-carrying baskets
25 and <hoes were distributed to us, and then we went straight> to

1 build the dam.

2 Q. In a quote that I just read, it seems that you expressed that
3 you were feeling some fear at the time you were placed in this
4 mobile unit and deployed to the dam worksite. Do you remember
5 that?

6 A. I was <> full of fear at the time because I had <been a
7 soldier. I was constantly afraid that if they> found out <who I
8 was>, I would be taken away and killed. This was my fear.

9 Q. When you were answering questions from the lawyers for the
10 civil parties, you mentioned the person named Ta Val; can you
11 tell us what his position was at the worksite as you understand
12 it?

13 [14.22.45]

14 A. Ta Val had overall supervision over Trapeang Thma Dam
15 worksite.

16 Q. Okay, thank you. You told us that you were a platoon
17 commander, and I want to ask you a few questions about the
18 hierarchy in your mobile unit. Can you tell us what level of
19 organisation was immediately above a platoon?

20 A. Below the platoon, there were <> groups and within the groups
21 there were members.

22 Q. Okay, so that's below the platoon. Can you tell us now above
23 the platoon, what was the next level above the platoon?

24 A. Above the platoon, it was <a> company and above a company, <it
25 was a> battalion. And <above the battalion, it was> Ta Val <who>

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1 had overall supervision over <the dam worksite>.

2 [14.24.14]

3 Q. Okay so starting -- well first of all, do you remember the
4 name of your company commander, your immediate superior?

5 A. Above <a> platoon, it was <a> company, and chief of <the>
6 company was Pech Mam. He passed away, perhaps, ten years ago. And
7 above <the> company, <it was the> battalion <under the command of
8 Comrade> Bo (phonetic)<. Comrade> Bo (phonetic) had been
9 arrested. He <is> deceased.

10 Q. Okay so would you provide information to Pech Mam your company
11 commander? And if so, what kinds of information would you provide
12 to him?

13 A. Pich Mam<, the company chief, was> in charge of three
14 platoons. And Pech Mam was deceased.

15 Q. So as a platoon commander, would you speak to him on a daily
16 basis and tell him information such as number of workers, amount
17 of work completed or did that not happen?

18 A. When we <finished> work at 5 p.m. we had to <> report to <the
19 company chief on the output of our unit>. And we would do the
20 calculation of the work that <our platoon had> completed by the
21 end of the day and <> report <it to the company> chief <>.

22 [14.26.34]

23 Q. And would the chief of company give you any instructions?

24 A. No, no <many> instructions. But we were advised to be
25 <hard-working>, and I was instructed that there should be no one

1 from my unit that avoided the work, otherwise they would
2 disappear.

3 Q. And who told you that if someone from your unit avoided work,
4 they would disappear, who said that to you?

5 A. It was <Comrade> Bo (phonetic) <who was the battalion chief>.

6 Q. Do you remember where you were or who you were with, when he
7 told you this?

8 A. No <one else was present.> I went to see him and report <to
9 him> verbally <on> the <output> that my <platoon had>
10 accomplished. <Anyway, both the battalion chief and the company
11 chiefs were there together.>

12 [14.28.13]

13 Q. So the terms that were used, that you've mentioned: platoon,
14 company, and battalion are military terms. Do you know why those
15 terms were selected for the hierarchical levels of the Sector 5
16 mobile unit?

17 A. I have no idea <as to why they were using the same structure
18 as that of> the military. <It was a hierarchical structure, but>
19 I do not know <any detail about it>.

20 Q. Did you ever hear the terms "hard offensive" or "hot
21 battlefield" to describe the Trapeang Thma Dam worksite?

22 A. This was frequently mentioned <that> Trapeang Thma Dam
23 worksite <was a hot battlefield where dynamic workforce was
24 working. The sector's mobile unit was considered the dynamic
25 workforce or the first force>.

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1 Q. And what did you understand it to mean when it was referred to
2 as a hot battlefield?

3 [14.29.50]

4 A. To my understanding, the <term used was harsh and it motivated
5 us> to work very hard. <We had to do our best, and we could not
6 be lazy. If someone was not working hard enough, he> would be
7 accused of <having a different political> tendency. So I could
8 say it was <one of the hottest battlefields. It was a harsh
9 battlefield.>

10 Q. Did you ever hear anyone compare the sacrifices made by
11 workers at your worksite with the sacrifices made by Khmer Rouge
12 soldiers during the war against the Lon Nol regime?

13 A. No, I did not <>.

14 Q. Okay, thank you. We mentioned Ta Val--

15 MR. PRESIDENT:

16 <Hold on, Mr. Witness. Counsel Koppe, you may have the floor.>

17 [14.31.06]

18 MR. KOPPE:

19 Just an observation and a request to the Prosecution. Where does
20 the Prosecution have this information from?

21 BY MR. FARR:

22 So, this is E3/771, it's a "Revolutionary Flag" magazine from --
23 sorry, it's a "Revolutionary Youth" magazine of July and August
24 1977. And there's a two and a half page description of the
25 Trapeang Thma Dam worksite, very specific regarding dimensions,

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1 but it discusses the conditions that the workers worked in, and
2 said that they were working all day and all night in the hot sun.
3 And it says, "like the sacrifices made by our brothers during the
4 war, they didn't complain." I don't have the precise ERN page
5 numbers now; I can provide those after the break.

6 Q. Mr. Witness, we mentioned someone named Ta Val a few minutes
7 ago, could you tell us what kind of person he was to your
8 knowledge?

9 [14.32.28]

10 MR. TAK BOY:

11 A. Physically, he was <> of average height but <when he spoke>
12 his looks were very frightening. He was cruel.

13 Q. Can you tell us what you mean when you say that he was cruel?

14 A. He spoke in a loud voice <when he was supervising workers.> I
15 would stand <> next <to> him and <watch him talking> with a lot
16 of gestures and <speaking> at the top of his voice. <At a certain
17 point in time, I saw him talking to workers who were building the
18 first bridge. They> did not do what was pleasing to him, <so he
19 took a spade and showed them how they should be performing their
20 work. To me, such an act showed his cruelty and aggressiveness.
21 He did not just give polite instructions>.

22 Q. Did you ever hear him referred to as the chief executioner or
23 something similar to that?

24 A. As a matter of fact, he was <cruel and> wicked because <it was
25 on his order that those workers were killed and buried> at that

1 worksite. <He was actually a chief executioner. No one else at
2 the worksite was superior to him.> And all the people who died
3 there were under his responsibility and he was the one issuing
4 instructions to <soldiers> working there <to carry out
5 executions>.

6 Q. Did you know of him having an aide or assistant who was in
7 charge of punishing people who did not work as much as they were
8 supposed to?

9 A. <His deputy was Comrade> Yun, who was called Ta Yun. So in his
10 absence<, Ta Yun was in charge of the> place.

11 Q. And do you know anything about this person Ta Yun being
12 involved in punishing workers who were considered lazy or who
13 didn't complete their tasks?

14 [14.35.51]

15 A. I haven't quite understood your question, can you please
16 repeat it<?>

17 Q. Sure. And perhaps to save time, I'll read you something from a
18 statement gave to DC-Cam. This is the same document as
19 previously. The English page number is 00726113; Khmer is,
20 0057732; and French is, 00743242. So you were asked about Ta Val
21 and you said he was referred to as the direct chief executioner.
22 But then you continued and you said, "He was the chief of all,
23 there were others close to him. For example, his right hand aide
24 was in charge of punishing and persecuting those who looked lazy
25 and slow in labour work. For instance, when a task is assigned

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1 and the person in charge did it carelessly, he or she would be
2 pulled out like a cabbage and taken to be killed, that easy." So
3 can you tell us first of all, who the person was you were
4 speaking of and second of all, what you meant when you said that
5 a person would be pulled out like a cabbage?

6 [14.37.42]

7 A. If a given worker was lazy, he was immediately uprooted. That
8 was not the case with my unit. <The person who was uprooted would
9 be taken to the above, and I did not know exactly where the
10 person was taken.> What I meant to say was that Ta Val was a
11 chief executioner <because> he was the person in charge of that
12 worksite. So if subordinates committed crimes, Ta Val had to
13 assume responsibility for such crimes. <If he had not issued such
14 an order, nobody would have dared to carry out any execution.>
15 For instance, if he ordered anyone to kill someone, he had to
16 assume responsibility for such acts. <He was not an executioner
17 himself, but he was the superior of those executioners.>

18 MR. FARR:

19 Mr. President, I note the time, I don't know whether this is the
20 correct time for the break or not.

21 MR. PRESIDENT:

22 Thank you. The time is right for us to take a break. The
23 proceedings will resume at 3 p.m.

24 Court officer please see to the necessary arrangements for the
25 witness, lead him back to the courtroom <at> 3 p.m.

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1 (Court recesses from 1439H to 1459H)

2 MR. PRESIDENT:

3 Please be seated. <The Court is now in session.> The floor is now
4 given to Co-Prosecutors to resume their lines of questioning. You
5 may now proceed.

6 BY MR. FARR:

7 Q. Thank you, Mr. President. Sir, before the break, you told us
8 about someone who was, I guess you should call him Ta Val's
9 deputy who would be in charge when he was absent, can you tell us
10 how often Ta Val was absent from the worksite?

11 MR. TAK BOY:

12 A. I do not know whether he was absent very frequently. Sometimes
13 <the chief> of battalion said, Ta Val was not present so I knew
14 about this through <the chief> of battalion.

15 Q. Do you know where he was or where he went when he was not
16 present?

17 [15.01.10]

18 A. He disappeared. Perhaps he may have been arrested by Southwest
19 Zone cadres. This is my assumption.

20 Q. In the period before he was arrested and disappeared, do you
21 know who his superior was, do you know who he reported to?

22 A. I do not know the superiors above him. Perhaps the report was
23 submitted to the sector. I do not know who were above him.

24 Q. Did you personally ever report your work results directly to
25 Ta Val?

1 A. No, I never reported directly to Ta Val. I was very low in the
2 high-ranking -- in the structure. I never reported to Ta Val. <I
3 only reported on the work results to either the company chief or
4 the battalion chief.>

5 Q. Okay, thank you. I want to ask you now about a celebration
6 that you describe in your DC-Cam interview that fell -- that seem
7 to be a combination of a Khmer New Year celebration and a
8 Liberation Day celebration so around the 15th, 16th, 17th of
9 April. Can you tell us about that celebration?

10 A. <The celebration of the> Khmer New Year and <that of> the
11 anniversary of 17 of April <were> quite close. The date was quite
12 close to each other. There was a meeting. The meeting was
13 <actually> held in Phnom Penh and <we were listening to the>
14 meeting <from afar> in my area<, but I do not remember> what was
15 described during the meeting. The Khmer New Year fell on the
16 <14th, 15th, and 16th of April, and so the> meeting <> was held
17 <on the 17th of April> for just one morning on that day <to
18 celebrate the two occasions>.

19 [15.04.28]

20 Q. And do you remember whether there were any musical
21 performances, any songs as a part of that celebration?

22 A. No. After the meeting, we went back to our worksites -- our
23 respective worksites.

24 Q. I'd like to ask you about something that you said in your
25 DC-Cam statement. This is English, 00726120; Khmer, 00057440; and

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1 French, 00743250 to 51. So you were asked about this celebration
2 and you told us, much of what you just told us now, that it was a
3 merger of the 17th April anniversary and the Khmer New Year. And
4 then the interviewer said -- and you said, "They held a meeting
5 during these three days." The interviewer asked, "Right here?"
6 And your answer was, "Right. They held it at the reservoir with
7 musicians and dancers. However, they danced with their uniform
8 and weapon."

9 [15.06.09]

10 Mr. President, I'm not sure if there is a technical problem, I
11 don't hear myself anymore. Okay it was just a battery issue
12 apparently.

13 Sir, I'll read your answer to you again. You said, "Right, they
14 held it at the reservoir with musicians and dancers. However,
15 they danced with their uniform and weapon. The contents of the
16 songs they sang was all about arresting the Vietnamese enemy and
17 the Lon Nol enemy."

18 Sorry, I'm having bad luck.

19 Sir, do you remember that answer from your DC-Cam statement? And
20 if so, can you explain to us something about those songs?

21 [15.07.33]

22 A. The theatrical performance, I may have confused. The
23 theatrical performance happened during the marriage ceremony. The
24 dancers, performers were in black clothes and I observed <they>
25 were dancing with their weapons on their shoulders. <I do not

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1 remember all the details anymore>. Perhaps the <dancers> at that
2 time were <performing the way they had smashed their> enemies.
3 And that was the performance, it's not the real scene of fighting
4 at that time. And <those who performed as soldiers had military
5 uniform, while those who performed as the Khmer Rouge soldiers
6 were in black, and they were> firing weapon at each other<;
7 however, there were dummy bullets only.> And after that <, all
8 the Lon Nol soldiers were killed, and> they shouted the victory
9 of 17th April <>.

10 Q. Okay, thank you for that. Maybe I'll just ask this. Do you
11 remember at any point hearing songs about arresting the
12 Vietnamese enemies and arresting the Lon Nol enemies?

13 A. It was during the time back when I was in a cooperative,
14 Vietnamese ethnic, Chinese ethnic were arrested. <And there were
15 no such arrests by the time I was working with the mobile unit.>

16 Q. But focusing precisely on songs, do you remember songs about
17 that subject, about the arrest of the Vietnamese?

18 [15.09.45]

19 A. I cannot recall the content of the song. It was long time ago,
20 I cannot recall content of the song by the musicians and dancers.

21 Q. Okay. So then going back to what you just mentioned, the
22 arrest of Vietnamese in the commune, can you tell us a bit more
23 about that and in particular if you have some way of estimating
24 the number of Vietnamese who were arrested?

25 A. I cannot say how many Chinese and Vietnamese ethnics were

1 arrested. The whole families were arrested. First, they arrested
2 husbands after which, it was the time the wives and children.
3 They were taken away <under the pretext that they were being
4 relocated> elsewhere and I did not know <where they were taken.
5 They just disappeared. So I concluded that they could have been
6 taken away and killed>.

7 Q. Can you tell us what means of transportation was used to take
8 them away?

9 A. It was military trucks, the colour <-- they were the American
10 military trucks in> the green colour.

11 Q. And are you able to estimate the time period when this
12 happened, month and year?

13 [15.11.44]

14 A. The transportation of wives and children of <those men>
15 happened perhaps at 10.00 or 11.00 in the morning. The vehicles
16 were heading southwards. I did not know where the vehicles were
17 heading to, I mean the destination. I was there working in the
18 field, building the embankment, growing <cassavas>. I heard
19 people say the wives and children and also husbands had to be
20 transported to live elsewhere, and I do not know whether they
21 were taken away to be killed.

22 Q. And is it correct that this happened in the period before you
23 were working on the Trapeang Thma Dam worksite?

24 A. It was before the time I was at the Trapeang Thma Dam
25 worksite. Perhaps it <could be in the early or mid-2006 (sic).

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1 It> was in <either early '76 or mid-76>.

2 Q. The translation says that it was in 2076 but I assume that you
3 are referring to 1976; is that correct?

4 [15.13.40]

5 A. Yes, it was in 1976, I confused, <since it is now in 2015,> I
6 may have said wrongly. It was in <either> mid-1976 or <early>
7 1976.

8 Q. Okay, thank you. So, I want to direct your attention back now
9 to your time at the dam worksite and I want to ask you about a
10 location called Veal Ta Kuy (phonetic), if I'm pronouncing that
11 correctly. Can you tell us what that place was and what it was
12 used for during your time at the worksite?

13 A. Veal Ta Kuy (phonetic) was the <paddy> field and the
14 agriculture was done at that place in Veal Ta Kuy (phonetic). <It
15 was located just beyond the reservoir>. Corpses of members from
16 mobile units were buried in that Veal Ta Kuy (phonetic). All
17 corpses were not buried in one major or big pit. Those bodies
18 were buried this and there <individually>.

19 Q. So how far was Veal Ta Kuy (phonetic) from the place where you
20 normally worked on a daily basis, how many meters or whatever
21 away was it?

22 A. Regarding Veal Ta Kuy (phonetic), it was close to the base of
23 Trapeang Thma Dam worksite. The reservoir on one side and close
24 to it was Veal Ta Kuy (phonetic).

25 [15.15.49]

1 Q. And you've mentioned that corpses of mobile unit workers were
2 buried there. How do you know that, how do you know that corpses
3 were buried there, did you see it, did someone tell you, did you
4 learn about it in some other way?

5 A. I was going to relieve myself at the time<, I saw the cracking
6 pits> and I smelt the odour <coming from the cracking pits and so
7 I concluded that people had been buried there>.

8 Q. And so did this happen on only one occasion that you went to
9 relieve yourself and smelt the smell or did this happen on a
10 regular basis?

11 [15.16.49]

12 A. It happened only once. I <then never> went to relieve myself
13 <> there <again>. And after that time, I <> went <to relieve
14 myself at the place where my platoon dug the soil>. And as I
15 mentioned during that time, there were only improvised latrine,
16 the pit that we dug deep perhaps one meter deep with two sticks
17 on top and we could squat and relieve ourselves. <From then on, I
18 never went there again. I just relieved myself at a new place
19 where we dug our own pit. I was afraid to go there again since I
20 myself could also end up in the field if they happened to know
21 what I had done in the previous regime.>

22 Q. Did you ever personally witness anyone being killed at Veal Ta
23 Kuy (phonetic) or elsewhere?

24 A. No, I <did not>.

25 Q. Okay,

1 thank you. Sir, I'd like to ask you a little bit about arrests
2 in your unit. Are you aware of any workers ever being arrested or
3 disappearing for any reason?

4 A. No. No one disappeared from my unit, but some of them fled
5 <from> the unit and went back to their homes in <their
6 respective> cooperatives.

7 Q. And what about outside your platoon, are you aware of any
8 workers outside your platoon being arrested?

9 A. <I did not know what happened to others>. I minded only what
10 happened within my unit. We <slept> in different <quarters; so> I
11 do not know <> whether there were arrests in <other> units.

12 [15.19.05]

13 Q. I'd like to read to you another passage from your interview
14 with the DC-Cam, the documentation centre and the cite for this
15 is English, 00726119; Khmer, 00057739; and French, 00743249. And
16 you were being asked generally about arrests and disappearances.
17 The question to you was, "Had people been notified before they
18 were taken?" And this was your answer: "Even people who had
19 worked next to each other did not know. Only after they had been
20 taken, did we know it. For example, you were told that you've
21 being transferred to work in another squad, and you respond let's
22 do it in the morning, they would not agree. They would order you
23 to go right away at that night. They asked for the person's
24 clothes, and immediately after the person had left the hall, he
25 or she was arrested." So in that answer there are number of

1 details. It's based on a ruse of a transfer to a new unit, they
2 ask for the person's clothes, they talk about leaving the hall;
3 does any of that refresh your memory about something that you may
4 have seen or heard about at the Trapeang Thma Dam worksite?

5 [15.20.56]

6 A. Regarding the disappearances, members were removed from one
7 particular unit and placed in another unit. For example, <Comrade
8 Bo (phonetic), my battalion chief,> was removed and reassigned to
9 live in another unit. <However, after his transfer, he just
10 disappeared completely.> And from my assumption, perhaps he may
11 have died because I have never seen him <again>.

12 Q. Did you ever see him at any time after he was supposedly
13 transferred to this new unit?

14 A. No, I have never seen him <again> after that time. <He just
15 disappeared completely.> I do not know where he went. <And
16 immediately after that,> the Southwest Zone cadres came to
17 replace the previous cadres, and I could assume that he
18 disappeared.

19 Q. And either of those other details from this DC-Cam statement,
20 does that apply to what happened to Mam, did he leave the hall,
21 was he asked to leave his clothes behind?

22 A. <He did not leave his clothes behind. He put his things in the
23 bag, and left. He was bringing along the bag as if he was moving
24 to a new location. He was not required to take off his clothes.
25 He was requested to leave comfortably. But I do not know what

1 happened to him after he had left>.

2 [15.22.59]

3 Q. And did he go by himself or was he taken away by some people
4 for this new assignment?

5 A. He went by himself at that time. He told me that he <had been
6 removed, and relocated elsewhere> and he left <by himself with
7 his backpack. When he was leaving, I was also going out to work;
8 so I do not know what happened to him, but he just> disappeared.

9 Q. Okay. I want to ask you just one more thing about your DC-Cam
10 interview and this follows immediately after the portion I just
11 read to you. You were asked were the ones who came to take people
12 were civilians or soldiers and you said, "Generally speaking,
13 they had black uniform and carried rifles. This was the uniform
14 of their soldiers." Does that refresh your memory about people
15 with black uniforms and rifles ever taking people away?

16 A. I have never seen these people.

17 [15.24.26]

18 MR. FARR:

19 Thank you, Mr. Witness. Mr. President, no further questions.

20 MR. PRESIDENT:

21 Thank you <>. The floor is now given to the defence teams for the
22 Accused. First begin by the defence team for Mr. Nuon Chea, you
23 may now proceed.

24 QUESITONING BY MR. KOPPE:

25 Q. Thank you, Mr. President. Good afternoon. Good afternoon, Mr.

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1 Witness. I would like to ask you first a question about the
2 period before 1975. You said that you joined the Lon Nol military
3 in 1972 and that you, at one point in time, became a corporal;
4 did I understand that correctly?

5 MR. TAK BOY:

6 A. Before 1975 -- in 1972, I may say, I was <> not a corporal but
7 <a buck> private.

8 Q. In the English translation, I heard -- maybe I heard it
9 wrongly -- sergeant or did you say something else.

10 [15.26.26]

11 A. I was a private at that time. I did not hold any rank of
12 corporal.

13 Q. And what were your duties as a private in the Lon Nol army,
14 what was it that you did, were you involved in active combat
15 against the Khmer Rouge?

16 A. I have told <the Court> already, I was a private. I
17 participated in the battlefield two or three times at the
18 district <of Phnum Srok>.

19 Q. Sorry, I didn't hear the answer but now I've been briefed by
20 my colleague. Thank you. So did I understand correctly that you
21 were involved in active combat, that you were actually fighting
22 Khmer Rouge soldiers, you were firing arms, etc.?

23 A. Yes, I was in active combat.

24 [15.28.27]

25 Q. Did you, during that active combat, kill Khmer Rouge soldiers?

1 A. I did not know at that time whether the bullet hit the
2 opposing party and I do not know whether the bullets that I shot
3 hit the target. <We were firing each other from a distance
4 between 200 and 300 metres.>

5 Q. Did I understand you correctly that you were stationed in
6 Phnum Srok district? And if yes, was that during your whole time
7 as a Lon Nol soldier?

8 A. Yes, that is true.

9 Q. When you were a soldier between '72 and 1975, have you ever
10 witnessed captured Khmer Rouge soldiers being decapitated --
11 their heads being decapitated?

12 A. No, I have never seen such incident.

13 Q. In your biography that you were obliged to make after 17 April
14 1975, did you indicate that you had held a small position within
15 the Lon Nol army?

16 A. I filled in the biography that I was a former Lon Nol soldier,
17 but I <lied to them that I was not in the army> for a long period
18 of time. <As mentioned, I was actually a soldier between 1972 and
19 after 17 April, but I was lying to them.> And <at> the beginning,
20 I was a guard and then I became a private. After 17 of April
21 1975, I was <trying to conceal> my biography <by saying that I
22 was a soldier only> for a short period of time <>.

23 [15.31.47]

24 Q. Let me read to you what you have stated to DC-Cam, Mr.
25 Witness, and then I will ask your reaction; that is on English

1 ERN, 007261111; French, 00743240; and Khmer, 00057730. You stated
2 as follows: "At that time, I wrote that I also had joined the
3 army but I held a small position. Under his supervision a chief
4 asked me. I told him that I was a soldier for three months. A new
5 chief came and he started screening my background again. I wrote
6 him that I was a soldier for one month prior to peace. When
7 another new chief came I wrote that I had been in a village
8 self-defence unit." Now does this refresh your memory? Is this
9 what you wrote in your various biographies after 17 April 1975?
10 A. Yes, I wrote <that. As> I told you, I was a soldier for
11 <three> months. And thereafter the first chief was replaced by
12 another, <I wrote that I had been part of a commune self-defence
13 unit. And after the chief disappeared, I became an ordinary
14 villager. I agree to what you said>.

15 [15.34.03]

16 Q. But if I understood correctly, earlier this afternoon you said
17 that, "if it was found out, Lon Nol soldiers would be killed."
18 But you yourself, although having minimised it, but you yourself
19 had written in biographies that you were, that you had been in
20 fact a Lon Nol soldier. So can you explain that to me? Why was it
21 that you apparently weren't killed because you were a Lon Nol
22 soldier?

23 A. <Yes,> I was not executed because I was under the
24 administration of the people from the Northwest Zone and since I
25 was a soldier only <for> a short period<. And I told them that my

1 situation was like the oxen in the yoke, like or not, I had to
2 move forwards when I was beaten; and that> I did not know <what
3 was going on>. And after the people of the Southwest Zone arrived
4 I became an ordinary citizen <in order to conceal my background>.

5 Q. I'm not quite sure if I understand correctly. You did say that
6 you had been in the Lon Nol army, albeit for a brief period.
7 Apparently that was known. And apparently you were unharmed
8 despite that knowledge. Is that how I have to understand it?

9 [15.36.14]

10 A. As I said initially, during that period, I was under the
11 supervision of people of the Northwest Zone<; particularly, they
12 were the people from my area, village or commune who were in
13 charge. As I said if> I hadn't concealed my biography, some
14 <accidents> or something unfortunate would have happened to me.
15 Following the arrival of the people of the Southwest Zone I
16 concealed my identity and my biography.

17 Q. Very well, Mr. Witness. I will now move on to another subject,
18 that is Ta Val. You testified earlier that he was a cruel and
19 frightening man. You are not the only witness who uses such
20 qualifications. Do you remember being relieved that he was
21 arrested sometime in June '77?

22 [15.37.52]

23 A. No, I was not relieved. Because after <Ta Val> was arrested,
24 people from the Southwest Zone came to power. So I was still in
25 an atmosphere or climate of fear. I was afraid of being killed

1 because I didn't know when my turn would come. So all I did was
2 to leave no stone unturned to work, and I worked with devotion
3 because I had been a soldier of the Lon Nol army <backed by the
4 US> in the past. <I still remember my military ID to the
5 present.>

6 Q. In your statement to DC-Cam, Mr. Witness, English, 00726114;
7 French, 00743244; and Khmer, 00057734; you stated as follows:
8 "Those members of companies with close link to Ta Val and his
9 direct subordinates disappeared. However, those company chiefs
10 who were not close Ta Val survived." Can you expand a bit on this
11 answer? Why was it that people who were close to Ta Val were
12 arrested and the other ones were left unharmed?

13 A. In my prior statement, I <said> that when Ta Val was arrested
14 those close to him were also arrested. And those who were not --
15 those who were close to Ta Val fled, some of them fled to avoid
16 being arrested.

17 Q. But were you yourself close to Ta Val?

18 A. No. I was very far removed from Ta Val; I was not close to him
19 at all.

20 [15.41.06]

21 Q. So then would it then be fair to say for me that considering
22 your own answer, you yourself didn't fear arrest because you
23 weren't close to Ta Val?

24 A. I was not close to Ta Val. Those who were close to Ta Val were
25 arrested, that is those that associated with him, those in his

1 entourage, who ate with him, whereas I wasn't that close to him
2 so I didn't have to be afraid of arrest. As a matter of fact, I
3 was rather afraid of my past as a former Lon Nol soldier.

4 Q. I understand, Mr. Witness. How did you come to observe that
5 those close to Ta Val were arrested? Did you see that with your
6 own eyes or did you hear that? How did you acquire the knowledge
7 that people close to Ta Val were arrested?

8 A. <Those> subordinates <who> went back and forth <to report Ta
9 Val were also arrested> when Ta Val was arrested<. Some of them
10 managed to flee>. They left their <respective mobile units> and
11 just vanished. <This is only my assumption.>

12 Q. And do you remember who these people were?

13 [15.43.40]

14 A. <Since it> happened a long time ago<, I no longer recall it>.
15 The <clique of Comrade> Sreh also fled, I do not know whether
16 they are still alive or not. So it is difficult for me to give
17 you any precise details on that subject.

18 Q. Did these close links to Ta Val or his direct subordinates
19 flee to Kaun Khlaeng Mountain?

20 A. I am not sure of that. I do not know where they fled to. Those
21 subordinates following Ta Val's arrest fled. They were his
22 right-hand men and I am unable to tell you exactly where they
23 fled to.

24 Q. Now have you heard at a time or maybe later what the reason
25 was that Ta Val and his close or his direct subordinates were

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1 arrested? Why was it that they were arrested?

2 A. To tell you the truth, I learnt about it from the intermediate
3 of the battalion chief. When Ta Val was arrested<, some people
4 who were close to him> fled. So I heard about it from the
5 battalion chief.

6 Q. Was Ta Val arrested or were his subordinates arrested because
7 they had committed a crime or they had done something wrong? Do
8 you know?

9 A. I have no idea of that. Ta Val's close <associates> were
10 arrested.

11 Q. There is a unit leader in the mobile unit who has testified to
12 investigators and has said that Ta Val was ultimately killed
13 because Ta Val himself was also a killer. Is that something that
14 you have heard?

15 [15.47.39]

16 A. I do not know why he was arrested. All I know is that he was
17 arrested. He was indeed <a chief> executioner because he issued
18 orders to his immediate subordinates. So I am unable to tell you
19 the reasons why he was arrested <, how he was arrested or how he
20 was killed>.

21 Q. Just for completeness' sake, Mr. President, I was referring to
22 a statement of a witness in E3/7805, English ERN, 00277815;
23 Khmer, 00267743; and French, 00315174.

24 MR. FARR:

25 And Your Honour, I just -- in light of Counsel's comment, I would

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1 just make one comment for the record as well, that same statement
2 at English ERN, 00277817; Khmer, 00267746; French, 00315177; says
3 that Ta Yun who came from the Southwest arrested and killed many
4 people. And Ta Yun was Ta Val's replacement. For the completeness
5 of the record, Ta Val the killer, was replaced by someone this
6 witness also describes as a killer.

7 [15.49.34]

8 QUESTIONING BY MR. KOPPE:

9 I think the Prosecution is now arguing. I was referring
10 specifically to Ta Val, and I was speaking about Ta Val. Whether
11 his replacement was involved in something else is, I don't think,
12 at this stage relevant. It says here clearly he was killed during
13 the Khmer Rouge era because he was also a killer.

14 Q. Anyway, Mr. Witness, have you ever heard of Ta Val and his
15 subordinates being involved in starting an armed rebellion
16 against the Khmer Rouge?

17 MR. TAK BOY:

18 A. I am not aware of that. I do not know whether there was a
19 rebellion. All I know is that Ta Val was arrested and that
20 subsequently <Ta> Yun came to take over from him to control and
21 supervise the work on the Trapeang Thma Dam worksite.

22 [15.51.04]

23 Q. Thank you, Mr. Witness. Now earlier this afternoon you were
24 testifying as to targeting of people of Chinese ethnicity. You
25 also referred to this in your DC-Cam statement. But can you be a

1 little more specific? How do you know that people who had a
2 Chinese background were arrested? And where did this happen and
3 when? How did you find that out?

4 A. People who <had been evacuated from Phnom Penh> were relocated
5 to that region, there was a search for people of Chinese and
6 Vietnamese origin. And I said a while ago that only the husbands
7 were arrested and they were sent to work somewhere else, and
8 ultimately they also led away women and children. <So all of them
9 were eventually taken away by trucks>. That's it, I cannot tell
10 you any more than that.

11 [15.52.47]

12 Q. Let's leave the Vietnamese descent of people who were arrested
13 aside. Let's just focus on what you said about people with a
14 Chinese background. In your DC-Cam statement, 00726113, in
15 English; and in French, 00743242; and Khmer, 00057732; you said
16 and I quote you as follows: "A person would not be spared of his
17 or her life when they knew that he or she had Chinese or
18 Vietnamese blood. When she was young my wife had a fair
19 complexion and she was alleged a Sino-Khmer. She was not a
20 Sino-Khmer, but her father was from Takeo, or maybe he had
21 Chinese lineage." Can you expand on this targeting of people with
22 Chinese lineage? Where did you hear this? What did you
23 experience? Can you give me any explanation?

24 A. That was in 1978. I was <a youth and I requested to get
25 married>. At the time, the term "proposed" was used or rather

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1 asking for a person's hand in marriage. <The term is equivalent
2 to the current term of "getting engaged". My battalion chief, Ta
3 Nin (phonetic) who> was a soldier <from> the Southwest Zone, and
4 when Ta Nin (phonetic) was withdrawn, he was in charge of the
5 fisheries section where my wife was working. And he said -- I
6 asked for my wife's hand in marriage. My wife was very fair in
7 complexion and it was said that she was of Chinese origin. <I
8 then told Ta Nin that> she was not really of Chinese origin<, but
9 she was from the same village as mine. I told him that if he
10 wanted to> investigate further <he> would find that that is the
11 case and <he would> be able to ascertain her real <Khmer>
12 origins. That is why I said that people of Chinese origin were
13 targeted.

14 [15.56.04]

15 Q. If I understand it correctly, you are using an example of what
16 might have happened in an encounter with your wife. However, in
17 your statement you said, at the same page that I just mentioned,
18 "truckloads of alleged Chinese were taken to be smashed". What
19 made you say that? What is the source of your knowledge that
20 "truckloads of alleged Chinese were taken to be smashed"?

21 A. I <said> so because once they were put on board the trucks and
22 led away, those persons never returned. And so I inferred from
23 that they had been led away to be executed or imprisoned. That
24 was an assumption on my part.

25 MR. PRESIDENT:

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1 I have informed you of your duty, your obligation to tell the
2 truth and nothing but the truth. You are supposed to answer <from
3 what you have observed, seen, heard, and experienced> in respect
4 of facts stated in the questions. You do not have the right to
5 make assumptions. We do not need your assumptions <as they are
6 not helpful to ascertain the truth>. So let me point this out to
7 you. If you do not know the answer to a question, just say that
8 you do not know the answer and limit yourself only to what you
9 were aware of.

10 [15.58.06]

11 BY MR. KOPPE:

12 Thank you, Mr. President. Maybe one last question on this
13 subject.

14 Q. Mr. Witness, I am asking you these questions because I don't
15 think I have read anywhere or heard anywhere that ethnic Chinese,
16 truckloads full of them were taken to be smashed. Is this
17 something that you might have made up?

18 MR. TAK BOY:

19 A. No, that is not a figment of my imagination. I prefer to say,
20 as the President has pointed out a while ago, all I can say is
21 that I saw these people put on board trucks and led somewhere
22 else, and I can't tell you any more than that. <This is the
23 shortest and most comprehensible I can tell you.>

24 Q. Then maybe my very last question. How did you know that these
25 people in the trucks were Chinese?

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1 [15.59.19]

2 MR. FARR:

3 Your Honour, just for the clarity of the record, it's a bit
4 unnatural. The sentence in the statement is that they were
5 Chinese and Vietnamese. Repeatedly asking the witness only about
6 one half of the statement -- sentence, missing a word in the
7 middle, I think is likely to cause confusion.

8 MR. KOPPE:

9 That's not correct, Your Honour, because he is talking about
10 Chinese people all the time, he is talking about his wife, he is
11 talking about truckloads of Chinese. A little further down--

12 [15.]

13 MR. FARR:

14 Your Honour, the statement is "truckloads of alleged Chinese and
15 Vietnamese persons were taken to be smashed". The word Vietnamese
16 occurs immediately after Chinese. That's just not accurate.

17 BY MR. KOPPE:

18 Yes, but I will be asking about the Vietnamese. Now I am
19 interested in the Chinese part of that apparent truckload. I
20 think I can make that distinction.

21 Q. So, Mr. Witness, the people that you saw -- you said you saw
22 on that truck, who according to you were Chinese, how did you
23 know that these people were Chinese?

24 MR. TAK BOY:

25 A. I learnt of this from my neighbours who told me that people of

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1 Chinese origin had to be grouped together. <The search could be
2 conducted by the> village militia<, the cooperative chief, or the
3 village chief regarding the round-up of the people with Chinese
4 origin. I did not know how and what criteria they used in this
5 regard. I just saw> women and children <> prepare their
6 <belongings and> bags to board these trucks, and I don't know
7 where they went <exactly>.

8 [16.01.21]

9 MR. PRESIDENT:

10 Thank you, Mr. Koppe. Thank you, Mr. Witness. It is now time for
11 the adjournment. The Chamber will adjourn the hearing from now on
12 and it will resume tomorrow the 20th of August 2015, at 9 a.m.
13 And it will continue to hear witness, Tak Boy, and then we will
14 start to hear 2-TCW-841. Please be informed.

15 Thank you, Mr. Tak Boy. The hearing of your testimony as a
16 witness has not come to a conclusion yet. You are therefore
17 invited to be here once again tomorrow at 9 a.m. You may now be
18 excused.

19 Court officers with WESU unit, please send Tak Boy back to the
20 place where he is staying at the moment and please invite him
21 back into the witness stand tomorrow at 9 a.m.

22 Security personnel are instructed to bring the two Accused, Nuon
23 Chea and Khieu Samphan back to the ECCC detention facility and
24 have them returned back into the courtroom before 9 a.m. The
25 Court is now adjourned.

1 (Court adjourns at 1602H)

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