



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 August 2015

Trial Day 312

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

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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHHIT Yoeuk (2-TCW-937)	English
Mr. CHHUM Seng (2-TCW-828)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SREA Rattanak	Khmer
Mr. VERCKEN	French

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 And today the Chamber will hear the testimonies in relation to

6 Case 002, and the Chamber will hear the testimony of Mr. Chhit

7 Yoeuk, and after which we will continue to hear 2-TCW-828.

8 I would like to inform all Parties that in today's proceeding and

9 the following days, Judge You Ottara, National Judge, will be

10 absent due to his personal duties. After the deliberation and

11 discussion with the Bench, I assign Judge Thou Mony, National

12 Judge to replace Mr. You Ottara, until he is available to perform

13 the duties before the Trial Chamber. This decision is based on

14 Internal Rule 79.4 of the ECCC.

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

16 other individuals at today's proceedings.

17 THE GREFFIER:

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

19 are present. As for Mr. Nuon Chea, he is present in the holding

20 cell downstairs. He has waived his right to be present in the

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

22 witness who is to testify today is Mr. Chhit Yoeuk. The witness,

23 together with the duty counsel, are all before the Chamber. And

24 we have a reserve witness, 2-TCW-828. To his best knowledge,

25 2-TCW-828 is not related to the two Accused, Mr. Nuon Chea and

2

1 Khieu Samphan, or to any of the civil parties admitted in this
2 case. The witness will take an oath before the Iron-Club Statue
3 before he appears before the Trial Chamber. And as I informed
4 Your Honour, he has the duty counsel Mr. Duch Phary with him.
5 [09.04.44]

6 MR. PRESIDENT:

7 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
8 request by Nuon Chea. The Chamber has received a waiver from Nuon
9 Chea dated 17 of May (sic) 2015, which states that due to his
10 health, that is headache, back pain, and he cannot sit or
11 concentrate for long and in order to effectively participate in
12 the future hearings, he requests to waive his rights to
13 participate in and be present on at 17 May -- of August 2015
14 hearing. He advised -- Having seen the medical report of Nuon
15 Chea by the duty doctor of the Accused at the ECCC, dated 17 of
16 August 2015, who notes that Nuon Chea has a chronic back pain
17 when he sits for long, and recommends that the Chamber shall
18 grant his request so that he can follow the proceeding remotely
19 from the holding cell downstairs. Based on the above information
20 and pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
21 grants Nuon Chea's request to follow today's proceedings remotely
22 from a holding cell downstairs via an audio visual means.
23 AV technician are instructed to link the proceeding to the room
24 downstairs so that he can follow the proceeding. That applies for
25 the whole day.

3

1 The Chamber now gives the floor to the defence teams for the
2 Accused. First, you may now proceed, defence team for Mr. Nuon
3 Chea.

4 [09.06.42]

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President. Good morning, Your Honours. Good
7 morning, Counsel and good morning to you, Mr. Witness. I have a
8 few follow up questions for you in relation to what you testified
9 to last Thursday in this courtroom. I would like to start asking
10 you some questions about Ta Val and Ta Hoeng. You gave a brief
11 description of Ta Val; I would like to ask you to be a little bit
12 more detailed about him, about his personality. What do you
13 remember about Ta Val?

14 [09.07.39]

15 MR. CHHIT YOEUK:

16 A. What I could recall is that he had awkward speech. As for Ta
17 Hoeng, I believe he was very gentle and I did not know his --
18 their demeanours besides this.

19 Q. Do you recall where Ta Val was from originally?

20 A. From what I heard it was said that he was from Kampong Cham
21 province.

22 Q. What about his political views, do you recall anything of
23 that?

24 A. I could not recall it. I did not pay any attention to this
25 matter. I would do the assignment that I was instructed to do.

4

1 [09.09.13]

2 Q. Mr. Witness, allow me to maybe refresh your memory a bit by
3 reading some excerpts from your statement to the investigator of
4 DC-Cam. Document E3/9008, English pages, 00731123 and 24; and
5 Khmer pages, 00728796 and 797. To the investigator of DC-Cam, you
6 said that everybody knew Ta Val. Ta Val was a mean person,
7 absolute in his stance, that he might have been a teacher and
8 that at times, at the Trapeang Thma Dam worksite he spoke French
9 with Hoeng. Does that somehow recollect -- refresh your memory,
10 Mr. Witness?

11 [09.10.41]

12 A. From his speech I could say that he was a mean person and we
13 were afraid of him, and as I said, he had awkward speech.

14 Q. What about his French, his conversations with Ta Hoeng?

15 A. I do not know about that. I could not say about that. If one
16 individual said that he could speak French, I could not say
17 anything about this.

18 [09.11.49]

19 Q. Let me read the literal excerpt from your DC-Cam statement,
20 Mr. Witness. English, 00731124; Khmer, 00728798; and French,
21 01123720.

22 Question: "How about the way he spoke?"

23 And then you answer, "Well, he was absolute."

24 "Absolute?"

25 "According to his behaviour and speech, he might be a teacher."

5

1 Question: "A teacher?"

2 "Yes because he spoke French with Ta Hoeng; Ta Hoeng was a
3 professor from Phnom Penh."

4 "Did he speak French when he met Ta Hoeng?"

5 "Yes", you answer, "yes he spoke French when he walked."

6 Question: "Did you ever hear him speak French with Ta Hoeng?"

7 "They spoke. I sometimes walked behind them to monitor people
8 building the dam, and what they did not want us to hear about
9 they spoke in French."

10 Having just read a small excerpt from your DC-Cam statement, Mr.
11 Witness, does that refresh your memory somehow?

12 A. That is what I said. I was not able to hear his speech very
13 clearly because he was quite away from me.

14 Q. Mr. Witness, both Hoeng and Ta Val were described as
15 intellectuals. And there's one witness who will be testifying
16 this week who actually called Ta Hoeng a top intellectual. Is
17 that your recollection as well?

18 A. I heard people say that. It was said that he was one of the
19 top intellectuals, and I did not know his level of education.

20 [09.14.25]

21 Q. Very well. You also, Mr. Witness, testified last Thursday that
22 at one point in time you got demoted by Ta Val, you were fired or
23 removed, and you had to be in charge of collecting fertilizer
24 number 1, as you called it. I'm not quite sure if I heard you
25 explain the reasons for this demotion. You said, I believe, that

6

1 you dare not ask. But have you maybe heard from others why Ta Val
2 demoted you?

3 A. I did not know at that time what mistakes I committed. I was
4 assigned to carry the first grade fertilizer. I did not dare to
5 ask them any question why I was demoted.

6 Q. But have you heard later, once Val had been arrested and did
7 not work any longer at the dam, have you heard later from other
8 people why Ta Val demoted you?

9 A. Some people said I was the son of the deputy chief of a
10 village, and I did not know what mistakes I committed.

11 [09.16.43]

12 Q. Very well. Let's now move to the arrest of both Ta Val and Ta
13 Hoeng as well as others. What is it that you recall of these
14 arrests? Let us start with a month in a year. Do you remember
15 when their arrests took place?

16 A. I am not quite sure about the dates. From my recollection
17 perhaps the arrests happened in late 1977 or early 1978. I could
18 not recall the year very clearly.

19 Q. If I tell you it was June 1977, does that jog your memory?

20 A. I could not tell you, I could not recall it exactly. It
21 happened a long time ago and I did not care to think of this.

22 Perhaps the arrest was made in mid-1977 or late 1978, or it could
23 be in early 1978.

24 Q. Do you recall how many days or how many weeks were lying
25 between the moment that you got demoted by Ta Val and the day

7

1 that Ta Val himself was arrested?

2 A. It happened in the rainy season in 1976 from my recollection.

3 [09.19.21]

4 Q. I understand it's difficult to remember exact months and days,
5 it's a long time ago, Mr. Witness. But my question was as to the
6 period of time between Ta Val's arrest and your demotion earlier,
7 was it a month, was it a few weeks, was it two months, do you
8 recall?

9 A. From my estimation, it was about seven or eight months before
10 the arrest.

11 Q. Just to assist you a bit Mr. Witness, it looks like people
12 started working at the dam, the Trapeang Thma Dam in February
13 1977. Ta Val was arrested in June 1977. Were you demoted in the
14 period between February '77 when everybody started working and
15 the day of the arrest in June '77? Was it somewhere in between?

16 A. I am not able to recall it, I forget it. I cannot recall it
17 well. And as you know at that time there was no calendar.

18 Q. Very well, Mr. Witness. Do you recall who it was that arrested
19 Val and Hoeng?

20 A. Regarding the arrest of Ta Val and Ta Hoeng, I did not know
21 who came to arrest them. We were in a mobile unit and people said
22 they disappeared. I did not know who came to arrest them.

23 [09.22.04]

24 Q. Do you recall any connection between the arrival of people
25 from the Southwest Zone or the East Zone and the subsequent

8

1 arrests of Val and Hoeng?

2 A. At that time, the Southwest Zone cadres came to replace the
3 previous cadres from the East. I did not know clearly what
4 happened because there were no proper meetings held. After the
5 replacement of the cadres we were silent.

6 Q. Do you recollect the arrival of cadres from the East Zone in
7 Sector 5?

8 A. From my estimation it was in mid-1977 or perhaps it was almost
9 in late 1977.

10 Q. But my question, Mr. Witness, was whether you recollect any
11 thing about the arrival of cadres from the East Zone?

12 A. I am not able to recall the date of their arrival. After they
13 had arrived at the place, no one said they were from the East.
14 But later on, I heard that those cadres were from the East. East
15 Zone cadres had arrived at the place two months before the
16 Southwest Zone cadres came.

17 [09.24.41]

18 Q. Do you recall anyone specific, any East Zone cadres who had
19 come to the Northwest Zone?

20 A. There was Ta Yoan working at the Trapeang Thma Dam and Ta Rin
21 or Ta Ry (phonetic).

22 Q. But were they from the East Zone or were they from the
23 Southwest Zone?

24 A. They were from the Southwest Zone.

25 Q. How about a person with the name Tuy; does that ring a bell?

1 A. Yes. Tuy was from the East.

2 Q. And do you remember what was Tuy's job? Why was he sent to the
3 Northwest Zone? What did he do, do you remember?

4 A. I cannot recall it because after he had arrived at the place,
5 he did not hold any meeting. And later on I did not know where he
6 went.

7 [09.26.42]

8 Q. Do you recall how long it was before or after Ta Val was
9 arrested when the Southwestern Zone cadres came? Do you remember
10 seeing them for the first time or hearing about their arrival for
11 the first time?

12 A. I have told you already, cadres from the Southwest Zone
13 arrived at that place in mid-1977 and I cannot tell you the exact
14 day, month of that year.

15 Q. But do you recall whether they came in groups or did they come
16 one by one, or -- what is it that you remember?

17 A. They came in groups at that time. For example cadres in mobile
18 units, they came together in groups. And the same applies to
19 other squads or units.

20 [09.28.17]

21 Q. Mr. Witness, let me read to you an excerpt from your own
22 statement, the statement that you gave four years ago to
23 investigators of DC-Cam. Same document as before, Mr. President.
24 English ERN, 00731135; French, 01123729 and 30; and Khmer,
25 00728815 and 16. So, Mr. Witness, I'm going to read a small

10

1 excerpt from your own statement four years ago, and then I will
2 ask you if it's correct, yes or no.

3 Question: "What month was it that Ta Val was arrested?"

4 And then you answer, "That was probably in June."

5 "In June '77?"

6 "Yes."

7 "Did Southwestern people come when Ta Val was arrested?"

8 And then you answer, "They came one by one."

9 "One by one?"

10 "They did not come altogether until Ta Val was arrested."

11 Question: "Okay, so did only people from South Western Zone come
12 to this area?"

13 And then you answer, "Well, first people from Eastern Zone came

14 but later they were arrested. There were many steps and many

15 groups of people. I forgot the name of someone from the East

16 Zone. He was in charge of the regional mobile brigade. His

17 assistants were educated, they held the "Bac 2" certificate. He

18 looked young but then he disappeared. Oh, I remember him. His was

19 Tuy. He took overall charge of this work. I did not know whether

20 or not he was arrested, but he disappeared. After this moment

21 Southwestern Zone people came to control the area."

22 Having read this to you Mr. Witness, does that somehow refresh

23 your memory?

24 [09.30.43]

25 A. Later on, he disappeared. And as I said the cadres from the

11

1 Southwest Zone came to replace him. At first cadres from the
2 Southwest Zone came in four or five, in a group, and later on
3 they came together.

4 Q. But is it correct when I say that the Southwest Zone cadres
5 came one by one, maybe four or five as you say, before Ta Val was
6 arrested?

7 A. Yes. Before the arrest of Ta Val, sometimes they arrived one
8 by one, sometimes they arrived in a group of four or five, and
9 later on they came in large groups.

10 Q. Now, Mr. Witness, you yourself stated to DC-Cam that Ta Val
11 was a mean, absolute, cadre. Other witnesses before DC-Cam have
12 testified that Val was a vicious killer. Do you recall being
13 relieved at the time of Ta Val's arrest?

14 [09.32.39]

15 A. Whether he was a murderer or not, I cannot say about that. I
16 could say he was a mean person. He was killer or not, I do not
17 know about that. I was quite young at the time.

18 Q. Let's now go to Ta Hoeng, who was also arrested at about the
19 same time, you gave testimony last Thursday, questions from the
20 Prosecution that at one point in time, Hoeng was replaced by Ta
21 Rin. But that, if I understand correctly, before Rin assumed
22 power there was an interim leading person, Ta Cheal; is that
23 correct?

24 A. Yes that is correct.

25 Q. Let me ask you first a few questions about Ta Cheal. What is

12

1 it that you remember from him?

2 A. With regard to Ta Cheal, I do not recall anything I never
3 worked with him. I only knew that he was appointed on a
4 provisional basis in charge of Sector 5?

5 Q. Do you remember who his father was?

6 A. Ros Nhim.

7 [09.34.53]

8 Q. Do you know who Ta Cheal's wife was?

9 A. That I do not know. I do not know other people's -- Ta Hoeng's
10 or other people's wife. But I only knew that he was Ros Nhim's
11 son.

12 Q. If I told you that Ta Cheal was married to the daughter of the
13 leader of the East Zone, So Phim, does that somehow jog your
14 memory?

15 A. I do not know and I cannot recall because they were in the
16 upper echelon. And whoever he or she got married to, we were in
17 the below structures, we were not aware of.

18 [09.36.10]

19 Q. Very well, Mr. Witness. Let's now turn to the person who
20 replaced Hoeng, Ta Rin. You were briefly asked some questions
21 about him by the Prosecution last Thursday. In your DC-Cam
22 statement, you said that when Rin replaced Val "everything
23 changed". What exactly did you mean when you said to the DC-Cam
24 investigator that everything changed when Ta Rin came?

25 A. In terms of the change, the situation at that time was

13

1 chaotic, I did not keep abreast of the situation. So at that time
2 when the Southwest Zone cadres arrived, all of us were rather
3 terrified back then.

4 [09.37.33]

5 Q. Let me read a small excerpt from your DC-Cam statement to you
6 about this Rin. Same document, Mr. President. English ERN
7 00731140, French 01123733, and Khmer 00728823 and 24. So, Mr.
8 Witness, the DC-Cam investigator asked you four years ago to
9 describe Rin and then you say:

10 "Yes, he was polite."

11 Question: "How was his speech?"

12 And then you answered, "Polite."

13 Question: "Did he stay at Trapeang Thma overnight or come back in
14 the evening?"

15 "Sometimes he stayed overnight among the regional committee. I
16 think he was different from others, he was thorough and just."

17 Question: "Just?"

18 "For example," you answer, "when we butchered a cow, we had to
19 make sure that everyone got the meat, he even checked every bag
20 of fish in the warehouse. He was afraid that we kept some for our
21 own. I was impressed by him."

22 "You liked Ta Rin?" -- question.

23 "Yes", you answered, "everybody admired him. But what was it for?
24 I didn't know what mistake he made. But in reality, he would
25 blame anybody who brought more rice."

14

1 Now, what you said, Mr. Witness, in a question from the DC-Cam
2 investigator, that he was thorough and just and that you were
3 impressed by him. You gave an example, but can you be more
4 specific, why did you tell this to the investigator?

5 [09.39.47]

6 A. As you mentioned, as for the distributions of food supply or
7 anything, he would follow everything. In other words, he would
8 follow up whatever we did. He was a meticulous person, he would
9 try to understand whatever we did at that time, even if we, for
10 example, kill one buffalo and we had to share with others, he
11 would have to understand that.

12 Q. I understand, Mr. Witness. But I'm trying to understand
13 properly is on the one hand, you describe Val as mean and
14 absolute, and you describe Rin as thorough and just. Now there
15 seems to be, and if I'm mistaken please correct me, a
16 contradiction between the two. Can you expand a little further on
17 this?

18 [09.41.19]

19 A. For Ta Val, he was very thorough, very strict. When he oversaw
20 that, he was very meticulous. And as for Ta Rin, he was also
21 meticulous but he was in charge of economic affairs. He wanted to
22 make sure that it was equitably distributed at that times
23 whenever we had something to share.

24 Q. Let me formulate it differently my question, Mr. Witness. Did
25 anything change for the people who were working at the dam, in

15

1 terms of food rations, working conditions, when Ta Val -- or when
2 Ta Hoeng was replaced by Ta Rin, did anything change or is that
3 difficult to say?

4 A. It was not of much difference. But when he came, he supplied
5 regular food supplies. He ensures that if we had to give out
6 three cans of rice per person, then he would monitor that. But
7 there were sometimes when we did not actually have food either.
8 For example, whenever we were on the offensive on the
9 constructions of the dams then we would have access to three cans
10 of rice but during rainy seasons, we had less.

11 [09.43.34]

12 Q. Mr. Witness, some evidence would seem to suggest or at least
13 according to some witnesses that work at the dam became more
14 difficult or harsher when Ta Rin had arrived. I believe you just
15 said, there wasn't much difference. But when you try to recall
16 specifically, can you see any -- do you remember any change, any
17 distinction in the two regimes at the dam?

18 A. My understanding, there was not much change. During Ta Val
19 supervisions, we used to work at night as well but when Ta Rin
20 came, we did not work at night. But in terms of the condition of
21 work, it was not much difference because we had to dig and carry
22 soil and others had to do that altogether at that time. And we at
23 that time had to reinforce more labours in order to complete the
24 dams, but we could not eventually complete it.

25 [09.45.26]

16

1 Q. Mr. Witness, the question is now of course, if there wasn't
2 much difference in the working regime when Ta Val was in charge
3 and Ta Hoeng was in charge with the other period, what was then
4 the reason, if you know, for the arrests of Val and Hoeng?

5 A. That I did not know. To be frank with you, if you ask other
6 witnesses, the answer would be the same because at that time we were
7 down below the structure and we did not have any knowledge of
8 what was happening at the upper level.

9 Q. Well Mr. Witness, this question was actually asked to other
10 people who were in charge at a time at the dam. And they spoke
11 about Ta Hoeng and Ta Val being involved in collecting weapons in
12 order to start an armed rebellion. Does that ring a bell? I will
13 rephrase. I will rephrase, Mr. President--

14 MR. KOUMJIAN:

15 It's obviously as leading as you can get. Thank you.

16 MR. KOPPE:

17 Well, it's not leading in the sense that I first tried to
18 establish whether he knew himself anything about the arrests.

19 However, what I will do is I will read an excerpt--

20 [09.47.24]

21 MR. KOUMJIAN:

22 Your Honour, to tell a witness this is what some--

23 MR. PRESIDENT:

24 Please Mr. Koppe, rephrase the question. And Mr. Prosecutor,
25 please kindly wait for the reformulation of the questions before

17

1 your objections because he has indicated that he would rephrase
2 his question.

3 [09.47.57]

4 BY MR. KOPPE:

5 Let me go a little back. Did I just understand your answer
6 correctly when you said that you really didn't know something
7 about the reasons for the arrests of Ta Val and Ta Hoeng; is that
8 correct?

9 MR. CHHIT YOEUK:

10 A. That I do not know. I don't know the reason.

11 MR. KOPPE:

12 Having established this, I think now, Mr. President, I think I
13 would be entitled to read an excerpt from another witness and
14 then ask whether this will somehow jog this witness's memory. And
15 I'm intending to read the following excerpt, Mr. President.

16 MR. PRESIDENT:

17 Mr. Prosecutor, you may proceed please.

18 [09.48.58]

19 MR. KOUMJIAN:

20 Your Honour, this witness has clearly stated that he does not
21 know the reason for these arrests. To read someone else's
22 statement and say does this ring a bell, does this refresh your
23 recollection, is the definition of leading. It's suggesting to
24 the witness an answer. He can ask a witness, he's entitled, does
25 he know why Ta Val was arrested. He could confront him with

18

1 statements if this witness has made previous inconsistent
2 statements. But you cannot then read another witness, one cherry
3 picked frankly out of many, to say does this ring a bell to you,
4 does this remind you.

5 MR. KOPPE:

6 Mr. President, I think this is an entirely proper way of
7 questioning. I've tried to be open in my questions first and now
8 especially since this witness sometimes needs his memory being
9 refreshed, that happened already two or three times now with his
10 own statement. And now if I read an excerpt from another witness
11 then I think that is a proper way of questioning, and if he
12 doesn't know, he doesn't know. It's as simple as that.

13 (Judges deliberate)

14 [09.55.54]

15 MR. PRESIDENT:

16 Judge Claudia Fenz, you may proceed.

17 JUDGE FENZ:

18 Counsel, before we allow you to read this statement or part of
19 this statement, we wish to clarify for the record two things.
20 First of all, is this a DC-Cam statement or is it a -- on record
21 please.

22 MR. KOPPE:

23 Yes, it's a DC-Cam statement, specifically E3/9076, and there's
24 two excerpts, one is on English page, 00731170; Khmer, 00728868;
25 and two pages further down, its--

19

1 JUDGE FENZ:

2 Yes, another question, has this person ever been questioned by
3 the Court, meaning during pre-trial?

4 MR. KOPPE:

5 It's a good question. As far as we know, no.

6 [09.57.06]

7 JUDGE FENZ:

8 Is the person, as far as you know, on the list of people who will
9 be questioned here or at trial?

10 MR. KOPPE:

11 Most likely our list at one point in time, but not now.

12 JUDGE FENZ:

13 Come again?

14 MR. KOPPE:

15 We might -- well, we are considering asking this question --
16 asking this witness to come at one point in time, maybe during
17 this segment or the segment of the purges.

18 JUDGE FENZ:

19 And can you at this point in time present other statements that
20 mention this issue or is this the only one?

21 [09.57.44]

22 MR. KOPPE:

23 No, there are few others as well including someone who testified
24 here last week.

25 JUDGE FENZ:

20

1 In this case, it's clear you are not refreshing the person's
2 memory but you are confronting him with a statement, a DC-Cam
3 statement. Since this is on record, go ahead.

4 [09.58.09]

5 BY MR. KOPPE:

6 Thank you, Judge Fenz.

7 Q. Mr. Witness, I would like to read an excerpt from a statement
8 that someone else, who is familiar with what happened at the dam,
9 gave to DC-Cam. Because this person might at one point be
10 summoned as a witness, I would like you to have a look at the
11 first page of his DC-Cam statement, look at the name, and then
12 without you saying the name, I would like to ask you whether you
13 know this person. So, Mr. President, I ask your leave to show the
14 first page of this DC-Cam statement to the witness to see if he
15 knows the particular person.

16 MR. PRESIDENT:

17 You may proceed.

18 (Short pause)

19 [09.59.54]

20 BY MR. KOPPE:

21 Q. Mr. Witness, do you know this person?

22 MR. CHHIT YOEUK:

23 A. I have heard of his name but I never met him in person.

24 [10.00.11]

25 Q. That's all right, Mr. Witness. He, this person, gave testimony

21

1 to DC-Cam. And on English page, as I said before, 00731170 and
2 Khmer 00728868, this witness testified as follows.

3 MR. PRESIDENT:

4 Mr. Koppe, could repeat the ERN numbers once again. The
5 interpreters could not follow the numbers you mentioned.

6 MR. KOPPE:

7 Of course, Mr. President.

8 MR. PRESIDENT:

9 Please wait, Mr. Koppe. You may now proceed first, Judge
10 Lavergne.

11 JUDGE LAVERGNE:

12 Yes. Thank you, Mr. President. Counsel Koppe, would it also be
13 possible for you also provide the ERNs in French. I noted last
14 week during a full day, you practically gave no French ERN. I
15 know of course that you didn't have much time to prepare the
16 examination, however, now you had enough time. So would it be a
17 good idea to keep on providing the ERNs in all the three
18 languages. Thank you.

19 [10.01.37]

20 MR. KOPPE:

21 I would be very happy to, Mr. -- Judge Lavergne. This morning I
22 think I did give French ERNs, however, for this particular
23 witness, there is no French translation yet. So I won't be able
24 to give you a French ERN.

25 BY MR. KOPPE:

1 Mr. Witness, this particular person said as follows.

2 "Later on, Hoeng," Ta Hoeng, "had a plan to take all members of
3 mobile work units and make them into soldiers to fight against
4 the Khmer Rouge. He provided one pair of cloth and one scarf for
5 each. He wanted to give weapons to the mobile units."

6 Does this somehow sound familiar or not at all?

7 MR. CHHIT YOEUK:

8 A. I have never heard of that statement. The place where we go --
9 that we went and collected the rice was away from our work place
10 and I did not know about the arrangement.

11 [10.03.04]

12 Q. This same witness also talked a little further down in his
13 statement to DC-Cam and he said as follows. English ERN,
14 00731172; and Khmer, 00728870; and he's being asked a question
15 about Ta Cheal, Ta Nhim and Ta Hoeng. The question is now about
16 Ta Nhim:

17 "Did Ta Nhim come quite often or never?"

18 He answers, "He came quite often when there was a plan, later on
19 he came in at night and daytime, in the evenings and sometimes at
20 2.00 p.m."

21 Question: "What did he come for?"

22 "He, Nhim, brought sandals, Cambodian sandals from the Eastern
23 Zone for the mobile units."

24 Question: "Wow, bring sandals?"

25 Answer: "Nice sandals were given to us. At the time, there was a

1 plan, I was very afraid of that plan."

2 Question: "What kind of plan?"

3 Answer "When Ta Val spoke at the same time scarves, cigarette
4 lighters, and white shirts were given to the leaders. Then he
5 would say, you are all captains, he repeated, you are all
6 captains, colonel. He pointed at and walked out joking with the
7 cadres after the meeting. He compared the selection of mobile
8 unit the same the military did. The plan was at Phnom Kaun
9 Khlaeng. The plan could not be executed but I just learned about
10 that plan, not meeting for killing people. If there was a meeting
11 to have a plan, it was secret."

12 So Mr. Witness, this witness is talking before DC-Cam, Ta Nhim
13 bringing sandals from the East Zone, Ta Val spoke about people
14 being captain, etc., a plan -- a secret plan, does that somehow
15 jog your memory?

16 [10.05.45]

17 A. Regarding the secret plan, I was not aware of that. As for the
18 sandals brought from the East, I did see those sandals, and those
19 sandals were distributed to members of mobile units.

20 Q. Is it possible, Mr. Witness, that you haven't heard of this
21 plan because at an earlier stage Ta Val had demoted you?

22 A. I do not know about that. I was in the position in -- almost
23 at the end of the work assignment and I was assigned to work on
24 the dam from places to places.

25 MR. KOPPE:

24

1 Mr. President, I'm looking at the clock this might be a
2 convenient moment to take the morning break.

3 MR. PRESIDENT:

4 Thank you very much, Counsel. It is now appropriate time for
5 break and the Chamber will take a break now until 10.30.

6 Court officer, please find a proper place for this witness during
7 the break time and please invite the witness together with the
8 duty counsel back into the courtroom at 10.30 a.m.

9 The Court is now in recess.

10 (Court recesses from 1007H to 1028H)

11 MR. PRESIDENT:

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

13 I hand over the floor the defence team for Mr. Nuon Chea to
14 resume his examination on the witness in question. You may
15 proceed.

16 BY MR. KOPPE:

17 Thank you Mr. President. Let me start with correcting myself,
18 Judge Fenz, because the excerpt from the DC-Cam statement that I
19 just read to the witness, there is more than just a DC-Cam
20 statement. There is indeed a WRI. This person was questioned by
21 the Investigating Judge. It is, E319/19.3.18, and the relevant
22 pages are the questions 48 till 51. And that's English ERN,
23 01044804; and the Khmer ERN, 01003885. No French translation yet.
24 So there is indeed a WRI of the previous witness.

25 [10.30.28]

25

1 Q. Now, Mr. Witness, I would like to confront you with a very
2 brief excerpt from another witness. And I would like again to ask
3 you if know this person. For Parties, I will referring somebody
4 who is actually going to testify. To be precise -- that is,
5 2-TCW-918. And the excerpt that I'm going to read, you will be
6 able to find that on English ERN, 00728683; Khmer, 00734089; and
7 French, 01123644. And again with your leave, Mr. President, I
8 would like to show the first page of the DC-Cam statement of this
9 particular witness and then ask the witness to see or tell us if
10 he knows this particular person, of course, without him revealing
11 the name of that witness.

12 MR. PRESIDENT:

13 You may proceed.

14 (Short pause)

15 [10.32.31]

16 BY MR. KOPPE:

17 Q. Mr. Witness, without telling -- without pronouncing his name,
18 do you know this person?

19 MR. CHHIT YOEUK:

20 A. Yes, I do. I got to know him when we were in the mobile unit
21 together.

22 Q. This particular witness as I just said has also talked to
23 DC-Cam and he told the DC-Cam investigator that "Ta Hoeng and Ta
24 Val once pointed out to me that all mobile forces when they went
25 to cut down cotton in Kang Va mountain, planted cotton farms and

26

1 he would arm all of them. We would run to Thailand." Does this
2 somehow ring a bell to you, Mr. Witness, arming forces in Kang Va
3 mountain by Ta Hoeng and Ta Val?

4 A. At the time, I did not know because I was at the time in the
5 mobile unit of the district. I was not yet appointed to the
6 mobile brigade of the sector yet.

7 Q. Very well, Mr. Witness. I will move on. But before I will ask
8 you some questions in relation to your position as chief of the
9 economic section of Region 5, I would like to ask you a question
10 about Im Chaem, Yeay Chaem. What can you tell us about her?

11 [10.34.57]

12 A. To my recollection, earlier on she was on the chair of Preah
13 Netr Preah district committee.

14 Q. Do you recall what you did late '78, when the Vietnamese
15 invaded the country? Did you go along with Yeay Chaem?

16 A. Before the Vietnamese troops came, I was still in charge of
17 distributing rice. I was within a small unit but I was still in
18 charge of distributing rice.

19 Q. But did you ever serve as a soldier together with Yeay Chaem?

20 [10.36.14]

21 A. I never worked as a soldier but when she came and arrived in
22 Damrei Mountain, at that time I was armed. And before that, I was
23 not in the army.

24 Q. But did you yourself, late '78 and subsequently, serve as a
25 soldier together with Yeay Chaem?

1 A. No, I never served in the army.

2 Q. Just to see if I understand your earlier testimony before

3 DC-Cam correctly, I refer you to -- I refer the Parties to

4 English ERN, 00731145; Khmer ERN, 00728832; and French,

5 001123738. You were talking about going to Damrei Mountain, and

6 then a question is being asked to you.

7 "Did you serve as a soldier with Yeay Chaem?"

8 And then you answer, "Yes, of course."

9 "How long did you spend with Yeay Chaem?"

10 "Until the liberation in late 1980. Oh no, in late '79, in late

11 1980, it could December or January." Further down in that same

12 statement, English ERN, 00731146; and Khmer, 00728883; and

13 French, 01123738; you testified to DC-Cam that you stayed there

14 -- that is, in Chhat Mountain, until 1984 when there was fighting

15 with Vietnam, and that you stayed in Ka Ngak (phonetic) refugee

16 camp until the repatriation in 1992; is that correct?

17 [10.39.14]

18 A. No, it was not at Vay Chhat (phonetic) Mountain. When we fled

19 there, we settled somewhere in Damrei Mountain and then we stayed

20 in the refugee camp.

21 Q. But have you, let say as of mid-'77 and then subsequently

22 after '79, been fighting as a soldier against former Northwest

23 Zone forces and later against Vietnamese troops?

24 A. Before 1979 I never served in the army. Never did I serve in

25 the army before 1979.

28

1 Q. Very well. Did you ever learn of armed clashes, fighting war
2 between forces of the Northwest Zone and forces of Southwest
3 Zone?

4 A. No, I never heard of it because there was no armed clash at
5 all in the area where I settled at the time.

6 [10.40.59]

7 Q. Are you sure, Mr. Witness?

8 A. In my area, there was no arm clash at all but I could not
9 comment on other areas or regions.

10 Q. Fine. Let me now move to the time that you became the chief of
11 the economic section of Region 5. Is it correct that you became
12 chief in December 1977?

13 A. At that time, I was in charge of distributing rice, and of
14 course, I -- you could say that I was the chief because I was in
15 charge of distributing rice.

16 Q. But is it correct that you were appointed in December 1977?

17 A. Yes that is correct. It was in January 1978, but I cannot
18 recall it very well.

19 Q. Did you also at a time take care of the logistics in Region 5?

20 A. No, I was not. At the time, I was responsible of the mobile
21 brigades. I was in charge of distributing rice only to the mobile
22 brigades. And as for the entire sector that was a different job
23 and responsible by other people.

24 [10.43.35]

25 Q. Let me read to you something that you said to DC-Cam. English

1 ERN, 00731139; French ERN, 01123732; and Khmer, 00728822. You
2 said and I quote, "Well, I became the chief because I transported
3 empty buckets to Ta Rin, and he asked me about my background. I
4 told him I do not hold any position, they removed me. I then
5 attended a meeting at a district and they appointed me to take
6 care of logistics in the mobile brigade. That's why I knew the
7 number of the workers which were about 32,000."

8 Is this what you told the DC-Cam investigator, that you took
9 charge of logistics?

10 A. Yes, that is correct, because I was appointed to supply rice
11 for the mobile brigades.

12 Q. Is it correct that you were appointed by Ta Vin (phonetic) and
13 Ta Yoan - sorry, appointed by Ta Vin (phonetic) and that you were
14 working under Ta Yoan's supervision?

15 A. Yes.

16 [10.45.34]

17 Q. Can you tell us a little bit about storage of rice. In general
18 terms, which warehouses were you responsible for?

19 A. When the truck transported the rice, I mobilized the force to
20 carry and unload the rice and we had to store them in the
21 warehouse of the economic office. So at that time there were
22 several thousand members in the mobile brigades, so we had to
23 keep enough -- several thousand bags of rice in the warehouse to
24 sufficiently supply to the mobile brigades.

25 Q. Were you well aware at the time where the rice was stored, I

30

1 mean in which warehouses the rice was stored in Sector 5?

2 A. Actually we did not keep them in the warehouse. We actually
3 collected the un-husked rice from districts, from cooperatives
4 and then we sent them to the -- for milling, and after that, we
5 distributed them back to the mobile units.

6 Q. Let me ask you differently, were you well aware of which rice
7 was where, how much rice was stored in the various districts? Was
8 that the core part of your function as the chief of the economic
9 section?

10 [10.47.53]

11 A. As for the district warehouse, I did not know. I was only
12 responsible for the sector mobile brigades. As for the district,
13 I did not know. At the sector's warehouse, I kept all the rice in
14 the warehouse attached to Trapeang Thma construction worksite,
15 and that was for the distribution to the mobile brigades.

16 Q. Have you ever heard about -- anything about allegations of
17 enemies within the Northwest Zone hiding rice -- stealing rice
18 and hiding rice; have you ever heard about that?

19 A. No, I never heard of that kind of case.

20 Q. Let me read to you an excerpt, Mr. Witness, of a document
21 which was admitted a few months before you became the chief of
22 the economic section. But nevertheless you might have heard
23 something about it. Mr. President, E3--

24 [10.49.30]

25 MR. KOUMJIAN:

31

1 Just a correction, the witness has repeatedly said he was the
2 chief of logistics for the mobile brigade. Counsel has been
3 saying the economic section.

4 MR. KOPPE:

5 Well, that's what he said himself I think in his DC-Cam
6 statement. He calls himself the chief of the economic section.
7 I'm happy to find a reference. It's English ERN, 00731139;
8 French, 01123732; and Khmer, 00728821. Question--

9 MR. KOUMJIAN:

10 Just to point out, what I read there is that the witness said he
11 was -- as Counsel read out this morning, he was appointed to take
12 care of logistics in the mobile brigade. So I don't see -- I see
13 where the interviewer used the word "chief of the economic
14 section" but I don't see the witness did, but perhaps I'm missing
15 it.

16 [10.50.53]

17 MR. KOPPE:

18 I think you are missing it, Mr. Prosecutor. But his question is,
19 "Okay, then you were appointed chief of the economic section in
20 Region 5?" And then he answers, "That's right."

21 MR. KOUMJIAN:

22 And he explains -- so that's in the question and he explains he
23 was appointed to take care of logistics in the mobile brigade.

24 BY MR. KOPPE:

25 Q. Let me solve this problem, Mr. Witness, by asking you

32

1 specifically. Were you appointed chief of the economic section in
2 Region 5?

3 MR. CHHIT YOEUK:

4 A. On this matter, I think that there was a misunderstanding. One
5 was the entire Sector 5 and the other one is the person
6 responsible for the mobile brigades. For me, I was appointed for
7 the distribution of rice for the mobile brigades.

8 [10.52.01]

9 Q. That's fine, Mr. Witness. I have -- if that's your
10 recollection. But I was going to show you an excerpt from a
11 document which is E3/178. It's a document called a "Weekly Report
12 of Sector 5 Committee". It is dated 21st of May 1977. English
13 ERN, 00342708; French, 00623304; and Khmer, 00275587. Now again,
14 Mr. Witness, I realize this is before your time, but maybe you
15 heard something about this once you were in function. It says as
16 follows -- it's under the chapter "Situation of the country
17 defence": "By searching and finding the enemies trick that rice
18 was hidden in Phnum Srok, rice and salt were hidden like in Preah
19 Netr Preah district, rice was hidden in Thma Puok district, rice
20 was hidden in Sisophon district. Some places one tao, some places
21 half a sack, some places placing in the bamboo-made tube hiding
22 in the bushes". Have you ever heard of rice being hidden in these
23 districts? The time is about a month before Ta Val's arrest.

24 A. That was at the district level. I had departed from the
25 district I was attached to the mobile brigades. But I heard that

1 for half a sack of rice that remained -- that was left in forest,
2 probably people who fled the areas, they intended to bring along
3 with them, that I did not know.

4 [10.54.34]

5 Q. My last point, Mr. Witness, before you somebody else testified
6 in this courtroom. And he testified as to the collection of arms
7 for forces in order to as he calls it "crush the revolution".
8 Have you ever heard of storage of rice to be used by Northwest
9 Zone forces in their rebellion against the Khmer Rouge?

10 A. No, I never heard of that. But to my understanding, if there
11 was such a plan, I might have not known of it because I, at my
12 level, I was not supposed to know that.

13 MR. KOPPE:

14 I understand. Thank you very much, Mr. Witness. Thank you, Mr.
15 President.

16 MR. PRESIDENT:

17 Thank you. Now the Chamber grants the floor to the defence team
18 for Mr. Khieu Samphan to put the questions to the witness, you
19 may proceed.

20 [10.56.06]

21 QUESTIONING BY MR. VERCKEN:

22 Thank you, Mr. President. And good morning to everyone here
23 present. Good morning, Witness. My name is Arthur Vercken. I'm
24 one of the counsels for Khieu Samphan. I will be quite brief in
25 my questions. I believe my colleague Kong Sam Onn will also be

1 very brief.

2 Q. First of all I have a question in the form of a remark. In
3 reading your statement and listening to you, I must say that I
4 have been very surprised to hear you say and to repeat that you
5 did not know the reasons why you were demoted by Ta Val. And why
6 do I make this remark? I make this remark because we have heard
7 many people testify in this courtroom, and these are persons who
8 worked under the Khmer Rouge regime. And I would say that
9 practically all of them knew why they were demoted, whenever they
10 were demoted. Particularly, because under that regime, it would
11 appear that it was customary to practice self-criticism, which
12 means that when someone was punished, it was expected that that
13 person would improve on account of the sanctions. And I'm
14 therefore surprised that you do not know any of the reasons why
15 you were demoted by Ta Val.

16 [10.57.49]

17 A while ago , you gave a very sketchy explanation. In any case as
18 I understood in French you said, "I heard that I had been accused
19 of being the son of a village chief." I do not see how you could
20 have been blamed for that, and that is why, Witness, I would like
21 to insist on my surprise that you are unaware of the reasons why
22 you were demoted.

23 MR. CHHIT YOEUK:

24 A. Well to my understanding, at that time, if we were associated
25 or related to the former officials of Lon Nol regime, that reason

1 was enough for us to be removed or to be de-motivated. But at the
2 time for my demotion, I did not know the reason for sure but I
3 heard from others that I was alleged to be the son of the commune
4 chief or the deputy commune chief, and then that was -- that may
5 have been the reasons for my demotion.

6 [10.59.26]

7 Q. Okay, that is your answer indeed. The second and last topic I
8 would like to get to with you, regards children -- the children.
9 Last Thursday you were questioned about this and I'm going to
10 read to you what you said and therefore what is on the
11 transcript. So, it was on 13 August, a little after 3.25.28 in
12 the afternoon. This is what was asked of you and I quote, free
13 translation:

14 "With regard to the Trapeang Thma Dam, were there children
15 working there?"

16 Your answer, "Yes, there were children because I was in charge
17 of the supplying of rice back then and the children's ration were
18 smaller than the adults. And with regard to work quotas, I knew
19 nothing. Of course, there were children there but with regard to
20 the distribution of rice, an adult would get three cans of rice
21 and a child would only get two."

22 Question: "So what about the division of labour for children, how
23 was the labour divided?"

24 Answer: "It's quite difficult, I don't have the exact answer. I
25 could tell you that they had to do one or 1.5 cubic metres of

36

1 dirt to transport but I don't know exactly how much. Maybe other
2 witness would be able to provide you with a better answer.
3 Personally speaking, I was essentially in charge of the supplying
4 of rice and therefore, I did not monitor the worksite per say."
5 End of quote.

6 [11.01.10]

7 So my question is the following, Witness. First, my colleague
8 Koppe spoke about the same witness who testified just before you,
9 and this gentleman was questioned about the same issue that was
10 on 12th of August -- that is to say, the day before the testimony
11 that you gave in Court. So this is a little at 9.52 in the
12 morning on 12th of August.

13 Question: "So was mobile -- work force mobilized for this
14 worksite? And if there were women and children, how many were
15 there?"

16 Answer: "There were no children in the mobile units. Children
17 were grouped in one unit which we called the children's hall in
18 the village. There were women, elderly women who would take care
19 of the children." End of quote.

20 [11.02.08]

21 So I take the leave, Mr. Witness, because the answer you provided
22 us last Thursday was a little bit cautious. You kept on telling
23 us that you were not the person who was the best place to speak
24 about children working on the site. But I would like to know
25 exactly what do you know exactly about children working on the

1 site? Did you see young children work at the dam site? What can
2 you tell us about this?

3 A. Regarding the children who were working at Trapeang Thma
4 worksite, they were not actually young children, they were
5 adolescents or teenagers. And I was referring to adolescents.
6 There was one witness saying that children were placed in a
7 certain village, I mean young babies or young children. These
8 young children or babies were placed in certain villages.

9 Q. Thank you for this clarification. But to be sure about this,
10 what do you mean by adolescents, as of which age? So when you say
11 that they were adolescents, how old were they?

12 [11.03.57]

13 A. I think the age range was from 13 to 15 or 16.

14 MR. VERCKEN:

15 Thank you for this clarification. Well, I have no further
16 questions. Thank you.

17 QUESTIONING BY MR. KONG SAM ONN:

18 Good morning, Mr. Witness. My name is Kong Sam Onn. I do not have
19 many questions to put to you today. I have reviewed your written
20 record of interview, E127/7.1.6. In relation to question and
21 answer number 10, I listened attentively to the question and
22 answers -- to your answers, last week. You stated that you were a
23 militiaman. And then, you said perhaps you were a chief of the
24 militia in charge of certain people. Could you tell the Court at
25 what level were you stationed, I mean in relation to your militia

1 unit?

2 [11.05.44]

3 MR. CHHIT YOEUK:

4 A. Yes, I can tell you. After the defeat of Lon Nol, Khmer Rouge
5 came into the country. There was no proper structure at that
6 time. And certain people were assigned to monitor resident or
7 people in certain areas, and we would follow the assignments
8 after the instructions. And later on we were assigned to work in
9 different other places.

10 Q. Could you tell the Court at what level were you working for?

11 A. I do not know. I did not know at that time at which village I
12 was working. I was -- first, I was in the forest and after I left
13 the forest, I went to stay in a village and I was assigned to be
14 part of a militia and I did not know about the structure at that
15 time.

16 Q. In relation to your written record of your interview, question
17 and answer 11, the question is; "What did you do when you were a
18 militiaman and whom did you report to?" Your answer is that you
19 said you reported to soldier or army at Sector 5 in Preah Netr
20 Preah. Could you tell the Court about the reporting system as you
21 mentioned, militiaman had to report to Sector 5.

22 MR. PRESIDENT:

23 Please wait and observe the microphone, Mr. Witness, before you
24 give your answer.

25 [11.08.11]

1 MR. CHHIT YOEUK:

2 A. At that time I did not know clearly about the reporting
3 structure. It was said that we were working in the sector and I
4 would say the same that I was in Sector 5. During that time,
5 frankly speaking I did not make any report to any persons, and
6 later on I was removed from the position and I stopped working in
7 the militia.

8 BY MR. MR. KONG SAM ONN:

9 Thank you. You also stated on the 13th, in relation to Yeay Chaem
10 -- and you have just mentioned now that Yeay Chaem was working at
11 Preah Netr Preah committee level -- in question and answer number
12 13, you stated that Yeay Chaem came to replace Rin at Preah Netr
13 Preah. In relation to Rin, when did Rin come to work in Preah
14 Netr Preah and when did he become a district committee?

15 [11.09.45]

16 MR. CHHIT YOEUK:

17 A. I am not quite sure. From my estimation he came in 1977. And I
18 cannot tell you whether it was in mid-1977 or perhaps in a later
19 stage.

20 Q. Thank you. I would like to quote your question and answer
21 number 13 in your document E127/7.1.6. You stated that; "After Ta
22 Hoeng had been arrested, Ta Cheal replaced Ta Hoeng for a few
23 months and after that, cadres from the Southwest Zone replaced Ta
24 Cheal, later on, in April or March 1978. I did not know the
25 deputy chief."

40

1 You stated that Southwest Zone cadre came to replace Cheal in
2 1977 or '78. Do you still stand by your statement in the document
3 as I mentioned?

4 A. I mentioned already that he came in mid or late 1977.

5 Q. Thank you. In relation to Yeay Chaem, you said earlier that
6 you never met Yeay Chaem in person in the Democratic Kampuchea.
7 You became a soldier and worked with Yeay Chaem after 1979. Could
8 you tell the Court about the time when Yeay Chaem came to work in
9 the district committee at Preah Netr Preah?

10 [11.12.25]

11 A. I was in a mobile brigade when she became part of the district
12 committee at that time and I did not know any detail about that.

13 Q. How did you know that Yeay Chaem became the district committee
14 at Preah Netr Preah? How did you know that?

15 A. As I told you already, I heard people say in 1977 -- in
16 mid-1977 or late 1977, that Yeay Chaem became the district
17 committee at Preah Netr Preah.

18 [11.13.23]

19 Q. Thank you. Did you know whether Yeay Chaem had any work
20 relation at Trapeang Thma construction site?

21 A. Yeay Chaem had nothing to do with the Trapeang Thma
22 construction site.

23 Q. Thank you. Did you know her roles and position at the
24 construction site?

25 A. I do not know about the plans that she would have set out for

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1 Trapeang Thma construction site.

2 Q. Thank you. I would like to come back to the individual by the
3 name Rin. You stated that Rin was from the Southwest Zone. Could
4 you tell the Court whether his original birthplace was in the
5 Southwest Zone?

6 A. He was one of the cadres from the Southwest Zone.

7 MR. KONG SAM ONN:

8 Thank you. Mr. Witness. Mr. President, I am done with my line of
9 questioning.

10 [11.15.34]

11 MR. PRESIDENT:

12 The hearing of this testimony of Mr. Chhit Yoeuk, comes to an end
13 now. Thank you, Mr. Chhit Yoeuk, for spending valuable time to
14 testify before this Chamber as a witness. Your testimony will
15 contribute to the truth before this Court. You may now be excused
16 and you can return to your desired destination. I wish you a good
17 health and good luck.

18 Court officer with WESU unit, please send this witness, Chhit
19 Yoeuk, to his desired destination.

20 And the Chamber will start to hear 2-TCW-828 this afternoon, and
21 the duty counsel will be with the witness, that is Mr. Duch
22 Phary. Mr. Duch Phary you are also invited to be here once again
23 this afternoon.

24 The Chamber would like to inform Parties and the public that this
25 afternoon, the Chamber will hold a swearing-in ceremony for one

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1 Investigator of the OCIJ who has been accredited by the Ministry
2 of Justice. The swearing-in ceremony will be held in the
3 afternoon at 1 p.m. Representative from OCP or Co-Prosecutors are
4 invited to be in the swearing-in ceremony in the afternoon. You
5 are invited to be here before 1 p.m. For other Parties, if you
6 are interested in attending the swearing-in ceremony as guests,
7 you are welcome. If you are interested to be in the swearing-in
8 in the afternoon, please arrive at the venue before 1 p.m. And
9 after the swearing-in ceremony, the Chamber will continue to --
10 will start to hear 2-TCW-828, perhaps at 1.20 p.m.

11 Security personnel are instructed to bring Mr. Khieu Samphan to
12 the holding cell downstairs and please have him return before
13 1.30 in the afternoon.

14 (Court recesses from 1118H to 1329H)

15 MR. PRESIDENT:

16 Please be seated. The Court is back in session.

17 The Chamber will start to hear the testimony of a witness,
18 2-TCW-828. And this witness has a duty counsel Mr. Duch Phary
19 with him or her.

20 Court officer is instructed to invite the witness together with
21 the duty counsel into the courtroom.

22 (Witness enters courtroom)

23 [13.32.52]

24 QUESTIONING BY THE PRESIDENT:

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

1 MR. CHHUM SENG:

2 A. My name is Chhum Seng.

3 Q. Thank you, Mr. Chhum Seng. When were you born?

4 A. I was born on the 3rd of April 1954.

5 Q. Thank you. Where were you born?

6 [13.33.32]

7 A. I was born in Phnum Lieb village, Phnum Lieb commune, Preah
8 Netr Preah district, Battambang province.

9 Q. Thank you. And what is your current address?

10 A. I am living in Ta Vong village, Ponley commune, Phnum Srok
11 district, Banteay Meanchey province.

12 Q. Thank you. And what is your current occupation?

13 A. I am a rice farmer.

14 Q. Thank you. What are your parent's names?

15 A. My father's name is Nou Kin, deceased. My mother's name is Hau
16 Suong, deceased.

17 [13.34.31]

18 Q. Thank you. What about your wife, what is her name? How many
19 children do you have together?

20 A. My wife's name is Voeu Thou. We have three children together.

21 Q. Thank you, Mr. Chhum Seng. Based on the report of the
22 greffier, you are not related by law or by blood to any of the
23 two Accused and to any of the civil parties admitted in this
24 case; is that true?

25 A. Yes, that is correct.

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1 Q. Before you are here before the Trial Chamber, have you already
2 taken an oath?

3 A. Yes, I have already taken an oath.

4 [13.35.30]

5 Q. Thank you. The Chamber would like to inform you of your rights
6 and obligations as a witness. Your rights as a witness in the
7 proceedings before the Chamber, you may refuse to respond to any
8 question or to make any comment which may incriminate you; right
9 against self-incrimination. Your obligations as a witness in the
10 proceedings before the Chamber, you must respond to any questions
11 by the Bench or relevant Parties except where your response or
12 comments to those questions may incriminate you as the Chamber
13 has just advised you of your rights as a witness. As a witness,
14 you must tell the truth that you have known, heard, seen,
15 remembered, experienced or observed directly about an event or
16 occurrence relevant to the question that the Bench or Parties
17 pose to you. Do you understand about the rights and obligation
18 that I have just informed you, Mr. Witness?

19 [13.36.45]

20 A. Yes, I understand some of them but not all of them.

21 Q. In case that there are questions -- because there may be some
22 questions incriminate you, you have requested a duty counsel to
23 accompany you before this Chamber. And the Chamber has provided
24 you with a duty counsel Mr. Duch Phary to accompany you while you
25 are testifying. And the lawyer -- the duty counsel is competent

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1 to advise you in this case if they arise. And as I have just
2 informed you, you have to tell the Court of your experience that
3 you have seen, observed and experienced. You cannot give
4 speculation to the question posed by Parties and the Bench. And
5 as a witness, you must respond to the questions put by the Bench
6 or the Parties. If you don't know, you just say don't know. But
7 as I told you, you have to respond to the question by Parties and
8 the Bench. Mr. Chhum Seng, have you ever provided interviews to
9 the investigator of the OCIJ? If yes, how many times were you
10 interviewed and where did they take place?

11 [13.38.38]

12 A. I provided two interviews, both of them took place at my
13 house.

14 Q. Thank you. When did they happen, could you tell the Court?

15 A. I could not recall the date. Perhaps the interview -- the
16 first interview was held in 2011 and the second one, perhaps one
17 year before 2015.

18 Q. Have you reviewed or read the written record of the interview
19 to refresh your memory?

20 A. Yes, I read it once.

21 Q. To your recollection, to your best knowledge, does the written
22 record reflect what you have given to the investigator of the
23 OCIJ at your house?

24 A. I recall some of the statement I made -- I gave to the
25 investigator but I do not recall all of them.

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1 [13.40.14]

2 Q. Thank you, Mr. Chhum Seng. As you can see you are provided
3 with a duty counsel based on your request, and you have Mr. Duch
4 Phary as the duty counsel. Before you are here, have you
5 consulted with your duty counsel, Mr. Witness?

6 A. I met and discussed with my duty counsel already.

7 MR. PRESIDENT:

8 Thank you. Under Internal Rule 91 bis of the ECCC, the Trial
9 Chamber gives the floor first to the Co-Prosecutor before other
10 Parties. The Chamber would like to note that the combined time
11 for the Co-Prosecutors and civil party lawyers is three sessions.
12 You may now proceed, Mr. Co-Prosecutor.

13 [13.41.20]

14 QUESTIONING BY MR. SREA RATTANAK:

15 Good afternoon, Mr. President, Your Honours, everyone in and
16 around the courtroom. Good afternoon, Mr. Witness. My name is
17 Srea Rattanak. I am the Deputy National Co-Prosecutor. I have a
18 few questions to put to you. And then my international esteemed
19 colleague, the Deputy International Co-Prosecutor will have some
20 more questions to put to you.

21 Q. Between 17 of April 1975 and 7 January of 1979, what was your
22 assignment and where did you work?

23 MR. CHHUM SENG:

24 A. I was assigned to be part of a mobile unit from Kambaor to
25 Sreh.

1 Q. Where did you work besides the two places, Kambaor and Sreh?

2 [13.42.49]

3 A. After I completed the construction of the dam at Kambaor and
4 Sreh, I was assigned to build another dam from Sreh. And later
5 on, I was assigned to work in a cotton plantation.

6 Q. You mentioned many places just now. I have some question in
7 relation to Trapeang Thma construction worksite, so please be
8 clear on this. My questions from now on concern the period you
9 were working at Trapeang Thma construction site. Could you tell
10 the Court where Trapeang Thma construction site was, in what
11 village, commune was it situated in?

12 [13.43.57]

13 A. Trapeang Thma construction site was in the Paoy Char, Banteay
14 Meanchey province.

15 Q. When were you sent to work at that construction site?

16 A. I was sent to work there from 1976 to 1979.

17 Q. Could you clarify for the Court once again, when were you
18 assigned to work at Trapeang Thma construction site? Please
19 specify the year when you were assigned to work at Trapeang Thma
20 site.

21 A. It was in 1977.

22 Q. You were assigned to work at Trapeang Thma worksite in 1977.
23 Could you tell the Court whether it was in early, mid or late
24 1977?

25 A. I was sent to that place from 1977 up to -- from mid-1977 up

1 to late 1977.

2 Q. You stated that you were sent to work at Trapeang Thma
3 worksite from mid-1977 to late 1977. Did the construction there
4 start already when you arrived?

5 A. The construction had started before I arrived at that place.

6 [13.46.32]

7 Q. To your observation, how many workers were there?

8 A. From my observation, there were workers in the mobile units at
9 cooperative levels and at sector levels.

10 Q. How many people were there at the worksite?

11 A. There were ten thousands of worker at that construction site.

12 Q. Beside the members from your unit, where were other workers
13 from?

14 A. There were workers from different units. They were from Preah
15 Netr Preah district, Thma Puok district.

16 Q. In relation to work, you stated that you arrived at the
17 worksite in mid-1977. What was the assignment that you received
18 from the time you were there until the end of the time you worked
19 at the site?

20 [13.48.25]

21 A. When I first arrived, members of my unit were assigned to
22 carry water so that water could be used to mix the cement and
23 build Bridge 1.

24 Q. And what happened later on?

25 A. Later on, after rock, cement, and the sand ran out and we

1 completed the job, my members -- the members in my unit were
2 required to carry earth so that we could build the dam.

3 Q. So you mean that when you first arrived at the Trapeang Thma
4 worksite, all of you were required to carry water so that a
5 bridge could be built, and later on, all of you were assigned to
6 carry soil to build dam; is that correct?

7 A. Yes, that is correct.

8 Q. Beside this work, what else did you do, what else did your --
9 did the members of your unit do? Besides carrying water and soil,
10 what else did you and your members do?

11 A. There was no other assignment other than the two assignments I
12 mentioned.

13 [13.50.27]

14 Q. In relation to work assignment, how was the work divided in
15 your group? Was there any work quota for your group?

16 A. When I was working there, we were divided into units and
17 battalions. And the members of units and battalion were required
18 to dig earth and carry it to build a dam.

19 Q. You stated that you were assigned to carry -- to dig earth and
20 carry it to build a dam. Could you tell the Court whether there
21 was work quota for you and for your group? Could you do the job
22 as you wanted? And I would like to know whether there was a work
23 quota for you and your group.

24 A. We had to do the assignment based on the plan of Angkar. And
25 each of us had to complete one to three cubic metres of soil per

1 day.

2 Q. In your experience, could you complete or accomplish the work
3 quota?

4 [13.52.20]

5 A. I was engaged in the work assignment but I did not carry the
6 soil. I was on the crest of the dam and flattened the soil.

7 Q. Why did you not carry the earth but do other job? What was
8 your role and position at that time?

9 A. At that time, I was assigned to be a chief of a company.

10 Q. For this reason, were members of your company able to complete
11 their work quota, for example, one to three cubic metres of soil
12 per day? Did members of your company receive certain quota at one
13 particular time? And later on, did you receive much work to do?

14 A. There was a set work quota for all of us. Each of us
15 regardless of rank had to accomplish one or three cubic metres of
16 soil per day.

17 Q. Could everyone accomplish the three cubic metre of soil per
18 day?

19 A. Some could accomplish the work quota but some could not finish
20 the three cubic metres of soil per day.

21 Q. What happen if one could not accomplish the work quota?

22 [13.54.30]

23 A. For those who were not able to accomplish the work quota, for
24 example, in the morning, one had to accomplish one and half cubic
25 metre of soil per day and in the afternoon, they had to complete

1 another one and a half of cubic metre of soil per day. And if
2 they could not accomplish the work quota, food would be deprived
3 of.

4 Q. If one could not meet work quota -- and you stated that if
5 they did not meet the work quota, food would be deprived of --
6 besides that, what else was the punishment for the one who failed
7 to accomplish the work quota?

8 A. I was the chief of a company in charge of three platoons. So I
9 receive a report from chiefs of platoons about whether or not
10 workers could accomplish the work quota.

11 Q. Perhaps you did not catch my question, Mr. Witness. I would
12 like you to tell the Court about the case that worker could not
13 accomplish the work quota. And you stated that if they could not
14 accomplish the work quota, they would be -- food would be
15 deprived of. What else, what sort of punishment was inflicted on
16 the workers who failed to accomplish the work quota besides the
17 food reduction?

18 [13.56.39]

19 A. And because of human feeling, the food ration would be given
20 to the worker who could not fully complete it -- the work quota.
21 But for those who you know completed the work quota longer than
22 the other, they would go to have meal later than the others.

23 Q. Could you tell the Court when the work started?

24 A. It depended. Sometimes, we had to start work from 4.00 or 5
25 a.m. in the morning when we needed the workers to you know to

1 attack -- to be in full operation of the work.

2 Q. You stated that workers had to start work very early if there
3 was a plan from the upper echelon. Did this happen regularly?

4 A. It did not happen regularly. For the place where the soil was
5 too low in the bottom that we had to dig, we had to start work
6 very early in the morning and we had to try to finish the work.

7 Q. You stated that worker had to start work in the early morning
8 and then they had to try to complete the work. Does it mean that
9 they had to work overnight?

10 A. Yes, it is correct. They had to work overnight.

11 [13.59.01]

12 Q. Did this happen very often?

13 A. Sometimes, worker has to work overnight for a period of one
14 week or perhaps more than that.

15 Q. Could you tell the Court or could you elaborate on this point
16 a little bit further. You stated that worker had to work
17 overnight on some occasion, and from my understanding, perhaps
18 they did not have time to rest. And you also stated that they had
19 to work overnight for a period of one week or perhaps more than
20 one week. Could you clarify this point for the Court, did they
21 have time to rest?

22 A. Yes, worker had time to rest while they were allowed to have
23 meal and after which they had to go back and work.

24 [14.00.24]

25 Q. So you are saying that for 24 hours around the clock and seven

1 day a week, they had to work and they only broke during the time
2 when they had gruel, and that was for short period of time as
3 well; is that correct?

4 MR. KOPPE:

5 Well that's--

6 MR. PRESIDENT:

7 Mr. Witness, please hold on and counsel, you may proceed.

8 MR. KOPPE:

9 I think that's a overly broad summary of the witness's testimony.
10 I don't think he said that workers were working 24 hours except
11 for eating gruel.

12 MR. SREA RATTANAK:

13 Mr. President, I do not whether or not it was lost in the
14 translation but I asked in Khmer, I asked him for repetition and
15 his answer. I ask him whether or not you had to work the whole
16 day from 24 hour around the clock. And then he say it was--

17 [14.01.40]

18 MR. KONG SAM ONN:

19 I am of the opinion, Mr. President, that the witness should be
20 questioned again on this issue because the questions may have led
21 to some misunderstandings. So I think that it would be good if
22 the Prosecutor could put the question again for clarification.

23 MR. PRESIDENT:

24 Please put the question again to the witness, Mr. Prosecutor,
25 because I think that it is virtually impossible for working 24

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1 hour around the clock. Please, clarify the question. We
2 understand the nature of the worksite with some forced labours or
3 so. But we need to ask for clarification on this issue and we
4 have to be precise on each point.

5 [14.02.35]

6 QUESTIONNG BY MR. SREA RATTANAK:

7 Thank you, Mr. President. It is a bit weird, that's why I ask him
8 to clarify it again. That's why I confirm. But I take your
9 direction, that I put the question again to the witness.

10 Q. Before I put the question to you, I would like to recall your
11 statement. You said that sometimes you had to work until the
12 morning the next day. And I ask you whether or not that happened
13 often at the time, and if it did happen, how many times did that
14 happened. You maintain that -- your statement.

15 MR. CHHUM SENG:

16 A. Just now I could understand your question. Now, for example,
17 there was a one-week plan. So for the three months period of
18 work, we had to try to complete it. And we worked around the
19 clock at that time for the assigned period to accomplish the
20 planned task. But if we could complete it earlier, we could also
21 take the break.

22 [14.04.02]

23 Q. So let me put the question again back to you. It means that
24 during 24 hours during the time when you had to be on the
25 offensive to complete the project, you did not have time to take

1 rest at all. By taking rest, I mean going to bed at night. So
2 under a condition which you said that you had to be on offensive
3 because there was a plan for you to complete the project, can you
4 please tell the Court how many hours did you work and how many
5 hours did you sleep at night?

6 A. In the morning after we finished the work, we could take a
7 two-hour break. And in the evening after work, we could also take
8 a break for two hours too.

9 Q. So was that the general conditions or it was during the time
10 when you were on the offensive to complete the project?

11 A. That was during the time when we were on the offensive in
12 order to complete the project as planned particularly in the
13 place where it was under-constructed.

14 Q. So what time did you start in the morning and what time did
15 you stop for the day and did you work in the evening?

16 [14.05.41]

17 A. During the offensive, we did not care of the time of the day.
18 We only broke during the day time for lunch, for two hours. And
19 then, we had to go down to work again until 5.00. And then we
20 broke for another two hours before we got on to work again.

21 Q. So about in the evening, can you tell the Court if you had to
22 work in the evening too?

23 A. If we could complete the project, for example, one week
24 project was completed, then we could take a rest as usual.

25 Q. My question for you is the plan you said for one week plan as

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1 you said just now. Did you have time to take rest at night, did
2 you have time to sleep at night?

3 A. Within that one week plan, even if we could take rest at
4 night, there was minimal time for us to rest.

5 MR. PRESIDENT:

6 The Prosecutor, it is advisable that you separate the questions
7 so that it is succinct for the witness. When you talk about the
8 day, it can be during the day times and the evening, and as well
9 as at night. So you should separate, you know, break your
10 questions into several segments with your question. When you say
11 it is a day, you can break it in morning, afternoon, in evening
12 or night time.

13 [14.07.40]

14 BY MR. SREA RATTANAK:

15 Let me ask you again. So during the time that you were on the
16 offensive to complete the project following your dinner time,
17 were you required to work after dinner?

18 MR. PRESIDENT:

19 The microphone was not activated yet. Please hold on.

20 MR. CHHUM SENG:

21 A. After work in the afternoon, we broke for two hours. So the
22 time for break was two hours like after the lunchtime as well in
23 the evening.

24 [14.08.23]

25 BY MR. SREA RATTANAK:

1 My last question on this subject. So after having dinner, you
2 took a break for two hours for the dinner and during that time,
3 and then after that, you had to go down to work until the next
4 morning; is that correct?

5 MR. CHHUM SENG:

6 A. On the offensive, of course we -- that was the time that we
7 were allowed to take rest, so we had to work around the clock.
8 But once the project was completed on schedule, then we could
9 actually rest as usual.

10 Q. So if you did not have time to take rest at all, were there
11 any protest from the workers saying that they had to work long
12 hours or they wanted to only work during the daytimes, were there
13 any protest at all?

14 A. There were some protest but we could not tell anybody. We only
15 talked among ourselves but we dare not report to others.

16 Q. Are you saying that you were only talking to your friends and
17 you did not tell your superior; is that correct; is that what you
18 are saying?

19 [14.10.04]

20 A. At that time, we talked to only our friends. We dare not make
21 it known to the upper echelon or Angkar.

22 Q. Overall, for the working condition as well as the food regime
23 for your unit or your colleagues, were there sufficient food
24 ration for you and your colleagues at that time?

25 A. At that time, we did not have sufficient food. Once they could

1 supply the foodstuff on time, then we could have a better
2 rations. At other times, when the supply was not in time, then we
3 only had access to watery gruel.

4 [14.11.13]

5 Q. Besides the food ration that you were given, what else did you
6 have access to at that time in terms of foodstuff?

7 A. Sometimes we had prahok or dry fish or salt whenever they
8 transported to us from time to time.

9 Q. So overall when I talk about food here, we talk about the soup
10 as well as the rice. So the overall quality of food you had at
11 your unit and unit members, did it resonate or commensurate with
12 the labour requirement for your project at that times that you
13 were required to complete three cubic metres of dirt per day? Do
14 you think that the food given was enough for you to endure such a
15 hard work?

16 A. At that time, sometimes we had prahok or dry fish. We did not
17 have enough food and protein or energy for us to actually
18 complete three cubic metre of dirt per day.

19 [14.13.11]

20 Q. That food ration was given to those who completed the work
21 quota for the day. So how about those who failed to meet the
22 quota set for the day, what was the food ration like for them?

23 A. At that time, the member of the mobile units were divided into
24 three different units. One unit was called a special unit. They
25 could accomplish about four or five cubic metres. They had access

1 to better food rations. And there is another unit had a different
2 food ration. And another unit which there were you know those who
3 had problems with their eye sight or then they were put into
4 another unit.

5 Q. You said that there were different units and they were given
6 different food rations. Could you please be more precise. Just
7 expand a little bit further on the food ration given to each
8 unit.

9 A. The first -- unit one which could accomplish four cubic metre
10 per day, as for the food rations, they were given about two to
11 three can of rice. The second unit received only maximum two cans
12 of rice. And as for the third unit, they were only given usually
13 half a can of rice or maximum one can of rice per day.

14 Q. Earlier, I also touched upon those who did not meet the quota
15 set and the punishment they got, in the form of, for instance,
16 the reductions of food ration for the day. So what was the
17 punishment like at that time for those who failed to meet the
18 quota set?

19 [14.15.39]

20 A. Could you please repeat your question?

21 Q. Of course. Those who accomplished the project set or the quota
22 set, they had this food ration. How about those who could not
23 meet the quota set, how did they go about cutting the food ration
24 for those who failed to meet the quota set?

25 A. Sometimes they starve those who did not meet the quota. At

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1 that stage, that was one of the form of punishment.

2 Q. So during the time that you mentioned that you were on the
3 offensive, did they supply more food ration than usual?

4 [14.16.42]

5 A. Besides the gruel that was given, there was no any other food
6 in addition to that.

7 Q. Maybe you got confused with my question. I did not refer to
8 the nutrition or any other thing, but I only talk about the
9 regular food you were given. For example, the second unit who
10 were given only two cans of rice. So if they, for example, were
11 on the offensive, were they given additional ration?

12 A. At that time, once Angkar set two cans per person, there was
13 no any supplementary or additional food ration to be given out.

14 Q. With regard to the food, how about hygiene; do you think that
15 the food was hygienic enough?

16 A. At that time, the cooked food was not hygienic and there were
17 lots of flies around.

18 Q. Were there lots of flies at the time?

19 A. Yes. And many people fell sick and many were taken away for
20 executions because they were accused of conscious illness.

21 Q. No. You said that there were flies and my question was that
22 were there a lot of flies back then?

23 A. Yes, there were lot of flies at that time. They were--

24 [14.19.14]

25 Q. If there were lots of flies, did Angkar have any measure to

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1 kill the flies or to keep the flies from spoiling the food?

2 A. At the time, there was no such plan against the flies swarming
3 the food.

4 Q. How about the water access, did you have access to drinking
5 water and was it enough for you?

6 A. At that time, there were trucks carrying water to supply to
7 us, but they also divide into different water regime for the
8 members.

9 Q. Was it sufficient for you?

10 A. During the mealtimes, we had enough water to drink. But we did
11 not have water to drink when we took rest.

12 [14.20.35]

13 Q. How about the hygiene standard, was it hygienic enough?

14 A. The water was not hygienic, it was not clean because it was
15 taken directly from the pond.

16 Q. When you said that it was not hygienic, could you describe it?
17 Was it not boiled or because you could see by your naked eyes
18 that the water was dirty or what?

19 A. When they distributed the water to the unit, I could notice it
20 by my naked eyes that it was not transparent, water was not clean
21 and sometimes, there were some weed as well mixed with the water.

22 Q. And just now you answered to some of my questions,
23 particularly you mentioned that there were sick people. Were
24 there many sick people at the time?

25 A. At the time, there many sick people. And it depends on the

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1 conditions, some were sent to hospitals.

2 Q. You said that some were sent to hospital, where was the
3 hospital located? Was there a hospital attached to that worksite?
4 [14.22.27]

5 A. There was one medic attached to one unit. But if somebody was
6 seriously sick, they would be sent to a hospital located in
7 Trapeang Thma pagoda.

8 Q. How about the level of his professionalism, was that medic
9 that you described a trained physician?

10 A. Medic at that time did not have any qualification even if we
11 -- we were given the rabbit drop medicine all the times whenever
12 we had any illness.

13 Q. So according to you, even those who receive the medical
14 attention at the unit or at the hospital that admitted the
15 patient, did you notice that the patient ever recovered from the
16 hospital after the treatment?

17 A. There were only few who recovered from the illness after
18 admitted to the hospitals. And the majority of them died.

19 [14.24.02]

20 MR. SREA RATTANAK:

21 Thank you, Mr. Witness, for endeavouring to answer all my
22 questions. Mr. President, I have no further question to the
23 witness.

24 MR. PRESIDENT:

25 Thank you. And the National (sic) Prosecutor, you may proceed.

1 QUESTIONING BY MR. DE WILDE D'ESTAMAEL:

2 Thank you. Good afternoon, Mr. President, Your Honours. Good
3 afternoon to all Parties. Good afternoon to the witness. I am
4 Vincent de Wilde and I'm going to put other questions to you on
5 behalf of the Co-Prosecutor's Office. And I might simply follow
6 the chronological order to start with. And I might therefore,
7 step aside a little bit from the Trapeang Thma Dam for the moment
8 and get back to what happened to you before you were there. So my
9 first question is, before April 1975, did you serve in the Lon
10 Nol army? And if yes, when and what was your position?

11 [14.25.20]

12 MR. CHHUM SENG:

13 A. I do not understand your question.

14 Q. Well, I'll put it to you again. Were you a Lon Nol soldier
15 before April 1975, that is to say, between 1972 and 1974, were
16 you a Lon Nol soldier fighting the Khmer Rouge?

17 A. At the time, I did not know--

18 MR. PRESIDENT:

19 It might have been an issue with the headset of the witness, it
20 may have run out of battery.

21 BY MR. DE WILDE D'ESTAMAEL:

22 No problem, Witness. I will put the question to you again and
23 make sure that you have the proper interpretation. So my question
24 is, before April '75, before the Khmer Rouge took power, were you
25 a soldier in the Lon Nol army?

1 [14.26.55]

2 MR. CHHUM SENG:

3 A. Well, during Lon Nol regime, I was a soldier in the army of
4 Lon Nol.

5 Q. Were you an officer or were you just an ordinary soldier?

6 A. I did not have any rank, I was an ordinary soldier.

7 Q. And in the days and weeks that followed the Khmer Rouge
8 seizing of power, that is to say, 17 April 1975, when they
9 captured Phnom Penh, do you know what would happen or what
10 happened to the people who were identified as former Lon Nol
11 servicemen? What would the Khmer Rouge do to the former Lon Nol
12 servicemen, the former Lon Nol officers in your district in Phnum
13 Srok?

14 A. When the Khmer Rouge soldier liberated any region, the Khmer
15 Rouge soldier was determined to eradicate all Lon Nol soldiers.

16 Q. And how would they go about it to identify the former Lon Nol
17 servicemen?

18 [14.28.40]

19 A. At the time, they appointed the militiamen and the villagers
20 were turned to the militiamen of the village so nothing could
21 hide from them.

22 Q. And were people obliged to write their biography?

23 A. At the time, they took biographies, but those who was loyal to
24 Angkar, they told the truth in their biography. But others, they
25 actually faked their biographies or they fled.

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1 Q. Do you know where Lon Nol soldiers, whether they were officers
2 or the rank and file were taken to be executed?

3 A. At the time, in my village, Phnum Lieb village, they would
4 arrest them and executed on the foot of the mountain nearby.
5 Those who could escape, they survived. But most of them were
6 executed there.

7 Q. Were you yourself almost arrested? And if so, what did you do
8 to escape from arrest?

9 [14.30.20]

10 A. At that time, the Khmer Rouge evacuated us from Phnum Lieb to
11 Phum Kambaor. And then I escape from there and I joined a mobile
12 unit.

13 Q. Was your family worried by the fact that you were a former
14 soldier?

15 A. At that time, my father ask the militiamen. At that time, the
16 militiamen did not want to spare our family. So my father came
17 back to me and told me to escape for my life.

18 Q. I would like to remind you of what you told the DC-Cam who
19 sent an investigator to interrogate you in 2011. It's the
20 Document E3/9010 and page 3 in Khmer and French. And Vanthan Dara
21 put the following question to you:

22 "Did the Khmer Rouge look for members of your family and your
23 parents since you were known as a Lon Nol soldier?" And your
24 answer was as follows: "They knew about me. It should be noted
25 that at that time, the Southwest cadres did not come yet. There

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1 was a certain degree of tolerance. This made us escape. My
2 parents were not in trouble." End of quote.

3 You referred to a certain degree of tolerance on the part off the
4 Northwest cadres before the Southwest cadres arrived where you
5 were. What do you mean by this degree of tolerance -- a certain
6 degree of tolerance?

7 [14.32.49]

8 MR. PRESIDENT:

9 Please hold on, Mr. Witness. You may now proceed, Mr. Koppe.

10 MR. KOPPE:

11 Thank you, Mr. President. This line of questioning from the
12 Prosecution is directly contrary to your decision as laid down in
13 E315, a sequencing decision in paragraph 14C, the treatment of
14 former Khmer Republic officials is limited to Tram Kak, the 1st
15 January Dam, Krang Ta Chan, and S-21. You made that specific
16 ruling. I have objected already a few times to this. It is
17 outside the scope and the sequencing order of the Trial Chamber.
18 So the Prosecution should move on.

19 BY MR. DE WILDE D'ESTAMAEL:

20 These last questions have to do with the differences between the
21 cadres of the Northwest and those of the Southwest. It is
22 therefore a question which falls within the framework of the
23 events that occurred in that area. As I pointed out earlier, all
24 I want to know is why the witness at that time talked of a
25 certain degree of tolerance given the fact that the Southwest

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1 cadres had not yet arrived where he was. Can I proceed with my
2 questions, Mr. President?

3 (Judges deliberate)

4 [14.35.02]

5 MR. PRESIDENT:

6 The objection by the defence team Mr. Koppe is overruled. The
7 question is relevant to the topic regarding the purge. The
8 Chamber needs to hear the answer to the question put by the
9 International Deputy Co-Prosecutor.

10 BY MR. DE WILDE D'ESTAMAEL:

11 Thank you, Mr. President.

12 Q. Witness, my question was what you meant by the fact that there
13 was a certain degree of tolerance given the fact that the cadres
14 of the Southwest Zone had not yet arrived where you were. Can you
15 explain what you meant by that?

16 [14.35.50]

17 MR. CHHUM SENG:

18 A. At that time, the militiamen are related to some of the
19 soldier, that's why there was a certain degree of tolerance.

20 Q. You said a while ago that you fled and found yourself in the
21 mobile brigade of Sector 5. Who was your direct head or leader in
22 that mobile brigade in Sector 5 of the North Zone?

23 A. I knew the principal head -- that is, Ta Val.

24 Q. Very well. Above Ta Val, who was the battalion commander --
25 that is, the battalion to which you belonged, while you worked at

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1 the dam worksite before you arrived in Trapeang Thma and before
2 you subsequently went to Kambaor?

3 A. My immediate supervisors were Ta Khauv and Ta Vorn.

4 [14.37.45]

5 Q. This would be perhaps the last question before the break, Mr.
6 President. You said you were company leader. Was it Ta Khauv and
7 Ta Vorn who appointed you head of company? And how many workers
8 were there in that company which was a big unit?

9 A. Regarding company, company was in charge of 100 members. And
10 platoon consisted of 300 members.

11 Q. I heard the word "section". Does the use of the word battalion
12 suffice to describe this organ of the mobile unit which consisted
13 of 300 members because you talked of a battalion?

14 A. At that time, it was arranged by upper Angkar. I did not
15 question that.

16 Q. Yes. So above the (inaudible) company which you headed, what
17 were the other levels within that mobile brigade in Sector 5?
18 Were there other levels that consisted of a larger number of
19 persons in the company or above the company?

20 [14.39.34]

21 A. Ta Val had overall supervision over battalion and the level
22 above that.

23 MR. PRESIDENT:

24 Thank you, Mr. Deputy Co-Prosecutor from the international side.

25 It is now convenient time for a short break and the Chamber will

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1 take short break from now until 3 o'clock.

2 Court officer, please find a proper room for this witness
3 together with the duty counsel. And please have them return into
4 the courtroom at 3 p.m. The Court is now in recess.

5 (Court recesses from 1440H to 1458H)

6 MR. PRESIDENT:

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

8 You have any issue, Counsel Vercken? You may proceed.

9 [14.59.09]

10 MR. VERCKEN:

11 Thank you, Mr. President. Yes, I would like some clarification
12 from the Chamber because I don't understand what just happened
13 before the break. I heard the Co-Prosecutor put questions about
14 the treatment of the former officials of the Khmer Republic. And
15 then finally he tried to justify these questions by connecting
16 this to the purges, whereas these questions focus or relate to a
17 place that's outside of the scope of the trial. I would like to
18 re-read the excerpt of the paragraph of your decision E301/9/1 of
19 4 April 2014, which supports my surprise. Three lines: "The Trial
20 Chamber therefore has included in the scope of the second trial
21 in Case 002 the policy targeted at the former officials and
22 servicemen of the Khmer Republic, but only with regard to its
23 implementation in the Tram Kak cooperatives, at the 1 January Dam
24 site, at the S-21 Security Centre and at the Krang Ta Chan
25 Security Centre." End of quote, free translation. So I have the

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1 feeling here when I listen to the decision that was just issued,
2 that you allow the Prosecution to focus on the treatment of the
3 former officials of the Khmer Republic with regard to the
4 totality of the sites that are part of this trial, whereas in
5 this decision that I have just quoted, you limit the scope
6 specifically to the sites of Tram Kak, the 1 January Dam site,
7 S-21, and Krang Ta Chan. So I would like to know, Mr. President,
8 if I have properly understood the decision that you have just
9 issued, and if, in that case, the scope of the trial has been
10 extended, because I find your latest decision rather surprising.
11 Thank you, Mr. President.

12 [15.01.28]

13 MR. DE WILDE D'ESTAMAEL:

14 Thank you, Mr. President. In order to reply briefly, indeed,
15 there are two levels. There is the policy and the implementation.
16 We have always said that in order to establish that a policy
17 existed, there were two means of doing so: either basing
18 ourselves from the top, and therefore the instructions that were
19 given, the orders that were given; or from the bottom, and
20 therefore to notice what happened on the ground to establish the
21 existence of a policy. However, the question which led to an
22 objection was a question that is connected to the difference that
23 there was between the Northwest Zone cadres and the Southwest
24 Zone cadres after their arrival, within the context of the
25 purges. So I don't think it's worth discussing this. I just want

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1 to specify to you that your Chamber has already ruled in the
2 first trial on the existence of the policies during the entire
3 regime. And it is indeed during the entire regime. And that is
4 why that this was revised by the Supreme Court. So I don't see
5 why today it would be necessary to go back on this, whereas the
6 decision has already been taken in terms of the existence of the
7 policies.

8 [15.03.03]

9 MR. PRESIDENT:

10 Lead Co-Lawyers for the civil parties, you may proceed.

11 [15.03.09]

12 MS. GUIRAUD:

13 Thank you, Mr. President. Yes, I would like to make a short
14 remark and I would like to apologize to the Prosecution for
15 taking some of their time. It seems clear to me when I read the
16 Annex of your decision, and I'm referring to decision E301/9/1.1,
17 which lists the segments of the closing order that your Chamber
18 is seized of for Case 002, that you will have to, in the
19 judgement, decide on the existence of the policy at the national
20 level, and I'm referring here to paragraph 178 to 204, that seize
21 your Chamber. First of all, the existence of the policy has to be
22 proven at the national level, and then the crimes that were
23 committed in the implementation of this policy, and the crimes
24 are indeed limited to certain sites. And with regard to the Lon
25 Nol officials and servicemen, you have (inaudible) Krang Ta Chan,

1 Tram Kak, the 1 January Dam site, but I don't remember all of the
2 elements because I don't have the document in front of me. So I'm
3 basing myself on the principle that you're going to have to rule
4 on the existence of the policy. And we're clear that we were
5 starting at zero in this trial. So now the appeal is in the
6 process, so you have to prove the existence on the one side, and
7 the crimes committed in the implementation of the policy, and the
8 examples, of course, are limited to what is listed in the annex,
9 which once again seizes your Chamber. So, for us, it is perfectly
10 legitimate for us to put general questions on the existence of
11 these five policies, in so far that you're going to have to rule
12 on the existence of this policy in your Judgement of Case 02/002.
13 [15.05.07]

14 MR. VERCKEN:

15 And if I understand your colleague, if in Case 02/002, an appeal
16 decision is rendered, then we will stop. Is that what I must
17 understand? I mean, what is this -- what is this multi-faceted
18 trial all about? Do you find all of this understandable, well,
19 you're lucky.

20 [15.05.30]

21 MS. GUIRAUD:

22 Without wanting to start a heated debate here, it seems to me
23 clear that at one point, if the ruling becomes definite with the
24 final judgement from the Supreme Court, of course we'll have to
25 draw conclusions for this -- in this particular trial. That seems

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1 clear to me. The Supreme Court has to in any case decide on the
2 existence of policies up until December 1977.

3 (Judges deliberate)

4 [15.06.54]

5 MR. PRESIDENT:

6 Now I hand over the floor to Judge Jean-Marc Lavergne to respond
7 on the observation made by Counsel Vercken earlier on. Judge
8 Jean-Marc Lavergne, you may proceed.

9 JUDGE LAVERGNE:

10 Yes, thank you, Mr. President. The Chamber is not going to make a
11 lengthy comment to address the issue raised by Counsel Vercken.
12 The Chamber has ruled, and the Chamber has clearly ruled on the
13 objection that was raised. The Chamber recommends Counsel
14 Vercken, and the defence lawyers in general to read its decision
15 on the decision -- the severance decision. And I believe that you
16 will find full explanations there.

17 BY MR. DE WILDE D'ESTAMAEL:

18 Thank you, Mr. President. Therefore I'm going to continue with my
19 questions.

20 Q. Witness, you spoke about -- you said that your company
21 included about 100 people. So, how old were the people in your
22 company? Between which age and which age?

23 [15.08.29]

24 MR. CHHUM SENG:

25 A. At the time, the age range was from 18 to over 30 years of

1 age.

2 Q. You said that you were part of Battalion 1, in charge of
3 building Bridge Number 1 at Trapeang Thma Dam. So, how would you
4 report to your battalion chief, Ta Khauv?

5 A. At that time, I was not educated. I could not prepare a
6 written report for him. I met him in person, and I reported to
7 him orally.

8 Q. What kind of orders would you receive from your battalion
9 chief? Were there instructions related to the work, related to
10 discipline, or related to policies?

11 A. At the time, the deputy battalion chief instructed order, that
12 we had to carry the earth, and we had to work hard to complete
13 the task. And that was it. I did not receive any other
14 instructions.

15 [15.10.17]

16 Q. And as far as you know, Ta Khauv and Ta Vorn, the deputy
17 chiefs of the battalion, whom would they report to?

18 A. At that time, they reported to the upper echelon, but I did
19 not know precisely to whom they reported.

20 Q. Was there an intermediary higher echelon between the battalion
21 and Ta Val, or would they report directly to Ta Val, as far as
22 you know?

23 A. I only knew from the battalion, and the battalion reported to
24 the company. And as for the upper echelon's report, I did not
25 know.

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1 Q. I heard what I believe was an interpretation error. I heard
2 that the company would receive the report from the battalion, but
3 I believe it's the opposite. So, as I say, it was the company
4 that would report to the battalion, in fact. You said, in your
5 two -- in your written record of interview, and before the DC-Cam
6 interviewers, that there were other echelons in your company.
7 According to what you said, there were three small units of about
8 30 men each. There were groups of 10 men, and then there were
9 squads of 3 men; is that correct?

10 [15.12.21]

11 A. At that time, there was a very detailed structure. There was
12 in one unit, there was three squads; and in each squad, there was
13 three members. And there was three platoons in a company, and
14 three companies for a battalion.

15 Q. Did you have any duties in terms of disciplining the workers
16 in your company?

17 A. At that time, we had to respect the chain of command and the
18 appointment by Angkar. We had to report in order of hierarchy, as
19 designed by Angkar.

20 Q. And were you in charge of reporting on disciplinary and
21 security matters? Or were you in charge of identifying possible
22 enemies within the company?

23 A. At that time, Angkar asked us to monitor at least one person
24 per day. And in addition, Angkar also assigned a special force in
25 order to oversee this surveillance activity.

1 [15.14.15]

2 Q. Fine. I will get back to these two points later on. Among the
3 mobile cadres -- among the cadres in the mobile brigade of Sector
4 5, were there cadres who were New People?

5 A. Old People cadres for the liberated zone before the 17 April,
6 they were called the Old People cadres. And they were appointed
7 to be the chief of the squad or the unit.

8 Q. Based on what you remember, who were the different district
9 chiefs of Sector 5 of the Northwest Zone, who had sent staff or
10 workers to the Trapeang Thma Dam? Do you remember the names of
11 the different district chiefs?

12 A. At that time, to my recollections, in Phnom Srok district, Ta
13 Hat was the chair of the district committee, and at Preah Netr
14 Preah district, Ta Moang was in charge. And in Thma Puok, I do
15 not recall the names of the person who was in charge at the
16 district level at the time.

17 [15.16.07]

18 Q. Did something happen to Ta Moang, the head of Preah Netr Preah
19 district, as well as to Ta Hat, the Phnum Srok district chief,
20 while you were at the Trapeang Thma Dam site?

21 A. At that time, it was the time when the Southwest cadres
22 arrived, and then they were all summoned to attend the education
23 sessions. But what happened afterwards, I did not know.

24 Q. Did you know what being summoned to a study meeting meant back
25 then? Did you understand what that meant?

1 A. The time when Angkar summoned them for an educational study
2 session, that meant they were taken for execution for sure.

3 Q. Then who was the head of Sector 5 back then? Do you remember?
4 [15.17.47]

5 A. At the time, Ta Val convened a meeting, and he made an
6 announcement that Ta Hoeng was in charge. And Ta Val was in
7 charge of the mobile brigade attached to Sector 5.

8 Q. And was Ta Hoeng purged at any point in time?

9 A. When the Southwest Zone cadres arrived in Northwest Zone, for
10 about three or four months, all of a sudden, Ta Hoeng and other
11 cadres were summoned to attend the study sessions. That's what I
12 knew at the time.

13 Q. And do you know the name of the person who replaced Ta Nhim as
14 secretary of Sector 5?

15 A. That, I did not know. He was from the Southwest Zone, because
16 it was under the Southwest Zone management at the time.

17 Q. Does the name Ta Rin jog your memory? I believe you mentioned
18 his name before the DC-Cam interviewers.

19 A. Ta Val in the meeting, he said that Rin was in charge of
20 Sector 5, and Ta Moang was there as well. But I never met both of
21 them in person.

22 Q. Do you remember the period when these purges took place, that
23 is to say, when the Northwest Zone cadres were summoned to study
24 sessions, and when they were replaced by Southwest Zone cadres?
25 Do you remember the period and the year when that happened?

1 [15.20.42]

2 A. As for the precise date, I do not recall, but sometime in
3 1978, when the Southwest Zone came to take control of the
4 Northwest Zone.

5 Q. And back then, were you still working at the Trapeang Thma Dam
6 when these purges took place?

7 A. At that time, they withdrew my unit, and we were assigned to
8 work in the cotton plantation.

9 Q. Do you know what happened to the wives and to the children of
10 the Northwest Zone cadres who were purged?

11 A. That, I did not know. I mainly knew the happening at the
12 mobile brigades. As for the events that took place in the
13 cooperatives, I was not aware of.

14 [15.22.21]

15 Q. Was Ta Val himself arrested? And if that was the case, how did
16 you learn of this?

17 A. At that time, Ta Val disappeared, and then I heard the name of
18 a man, Sreh. And I got a man in my unit who told me that Ta Val
19 was summoned by Angkar for the education session.

20 Q. And according to you, did Ta Vorn, Ta Hoeng, Ta Hat, Ta Val --
21 were they all arrested more or less at the same time or during
22 the same period?

23 A. For that, they sent me from Trapeang Thma to the cotton
24 plantation. And as for the time order of their arrests, I did not
25 know.

1 Q. Fine. Can you tell if Ta Khauv and Ta Vorn -- that is to say,
2 your battalion chiefs, if they were replaced by Southwest Zone
3 cadres? And can you give us the names of these Southwest Zone
4 cadres?

5 A. Upon the arrival of Southwest Zone cadres, Poal replaced Val,
6 and Ta Nin (phonetic) and Ta Cheng replaced Khauv and Mao (sic).

7 Q. And what were the working and living conditions like when Ta
8 Poal replaced Ta Val, and when Ta Cheng and Ta Nin (phonetic)
9 replaced Ta Khauv and Ta Vorn within your battalion number 1? Was
10 there a change in terms of the working and living conditions, as
11 well as in terms of discipline?

12 [15.25.11]

13 A. In terms of living conditions, it was similar. But the
14 Southwest Zone cadres intensified their surveillance, and they
15 started to arrest more and more people.

16 Q. And what measures were taken to increase monitoring and to
17 arrest people? What means were used by Ta Poal and by your
18 battalion chiefs back then?

19 A. For the new measures by the newcomers, it was like the old
20 ones. They commanded that we were loyal to the Angkar and we had
21 to work hard for Angkar.

22 Q. And why were there more arrests? What did they do to make sure
23 there were more arrests? Did they become -- were they stricter?

24 A. At that stage, to my understanding, the Southwest Zone killed
25 the Northwest Zone cadres due to mistrust. From the company chief

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1 upwards, or even platoon chief upwards, they were under constant
2 surveillance by the Southwest Zone cadres.

3 [15.27.17]

4 Q. When you were still in Trapeang Thma, were there battalion
5 chiefs, in particular in Battalion 2, who tried to flee who were
6 purged?

7 A. At that time, they called Sreh and others for a meeting. And
8 as for the commanders from the Southwest Zone, they only arrested
9 Sreh. And there were a few people under Sreh escaped. I did not
10 know where they had gone to.

11 Q. You said to the DC-Cam interviewers, E3/9010, at page 24 in
12 French; 42 in Khmer; and 25 in English; you said the following:
13 "Ah Veth, Ah Sreh, Ah Tuon, Ah Vei had all tried to escape. They
14 were all battalion chiefs." The question that was put to you:
15 "Where did they work?" "They worked at the Trapeang Thma
16 reservoir, but they were part of the second Battalion."
17 Were these four people -- did these four people come from the
18 Northwest or from the Southwest?

19 [15.29.25]

20 A. Sreh, who was arrested by the Northwest Zone, and a man, Vouy
21 (phonetic) and Tuon, they were from the Northwest Zone.

22 MR. PRESIDENT:

23 Counsel Kong Sam Onn.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I would like to request that the

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1 prosecutor be directed to advise the relevant ERN number for
2 reference.

3 BY MR. DE WILDE D'ESTAMAEL:

4 Yes, I gave the page numbers. I believe that would suffice,
5 unless the Chamber would like the ERNs as well. In Khmer, it was
6 page 42.

7 [15.30.24]

8 Q. Now, reference was made to purges, and a number of cadres who
9 were convened to attend meetings, and who disappeared. To your
10 knowledge, did some cadres of the Northwest Zone, particularly
11 from Sector 5, try to resist forcibly the purges that were
12 carried out against them?

13 MR. CHHUM SENG:

14 A. I could not get the question.

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness. You may now proceed, Mr. Koppe.

17 [15.31.22]

18 MR. KOPPE:

19 Yes. Thank you, Mr. President. There were a few earlier occasions
20 that I wanted to object, but I just picked this particular
21 example. And my objection is aimed at the word "purge". If a
22 witness uses the word in a general sense, I don't really have a
23 problem with it. However, the Prosecution uses this word for all
24 kinds of -- to describe all kinds of actions, all kinds of
25 events. This witness, I don't think, is in a position to say if

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1 something was a purge, or whether something was an arrest, or
2 whether somebody was just called to -- for an education session.
3 But the word "purge" in itself, is a word only to be understood,
4 I think, by people who were high-ranking enough to understand
5 that it was a purge. I think on this level, this particular
6 witness can only testify as to what he directly saw and directly
7 experienced. Whether it was a purge of the CPK as such, I don't
8 think this witness is able to say so. So, I think when we are
9 dealing with witnesses on this level, we should be very factual
10 and very accurate in the description in our questions, and just
11 ask the witness what he saw, rather than having him say all kinds
12 of general things about purges, which is again something that
13 only -- which requires an intimate knowledge of the CPK, of what
14 the reasons for certain arrests were, etc. So the objection is
15 concrete: only use the word "purge" in very concrete,
16 well-defined circumstances.

17 [15.33.15]

18 BY MR. DE WILDE D'ESTAMAEL:

19 Mr. President, may I request defence to make very rapid and
20 comprehensive objections if they wish to do so? Regarding -- I
21 want to focus on terms used by the Khmer Rouge themselves. The
22 witness said that when people were called for education, it was
23 obvious to him that they were to be executed. And based on his
24 own words, I would like to ask this question.

25 Q. Mr. Witness, within the group of cadres from the Northwest and

1 Sector 5 -- sector, zone, were there any cadres who tried to
2 oppose any arrests? When I talk of being opposed to an arrest, I
3 mean, armed arrests, thereby trying to avoid being arrested?

4 MR. CHHUM SENG:

5 A. At that time, I did not know. At that time, meetings were held
6 by Southwest Zone cadres, and we were instructed to be loyal to
7 Angkar and the Party.

8 [15.34.47]

9 Q. Very well. Let me talk about Ta Val while you were still
10 there. That was the head of the regional mobile brigade. On the
11 Trapeang Thma Dam worksite, was he also in charge of other
12 workers from the other districts -- that is, the cooperative
13 units?

14 A. At that time, there were chiefs of cooperatives, and workers
15 at Trapeang Thma worksite were under the supervision of Ta Val.

16 Q. Where was Ta Val from? And where was he working while you were
17 working on the Trapeang Thma Dam worksite? Where was his office
18 located?

19 A. I was stationed at cotton plantation. His office was close to
20 Trapeang Thma worksite, and the office was situated in a workshop
21 in charge by Ta Bhat (phonetic).

22 Q. Very well. I believe you have just referred to the cotton
23 plantation. Was that at Chhouk? Is that where Ta Val's office was
24 located?

25 A. After my unit worked at Trapeang Thma worksite, we were

1 assigned to work at a cotton plantation at Kang Va. At that time,
2 Ta Val had already been called into a study session.

3 [15.37.17]

4 Q. You said his office was very close to Trapeang Thma. Did he
5 often go to the worksite to inspect it? And did he come during
6 the night, or during the day?

7 A. It was not on a regular basis. He would visit the worksite
8 once a month, or once fortnightly.

9 Q. Did the workers behave differently when Ta Val came to visit
10 the worksite? Were they afraid of him?

11 A. All workers, including me, whenever we heard Ta Val was at the
12 site, they were doing their best. They did not look -- they were
13 not looking at each other, but they were trying to work as hard
14 as possible.

15 Q. Did you do the same when the worksite was visited by his
16 successor? You spoke of Poal.

17 A. After Ta Val had been sent away for a study session, Ta Poal
18 came to replace. And we would do our work in the same way as when
19 Ta Val visited the worksite.

20 [15.39.23]

21 Q. Did you have good relations with Ta Val? Were you close to
22 him? And if yes, what was the nature of these relations?

23 A. During that time, Ta Val told me to go and work. You can say I
24 was quite close to him, because he was my immediate supervisor.
25 He could call me to do the job as long as he wanted.

1 Q. So you met him quite often; is that correct? And did you go to
2 his office to take instructions from him?

3 A. Not very frequently. I was assigned to work in a far distance,
4 at Kaun Khlaeng. But I was referring to the time when I was
5 working at Trapeang Thma worksite, that he called and asked me to
6 do the work.

7 Q. Did you also attend meetings chaired by Ta Val while you were
8 at Trapeang Thma Dam worksite?

9 A. When there was a plan or a specific plan, everyone, including
10 chief of company, battalion, were called into a meeting held by
11 Ta Val.

12 [15.41.31]

13 Q. A while ago, you referred to the fact that Angkar had
14 requested that at least one person be monitored a day in your
15 unit. Was it Ta Val who asked you to do so?

16 A. There was a meeting held by Ta Val, and the meeting was held
17 among the companies, that we had to monitor and to search out who
18 were a former soldier, intellectual or a civil servants in the
19 former regime.

20 Q. And what were Ta Val's instructions? Once a company chief, for
21 instance, had succeeded in identifying a former Lon Nol soldier
22 or an intellectual, what did he do with such a person at that
23 time?

24 A. It depended on the immediate supervisor, I mean company chief.
25 If the company chief reported on one particular individual, and

1 then that individual would be taken away and killed.

2 Q. Did the company chiefs also have the possibility, according to
3 Ta Val's instructions, to decide on their own initiative to kill
4 any enemies identified?

5 [15.43.27]

6 A. During the time, if the worker who was assigned to carry the
7 earth, and if that person was hated by the company chief, the
8 company chief could make, you know, a report on that person that
9 that person was linked to the former regime. And as a result, he
10 or she could be taken away and killed.

11 Q. Very well. In that case, when they were led away and executed,
12 those persons were executed by whom? Do you know who was in
13 charge of executing them?

14 A. The report had to be submitted to Ta Val. I did not know the
15 actual killers. The killers were working for Angkar. They were
16 armed, and they were the ones who killed people.

17 Q. Were those armed persons militiamen or soldiers?

18 A. When I was working in a cotton plantation, they were soldiers.
19 All of them were soldiers.

20 Q. Very well, but I'm talking of Trapeang Thma. When an enemy was
21 identified, for instance as a former soldier of Lon Nol, you said
22 that that person would be taken away and executed. Who was tasked
23 with executing such persons at Trapeang Thma, and not in the
24 cotton plantation?

25 [15.45.41]

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness. You may now proceed, Mr. Koppe.

3 MR. KOPPE:

4 I object to this question on the same grounds as I objected
5 earlier to questions in relation to the targeting of former Lon
6 Nol Republic officials. Now I haven't heard anything relating to
7 Southwest Zone cadres, although I'm not quite sure that has
8 anything to do with anything anyway. But this is clearly going to
9 implementation of a policy at Trapeang Thma Dam worksite, and you
10 have clearly ruled in your decision that implementation is
11 limited to the aforementioned worksites. So I object to this
12 question.

13 MR. DE WILDE D'ESTAMAEL:

14 I categorically object to this objection. We are talking of
15 Trapeang Thma, and it's important to know what happened to any
16 enemy, whether they are former Lon Nol soldiers, whether they're
17 intellectuals or not, as you said. In this case, there were New
18 People working at the Trapeang Thma Dam worksite. Crimes were
19 committed at that site, whether they were former Lon Nol soldiers
20 or not. I specifically would like to know whether people were
21 executed, and if so, who executed those persons. I hope you'd
22 allow me to put this question to the witness, Mr. President.

23 [15.47.20]

24 MR. PRESIDENT:

25 The objection is overruled. This question has something to do

1 with the facts under trial. The Chamber needs to hear the answer
2 to the question put by the International Deputy Co-Prosecutor.
3 Mr. Witness, you are instructed to give your response to the last
4 question put by Co-Prosecutor.

5 MR. CHHUM SENG:

6 A. It is a long question. I cannot catch it. Could you repeat it
7 please, Mr. Co-Prosecutor?

8 [15.48.02]

9 BY MR. DE WILDE D'ESTAMAEL:

10 Yes. A while ago, you said that at Trapeang Thma, Ta Val had
11 asked during a meeting which he chaired, that chiefs of companies
12 and members of companies should monitor members of their units.
13 Now, I would like to know whether -- when an enemy was
14 identified, and you said that they were executed by armed
15 executioners, I would like to know whether at Trapeang Thma it
16 was armed militiamen, for instance from the districts, or
17 soldiers, who were tasked with such executions.

18 MR. CHHUM SENG:

19 A. In that period, before the arrival of Southwest Zone cadres,
20 it was soldiers of the Northwest Zone who killed those people.
21 And later on, I did not know where the previous cadres from the
22 Northwest Zone went, and I could see that the Southwest Zone
23 cadres came to replace. And after that, people were taken away
24 and killed.

25 [15.49.27]

1 Q. Were some people executed on the premises of Bridge Number 1
2 or around? I am asking whether there were people who were thrown
3 in pits or from the top of the dam?

4 A. I witnessed the incident. That person was not from my unit. It
5 was from a different unit. There were 12 workers who got sick,
6 and Ta Val had a plan to, you know, to burn stuff and to make a
7 fire, and asked the 12 individuals to walk on the fire. And if
8 some of them could avoid fire, they did not have the blindness
9 disease. A few could avoid the fire, and they were found out to
10 have no blindness disease. They were taken away and killed.

11 Q. When you said that they succeeded, do you mean that they
12 succeeded in avoiding walking on the hot embers? How many people
13 were executed in this manner?

14 A. 11 of them could avoid the embers. One did not. So one person
15 was spared -- his life was spared, and the rest, I mean 11
16 others, were taken away and killed.

17 [15.51.48]

18 Q. Were there other tests carried out to determine whether people
19 suffered from night blindness? Or, for instance, did you hear of
20 other tests conceived by Ta Val, apart from those of walking on
21 hot embers and using fire?

22 A. I did not witness any other tests besides the hot embers,
23 which was burnt to allow those people to walk on.

24 Q. Was Ta Val a cadre who was loyal to the party or to the upper
25 echelon? Was that something you were able to find out, since you

1 knew him somewhat?

2 A. In his speech, he said he was loyal to the party. I could not
3 say the degree of his loyalty.

4 Q. From what you were able to observe, was he strict?

5 A. From my observation, if one, you know, knew how to work well
6 with him, that person could survive. But if one opposed to his
7 instruction, this person would be killed.

8 [15.54.06]

9 Q. Let us come back to the meeting you attended during which he
10 told you that you had to monitor at least one member of your
11 company a day. Can you tell us who, specifically, attended that
12 meeting? And were such instructions issued only once during that
13 meeting or several times and at several meetings?

14 A. Company chief and chiefs of battalion were invited into a
15 meeting, and the instruction was distributed to all of us.

16 Q. Were unit heads punished because they had hidden enemies
17 previously identified? You said a while ago that if a company
18 chief did not like anyone, he or she would denounce that person,
19 for that person to be executed. Were people punished for having
20 denounced persons or for not having done anything to persons who
21 had been denounced?

22 A. No, no punishment. Some units -- some chiefs did not
23 understand feeling of workers, and they made the report that some
24 individuals were former intellectuals, were capitalists. And the
25 report was sent to the upper echelon, and the upper echelon would

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1 say it was a good report.

2 [15.56.18]

3 Q. You talked of the execution of persons who were identified in
4 companies and battalions. You talked of the identification of 11
5 persons who had not passed the test conceived of by Ta Val. Apart
6 from those executions, were there other cases of persons who
7 disappeared? Or who were executed at Trapeang Thma, from what you
8 were able to observe or from what you heard?

9 MR. PRESIDENT:

10 Please hold on, Mr. Witness. You have the floor now, Mr. Koppe.

11 MR. KOPPE:

12 I'm not sure if we have established with this witness that the
13 executions actually took place at the Trapeang Thma Dam. What I
14 heard the witness say is that they were taken away and killed.
15 "Taken away", can mean taken away anywhere. So I think we first
16 have to establish whether this witness actually saw with his own
17 eyes executions, people dying.

18 [15.57.33]

19 MR. PRESIDENT:

20 You have the floor now, Counsel Kong Sam Onn.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President. I would like to put my objection to the
23 last question. It concerns the speculation by the Co-Prosecutor
24 about the killing of members of the witness unit. Witness already
25 told that members of his units were not taken away and killed. He

1 only said that member of a different unit was taken away and
2 killed. So it is -- I would like to once again put my objection
3 to this question.

4 BY MR. DE WILDE D'ESTAMAEL:

5 We agree, Counsel Kong Sam Onn. It is not that I wanted to
6 suggest this to the witness.

7 Q. Witness, perhaps for purposes of clarification, you talked of
8 the 11 people who were executed for failing the test. Did you see
9 anybody executed on the dam worksite around Bridge 1, for
10 instance?

11 [15.58.49]

12 MR. CHHUM SENG:

13 A. I would like to clarify for the Court, those 11 people were
14 from a different battalion. They were not from my companies. They
15 were killed at the bottom of the dam. I was the one who flattened
16 the earth after the earth was used to cover the dead people,
17 those 11. I did not see the actual killing whether they were shot
18 dead or they were beaten to death. But, as I said, I was the one
19 who flattened the earth which was used to cover the body.

20 [15.59.39]

21 MR. PRESIDENT:

22 Thank you very much, Mr. Deputy International Co-Prosecutor. It
23 is now time for the adjournment. And the hearing will continue
24 tomorrow, on Tuesday, 18 August 2015, at 9 a.m. The Chamber will
25 continue to hear witness Chhum Seng. Please be informed.

1 Thank you, Mr. Chhum Seng. The hearing of your testimony has not
2 come to a conclusion yet. You are therefore invited to be here
3 once again at 9 a.m. You may now be excused.

4 Court officer with WESU unit, please send Mr. Chhum Seng to the
5 place where he is staying at the moment, and please invite him
6 back into the courtroom tomorrow at 9 a.m. Thank you as well, Mr.
7 Duch Phary, the duty counsel. The Chamber would like to invite
8 you to be here once again tomorrow to accompany the witness,
9 Chhum Seng.

10 Security personnel are instructed to bring Mr. Khieu Samphan and
11 Nuon Chea back to the ECCC detention facility, and have them
12 returned into the courtroom at 9 a.m.

13 The Court is now adjourned.

14 (Court adjourns at 1601H)

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